

Applying Habeas Corpus to the body of the Messiah

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Introduction

I was recently at a Frank Houtz seminar and he something to the effect that “because Yeshua was without sin, the grave could not hold his body”. This struck my legal oriented mind and caused the squirrel cage in my head to start turning and I thought “was there a Habeas Corpus involved?”.

Assumption: YHVH respects his law, and the laws and rules that apply to all realms of his creation.

Scenario: What if YHVH dispatched one of his angels/messengers to recover the body of Messiah and did so while respecting the rulers of the underworld/Hades? What if they said “Habeas Corpus Yeshua (you have the body of Yeshua)”. “It has been three days for you to inspect him for sin and if you have found none, then by this writ, you must give him up”.

Conclusion: Another example of the seriousness of law and how it is applicable in all jurisdictions (i.e. heavenly realm, earthly realm even underworld realm).

Definitions

Habeas Corpus, LectLaw.Com

Lat. "you have the body" Prisoners often seek release by filing a petition for a writ of habeas corpus. A writ of habeas corpus is a judicial mandate to a prison official ordering that an inmate be brought to the court so it can be determined whether or not that person is imprisoned lawfully and whether or not he should be released from custody. A habeas corpus petition is a petition filed with a court by a person who objects to his own or another's detention or imprisonment. The petition must show that the court ordering the detention or imprisonment made a legal or factual error. Habeas corpus petitions are usually filed by persons serving prison sentences. In family law, a parent who has been denied custody of his child by a trial court may file a habeas corpus petition. Also, a party may file a habeas corpus petition if a judge declares her in contempt of court and jails or threatens to jail her. See <http://www.lectlaw.com/def/h001.htm>

HABEAS CORPUS, Bouvier's

remedies

1. A writ of habeas corpus is an order in writing, signed by the judge who grants the same, and sealed with the seal of the court of he is a judge, issued in the name of the sovereign power where it is granted, by such a court or a judge thereof, having lawful authority to issue the same, directed to any one having a person in his custody or under his restraint, commanding him to produce, such person at a certain time and place, and to state the reasons why he is held in custody, or under restraint.

2. This writ was it common law considered as a remedy to remove the illegal restraint on a freeman. But anterior to the 31 Charles II. its benefit was, in a great degree, eluded by time-serving judges, who awarded it only in term time,^A and who assumed a discretionary power of awarding or refusing it. 3 Bulstr. 23. Three or four years before that statute was passed there had been two very great cases much agitated in Westminster Hall, upon writs of habeas corpus for private custody, viz: the cases of Lord Lei-ah: 2 Lev; 128; and Sir Robert Viner, Lord Mayor of London. ³ Keble, 434, 447, 470, 504; 2 Lev. 128; Freem. 389. But the court has wisely drew the line of distinction between civil constitutional liberty, as opposed to the power of the crown, and liberty as opposed to the violence and power of private persons. Wilmot's Opinions, 85, 86.

Verses

Gen 3:17-19 - for dust thou *art*, and unto dust shalt thou return

¹⁷ And unto Adam he said, Because thou hast hearkened unto the voice of thy wife, and hast eaten of the tree, of which I commanded thee, saying, Thou shalt not eat of it: cursed *is* the ground for thy sake; in sorrow shalt thou eat *of* it all the days of thy life; ¹⁸ Thorns also and thistles shall it bring forth to thee; and thou shalt eat the herb of the field; ¹⁹ In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it wast thou taken: for dust thou *art*, and unto dust shalt thou return.

^A INTERIM: In the mean time; in the meanwhile. For example, one appointed between the time that a person is made bankrupt, to act in the place of the assignee until the assignee shall be appointed, is an assignee ad interim. 2 Bell's Com. 355. See Word-Study-In-term-time, article #???

Gen 42:17-18 Joseph put's his brothers in the ward for three days

¹⁷ And he put them all ^[Joseph's brothers] together into ward three days. ¹⁸ And Joseph said unto them the third day, This do, and live; *for* I fear God:

Jud 1:9 – A disputation about the body of Moses between Michael and the Devil

⁹ Yet Michael the archangel, when contending with the devil he disputed about the body of Moses, durst not bring against him a railing accusation, but said, The Lord rebuke thee. ^B

ToDo

- Consider how 3 days is liken to Messiah and specifically to resurrection
- 3 days in Torah reveals the truth
- Similarly 3 days in commercial law has relevance as well
- Jonah was in the belly of the great fish (which operates under the law of adm./mar.) 3 days and 3 nights.
- I didn't want to go deep with what it means to be dead, and where the body goes and also a distinction between spirit and soul, but, it would however might be useful to have a reference to that. ([ISBE](#)).
- I'm sure there are a lot of verses in the NT that can describe how Yeshua overcame death. A reference to that should be made.

Other

Ecc 3:16-22 all go unto one place and turned to dust

¹⁶ And moreover I saw under the sun the place of judgment, *that* wickedness *was* there; and the place of righteousness, *that* iniquity *was* there. ¹⁷ I said in mine heart, God shall judge the righteous and the wicked: for *there is* a time there for every purpose and for every work. ¹⁸ I said in mine heart concerning the estate ^C of the sons of men, that God might manifest them, and that they might see that they themselves are beasts. ¹⁹ For that which befalleth the sons of men befalleth beasts; even one thing befalleth them: as the one dieth, so dieth the other; yea, they have all one breath; so that a man hath no preeminence above a beast: for all *is* vanity. ²⁰ All go unto one place; all are of the dust, and all turn to dust again. ²¹ Who knoweth the spirit of man that goeth upward, and the spirit of the beast that goeth downward to the earth? ²² Wherefore I perceive that *there is* nothing better, than that a man should rejoice in his own works; for that *is* his portion: for who shall bring him to see what shall be after him?

^B My e-Sword notes: The devil wanted the body of Moshe for being a murder because of what he had done to the Egyptians ^[Exo 2:11-15]. Is this also why his body is hidden Deu 34:5-6? If the Devil could evidence the body, (like Y'shua) i.e. Habeas Corpus, then the Devil could counter the claim of Torah.

Exo 2:11-15. I assume that Moshe was attempting a coup d'état of sorts, but regardless it's hard not to see his actions as nothing more than pre-meditated murder.

^C See Word-Study-H1700-dibrah-cause-end-estate-order-regard-G2981-G5010, article [#771](#).

Notes from “Psalm 62:2 He is my rock and my salvation – Moving the Court”^D

CERTIORARI

practice.

1. **To be certified** of; to be informed of. This is **the name of a writ issued from a superior court directed to one of inferior jurisdiction**, commanding the latter to certify and return to the former, the record in the particular case.^{Bac. Ab. h. t.; 4 Vin. Ab. 330; Nels. Ab. h. t.; Dane's Ab. Index, h. t.; 3 Penna. R. 24} . A certiorari differs from a writ of error. There is a distinction also between a Habeas Corpus (hab. corp.) and a certiorari. The certiorari removes the cause; the hab. corp. only supersedes the proceedings in below.^{2 Lord Ray. 1102} .

Move the Court

- To make an application to a court for a rule or order, or to take action in any matter. The term comprehends all things necessary to be done by a litigant to obtain an order of the court directing the relief sought. To propose a resolution, or recommend action in a deliberative body. To pass over; to be transferred, as when the consideration of a contract is said to move from one party to the other. To occasion; to contribute to; to tend or lead to.^E
- to make a motion in court applying for a court order or judgment.^F

^D See article Psalm-62-2-He-is-my-rock-and-my-salvation-Moving-the-Court, article #[261](#).

^E Source: West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

^F Source : LawyerIntl.com

ISBE entry for Hades

I just copied the whole entry from e-Sword. ToDo: highlight what's important/relevant

hā' dēz (Aΐδης, Haídēs, ἄδης, haídēs, “not to be seen”): Hades, Greek originally Haidou, in genitive, “the house of Hades,” then, as nominative, designation of the abode of the dead itself. The word occurs in the New Testament in Mat 11:23 (parallel Luk 10:15); Mat 16:18; Luk 16:23; Act 2:27, Act 2:31; Rev 1:18; Rev 6:8; Rev 20:13 f. It is also found in Textus Receptus of the New Testament 1Co 15:55, but here the correct reading (Tischendorf, Westcott and Hort, The New Testament in Greek, the Revised Version (British and American)) is probably Thánate, “O Death,” instead of Háidē, “O Hades.” the King James Version renders “Hades” by “hell” in all instances except 1Co 15:55, where it puts “grave” (margin “hell”) in dependence on Hos 13:14. the Revised Version (British and American) everywhere has “Hades.”

1. In Old Testament: Sheol

In the Septuagint Hades is the standing equivalent for Sheol, but also translates other terms associated with death and the state after it. The Greek conception of Hades was that of a locality receiving into itself all the dead, but divided into two regions, one a place of torment, the other of blessedness. This conception should not be rashly transferred to the New Testament, for the latter stands not under the influence of Greek pagan belief, but gives a teaching and reflects a belief which model their idea of Hades upon the Old Testament through the Septuagint. The Old Testament Sheol, while formally resembling the Greek Hades in that it is the common receptacle of all the dead, differs from it, on the one hand, by the absence of a clearly defined division into two parts, and, on the other hand, by the emphasis placed on its association with death and the grave as abnormal facts following in the wake of sin. The Old Testament thus concentrates the partial light it throws on the state after death on the negative, undesirable side of the prospect apart from redemption. When in the progress of Old Testament revelation the state after death begins to assume more definite features, and becomes more sharply differentiated in dependence on the religious and moral issue of the present life this is not accomplished in the canonical writings (otherwise in the apocalyptic literature) by dividing Sheol into two compartments, but by holding forth to the righteous the promise of deliverance from Sheol, so that the latter becomes more definitely outlined as a place of evil and punishment.

2. In the New Testament: Hades

The New Testament passages mark a distinct stage in this process, and there is, accordingly, a true basis in Scripture for the identification in a certain aspect of Sheol - Hades - with hell as reflected in the King James Version. The theory according to which Hades is still in the New Testament the undifferentiated provisional abode of all the dead until the day of judgment, with the possibility of ultimate salvation even for those of its inmates who have not been saved in this life, is neither in harmony with the above development nor borne out by the facts of New Testament usage. That dead believers abide in a local Hades cannot be proven from 1Th 4:16; 1Co 15:23, for these passages refer to the grave and the body, not to a gathering-place of the dead. On the other hand Luk 23:43; 2Co 5:6-8; Phi 1:23; Rev 6:9; Rev 7:9; Rev 15:2 teach that the abode of believers immediately after death is with Christ and God.

3. Act 2:27, Act 2:31

It is, of course, a different matter, when Hades, as not infrequently already the Old Testament Sheol, designates not the place of the dead but the state of death or disembodied existence. In this sense even the soul of Jesus

was in Hades according' to Peter's statement (Act 2:27, Act 2:31 - on the basis of Psa 16:10). Here the abstract sense is determined by the parallel expression, "to see corruption" None the less from a comparatively early date this passage has been quoted in support of the doctrine of a local descent of Christ into Hades.

4. Rev 20:13; Rev 6:8; Rev 1:18

The same abstract meaning is indicated for Rev 20:13. Death and Hades are here represented as delivering up the dead on the eve of the final judgment. If this is more than a poetic duplication of terms, Hades will stand for the personified state of death, Death for the personified cause of this state. The personification appears plainly from Rev 20:14 : "Death and Hades were cast into the lake of fire." In the number of these "dead" delivered up by Hades, believers are included, because, even on the chiliastic interpretation of Rev 20:4-6, not all the saints share in the first resurrection, but only those "beheaded for the testimony of Jesus, and for the word of God," i.e. the martyrs. A similar personifying combination of Death and Hades occurs in Rev 6:8 ("a pale horse: and he that sat upon him his name was Death; and Hades followed with him"). In Rev 1:18, on the other hand, Death and Hades are represented as prisons from which Christ, in virtue of His own resurrection, has the power to deliver, a representation which again implies that in some, not necessarily local, sense believers also are kept in Hades.

5. Luk 16:23

In distinction from these passages when the abstract meaning prevails and the local conception is in abeyance, the remaining references are more or less locally conceived. Of these Luk 16:23 is the only one which might seem to teach that recipients of salvation enter after death into Hades as a place of abode. It has been held that Hades is here the comprehensive designation of the locality where the dead reside, and is divided into two regions, "the bosom of Abraham" and the place of torment, a representation for which Jewish parallels can be quoted, aside from its resemblance to the Greek bisection of Hades. Against this view, however, it may be urged, that if "the bosom of Abraham" were conceived as one of the two divisions of Hades, the other division would have been named with equal concreteness in connection with Dives. In point of fact, the distinction is not between "the bosom of Abraham" and another place, as both included in Hades, but between "the bosom of Abraham" and Hades as antithetical and exclusive. The very form of the description of the experience of Dives: "In Hades he lifted up his eyes, being in torments," leads us to associate Hades as such with pain and punishment. The passage, therefore, does not prove that the saved are after death in Hades. In further estimating its bearing upon the problem of the local conditions of the disembodied life after death, the parabolic character of the representation must be taken into account. The parable is certainly not intended to give us topographical information about the realm of the dead, although it presupposes that there is a distinct place of abode for the righteous and wicked respectively.

6. Mat 11:23

The two other passages where Hades occurs in the teaching of our Lord (Mat 11:23 parallel Luk 10:15; and Mat 16:18) make a metaphorical use of the conception, which, however, is based on the local sense. In the former utterance it is predicted of Capernaum that it shall in punishment for its unbelief "go down unto Hades." As in the Old Testament Sheol is a figure for the greatest depths known (Deu 32:22; Isa 7:11; Isa 57:9; Job 11:8; Job 26:6), this seems to be a figure for the extreme of humiliation to which that city was to be reduced in the course of history. It is true, Mat 11:24, with its mention of the day of judgment, might seem to favor an eschatological reference to the ultimate doom of the unbelieving inhabitants, but the usual restriction of Hades to the punishment of the intermediate state (see below) is against this.

7. Mat 16:18

In the other passage, Mat 16:18, Jesus declares that the gates of Hades shall not overpower the church He intends to build. The verb *katschuein* may be rendered, “to overpower” or “to surpass.” If the former be adopted, the figure implied is that of Hades as a stronghold of the power of evil or death from which warriors stream forth to assail the church as the realm of life. On the other rendering there is no reference to any conflict between Hades and the church, the point of comparison being merely the strength of the church, the gates of Hades, i.e. the realm of death, serving in common parlance as a figure of the greatest conceivable strength, because they never allow to escape what has once entered through them.

The above survey of the passages tends to show that Hades, where it is locally conceived, is not a provisional receptacle for all the dead, but plainly associated with the punishment of the wicked. Where it comes under consideration for the righteous there is nothing to indicate a local sense. On 1Pe 3:19; 1Pe 4:6 (where, however, the word “Hades” does not occur), see articles *ESCHATOLOGY OF THE NEW TESTAMENT*; *SPIRITS IN PRISON*.

8. Not a Final State

The element of truth in theory of the provisional character of Hades lies in this, that the New Testament never employs it in connection with the final state of punishment, as subsequent to the last judgment. For this *GEHENNA* (which see) and other terms are used. Dives is represented as being in Hades immediately after his death and while his brethren are still in this present life. Whether the implied differentiation between stages of punishment, depending obviously on the difference between the disembodied and reëmbodied state of the lost, also carries with itself a distinction between two places of punishment, in other words whether Hades and Gehenna are locally distinct, the evidence is scarcely sufficient to determine. The New Testament places the emphasis on the eschatological developments at the end, and leaves many things connected with the intermediate state in darkness.

WordStudy

G86 *hades* ^{KJC:11} **hell**¹⁰, **grave**¹ LXX: *dumah*^{H1745}, *mut hi.*^{H4191}, *mavet*^{H4194}, *tsalmavet*^{H6757}, *sheol*^{H7585}

ᾗδης

From **G1** (as a negative particle) and **G1492**; properly *unseen*, that is, “Hades” or the place (state) of departed souls: - grave, hell.

KJC: 11

hell, 10: [Mat 11:23](#), [Mat 16:18](#), [Luk 10:15](#), [Luk 16:23](#), [Act 2:27](#), [Act 2:31](#), [Rev 1:18](#), [Rev 6:8](#), [Rev 20:13-14](#) (2)

grave, 1: [1Co 15:55](#)

LXX related word(s)

H1745 dumah	H4191 mut hi.	H4194 mavet	H6757 tsalmavet	H7585 sheol
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