

Nashville 2001 Delegate Actions Congregational Follow-Up Resources for

Death Penalty Resolution



Biblical Background

What Bible passages help us understand the death penalty?

- A. A list of eighteen offenses, punishable by death, can be found in the Old Testament. A few examples (NRSV):
- **Exodus 35:2**—“On the seventh day you shall have a holy Sabbath of solemn rest to the Lord; whoever does any work on it shall be put to death.”
 - **Leviticus 20:10**—“If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall be put to death.”
 - **Leviticus 24:16**—“One who blasphemes the name of the Lord shall be put to death; the whole congregation shall stone the blasphemer.”
 - **Leviticus 24:21**—“One who kills a human being shall be put to death.”
 - **Deuteronomy 21:18-21**—“If someone has a stubborn and rebellious son who will not obey his father and mother. . . Then all the men of the town shall stone him to death.”
- B. The following passages are often used in support of the death penalty:
- **Genesis 9:6**—“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.”
 - **Leviticus 24:21**—“One who kills a human being shall be put to death.”
 - **Romans 13:4**—“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.”
- C. These passages encourage compassion and reject the death penalty:
- **Genesis 4:8, 13-15** is the story of Cain killing his brother Abel and God’s compassion on Cain.
 - **Leviticus 19:18**—“You shall not take vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself: I am the Lord.”
 - **Ezekiel 33:11**—“Say to them, as I live, says the Lord God, I have no pleasure in the death of the wicked, but that the wicked turn from their ways and live.”
 - **Romans 12:19**—“Beloved, never avenge yourselves, but leave room for the wrath of God; for it is written,

Dear Pastor,

At Nashville 2001, delegates requested, wrote, and passed a resolution opposing the death penalty. In response, Mennonite Church USA has created this resource to help your congregation study this issue and take steps to act on our conviction that killing another human being for any reason is wrong.

Mennonites have led the way in helping our nation and others think about restorative justice—helping to bring restored relationships between perpetrators and victims and their families. Restoring relationships is not “easy” on crime, but it does help us focus on justice rather than vengeance. A death for a death cannot bring life.

You will find additional resources on the death penalty on the Peace and Justice Support Network web site. Simply go to www.MennoniteUSA.org and click on “peace resources.” You’ll also find resources to help your congregation respond to the Nashville 2001 delegate resolutions on Vieques and Colombia.

Please send me your comments (ronb@MennoniteUSA.org) on the usefulness of this resource and your stories about how your congregation is becoming an instrument of Christ’s peace.

Sincerely,

J. RON BYLER, Associate Executive Director
Mennonite Church USA Executive Board

- ‘Vengeance is mine, I will repay, says the Lord.’”
- **1 Thessalonians 5:15**—“See that none of you repays evil for evil, but always seek to do good to one another and to all.”
 - **1 Peter 3:9**—“Do not repay evil for evil or abuse for abuse; but, on the contrary, repay with a blessing. It is for this that you were called—that you might inherit a blessing.”

A Resolution: The Death Penalty

In view of our Christian responsibility to value all human life we are compelled to set forth our opposition to all capital punishment.

Whereas

- The General Conference Mennonite Church called for “federal and state governments...to discontinue the use of the death penalty” at Estes Park, Colo., July 16, 1965;
- The Mennonite Church called for “federal and state governments...to discontinue the use of the death penalty” at Kidron, Ohio, August 1965;
- The criminal justice system has sent innocent people to death row, and the death penalty is applied in a racially-discriminatory fashion, and disproportionately to some of society’s most vulnerable people; and
- We acknowledge the deep grief of families of murder victims and victims of capital punishment laws; hold them in our prayers; and commit ourselves to walk with them;

Therefore we resolve that Mennonite Church USA appeal to state and federal governments to abolish the death penalty.

We resolve further that the Executive Director of Mennonite Church USA address this issue with the President of the United States and urge area conferences to address relevant governors.

We further urge congregations to take action to support abolition of the death penalty through prayer, letter writing, and public vigils at murder sites and at prisons* where executions occur.

Adopted by Mennonite Church USA Delegate Assembly

July 7, 2001, meeting in Nashville, Tenn.

**Public vigils at murder sites and at prisons should take place only with compassionate consultation with the families of victims.*

What were the standards and limits of the death penalty as God set them forth in the Old Testament?

As an attempt to limit the violence of the blood feud, the Hebrew law allowed the Israelites to practice capital punishment.

Violence does not overcome violence. As an alternative society within the broader society, the church can proclaim and demonstrate a different way. We can provide healing and hope by what we practice within the church, our workplaces, and neighborhoods. We can teach and demonstrate that biblical justice comes through peaceful means.

—A Mennonite Statement on Violence, 1998

However, the law also set stringent requirements for this practice.

First, it required that the court give due consideration of mitigating factors before using the death penalty. Then it demanded that capital punishment could only be applied where there was absolute certainty of the guilt of the accused. Finally, it required that capital punishment be applied fairly and without prejudice. When the application of capital punishment does not meet these standards, it no longer is Yahweh’s sanctioned punishment for a crime, but a form of human sacrifice—a practice strictly forbidden in the Hebrew Scriptures.

The standards for the use of capital punishment set by the Hebrew Scriptures simply cannot be attained in human society.

Human beings are too fallible to achieve these standards. No matter how hard we try, even in the most scientific of settings, we make mistakes in perception and judgment. No matter how much we may desire it to be otherwise, the rich and the poor will always be treated differently. Thus, while the Hebrew Scriptures give us the right to use the death penalty, they set standards for its use that are impossible for us to achieve.¹

Doesn’t God’s justice call for an “eye for eye”?

With God, there is no dichotomy between mercy and justice. Biblical justice grows out of love. Such justice is in fact an act of love that seeks to make things right. Love and justice are not opposites, nor are they in conflict. Instead, love provides for a justice that seeks first to make right.²

Repeatedly, God responded to offense with mercy, seeking to restore offenders into right relationship with him. God responded to the first murder by protecting Cain against violence (Genesis 4:15). Cain deserved to die, but God was merciful. Although Moses and David were murderers, God chose to spare them. In the New Testament, Paul, who was closely associated with the murder of Stephen, is likewise spared. “As I live, says the Lord God, I have no pleasure in the death of the wicked, but that the wicked turn from their ways and live; turn back, turn back from your evil ways; for why will you die, O house of Israel?” (Ezekiel 33:11)³

What did Jesus say about the death penalty?

Jesus' statement about allowing the person without sin to cast the first stone (John 8:1-11) falls directly in line with the teachings of the Torah. "Yes," Jesus said, "you are allowed to stone this woman to death, but only if you yourself have not sinned." Like the Hebrew Scriptures, Jesus allowed capital punishment, but then set requirements for its use that were impossible to fulfill.

What is the meaning of this paradox? On one hand, the teaching is of justice: that sin deserves death. On the other hand, the teaching is one of grace: that mercy supersedes justice. The Bible teaches us that God wants to give us better than we deserve.⁴

What is restorative justice?

Our legal system often does not meet the needs of victims or offenders in the process of justice. Offenders are not held accountable to those they have actually harmed and victims are often not given a voice to articulate their needs. As Christians we call for justice for all those involved in crime and encourage individuals and communities to think about a philosophical shift in how we view crime and its impact. Restorative justice calls us to work toward the restoration of victims, empowering them and responding to their needs as they see them, as well as supporting offenders while encouraging them to understand, accept, and carry out their obligations to those they have harmed.

Doesn't God call the state to wield the sword?

The "sword" in Romans 13 does not refer to the state killing either in war or capital punishment. It was a dagger (not a weapon of war) that symbolized judicial authority.⁵

Protecting society from violent criminals is certainly a legitimate role of government, as Paul demonstrated in his teaching on the principalities and powers. But that protection must come with an opportunity for repentance and redemption if it is to meet the standards set by Jesus. Forgiveness does not mean letting the criminal get away with murder, but it does mean giving that criminal an opportunity to find a new way of life in which his or her former need for violence is given over to God.

The early Christians came to understand that in Jesus' sacrifice of himself, the cycle of vengeance had been broken. The moral universe that had been damaged by sin was repaired once and for all. God had found a way to break through our perpetual sinfulness. Jesus' death on the cross was the final payment for sin—a final sacrifice that made unnecessary other forms of sacrifice, including the human sacrifice that we call capital punishment. Jesus showed us that salvation from sin lay in forgiving the enemy, not in getting even by imitating the enemy's wickedness. When we forgive, we see new possibilities both for our enemy and for ourselves.⁶

Led by the Spirit, and beginning in the church, we witness to all people that violence is not the will of God. We witness against all forms of violence, including war among nations, hostility among races and classes, abuse of children and women, violence between men and women, abortion, and capital punishment.

—*Confession of Faith in a Mennonite Perspective, 1995*

How can we support victims?

Howard Zehr suggests ways we can support victims: We must openly recognize and acknowledge the intense feelings that crime creates in others and ourselves. We must stand with our sisters and brothers when they are victimized. We can provide assistance to victims. We can help victims grapple with their faith questions. We can help move society to solutions that heal.⁷

Why we oppose the death penalty

As Christians, we oppose the death penalty because we worship the God of life and mercy. Our theology—our understanding of who God is and who God calls us to be—proclaims that we are against killing.

Death Penalty Facts

(from *Amnesty International, Campaign to End the Death Penalty, and Death Penalty Information Center*)

The imposition of the death penalty is racially biased:

- Over 80 percent of persons executed were convicted of killing whites, although people of color make up over half of all homicide victims in the United States.
- A comprehensive Georgia study found that killers of whites are 4.3 times more likely to receive a death sentence than killers of blacks.

Top four nations of death penalty executions

1. China	2,468
2. Iran	139
3. Saudi Arabia	79
4. United States	66

In 2001, 90% of all known executions took place in these countries.

—*Amnesty International*

The death penalty punishes the poor:

- Over 90 percent of defendants charged with capital crimes are poor and cannot afford to hire an experienced criminal defense attorney to represent them. They are forced to use inexperienced, underpaid court-appointed attorneys.
- In most states the pay for court-appointed attorneys is so low that lawyers assigned to capital cases will lose \$20–\$30 an hour if they do an adequate job. In Alabama, Louisiana, and Mississippi defense attorneys are paid a flat fee of \$1,000—which translates into about \$5 dollars an hour for most lawyers.

The death penalty condemns the innocent to die:

- Since 1973, more than 102 people have been released from prison after being sentenced to death despite their innocence. In other words, 1 in 7 of those on death row have been freed after being fully exonerated. Each year, approximately 4.5 people convicted of capital crimes are actually innocent.

The death penalty is not a deterrent to violent crime:

- In 1999 the average murder rate per 100,000 people in U.S. states with capital punishment was about 5.5, while only 3.6 in abolitionist states.
- Governments that have enacted the death penalty continue to have higher civilian murder rates than those that have not. The five countries with the highest homicide rates that do not impose the death penalty average 21.6 murders per

In response to violence in public life, we call the church at all levels to work to abolish capital punishment, wherever it has become law.

—“*And No One Shall Make Them Afraid,*”
A Mennonite Statement on Violence, 1998

every 100,000 people, whereas the five countries with the highest homicide rate that do impose the death penalty average 41.6 murders for every 100,000 people.

- In Canada the rate of homicides has fallen since the abolition of the death penalty, from 3.09/100,000 in 1975, the year before the abolition, to 1.76 in 1999.
- Police chiefs feel that violent crime is best reduced by reducing drug abuse, a better economy and more jobs, simplifying court rules, and longer prison sentences.

The United States leads the world in killing children:

- The International Covenant on Civil and Political Rights, the American Convention on Human Rights, and the Convention on the Rights of the Child all prohibit execution for crimes committed before a person reaches the age of 18.
- Since 1990, only seven countries have executed people for crimes they committed when under 18 years of age: Congo (Democratic Republic), Nigeria, Pakistan, Saudi Arabia, Iran, Yemen, and the United States. The U.S. has executed more children than any of the other countries, 17 since 1990.

Death Penalty Resources

Guide

“MCC Washington Office Guide to the Death Penalty”—To order, contact MCC Washington Office, 110 Maryland Ave, NE, Suite 502, Washington, DC 20002, 202-544-6564, mccwash@mcc.org. Register your congregation to receive updates and alerts on the death penalty.

Internet

- www.mcc.org—Mennonite Central Committee U.S., search “death penalty”
- www.ncadp.org—National Coalition to Abolish the Death Penalty
- www.amnesty.org—Amnesty International, search “death penalty”
- www.deathpenaltyinfo.org—Death Penalty Information Center
- www.MoratoriumCampaign.org—The Moratorium Campaign

- www.curenational.org/~bells/index.html—For Whom the Bell Tolls
- <http://peace.MennoLink.org>—Peace and Justice Support Network of Mennonite Church USA
- www.clarkprosecutor.org/html/links/dplinks.htm

Books

- *Against The Death Penalty: Christian and Secular Arguments Against Capital Punishment*, Gardner C. Hanks
- *Capital Punishment and the Bible*, Gardner C. Hanks
- *Dead Man Walking*, Helen Prejean
- *The Death Penalty: An Historical and Theological Survey*, James J. Megivern

Videos

- *Murder Close Up*, 30 minutes, Mennonite Media Productions, 1-800-999-3534, \$24.95
- *Dead Man Walking* is a major motion picture with Sean Penn and Susan Sarandon and may be rented at a local video store.

Reconciliation means accepting that you cannot undo the murder but you can decide how you want to live afterwards.

—*Murder Victims Families for Reconciliation*

Footnotes

¹ Gardner C. Hanks, *Capital Punishment and the Bible* (Scottsdale: Herald Press, 2002), pp. 231-232.

² Howard Zehr, *Changing Lenses*, (Scottsdale: Herald Press, 1990)

³ Arthur Paul Boers, *Justice That Heals* (Newton: Faith and Life Press), p. 35.

⁴ *Capital Punishment and the Bible*, pp. 231-232.

⁵ John Howard Yoder, *The Politics of Jesus* (Grand Rapids: Eerdmans, 1972), p. 206.

⁶ *Capital Punishment and the Bible*, p. 234.

⁷ Howard Zehr, *Who is My Neighbor?* (Mennonite Central Committee U.S. Office of Criminal Justice pamphlet), pp. 10-12.

Herald
Press



Books by Gardner C. Hanks and Howard Zehr are available from Herald Press.

For more information or to place an order: Phone: 800 245-7894
www.mph.org

