



## Capital Punishment

Capital punishment is defined as the penalty of death for the commission of a crime. Capital punishment is authorized by the Word of God. It is the maximum penalty under the Laws of Divine Establishment. It has been authorized throughout the Old Testament and into the New Testament. Capital punishment started in the first dispensation of the Gentiles and applies in every dispensation of human history. It will even be practiced by Jesus Christ in the Millennium. Although there will be very little crime then, people with old sin natures will commit murder and so will be executed by a perfect judge.

For capital punishment to be valid in the Old Testament, the accused had to be convicted by the laws of evidence of a capital crime where at least two witnesses must swear under oath that it did indeed happen. One witness is not enough for a conviction according to Numbers 35:30. When the evidence indicates that the crime was indeed committed by the accused, the criminal is executed. This form of punishment serves as a deterrent to those contemplating a similar act.

*"If anyone kills a person, the murderer shall be put to death at the evidence of witnesses, but no person shall be put to death on the testimony of one witness." (Numbers 35:30, NASB)*

### Capital Punishment is a Legitimate Function of Government

The use of capital punishment by establishment authority gives man the right to try cases, determine guilt (not innocence), and punish the guilty including capital punishment for capital crime. In the Old Testament, Jesus Christ ruled and capital punishment was perfectly executed. Jesus Christ ruled with a form of government called a Theocracy where God was the absolute ruler.

The most fundamental principle of human government is the possession of a common law and a common language, but not necessarily a common race. Therefore, all trials should be conducted in that common language and be related to the laws of that land. In its simplest form, the divine institution of government demands a police officer on the corner, a judge on the bench, plus capital punishment to put teeth into the law.

### Capital Punishment Provides an Orderly Society

The principle of law for orderly living is a biblical principle. A lawless society is a degenerate society. Revenge and vigilantism cannot be allowed to continue without punishment. If a decadent government does not enforce capital punishment, crime will greatly increase in the nation, just as it has in the United States. If the nation does not control crime, then God administers capital punishment through permitting wars and violence of various types. God permits this because of the lack of law and order. This is an example of the permissive will of God in bringing punishment to a nation for failing to follow the Laws of Divine Establishment.

### Capital Punishment in the New Testament

The New Testament background for capital punishment can be found in Romans 13:4-5. These verses tell us that God's authorization of capital punishment began in the dispensation of the Gentiles, applies in our dispensation of the Church Age, and will apply to every future dispensation.

*"for it is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath on the one who practices evil. Therefore it is necessary to be in subjection, not only because of wrath, but also for conscience"*



*sake." (Romans 13:4-5, NASB)*

"It is a minister of God" is the divine delegation of authority in Divine Institution #4 (Governments/Nationalism) for all nations. "To you for good" is the administering of human government and is for the good of the people in that national entity. The purpose of "good" is the protection of your freedom, privacy, property, and your life. We are to stay inside the law, be civilized, pay your taxes, and fulfill our responsibility to government. This passage says to avoid civil disobedience. Avoid civil disobedience and unlawful violence and you will be protected by the client nation, the Laws of Divine Establishment, and by the plan of God for your life.

"You do what is evil" refers to the violation of the common law with civil disobedience, criminal activity, the use of violence to solve problems, and murder. "Be afraid" means you will have to pay for violation of common law. The "sword" refers to the principle of maximum enforcement of the law or capital punishment. "An avenger who brings wrath" is the judge who has the authority to punish violation of the law. The "one who practices evil" refers to those who use unlawful violence such as criminals, terrorists, gangsters, warlords, mercenaries, paramilitary organizations, and religious fanatics. "Wrath" is the sign of capital punishment.

Two principles of subjection to the law are found in Romans 13:5. "Not only because of wrath" means you should be restrained by fear of punishment. "For conscience sake" means you should be restrained because of your conscience based on your learned norms and standards.

*"Therefore it is necessary to be in subjection, not only because of wrath, but also for conscience' sake." (Romans 13:5, NASB)*

### **Offenses Calling for Capital Punishment in the New Testament**

In the New Testament, capital crimes include homicide, kidnapping, being a traitor to one's country, and being a false witness in a capital crime case. In Matthew 26:52, our Lord rebuked Peter for cutting off the police officer's ear. This means that criminals who kill must die by violence. This refers to unlawful uses of violence by criminals, by terrorists, by paramilitary organizations, by mercenaries, and by religious fanatics. Those who draw the sword will die by the sword, either through capital punishment or the inevitable result of God's law. Those who live by violence will die by violence.

*"Then Jesus said to him, 'Put your sword back into its place; for all those who take up the sword shall perish by the sword.'" (Matthew 26:52, NASB)*

### **Capital Punishment in the Old Testament**

Capital punishment has been authorized from the time of the first murder to the present. Capital punishment is the only way crime can be controlled as indicated in Genesis 9:5-6. The phrase "image of God" means you have a soul with a conscience, mentality, volition, norms and standards. This principle of capital punishment is an absolute truth, not a relative truth. This passage states the judicial process establishes guilt and then administers capital punishment.

*""Surely I will require your lifeblood; from every beast I will require it. And from every man, from every man's brother I will require the life of man. 'Whoever sheds man's blood, By man his blood shall be shed, For in the image of God He made man.'" (Genesis 9:5-6, NASB)*

Being created in the image of God means that man has a soul and is a rational creature. It means man has self-consciousness patterned after God's self-consciousness who said, "I am who I am" in Exodus 3:14. It means man has moral reasoning power to say, "I ought to do the right thing," and self



determination to say, "I will do the right thing." So man is created in a pattern image of God, not in an exact image. All of these soul characteristics are violated by murder. Ignorance and insanity are no excuse before the law or before God. Volition is always the issue, not whether a person is sane or insane.

*"God said to Moses, 'I AM WHO I AM'; and He said, 'Thus you shall say to the sons of Israel, 'I AM has sent me to you.''" (Exodus 3:14, NASB)*

Leviticus 24:17 illustrates that if a man takes the life of another person, he is to be executed. Exodus 21:12 tells us that once a criminal is proven guilty by the authorized government, he must be executed.

*"If a man takes the life of any human being, he shall surely be put to death." (Leviticus 24:17, NASB)*

*"He who strikes a man so that he dies shall surely be put to death." (Exodus 21:12, NASB)*

## **Offenses Calling for Capital Punishment in the Old Testament**

### Homicide

Homicide or first degree murder was punishable by death in the Old Testament according to Numbers 35:16-18, Exodus 21:12-14, Leviticus 24:17, and Numbers 35:29-34.

*"But if he struck him down with an iron object, so that he died, he is a murderer; the murderer shall surely be put to death. 'If he struck him down with a stone in the hand, by which he will die, and as a result he died, he is a murderer; the murderer shall surely be put to death. 'Or if he struck him with a wooden object in the hand, by which he might die, and as a result he died, he is a murderer; the murderer shall surely be put to death.'" (Numbers 35:16-18, NASB)*

*"He who strikes a man so that he dies shall surely be put to death. "But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint you a place to which he may flee. "If, however, a man acts presumptuously toward his neighbor, so as to kill him craftily, you are to take him even from My altar, that he may die." (Exodus 21:12-14, NASB)*

*"If a man takes the life of any human being, he shall surely be put to death." (Leviticus 24:17, NASB)*

*"These things shall be for a statutory ordinance to you throughout your generations in all your dwellings. 'If anyone kills a person, the murderer shall be put to death at the evidence of witnesses, but no person shall be put to death on the testimony of one witness. 'Moreover, you shall not take ransom for the life of a murderer who is guilty of death, but he shall surely be put to death. 'You shall not take ransom for him who has fled to his city of refuge, that he may return to live in the land before the death of the priest. 'So you shall not pollute the land in which you are; for blood pollutes the land and no expiation can be made for the land for the blood that is shed on it, except by the blood of him who shed it. 'You shall not defile the land in which you live, in the midst of which I dwell; for I the LORD am dwelling in the midst of the sons of Israel.'" (Numbers 35:29-34, NASB)*

### False Witnessing in Capital Cases

If convicted of providing false testimony or lying under oath in a capital court case, the punishment was capital punishment according to Deuteronomy 19:16-21.

*"If a malicious witness rises up against a man to accuse him of wrongdoing, then both the men who have the dispute shall stand before the LORD, before the priests and the judges who will be in office in those days. "The judges shall investigate thoroughly, and if the witness is a false witness and he has accused his brother falsely, then you shall do to him just as he had intended to do to his brother. Thus you shall purge the evil from among you. "The rest will hear and be afraid, and will never again do such*



*an evil thing among you. "Thus you shall not show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot." (Deuteronomy 19:16-21, NASB)*

### Idolatry

Idolatry is making a physical or material image or form an object of worship where the image or idol represents reality or is considered divine. In the Old Testament, idolatry was considered a capital offence. In Leviticus 20:1-5, idolatry involving child sacrifice was a capital offence. In Deuteronomy 13:2-18 and Deuteronomy 17:2-7, idolatry involved worship of other gods and false prophets that lead believers away from God.

*"Then the LORD spoke to Moses, saying, 'You shall also say to the sons of Israel: 'Any man from the sons of Israel or from the aliens sojourning in Israel who gives any of his offspring to Molech, shall surely be put to death; the people of the land shall stone him with stones. 'I will also set My face against that man and will cut him off from among his people, because he has given some of his offspring to Molech, so as to defile My sanctuary and to profane My holy name. 'If the people of the land, however, should ever disregard that man when he gives any of his offspring to Molech, so as not to put him to death, then I Myself will set My face against that man and against his family, and I will cut off from among their people both him and all those who play the harlot after him, by playing the harlot after Molech.'" (Leviticus 20:1-5, NASB)*

*"and the sign or the wonder comes true, concerning which he spoke to you, saying, 'Let us go after other gods (whom you have not known) and let us serve them,' you shall not listen to the words of that prophet or that dreamer of dreams; for the LORD your God is testing you to find out if you love the LORD your God with all your heart and with all your soul. "You shall follow the LORD your God and fear Him; and you shall keep His commandments, listen to His voice, serve Him, and cling to Him. "But that prophet or that dreamer of dreams shall be put to death, because he has counseled rebellion against the LORD your God who brought you from the land of Egypt and redeemed you from the house of slavery, to seduce you from the way in which the LORD your God commanded you to walk. So you shall purge the evil from among you." (Deuteronomy 13:2-5, NASB)*

*"you shall not yield to him or listen to him; and your eye shall not pity him, nor shall you spare or conceal him. "But you shall surely kill him; your hand shall be first against him to put him to death, and afterwards the hand of all the people." (Deuteronomy 13:8-9, NASB)*

*"some worthless men have gone out from among you and have seduced the inhabitants of their city, saying, 'Let us go and serve other gods' (whom you have not known), then you shall investigate and search out and inquire thoroughly. If it is true and the matter established that this abomination has been done among you, you shall surely strike the inhabitants of that city with the edge of the sword, utterly destroying it and all that is in it and its cattle with the edge of the sword." (Deuteronomy 13:13-15, NASB)*

*"If there is found in your midst, in any of your towns, which the LORD your God is giving you, a man or a woman who does what is evil in the sight of the LORD your God, by transgressing His covenant, and has gone and served other gods and worshiped them, or the sun or the moon or any of the heavenly host, which I have not commanded, and if it is told you and you have heard of it, then you shall inquire thoroughly. Behold, if it is true and the thing certain that this detestable thing has been done in Israel, then you shall bring out that man or that woman who has done this evil deed to your gates, that is, the man or the woman, and you shall stone them to death. "On the evidence of two witnesses or three witnesses, he who is to die shall be put to death; he shall not be put to death on the evidence of one*



witness. *"The hand of the witnesses shall be first against him to put him to death, and afterward the hand of all the people. So you shall purge the evil from your midst." (Deuteronomy 17:2-7, NASB)*

### Sexual Acts of Incest, Homosexuality, and Bestiality

Incest, homosexuality, and bestiality were all capital offenses in the Old Testament. God considered them to be perversions and destructive behavior for the nation of Israel. Exodus 22:19; Lev. 20:11-16.

*""Whoever lies with an animal shall surely be put to death." (Exodus 22:19, NASB)*

*"If there is a man who lies with his father's wife, he has uncovered his father's nakedness; both of them shall surely be put to death, their bloodguiltiness is upon them. 'If there is a man who lies with his daughter-in-law, both of them shall surely be put to death; they have committed incest, their bloodguiltiness is upon them. 'If there is a man who lies with a male as those who lie with a woman, both of them have committed a detestable act; they shall surely be put to death. Their bloodguiltiness is upon them. 'If there is a man who marries a woman and her mother, it is immorality; both he and they shall be burned with fire, so that there will be no immorality in your midst. 'If there is a man who lies with an animal, he shall surely be put to death; you shall also kill the animal. 'If there is a woman who approaches any animal to mate with it, you shall kill the woman and the animal; they shall surely be put to death. Their bloodguiltiness is upon them." (Leviticus 20:11-16, NASB)*

### Abducting Persons for Slavery

Abducting persons for slavery was a capital crime in the Old Testament. Exodus 21:16; Deut. 24:7.

*""He who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death." (Exodus 21:16, NASB)*

*""If a man is caught kidnapping any of his countrymen of the sons of Israel, and he deals with him violently or sells him, then that thief shall die; so you shall purge the evil from among you." (Deuteronomy 24:7, NASB)*

### Rape

Rape was also considered a capital offense in the Old Testament. Deut. 22:23-27.

*""If there is a girl who is a virgin engaged to a man, and another man finds her in the city and lies with her, then you shall bring them both out to the gate of that city and you shall stone them to death; the girl, because she did not cry out in the city, and the man, because he has violated his neighbor's wife. Thus you shall purge the evil from among you. "But if in the field the man finds the girl who is engaged, and the man forces her and lies with her, then only the man who lies with her shall die. "But you shall do nothing to the girl; there is no sin in the girl worthy of death, for just as a man rises against his neighbor and murders him, so is this case. "When he found her in the field, the engaged girl cried out, but there was no one to save her." (Deuteronomy 22:23-27, NASB)*

### Adultery

Adultery was grounds for capital punishment in the Old Testament. Lev. 20:10; Deut. 22:22.

*""If there is a man who commits adultery with another man's wife, one who commits adultery with his friend's wife, the adulterer and the adulteress shall surely be put to death." (Leviticus 20:10, NASB)*

*""If a man is found lying with a married woman, then both of them shall die, the man who lay with the woman, and the woman; thus you shall purge the evil from Israel." (Deuteronomy 22:22, NASB)*





## Sexual Relations Outside of Marriage

Sexual relations outside of marriage was grounds for capital punishment under specific circumstances in the Old Testament. Deuteronomy 22:20-21 deals with sex before marriage where the woman's husband has challenged whether she was a virgin before marriage. If she or her family could not show proof of her virginity, she was stoned to death.

*"But if this charge is true, that the girl was not found a virgin, then they shall bring out the girl to the doorway of her father's house, and the men of her city shall stone her to death because she has committed an act of folly in Israel by playing the harlot in her father's house; thus you shall purge the evil from among you." (Deuteronomy 22:20-21, NASB)*

Deuteronomy 22:23-24 deals with a man and woman caught having sex where the woman (a virgin) had been promised in marriage and did not cry out for help. Conviction led to capital punishment for both. Leviticus 21:9 involved a priest's daughter becoming a prostitute, which was a capital offense in the Old Testament.

*"If there is a girl who is a virgin engaged to a man, and another man finds her in the city and lies with her, then you shall bring them both out to the gate of that city and you shall stone them to death; the girl, because she did not cry out in the city, and the man, because he has violated his neighbor's wife. Thus you shall purge the evil from among you." (Deuteronomy 22:23-24, NASB)*

*"Also the daughter of any priest, if she profanes herself by harlotry, she profanes her father; she shall be burned with fire." (Leviticus 21:9, NASB)*

## Profaning the Sabbath

Then nation of Israel was commanded by God to strictly observe the Sabbath as a sign of their covenant with God. Disobedience by performing any work was a capital offense. Exodus 31:12-15; Num. 15:32-36.

*"The LORD spoke to Moses, saying, 'But as for you, speak to the sons of Israel, saying, 'You shall surely observe My sabbaths; for this is a sign between Me and you throughout your generations, that you may know that I am the LORD who sanctifies you. 'Therefore you are to observe the sabbath, for it is holy to you. Everyone who profanes it shall surely be put to death; for whoever does any work on it, that person shall be cut off from among his people. 'For six days work may be done, but on the seventh day there is a sabbath of complete rest, holy to the LORD; whoever does any work on the sabbath day shall surely be put to death.' (Exodus 31:12-15, NASB)*

*"Now while the sons of Israel were in the wilderness, they found a man gathering wood on the sabbath day. Those who found him gathering wood brought him to Moses and Aaron and to all the congregation; and they put him in custody because it had not been declared what should be done to him. Then the LORD said to Moses, 'The man shall surely be put to death; all the congregation shall stone him with stones outside the camp.' So all the congregation brought him outside the camp and stoned him to death with stones, just as the LORD had commanded Moses." (Numbers 15:32-36, NASB)*

## Blasphemy

Blasphemy was grounds for capital punishment in the Old Testament. Lev. 24:14-16; 1 Kings 21:13.

*"Bring the one who has cursed outside the camp, and let all who heard him lay their hands on his head; then let all the congregation stone him. 'You shall speak to the sons of Israel, saying, 'If anyone curses his God, then he will bear his sin. 'Moreover, the one who blasphemes the name of the LORD*



*shall surely be put to death; all the congregation shall certainly stone him. The alien as well as the native, when he blasphemes the Name, shall be put to death." (Leviticus 24:14-16, NASB)*

*"Then the two worthless men came in and sat before him; and the worthless men testified against him, even against Naboth, before the people, saying, "Naboth cursed God and the king." So they took him outside the city and stoned him to death with stones." (1 Kings 21:13, NASB)*

### Cursing or Striking Your Parents

Cursing or striking one's parents was grounds for capital punishment in the Old Testament. Exodus 21:17; Exodus 21:15.

*""He who curses his father or his mother shall surely be put to death." (Exodus 21:17, NASB)*

*""He who strikes his father or his mother shall surely be put to death." (Exodus 21:15, NASB)*

### Demon Possession

Demon possession was a cause for capital punishment in the Old Testament. Deut. 18:20; 1 Sam. 28:3; 1 Sam. 28:9; Exodus 22:18; Lev. 20:27.

*"But the prophet who speaks a word presumptuously in My name which I have not commanded him to speak, or which he speaks in the name of other gods, that prophet shall die." (Deuteronomy 18:20, NASB)*

*"Now Samuel was dead, and all Israel had lamented him and buried him in Ramah, his own city. And Saul had removed from the land those who were mediums and spiritists." (1 Samuel 28:3, NASB)*

*"But the woman said to him, "Behold, you know what Saul has done, how he has cut off those who are mediums and spiritists from the land. Why are you then laying a snare for my life to bring about my death?" (1 Samuel 28:9, NASB)*

*""You shall not allow a sorceress to live." (Exodus 22:18, NASB)*

*""Now a man or a woman who is a medium or a spiritist shall surely be put to death. They shall be stoned with stones, their bloodguiltiness is upon them."" (Leviticus 20:27, NASB)*

### **Four Situations Where Man Has the Right to Take a Human Life**

The first three situations fall involve agents of government who are authorized by written law to take the life of others under very specific situations and for very specific reasons. The first is to carry out justice by a legitimate government following a trial and conviction by the laws of evidence for homicide. This is called capital punishment.

The second situation involves police officers within the nation only to control crime and civil unrest. The third is in times of war where it is the biblically correct function of the military establishment - internally for revolution and externally for nations considered enemies. These are legitimate situations where the Bible authorizes the taking of human life. Exodus 20:13; Joshua 6:21; Joshua 8:24; Rom. 13:1-7.

*""You shall not murder." (Exodus 20:13, NASB)*

*"They utterly destroyed everything in the city, both man and woman, young and old, and ox and sheep and donkey, with the edge of the sword." (Joshua 6:21, NASB)*

*"Now when Israel had finished killing all the inhabitants of Ai in the field in the wilderness where they*



*pursued them, and all of them were fallen by the edge of the sword until they were destroyed, then all Israel returned to Ai and struck it with the edge of the sword." (Joshua 8:24, NASB)*

*"Every person is to be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God. Therefore whoever resists authority has opposed the ordinance of God; and they who have opposed will receive condemnation upon themselves. For rulers are not a cause of fear for good behavior, but for evil. Do you want to have no fear of authority? Do what is good and you will have praise from the same; for it is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath on the one who practices evil. Therefore it is necessary to be in subjection, not only because of wrath, but also for conscience' sake. For because of this you also pay taxes, for rulers are servants of God, devoting themselves to this very thing. Render to all what is due them: tax to whom tax is due; custom to whom custom; fear to whom fear; honor to whom honor." (Romans 13:1-7, NASB)*

The fourth situation involves self-defense where individuals takes a life in order to defend one's self against another attempting to steal their property or to injure them where they feel their life is in danger. This also applies to those in responsible positions such as parents for their children and brothers for sisters and vice versa.

### **Capital Punishment in the Roman Empire**

Within the Roman Empire, two forms of capital punishment were used - crucifixion for those who were not Roman citizens and decapitation for Roman citizens. The machaira was the sword used to carry out capital punishment for Roman citizens. The crucifixion of Jesus Christ was an example of capital punishment carried out under Roman Law where a conviction had never been reached.

For members of the aristocracy, following the trial, they would be told that they had been found guilty and were sentenced to death. They were then allowed to sit in a tub of hot water and commit suicide by cutting their own wrists.

### **Capital Punishment Related to Animals**

People have the right to slaughter certain animals. Capital punishment extends to animals that murder humans as well as to humans who kill humans. Gen. 9:3-4; Gen. 9:5.

*"Every moving thing that is alive shall be food for you; I give all to you, as I gave the green plant. Only you shall not eat flesh with its life, that is, its blood." (Genesis 9:3-4, NASB)*

*"Surely I will require your lifeblood; from every beast I will require it. And from every man, from every man's brother I will require the life of man." (Genesis 9:5, NASB)*

Exodus 21:28 illustrates an example of capital punishment of animals without any punishment to their human owners because they were not responsible.

*"If an ox gores a man or a woman to death, the ox shall surely be stoned and its flesh shall not be eaten; but the owner of the ox shall go unpunished." (Exodus 21:28, NASB)*

Exodus 21:29 illustrates an example of capital punishment where the animal owner was warned and did not confine the animal. Because the animal killed a human, the owner was also put to death.

*"If, however, an ox was previously in the habit of goring and its owner has been warned, yet he does not confine it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to*





*death." (Exodus 21:29, NASB)*