

Text: Genesis 9:6

Title: Objections to the Death Penalty

Truth: Even though God's directions are difficult, we still ought to obey.

Date/Location: October 23, 2022 at FBC

Introduction

Just hearing about the topic of capital punishment raises the ire of some listeners who do not consider all the angles and, in contemporary fashion, want to shut down discussion before the issues have been discussed. We are not so impatient and close-minded to behave that way.

In teaching last week on the subject, I reported the Bible's teaching and some Christian implications of it. That was not the author of these notes showing how blood-thirsty he is and how he wants to see all criminals fried in the electric chair. That is not my demeanor whatsoever. Rather, my demeanor is that I want to obey God, and I want our society to obey God, and I want to exercise mercy where possible, and I believe victims are often forgotten in the whole debate.

I. Does Mercy Overrule Capital Punishment?

- A. Some object to capital punishment based on the idea of mercy. There is a place for mercy to be mixed with judgment—after all, if God had no mercy, where would we be? And, to those who judge without mercy, they will be shown no mercy (James 2:13).
- B. At the same time, blind mercy cannot overtake judgment so that no judgment remains. God still gave the command in Genesis 9:6 and we know that God is full of mercy (Deut. 4:31). So how can God's command the killing of murderers agree with God's merciful character? Are these two things opposed to one another?
- C. Part of the answer is this: God in mercy considered *every factor* in *every case* before calling for this terrible penalty—including the individual criminal, his repentance or not, the society, the specific victims, advance knowledge of the future criminal's behavior, the effect that the criminal may have in bringing other people to the Lord, or other people bringing him, etc.

- D. Another part of the answer is this: God’s mercy is also perfectly integrated with His *holiness*. In God’s universe, sin must be addressed righteously. It cannot be ignored.
- E. Another part of the answer is that God exercises mercy toward victims and society at large, not just on individual criminals. Some criminals simply need to be taken out of this life to protect the society at large by restraining sin. Have you heard of the man who says, “If you put me in jail, I will not stop killing people. I cannot stop. I love killing people.” Capital punishment is a *mercy*—to people other than the murderer.

II. Is the Old Testament Law Superseded?

- A. Another objection: is not this command in the Old Testament, and we are not under the Old Testament law anymore?
- B. This objection is based on a true tenet—that we are not under the Law—but is also based on a false piece of information. True, we are not obligated to keep the Law of Moses. We do not offer animal sacrifice, keep kosher diet, visit the temple three times a year, avoid mixed fabrics, and so on.
- C. But we still abide by those portions of the moral law that have not been superseded in Christ, which express timeless moral principles of our God.
- D. More than that, Genesis 9:6 is not located in the portion of the Old Testament known as the Law. It is before Moses by 1500 years! This regulation is true, as we said above, for all times, people, and places, because murder is always wrong. It is always wrong because God created man in His image, and that is true of *every human being who ever lived or will live*. Murder snuffs out a “copy” of the image of God. A punishment of equal weight must be exacted. Since the basis does not change, it is always true. Said another way—yes, we are not under the Law of Moses, but Genesis 9:6 is not the Law of Moses!
- E. Our existence in the church in Christ means our “basis” for relating to God *has* changed because Christ came and fulfilled the Law of Moses, which we could not have done in any case, and which we cannot do today because that Law has been set aside in Christ. He

was the great fulfiller of the Law, and its last sacrifice for sin. That is why we are not under it. But the *basis* of some principles has not changed at all, and those principles remain.

F. Finally, notice Romans 13:4. The principle of governmental authority *to the point of capital punishment* is stated again in the New Testament.

III. Unjust Implementation

- A. A strong objection to capital punishment is raised by several in our own assembly. This objection says that the death penalty should be abolished because its effects are disproportionately enacted on one group of people, or because it sometimes is implemented upon innocent people. In other words, the idea is that unjust implementation means that we should scrap the idea entirely.
- B. Here is the basic Christian answer: difficulties in proper obedience to God's word do not permit us to disobey God's word. They simply drive us to make sure that we are overcoming those difficulties. How can we do that?
- (1) By making the bar of evidence extremely high for a death-penalty case.
 - (2) Prosecutors have sometimes proven to be incompetent or vicious and cold in incriminating anyone—not the right person. They should be examined by a third objective party whose job it is to ferret out cases of prosecutorial misconduct—*before the sentence is handed down*. Prosecutors must be driven by an interest in justice—not just “quotas.”
 - (3) Prosecutors who attempt to frame someone, or grossly mishandle a case should be liable to the same punishment they sought to implement on the accused.
 - (4) There must be incontrovertible evidence—an uncoerced confession, several reliable eyewitness accounts, video camera evidence, forensic evidence, etc. Not just one or two, but a bevy of evidence. Not just bite-mark evidence! The Bible is very clear that someone cannot be put to death except on the testimony of two or three eyewitnesses (Deut. 17:6)—who are under

penalty of death themselves if they are found out to be testifying falsely (Deut. 19:16-20).

To the point of the earlier objection, this instruction is found in the Law of Moses, but it is useful nonetheless because it gives guidance directly from the Lord about how to handle such cases. He has already “thought through” the implications for us—both of doing it this way and of not having such stringent requirements.

- (5) Witnesses must be absolutely certain. If there are wishy-washy doubts about which person in the lineup is the one, then the defense must be able to demand that the evidence be thrown out.
- (6) If there is any doubt whatsoever in any part of the case, the default penalty must revert to life in prison. This may permit some who are very guilty to avoid the penalty they justly deserve. But the injustice of killing an innocent person is too high.
- (7) Have an outside review team make sure everything was done justly and give them extra pay if they rescue a falsely accused person.
- (8) Special attention must be given to correct past wrong convictions of all sorts—not just capital cases. If there are wrong convictions in any area, it undermines the validity of the most serious convictions, not to mention the confidence of citizens. If there are wrong convictions or disparate treatment because someone is black, or wealthy, or poor, or a woman, or whatever, these ills need to be corrected and accountability safeguards put into place to prevent in the future.
- (9) I am sympathetic to mental health cases. The problem is that a mentally ill person who is capable of murder is an extremely dangerous person. To have mercy on any general person is well justified from the Christian perspective but being merciful to someone who may be *more* dangerous than average *because* they are mentally ill and thus more dangerous somehow does not seem quite right. There is room here for the community or

government to decide how to handle such cases. Example: a man is a raving, demon-possessed madman who murders. He would be diagnosed today as a mental health case. But if in truth a demon possesses him, there seems to be *more reason, not less* to carry out capital punishment.

C. Let us deal with an “elephant in the room” issue. Roughly stated, the objection is that Black men and women are convicted and punished in a disparate way compared to whites. If that is truly the case, it is sinful. The kind of justice that God teaches us is *impartial* justice. Some call this “blind” justice but let us stick with the Biblical term.

Exodus 23:3 “You shall not show **partiality** to a poor man in his dispute.”

Leviticus 19:15 “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.”

Deut. 1:17 “You shall not show **partiality** in judgment: you shall hear the small as well as the great. You shall not be afraid in any man’s presence, for the judgment is God’s.”

Deut. 16:19 “You shall not pervert justice; you shall not show **partiality**, nor take a bribe...”

James 2:1 “My brothers, show no **partiality** as you hold the faith in our Lord Jesus Christ, the Lord of glory” (ESV).

James 2:9 “But if you show **partiality**, you commit sin, and are convicted by the law as transgressors.”

Statistics can be misleading. As Christians, we do not want to be involved in anything misleading. For instance, men make up 49.5% of the population. But they comprise 93% of the population in federal prison. Is something necessarily wrong with this? In the absence of further hard data, it would be misleading to say that there is discrimination against men. It may be that the system does not discriminate against men; it may be that men commit more crimes than women. I would have to dig further before I could make a conclusive statement on that matter.

Similarly, some, *but I believe not all*, of the disparity in race may be due to differences in criminal behavior (13% of the population is Black, but Black people comprise 38% of the federal prison population).

Where discrimination exists, it must be vigorously rooted out. Some of the disparity is due not to criminality on the part of the offender, but what I will call criminality on the part of lawmakers, police, judges, prosecutors, etc.

I am not trying to get into a big argument here or offend anyone; I am just saying what I discern to be facts as best I can. We can carry on this discussion outside of the sermon context. Please pursue that avenue as a way to let off any pressure built up in your mind on this matter before complaining to others, blowing up, or leaving the church!

D. I have shared some policy ideas. What I want to highlight again, however is this: just because people do not always get it right, does not mean we throw out obedience to God. There are some cases that are so obvious, so compelling, and so egregious, that there is no excuse for not carrying out the death penalty. Shall I offer some examples for your imagination? For society to *not* carry out the death penalty in such cases is a sin. That sin has consequences that range far and wide.

Conclusion

During the week of my study for this message, the State of Oklahoma executed a man named Benjamin Cole who 20 years ago broke the spine of his 9-month-old daughter and caused her to bleed to death. Despite some claim of mental illness, there was evidently no question that he committed the crime, just as there has been no question raised as to the culpability of Nicholas Cruz for the Parkland school shooting, or of Ethan Crumbly for the Oxford school shooting. These are clear cases.

To be as clear as possible, my position, derived from Scripture, is this:

(1) We cannot eliminate the death penalty altogether because our all-wise and merciful God has set it in place as the ultimate restraint against evil. Otherwise, evil will over-run good, and we

will live in a society full of anarchy. God records for us in Scripture the exercise of this punishment on numerous occasions.

- (2) We can and should exercise mercy on a case-by-case basis for youthful offenders, those with mental illness, or other mitigating factors. God demonstrates mercy in Scripture as well.
- (3) Because of the sinfulness of all people—judges, prosecutors, and accusers included—not just murderers—we must be very conservative to make sure that the offender truly deserves the death penalty. The Scriptures’ rules for witnesses and punishment for false witnesses demonstrate this as well.

All three points are supported by Scripture. Where Scripture stands, I stand. I hope you will stand with God in His book as well. As difficult as some things are in this life, dear friends, they must be done for society to honor God.

You might ask, “What can I do...after all, the laws of our land are what they are, and I cannot change that.” True enough. But you *can* do something—believe rightly! Believe how God explains the matter in His word. Trust Him and His infinite goodness. Do not think you can out-think God on this one. He has considered the totality of the world situation, of every individual situation, of every one of His attributes, of all possible future circumstances, of every possible expression of mercy and goodness and judgment. And in wisdom He has put all that together and instructed us for our good and His glory.

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