

“Human dignity—that of the convicted as well as our own—is best served by not resorting to this extreme and unnecessary punishment. As *Death Penalty and Discipleship: A Faith Formation Guide* makes clear: Modern society has the means to protect itself without the death penalty.”

— Archbishop Thomas Wenski
Archdiocese of Miami

“David McCarthy’s *Death Penalty and Discipleship* is an accessible, practical resource that is perfectly designed for use in study groups, parishes and classrooms. Yet while engaging and accessible with its video clips reference and reflection questions, it is written by one of the American Church’s most important theologians. This rich book will reward users, and is a perfect example of placing theological expertise at the service of the people of God.”

— William C. Mattison III
The Catholic University of America

“This text will serve as an invaluable resource for those seeking to engage in formation of conscience, both personally and communally, around the practice of capital punishment. Small faith communities, parishes, and adult faith formation programs will find it accessible, thoughtful, and well grounded in Scripture and the wisdom of ecclesial tradition.”

— Margaret Pfeil
The University of Notre Dame

Death Penalty and Discipleship

A Faith Formation Guide

David Matzko McCarthy



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Preface

This book comes to you through the good work of the Catholic Mobilizing Network (www.catholicismobilizing.org). The Catholic Mobilizing Network (CMN) is founded on the church's unconditional call to be pro-life and to live in response to God's redemption and reconciliation in Jesus Christ. Established in 2008, the CMN takes up the challenge of the US bishops to end the use of the death penalty and to build a culture of life.¹

In recent years, the CMN's work to end the death penalty has developed through a promotion of restorative justice. A concern for restorative justice also highlights the teaching of the church. In the words of the US bishops:

Punishment alone cannot address complex social problems in communities, or effectively help end cycles of crime and violence. A restorative justice approach is more comprehensive and addresses the needs of victims, the community and those responsible for causing harm through healing, prevention, education, rehabilitation and community support.²

The church's call to end the death penalty and promotion of restorative justice are two sides of the same coin.

The Death Penalty and Discipleship provides a study of the death penalty in terms of God's presence and self-giving in Jesus Christ and the implications of God's work for how we view the death

penalty. Along the way, we will examine Scripture, especially difficult passages like the well-known requirement to punish another by taking “an eye for an eye” (Lev 24:19-20). We will also consider the *Catechism of the Catholic Church* and its teachings on punishment as well as capital punishment.

We will ponder the difficult question, Would you want the death penalty if a son or daughter, mother or father, husband or wife were murdered? How we answer this question goes to the heart of what St. John Paul II has called the “new evangelization.” Consider the response of the archbishop of Kansas City, Kansas, Joseph F. Naumann, whose father was murdered in 1948, a few months before Joseph was born: “Our refusal to resort to the death penalty is not because we fail to appreciate the horror of the crime committed, but because we refuse to imitate violent criminals.”³ On the contrary, the new evangelization is a renewed and expansive call to imitate our Lord in all of life—for our transformation and for the transformation of the world. The church’s call for the end of the death penalty is a call to the culture of life.

My own hope for you, as you make your way through the book, is that you are renewed in your faith. For me, this book is not so much about the death penalty, but about our restoration in God’s love and the joy of the Christian life.

June 29
Solemnity of Saints Peter and Paul
David M. McCarthy

1

God Is the Giver of Life

The first topic in our study of capital punishment is God's self-giving and his gifts of reconciliation and redemption. After all, God's goodness is the beginning of everything. Specifically in relationship to the death penalty, we Christians should bring to light our convictions that God is the giver of life. The church is called to be pro-life. The church's pro-life efforts are an essential part of its mission and evangelization of the world, and that mission includes the church's stance against the death penalty. God loves the world and gives himself to the world, and we are called to share God's justice, love, and mercy with others.

Our call to be just, loving, and merciful is emphasized by Pope Francis in his apostolic exhortation on the proclamation of the Gospel (*Evangelii Gaudium*). Francis emphasizes God's free grace and our loving response:

The Church which "goes forth" is a community of missionary disciples . . . An evangelizing community knows that the Lord has taken the initiative, he has loved us first (cf. *1 Jn* 4:19), and therefore we can move forward, boldly take the initiative, go out to others, seek those who have fallen away,

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stand at the crossroads and welcome the outcast. Such a community has an endless desire to show mercy, the fruit of its own experience of the power of the Father's infinite mercy.¹

Papal Message Reaffirms Call to Abolish Death Penalty

In June 2013, Pope Francis sent a message to participants of a World Congress Against the Death Penalty held in Madrid.

His message placed the abolition of the death penalty alongside other pro-life issues.

"Today, more than ever, it is urgent that we remember and affirm the need for universal recognition and respect for the inalienable dignity of human life, in its immeasurable value."

(www.ncregister.com/daily-news/papal-message-reaffirms-call-to-abolish-death-penalty/)

Following Pope Francis's exhortation to the church, this chapter provides a short review of salvation history and the loving mercy of God. The center point and fulfillment of salvation history is God's self-giving. The center point is the incarnation of God in Jesus Christ, his death on the cross, and his resurrection to new life. The reality of God's self-giving love and mercy is the perspective from which we will consider the issue of capital punishment.

The Choice: Jesus or Barabbas

"If Jesus had lived and died in contemporary times, the basic Christian symbol would not be a cross but an electric chair. We would have an electric chair on the altar." This is a provocative claim. It was repeated often by a classmate of mine in seminary. Christopher liked to make people think. He was confrontational and argumentative. (And it makes perfect sense that he is now a successful lawyer.) As I recall, Chris was not making a point about capital punishment. As a provocateur, he was just trying

to shake us up a bit. As annoying as he often was, he was right. I did need some shaking up. I had become too settled and too accustomed to the crucifix as a comfort to me. I often did forget that the cross represents Jesus' suffering, not only his agonizing death of crucifixion, but also the dread of being forsaken by his people and his friends. His people handed him over to the Romans. His closest confidants, like Peter, abandoned him. Yet, at the very moment that we turn away from God, he gives himself to us.

The crucifixion of Jesus was a traumatic event. These days, the pain of the event is never clearer to me than on Palm/Passion Sunday when the passion story is read. You might recall that the whole congregation takes the part of the crowd that gathers after Jesus' trial. The people are given an option by Pontius Pilate. He offers to release Jesus, but we demand Barabbas. When Pilate asks us what we want him to do with Jesus, we say, "Crucify him." Saying those words is unsettling for me. When I was younger, I believed that Jesus' enemies had gone through the crowd and convinced the people to be against Jesus. I imagined that most people had been tricked somehow. Since then I have learned that the common people had their own reasons to abandon Jesus. To his contemporaries, Jesus appeared to have failed in his mission to bring the kingdom of God.

Jesus is God's self-giving. The choice for Barabbas represents the ways of the world. Faith in Jesus is trust in the ways of God. Barabbas was imprisoned as an insurrectionist. He called for violent rebellion against Rome. Jesus was arrested and brought before Pilate on a similar charge. But, unlike Barabbas, Jesus did not call for insurrection against Rome. He did not call for rebellion. Because he was not initiating armed conflict, it seemed that he was not going to deliver on the promised kingdom of God. Maybe the people thought that Barabbas would. It seemed that Jesus' decisive moment had come and gone without the liberation that the Jews were hoping for. He had entered Jerusalem as Messiah and King, and then he went down without a fight. Without a fight, he was arrested by Jewish authorities and sent to

Pilate as a broken man. At least, that is how it must have seemed. Jesus was executed by Rome. Rome was the great empire of the world and the oppressor of the Jewish people. His execution at the hands of the Romans appeared to be evidence that Jesus was not the redeemer of Israel.

This view—that Jesus’ mission had come to a bitter end—was the topic of conversation between two followers of Jesus on the road to Emmaus. They traveled to Emmaus shortly after Jesus’ crucifixion, and they met with a fellow traveler (whom they didn’t recognize as Jesus). They told him about their disappointment and despair (Luke 24:20-21). Jesus’ execution on the cross was the opposite of what Jesus’ disciples and admirers expected. Consider Peter’s shock and annoyance when Jesus taught his disciples about his coming death (Mark 8:27-33). In response to the question “Who do people say that I am?,” Peter declared, “You are the Messiah.” Jesus gave a surprising response to Peter’s answer. He said that he would suffer and be killed. Peter rebuked him. After all, Peter had just named Jesus as the Messiah, and the Messiah was supposed to rule over Jerusalem, not die there. But Jesus turned the rebuke onto Peter: “Get behind me, Satan. You are thinking not as God does, but as human beings do.”

John Paul II’s Devotion to Divine Mercy

In the second year of his pontificate, John Paul II issued an encyclical on divine and human mercy, *Dives in Misericordia*.

In the encyclical, he points to Christ’s mission of mercy, which “becomes the program of His people, the program of the Church” (8).

“Jesus Christ taught that man not only receives and experiences the mercy of God, but that he is also called ‘to practice mercy’ towards others: ‘Blessed are the merciful, for they shall obtain mercy’” (Matt 5:7) (14).

God's ways are not our ways. God's path is not our usual way of doing things; it is a way of surprising love and boundless mercy. God's way is the way of our salvation. When Peter declared that Jesus was the Messiah, he could not imagine how Jesus' suffering and death could be part of that plan. After the resurrection, he understood the meaning of the cross and lived out the Gospel boldly. If we—like Peter after the resurrection—can understand what it means to be saved by Jesus' death, we will have gone a long way in understanding the ways of God. We will also have a perspective from which to think about the death penalty today. It is not by taking life but by giving himself to and on behalf of sinners that Jesus is the Christ, our Messiah and Lord. When all seems lost, everything is gained. Lost in misery, we are given mercy. Despite our hatred, we receive love.

For Reflection and Discussion:

Watch the video clip of Vicki Schieber telling the story of the murder of her daughter Shannon. You can find it on the website of the Catholic Mobilizing Network (CMN). Go to the reading guide for this study: <http://catholicmobilizing.org/reading-guide/>.

After listening to Vicki's story, think about the strange ways of God. Amid Vicki's suffering, she hears a call to serve. The call will help keep Shannon active for the good of the world. And this goodness has been a balm for Vicki.

God's Call of Love and Mercy

Consider God's word to Israel in the book of Isaiah: "For as the heavens are higher than the earth, / so are my ways higher than your ways, / my thoughts higher than your thoughts" (Isa 55:9). Chapter 55 of Isaiah is the end of a section (Isa 40–55) that proclaims God's mercy and redemption for his scattered people. God's mercy is awe-inspiring and mystifying. About fifty years earlier, Jerusalem was destroyed and the people exiled

to the great kingdom of Babylon. It seemed that the Jewish people had lost everything: their land, the Jewish identity of their descendants, and the very blessing of their Lord.² But at the very time when they had been conquered by a foreign empire, God called Israel to be a light to the nations. It was the call given to Abraham, Moses, Joshua, and the kings of Israel and Judah. Along with the land and a people, Abraham was promised that “[a]ll the families of the earth will find blessing in you” (Gen 12:3). When all seemed lost in Babylon, God’s call was renewed and intensified.

An essential part of God’s grace is a call to us to be a light to others. The self-giving grace of God is that we are grafted into God’s good work. We can see this pattern in the Old Testament as well as the New. It is a pattern of salvation as vocation. It is a call to live God’s way of mercy and justice and to be a light to the nations. This pattern is evident in the book of Isaiah, when the prophet announces the return of the people from exile in Babylon. “The LORD calls you back, / like a wife forsaken and grieved in spirit . . . All your children shall be taught by the LORD . . . In justice shall you be established” (Isa 54:6, 13, 14). Notice that the return from exile means the renewal of the exiles as God’s covenant people: “Let the wicked forsake their way . . . Let them turn to the LORD to find mercy . . . For my thoughts are not your thoughts, / nor are your ways my ways” (Isa 55:7-8). Finally, return of the Jews to Jerusalem is also a commission to be the site for the gathering of all the peoples of the world. “The foreigner joined to the LORD should not say, / ‘The LORD will surely exclude me from his people’ . . . Them I will bring to my holy mountain . . . For my house shall be called / a house of prayer for all peoples” (Isa 56:3, 7).

This last line about the temple as “a house of prayer” is quoted by Jesus when he enters the temple and denounces its use as “a den of thieves” (Matt 21:13). A den of thieves is a place to hide and conspire against others. A house of prayer is the opposite. It is a place of God’s hospitality and grace. Because Jesus is the Messiah, he enters the temple—the center of Israel’s faith—

and he calls the people of God to its vocation. He calls them to be a light to the nations. Jesus turns over the tables of the money changers, but the issue is not just commerce in the temple. The issue is that the money changing is a sign of the boundary that has been set up between the temple and the world. Changing money in the temple is analogous to changing currency at the airport when coming home from a foreign country. Unclean coins of the world have to be changed to coins acceptable in the temple. The “den of thieves” is an allusion to Jeremiah 7:11 where Jeremiah denounces a belief that the temple is a bulwark against the world. In their den, thieves hide out and conspire against others. In cleansing the temple, Jesus claims authority over the temple and calls us to our mission to gather the nations, even our enemies.

Cleansing of the Temple

When Jesus cleanses the temple, his disciples’ thoughts are drawn immediately to Psalm 69:10: “Zeal for your house will consume me” (John 2:17).

Pope Benedict XVI reflects on this passage in volume 2 of his *Jesus of Nazareth* (San Francisco: Ignatius Press, 2011).

Benedict compares Christ’s zeal to his rejection of zealotry and insurrection against Rome. This rejection is implied in his accusation that the temple had become a “den of robbers.”

Benedict explains, “The ‘zeal’ that would serve God through violence he transformed into the zeal of the Cross . . . the zeal of self-giving love. This zeal must become the Christian’s goal” (22–23).

Jesus’ cleansing of the temple is one trigger, among others, of the events that lead to the cross. Jesus’ rejection in the temple (Matt 21:23-27), ironically, is also a renewal of the temple’s purpose and of God’s call in gathering the people of God. The

temple had become a defense against a hostile world, and Jesus was announcing that it should be a gift to the world. Likewise, the cross was supposed to display Roman dominance—of the world’s hostility to a Jewish Messiah—and God makes it a sign of his infinite mercy.

Jesus’ death and resurrection are our salvation. As noted above, it is not the resurrection, but Jesus’ death that is most confusing. The resurrection is certainly astounding and unexpected, but it confirms Jesus as Christ and Lord. The redeemer, however, is not supposed to be executed by the Romans. He is supposed to defeat the Roman oppressors and establish the kingdom of God. So, it is with cruel irony that Pontius Pilate, the Roman governor, executes Jesus under the title “the King of the Jews” (John 19:19-22). Pilate does not miss the opportunity to show his power. He uses the execution of one man to display the power of Rome over all Jews. The religious leaders want Jesus to be executed as a blasphemer, a messianic pretender, and a rebellious brigand. But Pilate crucifies him as Israel’s forthright king. If a king represents a nation, Pilate uses Jesus’ crucifixion to display Rome’s domination of the Jews. But Pilate’s cruel irony becomes, as we know, a joyous irony. The kingdom is established through God’s self-giving suffering and death. God’s ways are certainly not our ways.

Jesus’ sacrifice is God’s new covenant. The sin of Adam and Eve is that they do not trust God. They disobey. They want to be like gods, and to do so, they set themselves in competition with God. Again there is great irony. We, in our sin, set ourselves in competition with God, but God does not respond in kind. The original sin is that we try to grab for ourselves what God intends to share. We try to take for ourselves, but God continues to give. He gives himself to us for our redemption.

Our salvation comes as God responds to death with life. In Genesis 3, Adam and Eve believe the serpent when he tells them that God is withholding everything important from them. “God knows well that when you eat of it your eyes will be opened and you will be like gods” (Gen 3:5). The serpent makes it sound

like God is against us, trying to keep us down. The opposite is revealed in Jesus' death. God is incarnate and with us in Jesus, and we set ourselves against him. We hope to kill God (although we do not see him as God). At the very moment when it seems that we strike out against God, God gives himself to us. At the moment when we have done all that we can to reject God, we find in the resurrection that nothing we can do can keep God from giving us new life in communion with him. In response to our violence and rejection, God gives mercy.

US Bishops' Statement on Capital Punishment

The United States Conference of Catholic Bishops holds that the call for abolition of the death penalty "sends a message that we can break the cycle of violence, that we need not take life for life."

It is "a manifestation of our belief in the unique worth and dignity of each person from the moment of conception, a creature made in the image and likeness of God."

It "is further testimony to our conviction . . . that God is indeed the Lord of life."

(www.usccb.org/issues-and-action/human-life-and-dignity/death-penalty-capital-punishment/statement-on-capital-punishment.cfm)

For Reflection and Discussion:

Read Isaiah 54–56 and Jeremiah 7. Jesus quotes Isaiah 56:7 and Jeremiah 7:11 when he cleanses the temple. By reading the prophets Isaiah and Jeremiah, you will gain a sense of the power and profound meaning of Jesus' cleansing of the temple. Jesus' acts mean far more than a dislike for commercial enterprise in a worship place.

The temple has become a place of spiritual ownership and separation from the world. Like the people in biblical times, we often close ourselves up to protect ourselves against pain and

persecution. But in the temple, Jesus calls us to hospitality for the world.

Reflect on our tendency to look to God as our defense. Reflect on ways that we can hear God's call to love and serve the world.

Capital Punishment

God's ways are not our ways. As we come to the conclusion of this chapter, please consider again the words of Pope Francis. He is quoted at length at the beginning of this chapter. The heart of his instruction to us is that salvation to new life is also our vocation. We are called to live what we have been given. Because God has first loved us, "we can move forward, boldly take the initiative, go out to others, seek those who have fallen away, stand at the crossroads and welcome the outcast." Because of God's infinite mercy, we can discover within ourselves "an endless desire to show mercy" (*Evangelii Gaudium* 24). New life in Christ means that we are gathered to be a light to the nations, to love as God loves, and to be just and merciful as God is just and merciful.

Prayer

"In the name of Jesus Christ crucified and risen, in the spirit of His messianic mission, enduring in the history of humanity, we raise our voices and pray that the Love which is in the Father may once again be revealed at this stage of history, and that, through the work of the Son and Holy Spirit, it may be shown to be present in our modern world and to be more powerful than evil: more powerful than sin and death" (John Paul II, *Dives in Misericordia* 15).

Given the call of the church to live out God's love, capital punishment is not a "side" issue. The church's stance against the death penalty comes from the heart of the gospel. In a state-

ment issued in 1980, the United States Conference of Catholic Bishops observes “that abolition of the death penalty is most consonant with the example of Jesus, who both taught and practiced the forgiveness of injustice and who came ‘to give his life as a ransom for many’” (Mark 10:45).³ In effect, studying the church’s stance against the death penalty is a way for us to understand our faith more deeply. Simply ignoring injustice is not the way. In God’s love, justice and mercy meet. Therefore, the church’s stance against the death penalty is a call for just punishment, but it is also a call for love and mercy. We are called to live the ways of God.

For Reflection and Discussion:

Read and discuss the 1980 statement by the United States Conference of Catholic Bishops (USCCB). It can be found at www.usccb.org/issues-and-action/human-life-and-dignity/death-penalty-capital-punishment/statement-on-capital-punishment.cfm. The statement is in five parts, with one section titled “Christian Values in the Abolition of Capital Punishment.”

Key Points of Chapter 1

- For the followers of Jesus, his execution by the Romans seems to mean that he is not the Messiah. They scatter in fear and dismay.
- The crucifixion is the self-giving of God and consistent with who God is throughout Scripture. In explaining the loving mercy of God, the prophet Isaiah explains that God’s ways are not our ways.
- In the face of violence and hatred, we often turn to vengeance and violent resistance.
- In contrast, Jesus Christ is God’s loving response to human sin, opposition, and violence.

- The self-giving of God is the vocation of Israel and the church. The vocation is to be a light for the gathering of the peoples of the world.
- This call to be the gathering point is expressed in Jesus' cleansing of the temple in Jerusalem. The call is radical and part of the reason why Jesus is executed.
- Ironically, the cross, which is our attempt to reject God, becomes the medium for God's reconciliation for us and with us.
- Pope Francis notes that the call of the church is to live out this love and mercy that God gives to the world.
- The United States Conference of Catholic Bishops makes the connection between God's self-giving love in Jesus Christ and its stance against the death penalty.