

A devout, courageous Christian, long an opponent of capital punishment, has agreed to take, in a Riverside Church (NY) Christian Education debate, the opposite side & from me wants, in lieu of my presence,

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ELLIOTT THINKSHEETS

309 L.Eliz.Dr., Craigville, MA 02636

Phone 508.775.8008

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## BIBLICAL SUPPORTS FOR CAPITAL PUNISHMENT

Dear \_\_\_\_\_: I can't turn you down even though I've written so much in support of cap.pun. that I feel written out. For your sake, I had to overcome a double reluctance: (1) I fear the temptation to oversimplify so complex a societal issue, the only issue less volatile (feelings-driven, reason-resistant) than abortion; (2) I find it extremely difficult to separate the "biblical supports" out from other considerations in the argumentation: each side takes up proof-texts to hurl as brickbats at the other side. I can only pray that you, & the other participants, can find some light (& not too much heat) in the following fragments:

1 The Bible's 1st sentence (Gn.1.1) has **God** as its grammatical subject (of its 1st verb)--which may be taken as an emblem of the fact that any thinking that deserves to be called "biblical" has God as its central conceptual subject. So "biblical supports for cap.pun." center on God, not on the individual (those on death-row) or the poor (the relatively unadvantaged) or the courts (the jurisprudential system) or society (the always imperfect agonistic theater of good/evil, justice/injustice) or the future (projections of intended/unintended consequences of legislative & judicial decision-making). What did God do, what is God doing, what does God want, what will God do if...?

2 Back to the Bible's 1st sentence: its subject is "God," its verb is "created." Nowhere in the Bible does he turn responsibility over to another: God continues **responsible** for the maintenance of creation, & vice versa (eg, Ps.100.3; ie, creatures are responsible to God, whose they are, [1] to worship him & [2] to live according to his nature & will). The maintenance includes rearing (education in good/evil, including promises/threats), retribution (rewards/punishments), & (where practicable) restoration (atonement, repentance, reconciliation to God & community; atonement is God's part, supremely in the Cross of Christ: repentance [including contrition, confession, & restitution] is the part of the sinner/criminal). Hundreds of biblical texts could be cited in support of all this, which is the tenor of the canonical (all-the-Bible) understanding of how things work in the universe when its **order** (expressive of God's nature & will) is disturbed by rebellion-disobedience (eg, Gn.3). The semantic domain (cluster of meanings) includes such terms as right, righteousness, justice, equity, equality.

3 We're all "**created** [by God] **equal** [vis-a-vis one another]," said Jefferson in the Declaration of Independence (though, unlike other Founding Fathers, he never freed a slave). (Yes, he didn't say "we," he said "men"; but rightly, we've universalized his meaning.) Equality is a mathematical-political term not found in the Bible (though it is in Ivrit, Modern Hebrew): equity (ie, justice as **fairness**, eg Col.4.1 [slaves are to be treated "justly and fairly"]) is a high biblical concern. "Justice" (Heb., "mishpat," ruling-deciding-judging, granting what's fitting or one's due; Gk., many words with δικ- dik-, with stronger stress on God's "righteous-just" character & action) is a highly complex biblical concept, not reducible to "equal treatment under the law" (ie, equality). In his court, my father aimed not at equality but at fairness (equity, which sees the whole picture), though "the law" gave him only limited room for movement toward equity, law insisting that the focus be on the crime rather than on the criminal: 1st, law (judge the act unencumbered with psychology & sociology); then, equity (sentence in view of the criminal, the circumstances of the crime, & the anticipated social effects).

But let's have another look at Col.4.1, which assumes (1) slavery & (2) that Jefferson can treat his slaves "justly and fairly" without having to free them. The verse uses "Lord" in a double sense: (1) the owner over the slave, & (2) both the owner & the slave equally under the "Lord [Jesus]": early Christian slavery, on both sides of this "peculiar institution," was radically relativized, demoted from a primary to a secondary structure--as, in Gal.3.28, Jew/Greek, slave/free, male/female are secondary to being "in Christ Jesus" (though not in civil status, in church status the slave was the owner's equal, "a beloved brother" [Phile.16]). The word "fairly" (Wyclif, "evenly") is ἰσότης *isotes* (cp. Eng. "iso-metric," of equal measure). But the equality idea cannot apply literally either in Col.4.1 or in the only other NT instance, viz. 2Cor.8.13.

In the legal phrase "just deserts," justice functions as equity, getting due punish-

ment--which happens to almost no criminals: most are not even caught. So Justice O.W.Holmes: "There is more danger that criminals will escape justice than that they will be subjected to tyranny." Massively, society is treated unjustly by uncaught criminals--in comparison with society's treating caught criminals unjustly, which is numerically seldom: cap.pun. is a "justice issue" at **both ends**.

CASE, drug-pushers' corruption of society, esp. the young. The death penalty is the most serious sentence. Societies (eg, Indonesia) executing drug-pushers don't have a drug problem: the U.S. has, because we don't take drug-pushing all that seriously. Don't you think we should take it that seriously? I do. Yes, "justice" for the pusher; but please, justice also for our society, which is now being treated unjustly both by the drug-pushers & by "justice," ie, the jurisprudential system. (The argument that cap.pun. does not deter crime is soft-headed: Indonesia has found it 100% effective in deterring drug-pushing.)

While a degenerate liberal culture focuses, as does ACLU, on only one end of the justice issue, viz, the individual, *the Bible steadily looks at both ends, society as well as the individual*. An ellipse with two foci, not a circle with society at the center (ie, totalitarianism) or with the individual at the center (ie, individualism, the extreme-immoral-sick form of American liberty [libertarianism]). Easy for us liberals to focus on injustice for the individual: 70% of our prisoners grew up in fatherless homes (so should courts go easier on them?); black prisoners are 7x the proportion of African-Americans in the populace (so should courts go easier on blacks?); the poor (with poor, less competent legal defense) are 5x more apt to end up on death row (so should courts go easier on "disadvantaged" murderers?). On the other hand, we conservatives (yes, I'm both) remark the baneful effects of courts soft on crime--such effects as (1) a higher pile of innocent corpses from revolving-door recidivists than from erroneous executions, which *in social perspective* are not, numerically, as unjust; (2) courts clogged with appealants & prisons with lifers/recidivists; (3) a populace too crime-terrorized to go out evenings; (4) children's lives daily threatened by unarrested/unexecuted juveniles; (5) a criminal justice system awash in red ink as well as red blood, sucking up tax dollars desperately needed for proven social-uplift projects & programs; (6) drug-&-crime jungles where everything's depressed--real estate, business, schools, law enforcement, & the human spirit.

4 Would the extensive use of cap.pun. brutalize society, reducing human dignity? The opposite! The Bible promotes the highest sense of human dignity not as something in itself but "under God" & "in Christ." The Enlightenment pressed "the right to life" against political tyranny (late 18th c., against Fr. & Brit. monarchies): the Bible sees life not as a right but as a social **privilege** removable, eg, in the case of murderers ("Thou shalt not kill" is a word to the individual, not--as perverted by liberalism--a word to society on behalf of the individual): NRSV properly has "You shall not murder" (Ex.20.13, Deut.5.17).

5 If you're honest to the Bible, you refuse to believe in "a punishing God" or "a loving God": the Bible **balances**, in God, judgment (because he is holy, righteous) & mercy (because he is merciful: "I have no pleasure in the death of the wicked," but in their repentance [Eze.33.11]). But (contra Jefferson) human beings do not have "the right to life": life is a privilege God can/does withdraw (Gen.3; "the wages of sin is death" [Ro.6.23]). The state is to be feared for its death penalty, but God even more for his death penalty (Mt.10.28; L.12.4f; cp. Ro.13.1-4: The state is "God's servant for your good," including its "sword" [death penalty])....I've read anti-death-penalty books, pamphlets, & articles that redesign the biblical deity beyond the recognition of those who know the Bible & are canonical (whole-Bible) in their vision & understanding of God. They are against violence but do violence to the Bible & the Bible's God. They can make a pastiche of a few passages they trim to fit, but the resulting picture is theirs, not Scripture's.

6 Unlike us, **Jesus** had no direct responsibility for the shape of his society: we abuse him if we try to twist his words into political-legal advice. But all of us, including our institutions, need the shock of hearing him say "Love your enemies" (Mt.5.44, L.6.27,35) & "Forgive 70x7" (Mt.18.22). (Jn.7.53-8.11: Like the Romans, J. did not consider adultery a capital crime.)....In writing this Thinksheet, I did not refer to #2764 ("Captial Punishment and the Bible"), which I wrote for you more than a yr. ago. Checking it now, I find little overlappage, no inconsistencies.