

Calvin Speaks



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THE DEATH PENALTY **IS** NOT OPTIONAL (Part 2)

[Summary of the first part of Sermon 103, on Deut. 17:2-7.]

Deuteronomy y 13 commands that those who seek to destroy the worship of God should be put to death, but here in chapter 17 we are told that those who apostatize from the true God must also be put to death, whether they seek to carry others along with them or not. This seems "to be a very harsh law, but we think so only because we do not esteem God's honor highly enough. A man who is a traitor to the state would be punished, would he not? How much more, then, should a man be punished who swears allegiance to God, by baptism, and then rejects His rule? The text gives no one any excuse, for it commands that death be the penalty whether the criminal be a man or a woman.

We are not to be rash in executing people for any crime, let alone this one. A thorough investigation must be made. God does not condone rash zeal. Moreover, by commanding this, God exhorts the civil magistrates to be diligent in searching out wickedness. At the same time, we know that many crimes do not come to light in history; but we also know that God reserves to Himself the judgment of all hidden evils.

It is not simple idolatry that is in view in this law, but rather apostasy. This law does not apply in heathen lands, for if all idolators everywhere were put to death, there could never be any converts to the faith. Rather, it is a covenanted and Christian establishment that is in view. A man who has sworn allegiance to the King of kings by baptism and then apostatizes, should be put to death. Moreover, this 'law does not only apply in cases of pure idolatry, but also applies when the pure worship of God is corrupted by the introduction of images into worship and other false practices, as Popery has done.

The death penalty is not optional in such cases. God has spoken, and men must bow the knee. Too many modern men wish to judge according to their own likes and dislikes; they make themselves the arbiters of life and death. By so doing" they blaspheme the law of God. Moreover, many such men are ready to punish crimes against the second table of the Law, but shrink from punishing crimes against

the first table. By their opinion, they show that they think crimes against mere men are more heinous than crimes against the majesty of God. Their presumptuousness matches their ungodliness.]

We see that our Lord speaks only to such as have been duly taught His will beforehand. For He did not say to the heathen or to unbelievers, "I command you this," or "I have forbidden you that." No, and therefore this law must concern a people that has received religion previously, and among whom some certain rule is set down and established. Now then, when God has once commanded one thing, and forbidden another, and has told us that His will is such and such, what is there left for us to do but to frame ourselves thereto? And as for those who refuse His yoke, and they say it is through ignorance and through some preferred devotion? indeed, it may be so, but yet there lies another crime hidden underneath, namely contempt for God's Word; and there lurks secret malice, hypocrisy, and pride; and all these (I say) are mingled together. Therefore must all excuses cease, and we must acknowledge that all such as have been duly trained in the Word of God are less excusable than the ignorant.

And this is not only to be applied merely to temporal justice, but forasmuch as it is God that speaks, let us mark that insofar as we have proceeded in His doctrine, and insofar as He has shown His will to us, our sin is the greater if we follow not whatsoever He commands us. We must come to this point: "It is God Who has spoken unto me; He has granted me the grace to know how He will have me to walk; and therefore, seeing that He enlightens me, I must not stumble, and not play the blinkard⁶ nor the blind buzzard; ⁷but I must take heed to the obeying of His doctrine. If we do not, we see that the aforesaid punishment belongs to us; and if we are not chastised by the hand of man, chastisement awaits us from Above. For God surely has the right to upbraid us because of the favor He has

⁶ an unperceptive, stupid person—JBJ.

⁷ a worthless, stupid person—JBJ.

shown us, in that He has vouchsafed to teach us His will. Inasmuch that even if poor ignorant souls were to be half excused, yet on our part the same crime would be out of all proportion, when we set ourselves in such a way against God's will, since it is known unto us. Thus you see what we have to remember from this place, where it is expressly said, that *God has not commanded those things*.

Also let us learn generally to judge of God's will according to His teaching of us. For oftentimes we desire to lessen men's faults, or aggravate them; and yet in the interim we do not look at what is expressly told us. Therefore let us bear in mind that God's will is contained in the Holy Scripture, and that this is the place where we must seek it. And when we see that God speaks in such and such a way, let us hold ourselves to it without any gainsaying.

The Ceremony of Punishment

Now Moses adds, that *the hand of the first witness shall be first against the party that is to be stoned, and then the hands of all the people*. By this he meant to show that witness must not be borne, except with fear. But nowadays many men have no conscience at all about giving evidence recklessly against their neighbors, because they are not required to execute the sentence. One man goes and with his false tongue injures another person who is but half guilty, or maybe not guilty at all. And such a man thinks to himself that mere speech is not so great a matter, so that he doesn't mind speaking against all truth. You can see from this the very reason why there is so much freedom for forswearing nowadays; that is, that those who give evidence against their neighbors are not put to the executing of the judges' sentence.

But it was God's will that there should be another order among the people of Israel, namely that whoever gave the evidence should cast the first stone at the party, as though to say, "It is you who are putting this man to death." By means of this the people were restrained from bearing false witness against any man unless the matter were true and certain. For he that gave the evidence would behold himself doubly guilty, both in tongue and in hand, in murdering an innocent person, if he had borne false witness. We see then that it was not without cause that God commanded this ceremony, namely that the witnesses should be the first in stoning the parties that were condemned to death by the judges. And hereby all were made to understand that no offender was put to death, save by the testimony of witnesses who had proven the offense by their own knowledge.

Nevertheless, God also willed that the hands of all the people should join with them, to show that all of us must be involved in furthering the maintenance of His service and of the pure religion. If any trespass has been committed between man and man, it will be pursued by the injured party or by those who have to do with him, or else some common officer will act as prosecutor in all cases. But when God's honor is defaced, then ought every man to bestir himself.

And it is a singular favor that God shows unto us, when He employs us in such an honorable thing as the maintenance of His own majesty, to be as His attorneys in that

matter. For what are we? Now if God does us the honor to declare to us that He will have His honor maintained by us and by our hands, should we be negligent in the matter?

So now we can see what was God's meaning in commanding all the people to help in stoning the idolators. For thereby we are caused to understand that we ought to be careful to maintain God's service purely among us; and that every man must be earnest and zealous in this matter, so that (as much as in us lies) we do not allow religion to be held in scorn or to be perverted. But if we bear good will to the commonweal, when all things are well ordered, and we love to have equity and uprightness among us; there is much more reason why we should be very solicitous concerning the purity of God's worship, that men not turn away from His Word, nor "wander away willfully from the religion that He has established.

Although we nowadays are no longer bound to keep this law as respects the ceremonial aspect of it, yet the substance remains with us. It is not necessary for each one of us to stone idolators, but our Lord would still have us to understand that we must at least have so great a regard for His honor that (as far as lies in us) we do not permit His name to be scorned and His religion to be trodden down. But every one of us should set ourselves against such things, and be adversaries of them. That is the thing which we have to note. And so, although the ceremony of the law is not as such among us still, yet the substance of it still stands in force, and we ought to observe it.⁸

It is not immediately apparent where Calvin draws the line between the binding moral and judicial aspect of this law and the ceremonial accompaniments of it. It is clear that he believes that death is the only proper punishment for apostasy, and it is clear that he regards the involvement of the whole community in the execution of the sentence as a ceremony which is no longer obligatory in the New Covenant. How about the requirement that the witnesses be the executioners? Calvin gives a good, practical defense of this requirement, and he does not say that it is ceremonial. In his remarks on Deuteronomy 13:9, he calls this "an admirable provision" (*Commentary on the Pentateuch*, at Dt. 13:9). In his comments on Deuteronomy 17:7, he calls it "an excellent remedy for the repression of light accusations" (*ibid.*, at Dt. 17:7). Thus, while Calvin's approval and appreciation of this provision is clear, it is not certain whether or not he regarded it as binding on the New Covenant.

Nor is it clear by what standard Calvin is distinguishing permanent social legislation from temporary ceremonial legislation. The involvement of the whole community in executing the sentence is not part of the sacrificial system, nor of the cleansing system, nor is it tied to the worship at the tabernacle and temple. Thus, precisely what there is about it that makes it ceremonial and temporary is not clear.

Generally speaking, however, it can be said that the Reformers, including Calvin, distinguished between the death penalty on the one hand and the mode of punishment on the other. As far as the Reformers were concerned, God and God alone was the Author of life and death. If God had told Israel to punish by death a certain crime, that information was good and true for all times and cultures. We dare not spare the life of a man whom God has condemned to death. And also, if God has ordered that a crime be punished by some means short of death, we dare not put such a man to death. God alone can say who lives and who dies. From this it is plain that the Reformers had a much greater fear of God and a much higher reverence for life than do modern Christians, who blithely ignore God's rulings in this area. At the same time, the Reformers thought that it was an indifferent matter whether the death penalty was

And for the same cause it is expressly added, that *they must root out the evil from among themselves*. By this He wants us to know that the permitting of idolatry and superstition is a cankerworm and a corruption that infects all things. And as I said previously, if men had been well bridled at the beginning, surely they would never have come to the present apostasy; that is to say, they would never have withdrawn themselves after such a fashion from the obedience of God. For what else is Popery, except a corruption which has drawn all men away from the obeying of God, so that all became backsliders, all have gone astray, and all have broken the promise of their baptisms? And how did this come to pass, except by men's nourishing the evil by winking at it and concealing it, until the infection was so far spread abroad, that both great and small were poisoned with it?

Now then, if we wish to hold ourselves in the pure obedience of God, let us endeavor that the mischief may be rooted out from among us, especially a mischief that brings such a great infection with it. For it is not possible for us to escape infection if it abide among us. And for the same reason the Apostle (in Hebrews 12: 15) exhorts us to pluck up the wicked weeds before they are fully grown; for it will amaze us when they will pluck out our eyes,⁹ and yet there is no remedy for it [then], but it must come to such a pass if we allow them to grow for any long time. Therefore, as soon as we see any evil sprout up, we must take it out as much as we can, so that we are completely rid of it.

Indeed, even if one man could not be enticed by another's wickedness, still God's wrath is kindled and increased further among us when the evil abides thus unpunished. And therefore St. Paul, speaking of the incest that was permitted among the Corinthians, says unto them, "Put away the evil from among you (1 Cor. 5:13)." It is as if he had said, "You wretched men, the crime that is among you provokes God's vengeance against your whole nation, if you permit it to go on; and therefore, if you intend to be exempted from God's wrath, let not that evil be suffered or nourished any longer."

And this is a sufficient proof of that which I have touched on, namely that God in commanding all the people to put their hands to the stoning of idolators, shows us that the thing concerns us all; and that forasmuch as He makes us His attorneys, this is reason enough for each of us to be diligent in discharging his duty. And this is what God exhorts us to, in that He shows us that the permitting of such evil is an infection and deadly plague, and that our bearing with those things that are clearly contrary to His majesty, provokes His wrath against us.

The Need for Witnesses

It now remains for us to come to this law that *a man shall die at the mouth of two or three witnesses, but not*

administered by stoning, or hanging, or by some other means, provided it was not cruel and unusual. (They were opposed to burning people alive, for instance.) In terms of this, Calvin saw the death penalty for apostasy as a permanent moral law, binding on all Christian states, but the mode of stoning he regarded as a temporary ceremonial provision, designed to teach Israel and later the Church that the whole community must involve itself in disapprobating evil.

upon the evidence of any one witness alone. This law serves to order civil government. And indeed, the very heathen were taught by nature to follow this order, so that they could well require that a matter be proven by testimony of two witnesses. And this was printed in their minds because our Lord's will was to hold mankind continually in some kind of uprightness, so that discretion should be used. But we have this teaching confirmed better in that God here speaks it with His own mouth and says that a man shall die at the mouth of two or three witnesses, and not upon the report of only one. So then, let us bear in mind that things ought not to be judged at all recklessly without lawful proof.

It may sometimes occur that the judge himself witnesses a matter, and notwithstanding he must judge contrary to what he knows to be the case. If a man says, "He is doing wrong;" we must reply, "No, he could do no otherwise; He does well." For if I be a judge, and nobody but me knows a man to be guilty, so that there is no second witness to his doings, then I must leave him alone because I cannot remedy it, and he must be acquitted by my sentence. And such an action does not harm my conscience, for I do condemn him before God, just as he deserves, even though I must leave his crime alone, still concealed, until God uncovers it and brings it to light.

Now then, let us mark that for the sake of civil order we must always observe this rule, that we judge not except in the presence of sound proofs, so that the matter is known and verified.

It is said that there must be two or three witnesses. But sometimes men seek to cover their sins and misdeeds by attempting to require an infinite number of proofs; and this very thing was to be seen in those lusty roisterers, who sought to be wiser than God, and had invented a very strange law here in this city of Geneva, which was to the effect that two witnesses were not enough unless there were in addition an attorney. Thus they attempted to control God's law, and all the uprightness of nature, and the thing which has hitherto been maintained in the whole world. And what was the cause of this, except that they would like to have committed all manner of dissipation, and stick out their tongues at God, and yet there might never have been sufficient witnesses to have convicted them of it. For had there come forward two witnesses, or three, or even four, yet men's eyes had been dimmed, and all would have been for nothing. Therefore, let us note that this law was set down to make us hold the mean between two extremes.

The *first* extremity, is to judge a matter before it is thoroughly proven, for to do so is evil, and in so doing men are too hasty. Therefore, it is requisite that there should be two or three witnesses of it. And when there are two or three witnesses, it is not for men to insist¹⁰ that four or five witnesses should be sought for, and that the matter cannot be proven unless there be an attorney along with the witnesses. And that is a flat mocking of God. Let us then bear in mind, that seeing our Lord has told us that the

⁹ i.e., they will grow up and pluck our eyes out—JBK.

¹⁰ this is the second extreme—JBK.

offender shall die at the mouth of two or three witnesses, it is to be supposed that the knowledge of the matter ought to suffice us, so that there ought to be no wrangling against it, but that justice ought to proceed to execution.

And we see" how needful this admonition is for us. For men would always shrink back if it were possible; and if there be any way to hide their misdeeds, then they act as if their hands had been washed clean of them. But here our Lord summons us, saying that if there be two witnesses, the judge must not shrink back; for if he do, he is a confederate and companion with the wicked. He must put his hand to redressing wickedness. Thus we see now that in saying that two or three witnesses are sufficient for convicting a man of a capital offense, our Lord meant to cut off any occasion for the duplicities that men devise to cloak their misdeeds with.

Now furthermore, let us apply this doctrine to ourselves also, and let us understand that since God has set up such order in temporal justice, He will keep it towards us. Are we not sufficiently convicted that we have been estranged from God? First, each of us has his own conscience to reprove him, and what a number of witnesses does that counterbalance! The heathen have said that it is as good as a thousand. Then, if a man be condemned by himself, what will it benefit him if he try to justify himself, seeing that his sin gnaws at him and prefers indictments continually against him? For there is no man, no matter how much a blockhead he be, whose own conscience does not continually sting him. Therefore, let us learn to plead guilty before God, seeing He stirs us thereto inwardly, and shows us our faults.

Beside this, the prophets and apostles, and the very Son of God Himself, are faithful witnesses of our sin; just as Isaiah called the Messiah a Witness (Is. 55:4). Seeing that we have them to convict us, where shall we find any loopholes to escape into? If we could, what would it profit us? And not only do we have the Holy Scripture, but we also have a great cloud of witnesses (as the Apostle terms them in Hebrews 12:1), consisting of all the faithful and of all the holy martyrs who ever suffered for the name of God; and will not all those be sufficient witnesses to condemn us before the judgment seat of our Lord Jesus Christ? Now if

we make no attempt to benefit ourselves by the example which they have given us, but willfully forsake the doctrine after we have known it, what condemnation do we deserve?

For this very reason St. Paul declares this text to the Corinthians (2 Cor. 13:1), that judgment stands on the mouth of two or three witnesses. And what does he speak of here? Of his own Epistle and of his own coming, for he says that he will come to the Corinthians: "Not that I have - not written unto you sufficiently already," he says, "or that I have not warned you often enough heretofore, and yet you continue stubborn and hardhearted still. But do you think that you will win anything from God's hand by such stubbornness? Know then," says he, "that judgment shall be taken at the mouth of two or three witnesses."

Since this is so, let us consider with ourselves, and inasmuch as we see that God has been so gracious to us, to give us so many prophets of His Word, and that Jesus Christ Himself and His apostles have witnessed unto us the truth of the Gospel; let them not be witnesses against us to our condemnation, but rather let them be witnesses of our faith; and let us be so confirmed in the grace of the Holy Spirit by our Lord Jesus Christ, that we may continually keep on our course, and follow the calling unto which our Lord has placed us and called us.

Prayer

And now let us fall down before the majesty of our good God with acknowledgment of our sins, beseeching - Him to make us feel them the more; that thereby we may be the more inflamed to serve Him and worship Him, not only ceremonially, but also by obeying Him with our whole life, and by giving ourselves wholly to the soundness which He shows us by His holy Word; and that we may endeavor to bring other men to the same, and not allow those to stray which are already in the right way; but with one common accord hold them together in the sheepfold which have come into it already, and draw others to it by our good life and lifestyle, preventing all causes of of fence and disorder, whereby the true religion might be perverted. That it may please Him to grant this grace not only unto us, but also to all people and nations of the earth, etc.