

## **THE DEATH PENALTY**

When the Universal Declaration of Human Rights was adopted in 1948, eight countries abolished the death penalty for all crimes. Since then, more than half the world's countries have followed their example. Today, figures from Amnesty International show that 63 countries have abolished the death penalty for all crimes; 16 countries have maintained it for exceptional crimes and for crimes committed in wartime; and 24 countries maintain it on the books, but have in fact abolished it, since no death sentences have been handed down in those countries for the last ten years. Ninety-two countries still practice it, but a number of these are working toward its complete abolition.

In Asia, the death penalty is widely practiced as a deterrent against all types of crimes. It is often meted out on the poorest people and used to eliminate political opponents or low-ranking soldiers who disobey orders. Reports from Amnesty International show that in recent years the number of executions is increasing in Asia and has reached a high level (12,834, of which 92% took place in China).

In Africa, the death penalty has been maintained in the majority of countries. However, a large number of countries have abolished it or are gradually phasing it out. In recent years the number of executions has considerably lessened (620); more than 50% of these took place in Egypt and in Niger.

In countries with a Moslem majority the death penalty is very widely practiced. Countries of the former USSR have legislated the death penalty for serious crimes described in Islamic law.

Europe, except for Bosnia and the Federal Republic of Yugoslavia, has been the place where the movement to abolish capital punishment has been most effective.

In South America, most countries are abolitionist either in law or in practice. Central America, the site of several civil wars, finds itself in a complex situation where, in the midst of considerable violence, abolition of capital punishment exists in fact or is about to be enacted.

Almost all the states in the United States of America have kept the death penalty, but the rate of executions is quite unequal. Texas alone has executed more than the next four states put together: Virginia (64), Florida (39), Missouri (29), Louisiana (24).

## CONTEMPORARY CHURCH TEACHING

At the approach of the new millennium, Pope John Paul II calls us to take up the challenge of contemporary Catholic teaching concerning this subject, encouraging us to renew our efforts to stop executions throughout the world.

The Church's position on the defense of life has as its base: a theology in which the human person is the image of God; a philosophy of the dignity of each human being; and the social teaching of the Church, which insists that the state and society are at the service of the human person.

In the New Testament, Jesus rejected violence as a solution to problems. The Gospel reveals God's infinite love for every creature, no matter what its condition or merits. God does not wish the death of a sinner, but his or her conversion. In the Gospel Jesus abhors sin, yet he loves the sinner. His disciples are called to have the same sentiments as the Master did. The sermon on the mount imparts a clear teaching: Jesus excludes vengeance in favor of pardon.

The first edition of the Catechism of the Catholic Church reiterated a long-held teaching that did not exclude recourse to the death penalty when it was the only possibility to defend human life against aggression. In the second edition, however, the Catechism affirms that today it is possible for the state to combat crime effectively by removing a criminal from society and that cases of capital punishment against the guilty should be "very rare, if not practically nonexistent."

In his encyclical, "The Gospel of Life" (*Evangelium Vitae*, March 25, 1995), Pope John Paul II appealed for the abolition of the death penalty. He said in January 1999 in Saint Louis, "the death penalty is cruel and unnecessary."

Recently, the Holy Father intervened three times against the death penalty: in his Christmas message, *urbi et orbi*, Christmas 1998; in his speeches during his travels to Mexico; and most recently during his pastoral visit to Saint Louis, Missouri.

Public authorities should, of course, remedy violations of personal and social rights. They should impose punishments on the guilty that fit the crime. They should do their utmost to assure, on the one hand, public order and personal safety, and on the other hand to help the guilty change their behavior and be rehabilitated.

The United States Catholic Conference describes the death penalty as a link in the chain of violence and as a manifestation of vengeance in American culture. As it said in *Confronting a Culture of Violence*, "We cannot teach that killing is bad when we ourselves kill." The Conference opposes capital punishment not only because it violates the rights of the condemned but also because it damages all society. We cannot suppress crime by executing criminals, nor can we restore life to innocent victims by taking away

the life of the guilty. The death penalty gives the illusion that we can defend life by taking it.

## ANALYSIS

Many groups oppose the death penalty, considering it as a violation of human rights. For a society to impose capital punishment on criminals is to inflict inhuman punishment. The cruelty of the death penalty is clear not only during the execution itself, but also during the period between judgment and execution.

Unfortunately, many throughout the world, including many Catholics, favor the death penalty. Conventional wisdom is convinced that capital punishment is needed to dissuade people from committing crimes. When Governor Pataki of New York signed the law reestablishing the death penalty in 1995, he said: "This will help save lives."

Nevertheless, the majority of sociologists judge that capital punishment does not discourage crime. A survey taken in 1995 by Richard Dieter, including interviews with 386 police officers and commissioners picked at random, concluded that only one percent of them think that the death penalty is a factor in lessening violent crime. According to them, the most efficacious means would be "the reduction of drug abuse" and "a better political economy and more jobs."

In other studies, 87% of criminologists and 57% of police commissioners are convinced that "debates about the death penalty serve as a diversion for... Parliaments, and avoid concentrating on the real solutions to be put in place against crime."

In the United States the cost of one execution is reported at about \$2 million, or three times the cost of incarcerating someone for 40 years. This cost corresponds roughly to the salary of 48 police officers. A state could alternatively invest such funds in crime prevention programs, drug recovery programs, and maintaining a better prepared police force.

Surveys in many places show that public opinion would favor life sentences without parole as an alternative to the death penalty, provided that the criminal would actually remain in prison for life. For punishment to dissuade from crime, judgment should be handed down with reasonable speed. Lengthy death penalty procedures torture the families of victims, keeping open their wounds for years pending further investigations and trials. Quick trials and life sentences for the worst crimes are also what the families of most victims want.

Wherever the death penalty is applied, there is a risk of condemning the innocent. People have with some frequency been convicted of crimes they did not commit. The execution of an innocent man, Timothy Evans, moved public opinion toward the abolition of the death penalty in Great Britain. In 1975, the governor of Florida pardoned two Black

Americans unjustly condemned to death; they had been waiting for twelve years to be executed for crimes committed by others. In February 1994, Russian authorities executed a drifter accused of 52 murders. The authorities admitted that before this execution, they had unjustly executed a person accused of one of these same murders. Meanwhile another innocent man, a suspect in the same murders, had committed suicide.

The death penalty, moreover, has often been used arbitrarily. The laws of certain countries stipulate capital punishment for political acts and for illegal assembly (as in China and Iraq), or for non-violent economic or political acts (former USSR), for financial speculation, bribery, theft, counterfeiting; or for immorality (adultery in Iran, homosexuality in Yemen), or actions against the state religion (apostasy in Sudan, Saudi Arabia, and Iran; and blasphemy in Pakistan). Ethnic origins and economic conditions sometimes play a determining role in applying the death penalty. Membership in economically disadvantaged groups entails a poorer defense, since the courts often appoint low-paid attorneys for them. This means that often penalties are disproportionately inflicted on those who are least able to defend themselves. In Saudi Arabia, trials sometimes do not respect international rules, since the right to a legal defense or the assistance of an attorney is denied to the defendants.

## CONCLUSION

In the spirit of the coming Jubilee we join the Holy Father in calling for the abolition of the death penalty. Together we join our forces in rejecting capital punishment. It is important for pastors to preach and for professors to teach respect for the right to life for all. Through education and prayer, we commit ourselves to work perseveringly toward the abolition of the death penalty and to struggle against a culture of death.

While the rejection of the death penalty receives strong support from various religious groups, non-believers too propose strong reasons for its abolition: putting someone to death inflicts a punishment that violates the right to life; it is irreversible and contradicts the principle of the rehabilitation of the guilty; a state that kills legitimizes other forms of violence in society.

“No to the Death Penalty” is the title of the International Campaign for the Moratorium, 2000, announced by the Sant’Egidio Community. It is directed toward all who are preparing to live the Holy Year intensely as well as toward those who dream of a new world of peace.

This campaign affirms the need to abolish capital punishment and proposes suspending executions while waiting for this goal to be attained. It is directed toward those who believe in this cause so that their activities will not be isolated, and also toward those without the same convictions, asking them at least to join in pressing for a moratorium on the death penalty beginning in the year 2000. In other words, it calls for a

cease-fire and for launching a debate, recognizing that even persons convinced of the need for the death penalty do not admit its use lightly. Hundreds of thousands of signatures have already been gathered on all continents. The goal is to gather millions in order to carry more weight as the proposal for universal abolition of the death penalty is presented to representative groups, beginning with the United Nations.

This goal is ambitious but realizable. The Community of Sant'Egidio is working already with Amnesty International as well as with other lay and religious organizations. This initiative has aroused the interest of an enormous number of persons who desire to become actively involved.

For further information on this topic, one can contact:

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Questions for discussion by the confreres:

1. What is your own personal reaction to contemporary Church teaching on capital punishment as described in the writings of Pope John Paul II, the Catechism of the Catholic Church, and the documents of various bishops' conferences?
2. Do you teach or preach about this teaching? If so, what do you say or what method do you use? If not, what might you do?

(Translator: John E. Rybolt, C.M.)