

Religion and Capital Punishment

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When I think about religion and capital punishment, I think of all the reasons that the death penalty is not an effective, judicious, or moral punishment. Yet, proponents of the death penalty themselves often use the Bible and religion as a foundation for their arguments *for* capital punishment.

I am reminded of one of my textbooks from a class I had at Tulane University while studying for my certificate in forensic social work. The book, *Deathquest* by Robert M. Bohm, lists 17 circumstances cited in the Bible where a death sentence is a possible penalty (from laboring on the Sabbath to incest and adultery). The book highlights just how hard it was to put someone to death according to Hebrew law during the time of the Old Testament. Our judicial system today could be very enlightened by some of these laws:

- Court was composed of 23 members: a majority of one was needed to acquit the defendant, but a majority of two was needed to convict.
- Men lacking in compassion and mercy were not to be appointed to the court (among those excluded were the very old, the castrated, impotent, or the childless, all of whom were believed to have good reason for their lack of compassion and mercy).
- The court was expected to act in the defendant's defense (in contrast to the adversarial system we now have).
- If the court began its adjudication process with a unanimous vote against the defendant, acquittal was mandated because such a vote could only mean that the court had not done its job defending the defendant (it was assumed that at least one argument could always be made on behalf of the defendant).
- Those who argued against the defendant were allowed to change their minds; those who argued in favor of the defendant could not.
- The defendant was not allowed to argue against himself or herself (conviction could not be based solely on a confession).
- Ignorance of the law was a valid defense.
- Circumstantial evidence was excluded.

These are just a few of the ancient Hebrew laws on death penalties which we have basically abandoned, in both content and concept, in capital court cases today. Some people have been sentenced to death based on purely circumstantial evidence, and ignorance of the law is no longer a defense in any case. The system has become very adversarial or prosecution-oriented. The jury has to be "death-qualified" and will not seat anyone who does not believe in the death penalty or will not at least consider it as an option in sentencing.

As citizens of one of the few developed countries who impose capital punishment (the US, South Korea, and Japan being the only established democracies to allow it), we need to understand fully the use of the death penalty and its implications. I encourage all people to learn more about the death penalty, especially the myths surrounding its support. One great place to start is a lengthy but very worthwhile article by Mark Osler called *Crucifixion & Execution: The Trial of Jesus Christ as A Death Penalty Sentencing Process* (2006), which compares Jesus' arrest and trial to our modern judicial process: <http://www.oppeace.org/images/pdf/crucifixion-execution.pdf>

As you educate yourself, please also pray for defendants, the families of victims, and the families of defendants, recognizing that the death penalty is devastating for all people involved.