

What does the Church teach about the death penalty?

Faithful Questions – October 2019

Deacon Ken Crawford



NO!

**(...we don't support the Death
Penalty)**



Overview

- Fully Pro-Life
 - List of diversity
 - Just War theory
- Doctrinal development
- History of Death Penalty positions
 - Augustine
 - Aquinas
 - Trent's Catechism
 - Baltimore Catechism
- Current teaching

Intermission!



Fully Pro-Life



Pro-life at every stage

- Anti abortion
- Anti infanticide
- Pro social safety net
 - Particularly for children and pregnant women
- Pro immigrant and refugee
- Pro international aid
- Requires Just War criteria be met before going to war
- Anti prostitution and pornography
- Pro marriage
- Anti Euthanasia and assisted suicide



Just War Criteria - Aquinas

- Summa Theologica (summary)
 - First, just war must be waged by a properly instituted authority such as the state. (Proper Authority is first: represents the common good: which is peace for the sake of man's true end—God.)
 - Second, war must occur for a good and just purpose rather than for self-gain (for example, "in the nation's interest" is not just) or as an exercise of power (just cause: for the sake of restoring some good that has been denied. i.e. lost territory, lost goods, punishment for an evil perpetrated by a government, army, or even the civilian populace).
 - Third, peace must be a central motive even in the midst of violence. (right intention: an authority must fight for the just reasons it has expressly claimed for declaring war in the first place. Soldiers must also fight for this intention).



Just War Criteria - 1992

- Catechism of the Catholic Church

- The strict conditions for *legitimate defense by military force* require rigorous consideration. The gravity of such a decision makes it subject to rigorous conditions of moral legitimacy. At one and the same time:
 - 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.)
 - These are the traditional elements enumerated in what is called the "just war" doctrine.
 - The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good.



Just War Criteria - Keys

- Concerned with protection of life
 - Issues must be grave (grave = affecting life and death)
 - And war must cause less grave issues than those being corrected
- Sees it as a last resort
 - All other means exhausted
- Only when chance for success
 - No point in resorting to killing if it won't work



Doctrinal Development



Catholicism grows

- Christ gave us the fullness of truth
- But we are slow to understand it
- 1st Century Catholicism was different than 4th century Catholicism
 - Increased understanding of Trinity
 - Rejecting Donatism “*ex opere operato*” – Sacraments not dependent on holiness of minister
 - Reduced communal living
 - Development of monasticism
 - Decided on canon of scripture



Catholicism grows – Part2

- Process has never ended
- Sacraments
 - Grew from a few vague ones (baptism plus ???) to 7 well defined
 - Baptism of infants, and validity of “sprinkling”
 - Confession went from public to private
- Indulgences
- Detailed understanding of the Eucharist
- Purgatory



St. Vincent of Lerins

- Commonitorium – AD 434

- [54] Shall there, then, be no progress in Christ's Church? Certainly; all possible progress. ...Yet on condition that it be real progress, not alteration of the faith. For progress requires that the subject be enlarged in itself, alteration, that it be transformed into something else. ...
- [55.] The growth of religion in the soul must be analogous to the growth of the body, which, though in process of years it is developed and attains its full size, yet remains still the same. ... An infant's limbs are small, a young man's large, yet the infant and the young man are the same. Men when full grown have the same number of joints that they had when children; ...
- [56.] In like manner, it behooves Christian doctrine to follow the same laws of progress, so as to be consolidated by years, enlarged by time, refined by age, and yet, withal, to continue uncorrupt and unadulterate, complete and perfect in all the measurement of its parts, ...



Dom Prosper Gueranger

- Pontifical Monarchy – 19th century
 - It is a fundamental principle of theology, that all revealed truths were confided to the Church at the beginning; that some were explicitly proposed for our belief from the start, whereas others, although contained implicitly in the first set of truths, only emerged from them with the passage of time, by means of formal definitions rendered by the Church with the assistance of the Holy Ghost, through Whom she is infallible.



Henry Newman

- 7 tests for development
 - Preservation of Type
 - Continuity of Principles
 - Power of Assimilation
 - Logical Sequence
 - Anticipation of its future
 - Conservative action upon its past
 - Chronic Vigour (i.e. staying power)



Keys for development

- Not a change but an expansion
- Builds upon previous revelatory ideas
- Is in harmony with other ideals
 - Particularly when thinking in the most fundamental of terms
- Often makes most sense when combined with other societal evolution/improvement
 - Scientific evidence
 - Humanities
 - Technological revolutions



Intermission!



Intermission!

Time is Up!





History of Death Penalty Development



St. Augustine

- City of God – 5th Century
 - The same divine law which forbids the killing of a human being **allows certain exceptions**, as when God authorizes killing by a general law or when He gives an explicit commission to an individual for a limited time. Since the agent of authority is but a sword in the hand, and is not responsible for the killing, it is in no way contrary to the commandment, “Thou shalt not kill” to wage war at God’s bidding, or for the representatives of the State’s authority to put criminals to death, according to law or the rule of rational justice.



St. Thomas Aquinas

- Summa Contra Gentiles (summary) – AD 1265
 - 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, within the law. **Actions that are necessary to preserve the good of society are not inherently evil.** 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." This is likened to the physician who must amputate a diseased limb, or a cancer, for the good of the whole person.



16th century catechism (Trent)

- Exceptions to 5th commandment
 - Animals
 - Execution of Criminals (see below)
 - Just war
 - Accident
 - Self Defense
- Execution
 - Another kind of lawful slaying belongs to the civil authorities, to whom is entrusted power of life and death, by the legal and judicious exercise of which they punish the guilty and protect the innocent. The just use of this power, far from involving the crime of murder, is an act of paramount obedience to this Commandment which prohibits murder. The end of the Commandment- is the preservation and security of human life. Now the punishments inflicted by the civil authority, which is the legitimate avenger of crime, naturally tend to this end, since **they give security to life by repressing outrage and violence**. Hence these words of David: In the morning I put to death all the wicked of the land, that I might cut off all the workers of iniquity from the city of the Lord.



Baltimore Catechism- 1885

- Q. 1276. Under what circumstances may human life be lawfully taken?
- A. Human life may be lawfully taken:
 1. In self-defense, when we are unjustly attacked and have no other means of saving our own lives;
 2. In a just war, when the safety or rights of the nation require it;
 3. By the lawful execution of a criminal, fairly tried and found guilty of a crime punishable by death when the preservation of law and order and the good of the community require such execution.



1997 Catechism (JPII)

- 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 **more in conformity with 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 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 nonexistent**.



Current Teaching



2018 Catechism rev. – Pt. 1

- 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.



2018 Catechism rev. – Pt. 2

- 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.



Keys to development

- It's always been about the safe guarding the dignity of the human person
- Modern jails and governments allow more secure imprisonment
- Which allows us to be more concerned with the dignity of the criminal than in the past



Conclusion



Conclusion

- Death penalty teaching has evolved
- Lot's of teaching does
 - Not to be confused with Dogmas of faith
- Not prudent to execute people
 - Does not specifically prevent other deaths
 - Not much of a deterrent
 - Risks executing innocent person
- If you're struggling with this teaching
 - Ask yourself, why is it important to you?



Next Time

- 2nd Tuesday – November 12th
- 7:00 PM in the Morris Hall
 - Standard Time
- Topic
 - Why do we have the Liturgical Year?
- Future Plans
 - Still working on Child Care
 - Always looking for suggestions for topics



Additional Information

- Webpage:
 - <http://deaconken.org>
- E-mail:
 - ken@deaconken.org
- Slides
 - <http://deaconken.org/blog/category/faithful-questions-seminar/>
 - <http://deaconken.org/blog/>
- Audio/Video may be available at a later date.
 - Check <http://deaconken.org/blog>



2 Minute Break
Think of your questions!

02:00



2 Minute Break

Time is Up!





Questions?