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DISINHERITING THE HEIRS

by Gary North

And it shall be, if thou do at all forget the LORD thy God, and walk after other gods, and serve them, and worship them, I testify against you this day that ye shall surely perish. As the nations which the LORD destroyeth before your face, so shall ye perish; because ye would not be obedient unto the voice of the LORD your God (Deut. 8:19-20).

The theocentric principle undergirding this warning is the doctrine of God as the sanctions-bringer in history. The language of negative sanctions here was absolute. These sanctions were historical. This law was not a seed law. It did not apply exclusively to tribal relationships. It was a land law because it applied to Israel's survival inside Canaan's boundaries. But was it exclusively a land law? That is, does the same negative sanction of national removal from the land threaten every covenanted nation? This seems unlikely. Invasion, perhaps, but not actual removal. Mass conversion to a rival faith, as in North Africa, 632-732, and Constantinople, 1453, but not actual removal. What Israel did to Canaan was a one-time event: genocide. Similarly, what Assyria did to the Northern Kingdom and Babylon did to Judah were unique events, analogous to what Israel had done to Canaan.

We can also ask: Do nations lawfully covenant with God in New Testament times? This text does not say, but the context of this text was a universal aspect of the covenant: covenantal forgetfulness and God's desire that all nations obey Him. "Therefore thou shalt keep the commandments of the LORD thy God, to walk in his ways, and to fear him" (v. 6). Thus, if forgetfulness is a permanent covenantal problem, it must still apply to nations, for the nation is the context of the Great Commission (Matt. 28:18-20).

It is with this in mind that we should consider the threat of the Millennium Bug to the institutions of the modern world. Should this programmed disaster produce social disruptions that are sufficiently comprehensive to call into question the covenantal framework of modern humanist society, a great evangelism opportunity will emerge. We live in a pragmatic society. When things seem to work, most people do not question the system. Computerized systems seem to work today. If they no longer work in 2000, hundreds of millions of people will be ready to hear alternative views of the way things ought to work, and not just in the area of computer technology. This civilization's incumbents – politicians, educators, media gurus, etc. – will have a lot of explaining to

do. Voters may not be ready to listen to them. This will present a unique opportunity to those with alternative views.

The Year 2000 should not be thought of as heralding the end of the world. It threatens to be the end of the incumbents' world.

To Perish

The Hebrew word translated as "perish" is elsewhere translated as "destroy." In this context, the word seems to mean total destruction: the same degree of destruction that God was asking them to bring against the Canaanites. God had used Israel to destroy Arad completely, whose newly ownerless land Israel had then inherited, as promised. "And Israel vowed a vow unto the LORD, and said, If thou wilt indeed deliver this people into my hand, then I will utterly destroy their cities. And the LORD hearkened to the voice of Israel, and delivered up the Canaanites; and they utterly destroyed them and their cities: and he called the name of the place Hormah" (Num. 21:2-3). The destruction of Canaan was to be comparable:

Speak unto the children of Israel, and say unto them, When ye are passed over Jordan into the land of Canaan; Then ye shall drive out all the inhabitants of the land from before you, and destroy all their pictures, and destroy all their molten images, and quite pluck down all their high places: And ye shall dispossess the inhabitants of the land, and dwell therein: for I have given you the land to possess it. And ye shall divide the land by lot for an inheritance among your families: and to the more ye shall give the more inheritance, and to the fewer ye shall give the less inheritance: every man's inheritance shall be in the place where his lot falleth; according to the tribes of your fathers ye shall inherit. But if ye will not drive out the inhabitants of the land from before you; then it shall come to pass, that those which ye let remain of them shall be pricks in your eyes, and thorns in your sides, and shall vex you in the land wherein ye dwell. Moreover it shall come to pass, that I shall do unto you, as I thought to do unto them (Num. 33:51-56).

This was a command in the form of a prophecy. God warned the Israelites that if they did not bring total destruction

to the Canaanites, the Canaanites would remain in the land to vex them spiritually. If Israel then worshipped the gods of Canaan, God would impose the negative sanction that He had instructed Israel to bring against Canaan.

Yet this language of total destruction was conditional. There was always to be the possibility of forgiveness on God's terms when He dealt with Israel. This meant that there would not be total destruction.

Take heed unto yourselves, lest ye forget the covenant of the LORD your God, which he made with you, and make you a graven image, or the likeness of any thing, which the LORD thy God hath forbidden thee. For the LORD thy God is a consuming fire, even a jealous God. When thou shalt beget children, and children's children, and ye shall have remained long in the land, and shall corrupt yourselves, and make a graven image, or the likeness of any thing, and shall do evil in the sight of the LORD thy God, to provoke him to anger: I call heaven and earth to witness against you this day, that ye shall soon utterly perish from off the land whereunto ye go over Jordan to possess it; ye shall not prolong your days upon it, but shall utterly be destroyed. And the LORD shall scatter you among the nations, and ye shall be left few in number among the heathen, whither the LORD shall lead you. And there ye shall serve gods, the work of men's hands, wood and stone, which neither see, nor hear, nor eat, nor smell. But if from thence thou shalt seek the LORD thy God, thou shalt find him, if thou seek him with all thy heart and with all thy soul. When thou art in tribulation, and all these things are come upon thee, even in the latter days, if thou turn to the LORD thy God, and shalt be obedient unto his voice; (For the LORD thy God is a merciful God;) he will not forsake thee, neither destroy thee, nor forget the covenant of thy fathers which he swore unto them (Deut. 4:23-31).

So, on the one hand, there would be what God described as total destruction. On the other hand, captivity abroad would be substituted for total destruction. "And ye shall perish among the heathen, and the land of your enemies shall eat you up" (Lev. 26:38). Israel would perish as captives perish, not as the families of Korah and Dathan had perished: "They, and all that appertained to them, went down alive into the pit, and the earth closed upon them: and they perished from among the congregation" (Num. 16:33).

The Prophesied Seed

There was one promise that was not conditional: Jacob's. "The sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come; and unto him shall the gathering of the people be" (Gen. 49:10). This was a messianic prophecy, not a covenantal prophecy. **Old Covenant messianic prophecies were not ethically conditional.** Nothing that man could do to rebel against God would in any way hinder the scheduled advent in history of the messiah.

This being the case, the corporate negative historical sanction of destruction could not be total. The language of total destruction had to be interpreted in terms of the messianic prophecies. The destruction of Israel would be analogous to the destruction of Canaan: not total, as God had required, but partial, as Israel had actually imposed. A remnant of Canaan remained in the land; so would a remnant of Israel also remain during the Babylonian captivity. "And he [Nebuchadnezzar] carried away all Jerusalem, and all the

princes, and all the mighty men of valour, even ten thousand captives, and all the craftsmen and smiths: none remained, save the poorest sort of the people of the land" (II Ki. 24:14). A remnant of captives also would return.

God did not intend that the language of total destruction be interpreted literally, for He had already given Israel a pair of promises that made total destruction impossible. First, there would be an inheriting seed of Judah. Second, there would be an opportunity to repent in a foreign land. The symbolism (rhetoric) of Deuteronomy 8:19-20 was not to be understood by Israel as negating the eschatology of the messianic promises and the ethically conditional status of pre-messiah covenantal lawsuits against Israel. **Judicial theology always prevails over biblical symbolism**; the latter is in service to the former.

The promised messianic inheritance assured Israel of some minimal degree of continuity. The inheritance would not be completely removed from the nation at least until Shiloh appeared. Israel would not be removed from the face of the earth, although Israel might be removed from the face of the land. This physical removal was the covenantal threat set before them in Deuteronomy 8:19-20. Part of the landed inheritance would be removed from them and transferred to others. Upon their return, the old laws of landed inheritance would be modified to include strangers. Israel would no longer have a monopoly of ownership in the Promised Land. "And it shall come to pass, that ye shall divide it by lot for an inheritance unto you, and to the strangers that sojourn among you, which shall beget children among you: and they shall be unto you as born in the country among the children of Israel; they shall have inheritance with you among the tribes of Israel. And it shall come to pass, that in what tribe the stranger sojourneth, there shall ye give him his inheritance, saith the Lord God" (Ezek. 47:22-23).

There could be no legitimate doubt in the mind of any Israelite that Israel could lay claim to Canaan unconditionally. Israel would gain legal title through conquest, but this legal title was no better than their corporate maintenance of the terms of ownership. These terms were covenantal. They involved biblical law. God reserved the right to evict Israel from the land if the terms of His contract were not honored.

Bodily eviction was the primary threatened sanction here. God would use another nation to sweep them out of the land, just as He had used them to sweep out the Canaanites. God was jealous; He would not tolerate false worship by His people. The negative sanction of disinheritance would remind them of their conditional status as inheriting sons. The Babylonian captivity would remind them of this conditional inheritance. Upon the remnant's return from captivity, the new terms of landed inheritance would remind them that landed inheritance would no longer rest legally on the original conquest under Joshua. It would rest on a family's mere presence in the land at the time of the captives' return, even a gentile family (Ezek. 47:22-23). The judicial threat of Deuteronomy 8:19-20 was this: if Israel did not preserve the monopoly of God's public worship in the land of Israel, God would not preserve Israel's monopoly of landed inheritance.

This post-exilic inclusion of strangers in the inheritance pointed to a broadening of the covenant to include the gentiles. With the fulfillment of the messianic prophecies, the gentiles became co-heirs of the entire covenantal inheritance. "For as many of you as have been baptized into Christ have put on Christ. There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus. And if ye be Christ's, then are ye Abraham's seed, and heirs according to the promise" (Gal. 3:27-29). This lay in the distant future in Moses' day, but the

unconditional nature of Jacob's prophecy pointed eschatologically to a day of gentile inheritance. First, the scepter would depart from Judah. Second, no matter how comprehensive His language of destruction and disinheritance, God would preserve a remnant of Israel.

Predictable Corporate Sanctions

Deuteronomy 8:19-20 established specific negative sanctions. The law of the covenant did not stand alone. To this law were attached sanctions. In this instance, the negative sanction of national eviction was built into the Mosaic law. To discuss God's covenant law-order apart from God's predictable corporate sanctions in history is at best a theological mistake and at worst a mark of self-conscious antinomian rebellion. It is comparable to discussing history apart from eternity and its two-fold sanctions. To say that heaven and hell are not predictable is to deny Christian orthodoxy. In fact, it is the denial of a literal hell and a literal lake of fire is the premier mark of heresy in the twentieth century. This denial of predictable sanctions has been moved from eternity to history. It is widely believed among Protestant scholars today that there are no predictable divine sanctions in history.

This denial of predictable historical sanctions, if true, would make impossible the creation of a uniquely biblical social theory. If God does not bring predictable corporate sanctions in history in terms of His Bible-revealed law, then Christians and Jews must adopt some version of natural law theory or democratic theory or some other humanist system of man-imposed sanctions in their search for social predictability. Sanctions are an inescapable concept in social theory. It is never a question of sanctions vs. no sanctions. It is always a question of which sanctions imposed by whom in terms of which law-order. There is no escape from this limit on man's thinking. **If there were no predictable relationship between law and sanctions, there could be no social theory.** Men would not be able to make sense biblically of their social environment.

Political Theory

Political theory should be justified in terms of social theory. Politics is a subset of a more comprehensive system of sanctions: a higher law and therefore higher sanctions. In modern humanist political theory, political representatives are believed to represent larger social forces. As such, they impose civil sanctions as stewards or legal representatives of these forces. These forces may be seen as personal or impersonal, but they are always believed to be partially predictable by man.

The justification for civil sanctions rests on a formal appeal to a specific theory of justice. Justice is always defined as a coherent system of law and sanctions. In all widely held theories of politics, justice can be legitimately sought in the realm of politics only because justice is understood as being broader than politics. Men believe that they must submit to negative institutional sanctions because they believe that these sanctions in some way will prevent or forestall the imposition of even more threatening negative sanctions by something more powerful and more menacing than man and his sanctions.

Consider a simple example. Residents of urban areas located close to earthquake faults elect political representatives who pass laws establishing building codes that reduce the threat of collapse during an earthquake. The impersonal seismic forces that produce earthquakes are understood as governed by the laws of geology. These laws can be studied and catalogued. While individual earthquakes may not be predictable very far in advance, the statistically predictable

occurrence of earthquakes in general is widely believed. This predictability is what justifies the building codes. Negative civil sanctions for violating these building codes are regarded as legitimate because of the statistical predictability of earthquakes. The lesser threat of civil sanctions is justified in terms of the larger threat of collapsing buildings.

The laws of geology do not autonomously justify such building codes. There must be an added element of moral law. The State is seen as the preserver of the peace. It is assumed by voters that a city full of dead and dying people after an earthquake may not be peaceful. Building codes will therefore help to preserve the peace, just as fire codes do. Other moral arguments could also be introduced: the State as insurer, protector, or healer. These additional elements are used to justify civil building codes in seismically vulnerable regions. Conclusion: a knowledge of physical laws is necessary but not sufficient to justify negative civil sanctions.

On what basis are laws against certain immoral public acts justified? What if there were no overarching system of moral law with predictable sanctions attached? That is, if God did not threaten to bring coercive sanctions against society in general for tolerating certain immoral acts, would there be a legitimate reason for the State to bring coercive sanctions against those who commit such acts? This is the issue of what is commonly designated as a **victimless crime**. Economist and legal theorist F. A. Hayek has written: "At least where it is not believed that the whole group may be punished by a supernatural power for the sins of individuals, there can arise no such rules from the limitation of conduct towards others, and therefore from the settlements of disputes." [F. A. Hayek, *Rules of Order*, vol. 1 of *Law, Legislation and Liberty* (University of Chicago Press, 1973), p. 101.] In short, "no God—no victim."

The judicial case against the sale of addictive drugs might be made in terms of addiction as a potential source of crime. Question: On what judicial or moral basis can negative civil sanctions be imposed on **potential** causes of future crimes? Wouldn't this open the door to civil sanctions against all sorts of not-yet-crimes and might-become-crimes? Could the State then be restrained from becoming tyrannical? The State would then replace God as the perceived victim of victimless crimes. Its majesty would be seen as threatened by such activities, and many are the actions that might challenge this majesty. If drug addiction is uniquely threatening to social peace, those who defend the imposition of civil sanctions against addictive drug sales must make their case based on the statistical relationship between widespread addiction and crime. In contrast, those who deny the imposition of civil sanctions against addictive drug sales must make their case based on the statistical relationship between widespread legislation against victimless crimes and the society's loss of liberty. The deciding issues once again are statistical predictability and the State as the enforcer of morality. Crime prevention is a matter of both statistics and morality. It is a matter of law and negative sanctions.

Modern social theory has abandoned the idea that God brings predictable sanctions in history in terms of His law. This includes most Christian social theory, such as it is. Theonomy is the main exception to this rule. For humanist social theory, the idea of God's sanctions in history is relegated to *adiaphora*: things indifferent to the humanist faith. Mirroring this humanistic outlook is modern Christian theology, which relegates civil law to *adiaphora*. For humanists, God's law and His sanctions in history are irrelevant to their worldview; for most Christians, God's law and sanctions in history are equally irrelevant to their worldview. On this shared testimony, the humanist-pietist alliance has rested for

three centuries. Political pluralists have always declared this confession of faith, from Roger Williams to the Christian Coalition. To the extent that Christians are beginning to consider the possibility that God brings predictable corporate sanctions in history, to that extent they have moved away from political pluralism and toward theonomic covenantalism.

The dividing issue here is the question of the source of our knowledge of these laws and also their divinely imposed sanctions. If the source is believed to be shared by all rational men irrespective of their belief in the Bible as the unique, revealed word of God, then natural law theory undergirds social theory, either as some variant of medieval scholasticism or right-wing Enlightenment humanism. In both cases, Protestants find themselves under the domination of humanism, either by way of Greece or Scotland, Aristotle or the two Adams: Ferguson and Smith. On the other hand, if the source of this knowledge is not shared, but is found exclusively in the Bible, then theonomic covenantalism undergirds social theory.

Sanctions and Sovereignty

Rushdoony has written that the source of a society's law is its god. This is an accurate observation, but it is incomplete as stated. The source of a society's sanctions is also its god. I will go farther: if a society distinguishes sharply between the source of its law and the source of its sanctions, the latter is the god of that society. In general, however, societies regard the source of law and sanctions as the same.

There is always some degree of schizophrenia regarding a society's god because there are multiple sources of sanctions in history. In the twentieth century, Protestants have given lip service to God as sovereign over history, yet they also have denied that God's law has any place in civil law codes. But if God is over history, yet without predictable sanctions in history, He becomes analogous to the god of deism. Christian social theory then becomes something analogous to Scottish Enlightenment moral philosophy. Protestant Christians for three centuries have gone a long way down this road in the direction of operational deism. They affirm that God brings sanctions against societies, but not in terms of biblical law. God supposedly brings sanctions in terms of natural law. He has revealed Himself equally clearly to all rational men regarding His universal but theologically neutral moral law, i.e., natural law. This universal revelation is said to supersede biblical law, which was supposedly annulled by the New Testament. This removes fundamental law from the Bible and transfers it to logic, custom, or power. It therefore establishes **the political sovereignty of man**, who no longer must confess faith in the God of the Bible in order to rule legitimately in civil society.

To the degree that a system of cosmic or social sanctions is regarded as unpredictable in history, to that same degree are sanctions-bringing representative agents freed from observing the details of cosmic or social law. They can substitute other laws that are in no clear way governed by

cosmic or social law. The sovereignty of God progressively becomes the sovereignty of man, which in turn elevates the sovereignty of the State, which is seen increasingly as the ultimate sanctions-bringer in history.

Conclusion

The covenantal threat listed here was disinheritance. Moses was preparing the conquest generation for a military campaign. The military spoils would be the long-deferred inheritance: Canaan. The threat of disinheritance was a powerful threat for such a group. Israel had waited four centuries for the fulfillment of God's promise to Abraham. Now, at the very time of fulfillment, Moses warned them that if they broke covenant with God by worshipping other gods, God would remove them from the land. The first step toward apostasy, Moses warned, was their vain imagining that they, rather than God, were the source of their wealth (v. 17).

The threat was their removal from the land. God would remove them as surely as He would soon remove the present inhabitants. This promise of disinheritance was no less reliable than the promise of inheritance to Abraham. Inheritance was about to take place; they could rest assured that disinheritance would also take place. If they worshipped the gods of Canaan, God would remove them from those regions in which local deities were believed to exercise their sovereignty. If Israelites attributed to themselves and their adopted local gods the wealth they would enjoy in Canaan, God would deal with them in the same way. This warning established a fundamental principle of covenant theology: **similar corporate sins bring similar negative corporate sanctions in history.**

Whenever those who call themselves by God's name refuse to believe this principle, even going so far as to deny its continuing authority, they find themselves on the defensive. Those who worship other gods and obey other laws promise positive sanctions in history. If those who are called by God to worship Him and obey His laws refuse to acknowledge the threat of negative corporate sanctions in history, they become "we, too" social theorists. "Our way is just as good as your way." This eventually becomes, "Our way is pretty much the same as your way, since God is the author of universal truth. Your way obviously works – positive sanctions abound – so we will restructure our way to mimic your way." As dispensational publicist Tommy Ice put it in the 1988 Ice-Dave Hunt debate against me and Gary DeMar, "Premillennialists have always been involved in the present world. And basically, they have picked up on the ethical positions of their contemporaries." In this, they have not been alone. Christian social theorists have been doing this from the beginnings of systematic Christian social theory in the medieval West. They have followed the lead of the early church's apologists, who imported the wisdom of Greece in the name of common-ground truth.

Cornelius Van Til always said that the choice is between Jerusalem and Athens. Let us choose Jerusalem.

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