Capital Punishment: A Christian View and Biblical Perspective

Kerby Anderson provides a biblical worldview perspective on capital punishment. He explores the biblical teaching to help us understand how to consider this controversial topic apply Christian love and biblical principles.

Should Christians support the death penalty? The answer to that question is controversial. Many Christians feel that the Bible has spoken to the issue, but others believe that the New Testament ethic of love replaces the Old Testament law.

Old Testament Examples

Throughout the Old Testament we find many cases in which God commands the use of capital punishment. We see this first with the acts of God Himself. God was involved, either directly or indirectly, in the taking of life as a punishment for the nation of Israel or for those who threatened or harmed Israel.

One example is the flood of Noah in Genesis 6-8. God destroyed all human and animal life except that which was on the ark. Another example is Sodom and Gomorrah (Gen. 18-19), where God destroyed the two cities because of the heinous sin of the inhabitants. In the time of Moses, God took the lives of the Egyptians' first-born sons (Exod. 11) and destroyed the Egyptian army in the Red Sea (Exod. 14). There were also punishments such as the punishment at Kadesh-Barnea (Num. 13-14) or the rebellion of Korah (Num. 16) against the Jews wandering in the wilderness.

The Old Testament is replete with references and examples of God taking life. In a sense, God used capital punishment to deal with Israel's sins and the sins of the nations

surrounding Israel.

The Old Testament also teaches that God instituted capital punishment in the Jewish law code. In fact, the principle of capital punishment even precedes the Old Testament law code. According to Genesis 9:6, capital punishment is based upon a belief in the sanctity of life. It says, “Whoever sheds man’s blood by man his blood shall be shed, for in the image of God, He made man.”

The Mosaic Law set forth numerous offenses that were punishable by death. The first was murder. In Exodus 21, God commanded capital punishment for murderers. Premeditated murder (or what the Old Testament described as “lying in wait”) was punishable by death. A second offense punishable by death was involvement in the occult (Exod. 22; Lev. 20; Deut 18-19). This included sorcery, divination, acting as a medium, and sacrificing to false gods. Third, capital punishment was to be used against perpetrators of sexual sins such as rape, incest, or homosexual practice.

Within this Old Testament theocracy, capital punishment was extended beyond murder to cover various offenses. While the death penalty for these offenses was limited to this particular dispensation of revelation, notice that the principle in Genesis 9:6 is not tied to the theocracy. Instead, the principle of *Lex Talionis* (a life for a life) is tied to the creation order. Capital punishment is warranted due to the sanctity of life. Even before we turn to the New Testament, we find this universally binding principle that precedes the Old Testament law code.

New Testament Principles

Some Christians believe that capital punishment does not apply to the New Testament and church age.

First we must acknowledge that God gave the principle of

capital punishment even before the institution of the Old Testament law code. In Genesis 9:6 we read that “Whoever sheds man’s blood by man his blood shall be shed, for in the image of God, He made man.” Capital punishment was instituted by God because humans are created in the image of God. The principle is not rooted in the Old Testament theocracy, but rather in the creation order. It is a much broader biblical principle that carries into the New Testament.

Even so, some Christians argue that in the Sermon on the Mount Jesus seems to be arguing against capital punishment. But is He?

In the Sermon on the Mount, Jesus is not arguing against the principle of a life for a life. Rather He is speaking to the issue of our personal desire for vengeance. He is not denying the power and responsibility of the government. In the Sermon on the Mount, Jesus is speaking to individual Christians. He is telling Christians that they should not try to replace the power of the government. Jesus does not deny the power and authority of government, but rather He calls individual Christians to love their enemies and turn the other cheek.

Some have said that Jesus set aside capital punishment in John 8 when He did not call for the woman caught in adultery to be stoned. But remember the context. The Pharisees were trying to trap Jesus between the Roman law and the Mosaic law. If He said that they should stone her, He would break the Roman law. If He refused to allow them to stone her, He would break the Mosaic law (Lev. 20:10; Deut. 22:22). Jesus’ answer avoided the conflict: He said that he who was without sin should cast the first stone. Since He did teach that a stone be thrown (John 8:7), this is not an abolition of the death penalty.

In other places in the New Testament we see the principle of capital punishment being reinforced. Romans 13:1-7, for example, teaches that human government is ordained by God and that the civil magistrate is a minister of God. We are to obey

government for we are taught that government does not bear the sword in vain. The fact that the Apostle Paul used the image of the sword further supports the idea that capital punishment was to be used by government in the New Testament age as well. Rather than abolish the idea of the death penalty, Paul uses the emblem of the Roman sword to reinforce the idea of capital punishment. The New Testament did not abolish the death penalty; it reinforced the principle of capital punishment.

Capital Punishment and Deterrence

Is capital punishment a deterrent to crime? At the outset, we should acknowledge that the answer to this question should not change our perspective on this issue. Although it is an important question, it should not be the basis for our belief. A Christian's belief in capital punishment should be based upon what the Bible teaches not on a pragmatic assessment of whether or not capital punishment deters crime.

That being said, however, we should try to assess the effectiveness of capital punishment. Opponents of capital punishment argue that it is not a deterrent, because in some states where capital punishment is allowed the crime rate goes up. Should we therefore conclude that capital punishment is not a deterrent?

First, we should recognize that crime rates have been increasing for some time. The United States is becoming a violent society as its social and moral fabric breaks down. So the increase in the crime rate is most likely due to many other factors and cannot be correlated with a death penalty that has been implemented sparingly and sporadically.

Second, there is some evidence that capital punishment is a deterrent. And even if we are not absolutely sure of its deterrent effect, the death penalty should be implemented. If it is a deterrent, then implementing capital punishment certainly will save lives. If it is not, then we still will

have followed biblical injunctions and put convicted murderers to death.

In a sense, opponents of capital punishment who argue that it is not a deterrent are willing to give the benefit of the doubt to the criminal rather than to the victim. The poet Hyman Barshay put it this way:

> *The death penalty is a warning, just like a lighthouse throwing its beams out to sea. We hear about shipwrecks, but we do not hear about the ships the lighthouse guides safely on their way. We do not have proof of the number of ships it saves, but we do not tear the lighthouse down."(1)*

If capital punishment is even a potential deterrent, that is a significant enough social reason to implement it.

Statistical analysis by Dr. Isaac Ehrlich at the University of Chicago suggests that capital punishment is a deterrent.(2) Although his conclusions were vigorously challenged, further cross- sectional analysis has confirmed his conclusions.(3) His research has shown that if the death penalty is used in a consistent way, it may deter as many as eight murders for every execution carried out. If these numbers are indeed accurate, it demonstrates that capital punishment could be a significant deterrent to crime in our society.

Certainly capital punishment will not deter all crime. Psychotic and deranged killers, members of organized crime, and street gangs will no doubt kill whether capital punishment is implemented or not. A person who is irrational or wants to commit a murder will do so whether capital punishment exists or not. But social statistics as well as logic suggest that rational people will be deterred from murder because capital punishment is part of the criminal code.

Capital Punishment and Discrimination

Many people oppose capital punishment because they feel it is discriminatory. The charge is somewhat curious since most of the criminals that have been executed in the last decade are white rather than black. Nevertheless, a higher percentage of ethnic minorities (African-American, Hispanic-American) are on death row. So is this a significant argument against capital punishment?

First, we should note that much of the evidence for discrimination is circumstantial. Just because there is a higher percentage of a particular ethnic group does not, in and of itself, constitute discrimination. A high percentage of whites playing professional ice hockey or a high percentage of blacks playing professional basketball does not necessarily mean that discrimination has taken place. We need to look beneath the allegation and see if true discrimination is taking place.

Second, we can and should acknowledge that some discrimination does take place in the criminal justice system. Discrimination takes place not only on the basis of race, but on the basis of wealth. Wealthy defendants can hire a battery of legal experts to defend themselves, while poor defendants must relay on a court- appointed public attorney.

Even if we acknowledge that there is some evidence of discrimination in the criminal justice system, does it likewise hold that there is discrimination with regard to capital punishment? The U.S. Solicitor General, in his amicus brief for the case *Gregg vs. Georgia*, argued that sophisticated sociological studies demonstrated that capital punishment showed no evidence of racial discrimination.(4) These studies compared the number of crimes committed with the number that went to trial and the number of guilty verdicts rendered and found that guilty verdicts were consistent across racial boundaries.

But even if we find evidence for discrimination in the criminal justice system, notice that this is not really an argument against capital punishment. It is a compelling argument for reform of the criminal justice system. It is an argument for implementing capital punishment carefully.

We may conclude that we will only use the death penalty in cases where certainty exists (e.g., eyewitness accounts, videotape evidence). But discrimination in the criminal justice system is not truly an argument against capital punishment. At its best, it is an argument for its careful implementation.

In fact, most of the social and philosophical arguments against capital punishment are really not arguments against it at all. These arguments are really arguments for improving the criminal justice system. If discrimination is taking place and guilty people are escaping penalty, then that is an argument for extending the penalty, not doing away with it. Furthermore, opponents of capital punishment candidly admit that they would oppose the death penalty even if it were an effective deterrent.(5) So while these are important social and political issues to consider, they are not sufficient justification for the abolition of the death penalty.

Objections to Capital Punishment

One objection to capital punishment is that the government is itself committing murder. Put in theological terms, doesn't the death penalty violate the sixth commandment, which teaches "Thou shalt not kill?"

First, we must understand the context of this verse. The verb used in Exodus 20:13 is best translated "to murder." It is used 49 times in the Old Testament, and it is always used to describe premeditated murder. It is never used of animals, God, angels, or enemies in battle. So the commandment is not teaching that all killing is wrong; it is teaching that murder

is wrong.

Second, the penalty for breaking the commandment was death (Ex.21:12; Num. 35:16-21). We can conclude therefore that when the government took the life of a murderer, the government was not itself guilty of murder. Opponents of capital punishment who accuse the government of committing murder by implementing the death penalty fail to see the irony of using Exodus 20 to define murder but ignoring Exodus 21, which specifically teaches that government is to punish the murderer.

A second objection to capital punishment questions the validity of applying the Old Testament law code to today's society. After all, wasn't the Mosaic Law only for the Old Testament theocracy? There are a number of ways to answer this objection.

First, we must question the premise. There is and should be a relationship between Old Testament laws and modern laws. We may no longer be subject to Old Testament ceremonial law, but that does not invalidate God's moral principles set down in the Old Testament. Murder is still wrong. Thus, since murder is wrong, the penalty for murder must still be implemented.

Second, even if we accept the premise that the Old Testament law code was specifically and uniquely for the Old Testament theocracy, this still does not abolish the death penalty. Genesis 9:6 precedes the Old Testament theocracy, and its principle is tied to the creation order. Capital punishment is to be implemented because of the sanctity of human life. We are created in God's image. When a murder occurs, the murderer must be put to death. This is a universally binding principle not confined merely to the Old Testament theocracy.

Third, it is not just the Old Testament that teaches capital punishment. Romans 13:1-7 specifically teaches that human government is ordained by God and that we are to obey government because government does not bear the sword in vain.

Human governments are given the responsibility to punish wrongdoers, and this includes murderers who are to be given the death penalty.

Finally, capital punishment is never specifically removed or replaced in the Bible. While some would argue that the New Testament ethic replaces the Old Testament ethic, there is no instance in which a replacement ethic is introduced. As we have already seen, Jesus and the disciples never disturb the Old Testament standard of capital punishment. The Apostle Paul teaches that we are to live by grace with one another, but also teaches that we are to obey human government that bears the sword. Capital punishment is taught in both the Old Testament and the New Testament.

Notes

1. Hyman Barshay, quoted in "On Deterrence and the Death Penalty" by Ernest van den Haag, *Journal of Criminal Law, Criminology and Police Science* no. 2 (1969).

2. Isaac Ehrlich, "The Deterrent Effect of Capital Punishment: A Question of Life and Death," *American Economic Review*, June 1975.

3. *Journal of Legal Studies*, January 1977; *Journal of Political Economy*, June 1977; *American Economic Review*, June 1977.

4. Frank Carrington, *Neither Cruel nor Unusual: The Case for Capital Punishment* (New Rochelle, N.Y.: Arlington, 1978), 118.

5. Further discussion of these points can be found in an essay by Ernest van den Haag, "The Collapse of the Case Against Capital Punishment," *National Review*, 31 March 1978, 395-407.

A more complete discussion of capital punishment can be found in chapter 10 of *Living Ethically in the 90s* (Wheaton, Ill.: Victor, 1990), available from Probe Ministries.

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“John 8 is a Condemnation of Capital Punishment!”

In your commentary on capital punishment you completely miss the point of John 8:1-11. This passage is a condemnation of capital punishment and the hypocrisy that is inherent in it. You say, “Since He did teach that a stone be thrown (John 8:7), this is not an abolition of the death penalty.” Jesus knew that none of them were without sin, just as none of us are without sin. Jesus knew that his answer would lead to no stones being thrown, just as he intends for us (today) to not throw stones. An example of “throwing stones” today, is sitting on a jury and sentencing someone to death (since we don’t stone criminals today). You seem to think this passage is in the Bible simply to illustrate Jesus’ craftiness at conflict avoidance.

Thank you for writing about my radio program on capital punishment. Although I taped that radio program back in 1992, it amazes me that I still receive e-mails about the transcript posted on the Probe website.

I believe this is the first time I have received a response to my passing comment on John 8. When you are doing a radio program with a set time limit, words are at a premium. So I welcome the opportunity to elaborate on my very short comment in the midst of a week of radio programs devoted to the issue of capital punishment.

First, I should point out that this passage in John 8 is a disputed text. There are very few disputed texts in the New Testament. This is one of them. The passage is not found in any of the important Greek texts. So I think it would be fair to say that most Bible scholars do not believe it was in the original.

Whether you believe it was or was not in the original, I think you would have to admit that it is a disputed text. And a basic principle of biblical exegesis is to never build a doctrine on a disputed text. In other words, I wouldn't use this passage in John 8 to argue for or against capital punishment.

Second, I only mentioned the passage in passing because there are a number of opponents of capital punishment who have tried to use this biblical passage to argue against capital punishment. It does not. In fact, you can make the point (as I did) that it argues just the opposite.

Third, I am not the first person to point out that Jesus did not set aside capital punishment in this passage since "He did teach that a stone be thrown." In one of his early books on ethics, Dr. Charles Ryrie makes a similar point. He argued that since Jesus said a stone should be thrown, he was not forbidding the Old Testament practice of capital punishment. Dr. Ryrie is the author of the *Ryrie Study Bible* and former professor of theology at Dallas Theological Seminary. I think it is safe to say that Dr. Ryrie knows more about New Testament theology and exegesis than both of us combined.

Finally, the Pharisees were indeed trying to trap Jesus between the Roman law and the Mosaic law. If Jesus said that they should stone her, He would break the Roman law. If He refused to allow them to stone her, He would break the Mosaic law. I don't believe that the passage is (to use your words) about "Jesus' craftiness at conflict avoidance." But I do believe it shows His response to a deliberate trap set by His enemies.

This passage does not forbid capital punishment, despite what some opponents might try to make it say. Since it is a disputed passage in the Bible, I would not base a doctrine on it anyway. But even if you accept its authenticity, the passage doesn't teach what you say it does.

Kerby Anderson
Probe Ministries

“How Can You Be Pro-Life and For the Death Penalty? Isn’t That Judging?”

In my college class, a girl asked the other day, “How can you be for the death penalty if you are pro-life?” She also said the Bible says don’t judge, so how can you use the death penalty (because you would be judging). I was trying to find out the correct way to let her know that you can be pro-life and for the death penalty.

The point of being pro-life is that we put the same high value of all life that God does, from the earliest pre-born baby to the last breath of an elderly, dying person. We derive our high value of life from the fact that every human being is made in the image of God. Thus, when someone takes the life of another in murder, they are treating the person they murdered as less important and valuable than they are. God instituted the death penalty Himself after the flood when He said, “Whoever sheds man’s blood, by man his blood shall be shed, for in the image of God, He made man.” (Gen. 9:6)

The reason the death penalty is pro-life is that it puts the highest possible value on the life of the person murdered by exacting the life of the person who violated that value by murdering. It’s a strong way to say, “It is not OK for one human being to take the life of another. If you murder, you forfeit your own life because the person you killed is so valuable.”

Concerning judging: yes, the Bible does say don't judge, but it also commands us to judge rightly. So you have to look at the context of commands such as "Judge not, lest ye be judged" (Matt. 7:1), which is about condemning others for doing the very same thing we do. Judging also means "be discerning" and "make a distinction between right and wrong." Jesus repeatedly taught men to judge rightly, insisting they "judge with righteous judgment" (John 7:24). He praised a man who "rightly judged" (Luke 7:43). Jesus also said, "And if your brother sins, go and reprove him, and if he refuses to listen, tell it to the church" (Matt. 18:15,17). Obeying such a command is only possible by making a judgment on one who sins. Jesus' apostle Paul later gave God's command to the church: "Do you not judge those who are within the church? . . . Remove the wicked man from among yourselves" (1 Cor. 5:12,13).

Also, the Bible tells us that governments (which are the only entities entitled to carry out capital punishment) are instituted by God for maintaining order: "[F]or [government] 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. (Rom 13:4)

Thus, I would argue that the Bible supports capital punishment, although it is extremely important to make absolutely sure that only the guilty are executed.

Hope this helps!

Sue Bohlin
Probe Ministries