



Capital Punishment and the Sanctity of Life

Part 1

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At the dawn of a new millennium, the astute and alarmed observer can witness the ever-increasing attack on ethical maxims and precepts. Abortion, the murder of an unborn child, continues unabated and is still the number-one killer in the United States. Homosexuality is ever more militant in its efforts to penetrate politics and culture. The legalization of euthanasia, or mercy killing, is receiving ever-increasing support. Pornography continues to invade America's homes through television and computers.

America's moral mess appears to be the result of humanistic philosophy and liberal theology as well as misguided sentimentality. However, the discerning believer has reason to conclude that behind this departure from ethical norms and the denial of Biblical principles ultimately lies the strategy of Satan, the god of this age, hell-bent on undermining any vestiges of Biblical ethics that have been an integral part of American culture and society since the inception of our nation.

Even secular ethicists notice the decline of, and attack on, moral standards in America and refer to it as "the second cold war." This war is waged against Biblical Christianity with unbridled ferocity.

It is impossible to ignore the fact that an all-out attack against what we refer to as capital punishment seems to be underway. The execution of Oklahoma City bomber Timothy McVeigh brought the ethics of execution into sharp focus. There is a growing abhorrence to the death penalty for capital crimes. Even voices inside Christendom deplore the death penalty for any crime. The pope, in his encyclical

Evangelium Vitae, issued in 1995, expressed his misgivings about capital punishment. Again at St. Louis in January 1999, the pope appealed for an end to the death penalty on the grounds that it was "both cruel and unnecessary."¹ Following the pope, the National Conference of Catholic Bishops and the United States Catholic Conference argue for an abolition of capital punishment. During their meeting in Washington, D.C., in the fall of 2000 "the 290 Roman Catholic bishops repeatedly stressed their opposition to the death penalty."² The liberal mainline denominations are ever more vocal in their denunciation of capital punishment. Then, too, European countries where capital punishment has been eliminated no longer extradite prisoners to the U.S.A. if their crimes might result in capital punishment in America. Officials of the European Union chastise America for not abolishing capital punishment. Amnesty International is highly critical of America, calling capital punishment per se a human rights violation.³

Is America un-Christian because some states execute criminals? Should capital punishment be abolished because a cacophony of voices demands it? *For the Bible believer, the final authority in matters of faith and practice must be the changeless principles in the Word of God rather than the changing preferences of culture and society.* Society and Christendom have largely departed from the Word of God and the God of the Word. In their apostasy, they are in direct rebellion against divine revelation.

The question we must ask ourselves is, "What does the Word of God say on a given issue such as capital punishment?" America's founding fathers were guided by the Word of

God. We can do no better than return to it as the source of our authority. As a nation or as individuals, we should be willing to stand with clear Scriptural principles rather than submit to changing societal guidelines.

The Scriptures do not leave us in doubt about the sanctity of life, the seriousness of sin—especially that of murder, and the necessity for capital punishment.

I. Origin of Life before the Fall

A. The Genesis record begins with the revelation that human life is a direct gift from God (Genesis 2:7–9). It is divinely imparted and maintained. God infused in man a living soul and provided a perfect environment so man could flourish.

B. Further, the Genesis record discloses that death is a definite penalty for sin (Genesis 2:17). For Adam and Eve, death was an awful possibility were they to disobey. For mankind (and animals), death is an abnormal condition. When Adam disobeyed God, death ensued for all of mankind ever since (Romans 5:12).

II. Sanctity of Life after the Fall (Genesis 4; 6)

A. The destruction of life is condemned by God. Cain's murder of Abel originated of envy and anger (Genesis 4:5–8) and occasioned severe judgment (Genesis 4:10–12). Cain was cursed and ostracized.

B. The destroyer of life was to be preserved from harm. Cain had forfeited his life, but because he was created in God's image, God protected him against human vengeance (Genesis 4:15). This sanctity of life was remembered but violated by the murderer Lamech (Genesis 4:23, 24).

C. The desecration of life ultimately led to total destruction (Genesis 6:1–12). The dissolution of society before the Flood resulted in utter depravity so that not a single individual (with the exception of Noah and his family) did and thought that which was moral: "Every intent of the thoughts of his heart was only evil continually" (Genesis 6:5). Evil desires resulted in evil deeds. The whole earth was filled with violence, including wanton murder (Genesis 6:11–13). God's remedy was to

mete out universal capital punishment.

John Murray's words are very much to the point: "It is the irony of man's perversity and the proof of God's veracity that the desecration of life's sanctity should be visited with the judgment of dissolution: 'I will destroy man whom I have created from the face of the ground' (Genesis 6:7)."¹⁴

Against this background, the institution of capital punishment after the Flood becomes understandable. God had protected Cain, the first murderer, because even he was a creature in God's image. But capital punishment is intimated in that he feared the natural vengeance, which his conscience told him he deserved (Genesis 4:14). Later Lamech displayed his audacity and arrogance in boasting about a murder. Finally, the human race, characterized by violence and debauchery, violated the sanctity of human life to such a degree that the only remedy was death through the Flood. To prevent a future disintegration of society, God instituted capital punishment.

III. Maintenance of Life after the Flood

After the Flood, God introduced gracious provisions for the enhancement of life in the form of three institutions.

A. The Propagation of Life (Genesis 9:1, 7). Mankind is commanded to populate the earth.

B. The Preservation of Life (Genesis 8:22; 9:2b, 3). After the divine promise of no further deluge, man is assured that regular seasons and the consumption of animal meat would enhance his life.

C. The Protection of Life (Genesis 9:2a, 5, 6). Man is protected twofold: in regard to ferocious animals (Genesis 9:2a, 5a) and in regard to his fellow-man (Genesis 9:5b, 6). In the former case, a ferocious animal that kills a man is to be slaughtered. In the latter case, an individual who murders another person is to be put to death. At this epochal point in human history, God instituted capital punishment: "Whoever sheds man's blood, by man his blood shall be shed; for in the image of God He made man" (Genesis 9:6).

M. L. Moser's comments are to the point: "No statute was ever more clear, free from

ambiguity or more intelligible than this one."¹⁵

Inherent in this short passage is contained the penalty for murder—death by execution. Further, the reason for the death penalty is given: man is created in God's image. In the words of John Murray, "An assault upon man's life is a virtual assault upon the life of God. So aggravated is this offense that the penalty is nothing less than the extremity."¹⁶ The clause "by man his blood shall be shed" is best understood as a mandate rather than as a statement of fact. In Numbers 35:10–34, we read that God requires the murderer be put to death at the hand of the avenger of blood.

With the introduction of capital punishment God instituted civil government. The dispensation of human government began with the entrusting of the civil sword to the charge of man. Earlier, God spared Cain's life because even a murderer like Cain was of inestimable value, since he was created in God's image. When murder became universal and violence filled the earth, God set limits for the proliferation of murder, first through capital punishment by way of the Flood and then through capital punishment by human government.

IV. Protection of Life under Law

A. The Mandate of Capital Punishment under Moses. Under the Mosaic law the mandate of capital punishment was reiterated: "He who strikes a man so that he dies shall surely be put to death" (Exodus 21:12). And further, the mandate was applied not simply in case of murder but for 21 separate crimes. Norman Geisler lists these 21 offenses:

1. Murder (Exodus 21:12)
2. Contemptuous act against a judge (Deuteronomy 17:12)
3. Causing a miscarriage (Exodus 21:22–25)
4. False testimony in a potentially capital crime (Deuteronomy 19:16–19)
5. Negligence by the owner of an ox that kills people (Exodus 21:29)
6. Idolatry (Exodus 22:20)
7. Blasphemy (Leviticus 24:15,16)
8. Witchcraft or sorcery (Exodus 22:18)
9. False prophecy (Deuteronomy 18:20)
10. Apostasy (Leviticus 20:2)
11. Breaking the Sabbath (Exodus 31:14)
12. Homosexuality [Leviticus 20:13]

13. Bestiality (Leviticus 20:15, 16)
14. Adultery (Leviticus 20:10)
15. Rape (Deuteronomy 22:25)
16. Incest (Leviticus 20:11)
17. Cursing parents (Exodus 21:17)
18. Rebellion by children (Exodus 21:15, 17)
19. Kidnapping (Exodus 21:16)
20. Drunkenness by a priest (Leviticus 10:8, 9)
21. Unanointed individuals touching the holy furnishings in the temple (Numbers 4:15)⁷

B. The Meaning of the Sixth Commandment. The sixth commandment of the Decalogue is "You shall not murder" (Exodus 20:13), which emphasizes the importance of the sanctity and protection of life. Some have understood "kill" in terms of all forms of life-taking, and they use the passage as an argument against capital punishment. They reason that the execution of a criminal is as morally repugnant as the murder perpetrated by the criminal. This misguided philosophy of moral equivalence is seen in the sentiment of this bumper sticker recently observed: *Why do we kill a killer to show that killing is wrong?*

The Hebrew word *radzah* means "murder" and refers to the willful and violent assault on the life of another. The misunderstanding of "kill" further ignores the context. In Exodus 21 a variety of sins are listed for which the death penalty is commanded. God clearly distinguished between a willful act of murder and an accidental killing. The manslayer, who slew his neighbor unwittingly, could flee for protection to a city of refuge. On the other hand, the manslayer who was a murderer was to be executed by the avenger of blood (Numbers 35:9–28).

Then, too, it must not be forgotten that God commanded Israel to put her enemies to death during the conquest of Canaan: "You shall conquer them and utterly destroy them" (Deuteronomy 7:2).

Walter Kaiser succinctly summarizes the meaning and application of the sixth commandment. The verb "kill"

carries the idea of murder with premeditation and deliberateness—and that is at the heart of this verb. Thus this prohibition does not apply to beasts (Genesis 9:3), to defending one's home from nighttime burglars (Exodus 22:2), to accidental killings (Deuteronomy 19:5), to

the execution of murderers by the state (Genesis 9:6), or to the involvement with one's nation in certain types of war as illustrated by Israel's history. However, it does apply to self-murder (i.e., suicide), to all accessories to murder (2 Samuel 12:9), and to those who have authority but fail to use it to punish known murderers (1 Kings 21:19).⁸

The sixth commandment in no way abrogates the institution of capital punishment. Exodus 20:13 deals with the *prohibition of murder* and is complementary to Genesis 9:6, which concerns the *punishment for murder*. Both passages stress the gravity of the crime of murder, which is seen as a violation of the sanctity of human life.

V. Value of Life in the New Testament

A. The Continuation of Capital Punishment. The fuller New Testament revelation continues the divine emphasis on the value of life and the reprehensibility of murder. Several factors argue for the enduring nature of capital punishment.

1. There is no alteration in the image of God. Even unsaved individuals retain vestiges of the image of God (James 3:9).
2. There is no alleviation of the crime of murder. Murder destroys that image of God; and the murderer, now as in the days of Noah, forfeits his life.
3. There is no abrogation of the penalty for murder. The standards of Genesis 9:6 are never repealed or replaced in the New Testament, but rather are reiterated.

The Noahic Covenant was given at a crucial stage in God's progressive revelation, and its features are still in effect. God promised fruitful seasons (Genesis 8:22), set the rainbow as a sign that He would no longer destroy mankind in a deluge (Genesis 9:15–17), and gave man permission to eat meat (Genesis 9:3). The institution of human government with the sanctioning of capital punishment continues as well.

B. The Obligation of Capital Punishment. As a matter of fact, the right for capital punishment is assumed, intimated, and repeated in the New Testament. It is important to note the teachings of Christ and the apostles on the subject.

1. The comments of Christ.

Abolitionists sometimes argue that

John 7:53—8:11, the incident of the woman taken in adultery, demonstrates Christ's opposition to capital punishment and His forgiving love. After all, did not Christ say to the woman, "Go and sin no more" (John 8:11)? It is significant that Christ claimed never to have broken the Mosaic law (Matthew 5:17). The law of Moses demanded that there had to be two or three eyewitnesses for the death penalty to be carried out (Numbers 35:30). There were, in the end, none who claimed to be eyewitnesses, or at least none who condemned her (John 8:10, 11). Besides that, Christ's directive that a stone should be thrown (8:7) does not argue for His opposition to capital punishment.

In fact, Christ did not object to the execution of criminals anywhere in His teachings (Mark 15:7; Luke 23:19, 25). Further, He reaffirmed the principle of capital punishment in the Sermon on the Mount: "Do not think that I came to destroy the Law. . . . But I say to you that whoever is angry with his brother without a cause shall be in danger of the judgment" (by capital punishment; Matthew 5:17, 22). Most significantly, Christ did not oppose capital punishment in His own case (John 19:11). Norman Geisler incisively comments:

Jesus recognized the God-given authority over life which human governors possess. Pilate said to Jesus, ". . . Do You not know that I have power to crucify You, and power to release You? Jesus answered, 'You could have no power at all against Me unless it had been given you from above'" (John 19:10, 11). The implication here is that Pilate did possess divinely derived authority over human life. As a matter of fact, he used it (Jesus was sentenced to death), and Jesus submitted to it.⁹

Those who consider capital punishment un-Christian should consider the fact that in this exchange with Pilate, Christ, recognized the legitimacy of the government to take human life not just for premeditated murder but also for insurrection against the state and, by implication, for other heinous crimes.

2. The conviction of the apostles.

a. The apostle Paul acknowledged that the government has the authority of capital punishment (Acts 25:10, 11). Paul did not exempt himself from the severity

of the law: "For if I am an offender, or have committed anything worthy of death, I do not object to dying" (Acts 25:11). With these words Paul acknowledged that some crimes are worthy of death, that the government has the right to put people to death, and that the guilty have no right to protest against the death penalty.

b. Paul affirmed that the government has certain unique rights, including that of taking human life. Charles Ryrie has a succinct summary of Paul's teachings on the prerogatives of human government in Romans 13:1-7:

- (1) human government is ordained by God (v. 1), yet it is a sphere of authority distinct from that of the home or the church;
- (2) human government is to be obeyed by the Christian because it is of God, because it opposes evil (v. 4), and because our conscience tells us to obey (v. 5);
- (3) the government has the right of taxation (vv. 6, 7); and
- (4) the government has the right to use force (v. 4), and this, of course, is the principle that impinges on our subject. The question is What is included in its right to "bear the sword"?¹⁰

This right to bear the sword is clearly stated in Romans 13:4, the key New Testament passage for capital punishment: "For he is God's minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God's minister, an avenger to execute wrath on him who practices evil." The sword to which Paul referred is not merely a symbol of governmental authority.

Evidence that this "sword" (*machaira*, Greek), must refer primarily to capital punishment is seen in the fact that it refers not to the dagger worn by Roman emperors—a sign of office—but to the sword worn by the superior magistrates of the provinces, to whom belonged the right of capital punishment. The sword is not so much a symbol of capital punishment as it is the *instrument* of capital punishment. As such, therefore, it symbolizes the right of government to use force.¹¹

The state possesses unique prerogatives not possessed by individuals, such as making treaties, passing of laws, levying taxes, and punishing criminals. On a personal basis, the individual is admonished with phrases such as "Repay no one evil for evil" (Romans 12:17), "Do not avenge yourselves" (12:19), and "Love does no harm to a neighbor" (13:10). The government functions as a representative of God in a

completely different context: It acts in an official rather than in a personal capacity.

c. Peter assumed the governmental right of capital punishment.

In 1 Peter 2:13 and 14, Peter echoed Paul's words of Romans 13:4: "Submit yourselves to every ordinance of man for the Lord's sake, whether to the king as supreme, or to governors, as to those who are sent by him for the punishment of evildoers and for the praise of those who do good." Baker correctly notes that

though Peter makes no specific reference to the sword, his words, "for vengeance on evil doers," probably can be understood exactly the way Paul meant them in Romans 13:4. Peter uses the word *ekdikesis* (vengeance) from the same root as Paul's word, *ekdikos* (avenger), in Romans 13:4. It is reasonable to assume that Peter attached the same significance to the word; that is, "retribution," and ultimately capital punishment, especially since Peter was familiar with the writings of Paul and regarded them as Scripture (2 Peter 3:15, 16).¹²

The Bible delineates three purposes of government:

- (1) To protect the good (Romans 13:4a)
- (2) To punish the evildoers (Romans 13:4b; 1 Peter 2:13, 14)
- (3) To promote peace and order (1 Timothy 2:2)

As can be seen, two of these purposes are found in the key passage, Romans 13:4. A government that refuses to follow these divine directives, including the execution of criminals, is derelict in its duty.

VI. The Opposition to Capital Punishment

The arguments for and against capital punishment are numerous. According to Michael Meltsner, "One observer has counted 65 pro and 87 contra. So many considerations are advanced on both sides of the question that one suspects few people undertake the demanding task of sifting the evidence before taking a position. . . . [An individual's position] seems to come as much from the gut as the head."¹³

A. The abolitionists of capital punishment. The Bible believer deplores the concerted effort to abolish capital punishment. One is inclined to concur with William F. Buckley,

who bemoans the fact that "abolitionists gain strength every day, and agitation on the subject crops up in the media and in the mail weekly."¹⁴

The execution of Timothy McVeigh has ignited a heated debate on capital punishment. On April 19, 1995, he bombed the federal building in Oklahoma City, which sent 168 innocent men, women, and children to their death. With total lack of remorse, he characterized the 19 children he murdered as "collateral damage." The case of McVeigh challenges the dogma of death penalty opponents as no other execution in recent memory. Yet the abolitionists of capital punishment are undeterred in their efforts to eliminate all executions. Liberal columnist Richard Cohen joined many others in trying to prevent the execution of McVeigh, who died by lethal injection on June 11, 2001. He asserts that "McVeigh's true punishment would be the refusal of the government to play by his rules. He's dirt. He kills. We don't."¹⁵

But as many have asked, if capital punishment was not appropriate for Timothy McVeigh, what was? If McVeigh should not have been executed, who should be? Opponents of capital punishment propose numerous arguments for its abolition. The informed believer can and should counter these arguments.

(continued next month)

Notes

¹ Avery Cardinal Dulles, "Catholicism and Capital Punishment," *First Things*, No. 112 (April 2001): 35.

² Patricia Rice, "Bishops Urge Clinton to End Federal Executions," *St. Louis Post Dispatch* (November 17, 2000): A8.

³ Stefanie Grant, "A Dialogue of the Deaf? New International Attitudes and the Death Penalty in America," *Criminal Justice Ethics*, Vol. 17 (June 22, 1998): 11-19.

⁴ John Murray, *Principles of Conduct* (Grand Rapids: Wm. B. Eerdmans, 1957), 108, 109.

⁵ M. L. Moser, *Capital Punishment: Christian or Barbarian?* (Little Rock, Ark.: The Challenge Press, 1972), 17.

⁶ Murray, *Principles of Conduct*, 111.

⁷ Norman Geisler, *Christian Ethics* (Grand Rapids: Baker Book House, 1989), 200.

⁸ Walter C. Kaiser, "Exodus" in *The Expositor's Bible Commentary*, Vol. II, Frank E. Gaebelen, gen. ed. (Grand Rapids: Zondervan Publishing House, 1990), 425.

⁹ Norman Geisler, *Ethics: Alternatives and Issues* (Grand Rapids: Zondervan Publishing House, 1971), 242.

¹⁰ Charles Ryrie, *Biblical Answers to Contemporary Issues* (Chicago: Moody Press, 1991), 27.

¹¹ William H. Baker, *Worthy of Death* (Chicago: Moody Press, 1973), 72.

¹² *Ibid.*, 73.

¹³ Michael Meltsner, *Cruel and Unusual: The Supreme Court and Capital Punishment* (New York: Random House, 1973), 57.

¹⁴ William F. Buckley, "Execution Day Ahead?" *National Review*, Vol. 51, No. 7 (April 16, 2001): 63.

¹⁵ Richard Cohen, "Case Proves Again What's Wrong with Death Penalty," *The Des Moines Register* (February 19, 2001): 9A. ■