

“THE DIGNITY OF THE PERSON” THE INADMISSIBILITY OF THE DEATH PENALTY

Historically in the name of justice, the Catholic Church has considered capital punishment carried out by civil authorities to be appropriate in certain cases. But in the last century, that teaching has developed for a host of reasons. With the publication of the *Catechism of the Catholic Church* in 1992, the pertinent section read: “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.” In our nation, there too has been development. For comparative purposes, in 2017, a total of 23 inmates were executed in the U.S., up slightly from the 20 who were executed the year before. Just eight states – Alabama, Arkansas, Florida, Georgia, Missouri, Ohio, Texas and Virginia—accounted for all 23 executions, so clearly this is a non-issue in the majority of states in our country. But as recently as 1999, 100 individuals were executed, and it remains legal in some states. Surveys by Pew Research conducted in April and May 2018 found that 54% of Americans favor the death penalty for people convicted of murder, while 39% oppose it. The percentage who favor it peaked at 78% in 1996.

I myself have **never been a supporter of capital punishment**, even though on a conceptual level I can appreciate why it was tolerated. Nor do I conclude that the revision signals that the Church’s teaching has been in error for centuries; this issue has a complicated history. Opponents of capital punishment argue that the existence of **maximum security prisons** renders its need to be non-existent. Careful on that point— non-existent everywhere, or in industrialized countries? Do you recall the 2015 case of two convicted murderers who had escaped from a maximum-security prison in upstate New York with the assistance of employees within the prison? They were on the lam for 22 days, and frankly it’s amazing that they did not kill anyone, for in their depraved state of mind, they literally had nothing to lose. One had killed a sheriff’s deputy, an offense resulting in the death penalty in some states. Closer to home, a corrections officer was recently killed at Stillwater Prison by an inmate serving a 29-year sentence for second-degree murder. Prisons remain extremely dangerous places.

The Catholic Church’s teaching has **steadily progressed** on this issue during the last half century. In 1997, the *Catechism of the Catholic Church* was amended to be in line with **Pope John Paul II’s** encyclical *Evangelium Vitae*, which reflected that the cases in which the execution of the offender is an absolute necessity “are very rare, if practically nonexistent.” The Holy Father was being careful in effectively opposing its practical application, yet without teaching that it is intrinsically evil. In his 2011 post-synodal Apostolic Exhortation focused on the Church in Africa, **Pope Benedict XVI** called “the attention of society’s leaders to the need to make every effort to eliminate the death penalty.” This may appear to be mere semantics, but **vigorously discouraging** its application differs from teaching that the death penalty intrinsically contradicts God’s moral law.

The **new addition** to CCC paragraph # 2267 notes today’s “increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes.” It notes “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.” The **key line** added to the Catechism reads: “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,” the inner quotation referring to an address by Pope Francis on 13 October 2017. The key (bolded) phrase in Latin *non posse admitti*, means “not able to be admitted.” The shift in emphasis here is from *whether* the State has the right to execute to the recognition of the *inviolable dignity* of the person.

In the Letter to the Bishops that accompanies the change to the Catechism, **Cardinal Luis Ladaria**, prefect of the Congregation of the Faith writes that the new formulation “expresses an authentic development of doctrine that is not in contradiction with the prior teachings of the Magisterium.” (#8) Archbishop Jose Gomez of Los Angeles welcomed the updated teaching, while clarifying: “The *Catechism* is not equating capital punishment with the evils of abortion and euthanasia. Those crimes involve the direct killing of innocent life and they are always gravely immoral. By definition, the lives of almost all those on death row are not ‘innocent.’ But as St. John Paul II said: ‘Not even a murderer loses his personal dignity, and God himself pledges to guarantee this.’”

While I fully assent to the binding nature of the teaching, it would be helpful to flesh out some key points, lest these moral questions are placed on an equal plane. Abortion ought not to be equated with capital punishment, as there are substantive differences in their moral subjects. Since for centuries the Church taught the permissibility of the death penalty, it is germane to ascertain the **reasons** for its historic justification and the extent to which those reasons exist today, if at all. Words matter, as there a difference between the death penalty being “inadmissible” and “intrinsicly evil”. Following centuries during which the Church permitted civil authorities to proceed, key unanswered questions remain for me. What precise level of Church teaching is attached to this development? Must Catholics now **recuse** themselves from jury duty in a capital murder case? Stay tuned.

- Christmas came early in Los Angeles. In his first week as a Dodger, former Twin **Brian Dozier** hit .400, with 2 HR's and 7 RBI. Ouch!
- Ouch, Part Two! “Cards enclosed...Please do not bend.” Hmmn, I didn't order a new credit card, did I? No, sir. Still, **AARP** sent me a promotional card with a Birthday offer as I quickly approach the day on which I'll be able to order off a special menu at Perkins!
- This coming week features the **Solemnity of the Assumption**, surely one of my favorite feasts! We will offer four Masses for the **Holyday of Obligation**, including an anticipatory Mass on August 14. Please see the sidebar on page seven for the schedule.
- A new National Anthem controversy? Catholics in **China** are worried that a group of nine religious organizations (including the state-approved “Chinese Patriotic Catholic Association”) favors requiring a flag raising ceremony and singing of the National Anthem at key religious feasts. While motivated by a desire to reduce the negative pressure against churches, the show of patriotism is a subtle bow to the authority of the government.
- Forty years ago (Aug. 6), after faithfully guiding the Barque of Peter into safe harbor for 15 years, the Lord called **Pope Paul VI** home. I recall his death and the subsequent conclave as I began my sophomore year in High School. He was the only pope I had known, though I was named both for St. John the Evangelist and Pope John XXIII, who died just two months before I was born.

Sincerely in Christ,

Fr. John L. Ubel,

Rector