

Recinella, Dale S. *The Biblical Truth About America's Death Penalty*. Boston: Northeastern University Press, 2004. 343 pp. \$22.50 paperback, \$50.00 cloth.

Attorney and Catholic prison lay chaplain Dale S. Recinella offers readers a valuable text that provides a thorough analysis of capital punishment in the United States in light of the biblical tradition. The text was written to refute claims that our current procedural practice of capital punishment is specifically endorsed in the pages of scripture. Recinella sets out to “evaluate the ‘claimed biblical support’ for the American death penalty against the standards of biblical truth revealed in the scriptures and in the requirements of the Talmud deemed necessary to satisfy those scriptures” (25). Although the text is clearly a result of Recinella’s work in the Bible-belt, and is an appeal to Christians of a more fundamentalist background, Recinella’s argument will be meaningful to Catholics interested in an in-depth study of biblical teaching on capital punishment and its relationship to our current practices.

The text is comprised of two parts. In the first part, the author answers two questions. First, Recinella studies the scriptural texts to answer the question of who should die. Here, he provides an analysis of the specific texts that explain the crimes that the Bible finds worthy of death, as well as the general context of law, punishment, and atonement. In addition to a review of the pertinent scriptural texts, Recinella converses with the Talmud (Jewish oral law and tradition) in order to understand the context and application of the death penalty. His investigation is thorough both in its study of the specific passages and in its comparison to our contemporary scene. The author concludes this section by explaining that we have (thankfully) been unfaithful to the literal texts of scripture because of our selective dismissal of certain capital crimes (such as Sabbath violations or dishonoring parents). In addition, he asserts that a better understanding of the function of laws of limitation in biblical times would help us reinterpret those passages that seemingly command the use of the death penalty. Rather, he argues, these passages would be best interpreted as a means of controlling escalating revenge of injured parties.

The second question the author attempts to answer in the first part of the book is who possesses authority to kill. In this section, Recinella describes in detail the specific legal system and context demanded of capital cases in scripture. After his explanation of the judicial processes (including the selection of judges, requirements of witnesses, explicit focus on religious law in Jewish courts), the author

provides a systematic refutation regarding each element in contemporary use of the death penalty when compared to biblical norms. Finally, the author concludes this section with an interesting analysis of the elements common in the worldviews used by Christians to condone both the American slave trade and our current practice of the death penalty. In Recinella's judgment, Christians that used scripture to support slavery and Christians that use scripture in favor of capital punishment include similar mistakes in regards to their interpretation and application of scriptural norms. His argument raises meaningful questions for reflection.

The second part of the book is a study of our current procedural practices in contrast to the biblical use of the death penalty. It differs from the first part of the book in that it studies the concrete practices of today's courtrooms and contrasts that reality with the biblical procedures implemented in order to protect the innocent. These chapters highlight the import of not executing the innocent and the specific legal procedures that were in place to help achieve such an end. Each of these legal measures is contrasted with corresponding modern procedures. Finally, Recinella provides ample evidence to call into question the ability of our current system to ensure that the innocent are not executed. Specifically, Recinella investigates and criticizes what type of witnesses are permitted, the use of jailhouse "snitches," how evidence is admitted, the use of confessions, political gain from death penalty cases, and the lack of impartiality in regards to individuals in poverty and minority groups. Each of these items is carefully analyzed with an overwhelming number of specific case examples that relate to each procedural element. Frequently, Recinella offers examples from several states to illustrate his point. Many of the author's cited examples of prosecutorial misconduct and execution of the mentally retarded will be shocking to readers. One of the most jarring aspects of the book is the contrast between the biblical practices that ensured evidence proving innocence would be heard until the time of executions, with a description of our current laws regarding procedural default and procedural bar. The author uses the Mishnah to describe the presence of a crier, flagman, and horseman used to stop executions, even at the last second if there were to be any reason to question the guilt of the prisoner. Our current practice of procedural bar would outlaw new evidence that might prove the innocence of a death-row inmate because of a time limit on the evidence being heard. Recinella's ability to incorporate specific examples for each of the criticisms he makes is surely one of the most compelling aspects of this section. Finally, the author presents a conclusion in which he advances a "faith alternative" to capital punishment. For any reader who worries

that a bleeding heart would stop Recinella from being realistic about crime or the treatment of criminals, this chapter will alleviate their concerns. His does call for abolition of the death penalty, but offers life imprisonment and a focus on restorative justice as alternatives to the punishment of death.

Any member of the SCSS looking for a distinctly Catholic voice from this text will be disappointed. In addition, there is not much focus on human dignity *per se*. Likewise, there is no mention of Tradition and only two brief references to the work of John Paul II. Although these elements are central to Catholic discussions regarding the death penalty, they do not appear in the text. Because Recinella desires to speak to all people of biblical faith and enter into a pro-life discussion primarily with non-Catholic Christians, he is forced to work from a “scripture alone” framework. One other concern is the author’s reliance upon extra-biblical writings. Although they provide a wealth of knowledge and aptly illustrate the author’s point, the Mishnah and Talmud are not normally held to be authoritative by Christian groups, especially within fundamentalist circles.

Although other texts of this nature exist, the uniqueness of Recinella’s work lies in three distinct areas. First, his professional training as an attorney provides a meaningful legal perspective to the scriptural texts concerning the death penalty. Additionally, the text benefits greatly from his vast legal research, ranging from federal law to individual cases. His research is outstanding. Secondly, his work as a lay chaplain in Florida’s prison system has enabled Recinella to speak about the death penalty as someone who understands what is at stake. Because of this, he is able to put a very human face on what can become an abstract conversation. Thirdly, Recinella’s own personal journey will be of particular interest to readers of the CSSR. Earlier in his life Recinella stood in favor of the death penalty. Until his work led him to study the intricacies of the American death penalty in light of biblical revelation, he trusted the system to protect the innocent. His findings changed his mind, and his book offers readers a convincing argument to follow suit. This book is to be recommended for members of the SCSS. It is a great personal resource and would be a useful tool for classroom or parish use. It is not strictly speaking a theology text, although there are discourses on theological themes. The book does focus on scripture throughout its presentation but does not offer a full theological evaluation of the death penalty from a Catholic or Christian perspective. It might be better described as a work in criminal justice. Regardless, Recinella provides people of biblical faith a book that fits squarely in line with Catholic social thought.

*Randall Jay Woodard
St. Paul’s College
University of Manitoba*