



Justice Without Execution

A Latter-day Saint case against the death penalty takes murder seriously while asking whether justice requires another death.

By McKay Starr

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The failed execution of [Christa Pike](#), the [ongoing prosecution](#) in the case of Charlie Kirk's murder, and the impending military execution of [Nidal Hasan](#)—along with the short-lived plan to publicly broadcast it—have fueled debate over the death penalty.

Given the national interest in the topic, I want to add something to the Latter-day Saint discussion. I hope to encourage fellow opponents of capital punishment to engage in the discussion with greater charity and intellectual honesty, while also explaining why I oppose capital punishment as a member of The Church of Jesus Christ of Latter-day Saints.

The Pro-Death Penalty Argument

Murder cries out for [justice](#); that is undeniable. As the Lord [said to Cain](#), “the voice of thy brother’s [blood](#) crieth unto me from the ground.” I’ll never forget how horrified I was when I saw the sickening video of Charlie Kirk’s murder and knew that there was no way he could have survived. The crimes of Christa Pike and Nidal Hasan were similarly gruesome beyond description.

The book of Genesis bluntly [prescribes a punishment for such acts](#): “Whoso [sheddeth](#) man’s blood, by man shall his [blood](#) be shed: for in the [image](#) of God made he man.” This is arguably the foundational argument for the death penalty in the West, and it has been accepted by widely varying thinkers as a way of [upholding the value of human life](#), punishing the evil of destroying the image of God in another person, protecting the community, and deterring future violence.

In our own history, Joseph Smith, who ran for president on a [platform of extensive prison reform](#), still believed that crimes like murder and treason could warrant death. The Constitution, which we believe is inspired, similarly contemplates the lawful use of the death penalty in several provisions, even as it prohibits cruel and unusual punishment. George Washington also authorized [public executions](#) as commander of the Continental Army. John Locke, whose writings heavily influenced the Declaration of Independence’s beautiful promise of “life, liberty, and the pursuit of happiness,” nevertheless saw [no inherent conflict](#) between the death penalty and his ennobling natural rights philosophy.

These are arguments that anti-death penalty advocates should take seriously, and in the current debate I frankly admit that they often do not. Instead, it is common to hear arguments that portray death penalty supporters as defenders of barbaric relics of the past, that downplay or medicalize the evil actions of murderers, or that even generate public sympathy for murderers in the name of preventing execution.

Others have unjustly criticized [pro-life supporters](#) of the death penalty as inconsistent, suggesting moral equivalence between the homicide of the tiniest and most innocent humans and the execution of the worst criminals. Moreover, the actions of [the most radicalized opponents of the death penalty](#) sometimes contribute to modern difficulties in carrying out the death penalty, including the failure of more humane methods (as in

Christa Pike's case) and the rising costs of carrying out executions. For example, these groups often [lobby against pharmaceutical companies](#) to discourage them from selling drugs needed for lethal injection. Anti-death penalty activists also contribute to seemingly endless legal lobbying and appeals, even in cases of clearly established guilt. This makes carrying out the death penalty immensely costly. The delays it causes also damage the death penalty's deterrent value. These same opponents then cite the problems they have contributed to creating as evidence that the death penalty doesn't work and should be abolished.

In the case of Christa Pike, her guilt was established beyond a reasonable doubt. She had even [attempted to murder another inmate](#) and escape from prison. Yet some sought to excuse or downplay her actions as merely a result of her childhood trauma. [I believe that trauma is real and tragic](#), but it also doesn't negate her moral responsibility. Others challenged execution protocols that were part of established Tennessee law and sought multiple stays of execution. Her case underwent multiple rounds of appeal and review over the course of three decades prior to her failed execution. Activists supported these efforts through [amicus briefs, petitions, and messaging campaigns](#). These activists are sincere, but their behavior shows some lack of reflection. They mistake permissiveness and a diminished sense of justice for enlightenment and mercy.

Why I Oppose

Yet despite all of these arguments and concerns, I remain opposed to the death penalty. I ask myself: Why would a perfect Father, [who weeps](#) over the [violence](#) His children inflict on one another, not expect those who govern to exercise justice with forbearance, avoiding violence or using only the minimum necessary force when force cannot be avoided? Modern prisons have made it possible to protect society without executing those convicted of murder. A death penalty advocate may reasonably point to Christa Pike's attempts at murder and escape as evidence of the need for swift execution, but her attempts failed. And these incidents are relatively rare. Concerns about pardons and sentence commutations can likewise be addressed by limiting those powers, where legally possible, or by implementing appropriate safeguards.

Some Latter-day Saints read [Doctrine and Covenants 42:18–19](#), which says that “he that [killeth](#) shall [die](#),” as a modern reaffirmation of the death penalty. I think this misses important context. In verse 18, the Lord states clearly, “I speak unto the Church.” These

verses are also surrounded by verses describing immoral actions and their spiritual and ecclesiastical consequences, not civil punishments for committing them. Only later in the section is the law addressed. The Lord commands that murderers be “delivered up and dealt with according to the laws of the land,” but prescribes no specific punishment. These verses seem to me to be teaching that a person who commits murder is killing their own soul, and that full restitution for their act is not possible here on earth—not that divine justice will not be satisfied unless they are executed, or that [forgiveness](#) is always impossible for someone who has committed murder. We believe in a Savior who performed an [infinite Atonement](#).

Many who support the death penalty in principle were rightly aghast at the prospect of broadcasting Nidal Hasan’s execution. Many of their objections [have merit](#). They also raise this question: If the death penalty is inherently just, rather than justified only when other means are unavailable or unlikely to prevent further harm to others, why should its public broadcast be something shameful? Wouldn’t the “spectacle” of publicly executing an unrepentant mass murderer and traitor to his country just reinforce deterrence and demonstrate a commitment to seeing justice done? If broadcasting an execution is acknowledged to undermine the death penalty’s legitimacy or desensitize viewers, perhaps that should be taken as evidence against its inherent justness. At an 1858 anti-capital-punishment meeting chaired by the unrelenting advocate of human dignity Frederick Douglass, a resolution [argued](#) that “instead of repressing and preventing the horrid crime of murder, [the death penalty] really serves, by shocking and blunting the finer and better feelings of human nature, to undermine respect for human life.”

Another concern Douglass understood better than most, given the racial climate he lived in, was the risk of human error or partiality in imposing the death penalty. Data on wrongful convictions is heavily debated, and I generally approach it cautiously. Nevertheless, according to the [Innocence Project](#), 21 people who spent time on death row have been exonerated through DNA evidence since 1989, when forensic analysis gained traction. They are a subset of the 130 people during that period who were convicted of murder and eventually exonerated on the basis of DNA.

Usable DNA evidence becomes available in only a fraction of homicide cases, meaning that if you include findings of innocence based on other evidence, DNA-based exonerations offer only a partial estimate of innocent people who may have been

convicted. And when you add in convictions that were invalidated because of prosecutorial misconduct, the number of innocent people who were wrongly convicted may be even higher. The point is that even our modern system is vulnerable to errors that risk executing innocent people, and there's no guarantee we will correct every wrongful conviction. That should at least give us pause. Additionally, if the state executes an innocent person, the finality of that action means the likelihood that the actual perpetrator will be brought to justice is severely reduced.

Regardless of what one makes of these statistics, the death penalty has indisputably been wielded at times throughout history as a tool of dehumanization in the name of justice. It grants the government a power that is ultimate, final, and susceptible to misuse and abuse. Joseph Smith himself would have been a victim of this awful reality in Missouri if not for [the courage of General Alexander Doniphan](#). Why would we want to give the state such power unless it were absolutely necessary?

Even someone who has committed the [vilest sins](#) is still a child of God. Jesus Christ suffered and died for that person, too, regardless of whether that person would accept Him. If we can honor that person's humanity while protecting other lives, without substantially increasing the risk of shedding innocent blood, why would we not do so? It's true that leaders of the Church [haven't taken a specific position on the issue](#), but their neutrality doesn't relieve us of the responsibility to grapple with the moral consequences of this question. What if "[the least of these](#)" includes even those who have committed the worst crimes? I believe we can uphold the image of God in even these individuals and still meet the moral baseline established in Genesis. The death penalty should be opposed.

About the author



McKay Starr

McKay Starr is a graduate in history from Utah Tech University and a master's student at Utah Valley University studying Constitutional Government, Civics, and

Law.