

Doctrine of the Death Penalty

Twenty Old Testament Crimes Worthy of Death

1. According to Numbers 35:31 there are criminals who deserve to die.
 - *Numbers 35:31 Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death.*

2. There were twenty specific crimes that deserved the death penalty in the *Old Testament*.
 - *Murder. Genesis 9:6 Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man. Exodus 21:12 He that smiteth a man, so that he die, shall be surely put to death. Numbers 35:16 And if he smite him with an instrument of iron, so that he die, he is a murderer: the murderer shall surely be put to death. 17 And if he smite him with throwing a stone, wherewith he may die, and he die, he is a murderer: the murderer shall surely be put to death. 18 Or if he smite him with an hand weapon of wood, wherewith he may die, and he die, he is a murderer: the murderer shall surely be put to death. 19 The revenger of blood himself shall slay the murderer: when he meeteth him, he shall slay him. 20 But if he thrust him of hatred, or hurl at him by laying of wait, that he die; 21 Or in enmity smite him with his hand, that he die: he that smote him shall surely be put to death; for he is a murderer: the revenger of blood shall slay the murderer, when he meeteth him.*

 - *Abuse of father or mother. Exodus 21:15 And he that smiteth his father, or his mother, shall be surely put to death.*

 - *Speaking a curse over parents. Exodus 21:17 And he that curseth his father, or his mother, shall surely be put to death.*

 - *Blasphemy against God. Leviticus 24:14 Bring forth him that hath cursed without the camp; and let all that heard him lay their hands upon his head, and let all the congregation stone him. 15 And thou shalt speak unto the children of Israel, saying, Whosoever curseth his God shall bear his sin. 16 And he that blasphemeth the name of the LORD, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land, when he blasphemeth the name of the LORD, shall be put to death. Leviticus 24:23 And Moses spake to the children of Israel, that they should bring forth him that had cursed out of the camp, and stone him with stones. And the children of Israel did as the LORD commanded Moses.*

 - *Breaking the Sabbath. Exodus 31:14 Ye shall keep the Sabbath therefore; for it is holy unto you: every one that defileth it shall surely be put to death: for whosoever doeth any work therein, that soul shall be cut off from among his people. Numbers 15:32 And while the children of Israel were in the wilderness, they found a man that gathered sticks upon the Sabbath day.*

33 And they that found him gathering sticks brought him unto Moses and Aaron, and unto all the congregation. 34 And they put him in ward, because it was not declared what should be done to him. 35 And the LORD said unto Moses, The man shall be surely put to death: all the congregation shall stone him with stones without the camp. 36 And all the congregation brought him without the camp, and stoned him with stones, and he died; as the LORD commanded Moses.

- Practicing magic. *Exodus 22:18 Thou shalt not suffer a witch to live.*
- Fortune telling and practicing sorcery. *Leviticus 20:27 A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them.*
- False prophecies. *Deuteronomy 13:1 If there arise among you a prophet, or a dreamer of dreams, and giveth thee a sign or a wonder, 2 And the sign or the wonder come to pass, whereof he spake unto thee, saying, Let us go after other gods, which thou hast not known, and let us serve them; 3 Thou shalt not hearken unto the words of that prophet, or that dreamer of dreams: for the LORD your God proveth you, to know whether ye love the LORD your God with all your heart and with all your soul. 4 Ye shall walk after the LORD your God, and fear him, and keep his commandments, and obey his voice, and ye shall serve him, and cleave unto him. 5 And that prophet, or that dreamer of dreams, shall be put to death; because he hath spoken to turn you away from the LORD your God, which brought you out of the land of Egypt, and redeemed you out of the house of bondage, to thrust thee out of the way which the LORD thy God commanded thee to walk in. So shalt thou put the evil away from the midst of thee. Deuteronomy 18:20 But the prophet, which shall presume to speak a word in my name, which I have not commanded him to speak, or that shall speak in the name of other gods, even that prophet shall die.*
- Adultery and fornication. *Leviticus 20:10 And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to death. 11 And the man that lieth with his father's wife hath uncovered his father's nakedness: both of them shall surely be put to death; their blood shall be upon them. 12 And if a man lie with his daughter in law, both of them shall surely be put to death: they have wrought confusion; their blood shall be upon them. Deuteronomy 22:22 If a man be found lying with a woman married to an husband, then they shall both of them die, both the man that lay with the woman, and the woman: so shalt thou put away evil from Israel.*
- Premarital sex. *Deuteronomy 22:20 But if this thing be true, and the tokens of virginity be not found for the damsel: 21 Then they shall bring out the damsel to the door of her father's house, and the men of her city shall stone her with stones that she die: because she hath wrought folly in Israel, to play the whore in her father's house: so shalt thou put evil away from among you.*

- Sexual unfaithfulness during betrothal. *Deuteronomy 22:23 If a damsel that is a virgin be betrothed unto an husband, and a man find her in the city, and lie with her; 24 Then ye shall bring them both out unto the gate of that city, and ye shall stone them with stones that they die; the damsel, because she cried not, being in the city; and the man, because he hath humbled his neighbour's wife: so thou shalt put away evil from among you.*
- The daughter of a priest practicing prostitution. *Leviticus 21:9 And the daughter of any priest, if she profane herself by playing the whore, she profaneth her father: she shall be burnt with fire.*
- Raping an engaged woman. *Deuteronomy 22:25 But if a man find a betrothed damsel in the field, and the man force her, and lie with her: then the man only that lay with her shall die:*
- Bestiality or having sexual intercourse with an animal. *Exodus 22:19 Whosoever lieth with a beast shall surely be put to death.*
- Worshipping idols. *Exodus 22:20 He that sacrificeth unto any god, save unto the LORD only, he shall be utterly destroyed. Leviticus 20:1 And the LORD spake unto Moses, saying, 2 Again, thou shalt say to the children of Israel, Whosoever he be of the children of Israel, or of the strangers that sojourn in Israel, that giveth any of his seed unto Molech; he shall surely be put to death: the people of the land shall stone him with stones. 3 And I will set my face against that man, and will cut him off from among his people; because he hath given of his seed unto Molech, to defile my sanctuary, and to profane my holy name. 4 And if the people of the land do any ways hide their eyes from the man, when he giveth of his seed unto Molech, and kill him not: 5 Then I will set my face against that man, and against his family, and will cut him off, and all that go a whoring after him, to commit whoredom with Molech, from among their people. Deuteronomy 17:2 If there be found among you, within any of thy gates which the LORD thy God giveth thee, man or woman, that hath wrought wickedness in the sight of the LORD thy God, in transgressing his covenant, 3 And hath gone and served other gods, and worshipped them, either the sun, or moon, or any of the host of heaven, which I have not commanded; 4 And it be told thee, and thou hast heard of it, and inquired diligently, and, behold, it be true, and the thing certain, that such abomination is wrought in Israel: 5 Then shalt thou bring forth that man or that woman, which have committed that wicked thing, unto thy gates, even that man or that woman, and shalt stone them with stones, till they die. 6 At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death. 7 The hands of the witnesses shall be first upon him to put him to death, and afterward the hands of all the people. So thou shalt put the evil away from among you.*
- Incest. *Leviticus 20:11 And the man that lieth with his father's wife hath uncovered his father's nakedness: both of them shall surely be put to death; their blood shall be upon them. 12 And if a man lie with his daughter in law, both of them shall surely be put to death: they have wrought confusion; their blood shall be upon them. Leviticus 20:14 And if a man take a wife and her mother, it is wickedness: they shall be burnt with fire, both he and they; that there be no wickedness among you.*

Leviticus 20:19 And thou shalt not uncover the nakedness of thy mother's sister, nor of thy father's sister: for he uncovereth his near kin: they shall bear their iniquity. 20 And if a man shall lie with his uncle's wife, he hath uncovered his uncle's nakedness: they shall bear their sin; they shall die childless. 21 And if a man shall take his brother's wife, it is an unclean thing: he hath uncovered his brother's nakedness; they shall be childless.

- *Homosexuality. Leviticus 20:13 If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them.*
- *Kidnapping. Exodus 21:16 And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death.*
- *The bearing of false testimony at a trial. Deuteronomy 19:16 If a false witness rise up against any man to testify against him that which is wrong; Deuteronomy 19:19 Then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you.*
- *Contempt of court. Deuteronomy 17:8 If there arise a matter too hard for thee in judgment, between blood and blood, between plea and plea, and between stroke and stroke, being matters of controversy within thy gates: then shalt thou arise, and get thee up into the place which the LORD thy God shall choose; 9 And thou shalt come unto the priests the Levites, and unto the judge that shall be in those days, and inquire; and they shall shew thee the sentence of judgment: 10 And thou shalt do according to the sentence, which they of that place which the LORD shall choose shall shew thee; and thou shalt observe to do according to all that they inform thee: 11 According to the sentence of the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt do: thou shalt not decline from the sentence which they shall shew thee, to the right hand, nor to the left. 12 And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the LORD thy God, or unto the judge, even that man shall die: and thou shalt put away the evil from Israel. 13 And all the people shall hear, and fear, and do no more presumptuously.*

3. The manner of execution in the *Old Testament* was varied.

- *Stoning. Leviticus 24:27 A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them.*
- *Burning. Leviticus 21:9 And the daughter of any priest, if she profane herself by playing the whore, she profaneth her father: she shall be burnt with fire.*
- *Sword. Exodus 32:27 And he said unto them, Thus saith the LORD God of Israel, Put every man his sword by his side, and go in and out from gate to gate throughout the camp, and slay every man his brother, and every man his companion, and every man his neighbour.*

- *Spear. Numbers 25:7 And when Phinehas, the son of Eleazar, the son of Aaron the priest, saw it, he rose up from among the congregation, and took a javelin in his hand; 8 And he went after the man of Israel into the tent, and thrust both of them through, the man of Israel, and the woman through her belly. So the plague was stayed from the children of Israel. 9 And those that died in the plague were twenty and four thousand.*
 - *Arrow. Exodus 19:13 There shall not an hand touch it, but he shall surely be stoned, or shot through; whether it be beast or man, it shall not live: when the trumpet soundeth long, they shall come up to the mount.*
4. The death penalty could be avoided in the case of an unintentional killing by having the individual flee to a city of refuge.
- *Numbers 35:6 And among the cities which ye shall give unto the Levites there shall be six cities for refuge, which ye shall appoint for the manslayer, that he may flee thither: and to them ye shall add forty and two cities.*
 - *Numbers 35:22 But if he thrust him suddenly without enmity, or have cast upon him any thing without laying of wait, 23 Or with any stone, wherewith a man may die, seeing him not, and cast it upon him, that he die, and was not his enemy, neither sought his harm: 24 Then the congregation shall judge between the slayer and the revenger of blood according to these judgments: 25 And the congregation shall deliver the slayer out of the hand of the revenger of blood, and the congregation shall restore him to the city of his refuge, whither he was fled: and he shall abide in it unto the death of the high priest, which was anointed with the holy oil.*
 - *Deuteronomy 19:1 When the LORD thy God hath cut off the nations, whose land the LORD thy God giveth thee, and thou succeedest them, and dwellest in their cities, and in their houses; 2 Thou shalt separate three cities for thee in the midst of thy land, which the LORD thy God giveth thee to possess it. 3 Thou shalt prepare thee a way, and divide the coasts of thy land, which the LORD thy God giveth thee to inherit, into three parts, that every slayer may flee thither. 4 And this is the case of the slayer, which shall flee thither, that he may live: Whoso killeth his neighbour ignorantly, whom he hated not in time past; 5 As when a man goeth into the wood with his neighbour to hew wood, and his hand fetcheth a stroke with the axe to cut down the tree, and the head slippeth from the helve, and lighteth upon his neighbour, that he die; he shall flee unto one of those cities, and live: 6 Lest the avenger of the blood pursue the slayer, while his heart is hot, and overtake him, because the way is long, and slay him; whereas he was not worthy of death, inasmuch as he hated him not in time past. 7 Wherefore I command thee, saying, Thou shalt separate three cities for thee. 8 And if the LORD thy God enlarge thy coast, as he hath sworn unto thy fathers, and give thee all the land which he promised to give unto thy fathers; 9 If thou shalt keep all these commandments to do them, which I command thee this day, to love the LORD thy God, and to walk ever in his ways; then shalt thou add three cities more for thee, beside these three: 10 That innocent blood be not shed in thy land, which the LORD thy God giveth thee for an inheritance, and so blood be upon thee.*

5. The death penalty is not just a social idea but a divine mandate. Unjust violence is to be punished with righteous violence.
 - The mandate. *Genesis 9:5 And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man.*
 - The means. *Genesis 6:11 The earth also was corrupt before God, and the earth was filled with violence. 12 And God looked upon the earth, and, behold, it was corrupt; for all flesh had corrupted his way upon the earth. 13 And God said unto Noah, The end of all flesh is come before me; for the earth is filled with violence through them; and, behold, I will destroy them with the earth.*
6. The purpose for the death penalty is stated: God puts a high value on human life for individuals are made in the image of God.
 - *Genesis 9: 6 Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.*
7. There are many commandments found in the Old Testament which are not binding upon Christians or mankind. For example, the commandments given to national Israel concerning sacrifices, food, special days and specific times of celebration as well as the ritual of circumcision have found spiritual fulfillment in Christ and no longer need be honored. However, the death penalty was given prior to the existence of the nation of Israel and therefore has an eternal character to it for individuals will always be created in the image of God.
8. While it is true that the murderer is also made in the image of God that image has been marred to such a point the individual forfeits the right to live. The bearers of justice who maintain God's image share the divine reaction to the criminal and so unholy violence is corrected by holy violence in the same principle that a good parent will spank their child for egregious behavior.
9. The principle of accountability is also found in the text of Genesis 9:5 as God inquires of an individual what was done in order to hold the person accountable. God does not wait for eternity to administer divine discipline and justice.
 - *Genesis 9:5 And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man.*

Accountability and retribution from the one who has killed has its source in the beating heart of God's love that cares for the victims of crime. A society without capital punishment denies the expression of this love.

10. When the Law was enacted Moses regulated the eternal provision of the death penalty. For example, a murderer was not to be allowed to buy freedom from the administration of justice.
- *Numbers 35:31 Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death.*
11. Under the Mosaic economy the death penalty brought atonement to the nation. The general principle is that murder defiles any nation and can only be atoned for by the blood of the murderer.
- *Numbers 35:33 So ye shall not pollute the land wherein ye are: for blood it defileth the land: and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it.*
12. Those who oppose capital punishment often appeal to the fifth commandment of the Moral Law found in Exodus 20:13 which says, “*Thou shalt not kill*”. This divine prohibition is designed to regulate the behavior of individuals as a citizen of society for just a few verses later the death penalty for murder is reasserted.
- *Exodus 21:12 He that smiteth a man, so that he die, shall be surely put to death.*
13. Two other texts sometimes appealed to by opponents of capital punishment are found in Ezekiel 18.
- *Ezekiel 18:23 Have I any pleasure at all that the wicked should die? Saith the Lord GOD: and not that he should return from his ways, and live?*
 - *Ezekiel 18:32 For I have no pleasure in the death of him that dieth, saith the Lord GOD: wherefore turn yourselves, and live ye.*

In context, chapter 18 of Ezekiel focuses attention on personal responsibility. A person who persists in evil will die because of sin while a righteous person will not. It is the will of God that everyone live righteously and thereby escape a premature death. However, God does want the death penalty to be administered to those who murder for in the same chapter we find the commandment.

- *Ezekiel 18:10 If he beget a son that is a robber, a shedder of blood, and that doeth the like to any one of these things, 11 And that doeth not any of those duties, but even hath eaten upon the mountains, and defiled his neighbour's wife, 12 Hath oppressed the poor and needy, hath spoiled by violence, hath not restored the pledge, and hath lifted up his eyes to the idols, hath committed abomination, 13 Hath given forth upon usury, and hath taken increase: shall he then live? He shall not live: he hath done all these abominations; he shall surely die; his blood shall be upon him.*

14. In appealing to John 8:7 those who oppose capital punishment contend that Jesus abrogated the Law of Moses in this matter, but that is not the case. In context the Pharisees were trying to entrap Christ. The story is recorded to demonstrate the wisdom of the Lord in dealing with those who would try to ensnare Him. This narrative is not an ethical pronouncement about capital punishment which the Law required and of which Jesus said He did not come to destroy but to fulfill.
- *John 8:7 So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you, let him first cast a stone at her.*
 - *Matthew 5:17 Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfill.*
15. By using the death penalty God reconciled the world to Himself. Though the death of Christ was a miscarriage of justice from a human perspective, in the divine economy, because Christ became sin for us His death was necessary for without the shedding of blood there is no remission of sin.
- *2 Corinthians 5:21 For he [God the Father] hath made him to be sin for us [judicially and legally], who knew no sin; that we might be made the righteousness of God in him [by justice being satisfied through the shedding of blood].*
16. The *New Testament* maintains the right and responsibility of the state, which governs society by law, to administer justice and punish evildoers.
- *Romans 13:1 Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. 2 Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. 3 For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same: 4 For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. 5 Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. 6 For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. 7 Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour.*
 - *1 Peter 2:13 Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; 14 Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well.*

17. The death penalty can be reconciled with principles of justice and mercy.

- Moses, in the midst of setting forth a legal code spoke of showing mercy and love. Leviticus 19:18 Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself: I am the LORD. In Leviticus 20 Moses went on to establish several types of death penalties.
- Jesus spoke on love and forgiveness while at the same time validating the righteousness of ultimate justice being administered by the punishing authorities. *Matthew 15:3 But he answered and said unto them, Why do ye also transgress the commandment of God by your tradition? 4 For God commanded, saying, Honour thy father and mother: and, He that curseth father or mother, let him die the death. Matthew 26:52 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. John 19:10 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? 11 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.*
- Paul teaches that Christians are not to avenge each other but give the revenge to God before he speaks of the judging authority being an agent of wrath. *Romans 12:17 Recompense to no man evil for evil. Provide things honest in the sight of all men. 18 If it be possible, as much as lieth in you, live peaceably with all men. 19 Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord. 20 Therefore if thine enemy hunger, feed him; if he thirst, give him drink: for in so doing thou shalt heap coals of fire on his head. 21 Be not overcome of evil, but overcome evil with good. Romans 13:1 Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. 2 Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. 3 For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same: 4 For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. 5 Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. 6 For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing.*