

forgiveness, to reestablishment into citizenship, the word forgiveness always implies restitution in Scripture. When forgiveness is separated from law and made a matter of feeling, the end result is sentimentalism. Many modern theologians and Christians insist on an unconditional forgiveness for all men, irrespective of repentance and restitution. Such a position is simply a subsidy to and an acceptance of evil as evil. It is antinomianism.

4. Liability of the Bystander

Failure to render aid was once a serious offense, and to a limited degree, still makes the man who fails to render aid liable to serious penalties. The direction of humanistic law is progressively absolving men of any legal obligation to be a Good Samaritan. Thus, according to one decision,

A bystander may watch a blind man or a child walk over a precipice, and yet he is not required to give warning. He may stand on the bank of a stream and see a man drowning, and although he holds in his hand a rope that could be used to rescue the man, yet he is not required to give assistance. He may owe a moral duty to warn the blind man or to assist the drowning man, but being a mere bystander, and in nowise responsible for the dangerous situation, he owes no legal duty to render assistance.⁸³²

In certain cases, however, the bystander must render aid or face legal action. A bystander can watch a farmer's house or barn burn and do nothing, but in the case of a forest fire (federal "property"), the bystander must render action as demanded or face penalties from a court. Formerly, all bystanders had a legal duty to render aid to a *hue and cry*. The expression, *hue and cry*, is a legal term; formerly, when a criminal escaped, or was discovered, or an act of crime was being committed, the summons to assist was legally binding on all. Later, *hue and cry* was the name of a written proclamation asking for the apprehension of a criminal, or of stolen goods. In England, *Hue and Cry* was also the title of an official gazette publishing information on crimes and criminals.

Biblical law, however, asserts the liability of the bystander. Thus, Deuteronomy 22:1-4, declares,

Thou shalt not see thy brother's ox nor his sheep go astray, and hide thyself from them: thou shalt in any case bring them again unto thy brother. And if thy brother be not nigh unto thee, or if thou know him not, then thou shalt bring it unto thine own house, and it shall be with thee, until thy brother seek after it, and thou shalt restore it to him again. In like manner shalt thou do with his ass; and so shalt thou do with his raiment; and with all lost things of thy brother's, which he hath lost, and thou hast found, shalt thou do likewise: thou mayest not hide thyself. Thou shalt not see thy brother's ass or his ox fall down by the way, and hide thyself from them: thou shalt surely help him to lift them up again.

Here again we have case law, giving a minimal case in order to illustrate a general principle. We cannot rob a man of his property by our neglect; we must act as good neighbors even to our enemies and to strangers. Lost or strayed animals, property, or clothing must be protected and held in ward with every public effort at immediate restoration. If the bystander has an obligation to render aid "with all lost things" of another man, he has an even more pressing obligation to help rescue the man. Thus, this principle of responsibility appears in Deuteronomy 22:24. A woman assaulted in a city is presumed to have given consent if she does not raise a cry, the origin of the *hue and cry* common law. At her cry, every man within sound of her voice has a duty to render immediate aid; failure to do so was regarded as a fearful abomination which polluted the land and, figuratively, darkened the sun. The horror felt at such an offense is reflected in the rabbinic tradition:

Our Rabbis taught, on account of four things is the sun in eclipse: On Account of an Ab Beth din (the vice-president of the Sanhedrin) who died and was not mourned fittingly; on account of a betrothed maiden who cried out aloud in the city and there was none to save her; on account of sodomy, and on account of two brothers whose blood was shed at the same time. And on account of four things are the luminaries (the moon and the stars) in eclipse: On account of those who perpetrate forgeries, on account of those who give false witness; on account of those who rear small cattle in the land of Israel (Animals that cannot be prevented from ravaging the fields of others); and on account of those who cut down good trees.⁸³³

It is significant that this offense is rated as worse than giving false witness; the false witness misrepresents the truth; the noninterfering bystander becomes an accomplice to the crime by his refusal to render aid. Asaph said of those who were indifferent to the need to render aid,

When thou sawest a thief, then thou consentedst with him, and has been partaker with adulterers. (Ps. 50:18)

Quite properly, the marginal references cite Romans 1:32 and 1 Timothy 5:22. In the latter passage, those who consent to the hasty ordination of novices in the faith, or by their silence give consent, are “partakers of other men’s sins.” It is not unreasonable to assume that the penalty for the inactive bystander was like that of the false witness. The penalty of the crime applied to the false witness (Deut. 19:18-19); the inactive bystander is also a kind of witness, and one who consents to the crime by his failure to act. The inactive bystander is thus an accomplice, an accessory to the crime, and liable to the penalty for the crime.

Solomon also called attention to the same crime in sharp and pointed words declaring,

If thou forbear to deliver them that are drawn unto death, and those that are ready to be slain; If thou sayest, Behold, we knew it not; doth not he that pondereth the heart consider it? and he that keepeth thy soul, doth not he know it? and shall not he render to every man according to his works? (Prov. 24:11-12)

Kidner’s comment on Proverbs 24:10-12 is worth noting in this connection:

Exceptional strain (10) and avoidable responsibility (11-12) are fair tests, not unfair, of a man’s mettle. It is the hireling, not the true shepherd who will plead bad conditions (10), hopeless tasks (11) and pardonable ignorance (12); love is not so lightly quieted —nor is the God of love.⁸³⁴

Delitzsch’s comment on Proverbs 28:17 is very fitting here also:

Grace cannot come into the place of justice till justice has been fully recognized. Human sympathy, human forbearance, under the false title of grace, do not stand in contrast to this justice.⁸³⁵

The biblical law thus makes clear the liability of the bystander; it states, in fact, that he cannot be a bystander. An older decision of an American court stated the matter briefly: the law “requires the doing of good at all times.”⁸³⁶ The *police power* of the citizenry rests in Deuteronomy 22:1-4, 24. When a neighbor’s property went astray or was lost, or when a man or woman raised a cry of distress, every man had a duty to answer that cry and enforce the law. All citizens have the right of arrest to this day in the United States as a result of this biblical heritage.

Under common law, a sheriff still has the right to muster every male citizen of a community of fifteen years or older to assist him in the enforcement of law.⁸³⁷

With respect to citizen’s arrest,

William B. Saxbe, Attorney General of Ohio, spelled out some of the ground rules of citizen’s arrest. With some state-by-state variations, United States law holds that a private person may arrest someone for committing or attempting to commit a felony or a misdemeanor in his presence. He may also arrest someone whom he has *reasonable cause* to believe has previously committed a felony, but *not* for a misdemeanor, in the past. Some states allow citizen’s arrest *only* for felonies, while others provide broad arrest powers for citizens for all crimes.

Saxbe noted that felonies are almost always crimes that are basically wrong or evil, while misdemeanors are lesser crimes.⁸³⁸

Usually, however, the police power of the citizen is best exercised in rendering aid to the police and to victims of crimes. Police prefer that witnesses summon them, take sharp note of the events, and assist as they are required by the police. In Germany, persons failing to assume police powers to defend others can be fined from \$1.25 to \$2,500, or receive a year in prison. France and Italy have similar laws.⁸³⁹

American law has become contradictory since the old common law has been superseded by statute law. A man’s car can be commandeered to apprehend a criminal, but he has no legal grounds for claims against the city if his car is destroyed in the process.⁸⁴⁰ Warnick’s comments are to the point:

It is not a crime in any state—as it is under common law and quite generally in Europe—for a citizen to fail to disclose commission of a felony to police on his own initiative. But by act of Congress such “misprision of a felony” is a crime in the United States if it is a *federal* felony that goes unreported. A layman’s view of this is that if you saw a store robbery and went your quiet way you’d be on the right side of the law if not your conscience. But if you saw a mail robbery and didn’t call the cops you would have committed a federal felony.

What has brought all of this to the fore again is, of course, the resurgence of crime and mob violence in America; the downgrading of the police to the point where fewer people even want to be police; and the shocking apathy of many people toward “becoming involved” in crimes. . . .

If the law does not require you to call the cops when the store is robbed or someone is brutally beaten; if you are liable to false arrest charges even when acting most reasonably on your own; if you may not be protected against injury or liability when obeying an officer, then you are privileged to take a position—even against your own feelings—that society itself isn’t really serious about controlling crime. Society in this case is the legislatures and the courts.

Why isn’t “misprision of a felony” a state offense as it is a federal offense? Legislatures can restore the common law principle that made it so.⁸⁴¹

The civil legal situation may be an equivocal one; the biblical legal requirement is not. Misprision, i.e., the concealment of a crime, is a serious offense. The inactive bystander is a party to the crime. The parable of the Good Samaritan (Luke 10:29-37) was firmly based on biblical law.

In the parable of the Good Samaritan, the priest and the Levite avoided the victim and “passed by on the other side.” The religious leaders claimed to obey the law; they tithed “mint and rue and all manner of herbs, and pass over judgment and the love of God” (Luke 11:42). It was an easy matter to tithe mint; it sometimes required moral courage to help a victim; in the case of the victim Jesus described, not even courage was required, only assistance in terms of the law to a

victim abandoned by the criminals. The religious leaders kept the law only when it cost them little or nothing to do so. Jesus confounded them from the law.

It is thus a serious error to reduce the parable of the Good Samaritan to the level of feeling alone, or to a matter of charity; these things are subordinate to the law in this case. Those who despise the law are also without charity. They profess to love the law, but they choose simple matters for obedience and despise the things which are difficult. Too many churchmen today reduce the law to simple rules about the sabbath and adultery and bypass or violate the rest of the law with impunity. This is Pharisaism.

5. Money and Measures

A greatly misunderstood law is Leviticus 19:35-37, concerning honesty in measurements:

Ye shall do no unrighteousness in judgment, in mete-yard, in weight, or in measure. Just balances, just weights, a just ephah, and a just hin shall ye have; I am the LORD your God, which brought you out of the land of Egypt. Therefore shall ye observe all my statutes, and all my judgments, and do them: I am the LORD.

The word judgment here refers to all that follows; *mete-yard* was a measure of length or surface, i.e., yard, cubit, foot, and the like; *weight* had reference to the talent, shekel, and other weights of money; *measure* refers to measures of capacity, the homer, ephah, hin, etc.; *balances* means scales and *weights*, *ephah*, and *hin* cites again the forms of measurement already listed.⁸⁴²

That *weights* means money has long been known. *Fairbairn's Bible Encyclopedia*, like others, discusses the shekel under the classification of "Weights." The Bible speaks of money as a *weight*. For example, we are told that "David gave to Ornan for the place six hundred shekels of gold by weight" (1 Chron. 21:25). Opinions differ as to the exact nature of the talent, menah, shekel, bekah, zuza (Reba), and gerah, but Bonar's table of weights is perhaps as good as any.⁸⁴³ The shekel was probably half an ounce, avoirdupois weight.