



National Council of Churches of Singapore

新加坡基督教全国教会理事会

Majlis Kebangsaan Gereja-Gereja Singapura

திருச்சபைகளின் தேசிய மன்றம்

22 November 2018

NCCS Response to MHA Survey on Capital Punishment

Capital punishment is defined as the execution of a criminal by the State or some other public authority. Unlike other societal issues calling for public opinion such as abortion or euthanasia where there is consensus, evangelical Christians are divided over whether capital punishment has divine sanction. The difficulty is there because of the multiple inferential perspectives that can be drawn from Scripture, Tradition, and Theology in deliberating over this issue. Notwithstanding the differing opinions on the issue, NCCS maintains that within protestant Christianity capital punishment is neither mandated nor prohibited but is best thought of as *permitted*. Even so, following the spirit of the 2012 parliamentary revisions, we enjoin the government to further its review of the conditions and circumstances in which the death penalty is meted out.

The factors under consideration leading to the above recommendation are elaborated in the following paragraphs:

- 1 In terms of Scriptural inference, those who view the death penalty as mandated do so on the grounds of the sanctity of human life. This principle denotes that the taking of another human life results in the offender forfeiting his or her own life (Gen 9:6). This group maintains that the principle is further reflected in the Mosaic Law, which ordained execution for eighteen offences (including several which did not involve homicide, e.g. rape, cf. Deut 22:25–27). This group's position maintains that passages like Rom 13:1–7 in the New Testament imply the appropriateness of implementing the death penalty.
- 2 Conversely, the other group's objection of the death penalty is based on the argument that New Testament developments have superseded Old Testament arguments that sanction the death penalty. The supersession happens along three lines: i) the Mosaic Law applied to Israel as a theocracy and thus does not apply to secular modern states; ii) Christ's death and resurrection ended the requirement for any further blood recompense, and iii) Christ's teaching and actions take the approach of forgiveness and for suffering evil rather than resisting it by force (e.g. John 8:1–11).

1 Coleman Street, #B1-27, The Adelphi, Singapore 179803

Tel: 6336 8177, Fax: 6336 8178

Email: admin@nccs.org.sg, Website: www.nccs.org.sg

UEN: S61SS0118B

"... one body in Christ" Romans 12:5

- 3 In light of the diverse interpretations on the issue, we believe that the Scriptural position is best represented as neither mandating nor prohibiting the death penalty but rather *permitting* it. That is, the government has the authority to impose the death penalty, but is not necessarily under obligation to do so.

In terms of the inference drawn from Tradition, Christian participation in capital punishment was censured by the early church. Following the conversion of Emperor Constantine to Christianity in AD 312, the church began to acquiesce in secular, punitive practices which were previously forbidden. The acquiescence resulted in the church largely accepting the traditional penal practices of the Christian Roman Empire by the beginning of the fifth century. However, the injunction against clerics' involvement in any form of capital sentences remained.

- 4 The matter took a turn with the Magisterial Reformers. Both Martin Luther and John Calvin operated with a two-kingdoms ethic. Luther insisted that since Christians are citizens of the kingdom of God, they should follow the demands of Christ by being non-resistant inwardly in terms of their dealings with other true Christians. But simultaneously, being citizens of their respective earthly kingdoms, Christians have a duty to protect their neighbours outwardly by occupying various judicial positions in civil government. Luther perceived civil government as the means God uses to act in the kingdom of the world. It could thus be said that in Luther's view, God's own self working through human agents passes the capital sentence and performs the execution.

Calvin, while rejecting the inward-outward dualism of Luther, nevertheless operated with a two-kingdoms ethic. He considered the way of Christ compatible with the death penalty. Loving one's enemies is not incompatible with the exercise of capital punishment. The Magisterial Reformers established the legitimacy of capital punishment within the Christian Tradition. In this way, they justified the practice for subsequent generations save the Mennonites and Anabaptists tradition.

- 5 Finally, in terms of the theological perspective, the issue must be couched within the wider theological framework of the authority of the civil government in meting out state punishment. Broadly, state punishment can be seen as serving the three functions of retribution, deterrence and reformation.

According to the first function, capital punishment could seek its justification in being a means of retributive justice. On an extreme account, this reduces the offender and victim to a zero-sum relationship whereby the victim (or in this case surviving loved ones of the victim) can only be benefited by equivalent losses to the offender. Such an argument, however, essentially fails to order the 'retribution' to the higher goals of restoration and reformation by which any Christian account of punishment should be governed by. Thus, for Christians, the retributive/retaliative principle is insufficient to serve as a basis of justification for the practice of capital punishment.

- 6 This leaves the remaining two functions of deterrence and reformation. In this regard, we deem that where the argument for or against capital punishment ultimately falls depends on which function is prioritised. If deterrence is elevated to be of utmost importance in the theological consideration of the notion of punishment, capital

punishment will prevail. The gist of the argument runs as follows: governments ought to use the least restrictive means sufficient to achieve compelling state interests. Because reducing the volume and rate of criminal violence and harm done to innocent persons — especially murder and in our nation’s case drug trafficking — is a compelling state interest, the threat of severe punishment lies as a necessary means to that end.

Added to the equation is the belief that the death penalty serves as the most effective and therefore sufficient means to achieve the purpose of deterrence. All other forms of state punishment would be unable to achieve the same level of deterrence. Considered theologically, the deterrence principle would be the strongest argument justifying the continual practice of capital punishment.

7 Garnering together the different threads, we maintain that the practice of capital punishment is best thought of as *permitted*. First, what Scripture says overall is best expressed by this category of permission. Second, the practice of capital punishment has received support at various junctions within the Christian tradition, and third, the practice can be defended when the deterrence function is maintained as a vital part of the theological consideration of the place of state punishment.

8 Nonetheless, we also deem that permission (‘can’) does not imply obligation or necessity (‘have to’). In this regard, we urge the government to seriously consider if other forms of state punishment (e.g. life imprisonment) can achieve a similar deterrent effect. This applies especially to crimes not directly related to murder like drug trafficking, which currently carries the possibility of the death sentence. In this vein, we recognise and commend the government for its move in 2012 in passing laws to remove the mandatory death penalty in certain cases of drug trafficking and in murder cases where there was no intention to kill. We enjoin the government to continue its review and to possibly broaden the exemptions further. We believe that such a review will, while maintaining capital punishment, strike a better balance between the deterrent and the reformative functions of enforcing state punishment.