

The Biblical Basis for the Death Penalty
Trinity Baptist Church Discipleship Training
(December, 2013)

Introduction:

The suggested topic for this Discipleship Training study is an exploration of the Biblical basis for the death penalty. This study stems from an article in an October 19, 2013 edition of World Magazine. In the article by Marvin Olasky, “Dead Seriousness,” he offers several points in his argument *against* the death penalty. These include:

- (1) The charge of Genesis 9 is not actually teaching Capital Punishment.
Olasky – *“God in chapter 9 of Genesis does ‘require a reckoning for the life of man,’ but the reckoning throughout the Bible is a severe punishment short of execution. . . in universally applicable Genesis only ‘a reckoning’ is required—and life in prison is clearly a huge reckoning.”*
- (2) There are no Biblical examples of the death penalty in Scripture.
Olasky - *God often in Scripture not only tells but shows—yet He provides zero examples of killers receiving death penalties.*
- (3) The lack of the Biblical standard of “two witnesses” in many of the murder convictions in the U.S.
Olasky – *“To start with, five times—Numbers 35:30, Deuteronomy 17:6, Deuteronomy 19:15, Matthew 18:16, 2 Corinthians 13:1—both the Old Testament and the New stipulate that a capital punishment verdict could not be based on circumstantial evidence: Testimony from two or three eyewitnesses is essential. Few of the death penalty cases I’ve reviewed have that many witnesses.”*
- (4) The OT teaching of “an eye for an eye and tooth for tooth” was later misunderstood and misapplied by the Pharisees. Jesus taught differently.
Olasky – *“Jesus apparently did not favor such practice, and He also taught His followers not to resist with arms when they were persecuted for their faith. One of the first deacons, Stephen, soon put Christ’s teaching into practice when Sanhedrin members stoned him, a practice that was less throwing rocks than dropping boulders on top of a person 12-18 feet below them. Stephen set high the bar for not resisting.”*

This study will examine the Biblical basis for capital punishment and answer Marvin Olasky’s points of opposition.

I. Biblical basis for the death penalty

A. It was given as the penalty for murder

Genesis 9:5-6 NAU - "Surely I will require your lifeblood; from every beast I will require it. And from every man, from every man's brother I will require the life of man. ⁶ "Whoever sheds man's blood, By man his blood shall be shed, For in the image of God He made man."

1. This law represents God's high value upon man
2. It was given before Israel existed as an axiom to protect life
3. Later as Israel was established God continued this principle.

Leviticus 24:17 NAU - "If a man takes the life of any human being, he shall surely be put to death."

4. Cities of Refuge were established as a protection for those who took a life unintentionally, further evidence that capital punishment was practiced.
Numbers 35:30-34 NAU - "If anyone kills a person, the murderer shall be put to death at the evidence of witnesses, but no person shall be put to death on the testimony of one witness. ³¹ 'Moreover, you shall not take ransom for the life of a murderer who is guilty of death, but he shall surely be put to death. ³² 'You shall not take ransom for him who has fled to his city of refuge, that he may return to live in the land before the death of the priest. ³³ 'So you shall not pollute the land in which you are; for blood pollutes the land and no expiation can be made for the land for the blood that is shed on it, except by the blood of him who shed it. ³⁴ 'You shall not defile the land in which you live, in the midst of which I dwell; for I the LORD am dwelling in the midst of the sons of Israel."

Deuteronomy 19:11-13 KJV - "But if any man hate his neighbour, and lie in wait for him, and rise up against him, and smite him mortally that he die, and fleeth into one of these cities: ¹² Then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood, that he may die. ¹³ Thine eye shall not pity him, but thou shalt put away *the guilt of innocent blood* from Israel, that it may go well with thee."

(Notice that the failure to execute the murder polluted the nation - "You shall not defile the land in which you live")

B. There were many other crimes that required capital punishment.

1. Sabbath breaking

Numbers 15:32-36 NAU - "Now while the sons of Israel were in the wilderness, they found a man gathering wood on the sabbath day. ³³ Those who found him gathering wood brought him to Moses and Aaron and to all the congregation; ³⁴ and they put him in custody because it had not been declared what should be done to him. ³⁵ Then the LORD said to Moses, "The man shall surely be put to death; all the congregation shall stone him with stones outside the camp." ³⁶ So all the congregation brought him outside the camp and stoned him to death with stones, just as the LORD had commanded Moses."

2. Sexual Sin
 - A. Adultery

Leviticus 20:10 NAU - "If *there is* a man who commits adultery with another man's wife, one who commits adultery with his friend's wife, the adulterer and the adulteress shall surely be put to death."
 - B. Incest

Leviticus 20:11 NAS - "If *there is* a man who lies with his father's wife, he has uncovered his father's nakedness; both of them shall surely be put to death, their bloodguiltiness is upon them."
 - C. Homosexuality

Leviticus 20:13 NAU - "If *there is* a man who lies with a male as those who lie with a woman, both of them have committed a detestable act; they shall surely be put to death. Their bloodguiltiness is upon them."
 - D. Bestiality

Leviticus 20:15 NAS - "If *there is* a man who lies with an animal, he shall surely be put to death; you shall also kill the animal."
3. Blasphemy

Leviticus 24:16 NAU - "Moreover, the one who blasphemes the name of the LORD shall surely be put to death; all the congregation shall certainly stone him. The alien as well as the native, when he blasphemes the Name, shall be put to death."
4. Leading others to turn away from God

Deuteronomy 13:6-10 NAS - "If your brother, your mother's son, or your son or daughter, or the wife you cherish, or your friend who is as your own soul, entice you secretly, saying, 'Let us go and serve other gods' (whom neither you nor your fathers have known, ⁷ of the gods of the peoples who are around you, near you or far from you, from one end of the earth to the other end), ⁸ you shall not yield to him or listen to him; and your eye shall not pity him, nor shall you spare or conceal him. ⁹ "But you shall surely kill him; your hand shall be first against him to put him to death, and afterwards the hand of all the people. ¹⁰ "So you shall stone him to death because he has sought to seduce you from the LORD your God who brought you out from the land of Egypt, out of the house of slavery."
5. Cursing your father or mother

Leviticus 20:9 NAS - "f *there is* anyone who curses his father or his mother, he shall surely be put to death; he has cursed his father or his mother, his bloodguiltiness is upon him."
Exodus 21:15 NAS - "And he who strikes his father or his mother shall surely be put to death."

6. The false prophet
Deuteronomy 18:20 NAU - "But the prophet who speaks a word presumptuously in My name which I have not commanded him to speak, or which he speaks in the name of other gods, that prophet shall die."
 7. Kidnapping
Exodus 21:16 NAS - "And he who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death."
 8. Sorcery
Exodus 22:18 NAS - "You shall not allow a sorceress to live."
- C. Affirmed in the New Testament
1. Romans 13 affirms that authority of the civil government to inflict the death penalty. Paul declares their rightful use of the sword against evil doers.
Romans 13:3-4 NAS - "For rulers are not a cause of fear for good behavior, but for evil. Do you want to have no fear of authority? Do what is good, and you will have praise from the same; ⁴ for it is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath upon the one who practices evil."
 2. Jesus affirmed the Old Testament law of capital punishment upon the one who strikes his parents. He called it "the commandment of God."
Matthew 15:3-4 KJV - "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."

II. Answering Marvin Olasky's objections to capital punishment

- A. The charge of Genesis 9 is not actually teaching Capital Punishment.
Olasky – *"God in chapter 9 of Genesis does 'require a reckoning for the life of man,' but the reckoning throughout the Bible is a severe punishment short of execution. . . in universally applicable Genesis only 'a reckoning' is required—and life in prison is clearly a huge reckoning."*
1. The plain sense of Genesis 9 speaks of death, not another form of punishment.
Genesis 9:5-6 NAU - "Surely I will require your lifeblood; from every beast I will require it. And from every man, from every man's brother I will require the life of man. ⁶ "Whoever sheds man's blood, By man his blood shall be shed, For in the image of God He made man."

2. This has been the teaching of Christian theologians from Augustine through the reformers.
John Murray – “To the civil magistrate is given not only the power, but as the minister of God, the right, the authority, to use the sword for the infliction of death as the penalty for crimes which merit this retribution. If we were to attempt to draw up a catalogue of such crimes we would encounter difficulty. But one thing is plain; in terms of biblical teaching the one crime that is placed beyond all question as falling into this category is that of murder.”
3. Olasky explains his uncertainty if this passage is “prescriptive” or “descriptive.”
Scripture should be used as our authority if we are in doubt of the meaning of a passage. The clear will help our understanding of the unclear (although Genesis 9 seems clear). Genesis 9 isn’t the only place that God commands death for murder.
Exodus 21:12 NAU - "He who strikes a man so that he dies shall surely be put to death."
Leviticus 24:17 NAU - "If a man takes the life of any human being, he shall surely be put to death."
Numbers 35:30-34 NAU - "If anyone kills a person, the murderer shall be put to death at the evidence of witnesses, but no person shall be put to death on the testimony of one witness.
Deuteronomy 19:11-13 KJV - "But if any man hate his neighbour, and lie in wait for him, and rise up against him, and smite him mortally that he die, and fleeth into one of these cities: ¹² Then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood, that he may die. ¹³ Thine eye shall not pity him, but thou shalt put away *the guilt of innocent blood* from Israel, that it may go well with thee."

- B. There are no Biblical examples of the death penalty in Scripture.
Olasky - *God often in Scripture not only tells but shows—yet He provides zero examples of killers receiving death penalties.*
1. As Olasky argues for life without parole instead of the death penalty, he seems to ignore the fact that there are zero examples in the Bible of killers receiving life without parole.
 - a. His example of God not killing Cain is a poor use of Scripture. First, all judgment is in the hands of God and ultimately all sin receives the death penalty – the wages of sin is death.
 - b. God gave a special dispensation to Cain, most likely in the interest of filling the earth. A whole race of men grew out of Cain – See **Genesis 4**
 - c. It should be noted that capital punishment is a right of civil government. There was no government to carry out Cain’s execution. Paul described the civil authority as, "an avenger who brings wrath on the one who practices evil" (Rom. 13:4)

2. Does the absence of example in any way diminish the authority of God's command?
 3. The Bible affirms clearly that there were many crimes that demanded the end of a person's life (see the examples above (I-B:1-8). And we have many examples of the guilty ones actually receiving the penalty. Olasky is arbitrarily dismissing capital punishment for murder because it is currently the only crime punishable by death in the U.S. He's dismissing it, as he claims, for lack of example. The scores of other examples should be enough grounds to validate execution and lead us to presume that just as Israel carried out the death penalty for other capital crimes, they also must have executed murderers in obedience to God's command.
- C. The lack of the Biblical standard of "two witnesses" in many of the murder convictions in the U.S.
- Olasky – *"To start with, five times—Numbers 35:30, Deuteronomy 17:6, Deuteronomy 19:15, Matthew 18:16, 2 Corinthians 13:1—both the Old Testament and the New stipulate that a capital punishment verdict could not be based on circumstantial evidence: Testimony from two or three eyewitnesses is essential. Few of the death penalty cases I've reviewed have that many witnesses."*
1. First of all, the weakness in our judicial system does not invalidate God's demand for justice. Sinful societies will always have imperfect justice but this in no way absolves the civil authorities from carrying out their duty of punishing evil doers, even while knowing it will never be perfect.
 2. That said, God's demand for two witnesses was a demand for certainty beyond a reasonable doubt. It does not guarantee the credibility of the witnesses. While intentional bearing of false witness was punishable by death, eyewitness accounts are still notoriously inaccurate. Many of the recent convictions overturned by DNA evidence were based on eye-witness testimony.
 3. It should be noted that multiple witnesses were necessary for other crimes as well, not just murder. The issue is establishing a "beyond reasonable doubt" standard. In our justice system we now depend on scientific evidence as tools to maintain this standard.
 - a. Technological advances add other forms of "eye-witness" credibility.
Video Surveillance, finger prints, DNA, etc. These can actually be much more accurate than eye-witness accounts.
 - b. Forensic evidence can provide "beyond reasonable doubt."
For example:
The stolen objects are found in the suspects possession.
His fingerprints are found around the broken window.
The blood on the glass is determined to be his.
The footprints in the mud match his shoes.
 - c. In traffic tickets we rely on the testimony of the officer as well as his radar gun.

- D. The OT teaching of “an eye for an eye and tooth for tooth” was later misunderstood and misapplied by the Pharisees. Jesus taught differently. Olasky – *“Jesus apparently did not favor such practice, and He also taught His followers not to resist with arms when they were persecuted for their faith. One of the first deacons, Stephen, soon put Christ’s teaching into practice when Sanhedrin members stoned him, a practice that was less throwing rocks than dropping boulders on top of a person 12-18 feet below them. Stephen set high the bar for not resisting.”*
1. The “eye for an eye” pattern was designed to *limit* action towards an offender. You couldn’t chop off a person’s hand for striking you on the cheek.
 2. The “eye for an eye” pattern was the basis for restitution. It should always be remembered that Israel had no prison system. If you stole you repaid, plus damages. And the death penalty was used for repeat offenders.
Deuteronomy 21:18-21 NAU - "If any man has a stubborn and rebellious son who will not obey his father or his mother, and when they chastise him, he will not even listen to them, ¹⁹ then his father and mother shall seize him, and bring him out to the elders of his city at the gateway of his hometown. ²⁰ "They shall say to the elders of his city, 'This son of ours is stubborn and rebellious, he will not obey us, he is a glutton and a drunkard.' ²¹ "Then all the men of his city shall stone him to death; so you shall remove the evil from your midst, and all Israel will hear *of it* and fear."
 3. Murder is the one crime where there can be no restitution. The life cannot be restored. The murderer must forfeit his own life.