

**Lutheran Church of Australia:
Commission on Social and Bioethical Questions**

CAPITAL PUNISHMENT

Adopted by the Commission, August 1976.

1. The Old Testament and New Testament assume capital punishment (Gen 9:6; Matt 26:52; Rom 13:4). On the other hand, the word of God does not give us a clear acceptance or rejection of the death penalty.
2. The Old Testament presupposes a theocracy, and the principle of 'an eye for an eye' (Josh 7:20,25,26; Lev 20:1-5). It demands capital punishment for many crimes for which our modern society and the church do not demand it, eg kidnapping (Exod 21:16), maltreatment of parents (Exod 21:15,17), incest (Lev 20:11-14), adultery (Lev 20:10), profaning the Sabbath day (Exod 31:15). For these reasons there appears to be no clear direction in the Old Testament for us today in regard to capital punishment.
3. In the New Testament the passage Rom 13:4 is most generally assumed to demand capital punishment. Two points must be noted in regard to the understanding of this text:
 - (a) 'The sword' is a general term taken by St Paul from the language of Roman law (*ius gladii*); it refers in a general sense to the power of the State to administer and execute the law, including capital punishment, but the reference is descriptive rather than prescriptive.
 - (b) The passage does not indicate specific crimes to which the death penalty should be applied.
4. In the modern secular state, rational considerations alone determine what constitutes a crime and what should be the fitting punishment.
5. For this reason, and because of the lack of a clear biblical directive, the church can only say that capital punishment is not contrary to the will of God, but is not demanded by God.
6. Nevertheless, the church should not cease its witness to the sanctity of human life and demand punishment for those who commit murder. At the same time the church should encourage the state to develop clear and plausible concepts of the reason, meaning and purpose of the punishments which by law it determines for crimes that have been committed.