

Sermon Life for a Life

The First Unitarian Universalist Society of Middleborough

May 31, 2015

10:30 a.m.

This is one of the toughest homilies I've had to deliver. I knew it was coming because the marathon bombing jury was in the midst of the sentencing phase; and I knew, no matter, what, I was going to struggle with the outcome. I confess, I was a little surprised that the jury decided on the death penalty for Dzhokhar Tsarnaev. Of all places, he was tried in Massachusetts, where the death penalty was abolished in 1984, and the last execution here was in 1947. He will be formally sentenced on June 24th, then sent to Terre Haute, Indiana, where he will file appeals for years. Terre Haute is where Timothy McVeigh was executed for the Oklahoma City bombing 20 years ago this April. Tsarnaev, at 21, will be the youngest person so far on death row.

Here is one instance in which there was no question the defendant committed the atrocity for which he'll die. He was nineteen; old enough to vote, old enough for military service, old enough to marry. He was also young enough so that there is a fair question about his brain's maturity, his ability to withstand the influences of his family and the bombardment of extremist messages that surrounded him. McVeigh was not much older, 27.

My thoughts had a tendency to first lead me in one direction and then another. In other words, I had to work it out as I went along. I had to get them in some kind of order, and decided on three things; our humanity, our society, and our theology. My hope is that I'll offer you some perspectives as you wrestle with the concept of capital punishment on your own.

I have tried for a long time to get clarity on capital punishment. And I realized these past few weeks that part of my struggle is that I am human and want two impossible things. Number one: I want to eradicate evil. There is a part of me that wants people who commit evil to simply be obliterated. Can I imagine pressing a button and killing Adolf Hitler? You betcha. Pol Pot? No problem. What does that say about me? This is emotional; a lizard part of my brain that doesn't care about the origins of violence and just wants to end it.

The second impossible thing is my yearning for balance. Evil acts tear at the heart of society, at the fabric of that which holds us together. And I want some kind of balance – some kind of accountability that makes up for that. I want there to be acts of justice and retribution on some kind of karmic scale. I want those tears to be healed with some definitive, dramatic, and thoroughly defensible Act. This is the part of me that's attracted to capital punishment. I'm not proud that I go there, but I do.

How does this fit, I ask myself, with my affirmation of the inherent worth and dignity of human life. What about the humanity of those who commit inhumane acts? It's forced me to think about that, about the humanity of those who commit inhumane acts. There is a growing body of knowledge about the neuroscience of morality. In essence, there are people who by accident of birth or disease or trauma or addiction have damage to the parts of their brains that govern our natural inclination to do no harm. This damage is clearly evident in people who commit acts of violence against others. It is also certainly possible that conditioning can reduce our capacity for empathy. The Stanley Milgrim experiment demonstrated that other strong influences can reduce our natural impulse to do no harm. In some respects, this makes sense. We would not be able to fight battles, or go to the lengths we go to for the sake of our safety and national security, were we feeling an obligation to the well-being of our enemies. So, I'm left with the possibility that, were it not for neurological damage, or addiction, or sociopathy, or conditioning by dominant, authoritative personalities, a person might not have committed evil. I have to consider that if anything likewise happened to me, I too might become the very thing my spirit opposes.

Remember the words of Solzhenitsyn: If only it were all so simple! If only there were evil people somewhere insidiously committing evil deeds, and it were necessary only to separate them from the rest of us and destroy them. But the line dividing good and evil cuts through the heart of every human being. And who is willing to destroy a piece of his own heart? [iv]

[iv]http://www.goodreads.com/author/quotes/10420.Aleksandr_I_Solzhenitsyn

Timothy McVeigh and Dzhokhar Tsarnaev have something else in common that I don't have – a terrorist frame of mind. A terrorist believes it is alright to kill or injure non-combatants and innocents. And a terrorist does so not for personal or political advantage but to change the larger society – to make it more vulnerable or receptive to the ideals of the terrorist. A terrorist looks at Adolf Hitler and says “The U.S. government deliberately hid the extermination of the Jews by Adolf Hitler for years from the American public because it did not want to let more Jewish refugees onto American shores.” A terrorist looks at Pol Pot and says, “The American government supported the Pol Pot regime because it thought it would stabilize Cambodia, and because it believed it could persuade the Khmer Rouge to kill fewer people.” A terrorist looks at U.S. policy and says, “Americans don't care about collateral damage. American citizens are the state, and the state is the American people.” The terrorist says it is his responsibility to strike fear into our hearts and destabilize a nation. A terrorist is insane and insanely logical.

Although I do not have the mind of a terrorist, I do agree that the state is the people. The state is made up of all too human people, people who are driven by expediency and fatigue and emotions like all of us. The state can be benevolent, and it can be dangerous because we all have that capacity to choose what is expedient or gratifying rather than right and just.

The state can be benevolent, and it can be dangerous. It depends on humans to carry out justice, and we are not perfect; we can make a mistake when a life is at stake. Our society knows about human frailties, and sets up a system of checks and balances to do its best to be fair and just. But our system of checks and balances cannot guarantee the truth where it relies on humans to discover it. All it takes is one case of mistaken identity, or one false confession, for a man to be arrested. All it takes is one misguided forensic chemist for an innocent man to go to prison. All it takes is one attorney without the right information to keep him there. From 1973 to May 4, 2015 there have been 153 death row exonerations in 26 different States. A year ago, a U.S. study estimated that 4.1% of those incarcerated on death row are erroneous convictions. We cannot presume to know with complete certainty, as we did with Tsarnaev and McVeigh, that all prisoners committed the crime for which they will die. I have come to realize I do not think this is an acceptable risk.

Our society wants to protect itself from future harm, and wants to maintain a standard of justice for all. But try as I might, I cannot see how capital punishment accomplishes that for us. It does not deter people who have a profound disregard for the lives of others. And it is not applied equally for all defendants. People who are poor, less educated and of a minority in this country are disproportionately more likely to receive the death penalty for their crimes than those who are wealthier, more educated and European American. Try as we might, we are not all equal before the law. And the consequences of that are as horrific as the crimes we want to prevent. We do the best we can, but in the face of the finality of death, our best is not good enough. We are the only first world western nation not to realize this. All the others have abolished the death penalty.

What does Unitarian Universalism have to say about capital punishment? Unlike some other religions, we do not have a unified stance on the issue. We ask people to make up their own minds rather than telling them what to believe. There are prominent and famous opponents to capital punishment all throughout our modern history. There are groups who have formed around the issue. We have martyrs in our faith, those who were killed or executed for the very things we hold dear. But we do not say “if you want to consider yourself a Unitarian Universalist you need to know we oppose capital punishment.” I find this confusing. What is Universalism other than the profound and eternal possibility of repentance and redemption? The poem I read before the sermon was written by a father on death row. It is impossible for me to know with certainty whether it was a cry from the heart or a doomed attempt to avoid his conviction. His was a righteous arrest for crimes he committed. There is no question he needed to be separated from society. But if there was even one hope that he might do something, anything, to restore a kind of balance to our society even from behind bars, shouldn't we make room for that in our faith?

Can we as a society be better collectively than we are individually? This is the root of faith; that together we are stronger and better and closer to the best that we can be, than we are apart. I rely on you, and on the values we uphold together, to help me do the right thing. To stay in right relationship with all that I hold dear. To help me not to act on my deepest emotions but to respond with the whole of me, the part that reasons, the part that believes in our capacity

for good, the part that looks beyond what people say and do and goes deeper into the why, the part that tries to understand even when I don't want to care. The part of me that must listen to what my spirit opposes. And my faith is telling me to tell society that capital punishment is a response not to the crime itself but to the deep yearnings in all of us to eradicate evil and to restore a balance with one definitive and cathartic act.

It cannot be done. Capital punishment does not allow us to distinguish between those who really did commit the crime, and those we believe did the crime because the evidence supported it according to our system of checks and balances. We cannot eradicate evil and restore balance with the death of one person – even if that person committed the act. We cannot eradicate evil and restore balance with the death of one person – especially when we run the inevitable risk of killing an innocent.

My yearnings are not answered by the death penalty, my faith tells me to listen to my truth. So I have arrived here after long and hard reflection, and ask that you demand of yourself the same search of your soul. May it be so.