**The penalty of death**

Text: parts of Deuteronomy 20-21

Rev. David Waldron

**Scriptures:** Deuteronomy 20:10-20; 21:1-9; 21:18-23; 24:16; Galatians 3:10-14

**Songs Chosen:** [SttL] 27, 176, 116, ‘The power of the cross’, 310

**Series:** Deuteronomy (#12)

**Theme:** Moses explains God’s law for the just taking of life in wartime and as the penalty for capital crime, the need for atonement for an unsolved killing and the curse of God on a guilty person who is hung on a tree.

**Proposition:** Christ was cursed on the cross so that the blood guilt of God’s guilty people could be fully atoned for.

**Introduction**

Death is a reality that is all around us. We may attend a funeral service for a deceased family member, someone from our church congregation, a friend or a work colleague. We may pass by one of the cemeteries in our city. We may see in the news that people have died in an accident, from a severe weather event or as a result of the current pandemic. To some extent we are all familiar with death.

The same was true for the Israelites who were poised to enter the Promised Land when Moses spoke to them ‘*according to all that the Lord had given him in commandment to them*’ (Deut 1:3). They had witnessed a whole generation die in the wilderness as a result of their faithlessness in not trusting the Lord to lead them victoriously into the Promised Land which ‘*flowed with milk and honey*’ (Num 13:27). God had pronounced a death sentence on that first generation of liberated Israel saying, “*your dead bodies shall fall in this wilderness*” (Num 14:32). One of the main themes running through Deuteronomy chapters 20-21 is the death penalty and this will be the focus of our sermon today.

There are also laws in this section, the meaning of which would have been clear to those who first heard them, but are not so obvious to us today, for example: being allowed to take young birds, but not their mother on the nest (22:6); not ploughing with an ox and a donkey together (22:10). Other laws reveal clear principles which apply today, for example: a woman not wearing a man’s clothing or vice versa (22:5) – God-given gender is not to be confused; Making a protective parapet for the roof of your house (22:8) to protect anyone falling off. We are responsible for the safety of others in our homes, a workplace we oversee or when we are driving a car, riding a bike etc.

Some of the Old Testament laws, especially those which prescribe the death penalty, may seem excessively harsh and brutal to us today. Whilst the details in these civil laws of Israel back then do not apply to us today, they do reveal to us how seriously God views sin and how important it is for ‘evil to be purged’ from the midst of His people (e.g. 21:21).

The death penalty is a dark theme for a sermon, like the night sky when there is no moon. Yet when the background sky is black, the brightness of rising planet Venus, called the ‘morning star’ is greatly enhanced. So it is with the death penalty, a dark background against which the light of the gospel shines radiantly. Today, as we view the darkness of the penalty of death, we see Jesus, the bright Morning Star (Rev 22:16). There are three points in this message:

1. Death in divine warfare
2. Death for capital crimes
3. Death on public display
4. **Death in divine warfare**

Have you seen movies depicting warfare in ancient times where the military commander or king would ‘rally his troops’ by giving them a motivational ‘pep talk’ before going into battle? Perhaps telling his soldiers how much stronger and fitter they are than their enemies.

For Old Testament Israel, going to war was different from this. It was not a warrior who addressed the people about to fight, but a priest who said '*Hear, O Israel, today you are drawing near for battle against your enemies: let not your heart faint. Do not fear or panic or be in dread of them, for the LORD your God is he who goes with you to fight for you against your enemies, to give you the victory*.' (20:3-4). This was a call to have courage because their strength was not in themselves, but in their Lord (cf. God’s call to Joshua – 1:7; 9).

At its root, the conquest of the land was a holy war, a spiritual battle, in which victory was certain, because the Lord was far more powerful than all of their enemies. ‘All Israel’ who listened to Moses preach the words of Deuteronomy were not a highly trained military army. They were shepherds; the direct descendants of that first generation who were afraid of the people who occupied the Promised Land. People who were ‘*greater and taller*’ (Deut 1:28) than they were and who had great fortified cities. Yet they had just defeated the Amorite kings Sihon and Og because the Lord gave them, their people, and their possessions into the hand of His people.

Now, as they prepared to continue their conquest to the west of the Jordan, they would face armies larger than their number, equipped with far superior military equipment; horses and chariots (Deut 20:1). Courage and focused commitment were critical if they were to fight with faith as the fully trusted in the Lord. That is why there were a number of exemptions from military service on compassionate grounds (5-8). A man who had built a new house, but had never lived there. A man who had planted a vineyard, but had not yet been able to see any production. A man who was engaged to a woman, but was not yet married. A man who was fearful and fainthearted (fear in an army is like an infectious disease – it spreads rapidly with devastating consequences). To fight effectively in the physical conquest of the land, it was critical that each person in the Israelite army was wholly committed to God, being willing to offer themselves up willingly and wholeheartedly in His service (cf. Psalm 110:3; Judges 5:2).

So it is in the spiritual battles which are a necessary consequence for everyone who responds to the call of Christ to “follow me” (e.g. 2 Tim 3:12). The Lord Jesus calls for courageous commitment to Him. He said, "*No one who puts his hand to the plough and looks back is fit for service in the kingdom of God*." (Luke 9:62).

You may have noticed in our reading from Deut 20:10-20 that there were two different approaches in warfare, depending on where the city being attacked:

* If the city was at the edge of, or beyond, the Promised Land, then there were to be given the opportunity to surrender peaceably to the Israelites. If they yielded then the people’s lives would be spared, but they would then become forced labourers serving the Israelites. However, if they resisted, then the Lord would give them into the hand of Israel who were to ‘put all its males to the sword’ (20:13). The women, children, livestock and everything else in the city would then be given to the Israelites.
* If the city was within the Promised Land, it was to be devoted to complete destruction. This was the land which the Lord was giving to His people ‘for an inheritance’. It was occupied by the Hittites, Amorites, Canaanites, Perizzites, Hivites, Jebusites. In Scripture, the term ‘Amorite’ is sometimes used as a ‘blanket term’ for the inhabitants of the land of Canaan (e.g. Gen 48:22; Deut 1:44; Josh 2:10).

What can we say about these laws of warfare which would result in much bloodshed and death as the land was occupied?

1. These were not general laws for Israel in any warfare they may be engaged with in the future, they were specific to the conquest of the Promised Land.
2. Because this land had been given to them by the Lord, it was already their homeland even though they had not yet lived there themselves.
3. The penalty of death for the men of cities who resisted Israel was necessary to secure the land for God’s people.
4. The penalty of death for the inhabitants of the Promised Land, sometimes collectively called the ‘Amorites’ was an act of God’s specific judgement on them (Gen 15:16). ‘*It is because of the wickedness of these nations that the Lord is driving them out before you*’ (Deut 9:4). It was also necessary to protect God’s people (v18) lest they sin against the Lord by taking up the ‘abominable practices’ of the pagan nations.
5. As Judge of all the earth (Gen 18:25), God acts justly when He sentences people to the penalty of death. Adam, Eve and all the descendants of Adam have fallen short of the glory of God (Rom 3:23), have rebelled against His good rule, and all deserve to die (Rom 6:23).

In summary, it is not the death penalty which is surprising, but the fact that God allows so many people to continue to live. Just as the Lord, in His mercy, allowed the cities outside the Promised Land the opportunity to yield to His power and then to become enslaved by Israel, so, in His mercy, God invites people like you and me to willingly yield to Him whilst we still have breath. The result is to become a disciple, a bondservant, of Christ, bound to Him, not for miserable hard labour, but for the joy of willingly joining Him in His work. His yoke is easy and His burden is light, in contrast to the harshness of slavery to sin and death under Satan’s cruel dominion.

Have you yielded to the gentle rule of Christ in your life? Many have chosen the blessedness of service for Christ having come to understand that they deserve the death penalty for their crimes against their Creator. Which brings us to our second point:

1. **Death for capital crimes**

To say that something has ‘gone kaput’ means that it is utterly finished. The word kaput’ comes from the Latin term meaning ‘head’. It is the root of the word “capital” - the city in a country from which the government rules. The term capital punishment (lit. "of the head") describes execution by [beheading](https://en.wikipedia.org/wiki/Decapitation), although executions are carried out by many methods including [hanging](https://en.wikipedia.org/wiki/Hanging), [shooting](https://en.wikipedia.org/wiki/Execution_by_shooting), [lethal injection](https://en.wikipedia.org/wiki/Lethal_injection), and [electrocution](https://en.wikipedia.org/wiki/Electric_chair). A capital crime is a civil offence that carries the possibility of a death sentence. Murder, treason, espionage, and terrorism are among the list of capital crimes in some nations today.

Over 60% of the world's population live in countries where the death penalty still applies today (e.g. [China](https://en.wikipedia.org/wiki/Capital_punishment_in_China), [India](https://en.wikipedia.org/wiki/Capital_punishment_in_India), the [United States](https://en.wikipedia.org/wiki/Capital_punishment_in_the_United_States), [Indonesia](https://en.wikipedia.org/wiki/Capital_punishment_in_Indonesia), [Pakistan](https://en.wikipedia.org/wiki/Capital_punishment_in_Pakistan), [Bangladesh](https://en.wikipedia.org/wiki/Capital_punishment_in_Bangladesh), [Nigeria](https://en.wikipedia.org/wiki/Capital_punishment_in_Nigeria), [Egypt](https://en.wikipedia.org/wiki/Capital_punishment_in_Egypt), [Saudi Arabia](https://en.wikipedia.org/wiki/Capital_punishment_in_Saudi_Arabia), [Iran](https://en.wikipedia.org/wiki/Capital_punishment_in_Iran), [Japan](https://en.wikipedia.org/wiki/Capital_punishment_in_Japan) and [Taiwan](https://en.wikipedia.org/wiki/Capital_punishment_in_Taiwan)). Capital punishment is a controversial topic; one on which Christians have differing views. The possibility of a nation legislating capital punishment after a fair trial is not in, and of, itself unbiblical (e.g. Romans 13:4). This sermon will not address the question of whether the death penalty is just, appropriate and wise for certain crimes today.

God’s Old Testament civil law for Israel prescribed the death penalty for a range of crimes including, in the book of Leviticus: homosexual acts ([20:13](javascript:quote('Leviticus_20_13'))); incest ([18:6-18](javascript:quote('Leviticus_18_6_18')), [20:11-12](javascript:quote('Leviticus_20_11_12')),[14](javascript:quote('Leviticus_20_14')),[17](javascript:quote('Leviticus_20_17')),[19-21](javascript:quote('Leviticus_20_19_21'))), blasphemy ([24:14](javascript:quote('Leviticus_24_14')),[16](javascript:quote('Leviticus_24_16')), [23](javascript:quote('Leviticus_24_23'))) and human sacrifice (20:2-5). In Deuteronomy capital crimes and their punishment are part of the civil law for Israel. These crimes which carried the death penalty include: the persistent rebellion of a stubborn son to his parents authority (21:18-21); adultery (22:22); the false claim by a woman of her virginity at time of her marriage ([22:13-21](javascript:quote('Deuteronomy_22_13_21'))); sex between a woman pledged to be married and a man other than her betrothed ([22:23-24](javascript:quote('Deuteronomy_22_23_24'))). The prescribed method of execution was by stoning in which naturally rounded pieces of rock would be thrown at the convicted criminal until he or she died from the repeated impact injuries. The reason for such drastic punishment was to ‘*purge the evil from your midst*’ (21:21; 22:21, 22, 23).

As we’ve already noted in a previous sermon in this series, the same language is used in the New Testament with regard to formal church discipline resulting in excommunication from the church. "*Purge the evil person from among you*." (1 Cor 5:13). The New Testament church does not discipline physically, but spiritually. A person who has previously confessed faith in Christ and who is persistently unrepentant of sin in doctrine or in life is excommunicated after an extended period of attempts to exhort them to return to Christ and His church. This seems harsh to some people today, as the death penalty would likely have done for some in Old Testament Israel. God ordains radical steps in His Word to maintain the purity of the covenant community of His people and the honour of His name.

Solving murder mysteries is the topic of films, books and games like Cluedo (‘was it Miss Scarlet with the candlestick in the dining room?’). Deuteronomy 21:1-9 reveals God’s law for dealing with an unsolved murder in the Promised Land where someone is found dead in the open countryside and it is not known who killed them. There was a complex ritual which needed to be followed in the case of an unsolved murder:

* Firstly, determining who was to take responsibility in the absence of any suspect – the elders of the city nearest to the crime scene.
* Secondly, the slaughter of an unblemished heifer (a young cow that had not yet calved) in a pristine place, which had never been cultivated. The heifer symbolised an innocent life slaughtered in the place of the guilty killer so that the land could be purified
* Thirdly, the Levitical priests, responsible for judging legal cases in the land, and the elders testified to their innocence – symbolically washing their hands to lack of guilt (cf. Pontius Pilate Matt 27:24).

This was a bloodless act of atonement (covering over of sin) for the whole of Israel (21:8) so that they would not be held accountable for the death of an innocent man. This law reminded the people that human life is sacred and must not be unjustly taken. This abiding Biblical principle applies to all murder whether it be of an adult in the open countryside, a baby inside a mother’s womb or an elderly person at home or in care. God said to Cain that the blood of his murdered brother, Abel, cried out to Him from the ground (Gen 10:4).

In contrast, the sprinkled blood of the murdered Saviour Jesus Christ speaks a better word than the blood of Abel (Heb 12:24); a word of mercy, grace and forgiveness for the children of God, which brings us to the cross, where the death penalty was on public display.

1. **Death on public display**

Hanging was not a method of execution in the Old Testament state of Israel, but was something done to the body of a criminal after they had died - on the same day. We read examples of this in the Bible: when Joshua hung the king of Ai on a tree until evening (Josh 8:29); when Joshua hung five dead kings who had attacked Gibeon on trees (Josh 10:26); when David had Rechab and Baanah killed, and their bodies hung beside the pool in Hebron (2 Sam 4:12a).

The dead body was visibly exposed to public insult, injury and shame. The corpse was a visible warning to others, conveying the message ‘*commit a crime like this person did and you’ll end up like them*’. The law in Deuteronomy restricted the amount of time a dead body could be hung on display – for no longer than a day. To leave the corpse hanging longer would be to desecrate, to pollute, the land (Num 35:34) because ‘*anyone who is hung on a tree is under God’s curse*’ (21:22-23). When God pronounces a curse, it is His righteous judgement on sin. To be cursed is to be despised, doomed, devoted to destruction. In essence, breaking the law of God is living as though your Creator does not matter or exist, which is, in effect, to curse Him.

Jesus Christ, the Beloved Son of God, unlike any other human being, never cursed God the Father; He never sinned. He lived on this earth always honouring, loving and willingly submitting to His Heavenly Father. Yet he became a curse for each one of God’s people – as Paul explains to the Galatians, quoting from Deuteronomy 21:23 “*cursed is everyone who is hanged on a tree*”. To be hung, suspended, between heaven and earth symbolised abandonment by both and makes the statement that dead person was unworthy of either. There was no greater shame for a person in the ancient world than for their body to be hung like this.

The body of Jesus was not hung on a wooden cross after He was murdered, but nailed there when He was still alive - to die slowly and painfully in full shameful public view. Under Roman rule, the Jews were not normally permitted to execute anyone (John 18:31) so they had taken Jesus to the Roman Governor Pontius Pilate who asked what charge they brought against Him. Their answer was deceitful, cunning, and without any justice: “*If this man were not doing evil, we would not have delivered him over to you*” (John 18:30). Pilate gave the crowds what they said they wanted – crucifixion for Christ – and he publicly washed his hands before them saying “*I am innocent of this man’s blood*” (Matt 27:24). He lied. The guilty murderous crowd said, “*His blood be on us and on our children*” (Matt 27:25).

Christ, the One by whom, and for whom all things were created (Col 1:16), including forests, and individual trees was hung on a cross; a wooden instrument of torture and death fashioned by sinful men. Christ was publicly shamed, His bloody, bruised, naked body exposed for all to see. The prophet Isaiah wrote of this, saying that *“He has no stately form or majesty that we should look upon Him, nor appearance that we should be attracted to Him”* (Isa 53:2b-3).Passers by the cross wagged their heads, abusing Him {Matt 27:39} “*save Yourself, and come down from the cross*”. The chief priests, scribes, elders mocked Him {Matt 27:41}.

The law is a curse to those who fail to obey it (Gal 3:10). Yet Christ Himself was perfectly obedient to the law, but He bore the sin of others, becoming a curse for them. “*He was despised and rejected by men, a man of sorrows, and acquainted with grief*” (Isa 53:3). “*He was smitten by God and afflicted*” (Isa 53:4).

According to the law in Deuteronomy chapter 21, after the dead body of a cursed criminal had hung on a tree, it was to be buried the same day. The Hebrew in Deut 21:23 is emphatic ‘Be **sure to** bury him’. So it was that the body of Jesus was taken down from the cross and buried the same day as his crucifixion – that first black Friday. Jesus had received the death penalty. He had been cursed and hung ‘on a tree’. He covered the sins of many with His shed blood. As the Apostle Paul explains to the Galatians “*Christ redeemed us from the curse of the law by becoming a curse for us*” (Gal 3:13).

Just as there were unsolved crimes in Old Testament Israel which required atonement, so there are unconfessed sins and secret sins in our own lives. For all those who put their faith and trust in Jesus as their own Lord and Saviour, He has fully paid the price of death for all of these. Christ gives peace and pardon, not penalty and punishment. For all who believe in Jesus as their Lord and Saviour, there is not one crime of theirs that has not been fully dealt with on the cross

Brothers and sisters, the result is that we no longer face death as an enemy because we have victory in Jesus Christ (1 Cor 15:57). We have ‘clean hands’ in the eyes of God, deemed to be innocent of any crime because Christ was made to be a curse for us. We can face the battles ahead of us with courage and commitment to our Lord, knowing that in Him we are more than conquerors through him who loved us (Rom 8:27).

Brothers and Sisters, the Promised Land of the New Heavens and New Earth has already been secured for us by Christ as part of our inheritance in Him. It is a very good land, better than the land of Canaan, better than this land of New Zealand, for in that place there will be **no more death** (Rev 21:4) only life with Christ, the exalted victorious King and Judge of the nations.

When He returns, He will separate out those whose sin has been covered by His blood from those who will receive the final death penalty – eternal separation from God forever. The basis of this judgement will not be on what each person has done or left undone, because ‘*no one is justified before God by the law*’ (Gal 3:11). The righteous shall live by faith (Gal 3:11) – faith in the atoning cursed death of Christ ‘on a tree’.

The death penalty against the only truly innocent human being who has ever lived has removed the sting of death for God’s people and has given us the victory through our Lord Jesus Christ. Do you believe this? Is your faith and trust in Christ alone? If so, you have been spared the death penalty which you deserve. The Bible puts it this way “*Whoever believes in the Son has eternal life; whoever does not obey the Son shall not see life, but the wrath of God remains on him*” (John 3:36).

AMEN.