

# Ancient Israel's Legal System

First we will examine the penal laws that operated in Ancient Israel as recorded in the Christian Bible.

Then we will see who was responsible for the administration of these laws.

## **Retribution –**

**One thing is very clear throughout the Christian Bible, there is a penalty for sin and that every person is fully responsible for their actions.**

God does **not** feel it is unjust to exact retribution for crimes.

**The criminal was not only to restore, but to restore more than what they took, to the victim of their crime.**

Within scripture under the heading of statutes the details of restoration are set out to cover each crime, within Exodus, Leviticus and Deuteronomy.

For example stealing –

**Exodus 22:1-3 [NIV]** *“If a man steals an ox or a sheep and slaughters it or sells it, he must pay back five head of cattle for the ox and four sheep for the sheep. “If a thief is caught breaking in and is struck so that he dies, the defender is not guilty of bloodshed; but if it happens after sunrise, he is guilty of bloodshed. “A thief must certainly make restitution, but if he has nothing, he must be sold to pay for his theft.”*

Fixed penalties that had to be paid back to the victim.

If the criminal was unable to repay the fixed penalty, they would have to work for the victim as an unpaid slave until the penalty had been paid.

This will be explained more fully under the heading of “*rehabilitation.*”

## **Deterrence –**

The examples that we are about to study may seem very harsh, but because they were executed in public and swiftly there is evidence that very few crimes were recorded, where the elders and judges were faithfully applying these statutes.

Examples of these deterrent penalties would be passed down from one generation to the next.

The fact that “*all Israel will hear of it and be afraid,*” indicates that the deterrent did prevent future problems.

**Deuteronomy 21:18-21 [NIV]** *“If a man has a stubborn and rebellious son who does not obey his father and mother and will not listen to them when they discipline him, his father and mother shall take hold of him and bring him to the elders at the gate of his town. They shall say to the elders, “This son of ours is stubborn and rebellious. He will not obey us. He is a profligate and a drunkard.” Then all the men of his town shall stone him to death. You must purge the evil from among you. All Israel will hear of it and be afraid.”*

Note it was the local town elders who made this swift decision, but the penalty was executed by all the people in the town.

**Ecclesiastes 8:11** [NIV] *“When the sentence for a crime is not quickly carried out, the hearts of the people are filled with schemes to do wrong.”*

When the punishment is delayed, as it is today with long drawn-out court hearings, it loses all its deterrent impact.

In Ancient Israel, if people saw or heard of a crime being committed, punishment was local, public and immediate.

This was possible because there was enough courts.

Every community had its local court presided over by local elders so decisions could be rendered quickly.

It was a rare case that was so complicated that it had to be referred to a higher court, and even then that could be done relatively quickly.

The statutes recorded in the Christian Bible provides for three major categories of punishments, financial loss, physical punishment or death and slavery.

These things really hurt but were effective as a deterrent.

### **Imprisonment –**

The statutes make **no** provision for imprisonment. The criminal was **not** put in an artificial environment that exposed them to violence, criminal attitudes and bitterness.

The evils of prisons were avoided.

The criminal was left in their local society to rehabilitate.

As has already been mentioned if the criminal was unable to repay their victim, they would become an unpaid slave of the victim’s family until the local elder considered that the retribution had been fully paid to the victim.

**Deuteronomy 15:12-18** [NIV] *“If a fellow Hebrew, a man or woman, sells himself to you and serves you six years, in the seventh year you must let him go free. And when you release him, do not send him away empty-handed. Supply him liberally from your flock, your threshing-floor and your winepress. Give to him as the LORD your God has blessed you. Remember that you were slaves in Egypt and the LORD your God redeemed you. That is why I give you this command today. But if your servant says to you, “I do not want to leave you,” because he loves you and your family and is well off with you, then take an awl and push it through his ear lobe into the door, and he will become your servant for life. Do the same for your maidservant. Do not consider it a hardship to set your servant free, because his service to you these six years has been worth twice as much as that of a hired hand. And the LORD your God will bless you in everything you do.”*

During this time of enslavement the criminal will experience the benefits of living in harmony with the laws and statutes, followed by their master.

Even to the extent that they will **not** want to leave this new environment of rehabilitation.

This rehabilitation is made all the more easy to enforce and regulate as it is within a small local environment.

The law of retribution naturally reduces the temptation to steal.

Other statutes that assist the rehabilitation of criminals are –

## **The sabbatical year –**

**Deuteronomy 15:1-2** [NIV] *“At the end of every seven years you must cancel debts. This is how it is to be done: Every creditor shall cancel the loan he has made to his fellow Israelite. He shall not require payment from his fellow Israelite or brother, because the LORD’s time for cancelling debts has been proclaimed.”*

All debts are cancelled at the beginning of the seventh year within a cycle of 49 years ending with the 50<sup>th</sup> year being the Jubilee.

**Deuteronomy 15:7-11** [NIV] *“If there is a poor man among your brothers in any of the towns of the land that the LORD your God is giving you, do not be hard-hearted or tight-fisted towards your poor brother. Rather be open-handed and freely lend him whatever he needs. Be careful not to harbour this wicked thought: “The seventh year, the year for cancelling debts, is near,” so that you do not show ill will towards your needy brother and give him nothing. He may then appeal to the LORD against you, and you will be found guilty of sin. Give generously to him and do so without a grudging heart; then because of this the LORD your God will bless you in all your work and in everything you put your hand to. There will always be poor people in the land. Therefore I command you to be open-handed towards your brothers and towards the poor and needy in your land.”*

A warning **not** to be ungenerous to those who need your help, when you are in a position to be able to lend with perhaps little hope of being repaid.

## **The year of Jubilee –**

**Leviticus 25:8, 10, 13-17** [NIV] *“Count off seven sabbaths of years, seven times seven years, so that the seven sabbaths of years amount to a period of forty-nine years.” ... “Consecrate the fiftieth year and proclaim liberty throughout the land to all its inhabitants. It shall be a jubilee for you; each one of you is to return to his family property and each to his own clan.” ... “In this Year of Jubilee everyone is to return to his own property. If you sell land to one of your countrymen or buy any from him, do not take advantage of each other. You are to buy from your countryman on the basis of the number of years since the Jubilee. And he is to sell to you on the basis of the number of years left for harvesting crops. When the years are many, you are to increase the price, and when the years are few, you are to decrease the price, because what he is really selling you is the number of crops. Do not take advantage of each other, but fear your God. I am the LORD your God.”*

If you have to sell your land to another to continue to meet your debts, at the year of Jubilee it will be returned to you, to give you a second chance in your life to prosper.

This could be combined with having to become slaves to a prosperous landowner because you are bankrupt.

During those years you could learn something useful that would enable you to support yourself in the future.

Also you were given all that was needed by your master to make a new start.

## **Gleaning –**

**Leviticus 19:9-10** [NIV] *“When you reap the harvest of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grapes that have fallen. Leave them for the poor and the alien. I am the LORD your God.”*

**This is a way in which the poor can be helped to help themselves.**

**Far better than a state handout for it allows them to retain their dignity and to occupy their time working instead of resorting to crime.**

### **Third tithe –**

**Deuteronomy 14:28-29** [NIV] *“At the end of every three years, bring all the tithes of that year’s produce and store it in your towns, so that the Levites (who have no allotment or inheritance of their own) and the aliens, the fatherless and the widows who live in your towns may come and eat and be satisfied, and so that the LORD your God may bless you in all the work of your hands.”*

This tithe that is made every third year [two years out of every seven] was to be given to assist the fatherless and the widows, who would be among the poor within your local community.

### **Usury [interest on loans] –**

**Leviticus 25:35-37** [NIV] *“If one of your countrymen becomes poor and is unable to support himself among you, help him as you would an alien or a temporary resident, so that he can continue to live among you. Do not take interest of any kind from him, but fear your God, so that your countryman may continue to live among you. You must not lend him money at interest or sell him food at a profit.”*

**This statute would put an end to loan sharks and banks that make massive profits out of other people.**

All of these statutes serve people who have found it difficult to survive by helping them to avoid a life of poverty and crime.

### **How are these statutes administered?**

Mainly on a local basis, where everyone is known in the community.

**Deuteronomy 1:12** [NIV] *“But how can I bear your problems and your burdens and your disputes all by myself?”*

Moses was finding the dealing with disputes among the Israelites an overwhelming problem.

God showed Moses how to deal with this burden.

**Deuteronomy 1:13-15** [NIV] *“Choose some wise, understanding and respected men from each of your tribes, and I will set them over you.” You answered me, “What you propose to do is good.” So I took the leading men of your tribes, wise and respected men, and appointed them to have authority over you, as commanders of thousands, of hundreds, of fifties and of tens and as tribal officials.”*

The administration of justice was broken down to manageable groups, each with an appointed elder [“wise and respected men”].

The 10s could easily be the extended family unit where grandparents dealt with the disputes avoiding it reaching outside the immediate family.

**Deuteronomy 1:16-17** [NIV] *“And I charged your judges at that time: Hear the disputes between your brothers and judge fairly, whether the case is between brother Israelites or between one of them and an alien. Do not show partiality in judging; hear both small and great alike. Do not be afraid of any man, for judgment belongs to God. Bring me any case too hard for you, and I will hear it.”*

God did **not** want the elder/judge to show partiality in favour of the rich or to give special consideration to a person because they were poor.

Elders mentioned are the “wise and respected men” who were put over 100s and 50s showing that justice was regulated and administered at a local level.

**This local administration got rid of fraud as the persons involved were known by local residents.**

**The way the welfare state is administered today in most countries is wide open to fraud because of central administration.**

I have personal experience of **local administration** expelling any chance of fraud.

One of my father's jobs was manager of the local unemployment office.

No-one was able to "pull wool over" my father's eyes for he knew every local person and their circumstances, and opportunities for employment.

My father also paid out "dole money" to those who were genuinely unemployed, mostly on a daily basis.

It worked and everyone was happy with the system.

**Difficult cases were to be taken to a higher court in Ancient Israel.**

**Deuteronomy 17:8-11** [NIV] *"If cases come before your courts that are too difficult for you to judge, whether bloodshed, lawsuits or assaults, take them to the place the LORD your God will choose. Go to the priests, who are Levites, and to the judge who is in office at that time. Enquire of them and they will give you the verdict. You must act according to the decisions they give you at the place the LORD will choose. Be careful to do everything they direct you to do. Act according to the law they teach you and the decisions they give you. Do not turn aside from what they tell you, to the right or to the left."*

**The Levites were not only to make the decision but they were to explain the basis on which the decision was reached.**

**In this way the local town elders would learn to apply the principle in their local courts.**

**Deuteronomy 17:12-13** [NIV] *"The man who shows contempt for the judge or for the priest who stands ministering there to the LORD your God must be put to death. You must purge the evil from Israel. All the people will hear and be afraid, and will not be contemptuous again."*

The decision made by these higher courts had to be obeyed.

Any contempt shown would earn the death penalty.

This higher court was **not** what we call today an appeals court, where the loser can ask a higher court to overturn a decision.

In Ancient Israel, the higher court was consulted **only** at the request of the local judges, who didn't know how to decide a case.

At the time of this request **no** decision had been made, the request was made simply so that the case could be heard and decision rendered by a more competent authority.

There was **no** such thing as appealing a judgement that had already been made.

**Witnesses to a crime –**

**Deuteronomy 17:6-7** [NIV] *"On the testimony of two or three witnesses a man shall be put to death, but no-one shall be put to death on the testimony of only one witness. The hands of the witnesses must be the first in putting him to death, and then the hands of all the people. You must purge the evil from among you."*

No person can be put to death for any crime on the words of only one witness to that crime.

**Note that the witnesses to the crime are those who put the criminal to death.**

**Deuteronomy 19:15-20** [NIV] *“One witness is not enough to convict a man accused of any crime or offence he may have committed. A matter must be established by the testimony of two or three witnesses. If a malicious witness takes the stand to accuse a man of a crime, the two men involved in the dispute must stand in the presence of the LORD before the priests and the judges who are in office at the time. The judges must make a thorough investigation, and if the witness proves to be a liar, giving false testimony against his brother, then do to him as he intended to do to his brother. You must purge the evil from among you. The rest of the people will hear of this and be afraid, and never again will such an evil thing be done among you.”*

**This statute hangs over the head of every witness to ensure that they only tell what is true.**

### **City of refuge –**

These were places of asylum for people who had accidentally killed another person.

This could allow such a person to prepare justification before the judges without kinsmen of the deceased taking revenge.

This would prevent excesses of bloodshed in what might develop into what is usually called a “*blood-feud*.”

**Exodus 21:12-14** [NIV] *“Anyone who strikes a man and kills him shall surely be put to death. However, if he does not do it intentionally, but God lets it happen, he is to flee to a place I will designate. But if a man schemes and kills another man deliberately, take him away from my altar and put him to death.”*

The original place of refuge was the altar in the tabernacle.

After entry into the Promised Land six places of refuge were set up to allow easier access for the people now scattered over the Promised Land.

**Deuteronomy 19:1-7** [NIV] *“When the LORD your God has destroyed the nations whose land he is giving you, and when you have driven them out and settled in their towns and houses, then set aside for yourselves three cities centrally located in the land the LORD your God is giving you to possess. Build roads to them and divide into three parts the land the LORD your God is giving you as an inheritance, so that anyone who kills a man may flee there. This is the rule concerning the man who kills another and flees there to save his life, one who kills his neighbour unintentionally, without malice aforethought. For instance, a man may go into the forest with his neighbour to cut wood, and as he swings his axe to fell a tree, the head may fly off and hit his neighbour and kill him. That man may flee to one of these cities and save his life. Otherwise, the avenger of blood might pursue him in a rage, overtake him if the distance is too great, and kill him even though he is not deserving of death, since he did it to his neighbour without malice aforethought. This is why I command you to set aside for yourselves three cities.”*

These three places were extended to six. [**Number 35:10-15**]

The conditions of use of these cities of refuge is expanded in **Numbers 35:16-28**.

There are several ideas as to why this confinement ends at the death of the High Priest, but none are conclusive.

### **Duty of the priests –**

God set this system in motion because He held the priests primarily responsible for teaching and interpreting the law and statutes.

This point is brought out in Malachi chapters 1 and 2 especially **Malachi 2:7-9**.

These priests were failing to teach and administer the laws and statutes that God had originally given to the tribe of Levi [from which all priests came] especially through Aaron. [**Malachi 2:4-6**]

The prophet Ezekiel also exposed the failure of the priests in his day. [**Ezekiel 44:5-16**]

**Ezekiel 44:23-24** [NIV] *“They are to teach my people the difference between the holy and the common and show them how to distinguish between the unclean and the clean. “In any dispute, the priests are to serve as judges and decide it according to my ordinances. They are to keep my laws and my decrees for all my appointed feasts, and they are to keep my Sabbaths holy.”*”

This is what true and faithful priests were to do.

**Jeremiah 2:7-8** [NIV] *“I brought you into a fertile land to eat its fruit and rich produce. But you came and defiled my land and made my inheritance detestable. The priests did not ask, ‘Where is the LORD?’ Those who deal with the law did not know me; the leaders rebelled against me. The prophets prophesied by Baal, following worthless idols.”*

Jeremiah was another prophet of God who had to correct the priests who were failing in their duties.

*“Those who deal with the law do not know Me [God].”*

**How many magistrates and judges base their judgements on God’s Word, the Christian Bible, today?**

*“The leaders rebelled against Me [God].”*

**Again I ask, how many politicians base their decisions, that affect the lives of so many people, on God’s words found in the Christian Bible?**

**In most schools, Christianity and God’s Word, the Christian Bible, is totally ignored.**

**Isaiah 30:19-21** [NIV] *“O people of Zion, who live in Jerusalem, you will weep no more. How gracious he will be when you cry for help! As soon as he hears, he will answer you. Although the Lord gives you the bread of adversity and the water of affliction, your teachers will be hidden no more; with your own eyes you will see them. Whether you turn to the right or to the left, your ears will hear a voice behind you, saying, “This is the way; walk in it.”*

Thankfully there is prophesied a future age when everyone will be taught by those who follow God’s Word, the Christian Bible.

This new age will start at the return of Jesus Christ for all who are alive at His coming.

Later all who have never heard of the Christian Bible will have a chance to read it, have it explained to them and live by its words [**Revelation 20:11-13**].

God is, in each generation, preparing Christians, well-versed in His Word, to be resurrected to become these priests/teachers in the future world governed by Jesus Christ [**Revelation 1:4-7; Revelation 5:9-10**].