

WHAT ABOUT THE DEATH PENALTY?

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Whoever sheds the blood of man, by man shall his blood be shed, for in His image did God make man (Genesis 9:6).

These are the words Yahweh, the LORD God, spoke directly to Noah when he and the other survivors stepped off the ark into their new world. They form part of the three requirements of what we call the Noahic Covenant (the other two being to **be fruitful and multiply** and the freedom to not only eat plants as they had before the Deluge, but now to also eat animal flesh — but **not its blood**).

These stipulations pre-date the Mosaic Law. And I hope to show that not even the New Covenant which Jesus himself sealed by the shedding of his own sacrificial blood has abrogated them: As long as we live in the post-Flood world the Noahic covenant is therefore of timeless (i.e. current) and universal application.

THE FIRST SEVEN 'BLOOD' PASSAGES IN GENESIS ARE AN OUTLINE

I have mentioned in previous articles that the first time a word occurs in the Bible — the **Law of First Mention** — sets the stage, so to speak, for all subsequent developments of a theme. Relevant to our little study here, is that **Genesis 9:6** is the second passage in the Scriptures where the word **blood** occurs.

1. The very first mention of **blood** is in **Genesis 4: 10-11**. This is the tragic story of the first murder in the Bible. After **Cain** had killed his brother **Abel** God told the murderer that **the voice of your brother's blood cries out to Me from the ground**.

Actually, in the Hebrew text it reads in the plural, "**bloods**". From this the Jewish rabbis taught even though a single human had been murdered, that in fact, **Cain** had in principle committed a kind of mass murder. How so? They answer that **Cain** also killed all of the unborn descendants that **Abel** could have, and should have, had till the end of time. By his murder, **Cain** committed multi-generational fratricide!

2. The second mention is the one we shall in some detail now look at for it raises the matter of capital punishment ... **Whoever sheds the blood of man, by man shall his blood be shed, for in His image did God make man (Genesis 9:6)**. Here we learn that **the blood is the life**, therefore must be held sacred.

3. In **Genesis 37** the story of Joseph's coat dipped in blood and presented to Jacob foretells by type how the blood of the ultimate and dearly loved Son of God is presented to God the Father.

4. In **Genesis 42: 22** we are specifically instructed that blood is required from the hand of the one who shed it (a repeat of point **2**, thus underlining its significance).

5. In **Genesis 49:11** we read of Judah's clothes being **washed in the blood of grapes** — poetic and prophetic language pointing forward to Messiah's suffering.
6. In **Exodus 4:9** the waters of Egypt are turned into blood. This teaches that blood is the sign and expression of God's judgment upon sin ...**the soul that sins shall die.**
7. Lastly, the well-known account in **Exodus 12** of the Passover where the blood provides a covering and safe shelter for Israel from the Angel of Death.

Thus we see in these first seven references to blood a marvellous outline and summary of every significant theme regarding the Bible's doctrine concerning blood. Relevant to our present investigation is that we learn from the second mention of blood in the Noahic covenant how the LORD God wants humanity to learn that human blood is **sacred**.

Because man is created in God's image, wilfully murdering a human being is thus considered a crime against God ... **Whoever sheds the blood of man, by man shall his blood be shed, for in His image did God make man.**

Arthur Pink quaintly puts it, **The sword of magisterial authority is, for the first time, committed into the hands of man. (¹)** It is critical to note that this principle is established for all future human government and orderly society, for in the New Testament we learn that **the governing authorities do not bear the sword in vain** for they have been **ordained** (instituted) by God Himself (**Rom. 13:1- 4**).

Before the Flood, there does not seem to have been any recognized form of human government designed for the suppression of crime and the punishment of evildoers. **Cain** had murdered his brother and instinctively knew that others would seek revenge and try to execute him, but his own life was spared by the LORD Himself.

Lamech, Cain's descendant was even more vengeful and **killed a man [lit. a boy or a young lad!] for wounding [or, striking or bruising!] him** and then threatened to do the same again to anybody else who hurt or bruised him! However, there is no hint that he had to answer before any tribunal or court.

Unchecked, this spiraling lack of reverence for others led to the out-of-control violence before the Flood. However, after the Flood, God introduced a new regime designed to limit the cycle of violence and killing. Capital punishment as the penalty for murder was then **ordained by God Himself**, ordained centuries before the giving of the Mosaic law, and therefore, universally binding for all time, as I will further explain.

Interestingly, God says that even if a wild animal should kill a human being, then the animal was to be eliminated. This still happens today when, for instance, a dog, a bear, or a lion, attacks and mauls to death a human being. It is put down.

It is important to observe that the *reason* for capital punishment is not initially based upon the well-being of society, but is grounded upon the basic fact that man is made

¹ *Gleanings in Genesis* (Moody Press, Chicago, 1922, 1950) p115

in the image of God. Note that sinful, “fallen” humans are said to still bear God’s image. Notice also that God ordains the means by which His will concerning capital punishment is to be carried out — **other humans are to put the guilty one to death: By man shall his blood be shed!**

Wilful killing another human being is thus a kind of treason against the Creator. It is as if one defaces, even hates, the One Who gave that man, woman, child, or unborn baby for that matter, His sacred imprint. It is considered a direct assault on the King of the Universe’s image!

It is critical to note that today’s objections to, and abhorrence of, the death penalty for the crime of wilful and proven murder never seem to mention the Bible’s primary reason for it! (²)

THE MOSAIC LAW

It must be duly observed that the LORD added strict safeguards before capital punishment was to be carried out. Under **Moses**, two or three witnesses with firsthand observational knowledge of the crime of murder must be forthcoming. Subsequent Jewish Mishnaic law after Christ further elaborated there must be no reliance on circumstantial evidence, and any confession resulting from torture or bribery of witnesses was definitely prohibited. (³)

He who fatally strikes a man shall be put to death under the Mosaic Law only applied to premeditated murders because the next verse indicates that, **If he did not do it by design ... I will assign you a place to which he** [the killer] **can flee** (Ex 21: 12-13). Cities of refuge for unintended manslaughter!

In contrast to other Ancient Near East (ANE) societies which permitted the victim’s family to accept blood-money for the murderer in return for their agreeing not to wreak vengeance, we read; **You may not accept a ransom for the life of a murderer who is guilty of a capital crime; he must be put to death** (Num 35: 31). Under Jewish law, no ransom was to be accepted to let the murderer go free!

The Hebrew rationale appears to be that the life of the victim is not the property of his or her other family members. Every life belongs wholly and solely to the God who gave it and Who now demands retribution for murder. This law would also surely have had the effect of nipping blood vendettas in the bud.

TWO BIBLE REASONS FOR EXECUTING MURDERERS

1. So that others will hear and be afraid, and such evil things will not again be done in your midst (Deut 19:20). Contrary to one of the most common arguments opposing capital punishment in our modern societies, the Bible says the death penalty for egregious and ghastly crimes (including a witness who falsely testifies

² This is the obvious corollary from believing in atheistic evolution where man is simply a superior animal.

³ Mishnaic law, or Halakah, is the first written collection of Jewish oral legal traditions, which had been preserved since **Ezra** (circa 450 BC) and was known as the Oral Torah. It was compiled late Second Century AD and completed in the Third Century AD by **Rabbi Judah ha-Nasi** and serves as the basis for the Talmud to this day.

that someone has committed a capital offence or someone who kidnaps to enslave or sell another) does serve as a deterrent to unchecked violence.

2. And you shall burn the evil out [the Hebrew word literally means to burn, consume, destroy, purge, remove] **from your midst (Deut 19:19; 24:7)**. The Bible thus teaches that a righteous and godly society will hate evil acts (though not necessarily the evil person) who is proved guilty of grotesque evil acts against its citizens.

A CASE STUDY: ADOLF EICHMANN

An informative case study on capital punishment concerns **Adolf Eichmann**, the chief administrator of the Nazi's "Final Solution". In 1960 Israeli agents in Argentina captured **Eichmann** and brought him to Jerusalem. Journalists from around the world covered his trial in 1961. The trial lasted four months, after which **Eichmann** was convicted and subsequently hanged on May 31, 1962.

The prosecutor at the trial, Israeli Attorney General, **Gideon Hausner** opened his case stating, "As I stand before you, judges of Israel, to lead the prosecution of **Adolf Eichmann**, I am not standing alone. With me are six million accusers ... Their blood cries out but their voice cannot be heard."

After WW2 the Allies hanged Nazi leaders at Nuremberg and Israel executed **Adolf Eichmann** not because they thought doing so would deter future mass murderers, or because they feared such criminals might one day be released to commit murder again. Rather, they believed that the Nazi's evil was so egregious that it deserved corresponding punishment. Their rationale seems to be the principle that ...

As your sword has made women childless, so shall your mother be childless among women (1 Sam 15:33).

Citing these words by the prophet **Samuel** before killing the murderous king of Amalek, **Agag**, the Israeli **President Yitzhak ben Zvi** rejected Eichman's petition for mercy. Many other appeals for a commutation of the death sentence were addressed to Israel's leadership. Led by philosopher **Martin Buber**, an array of prominent Israeli intellectuals strongly opposed executing Eichmann.

Had their arguments been rooted in a simple, unyielding opposition to capital punishment (which Israel had outlawed in all cases but those pertaining to the Holocaust), their opposition might have garnered greater support. But the very enormity of Eichmann's crimes motivated the opponents of execution to construct arguments of such subtlety that many Jews had trouble understanding them ...

With breathtaking optimism, the philosopher Shmuel Hugo Bergmann wrote, "I believe with perfect faith that clemency for this man will halt the chain of hatred and bring the world a bit of salvation. Equally certain am I that a death sentence ... will help the devil with a great victory in the world."

Prime Minister Ben-Gurion convened a special cabinet meeting to discuss whether Eichmann's sentence should be commuted. The words of **Attorney General**

Hausner, the prosecutor at the trial, carried the day: “We owe it to the Holocaust survivors to impose the punishment.” (⁴)

PRESIDENT DONALD J. TRUMP’S EXECUTIVE ORDER

Just weeks into his second presidency during his speech to the joint session of Congress (4th March, 2025), Donald Trump called for a mandatory death sentence for anyone convicted of killing a law enforcement officer. During his speech, he asked lawmakers to make his Executive Order a permanent statute.

Trump also pushed for a new crime bill that would increase penalties for repeat offenders and expand protections for law enforcement officers. “So they can do their jobs without fear of their lives being totally destroyed,” Trump said. “They don’t wanna be killed. We’re not going to let them be killed.” The House rose to enthusiastic applause — at least from the Republican side and the gallery.

His remarks came as he honored Stephanie Diller, the widow of NYPD Officer Jonathan Diller, who was shot and killed during a traffic stop in Far Rockaway on March 2023. Diller, a father to a 1-year-old, was shot in the stomach while approaching a suspicious vehicle.

BUT WOULD YOU BE THE EXECUTIONER?

You may ask me: “Since you advocate for the death penalty would you be willing to be in the firing squad, would you be willing to put the hangman’s noose around the neck, would you be willing to flick the switch to the electric chair, would you be willing to inject the lethal dose?”

Obviously I would hate to do this. To be the executioner would be a grave task (no pun intended), no doubt. But I would know I was **not** doing the deed out of personal revenge or hatred. I would in some great measure, I trust, know I was carrying in my hand “the sword of Divine justice”. It would certainly make me acutely aware of my place before the Almighty and my own need for His grace and mercy. It would make me **fear God and give Him glory (Rev. 14:7)**. Many on Death Row have genuinely confessed and repented and cried to God for their soul’s salvation, just as the **Dying Rebel** pleaded with Jesus on the cross who received pardon and promise of entrance into God’s kingdom.

However, I repeat that whilst the Bible definitely acknowledges the social deterrent which the death penalty is designed to produce, the primary reason for its Divine instigation was because God holds the wilful kidnapper and/or murderer to account for the sacred blood they have shed before the God who gave it.

⁴ Cited by Rabbi Joseph Telushkin in *JEWISH WISDOM: Ethical, Spiritual, and Historical Lessons from the Great Works and Thinkers* (William Morrow & Co. Inc. NY,1994, Chapter 78) and to whom I acknowledge this section..

Capital punishment is designed to promote and maintain the sanctity of life. It has no personal vindictive quality in it at all. It endorses the Creator's sovereignty and the sanctity of human life.

JESUS' THOUGHT-PROVOKING WARNING

Jesus gave two examples of 'innocent' by-standers dying violent deaths. One group was slain by the wicked **Pontius Pilate** in their very act of worship, and the other group seems to have been indiscriminately trapped and buried under a building collapse;

There were present at that season some who told him about the Galileans whose blood Pilate had mingled with their sacrifices. And Jesus asked them, "Do you think that because these Galileans suffered in this way they were worse sinners than all other Galileans? No, I tell you, but unless you repent, you will all perish as they did.

"Or, those eighteen who were killed when the tower of Siloam fell on them — do you think that they were worse offenders than all the others living in Jerusalem? No, I tell you; but unless you repent, you will all perish just as they did" (Lk 13: 1-6).

Remarkably, Jesus draws the lesson that the living who were then listening to his teaching should draw sombre and thought-provoking implications; whether death comes by human hand or by 'natural disaster' every living person should fear God and repent or they too will **all perish**.

DOESN'T THE LAW OF CHRIST MEAN CAPITAL PUNISHMENT IS REVOKED?

I see no evidence that the command God gave to Noah and his sons does not still apply to this day. It has never been revoked because it was originally linked to God's covenantal promise never to send another global flood! Putting this the other way round, to say the death penalty no longer applies, logically means God is no longer obliged to keep planet earth from another global inundation by water. Noahic promise and punishment are joined together — as we often find in the Bible. And you know the drum about "What God has joined together, let not man separate"!

True, Jesus certainly over-rode the Mosaic law on other matters such as divorce. He did so by going right back to the beginning of God's original created intention for marriage (**Matt 19:3ff**). If Jesus had been asked about the death penalty, it's logical to deduce that he would have used the same argument for capital punishment. He would have surely appealed to the Noahic teaching pre-dating Moses.

BUT WHAT ABOUT WHEN THE ACCUSED HAS BEEN LATER SHOWN TO BE INNOCENT OF THE CRIME?

Sadly, this has happened in more cases than we might like to admit. Innocents have been framed. Innocents have been either deliberately or mistakenly executed. But stop and think for a moment. If the argument is that capital punishment should not be practised because innocent people are falsely accused and convicted, then

logically we must do away with the whole criminal justice system and simply accept social anarchy.

Sadly, innocents have endured decades of long, harsh imprisonment and later been found to be totally innocent, but these exceptions do not break the general rule.

Those who oppose the death penalty for proven (beyond a shadow of a doubt) murderers and kidnappers argue for rehabilitation — once executed, the offender has no chance of rehabilitation. Yes. Remember that's what Jesus said as we saw earlier in **Luke 13**! Each and every one of us is warned ...

For He says, "In an acceptable time I have heard you, and in the day of salvation I have helped you." Behold, now is the accepted time; behold now is the day of salvation (2 Cor 5: 2).

Sadly, an imperfect and unrighteous judicial system is the reality in our broken world. Not until our Lord Jesus returns and God puts the government of the world on his shoulder will perfect righteousness and justice prevail. But in the meantime the right of the State to practice capital punishment has not been abrogated ...

The apostle Paul affirmed it both by his own example and by his teaching; He taught that government authority **is God's servant for your good. But if you do wrong, be afraid, for it does not bear the sword in vain. For it is the servant of God, an avenger which carries out God's wrath on the wrongdoer (Rom 13: 4).** And don't forget that he wrote that about Imperial Rome, about Caesar!

In his trial before **Governor Festus** the apostle put his life where his mouth was. He said, **If then I am a wrongdoer and have committed anything for which I deserve to die, I do not seek to escape death (Acts 25:11).**

I therefore consider that, while saving innocent individuals from false convictions is vital, surely we must not neglect the rights of others — the vast majority — by turning loose on society those who represent a 'clear and present danger'? Soft 'liberal' judges release back onto our streets dangerous criminals after they have served a "life sentence" — which usually only lasts for a few short years! Examples of paroled and released violent felons, who subsequently re-offend, abound. As always, failure to abide by God's laws reaps the whirlwind.

Executing an innocent person is tragic and most regrettable. But is it right to ban capital punishment if the ban results in the ruination and murder of far more innocent members of society by reoffending murderers, paedophiles, kidnappers and the like?

Dr Thomas Sowell commented in his classic book *The Vision of the Anointed*; **In short, while saving some innocent individuals from a false conviction is important, the question is whether it is *more* important than sparing other equally innocent individuals from violence and death at the hands of criminals.**

Is saving one innocent defendant per decade worth sacrificing ten innocent murder victims? A thousand? Once we recognize there are no solutions, but only

trade-offs, we can no longer pursue cosmic justice, but must make our choices among alternatives actually available — and these alternatives do not include guaranteeing that no harm can possibly befall any innocent individual. The only way to make sure that no innocent individual is ever falsely convicted is to do away with the criminal justice system and accept the horrors of anarchy. (⁵)

Yes, God Himself has said, **I have no pleasure in the death of the wicked (Ez 33:11)**. Thus, even God's own example is that personal feelings should not ultimately count.

The primary consideration is the overall good of a law-abiding society. That is why from beginning to end, the Bible teaches that the State holds the power of the sword and is God's ordained servant in restraining evil and upholding the sanctity of human life.

The real argument comes down to whether we are going to uphold the universal and timeless commandment which God gave for the new world straight after the great Flood:-

Whoever sheds the blood of man, by man shall his blood be shed, for in His image did God make man.

⁵ Quoted by **Jonathan D. Sarfati** in *The Genesis Account: A Theological, Historical, and Scientific Commentary on Genesis 1-11* (Creation Book Publishers, Georgia, USA. 2015. p605.