

# Christians and Prisoners

A Treatise on the Morality of Confinement  
within a Biblical Worldview

By D. Justin Freeman

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“The Spirit of the Lord is upon me, because he has anointed me to proclaim good news to the poor. He has sent me to proclaim liberty to the captives and recovering of sight to the blind, to set at liberty those who are oppressed, to proclaim the year of the Lord’s favor.”

Jesus Christ  
Luke 4:18-19

## **I. Preface**

I write this book while I myself am an inmate confined in the Stephens County Detention Center, Toccoa, Georgia. However, I am not writing a discourse on confinement because I am confined (except in as much as being confined has given me ample time to write). More accurately, I am confined because I would have written this opinion against confinement. For many years now I have been one of those rare few pastors in Georgia who is openly critical of government policy (and particularly of abuses by the police). My frequently published opinions and vocal protests, always offered as loyal (even if impolite) opposition, have led “The State” (whomever that is) to brand me his enemy.

And so here I sit in 2024, following a long decade of crying out for justice on the outside, facing what could effectively be a life sentence. The accusation against me, essentially, is that I spoke out publicly against a police officer, and then, when he attempted to unlawfully arrest me, I allegedly resisted.

I write all of that to assure you of this: while being a prisoner may give me a unique perspective, and perhaps even some extra credibility as one of those rare American Christians counted worthy by my Lord to suffer persecution, I am not writing with the motivation of defending my self-interest. The scriptures say what they say, and I believe them wholly apart from my circumstances. Indeed, the belief bred the circumstances, not the other way round.

I pray then that you would accept this work with an open heart to receive what the Lord has said in his word, setting aside your present opinions, the leaning of your community, or whatever else may bias you and shut your ears to hear.

## **II. Introduction**

It is my intent in this little book to offer a thorough consideration of the Biblical view of punishment by a time of confinement. In doing so, I will advance a truly radical proposition which undermines millennia of human tradition, in that I assert that imprisonment finds no Biblical support whatsoever. The scriptures do not at any place prescribe confinement as a penalty for anything. The descriptions of confinement given in the Bible consistently depict confinement in a negative light. Comments made by Biblical characters and authors about confinement are uniformly opposed to the practice and are sympathetic to prisoners. Not only this, but we find in the scriptures prescriptions which explicitly forbid confinement in the strongest possible terms – even under penalty of death! On these grounds, I argue that confining a fellow human being as a penalty for wrongdoing is a fundamentally immoral act and that the practice ought to be immediately and totally ceased. This idea, if implemented, would fundamentally alter the entirety of “criminal justice” systems the world over.

This work is intended as a thoroughly Biblical and moral treatment of the topic. Many arguments could be made (on both sides) about confinement which are not Biblical or moral. One could discuss the prevalence of wrongful convictions, the conditions of jails, the economic cost of operating detention facilities, or the psychological, social, and financial impact of confinement on the confined and their families. One could argue that confinement is a more humane penalty than the penalty of death, or could argue the impracticality of leaving certain individuals free on the streets. A society so accustomed to confinement might ask, “If not confinement, then what instead?” Interesting and valuable as such discussions may be, they reside

outside the scope of this work. Herein, we examine the Biblical opinion and we draw a moral conclusion to the question: within a Biblical worldview, is it moral to punish a human by a time of confinement as a response to domestic wrongdoing? The answer to the question is “No.” And since the answer is “No,” all other considerations must be swept away, for it is by morality – not tradition, not practicality, and not the will of the majority – that we will be judged.

### **III. Christian Morality in General**

Before we delve deeply into the topic specifically, it is beneficial for us to lay a foundation of Christian morality in general onto which we may build.

We Christians accept as a fundamental principle of our faith that all things visible and invisible were created by the one and only God. Genesis 1:1 tells us:

“In the beginning, God created the heavens and the earth.”

Colossians 1:16 says also:

“For by him all things were created, in heaven and on earth, visible and invisible...”

As the creator of all things, God is demonstrated to have power over all things. Romans 1:20 tells us:

“For his invisible attributes, namely, his eternal power and divine nature, having been clearly perceived, ever since the creation of the world, in the things that have been made...”

As the ultimate power of the universe, God will be the final judge of the humans he has created to populate the universe. See Revelation 20:11-15 for a description of God’s final judgment. Because there is no greater power than God, his judgment and its penalties or rewards will be final, and for this reason, it is his judgment above all others which must be feared.

God’s judgment will be just. As creator of all things invisible, God is the source of all truth, and it is from this fundamental truth that all morality (the absolute standard of right and wrong) is derived. God has revealed his moral standard in the Bible that we may observe it. Psalm 119:1 says:

“Blessed are those whose way is blameless, who walk in the law of the LORD!”

In examining the scriptures, we find a variety of evidences of God’s moral intent, with these evidences carrying different weights. These evidences can be divided into two broad classes, prescriptive and descriptive.

A prescriptive evidence is one in which the scriptures give a direct command, a “You shall...” or “You shall not...” Such is a prescription of moral behavior and carries the strongest weight. If God almighty has told us in his word to do a thing, we are right to do it and wrong if we fail to do it.

In contrast, a descriptive passage carries less weight. For our purposes, I will divide descriptions into two subclasses: comments and narratives. A comment is a record of a thing which some character in the Bible said or wrote, but which is not a prescription. For example, Jesus’ comment in Luke 4:18, “He has sent me to

proclaim freedom for the prisoners” does not give any direct command, but it is a record of something that Jesus said which could inform our view of imprisonment. Because a comment gives no direct command from God, it is to be taken with less weight than a prescription. In examining a comment, the speaker and the context must be taken into account. While the record of what Bible characters said and wrote is accurate and true, the content of their speech is not always a valid guide to right conduct.

A narrative is the least weighty evidence of God’s moral intent. Biblical narratives accurately describe things that people did, but do not necessarily give an indication of whether or not those actions were morally right or wrong. Obviously, characters in Bible stories sometimes commit wrong actions. In examining a narrative, the characters and context are key to contemplating the morality of the actions.

Moral prescriptions can be found throughout the Bible, as in Paul’s writings, Jesus’ sermon on the mount, or Solomon’s wisdom in Proverbs. For our discussion though, the most pertinent moral prescriptions are those found in the Law of Moses (particularly in Exodus through Deuteronomy), because these prescriptions deal with justifications to use force.

Generally, the use of force is to be limited. God is superior over humankind whom he created. He has both the right and the power to use force over humans as he sees fit. However, humans are created inferior to God. One man does not have

any moral right to wield force over his fellow man. We are created equal, each of us with a fundamental value imparted by God who made us in his image. Genesis 1:27 says:

“So God created man in his own image, in the image of God he created him; male and female he created them.”

1 Corinthians 11:7 is also instructive on that point. While men may gain power to use force over one another, they have no right – no moral authority – to use force over one another unless God grants them that authority. As Jesus said in John 19:11.<sup>1</sup> Romans 13:1 agrees:

“...there is no authority except that which God has established...” (NIV)

The authority to use force then flows from God’s moral commands, which justify that use of force. The law of Moses prescribes for different forces to be used by one man over another as penalties for wrongdoing. Each of these penalties could be used in a wide variety of cases concerning any of a number of offenses, but I will list only a few examples here to demonstrate the point. Exodus 21:12<sup>2</sup> justifies the use of the death penalty in response to murder. Homicide then is a force which can be justified, given correct circumstances, as authorized by God. In some cases, a wrongdoer whose death is justifiable can pay a ransom to deliver himself from death (see Exodus 21:30).<sup>3</sup>

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1 Most English translations do not do this verse justice. Here, Jesus said “Ουκ ειχες εξουσίαν κατ εμού ουδεμίαν ει μή ήν δεδουμένον σοι άνωθεν.” By my own translation: “You have no authority over me – none – unless it is given to you from above.” Acknowledging though that I am no great scholar of Greek.

2 Exodus 21:12 – “Whoever strikes a man so that he dies shall be put to death.”

3 Exodus 21:30 – “If a ransom is imposed on him, then he shall give for the redemption of his life whatever is imposed on him.”

A second justified force is the forcible repayment of restitution. Exodus 21:33-34<sup>4</sup> provides an example in which a person who negligently kills another's livestock must pay for it. Restitution is also a justifiable force in a case of theft (see Exodus 22:1).<sup>5</sup> Exodus 22:2-3<sup>6</sup> prescribes that a wrongdoer who could not pay restitution should be sold into a term of service to work off his debt.<sup>7</sup>

The moral law also prescribes corporeal punishment under the famous maxim "eye for eye, tooth for tooth" in Exodus 21:23-25. Such punishment was implemented in the form of flogging, no more than 40 lashes (per Deuteronomy 25:2-3).<sup>8</sup> Such a penalty would be justified in a case in which one person wrongly caused physical harm to another.

Banishment or exile is the fourth justifiable force. With this penalty, a wrongdoer is shunned from the church (as in 1 Corinthians 5:11-13),<sup>9</sup> expelled from temple worship, or removed from participation in society generally. Leviticus 20:18 provides an example prescribing that wrongdoers are to be "cut off from their people."

We note that confinement is not found on this list of justifiable forces. That, in itself, is a powerful argument against confinement. If we hold that a force is only justifiable if God has explicitly authorized it and the scriptures give no authorization for using a certain force, then that force is not justified.

## IV. Confinement Defined

In this treatise, I write to oppose confinement. "Confinement" for my purposes, is the forcible detention of a human within a relatively small area as a punishment for domestic wrongdoing. Confinement, by that definition, is never prescribed in the Bible, so discussing it from a Biblical viewpoint can be a bit awkward. It is helpful to compare our definition to some Biblical conditions that are similar to our definition so that the distinction between confinement and these conditions is manifest.

For example, Biblical slavery does not match our definition of confinement. The law of Moses allows a human to be sold into a time of labor as a means of repaying a debt. Such debt, owed by one human to another, could be incurred as a result of wrongdoing,<sup>10</sup> as is mentioned in Exodus 22:2-3,<sup>11</sup> or simply through financial shortcoming, as in Leviticus 25:39-40.<sup>12</sup> However, this slavery is

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4 Exodus 21:33-34 – "When a man opens a pit, or when a man digs a pit and does not cover it, and an ox or a donkey falls into it, the owner of the pit shall make restoration. He shall give money to its owner, and the dead beast shall be his."

5 Exodus 22:1 – "If a man steals an ox or a sheep, and kills it or sells it, he shall repay five oxen for an ox, and four sheep for a sheep."

6 Exodus 22:2-3 – "If a thief is found breaking in and is struck so that he dies, there shall be no bloodguilt for him, but if the sun has risen on him, there shall be bloodguilt for him. He shall surely pay. If he has nothing, then he shall be sold for his theft."

7 See Section IV for a comparison of debt-labor and confinement.

8 Deuteronomy 25:2-3 – "then if the guilty man deserves to be beaten, the judge shall cause him to lie down and be beaten in his presence with a number of stripes in proportion to his offense. Forty stripes may be given him, but not more, lest, if one should go on to beat him with more stripes than these, your brother be degraded in your sight."

9 1 Corinthians 5:11-13 – "But now I am writing to you not to associate with anyone who bears the name of brother if he is guilty of sexual immorality or greed, or is an idolater, reviler, drunkard, or swindler – not even to eat with such a one. For what have I to do with judging outsiders? Is it not those inside the church whom you are to judge? God judges those outside. 'Purge the evil person from among you.'"

incomparable to modern confinement in at least two ways.

First, this slavery was limited to a term of no more than six years. Deuteronomy 15:12 says:

“If your brother, a Hebrew man or a Hebrew woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you.”

On this point, Exodus 21:2<sup>13</sup> agrees. But this is to be contrasted to modern confinement, which routinely sentences people to decades behind bars. I myself am currently facing more than 40 years for allegations of what rightly ought to be called speech crimes.

Second, it is perhaps a misnomer to even use the word “slavery,” because Hebrew slavery was voluntary. These debt-laborers could not be forced to work and were not held in confinement. In fact, they were permitted to leave their labors and go to freedom. Deuteronomy 23:15-16:

“You shall not give up to his master a slave who has escaped from his master to you. He shall dwell with you, in your midst, in the place that he shall choose within one of your towns, wherever it suits him. You shall not wrong him.”

Again, this is incomparable to modern confinement. If one attempts to resist or attempts to escape from modern confinement, he can expect to face additional charges and more confinement.

Biblical slavery then can be no argument for modern confinement because the two are incomparable. Biblical slavery involved no forced detention (and thus is not confinement at all), and occurred during a time period significantly limited in comparison to modern confinement.

Our definition of confinement also does not include the taking of prisoners of war.

The Bible tends to depict taking prisoners of war in a negative light. See for example 2 Kings 6:18-23, in which Elisha the prophet miraculously captured the Arameans. In that instance they were disarmed, fed, and returned to their commanders. Another example is found in 2 Chronicles 28:8-14, in which Judeans captured a number of Israelite prisoners of war. In that instance, the prophet Oded warned that God’s anger would be upon the Judeans if they kept the prisoners. The Judeans promptly returned the prisoners. Here, they are contrasted against the wicked Arameans, who had taken Judean prisoners in verse 5 of that same chapter.

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10 Note that the Bible does not acknowledge the existence of a “debt to society,” collective society being no real human with any human right. The Bible also does not acknowledge the existence of crime, since crime is a wrong against the state, where the state is the collective society. The collective is no real being, nor does the state exist in the Biblical worldview. It possesses no rights and thus cannot be wronged. Here I use the word “wrongdoing” to represent the idea of sin (wrong against God and/or man), accepting that sin, within the Christian worldview, is comparable to the idea of crime in a Statist worldview.

11 Exodus 22:2-3 – “If a thief is found breaking in and is struck so that he dies, there shall be no bloodguilt for him, but if the sun has risen on him, there shall be bloodguilt for him. He shall surely pay. If he has nothing, then he shall be sold for his theft.”

12 Leviticus 25:39-40 – “If your brother becomes poor beside you and sells himself to you, you shall not make him serve as a slave: he shall be with you as a hired worker and as a sojourner. He shall serve with you until the year of the jubilee.”

13 Exodus 21:2 – “When you buy a Hebrew slave, he shall serve six years, and in the seventh he shall go out free, for nothing.”

However the scriptures may treat the taking of prisoners of war, the topic is beyond our current scope. Prisoners of war are not punished for domestic wrongdoing, but for international wrongdoing.

The same can be said of the human spoils of war. For example, in Deuteronomy 21:10-14 there is the description of the captured wife. Women in ancient times were taken as spoils of war, but this also is irrelevant to punishment for domestic wrongdoing. And even regarding the captured bride, we read:

“...you shall let her go where she wants.  
But you shall not sell her for money, nor shall you treat her as a slave...”

The cities of refuge (described in Numbers 35:6-34, Deuteronomy 19:1-13, Joshua 20, et cetera), also are not an example of confinement. A city of refuge was a place where a person convicted of manslaughter (unintentional homicide) could flee to avoid suffering the penalty of death at the hands of the deceased’s relatives. If the manslayer left the city, he risked death, but within the city, he was protected. While a city may be relatively small compared to the whole world, it is relatively large compared to, say, the roughly 800 square foot cell block which I have not left for a matter of weeks, or the 8 foot by 12 foot cell into which I have often been locked down. More importantly though, the manslayer was not forcibly confined to a city of refuge as a punishment. The penalty for manslaughter was death. The city of refuge was not a place of punishment, but a place of merciful protection. The manslayer was not forced to go there, but chose to go there for his own safety, and he was free to leave at his own risk.

In discussing confinement, we also are not considering brief periods of detention for the purpose of sentencing a convicted person or carrying out a sentence. In such cases, the detained person is not being detained as a punishment, but to process the punishment. For example, the Bible does not demand setting a convicted murderer free while the judge spends a few days mulling whether or not he deserves to die, and the Bible also does not insist he be set free while the stones are gathered to stone him. Leviticus 24:12 and Numbers 15:24 describe brief periods of detention for these purposes, but such detention ought to last for days or weeks, not months or years. This sort of brief process detention is not what we contemplate in a discussion of a lengthy time of confinement as a punishment itself.

What we are considering here is confinement, defined as the forcible detention of a human being within a relatively small area as a punishment for domestic wrongdoing, and the Bible abhors that. The definition does not encompass working off a debt, taking prisoners of war, seizing women as spoils, offering refuge to the manslayer, or briefly detaining a convict for processing.

## **V. Arguments Favoring Confinement**

The arguments in favor of confinement are, in this author’s estimation, so weak as to be non-existent. I find no compelling arguments favoring confinement in the scriptures. However, in the interest of being charitable to my opposition, I detail in this section all of the best arguments I find which might be made, offering my rebuttals.

### **A. Prescriptions**

I can find no genuine prescription that one man should confine another as a punishment for wrongdoing anywhere in scripture, not even so

much that an argument could be made. This bodes very badly for the practice.

### **B. Comments**

Comments recorded in the Bible which might suggest support for confinement are probably the strongest evidence in favor of the practice, but even these are very rare and very weak.

Psalms 149:6-9 says:

“Let the high praises of God be in their throats and two-edged swords in their hands, to execute vengeance on the nations and punishments on the peoples, to bind their kings with chains and their nobles with fetters of iron, to execute on them the judgment written! This is honor for all his godly ones. Praise the LORD!”

Arguably, the Psalmist here calls for men to be bound by their fellow men in shackles and fetters. However, the weakness of the argument is readily apparent. Who is to be shackled? It is not the domestic wrongdoer, but the kings and nobles of foreign nations. Are they to be shackled that they might be delivered to a punishment by a long term of confinement? No. They are shackled with the intent “to execute vengeance on the nations” with “two-edged swords”. So while this comment from the Psalmist carries validity for implementing the death penalty against a foreign power in the context of war, it is not relevant to a discussion of confinement as a penalty for domestic wrongdoing.

Another argument can be found in John the Baptist’s comments to the soldiers recorded in Luke 3:14:

“Soldiers also asked him, ‘And we, what shall we do?’ And he said to them, “Do not extort money from anyone by threats or by false accusation, and be content with your wages.’”

While the verse does not mention confinement, presumably, these soldiers confined humans as part of their employ as soldiers (though that is a presumption). If a source as weighty as John the Baptist did not speak in opposition to confinement, then who are we to oppose it? This is probably the strongest argument in favor of confinement to be found in the scriptures, but it proves to be a weak one. This is an argument from silence, and those are weak arguments. John the Baptist also did not tell the soldiers not to sodomize children in the course of their work, but surely that is no endorsement of sodomizing children; nor is his silence regarding confinement an endorsement of confinement. It is hard to imagine that John the Baptist, a man who himself died in confinement (Matthew 14:1-12) viewed the practice favorably. John lived for decades and led a popular preaching ministry for an extended period of time. His ministry – like most prophetic ministries in the scriptures – was heavily opposed to governmental policy in his day. He said many things, but not more than a page of his words have been recorded for us. We have only this one sentence of his words to the law-enforcers of his day, and it reveals his opinion of them: he viewed them as liars who made false accusations to extort money from people, as, indeed, many members of “law enforcement” do to this day. John’s comment then does not at all suggest support for confinement.

Another comment (one which, read out of context could be mistaken for a prescription) is found in Ezra 7:26:

“Whoever will not obey the law of your God and the law of the king, let judgment be strictly executed on him, whether for death or for banishment or for confiscation of his goods or for imprisonment.”

We find here mention of four forces used as penalties which imitate our list of justifiable forces from Section III. The notable difference is that our corporeal punishment is here replaced with imprisonment. Had this verse been spoken by Moses on Mount Sinai or by Jesus in the Sermon on the Mount, we would reckon it as a prescription. Unfortunately though for a proponent of confinement, these are the words of no such authoritative source. They come instead from Persian king Artaxerxes to Ezra the priest. Artaxerxes was not a believer – we note that he called God “your” God and not “my” God or “our” God. Artaxerxes directed Ezra to follow Persian tradition; there is no evidence that Ezra did so. Artaxerxes’ opinion on the matter carries no weight for a modern believer.

### C. Narratives

Finding prescriptive and commentary evidences to be thin to the point of nothingness, we turn next to narrative evidences, of which there are a handful, but we will find them to be little or no more substantial.

In Genesis 42:14-43:23, we read of Joseph, then in a high position of Egypt, confining his brothers, keeping Simeon the longest. Generally, the narrative of Joseph’s life depicts him very favorably, as a man chosen by God and acting righteously, and his brothers less-so. This then could be viewed as an instance of a righteous character confining an unrighteous character, for whatever it is worth. However, the morality of

Joseph’s actions here are highly dubious. For example, Joseph’s motivations for jailing his brothers were clearly compromised. He was not impartially doing justice by confining wrongdoers; rather, he was confining his brothers to satisfy a personal vendetta. He did this by intentionally making the false accusation that his brothers were spies. He even went so far as to plant evidence in their sacks to give himself grounds to accuse them. We also note here that Joseph acted on behalf of Pharaoh in Egypt, someone certainly not remembered as a shining beacon of morality. Joseph acted in a time before the law of Moses was given, when morals were more difficult to discern and times were wild (as is evidenced throughout the book of Genesis). On such grounds, we can forgive Joseph’s actions, but clearly the false accusations that he made and the unjust process that he followed would not be acceptable in any moral framework. Narrative evidence, on its own, is always questionable, and in this narrative it is particularly so. This is probably the strongest piece of narrative evidence supporting confinement that one can find in the scriptures, but we can plainly see it is compromised.

There are two instances in the Torah in which Moses briefly confined domestic wrongdoers: these are Leviticus 24:12<sup>14</sup> and Numbers 15:34<sup>15</sup>. In the first instance, a man who had blasphemed the name of God and cursed him by it was taken into custody. In the second instance, a man violated the Sabbath rest by working on that day and he was also taken into custody. Neither of these narratives describes an instance of confinement as a punishment itself, rather, they both clearly describe that the wrongdoer was convicted and then held briefly while a sentence was determined. In both cases, the offending party ultimately faced a penalty of death, not

14 Leviticus 24:12 – “And they put him in custody, till the will of the LORD should be clear to them.”

15 Numbers 15:34 – “They put him in custody, because it had not been made clear what should be done to him.”

confinement. As such, neither of these cases gives any valid evidence supporting the use of confinement as a penalty, but only evidence that a human found guilty of a sin deserving of death might be held until sentencing.

Another narrative that might seem somewhat favorable to confinement is found in 1 Kings 2:36-46. In that instance, Solomon sentenced Shimei son of Gera to death, but promised to stay the execution so long as Shimei did not ever leave Jerusalem, terms which Shimei accepted. Arguably this is an instance of confinement. As the size of the confined space grows the argument weakens. None of us can leave the Earth, but we are hardly confined here. The entire city of Jerusalem is a fairly large “confined space”. Let us accept however that the size of the space to which one is confined is not relevant, as there are more pressing issues at play. For instance, confinement to Jerusalem was not Shimei’s punishment, rather, it was his saving grace. Shimei had been sentenced to die; that was the penalty. Instead, Shimei chose to accept Solomon’s relatively merciful alternative to stay in Jerusalem to avoid the penalty. On those grounds it becomes harder to argue that Shimei was sentenced to forcible confinement. The argument becomes all the more strained when we realize that Shimei was, in fact, not forcibly confined at all. According to 2 Kings 2:40, he did leave Jerusalem without anyone stopping him; he was only killed when he returned.

Even if we were to accept the narrative of Shimei’s punishment as a genuine instance of confinement, we would still have to ask the bigger question: does this passage intend to present the historical reality which it describes in a favorable light? We ask ourselves, “Was Solomon a good king, or an evil one?” The record of his reign is a mixed bag. God granted Solomon

great wisdom and wealth (1 Kings 3, et cetera), but Solomon also fell into idolatry (1 Kings 11:1-10). The morality of his actions are sometimes an open question. In contemplating the “confinement” of Shimei son of Gera, Solomon’s actions seem to fall short of the moral standard. Shimei had clearly not committed a sin worthy of death. Shimei’s supposed wrong had been criticizing David as he fled Jerusalem during Absalom’s rebellion in 2 Samuel 16:5-14. See also 2 Samuel 19:18-23 and 1 Kings 2:8-9, where David swore not to kill Shimei, but later instructed Solomon to do so regardless. It is clear that Shimei was sentenced to die for political speech. The right to such speech is too broad a topic to consider here, but suffice it to say that to kill a person for political speech is immoral. Shimei’s punishment is hardly to be viewed in a positive light.

Another narrative worthy of contemplation is that of Barabbas, a prisoner who appears in Matthew 27, Mark 15, and Luke 23. He is worth mentioning because he was a prisoner and is depicted in the narratives as a “bad guy” (an insurrectionist and a murderer). More tellingly, he is presented in the narratives as a juxtaposition to Jesus. The reader is intended to see the irony in crucifying Jesus – the absolute best – while releasing Barabbas – the absolute worst. Particularly, the hypocrisy of the Jewish leaders is on full display, because Barabbas was actually guilty of the sorts of things that the Jews were afraid Jesus might do. The passage is hardly intended as a commentary on confinement. We note that Barabbas was a prisoner of the Romans, who were also “bad guys,” maybe even worse than Barabbas. We also get the impression that Barabbas was not confined as a punishment, but in preparation for an impending death penalty. Barabbas’ narrative probably depicts confinement

more favorably than most in the Bible – but that isn't saying much.

A perhaps more favorable narrative mentioning confinement is found in Luke 8:29, concerning a demoniac:

“...many a time it [an unclean spirit] had seized him. He was kept under guard and bound with chains and shackles, but he would break the bonds and be driven by the demon into the desert.”

This brief narrative certainly describes a case of detention, and it may be the only example in which a “bad guy” character is confined by the “good guys.” We note, of course, that the cause was not punishment for wrongdoing but was instead a failed treatment for demon possession. Narrowly construed, this passage would only apply to demon possession, but taken more broadly it might set a precedent for rightly confining those who display some sort of criminal insanity or severe mental defect, or at broadest those who present some serious and immediate danger to society. However, that would be the broadest possible application of the passage. In my opinion, this is nothing more than a bad response to demon possession which failed to accomplish anything, except for demonstrating the strength of the demon.

The final narrative evidence potentially favorable to confinement which we will consider is that of the Philippian jailer, found in Acts 16:22-37. In this narrative, Paul and Silas were imprisoned at Philippi, and a miraculous earthquake opened the prison doors and loosed their bonds. In response, the Philippian jailer converted to Christianity. He brought Paul and Silas out of the jail into his own home. Some might argue that the Philippian jailer is an example of a noble prison guard, but the

passage gives no such indication. What the passage tells us is that, prior to converting to Christianity, this jailer worked on behalf of the evil Roman empire, even by wrongly throwing Christian leaders into confinement. A close examination of the passage reveals no evidence that the Philippian jailer continued in that work after his conversion. What we read is that he was a jailer but then became a Christian, and then apparently he could be a jailer no more. He brought Paul and Silas out of the prison, and there is no indication that he brought them back.

Having examined all of the best evidence in favor of confinement that I can find, I find that the evidence comes to essentially nothing. There is no prescription for confinement as a penalty for wrongdoing. No one in the Bible whom we ought to care to listen to says anything good about the practice, and (except perhaps for the case of one demon-possessed man), I can find no example in the Bible in which a “good guy” confines a “bad guy” for a just purpose and according to a just process. There is, so far as I can see, no exemplary narrative of confinement as a penalty in the Bible and no character who looks good confining someone. The argument from the Bible in favor of confinement then is, effectively, nothing.

## **VI. Arguments Opposing Confinement**

While the arguments favoring confinement are so weak as to be non-existent, the arguments against confinement are many and strong.

### **A. Prescriptions**

We might begin our contemplation of prescriptive evidences by recognizing that the Law of Moses itself enters the world stage as a direct response against the tyranny of Pharaoh. Pharaoh had held the Hebrews as slaves in Egypt and had

repeatedly refused to let the people go.<sup>16</sup> The Law of Moses generally established governance over Israel which allowed them the highest degree of freedom and repeatedly put limitations on slavery.<sup>17</sup>

The Law of Moses explicitly prohibits taking a person into forcible confinement. Exodus 21:16 says:

“Whoever steals a man and sells him, and anyone found in possession of him, shall be put to death.”

An ordinary English reader might object that an arrest and forcible confinement is not “stealing a man,” in the same manner that a homicide justified by self-defense is not a murder. In both cases, the distinction is lawful justification for the otherwise unlawful forceful act. But then, as we have already contemplated, there is no justification in the law for a punitive confinement, and so we cannot reckon such a deprivation of liberty in any other way. Confinement as a punishment is kidnapping – the stealing of a man - and kidnapping is, within the Biblical contemplation, a very serious sin with a very serious penalty. The Bible here prescribes death, putting confinement on level ground with other sins of the most terrible gravity, sins like idolatry, adultery, murder, or male-male sodomy. This is the weightiest moral evidence for which we could ask.

That grave prescription is supported by the evidence of two witnesses. Deuteronomy 24:7 says:

“If a man is found stealing one of his brothers of the people of Israel, and if he treats him as a slave or sells him, then that thief shall die. So you shall purge the evil from your midst.”

Here again, we find a death penalty for depriving a human of his liberty. This is an ironclad case against confinement.

It is also very difficult to see how we can square modern confinement with the “eye for eye” standard that the Bible provides as the very concept of justice. Particularly given Jesus’ words in Matthew 5:38-39<sup>18</sup> (by which he instructed us to turn the cheek when struck). Surely we must contemplate “eye for eye” as the maximum in implementing justice, and yet, for the modern state, “eye for eye” appears to be the minimum in meting out criminal penalties. A bruise is effectively nothing, justifying no more than a bruise, but simple battery, that crime which leaves a bruise, is punishable under the state code by a year in confinement. A year of confinement takes from a man a substantial portion of his life. It harms his family, destroys his reputation, and could financially ruin him. Confinement, for all but the worst crimes, is overly and unjustly harsh.

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16 See Exodus 5-12.

17 See Exodus 21:2-11

18 Matthew 5:38-39 – “You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you, Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also.”

## **B. Comments**

The Bible is filled with comments which reflect negatively on confinement, even as far back as Job. In Job 11:10, Zophar the Naamathite compared Job's suffering to confinement, casting God as the one working that confinement. It reads:

“If he passes through and imprisons and summons the court, who can turn him back?”

Job countered this assertion in Job 12:17-19, saying:

“He leads counselors away stripped, and judges he makes fools. He looses the bonds of kings and binds a waistcloth on their hips. He leads priests away stripped and overthrows the mighty.”

God himself gave a general endorsement of Job's opinions in Job 42:7, where it is written:

“After the LORD had spoken these words to Job, the LORD said to Eliphaz the Temanite: ‘My anger burns against you and against your two friends, for you have not spoken of me what is right, as my servant Job has.’”

The Psalms record many comments which tend to depict confinement in a negative light. Psalm 68:5-6 says:

“Father of the fatherless and protector of widows is God in his holy habitation. God settles the solitary in a home; he leads out the prisoners to prosperity, but the rebellious dwell in a parched land.”

Here, the scripture puts prisoners on a level plane with orphans and widows, the quintessential example of weak and oppressed people deserving of sympathy and support.

Psalm 107:10-14 is another example:

“Some sat in darkness and in the shadow of death, prisoners in affliction and in irons, for they had rebelled against the words of God, and spurned the counsel of the Most High. So he bowed their hearts down with hard labor; they fell down, with none to help. Then they cried to the LORD in their trouble, and he delivered them from their distress. He brought them out of darkness and the shadow of death, and burst their bonds apart.”

This passage depicts prisoners (or perhaps slave laborers) confined in chains and darkness, but these are delivered when they call upon the LORD. This passage is a fairly weak evidence however, as it also depicts God as having confined them for disobedience to him. We note, however, that God's permission of such a penalty is not the same as a moral justification.

A less compromised comment is found in Psalm 146:7:

“who [The LORD] executes justice for the oppressed, who gives food to the hungry. The LORD sets the prisoners free;”

Here, the prisoner is equated with the oppressed, and the Psalm depicts the LORD as giving him justice by setting him free. The psalms not only depict God as one who sets free, but as one upon

whom we can call for freedom. David prayed in Psalm 142:7:

“Bring me out of prison, that I may give thanks to your name!...”

We note that, in this particular instance, David was not in a literal prison but was hiding in a cave (apparently from Saul). He was evidently confined there though nonetheless.

Isaiah the prophet also often depicted God as a deliverer of the confined. Isaiah 51:14-15 says:

“He who is bowed down shall speedily be released; he shall not die and go down to the pit, neither shall his bread be lacking. I am the LORD your God, who stirs up the sea so that its waves roar – the LORD of hosts is his name.”

Isaiah wrote that God preferred his people to set their prisoners free over their ritual fasting. Isaiah 58:6 says:

“Is not this the fast that I choose: to loose the bonds of wickedness, to undo the straps of the yoke, to let the oppressed go free, and to break every yoke?”

Note again that here, as in many places, confinement is reckoned as a form of oppression, that is, as a violation of one’s rights, an unjustifiable force.

Jeremiah the prophet, himself a prominent Biblical prisoner, described imprisonment negatively in Lamentations 3:7-9:

“He has walled me about so that I cannot escape; he has made my chains heavy; though I call and cry for help, he

shuts out my prayer; he has blocked my ways with blocks of stones; he has made my paths crooked.”

Turning to the New Testament, Jesus made several comments reflecting negatively on prisons, and Jesus’ comments are a particularly strong evidence. Jesus, in Luke 4:18-19 said that one of the aims of his ministry was to proclaim freedom for prisoners. Referring to Isaiah 61:1-2 he said:

“The Spirit of the Lord is upon me, because he has anointed me to proclaim good news to the poor. He has sent me to proclaim liberty to the captives and recovering of sight to the blind, to set at liberty those who are oppressed, to proclaim the year of the Lord’s favor.”

When Jesus sent out his disciples to work in his name, he warned them that wrongful arrest would be part of the ministry. Confinement has long been a part of life for God’s most devout workers. But in their confinement, God would work on their behalf. Jesus described their persecutions in Matthew 10:16-23, saying particularly in verses 19-20:

“When they deliver you over, do not be anxious how you are to speak or what you are to say, for what you are to say will be given to you in that hour. For it is not you who speak, but the Spirit of your Father speaking through you.”

In verse 23 of that same passage, Jesus urged his followers not to submit to confinement, but rather, to flee:

“When they persecute you in one town, flee to the next...”

Jesus also made very similar comments concerning the arrests of his followers in the end times, as recorded in Mark 13:9-11,<sup>19</sup> and Matthew 24:9<sup>20</sup> also mentions these end-time persecutions.

Jesus viewed prisoners as oppressed people in need of support and comfort, and he expressed his commitment that those who supported them would be rewarded. In Matthew 25:31-46, Jesus described the final judgment, in which he separated the metaphorical sheep (his followers) from the goats (unbelievers). He describes the sheep in verse 36, saying “I was in prison and you came to visit me” his followers respond in verse 39, “And when did we see you sick or in prison and visit you?” and in verse 40, Jesus, the King, responds, “as you did it to one of the least of these my brothers, you did it to me.” In contrast, Jesus described the unbelieving “goats” as those who did not do so in verse 43, saying “I was ... in prison and you did not visit me.” In this passage, Jesus did not treat imprisonment as a just penalty for crime, but as a state of misery equated to hunger, thirst, nudity, sickness, or loneliness. Liberty from confinement, like food, water, clothes, health, and community, is a basic human need, and it is immoral to deprive it to anyone.

The epistles also depict imprisonment in a negative light. Hebrews 11:36 describes imprisonment not as a valid punishment for wrongdoing, but as a means to bring unjust suffering on saints of old. Hebrews 11:36-38 reads:

“Others suffered mocking and flogging, and even chains and imprisonment. They were stoned, they were sawn in two, they were killed with the sword. They went about in skins of sheep and goats, destitute, afflicted, mistreated – of whom the world was not worthy – wandering about in deserts and mountains, and in dens and caves of the earth.”

Toward the end of Hebrews, the author of that book gave some instructions for Christian living. Sandwiched between exhortations as important as “Let brotherly love continue.” and “Let marriage be held in honor among all, and let the marriage bed be undefiled,” we find this in chapter 13, verse 3:

“Remember those who are in prison, as though in prison with them, and those who are mistreated, since you also are in the body.”

Clearly the author viewed prisoners as suffering, mistreated people worthy of sympathy, not as people receiving just penalties.

Revelation also depicts imprisonment as a method of Christian persecution. In the letter to the church at Smyrna, Revelation 2:10 says:

“Do not fear what you are about to suffer. Behold, the devil is about to throw some of you into prison, that you may be tested, and for ten days you will

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19 Mark 13:9-11 – “But be on your guard. For they will deliver you over to councils, and you will be beaten in synagogues, and you will stand before governors and kings for my sake, to bear witness before them. And the gospel must first be proclaimed to all nations. And when they bring you to trial and deliver you over, do not be anxious beforehand what you are to say, but say whatever is given you in that hour, for it is not you who speak, but the Holy Spirit.”

20 Matthew 24:9 – “Then they will deliver you up to tribulation and put you to death, and you will be hated by all nations for my name’s sake.”

have tribulation. Be faithful unto death, and I will give you the crown of life.”

Here we see imprisonment not only as a means of persecution, but as a tool of the devil. Indeed, Revelation 13 describes imprisonment as a punishment used by the Beast against those who refuse to worship him. From Revelation 13:10:

“If anyone is to be taken captive, to captivity he goes...”

Comments in the Bible give a clear impression then: liberty is a human need. People placed in confinement are oppressed. Confinement is Satan’s tool for persecution, and God is the hero who sets the captives free. Jesus came to free prisoners, he viewed them as people deserving of compassion and support, and he told his followers that they would be confined and that he would support them in their confinement. Clearly, Biblical comments are firmly on one side of this argument.

### C. Narratives

If the weight of prescription from the Law of Moses condemning confinement and the persistent statements from the Lord Jesus Christ and his apostles opposing confinement and favoring the confined were not strong enough evidences, these are supplemented by narrative upon narrative, stacked to the heavens, of “bad guy” characters imprisoning “good guy” characters, the scriptures depicting confinement negatively over and over again.

This trend begins in Genesis, with Joseph – a man of God who is generally depicted favorably – being falsely accused by Potipher’s wife and then wrongly imprisoned for seven years by the Egyptians – pagans who are almost always

depicted in the Bible as “bad guys” deserving of God’s wrath. The narrative is found in Genesis 39:1-41:40. Psalm 105:16-19 also bears witness to Joseph’s imprisonment.

After Israel came out of captivity in Egypt, they settled into their promised land and did not practice confinement as a penalty, but their foreign adversaries did. The Philistines, always depicted negatively, captured Israel’s judge Samson and held him as a prisoner. Judges 16:21 tells us:

“And the Philistines seized him and gouged out his eyes and brought him down to Gaza and bound him with bronze shackles. And he ground at the mill in the prison.”

A few generations later, David would become king of Israel, but before he did, he would spend time confined by the Philistine king Achish in 1 Samuel 21:10-15. See also Psalm 56, written about this incident.

After David’s time, a long succession of evil kings ruled over Israel, and when God sent them prophets to right them, they abused the prophets with confinement. One of these, Michaiah son of Imlah, was imprisoned by wicked King Ahab, as recorded in 1 Kings 22:1-28 and 2 Chronicles 18:1-27.

Later, the descendants of David who ruled in Judah also turned to wicked ways. While they might not be reckoned as the “good guys,” they were, at least, of David’s line. Several of these were captured and confined by pagan kings. See Manasseh, captured by the Assyrians in 2 Chronicles 33:11,<sup>21</sup> Jehoahaz, captured by

21 2 Chronicles 33:11 – “Therefore the LORD brought upon them the commanders of the army of the king of Assyria, who captured Manasseh with hooks and bound him with chains of bronze and brought him to Babylon.”

Pharaoh Neco in 2 Kings 23:33<sup>22</sup> and 2 Chronicles 36:4,<sup>23</sup> Jehoiachin, captured by Nebuchadnezzar in 2 Kings 24:12-16 and 2 Chronicles 36:6<sup>24</sup> before being released in 2 Kings 25:27-30, and finally, Zedekiah in 2 Kings 25:7<sup>25</sup> et cetera. While these are maybe not strictly valid arguments against confinement by our definition, seeing that these were kings captured as acts of war, and wicked men at that, their capture still leaves a foul impression of taking people as prisoner. These were the line of David. We Note Ezekiel's lament for them in Ezekiel 19:9:

“With hooks they put him in a cage and brought him to the king of Babylon; they brought him into custody, that his voice should no more be heard on the mountains of Israel.”

In the years leading up to the fall of Jerusalem to the Babylonians, Jeremiah the prophet was the victim of multiple wrongful arrests. Jeremiah 20:1-6 tells of how Jeremiah was confined for two days in the stocks as punishment for prophesying against the Kingdom of Judah. Clearly, Jeremiah was acting in God's service, and the wicked officials against whom he prophesied were against him, so much so that, in response to Jeremiah's detention, the LORD denounced those officials and cursed them to die.

Jeremiah was detained again in Jeremiah 26, this time threatened with death for prophesying. He was ultimately released (a precedent in favor of free speech). Yet again, Jeremiah's oppressors are

depicted in the worst possible light, and Jeremiah in the best.

Tragically, Jeremiah would not remain free. Jeremiah 37:13-21 tells of how Jeremiah was wrongly arrested and confined on false accusations that he was deserting to the Babylonians. Jeremiah remained in confinement in the worst sort of conditions until Jerusalem fell. Jeremiah 38:6-13 tells of how he was cruelly confined in a cistern.

After the fall of Jerusalem, the people of Judah were taken into captivity in Babylon, which while it stretches our definition, could be contemplated as a confinement on a massive scale, depicted in scripture as a national tragedy.<sup>26</sup>

During the years of Babylonian exile, God's people remained subject to confinement at the hands of their pagan Babylonian oppressors. Shadrach, Meshach, and Abednego were confined (with the intent of implementing a death penalty, not a lengthy term of confinement) in Daniel 3. They were being penalized for refusing to worship idols. Daniel also, when he refused to worship the king, was subjected to confinement and threatened with death in the lion's den in Daniel 6.

After the Romans came to power and the New Testament era began, confinement as a punishment continued. John the Baptist, whom Jesus described in Matthew 11:11<sup>27</sup> as the greatest mortal man to ever live, was confined to prison

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22 2 Kings 23:33 – “And Pharaoh Neco put him in bonds at Riblah in the land of Hamath, that he might not reign in Jerusalem, and laid on the land a tribute of a hundred talents of silver and a talent of gold.”

23 2 Chronicles 36:4 – “And the king of Egypt made Eliakim his brother king over Judah and Jerusalem, and changed his name to Jehoiakim. But Neco took Jehoahaz his brother and carried him to Egypt.”

24 2 Chronicles 36:6 – “Against him came up Nebuchadnezzar king of Babylon and bound him in chains to take him to Babylon.”

25 2 Kings 25:7 – “They slaughtered the sons of Zedekiah before his eyes, and put out the eyes of Zedekiah and bound him in chains and took him to Babylon.”

26 See 2 Kings 25:11-21.

for denouncing the sins of King Herod.<sup>28</sup> While John was ultimately put to death, death was not an intended part of his punishment. He had been intended for punishment by confinement.

And of course, our Lord and Savior Jesus Christ, the Son of God incarnate, was briefly confined on his way to die for his perfect innocence, as is described in all four gospels – whether or not that is perfectly relevant to a lengthy term of confinement.

After Jesus' death and resurrection, the apostles whom he sent to spread his message to the world were often subjected to confinement, a reality that is always depicted in the worst light.

In Acts 4:3,<sup>29</sup> Peter and John were arrested for publicly preaching. This was only a short confinement to await trial the next morning.

In Acts 5:12-21 the apostles were arrested for teaching and performing miracles in violation of a court order for their previous arrest. An angel helped the apostles escape from the jail. Angelic support here demonstrates divine support for the fact that, at the very least, God did not want these men confined for this purpose. The apostles also set a precedent here that it is no wrong to ignore an unjust judicial order, nor to escape from unjust confinement.

In Acts 8:3, Saul began to persecute Christians by confining them:

“But Saul was ravaging the church, and entering house after house, he dragged

off men and women and committed them to prison.”

Acts 9:2 also tells how Saul took a trip to Damascus with the intent that

“if he found any belonging to the Way, men or women, he might bring them bound to Jerusalem.”

We note that years later, Saul (who was also called Paul) described himself at that time as “a blasphemer, persecutor, and insolent opponent” and the foremost of sinners.<sup>30</sup>

Acts 12:5-17 tells the story of another miraculous escape from prison, this time by Peter. In this instance, an angel led Peter out of prison on the night before his trial. Peter returned to the church, who were praying for him. Yet again, we have the chief of the apostles, backed by angelic endorsement, affirming the precedent that it is no sin to escape confinement – even a relatively short pretrial confinement. Peter also had the backing of the church; we read nothing of them urging him to turn himself in. Much to the contrary, Peter went on the run. From verse 12: “He departed and went to another place.”

We have mentioned previously how Paul, after his conversion to Christianity, was confined in Philippi as recorded in Acts 16:22-40. In this instance, a miraculous earthquake opened the prison doors and unlocked the prisoners' shackles in yet another example of divine disapproval of confinement.

Acts 17:5-9 records an instance of Christian persecution in which Jason and some others were

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27 Matthew 11:11 – “Truly, I say to you, among those born of women there has arisen no one greater than John the Baptist. Yet the one who is least in the kingdom of heaven is greater than he.”

28 See Matthew 14:1-12 and Mark 6:14-29.

29 Acts 4:3 – “And they arrested them and put them in custody until the next day, for it was already evening.”

30 1 Timothy 1:13, 16

jailed and released on bond. Once again, this is an instance of wicked people using confinement against their betters. We note that in this instance, the accusation against Jason was that his church was “acting against the decrees of Caesar, saying that there is another king, Jesus.” Apparently no one denied this.

Paul was arrested again in Acts 21:33,<sup>31</sup> resulting in a lengthy period of confinement and appearances for trials. This culminated in Paul being transported to Rome on appeal to Caesar, where the book of Acts ends. Paul’s imprisonment is not depicted in a good light at all. Acts 24:26<sup>32</sup> says that Paul stayed in prison under Felix because Felix was hoping for a bribe, and when Felix left the office of governor to be succeeded by Festus, Felix kept Paul in prison as a favor to the Jews (Acts 24:27).<sup>33</sup> In Acts 26:32,<sup>34</sup> Agrippa commented that Paul could have been released if it had not been for the technicalities of the legal process. All of this, of course, was at the behest of the Jews, who had brought false accusations. Justice and righteousness and Godliness seem never to enter anyone’s consideration.

Paul wrote many of his epistles – which make up a large portion of the New Testament – while in confinement. For example, Philippians 1:12-14,<sup>35</sup>

Colossians 4:10,<sup>36</sup> Ephesians 4:1,<sup>37</sup> and Philemon 1<sup>38</sup> (among others) mention that Paul was writing from prison. Paul would even boast of his many imprisonments as a mark of his great faith (see for example 2 Corinthians 11:23).<sup>39</sup> The fact that this giant of the faith spent so much time confined as a punishment for the faith does not speak well of confinement.

Paul’s companion Timothy also spent time confined. Hebrews 13:23 makes a quick note of this:

“You should know that our brother Timothy has been released, with whom I shall see you if he comes soon.”

Finally in our long list of narrative examples, we read that the apostle John was imprisoned on the isle of Patmos, where he wrote the book of Revelation. (See Revelation 1:9).<sup>40</sup>

The example from scripture as recorded in narratives could not be more clear. Where we found effectively no examples describing confinement favorably, we find well over a dozen examples describing confinement negatively, and often these are very strong examples, in which the prisoners are wicked, the imprisoned are good,

31 Acts 21:33 – “Then the tribune came up and arrested him and ordered him to be bound with two chains. He inquired who he was and what he had done.

32 Acts 24:26 – “At the same time he hoped that money would be given him by Paul.”

33 Acts 24:27 – “When two years had elapsed, Felix was succeeded by Porcius Festus. And desiring to do the Jews a favor, Felix left Paul in prison.”

34 Acts 26:32 – “And Agrippa said to Festus, ‘This man could have been set free if he had not appealed to Caesar.’”

35 Philippians 1:12-14 – “I want you to know, brothers, that what has happened to me has really served to advance the gospel, so that it has become known throughout the whole imperial guard and to all the rest that my imprisonment is for Christ.”

36 Colossians 4:10 – “Aristarchus my fellow prisoner greets you, and Mark the cousin of Barnabas (concerning whom you have received instructions – if he comes to you, welcome him),”

37 Ephesians 4:1 – “I therefore, a prisoner for the Lord, urge you to walk in a manner worthy of the calling to which you have been called, with all humility and gentleness, with patience,”

38 Philemon 1 – “Paul, a prisoner for Christ Jesus, and Timothy our brother,”

39 2 Corinthians 11:23 – “Are they servants of Christ? I am a better one – I am talking like a madman – with far greater labors, far more imprisonments, with countless beatings, and often near death.”

40 Revelation 1:9 - “I, John, your brother and partner in the tribulation and the kingdom and the patient endurance that are in Jesus, was on the island called Patmos on account of the word of God and the testimony of Jesus.”

and God gives divine or angelic assistance to help the imprisoned.

When we consider this extremely strong narrative evidence along with comments, comments from no less than Jesus, that confinement is a form of oppression, and a prescription of death for the kidnapper who would confine, the case against confinement could not be more strong.

## **VII. Is Confinement Under the US Worse than Under Rome?**

While the United States, as I write, bill their empire as one particularly characterized by “liberty and justice for all,” and while American Christians tend to view the ancient Romans as having been particularly unjust and cruel, I find several instances in the book of Acts in which the Romans treated their confined citizens better than the confined are treated in the modern US. I give four examples here, and I ask, “Can American Christians really claim to be just and to give our brothers liberty if we subject them to greater tyrannies than ancient Roman pagans would have?”

### **A. Roman Law-Enforcers Held Accountable for Misconduct Toward Prisoners**

After Roman officials had Paul beaten and realized their error, they were afraid of accountability. Acts 16:38-39:

“...they [local magistrates] were afraid when they heard that they [Paul and Silas] were Roman citizens. So they came and apologized to them. And they took them out and asked them to leave the city.”

We find a similar example in Acts 22:29:

“...the tribune also was afraid, for he realized that Paul was a Roman citizen and that he had bound him.”

These officials who mistreated Paul were alarmed because there would be consequences for their actions, though exactly what consequences they might face the scriptures do not make clear. In contrast, consequences for misconduct for officials under the United States are virtually non-existent. Judges and prosecutors enjoy absolute immunity protecting them from legal consequences for actions taken in the course of their work, and police officers and other government workers enjoy qualified immunity which protects them from consequences for misconduct on the job in all but rare instances. Under the US, police almost never face prosecution, even when they kill citizens on the job. They are more likely to face civil suits, and as one of those rare citizens who has won such a suit, I can tell you from personal experience that they are almost impossible to win. Even when an officer loses such a suit, the burden is borne by the taxpayers or insurers. Officers face no personal consequences in virtually all cases. In over a decade of ministry in which I have been repeatedly falsely arrested, have been beaten, have watched officers committing obvious perjury, have seen police tamper evidence and so forth, I have never seen any government official face any consequences for his actions. Clearly the US is worse than Rome in this regard.

### **B. Roman Citizens Could Not Be Lawfully Beaten or Chained Prior to Being Convicted at Trial**

I have personally been beaten by the police, and in the most recent instance I was beaten quite severely. I was left with cuts, bruises, taser marks, and even a broken rib. There is body camera

footage of the police taking a break from battering me so that they can wipe the blood off of their hands. I have been convicted of no crime, and no one seems to fear any consequence. Every American arrestee has been in chains, handcuffed upon arrest, and during shakedowns of his cell, put in leg shackles for transport or court appearances. I've been shackled to the floor before. Such is standard procedure. And yet, the circumstances I describe are the same as those that made Roman officials afraid. In Acts 16:37, Paul complained:

“They have beaten us publicly, uncondemned, men who are Roman citizens, and have thrown us into prison...”

And as noted above, in Acts 22:29, the commander was alarmed because he had put a Roman citizen in chains. Clearly Americans are treated worse than Romans were in confinement.

### **C. Romans Were Tried More Quickly Than US Citizens**

In Acts 4:3-5,<sup>41</sup> we read that Peter and John were arrested and put on trial the next day. The same thing happened in Acts 5:17-27 when the apostles were arrested. In Acts 24:11,<sup>42</sup> after Paul was arrested in Jerusalem, we find that he was both transported to Caesarea and put on trial within 12 days. While Paul was held for two years by Felix (Acts 24:26-27)<sup>43</sup> this was only because Felix was hoping for a bribe; it was an act of clear

corruption. When Festus succeeded him, he had Paul on trial within eleven days (Acts 25:6).<sup>44</sup>

For some contrast, I once received a speeding citation in 2016 for which I demanded a speedy trial. The prosecutor did not issue a formal accusation in that case for two years, and then delayed trial for another year after that. The matter was resolved in 2019, on the literal last legally permissible day, almost an entire three years after the citation had been written. In my current case, as I write, I am confined without bond, and I am told that I am on the calendar to be formally arraigned (that is, read the accusation against me and allowed to enter a plea) 8 months after my arrest date. At present, I have been in confinement for nearly four months and have not yet seen the indictment against me.<sup>45</sup> Justice delayed is justice denied. The system under the US has become obscenely and unjustly slow. This slowness has been intentionally used by prosecutors to punish confined Americans without a fair process and to wring false confessions out of the wrongly accused.

### **D. Roman Citizens Had Greater Liberty in Their Confinement**

While conditions for prisoners will vary under both the US and ancient Rome, it is clear that Paul enjoyed a great deal of freedom while he awaited his appeal to Caesar in Acts 28:30-31:

“He lived there two whole years at his own expense, and welcomed all who

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41 Acts 4:3-5 – “And they arrested them and put them in custody until the next day, for it was already evening. But many of those who had heard the word believed, and the number of the men came to about five thousand. On the next day their rulers and elders and scribes gathered together in Jerusalem,”

42 Acts 24:11 – “You can verify that it is not more than twelve days since I went up to worship in Jerusalem.”

43 Acts 24:26-27 – “At the same time, he hoped that money would be given him by Paul. So he sent for him often and conversed with him. When two years had elapsed, Felix was succeeded by Porcius Festus. And desiring to do the Jews a favor, Felix left Paul in prison..”

44 Acts 25:6 – “After he stayed among them not more than eight or ten days, he went down to Caesarea. And the next day he took his seat on the tribunal and ordered Paul to be brought.”

45 Editor's note: the author was granted bond and released from jail in December 2024, the sixth month after he had been arrested.

came to him, proclaiming the kingdom of God and teaching about the Lord Jesus Christ with all boldness and without hindrance.”

In his later imprisonment under Nero, Paul was clearly allowed to see many visitors and was allowed to receive scrolls and parchments to read.<sup>46</sup>

I, for comparison, have not been exposed to direct sunlight for over 100 days, and (using the COVID-19 pandemic as an excuse despite the fact that the pandemic ended years ago) the jail has barred inmates here from having any visitors. We are not even allowed to see our spouses through plexiglass (very much in violation of 1 Corinthians 7:1-5). In neighboring Habersham County (where I also face charges for having allegedly published anti-police sentiments), inmates also are not permitted visitors on the same grounds. There, the jail has barred prisoners from even receiving books. While I was confined there for 13 days in 2023 I was allowed no other book than the King James Bible.

My point is this: it is not hard to find examples of US citizen-prisoners being treated worse than Roman citizen-prisoners. We are trapped in a system that is inexcusably slow, that deprives us of contact with our loved ones outside, wherein we are subjected to beatings and chains without a trial, and in which government officials face no consequences for their obvious misconduct. The US is not a land of liberty and justice. US prisoners are treated worse in many ways than persecuted Christians were treated in the Roman empire. American Christians should be deeply ashamed of the US in this regard.

## **VIII. A Brief Response to Criticisms concerning “Governing Authority”**

There are those who may attempt to argue in favor of confinement by appealing to a blanket of “governing authority.” A dense and thorough treatment of such arguments is beyond our scope, but since the criticism will no doubt arise, I felt the need to address the problem briefly.

Citing passages like Romans 13:1-5 or 1 Peter 2:13-14, some would argue that it is our duty as Christians to submit to any action by anyone working for government. They might say something like, “The Bible may not endorse confinement, but it does endorse absolute, unquestioning obedience, so if the government chooses confinement as a punishment, we should submit.” This is an extremely poor argument.

The passages themselves do not teach absolute obedience to government. Instead, they teach that government itself must submit to God. Romans 13:3-4 says:

“For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God’s servant for your good.”

There is then a standard of good and bad, right and wrong, higher than human rulers to which those rulers must submit if this passage is to apply to them. Those who terrorize the good and reward the evil lack God’s authority. Confinement is expressly not good, and it is very difficult to see how those who practice it could possibly claim to act as God’s servants. We find the same idea in 1

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46 See 2 Timothy 4:9-21.

Peter 2:14, which says that government exists “to punish those who do evil and to praise those who do good.” Peter also says expressly in verse 17 that we should “live as people who are free” – which is itself a comment against confinement.

An argument from such passages as these in favor of unbounded governmental authority also ignores the context of the whole of scripture. Paul, author of Romans, was not one to submit to confinement. In Acts 9:23-25,<sup>47</sup> Paul escaped arrest by being lowered from the city wall of Damascus in a basket (a plan carried out by the local church). Such conduct today would surely be regarded as a crime, but Paul bragged about this very conduct years later in 2 Corinthians 11:32-33.<sup>48</sup> Peter also, as we have seen, repeatedly escaped from confinement and went on the run. It is hard to imagine that these two fugitives were arguing for a boundless governmental authority to confine.

The argument for unbounded authority also fails any kind of rational scrutiny. If the government is right to punish by the sin of kidnapping, are they right to punish by any other sin they choose? Could they rightly impose rape as a penalty for crime? Obviously not.

And we could go on to list the historical atrocities committed by governments who became unshackled from the bounds of God’s moral law: The Maos, the Pol-Pots, the Stalins, and the Hitlers of the world. The scriptures clearly did not order Christians to submit to the wicked dictates of such men, neither do they justify wicked actions by governments of this age. Confinement is fundamentally wrong, and so government lacks

authority to do it, and we ought not support them in it.

## IX. Conclusion

All the world over and for millennia, humans have been punishing domestic wrongdoing by confining other human beings into small spaces, often for years or even decades – sometimes for life. The practice of confinement is so deeply ingrained in our culture that most people uncritically accept it as the way things ought to be done. And yet, a survey of the scriptures on the topic shows the practice of confinement to be fundamentally immoral.

The moral authority to violently punish wrongdoing must flow from God through his word. And yet, no prescription for confinement exists in the scriptures. No one speaks well of the practice. Seemingly, God’s people in Bible times did not confine people, and there are no examples anywhere in scripture of a “good guy” character confining a “bad guy” character for any just reason or by any just process. There is simply no Biblical support for confinement.

Much to the contrary, the Bible depicts confinement as a tool of the devil, used by all of the worst sorts of characters – Egyptians, Philistines, wicked kings, Babylonians and Romans – to punish their betters – the patriarchs, the prophets, and the apostles. God is described as the deliverer who brings the imprisoned out of the darkness and who urges his followers to break every chain. Jesus described the prisoners as oppressed people, setting their liberty on equal ground with basic human needs, declaring that he had come to set the prisoners free, urging his

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47 Acts 9:23-25 – “When many days had passed, the Jews plotted to kill him, but their plot became known to Saul. They were watching the gates day and night in order to kill him, but his disciples took him by night and let him down through an opening in the wall, lowering him in a basket.”

48 2 Corinthians 11:32-33 – “At Damascus, the governor under King Aretas was guarding the city of Damascus in order to seize me, but I was let down in a basket through a window in the wall and escaped his hands.”

followers to care for them and promising punishment for those who would not. Early Christian leaders commonly fled, resisted, and broke out of confinement with the full support of both God and the church. The Bible prescribes an entirely different set of tools to deal with wrongdoing and orders a penalty of death on those who would kidnap and confine.

The moral evidence from a Biblical worldview could hardly be more one-sided: God hates confinement.

And yet, here we are, Christians, sitting in what was, at least at some point in history, contemplated as one of the most, if not the most, Christianized places in the world, bearing the shame of the world's highest incarceration rates. In what is supposed to be the land of the free, a million men are subjected to conditions worse than Roman persecution and Israelite slavery, and by all appearances, no one intends to do anything about it.

But then, if any other pastor is brave enough to try, I suppose he might expect to end up in a cell just like me. I have had fellow Christians ask me before, "If you are a pastor, why do you go to jail so much?" My response is this: "If you are a Christian, and you can see the way our

government has been going, then why haven't you gone yet?"

## **X. A Dream**

On the day I began writing this work, I slept on the steel "bed" in my cell, and I dreamed.

In my dream I went into a church, to a colorful room where the minister to the youth was, and then a long hair grew from the bottom of my tongue. I plucked the hair, and in my hand, the hair dried and straightened, and as it did, it unfurled leaves, in the same way that the wet wings of a butterfly unfurl. The leaves were like the leaves of a poplar tree, but each leaf was only an inch or two wide. Soon the hair had become a small tree, covered with leaves all over – thick with leaves – arranged in a cone like an evergreen tree. I held the small tree in my hand; it was now 10 inches tall. And I brought it to the minister to the youth. I asked him, "What kind of tree is this? Where do you think it came from?" He did not know, but as I tried to tell him, he walked away, unwilling to listen.

Not all dreams are prophetic visions from God, but some of them are. I will let you decide whether or not this dream is meaningful. It is like a comment, to be weighed in its context.