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**“He shall surely be
executed” or “He shall be
cut off from his people”**

The Death Penalty in the Old Testament



Theological Accents

Theologische Akzente

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I. Introduction

The Torah includes not only commandments concerning not only everyday life and religious practice but also penalties for disobedience. Some, such as “He must die” or “He shall be stoned”, clearly intend capital punishment to be carried out by the people or its representatives. Theologians, however, still disagree on the meaning of “He shall be cut off from his people,” for the expression designates neither the party responsible for the administration of the penalty nor the manner in which was to be administered. James Jordan,

for example, considers the term a command to excommunicate the guilty from society and from the sanctuary.¹ As a more precise definition of the term כרת requires an investigation into its administration in Scripture, I will first ascertain which crimes stood under capital punishment and which under ‘cutting off’. After exploring both the legal language of the Torah and further Old Testament uses of כרת, the study will conclude with an investigation into the application of the penalty and a short discussion of the ban.

II. Capital punishment and ‘Cutting off’

A. Table of Penalties

Offence	מזת יומת (Dying he shall be executed)	Other expressions for capital punishment)	כרת He shall be cut off
<i>Disrespect towards Authority</i>			
Disobedience or violence towards parents	Exodus. 21:15–17. Leviticus. 20:9	Deuteronomy 21:18–21 Stoning Perf. cons. דִּבְעֵרָת. ²	

Refusal to heed legal decisions of priest or judge.		Deuteronomy 17:12 Perf. Cons. <i>Qal</i> וְבַעֲרָתָהּ	
Endangering the life of another person by perjury		Deuteronomy 19:16–19 (The perjurer is to receive the same punishment which the defendant would have received. Perf Cons. <i>Qal</i> וְבַעֲרָתָהּ	
<i>Sacrilege/Idolatry</i>			
Presumptuous Sacrilege			Numbers 15:30–31
Person under the Ban	Leviticus 27:29		
Blasphemy	Leviticus 24:16	Leviticus 24:16 Stoning <i>Figura etymologica</i> in <i>Qal</i>	(Sacrilege Numbers 15,30–31)
Speaking false prophecy either in the Name of the Lord or of other gods		Deuteronomy 18:20 Perf Cons. in <i>Qal</i>	(Sacrilege Numbers 15:30–31)
Idolatry	Leviticus. 20:2–7 (sacrificing a child to Moloch)	Leviticus 18:21 u 29; 20:3–5; Deuteronomy 17:2–7 Perf cons Stoning	Leviticus 18:21 u 29; 20:2–7. (Exodus 22:20 To be banned)
Enticing a city to idolatry		Deuteronomy. 13:2–7 be executed (Jussive <i>Hofal</i>) vs. 9. הרגו תהרגו (Pleonasm in <i>Qal</i>) vs. 10 stoning	Numbers 15:30–31 (Sacrilege) Leviticus 18:21.29 (Idolatry) Deuteronomy 13:13–19 To be banned. ³

Enticing a city to idolatry		vs. 15 slaying with the sword (Pleonasm in <i>Hifil</i>)	
Sorcery		Exodus 22:17 “Do not permit to live (Jussiv <i>Piel</i>)	Idolatry?
Divination	Leviticus 20:27	Leviticus 20:8 Stoning (Jussiv)	Leviticus 20:6
<i>Ritual disobedience or impurity</i>			
Failure to circumcise sons			Genesis 17:9–14
Touching the mountain while Moses was receiving the Law.	Exodus 19:12	Exodus 19:13 Stoning, <i>Figura etymologica</i> Inf Abs. in <i>Qal</i> , Jussiv in <i>Nifal</i>	
Failure to keep Passover			Numbers 9:13; Exodus 12:15+19
Eating sacrificial meal later than day after sacrifice			Leviticus 19:5–8
Approaching the sanctuary in impure condition			Leviticus 22:3
Failing to ‘be afflicted’ on Day of Atonement			Leviticus 23:29
Profaning the Sabbath	Exodus 31:14		Exodus 31:14
Working on the Sabbath	Exodus 31:15 Numbers 15:35	Exodus 35:2 Jussive <i>Hofal</i> Numbers 15:35 Stoning Inf. Abs. <i>Qal</i>	

Eating peace offering while unclean			Leviticus 7:20–21
Eating animal fat			Leviticus 7:23–27
Unauthorized approach to sanctuary		Numbers 1:51 Numbers 3:10+38–39 (Jussiv <i>Hofal</i>) Numbers 18:7	Numbers 4:1–20; Chapters 16–17 (The Levites were not permitted to enter the Holy Place or to see or touch the holy things.)
Sacrificing anywhere but at sanctuary.			Leviticus 17:1–8 ⁴
Eating blood			Leviticus 7:27 Leviticus. 17:10+14
Making holy incense for private use			Exodus 30:33+37–38
Failure to purify oneself after touching dead body.			Numbers 19:13+20
<i>Causing bodily harm</i>			
Murder	Exodus. 21:12; Leviticus 24:17+21 Numbers 35:16–21.31	Deuteronomy 19:12–13 Deliver into the hands of the avenger of blood. Perf. cons. <i>Qal</i> <i>וב ערת</i>	
Manslaughter		Numbers 35:22–28 The manslayer could flee into city of refuge. If he left it during the lifetime of the High Priest, the	

Manslaughter		avenger of blood could kill him..	
An animal known to be dangerous kills a person		Exodus. 21:28–32, Both the animal and its owner were to be executed. (Jussive <i>Hofal</i>).	
Accidentally causing a miscarriage during a fight		Exodus 21:22–25 Life for life, eye for eye, tooth for tooth. etc..	
Kidnapping	Exodus. 21:16	Deuteronomy. 24:7 (Perf. Cons. <i>Qal</i>) וְהַעֲרִיתָ	
<i>Sexual Offences</i>			
Prostitution of a priest's daughter		Leviticus 21:9 Burn with fire. <i>Nifal</i>	
Bride was no longer virgin. ⁵		Deuteronomy 22:13–21 Stoning Perf. Cons. וְהַעֲרִיתָ	
Adultery (includes affianced woman-)	Leviticus 20:10	Deuteronomy 22:22–23 Both man and woman (Perf. Cons.)	
Rape of affianced woman		Deuteronomy 22:5 (Perf. Cons.)	
Perversions (including incest, sexual relations with animals, homosexual behavior, etc.). ⁶	Exodus 22:18 Leviticus 20:22–23.)	(Leviticus 20:14 Burn with fire (Jussiv <i>Qal</i>)	Leviticus 18:6–29

B. Crimes and their Penalties

Violent crime, idolatry and sacrilege, sexual perversion and the profaning of the Sabbath (only sins of commission, that is) were capital offences. Sexual perversion, idolatry, sacrilege, unauthorized entry into the sanctuary and profaning of the Sabbath stood under the penalty of being ‘cut off’, as well. Most capital crimes were thus covered by both penalties, but only the violation of God’s holiness carried the penalty ‘כרת’. Ritual offences stood only under ‘cutting off’.

III. Capital punishment

Capital punishment, which was carried out by the people, i. e. by its representatives, could not take place until at least two witnesses had established the guilt of the accused in court of law under a judge or a priest (Deut. 17:6; 19:15). Only the guilty person could be executed, not the members of his family (Deut. 24:16).

The Old Testament generally expresses divine commandments with the Jussive tense, which is more pragmatic than the Imperative.⁷ Legal penalties in the first four books of the Pentateuch are also in Jussive. The command to execute a guilty person is often ‘יָמֹת’ or ‘יָמֹתָ’. Whereas both elements of the Hebrew *figura etymologica* usually belong to the same verbal stem, Genesis, Exodus, Leviticus and Numbers express legal penalties with the Absolute Infinitive in

Qal and the Jussive in *Hofal* or *Nifal*⁸. The term מוֹת יָמֹת, “Dying, he shall be executed,” or “He must be executed”⁹ does not designate the party responsible for the both administration of the penalty, but parallel references confirm the people’s jurisdiction. Leviticus 24:16, for example, commands מוֹת יָמֹת and stoning (וְקָלְתוּ בְּאֲבָנִים רְגוּם יִקְרְמוּ). Exodus 21:12 requires מוֹת יָמֹת for murder, while Deuteronomy 19:11–13 commands the elders to deliver the murderer into the hands of the avenger of blood. Deuteronomy further confirms the State’s jurisdiction over these penalties with the expression, “You shall put away (וּבְעַרְתָּ) the evil from among you,”¹⁰ which is only used for offenses under the death penalty but not under cutting off.

IV. כרת He shall be cut off

A. The Grammatical Construction

While they express legal penalties with the Jussive, Genesis, Exodus, Leviticus and Numbers use the term כרת in the Perfect Consecutive (3rd Sg. *Nifal* or 1st Sg. *Hifil*)¹¹, which usually indicates the apodosis of a conditional phrase, but is often used in legal literature for subordinate commands.¹² Leviticus employs the Perfect Consecutive to designate sacrificial atonement (Chapters 4 and 5), but not to define legal penalties. In this manner, the Torah seems to distinguish between legal penalties under the State’s jurisdiction and ‘כרת’, which

frequently appears in the formula “This soul shall be cut off from his people,” (בְּרַחֲמָהּ הַיָּפֶשׁ הַהוּא מִקָּרֵב עִמּוּהָ).

B. כרת in Context¹³

Primary Meaning: ‘to cut, to cut off’, as in ‘to cut a branch off a tree.’ Even in this context, cutting is fatal, for the branch will die.

*A people is cut off
Many people die, the nation dies out.*

Genesis 9:11 And I will establish my covenant with you; neither shall all flesh be cut off any more by the waters of a flood; neither shall there any more be a flood to destroy the earth.

Genesis 9:15 And I will remember my covenant, which is between me and you and every living creature of all flesh; and the waters shall no more become a flood to destroy all flesh.

Genesis 41:36 And that food shall be for store to the land against the seven years of famine, which shall be in the land of Egypt; that the land perish not through the famine.

Joshua 11:21 And at that time came Joshua, and cut off the Anakims from the mountains, from Hebron, from Debir, from Anab, and from all the mountains of Judah, and from all the mountains of Israel: Joshua destroyed them utterly with their cities.

Joshua 23:4 Behold, I have divided unto you by lot these nations that remain, to be an inheritance for your tribes, from Jordan, with all the nations that I have cut off, even unto the great sea westward.

Isaiah 14:22 For I will rise up against them, saith the LORD of hosts, and cut off from Babylon the name, and remnant, and son, and nephew, saith the LORD.

Isaiah 29:20 For the terrible one is brought to nought, and the scorner is consumed, and all that watch for iniquity are cut off:

Ezekiel 14:13 Son of man, when the land sinneth against me by trespassing grievously, then will I stretch out mine hand upon it, and will break the staff of the bread thereof, and will send famine upon it, and will cut off man and beast from it:

Ezekiel 14:17 Or if I bring a sword upon that land, and say, Sword, go through the land; so that I cut off man and beast from it:

Ezekiel 21:3–4 And say to the land of Israel, Thus saith the LORD; Behold, I am against thee, and will draw forth my sword out of his sheath, and will cut off from thee the righteous and the wicked. Seeing then that I will cut off from thee the righteous and the wicked, therefore shall my sword go forth out

of his sheath against all flesh from the south to the north:

Ezekiel 25:13 Therefore thus saith the Lord GOD; I will also stretch out mine hand upon Edom, and will cut off man and beast from it; and I will make it desolate from Teman; and they of Dedan shall fall by the sword.

Ezekiel 25:16 Therefore thus saith the Lord GOD; Behold, I will stretch out mine hand upon the Philistines, and I will cut off the Cherethims, and destroy the remnant of the sea coast.

Micah 5:10 And it shall come to pass in that day, saith the LORD, that I will cut off thy horses out of the midst of thee, and I will destroy thy chariots: 11 And I will cut off the cities of thy land, and throw down all thy strong holds: 12 And I will cut off witchcrafts out of thine hand; and thou shalt have no *more* soothsayers:

Zephaniah 1:4 I will also stretch out mine hand upon Judah, and upon all the inhabitants of Jerusalem; and I will cut off the remnant of Baal from this place, *and* the name of the Chemarims with the priests;

Zephaniah 2:5 Woe unto the inhabitants of the sea coast, the nation of the Cherethites! the word of the LORD *is* against you; O Canaan, the land of the Philistines, I will even destroy thee, that there shall be no inhabitant.

Zephaniah 3:6 I have cut off the nations: their towers are desolate; I made their streets waste, that none passeth by: their cities are destroyed, so that there is no man, that there is none inhabitant.

The nation loses its independence or is sent into exile.

Exodus 23:23+28+33 For mine Angel shall go before thee, and bring thee in unto the Amorites, and the Hittites, and the Perizzites, and the Canaanites, the Hivites, and the Jebusites: and I will cut them off ... And I will send hornets before thee, which shall drive out the Hivite, the Canaanite, and the Hittite, from before thee ... They shall not dwell in thy land, lest they make thee sin against me: for if thou serve their gods, it will surely be a snare unto thee.

Leviticus 18:28–29 That the land spue not you out also, when ye defile it, as it spued out the nations that *were* before you. For whosoever shall commit any of these abominations, even the souls that commit *them* shall be cut off from among their people.

1 Kings 9:7 Then will I cut off Israel out of the land which I have given them; and this house, which I have hallowed for my name, will I cast out of my sight; and Israel shall be a proverb and a byword among all people:

An individual is cut off

His name will be forgotten, his family dies out or loses its office in Israel.

Leviticus 20:5 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.

Ruth 4:10 Moreover Ruth the Moabitess, the wife of Mahlon, have I purchased to be my wife, to raise up the name of the dead upon his inheritance, that the name of the dead be not cut off from among his brethren, and from the gate of his place: ye *are* witnesses this day.

1 Samuel 2:33 And the man of thine, whom I shall not cut off from mine altar, shall be to consume thine eyes, and to grieve thine heart: and all the increase of thine house shall die in the flower of their age.

1 Samuel 20:15–16 But *also* thou shalt not cut off thy kindness from my house for ever: no, not when the LORD hath cut off the enemies of David every one from the face of the earth. So Jonathan made a covenant with the house of David, saying, Let the LORD even require *it* at the hand of David’s enemies.

1 Samuel 24:21 Swear now therefore unto me by the LORD, that thou wilt not cut off my seed after me, and that thou wilt not destroy my name out of my father’s house.

1 Kings 2:4 That the LORD may continue his word which he spake concerning me, saying, If thy children take heed to their way, to walk before me in truth with all their heart and with all their soul, there shall not fail thee (said he) a man on the throne of Israel.

1 Kings 8:25 Therefore now, LORD God of Israel, keep with thy servant David my father that thou promisedst him, saying, There shall not fail thee a man in my sight to sit on the throne of Israel; so that thy children take heed to their way, that they walk before me as thou hast walked before me.

1 Kings 9:5+8 Then I will establish the throne of thy kingdom upon Israel for ever, as I promised to David thy father, saying, There shall not fail thee a man upon the throne of Israel ... And at this house, which is high, every one that passeth by it shall be astonished, and shall hiss; and they shall say, Why hath the LORD done thus unto this land, and to this house?

1 Kings 14:10 Therefore, behold, I will bring evil upon the house of Jeroboam, and will cut off from Jeroboam him that pisseth against the wall, and him that is shut up and left in Israel, and will take away the remnant of the house of Jeroboam, as a man taketh away dung, till it be all gone.

1 Kings 21:21 Behold, I will bring evil upon thee, and will take away thy posterity, and will cut off from Ahab him

that pisseth against the wall, and him that is shut up and left in Israel,

1 Kings 21:21 Behold, I will bring evil upon thee, and will take away thy posterity, and will cut off from Ahab him that pisseth against the wall, and him that is shut up and left in Israel,

2 Kings 9:8 For the whole house of Ahab shall perish: and I will cut off from Ahab him that pisseth against the wall, and him that is shut up and left in Israel:

2 Chronicles 6:16 Now therefore, O LORD God of Israel, keep with thy servant David my father that which thou hast promised him, saying, There shall not fail thee a man in my sight to sit upon the throne of Israel; yet so that thy children take heed to their way to walk in my law, as thou hast walked before me.

2 Chronicles 7:18 Then will I stablish the throne of thy kingdom, according as I have covenanted with David thy father, saying, There shall not fail thee a man *to be* ruler in Israel.

Psalms 109:13+15 Let his posterity be cut off; *and* in the generation following let their name be blotted out ... Let them be before the LORD continually, that he may cut off the memory of them from the earth.

Jeremiah 33:18 Neither shall the priests the Levites want a man before me to

offer burnt offerings, and to kindle meat offerings, and to do sacrifice continually.

Jeremiah 35:18–19 And Jeremiah said unto the house of the Rechabites, Thus saith the LORD of hosts, the God of Israel; Because ye have obeyed the commandment of Jonadab your father, and kept all his precepts, and done according unto all that he hath commanded you: Therefore thus saith the LORD of hosts, the God of Israel; Jonadab the son of Rechab shall not want a man to stand before me for ever.

Malachi 2:12 The LORD will cut off the man that doeth this, the master and the scholar, out of the tabernacles of Jacob, and him that offereth an offering unto the LORD of hosts.

The context in which כרת is used shows clearly that the term indicated a comprehensive destruction which might be carried out in various ways, depending on whether the guilty party was an individual or a nation. A nation might be cut off by exile, by the loss of its national identity and independence or by massacre. Were the guilty party an individual, both his family and his descendants might suffer under the judgement, so that his family might die out, his name be forgotten and his office in Israel be given to others. Since God speaks only of Himself as the active party in the judgement כרת, and since the Torah definitively forbids the State to include family members in the

punishment of a guilty party (Deuteronomy 24:16), the penalty כרת can only be a divine judgement reserved for the Lord Himself, who promises to “visit the iniquity of the fathers upon the children” (Exodus 20:4). The judicial system is responsible for ‘cutting off’ only when carrying out the ban.

C. The Application

A People is cut off

Hittites (Exodus 23:23) So completely have the Hittites disappeared that modern historians long doubted their existence!

Babylon (Isaiah 14:22). “Under the following Persian domination, Babylon twice attempted to rebel against Darius Hystapis, but was subdued and lost its forts ... Where Babylon once stood, there now stands only a pole with the inscription, ‘Station Babylon. Trains stop only by request.’”¹⁴

The Philistines (Ezekiel 25:16.) “Hezekiah defeated them (2 Kings 18:8). ... They had to submit to Assyrian, Babylonian and Persian domination. In contrast to these empires, they, like Israel, were only a small nation.”¹⁵

Israel (2 Kings 17:6–18) The Northern Kingdom lost its independence because of its idolatry, rebellion and injustice. Many people died or were carried into

exile. Israel ceased to exist as an independent nation.

Judah 2 Chronicles 36:11–17. Because of its perversions, its profanation of the Temple and its refusal to repent, many citizens died and many were sent into exile. Although Judah still exists as a nation, it lost its independence until after World War II.

Individuals are cut off

Moses (Exodus 4:24–26). Because he had failed to circumcize his son, he was nearly killed by the Angel of the LORD. Since he would have then been unable to carry out his commission, the Children of Israel would have been affected, as well. Zipporah saved his life by circumcising the boy.

Abihu und Nadab (3 Mose 10,1–7) “offered profane fire before the LORD, which He had not commanded them,“ and are devoured by fire sent by God.

Korah’s sons (Numbers 16) rejected Moses’ authority and demanded the same privileges as the priests. As they approached the Tabernacle with incense,¹⁶ the earth swallowed them and their families. Apparently only the rebels and their families died, for the Korahites are mentioned in the Psalms and in Chronicles (Psalm 49, 1 Chronicles 9:17, for example).

Gideon (Judges 8:22–9:5) made himself an ephod,¹⁷ which seduced the people to idolatry. His illegitimate son, Abimelech, killed his 70 legitimate sons, except for Jotham. Abimelech was later killed in battle.

Eli's Sons (1 Samuel 2:12–17) abused the sacrifices and ate the sacrificial fat, a sacrilege particularly heinous for a priest (Lev. 7:25). Because Eli, the High Priest, failed to enforce the laws against this activity, judgement fell not only on the sons, but on the whole family. All male descendants died early, until Saul executed Eli's descendants, except for Abiathar, whom Solomon finally removed from office, so that the family no longer acted as priests (1 Sam. 2:22–26; 4:11–18; 22:11–18; 1 Kings 2:26–27).

Saul (1 Samuel 15) took banned livestock for himself, and was rejected by the Lord as a result. He and his four sons died in battle (1 Sam. 31:2–4). Isbosheth, his successor, was assassinated (2 Sam. 4:3–7), and David allowed the Gibeonites to execute seven more descendants as vengeance for Saul's oath-breaking (Joshua 9:1–27).

Uzziah (2 Sam. 6:6–8) was killed by God when he touched the Ark of the Covenant.

70 men of Bethshemesh (1 Sam. 6:19) are struck by God, because they had looked into the Ark of the Covenant

Amnon (2 Samuel 13) raped his half-sister Tamar and was murdered by her brother Absalom.

• *The Kings of Israel* All continued in the 'sins of Jeroboam', the calf worship at the substitute sanctuaries.

Jeroboam (1 Kings 14:17–12; 16:1–17) built forbidden altars. The calves he erected tempted the people to idolatry. His sons all died early, so that his house lost the throne.

Simri (1 Kings 16:16–20) committed suicide before he could be deposed by Omri.

Ahab (1 Kings 21:20–26) allowed his wife to introduce her Baal cult into Israel. Because of his idolatry and injustice, his male descendants were all killed by Jehu (except for Joash, who was protected by the Davidic covenant.)

Abaziah (2 Kings 1) died after an accident, because he inquired of Baal-Zebub instead of the Lord.

Jehu (2 Kings 10:29–31; 15:8–14) Because he continued in 'the sins of Jeroboam', his house kept the throne for only four generations. Why, however, does God condemn his execution of the priests of Baal (2 Kings 10:18–25; Hosea 1:4–5)? Enticing others to idolatry stood under 'cutting off' and under the capital punishment, but God had given Jehu only the direct command to destroy Ahab's sons. Under the Torah

the priests of Baal indeed deserved to die, but only after a trial with a judge and witnesses (Deuteronomy 17,6; 19,15). In overstepping the limits set by Divine Law, Jehu claimed power and resolutions which belonged to God alone.

The last kings of Israel (2 Kings 15:13–31; 17:1–6) became vassals of Assyria and died through violence.

- *The kings of Judah* Protected by the Davidic Covenant, which Solomon had inherited (2 Samuel 7:12–16), the royal family never died out. Jesus descended from Jeconia (Mt. 1:11–16)

Solomon (1 Kings 11:1–13) Because he committed idolatry, the kingdom was divided after his death.

Ahaziah (2 Chronicles 22) followed Ahab’s example. Jehu killed all of his male descendants except for Joash.

Joash (2 Chronicles 24:17–25) became an idolater and had the High Priest murdered. His own servants assassinated him. He was not buried with the other kings of Judah.

Uzziah (2 Chronicles 26), an otherwise godly king, was struck with leprosy when he attempted to enter the Holy Place.¹⁸ (In this case, ‘cutting off’ was indeed excommunication,¹⁹ God judged Uzziah this way to save the king from death.)

Ahas (2 Kings 16) renewed Judah’s idolatry and died early.

Manasseh (2 Kigs 21:1–17; 23:36–24:6; 2 Chronicles 33) began his reign as a violent idolater. Because he repented, God postponed judgement.

Amon (2 Kings 21:19–23) worshipped idols. He was assassinated, but his son Josiah succeeded him.

Jehoahaz (2 Kings 23:31–33) “did evil in the sight of the Lord”. After ruling for only three months, he was imprisoned by Pharaoh Necho.

Jehoiakim (2 Kings 23:36–37) “did evil in the sight of the Lord” and died early.

Jehoiachin (2 Kings 24:8–17) “did evil in the sight of the Lord”. He had ruled for only three months, when Judah was conquered by Nebuchadnezzar.

Zedekiah (2 Kings 25:1–7) “did evil in the sight of the Lord”. After reigning for eleven years, he was blinded by Nebuchadnezzar, who transported him to Babylon and executed his sons.

These examples demonstrate the application of the judgment כרת. In some cases, the offender died early through disease or violence, and in most cases, the descendants’ families died out as well, or lost their office in Israel. Although God sometimes commanded human representatives to carry out the

judgement כרת, their mandate was limited to His specific order. David, even as the anointed king of Israel, refused to injure Saul or his sons, until God commanded the death of seven of Saul's sons, while Hosea condemned Jehu's illegal execution of the priests of Baal. In punishing Abiathar for his rebellion, Solomon completed the judgement pronounced over the house of Eli but did not go beyond the limits of the Torah, for he had no divine specific divine warrant to do so. Those who carried out the penalty without divine warrant also died violent deaths (ex. Baasha, Simri, Omri, Abimelech, Absalom).

The judicial system played no role in the administration of in כרת; no legal proceedings preceded the punishment, which the Torah requires for State penalties (Deuteronomy 17:6; 19:5), nor was the penalty administered by judicial authorities. Certain difficulties arise in the interpretation of כרת because most of our examples concern kings or judges, who, as representatives of the State, were themselves responsible for the purity of Israel's religious life and had no human authorities over them.

V. The Ban

The Hebrew word 'חרם' means "to dedicate something to God, so that it cannot be redeemed" or "to dedicate something or someone to destruction, because he or it has become the object of divine wrath."²⁰ The Law permitted

neither the redemption of banned articles nor the release of banned individuals from execution (Leviticus 27:29–29). In contrast to 'cutting off', which usually left a remnant, the ban was comprehensive (Deuteronomy 20:16–17) and was to be carried out by the people, as in the case of Achan (Joshua 6–7). Were a city found guilty of idolatry, the people's representatives were to carry out the ban by destroying all the citizens of the city and their possessions.

VI. Conclusions

The offences covered by capital punishment and 'cutting off' overlap, but do not correspond completely. Whereas violent crime and adultery stand only under capital punishment, sacrilege, sexual perversion, idolatry and the unauthorized entry into the sanctuary stood under 'cutting off', as well. The idolatry of a city stood under the ban, which required a comprehensive destruction. Abuse of holy articles or the failure to perform particular rituals stood under 'cutting off' alone.

The language of the Torah clearly distinguishes between "He shall be executed" and "He shall be cut off from his people" by employing different grammatical constructions. While the first four books of the Pentateuch use the Jussive and frequently a *figura etymologica* with Absolute Infinitive in *Qal* and Jussive in *Hofal* or *Nifal* to describe judicial penalties, particularly capital

punishment, וְנִכְרְתָהּ is always a Perfect Consecutive, which is otherwise used only for ritual atonement penalties.

The terms differ not only in their grammatical form, but also in their execution. God always referred to Himself as the active party when pronouncing the judgement כרת, although He occasionally commanded men to carry it out. In this case, however, the implementation of the penalty was limited

in its extent to God’s specific order and never implied any general privilege above and beyond the regulations of the Torah. The judicial system never played any role in כרת; it neither carried out a trial nor implemented the penalty, for כרת, the penalty for the transgression of God’s holiness, included the offender’s descendants, which God reserved to Himself.

Appendix 1: "Dying you must die". The Pleonasm with מות

Text and Situation	Grammatical Structure
Genesis 2:17. God forbids Adam to eat of the Tree of the Knowledge of Good and Evil	Inf. Abs. and Jussive in <i>Qal</i>
Genesis 20:7 God commands Abimelech to restore Sarah to Abraham ²¹	Inf. Abs. and Jussive in <i>Qal</i>
Numbers 26:25 God judges Israel for its refusal to enter the Promised Land	Inf. Abs. and Jussive in <i>Qal</i>
Judges 13:22 Samson's parents fear death, because they have seen the Angel of the Lord	Inf. Abs. and Jussive in <i>Qal</i>
Judges 15:13 The Jews promise Samson not to let the Philistines kill him	Inf. Abs. and Jussive in <i>Hifil</i>
1 Samuel 14:39–44 Saul's imposes penalty for failure to keep a particular fast.	Inf. Abs. and Jussive in <i>Qal</i>
2 Samuel 12:14 Bathsheba's child must die as punishment for David's sin.	Inf. Abs. and Jussive in <i>Qal</i>

1 Kings 2:37–42 Solomon warns Shimei not to leave Jerusalem	Inf. Abs. and Jussive in <i>Qal</i>
1 Kings 3:26–27 Solomon pronounces the decision to preserve the life of the prostitute's child	Inf. Abs. and Jussive in <i>Hifil</i>
2 Kings 1:4–6+16 Divine judgment on an idolatrous king.	Inf. Abs. and Jussive in <i>Qal</i>
2 Kings 8:10 Hazael's death prophesied	Inf. Abs. and Jussive in <i>Qal</i>
Jeremia 26:8+19 The Jews want to execute Jeremiah	Inf. Abs. and Jussive in <i>Qal</i>
Jeremia 38:15 Jeremiah fears Zedekiah's anger	Inf. Abs. and Jussive in <i>Hifil</i>

Appendix 2: Other Legal Penalties

Offence	Penalty expressed with Pleonasm	Penalty expressed without Pleonasm
Injuring but not killing another in a fight	Exodus 21:18–21 רָפָא יָרֵם אֶת "To pay the doctor's fees". Inf.+Jussive in <i>Piel</i> .	
Beating a slave to death	Exodus 21:20 יָרַג קָם נָקָם "It shall be avenged or punished" Inf. <i>Qal</i> + Jussive <i>Nifal</i>	
Causing a premature birth by striking a woman (by accident) during a fight.	Exodus 21:22–25 If no damage occurs וְעָנֹשׁ יֵעָנֶשׁ "He must make restitution" Inf. in <i>Qal</i> , Jussive in <i>Nifal</i>	
An ox kills someone	Exodus 21:28 יָסֵקוּל יִסָּקֵל "It shall be stoned" Inf. in <i>Qal</i> , Jussive in <i>Nifal</i>	

An ox known to be dangerous kills another animal	Exodus 21:36 שָׁלַם יְשַׁלְּם (The owner must make restitution) in <i>Piel</i>	
An animal falls into an uncovered cistern and dies		Exodus 21:33–34 שָׁלַם יְשַׁלְּם (Jussive <i>Piel</i>)
An ox kills another animal	Exodus 21:36–37 שָׁלַם יְשַׁלְּם שָׁלַם (The owner must make restitution) Inf. and Jussive in <i>Piel</i>	
Theft	Exodus 22:2–3 שָׁלַם יְשַׁלְּם (The thief must make restitution). Inf. and Jussive in <i>Piel</i>	
Thief cannot restore what he has taken		Exodus 22:2 He shall be sold. Perf. Cons. <i>Nifal</i>
Starting a fire that destroys another's property	Exodus 22:5 שָׁלַם יְשַׁלְּם (He must make restitution). Inf. and Jussive in <i>Piel</i>	
Loss or damage of borrowed property		Exodus 22:9–15 שָׁלַם יְשַׁלְּם Jussive <i>Piel</i>
Premarital sexual relations	Exodus 22:16 מָהָר יָמַת הָרָמָה (pay dowry) Inf. and Jussive in <i>Piel</i>	
Sexual relations with engaged slave woman		Leviticus 19:20–22 Scourging
Killing an animal		Leviticus 24:18+21 יְשַׁלְּם (Restitution Jussive <i>Piel</i>)
Injuring another person		Leviticus 24:19–20 יְשַׁלְּם יְשַׁלְּם (Eye for an eye, tooth for a tooth, etc.) Jussive <i>Nifal</i>

Perjury		Deuteronomy 19:16–21 The perjurer shall be punished in the way the defendant would have been punished
Slandering one's wife by suggesting that she was no longer a virgin when he married her		Deuteronomy 22:13–19 (Punish, fine Perf. Cons.)
Seizing a man's penis when he is fighting		Deuteronomy 24:11–12 (Her hand shall be cut off. Inf. <i>Qal</i> ? ²²)

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Annotation

Anmerkungen

¹James Jordan. *The Death Penalty in the Old Testament* Biblical Horizons Occasional Paper No. 3 (Tyler, Texas: Biblical Horizons, 1989) p. 45.

²‘Put away’ See III. The Death Penalty.

³See V: ‘The Ban’.

⁴This text seems to be concerned with idolatry.. Deuteronomy 12:1–14, however, forbids the Israelites to sacrifice anywhere but at the place God will choose, but does not use the term ברתה.

⁵Since premarital sex was not punishable by death, (Exodus 22:16–17), the offence in this case is not so much the loss of virginity as deceit, and the fact that the engaged woman must have committed adultery which the husband could not prove otherwise.

⁶“These are, I believe examples of case law, ie. of commandments which use concrete examples to demonstrate basic principles to be applied to similar situations. Therefore the penalties explicitly dictated for some of these offences apply to all. See: Thomas Schirmmacher. *Ethik* (Hänsler Verlag: Neuhausen-Stuttgart, 1994) S. 422.

⁷Bruce Waltke and M. O’Connor. *An Introduction to Biblical Hebrew Syntax* (Winona Lake, Indiana: Eisenbrauns, 1990) 34.3.a

⁸See Appendix 2.

⁹The *figura etymologica* with the verb כָּטַף is often employed to prophecy certain death. In this way, the text distinguishes between judicial penalties (מוֹת יוֹמָת) and threats (מוֹת חַיִּים). See Gen. 20:3 and Gen 26:11 and Appendix 1.

¹⁰See Table Column 3.

¹¹With one exception: Numbers 4:5–20 commands the priests to cover the Ark of the Covenant etc. lest the Levites be cut off when they see or touch the holy things. Here Moses uses the Prohibitive. “Let them not be cut off.”
“אַל-יִכָּרְתוּ”.

¹²Bruce Waltke and M. O’Connor. *An Introduction to Biblical Hebrew Syntax*. op.cit., 32.23.d

¹³Scripture quotations from the Authorised Version of the Bible. In Hebrew, the verses quoted use ברתה.

¹⁴Fritz Rienecker. *Lexikon zur Bibel* (Wuppertal: Brockhaus Verlag, 1960), col. 168.

¹⁵*Ibid.*, col. 1076–77.

¹⁶The Altar of Incense stood in the Holy Place, which only priests could enter. The Levites could only enter during the erection and the dismantling of the Tabernacle, and that only after protective measures had been taken (Ex. 30:1–6; Num. 3:38–39; 4:1–20).

¹⁷The ephod was part of the priest’s uniform (Ex. 28:4–6 describes these garments as ‘holy garments’). Scripture does not expressly forbid people to make them, but since the ephod was considered the priest’s ‘badge’ (Judges 17:5; 1 Sam. 2:28; 14:3), I would include it in the list of articles forbidden to the private individual.

¹⁸See note 15.

¹⁹Considered unclean, the leper was excommunicated from society and from the sanctuary (Lev. 13)

²⁰הרמב"ם *Wilhelm Gesenius’ Hebräisches und Aramäisches Handwörterbuch über das Alte Testament* (Edited by Frants Buhl. Berlin: Springer Verlag, 1962).

²¹Compare with Gen. 26:11. In order to avoid divine judgment, When Isaac presents his wife as his sister, as Abraham had done previously, Abimelech commands the death penalty on anyone who touches her. He uses the expression מוֹת יוֹמָת

²²קצת *Wilhelm Gesenius’ Hebräisches und Aramäisches Handwörterbuch über das Alte Testament* (Edited by Frants Buhl. Berlin: Springer Verlag, 1962).

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