

CAPITAL PUNISHMENT AND THE WAY OF JESUS

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Reading: Matthew 5: 38-48 (NRSV)

You have heard that it was said, “An eye for an eye and a tooth for a tooth.” But I say to you, do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also; and if anyone wants to sue you and take your coat, give your cloak as well; and if anyone forces you to go one mile, go also the second mile. Give to everyone who begs from you, and do not refuse anyone who wants to borrow from you.

You have heard it said, “You shall love your neighbor and hate your enemy. But I say to you, love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous. For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? And if you greet only your brothers and sisters, what more are you doing than others? Do not even the Gentiles do the same? Be perfect, therefore, as your heavenly father is perfect.”

I want to talk with you today about Christian ethics and the death penalty. I am not talking about the death penalty and political expedience, or social demographics, or economic considerations, though all of these have their place. I understand that there are many Christians who support the death penalty and have their reasons for doing so. At the same time every Christian denomination that I can think of has declared capital punishment inconsistent with the gospel of Jesus, including United Methodists, Presbyterians, Episcopalians, Roman Catholics, and Quakers.

The Book of Discipline of the United Methodist Church declares that capital punishment “denies the power of Christ to redeem, restore, and transform all human beings.” The Presbyterian Church USA states, “The use of the death penalty tends to brutalize the society that condones it.” Since 1958, the Episcopal Church has opposed the death penalty on the theological basis “that the life of an individual is of infinite worth in the sight of God Almighty; and the taking of such a human life falls within the providence of God and not within the right of man.” The conference of U.S. Catholic Bishops has opposed capital punishment since the 1970’s. Pope John Paul II stated in St. Louis in 1999, “A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform. I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary.” The Quakers are convinced that all persons have inherent worth, despite their gender, race, age, nationality, religion, and gender orientation. They not only oppose the death penalty, but also racism, sexism, homophobia, and warfare.

This is, of course, a timely topic for us to consider as the Kansas State legislature is currently considering two bills related to the death penalty. Senate Bill 208 would eliminate the death penalty altogether. Senate Bill 375 would create a new charge of aggravated murder that would replace former death penalty cases. Under this legislation anyone convicted under SB 375 would face a mandatory life sentence with no chance for parole.

One could easily argue that capital punishment is unjust for several reasons. It is unjust because it is arguably racist and classist. Blacks and Hispanics make up 42% of the defendants on death row, a number far disproportionate to their representation in the general population. The number of poor people in death penalty cases is also disproportionate. Since 1973 over 130 people on death row have been released because their convictions were overturned and their innocence established. The American judicial system is one of the best in the world, but it is still a very human system where mistakes are made. We cannot justify the death penalty given the reality of a flawed judicial system. Whether by systemic issues such as racism, prosecutorial misconduct, or flawed legal representation we must admit the reality of injustice in capital punishment. I cannot think of a single argument from Christian ethics

that could admit the reality of injustice and then embrace the death penalty.

But I think Christian ethics goes deeper than the obvious social flaws of American jurisprudence. None of these arguments probes the deepest root of Christian theology. The gospel of Jesus Christ stipulates radical love as the universal moral principle. God's compassion, as lived by human beings, is the only ethical value that will restore and sustain human relationships and human civilization. God's love is unequivocal. There are no exceptions, no caveats, and no stipulations.

In the passage that I just read from Matthew, Jesus totally rejects the old way of thinking, "an eye for an eye and a tooth for a tooth." The Jesus ethic, often called "the hard sayings of Jesus," is a direct refutation of *lex talionis*. *Lex talionis* is the ancient law of revenge and retribution dating back to the Code of Hammurabi. It is found in Greek, Roman, and Jewish law. The gospel of Jesus confronts the assumption that punishment can correspond to the crime committed, "eye for eye, tooth for too, life for life." Retaliation and revenge are out of the Christian social doctrine. The suffering and death of a human being, however guilty, offers no socially redeeming quality, no ultimate justice, and no peace of mind. Jesus offers new principles of forgiveness and

reconciliation that determine our relationships with those who have insulted us, abused us, humiliated us, and hurt us.

Now before I go any further let me say that there are many people who deserve the death penalty. Their crimes are so heinous and vicious and cruel that we are sickened unto death by them. Such anger and grief drains the very life out of our bodies and minds and souls. It is natural for us to think about revenge.

Over and against the horrible deeds that people do to one another is the grace of God. Over and against the raging bile of revenge that can consume us is the charity of God. God's love is never determined by what people deserve. If that were the case none of us could survive. God's love is not determined by our greed, fear, anger, or murderous rebellion. John declared, "God is love, and those who abide in love abide in God, and God abides in them." (I John 4:16b) The essence of God is love. The being of God is love, regardless of who we are or what we have done to one another. That is the gospel of the Carpenter. Christian theology comes down to that basic, simple, commanding truth.

The execution of the most disdainful criminal will never bring restitution for the full value of the loved ones we have lost. And if we think that the execution of a sociopath is as valuable as the death of a

child, what are we really saying about the worth of our precious ones?

Even when our hearts are sobbing we can insist that love is stronger than death. As hard as it is, Christian faith clings to the redemptive power of God's love.

Dr. King made the same argument with those in the Civil Rights movement who thought that armed rebellion against white segregation was the path toward justice. You can understand that. Think of the beating and lynching of thousands of African-Americans. Recall the humiliation of grown black men called "boy," or even worse. Who would not be enraged by the segregation of restrooms, restaurants, and public swimming pools? Watch your children grow up without a real opportunity for education and a decent job and tell me that you would not feel blinding fury. Strike back, fight back, and take back are the most natural responses in the world. But Dr. King understood a deeper truth.

He wrote:

"And there are hardhearted and bitter individuals among us who would combat the opponent with physical violence and corroding hatred. Violence brings only temporary victories; violence, by creating many more social problems than it solves, never brings permanent peace. I am convinced that if we succumb to the temptation to use violence in our struggle for freedom, unborn generations will be the recipients of a long and desolate night of bitterness, and our chief legacy to them will be a never-ending reign of chaos. A Voice, echoing through the corridors of time says to every

intemperate Peter, “Put up thy sword.” History is cluttered with the wreckage of nations that failed to follow Christ’s command.”¹

“Love your neighbor,” said Jesus, and “Love your enemies.” Pray for those who persecute, shame you, and kill you. This is the Way of the cross. It may not be the way of state and national law. It may not be the way of one political party or another. It may not be the way of some other religion. It may not be the way of natural anger and the temptation to revenge. But it is the Way of Jesus. And I challenge anyone to prove that radical love is not the Way of the Carpenter.

It seems to me that Christians have spent too much time arguing with one another and secular society about the red herrings of faith. You know the ones I am talking about: the virgin birth, Jesus walking on water, and the physical resurrection of the body. We are preoccupied with the inessential to avoid or discredit the ethics of Jesus. Indeed, let us spend another century and a half debating creationism and natural selection so we can avoid the ethics of love, forgiveness, mercy, and peacemaking. Let us pretend that the sexual orientation of other human beings is the most important issue on the national agenda while we avoid

¹ Martin Luther King, Jr., *Strength to Love* (Philadelphia: Fortress Press, 1963), pp. 14-15.

the myth of redemptive violence that has its death grip on the soul these
United States.

In his new book of poetry, *Leavings*, Wendell Berry writes:

I

“I know that I have life
only insofar as I have love

I have no love
except it come from Thee.

Help me, please, to carry
this candle against the wind.

II

They gather like an ancestry
in the centuries behind us:
the killed by violence, the dead
in war, the “acceptable losses” –
killed by custom in self-defense,
by way of correction, in revenge,
for love of God, for the glory
of the world, for peace; killed
for pride, lust, envy, anger,
covetousness, gluttony, sloth,
and fun. The strewn carcasses
cease to feed even the flies,
the stench passes from them,
the earth folds in the bones
like salt in a batter.

And we have learned
nothing. “Love your enemies,
bless them that curse you,
do good to them that hate you” –
it goes on regardless, reasonably:

the always uncompleted
 symmetry of just reprisal,
 the angry word, the boast
 of superior righteousness,
 hate in Christ's name,
 scorn for the dead, lies
 for the honor of the nation,
 centuries bloodied and dismembered
 for ideas, for ideals,
 for the love of God."²

I see no way around it. The moral teachings of Jesus compel me to renounce capital punishment. Retribution, revenge, retaliation, and violence are incompatible with the gospel of the Christian faith.

Retributive justice presumes that balance can be restored. I do not believe it. I do not know of a human being whose son or daughter was murdered, the criminal captured and hanged who felt that the scales of life were back in balance. Furthermore, the gospel impresses us to the work of reconciliation. Love is more than piety. Love is the restoration of human beings and their relationships. Let me offer an example from the book by Sonja Lyubomirsky, *The How of Happiness: A Scientific Approach to Getting the Life You Want*.

Sonja tells the story of a twenty-six year old woman, Amy Biehl.

Amy had graduated from Stanford with a BA in international relations.

She received a Fulbright scholarship to research women's rights in

² Wendell Berry, "2005," *Leavings* (Berkeley: Counterpoint, 2010), pp. 33-35.

segregated South Africa. One evening Amy was pulled from her car and stabbed to death in Guguletu Township near Cape Town. Her murder took place two days before she was to return to her in California. She did not know that her boyfriend was planning to propose marriage to her. You can imagine that her family was deeply shattered by this senseless murder.

Two years later the family decided to visit Guguletu Township and meet with the families of the murderers. They also would witness the proceedings of Bishop Desmond Tutu's "Truth and Reconciliation Commission." During those proceedings the four young men admitted the murder, expressed deep sorrow and pleaded for amnesty. They had been sentenced to 18 years in prison. Believe it or not, the Biehl family supported their release, despite their anger and unrelenting pain.

Soon after that visit Amy's father died, but her mother returned to South Africa. She developed a relationship with one of her daughter's killers, a man named Ntobeko Peni. She learned that Ntobeko grew up in the poverty of apartheid. He understood himself to be a freedom fighter for his people and that all whites were evil enemies. Mrs. Biehl saw the long slow travesty of poverty, racism, and retribution that led to Amy's death. Now let me tell you what Amy Biehl's mom did.

First, she forgave Ntobeko Peni. But she did more than that. She gave Mr. Peni a job in the Amy Biehl Foundation. He is a guide and peer educator for HIV/AIDS awareness. Together they often travel to tell their story of forgiveness and reconciliation. Indeed, Mrs. Biehl thinks of Ntobeko as a member of her family.³ This story of reconciliation is a perfect example of Jesus' teaching on loving our enemies. It reminds me of Paul's letter to the Romans where he declared, "Do not be overcome by evil, but overcome evil with good." (Ro. 12:21)

The world has long trodden the bloody beaten path of retribution. Jesus holds up a new vision for the future that is the path of love and reconciliation. Love your enemies and pray for those who persecute you. Put down your swords because violence only creates more violence. Yes, these are the hard sayings of Jesus. But they may be the very sayings that can pull the world back from the brink of destruction.

Finis

³ Sonja Lyubomirsky, *The How of Happiness: A Scientific Approach to Getting the Life You Want* (London: Penguin Press, 2007), pp. 169-170.