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Insight

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Tell Who Said It and Win a Prize

I have answered so many questions in this column, I think it's my turn to ask one. Can you name the famous defender of religious liberty who made the following grand declaration?

"It is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions. One man's religion neither harms nor helps another man. It is assuredly no part of religion to compel religion."

The editor of LIBERTY will give a free one year's subscription to LIBERTY to the first five respondees who identify the author. Send your responses to LIBERTY, 6840 Eastern Ave., NW., Washington, D.C. 20012. Your prize subscription may be sent either to you or as a gift to a friend of your choice. Employees of the Review and Herald Publishing Association are excluded, of course. My seminary students are excluded too, because I've already told them the answer!

Q. Since the great majority of people favor permission to pray in the public schools, why did 162 Congressmen jeopardize their political future by voting against an amendment to permit such prayer? Why did 29 others refuse to cast their vote?

A. There is no Federal law or Supreme Court decision that prohibits prayers in classrooms—no matter what anybody tells you! Recent Court pronouncements forbid only the use of formal prayers prescribed by school boards.

So we don't need any amendment to permit prayer—and we certainly don't need the one that was proposed. It would have permitted only "undenomina-

tional" prayers—and what *is* an undenominational prayer?

Can you imagine the litigation that concept would have engendered?

Apparently 162 Congressmen thought it best to leave well enough alone!

Q. I believe that the Seventh-day Adventist Church opposed the recent school prayer amendment. If this is true, why did the Adventist member of Congress, Jerry Pettis, vote in favor of the bill? Or am I wrong regarding his vote?

A. You are right. Congressman Pettis, in my opinion, was wrong. But that, I guess, is *his* right! The Seventh-day Adventist Church did oppose the recent school prayer amendment, but each individual member, including Congressman Pettis, must reach his own conclusion on such matters.

Q. With all your concern for man's liberties, I'd like to see you take a stand on the criminal abuse of prison inmates. The riots in San Quentin, Attica, and other places have focused national attention on this problem. LIBERTY had a good article on the threat to freedom posed by hospitals for the insane. How about something similar on prisons?

A. I am not an authority on prisons, so I'll pass your suggestion on to the editor.

In the meantime perhaps I can contribute something helpful—or provocative—as a historian.

The admittedly simple society founded by the great lawgiver Moses made no provision for prisons. This was no oversight.

Moses' basic penal law was the *lex talionis*, "an eye for an eye," so misunderstood today.

An Israelite convicted in court of having gouged out a man's eye had his eye gouged out as punishment. If he broke someone's leg, his leg was broken in return. If he stole something, he either gave it back with interest or paid a stiff fine.

Cruel? Look at its advantages. The petty criminal was not rewarded with years of free lodging at community expense. The juvenile offender was not sent to a "house of correction" to learn hard crime from experienced lifers. Innocent women and children were not deprived of husbands and fathers.

The principles of a good penal code are that punishment (*a*) should be proportionate to the crime, and (*b*) should help to reform a man. The *lex talionis* fulfilled both. A man could never say his punishment was more than he deserved. After his eye was gouged out (or his leg broken, or whatever), he continued right on in his village as husband, father, and provider. He vowed to steer clear of any further crime because he knew how it hurt and because he didn't want to lose another eye. And the whole village had an object lesson it couldn't forget.

An ancient traveler, Xenophon, in his *Anabasis*, I believe, reports passing through a land where he saw men occasionally with an ear or a hand missing. He learned that the *lex talionis* was in effect there—and that the crime rate was exceptionally low.

In the Sermon on the Mount, Jesus did not revoke the *lex talionis* as a law for society. He only instructed His followers not to invoke it against their personal enemies but instead to return personal good for personal evil—which, Jesus knew, would go furthest of all in reforming criminals.