

The Presumption of Innocence

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Part III

Prophecy and the presumption of Innocence

In part 1 of this series we covered the principle of presumption of innocence in the United States experience—noting that this is the first country to have this jurisprudence from its founding. An attempt was made to show that the origin of this principle is Hebrew law.

In the second part we explored this principle as it relates to justification by faith—finding that we use well-known verses out of context because of an overarching theological vision that presupposes presumption of guilt. Here an attempt was made to show that the Hebrew view of judgment of presumption of innocence is revealed with a closer study of the phrase “the faith of Jesus.” We are encouraged to “voice and pen present, not only the commandments of God but the faith of Jesus.”— *To Brethren in Responsible Positions*, November 1890, Letter 1f.

The concluding part will appeal to prophecy and a case study and show the eternal contrast between these two systems of law—presumption of guilt and presumption of innocence. Here is the method we will employ:

Philosophy of History from the Messenger of the Lord

The Bible is its own expositor. Scripture is to be compared with scripture. The student should learn to view the word as a whole, and to see the relation of its parts. He should gain a knowledge of its grand central theme, of God's original purpose for the world, of the rise of the great controversy, and of the work of redemption. He should understand the nature of the **two principles** that are contending for supremacy, and should learn to trace their working through the records of history and prophecy, to the great consummation. He should see how this controversy enters into every phase of human experience; how in every act of life he himself reveals the one or the other of the two antagonistic motives; and how, whether he will or not, he is even now deciding upon which side of the controversy he will be found. —*Education*, Mountain View, CA: Pacific Press, 1903, 1952, p.190.

Note that we are encouraged to gain a knowledge of the Word's “grand central theme” and learn to “trace their working through the records of history and prophecy, to the great consummation.” In the second part we did some of this—making an argument for a reassessment of the time prophecies as it relates to changes in jurisprudence.

Prophecy and the Two Clashing Jurisprudences

We are told that we need to “understand the nature of the two principles that are contending for supremacy.” Prophecy is going to be our first witness. We have been birthed from a prophecy in Daniel. The very meaning of Daniel falls into the grand meta narrative of judgment—“my God judges” or “judge my God.” Added to this is a reluctant label of Laodicea, which incidentally means “people of judgment” or “judgment of the people.” We find ourselves entwined in judgment. Could it be that what we most need to understand is not *that* we are the bearers of a judgment hour message, but it is the *type* of judgment message that we bear? The True Witness’ entire life was lived during the time of the fourth beast of Daniel 7. This is the same entity that the remnant is facing. Do we know this entity’s ways and motives? How did it operate during the time when Jesus was on the earth?

In studying Daniel 9:24 –27 we learn of the life of Christ. The last week of this prophecy covers his earthly ministry and holds much for those who would like to witness these clashing jurisprudences. The height of this week is the offering on Calvary, but what are significant are the two trials of Jesus that include his offering—yes, *two* trials.

In the classic “The Trial of Jesus,” Alexander Taylor Innes and Frank John Powell –as lawyers—show that Jesus faced two trials—one Hebrew and one Roman. They conclude that both the trials were a travesty of justice. Innes “demonstrates from biblical and historical data the many irregularities and illegalities of both trials, and shows how the evil inclinations of men (supposedly committed to upholding the law) led them to manipulate different aspects of the proceedings in order to gain the verdict they desired.” Powell forcibly states:

The story of the double “trial,” *i.e.* the proceedings before the Jewish court and the Roman trial before Pilate, as related in the Gospels, is one which can be read in a few minutes; but to appreciate the significance of the incidents which occurred, **the clash of personalities**, the attitude of Jesus to His accusers and their accusations.

These are two mutually exclusive principles—the presumption of guilt versus the presumption of innocence. They are demonstrated in two very different ways. In the middle of the prophetic week of Daniel 9 the Sanhedrin miscarried justice by adopting the presumption of guilt, while Jesus demonstrated the presumption of innocence towards *all* when he hung on the cross declaring “Father, forgive them for they know not what they are doing.” Luke 23:34. The one is epitomized by death while the other is life giving.

The end of this prophetic week also culminates before a Sanhedrin. This

time it is Steven who faces the wrath of a trial conducted under the presumption of guilt. Ultimately, he displays the same faith toward his accusers as Jesus did to his. “Lord, lay not this sin to their charge.” What spirit do you display when you are on trial? The presumption of guilt or the presumption of innocence?

Presumption of Innocence and the Sanctuary

The introduction of the Sanctuary is in Exodus 25:8: “And let them make me a *sanctuary*; that I may dwell among them.” The setting is soon after coming out of Egypt. According to Bible reckoning this happened around 1450 B. C. It is safe to say the sanctuary service of offerings operated until the time of Christ’s death (A. D. 31), which is when the veil was torn in two—signifying the end of sacrifices.

Where does one turn to view the sanctuary in operation? Do we have more than just a description of how the sanctuary was intended to operate? The answer is in the New Testament.

In the legal field there is the need to always refer back to the precedent. Do we have a precedent for the presumption of innocence in the New Testament? Not only this, but it has to be seen in the sanctuary. The evidence is in John 8—scribes and Pharisees versus the woman caught in adultery.

First, it happens in the temple (verse 2). It is unmistakable that the temple was the center of the Jewish life. Jesus was teaching the people in the temple. This was the purpose of the temple: “Thy way, O Lord, is in the sanctuary.”

It is noteworthy that scripture mentions the sanctuary and “early in the morning He came *again* into the temple.” This reference to “again” can be seen in the light that the priest did something for the people every morning and every evening (Exodus 29)—he offered an animal for the sin of the entire camp. They were not to contribute to it. They were only to “look and live.”

It is intriguing that the scribes and Pharisees are the ones to bring a woman in. The keepers of the law are seemingly doing their job—or are they? The accusation is that “this woman was caught in adultery, in the very act.” For authority, they appeal to Moses—“Now Moses commanded that such should be stoned, but what sayest Thou?” Moses said that such should be stoned? Does it not take two to commit adultery? Yes! If the two were caught, there was provision to stone them, but Moses has been used too long to maroon the sinner for the love of God.

Here we have the evidence that the keepers of the law had given up the presumption of innocence and had harkened to a system of inquisition—presumption of guilt. The showdown is taking place on the sanctuary floor. John does not want us to miss the point so he emphasizes “this they said so

that they might have opportunity to accuse Him.” The case was, in reality—scribes and Pharisees versus Jesus. Jesus proceeds not to quote Moses but to demonstrate his writings; He “took the fifth” and knelt and wrote on the sanctuary floor. Jesus is reading and following the script from the book of Numbers, chapter five. Dr. Davidson has written a wonderful study on this: *Finding the Truth*.

In Numbers, chapter five, we find that if a man suspects his wife of unfaithfulness he is not to take matters into his own hands, but he is to bring her to the sanctuary with an offering. It is to be a jealousy offering and one wonders for whom? The priest would then gather some dust from the floor of the sanctuary and mix it with water. The accused woman was to drink the water, after which there would be one of two outcomes—swollen legs and belly, leading to spontaneous abortion or nothing more than gritty aftertaste. The ancient near East equivalent will give perspective.

In some cultures this same event was treated rather differently. If a wife or woman was suspected of infidelity she would have a rock tied to her waist and be thrown into the closest river. If she never surfaced, she was guilty and if she miraculously defied gravity and started to float with the intended tombstone, she was innocent. Unlike the surrounding nations, Jewish law was clearly on the side of preservation of life as was Jesus.

These inquisitors of the woman and Jesus “continued asking Him” which forced Him to stop following the script of Moses. He “lifted up Himself” and said, “He that is without sin among you, let him first cast a stone at her.” He “again stooped down and wrote on the ground.”

John tells us that the One who wrote the Ten Commandments, with this same finger now wrote “on the ground.” One can see these scribes and Pharisees gathered around this scribbler who now resembles so much a Lamb. He is obstructing their view so some of them lean on Him to compensate for their myopia and look straight into their life record. Every sin they had ever committed is on the sanctuary floor. How did He know? Well! He is the priest. This is not like the other sanctuaries where the gods must be placated into accepting your offering and then grant you pardon. No! This sanctuary speaks the truth about God that when we were enemies we were reconciled to God by the death of His Son. Rom. 5:10. God was screaming through the dust, “I will die for every sin you have committed and will commit. Be reconciled to this truth and I will be able to send you forth joyfully—forgiveness comes before confession.” This is a hard truth to accept as then “being convicted by their own conscience, [they] went out one by one.” And Jesus was left alone and the woman standing in the midst.

This is the most poignant part of the narrative for it points us forward and it harkens us to the past—all at once. Daniel describes a judgment scene where the One named Michael is to preside. Just as Michael will do in the future the kneeling Judge does in the woman’s presence “when Jesus lifted up Himself.” He now asks her two questions: “Woman, where are those,

thine accusers? Hath no one condemned thee?" Jesus is showing that He operates under the accusatorial system—presumption of innocence. "I am here to continue with this case but I need accusers. I don't accuse you as Judge—that is not my role. I am here to defend you against accusers." She answers, "no man, Lord."

There is no man with condemnation towards her. For all her life the Sanctuary had operated under this strange system of presumption of guilty, but now she is coming to realize that "God did not send His Son into the World to condemn the World but that the World through Him might be saved." John 3:19. What rejoicing must have arisen from her heart as she now heard what she first experienced for the first time in her life. "Neither do I condemn thee." What a glorious truth. Forgiveness of sin in God's sanctuary evidently precedes confession.

Many Christians emphasize the forgiveness of sin, but neglect to see the two aspects of forgiveness—pardon and cleansing—which is masterfully covered in the article, "*Forgiveness ... Are There Two Phases?*" on page 26 of this issue. Many Christians sing the hymn "Rock of Ages" and do not gain the marvelous insight when singing "let the water and the blood from thy riven side which flow be for sin the double cure. Cleanse me from its guilt (which happened with *charizomai*) and power." [See above mentioned article]. This is what the messengers of 1888 [A. T. Jones and E. J. Waggoner] have taught me. This is the message that is yet to burst from the sanctuary.

Conclusion

"Historically, Adventists have understood 'progressive revelation' to mean an ever increasing, unfolding or expansion of what was previously revealed."¹ The presumption of innocence has clearly been evident in the Old Testament, although hidden by various entities. There has been a change in jurisprudence that is not very apparent at first. Evidence of the presumption of innocence in the United States Constitution is the right against self-incrimination, which has its origin in the legal system of England. The same evidence, although stronger, is in Talmudic law where it is further established on the high requirements of witnesses to be of one accord before the judgment of "guilty" would be handed down to the accused. Progressive revelation or present truth is acknowledged by the thesis of this paper of presumption of innocence.

The sanctuary teaching, languishing under the Roman system of "presumption of guilt," gains a rich depth of meaning if one acknowledges the "presumption of innocence"—the Hebrew underpinning. It is the doing and dying of Christ on Calvary that is the basis of this phenomenon of presumption of innocence in the sanctuary service and investigative

¹ Pippim, Samuel. *Receiving the Word*. Berean Press Chicago IL 1996

judgment. The “continual” or “daily” sacrifice offered every morning and evening provided this all-embracing legal setting. Its meaning has been marred by trying to foist on it a legal framework of “presumption of guilt”—an unconscious presupposition of continental law which strongly influenced theological thought tracing back to the Church Fathers. The sanctuary doctrine could not have risen in Europe due to this inquisitional construction of law. Luther’s view of justification by faith was the impetus for a movement, which would birth a restoration of the accusatorial system. The Hebrew Scriptures need to be understood in this light and failing to do so leads to unfortunate twisting of the scriptures and the missed understanding of its intent. This may be especially true as time draws to a close and could be Satan’s studied purpose to blind us to the distinction. It might very well inform our understanding of “for the hour of His Judgment is come.” Rev. 14:7.

And I saw another angel fly in the midst of heaven, having the everlasting gospel to preach unto them that dwell on the earth, and to every nation, and kindred, and tongue, and people, Saying with a loud voice, Fear God, and give glory to him; for the **hour of his judgment** is come: and worship him that made heaven, and earth, and the sea, and the fountains of waters.

No study has been this rewarding to this author. Giving up the worldview that I possessed was hard, especially when the alternative demanded a fresh look at everything again. The new paradigm implications are far-reaching and offer continual hope. We may have touched on just the surface of a gold reef that runs deep—offering us a new glimpse into another wonderful characteristic of our heavenly Father.