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## The Theological Law Firm Academy

Law & Justice By The Bible

Part I of IV

### The Theological Foundations

of US Law & Government

Contemporary Theological Legal Doctrine  
Christian Beliefs of the Founding Fathers | Judicial Discretion

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#### 1 Corinthians 6:1-11 (NKJV)

##### Do Not Sue the Brethren

<sup>6</sup> Dare any of you, having a matter against another, go to law before the unrighteous, and not before the saints? <sup>2</sup> Do you not know that the saints will judge the world? And if the world will be judged by you, are you unworthy to judge the smallest matters? <sup>3</sup> Do you not know that we shall judge angels? How much more, things that pertain to this life? <sup>4</sup> If then you have judgments concerning things pertaining to this life, do you appoint those who are least esteemed by the church to judge? <sup>5</sup> I say this to your shame. Is it so, that there is not a wise man among you, not even one, who will be able to judge between his brethren? <sup>6</sup> But brother goes to law against brother, and that before unbelievers!

<sup>7</sup> Now therefore, it is already an utter failure for you that you go to law against one another. Why do you not rather accept wrong? Why do you not rather *let yourselves* be cheated? <sup>8</sup> No, you yourselves do wrong and cheat, and *you do* these things *to your* brethren! <sup>9</sup> Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived. Neither fornicators, nor idolaters, nor adulterers, nor homosexuals,<sup>[3]</sup> nor sodomites, <sup>10</sup> nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners will inherit the kingdom of God. <sup>11</sup> And such were some of you. But you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus and by the Spirit of our God.

### Contemporary Theological Legal Doctrine

An Introduction

Contemporary Theological Legal Doctrine (aka "New Covenant Theology") is a Christian Theological Position which teaches that the Old Testament Laws were abrogated (cancelled) with Jesus' crucifixion [at the cross], and replaced with *The Law of Christ of the New Covenant*. *New Covenant Theologians* believe, however, that many of the Old Covenant laws [were] reinstated under the New Covenant (like *The Ten Commandments*).

*The Old or Mosaic Covenant is a legal or works covenant that God made with Israel on Mount Sinai. This covenant is brought to an end and is fulfilled at the cross.*

The New Covenant is the spiritual fulfillment of the Abrahamic covenant. Adherents believe that the New Covenant came into effect with [Jesus'] Ministry, at The Last Supper when Jesus said in Luke 22:20 : "This cup is the new covenant in my blood, which is poured out for you."

### Christian Beliefs

of The Founding Fathers

Historian Richard B. Morris in 1973 identified the following seven figures as the key Founding Fathers: John Adams, Benjamin Franklin, Alexander Hamilton, John Jay, Thomas Jefferson, James Madison, and George Washington.

#### Traditional Believers

Of the 55 delegates to the 1787 Constitutional Convention, 49 were Protestants, and two were Roman Catholics (D. Carroll, and Fitzsimons). Among the Protestant delegates to the Constitutional Convention, 28 were Church of England (or Episcopalian, after the American Revolutionary War), eight were Presbyterians, seven were Congregationalists, two were Lutherans, two were Dutch Reformed, and two were Methodists.

John Witherspoon (NJ) was the only active clergyman to sign the Declaration.

#### Deists

A few prominent Founding Fathers were **Anti-Clerical Christians**, such as Thomas Jefferson (who created the so-called "**Jefferson Bible**") and Benjamin Franklin. Others (most notably Thomas Paine) were **Deists**, or held beliefs very similar to those of deists. Deists believe the Lord exists, but is removed from the day-to-day lives of His believers.

#### Theistic Rationalists

Historian Gregg L. Frazer argues that the leading Founders (Adams, Jefferson, Franklin, Wilson, Morris, Madison, Hamilton, and Washington) were neither Christians nor Deists, but rather supporters of a hybrid "Theistic Rationalism" (A hybrid of Natural religion, Christianity, and Rationalism, in which *rationalism* is the predominant element).

### Judicial Discretion

Judicial Discretion is the term many practitioners use to describe the "leeway" given to judges in many, if not most, cases which can lead to miscarriages of justice due to certain aspects of subjective (unique to a jurists own point of view) trial management. This is the "human" element, which may or may not include a Spiritual foundation, and, when improperly interjected into the trial process, can lead to devastatingly tragic consequences for both defendants and society. Not all Judges are Spiritual people. As a consequence, miscarriages of justice can lead to either **Reversible**, **Harmless** or **Plain** errors of law.

If this happens, a defendant may be entitled to relief under some form of a state's "Post Conviction Relief Act (Pennsylvania) if s/he can prove: (1) Violation of State or US Constitution; (2) Ineffective Assistance of Counsel (Sixth Amendment); (3) Induced Plea Bargaining; (4) Government/ Prosecutorial Obstruction of Justice; (5) Newly Discovered Evidence; (6) Abuse of Sentencing Discretion; or (7) Improper Jurisdiction of the Court.

Most types of error, with very few exceptions, must be preserved by the making of timely objection(s) during the trial process, or they are considered "waived".

Always feel welcome to contact me directly with any questions, comments, or great ideas!

*Jack Johnson*

Founder & CEO

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The Mission of The Advocacy Foundation  
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**To Rescue**

Young persons from the prison pipeline  
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