

December 19, 2005

FACEOFF: Kill the death penalty?

To the Editor:

My first contact with capital punishment was more than 50 years ago, when my aunt was murdered by her husband. He was convicted for the crime and executed. Then, in 1965, while a law student, I spent the summer in Florida, Louisiana, and Mississippi, participating in a study conducted by the NAACP Legal Defense Fund of the use of capital punishment in rape cases. This punishment for rape was restricted to southern states and appeared to be reserved for black men convicted of raping white women. (I remember finding only one instance of the execution of a white man: he had raped a white boy.)

Let's try to look at the issue of capital punishment head on. Let's assume that we've been able to eliminate racial bias; let's assume that poor people are defended as thoroughly and skillfully as rich people; let's assume that the threat of execution really does reduce the murder rate; let's assume that the possibility that someone will be executed for a crime they didn't commit is zero; let's assume that execution is reserved for the most horrendous cases. I don't believe that these conditions are met today, but let's imagine that they are and ask, Is capital punishment morally acceptable?

I'm still opposed to capital punishment, even under these idealized conditions, but I don't know how to persuade you to change your mind, if you're not. But here are a few thoughts: Clearly, the murder victim's loved ones need our compassionate support, but I am at a loss to understand how another killing really could help them, or assuage their grief. Indeed, isn't it strange that our response to an act we disapprove of could be, as a society, to do that very same act ourselves? I hope if you are opposed to abortion (I'm not), that you're also opposed to capital punishment, following what you consider a consistent ethic of life. More fundamentally, the death penalty strikes me as a punishment of a different order of magnitude from other punishments: it's not on the same scale as fines of varying amounts or incarcerations of varying durations. Rather, death is the ultimate, absolute penalty, and I'm tempted to say that we should leave ultimate, final justice to God. But God's justice, as I imagine it (and I'm speaking metaphorically here), consists of so overwhelming a person with love that they are redeemed and restored to wholeness.

Perhaps it comes down to who has the burden of persuasion, those who favor capital punishment, or those who oppose it. Here are some of the reasons why I would put that burden on those who favor it: First, capital punishment has been abolished in most Western countries. Second, the Ten Commandments tell us, "Thou shalt not kill." (Exod. 20:13) Third, I think that when Jesus tells us, "Love your enemies" (Matt. 5:44, Luke 6:27), he excludes as an option killing them.

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