

The Story of Hope

Pope John Paul II's *The Gospel of Life* (1995) boldly defends the sacredness of human life. This prophetic encyclical appeared in the final years of the twentieth century, an age unmatched by crimes and attacks on human life.

In an introductory section, the Holy Father observes that "this proclamation is especially pressing because of the extraordinary increase and gravity of threats to life of individuals and peoples, especially where life is weak and defenseless." The historic scourges of "poverty, hunger, endemic diseases, violence and war" are now accompanied by new threats of alarming and massive proportions. (n.3)

This "signature" encyclical of Pope John Paul II emphatically identifies abortion and euthanasia with the struggle between the "culture of life" and the "culture of death." It locates these major moral issues within a framework of all threats to human life, including poverty, malnutrition, hunger, and social injustice.

The Holy Father's condemnation echoes forcefully the seminal passage from section 27 of the Second Vatican Council's *Pastoral Constitution*. "Whatever is opposed to life itself ... whatever violates the integrity of the human person ... whatever insults human dignity ..."

The Gospel of Life also notes signs of hope in movements dedicated to heightening social awareness in defense of life. The encyclical numbers "a new sensitivity" in opposition to war and "growing public opposition to the death penalty" among the newly emerging signs of hope. (n.27)

With regard to the death penalty, Pope John Paul II judges that modern societies have effective means to suppress crime and to protect society without definitively eliminating the chance for criminals to reform. (n.27)

Accordingly, Pope John Paul II formulated an exceptionally restrictive position on the ethics of capital punishment. (n.56) His stance urges society not to resort to the "extreme of executing the offender except in the case of absolute necessity." The text interprets "absolute necessity" as meaning situations "when it would not be possible otherwise to defend society."

In modern developed nations, the Holy Father judges that such cases are "rare, if not practically nonexistent." (n.56) This position taken in *The Gospel of Life* was incorporated into the revised edition of the *Catechism of the Catholic Church*. (CCC n.2267) The revised edition, the definitive Latin text,

reflects a significant modification of church teaching on the morality of capital punishment.

Pope John Paul II's convictions on this issue are clearly not a matter of abstract theological reasoning. His gesture of forgiveness and pardon towards his assassin, Mehmet Ali Agca, was a living out gospel values and more compelling than the logic of discursive thinking.

Values lived out and embodied in witness illumine the meaning of arguments stemming from the logic of principles. Witness moves the logic from the "head" to the "heart."

In a symposium on *The Gospel of Life* held at Georgetown University in November 1995, George Weigel commented that Pope John Paul II has asked nations "to consider whether there are not ways to address the gross and violent violation of rights and of the social order without resort to the juridical use of lethal force." Weigel views the Holy Father as enlarging the boundaries of the issue because of the imperative to confront false humanisms and the "coarsening of public moral sensibility."

Weigel, a Senior Fellow at the Ethics and Public Policy Center in Washington, reads behind the text of the encyclical by sensing the impact of the personal life experience of the Holy Father. The Pope had experienced the herding of political prisoners and Jews to the death camps and the use of lethal force by the Communist regime in Poland.

The modern free society must be built on a cultural-moral foundation. The death penalty writes a script of hopelessness into the national story and perpetuates the cycle of violence.

Execution as an unjustified act of collective self-defense impoverishes a society's moral imagination in creating a more just and humane human ecology.

In facing the almost apocalyptic struggle "between good and evil, death and life, the 'culture of death' and the 'culture of life'," *The Gospel of Life* summons Catholics to recognize "the inescapable responsibility of choosing to be unconditionally pro-life." (n.28)

The title of George Weigel's monumental biography of Pope John Paul II is an apt summary of his ministry -- *Witness to Hope*.

The death penalty - a replay of "deadly logic"

The headline "America and the death penalty" heralded an extensive editorial published in the Sunday *Chicago Tribune* on June 10, 2001. In a balanced and carefully reasoned opinion the editors analyzed the execution of Timothy McVeigh.

While noting the problematic aspects of the legal process of death penalty cases in general, the editors of the *Tribune* methodically dismantle such objections in the McVeigh case.

The editorial's argument is dispassionate: "Executing Timothy McVeigh, then, becomes a simple matter of justice." The *Tribune's* position advocates neither deterrence nor vengeance. The bottom line of the issue is "punishment, plain and simple."

Although the editorial reflects no tentativeness about the McVeigh execution, it appears to situate on it within a narrow range of application. The McVeigh execution meets the canons of "a justifiable response to a small number of extraordinarily vicious crimes."

"America and the death penalty" discloses the catalytic nature of the McVeigh execution in the national debate about capital punishment. Diana Penner, a writer for the *Indianapolis Star*, viewed this case as reducing that debate to its ultimate implication - "Is the death penalty right or wrong?"

Without a doubt, the contemporary pastoral teaching of the Catholic Church does not agree with the judgment that supports the justice of imposing the death penalty.

Some theological commentators notice a shift in the state of the question in the revised *Catechism of the Catholic Church* (1997). If their premise is correct, the *Catechism's* reference to the death penalty was deleted from the section on the justification on punishment (n.2266) and restricted to the question of necessary societal defense of human life against unjust attack (n.2267).

The change may be subtle but it is not insignificant in revisionary approaches to the ethics of capital punishment.

Professor E. Christian Brugger of Loyola University in New Orleans has developed a tentative revision of the typical grounds justifying the imposition of the death penalty.

In line with this rationale, punishment addresses crime already perpetrated. By contrast, self-defense entailing justified killing responds to "a crime in progress or being contemplated."

Father James F. Keenan, a Jesuit moral theologian, makes a similar point. The traditional grounds for killing in legitimate self-defense were founded on threat to or the need for rescue of innocent persons.

In *The Gospel of Life* (1995) Pope John Paul II developed a distinction which contributed to the revision of the sections on the death penalty in the 1993 edition of the *Catechism of the Catholic Church*. The encyclical stated that punishment "ought not go to extreme of executing the offender except in cases of absolute necessity." (n.56) The Holy Father judged that developments in modern penal systems make such instances "very rare, if not practically non-existent."

Father John P Langan, S.J., judges Pope John Paul II's approach in *The Gospel of Life* to be more empirical and historical in character, not a developed philosophical or theological thesis as such. Yet it has opened fresh grounds for the theological discussion of the death penalty.

In the light of this rethinking, provisional questions are being raised about the meaning of intentional killing and the grounding of the inviolability of all human life, not in innocence or guilt but in its intrinsic worth and dignity.

When a convicted criminal is no longer a threat, can the death penalty satisfy the norms of just punishment?

At this time a fair reading of *The Gospel of Life* and the *Catechism* does not find an explicit rejection of the death penalty in principle. With that proviso, however, there are solid indicators that theological analysis is moving beyond a lack of justification for imposing a death penalty to a reinterpretation of the principle itself.

Writing in his Ethics Notebook (America June 4-11), Father John F. Kavanaugh drew an insightful paradox out of the execution of Timothy McVeigh.

In Kavanaugh's opinion, Timothy McVeigh's thinking was misguided. McVeigh was deluded by an imperative dictating killing in order to erase evil. If the moral principle negating any acceptable reason to kill were operative, another scenario might have unfolded. In fact, McVeigh's unconscionable crime would have been unthinkable.

According to Father Kavanaugh, society and public authority play out the same twisted logic - "cold-blooded, rationally justified, premeditated killing for a good cause."

In doing so, the Jesuit philosopher from St. Louis University contends, "(W)e succumb to the delusion that we prove the sacredness of human life by snuffing out another life."

The stark reality of the execution is a replay of the "deadly liturgy" that Timothy McVeigh convened. In the end, the nation confirms McVeigh's "deadly logic."