



## **Christians and Capital Punishment**

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In January 2004, shortly after Saddam Hussein was pulled from a rat hole outside of Tikrit, I wrote an article titled *Judgment Day* reflecting on the fact that all men will stand before the Great White Throne of Almighty God.

Three years later Saddam Hussein once again made the news having been executed by hanging in Baghdad on December 30, 2006. He has made his first stop on the road to Judgment Day.

It was interesting to observe the world's response to the execution of Saddam and to hear the arguments offered both in support of and in opposition to the use of capital punishment. It seems that every time capital punishment is used, it makes the headlines and becomes fodder for a debate concerning the wisdom, dignity, and justice of the practice.

That raises a serious question for Christians who want to think biblically about these issues: **what is a Christian to think about capital punishment?** Is it biblical for the government to execute criminals for certain crimes? What about our mandate to "forgive?" What does the Bible say about capital punishment and does it apply today?

To answer some of these questions let's focus on two issues. First, is capital punishment *immoral*. Second, is capital punishment *illegitimate*?

### **Is it immoral?**

Some, including some Christians, argue that practice of capital punishment is a morally wrong. According to their view, there is no crime that deserves execution and any exercise of capital punishment is morally evil. After all, how could capital punishment possibly be an

expression of the love of God and the virtue of forgiveness? How can we possibly justify taking someone's life if we say that we value human life as being created in the image of God? If murder is a moral evil, the certainly killing a murderer will only serve to compound the moral evil. Therefore, capital punishment is immoral.

Even a casual reading of the Bible would be sufficient to show that capital punishment is not an inherently immoral practice. We see in the Old Testament law that God required capital punishment for as many as twenty-one (21) different crimes. Twenty-one!<sup>1</sup>

Capital punishment was required for anyone found guilty of murder, kidnapping, disobeying parents, bestiality, violating the Sabbath, adultery, blasphemy, incest, homosexuality, witchcraft, idolatry, and other crimes.<sup>2</sup> Of those 21 capital crimes in the Old Testament, only 3 include actual or potential capital offenses by our modern standards. It seems that God was much more willing to employ capital punishment than we are.

If God commanded that certain crimes be punished by death, then the punishing of a capital crime by death cannot be ***in and of itself*** wrong. God cannot and would not condone or command immoral or sinful behavior.

This issue is much like the subject of war. God commissioned wars at certain times for certain purposes with certain people. Therefore, war, in and of

1 See *The Bible and Capital Punishment* by Greg Koukl available at <http://www.str.org>.

2 Ex. 21:12-17; 22:18; 31:15; Lev. 20:2-15; 24:16; Deut. 13:5-10; 19:16-20.

itself cannot be wrong.<sup>3</sup>

That is not to say that war or killing is always right either. There are other factors that must be taken into consideration when dealing with these issues. Since “war” and “capital punishment” are not moral crimes in and of themselves, we have to ask, “when are these actions justified?” The question then remains, “When, if ever, should capital punishment be used?”

God cannot condone, command, or perform an immoral action. God commanded, and condoned capital punishment. Therefore capital punishment is not an immoral act.

### Is it illegitimate?

We may be able to conclude from God’s endorsement of capital punishment that it is not in itself morally wrong, but we are still left with the question of whether capital punishment should be practiced today. After all, we do not live in a theocracy as Israel did, and we are not called to establish one.

It is possible that, although practiced in the Old Testament, the Bible *might* teach that it should not be practiced today. In other words, although not itself immoral, it might be an illegitimate practice. “Is it legitimate for today?” Let’s look briefly at four passages.

### The Scriptures on CP

First, **Genesis 9:6**, “**Whoever sheds man’s blood, by man his blood shall be shed, for in the image of God He made man.**”<sup>4</sup>

You may wonder what a verse way back in the book of Genesis has to do with the subject of capital punishment. It is actually a very significant passage in this whole discussion since these commands were given prior to the Old Testament law, Moses, or even the calling of Abraham.

It is worth noting is that this edict (that blood is to be requited for the act of murder) predates the theocracy and the Mosaic law. There is no indication that this has ever been repealed. The Mosaic Law did not *institute* capital punishment. The Mosaic Law gave direction to

the theocratic nation of Israel on how and when to use capital punishment.

Notice the reason God gave for the use of capital punishment; namely that *man is created in the image of God*. God commanded that when someone was found guilty of murder<sup>5</sup> he was to be executed. Murder is a capital offense not just because it is a crime against another man, but primarily it is an attack on the image of God. God, therefore, required execution.

The reason given for the use of capital punishment, at least the very first time it is called for in Scripture, is based not on theocratic law or a covenant relationship with a nation, but on the fact that man bears the image of God. For those who would argue that capital punishment is not for today, I would ask, “Is man no longer created in the image of God?”

If men are still image bearers, and I believe they are, then execution is still a legitimate form of punishment. It is not coincidence that our culture, having accepted the lie that we are the consequences of time, chance and evolutionary processes, would then question the legitimacy of capital punishment. Having denied that we are the special creation of God who bear the image of that Creator, people no longer see the murder of those image bearers as a crime worthy of capital punishment. Likewise, they will thus defend and promote the murder of an unborn child for almost any conceivable reason. The Atheist/Evolutionist argues that we are just animals and we don’t execute animals for killing other animals, do we?

The unjustified taking of an innocent human life is a moral crime of such an egregious nature as to require that the murderer’s blood be shed. That is the teaching of **Genesis 9:6**. Murder is an assault on the image of God. Murder does violence against God Himself and thus God requires the execution of the murderer. This command has never been repealed, nor has the truth upon which this command is founded changed.

A second relevant passage is **Romans 13:1-7**. **Verses 3-4** read, “**For rulers are not a cause of fear for good behavior, but for evil. Do you want to have**

3 See the two-part series titled, *The Immorality of Pacifism* posted on our website at [kootenaichurch.org](http://kootenaichurch.org).

4 All Scripture quotations are taken from the NASB 1995 Update unless otherwise noted.

5 By “murder” I mean “*the unjustified taking of an innocent life.*” The Bible does not prohibit all killing. There are times when taking another person’s life is justified; for instance, war, self defense, and CP. The consistent pro-life position states that the unjustified taking of an innocent life is morally wrong and may deserve CP.

**no fear of authority? Do what is good and you will have praise from the same; for it is a minister of God to you for good. But if you do what is evil; be afraid; for it does not bear the sword for nothing; for it is a minister of God an avenger who brings wrath on the one who practices evil.”**

In this passage Paul says that every person should submit to the governing authorities. The governing authorities are ordained by God and no authority exists except that authority which has been established by God. Whoever resists authority resists the ordinance of God and will receive just condemnation.

Paul then explains why governments are instituted among men. Government is ordained by God to be an avenger and **“bring wrath on the one who practices evil.”**

Paul shows us that a legitimate function of government is to use the **“sword”** to execute vengeance and wrath upon those who practice evil. The image of the **“sword”** is used to illustrate the legitimate function of government in executing those who practice evil. Paul certainly does not have in mind government using the broad edge of the sword to spank someone! The sword was an instrument of death and in this context that was exactly the idea Paul had in mind.

Some would object that capital punishment is just ‘revenge.’ It is not *just* revenge. Though it is indeed revenge, it is more than that. It is the God ordained means by which He avenges Himself on those who do evil. Government bears the **sword on behalf of God** and is given authority to practice capital punishment in order to establish justice.

Notice from **Romans 13** that Paul clearly sees capital punishment functioning as a legitimate deterrent. If we do evil, we should be afraid, since the legitimate role of government is the use of the sword in the punishment of evil doers. That is deterrence.

A third relevant passage is found in **1 Peter 2:13-14** where we are told **“submit yourselves for the Lord’s sake to every human institution, whether to a king as one in authority, or to governors as sent by him [the king] for the punishment of evildoers and the praise of those who do right.”** Here again we are told that one of the purposes of government is to punish

evildoers. Peter recognized that government is ordained by God and as such carries unique authority and responsibility to punish evil doers. That authority can be used to “bear the sword” (**Rom. 13**).

The fourth relevant passage is in **Acts 25:10-11**, where Paul is on trial before Festus. Paul asserted his innocence by saying, **“I am standing before Caesar’s tribunal, where I ought to be tried. I have done no wrong to the Jews, as you also very well know. If then, I am a wrongdoer and have committed anything worthy of death, I do not refuse to die; but if none of those things is true of which these men accuse me, no one can hand me over to them. I appeal to Caesar.”**

This is a significant passage for a couple of reasons. First, because Paul at that very moment was accused of a capital offense under Jewish law (desecrating the temple - **Acts 21:27-29**). Second, because here Paul found the truths he penned in **Romans 13** coming to bear on his own life.

We learn a few very important lessons from Paul’s statement.

First, Paul recognized that there are certain crimes that *deserve* death. He said, **“If then, I am a wrongdoer and have committed anything worthy of death. . .”** Clearly, Paul felt that there were certain crimes that were worthy of death. He knew there were things for which a God ordained governing authority (in this case, it was the wicked Roman empire) could legitimately execute a citizen.

Second, if Paul was guilty of a capital crime, he did not refuse to die. He recognized that the government of Caesar’s tribunal was a God ordained authority that could legitimately execute him. . . *if he was guilty of a capital crime*, which he was not. Paul admitted that if he had committed a capital crime, he was deserving of death and was willing to submit to capital punishment as the just penalty for such a crime. Does that sound like someone who thought the death penalty was not to be used today?

Clearly capital punishment is neither immoral nor illegitimate.

## Objections against Capital Punishment

Let's deal with some common objections to capital punishment.

### 1. "Jesus requires us to forgive; therefore, we should not execute criminals."

This is true to a point. Jesus does require *us* to forgive. However, Jesus **does not require the government** to forgive. As we have seen, the government is established to execute justice. This objection confuses the role of the government with the role of the individual. I personally do not have the authority to execute criminals or exact vengeance on behalf of God. That is the function of the government as ordained by God. Forgiveness must be given by me, justice by the government.

If someone murders my wife, I must forgive, but that does not mean that justice should not be exacted by the governing authorities. The fact is that Jesus never challenged the validity of capital punishment (the misuse of **John 8:3-11** and **Matthew 5:38-42**<sup>6</sup> notwithstanding). I don't want a government that dispenses forgiveness. I want a government that dispenses justice.

Further, this objection proves too much. What should we do instead of executing someone guilty of a capital crime? Life in prison?

"But Jesus said we should forgive."

Maybe only 20 years in prison.

"But Jesus said we should forgive."

Even a day in jail for killing another human being would not be "forgiving." What if we require people to receive counseling? Well, that is a form of punishment and Jesus said to "forgive." If we are going to be truly forgiving (by their definition) we would never punish any crime.

Once the opponent of capital punishment allows for **any** degree or **any** form of punishment then their objection to capital punishment on the basis of the need to forgive, crumbles. They cannot object to one method of punishment on the grounds that we are obliged to forgive, while championing another method of punishment.

<sup>6</sup> For a treatment of this passage, see the two-part series titled *The Immorality of Pacifism* at [www.kootenaichurch.org](http://www.kootenaichurch.org).

### 2. It is cruel and unusual punishment.

This objection is an appeal to the language of the Bill of Rights which was written by men who not only believed in, but practiced capital punishment! Capital punishment is not cruel and unusual *if the punishment fits the crime*. Death for stealing a Tootsie Roll would be cruel and unusual punishment. Death for committing murder is not! If the punishment fits the crime, it is not cruel and unusual, it is just.

### 3. Capital punishment has never been proven to be a deterrent to crime.

If I have heard this once in the wake of an execution, I have heard it a hundred times!

First, let's grant for the sake of argument that no scientific studies show it to be a deterrent,<sup>7</sup> what does that prove? It may be that the death penalty has not been used swiftly or widely enough to act as a deterrent.

Second, capital punishment **always** works as a deterrent in some measure since it **always** deters the offender. In other words, dead criminals don't commit more crimes! Capital punishment is marvelously effective at deterring repeat offenses!

Third, the goal of capital punishment is *punishment* not deterrence! That is why we call it capital punishment and not capital deterrence. If the goal of capital punishment is rehabilitation then it fails miserably. If, however, the goal of capital punishment is punishment, it seems to me that it works quite well.

Whether capital punishment acts as a deterrent or not misses the point. We don't execute criminals for the purpose of deterring others. We execute those guilty of capital crimes to punish the offender for their capital crime. If the use of capital punishment manages to deter others from committing those same crimes, then that is just an added benefit to society, but not the primary objective. We use capital punishment to

<sup>7</sup> Good evidence exists that the swift and public use of the death penalty **does in fact** deter crime. Scripture certainly teaches that it will - **Ecclesiastes 8:11; Romans 13:1-7; 1 Peter 2:13-14**. Even if **no** scientific evidence was available to prove it to be a deterrent, it is irrelevant. The fact is that *Scripture says* it is a deterrent and *Scripture says* it should be used. End of discussion. We don't need some social study to validate our obedience to a Biblical command. We ought to believe and obey the Bible. It doesn't matter what some social study can prove or not prove - Scripture is our guide.

punish, not deter.

Fourth, this objection sets up a false standard. They argue that since all crime does not cease, therefore capital punishment does not work. It is assumed that in order to justify the practice of capital punishment, it would need to be 100% effective in deterring all crime.

However, the goal of capital punishment is not deter crime but to punish capital offenses with death. It is inarguable that capital punishment *does* work every time it is tried, since every time that capital punishment is practiced, the offender dies. It is 100% effective in doing what it is intended to do.

Fifth, it is impossible to measure how many and what type of crimes **do not** get committed. There is no way to document how many crimes are actually prevented by using capital punishment, since we can't get in the mind of each and every would-be criminal who considers a criminal act. Therefore, those who oppose the use of capital punishment *cannot prove* that it does *not* deter more crime.

Sixth, the silliness of this objection becomes apparent with a simple thought experiment suggested by the late sociologist Ernest van den Haag. Suppose that murders committed on Mondays, Wednesdays, and Fridays carried an automatic and immediate death sentence - execution by the electric chair. And suppose that murders committed on the other days of the week were punishable only by five years in prison. On which days of the week do you suppose more murders would be committed?

Would all murders cease on Mondays, Wednesdays, and Fridays? Certainly not. People would still murder on those days. They would assume that they would not get caught, or they would give no thought to the consequences, or it might be a crime of passion. Isn't it obvious, that the threat of death for the crime of murder would serve to deter at least some murders on the days which carried a penalty?

Seventh, even those who oppose capital punishment with the claim that it does not deter capital crimes must readily admit that punishment of other sorts does in fact deter crimes. They readily acknowledge that the enforcement of laws requires a punishment as a consequence for violating those laws.

The notion that parking tickets deter illegal parking

but death does not deter murder is completely irrational and inconsistent.

#### **4. Capital punishment violates human dignity.**

Quite the opposite is actually true. Capital punishment *is an expression of our belief in the dignity and value of human life*. It is because human life is valuable that we punish, with the ultimate punishment, those who take that life from others. It is because we believe in human dignity that we hold men morally responsible for their wrongdoings. Isn't it ironic that it is those who believe we are no different than animals that object to the use of capital punishment on the grounds that it violates *human* dignity. Once again, we execute for capital offenses **because** men are made in the image of God, not in spite of that fact.

We don't execute animals for killing one another. A dog can viciously attack and kill a cat or a bird and we don't hold court, convict the animal, and then punish it. We don't think to execute the "criminal." We may kill the animal if we deem it to be a threat, but that is for the protection of others and not for punishment. As Greg Koukl has written, "*It is specifically because of man's value and dignity that we punish his moral wrongdoing. We don't punish animals for stealing or killing (we don't punish them, we remove them for our safety).*"<sup>8</sup>

#### **Using the WRONG ARGUMENT**

When Saddam was hanged, the media's debate over capital punishment went into hyper-drive. I enjoyed listening to the debate, but have been disappointed in the arguments presented by those in favor of capital punishment. It always boils down to the legitimacy of the latest "study that shows that capital punishment" is effective or ineffective. The discussion seldom revolves around the responsibility that a society has to punish moral wrong doing and capital crimes.

In the case of the execution of Saddam Hussein, the argument I heard most frequently offered in favor of capital punishment was, what I consider to be, the worst possible argument of all: "*It was not the Americans that executed Hussein. It was a duly constituted and established Iraqi court, not the Americans. If they determine in their culture, according*

<sup>8</sup> Koukl.

*to their way of life, that that is a just punishment, we can't fault them."*

I cringe. Seriously? Is that the best that people had to offer? That is absolutely the **worst** argument for executing Saddam that can be offered! Conservatives and Christians who support capital punishment should never fall into the trap of offering such a justification for the practice. They should know better!

Think about what is being said. The essence of the argument is that the Iraqi culture determines what is right and wrong and we have no authority to second guess or criticize them. Do we really want to go down that road?

Do we really believe that right and wrong are determined by the practices of a given culture? Or do we believe that right and wrong **transcends** culture? If it is morally wrong to execute Saddam, then it doesn't matter *who* does it, Iraqis or Americans. Likewise, if it is the just thing to do, then it doesn't matter *who* ties the noose.

If the Iraqi court had determined to set Saddam free, reinstate him as President and nominate him for the Nobel Peace Prize, we would not be saying, "Well, it was an Iraqi court that made that judgment and we have no right to second guess them or criticize them?" That would be baloney!

This argument can only backfire. It appeals to culture as the absolute moral standard. It presumes that there is no moral law or Moral Law Giver that transcends culture. Christians and conservatives have no business arguing in a fashion that gives legitimacy to *cultural relativism*.

Like with the Nuremburg Trials of the 1940's, this is the opportunity to make the case for the Higher Moral Law which is an expression of the Moral Law Giver. There are certain things that are right and wrong. When a moral crime has been committed, we have a responsibility to punish that moral crime in an way appropriate to the nature of the crime.

We ought to argue in this fashion:

**A.** We believe that all men are created in the image of God with infinite dignity, value, and worth.

**B.** Men are free moral creatures who make real moral choices worthy of either praise or punishment.

**C.** Saddam's crimes against his own people (and

humanity) took the lives and stripped the dignity from thousands of valuable human beings who are made in the image of God.

**D.** Since Saddam is a free moral creature, who ought to be held accountable for his actions, and not an animal, he should, therefore, be punished. The **only** punishment that fits his horrendous moral crimes is execution.

That argument is based upon the assumption of two things: first, *the value and dignity of human life*, second, *the existence of a moral law that transcends culture* and which requires us to hold men accountable for their moral evils.

It is important that as Christians we think biblically about these issues, allowing Scripture to inform our judgments and our social positions. It is equally important that we present our case in a way that does not undermine the foundation of our own belief system. I hope this article has helped enable you to do both.

Without Wax-

