

God Institutes Capital Punishment [Slide 1] Leviticus 24:10-23

As we have traveled through the book of Leviticus we have had the opportunity on numerous occasions to see the death penalty invoked for various crimes and sins. It is time for us to talk about the death penalty itself. I have noted in the past that governments like the United States are not bound by the law code given to Israel either in defining what is a crime or in determining the level of punishment. Yet, God's wisdom is behind the Law he gave to Israel and we should not quickly discount what God told Israel although we have to keep in mind that Israel was a theocracy with God as its King, a relationship that no other nation of the world has enjoyed.

Because of God's unique relationship with Israel he enacted certain laws that criminalized religious behavior such as in the passage we will look at today where he made blasphemy against himself a crime and required the death penalty for those who blasphemed him. Unlike Muslim nations that criminalize blasphemy against Allah and even call for the death penalty, here in America we have chosen to enshrine religious liberty as a fundamental right, including the freedom to blaspheme God if one chooses. I think we made the right decision because God does not have a covenant with the United States and we are not a theocracy. Rather freedom of religion promotes the spread of the Gospel and enshrines Jesus' own approach to lost people by giving them the freedom to choose to accept or reject him.

God called for the death penalty for children that dishonored their parents, for sexual sins like adultery, and for idolatry, all of which we would not want to criminalize in our law code today. So we must ask the question, should we even employ the death penalty and in what cases? I'll try to address those questions and provide some further questions to consider. My goal today is not to provide definitive answers, but rather to identify the issues we need to think through in deciding what our stance on capital punishment should be.

[Slide 2] I invite you to turn to Leviticus chapter 24. Leviticus is the third book in the Bible. We will cover verses 10-23 in Leviticus chapter 24. Let's begin with verses 10-16. Read.

When Israel fled from Egypt a mixed multitude of people went with them, non-Israelites who for some reason identified with the Jews and wanted to leave with them. One couple was an Egyptian man who had married a female Israelite. Their son got into a struggle with a Jewish man. During the struggle the son blasphemed or cursed the name of Yahweh. The Jews took him into custody to see what God would decide about his fate. In the Ten Commandments God had ordered that no one was to take his name in vain, but he had not specified what the punishment would be, so the Jews were uncertain as to how to proceed. They looked to God to pronounce the punishment.

God had those who heard the blasphemy take the man outside the camp and lay their hands on his head. Blasphemy defiles both the one who said it but also the ones who heard it, so by laying their hands on his head, the men were signifying that their guilt even in hearing the blasphemy was being transferred to the man so that his death would also atone for them. They were also by that act distancing themselves from the blasphemy and indicating they did not approve of what they had heard. God then had the congregation stone the man.

In verses 15-16 God proclaims that the punishment for blasphemy is death.

[Slide 3] God then clarified punishments for various crimes. Verse 17. Read. The general principle is that if you kill someone, then your life is forfeit. Later in the law God distinguished

between premeditated murder and accidental deaths. Premeditated murder required the death penalty but accidentally causing the death of someone did not require the death penalty.

Verse 18. Read. If you killed someone's animal you had to replace it with a comparable animal. Note that killing an animal did not entail the death penalty because human beings are far more important than animals. Justice was served by replacing the dead animal with a similar living animal.

Verses 19-21. Read. What you have here is what is called in Latin *lex talionis*, the punishment should match the crime. You take someone's life, you forfeit your life. You kill their animal, you replace it with a comparable animal. You purposefully injure someone, then you suffer the same consequences that you inflicted.

You need to understand what an improvement this concept was over the revenge customs of that culture. It was not uncommon for a family or tribe to avenge the death or injury of one of their members by killing and injuring multiple family members or tribal members of the offending person. Think of the Hatfield/McCoy feud as being typical of how things were handled back then. God's Law limited the punishment to the perpetrator and decreed that the punishment could not exceed the crime. In this context, the OT Law was a great step forward in justice and mercy.

Verses 22-23. Read. The Law and its punishments were to be applied justly and fairly across social distinctions such as the native and the stranger. All people were to be treated equally under the Law.

This passage explains to us what is the primary purpose or principle behind capital punishment; it is that the severity of the offense dictates the magnitude of the punishment. The purpose of capital punishment is not to deter future crime, although you could reasonably argue that the person executed will commit no further crimes. Nor is the purpose of capital punishment to provide closure for the grieving family, although it might do that. The purpose of capital punishment is to make sure the punishment matches the crime and in the case of murder, capital punishment affirms the value and worth of the human life that was taken by the murderer.

Conversely, when you do not execute someone for murdering someone else, what you are implying is that the life of the murderer is more important and valuable than the life of the victim, that a person can kill someone else and the crime is not so heinous and evil that it requires the death penalty. If we truly believe that all people are of equal value, then murder demands the death penalty. Hence the death penalty supports a high view on the value of life. Pat Buchanan put it this way. Read p. 98 Lavender.

The death penalty suggests that the chief role of the justice system is punishment not rehabilitation. At first thought rehabilitation may sound more affirming of human value than capital punishment but the truth is that capital punishment carries a higher view of people. Listen to this argument from the former Chuck Colson, who spent time in prison for his role in Watergate which led to President Nixon's resignation. Read card.

In principle, I believe the Scripture teaches that capital punishment is a valid form of punishment if it can be done in a just way. How then, do we evaluate our modern practice of capital punishment here in the United States?

[Slide 4] I think there are two questions we need to answer in the affirmative in order to support capital punishment. The first question is: do we have confidence that innocent people are not being executed?

The Old Testament Law required two or more witnesses to establish a matter and it also called for the death penalty if a witness lied in giving testimony. Deuteronomy 17:6 says, "On the

evidence of two witnesses or three witnesses, he who is to die shall be put to death; he shall not be put to death on the evidence of one witness.” Deuteronomy 19:16-20 says this, “Read.” So, if a person came forth as a false witness in a murder case with the penalty being execution, the false witness was to receive the same punishment he was trying to get the accused to endure, or in this case death.

With the requirement of two or more witnesses needed for establishing the truth and the threat that false witnesses would receive the same punishment, you could be reasonably assured that only the guilty were executed. Therefore, I believe in applying the practice of capital punishment, we must be confident that we are not executing innocent people. I don't believe absolute perfection is ever achievable, so we have to ask the hard question of how many mistakes we allow before we forbid capital punishment.

What is our record here in the United States? We don't require two or more witnesses to convict and we don't execute false witnesses. We do have access to technology such as fingerprints and DNA, which many will argue are actually more accurate than eyewitness testimony. How are we doing in not executing innocent people?

In 1987 the Stanford Law Review published a study that found some evidence that at least 350 people between 1900 and 1985 in America might have been innocent of the crime for which they were convicted. 139 were sentenced to death and 23 were actually executed. Remember the study did not categorically say they were innocent. It suggested they might be innocent. During 1930-1985 3,909 prisoners were executed. If all 23 were actually innocent, that means that over an 85 year time period 0.6 % of the people executed were actually innocent of the crime for which they were executed. The death penalty information center reported in 1997 that 69 people on death row had been found innocent since 1973. They were all given their freedom. Was that evidence that the system was not working or evidence that the system was working albeit slowly?

A study came out in 2014 that said about 4% people who had been executed were actually innocent. However, that study was based on statistical analysis, not actual determinations that those executed were innocent of the crime. We don't know how many innocent people have been wrongly convicted. The four percent figure is probably too high, but I doubt the figure is zero. How much error should we tolerate when talking about taking people's lives? I don't know the answer to that question.

[Slide 5] The second question we need to answer is the question: Is capital punishment applied justly among all people? Our passage made the point that capital punishment needed to be applied equally to citizens as to foreigners. Capital punishment needs to be applied in the same way to all groups within society.

[Slide 6] We know that is not the case in America. The wealthy who can afford the best lawyers are far less likely to be executed than are the poor. The result is that per capita, minorities who tend to have less money also have higher rates of capital punishment than whites. From 1976 to today the percentage executed by race was 56% white, 34% black, and 8% Hispanic. During the same time period the percentage of the population was 80-70% white, 11-12% black, and 6-13% Hispanic accounting for the percentage changes over time. The execution rate of Hispanics was roughly equivalent to their percentage in the US population but the execution rate of whites was far less than their population percentage and the execution rate of blacks was far higher than their population percentage, about three times as high as their population percentage.

Looking at those figures makes me conclude that our justice system is weighted in favor of those who have money and who are white and against those who don't have money and are black. I question whether we should keep the death penalty in light of how it seems to be unjustly applied in America.

However, I think of the man who shot over sixty people in Las Vegas and if he had not shot himself, I would want him to get the death penalty. Cases of extreme evil I think should get the death penalty. I think prisoners who kill in prison should get the death penalty. What else are you going to do to them if they kill a guard or a fellow prisoner? Lock them up in prison? They are already there. They need to be permanently removed.

I don't know the answer myself. I don't want to completely get rid of the death penalty, but at the same time it seems like it should be limited to fewer cases of extreme evil which require an even higher level of proof for conviction. I don't know how to write that into policy.

The US also has the highest incarceration rate in the world. That is unacceptable. We need to stop being so tough on crime and find alternatives to prison. We should require restitution more often for non-violent crimes. We probably need to rethink the punishments we mete out for drug use.

[Slide 7] I close with this final thought, because this particular topic illustrates the point well. I fully believe the Bible has the answers to most of the perplexing problems we face. Certainly if we could eliminate sin we could eliminate the need for capital punishment. However, it is sometimes very difficult with complex topics like capital punishment to know how to apply what the Bible teaches to our American context. This calls for humility on the part of Bible believing Christians. Sure the Bible has the answers, but often we need the Holy Spirit to show us how those answers can be worked out in our present reality and it is not always easy to understand what the Holy Spirit is trying to teach us. After all, he is working with such ignorant, deficient vessels.

It's best to admit that we don't always have all the answers and that there are things we still need to learn both from God's word as well as from the world in which we live. As good as our justice system has been over time and especially compared to other countries, we still have some flaws and problems to work out before it is truly just. Let's be willing to truly listen to all perspectives before we decide our position. God help us to do that. Close in prayer.