



# The Use of the Bible in Modern Court System: A Critique of the Appropriateness of the Practice

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## ABSTRACT

The study examines the practice of using the Bible to swear in the law court. It exposes biblical texts that speak about swearing of oath and taking vows. Since this is an ongoing debate, the paper raises scholarly opinions that support and speak against the practices by examining their theological basis for doing so. The goal of this research is to highlight the consequences associated with swearing with a sacred book considered the words of a just God. The research is a literary one. It uses textual analyses of selected biblical passages and critiques various theological positions on the subject by some selected denominations and theologians to propose a review of the practice. Specific attention will be given to key but controversial biblical passages in Gen. 24: 2-3, Matthew 5:34-37 and James 5:12 on oath-taking that has generated varied responses. The study establishes that for the Bible to be used in court the lawmakers should establish their position on certain biblical laws on crime and their implications by working hand in hand with God-fearing theologians. Once such statements of faith are added to the laws or constitution it will authenticate the need to use the bible to swear. The researcher has observed that since the judgment of court cases do not impinge on the content of the Bible, the practice is not helpful in adjudication. It rather ends up profaning the name of God in case witnesses lie in court. One would therefore propose that those who are occupying office for the first time could swear with the Bible as a way of asking God to help them discharge their functions well.

**Keywords:** *Oath, Vow, Swearing, Compurgation, Perjury, Lollards, Modern Court*

## INTRODUCTION

The Bible has been used for many other things in the history of mankind. Some have used the Bible to promote cultures and standards of living<sup>1</sup> and others who have used it in a very negative way to create racism.<sup>2</sup> The Crusaders whose activities in the 10<sup>th</sup> century were pronounced, hid behind the Bible to annihilate kingdoms to bring them under Christian nations.<sup>3</sup> The apartheid system also exists, where

<sup>1</sup> Ellen F. Davis, *Scripture, Culture and Agriculture* (Oxford: Cambridge University Press, 2008); J. John Pilch, *A Culture Handbook to the Bible* (London: Eerdmans Publishing Company, 2012).

<sup>2</sup> F. Deana Moro and Lori Messinger, *Sexual Orientation and Gender Expression in Social Work Practice: Working with Gay, Lesbian, Bisexual & Transgender People* (New York: Columbia University Press, 2006).

<sup>3</sup> Thomas W. Smith, "The Use of the Bible in Arengae of Pope Gregory IX's Crusade Calls," in *The Uses of the Bible in Crusader Sources*, ed. Elizabeth Lapina and Nicholas Morton (Leiden: Brill Rodopi & Hotei Publishing, 2017), 06–235.

some South African authorities use the Bible for the segregation of black communities from the whites.<sup>4</sup> The slave trade is one area the Bible has been used to support such a cruel and dehumanizing activity.<sup>5</sup>

One area of interest that the Bible has caught attention is its use for swearing in most Western legal law courts. This legal practice has again gained popularity, especially in law courts of countries that were formerly colonized by European countries as well. This practice of using the Bible to swear has not been questioned by many people until recent times when the subject began to receive attention.<sup>6</sup> In such courts, the Bible is used by clients who opt for it to swear an oath to either defend or give evidence on a case to tell nothing but the truth. The process made it a necessary condition for people who profess to be Christians to swear using the Bible whether these people have a reverential perception of the Bible or not. However, it is acknowledged that there are other alternatives to swearing. Anyone, who decides to use the Bible is allowed without further questioning their loyalty to the authority of the Holy Scriptures.

However, this, to the researcher is problematic since in the contemporary world the Bible means many things to different people in the Judeo-Christian world who revere it. This implies that what one reckoned as truth to be given in court tends to relate to that individual's perception of the Bible. In addition, there have been instances where people who were asked in court whether they were guilty or not used this same Bible to say they were not but actually they knew they were guilty. Implicitly, for them to say they were not guilty or guilty is based on their varied understanding of what they held to be the "truth". This paper therefore discusses the whole idea of using the Bible to swear in court focusing on what the Bible itself says about swearing and what it means. Again, the work will consider the whole court swearing system to see whether, in court, the verdict given impinges on the content of the Bible or not. It raises a few debatable laws in both the Old Testament and New Testament on oath and shows how scholars from specific fields have given varied interpretations of the concept of swearing. In all, the whole idea of oath swearing in the Bible itself will be thoroughly considered in this work to offer situations in which the Bible could be used in court or otherwise.

## Oath Swearing in the Bible

It is expedient that a study of the use of the Bible on oath swearing in court takes into cognizance how the idea of oath-taking itself has developed in the Bible over some time. The section is dedicated to that purpose. In so doing, there is the need to go into the Old and New Testaments to trace this development.

The term oath in the Old Testament comes from two Hebrew root words: *sh'vu'a* interpreted as oath and *nādar/neder* translated as vow. The former occurs 216 times and the latter 40 times in the Old Testament. According to some scholars, the first usage usually requires seven witnesses to make it binding and the latter invokes divine curses to make it effective.<sup>7</sup> There is at least one scholar, Tony W. Cartledge, who sees vows and oaths as different enterprises in the Old Testament.<sup>8</sup> He explains that vow-making in the Hebrew Bible is made to God whilst an oath may be sworn to another person. He added that oaths are, however, strengthened by additional curses, usually in conjunction with an appeal to the deity or king who could carry out the curse.<sup>9</sup>

The Bible makes extensive use of the practice of oath-taking. Oath-taking is not -restricted to the literary genre, that is, it appears in every genre of biblical literature: narrative, poetry, law and infrequently, wisdom literature.<sup>10</sup> Occasions for oath-taking vary from private interactions to public and formal events. Oaths may be spoken by an ordinary person (Judg. 15:12-13; Gen. 21:24; 28:20),

<sup>4</sup> A. Richard Burridge, *Imitating Jesus: An Inclusive Approach to New Testament Ethics*. (Wmb. England: Eerdmans Publishing Company, 2007).

<sup>5</sup> David M. Whiteford, *The Curse of Ham in the Modern Era: The Bible and Justification for Slavery*. (London & New York: Routledge, 2003).

<sup>6</sup> Thomas R. Schreiner, *40 Questions about Christians and Biblical Laws* (Baltimore: Kregel Publications, 2010).

<sup>7</sup> Gesenius Wilhelm, *Hebrew and Chaldee Lexicon to the Old Testament* (London: Oxford University Press, 1860), 802; Yael M. Ziegler, *Promises to Keep: The Oath in Biblical Narrative* (Leiden: Hotei Publishing, 2008), 5-6.

<sup>8</sup> Tony W. Cartledge, *Vows in the Hebrew Bible and Ancient Near East* (JSOT Press, 1992), 15.

<sup>9</sup> Cartledge, *Vows in the Hebrew Bible and Ancient Near East*, 15.

<sup>10</sup> Ziegler, *Promises to Keep: The Oath in Biblical Narrative*, 1.

a leader (1 Sam. 30:15; Num. 5: 19-22; 1 Kings 1:51), a collective entity such as the whole nation (Gen. 50:24), or even God (Josh. 5:6; Gen. 22:16; Heb. 6:13). Biblical oaths govern relations between fellow Israelites (Gen. 25:33; 1 Sam. 3:17; Ruth 1:17), between Israelites and non-Israelites (Gen. 21:23; 26: 31; 1 Sam. 29:6), and between Israel and her God (Is. 19:18). An acceptance of God by non-Israelites can also be expressed through an oath of allegiance (Is. 19:18). A person can be bound to take an oath, both in legal and non-legal context to express once innocence (Num. 5:19-22). An oath can be made binding on future generations who are not present or alive at the time the oath was taken.<sup>11</sup> From the array of usages, it presupposes the fact that oath swearing is usually backed by curses and cannot always be attested.

The Israelites used oaths in the Bible in a wide variety of contexts: legal situations, personal interactions, and the religious sphere. One may use an oath to protect his property (Judges 17:2) or regulate fidelity to a treaty (Gen. 31:51-53; 2 Chron. 36:13). Alliances and friendships are solidified by oaths (Gen. 21:23, 1 Sam. 20: 42 and Ruth 1:17). In legal cases, a person may be forced to take an oath to establish his guiltlessness or the truth of his assertions (Exod. 22:10, 1 Kings 8:31-32). Occasionally an oath is used by an authority to compel his subjects to obey his command (1Sam. 14:24; 1 Kings 2:42). Oaths are sometimes taken during battle (Judg. 21:5; 1 Sam. 26:10) and sometimes as an expression of peaceful intentions (Gen. 21:23).

There are many instances in the Bible in which an oath involved an interaction between an Israelite and a non-Israelite (Gen. 21: 23; 26: 31; 1 Sam. 29:6). In fact, the first explicit oath in the Bible was between Abraham and Abimelech, the king of Gerar (Gen. 21:23). Oaths between Israelites determine the extent of their relationship (Gen. 21:23).

The relationship between God and his people is also administered by an oath. Both God and His nation take oaths that they intend to fulfil their part of the covenant between them (Ezra 16:8; Ezra 10:3-5). In the New Testament the use of oath appears in fragmentary passages (Matt. 5:33-37; 23:16-22; 26:71-74; Mark 6:22-23; 14:6-7; 14:70-71; James 5:12). Its use in all these instances (especially in Matthew 26: 71-74; Mark 6: 22-23 & Mark 14:70-71) connote the effort to use oath to make a binding statement or to prove that one's confession are sincere or truthful.

Ziegler observes that power of oath emanates from the fact that every oath contains a conditional curse, even if it is not explicitly delineated in the oath's formula.<sup>12</sup> This formula is designed to take effect if the terms of the oath are violated. The above discussion indicates that oath-taking borders on every aspect of Israelites' activities. It also explains that it has a binding force that makes those who swear it honour their oath by compulsion. The next section will consider issues of right or wrong methods of swearing oath.

### **Appropriateness of Swearing Oath: An Assessment of Biblical Scholarly views and Church traditions**

The issue of oath swearing has been discussed at length by various biblical and theological scholars who have attempted to interpret selected biblical texts on the subject. Church historians are also not left out of this discussion. They have done good work in assessing various church traditions and positions on the subject matter. Whilst the biblical scholars interpret the appropriate way to say an oath; the Christian discussion has been on whether it is right to take an oath in the name of God at all; or to take an oath with the Bible or any church relics. The goal of this section is to first analyze biblical interpretation on the subject and then the second part will focus on assessing the various positions on the subject by some selected Christian and Jewish sects.

A cursory reading of the Old Testament indicates that it is replete with scenes of oath swearing. The Israelites took oaths in their normal daily transactions. Fathers made their sons or servants swear to them (Gen. 24:3; 25: 33; 47: 31; 50: 5 & 1Sam. 3:13); a brother swore to another (Gen. 25: 33) and God swore by His name (Gen. 22:16; Ex. 6: 8) among others. Also, oaths were taken in official transactions to ensure that the parties involved would be faithful to their oath. The Bible also brings

<sup>11</sup> Read more from Yael Ziegler, *Promises to Keep: The Oath in Biblical Narrative* (Boston: Hotei Publishing, 2008), 3.

<sup>12</sup> Ziegler, *Promises to Keep: The Oath in Biblical Narrative*, 2.

attention to oaths taken under false pretences. People swore in the name of God and yet refused to fulfil their promise (Lev. 19: 12; Num. 30: 2; Josh. 9:14-15 and 2 Sam. 21:2).

The New Testament cannot be equally left out when it comes to discussions on oath-taking. Several passages talk about taking an oath (Matt. 5: 33-37; 23:16-22; 2 Cor. 1:23; Heb. 6:13, 16-17; 7:28; Jam. 5:12). The main argument on the New Testament has been whether it is right to swear or otherwise; does one have to swear in ordinary interaction or is swearing done in an official transaction; and finally, if swearing should be done, what is the appropriate way to do so.

On the subject of permissibility, some hold the view that swearing an oath is allowed only when it is done in the name of God. Tony W. Cartledge, for instance, argued that the Israelites appealed to a higher authority such as God who could carry out punishment in case of a breach of an oath. He cited Eli as appealing to God to deal with Samuel if he hides from him the message he received from God (1 Sam. 3:17). Similarly, he referred to the king of Samaria who swore to God to do away with Elijah if the famine in the land continues (2 Kings 6: 31).<sup>13</sup>

In the same vein, Wagner supported the idea of swearing in the name of God with Old Testament passages (Deut. 6:13, 10: 20; Is. 65:16) to affirm that those who swear should swear in God's name and nothing else.<sup>14</sup> He argued that the whole point of swearing is to call somebody else to prove that you are not guilty and nobody might know this better than the all-knowing God. Richard Watson similarly admits that God is invoked in an oath because he is acquainted with all secrets of the heart, with one's inward thoughts as well as our outward actions, to witness the truth of what is asserted, and to inflict his vengeance upon his people if they assert what is untrue, or promise what they do not mean to perform. He pointed out that bringing God in as a witness makes men dread to tell lies, under the watch of an avenging deity.<sup>15</sup>

Another area of the debate is on the rightful way of oath-taking or otherwise to swear an oath according to the New Testament. Two quotations, one by Jesus in Mathew 5: 33-37 and another by the Apostle James in chapter 5: 12 have been analyzed. Wagner reviews both texts and concludes that these two passages do not condemn swearing of an oath. He concluded that oath-swearing itself is irrelevant. However, when required to officially swear one cannot swear by heaven which is God's throne; nor earth which is God's footstool; nor can one swear by Jerusalem which is God's city nor to his/her own hair which cannot be changed. The only Superior authority to which one can swear to is God himself. He argued that swearing to any other object that is lesser than God is wrong. The 'things' listed in Matthew are what the Law, Jesus and James prohibit Christians from using in swearing.<sup>16</sup> Similarly, Watson explores the lawfulness of oath in the Matthean text. He remarked that the saviour's prohibition "Swear not at all" refers to vicious and unauthorized swearing in common discourse, and not to the judicial oath. He pointed out that when Jesus was interrogated upon oath by Pilate, he responded to the king (Matt. 26: 63-64; Mar. 14: 61).<sup>17</sup>

Contrary views have also been expressed. Baukham sees James 5: 12 as prohibiting swearing an oath. He commented that it is for the sake of a demand for total truthfulness that oaths are prohibited. This is because if people need to guarantee the truth of a particular statement by means of an oath, it implies that other statements of theirs are unreliable.

Another phase of the argument is to consider Christian and Jewish positions on the subject of oath. Opinions on this subject vary. Watson notes that Christians give an oath as a solemn appeal for the truth of their assertions, the sincerity of their promises, the fidelity of their engagement, to the only one God, the judge of the whole earth, who is everywhere present, and sees, and hears, and knows, whatever is said or done, or thoughts in any part of the world.<sup>18</sup>

The differences between belief in oath of the Catholic and Protestant sects have also been pointed out by scholars. Grey opined that both Catholics and protestants, whether medieval or early

<sup>13</sup> Cartledge, *Vows in the Hebrew Bible and Ancient Near East*.

<sup>14</sup> W. Wagner, "Swearing and Taking Oath When You Can and When You Can't," 2015, 756.

<sup>15</sup> Richard Watson, *A Biblical and Theological Dictionary: The History, Manners and Customs of Jews* (London: John Mason Publishers, 1842), 756.

<sup>16</sup> Wagner, "Swearing and Taking Oath When You Can and When You Can't."

<sup>17</sup> Watson, *A Biblical and Theological Dictionary: The History, Manners and Customs of Jews*, 756.

<sup>18</sup> Watson, *A Biblical and Theological Dictionary: The History, Manners and Customs of Jews*, 756 .

modern, centred their theories on oath-taking around the idea that oaths were a vital gateway through which human beings were able to experience God. Secondly, both believe that in legal cases one must swear only to God since he is greater than ourselves and he is the only one to discern whether the swearer's declarations are true or otherwise; and thirdly they agreed that oaths were a form of worship.<sup>19</sup>

Catholics and Protestants vary on the subject of what to swear by. Medieval Catholics believe that the power of God was defused throughout certain sacred objects, persons and ceremonies. Thus, they swore with saints, sacred relics, the Book of the Gospels, the Mass book, and on altars.<sup>20</sup> The protestant counterpart in England after the Reformation favoured a more direct approach to God through the word. They saw the mediation of saints as unnecessarily derogating the power of Christ and the veneration of relics as superstitious. Some Christians opted to swear by the book of the Gospels.<sup>21</sup>

Additionally, scholars have observed that there is no unanimity on the subject of swearing among protestants. The Lollards sect took a firm decision against book oaths. This sect began in England as a Christian religious movement in the late fourteenth century. Its members are often thought of as Protestants since many of their beliefs prefigured central tenets of the Reformation. They translated the Bible into English so that everyone could read it. They took a stand on Matthew 5:34-37- "I say to you do not swear at all to abrogate the practice of oath swearing in any form." The Lollards argue that the Bible was a physical book made by human hands, hence earthly and forbidden to use in oaths.<sup>22</sup> Whenever they were prosecuted for any national offence and they were asked by the state governed mainly by orthodox Catholic authorities to swear by God, or God's holiness, or by God's great name with their hands on the Bible, they would not do so, as they believed that the Bible is "a creature". Orthodox authorities in this vein imprisoned or executed hundreds of the Lollards for disagreement, in part, over an interpretation they gave to Matthew 5: 34-37, which both understood differently.

The Quaker and the Separatist Sects, were other protestant groups who refused to swear upon any occasion, founding their scruple concerning the lawfulness of oath upon the saviour's prohibition not to swear at all (Matt. 5:34). Separatists even refused to swear an oath upon the Bible because they considered it as "a creature".<sup>23</sup> Likewise, the Essenes Jewish sect is reported to have avoided oath swearing and esteem it worse than perjury, for they say, that he who cannot be believed, without swearing by God, is already condemned. On this account, they were relieved of taking an oath of allegiance to Herod.<sup>24</sup> However, there appear to be a double standard in the sense that it is on record that new entrants to their court swear an oath before being allowed to join them.<sup>25</sup> The above discussions have pointed out the dissensions on the subject of oath. The other subject to be discussed is the use of the Bible to swear in court. The remaining section of the study aims at that.

### **An Assessment of using the Bible to Swear in law Courts: The Way Forward**

In most law courts in the world, many sacred objects are given to a plaintiff or defendant to swear to indicate that whatever proceeds from his or her mouth will be "nothing but the truth," otherwise, they will be guilty of perjury or lying to the court. The sacred objects used include the Q'uran, Bhagavad Gita, Tanakh or the Hebrew Bible, the cross/crucifix and the Bible (Old and New Testament) among others. Of these objects, the one that is of interest in this discourse is the Christian Bible.

Swearing refers to taking oaths by invoking God as a witness.<sup>26</sup> Sincerely done, swearing could have provided one of the bases of stable government and social order. However, there are more complicated issues in this court design than one would superficially imagine. Oath swearing was a

<sup>19</sup> Michael Jonathan Gray, *Oaths and the English Reformation* (New York: Cambridge University Press, 2013), 30.

<sup>20</sup> Gray, *Oaths and the English Reformation*, 22.

<sup>21</sup> Gray, *Oaths and the English Reformation*, 30.

<sup>22</sup> Gray, *Oaths and the English Reformation*, 176.

<sup>23</sup> Gray, *Oaths and the English Reformation*, 32-33.

<sup>24</sup> Jacob Mann, "Oaths and Vows in the Synoptic Gospels," *The American Journal of Theology* 21, no. 2 (1917): 260-74.

<sup>25</sup> Gray, *Oaths and the English Reformation*, 33.

<sup>26</sup> Watson, *A Biblical and Theological Dictionary: The History, Manners and Customs of Jews* .

common thing at the time of Jesus. However, looking at its abuses Jesus took an oath swearing a step further:

“Again, you have heard that it was said to those of old, ‘You shall not swear falsely, but shall perform to the Lord what you have sworn.’ But I say to you, do not take an oath at all, either by heaven, for it is the throne of God, or by the earth, for it is his footstool, or by Jerusalem, for it is the city of the great King. And do not take an oath by your head, for you cannot make one hair white or black. Let what you say be simply ‘Yes’ or ‘No’; anything more than this comes from evil<sup>27</sup> (Matt.5:33-37 RSV).

The sensitive issue behind swearing has to do with the sacredness of God, his name and his power. There is therefore an unexamined problem with those who argue that the court should allow swearing in the name of God. If one stands before God and swears on the Bible when giving a witness or testimony in court to tell nothing but the truth and later is found guilty for lying to the court that profanes the name of God. When the court fails to unearth the lies and allows the innocent defendant to be imprisoned and the deceptive plaintiff to be discharged as not guilty, it will raise further questions on the justice of God.

The course of action to be followed in the future is to desist from swearing either with what is in heaven, parts of our body, the name of the Lord or with the Bible on issues of testimony. This is simply because human beings are imperfect and may tell lies or half lies when they see that they are caught up in their own web or out of anxiety. The only easier way to accept swearing with the Bible should be on issues of assumption of office where one, in this case, invites God to help him perform his/her official responsibilities well. All other instances, like using it in witnessing or defending somebody in court, will create a problem.

There is a need to explain this further with reasons. When it comes to mentioning the name of God, the Bible is against doing so in “vain” (Exo. 20:7). After putting one’s hands on the Bible and swearing, the one in the box calls on God to help him/her. The phrase “do not mention the name of God in vain” goes beyond cursing someone with the name of the Lord. One kind of vain swearing is when oaths are falsely sworn. In this case, God is asked to look down from heaven to witness it. God is invoked to guarantee oaths that trick people out of their lawful inheritance and basically deny responsibility for murder. God is forced to be a witness to these oaths in acts that are repugnant to him. God can punish these swearers though he was often thought to do so- the Old Testament abounds with stories about false swearers who incur his wrath (Ecc. 5:1-6; 2 Sam. 21:1-14) but sometimes they are left free with no divine vindication to be exacted. The fact is that when someone reneges on an oath and is not punished by God, it casts doubt about his existence, potency, or at the very least his involvement in the case.

If one swears by Yahweh’s name, it is assumed he does so based on the omniscient and omnipotent powers that God has to ensure that no falsehood comes from the witness’s mouth. The more people swear falsely and escape divine punishment, the less reliable God’s power will seem to the people. People who are innocent like Jesus before Pilate are put in the court box and are punished with sometimes death sentence or life imprisonment all because a guilty liar comes to deny relevant facts and as such has the innocent killed and the guilty released (Matt. 27:16). The terrible tendency of that oath leading to denial of justice will make the offender not trust in the omniscient and omnipotent attributes of God. Here, the person may think that the one who used the Bible to swear in a similar case in court has used them to do evil.

Another challenge with oath swearing is what is termed compurgation. The theory worked on the principle that people who suffer catastrophe after taking an oath are guilty and those who did not suffer innocent.<sup>28</sup> It means that God would judge the truth or falsity of the oath of the accused and his alibi. If any of them were swearing falsely, He would inflict a horrible punishment on them. However, this procedure seems very ridiculous. What contemporary criminal would not swear before God that he was innocent if it meant he could go free? But to biblical people, false swearing was not a minor

<sup>27</sup> Quotation is taking from the ESV.

<sup>28</sup> Ziegler, *Promises to Keep: The Oath in Biblical Narrative*, 9.

thing- it was a major sin, equivalent or almost equivalent to murder. On the other side, if after an oath an innocent person falls sick or faces severe setbacks, that will be taken for divine retribution like the case of Job (Job 1:14-22) even when it might be something else.

Lastly, the Bible is used to represent God that is why those who take oath with the Bible end by saying “So help me God”. It must be noted that the Bible itself is made up of various genres including laws with punishment for certain offences (Lev. 20:9; 20: 13). Since punishment in courts is based on what is stipulated in the constitution, it would have been more prudent for people to use the constitution to swear. This would rather give a good justification for using the stipulations of the constitution to punish offenders.

## **RECOMMENDATIONS**

Since the judgment of the truth in court is not contingent on the Bible, the practice for those in the Judo-Christian faith must be discouraged. If one insists on swearing, then the constitution should be given to the person to be used instead of the Bible. After all, the details of the punishment for a crime are not spelt in the Bible but in the Constitution and using the Bible to swear vainly will lead to ridiculing the Bible.

Secondly, if the Bible is to be used in court at all, the court should clearly spell out its interpretation of the Bible on certain debatable biblical passages. This will make people swear by the Bible based on the acceptable position the court gives on a given subject of morality. For instance, this will prevent child abuse by beating a child mercilessly based on Proverbs (13:24; 22:15). People burning or stoning sexual miscreants like gays and lesbians to death based on the extremist interpretation of Leviticus 20:13. If their actions are based on a literal interpretation of the Bible and not on the constitution, then they may see themselves as not guilty. If the court becomes sensitive that the defendant swearing with the Bible will usually justify their actions with this biblical text and not the constitution, it would have given its position on such passages in the Bible to make the court's position on that interpretation clearer and meaningful to the defendants.

From the discourse one may propose that the court systems should not encourage the use of the Bible in swearing since it creates a bad picture of God as an unjust God. It makes the guilty go scot-free sometimes while the innocent suffers. Similarly, the process diverts the original purpose of the Bible to be used as a sacred book for transforming the lives of people and showing them God's divine purpose for their lives.

On another perspective, if the Bible is to be used to swear, the lawmakers must have an engagement with accredited godly theologians on case- by- case basis to decide on the interpretation to give to certain legal issues addressed in the Bible that connects to a particular case in the constitution. In this instance, both the lawmakers and defendants will know the Biblical position on say stealing, murder, rape etc. accepted by the court so that when they swear with the Bible there will not be any contradictions in their mind about these biblical passages and the constitutional positions on such subjects. Finally, government appointees who are to be commissioned to take office can swear on the Bible by asking God to help them execute their functions faithfully.

## **CONCLUSION**

The research proposes that the Bible should not be used for swearing in court due to human imperfections vis-a-vis the sanctity of the Bible. Such an act has the tendency of profaning the name of the LORD and conscious or unconscious lies told to the court may lead to perjury. It proposes that if the practice is to be continued, legal experts should ask themselves whether decisions taken at the law court are based on the content of the Bible, if not, they should revise the practice due to the sacredness of the Bible. However, the practice should only be encouraged when new government officials are occupying office for the first time and swear that God should help them become effective in the discharge of their duties. In that case, God's name has been hallowed and not profaned.

## **BIBLIOGRAPHY**

Burridge, A. Richard. *Imitating Jesus: An Inclusive Approach to New Testament Ethics*. Wmb.

England: Eerdmans Publishing Company, 2007.

Cartledge, Tony W. *Vows in the Hebrew Bible and Ancient Near East*. JSOT Press, 1992.

Davis, Ellen F. *Scripture, Culture and Agriculture*. Oxford: Cambridge University Press, 2008.

Gray, Michael Jonathan. *Oaths and the English Reformation*. New York: Cambridge University Press, 2013.

Mann, Jacob. "Oaths and Vows in the Synoptic Gospels." *The American Journal of Theology* 21, no. 2 (1917): 260–74.

Moro, F. Deana, and Lori Messinger. *Sexual Orientation and Gender Expression in Social Work Practice: Working with Gay, Lesbian, Bisexual & Transgender People*. New York: Columbia University Press, 2006.

Pilch, J. John. *A Culture Handbook to the Bible*. London: Eerdmans Publishing Company, 2012.

Schreiner, Thomas R. *40 Questions about Christians and Biblical Laws*. Baltimore: Kregel Publications, 2010.

Smith, Thomas W. "The Use of the Bible in Arengae of Pope Gregory IX's Crusade Calls." In *The Uses of the Bible in Crusader Sources*, edited by Elizabeth Lapina and Nicholas Morton, 06–235. Leiden: Brill Rodopi & Hotei Publishing, 2017.

Wagner, W. "Swearing and Taking Oath When You Can and When You Can't," 2015.

Watson, Richard. *A Biblical and Theological Dictionary: The History, Manners and Customs of Jews*. London: John Mason Publishers, 1842.

Whiteford, David M. *The Curse of Ham in the Modern Era: The Bible and Justification for Slavery*. London & New York: Routledge, 2003.

Wilhelm, Gesenius. *Hebrew and Chaldee Lexicon to the Old Testament*. London: Oxford University Press, 1860.

Ziegler, Yael M. *Promises to Keep: The Oath in Biblical Narrative*. Leiden: Hotei Publishing, 2008.

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