

“Battling the Erroneous Use of Scripture to Support U.S. Executions”

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The National Benevolent Association (The Christian Church – Disciples of Christ)
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Good afternoon. I am grateful for this opportunity to address the Prison and Jail Ministry of the Disciples of Christ Church for the USA and Canada.

Reverend Richard McSorley, a Jesuit priest who suffered as a young seminarian in a Japanese concentration camp in the Philippines, taught me that leaders cannot get people to kill other people unless the people first believe that God wants the killing. Whether our leaders know this truth explicitly or simply act upon it intuitively is not something we can surmise. But make no mistake – the death penalty’s continued existence in the U.S. is inextricably tied to mistaken notions that God demands it.¹

The supposed evidence that makes this slam-dunk argument is God’s Word in Scripture—always quoted in English.

And the erroneous conclusion driven by this erroneous use of Scripture is this: ***to go against the death penalty is to go against God.***

The proponents of this flawed application of Divine Revelation never mention that this was the same analytical approach, same argument and same conclusion used by proponents of the slavery of people-of-color by white people. They argued that God’s Word in Scripture revealed that slavery was God’s divine structure for society and ***to go against slavery was to go against God. That’s why abolitionists were called *infidels*.***

As you speak with your pro-death legislators, pro-death senators, and other pro-death elected officials about shedding the death penalty, it is only a matter of time before they will start throwing Scripture quotes at you.

Even my fellow-Italian-American and brother in faith [deceased] U.S. Supreme Court Justice Antonin Scalia called on Romans 13:4 to prove that God demands the death penalty. He was wrong.

The question is not whether there is a death penalty in the Bible. There is. And by the way, you should all know that the death penalty in the Bible has absolutely nothing in common with the U.S. death penalty except that somebody gets killed.

In my first book, *The Biblical Truth about America's Death Penalty*, I document this in exhaustive detail. In fact, through five years of extensive research, I identified 44 absolute, non-waive-able, non-negotiable, non-compromise-able elements of procedural and substantive law required by the biblical death penalty. These 44 legal requirements were driven by the Hebrew Scriptures, primarily the divine order in Exodus 23:7 that we should not have any part in the execution of an innocent person.

How does the U.S. death penalty stack up against this list of legal requirements under the biblical death penalty? We have a perfect score: Zero. **We are Zero for Forty-Four.**

And how are we doing on God's overriding concern against the execution of the innocent? Our two most pro-death penalty U.S. Supreme Court Justices, Clarence Thomas and [recently deceased] Antonin Scalia, have both acknowledged in written opinions that the only way to guarantee that an innocent person will not be executed is to get rid of the death penalty. They claimed, however, that that is outside the scope of their mandate. That is because, **in the U.S. today, there is no overriding constitutional right to not be executed just because you are factually innocent.**

Listen to me, people. Hear this again. ***Under our death penalty law in the U.S. today, there is no overriding constitutional right to not be executed just because you are factually innocent.***

How can that fly for people of faith in the face of God's command in Exodus 23:7?

And let there be no doubt – the death warrant read at the execution of that innocent person will not blame the governor, or the speaker of the house, or any other politician who conned the voters into voting their way by hypnotizing them with a fantasy, *Disneyland* death penalty that does not exist.

Make sure you noticed that I said *Disneyland* and not *Disneyworld*. I have enough on my plate with the Florida Department of Corrections. I do not need the Florida Department of Tourism piling on!

The fantasy *Disneyland* death penalty that kills neatly and quietly without horrendous botched executions, that causes no harm to the innocent family of the condemned and the staff who must kill him, that is just and equitable without reference to race or wealth, that only convicts the guilty, only attaches to the worst of the worst, only costs a fraction of life imprisonment, only ... only ... – only it does not exist.

It's a packet of lies so bold and so blatant, that some have called the U.S. Death Penalty simply a naked mechanism to kill for votes. But when that naked, killing mechanism falls upon the innocent person, the death warrant read will not mention those politicians. It will say that we are responsible: you and me. *The People of the Killing State, the People of the Killing Nation.*

Exodus 23:7 Have no part in the execution of an innocent person.

As I document in that first book, the misuse of the Bible in the history, existence and practice of the U.S. death penalty is both insidious and pervasive. A case decided by the Colorado Supreme Court, *People v. Harlan*, addressed the fact that jurors can be influenced to impose death sentences based upon the reading of Bible quotes during deliberations. That is only a small part of the story.

Prosecutors in the U.S. have been using Bible quotes to obtain death sentences from juries for years. "There is no indication that the instances of this practice are decreasing. The most popular scripture quotes to be used by prosecutors are those involving vengeance as justice." (*The Biblical Truth*, at p. 5.)

In my home state of Florida, prosecutors quote from Romans 13:4 in death penalty sentencing hearings to convince the jury that God demands the killing of this offender. Our state supreme court shrugs and calls it harmless error.

The naked truth is that the modern U.S. death penalty is a Bible-belt phenomenon. (see Slide)

The Bible-belt consists of those states which are predominantly Baptist, virtually synonymous with the eleven Confederate States plus Oklahoma and the four Border States, all of which allowed legal slavery justified by so-called biblical support.

Now the Bible-belt has held 86+% of the 1,516 state executions in the US since 1976. (Bible-belt Executions 1976 through May 1, 2021: TX 570, VA 113, OK 112, FL 99, MO 90, GA 76, AL 67, NC 43, SC 43 AR 31, LA 28, MS 21, TN 13 and KY 3: Total 1,309.)

Moreover, the Bible-belt has hosted all twenty-two of the U.S. juvenile executions that have taken place since 1976. (TX 13, VA 3, OK 2, MO 1, GA 1, SC 1, LA 1)

This misuse of Scripture is what we need to address this afternoon.

We must start by being absolutely clear about our question. Our question is not whether there is a death penalty in the Bible. There is. And as I have already said, the death penalty in the Bible has nothing to do with ours in the U.S.

Our question is not whether the Bible permits a death penalty. Assume it does. So long as the death penalty is not *required* by God, but is only permitted, then the question of the U.S. death penalty is one of policy.

The death penalty as a policy issue should be driven by data – data which shows that executions cost multiples more than life imprisonment without possibility of parole (the excess money goes to lawyers, mostly on the state side); that our U.S. death penalty is hopelessly biased by race and wealth and is so inconsistent on similar crimes that receiving it is as arbitrary as being struck by lightning; that it returns nothing to society or the family of the victim but does tremendous harm to the innocent family of the condemned and to the staff who kill on our behalf.

As for assertions of deterrence ... please. There is no credible evidence of deterrence – even the pro-death camps know this. That is why a pro-death state speaker of the house invented the term “specific deterrence” which is meaningless to anyone who knows criminal law or criminology.

The facts on the death penalty are so damning against it that the pro-death camps have no choice but to insist that God demands it. Otherwise, why would anyone continue this bizarre and barbaric practice?

The death penalty as God’s command is assumed in the Bible belt. People are shocked to hear otherwise. State employees routinely tell each other and the inmates and the families of the murder victims and of the condemned that ***no one has any personal responsibility for this killing because God requires it.***

Excuse me?

I have been told that in at least one Bible belt state, the state chaplains who are assigned to assist the family of the condemned during and after the execution have been trained to tell them that they should not feel bad because this is God’s will.

Excuse me? Separation of church and state, anybody?

Why is it not a fire-able offense for anyone on the state payroll to assert that state killing of a man already securely in state custody is God’s will?

Evangelical volunteers come into death rows all across the Bible belt and tell the condemned that God wants them executed and if they are asserting their legal appeals it proves that they are not “saved”! I’ve heard it myself.

Excuse me? Religious freedom of conscience, anyone?

And the routine answer by such folks to questions about all the people released from U.S. death rows for innocence is:ⁱⁱ “That is God’s problem. Execute them all and let God sort it out.”

What other answer could we expect from a system that is so dysfunctional and defective that it holds there is no overriding constitutional right to not be executed just because you are factually innocent!

Our U.S. death penalty purports to absolve everyone of blame—even the politicians and the courts.

Not so the Bible. Not so. Exodus 23:7

Let us turn now to the favorite Scriptures misused to support U.S. executions.

The Misuse of the Mosaic Law

Some pro-death camps attempt to use the “eye for eye, life for life” quotes from the Mosaic Law to justify U.S. capital punishment. They overlook the fact that no serious person of biblical faith would argue that we should be cutting off hands, feet, or limbs, burning people, or poking out their eyes as criminal punishment.

Let’s say a criminal commits a crime that causes someone to be burned over half their body, or causes a person to be blinded, or to lose a limb. Does the justice required by Scripture mean that we have to take that criminal and burn half his body, or blind him or severe his limbs? We might want to—but that is not the question. The question is does God’s Word require such a burning or blinding or maiming in order for the punishment to be just? Virtually all Christians agree that it does not. Prison time is the just punishment.

So, then, what if the crime committed involves the taking of human life? Is the killing of the criminal the only just punishment allowed by Scripture? I do not think so. I think prison time – in extreme cases, even life in prison--is punishment that fully grants retribution for the evil done. And, we do not have to become killers ourselves in order to carry out that punishment.

Nor do the pro-death camps calling on “life for life” deal with the thirty or more offenses (besides murder) which are punishable with death under the Mosaic Law—including talking back to one’s parents and working or shopping on the Sabbath.

This attempt at biblical support for the U.S. death penalty fails at even the slightest level of scrutiny.

The Misuse of the Rule of Blood

Some pro-death camps attempt to justify the U.S. death penalty by the verse in Genesis 9:6, the so-called Rule of Blood:

“Whoever shed the blood of man, by man shall his blood be shed; for in the image of God has God made man.” New International Version

This verse is included in God's blessing of Noah and his family. (Gen. 9:1-7). The death penalty proponents assert that the Rule of Blood is God's command that the entire world must use the death penalty. There are some major problems with that attempt.

First, such attempts in our time are limited to first-degree murder. There is no basis for this limitation in the text itself which, if read as a command, seems to cover all taking of human life: accidents, negligent homicide, even self-defense.

Second, such attempts have not explained why other portions of the blessing do not also continue to be binding as law: e.g., the prohibition on consumption of rare meat with capital punishment prescribed as the consequence for breaking that rule, as well.

Finally, if the Rule of Blood is indeed God's command, God's perfect will, then, it must be God's desire that anyone who kills another human being must be executed. God would apply this uniformly because God is infinitely just. Consequently, a prominent first-degree, premeditated murderer after the blessing of Noah's family but before the handing down of the Mosaic Law would have to be executed.

What does the Bible report as God's punishment for the most significant and prominent first-degree murderer during that period, under the Rule of Blood?

That person in the Bible is none other than Moses.

And God deals with Moses the same way God dealt with Cain. Banishment from society.

In the case of Cain – for life. In the case of Moses – for seven years.

Our modern term for such banishment is prison.

The Misuse of Romans 13

Some pro-death Christians argue that Paul's Epistle to the Romans 13:3-4 confirms God's mandate for capital punishment:

“But if thou do that which is evil, be afraid; for (government) beareth not the sword in vain: for (government) is the minister of God, a revenger to execute wrath upon him that doeth evil.” Authorized King James Version.

The two critical words in such acclaimed Christian support for the death penalty are *sword* and *execute*. If government bears the *sword* as God's minister to *execute* offenders, it sounds like a scriptural mandate ("command") for capital punishment. Is it?

There are distinctly different Greek words that translate into English as sword. RHOMPHAIA means a saber, a long and broad cutlass. We would call it a broadsword. This is the instrument used for decapitation, capital punishment by sword. As a Roman citizen, Paul had the right to be executed by broadsword and not by crucifixion. My bet is that Paul knew the Greek word for the sword used for capital punishment.

This is not the word used in the Greek in Romans 13:4.

MACHAIRA, the Greek word used in Romans 13:4, means a short sword worn on the belt, a dagger. This is not the instrument used for decapitation, but was used frequently as a metaphor for the authority of the courts to inflict punishment in general.

Also, the word *execute* is not in the original Greek scriptures of Romans 13:4. The word *execute* has been inserted by the translator into the Authorized King James Version to provide a verb so the sentence makes sense in English. The Greek original does not have this verb.

The English translation uses it as a synonym for bring or inflict. Because the word "execute" is not in the original Greek but is inserted by the English translators, it appears in italics in most editions of the Authorized King James Version.

Given these two facts, Romans 13:4 makes complete sense without the death penalty.

"But if thou do that which is evil, be afraid; for government beareth not the power of judicial punishment in vain: for it is the minister of God, a revenger to carry out wrath upon him that doeth evil."

The verse contains no mandate for the death penalty, but supports the power of duly authorized judicial authority to impose punishment for crimes.

The Attempt to Blame Our Killing on Jesus Christ

Some pro-death camps like to quote the following passage from the Gospel of John 19 as biblical proof that Jesus Christ supported the death penalty. The scene is the trial of Jesus before Pilate:

So Pilate said to Him, "Do you not speak to me? Do you not know that I have power to release you and I have power to crucify you?"

Jesus answered [him], "You would have no power over Me if it had not been given to you from above."

Such pro-death camps stop right there and claim that this phrase proves Jesus supported capital punishment. They fail to quote the rest of what Jesus said, the rest of the verse. Jesus' entire response reads as follows:

Jesus answered [him], "You would have no power over Me if it had not been given to you from above. For this reason the one who handed Me over to you has the greater sin." John 19:10-11

No wonder they edit out Jesus' full quote. This full text can hardly be claimed as Jesus' support for capital punishment, let alone a mandate. Who could credibly claim that Jesus supported something by calling it sin?

In fact, the Scriptures tell us that Pilate caught Jesus' real meaning. Pilate's reaction to this exchange was fear:

Consequently, Pilate tried to release Him. John 19:12

Conclusion

As my wife, Susan, and I speak to good people of faith in churches across the Bible belt, we repeatedly experience the same reaction.

First, they look to their pastor to tell them if what we are saying about Scripture is true. He or she always says it is.

Then, they look at us, and we sense a tremendous weight being lifted from them, an emancipation of sorts, like an invisible dark shroud being removed.

They almost always say something akin to:

I never liked the death penalty.

I was always afraid we would kill an innocent person.

But I supported it because I thought I had to support it for God.

If I don't have to support it for God, I don't support it.

Brothers and sisters, I am here tonight to bring you the good news that God does not demand these killings.

We can stop executing people right now, and God will stand with us and for us.

Can I get an “Amen” on that?

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ⁱ See, Rev. Shane Claiborne, “Christians are why the death penalty lives on,” (Religion News Service - RNS) August 6, 2018.

ⁱⁱ “Since 1973 in the U.S.A., 185 former death-row prisoners have been exonerated of all charges related to the wrongful convictions that had put them on death row.” Death Penalty Information Center, Washington, DC.