



Australian Baptist Ministries

Public Issues Advisory Committee

BRIEFING PAPER ON CAPITAL PUNISHMENT

13 April 2015

It appears that Australian Baptist Ministries has historically not determined a specific policy on capital punishment. This is unsurprising since the issue is politically divisive and criminal justice is generally the responsibility of State and Territory rather than federal laws.¹

Whereas Baptists globally have a strong tradition of upholding human rights, I am unaware of any significant BWA resolution or publication that links a concern for human rights with a preference for the abolition of capital punishment. For example, Neville Callam's recent book, summarizing the witness of the BWA on human rights, outlines the extensive contribution to human rights by Baptists, especially in relation to religious freedom, but makes no mention of the ethics of capital punishment.²

Similarly, Baptist ethicist Joe E. Trull does not mention capital punishment in his book on Baptist ethics.³ On the other hand, arguments about the sanctity of life based on the biblical principle that all persons are made in the image of God, deployed in opposition to abortion, may with equal resonance be applied to the issue of capital punishment. This is known as the "consistent life ethic."⁴

In Australia, capital punishment was introduced one month after the arrival of the First Fleet in 1788, when Captain Arthur Phillip ordered the execution of a convict for theft. Capital punishment was last used in 1967, when Ronald Ryan was hanged in Victoria for fatally shooting prison officer George Hodson during an escape from Pentridge Prison in 1965. The last person sentenced to death in Australia was Brenda Hodge in August 1984, whose sentence was commuted to life imprisonment. The death penalty for offences under Commonwealth law was abolished in 1973, and in 2010 federal legislation prohibited capital punishment in all Australian states and territories.

Australia is also a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which declares that "abolition of the death penalty contributes to the enhancement of human dignity and progressive development of human rights," a commitment requiring that all necessary measures be taken to ensure that no one is subject to the death penalty. The United States of America is the only Western democracy that permits the death penalty.

In Ken Manley's two-volume history of Australian Baptists, one mention is made of capital punishment.⁵ In 1962, Baptist Union of Victoria General Superintendent Tom Keyte publicly opposed capital punishment as "barbaric and uncivilized," and participated in an ecumenical deputation to the Victorian

¹ It should be noted that the task of trawling through minutes of meetings of the National Council of the Baptist Union of Australia and its predecessors to locate resolutions on social issues has yet to be done.

² Neville Callam, *Pursuing Unity, Defending Rights: The Baptist World Alliance at Work* (Falls Church, VA: BWA, 2010), see especially pp. 97-129.

³ Joe E. Trull, *Walking in the Way: An Introduction to Christian Ethics* (Nashville: Broadman & Holman Publishers, 1997).

⁴ See, for example, David P. Gushee, *The Sacredness of Human Life: Why an Ancient Biblical Vision is Key to the World's Future* (Grand Rapids: Eerdmans, 2013), pp. 367-372; and his April 2000 Staley Lecture at Cumberland College, published as "The consistent ethic of life" in David O. Ahearn & Peter R. Gathje (eds), *Doing Right and Being Good: Catholic and Protestant Readings in Christian Ethics* (Collegeville, MN: Liturgical Press, 2005), pp. 248-256.

⁵ Ken R. Manley, *From Woolloomooloo to 'Eternity': A History of Australian Baptists. Volume 2: A National Church in a Global Community (1914-2005)* (Milton Keynes: Paternoster Press, 2006), p. 663.

government concerning the hanging of a prisoner named Tait. Some Victorian Baptists denounced his action as overtly political, and therefore inappropriate for a senior Baptist leader. The BUW eventually issued a statement opposing capital punishment in 1968.⁶

On the basis of Dr Ken Smith's research on social issues among Baptists in Queensland, it is apparent that no formal statement has been made on capital punishment, at least in the period 1938-1990.⁷ However, the 1971 Assembly of the Baptist Union of Queensland adopted the BWA's 1965 resolution titled "Manifesto on religious liberty and human rights," which expressed displeasure with "acquiescence in policies which deny basic human rights and bring suffering to individuals and communities," and appealed "to our fellow Baptists and fellow Christians everywhere ... to study what the teaching of Christ implies for human freedom and dignity."⁸

In NSW & ACT, two Assembly resolutions pertain to capital punishment. The first, in 1989, affirmed the conviction that every human life was created in the image of God and was of immense worth; and that the death penalty imposed solely for holding political, religious or moral convictions was always unacceptable.⁹ It therefore implicitly sanctioned capital punishment for other unspecified crimes, despite the fact that capital punishment was abolished by the NSW parliament in 1985.¹⁰

The second, in 1996, affirmed the belief that all people are made in the image of God and should therefore be treated with dignity, regardless of their crimes; that they "should therefore be given every opportunity to change their lifestyle away from destructive patterns of behaviour and toward a responsible and productive life"; and, "in keeping with these foundational beliefs, the Baptist Union of NSW commends the compassionate and progressive corrections policy of the present State government."¹¹ At the time, Labor Premier Bob Carr was in the second year of his ten-year premiership. This resolution suggests a preference for the practice of restorative justice in place of retributive justice, although it does not specifically mention capital punishment.

The main views on the biblical evidence and the main theological, philosophical, sociological and practical arguments for and against capital punishment are available in a recent article published on Rod Benson's blog.¹² A short version of the paper will shortly be available on the ABM website.¹³

To sum up, Baptists in Australia have been reluctant to pass formal resolutions on capital punishment, but it appears that none have been passed which approve of capital punishment or call for its reinstatement in any jurisdiction. The biblical teaching on humankind being made in the image of God, the "consistent life ethic," and practices of restorative justice would, among other factors, provide strong theological grounds for a national policy opposing capital punishment and supporting alternative means of criminal justice. The Public Issues Advisory Committee therefore recommends that the ABM National Council give consideration to developing a position statement on capital punishment, and further consider formulating a public statement to provide to media organisations on request.

Rev Rod Benson
Consultant ethicist

⁶ *The Australian Baptist*, 14 Aug 1968, pp. 1, 3.

⁷ Ken Smith, "Religion and social issues: Discussions and resolutions of the Baptist Union of Queensland, 1938-1973," revised version of a Master of Literary Studies dissertation submitted to the Department of Studies in Religion, University of Queensland, 1990.

⁸ Quoted in Smith, *ibid.* p. 53.

⁹ Baptist Union of NSW, *Annual Reports* 1989, pp. 21-22.

¹⁰ The last state execution in NSW took place in 1940, and the death penalty for murder was abolished in 1955.

¹¹ Baptist Union of NSW *Handbook* 1997, pp. 44-46.

¹² See <http://rodbenson.com/2015/02/13/should-christians-support-the-death-penalty/>, 13 Feb 2015.

¹³ <http://www.baptist.org.au/>