

**The Institutes
of
Biblical Law**

by

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**A Chalcedon Study
with three appendices by
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The failure of a society to ground itself on restitution, or its departure from this principle, means a growing necessity for costly protection by means of *insurance*. Much insurance is, all too often, a form of self-restitution, in that the buyer pays for protection against irresponsible people who will not make restitution. The large insurance premiums paid by responsible persons and corporations are their self-protection against the failure of the law to require restitution.

Such a society cannot in good conscience pray "Thy kingdom come," because it denies that petition by neglecting God's law. The premillennial dispensationalists who deny the law and therefore refuse to pray the Lord's Prayer are thus more consistent than the millions who use it regularly without making any effort to restore God's law order.

9. Military Laws and Production

The military laws of Scripture are of especial relevance to man, in that they involve not only laws of warfare but an important general principle.

In surveying military laws, we find that, *first*, when wars are fought in terms of a defense of justice and the suppression of evil, and in defense of the homeland against an enemy, they are a part of the necessary work of restitution or restoration, and they are therefore spoken of in Scripture as the wars of the Lord (Num. 21:14). The preparation of the soldiers involved a religious dedication to their task (Josh. 3:5).

Second, the law specified the age of the soldiers. All able-bodied men twenty years old and up were eligible for military service (Num. 1:2, 3, 18, 20, 45; 26:2, 3). This standard long prevailed and was, for example, the basis of operation in the American War of Independence. It was, however, still a selective service (Num. 31:3-6), so that, for example, out of 46,500 eligible from Reuben, 74,600 from Judah, and 35,400 from Benjamin (Num. 1), in the war against Midian, only a thousand from each tribe were taken (Num. 31:4). The eligibility of each able-bodied man was thus in principle to assert their availability in an extreme crisis.

Third, since warfare against evil is godly and serves God's task of restoration, God promised to protect His men if they moved in terms of faith and obedience. According to Exodus 30:11-16, "At the *census*, which is a military act, *each shall give a ransom* (i.e., provide a "covering") for himself."¹ As Ewing noted, "Its purpose was to make an atonement for the lives of those who went into battle." The word "plague" in Exodus 20:12 is the Hebrew *negeph*, which "comes from

worse. This ransom was for the life of the soldier, that he might not be slain in battle." In the battle against Midian, cited above, 12,000 Israelite soldiers burned all the cities of Midian and slew their men, brought back 675,500 sheep, 72,000 head of cattle, 61,000 asses, and 32,000 unmarried women, without any loss of life. Out of this, a tithe or portion was given to the Lord.² Thus, where a war is waged in terms of God's law and in faith and obedience to His law-word, there men can count on His protecting and prospering care even as Israel experienced it.

Fourth, exemption from military service was provided by law. The purpose of an army should be to fight God's battles without fear (Deut. 20:1-4). Exemptions were given to several classes of men: (a) those who had built a new house and had not dedicated nor enjoyed it; (b) those who had planted a vineyard and had not yet enjoyed its fruit; (c) and those who have "betrothed a wife, and hath not taken her"; such men would have a divided mind in battle; finally, (d) all who were "fearful and faint-hearted" were excused as dangerous to army morale, "lest his brethren's heart melt as his heart" (Deut. 20:5-9). The exemption of the newlywed men was mandatory according to Deuteronomy 24:5, "When a man taketh a new wife, he shall not go out in the host, neither shall he be charged with any business; he shall be free at home one year, and shall cheer up his wife, whom he hath taken." Also exempt from military service (e) were the Levites (Num. 1:48, 49). The Levites very often fought, but they were exempt from a draft.

From these exemptions, a general principle appears: *the family has a priority over warfare*. The young bridegroom cannot serve; the new home must come first. The new farmer similarly gains exemption. *Important as defense is, the continuity of life and godly reconstruction are more important.*

A *fifth* aspect of military law requires cleanliness in the camp (Deut. 23:9-14). A latrine outside the camp is required, and a spade "to cover up your filth" (Deut. 23:13, Moffatt). "For the Eternal your God moves within your camp, to rescue you and to put your enemies into your power; hence your camp must be sacred—that he may not see anything indecent among you and turn away from you" (Deut. 23:14, Moffatt).

Another general principle appears from this law as well as the first and third laws (above), namely, that *it is not enough for the cause to be holy: not only the cause, but the people of the cause, must be holy, both spiritually and physically.*

A *sixth* military law requires that, prior to an attack, or rather, a

2. Charles Wesley Ewing, "The Soldier's Ransom," Faith and Freedom Bible Institute, Royal Oak, Michigan, in *Faith and Freedom Issue*, p. 4.

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declaration of war, an offer of peace be extended to the enemy. The offer of peace cannot be an offer to compromise. The cause, if it be just, must be maintained; the enemy must yield to gain peace (Deut. 23:9-14). A "sneak attack" after a declaration, in Gideon's manner, is legitimate: hostilities are in progress. But, prior to a declaration of war, an attempt to negotiate with honor to the cause is required. The formal blowing of trumpets, both before war and in rejoicing at the time of victory, placed the cause before God in expectancy of victory and in gratitude for it (Num. 10:9, 10).

Seventh, warfare is not child's play. It is a grim and ugly if necessary matter. The Canaanites against whom Israel waged war were under judicial sentence of death by God. They were spiritually and morally degenerate. Virtually every kind of perversion was a religious act: and large classes of sacred male and female prostitutes were a routine part of the holy places. Thus, God ordered all the Canaanites to be killed (Deut. 2:34; 3:6; 20:16-18; Josh. 11:14), both because they were under God's death sentence, and to avoid the contamination of Israel. Among related and adjacent peoples whose depravity was similar but not as total, men (Num. 31:7; Deut. 1:1, 2, 16; 20:16, 17) and sometimes married women as well were killed (Num. 31:17, 18), but the young virgins were spared (Num. 31:18). With other foreign countries, of better calibre, any woman taken prisoner could be married, but could not be treated as a slave or as a captive (Deut. 21:10-14), clearly indicating the difference in national character between Canaanites and other peoples. These provisions are quite generally condemned by the modern age, which has hypocritically resorted to the most savage and total warfare in history. These laws were not applicable to all peoples but only to the most depraved. They assert a still valid general principle: *if warfare is to punish and/or to destroy evil, the work of restoration requires that this be done, that an evil order be overthrown, and, in some cases, some or many people be executed.* The war crimes trials after World War II represented *ex post facto* law (and were thus justly opposed by Senator Robert Taft); they were also based on weak legal and humanistic principles as well as unduly a product of the demands of the Soviet Union. They are thus not proper examples of this principle. But the general principle of *guilt* is a valid one; if there be no guilt in a war, then there is no justice either. This has been the case in most warfare: no justice, and hence no real concept of guilt.

Eighth, the normal purpose of warfare is defensive; hence, Israel was forbidden the use of more than a limited number of horses (Deut. 17:16), since horses were the offensive weapon of ancient warfare.³

3. See Yigael Yadin, *The Art of Warfare in Biblical Lands* (New York: McGraw-Hill Book Company, 1963), I, 86-90.

Thus, still another general principle appears: *since war is to be waged in a just cause only, and, normally, in defense of the homeland and of justice, the right of conscientious objection means that one has a moral right to refuse support to an ungodly war.* *

Ninth, a very important military law appears in Deuteronomy 20:19, 20, one which also embodies a basic principle of very far-reaching implications. According to this law,

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by forcing an axe against them: for thou mayest eat of them, and thou shalt not cut them down (for the tree of the field is man's life) to employ them in the siege:

Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that maketh war with thee, until it be subdued.

The last portion of Deuteronomy 20:19 is rendered by various translators to read, "for is the tree of the field man, that it should be besieged of thee?" (MJV). In other words, war is not to be waged against the earth, but against men. But, even more centrally, life must go on, and the fruit tree and the vineyard represent at all times an inheritance from the past and a heritage for the future: they are not to be destroyed. Other trees can be cut down, but only as needed to "build bulwarks against the city." Wanton destruction is not permitted.

Related to this is a word of Solomon: "Moreover the profit of the earth is for all: the king himself is served by the field" (Eccles. 5:9). This is rendered by the Masoretic text, Jewish translation, as "But the profit of a land every way is a king that maketh himself servant to the field" (MJV). This word, and the law concerning fruit trees and other trees, adds up to an important general principle: *production is prior to politics*. Warfare is an aspect of the life of the political order, and its role is important, but production is more basic. Without production, without the fruit trees and the farmer, the worker and the manufacturer, there is no country to defend. *The priority of politics* is a modern heresy which is steadily destroying the world; only the great vitality of free enterprise is maintaining the productive level in the face of great political handicaps and interferences. In any godly order, therefore, production, freedom of enterprise, must always be prior to politics, in wartime as well as in peace.

Tenth, and finally, the laws of booty provided a reward to the soldiers (Num. 31:21-31, 29, 30, 42; Deut. 20:14), so that there is legal ground not only for soldiers' pay but also a pension, a reward for their services. War indemnity was an aspect of the penalty imposed on an enemy

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(II Kings 3:4) as penalty for their offense, and to defray the costs of the war.

In terms of Scripture, in a sinful world, war is ugly, but it is a necessity if evil is to be overcome. Clark's summary is to the point:

According to the Scriptures, "there is no peace unto the wicked" (Isa. 48:22; 57:41), and it is futile to cry "peace, peace, when there is no peace" (Jer. 6:14). If men would have peace, they must "seek first the kingdom of God, and his righteousness" (Matt. 6:33), for peace is the "work of righteousness" (Isa. 32:17), and there can be no lasting and universal peace until "righteousness and peace have kissed each other" (Ps. 85:10). There shall be peace when "the inhabitants of the world . . . learn righteousness." It is "in the last days" (Isa. 2:2) and when "the Lord alone shall be exalted" (Isa. 2:11) that—

" . . . the nations . . . shall beat their swords into ploughshares, and their spears into pruning-hooks: nation shall not lift up sword against nation, neither shall they learn war any more" (Isa. 2:4).⁴

10. Taxation

Commentaries and Bible dictionaries on the whole cite no law governing taxation. One would assume, from reading them, that no system of taxation existed in ancient Israel, and that the Mosaic law did not speak on the subject. Galer, for example, can cite no passage from the law concerning taxation, although he lists various passages from the historical and prophetic writings which refer to confiscatory and tyrannical taxation. He does note, however, that the census was taken under the law "for tax purposes."¹

This failure to discern any tax law is due to the failure to recognize the nature of Israel's civil order. God as King of Israel ruled from His throne room in the tabernacle, and to Him the taxes were brought. Because of the common error of viewing the tabernacle as an exclusively or essentially "religious," i.e., *ecclesiastical* center, there is a failure to recognize that it was indeed a *religious, civil* center. In terms of Biblical law, the state, home, school, and every other agency must be no less religious than the church. The sanctuary was thus the civil center of Israel and no less religious for that fact. Once this fact is grasped, much of Biblical law falls into clearer focus. There were, then, clearly defined taxes in the Mosaic law, and these taxes were ordered by God, the omnipotent King of Israel.

There were, essentially, two kinds of taxes. *First*, there was the poll tax (Ex. 30:11-16). The fact that atonement is cited as one of the aspects of this tax misleads many. The meaning of atonement here is

4. Clark, *Biblical Law*, p. 81.

1* Galer, *O.T. Law for Bible Students*, p. 52.