Pastoral Letter

*Choose Life: Reflections on the Death Penalty*

**Introduction**

In Pope John Paul II's 1995 message, delivered in Rutherford, N.J., he calls on American Catholics "to be committed to the defense of all human life in all its stages," challenging all of us to renew our efforts to end state-sanctioned killing. Our new *Catechism of the Catholic Church* (1995) challenges us with seeking a "bloodless means" to protect society from acts of violence, and not answer violence with yet more violence.

First published in 1984 our pastoral letter, "Choose Life: Reflections on the Death Penalty," sought to teach Roman Catholics and all persons of good will to reflect on the sacredness of the human person. We now re-issue our pastoral letter to mark more than two decades which have passed, and the 345 persons executed [note: this number continues to grow since release of this pastoral], since the United States Supreme Court re-instated the death penalty in 1976. Since that time much has changed and yet much remains the same in Kentucky. We are now joined in our call to respect all human life by our brother bishop, Robert W. Muench, Bishop of Covington. Three men in Kentucky's maximum-security prison in Eddyville are awaiting the life or death verdict from their final round of court appeals [note: this number is ever increasing]. Our state's Governor, Paul E. Patton, has said in no uncertain terms that he will not use the power granted to him to stop the killing.

We are thus compelled to again spread the Church's continued teaching of opposition to the death penalty. In our 1994 video production, *Capital Punishment: The Death of Morality*, we sought to educate our young people that it is a paradox to kill people in order to show that killing people is wrong. We have been inspired by the example and teachings of the Holy Father, Pope John Paul II's call to reject our growing culture of death, in his 1995 Papal Encyclical, *Evangelium Vitae* (The Gospel of Life).

We remain hopeful that through our teachings and re-issuing this pastoral letter that all Kentuckians will reflect on this issue and join with us in our call to end the violence and stop the killing.

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**To the Catholic People of Kentucky**

*Yahweh our Lord, How great your name throughout the earth! ...I look up at your heavens, made by your fingers, at the moon and stars you set in place ~ ah, what is man¹ that you should care for him, the son of man that you should care for him? Yet you have made him little less than a god, you have crowned him with glory and splendor...*

*(Psalm 8:1-6)*²
With these words, the psalmist meditated upon the great dignity of the human person in God’s creation. The Church in every age has striven to make this prayer her own and to understand more deeply what this vision of humanity as "little than a god" means for our treatment of one another.

The Vision
It is out of this vision of the psalmist that we, the bishops of the Catholic Conference of Kentucky, speak to the issue of capital punishment. We wish to situate our teaching in the context of what has become the basis of all Catholic social teaching - the fundamental dignity of the human person. In the words of the Vatican Declaration on Religious Freedom, "A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of the contemporary man."³

We make our own the words of Pope John Paul II who has frequently asserted that human dignity is at the heart of the Gospel: "Think how important and precious human beings must be in their creator’s sight if they ‘gained so marvelous and great redeemer’ and if God gave ‘His only Son’ in order that the human race might not die but have eternal life.’ As a matter of fact, this profound wonder at the value and dignity of the human person is called ‘Gospel’, that is ‘Good News’.⁴

The Challenge
In this pastoral letter we share the results of our exploration of the issue of capital punishment, which have led us to serious questions regarding the morality of the use of the death penalty. We conclude that it should be abolished. We invite Catholics and those in the larger community in Kentucky to join us in the challenge to reinterpret for our times the truth about human dignity expressed in the words of the psalmist:

"What is man that you should spare a thought for him, the son of man that you should care for him?"⁵

The Complexity
We note with alarm and with increasing dismay that there are over 1200 human beings awaiting legal execution [note: this figure increasing every year] in the United States, twenty of whom are on death row in Kentucky. We recognize that the issue of capital punishment is a complex one that has many legal political implications, especially at a time in history when excessive crime and other factors have moved the majority of the American population (75% by some polls) to favor the death penalty. We affirm from the outset that we are concerned for all persons affected by crime, especially the victims and their families. By our opposition to the death penalty, we do not want to be insensitive to the sufferings of these victims and we urge a compassionate response to meet their needs. Catholic teaching has always recognized the right of the state to inflict punishment. There is a difference in the possession of a right and its use. Given the circumstances of today, we question whether the use of capital punishment is morally justified. "Without intending to condemn capital punishment as manifestly immoral in principle, there is an evident and growing awareness in the Church that the death penalty no longer can be seen as a valid form of punishment for serious crimes."⁶

The Question of Deterrence
Traditionally, punishment has been administered for one or more of the following reasons: deterrence, retribution, rehabilitation of the criminal, and the protection of society. On the question of deterrence, there is a great deal of disagreement about the value of capital punishment to deter future crime. However, it should be clear that "Any punishment to have deterrent value must be swift, sure and certain."⁷ The almost endless appeals process makes it impossible to use the death penalty as swift and sure punishment. The small number of persons convicted of capital offenses who actually receive the death sentence also lessens its deterrent value. Professor Anthony Amsterdam testified to this effect before a House subcommittee:

"No punishment is less swift or less sure today than capital punishment. Used in this fashion, the only fashion in which our society can tolerate it at all, how can it deter? What prospective murderer, after all, will be deterred by a penalty whose risk is less and less predictable than the risk he runs driving to and from his crime on a crowded highway."⁸

Another strong reason for questioning the deterrent value of capital punishment lies in the very nature of most capital crimes, especially murder. These crimes fall into three categories: they are committed under the influence of either strong emotion or alcohol and drugs; they are committed by terrorists or psychopathic personalities. It is hard to imagine that the rational thinking required for deterrence to be effective would be a factor in any of these cases.⁹
The Question of Retribution
A second justification of punishment is retribution. Many use the Bible to justify the use of vengeance. There are certain references to vengeance in the Bible. In fact, Christians looking for biblical support on either side of the capital punishment issue can find it. But, it seems that "stronger scriptural support can be mustered for mercy and forgiveness than for revenge and retribution."10

The Question of Rehabilitation
The third reason why punishment is administered is for the rehabilitation of the criminal and his restoration to society. Obviously, with capital punishment, rehabilitation is impossible.

The Question of Protecting Society
The fourth and final purpose of punishment is the protection of society by the state. We do not question the right of society to protect itself against unjust aggression. We maintain that this protection can be accomplished in today’s society in alternative ways, such as life imprisonment.

Cruel and Unusual Punishment
Beyond the theoretical level of justification of punishment, we find numerous practical problems with capital punishment. First the possibility of mistakes is always present in a fallible system of justice. Second, in most cases, the death penalty seems "cruel and unusual punishment" due to the inherent long delays and its apparent random application. Third, the anguish that the death penalty brings to all concerned is a further practical problem. This anguish touches not only the executed criminal, but also his family and those who are called on to perform and/or witness the execution. A fourth problem with capital punishment is that its unhealthy publicity caters to the dark side of human nature. The fifth and final problem is perhaps the greatest: executions are discriminatory and unfair. The majority of people on death row are poor, young and in most states, non-white. This means that those without financial resources or favorable social position are much more likely to be executed.

The Statistics
The situation of the twenty death row inmates in Kentucky seems to bear out this charge of unfairness. All are indigent; only one was able to hire private counsel. Although only two of the present death row populations are black, of the 162 executions in Kentucky since 1911, 85 (or 52%) were black. Educational and occupational records were available on 127 of these: 41 had an eight grade education or less (17 were considered illiterate), and no people with college degrees have ever been executed. Examination of the criminal records of Kentucky inmates shows they conform to other parts of the national picture: many had been drinking or using drugs prior to their crime, many were marred by harsh social or economic influences, and few of their crimes seem premeditated. We are also struck by the apparent random application of the death penalty in these twenty cases. Many of them have legally-defined mitigating circumstances that seem to have had no effect upon the outcome of the sentencing. Several others were part of capital crime involving more than one person and in only one case did both persons receive the death penalty.11

The Evaluation
We fail to see the justice in a system where it is impossible to determine why one convicted murderer gets the death penalty while another gets life imprisonment or even a lesser sentence. We conclude that under the circumstances prevailing in society today, the death penalty as punishment for reasons of deterrence, retribution, or the protection of society cannot be justified. But beyond that, whether capital punishment is logically defensible on these grounds or not, a deeper question remains about its compatibility with gospel values as they are understood today.

Forgiveness
As we searched the Gospels for insight into the issue of capital punishment, we perceived three important themes that are relevant. The first of these is the forgiveness and call to conversion that Jesus practiced in His ministry. There we see Him give a message of hope to the outcasts and sinners of His society: "People who are in good health do not need a doctor: sick people do. Go and learn the meaning of the words, ‘It is mercy I desire and not sacrifice.’ I have come to call, not the self-righteous, but the sinners." (Mt. 9:12-13)
By His forgiveness of sinners and His acceptance of all persons, Jesus called forth the best in them and always left open the possibility of conversion.
In His life, Jesus showed Himself opposed to every form of violence. He allowed Himself to be unjustly condemned and executed. His response was forgiveness: "Father, forgive them for they know not what they are doing." (Lk. 23:34) Thus He broke the chain of violence that answers death with death.

In His teaching also, Jesus seemed intent upon breaking the cycle of violence: "You have heard the commandment, ‘An eye for an eye, a tooth for a tooth.’ But what I say to you is: offer no resistance to injury. When a person strikes you on the right cheek, turn and offer him the other." (Mt. 5:38-40)

Love A second gospel theme is God’s boundless love for every person regardless of human merit or worthiness. This love was especially visible in Jesus’ acceptance of sinners and in His parables of the Workers in the Vineyard (Mt. 20:1-14) and the Prodigal Son (Lk. 15:11-32). In both stories God deals with His undeserving people, not out of strict justice or merit, but out of boundless love and mercy.

Prayer
The third Gospel theme is one that connects ethics with worship. Jesus instructed us in the Gospel of Matthew: "If you bring your gift to the altar and there recall that your brother has anything against you, leave your gift at the altar, go first to be reconciled to your brother, and then come and offer your gift." (Mt. 5:23-26)

The Conclusion
After prayerful reflection on these themes, we conclude first of all that the death penalty is inconsistent with Jesus’ own example of forgiveness that offered hope and the possibility of conversion. It is our judgment that putting human beings to death is a rejection of hope toward the condemned persons and it may deny them the opportunity to move from sin to repentance. The Gospel proclaims that even the most hardened sinner is a person to be redeemed rather than destroyed.

Second, the death penalty is inconsistent with the biblical vision of human beings as worthy of love regardless of their merit.

Finally, the death penalty is inconsistent with our belief as Christians that what we do to other human beings is an indication of our relationship with God. In the words of the 1971 Synod of Bishops' document, Justice in the World: "According to the Christian message, therefore, man’s relationship to his neighbor is bound up in his relationship to God: his response to the love of God, saving us through Christ, is shown to be effective in his love and service of men. For love implies an absolute demand for justice, namely a recognition of the dignity and rights of one’s neighbor. Justice attains its inner fullness only in love. Because every man is truly a visible image of the invisible God and brother of Christ, the Christian finds in every man God himself and God’s absolute demand for justice and love." 12

The Past...
Early Christians for the most part found violence of any kind, and especially the taking of human life, incompatible with the Gospel. Clement of Rome and Justin Martyr gave witness to this attitude when they taught: "To witness a man’s execution, regardless of the justice of his prosecution, is forbidden by the moral law of Christ, for to assist at the killing of a man is almost the same as killing him." (Clement of Rome) And... to watch a man being killed is practically equivalent to taking life..." (Justin Martyr) 13 The state was not denied the right to inflict capital punishment, but Christians were not to be a part of this punishment.

St. Augustine began the classical Church position on violence by justifying it in some specific cases, most notably in the Just-War Theory. He also admitted the legitimacy of the death penalty as a means of deterring the wicked and protecting the innocent. 14

During the Middle Ages, capital punishment became more and more acceptable. In the thirteenth century, St. Thomas Aquinas, like Augustine before him, justified the death penalty in certain circumstances. 15 This teaching of Aquinas continued to form the basis of Church teaching throughout the twentieth century.

The Present...
In our day, however, many religious people, including theologians and bishops, have serious questions about the practice of capital punishment. Much of this current debate is based on either "a more adequate exegesis of the Bible, or on a better understanding of the Gospel commandment of love and mercy, or an increased sensitivity and
respect for the dignity of the human person and his right to life, or finally, on the conviction that society today is able to defend itself and the live of its members without the necessity of recourse to capital punishment... Modern Church teaching on the dignity of the human person began with Pope John XXIII who taught that "all must regard the life of man as sacred" because God created human beings in His own image and likeness. Moreover, "if we look upon the dignity of the human person in the light of divinely revealed truth, we cannot help but esteem it far more highly. For men are redeemed by the blood of Jesus Christ. They are by grace the children and friends of God and heirs of eternal glory." Vatican II’s Constitution On the Church In the Modern World (GAUDIUM ET SPES) continued to expand this theme: "For by His incarnation the Son of God has united Himself in some fashion with every man." Contemplation of this truth has led to "a growing awareness of the exalted dignity proper to the human person, since he stands above all things, and his rights and duties are universal and inviolable...Thanks to this belief, the Church can anchor the dignity of human nature against all tides of opinion..." Pope John Paul II has made the dignity of the human person one of the recurrent themes of his pontificate. On his U.S. tour in 1979, he spoke out: "I do not hesitate to proclaim before you and before the world that all human life - from the moment of conception and through all subsequent stages - is sacred, because human life is created in the image of and likeness of God. Nothing surpasses the greatness or dignity of a human person... All human beings ought to value every person for his or her uniqueness as a creature of God, called to be a brother or sister of Christ by reason of the Incarnation and the universal redemption. For us, the sacredness of human life is based on these premises. And it is on these same premises that there is based our celebration of life - all human life. This explains our efforts to defend human life against every influence or action that threatens or weakens it, as well as our endeavors to make every life more human in all its aspects. And so, we will stand up every time that human life is threatened." The Pope went even further in his encyclical, REDEMPTOR HOMINIS: "The human person - every person without exception - has been redeemed by Christ, because Christ is in a way united to the human person - even if the individual may not realize this fact." Since Vatican II, the National Conference of Catholic Bishops has added its own insights to the defense of human life and dignity. In a pastoral letter, Human Life in Our Day, in 1968, the bishops taught: "We honor God when we reverence human life. When human life is served, man is enriched and God is acknowledged. When human life is threatened, man is diminished and God is less manifest in our midst. A Christian defense of life should seek to clarify in some way the relationship between the love of life and the worship of God. One cannot love life unless he worships God, at least implicitly, nor worship God unless he loves life...We are convinced that belief in God is intimately bound up with devotion to life...The attitude man adopts toward life helps determine the person he becomes... The judgment of the Church on the evil of terminating life derives from the Christian awareness that men are not the masters but the ministers of life." This current Catholic teaching on the dignity of the human person represents a unified "Respect Life" stance, a "consistent life ethic" encompasses all human life from conception through natural death, from the innocent to the guilty. Cardinal Joseph Bernardin of Chicago has compared this approach to a "seamless garment," one which does not separate life issues but rather seeks to show their essential unity. This connection among life issue has been pointed out before. Pope Paul VI in the mid-1970’s connected the issues of war and abortion in his speech: "If You Want Peace, Defend Life." This connection was made more specifically in the U.S. Bishops’ Pastoral, The Challenge of Peace, and broadened therein to include other life issues as well. But certainly the most comprehensive treatment of this approach has been articulated by Cardinal Bernardin. In a December 1983 speech at Fordham University, he made several important points. He spoke first of "the sacredness of human life and the responsibility we have personally and socially to protect and preserve the sanctity of life." While he acknowledged both the presumption against taking human life and the need for exceptions to that principle, he pointed out that in the last thirty years, there has been a shift in Catholic pastoral practice regarding capital punishment. Increasingly, Catholic leaders urge the state not to exercise its right to use the death penalty. Cardinal Bernardin explained the rationale behind the shift by citing "a more acute perception of the multiple ways in which life is threatened today." Thus, the modern context of perennial life and death questions has led to the need for a consistent approach to life issues.
As Cardinal Bernardin explained: "The dominant cultural fact...which induces a sharper awareness of the fragility of human life is our technology... From the inception of life to its decline, a rapidly expanding technology opens new opportunities for care but also poses new potential to threaten the sanctity of life... The essential question in the technological challenge is this: In an age when we can do almost anything, how do we decide what we ought to do? The even more demanding question is: In a time when we can do anything technologically, how do we decide morally what we should do?

"Asking these questions along the spectrum of life from womb to tomb creates the need for a consistent ethic of life. For the spectrum of life cuts across the issues of genetics, abortion, capital punishment, modern warfare and the care of the terminally ill. These are all distinct problems, enormously complicated, and deserving individual treatment. No single answer and no simple response will solve them. My purpose, however, is to highlight the way in which we face new technological challenges in each one of these areas, this combination of challenges is what cries out for a consistent ethic of life..."24

The United States Catholic Conference within the last decade has begun to apply this respect for life attitude to capital punishment. The bishops’ first statement in 1974 was a simple one: the bishops opposed capital punishment in the context of the Christian faith and the Gospel of Jesus. Their most recent official statement was an extensive document issued in 1980 which reiterated their opposition to the death penalty and spoke of the Christian values that would be promoted by its abolition.

Thus, the Catholic "Respect Life" position recognizes that "the call to grandeur and the depths of misery are both a part of the human experience, but the misery of old age, sickness, physical and mental handicaps, or criminal violence does not negate or completely mar the grandeur of a human person made in God’s image and redeemed by His divine Son.

The Future...

In this letter, we have called for the abolition of capital punishment in our state and in our nation as a whole. In doing so, we acknowledge that sincere differences of opinion are possible at present on this issue and that traditional Catholic teaching has allowed for the execution of justly convicted criminals. As this letter enters into the discussion of Kentucky Catholics, we made or own the words of all U.S. bishops in their pastoral letter, The Challenge of Peace: "We urge mutual respect among different groups in the Church as they analyze this letter and the issues it addresses. Not only conviction and commitment are needed in the Church, but also civility and charity."26

Having acknowledged that differences of opinion are inevitable at present, we nevertheless have felt called to exercise our office of teachers for the faithful. As shepherds of Christ’s people in our respective dioceses we would be unfaithful to our mission if we neglected to proclaim the social aspects of the Gospel. "Action on behalf of justice is a significant criterion of the Church’s fidelity to its mission. It is something to which all Christians are called..."27 We insist that the Church has a prophetic mission to constantly remind the world that God is the Lord of Life and all human life is sacred and belongs to him alone. We see our rejection of capital punishment as part of the Church’s opposition to every attack upon human life. It is in line with the struggle against abortion, against euthanasia, against the destruction of a nuclear war. We proclaim the sacredness not only of innocent life, but even of the life of the guilty!

By affirming life in opposition to the death penalty, then, we hope to proclaim clearly the gospel message:

"No human life, no matter how wretched or how miserable, no matter how sinful or lacking in love, is without worth; no one is beyond realizing and receiving Christ’s redemptive grace of conversion at any moment during life."28

We preach the love and mercy of God toward all persons, especially sinners, and even toward criminals and murderers. We, as Church leaders, understand that we are commissioned to proclaim the Gospel of salvation in Christ, but also to defend the human person: "In reality, it is not a question of two things that can be separated. The Gospel, in fact, is proclaimed, and God is glorified whenever man is saved and his dignity and freedom are respected, whenever the kingdom of hatred, of vengeance, and of enmity is supplanted by the kingdom of love and brotherhood among human beings. The cause of God cannot be disjoined from the cause of humanity."29

We offer our reflections as an invitation to both Catholics and the wider community to rethink traditional attitudes and values, "to undertake a prayerful and studied reconsideration of their position,” and discover more deeply what
the Lord Jesus is calling us to in this modern age. We have spoken because of our conviction that the issue of capital punishment is one of the many life issues that need Christian attention in our time, and "there must be internal consistency in the pro-life commitment."³¹

We call on all that are currently engaged in ministry within the Church to initiate dialogue on this issue as soon as possible. We are aware that this dialogue, if it is to be fruitful, will require conversion of heart, and so we commend this effort to the prayerful remembrance of all the faithful in our respective dioceses.

We conclude with a reiteration of the Church’s position that all of life needs to be respected. We are opposed to capital punishment simply because it deliberately ends human life and thus threatens the sanctity and dignity of all human life. "In her defense of human life the Church in our day makes her own, as did Moses, the words by which God Himself reduces our perplexities to a clear, inescapable choice:

“I call heaven and earth to witness against you this day, that I have set before you life and death... therefore, choose life that you and your descendants may live... " (Deut. 30:19) ³²

If we choose life, we are accepting the challenge of the Gospel that teaches us that God is Father to all persons and that every person is redeemed as a brother or sister of Jesus. In offering this letter to the people of Kentucky, especially our Catholic faithful, we make our own the closing statements of the 1980 document of our national Catholic bishops: "we urge them to review the considerations we have offered which show both the evils associated with capital punishment and the harmony of the abolition of capital punishment with the values of the Gospel. We urge them to bear in mind that public decisions in this area affect the lives, the hopes and the fears of men and women who share both the misery and grandeur of human life with us and who, like us, are among those sinners whom the Son of Man came to save.

We urge our brothers and sisters in Christ to remember the teachings of Jesus who called us to be reconciled with those who have injured us (Mt. 5:43-45) and to pray for forgiveness for our sins as we forgive those who have sinned against us. (Mt. 6:12) We call on you to contemplate the crucified Christ who set us the supreme example of forgiveness and of the triumph of compassionate love."³³

Footnotes
We recognize that non-inclusive language is a problem in the Church today; we are sensitive to that issue and affirm the need for inclusive language. However, we deemed it inappropriate to change the wording of direct quotations from Scripture of official Church documents.


4. Psalm 8: 1-6 Jerusalem Bible

5. A statement by the Roman Catholic Bishops of Massachusetts on Capital Punishment, March 5, 1982.


25. The Challenge of Peace, #12, p. 5.
31. *Human Life In Our Day*, p. 46.