

The Death Penalty

Question:

I have been considering taking a position as a prosecuting attorney. Is it against Catholic doctrine to work in a position which requires asking a jury to impose the death penalty?

Answer:

No, it is not. The Church has always sanctioned the State's right to put criminals to death. Justice requires punishing criminals in proportion to the severity of their crimes. To the extent that punishment gives the criminal what is due him, it is just and also charitable. In reference to the State's ability to execute criminals, St. Paul says: "For he is God's minister to thee, for good. But if thou do that which is evil, fear: for he beareth not the sword in vain. For he is God's minister: an avenger to execute wrath upon him that doth evil" (Rom 13:4).

In the documents of the Second Vatican Council, there is an unprecedented emphasis on human dignity and the value of man's freedom and temporal life. Those who oppose the death penalty argue that capital punishment is opposed to this growing awareness of human dignity as emphasized by Vatican II. However, traditional Catholicism teaches that just the opposite is true. It is precisely because of man's crimes *against* human dignity that man's life may be taken away from him.

In the book of Genesis, God tells Noe and his sons: "Whosoever shall shed man's blood, his blood shall be shed: for man was made to the image of God" (9:6). In other words, God reveals that man was made in the image of God, and killing a man violates this dignity which God has given him. Rather than prohibiting the death penalty for such a crime, *God gives it His divine approval*. To uphold man's dignity requires a punishment proportionate to the crime against that dignity. A failure to punish proportionally actually demonstrates a *lack* of reverence for man's dignity, who was created in God's image and likeness.

In fact, St. Thomas Aquinas logically argues that heretics who kill the souls of men should suffer the same capital punishments as those who kill the bodies of men, since destroying the soul is much graver than destroying the body. St. Thomas says:

"On their own side [heretics] there is the sin, whereby they deserve not only to be separated from the Church by excommunication, but also to be severed from the world by death. For it is a much graver matter to corrupt the faith which quickens the soul, than to forge money, which supports temporal life. Wherefore, if forgers of money and other evil-doers are forthwith condemned to death by the secular authority, much more reason is there for heretics, as soon as they are convicted of heresy, to be not only excommunicated but even put to death" (ST, Pt II-II, Q 11, Art 3).

Many who oppose capital punishment point to Christ's teachings in the Sermon on the Mount where Our Lord says: "You have heard that it hath been said, An eye for an eye, and a tooth for a tooth. But I say to you not to resist evil: but if one strike thee on thy right cheek, turn to him also the other" (Mt 5:38-39). Based on Jesus' words, many conclude that capital punishment is contrary to the Gospel.

This is not true. Jesus' teaching is directed to the offended individual, not the State. Jesus is teaching that Christian perfection requires the individual (not the State) to forgive his offender. Not only is the State metaphysically incapable of such personal forgiveness, but such wholesale pardoning by the State would run afoul of its duty to protect the common good. As St. Thomas teaches, "it is lawful to kill an evil doer in so far as it is directed to the welfare of the whole community, so that it belongs to him alone who has charge of the community's welfare" (ST, Pt II-II, Q 64, Art 3).

Far from opposing the death penalty, Jesus actually commands it as a just punishment against those who refuse His authority. To His apostles, Jesus says, "But as for those my enemies, who would not have me reign over them, bring them hither, and kill them before me" (Lk 19:27).

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