

ARTICLE VII.

THE THEOLOGICAL SEMINARY AND JURAL  
SCIENCE.

BY HONORABLE F. J. LAMB, MADISON, WIS.

EVIDENTLY the Christian apologetics of the present time does not move along the lines marked out by the Science of Jurisprudence, and does not give due weight to its principles in dealing with evidence. It is, therefore, important to examine the relations which that science sustains to the problems which present themselves to the Christian believer.

Jurisprudence, however defined, has a base in the fundamental proposition that right and justice depend on fact and verity; and whenever controversy as to right or justice is brought into its forum, the primary quest of the science is the ascertainment and establishment of the fact or verity on which right or justice depends. The ascertainment and establishment of the fact or verity in controversy is accomplished by employing the methods, rules, and processes by which the science is operated in its administration.

We are not here primarily concerned with the general power of Jural Science, but are deeply interested in its operative functions by which that science discriminates truth from error and establishes fact and verity.

The process or instrumentality that is of controlling potency in operating Jural Science is known as "the issue." Whenever an alleged fact or right is controverted, Jural Science is available for determining the controversy. This it

does by requiring the alleged fact or right to be stated as an affirmative proposition; and that proposition, denied by opponent, makes "the issue." It presents the specific question: Is the alleged fact or right verity? That question can be answered only by *proof*. Stated fundamentally in briefest form, Proof is the product of evidence. Evidence is not a specific entity; but that is evidence which assists the investigator in ascertaining the truth of the fact or point in issue. Whatsoever *reality* is related to the subject under inquiry may become evidence, because of its capacity to assist the inquirer in ascertaining verity regarding the fact or truth sought or in controversy, which verity when ascertained is proof—the function of evidence. Thus apprehended, there is no limit to the scope of what may be evidence.

On the basal fact that evidence is the real and only real medium of proof, Jurisprudence determines the most momentous questions that can concern humanity, even those of life and death. When "the issue" is tried by a jury, the oath administered to and taken by each juror shows this. It is that the juror will well and truly try the issue (describing it), and a true verdict render thereon according to the evidence given him. Further, Jural Science, as additional safeguard, adds to the form of oath, this — that what the juror shall consider and act on in making his verdict shall be "evidence" given him "in court."

When we recognize the fact that whatsoever pertinent reality comes to and is apprehended by what jurists designate as the judging faculty or power<sup>1</sup> and results in the conviction that the matter in question is true or not true is evidence, there is seen the basis of the doctrine that evidence is the essential and exclusive medium of proof; and so Jural Science is en-

<sup>1</sup> Livingston, Code of Evidence, vol. 1. p. 402.

forced by courts in the administration of justice. This has been expressly adjudged by jurists and courts of the highest standing. In *People vs. Beckwith* 108 N. Y. 73, that eminent tribunal adjudged, i.e., "Evidence is the medium of proof." "Proof is the effect of evidence."

In this inquiry we must not overlook the fact that a miracle is in itself an event; hence, like any event, it may be evidence. More than that, the Bible yields this concept of miracle. Miracle is the product of the *special fiat* of God, and is possible to God alone. It actualizes God's purpose as discerned in the context or occasion set forth in the accompanying history. These preliminary statements will aid in understanding various matters which arise in the following inquiry relating to the purpose and function of Christian apologetics.

Stated briefly, the purpose of apologetics is to fit and qualify its students to promulgate the facts of the Christian religion, and to promote among men belief in those facts so as to bring souls into the kingdom of God. This is succinctly expressed in the final words of Christ according to Matthew xxviii. 19 (*mathēteusate*, rendered in the Revised Version "to make disciples").

Spencer, in his Greek edition of the Gospels with commentaries, says this of the Greek word, "*instructing* them in the knowledge of Christ's religion."<sup>1</sup> This function of the Seminary cannot be less than fitting students to teach knowledge of the foundation of the Christian religion. The foundation of the Christian religion is a *basis of fact*, e.g. facts of the birth, ministry, miracles, death, resurrection, and ascension of Jesus Christ, fact of the existence of God, portrayed in the Bible, the personal Being to whom Jesus prayed and whom he

<sup>1</sup> *The Four Gospels and Acts of the Apostles in Greek.* New York: Harper Brothers. 1872.

called Father. This last fact is peculiarly primary, for "he that cometh to God must believe that he is" (Heb. xi. 6).

Regarding basal facts, we will limit our farther inquiry to that last mentioned — the existence of God. Obviously the Seminary in performing the purposes of its organization should instruct its students not only in teaching the existence of God, but also in the way of proving his existence. The basal fact of Christianity — the existence of God — has been proved, and the proof is achieved by employing the power of Jural Science and its operative functions. We will next consider here a single specimen of that proof as it appears in connection with the Exodus.

In the Exodus Era all nations and peoples (Abraham's seed possibly excepted (?)) were dominated by notions of false deities fabricated by men. What the record discloses justifies the conclusion that God determined to accomplish several mighty purposes in the Exodus episode; namely, (1) emancipate the enslaved Hebrews; (2) execute his judgment covenant and promise to Abraham (Gen. xv. 14, Am. Rev.), punishing the Egyptians for afflicting the Hebrews; (3) prove objectively to men his existence and supremacy; (4) make that proof such that it will be published in all the earth and to future generations; and, lastly, (5) accomplish those mighty purposes by employing the functions and powers of the Science of Jurisprudence, its methods and processes of operation including "the issue" we have described, and to employ that science in the intellectual sphere, operating upon the minds of men, especially those of Pharaoh and the Egyptians, in producing conviction and proof of the actuality of the existence and supremacy of God. By necessary implication this course entitled Pharaoh to all rights and privileges of a party

in judicial proceeding, which were constantly allowed to Pharaoh in the episode, as the record shows.

At the "bush" in Midian, God called Moses to be his agent in accomplishing those great purposes. Moses' experience forty years before may have caused him to demur that none would believe his agency. Thereupon, by miracle of rod and leprosy, God taught Moses divine authentication of God's agents, and commanded Moses expressly: "When thou goest to return into Egypt, see that thou do all those [Heb. *mopheth* "miracles"] . . . I have put in thine hand" (Ex. iv. 21).

Also, when Pharaoh should demand authentication, saying, "Show a miracle for you: then thou shalt say unto Aaron, Take thy rod, and cast it before Pharaoh, and it shall become a serpent" (Ex. vii. 9).

Passing many details, we notice that Moses asked what name he should give as that of him who had called him to the mission. The answer was "Ehyeh" (Ex. iii. 14). Hebrew scholarship informs us that this word is identical in root derivation with "Yahveh." "Ehyeh" designates him who in the absolute sense exists and who manifests his existence,<sup>1</sup> and hence "Yahveh" is "the existing one." In his Analytical Concordance, Young so defines "Yahveh." The essence of the communication of name to Moses was the distinct, explicit concept of actual existence. The English translators gave it the emphasis of repetition, "I am that I am."

In administering Jural Science, the first step required of a claimant (called plaintiff) is that he state his claim, and demand and communicate it to the one proceeded against (called defendant). The defendant has the jural right to defend, i.e. by denying the plaintiff's claim and refusing to comply with the demand, and so make "the issue." As di-

<sup>1</sup> Davis, Bible Dictionary, article "Jehovah."

rected by Jehovah, Moses (with Aaron his brother) initiated the great action by communicating God's claim and demand to Pharaoh, saying, "Thus saith Yahveh, the God of Israel, Let my people go" (Ex. v. 1).

Pharaoh chose to defend, and answered: "Who is Yahveh, that I should obey his voice to let Israel go? I know not Yahveh, neither will I let Israel go" (Ex. v. 2). This answer made "the issue." In Jural Science, denial of knowledge of a fact is effectual denial of the fact itself, for it puts upon the claimant the burden of making affirmative proof of the fact; here — the existence of God. The record shows that God so treated Pharaoh's answer. The "issue" was distinct, explicit issue of fact — existence of God and his supremacy in the world — all denied by Pharaoh. It put "the issue" in condition for the ordeal of actual trial and determination by the introduction of evidence.

Evidence is of varying degrees of dignity from oral up to written and certified documents. A cardinal principle of Jurisprudence is that when a fact is to be proved, the evidence therefor must be of as high a degree of dignity as the fact to be proved, that is, coördinate. In the present case the fact to be proved was a superhuman and supernatural fact, the existence of God, and required evidence of the same coördinate degree, superhuman and supernatural evidence, viz. miracle. Although Pharaoh did not in express words demand the authenticating evidence of God's miracle, he did require it in fact by his denials in his answer and by the "issue" he thus made. Thereupon Moses and Aaron, thus commissioned and provided, appeared before Pharaoh, and commenced the actual trial of "the issue" by producing objective evidence on the part of Yahveh.

"Aaron cast down his rod before Pharaoh and before his

servants, and it became a serpent" (Ex. vii. 10). It was a prerogative act of God, and evidence of his existence. Pharaoh's right to defend by evidence was honored. He called his "Wise Men" (Heb. *Chartummim*), same as interpreters of dreams (Gen. xli. 8, 24, where in the margin, Am. Rev. Ver. gives "sacred scribes" as the sense), and "they cast down every man his rod and they became serpents: but Aaron's rod swallowed up their rods" (Ex. vii. 12).<sup>1</sup> Pharaoh refused to yield and stood to his denial.

Thereupon God's warning to Pharaoh by Moses, in substance, was: You deny my existence and deny knowledge of me. My miracle shall turn the waters of Egypt to blood, and by that act in evidence. "*Thou shalt know that I am Yahveh* [the existing one]" (Ex. vii. 17). "The issue" was "existence of God," and the grip of the evidence was in the words "I am, I exist." "Yahveh, the existing one," may be deemed appositional. The miracle was wrought, and was evidence of Yahveh's existence and power.

The next evidence given was the miracle of plague of frogs, intolerable, and Pharaoh besought Moses to entreat Yahveh to take away the frogs. On Moses' suggestion, Pharaoh named a time, "to-morrow," for the miracle of their removal. The removal was made, and God's word by Moses was, that that evidence was given that "*Thou* [Pharaoh] *mayest know that there is none like unto Yahveh our God*" (Ex. viii. 10).

The next evidence produced was the miracle of the plague of lice. Although Pharaoh still resisted, the verdict of his

<sup>1</sup> Of the doings of Pharaoh's "wise men with rods, water, frogs, we offer no comment farther than to classify and leave them with God's permission to Satan to afflict Job, and Christ's permission to Demons to afflict the swine at Gadara.

wise men on this evidence was, "This is the finger of God" (Ex. viii. 19).

The next evidence introduced on "the issue" was the miracle of the plague of grievous swarms of flies that "corrupted" the land of Egypt except Goshen, home of the Hebrews. The evidence was given before Pharaoh, "*to the end thou mayest know that I am Yahveh in the midst of the earth*" (Ex. viii. 22). On Pharaoh's promise to let the Hebrews go, the plague was removed (Ex. viii. 31). Pharaoh violated his promise and resisted. Evidence of God was then given by a grievous murrain at a set time upon domestic animals of the Egyptians, but not on those of the Hebrews (Ex. ix. 6, 7). Pharaoh yet resisted.

The next evidence introduced was God's miracle of boils and blains upon man and beast throughout Egypt, afflicting sacred scribes (Ex. ix. 10, 11). Up to this time in the trial several separate evidences had been produced on "the issue" to prove, and were proof of, God's existence and supremacy. But Pharaoh stubbornly stood to his denials and refusal, and Yahveh's word to Pharaoh was that He would "at this time" send all his plagues upon Pharaoh and his people, "*that thou mayest know that there is none like me in all the earth*" (Ex. ix. 14).

We come now, in this trial, to the evidence that shows expressly that God purposed, in "the issue" with Pharaoh, not only to prove his existence, but so to prove it that thereby his name should be published — "declared throughout all the earth." The Hebrew seems difficult of translation, for the Revised Version differs much from the King James version. The revisers seem to have embodied the sentiment of the subjunctive mood in the indicative form. Their version is: "For now I had put forth my hand, and smitten thee and thy peo-



ple with pestilence, and thou hadst been cut off from the earth: but in very deed for this cause have I made thee to stand, to show thee *my power* and that *my name* may be declared throughout all the earth" (Ex. ix. 15 f.).

Destroying Pharaoh and his people by pestilence would have emancipated the Hebrews. But it would not have constituted the great evidence God purposed yet to produce in accomplishing his purpose in the Exodus Episode. Causing Pharaoh to stand to the "issue" he had made was the exercise of the right of each party to an "issue," i.e. that the issue shall continue until each party (in this case Jehovah) has produced further evidence fully as he saw fit, as we shall see as we progress. This is the jural right of each party, and is here asserted that Jehovah might make such proof by further mighty evidence yet to be produced. Notice the words, "show thee *my power*," i.e. the prerogative power of God's miracles, and that God's "*name* may be declared throughout all the earth." Name, when applied to God or Christ in the Scriptures, is used in the sense of his revealed character and essence (Jer. xliv. 26; Ps. viii. 1; Ex. xxiii. 21). The Sanhedrin demanded of Peter by what *power* or by what *name* the miracle on the cripple had been wrought. Peter answered, by the "*name* of Jesus Christ" (Acts iv. 7, 10).

A cognate matter arising from holding Pharaoh to the issue may be noticed in this connection, viz. where God's word to Moses was that God might "shôw these my signs" in the midst of them (the Egyptians), "and that thou [Moses] mayest tell in the ears of thy son, and of thy son's son, what things I have wrought in Egypt, and my signs which I have done among them: *that ye may know that I am Yahveh* [the existing one]" (Ex. x. 1, 2)—that Moses should so act as to

secure preservation of that proof to be communicated to future generations as well as throughout the earth.

The next evidence was a plague of hail. On Pharaoh's promise to let Israel go, on Moses' prayer, Jehovah abated the hail (Ex. ix. 27, 29). But Pharaoh violated his word. On Pharaoh's new promise of freedom of the Hebrews, the plague was removed on Moses' prayer. Pharaoh again violated his word, and then followed the miracle of the locusts and later that of the three days of darkness.

The last evidence was "smiting the first-born of man and beast" with death throughout the land of Egypt. That miracle had two mighty purposes.

1. Performance of Jehovah's covenant with Abraham, that, for the atrocities of the Egyptians in enslaving millions of Abraham's seed and murdering their male infants, Jehovah promised: "That nation . . . will I judge" (Gen. xv. 14).

2. As evidence on the "issue" Pharaoh had made. The prior evidence had proved God's existence, and his supremacy over the Egyptians and their alleged gods; but God's expressly avowed purpose was that, in trying the "issue" Pharaoh had made, he would not only prove his existence and supremacy, but so prove it that his name, i.e. revealed character and essence, should be publicly "declared throughout all the earth" and to future generations. Evidence to accomplish that purpose in "the issue" with Pharaoh should reach up to prove the supreme attributes of God (not in evidence directly up to this time in the trial), viz. omniscience, omnipresence, omnipotence. As distinctly predeclared to Moses, the miracle should smite with death "the first-born in the land of Egypt, . . . from the first-born of Pharaoh, . . . unto . . . the maidservant . . . behind the mill; and all the first-born of beasts" (Ex. xi. 5).

At the identical midnight the fiat of God, simultaneously in issue and operation, smote the first-born throughout the Empire. Pharaoh "knew" by proof the existence and supremacy of God, and acknowledged the fact by letting Israel go, and was urgent that they should quit Egypt.

In contrast with previous evidence on the trial, this evidence reached to proof of the supreme attributes of God. His omniscient fiat unerringly selected the unlabeled, unidentified first-born, and smote them and no others. That silent, omnipotent fiat itself smote at its issue with no material like water, murrain, or any intermediary whatever. That omnipresent fiat wrought everywhere throughout the vast empire of Egypt at an identical midnight. These evidences reached as high as objective evidence could reach, or as men can apprehend in making objective proof of the supreme attributes of God—proof that had not before been given, and that proof was vivified in Hebrew life and embodied in its literature.

If at this point we pause with the question, "What hath God wrought?" (Num. xxiii. 23), we see that he has definitely proved objectively his existence in the world openly before multitudes of people, and their sovereign; achieved this proof by employing the power of Jural Science, its methods and operating functions; that the proof was made to cause men to *know* his existence; and, further, that the proof of his existence was, by his expressly avowed purpose, so proven that that proof and his name should be declared throughout all the earth, and should be communicated to subsequent generations.

We do not find that this proof of the existence of God, or the science and its operative functions by which the proof was achieved, is taught to students in the Seminary as it

should be. When we consider that proof wrought out by the Almighty himself, for the express purpose that it should be published throughout the earth and communicated to future generations, may we not respectfully ask, Does the Seminary that omits from the instruction of its students that class of proofs, and the science and its functions by which such proof is established, adequately perform the purposes of its organization?

At this point in our inquiry we are aware that (outside of the Roman connection) we here come in contact with a widely prevalent spirit of aversion against employing the Scripture miracles and God's testimony thereby given to men, in teaching or preaching the Christian religion,—a matter considered later. Also, it is in order at this point to consider the teaching of the Seminary regarding proof of the basal fact of Christianity—existence of God. It is set forth in elaborate treatises, learned and scholarly, but too voluminous for quotation here. But they proceed on a definite fundamental basis which may be stated in a few words. The Seminary teaching is based on the Science or Law of Causality, which deals with the relations between cause and effect and on the obvious truth, that every effect observed had a cause that produced the effect. When an observer does not know the cause, Science and Philosophy, on solid principles, justify the observer in postulating a cause with quality and character necessary to enable the cause to have produced the observed effect, meaning by "necessary" "those qualities without which the effect would not have been produced at all or would have been different from what it is."

Such right of postulation is subject to the rigorous restriction that, while the observer of an effect may postulate a necessary cause, he cannot individualize and identify any

specific entity as *the* cause. As stated by the philosopher Robert Adamson in considering the Philosophy of Kant: "Although the law of causality permits us to say that for every given event there is a series of events from which it must follow, it does not permit us to say what those events were." These rigid restrictions and limitations are inevitable, in the very nature of things; for they are inherent in the ignorance of the postulating observer, which ignorance is enlightened by and only by the observed effect which reaches and can reach no farther than justifying the postulation of a necessary cause.

This doctrine of causality is illustrated by a notable world event which took place in the last century. Leverrier and Adams, each laying hold of observed effects which *had* been wrought upon the planet Uranus (i.e. perturbation of its orbit), by a masterful employment of mathematical science and its formulas reached the conclusion that within a really large, but relatively moderate, region of the heavens a cause *had* produced the observed effect. That was all. They had exhausted their data. Neither Leverrier nor Adams nor their work discovered or proved the existence of Neptune.

Knowledge of the existence of Neptune and proof of its existence were achieved through objective evidence—the medium of proof. Neptune was discovered and proof of its existence made by Dr. Galle, of Berlin, September 23, 1846, through the medium of objective evidence furnished to him by the great telescope he employed. Its construction and adjustment of lenses operating upon light coming from Neptune enabled Dr. Galle to see with his physical eye the disc of the object now named Neptune, and, by the medium of the same evidence in following its movements in the heavens, he was

enabled to prove that the object he saw was a planet of the solar system theretofore not known to men.

Does not Leverrier's work parallel the current teaching? When the inevitable limitations of causality which control in attributing quality and character to a postulated cause of observed effects are applied with integrity to the postulating of such cause, do not the limitations restrict that teaching to postulating *a* cause, but not any specific entity as *the* cause? May not the atheist or agnostic successfully challenge the inference, and maintain that observed effects in the world do not justify postulating, as cause thereof, the God portrayed in the Bible — the personal Being to whom Jesus prayed and whom he called Father?

Regarding the aversion (above noted) to employing the Scripture miracles in teaching Christianity, this, we believe, may be justly said: When we recognize the fact that Christianity is a supernatural system, that human beings know nothing of the state or destiny of the soul after death of the physical body save what God has revealed to us — that that revelation is itself miracle in the sense of the direct descent of God by word or deed into human affairs and history and is of the essence of Christianity, — that, although we may discuss Christianity to some extent without accepting the Scripture miracles as true, we cannot discuss it or *teach it* at all without accepting the miracles as part of the system; if we leave them out of it we shall not be discussing or *teaching* Christianity but some figment of our own, — and if we consider farther that the existence of God is a basal fact in the foundation of the Christian religion, this aversion against employing the miracles in teaching the Christian religion seems to us infidelic and strangely so.

The objections most frequently given for this aversion is

that the Scripture miracles cannot be proven. But just here, in immediate connection with this invalid objection, is a conspicuous illustration of the potent service Jural Science is capable of rendering to teachers of Christianity. For, in administering Jural Science, it was found, centuries ago, that it was indispensable for truth, justice, right, and human welfare that evidence once existing should be safeguarded against loss by lapse of time, or death, or absence of contemporaries of the origin of the evidence. It was therefore made constituent in Jural Science that evidence (1) embodied in writing, and (2) preserved in proper custody (3) for a generation—fixed at thirty years—is competent and admissible evidence. It is known as the Ancient Document rule of evidence. It applies to copies the same as to originals. The rule applies in trials of the most momentous issues that can affect human beings, even those of liberty, life, and death. The experience of centuries has confirmed the soundness, value and wisdom of the rule. The documents that constitute the Bible are evidence and distinctly within the Ancient Document rule. The evidence they furnish is ample proof of the events known as miracles, and there is no evidence to the contrary.

This doctrine of Jurisprudence as applicable to the Scripture documents is set forth in detail in the standard work of Professor Simon Greenleaf.<sup>1</sup>

<sup>1</sup> *The Testimony of the Evangelists Examined by the Rules of Evidence Administered in Courts of Justice.* Cockroft and Co. N. Y. 1874.

See too Professor Greenleaf's *Work on Evidence* in three volumes where the doctrine is set forth in Vol. 1. Sec. 142, 12th Edition.