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# CONFRONTING THE DEMONIC QUALITY OF THE DEATH PENALTY

JAMES HANNON

As a sociologist I have spent years arguing against the death penalty on several grounds. The data indicate that alternative sentences have equal deterrent effect, judicial errors are inevitable, and the pressure on police and prosecutors to close homicide cases combines with discrimination to produce a death row populated by the poor and racial minorities.

These are valid arguments but they have never been my primary motivation for opposing the death penalty. As a human being, I believe that executions are immoral; as a Christian I recognize them as spiritually harmful. An execution is a demonic exercise. It produces a strong drive to have power over others, promises rewards it cannot deliver, and divides what should be united (the Greek root is *daiesthai*—to divide). The demonic seductively portrays false appearances as reality, and ultimately causes great spiritual damage, including inability to recognize how we have been damaged.

Those familiar with traditional Christian teaching may point to arguments for the right of a society to execute predators to protect the innocent. This principle with roots in medieval theology was addressed by Pope John Paul II in 1995 in his encyclical, *Evangelium Vitae*:<sup>1</sup> the right to incapacitate a criminal through execution does not apply to societies that have the “means of effectively suppressing crime by rendering criminals harmless without definitely denying them the chance to reform.” This applies to all societies with a level of organization capable of secure prisons. The Pope reiterated this teaching in his 1999 pastoral visit to the United States.

Traditional arguments about public safety and societal rights of self-defense are no longer relevant in industrialized countries like the United States. In fact, utilitarian arguments for the death penalty are not emphasized in the contemporary debate. Today, death penalty advocates, including those with a self-described Christian perspective, argue for executions as a matter of justice. Executions are the condemned person’s payment of a debt that must be exacted regardless of benefit to society.

This debt payment approach is offered as the essence of justice. Often, the demand is justice for the victim, or the victim's family. But this is a specious argument for several reasons. Criminal cases are not a grievance between two families. Criminal law is designed to elevate adjudication of guilt and the imposition of sentence above the distorting passions of a victim's family. That is why the cases are criminal not civil.

Excessive reliance on justice theory also supports and promotes a dubious eschatology. During the trial of O.J. Simpson, one of Nicole Simpson's friends expressed the fervent wish that Mr. Simpson would be convicted so that Nicole could rest in peace. Such sentiments are often expressed during a murder trial, but on what basis have we decided that the repose of the souls of murder victims depends upon efficacious criminal prosecutions, or that heaven must wait upon the execution of a convict?

Attempting to give justice to the family through retribution leads to unequal justice for defendants. Under retributive logic, if the victim's family opposes the death penalty the convicted defendant would avoid execution, if not he would receive it. Mitigating circumstances are deemed irrelevant.

Logical flaws in retributive justice are easy to detect, but have little impact on the current rage to punish, because the impetus for executions is not rational—it is emotional and unconscious. Furthermore, the issue evokes passion as a social issue because it is symbolic of an approach to social life. The most zealous advocates of the death penalty imply that individuals are completely responsible for their own behavior. The typical statement is “we're tired of hearing about victims of society, there are no victims in prison—the only victims are the victims of crime.”

And yet one reason we are so outraged by child abuse is that we know it can have damaging consequences. We try to be good parents because we know that parenting will impact the behavior of our children, their self-esteem, and their morality. So, it should not surprise us when abused or neglected children, raised in violent communities, treated by society as unimportant and by their families as disposable, become involved in crime, often as a result of alcohol and drug addiction. We commit intellectual cowardice when we see such a child strike back at age 14 and then call him an adult criminal completely responsible for his behavior.

Opponents of the death penalty have their own point to make. We have a very high homicide rate in this country not because we have a higher percentage of evil people than other nations, but because violent crime is a social problem with roots in enormous social inequality and cultural history. The causes of a consistently high homicide rate must be found in these social facts rather than just in individual failures.

The death penalty is an exercise of societal self-absolution. We can't execute someone without implying this statement: You alone are responsible for a horrible crime and you are so profoundly different from us that we can treat you as a non-human for whom empathy is inappropriate, even impossible. We argue that the offender is inexplicably evil or a cancer who threatens to infect society. The effect is to convince ourselves that we are as healthy as the offender is sick or as innocent as he is guilty.

Capital punishment is detrimental to our health as a society. Addressing problems of violence and homicide in America via the death penalty is like going to quacks for serious health problems. Their comforting procedures may make us feel better in the short term, but if that pain in the gut is from cancer and not stress, such techniques may cost us our lives. Capital punishment is no solution to crime. It is merely a "feel good" fix that doesn't address the problem, but deludes us into thinking we have.

The death penalty is also a danger to our spiritual health. This point is made quite clearly in the account of the woman caught in adultery (John 8). In John's account of Jesus' rescue of this defendant, the scribes and Pharisees, trying to trap Jesus, cited Mosaic law, "The man who commits adultery with another man's wife, both the adulterer and the adulteress shall surely be put to death."<sup>2</sup> (Lev. 20:10)

Those who rely on biblical endorsements of the death penalty should note the whole passage (20:9-15). It calls for execution for the man who curses his father or mother; lies with his father's wife or his daughter-in-law; or lies with a male as he lies with a woman, or lies with a beast.

Now to the account of Jesus and the adulterous woman (John 8):

In the morning he came again to the temple, and all the people were coming to him; and he sat down and taught them. Then the scribes and the Pharisees brought a woman who was

caught in adultery and they made her to stand in the midst. They said to him, “Teacher, this woman was caught openly in the act of adultery. Now in the law of Moses it is commanded that women such as these should be stoned, but what do you say?” They said this to tempt him, that they might have cause to accuse him. While Jesus was bent down, he was writing on the ground. When they were through questioning him, he straightened himself up and said to them, “He who is among you without sin, let him first throw a stone at her.” And again he bent down and wrote on the ground. And when they heard of it, they left one by one, beginning with the elders; and the woman was left alone in the midst. When Jesus straightened himself up, he said to the woman, “Where are they? Did no man condemn you?” She said, “No man, Lord.” Then Jesus said, “Neither do I condemn you; go now and leave your life of sin.”

“Go now and leave your life of sin.” This is what offenders must learn to do—to take responsibility for their own recovery from a life not attuned to divine will. In doing so they too use the gift of grace Jesus offered the woman whose life he has saved. But what Jesus tells us here is that this is what we all must do. He has been writing in the dust. Do the accusers know he has been reporting their sins—can they read his writing? Or has their own suppressed guilt led them to fear that this great teacher and reputed psychic must be doing so? Is it their consciences that are awakened or just their fear of exposure? Do they slink away in anger or have their hearts been touched by the teacher? We know only that Jesus does not expose them. As they were walking away they might have heard his words: “Go now and leave your life of sin.”

Perhaps Jesus chose not to expose them because he was unwilling to have them judged only by their misdeeds. To execute a prisoner, we must be willing to judge him exclusively by the single worst thing he has ever done. Whatever good he (or she, as in the case of Karla Faye Tucker) has done cannot count. Who among us could stand that judgment? Shelby Steele uses the term *seeing for innocence* to describe the universal tendency to see our group as innocent and other races as at fault for racial conflict.<sup>3</sup> The same dynamic tends to operate in other human relations. Yet, it is profoundly un-Christian to see ourselves as so innocent and others as so evil. Jesus focused on this tendency to projection when he said, “Hypocrites, first take out the beam from your own eye, and then you will see clearly to take out the splinter from your brother’s eye.” (Lk. 6:42)

Can this message still apply when the brother is truly guilty of a great misdeed, such as homicide, when he truly has a beam in his eye? I think it must. What else did Jesus mean when he taught us to pray “forgive us our debts as we also have forgiven our debtors” (Mt. 6:9-14)? To insist that we forgive a repentant brother not just seven but seventy times seven times (Mt. 18:22)? To move disciples beyond Mosaic justice—“eye for eye and tooth for tooth” (Mt. 5:38-39)? What else could he mean when he tells the Pharisees who challenge his association with outcasts, “I desire mercy, not sacrifice” (Mt. 9:13)? How does the parable of the unmerciful servant (Mt. 18:23-35) challenge contemporary insistence on retribution as the purpose of a criminal sentence?

I have worked as a teacher and therapist in several prisons, and I have met many men guilty of homicide. Some are dangerous and still pose a threat to society. I am convinced some others are not dangerous. But my strongest impression is that none is without value; none has failed to do something good in his life. It is my impression, and more importantly an article of my faith, that none is incapable of growth and redemption, and it is not our business to deny them that opportunity.

For Christians and others who acknowledge the power of the demonic, or simply the dark side of the human psyche, it is not difficult to recognize the demonic in the rage to punish. The demonic impulse delights in power over others. This is manifested in sadistic pleasure people demonstrate at executions. The carnival atmosphere outside the prison in Starke, Florida, when Ted Bundy was executed is an example. A disc jockey delighted his audience in the days prior to that execution by playing a tape of bacon sizzling in a frying pan, and intoning, “This is for you, Ted.” This makes socially acceptable a perverse delight in the annihilation of another person.

The demonic promises satisfaction it ultimately cannot deliver. The United States has executed over five hundred people in the twenty-two years since Gary Gilmore, a self-destructive, senseless killer and victim of vicious childhood abuse, ushered in the modern era of executions. Although Gilmore’s death by firing squad provided graphic satisfaction for death penalty advocates, it is not uncommon today to hear people complain after an execution that it was “too easy” for the condemned. When Karla Faye Tucker was executed in Texas, the ex-husband of a victim expressed pleasure that Tucker was executed but dissatisfaction with the extent of her suffering, taking comfort, however, in the belief that in the afterlife his ex-wife

would inflict punishment on Ms. Tucker that would make execution pale by comparison.

Lethal injection lacks the visceral hook of an electrocution with the attendant smell of burning flesh, and it pales in comparison to a public hanging, burning, or the more elaborate medieval tortures that culminated in the condemned being drawn and quartered. In Victorian England, street partying prior to a hanging was fueled by anticipation and adrenaline rushes as the condemned walked to the scaffold. But in the climactic moment, even as those close by might hear the cracking of a neck, it was all over. Great anticipation and a frisson of ghoulish pleasure must have been followed by letdown, perhaps a hangover, a vague sense of shame, and a desire to be quit of one's companions.

Albert Camus described a far greater revulsion and sickening of the spirit on the part of his father after he viewed a public execution in Algiers and "discovered the reality hidden under the noble phrases with which it was masked."<sup>4</sup> Mikal Gilmore, Gary's brother, reports a similar response on the part of their mother when she was forced as a child to witness a hanging in Mormon Utah.<sup>5</sup> Revulsion and dismay may be the more typical response to a single viewing of an execution. When executions become commonplace, however, viewers may become calloused, with less of a spirit to sicken, and the response may be more like the restless dissatisfaction of the Victorians.

Serial killers typically report a need for escalating violence in order to achieve gratification. Ted Bundy began his career with violent fantasies, became a stalker and peeping Tom, escalated to assaults, and eventually raped and killed his victims. His final crime was by far his most vicious and uncontrolled—he followed a murderous sexual assault on several sleeping women with a similar attack just minutes later in a neighboring building. Addiction requires increasing stimulus to achieve a similar response as tolerance is developed. Is the dissatisfaction with lethal injection a sign of society's increased tolerance for an execution fix? Has execution by lethal injection become so bland it can't satisfy? Do people already crave more graphic stimulation? Will television broadcasts give executions a new buzz? Will taped executions become best-selling videos?

Executions are defended as offering closure for the families of crime victims and for communities. After five hundred executions, are our communities less full of rage? Has communal well-being been the result? A person filled with rage can never be satisfied by inflicting

pain on what he believes to be the source of his anguish. Closure comes only with forgiveness. Is there a realization more central than this in the gospels? Jesus was a victim of a state execution (which fact curiously seems ignored by Christian advocates of the death penalty) and he had more right than anyone to call for vengeance against those who betrayed, judged, and tortured him. In anguish he showed how to respond to those who victimize us: he prayed, “Father, forgive them, for they know not what they are doing.” (Lk. 23:34)

The demonic separates that which is meant to be united. To execute is to dehumanize, to characterize one who has sinned as no longer one of us. This is why it is so difficult for a wealthy and well-born person to be executed in America. It isn’t just a matter of expensive lawyers—these defendants are connected in many ways to our collective identity. A jury of one’s peers is also unlikely to give a death sentence to one with whom they can identify. It is outsiders who fill death row—those who are literally from other states, or different in race, class, politics, or appearance from jury members, and often so neurologically damaged that they don’t seem to think like the rest of us. In addition to the dangerous scapegoating that allows us false assurance of our own goodness, this denial of kinship with the stranger-criminal does violence to the mystical body of Christ. Recognition of the Christ within each person, the “inward light” so honored by Quakers, must be a universal experience. When it is limited to those whom we see as somehow like us, we replace reverence for the mystical body with an apotheosis of the self.

A Christian witness on the death penalty is one of the most important prophetic challenges facing the Church. It may well be vital for prompting a reexamination of our hypocrisy as a society. It also challenges the individualism so deeply embedded in American culture. Human beings are shaped by society and by communities; no man is solely responsible for his outcomes in life, whether he is spectacularly successful or an abysmal failure, virtuous or sinful. And we are responsible for each other. This is the insight that Martin Luther King, Jr. implored America to understand in the last week of his life, at the National Cathedral in Washington, D.C.:

We are caught in an inescapable network of mutuality, tied in a single garment of destiny, and whatever affects one directly affects all indirectly. For some strange reason I can never be what I ought to be until you are what you ought to be. John Donne captured this long ago when he wrote, “No man is an

island, entire of himself. Every man is a piece of the continent, a part of the main....Every man's death diminishes me because I am involved with mankind."<sup>6</sup>

Christians do not provide an effective witness simply by holding an opinion. Religious bodies do not offer effective witness simply by issuing statements. Opposition to the death penalty must take the form of active engagement in the political process and religious education within denominations and congregations. Stronger connections between churches and correctional institutions, beneficial in themselves, would also create more empathy for the more than 3,000 men and women now in the shadows of death row, waiting for years for society to execute them to demonstrate how strongly we feel about homicide.

A Christian testimony against the death penalty should avoid empirical arguments about marginal deterrence and even the compelling and numerous examples of innocent men who have been convicted and sentenced to death, only to be exonerated after years of despair and terror on death row. A Christian witness has nothing unique to offer in these matters. It is in reference to John 8, to the spiritual self-deception and demonic dimensions of the death penalty that Christians have the insight and standing to call society to self-examination and repentance. Those who follow the crucified Christ who forgave his oppressors have the moral standing and capacity to extend compassion to victims and their families without indulging a desire for vengeance.

Speaking truth to the powers that drive executions sometimes brings rebukes and subtle persecution. Endurance and persistence in testimony to the spirit of truth and love will make this witness all the more valuable in the reformation of our society.

## NOTES

1. Pope John Paul II, *The Gospel of Life* (New York: Random House, 1995), pp. 49-50.
2. All scriptural citations are from *The Holy Bible: from the Ancient Eastern Text* (New York: Harper and Row, 1968).
3. Shelby Steele, *The Content of Our Character* (New York: St. Martin's, 1990).
4. Albert Camus, *Resistance, Rebellion and Death* (New York: Vintage, 1961), p. 175.
5. Mikal Gilmore, *Shot in the Heart* (New York: Doubleday, 1994).
6. Clayborne Carson and Peter Holloran (eds.), *A Knock at Midnight: Inspiration from the Great Sermons of Rev. Martin Luther King, Jr.* (New York: Warner Books, 1998), p. 208.