



F.A.C.S. REPORT

"A Monthly Newsletter on the Relevance of the Christian Faith"

PO Box 547, Ferny Hills QLD 4055 Australia

Vol. 17, No. 5

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May, 1998

Whatever Happened to Justice?

by Murray McLeod-Boyle

OUR AGE IS MARKED by lawlessness. Justice has been aborted. The judiciary have no concept of law. The correctional services are not able to 'correct', and the police are nothing more than frustrated, toothless tigers in distinctive uniforms.

The end result of all this is that crime is rampant and the authorities have not got one decent idea on how to address the situation adequately.

The Present Condition

1998 Arkansas: A 12 and a 13-year-old shoot dead several people at a school. The boys, as juveniles will probably not be detained beyond their seventeenth birthday. What is more, one of the families involved is seeking to sue the gun manufacturers.

1996 USA: Two police officers observe people at the boot of a car loading several bags into it. One of those loading the bags sees the police and runs. Suspicious, the police go over to the woman and find these bags to be loaded with drugs and money.

The woman walked free from court after the judge ruled that the police did not have just cause to search the car. The irony is, that this woman's lawyer admitted that she had probably done this several times, but agreed that she should not be convicted this time because of the supposed mistake by police.

1996 Melbourne: A man found guilty of raping a female doctor at a hospital was given a sentence that

could have seen him on the street in three years. On appeal, that sentence was increased by two and one half years.

1996 Melbourne: A man found guilty of embezzlement was given four years.

The Problem

ESSENTIALLY, THE JUSTICE PROBLEM comes from the fact that we have never truly had a Biblical system of justice. Whilst our laws have reflected Scriptural penalties in certain areas, there has been a great range of areas where Biblical law was overlooked.

This consequently gave a large amount of room for humanistic ideas to take root and flourish. As humanism spread, it began to corrupt and confuse the law. This in turn led in to a great conundrum whereby everything became relative and speculative. Law was no longer something absolute, it became a thing that was to be interpreted — interpreted by the whims of humanism.

This slow and steady spiral has led us to where we are today. A state in which the criminal has the rights of the victim, where the criminal is the victim, where the victim is ignored and abused by the state; where the law is incongruent; where punishment does not fit the crime, and so on.

The Purpose of Law

THE FIRST AREA that needs to be addressed is the very purpose of law. Time and history have clearly shown that anything that does not have a real purpose, quickly becomes obsolete. Today, it is clear that few, including the judiciary, have any real idea as to what the purpose of the law is. This is reflected by rapists receiving a similar penalty to a thief, and by a judge throwing out a case on a technicality, despite all the evidence.

At the centre of this aspect is the removal of God as a reference point. Law can only exist if there is an ultimate standard by which to measure any given instance. Biblically speaking, that standard is the righteous Character of God. In the modern sense, God is removed as the reference point, and some foul type of god erected in its place — usually autonomous man.

When law is conducted in this manner, it becomes something akin to celestial navigation with the stars turned off. Imagine even the most accomplished sailor, trying to stay on course at night without a single luminary to provide even a hint of direction. Such is our legal system. People study law for years, but in the end they remain lost because they do not have a navigational aid to guide them.

With the removal of God, came the increasing subjectivity of the law. No longer was someone tried for a crime,

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they were rather examined to see if they knew they were committing a crime.¹ Hence psychology entered the field and gave us pleas like 'temporary insanity', 'diminished responsibility', and the like.

Therefore, if our judicial system is to find any way out of its present conundrum it must first and foremost replace God as the only guiding light. This in turn will give true purpose to the law.

Jails and Rehabilitation

THE SECOND AREA WHERE there is present confusion is over the area of jails, and the Government's role in rehabilitation. This area has once again been tainted by humanism. In many instances jails are no less than motel rooms with very sticky doors. The human rights movement and civil libertarians have made sure that prisoners are as comfortable as possible for the duration of their stay. Hence, there is no real motivation to be rehabilitated.

Psychology also plays a detrimental role here. On April 6, A Current Affair (Channl 9) devoted a special show to the justice breakdown. On that

show, a former female inmate, who is now a psychologist, spoke about the need to go back into the past and bring up various issues. Typically, she focused upon sexual abuse in the history of female prisoners, and the need for such things to be considered.

However, rehabilitation by such methods is impossible. By focusing on this path the psychologist removes the blame and guilt for the crime from the felon, and passes it to someone else. This methodology makes the offender the victim. As the offender is now the victim, there is no longer any need for rehabilitation, as the felon has really done nothing wrong.

The other aspect that strongly mitigates against any type rehabilitation process is the jail environment itself. If you fill a basket with rotten apples, you have nothing more than a basket of rottenness. What good there may have been in any particular apple, will soon be corrupted by the overpowering putrefaction process present. In the words of the Apostle, "Bad company corrupts good morals" (1 Corinthians 15:33 NASB).

Given the philosophical underpinnings that give rise to these types of approach, it is little wonder that the prison system has a dismal record in regard to rehabilitation, however, the real question is this, Is it the primary concern of the justice system to rehabilitate criminals?

Let us turn to God's Word and see what He has to say in regard to justice.

Biblical Law

A: The Measuring Rod. The Bible recognises only one standard in matters of Law — GOD! Read through the Pentateuch and see how many laws are followed by, 'I am the Lord', or some similar formula. Over and over again God calls men to obedience based on His Character and Status. That is to say, that as God He has the right to command men to obey Him (status),² and in setting the standard for that obedience He uses His own Holiness (character).

Hence, all that God commands of man is righteous and true, and conforms 100% to His Character. This being the case, all law enacted by man must likewise reflect the Righteous Character of God. Without this standard, law becomes contrived and subjective, and ends in contradiction.

Consider the case where a man hired another to hit his pregnant girlfriend in the stomach with a baseball bat, so as to cause her to abort the twins she was carrying. He received 12 years, yet if she had gone to a local abortion clinic, she could have killed her unborn children and walked away scot-free with the blessing of the judiciary.

This is the conundrum that man enters when he seeks to establish law upon anything other than on God's revelation of Himself.

B. The Law's Purpose: Earlier we looked at the current debate that surrounds the issue of rehabilitation. The betterment or reformation of prisoners is an issue of concern, but, Biblically speaking, it is a case of putting the cart before the horse. As far as Scripture is concerned, *the (basic) purpose of the law is to purge evil from society.* (Consider Deuteronomy 13:5; 17:7 and 24:7.).

The Bible is concerned for everyone and everything else, and only then with the criminal. Hence, when Biblical punishment is meted out, the care of society and of the person wronged are foremost in view. Any rehabilitation that takes place in the criminal's life is a spin off of justice being correctly administered. In other words, the rehabilitation of the criminal should only be raised as an issue once society has been cared for,³ and the wronged individual has received just recompense for any losses incurred. Moreover, we must see that the rehabilitation of the criminal comes, not from psychological counselling, but from the dealing out of a punishment. Biblically, the punishment should be such that the criminal does not ever want to re-offend, thereby affecting a

1. "The man accused of abducting a woman from outside Bendigo's Bethlehem Home for the Aged earlier this month will appear before Melbourne Magistrate's Court today. Plumridge will undergo a psychiatric assessment. He is facing charges of abduction, unlawful imprisonment, intentionally causing injury, indecent assault, assault with a weapon and two counts of loitering with intent." Bendigo Advertiser, May 1, 1998. Emphasis added.
2. See Acts 17:30. CF NASB & KJV.
3. Society is to be cared for by the justice system making sure that it deters people from following in the criminals' footsteps.

permanent change in the individual (rehabilitation).

This, therefore, means that for God's Holy Law to be feared, there must be swift, and often public, punishment for the evildoer. This is to ensure that nobody else will consider committing the same evil. Consider the current problem of copycat killers. These are people who model themselves on previous serial killers. If our justice system was working properly, then we would see it going to great lengths to make sure that the deterrent value was present in our laws. Think for a moment of the shooting massacres we have had in this country. Is it any wonder that they continue when the law makers refuse to inject the law with a good dose of 'deterrent'?

This then leads to a further aspect of purging. After Port Arthur, the Government in its futile wisdom, decided to purge the country of certain types of weapons. Some see this as adequate. The writer sees this as inane. Why? Basically for two reasons, The first is that such a procedure is a definite attack against Biblical justice. The second, which flows from the first, is that the Government has attacked inanimate objects, whilst leaving the killer free to pull the trigger again. What do I mean? Simply this: The instrument used by Martin Bryant has been banned, while he himself has only suffered what amounts to a loss of (geographical) freedom. Should that freedom ever be restored, through whatever means, the convicted killer will be in a place to repeat his sinister crime.

This is not a purging of evil, nor is it a deterrent to it.

C. The Penalty: The concept of purging evil from society leads us to consider the Biblical penalties associated with particular crimes.

In summary we see that the Bible emphasises only two methods of punishment, namely restitution or elimination. Interestingly, the Bible only mentions jails as pertaining to other cultures, e.g., Joseph was detained in jail in Egypt.

Today all crimes are basically punished by the same mode — jail. The only difference between cases is how long you are locked up for.⁴ So you find that Martin Bryant and a petty thief will be sharing the same Government institution. Biblically speaking, this should not be so.

Certainly, the Bible does agree with modern theory in its belief that, if a horrific crime is committed then the perpetrator should be removed from society. The fundamental difference is how and for how long? Whilst modern theory says that a murderer should be locked away for twenty-five years, the bible says that they should be removed from society — *permanently!* Persons who have no regard for the life or welfare of others are required to forfeit their own lives.

God created life and he gives it to every person. That life is sacred because it is made after the image of God. Therefore, anyone who would deliberately snuff out a life is guilty of the highest treason against God, and has, on God's orders, their right to life revoked.

On the other hand, those convicted of lesser crimes, typically crimes against a person's property rather than against the person themselves, are dealt with by means of restitution, or in the more severe case, corporal punishment.⁵

In these situations, if a criminal did not have the means to make restitution, then that person became a temporary slave in the service of the victim until all debt had been repaid.

D. Justice is Delivered to the Victim: It is at this point where we see one of the greatest intrusions by humanism upon law — an intrusion that robs the law of justice.

According to God's Law Word, the State is to serve society by administering justice for and on behalf of God. The State, unlike current practice, should never be the recipient of its own dealings. Today, a crime is a crime against the State. Thus the State convicts and punishes according to its own desires.

However, justice is not done. Why? Because usually a victim is left on the sidelines. This victim is devastated, disillusioned, disgraced, and most of all disadvantaged.

Take a common occurrence — a robbery. You come home to find your television and stereo gone. What next? Well, you would ring the police and report the matter. If your goods were not marked, the police will generally tell you to 'kiss them goodbye.' If your goods were not insured, you enjoy peace and quiet until your tax refund (Ha!) arrives and you can replace your stolen items. If you were insured, you ring your insurance company who try and give you the run around whilst trying to find a reason why not to pay out. Having finally convinced these people to 'make good' you are burdened with an "excess" that you must first pay. Then, just when you think it is safe, you receive your insurance renewal, which is, of course, higher than normal, because you made a claim.

Crunch time! The police ring to say that they have apprehended the culprit and recovered your items. Down the track you go to court and witness the offender being placed on a 12 months 'good behaviour bond' and ordered to pay \$500.00 to the court "poor box". That's it. As far as the State is concerned justice is done and everyone should be happy — with the exception of the crook, that is.

Let us look at this more closely. What has actually transpired here? A criminal who stole several thousand dollars worth of electrical equipment is let off with a fine that is only one quarter of the value of the items stolen.

The victim, however, has had to claim on an insurance policy for the restitution of his goods. When his original items were recovered, they were claimed by the insurance company and if he wants them back he will have to buy them. To make a claim he has had to pay an "excess", which, depending on his policy, may have cost several hundred dollars. Having made a claim, it is more than likely that his insurance premiums will go up, and he will be out of pocket yet again. In es-

4. Community work orders have been introduced recently. Although they reflect a Biblical model, they lack in a few critical areas which basically renders them useless.

5. Deuteronomy 25:1ff: IF there is a dispute between men and they go to court, and the judges decide their case, and they justify the righteous and condemn the wicked, then it shall be if the wicked man deserves to be beaten, the judge shall then make him lie down and be beaten in his presence with the number of stripes according to his guilt. He may beat him forty times *but* no more, lest he beat him with many more stripes than these, and your brother be degraded in your eyes. *The New American Standard Bible.*

sence, the victim may end up paying as much as the law-breaker.⁶

Now, these figures are purely examples, however, the point can still be made. Under modern justice (so called) the victim is the one who is penalised. He has to pay an excess, higher premium and maybe even more money if he wanted his original items returned. Basically, he is left at every turn to fall back on his own resources.

Now let us pose the question, where would he be if he did not have insurance? The answer, you would have to go without until you could afford to replace the items stolen.

This then begs a further question, What is just about that?

Under God's law the victim should not be out of pocket. In fact, if the laws of restitution were applied, his pocket should be bursting. The victim should be recompensed for suffering loss, and should not be in need.

Hence, by God's Law the present system is condemned to failure be-

cause it simply does not administer justice. Not until the victim is recompensed at the expense of the perpetrator will we be able to say that justice is done. It is simply not acceptable for a third party, in this case the State, to claim what is due to the victim simply because it carries out the task of penalising the criminal, especially when this system abuses the victim by stealing from him, for a second time, that which is rightfully his.

Conclusion

AS A NATION we need to contemplate our present condition. What are our prospects when justice is aborted? God commanded that we look after the least, the orphan and widow, but we neglect to give justice to any. Is this appraisal harsh? Not really. Ask yourself these questions. If justice is administered:

- why do the victims suffer loss?
- why do rape victims have to live in fear?

- why do victims have to fear the release of their malefactors?
- why does Allan Bond sit in jail while Christopher Skase lives free?
- why did thousands of citizens have their guns stolen while Martin Bryant lives?

This list could go on and on and on. The simple fact is, that true, God ordained justice, does not exist in this country. The justice system has been 'white anted' by humanism to such an extent that the law only serves its new master — the State. If you are not a part of this machine then you are without justice. The remnants of Biblical justice that remain in our system will continue to be eroded until our law code, already a contrived, a confused, and a contradictory monument to the foolishness of humanism, is turned around again by God's people.

6. Do not forget that the law-breaker will have access to umpteen different Government agencies who are all willing to prop him up. Meanwhile, the victim is left to slog it out alone.