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DIALOGUE ON THE DEATH PENALTY

Introduction

The death penalty is once again a matter of intense public debate. The Government of Canada has agreed to allow a private member's bill to come to a vote sometime before the summer recess of parliament. The bill simply calls for reinstatement of the death penalty in principle. If it passes, the government will hold hearings across the country to discuss what specific crimes will warrant the death penalty and what method of putting the offenders to death should be used. After the hearings, an all party committee will draw up legislation to be brought before parliament and subsequently to the Senate for approval. The most important part of this procedure is, of course, the initial vote on whether or not to restore the death penalty as a matter of principle.

This is a question on which Christians can and do disagree. It is also a question that stirs up strong feelings in people on both sides of the issue. It is a temptation to avoid discussing the issue in the church rather than risk hard feelings that tend to linger on for a long time undermining the spirit of unity and community.

If the matter is to be raised in the church it should be in a dialogue that allows both sides of the question to be expressed. I want to try and express both sides on the issue although I believe myself that the death penalty should not be restored. Edith, my wife, has agreed to help by expressing the other side of the issue. I hope it is possible to look at some of the main arguments for having the death penalty and to suggest the counter arguments without showing disrespect for those with whom one disagrees. Since there are people of good will on both sides of the issue it is essential to conduct the dialogue with appropriate respect for those who hold different opinions on the subject. One way to show such respect is to pose one's own convictions in the form of questions that invite the other person to respond rather than simply "knuckle under" to someone else's logic.

There are at least five kinds of arguments used in support of the death penalty: arguments for deterrence, protection, retribution, vengeance and what can be called arguments from reverence, reverence for God and for the sanctity of life.

EDITH:

If we had the death penalty wouldn't it stop some people from committing murder? It seems so logical. Would anybody in their right mind kill another person if he or she knew for certain that it would result in death for himself or herself?

PAUL:

Are murderers in their right mind? They don't seem to be. In any case, the death penalty has not been proven statistically to be an effective deterrent. In countries and states that have abolished the death penalty the rate of murders has usually gone down or remained the same. That is the case in Canada since the death penalty was abolished in 1976. The chief of police in Edmonton who favours the death penalty has admitted that deterrence is not the reason because there is no solid evidence that the threat of death deters people when they are determined to kill someone. Either they think they won't get caught, or they are emotionally out of control and incapable of considering the consequences when the murder is committed.

EDITH:

What about protection? If murderers were put to death it would certainly prevent them from killing anybody else. It would especially prevent them from killing prison guards or

police officers or even other prisoners, wouldn't it? If a killer has shown himself to be an obvious threat to society why shouldn't society get rid of the menace? You wouldn't hesitate to shoot a rabid dog; aren't some murderers equally dangerous?

PAUL:

Some murderers are certainly dangerous. The most dangerous ones of all are the psychiatrically ill ones who have homicidal tendencies. These certainly have to be confined for the protection of the public - but not many people are suggesting that the psychiatrically ill should be put to death. Our protection from them is adequately provided by their confinement and they can be confined in ways that are not unreasonably dangerous for the staff in their places of confinement. Most murderers are not in fact a menace to the public because three out of four murderers killed someone whom they already knew and had particular reasons for killing, and two out of five murderers killed someone in their own family. These murderers have no interest in killing anyone else.

EDITH:

Aren't there still some murderers (one out of four, or whatever) who should be executed for the protection of prison guards, police or other prisoners?

PAUL:

Protection is important but it can be done in different ways. The choice of which way is a matter of expedience. In principle should human life ever be taken for reasons of expediency? Caiaphas, the High Priest who arranged for Jesus' arrest in Jerusalem said, "It is expedient that one man should die for the protection of the people." Northrop Frye has commented that Christians who kill other people apparently assume that Caiaphas was right in principle and should merely have chosen a different victim. Can we ever forget that it was on grounds of expediency that Hitler disposed of the mentally ill, the aged and countless Jews? Expediency is surely a very dangerous principle to accept for taking human life. In some countries it is judged expedient to execute thieves, homosexuals, and people of differing religious and political beliefs.

In any case, the love of neighbour that Jesus taught and practised was not governed by expediency. If we are to love our enemies, the murderers, should we not try to cope in some other way with the risk from them rather than kill them to remove any risk? How can you love them and kill them?

EDITH:

Maybe love isn't everything. What about justice? If a person takes the life of another human being shouldn't he or she forfeit the right to live? Justice demands an equal and appropriate payment of injury or offence, doesn't it? Don't the victims deserve to have the offender pay the just penalty? If the offense is premeditated murder then why shouldn't the offender pay the penalty of death? As Shakespeare said: "An Angelo for a Claudio, death for death, life doth quit life and measure still for measure? Fair is fair. Why isn't the death penalty a just retribution for the killing of a human life?"

PAUL:

Jesus again and again taught and practised a concept of justice that went beyond the principle of retribution. You might call it creative justice or restorative justice or rehabilitative justice. Remember the story of the Prodigal Son? His father restored him to the family even though he didn't deserve it and even though his older brother thought it was unfair. For the father, justice required more than equal or proportionate treatment, or measure for measure. Justice was achieved not by punishing the wayward son but by rehabilitating him. Justice was actually served best in this case by a creative, restorative policy rather than through strict retribution. This suggests to me that what we need is not to reinstate the death penalty but to reform the prison system so that it tries more intentionally and knowledgeably to rehabilitate prisoners, including murderers. Would not justice be served better if prisoners were restored as

often as possible to bring productive and honest citizens of society? Couldn't we do a lot more to achieve this goal if we stopped thinking primarily in terms of punishments and penalties and thought instead in terms of healing and restoring and rehabilitating and creatively learning to reform criminals rather than simply meting out penalties?

In any case, even if we accept the principle of retribution it cannot be applied simplistically. We do not at present pay criminals back with the same offense to them that they have committed. We do not steal from thieves; we do not assault those who have assaulted; we do not rape rapists. If we were to implement strict retribution it would be extremely degrading to those who had to carry out the sentences on assaulters or rapists. Is it not similarly degrading to ask someone to carry out the sentence of death?

EDITH:

In the case of some murderers there are lots of people who would line up for the chance to push the button or pull the trigger or spring the trap door. Is the death penalty not necessary as an outlet for the sheer rage that builds up when a particularly horrible murder is committed? Wouldn't you feel good about executing that man who shot the R.C.M.P. officer beside the road near Calgary a while ago? The R.C.M.P officer was just doing his job and had done nothing to deserve being shot. He had a wife and two or three small children. Doesn't his murder cry out for vengeance? In fact don't the increasing number of senseless and brutal killings in the world cause us to feel increasingly frustrated and angry? And wouldn't the execution of some of these murderers make us all feel better?

PAUL:

It's true. We might feel better. Bertrand Russell said that "we never feel better than when we are punishing somebody." There is a kind of self-righteous satisfaction about carrying out punishment. Vengeance is delicious. We call it "sweet revenge". Revenge is sweet. It is also a corrosive and self-destructive attitude. So the Bible in its wisdom advises us to leave revenge to God.

"Vengeance is mine, I will repay", says the Lord.

Revenge is sweet because it is self-righteous. When Jesus was confronted by the crowd that wanted him to pronounce the death penalty on the woman caught in adultery he said "Let the one who is without sin cast the first stone." In this way Jesus named and shamed the self-righteousness in the mob of would-be punishers. Nor was Jesus himself self-righteous. "Neither do I condemn you", said Jesus, "Go and do not sin again." John Shea, a contemporary Roman Catholic writer, makes a fine observation. "The victory of sin", he says, "is that it turns the victim into a sinner." "The victory of the sin of violence is that it turns the victims into vengeful perpetrators of violence. We are offended by the killings in our society. Should we allow that offense to turn us into killers, albeit legally sanctioned and self-righteous ones?"

EDITH:

Alright, what are you going to do to defend the sanctity of life in our society? Do we not need the death penalty as a symbol of the absolute value we place on human life? Don't we owe it to God to put murderers to death? Do we not have to put murderers to death in order to show appropriate honour to the One who created life and who has given it to the one who was murdered? Does not reverence for life and reverence for God require that the most extreme penalty be given to those who show no reverence for life and no reverence for God, the creator of life?

PAUL:

This sentiment has to be respected. But is it not mistaken? Does it make sense to take life in order to show that life is sacred? If the murderer's life is taken as a symbol does it not become a thing that we use for the purpose? It is basically immoral, the philosophers tell us, to treat another human being as a thing - even for a supposedly

good purpose. The Aztecs threw young virgins into the volcanoes as symbols of their obedient sacrifice to the gods. Should we sacrifice even murderers for the sake of God? Does not our God say, as Jesus said, "Go and learn what it means: I require mercy and not sacrifice?"

Week after week we sit here in front of this symbol of the death penalty (the Cross). But the point of this symbol is surely not that there should be a death penalty. The one who was put to death on this cross did not ask for retribution or vengeance but asked for the forgiveness of his murderers. "Let them be rehabilitated" was what he said in effect. And many of them were.

Could it be that not to kill murderers is a better symbol of the sanctity of human life? Could it be that not to kill murderers is a sign of hope for society, hope that humane treatment of all people by all people will someday prevail in our society? Could it be that not to kill murderers is the most appropriate way to honour the Creator and Redeemer of life?

It could be

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