William & Mary Bill of Rights Journal

Volume 9 | Issue 1 Article 14

Punishment at all Costs: On Religion, Convicting the Innocent, and Supporting the Death Penalty

Robert L. Young

Repository Citation

Robert L. Young, *Punishment at all Costs: On Religion, Convicting the Innocent, and Supporting the Death Penalty*, 9 Wm. & Mary Bill Rts. J. 237 (2000), http://scholarship.law.wm.edu/wmborj/vol9/iss1/14

Copyright c 2000 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
http://scholarship.law.wm.edu/wmborj

PUNISHMENT AT ALL COSTS: ON RELIGION, CONVICTING THE INNOCENT, AND SUPPORTING THE DEATH PENALTY

Robert L. Young*

This Paper explores the impact of the belief structure among white fundamentalist denominations on the support for the death penalty. Professor Robert L. Young observes that the tenets of fundamentalism, as well as the great extent that fundamentalists conform to the positions of their clergy, support this link between fundamentalism and a punitive orientation toward wrongdoers. Professor Young explains that members in white fundamentalist churches, to a greater extent than others, are inclined toward a negative view of human nature, which in turn leads to the belief that letting the guilty go free is a more serious mistake than convicting the innocent. This relative tolerance for convicting the innocent has a direct impact on support for the death penalty.

* * *

INTRODUCTION

Religious beliefs frequently inform opinions about the role of human institutions in governing and determining the destiny of individuals.[1] Although the adherents of virtually all faiths acknowledge a legitimate role for civil authority in determining the fate of those who violate the law, survey data suggest that the necessary and appropriate limits on that authority are a source of considerable disagreement.[2] One issue on which such disagreement exists is that of capital punishment.[3] Unfortunately, those who look to the Bible as their sacred text are provided with less than unequivocal guidance on the issue.[4] Both supporters and opponents of the death penalty can cite scripture to bolster their position.[5] In light of such biblical ambiguity, it would seem reasonable for those of faith to look to their clergy for guidance. This seems especially likely in fundamentalist Protestant denominations, where clergy are highly successful in generating political consensus

---

* Professor of Sociology, University of Texas at Arlington.

[1] *See* GERHARD LENSKI, THE RELIGIOUS FACTOR 25 (1963).

[2] *See* James A. Davis & Tom W. Smith, General Social Surveys, 1972-1996, Question 82, *available at* http://www.icpsr.umich.edu/GSS99/codebook/cappun.htm (The Roper Center for Public Opinion Research, 1996).

[3] *See* Harold G. Grasmick et al., *Religion, Punitive Justice, and Support for the Death Penalty*, 10 JUSTICE QUARTERLY 303 (1993).

[4] *See* Robert Young, *Religious Orientation, Race, and Support for the Death Penalty*, 31 J. SCI. STUD. RELIGION 76, 77 (1992).

[5] *See id.*

among their congregation members.[6] Although Daryl J. Bem persuasively argues that attitudinal inconsistency may be the rule rather than the exception among most individuals,[7] among those who seek to convert others to their way of thinking, such as religious clergy, the apparent consistency of their expressed opinions is a significant concern. Moreover, it is reasonable to expect lay attitudes toward an issue as important as the death penalty to be supported by a logically-coherent belief structure. This Paper explores the nature of that belief structure among members of white fundamentalist denominations.

The primary thesis of this research is that members of white fundamentalist churches, to a greater extent than others, are inclined toward a negative view of human nature, which supports a rigid orientation toward adherence to law and a concomitant inclination to assume guilt on the part of most defendants. This assumption of guilt manifests itself in the belief that letting the guilty go free is a more serious mistake than convicting the innocent. Moreover, I suggest that it is this negative view of human nature and the associated inclination to punish, that accounts for a connection between white fundamentalism and support for the death penalty.

I. FUNDAMENTALISM AND SUPPORT FOR THE DEATH PENALTY

Several authors have suggested logical links between fundamentalism and a punitive orientation toward wrongdoers,[8] and the connections are both theological and organizational in nature.[9] One very important element of fundamentalism is the theological emphasis on individual responsibility for salvation,[10] which encourages members of fundamentalist denominations to hold individuals responsible not only for their own salvation, but also for their conduct in civil life.[11] For example, Michael Lupfer and Kenneth Wald find that fundamentalists are more inclined than others to favor personal rather than environmental attributions for wrongdoing,[12] even in cases in which the evidence does not support personal attributions.[13] These authors suggest that this attributional bias might be the result of greater

---

[6] *See* Kenneth D. Wald et al., *Churches as Political Communities*, 82 AM. POL. SCI. REV. 531, 545 (1988).

[7] *See* DARYL J. BEM, BELIEFS, ATTITUDES, AND HUMAN AFFAIRS 34 (1970).

[8] *See* Young, *supra* note 4, at 79.

[9] *See id.*

[10] *See id.*

[11] *See id.*

[12] *See* Michael B. Lupfer & Kenneth Wald, *An Exploration of Adults' Religious Orientation and the Philosophies of Human Nature*, 24 J. SCI. STUD. RELIGION 293, 299 (1985).

[13] *See* Michael B. Lupfer et al., *An Exploration of the Attributional Styles of Christian Fundamentalists and of Authoritarians*, 27 J. SCI. STUD. RELIGION 389, 396 (1988).

authoritarianism among fundamentalists,[14] which, it could be argued, is more a function of such factors as social class and education than of religious orientation. However, Lawrence S. Wrightsman's analysis of data from samples of college students shows that fundamentalist students tend to have a more negative view of human nature than do non-fundamentalist students.[15] This implies that the link between fundamentalism and punitiveness could be the result of the effect of fundamentalist ideology on beliefs about human nature. Clearly, the doctrine of original sin and the belief in Satan as an active force in everyday life portrays humans as inherently flawed, corruptible, and corrupting creatures.

Finally, to the extent that fundamentalists conform to the positions of their primary spokespersons, support for extreme forms of civil punishment should be high. Publications such as the *Fundamentalist Journal* contain numerous statements of support for the death penalty.[16] Such support is also reflected in the opinions of fundamentalist seminary students, who have been shown to be significantly more supportive of the death penalty than students at either public universities or evangelical colleges.[17] Therefore, it is reasonable to assume that members of fundamentalist denominations are more likely than others to be exposed to messages from the pulpit emphasizing individual responsibility for crime and severe punishment for criminals. Thus, it appears that both the ideology of fundamentalism and the interpretations of that ideology offered by fundamentalist clergy are supportive of capital punishment.

However, it is also possible that the link between religious orientation and death penalty support is indirect rather than direct, with fundamentalism producing a negative view of human nature, which in turn leads to support for rigid adherence to the law and a concomitant emphasis on extreme punishment as a method of crime control. Such an attitude is consistent with the idea that humans are sinful by nature, and consequently, cannot be allowed any leeway in their adherence to the law. Thus, severe punishment is not only necessary to control behavior, it is just.

II. FUNDAMENTALISM, TOLERANCE FOR JUDICIAL MISTAKES, AND SUPPORT FOR THE DEATH PENALTY

Many opponents of the death penalty base their opposition on the belief that the justice system is not only flawed, but also biased.[18] They point to the fact that

---

[14] *See id.*

[15] *See* Lawrence S. Wrightsman, Jr., *Measurement of Philosophies of Human Nature*, 14 PSYCHOL. REP. 743, 749 (1964).

[16] *See, e.g.*, Jerry Falwell, *Capital Punishment for Capital Crimes*, 1 FUNDAMENTALIST J. 8, 9 (1982) (discussing how it is "obvious" that the Bible defends capital punishment).

[17] *See* James Davison Hunter, *Religion and Political Civility: The Coming Generation of American Evangelicals*, 23 J. SCI. STUD. RELIGION 364, 369 tbl.1 (1984).

[18] *See* Jack Greenberg, *Against the American System of Capital Punishment*, *in* TAKING

historically, minorities, especially African-American and indigent defendants, have been disproportionately sentenced to death. Opponents contend that if factors other than evidence of criminal culpability influence the outcomes of trials, then, on occasion, innocent defendants are convicted and executed.[19] The possibility of executing innocent people, they argue, constitutes a compelling case against the death penalty.[20] Supporters counter that such cases are both rare and, unfortunately, necessary in light of the dangers posed by convicted murderers who otherwise might be paroled and thus afforded the opportunity to kill again.[21] Thus, tolerance for one kind of judicial mistake over the other might be a major component in the formulation of death penalty attitudes. In fact, there are at least two reasons to hypothesize that fundamentalists are less inclined to consider the conviction of the innocent as the more serious mistake. First, those who have a negative view of human nature, including fundamentalists, are likely to feel that the occasional conviction of an innocent person is a price that must be paid in order to rid the world of evildoers. Second, the fundamentalist belief that the righteous who suffer on earth will be more than compensated by everlasting life in heaven might diminish their concern about worldly injustice.

III. OVERVIEW OF THEORETICAL MODEL

The theoretical model suggested by the above discussion is presented in Figure 1. Specifically, it proposes that fundamentalism leads directly to a relatively negative view of human nature and to an increased tolerance for the conviction of innocent defendants. Relative tolerance for convicting the innocent is also directly influenced by a negative view of human nature. This view of human nature in turn leads to support for rigid adherence to the law. Finally, those who subscribe to a rigid adherence to the law, hold a negative view of human nature, or tolerate conviction of the innocent, are more likely to support the death penalty.

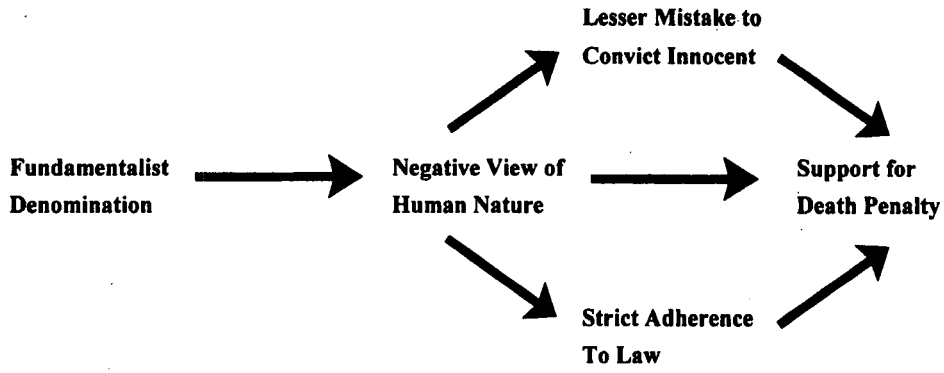
SIDES: CLASHING VIEWS ON CONTROVERSIAL ISSUES IN CRIME AND CRIMINOLOGY 228-29 (Richard C. Monk ed., 1989).

[19] *See id.*

[20] *See id.*

[21] *See* Ernest van der Haag, *The Ultimate Punishment: A Defense*, *in* TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL ISSUES IN CRIME AND CRIMINOLOGY 234 (Richard C. Monk ed., 1989).

Figure 1. Theoretical Model



IV. DATA AND ANALYSIS

The data for this study were taken from the 1985, 1990, and 1996 General Social Surveys.[22] The full probability sample consists of English-speaking adults, eighteen years of age and older.[23] Because certain questions were only asked in one or two of the years included,[24] and in some cases questions were asked of only a subsample of the total,[25] the number of cases analyzed varies on the basis of the variables included in the model being tested.

As a measure of fundamentalist denomination, I employ the typology developed by T.W. Smith, for use with the General Social Survey.[26] This categorization scheme utilizes five different techniques: 1) classifications used in prior categorization schemes, 2) membership in theologically-oriented ecumenical associations, 3) surveys of denominational members, 4) surveys of denominational clergy, and 5) theological beliefs of denominations. Elsewhere,[27] I have suggested that among whites, membership in a fundamentalist denomination might be a more important determinant of support for the death penalty than theological beliefs, primarily because of the influence of fundamentalist clergy on the attitudes of congregation members.[28] In fact, the influence of fundamentalist clergy is largely the result of the fact that the theological belief in biblical literalism can be and is used to justify both opposition to, and support for, the death penalty.[29] That is,

---

[22] *See* DAVIS & SMITH, *supra* note 2, at v.

[23] *See id.*

[24] *See id.*

[25] *See id.*

[26] *See* TOM W. SMITH, CLASSIFYING PROTESTANT DENOMINATIONS, Technical Report No. 43, at 3 (1987).

[27] *See* Young, *supra* note 4, at 80.

[28] *See id.* at 76-77.

[29] *See* Young, *supra* note 4, at 77.

because biblical literalism provides equivocal support for both positions, adherents naturally look to the clergy in interpreting its meaning. In addition to the theoretical variables—fundamentalist denomination, biblical literalism, belief that it is a lesser mistake to convict the innocent, negative view of human nature, and support for strict adherence to law—the respondent's education and sex were also included as control variables. Operational definitions of all variables appear in the Appendix.

Finally, inasmuch as previous research has shown that religious fundamentalism has substantially different meaning for black and white Americans,[30] especially in the way it influences support for the death penalty,[31] the analysis is restricted to whites. The data were analyzed through the use of the ordinary least squares and logistic regression procedures included in version 8.0 of the Statistical Package for the Social Sciences (SPSS) for Windows.

V. RESULTS

In general, the results of the analysis support the theoretical modes (see Figure 2). According to Table 1, members of fundamentalist denomination tend to come from the ranks of the relatively uneducated. Moreover, they are more likely to have a negative view of human nature, subscribe to a rigid adherence to the law, and believe that letting the guilty go free is a more serious mistake than convicting the innocent. A negative view of human nature in turn leads to belief in a rigid adherence to the law, a preference for punishing the innocent over letting the guilty go free, and high levels of support for the death penalty. Death penalty support is also higher among males, those with relatively little education, and those who consider letting the guilty go free the more serious judicial mistake. Thus, although membership in a fundamentalist denomination does not directly influence death penalty attitudes, it has significant indirect effects by supporting or inducing a negative view of human nature, an absolutist orientation toward legal conduct, and a relative tolerance for convicting the innocent.

---

[30] *See* Robert L. Young, *Race, Conceptions of Crime and Justice, and Support for the Death Penalty*, 54 SOC. PSYCHOL. Q. 67, 72 (1991).

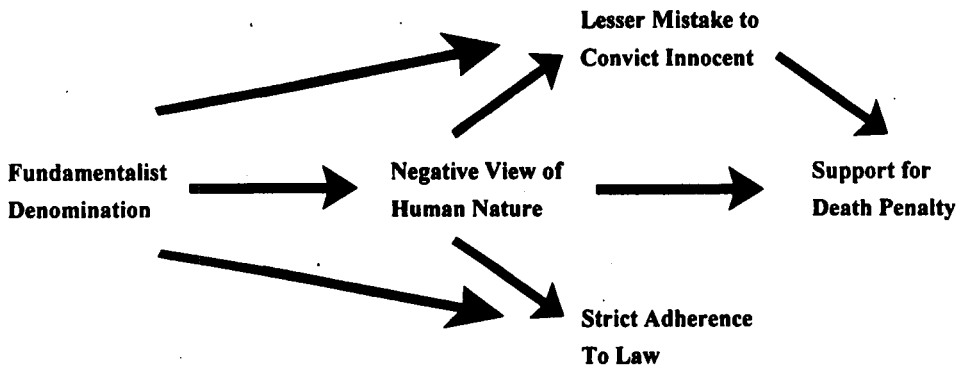
[31] *See id.*

Table 1. Regression Results of Causal Model Predicting Support for Death Penalty

Independent Variable	Fundamentalist Denomination		Negative View of Human Nature		Strict Adherence to Law		Rather Convict Innocent		Support for Death Penalty	
	Coeff.	Signif.	Coeff.*	Signif.	Coeff.	Signif.	Coeff.	Signif.	Coeff.	Signif.
Education	-.5927	.0668	-.585	.000	-.9175	.0000	-.2219	.1360	-.4638	.0056
Sex	.0290	.6620	-.195	.038	.4272	.0006	.2893	.0486	-.4661	.0037
Fundamentalist			.494	.000	.2618	.0551	.4504	.0034	.1825	.3304
Human Nature					.0669	.0182	.1446	.0000	.1047	.0047
Adherence to Law							.4401	.0029	-.0540	.7481
Convict Innocent									.6560	.0033
	n = 4622		n = 2147		n = 1191		n = 1161		n = 1161	

* OLS Coefficients; all others are logistic coefficients

Figure 2. Empirical Model



Although fundamentalism is significantly related to support for the death penalty at the bivariate level, when we control for the effects of the relevant intervening variables, the relationship disappears. This leads to the question of which variable in this model has the most important influence on the relationship between fundamentalism and death penalty support. In order to address that question, I estimated three more death penalty equations—one that excluded the *negative view of human nature* variable, one that excluded the *strict adherence to law* variable, and one that excluded the *lesser mistake to convict innocent* variable.

In only one of these models was the relationship between fundamentalist denomination and support for the death penalty significantly altered. That model, presented in Table 2, shows that when one fails to take into consideration the respondent's view of human nature, fundamentalism becomes a significant predictor of support for the death penalty. Thus, members of fundamentalist denominations support the death penalty in large part because they hold a relatively negative view of human nature.

Table 2. Logistic Regression Model of Support for Capital Punishment, Excluding Negative View of Human Nature*

Independent Variable	Coefficient	Significance Level
Education	-.4965	.0000
Sex	-.4785	.0000
Fundamentalist	.2812	.0383
Adherence to Law	.1327	.2757
Convict Innocent	.6520	.0001

* n = 2226

CONCLUSION

Although the focus of this research has been the relationship between white fundamentalism and support for the death penalty, perhaps the most important and most disturbing finding is the direct impact of tolerance for convicting the innocent on support for the death penalty. It is common knowledge among those familiar with the judicial systems in most states that support for the death penalty is a de facto prerequisite for being allowed to serve on juries in capital cases, a prerequisite that has been upheld by the Supreme Court of the United States.[32] That practice apparently emanates from the concern that those who oppose capital punishment would be reluctant to convict any defendant who could face such a fate.[33] At the same time, the notion that all defendants should be considered innocent until proven

[32] *See* Lockhart v. McCree, 476 U.S. 162, 165 (1986) (holding that "death qualification" of potential jury member does not violate a constitutional right to an impartial jury).

[33] *See id.* at 175-76.

guilty is one of the most basic tenets of our legal system.[34] That tenet is seriously compromised if, as the data from this study suggest, death-qualified jurors are more willing than those not allowed to serve as jurors to err on the side of convicting an innocent defendant, rather than acquitting a guilty one. That such jurors might come disproportionately from the ranks of white fundamentalist denominations adds to our understanding of religion's role in the administration of the death penalty. That such jurors may have a disproportionate voice in decisions to terminate human lives, however, clearly has broader implications.

[34] *See generally* WAYNE P. LAFAVE & AUSTIN W. SCOTT, JR., CRIMINAL LAW § 1.4, at 16-17 (2d ed. 1986).

Appendix
Variable Definitions

Convict Innocent: All systems of justice make mistakes, but which do you think is worse, to convict an innocent person or to let a guilty person go free?

1 = convict an innocent person 2 = let a guilty person go free

Education: Years of school completed for credit.

1 = high school or less 2 = more than high school

Fundamentalist Denomination: What is your religious preference? Is it Protestant, Catholic, Jewish, some other religion, or no religion?
If Protestant: What specific denomination is that, if any? (Probe for exact denomination)

1 = liberal or moderate 2 = fundamentalist

Negative View of Human Nature: Three-item index comprised of a linear combination of the following items (Cronbach's Alpha for index=.66).

Do you think most people would try to take advantage of you if they got a chance, or would they be fair?

1 = fair 2 = depends 3 = take advantage

Would you say that most of the time people try to be helpful, or that they are mostly just looking out for themselves?

1 = helpful 2 = depends 3 = look out for self

Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?

1 = can trust 2 = depends 3 = cannot trust

Sex: 1 = male 2 = female

Strict Adherence to Law: In general, would you say that people should obey the law without exception, or are there exceptional occasions on which people should follow their consciences even if it means breaking the law?

1 = follow conscience or can't choose 2 = always obey law

Support for Death Penalty: Do you favor or oppose the death penalty for persons convicted of murder?

1 = no; don't know 2 = yes