WHOSE DEATH COUNTS?

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A Black Priest on Race
and the Death Penalty

Augustine Tanner-Ihm

Foreword, Jeff Hood

COMPLICIT PRESS

Whose Death Counts? A Black Priest on Race and the Death Penalty
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“My grief does not grant the state
ownership of another person’s life.”

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FOREWORD

AUGUSTINE TANNER-IHM HAS BURIED his own. A cousin was murdered when he was fifteen. Two more were shot dead. Students were killed on the campus where he lived. He carries all of it into these pages, then refuses to hand any of it to the executioner.

I have stood in the chamber. Fourteen times, I have been in that room while the state killed a man. Augustine comes to the same room by another door. He comes as family of the murdered. He comes as a Black man from Chicago, raised in a country that watched him closely while protecting him poorly. Prosecutors say they kill for families like his. He has gone through the record. The record says otherwise.

I am a child of Georgia. So much of this book came out of Georgia courtrooms. Warren McCleskey was a Georgia case. Timothy Foster was a Georgia case. Georgia killed Troy Davis in 2011, the man who inspired my work. Augustine writes about my home with a precision that those of us raised there have often lacked.

I keep returning to what he will not do. He will not shrink the murder. Betty June Binnicker is named here. Mary Emma Thames is named. Frank Schlatt is named. He will not clean up the condemned either. Some of them have done terrible

violence, he writes, often to Black victims. He asks for their lives anyway. He does not build on innocence. Neither do I.

Augustine is a fellow of the Center for Condemned Theology. He brings the graveside to our work. He brings the pulpit. He brings a question most of the Church would sooner leave alone.

His witness inspires me. His friendship is a gift. I am grateful for both.

The question in his title is still waiting on an answer.

The Rev. Dr. Jeff Hood
Dean, Center for Condemned Theology
November 13, 2026

THE ARGUMENT

I ARGUE THAT CHRISTIANS should oppose capital punishment. Human dignity survives wrongdoing. The crucified and risen Christ unsettles the state's claim to final judgment. Racial injustice makes the American machinery of execution morally indefensible. I write as a Black American Anglican priest, bringing biblical interpretation into conversation with Black theology, penal ethics and psychological research. The book follows the line from lynching to the modern death chamber, the unequal weight the law gives to the dead and the removal of Black citizens from capital juries. It addresses the biblical texts commonly invoked in support of execution. It distinguishes accountability from elimination. It takes seriously the suffering of murder victims, their families included. The conclusion is abolitionist: public safety requires effective protection and meaningful accountability, but neither requires the state to extinguish a prisoner's life.

CHAPTER I

Why I Write as a Black American Priest

I AM A PRIEST, and I oppose the death penalty because I cannot square the deliberate killing of a person already held securely in a cell with the ministry of reconciliation the Church was given. I am also a Black American man. The country that formed me has talked about law and order for as long as I can remember while protecting some of its people far better than others. I do not keep those two facts in separate rooms. Being Black is part of where I stand when I ask whose lives our theology has taught us to recognise, whose suffering we explain away, whose death we have learned to live with.

I come from Chicago. My childhood was marked by poverty and by never being sure of housing. None of that makes me an expert witness on any particular prosecution. It does make it hard for me to pretend that everyone walks into a courtroom or a police station with the same money behind them, the same benefit of the doubt, the same protection. I know that a person can be filed under a category before anyone has listened to a story. When I write theology, I try to turn that knowledge into a discipline, which is that I must not speak

about the condemned as though a legal label were the whole of a human life.

Illinois taught me about the machinery too. In January 2000, Governor George Ryan stopped executions. By then the state had exonerated thirteen people from death row in the years it had taken to execute twelve. Three years later, he commuted every death sentence still standing, 167 of them, and in 2011 the legislature abolished the penalty altogether. Cook County, where Chicago sits, has seen more death-row exonerations than any other county in the United States (Death Penalty Information Center, n.d.a). Some of the men sent to that row had confessed while Chicago police detectives tortured them. In 2015, the city council approved reparations for the survivors, most of whom were Black men (City of Chicago, 2015). So when I hear about wrongful condemnation, I do not picture some faraway Southern courthouse. I picture home.

I want to be careful with numbers. It would be wrong to say that most people on American death row are Black men. The Death Penalty Information Center reports that Black people make up approximately 40 per cent of the death-row population against approximately 12 per cent of the national population, under the categories its summary uses (Bonner, 2026a). That figure counts Black people, with no separate calculation for Black men. What I can defend is a claim of severe racial overrepresentation, which is a different thing from a numerical majority. If I lean an argument about justice on a statistic that is wrong, the argument loses its moral clarity.

I would oppose execution if no condemned person looked like me. A white prisoner's dignity is every bit as real. I also know better than to suppose that Black communities think one thing about punishment. Black people lose those they love to murder, and they deserve protection, investigations done competently, care that lasts. Can a society honour those losses without authorising another death? I believe it can, and I believe the Church should help.

The chapters ahead draw on three kinds of evidence. Scripture and the cross come first, since a priest who cannot answer the texts has no business answering the courts. Then history and law: the line running from the lynching tree to the death chamber, the unequal weight given to the dead, the removal of Black citizens from the jury box. After that comes the research on error, deterrence and grief. Last is a pastoral question that will still be standing when every statistic has been revised, namely what the Church owes the family of someone who has been murdered. Race runs through all of it. I put it there because nobody can describe American capital punishment without it. A theology that keeps race in the footnotes has already decided whose experience gets to be the main text.

So this book starts from a commitment, with no pretence of detachment: nobody becomes disposable. Academic integrity obliges me to test that commitment against hard texts and against the arguments on the other side. Being a priest obliges me to remember the people those arguments are about. The person murdered is within the reach of Christian moral

concern. So are the grieving relative, the accused, the prisoner, the prison worker and the frightened neighbour.

CHAPTER II

The Violence My Family Has Lived Through

I DID NOT ARRIVE at this position from a safe distance. When I was fifteen, my cousin was murdered by a man. She was a transgender woman, which I say because it was part of who she was. I make no claim to know why he killed her. Her death went deep into my family. She was ours. I will not let her life vanish behind an argument about the man who took it, so in remembering her I put her humanity first.

On 14 February 2008, a gunman killed five students at Northern Illinois University in DeKalb, my hometown, then killed himself (Northern Illinois University, n.d.). It was my eighteenth birthday. I was living on campus. The date that should have marked the start of my adult life is now tied for good to a terrible act of violence in the community where I lived. My experience was nothing like that of the people in the lecture hall, or of the families who lost someone, and I do not claim otherwise. But this was no distant headline. It happened in the place where I was making a life.

Two more of my cousins were shot dead by gang members, for no reason beyond being in the wrong place at the wrong

time. These losses are part of my family's history. I know at first hand the horror of murder, and I know how far it reaches past the person killed. I am also a survivor of ten years of childhood sexual molestation. That was a different kind of violation, so I do not fold it in with the others. Taken together, though, these things make it impossible for me to treat the suffering violence causes as an abstract problem in theology.

Scripture gave me words for this before it gave me arguments. When Cain kills Abel, God tells him that his brother's blood is crying out from the ground (Genesis 4:10). The first murder in the Bible is heard before anyone judges it. Jeremiah hears Rachel weeping for her children, refusing to be comforted (Jeremiah 31:15), and Matthew sets her refusal next to the manger. These texts give a permission that the Church often holds back. The dead may cry out. The living may refuse comfort. I would not trust a theology of mercy that had not first stood in that noise for a long while without trying to hush it.

I have no reassuring account of suffering to offer, nor do I owe one. I do not believe these things happened in order to teach me mercy. I will not turn the people we lost into illustrations of my moral growth. I tell this part of my story for one reason. People who oppose execution are sometimes assumed not to understand what violent people do. I understand enough to know that accountability has to be real. What was done to my cousins, to the students at NIU, to me, must never be made small.

Race is in this grief too. Black families in the United States hear two contradictory things from the same institutions.

When suspicion is being handed out, we are watched closely. When protection is, we wait. A later chapter sets out what the research shows about whose deaths the capital system treats as deserving its harshest response. I mention it here so that the reader knows where my questions come from. I ask whether execution honours the murdered as a member of the families whose murdered are least likely to be honoured that way. We are the same families who keep being told the death penalty exists for our sake.

Even so, I do not believe we have the right to kill another human being as punishment. I can condemn what was done without consenting to an execution. My grief does not grant the state ownership of another person's life. My survival gives me no authority to tell other survivors how they should feel, either. This conviction is mine, formed inside the pain. We must protect people, confront wrongdoing and care for those who have been harmed. We must also refuse to make another death our answer.

CHAPTER III

Scripture and the Limits of Retribution

I HAVE TO START with the texts that count against me. Genesis 9:6 ties the taking of human life to a lethal response, grounding the prohibition of murder in the creation of humanity in God's image. Exodus 21:23–25 and Leviticus 24:17–22 contain retributive provisions. No responsible reader can treat these passages as modern abolitionist statements in disguise. Christians who support capital punishment are pointing at real texts. Prejudice or cruelty is not all they have. Any serious reply has to ask how these texts work within the whole of Scripture, then how Christians decide what authority they carry.

The image of God is where the difficulty lies, and it is also where my answer begins. If murder is terrible because the victim bears God's image, does the murderer stop bearing it? Genesis does not describe the fall as cancelling the dignity of creatures. My own theological judgment is that wrongdoing makes a person responsible without making that person less than human. On that reading, Genesis 9 testifies to how grave

bloodshed is. Its penalty need not be taken as a standing order to every state in every age.

Proportionality needs the same care. The eye-for-an-eye provisions put a ceiling on retaliation that would otherwise escalate. They were never a licence for unlimited revenge. But proportion is one thing, and an identical injury is another. Nothing in logic says the only just punishment is to repeat the crime, which is why we do not ordinarily ask the state to do to the criminal exactly what the criminal did. Justice has to answer wrongdoing in a way that fits. It also has to know the moral limits of its own answer. Holding on to that difference lets Christians keep the demand for accountability while rejecting execution.

Other parts of the Bible unsettle the idea that the wrongdoer must always be killed. After Abel's murder, God protects Cain from being killed in return (Genesis 4:8–16). In Ezekiel 18:23, then again in 33:11, God is concerned that the wicked should turn and live. Neither passage is a criminal code. Read together, they stop an interpreter from reducing divine justice to the removal of offenders. Scripture has judgment in it, plenty of it, yet it keeps refusing to let death be the whole meaning of judgment.

Cain is worth staying with. He is guilty. The text never hints otherwise: there is a body, there is a motive, there is a lie told to God's face. God's judgment on him is severe. The ground will no longer yield to him, so he will live as a fugitive. Then Cain protests that anyone who meets him may kill him, and God puts a mark on him so that no one will. That mark has been abused in Christian history. Some people twisted it into a

warrant for enslaving Africans. In the text itself, it is protection, placed on a murderer by the God who has just heard his victim's blood. Scripture's first killer is punished, exiled, kept alive. God decides all three.

The same thing happens in the lives of people the Church calls saints. Moses kills an Egyptian, then hides the body in the sand (Exodus 2:11–15). David arranges the death of Uriah to cover what he has done to Bathsheba. When the prophet Nathan confronts him, what David hears is "you shall not die" (2 Samuel 12:13). Saul of Tarsus approves the killing of Stephen while the witnesses lay their coats at his feet (Acts 7:58–8:1). The law, the psalms, the letters we read every Sunday: these reached us through the hands of men who took life or helped to take it. I am not trying to make murder small. Uriah was a real loss. So was Stephen. The Egyptian had a name that nobody thought to give us. But a Church that would have executed Moses, David and Paul ought to think hard about what it believes God can do with a killer who is left alive.

Even the laws that authorise death are nervous about it. No one may be put to death on the word of a single witness (Numbers 35:30; Deuteronomy 17:6; 19:15). Cities of refuge are set aside so that someone who has killed can reach safety before the avenger catches him, which forces the community to hear the case before blood answers blood (Numbers 35:9–28). This is a law that worries about its own capacity for error, for vengeance too. Modern courts have condemned people on the word of one informant. A system like that shares a penalty with Moses, which is hardly enough to make him its patron.

John's Gospel keeps a scene in which the penalty is lawful, nobody disputes the guilt, yet the execution does not happen. Men bring a woman taken in adultery to Jesus, citing the law of Moses. The earliest manuscripts of John do not contain the passage, so I would not build a doctrine on it alone, though the Church has long received it as a true memory of the Lord. Jesus does not argue with the statute. He asks who is fit to carry it out: "Let anyone among you who is without sin be the first to throw a stone at her" (John 8:7). The crowd drifts away, the elders first. I want to put his question to every Christian defence of execution. Saying that a wrongdoer deserves death is one thing. Naming the human hands clean enough to deliver it is harder.

I read all of these tensions through Jesus Christ. In Matthew 5:38–48, he turns his disciples away from retaliation towards love of enemies. That teaching does not, on its own, write the sentencing law of a modern state. It does shape the Church's moral imagination. Christians cannot call love of enemies central to discipleship, then set it aside the moment the enemy is safely in custody. Protection can be had without killing, so it falls to the defender of execution to explain why killing is still necessary. That is a judgment I reach from the canon as a whole. I have not reached it by pretending the Bible holds no hard evidence against me.

CHAPTER IV

The Cross, Resurrection and Governing Authority

AT THE CENTRE OF Christian faith is a man put to death by public authority. The passion narratives show a process with officials, accusations, a crowd taking part, a formal sentence. It was profoundly unjust all the same. That Jesus was innocent does not prove every condemned person is. What it does establish is that legal authorisation cannot be equated with divine approval. A Church gathered around the crucified Christ should be slow, slower than anyone, to bless the instruments by which states kill.

How he died has a bearing on a book about race. Rome used crucifixion above all on slaves, rebels and conquered peoples. Citizens were ordinarily spared it. The thing was public by design, staged along roads or outside city gates, so that subject populations would learn what resistance cost. Jesus died the death of people with no standing. An occupying power killed him, with the agreement of local authorities who were afraid of disorder. Christians who wear a cross are wearing the instrument of a punishment built for those an empire held to be beneath the protection of its own law.

There are other condemned people in the passion story. Barabbas, whom the Gospels describe as held for insurrection and murder, walks free while Jesus is led out (Mark 15:7–15). Two men convicted of crimes are crucified, one on either side of him. One of the two admits the sentence fits: "we are getting what we deserve for our deeds" (Luke 23:41). He asks to be remembered. Jesus answers, "today you will be with me in Paradise" (Luke 23:43). Jesus uses that word nowhere else in the Gospels. He says it to a guilty man who is being executed, who has just confessed his guilt. The promise does not bring the man down from his cross. It does show the Church the company Christ is willing to keep at the end.

From that cross, Jesus prays for the people carrying out his sentence: "Father, forgive them; for they do not know what they are doing" (Luke 23:34). I notice who the prayer covers. Soldiers doing a job. Officials who followed a procedure. The prayer takes for granted that people can take part in an execution without grasping what they are part of, then asks mercy for them as well. I go back to it when I think about prison staff. I go back to it when I think about my own country, which can carry out a killing on schedule, then call it closure.

The resurrection carries equal weight. In raising Jesus, God vindicates the one whom human authority condemned, announcing that death does not hold ultimate sovereignty. My abolitionism follows from this. The state must not imagine that it can give the final account of what another person is worth. A sentence may restrict liberty. It may protect the public. What it cannot do is establish that a life has no

remaining claim on us. In Christian terms, whether someone repents or is changed belongs to God's future. No execution warrant gets to set the timetable for that.

Romans 13:1–7 is the strongest challenge the New Testament puts to me. Paul describes governing authority as an instrument for restraining wrongdoing, one that bears the sword. Some Christians take this to permit lethal punishment. Theirs is a reasonable reading with a long history, which I do not deny. What I deny is the next step. Permission for government to coerce does not create a duty to keep every available form of coercion. Nothing in the passage requires a modern legislature to prescribe execution where its communities can be protected by other means.

The passage also has neighbours. Romans 12:14–21 turns believers away from vengeance, telling them to overcome evil with good. Romans 13 should not be used to cancel that formation. It cannot be read as blessing everything governments do, either. The same Bible contains prophets who resisted kings. It contains apostles who refused to make obedience to human authority absolute. It contains Revelation, which exposes the violence of empire. The state has authority for the purpose of serving the good, so it answers to that purpose.

The Church's tradition has included support for execution. That is a fact. Tradition also develops, including at the level of institutions. In its Resolution 25 of 2002, the Anglican Consultative Council urges churches and primates to press for total abolition (Anglican Consultative Council, 2002). The revised paragraph 2267 of the Catholic Catechism

likewise rejects the death penalty, affirming that serious wrongdoing does not erase dignity (Congregation for the Doctrine of the Faith, 2018). These are two distinct statements from two churches. They do not prove that Christians everywhere agree. As an Anglican priest, I receive the first as significant counsel from the Communion, the second as an important ecumenical contribution. Both show that abolition can come out of sustained Christian reasoning. Nobody had to abandon the tradition to get there.

CHAPTER V

From the Lynching Tree to the Death Chamber

AMERICAN CAPITAL PUNISHMENT WAS never a neutral institution that picked up a racial problem later on. In the slaveholding colonies, then in the slaveholding states, the criminal law was divided by race in the open. Something that cost a white person a fine or a prison term could cost an enslaved person his life. The penalty was there to protect property and to deter revolt, at least as much as to answer crime (Death Penalty Information Center, 2020). A society that owned human beings used the scaffold to keep them afraid.

Emancipation changed the legal form of that fear. It did not end it. The Equal Justice Initiative has documented more than 4,400 racial terror lynchings of Black people in the United States between 1877 and 1950 (Equal Justice Initiative, 2017). These killings were public. Crowds came, sometimes in their thousands. Photographs were taken, then sold as postcards. Some victims had been accused of murder or rape. Others had argued with a white man, asked for fair wages, or failed to show the deference white people demanded. Ida B. Wells investigated lynchings in the 1890s at the risk of her own life.

She showed that most of the cases she examined involved no charge of rape at all, though rape was the excuse most often given in lynching's defence (Wells, 1895).

Lynching declined in the twentieth century. Anyone who thinks of the courtroom as the opposite of the lynch mob might ask why. Southern officials wanted to avoid the embarrassment of mob violence, so they began promising crowds that the law would do the work quickly. The Equal Justice Initiative describes capital trials taking the place of lynchings in many communities, with the same accusations, often the same outcome (Equal Justice Initiative, 2017). A hurried trial in front of an all-white jury, then an execution: the mob got what it wanted, this time with the state's signature on it.

I cannot leave out George Stinney Jr. In March 1944, two white girls were found beaten to death in Alcolu, South Carolina. Betty June Binnicker was eleven. Mary Emma Thames was seven. What happened to them was a horror, so their families were owed the truth. They were given the arrest of a fourteen-year-old Black boy. His trial lasted one day. The all-white jury took ten minutes. South Carolina electrocuted him on 16 June 1944, less than three months after the girls died. In December 2014, a South Carolina judge vacated the conviction, finding "fundamental, Constitutional violations of due process" (Death Penalty Information Center, 2014). Seventy years is a long time to wait to hear that a child did not get a fair trial. It is longer for two murdered girls. Their case was closed by killing a third child.

The record on rape needs no interpreting. Between 1930 and 1972, 455 people were executed for rape in the United States. Of those, 405 were Black. All but twelve of the executions, 443 of them, took place in states of the former Confederacy (Death Penalty Information Center, n.d.b). In practice, the penalty was kept for Black men accused of assaulting white women. Rape is a grave crime. I am a survivor of sexual abuse, so I have no wish to shrink it. But the law did not treat rape as grave when the victim was Black, or when the accused was white. Applied on those terms, the punishment protected a racial order. It was called the protection of women.

In 1972, the Supreme Court faced some of this. Furman v. Georgia was decided together with two companion cases, so there were three petitioners. All three were Black men. William Furman had been sentenced to death for a killing during a burglary, the other two for rape. The Court held, five votes to four, that the death penalty as it was then administered was unconstitutional. Death sentences across the country were set aside. Each of the five justices in the majority wrote his own opinion. Justice Douglas called the discretionary sentencing laws "pregnant with discrimination". Justice Marshall went through the racial history at length (Furman v. Georgia, 1972). Nobody was executed in the United States between 1967 and 1977.

The states rewrote their statutes. In 1976, the Court approved several of the new ones in Gregg v. Georgia. The revised laws promised guided discretion, meaning lists of aggravating factors, separate sentencing hearings and automatic appeals (Gregg v. Georgia, 1976). Procedure was

supposed to do what conscience had failed to do. A system redesigned on paper was supposed to stop producing the old results. Executions began again in 1977. The large majority since then have been carried out in the South, in the states where lynching was most common (Death Penalty Information Center, 2020). A map cannot prove a motive. It can ask for an explanation, though, and I find it hard to credit that the old habits stopped in 1976.

I am a priest, so my reason for telling this history is theological. The Church teaches that sin is more than a string of individual acts. It settles into customs, institutions and laws. It can outlive the people who first committed it. The men and women who operate the death penalty today may bear no personal malice. That does not make an institution with this ancestry innocent. Christian repentance asks for more than a change of feeling. It asks that whatever the sin built be given up. I cannot see how a nation repents of lynching while it keeps the practice that took lynching's place.

CHAPTER VI

Black Theology and the Condemned Body

BLACK THEOLOGY ASKS A question that abstract discussion can dodge. When the meaning of the cross is explained, from whose position is it being explained? James H. Cone's The Cross and the Lynching Tree joins Christian reflection on the crucifixion to the history of racial terror against African Americans. His work makes it harder for a Christian to revere the crucified body while staying indifferent to the degradation of Black bodies (Cone, 2011). I take that as a challenge to my own reading of punishment. Theology has to attend to the people for whom the state's power means danger as well as protection.

The Black church had made the connection long before it appeared in an academic book. Enslaved Christians sang about the crucifixion in the first person, asking one another whether they had been there. They knew what it was to watch a man whipped, hung up, left as a warning. The slaveholder's preacher might tell them the cross taught obedience. What they heard in it was the story of a God who had been where they were. Cone argues that they were right, that this was

sound theology. He argues, too, that when white American Christianity could not see the lynched Black body in the crucified one, the failure was one of faith as well as of conscience (Cone, 2011).

The passion narrative even puts an African at the scene. Simon of Cyrene, from North Africa, is pulled out of the crowd by soldiers, who make him carry the cross (Mark 15:21). He does not volunteer. Men with weapons decide his body is available for their purposes, so he walks with a condemned man to the place of execution. Black Christians have long seen themselves in Simon. I also see in him a picture of what accompanying the condemned is like. He cannot stop the execution. He did not choose the road. He carries what he is handed for as far as he is allowed to go.

I have to be careful with this connection. A legal execution following a criminal conviction is not the same as a lynching in every respect. The historical differences are real. So is the suffering of actual murder victims. Still, an institution does not have to copy every feature of an earlier practice in order to inherit its racial patterns, or to go on valuing lives unequally. The Equal Justice Initiative traces the links between American capital punishment and the history of racial terror. It also documents present concerns about discrimination and about inadequate legal representation (Equal Justice Initiative, n.d.). The continuity has to be examined. It should not be assumed in every detail, nor waved away before anyone has looked.

Reasoning as a Black theologian means, for me, refusing any supposedly universal account of justice that gets uneasy when Black experience comes into the room. Whether a statute

mentions race is only the start of the question. I want to know how things work in practice: who is suspected, who is believed, who is chosen for the jury, who can pay for lawyers, whose grief the public recognises. An institution can speak the language of equal treatment while it hands out its burdens unequally. The Church needs the moral seriousness to inspect how the burdens fall. Admiring the language will not do.

Black theology has a temptation of its own to resist. The condemned are easier to defend when they can be presented as innocent, or gentle, or wronged. Many of them are none of those things. Some Black men on death row have done terrible violence, often to Black victims. Their own communities know this better than any advocate from outside. If a theology can speak only for the innocent, it has quietly accepted the state's premise that the guilty may be killed. The crucified Christ hangs between two guilty men. Suppose the dignity I claim for Black life depends on respectability. Then it will fail the very people who need it most, while teaching everyone else that our own standing is conditional too.

The Supreme Court's decision in McCleskey v. Kemp shows the gap between a constitutional threshold and a moral evaluation. The Court considered statistical evidence of racial disparities in Georgia's capital sentencing. It rejected McCleskey's constitutional claims anyway, since its equal-protection analysis required evidence of discriminatory purpose in his own case (McCleskey v. Kemp, 1987). The judgment did not establish that the system was free of racial disparity. My objection is theological. A legal threshold for

relief cannot settle what the Church has to ask, which is whether a system like this deserves its endorsement.

Black victims have to stay at the centre of that question. If public outrage burns hotter when the victim is white, then the injustice lies in the relative value placed on victims as well as in how defendants are treated. So abolition has to come with better protection for Black communities, better care too. I will not defend Black prisoners by making Black grief invisible. A theology adequate to one must recognise the other. I am committed to a society where the value of a life is neither inflated nor diminished by how close it stands to whiteness, wealth or respectability.

CHAPTER VII

Whose Death Counts?

WARREN MCCLESKEY WAS A Black man convicted of murdering Frank Schlatt, a white Atlanta police officer, during the robbery of a furniture store in 1978. Officer Schlatt was killed doing his job. Nothing in this chapter makes that less. McCleskey's lawyers did not ask the Supreme Court to excuse the killing. They asked it to look at a study.

Professor David Baldus had led the study, which examined more than two thousand Georgia murder cases from the 1970s. The researchers accounted for 230 variables that might explain why one defendant was sentenced to death while another was not. They found that defendants charged with killing white victims were 4.3 times as likely to be sentenced to death as defendants charged with killing Black victims (Baldus, Pulaski and Woodworth, 1983; McCleskey v. Kemp, 1987). The race of the person who died was a stronger predictor of the sentence than the race of the person who killed.

The Court assumed the study was valid. It ruled against McCleskey, five votes to four. Justice Powell wrote for the majority. Statistics about a system, he reasoned, could not prove that the people who decided one man's case had acted

with discriminatory purpose. He added that apparent disparities in sentencing are "an inevitable part of our criminal justice system". McCleskey's claim, if followed to its conclusion, would throw into question the principles underlying the entire system. In dissent, Justice Brennan said what he heard in that reasoning: "a fear of too much justice" (McCleskey v. Kemp, 1987).

Georgia executed Warren McCleskey in 1991. After Justice Powell retired, his biographer asked whether there was any case in which he would change his vote. Powell named McCleskey v. Kemp (Jeffries, 1994). That gives me no satisfaction. A man's life turned on one vote, its author came to regret it, yet the precedent he wrote still governs. It tells every condemned person in America that a pattern of discrimination is not enough, however well it has been documented. Each one must prove that somebody in his own case meant it.

Other courts have shown that this threshold is a choice, as have some legislatures. Kentucky, North Carolina and California each passed a Racial Justice Act allowing condemned prisoners to rely on statistical evidence, though North Carolina later repealed its law, which it has only partly restored (Bonner, 2026a). In 2018, the Supreme Court of Washington struck down that state's death penalty. It had reviewed a study finding that Black defendants were more than four times as likely to be sentenced to death as white defendants in similar situations. The court held that the penalty was imposed "in an arbitrary and racially biased manner" (State v. Gregory, 2018).

What Baldus found in Georgia has been found across the country. The Death Penalty Information Center analysed death sentences imposed from 1972 to 2025. In 72 per cent of them, at least one victim was white. Black defendants with white victims accounted for 23 per cent of death sentences. White defendants with Black victims accounted for 2 per cent (Bonner, 2026b).

I am a Black man whose relatives have been murdered, so let me say what these numbers mean to me. The system's harshest response comes most reliably when the dead person is white. Prosecutors, juries and appellate courts, none of them acting from conscious ill will, produce between them a ranking of victims. The people my family buried belong to the category that ranking values least. So does every Black mother's child. We are told the death penalty is society's way of saying a life was beyond price. The record shows it says so selectively. Black lives are the ones it most often leaves out.

None of this makes me want more executions on behalf of Black victims. That remedy would fix an inequality by multiplying death. It would also send more Black defendants to the chamber, since most homicide happens within racial groups. I treat the inequality as a diagnosis. It shows what the institution has been measuring all along. The wrong of murder does not change with the colour of the person killed. A punishment that follows the victim's social standing must therefore be responding to something else.

Scripture has a word for this. The letter of James warns the assembly against partiality. It pictures the man with gold rings being shown to the seat of honour while the poor man is told

to stand (James 2:1–9). The prophets condemn courts that weigh a case by the status of the parties. When God hears Abel's blood from the ground, nobody inquires into Abel's standing. A Church that reads these texts cannot bless an institution whose attention to the dead depends on who they were. Every victim bears the image of God. A system that answers that image at such different rates is telling us it honours something else.

CHAPTER VIII

Who Is Permitted to Judge

IN A CAPITAL TRIAL, twelve citizens decide whether another citizen will live. Who those twelve are has never been a neutral question in the United States. In 1880, the Supreme Court held in Strauder v. West Virginia that a state could not bar Black men from jury service by statute. For most of the next century, Southern jurisdictions got the same result by other means. All-white juries tried Black defendants as a matter of routine.

In 1986, the Court ruled in Batson v. Kentucky that prosecutors may not use peremptory strikes to remove jurors because of their race. Under the procedure it set up, a prosecutor can answer an objection by giving a race-neutral reason. Trial judges have accepted reasons of every kind. Justice Marshall concurred, with a warning: the rule would not end the practice, which only the elimination of peremptory strikes could do (Batson v. Kentucky, 1986). The cases since then have proved him right.

Timothy Foster was a Black teenager. He was tried in Rome, Georgia, in 1987 for the murder of Queen Madge White, a white woman of seventy-nine who had been a

schoolteacher. The prosecution struck all four Black prospective jurors. An all-white jury sentenced him to death. Nearly twenty years later, his lawyers got hold of the prosecution's notes from jury selection. The Black jurors' names were highlighted in green. Someone had written the letter B beside them. One note said which Black juror might be acceptable if the prosecution were forced to take one. In 2016, the Supreme Court found by seven votes to one that the strikes had been motivated by race (Foster v. Chatman, 2016).

Curtis Flowers is a Black man from Winona, Mississippi. The same prosecutor tried him six times for the 1996 murders of four people at a furniture store: Bertha Tardy, Carmen Rigby, Robert Golden and Derrick Stewart. Over those six trials, the State could have used peremptory strikes on forty-two Black prospective jurors. It struck forty-one. In 2019, the Supreme Court reversed his conviction, seven votes to two (Flowers v. Mississippi, 2019). The State later dropped the charges. Four families lost someone in that store. In more than twenty years, the prosecution gave them six trials. Not one conviction survived, in part because the prosecutor kept removing Black citizens from the jury box.

There is also a rule that excludes without ever mentioning race. Before a capital trial begins, prospective jurors who say they could not impose a death sentence are removed. Lawyers call this death qualification. Black Americans oppose capital punishment at higher rates than white Americans, for reasons this book has been describing. So death qualification takes Black citizens off capital juries in disproportionate numbers, according to research summarised by the Death Penalty

Information Center. The same research finds that who sits on the jury affects the outcome when the defendant is Black with a white victim (Bonner, 2026a). A community forms a moral judgment about the death penalty out of its own history with it. That judgment then becomes the ground for shutting the community out of the decision.

Race can get into the jury room even after it has been kept out of the jury box. Duane Buck was sentenced to death in Texas for the 1995 murders of Debra Gardner and Kenneth Butler. Texas law required the jury to decide whether he was likely to be dangerous in the future. A psychologist took the stand, called by Buck's own defence. He told the jury that Buck's being Black made future violence statistically more likely. The Supreme Court ruled for Buck in 2017. Chief Justice Roberts wrote that the testimony appealed to a powerful racial stereotype, that of Black men as prone to violence. He added: "Some toxins can be deadly in small doses" (Buck v. Davis, 2017).

Reading these cases as a priest, I hear a question about the body of the people. A jury is supposed to be the community's conscience gathered in one room. When Black citizens are struck from it, the State has decided beforehand whose conscience counts as the community's. St Paul tells the Corinthians that the eye cannot say to the hand, "I have no need of you" (1 Corinthians 12:21). He is writing about the Church. I know a courtroom is not a congregation. The moral logic carries over anyway. Once the people most likely to doubt a verdict of death have been removed, the verdict has been arranged at least as much as it has been found.

Something is done to the person excluded, too. A Black citizen reports for jury service. She answers every question, then gets sent home on a pretext. She has been told something about her place in the civic order. The message is delivered politely, in a courtroom, under a flag. Her grandparents received the same message by cruder means. If an institution cannot carry out its gravest function without sending that message again, better training will not cure the defect.

CHAPTER IX

Dignity, Accountability and Irreversible Error

THE STRONGEST ETHICAL DEFENCE of capital punishment has little to do with revenge. It holds that some crimes are so grave that execution is the proportionate expression of public justice, one that respects the offender as a responsible agent. I feel the force of this. A society that responds casually to murder shows contempt for the person killed. Where I part company is the step from how grave the offence is to the claim that the offender must die. Condemnation can be unequivocal without being lethal.

Dignity limits punishment. Nobody earns it by behaving well. If it could be forfeited entirely, human rights would turn into conditional privileges, handed out by whoever gets to define the undeserving. A just conviction may cost a person his freedom. He keeps his claim to food, to medical care, to humane treatment, to spiritual companionship, to protection against deliberate destruction. Responsibility is compatible with dignity. More than that, responsibility means nothing unless there is a human subject who can answer for what has been done.

The limit is urgent because execution cannot be undone. Gross and colleagues used survival analysis to estimate that at least 4.1 per cent of defendants sentenced to death would be exonerated if all of them remained under that sentence indefinitely. They read this as a conservative estimate of the rate of false conviction among death sentences (Gross et al., 2014). The figure comes from a model. Nobody has counted 4.1 per cent of executed people as innocent. Its ethical weight is this: capital cases receive intensive scrutiny, yet the danger of condemning an innocent person remains.

Error is unequally shared out as well. The Death Penalty Information Center counts 203 people exonerated since 1973 after being sentenced to death. More than half are Black. Of the Black exonerees, 87 per cent were victims of misconduct by police, prosecutors or other officials. For white exonerees, the figure is 67 per cent. Black exonerees also waited longer to be released (Saeed, 2026). These are the people whose innocence was established in the end. The figures say nothing of anyone whose evidence was lost, whose witness died, whose lawyer never came.

My argument does not rest on innocence, as the final chapter will make clear. I bring up the exoneration record for another reason. The capital system's mistakes run along the same lines as its other disparities. Being Black raises the likelihood of being condemned. It raises the risk of being condemned wrongly too. A Christian may accept the death penalty in principle. That Christian still has to decide whether to accept this one, run by these institutions, with this record.

Moral theology has never let us judge an act while ignoring the circumstances in which it will be done.

No punishment can give back years unjustly taken. Imprisonment should never be spoken of as though it were easy to reverse. A living prisoner can be released, though. A living prisoner can take part in whatever repair is attempted. Execution closes that off absolutely. Where a non-lethal means of protection exists, the state would have to justify accepting an error that is both avoidable and beyond repair. I do not think the desire for one particular symbolic punishment can carry that burden.

Public safety has to be taken just as seriously. Some people remain dangerous. Secure custody may be necessary for them. But incapacitating a person is different from executing him, so the need for the first does not establish any need for the second. Abolition must not turn into complacency about prisons, about indefinite isolation, about sentences that put out hope in everything but name. The practical alternative has to include humane conditions, competent treatment and an assessment of risk that is as rigorous as it should be. My argument begins by ending executions. It does not finish by declaring every other punishment just.

CHAPTER X

Psychological Evidence, Grief and Institutional Harm

PSYCHOLOGY CANNOT DECIDE WHAT a person is worth. It can test claims that are made in the name of safety, healing or human behaviour. One of the commonest is that execution deters homicide better than long imprisonment does. The National Research Council concluded that the research it reviewed could not determine whether capital punishment reduced homicide rates, increased them or had no effect (National Research Council, 2012). That does not prove deterrence is impossible. It means the studies cannot establish the extra protection so often claimed for execution. With an irreversible punishment, uncertainty of that kind should weigh heavily.

A second claim is that execution gives bereaved families closure. Grief does not run through uniform clinical stages towards a predictable legal endpoint. Armour and Umbreit compared homicide survivors in Texas with survivors in Minnesota. Among adjudicated cases, they reported better physical, psychological and behavioural health in the Minnesota group (Armour and Umbreit, 2012). The

comparison was observational. Families were not randomly assigned to sentencing systems, so the study cannot separate execution policy from every other difference between the two states. It does challenge the presumption that capital punishment must promote healing.

As a priest, I should not prescribe forgiveness as the treatment for someone else's grief. I should not prescribe an execution either. Some relatives support capital punishment. Others oppose it. Some change their minds. All of them deserve a hearing in which their pain is not drafted as automatic evidence for a policy. Pastoral accompaniment means giving time, practical help and room for anger. It also means resisting the public story which implies a family has failed to heal because it has not reached the political conclusion others would prefer.

Prison conditions raise a further psychological concern. Haney's review examines the mental-health problems associated with long-term solitary confinement, including in supermax units (Haney, 2003). His research is relevant wherever a death row imposes comparable isolation. It is not evidence that every death-row prisoner lives under identical conditions or shows identical symptoms. The ethical point is that a sentence can do serious harm long before any execution takes place. Abolition has to include scrutiny of how people are confined. Survival alone is a poor measure of humane treatment.

Time is part of the punishment. People exonerated from death row spent an average of thirteen years under sentence of death before they were released (Saeed, 2026). Those who are

never exonerated may wait that long, or longer, for an execution date. Whatever a murderer is thought to deserve, the sentence in practice is decades of confinement under an announced intention to kill, followed in some cases by the killing. No court pronounces it in those words. It is the sentence the system delivers all the same.

I am concerned as well about the staff who are asked to take part in executions. I am concerned about prisoners' families, about communities exposed again and again to official announcements that a death is coming. These concerns are pastoral and ethical. I am not claiming that the studies I have cited establish any particular diagnosis among execution personnel, or how common it might be. Research should be allowed its limits. What I can say is that policy spreads its burdens beyond the convicted individual, so Christian care has to look beyond the prison gate. What habits does an institution cultivate when it trains people to administer death as an ordinary professional task?

The families of the condemned stand somewhere our public language barely reaches. A mother whose son is on death row has committed no crime. For years, she is asked to live with a date that may be set, withdrawn, set again. Then she is asked to grieve a death her neighbours may think was deserved. Black people are heavily overrepresented among the condemned, so this burden falls disproportionately on Black mothers, grandmothers, partners and children. I make no clinical claim about them. Mine is a pastoral one. The Church knows how to sit with a family whose child has been killed by a stranger. It has barely begun to learn how to sit with a family

whose child will be killed by the state. It will not learn while it is still deciding whether such a family deserves its sympathy.

CHAPTER XI

Mercy without Minimising Murder

ONE OBJECTION GOES ON troubling any abolitionist account worth the name. What do I say to someone whose loved one has been brutally murdered? I cannot hand over an argument as though it were compensation. No sermon is eloquent enough to replace the person who died. No policy is correct enough. My compassion, however sincere, will not do it either. Christian opposition to execution has to start by recognising that murder destroys a world of relationships. There are birthdays that will not happen now. There are ordinary conversations, whole futures, gone.

For that reason, mercy must never become a polite word for refusing accountability. A just response needs a serious investigation, a fair trial, a truthful judgment and consequences in proportion to the wrong. It needs sustained support for those left behind as well. The state's responsibility to a family does not end when the sentence is pronounced. Counselling, financial assistance, practical help, reliable information: none of these should depend on whether the relatives support the punishment the prosecutor prefers. I

offer these as proposals for care. I do not claim every jurisdiction provides them at present.

For Black families, accountability often breaks down well before sentencing. A death penalty is no use to a mother whose son's killing was never solved. Chapter VII described how seldom the full weight of the capital system comes down when the victim is Black. The communities that are told execution exists to honour victims often wait in vain for an arrest. They wait for a returned telephone call, for a victim-services worker who knows their name. I give no figures for this, since documenting it is not what I set out to do. Black communities have been giving this testimony for generations. I believe it.

Suppose the resources now spent on obtaining death sentences, then defending them, went instead to solving homicides or sustaining the bereaved. Black victims' families would be among the first to benefit. That is a judgment about priorities. I offer it as one. A capital prosecution pours years of legal effort into a small number of cases, selected in the way earlier chapters have described. Families outside that selection get the ordinary provision, which is often very little. Mercy for the condemned is usually set against justice for the murdered, as if the two were rivals for the same sympathy. In practice, the death penalty competes with victims for something more concrete: attention, money and time.

Forgiveness and reconciliation have to be kept apart theologically. Forgiveness cannot be demanded on a schedule. Reconciliation needs conditions that may never exist, truth and safety among them. A survivor may refuse all contact with an offender while supporting abolition. A survivor may stay

angry while receiving the Church's full care. It is no part of a priest's vocation to manage bereavement into a reassuring testimony. The vocation is to stay present, without making the wounded responsible for restoring everybody else's moral comfort.

Restorative practices can sometimes offer a way to acknowledge harm, to take responsibility for it. They should never be romanticised. Any encounter has to be voluntary. It has to be carefully prepared, with qualified practitioners leading it. Nobody should be pressed to meet an offender or to accept an apology. Some harms cannot be repaired in any ordinary sense. That repair is impossible does not make execution just. It calls for humility about what punishment can achieve.

So I reject the suggestion that we must choose between caring for victims and protecting offenders from death. We can hold both responsibilities. The state can condemn murder, protect the public and attend to the bereaved. It can do all of that while refusing to reproduce deliberate killing. Christian mercy is demanding. It requires us to stay responsible for people we would rather categorise, then remove. It does not deny judgment. It asks judgment to remain answerable to the dignity of everyone whose life it touches.

CHAPTER XII

The Church's Own Record

THE CHURCH CANNOT SPEAK to the state on this subject as if its own hands were clean. Cone's most painful observation is that lynching happened in a Christian land, carried out by Christian people. Many of the men who gathered at the tree were in their pews on Sunday. White pulpits, for the most part, said nothing (Cone, 2011). Clergy have blessed scaffolds. They have blessed electric chairs. Christians have sat on the juries, signed the warrants and written the statutes. When a call for abolition comes from the Church, it has to begin as confession.

My own tradition has a share in this. Anglicanism arrived in North America with the colonial order, where it lived comfortably inside slaveholding societies. Churches of every denomination found ways to preach the cross to enslaved people while denying it had any bearing on their bondage. I am a priest in that inheritance. I am also a Black man whose people it failed. I hold both facts. I have not resolved them. They are why I cannot treat the death penalty as a question of public policy on which the Church happens to have a view. The question is about what the Church has been willing to bless.

The Black church has a different record, though no simpler a one. Black congregations buried the lynched. They sheltered the hunted. The civil rights movement drew much of its moral leadership from them. They have buried the murdered as well, so that many Black Christians support the death penalty out of loyalty to those dead. I do not call that false consciousness. It comes from communities denied protection for so long that the promise of the state's harshest punishment can sound like respect, long overdue. What I say to them is what this book has been saying. The promise has not been kept. It was never designed to be kept for us. The history that makes us long for protection should make us wary of handing the state the power to kill.

In place of blessing, the Church can offer presence. Jesus identifies himself with the prisoner without naming the charge: "I was in prison and you visited me" (Matthew 25:36). The letter to the Hebrews tells Christians to remember those in prison as though they were in prison with them (Hebrews 13:3). Neither text asks whether the prisoner is guilty. Both assume the Church will be found inside the walls. A congregation may visit, write, pray for people by name, stand with the families on both sides of a murder. Such a congregation is doing theology with its body. It is also gaining the knowledge without which its statements on capital punishment are only opinions.

I said at the start that nobody becomes disposable. The Church, of all communities, ought to know this from its own founding story. It began among the friends of an executed man. They scattered when he was arrested. His return gathered

them again. Its first members knew what it was to have failed a condemned person, yet the first thing they preached was that God had raised him. Whatever the Church says about the death penalty, it says from inside that memory. Otherwise it speaks from nowhere.

CHAPTER XIII

A Priestly Commitment to Abolition

I CONCLUDE THAT THE Church should work to abolish the death penalty. I do not rest that on a single statistic or a single verse, still less on an assumption that every convicted person is innocent. The judgment is cumulative. Crime does not erase the image of God. Jesus forms a people in love of enemies. The cross exposes the danger of sanctifying state violence. Racial inequality, together with error that cannot be reversed, makes execution especially indefensible as America practises it.

Consistency can be tested. Would I still oppose execution if the trial were fair, the evidence certain, the offender unrepentant? Yes. Error strengthens the case. So does discrimination. Neither is its whole foundation. A person held in secure custody has a right not to be deliberately killed, a right that cannot depend on becoming sympathetic. If my commitment gives way the moment I meet someone difficult to love, it is not yet the commitment I believe the Gospel requires.

There is a second test, which runs the other way. Would I oppose the death penalty if it could be shown to operate without racial disparity? Yes, for the reasons already given.

That question is hypothetical, though, in a way the first is not. The United States has had more than a century and a half since emancipation to produce a capital system that does not sort by race. It has had more than fifty years since Furman, nearly forty since McCleskey. In no period for which we have evidence has it done so. When a reform keeps failing, at some point the failure tells us about the thing being reformed.

For the Center for Condemned Theology, I propose a public theology that begins by restoring attention to the human being whom a sentence threatens to eclipse. Such a theology should distinguish legal guilt from the whole of a person's identity. It should welcome serious engagement with bereaved families. It should bring research into conversation with Scripture without asking either one to do the other's work. Theological claims need interpretation. Empirical claims need evidence. Personal reflection needs to be candid about its limits.

In practical terms, I would urge churches to support moratoria, to support abolition, to defend access to competent legal representation. I would urge them to accompany imprisoned people along with their families, to sustain the relatives of those murdered. Congregations should examine the language they use about criminality, about race. They should resist the temptation to think a prison visit or an abolition statement is enough while degrading conditions continue. Public witness needs patient local relationships as well as legislative aims.

I am a Black man from the United States. I cannot come at this subject as though the condemned body belonged to an

abstract moral puzzle. I am a priest. I cannot let my concern stop at the edge of my own community. I serve a Christ who was condemned, who called his followers into the work of reconciliation. Faithfulness to him gives me no permission to decide that another human being has no future worth preserving.

I want justice that tells the truth about murder. I want it to tell the truth about racism. I want families protected, communities safe. I want punishment restrained by the knowledge that those who administer it are fallible. Above all, I want a Church whose proclamation of life can be trusted when the person in front of it is guilty, frightening or despised. So my opposition to the death penalty is a confession of responsibility. We remain answerable for one another, including the people the state has condemned.

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