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Is Capital Punishment Wrong from a Christian Viewpoint?

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Is the death penalty moral? Is capital punishment effective in deterring murder any? The current Pope has recently declared the death penalty to always be inadmissible according to Catholic teaching. Is this position correct? Does the Bible agree with him? Let's see what the Bible as well as human moral reasoning and social science research have discovered on this issue. Let's first examine the Bible's reasoning. Later we'll look at the social science research issues some. Finally, we'll briefly look at how philosophical ethics could morally justify the death penalty.

The foundational text of the Bible that specifically allows for capital punishment appeared right after the great Flood, and long before ancient Israel received the law at Mt. Sinai (Genesis 9:5-6): "For your lifeblood I will surely require a reckoning; of every beast I will require it and of man; of every man's brother I will require the life of man. Whoever sheds the blood of man, by man shall his blood be shed; for God made man in his own image." The termination of the Old Covenant when Jesus died would not have automatically ended the provisions of the "Noachian covenant" here since its

establishment occurred before the Old Covenant's institution by centuries. Therefore, the end of the "ministration of death" can't terminate what it didn't bring into existence to begin with. And since the vast, vast majority of the people in the world don't have the Holy Spirit, they often need to be ruled the same way Old Testament Israel was, as a physical nation by being threatened with physical punishments for violating the civil law.

Therefore, the most important purpose of capital punishment is to punish murder by imposing the same penalty upon the person taking another person's life. Of course, much like mercy can be perverted into condoning sin, justice can be twisted into revenge. The concept of justice (in the context of criminal and civil justice) requires people to either recover back what they lost (as recompense), back to their prior condition before a crime occurred, or that the perpetrator is punished to the same degree to which he or she injured others. Using human reason alone, and not Scripture, the German philosopher Immanuel Kant (1724-1804) maintained that capital punishment was a moral duty even if it didn't deter a single other crime since it satisfies intrinsic justice.

Interestingly enough, the Bible is very clear that the death penalty was an effective deterrent to crime Deut. 17:12-13: "Now the man who acts presumptuously and will not heed the priest who stands to minister there before the Lord your God, or the judge, that man shall die. So you shall put away evil from Israel. **And all the people shall hear and fear, and no longer act presumptuously.**"

Deut. 19:18-20: "And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother; then you shall do to him as he thought to have done to his brother; so you shall put away the evil from among you. **And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you.**"

Deut. 13:10-11: "So you shall stone him [someone who advocates worshiping false gods] to death because he has sought to seduce you from the Lord your god who brought you out from the land of Egypt, out of the house of slavery. **Then all Israel will hear and be afraid, and will never again do such a wicked thing among you.**"

Deut. 21:21: "Then all the men of his city shall stone him [a stubborn and rebellious son] to death; **so you shall remove the evil from your midst, and all Israel shall hear of it and fear.**"

The bolded sections of these four verses decisively refute any and all (wrong) human reasoning and (flawed) social science that says the death penalty doesn't deter crime. To point out it isn't a 100% deterrent (i.e., that if one person is executed for violating one law once, it won't will keep every human on the planet in line for every generation until the Great White Throne judgment of Revelation 20) doesn't refute the truth of these verses. This is the truth of Scripture: If someone still rejects it, "tough." God gets the last word, not liberal academics' flaw studies. God is right, and the Europeans and liberal academics are wrong: The death penalty deters crime, thus saith the Lord. QED, the debate ends for Christians who take the Bible seriously. (Of course, many don't, which

even includes Pope Francis. The concept of “dignity,” as he uses it in this context to attack the death penalty, has no foundation in Scripture). So although secular social scientists could keep debating this matter back and forth based on human reasoning alone, Christians and Jews who believe the Old Testament Scriptures are really inspired by an Almighty God are duty bound by such texts to believe that the death penalty is an effective deterrent to crime.

Did Paul believe that the "ministration of death" (taken out of context, which concerns the Old Testament's law for ancient Israel, II Corinthians 3:7) was fine for the secular authorities to impose? Well, what else does the sword represent, if it doesn't represent the power to take life in order to (here) impose law and order?

As Paul explained the role of gentile or worldly governments in Romans 13:1-4: "Let every soul be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God. Therefore he who resists authority has opposed the ordinance of God; and they who have opposed will receive the condemnation upon themselves. For rulers are not a cause for fear for good behavior, but for evil. Do you want to have no fear of authority? Do what is good, and you will have praise from the same; for he is a minister of God to you for good. But if you do what is evil, be afraid; for he does not bear the sword in vain; for he is God's minister to you, an avenger to execute wrath on him who practices evil."

Ancient Israel, according to the Old Testament law, had a multitude of laws that imposed the death penalty for many other offenses besides murder. Under the old covenant, the "church" and the state were united, and thus it was the duty of the government to enforce many basic laws of the Torah against those who violated them, not merely that concerning murder. For example, anyone who said people should worship other gods besides Jehovah was to be executed (Deut. 13:5-15). Anyone who worked on the seventh day Sabbath (Friday night to Saturday evening) should be executed (Ex. 31:14; 35:2; Num. 15:32-36). Mediums and spiritists who tried to contact the dead should be put to death (Lev. 20:6, 27). There were many specific sexual sins for which the death penalty should be imposed (Lev. 20:10-18). Today, of course, most people living in Western democracies today would deem the imposition of these laws today to be religious persecution of the worst kind, on a par with the Catholic Church's Inquisition during the late Medieval/early Modern period. But under God's political and religious system at the time, ultimate truth wasn't something unclear, nor was asking about the meaning of life a cosmic joke. God is the Creator, and He has the right to command the human beings He created to live the right way, for their own good and happiness, not merely His own.

But now, since the time of the crucifixion of Jesus for humanity's sins and the end of the old covenant system (Hebrews 9:9-10; 8:6-8,13), there has been a separation of church and state in God's eyes. Contrary to any claims it may make, no human government today is specifically God's government, nor can it truly claim to be implementing God's will on earth for humanity by all its laws. However, God does still use human governments, even evil, dictatorial ones, to maintain law and order as Romans 13:1-2,

already quoted above, shows. Note that Paul wrote this when he was a citizen of the Roman Empire, which had a government that formally upheld pagan, idolatrous practices, such as worshipping the emperors. Nevertheless, Christians were supposed to obey it, so long as it didn't tell them to violate God's law (cf. Acts 5:29). Furthermore, it was empowered to impose the death penalty, as Romans 13:3-4 shows. In this context, the sword symbolically represents the government's power to execute criminals more than anything else: Roman citizens, like Paul, had the right to be beheaded rather than crucified for violating its laws. When Paul said the "minister" of the Roman state bears the sword, that symbolized inflicting death on those who violated the law. Therefore, human governments today do have the power and right to impose the death penalty for murder, even though they aren't a theocracy based on the true Almighty God's laws like ancient Israel's was.

So although Christians shouldn't enforce the death penalty, as per what Jesus told us about loving our enemies in the Sermon on the Mount (Matthew 5:38-48), that doesn't prove either that the death penalty doesn't deter or that worldly governments don't have the authority to impose it.

In American law today, a major difference arises among involuntary manslaughter, voluntary manslaughter, second-degree murder, and first-degree murder, which all goes back to intent of the accused. So when someone (say) accidentally kills another in a car accident, such as by mistakenly hitting a man changing a tire along side the road, that isn't "murder." The Old Testament makes a similar distinction in this regard, when it set up the cities of refuge to protect people who accidentally killed someone else from immediate retaliation from the family members of the one mistakenly killed. (See Numbers 35:9-28).

Now let's start to examine the social science research issues concerning the death penalty. When doing social science research and then drawing conclusions, it's necessary to compare apples with apples, not oranges with apples. That's why one can't just take the final, single number crime rates of (say) Texas vs. Massachusetts or America vs. Germany, and then think the case is proven that the death penalty doesn't deter. Many, many other variables are involved that cause or stop murders besides the death penalty, and these factors also vary jurisdiction to jurisdiction, and from nation to nation. If Japan has fewer fractured families (i.e., those marred by divorce and/or illegitimacy) compared to America (i.e., fewer divorces and illegitimate births in percentage terms), that may also explain in part why the murder rates vary between these two nations. Here it's necessary to deal with multiple co-variant analyses in which researchers calculate different R squared factors for different variables. It's necessary to remember here that key Latin phrase that comes up all the time in economics, "*ceteris paribus*," or with all other factors being held equal when one factor is changed?

It's also necessary to deal with "counterfactuals", i.e., what would have happened if there hadn't been executions. How much higher would America's (or Texas's) murder rate be if there were no death penalty or executions? Merely citing Europe's general lower rates proves nothing: The question then becomes, how much lower would Europe's murder

rate be if they did have the death penalty and enforced it? That's why it's still a matter of comparing apples with oranges until all the unadjusted factors in the data are figured out before focusing on the specific variable of capital punishment's effects. Here's a way to approach that issue some. Find out what was the murder rate in Texas before these executions were done routinely compared to what it was when the U.S. Supreme Court had suspended capital punishment nationally. (Even that's not enough, but it's a starter). If one wants to do good statistical research and analysis, it's necessary to consider the other variables that affects one's comparisons; one simply shouldn't compare unadjusted data that doesn't hold equal other variables that affect the conclusions that one wishes to draw. It's time to avoid using such flawed statistical methodology in order to draw supposedly "solid" conclusions.

Let's zero in on the case of Texas some. (The data is posted at <http://www.disastercenter.com/crime/txcrime.htm> if someone wishes to examine it personally). The murder rate was 13.4 per 100,000 people in 1973 but by 2009 it had fallen to 5.4. The degree to which this was caused or not caused by the resumption of the death penalty and its routine infliction in Texas would require more research to prove if it's a factor in causing this drop. That kind of general examination is done in studies cited here. <http://www.foxnews.com/story/2007/06/11/studies-death-penalty-discourages-crime.html> <http://www.foxnews.com/story/0,2933,280215,00.html> These studies aren't "gobbledygoop" merely because they disagree with the liberal viewpoint on the death penalty. "Hard data" proves nothing if it isn't adjusted for other variables that aren't being considered. It's necessary to learn to do theory, even if it's boring, not just list facts indiscriminately when making a case, to avoid mistakes like comparing apples with oranges. The kind of comparisons liberals make about national murder rates don't segregate out other variables sufficiently, as an academic doing careful statistical work would be required to do.

The administration of the death penalty in the USA presently is any less dysfunctional or apt to make mistakes than it was in ancient Israel. There are also risks in not inflicting capital punishment: If each execution saves between 3 to 18 innocent people, depending on which study one believes, it's also risky to many innocent people to not execute the guilty. The Illinois moratorium in 2000 lead to an additional 150 murders, according to one academic study. Both factors need to be considered and weighed. Life is full of unavoidable risks, including ones that threaten our lives, yet we assume them nevertheless. Any time we drive or fly, we should be aware that we may not make it out of the car or plane alive. Similarly, how likely will a police man, a taxi driver, a construction worker, or a coal miner die on the job? Yet they take on those risks daily despite knowing something dreadful could happen. The same logic can be applied to the risks of inflicting the death penalty in error.

The death penalty can deter even when there isn't perfect knowledge or perfect application of it. After all, were the judges of ancient Israel any better on average than modern American judges? That's very unlikely. Indeed, ours today are likely better, and are certainly better educated (if not necessarily more wise). After all, ancient Israel certainly was often corrupt judicially, as the case of Naboth's vineyard and Queen

Jezebel's judicial murder of him certainly demonstrated. This claim that it only deters if perfectly administered and perfectly applied isn't found in Scripture, but has to be read into it. There's no reason to make such assumptions a priori (before experience). Furthermore, we often will say people are blessed to the extent that they obey God's law; it isn't necessary to have "perfect" obedience to all of God's laws to receive substantial benefits from obeying it. The same reasoning, conversely, applies to the administration of the death penalty: Perfection in administration isn't necessary for it to have a lot of positive effects. Errors and sins in administration of the death penalty, whether by Israel anciently or human governments presently, simply don't refute these facts. The Bible teaches it, so that's the end of the discussion, regardless of what contemporary sophisticated European opinion proclaims as enlightened.

Let's now briefly examine how philosophical ethics may examine the death penalty's morality. In philosophical ethics, there are two basic theories of punishment that relate to the debate over the death penalty's morality. The consequentialist (or utilitarian) theory of punishment maintains that punishment is only justified to the extent that it prevents or deters future violations of a moral law or principle. A well-known system of consequentialism is utilitarianism, the moral system of the 19th-century English philosophers Jeremy Bentham and John Stuart Mill, maintains people should aim at promoting the greatest good for the greatest number of people by every moral decision and action they undertake. The key problem with consequentialism/utilitarianism is its lack of concern for justice, or people receiving punishments because they deserve them, not because inflicting these punishments will deter future violations of a given moral law. For example, if there were ongoing race riots by whites that could be stopped by convicting an innocent black man presently being tried for a crime in court, a strict utilitarian on the jury would vote to convict the innocent black defendant in order to stop the race riots that would kill and hurt far more people than imprisoning the single innocent black man. This is such a gross moral perversion that informed people rarely would advocate strict utilitarianism.

So even if the various academics in question continue to argue about whether the death penalty deters, that's not the only basis for its morality, i.e., utilitarian consequentialism. Punishment is good not only when it stops future bad behavior from occurring. The other school of morality is deontological, that is, concerned with duty. The death penalty should be inflicted for the sake of justice itself. Punishment on this basis is good, even when no other bad action is deterred by it. That's why the 18-19th century German philosopher Immanuel Kant approved of the death penalty, as noted above. He went so far as to argue that even if the death penalty didn't deter a single other murder, it would still be just to inflict it. Hence, even if human reason can't clearly prove it deters, it still can be argued also on the basis of human reason that it's a matter of justice to inflict it.

Of course, even if Christians may believe that these laws are no longer still in force based on the principle of dispensationalist interpretation of Scripture (which I won't deal with here), the truth still stands that God is saying that the death penalty deters crimes. What would lead anyone to believe that human nature is any different now than in the time of Moses, that punishing guilty people discourages others from committing the same

crime? This should be seen as a truism, not as something "controversial." As a substitute teacher for almost four years, I found that by using the methods of assertive discipline, and punishing students by writing their names on the black board and moving them around the class from one desk to another, and finally out into the hallway or to the office (if their offenses continued), prevented future violations by other students (or even by the same students the next day) of my rules against talking to fellow students during lectures and movies. The same basic truism applies to much more serious problems than talking in class. To make examples of people is effective in maintaining social control.

Admittedly, we should give some thought to whether a 15-year-old teenage hoodlum who commits first degree murder, and he is judged mentally competent to stand trial, should not be executed. It's fine to argue that kids who aren't teenagers shouldn't be executed under any circumstances, but it's another story once these kids reach high school age. One key justification for the death penalty is that it keeps the same murderers from killing again. That is, those who cross that line once during their lives are much more likely to cross it again later on in life compared to those who haven't. And that's something to keep in mind when "life sentences" in our judicial system often don't keep someone in prison until the day they die. But such hard cases are basically a red herring: The modern secular Western European mentality condemns the death penalty under any and all circumstances nearly as much as it approves of gay marriage.

As explained above, the Bible plainly authorizes the death penalty even for non-Israelite governments and it reveals that it deters murder or other evil behavior. Much social science research also reveals that the death penalty does deter murders when the various causal variables are more strictly and carefully examined. Even a case built upon human philosophical ethics can be made for the death penalty. Clearly Pope Francis is simply wrong to say that the death penalty is always wrong from a Christian viewpoint.

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