

the slaying was truly an accident or not. We learned from this account that God doesn't want us to let the sun go down on our wrath, but to continually live without anger towards our fellowman (Eph. 4:26).

**BY NO RESPECTER OF PERSONS** -- "Thine eye shall not pity him, but thou shalt put away the guilt of innocent blood from Israel, that it may go well with thee" (Deut. 19:13). "Ye shall not respect persons in judgment, but ye shall hear the small as well as the great; ye shall not be afraid of the face of men, for the judgment is God's" (Deut. 1:17). Those criminals who have political influence or monetary resources are not to be shown any different measure of judgment than anyone else. Greg Bahnsen has well stated: "... civil penalties against crime are to be executed without mercy or pity to the criminal (Deut. 19:13,21; 25:12; Heb. 10:28), lest judges become respecter of persons, looking upon the face of criminals and deciding according to some standard other than strict justice who should pay the price of his wrongdoing. Besides, when judges let proven criminals go unpunished, they in effect punish those who have been wronged by the criminal in the first place."

**BY AT LEAST TWO WITNESSES** -- "Whoso killeth any person, the murderer shall be put to death by the mouth of witnesses, but one witness shall not testify against any person to cause him to die" (Numbers 35:30). "One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth; at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established" (Deut. 19: 15). Further references are given in Deut. 17:6,7.

**BY SWIFT AND IMMEDIATE EXECUTION** If an obvious premeditated murder had taken place with sufficient witnesses and evidence against the accused, he was not allowed to flee to the city of refuge, but was immediately summoned to face his just punishment (Deut. 19:12). God warns "because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil" (Ecc. 8:11). There is a great need in our country to speed up the wheels of justice as the following two cases illustrate. Robert Sullivan, convicted of the 1973 shooting of restaurant manager, had his case reviewed 20 times by appellate courts, including five trips to the United States Supreme Court. He was finally executed in 1983. Jimmy Lee Gray was sentenced to death for the 1976 sex slaying of three-year-old Deressa Jean Scales. At the time he committed this murder, he was on parole after serving seven years of a twenty-year sentence for the murderer of his 16-year-old girlfriend. Gray was put death seven

# The CORNERSTONE

BIBLICAL ANSWERS TO CONTEMPORARY ISSUES

## CAPITAL PUNISHMENT



Cornerstone Booklets

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In 1935, 195 convicts were executed. By 1962, there were only 47 executions. And in 1966, only one execution was carried out. From 1967 until 1976 the individual states put the death penalty "on hold" until the Supreme Court ruled in *Gregg vs. Georgia* (1976) that capital punishment was constitutional if imposed within strict procedural safeguards. The following ten years from 1977-1987 only some 100 criminals were executed. 32 states have some 2000 inmates on death row and about 250 are added each year. Less than 300 lead to a death sentence. Recent opinion polls in the USA Today, Sept. 28, 1987 issue record that 75 percent of the public approves of the death penalty for capital crimes. Opponents of the death penalty claim it is "cruel and unusual" punishment and thus forbidden by the Constitution. The courts have consistently ruled according to the 1890 position stated by the Supreme Court: "Punishments are cruel when they involve torture or lingering death; but the punishment of death is not cruel within the meaning of that word as used in the Constitution. It implies something inhuman and barbarous..."

### **WHY IS CAPITAL PUNISHMENT NECESSARY?**

**THE SANCTITY OF HUMAN LIFE:** Rus Walton in his book "Biblical Solutions to Contemporary Problems" makes the following observation: "How much is life worth? Seven years. That's the median time convicted murderers serve behind bars. One of every seven inmates sentenced to 'life' for murder serves three years or less." In contrast to the present day low view of human life, God based his requirement of capital punishment on the fact that man is made in the image of God. "Whosoever sheds man's blood, by man shall his blood be shed: for in the image of God made he man" (Genesis 9:6). In Old Testament times, even a man who had been proven innocent of premeditated murder had to remain in one of the six cities of refuge until the death of the High Priest (Numbers 35:25). Anytime innocent blood was shed upon the land, God required some kind of atonement to be made (Deut. 21:1-9). All of these meticulous instructions were in a large part to remind the people of the sanctity of human life! God's law makes it clear that even the taking of preborn life was a capital offense (Exodus 21:22-25).

**THE POLLUTION OF THE LAND:** In Numbers 35:33-34 God reveals that murder pollutes the land and the only way to cleanse the land is capital punishment. Those nations that fail to enforce capital punishment are warned of God's judgment (Jer. 2:34-37; Hosea 1: 4; 4:1-5). The nation that refuses to enforce God's punishment upon manslayers that have shed innocent blood bears partial guilt in the offense and guilt of the murderer (Deut. 21:7-8).

**THE DETERRENT TO FURTHER CRIME:** God confirms in His Word that capital punishment does indeed deter crime. "And all the man of his city shall stone him with stones, that he die: so shall thou put evil away from among you: and all Israel shall hear and fear" (Deut. 21: 21). "So shalt thou put the evil away from you... And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot" (Deut. 19:19,21). As it has well been said: "If capital punishment does not deter crime, why do criminals fear it more than any other penalty? Why does almost every criminal sentenced to death appeal for life imprisonment? Life is irrefutably the murderers most valuable possession." J. Edgar Hoover, former director of the FBI, stated: "the professional law enforcement officer is convinced from experience that the hardened criminal has been and is deterred from killing based on the prospect of the death penalty." During the approximately ten years that the death penalty was outlawed, the number of murders per year almost doubled, from almost 10,000 in 1967 to more than 19,000 in 1977. As executions declined, murders increased: In 1965 there were 76 executions and 7000 murders. In 1960 there were 56 executions and 8000 murders. In 1972 there were no executions and 18,000 murders. In 1978 there were no executions and 19,555 murders.

## **BIBLICAL PRINCIPLES IN EVALUATING CRIME OF MURDER**

**WHAT CONSTITUTES KILLING?** "He that smiteth a man, so that he die, shall be surely put to death" (Exodus 21:12).

**WHAT ABOUT INVOLUNTARY MANSLAUGHTER?** "And if a man lie not in wait, but God deliver him into his hand: then I will appoint thee a place whither he shall flee" (Exodus 21:13).

**WHAT ABOUT SELF-DEFENSE?** "If a thief be found breaking up [at night], and be smitten that he die, there shall no blood be shed for him" (Exodus 22:2).

**WHAT ABOUT CRIMINAL NEGLIGENCE?** "If an ox gore a man or a woman, that he die; then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be clear. But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner shall also be put to death" (Exodus 21:28,29).

**APPLICATION:** Because the ox has a will of its own, God therefore holds the ox responsible for its actions. A car, however, has no will of its own. If a man is driving a car and tires blow out, and that causes a fatal accident to another individual, the driver would be guilty of shedding innocent blood, but he would not be punished by death. But, if the driver had previous knowledge of the condition of his tires and irresponsibly continued to drive the car, causing a fatal accident, he then would be guilty of murder, and under God's law would be justly deserving of God's penalty of death. The same principle would be applicable in the case of drunken driving!

**IS THERE A LIMITATION OF LIABILITY?** "If the ox shall push a manservant or a maidservant; he shall give unto their master thirty shackles of silver, the ox shall be stoned" (Exodus 21:32).

**DID THE NEW TESTAMENT DO AWAY WITH CAPITAL PUNISHMENT?** The apostle Paul reinforced the continuing application of capital punishment when in Acts 25:11 he acknowledged that some crimes deserved the death penalty: "For if I be an offender, or have committed anything worthy of death, I refuse not to die." Furthermore, the "sword" God has placed into the civil government's hand, carries with it the authority of capital punishment: "For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain; for he is the minister of God (an avenger) to execute wrath upon him that doeth evil" (Romans 13: 4).

### **HOW SHOULD CAPITAL PUNISHMENT BE ADMINISTERED?**

**BY CIVIL AUTHORITIES --** No private citizen is to take vengeance into his own hands. "Avenge not yourselves... Vengeance is mine: I will repay, saith the Lord" (Romans 12:19). God has placed the "sword" of capital punishment into the hands of those in civil authority. They are God's ministers "... to execute wrath upon him that doeth evil" (Romans 13:4).

**BY JUDICIAL PROCESS --** God provided six cities of refuge for those involved in causing the death of another person. These cities were to be protection for the accused until a just trial could be conducted (Deut. 19; Numbers 35). If the death was determined to be accidental such as when an ax head flies off its handle and hits someone nearby (Deut. 19: 4,5), then the accused was able to return to the city of refuge until the death of the high priest (Numbers 35:25). Then he would be free. But, if the death was intentional, verified by at least two witnesses (Numbers 35:30,31), then God declares he should surely be put to death. Furthermore, if a man held a grudge against (or was angry with) his neighbor and at a future time was involved in causing his death, the slayer was held guilty of murder (Deut. 19:4,5). Man cannot see the heart, and thus cannot determine whether