



JUSTICE, MERCY AND CAPITAL PUNISHMENT

By the Most Reverend Charles J. Chaput, O.F.M. Cap.

"For my thoughts are not your thoughts; neither are your ways my ways, says the Lord" (Is 55:8).

ACTIONS MATTER

Writing about forgiveness can be easy. Encouraging other people to forgive can be easy. But when it comes our own turn to forgive – forgiving another person who has wounded us, stolen from us, humiliated us, destroyed some precious part of our life that we lose forever – forgiveness is never easy.

Cathlynn Morse knows this firsthand. She shared her story with me in a note this past March, timed unintentionally but almost perfectly to the 10th anniversary of Pope John Paul II's great encyclical *The Gospel of Life*.

Dear Archbishop:

My son died on June 23, 2002, murdered by a stranger at a party. My boy Christopher was 21 years old – exactly one month before his 22nd birthday – and he was a Christian.

Chris was weaponless and tried to talk a gang member with a gun out of shooting his friends. My son was shot directly in the heart. As he bled out, I believe that Jesus was entering into him: "Greater love has no man than he lay down his life for his friends." This event happened in Anaheim, California. I was confirmed in the Catholic Church at St. John the Evangelist in Loveland in April 2003 after more than two years of reading on Catholic spirituality, attending retreats and completing the journey of RCIA.

My faith and the spiritual connection I feel toward Mary and the Church have kept me going during my darkest moments since Chris' murder. I have one surviving son, Andre, who is 25 and still lives in California with his wife. I pray for his conversion to Christianity daily.

Since the age of 14, when I began to understand Jesus and His teaching of love in the Gospels more deeply, I have not believed in capital punishment or war, though I do understand the

Church's definition of a justifiable war. I believe in the sacredness of all life. Even now I pray for the man who murdered my son. I am not perfect; I have committed murder myself through abortion as a young woman, so how can I now throw stones against this man? I recently attended a retreat for women who have had abortions that helped me to ask for forgiveness, and helped me to forgive myself.

The legal system does not always work. The authorities have not filed charges against the man who murdered my son because he is already in prison for a similar crime, serving 15 years to life, though it is very clear to the police and District Attorney that my son was murdered. It is hard for me to accept this as it would bring a sense of closure for me, but I am working on it. My sons are biracial, and this would be considered a "black on black" crime, which I also feel has influenced their decision.

My belief that all life is sacred has not changed. I do not believe that the death sentence is one of society's legitimate choices.

I feel blessed that our bishops speak out against capital punishment; it reminds me why I am grateful I became a Catholic. I am someone who has been directly affected by violence in my life, specifically the violence of murder. But my faith in a loving and forgiving God tells me capital punishment is morally wrong. Thank you for the witness of the Church.

*One of your flock,
Cathlynn Morse
Loveland, Colorado*

I've read and reread Cathlynn's letter many times since receiving it. She reminds us all that mercy is never the work of a coward. It is always the mark of the strong. And while Cathlynn shares her experience more openly than some other parents with similar stories, she is by no means alone. Many parents, spouses and friends of murder victims have discovered through their own loss and suffering that violence, even in the name of justice, too often begets more violence.

Cathlynn Morse, the mother of a murdered son, wants the death penalty to end. Believing Catholics around the country, of every political party, need to work together to make that happen. The "sanctity of the human person" is a powerful and true idea built on powerful and true words. But ultimately, words are cheap. Actions matter. The moment to act is now. It's time to end capital punishment – *now*.

THE FAILURE OF CAPITAL PUNISHMENT

On the surface, the case for capital punishment can seem persuasive. Most people live honestly, act decently and want communities governed by justice – for both the innocent and the guilty. Decent people understandably fear the violence in society. They need to defend their children and themselves. The death penalty has a biblical quality of balance: grievous punishment for grievous crime. Many good people see it as a deterrent to grave evil; and even when the deterrent fails, they reason, at least it can bring justice and emotional closure for the relatives of murder victims.

This is a powerful argument, especially in light of the brutality in our daily headlines. But it's wrong, and we need to turn away from it – not only for the sake of the convicted criminal whose life hangs in the balance, but also to protect our own God-given human dignity. The reasons are simple.

The evidence against capital punishment clearly shows that it doesn't work as a deterrent – but let's imagine it does.

The evidence strongly suggests that innocent people are sometimes convicted and executed; that our legal system discriminates against minorities and the poor; and that defendants in many states get disastrous legal counsel unless they can afford otherwise. All these things seem to be true – but let's ignore them.

Instead, let's assume that a defendant is genuinely guilty of a brutal and premeditated murder; that he or she gets excellent legal counsel with correct due process; and that a fair jury convicts our defendant after careful and intelligent deliberation.

Killing the guilty is still the wrong choice for a civilized nation. Why? *It accomplishes nothing.* It does not bring back or even honor the dead. It does not ennoble the living. And while it may satisfy society's anger for awhile, it cannot even release the murder victim's loved ones from their sorrow. Only forgiveness can do that.

What the death penalty *does* achieve is closure through bloodletting and violence against violence—which is not really closure at all, because murder will continue as long as humans sin, and capital punishment can never, by its nature, strike at murder's root. Only love can do that.

Executions in Texas now average more than one a month. Ponder that through the eyes of a young person reading the newspaper. Is this how we define ourselves as a God-fearing people? Is this really a fitting monument to murder victims? In “sending a signal” to would-be murderers, do we realize that we are also teaching a message of state-endorsed violence to our own children?

The reality of any homicide is heart-breaking beyond words. We cannot presume to understand the deep and bitter personal wounds suffered by those who lose their loved ones through murder. As a people, we must never allow ourselves the luxury of forgetting the injustice done to victims of murder who cannot speak for themselves – or our obligation to bring the guilty to full accounting.

But as Jesus showed again and again by His words and in His actions, the only true road to justice passes through mercy. Justice cannot be served by more violence. In the world of 2005, capital punishment has become just another narcotic we Americans use to ease other, much deeper anxieties about the direction of our culture. Executions may take away some of the symptoms for a time (living, human “symptoms” who have names and their own stories before God), but the underlying illness – today's contempt for human life – remains and grows worse.

In Genesis 4:10-16, humanity's first murderer – Cain, the man who brought bloodletting into the world – was spared by the God of justice. We should remember that. God's ways are not our ways; they are wiser and better. God's heart, unlike ours, is driven by love, not anger. A culture ultimately defines its moral character by the value it places on each human life, particularly those lives that seem most burdensome, inconsequential or unworthy. Violent criminals present an especially harsh moral challenge for us, because their own cruelty has forced them to the margins of society. Recognizing a criminal's humanity is bitterly difficult when our hearts are clouded by pain.

But the same needle that poisons the killer in every state execution also poisons us as a culture. Repaying cruelty with cruelty does not equate to justice.

WHAT THE CHURCH TEACHES AND WHY

Catholic teaching on the death penalty is best understood by viewing it through two lenses: what it is, and what it is not.

The Church's critique of capital punishment is *not* an evasion of justice. Victims and their survivors have a right to redress, and the state has a right to enforce that redress and impose grave punishment for grave crimes.

It is not an absolute rejection of lethal force by the state. The death penalty is not *intrinsically* evil. Both Scripture and long Christian tradition acknowledge the legitimacy of capital punishment under certain circumstances. The Church cannot repudiate that without repudiating her own identity.

It is not an idolatry of individual rights – in this case, the rights of the murderer. Catholic social teaching rests on two equal pillars: the dignity of the individual person, and the common good. The right to life of the convicted murderer must be balanced against society's right to justice and security.

Finally, it is not a false equation of related but distinct issues. Catholic teaching on euthanasia, the death penalty, war, genocide and abortion are rooted in the same concern for the sanctity of the human person. But these different issues do not all have the same gravity or moral content. They are not equivalent.

War can sometimes be legitimate as a form of self-defense. The same can apply, in extraordinary circumstances, to the death penalty. But euthanasia is always an inexcusable attack on the weak. Genocide is always the premeditated murder of entire groups of people. And abortion is always a deliberate assault on a defenseless and innocent unborn child. It can never be justified. It is always – and intrinsically – gravely wrong.

What Catholic teaching on the death penalty *does* involve is this: a call to set aside unnecessary violence, including violence by the state, in the name of human dignity and the building of a culture of life. In the wake of the bloodiest century in history, the Church invites us to recover

our own humanity, choosing God's higher road of restraint and mercy instead of state-sanctioned killing that implicates all of us as citizens.

The Catechism of the Catholic Church explains it in these words: If "non-lethal means are sufficient to defend and protect people's safety from the aggressor [*i.e.*, the convicted murderer], authority [should] limit itself to such means, as these are more in keeping with the concrete conditions of the common good and more in conformity with the dignity of the human person" (2267).

John Paul II, writing in *The Gospel of Life*, stressed that "the nature and extent of the punishment [for capital crimes] must be carefully evaluated and decided upon, and ought not to go to the extreme of executing the offender except in cases of absolute necessity; in other words, when it would not be possible otherwise to defend society. Today however, as a result of steady improvements to the organization of the penal system, such cases are very rare, if not practically non-existent" (no. 56).

In modern industrialized states, killing convicted murderers adds nothing to anyone's safety. It is an excess. It cannot be justified except in the most extraordinary conditions. Moreover, for John Paul II, the punishment of any crime should not only seek to redress wrong and protect society. It should also encourage the possibility of repentance, restitution and rehabilitation on the part of the criminal. Execution removes that hope.

THE ROAD AHEAD

Government has an obligation to embody the highest ideals of a people. As a free people, Americans are better, more decent and more humane than the needless executions we carry out every week. We're better than the dozens of needless executions we plan to carry out in the months ahead.

To their credit, more and more Catholics understand this. The Zogby Poll released in March 2005, showing a sharp drop in Catholic support for the death penalty – fewer than 50 percent now back it – is a great sign of hope.

Poll results also show, importantly, that Catholic support for the death penalty decreases with regular church attendance. The more active Catholics become in their faith, the more committed they become to the sanctity of human life at every stage, and the more open they are to Church teaching against the death penalty. This should surprise no one. Much the same pattern showed itself in the 2004 elections, with committed Catholics tending to reject "pro-choice" evasions on the abortion issue.

In January 2003, the outgoing governor of Illinois took the extraordinary step of pardoning four death row inmates outright and commuting all of the remaining 167 inmates to terms of life imprisonment or less. He explained his actions by saying: "My goal was to stop innocent people [from] being murdered by the state. We almost executed 12 [or] 13 innocent people. We had a system that didn't work."

The governor acknowledged that the flaws in Illinois' death penalty machinery had become too grave to ignore. In exercising his power of clemency, he acted well within his rights of office – but even more importantly, he did the right thing.

As citizens, our choices and our actions matter, because they create the kind of future our families and our nation will inhabit. What we choose, what we do, becomes who we are. In God's own words in Deuteronomy:

“I have set before you life and death, blessing and curse; therefore choose life, that you and your descendants may live” (30:19).

Choosing against the death penalty is choosing in favor of life. We need to end the death penalty now.

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PROGRAM MODELS

Advocate by contacting your elected officials. Discuss Catholic teaching on the death penalty and what steps could be taken at the state and national level to curtail or end its use. To receive information on efforts regarding the death penalty at the national level or to link with a particular state's efforts, visit the USCCB's Office of Domestic Social Development's Catholic Campaign to End the Death Penalty at www.ccedp.org.

Establish a parish-based ministry to death row prisoners. For example, St. Rose Parish in the Diocese of Toledo helped start a magazine, *Compassion*, written by and for death row prisoners. The magazine is provided free of charge to death row prisoners across the country. Subscribers, including death row prisoners, also created a college scholarship fund for the benefit of family members of murder victims. For more information, visit www.strosepb.org/bulletins/compassion.pdf.

Ask parish families to fill a shoe box with items such as the following: shampoo, soap, comb, tooth brush and toothpaste, deodorant, a pocket New Testament, a paperback book, deck of cards, simple stationery, and stamps. Coordinate delivery of gift boxes with the chaplain of a facility near the parish. Notes of encouragement and the promise of prayers might be included.

Organize a ministry to parishioners who are victims of violence. For victims who must be part of a trial, the ministry could provide support by accompanying them to court, babysitting for their children, and making home-cooked meals. At other times, the ministry could write letters or send cards to family members and close friends on the birthday and the anniversary of a loved one's violent death, as well as on All Souls Day.

RESOURCES

Teaching Documents

The Gospel of Life. Pope John Paul II, 1995. Washington, D.C.: USCCB. (English and Spanish, \$9.95). Available at <http://www.usccb.org/prolife/tdocs/evangel/evangeli.htm>.

A Good Friday Appeal to End the Death Penalty. NCCB. Washington, D.C.: USCCB (English and Spanish, 25/\$10). Available at <http://www.usccb.org/sdwp/national/criminal/appeal.htm>.

Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice. NCCB, 2000. Washington, D.C.: USCCB (English and Spanish, \$5.95). Available at <http://www.usccb.org/sdwp/criminal.htm>.

Statement on Capital Punishment. United States Catholic Conference, 1980. Washington, D.C.: USCCB (\$2.50). Available at <http://www.usccb.org/sdwp/national/criminal/death/uscc80.htm>.

Print

Against Capital Punishment: The Anti-Death Penalty Movement in America, 1972-1994. Herbert H. Haines. Cary, N.C.: Oxford University Press, 1996 (\$19.95).

Against the Death Penalty: Christian and Secular Arguments Against the Death Penalty. Mark Constanzo. Scottsdale, Pa.: Herald Press, 1997 (\$14.99).

CACP News Notes. Bimonthly newsletter. Catholics Against Capital Punishment. Bethesda, Md. (free). Visit www.cacp.org or call 301-652-1125.

The Catholic Citizen: Debating the Issues of Justice. Kenneth D. Whitehead (ed.) South Bend, Ind.: St. Augustine's Press, 2004 (\$17.00).

Catholics and Capital Punishment: The Morality of Capital Punishment According to Church Teaching. Augustine Judd, O.P. New Haven, Conn.: Knights of Columbus Catholic Information Service, 1998.

Catholics and the Death Penalty: Six Things You Can Do to End Capital Punishment. Robert H. Hopcke. Cincinnati, Oh: St. Anthony's Messenger Press, 2004 (\$4.95).

Capital Punishment and Roman Catholic Moral Tradition, E. Christian Brugger. Notre Dame, Ind.: University of Notre Dame Press, 2003 (\$50.00).

Capital Punishment in the United States: A Documentary History. Bryan Vila and Cynthia Morris (eds). Westport, Conn.: Greenwood Press, 1997 (\$49.95).

Choosing Mercy: A Mother of Murder Victims Pleads to End the Death Penalty. Antoinette Bosco. Maryknoll, N.Y.: Orbis Books, 2001 (\$17).

Dead Men Walking: An Eyewitness Account of the Death Penalty in the United States. Sr. Helen Prejean. New York: Random House, 1993 (\$13).

The Death Penalty: An Historical and Theological Survey. James J. Megivern. Mahwah, N.J.: Paulist Press, 1997 (\$29.95).

The Death Penalty in America: Current Controversies. Hugo Adam Bedau, (ed). New York: Oxford University Press, 1998 (\$21.50).

The Killing State: Capital Punishment in Law, Politics, and Culture. Austin Sarat (ed). Port Chester, N.Y.: Cambridge University Press, 1998 (\$39.95).

Re-examining the Death Penalty. Maryland Catholic Conference. Annapolis, Md.: Maryland Catholic Conference, 2005. Visit www.mdcathcon.org or call 410-269-1155.

Audiovisual

The Death of Morality. 12-min. video and study guide. Kentucky Catholic Conference.

Mercy and Justice: The Morality of the Death Penalty. 18-min. video. Diocese of Brooklyn Sanctity of Life Commission.

Our Faith, Our Case Against the Death Penalty. 10-min video and study guide. Diocese of Beaumont Office of Criminal Justice Ministry.

Talking About the Death Penalty. 10-min. video. Diocese of Fort Wayne-South Bend, Family Life Office, 1999 (\$5).

Forthcoming Fall 2005: New video on Catholic teaching and the death penalty. USCCB Office of Domestic Social Development. Visit www.usccb.org/sdwp/national/index.htm.

Internet

USCCB

www.usccb.org/sdwp/national/deathpenalty and www.ccedp.org

Catholics Against Capital Punishment

www.cacp.org

Death Penalty Information Center

<http://deathpenaltyinfo.org>

Murder Victims' Families for Human Rights.

www.murdervictimsfamilies.org

Murder Victims' Families for Reconciliation
www.mvfr.org

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