

administering capital punishment. The shifts do not, however, indicate a rejection of the traditional fourfold purpose of punishment, the context within which John Paul II treats the death penalty, nor do they indicate the assimilation of capital punishment to the norms governing private self-defense.

It would also be mistaken to hold that the defense of society includes retribution. As Scalia writes: “The text [of *Evangelium Vitae*] limits the permissibility of the sanction to one situation: ‘when it would not be possible otherwise to *defend society*.’ No reasonable speaker, much less careful draftsman of an encyclical, would use that language to describe or include the goal of *retribution*.”<sup>27</sup> It is quite easy to see how the *physical defense* of society is facilitated by contemporary prisons, the “steady improvements in the organization of the penal system,” that lessen the likelihood of escape. It is hard to see how such penal improvements would make any difference whatsoever in manifesting the transcendent order of justice.<sup>28</sup>

The third purpose of punishment, deterrence, is also subject to discussion. In itself, the practical abolition of capital punishment does not impede the traditional purpose of punishment as a deterrent. Study of the issue has not determined, to the best of my knowledge, a definitive answer to the question of whether capital punishment is a better deterrent than other forms of punishment. Some suggest capital punishment does deter, if well publicized nationally.<sup>29</sup> Others argue strongly that no

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<sup>27</sup> Antonin Scalia, “Antonin Scalia and His Critics: The Church, the Courts, and the Death Penalty,” *First Things* 126 (October 2002): 8–18, emphasis in the original.

<sup>28</sup> Long rightly points out this misreading, “The primary purpose of punishment is stated as being ‘to redress the disorder caused by the offence,’ yet the reductionist reading has interpreted the ‘rehabilitative’ goal highlighted in the following sentence as the complete and sufficient meaning of ‘redressing the disorder.’” Long, “*Evangelium Vitae*, St. Thomas Aquinas, and the Death Penalty” 516. However, Long, I believe, overemphasizes that the defense of the physical order of society did not play a role in Catholic considerations of the death penalty prior to *Evangelium Vitae*. In the first edition of the *Catechism of the Catholic Church* (that is, pre-*Evangelium Vitae*), it reads: “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” (no. 2267, emphasis added). A proper interpretation of *Evangelium Vitae* must take into account that for John Paul II, the physical protection and the criminal not only guilty but an “aggressor” does play a role in the interpretation and development of the tradition in the encyclical.

<sup>29</sup> Steven Stack, “Publicized Executions and Homicide,” *American Sociological Review* 52 (1987): 532–39.

discernable deterrent is provided by capital punishment.<sup>30</sup> Still others hold that homicide increases immediately before and after the use of the death penalty!<sup>31</sup> At best the jury is out, and in cases of doubt, one should err on the side of not taking human life.

Although Aquinas is correct that the death penalty keeps the sinner from committing more sins, and although imminent death may prompt conversion (it seems better to foresee and prepare for death than to be surprised and unable to prepare as happened with Jeffrey Dahmer), capital punishment completely excludes rehabilitation in any ordinary sense. Even if there is an end of life conversion, the death penalty does not allow conversion to bear fruit. Many grave sinners, even murderers, have later led exemplary lives and done great good. In the Old Testament, Moses killed a man but then gave the Ten Commandments to the people of Israel. David committed adultery and ordered the death of the innocent husband, but in the Psalms later composed some of the most beautiful and influential of all passages in Scripture. In the New Testament, St. Paul persecuted and colluded in the death of Christians but later went on mission to the Gentiles and offered his own life rather than hurt that Body of Christ he once persecuted. In our own time, Dr. Bernard Nathanson performed or oversaw some 75,000 abortions, including killing his own child. He co-founded the National Abortion Rights Action League (NARAL). However, he experienced a profound conversion, as detailed in his book *The Hand of God*, and has spent more than twenty years in exemplary service to human beings in the womb through lectures, books, and movies such as *The Silent Scream* and *Eclipse of Reason*. Admittedly, not all killers experience this metanoia, but our world is a better one because some have. In sum, the contemporary teaching is in continuity with received doctrine regarding the purposes of punishment and is not in contradiction with other teachings of the Church past or present.

## ***2. Change in Circumstances or Development of Doctrine?***

Some scholars, however, have viewed contemporary teaching on the death penalty as only a restatement of past teaching applied in a new situation. In other words, they see John Paul II's statements about the death penalty as refinement of Catholic teaching in the sense of an application of the traditional doctrine to new circumstances. New circumstances can certainly render a new application of a traditional teaching. Just as shifts

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<sup>30</sup> Gerber, "Death Is Not Worth It."

<sup>31</sup> William J. Bowers et al., *Legal Homicide: Death as Punishment in America, 1864–1982* (Boston, MA: Northeastern University Press, 1984).

in economic models brought a change in the understanding of usury, so too perhaps shifting contemporary circumstances have made a difference in the application of the death penalty.

Since capital punishment is compared by Aquinas and others in the tradition to communal self-defense (though as noted it is not *simply* a form of self-defense), and since it is generally agreed that the use of protective force in self-defense must never exceed that which is necessary for defense (it would be wrong to kill, if injuring provides defense; wrong to injure, if one can simply detain the attacker), it follows that if bloodless means can secure communal defense, such means should be used. Perhaps our contemporary circumstances of the modern penal system have brought a change in the application of teaching.

A difficulty can be raised with this argument in that the physical protection of society from criminals could be secured long before the twentieth century. Ancient Greek and Romans could enslave entire peoples for life. In the middle ages, the *oubliette* left prisoners to languish until the end of their lives. The Tower of London likewise contained many prisoners without parole. So, the ability of society to imprison for life does not seem to be a radical new development.

Secondly, even with contemporary technology, it is not clear that capital punishment would only rarely contribute to the defense of society. The Department of Justice recorded 83 murders in prison during 1993 alone, and untold numbers of convicted murderers have escaped and killed again or have killed guards or fellow inmates within the prison walls. Unfortunately, the modern criminal justice system has many times failed to render the incarcerated harmless. Even when not killing personally, mafia bosses in jail have ordered hits executed by subordinates on the outside. The circumstances are, therefore, not really new, for societies have for centuries had the technological capacity to imprison criminals for life, and even with contemporary technology, many such prisoners have continued to harm society. Thus, the notion that there is simply an application of a traditional teaching in contemporary circumstances is unfounded.

Perhaps contemporary society may itself be viewed as a change in circumstance with respect to the application of the death penalty. Experience of the horrid abuse of human life at the hands of the state in the twentieth century has led to an increasing awareness that justice is sometimes not well-served by the "justice" system, and that perhaps the state should not have jurisdiction over life and death. Not only are the innocent sometimes put to death, but sadly sometimes the holiest of saints. Robert Royal's *Catholic Martyrs of the 20th Century* details the way state

power exercising capital punishment has been particularly abusive to religious believers in various totalitarian regimes.<sup>32</sup> The Thomistic understanding of the parable of the wheat and the weeds (Matt 13.24–30) allowed that if the good cannot be distinguished from the bad, then it is better to spare both than to lose both. To the extent that the criminal justice system does a poor job in the discernment of innocent from guilty, then to that extent the death penalty ought not be administered.

Although the abuse of capital punishment has been regular during the twentieth century, it is not clear that this abuse is a *new* circumstance unique to contemporary experience. From the very beginning, innocent people have been unjustly killed or imprisoned. The death penalty took the lives of Socrates, St. Peter, St. Paul, Boethius—and of course Jesus—to cite just a handful of examples. What may be new is an increasing unwillingness to risk harming innocents. That innocents have been harmed by capital punishment has clearly been a consideration from the earliest stages of the discussion and applies also to lesser punishments such as imprisonment or exile.

A third circumstance that would seem to differentiate current administration of the death penalty from its theoretical justification in the past is the contemporary understanding of the state. In medieval times, theologians justified capital punishment by saying that the state does not act on its own authority but on God's. But as Cardinal Dulles notes:

Retribution by the State can only be a symbolic anticipation of God's perfect justice. For the symbolism to be authentic, the society must believe in the existence of a transcendental order of justice, which the State has an obligation to protect. This has been true in the past, but in our day the State is generally viewed as simply an instrument of the will of the governed. In this modern perspective, the death penalty expresses not the divine judgment on objective evil but rather the collective anger of the group.<sup>33</sup>

The traditional justification of the death penalty rested on the idea of a natural law or transcendental moral order reflected by laws of state that the state has an obligation to protect. This transcendental moral order presupposed by traditional defense is completely absent in the administration of justice in the United States, based as it is on an explicit rejection (in most legal quarters) of a transcendent moral order and an explicit acceptance of a positivistic understanding of law.

<sup>32</sup> Robert Royal, *Catholic Martyrs of the 20th Century* (New York: Crossroad, 2000).

<sup>33</sup> Avery Cardinal Dulles, SJ, "Catholicism and Capital Punishment," *First Things* 112 (April 2001): 30–35, at 33.

One way of construing this argument is that the corruption of modern states renders them unjustified in the administration of the death penalty. Contemporary states have so abused their authority that even though, in principle, a state might have the right to administer the death penalty, contemporary states may no longer exercise this right, just as parents who abuse their children have their parental rights terminated. As Ralph McInerny notes: "The traditional justification for the death penalty sees the state as the instrument of the common good. But modern states, most notably in the matter of abortion, have farmed out to some members of society the right to take innocent life. Is the Holy Father suggesting that such states no longer meet the conditions of the traditional justification for the death penalty?"<sup>34</sup> In the words of Cardinal Dulles: "The classical vision of the state has fallen on hard times, perhaps because of the outrageous abuses of governmental power by the Nazis, Stalinists, and Maoists of the past century. For better or for worse, the state in our secular democratic societies is seen as a creature and instrument of the people, bound to carry out the will of the majority. In a society so governed, it becomes difficult to see the death sentence as representing the divine order of justice. Rather, it is seen as implementing the sovereign will of the people, whose appetite for vengeance grows with what it feeds on."<sup>35</sup>

However, this way of construing the argument fails to establish a true change in circumstance, for the argument could equally well apply to many states throughout history that were arguably even more corrupt than contemporary governments. Yet these prior states administered capital punishment without ecclesiastical condemnation. Many ancient states not only condoned abortion, but also infanticide, murder of foreigners, slavery, and blood sports. They had not merely a malignant indifference to religion but actively imposed, at least in Christian judgment, idolatrous practices on citizens. It is certainly true that states are viewed differently by contemporary society than they were viewed during the height of Christendom, but again this does not seem entirely new. As Mary Kochan observes: "There is no reason to think that, at the time that St. Paul wrote the Romans, belief in a 'transcendent order of justice' generally informed the civil authority. This authority, which permitted infanticide, slavery, and blood sports, was according to the Apostle, 'the servant of God to execute his wrath,' not because of what society believed but

<sup>34</sup> Ralph McInerny, "Avery Cardinal Dulles and His Critics: An Exchange on Capital Punishment," *First Things* 115 (August/September 2001): 10.

<sup>35</sup> Avery Cardinal Dulles, SJ, "Avery Cardinal Dulles and His Critics: An Exchange on Capital Punishment," *First Things* 115 (August/September 2001): 15.

because God had instituted this authority.”<sup>36</sup> Contemporary Catholic teaching as expressed in the *Catechism of the Catholic Church* echoes the idea that the contemporary state, whether consciously or not, whether acknowledged by society at large or not, still shares in the administration of God’s authority (CCC 2238). Corrupt states, like corrupt religious superiors, may still exercise authority (though obviously within limits) over their subjects.

Nor is the emergence of democracy a circumstance that necessarily gives rise to a change in Church teaching on the death penalty. U.S. Supreme Court Justice Antonin Scalia, for example, sees in the teaching of *Evangelium Vitae* an excessive deference to democracy:

The death penalty is undoubtedly wrong unless one accords to the state a scope of moral action that goes beyond what is permitted to the individual. In my view, the major impetus behind modern aversion to the death penalty is the equation of private morality with governmental morality. This is a predictable (though I believe erroneous and regrettable) reaction to modern, democratic self-government. . . . These passages from Romans [affirming the morality of the death penalty] represent the consensus of Western thought until very recent times. Not just of Christian or religious thought, but of secular thought regarding the powers of the state. That consensus has been upset, I think, by the emergence of democracy. It is easy to see the hand of the Almighty behind rulers whose forebears, in the dim mists of history, were supposedly anointed by God, or who at least obtained their thrones in awful and unpredictable battles whose outcome was determined by the Lord of Hosts, that is, the Lord of Armies. It is much more difficult to see the hand of God—or any higher moral authority—behind the fools and rogues (as the losers would have it) whom we ourselves elect to do our own will. How can their power to avenge—to vindicate the “public order”—be any greater than our own?<sup>37</sup>

Clearly, it is more difficult to envision a higher moral authority operating in the rough and tumble world of celebrity politicians and hanging chads than it was in a society that believed in the divine right of kings. However, even in democracies, a distinction between individual rights and state rights, between private morality and governmental morality, is clearly rational and overwhelming recognized. If one follows Kant in arguing that rights arise from responsibilities, and then notice further that governments in democratic societies have many responsibilities that individuals qua

<sup>36</sup> Mary Kochan, “Avery Cardinal Dulles and His Critics: An Exchange on Capital Punishment,” *First Things* 15 (August/September 2001): 10–11.

<sup>37</sup> Antonin Scalia, “God’s Justice and Ours,” *First Things* 123 (May 2002): 17–21.

individuals do not have (such as securing public order and building public works), then it would follow that there are many rights enjoyed by the state but not by private citizens, *even if* the powers of the state come directly or indirectly from these private citizens. This truth is widely recognized. After all the government as government, and no private individual as private individual, may tax, throw criminals in prison, and fine wrongdoers. None of these prerogatives are licitly discharged by a private individual who cannot tax but only steal, cannot imprison but only kidnap, and cannot fine but only rob. So there is no problem in itself with a state discharging the death penalty in a democratic society based on the presumption that the state enjoys no more power than the individual since everyone recognizes, in a number of other cases, that the state does enjoy greater rights than private individuals. Democracies both modern (U.S.) and ancient (Athenian) used the death penalty without such problems arising, and there is no theoretical contradiction in so doing. In sum, the allegedly "new" circumstances are not really new and so it does not seem plausible to say, therefore, that contemporary Catholic teaching on the death penalty is merely an application of traditional doctrine to new circumstances.

If the allegedly new circumstances are not actually new, then it would appear that a development of doctrine has taken place rather than just an application of the traditional teaching in new circumstances. What then has been developed? I believe there has been development in two ways, the first of which has been addressed at some length already, namely the newly considered relationship among the purposes of punishment, and the second of which relates to a major theme in *Evangelium Vitae*—the culture of life.

In contemporary teaching on the death penalty, there is a new emphasis on the primacy—in the sense of importance—of defending the community. Although the four purposes of punishment are retained, there is for the first time an ordering among them, at least in the case of capital punishment. The Pope does not say explicitly that he is establishing a hierarchy among the various purposes of punishment (*Evangelium Vitae* takes up the question only briefly), but his emphasis on the defense of the common good seems to highlight this goal of punishment as the most significant, indeed, along with retribution, a necessary condition for its justified use. If bloodless means secure the protection of society, capital punishment should not be used even if the death penalty would secure other goals of punishment. Although retribution remains a necessary condition of any just punishment (and so remains in this sense "the primary purpose of punishment"), the pope seems to be clarifying that the most important aim of punishment is to protect public order and the safety of persons. It is not that contemporary circumstances are so remarkably different from the past

...that has elicited the change, but rather that there is a greater refinement in our understanding of the purposes of punishment.

### III. Development of Doctrine

Since the teaching of *Evangelium Vitae* cannot be explained as simply the application of the traditional understanding in new circumstances, and since the teaching of *Evangelium Vitae* also does not contradict previous teaching, it seems most reasonable to understand the teaching as a development of doctrine. As a study of the history of theology makes clear, the understanding of revealed truth deepens in the course of time. This is true of all areas of theology. Scripture speaks of the Father, Son, and Holy Spirit, but a more precise understanding of God as a Trinity of three Divine Persons sharing one divine nature arose in the post-apostolic Church. Likewise, an understanding of Jesus Christ as fully God and fully human, with two complete natures, one human and another divine, arises from the New Testament but is not explicitly contained therein. The Catholic understanding and appreciation of the role of Mary, her Immaculate Conception, and her Assumption body and soul into heaven likewise took time to develop. Nor is development restricted to matters of dogma alone, for developments may also be seen in the Church's moral teaching, for example, in the issues of slavery and religious liberty. Why is there development of doctrine? What distinguishes true developments from corruptions? Great minds, including John Paul II and most especially John Henry Cardinal Newman, have wrestled with these questions.

For Aquinas, the first principles of theology are the articles of the creed and the creed in turn summarizes what is found in Scripture. Like other medieval theologians, the Angelic doctor recognized many senses of scripture. Aquinas rooted his account of theology in the literal sense of Scripture, and what the author intends to communicate constitutes the literal sense.<sup>38</sup> Since God is the author of Scripture, Aquinas, following Augustine, holds that there may be multiplicity of true meanings intended by God in the literal sense of Scripture.<sup>39</sup> Divine authorship of Scripture leads the text to have a profound depth of meaning unlike any other.

When combined with other Thomistic theses, namely God's perfect simplicity and the inability of any human being to comprehend God's essence, it follows that a complete understanding of the many true meanings of the literal sense is and will always remain elusive. God's incomprehensible essence is one with God's understanding, will, and intention. As

<sup>38</sup> *ST I*, q. 1, a. 10; *De potentia*, q. 4, a. 1.

<sup>39</sup> *ST I*, q. 1, a. 10.

God is beyond comprehension, so the Word of God is beyond comprehension. Scripture therefore must always remain mysterious in a way no other text is. Thus, even brief phrases of Scripture are filled with deep meaning. For example, in commenting on the passage *factus ex mulier* in his commentary on Galatians (c.4, lesson 2), Thomas unpacks deep Christological meaning out of this one phrase arguing that it excludes both Nestorianism and Valentinianism as well as showing that Mary is the Mother of God.<sup>40</sup> Examples could be multiplied indicating Thomas's confidence in the pregnant meaning of the literal sense. In the words of Aquinas: "[S]ince the prophet's mind is a defective instrument, as stated above, even true prophets know not all that the Holy Ghost means by the things they see, or speak, or even do."<sup>41</sup> Aquinas's high account of Scripture's authorship ensures that we could never have a definitive understanding of the text, for a human being could never fully comprehend the divine intention, which is nothing else than the divine essence.

In addition, there is always need for an explanation of Scripture. "The purpose of Scripture," writes Aquinas, "is the instruction of people; however, this instruction of the people by the Scriptures cannot take place save through the exposition of the saints."<sup>42</sup> There is no new public revelation, but there will always be a need for an explanation of revelation situated in a given time and place and tailored for a given audience. This needed explanation (*interpretatio sermonum*) by the saints is a gift of the Holy Spirit.<sup>43</sup> Aquinas notes elsewhere in terms of understanding this revelation, "the faith is able to be better explained in this respect each day and was made more explicit through the study of the saints."<sup>44</sup> Given the ever changing audience, the *telos* of Scripture cannot be reached without an ever adapting interpretation or development. Therefore, it is not just that the nature and the purpose of Scripture for Aquinas allow for doctrinal developments, but that the nature and purpose of Scripture invite such development.<sup>45</sup> We should not be at all surprised therefore that there is doctrinal development in matters of both faith and morals.

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<sup>40</sup> Throughout this section I am much indebted to the work of Leo Elders and his article, "St. Thomas Aquinas and Holy Scripture" forthcoming in a volume about Aquinas and his sources edited by Timothy Smith.

<sup>41</sup> *ST II-II*, q. 173, a. 4, English Dominican Province translation.

<sup>42</sup> *Quodlibet XII*, q. 16, a. unicus [27].

<sup>43</sup> *Quodlibet XII*, q. 16, a. unicus [27]; *SCG*, III, 154; *In 1 Cor.* 12, lect. 2.

<sup>44</sup> *In Sent.* III, d. 25, 2, 1, ad 5.

<sup>45</sup> See Christopher Kaczor, "Thomas Aquinas on the Development of Doctrine," *Theological Studies* 62 (2001): 283–302, and E. Christian Brugger, *Capital Punishment and the Roman Catholic Tradition* (Notre Dame, IN: University of Notre Dame Press, 2003), chapter seven.

However, to consider the question of development at length in relation to capital punishment falls outside the scope of the present discussion.<sup>46</sup> However, suffice it to say that from what has been said earlier in this essay (section 3), this development should not be characterized as simply a filtering of the true propositions from a previous mixture of true and false propositions taught by the Magisterium. Nothing formally taught previously by the Magisterium is formally “revoked” by *Evangelium Vitae*. Neither should this development be characterized as development of specification whereby imprecise language becomes more precise. Rather, the development should be considered as an answer to a question never formally proposed before: What is the relationship among the purposes of punishment in the case of the death penalty?

#### IV. Capital Punishment and a Culture of Life

Contemporary moral theology has developed a deeper understanding of the dignity of all persons, an intrinsic dignity that cannot be lost. For some in the tradition, such as Aquinas, it seems that the criminal loses human worth: “[A]lthough it be evil in itself to kill a man so long as he preserve his dignity, yet it may be good to kill a man who has sinned, even as it is to kill a beast. For a bad man is worse than a beast, and is more harmful, as the Philosopher states (*Polit.* i, 1 and *Ethic.* vii, 6)” (*ST* II–II, q. 64, a. 2, ad 3). Rejecting this element of the tradition, John Paul II, on the other hand, repeatedly affirms, “Not even a murderer loses his personal dignity, and God himself pledges to guarantee this” and that “great care must be taken to respect every life, even that of criminals and unjust aggressors” (*EV* 9, 57). In this he may not be entirely rejecting Aquinas after all, for Thomas states that even those in hell do not completely lose the goodness of their nature (*ST* I–II, q. 85, a. 2, ad 3). Every human person is made in God’s image, even if each individual does not always live up to that dignity.

This development in moral teaching is sometimes called the “consistent life ethic,” which holds that all human beings have intrinsic dignity and value regardless of condition, size, health, beliefs, past, present, or future—period. One might speak of a growing understanding of a “bias” or “preferential option” for life—the dignity of the person must always be respected, and respecting this dignity involves the respecting of the goods of the person, fundamental among them is the good of life, the foundation of all other goods. In the face of an increasingly lethal culture of

<sup>46</sup> For a discussion of the question of capital punishment and development of doctrine, see E. Christian Brugger, *Capital Punishment and the Roman Catholic Moral Tradition* (Notre Dame, IN: University of Notre Dame Press, 2003), chapter seven.

death, the Church's consciousness of the value of each human life and its unwillingness to allow for the taking of life, except perhaps to save the life of another, leads naturally to a careful reconsideration of the death penalty.

Two objections might be raised at this point. First, is not contemporary culture after all just another "circumstance" marking not so much a change in teaching but a change in application? Furthermore, didn't ancient cultures clearly disrespect human life, perhaps even more than contemporary culture? Yes, but theoretically the response to these abuses did not lead to the theorizing about what all the abuses had in common, namely a disrespect for the human person. Hence, even were all contemporary abuses of human life to end, the "consistent life ethic" would still theoretically make sense in those new circumstances.

Secondly, it is not clear that those working for a culture of life should also oppose the use of the death penalty because in failing to punish those who take innocent human life as severely as we could, in fact punishing cold-blooded murder with the same punishment in some cases as repeated robbery or drug dealing, the law indicates a societal disrespect for life. In response, it might be said that whatever is received is received in the manner of the receiver. Although theoretically punishing murderers more severely might underscore a lesson about the value of human life, contemporary society does not as a whole seem to understand that as the lesson. The law certainly teaches, but Cardinal Dulles's argument in part seems to be that the lesson society takes is not the correct one. Rather, there is a moral danger that the use of capital punishment in fact reinforces the belief of many people in contemporary society that some human beings are expendable and may be killed for the good of others.

Some have argued that the consistent life ethic neglects important distinctions between the aggressors and the innocent, and in its most popularized form this is true. However, even among prominent advocates of the consistent life ethic, not all "life" issues are held to be of the same importance. The person who first brought the "consistent life ethic" or "seamless garment of life" to prominence, Joseph Cardinal Bernadin, said:

I made it very clear that by the consistent life ethic I was articulating I was not saying that all the problems or issues were the same. . . .but that they were all related in some way. Some of the people who didn't like the consistent ethic accused me of down-playing abortion, just making it one issue among many, but . . . they [the life issues] are not all the same or equally important, but they are all important and all related, and to be truly "pro-life," you have to take all of those issues into account.<sup>47</sup>

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<sup>47</sup> James J. Megivern, *The Death Penalty: An Historical and Theological Survey*, 378.

Underscoring this idea and formulating more completely the relationship among life issues, the National Conference of Catholic Bishops wrote:

Adopting a consistent ethic of life, the Catholic Church promotes a broad spectrum of issues seeking to protect human life and promote human dignity from the inception of life to its final moment. Opposition to abortion and euthanasia does not excuse indifference to those who suffer from poverty, violence and injustice. Any politics of human life must work to resist the violence of war and the scandal of capital punishment. Any politics of human dignity must seriously address issues of racism, poverty, hunger, employment, education, housing, and health care. Therefore, Catholics should eagerly involve themselves as advocates for the weak and marginalized in all these areas. Catholic public officials are obliged to address each of these issues as they seek to build consistent policies which promote respect for the human person at all stages of life. *But being "right" in such matters can never excuse a wrong choice regarding direct attacks on innocent human life.* Indeed, the failure to protect and defend life in its most vulnerable stages renders suspect any claims to the "rightness" of positions in other matters affecting the poorest and least powerful of the human community. If we understand the human person as the "temple of the Holy Spirit"—the living house of God—then these latter issues [such as racism, poverty, hunger, employment, education, housing, and health care] fall logically into place as the cross-beams and walls of that house. *All direct attacks on innocent human life, such as abortion and euthanasia, strike at the house's foundation.* These directly and immediately violate the human person's most fundamental right—the right to life. Neglect of these issues is the equivalent of building our house on sand.<sup>48</sup>

For the National Conference of Catholic Bishops, the preeminent human dignity issues are abortion and euthanasia. Abortion and euthanasia undermine the very foundation of the house, the temple of the human person in whom dwells the Spirit. Concerns about education, poverty, hunger, and unemployment are moot for the dead. Furthermore, although the state retains the right, in principle, to administer capital punishment even though in practice it may not legitimately do so, according to Catholic teaching, no state or person ever has the right to take innocent life. The very magnitude of the killing involved (some 1.25 to 1.5 million deaths each year from abortion versus around 100 a year from capital punishment) suggests urgency to the abortion issue vis-à-vis other life issues. Therefore, the U.S. bishops have written: "Because victims of abortion are the most vulnerable and defenseless members of the human family, it is imperative

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<sup>48</sup> NCCB, *Living the Gospel of Life*, no. 23, emphasis in the original.

that we, as Christians called to serve the least among us, give urgent attention and priority to this issue of justice. . . . This focus and the Church's firm commitment to a consistent ethic of life complement each other. A consistent life ethic, far from diminishing concern for abortion or equating all life issues touching on the dignity of human life, recognizes the distinctive character of each issue while giving each its proper role within a coherent moral vision."<sup>49</sup> Without ever acting as if all life issues were of equal importance, those committed to reducing the number of abortions should also be committed to a critical examination of the death penalty as used in the United States. Commitment to the value of all human life makes witness to the value of innocent life even more powerful.

Returning to John Paul II, it is interesting to note that although he is a philosopher, *Evangelium Vitae's* treatment of capital punishment, indeed all life issues, emphasizes salvation history rather than philosophy. Christ was only once directly asked about capital punishment. A woman was caught in adultery and was about to be stoned by an angry mob. "The law of Moses says she has merited death. What do you say?" "Let him without sin cast the first stone." For John Paul II, the Gospel of Jesus is the Gospel of Life. And so the people of this Gospel message stand on the side of life, even when it is unpopular, difficult, and trying. Debbi Morris, who was raped by Robert Willie, the subject of *Dead Man Walking*, once noted: "We don't sing 'Amazing Justice'. We sing 'Amazing Grace.'" We give witness to life and grace even, no especially, in the face of death and sin. For John Paul II this means opposition to the death penalty, even for the most horrid criminals, save in those cases where execution is needed to save innocent lives.

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<sup>49</sup> U.S. Bishops, *Pastoral Plan for Pro-life Activities: A Reaffirmation*, 1985, 3–4.