

GUSTAVUS ADOLPHUS COLLEGE

INTERPRETATIONS OF DEATH PENALTY SCRIPTURE

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ABSTRACT

The main focus of this thesis is to look at the ways in which scripture is interpreted by Christian proponents and opponents of the death penalty. A history of the death penalty as well as secular arguments both for and against the death penalty are looked at. Arguments made by Christian proponents of the death penalty are discussed extensively, and later are countered by arguments made by Christian opponents of the death penalty. The sources of these arguments are broken down into two groups: literal interpreters of scripture, and contextual interpreters of scripture. The way in which each of these groups interprets text is discussed, although it is discovered that a literal interpretation is not feasible. This thesis concludes with the way in which Christian interpretation of scripture influences American society and offers my personal stance on the issue of the death penalty.

I. INTRODUCTION

The death penalty is a highly debated topic that appears to have no clear answer to right or wrong. Both sides, for and against the death penalty, appear to have strong arguments to support their claims. A recurring trend is to use scripture to support either argument. This is controversial, because the Bible can be interpreted in different ways. It is my observation that Christians who support the death penalty interpret the Bible from a very literal perspective, yet they fail to follow a completely literal interpretation. Their interpretation tends to favor Old Testament Mosaic law over the New Testament Gospel teachings, an inherent contradiction in literal interpretation. Throughout my thesis I will look at the different interpretations of scripture and how it is used in the death penalty debate.

In my first chapter, I begin with a brief history of the death penalty in America, focusing specifically on early abolitionists and their positions against the death penalty. I then move on to describe the timeline of events and movements within individual states as well as the country as a whole regarding the death penalty. I conclude this section by listing popular secular arguments both for and against the death penalty.

My second chapter is where the primary focus of my thesis begins. This chapter focuses on biblical arguments in support of the death penalty. I will look at which verses from both the Old and New Testaments are used by proponents of the death penalty, and how proponents interpret these verses to support their claims.

Chapter three counters chapter two in its focus on the biblical arguments against capital punishment. Often, the same passages argued by proponents of the death penalty are used by

those who oppose the death penalty. I will explain the way death penalty opponents interpret the passages to support their stance on the issue.

In my fourth chapter I look more specifically at how Christian supporters of the death penalty approach the Bible. Instead of using a completely literal interpretation of scripture, these proponents tend to use a method of proof-texting, a semi-literal interpretation supported by a process of going through the Bible and finding verses that fit a preconceived idea rather than taking the context of the verses into account. The idea that Christian supporters of the death penalty use proof-texting is supported through the number of passages pertaining to law that supporters fail to incorporate into their argument for support of the death penalty.

In my final chapter I look how religion and politics are intertwined in American society. I attempt to analyze the way in which Christian law influences our secular society. I focus specifically at the way the different Christian approaches to the death penalty are incorporated into American law.

My research materials consist of numerous books and scholarly articles on the topic of death penalty. I will highlight several books and articles used as primary sources for my research. The first entitled *Beyond Retribution*, by Christopher D. Marshall. This book addresses the question of if there is a place for capital punishment in society. The author references the death penalty in both the Old and New Testaments. The author offers a critique of biblical arguments in support of capital punishment, addressing the specific issues of Genesis 9:4-6, Pentateuchal Law, and New Testament material.¹

¹Christopher D. Marshall, *Beyond Retribution* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2001), 201-254.

A second source I would like to highlight is a book entitled, *The Death Penalty: A Historical and Theological Survey*, by James J. Megivern. Related to my thesis, the author looks at the death penalty in early Christianity and addresses ways in which the Bible is interpreted both in historical and modern day Christianity. Megivern discusses historical issues, recent developments, and the interpretation of specific verses of the Bible that have been used as justification on both sides of the death penalty debate.²

The third and final source I wish to highlight is an article by Glen Harold Stassen, entitled, "Biblical Teaching on Capital Punishment," found in a Fall 1996 edition of *Review and Expositor*. The article specifically describes how the death penalty was prescribed in the Old Testament and how Jesus later rejected the idea of retaliation or 'life for a life.' The author argues that the crucifixion of Jesus was unjust and that all death penalties in the New Testament are unjust as well. Stassen looks at specific verses and how they are misinterpreted to support the death penalty. Overall, Stassen argues the biblical teaching does not support the death penalty.

Whether the death penalty is right or wrong cannot be answered simply. The answer of right or wrong lies in the individuals. No matter what the state dictates as law, people will disagree with the rightness of it. Whatever evidence is used to support a side or claim, evidence to counter the sides can also be found.

I believe this issue is important and should be addressed. First and foremost, with the issue of the death penalty, lives are at stake. Once a decision is made and a person is executed, there is no going back to reconsider the punishment; it is an issue of life or death. The death

² James J. Megivern, *The Death Penalty: A Historical and Theological Survey* (New York/Mahwah, NJ.: Paulist Press, 1997), 301.

penalty is extremely controversial, as Gallup Polls taken prove that there is an extreme difference of opinions regarding attitudes toward the death penalty.³ I do not believe it is morally right to allow so much discrepancy about this law when the lives of people are at stake.

³Conrad deFiebre, "Minnesota Poll; Public Divided on Death Penalty," *Star Tribune*, January 29, 2004, sec. 1A.

II. HISTORY OF THE DEATH PENALTY IN AMERICA

Capital punishment is long-standing human tradition. The institution of capital punishment for severe crimes can be traced back as far as Ancient China in the eighteenth century B.C. The first recorded capital sentencing took place in Egypt in the sixteenth century BC. The most famous capital case ever recorded was the crucifixion of Jesus Christ in approximately 29 A.D.⁴

Britain was responsible for first bringing capital punishment to North America, brought by English colonists in the seventeenth century. The first legal execution was that of Daniel Frank, in the colony of Virginia in 1622, for a crime of theft. This form of punishment was adopted by all of the colonies by the time of the Revolution. The types of criminal offenses deemed worthy of capital punishment exceeded ten in all states except Rhode Island.⁵ Crimes considered severe enough for the death penalty during the colonial period varied from the crimes considered capital offenses today. The following crimes were considered capital offenses in the state of Massachusetts in 1641: "idolatry, witchcraft, blasphemy, murder (homicide involving "premeditated malice, hatred or cruelty, not in a man's necessary and just defense, nor by mere casualty against his will"), manslaughter, poisoning, bestiality, sodomy, adultery, man-stealing, false witness in a capital trial, and rebellion (including attempts and conspiracies)."⁶ Though the crimes vary some from state to state, these offense serve as an example of they types of crimes which called for a punishment of death.

⁴Michael H. Reggio, "History of the Death Penalty," *Frontline*, <http://www.pbs.org/wgbh/pages/frontline/shows/execution/readings/history.html>.

⁵ Megivern, 301.

⁶ Adam Hugo Bedau, *The Death Penalty in America* (New York: Oxford University Press, 1982), 7.

A. *Death Penalty Abolitionists*

While religion was not the sole cause for America adopting the death penalty, it was largely responsible for the abolition of the death penalty in America. The first amendment to the United States Constitution calls for no established church. This resulted in plethora of church voices speaking out either in favor or against the issue.

The first call for complete abolition of the death penalty in America came in 1787 by Dr. Benjamin Rush of Philadelphia. Dr. Rush, a respected and elite Revolutionary figure, spoke out against the death penalty by joining the Bible with reason. He argued, “The punishment of murder by death is contrary to divine revelation. A religion which commands us to forgive and even to do good to our enemies can never authorize the punishment of murder by death.”⁷ The forgiveness and “doing good to our enemies” that Dr. Rush spoke of was taken from the Sermon on the Mount in the New Testament, “But I say to you, love your enemies and pray for those who persecute you,” (Matthew 5:44).⁸ Dr. Rush could be considered a liberal thinker by the way he joined the Bible with reason.

Another important abolitionist statement came about in 1793, when the Attorney General of Pennsylvania, William Bradford, published *An Enquiry How Far the Punishment of Death is Necessary in Pennsylvania*. Bradford’s opposition of the death penalty was secular rather than religious. Though he advised that the death penalty be retained in Pennsylvania, he admitted that capital punishment did not act as a deterrent against crimes. In all states, according to Bradford,

⁷ James J. Megivern, “Biblical Argument in the Capital Punishment Debate,” *Perspectives in Religious Studies* 8, (Summer 1981): 144.

⁸ The translation used for biblical texts is NRSV unless otherwise noted.

convictions were hard to obtain because the death penalty was the mandatory sentence for most crimes. As a result of Bradford's treatise, Pennsylvania abolished the death penalty except for first-degree murder cases. In the years to follow, New York, Virginia, Kentucky, Vermont, Maryland, New Hampshire, and Ohio reduced their number of capital cases from ten and thirteen down to two to four. Rhode Island, Massachusetts, New Jersey, and Connecticut on the contrary, all saw an increase of capital cases.⁹

Bradford was also the first person to divide murder into degrees. He proposed this idea to the state of Pennsylvania. The state determined that:

All murder, which shall be perpetrated by means of poison, or by lying in wait, or by any other kinds of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate arson, rape, robbery, or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder in the second degree; and the jury, before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict, whether it be murder of the first or second degree...¹⁰

The concept of degrees was soon adopted by all other states.

Another important opponent of the death penalty was Edward Livingston. Around 1825, Livingston urged Louisiana to adopt a code which did not allow for capital punishment. Louisiana did adopt the code for several years, but today has reinstated the death penalty. Compared to Rush's religious motivations, Livingston took a predominantly secular approach. Livingston knew of the biblical arguments used by death penalty supporters and he chose to confront these arguments directly: "Indeed, if I were inclined to support my opinion by arguments drawn from religion, the whole New Testament should be my text, and I could easily

⁹ Reggio, 5.

¹⁰ E. R. Keedy, "History of the Pennsylvania Statue Creating Degrees of Murder," *University of Pennsylvania Law Review* 97 (1949): 772. Cited in Bedau, 4.

deduce from it authority for a system of reform as opposed to one of extermination.”¹¹

Livingston’s arguments was from a liberal perspective, like Rush, and interpreted the text to support his claims.

Another abolitionist, Robert Rantoul, Jr., became an active opponent of the death penalty in 1836 after he defended a client he believed to be innocent, but was convicted and executed. Rantoul argued that the state never had the right to instate capital punishment and saw the governments’ purpose to be “for the protection of property, life, and liberty. It is not for the destruction of any of them...Having performed these duties (of protection), its office is at an end...The right of self-defense furnishes no foundation whatever...upon which to establish the right to take away life.”¹² By arguing the rights of the government, Rantoul took a mostly secular stance on the issue of capital punishment.

During the early American period, writers were influential on the issue of capital punishment. Several argued that slavery and capital punishment were simultaneous injustices on both human and divine levels. One of these writers was John Greenleaf Whittier (1807-1892). Whittier’s Quaker heritage influenced his writing of a powerful poem, “The Human Sacrifice” (1843). This poem expressed Whittier’s belief that “the most offensive feature of the penal system was the union of ‘gallows and gospel.’”¹³ This argument was based on both from religious and secular grounds.

Charles Spear (1801-1863), a Universalist Minister, became a popular opponent of capital punishment through his book *Essays on the Punishment of Death* in 1844. From 1845-1857 he

¹¹Philip E.Mackey, *Voices Against Death: American Opposition to Capital Punishment 1787-1975* (New York: Burt Franklin & Co., 1976), xiif, 23f. Cited in Bedau, 303.

¹²Mackey, 36, 45. Cited in Megivern, *Death Penalty*, 305.

¹³Megivern, *Death Penalty*, 306.

lead a prison-reform newspaper centered on the death penalty abolition. Some arguments that were used by Spear and his opponents were biblical texts. The arguments were that supporters of the death penalty used Old Testament scripture for the basis of their argument while abolitionists used scripture from the New Testament.¹⁴

In 1845, Walt Whitman (1819-1892), wrote an essay entitled *A Dialogue*. His essay attacked those who used the Bible as support for the death penalty. Whitman's words spoke out against the wrongful interpretations of the Bible, "'Oh Bible!' Say I, 'what follies and monstrous barbarities are defended in thy name!'"¹⁵ Whitman's powerful writing helped fuel abolitionist arguments.

Horace Greeley (1812-1872), another abolitionist, was an advocate of social reforms. He brought the issue of capital punishment to rural Americans through lyceum lectures. According to Megivern and Mackey, Greeley's lectures were centered on four main arguments:

1. It teaches and sanctions Revenges...
2. It tends to weaken and destroy the natural horror of bloodshed...
3. It facilitates and often insures the escape of the guilty from any punishment by human law...
4. It excites a pernicious sympathy for the convict...¹⁶

Greeley's lectures stressed the negatives of capital punishment in hopes to persuade rural Americans to side with the abolitionists on the issue.

¹⁴ Ibid., 307.

¹⁵ Mackey, 108f. Cited in Megivern, *Death Penalty*, 308.

¹⁶ Ibid., 116-118. Cited in Ibid., 308.

Fredrick Douglas (1817-1895) showed that both slavery and capital punishment needed abolition. In 1858, he gave an address entitled "Capital Punishment is a Mockery of Justice." Douglas addressed issues of Christian morality, which are still timely today.¹⁷ Marvin H. Bovee (1827-1888) devised a collection of arguments entitled "Christ in the Gallows." Bovee's strongest argument was that death was not a fitting definition to "punishment."¹⁸ This argument is often seen today in contemporary churches.

Newton Curtis (1835-1910) combined religious and secular arguments against the death penalty. In 1892, he presented an address for complete abolition in front of the House of Representatives. This address, entitled "The Death Penalty Undesirable and Not Sustained by Divine Authority," used self-defense ethics and also looked at interpretation of Genesis 9:6.¹⁹

B. Abolition in the States

Partially as a result of the work of these abolitionists, between the years 1833-1853 the first significant reform took place, with public executions being regarded as cruel. It was not uncommon for a hanging to attract a crowd of tens of thousands of spectators, including vendors selling alcohol and souvenirs. As a result of the violence and drunkenness that would often break out, by 1849, 15 states outlawed public executions. However, many abolitionists were not in favor of private executions. It was their hope that the unruly crowds would eventually lead to complete abolition of hangings all together. Maine enacted a moratorium over capital punishment cases so that all felons sentenced to the death penalty had to wait one year before the

¹⁷ Megivern, *Death Penalty*, 309.

¹⁸ Ibid., 310.

¹⁹ Ibid., 311.

sentence was carried out, which could then only take place on the governor's order. Under this "Maine Law," no one was executed for a period of twenty-seven years.²⁰

Around this time, other states began to abolish capital punishment. Michigan became the first state to completely abolish the death penalty (with the exception of treason against the state) in 1846. While eastern states faced objection from the religious establishment to abolition, Michigan saw little opposition, the last execution taking place sixteen years earlier. Michigan lacked in established religious groups, and therefore did not face strong religious objection to the abolition. In the east, the Quakers, Unitarians, and Universalists lead the abolition in Rhode Island in 1852, while Massachusetts limited executions solely to first-degree murder cases. Wisconsin abolished the death penalty the following year after an unusually gruesome hanging.²¹

During the second half of the nineteenth century the focus of abolition in America moved from the death penalty to the issue of slavery. Around this same time states began passing laws that called for discretionary capital punishment instead of mandatory capital punishment in order to raise the number of convictions of murders. By 1895, eighteen states had passed such laws. From 1876-1887 Maine abolished the death penalty, reinstated it, and again abolished it. The death penalty was abolished in Iowa for six years and in 1872 a "Maine Law" was passed in Kansas.²²

1895-1917 saw a number of significant legislative events. The U.S. Congress passed a bill to reduce the number of federal crimes calling for a death sentence. Kansas completely abolished the death penalty in 1907. Minnesota, North Dakota, South Dakota, Oregon, Arizona,

²⁰ Reggio, 5-6.

²¹ Ibid., 6.

²² Ibid., 6.

Missouri, and Tennessee abolished the death penalty between 1911 and 1917 for all cases except rape.²³

There was a slowdown in the abolition movement from 1917-1955. Three states, Washington, Arizona, and Oregon even reinstated the death penalty between 1919-1920. The movement regained its speed again from 1955-1972 from books published and television shows filmed on the death penalty, and politicians were soon forced to choose sides in the controversy. In 1957, Alaska and Hawaii abolished capital punishment as did Delaware the following year. In 1961, however, Delaware reinstated the death penalty. Michigan abolished capital punishment for treason cases in 1963, and in 1964, Oregon voters abolished the death penalty. Iowa, New York, West Virginia, and Vermont abolished the death penalty in 1965, and New Mexico followed in 1969.²⁴

With all the back-and-forth that was occurring on the state level, abolitionists began to focus their attention on the courts. On June 29, 1972, abolitionist's work proved successful after a five to four majority in the case of *Furman v. Georgia*. In that case, "the U.S. Supreme Court ruled that the way capital punishment laws were written, including discriminatory sentencing guidelines, capital punishment was cruel and unusual and violated the Eighth and Fourteenth Amendments."²⁵ This ruling ended capital punishment in the United States. Death penalty proponents, however, crafted new statutes to satisfy the court majority and as a result, by 1975 thirty states had enacted new death penalty laws. Shortly thereafter, over 200 prisoners were again on death row, and the temporary death penalty suspension ended in Georgia after the

²³ Ibid., 7.

²⁴ Ibid., 7-8.

²⁵ Ibid., 8.

Supreme Court sustained new law in *Gregg v. Georgia* in 1976.²⁶ After *Gregg v. Georgia*, executions were again taking place in a majority of the states.

Support for the death penalty has increased significantly over the past half century. Public polls show that in 1966, support for the death penalty was at 47%. This number increased to 70-75% by 1982 and has remained fairly stable since. Despite the strong abolition movements, approximately two-thirds of Americans support the death penalty in murder cases. Polls also indicate that on average men support the death penalty more than women, as do whites over blacks.²⁷ Some correlations can be made over who favors the death penalty. It was found that Republicans tend to favor the death penalty over Democrats, conservatives favor it over liberals, middle class over poor. Westerners favor the death penalty more than Easterners and Midwesterners, and suburbanites favor it over city and country dwellers.²⁸

Since the death of Daniel Frank, the first person executed in America, there have been an estimated 18,000 to 20,000 persons legally executed, 7,000 of which took place after 1900. In addition, there have been an equal number of persons who could have been executed but were pardoned for one reason or another.²⁹ In the past decade, the rate of executions has increased by 800%. In 2004, there were approximately 3500 persons on death row.³⁰ Twelve states are currently without the death penalty: Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan,

²⁶ Ibid., 9.

²⁷ Hugo Adam Bedau, *The Death Penalty in America: Current Controversies* (New York: Oxford University Press, 1997), 90.

²⁸ See Bedau, *Death Penalty* (3rd ed.), 7, referring to, among others, Robert M. Bohm, "American Death Penalty Opinion, 1936-1986: A Critical Examination of Gallup Polls" in Bohm, ed., 113-42.; Alan James Fox, Michael L. Radelet, and Julie Bonsteel, "Death Penalty Opinion in the Post-Furman Years," *New York University Review of Law and Social Change* 18: 499-528.; Hans Zeisel and Alec M. Gallup, "Death Penalty Sentiment in the United States," *Journal of Quantitative Criminology* 5: 285-96.

²⁹ Bedau, *Death Penalty* (1st ed.), 3.

³⁰ Millard Lind, *The Sound of Sheer Silence and the Killing State* (Telford, PA: Cascadia Publishing House, 2004), 23.

Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin (as well as the District of Columbia).

The death penalty continues to be extremely controversial issue today. One of the foundational arguments still used by both sides is biblical scripture. Proponents of the death penalty look at specific scriptures for evidence, while opponents look at different scriptures. Both sides argue texts specific to their claims. In many cases the same text is argued by both sides, only the interpretation of the text differs.

More than a century ago clergymen were the strongest proponents for the death penalty. They argued biblical text as justification for the death penalty. Similar arguments can be heard yet today by some Christian Fundamentalists. The arguments based almost solely on biblical scripture can most frequently be heard throughout the Bible Belt. Such arguments are rarely heard outside of this area³¹

Millard Lind, author of *The Sound of Sheer Silence and the Killing State*, claims that, "Scholars report that vengeance, retribution and the simple justice of 'eye for an eye' sort provide the basis for much of this support" of capital punishment. In addition he also claims, "Today in America, the strongest supporters of 'vengeance, retribution and the simple justice of 'an eye for an eye' include a significant part of the evangelical Christian community."³²

C. *Secular Arguments For and Against the Death Penalty*

Much like the abolitionists throughout American history, today's supporters of the death penalty have strong arguments to support their position, both secular and religious. One secular

³¹ Bedau, *Death Penalty* (1st ed.), 305.

³² Lind, 24.

claim includes that the death penalty is a deterrent and societies have a need for retribution.

Though the majority of my focus is on biblical arguments, it is important to note some of the secular arguments given on both sides of the debate. I will look at these popular claims as well as the opposing arguments.

The opinion that the death penalty acts as a deterrent operates under the assumption that if people know they will be put to death for certain crimes, they are less likely to commit those crimes. The more severe the punishment, the more effective the state sponsored threat for deterring crime. This fact is most often believed and argued by those who enforce and carry out laws. "I can tell you that the overwhelming majority of people in law enforcement- the ones who are dealing with these criminals, the ones who are seeing them not as statistics but real live human beings...are overwhelmingly convinced that capital punishment is a deterrent."³³ These supporters believe that abolishing the death penalty would be doing away with a deterrent that works well in maintaining a lower number of capital crimes.

The claim that the death penalty is a deterrent is countered in a couple of ways. One opposing view is that most homicides are crimes of passion, rather than premeditated acts, and there is no real way to deter such crimes. In addition, it is statistically proven that capital punishment is not actually a deterrent. A survey taken by the New York Times in 2000 proved that homicide rates were 48% to 101% higher in states with capital punishment than in those without. The FBI stated that homicide rates in ten out of the twelve states without capital punishment fell below the national average.³⁴

³³Bedau, *Death Penalty* (1st ed.), 312. Hearings, report and testimony on Senate bill No. 1, Second Extraordinary Session, which proposed to abolish the death penalty in California and to substitute life imprisonment, without possibility of parole. California Legislature, Senate Committee on the Judiciary (1960): 150.

³⁴Minnesota Advocates for Human Rights, "Minnesota," <http://www.mnadvocates.org/Minnesota.html>.

Another secular argument made by supporters of the death penalty is the need for a form of retribution. Capital crimes and at the criminals who commit these crimes incite a sense of collective offense. It is argued that in order to function properly, society needs a way to release this outrage and the way to do this is through retribution.

In part, capital punishment is an expression of society's moral outrage at particularly offense conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs. The instinct for retribution is part of the nature of man, and channelling that instinct in the administration of criminal justice serves an important purpose in promoting the stability of a free society governed by law.³⁵

This support comes from an originally biblical "eye for an eye" mentality. The life that was lost should be acknowledged and the punishment must be equally administered. A belief is that the penalty should fit citizens' feelings toward the criminals who commit heinous crimes. In modern times, the 'eye for an eye' for an eye concept is developed into a function of government to mitigate societal outrage at perpetrators of serious crime.

The argument of society's need for retribution can be countered in two ways. First, revenge is not a New Testament Christian response. New Testament scripture, particularly Jesus saying: "Be ye merciful even as your Father is merciful" (Luke 6:36) and "love your enemies"(Matthew 5:44) are used against this idea of retribution. Another counter-argument to retribution is that the families of the victims are no more satisfied after the offender is put to death. Putting another to death with not bring back their loved one, thus, they are no more at peace.

³⁵ Gregg v. Georgia, 428 U.S. 153, 183-84 (1976). Cited in Bedau, *Death Penalty* (1st ed.), 316-317.

Financial factors also play a role in the arguments for and against the death penalty.

Some taxpayers argue they do not want to see their money used to keep criminals in prison for a life sentence. The counter argument to this however, is that it costs more money to execute prisoners than it does for them to remain in prison. “Estimates on the increased cost of capital cases vary, but lawyers agree that it is very expensive and more costly than life imprisonment.”³⁶ In order to put someone to death, the case must be tried at the highest court of appeals, leading to an increased cost.

The death penalty as a deterrent, society’s need for retribution, and the financial factor associated with the death penalty are important secular arguments. In addition to secular arguments, religion is often used in support for and against the death penalty. The centerpiece of my thesis begins in the following chapters, where I will focus on religious arguments both for and against the death penalty.

³⁶Barbara L. Jones, “Some in Minnesota’s Legal Community Express Concern About Re-Introducing the Death Penalty,” *The Minnesota Lawyer* December 15, 2003.

III. BIBLICAL ARGUMENTS FOR CAPITAL PUNISHMENT

Scripture from both the New and Old Testaments and the interpretations of these texts are where most religious arguments for and against the death penalty are found. While more arguments can be found in support of the death penalty, these are the most widely used claims. Throughout the following section I will focus primarily on the biblical arguments given by supporters of the death penalty. Some of the arguments include: the biblical passage Genesis 9:4-6 and Mosaic law endorsements still apply today, and the lack of evidence in the New Testament to rescind the laws which were established in the Old Testament, and the significance of Romans 13 as support for the death penalty.

Genesis 9:4-6 says that God instituted capital punishment. This scripture states, “You shall not eat flesh with its life, that is, its blood. For your own lifeblood I will surely require a reckoning: from every animal I will require it and from human beings, each one for the blood of another, I will require a reckoning for human life. Whoever sheds the blood of a human, by a human shall that person’s blood be shed; for in his own image God made humankind.” This passage contains three features which could be interpreted as endorsing the death penalty.

The first feature is that though this commandment from God was not meant for Noah alone, but for all humankind. In Jewish tradition, this covenant made with Noah was binding to all humanity. If this is true, then this law would still be active today and apply to contemporary situations.³⁷ The second feature of this passage is that humans were made in the likeness or image of God (Genesis 1:26-28). Human life is thus considered sacred. If one murders another

³⁷Marshall, 214-5.

human, they are committing murder to a likeness of God and in return they must pay the price of giving up their own life.³⁸ “In this sense capital punishment may be understood as grounded in the creation order itself (Genesis 9:6 and 1:27), and as such is permanently valid.”³⁹ The third feature of this passage is that it does not offer any alternative, such as rehabilitation. Instead, the guilty must be punished by retribution. A life for a life is required for justice.⁴⁰

Another religious argument made in support of the death penalty is that Mosaic law, which endorses capital punishment, still applies today. The argument is that these standards, used long ago by ancient people, should apply to modern society as well. While most Christian supporters of the death penalty believe that these laws were primarily not meant for Christians, they believe these laws still apply if there is strong reason for such severe punishment. A strong reason is premeditated murder. In cases of premeditated murder, therefore, some believe the Mosaic law still applies.⁴¹

Another argument in support of the death penalty is that there is a lack of direct commentary in the New Testament to counter the divine law established in the Old Testament. Death penalty supporters believe there is nothing in the New Testament direct enough to revoke the death penalty. On the contrary, there are indications in the New Testament which seem to endorse the death penalty. The way in which scripture is interpreted is left up to the individual interpreter. The passages that follow are interpreted from the standpoint of a death penalty supporter and appear to be a literal interpretation of scripture.

³⁸Pope John Paul II, *The Gospel of Life* (New York: Random House, 1995), 95.

³⁹Marhsall, 215.

⁴⁰*Ibid.*, 215.

⁴¹*Ibid.*, 217.

Passages in which Jesus appears to endorse the death penalty include Matthew 26:52, “All who take the sword shall perish by the sword,” Jesus’ depiction of royal slaughter in the Parable of Ten Pounds in Luke 19:27, the instruction Jesus gives his disciples to purchase swords in Luke 22:36. In Matthew 5:25-26, Jesus acknowledges the legitimacy of the courts. In Matthew 5:21, Jesus quotes Exodus 21:12, on the prohibition on murder. However, in doing so he makes no indication of contradicting the death penalty. Jesus not only reaffirmed the Mosaic law in general terms, Matthew 5:17-20, but He also did nothing to countermand legislation in relation to capital offences, Luke 16:17. In John 19:11, it is believed that Jesus recognized the God given authority of Pilate, including the authority to crucify. Jesus appears to be in agreement with the dying thief’s words that he is suffering for his crime in Luke 23:40-43.⁴²

Another passage that seems to endorse the death penalty is found in Acts 25:11. Paul’s words to Festus, “If I am in the wrong and have committed something for which I deserve to die, I am not trying to escape death” imply that the government has the authority over capital punishment. In Romans 1:32, after listing thirty different sins, Paul said “those who practice such things deserve to die.” Another passage is the execution of Ananias and Sapphira in Acts 5:1-11. Some believe divine endorsement for the death penalty comes from the crucifixion death of Jesus. Finally, it is believed that in John 7:53-8:11, Jesus does not condone the execution of the adulterous woman not because he is opposed to the death penalty, but because of the lack of legal grounds for a conviction. Perhaps He did not believe that adultery was a capital offense.⁴³

Perhaps the strongest and most determining passage used in the argument of the New Testament supporting capital punishment is Romans 13:3-5. This passage states

⁴²Ibid., 223-4.

⁴³Ibid., 224.

For rulers are not a terror to good conduct, but to bad. Do you wish to have no fear of the authority? Then do what is good, and you will receive its approval; for it is God's servant for your good. But if you do what is wrong, you should be afraid for the authority does not bear the sword in vain. It is the servant of God to execute wrath on the wrongdoer. It is the servant of God to execute wrath on the wrongdoer. Therefore one must be subject, not only because of wrath but also because of conscience.

Historically, Romans 13:1-7 played a crucial part in Christian political ethics. Verses 3-5 contain great implications for penal justice, including the purpose of governing authorities, the State's right to "wield the sword" and the call for Christian submission.

In this passage, the state, or governing authorities are described as God's agent to exercise or carry out punishment, to criminals who break God's laws. These governing authorities act on behalf of God; not on their own authority, but on God's authority. No one individual is given authority by God to carry out their own personal vengeance, but the governing authorities can carry out the vengeance on behalf of God. This wrath of God serves as a deterrent. "If you do what is wrong, you should be afraid" (v. 4).⁴⁴

The second feature in this passage is that the state's exclusive right to punish evil includes the right to wield the sword, seen in verse four. This is used as an assertion of the death penalty. The term "law of the sword" is a term once used in military discipline, but was later used in civil and criminal punishment as well. R. C. H. Lenski said the sword is "not a mere symbol of power but the actual sword in the hands of the executioner who inflicts the death penalty on criminals."⁴⁵ Charles, a scholar on Pauline Ethics and Capital Justice, explains four points to support this idea. For one, there is no military context surrounding this passage, but is rather surrounded by issues relating to social and moral behavior. Second, verse six, relating to

⁴⁴Ibid., 224-225.

⁴⁵Lenski, *St. Paul's Epistle to the Romans* (Minneapolis: Augsburg, 1936), 792. Cited in Marshall, 225.

taxes, is clearly literal, thus the idea of the sword must be literal as well. Third, there is value in the sword as a deterrence because there is the implication that it causes actual death. Every other passage of sword found in the New Testament also relate to death in some way. Finally, historically this passage has been interpreted as divine authority given to the state to impose the death penalty. The first readers of Paul would understand the verse in this context, as the sword authorizing capital punishment.⁴⁶

The third feature of this passage is that it calls for Christian submission to civil authority when promoting good versus evil. This submission is motivated by both fear of retribution and of the idea that the governing authorities are servants of God carrying out the justice of God. This passage gives them the right to “wield the sword,” thus Christians have no right to abolish or attempt to abolish the death penalty. Christopher D. Marshall, author of *Beyond Retribution*, believes “To do so is to be more ‘Christian’ than God and to confuse justice with love.”⁴⁷ The state’s main task is not to maintain love, but to maintain social justice and social order.⁴⁸

⁴⁶Charles, “Pauline Ethics and Capital Justice: Proscription or Prescription (Rom. 12:17-13:7)?” unpublished paper presented at the SBL conference, November 1994, 13-15, 19-20. Cited in Marshall, 225.

⁴⁷Marshall, 226.

⁴⁸Charles, “Pauline Ethics and Capital Justice,” 16. Cited in Marshall, 226.

IV. BIBLICAL ARGUMENTS AGAINST CAPITAL PUNISHMENT

Throughout the following chapter I will look at scriptural support against capital punishment and counter-arguments to pro-death penalty arguments. Christian opponents of the death penalty argue that Jesus was against the death penalty, and as His followers, Christians should be against the death penalty as well. There is no question that Jesus was serious about moral obedience. Jesus emphasized mercy and the value of life, “Be ye merciful, even as your Father is merciful. Forgive, and you will be forgiven.” (Luke 6:36). Jesus also said “if you do not forgive others, neither will your Father forgive your trespasses” (Matt 6:15). Jesus taught us to not kill, insult others, or withhold anger against another, or else judgement would incur. Instead, we are to take the initiative to make peace with others (Matthew 5:21). This teaching leaves no room for “life for life” or “death for death” as delegated in the Old Testament. Jesus in fact rejected the idea of retribution.⁴⁹

In Matthew 5:38, Jesus made specific reference to the verse “life for life, eye for eye” (Lev. 19:15), which is often used to argue in support for the death penalty. However, Jesus does not offer support for this concept, but rather changes it to one of mercy. Matthew 5:38 reads:

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 set yourself in violent or revengeful resistance against 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 anyone who begs from you, and do not refuse anyone who wants to borrow from you.

The point of this passage does not offer support for revenge, but rather directly opposes the idea

⁴⁹Glen Harold Stassen, “Biblical Teaching on Capital Punishment,” *Review & Expositor* 93 (Fall 1996): 487.

of retribution. The idea of “eye for an eye” was meant to keep humans from seeking revenge. In ancient times, this command had even more significant impact or was seen as a more drastic approach to countering revenge than it is today. Jack Miles, author of *God: A Biography*, explained, “The point of the *lex talionis* or “law of suchness” is that you shall not give two eyes for an eye or an eye for a burn. To that extent, the code may have been in its day a huge step in the right direction - that is, away from vindictiveness and revenge. And yet most modern readers would more easily see the many more steps waiting to be taken.”⁴⁸ These words of Jesus offer no support of retribution, but rather support mercifulness. In this passage, Jesus instated a new code in place of the Mosaic law. He replaced the Old Testament idea of retribution with a new idea of mercy. Jesus’ opposition to capital punishment pointed Christians to a new, community-building alternative.⁴⁹

Jesus clearly did not support ‘life for a life’ in the sense of retribution. Paul’s words confirm Jesus’ opposition to retribution. In Romans 12:19, Paul stated, “Beloved, never avenge yourselves, but leave it to the wrath of God; for it is written, ‘Vengeance is mine, I will repay, says the Lord.’”⁵⁰ Paul and Jesus came to a consensus that it should not be left up to mankind to seek revenge, but that God alone will carry out justice.

In John 8, Jesus was confronted with the issue of the death penalty in two ways. The Pharisees brought an adulterous woman before Jesus and said, “Now in the law Moses commanded us to stone such women. Now what do you say?” (John 8:5). Jesus is confronted by the death penalty in two ways here. First, He was to decide the fate of the adulterous woman,

⁴⁸Jack Miles, *God: A Biography* (New York: Alfred A. Knopf, 1995), 121.

⁴⁹Stassen, 488.

⁵⁰*Ibid.*, 488.

whether she should be stoned as an outcome of her transgressions. The second way that Jesus confronted the death penalty in this setting was that the Pharisees were looking for a charge to bring against Jesus. “They said this to test Him, so that they might have some charge to bring against Him” (John 8:6). Had Jesus spoken against the word of God, His blasphemy would be cause for capital charges to be brought against Him.

A second time that Jesus dealt directly with the death penalty was during His own crucifixion. Crucifixion was a penalty given to slaves and rebels, and considered a state of terrorism. Jesus was falsely accused and later unjustly condemned, found in John 18:38. The man Barabbas, whom was actually guilty of the crime of murder, was freed in place of Jesus at the will of the masses. From the cross, Jesus said, “Father forgive them for they know not what they do.” The implication is that forgiveness was required because the action was wrong. Glen Harold Stassen, author of “Biblical Teaching on Capital Punishment,” believes “Christians who remember their Lord was unjustly and cruelly given the death penalty have a hard time being enthusiastic about imposing the death penalty on others. The cross on Christian churches signifies not that we should advocate more crosses for others, but that we all need mercy.”⁵¹ The New Testament states that we are not to seek vengeance (Romans 12:19). Instead we are to love our enemies, and seek to do mercy (Luke 6:35-6). Marshall agreed, stating, “Indeed, the fact that religious and state power combined to execute an innocent man in the interests of protecting an unjust status quo is perhaps the most eloquent testimony against capital punishment.”⁵²

William H. Baker makes reference to John 19, where a conversation took place between Jesus and Pilate, the authority of the Roman colonial government. Baker points out that Pilate

⁵¹Ibid., 489.

⁵² Marshall, 227.

told Jesus it was his authority to crucify Jesus. Jesus replied, “You would have no power over me unless it had been given you from above; therefore the one who handed me over to you is guilty of a greater sin.” (John 19:11). Baker and others argue that this passage indicates that Jesus does not oppose the death penalty. However, Pilate misunderstands the topic - it is not about him having the authority to put Jesus or others to death. The passage is about God’s power to bring about an hour of redemption. The only reason Pilate is even playing a role in the death of Jesus is because God allows it.⁵³

Opponents of the death penalty argue that Genesis 9 does not support the death penalty. God offers no distinction between humans and animals in this passage. “For your own lifeblood I will surely require a reckoning: from every animal I will require it and from human beings, each one for the blood of another, I will require a reckoning for human life” (Genesis 9:5). It is argued that the moral distinction is not made because murder is not the issue focused on in this passage.⁵⁴

The following counter-arguments address the other scriptural arguments which were argued in support for the death penalty. In Matthew 26:52, “Jesus said to him, “Put your sword back into its place; for all who take the sword will perish by the sword,” Jesus does not legitimize the death penalty. He instead makes an observation of human behavior that violence begets violence. To use the Parable of Ten Pounds in Luke 19:27 as support for capital punishment creates a violence in parabolic genre. When Jesus speaks to his disciples in Luke 22:36, He is not referring in any way to death. He was especially not authorizing His disciples as executioners. His statement should instead be understood figuratively. In Acts 25:11, Paul’s

⁵³Stassen, 489-490.

⁵⁴Eric E. Hobbs and Walter C. Hobbs, “Contemporary Capital Punishment: Biblical Difficulties with the Biblically Permissible,” *Christian Scholar’s Review* 11 (1982): 257.

comment to Festus does not validate the Roman practice of executions, but asserts legal innocence. Offenses such as embezzlement and lying would have to be considered capital offenses in order for the deaths of Ananias and Sapphira to be seen as support for the death penalty (Acts 5:1-11), which is often not the case.⁵⁵

While some have argued that Romans 13 is a determinative passage in support for the death penalty, others believe this passage does not even concern the issue of the death penalty, but rather that this passage concerns the authority of government to tax. “Let every person be subject to the governing authorities...For the authority does not bear the sword in vain...For the same reason you also pay taxes, for the authorities are God’s servants, busy with this very thing. Pay to all what is due them—taxes to whom taxes are due, revenue to whom revenue is due...” An argument found in this passage to support the death penalty is the governments’ authority to “bear the sword.” Glen Harold Stassen, author of “Biblical Teaching on Capital Punishment” counters this argument:

The Greek in Romans 13:4 translated “sword” (*machairan*) does not name the instrument used in capital punishment. It names the symbol of authority carried by the police who accompanied tax collectors. Paul was arguing Christians to make peace, pay Nero’s new tax, and not rebel. He was not arguing for capital punishment. He was arguing *against* violence.⁵⁶

According to this interpretation, this passage does not support or even condone the death penalty.

⁵⁵Marshall, 226-7.

⁵⁶Stassen, 491.

DEATH PENALTY PROPONENT'S AND OPPONENT'S INTERPRETATIONS

I have shown the different arguments involved in the death penalty debate and have demonstrated how the Bible is interpreted in different ways. The claims I focused on were made primarily by one of two major groups: Christian proponents of the death penalty, or Christian opponents of the death penalty. I will now focus on the specific claims each of these groups make and how they interpret scripture. Though these groupings are not universally representative, they are widely accepted.

Groups with differing beliefs read the Bible in different ways. These people often come away from the Bible with different definitions or meanings of the texts. This is a result of their experience in forming their interpretation of the scriptures. Interpretation is defined as “an intermediary task performed by rational human beings to make human communication possible in difficult cases.”⁵⁷ Interpretations of text from the Bible regarding the death penalty may be rooted in their political, religious, or moral background, not solely from the biblical texts.

A. Literal Interpreters

Some Christians claim to be literal in their interpretation of scripture while others take a more symbolic approach. Literal interpreters tend to be very conservative in their religious views in support for the death penalty. They believe that God formed a set of laws regarding killing through Moses on Mount Sinai, found in Exodus and Leviticus, that were to be followed by both the Israelites and future generations. Literal interpreters believe such law codes still apply

⁵⁷Robert Morgan and John Barton, *Biblical Interpretation* (New York: Oxford University Press, 1988), 1.

today.⁵⁸ These supporters of the death penalty do not agree with opponents' idea that criminals can be reformed. They believe that the only way to ensure the protection of the innocent is to execute the worst and most destructive offenders. As a result of this view, "studies show that fundamentalist Protestant values are associated with greater support for severe punishments like the death penalty."⁵⁹ Supporters of the death penalty cannot rely on the Bible alone to support their stance on the issue. Rather the way they interpret the Bible is a result of other factors, such as political and moral beliefs, which then in turn reinforces their political and moral beliefs.

B. Contextual Interpreters

Contextual supporters tend to interpret the Bible by looking at the bigger picture, taking the history and context of the passages into account. Their approach to the Bible is more symbolic than that of literal interpreters. They do not necessarily focus on the individual texts themselves, but rather the text as a whole. Contextual interpreters believe that the Mosaic Law, written in a pre-Christian era, was meant for ancient people and not for Christians and therefore the Mosaic law no longer applies today. They believe that New Testament scripture supersedes Old Testament scripture. "Surveys repeatedly show that respondents with liberal views are less likely to support severe punishments. In comparison to conservatives, liberal respondents are far

⁵⁸Donald R. Morse, "Fundamentalists and Us," *Journal of Religion & Psychical Research* 26 (January 2003): 1.

⁵⁹See David Jacobs and Jason T. Carmichael, "Ideology, Social Threat, and the Death Sentence: Capital Sentences Across Time and Space," *Social Forces* 83.1 (2004): 5, referring to, Theodore R. Curry, "Conservative Protestantism and the Perceived Wrongfulness of Crimes: A Research Note," *Criminology* 34: 453-64.; Harold G. Grasmick, Elizabeth Davenport, Mitchell B. Chamlin, and Robert Bursik, "Protestant Fundamentalism and the Retributive Doctrine of Punishment," *Criminology* 30 (1992): 21-45.; Harold G. Grasmick and Ann McGill, "Religion, Attribution Style, and Punitiveness toward Juvenile Offenders," *Criminology* 32 (1994): 23-46.

more hostile to the death penalty.”⁶⁰ Overall, these interpreters tend to be much more opposed to the death penalty.

C. “Literal” Interpretations

Christians supporters of the death penalty claim to follow a literal interpretation of scripture, which they interpret in a way that shows support for the death penalty. Their interpretation of the Bible cannot be completely literal, however, because in today’s society it is not possible to live by the standards called for in a literal interpretation, thus requiring a certain level of selection of verses. Also, the Bible has been translated enough times that interpretation is not completely reliable. This weakens their argument in support for the death penalty, because their “literal” interpretation is not truly literal.

Literal interpreters who support the death penalty use a method of proof-texting, in which they find verses that fit a preconceived idea rather than taking the context of the verses into account. Instead of looking at the context of the greater passage, they narrowly focus on specific texts to support their beliefs. They chose to use only those verses which will aide in strengthening their position. Following a completely literal interpretation does not allow for some laws to be followed but not others, yet there are several verses in the Bible which call for the death penalty but are not openly supported by literal interpreters.

One passage is Exodus 21:15-17, which states: “Whoever strikes father or mother shall be

⁶⁰See Jacobs, 4, referring to, George Lakoff, *Moral Politics* (University of Chicago Press, 1996).; Robert H. Langworthy and John T. Whitehead, “Liberalism and Fear as Explanations for Punitiveness,” *Criminology* 24 (1986): 575-591. Douglas Taylor, Kim Lanke Scheppele and Arthur L. Stinchcome, “Saliance of Crime and Support for Harsher Criminal Sanctions,” *Social Problems* 46 (1979): 413-24. Dijk Van, Jan J. M., and Carl H. D. Steinmetz, “Pragmatism, Ideology, and Crime Control,” *Public Attitudes to Sentencing*, ed. Nigel Walker and Mike Hough, (1998): 149-59.

put to death. Whoever kidnaps a person, whether that person has been sold or is still held in possession, shall be put to death. Whoever curses father or mother shall be put to death.” In today’s society these crimes are not considered punishable by death, nor are Christian proponents of the death penalty heard pushing for these crimes to be classified in this way. Permitting a female sorcerer to live, lying with animals, or sacrificing to a god other than the Lord, according to Exodus 22:18-20, are likewise capital offenses according to scripture, yet again such punishment is not applicable to modern law. Another passage is Exodus 22:22-23, which states, “You shall not abuse any widow or orphan. If you do abuse them, when they cry out to me, I will surely heed their cry; my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children orphans.”

According to Exodus 31:15, “Six days shall work be done, but the seventh day is a Sabbath of solemn rest, holy to the Lord; whoever does any work on the Sabbath day shall be put to death.” Following a literal interpretation, it would still imply today that anyone who works on the Sabbath should be put to death. It would not be possible, however, for contemporary society to function if no one worked on the Sabbath. However, literal interpreters are not heard pushing for this law and sentence to be carried out.

Any man who commits adultery with his neighbor’s wife, his father’s wife, or his daughter-in-law, shall be put to death along with the adulteress. If a man lies with a male as a woman, both of them shall be put to death. If a man takes both a wife and her mother also, they are to be burned to death. If any man or woman has sexual relations with an animal, both the person and animal shall be put to death. All of these offenses, taken from Leviticus 20:10-16, require capital punishment according to Mosaic Law. In contemporary society none of these

offenses carry such punishment, nor is anyone arguing they should.

Leviticus 20:27 states “A man or a woman who is a medium or a wizard shall be put to death; they shall be stoned to death; their blood is upon them.” The daughter of a priest who partakes in prostitution profanes both herself and her father; the punishment is that she be burned to death, according to Leviticus 21:9. Neither of these two passages are listed as support by literal interpreters in the death penalty debate.

According to Leviticus 24:15-18, anyone who curses God or blasphemes the name of the Lord shall be stoned by the whole congregation. This law applies to both citizens and aliens. Anyone who kills another human shall be put to death and if one kills an animal they must make restitution for it, “life for life.” “Anyone who maims another shall suffer the same injury in return: fracture for fracture, eye for eye, tooth for tooth; the injury inflicted is the injury to be suffered (Leviticus 24:19-20).” Again, these laws are not followed or interpreted in such a way that they should be followed. People who interpret the Bible literally are not calling for such sentences to be carried out. Though the ‘eye for an eye’ seems to support the death penalty, the actual context of the verse invalidates its use as such; none would find this kind of justice acceptable in today’s legal process.

Another reason a literal interpretation of the Bible cannot be followed exactly is a question of the accuracy of translation. With the exception of John 8:6, when Jesus wrote in the dirt regarding the adulterous women, to our knowledge Jesus never himself wrote a single word. Jesus was an oral communicator; He taught through spoken word. Everything Jesus said was written down by someone other than Himself. The New Testament was originally written in Greek, though Jesus spoke in Aramaic. That means even the original text was a translation and

therefore Jesus was not be directly quoted. From there, the Bible has been translated into countless other languages, including English. An exact literal interpretation of Jesus' commands regarding all issues, including the death penalty, is not possible to attain by way of translated works.⁶¹

If proponents of the death penalty claim to follow a literal interpretation of the death penalty, they should do just that, and follow the Bible literally. While literal interpreters claim to be literal and put people to death for reasons of the Bible, they are not truly following scriptural mandate. Laws have been changed so that only murderers, rapists, etc., are put to death today, not those who commit the countless crimes stated above. In addition, the Bible does not give an exact depiction of Jesus' words. It is simply not possible to live up to all of the laws in the Bible. Literal interpretation of scripture is not possible to live by, and those who believe so are fooling themselves.

Not only do death penalty proponents who interpret the Bible literally take a contradictory stance, they do not even follow through with their claims. As seen, literal interpreters do not completely follow the laws of the death penalty, but at the same time they ignore the love and mercy teachings of Jesus. Donald R. Morse, DDS, Ph.D. and author of "Fundamentalists and Us" reaffirmed this point when he said, "the bottom line is that anyone who takes the Bible literally must be prepared to act out all of God's declarations. I, for one, would say, "God forbid!"⁶²

⁶¹John Shelby Spong, *Rescuing the Bible from Fundamentalism* (New York: HarperCollins Publishers, 1991), 79.

⁶²Morse, 2.

VI. THE INFLUENCE OF BIBLICAL INTERPRETATION ON AMERICAN SOCIETY

No other book has been as influential over mankind as the Bible.⁶³ America has been particularly shaped by its Protestant founding, including the influence of the Bible on law.

There is no escaping the truth that politics and religion are intertwined. Harold Berman described this relationship of law and religion in his seminal essay. He explained,

The principal affirmation is that law and religion are two different but interrelated aspects of social experience—in all societies, but especially in Western society, and still more especially in American society today. Despite the tensions between them, one cannot flourish without the other.⁶⁴

This relationship of law and religion existed in ancient times and it exists in modern time as well.

The basic roots of many laws in secular American society in some ways draw from Christian ethics. While laws are not taken directly out of the Bible, they are based on a Christian ethics. The Bible, however, is translated and interpreted in many different ways. As a result, no one can be completely certain what God believes is an appropriate penalty for crimes such as murder, rape, adultery, and bestiality, where a discrepancy in the punishment for such crimes is evident. The same is true for less serious crimes; there is no real way for mankind to know what God believes is just punishment for crime. We are only left with a message from God, through His words as written in the Bible. However, we have already decided that there is no one right interpretation. Throughout the following section, I will look at what the state follows in accordance with the Bible. I will look at how secular American law is influenced by scripture

⁶³H. H. Rowley, *The Relevance of the Bible* (New York: The MacMillan Company, 1944), 11.

⁶⁴Harold J Berman, *The Interaction of Law and Religion* (Nashville: Abingdon, 1974). Cited in James Turner Johnson, *The Bible in American Law, Politics, and Political Rhetoric* (Philadelphia, PA: Fortress Press, 1985), 81.

and how laws from the Bible are interpreted and carried out, or not carried out, in America in modern society. Throughout the following section, I will look at what role Christian theology plays in secular American society. Having seen that Christians do not have a clear or concise view on the correctness of the death penalty, I will look at the way in which some Christians seek to impose their conflicting beliefs on society. It is important to understand the larger issues in the texts, how the texts should be interpreted, and how they factors into society.

Most Christians do not argue that laws relating to the death penalty, or any other laws, should completely mirror those presented in the Bible. The Bible offers a precedent that was established and accepted in the past eras. Today, this precedent gives permission to carry out such laws, but does not necessarily offer an exact model to follow. The precedent allows for the death penalty to be something which can be considered by the government, but is not absolutely mandatory.

Regardless of their position on the death penalty, Christians do not argue if the church should be responsible for carrying out capital sentencing. Supporters of the death penalty instead argue that the state has the authority, given by God, to put people to death. Christian proponents of the death penalty believe it is God's will and the church should not oppose the carrying out of a death sentence. Christian opponents of the death penalty argue that the convicts should not be put to death at all. They believe the state has no authority to put people to death and the death penalty goes against the will of God.

Some Christians believe the Bible contains one set of rules for both the church and the secular world. They believe that what is right for Christian believers is directly applicable to the state. Others believe that there are two separate sets of rules, and that the church and the secular

rules should each follow their respective set of rules. These believers might argue that for the church, God's community, the death penalty is not an option, but must be acceptable because of the separate set of rules governing the secular world. While they see the Bible as not supporting the death penalty, they see it as necessary for the world to maintain order. Others may believe the death penalty is wrong, and they want nothing to do with secular society.

A question that arises is whether rules are the same that were crafted thousands of years ago, or if they should be adapted to fit into modern society. Some Christians argue that the laws written in the Bible were intended by God for all of mankind, which includes mankind today and future generations to come. Others, such as John Shelby Spong, author of *Rescuing the Bible from Fundamentalism*, would argue that these laws were meant for the time they were written and no longer directly apply. He would argue that the laws must be molded to fit into today's society. Spong wrote, "Practices that once were normative for the Bible have become for us either illegal or, in some cases, immoral."⁶⁵ How the Bible fits into today's society is a cosmic issue that Christians are faced with in their interpretation of scripture.

The way people interpret the role of the death penalty has a lot to do with their understanding of religion in the world. Supporters of the death penalty might believe that God developed social rules for society to follow. They could see that God has an interest in maintaining public order. One way that the order can be maintained is to rid the world of those who act out against or cause a disturbance to the world order as a result of their crimes committed. To maintain this order, God gave the government the authority to carry out punishment they believe is just. The punishment some see as just, or God willing, for certain

⁶⁵Spong, 77.

crimes is a sentence of death. Other believe this punishment is unjust and that killing another human, regardless of the circumstances, goes against the will of God. Therein lies of the question of whether the death penalty is right or wrong, and if it is a proper response in maintaining public order. This is another compelling reasons why it is important to pay attention to Biblical interpretation.

All Christians use some kind of interpretation in their approach to the Bible. Even conservatives use an interpretation of scripture instead of applying all law literally. It is important to understand the different types of interpretations, because ultimately, these interpretations have an influence over American society.

VII. CONCLUSION

Throughout my thesis I have looked at how death penalty scripture is interpreted, by whom it is interpreted, and how these interpretations fit into modern American society. I described a history of the death penalty in America, including several important abolitionists and a timeline of events surrounding the death penalty in America. Secular arguments both for and against the death penalty were discussed. I focused greatly on biblical arguments for the death penalty, and later on their counter-arguments, made by opponents of the death penalty. I explained and supported that Christian supporters of the death penalty cannot interpret the Bible in a completely literal manner. Finally, I looked at how the interpretation of Christian law influences American society.

Throughout my thesis I have made several observations and legitimate arguments. Some death penalty proponents claim to interpret the Bible in a literal way and adopt the view of favoring the death penalty. Contextual interpreters interpret scripture by taking the history into account and looking at the bigger picture. It would be accurate to conclude that they interpret the Bible symbolically. Literal interpreters, on the other hand, believe that what was true then should be true now, when it is beneficial for them. Instead of basing their claims on biblical texts, they seek out biblical text to support their claims. It is possible to conclude that these proponents' view on capital punishment comes from more than just religious reasons.

I have described and explained many passages related to the death penalty in the Bible. There have been several discrepancies on the interpretation of these passage, and meanings of words used in the texts. The topic of the death penalty counts for only a minuscule portion of issues mentioned in the Bible, yet there are countless versions of what the scriptures actually

mean. It is safe to assume that there are discrepancies in other texts of the Bible as well.

An idea for future research could be to look at other issues that are debated as a result of differing interpretations. Another idea for future research could be to perform a similar analysis on this subject between Christianity and another scripture-based religion. Research for this would include looking into how different religions which rely on the Bible as law, such as Judaism, interpret scripture for their own position on the death penalty debate. The analysis could consist of comparing a Jewish Rabbi's arguments of the death penalty to that of a Christian clergyman. A final idea for future research might include breaking down individual Christian denominational groups' view of the death penalty and examining how they relate to one another.

It has been proven that the issue of the death penalty is extremely controversial. When dealing with life or death issues, it is unnerving to know there is so much debate about this topic, seemingly with no right or wrong answer. It is my hope that people form their judgments of the death penalty based on the arguments and the truth they see from scripture.

While I hope others draw conclusions about death penalty for the right reasons, I have my own thoughts and beliefs on the death penalty. Personally, I believe the death penalty is wrong. I do not believe we, as God's people, have the right to put others to death. I believe only God has the right to decide when we die. Sentencing someone to death is no different than murder, with the exception of in many states it is legalized. Scheduling humans to die is an interference on God's role as God.

As an alternative I believe we need to forgive our enemies. Forgiving those who trespass against us is what God wants us to do (Matthew 6:12-15). Everyone has the right to ask forgiveness and to be forgiven. The grace of God is not limited. God's grace does not cease,

even for those who commit serious crimes. God does not love us for our actions, but He loves us because we are His creations, made in his likeness.

I am not arguing that murderers deserve to be let off the hook for their crimes, but I believe there is a better way for them to repay their debt to society. My stance against the death penalty comes primarily from religious reasons, but I believe secular arguments against the death penalty outweigh the secular arguments in support of death penalty. Through the secular arguments against the death penalty I have proven that it is more cost efficient for criminals to carry out a life sentence in prison then to be executed. In addition, retribution does not necessarily bring comfort to the families of lost victims and it does not alleviate their pain. Executing prisoners only brings more suffering to the families of the prisoners. Overall, I believe it causes more suffering than good.

I believe the New Testament supercedes the Old Testament, and the gospel of Jesus overpowers Mosaic law. Jesus lived and taught so that we could learn from Him. If God intended for things to remain the same, He never would have sent His Son to Earth to die for the sins of mankind. I acknowledge that the Bible did at one point in time give man right to put others to death, but the revengeful idea of retribution does not go along with Gospel teachings of Jesus.

In conclusion I believe that the arguments against capital punishment are stronger than the arguments in support of the death penalty. For both religious and moral reasons, I believe the death penalty is wrong and should not be considered a legal practice. I believe Christian opponents of the death penalty should continue to speak out against this issue and fight for what they, and I, know is right - to fight for life.

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