

Capital Punishment

- I. Definitions.
 - A. capital: Of or pertaining to the head or top. 2. Affecting, or involving loss of, the head or life.
 - B. punishment: The action of punishing or the fact of being punished; the infliction of a penalty in retribution for an offence; also, that which is inflicted as a penalty; a penalty imposed to ensure the application and enforcement of a law.
 - C. punish: As an act of a superior or of public authority: To cause (an offender) to suffer for an offence; to subject to judicial chastisement as retribution or requital, or as a caution against further transgression; to inflict a penalty on.
- II. The Bible definitely teaches that there is a time to kill. **ECC 3:3.**
 - A. Killing of men was commanded in war. **DEU 7:2.**
 - B. Killing of men was justified in defense of innocent life and home. **EXO 22:2 c/w MAT 24:43; PRO 24:11-12.**
 - C. This study focuses on killing as a judicial punishment for crime.
- III. The taking of human life is not to be done indiscriminately but regulated by the law of God. God despises the shedding of innocent blood. **PRO 6:17; EXO 23:7; DEU 27:25.**
- IV. The Bible sets forth various transgressions which required capital punishment:
 - A. Murder (the most heinous kind of criminal homicide). **GEN.9:5-6; LEV 24:17; DEU 19:11-13.**
 1. No monetary compensation was to be substituted for capital punishment of a murderer. **NUM 35:31.**
 2. The guilt of innocent blood could not be purged any other way. **NUM 35:33.**
 - B. Occult arts, including:
 1. Witchcraft. **EXO 22:18.**
 2. Other mystic arts such as wizardry, necromancy, divination, or familiar spirits could also be included in this category. **DEU 18:10-12 c/w LEV 20:6, 27.**
 - C. Dishonoring parents, including:
 1. Cursing parents. **EXO 21:17 c/w PRO 20:20; MAT 15:3-4.**
 2. Smiting parents. **EXO 21:15.**
 3. Rebelling against parents. **DEU 21:18-21.**
 - E. Sexual uncleanness, including:
 1. Bestiality. **EXO 22:19; LEV 20:15-16.**
 2. Sodomy. **LEV 20:13; ROM 1:26-27, 32.**
 3. Incest. **LEV 20:11-12, 14, 17, 19; DEU 22:30.**
 4. Adultery. **LEV 20:10; DEU 22:22-24; JOB 31:11.**
 - a. The law required that BOTH adulterous parties had to be dealt with capitally, not just one.
 - b. Jesus Christ could not therefore consent to the stoning of the adulterous woman in **JOH 8:3-11.**
 5. Incontinence before marriage. **LEV 21:9; DEU 22:21.**
 - a. Provision was made for unattached people to marry. **DEU 22:28-29.**
 - b. The father of a defiled damsel could forbid the marriage. **EXO 22:16-17.**
 6. Rape. **DEU 22:25-26.**

- F. Sabbath-breaking. **EXO 31:14-15.**
 - G. Idolatry. **DEU 13:6-10 c/w DEU 17:2-7.**
 - 1. This included any sacrifice to false gods. **EXO 22:20.**
 - 2. This also included child sacrifice (which is doubly condemned since it is the shedding of innocent blood). **LEV 20:2.**
 - K. Menstealers. **EXO 21:16; DEU 24:7.**
 - L. Criminal negligence. **EXO 21:22-23, 28-29; DEU 22:8.**
 - M. Intrusion of Levitical offices. **NUM 1:51; 3:10.**
 - N. Blasphemy. **LEV 24:16.**
 - O. Contempt of court. **DEU 17:12-13.**
 - P. Special cases:
 - 1. Israel at Mt. Sinai. **EXO 19:12.**
 - 2. Martial law given to Joshua. **JOS 1:18.**
- V. The people responsible for carrying out God's commandments to kill were judged harshly if they did not do it.
- A. Saul was judged for not executing God's justice. **1SAM 15:3, 8, 22-23; 1CH 10:13.**
 - B. A general curse was upon such as refused to execute justice. **DEU 19:21; JER 48:10.**
 - C. That a criminal might escape civil punishment did not mean that God could not deal with him. **LEV 20:4-5.**
- VI. God ordained diverse methods of capital punishment:
- A. Stoning. **LEV 24:16.**
 - B. Burning. **LEV 20:14; 21:9.**
 - C. Shot. **EXO 19:13.**
 - D. Hanging. **DEU 21:22-23.**
- VII. God made a difference between accidental death (manslaughter) and murder. **DEU 19:4-6, 11-12 c/w NUM 35 & JOS 20.**
- VIII. Due process of law was to be observed in the O.T. **DEU 19:15-21.**
- A. Inquisition was made. **DEU 19:18.**
 - B. Determination is made. **DEU 19:18.**
 - C. Sentence was passed. **DEU 19:19.**
 - D. Execution was carried out by the congregation or the revenger of blood in the event where the matter was obvious. **DEU 19:11-12 c/w DEU 17:4-7.**
 - E. The responsibility of judgment and execution was not to be left up to the individual, but channelled through the judicial system and the proper authorities. This is the primary purpose for civil authority. **1PE 2:13-14; ROM 13:1-6.**
- IX. In the N.T., the church-state system of national Israel under Moses' Law is abandoned. Church and state are separated. The church is exempted from taking life for crimes worthy of capital punishment, but can bar fellowship to such an offender. **1CO 5:4-5.**
- A. Despite of Christ's law is a fate worse than physical death. **HEB 10:28-29.**
 - B. A N.T. church is justified in turning over criminals to civil authority for punishment. No church, for example, needs to cover murder or child molestation. **MAT 18:6.**
 - C. The state, whose morals and judgment should be influenced by the salt of truth that is taught by the church, is then given the responsibility to determine the offender's fate.

- D. Therefore, the church is ultimately held responsible for the health of society. **1PE 4:17.**
- X. All of the O.T. capital crimes are worthy of excommunication from the church and the Lord's Table except Sabbath-breaking, the Sinai command and the ceremonial laws. **COL 2:14-17; HEB 9:9-10.**
- XI. Our example, the apostle Paul, acknowledged the justice of capital punishment. **ACT 25:11.**
- A. Jesus Christ conceded the justice of capital punishment of parent-cursers. **MAT 15:8.**
- B. Jesus Christ made clear that death by millstone was a mercy to those who wickedly offend little children (particularly young believers). **MAT 18:6.**
- XII. The subject of capital punishment always raises certain arguments and questions. Here are some of the most common:
- A. "The Lord commanded us not to kill in **EXO 20:13.**"
1. It is obvious that the censure of **EXO 20:13** is forbidding the taking of innocent life.
 2. The Lord Jesus Christ understood the proper application of that text when he interpreted it in **MAT 19:18** as "Thou shalt do no murder."
- B. "Jesus taught that we should tolerate and endure evil in **MAT 5:39.**"
1. In context, Christ is teaching that we should endure minor abuses.
 2. It is worthy of note that when doing this, He omitted the part of **EXO 21** which dealt with "...life for life."
- C. "Should a Christian ever be involved in an execution?"
1. If condemned as a murderer (**1PE 4:15**), then absolutely!
 2. As far as sitting in judgment on a criminal worthy of death, if the Bible puts no such prohibition on a disciple, we have no right to impose one. There is no sin where no law is broken. **ROM 4:15.**
 3. Note carefully the time frame surrounding the first giving of the commandment for capital punishment. This law preceded the Mosaic law by hundreds of years. This is a law for men in general. **GEN 9:1-6 ct./w GEN 4:14-15; GEN 6:11.**
 - a. Violence filled the earth during that period when there was no death penalty.
 - b. If execution of capital offenders was only to be carried out by the ungodly, how then could the law of **GEN 9:6** be enforced, since the world of the ungodly had just been wiped out? **2PE 2:5.**
- D. "We're supposed to love people, not kill them."
1. Love is the keeping of the commandments of God. **ROM 13:8-10; 1JO 5:2-3.**
 2. If we keep God's commandment concerning the fate of a murderer, we have loved him to death. **GEN 9:6.**
- XIII. Sentence ought to be carried out without unnecessary delay to discourage others from committing similar offenses. **ECC 8:11.**