

# youthESource Apologia

## The Death Penalty

by Mark Cook

### Introduction

Should the government have the option to execute the worst criminals? The responses to this question were recorded in a Barna Group poll that surveyed American adults. 42% of the "boomer" generation (born between 1948 and 1964) who say they are Christian said yes. For the "millennial" generation, that number was 32%. These numbers had an even bigger difference among those whom Barna labeled "practicing Christians," meaning they believe faith is very important in their lives and have attended church at least once in the past month. For them, almost 50% of the boomer generation answered yes, and 23% of millennials.<sup>[1]</sup>

### Application

There are two discussions involved in this issue of the death penalty. One, does the government have the *authority* to execute someone? Two, *should* the government execute someone?

For the first question, there are several clear references in Scripture to give direction on whether the government has authority or not. One clear and concise verse is Exodus 21:12-14, "'Whoever strikes a man so that he dies shall be put to death. But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint for you a place to which he may flee. But if a man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die.'" It is very plainly laid out that someone who purposefully kills another may be put to death. Two sections, Numbers 35:9-34 and Deuteronomy 19, lay out in detail rules and circumstances by which the death penalty may and may not be used.

Are these laws applicable only to the Israelites and God's people of the Old Testament? In Romans 13:4ff Paul writes in regard to authority, "for he [the governing authority] is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer." The death penalty was explicitly laid out in Old Testament law for the Israelites, and God has also given the responsibility and authority to "bear the sword" to all governing authorities. The authority of using the death penalty was not solely for the Israelites, but God grants that authority to all governing authorities.

Why doesn't this violate the fifth commandment telling us not to murder? Isn't the death penalty still taking a life, and thus murder? While the fifth commandment is clear that murder is wrong, the death penalty is treated differently by Scripture (as the verses in the Scripture Connect section state). Luther states, "Therefore neither God nor the government is included in this commandment."<sup>[2]</sup>

Although the government has the authority to administer the death penalty, there is still the question of *should* they do it? Individual Christians are entitled to their own opinions. They may support the use of the death penalty to ensure good order in a country and because their government has deemed it an appropriate punishment. This would follow Romans 13 and be in submission to governing authorities and their decisions.

A Christian may also look to Matthew 5 where Jesus says, "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also..." Jesus calls believers to not repay an evil for evil, so they may fairly believe that it is better to withhold the sentence of death. They may also point to cases of wrongful accusation and

sentencing, and choose to err on the side of caution rather than have the chance of an innocent person being given the death penalty.

Above all, whether a person is for or against the death penalty, all Christians are called to minister to those in prison. Despite any reason for them being in prison, we are called to show the love and forgiveness of Jesus to everyone. "I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me.... the King will answer them, 'Truly, I say to you, as you did it to one of the least of these my brothers, you did it to me.'" (Matthew 25:36, 40) Jesus Himself extends this forgiveness to the thief on the cross crucified next to him during his own execution and gives him the assurance of eternal life with him in paradise.

### **Scripture Connect** <sup>[3]</sup>

Exodus 21:12-14 - "Whoever strikes a man so that he dies shall be put to death. But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint for you a place to which he may flee. But if a man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die."

Numbers 35:9-34 & Deuteronomy 19

Leviticus 24:17 - "Whoever takes a human life shall surely be put to death."

Romans 13:1-7 - Submission to the Authorities

Matthew 5:38ff - "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also..."

Acts 5:29 - "But Peter and the apostles answered, 'We must obey God rather than men.'"

Matthew 25:36 - "I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me.' Then the righteous will answer him, saying, 'Lord, when did we see you hungry and feed you, or thirsty and give you drink? And when did we see you a stranger and welcome you, or naked and clothe you? And when did we see you sick or in prison and visit you?' And the King will answer them, 'Truly, I say to you, as you did it to one of the least of these my brothers, you did it to me.'"

### **Doctrinal Quotations**

*Luther's Small Catechism: 5<sup>th</sup> Commandment (Question 53)* <sup>[4]</sup>

53. Does anyone have authority to take another person's life?

Yes, lawful government, as God's servant, may execute criminals and fight just wars

Romans 13:4 He is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, and agent of wrath to bring punishment on the wrongdoer.

*Luther's Large Catechism: 5<sup>th</sup> Commandment (180-181)* <sup>[5]</sup>

"We have now dealt with both the spiritual and the civil government, that is, divine and parental authority and obedience. However, here we leave our own house and go out among the neighbors in order to learn how we should live among them, how people should conduct themselves among their neighbors. Therefore neither God nor the government is included in this commandment, nor is their right to take human life abrogated. God has delegated his authority to punish evildoers to the civil authorities in the parents' place; in former times, as we read in Moses [Deut. 21:18-20], parents had to judge their children themselves and sentence them to death. Therefore what is forbidden here applies to individuals, not to the government officials."

*Luther's Large Catechism: 8<sup>th</sup> Commandment (274) [6]*

"We have seen that the Fifth Commandment forbids us to injure anyone physically, and yet an exception is made of the hangman. By virtue of his office he does not do his neighbor good but only harm and evil, yet he does not sin against God's commandment because God of his own accord instituted that office, and, as he warns in the First Commandment, he has reserved to himself the right of punishment."

*Apology of the Augsburg Confession (IV, 22) [7]*

"God wants those who live according to the flesh to be restrained by such civil discipline, and to preserve it he has given laws, learning, teaching, governments, and penalties.

*Christian Citizenship [8]*

<http://www.lcms.org/faqs/lcmsviews#deathpenalty>

A 1967 resolution of that states succinctly the position of the LCMS in regard to the death penalty.

1 Merritt, Jonathan., *Poll: Younger Christians less supportive of the death penalty*. Religion News, January 2014.  
<http://www.religionnews.com/2014/01/17/among-us-christians-declining-support-death-penalty/>

2 Large Catechism, 5<sup>th</sup> Commandment (182) in Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000).

3 The Holy Bible, English Standard Version® (ESV®) Copyright © 2001 by Crossway, a publishing ministry of Good News Publishers.

4 Martin Luther, *Small Catechism with Explanation*, (St. Louis: Concordia Publishing House, 1991)

5 Large Catechism, 5<sup>th</sup> Commandment (182) in Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000).

6 Large Catechism, 8<sup>th</sup> Commandment (274) in Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000).

7 *Apology of the Augsburg Confession (IV, 22)* in Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000).

8 *Christian Citizenship*. Resolution 2-38 of the New York convention of the Lutheran Church-Missouri Synod. 1967.  
<http://www.lcms.org/faqs/lcmsviews#deathpenalty>

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