

The Bible and the Death Penalty

George A. Schiering, Chaplain, Westchester Medical Center/Life Cycles Ministries

Introduction

As a lifelong learner of theology and criminal justice, I have become aware of a probable linkage between Biblical laws and our modern day penal codes. This connection to the past and how our laws have been shaped and, subsequently, evolved to their present status, has been an personal area of interest for me. The idea that the aforementioned correlation requires further examination and exploration is apparent to me in that present day social and societal belief systems give the impression of present day laws being an outgrowth of Biblical laws. These beliefs, which are imbedded in the cultures of our western societies, appear to cross a discriminate timeline. This results from the emergence of concepts involving punishment for crimes and moral codes having been established.

While studying the biblical writings in the Old Testament, which is the Christian name for the Hebrew Bible, or what Jewish scriptures call the Tanakh, I found *The Seven Laws of Noah*. These, according to Jewish tradition state that, “God gave to Noah these commandments.” These laws, referred to as the Noahic or Noahide commandments, are found in *Genesis Ch. 9*, and, I believe, they were a big step in establishing our western civilization and culture. This reasoning is based on civilized people being instructed and/or commanded by these laws to establish courts of justice and not to commit bloodshed. These mandates are straightforward, because moral principles were addressed. And, I think, these mandates helped to establish the “civil” portion of the word “civilization.” Furthermore, according to Judaism, The Noahic commandments are binding on all people (civilization) for all times, because all people are descended from Noah and his family.

The Ten Commandments or Decalogue is, in my opinion, the next important historical and biblical writing. These, in their entirety, provide a summary of divine law given by God to Moses on Mt. Sinai. They have a dominant place in the ethical systems of Judaism, Christianity, and Islam. The Ten Commandments are divided into duties toward God, one's neighbors, and society. The book of *Leviticus*, the third of the five books of the Pentateuch or Torah, is next in establishing a connection between biblical and modern-day laws of conduct. It is a collection of liturgical as well as ritual and ethical codes. This book makes the point that God's demands extend into every facet of the life of the Israelites. The book of Deuteronomy, the last of the Five Books of the Pentateuch or Torah, follows. Deuteronomy, which means “second law” contains general principles of morality and information about various types of legislation, including a repetition of the Ten Commandments.

These aforementioned historic biblical documents are followed by the New Testament, which is the Christian portion of the Bible, and dates back to the earliest Christian period. However, it references earlier traditions. The views and the influence of Jesus Christ, a teacher and prophet, his life and sermons form the basis for Christianity's influence along with Cannon Law. The latter is the legal system of the Roman Catholic Church and is based on biblical and Roman law, including the Roman Twelve Tables, which was the legal system of the Roman

Empire. This was an extremely sophisticated system that had immense influence on the growth of Western law. These Twelve Tables were later adopted as the basis of our modern civil law.

This work explores whether Biblical laws, concerning the death penalty, have had an influence on western civilization's ethical beliefs and sense of social justice. It examines the religions of Judaism and Christianity. The former preaches a comprehensive way of life, filled with rules and practices that affect every facet of an individual's existence. The latter of these two religions is one of the world's major ones, and has been a powerful historical force, as well as a cultural influence on western civilization. The research I have conducted for this work also contains a comprehensive literature review of perceptual perspectives, and religious concepts of these two religions opinions and practices, concerning the death penalty. An examination is provided through historical and theological proclivities, and intends to show that "Biblical laws concerning the death penalty have had a formulating influence on western civilization's ethical beliefs and sense of social justice" (Schiering 2008).

Definition of Terms

Canon Law: Roman law, along with the Biblical law, is the basis of Canon law. It is the legal system of the Roman Catholic Church.

Codes of conduct: The modes or standards of personal behavior especially as based on moral principles.

Criminal Law: The branch of law that defines crimes, and provides for their punishment.

Ethics: The study and evaluation of human conduct in the light of moral principles.

Jesus: The Christ, a teacher and prophet, born in Bethlehem, his life and sermons form the basis for Christianity (4 BCE – 29 CE).

Pentateuch: The first five books of the Jewish Bible (The Torah).

Roman Law: The legal system of the Roman Empire, it was an extremely sophisticated system that had immense influence on the growth of Western law and was later adopted as the basis of modern civil law and gave cultural and political shape to the history of western civilization.

Tanakh: An acronym for the Hebrew Bible made from the Hebrew words Torah ("the law"), Neviim ("the prophets"), and Ketuvim ("the writings").

The Death Penalty: Also called "Capital punishment," widely applied in ancient times as well as today.

The Seven Laws of Noah: The seven commandments God gave to Noah and his family to observe when he saved them from the flood.

The Ten Commandments: Decalogue in the Hebrew Bible, they have a dominant place in the ethical systems of Judaism, Christianity, and Islam. They are divided into duties toward God, one's neighbors, and society.

The Twelve Tables: Roman law is classically expressed as the Twelve Tables. In later times the Twelve Tables were regarded as a prime legal source for establishing Western Civilizations codes of law.

Review of Related Literature

The Old Testament

The greatest issue in criminal justice systems, which is laden with passion and consequence, concerns issues surrounding the implementation of the death penalty. The rules, laws and other information that The Bible holds, as having influenced western civilization's ethical beliefs and sense of social justice for centuries, is the focal point of my work. "The Bible is at the core of Western civilization," writes Brian Bethune; in his article titled "In the Beginning Was the Word" (Bethune, 2002, p.42). He goes on to state that, "The major Christian traditions, Orthodox, Protestant, and Roman Catholic all incorporate the Jewish Bible, known as the Tanakh, within their Old Testaments."

In the book of Genesis Chapter 4:1-16, one is exposed to the story of Cain and Able, as it recounts the world's first human death, its first murder. After killing Able, his brother, Cain believed that anyone who saw him would think him evil and not hesitate in executing him (Cain). He said, "It will happen that anyone who finds me will kill me" (Gen. 4:14 King James' Version). Cain feared others would seek him out and kill him. However, God said that although Cain had done a terrible thing, He'd see to it that no one harmed him. God said to Cain, "Therefore, whoever kills Cain; vengeance is mine and shall be taken on him sevenfold" (Gen. 4:15). God then set a mark upon Cain, lest anyone finding him should kill him. At this juncture, with this proclamation, God forbid capital punishment by stating that the vengeance was His alone. Without the death penalty or permission to seek vengeance, which extended beyond Cain, by God having said that any vengeance would be His, lawlessness soon overwhelmed the earth.

In Genesis 6:12-13 we learn that "God looked upon the earth and saw that it was wicked; for all flesh had corrupted their way on the earth with evil." God then said to Noah, who He believed was the only righteous man in the whole world at the time, "The end of all flesh has come before me, for the earth is filled with violence and behold, I will destroy them" (Gen. 6:12-13). Subsequently, the bible relates that God sent a 40- day flood to cover the earth with only Noah, his family, and God-selected animals surviving on an Ark that was built by Noah and his sons. It followed that within the next several verses of the chronicle of Noah's being on and then leaving the ark, God reinstates the death penalty. In an out- of- the- ordinary manner, the commandments given to mankind, after the flood, were analogous to the commandments given to man before the flood in that the phraseology is modified, but the subliminal meanings remained the same.

See Table 1 for a side-by-side comparative listing of the commandments that God gave to mankind before and after the flood. I obtained this information in part from The Harper Collins Study Bible, New Revised Standard Edition, the new annotated edition by the Society of Biblical Literature, 1993.

What one notices is a change from having dominion over every living thing, to every living thing now fearing man. Mankind moved from being a vegetarian society to having everything that moved/lived as a food source. And, as one can plainly see, God's commandment

prior to the flood prohibits the death penalty, as God will provide the punishment. After the flood, we see that God is commanding the death penalty for those who take the life of man.

Table 1

| Before the Flood | After the Flood |
|--|--|
| 1. "Be fruitful and multiply and have dominion over every living thing that moves on the earth" (Gen. 1-28). | 1. "Be fruitful and multiply, and the fear of you shall be on all that moves on the earth" (Gen. 9:1-2). |
| 2. "Of every tree, you may freely eat; but of the tree of the knowledge of good and evil you shall not eat" (Gen. 1:29). | 2. "Every moving thing that lives shall be food for you. But you shall not eat flesh with its life, that is its blood in it" (Gen. 9:3-4). |
| 3. "Whoever kills Cain, vengeance shall be taken on him sevenfold" Gen. 4:15). | 3. "Whoever sheds man's blood, by man his blood shall be shed" (Gen. 9:6). |

God is commanding the death penalty for whoever sheds man's blood. The Rev. Walter F. McMillin, of Philadelphia, said to a congregation of ministers on Aug. 25, 1929 "God instituted capital punishment, and the crime for which it is to be administered is murder. Murder is to be punished by the death of the murderer, and the institution to whom is given the prerogative of capital punishment is Society" (Lewis, 1946, p. 368). In other words, all taking of human life is now subject to the rule of law in that if one takes a life, so can the life of that person be expected to be taken.

These commandments, along with seven others contained in Genesis 9:1-17 constitute what, according to Jewish tradition, God gave to Noah and his family to observe when he saved them from the flood. These commandments, referred to as the Noahic or Noahide commandments, are as follows: 1) to establish courts of justice; 2) not to commit blasphemy; 3) not to commit idolatry; 4) not to commit incest and adultery; 5) not to commit bloodshed; 6) not to commit robbery; and 7) not to eat flesh cut from a living animal. These commandments are quite simple and straightforward, and they are acknowledged as the sound moral principles needed for the establishment of civilization in the ancient world. According to Judaism, the Noahic commandments are binding on all people, because as stated earlier in this paper, all people are descended from Noah and his family. By following these laws of Noah, mankind was now on its way to establishing a civilized way of life. The United States Supreme Court Justice, Arthur Goldberg stated, "Neither government nor this court can or should ignore the significance

of the fact that many of our legal, political and personal values derive historically from religious teachings” (Sekulow, 2005, p.12a).

The Ten Commandments

Moving forward to around 1250 BCE, one next encounters one of the most influential and profound pieces of scripture in The Old Testament. This is the Ten Commandments, or Decalogue in the Bible’s Old Testament, which is the summary of the divine law given by God to Moses on Mt. Sinai. Robinson stated that there are three versions of the Ten Commandments in the Hebrew Scriptures (Old Testament). They are located at Exodus 20:2-17, Exodus 34:12-26, and Deuteronomy 5:6-21. However, he further states that Exodus 20 is the most commonly referenced and that in the different versions of The Bible the commandments are worded slightly differently, but they all extend the same message (Robinson, 2006, p. 1). For this paper’s purpose the King James' Version will be addressed. It reads:

“1: And God spake these words. 2: I am the LORD thy God, which have brought thee out of the land of Egypt, out of the house of bondage. 3: Thou shalt have no other gods before me. 4: Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. 5: Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me. 6: And showing mercy unto thousands of them that love me, and keep my commandments. 7: Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain. 8: Remember the Sabbath day, to keep it holy. 9: Six days shalt thou labour, and do all thy work. 10: But the seventh day is the Sabbath of the LORD thy God: in it thou shalt not do any work, thou, or thy son, or thy daughter, thy manservant, or thy maidservant, or thy cattle, or thy stranger that is within thy gates. 11: For in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the Sabbath day, and hallowed it. 12: Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. 13: Thou shalt not kill. 14: Thou shalt not commit adultery. 15: Thou shalt not steal. 16: Thou shalt not bear false witness against thy neighbour. 17: Thou shalt not covet thy neighbour's house; thou shalt not covet thy neighbour's wife, or his manservant, or his maidservant, or his ox, or his ass, or any thing that is thy neighbour's” (Exodus 20: 1-17).

As stated by, Sekulow (2005, p. 12a), “The Ten Commandments have played an integral part in the legal history of western civilization.” These commandments are the most well known of the Bible's criminal prohibitions. This simple legal code represents furthering of mankind’s

move toward a better society and way of life by outlawing basic crimes, such as murder, theft, adultery, and lying.

“Thus, the Ten Commandments give man fundamental guidance for the formation of personal, family and community life. Life shows us that as long as the government in its lawmaking guides itself within these moral principals and concerns itself with their observance, life within a country flows at a normal pace. On the other hand, when it eschews these principals and begins to tread on them, be it a totalitarian or democratic government, life within the country falls into confusion and Catastrophe becomes imminent” (Mileant, 2001, p. 17).

“It has been variously contended that the Ten Commandments are so all-embracing that in addition to containing God's rules for the guidance of the human family and its mission while on earth, they contain also the very foundations upon which are based our laws and governments, and without which civilization could not exist” (Lewis, 1946, p. 12-13).

The Death Penalty

The interpretation and understanding of the sixth-commandment, as stated above in verse 13, is fundamental in determining its influence on the application of the death penalty in Western society. In The King James Version of the Bible, it states, “Thou shalt not kill,” which is now more correctly translated to read, “You shall not murder.” This is because the English and Hebrew words for “kill” and “murder” can be used interchangeably, but their dissimilar meanings are understood from the milieu of the differing languages within varied societies. Subsequently, the Ten Commandments forbade murder, but not killing alone. God is clearly prohibiting murder, but at the same time in the next chapter, Exodus 21, it is insisting on the death of murderers and other criminals. This interpretation and understanding of the sixth-commandment and its *true meaning*, as well as its overall influence on mankind, becomes a key element in Western civilization’s move to a more civilized way of life and a more integrity-based criminal justice system. If societal groupings interpret that there is no difference between killing and murder, then clearly both acts are punishable by death. However, if a difference is established between these words, then murder is punishable with the concept of an eye for an eye, resulting in the death penalty for the singular act of murder.

Roman Law

Before the New Testament there was Roman law or most commonly referenced as The Law of the Roman Empire. It supported the Mosaic Laws that were contained in the Old Testament. Roman law was an extremely sophisticated system of laws that had immense influence on the growth of Western law and was later adopted as the basis of modern civil law, as well as giving cultural and political shape to the history of western civilization. The Apostle Paul explains in the New Testament his position on the death penalty by telling people not to seek their own revenge but to use the proper conduit, which is the governing authority (Rome). What supports this in the New Testament is said in Romans 13:1:4

1: Let every soul be subject to the governing authorities, for there's no authority except from God, and the authorities that exist, are appointed by God. 2: Therefore whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves. 3: Rulers' are not a, 'terror to good works, but to evil'. Do you want to be unafraid of the authority? Do what is good, and you will have praise from the same. 4: For he is God's minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God's minister, an avenger to execute wrath on him who practices evil.

In this statement, Paul is explaining that individuals have one role in society and governments have another role.

The New Testament

In 2007, I unearthed a reference by Gnanadson, (2004, p. 67-68) that addressed recent writings on the ties between Christianity and violence, and were an acknowledgement and exploration of Christianity's violent history, as well as the elements of Christian theology used to support violence, including the death penalty. Paraphrased, Gnanadson stated that Christianity is as deeply implicated in religious violence as other faiths. The writings also explored Christian resources for the struggle to overcome violence. In this citation it is evident that civilization was influenced by religious writings of the New Testament, which followed the Old Testament. This document contained numerous references to the Mosaic laws, as civilization was behaviorally influenced by a desire, even to the point of killing, in order to spread the word of God and acceptance of a civilized law for future generations. In other words, the idea was to accept Christianity and the teachings thereof, by means that were actually contradictory to the Mosaic laws. People were practicing the concept through their own interpretation of the law, which basically said it was justified to kill in the name of the Lord.

Looking back at this time of Christian behavior, liberal Christians of today are surprised to learn, this author postulates, that while people were not following the Mosaic Law, in fact Jesus affirmed these laws, as it is written in Matthew 5:17

There are various other mentions of support for the death penalty in the New Testament. The Apostle John taught that as you sow so shall you reap, as stated in Revelations 13:10 " He who kills with the sword must be killed with the sword." The author of the book of Hebrews also talks about the certainty of punishment under the Mosaic laws as the punishment for rejecting Jesus Christ. Hebrews 10:28-29 states, "Anyone who has rejected Moses' law dies without mercy on the testimony of two or three witnesses. Of how much worse punishment, do you suppose, will he be thought worthy who has trampled the Son of God underfoot, counted the blood of the covenant by which he was sanctified a common thing, and insulted the Spirit of grace?"

While the Old and New Testaments seem to strongly support capital punishment, a number of Christians think that Jesus repealed the death penalty in an event described in the Gospel of John 8: 4-11.

4: They said to Him, “Teacher, this woman was caught in adultery, in the very act. 5: Now Moses, in the law, commanded us that such should be stoned. But what do you, our God, say?” 6: This they said, testing Him, that they might have something of which to accuse Him. But Jesus stooped down and wrote on the ground with His finger, as though He did not hear. 7: So when they continued asking Him, He raised Himself up and said to them, “He who is without sin among you, let him throw a stone at her first.” 8: And again He stooped down and wrote on the ground. 9: Then those who heard it, being convicted by their conscience, went out one by one, beginning with the oldest even to the last. And Jesus was left alone, and the woman standing in the midst. 10: When Jesus had raised Himself up and saw no one but the woman, He said to her, “Woman, where are those accusers of yours? Has no one condemned you?” 11: She said, “No one, Lord.” And Jesus said to her, “Neither do I condemn you; go and sin no more.”

Therefore, with this action, which the Mosaic laws had put in place with its decree of death by stoning for adulterers, Jesus repeals the death penalty. Jesus is also credited with the following words, which seem to imply an abolishment of the Mosaic laws. Matthew 5:38-39 “ 38: You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ 39: But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also.” With this quotation, it can be seen that the repealing of the death penalty has occurred as Jesus emphasizes kindness replacing harsh treatment.

“The teachings of Christ requires that we forgive injuries, and extends the law of love to include every enemy, according to the command of the New Law: ‘You have heard that it was said: Thou shalt love thy neighbor and hate thy enemy, do good to those who hate you, pray for those who persecute and calumniate you’ (Matt. 5: 43-44) (Paul VI, 1965, p.14).” Subsequently, the message of Jesus in the New Testament became one of “to show mercy without measure and love without limits (Meier, 1990, p. 1321).” In the words of Pope Paul VI, with reference to the words of Jesus he states, “In his preaching (Jesus) clearly taught the sons of God (mankind) to treat one another as brothers. In his prayers He pleaded that all His disciples might be “one.” Indeed as the redeemer of all, He offered Himself for all even to point of death. “Greater love than this no one has, that one lay down his life for his friends” (John 15:13) (Paul VI, 1965, P.16).

Influence on Western Society and Culture

The transition from Biblical law to a combining with Roman law and political ideas has had a strong influence on the development of western society and culture. Jay Rodgers in March of 1992 stated, “Roman civilization is the direct ancestor of the modern Western world” (Rodgers, 1992, p. 5). In my opinion the combining of and assimilating of Roman and Greek philosophical

ideas along with early Christian biblical concepts helped shape Western societies' culture. In the words of Paul VI,

“The word culture in its general sense indicates everything whereby man develops and perfects his many bodily and spiritual qualities; he strives by his knowledge and his labor, to bring the world itself under his control. He renders social life more human both in family and civic community, through improvements of customs and institutions. Throughout the course of time he expresses, communicates and conserves in his works, great spiritual experiences and desires, that they might be of advantage to the progress of many, even of the whole human family (Paul VI, 1965, p.30-31).

Paul VI continues by further stating, “There is no better way to establish political life on a truly human basis than by fostering an inward sense of justice and kindness, and of service to the common good, and by strengthening basic convictions as to the true nature of the political community and the aim, right exercise, and sphere of action of public authority” (Paul VI, 1965, p. 42).

What one sees, in a historical perspective, is God in the Old Testament stating, “Vengeance is mine.” This becomes, after the Laws of Noah, and the establishment of courts of justice, the basis for whether the death penalty should be imposed. If the interpretation of God's proclamation of vengeance being His is accepted, then the death penalty is His responsibility. Because of the interpretation or question of how this phrase is to be understood or acted upon in western civilization, the courts of justice were established by the Mosaic Law's interpretation of The Old Testament. Then Roman Law took the right to administer the death penalty as being the right of Rome's civil authorities: Roman government. The New Testament, which originally supported the death penalty, came to endorse the later teachings of Jesus, which proclaimed the concept of turning the other cheek when met with adversity, as well as a repealing of the death penalty concept. In present day Western civilizations the death penalty is put in the realm of courts of justice. Europe, as part of Western civilization, has followed this interpretation of the New Testament by accepting the concept of it not being right to kill, by repealing the death penalty and replacing it with the punishment of incarceration for those who commit murder.

Having reviewed the progression and controversy concerning the imposing of the death penalty in the two previous paragraphs, I reference recent writings along with knowledge gained from three interviews supporting the repealing of the death penalty. J. Budziszewski, a political philosopher with special interests in the problems of toleration and in the traditions of Natural Law, at a conference at the University of Chicago Divinity School, while addressing Christ's teachings on forgiveness. He stated,

“It is true that, Jesus, taught us to love those who hate us, to forgive those who wrong us, and to abstain from hypocritical comparisons between ourselves and those who offend us. These things we should do, however difficult they may be, but let us remember that the same Lord and God who commands his people to

pardon their debtors also gave them Torah, which commands magistrates to call them into account” (Budziszewski, 2002, p.8).

E.J. Dionne, Jr. a columnist at The Washington Post, and a Senior Fellow at the Brookings Institute, stated, “It was no accident, I think, that the modern view that the death penalty is immoral has centered in the West.” He further spoke about that it has little to do with the fact that the west has a Christian tradition and everything to do with the fact that the West is the domain of democracy (Dionne, 2002, p.7). Former Senator Paul Simon of Illinois, who is now a professor at Southern Illinois University, where he teaches classes in political science, history and journalism, in addressing the death penalty, had this to say, “Biblical laws concerning the death penalty have had a formulating influence on Western civilizations ethical beliefs and sense of social justice.” Further support is evidenced in his stating, “Western Europe does not have the death penalty.” This researcher believes these quotations point out and support this paper’s thesis statement. When Turkey recently applied for admission to the European Union, the committee of the European Union that made a recommendation against Turkey’s admission and gave as one of the two principle reasons that, “Turkey retains the barbaric practice of capital punishment” as well as stating “Throughout Europe in particular, the death penalty is thought of as simply uncivilized” (Simon, 2002, p.12).

Original Research

I believed that additional information on this topic could be obtained by conducting original research in the form of personal interviews. The subjects’ chosen were people involved in, as well as not involved in, the Criminal Justice system. What follows are three interviews of the many I undertook on this topic to give you an idea of public opinion on this controversial subject. The first interviewee was an Associate Professor at Molly College’s Department of Criminal Justice, and a retired NYPD Captain. The first question addresses whether God’s justice is harsh and cruel? The professor referred to the New Testament and stated, “Most people are familiar with the idea of God’s justice.” He further stated, “That even when Jesus was on the cross he said, ‘Forgive them Father (God) for they know not what they do’.” Additionally, he spoke about how Jesus talked about the embodiment of God’s mercy and how God is most important.

The professor believed the Old Testament promotes the death penalty. He then spoke about Oliver Wendell Homes from the, Lead Realist School, and how people can justify any document they want by manipulating the words. To support this concept he stated, “The modern church has taken a stand against the death penalty, with the idea of respect for life being a critical aspect of the Old Testament.” And, in this belief, he added, “The Old Testament doesn’t promote or not promote the death penalty being instituted; it’s just how people interpret it.”

This interviewee continued with how the New Testament addresses love and rejects the violence of the Old Testament. He stated, “Western society has basically rejected (with first world countries being the one’s he’s referencing) the death penalty.” This, he thinks, is a result of mankind’s maturation with its relationship with God, and because of this maturation he hopes we won’t have to use the death penalty as much as it has been used in the recent past. He then

stated, “The New Testament professes a different relationship with God and Jesus than the relationship with God presented in the Old Testament, because Jesus promises resurrection.” He supports this statement with referencing even St. Paul was as originally being a prosecutor of early Christians, and God having accepted him. This interviewee believes the New Testament relates a more mature view of God.

He then stated, “The bible tells us to treat people with respect and that this is important for Criminal Justice agencies to acknowledge, as they have extensive authority over people.” He believes the Bible says we must respect people’s basic dignity and further stated, “We should be respectful of *all* people.” This interviewee-professor believes that we shouldn’t take the idea of “Turn the other cheek” to mean you can let people walk all over you, and that sometimes loving one another is a difficult concept as to ‘when do we turn other cheek and when do we not do this’? He commented further with, “We don’t have to accept someone holding us at gunpoint. The Police saving one’s life is important because of the added responsibility of the Criminal Justice system, as they have the legal right and ‘in fact’ a morel duty to use force.”

In regards to wrongdoers taking responsibility for their actions, the professor believes it fits in pretty well with western thought. This is because politically we don’t accept poor leadership in this area, Western society doesn’t support leaders taking on responsibility, and setting examples contrary to societal norms. He then stated, “In New York State, if politicians take a position against abortion their political career could be in jeopardy. Subsequently, these types of decisions are not easy for Christians to do, because we learn that the community is important for interpreting laws.” He then referred to the, Bill of Rights, as being the Western society model for comprehension of what’s acceptable concerning imposing laws involving societal norms, and that we should practice what we preach as being extremely important.

In the area of “Does the punishment fit the crime?” he stated, “It is a learning process. Society problems are greater than the Criminal Justice systems ability to handle them. There’s a need to have justice, but most of western society has gotten rid of the death penalty except for egregious cases. And then there’s Texas, which strongly believes in the death penalty.” The professor then acknowledged that we are still learning and that it is most important that we know that, as we want to see a minimal amount of crime. He thinks that he’d would like to see more compassion, but believes human knowledge can’t get justice, and we can’t bring back a person who has been killed, but “We’re doing the best we can.” He personally doesn’t like the Death Penalty and does not believe it necessary and, in most cases, finds it abhorrent!

In regards to “Do you feel people serving life sentences are coddled?” he stated, “Prisoners now have Cable T.V. and accommodations that people on the ‘outside’ have, as well as the their own society in prison, and, we, as outsiders, can have no concept of the meaning of serving ‘hard time,’ and that despite all, they’re still Gods creatures and we must respect human dignity, no matter what!” He then mentioned DNA testing and charges being dropped because a person didn’t commit the crime and the Criminal Justice system that says he/she did.

He believes, “Humankind’s ability to distribute justice is still a work in progress, and we have to make due with what we know! We must protect society from criminals, who are

dangerous. This is obvious, because otherwise we couldn't survive in our society and, maybe in one to two hundred years there may be alternatives to the Criminal Justice system, such as a chip in someone's arm to follow them." The interviewee professor further related, "As our relationship with God grows and we're more familiar with God and Jesus, we'll develop new ways of handling things, for example we used to stone people and look where we are now." As for the future, he would like to see more humane punishments and dealing with abused children so they don't become abusers. In conclusion, he felt that Western Society has indeed evolved through the use of the Old Testament and New Testament to give us more understanding about our humanity (personal communication, March 29, 2006).

The second interviewee, was a prosecuting Attorney, and is an Adjunct Professor at Molloy College's Department of, Criminal Justice, and a former New York State Assistant Attorney General. The professor's explanatory statement about the whether the Old Testament was cruel was, "The Old Testament is not cruel. The Old Testament left no room for plea-bargaining for crimes such as, manslaughter. If you didn't kill the person you didn't die." She doesn't believe the Old Testament totally promotes the death penalty, but it lays the foundation for the death penalty by not prohibiting it. The Professor further stated, "The Ten Commandments form a basis for retribution and the advancement of Western Civilization."

This interviewee further stated that she believes, "The Old Testament does promote the death penalty as opposed to the New Testament." She quoted her son as once saying, "God became a *'woos'* in the New Testament," because Jesus repeatedly relates the concept of turning the other cheek and loving your neighbor as yourself. She emphasized the following statements, "No fire and brimstone, love thy neighbor, he who is without sin cast the first stone," and finally, "Go and sin no more." She believes there is more forgiveness in the New Testament instead of the preaching that the victim is entitled to a pound of flesh, as in the Old Testament. The Death Penalty is severe, but The New testament makes us forget its original basis in the Old Testament.

She then spoke about the New Testament not being as intense as Islamic Law is in its specificity in that religion, as opposed to The New Testament, which conveys the message of being nice to all. She then stated, "The Code of Hammurabi was in the Old Testament and is something we tend to forget, but the New Testament isn't as specific as to what to do as Hammurabi's code or the Old Testament." She believes wrong doers should take responsibility for their actions, and in today's Criminal Justice system, if you steal, there is retribution, and theoretically, having received this, one will not commit a crime, or break the law again.

This interviewee believes our Western system of Criminal Justice is, "too soft!" As a former prosecutor she believes we plea bargain too much and go for the lesser charges. Prisons have become a school to "teach crime," more than a place for punishment. We need a "boot camp," or "mandatory school" for young offenders to avoid exposure to hardened criminals from whom they learn more crimes. "The present system is overburdened, and 50-60 cases a day are too many cases!" she stated. Furthermore, this professor said, "Prison is now too soft and 'country-clubbish', or a place where a 'revolving door' attitude predominates. There are too many cases to handle and too few in prisons that need to be trained to be better citizens."

As a former prosecutor some of the reforms she would like to see are, “No more plea-bargaining for drunk driving and stricter penalties for those who commit this crime.” She also remarked, “We (the courts) suspend licenses and the convicted drive anyway!” Her solution is to fine the guilty with a huge monetary punishment, a larger penalty not covered by insurance, as it would hurt a larger percentage of the population, “Do something wrong and you have to pay the price.” As an example she referenced parents imposing punishment on their five-year olds, as being how it should be. “They (the parents) should take the kid back to the store from which he/she stole something. A Child should be held accountable in the home, and parents need to actually do the right thing and impose rules (personal communication, April 3, 2006).

The third interviewee is person not associated with Criminal Justice, but one who holds a B.S., M.S., and is a C.O.O. of Savmart Drugs, in San Diego, California. This participant stated, “It’s been a long time since my Old Testament bible study days, but I remember the cruelty and revenge, as well as ‘an eye for an eye’ statement contained in it.” She also believes that the Old Testament promotes the death penalty. Her views on the New Testament include a kinder God who offers more chances for salvation and is not so cut and dry by saying, “Do unto others as you would have done to you!” She believes this probably affects the views of Western society on the death penalty, because of the concept of turning the other cheek being imposed. She stated “Conservative religions are more apt to have the death penalty, because they take God’s words in the bible more literally. They hold to one viewpoint and everyone else is wrong!” She thinks that some of these religious beliefs are so radical that there is only one way, preached by those in “power” who they tell the followers what’s right and wrong even if it goes against the bible. Subsequently, “Those that hold power, rule.”

This interviewee did not eliminate “any government” from her concept of “leaders imposing laws” with regard to the position of “power and authority” being held. She also stated, “If you do the crime you have to have punishment,” as well as her supporting the idea of the, “three-strikes and you’re out” rule for convicted felons. This interviewee also objected to the lack of consistency regarding judges’ dole out punishment. She said, “Some judge gives a slap on wrist, and in another jurisdiction there is a maximum punishment for the same crime.” She believes that she can envision a parent who has a child that was molested, and having a judge not give a fair sentence, and then the parent taking the law into his/her own hands for retribution. “This is understood, if not necessarily a by western society.” She wonders why there is no consistency. “How do we decide who is best to serve as a judge in our Western society, when there are no equal rules in every state or country?” She related that these differences in the “giving of punishment” offend her sense of justice. “Let’s look at someone committing a crime. With the inequality regarding punishment that presently exists, a criminal, logically, goes to the jurisdiction that has demonstrated the least severe punishment.” She believes it is not ethical, but wonders why there doesn’t seem to be a solution as some countries are too liberal, in her opinion, while others are harsh (personal communication, April 16, 2006).

Recommendations

I would make the following recommendations for further investigation and exploration on the subject of biblical influence on the death penalty in Western society: Is there a way to bring all of western civilization (Europe, North America and South America) together on the ideas of whether the death penalty is in the realm of God's vengeance, or man's interpretation of the imposition of this punishment? Along with this inquiry is the question of whether the death penalty should be in the Criminal Justice system as it is today, or should there be a special court, as in days of old, for determining whether the death penalty should be exercised? Another topic of inquiry would be what crimes should be considered for the death penalty, such as, rape, child molestation, murder, or theft that diminishes one's quality of life?

These issues, using modern day concepts and terminology, could be discussed and compared to the ones that are stated in biblical text. This would be for the purpose of establishing whether there is a present-day common-held-viewpoint, or dissimilarities, and, if so, what could be attributed to a difference, such as an understanding of the Old and New Testament? This question results from where I have found, in many people's comments, a formidable lack of information and awareness concerning biblical interpretations, and, on some occasions, a lack of comprehension concerning the basic fundamental laws and concepts of the bible.

Conclusions

I found the research I conducted on this paper to be enthralling! I have held viewpoints concerning the death penalty that resulted from first, I think, the religious teachings of my parents. Of course, my sibling, community, and culture also impacted on what I came to view as being "just." This was more than less a "justice without compassion." In the "mix" of this I learned about thoughts, ideas, opinions, and judgments, as well as who has the right to impose judgment. Coupled with how I felt about things, there always seemed to be a difference, within myself, that I attributed to what I had been taught and my emotional reaction to a particular situation. I think that when I became a Marine, and some years after that, a law enforcement officer, I was most influenced by the laws that govern our community/society, and my responsibility regarding my "protecting the public." It was a time when I was relatively devoid of "feeling," or allowing an "emotional reaction" concerning a particular crime, and more of a time when I believed punishment should be exacted, due to the committing of a criminal act. Even after I left being a policeman, I was influenced by the years of training more than the childhood teachings of my parents concerning the Bible.

As I began and continued work on this paper, I was not initially aware of the magnitude of differences in my own thinking regarding biblical law and the law-of-the-land. This reminds me of the idea of most people wanting, "Just the facts," as opposed to opinions and the reasoning behind one's thoughts.

As more introspective thinking was required of me, I realized that there's more to life than literal comprehension. I believe that what happened was that through my studies, and the questions posed, that I became a more reflective person; one who started analyzing ideas that were presented to me, while developing questions of my own. Subsequently, I came to discover a

connection between my life disciplines of criminal justice and theology regarding how the teachings from my past, when I was growing-up, influenced my thinking and how the questions I asked and answers I received seemed to change my perspective, or at least let me know that not everyone thought alike. This resulted in my conducting research on this paper and that provided me with a baseline for formulating, rethinking and sometimes changing my viewpoints on issues surrounding the connection between criminal justice's views on the death penalty and theological interpretations involving the concepts of kindness and compassion for all of humankind.

References

- Bethune, B. (2002, December). In the beginning was the Word. *MacLean's*, 42-49.
- Budziszewski, J. (2002). RELIGION, POLITICS, AND THE DEATH PENALTY. Session Two, First speaker, In *Proceedings of The Pew Forum on Religious and Public Life Conference: A Call For Reckoning: Religion & The Death Penalty*. University of Chicago Divinity School Chicago, Illinois, 1-39.
- Dionne, E.J., Jr. (2002). RELIGION, POLITICS, AND THE DEATH PENALTY. Moderator, Session Three, In *Proceedings of The Pew Forum on Religious and Public Life Conference: A Call For Reckoning: Religion & The Death Penalty*. University of Chicago Divinity School Chicago, Illinois, 1-39.
- Gnanadason, A. (2004 January). Religion and violence a challenge to the unity of the Churches. *Political Theology*. 61-75.
- Meier, J. P. (1990). In Brown, S.S., Fitzmeyer, and Murphy, R.E. (Eds.), *The New Jerome Biblical Commentary* (pp. 1316-1328). Englewood Cliff, NJ: Prentice-Hall.
- Mileant, A. (2001). The Ten Commandments, the moral foundation of society. In Shufran, D. (Ed.), *Missionary Leaflet 37E*, La Canada, Ca: Holy Trinity Orthodox Mission. Retrieved April 21, 2006, from <<http://fatheralexander.org/booklets/english/command.htm>>
- Lewis, J. (1946). *The Ten Commandments*. New York, Freethought Press Association.
- Paul VI, (1965). Gaudium et Spes. In *Proceedings from Pastoral Constitution on the Church in the Modern World*. Rome, Italy, 1-64.
- Robinson, B. A. "Comparison of the Ten Commandments with similar passages in the Qur'an." Religious Tolerance.org 1 Mar. 2006. Ontario Consultants on Religious Tolerance. 31 Mar 2006. <<http://www.religioustolerance.org/chr10cisl.htm>>
- Rodgers, J. (1992, March). Whatever Happened to Western Civilization?. *The Forerunner*. Retrieved March 29, 2006, from http://www.forerunner.com/forerunner/X0223_Western_Civilization.html
- Sekulow, J. (2005, March 3) A recognition of traditions. *USA Today*, pg.12a.
- Simon, P., (2002). RELIGION, POLITICS, AND THE DEATH PENALTY. Second Speaker, Session Three, In *Proceedings of The Pew Forum on Religious and Public Life Conference: A Call For Reckoning: Religion & The Death Penalty*. University of Chicago Divinity School Chicago, Illinois, 1-39.

Appendix

Interview Questions

1. Do you think that the Old Testament leads many to conclude that God's justice was very harsh and cruel? If so why or why not?

2. Do you think the Old Testament promotes the death penalty in western civilization, as stated in the concept of, an eye for an eye and a tooth for a tooth? And why?
3. Do you think that the New Testament leads many to conclude that God's justice in the New Testament is very different from the Old Testaments? If so, please explain your answer. And, how do you think this affects western society's views on the death penalty?
4. What do you believe the bible says about criminal justice, overall, and what's your opinion on how this has influenced western views on criminal justice?
5. The Bible seems quite clear that wrongdoers must be made to acknowledge and take responsibility for their actions. How do think this fits in with western thought?
6. Do you think our western system of criminal justice is too "soft" or too "tough" on crime and why or why not?
7. Should there always be something more in the nature of punishment? Does this offend your sense of justice? Is this ethical? Why or why not?

Published by the Forum on Public Policy

Copyright © The Forum on Public Policy. All Rights Reserved. 2010.

Does the Bible say murderers, rapists and other criminals should be put to death? Do the Old Testament laws about capital punishment (the death penalty) apply to Christians? Does "Thou shalt not kill" in the Ten Commandments mean the death penalty is wrong? Did Jesus teach that capital punishment is wrong when He showed mercy to the woman caught in adultery? Do Jesus' teachings against revenge mean capital punishment is wrong? The Old Testament. Life was harsh for the Hebrews in early Old Testament history. They had just been freed from slavery in Egypt, and wandered in the desert. What the Bible Says About the Death Penalty. First, God instituted the death penalty, and God puts people to death all the time. Consider how God put the inhabitants of Sodom and Gomorrah to death with fire and brimstone. God killed everyone in a massive flood during Noah's day. In the New Testament, God killed Ananias and Sapphira for lying to the Holy Spirit. God clearly puts people to death, and as our Maker, that's His right. He gives life, and He takes life. However, God also permits the death penalty in the context of government action. The Old Testament law clearly called for the death penalty 100 Bible Verses about The Death Penalty. Genesis 9:6 ESV / 1,746 helpful votes. Helpful. They put him in custody, because it had not been made clear what should be done to him. And the Lord said to Moses, "The man shall be put to death; all the congregation shall stone him with stones outside the camp." And all the congregation brought him outside the camp and stoned him to death with stones, as the Lord commanded Moses. Deuteronomy 13:5 ESV / 336 helpful votes. Helpful. Not Helpful. Some oppose the death penalty on practical grounds, arguing that it is not a deterrent. However, the U.S. Supreme Court had reinstated the death penalty in July of 1976 after having struck down all state death penalty statutes almost exactly four years earlier. During those four years without the death penalty there were about 12,000 more murders as compared to the four years prior to 1972, an increase of 19 percent, and more than 10,000 additional families who had raised a child who then became a murderer. Others oppose the death penalty on moral grounds. The "morality" arguments of atheists are not persuasive because if there is no God, then there is no absolute morality, only arbitrary and subjective opinion. The Bible is very clear that governments are created to punish evil doers. In both the old testament or the new testament, crimes did justify the death penalty when done by the civil government. Judgement was left to the civil government since that was the best way to get fairness and justice, as it is today around the world. The old testament reserved it mostly for those crimes where someone was killed purposefully, and not when done accidentally.