

Capital Punishment

Exodus 21:12-17

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If you have your Bible I'd invite you to turn with me to Exodus chapter 21:12, as we continue our summer long study of the book of the covenant. The book of the covenant begins at the end of Exodus chapter 20 and runs all the way to Exodus chapter 24. It is that book of laws in which we have God's application of the principles of the Ten Commandments to various issues in Israel's society at the time. We see how God works out the principles of those ten words in Israel's society as they are still in the wilderness. Exodus 19 sets the context to Mt. Sinai. Exodus 20, which gives us the Ten Commandments. The code proper begins in Exodus 21:1, but there is a preface to it that we find at the end of Exodus 20, and it carries through chapter 23.

The book of the covenant is distinct from the Ten Commandments, the ten words were written in stone by God's finger. The book of the covenant was written by Moses on parchment. The word ordinances use of the laws of the book of the covenant in Exodus 21:1 probably indicates case decisions based on prior precedent and principles. So, the laws that were given here are clearly not meant to be comprehensive, but illustrative of how God's law would be applied in particular situations.

Thirdly, the book of the covenant deals with a specific social and economic context whereas the Ten Commandments don't. They make general universal sweeping transcendent principles and set them forth absolutely and generally. In some, the book of the covenant was descriptive as applicatory and illustrative of the principles of the ten words. The book of the covenant has some negative comments, it has some case laws, it has some exhortations to Israel and it even contains promises. It's not like a law code proper, because you wouldn't find promises and exhortations in a civil law code today. It is an amalgamation of various elements. It does show God's concern for the principles of the Ten Commandments to permeate the society of Israel. He is not simply interested in personal private righteousness. He is interested in social justice; He is interested in public morality. He wants His principles to permeate the society of His people.

Now, we have already looked at the subjects of worship. The preface to the book of the covenant begins very naturally with the worship of God and principles about the worship of God. Then, the very first set of laws that is given in the book

of the covenant, in Exodus chapter 21, is about slavery. We said that that was absolutely remarkable. If you look at the code of Hammurabi, he never gets to slavery until the very end of that code and when he does, it's all about the rights of the master. In God's book of the covenant it sets the first laws on treating slaves justly, and we said that that shows God's concern for the least and the weakest and the most vulnerable in His society. He is concerned for every member of the community.

Today, we come to another hot potato; the death penalty. So, let's hear God's word here in Exodus chapter 21, beginning in verse 12.

“He who strikes a man so that he dies shall surely be put to death. But if he did not lie and wait for him, but God let him fall into his hand, then I will appoint you a place to which he may flee. If, however, a man acts presumptuously toward his neighbor, so as to kill him craftily, you are to take him even from My altar, that he may die. And he who strikes his father or his mother shall surely be put to death. And he who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death. And he who curses his father or his mother shall surely be put to death.”

Amen. Thus ends this reading of God's holy and inspired and inerrant word may He write its eternal truth upon our hearts. Let's pray.

Our Lord we need Your help as we study Your word. Enlighten our minds, change our hearts. Direct our ways by Your Holy Spirit, bring to our mind Your word and it's application to our own hearts. Teach us to behold wonderful truths from Your word and we will give You the praise and the glory. We ask it in Jesus name. Amen.

When you come to a passage like this, a lot of questions pop into your mind. One of them might be, how in the world can a study of the Old Testament death penalty laws in anyway be practical for the Christian life today? Beyond arguments about whether the death penalty is right or wrong in the abstract, how can this possibly be practical for us today? On the other hand, some come to a passage like this and very frankly they question biblical morality. How can you believe that a loving and kind and gracious God could make such severe exacting, demanding, voracious, consuming penalties and laws?

Well, I'm going to suggest several responses to those questions tonight as well as argue for the legitimacy of capital punishment as an expression of God's love for man. I 'd like to do that in three ways. I'd like us first to look at verses 12 through 14 where we see God give us a principle and then an exception, and then a clarification about capital punishment. Then I'd like us to jump to the New Testament to the favorite passage appealed to by those who say the New Testament over turns the Old Testament death penalty, John 8:1-11. Then, I'd like to go back right here to Exodus 21 and look at verses 15-17, and look at

three more specific cases in which God commands the death penalty. Let's do that tonight. Let's begin in verses 12 through 14.

I. God's death penalty commands here are all about establishing a high view of life and a culture of life.

In Exodus 21:12-14, you will see a principle about the death penalty. You will see an exception about the death penalty and you will see a clarification. You will see them respectively in verses 12, 13, and 14. God's death penalty command, this is what I want to say that may surprise you, God's death penalty commands here are all about establishing a high view of life, and creating a culture of life. I want you to hear that loud and clear. God's death penalty commands here, His capital punishment commands here, are all about establishing a high view of life and creating a culture of life. When you first read these verses, and especially when modern Americans, no matter how conservative we may be, because we live in a culture awash with a whole variety of unbiblical sources of thinking and ideologies, and when we come to a group of verses in laws like this, our breath is often taken away. We are stunned. We are even shocked by the stern terseness of these penalties. The dramatic demands of these laws and to many moderns, these penalties, these laws are frankly barbaric. They are reflective of a culture of death, they would say. This is a culture clearly that doesn't place a high value on human life, thus these commands have little to teach us today. Many ostensibly Christian theologians come to passages like this and make the same deduction. What are we to do with them? What are we to say about verses like this? What can we learn from them? What are we suppose to learn from them?

Well, let me just show you a few things in verses 12, 13 and 14. Verse 12 gives us a categorical command, it gives us the general principle which is going to be applied in specific circumstances and given specific qualifications or exceptions in verses 13, 14, 15, 16, and 17. So, verse 12 gives you the categorical command. The command is, he who strikes a man so that he dies, shall surely be put to death.

Now, that verse virtually restates the principle which God has already stated through the mouth of Moses in Genesis chapter 9 verses 5 and 6. Turn with me there. Moses is not inaugurating capital punishment here. Moses is not inaugurating capital punishment by humans on other sinning humans. He is simply reinforcing, by the word of God to him as He writes it on parchment, a principle which he had articulated all the way back in Genesis 9: 5-6. Listen to it, "Surely I will require your life blood, from every beast I will require it. From every man, from every man's brother I will require the life of man. Whoever sheds mans bloods by man, his blood shall be shed. For in the image of God, He made man."

Notice two or three things. Genesis 9:5 emphasizes the accountability of all creatures, both animals and men to God for the taking of human life. That's how

seriously God takes human life. He holds even animals, as well as men, accountable to Him for the taking of human life.

Secondly, in verse 6, the principle of capital punishment is instituted in this connection and grounded in the doctrine of man made in the image of God. Why is it that when man wrongfully sheds mans blood, by man shall his blood be shed? Why is that done? You see it in the last phrase of verse 6, “because he's made in the image of God.” An assault on a human, the wrongful taking of life of a human life, is an assault on God because the human is made in the image of God. So capital punishment, even in a post fall world, Moses says, is designed to uphold the sanctity of life and the preciousness of man in the image of God, even though that image is defaced by our fall and decent. So, we see how seriously God takes human life. Capital punishment reflects this high view of life, not a low view of it. So, there is your general principle in verse 12. Repeating the principle which Moses has already articulated in Genesis 9: 5-6.

Notice also that these verses, 12-17, are going to elaborate on three commands that you have already heard in the 10 commandments. They are going to elaborate on command 5, command 6, and command 8, “honor your father and mother, you shall not murder, and you shall not steal,” including “you do no man stealing.” Murder, kidnapping, honor your father and mother parallel 5, 6, and 8 of the ten commandments. So, we are seeing societal applications of God's ten words.

Now, in verse 12, the reference here is to premeditated criminal homicide. It's the ultimate offense against the image of God. In verse 12, the principle is, when man does that kind of murder his life is required. Immediately in verse 13, the law of asylum is given, an exception is made. The general principle is stated in verse 12 and now an exception is made. Here is the exception. The exception is, in the case of manslaughter unpremeditated murder. In that case, the perpetrator has the opportunity to flee to a place of refuge until such time as his case can be adjudicated.

Now we see that the blood feud and private justice is the background to Exodus 21: 12 through 17. In ancient middle-eastern culture, where societal justice was not terrible highly developed, family justice, private justice, vigilante law and family blood feuds were common. In fact, today still in the near east, family blood feuds are not unheard of. I have shared with you the story of one of my professors in university who regularly took tours of college students to the near east, to Israel and to other countries. He befriended a young Israeli man who had studied at Harvard. While he was at Harvard he was studying with a young woman who grew up near by to him, but who was Muslim. They observed American customs when they were here in America, but when they went back to Israel they had to observe the customs around them. One of the customs, as you know, is that never would a single Muslim woman be seen in public conversing with a man who was not her husband without the accompaniment of her male

relative. One particular occasion, this Israeli man saw this young woman that he went to university with, and she was out shopping with her brothers. She separated from her brothers by a distance of forty or fifty feet and came over and spoke to him alone in public. Her brothers came to his apartment the next night. They kidnapped him in the middle of the night. They chained him to the bumper of their car and they drove him through the streets of Jerusalem until they thought he was dead. He was in the hospital for nine months and a blood feud began between those families. Now, that may seem weird and bizarre to us today, but the idea of blood feuds were very common in the days in which Moses was writing, and what you see actually in Exodus 21:13 is God putting boundaries on blood feuds and putting into process principles which would restrict private vigilante justice and would establish proper justice operated through the judgments of elders and judges.

In verse 14, you see a law against the abuse of the law of the asylum. In verse 13, we saw that if a person had committed manslaughter he had the opportunity to seek asylum in a place of refuge until the case could be adjudicated, but if he has committed premeditated murder he is to be taken from the altar of God and executed. In other words, God is protecting against an abuse of this provision because of the value of human life.

Now, what do we do with all this. Let me say just a few things. First of all it is a gross misinterpretation of the sixth commandment to say that it forbids capital punishment or all kinds of taking of human life. That is clear from the context of Exodus 21: 12-17. Unless Moses got really confused between Exodus 20 in verse 21 in chapter 21, then these two things go together. What ever a person thinks of capital punishment, it is clear that Moses did not see it as incompatible with the sixth commandment.

There are many Christians today who believe that the death penalty and capital punishment is absolutely immoral. You have already heard mention in our prayers some things that are happening in the news right now. I received a letter from Catholic Charities here in Jackson, Mississippi, asking our church to participate in a night vigil against the death penalty at Parchman. You may or may not know but in just a matter of days we are scheduled to have our first death penalty administered in Mississippi since 1989. Catholic Charities wrote a very moving letter asking our church to join in with them and boycott this activity and to picket it and support a moratorium against all executions in Mississippi. These are the grounds that they give in the letter. "All human life is sacred, even the life of the criminal, and every person who claims to be pro-life must seriously reflect on this. Society doesn't need the death penalty to protect its self. Long-term incarceration is sufficient. The death penalty promotes a culture of violence and revenge, and death. The death penalty is not a deterrent to crime. The criminal justice system is flawed with racial disparities and therefore the death penalty is invalid. The race of the victim determines who ends up on death row. Innocent people have been sentenced to death. Juvenile offenders are not

excluded from execution. The death penalty is more costly than life in prison and so on.” These are the arguments that are given.

I want you to understand here in Exodus 21 and in Genesis 9, that the biblical and theological ground for supporting the death penalty are different from political grounds. There is no appeal to deterrent. You will not ever find anywhere in the Bible that the death penalty will deter violent crime. That is not an argument. There is no appeal to vengeance. There is no appeal to cost effectiveness. There is no appeal to protection, because the Bible's reasons for the death penalty are God's image and the sanctity of life. That is why God says that the life of the perpetrator of murder is to be taken. In other near eastern law codes, penalties for violent acts vary depending on the social status of the victim. In God's law every life was precious. The right of every victim were protected, thus showing the grounding of the death penalty, not in economic rational, not in deterrent and penal rational, but in the image of God. That's why Moses, that's why God imposes the death penalty here.

II. Jesus and the New Testament nowhere contradict the principle of life for life, because of the image of God.

What does Jesus says about this? What about Jesus and the woman caught in adultery? You know the story. John 8:1-11, the Pharisees bring this woman caught in adultery. They say, in verse 4 to Jesus, “Look she's been caught in adultery and You know what the law says.” Then Jesus says to them, “What? He who among you is without sin, let him cast the first stone.” Then they beat it. Then he says to her, “Go and sin no more.” That passage is often appealed to as proving that Jesus overturned the death penalty. I want to say a couple of things.

First of all, I need to say publicly that I accept this passage as the inspired, inerrant, authoritative word because it's in the cannon of God's holy Scripture. Some of you will note that this is a passage that this is disputed. In some of your Bibles there will be a marginal note that says, the earliest manuscripts don't have this passage. I accept this passage as the inspired, inerrant word of God. I want you to notice a couple of things. Note that Jesus does not condemn Moses' penalty in this passage. He condemns or he defers its administration in this case under specific circumstances. What are those circumstances. There are two of them. First, let me ask you a question. Where was the guy? If you get caught in *flagrante delicto* there have to be two people. Where is the man? Well, already there is a miscarriage of justice going on. This woman has been singled out and somehow the man with whom she was committing this crime has gone scott-free.

Secondly, you remember Jesus' words, “He who is without sin.” In this context those words very probably mean, the one who among you who is not guilty of this sin cast the first stone. In other words, Jesus is drawing attention to the hypocrisy of these Pharisees which are about to bring to bare the ultimate

penalty against this woman, and they themselves are guilty of these same crimes. Yes, Jesus, mercy is all over this passage, all throughout it. His concern is to call into question the legitimacy of the Pharisee's justice by drawing attention to their own hypocrisy.

There are very special circumstances going on in this passage. Let me say, turn the other cheek isn't relevant either, because the death penalty isn't a matter of revenge. It's not a matter of retaliation, it is a matter of protecting the sanctity of life because of the image of God.

III. God's death penalty commands here are all about establishing a high view of family and human freedom.

Now, very quickly if you will look at verses 15-17, there are three specific cases and two categories for the death penalty in application. The first verses I want you to look at are verses 15-17. Those verses make emphatic the importance that biblical religion places on the integrity of the family and respect for parental authority. Verse 15 addresses violent assault on a parent, probably by an older child, and verse 17 deals with verbal abuse, not of a common sort, but of a very particular sort of a parent by, again, an older child. It is dealing with flagrant verbal violation of the principles of Exodus 20:12 and it probably denotes a parent with utter contempt and humiliation.

Now, the penalty assigned here is the thing that probably takes our breath away more than anything in this whole passage; death. Death for striking a parent and death for cursing a parent. Then, in verse 16, you see a command with regard to man stealing or kidnapping. In the background of this is obviously the prevalence of the slave trade. Other law codes treated kidnapping as a mere economic offence, but once again God treats it as a gross moral offence. Again we see God establishing human rights in a culture of life through the death penalty for kidnapping here.

But what do we say? What do we say to this command that says to put to death these children who were striking father and mother, or cursing father and mother. Obviously one way we could apply this command in our own society is realizing the absolute vital importance of the continuation of society with regard to the family. We need to battle for the family in a crumbling culture. This is one of those passages, however, I would say that is especially designed to strike us with the exceeding sinfulness of sin. A lot of times when we come to a passage like this the reason that we recoil is that the penalty seems disproportionate to the crime. I understand that. Let me suggest that many people recoil from this passage because they don't believe what Paul said in Romans 6, "That the wages of sin is death."

You know, there are far more shocking examples of that in the Bible than Exodus

21:12- 17. The most shocking example of all is that of the death of the Lord Jesus Christ. If you don't believe that the wages of sin is death, all you have to do is look at the tree. If you don't think God is serious about sin, look at the tree. This is one of those many passages in the book of Exodus that just reminds us of how horrible sin is, what it deserves, and how awesome a thing it is for our gracious God to forgive it at the cost of His own Son. Let's pray.

Our Lord and our God we do thank You for Your word. We ask that You would teach us by it and mold our hearts according to it. In Jesus name. Amen.

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