

“Chikyu Shimin-no Kai” Research Reporting Meeting
“Christianity and Death Penalty”

May 24, 2009

Kobe City University of Foreign Studies

Speaker: Kobe International Christ Church

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Theme scripture: “The teachers of the law and the Pharisees brought in a woman caught in adultery. They made her stand before the group and said to Jesus, ‘Teacher, this woman was caught in the act of adultery. In the Law Moses commanded us to stone such women. Now what do you say?’”

(John 8:3-5)

<Introduction>

The lay judges in Japan began on May 21, 2004. I myself am ignorant about the law, and I am not a person who is familiar with trials. Therefore, please understand me that I can talk about what to think about the death penalty from only the viewpoint of religious believer. Masumi Hayashi [47 years old], who was charged with murder in Wakayama poisoned curry case, and her final appeal that was followed to the 1st and 2nd trials, was rejected by the Supreme Court of Japan on April 21, 2009, and it was based on comprehensive evaluation of circumstantial evidences. Without knowing the motive for the crime, the death penalty was given only by the circumstantial evidences. The April 21st was the day when the lay judges in Japan began.

Last year, April 22 (Tuesday), the man (Age 28, and he was 18 years old when he committed murders) who was accused because of murdering and raping mother and her child, and his case was back to the original court, Hiroshima High Court of Appeal (the chief judge, Yasuyuki Narazaki), and the court gave a sentence to death.

I do like to ask you about the case that 4 people lost their lives among 60 victims at the poison curry incident, “what would you think about it?”, if you were chosen to be a judge.

In the early morning on February 23, 1988, there was a case at Nagoya city that rogues attacked and killed couples one by one. At that time, death penalty became an important issue. I heard a prosecutor said, “If my daughter was killed, I quit my job and kill the perpetrator”.

At that time, the trainee asked, “So, what would you do if your wife was killed?” The prosecutor kept silent and put his hands together. And he said, “I will thank to the perpetrator”.

Prosecutors are also human beings. Sometimes they empathize with the victim’s feelings. The media shows a dualistic confrontation image of taking position on whether the perpetrator and its

defendants or victim’s family and the prosecutor. Is it possible for judges to serve with having a preconception? Talking about the death sentence by the lay judges, I think that the death sentence should be a unanimous verdict and it should not be decided by majority vote of judges and lay judges. However, the present judgment system has been decided by majority votes. Is it OK to decide a person’s death by the numbers? In the “Teigin Jiken” on January 26, 1948, a painter Sadamichi Hirasawa who had no knowledge about poisons was arrested. He was coerced into confessing because of continuous tortures. At the Matsumoto sarin attack in 1994, the police forcibly investigated Yoshiyuki Kawano, who had no knowledge about poisons, and his house, based on their anticipation to think Kawano as a criminal. Today, I do like to think about “how do you think about the death penalty” with you together.

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(1) Whether the death penalty is Biblical

a. Law of the Old Testament – Rule of Equivalent Exchange

“Show no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”

(Deuteronomy 19:21)

Will the death penalty deter murder? A person who is familiar with human minds says as follows. In the verse 20, *“The rest of the people will hear of this and be afraid, and never again will such an evil thing be done among you”*. Written as “the rest of the people will hear of this and be afraid”, executions brings deterrence. For example, a murderer often commits murder again in and out of a prison. The “retrieved” murderer still takes innocent lives. Don’t you think that the meaning of innocent people’s life became lower because executions are not carried?

b. Death penalty is the law of God

Exodus 21:12 *“Anyone who strikes a person with a fatal blow is to be put to death.”*

Exodus 21:14 *“But if anyone schemes and kills someone deliberately, that person is to be taken from my altar and put to death.”*

Punishment is based on the law of “for the wages of sin is death” (Romans 6:23), and it is not illegal. The stoning penalty, that is, the death penalty is considered to be the compensation of sin, not as revenge.

If a person intentionally or even carelessly kill someone, it was instructed by the God’s law to compensate with own life.

Mike Huckabee, who was a candidate in the United States Republican presidential primaries in 2008, rose suddenly by a great support from the Evangelicalism in the United States. Huckabee affirmed capital punishment system, and he was a pastor of the Baptist church¹.

c. Paul talks about death penalty

Romans 1:29-32 *“They have become filled with every kind of wickedness, evil, greed and depravity. They are full of envy, murder, strife, deceit and malice. They are gossips, slanderers, God-haters, insolent, arrogant and boastful; they invent ways of doing evil; they disobey their parents; they have no understanding, no fidelity, no love, no mercy. Although they know God’s righteous decree that those who do such things deserve death, they not only continue to do these very things but also approve of those who practice them.”*

Paul says *“every kind of wickedness, evil”* is *“deserve death”*.

¹ Michael Dale "Mike" Huckabee [1955-]. He became a candidate for the 2007 presidential election. Pastor of Southern Baptist. He supported the theory of military reinforce. He lost against John Sidney McCain.

Paul himself had been sued himself. At the scene of *“I found that the accusation had to do with questions about their law, but there was no charge against him that deserved death or imprisonment (Acts 23:29)”*, he talked about the judicial system at that time and the death penalty without complaining, but observing the law. *“If, however, I am guilty of doing anything deserving death, I do not refuse to die. But if the charges brought against me by these Jews are not true, no one has the right to hand me over to them. I appeal to Caesar!”* (Acts 25:11)

Paul introduced that in case of perpetrate a crime of “deserve death”, it is appropriate to submit to serve at jail according to “the governing authorities”. (Romans 13:1) Even Jesus Christ never condemned the capital punishment system. He mentioned about an evil act by the Seven Churches of the Apocalypse.

Revelation 2:23 *“I will strike her children dead. Then all the churches will know that I am he who searches hearts and minds, and I will repay each of you according to your deeds.”*

Now, what would you do to make your judgement if you were selected to be a judge?

(2) God does not desire human death, and even let the most evil people to alive

a. God’s heart for the murders

Needless to say, the first murderer in the world was Satan who said *“will not certainly die* (Genesis 3:4)”. However declared as *“but you must not eat from the tree of the knowledge of good and evil, for when you eat from it you will certainly die”* (Genesis 2:17), “בְּיוֹם be yowm (‘on the day of ~’, Classical Japanese language version) has not been translated as original meaning. It should be translated as “you will die on the day you ate it”. Literally, within 24 hours, Adam and Eve spiritually died (Genesis 5:5; Matthew 8:22; Luke 15:24 Ephesians 2:1)².

Subsequently, the first murderer of mankind is Cain. Let’s focus on God’s words to even such an evil person Cain.

He said *“But the Lord said to him, “Not soe ; anyone who kills Cain will suffer vengeance seven times over.” Then the Lord put a mark on Cain so that no one who found him would kill him (Genesis 4:15)”*.

God ordered people as *“no one who found him would kill him” for the murderer Cain. Because the one who created human beings wishes voluntary repentance and he is patient as “the Lord is not slow in keeping his promise, as some understand slowness. Instead he is patient with you, not wanting anyone to perish, but everyone to come to repentance (II Peter 3:9)”*.

² Altogether, Adam lived a total of 930 years, and then he died. (Genesis 5:5) Bible says “May your whole spirit, soul and body be kept blameless at the coming of our Lord Jesus Christ” (1 Thessalonians 5:23) “be yowm“. It literally died spiritually from the eyes of God within 24 hours. “As for you, you were dead in your transgressions and sins” (Ephesians 2:1). (cf. Matthew 8:22, Luke 15:24)

b. It is more important to lead conversion than execution

The perpetrators took the victim's lives. Cain killed Abel. But that's not all. God asks Cain to explain to every one as "then the Lord said to Cain, "Why are you angry? Why is your face downcast? If you do what is right, will you not be accepted? But if you do not do what is right, sin is crouching at your door; it desires to have you, but you must rule over it (Genesis 4:6-7)". It is written that the sin is "desires to have you (Hebrew תִּשְׁוָקָה *teshuwqah* 'Mutually love each other')". He longed for sin rather than dominating it. Cain became a perpetrator who killed his own inner character. He had longed for the "sin" than the soul, a giver who gave a life to him.

As in Joel 2:13 "*Jesus said, "Rend your heart and not your garments. Return to the Lord your God, for he is gracious and compassionate, slow to anger and abounding in love, and he relents from sending calamity"*, the characteristic of God as "slow to anger (Hebrew אַרְגָּז *arek* 'slow to get angry')", and it appears 15 times in the Old Testament.

The spirit of "slow to anger" is not only God but the qualities that Christians are required for. He ordered as "my dear brothers and sisters, take note of this: Everyone should be quick to listen, slow to speak and slow to become angry (James 1:19)". Considering the viewpoint of the one who created human beings, is it possible to say that the death penalty can be said to be as Biblical? We should meditate, contemplate and practice the spirit of "slow to anger", which our life giver talks, rather than claiming own anger, personal grudge and "right" of own revenge.

Criminals are given opportunities and time for repentance to bereaved families. The capital punishment system makes impossible to grant a reprieve. In 2001, a criminal Mamoru Takuma (37 years old) invaded with a knife to Ikeda Elementary School attached to Osaka Kyoiku University at Ikeda City, Osaka, and he killed 8 students one by one. He already had more than 10 criminal records such as injuries, extortions, attempted arsons, frauds and animal abuses. A year after the death penalty was sentenced, Mamoru Takuma was executed in 2004 at the Osaka Detention Center. The woman who was married with Takuma in the prison. She said "I wanted to have a little more time to talk with him. I could not draw out atonement for his sins. I deeply regret it. I was not good enough"³.

Even when Jesus was executed, he prayed for forgiveness to his opponent as "*Jesus said, 'Father, forgive them, for they do not know what they are doing.'* And they divided up his clothes by casting lots (Luke 23:34)". "Forgive" ἀφίημι means "to miss *aphiemi* <debt, sin, mistake>".

It would be impossible for the bereaved families of the victims of the "mother and child incident" in 1999 at Hikari City, Yamaguchi Prefecture, to feel human love toward the young perpetrator. In both the first and second trial, the judge handed down the life imprisonment sentence to the

³ "Mainichi Shimbun" (September 20, 2004)

defendant who was 18 years old at the time of the crime. However, the victim's husband continued appeal to the court and public that the perpetrator should be sentenced to death. Public opinions and the media also supported it. As a result, the Supreme Court returned the case to the High Court, and at the appeal trial, the death penalty was sentenced. Medias welcomed the judgement as a righteous one that the court kept the justice.

“Revenge” is a common practice in Japan that even if victims' families or relatives kill the perpetrator, they would not be given the death penalty. Every December, one historical drama draws people's tears. The popular drama “Hitsusatsu-Shigotonin (professional revenge undertaker)” is deeply rooted and the last scene of the drama appears rightly that is about the revenge toward the bad one to pay off the grudge, the hatred and resentment.

If the bereaved people would pray for their perpetrator to admit its sin and come through it, so that they might be able to heal themselves. It is a spiritual problem that cannot be solved by executions. Even if the perpetrator dies by the death penalty, how can we heal the sufferings that still cannot forgive because of exhausted feeling with continuous hatred towards the perpetrator?

Matthew 5:44, *“I tell you, love your enemies and pray for those who persecute you.”*

c. God never desire death of human, but hope their conversion

Ezekiel 18:23-32 *“Do I take any pleasure in the death of the wicked? declares the Sovereign Lord. Rather, am I not pleased when they turn from their ways and live? But if a righteous person turns from their righteousness and commits sin and does the same detestable things the wicked person does, will they live? None of the righteous things that person has done will be remembered. Because of the unfaithfulness they are guilty of and because of the sins they have committed, they will die. Yet you say, ‘The way of the Lord is not just.’ Hear, you Israelites: Is my way unjust? Is it not your ways that are unjust? If a righteous person turns from their righteousness and commits sin, they will die for it; because of the sin they have committed they will die. But if a wicked person turns away from the wickedness they have committed and does what is just and right, they will save their life. Because they consider all the offenses they have committed and turn away from them, that person will surely live; they will not die. Yet the Israelites say, ‘The way of the Lord is not just.’ Are my ways unjust, people of Israel? Is it not your ways that are unjust? Therefore, you Israelites, I will judge each of you according to your own ways, declares the Sovereign Lord. Repent! Turn away from all your offenses; then sin will not be your downfall. Rid yourselves of all the offenses you have committed, and get a new heart and a new spirit. Why will you die, people of Israel? For I take no pleasure in the death of anyone, declares the Sovereign Lord. Repent and live!”*

The Creator of all life said “*Why will you die, people of Israel? For I take no pleasure in the death of anyone, declares the Sovereign Lord. Repent and live!*”, and he never pleased “death” of even criminals. He wishes for change of viewpoint as “*Why will you die, people of Israel? For I take no pleasure in the death of anyone’, declares the Sovereign Lord. ‘Repent and live!’*” (Ezekiel 18: 32)

In addition, “repent (שוב *shuwb*)” appears 14 times in Chapter 18 itself.

According to BDB “Hebrew and English Lexicon of the Old Testament (Brown. Driver and Briggs Oxford 1978)”, it is used in the meaning of “turn to, return, repent, and offer” at 1075 places. Japanese translation of “repent” is mistranslated. Please refer *metanoia*⁴.

(3) Must not kill people

a. Must not do revenge

It is written as “*Do not take revenge, my dear friends, but leave room for God’s wrath, for it is written: ‘It is mine to avenge; I will repay,’ says the Lord.*” (Romans 12:19)

Will “compensate with death” really become “repentant”?

Nowadays, the state kills criminals who are already being prisoned and neutralized. Is it possible to satisfy with doing revenge by the death sentence of hanging from the court? Looking back on the history, the state power has a tendency of oppression of Leviathan that trampled rights of citizens⁵. The death penalty can be said to be one extreme appearance of violence by the state power. The capital punishment system has been rooted the consciousness, thought and education in our deep consciousness such as, “Restraint is unavoidable for the safety of citizens”, “Eliminating dangerous elements that disturbing orders”, and “Compliance with laws over human life”.

In other words, “the capital punishment” is actually opposite to the human rights thought of “the dignity of life is absolute”.

Can the bereaved family feel better with the execution of the criminal by the death penalty? Is it possible for the bereaved family to be healed?

Masaharu Harada (36 years old), his three family members including younger brother Akio (30 years old) who was working at the Aichi Prefecture, were killed by the purpose of insurance claims. At first, he wanted a life sentence for the criminal who committed the murder. However, his mind

⁴ The mistranslation of “xx” in the New Testament and “xx” in the Old Testament is used not only at the Japan Bible Society but also in the “New Japanese Bible”. “Repentance”, verb μετανοῶ *metanoō* (meta “change” + now / “to think” = “change viewpoint”, “negative logic” (Mark 1:15) (33 times in the New Testament”. Noun form *metanoia* (22 times in the NT), *metanoia* (22 times in the NT). And Hebrew xx (1075 times in NT) is also same that turned 180 degrees from the fixed concept of customs, traditions and common sense, and those are rather than “repent of sin”.

⁵ “Leviathan (1)” (Hobbes, T. Translated by Hiroshi Mizutami. Iwanami Shoten. 1992).

“Infernal Dictionary” (Collin de Plancy. Translated by Takehiko Tokonabe. Kodansha. 1994. p.309)

“Leviathan is a sea monster referenced in the Hebrew Bible in the Book of Job, Psalms, the Book of Isaiah, and the Book of Amos. The word later came to be used as a term for “great whale” as well as of sea monsters in general.” (Wikipedia)

Die Herrschaft des Leviathan Vgl.F.Vonessen SS 1978 p.147-158.

changed. He started to think to let the criminal have a continuous feeling of repentant, rather than executing him. Currently, he has been acting for abolition of the capital punishment system, while he is speaking to himself “I have not forgiven him yet”. Because he realized that “the victim will never be saved by taking the perpetrator’s life”. However, Harada was “betrayed by the state” and the criminal was executed. He started to appeal as “Do I really have the right to forgive him?”, “Live or die, it is not a matter that human beings will decide”⁶.

When the perpetrators are converted, accepted their sins, regretted and apologized from their heart, and the bereaved family forgave their perpetrator, it will possible to heal the two hearts for the first time. Deeply hurt scars will recover and it would be forgiven each other fundamentally.

The reason that Christ did not oppose the capital punishment system by the cross is not to obey the relative “the governing authorities”, but it was the model that he never appeal own “righteousness” against the absolute power of God, “And being found in appearance as a man, he humbled himself by becoming obedient to death - even death on a cross!” (Philippians 2:8)

b. The Early Church refused the death penalty

Christians had rejected the capital punishment system until Christianity became the state religion. According to the church father’s literature, it claimed as “*Yet Clement’s position was not universal. His contemporary Tertullian a North African decisively opposed the practice of capital punishment claiming that the Creator “puts his interdict on every sort of man-killing” (“On the Shows” 2). Tertullian was (like Justin) a pacifist who believed that Christians should not serve in the military. In this, he found company with Hippolytus, a Roman priest who urged pastors to deny baptism to any soldier whatsoever. “A military man in authority must not execute men. If he is ordered, he must not carry it out.” (“La tradition apostolique de Saint Hippolyte”. Chapter 16 Verse7)*



Change in opinion over the capital punishment system

	Accept	No idea	Abolition
2009	85.6%	8.6%	5.7%
2004	81.4%	12.5%	6.0%
1999	79.3%	11.9%	8.8%
1994	73.8%	12.6%	13.6%

⁶ “Otoutowokoroshita Kareto Boku” (Harada, M. Maekawa, Y. Poplar Publishing. 2004). “Kirisuto Shinbun” (April 26, 2008. p.2)

⁷ “La tradition apostolique de Saint Hippolyte” (Botte, B. Oriens Institute for Religious Research. 1987. p.37)

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The case of the boy perpetrator of the Yamaguchi Mother-Child incident is different from Jesus Christ case at all, but the public atmosphere that people lost calmness and claimed such as “give capital punishment”, “the death penalty is must” together seems same as the enthusiasm that the first century people spoke out as “Crucify him!” (Matthew 27:22; Luke 23:23)

In Japan, there are more than 80% of people who accept the capital punishment system. (Public opinion survey of the Cabinet Office on February 19, 2005).

Although heinous crimes are not occurring only in Japan, but social unrest causes by continuous violent crimes are pushing to support the theory of the capital punishment system.

The General Assembly of the United Nations agreed with a resolution to all for temporary suppression of execution of the death penalty by 104 countries votes. On the other hand, 53 countries are opposed that including Japan, the United States, and China. Recently, more than 100 countries have been abolished and suspended the executions in these 30 years⁸.

c. The Ten Commandments as the eternal teachings

“You shall not murder (Exodus 20:13)” (Hebrew לֹא תִרְצַח *lo ratsach*) is also quoted in Matthew chapter 5 verse 21 in the New Testament. At the era of Moses was also the God set the steps against inadvertent crimes or falsification as “*Select some towns to be your cities of refuge, to which a person who has killed someone accidentally may flee* (Numbers 35:11)”. The judge said to be a “*servant of God (διδάκωνος diakonos ‘servant’)*”, “For the one in authority is God’s servant for your good. But if you do wrong, be afraid, for rulers do not bear the sword for no reason. They are God’s servants, agents of wrath to bring punishment on the wrongdoer (Romans 13:4)”.

Even a judge of the Supreme Court and a judge who may be chosen from among you, there is no one has anything to do with sin. Everyone of us is not a bystander, but we are perpetrators or helping crimes in some way. There is a reality of criminality in our mind that we have been captured by the hatred that hard to forgive. It will be healed for the first time by the Holy Spirit when it is released from the propensity of hatred. Just because you are chosen as a judge, it does not mean that you have an authority to judge other people. There are criminals in society at any time. It is, so to speak “the weeds”. “‘No,’ he answered, *‘because while you are pulling the weeds, you may uproot the wheat with them. Let both grow together until the harvest. At that time I will tell the harvesters: First collect the weeds and tie them in bundles to be burned; then gather the wheat and bring it into my barn.’*” (Matthew 13:29-30)

You shall not to decide by a dualistic thought that inspired by the media, but by praying for what is

⁸ “Mainichi Shimbun” (January 11, 2008)

the God's righteousness.

<Conclusion>

In the Bible, there is a scene that prostitute is given the "stoning" punishment. Even today, in the Muslim region where keeps the Law of Moses, they punish women's prostitutions by the stoning. When Jesus Christ arrived there, he said "When they kept on questioning him, he straightened up and said to them, 'Let any one of you who is without sin be the first to throw a stone at her.' Again he stooped down and wrote on the ground. At this, those who heard began to go away one at a time, the older ones first, until only Jesus was left, with the woman still standing there (John 8:7-9). 'No one, sir,' she said. 'Then neither do I condemn you,' Jesus declared. 'Go now and leave your life of sin (John 8:11)'"'. From the Bible, we cannot conclude to accept the death penalty. Even a criminal is equivalent to the death penalty, it is a perverse act of human beings to execute the criminals on behalf of God. In other words, human put themselves at the seat of God and to rise up themselves beyond Christ. You must not take other people's lives.