

**CAPITAL PUNISHMENT AND THE BIBLE**

by

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## ABSTRACT

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This thesis studies the issues involved in Capital Punishment. A history is first given so that the reader may have a background in the historical use (and abuse) of capital punishment. The history covers Egypt, Hatti, Assyria, Babylon, Persia, Greece, Rome, The Early Church, The Middle Ages, and The Modern Era.

From the times of the later church fathers through the period of the Middle Ages, the number of reasons for capital punishment increased. The cruelty and severity of punishments for most other crimes also increased at that time. Modern days have seen the death penalty all but disappear.

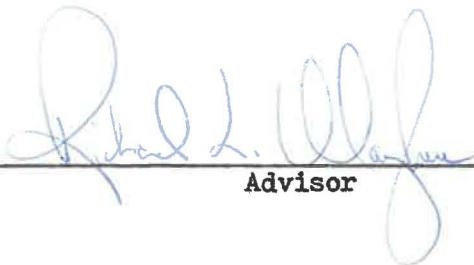
The current opinions of both secular and religious professionals are examined. The arguments for and against the death penalty are given with comments on their validity. It is seen that although deterrence cannot be proven, in the sense of actually reducing the number of murders committed, to any great extent, the proof against deterrence is even weaker.

The biblical teaching of the Old Testament on the topic is primarily from Genesis 9:5-6, the Law of Moses, and from the sixth commandment. Genesis 9:6 is a universally applicable verse which was not negated by the Law of Moses. The passage is in the context of God addressing Noah after the flood and is just as much applicable today as the permission to eat meat or the promise of the rainbow. The sixth commandment means "you shall not murder," not "you shall not kill." Appendix I is helpful.

In the New Testament certain passages are used both for and against the death penalty. These are Matthew 5:21-22; 38-39; 26:50-52; John 8:1-11; 19:10-11; Romans 13:1-7; Acts 25:11; 1 Peter 2:13-14. Romans 13 is the best known passage, but Acts 25:11 strongly shows that Paul believed in submission to the courts and capital punishment laws of the Roman Empire.

The reasons for capital punishment in the Bible are: (1) Man exists in the Image of God, (2) God's character demands it, and (3) Deterrence. God has chosen not to directly enforce the principle of capital punishment. This is one way that he deals with man in grace. It is equally important that he does not enforce absolute obedience on the part of human government; however, no nation should expect God's full blessing when it directly disobeys His Word.

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Advisor

## TABLE OF CONTENTS

INTRODUCTION . . . . .	1
CHAPTER	
I. THE HISTORY OF CAPITAL PUNISHMENT . . . . .	3
General . . . . .	3
Egypt . . . . .	4
Hatti . . . . .	5
Assyria . . . . .	7
Babylon . . . . .	7
Persia. . . . .	8
Greece. . . . .	10
Rome. . . . .	10
The Early Church. . . . .	12
The Middle Ages . . . . .	14
The Modern Era To The Twentieth Century . . . . .	16
II. MODERN OPINIONS . . . . .	18
Secular Opinions. . . . .	18
Ecclesiastical Opinions . . . . .	28
III. BIBLICAL CONSIDERATIONS - OLD TESTAMENT . . . . .	36
Genesis 9:5-6 . . . . .	36
The Context of These Verses . . . . .	36
Universal Application of Genesis 9:5-6. . . . .	37
An Analysis of Certain Parts of Genesis 9:5-6 . . . . .	40
וַיִּשְׁפָּק וְהָיָה וְהָיָה and the Institution of Human Government . . . . .	42
"Shall His Blood Be Shed" . . . . .	49
Other Mosaic Writings . . . . .	52
The Sixth Commandment וְלֹא יִשְׁפָּק בְּדָם אִשָּׁה . . . . .	54
The Nature of the Sixth Commandment . . . . .	55
Contains No Object. . . . .	55
The Use of יִשְׁפָּק . . . . .	56
The Meaning of the Sixth Commandment. . . . .	57
Current Confusion . . . . .	57
Hebrew Words Translated Kill. . . . .	59
A Study of the Word וְלֹא יִשְׁפָּק . . . . .	61
Not A Prohibition of All Killing. . . . .	68
New Testament Quotes of the Sixth Commandment . . . . .	72
The Six Quotes Listed . . . . .	72
A Study of φονεύω in the New Testament . . . . .	73
φονεύω = Murder in the New Testament . . . . .	74
Septuagint Translations of וְלֹא יִשְׁפָּק . . . . .	74

IV. BIBLICAL CONSIDERATIONS - NEW TESTAMENT . . . . .	77
The Teaching of Jesus . . . . .	77
Matthew 5:21-22 . . . . .	78
Matthew 5:38-39 . . . . .	79
Matthew 26:50-52. . . . .	80
John 8:1-11 . . . . .	82
John 19:10-11 . . . . .	83
The Teaching of the Apostles. . . . .	84
Romans 13:1-7 . . . . .	85
Acts 25:11. . . . .	88
1 Peter 2:13-14 . . . . .	90
V. THE REASONS FOR CAPITAL PUNISHMENT. . . . .	92
Man in God's Image. . . . .	92
What the Image Is . . . . .	92
God's Justice . . . . .	96
Deterrence. . . . .	96
CONCLUSION. . . . .	98
APPENDIX I - USE OF $\phi\omicron\nu\epsilon\acute{\upsilon}\omega$ IN THE NEW TESTAMENT. . . . .	100
BIBLIOGRAPHY. . . . .	101

## INTRODUCTION

The purpose of this thesis is to study the issue of capital punishment and to show what the Bible teaches concerning capital punishment for capital crimes. Genesis 9:6 is the foundational verse for this teaching, and it is examined in some detail to determine its correct meaning. Other scripture passages are also examined for the light they give on the subject. An initial historical sketch is given to provide the reader a broad view of how the world has used the death penalty and what the early church thought of it. After the brief history, modern opinions are given for further background information. The modern opinions are divided into secular, which are mostly legal, and ecclesiastical categories.

The scriptures that are most important are then examined, and the reasons for capital punishment in the Bible are given. It should be noted that this paper will deal only with capital punishment. There are basically five kinds of punishment that have been used on people, and capital punishment is but one of these. The five are listed and described as follows: (1) Corporal punishment is the type that inflicts suffering on the criminal. This could be denying food or beating with a whip, etc. This type is not used today like it was in earlier ages. (2) Transporting or exiling has been used throughout history. Only in more modern times have nations established penal-colonies in another nation or land. This practice is more rare today. (3) Fines have been used from the earliest times. In ancient history the fine was usually paid to the offended but

in modern times it has usually been paid to a government. (4) Imprisonment has been used for thousands of years, but before the eighteenth century detention was almost exclusively to keep a person for trial. For the past three hundred years only have many persons been put in a prison as their final punishment. (5) Capital punishment is the ultimate punishment because there is no reversal of the sentence once it is carried out. Still it has been used from the beginning of written history. Several aspects of capital punishment are examined in this paper, and it is hoped that the following pages will help the reader to more fully be aware of this important topic.

Unless otherwise stated, the biblical quotations are from the ASV, NASB, or are the author's translation.

Murder is defined by this author (unless otherwise stated) as the unlawful and malicious or premeditated killing of one human being by another. It is also any killing done while committing another felony such as rape or robbery. Homicide is the killing of another human by an accident such as an automobile crash, or just any killing of another human. Suicide is the killing of one's self. In general, the situation will not always be easy to classify, and these definitions are not always inflexible.

## CHAPTER I

### THE HISTORY OF CAPITAL PUNISHMENT

#### General

Capital punishment has been used by almost every nation in history. Most of the time revenge was the main motivation<sup>1</sup> but in the later portions of ancient history deterrence was the main concern. It was almost always done in public for that reason.

"When criminals are executed," says Quintillian, "the most public places are chosen, where there will be the greatest number of spectators, and so the most for the fear of punishment to work upon them." Again, Seneca, following the same line of argument, says, "The more public the punishments are, the greater the effect they will produce upon the reformation of others."<sup>2</sup>

It is interesting that prisons were a much later development. Scott has noted that in early history, "Detention as a form of punishment or deterrence was unthought of."<sup>3</sup>

Most ancient capital punishment laws were for murder or sexual abuses although several other crimes also received the death penalty. As time passed, less serious crimes began to carry capital punishment also.

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<sup>1</sup>George R. Scott, The History of Capital Punishment (London: Torchstream Books, 1950), p. 4.

<sup>2</sup>John Laurence, A History of Capital Punishment (London: Sampson, Low, Marston and Co., n.d.), p. 4.

<sup>3</sup>Scott, The History of Capital Punishment, p. 4.

The term "capital punishment" is derived from the Latin caput, which meant the head, the life, or the civil rights of an individual. Roman law also knew of the death penalty by the phrase summa supplicium.

Some of the methods of execution were stoning, burning, crucifying, starving in a dungeon, whipping, beating, chopping, sawing in two, quartering, boiling, frying, flaying alive, impaling, poisoning, hanging, feeding to wild beasts, choking, suffocating, drowning, throwing down from a high place, dragging, pouring melted lead on the body, crushing, decapitating, shooting with arrows and various devices, and various bizarre ways.

### Egypt

The Egyptians had law codes which have been referred to in ancient sources, but none of them have ever been discovered. However, there is no doubt that capital punishment was practiced in ancient Egypt. In fact, in early Egypt the axe was commonly used in carrying out the death penalty.<sup>1</sup>

Officials in Egypt were often told to kill themselves, and a system of poisoning was also developed. According to Laurence, the Amherst papyri, which contain accounts of the trials of state criminals in Egypt at about 1500 B.C., lists the oldest known death sentence. "The criminal condemned was found guilty of 'magic' and was sentenced to death. The exact mode of his death was left to the culprit, who was his own executioner."<sup>2</sup>

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<sup>1</sup>Laurence, A History of Capital Punishment, p. 1.

<sup>2</sup>Ibid., p. 2.



Herodotus (according to Scott) related that King Sabacus of Egypt received an order in a dream to cut in two all the priests of Egypt.<sup>1</sup> In the area of conspiracy, the exact punishment is not known, but the evidence indicates that it was death and the criminal was often "permitted" to commit suicide.<sup>2</sup> It is also known that in the later centuries the peoples of Egypt used burning, crucifixion, and decapitation.<sup>3</sup>

#### Hatti

The Hittites' customary laws were different from most of the Semitic laws in that they seemingly showed little or no emotional or humanitarian feelings toward the criminal.<sup>4</sup> The Hittites usually recognized the king as the final word of authority in any matter, and they did practice capital punishment during most of the time they were in power. The death penalty was actually applied in a small number of cases, and the Hittites seldom (as opposed to the Semites) used "stoning, burning, drowning, hanging, or impalement."<sup>5</sup>

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<sup>1</sup>Scott, The History of Capital Punishment, p. 24.

<sup>2</sup>"Crimes and Punishments," Encyclopedia of Religion and Ethics, ed. by James Hastings (13 vols.: New York: Charles Scribner's Sons, n.d.), IV, 273.

<sup>3</sup>Laurence, A History of Capital Punishment, p. 3.

<sup>4</sup>E. Neufeld, The Hittite Laws (London: Luzac and Company, 1951), p. 98.

<sup>5</sup>Ibid.

In Hittite statute law, reparation of damages done was the primary concern and penalties for crimes were reduced. Capital punishment was retained, but in carrying out of the death sentence, religious ceremony replaced torture.<sup>1</sup>

Some crimes that were at different times punishable by death were theft,<sup>2</sup> retention of another man's captured runaway slave,<sup>3</sup> and adultery.<sup>4</sup> The king could almost always grant a pardon, but in cases of adultery, the only way a king could normally stop the execution of the man was if the woman's husband let her live.<sup>5</sup>

One could also be put to death for sowing different kinds of seeds in the same field,<sup>6</sup> for having sexual intercourse with a sister-in-law, step-daughter, daughter, or mother-in-law, rape, and certain other crimes.<sup>7</sup> Since the king was supreme and deified, almost all crime was thought of as being against him. Thus most of the actual executions were for crimes against the king.

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<sup>1</sup>Ibid., p. 99.

<sup>2</sup>Ibid., p. 117.

<sup>3</sup>Ibid., p. 139.

<sup>4</sup>Ibid., p. 161.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid., pp. 193-194.

### Assyria

The ancient Assyrians often used the death penalty in their legal systems. They had very complex laws regarding capital punishment, and often had laws for specific trouble and problem areas of society.<sup>1</sup> They used the axe in earlier days,<sup>2</sup> and developed other means of execution as well. These included burning, crucifixion,<sup>3</sup> mutilation and others. Mutilation appears to have been more common than most types of punishment, but it is uncertain how much it was practiced, and it should be noted that mutilation did not always kill a person.

### Babylon

Many of the laws of the earlier Babylonians were the same as those of the Assyrians and often they are classified together as "Assyro-Babylonian" laws. In the earliest times women had few civil rights, and if a wife divorced her husband she could get the death penalty; but if a husband divorced his wife, he had to pay a half mina of silver.

In the older Babylonian Dynasties, the code of Hammurabi (though it is not the oldest) is the best known of the law codes. Hammurabi distinguished between willful homicide and manslaughter and also used lex talionis (the law of retaliation, as "an eye for an eye," etc.).

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<sup>1</sup>One may see G. R. Driver, The Assyrian Laws (Germany: n.p., 1975) for more extensive discussions. This is probably the best book on the topic of Assyrian laws.

<sup>2</sup>Laurence, A History of Capital Punishment, p. 1.

<sup>3</sup>Ibid., p. 3.

Many times he gave the death penalty by mutilation. The code of Hammurabi carried the death penalty for some twenty-five offenses. This is also the approximate number mentioned by Moses in the Pentateuch (see page 53). Other methods listed by Hammurabi were drowning, burning, and impaling.

A few of the offenses that received the death penalty in Babylon were sexual abuses, theft, governmental corruption, and other abuses. One could even be executed for selling beer in an unauthorized way. Murder was omitted, but this was probably due to the type of feudal system involved in their lex talionis doctrine. Other reasons for the death penalty included kidnapping a freeborn child, buying property without contracts and witnesses, housebreaking, fatal negligence, and certain thefts.<sup>1</sup> It is interesting that if a person accused another of any crime punishable by death and the accused was found innocent, then the one who made the accusation was executed.<sup>2</sup>

### Persia

The Persians had capital punishment from the beginning of their history and practiced such things as burning, decapitation, and crucifixion in their later years.<sup>3</sup> "For great criminals, a high tower was filled a great way up with ashes, the criminal was thrown into it, and the ashes,

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<sup>1</sup>"Crimes and Punishments," Encyclopedia of Religion and Ethics, IV, 258.

<sup>2</sup>Ibid.

<sup>3</sup>Laurence, A History of Capital Punishment, p. 3.

by means of a wheel, were continually stirred up and raised about him till he was suffocated" (2 Macc. 13:4-6).<sup>1</sup> Another cruel method used by the Persians was that of cutting live persons in two: "Parisates, king of Persia, caused Roxanna to be sawn in two alive."<sup>2</sup>

The Persians had many offenses which received the death penalty. They ranged from sitting on the king's chair to extreme theft. The method of hanging which the Persians sometimes used for certain of these offenses is mentioned in the Bible at Esther 2:23, 5:14 and 7:10.

The Persians seemed to be disproportionate in their punishments. One may note the following: "Capital punishment is prescribed for the man who carries a dead body alone, and for the man who falsely undertakes to cleanse one defiled with dead matter. Strange as it may seem, only ninety stripes are prescribed for one who commits murder."<sup>3</sup> This is even more amazing when it is realized that the Persian punishment in stripes ranged from five to five thousand, and they were usually not given in large numbers at all.

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<sup>1</sup>"Punishment," Cyclopedia of Biblical, Theological, and Ecclesiastical Literature, ed. by John M'Clintock and James Strong (12 vols.: Grand Rapids: Baker Book House, 1970), VIII, 789.

<sup>2</sup>Scott, The History of Capital Punishment, p. 24.

<sup>3</sup>"Crimes and Punishments," Encyclopedia of Religion and Ethics, IV, 294.

### Greece

Although the Greeks are often thought of as philosophers and intellectuals, they also had complex systems of justice and they had capital punishment from their earliest days. Toward the end of Greek influence, burning, crucifixion, and beheading were used. They used a certain type beating for slaves. This beating to death (*τυμπανομοίς*) "was inflicted on a wooden frame, which probably derived its name from resembling a drum or timbrel in form, on which the criminal was bound, and beaten to death (2 Macc. 6:19, 28, 30)."<sup>1</sup>

Early Greek law shows a strong tradition of self-help on the part of clan and tribal groups. The earliest written codes, however, use the death penalty for numerous offenses, including many of religious character; and capital punishment became an established feature of Greek law in the period of its strength. At the time of Pericles one could be executed for sacrilege or debasing money. The Greeks had many complex laws, and the various possibilities involving homicide were laid out in detail. In some cases a guilty person would be banished and free in any other country, but would be executed if he returned to Athens.

### Rome

The Romans usually kept better records than their predecessors, and they also had a more detailed system of written laws than most. These factors, plus the later date, account for the vast knowledge about Roman law today. The Decemviri passed into law the "Twelve Tables"

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<sup>1</sup>"Punishment," Cyclopedia of Biblical, Theological, and Ecclesiastical Literature, VIII, 789.

(borrowed from the Greeks) in 450 B.C. A penalty of burying alive was given to vestal virgins who violated their vows in the Republic. Some other capital offenses by 450 B.C. by the Romans included:

Publishing libels and insulting songs.  
 Furtively cutting or causing to be grazed crops raised by ploughing,  
 by an adult.  
 Knowingly and maliciously burning a house or a stack of corn near  
 a house.  
 Theft by a slave who is taken in the act.  
 Cheating, by a Patron, of his client.  
 Perjury.  
 Wilful murder of a freeman.  
 Wilful murder of a parent.  
 Making disturbances in the City at night.<sup>1</sup>

Prior to Constantine, impalement was used (by Nero and others) as an execution device, but when Constantine adopted Christianity, he got rid of most of these types of execution throughout the empire.<sup>2</sup> Before this a woman could be killed for hiding the keys to her husband's wine cellar.

The Romans had a curious punishment for parricides (killer of one's parents). They were thrown into the water in a sack, which contained also a dog, a cock, a viper and an ape. This superstitious form of punishment persisted, in some countries, into the Middle Ages. The parricide has always been singled out for special punishment in all countries and ages.<sup>3</sup>

Theft, desertion, and perjury were punished by beating to death with sticks.<sup>4</sup> The Romans had many forms of capital punishment, and some of them were throwing down from the Tarpeian rock, burying alive, various

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<sup>1</sup>Laurence, A History of Capital Punishment, p. 3.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Scott, The History of Capital Punishment, p. 24.

beatings, and drowning.<sup>1</sup> Later the emperor Caligula even had people sawn in two through the middle.<sup>2</sup>

Generally it may be said that during the Republic citizens were almost exempt from the death penalty, and death was imposed mainly for crimes among the military. Under the emperors, it became increasingly common as the penalty for a much wider range of offenses.<sup>3</sup> However, slaves were executed in all periods of Roman history. Political crimes were the most common type that received capital punishment for the first two centuries A.D. When Christianity became a state religion, heretics were often condemned and executed. As time passed, Roman law became more complex and detailed. The Code of Theodosius had over eighty crimes punishable by the death penalty in A.D. 438.

#### The Early Church

Some of the early Christians believed that the New Testament taught against capital punishment. Many would not fight in any manner or participate in any violence. As was mentioned earlier, when Constantine adopted Christianity, he changed many of the death penalty laws. Apparently some Roman officials did not want Christians in the military, etc., as the believers were opposed to killing. "According to Milman (History of Christianity), the Emperor Julian (361-363) refused to allow

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<sup>1</sup>Laurence, A History of Capital Punishment, p. 3.

<sup>2</sup>Scott, The History of Capital Punishment, p. 24.

<sup>3</sup>D. R. Campion, "Capital Punishment," The New Catholic Encyclopedia, (15 vols.: New York: McGraw-Hill Book Co., 1967), III, 79.



anyone who was a Christian to be a prefect, on the ground that because of his faith he was opposed to and could not give a verdict involving the death penalty."<sup>1</sup> (*Italics mine*).

Tertullian was not always clear in his views on the death penalty, but the following quote indicates he recognized the state's right to use that penalty for the cause of good. He was commenting on Romans 13:4.

No doubt the apostle admonishes the Romans to be subject to all power, because there is no power but of God, and because (the ruler) does not carry the Sword without reason, and is the servant of God, may also, says he, a revenger to execute wrath upon him that doeth evil. . . . Thus he bids you be subject to the powers . . . when he is making an appeal in behalf of a good life, under the view also of their being as it were assistants bestowed upon righteousness, as it were handmaids of the divine court of justice, which even here pronounces sentence beforehand upon the guilty.<sup>2</sup>

Augustine defended capital punishment for the sake of social order, and he commented on Romans 13:4 as follows: "For he beareth not the sword in vain," saith the apostle. Draw not the sword wherewith thou dost strike Christ. . . . The authority is hated because it is legitimate; he acts in a hated manner who acts according to the law.<sup>3</sup>

In another work he said: " . . . there are some exceptions made by the divine authority to its own law, that men may not be put to death. . . . He to whom the authority is delegated, and who is but the sword in

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<sup>1</sup>Scott, The History of Capital Punishment, p. 226.

<sup>2</sup>Tertullian, "Scorpiace," The Ante-Nicene Fathers, ed. Roberts and Donaldson, trans. S. Thelwall (New York: Charles Scribner's Sons, 1899), III, 647.

<sup>3</sup>Augustine, "On the Gospel of John," Tractate V, 12, Nicene and Post-Nicene Fathers, ed. Philip Schaff; trans. John Gibb and James Innes (New York: Charles Scribner's Sons, 1900), III, 35.

the hand of him who uses it, is not himself responsible for the death he deals.<sup>1</sup> Later there was a lot of controversy over dissenters in the church, and this led to some executions.

The penalty of death was executed for the first time for ecclesiastical offences at Treves in 385, when the Spanish bishop Priscillian and six others, including a noble matron of Bordeaux, were put to death. All the bishops present except Theognistes approved the sentence. Ambrose and Martin of Tours disapproved of it, the former, however, being opposed to the death sentence altogether. Leo I. (440-461) definitely advocated the death penalty for heretics. Henceforth the only parties to oppose it were the dissenting sects, such as the Donatists.<sup>2</sup>

### The Middle Ages

In the Middle Ages capital punishment became more common (in the civil realm) and was given for many more crimes. Criminals were executed by more severe and vicious methods, including quartering, beheading, breaking on the wheel, stretching on the rack, and stretching. They were often tortured severely before actual execution and this was also done in public.

Some religious leaders were strongly against the death penalty, and among the churchmen, those who spoke out against the church's actually becoming involved in capital punishment were Pope Leo I in the fifth century and Nicholas I in the ninth. Councils such as Toledo (675)

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<sup>1</sup>Augustine, The City of God, I, 21, in Basic Writings of Saint Augustine, ed. Whitney J. Oates (New York: Random House, 1948), II, 28.

<sup>2</sup>"Crimes and Punishments," Encyclopedia of Religion and Ethics, IV, 717.

and the Fourth Lateran (1215) forbade clerics to take any part in a juridical process or sentence on a capital charge.<sup>1</sup> The most important influence on the discipline of dissenters exercised by any churchman was that of Augustine. . . . He did not go as far as distinctly to advocate the penalty of death, but his exposition became the chief authority for the Schoolmen, including Thomas Aquinas, in favour of the death penalty for heretics.<sup>2</sup>

Laurence described the situation in England as follows:

The death penalty was extended to heretics under the writ de heretico comburendo, which was lawfully issuable under statute in England from 1382 until 1677. For this purpose the legislature had adopted the civil law of the Roman Empire, which was not a part of the English common law. The law was the subject of the grossest abuse, and there was a rapid increase of capital punishment in England.<sup>3</sup>

Henry VIII is said to have had 72,000 people executed, and he had boiling made legal in 1531. One of the famous executions was when Catherine Hayes was burned at Tyburn in 1726. As Laurence says:

It was customary, when a woman was burnt . . . to tie a rope round her neck when she was fastened to the stake, and strangle her before the flames reached her. In the case of Catherine Hayes . . . she was literally burnt alive; for the executioner, letting go the rope sooner than usual in consequence of the flames reaching his hands, the fire burnt fiercely round her, and the spectators beheld her pushing the faggots from her, while she rent the air

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<sup>1</sup>Campion, New Catholic Encyclopedia, III, 80.

<sup>2</sup>"Crimes and Punishments," Encyclopedia of Religion and Ethics, IV, 717.

<sup>3</sup>Laurence, A History of Capital Punishment, p. 5.

with her cries and lamentations. Other faggots were instantly thrown on her, but she survived amidst the flames for a considerable time, and her body was not perfectly reduced to ashes in less than three hours.<sup>1</sup>

Throughout the Middle Ages life was shortened for thousands, as people were executed for over 250 reasons. As the Modern Age came to be, a different way was taken by the majority of the world's civilized people.

#### The Modern Era To the Twentieth Century

The respect for human life and the belief in the worth of man became more prominent in the eighteenth and nineteenth centuries. Only a few notes will be made here, as chapter two also deals with the modern period and especially with the United States in the twentieth century.

In the modern times men began to question the deterrent effect of capital punishment, and it was dropped for all but the most serious crimes. The most influential person in this regard was Cesare Beccaria, who being only twenty-six, published his volume on the reform on criminal justice in 1764, which was translated into English as Crimes and Punishments in 1880. He spoke against the use of torture and other barbaric practices and stressed that governments should seek the greatest good in the greatest number. He was the first modern writer to push for the complete abolition of the death penalty, and is still called the father of the abolition movement.

In the early American colonies there was very little agreement on capital punishment. For instance, the Pennsylvania colony had the death

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<sup>1</sup>Ibid., p. 9.

penalty only for treason and murder, but Massachusetts had it for witchcraft, murder, blasphemy, idolatry, assault, sodomy, rape, kidnapping, perjury in a capital crime, and rebellion. By 1834 England had reduced the number of capital crimes to fifteen and thirty years later it was reduced to only four. In 1845 the American Society for the Abolition of Capital Punishment was formed in America. Then in 1847, Michigan became the first state to abolish capital punishment for all crimes except treason. As a general rule, the number of executions has dropped steadily in the twentieth century.

After World War II, the abolitionists became more aggressive and active than ever before. Their movement received new life by a reaction to totalitarianism and by such things as The Universal Declaration of Human Rights (1948). Italy returned to the Beccarian tradition, and Germany excluded capital punishment by constitutional provision. In England, a considerable amount of literature, two abolitionist victories in the House of Commons, and the effects of the work of the Royal Commission resulted in the compromise Homicide Act of 1957 which reduced capital crimes, distinguished between capital and non-capital murder, and introduced the concept of limited responsibility. In 1966, a debate took place in Canada in their House of Commons on a resolution to abolish capital punishment, but it was finally defeated.<sup>1</sup>

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<sup>1</sup>William Baker, "The Theological Issues in Capital Punishment." Unpublished Doctoral Dissertation, Dallas Theological Seminary, 1969, p. 29.

## CHAPTER TWO

### MODERN OPINIONS

This chapter will be divided into secular and ecclesiastical opinions. It is mostly confined to the period of the last twenty years, and the opinions will be analyzed more than in chapter one.

#### Secular Opinions

With the history of capital punishment as a background to the subject, the opinions of modern men will now be examined. These will add to the background information, and will also permit one to understand how modern man (especially in the U.S.) feels about the issues. The arguments against the death penalty are listed with observations and counter-arguments for the penalty given immediately after each one.

The first basic argument against capital punishment is "evolving standards of decency"--most civilized nations have abandoned capital punishment, and man is becoming more progressive.<sup>1</sup> "If the Court fails to take the enlightened view and permits a revival of capital punishment, it will be encouraging all the retrogressive tendencies in American life."<sup>2</sup> However, one wonders just how "enlightened" man is getting when he makes laws with stiffer penalties for hurting dogs and cats than for killing the owner of those animals. There are also some lawyers who see a

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<sup>1</sup>"Death Dealing," Time (April 21, 1975), p. 58.

<sup>2</sup>"The Death Penalty's Comeback," Nation (Nov. 9, 1975), p. 453.

weakness in the idea that man's progressive ideas are getting better.

"The Biblical maxim of 'an eye for an eye, a tooth for a tooth, a life for a life' still retains much potency."<sup>1</sup> Concerning the idea that such a brutal thing is retrogressive to high social life, it must not be overlooked that this has nothing to do with the rightness or wrongness of capital punishment. The fact that many have abandoned capital punishment today does not mean that it has not been used effectively in history or that it can no longer be effective.

A second argument against capital punishment is that "it falls disproportionately on blacks and other socially rejected minority groups."<sup>2</sup> It is true that a higher percentage of blacks have been executed in the United States than whites, but it is also true that a higher percentage of minorities per capita have committed capital crimes. "The Uniform Crime Reports of the Federal Bureau of Investigation (Crime in the United States 1974, p. 191 (1975)) indicate that 57.1 percent of those arrested for willful felonious homicides are black."<sup>3</sup> Thus, lawyers arguing before the Supreme Court flatly stated that "It is a myth that the death penalty is arbitrarily and discriminatorily imposed upon minority groups."<sup>4</sup>

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<sup>1</sup>"The Death Penalty's Comeback," p. 453.

<sup>2</sup>"Death Dealing," p. 58.

<sup>3</sup>Frank G. Carrington, Neither Cruel nor Unusual (New Rochelle, New York: Arlington House Publishers, 1978), p. 207.

<sup>4</sup>"Pros, Cons of an End to the Death Penalty," U.S. News and World Report (January 31, 1972), p. 56.

Carrington has also noted:

The selection of those to be executed might be open to serious question if it were influenced by the race of the defendant. We submit that the data do not show that race is a factor. We have included in . . . this brief an analysis of the findings of the studies relied upon by petitioners and others. These studies contradict each other, and the most recent (and sophisticated) study, the Stanford Note ("A Study of the California Penalty Jury in First-Degree-Murder Cases: Standardless Sentencing," 21 Stanford Law Review 1297 (1969)), found no evidence whatever of racial discrimination in capital punishment for murder. We are aware of no properly conducted study that supports a contrary conclusion.<sup>1</sup>

A third argument against the death penalty is "arbitrariness." Since the death penalty is not mandatory any more, it is "arbitrary" and "capricious" to use it.<sup>2</sup> Yale Law School Professor Charles L. Black, Jr., commented, "Though the justice of God may indeed ordain that some should die, the justice of man is altogether and always insufficient for saying who these may be."<sup>3</sup> It is certainly always possible to execute the wrong person as long as humans are the judges. However, human error is not in question, and those who favor the death penalty do not seek to enforce it without due process of law. It will be seen in chapter three that as a matter of fact, God says man's justice is indeed sufficient for saying who these may be. It is undue criticism and slander upon the judges to make claims of arbitrariness without full proof of such accusations. Should one ask how many wrong people have been executed, he would find

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<sup>1</sup>Carrington, Neither Cruel nor Unusual, p. 206.

<sup>2</sup>"Death Dealing," p. 58.

<sup>3</sup>Patrick R. Oster, "In Spite of All the Talk of Restoring Death Penalty," U.S. News and World Report (April 14, 1975), p. 52.



the answer insufficient to warrant abolition.<sup>1</sup>

A fourth (the main reason for people in legal positions) is because it is believed that it is not a deterrent to capital crimes. The argument basically says that since about seventy-five percent of all murders are the non-premeditated type, no punishment would deter them. It is true that many acts of murder and other violence which are committed in a sudden, mad, and non-thinking way may have little that would stop or decrease their occurrences. This is partly because man does often act in a rage of madness which is nearly impossible to control. However, this writer firmly believes that if every person knew and was reminded regularly that death was the mandatory sentence for all capital crimes, many would hesitate and often refrain from rashly committing those capital crimes. When criminals know that the death penalty will not be carried out, this destroys any deterrence that might be there. Note the following example of this which happened some eighty years ago. Such situations no doubt are still occurring.

The Hon. J. M. Addeman, one-time Secretary of State of Rhode Island, in a letter to Mr. William Tallack, cited a significant incident that had recently occurred. Two brothers murdered a man at Worcester in Massachusetts. Murderers and murderee were all residents in the neighbouring State of Rhode Island. The crime was premeditated, and the murderers had waited patiently until their victim crossed into Massachusetts, whither they followed him, before committing an act which could much more easily have been accomplished in their own State. But, said Mr. Tallack's correspondent, in Rhode Island the penalty for murder was imprisonment, in Massachusetts it was death, and they knew full well anyone guilty of murder had a better chance of escape where the jurors had to decide upon an irrevocable fatal verdict than where abolition provided an opportunity of rectifying a mistaken conviction.<sup>2</sup>

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<sup>1</sup>If there are very many, the abolitionists do not bother to emphasize the fact, and this emphasis would certainly be found if it was helpful to their argument.

<sup>2</sup>Scott, The History of Capital Punishment, p. 243.

There should be little doubt that it would at least reduce the premeditated type. The following letter adds further evidence of this. It was written to Keith Sanborn, district attorney of Sedgwick County, Wichita, Kansas (a state without the death penalty). The names have been changed.

June 7, 1975

Keith Sanborn  
Sedgwick County Attorney  
Sedgwick County Court House  
Wichita, Kansas

Dear Sir:

Will capital punishment be used again? Although we had been previously opposed to it for the usual "moral" reasons, we recently learned that our society needs it!

Last September 17th at four in the morning, three people held us captive at gun-point for three hours during an attempt to rob our bank. During that time they discussed their sentences if they were caught. They decided to kill us, rather than to leave witnesses. There wouldn't be that much difference in the "time" they would serve. They mocked the law, for we have become more concerned with the criminals' rights than those of the law-abiding citizen.

Capital punishment is not excessive, unnecessary punishment for those who wilfully, with premeditation, set out to take the lives of others. Even though it may be used infrequently, it does impose a threat to the criminal.

Rosie escaped, but they shot me twice in the head and left me for dead in the bank vault. Thank God that we lived so that we can tell you that capital punishment does make a difference. Capital punishment will save the lives of the innocent. Our first "moral" obligations should be to the law-abiding citizen.

Sincerely yours,

MR. AND MRS. THOMAS HORNER<sup>1</sup>

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<sup>1</sup>Carrington, Neither Cruel nor Unusual, p. 99.

A seventeen-year study was completed in June of 1978 on "crimes of passion," many of which were non-premeditated murders. This study found that there was in reality no such thing as "crimes of passion." That is the firm conclusion of Dr. Stanton E. Samenow, a clinical research psychologist from Alexandria, Virginia, who participated in the federally-funded Program for Investigation of Criminal Behavior in Washington.

"There is no such thing as a crime of passion," Samenow said. "A man picks up an ax. He hacks his wife to death. He didn't plan the day or the hour so it was sudden. But you examine that individual, how he operates in life. Many times when somebody stood in his way, when somebody put him down, when somebody offended his view of himself and his view of the world, he thought about getting rid of that person. . . . A responsible person does not suddenly pick up an axe (sic) and kill his wife . . . As we examined these people, we found they are people who have been irresponsible in other ways. They have been people who lied, who took shortcuts in life, who assaulted others. . . ." <sup>1</sup>

He goes on to say, "The people we studied are no more mentally ill than this tape-recorder. There is a lore that floats around--convince them you are nuts, if you play the psychiatric game you will get out." <sup>2</sup>

These studies show that there are serious questions in the way criminals are judged. Temporary insanity has clearly been an easy way out for many. At least these new studies show that the justice system should not be so easy on such criminals and that new evaluations need to be made.

J. Edgar Hoover, in his "Statements in Favor of the Death Penalty" said, "The professional law enforcement officer is convinced from

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<sup>1</sup>Warsaw (Indiana) Times Union, 13 June, 1978.

<sup>2</sup>Ibid.

experience that the hardened criminal has been and is deterred from killing based on the prospect of the death penalty."<sup>1</sup> Although statistics can be misleading, a careful evaluation of the statistics in the following table comparing the number of murders with the number of executions for murder seems to indicate that capital punishment is a deterrent to crime.<sup>2</sup> This information was made public by the F.B.I. on August 29, 1972.<sup>3</sup>

<u>Year</u>	<u>Murders</u>	<u>Executions</u>
1959	8,580	49
1960	9,140	56
1961	8,600	42
1962	8,400	47
1963	8,500	21
1964	8,250	15
1965	9,850	7
1966	10,950	1
1967	12,090	2
1968	13,250	0
1969	14,830	0
1970	15,860	0
1971	17,630	0

No further executions took place until Gary Gilmore was executed in 1977.

Many studies have been made on this question; one was made by economist Isaac Ehrlich of the University of Chicago who studied statistics from

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<sup>1</sup>Hugo A. Bedau, ed., The Death Penalty in America (Garden City, New York: n.p., 1964), p. 134.

<sup>2</sup>Actually these figures do not prove that the fear of the death penalty went down as executions went down, but rather they show that with so few total executions, one need not fear the death penalty at all for it is only a paper tiger. See point #5 of the objections to the abolitionist's use of statistics which follows.

<sup>3</sup>T. Sellin, ed., Capital Punishment (New York: Harper and Row, 1967), p. 32. One may see other works for this as well, as this is common information in many books that discuss capital punishment.

1933 to 1969 and found what he felt was clear proof of a deterrence factor to crime in the death penalty.<sup>1</sup>

Although some abolitionists claim that statistics can positively show capital punishment has no effectiveness, it is clear that these statistics are sometimes intentionally presented in a way that distorts the truth. This may be seen by a few examples which follow. It was pointed out that when only six states (in 1964) had abolished the death penalty, the murder rate was 1.83 per 100,000 of the population, but in the other forty-two states which still had the penalty, the murder rate was 7.04 per 100,000, or almost four times the former states.<sup>2</sup> At first this may seem like striking evidence for non-deterrence, but one should note the following considerations: (1) There is probably no one who is willing to say that if capital punishment were to be abolished totally in the United States that the number of murders would be cut to one-quarter of their present number. Even during times when the Supreme Court makes major decisions on the matter and the states are reviewing (and many changing) their laws, the number of murders does not decrease. The very idea that the removing of the threat of death for would-be murderers will make them cease murdering "would tax the ingenuity of the most agile psychologist to explain such a change of heart."<sup>3</sup> (2) The statistic

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<sup>1</sup>"Death Dealing," Time, p. 58. Unfortunately, the article does not go into detail concerning the study.

<sup>2</sup>Bernard L. Cohen, Law Without Order (New Rochelle, New York: Arlington House, 1970), p. 22.

<sup>3</sup>Ibid.

compilers did not note that in the states where there is little problem of murder there would also be less opposition to removing the death penalty. Thus these states would have no real need for the penalty like a state plagued with a high rate of murders. (3) The statistics did not tell the rate of each of these six states, but only gave the collective figure. "Is the rate of 1.83 to 100,000 uniformly applicable to each of them? The answer to this question could be revealing."<sup>1</sup> (4) In a similar way the larger number of states likely contain states with very low murder rates. These figures were also mysteriously left out. If such was not the case, the figures would have been useful for the abolitionists' cause. (5) Another overlooked statistic is that from 1961 the annual rate of executions has been less than one per state per year. This extremely low rate of executions could not possibly have had much of a deterrence, for every killer certainly knew that for all practical purposes the death penalty in the United States was inoperative and disappearing. (6) Sometimes killings which are murders are declared manslaughter and therefore distort the number of "murders" listed in statistical accounts. For examples of this, one may see Cohen<sup>2</sup> and other statistical books. Thus it can be seen that statistics can be deceiving.

One other evidence that capital punishment is a worry of murderers and that it deters crime is that many major robberies and other crimes have been done with plastic or empty guns because the criminal was afraid

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<sup>1</sup>Ibid., p. 23.

<sup>2</sup>Ibid.

of the "electric chair" if he should kill someone.<sup>1</sup> Also in 1965 Great Britain totally removed the death penalty, and the capital crime rate continued to go up, not down.

A fifth and common argument is that capital punishment is "cruel and unusual" and therefore unconstitutional.<sup>2</sup> However, the Supreme Court has determined that the authors of the constitution were not opposed to capital punishment when the "cruel and unusual punishment" phrase was written.<sup>3</sup> Many lawyers have pointed out before the Supreme Court that a lifetime in a prison cell is often more "cruel and unusual" than death. This is not hard to believe, and one man in Utah recently desired, requested, and later received execution by a five-man firing squad because the "life in prison was more cruel and unusual"<sup>4</sup> to him than execution. Condemned killer Gary Gilmore realized he was guilty and worthy of death, and he declared in a letter to the state's Supreme Court:

Sirs: Any appeals filed in my 'behalf' or any other legal action designed to stall or delay my execution is to be considered NULL AND VOID. Attorneys (Craig) Snyder and (Mike) Esplin do not represent me--I have fired them as of Nov. 1, 1976. I desire to be executed on schedule on Nov. 15, 1976. I am sane, intelligent and rational. Gary Gilmore.<sup>5</sup>

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<sup>1</sup>Grant S. McClellan, ed., Capital Punishment (New York: The H. W. Wilson Company, 1961), pp. 31-32.

<sup>2</sup>"Pros, Cons of an End to the Death Penalty," U.S. News and World Report, p. 56.

<sup>3</sup>Oster, "In Spite of All the Talk of Restoring Death Penalty," U.S. News and World Report, p. 52.

<sup>4</sup>Warsaw (Indiana) Times Union, 6 November, 1976.

<sup>5</sup>Ibid.

These arguments pro and con show that men in legal positions are sharply divided, but most are clearly abolitionists. It is clear that capital punishment does not deter murders to as large a degree as one might wish, yet books are filled with arguments both for<sup>1</sup> and against deterrence. This is significant, for God's purpose of capital punishment in the Bible does contain a deterrence factor (see chapters three and four), but is primarily based on God's character and man being created in God's image.

#### Ecclesiastical Opinions

The Roman Catholic Church has generally supported the state's right to inflict the death penalty for crimes such as murder. However, many Catholic theologians do not accept capital punishment as legitimate for any reason. Father Paul L. Blakely has stated the official Catholic position as follows:

Has civil society the right to inflict death? Must civil society always exercise this right? . . . If we answer the first question with an affirmative and the second with a negative, I think we shall have a fairly accurate presentation of authoritative Catholic teaching on capital punishment.<sup>2</sup>

There have been many campaigns to abolish capital punishment, and these have caused many Protestant denominations to take a public stand against it. Some of them include the Lutheran Church in America (1966), American Baptist Convention (1960), Church of the Brethren (1957),

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<sup>1</sup>One of the best and most recent books supporting the idea of deterrence is: Frank G. Carrington, Neither Cruel Nor Unusual (New Rochelle, New York: Arlington House Publishers, 1978). See Bibliography for related works.

<sup>2</sup>See Baker, "The Theological Issues In Capital Punishment," p. 31 where he cites Father Blakely in Eugene B. Block, And May God Have Mercy (San Francisco: Fearon Publishers, 1962), p. 157.



Disciples of Christ (1957), Protestant Episcopal Church in the United States (1958), American Ethical Union (1960), General Conference of the Methodist Church (1960), United Presbyterian Church in the United States (1959), American Unitarian Association (1956), Universalist Church of America (1957), The Anglican Church of Canada's Executive Council (1958), and the United Church of Canada (1960).<sup>1</sup>

Ecclesiastical opinions which argue against the death penalty use basically the same arguments as the secular writers and add to the lists. Aside from the usual remarks concerning arbitrariness in administration and lack of effective deterrence to crime, the following have been presented: (1) it cannot be harmonized with the love of God; (2) the Gospel seeks redemption of evildoers, not condemnation; (3) Jesus always preferred life and forgiveness over death and condemnation; (4) it denies the inherent worth of man and the dignity and worth of human personality and society; (5) it is void of humanitarianism and denies the "gift of life" which only God should take; (6) it is a blow at the innocent--the criminal's family; (7) Exodus 20:13 says, "thou shalt not kill"; (8) it denies the unceasing availability of God's mercy, forgiveness, and redemptive power; (9) the Christian wholeheartedly supports the emphasis in modern penology upon the process of creative, redemptive rehabilitation rather than on punishment and primitive retribution and vengeance; (10) it tends to brutalize the human spirit and the society which condones it.<sup>2</sup>

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<sup>1</sup>T. Sellin, ed., Capital Punishment, pp. 121-122.

<sup>2</sup>For further summaries of these arguments see: Jacob J. Vellenga, "Is Capital Punishment Wrong?" Christianity Today (Oct. 12, 1959), p. 7.; Charles C. Ryrie, "The Doctrine of Capital Punishment," Bibliotheca Sacra, 129:515 (July-September, 1972), 213; Hugo A. Bedau, "The Argument against

This list is not exhaustive, but it shows the basic beliefs of religiously liberal men who favor abolition of the death penalty. There are many problems with these arguments and each one is here restated and evaluated.

(1) It cannot be harmonized with the love of God--this argument is directly opposed to the doctrine of God's love as it is revealed in nature and in the scriptures. Many people die every day by terrible accidents, diseases and incidents which are controlled by God. If these could not be harmonized with His love, then how could He let them happen? The Bible states that God loves every man and that His actions prove His love (John 3:16; Acts 14:17). It also states that God's love permits and is in harmony with much worse punishment than that of capital punishment, for He also punishes men for eternity in the lake of fire (John 3:17-18, 36; Mark 9:48; Revelation 20:15). Thus the statement that capital punishment cannot be harmonized with the love of God is inconsistent with a biblical view of God's love.

(2) The Gospel seeks redemption of evildoers, not condemnation--it is true that the Gospel seeks redemption of evildoers in a spiritual sense, for all men are evildoers and God would have all men to be saved (1 Timothy 2:4). However, the message of the Bible concerning evildoers in the physical realm is repentance of their evil deeds. This message was proclaimed by John the Baptist (Luke 3:8), Jesus (Luke 13:3), and the apostles (Acts 2:38; Acts 26:20). If men would not repent and continued to do evil, the *πράσσω κακόν* and *ποτέω κακόν* of Romans 13:4

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the Death Penalty," The Death Penalty in America, ed. (Garden City, New York, 1964), pp. 167-168. Some of these arguments came from resolutions of the American Baptist Convention as adopted in 1960.

permitted for their execution under the capital punishment laws of a given government. One may see the discussion of this passage in chapter four. It is concluded that in a real way the "Gospel" does allow the death penalty for evildoers.

(3) Jesus always preferred life and forgiveness over death and condemnation--it is clear from the New Testament that Jesus was a life giving individual; however, He also recognized the justice and wrath of God the Father and proclaimed the same. To say He always preferred "life and forgiveness over death and condemnation" is to present a one-sided picture of Him. Jesus was also a man of anger when He reproached men for their sins; the money-changers incident reveals this clearly (John 2:15-17). For a discussion of the John chapter eight episode where He forgave the woman taken in adultery, one may see chapter four. On turning the other cheek, one should ask the abolitionist whose cheek is being turned, for when he becomes the victim it is another story. One example of this is seen in the letter on page 22. Also one may ask if he is willing to live in accordance with the other teachings Jesus gave, for the fact that Jesus did prefer life and forgiveness by no means shows that he did not demand death and condemnation.

(4) It denies the inherent worth of man and the dignity and worth of human personality and society--the arguments on the nature and worth of man play down the doctrine of total depravity. Man is seen as something more than he really is and it should be noted that these arguments usually do not say such things based on man's being in the image of God, which is the real reason man is important. Thus Genesis 9:6 is not commonly used by abolitionists to show the "dignity and worth of

man"; instead, humanistic and often unscriptural reasoning is presented. This argument is exactly the opposite of what the Bible teaches, for as will be seen in chapter three, Genesis 9:6 clearly teaches that the high value God places on man is the very reason He wants those who murder men to be executed. What these high views of man are really saying is that man is not so depraved after all, but this is not the biblical view of man.

(5) It is void of humanitarianism and denies the "gift of life" which only God should take--one who has read this argument should ask if the victims of a killer are human and if it was a human thing to do when their lives were taken. Concerning the "gift of life," one should note that God chooses to take the lives of men in many ways, and one way is by law enforcement officers which He has ordained. The idea that man cannot take another's life for any reason also destroys any real provision for self-defense. Cohen has illustrated this very well:

The "Divine gift" argument, carried to its logical extreme, would provide a refuge for every marauder who might threaten you with a gun or knife; or who might threaten to rape your wife, burn down your barn, or loot your merchandise. To deprive such a being of his "Divine gift" would automatically transform into a transgressor every intended victim who defends too strenuously either his safety or his possessions. After all, should anyone point a gun at you, what right have you to decide that he is actually a sinner? You are not in the place of God. In any event, you are not to assume that he really intends to pull the trigger. Even if he does, the shot need not kill you.<sup>1</sup>

Many abolitionists who argue for their position use this "gift of life" logic. It is strange that they object so strongly to taking the life of a murderer but think nothing of having their tax dollars pay for abortions which destroy life.

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<sup>1</sup>Cohen, Law Without Order, p. 38.

(6) It is a blow at the innocent--the criminal's family--the obvious fallacy of this statement is that a person must answer for his own crimes even if it makes his family remorseful and sad. Certainly the killer showed no concern for the happiness of the family members of his victim. Surely no one would suppose that life in prison makes for better family relationships and happiness. It would be a blow indeed for children to know that their dad was alive, but he would never leave the prison to come home. Of course executing an individual is distasteful, but having a man spend his entire life behind bars could be even more so.

(7) Exodus 20:13 says, "thou shalt not kill"--one should see chapter three for a detailed discussion of Exodus 20:13. It is sufficient here to note that many modern translations have "thou shalt not murder."<sup>1</sup>

(8) It denies the unceasing availability of God's mercy, forgiveness, and redemptive power--God does indeed have unlimited mercy and forgiveness, but man certainly does not. Jesus, being God, had the authority to forgive sins and even capital crimes (John eight), but man does not have the same authority as God, and thus, should not forgive (in the sense of not punishing crime) over God's principles and commands. It cannot be shown how God's mercy is a reason to do away with His principles.

(9) The Christian wholeheartedly supports the emphasis in modern penology upon the process of creative, redemptive rehabilitation rather than on punishment and primitive retribution and vengeance--this argument

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<sup>1</sup>Some of the modern translations that have "murder" instead of "kill" are The New American Standard Bible and The New International Version.

falsely assumes that modern man no longer is concerned about vengeance and retribution. There are more law suits than ever before and the prosecuting attorneys are busy. Cohen has analyzed our society as follows:

The most recently evolved moral doctrine to the effect that hatred and vengeance are invariably wicked in themselves is in contradiction of the plain and unalterable facts of life, and is unsupported by any arguments deserving of serious attention. Love and hatred, recompense for benefits received and vengeance in some form for injuries sustained, are everlastingly opposite sides of the same coin; and in no society is it possible to maintain one in the absence of the other. The unqualified manner in which the desire for retribution is currently denounced by many politicians, clergymen, and philosophers is in itself proof that this sentiment is deeply planted in human nature.<sup>1</sup>

It is true that we live in the modern twentieth century, but the number of murders shows that killers do not seem to care what century it is. Further proof that modern penology is not totally against capital punishment is that the number of people on death row remains constantly high. It is also illogical to call modern prisons non-retributive, for the prisoner is still being punished for his crime. Although one must admit that some prisons are like college dorms, with color television and the works.<sup>2</sup>

(10) It tends to brutalize the human spirit and the society which condones it--this argument is again not founded on evidence but on logic. This logic assumes that treating murderers in other ways does have an effect on society that is less damaging, yet no solutions are given. If indeed executing criminals hardens a society, caging them up like

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<sup>1</sup>Cohen, Law Without Order, p. 41.

<sup>2</sup>See Gary R. Williams, "The Purpose of Penology in the Mosaic Law and Today," Bibliotheca Sacra, 133:529 (January-March, 1976), 42-55 for information and bibliographical information on the current prison system.

animals must also have a similar effect. Yet no one wants to completely allow murderers, etc. to go free on their promise not to do it again.

There are many Christians who still hold to the doctrine of capital punishment, and Ryrie lists five basic reasons: (1) such opposition "sides with evil; (2) shows more regard for the criminal than the victim of the crime; (3) weakens justice and encourages murder; (4) is not based on Scripture but on a vague philosophical system that makes a fetish of the idea that the taking of life is wrong, under every circumstance, and (5) fails to distinguish adequately between killing and murder, between punishment and crime."<sup>1</sup> It will be seen in the following chapters that many Christians believe in capital punishment because it is taught in the Bible.

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<sup>1</sup>Ryrie, "The Doctrine of Capital Punishment," p. 213.

### CHAPTER III

#### BIBLICAL CONSIDERATIONS-OLD TESTAMENT

##### Genesis 9:5,6

And surely your blood, the blood of your lives, will I require, at the hand of every beast will I require it; and at the hand of man, even at the hand of every man's brother, will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.

##### The Context of the Verses

Here in Genesis chapter nine man stands on the threshold of a new beginning. After the Great Flood was over, God addressed mankind's representative, Noah, in covenant language. One should notice that there are two great events that followed in God's dealing with man. First, God established the Noahic Covenant. In the covenant, in Genesis 9:11, God promised never again to judge every living thing by a universal flood. This promise was sealed by the pledge of the rainbow in the sky at each downpour (Genesis 9:12-17).

The second event at that historic moment was "the divine authorization for the institution of human government."<sup>1</sup> In that God gave man the right to judge and invoke capital punishment as a result of murder. Personal vengeance was not invoked here, but man collectively

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<sup>1</sup>Alva J. McClain, The Greatness of the Kingdom (Chicago: Moody Press, 1968), p. 46. One should note that some disagree on this point and the issue is discussed later in this chapter.



was given the authority of governing himself. The problem as to whether this was the institution of human government by God will be discussed later in this chapter.

Genesis six through nine may be divided into six well-defined sections as follows:

- (1) The degeneracy of the antediluvians (6:1-13)
- (2) Preparation for the flood (6:14-7:10)
- (3) The nature and duration of the flood (7:11-24)
- (4) The termination of the flood (8:1-19)
- (5) Sacrifice and covenant (8:20-9:19)
- (6) Noah and his sons (9:20-29)<sup>1</sup>

Thus, the immediate context is God's giving instructions to Noah and the covenant God makes with him, which is commonly called the "Noahic Covenant."

#### Universal Application of Genesis 9:5-6

God was addressing Noah and his sons (Genesis 9:1) in these verses, but the application of these principles is for all generations who have succeeded Noah and for any that are yet future. It is not a strange thing that God, speaking expressly to Noah could be referring to man universally here. Keil has suggested the following thoughts that make this connection a reasonable one: (1) all the judicial relations and ordinances of the increasing race were rooted and grew out of those of the family, and (2) the family relation furnished the norm for the closer definition of the expression "man."<sup>2</sup>

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<sup>1</sup>John J. Davis, Paradise to Prison (Grand Rapids: Baker Book House, 1975), p. 34.

<sup>2</sup>C. F. Keil and F. Delitzsch, The Pentateuch, Vol. I, trans. by James Martin, Biblical Commentary on the Old Testament (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1976), p. 153.

Noah and his family had just come through the universal flood, which is further evidence that these verses have a universal application. For the sake of brevity in this discussion, the reader is invited to review the seven basic biblical arguments for a universal flood in The Genesis Flood by Dr. John C. Whitcomb, Jr. and Henry Morris, pp. 1-33.

A summary of these seven will suffice: (1) The Bible says that the waters of the Flood covered the highest mountains to a depth sufficient for the Ark to float over them; (2) the Bible also informs us that this situation prevailed for a period of five months, and that an additional seven months were required for the waters to subside sufficiently for Noah to disembark in the mountains of Ararat; (3) the expression "fountains of the great deep were broken up" points unmistakably to vast geological disturbances that are incompatible with the local Flood concept, especially when these disturbances are said to have continued for five months; (4) the construction of the Ark with the capacity of at least 1,400,000 cubic feet, merely for the purpose of carrying eight people and a few animals through a local inundation is utterly inconceivable; (5) if the Flood had been limited in extent, there would have been no need for an ark at all, for there would have been plenty of time for Noah's family to escape from the danger area, to say nothing of the birds and beasts; (6) Peter's use of the Flood as a basis for refuting uniformitarian skeptics in the last days would have been pointless if the Flood had been merely a local one, especially when we consider the cosmic setting into which he placed that cataclysm (2 Peter 3:3-7); and (7) a widely distributed human race could not have been destroyed by a local Flood,

and there is no doubt that the flood of Noah was intended for the entire human race because the Bible says that men were only evil continually.<sup>1</sup>

One may say that the principles of Genesis 9:6 apply to as many people as do the principles of permission to eat meat and to multiply, for they were also given to Noah and his family, who were the only living people on earth at the time. This again shows the universal aspect of the flood. One should also notice that: (1) the clearest meaning of the Hebrew text is one of a world-wide flood, (2) there are flood traditions scattered all over the world, (3) the promise of no more floods would not be true if it was a local flood, for there have been many local floods since that time. Over a century ago, similar ideas were put forth by Cheever:

. . . is not confined to any particular family, tribe, or people; it is not a covenant with God's chosen people, so called, but with the whole human family. It is not dependent on the Mosaic institutions, derives from them no part of its authority, permanence, or sacredness, but would be just perfect, clear, and authoritative, if they were swept from existence. It is an ordinance as extensive and comprehensive as is the promise that while the earth continued, heat and cold, night and day, summer and winter, seedtime and harvest, should not fail. It is an ordinance just as universal for all mankind, as the permission to eat animal food. . . . The ordinance is just as universal and comprehensive, as were to be the posterity of Noah.<sup>2</sup>

Another factor which aids in understanding the universal nature of the context is that through Noah and his family came the root of all future mankind. As representatives of this future race, they received a covenant promise and responsibilities for that race. God said that he

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<sup>1</sup>John C. Whitcomb, Jr. and Henry M. Morris, The Genesis Flood (Grand Rapids: Baker Book House, 1970), pp. 33, 34.

<sup>2</sup>George B. Cheever, A Defense of Capital Punishment (New York: Wiley and Putnam, 1846), p. 138.

not only established His covenant with Noah, but He also said to Noah, "with your seed after you" (Genesis 6:9).

With regard to this covenant promise in the Noahic Covenant (Genesis 9:8-17), there is an important point to be seen. God's pledge in the token of the rainbow was that He would never again exterminate man by a universal flood. This token was to apply "for perpetual generations" (Genesis 9:12).

This passage comes much before the law of Moses and, therefore, is different and not to be equated with his law system or his dispensation. Noah and his family surely had remembered how depraved man was from their own experiences with themselves and with the antediluvians. Now God was giving man a way to help preserve himself, and that was by instituting capital punishment.

#### An Analysis of Certain Parts of Genesis 9:5-6

Genesis 9:5 says, "And surely I will require your lifeblood; from every beast I will require it." The Hebrew word for "require" is  $\text{שָׁאַף}$ . The basic meaning of this word is "resort to," or "seek."<sup>1</sup> Often it is "joined with the collative thought of 'avenging' . . . demand an account."<sup>2</sup> The word  $\text{שָׁאַף}$  means simply to seek, but this word ( $\text{שָׁאַף}$ )

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<sup>1</sup>Francis Brown, S. R. Driver, and Charles A. Briggs, A Hebrew and English Lexicon of the Old Testament, (hereinafter referred to as BDB), (Oxford: Oxford University Press, 1976), p. 205.

<sup>2</sup>H. C. Leupold, Exposition of Genesis (Columbus: The Wartburg Press, 1942), p. 332.

means "seek, with the idea of demanding."<sup>1</sup> The Brown, Driver, and Briggs Lexicon also lists "demand" for Genesis 9:5.<sup>2</sup> The question is why God should demand an account of blood for blood on this specific issue of murder. It is granted that "blood as such could hardly claim such importance. But since this blood stands related to souls, vengeance must be enacted for it."<sup>3</sup> Leupold has stated it well and has given a clue to the answer. It is to be found in knowing man's origin and man's nature.

First, this is an issue of universal origins as is seen from verse six: "for in the image of God made he man." God's creative work is considered here, for God gave mankind his universal beginning when He formed Adam from the dust of the earth. He is therefore capable of speaking on this issue with a universal sense.

Second, the Divine reason for capital punishment is found at least in part in the highly valued quality of man's nature. He is made "in the image of God." This is the moral reasoning behind the death penalty--the sacredness of human life. The reader is directed to chapter five for more on this matter. "Man's life is so valuable a thing, or, in other words, his blood is so valuable a thing, since man is made in God's image. He that kills a man destroys God's image and lays profane hands on that which is divine."<sup>4</sup>

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<sup>1</sup>BDB, p. 205.

<sup>2</sup>Ibid.

<sup>3</sup>Leupold, Exposition of Genesis, p. 332.

<sup>4</sup>Ibid., p. 334.

Although man is spiritually bankrupt, he still possesses the "image of God." This image is primarily spiritual and distinguishes man from animals. This image makes all men, including unbelievers, of much worth in God's sight. Men are not to destroy other men, and those who do must be eliminated so they cannot destroy others, so their elimination may be an example to others, and because they destroy God's creatures that are "in his own image."

There are many who disagree with such a discussion as this. According to Samuel Turner, "if it be a positive command, its universal obligation by no means follows."<sup>1</sup> He goes on to say, "Laws, though ordained of God himself, and the end for which they were ordained continuing, may notwithstanding cease, if, by alteration of persons or times, they be found insufficient to attain unto that end."<sup>2</sup> The positive nature of this command is apparent, and he assumes a position against the universal application; not on biblical evidence, but on the basis of the understanding that he has of God's laws. This logic is weak because the instructions do apply universally, as has already been seen.

#### □ ▮ X ▮ and the Institution of Human Government

It is important to determine when human government was ordained by God and what the meaning of "by man" ( □ ▮ X ▮ ) is in Genesis 9:6. This importance can be seen in the fact that many use what they see as

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<sup>1</sup>Samuel H. Turner, A Companion to the Book of Genesis (New York: Wiley & Putnam, 1841), p. 223.

<sup>2</sup>Ibid.

the first institution of human government here as a proof for the universal application of the death penalty by government.

Whether or not there were organizations that could be called "government" before the Flood is a subject of debate, and one in which the Bible does not clearly give an answer. It seems best to take the phrase "by man" as referring to the established government at least in a secondary or indirect way, and the government as thus being authorized to take man's life for murder. "Such authorization," McClain states, "was a logical sequence of the covenant."<sup>1</sup> The covenant promised unconditional liberty from the fear of the flood's repetition. It was made because of God's recognition of man's total depravity. Because of these two factors, man's freedom from extermination and man's unbridled sinfulness, "it was necessary that by commands and authorities He (God) should erect a barrier against the supremacy of evil."<sup>2</sup> Thus, "human government was instituted by divine decree."<sup>3</sup> One of the purposes of human government is from this point a restraining force upon man's sinful tendencies.

Leupold also holds this view, and he says:

This verse attaches itself directly to the preceding, particularly to the part which says: "from man will I demand the soul of man." This verse now shows how God does this demanding. He lets man be the avenger. As Luther already very clearly saw, by this word government is instituted, this basic institution for the welfare of man. For if man receives power over other men's lives under certain circumstances, then by virtue of having received power over the highest good that man has, power over the lesser things is naturally included . . .

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<sup>1</sup> McClain, The Greatness of the Kingdom, p. 46.

<sup>2</sup> Keil and Delitzsch, The Pentateuch, I, 153.

<sup>3</sup> McClain, The Greatness of the Kingdom, p. 46.

It is true that the fundamental ordinance does not specify details as to how it is to be carried out, except that the work is to be done "by man" (be 'adham the preposition being a beth instrumentalis, K.S. 106). In other words, the ordinance is made elastic enough to cover all conditions. When at first no formally constituted government is at hand to be the agent, then individuals will be authorized to act. . . . Later on when government came into being, they were the logical agency to act.<sup>1</sup>

Martin Luther also held this to be the beginning of human government. He said, "This was the first command having reference to the temporal sword. By these words temporal government was established, and the sword placed in its hand by God."<sup>2</sup> After Keil had quoted Luther he also declared that capital punishment is to be performed only by governments, as opposed to men in general. He used both the Scriptures and reason to show this.

It is true the punishment of the murderer is enjoined upon "man" universally; but as all the judicial relations and ordinances of the increasing race were rooted in those of the family, and grew by a natural process out of that, the family relations furnished of themselves the norm for the closer definition of the expression "man." Hence the command does not sanction revenge, but lays the foundation for the judicial rights of the divinely appointed "powers that be" (Rom. xiii.1). If murder was to be punished with death because it destroyed the image of God in man, it is evident that the infliction of the punishment was not to be left to the caprice of individuals, but belonged to those alone who represent the authority and majesty of God, i.e. the divinely appointed rulers, who for that very reason are called Elohim in Ps. lxxxii.6.<sup>3</sup>

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<sup>1</sup>Leupold, Exposition of Genesis, pp. 333-334.

<sup>2</sup>Keil and Delitzsch, The Pentateuch, I, 153.

<sup>3</sup>Ibid.



Although this is a common view, many of those who have held it differed slightly.<sup>1</sup> This is also the view of the writer, but one must in all fairness remember that all of these are really arguing from silence to a certain extent. Cripe has pointed this out well, but he has failed to realize that logical conclusions are evidence, even though not physical.

This view assumes that human government did not exist prior to the Noachian flood. It is a short step from this assumption to the assertion that "by man" means by legally constituted authorities and that this is tantamount to chartering human government. Knowing God to be a God of order, one is inclined to think that He would not place the execution of the murderer into the hands of men without some safeguards and an orderly and regularized method of carrying it out. If, then, there was no prior human government, this must

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<sup>1</sup>See Leupold, Exposition of Genesis, p. 333; Joseph Benson, Benson's Commentary, Vol. I, (New York: Carlton and Porter, 1815), p. 43; R. Payne Smith, Genesis-Numbers, Vol. I, Ellicot's Commentary on the Whole Bible (Grand Rapids: Zondervan Publishing House, 1954), p. 45; John Gill, An Exposition of the Old Testament, Vol. I, (London: William Hill Collinridge, City Press, 1852), p. 52; J. Glentworth Butler, Butler's Bible-Work, Vol. I, (New York: Funk and Wagnalls, 1877), pp. 252-255; Adam Clarke, Clarke's Commentary, Vol. I, (New York: Carlton and Phillips, 1854), p. 78; Henry Cowles, The Pentateuch (New York: D. Appleton and Company, 1890), pp. 107-108; Matthew Henry, Genesis-Deuteronomy, Vol. I, Matthew Henry's Commentary on the Whole Bible (New York: Fleming H. Revell Company, 1935), p. 71; Jamieson, Fausset, and Brown, Commentary on the Old and New Testaments, Vol. I, (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1945), pp. 105-106; Patrick et al, Critical Commentary and Paraphrase on the Old and New Testament, Vol. I, (Philadelphia: Frederick Scofield Co., 1878), p. 41; Thomas Whitelaw, Genesis in The Pulpit Commentary (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1950), p. 141; Thomas Scott, The Holy Bible (Boston: Samuel T. Armstrong and Crocker and Brewster, 1830), p. 59; William R. Newell, Old Testament Studies (Toronto: Evangelical Publishers, 1923), p. 26; Arthur W. Pink, Gleanings in Genesis, Vol. I, (Chicago: The Bible Institute Colportage Ass'n., 1922), p. 115; Marcus Dods, The Book of Genesis in Handbooks for Bible Classes (Edinburgh: T. and T. Clark, n.d.), p. 41; Keil and Delitzsch, The Pentateuch, I, 153; Davis, Paradise to Prison, p. 128; McClain, The Greatness of the Kingdom, p. 46.

surely sound the keynote for its establishment. However, this argument is, in its totality, one from silence. It cannot be demonstrated from the Word of God, nor from secular history, that there was no human government prior to the Noachian Deluge. The excesses of wickedness can hardly serve as proof positive of lack of human government. What about Sodom? And what about present world conditions? Poor and inefficient government is one thing, but it seems incredible that there was the pre-flood advancement in urban society recorded in Genesis 4:16-22, without a trace of human government! That God had not, to this time, sanctioned or decreed the establishment of human government is likewise an argument from silence. If it were true that an explicit Scriptural statement were necessary for its sanction, then one would also look in vain for it in God's dealings with Noah.<sup>1</sup>

The word  $\text{D} \text{T} \text{X} \text{Z}$  literally means "by man" and some see man in general here as opposed to a civil government. This view is very close to the human government view, in that men are always the executioners. However, this view finds no real reference to a specific government or group.

It is clear that "by man" includes man in general, or is used collectively as mankind,<sup>2</sup> but one should not exclude the development of civil institutions which were to arise after Noah. This seems to have been the view of Calvin as he looked at history and his present generation, for he said,

On the whole, they are deceived (in my judgement) who think that a political law, for the punishment of homicides, is here simply intended. Truly I do not deny that the punishment which the laws ordain, and which the judges execute, are founded on this divine sentence; but I say the words are more comprehensive. It is written, 'Men of blood shall not live out half their days,' (Ps. iv. 25). And we see some die in highways, some in stews, and many in wars. Therefore, however magistrates may connive at the crime, God sends executioners from other quarters, who shall render unto sanguinary men their reward.<sup>3</sup> (emphasis mine)

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<sup>1</sup>Carl Cripe, "By Man Shall His Blood Be Shed-Genesis 9:6" (Bachelor of Divinity Thesis, Grace Theological Seminary, 1964), pp. 18-22.

<sup>2</sup>BDB, p. 9.

<sup>3</sup>Cripe, "By Man Shall His Blood Be Shed-Genesis 9:6," p. 30.





### "Shall His Blood Be Shed"

In this portion of Genesis 9:6 the statement is made concerning the execution of the murderer. The word translated "his blood" is  $\text{יָחַד}$  and refers to that of the murderer. There can be no question of this, but a question may arise as to the use of "shall be shed," which is a translation of  $\text{יָצַק}$ . The basic lexical meaning is "to pour out, to pour, to shed"<sup>1</sup> and in the Niphal as in this passage, it means "to be poured out, spilt, shed (of blood)."<sup>2</sup> The Greek words  $\epsilon\kappa\epsilon\lambda\upsilon$  "to pour out,"<sup>3</sup> and  $\alpha\epsilon\mu\alpha$  "blood" are often found in the Septuagint as a rendering of  $\text{יָצַק}$ ; eg. Genesis 9:6; 37:22; Deuteronomy 19:10; 1 Kings 25:31; Isaiah 59:7.<sup>4</sup> Behm further comments on shedding blood:

To shed blood is to destroy the bearer of life and therefore life itself. Hence  $\alpha\epsilon\mu\alpha$  signifies "outpoured blood," "violently destroyed life," "death" or "murder." In this sense it is used of the slaying of Jesus in Mt. 27:4,24; Ac. 5:28, and of the prophets, saints and witnesses of Jesus in Mt. 23:30,35; Lk. 11:50f.; Rev. 16:6; 17:6; 18:24; 19:2.<sup>5</sup>

There is no doubt that  $\text{יָצַק}$  is referring to execution of the murderer, but there is a question as to what the actual force or intent of this word is. The following discussion will seek some answers to this question.

<sup>1</sup>BDB, p. 1049.

<sup>2</sup>Ibid., and Alexander Harkavy, Student's Hebrew and Chaldee Dictionary (New York: Hebrew Publishing Company, 1914), p. 745.

<sup>3</sup>William F. Arndt and F. Wilbur Gingrich, A Greek-English Lexicon of the New Testament (Chicago: University of Chicago Press, 1957), p. 246.

<sup>4</sup>Johannes Behm, " $\alpha\epsilon\mu\alpha$ ," Theological Dictionary of the New Testament, Vol. I, ed. by Gerhard Kittel, trans. and ed. by Geoffrey W. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1967), pp. 173-174.

<sup>5</sup>Ibid., p. 173.

There are many who take this word to have the force of a command and, thus, make it necessary for government (or men in general) to execute all murderers if God's commands are to be obeyed. Leupold states the argument in a very strong manner:

There is a just retaliation about having life paid for life. No man can question the justice of the price demanded. Besides, we surely would not catch the purpose of the word if we were to take the imperfect yishshaphek as merely permissive or suggestive; it must be rendered as a strict imperative. Consequently, capital punishment is divinely ordained. . . . When lawgivers attempt to tamper with this regulation, they are trying to be wiser than the Divine Lawgiver and overthrow the pillars of safety that He Himself provided for the welfare of mankind.<sup>1</sup>

It should be noted that יִשְׁשַׁפֶּה is in the imperfect, not in the imperative. It could be taken as a jussive, which would give it a milder force of a command.<sup>2</sup> Harris says, "The jussive is the short, sharp form of semi-command,"<sup>3</sup> and he translates it by prefacing the English imperative with please. Davidson emphasizes the aspect of command in saying, "The Jussive (as the name implies) expresses a command as let him kill; or less strongly, an entreaty, request . . . - may he kill."<sup>4</sup> Kautzsch indicates the various possible meanings of the jussive as follows:

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<sup>1</sup>Leupold, Exposition of Genesis, p. 334.

<sup>2</sup>J. Weingreen, A Practical Grammar for Classical Hebrew (Oxford: Clarendon Press, 1959), p. 88; E. Kautzsch, ed. Gesenius' Hebrew Grammar, revised by A. E. Cowley (Oxford: The Clarendon Press, 1910), p. 66.

<sup>3</sup>R. Laird Harris, Introductory Hebrew Grammar (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1950), p. 65.

<sup>4</sup>A. B. Davidson, An Introductory Hebrew Grammar (Edinburgh: T. and T. Clark, 1882), p. 59.

"The jussive standing alone, or co-ordinated with another jussive:

(a) In affirmative sentences to express a command, a wish (or a blessing), advice, or a request . . ."<sup>1</sup> Although the "command" view does have problems, it is mentioned by many.<sup>2</sup>

Cripe has spoken against the command aspect as follows:

On the basis of contextual usage of verb forms, it would not seem at all clear that יִצְוֶה is the jussive with the force of a command. As was previously stated, there are seven imperatives addressed to man in this section - all having to do with re-populating the earth. There is one instance of לֹא with the imperfect which definitely is the grammatical form of a negative command. If the verb in question represents a command it is the only instance in this entire Divine monologue that such a construction is used. One cannot assume the position of telling God how to word Himself, but consistency of usage would seem to require that this not be a jussive command.<sup>3</sup>

He also notes how it has been held to represent a command, permission, warning, prediction, and precept.<sup>4</sup> Although Cripe's arguments have weaknesses (as his failure to distinguish between physical and logical evidence), perhaps it is still best to take the word as containing a warning and permission. These two elements are very clear, and the

<sup>1</sup>Kautzsch, Gesenius' Hebrew Grammar, p. 321.

<sup>2</sup>See Cripe, "By Man Shall His Blood Be Shed-Genesis 9:6" for a discussion on the whole issue. Also see Smith, Genesis-Numbers, I, 45; Gill, An Exposition of the Old Testament, p. 52; T. Scott, The Holy Bible, p. 59; C. Wordsworth, Commentary on the Holy Bible, Vol. I, (London: Rivingtons, Waterloo Place, 1865), p. 51; Pink, Gleanings in Genesis, p. 115; Keil and Delitzsch, The Pentateuch, I, 153; Clarke, Clarke's Commentary, I, p. 78; Henry, Genesis-Deuteronomy, I, 71; Lange, "Genesis," Commentary on the Holy Scriptures, I, 334; Pool, Matthew, Annotations Upon the Holy Bible, Vol. I, (New York: Cartner and Brothers, 1853), p. 24; A. Dillman, Genesis, Vol. I. Trans. Wm. B. Stevenson. (Edinburgh: T. and T. Clark, 1897), pp. 295-296.

<sup>3</sup>Cripe, "By Man Shall His Blood Be Shed-Genesis 9:6," p. 57.

<sup>4</sup>Ibid., p. 32.



command force is a possibility but cannot be proven. The conclusion is that 7:5-6 gives man permission and instruction to execute murderers, and that it gives would-be murderers a severe warning that they will be liable for their crimes.

What shall one say, then, concerning Genesis 9:5-6? Simply this: that God has ordained men to take the lives of murderers. This verse is applicable to all generations of men on the earth. It is a set principle of God and one which He expects man to abide by. Although parts of these verses are debated as to interpretation, most agree with these basic conclusions.

#### Other Mosaic Writings

Moses was very clear in his position on the death penalty. The list which follows covers the entire Old Testament, but it should be noted that every Old Testament reference for each offense is not necessarily listed. One should also note that God gave these codes to Israel in their very early years as a nation after they left Egypt. All references except the one in Joshua 1:18 are from the Pentateuch.

The Mosaic Dispensation began with the introduction of the Decalogue by the hand of Moses, and capital punishment was a clear and important part of this program. Ryrie has suggested that twelve other offenses besides murder warranted the death penalty,<sup>1</sup> and Rushdoony listed eighteen.<sup>2</sup> However, this writer has found at least twenty-six reasons for the death penalty in the Old Testament. These may be listed as follows:

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<sup>1</sup>Ryrie, "The Doctrine of Capital Punishment," 213-214.

<sup>2</sup>Rousas John Rushdoony, The Institutes of Biblical Law (Nutley: The Craig Press, 1973), p. 235.



1. Murder - Exodus 21:12-14
2. Working on the Sabbath - Exodus 35:2; Numbers 15:32-36
3. Intrusion of an alien into a sacred place or office - Numbers 1:51
4. Cursing parents - Leviticus 20:9
5. Striking parents - Exodus 21:15
6. Adultery - Leviticus 20:10
7. Homosexuality (or Sodomy) - Leviticus 20:13
8. Incest - Leviticus 20:11-14
9. Bestiality - Exodus 22:19; Leviticus 20:15-16
10. Prophesying falsely - Deuteronomy 13:1-10
11. Blasphemy (cursing God) - Leviticus 24:15-16
12. Idolatry (worshipping other gods) - Deuteronomy 17:2-5
13. Persons promoting idolatry - Deuteronomy 13:6-11
14. Sacrificing to gods (polytheism) - Exodus 22:20
15. Offering human sacrifice - Leviticus 20:2
16. Incorrectable juvenile delinquency - Deuteronomy 21:18-21
17. Rape of an engaged virgin - Deuteronomy 22:23-27
18. Being raped as an engaged virgin and not crying out - Deuteronomy 22:23-25
19. Not being a virgin at marriage (unchastity) - Deuteronomy 22:13-21
20. Kidnapping - Exodus 21:16; Deuteronomy 24:7
21. Keeping a dangerous ox and it kills someone - Exodus 21:29
22. Being a witch - Exodus 22:18
23. Being a wizard - Leviticus 20:27
24. Rebellion against God's authority - Joshua 1:18
25. Breaking the law by refusing to obey court decisions - Deuteronomy 17:8-13
26. Perjury - Deuteronomy 19:16-21

Many times Moses gave the method of execution such as stoning or burning (which he did not do in Genesis 9:6). Great care was taken to prevent an execution of an innocent person, because death was mandatory for these crimes when a person was proven guilty (Numbers 35:31).

Llewellyn has summarized Moses' principles of conviction and execution quite well: (1) standard proof of conviction was certainty (Deut. 17:4); (2) conviction required the testimony of more than one witness (Deut. 19:15; 17:6; Num. 35:30); (3) the penalty for perjury (a "frame-up") was execution (Deut. 19:16,19); (4) difficult cases were referred to judicial experts (Deut. 17:8,9); and (5) once the verdict was returned, the death penalty was mandatory (Lev. 27:29; Num. 35:31).<sup>1</sup>

If one were to understand the end of the Mosaic Dispensation in the New Testament carrying an end of capital punishment which is, as has been seen, an integral part of it, one might be persuaded to say that today it does not apply. But the context of Genesis 9:5,6 was prior to the Mosaic Dispensation and is not necessarily included in the cessation to the Law's dominion. Yet, as was mentioned, there is no hindrance to the ethic of Genesis 9:5,6 in the Law.

#### The Sixth Commandment    תִּשָּׁרֵף אֶת הַנֶּפֶשׁ

The sixth commandment, "Thou shalt not kill" (Ex. 20:13) is used to show that capital punishment and especially Genesis 9:6 have been done away with or contradicted.<sup>2</sup> If the two Hebrew words which are translated

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<sup>1</sup>David Llewellyn, "Restoring the Death Penalty: Proceed with Caution," Christianity Today (May 23, 1975), 10-11.

<sup>2</sup>Edward B. Mason, The Ten Laws (New York: A.D.F. Randolph Co.,

"thou shalt not kill" meant only that, then the sixth commandment would be a problem for those who favor the death penalty. A detailed study is here made of this commandment because it is important to the whole issue.

### The Nature of the Sixth Commandment

#### Contains No Object

The sixth commandment consists of only two Hebrew words. These words  $\text{לֹא תִרְצֹחַ}$  "you shall not murder" consist of only a negative and a verb. There is no object and this is significant, for God meant this to include all people. He did not say thou shall not murder "Jews" or "Gentiles" or "others." Even the self is included. Thus this commandment is general in that it includes all persons as the understood object, but it is specific in the two words it does use, concerning which more will be seen later. "There can be no doubt that man is the unexpressed object of the commandment."<sup>1</sup> Therefore, suicide is also involved in the commandment, for that would be intentional murder. "This command prohibits suicide as well . . . notice that an object is not provided in the verse."<sup>2</sup> Keil and Delitzsch also point this out. "The omission of the object still remains to be noticed, as showing that the prohibition includes not only the killing of a fellowman, but the destruction of one's own life, or

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1897), p. 117; Henry S. Coffin, The Ten Commandments (New York: George H. Doran Company, 1915), pp. 114-120.

<sup>1</sup>Anthony Phillips, Ancient Israel's Criminal Law: A New Approach to the Decalogue (New York: Schocken Books, 1970), p. 83.

<sup>2</sup>John Davis, Moses and the Gods of Egypt (Winona Lake, Indiana: BMH Books, 1971), p. 207.

suicide."<sup>1</sup> It is interesting that there is apparently no word for suicide in Hebrew.<sup>2</sup> Many have also pointed out that in the cases of suicide in the Old Testament there would probably have been death anyhow. See Judges 9:54; 16:30; 1 Samuel 31:4; 2 Samuel 17:23; and 1 Kings 16:18.<sup>3</sup>

### The Use of $\neg$

The negative here used is important, for it is  $\neg$  rather than  $\neg$ . This negative particle ( $\neg$ ) with the imperfect expresses very strong prohibition.<sup>4</sup> Gesenius' Hebrew Grammar states:

The imperfect with  $\neg$  represents a more emphatic form of prohibition than the jussive with  $\neg$  . . . and corresponds to our thou shalt not do it! with the strongest expectation of obedience, while  $\neg$  with the jussive is rather a simple warning, do not that! Thus  $\neg$  with the imperfect is especially used in enforcing the divine commands.<sup>5</sup>

It was not accidental that  $\neg$  with the imperfect (as opposed to  $\neg$  with the jussive) was used here, for the term  $\neg$  is a weaker negative. In the majority of cases it ( $\neg$ ) does not have the force of a command at

<sup>1</sup>Keil and Delitzsch, The Pentateuch, I, 123-124.

<sup>2</sup>Marcus Jastrow, A Dictionary of the Targumim, The Talmud Babli and Yerushalmi, and The Midrashic Literature, Vol. II (New York: Pardes Publishing House, Inc., 1950), p. 1493. Jastrow notes that the Hithpa'el of "  $\neg$  " may have later been used for committing suicide. See also Ehud Ben-Yehuda and David Weinstein, English-Hebrew Hebrew-English Dictionary (New York: Pocket Books, n.d.), p. 261, where he lists three words which mean suicide in modern Hebrew.

<sup>3</sup>For a discussion on this topic, see Leon Nemoy, "A Tenth Century Disquisition on Suicide according to Old Testament Law," Journal of Biblical Literature, 57 (1938), 411-420.

<sup>4</sup>R. J. Williams, Hebrew Syntax: An Outline (Toronto: University of Toronto Press, 1967), p. 35.

<sup>5</sup>Kautzsch, Gesenius' Hebrew Grammar, p. 317. He uses portions of the decalogue as examples on this.

all but is more like a wish.<sup>1</sup> Bright sums up his observations on  $\chi$  and  $\chi$  as follows:

One might express the difference as follows: Whereas the 'al prohibitive expresses a specific command for a specific occasion, the  $\bar{lo}$ ' prohibitive expresses a categorical prohibition of binding validity both for the present and the future (or the future so far as it is envisioned). With relatively few exceptions (to be noted below) all the  $\bar{lo}$ ' prohibitives in the Bible seem to have this force.<sup>2</sup>

This shows that God was not merely suggesting that the nation of Israel observe the commandment until they would cross the Jordan or some such thing. Rather it meant that this was a law God was laying down for perpetuity.

#### The Meaning of the Sixth Commandment

##### Current Confusion

Some have used the sixth commandment as evidence to prove that the Bible prohibits any killing of a human being.<sup>3</sup> "If one wanted to find a concise expression for the rendering of the commandment, then 'You shall not commit manslaughter' could be considered. But that is

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<sup>1</sup>John Bright, "The Apodictic Prohibition: Some Observations," Journal of Biblical Literature, 92 (June, 1973), 185-204. He has a very interesting article on the use of the negatives. He also notes that even when  $\chi$  does express a command, "it is characteristically a specific command for a specific occasion with future occasions not in view" (p. 186). He also observed that the Septuagint contributes to an understanding of the Hebrew negatives, because it usually translates  $\chi$  with the jussive as  $\mu\eta$  with the imperative or aorist subjunctive and  $\chi$  with the imperfect as  $\circ\upsilon$  with the future indicative. This is not true, however, in poetic sections.

<sup>2</sup>Ibid., p. 187.

<sup>3</sup>For some who hold or mention this view, see the following: Coffin, The Ten Commandments, pp. 114-120; Mason, The Ten Laws, p. 117;

not really adequate. It will therefore be better to keep to the accustomed 'You shall not kill.'<sup>1</sup> Some insist it included even accidental and other types of killings. "The commandment against murder was and is interpreted to include manslaughter and accidental killings, although the harshness was mitigated from the beginning by providing sanctuaries and escapes for those guilty of unpremeditated killings."<sup>2</sup> This study will show that in Exodus 20:13 only murder is in view, for God has made His Word clear and precise at this point, and it can be shown that the word for kill here actually means "murder, slay, with premeditation."<sup>3</sup> There are many who are confused when the issue of the sixth commandment is raised. Neilsen has typically said on this, "From the discussions among both laymen and specialists concerning the content of the law against killing, it is abundantly clear that this cannot be said to be unambiguous."<sup>4</sup>

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H. S. Nahmani, Human Rights in the Old Testament (Tel Aviv: n.p., 1964), p. 40 ff.; and J. J. Stamm and M. E. Andrew, The Ten Commandments in Recent Research (London: S.C.M. Press, LTD, 1967), p. 99. The reader should consult this last book for himself, as only portions of their arguments are quoted in this work.

<sup>1</sup>Stamm, The Ten Commandments in Recent Research, p. 99.

<sup>2</sup>Robert T. Ingram, The World Under God's Law (Houston: St. Thomas Press, 1962), p. 78.

<sup>3</sup>BDB, p. 953.

<sup>4</sup>Eduard Nielsen, The Ten Commandments in New Perspective, translated by David J. Bourke (Naperville, Illinois: Alec R. Allenson, Inc., 1968), p. 108. See his context for a more complete explanation of exactly what he is saying.

### Hebrew Words Translated Kill

The English word "kill" can be very misleading, as there are ten Hebrew words which are translated "kill" in the KJV, which is still the most widely used translation in the English language. A list of all the Hebrew words translated kill in the KJV and their more accurate meanings are here given for the reader. One should note the differences in the Hebrew words as they are all synonyms to a certain degree; yet, all have their specific nuances of meanings that are different. All the initial meanings that are listed are according to Pick<sup>1</sup> for easy reference.

1. The word  $\text{רָצַח}$  means to kill or slay.<sup>2</sup> It is found about 170 times (132 = slay) and can mean murder, but is a general word for kill. It is used of God (Ex. 13:15), men in war (Num. 31:7), of animals (Job 20:11), of angels<sup>3</sup> (Num. 22:33), and of killing plants (Ps. 78:47). Note that it is used with  $\text{וּלְרָצוֹן}$  in Psalm 94:6.
2. The word  $\text{שָׁח}$  means to slay as a sacrifice, or beat, flay or slaughter.<sup>4</sup> It is found eighty-four times and is used for slaughtering beasts for food (1 Sam. 14:32), for sacrifice (Ex. 29:11), and of battle (2 Ki. 25:7).

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<sup>1</sup>Aaron Pick, Dictionary of Old Testament Words for English Readers, reprinted. (Grand Rapids: Kregel Publications, 1977), p. 221. There are also a total of fifty-seven words translated destroy in the KJV. Also see Girdlestone, chapter twenty-four for related words.

<sup>2</sup>BDB, p. 246.

<sup>3</sup>It is realized that this is the angel of the LORD.

<sup>4</sup>BDB, p. 1006.

3. The word  $\text{לָּא}$  (Hiphil) means to cause death, or put to death, kill.<sup>1</sup> This is a very common word (over 500 times) and is found over 200 times in the hiphil. "Evidently  $\text{לָּא}$  and  $\text{לָּא}$  were the verbs usually employed to express killing."<sup>2</sup> It is used of soldiers in battle (2 Ki. 16:19), of God (Gen. 38:10), and of animals (1 Ki. 13:24).
4. The word  $\text{לָּא}$  (Aramaic) means to kill, destroy, or slay.<sup>3</sup> It is used indirectly of God (Ps. 139:19), and means to kill, destroy, or slay in both Hebrew and Aramaic. Notice that it is used with  $\text{לָּא}$  in Job 24:14 (which is one of the rare Hebrew uses of the word).
5. The word  $\text{לָּא}$  means to slaughter or butcher (for food).<sup>4</sup> This word and its noun are found about twenty times. It is used of God indirectly (Jer. 25:34; 51:40, and Lam. 2:21), for butchering for food (Ex. 21:37).
6. The word  $\text{לָּא}$  means to sacrifice or slaughter for sacrifice, eating, etc.<sup>5</sup> This word and its noun are used almost 200 times, and usually means to sacrifice or offer an animal. It is used of God (Ezek. 39:17-19).
7. The word  $\text{לָּא}$  means mortally wounded, or bore and pierce.<sup>6</sup> This is the plural form (and is found thus 29 times) of  $\text{לָּא}$  masc. sing.

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<sup>1</sup>Ibid., p. 560.

<sup>2</sup>Stamm, The Ten Commandments in Recent Research, pp. 98-99. Hebrew words are supplied in place of his transliterations.

<sup>3</sup>BDB, pp. 881 and 1111.

<sup>4</sup>Ibid., p. 370.

<sup>5</sup>Ibid., pp. 256-257.

<sup>6</sup>Ibid., p. 319.



noun. The word meant to pierce through, and the noun came to mean fatally wounded or slain. It is used of enemies killing in war in Judges 20:31, 39.

8. The word (לָחַץ) לָחַץ means to smite, strike, or smite fatally, destroy.<sup>1</sup> It is used of battle (Josh. 10:10), of animals (2 Ki. 20:36), and of God (Jer. 33:5).
9. The word חָפַץ means to come round, encircle, or close in, encompass.<sup>2</sup> It is used of Joshua encircling Jericho (ch. 6). Actually it is translated kill only one time in KJV at Isaiah 29:1, and is literally "run their round," as in NASB margin.
10. The word חָלַץ means to murder, or slay, or slay with premeditation.<sup>3</sup> This word is found forty-nine times. See discussion below.

#### A Study of the Word חָלַץ

A study of the word חָלַץ shows that it basically had two uses; these are "murder" or "homicide." As has been seen, there are several words which in some way mean "kill," and although it can be shown that the word is indeed somewhat of a synonym with the other words which mean "kill," it also has a different use.

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<sup>1</sup>Ibid., pp. 645-646.

<sup>2</sup>Ibid., pp. 668-669.

<sup>3</sup>Ibid., pp. 953-954.

## List of References of מִשְׁחָר

It is used forty-nine times in the Old Testament at the following

## English Bible references:

Exodus 20:13  
 Numbers 35:6, 11, 12, 16 (2 times), 17 (2 times), 18 (2 times),  
 19, 21 (2 times), 25, 26, 27 (2 times), 28, 30 (2 times), 31  
 Deuteronomy 4:42 (2 times); 5:17; 19:3, 4, 6; 22:26  
 Joshua 20:3, 5, 6; 21:13, 21, 27, 32, 38  
 Judges 20:4  
 1 Kings 21:19  
 2 Kings 6:32  
 Job 24:14  
 Psalm 42:10; 62:3; 94:6  
 Proverbs 22:13  
 Isaiah 1:21  
 Jeremiah 7:9  
 Ezekiel 21:22  
 Hosea 4:2; 6:9

The word may be listed by its lexical use as follows:

Qal. Pf.	Numbers 35:27; Deuteronomy 22:26; 1 Kings 21:19
Qal. Infin.	Jeremiah 2:9; Hosea 4:2
Qal. Impf.	Exodus 20:13; Numbers 35:30; Deuteronomy 4:42; 5:17
Qal. Part.	Numbers 35:6, 11, 12, 16 (2 times), 17 (2 times), 18 (2 times), 19, 21 (2 times), 25, 26, 27, 28, 30, 31; Deuteronomy 4:42; 19:3, 4, 6; Joshua 20:3, 5, 6; 21:13, 21, 27, 32, 38 (36); Job 24:14
Niphal Impf.	Proverbs 22:13
Niphal Part.	Judges 20:4
Piel Impf.	Psalm 94:6; Hosea 6:9
Piel Part.	2 Kings 6:32; Isaiah 1:21
Pual Impf.	Psalm 62:3 (4)
Noun (masc.)	Psalm 42:10 (11); Ezekiel 21:22 (27)

## Usage Outside of Moses and Joshua

The thirty-six times it is found in Moses' and Joshua's writings all relate to the laws concerning murder or homicide ("man slaying").<sup>1</sup>

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<sup>1</sup>Numbers 35:27, 30 and Deuteronomy 4:42 = killing (see later).

The other thirteen occurrences are first examined. Ezekiel 21:22 and Psalm 42:10 use the word in an abstract way and, therefore, are not relevant.<sup>1</sup> Jeremiah 7:9 and Hosea 4:2 (see also Deut. 5:17) are partial quotations of the decalogue and cannot have any bearing on the use of the word except that the Septuagint uses *φονεύω* or *φόνος* in all three of these passages. The ASV translates Jeremiah 7:9 as "murder," and the NASB translates all three as "murder." More will be seen on *φονεύω* later. Though Psalm 62:3 is unclear, the NASB still translates "murder," and murder seems to fit naturally in a normal reading of the verse. The usage in Proverbs 22:13 is murder, and one should see the discussion below on this. There should be little doubt that the remaining non-Mosaic usages mean murder. Judges 20:4 relates how a Levite's wife (concubine) was raped and (v. 5) "ravished . . . so that she died." This is clearly a case of murder. 1 Kings 21:19 says in part, "Have you murdered and also taken possession?" This is what Elijah was to ask Ahab, because Naboth had just been given a contrived trial and had been wickedly slain though he was innocent. The next verse (2 Kings 6:32) containing the word means murder, because it refers again indirectly to the previous incident.

Job 24:14 must be talking of a murderer because of his actions. "The murderer arises at dawn; He kills the poor and the needy, And at night he is as a thief" (NASB). Psalm 94:6 clearly speaks of murder, and the murderers think "The LORD does not see" their deeds (v. 7). Note the verbs in verses five and six; crush, afflict, slay, murder (NASB).

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<sup>1</sup>This seems to be the best observation to make on these verses. Some would disagree, but one or two verses could not make a significant difference in regards to the primary sense of the word.

In Isaiah 1:21 the word is contrasted with righteousness and must have a very strong opposite meaning in some way. Murder is the best word to fit in this context. Hosea 6:9 is likewise best translated murder. The incident is called crime (NASB) or lewdness (margin). It was done by priests and was considered a terrible act.

#### Usage by Moses and Joshua

The thirty-six uses of this word in the Pentateuch and Joshua are fairly easy to classify. The scriptures make a clear distinction between the "murderer" and the "manslayer."

The book of Joshua contains the word eight times (all in chapters 20 and 21), and all eight of these are clearly cases of the manslayer. These are all Qal. participles,<sup>1</sup> hence, the noun manslayer in English.

The following verses may be studied for more detailed information on the subject of the "avenger of blood" and the cities of refuge: Numbers 35; Deuteronomy 4:41-42; 19:1-10; Joshua 20 and 21. For a further study of this, see Horst in the bibliography. Basically the "avenger of blood" doctrine was a safety system for those who were guilty of involuntary manslaughter. In such cases of accidental homicide, the manslayer was allowed to flee to a "city of refuge." The town council of a given city of refuge was to arbitrate between the manslayer and the avenger of blood. A fair trial was always to be given, and, if the manslayer was judged innocent of premeditation, then the avenger of blood was to leave him alone, or become a murderer himself.

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<sup>1</sup>Ludwig H. Koehler and Walter Baumgartner, eds., Lexicon in Veteris Testamenti Libros (Leiden: E. J. Brill, 1958), p. 907. Their rendering of manslaughter for the word when used as a participle seems a little too limited to this writer.

Of the twenty-eight uses of  $\text{מָרַד}$  by Moses, the following references clearly speak of the "manslayer" and not the murderer: Numbers 35:6, 11, 12, 25, 26, 27, 28; Deuteronomy 4:42; 19:3, 4, 6. It should be noted here that the word is also used for killing in Numbers 35:27 and 30, and at Deuteronomy 4:42. The word may, however, mean execute in Numbers 35:27. Thus, Moses meant manslayer in eleven out of twenty-eight uses.

The word clearly is murder in the following verses: Exodus 20:13; Numbers 35:16 (2 times), 17 (2 times), 18 (2 times), 19, 21 (2 times), 30, 31; Deuteronomy 5:17; 22:26. Thus Moses used it for murder in fourteen out of twenty-eight times. This is in contrast to views by such authors as Neilsen who claims that "virtually all its occurrences are connected with the institution of asylum . . . the exceptions are 1 Kings 21:19 . . . and Job 24:14."<sup>1</sup> These two and the decalogue passages are the only two he lists that mean murder since he omits the intensive stems altogether.<sup>2</sup>

It is clear that this word means either manslayer or murderer in almost all of its uses. When it is not clearly manslayer, it is murderer in all but a few cases. Thus the evidence shows that it means murder even in Exodus 20:13; Numbers 35:16 (2 times), 17 (2 times), 18 (2 times), 19, 21 (2 times), 30, 31; Deuteronomy 5:17; 22:6; 1 Kings 21:19; Job 24:14; Jeremiah 7:9 and Hosea 4:2, all of which are in the Qal. stem. This is significant, for the word does not have to be in an intensive stem to mean murder, as these uses in the Qal. (simple active) have shown.

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<sup>1</sup>Neilsen, The Ten Commandments in New Perspective, p. 108.

<sup>2</sup>Ibid., p. 109.

Some as Stamm have stated their doubts about  $\text{רָצַח}$  being used this way in the Qal.

The sixth commandment, in Hebrew  $\text{לֹא תִרְצַח}$ , is familiar to us in the translation 'You shall not kill'; but 'You shall not murder' is often preferred to this. Neither of them is completely beyond doubt . . . and it is uncertain in the second case whether the verb  $\text{רָצַח}$ , which is used in the Hebrew in the simple form (Qal) could also mean 'murder', since for this sense, one would expect the intensive form (piel).<sup>1</sup>

This is the same uncertain conclusion that Koehler came to. At least Stamm recognizes that the word usage will help determine if indeed it can mean murder in the Qal. Notice what he said on this issue with reference to Koehler.

Koehler concluded that, because of a lack of anything concrete to go by, the matter had not got beyond the stage of conjecture. It is surprising that the later author of the Hebrew dictionary hardly gave any consideration to the use of language, which does, after all, provide something to go by.<sup>2</sup>

#### Uniqueness of $\text{רָצַח}$

With the list of the ten Hebrew words translated kill in mind one may now note the differences in the word  $\text{רָצַח}$  for this word can be contrasted with the other words for killing in several ways. (1) It is never used of God killing anyone, but several other words were commonly used in this way. This is because  $\text{רָצַח}$  is a kind of killing He does not do, for it obviously has to do with sin (in all murder uses). (2) It is never used of enemies fighting in war, for this too would not be

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<sup>1</sup>Stamm, The Ten Commandments in Recent Research, p. 98. See also Phillips, Ancient Israel's Criminal Law: A New Approach to the Decalogue, p. 83.

<sup>2</sup>Stamm, The Ten Commandments in Recent Research, p. 98.



killing as many of the other words are. The one doing the murdering or slaying always did it intentionally.<sup>1</sup>

#### Not A Prohibition of All Killing

There are many words for killing and destroying, etc., but רָסָח was used at Exodus 20:13 for a specific reason. That is because the sixth commandment does not forbid any killing, but forbids murder. Taylor made an interesting comment when he said that all acts of killing are no more murder than all acts of sexual intercourse are adultery.<sup>2</sup> Amazingly, Stamm denies that Exodus 20:13 means "murder." He reviews evidence similar to the five points just given and concludes: "This seems to make it likely that the meaning of rāsah was 'murder', so that those who render the commandment, 'You shall not murder' would be shown to be right. This, however, is not the case."<sup>3</sup> Williams has an accurate analysis of the words in the commandment "Thou shalt not kill" which is much more acceptable.

Although this is the traditional English translation of the sixth commandment, it would be far more accurate to translate it "you shall not murder," for the word rasah which is used here does not denote all types of killing but only premeditated slaying. The Hebrew language is quite rich in words denoting the taking of life.

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<sup>1</sup>Deuteronomy 4:42 and 19:4, etc. show this. In Deuteronomy 4:42 NASB = "unintentionally." Hebrew is literally "without knowledge." It probably does mean that he did not know he killed the man, but could mean he knew it and just did not plan to kill him. At any rate, this is not normally how the word is used. See Nielsen, The Ten Commandments in New Perspective, p. 108 for a statement somewhat contrary to this. This point cannot be pushed too far.

<sup>2</sup>E. H. Taylor, The Death Penalty (Houston: St. Thomas Press, n.d.), p. 13.

<sup>3</sup>Stamm, The Ten Commandments in Recent Research, p. 99.



Had a broader meaning been intended the word harag would probably have been used. Rasah was undoubtedly chosen because only murder was meant to be prohibited.<sup>1</sup>

Not only does the sixth commandment forbid murder, but certain justified killings are taught indirectly by it. Baker shows this when he summarizes the teaching of the sixth commandment in a descriptive way. "The sixth commandment has in view violent, willful, and malicious assault upon human life."<sup>2</sup> He goes on to show how this is indicated by at least two other factors in addition to the meaning of the word  $\text{רָצַח}$ . First, the penalty for breaking the sixth commandment is stated in Exodus 21:12, and it is death. Note that the same penalty is stated in Numbers 35:16-21. Consequently, the state which takes the life of the murderer is not guilty of the crime forbidden in the commandment which forbids murder only. Therefore, it seems very clear that any argument against capital punishment on the basis of the sixth commandment completely ignores the meaning of the word, the context, and the Numbers reference above. Second, the fact that the sixth commandment refers to premeditated murder is also demonstrated by the later provision for cities of refuge (see Numbers 35, Joshua 20-21, etc.) where the manslayer (not murderer) could seek asylum for an accidental or justified slaying.<sup>3</sup>

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<sup>1</sup>Jay G. Williams, Ten Words of Freedom (Philadelphia: Fortress Press, 1971), p. 176.

<sup>2</sup>William Baker, Worthy of Death (Chicago: Moody Press, 1973), p. 51.

<sup>3</sup>Ibid.

## Justified Killings

This writer believes there are indeed justifiable slayings; and even though Christians are (or at least should) repulsed at the very thought of taking another human being's life, they must recognize that at times it is not only the best thing to do, but exactly what God commands.<sup>1</sup> This is no contradiction to a proper understanding of the sixth commandment. Bailey noted that there are times when it is just to take the life of another human being, and when it would be ethically wrong to refuse to do so.<sup>2</sup> One must be careful not to give the impression that the Bible is a sadistic book, for it is just the opposite in that Christ did everything possible that sinners might have life. One must recognize that capital punishment is based on God's character as is His hatred of all sin. Therefore, it is important to have the right attitude toward killing killers. Note that Calvin was not against all violence (if it was done to a deserving criminal), but he was against unjust violence. "The sum of the Commandment is this, that we should not unjustly do violence to any one."<sup>3</sup> Unfortunately Calvin seemed to have a little problem along this line and became a little overzealous in his efforts.

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<sup>1</sup>See page 53 for a list of crimes that God gave the death penalty for. This is not to say that Christians are to carry out these penalties.

<sup>2</sup>Kenneth C. Bailey, "Decalogue on Morality and Ethics," Theology Today, 20 (July, 1963), 183ff.

<sup>3</sup>John Calvin, Commentaries on the Four Last Books of Moses, Vol. III (Grand Rapids: Eerdmans Publishing Company, 1950), p. 20.

Rushdoony also believes that the sixth commandment has a positive note, and he uses Calvin to express it.

But all men have, as Calvin noted, "The duties of humanity as regards the Sixth Commandment." If they do not seek to prevent injury, assault, or murder, they are themselves in part guilty of the offense committed. The unwillingness in many instances of witnesses to act in cases of assault or murder may mean no entanglement on earth, but it incurs fearful entanglement and guilt before God.<sup>1</sup>

The point from Rushdoony may be well taken, but one need not go as far as he (and many Reformed writers) and try to force righteousness into the governmental system in order to help make the world a better place. The world will be a better place to live in when more people have transformed lives by regeneration through Christ. Some see in the sixth commandment itself not only a prohibition of certain killings but also a given direction as to a proper attitude in life, namely that "the base and contemptuous attitude is contrary to the will of God."<sup>2</sup> Keil and Delitzsch also add:

Accordingly, in the command, 'Thou shalt not kill,' not only is the accomplished fact of murder condemned, whether it proceed from open violence or stratagem (chap. xxi. 12, 14, 18), but every act that endangers human life, whether it arises from carelessness (Deut. xxii. 8) or wantonness (Lev. xix. 14) or from hatred, anger, and revenge (Lev. xix. 17, 18).<sup>3</sup>

It should be noted that they are not here using verses which contain  $\neg \exists$ , but they are simply saying that one is not to intentionally do anything that could cause someone else to be killed. If the sixth

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<sup>1</sup>Rushdoony, The Institutes of Biblical Law, p. 220.

<sup>2</sup>Walter Eichrodt, "Law and the Gospel; Meaning of the Ten Commandments in Israel and For Us," translated by C. F. McRae. Interpretation, II (January, 1957), 37-38.

<sup>3</sup>Keil and Delitzsch, The Pentateuch, I, 123.

commandment is speaking of this attitude just listed, then the believer's attitude should be the opposite. Aldrich made note of this also.

The death penalty for murder was instituted long before the time of Moses (Gen. 9:5-6). The sinfulness of murder is not only recognized in the New Testament, but it is declared that hatred is incipient murder. "Whosoever hateth his brother is a murderer; and ye know that no murderer hath eternal life abiding in him" (1 John 3:15).<sup>1</sup>

#### New Testament Quotes of the Sixth Commandment

This section will determine how the New Testament quoted the sixth commandment. The Greek word that is used is also studied, as it is a significant one.

#### The Six Quotes Listed

The sixth commandment is quoted in the New Testament six times, and the word *φονεύω* is always used. These quotes are found at Matthew 5:21; 19:18; Mark 10:19; Luke 18:20; Romans 13:19 and James 2:11. In every such case the word *φονεύω* means murder.<sup>2</sup> The reference in Matthew 5:21 is found only in Matthew and is in the Sermon on the Mount. Matthew 19:18, Mark 10:19 and Luke 18:20 are all parallel accounts of Christ speaking from the Ten Commandments to the rich young ruler. The

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<sup>1</sup>Roy L. Aldrich, "Mosaic Ten Commandments Compared to their Restatements in the New Testament," Bibliotheca Sacra, 118:471 (July, 1961), 255.

<sup>2</sup>Arndt and Gingrich, A Greek-English Lexicon of the New Testament, p. 872; see also James H. Moulton and George Milligan, The Vocabulary of the Greek Testament (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1949), p. 674; for a good discussion of this word see also George Henry Liddell, Robert Scott, and Henry Stuart Jones, A Greek-English Lexicon (Oxford: Clarendon Press, revised 1968), pp. 1949-50. See also Appendix Number One.

Romans 13:9 verse is in the context of civil government (13:1-7) and love (13:8-10). The James 2:11 reference is in a context of showing love and not partiality.<sup>1</sup> It is significant that the word  $\phi\omicron\upsilon\epsilon\upsilon\omega$  is always used, for this gives some light on the Septuagint translations of  $\pi\chi\tau\epsilon\iota$ . These will be briefly examined later.

#### A Study of $\phi\omicron\upsilon\epsilon\upsilon\omega$ In The New Testament

The words  $\phi\omicron\upsilon\epsilon\upsilon\varsigma$ ,  $\phi\omicron\upsilon\epsilon\upsilon\omega$ , and  $\phi\omicron\nu\acute{o}\varsigma$  are found seven, twelve and eleven times respectively in the New Testament.<sup>2</sup> Part of the confusion that English Bible readers have had is the translations of the KJV. The KJV not only translates the sixth commandment as "thou shalt not kill" but also has kill in the restatement at Deuteronomy 5:17 and the quote at Hosea 4:1; it does, however, use murder in the quote at Jeremiah 7:9. In the New Testament the six quotes of the sixth commandment are also inconsistent. The KJV translates as kill at Matthew 5:21, Mark 10:19, Luke 18:20, Romans 13:9 and James 2:11, but at Matthew 19:18 it has murder.

The meaning of  $\phi\omicron\upsilon\epsilon\upsilon\omega$  is clearly murder. The New Testament uses the word thirty times, as can be seen in the chart in Appendix Number One.

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<sup>1</sup>These six quotes take only two forms as follows: Matthew 5:21 -  $\sigma\upsilon\ \phi\omicron\upsilon\epsilon\upsilon\sigma\epsilon\iota\varsigma$ , Matthew 19:18 -  $\sigma\upsilon\ \phi\omicron\upsilon\epsilon\upsilon\sigma\epsilon\iota\varsigma$ , Mark 10:19 -  $\mu\acute{\epsilon}\ \phi\omicron\upsilon\epsilon\upsilon\sigma\epsilon\iota\varsigma$ , Luke 18:20 -  $\mu\acute{\epsilon}\ \phi\omicron\upsilon\epsilon\upsilon\sigma\epsilon\iota\varsigma$ , Romans 13:9 -  $\sigma\upsilon\ \phi\omicron\upsilon\epsilon\upsilon\sigma\epsilon\iota\varsigma$ , James 2:11 -  $\mu\acute{\epsilon}\ \phi\omicron\upsilon\epsilon\upsilon\sigma\epsilon\iota\varsigma$ .

<sup>2</sup>See Appendix Number One.

$\phi\omicron\nu\epsilon\acute{\upsilon}\omega$  = Murder in the New Testament

When the context is taken into consideration, every occurrence of the word in the New Testament should be translated by murder as opposed to kill. The NASB has helped by using murder in all but three verses. These are James 5:6 where the margin has murder, Galatians 5:21 where it is omitted because of a variant reading (omitted by some), and Hebrews 11:37 where another word is translated "put to death," and  $\phi\omicron\nu\acute{o}\varsigma$  is not translated at all. The NIV does the same with Galatians 5:21 and Hebrews 11:37 but has murder in James 5:6 and kill in James 4:2. In all the remaining references, the NIV has murder. There seems to be an inconsistency in the NASB at James 5:6 as well as in the NIV at James 4:2 at this point. The variant at Galatians 5:21 is not clearcut, because one reading has almost as much support as the other, and the United Bible Society's Greek New Testament gives the omission only a "D" rating.<sup>1</sup>

Septuagint Translations of  $\pi\chi\tau\epsilon\iota$

It has been seen that the normal meaning of  $\phi\omicron\nu\epsilon\acute{\upsilon}\omega$  is murder, and one would therefore expect  $\pi\chi\tau\epsilon\iota$  to be translated by it most of the time. This is the case in nearly all of the occurrences.<sup>2</sup> As one might

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<sup>1</sup>Bruce M. Metzger, A Textual Commentary on the Greek New Testament (New York: United Bible Societies, 1971), pp. 597-598. He says the following: "A wide range of witnesses read  $\phi\theta\acute{o}\nu\omicron\varsigma$   $\phi\acute{o}\nu\omicron\varsigma$  (A C D G K P  $\Psi$  88 1739 Byz Lect most of the Old Latin vg syrP, h copbo goth arm eth al). Although the shorter reading may have originated in accidental omission due to homoeoteleuton, a majority of the Committee, impressed by the age and quality of the witnesses supporting  $\phi\theta\acute{o}\nu\omicron\varsigma$  (p<sup>46</sup>x B 33 81 copsa Marcion Irenaeus<sup>lat</sup> Clement Origen<sup>lat</sup> al), was inclined to think that  $\phi\acute{o}\nu\omicron\varsigma$  was inserted by copyists who recollected Ro 1.29."

<sup>2</sup>Edwin Hatch and Henry Redpath, A Concordance to the Septuagint (Graz, Austria: Akademische Druck. U. Verlagsanstalt, 1954), p. 1437.

expect, the two abstract uses of  $\pi\chi\tau$  (Ezekiel 21:22 and Psalm 42:10) do not have  $\phi\omicron\nu\epsilon\acute{\upsilon}\omega$ .<sup>1</sup> At Psalm 42:10 (41:11 in the Septuagint) the word is  $\kappa\alpha\tau\alpha\theta\lambda\acute{\alpha}\omega$ , which is a word not found in the New Testament and only here and at Isaiah 63:3 in the Septuagint. The NASB has "a shattering" (of my bones). For a comparison of the relation between this word and the New Testament word  $\kappa\alpha\tau\alpha\kappa\lambda\acute{\alpha}\omega$  (to break in pieces)<sup>2</sup> which is found only at Mark 6:41<sup>3</sup> (where Christ was feeding the 5,000 and "he broke" the loaves) and Luke 9:16 and in the Septuagint at Ezekiel 19:12; see Liddell and Scott.<sup>4</sup> As was stated earlier, Ezekiel 21:22 and Psalm 42:10 have little bearing on the meaning of  $\pi\chi\tau$ .

The only other (of the forty-nine references for  $\pi\chi\tau$ ) verse which does not have  $\phi\omicron\nu\epsilon\acute{\upsilon}\varsigma$ ,  $\phi\omicron\nu\epsilon\acute{\upsilon}\omega$ , or  $\phi\acute{o}\nu\omicron\varsigma$  is Job 24:14. In Hebrew the text means murder, but the Septuagint has a completely different text here,<sup>5</sup> so, it would not be expected to have  $\phi\omicron\nu\epsilon\acute{\upsilon}\omega$ .

<sup>1</sup>Ezekiel 21:22 has  $\epsilon\nu\beta\acute{o}\zeta$  "in shouting" and the NASB has "for slaughter."

<sup>2</sup>Arndt and Gingrich, A Greek-English Lexicon of the New Testament, p. 412; and Liddell, Scott and Jones, A Greek-English Lexicon, pp. 893-894.

<sup>3</sup>The account of feeding 5,000 is in all four Gospels, but only Mark and Luke use  $\kappa\alpha\tau\alpha\kappa\lambda\acute{\alpha}\omega$ . John omits the breaking completely, and Matthew has the word  $\kappa\lambda\acute{\alpha}\omega$ , which is also spelled  $\kappa\lambda\acute{\epsilon}\sigma\omega$  and is used only of breaking bread (usually ceremonial) and once for Jesus' body in the communion formula in the New Testament and is used a total of fifteen times (plus 2 times for the noun  $\kappa\lambda\acute{\alpha}\sigma\varsigma$ ). The other kindred word is  $\kappa\lambda\acute{\alpha}\sigma\mu\alpha$ , which is found nine times and means "fragments" and is used only in the Gospels with regard to the leftovers at the 4,000 and 5,000 feedings.

<sup>4</sup>Liddell, Scott and Jones, A Greek-English Lexicon, pp. 891, 893, 894 on these words.

<sup>5</sup>Alfred Rahlfs, ed., Septuaginta (Stuttgart: Württembergische

All of the other references (46 out of 49) have it.

This is significant, for it confirms that the basic meaning of  $\text{רָצַח}$  is murder when it is not used for the special case of the manslayer. It should be noted that there are over 1,000 references in the Old Testament to killing, slaying, destroying life, etc. However, apart from the references where the Hebrew has  $\text{רָצַח}$ , the words  $\phi\omicron\nu\epsilon\acute{\upsilon}\varsigma$ ,  $\phi\omicron\nu\epsilon\acute{\upsilon}\omega$ , and  $\phi\acute{o}\nu\omicron\varsigma$  are used in the Septuagint only about forty times. Thus  $\text{רָצַח}$  is translated by  $\phi\omicron\nu\epsilon\acute{\upsilon}\omega$  in the Septuagint more times than all the other Hebrew and Aramaic words in the Old Testament put together, and some of them are much more numerous than  $\text{רָצַח}$ . The conclusion is that the Septuagint strongly supports the murder aspect of the meaning of  $\text{רָצַח}$ .

From the above studies, it has been shown that  $\text{רָצַח}$  does not have to mean murder, but it usually does. The usage in both the Hebrew and Septuagint support the meaning of "murder" in Exodus 20:13. Those who argue differently offer no strong evidence and have to admit that God not only permitted executions and killings in war, etc., but that He even commanded them.

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Bibelanstalt, 1935). Job 24:14 apparently has some manuscript variation.



## CHAPTER FOUR

### BIBLICAL CONSIDERATIONS--NEW TESTAMENT

The New Testament teaching on the doctrine of capital punishment is now considered. It is assumed by some that the New Testament is totally opposed to the death penalty; however, this is not the case. Notice what Scott, who gives a common view of the New Testament teaching, says: "On the other hand the teaching of Jesus Christ, and of St. Paul, reiterated throughout the books comprising the New Testament, is just as certainly against capital punishment, and it was generally admitted that this doctrine permeated early Christian belief."<sup>1</sup>

Jesus is usually the authority abolitionists look to in their arguments. He is seen as only a peaceful and forgiving person who came to replace brutalism with pacificism. For this reason, His teachings will be first examined.

#### The Teaching of Jesus

Jesus did not lecture on civil legislation in His teachings, but He emphasized a personal and redemptive message. Certain key passages will be considered here to see if Jesus taught any form of capital punishment.

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<sup>1</sup>Scott, The History of Capital Punishment, p. 226.

## Matthew 5:21-22

Ye have heard that it was said by them of old time, 'Thou shalt not kill; and whosoever shall kill shall be in danger of the judgment': But I say unto you, That whosoever is angry with his brother without a cause shall be in danger of the judgment: and whosoever shall say to his brother, Raca, shall be in danger of the council; but whosoever shall say, Thou fool, shall be in danger of hell fire.

Here Jesus quotes from Exodus 20:13 (see on chapter three) and adds some other information as well. Jesus was not saying that He disapproved of the sixth commandment, but He was, in fact, doing the opposite. He is declaring here that not only does murder deserve capital punishment, but that hating one's brother is just as bad of an offense. The one who hates his brother is also in danger of "the judgment."

He then adds that even a lesser offense such as calling a brother worthless calls for the wrath of the council (or Sanhedrin in Greek). This council also had the authority to decree the death penalty.

Some commentators emphasize that Jesus was primarily correcting the Pharisees and scribes in their weak interpretations of these verses. They often say that Jesus demanded more than was currently being taught. Tasker says along this line of thought:

He is obviously not impinging in the least degree upon the permanent validity of the sixth and seventh commandments and upon the levitical injunction to love one's neighbour. What He is saying is that God's demands in these matters are far more comprehensive and exacting than current interpretations of them by the scribes might seem to suggest. Murder, he insists, has its birth in anger fostered by an uncontrolled spirit of revenge, and such anger is itself an infringement of the sixth commandment.<sup>1</sup>

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<sup>1</sup>R. V. G. Tasker, ed., The Gospel According to St. Matthew, in The Tyndale New Testament Commentaries (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1961), p. 65. See also Roger D. Congdon, "Did Jesus Sustain the Law in Matthew 5?" Bibliotheca Sacra, 135:538 (April-June, 1978), 125.

Others emphasize that Jesus was primarily interested in correcting their traditions of which not all were contrary to the law. Congdon says on this:

Did He then comment on the quotation from the Law, or the statement of tradition, or both? It is striking that He made no comment on the Old Testament quotations; He commented only on the tradition! And yet He did not deny nor confirm the tradition. Instead He augmented it! By His quoting the Old Testament law, Jesus confirmed it and He approved and augmented the tradition. He did not contradict either in this case.

His augmentation of the tradition says that those who commit acts of murder may be in danger of facing a human court, but he who carries a hateful grudge in his heart is in danger of judgment before the court of Him who sees the thoughts of the heart (1 Sam. 16:7).<sup>1</sup>

Thus Jesus did not here dismiss the Law of Moses as having been nullified.

#### Matthew 5:38-39

Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth; But I say unto you, That ye resist not evil; but whosoever shall smite thee on thy right cheek, turn to him the other also.

Abolitionists quote this passage more than Matthew 5:21-22 in their arguments against capital punishment. This is because of what Christ said concerning the lex talionis doctrine of the Old Testament. Several things may be noted here. Jesus made it clear that He was not changing the Old Testament, but He was simply interpreting and clarifying it (Matt. 5:17-18). The Pharisees were accustomed to adding the rabbinical teachings to the law; thus, they distorted the truth (Matthew 15:3, 6). Their distortion of the lex talionis doctrine made it possible for them to justify their personal vengeance. However, a careful reading of the three Old Testament passages that Christ was referring to reveals that

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<sup>1</sup>Congdon, "Did Jesus Sustain the Law in Matthew 5?", 118.

personal vengeance was not in view at all (see Ex. 21:22-25; Lev. 24:10-24; and Deut. 19:5-21).

Thus Christ was rebuking the Pharisees for their distortion of the lex talionis, but was not doing away with it. Instead Christ exalted the law they did not keep, for He knew that vengeance belonged to God alone (Lev. 19:17-18; Deut. 32:35; Ps. 94:1; Prov. 20:22; 24:29). It is concluded that although this portion of Matthew does not apply directly to the church, the doctrine of lex talionis is still for today in the form of governmental capital punishment. Congdon examined these passages in the Sermon on the Mount, and his conclusion is here given:

In this examination of the series of passages in Jesus' Sermon on the Mount, which have often been used to claim a precrucifixion abrogation of the Law for the Jewish people, it has been maintained (1) that Jesus abrogated some unscriptural traditions, (2) that He corrected some wrong interpretations, but (3) that He did not abrogate Old Testament legal injunctions. He confirmed them for the Jewish people living before Calvary.<sup>1</sup>

#### Matthew 26:50-52

And Jesus said unto him, Friend, wherefore art thou come? Then came they, and laid hands on Jesus, and took him. And, behold, one of them which were with Jesus stretched out his hand, and drew his sword, and struck a servant of the high priest's, and smote off his ear. Then said Jesus unto him, Put up again thy sword into his place: for all they that take the sword shall perish with the sword.

This passage is used to show that Jesus taught a form of pacifism and was opposed to the taking of life. However, it should be clear that: (1) Peter was acting rashly, which was indeed contrary to Jesus' method of dealing with people; (2) Jesus knew that what Peter was doing was

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<sup>1</sup>Congdon, "Did Jesus Sustain the Law in Matthew 5?", 125.

wrong and was itself an act which was considered worthy of the death penalty; (3) He was, therefore, protecting Peter's life while permitting His own to be taken by the legal and religious authorities of the day; (4) Jesus did not resist the legal system (which permitted capital punishment), but submitted to it. This does not mean that Jesus' arrest and trials were fair, because they were not, but the point here is that He did not rebel. Alford believes that Christ, in telling Peter that they who live by the sword will perish by the sword, is actually referring to and approving of Genesis 9:6. Alford also claims that it is equal to a command and that Christ is here giving a very strong approval of the death penalty.<sup>1</sup>

Jesus was certainly not teaching nonviolence here, for in the next verse He stated that if necessary He could have thousands of angels sent to defend Him. However, He realized it was not the time for the use of such powers. He certainly used violence when he wanted to. Jesus was simply not going to let anything interfere with his completing the cross work. Hendriksen put it this way:

Jesus must drink the cup which the Father gave him (John 18:11; cf. 19:11). In the garden, in answer to his prayers, he has found perfect peace. He is fully determined to drink this cup, and to do so in fulfillment of such prophecies as Ps. 22:1 ff.; 69:20,21; Isa. 53; Jer. 23:5, 6; Zech. 13:1, etc. If Peter had had his way, how then would these passages of Scripture be fulfilled? And how would all the symbols of the Old Testament, pointing forward to the Suffering Servant, be fulfilled?<sup>2</sup>

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<sup>1</sup>Henry A. Alford, The Greek New Testament (Boston: Lee & Shepard, 1886), I, 278-279.

<sup>2</sup>William Hendriksen, The Gospel of Matthew, in New Testament Commentary (Grand Rapids: Baker Book House, 1973), p. 925.

## John 8:1-11

Here is found the account of the woman taken in adultery. This is an incident which is very often quoted by abolitionists. This passage is found at 8:1-11 and has some textual problems; however, textual scholars usually agree that this passage does represent a true incident in Jesus' life and ministry. The account has all the earmarks of historical veracity. At least this is the opinion of the United Bible Societies Greek New Testament textual committee. Although the committee was unanimous that the portion was originally no part of the fourth Gospel, because of the evident antiquity of the passage, a majority decided to print it, enclosed within double square brackets, at its traditional place following John 7:52.<sup>1</sup>

One should note three things relevant to the discussion:

(1) Christ recognized the Mosaic command, then invited the scribes and Pharisees to stone her (8:7); (2) He Himself declined because He alone could forgive her sin because He was not like sinful man; rather, He was God (8:11). It can also be pointed out that the abolitionists do not want murderers to be set totally free and have the judges simply say, "sin no more." (3) If there is any reason for a suspension of the death penalty to be found in this passage, it can only be seen in connection with adultery.<sup>2</sup> If one of the scribes and/or Pharisees had been caught with her, it may be assumed (because of their hypocrisy) that they would not have been so eager for justice to be carried out.

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<sup>1</sup>Metzger, A Textual Commentary on the Greek New Testament, pp. 220-221.

<sup>2</sup>Ryrie, "The Doctrine of Capital Punishment," 214.

Let the reader also note that it was by the capital punishment system of His day that Christ chose to bring redemption, namely through crucifixion. Capital punishment was carried out legally very regularly in the Roman empire. Jesus was not against the Roman legal system, for He said, "Render unto Caesar that which is Caesar's."<sup>1</sup> It should be noted also that when the repentant thief exercised faith in Him, He did not free or excuse him from the death penalty, but promised him Paradise.<sup>2</sup> Also it is important to note that Jesus knew the Jews could not perform capital punishment without Roman permission. Baker says on this:

This raises the question of the legality of an execution on the part of the Jews under Roman dominion. If the Jews had no right to stone the woman anyway, Jesus would have realized this, and His words would have had only theoretical significance. Consequently, He would have been rendering an opinion which would have been meaningless except to trap Him. Under these conditions what He said may have very little actual bearing on the question of capital punishment, an issue on which He could not have made a judgment without jeopardizing His position. His tactic was, if this is true, merely an evasion of the issue.<sup>3</sup>

#### John 19:10-11

Then saith Pilate unto him, Speakest thou not unto me? knowest thou not that I have power to crucify thee, and have power to release thee? Jesus answered, Thou couldest have no power at all against me, except it were given thee from above: therefore he that delivered me unto thee hath the greater sin.

Little needs to be said here. However, the main point is that Jesus was saying that the civil government's power to carry out capital

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<sup>1</sup>The reader may study Matthew 22:21 in any New Testament, but it is sufficient here to note that He recognized people are to honor governmental rules when possible.

<sup>2</sup>Vellenga, "Is Capital Punishment Wrong?" p. 9.

<sup>3</sup>Baker, Worthy of Death, pp. 60-61.

punishment is ordained of God. He did not approve of the corrupt Roman or Jewish illegal acts, yet He did recognize their divinely given authority and He submitted Himself to it. Pilate may have been showing his pride and not really referring to governmental authority as given by God, but Christ gave the truth about both. Note what Pink says in this regard:

The Lord acknowledged that Pilate did have "power" but of quite a different kind, from quite a different source, and under different restrictions from what he supposed. Pilate had boasted of an arbitrary discretion, of a sovereign choice of his own, of a lawless right to do as he pleased. Christ referred him to a power which came from above, delegated to men, limited according to the pleasure of the One who bestowed it. Thus Christ, first, denied that Pilate had the "power" to do with Him as he pleased. Second, He maintained His Father's honor by insisting that He alone is absolute Sovereign. . . . He acknowledged the authority of the human courts. To the very last Christ respected the law, nor did He dispute the power of the Romans over the Jews. But He insisted that Pilate's power came from above, for "There is no power but of God: the powers that be are ordained of God" (Rom. 13:1) and compare Prov. 8:15, 16. Christ acknowledged that Pilate's power, extended over Himself.<sup>1</sup>

Pilate did not here claim any power over the person of Christ, but he did claim (and rightly so) that he had power to carry out the government's civil law of capital punishment. Jesus did not rebel against Pilate at any time during the ordeal.

#### The Teaching of the Apostles

This section will deal with a few key passages in the New Testament. It will be seen that the apostles were not abolitionists. There is very little teaching that deals directly with the doctrine of capital punishment in the New Testament Epistles and the book of Acts, but a few important passages are there.

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<sup>1</sup>Arthur W. Pink, Exposition of the Gospel of John (Grand Rapids: Zondervan Publishing House, 1945), p. 218.



## Romans 13:1-7

In Romans 13:1-7, which is the classic passage of teaching the believer's relation to civil government, Paul gives four definite principles regarding the Christian's relationship to human government. First, human government is ordained of God (13:1). It is a sphere of authority different from the Church and home. Second, it is to be obeyed by the Christian because: (1) it is of God; (2) the opposer of government opposes God (13:4); and (3) our consciences tell us to obey (13:5). Third, human government has the right of taxation (13:6-7). And fourth, human government has the right to use force (13:4).<sup>1</sup>

This last principle is a disputed one because of varying viewpoints concerning the "sword" placed in the hands of government in verse four. Some say it merely is symbolic of authority, like a policeman's pistol. But others feel that more is implied here. This writer finds inconsistency with those who say that the sword is like a policeman's pistol (a weapon with which he may legally kill someone) and also say that the government does not have the right of capital punishment. The error of that notion is seen when one carries the reasoning through, for it is like saying that the government has the right of taxation (which fact almost everyone agrees that verses 6-7 teach), but does not have the authority to actually take tax money from the citizens. The word for "sword" is important here. The Greek word *μαχαίρα* does not refer to the smaller two-edged dagger worn by Roman emperors as a status symbol

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<sup>1</sup>Ryrie, "The Doctrine of Capital Punishment," 214.

for their high office. Rather this word refers to the sword worn by the magistrates of the various Roman provinces, and these men had the right to use it for execution of those guilty of capital crimes of several sorts.<sup>1</sup>

In that "he is a minister of God," speaking of the magistrate, Haldane remarks that "vengeance belongeth to God . . . This refutes the notion that the infliction of punishment by evil power is only for an example."<sup>2</sup> Note that he is not disregarding the deterrence principle but saying that the above principle is just as important. Many expositors see in "minister," *δίακονός* - a feminine word, agreement with *ἐξουσία* ("power or authority").<sup>3</sup> Lenski states from this that the rulers are not the ministers of God, but the authority given is the minister; thus, the casual questions about abuse, bad and vicious rulers, do not affect the main issue of government's authority in general.<sup>4</sup> Godet adds that the sword was "born solemnly before them in public processions."<sup>5</sup> The phrase *οὐ γὰρ ἐκ κεν* can allow the amplification "for not for nothing,

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<sup>1</sup>Marvin R. Vincent, Word Studies in the New Testament (Mac Dill AFB, Florida: Mac Donald Publishing Company, n.d.), p. 746; Joseph Henry Thayer, Thayer's Greek-English Lexicon of the New Testament (Marshallton, Delaware: National Foundation for Christian Education, 1889), p. 393.

<sup>2</sup>Robert Haldane, Exposition of the Epistles to the Romans (Evansville: The Sovereign Grace Book Club, 1958), p. 583.

<sup>3</sup>W. Robertson Nicoll, ed., The Expositor's Greek Testament, Vol. II (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1967), p. 696.

<sup>4</sup>R. C. H. Lenski, The Interpretation of St. Paul's Epistle to the Romans (Columbus: Wartburg Press, 1945), p. 791.

<sup>5</sup>F. Godet, Commentary on St. Paul's Epistle to the Romans (Edinburgh: T. and T. Clark, 1892), p. 311.

but for serious use, does the ruler wear the sword."<sup>1</sup> This was the executioner's sword that Paul spoke of. All Christians should take note that Paul includes believers as well as non-believers as among those who are in subjection to the government. It is clear from Acts 4:19-20 that believers are to obey God rather than men, but this is only when the men in authority try to make the believers go against God's clear cut commands and principles. In this passage, Peter and the disciples correctly chose to obey God and to suffer severe consequences if necessary; but even then, they did not stir up a rebellion against the rulers.

Thus, Christians are obligated and need to recognize the differences between an illegitimate and a legitimate use of power. They can do this without denying the principles of human government, for God has approved both of government and of a righteous stand. They are to be "subject" to the "powers that be," but that in no way excludes exerting influences, if possible, upon government to do that which is moral. The presence of immoral men in government (e.g., Nero ruled when Paul wrote Romans 13) does not disqualify it necessarily. "It is the immoral use of power that removes government from the sphere into which God originally placed it."<sup>2</sup>

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<sup>1</sup>Nicoll, The Expositor's Greek Testament, II, 697.

<sup>2</sup>Baker, Worthy of Death, p. 71.

## Acts 25:11

For if I be an offender, or have committed any thing worthy of death, I refuse not to die; but if there be none of these things whereof these accuse me, no man may deliver me unto them. I appeal unto Caesar.

If one asks if Paul really believed what he wrote, one may move to Acts 25:11 to find the answer. Before Festus, the Roman governor who possessed the authority of the sword, Paul clearly states, "If I then am a wrong-doer, and have committed any thing worthy of death, I refuse not to die. . . ." Paul was certainly not claiming that he would be proud to be a martyr, for he was primarily on trial for a legal matter, not for his religious convictions. In fact, he says that he appealed to Caesar. The phrase "worthy of death" (*ἀξιὸν θανάτου*) is very strong evidence that Paul recognized a death penalty was in existence, to which he must submit if he was found guilty in his final appeal. Paul used the word *ἀδικέω* which in a transitive form means "I do wrong," but here the word is intransitive and means to "be guilty"<sup>1</sup> or to be in the wrong.<sup>2</sup>

Thus Paul was saying, "if I am guilty." This word is in the present tense but has the same basic force of the perfect which follows it.<sup>3</sup> Robertson says that the perfect (*πεπραχά*) may be called a

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<sup>1</sup>A. T. Robertson, A Grammar of the Greek New Testament in the Light of Historical Research (Nashville: Broadman Press, 1934), p. 472.

<sup>2</sup>Gottlob Schrenk, "*ἀδικέω*," Theological Dictionary of the New Testament, Vol. I, ed. by Gerhard Kittel, trans. and ed. by Geoffrey W. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1964), p. 160.

<sup>3</sup>Robertson, A Grammar of the Greek New Testament in the Light of Historical Research, pp. 881, 893.

"Present Perfect of Broken Continuity,"<sup>1</sup> which indicates Paul may be understood as saying, "if at any time I have ever done any thing worthy of death."

The first "if" in this verse is a "first class" condition,<sup>2</sup> and thus Paul is saying, "if it is indeed true that I am guilty and have done any thing worthy of death." The point here is that if he was proven guilty then he accepted the death penalty. To make the case even stronger, Dana and Mantey call the "οὐ" after the "if" an intensive usage and say that it could be translated as follows: "If, to be sure, I have done . . ."<sup>3</sup> Paul not only accepted the death penalty as a just law but used the word *παρὰ τοῦ μαι*, "I do not refuse," which indicates that he did not even "try to evade"<sup>4</sup> the penalty if guilty.

Another important point here is that Paul also believed it was proper for Christians to appeal their case when innocent. Believers have the right to use the courts for their own protection as much as do unbelievers. In fact, Paul here used an indirect middle when he said, "I appeal unto Caesar," and therefore was saying, "I call upon Caesar in my behalf."<sup>5</sup>

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<sup>1</sup>Ibid., p. 896.

<sup>2</sup>H. E. Dana and Julius R. Mantey, A Manual Grammar of the Greek New Testament (London: The MacMillan Company, 1927), p. 289.

<sup>3</sup>Ibid., p. 256.

<sup>4</sup>Gustav Stahlin, "*παρὰ τὸ μαι*," Theological Dictionary of the New Testament, Vol. I, ed. by Gerhard Kittel, trans. and ed. by Geoffrey W. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1964), p. 195.

<sup>5</sup>Robertson, A Grammar of the Greek New Testament in the Light of Historical Research, p. 809.

The word for appeal here (ἐπικαλέω) "is a common legal term in the N.T."<sup>1</sup>

One may say then, that Paul knew he was innocent with regard to both religious and civil matters (see Acts 25:8, 25; 26:31). Once Paul appealed to Caesar, there was no stopping him from going to Caesar, for he was a legal Roman citizen, which meant that he had no little benefit for his citizenship (see Acts 16:37-39; 22:24-30). Thus in the Acts 25:11 passage under consideration, it is clear that Paul assured Festus that he did not wish to disobey the Roman law or escape due punishment for anything he might have done.<sup>2</sup> There is no nullification of the principle of capital punishment on the part of Paul; rather, he is totally submissive to the Roman legal system as long as it did not force him to deny Christ or directly disobey His Word.

#### 1 Peter 2:13-14

Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evil-doers, and for the praise of them that do well.

Like Paul, Peter believed in subjection to the state. This passage is very similar to Romans 13:4, but it does not mention "the sword" specifically. However, the word for "vengeance" or "punishment" is of the same root as "avenger" in Romans 13:4 (ἐκδικος), and it has the same basic meaning, that is, "retribution" and ultimately capital

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<sup>1</sup>K. L. Schmidt, "ἐπικαλέω," Theological Dictionary of the New Testament, Vol. III, ed. by Gerhard Kittel, trans. and ed. by Geoffrey W. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1965), p. 497.

<sup>2</sup>F. F. Bruce, Commentary on The Book of Acts, in New International Commentary (Grand Rapids: Eerdmans, 1956), pp. 477-478.

punishment, especially since Peter knew of Paul's writings and considered them as inspired scriptures (2 Pet. 3:15-16).<sup>1</sup>

Revelation 13:10 is also a verse which supports capital punishment, but it has a textual variant problem. It will not be examined in this paper, but the reader is invited to study it for himself. One should note, however, that this reference is not of major importance for this topic.

It is concluded that the apostles gave no nullification of the principle of Genesis 9:5-6 either in a declaration of its termination, or a declaration of its replacement by a new ethic. On the other hand, one finds that they re-emphasized the authority of human government and they taught the death penalty's validity. Therefore, Genesis 9:5-6 was seen as a principle that God never intended to be set aside by future Bible writers.

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<sup>1</sup>This is not to say that Peter did not believe in capital punishment on his own, or that he did not think his own opinion was important. There is no evidence for such an evaluation; he simply recognized the governmental authority in regards to the death penalty.

## CHAPTER FIVE

### THE REASONS FOR CAPITAL PUNISHMENT

In this concluding chapter, some of the reasons for the doctrine of capital punishment are discussed. These have already been mentioned in a limited way in different portions of the paper.

#### Man in God's Image

It is this writer's belief that the primary reason God gave capital punishment was because man exists in His image. This is clearly stated in Genesis 9:6: "Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man." One may see chapter two for a discussion of this verse. It is important to have a general idea of what that image is and to know a little about it; so, a brief study is here made on the topic.

#### What The Image Is

This writer is convinced that men in this life will never know positively every aspect of the image of God in man. No group in church history has ever held a consistent view on this topic for several centuries duration. This is because the Bible does not say exactly what it is. To help understand this subject, one should know the words that are used.

There are basically two important Old Testament words and two corresponding New Testament words that are significant here. The



Hebrew words are  $\Pi \text{ז} \text{ל}$  (17 times) and  $\Pi \text{ל} \text{ל}$  (26 times) - image and likeness. The corresponding Greek words are  $\epsilon\iota\kappa\acute{\omega}\nu$  (23 times) and  $\delta\mu\acute{o}\iota\omega\sigma\iota\varsigma$  (once) or  $\delta\mu\acute{o}\iota\omega\mu\alpha$  (6 times) - image and likeness. One may see also  $\alpha\pi\alpha\upsilon\gamma\alpha\sigma\mu\alpha$  and  $\chi\alpha\rho\alpha\kappa\tau\acute{\epsilon}\rho$ , which equal respectively "brightness" and "exact likeness" (both found only in Heb. 1:3).

The best way to learn what these words mean is to examine their usage. When this is done, one finds that the important passages where these words are used in the Old Testament are as follows:

1. Genesis 1:26: "in our image and according to our likeness"--here  $\Pi \text{ז} \text{ל}$  and  $\Pi \text{ל} \text{ל}$  are used in the same verse. The Septuagint has  $\epsilon\iota\kappa\acute{\omega}\nu$  and  $\delta\mu\acute{o}\iota\omega\sigma\iota\varsigma$ .
2. Genesis 1:27: "God created man in his own image, in the image of God . . ."--here  $\Pi \text{ז} \text{ל}$  is used twice and the Septuagint has  $\epsilon\iota\kappa\acute{\omega}\nu$  once. This is a special context of creation. Until now God has simply said, "Let there be . . ." but now because man is special He says, "Let us"; so, man was made by a special decree. Only man is made in the image and likeness of God. Man is thus related to the physical world and organisms but also has the image of God. Man has special dominion. None of the other creatures had dominion given to it. Thus man reflects a measure of the dominion of God over all other creatures.
3. Genesis 5:3: "Adam begat a son in his own likeness according to his image"--here  $\Pi \text{ל} \text{ל}$  and  $\Pi \text{ז} \text{ל}$  are used and the Septuagint has "according to his own" and  $\epsilon\iota\kappa\acute{\omega}\nu$ .
4. Genesis 9:6: "in the image of God he made man"--here  $\Pi \text{ז} \text{ל}$  is used and again the Septuagint has  $\epsilon\iota\kappa\acute{\omega}\nu$ .

5. Daniel 10:16: "one who resembled a human being"--here  $\alpha\lambda\lambda\acute{\alpha}$  is used and the Septuagint has  $\delta\mu\omicron\acute{\omega}\sigma\iota\varsigma$  .

The New Testament can also be analyzed this way, and because of the more numerous passages, the specific Greek words are all indicated as to their proper locations. The New Testament passages of special interest are as follows:

1. Romans 1:23: "an image in the form of . . . "--here  $\epsilon\dot{\iota}\chi\acute{\omega}\nu$  and  $\delta\mu\omicron\acute{\omega}\mu\alpha$  are both used.
2. Romans 8:3: "in the likeness of sinful flesh"-- $\delta\mu\omicron\acute{\omega}\mu\alpha$  is used.
3. Philippians 2:7: "he existed in the form of God"-- $\delta\mu\omicron\acute{\omega}\mu\alpha$  is used.
4. James 3:9: "men made in the likeness of God"-- $\delta\mu\omicron\acute{\omega}\sigma\iota\varsigma$  is used (only time in the New Testament; the rest are  $\epsilon\dot{\iota}\chi\acute{\omega}\nu$ ).
5. Romans 8:29
6. 1 Corinthians 11:7
7. 1 Corinthians 15:49 (2)
8. 2 Corinthians 3:18
9. 2 Corinthians 4:4
10. Colossians 1:15
11. Colossians 3:10
12. Hebrews 10:1

It can be concluded from a study of the above material that the image may be described as follows: (1) It cannot be totally physical because (a) God is not physical, and (b) animals also have a body but are not in the image of God. (2) It probably is not immortality in any general way, for demons and Satan have immortality (but they are not representatives of God exactly like men). (3) It is all that differentiates

man from the animal world. (4) It must include will, freedom of choice, self-consciousness, self-transcendence, self-determination, rationality, morality, and spirituality.<sup>1</sup> (5) Some limit it to mind, reason, and logic, but this seems too simple, for infants and mentally retarded must bear the image, too. (6) This writer believes that it includes the physical body in some way, for it is the image bearer.

In conclusion, it can be said that in the fall the image was not destroyed, though it was probably marred or impaired. Man lost his righteous state and became mortal, but Genesis 9:6 (a "universal" passage) and James 3:9 indicate that the image is still there. One may also see Job 10:8-12; Deuteronomy 32; Isaiah 45:11; 54:5; 64:8; Psalm 139:14-16; Acts 17:25 and Revelation 4:11.

Men are only in a limited way in the image of God and will never be equal to God, but Christ is in the image of God par excellence! One should see 2 Corinthians 4:4; Colossians 1:15-17; Hebrews 1:2-3 on this, for these passages show Christ's being in the image of God as pointing to Jesus' full Deity. With the cross and his glorification, Jesus is able to reverse what man lost (Rom. 8:29; 2 Cor. 3:18; Eph. 4:23-24; Col. 3:10; 1 Jn. 3:2). The image of God in man may not be fully understood, but it is of enough importance that (1) men are better than sheep--Matthew 12:12; (2) it is a total loss to gain material possessions and lose one's self--Luke 9:24-25; (3) it affects conduct in church--1 Corinthians 11:7;

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<sup>1</sup>Charles Lee Feinberg, "The Image of God," Bibliotheca Sacra, 129:515 (July-September, 1972), 235-46.

- (4) it affects social conduct toward one's fellow man--James 3:9;
- (5) it is the primary reason God instituted the death penalty--Genesis 9:6.

#### God's Justice

The justice of God demanded the death penalty in the ultimate analysis. It is not so much that capital punishment is a decree of God or a biblical precept that is important in understanding why God gave the teaching as it is that capital punishment was demanded by his justice. God gave the instructions for capital punishment because of His character. The sin of murder is against that character in a special way. This is related to the image concept, and the reasons cannot be totally separated. Thus retribution is more in view than reformation.

This is somewhat opposite the goals of most modern day penologists. But one should note that not only is capital punishment unable to reform, but that punishment generally does not reform anyway (2 Chr. 28:22; Isa. 26:10; Jer. 5:3; Amos 4:6-11; Hag. 2:17; Rev. 9:20; 16:8-11, 21; 20:7-10). Eternal punishment is similar, in that God does not send anyone to the lake of fire for reformation; there is no second chance (just as there is no second chance in capital punishment).

#### Deterrence

This is a subject of debate, as has already been mentioned. However, the "be afraid" of Romans 13:4 definitely does carry with it the idea of deterrence. One reason that capital punishment does not deter more murders than it does is because the laws of capital punishment are not enforced. Enforcement is admittedly a very difficult job. God has

chosen not to enforce the responsibility of the use of the death penalty if a government resists its own prerogative. Mention has already been made of the fruit that a nation may reap when it allows this God-given barrier against crime to falter. It reaps the harvest of overt sinful activity produced by unbridled, sinful nature.

It should be realized immediately that God has not chosen to directly enforce this principle in this present dispensation. The Old Testament theocracy under the Mosaic Law, discussed above, was peculiar in at least two ways: (1) There were more capital crimes (as has been seen) that warranted death and (2) the punishment was of an immediate nature. This suggests quite an intensity of governing principles in a God-government as opposed to a human government. However, it must be stated that even in the Old Testament God did not intervene and destroy the leaders or the nation if all the laws for the death penalty were not carried out. This was because of the sinful and hopeless condition of the people.

There are many statements in the Old Testament which suggest that punishment is at least some deterrent. Many times after instructions for punishment God says, " . . . and thus you shall put fear in the people and put away sin from among you." It can be concluded, then, that deterrence is not the primary reason for capital punishment in the Bible, but it is at least one reason. This can be seen in that there are examples where God directly enforced a death penalty. One may see Acts 5, 12, and 1 Corinthians 11 for these.

## CONCLUSION

Although man has not kept God's instructions in the area of capital punishment (and other areas), the teachings of God's Word remain the same. In the future Christ will see that biblical principles (teachings, precepts, commands, etc.) are followed fully.

At the end of the Tribulation, immediately following the present dispensation, a new program will be introduced with the Second Advent of Christ--the Messianic Kingdom. The kingdom will involve Christ as supreme Ruler over the earth. McClain sees three aspects with regard to the government of that day: (1) it will be founded on moral principles (Ps. 97:1-2; Jer. 23:5-6); (2) judgment will not be arbitrary but fair (Isa. 16:5c); and (3) punishment will be prompt (Ps. 2:7-9; Isa. 16:5d; 66:24).<sup>1</sup> He goes on to say that "these great moral principles . . . will be enforced by sanctions of supernatural power."<sup>2</sup>

Such a government will not be without its attending results: (1) it will reveal to mankind absolute justice which was not even realized in the pre-cross theocracy; (2) it will dissolve all arguments of arbitrariness and lack of certainty in an absolute, omniscient Ruler; (3) it will at last show God's ideal for enforcement of the principles of capital punishment; and (4) it will illustrate plainly men's inability to rule his own affairs.

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<sup>1</sup>McClain, The Greatness of the Kingdom, p. 208.

<sup>2</sup>Ibid.

A reasonable conclusion is offered by Jacob Vellenga: "If one accepts the authority of Scripture, then the issue of capital punishment must be decided on what Scripture actually teaches and not on the popular, naturalistic ideas of sociology and penology that prevail today."<sup>1</sup>

Baker also has an appropriate conclusion for the evangelical Christian:

Among most opponents to the death penalty, the principal point of departure from traditional concepts of justice has been lack of regard for Scripture. Most modern theology has tended to seek other norms and standards for authority than the Bible, and these standards have usually been centered in man's subjective feelings and reason. For evangelical Christians, however, the Scriptures continue to be the source book of theology and the absolute standard by which everything else is to be judged. To them, the issue of capital punishment will be resolved by what the Bible teaches.<sup>2</sup>

The application to believers is very simple. Romans 13:1 teaches that "every soul" ought to be subject to governmental authority. This issue is not one that is to be taken into any individual's hands; it is reserved for government alone, for God has chosen it to be so. Paul (in Rom. 12:19) declared, "Avenge not yourselves, beloved, but give place unto the wrath of God; for it is written, Vengeance belongeth unto me; I will recompense, saith the Lord."

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<sup>1</sup>Vellenga, "Is Capital Punishment Wrong?", p. 9.

<sup>2</sup>Baker, Worthy of Death, pp. 145-146.

# APPENDIX I

## USE OF *φονεύω* IN THE NEW TESTAMENT<sup>1</sup>

<i>φονεύς</i>	KJV	NASB	NIV	MINE
Matt. 22:7	murderers	murderers	murderers	murderers
Acts 3:14	murderer	murderer	murderer	murderer
Acts 7:52	murderers	murderers	murdered	murderers
Acts 28:4	murderer	murderer	murderer	murderer
1 Pet. 4:15	murderer	murderer	murderer	murderer
Rev. 21:8	murderers	murderers	murderers	murderers
Rev. 22:15	murderers	murderers	murderers	murderers
<i>φονεύω</i>				
Matt. 5:21	kill	murder	murder	murder
Matt. 5:21	kill	murder	murders	murder
Matt. 19:18	murder	murder	murder	murder
Matt. 23:31	kill	murdered	murdered	murdered
Matt. 23:35	slay	murdered	murdered	murdered
Mark 10:19	kill	murder	murder	murder
Luke 18:20	kill	murder	murder	murder
Rom. 13:9	kill	murder	murder	murder
James 2:11	kill	murder	murder	murder
James 2:11	kill	murder	murder	murder
James 4:2	kill	murder	kill	murder
James 5:6	kill	put to death <sup>2</sup>	murdered	murdered
<i>φόνος</i>				
Matt. 15:19	murder	murders	murder	murders
Mark 7:21	murder	murders	murder	murders
Mark 15:7	murder	murder	murder	murder
Luke 23:19	murder	murder	murder	murder
Luke 23:25	murder	murder	murder	murder
Acts 9:1	slaughter	murder	murderous	murder
Rom. 1:29	murder	murder	murder	murder
Gal. 5:21	murders <sup>4</sup>	(omitted) <sup>3</sup>	(omitted)	murders
1 Tim. 1:9	manslayers <sup>4</sup>	murderers	murderers	murderers
Heb. 11:37	with	with	by	by murder <sup>5</sup>
Rev. 9:21	murder	murders	murders	murders

<sup>1</sup>See W. F. Moulton and A. S. Geden, eds., A Concordance to the Greek Testament (Edinburgh: T. & T. Clark, 1963), pp. 993-4. Note that they omit Galatians 5:21 and that 1 Timothy 1:9 (*ἀνδροφόνος*) is on page 65.

<sup>2</sup>The NASB has "murdered" in the margin.

<sup>3</sup>Omitted due to textual variant. See under note 1 of page 74.

<sup>4</sup>*ἀνδροφόνος* (only time in New Testament, never in the Septuagint).

<sup>5</sup>The Greek here is: *ἐν φόνῳ μαχαίρης ἀπέθανον*.



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