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*[Introductory Note: this brief summary only gives highlights of current Magisterial teaching on capital punishment. It does not review the history or development of this teaching, does not consider contemporary theologians' comments on the teaching, does not review statistics, public opinion, or current laws related to capital punishment, and does not apply the teaching to any particular cases.]*

The fifth commandment given to Moses clearly states: *"You shall not kill"* (Exodus 20:13). In the context of Mosaic times, and in the Hebrew verb used, this "killing" refers to murder, the intentional killing of an innocent person. Jesus confirms and elevates this commandment of the old covenant by saying:

*"You have heard that it was said, 'You shall not kill; every murderer shall be liable to judgment.' But what I say to you is, everyone who is angry with his brother is liable to judgment."*  
Christ addresses not only the act of killing, but the human passions and attitudes from which the act proceeds.

The prohibition on killing arises from the sacred dignity of every human life, created in the image of God. Scripture demonstrates that due to the effects of original sin, anger and envy afflict the human heart and lead to human persons becoming enemies of one another. The law forbidding the taking of innocent human life is universally valid, obliging every person, always and in every circumstance.

The very fact that murder and other serious crimes against human life are condemned by the moral law implies that they must be prevented if possible, and some redress of justice be made when they occur. Further, love of self remains a fundamental principle of the moral law. Thus, the legitimate defense of persons and societies is not an exception to the prohibition on killing, since it aims not at the killing of an innocent person, but rather at the protection of the innocent and the preservation of their lives; the killing of the aggressor that may accompany legitimate self-defense is not directly intended, but merely a foreseen consequence of the primary intention of defense. This self-defense must never use more force than necessary to repel the attack. Such legitimate defense for one's own life, or to protect the lives of those for whom one has responsibility for the family or the security of the state, is not only a right but a grave duty.

To understand the legitimate limits of self-defense, it must be emphasized again that the protection of the innocent is the primary goal, and that force used to defend against harm must be no greater than necessary to effectively safeguard the innocent. Ultimately, then, protecting the common good of society requires preventing an aggressor from doing harm, using means that are sufficient but not excessively harmful to the aggressor himself. As the *Catechism* states:

*For this reason the traditional teaching of the Church has acknowledged as well-founded the right and duty of legitimate public authority to punish malefactors by means of penalties commensurate with the gravity of the crime, not excluding, in cases of extreme gravity, the death penalty.*

Punishment aims, not at revenge, but at correcting the disorder caused by the crime. Not only does punishment aid the protection of the public, but the offender can also accept his/her penalty as a means of expiation for the harm caused to the common good and as a medicinal correction to rehabilitate the offender as a productive member of society once more.

The *Catechism* further notes that if non-lethal means are sufficient to protect the public order and defend innocent lives, public authority (which alone has the right to punish in the name of, and for the sake of, the community) is to limit itself to these “bloodless” means. The idea of capital punishment as a deterrent for other criminals is not discussed in the *Catechism*

. It would seem that here again, the same reasoning is applied: less drastic and harmful means are available to deter crime and should be preferred. Further, the effectiveness of capital punishment as a deterrent is uncertain; its effectiveness would seem to decline proportionately as respect for life in general declines in a society.

In his encyclical *Evangelium vitae* (“The Gospel of Life,” 1995), Pope John Paul II acknowledged this traditional teaching. However, he also stated that, in contemporary society, there are always non-lethal means available to defend the common good through the penal system, and thus capital punishment is almost never justified in practice. Early in the encyclical, the Pope writes about the first murder -- that of Abel by Cain -- and notes that the mark God puts on Cain is an act of God’s mercy. This mark is given, not to condemn him to the hatred of others, but to defend him from being murdered himself. In *Evangelium vitae*, n. 9, the Pope says: “Not even a murderer loses his personal dignity, and God himself pledges to guarantee this ... ‘God did not desire that a homicide be punished by the exaction of another homicide’ [quoting St. Ambrose].”

Thus John Paul writes (*Evangelium vitae*, n. 56):

*“It is clear that for [the purposes of social defense, expiation, and rehabilitation of the criminal] to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender, except in cases of extreme necessity: in other words, when it would not be possible otherwise to defend society. Today however, as a result of steady improvements in the organization of the penal system, such cases are very rare if not practically non-existent.”*

Hence, the Pope accepts the traditional teaching about the legitimacy of the death penalty in principle, but argues forcefully that instances when the principle needs to be applied are extremely rare.

Another issue that argues against the death penalty is the possibility of error. To incarcerate someone unjustly deprives them of freedom, reputation, and their right to pursue the ends of human life. However, it does not deprive them of life and the possibility to reclaim a normal life after release. In ending the life of a person unjustly, however, there is no way that the harm done can be redressed.

A further question revolves around the criminal’s degree of moral responsibility for his/her actions. Mental disabilities, passion, the influence of chemical substances, fear, and other factors are recognized as mitigating *subjective* moral culpability for actions that remain *objectively* wrong. Weighing this subjective culpability is very difficult, and increases the likelihood of mortal errors in inflicting the death penalty.

Finally, even if the person is guilty of the crime, ending his/her life through capital punishment forestalls the possibility of repentance and conversion. This conversion is a process which, as we know from personal experience, often takes much time.

In light of this papal teaching, the bishops of the United States have publicly and repeatedly called for an end to the death penalty in our country. Strong emotions and the desire for

vengeance are understandable in the wake of especially violent or cruel crimes. However, it is precisely here that the voice of the Gospel, calling us to make visible the mercy of God revealed in Jesus Christ - Himself a victim of unjust capital punishment - must be heard and lived by the followers of Christ.