

# **How Would Jesus Vote?**

## **Crime and Punishment**

*Romans 13:1-7*

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# Crime and Punishment<sup>1</sup>

## Scripture

Each week Kevin Tunell was required to mail a dollar to a family he'd rather forget. They sued him for \$1.5 million but settled for just \$936, to be paid a dollar at a time. The family expected the payment each Friday so Tunell would not forget what happened on the first Friday of 1982.

That's the day their daughter was killed. Tunell was convicted of manslaughter and drunken driving. He was 17. She was 18. Tunell served a court sentence. He also spent seven years campaigning against drunk driving, six years more than his sentence required.

But he kept forgetting to send the dollar.

The weekly restitution was to last until the year 2000. That was a period of 18 years from the day of the accident. Tunell made the check out to the victim, mailed it to her family, and then the money was deposited into a scholarship fund.

The family took him to court at least four times for failure to comply. After the fourth failure to pay, Tunell spent thirty days in jail. He insisted that he was not defying the order but rather was haunted by the girl's death and tormented by the reminders.

He offered the family two boxes of checks covering the payments until the year 2001, one year longer than required. They refused. It's not money they wanted, they said, but penance.

Quoting the mother, "We want to receive the check every week on time. He must understand we are going to pursue this until August of the year 2000. We will go back to court every month if we have to."

Few would question the anger of the family. Only the naïve would think it fair to leave the guilty unpunished.

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<sup>1</sup> The material for this sermon is drawn from *How Would Jesus Vote?: a Christian Perspective on the Issues* by D. James Kennedy and Jerry Newcombe (Colorado Springs, CO: WaterBrook Press, 2008).

But one has to question whether the punishment fit the crime. Was the family finally at peace once they received 936 payments? Was that enough? Or was it too little? How much is enough? Were you in the family and were Tunell your target, how many payments would you require?<sup>2</sup>

Two weeks ago I started a new series of messages titled, “How Would Jesus Vote?” It is my intention for about 8 weeks or so to examine some key issues that confront us today, and ask how Jesus would vote if he were here today.

Today, as we continue in our series on “How Would Jesus Vote?” I want to examine “Crime and Punishment.” What does the Bible have to say about crime and punishment? Let us look at a foundational text, Romans 13:1-7. I will not be doing an exposition of this text, but I will refer to it later in today’s message.

So, let’s read Romans 13:1-7:

**<sup>1</sup> Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. <sup>2</sup> Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. <sup>3</sup> For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, <sup>4</sup> for he 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. <sup>5</sup> Therefore one must be in subjection, not only to avoid God’s wrath but also for the sake of conscience. <sup>6</sup> For because of this you also pay taxes, for the authorities are ministers of God, attending to this very thing. <sup>7</sup> Pay to all what is owed to them: taxes to whom taxes are owed, revenue to whom revenue is owed, respect to whom respect is owed, honor to whom honor is owed. (Romans 13:1-7)**

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<sup>2</sup> Max Lucado, *In the Grip of Grace* (Dallas, TX: Word Publishing, 1996), 149-150.

## Introduction

At the foot of the gallows, the condemned man recited Psalm 51 and added a word of personal repentance. A shroud was placed over his head, and he climbed the ladder, which the executioner then pulled away, leaving him to “dance upon nothing,” as the vernacular put it. Thousands looked on as the hangman did his gruesome work. What then was the condemned’s offense?

Poaching a rabbit.

This was one of over 200 capital offenses in early 19<sup>th</sup> century England. The list of capital offenses included “impersonating an Egyptian (i.e., posing as a gypsy),” forgery, “steal[ing] an heiress,” burning a hut or a pile of straw, cutting down an ornamental shrub, or appearing on a highway with a sooty face (the mark of a robber). Such offenses, most of which concerned the protection of property, could send even a 10-year-old to the gallows.

Public hangings were the “most popular mass spectacle in England,” sometimes drawing as many as 80,000 witnesses—one in ten Londoners. A sense of theater enveloped them, with Englishmen gaining renown for the way in which they met death. It was said that, unlike criminals on the continent, who “tended to beg and blubber or become reduced to bovine passivity when confronted by their executioners,” a British felon on the day of his death sought to be “dandy, trim, gay and uncaring.” As one Italian visitor observed, Englishmen faced execution “as if going to be married, with the calmest indifference in the world.” And the show went on frequently, as often as once a week, as in the years 1779-1788.<sup>3</sup>

Ever since the first sin in the Garden of Eden, people have lived with crime and punishment. Every society has some law or code that governs the conduct of its citizens, and infractions of those laws result in some form of penalty or punishment. The punishments have not always fit the crime, as evidenced in the late

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<sup>3</sup>See “When Men Were Executed for Trivialities” in <http://www.kairosjournal.org>.

18<sup>th</sup> century England.

## Lesson

Today, I want to examine briefly the topic of crime and punishment. And I specifically want to examine how Jesus would vote on crime and punishment.

So, let me use the following outline to guide us:

1. What does the Bible say about crime?
2. What does the Bible say about punishment?
3. What does the Bible say about capital punishment?

### I. What Does the Bible Say about crime?

First, then, what does the Bible say crime?

It is helpful to begin with a distinction between *sin* and *crime*.

Sin is defined as “any want of conformity unto, or transgression of, the law of God.”<sup>4</sup> Thus, sin is an infraction of God’s law.

Crime is defined as “an act or the commission of an act that is forbidden, or the omission of a duty that is commanded by a public law, and that makes the offender liable to punishment by that law.”<sup>5</sup> Thus, crime is an infraction of a government law.

Now, it is important to recognize that while sin and crime should be the same thing in society, that is not always the case. What God calls “sin” is not always recognized by a government as a crime. And vice versa.

For example, God says that homosexuality is a sin. However, there are a growing number of states that do not recognize it as a crime or a sin. In fact, they are permitting homosexual marriages.

Now, the goal, it seems to me, is to have sin and crime be the

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<sup>4</sup> *The Westminster Shorter Catechism: With Scripture Proofs*. 1996 (3<sup>rd</sup> edition.) (Question 14). Oak Harbor, WA: Logos Research Systems, Inc.

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<sup>5</sup> Merriam-Webster, I. (2003). *Merriam-Webster's collegiate dictionary*. Includes index. (Eleventh ed.). Springfield, MA: Merriam-Webster, Inc.

same thing in a society. There are, of course, many sins that are recognized as crimes. But not all sins are recognized as crimes.

The Bible recognizes that there are different types of sin. Governments, likewise, recognize different types of crime. For example, there are personal injuries, criminal negligence, and capital offenses.

That is all that I am going to say about crime today. I simply want to affirm that a crime is a violation against the law of the government, that a crime is different than a sin, and that there are different types of crime.

## II. What Does the Bible Say about Punishment?

Second, what does the Bible say about punishment?

Punishment is “the act of penalizing an offender for a sin or a crime, and it is a payment for wrongdoing.”<sup>6</sup>

Punishment began in the Garden of Eden with the Fall of Adam (Genesis 3). It will continue until the Lord returns. And unless a person repents, punishment is potentially as permanent as hell (Revelation 20:11-15).

Now, one of the major questions that is before every society has to do with the purpose of punishment: *What is the purpose of punishment?*

Some say that the purpose of punishment is *rehabilitation*. Rehabilitation is “any measure taken to change an offender’s character, habits, or behavior patterns so as to diminish his criminal propensities.”<sup>7</sup> However, the penal system is rather unsuccessful at rehabilitating criminals. The recidivism rates of prison inmates released in 15 U.S. states in 1994 were as follows:

- 44% were rearrested within the first year,
- 67.5% were rearrested within three years, and
- 82.1% with 16 or more arrests prior to their current in-

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<sup>6</sup> See “Mapping the Terrain—Punishment” in <http://www.kairosjournal.org>.

<sup>7</sup> Andrew von Hirsh, *Doing Justice, the Choice of Punishments—Report of the Committee for the Study of Incarceration* (New York, NY: Hill and Wang, 1976), footnote, 11.

carceration were arrested with three years.<sup>8</sup>

I was struck by a comment about this made by Jonathan Aitken, a former British government official, who was locked up in the high-security Belmarsh Prison for the offence of perjury. While there he was able to get know some of Britain's most dangerous young convicts first hand. He came to the conclusion that seven out of ten prisoners were incarcerated for dealing drugs or for committing crimes to support their own drug habits. Listen to how he puts it:

I was astonished by the number of inmates. . . who were dependent on or addicted to drugs. Another shock came when I gently asked the question, "How did you start to form your drug habit?" The reply in an astoundingly high proportion of cases was, "In the nick [prison]."

This extraordinary answer is often true. Prisons have been described as "universities of crime," but this label is out of date. Today they are often initiators of drug addiction. This is largely to do with what is known as MDT—Mandatory Drug Testing—the principal method that is used throughout Britain's prisons for the testing and detection of drug users. . . . The flaw in MDTs is that they detect cannabis, amphetamines or other soft drugs in the bloodstream for 28 days after use. However, an MDT can only detect hard drugs, such as heroin, cocaine or crack, for three days after use. It follows that a soft drug user has nine times more chance of being caught by an MDT than a hard drug user. This point is reiterated over and over again by the barons (big suppliers) and their joeys (small-time dealers) who run the drugs trade in jail. As a result, numerous young prisoners who start their sentences as occasional users of pills or pot are easily persuaded to start using hard drugs in order to reduce their chances of MDT detection. Once they go down the hard drugs route, their chances of becoming addicted are high. If that happens, they will leave prison with an expensive drug habit costing them between £200 and £500 a week. They have little or no chance of paying the bills for this habit except by returning to crime. This is one of the biggest reasons

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<sup>8</sup> Arthur F. Holmes, *Ethics: Approaching Moral Decisions* (Downers Grove, IL: InterVarsity Press, 1984), 96.

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why eight out of ten young criminals who have served sentences in either Young Offenders Institutions or adult prisons are back behind bars within a year of their release.<sup>9</sup>

Others say that the purpose of punishment is *deterrence*. By punishing criminals that keeps others from committing the same crime. While deterrence may help in some instances, the fact is that it is difficult to know, particularly with regard to capital punishment, how effective it really is.

However, the purpose of punishment is neither rehabilitation nor deterrence. The primary purpose of punishment is *retribution*. Offenders of the law deserve to be punished as someone who is responsible for doing wrong. This principle was captured in Exodus 21:23-25, “But if there is harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.” This is known as *lex talionis*.

The point is that the punishment must fit the crime. It is wrong to give the death penalty for poaching a rabbit or cutting down an ornamental shrub.

Now, though “eye for eye” and “tooth for tooth” may sound harsh to our modern ears, when it was first declared as a principle of retribution, it actually spoke of moderation—*only* an eye for an eye, *only* a tooth for a tooth. Though the victim may want murderous revenge for offenses against his person or property, the state must not indulge his inflated sense of offense. Punishment must not be disproportionate. The punishment must fit the crime.

Punishment is not the prerogative of just anyone who is aware of the offense. Punishment may only be imposed by a duly constituted legal authority. It may not be left up to the whim or caprice of individuals.

So, according to the Bible, parents have a duly constituted legal authority to punish their children. Proverbs 3:11-12 says, “My son, do not despise the LORD’s discipline or be weary of his reproof, for the LORD reproves him whom he loves, as a father the

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<sup>9</sup> Jonathan Aitken, *Porridge and Passion* (London: Continuum, 2005), 60-61.



son in whom he delights.”

Further, the governing authorities have been given a duly constituted authority to punish its citizens. Romans 13:1-4 says, “Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he 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.”

And finally, as the ultimate authority, God punishes justly in his perfect wisdom. Romans 2:6 says of God, “He will render to each one according to his works.”

### **III. What Does the Bible Say about Capital Punishment?**

And third, what does the Bible say about capital punishment?

On May 18, 1992, *Time* magazine put Roger Keith Coleman on its cover with the caption: “This man might be innocent. This man is due to die.” Reporter Jill Smolowe began her story by asking, “Must this man die? . . . That could be a tragic mistake.”<sup>10</sup>

Two days later Mr. Coleman was executed for raping, stabbing, partially beheading, and ultimately murdering his wife’s sister, Wanda McCoy.

From the time of his arrest until the day of his death, Coleman pled innocent. He became the darling of the media and the poster boy for several anti-death penalty groups. But all doubt about his innocence was laid to rest in January 2006 when new DNA tests proved that Coleman was the murderer (and a liar).<sup>11</sup>

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<sup>10</sup> Jill Smolowe, “Must this Man Die?” *Time*, May 18, 1992, 41.

<sup>11</sup> Warren Fiske, “Roger Keith Coleman Case: DNA Proves Executed Man Raped, Killed, Sister-in-Law,” *The Virginian-Pilot*, January 13, 2006, A1.

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Some critics of capital punishment maintain that the risks of killing an innocent man make the death penalty untenable. Advances in forensic science, however, are minimizing these risks. Still, there is an even more important, first-order question to be addressed. What does the Bible say about capital punishment?

Murder is as old as humankind. In the second generation, “Cain rose up against his brother Abel and killed him” (Genesis 4:8b). This crime was hostile and unprovoked. God swiftly judged Cain, making him a fugitive (4:12). Eventually, Cain’s violence came to typify humanity. Although his great-great-great-great-great nephew, Noah, was a righteous man, Noah’s generation was, like Cain himself, “corrupt” and “filled with violence” (Genesis 6:11). It was so hostile that God chose to begin again. The Lord saved Noah and his family but destroyed the rest of his creatures in a cataclysmic flood. He made a covenant with Noah and his descendants that remains in effect even today.

When the waters receded God promised never again to send such a disaster (Genesis 8:21; 9:11, 15). Furthermore, he blessed Noah, repeating the mandate of Genesis 2:24 to be fruitful and multiply (9:1, 7). God gave his people a new beginning, re-establishing humanity as the pinnacle of his creation: “Every moving thing that lives shall be food for you” (9:3). Thus, the overarching theme of Genesis 8-9 is God’s new creation—his promise to bring life and order to a world that has gone horribly awry.

In Genesis 9:5-6, part of this order is God calling for just punishment for murder: “And for your lifeblood I will require a reckoning: from every beast I will require it and from man. From his fellow man I will require a reckoning for the life of man. ‘Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image.’”

To have one’s “lifeblood” (Genesis 9:5) taken away was a capital offense, and twice in verse 5 God asserted that he required a just reckoning. Verse 6 says this just reckoning is death. The context suggests this text is a prescription for capital punishment.

Notice in verse 6 that the death penalty is grounded in the

*imago Dei*. Murder is, at root, an assault on God in whose image every man is made (Genesis 1:26). Murder is immoral not simply because a human life has been taken, as horrible and tragic as that may be, but because in the taking of this human life war has been waged on the Almighty himself. Furthermore, God's new creation will not be destroyed by man's inhumanity to man. God will preserve civilization through just punishment.

This principal is reinforced by Romans 13, which we have already read. God has established the government and given it the responsibility to reward good and punish evil. The bearing of the sword further emphasizes that the government must apply the death penalty for murder.

I should also mention that in the Old Testament the death penalty could only be imposed on the basis of at least two witnesses. Numbers 35:30 says, "If anyone kills a person, the murderer shall be put to death on the evidence of witnesses. But no person shall be put to death on the testimony of one witness." That means that there should be every possible safeguard in the exercise of capital punishment in order to protect the falsely accused from being put to death.

## Conclusion

So, how would Jesus vote?

Jesus would vote for a candidate who supported retributive punishment, what is known as *lex talionis*. That is "eye for eye, tooth for tooth," and so on all the way to "life for life." He would favor a candidate who supported capital punishment for murder.

Come back next week as we learn how Jesus would vote on war. Amen.



# Mission Statement

The Mission Statement of the Tampa Bay Presbyterian Church is:

*To bring people to Jesus Christ  
and **membership** in his church family,  
develop them to Christlike **maturity**,  
equip them for their **ministry** in the church  
and life **mission** in the world,  
in order to **magnify** God's name.*

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**PRAAYER:**

O God, thank you for your Word. Thank you for what we learn about Jesus and politics.

As we think about the upcoming general election and our responsibility (and privilege) as citizens to vote, help us to understand how Jesus would vote on each issue.

O God, your Word teaches us about crime and punishment. We know that sin entered the Garden of Eden, and ever since then you have required punishment for wrongdoing. You have placed the responsibility for punishment in the hands of governing authorities.

Would you raise up political candidates who understand that the purpose of punishment is retribution. We pray that they would implement just laws, and equitable punishments for the breaking of those laws. And since murder is the highest offence, because it is an attack against the image of God, we pray that you would raise up candidates who would support capital punishment.

And all of this we ask in Jesus' name. Amen.

**CHARGE:**

Go and glorify God in all that you think, do, and say! And as you do, may the grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit be with you all, now and always. Amen.