

CIVIL LIABILITIES IN THE BIBLE: PERJURY AND ITS CONSEQUENCES

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Abstract: *The paper will focus on the sin and offense of perjury and its consequences, on sins which break the civil law, especially on criminal offenses, as any civil action which has resulted, as a consequence, in the material and moral harm of an individual, will lead to civil liabilities. Both the Old Testament and the New Testament blame sins because they break the Divine Will. It is true that any offense is a sin but not any sin is an offense. The will to break the law is not an offense, but it is a sin, as according to Jesus Christ's teachings, even sinful thoughts are sins. The offenses as sins can be committed by word, such as perjuries, defamation, threats, etc., actions which kill the reputation and dignity of an individual. The moral liability, as a consequence of man's free will, gives him the possibility of choice on his actions and/or nonactions, implying, however, the liability for the effects of his deliberate actions.*

Key-words: *perjury, offense, sin*

1. EXPOSITION

Under the British law, perjury is the offense of giving false evidence that one does not believe to be true even if it is in fact the truth. It is punishable by up to seven years' imprisonment and/or a fine. The offense may be committed by any witness who has taken the oath or affirmed, by the defendant at any stage of the trial, and by an interpreter. Perjury is only committed, however, in judicial proceedings, which include any proceedings before a court, tribunal, or someone with the power to hear evidence on oath (e.g. Commissioners of Income Tax hearing appeals against tax assessments). The evidence given must be relevant to the proceedings and must be given with knowledge that it is false or recklessly. The Perjury Act 1911 also creates various offenses related to perjury. These include making a false statement on oath in nonjudicial proceedings and making a false statement or declaration relating to marriage (e.g. to obtain a licence to marry or make an entry in a register of marriage) or to the registration of a birth or death. These offenses are punishable by up to seven years' imprisonment or indictment. The offences of making a false statement in a statutory declaration or in any account, balance sheet, or document required to be made by Act of Parliament are punishable by up to two years' imprisonment, as we find out in Elizabeth A. Martin, 2003, A Dictionary of Law, Oxford University Press, Oxford.

2. JUSTICE

The ninth of the Ten Commandments let us know that: „You shall not bear false witness against your neighbor” (Exodus:20, 16), and requires the observance of the truth when we have to testify with regard to our neighbor. Justice has always been based on the testimony of the witnesses and there have been ages when testimony was considered „the queen of the evidence”. Perjury is synonymous with sin in front of God because it turns to be injurious to the truth, ignoring it and thus leading to the injury and even to making miscarriages of justice. Criminal law classifies perjury as tort. Leviticus: 5:1 will give us the following definition of perjury: „Now if a soul should sin in hearing the utterance of an oath, and is a witness, whether he saw or knew of the matter – if he does not tell it, he shall bear his guilt.” That is why the Biblical text, as we read in Exodus 23:7, asks to: „Keep yourself far from every unjust matter.”

3. WITNESSES

It is not difficult to imagine the power of the rules of evidence in the Biblical times; the Old Testament itself offers various proving situations while lots of verses form a true code of rules of the court which the judges were obliged to observe. The Old Testament shows that the litigants with different disputes had to go before a judge who should make careful inquiry to see „if the witness is an unjust witness who has testified unjustly against his brother”. (Deuteronomy:19:18) Under this law, in the New Testament, the false witnesses against Jesus should have been put to death, for they wanted Him to die. (see also: Matthew: 26:59-66) It is vital to highlight that the testimonies were checked by judges to see their

truthfulness and they could have been rejected if they had been unjust. When the testimony proved to be perjury, under the *lex talionis*, the judges were asked to: „do to him in the manner he maliciously intended to do to his brother,” (Deuteronomy: 19:19) because only acting this way: „those who remain shall hear and be afraid, and hereafter they shall not again commit such evil among you.” (Deuteronomy: 19:20) The *lex talionis* was merciless and required that the unjust witness should not be spared: “Your eye shall not pity him: life shall be for life, eye for eye, tooth for tooth, hand for hand, foot for foot.” (Deuteronomy: 19:21) A perjury which would have led to the killing of the innocent accused required that the false witness should be sentenced to death.

4. MERCY AND MALICE

In the „Book of Proverbs”, which was written by Solomon, there are various thoughts regarding perjury and false witnesses as it follows: “A false witness shall not be unpunished, / And he who accuses unrighteously shall not escape.” (Proverbs:19:3); “A false witness shall not be unpunished.” (Proverbs:19:9); “He who becomes surety for an undiscerning child despises the ordinance, / And the mouth of the ungodly swallows judgments.” (Proverbs: 19:28); “A righteous man declares his honesty openly, / But the witness of the unrighteous is deceitful.” (Proverbs:12:19) We can comment that honesty is a fruit of righteousness as the other general virtues, but an unrighteous man lives in deceit. It is worth mentioning also the proverb: “Truthful lips establish a testimony, / But a hasty witness has an unrighteous tongue.” (Proverbs:12:21) Notice the difference between the Godly and the Ungodly as shown in: „A righteous man hates an unrighteous word, / But an ungodly man is ashamed and will not have confidence.” (Proverbs:13: 5) In the „Wisdom of Solomon” it is shown that God examines our actions: “Therefore no one who speaks unrighteous things / Will escape notice, / Nor will justice, when it cross-examines, pass him by.” (Wisdom of Solomon: 1:8). “Therefore keep yourself from useless murmuring / And refrain your tongue from evil speech; For no secret word will go unpunished, / And a lying mouth will destroy one's soul.” (Wisdom of Solomon: 1:11). There are some commentaries on sinners, in the „Wisdom of Sirach”, which are worth keeping in mind: “A thief is preferable to a continual liar; / Both, however, will inherit destruction.” (Wisdom of Sirach: 20:25). “The character of a liar brings dishonor, / And his shame is continually with him.” (Wisdom of Sirach:20:26). “Without such lying, the law will be fulfilled, / And wisdom is perfection in the mouth of the faithful.” (Wisdom of Sirach:34:8). We come back now to the Wisdom of Solomon where we will find that: “A false witness shall perish.” (Proverbs:21:27). This proverb makes us think of the two old men who committed perjury regarding the moral conduct of Susanna and who were, therefore, sentenced to death. “Daniel then said, „Plainly, you lied against your own head, for even now the angel of God receives the sentence from God, and he shall cut you in two.” (Daniel, Susanna, Preamble:55, 61, 62)

5. LAWS OF MORALITY AND JUSTICE

In His sermon on the mountain, Jesus will remind his apostles and the gentiles the following: "You shall not swear falsely, but shall perform your oaths to the Lord." (Matthew: 5:33) Speaking to Moses, the God of the Old Testament will ask his people: „You shall not swear by My name unjustly, nor shall you defile the name of your God; I am the Lord your God.” (Leviticus:19:12). The Saviour, in the sermon on the mountain will resume the advice: "But I say to you, do not swear at all: neither by heaven, for it is God's throne; nor by the earth, for it is His footstool; nor by Jerusalem, for it is the city of the great King. Nor shall you swear by your head, because you cannot make one hair white or black. But let your 'Yes' be 'Yes', and your 'No', 'No'. For whatever is more than these is from the evil one." (Matthew: 5:34-37). He wants to say that trust cannot be secured by swearing an oath by things that are not in man's possession anyway, but only by simple integrity. The interdiction to swear on the holy things will be emphasized by Jesus as well, when he reprimands the Pharisees and the scribes and pronounces the judgment: „Woe to you, blind guides, who say, 'Whoever swears by the temple, it is nothing; but whoever swears by the gold of the temple, he is obliged to perform it.' Fools and blind! For which is greater, the gold or the temple that sanctifies the gold? And, Whoever swears by the altar, it is nothing; but whoever swears by the gift that is on it, he is obliged to perform it.' Fools and blind! For

which is greater, the gift or the altar that sanctifies the gift? Therefore he who swears by the altar, swears by it and by all things on it. He who swears by the temple, swears by it and by Him who dwells in it. And he who swears by heaven, swears by the throne of God and by Him who sits on it." (Mathew: 23:16-22)

In the Biblical texts, we find out that „lie” is one of the most serious offenses, which cannot remain unpunished; even if the false witness will escape from the human punishment, he will not be forgiven by God, as: " ... all liars shall have their part in the lake which burns with fire and brimstone, which is the second death." (Revelation: 21:8). The Holy Scripture will show that: " ... putting away lying, „Let each one of you speak truth with his neighbor, for we are members of one another," (Ephesians: 4:25) and we must understand that the way we live affects our relationship not only with God but also with each other – for in Christ we are members of one another. The Holy Bible urges and says: "Do not lie to one another." (Colossians:3:9). Therefore, we must will to experience death daily by „killing” old sinful and disintegrating passions if we want to be innocent and not guilty. Although people must always tell the truth, there are some circumstances regarding the the professional secret, the duty of obeying the discretion, under which things and facts cannot be revealed; father confessor may never say what he is disclosed under the holy sacrament of the confession.

6. CONCLUSIONS

The commandment of the interdiction of hiding the truth will be taken over by the positive legislations. There will be given precise rules regarding the procedure of administering the oath in front of the judges and perjury will be considered a serious offense penalized with imprisonment. Therefore, the Romanian Code of Criminal Procedure, in art. 85, directs that before the witness should be heard, he/she should take the following oath: " I swear that I will tell the truth and I will hide nothing from what I know. So help me God!" While taking the oath, the witness will put his hand on the cross or on the Bible. The reference to the name of the divinity will change according to the religious faith of the witness. After taking the oath, the judge will warn the witness that if he/she does not speak the truth, he/she will commit perjury. The Code of Civil Procedure requires that the witnesses should take the same oath as in the Code of Criminal Procedure. The law stipulates that the following categories of people are absolved of taking the oath: the priests, doctors, midwives, chemists, lawyers, public notaries and any individuals bound by law to keep the secrets referring to the facts disclosed to them while performing their jobs. After we have read all the above information, it is time to read the definition of perjury as given by John Seely, 2003, in *Law in Everyday Life*, Oxford University Press, Oxford: „If you are a witness in a trial and deliberately lie under oath, you are guilty of perjury. The British law takes this very seriously, since if witnesses do not tell the truth, the whole system of legal trials falls apart. Perjury is punishable, under the British law, by a fine and/or up to seven years' imprisonment. It is obvious that the ninth of the Ten Commandments is to be found again, as far as its contents is concerned, almost identically, in the oath which the witness has to take, in front of the judge, irrespective of the civil or criminal kind of the litigation thus underlying its importance.

REFERENCES

- [1]. Lister, Ronald, Klemens Veth, (2002). *Dicționar juridic englez-român, român-englez*, București: Niculescu
- [2]. Safta-Romano, Eugeniu, (1997). *Arhetipuri juridice în Biblie*, Iași: Polirom, 183-188
- [3]. Seely, John, (2003). *Law in Everyday Life*, Oxford: Oxford University Press, 138
- [4]. Martin, Elizabeth A., (2003). *A Dictionary of Law*, Oxford: Oxford University Press
- [5]. *The Orthodox Study Bible*, (2008). St. Athanasius Academy of Orthodox Theology.