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**Bishop Thomas J. Olmsted: Feb. 16, 2006**

### 'Thou shalt not kill': Is the death penalty needed today?

By Bishop Thomas J. Olmsted  
The Catholic Sun

#### Part Four in a Series

Over the past few weeks, I have considered the teaching of the Church on the Fifth Commandment, "**Thou shalt not kill**," focusing on the question of abortion. Besides abortion, there are also other intrinsically evil acts that this command of God touches upon, such as euthanasia, assisted suicide and the killing of human embryos for stem cell research. These acts are always wrong (intrinsically evil) and never justifiable. I have written about them in previous articles, some months ago, and for that reason do not plan to take them up again at this time. However, I shall look at two contemporary issues of great importance that the Fifth Commandment touches upon, 1) the question of the death penalty and 2) the question of a just war.

While neither the death penalty nor all wars are intrinsically evil (i.e. not wrong in each and every circumstance), they are actions that frequently are not appropriate. What we must do in these instances is to weigh the grave moral reasons for or against doing them and all the circumstances that must be taken into account. In the present article, let us consider the question of the death penalty.

#### The right of the state to use the death penalty

There are times in history when the state has the right to resort to the death penalty. The "Catechism of the Catholic Church" teaches (#2266), "*Legitimate public authority has the right and the duty to inflict punishment proportionate to the gravity of the offense... 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*

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*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 more in conformity with the dignity of the human person."*

Then, the Catechism adds this important judgment, *"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 definitively 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."*

### **Reasons why the death penalty is not right today**

Because God commanded us, **"Thou shalt not kill,"** and because every human life is precious in God's eyes (even the lives of persons who have committed terrible crimes) it is wrong for the state to kill even criminals who have committed terrible crimes unless such an execution is necessary to protect society from even more killing.

There have been times in history when most have agreed that the death penalty was warranted. It was warranted because no suitable means were available for long-term incarceration and no other means could be found to ensure that dangerous criminals would not resort to violence again.

Sometimes it is argued that the death penalty should be used because the crimes committed were so horrific. The death penalty, however, cannot be justified solely on the basis of the serious nature of the crimes committed or on the basis of repeated offenses. The only reason that can justify the use of the death penalty is the defense of the common good, i.e., when society can find no other way to defend itself. In these situations the death penalty is seen as legitimate self-defense.

In nearly all countries today, and certainly in all developed countries, the common good can be protected without killing dangerous criminals. If need be, those who pose a continued threat to others can be sentenced to life without the possibility of parole.

### **Using the death penalty harms the pro-life cause**

Every human person is created in the image of God, an image that can never be destroyed, even by grave sin. This is why Christ repeatedly calls us to conversion and why he spoke of the great joy there is in heaven when sinners repent. Recall, too, how Jesus would not condone the stoning of the woman caught in the act of adultery (Cf. Jn 8:1-11), for He wanted to offer her the possibility of conversion and new hope.

To resort to the death penalty makes it appear that violence can be overcome by further violence, especially when non-violent means of protecting society are available. Perhaps this is why, on the occasion of John Paul II's pastoral visit to St. Louis in 1999, he said:

*"The new evangelization calls for followers of Christ who are unconditionally pro-life: who will proclaim, celebrate and serve the Gospel of life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform. I renew the appeal I made... to end the death penalty, which is both cruel and unnecessary."*

There are better and more human ways to protect society and ensure the common good than using the death penalty. Unfortunately our society is one of the most violent in the world. Fighting violence and evil with violence and vengeance does not bring the former to an end, but merely continues the cycle.

#### **What about victims' families?**

The families of those who have lost loved ones through violence deserve the Church's compassion, pastoral care and personal support. Such violence cries out to heaven for justice and we do well to unite our voices with these cries. But it brings no comfort to them if we join to these cries for justice a demand for revenge.

Mary Bosco Van Valkenburg, the sister of a murder victim, wrote, *"No one in our family ever wanted to see the killer of our brother and his wife put to death. We felt instinctively that vengeance wouldn't alleviate our grief. We wanted this murderer in prison so he could never hurt another person. But wishing he would suffer and die would only have diminished us and shriveled our own souls. Hatred doesn't heal. Every time the state kills a person, human society moves in the direction of its lowest, most base urges."*

It is right to insist on a just punishment for crime. For a just punishment redresses the disorder brought about by the offense, helps to deter such acts in the future, ensures greater safety and offers an incentive for the offender to have remorse, to seek forgiveness, to change his or her behavior and be rehabilitated. We must ask ourselves: what punishment is adequate and appropriate? What will provide for public safety and the common good and best achieve the purposes of a just punishment?

As we seek answers to these questions, we must keep in mind also that DNA testing, made possible by recent technological advancement, has revealed that a number of persons on death row were actually innocent of the capital crimes of which they had been convicted. Had these persons already been executed by the state, the wrong judgment could never have been

corrected.

It is time to end the use of the death penalty, not because it is intrinsically wrong like abortion or euthanasia, but because it is not needed today, it does not make us safer, and it hinders our efforts to proclaim the Gospel of Life.

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