

Pro-life Penalty

The state acts as God's agent when it kills those who have killed.

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Someone who commits a murder, most people throughout history have believed, deserves to die. Someone who commits 300,000 murders, though—according to many people today—deserves to live.

Nearly everyone agrees that the capture of Saddam Hussein was tremendously good news for the people of Iraq, whom he had brutalized and terrorized for decades. But the United Nations, the European Union, and many Americans are demanding that he be tried before an international tribunal, rather than by an Iraqi court, mainly because they are worried that the Iraqis would give him the death penalty.

For Europeans, abolishing the death penalty has become a hallmark of civilization. No nation that executes criminals is allowed to enter the European Union. A major reason that Europeans have come to look down on the United States—considering us unsophisticated, violent “cowboys”—is that we still practice the death penalty.

According to a recent Gallup poll, 74 percent of Americans believe in the death penalty, up dramatically from 65 percent two years ago, with 38 states now willing to carry out executions.

Still, many Americans have become squeamish about the death penalty. Jurors condemned John Allen Muhammed to death for masterminding the serial killings of 10 people in the D.C. sniper case, but they pulled back from capital punishment for Lee Malvo, the 17-year-old who actually pulled the trigger and did the killing. Earlier this year, George Ryan, the outgoing governor of Illinois—a conservative Republican—commuted the sentences to life imprisonment for all 167 prisoners on his state's death row.

Some legal crusaders are arguing that capital punishment is unconstitutional, a violation of the Eighth Amendment's prohibition of “cruel and unusual punishment.” This, despite the fact that the Constitution's Fifth Amendment makes explicit provision for “capital crimes.”

Many pro-life activists, including the Roman Catholic Church, are promoting what they call a “consistent pro-life ethic,” which opposes the taking of all life, lumping together opposition to abortion with opposition to the death penalty, as if there were no essential difference between killing someone who is innocent and killing someone who is guilty.

Doesn't capital punishment denigrate the value of human life? According to the Bible, the value of human life is the reason for capital punishment. "Whoever sheds the blood of man, by man shall his blood be shed, for God made man in His own image" (Genesis 9:6). This is no Levitical law designed only for the children of Israel but a commandment to Noah at the reestablishment of the human race. Committing murder is a sacrilege, a blasphemous assault upon God Himself, whose image is borne by every human being. There is thus an objective basis for affirming the value of every human being. The corollary, though, is that those who violate that truth must forfeit their own lives.

But aren't Christians supposed to forgive? Absolutely. "Beloved, never avenge yourselves, but leave it to the wrath of God," says Paul (Romans 12:19), in a passage echoing the radical turn-the-other-cheek ethic of the Sermon on the Mount. But then, a few verses later, he explains how God administers His wrath, through lawful human authorities "bearing the sword."

"The governing authorities ... have been instituted by God." "Rulers are not a terror to good conduct but to bad." "The one who is in 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" (Romans 13:1-4).

Individuals are not to take revenge. God, though, works through human offices that He authorizes to be His "avenger." This is the doctrine of vocation, that God works by means of human beings acting in their various callings. The very purpose of government is to protect the innocent by punishing evildoers.

This is the key to rebuilding Iraq. That Saddam Hussein deserves to die is one of the few things that Iraqis of nearly all factions can agree on. In this, they can find their unity. What they now must do is build a legal system that can execute Saddam. The infrastructure they build to give him a legitimate trial and a legitimate execution—including courts and a rule of law, which in turn necessitates a government with popular legitimacy—will remain after his death and will protect the rights and well-being of all Iraqis.

Building a government around the necessity to punish Saddam can be the new Iraq's founding moment, even as other nations weaken their legitimacy by bearing the sword in vain.