

Capital Punishment: a Crime, a Cure, or a Consequence?

Convicted rapist Leo Echegaray was sentenced to death by lethal injection last January 4, 1999. While the whole Filipino nation waited, the Supreme Court of the Philippines issued an order temporarily restraining the execution to be set on or before June 15, 1999. Its reason to give time for the Senate and Congress to review the death penalty law. This came as a shock to many. Emotions ran high and reactions from various sectors of our society were unavoidable. While many of the anti-death penalty advocates were celebrating, others among their circle were disappointed. They felt that, regardless of one's views on the issue, the law and existing jurisprudence had to be implemented nonetheless. Pro-death penalty advocates were furious. Legislators were divided over the wisdom of the Supreme Court's TRO. Even Roman Catholic Church clergymen were divided. The rapist's daughter and victim, Miss "Baby" Echegaray, and those sympathetic to her, were heard over the airwaves and seen before national television accusing the Supreme Court and the Catholic Bishops Conference of the Philippines as favoring the criminal and being insensitive to her. In just a few moments, the foreign media reported it to the whole world. Page 12 of the January 18, 1999 issue of Time Magazine had this to say:

"Granted stay of execution, Leo Echegaray. Filipino house painter [was] convicted in 1994 of repeatedly raping his 11-year-old daughter, of at least six months; by the Philippines' Supreme Court. Echegaray's scheduled execution - the first since the country reinstated the death penalty in 1994 - has split a nation angered by surging crime, but guided by its predominantly Catholic beliefs."

The writing of this article has been prompted by the above scenario. A society where rules are implemented arbitrarily can only lead to anarchy. King Solomon, the wisest man that ever lived was also a ruler of the nation of Israel. He arrived at this inescapable conclusion when he wrote: *"Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil," Ecclesiastes 8:11.* For sure, the debate over the death penalty will continue and both sides of the camp will always find arguments to defend their position. This writer is offering an argument outside of ourselves, outside our fallible, man-made opinions to address the issue for he firmly believes and assumes the divine-inspiration, inerrancy, infallibility, and transcultural authority of the Bible. The article's purpose, therefore, is to provide a Biblical basis concerning this ethical and legal issue - the death penalty. It is our prayer that this would shed light, not heat, to the current controversy; speak to our consciences rather than our emotions; and provide all of us with an unshakable foundation wherein we can settle our convictions on. May it be heeded by many, especially in a country that professes to be "the only Christian nation in Asia."

THE AUTHORITY TO EXECUTE THE DEATH PENALTY

The Underlying Basis for Punishment of Evil-doers Philosophically, the underlying basis for punishing evildoers in society is man's belief in God - the God Who is sovereign over the universe, omnipotent, omniscient, and omnipresent - the God Who has revealed Himself as moral, having a standard of right and wrong with punishment for the wrongdoer.

The God revealed in Scripture is One Who is perfect in all His attributes, and acts in perfect harmony with all His other attributes. Thus, though He is a God of love, His love is always

perfectly just and righteous. And although He is a holy God, His holiness is perfectly loving. His justice is seen in His penalty for sin - *"for the wages of sin is death?," Romans 6:23a*. He lovingly deals with the sinner, though, by providing the only acceptable atonement for his sin in Jesus Christ and His substitutionary death on Calvary - *"but the gift of God is eternal life through Jesus Christ our Lord," Romans 6:23b*. Yet, He guarantees that the sinner will be punished for his sin if he spurns this gracious offer of forgiveness, cleansing, and salvation received through repentance and faith in Jesus Christ - *"He that believeth on the Son hath everlasting life: and he that believeth not the Son shall not see life; but the wrath of God abideth on him," John 3:36*.

Note that this punishment is not based particularly on its being a deterrent to wrongdoing, but rather as the wage for wrongdoing.

We find this to be true also in the beginning chapters of human history. God told Adam in his sinless state, *"Of every tree of the garden thou mayest freely eat: but of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof thou shalt surely die," Genesis 2:16-17*. It was the devil who first argued by deceiving Eve into believing the intoxicating thought: *"Ye shall not surely die: for God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil," Genesis 3:4-5*. Our first parents yielded to the temptation. This brought the entire human race to fall as well, Romans 5:12. They began to experience the deterioration of the physical body which led to physical death. They also were immediately separated from God, for they were expelled from the garden of Eden (spiritual death). If they had remained in this condition until the point of physical death, they would have spent eternity in hell, separated from God (eternal death). God, in His holiness, did not accept their *"fig leaves"* as imperfect human coverings for their guilt, Genesis 3:7, but instead, graciously provided them His covering, His *"coats of skins, and clothed them," Genesis 3:21*.

Our point? The Bible is clear, explicit as it can possibly be. Even in those times when human government was none existent, God Almighty in all His wisdom and perfection set death as a punishment for wrongdoing. God Himself, in His infinite holiness and love, decreed death was the consequence of sin, which included physical, spiritual, and even eternal death. But He also offers pardon and forgiveness to those who will repent and accept His provision for sin in Christ.

However, today the philosophy of both secular and sacred humanism - the unbelief, rejection and substitution of the one, true, living and moral God for the exaltation of man to a supremacy subject to no higher power than himself - is demanding a hearing in our land. While such a belief is not new, having always been present since man's fall, our intellectual climate and growing freedom of expression have provided us with liberty to accept or reject the infallible declarations of Scripture. Choosing the latter naturally results in softness on punishment, even to the place of dismissing it altogether!

The Origin of Human Government Human government began after the days of the world-wide deluge. Until the Flood of Noah's day, man in his fallen state existed without divinely constituted authorities to establish and enforce laws for the public welfare. God destroyed the anarchal society so that a new order could take place. Immediately after the Flood, among other things, God declared to Noah: *"And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man," Genesis 9:5-6*.

A number of things are worthy of note here:

- Here, we see God instituting human government just before Noah and his posterity migrated and repopulated the earth: *“And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man’s brother will I require the life of man.”*;
- He authorizes capital punishment as a consequence to the crime of murder; *“Whoso sheddeth man’s blood, by man shall his blood be shed”*;
- Observe also the reason God gives for the implementation of the death penalty: *“for in the image of God made he man.”* This fact is restated in the New Testament where the misuse of the tongue is condemned: *“But the tongue can no man tame; it is an unruly evil, full of deadly poison. Therewith bless we God, even the Father; and therewith curse we men, which are made after the similitude of God,” James 3:8-9.* Since the underlying theological reason for capital punishment remains true, there is no reason to believe that the mandate is no longer binding today.

This is important because some anti-death penalty advocates coming from the religious sector use this very argument in support of their position. They reason that since criminals are also created in the image of God, therefore, he should not be executed. Such warped thinking misses the whole point! It is a direct affront to God’s wisdom Who says willful murder ought to be punished by death because man, even in his fallen state, remains created in the image of God. Therefore, he who unjustly kills a man is the one who defaces the image of God and does dishonor to Him.

The Divine Purpose for Human Government The purpose of civil government is to act as a ruling force over fallen man in his social relationships. Because man by nature is a sinner, his self-centered tendencies often cause him to harm, steal from, or even take the life of his fellow man. Human government is one of the three separate earthy institutions established by God (the family and the New Testament Church are the two others) to regulate man’s relationships with others in society. This is reiterated in the New Testament. God’s Word clearly teaches that all authority comes from God – *“...the powers that be are ordained of God,” Romans 13:1.* Even the Lord Jesus Christ recognized this. At His mock trial, Pilate asked Him: *“Then saith Pilate unto him, Speakest thou not unto me? Knowest thou not that I have power to crucify thee, and have power to release thee? Jesus answered, Thou couldest have no power at all against me, except it were given thee from above: therefore he that delivered me unto thee hath the greater sin,” John 19:10-11.* This is something every citizen of the state needs to be aware of. Even a bad government that maintains a certain amount of law and order, though with some injustices, is usually better than no government at all. Bear in mind that the context of this epistle was that the apostle Paul wrote, under divine inspiration, to Christians under the autocratic rule of Nero. Yet we read the God-breathed apostolic admonition: *“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,” Romans 13:1-2.*

But this is also something every human government official should be aware of – from the highest office in the land, the Presidency, down to the smallest Barangay Councilor or policeman. The greatest statesman, Daniel, was fully aware of this for this was what he said before a heathen Babylonian Emperor: *“Daniel answered and said, Blessed be the name of God for ever and ever: for wisdom and might are his: and he changeth the times and the seasons: he removeth kings, and setteth up king...,” Daniel 2:20-21a.* All in power ought to

realize that their authority ultimately has been merely delegated to them by God to carry out the purpose for which He established it. These are:

1. To punish wrongdoers --

“For rulers are not a terror to good works, but to the evil,” Romans 13:3. Inclusive of this is the deterrent factor: “Wilt thou then not be afraid of the power? ... 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. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake,” Romans 13:3-5

2. To reward the good --

“do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good,” Romans 13:3b-4a.

The State has the responsibility to enact and enforce laws: *“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,” Romans 13:4.* It also has the right to levy taxation to its citizenry: *“For for this cause pay ye tribute also: for they are God’s ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour,” Romans 13:6-7.* These are all divinely intended for the protection and benefits we receive from government such as infrastructure, employment, and other basic services. But in all these, government officials need to carry out these responsibilities hopefully with the awareness that God delegated His powers and that they are accountable to both the people and God for how they use, misuse or abuse it. Failure to fulfill such awesome responsibilities is, plain and simple, disobedience to God!

THE APPLICATION FOR THE EXECUTION OF THE DEATH PENALTY

A survey of Old Testament passages where God's law was given through Moses will reveal that the following capital offenses were grounds in Israel for the death penalty. This list is not exhaustive:

1. Idolatry – Exo. 22:20
2. Enticing to Idolatry – Deut. 13:6-9
3. Blasphemy – Lev. 24:16
4. Propagating False Prophecies and False Teachings – Deut. 13:4-5
5. Working on the Sabbath – Exo. 35:2
6. Rebellion Against God-Delegated Authority – Deut. 17:8-12
7. Cursing or Rebelling Against Parental Authority – Lev. 20:9; Deut. 21:18-22
8. Murder – Exo. 21:14 (committed by man); Exo. 21:28-29 (committed by an ox)
9. Pre-marital Sex – Deut. 22:23-24
10. Rape – Deut. 22:25-27
11. Adultery or Extra-marital Sex – Lev. 20:10; Deut. 22:22
12. Incest – Lev. 20:11-12
13. Homosexuality/Lesbianism – Lev. 20:13
14. Sex with Beasts – Lev. 20:15-16
15. Kidnapping – Deut. 24:7

It should be borne in mind that Israel was a Theocracy, unlike any other nation. It would be absurd to incorporate all these in another country's constitution. For instance, Sabbath-keeping was commanded of God and it was specifically stipulated as a sign between God and the nation of Israel, *Exo. 31:12-17*. Obviously, these laws are not legally binding upon us. But most of these should provide lawmakers in our country a moral and ethical basis for their legislation in order to have a righteous government under God for they reveal God's moral standards as well. This study clearly shows us, again, that God included capital punishment as part of their system to be a consequence for heinous crimes.

THE ARGUMENTS ON THE EXECUTION OF THE DEATH PENALTY

Argument Citing the Decalogue Others argue that God said, "Thou shalt not kill." How do we respond to this? Nobody questions the fact that this is part of the Decalogue. It is the sixth of the Ten Commandments given by God to Moses at Mt. Sinai, *Exo. 20:13*. But the Hebrew word *ratsach* means "to murder, slay, or kill." It is not a prohibition to the State to enforce its laws and implement its penalties over lawbreakers. Rather, it is a God-given command that reveals His moral standards and His abhorrence for the sin of murder! It surprises us to hear some anti-death penalty advocates use this argument when some of the beneficiaries of their cause are the very criminals guilty of disobeying this divine mandate!

Argument Citing the Woman Caught in the Act of Adultery "He that is without sin among you, let him first cast a stone at her," Jesus said. Anti-death penalty advocates quote this statement in the context of the present controversy to anyone who is against their position. They are, in essence, saying: "Because none of us are sinless, then none of us have the right to 'cast a stone' or impose capital punishment against any criminal." But is this what Jesus really meant? The incident is recorded in John's Gospel (8:1-11). The apostle John narrates of the scribes and Pharisees who one day brought a woman before Jesus whom they allege to have been caught in the very act of adultery. They pose a question before our Lord: "*Now Moses in the law commanded us, that such should be stoned: but what sayest thou?*" v. 5. Why did they bring her to Christ? What was their purpose? The inspired account does not leave us in the dark. "*This they said, tempting him, that they might have to accuse him,*" v. 6. So, Jesus, who knew their hearts, answered: "*He that is without sin among you, let him first cast a stone at her,*" v. 7. Note that it was not addressed to Caesar. Neither did Jesus condemn the law of Moses. Rather, it was spoken to silence the unbelieving, skeptical, hypocritical religious leaders of His day. Thus, it cannot be used as a statement to support the anti-death penalty stance. To do so is to resort to Scripture-twisting, and to quote the Lord Jesus Christ out of context. This would not only be dishonest, but very deceiving.

Argument on Vengeance But wouldn't this be vindictive, the eye-for-an-eye principle, which contradicts the New Testament admonition: "*avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord,*" *Romans 12:19*? Not at all! The word "avenge" and "vengeance" here have the same root word for the Greek word translated "revenger" in *Romans 13:4*. This portion of Scripture, from *Romans 12:19-13:4*, is simply saying that Christians are not supposed to put the law into their hands because God's Word guarantees that it is payday someday! Yes, there is such a thing as divine justice. But immediately after stating this, the apostle Paul points out that God established human government as His properly delegated human authority and He may use His "minister [the State, as His instrument, as] ?, a revenger to execute wrath upon him that doeth evil."

Argument on the Judicial System's Flaw Some legislators maintain the anti-death penalty stance because the death penalty is final. They argue that it would be unjust especially if the

person executed is not really guilty. But this argument begs the question. The man who uses this argument is barking on the wrong tree. This has nothing to do with the issue at all - that of the legitimacy or illegitimacy of the death penalty. The system as it is now, though imperfect, already provides so much protection for the rights of the accused. If the problem is in the judicial system, then it is the system that has to be corrected. We do not deny that history attests to the fact that some "men in robes" have convicted innocent people and that the State has unjustly executed the death penalty on them. And we most certainly concur with all who say that all flaws, such as corruption, should be condemned, and as much as possible removed in the judicial system so that punishment of any kind, for that matter, would never and should never be the lot of the innocent. But the system, no matter how flawless, is just as good as the people running it. If those who are suppose to be implementing the law are respecer of persons given in to cronyism and bribery, then they are the culprit, not the death penalty law. God says: *"A wicked man taketh a gift out of the bosom to pervert the ways of judgment," Proverbs 17:23.*

Argument on Giving the Convict an Opportunity for Change Others call this the "humanitarian" argument. It may disarm some who are pro-death penalty because it appeals to the emotions. But it is a smokescreen that shifts the issue and puts the blame on pro-death penalty advocates of allegedly being inhuman, or even bloodthirsty. The truth is, when the State tries to protect itself from criminal elements in society, this is self-preserving and very humanitarian. What and who can be more inhuman than the ones who are guilty of heinous crimes! Whatever happened to the axiom we hear from lawyers - *Dura Lex Sed Lex*. The law may be harsh, but it is the law!

Argument on Death Penalty Being a Deterrent to Crime This is probably the argument closest to Scripture but it is not without problems. As pointed out earlier, it is not the reason in which the argument from Scripture rests. Both sides of the camp do cite statistics to prove their position on whether or not capital punishment is a deterrent to crime. But this leads to further unending questions that require an answer if the controversy is ever to be resolved, such as: whose survey is most accurate, credible, and thus, to be believed?

The Biblical Position God expects us to use our reasoning capabilities. But he desires that we use it in subjection to the absolute and final authority of His Word. Failure to do so leaves us, His finite sinful creatures, on our own whim or caprice in deciding what is right and wrong. Moses, the great law-giver said: *"I will publish the name of the LORD: ascribe ye greatness unto our God. He is the Rock, his work is perfect: for all his ways are judgment: a God of truth and without iniquity, just and right is he," Deuteronomy 32:3-4.*

It was God Almighty who said: *"Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man," Genesis 9:5-6.* He authorized the death penalty as a consequence for such heinous crimes as murder. God, the Author and Sustainer of life, never holds life cheap. The sacredness of it is the very argument why capital offenses ought to be vehemently condemned to deserve such a punishment. Yes, the Bible is pro-life. And that's why it sanctions the death penalty for those guilty of heinous crimes.

However, the Bible also recognizes that man is currently in his fallen state. Thus, execution of the death penalty will very likely deter but will not guarantee the elimination of all crimes. God never intended it to be taken as a panacea for evil in society for Jesus says the heart of man's problem is the problem of his sinful heart: *"That which cometh out of the man, that defileth the man. For from within, out of the heart of men, proceed evil thoughts, adulteries, fornications, murders, thefts, covetousness, wickedness, deceit, lasciviousness, an evil eye,*

blasphemy, pride, foolishness: all these evil things come from within, and defile the man," Mark 7:20-23. And Christ Himself is the Solution to this age-old problem called sin: "For He [God the Father] hath made Him [God the Son] to be sin for us, Who knew no sin; that we might be made the righteousness of God in Him," 2 Corinthians 5:21.

SUGGESTED COURSES OF ACTION

Challenge for Bible-Believing Christians The Bible commands that *"supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings, and for all that are in authority."* O, that God give our government officials the wisdom, character and backbone to implement the law, to condemn the lawless, and to boost the morale of the lawful so *"that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God our Saviour; Who will have all men to be saved, and to come unto the knowledge of the truth," 1 Timothy 2:1-4.*

Let us mark government officials who are pro- and anti-death penalty. This will help us exercise our right of suffrage wisely on candidates who hopefully are more aware of and committed to their God-given responsibilities. Hopefully, we now understand better what God means when He used King Solomon to write: *"When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn," Proverbs 29:2.*

All the more, let us preach the life transforming message of salvation in Jesus Christ to a disillusioned citizenry that is fed up with hypocrisy in any casuistic man-made religion; and that is groping for clear-cut, definite answers to questions relating to our sin-cursed world. Let us *"But sanctify the Lord God in your hearts: and be ready always to give an answer to every man that asketh you a reason of the hope that is in you with meekness and fear," 1 Peter 3:15,* to a population who desperately needs to hear and see an authentic Christianity that offers a coherent world-view and is rightfully anchored in God's unchangeable Word.

Let us also be reminded of the words of the Lord Jesus Christ: *"Jesus answered, My kingdom is not of this world: if my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews: but now is my kingdom not from hence," John 18:36.* A government of perfect righteousness will not come through the feeble efforts of men. It will only finally come when the Sovereign Christ, the King of kings and Lord of lords, establishes His millennial reign here on earth. Meanwhile, we are called to be "salt" and "light" as we continue our pilgrimage to make an impact in the cultural ethics of our society, awaiting His imminent return, for: *"Righteousness exalteth a nation: but sin is a reproach to any people," Proverbs 14:34.*

Challenge to the Rest In an imperfect world, capital punishment is not a cure-all for crime for there is no guarantee that it will permanently deter nor eliminate it. Neither is the death penalty necessarily a crime in itself, for it is Biblical for the State to enforce penalties on lawless elements, such as capital punishment for capital offenses, as a consequence to evil-doing. According to Scripture, the sacredness of human life – that man is created in the image of God – is the underlying foundation for its divine sanction.

However, there is hope for death convicts like Leo Echegaray. The repentant thief was facing the death sentence when he met Christ. He acknowledged his sin, recognized Jesus Christ for Who He is – the Sinless Son of God – and trusted Him and His once-and-for-all, vicarious, atoning sacrifice. That very moment, Jesus Christ forgave him and promised him: *"Verily I say unto thee, Today shalt thou be with me in paradise," Luke 23:43.* Although he still faced

the consequence of violating the law here on earth, he was forgiven by God of his sin when he genuinely repented and trusted Christ for his salvation. The sin which brought about the consequences was forgiven by God. But He allowed the consequences of sin to continue to take its toll.

God's verdict for all men is this: *"For all have sinned, and come short of the glory of God," Romans 3:23.* Thus, all deserve God's punishment for sin – death. The only way of escape is in Jesus Christ: *"For Christ also hath once suffered for sins, the just for the unjust, that he might bring us to God, being put to death in the flesh, but quickened by the Spirit," I Peter 3:18.*

Dear reader, may you heed this personal appeal. Unless you have done so, we urge you to come to Christ and trust Him for cleansing and forgiveness. *"Neither is there salvation in any other: for there is none other name under heaven given among men, whereby we must be saved," Acts 4:12.*

-written by Dr. Roberto-Jose M. Livioco

Post script note: Mr. Leo Echegaray was executed by lethal injection in February 1999.