



MULTIFAITH EMI

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Freedom Conversations

The Freedom Conversations toolkit series was designed to maintain the momentum from the 2024 “UnConference” held in Dallas, whether you attended or not. It will help you engage your family, friends, local activists and faith community around issues resulting from the carceral state in our country.

In this DEATH PENALTY edition, you'll...

- Understand the origins of the death penalty in the U.S.
- Learn what people of faith can do in the movement against capital punishment.
- Identify local and national examples of successful policy-oriented campaigns to use as models.
- Create a plan to organize with those in your community to abolish the death penalty.

DEATH PENALTY

FAITH FRAMING

Most faith traditions support the abolition of the modern American approach to the death penalty. Below we'll examine how the death penalty is viewed in the Christian, Jewish and Islamic faiths.

The Black liberation theologian James Cone wrote, "If American Christians want to understand the meaning of the cross, they have to view it through the image of the lynching tree..." During slavery, there were two different Bibles in circulation in the American South and the Caribbean—one for the enslavers and one for the enslaved people. The "slave Bible" redacted mention of the word "liberation" and was significantly shorter.

How do you think the U.S. traditions of slavery and lynching have distorted our ideas about punishment, especially capital punishment?

The Christian tradition often cites Jesus' re-interpretation of an "eye for an eye" in the book of Matthew as a starting point of nonviolent resistance. "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist one who is evil. But if anyone strikes you on the right cheek, turn to him the other also." (Matthew 5:38-39 RSV) Opponents of the death penalty, and those in peacemaking traditions, often interpret this verse not as a promotion of passivity or victimization, but instead an attempt by Jesus to end the tradition of blood feud, an endless cycle of violence. Gandhi famously re-phrased this verse as, "An eye for an eye makes the whole world blind."

Reflecting on your faith and values, what do you believe about the worthiness of every human being? How does this contrast with the practice of capital punishment?

Here is the poem "When" by Ezra Williams, a writer incarcerated in California.

Additional poems you may want to read:

["The Caretaker's Feast,"](#) by Darrell Grayson, who was executed in Alabama despite pleas for DNA testing to determine his guilt or innocence.

["Christ to the Condemned,"](#) by Katie Painter, as shared by the [Catholic Mobilizing Network](#).

When?

*When did our little ones
cease to be children?
When did the pain erase
their wildflower smiles?
When did their first steps
become their last mile?
When did their highchairs turn electric;
When did we strap them down so tight?
When exactly did they step into darkness from light?
When did Cheerios, happy laughter and squeals
become silent tears and a lonely last meal?
When did we build houses of death
to keep our great country safe?
When did we sanction killing —
When did we forget it's all hate?*

In his book, "Just Mercy," Bryan Stevenson writes, "Each of us is more than the worst thing we've ever done." **How does this idea resonate with your faith?**

In "Right Here, Right Now: Life Stories from America's Death Row," an unnamed prisoner writes "I'm considered to be the scum of the State. ...Christ would serve the lowest of the low without hesitation.

Seen through the eyes of Christ, there is no better or worse.”

What do you think about this prisoner’s declaration? In your faith, are you called to serve prisoners? How do you feel about people who have been accused of committing crimes? Do they need to be proven innocent in order to live? Are other reactions possible?

In the Christian faith, Romans 12:19 says that “Vengeance is mine, says the Lord. I will repay.” **If vengeance is the Lord’s, is it right that the State claim the role of retribution in capital punishment? Does the state have a right to murder?**

Catholic social justice teaching emphasizes that Jesus himself was a victim of the death penalty. He was executed by state violence. Catholic Mobilizing Network names the impulse to throw people away as a broader theme in culture, which they term “the culture of death.” They ask if there is room, instead, for bringing people back into the community for restoration and for a culture of life.

Writing from the Jewish tradition, Jack B. Weinstein, senior U.S. District Court judge in the Eastern District of New York, [writes](#), “Capital punishment in late biblical times was exceedingly rare because of vast procedural protections limiting (if not eliminating) its application.”

For the Sanhedrin and the rabbis of the Talmudic period, certainty of guilt was needed to execute a person. One ancient rabbi termed a Sanhedrin that permits even one execution in 70 years as “murderous,” and another rabbi said, “If we had been among the Sanhedrin, no one would have been executed.” In addition, capital punishment in the Talmudic era banned confessions as unreliable indications of guilt because, as Maimonides put it, “Perhaps he was one of those who are in misery, bitter in soul, who longed for death... . Perhaps this was the reason that prompted him to confess to a crime he had not committed, in order that he be put to death.” Weinstein explained that the U.S. does not have such procedural protections.

Capital punishment here is unnecessarily cruel and inhumane. “Here the numbers suggest a racist and a geographical pattern for applying the death penalty, based on idiosyncratic prosecutors and a local thirst for blood. Weinstein said, “The death penalty should be abolished in the U.S.”

What does your faith say about the need for secure procedural protections around convictions of guilt, especially in cases of the death penalty? Does your faith have anything to say about treating prisoners humanely?

In the Islamic tradition, there are resources for alternatives to retributive death sentences. Citing the Quran, [Penal Reform International](#) writes:

“And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. **But whoever gives [up his right as] charity, it is an expiation for him.** (emphasis added) And whoever does not judge by what Allah has revealed—then it is those who are the wrongdoers.” (Quran 5:45) “The Quran encourages the victim (or their family) to forgive the perpetrator, and seek financial compensation (diyya—sometimes called ‘blood money’) as an alternative to demanding retribution through execution as an act of charity or in atonement for sins.”

The system of restitution, instead of retribution, was established in many forms of Islamic law as a means of achieving justice without losing another life.

In your faith, are there forms of transformative justice or restitution that are alternatives to vengeance, like financial restitution in the Islamic faith? Knowing that nothing will bring back the loved one or victim who was killed, could alternative forms of justice (other than killing) be viable options for victims’ families? What could these alternative forms be?

CIRCLE PRE-WORK MATERIALS

In the United States, the death penalty has historical roots in the lynching tradition. The death penalty is unconstitutional, arbitrary, cruel and unusual punishment. Whether someone is sentenced to the death penalty in America depends in large part on their race, what county and state they live in and the race of the victim. States have executed innocent people and those with intellectual disabilities.

People support the death penalty on grounds of retribution—that people should get what they deserve—but our faiths give us space and pause for reflection. We can try to resist the retributive logic of punishment that comes from our histories of lynching, and imagine and enact alternative responses that respect victims, while seeking both justice and mercy.

Prior to your discussion—

1. Watch the film “Just Mercy,” the story of Harvard law graduate Bryan Stevenson’s travels to Alabama to help defend poor people who cannot afford proper legal representation.
2. Review [maps, interactive graphics, and charts](#) from the report, “Enduring Injustice: The Persistence of Racial Discrimination in the U.S. Death Penalty.”
3. Read [10 facts about the death penalty in the U.S.](#) from The Pew Research Center.
4. Read the book “Until We Reckon: Violence, Mass Incarceration, and a Road to Repair” by Danielle Sered.

Glossary

Black Liberation Theology: A theological perspective that interprets Christianity through the context of Black experience and struggle for liberation.

Culture of Life: A belief that all human life is sacred, opposing the death penalty in favor of non-violent alternatives and the preservation of life.

Glossip v. Gross (2015): A U.S. Supreme Court case that dealt with the constitutionality of a particular method of execution, highlighting broader issues of the death penalty’s application.

Scapegoat Logic: The practice of singling out a person or group for unwarranted blame, serving as a substitute for addressing broader issues.

Retributive Punishment: A system of punishment where the primary goal is to exact vengeance or punishment proportional to the crime committed.

HISTORICAL FRAMING

The death penalty is as old as humanity and was used in most cultures for millennia. In the United States, the death penalty is deeply rooted in the legacy of slavery and lynching.

During slavery, capital punishment was used to discourage slave rebellions. After Reconstruction, the number of lynchings increased, especially in the South. In anti-lynching campaigns, Ida B. Wells and Frederick Douglass emphasized that lynchings were driven by white backlash against Black economic gains. On the surface, lynchings often claimed to seek justice for unfounded accusations of rape, but in reality, the true demand was for Black people to apologize for their ambition, wealth, freedom and dignity.

The goal of lynching was to instill terror in Black communities. With a scapegoat mentality, lynchings often became a public spectacle where the accused Black man or woman's guilt was made to represent the perceived guilt of an entire race. This drew crowds of white spectators who gathered to witness and celebrate these brutal public executions. James Cone, the founder of Black liberation theology wrote that the lynching tradition, and slavery before it, weaponized America's conceptions of shame, justice and punishment—and our religious practices of confessions and penitence. Lynchings were not lawless mobs, they were part of America's system of crime and punishment.

Sherilynn Ifill, an American attorney and frequent commentator on racial justice issues, writes, "What in the early 1900s was often referred to... as 'lynch law' was often regarded by whites as just that—a form of law that had as much legitimacy as the formal, codified laws of the state's justice system." Our country has had a very thin, and sometimes non-existent, line between judicial and extrajudicial "mob killings," public executions and capital punishment.

Capital punishment emerged as a replacement for lynchings when it was deemed "uncivilized" and fell out of favor. It became a legally-

sanctioned alternative, serving as a way to satisfy white rage. According to The Death Penalty Information Center:

"Following an 1890 lynching in Colorado, *Rocky Mountain News* called for the reinstatement of capital punishment: 'The people of Colorado and the next legislature might as well face the fact that in the absence of capital punishment under the law it is inflicted through the angry mob violence, whenever an especially atrocious crime is committed... To prevent the recurrence of such horrors the death penalty should be restored in this state.' "

Capital punishment transformed what was once a public spectacle into a private affair by moving public executions inside prison walls. But the function of capital punishment remained similar to lynchings. The death penalty has a similar scapegoat logic as lynchings (one person is supposed to stand in for the guilt of others) and also is indiscriminately applied to people of color more than white people. For example, between 1945 and 1965 in Alabama, Arkansas, Florida, Georgia, Louisiana, South Carolina and Tennessee, 823 African-American men were convicted of rape and 13% were sentenced to death. During the same time period, 442 white men were convicted of rape and only 2% were sentenced to death (Source: Death Penalty Information Center). This [map](#) shows the striking geographical similarity between lynchings and capital punishments. Mass executions of tribal members who resisted the U.S. government's colonial land grabs also were sanctioned and legal.

We do not deny that horrific crimes causing harm or death require a response and accountability. However, **the way the death penalty is practiced in the United States does not leave room for real accountability.** Former Supreme Court Justice Stephen Breyer wrote that his biggest regret during his time on the Court was once supporting the death penalty. Early in his career, Breyer wrote that he did not understand the degree to which the death penalty was shaped by racism.

Nearing the end of his tenure on the Supreme Court, Justice Breyer wrote a [dissent](#) (*Glossip v. Gross*, 2015) that presented four decades of evidence against the death penalty. Justice Breyer asked the court to consider the death penalty unconstitutional. Criminal punishment, Breyer stressed, must satisfy one of four purposes: need to secure deterrence, incapacitation, retribution or rehabilitation. The death penalty obviously incapacitates the offender, but so does life in prison. By definition, it does not rehabilitate. There's no evidence, Breyer stressed, that the death penalty deters anyone from major crime, especially since the time between conviction and execution can be a lifetime. **The only reason left for the death penalty is retribution.** Breyer wrote

“The relevant question here, however, is whether a ‘community’s sense of retribution’ can often find vindication in ‘a death that comes,’ if at all, only several decades after the crime was committed.” *Valle v. Florida*, 564 (2011). “By then the community is a different group of people. The offenders and the victims’ families have grown far older. Feelings of outrage may have subsided. The offender may have found himself a changed human being. And sometimes repentance and even forgiveness can restore meaning to lives once ruined. At the same time, the community and victims’ families will know that, even without a further death, the offender will serve decades in prison under a sentence of life without parole.”

Retribution and faith: People of faith must consider whether “retribution,” in the case of the death penalty, is moral. We must consider the question in light of how our history of the lynching tradition distorted our conceptions of guilt and innocence, scapegoating and sense of proportionality.

Geography and the Death Penalty: Justice Breyer’s dissent also stressed how arbitrary (random and capricious) the application of the death penalty is. Geography plays an outsized role in who receives the death penalty. Some states have the death penalty and some do not. But even within states, whether you are sentenced

to death or not depends heavily on which county you live in. Breyer noted, “Between 2004 and 2009, for example, just 29 counties (fewer than 1% of counties in the country) accounted for approximately half of all death sentences imposed nationwide.” Local prosecutors and judges have great discretion in sentencing, and some counties systemically exclude jurors of color from service in death penalty trials. The discrepancy between counties might be due to comparative lack of public funds for defense councils. Also, the race of the victim in capital punishment matters a great deal.

In the opinion piece, “Why capital punishment is finally coming to an end,” George F. Will writes, “Individuals accused of murdering white victims, as opposed to black or other minority victims, are more likely to receive the death penalty.” The Death Penalty Information Center reports: **“Since executions resumed in 1977, 295 African-American defendants have been executed for the murder of a white victim, while only 21 white defendants have been executed for the murder of an African-American victim.”**

Finally, Justice Breyer views the death penalty as unconstitutional because it is cruel and unusual punishment. The long delays, being on death row, and trying to survive in solitary confinement are all cruel and unusual. Further application of cruel and unusual punishment is seen when those with intellectual disabilities are executed in our country. Finally, we execute innocent people who are then exonerated after their deaths. Exonerations of African Americans for murder convictions are 22% more likely to be linked to police misconduct.

Visit [Death Penalty Information Center](#) for a history of capital punishment and read “Just Mercy,” by Bryan Stevenson and “Right Here, Right Now: Life Stories from America’s Death Row,” by Lynden Harris.

LEARNING – CASE STUDY

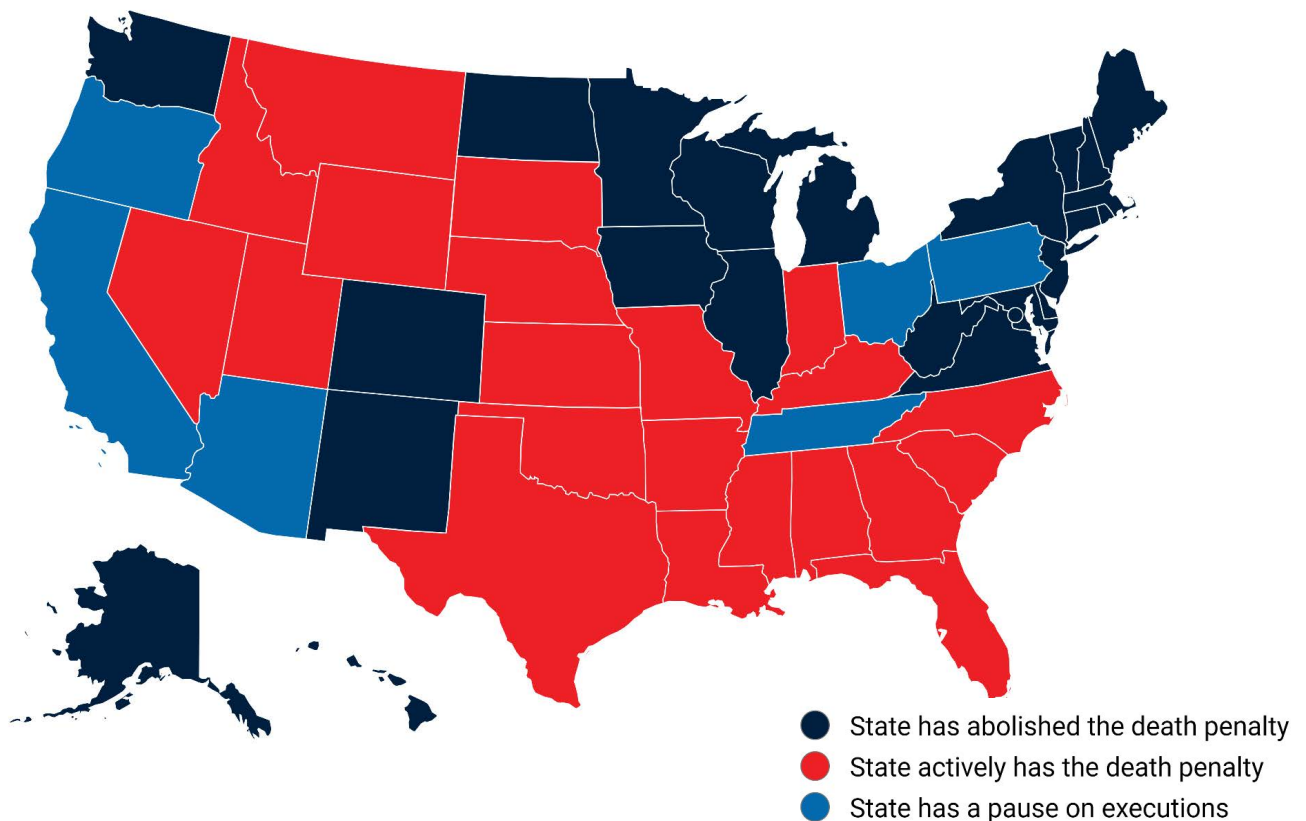
In 2011, a group of citizens in Oregon met and organized a movement against the death penalty in their state. They connected with university organizations, prison education programs, churches and schools. They even recruited the participation of Sister Helen Prejean, a nun from New Orleans who was a victim’s and anti-death penalty advocate, as well as author of the book, “Dead Man Walking.”

This group organized writing workshops in prisons and involved a cross-section of society in their campaign—youth, senior citizens, academics, advocates and most importantly, those who were incarcerated. Along with Sister Helen, the citizen’s group mobilized people for a letter writing and lobbying campaign to the governor of Oregon. The faith-based questions Sister Helen asked people to consider the following:

- Whether “eye for an eye” retributive justice was a principal that their faith supported
- Whether it was right to “freeze” a judgment of a person in the act of the worst thing they have ever done
- Whether the state has the right to murder people at all

Sister Helen has worked extensively with victims’ rights groups, as well as accompanied many people through the process of their own executions on death row. She presented a picture of what that experience was like for the prisoner, the victim’s families, the executioner and the prison employees. She spoke about whether execution brought victims’ families the closure they needed.

The campaign was successful. The governor placed a moratorium on the death penalty that year and pardoned prisoners currently on death row from their death sentences. The citizens’ group that organized this campaign consisted of ordinary people meeting at each other’s homes. They formed relationships with community partners and prisoners. They had discussions together about the morality of the death penalty and listened as people worked through their own reservations. They formed a coalition across sectors based on a single goal: ending the death penalty in their state. This example illustrates that when a small group of people come together in an organized manner, big change is possible!



DISCUSSION QUESTIONS

It's useful to think about the death penalty from multiple perspectives: that of victims' families, that of executioners, the prisoners themselves and the broader community.

In "Just Mercy," Bryan Stevenson writes about victims and victim's families who advocate for mercy and clemency toward their offenders. Conversely, there also are victims and families who advocate for the death penalty for their offenders. Responses to trauma are as varied as people are. In the cases where the victims' families do not want harsh retribution, does the state enacting the death penalty take away their agency and sense of empowerment?

If we support the death penalty, we need to think about who we are asking to murder on society's behalf. Is it fair to ask prison workers, people with families and lives, to execute prisoners? What might it do to a person to be put in the position of executioner?

RECOMMENDED ACTIONS

Analyze Understand your state's position on the death penalty.

- Determine whether your state has the death penalty. If so, which counties have the most executions?

Amplify Tell your story, post on social media and talk to elected officials.

- Georgia Catholics Against the Death Penalty has [sample scripts](#) for contacting legislators, church email announcements, prayers, tips for teaching about the death penalty and suggestions for a petition drive. Familiarize yourself with these and tailor them to your needs.

Act Link up with an existing campaign.

- Death Penalty Abolition Program
- Faith Leaders of Color Coalition (FLOCC)
- Equal Justice Initiative
- Amnesty International

TAKING ACTION

Pray with Your Feet

"I prayed for freedom for 20 years, but received no answer. Until I prayed with my legs."

– Frederick Douglass

"I prayed with my feet."

- Rabbi Abraham Joshua Heschel, returning from the Selma voting rights march, when asked when he had time to pray

"Silence is akin to complicity."

–Talmud Yevamot 87b

(This Jewish teaching reminds us that remaining silent in the face of injustice is an active choice – a form of tacit consent. Allowing an injustice to persist unchallenged is, in essence, committing an injustice yourself.)

"Whoever among you sees an evil action, let him change it with his hand [by taking action]; if he cannot, then with his tongue [by speaking out]; and if he cannot, then he should hate it in his heart, but that is the weakest form of faith."

– The Prophet Muhammad
(peace and blessings of Allah be upon him)