

## Wonder

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

Title: **“Thoughts on Capital Punishment”** Author: **Fr. James Guirgius**

I was asked to write about the hot button issue of capital punishment because I am a priest in the Orthodox Church and because I have had the privilege of working as a corrections officer on death row. As I write this by the grace of God, I am quite sure that my opinion will be attacked and maligned by many folks who will say that it is neither Orthodox nor Christian. With that being said I will say that I do not speak for anyone else including the Church as a whole in giving this opinion.

We as Orthodox Christians are passionate people. We believe we have the truth and we want everyone to know it. We are also humans. As humans we are still disposed to many of the prejudices and predispositions that we held even before our encounter with Christ and His Church. As is often the case in such matters we will frequently find a way to argue from an emotional standpoint without much recourse to the actual information at hand, and we will do so while boldly claiming that this is the “mind of the Church”. As an example I will turn to a short message by Archbishop Seraphim of Ottawa and Canada. I first came across this letter a few days ago through a fellow clergyman who was trying to help me formulate this piece. I will quote it in full...

*“I am saddened whenever I hear Orthodox Christians defend capital punishment, even though I know that there are, were, and always will be various and opposing opinions in our Church, and that these opinions may be justifiable within their own systems of logic.*

*I cannot square capital punishment with any of my Christian experience. The Old Testament may be quoted, but I do not see it in the New. I cannot square it with the introduction to the Ten Commandments. I cannot square it with the Gospel. I cannot square it with the words of the “Our Father.” I cannot square it with “The Beatitudes.” I cannot square it with my knowledge of our canonical tradition. I cannot square it with my knowledge of the teaching of the Fathers. I can not square it with my reading of any one of our saints. And most certainly I cannot square it with the teaching of Saint Silouan, that the real test of a Christian is being able to forgive one’s enemies.*

*Since we Christians stand for repentance, and are called to live this daily, it is perhaps our responsibility to help the persons incarcerated for serious crimes to move in that direction also.*

*Perhaps we Orthodox Christians should at last take seriously our call to visit those in prison, to become qualified for a prison ministry, even, and to bring some hope, consolation, and witness of something better to these persons who otherwise could well die without knowing anything else except misery.*

*We always say ‘Talk is cheap.’ Perhaps it’s time we proved we are Christians by doing something instead of philosophizing.”*

*Archbishop Seraphim  
A Letter Published in "The Orthodox Church" , January 1999*

First I will say that I am not mentioning this instance to attack one of our blessed hierarchs, God forbid. I mention this only because it is what I consider to be a common approach to the matter at hand.

In beginning to tackle this question I would first ask "is it right to dismiss the Old Testament in light of the New Testament, to merely mention the Old in passing as we dive into the New?" If we answer yes then we are dangerously close to saying that God is not the same in both. Indeed Marcion also maintained such a stance and was considered heretical. So we claim dogmatically that the Old and New Testaments are the work of one and the same God. Going even further we as Orthodox claim that the Holy Apostles had only the Old Testament as their scriptural frame of reference. We affirm this to be so in the creed since it states "(Christ) suffered and was buried, and the third day he rose again according to the Scriptures." So the Old Testament was not considered some antiquated throwback but a living and breathing set of documents that hid within it even the greatest mystery of all. When we as Christians merely make mention of the Old Testament and casually bypass it are we treating the Scriptures in the same way as the Apostles? And since we affirm that God is the same God in both testaments should we not explore and see how God treated the subject of capital punishment rather than dismissing it as some brutal and prehistoric form of barbarianism?

Beginning with the book of Genesis chapter 9 verse 5 and 6...

*"Surely for your lifeblood I will demand a reckoning; from the hand of every beast I will require it, and from the hand of man. From the hand of every man's brother I will require the life of man. 6 "Whoever sheds man's blood, By man his blood shall be shed; For in the image of God He made man."*

It is significant that this is all mentioned directly after the flood ceased and directly before the covenant that God made with Noah and his sons. It's placement indicates that it is not merely something that was said in passing, rather a statement of significance by God. This retribution is seen as a direct result of the fact that it is the image of God that has been trampled willfully by another human being. We might even begin to reason that the man who commits such an act has forfeited the right to keep his life which is after all a gift from the Most High. Of course using merely one verse does not make for a good defense so we will examine a few others.

The next significant passage regarding capital punishment is in Exodus 21. In context the passage begins in Chapter 20 when Moses descends from Mount Sinai and gives the 10 commandments to the people. Then in 20:21-22 "So the people stood afar off but Moses drew near the thick darkness where God was. Then the Lord said to Moses, "Thus you shall say to the children of Israel: 'You have seen that I have talked with you from heaven.'" This conversation extends into Chapter 21 with a series of judgments that are to be set before the children of Israel. Verses 12 through 26 regard the act of violence and the penalty of death. Here is an excerpt...

*“ 12 He who strikes a man so that he dies shall surely be put to death. 13 However, if he did not lie in wait, but God delivered him into his hand, then I will appoint for you a place where he may flee. 14 But if a man acts with premeditation against his neighbor, to kill him by treachery, you shall take him from My altar, that he may die. 15 And he who strikes his father or his mother shall surely be put to death. 16 He who kidnaps a man and sells him, or if he is found in his hand, shall surely be put to death. 17 And he who curses his father or his mother shall surely be put to death.”*

How do we reconcile this law given directly from the mouth of God to His servant Moses on behalf of His people the Israelites? How do we ignore such a passage when it is a clear sign of the Lord's thoughts on justice and social obligation? How do we understand these words that were given to the people out of whom the blessed Virgin Mary herself would appear? If it was good enough for God to give to the ancestors of Our Lord Jesus Christ himself why do we consider it to be both brutal and unchristian?

Some have claimed that such laws were enacted as a means of social or civil order. Let us remember that God wanted to be the king and ruler of the peoples lives and this was His law for them. In this form of theocracy where God dictated the rules, this is what He himself gave to the people for their well-being and security. In it we see a recognition of the fallenness of humanity as well as the need for justice that is dealt out by the community as a whole. Had it been otherwise God would've simply said "Don't worry if your wife, or child or slave is killed, because I the Lord will avenge." The clear fact is that God did not consider such an act of retribution against a killer as murder. Instead it seems to be a punishment for a crime that can be resolved in no other way. When, for instance, a thief steals a chicken from another man, the thief can simply replace the chicken and make things right. How we might ask can the murderer make things right? There is nothing he can say or do that will result in a reversal of the action. The gravity of such an action requires the most terrible of consequences. It is no doubt fear of such a consequence that should come into the mind of one who contemplates such an act.

Moving into the New Testament, the case for capital punishment become slightly more difficult to sustain. The reason is not that there is evidence to contradict the Old Testament. The reason is that there is almost nothing said regarding the subject at all. However let us examine just a few of the often quoted verses that are used to object to capital punishment.

In the gospel according to Matthew during the Sermon on the Mount our Lord states,

*“You have heard that it was said ‘An eye for an eye and a tooth for a tooth.’ “But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also....But I say to you love your enemies.” Mat 5:38ff*

From this many have assumed that Our Lord did not advocate the use of capital punishment but we must remember that earlier in the chapter He told us from His own blessed and life giving lips that “ I did not come to destroy the Law or the Prophets but to fulfill.” Mat 5:18 How can we harmonize this with what might seem to be a contradiction between Christ and the Law? I can only suppose that this regards the violence that does not lead to death. The other point is that this is the spiritually higher road to take as an individual, while saying nothing about being

punished by the larger society. It calls us as individuals to accept being mistreated. It does not however abrogate the earlier commands of God to deal out justice and retribution as a function of a larger community that is bound and expected to adhere to law, to be lawful citizens. It is to this civil law that we will turn as we look at 1 Peter 2:13 which reads...

*“Submit yourselves to every ordinance of man for the Lord’s sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well”*

In addition let us look at a similar verse from the epistle to the Romans 13:4...

*“For he is God’s minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God’s minister, an avenger to execute wrath on him who practices evil.”*

Both Apostles Peter and Paul clearly call us to obey the government’s ability to tax, to enforce laws and to punish evil up to and including the punishment of death as is implied by the phrase “bear the sword”. Finally in regards to the New Testament I would turn your attention to Acts 25:11

*“For if I be an offender, or have committed any thing worthy of death, I refuse not to die: but if there be none of these things whereof these accuse me, no man may deliver me unto them. I appeal unto Caesar.”*

The Apostle tells us that if he was an offender who had actually committed anything that was worthy of the punishment of death he would not refuse to die (be executed). In this statement we see that St. Paul agrees that there are actually crimes deserving of the death since he uses the phrase “worthy of death” in speaking about offenses. We do not see these Apostles arguing against the system but humbly accepting it as the work of God and if this were not enough we see that even Our Lord himself does not speak against it, even when He himself is hung next to a repentant thief.

Still there are many Orthodox who ask “what about forgiveness?” or “what about loving one’s enemies?” To this I would also ask, “what about it?” Forgiveness is a personal and spiritual decision but it does not in any way change the fact that the criminal has committed a crime. Our forgiveness also does not change the standing of the person in the eyes of God or the state. I know of many stories of relatives who forgive and have compassion on the individual responsible for taking the life of their loved ones. I however do not see this changing the fact that there is and indeed must be a punishment worthy of the crime. We might even argue that if we do not punish this person appropriately then we have not honored the memory of the slain or his Creator.

Our forgiveness is a sign of the faith we have in God but it does not mean that our laws should reflect a “carte blanche” mentality. To follow such a train of thought would lead to nothing short of anarchy. Even the canons of the Church do not follow such logic but teach us that while the Church is a forgiving entity it is also one that requires punishments for certain acts. Such methods include excommunication and anathema. It is true that these punishments are meant to

bring the person to repentance, they are also meant to deter others from becoming bold in their arrogance against the body of Christ. The Church has its own laws for the purposes of instruction, punishment, healing, penance and order of the spiritual type. Above all that law is love since it assumes that all its members are redeemed and are the children of God. Society also has a law set out for the well-being of all.

Looking again at the above passage from His Eminence, Archbishop Seraphim I would note that our ability to bring criminals to repentance has almost nothing to do with the punishment that is given assuming the punishment is just and fair. In fact proper punishment is exactly the vehicle to propel each of us into repentance even if that punishment is death. As the great desert fathers have all taught, it is the remembrance of death that can help us through our struggles. How great must that help be for the repentant murderer who knows that his days are numbered?

Regarding the Church fathers I was pointed in the right direction when I read portions of a transcript by Steve “the builder” Robinson of Ancient Faith Radio who noted that St. Theodore the Studite was opposed to the execution of those deemed heretics by the Church but fully supported the right of the state to use capital punishment. Even during our own modern times one of the great Christian thinkers C.S. Lewis wrote “Mercy, detached from Justice, grows unmerciful.” He went further in saying that “To be punished, however severely, because we have deserved it, because we ‘ought to have known better,’ is to be treated as a human person made in God’s image.” For a fuller treatment I would refer you to his essay *The Humanitarian Theory of Punishment*.

With all this in mind I do not hesitate to say that I believe in capital punishment based in part on the authority of the Scriptures and the New Testament. Yet while this is the case, I ultimately reject capital punishment in the modern United States of America because our justice system offers little in the way of justice. The system is not color blind or free of corruption or grievous errors. I witnessed such examples of corruption during my time as a corrections officer, including the wrongful incarceration of a man for six years on death row while the District Attorney suppressed evidence that this same man had been in the county jail the very night of the murder! It should go without saying that such injustices and “mistakes” are unacceptable to us as Christians.

Ultimately we are left with the opportunity to pray for and ask the mercies of Christ Our Lord upon the members of our legal system, our inmate population and the many families that have been forever changed by such crimes.

*Father James Guirguis is the rector of Saint George Antiochian Orthodox Church in Utica, New York. He is a graduate of St Vladimir’s Seminary and a former Death Row Prison Guard.*

### **Discussion Questions:**

Is it the duty of a Christian to obey the laws and policies of his or her government? Can you think of historical examples to back up your argument? What about scriptural examples?

How do we reconcile the God of the Old Testament with the God of the New? Do they seem different?

How do we harmonize the apparent contradiction between Christ and the Law? What does the author suggest?

Is there anything you can do to reach out to those in prison, as commanded by Christ in the Gospels?