

Don't murderers deserve to die?

Dear **Father Kerper:** I read that our bishops testified against the death penalty in New Hampshire. How can this be? Doesn't the Bible say, "An eye for an eye and a tooth for a tooth"? And when I went to Catholic school years ago, I was taught that the Catholic Church approved of capital punishment. How can this suddenly change?

Your comments and questions, which many Catholics share, touch on two interconnected matters: first, the Bible as a reliable source of moral guidance; and second, the development of Church teaching in ways that may appear contradictory.

Let's begin with the famous maxim, "An eye for an eye and a tooth for a tooth." This is indeed a genuine biblical text, actually translated "Life for life, eye for eye, tooth for tooth, hand for hand, and foot for foot!" In fact, it is repeated three times — in Exodus, Deuteronomy, and Leviticus.

When we read this maxim in its context, we find that it doesn't actually praise retaliation. Rather it counteracts the primitive tendency to respond to harm with excessive and disproportionate force, taking a life for a limb or a hand for a finger. As such, the maxim guides people away from the violent "law of the jungle" and towards the moderation of civilized society.

We see this gradual movement away from violent retribution in the Torah's lists of capital crimes, which included kidnapping, striking one's father or mother, and even fortune telling or other occult practices. Though wildly expansive by contemporary standards, these lists actually restrained violence by clearly specifying capital crimes and making execution a judicial rather than personal act.

Now let's look at the line, "An eye for an eye and a tooth for a tooth" in the New Testament. Jesus cites the text verbatim in Matthew 5:38, a section of the Sermon on the Mount. However, he does not endorse the principle; instead he

actually repeals it. After quoting the authoritative line from Exodus, he goes on to say, "But I say to you, offer no resistance to the one who is evil. When someone strikes you on [your] right cheek, turn the other one to him as well." (5:39) His longer statement about retaliation appears in Luke 6. It's well worth reading.

Please note that Jesus clearly condemns vengeance, the desire to settle scores once and for all. However, he does not prohibit reasonable self-defense or the pursuit, prosecution, and humane punishment of criminals.

This brings us to your next point: Has the Church changed its position on capital punishment? Not really. Here we must distinguish between the standard teaching, which remains, and its application, which has changed. A quick historical overview will help.

As far back as the early fourth century, Christian theologians began to debate the morality of capital punishment. This happened because Christians gradually assumed civil power after the Roman state legalized the Christian faith. Hence, the new question arose: Could a Christian official, who held the power of life or death over convicted criminals, authorize or carry out the death penalty? Some theologians, like Saint Augustine, said yes; others, like Lactantius, said no; and still others, like Pope Leo the Great, expressed grave reservations and prohibited the Church from direct involvement in executions. Even those who defended the death penalty in theory, like Saint Augustine, were very uneasy about its actual use.

Now, let's "fast forward" to Saint Thomas Aquinas in the thirteenth century. In his comprehensive work, we find the core of traditional Catholic teaching about the death penalty. Drawing on the pre-Christian political philosophy of Aristotle, Saint Thomas taught that capital punishment was acceptable if society had no other way to protect itself against dangerous killers.

Saint Thomas used an argument from Aristotle, who said that society is like a human body with many parts. If one part, say, a foot, becomes diseased and infection threatens to spread to the whole body, it can — and should — be amputated because it no longer shares in the work of the whole body. Indeed, the diseased foot is an enemy of the body.

Aristotle's argument, adopted by Saint Thomas, certainly seems reasonable. However, it rests on the premise that society has no other means of protecting itself except execution. In the thirteenth century, when Saint Thomas wrote, prisons were not very secure. Escapes happened frequently, meaning that the "infected parts," the murderers, endangered the "body."



Send your questions to: "Dear Father Kerper," *Parable Magazine*, P.O. Box 310, Manchester, NH 03105 or e-mail dearfrkerper@parablemag.com.



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Saint Mark the Evangelist

FEAST DAY: April 25

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Mark the Evangelist is the traditional author of the Gospel of Mark. The first of the synoptic gospels, Mark's Gospel relied upon the sermons of Saint Peter. Mark the Evangelist was the founder of the Church of Alexandria, one of the original four main sees of Christianity. Early Church tradition distinguishes Mark the Evangelist from two other 'Marks' (John Mark and Mark the cousin of Barnabas), among the 70 disciples whom Christ sent out to all of Judea to preach the gospel prior to his crucifixion. Mark the Evangelist is believed to have been among some of the 70 disciples who left Christ after Christ said that his disciples have to eat his flesh and drink his blood. His faith was later restored by Peter, for whom he became an interpreter and something like a personal secretary. Mark composed the Gospel before leaving for Alexandria in 43 AD, about 10 years after the Ascension of Christ.

The church Mark the Evangelist founded in Alexandria is known today as the Coptic Orthodox Church. He was the first Bishop of Alexandria and is honored as the founder of Christianity in Africa. Coptic tradition teaches that after his succession as Bishop by Anianus, about 62-63 AD, Mark the Evangelist was martyred in 68 AD.

According to the Coptic Orthodox Church, John Mark and Mark the Evangelist were the same person, but this tradition lacks solid proof from either the New Testament or Roman Catholic Church history. John Mark's home was the site of the Last Supper, a fact which has influenced many of the speculations that Mark the Evangelist was frequently present during many of the significant events leading up to the Passion of Christ.

Mark the Evangelist is the patron saint of Venice because in 828, relics thought to be the body of Mark were stolen from Alexandria and taken to Venice, where the Basilica of San Marco was built to enshrine them. In ecclesiastical iconography each of the evangelists is accompanied by a particular animal. Mark the Evangelist is depicted with a lion and is typically shown with a pen in his right hand and the Gospel in his left.

Today, with so many technological developments in place, life in prison without parole is a real possibility. Now that the "diseased foot" can be isolated from the "body" and the "infection" prevented, "amputation" — execution — has no moral justification whatsoever. It would be nothing more than vengeance, which the Lord prohibits.

We now move from the thirteenth century of Saint Thomas Aquinas to the late twentieth century of Pope John Paul II. The so-called change in Church teaching appears in *The Gospel of Life*, the Holy Father's 1995 encyclical that offers a comprehensive and brilliant case for the defense of all human life.

Pope John Paul II did not challenge but used the theological substance of the classical Thomistic position and applied it to today's world. Citing "steady improvements in the organization of the penal system," he stated that justifiable executions "are very rare, if not practically non-existent."

In 2006, the *Compendium of the Catechism of the Catholic Church* taught this: "When non-lethal means are sufficient, authority should limit itself to such means because they better correspond with the dignity of the human person, and do not remove definitively from the person the possibility of reforming himself." (469)

Following the example of Pope John Paul II, Pope Benedict XVI has spoken against the death penalty and pleaded for the lives of many people scheduled for execution in order to witness to the dignity of all human persons, including those convicted of capital crimes.

In a world where innocent life, especially the unborn, is so casually destroyed because of the diminished value of human life, the popes believe that respect for human life will be enhanced by our refusal to kill even the non-innocent, namely, convicted criminals. To put it another way, the abolition of the death penalty closes a "loophole" and allows the Church to proclaim that all human life is sacred.

For many people, the Lord's statements about violent revenge and the need for forgiveness are the hardest requirements of the Gospel. Likewise, the Church's opposition to the death penalty, now well-known, makes us feel the tension between what many once regarded as morally acceptable (under different conditions of incarceration) and the radical demands of Christian love.

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