Religion and the Death Penalty

By
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I recently overheard a man respond to the Death Penalty issue by saying, “Kill ‘em all and let God sort ‘em out.” I’m not certain of the origins of this popular cliché, but crude, or, “god awful” as it sounds, it is, nonetheless, a theological statement. In other words, it says as much about one’s notion of God as one’s humanity. In particular, it makes God into a glorified accountant, a man in the sky who’s “making a list and checking it twice.” When put so directly, this seems a peculiar and rather limited theology. But the idea that God keeps account of just about everything has been around for centuries, and is particularly central to Christianity. Jesus himself reportedly said, “even the hairs of your head are all numbered.”

According to an article in the *Journal of Medieval Military History*, the “let God sort ‘em out,” statement originates with a 12th century Cistercian abbot. “Consider Abbot Arnold-Almaric’s notorious solution to the problem of distinguishing between the faithful and heretics during the sack of Beziers,” the article says, “‘Caedite eos. Novit enim Dominus qui sunt eius,’ ‘Kill them. For God will know His own,’” a statement seemingly paraphrasing an Epistle falsely ascribed to the Apostle Paul, that says, “The Lord knows those who are his.” This became the Abbot’s notorious response to a Crusader worried about unintentionally killing orthodox Catholics who lived among the heretical Cathars his soldiers were targeting. The Cathars were Christians who didn’t accept the Pope’s authority. “In it’s punchier paraphrase,” its author continues, “‘Kill ‘em all and let God sort them out,’ the Cistercian abbot’s Solomonic judgment was adopted as the unofficial motto by the Green Berets and Ranger units in Vietnam in what was clearly—I hope—an exercise in military black humor.”

If people, especially innocent people, didn’t actually die as a result of this nonchalant attitude, this callous theology, perhaps this statement could simply be laughed off as a kind of dark comedy—“with the intention,” as the article says, “of [merely] shocking and offending ‘peaceniks.’” But this heartless sentence, superficial as it sounds, is rooted in an ancient idea of a god that many take seriously to this day. “It’s not our responsibility to worry about the number of people who

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1 Matthew 10:30.
3 2 Timothy, 2:9.
4 Ibid.
5 Ibid.
might die because of our actions or inaction. That’s what our Heavenly Accountant is for.”

I’ve begun this brief discussion of religion and the Death Penalty in this way because I want to show, as counter intuitive as it might seem, how easily we can dismiss the killing of others on theological grounds. “Kill ‘em all and let god sort ‘em out.” This seems a heartless, shocking sentence, given that most major world religions are supposed to be founded upon the life affirming principles of love and compassion, with Christianity, in particular, placing extreme emphasis upon forgiveness. But we all know, as the indiscriminate slaughter of an estimated 20,000 Beziers ordered by Inquisitor Almaric illustrates, that religion has long and often coincided with some of the worst atrocities in human history.

Rather than being a catalyst for a lenient and forgiving society, religion more often seems to promote a puritanical and punitive approach towards those it considers wrongdoers. In our society, religion is the reason for blue laws, which ban or restrict buying alcohol or, sometimes, shopping altogether, on Sundays. Although these laws date back to the 17th century Puritans, and were explicitly established to encourage worship in Christian churches, the U.S. Supreme has consistently ruled they do not violate the First Amendment’s Establishment Clause. Today, more than a hundred years after Darwin, we are also still struggling to make sure public educators are allowed to adequately teach evolution during science lessons, and are not forced to include the ridiculous religious pseudoscience called, “Intelligent Design.” We continue to go to court to keep Christian prayers out of public schools and public events. There’s a case before the Supreme Court right now regarding use of the term, “under God,” during the Pledge of Allegiance in our schools. Alcohol prohibition and today’s devastating Drug War can also be traced back to puritanical religious attitudes. Today the reproductive rights of women are being eroded as local laws are put into place restricting access to abortion, or through defunding Planned Parenthood, and some companies are now claiming the right to deny health insurance coverage for contraception, based, again, upon religious viewpoints. And it seems almost needless to point that when a President of the United States runs for office on the promise of “protecting the Sanctity of Marriage,” that the many legal discriminations against gays and lesbians, preventing them, not only from marrying, but from not being fired from their jobs, or not being evicted from their homes, are based upon religiously motivated prejudices at the highest level.

About thirty years ago the newly formed moral majority attached itself to the Republican Party, helping Ronald Reagan to get elected, largely due to his opposition to abortion and support of, so called, “family values.” That was precisely the same moment in U.S. history that our nation’s prison population began its exponential increase from half a million to over 2.5 million today. In other words, when religion successfully fused with politics, our nation also became more punitive. So religion, despite its higher aspirations toward love, compassion, and forgiveness, seems more a catalyst for a legalistic than a loving society. Even the
robes our judges wear today, originate, quite literally, from the habits of priests during a time when society’s priests and judges were one and the same.

So, as much as we might like to think otherwise, religion in our society has much to do with the establishment of law and criminal punishment, which is why it’s important to discuss issue like the Death Penalty in a religious setting, especially in a liberal religious setting. So, rather than arguing against the Death Penalty in the usual way—because it’s been proven not to deter crime, or is not cost effective, or it is immoral to kill anyone under any circumstances, or it has been responsible for the deaths of too many innocent people, and is disproportionately delved out to the poor and people of color—I want to continue discussing it, as I have been, from a theological perspective. Is there a sound theological argument against the Death Penalty? Is it possible to counter, even change, the minds of those with a, “Kill ‘em all and let God sort ‘em out,” mentality with a better religious argument?

Of course, as noted, it would seem religion’s general emphasis on life, love, and compassion, and Christianity’s particular stress on forgiveness, ought to already be more than enough to sway religious sentiments against Capital Punishment. That this is not the case, that Capital Punishment is not met with the extreme opposition as abortion, based upon what the religious right calls the “sanctity of life,” is as baffling as it is inconsistent. In 2003, for example, it was announced that Saddam Hussein’s 37 and 39-year-old sons, Qusay and Uday, were killed by the U.S. military. To prove it, they held a press conference that included poster-sized photos of the two dead men from only the chin up, the equivalent of a public beheading for the entire world to see. Yet nobody heard a word of protest or, even, dismay, from the religious right based upon their reverence for the sanctity of life. But less than two years later, when a Florida family had to make the terrible and private decision to remove Terri Schiavo from life support, the, so called, pro-lifers demanded the very same Administration responsible for the deaths of Qusay and Uday, intervene. The U.S. Congress passed what, I’m not kidding, is called the “Palm Sunday Compromise,” forcing the case to be heard in Federal Court before life support could be removed, and President Bush rushed back to D.C. to sign legislation specifically designed to keep her alive. So, again, the lack of outrage over the Death Penalty, especially from the pro-life religious right that would go to such extraordinary lengths, involving Congress and the White House, just to keep one brain dead woman on life support, is befuddling to say the least.

What is, perhaps, even more befuddling is the fact the Jesus was himself a victim of Capital Punishment. If he were executed today, 2000 years from now his symbol might be an electric chair, or a syringe, or a chamber. Yet his followers, as a whole, have never made abolishment of the Death Penalty a major issue. It leaves us wondering if the cross is truly a symbol of Christ’s forgiveness, or if it remains a 2000-year-old symbol of public execution. I suppose it is, again, a matter of one’s theology. If God is considered no more than a glorified accountant keeping judicious track of every sin—of every crime committed—then it makes sense the cross would remain more a symbol of punishment. If God is so punitive as to condemn guilty
people to the eternal fires of Hell, what’s so wrong with us sentencing people to death? But if, as some believe, the cross is now a symbol of God’s unconditional love and forgiveness, then it should stand as a reminder of a terrible injustice that happened to an innocent man centuries ago, and motivation to make certain such injustice doesn’t happen to anyone else.

The problem here, however, doesn’t have to do with religion’s support of the Death Penalty, but with its antipathy toward it. The facts don’t suggest strong religious support for the Death Penalty, but a general lack of interest in it. It’s an issue most religious folk just don’t seem to care much about. According to a 1998 poll, Christians, representing the dominant religion in our society, are no more inclined to support it than most Americans are, which, then, was about 73 percent. Its opposition or support seems to have more to do with ethnicity, political affiliation, and geography than one’s religious inclinations. According to the survey, “individuals who opposed the death penalty were more likely to be African American and born outside the United States and that those who supported capital punishment tended to be politically conservative and native southerners.”

So changing the minds of millions of apathetic Americans isn’t an overwhelming uphill battle. It’s not a matter of changing opinions on the matter at all. It more about getting people to care about the issue, to include the lives of those on Death Row in what they mean by the “sanctity of life.” What may be surprising to many is that most mainline Christian denominations already officially oppose the Death Penalty, even if they aren’t actively working against it. The American Baptist Church in the USA, for example, has officially opposed it since 1982. Although the Vatican sanctions it only as a last resort, the U.S. Conference of Catholic Bishops has persistently called for its abolition in all cases. The U.S. Episcopal Bishops have likewise been opposing it since 1958. The Presbyterian Church (U.S.A.) has likewise opposed it since 1959. The United Methodists have opposed it since 1956. The National Council of Churches, representing 35 mainstream Protestant denominations, has been calling for its abolition since 1968. And Unitarian Universalists immediately called for a moratorium on all executions in 1961, the same year our Association was formed.

All of this is fairly progressive when considering not only how long these denominations have been officially opposing Capital Punishment, but also compared to other major religions you would think do so, but don’t, including Buddhism and Hinduism. Buddhists, in general, emphasize nonviolence and respect for life, so capital punishment is infrequent in largely Buddhist nations, but there is no official position against it and it does happen. Hindu’s, like Americans, have differing opinions about it. But even in Islam and Judaism, where it is legally sanctioned, it is supposed to happen only under the strictest of circumstance. In Islamic countries, Capital crimes are limited to murder and treason. Israel allows it only during

wartime, but requires at least two reliable eyewitnesses who are questioned individually by multiple judges. Since its establishment in 1948, however, it has successfully tried and sentenced only one person to death, Nazi war criminal, Adolph Eichmann.

So even those religions that don’t officially oppose the Death Penalty seem to understand its seriousness, which, given the long history of Capital Punishment, is itself a step in the right direction, a sign that humanity is, at least, weaning itself from this inhumane practice. As one of my predecessors in this very pulpit, the Rev. John Dietrich noted in a sermon on the subject he gave way back in 1933, “During the Dark Ages... the practice was widespread, indiscriminate, and cruel. Not only were enormous numbers put to death for the most insignificant misdemeanors, but the cruelty was most extreme, reaching its high tide in England during the latter part of the Eighteenth Century, when two hundred and forty different offences, from catching fish in a private pond to murder were punishable by death.” Today, Capital crimes are mostly limited to first-degree murder and the United States is the only Western nation that still allows it. Again, as Dietrich said, “The better judgment of humanity has been indicated by the gradual almost universal abolition of the death penalty in every part of the globe. In other words, a practice which was once universal and frequent, being applied to almost every kind of petty crime, has been eliminated in ever part of the civilized world except in a spot here and there, where it is now used as the punishment for a single, and what is considered the most horrible crime—the taking of another’s life.”

But, whether or not we agree murderers ought to be murdered, we now know innocent people are sometimes sentenced to death. 140 people have been exonerated since 1976, and, with advent of DNA testing, that number has been steadily increasing. There were an average of 3 exonerations per year until 1999, and an average of 5 per year since 2000. But we have no way of knowing how many innocent people have been executed. We also know capital cases are skewed toward the poor and people of color. Nearly 55 percent of Death Row inmates are African American or Hispanic.

Today, just as it is the first and only State to legalize same-sex marriage by popular vote which began a worldwide revolution regarding gay rights, Washington is in a position to do the same regarding the barbaric practice of State Execution. Earlier this year, State lawmakers introduced House Bill 1504 and its companion Senate Bill 5372, calling for “reducing criminal justice expenses by eliminating the death penalty in favor of incarceration.” Our task now, as Unitarian Universalists in Washington, is to take advantage of this opportunity, just as we have done with Marriage Equality. Consider what we helped accomplish with an issue that was much more polarizing. In just six months, our Church helped turn 75 percent

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8 Ibid., p. 66
opposition to marriage equality, more than enough to assure Referendum 74’s statewide loss, into a 55 percent victory here in Spokane, far more than we even needed.

I know, some might argue the best thing to do is get religion out of the conversation altogether, that religion is part of the problem, that, as we have seen, it is too often used to dismiss State Execution as either God’s problem to sort out, or as well deserved punishment for evildoers. But I would argue, as with marriage equality, progress cannot be achieved unless we foster those higher religious sentiments, like love, compassion, forgiveness, as well as equality and justice. Just as we helped change the minds and hearts of people in our own community with our “People of Faith Support Freedom to Marry,” campaign, through which we showed the faces of courageous local religious leaders supporting this cause, we can even more easily take advantage of religious positions that have already existed for decades about the Death Penalty. We need only light the fire. We need only stir the pot. Now is the time for us to lead once again. Now is our opportunity to take a major step in transforming our local community in a way that might transform our entire State and begin a cascade of transformation throughout our nation. “People of Faith Support Abolition of the Death Penalty.”

But for now I will end my sermon on the Death Penalty the same way John Dietrich did eighty years ago, with a story at the core of all three of the Abrahamic religions, Judaism, Christianity, and Islam—a story of the first Capital murder case.

It goes like this, in a fit of jealousy, “Cain said to his brother Abel, ‘Let us go out to the field.’ And when they were in the field, Cain rose up against his brother and killed him. Then the Lord said to Cain, ‘Where is your brother Abel?’ He said, ‘I do not know; am I my brother’s keeper?’

Later on, as Cain realized what he’d done, he himself admits, “I am unworthy to live; I am not fit to exist on this earth.” Then the Lord says, “Not so! Whoever kills Cain will suffer sevenfold. And the Lord put a mark on Cain, so that no one who came upon him would kill him.”