

Ethical and Biblical Discourse on Capital Punishment

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Abstract

Capital punishment has ever since remained a controversial intellectual discourse and most controversial penal practice in the modern world due to the divide of opinion on its permissibility among various scholars and countries. This divide of opinion is unlikely to reach a consensus on the necessity of capital punishment due to the irreversibility of the execution, that is, condemned person could not simply resurrect with the intention of supporting one side or another. In fact, the question of the necessity of capital punishment for the developed world appears to be the cornerstone of any juridical discussion. Moreover, deprivation of life is not only of a legal character, but also raises significant moral issues. Thus, this paper seeks to explore some ethical and biblical discourses on capital punishment with the view of explicating its moral permissibility or impermissibility.

Key words: Capital Punishment, Biblical, Ethical, Historical, Approaches

1.0 Introduction

Capital punishment often times called “death penalty” is the most controversial penal practice in the modern world (Zimring, 2008). It is controversial in the sense that there is a divide of opinion of its permissibility among various scholars and countries. As a matter of fact, the question of the necessity of capital punishment for the developed world is the cornerstone of any juridical discussion. Moreover, deprivation of life is not only of a legal character, it also raises significant moral issues. Tutu (1999) expresses this point of morality when he states that 'there is no justice in killing in the name of justice'. According to him, the capital punishment is an unacceptable attempt on the sacred life of a person, therefore, he emphasizes that all human beings have an inalienable right to live.

It is needless to say that in the contemporary progressive world, the simple murder of a person via execution does not go unnoticed by general public, which instantly responds to such barbaric acts. That results in open public discussion on importance of the protection of universal human rights. On the

one hand, there are proponents of the death penalty with the belief that a person who has committed a serious crime, deserves to die. For instance, Prabhakar (1999), insists that in a modern, relatively free society, individualism is the crucial driving force behind freedom of choice. Basically, every single-taken individual, by making his own choice, should also be aware of the consequences of his or her actions. In the case of homicide, potential defendant is guided by a conscious desire to harm somebody, excluding the insurmountable mental factors. Accordingly, Prabhakar is of the opinion that the capital punishment must exist in order to secure the community because “the states cannot compromise the lives of hundreds and thousands of innocent persons only for the life of one convict who does not even deserve to love among a society of civilized persons” (p. 35).

While some people are advocates of capital punishment, there are on the other hand, opponents of death sentence, who sincerely believe in a second chance. Christian religious teachings, ethical norms and moral principles are commonly used as an argument against the capital punishment. Unfortunately, these two above-mentioned camps are unlikely to reach a consensus on the necessity of capital punishment due to the irreversibility of the execution that is, condemned person could not simply resurrect with the intention of supporting one side or another. Nevertheless, such discussions make it possible to detect the weaknesses of the judicial system, and raise the question whether the concept of justice correlates with the procedure of forced deprivation of life. That is why the death penalty runs contrary to the modern human worldview regarding morality and individualism. This paper seeks to explore the biblical and ethical content of capital punishment. In dealing with its biblical perspectives, attention shall be focused only on a few Old Testament texts.

2.0 Conceptualization of Capital Punishment

Etymologically, the term capital is derived from the Latin word “capitalis” meaning “of the head”, which is from “caput,” meaning “head.” It refers to execution by beheading (*Kronenwetter,, 2001*), but executions are carried out by many methods, including hanging, shooting, lethal injection, stoning, electrocution, and gassing. **Capital punishment**, also called **death penalty**, is the execution of an offender sentenced to death after conviction by a court of law of a criminal offense. Capital punishment should be distinguished from extrajudicial executions carried out without due process of law. The term “*death penalty*” is sometimes used interchangeably with *capital punishment*, although the imposition of the penalty is not always followed by execution (even when it is upheld on appeal), because of the possibility of commutation to life imprisonment (Hood, 2024).

3.0 Historical and Biblical Background of Capital Punishment

Throughout history of the humankind, various forms of the death penalty were viewed as effective measures of punishments for crimes or even actions. Many old civilizations included some use of the death penalty in their society. Steffoff

(2008) asserts that in the eighteenth century B.C., king Hammurabi of the city of Babylon created the Code of Hammurabi which consisted of 282 crimes and their punishments. The code used *lex talionis*, the idea of “an eye for an eye” to inflict the death penalty for twenty-five of the crimes. Ancient Egyptian civilizations around the twelfth century B.C also used the death penalty. For example, Versteeg (2002) observes that those convicted of an assassination attempt on Pharaoh Ramses III were either put to death or forced into suicide. One harsh method of capital punishment was impalement with a stake, surely a slow and painful death. The first codified constitution of Athens known as “Draconian Law” after the man that wrote it, was written in seventh century B.C to make sure that everyone knew what all the laws were. Capital punishment was more present than ever in Draconian Law; almost every crime, no matter how petty and harmless, was punishable by death (Ellis, & Horne, 1913). The harshness of the code led citizens to say it was written in blood. Garnsey (1968) should be noted that during the period of the Roman Empire, the death penalty was codified into law system; “in the first two centuries A.D., the simple death penalty and cruel forms of execution became more common...” (p.152).

The Old Testament has not been different in the formulation of laws resulting in capital punishment for offences and civil crimes. Leviticus 20:10, Exodus 21:12, Numbers 35:30-31 and Genesis 9:6 are among the series of civil and religious crimes and offences punishable only by death. The prescriptions are so strong as to attract criticism in the modern era, because there are aspects of the laws that contemporary views will laugh over.

3.1 England: America's Inspiration

It is noteworthy that the architecture of the so-called Roman law subsequently became a basis for modern law systems. Nevertheless, the system of law in the Great Britain (GB) and the United States of America (USA), operating in accordance with the principles of common law, also have been associated with the capital punishment. Obviously, the monarchical form of government in England until a certain period allowed the monarch to influence legal procedures, which sooner transformed England into the society with a mandatory death sentence. The 'Bloody Code', in which the death penalty was applied for any type of “crime”, could serve as a vivid example of the traditional attitude to the significance of human life. In the case of future United States, Acker (2003) makes a remark case that “although the colonies borrowed heavily from English law and custom, none came close to replicating England's Bloody Code, which towards the middle of the 18th century defined over 200 offenses as capital”. So, in general, capital punishment in colonies was used for several offences “...from murder and rape to adultery, sodomy, bestiality, and various property crimes” (p. 170). Leviticus 20:9-21 must have laid the grounds for capital punishment if any committed these crimes, considering that England had been a solely Christian country for centuries. More so, the text is found within the portion of the book entitled the Holiness Code (George Odafe, 2019,

224 This Code implies a theocratic rule, and its legislation against murder, rape, murder, sodomy, bestiality and other crimes were interpreted as acting in the interest of morality. (Roy. E. Gane, "Prohibitions of Homosexual Practice in Leviticus 18 and 20: Moral or Ceremonial", The Biblical Research Institute Newsletter 47 (2014), 3 [1-4]).

3.2 Beccaria's Influence in England and America

In the course of time, the idea of basic human rights has begun to emerge in different works of prominent philosophers. For instance, Beccaria (1764) in his work *On Crime and Punishments* speaks out against death penalty by claiming that the punishment of death is not authorized by any right. He also asserts that the capital punishment is a simple method of the state to eliminate its own citizens, "whose destruction they consider as necessary or useful to the general good. Dziurkowski (2016) states that 'Beccaria advocated his ideas at a significant period in the history, a time when many trends and schools of thought were emerging, demanding profound reform of the penal law. In that context, Beccaria was viewed as the father of the abolitionist movements of executions. Subsequently, the concepts of respect for fundamental human rights, the right to life in particular, began to develop gradually as a result of different enlightenment movements. However, only after the end of two devastating world wars, mankind came to the conclusion that the issue of human rights requires special attention from the perspective of international and national law.

Since the mid-twentieth century several significant rights were inserted in constitutions of countries, thus, emphasizing the importance of protection of them. It is generally accepted as being part of customary international law (Byrnes, 2007). The Universal Declaration of Human Rights (UDHR), (1948), the most fundamental document, adopted in the United Nations by the majority of members, proclaims that "everyone has the right to life, liberty and the security of person" (article 3 and 5). Despite the fact that the UDHR was acknowledged by the whole international community, several national judicial systems still do not view it as a legally binding document. For example, the United States believed to be the defender of democracy and human rights, only in 2018 executed 25 people (Amnesty International Global Report, AIGR, 2018). Moreover, in 63 countries, including the People's Republic of China (PRC), Belarus, Saudi Arabia, and Japan, the death penalty still exists as the legal basis for punishment. The reasons for that are rooted in traditions, biblical teachings and perception of the role of the individual in the life of the State. For instance, Dennis Gaie and Yusak Tanasyah underscore the biblical support of the death penalty in these words:

In the Old Testament the death penalty was imposed on people who misbehaved various or more appropriate acts such as: murder (Exodus 21:12), kidnapping (Exodus 21:16), sex with animals (Exodus 22:19), adultery (Leviticus 20:10), homosexuality (Leviticus 20:13), being a

false prophet (Deuteronomy 13:5), prostitution and romance (rape) (Deuteronomy 22:4) and various crimes other. We can see in Genesis 9:6, God has decreed that: "Whoever sheds the blood of man shall be shed by man, for God made man in His own image (2023, 54-55).

4.0 Philosophical Approaches to Capital Punishment

The philosophical exploration of capital punishment centers on the justification and moral permissibility of capital punishment within the context of the law. It is a fact that any punishment, and certainly an execution, intentionally inflicts on a person significant pain, suffering, unpleasantness, or deprivation that it is ordinarily wrong for an authority like the state to impose, bearing in mind the person's natural and fundamental rights. Thus, it becomes a thing of debate on the authority and the moral permissibility of an institution or state to violate one's fundamental right to live who in turn has violated the right to live of another's, and also on the effect on criminal behavior. To buttress this approaches to capital punishment, it is necessary to consider Hart's opinion which says that, "what we should look for are answers to a number of different questions such as: what justifies the general practice of punishment? To whom may punishment be applied? How severely may we punish?" (Hart, 1968, p. 3). There are broadly two different ways of thinking among philosophers concerning the moral merits and justification of capital punishment in addressing serious criminal misconduct: retributivism and the utilitarianism or consequentialism. Hood (2024) added a third one which he called "practical."

4.1 Retributivist Approaches

This philosophical approach evolves around the principle of *lex talionis* (the law of retribution). Or what is common known in as "an eye for an eye" as found in the Torah (Exod 21:23-25; Lev 24:17-22). The retributivists believe that capital punishment is a just form of retribution which expresses and reinforces the moral indignation not only of the victim's relatives but of law-abiding citizens in general. There are various forms of retributivism according to their interpretation of *lex talionis* or in their appealing to alternative moral notions, such as basic moral rights or a principle of fairness:

4.1.1 Classic Retributivism: Kant and *lex talionis*

The work of Immanuel Kant, "*The Metaphysical Elements of Justice*" presents a classical type of retributivism. Unlike Beccaria's and other abolitionist claim that capital punishment violates the condemned person's right to life and is fundamentally inhuman and degrading, Kant (1965), took a strong interpretation of *lex talionis*, what he calls "*jus talionis*" or "the Law of Retribution," as justifying capital punishment. According to him, the law concerning punishment is a categorical imperative, and only the Law of Retribution (*jus talionis*) can determine exactly the kind and degree of punishment" (p. 101; Ak. 332). For Kant, if a man has committed a murder, he must die, since in this case, there is no substitute that will satisfy the requirements of legal justice, and consequently there is also no equality between the crime and retribution unless the criminal is judicially condemned

and put to death (p. 102: Ak. 333). Kant's point of view here in defense of capital punishment is based on "the principle of equality," by which the proper, merited amount and kind of punishment is determined for crimes. Thus, the common approach seems to be that offenders must suffer a punishment equal to the victim's suffering: "an eye for an eye, a tooth for a tooth," a life for a life (Hoag, n.d).

4.1.2 *Lex Talionis* as a Principle of Proportionality

This approach appeals to proportionality of merited penal response to a crime such as murder. In other words, the amount of punishment merited is to be proportional to the seriousness of the offense, more serious offenses being punished more severely than less serious crimes. This is how this approach interprets *lex talionis*. Thus, gravest misconduct, then, is properly addressed by the most severe of punishments, death. But this will definitely pose a great challenge especially in constructing scales of crimes and matching the proportionate punishments accordingly. However, what is needed according to Finkelstein (2005), is some justification for setting an upper bound of morally permissible severity for punishments, "a theory of permissibility" (p. 212-213). Thus, the interpretation of *lex talionis* by the retributivist proportionality simply assumes capital punishment is morally permissible, rather than offering a defense of it.

The level of the capital punishment may differ because of the cultural situation of the Old Testament times and according to exigencies of contemporary situation, because the level of proportionality may even be forgiveness granted the offender. Demsy Jura corroborates when he observed that the context of the Jewish community at that time, where *lex talionis* was present, there were no police or public prosecution services, so all prosecution and punishment had to be carried out by the injured party and his family. Painfully, this Jewish method is still being practiced in remote societies where some victims of murder are silently punished by death and they call it 'jungle justice'. Interestingly, Jura adds that, it would be quite possible for injured parties not to insist on their full rights under the *lex talionis*, but negotiate a lower settlement or even forgive the offender altogether. The impression is that the Jewish community must take a fair stance on every criminal behavior that occurs, and it must be done with a high awareness. That is why the law of *lex talionis* is mandatory to practice. Whoever makes a mistake, then the big mistake he did will be accepted as a fair responsibility (2021, 4).

With the presence of policing system and structure, the proportionality level will need to be seriously judged in the light of contemporary understanding.

4.1.3 Retributivism and the Right to Life

This approach tries to seek a balance between retribution and the right to life. Locke's (1988) work *Second Treatise on Government*, is a good example of this approach. There Locke claims that a murderer violates another's right to life, and thereby "declares himself to be a noxious creature... and therefore may be

destroyed as a lion or a tiger, one of those wild savage beasts both to deter others from doing the like injury and also to secure men from the attempts of a criminal" (p. 10-11). For Locke, to take one's life is to lose one's own right to live. Thus capital punishment cannot be considered a violation of an offender's right to life, as the offender has forfeited that right, and the death penalty is then justifiable as a morally permissible way to treat murderers in order to effect some good for society.

4.1.4 Retributivism and Fairness

This form of retributivism, is not concern on individual rights, but seeks to achieve fairness in a society. In any given society where misconduct takes unfair advantage of others, punishment is thereby merited to address the advantage gained. Morris (1968) puts it better that, "person who violates the rules has something that others have- the benefits of the system- but by renouncing what others have assumed, the burdens of self-restraint, he has acquired an unfair advantage. Matters are not even until this advantage is in some way erased. Punishing such individuals restores the equilibrium of benefits and burdens (p. 478). This implies that focus of the unfair advantage principle is on what the criminal gained. The greater the advantage, the greater the punishment should be (Davis 1986, p. 241). Thus, the unfair advantage determines the amount, kind, or form of punishment for a crime.

4.2 Utilitarian Approaches

The Utilitarian approach to capital punishment is a claim that it has a uniquely potent deterrent effect on potentially violent offenders for whom the threat of imprisonment is not a sufficient restraint (Hood, 2024). Therefore, capital punishment is inherently comparative in this way: it is essentially tied to the consequences of the practice being best for the total happiness of the society. There are various types:

4.2.1 Classic Utilitarian Approaches: Bentham, Beccaria, Mill

Bentham (1789), the chief proponent of the classic utilitarian approach, was reserved concerning the use of punishment, and considered it a mischief. For him, "if it ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil" (XII. I, ii). This is so because the immediate principal end of punishment for Bentham, is to control action, that is, reformation of the offender, disablement (that is, incapacitation) of the offender, and deterrence (that is, setting an example for others). However, of these three ends of punishment, Bentham says "example" or deterrence "is the most important end of all" (XIII. ii. fn. 1). Beccaria (1986) on the one hand, explores his utilitarian approach by his call for abolition of the death penalty largely due to its comparative inefficacy in reducing the crime rate. Nevertheless, punishments and the method of inflicting them should be chosen that will make the most effective and lasting impression on men's minds and inflict the least torment on the body of the criminal" (p. 23). On the other hand, Mill (1988), in defense of capital punishment, argues that capital punishment is justified as penalty for "atrocious cases" of aggravated murder. Thus, he

maintains that the “short pang of a rapid death” is, in actuality, far less cruel than “a long life in the hardest and most monotonous toil... debarred from all pleasant sights and sounds, and cut off from all earthly hope” (p. 268).

Other utilitarian approaches include; the Empirical consideration which questions whether the death penalty is, in fact, effective in incapacitating or deterring potential offenders based on empirical study on recidivism, and concludes that death penalty does prevent commission of some serious crimes; and Utilitarian defenses which maintains that “common sense” supports the notion that the death penalty deters. This is because what people cherish most is life; what they most fear is being killed. So, given a choice between life in prison and execution by the state, most people much prefer life and therefore will refrain from misconduct for which death is the punishment.

4.2.2 Practical Approach

This approach revolves around how capital punishment can be administered in a manner consistent with justice. There is a divide of opinion between proponents of capital punishment who believe that it is possible to fashion laws and procedures that ensure that only those who are really deserving of death are executed, and the opponents, who maintain that the historical application of capital punishment shows that any attempt to single out certain kinds of crime as deserving of death will inevitably be arbitrary and discriminatory. According to Hood (2024), the practical point posit by opponents is based on the fact that in most capital cases, the poor and ethnic and religious minorities often do not have access to good legal assistance, and coupled with racial prejudice by white juries, blacks and nonwhite defendant are convicted and even executed for crimes they do not commit.

5.0 Christian Argument for Capital Punishment

Some have argued that capital punishment originated in the ancient social desire of blood vengeance for those who murder, suggesting that only by taking the life of a murderer could the debt incurred by his crime be satisfied in this respect, the justice at work in capital punishment was based in the ancient law of retaliation: “an eye for an eye and a tooth for a tooth” (Deut. 19:21). Others have suggested that the severe retribution achieved by capital punishment holds individuals responsible for their actions and demands that they face their consequences (Peschke, 1974).

Following the injunction of Romans 13:4 “It is not without purpose that the rulers carries the sword; he is God's servant, to inflict his avenging wrath upon the wrong doer”, Aquinas (1271-1272), argues that every individual in society is a member of that society and must contribute to its welfare; hence, if someone seriously undermines the welfare of society or is a significant danger to it, the common good justifies capital punishment. Using an analogy of a gangrenous limb that must be amputated if it is not to infect the whole body, he opines that sometimes in order to preserve the overall health of society, a person whose behavior imperils it must be removed (II-II, q, 64, a. 2). Therefore, he agrees that

to kill a man who retains his natural dignity is intrinsically evil, but argues that “anyone who committed terrible sins against the community deviated so far from rational, human behaviors that he forfeited his human dignity, becoming more like a beast than a human being.” Following Aristotle, Aquinas believes that “an evil man is worse than a beast, and more harmful” (II-II, q. 64, a. 2, ad 3). However, he also maintains that the punishment inflicted must not be done in a vindictive spirit because to delight in the pain and loss suffered by a criminal is a form of hatred, which is the opposite of charity and is never justified. Retribution is lawful, according to Aquinas, only if the intention is good, namely to insure justice and restore the common good (II-II, q. 180).

The doctrine of the Church always upholds the right of the state to the death penalty in principle, but has become more restrictive in this regard in recent years. The 1994 Catechism of the Catholic Church (CCC) asserts that public authority has the right “to punish malefactors by means of penalties commensurate with the gravity of the crime, not excluding, in cases of extreme gravity, the death penalty.” The Latin version of 1997 adds the restriction; “if this is the only way to defend human life against an unjust aggressor” (para. 2266). This application thus shows that it rests on the grounds of deterrence and common good of the state. However, it also acknowledges that any means that is sufficient to defend human lives without necessary the shedding of blood, should be employed, “because they better correspond to the concrete conditions of the common good and are more in conformity to the concrete conditions of the common good and are more in conformity to the dignity of the human person” (CCC, 2267).

Also, in the encyclical *Evangelium Vitae*, John Paul II (1995) considers capital punishment as justified only in cases of absolute necessity while also pointing out that increasingly both the Church and the civil society are calling for the abolition of the death penalty. He states:

“Public authority must redress the violation of personal and societal rights by imposing on the offender an adequate punishment for the crime, as a condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfills the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behavior and be prohibited. It is clear that these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon and ought not to go to the extreme of executing the offender except in cases of absolute necessity; in other words, when it would not be possible otherwise to defend society. Today, however, as a result of steady improvement in the organization of the penal system, such cases are very rare if not practically none existent” (56).

Following his predecessor, and as expected, Pope Benedict XVI has supported John Paul's formulation, for example, by calling for commutation of the death

sentence for convicted murderer Troy Anthony Davis, and accordingly, on June 25, 2006 congratulated the Philippines on eliminating the death penalty (Campos, 2007).

6.0 Other Opposing Views

Mears (2009), observes that proponents of capital punishment would like a more streamlined court system that would speed up the trials on the ground that unnecessary and time-consuming delays lead to the higher costs, and also that the death penalty can be used in plea-bargaining to avoid a costly trial. A good example, would be a prosecutor would use the threat of a possible death sentence to persuade a defendant to plead guilty to a lesser crime and face life imprisonment instead. On the contrary, the Opponents of capital punishment see the delays as necessary safeguards that work to prevent violations of rights or wrongful convictions, and at the same time, they see the high cost of capital trials and executions as a waste when the life-without-parole option is cheaper (Costanzo, 1995).

When it comes to legal system, it is obvious that that no system is perfect, and the capital punishment system is no exception. In fact, it is criticized as being too slow, sometimes taking ten years between the imposition of a death sentence and the execution. For example, in 1991 and 1995 respectively, Schmallegger (2009), observes that the Supreme Court did away with repeated filings by an inmate for the sole purpose of delaying his execution and required more than just new evidence to rehear his case. Those two acts served to stop the common practice of filing an appeal solely for the reason that the inmate would put off his punishment (p. 408).

Another argument presented by opponents against capital punishment is that deterrence does not actually exist. Robinson (2005) posits that a study by the United Nations in 1998 found no proof that capital punishment lowered crime rates. On the other hand, Travis (2001), posits that in 1996 states with capital punishment laws had an average murder rate of 7.1 per 100,000 people, while states that abolished capital punishment had an average murder rate of 3.6 per 100,000. These facts presented thus far also show how difficult it is access the factor of deterrence when it comes to capital punishment.

7.0 Evaluation

While it is reasonable to see the reason for capital punishment as proposed by Kant and Aquinas, the retributivist approach to capital punishment raises philosophic issues, aside from its reliance on empirical claims about the effects of the death penalty as a way to deter or incapacitate offenders. First, though the idea of forfeiting a right may be familiar, it leaves what Bedau (1983) calls "troubling and unanswered questions: To whom is it forfeited? Can this right, once forfeited, ever be restored? If so, by whom, and under what conditions?" (p. 162-163). Second, given that the right to life is so fundamental to all rights and, as many maintain, held equally by each and all because they are humans, perhaps the right to life is exceptional or even unique in not being forfeitable at

all: the right to life is actually a fundamental natural or human right. One's actions cannot and do not alter one's status as a human being, Locke and Aquinas notwithstanding; thus, the right to life is inalienable and not forfeitable. Even killers retain their right to life, the state remains bound by the correlative duty not to kill a murderer, and capital punishment, then, is a violation of the human right to life.

The point of a *human* right to life is that it “draws attention to the nature and value of persons, even those convicted of terrible crimes. Whatever the criminal offense, the accused or convicted offender does not forfeit his rights and dignity as a person” (Bedau, 1983, p. 152-153). This view reflects at least the spirit of the United Nations Universal Declaration of Human Rights: the right to life is universal, is rooted in each person's dignity, and is unalienable (UDHR, 1948, article 3).

We have seen as evident under Bentham's classic utilitarian statements, that the purpose of punishment “is to control action,” primarily through deterrence. Thus, punishments deter and “control action” by example, by the demonstration to others that they, too, will suffer similarly should they similarly misbehave. Capital punishment, then, aims to deter actions of potential killers by inflicting death on actual ones: the technique works by threat, by instilling fear in others. A fundamental objection to this way of thinking is to see that, in effect, persons are being used as a means to controlling others' actions; capital offenders are being used simply as a means to deter others and reduce the crime rate. Such a use of persons is morally impermissible, it is argued, echoing Immanuel Kant's famous categorical imperative against treating any person merely as means to an end. In fact, for purposes of crime prevention through deterrence, it is often argued that a utilitarian is committed, at least in principle, to excessively severe punishments, such as torturous and gruesome executions in public even for crimes much less serious than murder.

8.0 Conclusion

In conclusion, taking into account all aforementioned arguments, capital punishment should be abolished all across the globe. It is needless to say that the death penalty is the most controversial and dubious punishment among the existing. On the one hand, it violates fundamental human rights which emphasized in numerous significant international documents and in the Universal Declaration of Human Rights. The world community could not consider itself fully free and independent while someone is suffering from lack of the fresh air in the death row somewhere in Oklahoma or in Iran. In that case, it is hypocritical and even cynical to proclaim the triumph of a progressive society and a rational human reason. Moreover, as it was stated before, there can be no moral justification for taking someone life, even if it is legalized act of homicide by the Supreme Court. From a theological perspective, it is generally accepted view that Jesus of Nazareth was crucified in the name of the entire

humanity. 'Father, forgive them, for they do not know what they are doing' (Luke 23:34). Thus, Jesus forgave his own prosecutors and encouraged to forgive the fellow man in any case. Apart from religious belief system, there are also the psychological causes for legitimized death sentences. It is believed that the ancient instincts of our ancestors still make us tolerable to deprivation of life. Obviously, humanity must suppress these bloodthirsty instincts and moves toward the progress. Luther (1967) once declared that returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars" (p. 67). In other words, if nothing changes, there will always be a vicious circle of violence.

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