

Defining the Meaning and Purpose of Justice, Law, and Criminal Justice: A Hermeneutical Judeo-Christian Biblical Perspective

Arthur H. Garrison

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ARTICLES

DEFINING THE MEANING AND PURPOSE OF JUSTICE, LAW, AND CRIMINAL JUSTICE: A HERMENEUTICAL JUDEO- CHRISTIAN BIBLICAL PERSPECTIVE

ARTHUR H. GARRISON[†]

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INTRODUCTION

All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness.¹

This Article seeks to review the purpose and definition of justice and the law from a unique perspective. It asserts that the purpose and definition of justice and the law can be determined by the utilization of literal, grammatical, historical, and contextual hermeneutic principles on the biblical text. The uniqueness of this approach is that the Bible will be used as an exclusive source for determining the definition, purpose, and operation of justice and the law.

Justice has been defined various ways through the development of political, social, economic, philosophical, and religious literature over the centuries. Justice has been defined as a process as well as an outcome. The defining of justice necessarily requires defining the meaning and purpose of the law. Although both concepts are similar in scope, they are different in both purpose and operation. The law is defined by what it does and what it requires, while justice is defined in normative terms. Justice, in subjective terms, is defined by what ought to be or what should happen—whether the result is fair. The distinction between the operation and implementation of the two has demonstrated that what is required by the law is not always just and that which is just may not always be lawful. A distinction between law and justice was debated in the movie *Exodus*.

In the 1960 movie *Exodus*, the character Ari Ben Canaan, a senior operative of the Haganah, debates the differing approaches to forcing the British out of Palestine in order to form the state of Israel with his uncle Akiva, who is the head of the Irgun. The movie portrays the difference between the two organizations as the Irgun utilizing acts of violence and bombing while the Haganah uses diplomacy to achieve their shared goal.²

¹ 2 Timothy 3:16 (NKJV).

² For discussion on the history of these two Jewish resistance (terrorist) organizations, see generally Donald Neff, *Hamas: A Pale Image of the Jewish Irgun and Lehi Gangs*, WASHINGTON REP. ON MIDDLE E. AFF., May/June 2006; Arthur H. Garrison, *Defining Terrorism: Philosophy of the Bomb, Propaganda by Deed and Change Through Fear and Violence*, 17 CRIM. JUST. STUD. 259 (2004); Arthur H. Garrison, *Terrorism: The Nature of Its History*, 16 CRIM. JUST. STUD. 39 (2003);

In their meeting, their debate shifts from tactics to whether the Jews receiving Palestine would be a just result:

[Ari:] I think these bombings and these killings hurt us with the United Nations. A year ago we had the respect of the whole world. Now, when they read about us, it's nothing but terror and violence.

[Akiva:] It's not the first time this happens in history. I don't know of one nation, whether existing now or in the past that was not born in violence. Terror, violence, death. They are the midwives who bring free nations into this world and compromisers like the Haganah produce only abortions.

....

[Ari:] How can we ask the UN for a just decision when we keep on blowing up things like a bunch of anarchists!

[Akiva:] You have just used the words "a just decision." May I tell you something? Firstly, justice itself is an abstraction. Completely devoid of reality. Secondly, to speak of justice and Jews in the same breath is a logical absurdity. Thirdly, one can argue the justice of Arab claims on Palestine just as one can argue the justice of Jewish claims. Fourthly, no one can say the Jews have not had more than their share of injustice these past ten years. I therefore say, fifthly, let the next injustice work against somebody else for a change.³

Akiva asserts that justice, as a concept, has no real meaning outside of personal perspective. In other words, is justice a subjective and individual concept? Is Akiva correct that justice does not have an objective or intrinsic meaning, but rather justice and injustice are defined by who wins and who loses? Is Akiva right that justice is nothing but an abstraction? Is there an objective meaning of justice to which all results are measured by?

The academic and philosophical literature of western Christian thought and the Judeo-Christian biblical tradition is a rich one dating back to the great minds of the Enlightenment

David A. Charters, *Eyes of the Underground: Jewish Insurgent Intelligence in Palestine, 1945–47*, 13 *INTELLIGENCE AND NAT'L SECURITY* 163 (1998); James L. Fields, *Irgun Zvai Leumi: The Jewish Terrorist Element of the Arab-Israeli Conflict* (Apr. 1985) (unpublished Master's Thesis, Air Command and Staff College); Stefan Korbonski, *Unknown Chapter in the Life of Menachem Begin and Irgun Zvai Leumi*, 13 *E. EUROPEAN Q.* 373 (1979).

³ *EXODUS* (1960).

and, before them, the age of Greek and Roman philosophy.⁴ These sources have provided a foundation for defining the nature and purpose of justice and the law, and they have benefited from ecclesiastical sources. However, the literature on the meaning of justice and law has not considered the Bible as an exclusive source for defining the purpose and meaning of law and justice. The text of the Bible itself provides an unambiguous definition of law and justice and the purpose of both. Both the law and justice have distinctive meanings; the source of both can be defined by the nature of God as reflected in the Bible. This approach in defining these concepts begins with a basic premise: there is a God and He not only cares about the affairs of men but also has defined what those affairs should entail. This approach proposes that a working definition of justice and the law can be found in the word of God: the Bible.⁵

Because the Bible is the result of divine revelation, it can be sought for answers to practical problems.⁶ Taking the Bible as authoritative, this Article examines whether it provides a workable definition and conception of justice outside of personal subjective experience. Put another way, starting the inquiry from the proposition that there is a God and that the Bible is His word to mankind, can objective scholarly review of the text provide an answer to what is justice? This Article proposes that the answer to the question can be provided in the affirmative.

⁴ See Arthur H. Garrison, *The Traditions and History of the Meaning of the Rule of Law*, 12 GEO. J.L. & PUB. POL'Y 565, 565 (2014); Arthur H. Garrison, *The Rule of Law and the Rise of Control of Executive Power*, 18 TEX. REV. L. & POL. 303, 304 (2014).

⁵ Throughout this Article, I use various versions of the Bible, including the King James (KJV), New King James (NKJV), the New Living Translation (NLT), and the Message (MSG), to name a few, interchangeably. Different versions will be used for purposes of comparison and developing the meaning of conceptions of justice used in the various translations of scripture.

⁶ See 2 *Timothy* 3:16 (NKJV); see also *Proverbs* 2:6–7 (NKJV) (“For the Lord gives wisdom; From His mouth come[s] knowledge and understanding; He stores up sound wisdom for the upright[.]”); *Proverbs* 1:4 (“To give prudence to the simple, To the young man knowledge and discretion—”).

I. DO JUSTLY, LOVE MERCY AND WALK HUMBLY WITH YOUR GOD⁷

While there is much debate on the meaning of justice and law, both in academic⁸ and legal⁹ scholarship, there is a question that precedes defining what is justice—namely, why is justice sought by mankind in the first place? Why is justice valued over evil or injustice? What principle is vindicated by the demand and achievement of justice? The principle vindicated by justice is the vindication of right over wrong, good over evil. It is this principle that there is right and wrong, and evil should not prevail, that supports the demand for justice. But this truth leads to another question, what is right and wrong? What is the source of defining these two ideas? It is at this level of conceptualization of justice that the Judeo-Christian biblical tradition has formed the foundation for legal western thought on law and justice.¹⁰

A. *For the LORD Is a God of Justice,¹¹ the Almighty Will Not Pervert Justice,¹² and the Judgments of the LORD Are True and Righteous Altogether.¹³*

The Judeo-Christian biblical tradition begins with doctrinal assertions that there is a God¹⁴ and that not only is He just, but also He is the source of the meaning of justice. As Isaiah explained, “Therefore the LORD will wait, that He may be gracious to you; And therefore He will be exalted, that He may have mercy on you. For the LORD *is* a God of justice; Blessed *are* all those who wait for Him.”¹⁵ As King David before him extolled, “[T]he LORD abides forever; He has established His throne for judgment, And He will judge the world in righteousness; He will execute judgment for the peoples with equity.”¹⁶ For

⁷ *Micah* 6:8 (NKJV).

⁸ Arthur H. Garrison, *The Traditions and History of the Meaning of the Rule of Law*, 12 *GEO. J.L. & PUB. POL'Y* 565, 565 (2014).

⁹ Arthur H. Garrison, *The Rule of Law and the Rise of Control of Executive Power*, 18 *TEX. REV. OF L. & POL.* 303, 304 (2014).

¹⁰ See *supra* notes 8 and 9.

¹¹ *Isaiah* 30:18 (NKJV).

¹² *Job* 34:12 (NKJV).

¹³ *Psalms* 19:9 (NKJV).

¹⁴ *Isaiah* 44:6 (“Thus says the LORD, the King of Israel, And his Redeemer, the LORD of hosts: I *am* the First and I *am* the Last; Besides Me *there is* no God.”).

¹⁵ *Isaiah* 30:18 (NKJV).

¹⁶ *Psalms* 9:7–8 (NASB). Christian tradition makes clear that there will be a day when all that has been done will be judged and evil will not be unpunished:

“[r]ighteousness and justice *are* the foundation of Your throne; Mercy and truth go before Your face.”¹⁷ The definition of justice begins with a recognition that it is defined by what is done and achieved. The Bible provides the assurance that evil is not only not stronger than good, but that there will be an accounting by all men for their actions, “For he who does wrong will receive the consequences of the wrong which he has done, and that without partiality.”¹⁸ Because God is a God of justice, justice is defined by what God is and, more importantly, justice is defined by what God does, how He does it, and why He does it.

And I saw the dead, the great and the small, standing before the throne, and books were opened; and another book was opened, which is *the book of life*; and the dead were judged from the things which were written in the books, according to their deeds. And the sea gave up the dead which were in it, and death and Hades gave up the dead which were in them; and they were judged, every one *of them* according to their deeds.

Revelation 20:12–13 (NASB). As Paul wrote:

But we know that the judgment of God is according to truth against those who practice such things. And do you think this, O man, you who judge those practicing such things, and doing the same, that you will escape the judgment of God? Or do you despise the riches of His goodness, forbearance, and longsuffering, not knowing that the goodness of God leads you to repentance? But in accordance with your hardness and your impenitent heart you are treasuring up for yourself wrath in the day of wrath and revelation of the righteous judgment of God, who “will render to each one according to his deeds”: eternal life to those who by patient continuance in doing good seek for glory, honor, and immortality; but to those who are self-seeking and do not obey the truth, but obey unrighteousness—indignation and wrath, tribulation and anguish, on every soul of man who does evil, of the Jew first and also of the Greek; but glory, honor, and peace to everyone who works what is good, to the Jew first and also to the Greek. For there is no partiality with God.

For as many as have sinned without law will also perish without law, and as many as have sinned in the law will be judged by the law (for not the hearers of the law *are* just in the sight of God, but the doers of the law will be justified; for when Gentiles, who do not have the law, by nature do the things in the law, these, although not having the law, are a law to themselves, who show the work of the law written in their hearts, their conscience also bearing witness, and between themselves *their* thoughts accusing or else excusing *them*) in the day when God will judge the secrets of men by Jesus Christ, according to my gospel.

Romans 2:2–16 (NKJV).

¹⁷ *Psalms* 89:14 (NKJV).

¹⁸ *Colossians* 3:25 (NASB); see also 2 *Thessalonians* 1:8–10 (NKJV) (“[D]ealing out retribution to those who do not know God and to those who do not obey the gospel of our Lord Jesus. These will pay the penalty of eternal destruction, away from the presence of the Lord and from the glory of His power[.]”).

In Genesis, God tells Adam and Eve that they have all of the Garden of Eden to enjoy but they are given the job of protecting it and growing it.¹⁹ They are told that all fruit is theirs to enjoy except the fruit of the tree of Knowledge of Good and Evil.²⁰ Here is the first time that a law was proclaimed. In the proclamation of His law, God said there is a punishment for disobedience, death. Adam and Eve broke the law and the first criminal trial in the history of mankind occurred. Standing before the court of God, God asked what they had done. Adam and Eve admitted their guilt but each tried to mitigate their responsibility by blaming their co-defendant.²¹ After hearing the defenses, God found each defendant guilty and sentenced each according to their guilt. Thus, justice requires the recognition of evil and the application of an appropriate sanction. The concept of justice includes requiring a certain result based on the evil done. To the serpent,²² God said, “Because you have done this, You *are* cursed more than all cattle, And more than every beast of the field; On your belly you shall go, And you shall eat dust All the days of your life.”²³ Satan had entered the serpent, so while looking at

¹⁹ *Genesis* 2:15 (NKJV) (“Then the LORD God took the man and put him in the Garden of Eden to tend and keep it.”).

²⁰ *Genesis* 3:2–3, 11 (KJV) (“We may eat the fruit of the trees of the garden: But of the fruit of the tree which is in the midst of the garden, God hath said, Ye shall not eat of it, neither shall ye touch it, lest ye die. . . . And He said, Who told thee that thou wast naked? Hast thou eaten of the tree, whereof I commanded thee that thou shouldest not eat?”).

²¹ *Genesis* 3:12–13 (NKJV).

²² The serpent was guilty of aiding and abetting the criminal trespass of Satan. Satan was trespassing in the Garden, and the serpent aided him by allowing Satan to enter him. The serpent was also guilty of criminal trespass because he was a beast of the fiend and he was in the garden. He was also guilty aiding and abetting criminal solicitation/felicitation to get Adam and Eve to break God’s law. As Genesis records:

Now the serpent was more cunning than any beast of the field which the LORD God had made. And he said to the woman, “Has God indeed said, ‘You shall not eat of every tree of the garden?’” And the woman said to the serpent, “We may eat the fruit of the trees of the garden; but of the fruit of the tree which *is* in the midst of the garden, God has said, ‘You shall not eat it, nor shall you touch it, lest you die.’” Then the serpent said to the woman, “You will not surely die. For God knows that in the day you eat of it your eyes will be opened, and you will be like God, knowing good and evil.”

Genesis 3:1–5 (NKJV).

²³ *Genesis* 3:14.

the serpent, God was speaking to Satan,²⁴ and He said to him,²⁵ “I will put enmity . . . between your seed and her Seed; He shall bruise your head, And you shall bruise His heel.”²⁶ To Eve,²⁷ God

²⁴ Satan had entered the serpent so he could have a physical body to interact with Adam and Eve because Satan is a fallen angelic being and needs cooperation from a physical being to operate in the physical realm of earth, and in the affairs of mankind. The Holy Spirit works in the hearts, affairs, and politics of men to get the result on earth He desires. See, e.g., *Acts* 9:10, 15, 17 (God sent Ananias to Paul to free him from blindness and baptize him so that Paul could bring the word to both gentiles and the Jews); *Acts* 8:26–40 (an angel sent Philip to the Ethiopian Eunuch); *Acts* 10 (God sends Peter to the home of Cornelius, after telling Cornelius to send for Peter, to prove the Gentiles can receive the Holy Spirit); *Esther* 3–7 (God used the treachery of Haman to make Mordecai Chief Minister over Persia the Kingdom of Ahasuerus (Xerxes) and saved the Jews from a holocaust); *Daniel* 3 (God used the arrogance of King Nebuchadnezzar and his statue of himself to elevate Shadrach, Meshach, and Abed-Nego to high administrative office over the his kingdom in Babylon); *Daniel* 6 (God used the treachery and politics of the royal court of King Darius to elevate Daniel over all of the governors of Persia); *Genesis* 37, 39–45 (God used the treachery of Joseph’s brothers to make him Chief Minister over Egypt and rescues the Jews from famine); *Acts* 22–23, 23:11, 25:9–12, 26:30–32 (God used the plots of Jewish mobs and assassins in Jerusalem and roman justice to get Paul to Rome); the book of *Ruth* (God used a famine and the tragedy of the deaths of Naomi’s husband and two sons to put a Moabite woman in the maternal line of David, Solomon and Jesus); see also *John* 8:11; *2 Corinthians* 3:7–9; *Luke* 22:2–4; *John* 13:26–28 (Satan entering Judas to act in the plot to betray Jesus); *Genesis* 6:4; *Numbers* 13:33 (the fallen angels of heaven forming their own people, the Nephilim, by having relations with women). As he did with the serpent, Satan used Peter to attack Jesus. *Matthew* 16:22–23 (“Then Peter took Him aside and began to rebuke Him, saying, ‘Far be it from You, Lord; this shall not happen to You!’ But He turned and said to Peter, ‘Get behind me, Satan! You are an offense to Me, for you are not mindful of the things of God, but the things of men’”). Peter was not the offense, but Satan was, and Jesus saw that Satan was taking advantage of Peter and used him physically to oppose Him. Knowing this, Jesus rebuked Satan, not Peter. Jesus knew the opposition to the Cross was Satan, not Peter. Moreover, Jesus knew Peter at that moment did not know he was being used. Jesus knew Peter did not know better and told him that Satan wanted to destroy him, because of the great things Peter would do in the future. See *Acts* 2:14–39, 3–5. So, He said He would pray for him. *Luke* 22:31–32 (NKJV).

²⁵ Satan was guilty of criminal trespass, fraud, and solicitation/facilitation to commit theft by getting Eve to take the fruit. First, Satan had no right to be in the Garden for he had been expelled from Heaven and all of God’s creation because of the rebellion he fostered among the Angels of Heaven. See *Isaiah* 14:12–17; *Luke* 10:18; *Revelation* 12:4, 7–9 (NKJV). Satan, the father of lies, tricked Eve into thinking eating the fruit would make her more like God and induced her to commit theft by taking the fruit. See *John* 8:44; *Genesis* 3:4, 6, 13 (NKJV).

²⁶ *Genesis* 3:15 (NKJV). As *Genesis* records that the seed of God and the seed of Satan—the devil—are in enmity with each other, it is recorded in scripture:

Little children, let no one deceive you. He who practices righteousness is righteous, just as He is righteous. He who sins is of the devil, for the devil has sinned from the beginning. For this purpose the Son of God was manifested, that He might destroy the works of the devil. Whoever has

said, “I will greatly multiply your sorrow . . . In pain you shall bring forth children . . . your husband . . . shall rule over you.”²⁸ To Adam,²⁹ God said, “Because you have heeded the voice of your

been born of God does not sin, for His seed remains in him; and he cannot sin, because he has been born of God.

. . . .

In this the children of God and the children of the devil are manifest: Whoever does not practice righteousness is not of God, nor *is* he who does not love his brother. For this is the message that you heard from the beginning, that we should love one another, not as Cain *who* was of the wicked one and murdered his brother. And why did he murder him? Because his works were evil and his brother’s righteous.

1 John 3:7–12 (NKJV). The seed of Satan includes those who consciously seek to do evil or those who do evil by error or omission. The seed is the evil itself. The father of that seed is Satan. *See John 8:39–41* (“Jesus said to them, ‘If you were Abraham’s children, you would do the works of Abraham. But now you seek to kill Me, a Man who has told you the truth which I heard from God. Abraham did not do this. You do the deeds of your father.’”) (NKJV). The meaning of “your seed” in Genesis is explained by Jesus when he said:

If God were your Father, you would love Me, for I proceeded forth and came from God; nor have I come of Myself, but He sent Me. Why do you not understand My speech? Because you are not able to listen to My word. You are of *your* father the devil, and the desires of your father you want to do. He was a murderer from the beginning, and does not stand in the truth, because there is no truth in him. When he speaks a lie, he speaks from his own *resources*, for he is a liar and the father of it. But because I tell the truth, you do not believe Me. Which of you convicts Me of sin? And if I tell the truth, why do you not believe Me? He who is of God hears God’s words; therefore you do not hear, because you are not of God.

John 8:42–47 (NKJV). The doing of evil, knowingly or not, gives Satan access to mankind but Jesus through prayer intercedes. As Jesus said to Peter, “Simon, Simon! Indeed, Satan has asked for you, that he may sift *you* as wheat. But I have prayed for you, that your faith should not fail; and when you have returned to *Me*, strengthen your brethren.” *Luke 22:31–32 (NKJV)*.

²⁷ Eve was guilty of theft and criminal solicitation/felicitation to get Adam to break God’s law. As Genesis records, “So when the woman saw that the tree *was* good for food, that it *was* pleasant to the eyes, and a tree desirable to make *one* wise, she took of its fruit and ate.” *Genesis 3:6 (NKJV)*.

²⁸ *Genesis 3:16 (NKJV)*.

²⁹ Adam was guilty of receiving stolen property, theft, and high treason. Adam was guilty of receiving stolen property by taking the fruit from Eve and theft by eating the fruit. As Genesis records, “She also gave to her husband with her, and he ate.” *Genesis 3:6 (NKJV)*. He was also guilty of high treason because he brought disobedience into the world—“Nevertheless death reigned from Adam to Moses, even over those who had not sinned according to the likeness of the transgression of Adam”—and sentenced all mankind to separation from the perfect relationship with God, “through one man’s offense *judgment came* to all men, resulting in condemnation . . . by one man’s disobedience many were made sinners.” *Romans 5:14, 18–19 (NKJV)*. The treason was Adam’s, not Eve’s, “For Adam was first formed; then Eve. And Adam was not seduced . . . in the transgression.” *1 Timothy 2:12–14 (DRA)*. God formed Adam first, instructed Adam first regarding his purpose

wife,” when you knew better,³⁰ “[c]ursed is the ground . . . In toil you shall eat of it [a]ll the days of your life. Both thorns and thistles it shall bring forth for you . . . In the sweat of your face you shall eat bread.”³¹

But in making the law, God said you shall surely die. Adam and Eve, though punished, did not physically die. So what became of the law God issued? First, the death with respect to Adam and Eve was the perfect relationship they had with God in a perfect environment without the need to contend with evil. Second, there was a physical death to justify the law as given. As Genesis records, “for Adam and his wife the LORD God made tunics of skin, and clothed them.”³² Where did the skin come from? It came from an animal. God spilled blood, killed the animal, and made clothes for Adam and Eve. The innocent blood of the animal atoned for the crime and allowed God to make

and the law against eating the fruit, and authorized Adam first to have dominion over the earth and to keep it. Adam knew Satan was lying, but he followed his wife in her error, “the woman being seduced,” anyway. The falling into transgression occurred by his decision. Thus, the treason was his. The high treason was amplified by the fact that God had given Adam and his descendants lease authority over Eden and the earth. *See Genesis 2:8, 15 (NKJV)*. It is recorded:

And God said, “Let Us make man in Our image, after Our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth and over every creeping thing that creepeth upon the earth.” So God created man in His own image, in the image of God created He him; male and female created He them. And God blessed them, and God said unto them, “Be fruitful and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.” And God said, “Behold, I have given you every herb bearing seed which is upon the face of all the earth, and every tree in which is the fruit of a tree yielding seed; to you it shall be for meat.”

Genesis 1: 26–29 (NKJV). Having lease authority over the earth and “every living thing that moveth upon the earth,” when Adam exchanged his allegiance of obedience to follow God’s law for Satan’s promise to be like God, *Genesis 3:4–5*, the lease over the earth passed to Satan with Adam’s allegiance of obedience to Satan. It is recorded in a conversation between Satan and Jesus that Satan:

[L]ed Jesus up [to a high mountain] and displayed before Him all the kingdoms of the inhabited earth [and their magnificence] in the twinkling of an eye. And the devil said to Him, “I will give You all this realm and its glory [its power, its renown]; because it has been handed over to me, and I give it to whomever I wish.

Luke 4:5–6 (AMP) (alterations in original). The world and all of its kingdoms were handed over by Adam to Satan.

³⁰ *Genesis 3:17 (NKJV)*; *1 Timothy 2:14 (NKJV)* (“And Adam was not deceived, but the woman being deceived, fell into transgression.”).

³¹ *Genesis 3:17–19 (NKJV)*.

³² *Genesis 3:21* (emphasis added).

reconciliation. The atonement and reconciliation provided a just God with legal authority, the legal right, to protect Adam and Eve in their new state of imperfect and sin caused separation from God. In this new state of existence they were separated from God no longer perfect but now having an independent knowledge of good and evil.³³

After God judged and atoned for their sin through blood sacrifice, Adam and Eve were still in the garden and the Tree of Life was within their grasp. The fruit of that tree would make Adam and Eve immortal and unable to change. God looked upon Adam in his state of sin and rebellion and said, “And now, lest he put out his hand and take also of the tree of life, and eat, and live forever—therefore the LORD God sent him out of the garden of Eden.”³⁴ God removed Adam and Eve from the garden not because of their disobedience, but because in their state of imperfection, if they became spiritually immortal by eating from the Tree of Life, their sin nature would remain without any ability for rectification with a perfect and sinless God. Thus, they had to leave heaven in order to protect them from sinning again by eating from the Tree of Life. His desire for reconciliation with Adam and Eve and their proceeding generations led God to remove them from the paradise of Eden and place them instead into the wilderness to protect them from compounding their sin beyond reconciliation. Thus, the concept of incarceration, banishment, the removal of an offender from society, and placing the offender in a different location, was introduced as a method of justice.

Two other concepts of justice made appearances. Justice, as discussed below, requires that the law be honored and enforced. Under the law, God had a right to demand physical death from Adam and Eve for breaking the law, but God wanted mercy to prevail and to provide restoration, so God looked past

³³ *Genesis* 3:22 (“Then the LORD God said, Behold, the man has become like one of Us, to know good and evil.” (internal quotation mark omitted)). The “Us” being the trinity; God, Jesus, and the Holy Spirit. The trinity of God being separate and one together. See *Matthew* 3:13–17; *Matthew* 4:1; *Matthew* 17:5; *Mark* 1:9–11; *Mark* 9:7; *Luke* 3:21–22; *Luke* 4:1; *Luke* 9:34–35; *John* 5:37 (NKJV); *John* 8:18–19; *John* 16:7–8; *John* 17:21–23 (“[A]s You, Father, are in Me, and I in You; that they also may be one in Us . . . that they may be one just as We are one: I in them, and You in Me; that they may be made perfect in one . . . and have loved them as You have loved Me.”).

³⁴ *Genesis* 3:22–23 (NKJV) (internal quotation mark omitted).

punishment and found a way to apply both grace and mercy. Mercy is not receiving the punishment that one deserves for actions taken; it is the suspension and withholding of earned consequences. Grace is receiving what is not deserved or earned; it is undeserved favor in the face of deserved consequences. The demand and requirement of the law—"you shall surely die"—was tempered by mercy and grace. God clothed them with the atoning blood of his sacrifice and protected them from committing a worse sin—eating from the tree of life. Through the blood sacrifice, his law remained enforced but mercy had prevailed. The first criminal trial of mankind established the principle that justice involves the enforcement of the requirements of laws and statutes, the application of punishment for disobedience,³⁵ but the higher purposes of justice are mercy, grace, mitigation, reconciliation, and rehabilitation. In the trial of Adam and Eve and the sanctioning of all parties involved in the crime, the three daughters of justice—law, mercy, and grace—came into operation. The God of justice requires that the law be enforced and obeyed, but He tempers the harsh and unyielding application of the law through the sisters of the law, mercy and grace.

After their trial, time moved on, and Adam and Eve were fruitful and had children. The Bible tells the story of jealousy and murder involving two of their sons resulting in the second criminal trial before the throne of God:

Abel was a keeper of sheep, but Cain was a tiller of the ground. And in the process of time it came to pass that Cain brought an offering of the fruit of the ground to the LORD. Abel also

³⁵ Under the New Covenant, restoration occurs through the acceptance of Jesus Christ. *See 2 Corinthians 5* (NKJV). Under the Old Covenant, restoration occurred through changing of behavior. As God said through the Prophet Ezekiel:

Again, when I say to the wicked, "You shall surely die," if he turns from his sin and does what is lawful and right, *if* the wicked restores the pledge, gives back what he has stolen, and walks in the statutes of life without committing iniquity, he shall surely live; he shall not die. None of his sins which he has committed shall be remembered against him; he has done what is lawful and right; he shall surely live.

"Yet the children of your people say, 'The way of the Lord is not fair.' But it is their way which is not fair! When the righteous turns from his righteousness and commits iniquity, he shall die because of it. But when the wicked turns from his wickedness and does what is lawful and right, he shall live because of it. Yet you say, 'The way of the Lord is not fair.' O house of Israel, I will judge every one of you according to his own ways."

Ezekiel 33:14–20 (NKJV).

brought of the firstborn of his flock and of their fat. And the LORD respected Abel and his offering, but He did not respect Cain and his offering. And Cain was very angry, and his countenance fell.³⁶

God rejected Cain's offering because it came from the ground, which God had cursed as a result of Adam's sin. The law of sacrifice was that God would accept the blood of a sacrificial lamb. Both Cain and Able knew this. Able offered a lamb. Cain's offering would have been accepted if he had secured a lamb from Able equal to the value of the fruit of the ground he actually offered. The point being, you cannot use what is cursed as an offering to God for sin. The offering must be pure and without sin, as the lamb is the reflection of the sacrifice of Jesus on the cross. It was not Cain who was rejected, it was his offering of what was cursed that was rejected. Cain's sin of disobedience of the law of sacrifice was compounded by his rage and pride.

It is recorded that God, in his justice, did not reject Cain. For God Himself spoke with Cain and said, "Why are you angry? And why has your countenance fallen? If you do well, will you not be accepted?"³⁷ Thus, under God's justice, if you do right and act right, you will be rewarded.³⁸ But if you do not act right, you cannot receive the same reward as if you had done right. But what is more interesting is what God tells Cain after encouraging him to do as he knows is right. God said, "if you do not do well, sin lies at the door. And its desire *is* for you, but you should rule over it."³⁹ God warned Cain that the emotion of anger and rage, which were growing inside of him, was sin. God warned Cain regarding his emotions: "its desire *is* for you, but you should rule over it."⁴⁰ The point being that God was warning him to get control of his emotions or they would get control over him. God's justice includes emotional truth and clear assessment of motivations. This is where God first shows that He cares about

³⁶ *Genesis* 4:2-5 (NKJV).

³⁷ *Genesis* 4:6-7.

³⁸ See *Galatians* 6:7-8 (NKJV) ("Do not be deceived, God is not mocked; for whatever a man sows, that he will also reap. For he who sows to his flesh will of the flesh reap corruption, but he who sows to the Spirit will of the Spirit reap everlasting life.")

³⁹ *Genesis* 4:7.

⁴⁰ *Genesis* 4:7.

what is in the heart of a man, not simply the behavior of a man.⁴¹ Cain did not heed the warning from God, and when Cain spoke with his brother, his rage got the better of him and he killed Abel.

At the second criminal trial before the court of God, the defendant famously said, “I do not know. *Am* I my brother’s keeper?”⁴² The court then heard from the only witness to the crime, “your brother’s blood cries out to Me from the ground.”⁴³ With the evidence beyond a reasonable doubt that Cain killed Abel, God issued judgment and banished him from society and mankind.⁴⁴ But Cain appealed to God for clemency and said:

My punishment *is* greater than I can bear! Surely You have driven me out this day from the face of the ground; I shall be hidden from Your face; I shall be a fugitive and a vagabond on the earth, and it will happen *that* anyone who finds me will kill me.⁴⁵

God heard the appeal, considered it, and commuted his sentence:

And the LORD said to him, “Therefore, whoever kills Cain, vengeance shall be taken on him sevenfold.” And the LORD set a mark on Cain, lest anyone finding him should kill him.

. . . .

Then Cain went out from the presence of the LORD and dwelt in the land of Nod on the east of Eden. And Cain knew his wife, and she conceived and bore Enoch. And he built a city . . .⁴⁶

God’s justice seeks reconciliation and mercy. Cain surely deserved the full measure of punishment for murder, but God seeks rehabilitation, not death. When Cain cried out that others would kill him, God put His protection on him and Cain was able to reintegrate into society. He went out from the Lord and built a city.

⁴¹ See 1 *Samuel* 16:7 (NKJV) (“But the LORD said to Samuel, ‘Do not look at his appearance or at his physical stature, because I have refused him. For *the LORD does not see as man sees*; for man looks at the outward appearance, but the LORD looks at the heart.’”).

⁴² *Genesis* 4:9.

⁴³ *Genesis* 4:10.

⁴⁴ *Genesis* 4:11–12.

⁴⁵ *Genesis* 4:13–14.

⁴⁶ *Genesis* 4: 15–16.

From the days of Cain and Abel and the societies their children built,⁴⁷ God defined what justice should be. The stories of the rise of the children of Abraham and the age of the Gentiles together established the meaning and application of justice between and among men.

*B. Blessed Is the Man Who Executes Justice for the Oppressed, Who Gives Food to the Hungry; The LORD Gives Freedom to the Prisoners*⁴⁸

In the movie *Law Abiding Citizen*, a father whose family was butchered seeks revenge on the self-serving prosecutor who failed to keep his word and prosecute the killers of his family. After the father killed the men who murdered his family, buried alive in a grave the defense attorney who orchestrated an unjust plea bargain for one of the murderers, and killed the judge who authorized the plea deal, the prosecutor asked him, “What principle was at work when you tortured and killed those people?” The father answered, “Justice should be harsh, Nick, but especially for those who denied it to others [and] that everyone must be held accountable for their actions. In my experience, Nick, lessons not learned in blood are soon forgotten.”⁴⁹ The Law of Moses would not find disagreement with this father’s sentiment. Admittedly, there is harshness to the Law of Moses, but there is a context for the harshness and even in its harshness, the primacy of the mercy and the justice of God is still evident.

The books of Exodus, Leviticus, Numbers, and Deuteronomy established the Law of Moses, which came into being during the time when the children of Abraham were freed from 400 years of slavery in Egypt and had crossed into a land with various nations that had pagan religious traditions.⁵⁰ It was God’s plan to make

⁴⁷ *Genesis* 4:16.

⁴⁸ See *Psalm* 146:7 (NKJV); see also *Psalm* 106:3 (“Blessed are those who keep justice, And he who does righteousness at all times!”).

⁴⁹ *LAW ABIDING CITIZEN* (2009).

⁵⁰ *Numbers* 33:50–56 (NKJV) (“Now the LORD spoke to Moses in the plains of Moab by the Jordan, across from Jericho, saying, ‘Speak to the children of Israel, and say to them: “When you have crossed the Jordan into the land of Canaan, then you shall drive out all the inhabitants of the land from before you, destroy all their engraved stones, destroy all their molded images, and demolish all their high places; you shall dispossess the inhabitants of the land and dwell in it, for I have given you the land to possess. And you shall divide the land by lot as an inheritance among

room for the Jews⁵¹ and to bless them⁵² in the new land⁵³ by leading them Himself⁵⁴ and to raise in them a nation of his own, a holy nation of priests,⁵⁵ which would worship and serve Him.

your families; to the larger you shall give a larger inheritance, and to the smaller you shall give a smaller inheritance; there everyone's *inheritance* shall be whatever falls to him by lot. You shall inherit according to the tribes of your fathers. But if you do not drive out the inhabitants of the land from before you, then it shall be that those whom you let remain *shall* be irritants in your eyes and thorns in your sides, and they shall harass you in the land where you dwell. Moreover it shall be *that* I will do to you as I thought to do to them."'); see also *infra* notes 258–61.

⁵¹ *Deuteronomy* 7:1–2, 4–5 (NKJV) ("When the LORD your God brings you into the land which you go to possess, and has cast out many nations before you, the Hittites and the Girgashites and the Amorites and the Canaanites and the Perizzites and the Hivites and the Jebusites, seven nations greater and mightier than you, and when the LORD your God delivers them over to you, you shall conquer them *and* utterly destroy them. You shall make no covenant with them . . . For they will turn your sons away from following Me, to serve other gods; so the anger of the LORD will be aroused against you and destroy you suddenly. But thus you shall deal with them: you shall destroy their altars, and break down their *sacred* pillars, and cut down their wooden images, and burn their carved images with fire."); see also *infra* notes 258–61.

⁵² *Exodus* 23:25–26 (NKJV) ("So you shall serve the LORD your God, and He will bless your bread and your water. And I will take sickness away from the midst of you. No one shall suffer miscarriage or be barren in your land; I will fulfill the number of your days.").

⁵³ *Exodus* 23:27–33 ("I will send My fear before you, I will cause confusion among all the people to whom you come, and will make all your enemies turn *their* backs to you. And I will send hornets before you, which shall drive out the Hivite, the Canaanite, and the Hittite from before you. I will not drive them out from before you in one year, lest the land become desolate and the beasts of the field become too numerous for you. Little by little I will drive them out from before you, until you have increased, and you inherit the land. And I will set your bounds from the Red Sea to the sea, Philistia, and from the desert to the River. For I will deliver the inhabitants of the land into your hand, and you shall drive them out before you. You shall make no covenant with them, nor with their gods. They shall not dwell in your land, lest they make you sin against Me. For *if* you serve their gods, it will surely be a snare to you.").

⁵⁴ *Exodus* 23:20–24 ("Behold, I send an Angel before you to keep you in the way and to bring you into the place which I have prepared. Beware of Him and obey His voice; do not provoke Him, for He will not pardon your transgressions; for My name *is* in Him. But if you indeed obey His voice and do all that I speak, then I will be an enemy to your enemies and an adversary to your adversaries. For My Angel will go before you and bring you in to the Amorites and the Hittites and the Perizzites and the Canaanites and the Hivites and the Jebusites; and I will cut them off. You shall not bow down to their gods, nor serve them, nor do according to their works; but you shall utterly overthrow them and completely break down their *sacred* pillars.").

⁵⁵ *Deuteronomy* 7:6–8 (NKJV) ("For you *are* a holy people to the LORD your God; the LORD your God has chosen you to be a people for Himself, a special treasure above all the peoples on the face of the earth. The LORD did not set His love on you nor choose you because you were more in number than any other people, for you were the least of all peoples; but because the LORD loves you, and because He would

But His chosen nation, as God Himself concluded, were a stiff-necked people.⁵⁶ They were rebellious⁵⁷ and more Egyptian in their behavior⁵⁸ than a people of Abraham. They thought they were holy and could obey God's requirements on their own, the law of wrath and judgment was imposed upon them.⁵⁹ Under the Law of Moses, God's law and Justice were strict in both of its extremes. As the God Himself said to Moses:

The LORD, the LORD God, merciful and gracious, longsuffering, and abounding in goodness and truth, keeping mercy for thousands, forgiving iniquity and transgression and sin, by no means clearing *the guilty*, visiting the iniquity of the fathers upon the children and the children's children to the third and the fourth generation.⁶⁰

Therefore know that the LORD your God, He *is* God, the faithful God who keeps covenant and mercy for a thousand generations with those who love Him and keep His commandments; and He repays those who hate Him to their face, to destroy them. He will not be slack with him who hates Him; He will repay him to his face. Therefore you shall keep the commandment, the statutes, and the judgments which I command you today, to observe them.⁶¹

keep the oath which He swore to your fathers, the LORD has brought you out with a mighty hand, and redeemed you from the house of bondage, from the hand of Pharaoh king of Egypt."); see also *Deuteronomy* 26:18–19.

⁵⁶ *Exodus* 32:9 ("And the Lord said to Moses, 'I have seen this people, and indeed it *is* a stiff-necked people!'); see also *Deuteronomy* 10:16 ("Therefore circumcise the foreskin of your heart, and be stiff-necked no longer.")

⁵⁷ *Deuteronomy* 10:16; see also *Isaiah* 43:22–24; *Malachi* 3:8–9; *infra* notes 63, 77, 210, and 235.

⁵⁸ *Joshua* 24:2, 6, 14 (NKJV) ("And Joshua said to all the people, Thus says the LORD God of Israel: Your fathers, *including* Terah, the father of Abraham and the father of Nahor, dwelt on the other side of the River in old times; and they served other gods. . . . Then I brought your fathers out of Egypt[.] . . . Now therefore, fear the LORD, serve Him in sincerity and in truth, and put away the gods which your fathers served on the other side of the River and in Egypt." (internal quotation marks omitted)).

⁵⁹ *Exodus* 19:8–9, 12–13 (NKJV) ("Then all the people answered together and said, 'All that the LORD has spoken we will do.' So Moses brought back the words of the people to the LORD. And the Lord said to Moses, 'Behold, I come to you in the thick cloud, that the people may hear when I speak with you, and believe you forever.' . . . You shall set bounds for the people all around, saying, 'Take heed to yourselves *that* you do *not* go up to the mountain or touch its base. Whoever touches the mountain shall surely be put to death. Not a hand shall touch him, but he shall surely be stoned or shot *with an arrow*; whether man or beast, he shall not live.' When the trumpet sounds long, they shall come near the mountain.")

⁶⁰ *Exodus* 34:6–7.

⁶¹ *Deuteronomy* 7:9.

I will be gracious to whom I will be gracious, and I will have compassion on whom I will have compassion.⁶²

The Law of Moses was given to a stiff-necked, rebellious, and hardhearted people,⁶³ and its harshness was a function of its purpose for the people to whom it was given. Matthew records how Jesus explained the origin of the Law of Moses:

The Pharisees also came to Him, testing Him, and saying to Him, "Is it lawful for a man to divorce his wife for *just* any reason?" And He answered and said to them, "Have you not read . . . 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'? So then, they are no longer two but one flesh. Therefore what God has joined together, let not man separate." They said to Him, "Why then did Moses command to give a certificate of divorce, and to put her away?" He said to them, "Moses, because of the hardness of your hearts, permitted you to divorce your wives . . ."⁶⁴

The Law of Moses evolved for two reasons: first, to separate the behavior of the Jews from the other peoples of the Promised

⁶² *Exodus* 33:19.

⁶³ *Exodus* 33:3, 5; *Deuteronomy* 31:16, 19, 21 ("And the LORD said to Moses: Behold, you will rest with your fathers; and this people will rise and play the harlot with the gods of the foreigners of the land . . . and they will forsake Me and break My covenant which I have made with them. . . . Now therefore, write down this song . . . that this song may be a witness for Me against the children of Israel. . . . [F]or I know the inclination of their behavior today, even before I have brought them to the land of which I swore to give them.") (internal quotation mark omitted)); *Deuteronomy* 31:22, 24–29 ("Therefore Moses wrote this song . . . and taught it to the children of Israel. . . . So it was, when Moses had completed writing the words of this law in a book, when they were finished, that Moses commanded the Levites, who bore the ark of the covenant of the LORD, saying: 'Take this Book of the Law, and put it beside the ark of the covenant of the LORD your God, that it may be there as a witness against you; for I know your rebellion and your stiff neck. *If* today, while I am yet alive with you, you have been rebellious against the LORD, then how much more after my death? Gather to me all the elders of your tribes, and your officers, that I may speak these words in their hearing and call heaven and earth to witness against them. For I know that after my death you will become utterly corrupt, and turn aside from the way which I have commanded you. And evil will befall you in the latter days, because you will do evil in the sight of the LORD, to provoke Him to anger through the work of your hands.'"); *Ezekiel* 2:3–4 (NKJV) ("And He said to me: Son of man, I am sending you to the children of Israel, to a rebellious nation that has rebelled against Me; they and their fathers have transgressed against Me to this very day. For *they are* impudent and stubborn children . . .") (internal quotation mark omitted)).

⁶⁴ *Matthew* 19:3–8 (NKJV).

Land,⁶⁵ and second, to prove to them that they were not holy by their own action and they needed God to be holy.⁶⁶ The harshness of the law is designed to show that they could not be holy on their own⁶⁷ and that they needed help to be holy before God.⁶⁸ The nature of the law, as compared to justice, is that the law is only concerned with obedience, order, and what is required. The law seeks to define, not to nurture.

The Law of Moses involved the application of harsh law with little application of mercy. To be sure, many laws were indeed without pity and would today seem backward and cruel. Moses did command that a virgin who is raped but is not betrothed to a man does not have her honor justified by the death of her rapist; she was rather required to marry her rapist, and he would lose

⁶⁵ *Deuteronomy* 7:2–4 (“You shall make no covenant with them . . . Nor shall you make marriages with them. You shall not give your daughter to their son, nor take their daughter for your son. For they will turn your sons away from following Me, to serve other gods[.]”).

⁶⁶ *Romans* 3:9, 19–20, 23–24 (NKJV); *Romans* 8:1–8.

⁶⁷ *Romans* 3:19–22 (“Now we know that whatever the law says, it says to those who are under the law, that every mouth may be stopped, and all the world may become guilty before God. Therefore by the deeds of the law no flesh will be justified in His sight, for by the law is the knowledge of sin. . . . But now the righteousness of God apart from the law is revealed, being witnessed by the Law and the Prophets, even the righteousness of God, through faith in Jesus Christ, to all and on all who believe. For there is no difference[.]”).

⁶⁸ As Paul explained:

What purpose then *does* the law *serve*? It was added because of transgressions, till the Seed should come to whom the promise was made; *and it was* appointed through angels by the hand of a mediator. Now a mediator does not *mediate* for one *only*, but God is one. *Is* the law then against the promises of God? Certainly not! For if there had been a law given which could have given life, truly righteousness would have been by the law. But the Scripture has confined all under sin, that the promise by faith in Jesus Christ might be given to those who believe. But before faith came, we were kept under guard by the law, kept for the faith which would afterward be revealed. Therefore the law was our tutor *to bring us* to Christ, that we might be justified by faith. But after faith has come, we are no longer under a tutor.

Galatians 3:19–25 (NKJV). There is a distinction that separates the power of the law and justice—righteousness. As observed:

Moses, *who* put a veil over his face so that the children of Israel could not look steadily at the end of what was passing away. But their minds were blinded. For until this day the same veil remains unlifted in the reading of the Old Testament, because the *veil* is taken away in Christ. But even to this day, when Moses is read, a veil lies on their heart. Nevertheless when one turns to the Lord, the veil is taken away.

2 Corinthians 3:13–16 (NKJV).

the right to divorce her.⁶⁹ However, a virgin who is betrothed does enjoy the justice of the death of her attacker.⁷⁰ Moses also decreed that rebellious children were to be stoned if the parents declared they were incorrigible,⁷¹ and that if a wife aids her husband when he is attacked by another male and touches the genitals of the attacking male, “then you shall cut off her hand; your eye shall not pity *her*.”⁷² Note the nature of the law without its sisters grace and mercy; the law is cold and without pity in its application. The Law of Moses included fifty-four verses in one chapter alone that were dedicated to the curses God would bring upon Israel for failure to obey the law. The list of curses included everything from financial failure, to suffering all types of plagues, to being militarily conquered, to being sent back to Egypt for slavery.⁷³

But a closer reading of the Law of Moses and the commands of God reflects a deeper purpose for the law and of God’s heart. The Law of Moses was designed to bring the children of Abraham, and all mankind, to know the heart of God and provide a way to please God so life on earth would make sense. It was this conclusion that led David to later write, “[d]eal bountifully with Your servant, [*t*]hat I may live and keep Your word. Open my eyes, that I may see [w]ondrous things from Your law.”⁷⁴ But before David’s revealing of the wondrousness of God’s heart through the law, a level of discipline was required first by the law.

The Law of Moses was intended to bring order to a migrant people entering a land of people who worshiped idols and engaged in human sacrifice. The law was harsh so that it would be a protection and a shelter for His people from evil. The Laws of Moses were absolute because God was trying to purify His people and protect them from engaging in the abominations of the people and nations they would encounter across the Jordan.

⁶⁹ *Deuteronomy* 22:28–29 (NKJV).

⁷⁰ *Deuteronomy* 22:25.

⁷¹ *Deuteronomy* 21:18–21.

⁷² *Deuteronomy* 25:11–12; *see also infra* note 221.

⁷³ *Deuteronomy* 28:15–68.

⁷⁴ *Psalm* 119:17–18. Psalm 119 is a prayer in which David: (1) asserts that God’s law is just and right; (2) advocates for himself that he has sought the Lord and implores Him to see his obedience; (3) gives thanks that through knowing His word he can be happy; (4) that knowing His word brings wisdom and peace in the face of those who do evil; and (5) prays for God’s protection from those who do evil.

“But of the cities of these peoples which the LORD your God gives you *as* an inheritance, you shall let nothing that breathes remain alive . . . lest they teach you to do according to all their abominations . . . and you sin against the LORD your God.”⁷⁵ The law had one purpose, to separate and protect the Jews from sinful influences by strictly defining their behavior. Moses said to the children of Israel, “the LORD has proclaimed you to be His special people, just as He promised you . . . and . . . He will set you high . . . and that you [will] be a holy people to the LORD your God”⁷⁶

The harshness of the law is explained not only by the nature of the people it was given to, but it also reflected the harshness of the geographical area the Jews were entering. To this day, laws endemic to the Middle East favor harsh laws and enforcement. The harshness of the Law of Moses was to make the stiff-necked, rebellious, and criminal children of Israel⁷⁷ holy and just before God by strictly punishing murder, ill-treatment of widows and orphans, theft, bribery, kidnapping, cruelty, worshiping idols, adultery, deviant sexual behaviors, and all other types of abominations in order to create a just people. The Law of Moses was strictly about what the law required, and justice was principally, but not exclusively, defined by the obedience to his law. The Law of Moses was a reflection of justice by the outcome of obedience, but it was not the full exposition of God’s justice—mercy and grace. Seeing God’s grace and mercy within the operation of the Law of Moses is what separates and distinguishes David as “a man after [God’s] own heart”⁷⁸ and allowed him to write the Psalms.

The Law of Moses was not God’s best illumination of His Justice; it was a start in defining right and wrong and establishing that justice exists under the eyes of God.⁷⁹ “[T]he law entered that the offense might abound . . . so that as sin reigned in death.”⁸⁰ The nature of law is strict in judgment and condemnation; the nature of justice—mercy and grace—says to

⁷⁵ *Deuteronomy* 20:16, 18; *see also Exodus* 34:11–17.

⁷⁶ *Deuteronomy* 26:18–19.

⁷⁷ *Deuteronomy* 31:27–28.

⁷⁸ 1 *Samuel* 13:14; *Acts* 13:22 (NKJV) (“He raised up for them David as king, to whom also He gave testimony and said, ‘I have found David the *son* of Jesse, a man after My *own* heart, who will do all My will.’”).

⁷⁹ *Romans* 3:19–20 (NKJV).

⁸⁰ *Romans* 5:20–21.

the wrongdoer, “[n]either do I condemn you; go and sin no more.”⁸¹ Justice, in the mouth of one wronged, says, “Lord, do not charge them with this sin.”⁸² Even the stories of the great cities Sodom and Gomorrah and Nineveh describe the difference between punishment—that is, retribution—and mercy—that is, rehabilitation/restoration. In Sodom and Gomorrah, if ten righteous men were found in the city, then God would relent. But Jesus said that if His miracles and Spirit were visited upon Sodom and Gomorrah, the city would have been saved.⁸³ It would have been saved as the Gentile, Assyrian city of Nineveh was saved,⁸⁴ because Sodom and Gomorrah would have received

⁸¹ *John* 8:11 (NKJV). The law, the power of condemnation, has a purpose; but justice, the ministry of righteousness, has a higher purpose. As Paul records:

But if the ministry of death, written *and* engraved on stones, was glorious, so that the children of Israel could not look steadily at the face of Moses because of the glory of his countenance, which *glory* was passing away, how will the ministry of the Spirit not be more glorious? For if the ministry of condemnation *had* glory, the ministry of righteousness exceeds much more in glory.

2 Corinthians 3:7–9 (NKJV).

⁸² *Acts* 7:60 (NKJV).

⁸³ *Matthew* 11:20, 23 (NKJV) (“Then He began to rebuke the cities in which most of His mighty works had been done, because they did not repent . . . for if the mighty works which were done in you had been done in Sodom, it would have remained until this day.”). Jesus reflected on both Sodom and Gomorrah and Nineveh and the significance of both regarding repentance and faith in the face of the Pharisees:

Then some of the Pharisees and teachers of the law said to him, “Teacher, we want to see a sign from you.”

He answered, A wicked and adulterous generation asks for a sign! But none will be given it except the sign of the prophet Jonah. For as Jonah was three days and three nights in the belly of a huge fish, so the Son of Man will be three days and three nights in the heart of the earth. The men of Nineveh will stand up at the judgment with this generation and condemn it; for they repented at the preaching of Jonah, and now something greater than Jonah is here. The Queen of the South will rise at the judgment with this generation and condemn it; for she came from the ends of the earth to listen to Solomon’s wisdom, and now something greater than Solomon is here.

Matthew 12:38–42 (internal quotation mark omitted).

⁸⁴ *Matthew* 12:41. Nineveh—modern day Mosul, Iraq—was the capital of the Assyrian empire under King Sennacherib. *2 Kings* 19:36. God sent Jonah to preach to Nineveh, a known sinful city, to get them to repent. *Jonah* 1:1–2 (NKJV). After God dealt with Jonah’s disobedience, Jonah went to Nineveh and the city repented. *Jonah* 3:5–9; *Jonah* 3:10 (“Then God saw their works, that they turned from their evil way; and God relented from the disaster that He had said He would bring upon them, and He did not do it.”). But Jonah was angry that God gave Nineveh a chance to repent in the first place, and he did not want to go to Nineveh because he knew they would repent if given a chance by God. *Jonah* 4:1–2. And God answered,

Him, and rehabilitation and rectification would have occurred through repentance.

The nature of justice is concerned with and allows for rehabilitation, rectification, and repentance in the face of disobedience to the law. The law differs from justice in that the nature of the law is not concerned with the harshness of its operation; it is only concerned with obedience and the enforcement of sanctions for failing to obey. As the Old and New Testaments demonstrate, the distinction between law and justice is that the former is narrow in purpose, while the latter is broad in the outcome of its implementation and purpose.

As the children of Israel moved from a migrant people to a nation and a kingdom, the scriptures adjusted. The scriptures began to define justice in terms of mercy and grace, not pure obedience to a rigid set of laws written on stones and used as a record against the children of Israel.⁸⁵ In the days of Jeremiah, it was written:

Behold, the days are coming, says the LORD, when I will make a new covenant with the house of Israel and with the house of Judah—not according to the covenant that I made with their fathers in the day *that* I took them by the hand to lead them out of the land of Egypt, My covenant which they broke But this *is* the covenant that I will make with the house of Israel I will put My law in their minds, and write it on their hearts; and I will be their God, and they shall be My people. . . . For I will forgive their iniquity, and their sin I will remember no more.⁸⁶

“should I not pity Nineveh, that great city, in which are more than one hundred and twenty thousand persons who cannot discern between their right hand and their left—and much livestock?” *Jonah* 4:11.

⁸⁵ *Deuteronomy* 27: 3, 8–9 (NKJV); *Deuteronomy* 30:19; 31:26; *Joshua* 24:27 (NKJV).

⁸⁶ *Jeremiah* 31:31–32, 34 (NKJV). During the seventy-year captivity of Judah in Babylon, it was promised to the children of Israel:

Then I will give them one heart, and I will put a new spirit within them, and take the stony heart out of their flesh, and give them a heart of flesh, that they may walk in My statutes and keep My judgments and do them; and they shall be My people, and I will be their God.

Ezekiel 11:19–20 (NKJV); *Ezekiel* 36:26–28 (“I will give you a new heart and put a new spirit within you; I will take the heart of stone out of your flesh and give you a heart of flesh. I will put My Spirit within you and cause you to walk in My statutes, and you will keep My judgments and do *them*. Then you shall dwell in the land that I gave to your fathers; you shall be My people, and I will be your God.”); *see also Isaiah* 59:21 (NKJV); *Hebrews* 10:16, 8:10 (NKJV).

But the creation of a new covenant begs the question: why make a new law and covenant in the first place? The purpose of the first covenant was achieved by creating order and by creating a people who were known as God's chosen people. If this was achieved through the Law of Moses, why promise a new covenant? Why promise to write it on their hearts and not on stone? The answer is in the nature of God's justice and His desire for justice to reign over the requirements of the law in the relationship between God and mankind, and in recognition of the limitations in the operation and application of the law in human affairs. The nature of the law based on reciprocity, without mercy and grace, is harsh and can be cruel when applied. The nature of the law and its distinction from that nature of justice required a new covenant. The law, by its nature, is constraining and only requires obedience; justice, by its nature, is liberating and requires more than outward obedience.

*C. For Sin Shall Not Have Dominion over You, for You Are Not Under Law but Under Grace*⁸⁷

Justice includes the recognition of right and wrong—the law—but it also encompasses the higher ideals of grace and mercy. The Bible defines both law and justice through its two contracts—covenants—the Old and New Testaments. It is important to understand the structure of the Bible and the nature of its parts in defining justice. The New Testament is a contract in which God promises that “[He] so loved the world that He gave His only begotten Son, that whoever believes in Him should not perish but [shall] have everlasting life.”⁸⁸ The New Testament is a contract between God and His Son Jesus in which God agreed to forgive mankind in the name of His Son because His Son atoned for all sin under the full judgment of the Law of Moses on the cross. This contract replaced the Old Testament contract, which was a contract between God and mankind in which God promised to bless man if man promised to obey Him. The Old Testament was a contract based on reciprocity, not grace and mercy, while the New Testament is under the atonement of the blood sacrifice of Jesus. Implementing the Old Testament, Moses said:

⁸⁷ *Romans 6:14* (NKJV).

⁸⁸ *John 3:16* (NKJV).

I command you today to love the LORD your God, to walk in His ways, and to keep His commandments, His statutes, and His judgments, that you may live and multiply; and the LORD your God will bless you But if your heart turns away . . . I announce to you today that you shall surely perish; you shall not prolong *your* days⁸⁹

The Law of Moses, under the Old Testament, established the first three concepts of punishment: retribution (revenge), incapacitation (preventing repeat offenses), and incarceration (banishment). Justice, under God, in the New Testament, established the fourth concept of punishment: rehabilitation (repentance and change), as well as the concept of restoration (repairing relationships). Although the Old Testament has examples of the fourth concept, it was always preceded by one of the first three concepts. The fourth concept of punishment

⁸⁹ *Deuteronomy* 30:15–18 (NKJV). To Joshua, God said:

[B]e strong and very courageous, that you may observe to do according to all the law which Moses My servant commanded you; do not turn from it to the right hand or to the left, that you may prosper wherever you go. This Book of the Law shall not depart from your mouth, but you shall meditate in it day and night, that you may observe to do according to all that is written in it. For then you will make your way prosperous, and then you will have good success.

Joshua 1:7–8 (NKJV). Under the Old Testament, obedience, not mercy and grace, moves the hand of God. With obedience, blessings occur, but only after obedience. It is only after obedience that God promises Joshua full victory in the land of Canaan. *Joshua* 1:1–6. God fulfilled all His promises regarding the land He promised Joshua. *Joshua* 21:43–45; *Joshua* 1:3–5. At the end of Joshua’s life, and in the assembly of the whole of Israel, he said, “choose for yourselves this day whom you will serve But as for me and my house, we will serve the LORD.” *Joshua* 24:15. The nature of the law, in addition to requiring obedience, is to keep records against transgressions. See *infra* note 98. Under the law, Moses said, “I call heaven and earth as witnesses today against you, *that* I have set before you life and death” *Deuteronomy* 30:19. After God testified for Himself regarding all He had done for the children of Israel, see *Joshua* 24:1–13, Joshua said to the people:

“You cannot serve the LORD, for He *is* a holy God. He *is* a jealous God; He will not forgive your transgressions nor your sins. If you forsake the LORD and serve foreign gods, then He will turn and do you harm and consume you, after He has done you good.” And the people said to Joshua, “No, but we will serve the LORD!” So Joshua said to the people, “You *are* witnesses against yourselves that you have chosen the LORD for yourselves, to serve Him.” And they said, “We *are* witnesses!”

Joshua 24:19–22. Joshua wrote down all the words of the Lord and those of people in a book and took a large stone and set it up under a tree near the sanctuary. “And Joshua said to all the people, ‘Behold, this stone shall be a witness to us, for it has heard all the words of the LORD which He spoke to us. It shall therefore be a witness to you, lest you deny your God.’” *Joshua* 24:26–27.

became free standing by the promise He made to His Son. Jesus made this point in the parable of the barren fig tree:

A certain *man* had a fig tree planted in his vineyard, and he came seeking fruit on it and found none. Then he said to the keeper of his vineyard, "Look, for three years I have come seeking fruit on this fig tree and find none. Cut it down; why does it use up the ground?" But he answered and said to him, "Sir, let it alone this year also, until I dig around it and fertilize it. And if it bears fruit, *well*. But if not, after that you can cut it down."⁹⁰

In the parable, the owner of the tree is God under the Law of Moses, but His judgment is stayed by the plea of the keeper, who is Jesus, under the New Testament. The law relented under pleas for mercy and grace, the other daughters of justice. As discussed throughout this Article, justice is defined and operationalized by the judgment of the law being tempered and always being subject to relenting to the application of mercy and grace.

Under the New Testament, the payment of sin is made and God has the legal right to require only acceptance of His Son in order to provide mankind with His grace and mercy⁹¹:

⁹⁰ *Luke* 13:6–9 (NKJV).

⁹¹ Under the New Testament, God is free to unleash His goodness and mercy upon all who believe in His Son, independent of obedience to the Law of Moses. In regard to the Law of Moses, its purpose was to show man that he needed a savior and was incapable of being holy before God on his own merits and efforts. See *Romans* 2, 3. Under the Old Testament Law of Moses, the nature of the law governs the relationship between God and man:

Therefore know that the Lord your God, He *is* God, the faithful God who keeps covenant and mercy for a thousand generations with those who love Him and keep His commandments; and He repays those who hate Him to their face, to destroy them. He will not be slack with him who hates Him; He will repay him to his face. Therefore you shall keep the commandment, the statutes, and the judgments which I command you today, to observe them.

Deuteronomy 7: 9–11 (NKJV). But under the New Testament, the nature of justice governs the relationship between God and man. As Paul cautions:

[B]y the deeds of the law no flesh will be justified in His sight . . . But now the righteousness of God apart from the law is revealed, being witnessed by the Law and the Prophets, even the righteousness of God, through faith in Jesus Christ, to all and on all who believe. For there is no difference; for all have sinned and fall short of the glory of God, being justified freely by His grace through the redemption that is in Christ Jesus, whom God set forth as a propitiation by His blood, through faith, to demonstrate His righteousness, because in His forbearance God had passed over the sins that were previously committed, to demonstrate at the present time His

But God, who is rich in mercy, because of His great love with which He loved us, even when we were dead in trespasses, made us alive together with Christ (by grace you have been saved), and raised *us* up together, and made *us* sit together in the heavenly *places* in Christ Jesus, that in the ages to come He might show the exceeding riches of His grace in *His* kindness toward us in Christ Jesus.⁹²

He will judge the world in righteousness by [Jesus] whom He has ordained. He has given assurance of this to all by raising Him from the dead.⁹³

For Christ also suffered once for sins, the just for the unjust, that He might bring us to God, being put to death in the flesh but made alive by the Spirit . . . through the resurrection of Jesus Christ, who has gone into heaven and is at the right hand of God, angels and authorities and powers having been made subject to Him.⁹⁴

righteousness, that He might be just and the justifier of the one who has faith in Jesus.

Romans 3:20–26 (NKJV). Because of the propitiation of the blood, restitution governs the relationship between God and man and between men: “Brethren, if a man is overtaken in any trespass, you who *are* spiritual restore such a one in a spirit of gentleness, considering yourself lest you also be tempted. Bear one another’s burdens, and so fulfill the law of Christ.” *Galatians* 6:1–2 (NKJV). God’s justice always seeks restitution when sin is involved. In the Corinthian church, a man was having sex with his mother-in-law, and Paul scolded the church for not only tolerating such a sin, but that the church was full of sexual immorality. *1 Corinthians* 5:1. He commanded that the man be put out of the church to live with the results of his sin. *1 Corinthians* 5: 4–5. But upon repentance of the man, Paul, with equal demand, required that the man be restored to the church to prevent him from death through sorrow:

But if anyone has caused grief, he has not grieved me, but all of you to some extent—not to be too severe. This punishment which *was inflicted* by the majority *is* sufficient for such a man, so that, on the contrary, you *ought* rather to forgive and comfort *him*, lest perhaps such a one be swallowed up with too much sorrow. Therefore I urge you to reaffirm *your* love to him. For to this end I also wrote, that I might put you to the test, whether you are obedient in all things. Now whom you forgive anything, I also *forgive*. For if indeed I have forgiven anything, I have forgiven that one for your sakes in the presence of Christ, lest Satan should take advantage of us; for we are not ignorant of his devices.

2 Corinthians 2:5–11.

⁹² *Ephesians* 2:4–7 (NKJV).

⁹³ *Acts* 17:31(NKJV).

⁹⁴ *1 Peter* 3:18, 21–22 (NKJV). Jesus settled the requirements of sin and He, being just, made the unjust, just. He also entered the afterlife and testified of Himself and justified the word of Noah, Abraham, the Prophets, and all who believed before His birth on Earth. Jesus, standing in all of His glory and power in Heaven, said to Peter, “Do not be afraid; I am the First and the Last. I am He who lives, and was dead, and behold, I am alive forevermore. Amen. And I have the keys

For He Himself is our peace, who has made both one, and has broken down the middle wall of separation, having abolished in His flesh the enmity, *that is*, the law of commandments contained in ordinances, so as to create in Himself one new man from the two, *thus* making peace, and that He might reconcile them both to God in one body through the cross, thereby putting to death the enmity. And He came and preached peace to you who were afar off and to those who were near. For through Him we both have access by one Spirit to the Father.⁹⁵

The relationship with man is no longer based on how man keeps the law,⁹⁶ but is exclusively based on what His Son did and man's acceptance of what His Son did.⁹⁷

of Hades and of Death." *Revelation* 1:17–18; *1 Peter* 3:19–20 (“[B]y whom also He went and preached to the spirits in prison, who formerly were disobedient, when once the Divine longsuffering waited . . .”). Jesus entered hell to justify the faith of those who died before His coming to earth. The location of those who died in faith was called Abraham’s bosom and the location of those who died without faith was called hades. *Luke* 16:22–23, 25 (NKJV) (“So it was that the beggar died, and was carried by the angels to Abraham’s bosom. The rich man also died and was buried. And being in torments in Hades, he lifted up his eyes and saw Abraham afar off, and Lazarus in his bosom. . . . Abraham said, ‘Son, remember that in your lifetime you received your good things, and likewise Lazarus evil things; but now he is comforted and you are tormented.’”). See also the story of Saul using a medium to bring Samuel back from the dead so he could speak with him. When the medium “saw a spirit ascending out of the earth . . . covered with a mantle . . . Samuel said to Saul, ‘Why have you disturbed me by bringing me up?’ . . . [T]omorrow you and your sons will be with me.” *1 Samuel* 28:13–16 (NKJV).

⁹⁵ *Ephesians* 2:14–18; *2 Corinthians* 5:16–19 (NKJV) (“Therefore, from now on, we regard no one according to the flesh. Even though we have known Christ according to the flesh, yet now we know *Him thus* no longer. Therefore, if anyone *is* in Christ, *he is* a new creation; old things have passed away; behold, all things have become new. Now all things *are* of God, who has reconciled us to Himself through Jesus Christ, and has given us the ministry of reconciliation, that is, that God was in Christ reconciling the world to Himself, not imputing their trespasses to them, and has committed to us the word of reconciliation.”).

⁹⁶ Under the Old Testament, the mercy and blessings of God were conditional on the performance of man, not the nature of the mercy of God regardless of the behavior of man. The Old Testament is a contract based on human obedience bringing reciprocity of God’s favor. For example, see what God said to Solomon:

Then the word of the LORD came to Solomon, saying: “Concerning this temple which you are building, if you walk in My statutes, execute My judgments, keep all My commandments, and walk in them, then I will perform My word with you, which I spoke to your father David. And I will dwell among the children of Israel, and will not forsake My people Israel.”

1 Kings 6:11–13 (NKJV). Under the Old Testament, the relationship between man and God was built upon the dynamic of reciprocity: “if you do . . . then I will . . .” God’s goodness and mercy upon man was limited by the level of obedience of man. As Moses made clear:

Under the New Testament, man no longer must live under a consciousness of sins.⁹⁸ The Old Testament requires a person to pay constant attention to his actions and whether they are evil. The problem of a consciousness of sin being, “For as he thinks in his heart, so *is* he.”⁹⁹ The nature of the operation of the law is that it keeps a record of sin, it requires recompense, and it is absolute in its requirements. “But if you do not [obey], then take note, you have sinned against the LORD; and be sure your sin will find you out.”¹⁰⁰ The nature of the law is that it is absolute, it is not selective in enforcement, and selective obedience to it is not acceptable:

If you really fulfill *the* royal law according to the Scripture, “You shall love your neighbor as yourself,” you do well; but if you show partiality, you commit sin, and are convicted by the law as transgressors. For whoever shall keep the whole law, and yet stumble in one *point*, he is guilty of all. For He who said, “Do not commit adultery,” also said, “Do not murder.” Now if you do not commit adultery, but you do murder, you have become a transgressor of the law.¹⁰¹

Then it shall come to pass, *because you listen to these judgments, and keep and do them, that the LORD your God will keep with you the covenant and the mercy which He swore to your fathers.* And He will love you and bless you and multiply you; He will also bless the fruit of your womb and the fruit of your land, your grain and your new wine and your oil, the increase of your cattle and the offspring of your flock, in the land of which He swore to your fathers to give you. You shall be blessed above all peoples . . .

Deuteronomy 7:12–14 (NKJV) (emphasis added).

⁹⁷ Under the New Testament, the mercies and blessings of God are based on the actions of His Son, not the level of obedience of man, regardless of the nature of man. The New Testament is a contract between God and His Son based on the obedience of Jesus establishing reconciliation between God and mankind:

Now all things *are* of God, who has reconciled us to Himself through Jesus Christ, and has given us the ministry of reconciliation, that is, that God was in Christ reconciling the world to Himself, not imputing their trespasses to them, and has committed to us the word of reconciliation.

2 Corinthians 5:18–19 (NKJV); see also John 3:16 (NKJV) (“For God so loved the world that He gave His only begotten Son, that whoever believes in Him should not perish but have everlasting life.”).

⁹⁸ *Hebrews 10:2, 12 (NKJV); see also 1 Corinthians 15:56* (“[T]he strength of sin is the law.”).

⁹⁹ *Proverbs 23:7.*

¹⁰⁰ *Numbers 32:23.*

¹⁰¹ *James 2:8–11.* After the incident with the golden calf, “the LORD said to Moses . . . [n]ow therefore, go, lead the people . . . Nevertheless, in the day when I visit for punishment, I will visit punishment upon them for their sin.” *Exodus 32:33–34.* Because God is just, He will judge all by the heart of their actions. It is written, “their conscience also bearing witness, and between themselves *their* thoughts

The law produces a requirement of consciousness of not acting against the law, but this consciousness produces behavior that leads to the behavior to be avoided. That is the trap of the law. The nature of the law, without mercy and grace, provides no escape from judgment and condemnation. Though a trap, the law is just because it defines sin and right from wrong. As Paul observed:

I would not have known sin except through the law. For I would not have known covetousness unless the law had said, "You shall not covet." But sin, taking opportunity by the commandment, produced in me all *manner of evil* desire. For apart from the law sin *was* dead. I was alive once without the law, but when the commandment came, sin revived and I died. And the commandment, which *was to bring* life, I found to *bring* death. For sin, taking occasion by the commandment, deceived me, and by it killed *me*. Therefore the law *is* holy, and the commandment holy and just and good.¹⁰²

The point being, the command not to sin brings the knowledge of sin and the desire to sin because it is forbidden. Thus, to think without constant reflection on being in disobedience to the law, liberty and grace are lost because the constant thought of not doing wrong leads to wrongful-oriented thinking. Paul concluded that the problem of law is:

[T]he law is spiritual, but I am carnal, sold under sin [and it is] sin that dwells in me¹⁰³

[T]he sinful passions which were aroused by the law were at work in our members to bear fruit to death¹⁰⁴

I find then a law, that evil is present with me, the one who wills to do good. For I delight in the law of God according to the inward man. But I see another law in my members, warring against the law of my mind, and bringing me into captivity to the law of sin which is in my members¹⁰⁵

For the good that I will *to do*, I do not do; but the evil I will not *to do*, that I practice.¹⁰⁶

accusing or else excusing *them* . . . in the day when God will judge the secrets of men by Jesus Christ, according to my gospel." *Romans* 2:15–16 (NKJV).

¹⁰² *Romans* 7:7–12.

¹⁰³ *Romans* 7:14, 17.

¹⁰⁴ *Romans* 7:5.

¹⁰⁵ *Romans* 7:21–23.

¹⁰⁶ *Romans* 7:19.

The answer to the trap of the law, as Paul and James concluded:

Therefore, my brethren, you also have become dead to the law through the body of Christ . . . now we have been delivered from the law, having died to what we were held by, so that we should serve in the newness of the Spirit and not *in* the oldness of the letter. So speak and so do as those who will be judged by the law of liberty. For judgment is without mercy to the one who has shown no mercy. Mercy triumphs over judgment.¹⁰⁷

In the Old Testament, the relationship between man and God was based on how well mankind observed and followed the law. The law under the Old Testament required mankind to be conscious of sin, evil, and judgment.¹⁰⁸ Failure to follow the Law of Moses required judgment and punishment. The wrath of God had to occur because justice cannot violate her daughter, the law. The law requires obedience, and when violated, it demands recompense.¹⁰⁹ Thus, God, being justice, had no legal authority to apply grace and mercy before the application of sanctions because the law had to be justified by blood.¹¹⁰ This was the

¹⁰⁷ *Romans 7:4,6; James 2:12–13* (NKJV).

¹⁰⁸ *Hebrews 10:3–4* (NKJV).

¹⁰⁹ After the incident of the golden calf, Moses implored the God to forgive the people and if He would not forgive them, Moses said, “blot me out of Your book which You have written.” God answered Moses and said He would forgive them and would take them to the land He promised, but “[n]evertheless, in the day when I visit for punishment, I will visit punishment upon them for their sin.” God indeed visited plagues upon them as the law required. *Exodus 32:30–35* (NKJV).

¹¹⁰ *Hebrews 9:23–28* (“Therefore *it was necessary* that the copies of the things in the heavens should be purified with these, but the heavenly things themselves with better sacrifices than these. For Christ has not entered the holy places made with hands, *which are* copies of the true, but into heaven itself, now to appear in the presence of God for us; not that He should offer Himself often, as the high priest enters the Most Holy Place every year with blood of another—He then would have had to suffer often since the foundation of the world; but now, once at the end of the ages, He has appeared to put away sin by the sacrifice of Himself. And as it is appointed for men to die once, but after this the judgment, so Christ was offered once to bear the sins of many. To those who eagerly wait for Him He will appear a second time, apart from sin, for salvation.”). As Jesus Himself said regarding the Law of Moses and the scriptures, after He rose from the dead:

Then He said to them, “These *are* the words which I spoke to you while I was still with you, that all things must be fulfilled which were written in the Law of Moses and *the Prophets* and *the Psalms* concerning Me.” And He opened their understanding, that they might comprehend the Scriptures. Then He said to them, “Thus it is written, and thus it was necessary for the Christ to suffer and to rise from the dead the third day, and that repentance and remission of sins should be preached in His name to all nations, beginning at Jerusalem. And you are witnesses of these things.

purpose of animal sacrifices.¹¹¹ The sins of the people were transferred to the innocent animal and the innocence of the animal was transferred to the people.¹¹² With the transfer made, the animal was killed. The wage of sin, which is death,¹¹³ was paid. This sacrifice of animals and shedding of their blood was a symbol and representation of the perfect sacrifice¹¹⁴ made by Jesus who took “away the sin of the world.”¹¹⁵ After the blood sacrifice for sin occurred and the required punishment for breaking the law was fulfilled, God had the legal right to express grace, mercy, and his protection. In the Old Testament, God showed mercy and grace but did not have the right to withhold his wrath by His mercy and grace alone.

The significance of the Old Testament stories is that they demonstrate all three parts of the heart of God: grace, mercy, and judgment or wrath. The New Testament, in contrast, shows the deep and true heart of God; grace and mercy without measure or limitation and without the requirement of human reciprocity. The distinction between the old and new testaments is that from Matthew through Jude, the New Testament only speaks of a God of mercy and grace, and a God who is rectified with mankind through the sacrifice of His Son, Jesus.¹¹⁶ The distinction

Behold, I send the Promise of My Father upon you; but tarry in the city of Jerusalem until you are endued with power from on high.”

Luke 24:44–49 (NKJV).

¹¹¹ See *Leviticus 16:27, 30 (NKJV).*

¹¹² See, e.g., *Leviticus 16:21–22* (“Aaron shall lay both his hands on the head of the live goat, confess over it all the iniquities of the children of Israel, and all their transgressions, concerning all their sins, putting them on the head of the goat, and shall send *it* away into the wilderness by the hand of a suitable man. The goat shall bear on itself all their iniquities to an uninhabited land; and he shall release the goat in the wilderness.”); see also *Leviticus 1:3–4* (“[L]et him offer a male without blemish; he shall offer it of his own free will at the door of the tabernacle of meeting before the LORD. Then he shall put his hand on the head of the burnt offering, and it will be accepted on his behalf to make atonement for him. He shall kill the bull before the LORD.”); see generally *Leviticus 4* (sin offerings for unintentional sins); *Leviticus 5* (sin offerings for intentional sins); *Leviticus 6–7* (laws governing the various types of offerings and how they were to be conducted).

¹¹³ *Romans 6:23 (NKJV)* (“For the wages of sin *is* death, but the gift of God *is* eternal life in Christ Jesus our Lord.”).

¹¹⁴ *Hebrews 9:9–28 (NKJV).*

¹¹⁵ *John 1:29 (NKJV).*

¹¹⁶ See *Romans 8:1–8* (“*There is* therefore now no condemnation to those who are in Christ Jesus, who do not walk according to the flesh, but according to the Spirit. For the law of the Spirit of life in Christ Jesus has made me free from the law of sin and death. For what the law could not do in that it was weak through the flesh, God *did* by sending His own Son in the likeness of sinful flesh, on account of sin: He

between the Old and New Covenant is evident in that the wrath of God upon the Earth is nowhere to be found until the book of Revelation. Only in the book of Revelation, after the end of the dispensation of Grace on the Earth, does God's wrath for Earth's sins return.

Even under the Old Testament, the heart of God is to forgive and rectify. Note that even under the law of reciprocity, "if you . . . then I will," God implores His people, that "if My people who are called by My name will humble themselves, and pray and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land."¹¹⁷ Note whose wicked ways God is interested in before He heals the land. As God told the children of Israel while in captivity in the idol worshiping city of Babylon, "[w]ork for the well-being of the city where I have sent you to and pray to the

condemned sin in the flesh, that the righteous requirement of the law might be fulfilled in us who do not walk according to the flesh but according to the Spirit. For those who live according to the flesh set their minds on the things of the flesh, but those *who live* according to the Spirit, the things of the Spirit. For to be carnally minded *is* death, but to be spiritually minded *is* life and peace. Because the carnal mind *is* enmity against God; for it is not subject to the law of God, nor indeed can be. So then, those who are in the flesh cannot please God."). Through the actions of Jesus, those who believe become the children of God with a brother who looks after his younger siblings:

For as many as are led by the Spirit of God, these are sons of God. For you did not receive the spirit of bondage again to fear, but you received the Spirit of adoption by whom we cry out, "Abba, Father." The Spirit Himself bears witness with our spirit that we are children of God, and if children, then heirs—heirs of God and joint heirs with Christ, if indeed we suffer with *Him*, that we may also be glorified together.

. . . .

His own Son . . . who is even at the right hand of God, who also makes intercession for us.

Romans 8:14–17, 32, 34; *2 Corinthians* 5:17–19 (NKJV) ("Therefore, if anyone *is* in Christ, *he is* a new creation; old things have passed away; behold, all things have become new. Now all things *are* of God, who has reconciled us to Himself through Jesus Christ, and has given us the ministry of reconciliation, that is, that God was in Christ reconciling the world to Himself, not imputing their trespasses to them, and has committed to us the word of reconciliation.").

¹¹⁷ *2 Chronicles* 7:14. The proper interpretation and application of the scriptures requires the understanding that although the Bible and the sixty-six books are all inspired words of God, there is a significant difference between the Old and New Testament. They both define the heart of God and the Old Testament does expose the reader to the wrath of God for sin and the punishments thereof. But a proper reading of the Old Testament shows that manifestation of the wrath of God only appears between *Exodus* 19 through the Book of Malachi. *Exodus* 18 back to *Genesis* shows a God of promises to Abraham and further back to mercy given to Adam and Cain.

Lord for this. For if it is well with the city you live in, it will be well with you.”¹¹⁸ Again, as God relayed through Paul what Christians should do under the rule of Rome:

I urge you, first of all, to pray for all people. Ask God to help them; intercede on their behalf, and give thanks for them. Pray this way for kings and all who are in authority so that we can live peaceful and quiet lives marked by godliness and dignity. This is good and pleases God our Savior, who wants everyone to be saved and to understand the truth.¹¹⁹

These requests of God, that His people should offer prayers of humility and mercy for all men and for those who govern, have been all too frequently abandoned by the conservative American evangelical protestant movement for the pleasure of making prideful, arrogant, self-righteous and condescending prayers seeking the Old Testament judgment and wrath of God to be visited upon America. Such prayers flow from theologians and priests who falsely assert that the curse of the law and God’s grace function together after the cross, thus asserting, in fact, that the curse of the law, the Old Testament, was not replaced by the law of grace under the New Testament.

This apostasy is not new, for in the days of Paul, the same false teaching occurred which sparked him to correct the hypocrisy of those who claimed grace under the New Testament but required other people to live under the requirements and judgment—condemnation—of the law. Paul complained that the Jews, the people of the law, were requiring the Gentiles to live under the law but they themselves lived free from the law through the grace of the New Testament. Paul wrote:

Now when Peter had come to Antioch, I withstood him to his face, because he was to be blamed [with] the rest of the Jews also played the hypocrite with him . . . But when I saw that they were not straightforward about the truth of the gospel, I said to Peter before *them* all. “If you, being a Jew, live in the manner of Gentiles and not as the Jews, why do you compel Gentiles to live as Jews? . . . [K]nowing that a man is not justified by the works of the law but by faith in Jesus Christ, even we have believed in Christ Jesus, that we might be justified by faith in Christ and not by the works of the law; for by the works of the law no flesh shall be justified. . . . [F]or if

¹¹⁸ *Jeremiah* 29:7 (NLT).

¹¹⁹ *1 Timothy* 2:1–4 (NLT).

righteousness *comes* through the law, then Christ died in vain.”
 O foolish Galatians! Who has bewitched you that you should not obey the truth[?] . . . Did you receive the Spirit by the works of the law, or by the hearing of faith? Are you so foolish? Having begun in the Spirit, are you now being made perfect by the flesh?”¹²⁰

The Old Testament wrath of God prayed for by conservative American Evangelicals was fully and exclusively expended upon Jesus on the cross,¹²¹ so, as Paul wrote, to allow “everyone to be

¹²⁰ *Galatians* 2:11,13–14, 16, 21 (NKJV); *Galatians* 3:1–3. This confrontation occurred during the meeting of all the elders and apostles of the church at Antioch to settle the dispute over whether Gentile believers should be circumcised under the Law of Moses. Paul and Barnabas argued that they did not. Their position was adopted by Peter and James, the senior leaders of the church, and a letter was sent to the Gentile believers on the decision. *See Acts* 15:24–29. This dispute between Paul and Peter is thought to have occurred after the decision. In *Acts* 10 through the story of Cornelius and his being saved, baptized, and filled with the Holy Spirit, God made clear that the message of Jesus was open to Gentiles as well as Jews and all believers were clean in His eyes and the separation of Jews from Gentiles was ended through the belief of Jesus and His resurrection. *See also Romans* 10:11–13 (NKJV).

¹²¹ *See Isaiah* 53:4–7 (NKJV); *Romans* 5:18; *2 Corinthians* 5:21 (NKJV); *Isaiah* 53:10–12; *Romans* 8:3–4; *John* 1:29 (NKJV); *1 John* 2:2; *2 Corinthians* 5:18–19; *Romans* 5:9–10; *1 Peter* 1:19 (NKJV); *1 Peter* 2:24; *1 Peter* 3:18; *Romans* 10:4 (“For Christ is the end of the law for righteousness to everyone who believes.”); *Acts* 2:21; *John* 6:37 (“[T]he one who comes to Me I will by no means cast out.”); *Romans* 6:14 (“For sin shall not have dominion over you, for you are not under law but under grace.”). As Paul wrote, “For it pleased *the Father that* in Him all the fullness should dwell, and by Him to reconcile all things to Himself, by Him, whether things on earth or things in heaven, having made peace through the blood of His cross.” *Colossians* 1:19–20 (NKJV); *Colossians* 2:13–15 (“And you, being dead in your trespasses and the uncircumcision of your flesh, He has made alive together with Him, having forgiven you all trespasses, having wiped out the handwriting of requirements that was against us, which was contrary to us. And He has taken it out of the way, having nailed it to the cross. Having disarmed principalities and powers, He made a public spectacle of them, triumphing over them in it.”); *Romans* 6:4–8 (NKJV) (“[A]s Christ was raised from the dead by the glory of the Father, even so we also should walk in newness of life. For if we have been united together in the likeness of His death, certainly we also shall be *in the likeness of His* resurrection, knowing this, that our old man was crucified with *Him*, that the body of sin might be done away with, that we should no longer be slaves of sin. For he who has died has been freed from sin. Now if we died with Christ, we believe that we shall also live with Him.”); *Romans* 10:11–13 (citing *Isaiah* 28:16; *Joel* 2:32) (NKJV) (“For the Scripture says, ‘Whoever believes on Him will not be put to shame.’ For there is no distinction between Jew and Greek, for the same Lord over all is rich to all who call upon Him. For ‘whoever calls on the name of the LORD shall be saved.’”); *Galatians* 3:26–29 (NKJV) (“For you are all sons of God through faith in Christ Jesus. For as many of you as were baptized into Christ have put on Christ. There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus. And if you *are* Christ’s, then you are Abraham’s seed, and heirs according to the promise.”).

saved and to understand the truth.”¹²² The truth being that no one can stand perfect under the requirements of law in the presence of God. The point of the cross is that God held the final criminal trial in which the law would reign alone and the full punishment for disobedience—death, the curse of the law—was applied so that the justice of rehabilitation could reign alone. As Paul explained:

For as many as are of the works of the law are under the curse; for it is written, “Cursed *is* everyone who does not continue in all things which are written in the book of the law, to do them.” But that no one is justified by the law in the sight of God *is* evident, for “the just shall live by faith.” Yet the law is not of faith, but “the man who does them shall live by them.” Christ has redeemed us from the curse of the law, having become a curse for us (for it is written, “Cursed *is* everyone who hangs on a tree”), that the blessing of Abraham might come upon the Gentiles in Christ Jesus, that we might receive the promise of the Spirit through faith.

....

For if there had been a law given which could have given life, truly righteousness would have been by the law. But the Scripture has confined all under sin, that the promise by faith in Jesus Christ might be given to those who believe. But before faith came, we were kept under guard by the law, kept for the faith which would afterward be revealed. Therefore the law was our tutor *to bring us* to Christ, that we might be justified by faith. But after faith has come, we are no longer under a tutor.¹²³

As detailed in this Article, the distinction between the promises of the New Testament and the law of the Old Testament is that nowhere in the New Testament, during the dispensation of grace and the church,¹²⁴ from Mathew to Jude, is God found condemning mankind or the nations of the earth. As a biblical hermeneutical matter, as discussed below, since God does not seek the condemnation of the world, conservative American Evangelicals should not seek the condemnation of America in order to be fair to Sodom and Gomorrah. As Jesus said, “God did

¹²² 1 *Timothy* 2:3–5 (NLT).

¹²³ *Galatians* 3:10–14, 21–25 (NKJV).

¹²⁴ When Peter said, “You are the Christ, the Son of the living God,” Jesus said, “[O]n this rock I will build my church, and the gates of Hades shall not prevail against it.” *Matthew* 16:16, 18 (NKJV).

not send His Son into the world to condemn the world, but that the world through Him might be saved.”¹²⁵ The hard part, of course, is the controversial and absolutist assertion of the Christian faith; for Jesus also said, “I am the way, the truth, and the life. *No one comes to the Father except through Me.*”¹²⁶ He was the Son of God sent for the remission of sin and He proved who He said He was by the miracles that He performed. The difficulty is in accepting it. Consider a reflection on Jesus in the 1953 movie *The Robe*, in which Marcellus Gallio, a military tribune, was put on trial for treason for his faith in Jesus. The Emperor said, “Do you expect us to believe stories that Jesus could heal by the touch of his hand, make the crippled walk and the blind see again?”¹²⁷ To which Tribune Gallio responded, “It makes no difference whether you believe them or not, sire. All that matters is that there’s no story that He ever made anyone blind, no story that He made anyone a cripple, or ever raised His hand except to heal.”¹²⁸

The New Testament is solely premised upon the fact that God’s wrath and judgment—required by the law because of the sin of mankind, the breaking of His law—was completely satisfied¹²⁹ at Calvary.¹³⁰ Evidence of the change from the Old to

¹²⁵ *John* 3:17 (NKJV). Of course, this statement of God’s mercy follows the famous promise of God that, “For God so loved the world that He gave His only begotten Son, that whoever believes in Him should not perish but have everlasting life.” *John* 3:16; see also *Romans* 8 (detailing the promises of God that all who believe in Christ are redeemed, and, in Christ, there is no condemnation but only total acceptance by God).

¹²⁶ *John* 14:6 (emphasis added); see also *Acts* 4:12 (NKJV) (“Nor is there salvation in any other, for there is no other name under heaven given among men by which we must be saved.”); *John* 11:25 (AMP) (“I am the Resurrection and the Life. Whoever believes in [adheres to, trusts in, relies on] Me [as Savior] will live even if he dies.”).

¹²⁷ *THE ROBE* (1953).

¹²⁸ *Id.*

¹²⁹ See, e.g., *Isaiah* 43:25 (NKJV); *John* 3:36 (NKJV); *Hebrews* 2:17 (NKJV); *Romans* 3:21–25 (NKJV); *Hebrews* 8:12 (NKJV); 1 *John* 2:2; 1 *John* 4:10.

¹³⁰ Although the last moments of the life of Jesus were chronicled in Mathew, Mark, Luke, and John, only John was present at the crucifixion. *John* 19:25–26 (“Now there stood by the cross of Jesus His mother, and His mother’s sister, Mary the wife of Clopas, and Mary Magdalene. When Jesus therefore saw His mother, and the disciple whom He loved standing by . . .”). All four gospels provide part of the last moments of Jesus. Mathew and Mark report that in the last hour on the cross, Jesus cried out “My God, My God, why have You forsaken Me,” and then, after being offered sour wine, he cried out again and died. *Matthew* 27:46, 50; *Mark* 15:34, 37 (NKJV). John reports that Jesus cried out again that second time—after “My God, My God . . .”—He cried out, “It is finished!” *John* 19:30. Luke finishes the story by

the New Testaments is shown by how God is referred in each. In the Old Testament, He is the Almighty God full of power that causes men to fear His presence,¹³¹ but in the New He is “Our

reporting that “when Jesus had cried out with a loud voice,” which was it is finished, “He said ‘Father, into Your hands I commit My Spirit.’” *Luke* 23:46 (NKJV). What is the significance of “It is finished”? Matthew, Mark, and Luke provide part of the answer when all three noted that after Jesus cried out again, the veil of the temple was torn. *Matthew* 27:51; *Mark* 15:38; *Luke* 23:45. When Jesus declared, “It is finished,” the veil in the temple that separated the inner court from the holy of holies in the temple—the veil that represented the separation between man and God—was torn in two. Thus, the separation of God from man because of sin was torn away. What was finished was the requirements of the law that man could not approach God in His most Holy place because of his sin. The injunction issued by God to Moses in Exodus that anyone who comes to this holy mountain will be put to death and command that only the high priest could enter the holy of holies in the tabernacle and atone for the sins of all the people of Israel, *Hebrews* 9:1–7, was “finished.” As Paul exhorted:

Seeing then that we have a great High Priest who has passed through the heavens, Jesus the Son of God, let us hold fast *our* confession. For we do not have a High Priest who cannot sympathize with our weaknesses, but was in all *points* tempted as *we are*, yet without sin. Let us therefore come boldly to the throne of grace, that we may obtain mercy and find grace to help in time of need.

Hebrews 4:14–16 (NKJV).

¹³¹ *Exodus* 20:18–21 (“Now all the people witnessed the thunderings, the lightning flashes, the sound of the trumpet, and the mountain smoking; and when the people saw *it*, they trembled and stood afar off. Then they said to Moses, ‘You speak with us, and we will hear; but let not God speak with us, lest we die.’ And Moses said to the people, ‘Do not fear; for God has come to test you, and that His fear may be before you, so that you may not sin.’ So the people stood afar off, but Moses drew near the thick darkness where God *was*.”). But even under the Law of Moses, the heart of God was not one of wrath and fear, but a desire for reconciliation and affection. For as Moses said to the people of Israel:

And now, Israel, what does the LORD your God require of you, but to fear the LORD your God, to walk in all His ways and to love Him, to serve the LORD your God with all your heart and with all your soul, *and* to keep the commandments of the LORD and His statutes which I command you today for your good? Indeed heaven and the highest heavens belong to the LORD your God, *also* the earth with all that *is* in it. The LORD delighted only in your fathers, to love them; and He chose their descendants after them, you above all peoples, as *it is* this day. Therefore circumcise the foreskin of your heart, and be stiff-necked no longer. For the LORD your God *is* God of gods and Lord of lords, the great God, mighty and awesome, who shows no partiality nor takes a bribe. He administers Justice for the fatherless and the widow, and loves the stranger, giving him food and clothing. Therefore love the stranger, for you were strangers in the land of Egypt. You shall fear the LORD your God; you shall serve Him, and to Him you shall hold fast, and take oaths in His name. He *is* your praise, and He *is* your God, who has done for you these great and awesome things which your eyes have seen. Your fathers went down to Egypt with seventy persons, and now the LORD your God has made you as the stars of heaven in multitude.

Father which art in heaven, Hallowed be thy name” in which it is said, “God so loved the world that He gave His only begotten Son”¹³² As Paul explains the distinction in the meaning of the Old and New Testament:

But now we have been released from the law, for we died to it and are no longer captive to its power. Now we can serve God, not in the old way of obeying the letter of the law, but in the new way of living in the Spirit.¹³³ For what the law could not do in that it was weak through the flesh, God *did* by sending His own Son in the likeness of sinful flesh, on account of sin: He condemned sin in the flesh, that the righteous requirement of the law might be fulfilled in us who do not walk according to the flesh but according to the Spirit.¹³⁴

For whatever things were written before were written for our learning, that we through the patience and comfort of the Scriptures might have hope.¹³⁵

As a hermeneutical matter, the New Testament explains the meaning and purpose of the Old Testament. The Old Testament is a compilation of principles, stories and moral conceptions

Deuteronomy 10:12–22 (NKJV). The law was a means to an end, the end being the definition and application of justice, to all for all through mercy and grace.

¹³² *Matthew* 6:9 (KJV); *John* 3:16 (KJV).

¹³³ *Romans* 7:6 (NLT); see also *Romans* 13:10 (NKJV); 1 *John* 3:23; *John* 13:34; *Romans* 7:12–15 (the purpose of the law is to expose sin and evil but it does not have the ability to redeem and rehabilitate). But the other daughters of justice, mercy and grace, provide rehabilitation and restoration.

¹³⁴ *Romans* 8:3–4; see also *Romans* 3:20; *Romans* 5:20; *Romans* 8:3–4 (NLT) (“The law of Moses was unable to save us because of the weakness of our sinful nature. So God did what the law could not do. He sent his own Son in a body like the bodies we sinners have. And in that body God declared an end to sin’s control over us by giving his Son as a sacrifice for our sins. He did this so that the just requirement of the law would be fully satisfied for us, who no longer follow our sinful nature but instead follow the Spirit.”).

¹³⁵ *Romans* 15:4. As Paul wrote regarding the stories of the Old Testament of the people who were brought out of Egypt by Moses, cared for in the wilderness, and died there, he concluded:

Now these things became our examples, to the intent that we should not lust after evil things as they also lusted. And do not become idolaters as *were* some of them. As it is written, “The people sat down to eat and drink, and rose up to play.” Nor let us commit sexual immorality, as some of them did, and in one day twenty-three thousand fell; nor let us tempt Christ, as some of them also tempted, and were destroyed by serpents; nor complain, as some of them also complained, and were destroyed by the destroyer. Now all these things happened to them as examples, and they were written for our admonition, upon whom the ends of the ages have come. Therefore let him who thinks he stands take heed lest he fall.

1 *Corinthians* 10:6–12 (NKJV).

regarding the nature of God and what results from being in concordance or in discordance with these conceptions. The Bible is properly understood by interpreting it pre- and post-cross and pre- and post-Mount Sinai. Pre-Mount Sinai is the time of the blessings of Abraham in which only God's promises and grace prevailed in the history of the children of Israel. During the period of post-Mount Sinai to the cross, the Law of Moses governed, which is defined by curses and blessings based on behavior. Post-cross, after crucifixion, the wrath of God, as required by the Law of Moses, was satisfied. The relationship between mankind and God returned to the pre-Mount Sinai relationship through faith. The curse of the Law of Moses concludes at the cross and the blessings within the Law of Moses reverted (returned) to those of Abraham. "Behold, the days are coming, says the LORD, when I will make a new covenant . . . not according to the covenant that I made with their fathers . . . For I will forgive their iniquity, and their sin I will remember no more."¹³⁶

Understanding the Bible, as a hermeneutical matter, requires understanding the grace versus curse distinction. When reading and interpreting the Bible as a whole, the demarcation in meaning is pre-cross—the law of Moses—and post-cross—resurrection of Jesus. But within the Old Testament, the demarcation in meaning is pre-Mount Sinai—the promises of God to Abraham before the law of Moses—and post-Mount Sinai—the arrival of the law of Moses and the curse of law. In understanding the pre- and post-cross distinction, consider the difference between the pre- and post-cross description of how the patriarch Abraham is described in the Bible.

In Genesis, we are told that when God came to Abraham and face-to-face promised him that he would have a child, Abraham laughed asking could a man 100 years old, who had waited on the same promise since being 75 years old, have a child and more than two decades after the same promise was first given, when God returned to promise Abraham that he would have a son within a year, Sarah laughed, in God's face, at the promise.¹³⁷ But in Romans and Hebrews, we are told that both had great

¹³⁶ *Jeremiah* 31:31–32, 34 (NKJV); *see also Romans* 8–9 (NKJV).

¹³⁷ *Genesis* 12:4, 17:17; 18:10–15, 21:5 (NKJV).

faith and were without waiver in their faith.¹³⁸ Under the law, before the cross, sins are recorded before God but under grace, after the cross, only faith is recorded.

After the cross, the lack of faith of Abraham is not only forgotten, but his faith is the starting point and foundation of all blessings and promises of God under the post-cross dynamic. Grace is understood through comparing and contrasting the Old Testament with the New Testament. The Old and New Testaments become homogenous when viewed through the hermeneutical understanding that the latter is the fulfillment of the former and the latter provides the full meaning of the former. The purpose of the former is to expose the truths in the latter. The goal of the law of Moses is to expose mankind to sin and need for perfection before God, which occurs through Jesus under grace and mercy. The law exposes justice. The law is crime (sin) conscious but justice is grace and mercy conscious.

The Old Testament promise that “their sin I will remember no more” is fulfilled by the New Testament. To see sin no more, and to have a relationship through grace and mercy and not the law, is at the heart of God, which defines justice. This returns our attention to the definition of justice as a concept that is objectively defined by actions and results. The proper reading and interpretation of the Bible establishes that justice is defined by what is done and why it is done. Justice is defined by doing right, being right, and seeking righteousness. Justice through law defines evil, but justice through grace and mercy provides a way for rectification and rehabilitation to prevail over judgment and punishment. The principle upholding the meaning of justice is that God’s heart is just and fair.

As David wrote of the heart of God, defining His justice, “The LORD opens *the eyes of* the blind; The LORD raises those who are bowed down; The LORD loves the righteous. The LORD watches over the strangers; He relieves the fatherless and widow; But the way of the wicked He turns upside down.”¹³⁹ David also observed that the strength of a nation comes from understanding and implementing justice as demonstrated by God. “The King’s strength also loves justice; You have established equity; You have executed justice and righteousness in Jacob.”¹⁴⁰ But what is

¹³⁸ *Romans 4:16–22; Hebrews 11:11* (NKJV).

¹³⁹ *Psalms 146:8–9* (NKJV).

¹⁴⁰ *Psalms 99:4*.

justice as executed by God Himself? David answers, “But You, O Lord, *are* a God full of compassion and gracious, longsuffering and abundant in mercy and truth.”¹⁴¹ David knew this because, he proclaimed, “You, LORD, have helped me and comforted me.”¹⁴² Justice is defined by how those with power rule, as exemplified by how God in heaven rules.

The scriptures in the times of the Prophets and Kings of ancient Israel made clear what God required of them. These requirements are reflected in western legal tradition, which defines justice by the concepts of the rule of law, equal and impartial application of the law, and the prevention of oppression of the poor, the weak, and the stranger. As it was said in the Kingdom of Israel:

God stands in the congregation of the mighty; He judges among the gods. How long will you judge unjustly, And show partiality to the wicked? Defend the poor and fatherless; Do Justice to the afflicted and needy. Deliver the poor and needy; Free *them* from the hand of the wicked.¹⁴³

Give the king Your judgments, O God, And Your righteousness to the king’s Son. He will judge Your people with righteousness, And Your poor with Justice. The mountains will bring peace to the people, And the little hills, by righteousness. He will bring justice to the poor of the people; He will save the children of the needy, And will break in pieces the oppressor.¹⁴⁴

Do not rob the poor because he *is* poor, Nor oppress the afflicted at the gate; For the LORD will plead their cause, And plunder the soul of those who plunder them.¹⁴⁵

The King who judges the poor with truth, His throne will be established forever.¹⁴⁶

¹⁴¹ *Psalm* 86:15; see also *Psalm* 96:13 (“For He is coming, for He is coming to judge the earth. He shall judge the world with righteousness, And the peoples with His truth.”).

¹⁴² *Psalm* 86:17. David called upon the Lord to judge between himself and Saul and rule accordingly:

Look, this day your eyes have seen that the LORD delivered you today into my hand But *my eye* spared you, and I said, I will not stretch out my hand against my lord [S]ee the corner of your robe in my hand! . . . I have not sinned against you. Yet you hunt my life to take it. Let the LORD judge between you and me, and let the LORD avenge me on you. . . . Therefore, let the LORD be judge, and judge between you and me, and see and plead my case, and deliver me out of your hand.

1 *Samuel* 24:10–12, 15 (NKJV) (internal quotation mark omitted).

¹⁴³ *Psalm* 82:1–4.

¹⁴⁴ *Psalm* 72:1–4.

¹⁴⁵ *Proverbs* 22:22–23 (NKJV).

*It is not for kings to drink wine, Nor for princes intoxicating drink; Lest they drink and forget the law, And pervert the justice of all the afflicted. . . . Open your mouth for the speechless, In the cause of all who are appointed to die. Open your mouth, judge righteously, And plead the cause of the poor and needy.*¹⁴⁷

Justice as defined by God—“For I, the LORD, love justice; I hate robbery”¹⁴⁸—includes not only the control of governmental power and fair application of the law,¹⁴⁹ and the fact God sees and judges the acts of those who govern,¹⁵⁰ but justice includes not being blind to those without power.

As David observed, God is “a father of the fatherless, a defender of widows . . . God sets the solitary in families; He brings out those who are bound into prosperity; But the rebellious dwell in a dry land.”¹⁵¹ For “He administers justice for the fatherless and the widow, and loves the stranger, giving him food and clothing.”¹⁵² As God commanded the children of Israel through Moses:

You shall neither mistreat a stranger nor oppress him, for you were strangers in the land of Egypt. You shall not afflict any widow or fatherless child. If you afflict them in any way, *and* they cry at all to Me, I will surely hear their cry; and My wrath will become hot, and I will kill you with the sword; your wives shall be widows, and your children fatherless.¹⁵³

Righteous indignation is reflected in the nature of justice, not the law. Justice, not the law, commands that the weak shall not be oppressed and justice, not the law, requires both the protection and avenging of the powerless. Justice, not the law, finds a way to forgive. When Jesus was confronted with a prostitute who begged for forgiveness at his feet with only her tears and when those with power mocked her, Jesus said:

“Do you see this woman? I came into your house [but you failed to extend to Me the usual courtesies shown to a guest]; you gave

¹⁴⁶ *Proverbs* 29:14.

¹⁴⁷ *Proverbs* 31:4–5, 8–9.

¹⁴⁸ *Isaiah* 61:8 (NKJV).

¹⁴⁹ See generally *supra* notes 8–9.

¹⁵⁰ *Job* 34:18–19 (NKJV) (“*Is it fitting* to say to a king, ‘*You are worthless,*’ *And to nobles, ‘You are wicked?’* Yet He is not partial to princes, Nor does He regard the rich more than the poor; For they *are* all the work of His hands.”).

¹⁵¹ *Psalms* 68:5–6.

¹⁵² *Deuteronomy* 10:18 (NKJV).

¹⁵³ *Exodus* 22:21–24 (NKJV).

Me no water for My feet, but she has wet My feet with her tears and wiped them with her hair [demonstrating her love]. You gave Me no [welcoming] kiss, but from the moment I came in, she has not ceased to kiss My feet. You did not [even] anoint My head with [ordinary] oil, but she has anointed My feet with [costly and rare] perfume. Therefore I say to you, her sins, which are many, are forgiven". . . . Then He said to her, "Your sins are forgiven." Those who were reclining *at the table* with Him began saying among themselves, "Who is this who even forgives sins?" Jesus said to the woman, "Your faith [in Me] has saved you; go in peace [free from the distress experienced because of sin]."¹⁵⁴

Jesus listed the social insults and the sin of those with power who did not greet him properly to honor the woman of sin who did honor him in their midst. In doing this, Jesus exemplified and elevated the purpose of justice over the law. Although the Pharisees were right under the law, it was forbidden for the unclean—the prostitute—to be touched by the clean—Jesus, a rabbi—but Jesus, being just, was more concerned with the weightier issues of justice—forgiveness, righteousness, and reconciliation. Justice involves doing what makes the law worthy to be supported and obeyed.

Consider how Jesus dealt with the law that forbade work on the Sabbath. Jesus was in the synagogue and a man with a withered hand was there and the self-serving priests asked Him, in order to be able to accuse Him of breaking the law, whether it was lawful to heal on the Sabbath. Jesus answered by asking how many of the priests would save their sheep on the Sabbath. Therefore, Jesus continued, it is lawful to do good on the Sabbath and He healed the man. On that day, the priests became determined to kill Jesus.¹⁵⁵

The point of the law, not to do work on the Sabbath, was that God established the Sabbath and made it holy. A day that is holy does not prohibit doing good; it prohibits doing work for one's own selfish benefit. Justice focuses on the weightier issues of the law. The law, unlike justice, is brutal in execution because it is written in stone and is designed not to allow for nuances in application; it is designed to establish order and regulation

¹⁵⁴ *Luke 7:44–50* (AMP) (alterations in original).

¹⁵⁵ *Matthew 12:9–14* (NKJV). See also *Luke 3:10–17* (NKJV), for the story of Jesus healing the woman with the spirit of infirmity.

without distinction. But justice seeks to make the broken whole and to protect the helpless. This is the meaning behind Matthew quoting Isaiah, “A bruised reed He will not break, And smoking flax He will not quench.”¹⁵⁶ Justice, in the hand of Jesus, does not break the bruised nor quench small starts, but the law, in the hand of the priests, will if that is what is required on its face. The chief priest said to Jesus at a different time, regarding an infirm woman, it is just to heal her but not on the sabbath because the law says so.¹⁵⁷ Reflecting on such men, Paul wrote:

For not knowing about God’s righteousness [which is based on faith], and seeking to establish their own [righteousness based on works], they did not submit to God’s righteousness. For Christ is the end of the law [it leads to Him and its purpose is fulfilled in Him], for [granting] righteousness to everyone who believes [in Him as Savior]. For Moses writes that the man who practices the righteousness which is based on law [with all its intricate demands] shall live by it. But the righteousness based on faith [which produces a right relationship with Him] says . . . if you acknowledge *and* confess with your mouth that Jesus is Lord [recognizing His power, authority, and majesty as God], and believe in your heart that God raised Him from the dead, you will be saved.¹⁵⁸

The law, by its nature, is only concerned with what it requires and its demand for obedience regardless of the outcome. Justice, by its nature, is concerned with the fairness of the outcome of the application of the law. The nature of the operation of the law, unlike justice, has no capacity to rectify or to rescue a person from the requirements of the law or the judgment from the failure to comply with those requirements. Nor does the nature of the operation of law require mercy. The law provides order, not justice. The law is what is required by society; justice is what is desired by society. The law requires obedience; it does not provide or promise mercy. The law is about the correctness of output and outcome; justice is about the fairness and equity of output and outcome.

Consider the difference between the law and justice as exemplified by the execution of Jesus. When Jesus died on the cross, the Pharisees asked Pontius Pilate to break the legs of the

¹⁵⁶ *Matthew* 12:20 (citing *Isaiah* 42:3 (NKJV)).

¹⁵⁷ *Luke* 13:14 (NKJV).

¹⁵⁸ *Romans* 10:3–6, 9 (AMP) (alterations in the original).

two men condemned with Jesus, so they would die faster. The reason for this request was that the Law of Moses required the dead to be buried before the beginning of Passover. This is the nature of the law without mercy and grace; the Pharisees, those of the Law of Moses, said break the legs of the suffering so they can die faster because the Law of Moses requires it.¹⁵⁹

In defense of the Law of Moses, the law was not without commands that justice be done. God defined justice by His own nature; “the LORD God . . . shows no partiality nor takes a bribe. . . . Therefore love the stranger, for you were strangers in the land of Egypt.”¹⁶⁰ The Law of Moses included the requirement of seeing the pain and need of others. God commanded that the needs of the poor were not to be disregarded by His people.¹⁶¹ Justice includes defending the weak and those without protection. “LORD, who *is* like You,” David asked, “[d]elivering the poor from him who is too strong for him.”¹⁶² Justice is not a concept without defined behavior. God requires

¹⁵⁹ *John* 19:31 (NKJV). Consider another example of the merciless application of the law and the absurdity of the law without considering the purpose of the law or the justice behind it. In *John* 9 we are told the story that Jesus healed a man that was blind from birth on the Sabbath. Under the law, it is written that work was prohibited on the Sabbath, so the Pharisees accused Jesus of being a sinner for breaking the law. Rather than welcoming the man, when he said Jesus must be a prophet for what he had done, the Pharisees expelled him from the synagogue. The law, without context and justice, can produce ridiculous and harmful results because it is written in stone. That is why God said He would write a new law in the flesh of the heart of man—the heart being something alive.

¹⁶⁰ *Deuteronomy* 10:17, 19 (NKJV); see also *Chronicles* 19:7 (NKJV) (“Now therefore, let the fear of the LORD be upon you; take care and do *it*, for *there is no iniquity with the LORD our God, no partiality, nor taking of bribes.*”).

¹⁶¹ The Lord commanded:

If there is among you a poor man of your brethren, within any of the gates in your land which the LORD your God is giving you, you shall not harden your heart nor shut your hand from your poor brother, but you shall open your hand wide to him and willingly lend him sufficient for his need, whatever he needs. Beware lest there be a wicked thought in your heart, saying, “The seventh year, the year of release, is at hand,” and your eye be evil against your poor brother and you give him nothing, and he cry out to the LORD against you, and it become sin among you. You shall surely give to him, and your heart should not be grieved when you give to him, because for this thing the LORD your God will bless you in all your works and in all to which you put your hand. For the poor will never cease from the land; therefore I command you, saying, “You shall open your hand wide to your brother, to your poor and your needy, in your land.”

Deuteronomy 15:7–11.

¹⁶² *Psalms* 35:10 (NKJV); see also *Psalms* 34:17; *Psalms* 34:6 (“This poor man cried out and the LORD heard him and saved him out of all his troubles.”).

justice over sacrifice¹⁶³ and He favors those who do justice for others.¹⁶⁴ Not only, as David observed, “[i]t is the joy for the just to do justice”¹⁶⁵ but it is a gift from God to know what justice is, for those who do evil have no understanding of justice.¹⁶⁶

The Bible defines what a just and righteous man is by how he lives:

He who walks uprightly, And works righteousness, And speaks the truth in his heart; He *who* does not backbite with his tongue, Nor does evil to his neighbor, Nor does he take up a reproach against his friend; In whose eyes a vile person is despised, But he honors those who fear the LORD; He *who* swears to his own hurt and does not change; He *who* does not put out his money at usury, Nor does he take a bribe against the innocent. He who does these *things* shall never be moved.¹⁶⁷

Put another way, justice is what justice does. “To do justice to the fatherless and the oppressed, [t]hat the man of the earth may oppress no more.”¹⁶⁸ God’s justice promises, “the needy shall not always be forgotten; [t]he expectation of the poor shall *not* perish forever.”¹⁶⁹ Justice is defined by protecting the weak, remembering and considering the plight of those who are without help or defense, and preventing those with power and influence of taking advantage of their positions to the detriment of others.

¹⁶³ *Proverbs* 21:3 (NKJV) (“To do righteousness and justice [i]s more acceptable to the LORD than sacrifice.”).

¹⁶⁴ *Proverbs* 21:13 (“Whoever shuts his ears to the cry of the poor [w]ill also cry himself and not be heard.”); *see also Proverbs* 21:21 (“He who follows righteousness and mercy [f]inds life, righteousness, and honor.”).

¹⁶⁵ *Proverbs* 21:15 (“But destruction *will* come to the workers of iniquity.”); *see also Jeremiah* 22:13 (“[The Prophet said, w]oe to him who builds his house by unrighteousness [a]nd his chambers by injustice, *Who* uses his neighbor’s service without wages [a]nd gives him nothing for his work.”); *Proverbs* 22:8, 22–23 (“[King Solomon said, h]e who sows iniquity will reap sorrow, [a]nd the rod of his anger will fail. . . . [For it is warned,] Do not rob the poor because he *is* poor, Nor oppress the afflicted at the gate; For the LORD will plead their cause, And plunder the soul of those who plunder them.”).

¹⁶⁶ *Proverbs* 28:5 (“Evil men do not understand Justice, but those who seek the LORD understand all.”).

¹⁶⁷ *Psalms* 15:2–5.

¹⁶⁸ *Psalms* 10:18; *see also Proverbs* 29:7 (“The righteous considers the cause of the poor, But the wicked does not understand *such* knowledge.”).

¹⁶⁹ *Psalms* 9:18; *Psalms* 9:9–10, 12.

Justice includes helping the poor, for “[h]e who has pity on the poor lends to the LORD, [a]nd he will pay back what he has given.”¹⁷⁰

As God gave Balaam’s donkey the ability to speak up for herself and sent an Angel of the Lord to speak up for her against Balaam’s unjust beating of her,¹⁷¹ God’s justice also includes defending the weak and remembering what is done in His name. When God was accused of turning a blind eye to those who obey Him while allowing those who do evil to prosper, God answered both concerns. The following conversation is recorded:

“Your words have been harsh against Me,” Says the LORD, “Yet you say, ‘What have we spoken against You?’ You have said, ‘It is useless to serve God; What profit *is it* that we have kept His ordinance, And that we have walked as mourners Before the LORD of hosts? So now we call the proud blessed, For those who do wickedness are raised up; They even tempt God and go free.’” Then those who feared the LORD spoke to one another, And the LORD listened and heard them; So a book of remembrance was written before Him For those who fear the LORD [a]nd who meditate on His name. . . . Then you shall again discern Between the righteous and the wicked, Between one who serves God [a]nd one who does not serve Him.¹⁷²

God created a book of remembrances for His people, not for His sake, but for the sake of His people, that they would know that justice does not forget the doing of good nor does it ignore the

¹⁷⁰ *Proverbs* 19:17; *Proverbs* 28:27 (“He who gives to the poor will not lack, But he who hides his eyes will have many curses.”).

¹⁷¹ After Balaam’s donkey avoided the Angel of the Lord three times to escape his sword, Balaam took his rod and began to beat her. *Numbers* 22:22–27. She opened her mouth and said:

“What have I done to you, that you have struck me these three times?” And Balaam said to the donkey, “Because you have abused me. I wish there were a sword in my hand, for now I would kill you!” So the donkey said to Balaam, “Am I not your donkey on which you have ridden, ever since I became yours, to this day? Was I ever disposed to do this to you?”

Numbers 22:28–30 (NKJV). Then God Himself spoke up for her:

Then the LORD opened Balaam’s eyes, and he saw the Angel of the LORD standing in the way with His drawn sword in His hand; and he bowed his head and fell flat on his face. “And the Angel of the LORD said to him, “Why have you struck your donkey these three times? Behold, I have come out to stand against you, because *your way* is perverse before Me. The donkey saw Me and turned aside from Me these three times. If she had not turned aside from Me, surely I would also have killed you by now, and let her live.”

Numbers 22:31–33.

¹⁷² *Malachi* 3:12–16, 18 (NKJV).

performance of evil forever. Justice, in the eyes of God, includes acknowledging good works done and the sacrifice that they entail and that justice must be seen in eyes of men.¹⁷³ God's justice says to "not grow weary while doing good, for in due season we shall reap if we do not lose heart," because "God *is* not unjust to forget your work and labor of love which you have shown toward His name"¹⁷⁴ Justice is receiving one's reward as well as receiving what has been promised, for "God *is* not a man, that He should lie."¹⁷⁵ As God promised to Abraham that his descendants would have the land of Canaan,¹⁷⁶ his descendants, in the days of Joshua,¹⁷⁷ received all that God had promised. Because the justice of God is such that what He promises to those who accept His promises and act accordingly—the righteous—will be done, David wrote with confidence that "the righteous shall flourish . . . to declare that the LORD is upright; *He is* my rock, and *there is* no unrighteousness in Him."¹⁷⁸

Because "[t]he judgments of God *are* true *and* righteous altogether,"¹⁷⁹ David observed that evil exists and God is not blind to it, nor will evil prevail in the end:

Behold, *the wicked* brings forth iniquity; Yes, he conceives trouble and brings forth falsehood. He made a pit and dug it out, And has fallen into the ditch *which* he made. His trouble shall return upon his own head, And his violent dealing shall come down on his own crown.¹⁸⁰

Justice, by definition, recognizes evil and injustice, and the Bible makes clear that the law defines both and requires recompense for each. Returning to the operationalization of justice in a society, the requirements of justice and the rule of law first and foremost, applies to its leaders—"A ruler who lacks understanding *is* a great oppressor"¹⁸¹—is made clear by many of

¹⁷³ *Rex v. Sussex Justices* (1924) 1 K.B. 256, 259 ("But while that is so, a long line of cases shows that it is not merely of some importance but is of fundamental importance that Justice should not only be done, but should manifestly and undoubtedly be seen to be done."); *see also infra* notes 290–93 and accompanying text.

¹⁷⁴ *Galatians* 6:9 (NKJV); *Hebrews* 6:10 (NKJV).

¹⁷⁵ *Numbers* 23:19 (NKJV).

¹⁷⁶ *Genesis* 15:18–21 (NKJV).

¹⁷⁷ *Joshua* 21:43–45 (NKJV).

¹⁷⁸ *Psalms* 92:12, 15 (NKJV).

¹⁷⁹ *Psalms* 19:9.

¹⁸⁰ *Psalms* 7:14–16.

¹⁸¹ *Proverbs* 28:16 (NKJV).

the Old Testament prophets in the days of ancient Israel. The prophets to the kings of Israel asserted that there would be judgment on those leaders who were unjust. The Prophet Jeremiah during the reign of Zedekiah, the King of Judah, said to the King what God commanded regarding justice:

Thus says the LORD: "Go down to the house of the king of Judah, and there speak this word, and say, 'Hear the word of the LORD, O king of Judah, you who sit on the throne of David, you and your servants and your people who enter these gates! Thus says the LORD: "Execute judgment and righteousness, and deliver the plundered out of the hand of the oppressor. Do no wrong and do no violence to the stranger, the fatherless, or the widow, nor shed innocent blood in this place. For if you indeed do this thing, then shall enter the gates of this house, riding on horses and in chariots, accompanied by servants and people, kings who sit on the throne of David. But if you will not hear these words, I swear by Myself," says the LORD, "that this house shall become a desolation" ' . . . "Shall you reign because you enclose *yourself* in cedar? Did not your father eat and drink, And do Justice and righteousness? Then *it was* well with him. He judged the cause of the poor and needy; Then *it was* well. Was not this knowing Me?" says the LORD. "Yet your eyes and your heart *are* for nothing but your covetousness, For shedding innocent blood, And practicing oppression and violence."¹⁸²

The scriptures make clear that injustice has consequences. Because of the sins of the sons of King David, the Kingdom of Israel was divided into the Northern Kingdom and the Kingdom of Judah,¹⁸³ both of which continued to reject God. In both kingdoms, God found injustice at the hands of those who ruled and governed under the law. God requires those who have authority to act justly as He acts justly. During the seventy years of Babylonian captivity, God commanded the dispossessed

¹⁸² *Jeremiah 22:1-5, 15-16 (NKJV).*

¹⁸³ It is recorded:

And the LORD rejected all the descendants of Israel, afflicted them, and delivered them into the hand of plunderers, until He had cast them from His sight. For He tore Israel from the house of David, and they made Jeroboam the son of Nebat king. Then Jeroboam drove Israel from following the LORD, and made them commit a great sin. For the children of Israel walked in all the sins of Jeroboam which he did; they did not depart from them, until the LORD removed Israel out of His sight, as He had said by all His servants the prophets. So Israel was carried away from their own land to Assyria, as *it is* to this day.

2 Kings 17:20-23 (NKJV).

inhabitants of Judah to do justice and, through the Prophet Ezekiel, said, when they are restored, “My princes shall no more oppress My people. . . . Thus says the LORD God: ‘Enough, O princes of Israel! Remove violence and plundering, execute justice and righteousness, and stop dispossessing My people,’ says the Lord GOD. You shall have honest scales, an honest ephah, and an honest bath.”¹⁸⁴

Again, God made clear that justice is what He seeks in the land of men and that justice is defined by how the law is applied. Injustice is defined, in part, by the powerful using their position to dispossess and plunder the weak. In the movie *Rob Roy*, when the treachery of a Scottish lord came to light, he was warned by the other lord, “Do not think that all sins go unpunished in this life, Montrose.”¹⁸⁵ Those who do injustice say, “The LORD does not see us, The LORD has forsaken the land,” but God’s Justice promises that injustice and evil done does not escape his eyes or judgment.¹⁸⁶

Because the Kingdom of Judah had fallen into deep treachery and injustice before God, God allowed the destruction of Judah by allowing the King Nebuchadnezzar of Babylon—modern day northern Saudi Arabia, Iraq, Syria, and southern Turkey—to attack and destroy the kingdom in 597 B.C.¹⁸⁷ It was

¹⁸⁴ *Ezekiel* 45:8–10 (NKJV).

¹⁸⁵ ROB ROY (1995).

¹⁸⁶ *Ezekiel* 8:12.

¹⁸⁷ *2 Chronicles* 36:11–21 (NKJV) (“Zedekiah was twenty-one years old when he became king, and he reigned eleven years in Jerusalem. He did evil in the sight of the LORD his God, and did not humble himself before Jeremiah the prophet, who spoke from the mouth of the LORD. And he also rebelled against King Nebuchadnezzar, who had made him swear an oath by God; but he stiffened his neck and hardened his heart against turning to the LORD God of Israel. Moreover all the leaders of the priests and the people transgressed more and more, according to all the abominations of the nations, and defiled the house of the LORD which He had consecrated in Jerusalem. And the LORD God of their fathers sent warnings to them by His messengers, rising up early and sending them, because He had compassion on His people and on His dwelling place. But they mocked the messengers of God, despised His words, and scoffed at His prophets, until the wrath of the LORD arose against His people, till there was no remedy. Therefore He brought against them the king of the Chaldeans, who killed their young men with the sword in the house of their sanctuary, and had no compassion on young man or virgin, on the aged or the weak; He gave them all into his hand. And all the articles from the house of God, great and small, the treasures of the house of the LORD, and the treasures of the king and of his leaders, all these he took to Babylon. Then they burned the house of God, broke down the wall of Jerusalem, burned all its palaces with fire, and destroyed all its precious possessions. And those who escaped from the sword he

this destruction that led to the stories of Daniel as well as Shadrach, Meshach, and Abednego.

The Northern Kingdom of Israel fared no better, for it too was corrupt. God sent the Prophet Hosea to the King and relayed the same indictment that was laid against the Kingdom of Judah:

Hear the word of the LORD, You children of Israel, For the LORD *brings* a charge against the inhabitants of the land: There is no truth or mercy Or knowledge of God in the land. *By* swearing and lying, Killing and stealing and committing adultery, They break all restraint, With bloodshed upon bloodshed. Therefore the land will mourn; And everyone who dwells there will waste away With the beasts of the field And the birds of the air; Even the fish of the sea will be taken away.¹⁸⁸

As with the Kingdom of Judah, God allowed an enemy of Israel, the Assyrians—modern day northern Iraq, northwestern Iran, southeastern Turkey, and eastern Syria—to destroy the Kingdom in 722 B.C. as a consequence of their committing injustice before God.¹⁸⁹ The Bible defines justice by what behavior God rejects as

carried away to Babylon, where they became servants to him and his sons until the rule of the kingdom of Persia, to fulfill the word of the LORD by the mouth of Jeremiah, until the land had enjoyed her Sabbaths. As long as she lay desolate she kept Sabbath, to fulfill seventy years.”). See also 2 *Kings* 25:1–21, for a discussion on the fall of Judah, the blinding of Zedekiah, the killing of his sons, and the carrying away of the Jewish captives to Babylon.

¹⁸⁸ *Hosea* 4:1–3 (NKJV) (internal quotation mark omitted).

¹⁸⁹ 2 *Kings* 17:1–2, 6–7, 9, 13–18 (NKJV) (“Hoshea the son of Elah became king of Israel in Samaria, *and he reigned* nine years. And he did evil in the sight of the LORD . . . In the ninth year of Hoshea, the king of Assyria took Samaria and carried Israel away to Assyria, and placed them in Halah and by the Habor, the River of Gozan, and in the cities of the Medes. For so it was that the children of Israel had sinned against the LORD their God . . . Also the children of Israel secretly did against the LORD their God things that *were* not right . . . Yet the LORD testified against Israel and against Judah, by all of His prophets, every seer, saying, ‘Turn from your evil ways, and keep My commandments *and* My statutes, according to all the law which I commanded your fathers, and which I sent to you by My servants the prophets.’ Nevertheless they would not hear, but stiffened their necks, like the necks of their fathers, who did not believe in the LORD their God. And they rejected His statutes and His covenant that He had made with their fathers, and His testimonies which He had testified against them; they followed idols, became idolaters, and *went* after the nations who *were* all around them, *concerning* whom the LORD had charged them that they should not do like them. So they left all the commandments of the LORD their God, made for themselves a molded image *and* two calves, made a wooden image and worshiped all the host of heaven, and served Baal. And they caused their sons and daughters to pass through the fire, practiced witchcraft and soothsaying, and sold themselves to do evil in the sight of the LORD,

well as what behavior He advocates. In both the kingdoms of Judah and Israel, injustice was found because people were covetous, they shed innocent blood, they practiced oppression and violence, they committed perjury, stole, and committed adultery as a way of life with no regard to the laws of God.¹⁹⁰

The Prophet Isaiah tried to warn the Kingdom of Judah that injustice does not escape the eyes of God and that they needed to change. He decried how the city of Jerusalem had fallen into evil:

How the faithful city has become a harlot! It was full of [J]ustice; Righteousness lodged in it, But now murderers. . . . Your princes *are* rebellious, And companions of thieves; Everyone loves bribes, And follows after rewards. They do not defend the fatherless, Nor does the cause of the widow come before them. Therefore the Lord says, The LORD of hosts, the Mighty One of Israel, “Ah, I will rid Myself of My adversaries, And take vengeance on My enemies. I will turn My hand against you, And thoroughly purge away your dross I will restore your judges as at the first, And your counselors as at the beginning. Afterward you shall be called the city of righteousness, the faithful city.”¹⁹¹

In the last statement of God, he stated that the consequences of injustice will come, but after that, restoration will prevail. The restoration will be justice, honesty, and fidelity in those who rule and those who are ruled. Justice in the eyes of God requires that societies “Learn to do good; Seek justice, Rebuke the oppressor; Defend the fatherless, [and] Plead for the widow.”¹⁹² Justice is defined by what is done and what is achieved.

*D. I, the LORD, Will Put My Laws in Your Mind and Separate Your Sins from You and I Will Remember Your Sins No More.*¹⁹³

God’s justice is about reconciliation, even when punishment is required. God’s justice is also about truth. As Solomon observed, “One who turns away his ear from hearing the law,

to provoke Him to anger. Therefore the LORD was very angry with Israel, and removed them from His sight”).

¹⁹⁰ *Isaiah* 5:20–21, 10:1–3, 59:15 (NKJV).

¹⁹¹ *Isaiah* 1:21–26.

¹⁹² *Isaiah* 1:17.

¹⁹³ *See Psalm* 103:12, 43:25 (NKJV); *Hebrews* 8:10, 12 (NKJV).

Even his prayer *is* an abomination.”¹⁹⁴ He also observed, “Because of the transgression of a land” government is instituted in “princes” and those princes, like all men, should be “of understanding *and* knowledge” so that justice “will be prolonged.”¹⁹⁵ Although God recognizes right and punishes wrong and unfairness,¹⁹⁶ God is also merciful and seeks to show mercy. As David prayed, “Do not remember the sins of my youth nor my transgressions; According to Your mercy remember me.”¹⁹⁷ David wrote that the LORD heard His prayer because, “I know that the LORD saves His anointed; He will answer him from His holy heaven With the saving strength of His right hand.”¹⁹⁸

Justice is about defining “ought” and “ought not” while the law is about what shall be required. The Old Testament is thought to be about the wrath of God on the evil of man and that the wicked will not escape the punishment of the almighty God. But God’s justice is not solely about punishment but rectification. The Old Testament is a story of God finding ways to apply His justice rather than His wrath. Even before the advent of the Law of Moses, God applied justice to the nations. Even the great story of God’s wrath upon Sodom and Gomorrah is a story of God seeking to be just.

¹⁹⁴ *Proverbs* 28:9 (NKJV).

¹⁹⁵ *Proverbs* 28:2.

¹⁹⁶ As God commanded Moses to say to His people:

You shall not oppress a hired servant *who is* poor and needy, *whether* one of your brethren or one of the aliens who *is* in your land within your gates. Each day you shall give *him* his wages, and not let the sun go down on it, for he *is* poor and has set his heart on it; lest he cry out against you to the LORD, and it be sin to you.

Deuteronomy 24:14–15; *Leviticus* 19:33–36 (“And if a stranger dwells with you in your land, you shall not mistreat him. The stranger who dwells among you shall be to you as one born among you, and you shall love him as yourself; for you were strangers in the land of Egypt: I *am* the LORD your God. You shall do no injustice in judgment, in measurement of length, weight, or volume. You shall have honest scales [and] honest weights . . . I *am* the LORD your God, who brought you out of the land of Egypt.” (internal quotation marks omitted)); *Deuteronomy* 10:17–19 (“For the LORD your God *is* God of gods and Lord of lords, the great God, mighty and awesome, who shows no partiality nor takes a bribe. He administers justice for the fatherless and the widow, and loves the stranger, giving him food and clothing. Therefore love the stranger, for you were strangers in the land of Egypt.”); *see also Exodus* 22:21–24, 27.

¹⁹⁷ *Psalms* 25:7 (NKJV).

¹⁹⁸ *Psalms* 20:6; *see also Psalms* 18:46–49.

Genesis records that God, with two of His angels, visited His friend Abraham to tell him that in one year he would have a son, Isaac.¹⁹⁹ Before He left, God discussed His plans to punish Sodom and Gomorrah with Abraham:

And the LORD said, “Shall I hide from Abraham what I am doing, since Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? For I have known him, in order that he may command his children and his household after him, that they keep the way of the LORD, to do righteousness and Justice, that the LORD may bring to Abraham what He has spoken to him.” And the LORD said, “Because the outcry against Sodom and Gomorrah is great, and because their sin is very grave, I will go down now and see whether they have done altogether according to the outcry against it that has come to Me; and if not, I will know.”²⁰⁰

Note that the law is not abridged. The sin of Sodom and Gomorrah was not whitewashed. God said they were so evil that He Himself would deal with it. But the sin of Sodom and Gomorrah is not what led to its destruction. God found a way to save the city. As Genesis records:

Then the men turned away from there and went toward Sodom, but Abraham still stood before the LORD. And Abraham came near and said, “Would You also destroy the righteous with the wicked? Suppose there were fifty righteous within the city; would You also destroy the place and not spare *it* for the fifty righteous that were in it? Far be it from You to do such a thing as this, to slay the righteous with the wicked, so that the righteous should be as the wicked; far be it from You! Shall not the Judge of all the earth do right?”²⁰¹

Here is how God found a way to save the city. He knew that Abraham would advocate for the City by appealing to his heart of mercy and grace, to his justice: “[W]ould You also destroy the place and not spare *it* for the fifty righteous that were in it? Far be it from You to do such a thing as this, to slay the righteous with the wicked.”²⁰² God answered to an appeal to his justice:

So the LORD said, “If I find in Sodom fifty righteous within the city, then I will spare all the place for their sakes.” Then Abraham answered and said, “Indeed now, I who *am but* dust

¹⁹⁹ *Genesis* 18:10 (NKJV).

²⁰⁰ *Genesis* 18:16–21.

²⁰¹ *Genesis* 18:22–25

²⁰² *Id.*

and ashes have taken it upon myself to speak to the LORD: Suppose there were five less than the fifty righteous; would You destroy all of the city for *lack of five*?" So He said, "If I find there forty-five, I will not destroy *it*." And he spoke to Him yet again and said, "Suppose there should be forty found there?" So He said, "I will not do *it* for the sake of forty." Then he said, "Let not the LORD be angry, and I will speak: Suppose thirty should be found there?" So He said, "I will not do *it* if I find thirty there." And he said, "Indeed now, I have taken it upon myself to speak to the LORD: Suppose twenty should be found there?" So He said, "I will not destroy *it* for the sake of twenty." Then he said, "Let not the LORD be angry, and I will speak but once more: Suppose ten should be found there?" And He said, "I will not destroy *it* for the sake of ten." So the LORD went His way as soon as He had finished speaking with Abraham; and Abraham returned to his place.²⁰³

This is the justice of God; He would let this famously sinful city exist in all its sin if He found ten righteous people. For their sake, the city would flourish. Sodom and Gomorrah were destroyed not because of their sins but because the angels of the LORD barely found one righteous man in the cities when they were looking for ten.²⁰⁴ So much for the Biblical apostasy made by American social conservative television evangelists who posit that if America is not punished for her sins God will have to apologize to Sodom and Gomorrah! Such statements are apostasy for God in His perfection does not need to apologize for anything He does or does not do. And as far as comparisons go, surely there are more than ten righteous people living in America and more than one righteous man praying for her²⁰⁵ before God's mercy seat. As Jesus said of Sodom and Gomorrah, if the miracles He performed would have been seen in her, she would have repented.²⁰⁶ Consider what Jesus said when pride got the better of the disciples James and John, the latter of the two the disciple that represents the nature of Jesus being love and mercy:

Now it came to pass, when the time had come for Him to be received up, that He steadfastly set His face to go to Jerusalem,

²⁰³ *Genesis* 18:26–33.

²⁰⁴ *Genesis* 19:12–27.

²⁰⁵ 2 *Chronicles* 7:14 ("[I]f my people . . . will humble themselves and pray and . . . turn from their wicked ways . . . then I will . . . forgive their sin and heal their land.").

²⁰⁶ See *Matthew* 11:20, 23 (NKJV).

and sent messengers before His face. And as they went, they entered a village of the Samaritans, to prepare for Him. But they did not receive Him, because His face was *set* for the journey to Jerusalem. And when His disciples James and John saw *this*, they said, “Lord, do You want us to command fire to come down from heaven and consume them, just as Elijah did?” But He turned and rebuked them, and said, “You do not know what manner of spirit you are of. For the Son of Man did not come to destroy men’s lives but to save *them*.” And they went to another village.²⁰⁷

The “manner of spirit” was their misuse of scripture to justify the infliction of retribution upon others for a perceived insult to their pride.

This desire to see the judgment of God fall on the heads of others is about self-righteous pride, not the righteousness of God or His judgments. Perhaps if some socially conservative television evangelists complied with “if my people . . . will humble themselves and pray and . . . turn from their wicked ways,” and spent more time praying for America and manifesting the miracles of the New Testament and less time complaining about her sins and praying for her punishment, more repenting would be occurring in America. Fortunately, God’s ways are higher than those of self-serving and prideful political priests, which have existed both before and after the times of Jesus, and it was such priests who conspired to kill Jesus and delivered him to the Romans to be crucified on the cross on false criminal charges. It was such men who raised a mob in the court of Pontius Pilate, demanding a guilty man go free in order to kill an innocent one. Such is the reason for the rule of law over those who rule and implement justice, for when judgement is in the hands of a mob, Barabbas will always go free.

Christian complaints that God is slow in applying justice to those who disregard God’s law is not new. To the complaints of Christians regarding the failure of God to fulfill his promises regarding the return of Christ, the disciple Peter answered:

The Lord does not delay [as though He were unable to act] *and* is not slow about His promise, as some count slowness, but is [extraordinarily] patient toward you, not wishing for any to perish but for all to come to repentance.²⁰⁸

²⁰⁷ *Luke 9:51–56 (NKJV).*

²⁰⁸ *2 Peter 3:9 (AMP) (alterations in original).*

As Paul wrote of God's mercy and how His people should pray:

First of all, then, I urge that petitions (specific requests), prayers, intercessions (prayers for others) and thanksgivings be offered on behalf of all people, for kings and all who are in [positions of] high authority, so that we may live a peaceful and quiet life in all godliness and dignity. This [kind of praying] is good and acceptable *and* pleasing in the sight of God our Savior, who wishes all people to be saved and to come to the knowledge *and* recognition of the [divine] truth. For there is [only] one God, and [only] one Mediator between God and mankind, the Man Christ Jesus, who gave Himself as a ransom [a substitutionary sacrifice to atone] for all, the testimony given at the right *and* proper time.²⁰⁹

With this point in mind, the significance of the story of Sodom and Gomorrah is that the wrath of God can be stayed by the prayers and appeals of one man.²¹⁰ God's wrath can be stayed by reasoned prayer to His promise of justice over His law. As Isaiah records, "I, *even I, am* He who blots out your transgressions for My own sake; And I will not remember your sins. Put Me in remembrance; Let us contend together; State your *case*, that you may be acquitted."²¹¹

²⁰⁹ 1 *Timothy* 2:1–6 (AMP) (alterations in original).

²¹⁰ *James* 5:16 (NKJV) ("The effective, fervent prayer of a righteous man avails much."); 2 *Chronicles* 7:14 (NKJV) ("[I]f My people who are called by My name will humble themselves, and pray and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land.").

²¹¹ *Isaiah* 43:25–26 (NKJV). Another example of God's Justice allowing for pleading of one's case in the face of God is the story of Elijah and Obadiah. During the reign of King Ahab over the kingdom Israel, God sent Elijah to the King because he was more sinful than the other Kings before him by serving the god Baal. 1 *Kings* 16:29, 30–34 (NKJV). Elijah then told the King that there would be no rain in Israel until he said so. 1 *Kings* 17:1. Three years later, King Ahab sent his chief servant, Obadiah, to look for grass to feed the livestock; while looking he found Elijah. 1 *Kings* 18:1–7. When Obadiah, who was righteous and obeyed God, was told by Elijah to go and get the King and bring him to Elijah, Obadiah protested, "What sin have I committed, that you would hand over your servant to Ahab to put me to death." 1 *Kings* 18:9 (AMP). Obadiah demanded a hearing on what he considered an unjust death sentence without a crime:

As surely as the LORD your God lives, there's no nation or kingdom where my master Ahab hasn't looked for you. They would insist, "He's not here," but Ahab would make them swear that they couldn't find you. And now you are commanding me: "Go and say to your master, 'Elijah is here?'" But here's what will happen: As soon as I leave you, the LORD's spirit will carry you off somewhere—I don't know where—then I'll report to Ahab, but he won't be able to find you. Then he will kill me! But your servant has feared the LORD from my youth. Wasn't my master told what I did when Jezebel

In the face of mercy and grace, one could ask, is the law of an eye for an eye and judgment and the wrath of God and punishment for evil made of no effect? First, it should be understood that although the requirement of an eye for an eye carried a connotation Gods vengeance on evil, it was also a law of proportionality. If a person took your eye, you only had a right to the eye of the aggressor and no more. This prevented the rise of blood feuds. To the question of God’s wrath and judgement, in the face of mercy and grace, the answer is found in observation that God’s judgment, though stayed by His mercy,²¹² is not stayed forever.²¹³ Mercy and grace do not disregard their sister the law and the presence of justice does not mean the lack of enforcement of the law. After God gave the children of Israel the Ten Commandments, the incident of the golden calf occurred²¹⁴ and God became disgusted with their rebellion for they knew it was a sin to create a golden image of an animal and to worship it—“You shall not make for yourself a carved image . . . you shall not bow down to them nor serve them.”²¹⁵ Exodus records:

And the LORD said to Moses, “Go, get down! For your people whom you brought out of the land of Egypt have corrupted

killed the LORD’s prophets? I hid one hundred of the LORD’s prophets, fifty each in two caves. I also supplied them with food and water. But even after all that, you tell me, “Say to your master, ‘Elijah is here!’ Ahab will kill me!”

1 *Kings* 18:9–14 (CEB). The point is this: because Obadiah was just before God, he demanded a hearing; the man of God heard the defense and God honored it. “And Elijah said, As the LORD of hosts liveth, before whom I stand, I will surely shew myself unto him to day.” 1 *Kings* 18:15 (KJV). This story of a man defending his right to live before God is the pre-story to the battle between Elijah and the priests of Baal at Mount Carmel and the return of rain to the Kingdom of Israel. 1 *Kings* 18:20–46 (NKJV).

²¹² See generally *Psalm* 103 (NKJV), for a discussion on the nature of God and His mercy.

²¹³ See *Amos* 1:11 (NIV); *Psalm* 103:9 (NIV); *Revelation* 6:10–17 (NIV).

²¹⁴ The Ten Commandments were given to the children of Israel at the foot of Mount Sinai. *Exodus* 20:1–21 (NIV). Then the Law of Moses, including the Levitical and ceremonial laws and the instructions for the tabernacle, were given to Moses when he went up into Mount Sinai. See *Exodus* 20:22–31:18 (NIV). The incident of the golden calf occurred while Moses was with God in the mountain:

Now when the people saw that Moses delayed coming down from the mountain, the people gathered together to Aaron, and said to him, “Come, make us gods that shall go before us; for *as for* this Moses, the man who brought us up out of the land of Egypt, we do not know what has become of him.”

Exodus 32:1 (NKJV).

²¹⁵ *Exodus* 20:2–17.

themselves. They have turned aside quickly out of the way which I commanded them. They have made themselves a molded calf, and worshiped it and sacrificed to it, and said, 'This is your god, O Israel, that brought you out of the land of Egypt!' " And the LORD said to Moses, "I have seen this people, and indeed it is a stiff-necked people! Now therefore, let Me alone, that My wrath may burn hot against them and I may consume them. And I will make of you a great nation."

Then Moses pleaded with the LORD his God, and said: "LORD, why does Your wrath burn hot against Your people whom You have brought out of the land of Egypt with great power and with a mighty hand? Why should the Egyptians speak, and say, 'He brought them out to harm them, to kill them in the mountains, and to consume them from the face of the earth'?"

Turn from Your fierce wrath, and relent from this harm to Your people. Remember Abraham, Isaac, and Israel, Your servants, to whom You swore by Your own self, and said to them, 'I will multiply your descendants as the stars of heaven; and all this land that I have spoken of I give to your descendants, and they shall inherit it forever.' " So the LORD relented from the harm which He said He would do to His people.²¹⁶

Because of the plea of Moses, God did not destroy the people but He "plagued the people because of what they did with the calf which Aaron [had] made."²¹⁷

Later, an insurrection occurred in which three leaders of the Jews rose up to challenge the leadership of Moses and Aaron. Backed by an additional 250 leaders of the people, they accused Moses of abuse of power, assuming that only he could be holy and speak for God.²¹⁸ Justice includes governmental righteous judgment and wrath against crimes, false accusations, and betrayal by rebellion. Witnessing this mutiny and false accusation of his friend, God said to Moses and Aaron, "Separate yourselves from among this congregation, that I may consume them in a moment."²¹⁹ But Moses and Aaron appealed to God's Justice, and "they fell on their faces, and said, 'O God, the God of the spirits of all flesh, *shall one man sin, and You be angry with all the congregation?*' "²²⁰ Justice requires the sword of government to be tempered by the principle of proportionality.

²¹⁶ *Exodus* 32:7–14.

²¹⁷ *Exodus* 32:35.

²¹⁸ *Numbers* 16:1–35.

²¹⁹ *Numbers* 16:20–21 (NKJV).

²²⁰ *Numbers* 16:22 (emphasis added).

Not the substance of the appeal. They pled, as Abraham pled, before the face of God, “shall punishment not be proportional and specific and not general?”²²¹ Justice requires that there be a specific punishment to a specific evil done by the specific person who does the evil. Group guilt and culpability is not just, a principle adhered to throughout the legal tradition of the civilized world. Heeding to their appeal, God opened the earth and the leaders of the rebellion and the 250 that followed them fell into the earth and were covered up.²²²

After the results of the attempted *coup d'état*, the entire congregation of the Jews rose up the very next day against Moses and Aaron, accusing them of murder in the name of God in front of the tabernacle of God.²²³ God sent a plague upon the congregation with the intent to “consume them in a moment.”²²⁴ Only when Aaron ran in the midst of the congregation holding incense before God and standing “between the dead and the living” was the plague stopped.²²⁵ The burning incense represented praise, the promises of God, and repentance. Upon seeing it, God relented and called back the plague. Before He relented, 14,700 people were dead in addition to the 250 who were killed the day before.²²⁶ When the children of Israel went into the land of Moab and made sacrifices to their gods including Baal, God sent a plague into their midst but He relented, saying to Moses, “Phinehas [the grandson of Aaron] has turned back My wrath from the children of Israel, because he was zealous with

²²¹ *Deuteronomy* 24:16 (NKJV) (“Fathers shall not be put to death for *their* children, nor shall children be put to death for *their* fathers; a person shall be put to death for his own sin.”).

²²² *Numbers* 16:31–33.

²²³ *Numbers* 16:41–43.

²²⁴ *Numbers* 16:45–46.

²²⁵ *Numbers* 16:48.

²²⁶ *Numbers* 16:49.

My zeal among them, so that I did not consume the children of Israel in My zeal.”²²⁷ “And those who died in the plague were twenty-four thousand.”²²⁸

Mercy and grace does not mean that the law is without enforcement and that there is no consequence for disobedience. God’s law is truly hard and can be devastating,²²⁹ but His law has always been subject to His justice through grace and mercy.²³⁰ The law is what the law requires, justice is what justice seeks. Moses and Aaron appealed to God and His justice asserting that justice is punishing the guilty and not holding all liable for the actions of few. Justice encompasses the concept of individual responsibility. Before Moses and Aaron, Abraham asked God, shall you slay the righteous with the wicked. For the sake of the good, Abraham asked, will you not tolerate the evil? Though the law allows for the punishment of the son for the sins of the father,²³¹ justice encompasses a higher conception.²³² Just as the law of thrust and lift are higher laws than the law of gravity, and the former allow a plane to fly; grace and mercy are higher than the judgment of the law, and the former allow man to live in the presence of God without fear. God, by His behavior, established

²²⁷ *Numbers* 25:11. Occurred at the incident at Peor in which Phinehas killed “an Israelite man [who] brought into the camp a Midianite woman right before the eyes of Moses and the whole assembly of Israel,” after God had commanded that all who participated in the worship of Baal were to be killed. *Numbers* 25:6 (NIV). When Aaron’s grandson killed the idolater for his arrogance in bringing a woman of Baal into the camp of Israel, as well as the woman herself who was a princess of the Midianite king, God’s anger cooled and He relented from the plague. *Numbers* 25:7–13 (NKJV); see also *infra* note 257 (regarding God’s revenge on the Midianites).

²²⁸ *Numbers* 25:9.

²²⁹ *Exodus* 32:28 (NKJV). To purify the tribe of Levi, the servants of God before His tabernacle, of those who participated in the creation of the golden calf, 3,000 men were killed. *Exodus* 32:27–29 (NKJV) (“[L]et every man kill his brother, every man his companion, and every man his neighbor. . . . Consecrate yourselves today to the LORD, that He may bestow on you a blessing this day, for every man has opposed his son and his brother.” (internal quotation marks omitted)).

²³⁰ See *Jonah* 3:10 (NKJV) (“Then God saw their works, that they turned from their evil way; and God relented from the disaster that He had said He would bring upon them, and He did not do it.”).

²³¹ See *Exodus* 20:5 (NJV); *Leviticus* 24:17 (NKJV); *Deuteronomy* 5:9–10 (NKJV); *Numbers* 14:18 (NKJV).

²³² Through Jesus, God gained the legal right to apply justice without the sanctions of the law, fulfilling the promise He made through Isaiah. See *Isaiah* 43:25 (NKJV); *Hebrews* 10:11–18 (NKJV); *Hebrews* 8:12–13 (NKJV) (“For I will be merciful to their unrighteousness, and their sins and their lawless deeds I will remember no more. . . . In that He says, ‘A new covenant,’ He has made the first obsolete. Now what is becoming obsolete and growing old is ready to vanish away.”).

that justice is a higher principle than the righteous judgment of the law and, in a just society, an appeal to grace and mercy, as Aaron did when God sent the punishment of snakes, will be considered.²³³ Justice is concerned more with mercy, reconciliation, and rehabilitation, than with punishment.

Under the Old Testament, God commanded not only that justice be done, but He also defined justice by the heart of the person who acts justly;²³⁴ because out of the heart springs the issues of life,²³⁵ and God looks at the heart of a person, the motive behind what is done.²³⁶ The law under Moses is concerned only

²³³ God sent snakes to punish the Jews and, upon the pleas of Moses, God relented and instructed him on how to heal those who were bitten by the snakes. See *Numbers* 21:4–9 (NKJV).

²³⁴ *Deuteronomy* 15:9–10 (NKJV).

²³⁵ *Proverbs* 4:23 (NKJV).

²³⁶ See *1 Samuel* 16:7 (“But the LORD said to Samuel . . . *the LORD does not see as man sees; for man looks at the outward appearance, but the LORD looks at the heart.*”); see also *1 Peter* 3:3–4 (“Do not let your adornment be *merely* outward—arranging the hair, wearing gold, or putting on *fine* apparel—rather *let it be* the hidden person of the heart, with the incorruptible *beauty* of a gentle and quiet spirit, which is very precious in the sight of God.”). Jesus said the same of God in heaven when He spoke regarding those who considered themselves righteous because they obeyed the letter of the law:

He spoke this parable to some who trusted in themselves that they were righteous, and despised others: “Two men went up to the temple to pray, one a Pharisee and the other a tax collector. The Pharisee stood and prayed thus with himself, ‘God, I thank You that I am not like other men—extortioners, unjust, adulterers, or even as this tax collector. I fast twice a week; I give tithes of all that I possess.’ And the tax collector, standing afar off, would not so much as raise *his* eyes to heaven, but beat his breast, saying, ‘God, be merciful to me a sinner!’ I tell you, this man went down to his house justified *rather* than the other; for everyone who exalts himself will be humbled, and he who humbles himself will be exalted.”

Luke 18:9–14. Because God’s justice looks into the heart of man, and not his outward actions, the prayers of the tax collector—someone at the bottom of Jewish social order, a sinner by definition—would not only be heard in Heaven, but the prayers of the outward law keeper would not be heard. Those who act and pray in pride before God will not enter heaven:

Jesus said to them, Assuredly, I say to you that tax collectors and harlots enter the kingdom of God before you. For John came to you in the way of righteousness, and you did not believe him; but tax collectors and harlots believed him; and when you saw *it*, you did not afterward relent and believe him.

Matthew 21:31–32 (internal quotation mark omitted). As recorded by Luke:

Now the Pharisees, who were lovers of money, also heard all these things, and they derided Him. And He said to them, You are those who justify yourselves before men, but God knows your hearts. For what is highly esteemed among men is an abomination in the sight of God.

Luke 16:14–15 (internal quotation mark omitted).

with what is outwardly done in the presence of men, but God is concerned with what is done in the secret place of the heart. Jesus expanded and fulfilled the full nature of the Law of Moses by stating that the real issue is the motive of an act of obedience, not just the act. As Jesus said:

You have heard that it was said to those of old, "You shall not murder, and whoever murders will be in danger of the judgment." But I say to you that whoever is angry with his brother without a cause shall be in danger of the judgment. . . . Agree with your adversary quickly, while you are on the way with him, lest your adversary deliver you to the judge, the judge hand you over to the officer, and you be thrown into prison. . . . You have heard that . . . "[y]ou shall not commit adultery." But I say to you that whoever looks at a woman to lust for her has already committed adultery with her in his heart.²³⁷

Obedience to the law is not the fulfilment of justice, but the law begins to define justice. Jesus said, "The scribes and the Pharisees sit in Moses' seat. Therefore whatever they tell you to observe, *that* observe and do,"²³⁸ but "I say to you, that unless your righteousness exceeds *the righteousness* of the scribes and Pharisees, you will by no means enter the kingdom of heaven."²³⁹ Why did Jesus say that? Because the scribes and the Pharisees were not just, they outwardly obeyed the law but not the purpose of the law—the heart of the law—which was justice they did not do.²⁴⁰ He rebuked them for applying the law above the meaning and purpose of the law and by twisting the law for their own

²³⁷ *Matthew* 5:21–22, 25, 27–28. For a discussion of the law against adultery, see *Leviticus* 20:10 (NKJV).

²³⁸ *Matthew* 23:2–3.

²³⁹ *Matthew* 5:20.

²⁴⁰ *Matthew* 23:1–36. Paul came to the same conclusion:

Indeed you are called a Jew, and rest on the law, and make your boast in God, and know *His* will, and approve the things that are excellent, being instructed out of the law, and are confident that you yourself are a guide to the blind, a light to those who are in darkness, an instructor of the foolish, a teacher of babes, having the form of knowledge and truth in the law. You, therefore, who teach another, do you not teach yourself? You who preach that a man should not steal, do you steal? You who say, "Do not commit adultery," do you commit adultery? You who abhor idols, do you rob temples? You who make your boast in the law, do you dishonor God through breaking the law? For "the name of God is blasphemed among the Gentiles because of you," as it is written.

Romans 2:17–24 (NKJV).

purposes²⁴¹ by “laying aside the commandment of God, you hold the tradition of men. . . . [Thus,] making the word of God of no effect through your tradition which you have handed down. And many such things you do.”²⁴² He said, “Woe to you, scribes and Pharisees, hypocrites! For you pay tithe of mint and anise and cumin, and have neglected the weightier *matters* of the law: justice and mercy and faith. These you ought to have done, without leaving the others undone.”²⁴³ Despising mercy and grace and only asserting the validity of the letter of law, a lawyer tested Jesus by asking what was the greatest of the law in order to find Him guilty of blaspheme. Jesus, citing the Law of Moses,²⁴⁴ answered:

“You shall love the LORD your God with all your heart, with all your soul, and with all your mind.” This is *the* first and great commandment. And *the* second *is* like it: “You shall love your neighbor as yourself.” On these two commandments hang all the Law and the Prophets.²⁴⁵

Jesus made clear that under the eyes of God, what is required of man is that he do justice, and in so doing, the interests and purpose of the law will be achieved.

Justice is not defined by the letter of the law, it is defined by mercy, grace, and love—the application of mercy and grace. Although the law is the starting point in defining justice,²⁴⁶

²⁴¹ *Mark* 7:1–11 (NKJV). Stephen came to the same conclusion, saying to the Pharisees:

You stiff-necked and uncircumcised in heart and ears! You always resist the Holy Spirit; as your fathers *did*, so *do* you. Which of the prophets did your fathers not persecute? And they killed those who foretold the coming of the Just One, of whom you now have become the betrayers and murderers, who have received the law by the direction of angels and have not kept *it*.

Acts 7:51–53 (NKJV). Jesus said the same thing. *See Luke* 11:47–48, 50–51 (NKJV).

²⁴² *Mark* 7:8, 13.

²⁴³ *Matthew* 23:23; *see also Luke* 11:37–54.

²⁴⁴ *Deuteronomy* 6:5 (NKJV); *Leviticus* 19:18 (NKJV).

²⁴⁵ *Matthew* 22:37–40; *see also Mark* 12:28–34; *John* 13:34–35 (NKJV) (“A new commandment I give to you, that you love one another; as I have loved you, that you also love one another. By this all will know that you are My disciples, if you have love for one another.”).

²⁴⁶ Jesus defended the existence of the law:

Do not think that I came to destroy the Law or the Prophets. I did not come to destroy but to fulfill. For assuredly, I say to you, till heaven and earth pass away, one jot or one tittle will by no means pass from the law till all is fulfilled.

Matthew 5:17–18.

confidence in the obedience to the law alone does not complete the definition of justice. To show and seek mercy for others, as Matthew records, “is more than all the whole burnt offerings and sacrifices.”²⁴⁷ God says justice begins in the heart,²⁴⁸ and justice explains why something is required by the law. Justice is not limited and confined by the mere fact that something is required by the law.²⁴⁹ The law is only about what is required. Justice is about the application of the law to establish right over wrong in peace. Peace is the result of law applied under justice.

Throughout the Old Testament, mercy and grace—God’s justice—are shown to be higher than the requirements of the law. For example, although it is written, a “Moabite shall not enter the assembly of the LORD; even to the tenth generation . . .”²⁵⁰ Yet, the Bible itself dedicates an entire book to one Moabite who not only entered the assembly, but became the great grandmother of King David²⁵¹ and is in the recorded maternal line of Jesus.²⁵² The Book of Ruth is a story chronicling the life of a Moabite woman who was kind to and provided for her mother-in-law²⁵³ and was helpless and without physical protection²⁵⁴ in land of Israel before the eyes of the Lord. It is a story of God taking notice of a woman, a Moabite and a person outside of His promises to the children of Abraham, who was in a vulnerable position and providing for all her needs because she

²⁴⁷ *Mark* 12:33.

²⁴⁸ See *Matthew* 5:21–48. Jesus expanded the law against murder, adultery, resisting adversaries, and divorce to include the heart of these offenses not just the act of doing these offenses. Put another way, Jesus said the violation of these offenses, in the eyes of God, is completed with the *mens rea* alone, not the *actus reus* of these offenses. As Mark records, “When He had called all the multitude to *Himself*, He said to them, Hear Me, everyone, and understand: There is nothing that enters a man from outside which can defile him; but the things which come out of him, those are the things that defile a man.” *Mark* 7:14–15 (internal quotation mark omitted).

²⁴⁹ *Mark* 7:1–11.

²⁵⁰ *Deuteronomy* 23:3.

²⁵¹ *Ruth* 4:17–22 (NKJV).

²⁵² *Matthew* 1:5.

²⁵³ *Ruth* 1:16, 2:2, 6–7.

²⁵⁴ *Ruth* 2:9 (“Have I not commanded the young men not to touch you? And when you are thirsty, go to the vessels and drink from what the young men have drawn.”).

honored His law.²⁵⁵ As God is, so the scriptures define justice, and as God is, he requires men to do likewise; to do justly and love mercy and to do both with humility.²⁵⁶

The Law of Moses, as discussed above, had harsh commands and, in parts, God commanded that the law should be executed and the children of Israel were to show no pity in its application. The reason for its harshness was to separate the children of Israel from the peoples of the land and to purify the land from abominations. God used the Law of Moses and Israel to punish crimes of human sacrifice and other abominations in the eyes of God. Moses relayed God's command, saying to the people, "Completely destroy them—the Hittites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites—as the LORD your God has commanded you. Otherwise, they will teach you to follow all the detestable things they do in worshiping their gods, and you will sin against the LORD your God."²⁵⁷ Later, God commanded Moses to "[t]ake vengeance on the Midianites . . . [whose] women . . . followed Balaam's advice and enticed the Israelites to be unfaithful to the LORD in the Peor incident, so that a plague struck the LORD's people."²⁵⁸ As a result of the command of Moses, the "Israelites captured the Midianite women and children and took all the Midianite herds, flocks and goods as

²⁵⁵ *Ruth* 2:8–18 (NKJV). Ruth obeyed the sixth commandment, "Honor your father and your mother, that your days may be long upon the land which the LORD your God is giving you." *Exodus* 20:12 (NKJV). Ruth said to her mother-in-law, "For wherever you go, I will go; And wherever you lodge, I will lodge; Your people shall be my people, And your God, my God." *Ruth* 1:16.

²⁵⁶ *Micah* 6:8. See also the story of *Rahab* who hid the spies in Jericho. *Joshua* 2:4–21, 6:17, 21–25. God commanded that nothing was to remain of the city and that all the inhabitants were to be killed. Yet, God commanded that Rahab was to be protected and welcomed into the assembly of His people because she was just to the spies. The implementation of the law can be unjust if its implementation is cruel or unreasonable or applied without consideration of external factors. The law said all who were in the city were to be killed but Joshua said, not Rahab because she is just before the eyes of the Lord. Justice, not the law, prevailed. Rahab would become the mother of Boaz, *Matthew* 1:5, who would marry the Moabite Ruth. Both women are in the maternal line of David, Solomon, and Jesus.

²⁵⁷ *Deuteronomy* 20:17–18 (NIV).

²⁵⁸ *Numbers* 31:1–2, 15–16 (NIV). See *supra* note 227, for the incident of Peor and God's punishment on the children of Israel regarding their idol worship. See also *supra* notes 50–51, for a discussion regarding why God commanded that the inhabitants of the land were to be killed.

plunder. They burned all the towns where the Midianites had settled, as well as all their camps. They took all the plunder and spoils, including the people and animals.”²⁵⁹

It is recorded that Moses commanded, “Now kill all the boys. And kill every woman who has slept with a man, but save for yourselves every girl who has never slept with a man. . . . The plunder remaining from the spoils that the soldiers took . . . [included] 32,000 women who had never slept with a man.”²⁶⁰ The Law of Moses was harsh—kill all except the virgins and take them as spoils of war. But behind the command was justice. The Midianites and Moabites and others that God commanded to be destroyed practiced various types of abominations and idol worship and human sacrifices. God’s justice required that such evil be answered with death and be whipped off the face of the earth. God also commanded them to be destroyed because they had enticed 24,000 of the children of Israel to indulge in the abominations at Peor. As for the young women, Moses commanded that they be spared because they were too young to have participated in the abominations so it would have been unjust for them to be punished with death.

Even in war in which armies lay waste to entire cities, God’s justice demanded mercy in a land in which mercy and justice was not known. As a general law of war, God commanded:

When you go out to war against your enemies, and the LORD your God delivers them into your hand, and you take them captive, and you see among the captives a beautiful woman, and desire her and would take her for your wife, then you shall bring her home to your house, and she shall shave her head and trim her nails. She shall put off the clothes of her captivity, remain in your house, and mourn her father and her mother a full month; after that you may go in to her and be her husband and she shall be your wife. And it shall be, if you have no delight in her, then you shall set her free, but you certainly shall not sell her for money; you shall not treat her brutally, because you have humbled her.²⁶¹

God commanded that women captured in war were to be treated with mercy and integrated into the families of children of Israel. The law prevented the armies of Israel from indulging in the

²⁵⁹ *Numbers* 31:9–11.

²⁶⁰ *Numbers* 31:17–18, 32, 35.

²⁶¹ *Deuteronomy* 21:10–14 (NKJV).

rape on sight of the women of defeated enemies. This command was unheard of in the times of the Greeks, the Roman Empire, and even in the not-so-recent twentieth century.

When the lowest and weakest of people in society, a single woman, was captured by the enemy and falls under the authority of His people, God commanded that “you shall not mistreat her.” God commanded further that *before* any soldier of the Israeli army has sex with a captured woman, who is defenseless, it was required of them to “take her as a wife . . . you shall bring her home to your house . . . and [she] shall remain in your house [and be allowed to] mourn her father and mother a full month.” Consider the mercy and justice behind the law.

First, God commanded that His people shall not commit rape under His name. This is why it was and is known in the history of Israel and Judeo-Christian nations to this day that their armies do not commit rape, gang rape, or mass rape as a tool of war upon conquered cities as a regular lawful practice. It is from this tradition that in the modern world, armies that commit rape in times of war are considered war criminals.

Second, God commanded that the weak and helpless shall be protected, not abused. Third, consider what occurred during that month. In those days, the prime women who are carried away as captives would be young women of child bearing age—anywhere from sixteen to eighteen—and younger. In other words, they were young girls who were still attached to and cared for by their parents, who had just been killed in war. The soldier of Israel who carried off a young girl in war would hear this poor child cry all day and night for her dead family in fear of what would be done to her. He would feed and clothe her as she cried before his eyes and in the presence of his family. Put simply, in that month, the hardened soldier of Israel would soften, and he would bond to her. Under his kind hand, she would see that she would be cared for and would not be raped, nor would she be sold into slavery to be raped. Under this mercy, she would bond to him. They would be reconciled. Behind the harshness of God’s law there are wonders in His law.

Lastly, if the bonding did not occur, the soldier in the army of God was not permitted to sell a captured woman as a slave, an unheard-of practice. The law demanded that “you shall not mistreat her” and required, “you shall let her go wherever she wishes” because God’s Justice said, this is required “because you

have humbled her.” Ruth and Rahab would testify, as Sara and Rebecca would before them,²⁶² as is recorded in the book of Genesis, that God acts in the affairs of men to protect the helpless because God’s justice is very sensitive to the treatment of those who are weak, alone and totally without physical protection in the world. As God, through Moses, warned the children of Israel throughout the books of Exodus and Deuteronomy:

[D]o not take advantage or mistreat those among you who are weak, helpless, and without protection, for if you mistreat them and as they will cry out to Me, I will hear them from heaven, and I will kill you in My righteous anger to rescue them, just as I killed the Egyptians and rescued you from their evil when you were slaves.

II. IN YOUR COURTS OF LAW: YOU SHALL NOT OPPRESS THE STRANGER FOR YOU WERE STRANGERS IN EGYPT²⁶³ AND YOU SHALL NOT USE UNJUST SCALES AT YOUR GATES²⁶⁴

Although the purpose of the Law of Moses was to take Egypt out of the children of Israel, it also established a judicial system that has provided the foundation for Judeo-Christian concepts of justice and criminal justice.²⁶⁵ The Judeo-Christian western tradition received concepts of proportionality and rehabilitation, as well as clear recognition of right and wrong, and the consequences of each, in addition to the concept of retribution and wrath of God upon the heads of men. As previously noted, the Law of Moses established the first three concepts of punishment: retribution (revenge), incapacitation (preventing repeat offenses), and incarceration (banishment). Justice under

²⁶² In Genesis, it is recorded how God rescued Sara twice, first from the harem of the Egyptian King, and then from the harem of King Abimelech. *Genesis* 12:15, 17–20. It also recorded how He protected Rebecca from the desires of the same King Abimelech and the Philistines. *Genesis* 26:7–11. In defense of the Kings, because of the cowardice of Abraham and Isaac, the Kings were told that Sara and Rebecca were not wives of prophets but the sisters of the men. The law of Egypt and the Philistines, as a result of their cowardice, left the women without physical protection. But God’s justice protected the women from not only the power of the Kings but the cowardice of their husbands. For the story of Rahab, see *supra* note 256.

²⁶³ *Exodus* 22:21 (NKJV).

²⁶⁴ *Leviticus* 19:34–35 (NKJV).

²⁶⁵ Garrison, *supra* note 8, at 611–13; Garrison, *supra* note 9, at 316–17, 320–21.

God and under the New Testament reflected the fourth concept of punishment: rehabilitation (repentance and change) as well as the concept of restoration (repairing relationships).

When Moses brought 600,000 men and their families out of Egypt,²⁶⁶ with the plunder of gold and silver from the Egyptians²⁶⁷ and in perfect health,²⁶⁸ the practical issue of governance presented itself. Moses had brought out a population the size of a small city and they had to be governed to prevent crime and injustice. The Lord provided Moses with criminal, civil, Levitical, and ceremonial laws to govern the people. The law to govern the daily lives of the Jews began with the Ten Commandments. The first four commandments²⁶⁹ govern how the Jews were to relate to their God. The fifth commandment governed how children should relate to their parents.²⁷⁰ Of the remaining five, which govern how the Jews were to relate to each other, the sixth through ninth were criminal statutes; these were laws against murder, adultery, theft, and perjury.²⁷¹ The Ten Commandments were followed by more than 600 laws, policies, procedures, and punishments recorded in Exodus, Leviticus, Numbers, and Deuteronomy. To the generation that would cross over the Jordan, the generation after those who were brought out from Egypt, Moses gave twelve laws.²⁷² The first two reflected the second and fifth commandments. The fifth, seventh, eighth, tenth, and eleventh were criminal statutes; these statutes were against obstruction of justice and against bestiality, incest,

²⁶⁶ *Exodus* 12:37–38 (“Then the children of Israel journeyed from Rameses to Succoth, about six hundred thousand men on foot, besides children. A mixed multitude went up with them also, and flocks and herds—a great deal of livestock.”). Two years later their number in the wilderness of the Sinai was 603,550 (*id.* at 1:46) not counting the tribe of Levi who numbered 7,500. *Numbers* 1:1, 1:46, 3:22 (NKJV).

²⁶⁷ *Exodus* 12:36.

²⁶⁸ *Psalms* 105:37 (NKJV) (“He also brought them out with silver and gold, [and] there was none feeble among His tribes.”).

²⁶⁹ Have no Gods before me, no engraved images, no false use of the name of the Lord God, and remember the Sabbath day as Holy. *Exodus* 20:3–8.

²⁷⁰ Honor thy mother and father. *Exodus* 20:12.

²⁷¹ *Exodus* 20:13–16. The tenth commandment, you shall not covet what belongs to others, provides an explanation for why the sins prohibited by the sixth, seventh, eighth, and ninth occur. Jealousy causes people to kill, cheat, steal, and lie to get what they do not have from others who have.

²⁷² *Deuteronomy* 27:15–26 (NKJV).

assault, and bribery respectively.²⁷³ The third, fourth, sixth, ninth, and twelfth reflected laws governing family relationships and obedience to the laws of God.

From Exodus 21 through the books of Leviticus, Numbers, and Deuteronomy, the Law of Moses and the commands of God made clear that God required justice and provided criminal statutes to govern the nation. In Exodus 21, the crimes of first and second degree manslaughter, murder, kidnapping, criminal negligent homicide, and simple assault are defined and that punishment was to be proportional to the injury caused by a criminal act.²⁷⁴ The people are told, “But if *any* harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.”²⁷⁵ “If a man causes disfigurement of his neighbor, as he has done, so shall it be done to him—fracture for fracture, eye for eye, tooth for tooth; as he has caused disfigurement of a man, so shall it be done to him.”²⁷⁶ Financial crimes by perjury and fraud required restitution to the victim and the priest as an offering for the forgiveness of God.²⁷⁷ In Exodus 22, the punishment for theft is restitution and if deadly force is used, the concept of self-defense is permitted when a night time burglar is killed.²⁷⁸ The

²⁷³ *Deuteronomy* 27:19, 21,22, 25.

²⁷⁴ *Exodus* 21:12–36.

²⁷⁵ *Exodus* 21:23–25.

²⁷⁶ *Leviticus* 24:19–20.

²⁷⁷ *Leviticus* 6:1–7. Under the Law of Moses it was a crime against God to fail to honor financial contracts, to commit perjury, fraud, extortion, and financial theft. Such crimes required restitution and restoration:

And the LORD spoke to Moses, saying: “If a person sins and commits a trespass against the LORD by lying to his neighbor about what was delivered to him for safekeeping, or about a pledge, or about a robbery, or if he has extorted from his neighbor, or if he has found what was lost and lies concerning it, and swears falsely—in any one of these things that a man may do in which he sins: then it shall be, because he has sinned and is guilty, that he shall restore what he has stolen, or the thing which he has extorted, or what was delivered to him for safekeeping, or the lost thing which he found, or all that about which he has sworn falsely. He shall restore its full value, add one-fifth more to it, *and* give it to whomever it belongs, on the day of his trespass offering. And he shall bring his trespass offering to the LORD, a ram without blemish from the flock, with your valuation, as a trespass offering, to the priest. So the priest shall make atonement for him before the LORD, and he shall be forgiven for any one of these things that he may have done in which he trespasses.”

Id.

²⁷⁸ *Exodus* 22:1–2.

chapter makes clear that burglary during the day does not carry the same defense.²⁷⁹ In the next chapter, the Law of Moses makes clear that under the law the stranger shall not be oppressed, and, later, it is written that in the courts, “You shall not circulate a false report . . . [nor] show partiality to a poor man in his dispute. . . . You shall not pervert the judgment of your poor in his dispute.”²⁸⁰ In Leviticus, the law establishes the distinction between crimes of omission and commission, applies different sanctions for each,²⁸¹ and outlaws failure to report fraud or a person taking a false oath.²⁸² In the same book, the sanction for unintentional violation of the law was financial restitution, and ignorance of the law is no defense: “If a person sins, and commits any of these things which are forbidden to be done by the commandments of the LORD, though he does not know *it*, yet he is guilty and shall bear his iniquity.”²⁸³ But for the person who breaks the law intentionally, the law required banishment.²⁸⁴ In cases of perjury, “*if* the witness *is* a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother.”²⁸⁵ God made clear that crime began in the heart: “You shall not hate your brother in your heart. You shall surely rebuke your neighbor, and not bear sin because of him. You shall not take vengeance, nor bear any grudge against the children of your people, but you shall love your neighbor as yourself: I *am* the LORD.”²⁸⁶

Equality before the law was a significant requirement under the Law of Moses and how the courts of justice were to operate. The Law of Moses commanded:

You shall do no injustice in judgment. You shall not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor. You shall not go about *as* a talebearer among your people; nor shall you take a stand against the life of your neighbor: I *am* the LORD.²⁸⁷

²⁷⁹ *Exodus* 22:3.

²⁸⁰ *Exodus* 23:1,3,6,9.

²⁸¹ *Leviticus* 4:22–28; *see also Numbers* 35:16–29 (NKJV).

²⁸² *Leviticus* 5:1.

²⁸³ *Leviticus* 5:17.

²⁸⁴ *Numbers* 15:30–31.

²⁸⁵ *Deuteronomy* 19:18–19 (NKJV).

²⁸⁶ *Leviticus* 19:17–18.

²⁸⁷ *Leviticus* 19:15–16.

You shall have the same law for the stranger and for one from your own country; for I *am* the LORD your God.²⁸⁸

Then I commanded your judges at that time, saying, Hear *the cases* between your brethren, and judge righteously between a man and his brother or the stranger who is with him. You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid in any man's presence, for the judgment *is* God's.²⁸⁹

You shall appoint judges and officers . . . and they shall judge the people with just judgment. You shall not pervert justice; you shall not show partiality, nor take a bribe, for a bribe blinds the eyes of the wise and twists the words of the righteous.²⁹⁰

In the courts of justice, the law is to be applied with impartiality, which has formed the truism that no one is above the law nor below it and all are equal before the law. In the movie *The Judge*, the prosecutor justified why he was prosecuting a beloved judge who had killed an incorrigible child murderer who mocked him by threatening to desecrate the graves of his victim and the judge's wife:

But [the judge] is a liar. We established that. A liar who thinks he can operate under the color of the law just like his son. Your shine isn't worth a nickel, Mr. Palmer, [You're] a bully with a big bag of tricks. But unlike you I have one simple belief. That the law is the only thing capable of making people equal. You may think Mark Blackwell was white trash and he may very well have been, but in the eyes of the [law and thus the] state, his life matters.²⁹¹

Under the law, all people matter and have a right to justice. From the days of Moses to the modern legal system in the west, these principles are foundational in the operation of the judicial system. As written in Exodus, Moses commanded that those who apply law and justice and settle disputes were to be "able men, such as fear God, men of truth, hating covetousness," and such men were to judge disputes and apply the law so that justice

²⁸⁸ *Leviticus* 24:22. God commanded that the law would have distinctions between intentional and unintentional crimes but those distinctions shall apply equally to all. See *Numbers* 15:29 ("You shall have one law for him who sins unintentionally, for him who is native-born among the children of Israel and for the stranger who dwells among them.").

²⁸⁹ *Deuteronomy* 1:16–17 (internal quotation mark omitted).

²⁹⁰ *Deuteronomy* 16:18–19.

²⁹¹ THE JUDGE (2014).

would prevail.²⁹² These principles are reflected in the judicial oath required under federal law²⁹³ and in western tradition,²⁹⁴ as Justice Stephen Breyer noted, “justice shall not be sold nor shall it be denied . . . that’s at least 800 years old.”²⁹⁵ Under Moses, the judicial system had a hierarchy in which appeals and disputes were brought from smaller judicial officers to higher ones to Moses himself and then to God.²⁹⁶

As Moses made clear, justice is not only a reflection on God but it is done in the name of God. Moses commanded that justice and equal treatment of all before law were to be implemented with the memory of when the children of Abraham were slaves themselves, when the law was no protection and justice was denied. While the law maintained order, God commanded that justice be done, for justice is done in and by His name. In the Law of Moses, God commands that the people should not oppress the stranger and that the law shall be applied to the brother and stranger alike with the concluding phrase, “you were strangers in the land of Egypt”²⁹⁷ and “you shall remember that you were a

²⁹² *Exodus* 18:21 (NKJV).

²⁹³ The following is the judicial oath required for all federal judicial officers: Each Justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: “I, _____, do solemnly swear (or affirm) that I will administer Justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United States. So help me God.”

28 U.S.C. § 453 (2012).

²⁹⁴ As the *Magna Carta* (1215) makes clear:

38. No bailiff for the future shall, upon his own unsupported complaint, put anyone to his “law”, without credible witnesses brought for this purposes.

39. No freemen shall be taken or imprisoned or disseised [dispossessed or deprived] or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we refuse or delay, right or Justice.

²⁹⁵ Transcript of Oral Argument at 46, *Williams-Yulee v. Florida Bar*, 135 S. Ct. 1656 (2015) (No. 131499) (citing clause 40 of the *Magna Carta*). In this case, the United States Supreme Court held that although judges can be elected; the rules of the judicial canon and tradition to impart justice with impartiality can govern how judges finance their elections. See *Williams-Yulee v. Florida Bar*, 135 S. Ct. 1656, 1666 (2015). Public confidence in the judiciary to impart justice occurs when justice is not only done but when it is perceived to be done. *Rex v. Sussex Justices* (1924) 1 K.B. 256, 259.

²⁹⁶ *Exodus* 18:21–23.

²⁹⁷ *Exodus* 22:21, 23:9; *Leviticus* 19:34 (NKJV); *Deuteronomy* 10:19, 24:18 (NKJV).

slave in the land of Egypt; therefore, I command you to do this thing²⁹⁸ with the admonishment that judges act, rule, and do justice in and by His Name.

The Law of Moses commanded that the rule of law was to govern all disputes and the judgment of God through the priests and judges was final. In addition, the Law of Moses instituted the principle of public trials and public punishment, both to create deterrence and establish that no punishment would be implemented beyond what the law required:

If there is a dispute between men, and they come to court, that *the judges* may judge them, and they justify the righteous and condemn the wicked, then it shall be, if the wicked man deserves to be beaten, that the judge will cause him to lie down and be beaten in his presence, according to his guilt, with a certain number of blows. Forty blows he may give him *and* no more, lest he should exceed this and beat him with many blows above these, and your brother be humiliated in your sight.²⁹⁹

In order to maintain justice in the courts of His people, God required rules of evidence in the courts, which included the requirement that in a death penalty case, more than one witness to the killing was required to prove guilt.³⁰⁰ To secure a conviction on any charge, “[o]ne witness shall not rise against a man concerning any iniquity or any sin that he commits; by the mouth of two or three witnesses the matter shall be established.”³⁰¹ The LORD also made provisions for those who were banished and those who sought escape from the punishment of manslaughter. From this law incarceration—banishment—is found. Even under the harshness of the Law of Moses, a method of restitution and reconciliation was provided. The edge of the law was blunted by the grace of mercy.

The Law of Moses commanded that when the children of Israel crossed over the Jordan, “you shall appoint cities to be cities of refuge for you, that the manslayer who kills any person accidentally may flee there. They shall be cities of refuge for you from the avenger, that the manslayer may not die until he stands before the congregation in judgment.”³⁰² The purpose of the

²⁹⁸ *Deuteronomy* 24:22.

²⁹⁹ *Deuteronomy* 25:1–3.

³⁰⁰ See *Numbers* 35:30 (NKJV); *Deuteronomy* 17:6.

³⁰¹ *Deuteronomy* 19:15.

³⁰² *Numbers* 35:11–12.

sanctuary city was to protect the manslayer from the anger of the family of the person who was killed.³⁰³ The Law of Moses provided distinctions between types of murder and the sanctions applied. Although God commanded that the three sanctuary cities be built to protect the manslayer, the law required that a person who commits intentional murder and:

[F]lees to one of these cities, then the elders of his city shall send and bring him from there, and deliver him over to the hand of the avenger of blood, that he may die. Your eye shall not pity him, but you shall put away *the guilt of innocent blood* from Israel, that it may go well with you.³⁰⁴

Under the Law of Moses, all crime is not the same and the different *mens rea* required different sanctions. The sanctuary law allowed for a person to be safe from punishment in the city of refuge; he would be allowed to return after the life of the high priest, at the time of the manslaughter, had ended without fear of death due to the killing.³⁰⁵ The sanctuary law provided for incarceration, determinate/mandatory sentencing, and re-entry after the completion of the imposed sentence.

CONCLUSION

I Am God and next to Me there is no other God,³⁰⁶ You are in My Hand³⁰⁷ and cannot be removed,³⁰⁸ for I am God and I cannot lie.³⁰⁹

³⁰³ *Deuteronomy* 19:6 (“[L]est the avenger of blood, while his anger is hot, pursue the manslayer and overtake him, because the way is long, and kill him, though he was not deserving of death . . .”).

³⁰⁴ *Deuteronomy* 19:2, 11–13.

³⁰⁵ *Numbers* 35:26–28.

³⁰⁶ See *Deuteronomy* 4:35, 39, 6:4; 2 *Samuel* 7:22 (NKJV); 2 *Kings* 5:15 (NKJV); *Isaiah* 42:8, 43:10–11, 44:6, 24, 45:5–6, 21–22, 48:12 (NKJV); *Hosea* 13:4 (NKJV); *Mark* 12:29–34 (NKJV); 1 *Corinthians* 8:4–6 (NKJV); 1 *Timothy* 2:5 (NKJV); *Revelation* 1:8, 22:13 (NKJV); see also *Psalms* 90:2 (NKJV); *Malachi* 3:6 (NKJV) (“For I am the LORD, I do not change . . .”).

³⁰⁷ *Isaiah* 41:13 (“For I, the Lord your God, will hold your right hand, Saying to you, ‘Fear not, I will help you.’”); *Isaiah* 49:15–16 (“Can a woman forget her nursing child, And not have compassion on the son of her womb? Surely they may forget, Yet I will not forget you. See, I have inscribed you on the palms of My hands . . .”). As David wrote:

Where can I go from Your Spirit? Or where can I flee from Your presence? If I ascend into heaven, You are there; If I make my bed in hell, behold, You are there. If I take the wings of the morning, And dwell in the uttermost parts of the sea, Even there Your hand shall lead me, And Your right hand shall hold me.

What is justice? On one level, Akiva is correct in that justice is an abstraction. Justice is a concept of what ought and ought not to be. It does have a subjective narrative to its definition. But the true operation and implementation of justice can be objectively defined. It has actual meaning on the governmental level. Justice is an action and a goal to be achieved, and it can be objectively measured. Justice begins with the law and its enforcement, but is fully achieved by the application of mercy and grace. The measure of justice is the example of how God Himself, as reflected in the Bible, seeks justice and loves mercy.

The meaning of law and justice, in the western Judeo-Christian tradition, begins with the truism that there is a God and He is just. The tradition begins with the proposition that God sees and cares about the actions of men. He is the final authority to be appealed to in matters of right and wrong and what is just in a world governed by men. Justice and the law are very specific and definable concepts. Justice is defined by protecting widows and orphans and despising unequal scales of judgment. Justice executes punishment upon those who do evil and requires those who govern to defend and protect those who are small and weak in face of men with power. Justice equalizes inequity. The law governs behavior, defines relationships, and requires obedience. Justice is a broader concept and seeks to define a society and elevate it beyond the need for raw control to a level of being just and justly governed. Justice tempers the sharp and cold edge of the law and governs the hands of those who hold the power of the law over the heads of men. This is the

Psalm 139: 7–10. As Daniel reminded the King that God is mighty and in His “hand are your life-breath and all your ways . . .” *Daniel* 5:23 (NASB).

³⁰⁸ Jesus said:

My sheep hear My voice, and I know them, and they follow Me. And I give them eternal life, and they shall never perish; neither shall anyone snatch them out of My hand. My Father, who has given *them* to Me, is greater than all; and no one is able to snatch *them* out of My Father’s hand. I and My Father are one.

John 10:27–30 (NKJV); see also *Deuteronomy* 32:39 (“Now see that I, *even I, am* He, And *there is* no God besides Me; I kill and I make alive; I wound and I heal; Nor *is there any* who can deliver from My hand.”); *Isaiah* 43:13 (“And there is no one who can deliver out of My hand . . .”).

³⁰⁹ *Numbers* 23:19 (“God *is* not a man, that He should lie . . .”); see also *John* 14:6 (“I am the way, the truth, and the life.”); 1 *Peter* 2:22 (NKJV) (“Nor was deceit found in His mouth.” (citing *Isaiah* 53:9)).

Judeo-Christian tradition that defines both law³¹⁰ and justice,³¹¹ as well as the distinctions between the two.³¹² If God governs heaven with justice, mankind on earth is required to do the same. As Jesus prayed, “[y]our will be done [o]n earth as *it is* [done] in heaven.”³¹³ The source of the need for justice, as well as her daughter, the law, comes from the nature of God Himself. The entire world is in His hands and all those who rule are in His hands. The idea of right and wrong and the need for justice flows from this tradition.

³¹⁰ The law entails distinctions and classifications and the enforcement of each. The law is not about fairness in outcome. The law is about the enforcement of order and providing security. The law is written in stone. The law is about what is required in a situation. The law is about the application of consequences. The law is what the law does. The law does not guarantee justice or even require justice. The law provides definitions of behavior, distinctions within types of behavior, expectations of behavior, and enforces norms of behavior. The law also defines and separates people and classes of people. The law establishes order and safety, which allows the higher principles and goals of Justice to occur. Nations are considered stable when they are governed by the law and not the whims of men; in other words, whether they are governed by the rule of law.

³¹¹ Justice is a much broader concept that allows for mercy and release from the requirements of the law. Justice is a societal, as well as an individual, objective. Justice encompasses both the procedure of the application of the law and the substantive outcome of the application of positive law. The former is about what is required, but the latter includes normative concepts of fair outcomes. Nations are considered just when outcomes are perceived as right and fair. Justice is a system of recognizing in society and in individual behavior, what is right and what is wrong. Justice provides protection as well as surety from evil under the letter of the law. Justice utilizes the law to maintain security, but justice is about security and order tempered by grace and mercy. Justice provides safety and security from the sharp edges of the requirements of the law.

³¹² While the law is what law does and requires or obligates, justice is what justice seeks. Concurrently, while it is true that justice is broader in scope than her daughter the law, the achievement of justice begins with the law. Law and justice are not the same, and they serve different interests and goals. Justice is the goal of society, while the law is a tool of order for society. While the law is a positivist concept, justice is both a normative concept—subjective, opinion, and value/morality oriented—and positivist concept—objective, testable, and fact oriented. Justice involves concepts of fairness, rightness, and results that are both perceived as good and reasonable and result in fair outcomes. Justice involves the higher levels of considerations of what should be and what ought to be in a situation. Justice involves the inward heart of a man, and not only his outward behavior. As the Bible defines these terms, justice is something to be sought and achieved, while the law is something to be guided by.

³¹³ *Matthew* 6:10 (NKJV).

The scriptures make clear that God loves justice,³¹⁴ that He is a God of justice,³¹⁵ that He is “merciful and gracious, longsuffering, and abounding in goodness and truth, keeping mercy for thousands, forgiving iniquity and transgression”³¹⁶ While the law brings death and separation,³¹⁷ God’s justice seeks restoration through the application of grace and mercy: “For the law was given through Moses, *but* grace and truth came through Jesus Christ.”³¹⁸ Where the law abounds, grace and mercy still more abounds.³¹⁹ The answer to what is justice, how is it defined, and why justice is something to be done can be summarized in a simple syllogism:

God is justice and *justice is* defined by *grace, mercy, and reconciliation* which is to be applied to and between and *among all mankind*, because God says, I am the LORD who does justice, for I am your God who delivered you from Egypt and *you shall not oppress* because you were once a slave and were delivered from oppression by My hand.³²⁰

Justice defends the repentant in the face of arrogant self-righteousness,³²¹ justice provides mercy for the condemned,³²² justice commutes the sentence of the guilty,³²³ justice speaks for the weak and advocates for the powerless and defenseless,³²⁴ justice consoles the sick and visits those in prison,³²⁵ justice speaks the truth tempered by humility,³²⁶ justice rescues the

³¹⁴ See *Isaiah* 61:8 (NKJV); *Psalms* 33:5 (NKJV); see also *Isaiah* 30:18; *Deuteronomy* 32:4 (NKJV).

³¹⁵ See *Isaiah* 30:18, 66:24; *Job* 34:12 (NKJV); *Psalms* 9:7–8, 140:12; *Revelation* 20:12–13 (NKJV).

³¹⁶ *Exodus* 34:6–7 (NKJV).

³¹⁷ See *1 Corinthians* 15:56 (NKJV); *2 Corinthians* 3:7–8 (NKJV); *Hebrews* 10:1 (NKJV); *Colossians* 2:16 (NKJV); *Galatians* 2:16, 3:21–22 (NKJV); *Romans* 3:20 (NKJV); *1 Timothy* 1:8–9 (NKJV); *James* 2:10 (NKJV).

³¹⁸ *John* 1:17 (NKJV).

³¹⁹ *Romans* 5:20.

³²⁰ See *Genesis* 18:19 (NKJV); *Deuteronomy* 5:6 (NKJV); *Exodus* 23:9; *Micah* 6:8 (NKJV); *Psalms* 96:10, 13 (NKJV); *supra* notes 314–19, *infra* notes 319–29.

³²¹ The prostitute and her repentance is defended in the face of the Pharisees. *Luke* 7:43–50 (NKJV).

³²² The thief on the cross. *Luke* 23:40–43.

³²³ The women caught in adultery, her death sentence was commuted. *John* 8:1–11.

³²⁴ To those in power God commands that they plead for the poor and the needy and speak for those who are speechless. *Proverbs* 31:8–9 (NKJV).

³²⁵ See *Isaiah* 42:7 (NKJV); *Matthew* 25:35–40 (NKJV).

³²⁶ See *Colossians* 4:6 (NKJV); *Micah* 6:8 (NKJV); *Corinthians* 16:4 (NKJV).

abandoned and captive,³²⁷ justice condemns the false use of power,³²⁸ and justice speaks the truth in the face of unjust punishment.³²⁹

Put simply, justice is what justice does. Law is what the law requires.

EPILOGUE

A story of justice.³³⁰ A story goes that a young man, who was the son of a very rich man, would stop each day and speak to a homeless man. Over time, the homeless man became very fond of the young man. One day, the young man stopped coming. The homeless man asked about the boy and he was told that the young man had died. He knew that the father of the young man loved him. The homeless man drew a portrait of the young man and arranged to have it delivered to the father, along with the story of how the young man would visit the homeless man; the homeless man wanted the father to know how much his son had meant to him.

As the story goes, the father later died. Being a rich man, he had hundreds of paintings worth a small fortune. The homeless man heard that all of the paintings, portraits, and other valuable drawings were being auctioned. The homeless man secured a suit and found a way into the auction. He wanted to see if the drawing that he had made for the father was open for sale. Indeed, the drawing was there among the valued art. The auction started with the sale of the drawing by the homeless man. The homeless man made a bid. No one else placed a bid, so

³²⁷ God told King Abimelech that He would kill him because he stole an honest man's wife. God sent the Prophet Nathan to confront King David for the murder of Uriah and stealing his wife Bathsheba. *Genesis* 20:3–6 (NKJV); *2 Samuel* 12:1–15 (NKJV).

³²⁸ Jesus accuses the religious leaders of hypocrisy and watering down the law of God for their own purposes and pleasures of power, *Matthew* 23:13–37, and Stephen accuses the religious leaders of knowing the truth of God, but deciding to reject it as generations of leaders before them did the same, but prayed for God to forgive them as they stoned him to death for his preaching and accusations. *Acts* 7:51–60 (NKJV).

³²⁹ For the story of the arrests and beating of Paul and Silas, see *Acts* 16:16–24. For the story of the arrests and beating of Peter and John, see *Acts* 4:18–19, 5:28–32, 40–41.

³³⁰ A parable told by Dr. Ravi Zacharias on *The John Ankerberg Show*. *Ravi Zacharias Answers Questions from Europe*, LIGHTSOURCE: MINISTRY (Nov. 8, 2016), <http://www.lightsource.com/ministry/ankerberg-show/ravi-zacharias-answers-questions-from-europe-498466-full.html>.

the homeless man bought the drawing. After this sale, all the other buyers got ready to bid on the valuable artworks. However, the auctioneer said all the other paintings were sold. He explained that the father's will made clear that whoever bought the drawing of his son got all the other valuable works of art with the purchase.

The law, like the drawing, has an obvious but finite value. Justice, like the will of the father, is infinite but not self-evident. The law, though valuable, is not as significant as justice. The meaning of justice begins with, but is not solely defined by, the value of the law.