

Wonder

Volume: 1 Number: 2 Theme: **Capital Punishment**

Title: **“On Capital Punishment”** Author: **Fr. Ted Bobosh**

The relationship of Christians to the death penalty has a long history, and it is not as simple as finding a passage in Scripture that allows or forbids capital punishment. It is much more the overall message of Christ – especially since He came to destroy death which is the final enemy of both humanity and God – which allows Christians to proclaim the sanctity of human life. Christ died on the cross to save sinners, not to condemn or punish them. Christ destroys death, He doesn't transform it into a useful tool for overpowering the nations of the world. St. Paul portrayed the Christian struggle as the defeat of spiritual powers and principalities and specifically rejected any idea that our warfare was with flesh and blood. In other words, Christianity is not to conquer the world with police and military like an Islamic jihad, but has to engage in a spiritual warfare for the hearts and minds of all people. “For we are not contending against flesh and blood, but against the principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in the heavenly places” (Ephesians 6:12). The Gospels themselves, through the story of Christ being tempted by Satan at the end of his forty-day sojourn in the desert, portray all worldly kingdoms and government power as basically being under Satan's dominion (Luke 4:5).

I would offer the following thoughts about why the Church upholds the sanctity of human life and why it has the attitude it does toward abortion, capital punishment and war. Obviously this is not an all inclusive commentary on the topic. There are endless books written on these topics and the issues are hotly debated and nuanced by the abundance of commentators who address the issue. I will only attempt to provide some insight into and defense for the Church's pro-life stance as it looks at these issues.

First, the Scriptures that specifically sanction the death penalty are all part of the 613 laws of the Jewish Torah. The keeping of these Laws was understood by the Jews to be the specific and only way to be righteous in the eyes of God. For Christians on the other hand, righteousness is no longer attained through the keeping of the Torah, nor does Christianity see the keeping of the Torah as possible or even desirable (see Acts 15:28-29 to see which of those 613 laws the Council of the Apostles found were binding on converts to Christianity). The basic stance of the New Testament is that in fact the Law never enabled the Jews to become righteous, rather it only ended up pointing out their sinfulness. The basic Christian message is that grace, truth, salvation and righteousness come through Jesus Christ, not through the keeping of the Law. So if we think keeping any part of the Law will make us righteous in God's eyes, then we are thinking like Old Testament Jews and we must therefore keep every detail of the 613 laws, not just the laws we particularly agree with. Since such an effort would be seen as “Judaizing”, it is not thought to be compatible with Christian spirituality.

Second, Jesus as well as most of the disciples and all the early martyrs were victimized by laws allowing capital punishment. So capital punishment was not viewed as tremendously positive in the early Church but was often viewed as allowing the unjust punishment of righteous people.

Third, for the first 325 years of Christianity, Christians were a persecuted minority, who had no share in government power. As such Christians tended to view anything imperial as belonging to a kingdom which was not Christ's. Christ's Kingdom was not of this world, it had no laws of capital punishment, nor any army which was sanctioned to kill anyone including its enemies. Early Christians saw military service as incompatible with Christian values – with the life and teaching of the Crucified Christ.

Once emperors began to accept Christianity, a serious tension was created between the apostolic values of Christianity which forbade killing (since they couldn't be in the army, nor public executioners, nor gladiators, nor murders, the Christians basically embraced a policy of not killing other humans). What happened for numerous emperors and public officials (Constantine himself being the prime example) was knowing they might have to kill as a result of their office, they postponed their baptisms until they retired from office or until they were on their deathbeds so that through baptism they could be forgiven for any killing they had done in their life time and would never have to kill once they became a Christian.

Romans 13: 1-14 provides insight into the struggle between Christianity and government. St. Paul writes :

"Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. ... For rulers are not a terror to good conduct, but to bad. Do you wish to have no fear of the authority? Then do what is good, and you will receive its approval; for it is God's servant for your good. But if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer" (13:1-4).*

Here we see St. Paul clearly defending government authority to punish wrongdoers. His statement is certainly exceptional because Jews in general did not defend Roman authority in their lives. But as many have noted Paul has oversimplified his case – he does not take into account government persecution of Christians (some think he wrote the letter before any persecution of Christians occurred), the possibility of an evil government punishing good citizens, nor a Christian government dealing with people. He only assumes that government is necessary for civilization to exist and that Christians have to deal with the reality of government authority

To see a Christian view of government as identified and equated with Satan and all that is evil one need only look for example at the Book of Revelation written when the persecutions were in full swing. The martyrs basically renounced their citizenship in this world and declared themselves denizens only of the Kingdom of Heaven.

It is only with government officials and emperors who grew up as Christians, and when Christianity became the majority religion so that the military was made up of mostly Christians, that the Church faces the reality of its members killing other humans as members of a Christian empire and thus as Christians. At the beginning of the 4th Century, it was forbidden for Christians to be in the military. By the end of the 4th Century the Roman government required

everyone in the army to be Christian! Quite a change in the reality of Christianity in the Roman Empire.

But Christians struggled with this new role in society, and not all were comfortable with it. The monastic movement to a large extent was a protest movement against the imperial/state Church. Monasticism grew not in response to secularism, but rather as a protest against imperial Christianity. Many felt the values of the Kingdom of God were incompatible with the values of the Roman Empire. Nevertheless the embrace of the Church by the Empire was complete, and Christians now found themselves in positions where they had to participate in killing other humans. The monks fled to the deserts to practice the values and rules of the Gospel without imperial interference.

Chrysostom remarked, “Our warfare is to make the dead to live, not to make the living dead.” St. Basil the Great lamented the situation by declaring that Christians must serve in the army if called by the state to do so, but that upon completion of their service were to serve a three year penitential excommunication discipline for having participated in such activity – whether or not they actually killed anybody.

The Byzantines believed that somehow as Christians they were to create an empire “on earth as it is in heaven.” Thus their earthly empire was to conform to their notions of heaven – including love, forgiveness and mercy. That ideal proved to be very hard to realize especially since they found themselves so often surrounded by invading Persian, Arab, the Rus, Bulgar, Turk, and Latin armies, just to name a few of the most noted that threatened Constantinople. The Byzantines found it very hard to uphold purely Christian practices in dealing with their enemies.

St. Vladimir of the Rus when he accepted Christianity as his personal faith and religion, endeavored to abolish the death penalty in his kingdom as he felt it was incompatible with the Faith. He did not want to be responsible before God for deaths that were committed in his name or by his decree. Two of his sons, Boris and Gleb, are famous saints in Russian Church history for choosing to die rather than defend themselves against their brother who wanted to take over the reigns of power upon Vladimir’s death. Both Boris and Gleb said that since they were now Christians they would not take up the sword against their power-hungry and murderous brother. They accepted death as the price they had to pay for maintaining their Christian faith.

Even once the empires embraced Christianity there was a real struggle with the Christian message and Christian ideal about life and how it relates to such things as capital punishment. The Canons of the Church command bishops as part of their normal duties to go to the courts and plea for mercy for prisoners and for the condemned. Church buildings throughout the empire became sanctuaries, where persecuted and condemned people could take refuge to seek protection by the Church against the state.

In this same tradition, all Orthodox Churches today do officially condemn the death penalty as an excessive power abuse by human governments. This does not take away from the reality that we live in a fallen world, in which not only do people do evil, but evil is a force to be reckoned with by the Church and by governments as well. Governments have a responsibility to protect their citizens from murderous people within the society. Armies and wars are part of this fallen world,

and though an undesirable inevitability, and even an evil necessity, a necessity none-the-less. Jesus said there is no greater love than for a man to lay down his life for his friends. Generally Christians have seen this as accepting that at times war is justified, but the statement really only blesses dying to protect our friends, not killing to protect them.

Since the basic message of Christianity is forgiveness, mercy, love, peace, and the defeat of death itself, Christians have had a fairly consistent belief in the sanctity of human life and have struggled with the use of capital punishment and armies to deal with the evil present in the world from the beginning of the Church. Christ did not teach his disciples to kill anyone, nor did he advocate warfare or killing as a means to spread His faith. The early Christians, unlike the Muslims, conquered the Roman Empire without having any army or police on their side and without killing anyone.

A Personal Comment and Confession

A number of years ago when at an All American Council the OCA took up the issue of taking a position on the death penalty, it was perhaps the only Orthodox body in the world which had not spoken against capital punishment. A vote was taken of the delegates and the vote solidly favored opposing the death penalty in order to uphold the Orthodox totally pro-life position. I was in the minority which voted against that resolution. My opposition stemmed from the fact that I could imagine people (organized crime, ideologues – like today’s al-Qaeda, for example) who would only see our mercy as weakness and who would move to destroy us when they could and who would show no mercy to us and would be quite willing to kill us since we hadn’t killed them. However, since that time I have come to accept the consistent pro-life thinking, and do believe the execution of prisoners is incompatible with the Gospel. This has probably occurred in me as I watch al-Qaeda in action and knowing they would kill me in a second both because I am a Christian and because I am an American. I do not want to become like them, nor to embrace their values or methods. I want to be more Christ-like. I am a disciple of the Crucified Christ, not the crucifying one. God is the giver of life, evil the destroyer of life. Human life is sacred and sanctified, even though it can become distorted by evil. One Byzantine Emperor boasted that his Christ loving army could destroy evil. I do not believe evil or the evil one can be ultimately defeated by war or by the death penalty. I guess I have come to accept that the battle with evil will continue on earth until Christ comes in His Kingdom and the final enemy death is defeated. Meanwhile I will sing, “Christ is risen from the dead trampling down death by death.”

I wrote this long meditation not to be the final word on the subject. I am sure some of you will be able to bring to bear on the topic other passages from Scriptures or examples from Church history which should be remembered or considered. My only intention was to try to explain why I think the Orthodox Church throughout the world today has accepted as part of its pro-life position an opposition to the death penalty. Considering the Orthodox Christian experience in Muslim dominated societies and under the militantly atheistic communists, it is not hard to imagine why Orthodoxy worldwide has tended to view capital punishment as a tool of oppression, and the friend of the devil himself.

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Discussion Questions:

What is the overall message of Jesus Christ?

What did Saint John Chrysostom mean when he said “Our warfare is to make the dead to live, not to make the living dead”?

What relationship do we modern Christians have to the laws of the Old Testament?

Why would recent experiences of Christians under Communist or Islamic persecution inform our beliefs about capital punishment?