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Does Judaism support the death penalty?

General Reference (not clearly pro or con)

The BBC, in a July 20, 2006 article titled "Judaism and Capital Punishment" in its Religion and Ethics section, wrote:

"Someone who reads the Old Testament list of 36 capital crimes might think that Judaism is in favour of capital punishment, but they'd be wrong. During the period when Jewish law operated as a secular as well as a religious jurisdiction, Jewish courts very rarely imposed the death penalty. The state of Israel has abolished the death penalty for any crime that is now likely to be tried there..."

...To really understand Jewish law one must not only read the Torah but consult the Talmud, an elaboration and interpretation by the rabbinical scholars of the laws and commandments of the Torah...

...The rabbis who wrote the Talmud created such a forest of barriers to actually using the death penalty that in practical terms it was almost impossible to punish anyone by death...

...The result of this is that there are very few examples of people being executed by Jewish law in rabbinic times...

...In 1954, Israel abolished capital punishment except for those who committed Nazi war crimes.

In the 54 years that Israel has existed as an independent state, only one person has been executed. This person was Adolf Eichman, a Nazi war criminal with particular responsibility for the Holocaust."

July 20, 2006 - [British Broadcasting Corporation \(BBC\)](#) ☆☆☆

Louis Jacobs, PhD, Former Rabbi of the New London Synagogue in London, in "The Death Penalty in Jewish Tradition" chapter of his 1995 book *The Jewish Religion: A Companion*, wrote:

"According to the Mishnah (Sanhedrin 1:4) the death penalty could only be inflicted, after trial, by a Sanhedrin composed of twenty-three judges and there were four types of death penalty (Sanhedrin 7:1): stoning, burning, slaying (by the sword), and strangling. A bare reading of these and the other accounts in the tractate would seem to suggest a vast proliferation of the death penalty. Yet, throughout the Talmudic literature, this whole subject is viewed with unease, so much so that according to the rules stated in that literature the death penalty could hardly ever have been imposed."

1995 - [Louis Jacobs, PhD](#) ☆☆☆

Does Judaism support the death penalty?

PRO (yes)

Steven Plaut, PhD, Associate Professor of Finance and Business at Haifa University, in an Apr. 23, 2004 article for JewishPress.com titled "Judaism's Pro-Death Penalty Tradition," wrote:

"...[T]he preservation of human dignity requires capital punishment of convicted murderers. The position of Judaism is opposite of the position espoused by liberals. It is precisely because of man's creation in God's image that capital punishment is declared justified and necessary. Human dignity requires execution of murderers, not compassion for their souls.

Moreover, capital punishment is regarded in Judaism as a favor for the capital sinner, a form of atonement and redemption. Ordinary murderers are allowed to achieve atonement for their souls in their execution. Only especially vile murderers - such as false witness whose lies are discovered after the person who was framed has been executed, or a man who sacrifices both his son and his daughter to the pagan god Molokh - are denied execution because they are regarded as beyond redemption through capital punishment. Again, execution preserves human dignity, it does not defile it."

Apr. 23, 2004 - [Steven Plaut, PhD](#) ☆☆☆

Shraga Simmons, Rabbi and Editor of Aish.com, in a response to "What are the Jewish views on the death penalty?" posted in the "Ask Rabbi Simmons" section of About.com, accessed on July 25, 2008, wrote:

"Judaism supports the death penalty, but only when there are at least two eyewitnesses who fully corroborate their testimony, and also that the criminal was warned beforehand that committing this crime could result in the death penalty."

July 25, 2008 - [Shraga Simmons](#) ☆☆☆

CON (no)

The Religious Action Center of Reform Judaism, a center for social justice and legislative activity mandated by the Union for Reform Judaism, in a section on its website about The Jewish Perspective, "The Death Penalty and Jewish Values," accessed on July 28, 2008 wrote:

"Biblical law mandates the death penalty for 36 offenses...

The Reform Movement, however, has followed rabbinic interpretations that effectively abolished the death penalty centuries ago. Mishnah Sanhedrin 4:5 stresses the importance of presenting completely accurate testimony in capital cases, for any mistakes or falsehoods could result in the shedding of innocent blood...

...[P]revailing Jewish thought in every movement has followed the previous opinions, which either oppose the death penalty outright, or allow for it only in the most extreme - once in seventy years -- circumstances. Following this line of thinking, the major Jewish movements in the United States all have specific policy supporting either abolition of the death penalty, or a moratorium on its use."

July 28, 2008 - [Religious Action Center of Reform Judaism](#) ☆

The Rabbinical Assembly of America, an international association of Conservative rabbis, in their May 1996 "Resolution on Capital Punishment" stated:

"Whereas, the Torah teaches that all human beings are created in God's image;

Whereas, Jewish tradition upholds the sanctity of life;

Whereas; both in concept and practice Rabbinic leaders in many different historical periods have found capital punishment repugnant;


The *Tanakh*, the five books of Moses in the *Torah*, explain the need and procedures for the enforcement of capital punishment in Deuteronomy Chapters 17-19:

"...At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death.

The hands of the witnesses shall be first upon him to put him to death, and afterward the hands of all the people. So you shall put the evil away from among you...

...And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you.

And your eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot."

- [Tanakh \(50KB\)](#) 

Nathan Diament, JD, Director of the Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America, in a June 5, 2001 appearance at the Pew Forum's event "Religious Reflections on the Death Penalty," stated:

"...[I]f you look through the Bible, there are scores of instances in which the death penalty is prescribed for a variety of transgressions, both ritual and criminal... In the ritual context, they include violating the Sabbath; they include cursing God. In the criminal context... you are liable for the death penalty if you engage in incest, if you hit one of your parents... And, of course murder...


[M]urder, is actually singled out in rabbinic teaching from all those other scores of transgressions and sins where the death penalty is proscribed...

[B]ecause murder is a grievous offense, both against God and against society. And when you punish a murderer through the death penalty, you are not only affording that person penance for his or her crime, in all of the contexts of death penalty transgressions or other penalties that

Whereas, no evidence has been marshaled to indicate with any persuasiveness that capital punishment serves as a deterrent to crime;

Whereas, legal studies have shown that as many as 300 people in this century have been wrongfully convicted of capital crimes;

Therefore, be it resolved that The Rabbinical Assembly oppose the adoption of death penalty laws and urge their abolition in states that have already adopted them..."

May 1996 - [Rabbinical Assembly of America](#) 

The Progressive Jewish Alliance (PJA), an organization promoting a progressive Jewish presence in campaigns for social justice, in an online "Policy Statement on the Death Penalty" accessed on July 25, 2008, wrote:

"The Progressive Jewish Alliance (PJA) opposes the death penalty, and supports the call for a moratorium on executions as a step towards abolition. PJA believes that the death penalty is antithetical to progressive Jewish values.

The capital punishment apparatus of our criminal justice system is deeply flawed. Capital defendants are often provided with inadequate legal counsel, resulting in unfair and inequitable trials. The death penalty disproportionately impacts the poor and people of color. There is no credible evidence that the death penalty deters crime. A significant danger exists that innocent people have been and will be executed because of errors in the criminal justice system..."

July 25, 2008 - [Progressive Jewish Alliance](#) 

The Reconstructionist Rabbinical Association, a professional association of Reconstructionist rabbis, in Apr. 2003 adopted the following resolution on the death penalty:

are imposed upon criminals in traditional Jewish law, the punishment is viewed as a component of the transgressor's penance. But in the context of murder, because it's also a crime against society, it's critical for the welfare of society. This is a traditional Jewish understanding of why it is imposed...

...[W]e're not about to take the position of abolition [of the death penalty], because the teaching that, again, the need for implementing justice, particularly with regard to crimes of murder, for society, is a critical component of Jewish teaching as well."

June 5, 2001 - Nathan Diament, JD ☆☆☆

"Whereas both in concept and in practice, Jewish leaders throughout over the past 2000 plus years have refused, with rare exception, to punish criminals by depriving them of their lives;

And whereas current evidence and technological advances have shown that as many as three hundred people... have been wrongly convicted of capital crimes in America in the last century, which underscores the Jewish concern over capital punishment since all human systems of justice are inherently fallible and imperfect -

Therefore, we resolve that the Reconstructionist Rabbinical Association go on record opposing the death penalty under all circumstances, opposing the adoption of death penalty laws, and urging their abolition in states that already have adopted them."

Apr. 2003 - Reconstructionist Rabbinical Association ☆

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