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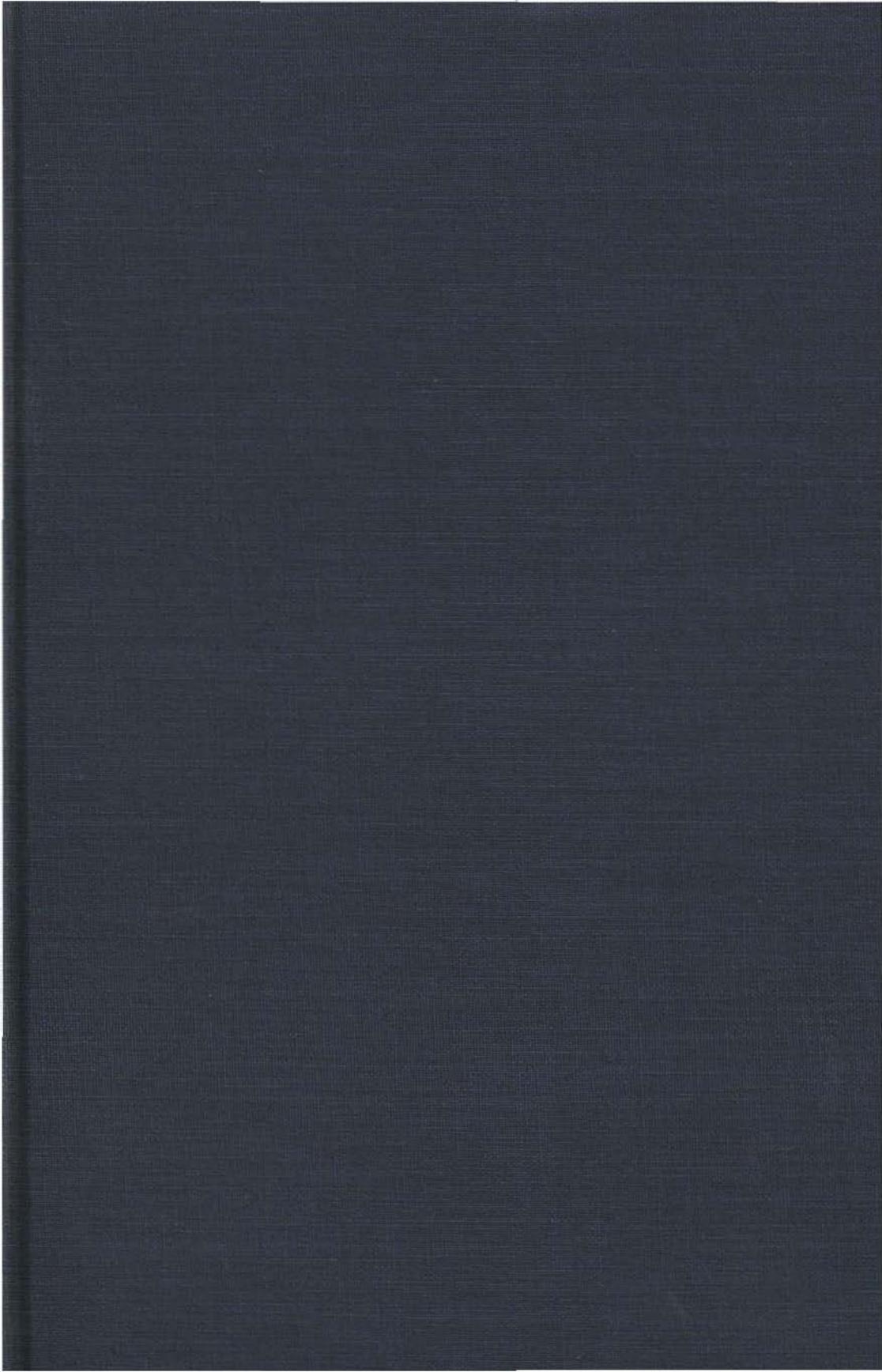
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Rousas  
John  
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**The Institutes  
of  
Biblical Law**

by

**ROUSAS JOHN RUSHDOONY**

**A Chalcedon Study  
with three appendices by  
GARY NORTH**

**THE PRESBYTERIAN AND REFORMED  
PUBLISHING COMPANY**

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The Craig Press

Library of Congress Catalog Card Number 72-79485  
*Printed in the United States of America*

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pointing to his representative. "He wasn't authorized to make any agreement. He isn't my agent. He . . ."

"Wait a minute, fellas," Katsufraakis cut in. "Don't try that tic tac toe routine with me. I've seen this man in here representing you before, and if you're going to tell me he isn't your authorized agent now, I'll go back through the records and void every judgment he's been involved in."<sup>3</sup>

Most small claims courts, however, are not conducted with much regard for justice and are regarded by judges as unhappy positions from which they hope to graduate.

The character of the courts, judges, and legal system cannot be long maintained if the character of the people is delinquent and degenerate. Courts and judges do not exist in a vacuum: they are a part of the faith, culture, and moral standards of the people at large, of the nation of which they are a part. It is the principle of the revolutionist that a deep moral cleavage does exist, that the establishment is in nature and essence evil, and the people innocent and good. This revolutionary principle undergirds almost all radicalism and conservatism, and it leads to the mentality which ascribes all ills to conspiracies and virtually none to man's fallen nature. The orthodox Christian denies that a moral cleavage exists between the establishment and the people; instead, the moral cleavage is between all unregenerate men, great and small, and the redeemed of God. This moral cleavage cannot be bridged by revolution but only by regeneration. A resort to arms is thus not the answer. When Christians have resorted to arms in the past, it has usually been in self-defense, not as an instrument of regeneration.

The tenth commandment forbids dishonest use of the law to defraud our neighbor. A society which is established on a dishonest principle, on a lawless, anti-God foundation, will inevitably make civil covetousness a way of life, and its principle of gaining wealth will increasingly become expropriation.

Deuteronomy 27:26 requires us to put the law into force. This forbids us to "obey" the law by mere negation. We cannot be "broken-field runners," evading by deft footwork all violations of the law. There is no holiness in such a course. A curse is pronounced upon all who do not put the law into force, who fail to give effect to, or "confirm" the law, by obeying it in the fullest sense of the word. The law is to be obeyed from the heart.

### 3. Special Privilege

In Romans 7:7 and 13:9, the word "covet" appears, a translation

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3. David Shaw, "Fair Shake. Small Claims Court Judge Leads Revolt," in *Los Angeles Times*, LXXXIX (Wednesday morning, June 10, 1970), pp. 1, 18, 19.

of a Greek word for desire, to set one's heart upon, to long for. The word "covet" in these verses has reference to seeking things forbidden, but the sense of "covet" is good or bad in terms of its context. The law in Deuteronomy 5:21 condemns coveting, desiring or taking by force what is not rightfully ours.

If all desiring and taking by force or by law what is our neighbor's is strictly against God's law, it follows that the organization of such covetousness into a system is the creation of an anti-God society. A welfare economy—socialism, communism, or any form of social order which takes from one group to give to another—is thus lawlessness organized into a system.

In such a society, this lawless seizure can lay hold of what belongs to our neighbor by asking the state to serve as our instrument of seizure; to covet by law is no less a sin.

One of the common justifications for such a covetous society is that it is supposedly morally necessary to war against special privilege. The term *special privilege* is one of the most abused as well as most dangerous of names. It brings up visions of exploitation and abuse, and it creates a prejudiced situation wherever it is used. The term is one which has done no small damage; a common insult from the left, it has been extensively picked up and used by the right. If a thing is called "special privilege," it is sufficient in most cases to arouse hostility to it.

The truth is that no society has ever existed without special privileges, nor is it likely that any will. Special privileges can be good or bad, depending on the situation. A president has special privileges; a wife and a husband have special privileges with each other; special privileges are an inescapable part of life.

Let us examine the possible social orders and their relationship to special privilege.

The *first* possible form of social order is one of total equality. The Marxist states hold formally to the principle of, from each according to his abilities, to each according to his needs. In varying degrees, all welfare and socialist societies hold to this principle, although its strict interpretation is actually abandoned even by communist countries. However, this Marxist principle does not actually eliminate either special privilege or inequality. Even if most strictly applied, the Marxist principle only means an equality of wealth, not of work. The wealth of the successful is given to the unsuccessful. Special privileges are thereby given to the incompetent, the unsuccessful, and the lazy. The more strictly a Marxist society, or any state, seeks to be equalitarian, the more radical the inequalities and special privileges it creates. There is no "equality" in an order where men of ability are retarded or handicapped. Special privilege has not been eliminated in Russia: a mildly coercive and fre-

quently unjust order of special privilege has been exchanged for a social order based on total coercion, radical injustice, and bitter special privileges.

A second possible social order is what has been called meritocracy. This to a large degree is the goal of Fabian socialist states, Great Britain in particular. The principle of the civil service is applied to the whole social order. Parkinson has cited the Chinese origin of the competitive written examination.<sup>1</sup> The purpose of the written examination was originally to examine the candidates in classical education; gradually, the test has become modernized and has tested aptitude, psychological factors, and general intelligence.

A meritocracy thus is insistent on examinations and is hostile to the family, because the family is the major instrument in all history in furthering special privileges for its members. Goethe expressed the matter thus:

Really to own what you inherit  
You must first earn it by your merit.

This means that inheritance taxes must be used to destroy the family's desire to confer special privileges on its members. Michael Young, in his satire on meritocracy, has stated the issue clearly:

Aristocratic influence would never have lasted so long, even in England, without the support of the family: feudalism and the family go together. The family is always the pillar of inheritance. The ordinary parent (not unknown today, we must sorrowfully admit) wanted to hand on his money to his children rather than to outsiders or to the state; the child was part of himself and by bequeathing property to him the father assured a kind of immortality to himself: the hereditary father never died. If parents had a family business which in a sense embodied themselves, they were even more anxious to pass it on to someone of their own blood to manage. Parents, by controlling property, also controlled their children; a threat to cut a child out of a will was almost as effective an assertion of power in industrial as it had been in agricultural Britain. . . .

For hundreds of years society has been a battleground between two great principles—the principle of selection by family and the principle of selection by merit. . . .

We have had to put up with the failings of the family. We have had to recognize that nearly all parents are going to try to gain unfair advantages for their offspring. The function of society, whose efficiency depends upon observing the principles of selection by merit, is to prevent such selfishness from doing any serious harm. The family is the guardian of individuals, the state the guardian of collective efficiency, and this function the state is able to perform be-

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1. C. Northcote Parkinson, *Parkinson's Law* (Cambridge: The Riverside Press, 1957), p. 49 f.

cause citizens are themselves divided in their interests. As members of a particular family, they want their children to have every privilege. . . . We underestimate the resistance of the family. The home is still the most fertile seed-bed of reaction.<sup>2</sup>

In a family-oriented society, not only do people favor their own relatives and their friends, but they add to the special privilege factor by increasing the advantages of those who are advanced or are hard-working and pleasing. The most offensive statement of special privilege ever made is probably the declaration of Jesus Christ, "For unto every one that hath shall be given, and he shall have abundance: but from him that hath not shall be taken away even that which he hath" (Matt. 25:29). This flagrant rewarding of initiative and success is an outrage to many.

In a meritocracy, a rigid system of examinations determines who shall have more education and advanced training, and who shall enter the professions. The supply of superior intelligence is limited, and all the professions need superior minds. The system of tests is intended to locate and develop such minds. This means that, because a meritocracy has a supposedly scientific testing method for determining intelligence and aptitude, those who fail are in a true sense failures. In a special privilege society, Young notes, the failures can blame the system and claim they never had a chance; in a meritocracy, they are forced to conclude, on scientific grounds, that they are inferior. The so-called equality of a testing method thus creates a deeper rift.<sup>3</sup>

Not only does a meritocracy create a deeper sense of inequality, but it does not bring the best abilities to the top. The testing method comes, significantly, from the background of the civil service. It does identify and foster the bureaucratic mentality, not the inventor or entrepreneur. It is geared to a statist mentality, not a Christian or a free mind.

Thus, the meritocracy creates a new elite, a specially privileged class of intellectuals and bureaucrats, who thrive under the examination system. It creates a new ruling class strictly organized in terms of these new standards. Britain is replacing its old lords with a new House of Lords, made up of intellectuals and labor politicians. Special privilege has not been avoided: it has simply shifted from one group to another. Moreover, state officials, in every socialist society, give special privileges to their children; the family thus re-asserts itself, but now re-enforced with the power of a monolithic state.

The rise of meritocracy has a relationship to the student rebellions of the second half of the 20th century. The students, as products of the

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2. Michael Young, *The Rise of Meritocracy, 1870-2033, An Essay on Education and Equality* (London: Thames and Hudson, 1958), p. 24 f.

3. *Ibid.*, pp. 83-100.

state schools, believed in the authority of science and the machine. The computer and its tests carried weight. In terms of meritocracy, many saw themselves as potential failures. Their first great slogan of rebellion was borrowed from the computer: "Do not fold, staple, or mutilate." Fearing failure in the inhuman world of meritocracy, they "dropped out." Would the computer and its tests reveal them to be "slobs"? They became dirty, unkempt slobs in protest. As against the Fabian socialist meritocracy, the primitive communist equalitarianism appealed to them.<sup>4</sup>

A *third* form of society, Biblical in character, is family oriented. The state is limited to a ministry of justice, and free enterprise and individual initiative are given the freedom to develop. The state is then barred from all respect of persons in processes of law. Every channel of state is then concerned with justice, not special privilege. Families, organizations, and employers are then free to give special privileges as they see fit.

In the parable of the laborers in the vineyard, Jesus told of the householder who hired men in the morning, mid-morning, noon, and afternoon, and then paid them all the same wages. There was an economic basis for his action, perhaps. Often, because of weather, grapes must be picked in a single day. As the day progressed, perhaps it became more urgent to get the still available workmen before others hired them. The price of labor would tend to rise in such a situation. The parable, however, does *not* seem to give any ground for such an interpretation. The late-comers were standing idle, unemployed. The grape-pickers protested at being paid identical wages; the wages were not below standard. Their protest was an attack on the special privilege of the late-comers, who received the same pay as they did. Jesus' answer is important both as a religious and an economic principle, a principle, in fact, for all of life: "Is it not lawful for me to do what I will with my own? Is thine eye evil because I am good?" (Matt. 20:15). The contract with those first hired had been honestly paid. It was the privilege of the householder to grant whatever he wished to any man. The right to give special privileges is a basic aspect of *freedom*, and of *private property*. If the individual's freedom to confer special privileges is denied, then freedom and private property are denied.

Even more, the world is reduced to an impersonal and mechanistic world. Special privileges exist, because people exist. The hard-working are rewarded by being granted something more than their due compensation as an act of gratitude, or to create incentive.

The hostility to the family in socialistic states is due to the fact that the family is a special-privilege-oriented group. The family will be

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4. On merit, see F. A. Hayek, *The Constitution of Liberty* (University of Chicago Press, 1960), pp. 85-102.

both harder on its members than society will be, and more generous. In a family-oriented society, churches, organization, and communities tend to be dominated by a family-motivated morality and will be personalistic. Special privileges will then become routine. Conant has made clear his hostility to the family as an "aristocratic," i.e., special privilege, institution. For him, it is alien to democracy.<sup>5</sup> For Conant and others, the state school is an agency to further democracy and to limit the family's power.

The attitude of the grape-pickers in the parable was a covetous one; it involved a desire to prevent others from receiving what was lawfully theirs. It was an attack on "special privilege." Every such attack is an attempt to coerce lawlessly in order to apportion privilege in terms of our own desires.

Every law which seeks to legislate apart from God's law is a case of lawless coercion. Examples of such laws are many. Turner gives a telling illustration:

Two people could have walked down any U. S. street in 1930—one with a bottle of whiskey under his arm and one with a bar of gold in his pocket, and the one with the whiskey would have been a criminal whereas the one with the bar of gold would have been considered a good law abiding citizen. If the same thing happened in any U. S. city in 1970, the one with the whiskey would be the law abiding citizen and the one with the gold bar would be the criminal.<sup>6</sup>

Such laws further lawlessness, in that they violate the fundamental principle of Biblical law, that all judgments and all legislation rest on the righteousness of God rather than the will of man and the policies of state.

#### 4. Offenses Against Our Neighbor

The tenth commandment, like the ninth, makes mention of our neighbor, our fellow man. In the tenth commandment, the word neighbor appears three times (Ex. 20:17, Deut. 5:21). Clearly, the entire second half of the law deals with offenses against our neighbor, but the tenth commandment is especially pointed in this respect.

In Exodus 20:17, one word is used for "covet." In Deuteronomy 5:21, two words are used, the first translated "desire," meaning to delight in, want, desire; the second, rendered "covet," means to lust after, according to traditional exegesis. As we have noted, Von Rad has shown that the word *covet* "has two meanings, both to covet and

5. James Bryant Conant, *Education in a Divided World, The Function of the Public Schools in Our Unique Society* (Cambridge: Harvard University Press, 1948), p. 8.

6. W. W. Turner, *The Amazing Story of the British Sovereign* (Nashville, Tenn.: 1970), p. 4.