

Church teaching on Death Penalty

Thomas Aquinas - *Summa Theologiae*, II; 65-2; 66-6.

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 judgement. Men shall be sentenced to death for crimes of irreparable harm or which are particularly perverted.

***Summa Theologiae*, II II q. 64, art. 2, 3, 7**

Every part is directed to the whole, as imperfect to perfect, wherefore every part exists naturally for the sake of the whole. For this reason we see that if the health of the whole human body demands the excision of a member, because it became putrid or infectious to the other members, it would be both praiseworthy and healthful to have it cut away.

Now every individual person is related to the entire society as a part to the whole. Therefore if a man be dangerous and infectious to the community, on account of some sin, it is praiseworthy and healthful that he be killed in order to safeguard the common good, since "a little leaven corrupteth the whole lump" (1 Cor. 5:6).

Accordingly the act of self-defense may have two effects, one is the saving of ones life, the other is the slaying of the aggressor.

Therefore this act, since ones intention is to save one's own life, is not unlawful, seeing that it is natural to everything to keep itself in being, as far as possible. And yet, though proceeding from a good intention, an act may be rendered unlawful, if it be out of proportion to the end. Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists "it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense." Nor is it necessary for salvation that a man omit the act of moderate self-defense in order to avoid killing the other man, since one is bound to take more care of one's own life than of another's. But as it is unlawful to take a man's life, except for the public authority acting for the common good, as stated above, it is not lawful for a man to intend killing a man in self-defense, except for such as have public authority, who while intending to kill a man in self-defense, refer this to the public good.

St. Augustine - *The City of God*, Book 1, chapter 21

The same divine law which forbids the killing of a human beings allows certain exceptions, as when God authorises 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 most just reason.

John Paul II, *Evangelium Vitae*, 56 - 1995

56. This is the context in which to place the problem of the death penalty. On this matter there is a growing tendency, both in the Church and in civil society, to demand that it be applied in a very limited way or even that it be abolished completely. The problem must be viewed in the context of a system of penal justice ever more in line with human dignity and thus, in the end, with God's plan for man and society. The primary purpose of the punishment which society inflicts is "to redress the disorder caused by the offence". Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime, as a condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfils the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behaviour and be rehabilitated.

It is clear that, for these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not 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 in the organisation of the penal system, such cases are very rare, if not practically non-existent.

In any event, the principle set forth in the new Catechism of the Catholic Church remains valid: "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"

CCC 2267 old

2267: The traditional teaching of the Church does not exclude, presupposing full ascertainment of the identity and responsibility of the offender, recourse to the death penalty, when this is the only practicable way to defend the lives of human beings effectively against the aggressor. [Lk 23:40-43]

"If, instead, bloodless means are sufficient to defend against the aggressor and to protect the safety of persons, public authority should 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.

"Today, in fact, given the means at the State's disposal to effectively repress crime by rendering inoffensive the one who has committed it, without depriving him definitively of the possibility of redeeming himself, cases of absolute necessity for suppression of the offender 'today ... are very rare, if not practically non-existent.' [John Paul II, *Evangelium vitae* 56.]

2276 revised

2267: 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. [Pope Francis, Oct. 11, 2017]

CDF - Letter to the Bishops regarding the new revision of number 2267 of the Catechism of the Catholic Church on the death penalty , 2018

1. The Holy Father Pope Francis, in his Discourse on the occasion of the twenty-fifth anniversary of the publication of the Apostolic Constitution *Fidei depositum*, by which John Paul II promulgated the *Catechism of the Catholic Church*, asked that the teaching on the death penalty be reformulated so as to better reflect the development of the doctrine on this point that has taken place in recent times. This development centres principally on the clearer awareness of the Church for the respect due to every human life. Along this line, John Paul II affirmed: “Not even a murderer loses his personal dignity, and God himself pledges to guarantee this.”

2. It is in the same light that one should understand the attitude towards the death penalty that is expressed ever more widely in the teaching of pastors and in the sensibility of the people of God. If, in fact, the political and social situation of the past made the death penalty an acceptable means for the protection of the common good, today the increasing understanding that the dignity of a person is not lost even after committing the most serious crimes, the deepened understanding of the significance of penal sanctions applied by the State, and the development of more efficacious detention systems that guarantee the due protection of citizens have given rise to a new awareness that recognises the inadmissibility of the death penalty and, therefore, calling for its abolition.

3. In this development, the teaching of the Encyclical Letter *Evangelium vitæ* of John Paul II is of great importance. The Holy Father enumerated among the signs of hope for a new culture of life “a growing public opposition to the death penalty, even when such a penalty is seen as a kind of ‘legitimate defense ’ on the part of society. Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform.” The teaching of *Evangelium vitæ* was then included in the *editio typica* of the *Catechism of the Catholic Church*. In it, the death penalty is not presented as a proportionate penalty for the gravity of the crime, but it can be justified if it is “the only practicable way to defend the lives of human beings effectively against the aggressor,” even if in reality “cases of absolute necessity for suppression of the offender today are very rare, if not practically non-existent” (n. 2267).

4. John Paul II also intervened on other occasions against the death penalty, appealing both to respect for the dignity of the person as well as to the means that today’s society possesses to defend itself from criminals. Thus, in the *Christmas Message* of 1998, he wished “the world the consensus concerning the need for urgent and adequate measures ... to end the death penalty.” The following month in the United States, he repeated, “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 most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary.”

5. The motivation to be committed to the abolition of the death penalty was continued with the subsequent Pontiffs. Benedict XVI recalled “the attention of society’s leaders to the need

to make every effort to eliminate the death penalty.” He later wished a group of the faithful that “your deliberations will encourage the political and legislative initiatives being promoted in a growing number of countries to eliminate the death penalty and to continue the substantive progress made in conforming penal law both to the human dignity of prisoners and the effective maintenance of public order.”

6. In this same prospective, Pope Francis has reaffirmed that “today capital punishment is unacceptable, however serious the condemned’s crime may have been.” The death penalty, regardless of the means of execution, “entails cruel, inhumane, and degrading treatment.” Furthermore, it is to be rejected “due to the defective selectivity of the criminal justice system and in the face of the possibility of judicial error.” It is in this light that Pope Francis has asked for a revision of the formulation of the *Catechism of the Catholic Church* on the death penalty in a manner that affirms that “no matter how serious the crime that has been committed, the death penalty is inadmissible because it is an attack on the inviolability and the dignity of the person.”

7. The new revision of number 2267 of the *Catechism of the Catholic Church*, approved by Pope Francis, situates itself in continuity with the preceding Magisterium while bringing forth a coherent development of Catholic doctrine. The new text, following the footsteps of the teaching of John Paul II in *Evangelium vitæ*, affirms that ending the life of a criminal as punishment for a crime is inadmissible because it attacks the dignity of the person, a dignity that is not lost even after having committed the most serious crimes. This conclusion is reached taking into account the new understanding of penal sanctions applied by the modern State, which should be oriented above all to the rehabilitation and social reintegration of the criminal. Finally, given that modern society possesses more efficient detention systems, the death penalty becomes unnecessary as protection for the life of innocent people. Certainly, it remains the duty of public authorities to defend the life of citizens, as has always been taught by the Magisterium and is confirmed by the *Catechism of the Catholic Church* in numbers 2265 and 2266.

8. All of this shows that the new formulation of number 2267 of the *Catechism* expresses an authentic development of doctrine that is not in contradiction with the prior teachings of the Magisterium. These teachings, in fact, can be explained in the light of the primary responsibility of the public authority to protect the common good in a social context in which the penal sanctions were understood differently, and had developed in an environment in which it was more difficult to guarantee that the criminal could not repeat his crime.

9. The new revision affirms that the understanding of the inadmissibility of the death penalty grew “in the light of the Gospel.” The Gospel, in fact, helps to understand better the order of creation that the Son of God assumed, purified, and brought to fulfilment. It also invites us to the mercy and patience of the Lord that gives to each person the time to convert oneself.

10. The new formulation of number 2267 of the *Catechism of the Catholic Church* desires to give energy to a movement towards a decisive commitment to favour a mentality that recognises the dignity of every human life and, in respectful dialogue with civil authorities, to encourage the creation of conditions that allow for the elimination of the death penalty where it is still in effect.