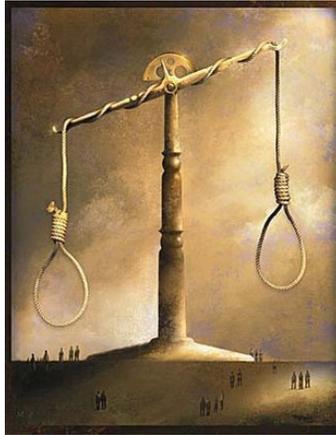


Capital Punishment



The willful taking of the life of an innocent person is always a grave evil. A person who is unjustly attacked by an aggressor has the right to protect his life, even to the point of taking the life of the aggressor in self-defense if there is no other alternative. A soldier has the right to take the life of an enemy in defense of his country, or in defense of some other country whose freedoms are under attack, provided that the conditions for a just war are fulfilled. Those conditions, according to the *Catechism of the Catholic Church* (n. 2309), are:

- the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;
- all other means of putting an end to it must have been shown to be impractical or ineffective;
- there must be serious prospects of success;
- the use of arms must not produce evils and disorders graver than the evil to be eliminated. The power of modern means of destruction weighs very heavily in evaluating this condition.

Society also has the right to defend itself through the use of capital punishment or the death penalty against persons who have committed grievous crimes. This right is based on Scripture and the teaching of the Church. For example, St. Paul says that “it is not without purpose that the ruler carries the sword; he is God’s servant, to inflict his avenging wrath upon the wrongdoer” (Romans 13:4). This right was affirmed by the Council of Trent in the 16th century, by Pope Pius XII in 1952, and by the *Catechism of the Catholic Church* (n. 2267).*

“Even when it is a question of the execution of a man condemned to death, the state does not dispose of the individual’s right to live,” Pius XII said. “Rather, it is reserved to the public authority to deprive the criminal of the benefit of life, when already, by his crime, he has deprived himself of the right to live.”

In recent years, however, Popes and the Catholic bishops of the United States, without denying the compatibility of capital punishment with Catholic teaching, have come out against the death penalty for a variety of reasons. They have said that capital punishment is not a deterrent to crime, that it could lead to the execution of an innocent person, that it prevents the possible conversion of a criminal, that it is most commonly inflicted on blacks and persons of low economic status, and that it leads to the further erosion of the respect for life in our society.

Those who favor the death penalty argue that it definitely deters the criminal executed from committing any more crimes, that one would have to abolish all laws to avoid completely the punishment of innocent persons, that a criminal is more likely to repent when faced with death rather than life in prison, that many crimes are committed by blacks and persons of low economic status (frequently against those in the same environment), and that respect for life might be improved if those guilty of horrendous crimes were swiftly and permanently punished.

In summary, there is a long Catholic tradition in favor of capital punishment, but a reluctance today to inflict it on anyone. The governing principle was stated in the *Catechism of the Catholic Church*:

“If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means, as these are more in keeping with the concrete conditions of the common good and more in conformity to the dignity of the human person” (n. 2267).

But apart from self-defense, a just war, or capital punishment fairly administered, taking of a human life under any circumstances is a serious sin.

* “Assuming that the guilty party's identity and responsibility have been fully determined, the traditional teaching of the Church does not exclude recourse to the death penalty, if this is the only possible way of effectively defending human lives against the unjust aggressor.

“If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means, as these are more in keeping with the concrete conditions of the common good and are more in conformity to the dignity of the human person.

“Today, in fact, as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm – without definitely taking away from him the possibility of redeeming himself – the cases in which the execution of the offender is an absolute necessity ‘are very rare, if not practically non-existent.’” (*Catechism of the Catholic Church*, n. 2267)

From: Edward Hayes, Paul Hayes, & James Drummey, *Catholicism and Life* (CR Publications, 1998), pp. 87-88.