

## POSITION PAPERS

Committee, therefore, does not propose that any of these papers receive formal endorsement by the Assembly, nor that any of the Committee's recommendations be understood to be necessarily tied to the views expressed therein. Rather, the Committee submits these papers to the Church for its inspection and reflection, in hope that such study will prove to be helpful background for the consideration of the various proposals we are bringing for the improvement of our judicial procedures.

### **I. The Study Papers**

1. "Principles of Judicial Process Derived From the Old Testament Scriptures,"  
by Dr. Paul R. Gilchrist
2. "Principles of Judicial Process From a New Testament Perspective,"  
by Dr. Paul B. Fowler
3. "Church Discipline in Light of the Evidence of the New Testament,"  
by Dr. T. David Gordon
4. "Shepherds as Judges: The Judicial Responsibilities of Elders in the PCA,"  
by Dr. T. David Gordon
5. "The Use of Commissions in the Presbyterian Churches in the United States of America," by Pastor LeRoy H. Ferguson III
6. "Select and Annotated Bibliography on Ecclesiastical Judicial Procedures: Doctrines and Practices of the American Presbyterian Church,"  
by Pastor David F. Coffin, Jr.

### **II. A Procedural Checklist for PCA Rules of Discipline by Dr. T. David Gordon.**

#### **PRINCIPLES OF JUDICIAL PROCESS DERIVED FROM THE OLD TESTAMENT SCRIPTURES**

by Paul R. Gilchrist

[from *M24GA* (1996), 24-17, pp. 87-97]

### **I. Preliminary Remarks**

In order to review the PCA's judicial procedures, it seemed good to us to address "the nature of commissions handling judicial procedures focusing on the following areas: 1) Scripture, expressed and implied teaching, 2) Scripture "principles of equity," etc. Specifically this is reflected in *WCF* 1.6 "The whole counsel of God concerning all things necessary...is either expressly set down in Scriptures, or by good and necessary consequence may be deduced from Scripture..." and *WCF* 19.4 "...not obliging any other now, further than the general equity thereof may require." It should be noted that the context of *WCF* 19.4 has to do with the Old Testament laws as they apply to "the body politic," i.e. the civil government, to whom God gave sundry judicial laws. Nevertheless, we may apply some of the principles thereof to ecclesiastical procedures of jurisprudence.

### **II. Hermeneutical Assumptions:**

As we search the Scriptures to find principles of judicial process to apply to our church's procedures, we can agree to several hermeneutic assumptions. First, it is clear that what we call "justice" or "righteousness" derives its content or definition ultimately from the essential nature of God. That is, God, in His righteousness and in His covenant relationship with His people, provides the basis and example of proper judicial process.

Second, we must be concerned about judicial process as it takes place within the context of covenant relations. Justice and righteousness are not abstract principles, but are

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applied by God in Old Testament times to His people Israel. God established a covenant of grace in order to redeem a people to Himself. When His people, who inevitably sinned, broke their part of the covenant, God disciplined them according to His righteous character for the purpose of restoring the lost relationship. When we consider judicial process within the Church of Jesus Christ, we are doing so within the context of the covenant community of God for the glory of God and for the restoration of the wayward and for the purity of the covenant community.

Third, there is a continuity of the principles of judicial process from the Old Covenant to the New Covenant. God's character does not change; nor does His approach to His covenant community. We do not have two different Gods, a God of justice in the Old Testament and a God of love in the New. His modus operandi in judicial matters differs only in so far as the coming of Christ has affected the form of His covenant people, whereby the "body politic" is differentiated from the "body of Christ." We understand that the principles of the laws of Old Testament Israel may properly be applied in New Testament times to the body of Christ.

Finally, we need a balance in discerning the character of God with its unified emphasis on all the attributes of God as well as their application in the judicial process. On one hand, there are those who so emphasize the love of God that they see no need for discipline. On the other hand, some think that, due to God's holiness, justice is the main aspect of God's character with which we have to deal. Some have even argued that justice is the responsibility of civil government while the church is responsible to exhibit mercy and love. Thus, passing judgment and carrying out retribution are the major roles justice plays and that we must reconcile God's mercy as best we may, the various attributes being in conflict. But Scriptures clearly conceive of the attributes as inseparable, of justice and mercy, truth and lovingkindness, being joined together within the Godhead:

"Righteousness and *justice* are the foundation of Thy throne;  
Lovingkindness and truth go before Thee." (Psalm 89:14)

"The Lord is *righteous* in all His ways,  
and *kind* in all His deeds." (Psalm 145:17)

"There is no other God besides Me,  
a *righteous* God and a *Savior*." (Isaiah 45:21)

"Gracious is the Lord, and *righteous*;  
Yes, our God is *compassionate*." (Psalm 116:5)

### **III. Old Testament Considerations**

#### **A. Old Testament Vocabulary**

The "righteous acts of Yahweh" refers to His acts of deliverance. Thus Israel sings of God's judgments (or justice, or righteous acts) in the same breath as His mercies, and proclaims her trust in these. Consequently, justice in the human sphere also promotes mercy. To "do justice" means to "relieve the oppressed, judge the fatherless, and plead for the widow" (cf. Jeremiah 22:15-16).

The primary Hebrew words for the concepts of judgment, justice and righteousness are *mishpat* ("judgment") and *tsedeq/tsedeqah* ("righteousness"). Two additional words are found in the language of jurisprudence, namely, *din* ("to judge") and *rib* ("lawsuit, case"). The concept of justice is essentially one with righteousness. Justice has to do with righteous conduct in relation to others. God is not content to let justice rest on following a set of procedures (e.g., case laws) for determining right from

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wrong. Rather, God is intent on *establishing* His righteousness within His covenant community so that His people reflect the righteous character of their God.

This establishment of righteousness applies to social, ethical and religious behavior. It also applies to forensic and legal relations. It is not abstract, but personal, since it is a reflection of a personal, bonded relationship between the covenant God and His people.

The covenant (Hebr. *berith*) or treaty is a bonded relationship imposed by an absolutely sovereign God upon a people whom He has conquered. But the concept of covenant governs not only the relationship between a personal God and His people, but it also governs the relationship between His people in their various social relationships. The most significant word in this relationship is the Hebrew *hesed*, variously translated “mercy, lovingkindness, covenant love, covenant loyalty.” With respect to God, it is His “epoxy love” for His people, i.e., He will never break His covenant. With respect to man, it is the kind of behavior expected from people who are in covenant relation with Him.

Another significant word is righteousness (Hebr. *tsedeq*, *tsedeqah*). In Hebrew thinking, it refers to an actual relationship between two persons implying a behavior which corresponds to the claims arising out of such relationship. With respect to the righteousness of a judge, it would include the question of impartiality with which a standard of justice is applied. But more than that, it is rightly satisfying the claims brought forth as a result of a particular relationship, the fellowship which exists (or should exist) between people. The responsibility of righteousness is to render justice (*mishpat*) and its claims in such a way that the good of all those united in the community would be safeguarded. In some cases this may be in the administration of justice as well as in a judicial sentence. Consequently, the Hebrew expression literally demands “doing justice”, (cf. Genesis 18:19, 25, Leviticus 19:15, 33-37, Hosea 2:18-20, Hosea 12:6, Micah 6:8, Jeremiah 22:15-16.)

### **B. Old Testament Theology**

In the Old Testament, justice can often be viewed merely as a punitive work of God. For we know that God cannot remain indifferent to evil (Habakkuk 1:13), and that He will not pervert justice (Job 8:3). Verses such as “For the Lord your God is a consuming fire” (Deuteronomy 4:24) could be stressed. However, such emphasis would be one-sided and incomplete and therefore a very distorted emphasis. It is quite clear that in the Old Testament, as in the New, God’s justice acts in concert with His covenant love (Hebr. *hesed*) and mercy. This is dramatically seen in several Old Testament contexts.

One of the most moving passages which reveals God’s justice acting in concert with His covenant love and mercy is Exodus 34. The context is the grievous sin in which Aaron and the people participated in making a molten bull calf of gold during the forty days Moses was on the top of Mt. Sinai receiving the Book of the Covenant. This was a serious breach of both the first and second words (Hebr. *debharim*) of the covenant stipulations. God was ready to exterminate the people of Israel, Abraham’s seed, a righteous expression of His justice and wrath. He would start all over with Moses as the father of a new people. But Moses selflessly interceded, confessing the sins of die people, and averting such a cataclysmic judgment. Moses was then ordered to go up the mountain with two new tablets of stone. What is so amazing is God’s first words. One would expect the Lord to take this opportunity to lecture Moses and the people about His intense hatred for sin and how His wrath and justice were so central to His character. Instead, God, the Great King of the Covenant, says:

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“The LORD, the LORD God, merciful and gracious (Hebr. *hesed*), long-suffering, and abounding in goodness and truth, keeping mercy (Hebr. *hesed*) for thousands [of generations], forgiving iniquity and transgression and sin.” (Exodus 34:6 and 7a)

Note the use of *hesed* twice, the “covenant love, epoxy love” of God, as well as forgiveness for all kinds of sin, including Hebr. *pesha*, “transgression” i.e. “rebellion against the covenant.” Then, and only then, does He reveal Himself as a God who must exercise His justice:

“by no means clearing the guilty, visiting the iniquity of the fathers upon the children and the children’s children to the third and the fourth generation.” (Exodus 34:7b)

This is immediately supported by Moses’ prayer once again for God to “pardon our iniquity and our sin, and take us as Your inheritance.” God’s response was immediate and in keeping with His character, forgiveness and restoration. Acceptance was expressed without delay:

“Behold, I make a covenant. Before all your people I will do marvels such as have not been done. . For it is an awesome thing that I will do with you.”

The emphasis on this distinctive characteristic of God is reflected in Isaiah 28:21 byway of contrast:

“For the Lord will rise up as at Mount Perazim,  
He will be angry as in the Valley of Gibeon —  
That He may do His work,  
His awesome (NIV “strange”) work,  
And bring to pass His act,  
His unusual (lit. “foreign, alien”) act.”

In short, judgment is something God wants his people to consider as strange and alien to His character, i.e., He does not want this facet of His character to be the primary one that people associate with Him. (Note that in a similar vein, the Lord did not want David to build the temple because David had been a man of war, and God did not want to be identified primarily as a God of war). If anything, God’s revelation of His character in Exodus 34:6 and 7 should take precedence. This theme of God’s lovingkindness is echoed throughout the Old Testament, repeated numerous times in passages dealing with justice (e.g., Jonah 4, Psalm 103). It should be noted that Exodus 34:6-7 does not deny His justice, but places it in perspective. See further where “redemptive judgment” more clearly defines this facet of His character.

The covenant people should reflect in a finite way the character of the infinite God. He is our model, and we would do well to reflect Him who created us in His image and has recreated us for that purpose. In all stages of judicial procedures, we need to model the character and acts of the triune God of the Scriptures.

### C. The Covenant Lawsuit

Another context in which God’s justice acts in concert with His love and mercy is in die “covenant lawsuit” passages. Several Old Testament passages contain what are generally understood as longer or shorter versions of God’s “lawsuit” case (Hebr. *rib*)

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or judicial case against Israel (cf. Deuteronomy 32, Psalm 50, Isaiah 1, Jeremiah 2, Hosea 4, Micah 6). The structure of these cases or lawsuits follows a basic pattern found also in ancient Near Eastern treaties: an invocation of witnesses, a record of rebellion, the resulting judgment, etc.

A significant element is the “call to radical decision.” Who can forget Isaiah 1:18, “Come now, and let us reason together,” says the Lord, “Though your sins are like scarlet, they shall be as white as snow . . .” Or how about the pleadings of the Lord in Micah 6:3, “O My people, what have I done to you? And how have I wearied you?” These questions are backed up by the mighty redemptive acts of God on their behalf, such as, “I have . . . brought up children,” (Isaiah 1:2c) and “For I brought you up from the land of Egypt, I redeemed you from the house of bondage. . .” (Micah 6:4a)

What is significantly different about Biblical lawsuits from the ancient Near Eastern lawsuits, is that the Biblical lawsuits conclude with the unique feature of “blessings through redemptive judgment.” Once again, Isaiah 1:24-31 serves as a magnificent example. Specifically note the phrases “I will . . . purge away your dross,” “I will restore your judges,” and “afterward you shall be called a city of righteousness.” Also consider Micah 7:18-20:

“Who is a God like You, pardoning iniquity and passing over the transgression of the remnant of His heritage? He does not retain His anger forever, because He delights in mercy He will again have compassion on us, and will subdue our iniquities. You will cast all our sins into the depths of the sea. You will give truth to Jacob and mercy to Abraham, which You have sworn to our fathers from days of old.”

Yahweh, the Great King of the Covenant, is not arbitrary or capricious. He intends to fulfill His covenant promises. When His people exhibit recidivism in their rebellion against the covenant relationship, He intends to restore them to Himself. Solomon understood this when he prayed at the dedication of the temple (1 Kings 8). Calvin, Knox and the fathers of Presbyterianism incorporated it into our principles of discipline, which is for the purpose of “keeping and reclaiming of disobedient sinners” (BCO 27-3).

In contrast, the nations of the ancient Near East had no provision for repentance in their treaties. Vassal kings who led their people in rebellion against their suzerain were destroyed, banished or impaled. The Biblical concept of the covenant highlights the contrast of the despotic and capricious nature of the suzerain kings with the graciousness, faithfulness, and justice of the Great King of the Covenant. Note the use of Great King in Psalm 95:3 (and the repeated phrase “the Lord reigns”) and His attributes of mercy or lovingkindness (Hebr. *hesed*), justice (Hebr. *mishpat*), and righteousness (Hebr. *tsedeq*), together with the expression, “You were to them GOD-WHO-FORGIVES” in Psalm 99:8

If the Covenant Lawsuit is the instrument for implementing the Covenant sanctions (i.e. the curses listed in Deuteronomy 28:15-68), it would be well to keep in mind the intensification of the sanctions as the sins of the people get more heinous. What is worthy of note is that it took a long time for the more intense judgment of God to fall on the people of Israel. Specifically, it took over 200 years for the Northern Kingdom to receive the most severe judgment of captivity and almost 350 years for that catastrophe to fall on the Southern Kingdom of Judah. On a personal level, it obviously took time to determine when a rebellious son had become incorrigible (Deuteronomy 21:18-21). The same might be said about how long Hosea took to determine the incorrigible adultery of his wife Gomer before he finally divorced her

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(Hosea 2). In a few instances judgment was swift, as in the case of Achan (Joshua 7:10-26).

We may also briefly mention another passage in which the justice and mercy of God act in concert. In Psalm 51, David prays for forgiveness for his crimes against Uriah and Bathsheba. When he implores, “Deliver me from bloodguiltiness, O God, Thou God of my salvation, and my tongue will sing aloud of Thy righteousness (Hebr. *tsedeq*),” he is not seeking vindication. For he has just acknowledged his depravity from birth and his profoundly sinful condition (51:1-5). Rather, David was imploring God for undeserved pardon; in which case, the term “righteousness” should be understood as connoting deliverance. In other words, *tsedeq* has become redemptive. It is the fulfilling of God’s gracious promise of salvation apart from the merits of David himself. Similarly, when Isaiah speaks of “a righteous God and a Savior” (45:21), Isaiah is not suggesting that God is just, but somehow also a Savior. Rather, God is *tsedeq*, and therefore a Savior.

### **D. “Law” and “Discipline” in the Old Testament**

One final word needs to be mentioned in regard to justice in the Old Testament, namely “law” (Hebr. *torah*). Most often we tend to think of law in the judicial sense. We remember the case laws and the penalties. We assume that law is primarily legislative and judicial, dealing with judgments and regulations. The primary meaning of *torah*, however, is an educational one. It means “instruction, teaching.” As B. B. Warfield wrote, it is to be understood as a “divinely revealed, authoritative instruction” rather than as a ‘code’ of ethics or legislation.<sup>1</sup> This insight alone reminds us of the covenantal use of *torah* in the purpose of God, to establish His righteousness among His people.

The same is true with “discipline” (Hebr. *musar*, Gr. *paideuo*) which emphasizes the notion of education. This also is grounded in the covenant relationship, e.g., both the hunger and the miraculous provision of manna was a means of testing the heart of Israel (Deuteronomy 8:2-5). This discipline gave assurance of sonship (Proverbs 1:7-8).

## **IV. The Practice of Biblical Jurisprudence**

It remains now to summarize how the justice of God was put into practice in the Old Covenant community. In the light of Israel’s capricious and sinful character, what basic procedures did God, in His righteousness and mercy, enact for the leaders to follow in judicial process? Four major categories of biblical jurisprudence may be discerned.

### **A. Judicial Authority**

God delegated to certain men the authority to judge. In Exodus 18:13-27, elders were appointed to judge, and difficult cases were brought to Moses (cf Numbers 11:16f). Deuteronomy 16:18 through 21:23 is the fullest exposition of governmental and judicial authority for the covenant community. More specifically, Deuteronomy 16:18-17:13 established the duties and righteous requirements for judges. Furthermore, in the following sections, kings and priests were given their respective responsibilities which included making judicial decisions. It should be noted that difficult cases were

1. B. B. Warfield, *The Inspiration and Authority of the Bible*, Philadelphia: Presbyterian and Reformed, 1948, p. 100. See further, P.R. Gilchrist, “Towards a Covenantal Definition of *Torah*” in *Interpretation and History: Essays in Honor of A. A. MacRae*, 1986, pp. 93 ff.

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to be brought to the Levitical priest or supreme judge in the central place of worship. There also appeared to be a plurality of judges in towns (Deuteronomy 16:18-20, 17:8-13). The people were to respect and submit to their judgments (Exodus 20:12, Leviticus 19:3, 32).

Ezekiel 34:1-10 is a prophetic indictment of the shepherds of Israel, i.e. the kings, the nobles, the magistrates as well as the priests. But at Ezekiel 34:10b to the end, the prophecy speaks of the messianic Shepherd, "My Servant David," whose breadth of ministry would include correction and discipline. This is beautifully developed in John 10 where Christ refers to Himself as the "Good Shepherd." One needs to note especially Ezekiel 34:20-21 which states:

"Therefore thus says the Lord GOD to them: "Behold, I Myself will judge between the fat and the lean sheep. Because you have pushed with side and shoulder, butted all the weak ones with your horns, and scattered them abroad, therefore I will save My flock, and they shall no longer be a prey; and I will judge between sheep and sheep."

### **B. Divine Purpose and Expected Results**

The primary purpose of judicial process is to bring glory to God as exhibited in the following:

"I am the Lord your God, who has separated you from the peoples... .  
Thus you are to be holy to Me, for I the Lord am holy: and I have set  
you apart from the peoples to be Mine." (Leviticus 20:24-26)

Consequently, purification of God's people and the restoration of the wayward are clear corollaries of the primary purpose:

"I will be sanctified among the sons of Israel: I am the Lord who  
sanctifies you, who brought you out from the land of Egypt, to be  
your God: I am the Lord." (Leviticus 22:32-33)

God calls for repentance and restitution. He promises to forgive them:

"You shall be blameless before the Lord your God."  
(Deuteronomy 18:13)

"He shall confess his sins which he has committed, and  
he shall make restitution in full for his wrong. . ." (Numbers  
5:7)

"If they confess their iniquity. . .in their unfaithfulness  
which they committed against Me . . .then I will remember My  
covenant with Jacob. . ." (Leviticus 26:40-42)

"If my people who are called by My name humble  
themselves and pray and seek my face and turn from their wicked  
ways, then I will hear from heaven, will forgive their sin, and will  
heal their land." (2 Chronicles 7:14)

Hosea is a prime example of following the divine paradigm, i.e. of God seeking to restore Israel to Himself (Hosea 2 and 3). This is in keeping with the provision in the covenant for wayward Israel to repent and be restored (Deuteronomy 30:1-3).

The warm embrace of a repentant sinner by God with the approbation and reception by the people of God is exhibited in the ongoing story of Judah and Perez (cf. Genesis 38:27, Ruth 4:18, Matthew 1:3) It is also seen in the case of Rahab, a gentile,

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a woman and a harlot (Joshua 2:12, 6:28, Matthew 1:5). Jesus underscored this principle in Luke 15 when the father warmly received his prodigal son.

### C. Retribution for the Nonrepentant Sinner

There is a further application of the covenant sanctions. God's Word is quite clear, that those who turn away from Him and disobey and worship other gods will surely perish.

“See, I have set before you today life and prosperity, and death and adversity. . . But if your heart turns away and you will not obey, but are drawn away and worship other gods and serve them, I declare to you today that you shall surely perish. . . .” (Deuteronomy 30:15-18; see also 17:12-13, Exodus 21:19, 34).

There may be several steps or stages which Scriptures suggest before the ultimate sentence is finalized. The last human procedure is the expulsion from the covenant community (cf. Numbers 14:11-24; 15:30-31; 16:41-50). But prior to disinheriting His people, there may be a temporary suspension from the fellowship as in the case of Miriam (Numbers 12:1-15). This was a temporary withholding of the blessings and privileges of the covenant. For officers, there may be divestiture (cf. Numbers 20: 22-29).

In summary we could say that judicial procedures in the Old Testament served a positive purpose to glorify God and to set apart a holy people unto the Lord, a redemptive purpose to restore the wayward to Himself, and a punitive purpose to declare judgment on the unrepentant.

### D. Special Care in Jurisprudence

Knowing the depravity of man and the tendency of judges toward judicial tyranny and partiality, God established safeguards for judicial procedures to protect those involved. Judges could take bribes, show partiality, pervert justice, hear false witnesses, and oppress the weak or poor. Provisions were made to protect against such abuses:

- God gave strong warnings about taking of bribes (including the idea of conflict of interest), bias and partiality (cf. Exodus 23:3, 8; Leviticus 19:15; Deuteronomy 10:17, 16:19; 1 Samuel 8:3; Psalms 15:5, Isaiah 1:23, 5:23)
- The perverting of justice (cf. Deuteronomy 16:19-20; Leviticus 19:15).
- False or malicious witnesses and perjury (cf. Exodus 20:16, 23:1-2, Deuteronomy 16:19).
- Oppression of the weak and poor (cf. Exodus 23:6, 9; Leviticus 19:33f; Deuteronomy 10:18, 24:17f; Psalms 68:5, 146:7,9; Isaiah 1:23).
- The principle of judicial equity (*lex talionis*) required that the punishment be equal to the crime (Exodus 21:22-25). This countermanded the practice of personal vengeance which often exacted far greater penalties than the sin deserved, to a parallel passage, Leviticus 19:17-18 contrasts the personal revenge with the ethical imperative to “love your neighbor as yourself” (cf. Matthew 19:19).
- A full investigation of charges was required (Deuteronomy 17:2-7). The Scriptures also require the citing of the person charged with a sin, as well as citing witness to appear before the judges (cf. Dathan and Abiram, Numbers 16:12). Solid evidence at the mouth of two or three witnesses was necessary (Deuteronomy 17:6).

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- The need for understanding and wisdom to hear cases was recognized (1 Kings 3:11, 8:59-61). As a matter of fact, provision was made regarding difficult cases (Deuteronomy 17:8-9) as well as appeals to a higher court (Numbers 27:1-11).
- Moreover, cities of refuge were established to protect the innocent (Exodus 21:13, Numbers 35:11, Deuteronomy 19:3, Joshua 20:2).
- Jehoshaphat instructed the judges whom he appointed:

“Consider what you are doing for you do not judge for man but for the Lord who is with you when you render judgment. Now then let the fear of the Lord be upon you; be very careful what you do, for the Lord our God will have no part in unrighteousness, or partiality, or the taking of a bribe. . . Thus you shall do in the fear of the Lord, faithfully and wholeheartedly.” (2 Chronicles 19:6-9)

### **E. The Risk of Love**

There is one more practical application of Biblical jurisprudence. The Scriptures are full of examples of irregular actions which are not addressed through judicial process. They reflect the principle of “the preferability of the risk of love versus the preciseness of law.” Some examples may be cited:

- David and his fellow outlaws eating temple bread and sacrifices reserved for only the priests (1 Samuel 21:1-6, Mark 2:25-26).
- The matter of profaning the Sabbath (Numbers 28:9, Matthew 12:5-8).
- Levites involved in sacrifice of animals which was the exclusive task of the priests (2 Chronicles 29:34).
- Men prophesying who had not been ordained with the seventy elders (Numbers 11:24-30).
- Jezebel was not destroyed even though Elijah had the right to demand it after the Mt. Carmel victory (1 Kings 19:11-18).
- The problem of polygamy was not judicially addressed in the Old Testament.
- Participation in the Passover after long absence (and even uncleanness) was permitted without going through judicial process (Numbers 9:6-12).
- Similarly, the irregularity of Naomi leaving the covenant community and worship for years, her sons Mahlon and Chilion marrying outside the fellowship of believers in Moab (Ruth 1:2 and 4). A question might be posed: Were Naomi and her family no longer members of the visible church during their several years sojourn in Moab?
- The Moabitess Ruth was immediately received into the Covenant community seemingly contrary to Deuteronomy 23:3 (cf. Ruth 4:11-12, Isaiah 56:3 and 6, and Matthew 1:5).
- The strict prohibition of eunuchs in the covenant community is further altered by prophetic revelation (cf. Deuteronomy 23 with Isaiah 56:3-5 and Acts 8:27-38).
- Given the strong statements in Scripture regarding capital punishment for more than fifteen sins, the question may be posed: Why so few executions when there were so many occasions for application of capital punishment? Specifically, one must note two celebrated cases:
  1. David and Bathsheba should have been executed. Yet, there was repentance, forgiveness, and restoration.
  2. Gomer should have been executed for her adulterous and unfaithful relations. Hosea knew the law, yet he reflected the character of God in his dealings with his estranged wife.

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- The Servant of the Lord is said to “bring forth justice to the Gentiles” yet being careful that “a bruised reed He will not break, and smoking flax He will not quench” (Isaiah 42:1-3, cf. Matthew 12:1-21).

### **IV. CONCLUSION**

The Old Testament is replete with examples of justice and mercy intermingling in dealing with the sinfulness of man. Rather than justice and righteousness standing alone, they were bathed with the covenant love and mercy of God. The key question then will be: What will bring greater glory to God in a particular situation? May God grant the PCA wisdom to discern when and how to carry out judicial process.

God is glorified when discipline done in the context of the covenant and the Gospel results in the restoration of the wayward and/or the purification of the church. Sometimes He is glorified when His people patiently bear suffering, loss, or personal injury without pursuing formal disciplinary procedures.

## **PRINCIPLES OF JUDICIAL PROCESS FROM A NEW TESTAMENT PERSPECTIVE**

**Paul B. Fowler, Ph.D.**

### **I. Hermeneutic Assumptions**

The Old Testament is rich in principles and examples of judicial process for God’s people. In contrast, the New Testament has relatively few passages to consider. The details of judicial process are simply lacking. However, there is sufficient evidence to show a thorough continuity with OT principles of judicial procedure.

Our purpose is to reflect on pertinent NT passages in the light of and in concert with the Old Testament study presented elsewhere in this report. The OT study provides a balanced and clear exposition of judicial procedures in the OT, and it is our contention that the same principles that guided OT jurisprudence within the state of Israel are active in the NT church body. We will also refer at some length to Calvin’s *Institutes of the Christian Religion*, in which he presents what may be considered one of the ablest expositions of the texts in question.

### **II. New Testament Vocabulary**

The term “justice” does not occur in the New Testament. But the judicial principles of justice are clearly present:

- rendering to every man according to his works, and showing no partiality (Rom. 2:6-11);
- the moral standard by which God measures human conduct (Rom. 2:12-13); and
- punishment for moral infraction (Rom. 1:18ff).

In the Authorized version, the adjective “righteous” (*dikaios*) is translated over 30 times by the word “just”, and the terms “judgment” (*krisis*) and “righteousness” (*dikaiosune*) appear often. Remembering that in the Old Testament the concept of justice is essentially one with