The essays and statements included here are just a select few of the many religious and interfaith perspectives on the death penalty. They do not attempt to be all-inclusive, nor do they necessarily represent the views of Amnesty International.

The Healing Power of Forgiveness
By Bill Pelke

I learned how to put my faith in action November 2, 1986. I realized that night that my faith was calling me to compassion and forgiveness. It had been almost a year and a half since my grandmother, Ruth Pelke, had been murdered. We called her Nana. Four teenage girls were involved in her murder and the state of Indiana had sentenced Paula Cooper, who was deemed to be the ringleader, to death for her role in the crime.

Four months earlier on July 11, 1986, I sat in the courtroom as the judge sentenced her to die in the electric chair. I had no problem when the death sentence was given, because I knew other killers were being sentenced to death for crimes of murder. I felt that if the judge did not give Cooper the death sentence, then he was telling me and the rest of my family that Nana was not important enough to merit the perpetrator being sentenced to death. I thought Nana was a very important person, and for that reason alone I supported the judge’s decision. The fact that Cooper was only fifteen years old at the time of the crime did not matter to me.

On November 2, 1986 I had been thinking about Nana. I was at work at Bethlehem Steel, where I had been employed as an overhead crane operator for about twenty years. It was a slow time at work and as I sat alone in my crane cab fifty feet above the mill floor, my mind drifted to thoughts about her life and death. I began to think about Nana’s faith. Nana was a devout Christian and I was raised in a Christian family. I recalled how Jesus said that if we wanted our Father in Heaven to forgive us, we needed to forgive those who had wronged us. I also remembered Peter asked Jesus how many times were we supposed to forgive someone. Peter wondered if seven times were enough. Jesus told Peter that we should forgive seventy times seven. I knew that did not mean to forgive four hundred and ninety times and then we could stop forgiving, but Jesus was saying that forgiveness should be a habit, a way of life. Forgive; forgive; forgive and keep on forgiving. I also recalled when Jesus was being executed and how from the cross on which he was hanging, said, “Father, forgive them for they know not what they are doing.” I thought that maybe someday I would because it would be the right thing to do.

The more I thought about Nana, the more I became convinced that she would have been appalled by the death sentence given to Paula. Paula’s grandfather had been evicted from the courtroom when Paula was sentenced to death because he was wailing that they were going to kill his baby. I knew Nana would not have wanted this old man to have to go through what a grandfather would have to endure to see his granddaughter strapped in the electric chair and the volts of electricity put to her. I knew Nana would have had compassion for this old man.
I also felt that Nana would have had compassion for Paula Cooper. Nana taught Bible lessons in her home and when Paula and her friends knocked on the door wanting to take her lessons, Nana invited them into her house. I knew Nana would rather someone from the community, church or family be more interested in sharing the faith that Nana tried to share and have compassion for this girl rather than seeking to have her executed.

I was convinced that Nana would have had love and compassion for Paula Cooper and her family, and I felt she wanted someone in my family to have that same kind of love and compassion. I felt it fell on my shoulders. Even though I knew forgiveness was the right thing, love and compassion seemed out of the question because Nana had been so brutally murdered. But so convinced that it was what Nana would have wanted and not knowing any other way to achieve it, I begged God to give me love and compassion for Paula Cooper and her family and to do that on behalf of Nana.

It was just a short prayer, but I immediately began to think about how I could write Paula and tell her about the kind of person Nana was and why Nana had let her into the house in the first place. I wanted to share Nana’s faith with her.

I realized that the prayer for love and compassion had been answered because I wanted to help Paula and suddenly knew it would be wrong to execute her. I learned the most powerful lesson of my life that night. That was about the healing power of forgiveness. When my heart was touched with compassion, forgiveness took place. When forgiveness took place, it brought a tremendous healing. It had been a year and a half since Nana’s death and whenever I thought about Nana during that time I always pictured how she died. It was terrible to think about the horrendous death she suffered. But I knew when my heart was touched with compassion and the forgiveness that it brought, that from that moment on whenever I thought about Nana again, I would no longer picture how she died, but I would picture how she lived, what she believed in, and the beautiful, wonderful person that she was.

Forgiveness did not mean condoning what Cooper did, nor does it mean there should not be consequences for her act. It surely did not mean to forgive and forget. I will never forget what happened to Nana, but I can let any desire to get even with Paula go. I can wish for good things to happen to her.

Before I left work that night, I made two promises. I promised God that any success that came into my life as a result of forgiving Paula, that I would give Him the honor and glory, because it was not something I had done, but because God touched my heart with compassion and made the forgiveness possible. The second promise I made was that I would go through any door that opened as a result of forgiving Paula. I thought I might have the opportunity to speak to a Sunday school class about forgiveness or maybe write an article about forgiveness because I had seen its power. In other words, I promised to put my faith in action. That was over 18 years ago, and I can say to this day I have kept both promises to God. You don’t have to be a Christian to forgive. Forgiveness is the cornerstone of all major religions. Forgiveness is letting go of the desire for revenge and moving forward, in all areas of your life.

Paula was taken off of death row in 1989 and is now serving a sixty-year sentence. She has been in prison for over twenty years. She will be eligible for parole in about ten years. Paula is not the same person who committed that terrible crime back in 1985. She has accepted God into her life and is working to improve herself spiritually. She received her
GED after getting off death row and several years ago obtained a college degree by taking correspondence courses.

Many of the doors that opened for me after November 2, 1986 were in the abolition movement. Today I am the Chairman of the Board for the National Coalition to Abolish the Death Penalty and President of the Journey of Hope...from Violence to Healing, an organization that is led by murder victim family members who are opposed to the death penalty. The abolition movement has provided me the opportunities to put my faith in action by talking about love and compassion for all of humanity and the healing power of forgiveness and applying it to the death penalty.

[Note: The Journey of Hope...From Violence to Healing, an educational speaking tour led by murder victims' family members who oppose the death penalty, will travel throughout the state of Virginia from October 13-29, 2006. Participants in the NWFA can support the Journey in a number of ways, no matter where you live. Please contact Bill Pelke at bpelke@gci.net, or visit www.journeyofhope.org. You can purchase a copy of Bill’s book via the Journey website.]
New York Religious Leaders Against the Death Penalty
Interfaith Statement on Capital Punishment

Rooted in the collective wisdom and moral insights of our respective religious traditions, we, the Steering Committee of New York Religious Leaders Against the Death Penalty, wish to state our clear and unambiguous position that capital punishment is morally wrong and offensive to our society’s common sense of human dignity.

We abhor violent crime, and, confronted by it, we share the sense of justifiable outrage, frustration, and vulnerability that is the response of people everywhere. Society has both the right to defend itself against the perpetrators of violent crime and the duty to reach out compassionately to the innocent victims of crime and their loved ones.

However, our nation’s continued reliance on the death penalty cannot be justified. There is mounting evidence that the death penalty is extremely costly, ineffective in fighting crime, unequally applied, and handed out with alarming frequency to defendants who are later proven to be innocent. Even most death penalty proponents now agree that there are serious problems with its implementation. We in the religious community now step forward to set the moral tone for the debate on this issue, promote serious and thoughtful reflection, and make known the reasons why we believe executions will not solve the problem of violent crime in the State of New York. We believe that:

- Retribution is proper in society; revenge is not.
- All people are capable of atonement and forgiveness.
- The death penalty is not a deterrent to violent crimes.
- The death penalty is not, and probably cannot be, applied equitably and fairly.
- The death penalty is not the source of healing for the families of murder victims.

To the argument that the death penalty is needed as a means of retributive justice, we say that retribution is justified but never revenge. Revenge is retribution without moral limit. Our legal system ought to seek a higher road even while punishing the guilty. While violent crimes must have severe retributive consequences, we firmly believe that our scriptural traditions require us to oppose the violence of state-sanctioned death as a form of punishment. The antidote to violence is not more violence.

To the argument that forgiveness of capital criminals is not acceptable, we say that execution is an act of absolute non-forgiveness that precludes the ability of human beings to atone and better themselves, which is assumed possible by our religious traditions. It is our belief that no person is beyond either the human community or God’s embrace. All human persons, even those who commit the most heinous crimes, are endowed by God with an inviolable dignity, having been created in God’s own image and likeness. At the same time, we hasten to emphasize that respect for the inherent dignity of offenders in no way should be interpreted as a defense of their crimes nor a lack of respect and concern for the dignity of crime victims and their loved ones. It is our firm conviction that forgiveness is compatible with justice but never with vengeance. The death penalty is an act of vengeance that is contrary to our religious teachings, detrimental to building a civilized and violence-free society, and demeaning to all of us as citizens. Society has a right to protect itself, but it does not have a right to be vengeful.
To the argument that capital punishment is needed as a deterrent to murder, we say that studies have yet to reveal any objective evidence to justify this conclusion. Indeed, the experience of states with the death penalty clearly demonstrates that capital punishment fails to impede or diminish the incidents of violent crime that it seeks to eliminate.

To the argument that our system of justice can ensure that capital punishment will be applied equitably and fairly, we say that the death penalty system is replete with fatal flaws and constant errors. Too often it is not the crime itself but such factors as race, economics, geography, politics, or the defendant’s mental capacity that are ultimately significant in determining the application of the death penalty. Over the past 30 years the imperfections of the death penalty system have been repeatedly exposed by investigative and scientific procedures that have already saved the lives of 113 innocent death row prisoners in 25 states. Even in New York State people have been falsely convicted of murder. Our legal system is a very good one, but it is nonetheless a human institution. There is a misplaced faith in the perfectibility of the death penalty. The system can be improved but not perfected. Even a small percentage of irreversible errors is intolerable. The only way to prevent the execution of the innocent is not to execute anyone.

To the argument that the families of murder victims desire to see capital punishment inflicted on those who have plunged them into their deep pain and grief, we say that it is our pastoral experience that such suffering cannot be healed simply through capital punishment. Often healing takes time and is the outgrowth of personal struggle and community support, as well as faith. We echo victims groups opposed to the death penalty, such as Murder Victims’ Families for Reconciliation and September Eleventh Families for Peaceful Tomorrows, who say that it is a mistake to conclude that the way to demonstrate compassion for murder victims’ survivors is by endorsing the death penalty. Much more can and must be done by the religious community in particular and by society in general to comfort and care for the grieving families of murder victims without resorting to vengeful and violent solutions.

As religious leaders we commit ourselves to minister to victims of violent crimes and their loved ones. We also commit ourselves to minister as well to offenders and their loved ones. We believe our religious traditions expect no less. We beseech you to join us in these efforts. Let us rise above our feelings of fear and vengeance to seek solutions to violent crime that reflect human dignity and promote justice for all. Therefore, we call on our State’s elected leaders to abandon the use of capital punishment.

In the interim, we endorse a moratorium on the death penalty in New York as an attractive, fair, and moral position to assume regarding state executions. It affords an opportunity to examine both the purpose of the penalty and its perceived effectiveness, and can save the lives of the falsely condemned. Because we recognize that people of good will may disagree about the ultimate morality of capital punishment, a moratorium can represent common ground for people on both sides of the issue who care about justice. The time to study New York’s death penalty law is now.

Signed May 3, 2004

The Steering Committee of New York Religious Leaders Against the Death Penalty:

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Bishop of the Roman Catholic Diocese of Albany
Rabbi Peter J. Rubinstein, co-chair,
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Rev. Daniel B. Hahn
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The Rt. Rev. Jack M. McKelvey
Bishop of the Episcopal Diocese of Rochester

[New York Religious Leaders Against the Death Penalty is a project of New Yorkers Against the Death Penalty. If you are an ordained or lay religious leader and want to be part of these efforts, please contact the project’s coordinator, Thomas P. Boland Jr., at 40 N. Main Ave., Albany, NY 12203-1481, (518) 453-6797, info@nyadp.org.]
Does Judaism Condone Capital Punishment?

By Rabbi Dan Polish

While the Torah supports the death penalty in principle, it places formidable obstacles to its implementation – and the Talmud nearly drove the executioner to extinction.

Does Judaism condone capital punishment?

Supporters of the death penalty often cite the Bible to bolster their position. "Ye shall take no ransom for the life of a murderer...he shall surely be put to death" (Numbers 35:31). Indeed, the Torah specifies a full litany of offenses for which a person may be put to death, including murder, idolatry, blasphemy, adultery, violating the Sabbath, witchcraft, and rebelling against one's parents. The punishments for each transgression are noted as well–stoning, burning, and slaying by the sword.

But the recording of these laws in Scripture may give a false impression about the actual practice of capital punishment in ancient Israel. While the Torah supports the death penalty in principle, it places formidable obstacles to its implementation. HUC-JIR Bible Professor Dr. David Sperling has observed that the well-known lex talionus (law of retaliation), "Thou shalt give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe" (Exodus 21:23-25), may appear to endorse capital punishment, but it is actually a formula for restricting the punishment to be meted out. "In contrast to the Code of Hammurabi [an earlier legal code well known in the ancient Near East]," Professor Sperling writes, "biblical law limits the death penalty to the murderer–a family member cannot be executed in his/her place" (Exodus 21). Moreover, the defendant may not be put to death unless two (or in some cases three) eyewitnesses testify against him or her. Each witness must be so certain of his testimony that he personally would be willing to carry out the execution. Deuteronomy 19:13-21 asserts that a false witness is subject to the same punishment as the defendant–including, presumably, death.

The Torah also distinguishes between a premeditated murder and unintentional killing. In the case of an unintentional slaying, the killer is permitted to take refuge in one of six cities on the other side of the Jordan River (Numbers 35:9-15, Deuteronomy 4:41-43, Joshua 20). The pattern of not inflicting the ultimate punishment is established early in the Bible. After Cain kills his brother Abel in a fit of rage, God does not demand Cain's life in retribution; instead, Cain is set free to wander the earth. The mark God places on Cain's forehead is not a sign of punishment, as is commonly assumed, but one of protection; it served as a kind of mobile "city of refuge," warding off anyone seeking to avenge the wrong Cain had committed.

Interpretations in the Rabbinic Age

The rabbis who compiled the Talmud in the first centuries of the Common Era interpreted and expanded upon the biblical laws governing capital punishment. They too stipulated transgressions deserving of death, among them idolatry, bestiality, blasphemy, illicit sex, violating the Sabbath, witchcraft, and adultery in certain circumstances. Then, in meticulous detail, they linked each crime with its corresponding method of execution (stoning, burning, strangulation, or slaying by the sword).
Grisly punishments all— but it is highly doubtful that the rabbis ever actually imposed the death penalty. After a long, elaborate discussion of the class of capital crime befitting the stubborn and rebellious son and a description of how the execution was to be carried out, the Talmud states: "It never happened and it never will happen." The passage then explains that the entire matter is presented purely for study: "That you may study [the Torah for its own sake] and receive reward" (Sanhedrin 71A). In other words, the discussion of capital punishment in the Talmud seems to exist only in the realm of theoretical speculation, just as— after the destruction of the Temple in Jerusalem— all the laws of sacrifice were retained and studied long after the sacrifices ceased to be offered.

The Trial

Capital cases were heard by a court of twenty-three judges (Sanhedrin 2A) and, in some cases, seventy-one judges (Sanhedrin 2A, 15A, & 16A), all of the highest character. "Anyone fit to try capital cases could also try monetary cases," the rabbis stated, "but a person fit to try a monetary case may still be unfit to try a capital case" (Nida 49B).

According to Rabbi Judah, a person whose disposition is cruel should be excluded from sitting in judgment in such cases (Sanhedrin 36B). Not only should a person's own record be pure and righteous, but his ancestry had to be free of blemish before he could sit on this court (Sanhedrin 36B). The judges sat on three rising semicircular tiers, as in an amphitheater, in order to see one another, and all murder cases were tried in the light of day; in these ways, everything could be open and aboveboard. Two judge's clerks stood before them, one to the right and the other to the left, and wrote down the arguments of those who would acquit and those who would condemn; both clerks were necessary as a precaution against any mistake. Rabbi Judah said that there were three such clerks: one to record arguments for acquittal, a second to record arguments for conviction, and a third to record arguments for both acquittal and conviction. Witnesses stood in front of these tiers of judges.

The stringent demands on witnesses in capital cases rendered almost impossible the likelihood that a defendant would be convicted. To ensure that a witness's testimony was not based on conjecture (e.g. circumstantial evidence), hearsay, simple rumor, or the observations of another witness, the court would "fill the witness with fear." Witnesses were asked to establish the day and hour of the crime and explain the circumstances surrounding it (Sanhedrin 2B). They were then warned that they would be subject to rigorous questioning and relentless cross-examination and held personally responsible should the accused be falsely condemned. Bearing false witness in a capital case was in itself a crime punishable by death (Sanhedrin 9B, 32B, 86A, & 89A).

A witness in a capital case had to have seen the entire crime as it was being committed; circumstantial evidence was inadmissible. For example, Rabbi Simeon Ben Shatach witnessed the following incident: "I saw a man chasing another man into a ruin; I ran after him and saw a sword in his hand dripping with the other's blood, and the murdered man in testify against him, because he did not see the actual crime (Sanhedrin 37B).

Not only did witnesses have to see the crime take place, they had to have warned the perpetrator prior to the act that he was about to commit a capital offense. According to Rabbi Judah, a warner even had to inform the perpetrator of the type of execution prescribed for his crime (Sanhedrin 8B). The perpetrator was then obliged to have verbally acknowledged this warning by saying something like, "I know I am warned not to do this;" to have admitted his liability to death by adding something like, “even though I
shall be punished by such-and-such manner, yet I want to go ahead and commit this crime;” and to have committed the murder within the time needed to make such an utterance (Makkot 6A). The great eleventh-century commentator Rashi explains this last restriction by suggesting that if a murder was delayed longer than the time necessary to make an utterance, the plea might be accepted that the perpetrator had forgotten the warning altogether. Furthermore, two or three witnesses had to have similarly interacted with the accused. And on the unlikely chance that such witnesses could be found, the Court could convict the accused only if guilt could be proven beyond a reasonable doubt.

According to the Talmud, “A doubt in capital charges should always be for the benefit of the accused” (Baba Batra 50B, Sanhedrin 79A). In reaching a verdict, a judge was free to argue in favor of the accused, but not against him. A judge who had argued initially for condemnation could subsequently argue for acquittal, but one who had argued for acquittal could not argue later for condemnation. Acquittal in capital cases required a majority of one vote, condemnation a majority of two. A verdict could be reversed for acquittal if errors were revealed, but no new evidence was allowed which would reverse a decision from acquittal to condemnation.

**Staying the Execution**

Following a guilty verdict, provisions were made to stay the execution. A herald was dispatched to announce something like: “So-and-so, son of so-and-so, is going forth to be stoned because he committed such-and-such offense, and so-and-so are his witnesses. If anyone has anything to say in his favor, let him come forward and state it.”

If someone offered to make a statement in favor of the condemned man, a retrial followed.

A person was stationed at the door of the court holding a signaling flag, while a horseman stood at the ready within sight of the signalman. If one of the judges said he had something further to state in favor of the condemned, the signaler waved his flag, sending the horseman to postpone the execution. Indeed, even if the condemned said he had something further to plead in his own favor, the court was obliged to reconvene (Sanhedrin 42B).

Rabbinic attitudes concerning the death penalty are also reflected in statements such as “a Sanhedrin that effects an execution once in seven years is branded a destructive tribunal.” Rabbi Elizer Ben Azariah said, “Once in seventy years.” Rabbis Tarfon and Akiba said, “If we were members of a Sanhedrin, nobody would ever be put to death.” In that same Gemara, however, Rabbi Simeon Ben Gamaliel dissented: “If we never condemned anyone to death, we might be considered guilty of promoting violence and bloodshed.... [W]e could also multiply shedders of blood in Israel” (all Makkot 7A).

Forty years before the fall of Jerusalem in 70 C.E., the rabbis abolished capital punishment altogether (Soncino Talmud, Sanhedrin page 161, footnote 10). Rather than applying the four methods of execution themselves, they ruled that punishment should be carried out by divine agencies (Sanhedrin 37B, Ketubot 30A, & 30B). In other words, a punishment so awesome as the taking of a person's life should not be entrusted to fallible human beings, but only to God.

This ruling does not mean the rabbis dispensed with punishment altogether. On the contrary, they expressed no compunction about decreeing corporal punishment—harsh
physical suffering. If the rabbis/judges were convinced of a defendant's guilt in a capital case, but the high standard of evidence did not permit execution, he would be sentenced to prison on a ration of bread and water.

The thrust of Jewish tradition and the historical positions of the Reform Movement impel us to oppose capital punishment in principle and in practice. A person wrongfully flogged for robbery can heal. A person improperly imprisoned for murder can be exonerated and set free. But someone put to death for a crime he/she did not commit can never be redeemed. If we are true to our faith and our tradition, we must respond to the imperative of its teachings and do everything we can to keep our society from committing the ultimate of injustices: the wrongful execution of an innocent person.

[This article was written by Rabbi Daniel Polish, HUC-JIR class of 1968, who is the Director of the Joint Commission on Social Action of Reform Judaism and is a co-author with Rabbis Daniel Syme and Bernard Zlotowitz of Drugs, Sex and Integrity (UAHC Press). Reprinted by permission of Reform Judaism magazine, published by the Union of American Hebrew Congregations. Summer, 2002. Copyright 2002, Union of American Hebrew Congregations.]
Restorative or Retributive Justice?
Transforming the U.S. Criminal Justice System

By Harmon Wray

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Soon after Jesus entered Jerusalem to face execution at the hands of the legal, political, and religious establishments of the time, he entered the temple. There, angered by the idolatry of Mammon, he overturned the tables of the moneychangers and denounced those who had turned God’s sacred place into “a den of thieves.” It was a prophetic act of indignant, righteous anger on Jesus’ part. Some biblical scholars believe that it was the final straw that led Jesus’ enemies to decide, once and for all, that he must be done away with as an enemy of the state and the religious institutions.

Shortly thereafter, Jesus again “turned the tables” on the powerful class of his time and place when he made the distinction between that which is Caesar’s (the state’s) and that which is God’s. Earlier, as recounted in the Gospel of John, Jesus had turned the tables on those who would have him give his blessing to the legal execution of a woman caught in adultery. He had reframed the question from “Does she deserve to be killed?” to “Which of you deserves to kill her?”

While he was being executed, Jesus asked God to forgive his executioners and promised the repentant thief beside him that they would be together in paradise, regardless of what Caesar and Pilate were doing to them both. Jesus had also told his followers that they were to forgive their enemies, turn the other cheek when assaulted, refrain from judging others, minister to crime victims, visit prisoners, and follow him in the Jubilee tradition of proclaiming release to the captives and liberty to the oppressed (Luke 4: 18-19).

In all these examples, Jesus was challenging what Paul calls the “principalities and powers” dominant in his religious, political, and legal culture. He was taking on the system, as he did in numerous other ways throughout his life. He was engaging in prophetic politics, embodying the linkage between spirituality and political action. And he was redefining the terms of what we mean by “criminal justice.”

Criminal-Justice Trends In this issue, New World Outlook is looking at the concept of restorative justice. It may help to use this perspective to zero in on current trends in the criminal-justice system of the United States. In the spirit of Jesus’ prophetic engagement with the dominant powers of his time, what might a restorative-justice critique of today’s retributive criminal-justice system look like?

To begin with, the present boom in incarceration should be brought to a screeching halt. Policymakers ought to declare a moratorium on prison construction and a diversion of funds into probation and parole programs. They should sharply reduce caseloads and greatly increase the level of supervision and support of those on probation and parole. Other government revenues presently eaten up by prison building and operating budgets should be diverted to public education, drug and alcohol treatment and education, affordable housing, early intervention with struggling families and at-risk
children, and living-wage job development. Adequate funding for such programs would greatly reduce the factors that contribute to crime. Poor and remote counties should refuse to let state and federal governments and private companies persuade them that prison construction somehow is community economic development. Prisons are damaging to the spirit and gradually destroy community.

From a restorative-justice perspective, the victims’ rights movement is a good thing since it insists on fair and respectful treatment of crime victims by the agents of the criminal-justice system. But it often fails to go far enough, sometimes running the risk of being so revenge-oriented that it does not consider the option of victim-offender engagement. Thus it loses the possibility for the kind of restitution and healing that can come from this sort of encounter. A group called Murder Victims’ Families for Reconciliation is an example of what can happen when victims’ family members focus more on healing than on retribution.

Examples of policing policies that are consistent with restorative-justice values are block-by-block community policing, in which officers walk the streets and develop relationships with ordinary folks in the neighborhood, and increasing racial and ethnic diversity within police forces, so that community police officers can better reflect the makeup of the neighborhoods they serve. Non-restorative law-enforcement practices include zero-tolerance, stop-and-frisk, and racial profiling. Civilian review boards that truly reflect the community and have sufficient power to adjudicate disputes between police and citizens are basically restorative. They would go a long way toward reducing police brutality and fostering better police-community relations.

For-profit prison privatization is rapidly growing in the United States and elsewhere. Because of its built-in incentive to lock up more prisoners, keep them longer, and reduce rehabilitation programs to save money, this trend is anti-restorative. Criminal justice policy will be increasingly driven by the profit motive and political conflicts of interest if the privatization trend continues. The sense of community and accountability in our society will be reduced as well.

The current, ongoing erosion of our distinctive juvenile-justice system is fraught with peril for our society. Using an adversarial, adult-court system to try more and more children - and using adult prisons to incarcerate them - is likely to ensure that more of them will become habitual and violent adult criminals. A juvenile-court system with a variety of mid-range sanctions - one not so dependent on either incarceration or a slap-on-the-wrist probation - would be more humane, restorative, and effective.

The use of mandatory minimum sentences for certain crimes and the use of rigid sentencing guidelines is largely responsible for the rapid increase in incarceration, especially of low-level drug offenders. Laws with huge discrepancies in punishment for different kinds of drugs, coupled with racial discrimination in law enforcement, are responsible for much of the disproportionate confinement of people of color in both juvenile and adult prison systems. The US war on drugs actually amounts to a war on the poor, especially on young Black and Latino inner-city residents, even though these Black and Latino groups are statistically no more likely than middle-class Whites to use illegal drugs.

Shifting toward a harm-reduction or damage-control model makes more sense as a strategy to address drug abuse and the crime associated with it. The focus would be less
on punishment and more on treatment and education. Decriminalization and tight regulation of adult drug use should be considered.

Finally, we should focus more on asking: Why are so many people in our society—of all classes, races, and ages—so miserable that they feel compelled to alter their reality by using substances that are so dangerous to their physical, emotional, mental, and spiritual well-being? If we could answer that question, we would know what to do, and it would involve something much different from “just say no” or “lock-’em-up-and-throw-away-the-key.”

Controversial Issues

Since lethal violence has increased as a result of ever more powerful high-tech weapons, tightening up on the easy accessibility of guns and ammunition must be high on our national agenda. Federal control is necessary, since different state laws make it easy to buy guns in states with weak controls and to transport them across state lines. Given the number of weapons already dispersed throughout the population, it probably makes more sense to focus on sharply limiting the manufacture, import, and sale of ammunition.

Like gun control, the death penalty is a highly emotional and controversial issue. There are many reasons for being against state killing—its inherent racism and classism, the execution of innocent persons, the high financial cost (several times greater than life in prison), and the harm it does to the grieving and healing process for murder victims’ and prisoners’ families. But for those who would follow Jesus—himself a victim of both crime and capital punishment—there need be only one reason: that we cannot honestly imagine Jesus participating in an execution.

Another controversial issue is hate crimes. Many who are properly outraged by crimes that are motivated by hatred for a person’s race, religion, ethnicity, sexual orientation, or the like assume that such crimes will be deterred if the level of punishment is increased. While such moral outrage is understandable and should be encouraged, it is unreasonable to believe that a would-be hate criminal who is undeterred by a possible 30-year prison sentence would be deterred by an even longer sentence or that shifting from a life sentence to the death penalty would increase the deterrence factor. Many such offenders are so full of revenge or the desire for notoriety and fame that no punishment would make them turn back.

Second, hate-crime legislation operates within the retributive-justice paradigm, which holds that the way we attribute value to a victim is by intentionally inflicting great pain upon a perpetrator. A restorative-justice scenario suggests that we give greater value to the victims’ lives by inviting them or their survivors to hold their violators accountable and to participate in struggling to determine what kind of restitution (not retribution) is appropriate. Such an approach is likely to be more healing for both victims and offenders.

It has been difficult for the restorative-justice movement to grapple with the issues of domestic violence and sexual abuse. Too many Christian pastors and preachers, usually men, have encouraged vulnerable victims of domestic violence and sexual abuse, usually women, to forgive their abusers prematurely. Similarly, too many naive advocates of restorative justice assume that any case can be resolved through victim-offender mediation. Cases of domestic violence and sexual abuse, however, are notoriously resistant to successful mediation because of complex interpersonal dynamics under the surface and the vast power differential typically at work in these relationships. Usually long-term treatment and ongoing education of abusers—and sometimes treatment of the victims—is necessary if the behavior is ever to change.
Restorative Ministries

How can involvement in restorative-justice ministries help transform the criminal-justice system into a restorative-justice system? For many, the first step is to donate money to a prison ministry, victim ministry, or criminal-justice-related cause. For others, the first step may be praying for the crime victims, the prisoners, or their families. Sometimes, a second step may be providing some kind of service to a crime victim, a prisoner, or the family of a victim or prisoner. Such ministries of financial stewardship, intercessory prayer, and direct service can lead to more deeply engaged restorative-justice work.

When support, prayer, or service leads to the development of an ongoing, mutual relationship with someone affected by the justice system, then a decisive step has been taken. Abstractions, such as crime, incarceration, and the death penalty become concrete when we are talking about my friend the crime victim, the bereaved spouse or parent, the prisoner, or the death-row resident. At this point, I may become a personal advocate as an outgrowth of my friendship with one who has no voice.

Sometimes, when I converse with colleagues in criminal-justice ministry, we begin to discover patterns and similarities. For example, if several folks in a local church are visiting individuals in the county jail and they discover that as many as four or five prisoners have trouble communicating with their lawyers, this problem becomes an issue. If we have the courage and the commitment, we may now begin to work together as issue advocates, taking collective action. In this particular case, it is time to go together to see the public defender or the president of the county bar association.

Some systematic changes in the direction of restorative justice for victims, offenders, and the community are possible through this kind of sustained issue advocacy. But the deepest and most transformative changes can only be achieved when we cross over yet another line and move from being advocates to being allies, working together for greater fairness, justice, and reconciliation in the criminal-justice system for victims, offenders, and the larger community. This represents a move from ministry to or for others to ministry with others. This is a move from charity to a kind of justice that incorporates love into itself: restorative justice.

[Harmon Wray is executive director of Restorative Justice Ministries for The United Methodist Church. Visit New World Outlook Online at http://gbgm-umc.org/nwo/. For additional information on restorative justice, visit http://www.restorativejustice.org/.]
Why Ending the Death Penalty is Still Critical For Us As Dharma Practitioners

By Diana Lion, Associate Director of Programs
Prison Program Director, Buddhist Peace Fellowship

The Bush Administration has declared victory in Iraq. Many humans, animals and plants are dead; and the seeds of hatred and bitterness toward the American government have been sown worldwide. The Bush Administration has been equally nefarious on the domestic front: On March 18, 2003 (24 hours before the start of the “shock and awe” campaign), Louis Jones, Jr. was executed by the federal government in Terra Haute, Indiana. Jones was an African-American Gulf War I veteran.

Louis Jones, Jr. suffered from post-traumatic stress disorder (PTSD) following his Gulf War I traumas. He then became the third man to be executed in the federal system since federal executions were reinstated in 2001. The first was another war veteran - Timothy McVeigh. Trial transcripts mention that McVeigh had been seen as an “outstanding soldier... the top gun in his platoon. [Other soldiers] said they felt safe in the Persian Gulf when they were with him because he was such a good gunner and such a strong soldier.” And yet we all know of the tragic consequences brought about by his “superior skills”. Another former soldier with PTSD who later committed murder was Manny Babbitt, executed at San Quentin State Prison in California on March 7, 2000. After returning to the U.S. from Vietnam he “ambushed” and murdered an elderly grandmother in the combat style he had learned in Vietnam.

As part of an experiment called The Listening Project, several of us from the Buddhist Peace Fellowship spent a year asking people on the street what the American flag means to them. Many said the flag symbolizes American ideals and that they want to share those ideals with other countries. What struck me most was that some of the ex-military I spoke with shared the vision of American ideals that had motivated them to enlist originally, and their subsequent disillusionment with how those have been acted on. I was moved by what seemed to be their courageous break with the traditionally patriotic line, though many had yet to find a new perspective to replace their old views. We shared strategies for peaceful alternatives to war and bombing. Many of them spoke of their longing for a reality to match their ideals.

Buddhism teaches us the laws of cause and effect. If you sow seeds of violence then you reap seeds of violence. Neither events nor violence are ever simple. They never have only one cause. They are set in motion by complex sets of “causes and conditions” that, in their turn, lead to complex results. The current American administration is not only engaging in a series of conflicts that will lead to more wars; it is planting many seeds of violence in our children, and setting the stage for future executions of PTSD-suffering war veterans.

Through our dharma practice, we learn to sit with the fires of violence and anger that can arise so easily in everyday life. It is not easy to simply sit and not move. When our body feels restless, and all our thoughts are telling us to act, and our emotions are full of pain, it can feel impossible to not move. This is the kind of situation that can lead us to have more empathy with how difficult it is for people to hold back from taking revenge, or commit other acts of violence. And yet, we have all experienced the
unfortunate results (karmic momentum) resulting from times when we do act upon those urges, rather than refraining.

During the many execution vigils in which I have sat outside the prison’s walls, I’ve realized that with each execution we are teaching our children that violence is the wisest response to violence. First we recruit young people into the military and train them to kill; then we honor them for it. However when they come back from war with PTSD and continue to commit murder the state then sentences them to death in our names.

Studies show a clear association between PTSD and violence, including murder. Notorious American lawyer Clarence Darrow referred to this association in his 1924 closing arguments of the Leopold and Loeb case:

Your Honor knows that in this very court, crimes of violence have increased, growing out of the war. Not necessarily [only] by those who fought but by those that learned that blood was cheap, and human life was cheap, and if the State could take it lightly why not the boys? There are causes for this terrible crime. There are causes, as I have said, for everything that happens in the world. War is a part of it; education is a part of it; birth is a part of it; money is a part of it - all these conspired to compass the destruction of these two poor boys.

Since the Supreme Court reinstated the death penalty in 1976, we have fed 971 people into the jaws of our execution machines. They have been disproportionately poor, working class, and people of color. This national practice is continuing to create the conditions that lead to an endless cycle of violence in this country and in others.

The question I want us to ask ourselves is: How do we respond to this as Buddhist practitioners?

As Buddhist practitioners, we are acting in alignment with the First Precept of non-harming when we take a stand against the death penalty. The First Precept reminds us that all beings are sacred. When we harm anything living, we break trust, and this in tum harms ourselves and others in our vast web of interconnectedness. In our commitment to include everyone in our circle of compassion, we see that executions not only harm the one who is executed, but also the executioner, and everyone else in that grim circle of state-sanctioned death. As a devoted Buddhist practitioner, I don’t see any (good) reason for us to stop talking about the death penalty until we have ended it in this country.

Each year, Amnesty International sponsors a weekend for religious and spiritual congregations throughout the U.S. to take action on ending the death penalty. In 2005 the National Weekend of Faith in Action on the Death Penalty will be on Oct 21-23. In 2004, many dharma groups across the U.S. participated in some way - hosting discussions and teach-ins, giving dharma talks, sitting in silence together, showing films, dedicating the merit of their practice.

So - I’m wondering if you would consider pausing for a moment before any dharma talk or discussion you might be involved in to remember those touched by the death penalty? Consider bringing something to your sangha to read about capital punishment. Consider asking folks to sit in silence for a minute or two at the end of each dharma group to remember all of us who are affected by this tragic state policy. Or consider
dedicating one evening a month of your dharma group to all victims of state-sanctioned and other violence.

Would you and/or your sangha consider doing this until the death penalty is ended in this country?

Are we, as dharma practitioners, willing to bring the death penalty right onto the cushion with us? Are we willing to pledge to keep this issue alive, as long as there is a death penalty, as part of our commitment to waking up for the benefit of all beings? Are we willing to keep looking at the ways that each of us harbors violence, and keep working on our own inner disarmament?

It is important to remember for those of us who care intensely about peace: Ending the death penalty is karmically connected to working for peace.

As Buddhist practitioners, we see each person’s humanity and Buddha nature, and commit to caring for that even when it resides within those who commit acts we oppose. We practice to see the Buddha nature in our friends, in our enemies, in ourselves. We are committed to nurturing the possibility of transformation within each being, while at the same time protecting people from acts of violence and harm by those who might harm again. We are committed to holding the paradoxes and subtleties of what it means to be human in our collective quest for wakefulness, happiness, and true freedom.

And now, let us sit in silence for a few moments.

Gratitude to Alan Senauke and Colette DeDonato for their input on this essay.

[For more information on the Buddhist Peace Fellowship Prison Project, please visit http://www.bpf.org/html/current_projects/prison_project/prison_project.html.]
Renewing Our Call to End the Death Penalty
U.S. Conference of Catholic Bishops

In these reflections, we bishops have focused on how our faith and teaching can offer a distinctive Catholic perspective on crime and punishment, responsibility and rehabilitation. These reflections do not focus on the death penalty as our primary concern. In this context, however, we wish to renew our call for an end to capital punishment.

The administration of the death penalty is often seen as a major sign of some of the failings within the American criminal justice system. Capital punishment is cruel, unnecessary, and arbitrary; it often has racial overtones; and it fails to live up to our deep conviction that all human life is sacred: “Our witness to respect for life shines most brightly when we demand respect for each and every human life, including the lives of those who fail to show that respect for others. The antidote to violence is love, not more violence.”

In this call we add our voices to the prophetic witness of Pope John Paul II - who, when he last came to our nation, appealed for an end to capital punishment:

The new evangelization calls for followers of Christ who are unconditionally pro-life: who will proclaim, celebrate and serve the Gospel of life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform (cf. Evangelium Vitae, no. 27). I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary.

We join our appeal to the position of the universal Church. The promulgated text of the Catechism of the Catholic Church declares,

If, however, non-lethal means are sufficient to defend and protect people’s safety from the aggressor, authority will limit itself to such means, as these are more in conformity with the dignity of the human person. (no. 2267)

And we join with those who are working to end the death penalty - in their witness at prisons as people are executed, in state capitals across our land, in courtrooms and prisons around the nation, and in Congress, where efforts to abolish or limit the death penalty are being debated. We support calls for a moratorium on executions and welcome the courage of leaders who have implemented or are working to address the clear failings of the death penalty.

We know this is not an easy matter. Catholic teaching has developed over time and there have been diverse views on the application of these principles. However, as we begin this new millennium, Pope John Paul II, the U.S. Catholic bishops, and the Catechism of the Catholic Church together express the strong conviction that capital punishment should no longer be used since there are better ways to protect society, and the death penalty diminishes respect for human life.

We are encouraged by small but growing signs that support for the death penalty is eroding and that capital punishment is being reconsidered. People are asking if we are
really safer in states where executions are so regular that they hardly rate news coverage. People are asking whether we can be sure that those who are executed are truly guilty, given the evidence of wrongful convictions and poor representation in death penalty cases. We welcome legislation to address these issues as a way to focus on the unfairness of the death penalty. But most of all, we are asking whether we can teach that killing is wrong by killing those who have been convicted of killing others. It is time to abandon the death penalty - not just because of what it does to those who are executed, but because of how it diminishes all of us.

We cannot overcome what Pope John Paul II called a “culture of death,” we cannot reverse what we have called a “culture of violence,” and we cannot build a “culture of life” by state-sanctioned killing. As we said before and renew today:

We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking life.  

We ask all Catholics - pastors, catechists, educators, and parishioners - to join us in rethinking this difficult issue and committing ourselves to pursuing justice without vengeance. With our Holy Father, we seek to build a society so committed to human life that it will not sanction the killing of any human person.

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Notes

1 Though holding only one-half of 1 percent of death row inmates, the federal government recently concluded a study of its nineteen people on death row. The conclusion is that despite serious efforts to ensure fairness in seeking the death penalty for defendants convicted of federally eligible crimes, fourteen of the inmates are African American, five are Caucasian, and one is Hispanic (U.S. Department of Justice, Survey of the Federal Death Penalty System: 1988-2000 [Washington, D.C., 2000]).


3 For the complete text on the treatment of the death penalty, see Catechism of the Catholic Church, 2nd. ed. (Washington, D.C.: United States Conference of Catholic Bishops, 2000), nos. 2263-2267, see also, no. 32.


[Excerpt from Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice ©2000 United States Conference of Catholic Bishops, Washington DC. Used with permission. All rights reserved. No part of this text may be reproduced by any means without permission in writing from the copyright owner.]
Catholic Bishops Launch Major Catholic Campaign to End the Use of the Death Penalty, March 21, 2005

Groundbreaking Zogby Poll Demonstrates Dramatic Rise in Catholic Opposition to Use of the Death Penalty

The U.S. Conference of Catholic Bishops today launched a Catholic Campaign to End the Use of the Death Penalty. Cardinal Theodore McCarrick, Archbishop of Washington, declared, “We cannot teach that killing is wrong by killing. We cannot defend life by taking life.” Speaking at the National Press Club on behalf of the U.S. bishops’ conference, Cardinal McCarrick said, “The Catholic campaign will work to change the debate and decisions on the use of the death penalty: building a constituency for life, not death; calling on our lawmakers to lead, not follow; to defend life, not take it away. This cause is not new. Our bishops’ conference has opposed the death penalty for 25 years. But this campaign is new. It brings greater urgency and unity, increased energy and advocacy, and a renewed call to our people and to our leaders to end the use of the death penalty in our nation.”

At the press conference, noted pollster John Zogby reported on an unprecedented survey of Catholic attitudes on the death penalty: “We found that support for the use of the death penalty among American Catholics has plunged in the past few years. The intensity of support has declined as well. In past surveys, Catholic support for the death penalty was as high as 68%. In our November survey, we found that less than half of the Catholic adults in our poll (48%) now support the use of the death penalty, while 47% oppose it. The percentage of Catholics who are intensely supportive of the death penalty has been halved, from a high of 40% to 20% in this survey.” Zogby also reported that:

- The more often Catholics attend Mass, the less likely they are to support the use of the death penalty.
- The younger Catholics are, the less likely they are to support the death penalty.
- A third of Catholics who once supported the use of the death penalty now oppose it.

Among the major reasons Catholics gave for opposing the use of the death penalty was “respect for life.” Two of three (63%) Catholics are deeply concerned about what the use of the death penalty “does to us as a people and a country,” according to the surveys. (The charts used in the presentation are attached to this press release.)

Cardinal McCarrick emphasized the Church’s commitment to victims of violence and their families as a central part of the campaign. Bud Welch, whose daughter Julie Marie was killed in the Oklahoma City bombing, made an impassioned plea: “My conviction is simple: More violence is not what Julie would have wanted. More violence will not bring Julie back. More violence only makes our society more violent. The Catholic Campaign to End the Use of the Death Penalty is another way for the Church to say no to more violence and no to our culture of death.”

Cardinal McCarrick said the campaign is about “justice. . . . The death penalty in our land is deeply flawed.” Demonstrating this reality, Kirk Bloodsworth told his story of coming into the Catholic faith on death row: “I spent eight years, 11 months and 19 days behind bars before DNA testing proved my innocence. Since 1973, more than 100
people have been exonerated from death row after being cleared of their charges . . . Every bit of my story exemplifies the problems in the death penalty system. The same systemic flaws that led to my wrongful conviction . . . plague the cases of innocent people in prison and on death row.” Cardinal McCarrick said, “the use of the death penalty cannot really be mended, it must be ended.”

The Catholic Campaign, according to the Cardinal will “educate - in our parishes and schools, universities and seminaries. We need to share Catholic teaching with courage and clarity, reaching out to those who teach our children, write our textbooks, form our priests, and preach in our pulpits. This is a work of formation and persuasion, not simply proclamation. . . . The Catholic campaign will act - with continued advocacy in the Congress and state legislatures, in our legal briefs and before the courts. . . . This is just a beginning.”

The Catholic campaign has a new website www.ccedp.org, which includes a basic brochure, clear explanation of the Church’s teaching, and resources for education and action. It includes the many statements of bishops around the country (eg., powerful statements just in the past week by Archbishop Chaput of Denver and Bishop Wuerl of Pittsburgh ). It will include lesson plans for Catholic schools and religious education, action alerts, and tools for advocacy.

Cardinal McCarrick pointed out this campaign brings the Church together. Gail Quinn, Executive Director of the Secretariat for Pro Life Activities, welcomed the Catholic Campaign to End the Use of the Death Penalty. Ms. Quinn said, “This cause unites our pro life and social justice convictions in defense of human life and dignity. We are called to respect human life in all stages, and in all circumstances. I hope that Catholics will increasingly speak to their belief that the use of the death penalty in this nation must cease. We pledge to be an integral part of carrying out this campaign”

Cardinal McCarrick, once a supporter of the death penalty, concluded his statement by saying, “I’m not a young man. But as a pastor, teacher, and citizen, I hope I will see the day when the nation I love no longer relies on violence to confront violence. I pray I will see the day when we have given up the illusion that we can teach that killing is wrong by killing.”

For additional information go to www.ccedp.org

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[Additional resources on the death penalty are available on the USCCB website, including statements from the Vatican and Holy Father, ecumenical statements, and statements from individual bishops, at http://www.usccb.org/sdwp/national/dea.htm, and from Catholics Against Capital Punishment at www.cacp.org.]
The Capital Punishment

By Dr. Azizah Yahia Muhammad Toufiq al-Hibri, Professor
University of Richmond School of Law

Capital punishment is imposed in the United States for a limited number of reasons, such as treason and murder. Recently, all executions have been related to crimes of intentional murder, the most notable example being the approaching execution of Timothy McVeigh, who caused the death of hundreds of Americans in Oklahoma City by blowing up a federal building. The basic arguments in support of capital punishment derive from two concepts: retribution and deterrence. In discussing the Islamic view of capital punishment, we shall therefore focus on the crime of intentional murder.

The Qur'an states that killing a single soul unjustly is tantamount to killing the whole of humanity, and that an unjust killing deserves qisas (a form of retributive punishment). (5:32). Abu Zahrah, the modern Egyptian jurist, argues that the purpose of qisas is the preservation of life. In developing this argument, he relies on the Qur'anic verse which addresses ulū al-albab (those who understand), saying that “there is life in qisas.” (2:179). Abu Zahrah understands this verse the same way many Muslim jurists have understood it, namely, that the murderer’s execution has the long-term effect of preserving the life of the community. Thus, in principle, capital punishment is not prohibited in Islam.

Capital punishment in Islamic law, however, has its own dhawabit (checks and balances). For one, this punishment is not imposed unless due process has been observed in a fair trial, and extenuating circumstances were fully considered. Furthermore, the power of imposing capital punishment is not a state power. The state has only the power of execution. This is an important distinction which we shall return to, but to understand it, we need to briefly describe the Islamic perspective on capital punishment which undergirds these matters.

When a person commits a murder, he violates three separate rights: (1) haqq al-'abd (the right of the victim and his family), (2) haqq al-mujtama’ (the right of society to peace, safety and tranquility), and (3) haqq al-lah (the right of God). We can only address the first two rights, the third is beyond our domain. God may mete out qisas or forgive the murderer regardless of how we may feel about the matter. We simply do not know, for the Qur’an says: “God does not forgive shirk (polytheism), but he forgives anything else to whom he pleases.” (4:48).

The victim’s family, who suffers the painful and egregious effects of the murder, has the most at stake. For this reason, Islamic law gives the family the right to seek qisas against the murderer in court. It alone has that standing. If it does not seek qisas in court, then under the majority view the state cannot do so on its own initiative. The state, however, may pursue other avenues to protect the public maslahah, such as confinement and exile (which have a lesser retributive effect, but have also a deterrent effect). This restriction on the state is very important. Because the judiciary is a branch of the state, it becomes very important to limit the state’s ability to deny life to its citizens. After all, the state may be oppressive and authoritarian, the judiciary may be biased, or the state may exercise undue influence over the judiciary. Thus, this restriction is one more element in the Islamic system of checks and balances.
Furthermore, while God gave the victim's family the right to demand qisas, he urged
them to move forward and forgive. (2:178; 42:40). Forgiveness is described in the Qur'an
as better than revenge or punishment, and its virtues are extolled repeatedly in other
contexts as well. (e.g., 42:40; 5:45; 2:237; 24:22; 2: 109). Indeed those who forgive earn a
reward from God. (42:40; 5:45). Also, God gave the family the right to ask for diyyah
(monetary damages) instead of capital punishment. This alternative can help the family
mitigate some of the economic damage resulting from the murder. It also gives a
genuinely repentant murderer the possibility of reparations. Finally, under Islamic
jurisprudence, the forgiveness of one member of the family, binds all the others.

In Saudi Arabia, where Islamic criminal law is in force, victim’s families often forgive the
murderer, understanding that such forgiveness would help their beloved one in the
afterlife, and help their souls as well. The very process of reaching the decision to forgive
is immensely healing insofar as it allows the family to work out its pain and accept God’s
qada’. In the United States, some victims’ families working through legal networks
committed to restorative justice have requested meetings with the murderer of their
loved one. They engaged him in dialogue to help them understand his actions and help
him understand their pain. Having worked out their feelings in this fashion, they were
often able to forgive the murderer in the end. In this way, the damage of the murder is
contained and the family was able to move forward and lead a more normal life.

None of these ameliorating options are available when the impersonal and powerful arm
of the state replaces the family. Furthermore, it is an established fact that the burden of
capital punishment in the United States falls disproportionately on minorities. As a former
member of the Virginia State Advisory Committee to the United States Commission on
Civil Rights, I participated in hearings that made the criminal system’s bias against
minorities very clear. This bias is not only racial, but economic as well. It is not recent;
much of it is historical. Under these circumstances, one cannot but remember the story of
Khalifah Omar who suspended the hadd of theft in a year of famine.

In other words, the Islamic capital punishment cannot be instituted without its many
dhawabit. In a country where the state exercises that right leaving no room for individual
forgiveness (other than the occasional forgiveness by a governor who may be beholden
to certain voting constituencies), and where the criminal system is riddled with racial,
economic and other biases, one would be inclined to take the position of Khalifah Omar.
After all, it is a well-established Islamic juristic principle that, where there is doubt, the jurist
must err on the side of forgoing punishment. (Idra’u al-hudud bi al-shubuhat). Of course,
some crimes are so heinous as to rally all of society in favor of capital punishment. One
would imagine in such cases, that even the family of the victim would not have forgiven
the murderer in an Islamic society. That may be true; but again, it is a principle of Islamic
jurisprudence that rules are formulated in light of the general situation and not the
exceptions. The general situation in the United States today is not conducive to the fair
and proper implementation of capital punishment for the reasons detailed above.

1. M. Abu Zahrah, Al-’Uqubah, pp. 368-69, 453-54 (Cairo, n.d.); A. Awdah, Al-Tashri’ al-
Jina’i al-Islami, p. 82 (Cairo, n.d.); A. Bahnasi, Sharh wa Taqliq ’ala Risalat al-Marhoum al-

2. See also A. al-Jaziri’s discussion of forgiveness in Kitab al-Fiqh ‘Ala al-Mathahib al-
Arba’ah, pp. 258-59 (Beirut, 1986)
[Reprinted with permission. Dr. Azizah Al-Hibri, a professor of law at T.C. Williams School of Law, University of Richmond, is the founder and Executive Director of KARAMAH: Muslim Women Lawyers for Human Rights. A Fulbright Scholar, Professor al-Hibri has written extensively on issues of Islam and democracy, Muslim women's rights, and human rights in Islam.]
General Board of Church and Society Statement on the 50th Anniversary of the Methodist Church's Opposition to the Death Penalty

At the 1956 General Conference, The Methodist Church stated, “We stand for the application of the redemptive principle to the treatment of offenders against the law, to reform of penal and correctional methods, and to criminal court procedures. We deplore the use of capital punishment.”

We celebrate this prophetic statement and the fact that The Methodist Church was one of the first denominations in the United States to formally come out against the death penalty. The United Methodist Church maintains a strong stand against capital punishment as exemplified in the Book of Discipline.

We believe the death penalty denies the power of Christ to redeem, restore and transform all human beings. The United Methodist Church is deeply concerned about crime throughout the world and the value of any life taken by a murder or homicide. We believe all human life is sacred and created by God and therefore, we must see all human life as significant and valuable. When governments implement the death penalty (capital punishment), then the life of the convicted person is devalued and all possibility of change in that person’s life ends. We believe in the resurrection of Jesus Christ and that the possibility of reconciliation with Christ comes through repentance. This gift of reconciliation is offered to all individuals without exception and gives all life new dignity and sacredness. For this reason, we oppose the death penalty (capital punishment) and urge its elimination from all criminal codes.

In Matthew 25:38-39, Jesus pointedly refutes revenge as a basis of justice and commands his followers to compassionately serve even their enemies. In John 8:1-11, Jesus exonerates and redeems the woman caught in adultery who was to be put to death. Jesus refuses to uphold the use of the death penalty and as his followers we are called to do the same.

Therefore, we urge all United Methodists in their churches to practice transformative love, to comfort the victims of crime, to humanize those convicted of crime, and to advocate for an end to the death penalty in our criminal justice system.