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## **RULE OF LAW OR LAW OF RULERS?**

**Today's Text: Matt. 27: 1-66**

### **Extracts:**

**Now Jesus stood before the governor. And the governor asked Him, saying, "Are You the King of the Jews?" Jesus said to him, "It is as you say." And while He was being accused by the chief priests and elders, He answered nothing. Then Pilate said to Him, "Do You not hear how many things they testify against You?" But He answered him not a word, so the governor marvelled greatly [and] he knew that they had handed Him over because of envy... Then they crucified Him [Matt. 27: 11-14, 18, 35]**

*According to the 1982 Honduras Constitution, a President is only allowed to serve one term of four years.<sup>1</sup> On January 27, 2006, José Manuel Zelaya Rosales was elected President for a term ending in January 2010. From around September 2008, he began to take steps to amend the constitution to enable him to run for another term, a move that the Supreme Court ruled illegal. As he persisted in his plans, he was ousted from office by the military on March 24, 2009 with the support of the legislative and judicial branches. However, the UN, the EU, the US and the Organization of American States condemned his removal as "illegal." Honduras went ahead to organize a Presidential election on November 29, 2009 and the winner, Purifino Lobo, took office in January 2010. The world is quiet, indicating that Lobo's election has been accepted as legitimate!*

*This story raises interesting questions about the rule of law which states that everybody, whether the ruler or the ruled, is under and subject to law. So, why did the world oppose the removal of the man who violated the rule of law of his country? The answer comes from two thousand years ago when the rule of law was violated during the trial of Jesus. He was arrested on Thursday night and by nine o'clock on Friday morning, He was already crucified! Yet, hardened insurrectionists like Barabbas were only kept in prison custody. What rule will God apply to us when we face judgment before Christ on His return? Let us find out from this week's exciting study.*

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<sup>1</sup> Story based on the following sources: "Manuel Zelaya," From Wikipedia, the free encyclopedia, [http://en.wikipedia.org/wiki/Manuel\\_Zelaya](http://en.wikipedia.org/wiki/Manuel_Zelaya) and Ken Ellingwood and Alex Renderos, "Zelaya goes into exile in Dominican Republic," Los Angeles Times, Jan. 28, 2010; <http://articles.latimes.com/2010/jan/28/world/la-fg-honduras28-2010jan28>

## 1. Introduction: Justice under the Rule of Law

As the nation of Israel was on the verge of entering the Promised Land in Canaan, Moses began to restate to the people the principles of governance that God had revealed to him during their circuitous journey in the wilderness. He himself would not be there with them because God had refused him entry for disobeying Him when he struck the rock twice instead of speaking to it as commanded [Num. 20: 12]. On Rule of Law, Moses reminded them [Deut. 1: 16-17]:

*Then I commanded your judges at that time, saying, ‘Hear the cases between your brethren, and judge righteously between a man and his brother or the stranger who is with him. You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid in any man’s presence, for the judgment is God’s.’*

Clearly, the presumption of equality for all under the law is from God who “shows no partiality, but in every nation, whoever fears Him and works righteousness is accepted by Him” [Acts 10: 34-35]. That is why the Rule of Law, the bedrock of national law and practice in most Western-type democracies of the world, derives from what is commonly referred to as the Judeo-Christian tradition.

In principle, equal access to justice for all means that, in the event that you are being tried for an infringement of law, you are:

- 1) *presumed innocent until* or unless it can be *proved* beyond reasonable doubt (in criminal cases) or on balance of evidence (civil cases); and
- 2) .entitled to a *fair hearing*

In countries where institutional checks and balances are strong and effective, Rule of Law can almost be taken for granted. That is why in the advanced democracies, you cannot escape the arm of the law. Even so, some rulers from, for example, the developing democracies of Africa, Asia and Latin America, .still try to get away with what they can if they are in a position (by incumbency) to manipulate the law to their own advantage. Many people in leadership positions, especially in government, find it “challenging” to follow the law when nobody can bring them to book for breaking it! So, the temptation is to apply “the law of rulers” (such as, fiat or arbitrariness, manipulation or even flagrant disregard). A few examples will make this clearer

### a) *When the ruler is the offender*

There is a dispute between two persons and the offender happens to be occupying a higher position, especially one that enables him or her to influence the judicial process. Or the offender may have corruptly enriched himself or committed other criminal acts that attract severe

sanctions. In the advanced democracies, you will face the music with immediate effect. For example, President Nixon (USA) was forced to resign to escape impeachment over the Watergate scandal.

In a developing democracy or full-blown autocratic system, it can be a different story. For example, in Nigeria, the 1999 Constitution grants immunity to political leaders while in office. It follows that you cannot even arrest them, not to talk of trying them unless and until they leave office. What do such people do? Some of them will do everything, including election rigging, to remain in office for the mandatory term limit of eight years. That gives them long enough time to launder their ill-gotten wealth and destroy vital documents. By the time they leave office, they have enough money to hire the best lawyers to take advantage of the loop holes inherent in promoting a fair hearing. Prosecutors are required to prove corruption beyond reasonable doubt but have you ever heard that receipts are issued to bribe-givers? That is why, even four to five years after leaving office, Nigeria's former leaders who ought to be behind bars are only behind protective bars in their heavily guarded mansions!

Even in cases where favourable rulings can be obtained against powerful people, enforcement can be a problem. For example, in December 2007, President Hugo Chavez of Venezuela, who had been in power for nine years, lost a referendum when he tried to extend his term indefinitely.<sup>2</sup> But has he given up? He is planning for more until he succeeds! Recently, he shut down *Globovision*, the only remaining independent television station that was critical of his dictatorial policies.<sup>3</sup> How can that television channel seek protection under the Rule of Law in such circumstances? Clearly, it is the law of rulers that has prevailed.

b) *When the ruler is the offended*

Ordinarily, it should not make any difference if the ruler is the offended party. All s(he) needs to do is to follow the laid-down rules and procedures for seeking and obtaining redress. For example, Dr. Keith Rowley, a former Works Minister in the Government of Trinidad & Tobago (West Indies) went to court when the Integrity Commission, an institution set up by law to monitor the integrity of public officers in high positions, challenged his integrity in respect of his wife's construction business while he was the Works Minister in 2004. The court ruled in his favour and penalized the Integrity Commission for acting in bad faith.<sup>4</sup>

<sup>2</sup> 'Venezuelan Constitutional Referendum,' Wikipedia the free encyclopedia, [http://en.wikipedia.org/wiki/Venezuelan\\_constitutional\\_referendum,\\_2007](http://en.wikipedia.org/wiki/Venezuelan_constitutional_referendum,_2007)

<sup>3</sup> Fabiola Sanchez, 'Anti-Chavez director leaves Venezuela TV Channel,' <http://www.miamiherald.com/2010/02/11/1475409/anti-chavez-director-leaves-venezuela.html>

<sup>4</sup> Ria Taitt, 'Rowley Wins: Diego Martin West MP awarded \$100,000 as judge rules Integrity Commission acted in bad faith,' Wed., Feb. 4, 2009; <http://www.trinidadexpress.com/index.pl/print?id=161434253>

However, in some developing democracies, the ruler may instead seek redress in one of several ways, none of which involves letting the courts adjudicate on the matter. For example, s(he) can unleash a regime of persecution against the “enemy.” If such an “enemy” has pending matters, the unfavourable ones will receive accelerated attention while the favourable ones, such as promotion or court redress, will be unduly delayed. An interesting example was the highly popular Nigerian anti-corruption crusader, Nuhu Ribadu, who as the Chairman of the Economic and Financial Crimes Commission (EFCC), arrested and successfully prosecuted corrupt public officers, including the then Inspector-General of Police. As soon as the government that had appointed him left office in May 2007, he faced instant persecution. Before long, he had been redeployed to a training school, then demoted and finally dismissed from the Police Force. Today, he leaves in exile abroad while the corrupt public officers that he had tried to bring to book are now untouchable! That is the law of rulers at work.

We can then appreciate the situation that Jesus faced when He was brought to trial, first before the Jews and later before the Roman governor, Pontius Pilate. They threw the rule of law out of the window and subjected Him to the law of rulers.

## 2. Jesus faced a Kangaroo court!

Ordinarily, the Jews and Romans followed the Rule of Law in their judicial systems, as the following will confirm:

- Some security officers who were once sent by the chief priests and Pharisees to arrest Jesus, came back without Him. When they were asked why they had not brought Him, they answered, “No man ever spoke like this Man!” That suggests that they could not find any fault in Him; after all, you cannot arrest somebody who has not broken the law! The Pharisees shot back at the officers, “But this crowd that does not know the law is accursed.” In other words, an offense had been committed under their law but the crowd did not know it! At that stage, a member of the Jewish council, Nicodemus (the man that had earlier come to discuss with Jesus by night) answered the Pharisees, “*Does our law judge a man before it hears him, and knows what he is doing?*” [Jn 7: 45-51]. That clearly establishes that Jewish law presumed you innocent until you had been given a fair hearing..
- At the time of the trial of Jesus, there was a Jewish criminal called Barabbas. He was a robber [Jn 18: 40] who had been “thrown into prison for a certain rebellion made in the city, and for murder” [Lk 23: 19]. Clearly, Barabbas had been given a fair hearing and found guilty for murder and rebellion. But what was his sentence? Imprisonment! He was tried under Roman law. The Rule of Law prevailed.

- When Demetrius, a silversmith, and his fellow craftsmen pounced on Paul and his travelling companions and roused the crowds in Ephesus to try to kill them for “desecrating” their goddess, Diana, the city clerk quieted the crowd and said to them, “If Demetrius and his fellow craftsmen have a case against anyone, *the courts are open, and there are proconsuls. Let them bring charges against one another.* But if you have any other inquiry to make, it shall be determined in the *lawful assembly*” [Acts 19: 24-38]. Again, that confirms that the Rule of Law was widespread and in use on a routine basis.

But when you examine the trial of Jesus, it was a different story. Consider the following:

- a) Jesus was tried in a *kangaroo court*, that is, a mock court for the purpose of delivering a pre-determined judgment. He was arrested at night and how many courts do you know that operate after office hours? He was arrested in the Garden of Gethsemane by a “detachment of troops and the captain and the officers of the Jews” and first led Him to Annas, the father-in-law of Caiphas, the high priest that year [Jn 18: 12-13].. They mocked and beat Him up even before He was arraigned before the high priest for trial “as soon as it was day” [Lk 22: 63-66]. At the mock trial that followed in the council, “the chief priests and all the council sought testimony against Jesus to put Him to death but *found none*” [Mk 14: 55]. The high priest then asked Him, “Are You the Christ, the Son of the Blessed?” He replied, “I am.” The high priest concluded the hearings and pronounced his verdict: “What further need do we have of witnesses? ... And they all condemned Him to be deserving of death” [vv. 60-64]. Was that new?
- b) Since the Jews had no authority to execute their sentence of death on Jesus, they led Him to the Roman Governor, Pontius Pilate [Lk 23: 1]. On knowing that Jesus was a Galilean, Pilate referred the case to Herod who had jurisdiction over Galilee and happened to be in Jerusalem at the time. Herod further mocked and scourged Jesus before returning Him to Pilate [vv. 7-12]. Was all that done under the Rule of Law?
- c) Pilate had no choice but to dispose of the case. So, he asked Jesus if in deed He was the King of the Jews. He replied, “It is as you say.” But when the Jewish leaders poured out their accusations against Him, Jesus “answered nothing” and Pilate marvelled [Matt. 27: 11-14], and he knew that the chief priests had handed Jesus to him “because of envy” [Mk 15: 9]. So, *on the basis of the evidence before him*, the Roman governor ruled as follows, based on the Roman judicial system [Lk 23: 14-16]:

*Having examined Him in your presence, I have found no fault in this Man concerning those things of which you accuse Him; no, neither did Herod... nothing deserving of death has been done by Him. I will therefore chastise Him and release Him*

- d) But the Jewish leaders were insistent, even rejecting Pilate's offer to trade Jesus for Barabbas. They preferred the criminal Barabbas and insisted that Jesus be crucified [**Matt. 27: 16-23**], especially because, by proclaiming Himself King, He was an enemy of Caesar [**Jn 19:12**]. That scared the hell out of Pilate and he forgot about Rule of Law and Roman justice! So he "*gave sentence, that it should be as they requested*" [**Lk 23: 24**]. That is the law of rulers at work.
- e) They led Jesus *immediately* to Calvary and "it was the third hour [9.a.m.] and they crucified Him" [**Mk 15: 25**]. And you expected peace after that?

### 3. Conclusion: Now you can appreciate what Jesus took for you!

Jesus once told His listeners, "My Father loves Me because I lay down My life that I may take it back again. *No one takes it from Me, but I lay it down of Myself. I have power to lay it down, and I have power to take it again.* This command, I have received from My Father" [**Jn 10: 17-18**].

As He told Pilate during His trial, "My kingdom is not of this world; if My kingdom were of this world, My servants would fight, so that I should not be delivered to the Jews; but now My kingdom is not here" [**Jn 18: 16**]. Jesus came in flesh to die in our place so that we can enter into His kingdom. Rule of Law would have set Him free but He preferred to remain silent instead of defending His innocence so that the law of rulers fashioned by Satan and his messengers would prevail to their hurt. In the end, Jesus threw up principalities and powers and made a public show of them, triumphing over them in it [**Col. 2: 15**]. Now we are free!

Jesus will soon return to judge the world. The only Advocate who can plead your case in God's kingdom is Jesus Himself [**1 Jn 2: 1**]. *Heaven is not a democracy and Jesus does not need your vote to remain King or Judge.* He died for you under the Law of Rulers, not under the Rule of Law. It is now your turn to reciprocate by willingly and totally surrendering your will to His control *before* He returns. There will be no court hearings when He returns because He already has your sentence in His hands- eternity with Him in His kingdom or endless suffering and pain in hell.

From now on, you have no right to remain silent!