Dismantling the Cross: A Case Against Capital Punishment

by L. Michael Jendrzejczyk

At the festival season the Governor used to release one prisoner at the people's request. . . "What shall I do with the man you call the King of the Jews?" They shouted back, "Crucify him!" "Why, what harm hits he done?" Pilate asked; but they shouted all the louder, "Crucify him!" So Pilate, in his desire to satisfy the mob, released Barabbas to them; and he had Jesus flogged and handed him over to be crucified [Mark 15:6-15].

The Romans did not invent capital punishment, but they were among early practitioners of the art of putting to death persons adjudged guilty of heinous crimes. One of their prisoners gained unprecedented notoriety, partly as a result of his execution at their hands, and today the Roman equivalent of the electric chair is a religious symbol for hundreds of millions of Christians.

An alien, an outsider who incurred the hate and fear of both the masses and the authorities, Jesus was executed because of who he was as much as for what he did. At the time, his execution helped to affirm the rule of the Romans over the Jews, and provided an outlet for the Jews' frustrations. Calling for the death of the deviant Jesus, the mob identified (at least outwardly) with the power that maintained a hold on them.

Society's Outcasts

What does this account have to do with the reinstatement of capital punishment in contemporary America? Surely Charles Manson, Gary Gilmore and the other former and present inmates of state prison Death Rows -- there are presently more than 300 Death Row occupants nationwide -- cannot be compared with Jesus. And the United States in 1977 is hardly an occupied land governed by a distant emperor. Yet the basic social and cultural patterns that today condemn men and women to death, in accordance with the wishes of 65 per cent of the American public, remain in some ways remarkably unchanged from ancient times.

Every society has its particular class of outcasts, deemed for one reason or another unfit to live. While the killing of an enemy usually takes place in the context of war, behind strategic battlelines, there is also the "enemy within," a "criminal element" designated a threat to society, forcing it to draw domestic battlelines: in its courts, precincts, prisons and streets. To eliminate the undesirables, society adapts the technique it employs when going to war.

Not long after the death of Jesus, his followers were being thrown to the lions in a more bizarre form of execution. When early Christians banded together to worship their God, live in common, hold common property, and refuse to take up arms, they were branded misfits and public enemies, and in many cases were put to death. Capital punishment then was administered in ways which seem particularly primitive and barbaric by modern standards that call for a high level of technology and sophistication in putting a person to death. For example, thieves were nailed to wooden crosses until they died from

dehydration or loss of blood; men and women were herded into dens of hungry lions, to be mauled or eaten alive; some were burned alive. Yet the general principle that applies to almost every method of execution is that the process be fairly simple, brutal and blood-curdling in order to impress the victims -- and more important, would-be criminals -- with the severity of the infraction and the depth of society's righteous anger.

During the Middle Ages, a segment of the peasant population in Europe and Great Britain was singled out for executions on a massive scale. From the 14th to the 17th centuries, church and state cooperated in putting to death thousands of women accused of being witches. In the face of the growing rebellion against feudalism and the rise of Protestantism, witchhunts were designed to eliminate deviants and heretics. Citizens were compelled to report any known "servant of the devil,' under threat of excommunication and temporal punishments. Torture and public trials resulted in burnings at the stake of poor and working-class women viewed as symbols of rebellion against the ruling church. In certain German cities, executions occurred at an average of 600 a year, or about two a day.

The earliest laws in the New World included witchcraft as one of the crimes punishable by death. The Massachusetts Bay Colony in 1636 ordained the death penalty for a large assortment of offenses, inherited with the death penalty itself from England. Along with witchcraft, they included idolatry, blasphemy, murder, sodomy, rape, man-stealing and rebellion. By the 1800s, capital punishment was a long-established legal instrument and public ritual in this country, utilized for a variety of purposes in various social situations. For example, North Carolina used the death penalty to assist with the maintenance of slavery; slave-stealing and inciting slaves to insurrection were capital crimes.

It happens that the last public hanging in America involved the execution of a black man. On August 15, 1936, 20,000 people stood on rooftops and climbed telephone poles to watch the hanging in Owensboro, Kentucky. From that time on, executions took place within the confines of prisons -- except for lynchings, which continued in some areas of the country without legal sanction. However, ad hoc hangings of blacks under the auspices of the Ku Klux Klan and other white vigilante groups could not have taken place without benefit of social sanction. They occurred in an atmosphere of racism and hatred that also led to the passage in several southern states of death penalty laws intended for blacks accused of raping whites.

Ritual Deaths

Seen against this background, it is no surprise that capital punishment throughout the United States in this century has been administered arbitrarily in a manner characterized by socioeconomic and racial bias. Now, as during Roman times, capital punishment is nearly always reserved for the outsider, the feared and hated in. our society. The poor and powerless are condemned because of who they are as much as for what they may do contrary to the law.

Only a small proportion of those guilty of capital crimes are actually put to death. It has been estimated that since 1930, over 50,000 capital crimes have been committed. But

during that period, only 3,859 persons were executed. Of these, 2,066, or 54 per cent, were black, although blacks represent only about one-eleventh of the population. Nearly 90 per cent of those executed for rape were black.

The rich, influential and well-counseled rarely meet a trial judge and almost never see the gas chamber or electric chair. In the words of former Governor Michael V. Disalle of Ohio: “I found the men in Death Row had one thing in common: they were penniless. There were other common denominators -- low mental capacity, little or no education, few friends, broken homes . . .”

Today the vast majority of Death Row prisoners fit the description; they are outsiders, almost half of them from minorities. They sit in lonely cells just steps away from the ritual-death mechanism. Some have admitted their guilt; others will maintain their innocence to the last. But they are all products and victims of a violent, unequal, vengeful society. Revulsion at acts of rape and homicide is channeled against this small group of despised, dispossessed individuals, branded subhuman and antisocial, therefore unworthy to live. As members of the predominantly white, middle-class, law-abiding majority, we condone their ritual deaths in order to affirm our own “humanity” and identification with the existing social order. Yet in different circumstances, *we* might be the victims, once we accept the proposition that the state can decide who has no right to live.

Modern-Day Crucifixion

As we anticipate widespread use of the executioner in the wake of new court rulings and death-penalty laws, it is sobering to recall the bizarre circumstances of one of the last executions to take place in this country prior to 1977. Aaron Mitchell, the next-to-last man executed in 1967, succeeded in mythologizing the liturgy of death by removing all of his clothes a few hours before his execution, slashing his wrists with a razor blade, and standing in the form of a crucifix, arms outstretched. As blood dripped to the floor, he cried, “This is the blood of Jesus Christ.” Dragged struggling and screaming into the gas chamber, he was still shouting “I am Christ” when the cyanide hit him.

Even more to the point is the death of Jesus himself. Contemporary society, like the society in Roman times, will never arrive at a perfect and equitable system of justice or succeed in totally eliminating human error and prejudice. If we reinstate the death penalty, innocent and guilty alike will receive the nails of modern-day crucifixion. The outsiders, the feared and hated, with their damaged, discarded lives, will suffer execution for who they are as well as for what they are accused of having done.

By identifying with the Jesus of the Electric Chair -- a victim of capital punishment along with “common criminals” of his age and our own -- we might take the side of the outsider, the condemned. We might discover a deeper commitment to life, compassion and social change than to death, vengeance and the status quo. And a movement of contemporary Christians and others may arise to dismantle the cross and abolish capital punishment for all time.

There were two others with him, criminals who were being led away to execution; and when they reached the place called The Skull, they crucified him there, and the criminals with him, one on his right, and the other on his left. . . . And [one of them] said: “Jesus, remember me when you come to your throne.” He answered, “I tell you this: today you shall be with me in Paradise” [Luke 23:32-43].

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