

Lay Down your Stones: A look into why Christians support the Death Penalty and the justifications for being against it.

Elise Greene

499 Presentation

Dr. Miller

December 3, 2021

His name was George Stinney. A fourteen year old from South Carolina, his life was turned upside down when he was falsely accused of the murder of two girls. He was accused of confessing to the crime, put before an all-white jury, and his trial lasted less than three hours.¹ It took the jury a total of ten minutes to come to his conviction.² At the age of fourteen, George Stinney was sentenced to death. On June 16, 1944, George was led to an electric chair. He was too small to even fit in the chair so he had to sit on a book, which some sources state was the Bible. The mask, which was supposed to shield his face from those murdering him, kept sliding down since it was too large - exposing the face of a terrified child. George Stinney, at the age of fourteen, is the youngest person to be executed by the United States Government.³ In 2014, seventy years after his death, George was exonerated by the state after evidence came to light that he was innocent.⁴

“Let any one of you who is without sin be the first to throw a stone...” (John 8.7 NIV). These are the famous words of Jesus in a confrontational scene between him and the Pharisees who are trying to sentence a woman to death. Today, if one has heard these words, the chances are they heard them through the lens of not casting judgment on another person, because, after all, are we not all sinners who have fallen short of the glory of God? But why is it that this passage is not looked at from the perspective of what is actively happening in the story - a woman in the process of being condemned to death? Why, when preaching on this passage from John eight, is it a sermon on “The Adulterous Woman: why we should not judge others”? Why is it not “The woman caught in an unjust law-system and what it shows us about Capital Punishment”? A sermon entitled such as that would surely draw a crowd. Why is it that as

¹ “George Stinney | Say Their Names - Spotlight at Stanford” 2020.

² “Court Acknowledges Wrongful Execution of 14-Year Old George Stinney” 2014.

³ Ibid.

⁴ Ibid.

Christians, we shy away from stories in the Bible that directly address Capital Punishment? Why is it that as Christians, we are such strong proponents for the Death Penalty? Why is it that the Bible Belt has the most state executions annually?⁵ In this paper, I will explore the juxtapositions that lie between the Christian faith and the Death Penalty. I will look at scholarship particularly from the Stone-Campbell Restoration movement, and what it has to say, if any, about New Testament passages that actively deal with issues on the Death Penalty: the woman in John eight, the releasing of Barrabas in the synoptic gospels, and the death of Jesus on the cross. Lastly, I will look at what all of this scholarship means for Christians today, and how we should approach the Death Penalty from the standpoint of the inconceivable amount of grace that we have received.

The Inspiration Behind the Project

One of the inspirations for writing this paper came from a book entitled *Executing Grace: How the Death Penalty Killed Jesus and Why It's Killing Us*. In *Executing Grace*, author Shane Claiborne looks at the death penalty in America juxtaposed against Christian doctrine. Claiborne points out the irony that lies within the death penalty, as the most executions are carried out in the South, a place renowned for its hospitality, and particularly, within the Bible Belt. One such example is that “over 85 percent of state executions in the last thirty-eight years occurred in the so-called Bible Belt.”⁶ Claiborne also brings humanity to the issue, telling the stories of people who have died through botched executions, those who have performed the execution, and stories of redemption where murderers are forgiven and saved from the death penalty by the victim’s family. As Christians, we believe that through Jesus’ death on the cross we have forgiveness of

⁵ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It's Killing Us* (HarperOne, 2016), 43.

⁶ *Ibid.*, 43.

sins. Through that forgiveness, we are saved from death. So why is it that as Christians we are so quick to condemn and send others to their death instead of to forgive?

If you are reading this and are a Christian, you may be familiar with the foundations of Christian belief. As Christians, we believe that God sent his son, Jesus, to earth. Jesus had a three-year ministry that was revolutionary for the time, a ministry that lifted up the oppressed and touched the untouchable and saw the unnoticed. It was a ministry that made many angry - ultimately leading to Jesus being arrested by the Pharisees, tried and prosecuted under Pontius Pilate's passivity, and executed the next day under the Roman Government. However, unlike any other execution under the state, Jesus rose from the dead three days later. His death and subsequent Resurrection mean everything for us as Christians. Romans 5.10 tells us that "While we were God's enemies, we were reconciled to him through the death of his Son, how much more, having been reconciled, shall we be saved through his life!" (NIV). Not only this passage, but dozens more in the Bible tell this same message.⁷ Through Jesus' death on the Cross, all of our sins have been forgiven. A painful death awaited all of us, but through Jesus that punishment was taken away! All have been forgiven and freed from their crimes against God. Every single one of us.

The Early Church and Capital Punishment

This belief in the sacrifice of Jesus is the foundation for the Christian Church - and thus for the implications of his death under the government. The beginnings of the New Testament Church, which is recorded in Acts, cites this understanding. Acts 2.23 says, "But God knew what would happen, and his prearranged plan was carried out when Jesus was betrayed. With the help of lawless Gentiles, you nailed him to a cross and killed him." (NIV). Sections from the

⁷ Isaiah 53.5, Matthew 20.28, John 3.18, John 10.11, John 10.17-18, Romans 8.1, 1 Corinthians 5.13, 2 Corinthians 5.21, Ephesians 1.7, Ephesians 5.2, Hebrews 2.14, 1 John 4.10 (NIV).

Apostolic Tradition, which was a text used by Christians in the early Church that gives insights into daily living and those entering the catechumenate also show the Church's aversion to death under the Roman government. Those who were entering into the catechumenate that held professions such as gladiators, Roman soldiers, and magistrates were instructed to give up their job before being baptized into the Church.⁸ The Canons of Hippolytus, another document used heavily by the early Church, states that "Whoever has received authority to kill, or else a soldier, they are not to kill in any case, even if they receive the order to kill.... He is not to burden himself with the sin of blood. But if he has shed blood, he is not to partake in the mysteries [the Eucharist]."⁹ The Nicene Creed, which was written in AD 325, alludes to Jesus' death under the government - where one line has believers state that "He was crucified for us under Pontius Pilate; he suffered and was buried." How, as Christians today, did we get so far from this early belief that the Church had about death and capital punishment?

For those within the Stone-Campbell tradition, Christ's death serves as an act of atonement. As Barton Stone wrote, "He came to be a propitiation, the same thing as atonement or reconciliation. Jesus came to redeem us from the devil, from sin, from the curse of the law by showing us God's grace."¹⁰ In 1816, Alexander Campbell gave a sermon entitled "Sermon on the Law'." The sermon outlines how the law of Moses should not hold power over us because we are now under a new covenant, a new law of Christ. His sermon "was centered in the cross as the center and source of God's new system in Christ."¹¹ The cross canceled everything we knew up to that point. Jesus' dying breath resulted in new life, new hope, and a new covenant for all who

⁸ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It's Killing Us* (HarperOne, 2016), 139.

⁹ Hippolytus. *The Canons of Hippolytus*.

¹⁰ B. Love, "The Core Gospel: On Restoring the Crux of the Matter." ACU 1: 113.

¹¹ *Ibid.*, 122.

believe in his sacrifice upon the Cross. The death of Jesus meant the death of the old law - the law of Moses.

What then, was this old law? In the Old Testament, in the hopes to stay holy and continue to be in relationship with God, the Israelites were given a strict set of codes to follow to remain pure. These strict codes are found in parts of the Pentateuch, such as the book of Leviticus. These rules were taken seriously, and failure to follow resulted in harsh punishments. In the worst of offenses, an Israelite could be sentenced to death for their crime. Some of the crimes that could result in death included: Murder,¹² adultery,¹³ rape,¹⁴ kidnapping,¹⁵ fornication,¹⁶ cursing one's own parents (ouch),¹⁷ incest,¹⁸ bestiality,¹⁹ sorcery,²⁰ idolatry,²¹ being a rebellious child,²² and working on the Sabbath.²³ Often, this death would be carried out through stoning. However, by the time Jesus came on the scene, these strict moral codes and the death sentences that were practiced along with them had all but completely been phased out, partially due to the Roman government taking control of certain legal actions.²⁴ Instead, executions were carried out by the Roman state. Despite that the Jewish leaders no longer enforced the death penalty (as severely and consistently), the enforcement of these laws still held strong.

The History of the Death Penalty

¹² Exodus 21.12 (NIV).

¹³ Deuteronomy 22.22-24 (NIV).

¹⁴ Deuteronomy 22.25 (NIV).

¹⁵ Exodus 21.16 (NIV).

¹⁶ Deuteronomy 22.13-21 (NIV).

¹⁷ Exodus 21.17 (NIV).

¹⁸ Leviticus 20.11-12 (NIV).

¹⁹ Leviticus 2-.15-16 (NIV).

²⁰ Leviticus 20.27 (NIV).

²¹ Deuteronomy 17.2-5 (NIV).

²² Deuteronomy 21.18-21 (NIV).

²³ Exodus 31.15 (NIV).

²⁴ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It's Killing Us* (HarperOne, 2016), 50.

The first recorded death through execution in America occurred in 1608 in the colony of Jamestown, Virginia. Captain George Kendall was convicted and sentenced to death after being discovered as a spy for Spain.²⁵ After that initial instance, “there have been 150,000 legal executions in the United States since our country’s inception.”²⁶ As of April 1, 2021, there are currently 2,504 individuals sitting on Death Row.²⁷ Currently, 24 states in America still accept the death penalty as a justifiable punishment.²⁸ Per region, since 1976, the most executions have occurred in the South, with a total of 1254, with 573 alone occurring in the state of Texas.²⁹ Despite its prevalence, there are several issues and injustices that lie within this form of punishment. One common justification for the death penalty is its ability to lower homicide rates. However, the South, which by far has the highest execution rates in the country, also has the highest murder rates.³⁰ The Northeast, which contributes less than 0.5% of executions, has the lowest murder rates by far.³¹ Financially, the death penalty fails to be logical. In Florida, the use of the death penalty costs the state 51 million dollars more than what would be expected for life in prison for those guilty of first-degree murder.³² California has spent roughly 4 billion dollars in costs related to the death penalty since 1978.³³

But there are not only logical arguments to be made against Capital Punishment. These are not just numbers. There are currently 2,504 *people* sitting on death row. That is 2,504 stories.

²⁵ “Early History of the Death Penalty | Death Penalty Information Center” 2021.

²⁶ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 147.

²⁷ “Homepage | Death Penalty Information Center” 2021.

²⁸ These states are: Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming; “State by State | Death Penalty Information Center” 2021.

²⁹ “Homepage | Death Penalty Information Center” 2021.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

2,504 families who are hurting. 2,504 people who, yes, may have committed horrible crimes, but are people nonetheless. 2,504 lives that are waiting to die - whether it be through lethal injection, electrocution, use of a gas chamber, hanging, or through a firing squad. Between the years of 1976 and 2005, 22 juveniles were sentenced to death in America.³⁴ And not all of these individuals are guilty. 185 individuals who have been sentenced to death have later been exonerated.³⁵ According to the Death Penalty Information Center, “for every 8.3 people who have been put to death in the U.S. since executions resumed in the 1970s, one person who had been wrongfully convicted and sentenced to death has been exonerated.”³⁶ There is a racial component to this, too: “the data from these 185 exonerations shows that far more frequently, and particularly with people of color, innocent death row prisoners were convicted because of a combination of police or prosecutorial misconduct and perjury or other false testimony.”³⁷ How many of the 2,504 who are currently awaiting their death have been wrongfully convicted - sentenced to die for a crime they did not commit?

As of 2019, the United States ranked sixth in the world for the most confirmed executions, coming in behind (1) China, (2) Iran, (3) Saudi Arabia, (4) Iraq, and (5) Egypt.³⁸ In his book, Claiborne writes that “When it comes to execution, few cultures do it more passionately than those compelled by their understandings of religion. That’s true of both Christians and Muslims.”³⁹ This quotation, when compared to the list above, seems to hold true (with the exception of China). America, a country founded based on religious convictions, has

³⁴ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 149.

³⁵ “DPIC Adds Eleven Cases to Innocence List, Bringing National Death-Row Exoneration Total to 185 | Death Penalty Information Center” 2021.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ “Executions Around the World | Death Penalty Information Center” 2021.

³⁹ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 43.

since its conception been steeped in shedding the blood of its people. Shane Claiborne shares that “In 2014, Tennessee brought back the electric chair as a legal means of execution - and they did it during the week of Easter. To be more precise, Tennessee reinstated the electric chair on what Christians call Maundy Thursday, the day before we remember the brutal crucifixion of Jesus.”⁴⁰ In fact, Maundy Thursday specifically commemorates Jesus’ statement, “A new command I give you: Love one another. As I have loved you, so you must love one another.” (John 13:34 NIV). While this may be a mere coincidence, I believe this action shows the deep entanglement of the Christians faith and the death penalty. Here we have two completely opposing ideas - yet one is often used to justify the other. How, as Christians, who have been saved from death ourselves by Jesus - who died for that which he was innocent of - do we reconcile this? What does the Bible say about the issue of death?

The Research

The bulk of the research for this project consisted of looking through several commentaries (25 in total) from publishers of the Christian church background. In all the research, there was an overwhelming silence when it came to the topic of Capital Punishment as presented by certain passages in the Bible. This next section will look at four different New Testament biblical passages that present a story with someone’s life in the balance - and how the issue is handled by those within the story. Additionally, the context that surrounds each story, and what different Christian commentaries and forms of scholarship say around the subject will be explored. However, as already stated, for the majority there is no mention of the death penalty. Which poses another question, why?

The Woman in John 8

⁴⁰ Ibid., 81

The story of the woman in John eight is a prime example of this. The story, which shows up in John 7.53-8.11, tells the story of a woman brought before Jesus who has been caught in the act of adultery.⁴¹ As referenced earlier in the paper, the act of adultery was punishable by death (for both members - ironically, the man was not brought to Jesus). A group of Pharisees bring this woman to Jesus asking what should be done with her, but with the ulterior motive to entrap Jesus. Instead of some profound statement, Jesus stoops down and begins to write in the sand. One commentary compares this act to “the way Roman consuls write out their judgements before they pronounce them.”⁴² However in this case, is it geared towards the woman or the men who brought her forward? Eventually, after continued pestering by the Pharisees, Jesus responds by stating, “Let any one of you who is without sin be the first to throw a stone at her.” (John 8.7 NIV). With that, Jesus goes back to sketching in the sand. One by one, the Pharisees taper off, realizing that once again they have been bested by the mysterious and revolutionary Teacher. Eventually only Jesus and the woman remain. At this point, the woman is addressed for the first time in this whole passage, with Jesus saying, “Woman, where are they? Has no one condemned you?” “No one, sir,” she said. “Then neither do I condemn you,” Jesus declared. “Go now and leave your life of sin.” (John 8.10-11, NIV). Jesus, the only one capable of being without sin and thus capable of condemning her, instead extends grace and forgiveness. By phrasing it in terms of who was worthy to cast the stone, Jesus effectively “raises the legal standard for executing a death penalty to a humanly impossible level: legally justified killing demands complete

⁴¹ This passage is disputed, and is not included in all translations due to it not being found in many of the early manuscripts. Some scholars believe that it was a later adage.

⁴² J.P. Jones “*The Women in the Gospel Of John: The Divine Feminine*” CP: 29.

blamelessness or sinless perfection, which belongs to God alone.”⁴³ Who are we to condemn others to death when we ourselves should die for our own transgressions?

Two interesting things happen in this passage. In a culture that saw strictly black-and-white, came gray. Instead of following what was right and wrong, Jesus introduced the idea of grace. Grace for a woman who might not have deserved it, but nonetheless received it. While this law was punishable by death, there was a system that must occur in order for the guilty to be condemned. By the law given in Deuteronomy, there should be two to three witnesses (at the minimum) present in order to stone the guilty.⁴⁴ However, neither this woman’s husband nor are any witnesses present at this woman’s “trial”. How ironic that the Pharisees, those who are staunchly trying to uphold the law flit the law in the process. Additionally, those who bear witness are to be the first to throw the stone, with the rest soon following suit.⁴⁵ However, Jesus flips this commandment in Deuteronomy around, and instead of saying those who witnessed the sin cast the first stone, he states that those who are witness to no sin are justified in casting a stone. A second aspect that occurs in this scene is that Jesus changed the minds of the people. For perhaps the first time, people saw the unnecessary, the unfairness, the unjustifiableness of convicting a person to death. As Claiborne, author of *Executing Grace* puts it, “Jesus turned water into wine but his greatest miracle was turning that mob into people.”⁴⁶ Instead of seeing a criminal, they saw a person. Instead of executing, they excused. Jesus is effectively changing the law that was given to Moses. Instead of a law that is intended to keep those holy in, it is a law that extends forgiveness and includes all.

⁴³ Darrin W Snyder Belousek, “Capital Punishment, Covenant Justice and the Cross of Christ: The Death Penalty in the Life and Death of Jesus.” *The Mennonite Quarterly Review* 83, (3): 382.

⁴⁴ Deuteronomy 17.6 NIV.

⁴⁵ Deuteronomy 17.7 NIV.

⁴⁶ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 72.

In looking at the scholarship for this passage, eighteen commentaries and books were studied focusing on this particular passage. Only two of them looked at this passage in regards to Capital Punishment, with one leaning in favor of Capital Punishment and the other staunchly opposed. In the one that tended to sway in favor, questions were posed such as:

- “Isn’t there a need for jails and prisons?”
- “How can a person learn to be better unless he suffers the consequences for what he does wrong?”
- “Do you think capital punishment is cruel and unusual punishment for any crime?”
- “How long would they [the crowd] have waited for him [Jesus] to cast the first stone? Is this principle a safe one to follow in our affairs?”⁴⁷

The argument that was presented here was that while this tactic presented by Jesus worked, would it work for us? How could we as Christians who have been forgiven in repayable amounts, in turn forgive others? It seems to often be forgotten that for his culture, Jesus’ teachings and ideas were often seen as revolutionary. He ate with tax collectors. He touched lepers. He engaged in dialogue with women of different ethnicities. He drank from a well belonging to Samaritans. He forgave a woman from certain death. So why is it that we are so hesitant to follow in these same footsteps? Why would we much rather refer to Genesis 9.6 than Jesus’ own words in this passage when defending Capital Punishment?⁴⁸

The other commentary, however, poses this question regarding this passage in John: “Side by side with our inability to accept forgiveness from God is our inability to forgive one

⁴⁷ T.R. Applebury, *Moments with the Master: 39 Lessons from the Gospel of John.* CP: 54.

⁴⁸ “Whoever sheds human blood, by a human his blood will be shed; for in the divine image God made human beings.” Genesis 9.6 NIV.

another. Why do we have such an easy time identifying what Jesus would/did to, and such an impossible time regulating our lives by doing the same?”⁴⁹ In this passage, we see Jesus extend forgiveness and redemption in the face of death. He leads the example of what to do, yet we still find ways to argue against it. Judith Jones also writes that “we do not create the divine spark of life, and it is not ours to destroy no matter what the crime.”⁵⁰ After this scene ends, Jesus continues to preach in front of crowds. It is here that he states “You judge by human standards; I pass judgment on no one. But if I do judge, my decisions are true, because I am not alone. I stand with the Father, who sent me. In your own Law it is written that the testimony of two witnesses is true. I am one who testifies for myself; my other witness is the Father, who sent me.” (John 8.15-18 NIV). Why are we as humans the ones judging, when Jesus himself is not judging? Again, Jesus points back to the Mosaic Law, referencing the idea that He has come to make a new law - no longer requiring that two witnesses be present in the cast of a stoning - because there will be no stoning. There will be no more condemning. This new law is a law of forgiveness. Who are we to assume we have the power to cast a stone when Jesus himself did not?

Pontius Pilate and Barabbas

Another example of Capital punishment under the government comes right before the crucifixion of Jesus. During Jesus’ unjust trial, he is thrown back and forth from Pontius Pilate to the Jewish Council to Herod and back to Pilate again. Here, before a mob of angry Jewish leaders and citizens of Jerusalem, Pilate is forced to make a decision. While Pilate himself deems Jesus as an innocent man, he fears what his decision will force the crowd to do. Instead, he presents the crowd with an option, hoping to force them into making the right decision and

⁴⁹ J.P. Jones “*The Women in the Gospel Of John: The Divine Feminine*” CP: 31.

⁵⁰ *Ibid.*, 30.

preventing him from having to make one - free Jesus or free a criminal named Barabbas. Only one would be allowed to walk free. This criminal appears in all three synoptic gospels. We are told that he “was in prison with the insurrectionists who had committed murder in the uprising.” (Mark 15.7 NIV). Barabbas, by many scholars is thought to be a political insurrectionist - a hardcore zealot, similar to Simon the disciple. Barabbas was an enemy of the state. By the Roman government and by the Jewish Law, Barabbas had the qualifications to be sentenced to death. By being the Passover week, according to Jewish tradition (though there is dispute among scholars if this had been practiced for some time), one prisoner would be freed.

This is what Pilate is attempting to do in this passage, hoping to appease the Jews in more ways than one. However, instead of picking Jesus, the clear innocent choice, the Jews instead demanded Barabbas, shouting louder and louder, deeming their “passover right.”⁵¹ In all of the commentaries studied for this project on this particular passage⁵², the focus appears to be more on Pilate and his pleas for the freeing of an innocent man, but eventually succumbing to the pressures of the people and the state, instead of following his own conscience. In all accounts, it appears that Pilate truly tried to abstain from indicting Jesus and thus sentencing him to death, while not on the grounds that he opposed Capital Punishment, but rather that he truly believed in Jesus’ innocence. Even with Barabbas being chosen as the prisoner to be freed, Pilate seemed to suggest for “some more merciful treatment than death might be found for Jesus who had committed no crime at all.”⁵³ But the crowds’ decision was clear, continually shouting louder and louder “Crucify him! Crucify him!”(Luke 23.21 NIV). According to R.T. France, this

⁵¹ R. T. France, “The Gospel of Matthew.” IVP: 261.

⁵² Leon L. Morris, *Luke*. (InterVarsity Press, 2015)., R. T. France, *Matthew*. (InterVarsity Press, 2015), Donald English, *The Message of Mark*. (IVP Academic, 1992), Ben C. Blackwell, John K. Goodrich, and Jason Maston, *Reading Mark in Context* (Zondervan, 2018), David Gooding, *According to Luke*. (Myrtlefield House, 2013).

⁵³ R. T. France, “The Gospel of Matthew.” IVP: 261.

pericope about the trials and the freeing of Barabbas suggest that Barabbas had not yet been sentenced for his crime (which would have been execution), because “clemency to a condemned man was the sole prerogative of the emperor.”⁵⁴ Not even being allowed a fair and just trial for either of the men, their lives were taken into the hands of the people. Pilate, realizing that he is fighting a losing battle, eventually hands Jesus over to the Jews to be sent to Golgotha and murdered. But in one final moment, Pilate once again shows that he believed Jesus to be innocent. We are told that Pilate “took water and washed his hands in front of the crowd. “I am innocent of this man’s blood,” he said. “It is your responsibility!” All the people answered, “His blood is on us and on our children!” (Matthew 27.24-25 NIV).

Again, as seen in the woman in John 8, there is a consistent lacking in acknowledging this passage as the death penalty at play. This passage, however, seems to reflect more of the injustices that can occur at the court and processing levels. The Jews’ own biases and hates led them to convict Jesus. There again appears to be an overwhelming amount of silence in relation to the death penalty for both Jesus and Barabbas in the commentaries studied. However, we do see a picture of someone seeming to act against the execution, and not because he acted out of an emotion of grace like Jesus did in John eight, but rather because he saw the injustice being showered upon a seemingly innocent man. Ironically enough, this comes from a Roman official who had most likely sentenced hundreds of people to death up to this point.

Pro-Capital Punishment Arguments with Biblical Justification

In researching through commentaries, there was an overwhelming silence concerning the issue of Capital Punishment. What then, can be learned from these passages? What are other arguments being made in regards to the issue of Capital Punishment from a biblical and Christian

⁵⁴ Ibid., 389.

view? One common argument that is made in favor of the death penalty comes from Genesis 9.6, “Whoever sheds human blood, by humans shall their blood be shed; for in the image of God has God made mankind.” (NIV). This comment comes from God under the Noahic covenant, where God promised to never flood the whole earth again. Throughout the Bible, God entered into several covenants with humanity in order to uphold a relationship with his creation. In the Old Testament there was the Noahic Covenant, the Abrahamic Covenant, and the Davidic Covenant. However, time and time again, the Israelites turned from God and broke their end of the covenant to God.

The only way then, for a covenant to be upheld was for God to do it himself. Meaning, that God sent himself to earth in the form of his son, Jesus - who would ultimately die on the cross and enter humanity into a new conventional age - simply called the New Covenant. We see signs of this new era through the temple veil tearing in two after the death of Jesus - signifying that God would no longer be separated from his people and would now dwell among them. We see this in the book of Acts, as the new Church begins to embrace Gentiles and evangelize to them, as well as begin to eat food of the Gentiles that was once forbidden to Jews under laws provided in Leviticus. This New Covenant effectively altered everything that the people of God had known. Jesus brought new teachings and a new way for humanity to enter into relationships with God. No longer did the Israelites have to observe strict moral codes in order to be holy enough to stand before God. The New Covenant thus ushered in an era of extreme forgiveness and acceptance - one that does not require us to spill blood as suggested in Genesis 9, but rather one that does not condemn, letting us walk with hope and new life under the command to “leave your life of sin” (John 8.11 NIV). But if one does want to hold onto this passage from Genesis 9, how then do you reconcile the redemptive story of Moses? Moses, who murdered an Egyptian

man and hid his body in the sand.⁵⁵ But this is also the same Moses who went on to have one of the closest relationships with God we have recorded. Or perhaps David, who trapped a woman in adultery and then murdered her husband to cover up his crimes. The same David who is known to be a man after God's own heart.⁵⁶ As Claiborne phrases it, "the Bible would be much shorter without Grace."⁵⁷ Even before the implementation of the New Covenant, the redemptive work of God was already taking place - redeeming the most unlikely of people and making them to be some of the strongest leaders and figures in the Bible.

Another justification for the death penalty comes from Paul in Romans 13. Paul writes these words to the subjects of Rome:

"Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, whoever rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves." (Romans 13.1-2 NIV).

Often, this passage is used to justify the death penalty since it is carried out by the government. However, it seems more likely that this passage is being misinterpreted. Just like the Household code in Ephesians is often misunderstood and used as a passage to repress people today; and instead not seen for how radical it was in that culture, that Paul would call men to "love your wives, just as Christ loved the church and gave himself up for her." (Ephesians 5.25 NIV). In the same way, it seems that this passage is also misunderstood. This Paul who is telling us to submit "to the governing authorities" is the same Paul who was constantly thrown in jail for going

⁵⁵ Exodus 2.11 NIV.

⁵⁶ I Samuel 13.14 NIV.

⁵⁷ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It's Killing Us* (HarperOne, 2016), 50.

against the government - for practicing and spreading an illegal faith. Claiborne writes that there is a distinction to be made between “submit” and “obey”, as “Paul openly disobeys any authorities who are disobeying God.”⁵⁸ Even Augustine made the distinction that “an unjust law is not law at all”, stating that “it is a Christian duty to obey good laws and disobey bad ones.”⁵⁹ Paul is not telling us to blindly agree and support whatever the government does. It is important to keep in mind that Paul is writing this letter from jail. It seems unlikely that Paul would write this passage to be used as justification for the death penalty when his original audience were the ones who were most under threat for state executions. Let us not forget that this is the same Paul who “gave approval” for the death of Stephen, the first Christian martyr (Acts 20.22 NIV). Paul himself knew the weight of having someone’s blood on his hands - while he might not have thrown a stone he certainly stood by. It seems hard to believe that he would then turn and continue to support execution by the state after knowing its injustices and the way it weighs on a person.

The Death of Jesus: the Death that ended Death

While all of these biblical passages and arguments carry weight, there is one story that is still to be referenced that changes *everything*. A death that forever altered the course of the world and eternity. The most famous biblical passage that deals with a death sentence is the death of Jesus on the cross. His death is recorded in all four of the gospels. A death that can be easy to breeze over and move onto his resurrection. But Jesus died a real death on a cross - which, up until that point, had been a symbol of death not a symbol of religious hope. As Claiborne phrases it, “wearing a cross two thousand years ago would be like wearing an electric chair around your

⁵⁸ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 75.

⁵⁹ *Ibid.*, 75.

neck today.”⁶⁰ Execution by crucifixion was a horrible way to die. The criminal would have nails driven through the hands and sometimes the feet; but the nails did not support the body but rather a piece of wood placed between the victim’s legs.⁶¹ During their slow death, one would experience deep thirst, starvation, fever, tetanus, cramps, sleeplessness - “all intensified just up to the point at which they can be endured at all, but all stopping just short of the point of which would give to the sufferer the relief of unconsciousness.”⁶² Claiborne added that “wild dogs and birds crowded around the crosses to feed off the carnage of the naked, exposed, bloodied bodies.”⁶³ One could hang for days before eventually dying, and the cause of death could range from “heart failure to dehydration, asphyxia, shock, or blood loss.”⁶⁴ This is how Jesus died. It was anything but glorious, far gone from his triumphal entry into Jerusalem just a few days prior. But his death on the cross changed everything. Through his death we are no longer under the burden of death.

I know an individual who was rebuked for stating that Jesus was murdered. Instead, this person was told by their Christian church, Jesus died *willingly*. A statement which is true, Jesus did die willingly in order to save us from our sins. Jesus could have easily come down off the cross as he was continually goaded to do. But he did not. He stayed on the cross and died the death of a criminal. But in dying the death of a criminal, Jesus was executed by the state. Christ’s death was necessary in order for him to uphold the New Covenant, but it is important to not overlook the fact that Christ died. Christ was condemned to death. In looking at this passage

⁶⁰ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 85.

⁶¹ B.W. Johnson, “John : A Commentary for the People Based on Both Versions.” NTC 3: 283.

⁶² *Ibid.*, 283.

⁶³ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 85.

⁶⁴ *Ibid.*, 86.

through the context of commentaries, eight commentaries were studied. Again, most of these commentaries failed to reflect this passage as what it was for the people who convicted Jesus - execution. The death penalty. However, one commentary did pick up on this, referring to Jesus's crucifixion as "execution" throughout the whole commentary on this passage.⁶⁵ David Gooding, author of the commentary entitled *According to Luke*, picked up on an interesting aspect in this story in regards to the weeping daughters of Jerusalem. In Luke 23.28, Jesus tells these "daughters of Jerusalem" not to weep for him, but rather they should weep for themselves. Gooding argues that these women were some of the ones who had partaken in his own trial, demanded for his death, and yet now they were weeping for him? But these women should not weep for Jesus, but rather for themselves and the coming destruction of Jerusalem, as "These would be the consequences of the nation's murder of the messiah."⁶⁶ Some of these commentaries did seem to lean in more towards harsher language surrounding Jesus' death, words such as "execution" and "murder".

What then, does Jesus' sacrifice mean for us? What does his death and subsequent resurrection mean for Christians and the contradiction of the death penalty? Jesus' ministry changed the world. But his death changed everything forevermore. Darrin Belousek writes that "Whereas Jesus' teaching puts the death penalty out of practice, God's redemption in Christ nails the death penalty to the cross. God nails to the cross both the legal record of our sins and the legal demand (or judicial order) that condemns us to death on account of our sins."⁶⁷ Claiborne writes that "On the cross Jesus made a spectacle of evil. He exposed the hatred we were all capable of. And he triumphed over that hatred with love. He died with forgiveness on his lips.

⁶⁵ L. Morris, "Luke, an Introduction and Commentary." TNTC.

⁶⁶ D. Gooding, "According to Luke: A New Exposition of the Third Gospel." IVP: 341.

⁶⁷ Darrin W Snyder Belousek, "Capital Punishment, Covenant Justice and the Cross of Christ: The Death Penalty in the Life and Death of Jesus." *The Mennonite Quarterly Review* 83, (3): 402.

And then he rose from the dead.”⁶⁸ All of us were guilty of death for our crimes against God. Yet, we were forgiven and freed from our punishment through Jesus’s sacrifice and death. Why then, should we invoke the same punishment we have escaped from onto others? In Matthew 18.23-34, Jesus tells the parable of an unforgiving servant. The servant owed a debt to the king that he would never be able to repay. However, the king in his graciousness forgave this man’s debt. And what did the man do in return for this gracious gift? He turned around and threw a fellow servant in jail because he owed money. The king finds out and throws the first servant in jail to be tortured until he can pay back his original debt. In his anger, the king says this to the servant, “You wicked servant,’ he said, ‘I canceled all that debt of yours because you begged me to. Shouldn’t you have had mercy on your fellow servant just as I had on you?” (Matthew 18.32-33 NIV). Should we not have mercy on others for the mercy that God has shown us?

Yes, justice must be served for crimes. But death is not the way to do it. Claiborne says that “Anytime we rejoice in death, we disgrace the cross.”⁶⁹ In arguing “an eye for an eye” as a justifiable way for enforcing the death penalty, we forsake the very death of Christ. As one author puts it, by putting one to death as a way to atone for their sins, we enter into a “a theological quagmire in which God requires dual atonement for murderers, once by their own death and once by Christ’s.”⁷⁰ Not only that, but through sentencing one to death, they will never learn of forgiveness, of hope, and of a loving Savior who died to save even them. Through condemning one to death, we are not just only condemning one to die on earth, but most likely condemning one to an eternity separated from their Savior. But what testimonies can come when

⁶⁸ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It’s Killing Us* (HarperOne, 2016), 83.

⁶⁹ *Ibid.*, 105.

⁷⁰ Darrin W Snyder Belousek, “Capital Punishment, Covenant Justice and the Cross of Christ: The Death Penalty in the Life and Death of Jesus.” *The Mennonite Quarterly Review* 83, (3): 394.

someone is extended undeserved grace. What better way to learn about Jesus than through receiving forgiveness in the most unlikely of circumstances? In his book, Claiborne shares countless stories of families of murder victims who instead of pushing for death for the murderer, instead opposed the death penalty.⁷¹ In some of these cases, the families even extended forgiveness, even leading some of the criminals to Christ through their unwavering and unjustifiable forgiveness.

Grace. John 1 tells us that through Christ we have grace upon grace, and that while “the law was given through Moses; grace and truth came through Jesus Christ.” (John 1.16-17 NIV). Jesus came to give grace to the least worthy. Should we not in turn do the same? The death penalty does not align with the teachings of Jesus, or examples we see within the Old Testament and through Paul. The Church has long seemed to remain silent on this issue, a fact made known through the research in numerous commentaries. Or, in some circles, the Church remains largely outspoken on the topic, but heavily in favor of the death penalty. But this is not what Christians are called to. This is not the example that we have been given - we have an example of a Savior who encouraged us to throw stones if we were without sin. He was the only one without, yet he refrained. Imagine the long life that George Stinney could have had, if we had not been so quick to condemn a *child*. Look at the beautiful story of redemption we have in John 8, a passage which could have paralleled Stephen in Acts 7. A same fate could have occurred to Mary, the mother of Jesus - but Joseph instead refrained. Joseph laid down his stone. The Pharisees laid down theirs. The question is, will you? The stones are in our hands. But is the grace within our hearts?

⁷¹ Shane Claiborne, *Executing Grace: How the Death Penalty Killed Jesus and Why It's Killing Us* (HarperOne, 2016), 29-36.

Works Cited

(Antipope), Hippolytus. 1987. *The Canons of Hippolytus*.

Applebury, T. R. 1983. *Moments with the Master : 39 Lessons from the Gospel of John*. College Press.

Belousek, Darrin W Snyder “Capital Punishment, Covenant Justice and the Cross of Christ: The Death Penalty in the Life and Death of Jesus.” *The Mennonite Quarterly Review* 83, (3): 375-402. <https://eds.s.ebscohost.com/eds/detail/detail?vid=1&sid=23a300a3-219c-459d-bafc-336711b72861%40redis&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=ATLA0001733589&db=lsdar>

Blackwell, Ben C., John Goodrich, Jason Maston, and N. T. Wright. 2018. *Reading Mark in Context : Jesus and Second Temple Judaism*. Zondervan.

“Court Acknowledges Wrongful Execution of 14-Year Old George Stinney.” 2014. Equal Justice Initiative. Equal Justice Initiative. December 19, 2014. <https://eji.org/news/george-stinney-exonerated/>.

“DPIC Adds Eleven Cases to Innocence List, Bringing National Death-Row Exoneration Total to 185 | Death Penalty Information Center.” 2021. Death Penalty Information Center. 2021. <https://deathpenaltyinfo.org/news/dpic-adds-eleven-cases-to-innocence-list-bringing-nati>

onal-death-row-exoneration-total-to-185.

“Early History of the Death Penalty | Death Penalty Information Center.” 2021. Death Penalty Information Center. 2021.

<https://deathpenaltyinfo.org/facts-and-research/history-of-the-death-penalty/early-history-of-the-death-penalty>.

English, Donald. 1992. *The Message of Mark : The Mystery of Faith*. The Bible Speaks Today. Inter-Varsity Press.

“Executions Around the World | Death Penalty Information Center.” 2021. Death Penalty Information Center. 2021. <https://deathpenaltyinfo.org/policy-issues/international/executions-around-the-world>.

France, R. T. 2007. *The Gospel of Matthew*. The New International Commentary on the New Testament. William B. Eerdmans Publishers.

“George Stinney | Say Their Names - Spotlight at Stanford.” 2020. Say Their Names - Spotlight at Stanford. Stanford. August 5, 2020.

<https://exhibits.stanford.edu/saytheirnames/feature/george-stinney-jr>.

Gooding, D. W. 1987. *According to Luke : A New Exposition of the Third Gospel*. Inter-Varsity Press.

“Homepage | Death Penalty Information Center.” 2021. Death Penalty Information Center. 2021. <https://deathpenaltyinfo.org/>.

Johnson, B. W. 1886. *John : A Commentary for the People Based on Both Versions*. The New Testament Commentary: V. 3. Christian Pub. Co.

Jones, Judith Kaye. *The Women in the Gospel Of John: The Divine Feminine*. 2008. Chalice Press.

Love, Bill. 1992. *The Core Gospel : On Restoring the Crux of the Matter*. First edition. ACU Press.

Morris, Leon. 1988. *Luke, an Introduction and Commentary*. Rev. The Tyndale New Testament Commentaries [New Series]: 3. Inter-Varsity Press.

“State by State | Death Penalty Information Center.” 2021. Death Penalty Information Center. 2021. <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>.