

CAPITAL PUNISHMENT AND THE SANCTITY OF LIFE

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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 lies ultimately the strategy of Satan, the god of this age, hell-bent on undermining any vestiges of biblical ethics which 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 capital punishment seems to be underway. The execution of Oklahoma City bomber Timothy McVeigh has 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" (Avery Cardinal Dulles, "Catholicism and Capital Punishment," *First Things*, No. 112, April 2001, 35). 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" (Patricia Rice, "Bishops Urge Clinton to End Federal Executions," *St. Louis Post Dispatch*, Nov. 17, 2000, A8). 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 USA, if their crime 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 (Stefanie Grant, "A Dialogue of the Deaf? New International Attitudes and the Death Penalty in America," *Criminal Justice Ethics*, Vol. 17, June 22, 1998, 1-19).

Is America unchristian 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 as a whole and Christendom by and large have 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. The Origin of Life Before the Fall.

- A. The Genesis record begins with the revelation that human life is a direct gift from God (Gen. 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 (Gen. 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 (Rom. 5:12).

II. The Sanctity of Life After the Fall (Gen. 4; 6)

- A. The destruction of life is condemned by God. Cain's murder of Abel originated of envy and anger (Gen. 4:5-8) and occasioned severe judgment (Gen. 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 (Gen. 4:15). This sanctity of life was remembered but violated by the murderer Lamech (Gen. 4:23-24).
- C. The desecration of life ultimately led to total destruction (Gen. 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 imagination of the thoughts of his heart was only evil continually" (Gen. 6:5). Evil desires resulted in evil deeds. The whole earth was filled with violence, including wanton murder (Gen. 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' (Gen. 6:7)." (*Principles of Conduct*, Grand Rapids: Wm. B. Eerdmans Publishing Co., 1957, 108-109).

It is against this background that 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 (Gen. 4:14c). 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. The 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 (Gen. 9:1, 7) Mankind is commanded to populate the earth.
- B. The Preservation of Life (Gen. 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 (Gen. 9:2a, 5, 6) Man is protected in a two-fold way: in regard to ferocious animals (Gen. 9:2a, 5a) and in regard to his fellow-man (Gen. 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: "Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man" (**Gen. 9:6**).

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." (*Principles of Conduct*, 111). The clause "by man shall his blood be shed" is best understood as a mandate rather than a statement of fact. In Numbers

35:10-34 God requires that the murderer be put to death at the hand of the avenger of blood.

With the introduction of capital punishment God institutes civil government. The dispensation of human government begins 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. The 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 that smiteth a man so that he die, shall surely be put to death" (Ex. 21:12). And further, the mandate was applied not simply in case of murder but for twenty-one separate crimes. Norman Geisler lists these 21 offenses:

1. Murder (Exod. 21:12)
2. Contemptuous act against a judge (Deut. 17:12)
3. Causing a miscarriage (Exod. 21:22-25)
4. False testimony in a potentially capital crime (Deut. 19:16-19)
5. Negligence by the owner of an ox that kills people (Exod. 21:29)
6. Idolatry (Exod. 22:20)
7. Blasphemy (Lev. 24:15-16)
8. Witchcraft or sorcery (Exod. 22:18)
9. False prophecy (Deut. 18:20)
10. Apostasy (Lev. 20:2)
11. Breaking the sabbath (Exod. 31:14)
12. Homosexuality [sic, cf. Lev. 20:13]
13. Bestiality (Lev. 20:15-16)
14. Adultery (Lev. 20:10)
15. Rape (Deut. 22:25)
16. Incest (Lev. 20:11)
17. Cursing parents (Deut. 5:16)
18. Rebellion by children (Exod. 21:15, 17)
19. Kidnaping (Exod. 21:16)
20. Drunkenness by a priest (Lev. 10:8-9)
21. Unanointed individuals touching the holy furnishings in the temple (Num. 4:15)

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

B. The Meaning of the Sixth Commandment. The sixth commandment of the decalogue is "Thou shalt not kill" (Ex. 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 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 distinguishes 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 (Num. 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: “Thou shalt smite them and utterly destroy them” (Deut. 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 (Exod. 22:2), to accidental killings (Deut. 19:5), to the execution of murderers by the state (Gen. 9:6), or to the involvement with one’s nation in certain types of war as illustrated by Israel’s history. It does apply, however, to self-murder (i.e., suicide), to all accessories to murder (2 Sam. 12:9), and to those who have authority but fail to use it to punish known murderers (1 Kings 21:19). (Frank E. Gaebelin, Gen. Ed. *The Expositor’s Bible Commentary*, Grand Rapids: Zondervan Publishing House, 1990, Vol. II, [Walter C. Kaiser, Jr., *Exodus*, 425]).

The sixth commandment in no way abrogates the institution of capital punishment. Exodus 20:6 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. The 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 3:7).
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 of God's progressive revelation and its features are still in effect. God promised fruitful seasons (Gen. 8:22), set the rainbow as a sign that He would no longer destroy mankind in a deluge (Gen. 9:15-17) and gave man permission to eat meat (Gen. 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 that of 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 (Matt. 5:17). The law of Moses demanded that there had to be two or three eyewitnesses for the death penalty to be carried out (Num. 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 (Mk. 15:7; Lk. 23:19, 25). Further, He reaffirmed

the principle of capital punishment in the Sermon on the Mount: "Think not that I have come to abolish the law: but I say unto you that everyone who is angry with his brother shall be liable to judgment" (by capital punishment; Matt. 5:21-22). Most significantly, Christ did not oppose capital punishment in His own case (Jn. 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 release you, and power to crucify you?" Jesus answered, "You would have no power over me unless it had been given you from above" (John 19:11). 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 (*Ethics: Alternatives and Issues*, Grand Rapids: Zondervan Publishing House, 1971, 242).

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

2. The conviction of the apostles.

- a. The Apostle Paul acknowledges that the government has the authority of capital punishment (Acts 20:10-11). Paul does not exempt himself from the severity of the law: "For if I be an offender or have committed anything worthy of death, I refuse not to die." With these words Paul acknowledges that some crimes are worthy of death, that the government has the right to put people to death and that the guilty has no right to protest against the death penalty.
- b. Paul affirms 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 consciences tell 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 which impinges on our subject. The question is: what is included in its right to “bear the sword”? (*Biblical Answers to Contemporary Issues*, Chicago: Moody Press, 1991, 27).

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 refers 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. (William H. Baker, *Worthy of Death*, Chicago: Moody Press, 1973, 72, italics in the original).

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 “Recompense to no man evil for evil” (Rom. 12:17), “Avenge not yourselves” (12:19), and “Love worketh no ill to his neighbor” (13:10). The government functions as a representative of God in a completely different context: it acts in an official rather than a personal capacity.

- c. Peter assumes the governmental right of capital punishment. In 1 Peter 2:13-14 Peter echoes Paul’s words of Romans 13:4: “Be subject to every ordinance of man for the Lord’s sake: whether to the king, as supreme; or unto governors, as sent by him for vengeance on evil-doers and for praise of them that do well.” 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 *ekdikēsīn* (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 Pe 3:15-16) (*Worthy of Death*, 73).

The Bible delineates three purposes of government:

- 1) To protect the good (Rom. 13:4a)
- 2) To punish the evildoers (Rom. 13:4b; 1 Pet. 2:13-14)
- 3) To promote peace and order (1 Tim. 2:2)

As can be seen, two of these purposes are found in the key passage of 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" (*Cruel and Unusual The Supreme Court and Capital Punishment*, New York: Random House, 1973, 57).

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

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 and sent 168 innocent men, women and children to their deaths. 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. And 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” (“Case Proves Again What’s Wrong With Death Penalty,” *The Des Moines Register*, Feb. 19, 2001, 9A).

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.

B. The arguments against capital punishment:

Most objections to the death penalty can be grouped under eight major headings: the social, penal, legal, constitutional, moral, humanist, spiritual and dispensational arguments.

1. The social argument:

- a. The argument: **capital punishment does not restrain crime**. The death penalty is not a deterrent.
- b. The answer: Logic shows that capital punishment, for one, deters the murderer from committing other crimes. Further, studies indicate that the death penalty deters others from committing murder. In the words of columnist Charley Reese, “the recidivism rate for executed murderers is zero” (“Bring Back Public Hangings,” *Conservative Chronicle*, Vol. 16, No. 21, May 21, 2001, 20).

District attorney Paul Shafer writes, “There is no known deterrent other than capital punishment to prevent these persons incarcerated for life from killing their guards in an attempt to escape” (“Death Penalty,” *The National Observer*, December 17, 1974, 12).

Even a life sentence without a chance of parole is no guarantee that serious crimes will not be committed. Vernon Crittendon, public information officer at San Quentin State Prison, reports that of 85 violent death row inmates at his institution, 45 attacked some 70 wardens and staff members at San Quentin during the past 18 months (Fox News, “The O’Reilly Factor,” May 31, 2001. Confirmed in a phone conversation with Mr. Crittendon on June 13, 2001).

While opponents of capital punishment argue that there is little reliable evidence that the death penalty is a deterrent to murder, various studies indicate otherwise.

One early study by an Illinois economics professor indicates that every execution would deter 156 murders. He admits the number is an estimate but after exhaustive statistical research concludes that “a single execution would be likely to deter somewhere between 50 and 200 murders” (“Study: Executions a Deterrent,” *The Des Moines Tribune*, Nov. 30, 1976, 1).

Other studies point to capital punishment as a deterrent:

In 1971, when we had no executions, there were an estimated total of 17,630 murders in our country as compared with approximately 9,000 in 1960—a 96 percent increase. [But with only a 15% increase in population.] (Daniel F. McMahon, “Capital Punishment,” *NCOA Journal*, San Antonio, TX, April 1973, 10-11).

The most thorough study done to date in the United States, covering the years 1977-1996, has just been released by three economics professors at Emory University, in Atlanta, Georgia. This is their conclusion: “An increase in any of the three probabilities—arrest, sentencing, or execution—tends to reduce the crime rate. In particular, each execution results, on average, in 18 fewer murders” (Paul H. Rubin, Hashem Dezhbakhsh and Joanna Melhop Shepherd, “Does Capital Punishment Have a Deterrent Effect?” *New Evidence from Post-moratorium Panel Data*. Web address: ssrn.com).

Opponents of capital punishment may argue its deterrent factor but they dare not ignore the above study. It should be pointed out, however, that the execution of the criminal is primarily a divinely sanctioned punishment for some heinous crime. On the other hand, God said that capital punishment will indeed deter crime: “(and the people) shall hear and fear and shall henceforth commit no more any such evil among you” (Deut. 19:20; cf. Deut. 13:11; 17:13).

2. The penal argument:
 - a. The argument: **capital punishment does not rehabilitate the criminal.**
 - b. The answer: capital punishment is not rehabilitative or remedial but retributive. There is a difference between chastisement, the source of which is love (Heb. 12:6), and punishment, the source of which is justice. The biblical

connection is not punishment and rehabilitation but punishment and justice. As Geisler well notes: "The prime reason for capital punishment...is that justice demands it. A just order is disturbed by murder and only the death of the murderer can restore that justice" (*Ethics: Alternatives and Issues*, 247).

Modern man no longer believes in God or in unchangeable moral law. Thus the idea of justice is foreign to much of our society. With no existing law which the criminal has broken, the abolitionist therefore argues for rehabilitation and reformation of the murderer. Furthermore, there is a real danger that a community which is too ready to forgive the criminal may end up condoning the crime.

The concept of retributive justice is rooted in the very character of God and the nature of the gospel. God's Son took our rightful punishment upon Himself. The cross demonstrates the divine justice in punishing sin and divine mercy in pardoning those who place their faith in Jesus Christ (Rom. 3:25-26).

3. The legal argument:
 - a. The argument: **capital punishment does not render justice.** The poor suffer while the rich go free. Blacks are more likely to be executed than whites.
 - b. The answer: Injustice in the application of capital punishment reflects on the administration of the law rather than the institution of capital punishment. Renowned penologist Ernest van den Haag puts things in focus. What if the selection of criminals slated for execution is capricious? Could that be an argument against the death penalty?

Guilt is personal. The guilt of a convict who has been sentenced to death is not diminished because another, as guilty, was sentenced to a lesser punishment or was not punished at all. Equality is desirable. But justice is more desirable. Equal justice is most desirable, but it is *justice* that we want to be equal, and equality cannot replace justice. (Ernest van den Haag, "New Arguments Against Capital Punishment?" *National Review*, Vol. 37, No. 2, February 8, 1985, 35, italics in the original).

Gordon H. Clark discounts the argument that only the poor (or blacks) are convicted and the wealthy (or whites) escape:

Actually the courts are so lenient and the public so permissive that nearly everybody escapes. If the objection were true, however, the answer would not be to abolish capital punishment and let the number of murderers keep on soaring, but it would be to put honest judges on the bench and in the box jurors who are more compassionate toward the victim than toward the criminal. (Carl F. H. Henry, ed., *Baker's Dictionary of Christian Ethics*, Grand Rapids: Baker Book House, 1973, 84).

To quote Professor van den Haag again:

Out of the approximately 20,000 homicides committed annually in the United States, fewer than 300 lead to a death sentence. . . Still, if there really were discrimination in sentencing, opposing it would not logically lead one to oppose the execution of the murderers discriminated against, let alone the death penalty as such. . . Suppose the police racially discriminated in handing out parking tickets. . . Would distributive discrimination argue for abolishing parking tickets. . .? To be sure, the death penalty is a more serious matter. But why should discrimination in distribution ever lead us to abolish what is being distributed? (*National Review*, February 8, 1985, 33-34, italics in the original).

Abolitionists charge that the death penalty is overused, especially in Texas where one-third of the executions have taken place in the United States in recent years. Van den Haag shows:

We are not ready to do without it, yet hesitate to use it: There are many convicts on death row, but only a few are actually executed. Between 1973 and 1995, 5,760 death sentences were imposed; as of 1995, only 313 had been executed, and only some 400 have been executed since ("The Ultimate Penalty...And a Just One: The Basics of Capital Punishment," *National Review*, Vol. 53, No. 11, June 11, 2001, 32).

"The leniency of the American judicial system is further seen by the fact that the average prison time served by a convicted murderer is 5 years and 11 months" (Charley

Reese, "Bring Back Public Hanging," *Conservative Chronicle*, 20).

The Bible demands fair and equal treatment: "You shall do no injustice in judgment. You shall not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor" (Lev. 19:15).

If capital punishment is applied unequally, then effort should be made to apply it equally, not abolish it. Geisler's comments are to the point:

A disproportionate number of capital punishments is not in itself a proof of inequity, any more than a disproportionately high number of minorities in professional basketball is proof of discrimination against majority ethnic groups. This is not to say that one group of people is more sinful than another, but simply that conditions may occasion different social behavior. However understandable and regrettable this may be, a society cannot tolerate violent social behavior, and it must protect its citizens. (*Christian Ethics*, 198).

As Walter Berns has succinctly summarized: "To execute black murderers or poor murderers because they are murderers is not unjust; to execute them because they are black or poor is unconscionable and unconstitutional" (*For Capital Punishment*, New York: Basic Books, Inc., Publishers, 1979, 187).

Related to the argument that capital punishment is capriciously applied is the protestation that human error leads to the execution of innocent individuals.

By way of response it may be said that no person should be executed without the due process of the law. Furthermore, there were slightly more than 700 people who were executed in this country since the Supreme Court authorized the death sentence in 1977. Among the experts, there is no consensus that any of them were innocent.

Supreme Court Justice Sandra Day O'Connor told the Minnesota Women Lawyers in July 2001 that she is leaning toward eliminating the death penalty because of the possibility that innocent people have been executed. She

noted that six death row inmates were freed in 2000 and 90 have been exonerated by new evidence since 1973.

Cal Thomas astutely assesses the situation: “The exoneration of some death row inmates is not an argument in favor of eliminating capital punishment but a testimony to the fairness of a system skewed toward protecting the accused, sometimes to the detriment of justice” (“Justice O’Connor and the Death Penalty,” *Conservative Chronicle*, Vol. 15, No. 29, July 18, 2001, 29).

Cal Thomas proceeds to chide Justice O’Connor for projecting on condemned killers an inalienable right to live yet refusing to project a similar view on innocent pre-born babies in the process of exiting the birth canal.

What of the likelihood of human error in executions? Gordon Clark puts this controversial subject into perspective:

Yet if just one innocent man is executed. . . ? Then consider: Do you prefer 10,000 murders to save one innocent man rather than one tragedy to save 5000 lives? But of course this type of argument is superficial and irrelevant. God gave the right of capital punishment to human governments. He intended it to be used wisely and justly, but he intended it to be used (*Baker’s Dictionary of Christian Ethics*, 84).

The fact that mistakes will be made by fallible human beings in the application of the death penalty does not argue for the doing away with it. Geisler’s analogy is very much to the point: “Doctors make fatal mistakes, and so do politicians, but these mistakes are not good reasons for doing away with the practice of medicine or government” (*Ethics: Alternatives and Issues*, p. 249).

4. The constitutional argument:
 - a. The argument: **Capital punishment does not respect the Constitution.** The death penalty, it is asserted, is a violation of the Eighth Amendment which prohibits “cruel and unusual punishments.” This worn argument, gaining momentum once again in recent months, looks upon capital punishment as a vestige of primitive people and a violation of our enlightened Constitution. As Meltsner, an abolitionist of capital punishment, explains it: “Progressive abandonment

of the death penalty marked the advancement of civilization. Capital punishment had always been associated with barbarism; its abolition with such democratic values as the sanctity of life, the dignity of man, and a humane criminal law" (*Cruel and Unusual*, 171).

Justice William J. Brennan, Jr. points out in *Furman v. Georgia* that all capital punishment is cruel and unusual because it degrades the human dignity both of the victim and executioner of the death penalty

Brennan insists that "the authors of the 'cruel and unusual' clause of the Eighth Amendment intended to forbid all punishments that do not comport with human dignity, and that the death penalty does not comport with human dignity because it is too severe, and that it is too severe because it causes death" (Berns, *For Capital Punishment*, 162-163).

- b. The answer: The Eighth Amendment provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." By cruel punishments they meant those which were especially of medieval barbarities such as disembowelment, the rack, the thumb-screw, pressing with weights, boiling in oil, drawing and quartering and burning alive.

By unusual punishment the Founding Fathers seemed to have meant "capricious," that is, "not guided by no rules which permit prediction" (Ernest van den Haag, *Punishing Criminals Concerning a Very Old and Painful Question*, New York: Basic Books, Inc., 1975, 227).

As capital punishment is presently administered, it is not cruel, that is, it is not a particularly painful death nor undeserved death. Neither is capital punishment unusual, insofar as legislators and governors have collaborated in the frustration of the administration of capital punishment. The answer is to expedite not to eliminate executions.

It is interesting to note that in the United States of America, arguably the most enlightened nation on this planet, a large percentage of its citizens favor capital punishment—an impressive 85% in the summer of 2001—despite the fact that capital punishment has almost no articulate supporters in the public among the intelligentsia.

Could it be that this American position on the death penalty reflects not a spirit of barbarism but a sense of biblical orientation, something passed on to us, like the Constitution, from our Founding Fathers?

5. The moral argument:
- a. The argument: **Capital punishment does not reflect love.** Love and capital punishment are mutually exclusive.
 - b. The answer: If love and capital punishment are contradictory, then the sacrifice of the Savior was a contradiction. The principle for the substitutionary atonement is that only life can atone for life (Lev. 17:11). God's love was manifest in the death of His Son as a substitute for the sinner (Jn. 3:16; Rom. 5:8; Jn. 15:13).

God is not only a God of love (1 Jn. 4:8) but of light (1 Jn. 1:5), spirit (Jn. 4:24), truth and life (Jn. 14:6). In whatever God does, His love and justice are in perfect harmony (Rom. 9:20; Gen. 15:25). God always does and demands that which is right.

As a God of light or righteousness, He cannot countenance sin but as a God of love He provided forgiveness for man's sin. Forgiveness, however, does not automatically remove any temporal penalties for sin. A Christian who jumps off a bridge will not escape death at the bottom though his sins have been forgiven. Similarly, an inmate on death row who trusts in Christ as Savior must still subject himself to the divine requirement that in taking another's life one forfeits his own life.

Even from a purely secular perspective, capital punishment is not in conflict with a loving attitude. Compassion is not decisive, as van den Haag demonstrates:

Felt with a man to be executed it may also be felt with his victim: If the execution spares future victims of murder, supporters of the death penalty may claim compassion as their argument (*Punishing Criminals*, 209).

6. The humanist argument:
- a. The argument: **capital punishment does not rectify evil.** Two wrongs don't make a right. Capital punishment is legalized murder and brutalizes the community. Opponents of capital punishment imply that no murder is so heinous that it should be punished with the death penalty.

- b. The answer: The Bible prohibits the taking of life but permits the execution of the murderer. Thus, the avenger of blood who apprehends and brings the criminal to justice is not guilty of blood (Num. 35:27). Then too, there is a world of difference between a murder and an execution. Individuals are appointed to be God's instruments of justice (Rom. 13:1-7; 1 Pet. 2:13-17). Their activity is a legal one rather than a personal one. As van den Haag incisively observes:
- When an offender is legally arrested and imprisoned, we do not speak of "legalized kidnapping." Arrest and kidnapping may be physically indistinguishable... Punishment differs because it has social sanction. . . . Not the physical act but the social meaning of it distinguishes robbery from taxation, murder from execution (*Punishing Criminals*, 223-224):

The Bible believer would add that in the case of murder, the act is an outrage against God. The death penalty is carried out in obedience to God.

In reality the humanistic opponents to capital punishment are opposed to the taking of any human life for whatever reason, but their attitude is paradoxical, as Charley Reese demonstrates:

As for those who profess sympathy for the killers, I think they are sick. They show no sympathy for innocent life. . . .most of them have zero sympathy for the 100-percent innocent children who are slaughtered in abortion clinics (*Conservative Chronicle*, 20).

7. The spiritual argument
- a. The argument: **capital punishment does not rescue the sinner from hell.** Our efforts should be the sinner's salvation rather than his execution.
- b. The answer: There is ample time between the apprehension and execution of the criminal. On the average, eight years and ten months elapse between sentencing and execution. Besides, there is no proof that a man serving a life sentence is more likely to turn to Christ for salvation than one with a death sentence. The observations of John Jefferson Davis go to the heart of the matter:
- Rather than foreclosing the possibility of salvation, the reality of the death penalty forces the one convicted to think about his eternal destiny and consequently can even be seen as beneficial. . . .The death penalty

reminds the murderer, in a way that life imprisonment cannot, of the grim but inescapable truth that “it is appointed for men to die once, and after that comes judgment” (Heb. 9:27) (*Evangelical Ethics Issues in the Church Today*, Phillipsburg, NJ: Presbyterian and Reformed Publishing Co., 1985, 207).

One writer spells out the biblical hope that exists for death row convicts:

The repentant thief was facing the death sentence when he met Christ. He acknowledged his sin, recognized Jesus Christ for Who He is—the sinless Son of God—and trusted in Him and His once-and-for-all, vicarious atoning sacrifice. At that very moment, Jesus Christ forgave him and promised him: “Today thou shalt be with me in paradise” (Luke 23:43) Although the convict still faced the consequences of violating the law here on earth, God forgave him of his sin when he genuinely repented and trusted in Christ for salvation. (Roberto-Jose M. Livioco, “Capital Punishment: A Crime, a Cure or a Consequence?” *Foundation*, March-April 1999, Vol. 20, No. 2, 34-35).

8. The dispensational argument:
 - a. The argument: **Capital punishment does not realize the New Testament ethic.** It is based on a sub-Christian or pre-Christian concept of justice, which is superceded by a New Testament morality of forgiving grace.
 - b. The answer: Neither the Lord nor the apostles abrogated capital punishment. To the contrary, as has already been seen, they asserted the governmental right to execute criminals. While it is true that the Mosaic law has ended, capital punishment, introduced thousands of years before the giving of the law, continues as a governmental function. Charles Ryrie notes that the New Testament does not contain a replacement ethic for capital punishment:

Dispensational distinctions do recognize that the law of capital punishment for certain crimes was done away with in Christ, but this does not include capital punishment for murder. If the New Testament gave replacement for the standard of Genesis 9:6, then the Genesis command would no longer be valid. But since it does not, the dispensational teaching concerning the end of the law is irrelevant to Genesis

9:6, and the principle of that verse apparently still applies today. (*Biblical Answers to Contemporary Issues*, 30).

C. The antagonism toward capital punishment:

Opponents of capital punishment may be well intentioned but are misinformed and mistaken. Their abolitionist attitude is based on a number of erroneous perspectives in conflict with biblical revelation.

1. An insensitivity toward the image of God.

A murderer destroys someone in God's image. In God's estimate, the worth of an individual is so great that anyone who tampers with his sacred right to live forfeits his own life. Not the humanist who would save the life of the murderer but the biblicist who would opt for capital punishment has the highest regard for human life.

2. An ignorance of the Word of God.

Biblical revelation clearly calls for the execution of criminals guilty of capital crimes. We dare not change God's Word to fit our human sensitivity. For example, David Hoekema argues strongly for the abolition of capital punishment, concluding that "There are compelling reasons not to entrust the power to decide who shall die to the persons and procedures that constitute our judicial system" ("Capital Punishment: The Question of Justification," *The Christian Century*, March 21, 1979, Vol. 96, No. 10, 342).

How can a professor at a Christian institution dismiss Romans 13:4 which declares precisely what he denies, that government has the right and duty to take the life of the criminal?

3. An indifference to the glory of God.

Whatever God does, allows, or commands will ultimately bring glory to Himself. Whether we understand God's rationale or not, we bow to His omnipotent will and thus uphold His glory and honor.

As a holy God He is outraged by sin. As a just God He has decreed punishment for sin. As a gracious and merciful God, He can forgive sin through Jesus Christ, but man, nonetheless, will suffer the temporal consequences of sin. Murder is an attack on the holiness of God. God desires fair punishment of the murderer by human government which He ordained. He desires vindication

and not vindictiveness. When legal authorities acquiesce to God's command they bring glory to God.

I am currently corresponding with an individual incarcerated in a penitentiary in another state. His crimes are many, including manslaughter. Through a prison ministry he trusted in Christ as Savior. With his spiritual eyes opened, he knows he deserves death. He is aware of the enormity of his sin but deeply grateful for the forgiveness in Jesus Christ. Because of legal leniency, he looks forward to parole after eight years. He desires to serve the Lord the rest of his life but he would have been prepared to meet Him sooner, had the state demanded the extreme penalty. My friend has learned something that many fail to understand: God can forgive sin, but He cannot justify sin. God demands capital punishment for capital crimes.

At the Center

CRITICAL ISSUES IN LIGHT OF GOD'S WORD



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)."⁴

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."⁵

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."⁶ 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, 1971), 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. Gaebeline, 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. ■



Capital Punishment and the Sanctity of Life

Part 2

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Editor's Note:

Last month we reviewed the moral and spiritual conditions that breed the disfavor of capital punishment. We also noted the Biblical bases for capital punishment. This month we look at specific arguments against punishment and the Bible's answers to these arguments.

B. Opponents of Capital Punishment

Most objections to the death penalty can be grouped under eight major headings: the social, penal, legal, constitutional, moral, humanist, spiritual, and dispensational arguments.

1. The social argument.

a. The argument: Capital punishment does not restrain crime. The death penalty is not a deterrent.

b. The answer: Logic shows that, for one, capital punishment deters the murderer from committing other crimes. Further, studies indicate that the death penalty deters others from committing murder. In the words of columnist Charley Reese, "The recidivism rate for executed murderers is zero."¹

District attorney Paul Shafer writes, "There is no known deterrent other than capital punishment to prevent these persons incarcerated for life from killing their guards in an attempt to escape."²

Even a life sentence without a chance of parole is no guarantee that serious crimes will not be committed. Vemell Crittendon, public information officer at San Quentin State Prison, reports that of the 85 violent death-row

inmates at his institution, 45 attacked various wardens and staff members at San Quentin during the past 18 months.³

While opponents of capital punishment argue that there is little reliable evidence that the death penalty is a deterrent to murder, various studies indicate otherwise. One early study by an Illinois economics professor indicates that every execution would deter 156 murders. He admits the number is an estimate, but after exhaustive statistical research, he concludes that "a single execution would be likely to deter somewhere between 50 and 200 murders."⁴

Other studies point to capital punishment as a deterrent.

In 1971, when we had no executions, there were an estimated total of 17,630 murders in our country as compared with approximately 9,000 in 1960—a 96 percent increase. [But with only a 15 percent increase in population.]⁵

The most thorough study done to date in the United States, covering the years 1977–1996, has just been released by three economics professors at Emory University in Atlanta, Georgia. This is their conclusion:

Results suggest that capital punishment has a strong deterrent effect. An increase in any of the three probabilities—arrest, sentencing, or execution—tends to reduce the crime rate. In particular, each execution results, on average, in 18 fewer murders—with a margin of error of plus and minus 10.⁶

Opponents of capital punishment may argue its deterrent factor, but they dare not ignore the above study, which concludes that each execution deters anywhere between 10 and 28 murders. It should be pointed out, however, that the execution of the criminal is primarily a

divinely sanctioned punishment for some heinous crime. On the other hand, God said that capital punishment will indeed deter crime: “[The people] shall hear and fear, and hereafter they shall not again commit such evil among you. Your eye shall not pity; but life shall be for life . . .” (Deuteronomy 19:20, 21; cf. 13:11; 17:13).

2. *The penal argument.*

a. The argument: **Capital punishment does not rehabilitate the criminal.**

b. The answer: Capital punishment is not rehabilitative or remedial but retributive. There is a difference between chastisement, the source of which is love (Hebrews 12:6), and punishment, the source of which is justice. The Biblical connection is not punishment and rehabilitation but punishment and justice. As Norman Geisler well notes, “The prime reason for capital punishment . . . is that justice demands it. A just order is disturbed by murder and only the death of the murderer can restore that justice.”⁷

Modern man no longer believes in God or in unchangeable moral law. Thus the idea of justice is foreign to much of our society. With no existing law that the criminal has broken, the abolitionist therefore argues for rehabilitation and reformation of the murderer. Furthermore, there is a real danger that a community that is too ready to forgive the criminal may end up condoning the crime.

The concept of retributive justice is rooted in the very character of God and in the nature of the gospel. God’s Son took our rightful punishment upon Himself. The cross demonstrates the divine justice in punishing sin and divine mercy in pardoning those who place their faith in Jesus Christ (Romans 3:25, 26).

3. *The legal argument.*

a. The argument: **Capital punishment does not render justice.** The poor suffer while the rich go free. African-Americans are more likely to be executed than Caucasians.

b. The answer: Injustice in the application of capital punishment reflects on the administration of the law rather than on the institution of capital punishment. Renowned penologist Ernest van den Haag puts the issue in focus. What if the selection of criminals slated for execution is capricious? Could that be an argument against the death penalty?

Guilt is personal. The guilt of a convict who has been sentenced to death is not diminished because another, as guilty, was sentenced to a lesser punishment or was not punished at all. Equality is desirable. But justice is more desirable. Equal justice is most desirable, but it is *justice* that we want to be equal, and equality cannot replace justice.⁸

Gordon H. Clark discounts the argument that only the poor (or African-Americans) are convicted and the wealthy (or Caucasians) escape:

Actually the courts are so lenient and the public so permissive that nearly everybody escapes. If the objection were true, however, the answer would not be to abolish capital punishment and let the number of murderers keep on soaring, but it would be to put honest judges on the bench and in the box jurors who are more compassionate toward the victim than toward the criminal.⁹

To quote Professor van den Haag again,

Out of the approximately 20,000 homicides committed annually in the United States, fewer than 300 lead to a death sentence. . . . Still, if there really were discrimination in sentencing, opposing it would not logically lead one to oppose the execution of the murderers discriminated against, let alone the death penalty as such. . . . Suppose the police racially discriminated in handing out parking tickets. . . . Would distributive discrimination argue for abolishing parking tickets? . . . To be sure, the death penalty is a more serious matter. But why should discrimination in distribution ever lead us to abolish what is being distributed?¹⁰

Abolitionists charge that the death penalty is overused, especially in Texas, where one-third of the executions have taken place in the United States in recent years. Van den Haag shows,

We are not ready to do without it, yet hesitate to use it: There are many convicts on death row; but only a few are actually executed. Between 1973 and 1995, 5,760 death sentences were imposed; as of 1995, only 313 had been executed, and only some 400 have been executed since.¹¹

“The leniency of the American judicial system is further seen by the fact that the average prison time served by a convicted murderer is 5 years and 11 months.”¹²

The Bible demands fair and equal treatment: “You shall do no injustice in judgment. You shall not be partial to the poor, nor honor the person of the mighty. But in righteousness you shall judge your neighbor” (Leviticus 19:15). If capital punishment is applied unequally, then effort should be made to apply it equally, not abolish it. Geisler’s comments are to the point:

A disproportionate number of capital punishments is not in itself a proof of inequity, any more than a disproportionately high number of minorities

in professional basketball is proof of discrimination against majority ethnic groups. This is not to say that one group of people is more sinful than another, but simply that conditions may occasion different social behavior. However understandable and regrettable this may be, a society cannot tolerate violent social behavior, and it must protect its citizens.¹³

As Walter Berns has succinctly summarized, “To execute black murderers or poor murderers because they are murderers is not unjust; to execute them because they are black or poor is unconscionable and unconstitutional.”¹⁴

Related to the argument that capital punishment is capriciously applied is the protestation that human error leads to the execution of innocent individuals. By way of response it may be said that no person should be executed without the due process of the law. Furthermore, there were slightly more than 700 people who were executed in this country since the Supreme Court authorized the death sentence in 1977. Among the experts, there is no consensus that any of them were innocent.

Supreme Court Justice Sandra Day O’Connor told the Minnesota Women Lawyers in July 2001 that she is leaning toward eliminating the death penalty because of the possibility that innocent people have been executed. She noted that six death row inmates were freed in 2000 and that 90 have been exonerated by new evidence since 1973.

Cal Thomas astutely assesses the situation: “The exoneration of some death row inmates is not an argument in favor of eliminating capital punishment but a testimony to the fairness of a system skewed toward protecting the accused, sometimes to the detriment of justice.”¹⁵ He proceeds to chide Justice O’Connor for projecting on condemned killers an inalienable right to live yet refusing to project a similar view on innocent pre-born babies in the process of exiting the birth canal.

What of the likelihood of human error in executions? Gordon Clark puts this controversial subject into perspective:

Yet if just one innocent man is executed, . . . then consider: Do you prefer 10,000 murders to save one innocent man rather than one tragedy to save 5,000 lives? But of course this type of argument is superficial and irrelevant. God gave the right of capital punishment to human governments. He intended it to be used wisely and justly, but he intended it to be used.¹⁶

The fact that mistakes will be made by fallible human beings in the application of the

death penalty does not argue for the doing away with it. Geisler's analogy is very much to the point: "Doctors make fatal mistakes, and so do politicians, but these mistakes are not good reasons for doing away with the practice of medicine or government."¹⁷

4. *The constitutional argument.*

a. The argument: **Capital punishment does not respect the Constitution.** The death penalty, it is asserted, is a violation of the Eighth Amendment, which prohibits "cruel and unusual punishments." This worn argument, gaining momentum once again in recent months, looks upon capital punishment as a vestige of primitive people and a violation of our enlightened Constitution. As Michael Meltsner, an abolitionist of capital punishment, explains it, "Progressive abandonment of the death penalty marked the advancement of civilization. Capital punishment had always been associated with barbarism; its abolition with such democratic values as the sanctity of life, the dignity of man, and a humane criminal law."¹⁸

Justice William J. Brennan, Jr., opines in *Furman vs. Georgia* that all capital punishment is cruel and unusual because it degrades the human dignity both of the "victim" and the executioner of the death penalty. Brennan insists that the authors of the "cruel and unusual" clause of the Eighth Amendment intended to forbid all punishments that do not comport with human dignity, and that the death penalty does not comport with human dignity because it is too severe, and that it is too severe because it causes death.¹⁹

b. The answer: The Eighth Amendment provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." By "cruel punishments" the writers meant those that were especially of medieval barbarities, such as disembowelment, the rack, the thumb-screw, pressing with weights, boiling in oil, drawing and quartering, and burning alive.

By "unusual punishment" the founding fathers seemed to have meant "capricious," that is, "not guided by known rules which permit prediction."²⁰

As capital punishment is presently administered, it is not cruel, that is, it is neither a particularly painful death nor an undeserved

death. Neither is capital punishment unusual, insofar as legislators and governors have collaborated in the undermining of the administration of capital punishment. The answer is to expedite, not to eliminate, executions.

It is interesting to note that in the United States of America, arguably the most enlightened nation on this planet, a large percentage of citizens favor capital punishment—an impressive 85 percent in the summer of 2001—despite the fact that capital punishment has almost no articulate supporters in the public among the intelligentsia.

Could it be that this American position on the death penalty reflects not a spirit of barbarism but a sense of Biblical orientation, something passed on to us, like the Constitution, from our founding fathers?

5. *The moral argument.*

a. The argument: **Capital punishment does not reflect love.** Love and capital punishment are mutually exclusive.

b. The answer: If love and capital punishment are contradictory, then the sacrifice of the Savior was a contradiction. The principle for the substitutionary atonement is that only life can atone for life (Leviticus 17:11). God's love was manifest in the death of His Son as a substitute for the sinner (John 3:16; Romans 5:8; John 15:13).

God is not only a God of love (1 John 4:8) but of light (1 John 1:5), spirit (John 4:24), truth, and life (John 14:6). In whatever God does, His love and justice are in perfect harmony (Romans 9:20; Genesis 18:25). God always does and demands that which is right.

As a God of light, or righteousness, He cannot countenance sin, but as a God of love He provided forgiveness for the sin of humankind. Forgiveness, however, does not automatically remove any temporal penalties for sin. A Christian who jumps off a bridge will not escape death at the bottom though his or her sins have been forgiven. Similarly, inmates on death row who trust in Christ as Savior must still subject themselves to the divine requirement that in taking another's life, one forfeits his or her own life.

Even from a purely secular perspective, capital punishment is not in conflict with a loving attitude. Compassion is not decisive, as van den Haag demonstrates:

Felt with a man to be executed [compassion] may also be felt with his victim: If the execution spares future victims of murder, supporters of the death penalty may claim compassion as their argument.²¹

6. *The humanist argument.*

a. The argument: **Capital punishment does not rectify evil.** Two wrongs don't make a right. Capital punishment is legalized murder and brutalizes the community. Opponents of capital punishment imply that no murder is so heinous that it should be punished with the death penalty.

b. The answer: The Bible prohibits the taking of life but permits the execution of the murderer. Thus, the avenger of blood who apprehends and brings the criminal to justice is not guilty of blood (Numbers 35:27). Then, too, there is a world of difference between a murder and an execution. Governing authorities are appointed to be God's instruments of justice (Romans 13:1-7; 1 Peter 2:13-17). Their activity is a legal one rather than a personal one. As van den Haag incisively observes,

When an offender is legally arrested and imprisoned, we do not speak of "legalized kidnapping." Arrest and kidnapping may be physically indistinguishable. . . . Punishment differs because it has social sanction. . . . Not the physical act but the social meaning of it distinguishes robbery from taxation, murder from execution.²²

The Bible believer would add that in the case of murder, the act is an outrage against God. The death penalty is carried out in obedience to God. In reality the humanistic opponents to capital punishment are opposed to the taking of any human life for whatever reason, but their attitude is paradoxical, as Charley Reese demonstrates:

As for those who profess sympathy for the killers, I think they are sick. They show no sympathy for innocent life. . . . Most of them have zero sympathy for the 100-percent innocent children who are slaughtered in abortion clinics.²³

7. *The spiritual argument.*

a. The argument: **Capital punishment does not rescue the sinner from Hell.** Our efforts should be on the sinner's salvation rather than on his or her execution.

b. The answer: There is ample time between the apprehension and execution of the criminal. On the average, eight years and ten months elapse between sentencing

and execution. Besides, there is no proof that a man or woman serving a life sentence is more likely to turn to Christ for salvation than one with a death sentence. The observations of John Jefferson Davis go to the heart of the matter:

Rather than foreclosing the possibility of salvation, the reality of the death penalty forces the one convicted to think about his eternal destiny and consequently can even be seen as beneficial. . . . The death penalty reminds the murderer, in a way that life imprisonment cannot, of the grim but inescapable truth that "it is appointed for men to die once, and after that comes judgment" (Hebrews 9:27).²⁴

One writer spells out the Biblical hope that exists for death row convicts:

The repentant thief was facing the death sentence when he met Christ. He acknowledged his sin, recognized Jesus Christ for Who He is—the sinless Son of God—and trusted in Him and His once-and-for-all, vicarious atoning sacrifice. At that very moment, Jesus Christ forgave him and promised him, "Today thou shalt be with me in paradise" (Luke 23:43). Although the convict still faced the consequences of violating the law here on earth, God forgave him of his sin when he genuinely repented and trusted in Christ for salvation.²⁵

8. *The dispensational argument.*

a. The argument: Capital punishment does not realize the New Testament ethic. It is based on a sub-Christian or pre-Christian concept of justice, which is superceded by a New Testament morality of forgiving grace.

b. The answer: Neither the Lord nor the apostles abrogated capital punishment. To the contrary, as has already been seen, they asserted the governmental right to execute criminals. While it is true that the Mosaic law has ended, capital punishment—introduced thousands of years before the giving of the law—continues as a governmental function. Charles Ryrie notes that the New Testament does not contain a replacement ethic for capital punishment.

Dispensational distinctions do recognize that the law of capital punishment for certain crimes was done away with in Christ, but this does not include capital punishment for murder. If the New Testament gave replacement for the standard of Genesis 9:6, then the Genesis command would no longer be valid. But since it does not, the dispensational teaching concerning the end of the law is irrelevant to Genesis 9:6, and the principle of that verse apparently still applies today.²⁶

C. The Antagonism toward Capital Punishment

Opponents of capital punishment may be well intentioned but are misinformed and mistaken. Their abolitionist attitude is based on a number of erroneous perspectives in conflict with Biblical revelation.

1. *Insensitivity toward the image of God.*

A murderer destroys someone in God's image. In God's estimate, the worth of an individual is so great that anyone who tampers with the individual's sacred right to live forfeits his or her own life. Not the humanist who would save the life of the murderer, but the Biblicalist who would opt for capital punishment, has the highest regard for human life.

2. *Ignorance of the Word of God.*

Biblical revelation clearly calls for the execution of criminals guilty of capital crimes. We dare not change God's Word to fit our human sensitivity. For example, David Hoekema argues strongly for the abolition of capital punishment, concluding that "there are compelling reasons not to entrust the power to decide who shall die to the persons and procedures that constitute our judicial system."²⁷

How can Hoekema, a professor at a Christian institution, dismiss Romans 13:4, which declares precisely what he denies, that government has the right and duty to take the life of the criminal?

3. *Indifference to the glory of God.*

Whatever God does, allows, or commands will ultimately bring glory to Him. Whether we understand God's rationale or not, we bow to His omnipotent will and thus uphold His glory and honor.

As a holy God, He is outraged by sin. As a just God, He has decreed punishment for sin. As a gracious and merciful God, He can forgive sin through Jesus Christ, but humankind, nonetheless, will suffer the temporal consequences of sin. Murder is an attack on the holiness of God. God desires fair punishment of the murderer by human government, which He ordained. He desires vindication and not vindictiveness. When legal authorities acquiesce to God's command, they bring glory to God.

* * *

I am currently corresponding with an individual incarcerated in a penitentiary.

His crimes are many, including manslaughter. Through a prison ministry he trusted in Christ as Savior. With his spiritual eyes opened, he knows he deserves death. He is aware of the enormity of his sin but is deeply grateful for the forgiveness in Jesus Christ. Because of legal leniency, he looks forward to parole after eight years. He desires to serve the Lord the rest of his life, but he would have been prepared to meet Him sooner, had the state demanded the extreme penalty. My friend has learned something that many fail to understand: God can forgive sin, but He cannot justify sin. God demands capital punishment for capital crimes.

Notes

¹Charley Reese, "Bring Back Public Hangings," *Conservative Chronicle*, Vol. 16, No. 21 (May 21, 2001): 20.

²Paul Shafer, "Death Penalty," *The National Observer* (December 17, 1974): 12.

³"The O'Reilly Factor," *Fox News* (May 31, 2001). Confirmed in a phone conversation by Mr. Crittendon on June 13, 2001.

⁴"Study: Executions a Deterrent," *The Des Moines Tribune* (November 30, 1976): 1.

⁵Daniel F. McMahon, "Capital Punishment," *NCOA Journal* (April 1973): 10, 11.

⁶Paul H. Rubin, Hashem Dezhbakhsh, and Joanna Melhop Shepherd, "Does Capital Punishment Have a Deterrent Effect?" *New Evidence from Post-moratorium Panel Data*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=259538 [posted March 12, 2001].

⁷Norman Geisler, *Ethics: Alternatives and Issues* (Grand Rapids: Zondervan Publishing House, 1971), 247.

⁸Ernest van den Haag, "New Arguments against Capital Punishment?" *National Review*, Vol. 37, No. 2 (February 8, 1985): 35. (Italics in the original.)

⁹Carl F. H. Henry, ed., *Baker's Dictionary of Christian Ethics* (Grand Rapids: Baker Book House, 1973), 84.

¹⁰van den Haag, "New Arguments against Capital Punishment?" 33, 34. (Italics in the original.)

¹¹Ernest van den Haag, "The Ultimate Penalty . . . And a Just One: The Basics of Capital Punishment," *National Review*, Vol. 53, No. 11 (June 11, 2001): 32.

¹²Reese, "Bring Back Public Hangings," 20.

¹³Geisler, *Christian Ethics* (Grand Rapids: Baker Book House, 1989), 198.

¹⁴Walter Berns, *For Capital Punishment* (New York: Basic Books, Inc., 1979), 187.

¹⁵Cal Thomas, "Justice O'Connor and the Death Penalty," *Conservative Chronicle*, Vol. 15, No. 29 (July 18, 2001): 29.

¹⁶Henry, ed., *Baker's Dictionary of Christian Ethics*, 84.

¹⁷Geisler, *Ethics: Alternatives and Issues*, 249.

¹⁸Michael Meltsner, *Cruel and Unusual: The Supreme Court and Capital Punishment* (New York: Random House, 1973), 171.

¹⁹Berns, *For Capital Punishment*, 162, 163.

²⁰Ernest van den Haag, *Punishing Criminals concerning a Very Old and Painful Question* (New York: Basic Books, Inc., 1975), 227.

²¹Ibid., 209.

²²Ibid., 223, 224.

²³Reese, "Bring Back Public Hangings," 20.

²⁴John Jefferson Davis, *Evangelical Ethics Issues in the Church Today* (Phillipsburg, N.J.: Presbyterian and Reformed Publishing Co., 1985), 207.

²⁵Roberto-Jose M. Livio, "Capital Punishment: A Crime, a Cure or a Consequence?" *Foundation*, Vol. 20, No. 2 (March/April 1999): 34, 35.

²⁶Charles Ryrie, *Biblical Answers to Contemporary Issues* (Chicago: Moody Press, 1973), 30.

²⁷David Hoekema, "Capital Punishment: The Question of Justification," *The Christian Century*, Vol. 96, No. 10 (March 21, 1979): 342. ■

Biblical Principles on Capital Punishment

1. The preservation of life,
Genesis 1-2.

2. The protection of the
murderer, Genesis 4.

3. The prelude to capital
punishment, Genesis 6.

4. The punishment for
murder, Genesis 9.

5. The prohibition of
murder, Exodus 20.

6. The permission to
government, Romans 13.

7. The presence of the King,
Revelation 19.

Biblical Principles on Capital Punishment

1. The preservation of life,
Genesis 1-2.

**DEMONSTRATION OF
GOD'S CARE**

2. The protection of the
murderer, Genesis 4.

**DISTANCING OF THE
MURDERER FROM SOCIETY**

3. The prelude to capital
punishment, Genesis 6.

**THE DELUGE UPON THE
WICKED**

4. The punishment for
murder, Genesis 9.

**DIRECTIONS FOR CAPITAL
PUNISHMENT**

5. The prohibition of
murder, Exodus 20.

**DENUNCIATION OF WILFUL
KILLING**

6. The permission to
government, Romans 13.

**DISCHARGING OF DIVINE
RESPONSIBILITY**

7. The presence of the King,
Revelation 19.

**DISPATCHING OF ALL
UNBELIEVERS**

Arguments Against Capital Punishment

1. The Social Argument:

Capital punishment does not

2. The Penal Argument:

Capital punishment does not

3. The Legal Argument:

Capital punishment does not

4. The Constitutional Argument:

Capital punishment does not

5. The Moral Argument:

Capital punishment does not

6. The Humanist Argument:

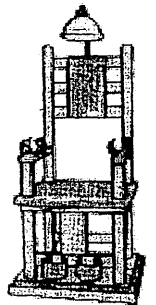
Capital punishment does not

7. The Spiritual Argument:

Capital punishment does not

8. The Dispensational Argument:

Capital punishment does not



Print

November 27

GARY GILMORE - AP PHOTO

"Let's do it."

On January 17, 1977, Gary Mark Gilmore was put to death by firing squad at Draper State Prison, Point of the Mountain. He was the first person to be executed in the United States since the reinstatement in 1976 of the death penalty after a 17-year hiatus.

Gary's crime was murder. Over a series of two nights, he systematically put to death a gas station attendant named Bennie Bushnell, forcing each man to lie face down on the floor as he put a gun to their heads. Contrary to what is reported on some of the few websites that actually have information on Gary, he was not a serial killer. Media Editors, a serial killer is one who kills on three or more consecutive occasions (events) separated by intervals. Gary was not. Wayne Gacy, Pee Wee Gaskins or Ted Bundy. His victims were chosen at random as selfish acts to try to get the girlfriend, Nicole Baker. In that respect, the murders accomplished what they were meant to accomplish.

The World Watches

During the summer of 1976 and the beginning of 1977, the United States and most of the world were horrified by the execution of Gary Gilmore. Gary, a man from Utah, was made an instant celebrity... Not for being sentenced to the death penalty itself, but for demanding to be executed immediately. When it wasn't, the country watched in fascination as Gary Gilmore twice tried to commit suicide. Gary was having such a hard time doing. This situation was made even more sensational when Gary's girlfriend Nicole Baker was placed in a mental hospital at the same time as Gary. Neither succeeded. Nicole was placed in a mental hospital and was not allowed to see Gary between them after the suicide attempts were letters.

All over the world people were talking about Gary Gilmore. He was on the covers of national magazines and his picture was plastered over the front pages of newspapers. Every night brought another chapter to the story, as Gary's girlfriend Nicole Baker and Gary to the adamant demands that the sentence be carried out. The simple first execution since the reinstatement of the death penalty should have been enough to garner the attention of the world. The circumstances were so extraordinary that they drew not only the attention of the United States but the entire world.

The Execution

At 8:07am on the morning of January 17, 1977, the State of Utah carried out the death sentence by firing squad in an unused cannery on the prison property. Five executioners with rifles (one rifle loaded with blanks so that the executioner who had fired the fatal shots) took aim at Gary through a canvas blind on the cannery's loading dock, firing simultaneously. Gary was invited to witness the execution by Gary, but was institutionalized and was not allowed to leave the hospital.

It has been widely reported that Gary Gilmore's last words were "Let's do it." This is, in fact, erroneous. This was not his last words. After this, Gary spoke to Father Meersman, the priest performing last rites:

Gary: Dominus vobiscum.

Meersman: Et cum spiritu tuo.

Gary (grinning): There'll always be a Meersman.

After the execution, Gary's body was sent for autopsy and then cremated. The ashes, which were placed in an urn, were scattered from a six-seater airplane carrying Gary's uncle Vern Damico, Father Meersman, Cline Campbell, Larraine Campbell, and Gary's lawyer. Ron spread the ashes over Spanish Fork, Springville, and Provo Utah, in accordance with Gary's wishes.



Arguments Against Capital Punishment

1. The Social Argument:

Capital punishment does not restrain crime.

2. The Penal Argument:

Capital punishment does not rehabilitate the criminal.

3. The Legal Argument:

Capital punishment does not render justice.

4. The Constitutional Argument:

Capital punishment does not respect the US Constitution.

5. The Moral Argument:

Capital punishment does not reflect love.

6. The Humanist Argument:

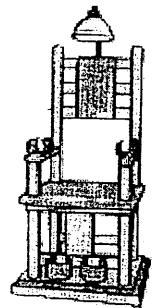
Capital punishment does not rectify evil.

7. The Spiritual Argument:

Capital punishment does not rescue the sinner from hell.

8. The Dispensational Argument:

Capital punishment does not realize the New Testament ethic.



Manfred Kober

From: Manfred Kober
Sent: Wednesday, December 26, 2007 6:02 PM
To: 'letters@dmreg.com'

December 26, 2007

Letter in response to DMR editorial, Fri., Dec. 21, 2007, 20A
"Let's make it a trend: Abolish death penalty"

Des Moines Register
Letters to the Editor

Dear Sirs:

In your editorial you suggested that the 36 states which have the death penalty on their books should abolish it. In your lengthy column you proffer all the various reasons why capital punishment should be universally abolished. Permit me to point out just three of the fallacious reasons in your editorial

For one, you suggest that capital punishment is barbaric. In fact, capital punishment is biblical. God places such high value on human life that a murderer, who takes the life of a person who is made in the image of God, forfeits his life. God introduced capital punishment in the days of Noah, asserting that "whosoever sheds man's blood, by man shall his blood be shed" (Genesis 9:6). The same divine injunction is repeated by the Apostle Paul in Romans 13:4, noting that the government which is to protect its citizens against evil doers does not carry the sword of capital punishment in vain.

Secondly, you insist that capital punishment "is not a proven deterrent." Well, all sorts of statistics to the contrary could be marshalled. Did your editorial writer miss the article in the Nov. 18 issue of the New York Times entitled, "Does Death Penalty Save Lives? A New Debate"? The article refers to a dozen recent studies which show that "executions save lives. For each inmate put to death. . . 3 to 18 murders are prevented." Mocan, an economist at Louisiana State University, who is personally opposed to capital punishment, shows in his study that each execution saves five lives. Would the editors of the Register rather have five innocent individuals perish so that the life of a criminal guilty of heinous crimes would be spared?

Finally, you deplore the fact that capital punishment is revenge. Capital punishment, like any other punishment meted out by government, is not revenge but retribution. There actually are some crimes so revolting that capital punishment is called for. This is not murder (as you suggest) but the putting to death of an individual who deserves this ultimate punishment! In this case the death penalty removes a murderer who has forfeited his life and at the same time deters at least five further murders. There is nothing barbaric or uncivilized about that.

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LETTERS TO THE EDITOR

Several reasons to keep the death penalty

In a Jan. 28 letter to the editor, Patti Brown argues for the abolition of the death penalty on the grounds that "there simply is no remedy for the execution of someone who may be innocent." As secretary of Iowans Against the Death Penalty, she feels that the execution of one innocent man is enough reason to abrogate capital punishment. Brown and

her organization overlook several factors.

With modern DNA testing, a criminal's guilt can normally be established beyond the shadow of any doubt. Few convicted criminals are ever executed. As of 2007, some 1,099 individuals have been executed since the Supreme Court reinstated capital punishment in 1977. There is no consensus among the

experts that any of them were innocent.

That mistakes will be made by fallible human beings in the application of the death penalty does not argue for the doing away of it. Doctors make fatal mistakes and so do politicians, but these mistakes are not a good reason for doing away with the practice of medicine or government.

A desire to abolish the

death penalty shows a low view of the will of the Creator. He commanded that a murderer be put to death (Genesis 9:6), and it fails to acknowledge that capital punishment serves as a deterrent. Finally, it minimizes the wickedness of criminals who deserve to pay the ultimate penalty for their heinous crimes.

— **Manfred Kober,**
Bondurant.

Letter to the Editor

Response to "Fallible system shouldn't include death penalty"
DMRegister Jan. 28, 2008 P.6A

Dear Editors of the Des Moines Register,

In a January 28 letter to the editor of the Register Patti Brown argues for the abolition of the death penalty on the grounds that "there is simply no remedy for the execution of someone who may be innocent. As secretary of Iowans Against the Death Penalty, she feels that the execution of one innocent man is enough reason to abrogate capital punishment. Ms. Brown and her organization overlook several factors.

For one, with modern DNA testing, a criminal's guilt can normally be established beyond the shadow of any doubt. Few of the convicted criminals are ever executed. As of 2007, some 1099 individuals have been executed since the Supreme Court reinstated capital punishment in 1977. There is no consensus among the experts that any of them were innocent. Furthermore, the American judicial system is extremely lenient as seen by the fact that the average prison time served by a convicted murderer is 5 years and 11 months.

The fact that mistakes will be made by fallible human beings in the application of the death penalty does not argue for the doing away with it. Doctors make fatal mistakes, and so do politicians, but these mistakes are not good reason for doing away with the practice of medicine or government.

It seems that Ms. Brown would eliminate capital punishment even in a case where the murderer, like Gary Gilmore, freely admits his guilt and asks to die. A desire to abolish the death penalty indicates three things. It shows a low view of the will of the creator-God. He commanded that a murderer be put to death (Genesis 9:6). Further, it fails to acknowledge that capital punishment serves as a warning and deterrent. Studies demonstrate that each execution saves about 10 innocent lives. Finally, it minimizes the wickedness of criminals who deserve to pay the ultimate penalty for their heinous crimes. If Timothy McVeigh, the Oklahoma City bomber, who sent 168 innocent individuals to their horrible deaths, should not have been executed, who should be?

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