

Capital Punishment

A Christian Dilemma



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A Christian Dilemma

by Ronald L. Dart

He is twenty years old, but he looks more like sixteen. In blue jeans and sweater, his hair neatly cut, he looks like he should have books under his arm and be headed for class.

The district attorney says he is a cold-blooded killer. It seems he held up a convenience store late one night. The clerk offered no resistance and gave him all the money in the cash register. But as he scooped up the money and stuffed it into his pockets, this "student" calmly raised his pistol and shot the clerk squarely between the eyes—just to leave no witnesses.

Now the district attorney wants you, the jury, to find him guilty and sentence him to death. And you're not happy about it at all. It is not that you don't think he committed the crime. His guilt has been established beyond doubt—reasonable or unreasonable. Nor is it that you don't believe in the death penalty. You do. But now you find that there is a big difference between believing in the death penalty and sentencing someone to die—face to face.

All sorts of thoughts leap, unbidden, to mind. Isn't human life sacred? If we kill this young man because he killed someone else, are we any better than he is? Can two wrongs ever make a right? Is it ever right to take a human life? Killing this young man will not bring the other one back, will it?

On the other hand, your mind keeps coming back to the victim. His mother and father have been in court every day of the trial, sometimes listening intently, other times sobbing quietly. The convenience store clerk was only nineteen. He was working to get some money for college. He had a life ahead of him.

You could give the young killer life in prison, but under your state laws he could be out on parole in five to eight years. Then the family would wake up every morning knowing that the man who killed their son was free. He could get a job, get married, have kids. He could even go to college. Meanwhile, their son, who deserved a chance at life, lay rotting in the grave. Is that fair?

The prosecutor wants to know if you are prepared to allow this violent young thug to snuff out a life full of love and promise and yet go unpunished? Five years in prison is not enough. People have served longer than that for writing hot checks. Are you the jury prepared to say that cold-blooded murder is no worse than check fraud?

The Christian Dilemma

A Christian has special problems when it comes to the death penalty. The Christian imperative is to save life, not to destroy it. A Christian is one who has received mercy from God and who feels obligated, in turn, to show mercy to others.

When some of Jesus' disciples wanted to call down fire from heaven to destroy a town, Jesus refused. He rebuked them and said:

Ye know not what manner of spirit ye are of. For the Son of man is not come to destroy men's lives, but to save them... (Luke 9:55,56).

With words like these to live by, it is small wonder that we bridle at handing down a sentence of death.

There are several hundred men on death row in prisons across the country, and a surprising number have had a religious experience. There are a number of active prison ministries, and they have actually baptized condemned murderers. Murder, after all, is not the unpardonable sin. A man can repent, even of murder, and be forgiven by God.

The Christian dilemma is what to do with the criminal who repents. He has committed a monstrous crime—sometimes a series of crimes. But now God has forgiven him of all his sins. Do we

still execute him? On the other hand, if baptism got you out of jail or off death row, baptisms would be a daily occurrence in every prison across the land.

It's not surprising that many Christians find themselves confused about the death penalty. In fact, many Christian people have a problem with punishment in any form, even when the Bible plainly calls for punishment. The reason is simple. Jesus said that "he will have judgement without mercy who has shown no mercy." Mercy is, and should be, a way of life for those who follow Christ. But in the same sentence, Jesus acknowledged that there is a time when "judgement without mercy" is required. So what about us Christians? Are we just not qualified to administer justice, or is there something about all this that we don't understand?

A World Without Prisons

The biblical world was a world without prisons—not because there was no crime, but because God directed the people to deal with crime a different way. If a man stole a sheep or an ox, the law required him to make restitution. If he still had the original property unharmed, he had to restore double (Exodus 22:1-4). If he had disposed of the stolen property, he was to restore five oxen for an ox, four sheep for a sheep.

This system of justice put the rights of the victim first. The victim of a robbery was entitled to have his property back plus some degree of compensation for his trouble. In God's community, the idea was to raise the risk high enough to deter the criminal who was trying to get ahead the easy way. But there was more to this law than mere compensation, as we shall see.

There were no prisons in this society, at least no prisons as we know them. So what do you do if the thief has nothing with which to make restoration? Most thieves, in the nature of things, will be broke again within days of the theft.

In that case, God allowed the thief to be sold into slavery. The price of his sale went to the victim as restitution. The ancient system placed a monetary value on human labor. A strong eighteen-year-old man, for example, could be expected to harvest so many bushels of grain, shear so many sheep, or pick so many bushels of

fruit in a seven-year period. Instead of being run by the government, the "prisons" of this society were in the private sector. They were, in fact, farms run for profit.

If all this seems a bit too commercial, remember that the victim was reimbursed from the proceeds of the sale. Not only that, but the man who saw to it that the criminal *literally* paid for his crime, was entitled to compensation for his efforts. In that world, no sentence was longer than six years. Life may have been hard for a slave, but it was rare for one to die in this system. A master took reasonably good care of him, because a slave was a paying asset. When his debt (not to society but to the victim) was literally paid, he was a free man.

"But surely you are not advocating slave labor," I can hear someone say. "Slavery is a great evil." Really? What exactly is the difference between a slave and a man in jail? For that matter, what is the difference between a slave and a man drafted into the military? They eat and sleep when and where they are told. They work and fight when and where they are told. They wear the clothes that are given them. They are paid a pittance for their labor. They are not free to quit and go home.

We still practice a form of slavery in this country, we just don't call it that. Why should we have such a conscience about slavery when it comes to criminals?

Bear in mind that a slave in the Israelite system had a productive job. He usually worked out-of-doors at agricultural tasks. He could have his wife with him, or he could even get married under certain circumstances (see Exodus 21:3,4 ff.). When his sentence was over, he was free to go, although he could voluntarily choose to stay with his job.

Many find the passage in Exodus 21 troubling from many points of view, but chiefly because they simply cannot accept slavery as permitted by God. Rest assured, it was never God's intent that any man be a slave. No more was it His intent that any man rot away in prison.

But when sin came into the world, a lot of things had to change. When a man had so wrecked his life that he was out of options, it was not uncommon in ancient times for him to sell himself into

“slavery.” This sort of servitude was not unlike the indentured servants of the last century. He contracted to serve a man for a specific period of time in order to pay off his debts and to get a fresh start in life.

Verse 4 of Exodus 21 is particularly troubling. The very idea of a master giving a wife to a slave and then retaining possession of her is repugnant. But remember, the woman herself may have had a contract for service or could have more time to serve before her debt was paid. Not only that, but she had a job, food, clothing, shelter, and her children were taken care of as well. She was not a welfare mother out on her own having more and more children she could not support. When her time was finished, she was free to go—or she could stay, if so inclined. It may be that the worst thing her master could have done would have been to send her out in the world with a man who had already proved he could not manage his own life—much less hers. Israel’s system served as something of a supplement to welfare.

I am not sure that twentieth-century man is in any position to moralize on the subject. Slavery, practiced as it was in Africa and America, is abhorrent. In Israel, kidnaping innocent men and women and selling them like property was a crime, punishable by death (see Exodus 21:16, Deuteronomy 24:7).

In the legal system established by God, there was no punishment for a crime against oneself. Drunkenness was condemned, but there was no attempt to make alcohol a controlled substance. Nor was there any punishment for a drunk who behaved himself. On the other hand, drunkenness was no mitigation for an accident or a crime. The drunken criminal was held fully responsible. If you killed a man, it was murder whether you were drunk or sober. If you knocked out a man’s front teeth in a drunken brawl, you still lost your own teeth.

Nor was there a “not guilty by reason of insanity” verdict. If you killed a man, you were guilty even if you were crazy (or claimed to be). There was no need for psychological examination. A man was dead, and a man must die.

Corporal Punishment

With all the noise generated around the caning of the young vandal in Singapore, the question of corporal punishment naturally arises. Does the Bible countenance corporal punishment—that is, physical pain inflicted upon the body as correction? The answer is, without hesitation, yes. Here is the law:

If there be a controversy between men, and they come unto judgment, that the judges may judge them; then they shall justify the righteous, and condemn the wicked [No equivocation was allowed]. And it shall be, if the wicked man be worthy to be beaten, that the judge shall cause him to lie down, and to be beaten before his face, according to his fault, by a certain number. Forty stripes he may give him, and not exceed: lest, if he should exceed, and beat him above these with many stripes, then thy brother should seem vile unto thee (Deuteronomy 25:1-3).

Corporal punishment was also approved for juveniles:

Withhold not correction from the child: for if thou beatest him with the rod, he shall not die. Thou shalt beat him with the rod, and shalt deliver his soul from hell (Proverbs 23:13,14).

There are some important things to know about this verse. It does not sanction child abuse. “Beat” and “rod” are unfortunate translations. Better words are “smite” and “stick.” It is wrong to inflict physical harm on a child, but it is not wrong to inflict just enough pain to deter foolish conduct.

Parents who withhold discipline from a son or daughter are robbing them of one of the truly great traits of character. The undisciplined man is a disaster looking for a place to happen. One of the most startling passages in Proverbs says “He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes” (Proverbs 13:24). There is more:

Chasten thy son while there is hope, and let not thy soul spare for his crying (Proverbs 19:18).

The rod and reproof give wisdom: but a child left to himself bringeth his mother to shame (Proverbs 29:15).

Correct thy son, and he shall give thee rest; yea, he shall give delight unto thy soul (Proverbs 29:17).

How serious can the neglect of discipline finally be? A juvenile out of control can lead to more than a caning:

If a man have a stubborn and rebellious son, which will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them: Then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gate of his place; And they shall say unto the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunkard. And all the men of his city shall stone him with stones, that he die: so shalt thou put evil away from among you; and all Israel shall hear, and fear (Deuteronomy 21:18-21).

We have no evidence that this sentence was ever carried out in Israel. If it had been, I doubt that it ever would have been repeated.

Why would corporal punishment be advocated or tolerated? Economic crimes seem to have been punished economically—that is, if a thief stole sheep, he had to restore sheep. In most cases, that surely sufficed.

But consider the problem of vandalism. The young hoodlum rampaging through the streets of Singapore with a can of spray paint received no economic benefit from his crime. He could have been fined and forced to make restitution, but his parents would have paid that. He probably had no money of his own, and more important, probably had little understanding of money if he did. His parents would have made restitution, but nothing would have been done about the young man's attitude.

Corporal punishment probably has more to do with attitude than anything else. The young man who was caned in Singapore will probably never pick up another can of spray paint without breaking out in a sweat. Corporal punishment makes sense for children

and teenagers, because economic sanctions would mean so little. The same reason may justify corporal punishment for some adults.

We could even try caning drunk drivers. Nothing else seems to work. They can go to jail for six months, get out, get drunk, and get right back into a car. They do it all the time, judging by the number of second and third offenders showing up in court. We should, of course, wait until they are sober to cane them. A good caning might marvelously focus the mind on what needs to be changed.

Is caning cruel? No, although it could be. Is it more cruel than locking a man up with a bunch of thugs in jail for months or years? I think I would prefer the caning. It is odd that there has been such an outcry over the Singapore caning, while so little is said about the Americans in Mexican jails. Is it better to be beaten in private by prison guards than to be beaten officially in public?

In ancient Israel, there were a few peculiar crimes—peculiar by our standards, that is. Sodomy was serious enough to warrant the death penalty. Nowadays we don't allow discrimination over "sexual preferences," but in this ancient world, being gay could get you dead.

When it came to crimes of violence, they took a very simple and straightforward approach. They did to the violent criminal exactly what he had done to his victim. If he knocked out his victim's tooth, he was restrained and someone knocked out his tooth (Exodus 21:24). If he caused a man to lose an eye, his eye was removed. Afterward, he was let go. He was not confined in a prison with other violent criminals. If he killed a man, he was put to death. In the case of accidentally causing death (i.e., manslaughter), he could flee to a city of refuge where he must remain until the death of the high priest. It wasn't prison, but it wasn't freedom either (Leviticus 24:17-22).

The Death Penalty

Most of the arguments about punishment—including capital punishment—revolve around whether punishment acts as a deterrent to crime. Statistics are marshalled and bandied about on both sides of the issue. Yet there can be little doubt that proper punish-

ment, swiftly and consistently carried out, must act to deter crime.

Suppose that in our world, there were no penalty for theft. If a burglar stole your portable television set, we could take it back from him if we could find him, but that is all. We could not jail him, beat him, or make him pay a fine for it. Would the rate of theft be higher or lower than we now experience?

Suppose that the maximum punishment for murder was one year in jail. Would there be more murders or less? Such a law would probably lower the divorce rate. It might be simpler to kill off a mate rather than go through the hassle of custody hearings and child support payments. If you murdered your husband, you would spend a year in jail and then then you would be free to get on with the rest of your life. Not only that, but you could spend all of his money, not just half of it.

It is hard to argue that the degree of punishment for a crime does not deter crime. It may be hard to prove at the margins. The difference between life in prison and death by injection may not be statistically significant. But let us not make the foolish argument that severity of punishment does not deter crime.

But who wants to carry out these punishments? It would be a most unpleasant duty to cut out the eye of a man even when he has violently destroyed another man's eye.

Taking one man's sight will not restore the sight of the other, so restitution is not a factor in this law. What purpose, then, does this kind of punishment serve? Although punishment in the biblical system acted as a deterrent, it served a purpose much more important than that. *The biblical system of punishment served to define the difference between right and wrong.*

If there is no punishment, then there is no perceived difference between right and wrong. The results of wrong conduct are just as beneficial or desirable as the results of good conduct. If there are no degrees of punishment, then it may be said that one crime is no worse than another—that murder is no worse than shoplifting. If a man goes to jail for a year for shoplifting, and murderers are out on the street in the same length of time, what have we said about the value of human life? We have declared that a human life is of no more value than a sweater taken from a department store, some

cosmetics stolen from a drug store, or a calculator tucked away in a pocket without paying.

There used to be a saying in Texas that "there was no law west of the Brazos River and no God west of the Pecos." The men of Western Texas could not call the sheriff to punish a thief. They had to take care of themselves. They put together a kind of rough justice. There were no jails or prisons (and no taxes to pay for them), so if they caught a horse thief, they simply hanged him.

Hanging may or may not have served as a deterrent to other horse thieves, but to the Texans it did serve two purposes. First, it made a statement about the severity of the crime. A horse was a man's livelihood, and in some cases his life. When they publicly hanged a horse thief, they told everyone in their country that stealing a man's horse was serious business. Second, hanging the horse thief acted as the ultimate deterrent—*this* horse thief would never steal again.

But even if we grant that stealing horses was much more serious then than now, the early Texans still left themselves with a problem. If you hang a man for stealing horses, what are you going to do with a murderer? Crime cannot be defined without punishment, and degrees of crime cannot be defined without degrees of punishment.

Punishment may act as a brake on crime, but in addition to deterrent through fear, let us add *deterrence by definition*. Punishment says "This is wrong," and tells us *how wrong it is*.

Seen in this light, the death penalty is essential, because it is the only way to define the evil of murder. Any lesser penalty diminishes the value of human life.

I saw a statistic recently that underlined the problem. Of all the men currently in prison for killing someone, how many of them had killed before? Put in greater focus, how many of these men had been tried and convicted of murder, had been released, and then had killed again? The number ran over eight hundred, including five prison guards. Five of these killers had not been released, but had killed guards in prison. Whatever our academic arguments about deterrence and the death penalty, here is something we have to deal with. There are eight hundred citizens and

five prison guards who would still be alive today if these killers had been quickly dispatched.

The Sanctity of Life

But is not human life sacred? Is it not just as wrong to execute a murderer as it was for the murderer to kill? This is a curious argument from two points of view.

First, what does it mean to declare that something is "sacred"? To be sacred is "to be dedicated or devoted to the Deity." The argument from the sacredness of human life, then, is a *religious* argument. What business does a secular society have raising a religious argument against the death penalty? If I understand school policy, a teacher who tried to tell his students that human life is sacred would soon be out of a job.

Only religious people have any right to argue the sanctity of life, but even they are on shaky ground. Presumably, when religious people argue that we cannot take a life because life is sacred, they are appealing to divine authority. The problem is that the oldest authorities all recognize that the death penalty is a legitimate punishment for murder. The law of Moses is explicit:

He that smiteth a man, so that he die, shall be surely put to death...But if a man come presumptuously upon his neighbour, to slay him with guile [first degree murder]; thou shalt take him from mine altar, that he may die (Exodus 21:12-14).

Taking hold of the "horns of the altar" was the ultimate appeal in Israel. It was a sanctuary where one could be safe until his case was heard by the judges. There was no sanctuary for the cold blooded, deliberate killer.

And he that killeth any man shall surely be put to death. And he that killeth a beast shall make it good; beast for beast (Leviticus 24:17).

Of interest is the fact that the killing of a beast, perhaps by accident or in anger, did not require the restoration of two beasts as did theft. Perhaps restitution, then, was not solely intended to com-

pensate the victim for his trouble.

The difference is that the man who killed the beast was not trying to gain economically from his act. In our society, there is a net flow of wealth from the honest segment of society into the society of thieves. The law of God intended to reverse the cash flow, and to create a flow of wealth from thieves to the righteous. Thieves should be poor, while honest labor should be rewarded.

There was a clear difference between killing man and beast. The scales had to be balanced for justice to be served. A man had to die for a man, and a beast had to be made good. But there is more:

Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man (Genesis 9:6).

The value of a man is established by the fact that he is made in the image of God, and perhaps it is here that we come closest to establishing that human life is sacred. But to declare it sacred is merely to declare it devoted to God. If human life is devoted to God, then God has the right to decide that, in certain cases, life is forfeit. He did exactly that when He mandated the death penalty for murderers. It was left to the civil authority to carry it out—"by man shall his blood be shed."

So if you come from the Judeo-Christian tradition, you cannot argue successfully against the death penalty by appealing to the sacredness of human life. The very fact that a human life is devoted to God mandates that those who would take a human life must forfeit their own.

Now take the question from a secular point of view. Is it just as wrong to execute a murderer as it is to commit murder? Are we indeed no better than the killers on the street when we take a life? If our protester is not religious, then the sacredness of life argument is useless. Perhaps he can use evolution for his argument.

But wait. If man is the product of evolution, then evolution mandates the disappearance of unfit life. We think nothing of destroying germs that threaten the body. Why not destroy the human "germs" that threaten society? Some human life forms are not fit to survive. Why not kill them off? Maybe the early Texans had the right idea. When they hanged a horse thief, they did more

than make a statement about the severity of the crime. They improved the genetic code by weeding out those unfit to survive.

If society doesn't do it, then perhaps the criminals will kill one another off. That seems to be happening in some parts of the country. But the danger here is that the weaker criminals will be killed off, slowly creating an ever stronger criminal class. Meanwhile, the upright people of society seem bent on preserving every life form in existence, no matter how weak or crippled. Nothing should perish, we think. The result is that we weaken the herd.

So here is a world where the criminal class gets ever stronger while the upright class gets weaker. This description seems uncomfortably close to what is happening in our society right now. It seems to me that if you adopt an evolutionist's point of view, we should be killing off the criminal class and preserving the honest class.

But the world has gone crazy. In our schizophrenic society, we have religious people arguing for the death penalty against secular humanists who tell us that life is sacred. Go figure.

The Innocent Man

One of the more serious concerns relative to the death penalty is that innocent men might be executed. There is no doubt at all that innocent men have been convicted of crimes; nor is there any doubt that innocent men have gone to their deaths.

How can that sort of thing happen? It usually happens because of careless or fraudulent police work, or because of prosecuting attorneys who are more concerned about getting a conviction than getting at the truth. Our system of justice is political, and rewards a man who gets a lot of convictions. People who are involved in prosecuting a crime should be rewarded for finding the truth.

The law of God contained a powerful deterrent against fraudulent prosecution. Here is how it reads:

One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established. If a false witness rise up against any man to testify

against him that which is wrong; Then both the men, between whom the controversy is, shall stand before the LORD, before the priests and the judges, which shall be in those days; And the judges shall make diligent inquisition: and, behold, if the witness be a false witness, and hath testified falsely against his brother; Then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you. And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you. And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot (Deuteronomy 19:15-21).

What this means is that if the police and the prosecutor conspire to fraudulently convict a man, they will suffer whatever penalty they were trying to inflict upon the innocent man. If a police officer gave false testimony or offered falsified evidence in a capital murder trial, he should hang for it. Don't worry. If that were the law of the land, you would never have to hang a policeman.

Will this make it more difficult to convict the guilty? Yes, it will, but it is better that ten guilty men go free than that one innocent man should be punished. It is enough to hang the murderers we know are guilty. We don't have to run up the numbers.

Pure Vengeance

It is difficult to imagine the effect of a violent murder on the surviving family. The execution of a murderer, while it does nothing to bring back the dead, does have value in resolving the matter for those who love the victim. Did the victim's life have any value? Just what was it worth? Was it worth less than a life?

A life sentence without parole might be an alternative to the death penalty, but in practice, life sentences can end in parole in just a few years. You see, we don't really look at a life sentence in terms of balancing the books, but in terms of punishment, the protection of society, and the possible rehabilitation of the murderer—which may sometimes occur. But does the rehabilitation of a violent criminal balance the books for the family of the deceased?

I can already hear the objection: "Why, what you are talking about is nothing more than vengeance." That is true. When all the other arguments are dismissed, we are left with nothing but pure vengeance. What is astonishing about this is that no one even attempts to show that vengeance is wrong—it is simply taken for granted. Even those who believe in the death penalty shy away from the subject. They consistently retreat into statistics and deterrence.

But the truth is that vengeance is the most powerful argument anyone can advance for the death penalty. Vengeance is the one clean rationale that stands against every argument. Why, then, do Christian people seem to feel so guilty about vengeance?

Most modern Christians feel that vengeance is an unworthy motive, and that it is wrong to exact vengeance. They base these beliefs on scriptures like Romans 12:19: "Dearly beloved, avenge not yourselves." They assume it is a Christian teaching that the man of God should not seek vengeance. In the Old Testament, they think, vengeance was allowed, but the Christian is to turn the other cheek.

Take another scripture for example: "Thou shalt not avenge, nor bear any grudge against the children of your people, but thou shalt love thy neighbor as thyself." That reads like good New Testament doctrine, doesn't it? It is not. That verse is found in the Old Testament (see Leviticus 19:18). The Old Testament teaching is the same as the new. How, then, can the death penalty be legitimate in the Old Testament and wrong in the New Testament?

The best way to understand this is to read Paul's statement in context. The passage in question runs from Romans 12:19 through Romans 13:4. Here is the entire passage, ignoring the chapter break:

Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord. Therefore if thine enemy hunger, feed him; if he thirst, give him drink: for in so doing thou shalt heap coals of fire on his head. Be not overcome of evil, but overcome evil with good. Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of

God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God; a REVENGER to execute wrath upon him that doeth evil.

Note that the passage begins and ends with a statement about vengeance. Why are we not to exact personal vengeance? It is not because vengeance is wrong, but because vengeance belongs to God. "Vengeance is mine, I will repay," says God.

Vengeance, according to Paul, is a positive good. It involves "repayment" and is the very core of justice. Vengeance, then, cannot be the unworthy motive it is usually painted to be. How should we understand this apparent contradiction?

The answer is clear enough in the passage we just read. It is not vengeance as such that is proscribed, but *personal* vengeance. Vengeance is explicitly promised by God. Paul, quoting from the Old Testament affirms: "Vengeance is mine; I will repay, saith the Lord."

Vengeance is the central value of justice. What is wrong is the personal pursuit of vengeance? The exaction of personal vengeance will only lead to retaliation, counter-retaliation, and more vengeance. The result can be blood feuds extending over several generations of the families involved.

It is probably in this light that Jesus' statements in the Sermon on the Mount should be understood. When Jesus told his disciples to "turn the other cheek," was that taken to mean that they could not defend themselves, and their families, against a thug who is about to assault them? Here is what He said:

Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth: But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also (Matthew 5:38-39).

Not a few Christian pacifists down through the years have believed that if a man is raping your wife, that you should do nothing to stop him. If you or your children are assaulted on the street that you can offer no defense. But if you will notice verse 38, you will see that this is not about self-defense, but about *vengeance*. Jesus is essentially saying the same thing as the old proverb: "Say not, I will do so to him as he hath done to me: I will render to the man according to his work" (Proverbs 24:29).

The reference to turning the other cheek is significant in another way. His audience did not know it at the time, but this was a reference to his own suffering, prophesied of old. He was talking about *corporal punishment while in custody*. (See Isaiah 50:6, Lamentations 3:30; compare I Kings 22:24.) Insubordination in court was punished by a slap in the face. Paul experience this (Acts 23:2) as did Jesus Himself (Matthew 26:67, Mark 14:65).

Resisting or retaliating against official punishment will bring nothing but grief. This is what Jesus meant when He said that if a man compelled you to walk a mile with him, walk two. Turning the other cheek is not required while you are being assaulted by a man with a knife. But when the assault is over, and the man is no immediate threat, you may not retaliate.

In denying us the right to exact our own vengeance, God promises that He will avenge our wrong. How exactly will He do that? The passage we read declares that "the higher powers," i.e., rulers, government, or the state, are the instruments that God authorizes to exact vengeance on behalf of the oppressed.

Let every person 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 (Romans 13:1,2).

Legitimate governmental authority, Paul tells us, is derived from God. We are further told that the 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 upon the one who practices evil (Romans 13:4, 5).

Notice that Paul uses the word "sword." This is an explicit reference to the death penalty. God commands His servants to avoid personal, private vengeance, but He expects the official vengeance to be executed by the state.

The passage in Romans 13 is troubling, because of the endemic corruption we encounter in government. But that only makes the case stronger. If we are entrusted with the responsibility of administering justice, we must administer justice. Failure in this area will lead to the collapse of a society.

The Christian dilemma arises from confusing our personal responsibility to forgive with the *responsibility of the state to execute vengeance*. Personally, we must forgive. But the state is under no such requirement. In fact, the government is expressly forbidden to back down out of some misguided sense of pity:

When men strive together one with another, and the wife of the one draweth near for to deliver her husband out of the hand of him that smiteth him, and putteth forth her hand, and taketh him by the secrets: Then thou shalt cut off her hand, thine eye shall not pity her (Deuteronomy 25:11).

Lorena Bobbitt, who cut off her husband's penis in retaliation for crimes he had committed against her, would have lost her hand. Her punishment would not have justified any of the vile acts her husband committed against her. She would have been punished without pity *because she exacted her own vengeance*.

I can already hear the chorus of voices protesting that Lorena could not get justice in the normal way, so she took the matter into her own hands. But surely this makes my point. When the state is negligent in carrying out vengeance, it invites personal and private vengeance. Our system of justice is failing because it has shown too much pity to the wrong people.

The woman who walked into a courtroom and shot and killed the man who molested her son did so because she had lost confidence in the justice system. The system did manage, however, to

put her in jail.

If the state fails to execute vengeance upon evildoers, this absence of authority leads men to administer their own justice—take their own vengeance. They fall back on family and racial solidarity with the resulting blood feuds and private wars. If government fails to exact vengeance, it opens the door to a vendetta. The gang wars that exist in some cities are plain evidence of the failure of our government to execute justice. If our society is to survive in the face of violence, our government must execute justice—even to the point of avenging murder. Mercy and forgiveness is for individuals and churches. *Justice* is for governments.

Any Christian who accepts the responsibility of government—including jury duty—must faithfully execute those duties on behalf of the oppressed. There was a time in ancient Israel when God's people did not accept these responsibilities. Along came prophets to warn them of their mistakes. Isaiah, for example, warned Israel: "Wash you, make you clean, put away the evil of your doings from before mine eyes; cease to do evil; learn to do well, seek judgment, relieve the oppressed, judge the fatherless, plead for the widow" (Isaiah 1:16-17).

Jeremiah, talking to the king of Judah warned: "O house of David, thus saith the Lord, *Execute judgment* in the morning, and deliver him that is spoiled out of the hand of the oppressor, lest my fury go out like fire, and burn that none can quench it, because of the evil of your doings" (Jeremiah 21:12).

Ezekiel condemned those who slew the souls that should not die while they saved alive the souls that should not live (Ezekiel 13:19). In the process, they encouraged evil and discouraged righteousness:

Because with lies ye have made the heart of the righteous sad, whom I have not made sad; and strengthened the hands of the wicked, that he should not return from his wicked way, by promising him life (verse 22).

When Israel of old failed to exercise judgement, the result was a society not unlike our own:

For, behold, the Lord, the Lord of hosts, doth take away from Jerusalem and from Judah. The mighty man, and the man of war, the judge, and the prophet, and the prudent, and the ancient... And the people shall be oppressed, every one by another, and every one by his neighbor; the child shall behave himself proudly against the ancient, and the base against the honorable (Isaiah 3:1-5).

As it happens, the Bible has much to say advocating vengeance. But the vengeance is to be exacted by legitimate authority, not by individuals. The government has the responsibility *and the sole authority* to avenge the poor, relieve the oppressed, and protect the needy against those who harm them.

Is there *never* a time for the government to show mercy? Of course there is, but that mercy is extended by the judge and jury that have heard the case. Mercy is the *exception* to the rule. But those involved must remember their responsibility to the victim, whose blood may yet cry from the ground.

The Execution

The exact nature of the death penalty seems very important to the criminal. It may be less important to society because we have lost touch with the reason why we do it. But when we think about the method of execution, there are some important considerations.

The most dramatic photograph to come out of the Nuremberg war crimes trials was not a picture of the court-room—it was a picture of the cell block. At every cell door stands a guard looking into the cell. The prisoners had to be watched day and night lest they commit suicide. During the days immediately prior to their own executions, they were not even allowed to sleep facing away from the guard. If they turned over in their sleep, the guard used a long stick to prod them into wakefulness and forced them to turn back toward the door. In spite of all efforts, several prisoners, including Hermann Goering, succeeded in taking their own lives. Goering, the night before his execution, managed to take a cyanide pill he had hidden in his pipe stem.

It wasn't that these prisoners were trying to escape a painful death. By all accounts, death by cyanide capsule is quite painful.

On the other hand, hanging rendered a man instantly unconscious. While the condemned might take a few moments for his heart to stop, he was unconscious and there was no indication of pain during the interval.

After they were sentenced, Generals Jodl and Kietel both pleaded to be shot instead of hanged. None of these men wanted to face hanging, and it wasn't a matter of pain. It was purely symbolic. No penalty exacted by modern man more effectively expresses our condemnation and contempt than hanging. It is a dishonorable death.

If punishment is to make a statement about crime, the death of a murderer must not be honorable. It need not be painful, but he must die in disgrace, in contempt. If he took a life in violence, his death should be violent. We use injections to put to sleep a faithful old dog. Somehow it just doesn't seem right to put a brutal child murderer to death the same way.

The oldest, most universally recognized statement of condemnation by just men is *hanging*. It may be distasteful, but is it more distasteful than the confusion and corruption of a society that no longer condemns evil? Hanging is biblical:

And if a man have committed a sin worthy of death, and he be to be put to death, and thou hang him on a tree: His body shall not remain all night upon the tree, but thou shalt in any wise bury him that day; (for he that is hanged is accursed of God;) that thy land be not defiled, which the LORD thy God giveth thee for an inheritance (Deuteronomy 21:22,23).

Some writers and artists have succeeded in creating a loathing for the death penalty among civilized people. They have carefully developed a sympathy in their readers for the condemned man (or woman) and then painted a sordid and frightening picture of the execution. In the old West, for example, hangings are presented with all the associated festivities of a Fourth of July picnic. People came to town from all over and even brought their children to witness the hanging.

The whole thing seems, from our perspective, grotesque. But we live in a different world. This was a world where the Old Testa-

ment was preached powerfully from the pulpits of churches because it addressed the hard world in which these people lived. Consequently, their attitudes matched many of the Psalms in their condemnation of evil and their rejoicing at the punishment of the wicked. Is it so wrong to celebrate the triumph of right over wrong? Consider the Psalm:

The righteous shall rejoice when he seeth the vengeance: he shall wash his feet in the blood of the wicked. So that a man shall say, Verily [there is] a reward for the righteous: verily He is a God that judgeth in the earth (Psalm 58:10,11).

After all, does a robber of banks and trains and the murderer of lawmen sent to arrest him deserve our sympathy merely because he cuts a dashing figure?

And when we do put someone to death, why do we do it in the middle of the night with a minuscule group of witnesses? Are we ashamed of justice? All the meetings of our elected representatives, legislators, city councils, etc., are public. Why are the executions of brutal murderers done in private, in the middle of the night? Justice, to be effective, should be *seen*.

What our society needs is not to see a serial killer interviewed on television, but to see his body swinging from a rope in a public square.

No Dilemma

The Christian really has no dilemma when it comes to capital punishment. To be sure, the execution of justice can be an unpleasant business. But we cannot shirk responsibility because it is unpleasant. Would we rather leave this responsibility in the hands of those who relish it?

There are reasons for legitimate concern. In our world, punishment is often administered unfairly. The poor are far more likely to be punished than the rich. There is even the risk of executing an innocent man. But these are arguments against our failures, not against capital punishment as such. One reason we are where we are is because *Christian* people have backed away from legitimate responsibility.

We can forgive, and we must show mercy. But for the sake of the oppressed, there is a time for justice—even a time for vengeance.

In our world, the thieves are not afraid, but the honest people are. I received a letter from a man that speaks for itself:

“Two years ago I was a victim of a violent crime. I was jumped from behind, beaten (broke my nose and pounded my head into the ground) and then robbed for forty dollars. As I was leaving in my truck the person shot and hit my truck six times with a hand gun. I believe he was trying to kill me.

“I knew who it was and told the police. He was only in jail for a few days. I tried to follow the law and press charges on him, but the courts here didn’t really care because I was not hit by any of the bullets, thank God!

“I finally just dropped the charges. It was making me get sick and not able to sleep. It almost made my wife leave me and our three children. Not only have I been a victim of crime, but of the justice system as well.

“I know I have to forgive for what has been done to me, but how can I ever trust in a system that doesn’t care? Can you please help me to understand what I did wrong?”

When righteous men fail to execute judgement, then good people go in fear while evil men swagger in the streets. Does this sound like any place you know? □