

Reflections on Capital Punishment

by Wayne Northey

Christian support for capital punishment, like Christian participation in war, has known a majority Christendom approbation since the era of Constantine in the fourth century. This support has likewise dominated Western secular jurisdictions until the last century - a tragic Christian legacy of fear and vengeance! The church moved in the fourth century from «underdog» to «top dog» status. In moving into the political mainstream, there was the church's resultant loss of compassionate social action as its first task in favour of sorting out doctrinal metaphysics («truth» declared, but not necessarily clothed, in love - Eph. 4:15).

The almost universal pre-Constantinian church watchword was: «*the church abhors the shedding of blood*», whether in abortions at one end of the spectrum, or war at the other, or capital punishment in between. After Constantine, the mainline church inexorably moved instead to incite and bless *abhorrent crimes* against humanity: interminable wars; the Crusades; the Inquisition; the rise of Western penal justice systems, with use of torture and capital punishment; the list goes on... The best historical treatment in English is: *The Death Penalty: An Historical and Theological Survey*, by James Megivern (Paulist Press, 1997).

Majority Christendom since Constantine has sadly chosen contrary to the way of Jesus. It has made this choice in spite of, not because of, Jesus' teaching. Majority Evangelical opinion is pro death penalty. This despite its commitment to biblical faithfulness that believes if Jesus *taught* something, then *acted* on it, and other New Testament writers *underscored* it, we ought to take notice!

The central teaching of Jesus on this issue is: «Love your enemies (Matt. 5:44ff; Luke 6:27ff).» Jesus' direct *comments* on retribution and capital punishment are found in: Matt. 5:38 - 42 and Luke 6:27 - 36. In these passages, Jesus disallows any interpretation of the Torah which would mean retaliation in kind: he says NO! to *tit for tat* justice or any notion of «just deserts». He says categorically that the entire interpretation of the Old Testament is summed up in two commands: «Love the Lord your God with all your heart and with all your soul and with all your mind. (Mt. 26:37)», and: «Love your neighbor as yourself. (Mt. 26:39)». (Compare Galatians 5:14, and other New Testament passages, that collapse the two «Great Commands» into one: love of neighbour.) Consistent New Testament witness is: the litmus test of love of God is love of neighbour; the litmus test of love of neighbour is love of enemy. For Christians, there is no room for capital punishment of neighbour or enemy whatsoever. If the state legislates it, the Christian duty is to oppose it. (An excellent resource on this is: *Against the Death Penalty: Christian and Secular Arguments Against Capital Punishment* (Gardner Hanks, Herald Press, 1997).)

Jesus' direct *action* against capital punishment was the woman brought to him caught in adultery, punishable, in Mosaic law, by death. «If any one of you is without sin, let him be the first to throw a stone...» he said (John 8:7). He instead taught, exemplified, and was later remembered for, a response to all enemies which attempted limitlessly to draw a circle of inclusion around them - *including* the murderer (as witnessed while one hung on the Cross beside Jesus - Luke 23:43, and in Jesus' teaching on forgiveness in church discipline in Mt. 18.). And Jesus' universally applied words from the cross were: «Father, forgive them... (Luke 23:34).»

Finally, Romans 5:6 – 11, and Eph. 5:1 & 2 call Christians to an imitation of Jesus' teaching and example through loving embrace of neighbour and enemy. Richard Hays, in his chapter on "Violence in Defense of Justice", in *The Moral Vision of the New Testament* (HarperCollins, 1996), puts this point home definitively.

Nonetheless, some Christians in support of the death penalty cling to the Old Testament, in particular, Mosaic law, or to Genesis 9, in particular verse 6: "Whoever sheds the blood of man, by man shall his blood be shed; for in the image of God has God made man." I know of no one yet who still holds that position after reading the masterful essay on the death penalty by a committee of Reformed scholars in the Christian Reformed Churches' publication, *Acts of Synod 1981*. (Twice in formal debates on the issue, I have adduced the arguments presented there and stopped all mouths. Not my doing!) For starters, all such arguments at best are pre-Christian.

As in all pro-life issues, the follower of Jesus has an unequivocal choice on the matter of capital punishment: be faithful to the way of Jesus, or choose some other way. It is time for the church worldwide to say again: «*The church abhors the shedding of blood.*»

All statistical studies on capital punishment refute any notion of its being a general deterrence. Several have shown it is however model and impetus for a citizenry to commit murder as a way of dealing with its problems like the state. (This modelling likewise happens in state-approved warfare.) Further, studies the world over cite a significant percentage of wrongly convicted who have been executed. No court system today or in history is just in this matter. The best book on this is: *Dead Man Walking: An Eyewitness Account of the Death Penalty in the United States* (Helen Prejean, Vintage Books, 1993).

Capital punishment has no Christian, moral, or statistical basis of support. It is heinous vengeance worthy of the most cold-blooded murderers themselves. It serves no cultural function apart from releasing vengeance, which, in the end, ineluctably breeds more scapegoating violence (Mt. 26:52). (For profound illustration, see Gil Baillie's book, *Violence Unveiled: Humanity at the Crossroads* (Crossroad, 1995), and the vast literature connected to the thought of René Girard, in particular *The Girard Reader* (James Williams, Crossroad, 1996), and *I See Satan Fall Like Lightning* (René Girard, Novalis, 2001).)

The death penalty is not the "most excellent way", which we know is love (I Cor. 13), which does no harm to the neighbour and therefore fulfills the law (Rom. 13:10; Gal. 5:14), which is the perfect law of liberty and the royal law (James 1:25; James 2:8 & 12), which alone drives out fear (I John 4), the ultimate sub-Christian human emotion behind humanity's endless call for capital punishment. Jesus came, on the contrary, to save us from our sins *and* our fears. Praise God. Amen!