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Genesis 9:5-6

31st Message

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BLOODGUILT

SERIES: OUR STORY OF ORIGINS

It has been four weeks since Gabrielle Giffords and others were shot in Tucson. These shootings prompted a debate about the breakdown of civility in public discourse, and whether the language and imagery used by politicians and talk shows hosts, especially those on the right, might have contributed to the tragedy. Particular concern was expressed over Sarah Palin's use of cross-hairs to target Giffords and others in the 2010 election. Palin responded, "journalists and pundits should not manufacture a blood libel that serves only to incite the very hatred and violence they purport to condemn." Her use of the term "blood libel" sparked off a storm of controversy. She used the phrase deliberately and knowingly, subsequently defending herself, saying, "Blood libel obviously means being falsely accused of having blood on your hands."

Nevertheless, her choice of words was unfortunate. The term "blood libel" has a long and sorry history. It is the charge that Jews kidnap Christian children to use their blood in their rituals. This false accusation has been used to whip up much anti-Jewish sentiment, overflowing into violence. The charge of blood libel is often accompanied by one of deicide, the killing of God: charging Jews with bloodguilt as Christ-killers. These twin charges of blood libel and Christ-killing were responsible for much of the extensive anti-Semitic violence in Europe throughout the Middle Ages. Both charges involve bloodguilt, the guilt arising from the shedding of innocent human lifeblood.

Last week we saw that lifeblood, both animal and human, is at the heart of God's first speech to Noah after the Flood. He expanded the human diet to include animals, but with the emphatic restriction that meat not be eaten with its lifeblood still in it. Because of the close association between life and blood, there is power in the blood. Noah had just availed himself of this power, offering up burnt offerings which the Lord had accepted as a fragrant aroma that put him at rest. The Lord had been pleased to accept the shed blood of an animal as an adequate substitution; he had been pleased to invest the blood with power.

The strong statement about animal lifeblood is immediately followed by a strong statement about human lifeblood.

"And for your lifeblood I will surely demand an accounting. I will demand an accounting from every animal. And from each human being, too, I will demand an accounting for the life of another human being.

**"Whoever sheds human blood,
by human beings shall their blood be shed;
for in the image of God
has God made humankind." (Gen 9:5-6 TNIV)**

These two verses about human lifeblood inevitably raise the issue of capital punishment. Over the past ten years I have preached on several difficult and controversial topics: Armageddon, the millennium, the six days of Creation. But they seem easy in comparison

with this topic. I am filled with greater apprehension over this message. It's not that I don't know what to say: I have thought the issue through. It's not just that there are lots of toes to step on; I trod on plenty in those other topics. It's not just that Christians are divided on the matter; they are divided on those other topics as well. I'm apprehensive because in talking about human lifeblood we are talking about very solemn, sobering issues of life and death, of justice and mercy. This is not a matter to be taken lightly.

The text itself is clear enough. Verse 5 contains three clauses, in each of which God states that he will demand an accounting. The Hebrew verb used here has a wide semantic range centered on the idea of seeking. What God seeks is lifeblood because lifeblood has been shed. The first clause lays out the principle: your blood for your life I will seek. The remaining two clauses elaborate: whether it is an animal or a human, God will seek lifeblood. TNIV seeks to clarify the principle with its translation, "demand an accounting." If an animal kills a human, God will demand an accounting of the animal, namely its lifeblood. If a human kills a human, he will also demand an accounting, namely his lifeblood. The case of a human killing another human is particularly egregious, because he is shedding the blood of someone like himself. Hebrew uses the word "brother" which TNIV expands into "another human being."

Verse 6 specifies how God will demand an accounting for human lifeblood. The verse is in poetry, which is regularly used in these early chapters of Genesis for climactic statements. The first half of the verse is very terse, just six Hebrew words. It is chiasmic; the first three words are repeated in the reverse order: shed-blood-man man-blood-shed. English requires a lot more words: "whoever sheds the blood of man by man shall his blood be shed." This emphasizes the correspondence between the crime and the punishment. The punishment is one of retribution, exactly equal to the crime.

The second line gives the rationale: for in the image of God he made the human. There is a two-fold rationale here. Firstly, the shedding of human lifeblood is so serious because humans are made in the image of God. To kill a human being is to kill God's representative on earth. Secondly, it is humans who are to exercise judgment, shedding the blood of humans, because they are in the image of God. They are God's representatives on earth, to whom he delegates his rule on earth. These twin aspects of God's image meet over the shed human lifeblood. Both the one whose blood has been shed and the one who must shed further blood are in God's image. There is gravity on both sides.

Here after the Flood God is re-emphasizing several features of human life upon earth. Firstly, he is emphasizing the sanctity and dignity of human life; the shedding of any human lifeblood is serious because every human is in God's image, is God's representative on earth. Even the most seemingly insignificant human life is in the image of God. Two weeks ago we observed Sanctity of Human Life Sunday, affirming that unborn children are in the image of God, af-

firming our opposition to shedding their lifeblood in abortion. Their little lives *do* matter. Dostoevsky used the form of a novel to send this message of the value of even the most seemingly insignificant human life. In his novel *Crime and Punishment*, the main character Rasholnikov kills an old woman, thinking that her death will have no repercussions whatsoever, that her life matters not one iota. But he found that the death of even this most insignificant of people sent out shock-waves that reverberated through him. Dostoevsky was sending a powerful message to late nineteenth century Russia of the dignity of every single human being.

Secondly, God is emphasizing the unity of the human race. When a human kills another human, it is his own kinsman that he is killing. The use of the word “brother” in verse 5 means we have to read this against the story of Cain and Abel. Cain killed his brother then denied that he had any responsibility for him. “Am I my brother’s keeper?” he asked. The answer that should be shouted back loud and clear by every subsequent reader is “Yes, you are!” Some opponents of the death penalty argue that God’s placing of a protective mark for Cain instead of killing him shows his opposition to capital punishment. But you can’t get away with that argument here in chapter 9. It is precisely the human who kills his fellow human, his brother, whose blood God seeks.

Thirdly, God is reiterating the status of humans as his vice-regal representatives on earth, ruling his kingdom on his behalf. It is God who seeks justice for shed human blood, but here he delegates the execution of that justice to humans, his vice-regents. So when humans act in that capacity they are acting on behalf of God, in his stead.

The meaning of these two verses is clear. Human life matters; God seeks an accounting for all shed human blood; and he delegates justice to humans. These verses provide the basis for capital punishment. There is no wiggle room. Yet there is a huge debate over capital punishment among both Christians and non-Christians. At question is not the meaning of these verses, which cannot be in doubt, but their applicability today. So how do we go about thinking through this difficult topic? I’m more interested in helping you think than in leading you to a particular conclusion.

These verses lay down the death penalty for the shedding of human lifeblood. The Torah, Israel’s law code, both intensified and moderated the death penalty.

God intensified the penalty by increasing the number of offenses for which the penalty was capital punishment. These offenses included sins against others such as killing another human, striking or cursing a parent, kidnapping another person and selling him; sexual sins of adultery, homosexuality and bestiality; religious sins of sacrificing to other gods, especially offering children in sacrifice, of blasphemy, and of desecrating the sabbath (e.g., Exod 21:12-17; Lev 20:2-16). For all these offenses the penalty was death, and the Torah is very emphatic: the offender “shall *surely* be put to death” (NASB). In most of these cases the offense did not produce bloodguilt, but was nevertheless punishable by bloodshed. At stake was the holiness of Israel; removal of the sinner was necessary to maintain holiness. Yet it is clear that the execution of the penalty, which did shed human lifeblood, neither produced bloodguilt upon Israel nor tarnished her holiness, because that execution was carried out on behalf of God.

But in other ways God moderated the death penalty for Israel. The sixth commandment is “You shall not murder,” but not all killing was classified as murder. Killing in war did not cause bloodguilt,

nor did judicial killing; in both cases the shed blood was not innocent blood. The one who accidentally killed another person did have bloodguilt on his hands but God provided a refuge for his safety. Throughout the land of Israel six cities of refuge were set aside to which the killer could flee (Num 35:9-34; Deut 19:1-13; Josh 20:1-9). Here he sought refuge from the avenger of blood, the kinsman of the slain man, whose shed blood was crying out for justice. It was the avenger who had the God-given responsibility to act as his delegate in demanding an accounting. But if the people determined that the killing was not from hatred, they were to deliver the killer from the avenger of blood. He was safe in the city, until the high priest died, whereupon he was free to go home. This was a provision of mercy on God’s part. The bloodguilt was there, but God provided a means of mercy for dealing with the bloodguilt short of taking the killer’s life. In the short term that provision was the city of refuge; in the longer term it was the death of the high priest as a substitutionary death in his place.

There are those who want to apply Old Testament law today to civil society. These are the reconstructionists who espouse theonomy (God’s law). The more extreme of them want to resurrect the death penalty for all the offenses for which it is applied in the Torah. Perhaps most controversial today is the aim of some to bring back the death penalty for homosexuality. This very proposal is currently before the government in Uganda, following the visit of some conservative evangelical leaders from this country. But the Torah was given for Israel alone. With the death and resurrection of Christ it has run its course. It does not apply to society today, be it Christian society or non-Christian society. There is much that can be learnt from the Torah about life in community, but its use as a contemporary law code is invalid. The presence of the death penalty in the Torah cannot be used to justify its use today. What troubles me more is that those who advocate theonomy tend to have no room for mercy in their views. This shows a deep misunderstanding of God’s character.

God is a God of justice whose wrath is kindled by sin. But he is also a God of great mercy. He doesn’t show mercy begrudgingly; he delights to show mercy. He revealed himself as this sort of God to Moses:

“The LORD, the LORD, the compassionate and gracious God, slow to anger, abounding in love and faithfulness, maintaining love to thousands, and forgiving wickedness, rebellion and sin.”
(Exod 34:6-7)

King David was the beneficiary of this mercy in a most dramatic way. After he slept with Bathsheba and arranged the death of her husband Uriah, the Lord sent Nathan the prophet to him. Nathan came and told him a story about a rich man with abundant flocks taking the one lamb of a poor man. David’s anger was kindled and he said, “As surely as the LORD lives, the man who did this must die!” Whereupon Nathan said, “You are the man!” (2 Sam 12:1-7). In that instant David’s world unraveled. He was undone. What he had done in secret had been found out. He had not a leg to stand on. Ready to impose the death penalty on someone else, he instantly realized it should fall upon his own head. Was there any refuge for him? To his credit he immediately confessed, “I have sinned against the LORD.” He had bloodguilt on his hands. Was there any way for it to be dealt with short of the death penalty?

In a strange way we are the beneficiaries of David’s sin, because he has given us a model for how to deal with sin. After Nathan had

exposed his sin, David wrote Psalm 51 as his confession. In this psalm he made a daring request:

**Deliver me from bloodguilt, O God,
you who are God my Savior,
and my tongue will sing of your righteousness. (Ps 51:14)**

David knew he had bloodguilt on his hands. This was deeply ironic for him. He had bloodguilt on his hands because he had taken another man's wife. Yet he already had a wife who had kept him from bloodguilt. When Abigail restrained him from killing her husband Nabal, he praised her "for keeping me from bloodshed this day and from avenging myself with my own hands" (1 Sam 25:33, cf. v. 26). When Nabal had died under God's direct hand, David took Abigail as his wife. She was a living rebuke to the danger of taking matters into one's own hands. But now David had done just that. He had committed adultery and murder, both subject to the death penalty. He had blood on his hands—bloodguilt.

He knew this bloodguilt was inexcusable. He could not flee to a city of refuge for it offered no refuge for a murderer. The people could not deliver him from the avenger of blood, the one with the God-given responsibility of shedding his blood. Was there anywhere he could flee for refuge? Amazingly, he fled to God's righteousness. Surely this was the last place to find refuge. Surely God's righteousness required that he be put to death. But David knew that he could find refuge there. This seems the clear implication of David's statement that if God delivered him from bloodguilt he would sing of his righteousness. How could he appeal to this righteousness? God's righteousness is supremely his faithfulness to his character and purposes. His purposes for David were that he be king and birth a son who would be in a father-son relationship with God and who would build God's temple.

David should have been dashed against the rock of God's justice, but God landed him gently on the shore of his mercy. Again and again as we read the Bible we encounter these twin themes of justice and mercy, of sin and grace. They are seemingly incompatible, but both are true and absolutely necessary.

As we saw two weeks ago, the evil human heart was grounds for God's judgment in the Flood and also for his mercy after the Flood (Gen 6:5; 8:21). In the same way Israel's nature as a stiff-necked people was both the grounds for God's judgment at the episode of the golden calf and the reason why Moses appealed to God to show mercy in forgiveness (Exod 32:9; 34:9).

Now David cast himself upon the grace and mercy of God with his opening cry:

**Have mercy on me, O God,
according to your unfailing love. (Ps 51:1)**

Appealing to God's mercy, he was not compromising God's righteousness but allowing it to be manifest.

God has displayed his righteousness in dealing with bloodguilt even more remarkably in his response to the murder of his Son. He invites the murderers to come to him and find forgiveness. We see this very clearly in the preaching of the apostles from the start. In his early sermons, Peter confronted people with their sin. For example, on the Day of Pentecost, "This Jesus, you crucified and killed by the hands of lawless men. God raised him up" (Acts 2:23-24). But then he issued an invitation, "Repent and be baptized, every one of you, in the name of Jesus Christ for the forgiveness of your sins" (2:36). Peter repeated this message again and again. This is the scandal of

the gospel: we are guilty, but God extends forgiveness. We deserve judgment but God extends mercy and grace.

God provided Israel with cities of refuge to which the killer could flee for mercy. Now he has provided Christ as a refuge to whom we flee. Christ is both the one whose lifeblood was shed, and the one to whom we flee for refuge from bloodguilt.

This dual message of judgment and grace applies to capital punishment. There is one penalty for the shedding of human lifeblood: death. Genesis 9 makes no exceptions, no allowances, no extenuating circumstances. There is one reason not to apply the death penalty for bloodguilt: mercy. Even the exceptions, the allowances for extenuating circumstances, the cities of refuge, are all of mercy. God is pleased to show mercy.

Capital punishment is a highly controversial topic today. Of the developed countries the U.S. stands alone with those of East Asia in allowing the death penalty. The European Union prohibits it, and prevents extradition of detainees where the death penalty is a possibility. Here in this country 36 states currently have the death penalty. Last year 46 people were executed. California has 697 on death row. Texas tops the table of executions with over 450 since the death penalty was restored in 1976. The death penalty represents a significant chasm between the US and Europe. Who is right? Is the EU soft on crime and guilty of moral relativism? Or is the US barbaric?

Christians are to be found on both sides of the debate, often quite vocally. Advocates and opponents of capital punishment offer a variety of reasons for and against the practice. Sometimes the same reason is offered by both sides. I find that most reasons do not stand up against Scripture. The Biblical standard is that there is one reason for capital punishment: the shedding of human lifeblood. And there is one reason for withholding capital punishment: mercy.

Both sides claim that the other cheapens human life. Genesis 9 calls for the death penalty because of the high value of human life. But mercy also values life.

Both sides appeal to human rights. Proponents claim that the death penalty honors the rights of victims, by which is usually meant surviving relatives, and that it provides closure for such. Opponents claim the death penalty violates the human right to life and the right of the criminal to rehabilitation. But the one who sheds human blood has no right to life; his only hope for life is mercy, even if the killing is accidental. The only victim is the dead person, whose shed innocent blood cries out for justice. Under Israel's Torah the avenger of blood was not pursuing his own rights, but those of the dead person's blood.

Proponents of capital punishment advocate its value as a deterrent; opponents claim it is ineffective as a deterrent. But the potential deterrent value is not a Biblical reason for the death penalty.

Both sides appeal to the Constitution. Opponents claim capital punishment is unconstitutional as "cruel and unusual punishment" (Eighth Amendment). Proponents claim it is constitutional provided there is "due process of law," because the Constitution and its Amendments explicitly include the death penalty (Fifth and Fourteenth Amendments). But the US Constitution does not make something right.

Some of the opponents' arguments are more about the implementation of the penalty than the penalty itself: the risk of killing innocent people, the danger of discrimination, the use of the death penalty as a tool of political oppression or of revenge. These are un-

deniable and we should be concerned for justice in these areas. But these objections do not invalidate the death penalty itself.

Some of the proponents' arguments are specious. To advocate the death penalty because it provides a bargaining tool for prosecutors to offer in plea bargaining is a misuse of a solemn penalty. To prevent repeat offenders is never a Biblical reason. The one strong valid reason that the advocates put forward is the principle of retribution, in which the penalty matches the crime. This seems the unavoidable intent of Genesis 9:6. The shedding of human lifeblood forfeits the lifeblood of the shedder.

It seems to me undeniable that in Genesis 9:5-6 the Bible specifies capital punishment as the penalty for shedding human lifeblood. But does the Bible obligate capital punishment? To this I say, "No."

Tragic public events such as the Tucson killings often lead to renewed calls for the death penalty. Eighteen months ago there was great anger here when Scotland released the Lockerbie bomber al-Megrahi on compassionate grounds. He had prostate cancer, and doctors thought that he might have just three months to live, though he is still alive in Libya. We may never know what machinations there might have been behind the scenes. Were the Scottish authorities duplicitous or naive or genuinely sincere? At the time Kenny MacAskill, the Scottish Justice Secretary, said, "Our justice system demands that judgment be imposed but compassion available. Our beliefs dictate that justice be served but mercy be shown." You may find that deeply distasteful in the case of al-Megrahi; certainly a lot of people here in America reacted angrily to his release. It's hard to imagine any American judge or judicial authority saying what MacAskill said. But there is something deeply Biblical to it, though we will never appreciate that until we realize that mercy and compassion have been shown to us. We cannot begin to find any balance between justice and mercy until we appreciate how much mercy God has shown to us. Such mercy is scandalous, and deeply offensive to those pressing for justice. If it weren't scandalous it wouldn't be mercy.

Mercy is a sign not of weakness but of strength. In an episode similar to that of the golden calf, when Israel had again rebelled against the Lord after listening to the report of the spies, Moses asked God to magnify his power by being "slow to anger, abounding in love and forgiving sin and rebellion" (Num 14:17-18).

Advocates of capital punishment usually promote punitive justice such as that followed by the Nuremberg War Crimes Trials after World War II. The alternative is restorative justice, most boldly attempted in post-apartheid South Africa. The Truth and Reconciliation Commission under the chairmanship of Desmond Tutu invited both victims and perpetrators of injustice to come forward and tell the truth. Critics fault punitive justice for being vindictive, restorative justice for being idealistic and too merciful.

God exercises restorative justice pending the day when he will exercise punitive justice. He invites all to come to him, confessing their sins, and find forgiveness. He invites those guilty of sin to flee to Christ for refuge from his wrath. But the invitation will not always be open. The day is coming when he will exercise punitive justice, retributive justice.

In the end I am ambivalent about the death penalty. I care less about the position than how the position is reached. I don't care if an individual supports the death penalty or opposes it provided they have wrestled with these twin issues of justice and mercy, both on the national level and in their own person. Too many who oppose the death penalty do so for the wrong reason, belittling the sanctity of human life. But, on the other side, too many of those who advocate the penalty also do so for the wrong reason, belittling humanity's desperate need for mercy. The shedding of human lifeblood is a very serious matter, because humans are in the image of God. Any bloodshed is an attack on God's representative. And as God's representatives it is humans who are to be his agents discharging justice. Today God has entrusted the civil magistrates with that responsibility. In seeking to maintain order and security in society they must wrestle with the demand for justice but also with the need for mercy. If a society chooses to abolish the death penalty for the sake of being a merciful society, then I have no problem with that. But if it chooses to abolish it because it is seen as barbaric or as violating a right to life, then that society has trivialized the seriousness of the offense.

God is a God of justice, but he also reveals himself as a God of mercy. Were it not so Israel would have had no hope, nor David, nor me. Only when we existentially place ourselves where David was, conscious of both our own guilt and of God's great mercy, can we hope to find some sort of balance in wrestling with this very difficult issue of capital punishment.

In both his justice and his mercy God reveals his righteousness. It is because God has shown me his mercy that I can sing of his righteousness. As David immediately says,

**O Lord, open thou my lips;
and my mouth shall shew forth thy praise. (Ps 51:15 KJV)**

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