New Blackfriars

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Comment: Capital Punishment

Is contradicting something you have always said best described as a 'development' in your thinking? Isn't it a reversal? Why not say it was wrong all along though you just didn't realise? After all, aren't we living in an age when many things that have long been taken for granted are now being exposed as totally unacceptable?

In a document published on 2 August 2018 Pope Francis changed the Catholic Church's stance on the death penalty, saying it is 'inadmissible' in any circumstances, given the 'inviolability and dignity of the person', as understood 'in the light of the Gospel'.

Previously, the Catechism said the Church didn't exclude capital punishment 'if this is the only possible way of effectively defending human lives against the unjust aggressor'. The new text, in Catechism No. 2267, describes this rather reluctant-sounding concession as outdated, arguing that there are other ways to protect the common good. In the Congregation for the Doctrine of the Faith's letter announcing the change we are assured that it constitutes 'an authentic development of doctrine that is not in contradiction with the prior teachings of the Magisterium'.

This change will mean little in Britain, to Catholics or anyone else: at most it only confers papal approval on what Parliament decided over fifty years ago. Gwynne Evans (aged 24) and Peter Allen (21) were hanged on 13 August 1964. Found guilty of jointly murdering John Alan West, a 53-year-old laundry worker, their executions were the last before capital punishment was abolished in Britain.

As long as anyone has thought about it, orthodox teaching in the Catholic Church has regarded capital punishment for certain crimes as consistent, in principle, with both natural law and the Gospel. Thus Thomas Aquinas, St Alphonsus Liguori also, St Robert Bellarmine, and many less influential Doctors of the Church. That the authorities in Christian states may legitimately resort to the death penalty is stated in one catechism after another, most recently in the Catechism promulgated by Pope St John Paul II — this despite the fact that he himself was opposed to its being carried out in practice. For Bellarmine, by contrast, it was 'heretical' to describe capital punishment as immoral. In 2004, the issue was more nuanced, in the memorandum issued by Cardinal Joseph Ratzinger, then Prefect of the Congregation for the Doctrine of the Faith: 'If a Catholic were to be at odds with the Holy Father on the application of capital punishment … he would not for that reason be considered

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unworthy to present himself to receive Holy Communion. While the Church exhorts civil authorities … to exercise discretion and mercy in imposing punishment on criminals, it may still be permissible … to have recourse to capital punishment'. In other words, in certain cases, the death penalty may be justified; the civil authorities should of course practise clemency; and individual Catholics disagreeing with the Pope's stance need not regard themselves as excluded from Holy Communion.

Hasn't this gone as far in the abolitionist direction as the doctrine may go, consistent with past teaching? Since the cases in which capital punishment is permissible are 'very rare, if not practically non-existent', it has to be to prudential considerations concerning what is strictly necessary in order to protect society that appeal is made. By contrast, however, Pope Francis requires the Church to teach that capital punishment ought *never* to be used, 'so as to better reflect the development of the doctrine on this point'. To say that the death penalty conflicts with 'the inviolability and dignity of the person' implies that the practice is intrinsically contrary to natural law, while to invoke 'the light of the Gospel' suggests that capital punishment is simply contrary to Christian morality. To say either of these things is surely a reversal rather than a development of past teaching — a contradiction in effect.

As regards what people in Britain think, if they don't already agree with the Pope's opposition to capital punishment, a representative survey conducted in August 2011 by Angus Reid Public Opinion indicated that 65% of us supported reinstating it in some cases. In March 2015 a survey by the NatCen British Social Attitudes Report concluded that 48% of the public would reinstate the death penalty.

Mark Price was three years old when Peter Allen, his father, was hanged. He was in the getaway car when the crime took place. Now, happily married with four children, he is quoted as saying that, although it was wrong to kill his father, terrorists and extremists deserve to be executed: 'My mother brought me up to know that violence is never the answer. But I actually believe in the death penalty and that should be brought back in certain circumstances where there is irrevocable proof'. Like most people in Britain, he is unlikely to be persuaded by Pope Francis. For that matter, how many Catholics will be, either?

Fergus Kerr OP

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