

*AN ANALYSIS OF GOD'S PLAN OF REDEMPTION  
FROM A  
CRIMINAL JUSTICE PERSPECTIVE*

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## ABSTRACT

### 초록

All governing authorities which exist on planet earth have been established by God to act as a servant for good and to punish wrongdoers.

지구상에 존재하는 모든 권세는 선을 위한 심부름꾼으로서 수행하고 악을 행하는 자들을 벌하기 위해 하나님으로부터 나왔다.

The criminal justice system is the instrument of these governing authorities to impose punishment upon the guilty and vindicate the innocent.

형사사법제도는 범죄에 대한 처벌을 내리거나 결백을 구하기 위한 권세의 매개체이다.

Yet, beyond these retributive and utilitarian functions, it is arguable that the criminal justice system serves a higher purpose.

그러나, 이런 응징적이고 실용적인 기능 이상으로 형사사법제도가 더 높은 목적을 수행한다는 것에는 논쟁의 여지가 있다.

That is, the positioning of humanity on a trajectory for divine redemption.

즉, 하나님의 구원을 궤도에 있는 인간을 위한 제도라는 것이다.

This paper will analyze God's redemptive plan for humanity in the context of the criminal justice system.

본 논문에서는 형사사법제도의 맥락에서 인류를 위한 하나님의 구원 방안을 분석할 것이다.

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지구상에 존재하는 모든 권세는 선을 위한 심부름꾼으로서 수행하고 악을 행하는 자들을 벌하기 위해 하나님으로부터 나왔다. 형사사법제도는 범죄에 대한 처벌을 내리거나 결백을 구하기 위한 권세의 매개체이다. 그러나, 이런 응징적이고 실용적인 기능 이상으로 형사사법제도가 더 높은 목적을 수행한다는 것에는 논쟁의 여지가 있다. 즉, 하나님의 구원을 궤도에 있는 인간을 위한 제도라는 것이다. 본 논문에서는 형사사법제도의 맥락에서 인류를 위한 하나님의 구원 방안을 분석할 것이다.

## ABSTRACT

*All governing authorities which exist on planet earth have been established by God<sup>1</sup> to act as a servant for good and to punish wrongdoers.<sup>2</sup> The criminal justice system<sup>3</sup> is the instrument of these governing authorities to impose punishment upon the guilty and vindicate the innocent.<sup>4</sup> Yet, beyond these retributive<sup>5</sup> and utilitarian<sup>6</sup> functions, it is arguable that the criminal justice system serves a higher purpose. That is, the positioning of humanity on a trajectory for divine redemption. This paper will analyze God's redemptive plan for humanity in the context of the criminal justice system.*

**Keywords:** *Redemption, Criminal Justice System, Punishment, Pardon, Sin, Crime, Due Process*

## INTRODUCTION

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<sup>1</sup> Romans 13:1 New International Version

<sup>2</sup> Romans 13:2-5 New International Version

<sup>3</sup> The criminal justice system is the procedural arm of the government established for the purpose of responding to crime.

<sup>4</sup> Id.

<sup>5</sup> Retribution is non-utilitarian justification for punishment in the criminal justice system which seeks to give the wrongdoer the punishment he deserves. It focuses on the past conduct of the wrongdoer rather than any socially redeeming qualities the wrongdoer may acquire in the future. Podgor, Ellen S., Peter J. Henning, Andrew E. Taslitz, and Alfredo Garcia. *Criminal Law: Concepts and Practice*. 3rd ed. Durham, NC: Carolina Academic, 2013, p.5

<sup>6</sup> Id. Utilitarianism is a legal philosophy which seeks the greatest good for the greatest amount of people. When applied conceptually as a justification for punishment in the criminal justice system, it looks forward to deter and rehabilitate the criminal rather than simply focusing on the past wrongdoing

*“In the beginning God created the heavens and the earth...”<sup>7</sup>*

God is the author and creator of the entire solar system, and all cosmic bodies including universes, galaxies, stars, moons and planets. As part of God’s creation of the universe, God spoke his will into being and imposed boundaries of natural law such as gravity on these celestial bodies to keep order in the universe. God is a God of order. It stands to reason that this same divine desire for order would be directed toward a sinful humanity through the establishment of a criminal justice system with the power to punish<sup>8</sup> pardon<sup>9</sup> and position the wrongdoer for divine redemption. This paper will analyze God’s redemptive plan for humanity in the context of the criminal justice system which is the secular governmental response to crime.<sup>10</sup>

What is God’s Plan of Redemption? Probably the best way to describe God’s Plan of Redemption is to break it down in bite size chunks. First, the word *redemption* in a legal sense means “a repurchase or buying back” such as when a vendor buys back

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<sup>7</sup>( Genesis 1:1 New International Version)

<sup>8</sup> (Romans 13:1-5)

<sup>9</sup> U. S. v. Wilson, 7 Pet. 1CO, 8 L. Ed. 040; Ex parte Garland, 4 Wall. 350, 18 L. Ed. 300; Moore v. State, 43 N. J. Law, 241, 39 Am. Rep. 558; Rich v. Chamberlain, 10-1 Mich. 430, G2 N. W. 584, 27 L. R. A. 573; Edwards v. Com., 78 Va. 39, 49 Am. Rep. 377. Pardon is an act of grace, extended by the government to all persons who may come within its terms, and which obliterates the criminality of past acts done, and declares that they shall not be treated as punishable.

<sup>10</sup> ((Davies, Croall, and Tyrer, 2005, p.8) The Bible states that governing authorities are established by God to act as a servant for good and to punish wrongdoers. In other words, the law is a servant to lead humanity to Christ The criminal justice system is the governing authority which imposes punishment upon the guilty while simultaneously vindicating the innocent. Yet, beyond this adjudicatory role, it is arguable that the criminal justice system serves to achieve the divine redemption of humanity itself.

property at the same or an enhanced price.”<sup>11</sup> Moreover, in a biblical context, redemption refers to God ransoming<sup>12</sup> humanity from the punitive consequences of sin, not with money, but with the precious shed blood of Jesus which forgives and pays the penalty for man’s sin.<sup>13</sup> Jesus’ payment for sin would once again liberate man to live in God’s presence and enjoy His fellowship.<sup>14</sup> The story of humanity’s redemption begins on the planet called Earth. The bible tells us in Genesis Chapter 1:1-2 that the earth was already in existence with water, but without form and darkness covered the face of the earth.<sup>15</sup> So God the Creator engaged in a renovation project of the earth to make it habitable for human beings. Then after five days of creating the heavens and the earth, the sky, the dry land and plant life, the stars and heavenly bodies, fish and other water creatures, and animals that live on dry land-God made man, the crown of his creation! Man was created with freewill but was sinless and capable of fellowship with God. The first man named Adam<sup>16</sup> lived and enjoyed God’s presence and

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<sup>11</sup> Redemption ,*Black's Law Dictionary Online* 2nd ed. (St. Paul, Minn.: West Publishing, 1910)

<sup>12</sup> 1 Peter 1:18-20; 1 Corinthians 6:19-20

<sup>13</sup> Id.

<sup>14</sup> McClure, *The crimson thread of the Bible: Unlocking the mystery of the Bible*. p.107

<sup>15</sup> (*Genesis 1:2*)

<sup>16</sup> The word for man used in Genesis 1:26-27 is a Hebrew word entitled “Adam”; Even though the Adam is used as the name of the first human being, the grammatical form is a noun meant to refer to *humanity* or *mankind*. This grammatical use is not intended to suggest that this **creation** is male even though the full context of the creation story clearly leads to this conclusion.

fellowship in the Garden<sup>17</sup> of Eden. I can imagine God and Adam in the cool of the day<sup>18</sup> communing and discussing life in the Garden and Adam saying “You know God naming that black and white looking horse was a tough one”. But I came up with the name “Zebra” What do you think of it? The bible suggests that this was the type of relationship God had with Adam until sin entered the world.<sup>19</sup>

### THE FIRST PENAL COMMANDMENT TO MAN

After God commanded into existence the sky, dry land, plant life, stars, heavenly bodies, fish and birds, God turned his attention to creating human life.

On the 6<sup>th</sup> day of creation, God created all the creatures that live on dry land. God also created the first human<sup>20</sup> beings on this day in His “image and likeness”<sup>21</sup> God authorized and elevated man to rule over the earth and every living creature. God declared this creative work to be very good. Next, God blessed man and commanded him to reproduce,<sup>22</sup> fill the earth, and subdue it...” and freely eat of any seed bearing plants or

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<sup>17</sup> The word “Paradise” means a garden of bliss with a wall. It is a place where kings invited their honored guests. It is an ancient Persian word and is used in Genesis 2:8-10; Luke 23:43; and Revelation 2:7

<sup>18</sup> (Genesis 3:8)

<sup>19</sup> (Romans 5:12)

<sup>20</sup> The word for man used in Genesis 1:26-27 is a Hebrew word entitled “Adam”; Even though the Adam is used as the name of the first human being, the grammatical form is a noun meant to refer to *humanity* or *mankind*. This grammatical use is not intended to suggest that this **creation** is male even though the full context of the creation story clearly leads to this conclusion.

<sup>21</sup> (Genesis 1:26-27); God said, ‘Let us make man in our image, in our likeness’ (Both men and women both bear God’s image)

<sup>22</sup> God commands humans to be fruitful and multiply.

fruit bearing trees in the Garden except fruit from the tree of the knowledge of good and evil in the middle of the garden. God distinguished this command from all previous commands by adding the penalty of death for disobedience. Prior to this command nothing was off limits to man, but now man had a choice and could exercise his freewill to obey or disobey. The problem for man is that his disobedience would result in sin and trigger the consequence of death.<sup>23</sup>

### CRIMES AND OFFENSES

*Now the serpent was more crafty than any of the wild animals the LORD God had made. He said to the woman, “Did God really say, ‘You must not eat from any tree in the garden’? The woman said to the serpent, “We may eat fruit from the trees in the garden, but God did say, “You must not eat fruit from the tree that is in the middle of the garden, and you must not touch it, or you will die.” “You will not certainly die,” the serpent said to the woman. “For God knows that when you eat from it your eyes will be opened, and you will be like God, knowing good and evil.” When the woman saw that the fruit of the tree was good for food and pleasing to the eye, and also desirable for gaining wisdom, she took some and ate it. She also gave some to her husband, who was with her, and he ate it. Then the eyes of both of them were opened, and they realized they were naked; so*

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<sup>23</sup> Romans 5:12; Romans 6:23

*they sewed fig leaves together and made coverings for themselves.*<sup>24</sup>

The criminal justice process commences with the putative commission of a crime. By analogy, the criminal justice process commenced for Adam and Eve with eating<sup>25</sup> the prohibited fruit from the tree of the knowledge of good and evil. Specifically, the crimes implicated in the appropriation of the fruit from the tree of the knowledge of good and evil were larceny (theft)<sup>26</sup> receiving stolen property<sup>27</sup> and criminal conversion<sup>28</sup> to name a few. More importantly, these offenses introduced sin, disobedience, guilt and shame into the world. Unfortunately for Adam and Eve and ultimately humanity, God imposed the penalty of death for violation of this command.

### INTERROGATION, SEARCH, SEIZURE AND ARREST

*[The] LORD God called to the man, "Where are you?" He answered, "I heard you in the garden, and I was afraid because I was naked; so I hid." And he said, "Who told you that you were naked? Have you eaten from the tree that I commanded you not to eat from?"*<sup>29</sup>

At this point, Adam and Eve's relationship with God was broken and no longer harmonious but was now based upon guilt,

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<sup>24</sup> (Genesis 3:4-7)

<sup>25</sup> Eve adds the requirement of "not touching" the forbidden fruit to God's commandment of not eating the fruit since this requirement does not appear in God's original commandment to Adam. Perhaps Adam interpreted God's command to Eve with the additional requirement of not touching the fruit in order to safeguard Eve from the actual prohibited act of eating the fruit.

<sup>26</sup> (Molan, Bloy and Lanser,2003,p.257); (Finch, and Fafinski,2006, p.153

<sup>27</sup> Mass. Gen. Laws ch. 266, § 60 (2009)

<sup>28</sup> *Morissette v. United States*, 342 U.S. 246 (1952)

<sup>29</sup> (Genesis 3:9-11)

shame and a fearful expectation of judgment for their actions. Adam and Eve's own words point to this changed relationship with God when they admit to being fearful of God walking in the Garden presumably in an inquisitive or prosecutorial manner rather than for pleasure or fellowship. This segment of the criminal justice process is called the *questioning or interrogation* stage. The purpose of the interrogation stage is to ask questions calculated to elicit information from the suspected offender about the circumstances of a particular criminal offense.<sup>30</sup> Typically, before any extensive interrogation occurs, the perpetrator of the offense will be subject to a search for evidence of the crime at the time of being seized and placed under arrest or held in custody. This will usually trigger the accused being informed of his or her Miranda related rights<sup>31</sup>, which include without limitation, *the right to have counsel present, and the right to remain silent and not answer any questions*. These rights can be voluntarily waived at any point in the criminal process if knowingly and intelligently relinquished by the criminal defendant especially when the accused makes unsolicited voluntary incriminating statements. In viewing the objective circumstances following Adam and Eve's sin, it seems clear that Adam and Eve were "in custody" and not free to leave<sup>32</sup> based upon God's presence alone.<sup>33</sup>

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<sup>30</sup> <https://en.wikipedia.org/wiki/Interrogation> (Accessed September 4, 2016)

<sup>31</sup> Per *Miranda v. Arizona*, 384 U.S. 436, 444-45 (1966), persons must be read certain warnings prior to a custodial interrogation. "An accused must be warned that he or she has the right to remain silent, that anything said can and will be used against him or her in court, that he or she has the right to consult with a lawyer and to have the lawyer with him or her during interrogation, and that if he or she is indigent a lawyer will be appointed to represent him or her." 22 C.J.S. *Criminal Law* §1263 (2015)

<sup>32</sup> Custody may be based upon a show of authority rather than simply physical restraint. *Williams*, 407 U.S. 143 (1972)

<sup>33</sup> *Id.*

Moreover, Adam and Eve were not entitled to any of the Miranda related procedural rights in God's court of true justice following their sin offense. However, God did give Adam and Eve the opportunity to be heard regarding the circumstances of their sin offense before dispensing punishment.<sup>34</sup>

### ARRAIGNMENT AND INDICTMENT

The next step following arrest and interrogation is for the suspect to be brought before the court for an *arraignment*.<sup>35</sup> The main purpose of the arraignment is to advise the suspect of the pending criminal charges and to allow the suspect to enter a plea of guilty or not guilty. The suspects could also utilize the arraignment process as an opportunity to plea bargain and resolve the case. As part of the arraignment process, the court will formally charge criminal suspects with criminality through an *indictment*.<sup>36</sup> The indictment is a document often utilized to authorize the formal arrest and prosecution of criminal suspects. Notwithstanding the indictment, the defendant carries the presumption of innocence through trial.

Now the garden was no longer a place of bliss but a court of judgment with God as Righteous Judge of all the earth.<sup>37</sup> God

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<sup>34</sup> In Genesis 4:9-10, God (now the LORD of Covenant) uses a similar interrogative style when He questions Cain after murdering his brother, Abel

<sup>35</sup> The City Law School. (2007). *Criminal Litigation and Sentencing*. London: Oxford University Press. Pp.182-8

<sup>36</sup> The City Law School. (2007). *Criminal Litigation and Sentencing*. London: Oxford University Press. Pp.182-8; The indictment is issued based upon a finding of probable cause.

<sup>37</sup> (Genesis 18:25); McClure, J. A. (2010). *The crimson thread of the Bible: Unlocking the mystery of the Bible*. Sisters, OR: Deep River Books, P.107 God functions as Creator, Judge, Executioner and Pardoner.

summonsed Adam and Eve before his holy presence. God is all knowing and was already aware of Adam and Eve's offense against Him but still gives them an opportunity to be heard and explain what happened.<sup>38</sup> This divine restraint from prematurely imposing punishment before Adam and Eve have an opportunity to address the subject offense is the essence of due process<sup>39</sup> which is inherent in the American criminal justice system.<sup>40</sup> When we look at scripture, we see this same concept of fairness and due process reflected in the Cities of Refuge<sup>41</sup> which God first introduced to Moses and later to Joshua when he crossed into the promised land of Canaan. The cities of refuge were for the protection of the person who killed another accidentally or in self-defense. In ancient Israel, when one was killed, it was the responsibility of the avenger of blood<sup>42</sup> which traditionally was a designated family member charged with the duty to protect the honor and lives of the family, and to make certain the killing was punished.<sup>43</sup> The role of the avenger of blood was not to gather evidence, but simply to avenge the honor of the family. As a result, the need for protection from the avenger of blood was absolutely essential to protect the

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<sup>38</sup> ("The Constitution of the United States," Amendment 5,14; The Fifth Amendment of the United States Constitution provides that "[n]o person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law." U.S. CONST. amend. V. Similarly, the Constitution of the State of Maine provides that "[t]he accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of life, liberty, property or privileges, but by judgment of that person's peers or the law of the land." Me. Const. art. I § 6.

<sup>39</sup> Id.

<sup>40</sup> Id.

<sup>41</sup> ( Deuteronomy 19:2-10);Joshua 20:1-9

<sup>42</sup>( Deuteronomy 19:10-11 )Avenger of Blood family member was a way to achieve swift justice for the loss of a loved one but not at the expense of spilling innocent blood in the land. Consequently, fairness and due process was necessary.

<sup>43</sup> This action was based upon an interpretation of Genesis 9:6: *Whoever shed's man's blood, by man his blood shall be shed; for in the image of God, God made man*

suspect from a honor killing before the opportunity to be heard.<sup>44</sup> The following biblical example illustrates the point: Two men are working together, chopping down trees, when one man takes a swing of an ax and the ax head flies off, contacting the other man with a fatal blow to the head. Believing the man's death would be seen as murder by the deceased man's family, the suspect could flee to the nearest Levite city of refuge where he could be protected from the avenger of blood, until the circumstances surrounding the death could be heard and adjudicated.<sup>45</sup> Similarly, a murder suspect who seeks safety in a city of refuge after an apparent homicide of another individual was still entitled to an adjudication of his case to decide whether he is guilty or not guilty of the alleged murder. If it was determined at a hearing of the city elders that the suspect was truly guilty of homicide, then he would be expelled from the city of refuge without protection from the retribution of the family avenger.<sup>46</sup> These scriptural passages clearly demonstrate that God is just and dispenses punishment only to those that deserve it. This divine fairness and due process protects the *innocent* person from an unwarranted death and prevents the shedding of innocent blood.

With divine due process flowing from God's just nature, Adam and Eve were arraigned before a Holy God with the opportunity to respond to God's questions regarding eating the forbidden fruit. In other words, Adam and Eve could plead not guilty and

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<sup>44</sup> (Deuteronomy 19:4-6)

<sup>45</sup> (Deuteronomy 19:4-6)

<sup>46</sup> (Deuteronomy 19:11-12)

defend themselves or plead guilty, and accept responsibility and the resulting punishment. In actuality, Adam and Eve's response to God was more analogous to a plea of *no contest* because they admitted to eating the forbidden fruit but attempted to deflect the issue of their guilt and responsibility.<sup>47</sup> Based upon the order and authority of creation, Adam was the first person to stand before God and give an account of his actions. Although Adam admitted to eating the forbidden fruit, he essentially blamed God for his transgression because of God's gift of a female companion and wife.<sup>48</sup> Eve was the next in line to address God. Like Adam, she admitted to eating the prohibited fruit but attempted to shift the blame to the serpent.<sup>49</sup>

### TRIAL AND CONVICTION

From a criminal procedure perspective, it could be asserted that Adam and Eve's admissions qualify as confessions<sup>50</sup> and thus operate as waivers of the right to a speedy and public<sup>51</sup> trial by jury<sup>52</sup> the right to confront accusatory witnesses,<sup>53</sup> the right to remain silent and not incriminate oneself,<sup>54</sup> and the

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<sup>47</sup> (Genesis 3:12-13) In a criminal proceeding, a defendant may enter a plea of *no contest* or *nolo contendere* in which he does not accept or deny responsibility for the charges but agrees to accept punishment.

<sup>48</sup> (Genesis 3:12-13)

<sup>49</sup> (Genesis 3:12-13)

<sup>50</sup> Dennis J. Braithwaite, *Coerced Confessions, Harmless Error: The "Guilty as Hell" Rule in State Courts*, 36 AM. J. TRIAL ADVOC. 233, 233 (2013) (quoting Saul M. Kassin & Katherine Neumann, *On the Power of Confession Evidence: An Experimental Test of the Fundamental Difference Hypothesis*,

<sup>51</sup> "The Constitution of the United States," Amendments 6

<sup>52</sup> "The Constitution of the United States," Article III, Section 2

<sup>53</sup> "The Constitution of the United States," Amendment 6

<sup>54</sup> "The Constitution of the United States," Amendment 5

right to present a defense.<sup>55</sup> This assertion raises another question and that is whether their confessions were knowingly, intelligently, and voluntarily made. God did not use force or otherwise compel Adam and Eve to admit to eating the forbidden fruit even though he already knew of their sin.<sup>56</sup>

Aside from the procedural implications of Adam and Eve's confessed sin, it is worthy to note that God already pronounced the sentence of death to Adam and Eve<sup>57</sup> in the event of their disobedience. "For in the day that you eat of the tree of the knowledge of good and evil you will surely die"<sup>58</sup> The bible is clear that God is not a man such that he would lie<sup>59</sup> or change his mind.<sup>60</sup> I the Lord do not change.<sup>61</sup>

Many people erroneously believe when they stand before God, they will receive a trial-like hearing and be able to defend themselves on the issue of their guilt based upon all the good things done in their lifetime. What they do not realize is that the issue of man's guilt has been settled!<sup>62</sup> This is why Jesus was slain before the creation of the world<sup>63</sup> and later crucified,

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<sup>55</sup> The defendant is not obligated to testify or present a defense because the prosecution bears the burden of overcoming the presumption of innocence and proving the defendant guilty beyond a reasonable doubt.

<sup>56</sup> (Exodus 20:16);(Psalm 51:6a)

<sup>57</sup> Technically, God told Adam about the prohibition of the forbidden fruit and Adam subsequently told Eve about God's command. This is a common theological position since there is no biblical indication that God spoke to Eve separately or with Adam present regarding this command.

<sup>58</sup> (Genesis 2:15-17)

<sup>59</sup> (Numbers 23:190)

<sup>60</sup> (Malachi 3:6a) There is some dispute whether God changed his mind by not imposing judgment on Ninevah in the book of Jonah. However, the better theological interpretation consistent with God's nature is that God did not change his mind about Ninevah's deserved punishment. Rather, their corporate repentance triggered God's mercy rather than God's retribution in heeding his warning.

<sup>61</sup> Malachi 3:6

<sup>62</sup> Romans 3:10-23;5:12)

<sup>63</sup> (Revelation 13:8)

buried and resurrected for the sins of all people.<sup>64</sup> All people are convicted sinners by birth, nature, and action. In Psalms 51, David states *“Surely I was a sinner from birth from the time my mother conceived me...”* Several hundred years later in Romans 3:23 Paul writes that “[A]ll [people] have sinned and fallen short of God’s glory.” On a more practical level, the sin nature is clearly seen in the actions of a child who selfishly seeks to exclude others from his toys, food and everything that the child claims as their own. This attitude of the child is attributable to the child’s nature and not the child’s learned predisposition to be selfish.

From a theological perspective, the absence of a trial speaks to the perfect justice of God who knows all things including the true perpetrators of crimes. With God there is no need to search for the truth because God is truth and already knows the truth of everything that occurs. As such, God has a perfect arrest and conviction rate even without the necessity for fingerprint swipes, DNA analysis or other forensic techniques to identify the actual criminal offender. God always gets the right man!

Aside from God’s omniscience in identifying the perpetrator of an offense, in this instance, Adam and Eve’s own admission of their sin against God resulted in their conviction and alleviated the need for a trial on the issue of their guilt.<sup>65</sup> By God’s standards, Adam was the most complicit in the theft of the forbidden fruit even though he only ate the forbidden fruit

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<sup>64</sup> (I Corinthians 15:1-4)

<sup>65</sup> (Genesis 3:11-12)

after receiving it from Eve. Adam was created first and was charged with the authority and responsibility to explain God's command and dissuade his wife from violating God's law.<sup>66</sup> Adam not only failed to stop his wife from disobeying God's command but engaged in the unlawful act himself.<sup>67</sup> For what it is worth, at least Eve could say she was deceived by the serpent before the commission of her offense but what is Adam's excuse? The bottom line is that God has already decided that all people have sinned, stand guilty, and have fallen short of his glory.<sup>68</sup> As such, there is and will be no opportunity for a trial or plea bargain before God based upon the apparent good things people have done.

### SENTENCE

After the conviction of the defendant, the next phase in the criminal justice process is to determine the sentence of the defendant. This is normally accomplished through a sentencing hearing. A sentencing hearing is usually conducted by a judge who determines the appropriate punishment for the defendant based upon the law and the seriousness of the offense. The judge will be guided by a number of justifications for the

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<sup>66</sup> Technically, God told Adam about the prohibition of the forbidden fruit and Adam subsequently told Eve about God's command. This is a common theological position since there is no biblical indication that God spoke to Eve separately or with Adam present regarding this command. It is interesting to note that Eve adds the requirement of "not touching" the forbidden fruit to God's commandment of **not eating the fruit** since this requirement does not appear in God's original commandment to Adam. Perhaps Adam interpreted God's command to Eve with the additional requirement of not touching the fruit in order to safeguard Eve from the actual prohibited act of eating the fruit.

<sup>67</sup> The secular crime Adam would be chargeable with in the criminal justice system is receiving stolen property. The elements of receiving stolen property include knowingly receiving stolen property with the intent to permanently deprive the owner of the property's possession. Mass Gen Laws ch. 266, Section 60(2009) Adam's receipt and consumption of the prohibited fruit permanently deprived God of his property.

<sup>68</sup> (Romans 3:10-23; John 3:18)

punishment ultimately imposed. Those justifications will normally include retribution<sup>69</sup>, deterrence<sup>70</sup>, rehabilitation<sup>71</sup>, and incapacitation.<sup>72</sup> Although these are worthy justifications for punishment in the criminal justice system, God's justification for punishment seeks a higher purpose—the redemption of sinful humanity. The fact that death is the punishment for Adam's sin and by imputation, the sin of mankind intimates the seriousness and gravity of sin. More importantly, it speaks to the perfect holiness, righteousness, and justice of God. So then why do so many people only see God's love, mercy, and compassion but not his desire for justice and that the guilty not go unpunished.<sup>73</sup> Why would we expect God to compromise his righteousness as the Judge of all the earth? God has perfect truth in sentencing—the deserved payment for sin is death which is the highest price which can be paid.<sup>74</sup> What is death? Apart from the medical definitions of death involving a heart stoppage and brain death, the biblical definition of *physical death* concerns the severance of the human soul or spirit from the body.<sup>75</sup> *Spiritual death* is the separation of the soul from God in the lifetime of the

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<sup>69</sup> Punishment administered in return for a wrong committed; repayment American Heritage® Dictionary of the English Language, Fifth Edition. 2011 by Houghton Mifflin Harcourt Publishing Company.

<sup>70</sup> A principle that criminal laws are passed with well-defined punishments to discourage individual criminal defendants from becoming repeat offenders and to discourage others in society from engaging in similar criminal activity West's Encyclopedia of American Law, Second Edition. 2008 The Gale Group, Inc

<sup>71</sup> Rehabilitation refers to preparing a prisoner for a productive life upon release from prison West's Encyclopedia of American Law, Second Edition. 2008 The Gale Group, Inc.

<sup>72</sup> Incapacitation philosophy of punishment focuses on removing a criminal offender from society to protect society from the possibility of further offenses.

<sup>73</sup> Exodus 34:5-6

<sup>74</sup> I Corinthians 6:19-20

<sup>75</sup> Luke 8:55

individual.<sup>76</sup> *Eternal death* is even more permanent because it represents the separation of the soul from God for *all* eternity.<sup>77</sup> Without the grace of God, man is destined to experience all three types of death as a consequence of sin.

### EXECUTION OF MAN'S SENTENCE

The final step after the conviction and sentencing of a criminal offender is the actual execution of the sentence. The sentence can range from a simple fine to a life sentence in prison or even the death penalty which generally is only imposed for the most severe crimes, such as murder.<sup>78</sup> The most often cited religious justification for the death penalty is based upon the Old Testament principle of a *life for a life*<sup>79</sup>. In Genesis, we see the origins of this principle when the blood of an animal is shed to make coats of skin for Adam and Eve before they are expelled from the Garden with no ability or right to return.<sup>80</sup> In Genesis, we also see God's imposition of curses and hardships upon Adam and Eve and the created order to illustrate the gravity and consequential effects of sin.<sup>81</sup> Although Adam and Eve did not drop dead immediately after sinning against God, the scriptures are manifest that physical and spiritual death

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<sup>76</sup> Ephesians 2:1-2; John 5:24

<sup>77</sup> Luke 16:19-26; Romans 6:23; Revelation 20:10-15

<sup>78</sup> The 8<sup>th</sup> Amendment to the U.S. Constitution prohibits punishments which are cruel and unusual and sentences that do not fit the crime. Consequently, it is conceivable that modern day capital punishment opponents would argue that the death penalty for Adam and Eve's offense does not fit the crime. However, this reasoning misses the mark because it seeks to judge the ways of God from an imperfect finite human understanding rather than from the perspective of a perfect holy, righteous, and infinite God. The bible says God's ways and thoughts of God are higher than man's thoughts and ways. Isaiah 55:8-9

<sup>79</sup> Genesis 9:6

<sup>80</sup> Genesis 3:21

<sup>81</sup> Genesis 3:14-19

entered the world after man's sin.<sup>82</sup> From the point Adam sinned, the Creator and his created human beings became physically and spiritually separated.

What should the Creator and Holy God do about an unholy and sinful humanity? How could a God of perfect mercy and perfect justice reconcile these competing attributes to redeem His beloved creation? As a God of perfect justice, could God simply overlook sin, and continue to be just if there was no consequence for sin?<sup>83</sup> Would God continue to be perfectly righteous if He did not do the right thing?<sup>84</sup> Would God continue to be holy if he compromised his holiness for that which is unholy, unclean, and impure? No, certainly not. In fact, God would cease to be God!<sup>85</sup>

Fast forward to today, through Adam the whole world has inherited Adam's sin nature and death sentence. This spiritual death sentence which is attributable to sin is comparable to the death row inmate who lives with the daily anxiety that his capital sentence could be carried out at anytime. There is one big difference between the death row inmate and the rest of the world. The death row inmate is fully aware of his predicament, the urgency of his situation, and that he is one breath from eternity. Unfortunately, many people are ignorant of their spiritually dead condition due to sin and that they share the same predicament as the death row inmate. Let me

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<sup>82</sup> Genesis 4:8;;5:5-31;Ephesians 2:1-2;Ezekiel 18:4

<sup>83</sup> Acts 17:30 In earlier times God overlooked people's ignorance but now He commands people everywhere to repent.

<sup>84</sup> Genesis 18:25 "Shall not the judge of all the earth do right"

<sup>85</sup> The bible tells us that Jesus who is God (John! :1-4,14 is the same today , yesterday and forever.(Hebrews 13:8)The bible also tells us that God has immutable qualities that do not change.(Malachi 3:6)

illustrate by the crucifixion scene recorded in Luke Chapter 23:26-43. The passage opens with Jesus being led away with two criminals to Golgotha to be crucified. The two criminals were situated on the left and right side of Jesus. The scripture also records in Matthew and Mark that both criminals were insulting and mocking Jesus together with the crowd which contained both Jews and Gentiles. Specifically, the crowd included but was probably not limited to temple priests, temple guards, teachers of the Law, Roman leaders, Roman soldiers, residents and non-residents of Jerusalem in town for the Passover and related feasts. Yet, in the midst of the execution of the death penalty by crucifixion with all appeals exhausted and death a forgone reality, Jesus offers forgiveness and one final reprieve to the dying criminals in lieu of a hopeless eternity—a full, absolute, and unconditional pardon.<sup>86</sup> This was accomplished when he asked his Father to forgive the people because they did not know what they were doing.<sup>87</sup> At that point, one of the criminals had a change of heart probably after hearing Jesus words to his Father.<sup>88</sup> The remorseful criminal then rebukes and reminds the other criminal that their death sentences are just and that they are getting what their deeds deserve. In other words, the repentant criminal acknowledges that justice is being served by the execution of the death penalty. After appealing to the unrepentant criminal, the repentant criminal seeks mercy from Jesus. Unlike his earlier comments directed at Jesus, the repentant criminal does not

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<sup>86</sup> U. S. v. Wilson, 7 Pet. 1CO, 8 L. Ed. 040; Ex parte Garland, 4 Wall. 350, 18 L. Ed. 300; Moore v. State, 43 N. J. Law, 241, 39 Am. Rep. 558; Rich v. Chamberlain, 10-1 Mich. 430, G2 N. W. 584, 27 L. R. A. 573; Edwards v. Com., 78 Va. 39, 49 Am. Rep. 377.

<sup>87</sup> Luke 23:34

<sup>88</sup> Id.

tell Jesus to come down from the cross or to save him and his fellow prisoner. Rather, he simply asks Jesus to remember him when Jesus comes into his kingdom.<sup>89</sup> Jesus responds to him favorably and probably exceeds all of the contrite criminal's expectations when Jesus announces to him that he would be in paradise with Jesus that very same day.<sup>90</sup> I wonder if the recalcitrant criminal was coherent enough at the time to hear Jesus words to the remorseful criminal. The scriptures indicate that he died after Jesus so it is likely he heard the response of Jesus to the other criminal.<sup>91</sup> The tragedy is that the bible does not indicate whether the criminal ever repented before or after Jesus death.

### CLEMENCY AND PARDON

*Hebrews 9:27 states that it is destined for people to die once, and after that to face judgment.*<sup>92</sup> Like the crowd at the crucifixion, people today are generally ignorant of what they are doing in a spiritual context. People are also generally unaware that they share the same spiritual condition in the eyes of God as the two criminals prior to their execution-that is- spiritually dead people<sup>93</sup> on a divine stay of execution.<sup>94</sup> The entire unbelieving world is on *spiritual death row* and *one breath from eternity* because of sin.

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<sup>89</sup> Luke 23:42

<sup>90</sup> Id at 43

<sup>91</sup> John 19:31-34 The guards broke the legs of the two criminals crucified with Jesus to hasten their death but did not break the legs of Jesus because he was already dead.

<sup>92</sup> The identity of the writer of Hebrews is disputed.

<sup>93</sup> Ephesians 2:1-2; Colossians 2:13

<sup>94</sup> *A stay of execution is a court order that temporarily defers the implementation of a sentence.* Stay of Execution, *Black's Law Dictionary Online* 2nd ed. (St. Paul, Minn.: West Publishing, 1910,

Today is no different than 2,000 years ago. Jesus still offers forgiveness and a full and unconditional pardon<sup>95</sup> to a spiritually dead and dying world, imprisoned on spiritual death row with no hope of eternal life with God except for a plea for mercy and forgiveness. A pardon is a type of clemency or reprieve for a person's crime offered by the chief executive of a political sovereign such as the president or governor. It is marked by forgiveness of the subject crime and the cancellation of the relevant penalty for the subject crime. Probably, the most important aspects of the pardon is that it exempts and releases the wrongdoer from punishment and completely restores the offender's civil rights and innocence as though the offender had never committed a crime.<sup>96</sup> Inherent in the criminal pardon is *mercy* which ***keeps wrongdoers from getting what they deserve***. The pardon that God offers on account of Jesus Christ is better<sup>97</sup> than the secular pardon offered by the criminal justice system. Unlike the unconditional pardon available in the criminal justice system, God's pardon not only fully restores the sinner but fully redeems the sinner as well. The sinner is delivered from eternal death and redeemed back to God through the reconciling<sup>98</sup> work of Jesus on the cross. Yet,

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<sup>95</sup> U. S. v. Wilson, 7 Pet. 100, 8 L. Ed. 040; Ex parte Garland, 4 Wall. 350, 18 L. Ed. 300; Moore v. State, 43 N. J. Law, 241, 39 Am. Rep. 558; Rich v. Chamberlain, 10-1 Mich. 430, 62 N. W. 584, 27 L. R. A. 573 hold that is put on the carryout of an order or judgment of a court.

<sup>96</sup> Id.

<sup>97</sup> These were all commended for their faith, yet they did not receive what was promised. God had planned something better for us, so that together with us they would be made perfect....\_All these people died in faith, without having received the things they were promised. However, they saw them and welcomed them from afar. And they acknowledged that they were strangers and exiles on the earth. Those who say such things show that they are seeking a country of their own. If they had been thinking of the country they had left, they would have had opportunity to return. Instead, they were **longing for a better country, a heavenly one. Therefore God is not ashamed to be called their God, for He has prepared a city for them...The repentant criminal was longing for a better country, heavenly one.** Hebrews 11:13-16;38-39

<sup>98</sup> 2Corinthians 5:18-19

the truly amazing thing about the pardon is that it is laden with *grace*. What is this grace? Grace is essentially unmerited favor towards humanity. However, to fully understand grace it must be defined in two mutually exclusive contexts of secular grace and divine grace. Although both views of grace have the aspect of unmerited favor, God's divine grace gives repentant and forgiven sinners ***more than what they deserve***. Stated differently, God's ***gracious*** pardon goes beyond merely returning repentant and forgiven sinners to their original standing with God before sin as exemplified in the crucifixion of the repentant criminal. The dying criminal was ***mercifully ransomed and rescued*** from eternal death; ***restored and redeemed*** back to relationship and fellowship with God<sup>99</sup>, and ***graciously raised and seated with Christ in the heavenly realms at the right hand of God***.<sup>100</sup> The merciful request for a pardon is the only appeal from spiritual death row captivity that will God hear<sup>101</sup> and entertain.<sup>102</sup> In fact, Romans 10:13

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<sup>99</sup>The word "Paradise" means a garden of bliss with a wall. It is an ancient Persian word and is used in Genesis 2:8-10; Luke 23:43; and Revelation 2:7. Man would be given once again the right to eat from the tree of life which is in the paradise of God. In an eschatological sense, the reality of paradise is found in the presence and blessing of God where ***now forgiven sinners are positionally restored to their pre-sin condition of perfect fellowship with God with a new heavenly versus earthly address. Ephesians 2:6; Philippians 3:20 ("Our citizenship is in heaven and we await the Savior from there")***

<sup>100</sup> Ephesians 2:6; Colossians 3:1

<sup>101</sup> 1 John 5:13-15 "I write these things to you who believe in the name of the Son of God so that you may know that you have eternal life. This is the confidence we have in approaching God: that if we ask anything according to his will, **he hears us**. And if we know that he hears us—whatever we ask—we know that **we have** what we asked of him"

<sup>102</sup> Salvation is found in no one else, for there is no other name under heaven given to mankind by which we must be saved." Acts 4:12; Jesus answered, "I am the way and the truth and the life. No one comes to the Father except through me, John 14:6; 1 John 5:13-15 "I write these things to you who believe in the name of the Son of God so that you may know that you have eternal life. This is the confidence we have in approaching God: that if we ask anything according to his will, **he hears us**. And if we know that he hears us—whatever we ask—we know that **we have** what we asked of him" Based upon God's desire that none perish and that all come to repentance, it would appear that a prayer of repentance and appeal for forgiveness is clearly according to God's will so that he hears us.

states that all those who call upon the name of the Lord will be saved. As a former criminal defense lawyer my *failsafe* legal advice is that you take God up on his gracious offer of eternal life before it is too late.<sup>103</sup>

## CONCLUSION

The thread of God's redemptive plan can be traced back to Jesus' death before the foundation of the world. The advent of people on the 6<sup>th</sup> day of God's creation put into effect God's plan of redemption even before Adam and Eve sinned. Seeing God's redemptive plan from the perspective of the criminal justice system is not only instructive but shows how the criminal process has been used to elucidate the redemptive journey home of the sinner saved<sup>104</sup> by grace.

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Since we can be assured he hears us –we know that we have what we have asked of him. In other words, we can have confidence that God will not only hear but also entertain and grant our appeal to him.

<sup>103</sup> John3:36; Revelation 20:15; John 5:24”\_Very truly I tell you, whoever hears my word and believes him who sent me has eternal life and will not be judged but has crossed over from death to life.”

<sup>104</sup> The word *saved* refers to the divine deliverance of man from the (past) penalty of sin, (present) power of sin and the (future) presence of sin. In other terms, salvation is the *means* to bring about the *end* objective of humanity's redemption.

## HUMANITY'S PRE-SIN AND POST-SIN CONDITION AND STATUS

### Pre-sin status

- Sinless
- Perfect Fellowship with God

### Post sin condition

- Confessed and convicted Sinner
- Eternal Death Sentence

### Pre-pardon condition

- Spiritually Dead on a Divine Stay of Execution
- One Breath from Physical and Eternal death

### Post-pardon status

- Ransomed and Rescued
- Restored and Redeemed

### Post-pardon status

- *Raised and seated with Christ in the heavenly realms.*
- *New Citizenship in the Kingdom of Heaven*