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CATHOLIC TEACHING ON DEATH PENALTY AND THE PRACTICE OF CAPITAL PUNISHMENT

Capital punishment, also known as death penalty, is a government-sanctioned practice whereby a person is killed by the state as a punishment for a crime. The sentence that someone be punished in such a manner is referred to as a death sentence, whereas the act of carrying out the sentence is known as an execution. Crimes that are punishable by death are known as capital crimes or capital offences. Death penalty can be handed down for treason, espionage, murder, large-scale drug trafficking, or attempted murder of a witness, juror, or court officer in certain cases. In United States of America for Instance, as of 2018, all inmates currently under federal death sentences were condemned for aggravated murder.¹ According to Avery Cardinal Dulles, “The reversal of a doctrine as well established as the legitimacy of capital punishment would raise serious problems regarding the credibility of the magisterium.

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1. Wikipedia, *Capital punishment by the United States federal government*, internet access on 15/11/2018 https://en.wikipedia.org/wiki/Capital_punishment_by_the_United_States_federal_government

Consistency with scripture and long-standing Catholic tradition is important for the grounding of many current teachings of the Catholic Church; for example, those regarding abortion, contraception, and the permanence of marriage. If the tradition on capital punishment had been reversed, serious questions would be raised regarding other doctrines.”²

Roman Catholicism’s teaching on capital punishment is more complex but popularly portrayed as uniformly opposed. The late Avery Dulles, an American Cardinal and highly respected teacher, was a key interpreter of his church’s stance. “Self-defense of society continues to justify the death penalty,” Dulles said in 2002. “One could conceive of a situation where if justice were not done by executing an offender it would throw society into moral confusion,” he said. “I don’t know whether that requires any more than that it remains on the books, symbolically, that it be there for society to have recourse to.”³

Etymologically, the term capital (lit. “of the head”), is derived from the Latin *caput-capitalis*, in this context alluded to execution by beheading. It is notable that as far back the Ancient Laws of China, the death penalty has been established as a punishment for crimes. In the 18th Century BC, the Code of King Hammurabi of Babylon codified the death penalty for twenty-five different crimes, although murder was not one of them.⁴ Eighteenth Century BC saw the first established death penalty laws. Eleventh Century A.D, William the Conqueror will not allow persons to be hanged except in the cases of murder. 1608- Captain George Kendall becomes the first recorded execution in the new colonies.⁵ As of 2017, the following states still execute death sentences on their inmates by:

- A. Electrocuting; Alabama, Arkansas, Florida, Kentucky, South Carolina, Tennessee and Virginia.
- B. Gas inhalation; Arizona and California.
- C. Firing Squad; Utah
- D. Hanging; Washington

2. Avery Cardinal Dulles, *Catholic Teaching on the Death Penalty*, in Owens, Carlson & Elstain, 2004, p. 26. Internet access on 15/11/2018 <https://tcreek.jimdo.com/avery-cardinal-dulles/>

3. Romano Amerio, *65 Pro Death Penalty Quotes by Religious Leaders*, internet access on 15/11/2018 <http://prodppquotes.info/prodp/default/view/1632/Religious-Leaders-Roman-Catholic>

4. Michael H.reggio, *FRONTLINE: History of Death Penalty*, internet access on 15/11/2018 <https://www.pbs.org/wgbh/pages/frontline/shows/execution/readings/history.html>

5. Death Penalty Information Centre, internet access on 15/11/2018 <https://deathpenaltyinfo.org/part-i-history-death-penalty#early>

Other method of executing a death sentence also includes the usage of lethal injection like the injection of pentobarbital, etomidate or fast acting benzodiazepines etc.

The proponents of the death penalty have spent considerable time and money researching the most horrific murder cases in the state in recent years to arouse the sympathy of the voters and to move them to favour the death penalty as Kevin J. O'Neil and Peter Black pointed out in their book, *The Essential Moral Handbook, A guide to Catholic Living*⁶. One case involves the coldblooded murder of a police officer by a drug dealer in the midst of a police sting operation. The murdered officer left behind a wife and two children under the age of five. Proponents of the death penalty believe that Justice demands that the condemned murder should lose his life.

Opponents have argued that there is no reason to justify taking someone's life, no matter how terrible his deeds have been. How one responds to this situation on Election Day is clearly a moral choice and will involve right feeling, right thinking, and, finally right choosing.⁷

If we examine our own responses to the terrible murder outlined in the example, we can presume that both proponents of the death penalty experienced anger at the murder of the police officer. So, their emotional response to the killing was one of hatred, a rightly ordered response, hating that which is harmful to the authentic human good of another. What other emotion might be at work, however? What other hungers might be named in light of what we are feeling? Might there be anger and hatred not only for the act of murder but toward the murderer as well? Do our emotions of anger and hatred move from the act to the one who committed it, leading us to desire harm to the murderer himself, just as he inflicted harm on the police officer? Might there be fear that the murderer will get out of prison and kill someone else? In some cases where convicted murderers have been executed, it has not been uncommon to hear people express joy at the death of the criminal. "He got what he deserved," they might say. They appear happy to see the murderer dead.⁸

As difficult as it may be to accept, according to Roman Catholic Tradition, some of these emotions and hungers are properly ordered and some of these emotions are not. The response of anger and hatred toward the act of murder is most appropriate precisely because the life of someone has

6. Kevin J. O'Neil and Peter Black, *The Essential Moral Handbook; A Guide to Catholic Living with a Glossary of key terms*, Liguori Press, Missouri, United States, 2003, p.34.

7. Ibid. p.34.

8. Ibid. p.36.

been taken. However, the feeling of hatred toward the one who perpetrated the crime and a desire for his demise are disordered emotional responses—as understandable as they may be, humanly speaking. *Accompanying them is a desire to harm another person.* Thus, to act on those emotions either through violent personal acts on the murderer or through state-sponsored taking of life is a misuse of freedom. The only time the Church in its teaching sees capital punishment justified is in cases where the state can no longer protect itself from a violent criminal (CCC.2267). Pope John Paul II spoke to this subject when he visited the United States in 1999⁹. 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 definitely denying criminals the chance to reform (see also, *Evangelium Vitae*, S.27). I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary.¹⁰

Pope John Paul II had the view of ending capital punishment which he stated to be both cruel and unnecessary. On the 2nd day of August 2018, Pope Francis following on from his predecessors in the spirit of *aggiornamento* now declares death penalty inadmissible in all case. There were reactions that Pope Francis has changed the teachings of the Catholic faith to officially oppose the death penalty in all circumstance. The catechism of the Church, a codified doctrine of the Church's teachings, had previously stated that the death penalty could be used in some cases, in other words, there are certain cases in which it could be permissible. The opponents of death penalty still maintain that things should be left with this status quo without any changes.

But still, there have been pressures from anti-death penalty activists and shareholders to abolish death penalty in the world. Pope Francis recently maintained that it is “inadmissible because it is an attack on the “inviolability and dignity of the human person.”¹¹

9. Ibid. p.37.

10. John Paul II, “Homily in the Trans World Dome,” *Origins* 28/34[February 11, 1999]:600-601.

11. Pope Francis, *letter to the Bishops regarding the new revision of number 2267 of the Catechism of the Catholic Church on the death penalty, from Congregation for the Doctrine of the faith*, (No.6), 02.08.2018 internet access on 15/11/2018 <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2018/08/02/180802b.html>

In US, according to *The New York Times*¹² Elisabetta Povoledob and Laurie Goodstein opined: Pope Francis has declared the death penalty wrong in all cases, a definitive change in Church teaching that is likely to challenge Catholic politicians, judges and officials who have argued that their church was not entirely opposed to capital punishment.¹³

Before, Church doctrine accepted the death penalty if it was “the only practical way” to defend lives, an opening that some Catholics took as license to support capital punishment in many cases.¹⁴

But Pope Francis said executions were unacceptable in all cases because they are “an attack” on human dignity, the Vatican announced on Thursday, adding that the church would work “with determination” to abolish capital punishment worldwide.¹⁵ Francis made the change to the Catechism of the Roman Catholic Church, the book of doctrine that is taught to Catholic children worldwide and studied by adults in a church with 1.2 billion members. Abolishing the death penalty has long been one of his top priorities, along with saving the environment and caring for immigrants and refugees both of them argued.¹⁶

A majority of the world’s countries-including nearly every nation in Europe and Latin America, regions that are home to large Catholic populations- have already banned the death penalty, according to Amnesty International.¹⁷ Venezuela was the first country (still existing) in the world to abolish the death penalty for all crimes, doing so by Constitution in 1863. Sam Marino had abolished the death penalty for ordinary crimes only in 1848, but abolished it for all crimes in 1865. Costa Rica followed suit in 1877, making Venezuela one of just three countries to have abolished the death penalty by 1900. Capital punishment in the United Kingdom was used from ancient times until the second half of the 20th century. The last executions in the United Kingdom were by hanging, and took place in 1964, prior to capital punishment being abolished for murder (in 1965 in Great Britain and in 1973 in Northern Ireland).¹⁸ Recently, Vatican is joining these countries to call for the total abolition of death penalty in the world.

12. *The New York Times*, Vol. CLXVII..NO. 58,048, Friday, August 3, 2018, New York, Page 1.

13. *The New York Times*, *ibid.*

14. *Ibid.*

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

18. Wikipedia, *Capital punishment in United Kingdom*, internet access on 15/11/2018 https://en.wikipedia.org/wiki/Capital_punishment_in_the_United_Kingdom

It is notable that in 1976, USA the Supreme Court effectively voids 40 death penalty statues and suspends the death penalty. (1976-Gregg vs Georgia). The death penalty is reinstated on January 17, 1977. As of August 2017, capital punishment is legal in 31 US states. The Pope's recent decree is likely to hit hardest in the United States, where a majority of Catholics support the death penalty and the powerful "pro-life movement" has focused almost exclusively on ending abortion- not the death penalty. The Pope's move could put Catholic politicians in a new and difficult position, especially Catholic governors like Greg Abbott of Texas and Pete Ricketts of Nebraska, who have presided over executions.¹⁹ The new ruling could also complicate the lives of American judges who are practicing Catholics.²⁰

This therefore calls for an update to a new theological reflection on the contemporary moral issues on capital punishment which this paper is aiming at. The most important moral issue here is pointing to the fact that Catholic judges should recusing themselves in some death penalty cases that might conflict with their religious beliefs. There is a moral problem in considering the legal issues that confronts Christian teachings on capital punishment. How can this friction be resolved?

This article will try to ascertain the recent update of the Catholic Church's position on death penalty; what has it changed from? The significance (importance) of this recent position and teaching; the implications of this new teaching of Pope Francis on capital punishment and the implementations of this recent Catholic teaching in all spheres of the human society. All these shall be the focus of this paper.

Teachings of The Catholic Church on Death Penalty

The fifth commandment enjoins us that human life is of ultimate value and therefore "YOU SHALL NOT KILL", hence the Catechism of the Catholic Church noted as follows:

Life and physical health are precious gifts entrusted to us by God. We must take reasonable care for them, taking into account the needs of others and the common good. Concern for the health of its citizens requires that society help in the attainment of living conditions that allows them to grow and reach maturity: food and clothing, housing, health care, basic education, employment, and social assistance. (CCC.2288). Again, everyone is responsible for his life

19. Ibid.

20. Ibid. page 11.

before God who has given it to him. It is God who remains the sovereign Master of life. We are obliged to accept life gratefully and preserve it for his honor and the salvation of our souls. We are stewards, not owners, of the life God has entrusted to us. It is not ours to dispose of. CCC. 2280.

You have heard that it was said to the men of old, “you shall not kill and whoever kills shall be liable to judgement” (Math 5:21), but I say to you that everyone who is angry with his brother shall be liable to judgement. (Math 5:22).

From here, the Catechism of the Catholic Church reiterated that,

Human life is sacred because from its beginning it involves the creative active action of God and it remains for ever in a special relationship with the Creator, who is its sole end. God alone is the Lord of Life from its beginning until its end: no one can under any circumstances claim for himself the right directly to destroy an innocent human being. CCC. 2258

We noticed here that the emphasis is on the innocent life. But the major moral problem is the separation of the person and his action. In other words, can action diminish the person? What about the people that committed crimes of which capital punishment is attached?

Throughout history, the Catholic Church has moved from being supportive of the death penalty that is, permissibility of death penalty, to opposing the practise, inadmissibility of death penalty.

In more recent times, the Catholic Church has generally moved away from any explicit condoning or approval of capital punishment and has instead adopted a disapproving stance on the issue. Modern Church figures such as Pope John Paul II, Pope Francis and the United States Conference of Catholic Bishops have in fact actively discouraged the death penalty or advocated for the out-right abolition of death penalty.

Historically, the teaching of the Catholic Church used to categorize capital punishment as a form of “lawful slaying”, a view defended by theological authorities such as Augustine and Thomas Aquinas. Aquinas noted that “wherefore our Lord teaches that we should rather allow the wicked to live, and that vengeance is to be delayed until the last judgment, rather than that the good be put to death together with the wicked. When, however, the good incur no danger, but rather are protected and saved by the slaying of the wicked, then the latter may be lawfully put to death.”²¹ And again, “the act of sin makes man deserving of punishment” as well as “Punishment is proportionate to sin

21. St. Thomas Aquinas, *Summa Theologica* II-II q.64 a.2.

in point of severity, both in Divine and in human judgments.”²² Augustine felt that the death penalty was a means of deterring the wicked and protecting the innocent.²³ In middle Ages, Thomas Aquinas reaffirmed this position. In *Summa Contra Gentiles*, Book 3, Chapter 146, St Thomas was vocal in supporting death penalty. This was based on the theory found in natural moral law that the state has not only the right, but the duty to protect its citizens from enemies, both from within, and without. Continuing, Aquinas states that:

For those who have been appropriately appointed, there is no sin in administering punishment. For those who refuse to obey God’s laws, it is correct for society to rebuke them with civil and criminal sanctions. No one sins working for justice and within the law. Actions that are necessary to preserve the good of the society are not inherently evil. The common good of the whole society is greater and better than the good of any particular person. For Aquinas:

The common good of the whole society is greater and better than the good of any particular person. “The life of certain pestiferous men is an impediment to the common good which is the concord of human society. Therefore, certain men must be removed by death from the society of men.”²⁴

This is likened to the physician who must amputate a diseased limb, or a cancer, for the good of the whole person. He based this on I Corinthians 5, 6: “You know that a little leaven corrupts the whole lump of dough?” and I Corinthians 5, 13: “Put away the evil one from among yourselves”; Romans 13,4: “[it is said of earthly power that] he bears not the sword in vain: for he is God’s minister, an avenger to execute wrath upon him that does evil”; I Peter 2, 13-14: “Be subjected therefore to every human creature for God’s sake: whether to be on the king as excelling, or to governors as sent by him for the punishment of evildoers and for the praise of good.” He believed these passages superseded the text of Exodus 20, 13: “Thou shall not kill.” This is mentioned again in Matthew 5, 21. Also, it is argued that Matthew 13, 30: “Suffer both the weeds and the wheat to grow until the harvest.” The harvest was interpreted as meaning the end of the world. This is explained by Matthew 13, 38-40.²⁵

Aquinas acknowledged these passages could also be interpreted as meaning there should be no use of death penalty if there was a chance of injury to the

22. Aquinas ST I/II 87, 6; 87, 3 ad 1.

23. Dulles, Avery Cardinal, “Catholicism & Capital punishment” retrieved on 15/11/2018 <http://www.leaderu.com/ftissues/ft0108/dulles.html>

24. St. Thomas Aquinas, *Summa Contra Gentiles*, Book 3, Chapter 146

25. St. Thomas Aquinas, *Summa Contra Gentiles*, Book 3, Chapter 146

innocent. The prohibition “Thou shall not kill”, was superseded by Exodus 22, 18: “Wrongdoers you shall not suffer to live.”²⁶ The argument that evildoers should be allowed to live in the hope that they might be redeemed was rejected by Aquinas as frivolous. If they would not repent in the face of death, it was unreasonable to assume they would ever repent. “*How many people are we to allow to be murdered while waiting for the repentance of the wrongdoer?*”, he asked, rhetorically. Using the death penalty for revenge, or retribution is a violation of natural moral law.²⁷

Many believe the correct interpretation of the commandment to be “Thou shalt not murder.” This interpretation allows for Aquinas’ belief that the death penalty is an acceptable practice as delivered by those in authority over such things, such as government, which is divinely appointed as to God’s will.²⁸ Aquinas continues to say that “If a man is a danger to the community, threatening it with disintegration by some wrongdoing of his, then his execution for the healing and preservation of the common good is to be commended. Only the public authority, not private persons, may licitly execute malefactors by public judgment. Men shall be sentenced to death for crimes of irreparable harm or which are particularly perverted.”²⁹

Under Pope John Paul II, the Catholic Church came, according to one of two interpretations of *Evangelium Vitae*, to advocate incarceration in lieu of the death penalty.

Evangelium Vitae, translated in English to “The Gospel of Life”, is a papal encyclical promulgated on 25 March 1995 by Pope John Paul II. It deals with issues pertaining to the sanctity of human life, including murder, abortion, euthanasia, and capital punishment, reaffirming the Church’s stances on said issues in a way generally considered consisted with previous Church teachings. According to John Paul II and the magisterium the only potentially acceptable use of the death penalty is when it would not otherwise be possible to defend society, a situation that is rare if not non-existent today³⁰.

Evangelium Vitae states that:

Execution is only appropriate in cases of absolute necessity, in other words when it would not be possible otherwise to defend society.³¹

26. St. Thomas Aquinas, *Summa Contra Gentiles*, Book 3, Chapter 146

27. Ibid.

28. Ibid.

29. St. Thomas Aquinas, *Summa Theologica*, 11; 65-2; 66-6.

30. *Evangelium vitae*, No.56

31. Staff Reporter, *Catholic judges issues death penalty to serial killer*, 31 August, 2018 internet access on 15/11/2018 <https://catholicerald.co.uk/news/2018/08/31/catholic-judge-issues-death-penalty-to-convicted-killer/>

However, in today's society, with the improvement of the penal system these cases are very rare. The purpose of punishment is "to redress the disorder caused by the offense." The nature and extent of the punishment must be carefully examined and should not go to the extreme except in cases in which it is required. The Catechism states: If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority must limit itself to such means...because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person.³²

Colin B. Donovan³³ observed that: The Church's teaching has not changed, nor has the Pope said that it has. The Catechism and the Pope state that the state has the right to exact the death penalty. Nations have the right to just war and individuals have the right to self-defense. Does that mean that any and all uses of force to defend oneself against a criminal, or a criminal nation, are justified? No, and most people understand that.

To be good every moral act must satisfy three elements

- 1) The act itself must be good.
- 2) The intention of the one doing it must be good.
- 3) The circumstances must be appropriate.³⁴

1. Capital punishment is the right of the state. This is the principle taught by the Church. The Pope does not deny it, but neither St. Thomas nor any Magisterial text presumes this gives the state an unlimited right to make capital laws and carry them out. It is inherent in a just capital punishment law that there be proportion between the taking of the life of the criminal and the benefit expected to the common good. A law, for example, that takes no account of factors such as repentance, mental age and so on is unjust. States have executed the mentally retarded, who could be of no conceivable future threat to society, and in one case a woman whose evident conversion even the state admitted. Thus, the Catechism of the Catholic Church states:³⁵

Assuming that the guilty party's identity and responsibility have been fully determined, the traditional teaching of the Church does not exclude recourse

32. Catechism of the Catholic Church, CCC.2264 accessed on 15/11/2018 http://www.vatican.va/archive/ENG0015/_P7Z.HTM

33. Colin B., https://www.ewtn.com/expert/answers/capital_punishment.htm

34. Ibid.

35. ibid

to the death penalty, if this is the only possible way of effectively defending human lives against an unjust aggressor. CCC 2267

2. Intention. The motive of the state is good when it follows a just law, that is, its decision is motivated by the requirements of the common good and not by motives of vengeance. This is probably not usually a problem of the state, though some officials evidence it, but it is clearly the mind of many in the public, a fact every execution seems to bring out.³⁶

3. Circumstances. There are, of course, individual circumstances related to the particular capital case which, as I noted, a just law takes into account. Here I want to consider, however, certain general circumstances. The Pope has noted that in the developed countries the possibility exists to incarcerate criminals for life, removing definitively any threat to society. Thus, the Catechism continues in paragraph 2267,

If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, 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.

Another circumstance, and one related to "the concrete conditions of the common good," is the nature of our society. We have become a culture of death. The question really arises as to whether we have just laws, and whether we can execute those we do have justly. Abortion has worked a truly horrible corruption of our country, for which we are beginning to pay the price, not just in demonic violence but in the "corruptio mentis" (corruption of mind and heart) of people in general. This is manifested in the malfeasance of justice, by police, juries, prosecutors and judges at all levels of the justice system. In the early Church a similar situation existed. During the time of pagan Rome, Catholics could not hold civil or military office if they could be obliged to judge capital crimes or execute capital punishment. Only after the Church was legalized and the state influenced by its teaching would Catholics be allowed such offices. As the state becomes less influenced by the truth the Catholic finds himself returning to the quandary of the early Christians. Thus, while the state may have the right, all other factors being respected, to execute the criminal it also has the opportunity for mercy. If the greater good of the society is protected adequately then the Church argues for mercy, both so that the respect due to every life is restored and so that the unconverted might convert and save their souls. Thus, in *Evangelium Vitae* and the Catechism (2267) the Pope concludes,

36. Ibid.

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.”³⁷

So, in the end is the Pope changing Church teaching by arguing against capital punishment? Absolutely not! In fact, it would be contrary to Church teaching to say that capital punishment is per se immoral, as some do. Rather, the Pope states that the conditions of modern society argue against its use in all but rare cases. It is simply becoming harder and harder to argue that a particular act of capital punishment is circumstantially necessary (the third element of a good moral act). The Pope is NOT substituting his judgment for the political prudence of those who must make decisions about when to use capital punishment. He is teaching principles and making a general evaluation about modern circumstances. Ultimately, the laity who are responsible for these judgments in political society must make them in the individual cases. In doing so, however, they have a grave obligation to apply all the principles taught by the Church to the cases before them, as taking a human life is always a grave matter if done unjustly³⁸.

What Pope’s Death Penalty Shift Mean for Catholic Politicians

Pope Francis earned a standing ovation when he told Congress in 2015 that he supports protecting human life “at every stage of its development.” When he added that “this conviction” includes working to end the death penalty, the response was far more subdued.³⁹

For decades, Catholic politicians who support capital punishment, including the senators and representatives in the chamber that day, had an “out” when it comes to church teaching: The Catholic Catechism, the church’s book of moral and religious teachings, had allowed the use of capital punishment in certain cases. Any other opinions, even the Pope’s, were just that, opinions, and not necessarily binding on Catholic consciences.⁴⁰

37. *Evangelium vitae* No. 56.

38. Colin B. Donovan, https://www.ewtn.com/expert/answers/capital_punishment.htm

39. Daniel Burke, What does Pope’s death penalty shift mean for Catholic Politicians, August 3, 2018 accessed on 15/11/2018 <https://www.cnn.com/2018/08/02/politics/pope-death-penalty-us-politics/index.html>

40. Ibid. <https://www.cnn.com/2018/08/02/politics/pope-death-penalty-us-politics/index.html>

But that is no longer the case, the Vatican announced on Thursday.⁴¹

At the Pope's direction, the Catholic Catechism has been revised, and now calls the death penalty "inadmissible." While years in coming, the shift raises new questions about how politicians, particularly conservative Catholics in red states, will navigate the church's revised stance.⁴²

For John Thavis, former Rome bureau chief for Catholic News Service, "Pope Francis has said several times that he considers the death penalty inadmissible,"⁴³ And "Now, however, he has enshrined it in official Catholic teaching. That's going to make it much more difficult for politicians to dismiss this teaching as 'the Pope's opinion.'"⁴⁴

For John Gehring, a Catholic writer and Catholic Program Director at the liberal-leaning group Faith in Public Life, "It's hard to side-step this issue now that it's definitive church teaching,"⁴⁵

In USA, The church's shifting position on capital punishment may even arise later this year when the Senate holds confirmation hearings for Brett Kavanaugh, a federal judge and faithful Catholic whom President Donald Trump has nominated for a seat on the Supreme Court.⁴⁶

John Gehring further noted, "I think there is a proper and respectful way to ask Kavanaugh how his understanding of faith and morality intersects with his judicial views."⁴⁷ Richard Garnett, a professor at the University of Notre Dame's law school also noted, "I'm not optimistic that any senator's question will reflect any serious engagement with, or understanding of, what Pope Francis actually did, but ... I expect it will come up."⁴⁸

The death penalty was a controversial subject during the Senate's confirmation hearings last year for Amy Coney Barrett, who now serves on the US Court of Appeals for the 7th Circuit. Noting an article Barrett wrote examining whether Catholic judges should recuse themselves from capital punishment cases, Sen. Dianne Feinstein famously said, "The dogma lives loudly within you."⁴⁹ Death penalty opponents celebrated the Vatican's announcement, calling it the culmination of years of planning and work, while hoping it could change

41. Ibid.

42. Ibid.

43. Ibid.

44. Ibid.

45. Ibid.

46. <https://www.cnn.com/2018/08/02/politics/pope-death-penalty-us-politics/index.html>

47. Ibid.

48. Ibid.

49. Ibid.

more attitudes among lay Catholics.⁵⁰ It is a challenge to actively build a culture of life by abolishing the death penalty, especially in the 31 states that still have it on the books in this country,” said Krisanne Vaillancourt Murphy, who leads Catholic Mobilizing Network, an anti-death penalty group.⁵¹

Simply put, the death penalty is no longer needed or morally justified in the Catholic Church.

In the new formulation of the teaching on death penalty, the *Catechism* now reads as follows: Recourse to the death penalty on the part of legitimate authority, following a fair trial, was long considered an appropriate response to the gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good. Today, however, there is an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes. In addition, a new understanding has emerged of the significance of penal sanctions imposed by the state. Lastly, more effective systems of detention have been developed, which ensure the due protection of citizens but, at the same time, do not definitively deprive the guilty of the possibility of redemption. Consequently, the Church teaches, in the light of the Gospel, that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person”, and she works with determination for its abolition worldwide.⁵²

Hence, there is a “new understanding” of prison systems and the development of “effective systems of detention” have led the church, under Pope Francis, to revise its official views, the Vatican notes that “The death penalty is inadmissible because it is an attack on the inviolability and dignity of the person. With the new formulation of n. 2267 of the *Catechism*, therefore, the Church takes a decisive step in promoting the dignity of every person, whatever crime he or she may have committed, and explicitly condemns the death penalty. The formulation makes it possible to grasp some innovative amendments that pave the way for a more responsible commitment in the life of believers, especially in those numerous countries where the death penalty is still in force.”⁵³

50. Ibid.

51. Ibid.

52. CCC, n. 2267.

53. Cf. *L'Osservatore Romano*, August 2, 2018.

Conclusion

In the spirit of *Aggiornamento*, Pope Francis has revised the old stand of the Catholic Church from being *permissible* in extreme cases as well as to protect the common good of the society to being *inadmissible*⁵⁴ since it is an attack on the inviolability and dignity of the person. The Roman Pontiff is commended since with the new understanding of man there should be a significant distinction between a person and his actions-Being and Action- Actions do not diminish the person. A person is created *in the image of God* and hence draws his dignity from God. Only God can take life. The old policy is outdated, since today as John Paul II wrote; such cases that permitted it were “very rare, if not practically non-existent.”⁵⁵

There is need to update and have a new policy in our contemporary society since there has been an improvement in handling crimes and the judicial system. It is morally justified to implement this new policy on the death penalty in the whole world today in order *not to have a direct desire to harm another person* by the state which is not morally justifiable. All men are called to support Pope Francis and the new Catholic teaching now enshrined in the *Catechism of the Catholic Church*, n.2267 on the inadmissibility of death penalty as Pope Francis enjoined us to take responsibility for the past and recognize that the imposition of death penalty was dictated by a mentality more legalistic than Christian. Simply put, the death penalty is no longer needed or morally justified in the Catholic Church.

Inasmuch as we are obliged to take the recent Catholic Church teaching on complete inadmissibility of death penalty in all cases, as well as how difficult it might be, we still have to understand that the *fear* that the murderer/criminal might get out of prison in future, killing of someone else, or to continue harming the society, which is the major argument for death penalty, has not been totally removed. This therefore leaves a room for more theological insights on death penalty.

54. Pope Francis, *Address to Participants in the Meeting organized by the Pontifical Council for the Promotion of the New Evangelization*, 11 October 2017: *L'Osservatore Romano*, 13 October 2017, 5.

55. Staff Reporter, *Catholic judges issues death penalty to serial killer*, 31 August, 2018 internet access on 15/11/2018 <https://catholicherald.co.uk/news/2018/08/31/catholic-judge-issues-death-penalty-to-convicted-killer/>

KATOLICKA NAUKA NA TEMAT KARY ŚMIERCI I JEJ PRAKTYKOWANIA

Summary

Capital punishment, also known as death penalty, is a government-sanctioned practice whereby a person is killed by the state as a punishment for a crime. The sentence that someone be punished in such a manner is referred to as a death sentence, whereas the act of carrying out the sentence is known as an execution. Crimes that are punishable by death are known as capital crimes or capital offences. Death penalty can be handed down for treason, espionage, murder, large-scale drug trafficking, or attempted murder of a witness, juror, or court officer in certain cases.

In the spirit of *Aggiornamento*, Pope Francis has revised the old stand of the Catholic Church from being permissible in extreme cases as well as to protect the common good of the society to being inadmissible since it is an attack on the inviolability and dignity of the human person. The Roman Pontiff is commended since with the new understanding of man there should be a significant distinction between a person and his actions-Being and Action- Actions do not diminish the person. A person is created in the image of God and hence draws his dignity from God. Only God can take life. The old policy has been updated in line with the reflections begun by Pope St. John Paul II pointed out in *Evangelium Vitae*, no. 56 that such cases that permitted it were very rare, if not practically non-existent.

With the new formulation of n. 2267 of the Catechism, therefore, the Church takes a decisive step in promoting the dignity of every person, whatever crime he or she may have committed, and explicitly condemns the death penalty.

Słowa kluczowe: kara śmierci, Papież Franciszek, niedopuszczalność, dopuszczalność, katechizm

Key words: Capital Punishment, Pope Francis, Inadmissibility, Permissibility, Catechism

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