

The Execution of Justice

A Paper in Defence of my Stance in Favour of the Restoration
Of the Death Penalty for Murder in the United Kingdom

By **Richard Carvath PPC**

(Issued November 2009)

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## PREFACE

In *Faith, Hope & Love* – my Manifesto for the forthcoming General Election – I state my belief that:

*“Capital punishment is an effective deterrent to violent crimes against the person and it upholds the sanctity of innocent human life as the only just and proper response to the shedding of innocent blood – a life for a life. It is right that the death penalty should be available as a sentencing option in cases of murder (provided there is absolute certainty about the guilt and identity of the murderer).”*

Furthermore I assert that:

*“A person’s right to life can only be (morally) forfeit if a person commits murder. There are only three circumstances in which the killing of a human being can be morally justified: (i) In self-defence; (ii) In the context of a just war; (iii) In the execution of a convicted murderer. Abortion and euthanasia can never be morally justified and ought to be illegal.”*

The following letter of mine was published on page 32 of the *Salford Advertiser* newspaper (5<sup>th</sup> November 2009):

### **‘Why I back death penalty’**

*I thank Patrick Callaghan for his remarks and advice. I’m not the best of a bad lot: I don’t accept his classification in any ‘bad lot’!*

*Voters can back me as both the best candidate and the least bad candidate. I am a Christian: I trust and follow Jesus (and uphold orthodox Biblical moral principles). I will serve as MP on the national minimum wage.*

*Unlike Hazel Blears I can’t write £13,000 cheques to flaunt at the drop of a hat, however an NMW salary is sufficient for me and it’s important that I live with an income comparable to those whom I would represent.*

*I’m not in politics for personal gain, I’m here to serve.*

*Mr Callaghan shouldn't worry himself that I'll be short of a bed to bunk in. I disagree strongly with his view regarding marriage and prostitution. Despite lax divorce laws, an anti-marriage culture in the tax/benefits system and other forces which militate against marriage, it remains true that most British marriages last a lifetime. A wife and a prostitute bear no comparison: intimacy with one's wife is good, to lie with a prostitute is evil.*

*I actively campaign against brothels, trafficking and prostitution.*

*I seek the restoration of the death penalty as an available sentencing option for murder cases in which there is absolutely no doubt about the guilt or identity of the person(s) convicted. In the UK murder was rare before the death penalty was abolished in 1965; today murder and violent crime are commonplace. The death penalty upholds the sanctity of human life as the only just response to murder – a life for a life – and its power to deter violent crime is proven by its absence.*

*The death penalty could not be restored without safeguards; the 'beyond reasonable doubt' standard is too low as a basis for convicting somebody who could face a death sentence – there must be no doubt whatsoever. A death sentence should not be passed except for a conviction based on a confession (freely given in court) or on the testimony of at least two prosecution eye-witnesses (or the forensic equivalent): one witness or piece of evidence is not enough.*

*My politics are the pursuit of social justice and common sense. I stand for traditional British values and oppose political correctness. I'm Pro British, Pro Family and Pro Life. MPs ought to be wise and responsible stewards of British interests and the public purse: full details of my politics can be found at [www.richardcarvath.net](http://www.richardcarvath.net)*

**Richard Carvath**

**Prospective Independent parliamentary candidate for Salford and Eccles**

A week later the following letter was published (in response to my letter above) on page 33 of the *Salford Advertiser* (12<sup>th</sup> November 2009):

### **Time to consult Biblical stories**

*When an advanced capitalist society like Britain today (or in recent history) enters a political and economic crisis, two things happen.*

*The first is positive; ordinary people ask questions, become involved in the debate to find a solution and hopefully active in trying to build a more equitable, just, democratic and humane society than what was before.*

*The second is negative, and scary. It frightens me, and hopefully enough other people to stop it.*

*Fascism rears its ugly head, and smooth-talking populists appear, wrapping themselves in national flags with talk of 'traditional values', 'common sense', 'Biblical moral principles' and the hoary old favourite – 'bring back the death penalty'.*

*Forces riding the tide of anger and frustration with promises of something better but in reality something far worse.*

*I don't know if Richard Carvath actually believes his brand of political thought or if he is merely an opportunist articulating crowd pleasing slogans to grease his way to power – it doesn't matter.*

*I'm not religious, but find it difficult to square the message of Jesus with the desire to kill anyone for any reason.*

*Then again, the Holy Inquisition managed it for quite some time and in fairly brutal manner, so maybe Richard Carvath think's he's on to something. Faced with the reality of murder any sane person feels incomprehension.*

*And if I had a child who was the innocent victim of the crime I can't begin to imagine the mental torment and certainly could not guarantee I wouldn't want to see the killer suffer.*

*The death penalty may deter some people from murder, but not all.*

*And some unfortunates will find themselves the victims of a state judicial murder whatever the so-called safeguards.*

*The police make mistakes, some innocent and others maybe less so, just like everyone else.*

*But ultimately, wanting the death penalty brings us down to the level of the murderer because we seek satisfaction in the death of another human being.*

*The reasons are of course different – but the result is exactly the same.*

*To all those Christian folk out there who maybe think the likes of Richard Carvath represent an authentic political voice on their behalf. Check out what Jesus said when he intervened to stop an execution, stoning to death in those days (plenty of grim satisfaction involved there).*

*Please look it up in your Bible, and think about it – really think about it and where it takes you. I'm not religious but it works for me.*

**name and address supplied**

I have submitted the following reply to the *Salford Advertiser* in regard of the above letter (via email on 15<sup>th</sup> November 2009):

*It's ironic that last week's anonymous non-Christian correspondent presumed not only to dispute my Christian faith but also to advise Christians to read their Bibles! And the idea that I somehow approve of the Inquisition is utterly bizarre! I take no macabre delight in death and I'm not motivated by a 'Rope the Scum!' mob mentality. The death penalty is necessary for without it there is no deterrent and justice is mocked.*

*It was implied that my political persuasions are fascist in nature; I'm utterly opposed to fascism and the insinuation is a grave insult. Traditional, common sense British values are Judaeo-Christian in nature, not fascist! There is nothing I stand for which isn't in keeping with the Biblical origins of traditional Britishness. Those who level the accusation of fascism at traditional Britishness should answer this: Do you consider that the UK was a fascist state in 1964 (when the death penalty was operative)? I'm not a populist: I hold several core beliefs the expression of which can meet with vociferous mob disapproval. A populist is devoid of genuine political convictions and always plays to the mob but I've often stood against errant mobs. Neither am I an opportunist: I've been quietly engaged in political activism for years and it's only in the last 6 months that I've come to public awareness with my candidacy for Salford and Eccles, which was declared before the expenses scandal hit Blears, unlike the opportunist 'Hazel Must Go' left-wingers.*

*Miscarriages of justice needn't happen in regard of murder convictions: when the death penalty is restored there must be corresponding reform of the rules of evidence and corroboration, improvement of police and court procedure and revision of the standard of conviction which would permit a Judge to consider passing a death sentence. The death penalty's application is the moral, just and lawful execution of justice upon a guilty murderer and therefore does not itself constitute an act of murder; indeed the death penalty upholds the sanctity of innocent human life. I believe Jesus does endorse the death penalty for murder. The well-known passage in Chapter 8 of John's Gospel does not amount to Jesus negating the death penalty, though this is a common misconception. An in-depth apologetic for the death penalty is available on my website [richardcarvath.net](http://richardcarvath.net)*

**Richard Carvath**

**Prospective Independent MP for Salford and Eccles**

That then is the background to this paper. I believe the restoration of the death penalty for murder is desirable and as such it is a political objective of mine. Several people have now publicly challenged me on this issue and so the purpose of this paper is to set out briefly just why I do stand for the restoration of the death penalty.

What follows is not a polished essay 'masterpiece' and it is not intended to be taken as such; this paper has been written quickly and I have really only aimed to 'hit the key notes' of my stance's under-girding rationale in order to provide the reader with an adequate skeleton outline of the essential justification for the death penalty. The fine finish of flesh on the bones must wait for a more opportune time!

This paper necessarily employs a more overt application of Christian substantiation than I generally use in my socio-political writings as published on the internet. The reason for this is twofold: (1) I have been specifically challenged on whether or not the death penalty is in accordance with what the Bible teaches, and (2) I believe that on this particular issue, Biblical authority and morality provide the key foundation for the legitimacy and wisdom of the death penalty.

I'm well aware that some of what I've written will introduce words and concepts unfamiliar to the non-Christian reader – and which may even baffle some who profess to be Christian – but I can only make my apologies for writing this paper in a manner which assumes knowledge and understanding in the reader which I know will not be the case for some... I'm afraid I'm rather pressed for time!

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I am in favour of the restoration of the death penalty for murder (and it so happens that polls consistently show that the majority of the British public desires the same). The protection of the lives of innocent citizens ought to be a primary responsibility of the British State.

I do not approve the use of a death sentence for any crime other than murder.<sup>1</sup>

Since the abolition of the death penalty in 1965 the homicide rate in England and Wales has more than doubled.<sup>2</sup>

In the 44 years since the abolition of the death penalty in the UK, the annual number of violent crimes against the person has risen remorselessly. On average two or three people are murdered in the UK every day.<sup>3</sup>

Violent crime is rampant in the UK – official statistics (for recorded crime alone) show that violent crimes are currently running at about the million per year mark.<sup>4</sup> The death penalty for murder is an essential deterrent to violent crime, as has been proven in its absence by rocketing crime rates.

My support for the death penalty does not come from any macabre delight in death; I am emphatically not motivated by the sort of personally judgemental and vengeful '*Rope the Scum!*' mentality which is so often displayed in public forums when members of the public comment on murder cases. To kill a human being is never something desirable or pleasant – indeed it is deeply saddening and tragic – but in certain circumstances it is morally justifiable and warrantable: all murders are killings but not all killings are murders.

As a Christian, I love [I *must* (agape) love] a murderer because that is the command of God (that we love everybody, unconditionally, no exceptions) but at

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<sup>1</sup> Except for Perjury leading to a wrongful conviction in a murder trial, which ought also to carry the same penalty as that which the victim of the perjurious act would face.

<sup>2</sup> Homicides (per million of population) in England and Wales: 1955 ~ 6.3; 1960 ~ 6.2; 1965 ~ 6.8; 1975 ~ 10.3; 1985 ~ 12.5; 1995 ~ 14.5.

[And bear in mind that were it not for advances in medical treatment since the 1960s the rise in the murder rate since 1965 would've been even higher since, by definition, murder involves death and so survivors are 'merely' victims of attempted murder and are not murder victims].

Also note that between 1965 and 1992 there were 76 convictions for homicides committed by persons released *after* completing a sentence of imprisonment for a previous homicide crime. Of these 76 homicide convictions, 51 criminal offenders had a previous conviction for manslaughter and 25 criminal offenders had a previous conviction for murder. The failure to execute murderers or to imprison them for life leaves them free to murder again.

<sup>3</sup> In terms of illegal murder according to current British law! It is currently legal in Britain to murder persons in the womb: I refer of course to abortions – in regard of which over 500 British people are murdered by abortion every day.

It was perverse that in 1965 our legislators took the death penalty away from guilty murderers, where it belonged, and (with the Abortion Act) in 1967, put the death penalty upon the innocent unborn, with whom it does not belong, for the 'crime' of being unwanted.

<sup>4</sup> For example, official crime statistics recorded by the Police show 1.06 million recorded violent crimes in 2006 and 961,000 recorded violent crimes in 2008.

the same time I must also desire God's Will that His Justice be done (and which is clearly stated in regard of murderers) and, moreover, I must also manifest love towards the murder victim – whom the murderer did not love, but hated – (and the victim's family) and I do not love a murder victim unless I desire the execution of justice on his behalf; the failure to execute justice for a murder victim is to express the same contempt for him as the murderer. The inseparable motives for the death penalty are both Justice *and* Love hand in hand, just as God is both perfect Love and Justice.

The passing of a death sentence does not amount to a final judgement about a murderer's eternal destiny. A guilty murderer can be justly executed and yet still be received by God into His Kingdom. The human Judge passing a death sentence upon a guilty murderer does not sit in God's seat in making an eternal judgement about the murderer's soul. Executed murderers who die with saving faith in Christ are saved by Christ from all of their sins and will enter Heaven.

God specifically instituted the death penalty for murder as a universal law for all mankind in his Covenant with Noah (made after the Flood), as recorded in the Bible: "Whoever sheds the blood of man, by man shall his blood be shed; for in the image of God has God made man." Genesis 9:6 (NIV translation).

God's Covenant with Noah predates His Covenant with Moses.<sup>5</sup>

Murder is expressly forbidden in the Bible's Ten Commandments (of the Mosaic Covenant Law). The Bible states: "You shall not murder."<sup>6</sup> Exodus 20:13 (NIV).

A little further on in the Mosaic Covenant it is commanded that: "Anyone who strikes a man and kills him shall surely be put to death. However, if he does not do it intentionally, but God lets it happen, he is to flee to a place I will designate. But if a man schemes and kills another man deliberately, take him away from my altar and put him to death." Exodus 21: 12–14 (NIV).

In Levitical Law [Mosaic Covenant] we find that: "If anyone takes the life of a human being, he must be put to death. Anyone who takes the life of someone's animal must make restitution—life for life. If anyone injures his neighbour,

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<sup>5</sup> Many sincere (but sincerely wrong) Christians are quick to dismiss the Law of the Old Testament as having been done away with in the New Testament era but this is not so! It is correct that Christians are not bound by observance of the entire Mosaic Law as a fundamental necessity of the faith life or as a component of either salvation or sanctification in a Christian's living relationship with God – because we are 'not under law but under grace' and also because Mosaic Law was specifically a Covenant between God and the Israelite nation – but Christians are obliged under grace to seek seriously to live out the foundational moral principles which underpin the Mosaic law (since these are the standard of God's Holiness and of righteous conduct) and, furthermore, it is essential to grasp that *only* the Mosaic Covenant of the Old Testament has been superseded [I said 'superseded' – *not* abrogated!] for Christians under grace, whereas the Covenants of Abraham, Noah and David in the Old Testament are unaffected – and it is in God's Covenant with Noah that God instituted the death penalty for murder as a universal law and a lasting ordinance for all mankind.

<sup>6</sup> Many people think this verse is '*Thou shalt not kill*' – but the original Hebrew word (ratsach) specifically means murder.

whatever he has done must be done to him: fracture for fracture, eye for eye, tooth for tooth. As he has injured the other, so he is to be injured. Whoever kills an animal must make restitution, but whoever kills a man must be put to death. You are to have the same law for the alien and the native-born. I am the LORD your God.” Leviticus 24: 17–22 (NIV).

In the New Testament, in Paul’s letter to the Romans, we find that: “Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves. For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and he will commend you. For he is God’s servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God’s servant, an agent of wrath to bring punishment on the wrongdoer.” Romans 13: 1–4 (NIV)

From all of this we can conclude that God Himself instituted the death penalty for murder as a universal law and a lasting ordinance for all mankind, and also that God in His sovereignty instituted the authority of civil government over nation-states and that he placed with the authority of civil national government the power to administer the death penalty for murder – and this is confirmed in both the Old *and* New Testaments of the Bible.

But what about the famous story recorded at the beginning of Chapter 8 in John’s Gospel, the one in which Jesus was with the woman who had been caught in the act of adultery (which was a capital crime under Mosaic law), and the Pharisees were trying to trap Jesus in His words, and from where we get the oft-quoted line ‘*If any one of you is without sin, let him be the first to cast a stone at her?*’ Isn’t this incident proof that Jesus abolished the ‘Old Testament’ death penalty for murder?

Err... *NO* it isn’t, actually! There is much of interest that we can learn from this incident (but I’ll not be writing about it in this paper). But let me give you just one key reason – the killer point (pardon the pun) – as to why this incident recorded in New Testament Scripture is clearly *not* an example of Jesus setting aside the death penalty for murder... it’s because the woman was guilty of adultery, not murder!

From a logical perspective, the possibility of a miscarriage of justice does not constitute an argument against the restoration of the death penalty per se. The flaw is not with the death penalty itself – but rather with the process and circumstances which might potentially give rise to a wrongful conviction – and therefore miscarriages of justice are an argument in favour of reform of the British criminal justice system, but the fear of miscarriages cannot intrinsically negate the fundamental legitimacy of the death penalty itself.

Having said that, the dreadful prospect that an innocent person wrongfully convicted of murder might be executed is utterly abhorrent and, furthermore, it is

of course impossible to make right a miscarriage of justice in which the innocent victim is dead. So whilst the potential for miscarriage does not in any way invalidate the moral legitimacy of the death penalty itself as a moral and just sentence of punishment and restitution in response to the crime of murder (and in accordance with the Will of God), the possibility of miscarriage does render the reform of our criminal justice system a prerequisite to the restoration of the death penalty.

To avoid miscarriages, the essential legal prerequisite to the restoration of the death penalty is the need to raise the standard of conviction for murder.<sup>7</sup> The extant 'beyond reasonable doubt' standard allows for conviction on the testimony of just one witness or source of evidence; this is a low standard which can easily lead to a miscarriage of justice. Rather than this, nobody should be convicted of murder without the acceptance of the testimony of at least two eye-witnesses to the crime (or the equivalent in forensic evidence): corroboration is vital to the soundness of conviction.<sup>8</sup> This is actually God's standard. In the Bible we read that: "One witness is not enough to convict a man accused of any crime or offence he may have committed. A matter must be established by the testimony of two or three witnesses." Deuteronomy 19: 15 (NIV).

The abolition of the death penalty in 1965 was an act of rebellion against the clearly stated Will of God – who is Sovereign over the nation – and the British people have reaped the consequences for the last 44 years. The urgent restoration of the death penalty for murder is an essential step in restoring peace, order and civilisation to British society. Until we restore the death penalty our national crisis of murder, violence and chaos will certainly continue to get worse.



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<sup>7</sup> There are plenty of other things that also need sorting out in the British criminal justice system in and around the crime of murder. For example, Section II of the Homicide Act 1957 invented the crime of manslaughter of the grounds of 'diminished responsibility'. But these so-called 'manslaughters' are really murders; there is no Biblical basis for human government investing itself with the right to diminish guilt for any reason, to the extent that a crime of murder somehow changes to a manslaughter; Biblically speaking, manslaughter is accidental homicide (and nothing else).

<sup>8</sup> A confession could stand uncorroborated provided it is freely given in court.