

# ***The Hebrew Death Penalty***

***(John 8:3-11; John 18:31)***

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*See also: <https://timothysparks.com/2018/02/03/hebrew-death-penalty-for-adultery-moses-to-christ-by-leslie-mcfall> and  
<https://timothysparks.com/2018/02/17/hebrew-death-penalty-for-adultery-moses-to-christ-by-leslie-mcfall-part-2>*

# ***The Hebrew Death Penalty***

(John 8:3-11; John 18:31)

- Some believe the Romans revoked the Jews' power to execute the death penalty during Jesus' time
  - This belief is largely based on thinking Jn. 18:31 implies that the Roman government had removed the Sanhedrin's power of life and death
  - This would have left the Jews unable to enforce the death penalty for any sin for which God required the death penalty
  - Josephus says that the Sanhedrin could not hold a court without the Roman procurator's consent (Jos. Arch. xx. 9, 1)

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- Some believe the Romans revoked the Jews' power to execute the death penalty during Jesus' time
  - The Jerusalem Talmud (tractate *Sanhedrin* 1.1; 7:2), preserving a second-century rabbinical tradition, provides evidence that 40 years before the destruction of the temple, Israel lost the right to execute the death penalty (Bruce, *John*, 351, 357)
    - This would put the revocation at ~AD 30
      - Leslie McFall, a world-class chronologist, puts Jesus' death at AD 29

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- Some believe the Romans revoked the Jews' power to execute the death penalty during Jesus' time
  - It is possible the complete revocation resulted due to Jesus' execution not prior to Jesus' death
    - McFall asks, "Could it be that the misuse of the death penalty by the Sanhedrin in Jesus' day resulted in the death penalty being removed from the Sanhedrin for religious crimes?"
  - Rather than just assume the Romans had completely revoked Jewish execution of the death penalty, we should ask "To what extent had the Romans limited the Jews' power to execute the death penalty?"

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- Rather than just assume the Romans had completely revoked the Jews' execution of the death penalty, we should ask “To what extent had the Romans limited the Sanhedrin's power to execute the death penalty?”
  - We will then have a better understanding of the context and meaning of Jn. 18:31
  - Possible limitations on the Sanhedrin's power:
    - Complete limitation (no ability to execute)
    - Limited to religious capital offenses
      - In which case the Romans revoked the Jews' power to execute for political or civil capital offenses
        - Riot & murder (e.g. Barabbas: Mk. 15:7; Lk. 23:19)

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(John 8:3-11; John 18:31)

- Previously, Jesus approved his Father's death penalty concerning the woman caught in adultery
  - Jn. 8:7 — βαλέτω: “do cast,” aorist imperative
  - Jesus upheld God's law concerning the death penalty (Lev. 20:10; Deut. 22:22)
    - “Therefore the law is holy, and the commandment holy and just and good” (Rom. 7:12)
  - Even if the Romans had completely revoked the Jews' power to execute the death penalty, Jesus did not change God's law concerning the death penalty (Lev. 20:10; Deut. 22:22) to conform to Roman law
    - Acts 5:29

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(John 8:3-11; John 18:31)

- Jesus approved his Father's death penalty concerning the woman caught in adultery
  - Jesus upheld the judicial system his Father set up to carry out his judgments (Deut. 17:6-11)
    - Even though corrupt judges dominated God's judicial system and were responsible to implement it, Jesus put the execution back into the hands of those who sat on Moses' chair (Mt. 23:2-3)
    - It was now up to the judicial system to follow God's law in executing the woman caught in adultery
    - In this way Jesus upheld his Father's law

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(John 8:3-11; John 18:31)

- Previously, Jesus approved his Father's death penalty concerning the woman caught in adultery
  - Just as God had the ability to pardon, so did Jesus
    - God pardoned David (2 Sam. 12:1-14)
    - Jesus forgave the paralytic (Mk. 2:5-11)
    - Jesus pardoned the adulterous woman (Jn. 8:11)
      - By forgiving the woman her sin, Jesus did not rule out her judicial execution, but she could know that the Righteous Judge had pardoned her of the sin of adultery, sparing her life

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(John 8:3-11; John 18:31)

- Previously, Jesus approved his Father's death penalty concerning the woman caught in adultery
  - Just as God had the ability to pardon, so did Jesus
    - Similarity of the statements by Jesus and Pilate
      - Jesus said to her, “Neither do I condemn you; go and sin no more” (Jn. 8:11)
      - “Do You not know that I have power to crucify You, and power to release You?” (Jn. 19:10)
      - A proverb of Roman law says, “Nobody who can condemn cannot acquit” (Nemo, qui condemnare potest, absolvere non potest. Justinian, *Digest* 50.17.37)

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- We now return to Jn. 18:31 and the question “To what extent had the Romans limited the Sanhedrin's power to execute the death penalty?”
  - If the Roman authorities allowed the Sanhedrin to handle all matters concerning the Torah Law, as Pilate permits them to do, then only political or civil capital offenses were denied to them, such as with Barabbas and other revolutionary leaders
  - The charge was that Jesus was “an evil doer” (Jn. 18:30), which was a civil matter
    - The Sanhedrin brings to Pilate no religious charge of blasphemy against Jesus

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(John 8:3-11; John 18:31)

- The religious authorities wanted Jesus dead, but they wanted the Romans to execute Jesus
  - So, the initial charge of “blasphemy” was changed to “an evil doer” when making accusations to Pilate
    - The charge of blasphemy
      - Jn. 5:18; 10:33
      - Mt. 26:59-66; Lk. 22:70-71
    - The civil charges (Lk. 23:1-5, 14)
      - Distinction between Jewish multitude/rulers
        - Jn. 19:6-7, 12, 14-15
        - Jn. 19:7 — “Son of God”/King (Ps. 2:2, 7)
    - From the Sanhedrin's perspective, Jesus’ claim to have a kingdom/kingship (Jn. 18:36) helped place the responsibility on Pilate as a political/civil matter

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- The religious authorities wanted Jesus dead, but they wanted the Romans to execute Jesus
  - They schemed to get the Romans to kill Jesus, so they were technically and legally right to say, “It is not lawful [under Roman law] for us to put any man to death for the civil offense of ‘being an evil doer’” (Jn 18:31)
  - Jesus prophesied that he would be crucified (Jn. 3:14; 8:28; 12:32-33; 18:32)
  - Caiaphas the high priest prophesied Jesus' death (Jn. 11:49-52; 18:14)

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- The religious authorities wanted Jesus dead, but they wanted the Romans to execute Jesus
  - Not one bone of the Messiah would be broken (Jn. 19:36), so his death would not be by stoning
    - Ps. 34:20
    - Ex. 12:46; Num. 9:12
- The blessing of Jesus' accursed death
  - Gal. 3:13-14—The Reverse of the Curse
    - Deut. 21:18-23; Josh. 10:26
      - hanging on a tree followed death by one of these forms of execution:
        - burning, stoning, sword or strangulation

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- The blessing of Jesus' accursed death
  - Gal. 3:13-14—The Reverse of the Curse
    - Deut. 21:18-23; Josh. 10:26
    - 1 Pet. 2:24
      - Is. 53:11-12
      - 2 Cor. 5:21
  - Gal. 4:4—The fulness of the time came under Roman rule
- Jesus—the Suffering, Sin-Bearing Servant (Is. 52:13-53:12)
  - Jn. 19:5→Is. 53:2-3

# ***Memory Verse Review (Revelation)***

- Rev. 1:11—List the 7 congregations
- Rev. 2:10c—“Be . . . .”
- Rev. 3:21—“To him who . . . .”
- Rev. 4:8c—“Holy . . . .”
- Rev. 11:15c—“The kingdom . . . .”