At Liberty University School of Law, the Christian faith of students and faculty members is not maligned or mundane; instead, it forms the core of our mission. To that end, faculty members and students are free to pray, share devotions, and discuss a Christian worldview of law. This Article shares with you what I share with students in Property and Wills, Trusts, and Estates—that the law of gifts draws a powerful illustration from John 3:16.

John 3:16 stands at the center of the Christian faith:

_for God so loved the world, that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life._

For billions of people, John 3:16 epitomizes God’s unqualified demonstration of grace and love by His gift of eternal life. The Reverend Billy Graham called John 3:16 “the most familiar passage in the Bible” and “the Gospel [of Jesus Christ] in a nutshell.” Even if a person does not accept John 3:16’s gift as a matter of faith, most Americans have undoubtedly seen images of it in popular culture. For example, John 3:16 has been displayed on countless spectator signs at televised sporting events, and athletes often reference it, as Florida Gators Quarterback Tim Tebow did by inscribing it onto his eye black in the 2009 NCAA Football Championship Game. John 3:16 is an iconic part of the fabric of American culture. More importantly, however, God’s promise in John 3:16 characterizes Christianity itself. To the billions of people who profess Christianity, John 3:16 illustrates the greatest gift of all.

The legal theory of a completed gift requires a voluntary, gratuitous, immediate, and irrevocable transfer of property from one person to another. With just that basic theory of gift law, an enterprising law student could
interpret and apply its key principles to John 3:16 to demonstrate how God’s gift of eternal life constitutes a legally completed gift. As law students know, however, the law often develops analytical tools, called elements; when these elements are interpreted and applied to facts, they unlock the underlying (or overriding based on perception and a taste for semantics) legal theory. Gift law does this by requiring that three elements—donative intent, delivery, and acceptance—be met to constitute a completed gift. Each element effectuates the underlying legal theory.

Donative intent requires that a person desires to make a voluntary, gratuitous, immediate, and irrevocable transfer of property to another. Analytically, the terms voluntary and gratuitous form a very close bind, but staying true to this analytical demonstration, I will treat them separately. Voluntary simply means that the transfer was “[d]one by design or intention[,] . . . [u]nconstrained by interference[, and] not impelled by outside influence.” God, and God alone, made the sovereign decision to sacrifice his Son to grant eternal life; He did so by His design and free will, without any person or entity forcing His hand. God voluntarily intended to make a gift of eternal life.

God also gratuitously grants eternal life. If consideration were required for eternal life, then it would not be a gift because gift law requires that the property be transferred gratuitously, i.e., without consideration. Had God intended to require consideration from us to receive His grace, then this legal illustration involving John 3:16 would be left to a contracts course rather than a property course discussing the law of gifts. But John 3:16 proclaims that anyone who believes in God’s Son gets eternal life. There are no required works, consideration, quid pro quo, theological tests, or taxes. There is simply a belief that accepts God’s love. Now, one can qualify that simple, child-like belief in Jesus to require that a person not only believe in Jesus, but believe that God sacrificed Jesus as atonement for sins. The point is that God’s unconditional and gratuitous love drives this gift—not consideration or a quid-pro-quo arrangement like works.

Next, God desired that the transfer of the gift of eternal life would be immediate; He gave no indication of His desire to make the transfer in the future. Because the law does not flout common sense, the term immediate means presently, instantaneously, and without delay. The text of John 3:16 proves that God’s desire was to convey eternal life presently, instantaneously, and without delay when He “gave His only begotten Son,” because the next phrase states that our belief automatically results in eternal life. It is immediate. Perhaps the immediacy of God’s donative intent is best illustrated in Jesus’ promise to the Penitent Thief on the Cross that his faith resulted in eternal life that very day.

Finally, the intent necessary to make a valid gift requires that the transfer be irrevocable. Irrevocable means “[u]nalterable” and “committed beyond recall.” As I am sure you have already deduced, this Article is not a legal or theological masterpiece; instead, it simply shares a powerful illustration of how the law of gifts works in the context of John 3:16. According to the text of John 3:16, God desires us to have eternal life through our belief that He sacrificed His Son for us. For purposes of this article, it is safe to conclude that God did not harbor a hidden desire to revoke the gift of eternal life to those who believe in His Son.

The mere intention to give without delivery is unavailing (come on, we all have learned that talk is cheap, that it is easier to make a pledge than to write a check, and that a certain road is paved with good intentions). Given mankind’s proclivity toward inaction even in the face of intention, the law of gifts requires that donative intent must be carried out by the actual, physical delivery of property. To be precise, donative intent must be executed by complete and unconditional delivery of the property. The power of this legal principle
as revealed in John 3:16 cannot be overstated. It is chilling to overlay this principle, i.e., “the intention must be executed by a complete and unconditional delivery,” with what actually happened to God’s Son on Earth. God’s intention to give eternal life was demonstrated by offering his Son, Jesus, completely and unconditionally to all who would believe in Him. It is striking and breathtaking to see that God’s intention to make the gift was not merely a naked expression of intent; instead, it was executed by delivering Jesus to the cross. There is further proof of God’s intent to make a complete and unconditional delivery of Jesus, the vessel who carries the gift of eternal life. There can be no better illustration of the completeness and finality of this delivery than by Jesus’ final words on the cross, “It is finished.” Intention merged into action through the delivery of Jesus; there is no need for any further demonstration of God’s love. The first two required elements of a completed gift—donative intent and actual, physical delivery—are indisputably met.

The final element requires that the donee accept the property. A gift is fully executed when there is nothing left undone. Once all of the elements have been satisfied, the transfer is irrevocable; the donee now has full dominion and control over the property. The last element of gift law requires that the donee— you or I—simply accept the property. God’s love directed a gift to you so that your faith ensures eternal life, as long as you accept the gift. God’s gift is ready for acceptance, and God always stands just outside the door to every person’s heart. In my illustration of how the law of gifts works in the context of John 3:16, I have analyzed the elements of donative intent and delivery; that is all that I can do. I cannot analyze the final element of acceptance. As is the nature of all publications, this article is intended to be read—rather than written (riddle me that)—so there is no way that I can complete this analysis of gift law. That is your task as the reader. What do you believe when it comes to God’s gift of eternal life? Perhaps more relevant, who do you believe? Please feel free to complete the analysis of the greatest gift by thinking about acceptance. The legal conclusion on that final element—acceptance—may not be analytical, however; it just might require a touch of faith.

1 John 3:16 (King James) (emphasis added).
2 In His Own Words: Billy Graham’s Favorites (What is Billy Graham’s favorite Bible verse?), Billy Graham Library, Letters from the Library: The Blog of the Billy Graham Library (The Billy Graham Evangelistic Association), http://lettersfromthelibrary.com/in-his-own-words-billy-graham%E2%80%99s-favorites (last visited February 18, 2014). Reverend Graham claims John 3:16 as his “favorite verse of Scripture” ever since his mother taught it to him when he “was just a little boy.” Id. Reverend Graham also said, [John 3:16] is the one Scripture that I always preach on in a crusade, usually on the opening night. I suppose it is the most familiar passage in the Bible. It has only twenty-five words in the English translation of it, but it is the Gospel in a nutshell. Someone has called it a miniature Bible. The word “whosoever” in this verse means the whole world. Whatever the color of a person’s skin, whatever language he speaks, God loves him and God is willing to save him. To me that is marvelous. It also says that life doesn’t begin when you die, it begins here and now.

See also id. It is noteworthy that Reverend Graham’s grandson, Basyle J. Thiventijian, is an associate professor of law at Liberty University School of Law and offices next to the author of this article.


5 See Catalona, 490 F.3d at 674; Hall, 562 N.E.2d at 648.

6 See Black’s Law Dictionary (9th ed. 2009) (defining voluntary to include gratuitous transfers).
8 See Galatians 2:20 (“I am crucified with Christ: nevertheless I live; yet not I, but Christ liveth in me: and the life which I now live in the flesh I live by the faith of the Son of God, who loved me, and gave himself for me.”) (emphasis added); John 10:11 (“I am the good shepherd: the good shepherd giveth his life for the sheep.”) (emphasis added); Romans 8:32 (“He that spared not his own Son, but delivered him up for us all, how shall he not with him also freely give us all things?”) (emphasis added).

9 Matter of Griffin’s Estate, 599 P.2d 402, 404 (Okl. 1979); Louthan v. King County, 617 P.2d 977, 981 (Wash. 1980).

10 Romans 5:8 (“But God commendeth his love toward us, in that, while we were yet sinners, Christ died for us.”); see, e.g., Luke 23:39-43 (explaining that the Penitent Thief on the Cross received eternal life for his belief in Jesus: “And one of the malefactors which were hanged railed on him, saying, If thou be Christ, save thyself and us. But the other answering rebuked him, saying, Dost not thou fear God, seeing thou art in the same condemnation? And we indeed justly; for we receive the due reward of our deeds: but this man hath done nothing amiss. And he said unto Jesus, Lord, remember me when thou comest into thy kingdom. And Jesus said unto him, Verily I say unto thee, Today shalt thou be with me in paradise.”).

11 See Hebrews 10:14 (“For by one offering he hath perfected forever them that are sanctified.”); Mark 1:15 (“repent ye, and believe the gospel.”); Romans 6:23 (“For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord.”).

12 Ephesians 2:8-9 (“For by grace are ye saved through faith; and that not of yourselves: it is the gift of God: Not of works, lest any man should boast.”) (emphasis added); see also Romans 4 (explaining the difference between faith and works in the context of Abraham).


15 Black’s.

16 In that light, this article does not debate whether salvation can be recalled or revoked or whether the “once-saved, always-saved” belief is theologically sound.

17 See Hall, 562 N.E.2d at 648; Bennett, 587 A.2d at 464; Baptist Found., 317 S.E.2d at 457. It is safe to state, generally speaking, that the law of gifts requires actual, physical delivery of property, but there are certain circumstances, such as when actual, physical delivery is impossible or impracticable, that the law of gifts authorizes constructive or symbolic delivery. See In re Estate of Lamplaugh, 708 N.W.2d 645, 651 (Neb. 2006); In re Marriage of Zier, 147 P.3d 624, 628 (Wash. Ct. App. 2006).

18 Baptist Found., 317 S.E.2d at 457.

19 Philippians 2:5-11 (“Let this mind be in you, which was also in Christ Jesus: Who, being in the form of God, thought it not robbery to be equal with God: But made himself of no reputation, and took upon him the form of a servant, and was made in the likeness of men: And being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross. Wherefore God also hath highly exalted him, and given him a name which is above every name: That at the name of Jesus every knee should bow, of things in heaven, and things in earth, and things under the earth; And that every tongue should confess that Jesus Christ is Lord, to the glory of God the Father.”) (emphasis added).

20 Matthew 27:26-54. It is uncommon for man to create a god that suffers for man, rather than man suffering for his created god. See Samuel Butler, The Iliiad of Homer 418 (Orange Street Press 1998) (“As soon as Juno heard this she said to her son Vulcan, ‘Son Vulcan, hold now your flames; we ought not to use such violence against a god for the sake of mortals.’”). The God of Christianity took a decidedly different route, and the gift of eternal life came not through the suffering of man, but through the suffering of God’s Son.

21 John 19:30.

22 In re Handelsman, 702 N.W.2d 641, 645 (Mich. App. Ct. 2005). The law of gifts often declares that the delivery element is presumed when the gift is beneficial to the donee and comes without conditions. See id.; In re Paulson’s Estate, 219 N.W.2d 132, 136 (N.D. 1974); Bunt v. Fairbanks, 134 N.W.2d 1, 3 (S.D. 1965). The issue of whether the gift of eternal life can be presumed without express acceptance is left for another time.


24 See Fowler, 830 N.E.2d at 105.

25 Romans 1:16 (“For I am not ashamed of the Gospel of Christ: for it is the power of God unto salvation to everyone that believeth.”); Romans 4:5 (“But to him that worketh not, but believeth on him that justifieth the ungodly, his faith is counted for righteousness.”); Romans 5:1—2 (“Therefore being justified by faith, we have peace with God through our Lord Jesus Christ: By whom also we have access by faith into this grace wherein we stand, and rejoice in hope of the glory of God.”).

26 Revelation 3:20 (“Behold, I stand at the door, and knock: if any man hear my voice, and open the door, I will come in to him, and will sup with him, and he with me.”).