

To Burn a Man

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Several weeks ago, as I was preparing breakfast, the television set was tuned to the "Today Show" on NBC. Several days earlier, the producers of that daily venture into soft-core tabloid journalism had decided to titillate its viewers by presenting a confrontation between the former husband and the brother of the victim of pickax murderer Karla Faye Tucker, who was awaiting execution in Texas. The interviewer had all but salivated as the former husband and the brother debated the justice of the death penalty in this case. The brother argued that in the years since her terrible crime, Ms. Tucker had been rehabilitated and was no longer the person she had been. He urged the state to commute the sentence to life in prison and allow the prisoner to witness to the possibility of transformation. The former husband denounced his brother-in-law as a traitor and a publicity seeker and demanded that the death sentence be carried out as originally imposed. It was not a matter of reformation or rehabilitation, it was a matter of an eye for an eye and a life for a life.

Now, after all the appeals had been exhausted and Karla Faye Tucker had been strapped to a gurney and killed, joining the steadily mounting number of victims of the death penalty in Texas and across the nation, NBC brought the former husband back for a second interview. In what was the most theologically bizarre treatment of the afterlife I have ever heard, he rejoiced in the death of Ms. Tucker, and proclaimed to the world that at the moment she died, the murderer had been confronted by his former wife, Tucker's victim, and that his former wife would know what to do with her killer, thus invoking a vision of eternal and endless conflict that would have done justice to a "Star Trek" episode.

As I listened, I found myself reflecting on the high-profile cases which have involved the death penalty of late -- the Oklahoma bombing trials, the Unabomber trial. I found myself reflecting on the increasing number of executions which are occurring within the United States. I found myself reflecting on the newspaper report that political leaders in our own state are impatient with the fact that even though we have reinstated the death penalty, we seem to be lagging behind other states, since no one has actually been executed, and they are seeking ways to expedite the use of the death penalty. I found myself reflecting on the fact that even the media concedes that the question of the death penalty leaves a great many Americans feeling quite uneasy; that it is often difficult to impanel a jury in a capital case or to convince a jury to inflict the death penalty. And yet we seem so committed to this mode of punishment that only a few quacks and fanatics even bother to protest or question its legitimacy.

I remembered that it had been years since my opposition to the death penalty generated any active expression. I thought for a brief moment that perhaps it was time to consider this issue from the pulpit once again, and then I thought better of it. It was almost as if the issue had become a matter of creedal faith, a fait accompli, one of those issues in which there is little to be said that has not already been said a dozen times, in which opinions are fixed and seldom changed by anything that can be said. I put aside the idea of a sermon on the death penalty and began to think of other topics.

I might as well confess to you now that there are times when I do not choose my sermons; rather, they choose me. Just as I had decided to find another topic for our consideration this March morning, I began to feel the unmistakable stirrings of conscience -- almost as if I were in the process of betraying some precious heritage. I found myself remembering that if there is any issue of social policy which belongs to Unitarian Universalism, and especially to the Universalist portion of our tradition, it is the issue of the death penalty.

As early as 1787, Benjamin Rush, the founder of American psychiatry, a signer of the Declaration of Independence, and a Universalist in Philadelphia, was publishing pamphlets arguing that the use of the death penalty was a barbaric and unchristian policy that no enlightened people could long support. In the 1840s in New York state, Universalists were organizing to end what some called "judicial murder." Writers on the subject have concluded that no religious body in the United States contributed more energy to this issue in the last century than the Universalists. Nor is it insignificant that among the first positions adopted in 1961, when the Unitarians and the Universalists combined into one denomination, was a resolution reaffirming our venerable opposition to capital punishment. Remembering this long and historic tradition, I felt a growing conviction that here was an issue I could not avoid. If I were to keep faith with those women and men who through the years had understood that this is a question with profound implications for our religious tradition, it was time to tackle the topic once again.

So it is that the weight of tradition and conscience have conspired to raise this as the subject of discussion for the morning. However, that does not solve the major problem: trying to find some new thing to say about a matter that has been debated so long that virtually everyone has heard all the arguments and already knows what to believe. It occurred to me that I might attempt to explore the question of capital punishment from the perspective of the wider religious tradition. After all, in the book of Exodus, Yahweh is clearly quoted as saying, "Thou shalt not kill!" There are no qualifiers, no exceptions provided in that primal legislation, nothing to suggest that what is denied the individual may be permitted the corporate state. What is more, in the same collection of documents, God is quoted as saying, "Vengeance is mine," and "Judge not that ye be not judged." Unfortunately, later entries in the same legislative record cloud the issue, as the same God is quoted as decreeing death to witches, to heretics and to people who happen to be born into the wrong tribe or nation. It is not possible to find clear and unequivocal pronouncements on this or any other subject within the pages of the Old Testament.

And, of course, the New Testament is not much better. Jesus is quoted as admonishing us to turn the other cheek, to do good to those who hate you, to bless those that despitefully use you, and to love your enemy. Unfortunately, he is also quoted as saying, "I come not to bring peace but a sword." He promises to set brother against brother, father against son, and he is famous for threatening eternal punishment -- let alone capital punishment -- for those who disagree with him. The Western religious tradition does not speak with one voice on any other topic; it would be foolish to expect it to do so on the question of capital punishment.

My next thought was to deal with the matter sociologically. Once upon a time, the discussion seemed to hinge upon the efficacy of the death penalty as a deterrent of crime. You know the argument: If we are stern and relentless enough in meting out the ultimate punishment, a given number of potential criminals will be restrained from crime. Opponents of the death penalty have countered that argument by pointing out that there is no evidence that the use of the death penalty impacts crime rates at all, and some radicals argue that official violence only feeds social violence at all levels. But over time it has become clear that the sociological studies are equivocal at best and that the conclusions drawn from those studies often depend upon a prior conviction about the matter. What is more, in recent years the issue seems to have moved to another level altogether in the public mind.

A great many people seem no longer very fastidious about finding a logical defense for the death penalty. Urged on by the explosive content of tabloid journalism, many now seem moved by the ancient cry for vengeance, insisting that some crimes are so heinous, so despicable, so unacceptable that their perpetrators have moved themselves beyond the pale of human community and concern. Their crimes cry out for vengeance and only the blood of the criminal will satisfy that cry. In a strange twist of logic, others argue that the failure to impose the death penalty indicates that we hold life to be cheap; that if we really cherish life, we must take the lives of those who commit unspeakable crimes.

This thirst for vengeance seems to ignore the reason human society created courts of law to deal with infractions of the social code -- precisely because we came to understand that the demand for vengeance, though natural and understandable, is dangerous, unslakable and an inadequate basis from which to judge guilt or innocence, or the nature of just punishment. Courts are intended to function as a means for removing the demand for vengeance from the decision-making process, for seeking justice not driven by blood lust and a demand for revenge -- an insight which seems to have been forgotten in the growing insistence upon victim impact statements in sentencing procedures of modern courts.

As these thoughts were making their way through my mind, I found myself wondering why, of all the great issues which confront the human community, this issue should have been so important to Unitarian Universalists, that throughout our history -- while the nation was mesmerized with the creation of our system of government, the debate over slavery, the Civil War, the reconstruction of our national life following that great struggle, two great world wars, the Great Depression -- we still found time and energy to

agitate for the abolition of the death penalty. And it occurred to me that the reasons are both historical and theological and go far in defining us as a people.

Historically, we have good reason to fear the death penalty. In 1553, a Spanish physician, geographer and theologian, one Michael Servetus, was imprisoned in Geneva, Switzerland, charged with heresy because of his books, *On the Errors of the Trinity* and *The Restitution of Christianity*. In these volumes, Servetus had challenged the traditional understanding of the doctrine of the Trinity, and the government of Geneva, under the leadership of the great Protestant reformer, John Calvin, seized him, tried him, convicted him of heresy, and burned him at the stake, his books strapped to his body. Calvin justified his actions by asserting that a heretic was far more dangerous to a community than a thief or a murderer. A thief only deprived one of worldly goods. A murderer only threatened a mortal life. A heretic threatened the immortal soul. A responsible government, a Christian government had no alternative but to silence the heretic forever by executing him, thus protecting the community from the infinite danger he represented.

In this argument, Calvin was echoing the conventional wisdom of his day, and most of Christian Europe agreed with Calvin and approved his action in burning Servetus. One man, however, did not. Sebastian Castellio, living in Basel, wrote a book decrying Calvin's use of the death penalty. In that book, Castellio argued that Calvin had failed to understand that judicial violence is an inappropriate response to the threat he believed the human community faced. Arguing for tolerance and for the value of human life, Castellio admonished Calvin, "To burn a man is not to defend a doctrine. It is to burn a man!" With those words, Castellio entered into the community of Unitarian Universalist saints, for he defined one of the primary assumptions upon which liberal religion is based: that human life is always more important than arcane doctrines and dogmas, and that it is not to be sacrificed, judicially or otherwise, to defend doctrines, be they social or political or theological.

Michael Servetus was not the first to be executed for questioning the doctrine of the Trinity; nor would he be the last. But his death was a turning point in the history of our tradition and left an indelible mark upon us. We have been suspicious ever since of dogmas and doctrines and policies which ignore the impact they have upon the lives of individual women and men. In much of our historic concern about the death penalty, the words of Castellio continue to echo: "To burn a man is not to defend a doctrine. It is to burn a man!" I suspect that this issue has had a great hold upon us as a movement in part because we fear that the debate is carried on so abstractly that we too easily lose sight of the fact that we are dealing with the lives of real human beings. Often we seem to be determined to prove a point, to defend a sociological or political or theoretical doctrine that involves getting rid of people who are inconvenient. Too often we seem to forget that we are deciding whether specific women and men will live or die.

The second reason this issue has had such a claim on our conscience is theological and philosophical. Early Universalists -- and later the Unitarians -- were convinced that the greatest power in this universe, the soft hub around which all existence orbits, is a divine love so all-encompassing that no one can escape its ensorcelling embrace. They believed

that this love, in the end, would bring into happiness and harmony all the sundered and discordant elements of creation. To that end, they believed that the only legitimate use of punishment is not destruction but instruction -- to teach and to rectify. They were convinced there could be no eternal hell precisely because such a hell, by definition, offered no chance for renewal, no chance of reformation, no hope of regeneration. They proclaimed the larger gospel which held that God never gave up on anyone; that nothing any individual might do could suffice to remove him from the loving care and concern of God; that in the end, divine love would prevail to remedy all error and overcome all sin.

From that essential and defining conviction, they drew several inescapable conclusions. If no human action can suffice to remove an individual from the circle of divine love and concern, then no human action can suffice to remove an individual from the circle of human obligation, of human love and concern. If God punishes only to teach and to reform, then human punishment, if it is to be legitimate, must have no other goal than reformation of the individual. If God rejects vengeance as an appropriate response, then human beings are constrained to reject vengeance. If God refuses to abandon any human being, no matter how depraved, then we are constrained to refuse to abandon any human being, no matter the act. In short, the Universalists, from whom we have inherited a powerful part of our tradition, argued that unconditional love was not only a description of the relation between God and his creatures; it was a prescription for all human relationships. If God, in his infinite wisdom, refused to concede that anyone was incorrigible, was unreachable, was beyond the circle of love, how could finite human beings decide that anyone had forever sacrificed his claim on our concern? Therefore, capital punishment, whatever else it might be, represented a denial of that unconditional love which is the sacred heart of existence.

To be sure, over the years, there have been many individual Unitarian Universalists who have disagreed with the main thrust of Unitarian Universalist thought on this issue -- many who have conceded that capital punishment is justified, at least in some extreme situations. But this concern for the abolition of the death penalty is as consistent a thrust as exists in our tradition. It runs through our history like a golden thread, defining us as a people, who cling to a faith in the power of love and its claims upon our lives, even after many of us have given up the personal God of our ancestors. It is here that our tradition is most clearly and unequivocally defined. Here is expressed our peculiar and persistent faith that human beings are more important than any doctrines or dogmas about them; our peculiar and persistent faith that all human beings incarnate the sacred and the holy within them, and therefore all individuals are infinitely precious and infinitely perfectible; our peculiar and persistent faith that love has the power to transform human beings in ways we cannot foresee and cannot imagine; our peculiar and persistent faith that in the way we confront and respond to the despised, the outcast, those who have violated our trust and sought to remove themselves from the social compact, we define our own nature and perhaps our own destiny; our persistent and peculiar conviction that no one is beyond reach, and therefore everyone has a legitimate demand upon our compassion and concern. In opposing the death penalty, we have expressed our conviction that evil cannot be exterminated by executing those individuals in whom it seems to have become manifest;

evil can only be transformed by a tireless and unconditional love which will not abandon human beings, no matter what they may do or may have done.

In the end, I come to the conclusion that my opposition to capital punishment is not a matter of reasoned and documented argument. To be sure, I can rationalize my convictions and devise stratagems for scoring debating points with sufficient skill. But ultimately I respond to this great issue on the basis of a personal faith, grounded in history and theology. I believe that the questions of guilt and innocence and complicity are more complex than any sociological doctrine can define. Therefore, we must be prepared to err on the side of possible reformation rather than assumed incorrigibility. I believe that unconditional love and acceptance provide more effective motivators of change in human beings than violence or the threat of violence. I believe that the cynical enactment of death penalty laws to garner votes and to avoid confronting the causes of vast social ills is despicable. I believe that our willingness to be seduced by such cynical behavior is evidence of our failure to understand that what separates any of us from the criminals and scoundrels is less an excess of virtue than an absence of provocation and opportunity, and therefore we must be careful lest we destroy others in an effort to deny a part of ourselves we find unacceptable. I oppose the death penalty because I believe we are called to serve life, not death; love, not vengeance, and because a voice out of our past keeps whispering in my ear: "To burn a man is not to defend a doctrine. It is to burn a man!"