

When interviewed, a sizable majority of adults within the United States continue to approve of the death penalty, although this drops to approximately 50% when people are given the alternative choice of life sentence without parole. The United States, Japan, and South Korea are the only democratic nations who continue to use the death penalty. Since 1976, when the US Supreme Court authorized its resumption, each state can decide whether or not to impose the death penalty. More than 80% of executions in the US occur in Southern states. Twelve states and the District of Columbia have abolished executions. Twenty states in the US allow for the execution of the mentally retarded. These states are the only democratic jurisdictions in the world to do so.

Mosaic law is very clear about the death penalty. The Torah requires this for many offenses. Many of these are still serious crimes such as rape, premeditated murder, and kidnapping. However, the death penalty was also indicated for the following:

- Cursing parents (Exodus 20 1:17)
- Striking one's parents (Exodus 20 1:15)
- Rebellion against one's parents (Deuteronomy 21: 18-21)
- Mishandling of an animal (Exodus 20 1:29)
- Working on Saturday (Exodus 35:2)
- Adultery (Leviticus 20:10)
- Premarital sex (Deuteronomy 22:13-21, only applicable to women)
- Prostitution (Leviticus 21:9)
- Blasphemy (Leviticus 20 4:16)
- Perjury (Deuteronomy 19:15-21)
- Worshiping another religion (Exodus 20 2:20)

Many more grounds for execution are contained within the Hebrew Scriptures (Old Testament). I'm not sure that any of us in the modern world could escape the death penalty using Old Testament criteria.

Although Jesus upheld the validity of Mosaic law, He clearly chooses forgiveness over vengeance and peace over violence. In Jesus' Sermon on the Mount, He blesses the "peacemakers". He continues by teaching about retaliation, "You have heard that it was said, 'eye for eye, and tooth for tooth.' But I tell you, do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. (Matthew 5:38) He continues his teaching by saying, "You have heard that it was said, 'Love your neighbor and hate your enemy.' But I tell you: Love your enemies and pray for those who persecute you that you may be sons of your Father in heaven." (Matthew 5:43-45). Jesus clearly favors mercy over punishment. He models his own teachings throughout His ministry. Jesus encounters prostitutes and adulterers, yet at no time does he suggest that they should be stoned, which was required by Mosaic law. He understands that people are transformed through acceptance and love, not retaliation and punishment. Humans find certain people irredeemable; Jesus does not. He even forgave those who executed him.

In discussions I have had regarding abortion, I state that the Bible has a clear bias supporting the sanctity of life. I fail to understand how fundamentalist Christians can

vehemently oppose abortion yet support the death penalty. Either life is sacred, or it is not. I understand that they make a distinction between innocent life, and evil life. But evil is in the eye of the beholder, and God has already shown that He will go to any length, including the cross, in order to reach each and every one of us. The enduring truth and power of the crucifixion and resurrection remains meaningful only if the promise is universal. We prefer to divide people into good and evil, often without recognizing that the capacity for good or evil lies within each of us. Jesus was not so quick to make that distinction. He saw the potential for good in everyone. He saw every individual as precious. He accepted Matthew, a thieving tax collector. He nurtured the adulterous Samaritan woman at the well. He healed a soldier who arrested him. He blessed the criminal hanging next to him on Golgotha.

During the first few centuries after Jesus' death, the Christian church was vehemently opposed to capital punishment. Their rigid opposition appears to have emerged from Jesus' teachings portrayed in the Gospels. In these first centuries, early Christians were subjected to persecution and unlawful imprisonment. They perpetually risked torture and execution simply for practicing their faith. The Emperor Constantine established Christianity as the official religion of the Roman empire in 312 CE. Christianity distinctly changes its perspective on capital punishment once it becomes the religion of power. Orthodox Christianity faced rival factions in Gnosticism and surviving Jewish Christians. Roman law now decreed death for those accused of heresy. The same violence abhorred by early Christians is now embraced. Tragically, this will reemerge in later centuries whenever the church finds itself challenged by another group (ex. The Crusades, The Inquisition).

Many people feel that the death penalty serves as a deterrent to crime. The vast majority of sociologists do not support that contention. With the exception of contract killers, few perpetrators commit homicide in a rational state of mind. Many murders are committed in a fit of rage or under the influence of alcohol or drugs. Others are committed by people with abnormal brain physiology such as people with psychiatric disorders, brain damage, or mental retardation. It is not expected therefore that the threat of execution will deter most murderers. Statistics seem to bear this out. Those states that have enacted the death penalty actually have a higher incidence of homicide than those states that have not. Adjacent states that do not have the death penalty generally have a lower incidence of homicide. Abolishing or reinstating the death penalty does not generally change the homicide rate of a state. The homicide rate in Canada has substantially dropped since it abolished the death penalty in 1976.

Another fallacious argument supporting the death penalty is that it saves money. Supporters often assume that execution is cheaper than life imprisonment. In reality, the cost to the state of funding appeals more than exceeds the cost of permanent imprisonment.

The preponderance of people on death row are African-American and Hispanic. Ninety percent are impoverished and forced to accept a court appointed lawyer. Essentially all are male. Since 1976, when the death penalty was reinstated in the US, only three women have been executed. It is possible that the preponderance of minorities on death row does not reflect systemic racism. It may simply represent dissimilar rates at which different races commit murder. Nevertheless, there should be a concern that the death penalty is unfairly applied.

## Capital Punishment

Approximately one third of all executions occur in Texas. The *Texas Civil Rights Project* issued a report in 2000 that concluded the following:

- The defense lawyers are often incompetent.
- District attorneys are given "unrestricted discretion" in deciding whether to seek the death penalty.
- Potential jurors who have reservations about capital punishment are eliminated from jury duty.
- Jurors are often not given the option of life without parole in murder cases.
- The appeals process is excessively burdensome.
- There appears to be inconsistencies with how rules are applied in appeals court.
- The operation of the *Board of Pardons and Paroles* is flawed, with the board not even meeting as a group.<sup>7</sup>

There really is no justification for capital punishment in a civilized society. It does not deter homicide. It is not cost-effective and is often applied unfairly. With the advent of DNA evidence, it has been made clear that errors do occur and that there is a substantial risk of executing an innocent person. Capital punishment does not affirm the intrinsic value of every human life. Christians, as "New Testament" people should abide by Jesus' teachings. He clearly shows us that every life has potential value and should be treated as precious. He models forgiveness and acceptance. He instructs us that judgment falls under God's domain, not ours. He teaches us to treat everyone, even our enemies with compassion. We do not have to release dangerous people into society, but nor do we have to execute them. Life imprisonment is certainly a reasonable alternative and at least provides the possibility for repentance and reparation.

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<sup>7</sup> Bruce A Robinson, Ontario Consultants on Religious Tolerance, [religioustolerance.org](http://religioustolerance.org)