



Biblical Ethics

Capital Punishment

February 4, 2024
Adult Sunday School
Lewis Lake Covenant Church

Case Study:

On death row for serial rape and murder, clinically diagnosed psychopath Steve Franklin began reading his Bible, out of boredom as much as anything. While reading Ezekiel 18:4, the phrase “the soul that sins shall die” shook him to the core. He had never given much thought to his crimes, but now he was overcome with shame, guilt, remorse, and couldn’t stop crying. Three weeks (and many books of the Bible) later, Steve found forgiveness in Christ. That was ten years ago. Since then, Steve has written letters of apology to his victim’s families, begging their forgiveness. Though not perfect, he has proven over time his change of heart is real.

The date of Steve’s execution is drawing near. His attorneys are appealing to you, the governor, for a stay of execution based on Steve’s radically altered behavior.

What do you do, and what is your rationale?

Capital Punishment

- I. Definition: “The execution of a criminal under death sentence imposed by competent public authority.”
- A. Execution: the deliberate killing of a person without the ability to resist.
 - B. Criminal: One found guilty of committing a crime in a court of law.
 - C. By a competent public authority - lawfully authorized person/people. As opposed to ‘vigilante’
 - D. Note: By this definition, execution is the result of breaking laws governing society, NOT the result of a personal grudge held by people governing society.
- Lex Rex/Rex Lex*

II. Statistics

In 1935, 199 prisoners were executed, the highest number since statistics were kept. From 1966-1981, a total of 7 were executed. Since 1981, the most prisoners executed in a year is 98 (1999). Prisoners executed in 2021 were on death row for an average of 19.4 years.

- In 1984/85 the average time from sentencing to execution was ~ 6 years.
 - “In California, more death row inmates have died from natural causes or suicide than from executions since 1978”
 - The last execution to take place in California was Jan 2006
- From 1930 to 2021, a total of 5,393 prisoners have been executed.

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In 2021 2,382 inmates were on death row.

- California (690); Florida (324); Texas (198); Alabama (169)
- 50 (2%) were female.
- 2/3 of death row had prior felony convictions. 10% had prior homicide convictions.

In 2022 six states executed 18 prisoners.

Capital punishment is authorized in 30 states

- 13 of those states have not carried out an execution in the past ten years

Method:

- Lethal injection (all 30 states)
- Electrocution (8 states)
- Firing Squad (4 states)
- Lethal gas (3 states)
- Nitrogen hypoxia (3 states)
- Hanging (2 states)
- *Note:* in states with multiple approved methods, the prisoner typically selects the method of his own execution.

Capital crimes by various state laws:

- “Intentional,” “First-degree,” “deliberate,” or “capital” murder with “aggravating factors/circumstances” (all 30 states)
- Military sabotage; trainwreck causing death; treason; perjury resulting in the execution of an innocent person; fatal assault by a prisoner serving a life sentence (California)

- Death resulting from capital drug-trafficking felonies (Florida)
- Rape, armed robbery, or kidnapping with bodily injury or ransom when the victim dies; aircraft hijacking; treason (Georgia)
- Murder during the commission of a sexual assault, sexual abuse of a minor, arson, robbery, burglary, escape, resisting arrest, kidnapping, or abuse of a minor younger than age 16 (Wyoming)

Federal capital offenses

- Murder related to the smuggling of aliens
- Destruction of aircraft, motor vehicles, or related facilities resulting in death
- Murder committed during a drug-related drive-by shooting
- Murder committed at an airport serving international civil aviation
- Retaliatory murder of a member of the immediate family of law enforcement officials.
- Espionage.
- Death resulting from offenses involving transportation of explosives
- Murder committed in a federal government facility.
- Genocide
- Mailing of injurious articles with intent to kill or resulting in death.
- Murder for hire

- Assassination or kidnapping resulting in the death of the U.S. president or vice-president.
- Willful wrecking of a train resulting in death.
- Murder related to: bank robbery, carjacking, rape or child molestation, sexual exploitation of children.
- Murder involving torture
- Treason

Pew Research:

- 60% of U.S. adults ‘strongly or somewhat favor the death penalty for convicted murderers.’
- 78% see ‘some risk that an innocent person will be put to death.’
- 63% believe ‘the death penalty does NOT deter people from committing serious crimes’
- 56% of U.S. adults ‘say Black people are more likely than White people to be sentenced to death for committing similar crimes.’
- 2/3 of U.S. Protestants favor capital punishment
 - o 75% of ‘White evangelical Protestants’
 - o 50% of Black protestants
 - o 58% of Catholics (non-Protestants)
- 65% of atheists and 57% of agnostics oppose capital punishment.
- 63% of those who describe their religion as ‘nothing in particular’ support capital punishment.

- Support for the death penalty is consistently higher in online polls than in phone polls.

III. The Biblical Data

A. The first murder: Cain & Abel (Genesis 4)

1. Abel's blood 'crying to God from the ground' (v.10)
2. God cursed Cain 'from the ground' (v.11)
3. Cain feared "whoever finds me will kill me" (v.14)
4. God protected Cain under threat of 'sevenfold vengeance' and 'a mark' (v.15)

B. God speaks to Noah (Genesis 9)

1. God requires 'a reckoning' for 'lifeblood' (v.5)
2. God sets forth a 'reckoning' process (v.6)
 - a. *Action*: "Whoever sheds the blood of man"
 - b. *Response*: "by man shall his blood be shed"
 - i. *Instrument*: 'by man'
 - ii. *Equal & opposite reaction*: 'his blood be shed'
 - c. *Rationale*: "for God made man in his own image"

Human life is of a different kind than animal life
(see v.3)

'The act of killing lays profane hands on that
which is divine' (H.C. Leupold)

C. Mosaic Law

1. Eighteen capital offenses: “murder (Ex. 21:12-14); causing the death of a pregnant woman, and possibly for causing the death of her child (Ex. 21:22-25); killing a person by a dangerous animal that had killed before, yet was not kept caged (Ex. 21:28-30); kidnapping (Ex. 21:16); rape of a married woman (Deut. 22:25-29); fornication (Deut. 22:13-21); adultery (Lev. 20:10); incest (Lev. 20:11-12, 14); homosexuality (Lev. 20:13); sexual intercourse with an animal (Lev. 20:15-16); striking a parent (Ex. 21:15); cursing a parent (Ex. 21:17); rebelling against parents (Deut. 21:18-21); sorcery and witchcraft (Ex. 22:18); cursing God (Lev. 24:10-16); attempting to lead people to worship other gods (Deut. 13:1-16); avenging a death despite acquittal by the law (Deut. 17:12); intentionally giving false testimony against someone in jeopardy of the death penalty.”

2. Interpretation/application of Mosaic Law

Two possibilities:

 - a. All of it is timeless and all societies are morally bound to all of it
 - b. Some of it applies to a specific situation at a specific time - OT theocracy - and may not be applicable

- c. This forces us to begin asking, “what is the purpose and moral reasoning behind the laws?”
 - i. Execute Divine justice and restore a moral balance
 - ii. Deter future activity of a similar nature – creation of a safe society (see, for ex. 1 Sam 28:8-9)
 - iii. Satisfaction to a wronged person (but what of bestiality?)
 - iv. *Lex talionis* – ‘an eye for an eye’ (but what of consensual fornication (Num 25:6-8)?)
 - d. Recognize that some statutes may never have been enforced (ie. rebelling against parents).
3. Christ & Capital Punishment (John 7:53-8:11)
- a. Does Jesus abrogate the death penalty in this instance?
 - b. Does he do so for all time?
 - c. Do the “judges” and their biases matter?
4. Paul & Capital Punishment
- a. In his life: Acts 25:11
 - i. Recognizes the reality of crimes ‘for which one deserves to die’

- ii. Recognizes the justice of executing those guilty of such crimes: ‘I do not seek to escape death’
- b. In his writings: Romans 13:1-4
 - i. Governmental authorities are appointed by God
 - ii. They are to encourage good behavior and discourage bad by striking ‘terror’ into those considering criminal activity
 - iii. God authorizes gov’t to act on his behalf
 - iv. God gives gov’t ‘the sword’ to ‘carry out God’s wrath on the wrongdoer’ (v.4)

IV. Practical considerations

A. Imposing a punishment greater than the crime

1. “In 1814, three English boys, aged eight to eleven, were executed for stealing a pair of shoes. In 1833, a boy aged nine was hanged for stealing a set of children’s paints from a shop in London.”
2. First case of capital punishment in America: “Daniell Frank was hanged for stealing a calf and other chattels from Sir George Yerdley.” Virginia, 1622

B. Unequal application of the Law

1. Wealthy people escaping justice
2. Powerful people perverting justice to afflict their enemies (1 Kings 21:1-13)

3. Racial concerns

- C. Execution of innocent people

1. Presumption of innocence - a very Christian idea!
2. High bar of proof (Deut 17:6)
3. Identification of witnesses (Deut 17:7)
 - a. Responsibility
 - b. Accountability

- V. Philosophical Considerations

- A. Is a society ever morally compelled to execute someone?
Or, is it ever wrong *not* to execute someone?
- B. Should we try to justify capital punishment on utilitarian or moral grounds?
 1. Deterrence - prevent future crime
 - a. Utilitarian justification
 - b. C. S. Lewis: "it is not absolutely necessary that the man we punish should even have committed the crime."
 - c. Studies of its effectiveness are mixed
 2. Retribution - crime deserves punishment
 - a. Moral justification
 - b. Prescribes punishment
 - c. Limits punishment - *lex talionis*
 - d. Biblical redemption is rooted in retribution
- C. Should we consider rehabilitation instead of capital punishment?
- D. What about love and forgiveness?

E. What about leaving opportunity for repentance and faith?

Whoever sheds the
blood of man,
by man shall his
blood be shed,
for God made man
in his own image.

- Genesis 9:6

