

Toward an Understanding of the Judicial Law

[Brian Schwertley](#)

The body of law given to Israel as a nation and as the visible expression of the church is covenant law and thus is unique. This makes it more difficult for modern Christians to properly analyze it and use it for today's society. When we think of civil laws in a modern nation, we think strictly in terms of legal actions related essentially to political and criminal laws. We think of laws being broken that involve police action, law courts, judges and civil sanctions. While such things are part of the judicial law in Scripture, one must not restrict the judicial laws within the Mosaic code to the modern conception. In this section, we are going to look at a number of things related to the moral case laws in an attempt to have a better understanding of biblical law and how we can use these moral laws today.

Manifestations of Biblical Law

We can better understand judicial statutes or moral case laws by noting that God has deliberately revealed His moral will in different, yet complementary ways. The standard of obedience, as an external criteria of covenantal virtue, moves from the general to the specific, the root to the branches, the foundation to the structure. The first imperative, which is the command that lies behind all commands is to love God above all, with one's whole being: "Thou shalt love the LORD thy God with all thine heart, and with all thy soul, and with all thy might" (Deut. 6:5; cf. Mt. 22:37). This command is the greatest of commands because adherence and faithfulness to it is the foundation of obedience to all other commands. Jesus said, "If you love Me, keep My commandments" (Jn. 14:15). The essence of sanctification is to love God and consequently to love what God loves and hate what God hates.

The second greatest commandment is to love our neighbor (biblically defined) as we love ourselves (Lev. 19:18; cf. Mt. 22:39). As the first greatest commandment summarizes or encapsulates our whole duty toward Jehovah, the second summarizes our whole duty toward man. Jesus said, "On these two commandments hang all the Law and the Prophets" (Mt. 22:40). "They summarized not only the law... But also the prophets, since the whole scriptural revelation is understood to witness to the same divine will.... The two texts chosen by Jesus are together sufficiently strong to bear the weight of the whole Old Testament. This does not mean, as some modern ethicists have argued, that 'all you need is love,' so that one can dispense with the ethical rules set out in the Torah. It is rather to say that those rules find their true role in working out the practical implications of the love for God and neighbor on which they are

based.”¹ This summary of the Ten Commandments does not make the Decalogue irrelevant but rather helps us understand and apply each commandment.

The third complementary expression of God’s will is the Ten Commandments. The Decalogue breaks the two greatest commandments into ten parts. It is given a special place in divine revelation and is set apart from the other laws which follow in that: (1) It was a *direct, unmediated* communication from God (Ex. 20:1; Deut. 5:22). (2) It was written on tablets of stone by God Himself (Ex. 31:18; Deut. 6:22). (3) The Decalogue was placed in the ark of the covenant directly under the mercy seat (Ex. 25:16; 40:20). (4) The Ten Commandments are the full and final summary of the revealed will of God. “These words the LORD spoke to all your assembly...and He added no more. And He wrote them on two tablets of stone and gave them to me” (Deut. 5:22). (5) *As a summary* of the full revelation of law to follow, the Decalogue provides the basis for the covenant obligations with all Israel. The person who disregards or habitually breaks these commands sets himself outside the sanctified community life of God’s people. “The Decalogue serves not only to chart the outer boundary, but also to provide positive content for life within the circle of the covenant.”²

There are other interesting features that set the Decalogue apart as an ethical summary. It employs a basic “apodictic” style with no casuistic features. In other words, the “Ten Words” (Ex. 34:28; Deut. 4:13; 10:4) are simple revelations of absolute truth with no “if-then” examples, sanctions or penalties like many of the case laws. (However, there are warnings and promised judgments attached to the second, third and fifth commandments.) The number ten is significant in that in Scripture it represents completeness, wholeness, perfection. God did *not* summarize the whole moral law so that the case laws to follow would be regarded as second-class commands, or as only political laws. The covenant law was presented in a stark simplicity so that “he who runs” may read and understand. By way of analogy, the Ten Commandments could be compared to the bold print on a contract, while the moral case laws would serve as the important and binding fine print.

The fourth expression of God’s will is the moral case laws which break the Ten Commandments into many parts. There are case laws that relate to adultery (incest, fornication, homosexuality, cross-dressing, bestiality, lewdness), murder (premeditated murder, second-degree murder, manslaughter, assault, etc.) and theft (burglary, property damage, unpaid loans, etc.); and laws that are combinations of various commandments. For example, every broken law is a violation of the first commandment because every violation is contrary to the love of God and the tenth commandment because many laws are broken as a direct result of covetousness. The prohibition on covetousness internalizes the moral law as our Lord eloquently noted and emphasized in the Sermon on the Mount (Mt. 5:21-30).

The moral case laws are important because they demonstrate how general moral principles are to be understood and applied to specific cases. The judicial laws can be *apodictic* (that is, they point out absolute moral truths). Such laws are generally characterized by their

¹ R. T. France, *The Gospel of Matthew* (Grand Rapids: Eerdmans, 2007), 847.

² Brevard S. Childs, *The Book of Exodus* (Louisville: Westminster Press, 1974), 398.

abruptness; they reveal absolute commands that allow for no exceptions. They reveal laws as ethical absolutes based on God's nature and character. There are also *casuistic* laws which apply moral laws to specific cases out of which easy applications can be made to similar situations. They take the moral law and make it concrete and practical for society. Such laws serve as actual precedents or case judgments. They often follow this pattern: *if* such a crime or offense occurs, *then* the following action must be taken. (For example, "If one man's ox hurts another's so that it dies, then they shall sell the live ox and divide the money from it; and the dead ox they shall also divide" [Ex. 21:35]). God's law is brilliant in that Jehovah wanted the covenant nation (and all Christian nations in the future) to have comprehensive blueprints for a just society that glorifies God and honors Christ with its law-order. But if God set forth specific case laws for every conceivable crime or social problem, the Bible would be longer than the Babylonian Talmud. Jehovah solved this problem by giving concrete examples from real-life situations that could easily be applied to other situations. Paul demonstrates how this can be done when he appealed to the case law on *not* muzzling an ox while it treads the grain (Deut. 25:4) for the payment of pastors who labor in the Word. He "derived two ecclesiastical applications from this case law: (1) that the Christian minister is worthy of his hire (1 Cor. 9:9-14); and (2) that he is worthy of double honor (1 Tim. 5:17-18). These are both examples of the general principle to avoid stealing. The case law, the general law, and the New Testament application of the law are all equally valid today, no less than in the days of Moses. If this case law were no longer judicially binding today, then why would Paul cite it? If it is judicially binding, then on what basis can case laws be dismissed as inapplicable in New Testament times?"³

Douglas K. Stuart explains the paradigmatic nature of biblical law as follows:

Modern societies have generally opted for exhaustive law codes. That is, every action modern society wishes to regulate or prohibit must be specifically mentioned in a separate law. Under the expectations of this exhaustive law system, state and/or federal law codes run into thousands of pages and address thousands of individual actions by way of requirement or restriction or control or outright banning of those actions. By this approach, all actions are permitted that are not expressly forbidden or regulated. Thus it is not uncommon that criminals in modern Western societies evade prosecution because of a "technicality" or a "loophole" in the law—their undesirable actions are not *exactly* prohibited or regulated by a written law, so that they cannot be convicted even though an objective observer may be convinced that what they did surely deserved punishment.

Ancient laws did not work this way. They were paradigmatic, giving models of behaviors and models of prohibitions/punishments relative to those behaviors, but they made no attempt to be exhaustive. Ancient laws gave guiding principles, or samples, rather than complete descriptions of all things regulated. Ancient people were expected to be able to extrapolate from what the sampling of laws did say to the *general* behavior the laws in their totality pointed toward. Ancient judges were expected to extrapolate from the wording provided in the laws that did exist to *all other* circumstances and not to be foiled in their jurisprudence by any such

³ Gary North, *Tools of Dominion: Case Laws of Exodus* (Tyler, TX: Institute for Christian Economics, 1990), 99.

concepts as “technicalities” or “loopholes.” When common sense told the judges that a crime had been committed, they reasoned their way from whatever the most nearly applicable law specified to a decision as to how to administer proper justice in the case before them. Citizens of ancient Israel, and especially its judges, had to learn to extrapolate from whatever laws they had received from Yahweh to whatever justice-challenging situation they were dealing with. The number of laws dealing with any given application of justice might be few, but that would not prevent justice from being applied. It would simply have been the case that all parties were expected to appeal for guidance to those laws that did exist, whether or not expressed specifically in terms that dealt with the case under consideration. In other words, the Israelites had to learn to see the underlying principles in any law and not let the specifics of the individual casuistic citation mislead them into applying the law too narrowly.

God’s revealed covenantal law to Israel was paradigmatic. No Israelite could say: “The law says I must make restitution for stolen oxen or sheep [Exod 22:1], but I stole your goat. I don’t have to pay you back,” or “The law says that anyone who attacks his father or mother must be put to death [Exod 21:15], but I attacked my grandmother, so I shouldn’t be punished,” or “The law says that certain penalties apply for hitting someone with a fist or a stone [Exod 21:18], but I kicked my neighbor with my foot and hit him with a piece of wood, so I shouldn’t be punished.” Such arguments would have insulted the intelligence of all concerned and made no impact on those rendering judgments. It is in connection with the paradigmatic nature of Israel’s covenant law that Jesus, following the established tradition in Judaism, could make such sweeping an assertion as that two laws sum up all the rest (see above). Properly understood, two laws do indeed sum up *everything* in the entire legal corpus of the Old Testament. So do ten laws (the Ten Words/Commandments); so do all six hundred and thirteen. The numbers go no higher, nor would they need to. If a reasonable number of comprehensive and comprehensible laws (as few as two, as many as six hundred and thirteen) are provided to a people as paradigms for proper living, there is no excuse for that people to claim ignorance of how to behave or to claim innocence when they are sins are found out.⁴

Once we understand that many laws in the Mosaic code are moral and consequently universal and still binding, as well as their paradigmatic nature, the common objection that these ancient laws for an agricultural society cannot be used in a modern industrial society falls away. They *must be applied* because they are moral⁵ and they are *designed* to be applied because they are

⁴ Douglas K. Stuart, *Exodus* (Nashville, TN: B & H Publishing, 2006), 442-443.

⁵ When examining a law in the Old Testament we must ask ourselves a few questions: Is this law based on the eternal character and nature of Jehovah; or, is it given to the nation of Israel for typological-redemptive, unique historical reasons? If it is based on God’s nature, it can never be abrogated, for God Himself is the absolute standard of righteousness. Any law rooted in who Jehovah is, is immutable, unchangeable, not able to be repealed and is eternal, for God is immutable and unchangeable (Ex. 3:14; Isa. 41:4; Heb. 1:11, 12). Even judicial laws that are moral in content are perfect, universally binding, and everlasting. Any idea that God’s moral law is arbitrary or based upon something outside of God Himself is unbiblical. We know that God’s moral law is based on His moral character, for the attributes of God are applied to that law. The Bible says that God is perfect (Deut. 32:4; Mt. 5:48), and it also declares that “the law of the LORD is perfect” (Ps. 19:7). Jesus said that “God alone is good” (Mk. 10:18), and Paul said, “we know that the law is good” (Rom. 7:12). The Scriptures teach that God “alone is holy” (Rev. 7:12). Paul states in Romans that “the law is holy” (Rom. 7:12). “The law is *spiritual*” (Rom. 7:14) and as such is from the Spirit of God (Jn. 4:24), and bears the imprints of His character.... Because the Lord is *righteous* (Ps. 116:5, 129:5; 145:17; Ezra 9:15; Jer. 12:1; Lam. 1:18; Dan. 9:7, 14), He instructs sinners in the way and loves

paradigmatic. If someone objects to the statement, then he must explain why we are authorized to ignore the inspired infallible Word of God. Once again, the debate boils down to whether sinful men think that they can come up with a better body of laws and justice system than Jehovah. Every law (including the inspired penalties) within the judicial law of Israel that is moral in content is to be adopted and applied by every Christian state in every era of history. “These case laws deserve careful attention, not in order to discover why they are supposedly inapplicable today, but rather to discover how they *are* applicable today. These laws represent a significant portion of man’s God-given and God-required tools of dominion. They are essential to a unique law-order that alone enables God’s people to subdue the whole earth to His glory.”⁶ They are crucial, for Christ came to save and sanctify the world; His whole law (not just a summary) is necessary for establishing justice and peace in each nation that covenants with Christ.

The Application of Judicial Laws

Since the judicial laws of Israel are not neatly laid out in different categories, we can learn about how the law functioned to a degree by looking at how these laws were applied. To do this, we need to look at the establishment of the elder-judge in Exodus 18:17ff and some of the cases we find in Scripture. The establishment of the elders in the gate who served as judges in civil disputes and criminal cases is described in Exodus before the giving of the law. Jethro, the Midianite and father-in-law to Moses, came to visit and noticed that Moses was overburdened with making judgments “from morning until evening” (v. 14). Moses served as a political and religious leader and the fact that he received direct revelation from God made him the ideal judge at that time (v. 15). Jethro, a worshiper of the true God (v. 11) and, at least in this counsel to Moses, a prophet (Note verse 23: “If you do this thing, and God so commands you...”) Jethro was not simply offering some good advice based on experience or insight but was declaring God’s will on this matter, instructed Moses to set up a trustworthy judicial hierarchy or a system of graduated courts). This would enable Moses to focus his attention on teaching the covenant community “the statutes and the laws” so they will know how to live and what God requires of them (v. 20). Moses will still be the judge of rare, exceptionally difficult cases (v. 19) but his focus must be as a preacher of the divine will.

Jethro tells Moses to set up rulers of thousands, hundreds, fifties and tens (v. 21). Although this division is also used of military groupings, here it describes civilian bodies of various sizes. Douglas Stuart writes,

righteous deeds (Ps. 11:7; 25:8)... Further attributes of God which are applied to the law are *justice* (Ps. 25:8-10; Prov. 28:4-5; Zech. 7:9-12), *truth* (Ps. 25:10; 119:142, 151; Rev. 15:3), *faithfulness* (Ps. 93:5; 111:7; 119:86), and *purity* (Ps. 119:140)” (Greg L. Bahnsen, *Theonomy in Christian Ethics*, 145). Since God’s moral law is based on His perfect unchanging attributes, any idea that it is for Israel only or for a former dispensation is unbiblical. Therefore, one cannot logically argue that the laws against homosexuality, bestiality, incest, fornication, assault, etc. are temporary, for they are not typical, restorative or redemptive statutes.

⁶ Gary North, *Tools of Dominion: The Case Laws of Exodus*, 96.

The expression seems to have the sense of “all the various societal levels” rather than literally indicating that every ten people would have a judge; every fifty (five groups of ten), an appellate judge for that group; and two appellate groups (hundreds), a higher appellate judge, and so on. In other words, the expression “thousands, hundreds, fifties and tens” seems to be essentially a figure of speech by which is meant “all the various population groupings.” By providing leaders for each population level, Moses could assume an adequate number of judges to handle all but the most complicated court cases.⁷

In Scripture we frequently read of elders (plural) acting together as a body to determine a proper course of action for biblical justice. In Deuteronomy 21:2, we read of elders and judges acting as representatives of a central legal authority who had to measure the distance between cities in the case of a murdered man found by accident in the countryside. The elders of the closest city had to deal with a situation (21:3). This indicates a body of elders/judges in a city and a body of elders/judges above the local city level. We read of elders of Israel (Deut. 39:9), elders of tribes (Deut. 31:28) and elders of the city (Jdg. 8:16). The elders of villages or cities would sit at the gate to render judgments (Ruth 4:2, 9). The men who were to be selected as judges are not to be selected based on heredity, riches, social class, or political influence, but on ability. Those selected were to be “capable men” (v. 21). That is, they were to have an intimate knowledge of the law (the standard of justice) and were to be intelligent and wise enough to be able to make logical inferences from apodictic statutes and case laws to specific civil and judicial cases. They were to be honest men who lived in the fear of God (v. 21). Such men would not deviate from biblical justice, for they were not corrupt or liable to be influenced by powerful men or the crowd. In addition, they were to hate “covetousness” (v. 21) or “dishonest gain” and thus would not be liable to accept a bribe. The judges would be available “at all times” or throughout the whole year (v. 22). This first layer of judges was to deal with “routine,” “small” or “minor” judicial and civil matters. Moses is to deal only with matters that are “complex,” “big,” “difficult” or “hard.” The lower courts would deal with minor issues like contracts, small civil issues where there were precedents or easily applicable case laws. Those above would deal with more unusual or unique cases.

This narrative (Ex. 18:13-27) gives us an excellent picture of how the Old Testament legal system worked. It reveals that God was the source and authority, not only of the moral laws, but also revealed how to interpret and apply the moral laws to society. To ignore this teaching is detrimental to the church and our nation. “Israel’s legal system begins where the covenant law begins, in God. God gives the requirements and instructions, and then clarifies and applies them as the need arises.”⁸

One of the reasons why it is necessary to discuss the civil office of judge or elder in the gate of Old Testament Israel is to demonstrate that the biblical concept of judicial law and the civil office of judge/elder are broader than the modern Western conception. While the covenant

⁷ Douglas K. Stuart, *Exodus*, 2:418.

⁸ John I. Durham, *Exodus* (Waco, TX: Word, 1987), 252-253.

law established and enforced a separation between a civil officer's duties and a religious priest's or Levite's cultic responsibility, it, nevertheless, recognized that all judicial laws are essentially enactments of Jehovah's law-order. They are expressions of covenant law. In the modern post-enlightenment mindset, law is to be separated from religion and created autonomously by men acting as though they were gods. This is the establishment of the religion or philosophy of secular humanism, or atheistic naturalism. Politicians and judges today may give lip service to God, the Bible or Jesus Christ, but they are forbidden by law from appealing to the Bible as a source of authority. This can only lead to injustice and disaster. Rushdoony writes,

Every court, because it is inescapably concerned with law, is a religious establishment. A religious establishment requires religious education. The education within a state will either teach the religion of the state or else the state will be revolutionized. The establishment of state-controlled schools in the United States, in a movement led by two Unitarians, Horace Mann and James G. Carter, was the beginning of a major religious and legal revolution in the United States. The courts, precisely because of their importance in the life of a nation, must in particular be informed of the nature of God's law-word. Legal training is a form of theological training, and the modern law schools are humanistic religious establishments. In terms of Biblical law, the courts and judges should be informed, both in their schooling and in their operation, of God's law.⁹

The biblical judge/elder must be trained to think and function in the opposite way of the secular humanist. He is not to determine law autonomously, by helping it evolve to concur with the ever-changing ethical standards of a corrupted post-Christian society. Instead, every decision, every application, every judgment, every analysis must be based upon and thus the flow from the moral law and the case laws that explain it. Consequently, the Old Testament judge was responsible for a broad range of responsibilities for the people with covenant law. They handled cases of criminal law by examining witnesses, looking at the evidence and determining appropriate penalties. With certain offenses, they would work with the victim to arrive at a just recompense. They also handled civil disputes. "The Bible does not distinguish between civil law and criminal law.... The perverse practice of modern jurisprudence of allowing a person who has been declared legally innocent of a crime to be subsequently sued for damages in civil court by alleged victims cannot be found in the Bible."¹⁰ If there is a dispute regarding property damage, a broken covenant, a physical assault and so on, the judges are to seek out the truth of the matter and then make a just judgment based on the facts of the case. The judges act as both defense counsel, by carefully examining witnesses and weighing all the evidence, and as prosecutors when there is sufficient biblical proof for a conviction. Their job is to analyze the evidence and seek out the truth whatever it is and then apply the appropriate sanctions based on the case laws. The modern practice of lawyers trying desperately to prove guilt or innocence based on their

⁹ Rousas John Rushdoony, *Institutes*, 619.

¹⁰ Gary North, *Tools of Dominion*, 528.

position and the manipulation of the evidence is counterproductive and frequently leads to injustice.

The job of the elders/judge is to apply God's law to establish justice in the land. The point of the courts was not humanistic, in that the judges were not concerned with human rights (even though true liberty can only come from God's *transcendent* moral law that *stands above the state* and establishes the *true rule of law*), but with restitution to God and the victims so that God would not punish the local community or the nation with severe chastisements for breaking the covenant. The covenant law requires sanctions and restitution for public crimes or hidden crimes that become known. The civil government has a responsibility to enforce God's law, including the penalties and, if it does not the whole covenant community, will experience covenant curses for allowing injustice to exist or continue in their community. The judges reinforced the covenant law by putting it into action on a daily basis. The people would see justice in action and fear God and see the righteousness and perfection of His commandments. The local citizens were to be taught the law by the Levites and were to be trained to serve as witnesses and even to make a citizen's arrest if a crime is witnessed. (A Christian society would not need a large standing police force.) When the Levites, citizens and judges did not do their job as delineated in Scripture, God sent prophets into the land to preach repentance toward Jehovah and His law in order to avoid the covenant sanctions for having a wicked, unjust, *covenant-breaking* society. "*The civil government's primary function is to protect the community against the wrath of God by enforcing His laws against public acts that threaten the survival of the community.*"¹¹ "In every culture, *where specific judgment fails, then general judgment follows.* Judgment is inescapable wherever there are offenses. If the offender is not brought to the court and required to make restitution, then the civil order must make restitution."¹² Justice first and foremost must always be rendered to God the Sovereign Lord, creator and owner of all men; and then, secondarily, justice through the biblically required restitution must be rendered unto men. If a state ignores biblical justice; or, on account of a pagan or humanistic worldview renders injustice, then God's judgment in some form will come upon that society.

If the moral case laws in the judicial code are concerned with justice because justice or righteousness is an aspect of God's character, then why do modern Presbyterians dismiss such laws as for Israel only or as bad for modern nations? The psalmist it teaches that Jehovah's rule or government is founded on justice: "Righteousness and justice are the foundation of Your throne" (Ps. 89:14). Therefore, God's people are commanded, "Keep justice, and do righteousness" (Isa. 56:1). To depart from justice is to depart from truth and from God. Jehovah's words to apostate Judah could be applied to any Christian nation that has rejected God's Word for secular humanism: "No one calls for justice, nor does any plead for truth. They trust in empty words and speak lies...there is no justice in their ways, they have made themselves crooked paths.... Therefore justice is far from us, nor does righteousness overtake us; we look for light, but there is darkness! For brightness, but we walk in blackness! ...Conceiving

¹¹ Ibid.

¹² Rousas John Rushdoony, *Institutes*, 617.

and uttering from the heart words of falsehood. Justice is turned back, and righteousness stands afar off; for truth is fallen in the street, and equity cannot enter” (Isa. 59:4, 8, 9, 13, 14). People who do not concern themselves with God’s justice will exhibit no right judgment in their dealings. In rejecting divine revelation as the source for righteous judgment, a nation cuts itself loose from justice and drifts farther and farther away from righteous rule. A nation that says that the Word of God cannot be used to determine or establish justice in a country is on the path toward destruction.

The judgment over the cities, tribal regions and the nation by elders was broader than judges today in that they were also available for noncriminal matters such as witnessing the making of contracts (Ruth 4:9-11) and for spiritual counsel. This rule by elders, under divine inspiration, was adopted by the New Covenant church for rule in the local church, presbyteries or general councils (Ac. 15). In the New Testament, such congregational judges are called *presbuteroi* (sing. *presbuteros*), elders; or *episkopoi* (sing. *episkopos*), overseers. These men determined matters of church discipline (Mt. 18:17-20); settled doctrinal controversies (Ac. 15:6, 22) and offered counsel and admonition when needed (1 Tim. 5:1-2; Heb. 13:17). While there is excellent historical evidence from scholars on Jewish antiquities that prior to the coming of Christ every synagogue had a bench of elders who were charged with the oversight, government and discipline of Jewish congregations,¹³ the New Testament office is probably patterned in part after the civil office. The major difference is that the church could only give spiritual discipline for sin, while civil officers carried the sword for the punishment of criminals.

In the New Covenant era, the division between the role of civil rulers (judges/elders) and ecclesiastical rulers is more clear-cut. The elders of the church are to handle disputes between Christians and all matters that do not involve the biblical necessity to use the sword. Things like contracts, weddings, property disputes, arguments regarding money, debts between believers, counseling, personal advice and so forth can be handled by spiritual advisors. Obviously, if an issue cannot be resolved and church discipline to the point of excommunication takes place, then a dispute involving a contract, loan, property damage or the like can be taken before a civil court. Such would only occur after the church courts had followed the various levels of admonition and one or both of the parties refused to repent and were declared guilty and unrepentant by the ecclesiastical court. In a Christian society, the elders and witnesses could then testify in a civil case. (We must remember that ecclesiastical rulers have no access to the use of physical coercion or force whatsoever. Consequently, the excommunicated person would be taken to the civil court which does have physical coercive responsibilities. The guilty party could then be forced to pay restitution in some manner to the victim.) Although in a Christian nation there is a separation of church and state where each covenantal sphere has different responsibilities, in a godly society the spiritual and civil rulers would complement each other.

¹³ See Samuel Miller, *An Essay on the Warrant, Nature and Duties of the Office of the Ruling Elder in the Presbyterian Church* (Dallas, TX: Presbyterian Heritage [1832] 1987), 34-37. The New Testament refers to the rulers of the synagogue in Mark 5:22 and Acts 13:15.

This cooperation is observed in the Old Testament law itself. In series of difficult cases, the Levites, who were supposed to be experts in civil or criminal law as well as ceremonial matters, were to be called upon to help local judges. On needed occasions they would complement a judicial tribunal. Deuteronomy 17:8-11 reads,

If a matter arises which is too hard for you to judge, between degrees of guilt for bloodshed, between one judgment or another, or between one punishment or another, matters of controversy within your gates, then you shall arise and go up to the place which the Lord your God chooses. And you shall come to the priests, the Levites, and to the judge there in those days, and inquire of them; they shall pronounce upon you the sentence of judgment. You shall do according to the sentence which they pronounce upon you in that place which the Lord chooses. And you shall be careful to do according to all that they order you. According to the sentence of the law in which they instruct you, according to the judgment which they tell you, you shall do; you shall not turn aside to the right hand or to the left from the sentence which they pronounce upon you.

In Exodus 18:22, 26 Moses himself is the highest court of appeal. Deuteronomy 17:8-13 deals with the administration of justice in the land *after* Moses is gone. There is to be a central tribunal in Jerusalem that deals with the most difficult cases. This tribunal was the equivalent of the United States Supreme Court. Unlike Moses, however, who had direct access to Jehovah and thus could receive special revelation dealing with exceptional cases, this judicial panel made decisions regarding justice based solely on the authority of the written Word of God. Unlike modern courts, which often base their decisions on purely temporal, arbitrary and relative considerations, this tribunal's decisions were approved through a careful exegesis of the Torah. Their actions were ministerial and declarative, not creative or autonomous. As the final court of appeal, their rulings were binding and had to be carried out. As Craigie notes,

The representatives of the local court were bound to act upon the ruling of the central tribunal, whether or not they found it congenial. In this way, there was a central legal authority in Israel, with the power to resolve legal problems and conflicts. To refuse to carry out the rulings of the central tribunal carried a harsh penalty, death. But the purpose of the penalty, as in the previous section (17:7), was to completely remove the evil from Israel (v. 12). The legislation thus removed the possibility of a form of anarchy arising, in which each local region or authority manipulated the law to its own hands, overlooking the true principle of the law, which was justice (see 16:20). The harsh penalty was designed to enforce the ruling of the central court and create reverence and respect in the people, thus deterring them from committing a crime.¹⁴

¹⁴ P. C. Craigie, *The Book of Deuteronomy* (Grand Rapids: Eerdmans, 1976), 252-253. One can see that Jehoshaphat (in Hebrew his name means "Yahweh is Judge") made a sincere effort to implement Exodus 18:20-21 and Deuteronomy 17:8-13 in the land: "Then Jehoshaphat the king of Judah returned safely to his house in Jerusalem. And Jehu the son of Hanani the seer went out to meet him, and said to King Jehoshaphat, 'Should you help the wicked and love those who hate the Lord? Therefore the wrath of the Lord is upon you. Nevertheless good things are found in you, in that you have removed the wooden images from the land, and have prepared your heart to seek

This central court with its cooperation of civil and religious leaders raises an important question regarding its application to the New Covenant era. How does this section of Scripture apply to today? There is no longer a Levitical priesthood; the temple and Jerusalem are no longer significant in these last days. While there is obviously discontinuity between ancient Israel and Christian nations concerning some of the specific teachings regarding the central court, a number of principles do still apply. First, Bible-believing Christians are to agree that the standard of justice remains the same: the infallible Word of God, including the moral law in summary form (the Ten Commandments) and all the moral case laws. A nation cannot have an accurate measure of justice with a rubber yardstick. The original Western concept of the rule of law presupposes a transcendent, unchanging standard. Judges are not put in place to create, alter or change law, but to apply biblical law to specific cases.

Second, judges are to be chosen based, not on wealth, political connections or class, but on account of their knowledge of and commitment to the Word of God. Anyone who does not accept the inspiration and infallibility of the Bible; or, who does not accept all the Old Testament moral laws; or, who does not regard the divinely revealed punishments as superior and binding on modern society is not qualified to sit as a judge in a consistently Christian nation. Moreover, they must have a holy reverence for Jehovah and Jesus Christ the mediatorial King. They must talk the talk and walk the walk of the God-fearing civil magistrate.

God.’ So Jehoshaphat dwelt at Jerusalem; and he went out again among the people from Beersheba to the mountains of Ephraim, and brought them back to the Lord God of their fathers. Then he set judges in the land throughout all the fortified cities of Judah, city by city, and said to the judges, ‘Take heed to what you are doing, for you do not judge for man but for the Lord, who is with you in the judgment. Now therefore, let the fear of the Lord be upon you; take care and do it, for there is no iniquity with the Lord our God, no partiality, nor taking of bribes.’ Moreover in Jerusalem, for the judgment of the Lord and for controversies, Jehoshaphat appointed some of the Levites and priests, and some of the chief fathers of Israel, when they returned to Jerusalem. And he commanded them, saying, ‘Thus you shall act in the fear of the Lord, faithfully and with a loyal heart: Whatever case comes to you from your brethren who dwell in their cities, whether of bloodshed or offenses against law or commandment, against statutes or ordinances, you shall warn *them*, lest they trespass against the Lord and wrath come upon you and your brethren. Do this, and you will not be guilty. And take notice: Amariah the chief priest is over you in all matters of the Lord; and Zebadiah the son of Ishmael, the ruler of the house of Judah, for all the king’s matters; also the Levites will be officials before you. Behave courageously, and the Lord will be with the good” (2 Chronicles 19:1-11). It is noteworthy that Jehoshaphat sought the establishment of righteous judges throughout the land, who decided cases in strict accordance with the Pentateuch or Torah, as a crucial necessity to remove the wrath of God from upon him. Note that in this supreme court or final court of appeal, the king makes a clear distinction between ecclesiastical matters (“in all matters of Yahweh,” v. 11) and the civil matters (“for all the king’s matters,” v. 11). Amariah, the chief priest, had the main jurisdiction over ecclesiastical issues, while the civil official (“Zebadiah, the son of Ishmael, the ruler of the house of Judah”) took the lead in civil crimes and disputes. Once again, we are reminded that although the covenant nation was a theocracy, the leaders were well aware of the difference between ceremonial, cultic or ecclesiastical concerns, and moral statutes and issues that had nothing to do with ceremonial or typical ordinances. Even though there was a clear demarcation between church and state, the authorities understood that both covenantal spheres were directly under Jehovah’s authority and that cooperation between the two spheres was lawful within the parameters set by Scripture. The authority of God speaking through His law-word was to permeate both the church and the state, as well as all other earthly institutions. The state does not control the church and the church does not control the state. Yet both are to cooperate in the cause of establishing biblical justice throughout the land.

Third, a Christian nation should emulate and imitate the Old Covenant nation's requirement of consultation and cooperation between civil and ecclesiastical judges on difficult judicial and doctrinal matters. For example, if a new, sophisticated heresy arises and disturbs the peace of the church and society, the civil magistrate may call a general synod to deal with the issue (as did Constantine in A.D. 324 or the English Parliament in 1643). If the issue is not as serious or as wide a problem as the Arian heresy, civil judges may call upon a presbytery to point a judicial commission or panel of experts to help civil judges come to a biblical decision. This can be done without violating biblical principles regarding the functional separation of civil and ecclesiastical powers because: (1) neither sphere is seeking to dominate or co-opt the other covenantal sphere; and, (2) neither sphere has autonomous or creative powers. Both function directly under the Lord Jesus Christ and both govern by implementing the Word of God in their respective spheres. When the church gives civil officers advice or counsel, it does *not* dispense or enforce the civil sanctions. "It is the law of God, not the church which binds or looses men, and only as the church faithfully declares the law is there any true binding or loosing. Whenever the church attempts to bind or loose men's consciences and conduct apart from the law-word of God, it is itself bound, that is, it is itself under judgment."¹⁵

Christians in a Pagan Society

When the church of Christ exists in a heathen or secular culture that does not accept God's Word and is hostile to the law of God, believers are to settle disputes by taking matters to the judges of the church and must avoid non-Christian courts. Paul makes this point clear in 1 Corinthians 6:1-9:

Dare any of you, having a matter against another, go to law before the unrighteous, and not before the saints? Do you not know that the saints will judge the world? And if the world will be judged by you, are you unworthy to judge the smallest matters? Do you not know that we shall judge angels? How much more, things that pertain to this life? If then you have judgments concerning things pertaining to this life, do you appoint those who are least esteemed by the church to judge? I say this to your shame. Is it so, that there is not a wise man among you, not even one, who will be able to judge between his brethren? But brother goes to law against brother, and that before unbelievers! Now therefore, it is already an utter failure for you that you go to law against one another. Why do you not rather accept wrong? Why do you not rather *let yourselves* be cheated? No, you yourselves do wrong and cheat, and *you do* these things *to your* brethren! Do you not know that the unrighteous will not inherit the kingdom of God?

In this passage Paul expresses shock that a Christian it would take a member of the church before a pagan judge. (The word *tolma*, "*dares he*" begins the passage and sets the tone for this section. "The word is an argument in itself; 'How can you dare, endure, bring yourself to?'"¹⁶

¹⁵ Rousas John Rushdoony, *Institutes*, 619.

¹⁶ Alfred Plummer, *A Critical and Exegetical Commentary on the First Epistle of St. Paul to the Corinthians* (Edinburgh: T & T Clark, [1911] 1978), 110.

Although Paul encouraged believers to be good citizens, by obeying the laws of the land (i.e. laws that do not cause Christians to sin by violating God's Word), by paying one's taxes and by recognizing that civil magistrates serve as God's ministers (Rom. 13:1-7); he adamantly was opposed to the idea that believers should go before unbelievers with their disputes. (Note also that the apostle experienced the protection of the Roman justice system [cf. Ac. 18:12ff; 25:16] and appealed to Caesar in an attempt to avoid local injustice and persecution [Ac. 25:11].) When statutes are lawful, Christians must obey the criminal courts; but, brethren must avoid the civil courts in a non-Christian society. In other words, this passage cannot legitimately be used to argue for revolution or for the idea that Christians who commit crimes (biblically defined) are not to be turned over to the state for prosecution. They must be punished by the state when appropriate.

The reasons that Paul gives for avoiding heathen courts are important. They clearly imply that the modern Presbyterian idea that God does *not* want nations to explicitly follow Christ by becoming theocracies and adopting God's law is totally unscriptural. The idea that we should ignore biblical law and instead follow "natural law" was emphatically rejected by Christ and the apostles.

Unbelieving Judges Are Unjust

Paul begins by noting that unbelievers are "unjust" (*adikoi*). The word *adikos* means "not in conformity with *dike* or what is right." It can be translated as "unrighteous" (and, in certain contexts, can mean "wicked"). In a legal context, however, the translation "unjust" is correct. In essence, the apostle is saying, "Why would you seek justice from men who are unjust?" Or "Why would you seek right counsel (i.e. counsel in conformity with the law of God) from men who are idolaters and unrighteous?" Paul sets up a stark contrast between the saints and unbelievers to prove that Christians who take their disputes before a heathen judge are acting exceptionally foolishly and are reasoning in an absurd manner. It is not that heathen courts cannot render just decisions, for many times they do. Paul, himself, noted that even unbelievers have "the work of the law written on the heart" (Rom. 2:15) and thus, even though they are without written revelation, can sometimes have correct ethical conclusions and even outwardly lawful behaviors. But, even with this thought in mind, the biblical position is that Christians should not seek or expect justice from men who trust in and are governed by a non-Christian world and life view. The Bible teaches that the foundation of righteousness or justice is the moral law of God (i.e. the whole moral law of God, not just the summary). Consequently, believers must not expect justice from men who determine what is right or wrong autonomously or who cling to a pagan worldview.

The Jews of the first century held this same view as Paul. They regarded Jews who took disputes before Gentile courts as profaning the name of God and as insulting the law of Moses. The Talmud reads, "He that tries a cause before the Gentiles and before their tribunals, although their judgment are as the judgments of the Israelites, lo, this is an ungodly man; and it is as if he blasphemed and reproached, and lift up his hand against the law of Moses our master, as it is said, Exod. xxi.1. 'Now these are the judgments which thou shalt set before them...'" (Maimon. Hilch. Sanhedrin, c. 26 sec. 7).¹⁷ The Romans allowed the Jews to settle legal disputes by arbitration in their own courts. The early Christians (i.e. before the persecution of Nero, A.D. 67)

¹⁷ John Gill, *An Exposition of the New Testament* (London: Mathers and Leigh, 1806), 2:634.

were regarded as a sect within Judaism and no doubt could have operated under their own court or arbitration system without opposition from local officials. This historical situation was not the basis of Paul's teaching in this passage, but it reveals that the Jews had the same mindset on this topic.

Paul's first point is important because it demonstrates that the apostle was not simply concerned with believers bringing reproach upon the name of Christ by Christians airing their contentions, feuds and sinful disputes before unbelievers. He was also concerned about justice as defined by Scripture. If, as many modern Presbyterians assert, the nations could function properly with general revelation (cf. Rom. 1:18-32; 2:12-15) and common grace, then could the apostle state unequivocally that non-Christian courts are characterized by injustice? For Paul, general revelation is enough to prove that those without written revelation are guilty of sin and deserve the wrath of God (Rom. 1:18-32; 2:12-15; 3:9-20). But, it is not enough for a nation to have a consistent, thorough or comprehensive body of just judicial laws because men are depraved (Gen. 6:5; 8:21; Prov. 21:4; Ps. 51:5; 58:3; Jer. 17:9; Mt. 15:19; Jn. 3:6; Rom. 5:12; 8:7-8; Eph. 2:1-5; 1 Cor. 2:14; etc.) and suppress the truth of God in unrighteousness (Rom. 1:18). Idolatry (the greatest of sins and crimes) and immorality (Rom. 1:26ff) are the direct and *universal* result of the suppression of natural revelation by all unbelievers (Rom. 1:21-23).

Justice should be sought among Christians for three reasons. (1) They have in their possession written or special revelation. Instead of looking to a sin-obscured, fallen, natural order to attempt to create a just body of laws, they can go directly to the perfect (Ps. 19:7), righteous (Deut. 4:8; Ps. 119:75), holy (Rom. 7:12), good (Ps. 119:39; Lk. 6:35), just (Deut. 16:18, 20; 32:4; Hos. 14:9), *perspicuous written moral laws* of God. If there is a dispute among men over natural law, there is not much that can be done. But, because Scripture is so clear, objective and easy to understand, differences can easily be resolved. (2) Christian judges have been regenerated by the Holy Spirit and thus possess the illumination of the Spirit. As Paul says, "Now we have received, not the spirit of the world, but that Spirit who is from God, that we might know the things that have been freely given to us by God" (1 Cor. 2:12). But regarding unbelievers Paul says, "The carnal mind is enmity against God; for it is not subject to the law of God, nor indeed can be" (Rom. 8:7). Unbelievers are born with an ax to grind against the true God and His law. Therefore, they cannot be trusted to safeguard biblical justice and further the well-being of society. (3) The historical testimony proves that the two previous points are true. The further that Europe and America moved away from their Christian roots toward a more consistent secular humanistic worldview, the more our society has become unjust and wicked. Today one can go to prison for abusing a dog or cat but one can murder his or her preborn baby with impunity. In America one can practice homosexuality on a regular basis legally and one will even be praised by the media and politicians. But, one can go to jail and receive a large fine for picketing an abortion clinic (i.e. an infant extermination chamber). A man may spend ten years in prison for selling marijuana or for stealing a wallet, while a murderer may be paroled after seven years. After pointing out a number of absurd, unjust rulings by our courts North comments, "I think I am not exaggerating when I say that Americans now suffer from a system of civil justice that can best be described as demonic."¹⁸

¹⁸ Gary North, *Victim's Rights: The Biblical View of Civil Justice* (Tyler, TX: Institute for Christian Economics, 1990), x. "JACKSONVILLE, TEXAS: A man robs a Holiday In. He is sentenced to 50 years in prison. BOSTON, MASSACHUSETTS: A man is convicted of first-degree murder. If he serves Massachusetts' median average for jail term for this crime, he will be paroled in about two and a half years. Something is wrong—radically wrong—with the criminal justice system in the United States. Crime has been on the rise since the mid-1960s. The courts are

Is the problem that civil magistrates today are not studying natural revelation carefully enough? No! The problem is that all unregenerate men hate God and His law. Because they are covenant-breakers by nature, they develop law systems that are not just. Those who want to turn away from the specifics of revealed law for natural revelation (coupled with common grace) need to explain how unbelievers can develop a comprehensive system of justice out of a *suppressed* knowledge: “The wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who suppress [present continuous tense] the truth in unrighteousness” (Rom. 1:18). It is indeed tragic and perplexing that modern professing Christians have such a distrust and hatred of God’s law that they keep appealing to ways of doing justice that have never worked well and that are only getting worse as unbelievers are becoming more epistemologically self-aware.

Christians Will Judge the World and Even Angels

In verses two and three Paul presents an argument from the greater to the lesser: “Do you not know that the saints will judge the world? And if the world will be judged by you, are you unworthy to judge the smallest matters? Do you not know that we shall judge angels? How much more, things that pertain to this life?” Verse 2 has been interpreted in two different senses. One view is that the apostle is speaking of the future and final judgment. The basic thought here is that, because Christ is the head and representative of His people, His people are participants in His glory and His judgment at the end of the world. Those in favor of this view point out that the verbs *krinousi* (shall judge) and *kinoumen* are both future tense. In addition, the idea of a real judicial act, it is argued, is demanded by the context. The basic argument, then, is that if believers participate by virtue of their vital union with the Mediator in the great universal judgment, they ought to be able to handle trivial matters. To not handle such small disputes in-house is a mockery of Christian eschatology, specifically a believer’s participation in Christ’s glorious and universal white throne judgment.

A second view, which seems to be more relevant to the overall argument on ability, is that the apostle is using the term “judgment” in the Hebraistic sense of “ruling.” (The final judgment argument is a positional argument, not one of actual judgment by Christians. In fact believers will also stand before the judgment seat of Christ; Rom. 14:10; 2 Cor. 5:10; 2 Tim. 4:1.) This is how the term is used in the book of Judges (e.g., 3:10; 10:2-3; 12:9, 11, 13, 14, etc.); and, is also used by Christ: “So Jesus said to them, ‘Assuredly I say to you, that in the regeneration, when the Son Of Man sits on the throne of His glory, you who have followed Me will also sit on twelve thrones, judging the twelve tribes of Israel’” (Mt. 19:28). “But you are those who have continued with Me in My trials. And I bestow upon you a kingdom, just as My Father bestowed one upon Me, that you may eat and drink at My table in My kingdom, and sit on thrones judging the twelve tribes of Israel” (Lk. 22:28-30). These verses do *not* refer to a political rule during a distant future millennial reign, but to the apostles’ spiritual role as ambassadors of Christ. When Jesus said, “I *bestow* upon you a kingdom,” the verb “bestow”

clogged. The jails are overflowing, yet convicted criminals return to lives of crime upon release. The public is increasingly contemptuous of the criminal justice system. What is the problem? The problem is this: **there is today no agreed-upon public standard of justice.** The courts are too liberal to suit the public, yet voters do not seem to know what the right sentence ought to be in any given case. The public is politically paralyzed because no one agrees on what constitutes justice. The entire criminal justice system reflects this paralysis. Sentences swing from the appallingly stiff to little more than a wrist slap” (*Victim’s Rights*, back cover).

(*diatithemai*) is in the present tense. This indicates a present bestowal. “With Calvin I believe that the regeneration has reference to the gospel dispensation. It has reference to the new order of things which was started with the advent of Christ. The regeneration is another expression for the Kingdom of God.”¹⁹ Since the kingdom is a present, spiritual reality, we should not take sitting on thrones literally. It refers to the spiritual authority of true believers. Although we do not have the unique authority that the apostles had, nevertheless, all believers are said to sit on thrones: He “raised us up together, and made us sit together in the heavenly places in Christ Jesus” (Eph. 2:6). This theme of spiritual rule is emphasized by the Redeemer in the book of Revelation: “And he who overcomes, and keeps My works until the end, to him I will give power over the nations—‘He shall rule them with a rod of iron; they shall be dashed to pieces like the potter’s vessels’” (2:26-27; cf. Ps. 2:8, 9). Chilton’s comments are important for understanding Paul’s reference to judging the world in 1 Corinthians 6:2:

God the Son has been granted the rule of all the world, and all nations will come under His messianic kingship (see also Ps. 22:27-31; 46:4, 10; 65:2; 66:4; 68:31-32; 72; 86:9; 102:15-22; 138:4-5; 145:10-11). Whatever opposition is offered against His Kingdom will be crushed absolutely. And the installation of Christ as universal King, prophesied in this passage, clearly took place at Christ’s *First Coming*, through His birth, life, death, resurrection, and ascension to glory (this can be confirmed by simply looking up the numerous New Testament quotations of Psalms 2 and 110, both of which are about Christ’s kingship).

The point of the quotation here is that the Christian overcomers, in this age, are promised a share in the messianic reign of Jesus Christ, in time and on earth. In spite of all opposition, God has set up His King over the nations (cf. Ps. 2:1-6). Those who are obedient to His commands will rule the world, reconstructing it for His glory in terms of His laws. Psalm 2 shows God laughing and sneering at the pitiful attempts of the wicked to fight against and overthrow His Kingdom. He has already given His Son “all authority in heaven and earth,” and the King is with His Church until the end of the age (Matt. 28:18-20)! Is it possible that the King will be defeated? He has, in fact, warned all earthly rulers to submit to His government, or perish (Ps. 2:10-12). And the same is true of His Church. The nation that will not serve us will perish (Isa. 60:12); all the peoples of the earth will be subdued under our feet (Ps. 47:1-3)—promises made originally to Israel, but now to be fulfilled in the New Israel, the Church.²⁰

With all this in mind, the thought of Paul in 1 Corinthians 6:2 is that since the saints have such a comprehensive rule in this world, which will grow and cover the whole earth due to Christ’s victory, the idea of going before the heathen to settle personal disputes between Christians is an explicit denial of the Savior’s definitive victory in this regard. It is not necessary to view this passage as speaking of a full-blown promise regarding a worldwide Christendom *where all the civil courts in the world are run by believers* (as in Lightfoot and Vittinga). The fact that Christ is King over all, and that His church has a spiritual rule that is to permeate every nation and institution is enough, for the one implies the other to a degree.

The saints, through the spiritual sword, have been called upon to rule the world by permeating it with the truth of the gospel and with the law that sanctifies (when accompanied by the work of the Spirit) and restrains evil. This is not a carnal task but a purely spiritual one; but one that has affects in all the spheres and institutions outside of the church. For believers to rely on pagan courts is a sign of immaturity and a flight from responsibility. It, therefore, is the duty

¹⁹ J. Marcellus Kik, *An Eschatology of Victory*, 215.

²⁰ David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Fort Worth, TX: Dominion Press, 1987), 117.

of Christian churches to train men as elders who are competent to counsel and have the ability to apply the law of God to all spheres of life. The church is a training ground of dominion; it is to train men to rule in the spiritual as well as the physical realm. As a society is saturated with the gospel and corporately turns to the Savior, Christian men will be called upon to govern society according to the biblical world and life view. This will involve implementing a Christian law-order. To say that a nation can have Christ as King, yet retain pluralism and a secular humanistic law system, is to assert a blatant contradiction. Muslims are unitarian heretics and demonic to the core, but they at least understand that a society is not truly Muslim until it adopts a Muslim law-order (*sharia* law). Most Christians have been so saturated with heretical anti-law theologies and pessimistic-defeatist systems of eschatology that they are content with an anti-Bible, anti-Christian, anti-Jesus law system in this nation. They actually believe that pagan courts are better for America than explicitly Christian courts. This exhibits a lack of faith in a very large and crucial part of God's word.

Verse 3, regarding the judgment of angels, also has a few different interpretations. One regards these angels as fallen angels or demons. "Not only men, but fallen angels are to stand before that tribunal on which Christ and his church shall sit in judgment."²¹ This is the view of most commentators. The problem with this view is that the word *angeloi*, when left unqualified in the New Testament, is only used of good angels; unless, of course, this verse contains *the sole exception* to this pattern. If one wants to apply it to both good and evil angels on the day of judgment, one must explain why sinless and perfect creatures would need such a judgment. How do saints assess degrees of goodness in sinless spirits? Gordon Clark, who believes the final judgment is in view, is perplexed by this verse: "How they are to judge, whether they are to judge both good and bad angels, or only one group or the other, and when this judgment shall take place with what results, are questions unanswerable at present."²²

The solution to these exegetical difficulties is found (like the previous verse) in viewing the *judgment* in the sense of *rule*. We have seen that, to the Old and New Covenant authors, these were often convertible terms. If we interpret the word "judge" in this manner, this verse essentially means, "Do you not know that we shall even be exalted over the good angels, and preside over them?" This interpretation is in complete harmony with the New Testament teaching of the subordination of angels to the theanthropic Mediator at His exaltation, and to the church in Him. The author of Hebrews says, "Jesus, . . . was made a little lower than the angels, for the suffering of death crowned with glory and honor, that He, by the grace of God, might taste death for everyone" (2:9). The Son of Man for a short time (33 ½ years) was made lower than the angels through His incarnation and voluntary humiliation for the saving of the world. The exaltation, which followed His redemptive obedience and was a reward for it, guarantees the ultimate exaltation (by virtue of their union with Him) of His people. The fact that Christians hold such a place of exaltation through Christ is an additional reason why they must settle their own disputes. It is below their place of exaltation and dignity to go before the heathen. Those who will rule over angels must not place themselves under the judgment of the covenantal sons of the devil.

For Paul, the future glorification and exultation of Christians does not mean that the present world is irrelevant, unimportant or unworthy of a Christian's attention. He says the exact opposite: "How much more, things that pertain to this life?" He did not have a retreatist "sit tight and wait for the rapture" attitude. Our exaltation and rule over the angels teaches us to take

²¹ Charles Hodge, *I & II Corinthians* (Carlisle, PA: Banner of Truth, [1857, 59] 1974), 95.

²² Gordon H. Clark, *First Corinthians* (Jefferson, MD: The Trinity Foundation, [1975] 1991), 87.

responsibility for judicial affairs in this present world. Although the apostle is speaking of disputes in a church that lives in a pagan hostile environment, one should logically deduce from this passage that Paul would also require civil courts in a Christian society to rule strictly in accordance with Scripture. In the Old Testament, such disputes could be taken before the elders in the gate, because these men ruled in accordance with God's law and were men who feared God.

The Least Esteemed

In the third argument, Paul points out the absurdity of going before the least esteemed by the church (the heathen) for judgment: "If then you have judgments concerning things pertaining to this life, do you appoint those who are least esteemed by the church to judge" (v. 4)? This passage can be translated into different ways, for the same preposition can be translated as "in" or "by." If we use the word "in," then Paul is making a sarcastic statement that it would be better to have the least qualified Christian render judgment than go to pagan courts. If the word "by" is used, the meaning is: "Do you set as judges those least esteemed by the church (i.e. the heathen)?" "This translation is generally preferred as best in keeping with the context. The sentence is emphatic. 'Those despised (see 1, 28) by the church,—those do you set to judge?' It is an expression of surprise at their acting so unworthily of their high calling."²³ It has the implied sense: "Are you so ignorant and unbiblical in your thinking as to select as judges heathen men who are despised by the church of Christ?"

The point of this argument is to produce a sense of shame in the Corinthians for activity so unworthy of their calling and dignity as Christians (v. 5). Although Paul is speaking about disputes between Christians and how they must be handled within the church, we must point out (once again) the logical implication of this passage for a Christian society. If unbelievers are regarded by the inspired apostle as "unjust" (v. 1), and the "least esteemed" (v. 4) by the church, then obviously we must not regard them as qualified or fit to sit as judges or rulers in a Christian nation or commonwealth. If Christians are concerned about the rule of law and justice in this land, then the only biblical solution is to work for an explicitly Christian constitution and law-order. By accepting the enlightenment concepts of pluralism and natural law, Christians have given the robes of society over to the heathen, who are unjust and the least qualified to rule.

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²³ Charles Hodge, *I & II Corinthians*, 96.