

## OPINION

# On the death penalty, Francis is going where no pope has gone before

By Jeff Jacoby | Globe Columnist, October 18, 2017

<https://www.bostonglobe.com/opinion/2017/10/17/death-penalty-francis-going-where-pope-has-gone-before/eRth8qSL6qOo7yq3FEGE6O/story.html>

Pope Francis set the cat among the pigeons last week, telling an audience convened to mark the 25th anniversary of the Catechism of the Catholic Church that “the death penalty is an inhumane measure ... regardless of how it is carried out” and must be regarded as “contrary to the Gospel.”

*That* got everyone’s attention.

It isn’t news that Catholic leaders oppose the death penalty. The US Conference of Catholic Bishops has for years actively worked against capital punishment. Pope John Paul II denounced it often, most famously in a 1995 encyclical, “*Evangelium Vitae*.” And Francis himself has called for the abolition of capital punishment. He insisted last year that it is incumbent on “all Christians and men of good will” to end executions, even for murder.

But the pope’s recent remarks weren’t just more of the same. In pronouncing the death penalty “contrary to the Gospel,” Francis appears to be saying something that none of his predecessors ever said, namely, that one cannot be a faithful Catholic and support capital punishment. That has never been church doctrine. On the contrary: The most eminent popes, theologians, and church fathers have for centuries affirmed the legitimacy of the death penalty in appropriate cases, while acknowledging that faithful Catholics may disagree about what “appropriate” means.

John Paul II crusaded openly against the death penalty, going so far as to intercede with US governors to grant clemency to killers on death row. But he never suggested that the death penalty was always and everywhere contrary to God’s law. He couldn’t have. The Bible itself explicitly proclaims otherwise, starting in Genesis with God’s injunction after the Flood. After blessing Noah and his family (“Be fruitful and multiply, and fill the earth”), God forbids mankind to commit murder — and warns that the punishment for murder is death: “Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image.”

There is sanction for the death penalty in the New Testament, in the writings of St. Augustine and Thomas Aquinas, in the instruction of numerous popes. For the better part of two millennia, Catholic doctrine has upheld the lawfulness of the death penalty. Its legitimacy is acknowledged in the catechism promulgated by John Paul II 25 years ago — the very document that last week’s audience in the Vatican gathered to commemorate.

“The traditional teaching of the Church does not exclude recourse to the death penalty,” the catechism teaches, “if this is the only possible way of effectively defending human lives.” Such cases will be “very rare, if not practically non-existent.”

But if Pope Francis’s words are to be taken at face value, that isn’t enough. He wants the church to renounce a truth it has affirmed through its entire existence, and henceforth to profess that the

death penalty is and always has been immoral. That would be an astonishing precedent, and would cause untold upheaval.

“For if the church has been that wrong for that long about something that serious,” asks Edward Feser, a professor of philosophy and coauthor of a well-timed new book on Catholicism and capital punishment, “why should we trust anything else she teaches?”

To nonbelievers and non-Catholics, the whole subject may seem little more than Vatican shop talk. Legislators, not popes, write our criminal codes. If Francis wants to change church doctrine, why should outsiders care?

This is why: because the death penalty is a tool of justice that no decent society should unequivocally renounce, and because more innocents die when the worst murderers face only prison. The Catholic church at its best has been a mighty upholder of human dignity. But when remorseless killers have a greater right to life than their victims, human dignity is trampled into the mud. Is that the legacy Pope Francis seeks?

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## **LETTERS**

### **Pope Francis draws a line on death penalty**

October 23, 2017

<https://www.bostonglobe.com/opinion/letters/2017/10/22/pope-francis-draws-line-death-penalty/Qsinusa9ITBLReo0puDn7J/story.html>

### **US should join the long list of ‘decent societies’ on this issue**

Jeff Jacoby’s Oct. 18 column, in which he advocates for the death penalty and takes exception to the pope’s pronouncement that capital punishment is contrary to the Gospel, is way off the mark. Apparently upset by the notion that Pope Francis is suggesting that the death penalty has always been inconsistent with Christian values, Jacoby protests, saying that “no decent society should unequivocally renounce [it] because more innocents die when the worst murderers face only prison.”

Quite the contrary. Many decent societies, indeed most Western democracies, including England, France, Germany, Canada, and many others, have abolished the death penalty as repugnant to civilized society. Moreover, the notion that the death penalty acts as a deterrent has never been upheld by reasoned analysis or reliable evidence; studies generally show just the opposite, as one would expect: Murderers don’t generally pause to think about whether the crime they are going to commit is going to lead to life in prison or the death penalty. Reflection on this esoteric question is not high on the list of mental calculations of hardened criminals.

But the larger point that Pope Francis is making, and that Jacoby misses entirely, is that people who call themselves Christians are supposed to be trying to follow the teaching of Jesus and his

messages of forgiveness and mercy. Jacoby can point to no teaching of Jesus advocating for the death penalty.

If we are honest with ourselves, the death penalty is really about retribution and revenge. It is inconsistent with Christian views about the sanctity of human life, no matter how far that life may have strayed, and it is inconsistent with the Christian value of mercy. In that sense, I wish our country could join the long list of “decent societies” that has seen fit to abolish this barbaric practice of state-sanctioned killing.

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*The writer is a former assistant US attorney and is a board member of the American Civil Liberties Union of Massachusetts.*

### **Columnist’s view of death penalty misreads the Gospel**

In “If the death penalty is in the Bible, how can it be ‘contrary to the Gospel?’” Jeff Jacoby shows a misunderstanding of the word “Gospel.” The Gospels do not include the whole Bible, but rather make up only the first four books of the Greek Testament. These four books tell of the life and teachings of Jesus. In the Gospel of John, Jesus was confronted by a group of men who, wanting to test whether he would speak against a law that a woman caught in adultery must be stoned to death, asked for his decision about what they should do. Jesus answered that a man without sin should throw the first stone. One by one, the men went away. After all of them had gone, Jesus told the woman to go and admonished her not to sin again.

When Pope Francis spoke of the death penalty being “contrary to the Gospel,” no doubt he was thinking of this incident with Jesus. In early biblical times, people lived in tents, where it would have been impossible to keep a dangerous person from escaping to do more harm. The death penalty would have been the only option in many cases for protecting the community. By the time of Jesus, that was no longer so. In our day, we have no need for the government to kill people in order to keep the populace from harm. In fact, it is now known that many innocent people have been executed by racist malice or by mistake, making the death penalty a menace to society rather than a protector.

Pope Francis was right. The death penalty is contrary to the primary teaching of Jesus, that we are to love our neighbors as we love ourselves.

Jean Southard  
Mansfield

*The writer is a Presbyterian minister.*

### **Leave the guidance on sacred, and evolving, texts to the religious world**

If Jeff Jacoby wants to interpret the Bible, he is welcome to do so. However, it is the work of churches and other religious communities to provide guidance in the understanding of sacred texts, especially where they are inconsistent or unclear. In Roman Catholicism there is a long-

standing principle often referred to as “development of doctrine,” which acknowledges that, over centuries, the church can evolve its teaching based on shared experience, accumulated wisdom, and changing social and cultural circumstances. The core teaching — in this case, that human life is sacred — remains unchanged, but the idea that taking the life of a killer for retribution or for some imagined deterrent effect is called into question.

Jacoby is free to disagree with the pope, but invoking the Bible generally, and still less, the Gospel of Jesus — who famously counseled turning the other cheek and forgiveness of enemies — is not a legitimate use of the Scripture. Jacoby’s own conservative political principles would be a more intellectually honest way to argue for his position.

Christopher Schiavone  
Charlestown

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### **When Pope Francis speaks . . .**

Jeff Jacoby finds it hard to understand Pope Francis’ absolute opposition to the death penalty. An anecdote in Austen Ivereigh’s biography of the pontiff, “The Great Reformer: Francis and the Making of a Radical Pope,” makes it clear: On March 19, 2013, “Cardinal Christoph Schönberg of Vienna was in tears throughout [Francis’s] homily, whispering to Cardinal Timothy Dolan of New York: ‘Tim, he speaks like Jesus.’ ‘Chris, I think that’s his job description,’ Dolan replied.”

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