

Commentary: Replace vengeance with mercy in death penalty policy

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(RNS)—Last week, attorneys for a man considered to be “one of the most mentally ill prisoners in Texas history”—sought a stay of his execution.

While the crimes Andre Thomas committed are horrific, his case is not a typical death penalty case. It is marked by failures for Thomas and for his victims from the beginning of Thomas’ difficult life to its appointed end.

In 2004, Thomas murdered and mutilated his estranged wife Laura Boren; their son Andre; and her infant daughter Leyha Hughes, before stabbing himself in the chest.

When the attempt to kill himself failed, he turned himself in to the police. He told authorities he committed these acts to slay the demons voices told him were inside his loved ones. While in jail a few days later, he removed his own eye with his bare hand. Following his conviction in one of the killings, he removed his other eye in a similar fashion.

Raised in extreme poverty by an alcoholic mother, Thomas has experienced hallucinations, delusions and suicidal ideations from childhood until today, and his extreme mental illness can hardly be debated.

At trial Thomas was determined to be schizophrenic, but the court invalidated his insanity defense, accepting the argument that his mental condition was caused by voluntary intoxication—in other words, his own fault.

In October, the U.S. Supreme Court rejected Thomas' claim that race bias played a part in his case's outcome.

Thomas' situation is a tragic illustration of how social support systems and then the legal system can fail the most mentally ill and, consequently, those they hurt.

Justice and mental illness

What constitutes justice in a case when someone is suffering such extreme mental illness? What constitutes mercy when someone is so obviously in need of care—help that, had it come earlier in his life, may have resulted in entirely different outcomes for so many people? These are questions Thomas' case compels us to answer.

If one measure of a society is its treatment of its most vulnerable citizens, then that society should be judged especially by how it responds when those with mental illness commit heinous crimes.

The death penalty has been ruled by the U.S. Supreme Court to be “cruel and unusual punishment”—and therefore a violation of the Eighth Amendment to the Constitution—when the perpetrator lacks the ability to understand their actions and therefore has less moral culpability.

We automatically exempt those of subpar intellectual ability or offenders under a certain age. However, mental illness does not yet automatically protect someone from capital punishment.

The Severe Mental Illness Initiative of the American Bar Association argues those with either severe mental disabilities or illnesses should not be subject to the death penalty.

The ABA states: “This does not mean that defendants with mental illness should be absolved of responsibility for their crime. Rather, if found guilty,

they would still be punished and could receive life in prison without parole, but would not be eligible for the death penalty.”

Seldom do justice and mercy take the same form. But some religious leaders and evangelical leaders are pleading for the state to be both just and merciful by giving to Andre Thomas the care he has needed all his life, for the rest of his life.

[A letter from evangelical Christian leaders](#) to Texas Gov. Greg Abbott and the Texas Board of Pardons and Paroles urges officials not to execute Thomas, but instead to have him spend the remainder of his life in a secure psychiatric prison facility where he can receive the care he truly needs.

“Allowing Mr. Thomas to be executed—in his permanently disabled, mentally incompetent, and vulnerable state,” the letter reads, “would serve no useful purpose other than pure vengeance, which we believe is not something Christians can or should pursue. Not repaying evil for evil (Romans 12:17) and turning the other cheek (Matthew 5:39) mean breaking the cycle of violence.”

Replacing vengeance with mercy

Historically, Americans have cited vengeance—based on a misapplication of the Old Testament’s proportionate justice principle of “an eye for an eye”—as the overwhelming reason for their support for capital punishment, far above serving as justice or as a deterrent.

Yet in recent years, Christians seem to be rethinking not only this justification of the death penalty, but also the punishment itself. While a majority of Americans (60 percent) and even more Protestant Christians (66 percent) continue to support capital punishment, that level of support has dropped as the numbers of executions nationwide continue to decline.

One example of this shift in thinking is expressed by Christian ethicist Matthew Arbo in “The Case Against the Death Penalty” in *Cultural Engagement: A Crash Course in Contemporary Issues*—a volume I co-edited.

Arbo acknowledges that while the Bible permits capital punishment, “Jesus’ instruction in the Gospel of Matthew 5:38-41 makes clear that retaliatory interpretations of the law are incorrect.”

Rather, Arbo argues, “Jesus implores forbearance and charity, dismissing any reading (of the Jewish law) that justifies vengeance.”

If vengeance as a reason for the death penalty is removed from the equation and the courts look more to factors of justice and deterrence, then it becomes clearer in a case with someone as mentally incapacitated as Andre Thomas that both justice and deterrence might be better served by heeding the plea to give Thomas lifetime imprisonment and psychiatric care.

As troubling and unique as the case of Andre Thomas is, it invites a closer examination of all the factors that play a part in death penalty cases: justice for victims of all kinds, care for the sick and vulnerable, and mercy that fulfills not just the letter of the law but the spirit, too.

EDITOR’S NOTE: Andre Thomas’ [execution date was withdrawn](#) March 7.

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