

Chapter 6C – Capital Punishment

Should governments have the right to carry out capital punishment?

What does Scripture teach regarding the government's right to take someone's life as a punishment?

For what crimes should capital punishment apply?

1. The issue: Should governments have the right to take the life of a person who has been convicted of certain crimes?

2. The relevant biblical teaching

a. Genesis 9:5-6

⁵ And for your lifeblood I will require a reckoning: from every beast I will require it and from man. From his fellow man I will require a reckoning for the life of man. ⁶ Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image (Gen. 9:5-6).

1) What this passage teaches about the penalty for murder:

- "In this verse, 'shedding blood' refers to the violent, unjustified taking of human life (cf. Gen. 37:22; Num. 35:33; 1 Kings 2:31; Ezek. 22:4)." (ESV Study Bible, p. 2552)
- When someone murders another person, the murderer should be put to death by a human agent.
- Capital punishment is not human vengeance, but God's own requirement of justice ("I will require a reckoning for the life of man" v. 5).
- The murder of another human being is a kind of attack against God himself, for it is an attack against the "image" that he has left of himself on the earth (v. 6; see Gen. 1:27).

2) This passage predates the Mosaic Law; is part of God's covenant with Noah (Gen 9:12)

- God delegates to human beings authority to punish wrongdoers ("by man shall his blood be shed").
- Therefore the authority to execute punishment is not a human invention.

But governments will have to decide

- (a) What wrongdoing is worthy of punishment
- (b) What punishment is appropriate for each wrongdoing
- (c) Whether an individual is guilty of that wrongdoing or not.

3) Objection: Gen 9:6a is a "proverb" and not an actual command from God.

- Three reasons this is not persuasive
 - (1) Verse 5 shows that execution of the murderer is the way that God himself will carry out justice in human society.
 - (2) Verse 6b explains the death penalty is to be carried out for murder because man is in the image of God.
 - (3) God himself instituted the death penalty for the crime of murder (see Num. 35:16-34).

b. Romans 13:1-7

1) The agent of gov't is "the servant of God, an avenger who carries out God's wrath on the wrongdoer" (v. 4).

2) Civil government "does not bear the sword in vain" (Rom. 13:4).

- The Greek word for "sword" (*machaira*) is used in several other verses to speak of the instrument by which people are put to death. The sword is not simply a symbol of governmental authority. (See Acts 12:2, 16:27; Heb 11:37; Rev 13:10)

c. 1 Peter 2:13-14

¹³ Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, ¹⁴ or to governors as sent by him to punish those who do evil and to praise those who do good (1 Pet. 2:13-14).

- The expression translated "to punish" in v 14 (*ekdikēsis*) is the same word Paul used for the "vengeance" that belongs to God (Rom 12:19), and from the same root as Paul uses to say that the civil government is "an avenger (*ekdikos*, adjective) who carries out God's wrath" (Rom 13:4).

- Government has a responsibility not only to deter crime but also to bring God's punishment to the wrongdoer.

d. But is it right to desire that government punish a criminal?

1) Should we forgive the person and never seek that the wrongdoer be punished by the courts?

- Paul says "Beloved, never avenge yourselves...but leave it to the wrath of God" (Rom. 12:19); he then says the civil government is "the servant of God, an avenger who carries out God's wrath on the wrongdoer" (Rom. 13:4).
- We should not seek personal revenge when wronged, but we should seek justice through civil gov't.
- This frees us to do good to those who wronged us (as in Rom. 12:20-21).

2) Is it wrong for a Christian to desire vengeance?

- If we seek and desire to take personal vengeance ourselves, we are disobeying Romans 12 and 13.
- If we desire gov't to carry out God's just vengeance on the wrongdoer, we are doing what Paul says in Romans 12:19 and leaving vengeance "to the wrath of God." – Therefore, desiring this is right.

3) Christians should:

- (a) Show personal kindness to and pray for the salvation of those who have done them wrong
- (b) Simultaneously pursue justice through civil courts and desire that the wrongdoer be justly paid back for the wrong he or she has done.

9 When he opened the fifth seal, I saw under the altar the souls of those who had been slain for the word of God and for the witness they had borne. 10 They cried out with a loud voice, "O Sovereign Lord, holy and true, how long before you will judge and avenge (Greek *ekdikeō*, "punish, take vengeance") our blood on those who dwell on the earth?" (Rev. 6:9-10.)

- Note that these souls are now completely free from sin yet crying out for God to execute vengeance on those who had murdered them.

e. Conclusion: God gives to civil government the right and the responsibility to carry out capital punishment for certain crimes, and at least for the crime of murder.

f. What crimes besides murder are worthy of capital punishment?

- Crimes as horrible as murder in the evil they involve may be worthy of capital punishment.
- Crimes involving only property should not be considered; in the OT, stealing things was not punishable by death
- It is not right to appeal today to the extensive use of the death penalty in the Mosaic Law (we are not under it)
- Crimes that were intended to or actually did cause the death of others may be worthy of capital punishment
- A crime such as kidnapping along with brutal rape and beating of another person that did not result in death but resulted in permanent disability to the victim might also be worthy of capital punishment.
- Each state or nation should decide this through the legislative process enacting the will of the people
- The U. S. Supreme Court ruled in *Kennedy v. Louisiana* (June 25, 2008)—a case involving a brutal rape of a child—that states could not apply the death penalty for a crime against an individual "where the victim's life was not taken."

3. Arguments from reason and evidence apart from the Bible

- Capital punishment does in fact deter violent crime.
- It can be fairly administered and adequate safeguards can be taken to prevent innocent people from being executed.
- A widespread human sense of justice acknowledges that the crime of premeditated murder can only be adequately punished through taking the life of the murderer.

4. Objections

a. Objections from the Bible

(1) Exodus 20:13: Some claim that "You shall not murder" means that a government also shall not take a life.

- This misunderstands the sense of the Hebrew verb *rātsakh*, which is here translated "murder."
 - It refers to what we would call "murder" (in a criminal sense) today (see Num. 35:20)
 - It also refers to accidentally causing another person's death through negligence or carelessness (see Num. 35:25; Deut. 9:4-6).
 - It does not ordinarily refer to judicial execution (1X only). Capital punishment is normally referred to by other Hebrew words, such as *muth*. Thus Numbers 35:16 says, "The murderer (*rātsach*) shall be put to death (*muth*), a different verb."
 - The original readers would not have understood this as a prohibition on the death penalty
- In addition, God himself commanded that the death penalty be carried out in the actual laws that he gave for the Mosaic covenant (see, for example, Num. 35:16-21, 30-34).

(2) Matthew 5:38-39

"You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also" (Matt. 5:38-39).

- Jesus is speaking to individuals, not governments.
- This is similar to Romans 12:19 where Paul prohibits personal vengeance.

(3) Matthew 22:39

“You shall love your neighbor as yourself” (Matt. 22:29).

- Jesus is quoting from Leviticus 19:18, which is just before God also commanded the death penalty for certain crimes (see Lev. 20:2, 10).
- Love for one’s neighbor does not nullify the requirement to carry out God’s justice on wrongdoers.

(4) Matthew 26:52:

“Then Jesus said to [Peter], ‘Put your sword back into its place. For all who take the sword will perish by the sword’” (Mat. 26:52).

- Jesus was not speaking to soldiers or policemen; he was telling Peter not to resist the soldiers arresting him
- Peter was carrying a sword! (See Luke 22:38.)
- Those who take up the sword to advance the kingdom of God will not succeed in that work

(5) John 8:2-11: The OT commands the death penalty for adultery (Deut 22:23-24), but Jesus tells the people “Let him who is without sin among you be the first to throw a stone at her” (Jn 8:7)

- This it is not a story a murderer and cannot be used to apply to the death penalty for murder.
- The Roman government had prohibited anyone from carrying out the death penalty except the Roman officials themselves.
- John 7:53-8:11 is a passage of doubtful origin.

(6) “We should follow the teachings of Jesus”

- When someone says, “We should follow the teaching of Jesus” regarding civil government,” and limits the discussion only to the words of Jesus in the Gospels, he has ruled out most of the relevant teaching in the Bible about civil government!
- The whole Bible comes with the authority of Jesus & we should seek to follow all that it teaches on this topic.

(7) God spared some murderers such as Cain and King David

- God can pardon some people until the day of final judgment and execute immediate judgment on others.
- He executed immediate judgment that ended people’s lives in other passages (Gen. 19:24-29; Gen. 6-9; Num. 16:31-33; Lev. 10:1-2; 2 Sam. 6:7, or many others).
- Where he tells us what he wants governments to do (Gen 9:5-6; Rom 13:1-7; 1 Peter 2:13-14; etc), governments should follow those teachings.

(8) A “whole life ethic”: The idea that Christians should oppose all intentional taking of human life, including abortion, euthanasia, capital punishment, and war.

- The proper approach to a biblical position on a topic is to take the specific teaching of the Bible about that topic, rather than fleeing to a vague cloud of generalities
- The specific texts pertaining to abortion and euthanasia teach against these things, but the specific texts that pertain to capital punishment support it.
- Rather than a “whole life ethic” Christians should adopt a “whole Bible ethic”

“You have profaned me among my people . . . putting to death souls who should not die and keeping alive souls who should not live.” (Ezekiel 13:19)

- God condemns “putting to death souls who should not die” and also “keeping alive souls who should not live.”
- Therefore the true biblical ethic is “protect the innocent and also punish the guilty, in proportion to the crime they have committed.”

b. Objections to the death penalty based on results and fairness

- (a) It does not deter crime
- (b) Innocent victims might be put to death
- (c) Violence by government provokes more violence in society
- (d) It is unfairly administered, so that the poor and some ethnic minorities are much more likely to receive the death penalty
- (e) Capital punishment historically has been used in cruel and oppressive ways, even by Christians.

In response:

- (1) When overall statistics are examined, there is an inverse relationship between the number of executions of murderers and the number of murders in the United States. (See chart on following page)
 - Some studies have shown for each murderer executed, as many as 14-18 additional murders are deterred.

- In recent years, the deterrent effect is difficult to evaluate due to the length of time between sentencing and execution.

“Because the sentence against an evil deed is not executed speedily, the heart of the children of man is fully set to do evil” (Ecc. 8:11).



- (2) There has been (to my knowledge) no known example of an innocent person put to death in the United States since the resumption of the death penalty in 1976.

- A number of innocent death row prisoners have been released due to DNA testing, but that does not prove that any people have wrongfully been executed.
- The death penalty should only be carried out only when guilt is established with extremely high standards of proof, but that is done in many murder convictions.
- God gave the command when methods of collecting evidence and the certainty of proof were far less reliable than they are today, not requiring that they be omniscient to carry it out, but only expecting that they act responsibly and seek to avoid further injustice as they carry it out.

- (3) The idea that “violence” by government in capital punishment “begets more violence” is simply wrong.

- (4) If capital punishment is unfairly or disproportionately carried out among certain segments of a population when compared with the number of murders committed by that segment of the population, then the necessary legal steps should be taken to correct that imbalance, but this is not an argument against the death penalty in general.

- (5) It is true that capital punishment has sometimes in history been used with horrible excess, and for far lesser crimes than murder, even by the church for propagation of doctrine considered false. These abuses should not be defended, but they are not arguments against the rightful use of the death penalty.

5. Recommendations about laws and policies

- Governments should institute the death penalty for cases of premeditated murder.
- Societies and governments should use the normal decision-making processes established by their governments to decide whether any crimes other than murder are so similarly horrible that they are worthy of capital punishment.

6. The importance of this issue

- God in both the Old Testament and the New Testament teaches that governments should carry out this punishment at least for the crime of murder.
- It satisfies a deep human sense that just punishment is required when a murder has been committed.
- It satisfies God’s requirement for just punishment that he expects societies to carry out in such cases.
- It acts as an important deterrent to the horrible crime of murder, especially in cases where it is carried out fairly and swiftly and with adequate safeguards against punishing innocent people.

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