



Is the Death Penalty Still Viable?

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Over the course of the 20th century, almost every industrialized country except the United States has abandoned capital punishment. This is often cited as an obvious indicator that the rest of the western world has taken the moral high road while the U.S. remains relatively barbaric. Besides, we are told over and over, there is no conclusive evidence that the death penalty deters murder. What shall we make of all this?

The basis given in the law of Moses for execution in cases of premeditated murder is that the victim was created in the image of God. The doctrine of the image of God is not only clearly retained in the New Testament, but is nothing less than the basis for the biblical teaching that all humans have equal rights (Gen. 1:27-31; Acts 17:26; Gal. 3:28). If being in the image of God is the ground of equal rights, how can we ignore it when it is revealed as the ground of capital punishment for first-degree murder?

Moreover, so long as that doctrine is the basis for capital punishment, the deterrence argument is moot. The reason for execution, then, is that the murderer *deserves* it, not that the penalty might or might not deter others from committing murder.

How do we explain the fact that so many countries have abandoned capital punishment? In my opinion this change is one of many shifts away from broadly biblical assumptions undergirding democracy to broadly humanistic ones. Where God's kingdom is no longer held to be the foundation for valuing the image of God, then the living (even if murderers) might be valued more than the dead (even if a victims), and execution itself becomes just another crime.

Some version of the humanist creed also seems to underlie the compromise view about capital punishment now popular in the U.S. The compromise is to say that the death sentence is generally to be avoided but is sometimes warranted depending on who is murdered or how many are murdered. So the death penalty is deserved, say, if the Pope, or the American president, or 25 people are murdered rather than one ordinary person. This view makes sense only on the assumption that many victims or a famous victim had more of whatever human quality is being regarded as the highest value than does the murderer. Consequently, the wrong of taking the murderer's life is outweighed by the greater wrong committed by his crime.

From the biblical view, however, there are no degrees of being in God's image; each human life is of equal value and should enjoy equal protection. So the premeditated destruction of each should be equally punished no matter whether it was one person or many, whether the president or a street person.

Some who agree with all that I've said so far would still object that the danger of executing the wrong person outweighs all else. This is a serious point which shows the need for new safeguards to be added to our justice system. Presently, a death sentence carries an automatic appeal so that a higher court can review the case to make sure there were no errors in legal procedure at the trial. That is not enough. What needs to be added is a similar review of the facts and evidence by an independent review board. We need to catch convictions that are mistaken because of evidence that was tainted, lost or repressed, every bit as much as we need to catch unfair trial procedures.

Capital punishment should stand precisely because of the high value of each and every human life, including the life of each victim.

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