

New Mexico governor Bill Richardson signed a bill last month ending capital punishment in his state. "The reality is the system is not perfect – far from it." He went on to say, ". . . the potential for a wrongful conviction and, God forbid, execution of an innocent person stands as anathema to our very sensibilities as human beings."

Tom Parker, a former career FBI agent and onetime supporter of capital punishment said this in a recent issue of the Death Penalty Watch newsletter, *Sentry*:

'The death penalty in this country is neither equitable nor is it fair. It is driven, in part, by the insatiable thirst of some segments of our society to extract a biblical "eye-for-an-eye" measure of justice... 'I'm deeply troubled by the scores of "convicted murderers" released from death rows around the country whose innocence was undeniably proven by DNA testing or other new evidence. I care about the shocking percentages of capital cases being overturned or modified on appeal due to serious legal errors, incompetent defense attorneys who failed to present exculpatory evidence at trial, or an outright lack of credible evidence. I care about the fact that most civilized countries around the globe have abandoned the death penalty.'

In remarks on a day like Good Friday, my concern is not primarily the issue of capital punishment, however despicable it may be, but the question: how do people's hearts and minds change about it? One thing is clear: we have just heard read aloud the story of an innocent man's brutal death by execution, and yet for hundreds of years following its being read and believed by Christians, even its most faithful adherents have continued to practice and to justify capital punishment. It is more the "insatiable thirst . . . to extract a biblical 'eye-for-an-eye' measure' that interests me and the way we are so easily and so often motivated by a fear of—and fascination with—the "other," that can lead us to turn away when they are deemed expendable by a faceless social and juridical machinery that works to maintain for us a belief in our own purity and innocence.

Look no further than the chilling situation of Troy Davis whose execution was finally staid by the 11th Circuit Court in Georgia. Seven out of the nine witnesses had recanted their testimony saying that the police battered and threatened them into signing statements that were not true, and without the presence of a murder weapon or any physical evidence. For over a year, even after the witnesses had recanted, the state court refused to review the conviction.

This may still seem like too much of a sociological or political argument for a sermon on the Atonement, that hinges on which hangs the entire gateway of Redemption, the very aim of the Incarnation. And I don't mean to take your religious sensibilities for granted in any way. Indeed, I am only concerned that the language we

are used to hearing around the crucifixion somehow blurs or obfuscates the straightforward recognition of its power.

Because, what is clear about Jesus is that up until the point of the resurrection, up until the point where the disciples changed their minds about Jesus, he was just another example of a fairly common messianic pretender, or political agitator to get snuffed out by the authorities, the kind of which there had already been a number before him and would come a number after him. His death was certainly to the authorities not nearly so fraught with significance until, in the bright light of the resurrection, Jesus became the "Son of God." So any expedient state-sanctioned death is essentially equivalent with his.

Some of you have seen the Andy Warhol print that hangs in my office. It is a typical Warhol, just like the Marilyn Monroe, or Elizabeth Taylor portraits, or for that matter the Campbell Soup cans that guaranteed Warhol's fame. They repeat an image across the surface of the print in different bright primary colors. In the case of the print in my office,, what repeats across the page in different colors is a photographic image of "Old Sparky", a now out of service electric chair posed empty in front of a concrete block wall posting a sign that reads "SILENCE". For me it is a stand-in for a wooden cross that was the way that the Romans took care of rebellion. They found the most prominent location, the cross roads of trade routes, the city square or market place, and they strung up those they regarded as misfits or rebels there, so that all who walked by could have the terrible sight of a man writhing in pain for hours or days imprinted on their memory as a deterrent.

The only thing that really distinguishes Jesus execution from any other of the Roman Empire was the fact of the innocence of the victim. And that innocence did not become apparent, even to the disciples, until after the resurrection of Jesus from the dead. This change of mind may be, in fact, the most dependable evidence for the resurrection. Because the disciples and the entire crowd (except for the women) were convinced that in his trial Jesus had been exposed as a fraud, a charlatan, and a blasphemer; since God, who had so profoundly appeared to support his ministry of healing, casting out devils, and teaching, did not appear to defend him from death, then it was clear that he was not God's anointed one, that he deserved death.

So convinced were the disciples that they had been wrong that they left him and went back on their pledges to defend him and support him. That they appeared immediately to be emboldened in the face of the Temple police, when Peter cut off the slave of the high priest's ear, only argues against them fleeing as only a simple matter of cowardice. Rather than running from fear for their lives, it is the contagion of the judgment of the false witnesses, the condemnation of the august Sanhedrin, and the hysteria of the crowd that infected them and caused them to abandon him. They agreed that since God did not save him, God must have found fault in him, judged him a sinner.

But far from God's judgment on Jesus, it was the judgment of the crowd confirming the council of the elders, the entire nation, and the empire, indeed, the entire

world that fell upon Jesus and that the disciples were caught up in. It was an irresistible vortex of human violence and vengeance masquerading as divine justice. In God's name was the sentence passed and in order to bring peace to the troubled city and spare its feared destruction at the hands of the Romans.

Every execution in our society attempts to do the same thing, though God may have been displaced by an abstraction like "the State" or "the People." It is the purpose of an execution to bring peace and resolution by a "divine" exercise of justice. Effectively, a state sanctioned execution is a sacrificial ritual where peace is invoked by the settling of a score, by the paying of a price.

And this, it must be pointed out, is the same theory that is usually associated with Christian redemption. It is a substitutionary atonement. From this point of view it was God's plan to become a human being and die, so that God wouldn't have to kill us instead. It is God's purpose to have Jesus suffer for sins he did not commit, so God can forgive the sins we do commit. But God's violence is not required to solve the human guilt equation. Redemptive violence is not God's solution but ours to the equation of sin and guilt. Jesus did NOT volunteer to get into God's justice machine. We drafted him and attributed it to God. In Jesus God, volunteered to get into OUR machinery of justice. God used our own sin—our own violent vengeance—to save us.

This is what could only be seen after the resurrection. It was the innocence of Jesus confirmed at the resurrection by the forgiveness with which Jesus met his disciples who had rejected him and handed him over to the authorities. In other words, for them to see him innocent, exonerated by God, meant that they—their judgment of his guilt and sin deserving death—had crucified him. WE are guilty of putting an innocent man to death, not God. So whenever we recognize that we have been wrong in our judgment of another, that we have sinned against another who was innocent, then we can be said to have met the Risen Christ.

That is why each year we rehearse the blood thirsty cry: "Crucify him! Crucify him!" And that is why we enter into the passion narrative, not to remind ourselves that someone else executed the innocent man Jesus—like the Jews who historically were in the most danger in Holy Week because the Christians filled with vengeance from hearing the passion narratives would be whipped up into a violent pogrom on the ghetto—but that it was not someone else, but us—but it was we who nailed him to the cross. It was you and me. And we continue to crucify him every time we opt to punish a guilty person, to kill someone we know God would judge as a worthless scum of a human being. We project the disquiet of the society and the disquiet of our own souls onto a likely suspect, having been rushed to judgment by our hired servants in law enforcement, in order to maintain or to regain the peace of the community that has been lost to a terrible crime.

And yet, inevitably we find that we were wrong, that the evidence was insufficient, that the defense attorney inadequate, the witnesses were under duress and frightened into accepting an account given them by the authorities. The question for us

in the face of the story of the Passion is this: is it too late to release or at least to reconsider the guilt or innocence of the condemned, has the die already been cast? Or must we learn to stand apart from the condemning crowd and to speak out for mercy instead of sacrifice. May you come this paschal season to a sense of your own guilt and complicity in the crucifixion of Jesus, because you have turned away when innocent victims have been killed. So that knowing our guilt, may we rejoice in our forgiveness, and begin to change the way we look at those our society has accused of heinous crimes.