



# ***AFFIRMING JUSTICE & MERCY***

***Catholic Bishops of Ohio***

***June 28, 1996***

In 1987 we issued a statement “Justice and Mercy: Reassessing the Death Penalty.” We also published several educational booklets as tools for further prayer, reflection and study.<sup>1</sup> In these documents we emphasized our conviction that capital punishment is not the most effective way for today’s society to punish criminals and protect society. It does not rehabilitate; it is no more effective as a deterrent to violence than other less dire penalties; and as a form of retribution, it adds to the confusion in our society about the sacredness of life. We continue to stand by these convictions.

We offer these further reflections now because we know how easy it is to “harden one’s heart” against those persons on death row.

Dear Friends,

One of the most challenging teachings of Jesus Christ was His command for us to love our enemies (Lk.6:27; Matt.5:43). It is so easy for retribution to become revenge; for anger, fears and prejudices to exercise negative influence on our public actions. The very violence that frightens us so much ought not make us proponents of violence.

We are keenly aware of the anger, pain and grief experienced by victims of violent crime and their families. Their sense of loss and outrage can be overwhelming. As Christians, we are called to help victims and their families bear these burdens so that even in the midst of their suffering, they can experience the comfort and support of a caring Christian community.

In our national bishops’ message “Confronting a Culture of Violence: A Catholic Framework for Action,” we lament the increased use of violent measures to deal with difficult social problems. We observe how abortion is used in addressing problem pregnancies; euthanasia and assisted suicide are advocated to cope with burdens of age and illness; and the death penalty is promoted to deal with crime. We write: “A society which destroys its children, abandons its old and relies on vengeance fails fundamental moral tests. Violence is not the solution; it is the clearest sign of our failures.”<sup>2</sup>

We believe there is a firm and effective alternative to the death penalty; life imprisonment. Such a sentence pro-

vides just punishment, helps bring closure to victims’ families, eases the burdens on our court system, and will even save our public justice system millions of dollars. Acknowledgment of human dignity and preserving public safety do not need to be contradictory goals.

## **MORAL CONSIDERATIONS**

The Church’s commitment to the intrinsic value and dignity of human life is the basis for our opposition to the use of the death penalty. In the 1995 Encyclical Letter “The Gospel of Life,” Pope John Paul II cites the Scriptural example of God’s punishment of Cain to remind us that “not even a murderer loses his personal dignity.” While Cain himself is punished by God, he is not destroyed. The mark of Cain, a visible sign of his offense, was also intended to protect and defend Cain from the violence and hatred of those who might wish to avenge Abel’s death. Quoting St. Ambrose, the Pope writes: “God, who preferred the correction, rather than the death of a sinner, did not desire that a homicide be punished by the execution of another act of homicide.”<sup>3</sup>

This does not mean that the Church opposes the punishment of a wrongdoer. Punishment can be a vehicle for the correction and conversion of the sinner, as well as for the restoration of the public order made chaotic by the perpetrated crime. Restitution to the families of victims is a component of such restoration.

Just punishment also incorporates another purpose which is the defense of society and its members. However, if it is not absolutely necessary to use the death penalty to achieve this purpose, we are obligated to use “bloodless means” (Catechism of CC 2267). Pope John Paul II states “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 absolute 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 nonexistent.”<sup>5</sup>

## **MINISTRY TO VICTIMS**

The Gospel calls us to be healing instruments of God’s peace. In the teaching about the Good Samaritan, we learn that we must “see” the victims; compassionately respond to their immediate needs; provide follow-up support; and remember to “return” to further share

Christ's healing message of love and forgiveness. Too often our call for compassion and concern for the offender is misread as overshadowing our concern and empathy for victims and their loved ones. Such is not our intent.

We commit the Church's ministry to extend effective outreach and support services to victim families and friends. Abiding with the victim is essential for that person's physical, emotional and spiritual healing. Never is one's faith in a loving God more vulnerable than when suffering strikes in a swift and meaningless fashion. As bishops, we remind priests and other ministers of the Gospel of our mutual duty to attend quickly to victims in order to pray with them and witness the love of God to them by our compassionate presence.

At the same time, our faith also beckons us not to abandon the offender, to love this person in Christ, and work and pray for his or her moral conversion and rehabilitation. We emphasized in 1987 that no human life, no matter how sinful or lacking in love, is without value. We continue our call for the humane treatment of offenders including access to religious materials and services, family contacts, and physical exercise.

## INCREASED EDUCATION

We strongly support increased efforts by pastors, educators and ministers to guide our parishioners in moral decision making. This religious teaching will provide a moral framework necessary for the proper formation of conscience. Such a framework is grounded in Scripture and a consistent set of principles which reflect the sacredness of all human life and a commitment to those things which make life truly human.

## CALL TO PUBLIC ACCOUNTABILITY

It is not absolutely necessary for the defense of society and the citizens of Ohio to execute anyone. We believe Ohio's death penalty system, as it stands today, is morally flawed due to racial bias, unequal application and mistaken judgments.<sup>7</sup> We are deeply concerned that persons with diminished culpability due to mental retardation and/or established suicidal tendencies are being sentenced to death.<sup>8</sup>

We encourage public officials to replace the death penalty with life imprisonment. While public opinion currently favors executions, we believe public opinion on this issue has been shaped by misconceptions, overstated fears, and a desire for easy solutions.<sup>9</sup>

We encourage public officials to direct more time and resources toward promoting rehabilitation, education, and prevention. The answer to crime is not as simple as more prisons and more executions. It also involves constructing a society where every person has the opportu-

nity to participate in economic and social life with dignity and responsibility.

May the redemptive love of God which can change hearts, convert people, and renew all things guide us as we reflect, study, pray and act on this issue.

## CATHOLIC CONFERENCE OF OHIO, 1996

### FOOTNOTES

1. "Justice & Mercy: Reassessing the Death Penalty;" Sourcebook, Secondary Education Curriculum Guide, Adult Education Guide, Homily Themes & Illustrations. Pastoral Statement. Catholic Conference of Ohio, 1987.
2. "Confronting a Culture of Violence: A Catholic Framework for Action." Catholic Bishops of the United States, U.S.C.C. Office of Publication, November, 1994.
3. "Evangelium Vitae (Gospel of Life): Encyclical Letter on the Value and Inviolability of Human Life." Pope John Paul II. March 25, 1995, Chapter 1, Section 9.
4. "Catechism of the Catholic Church". Libreria Editrice Vaticana, Article 5, The Fifth Commandment Sections 2259-2267.
5. "Evangelium Vitae." Pope John Paul II, Chapter III, Sections 55-56.
6. "Centesimus Annus" Encyclical Letter on the Hundredth Anniversary of "Rerum Novarum." Pope John Paul II. May 2, 1991. "Consistent Ethic of Life." A Letter to Participants of the 1988 convocation on the Consistent Ethic of Life. Catholic Bishops of Ohio, June, 1988.
7. "State Defender's Report." Ohio Public Defender Commission. The Death Penalty Information Center. Washington DC. Radelet, Bedau and Putnam, "In Spite of Innocence" (1992) and Bedau and Radelet, "Miscarriages of Justice in Potentially Capital Cases" Stanford Law Review (1987). "The Morality of Capital Punishment: Equal Justice Under the Law?" Michael E. Endres, Ph.D. Xavier University, Twenty-Third Publications, 1985.
8. "State Defender's Report," Ohio Public Defender Commission and Ohio Supreme Court case files regarding Ohio death row inmates.
9. "Sentencing for Life: Americans Embrace Alternatives to the Death Penalty." Death Penalty Information Center. Washington DC. April, 1993.



## ***STUDY QUESTIONS***

1. Name at least two ways people can respond to feelings of outrage, anger and fear which are associated with violent crime.
2. Name three examples cited in the Ohio Bishops' Statement where violent measures are used as a solution to difficult social problems.
3. Name at least three reasons why the Catholic Bishops in Ohio believe life imprisonment is a firm and effective alternative to the death penalty.
4. Describe the "mark of Cain" and explain its significance to the use of the death penalty.
5. Describe the church's teaching about just punishment as it relates to the use of the death penalty.
6. What does the parable of the Good Samaritan teach us about responding to victims of violent crime?
7. Describe the moral framework necessary for the proper formation of conscience.
8. In response to violent crime, name three areas in which public officials ought to direct more of their time and resources

## ***POSSIBLE RESPONSES TO STUDY QUESTIONS***

### **1. Ways to respond to outrage over violent crime include:**

- a. Prayerfully reflect upon the teachings of Jesus which call us to love our enemies.
- b. Reach out to support and comfort victims and their loved ones.
- c. Promote nonviolent solutions including restitution.
- d. Work with parish and diocese to develop effective outreach and support services to victim families and friends.
- e. Pray for healing and reconciliation.

### **2. Examples where violent measures are used as social solutions include:**

- a. Abortion to solve problem pregnancies.
- b. Euthanasia and assisted suicide to cope with burdens of age and illness.
- c. Death penalty to deal with crime.

### **3. Reasons why life imprisonment is an effective alternative include:**

- a. Provides just punishment
- b. More consistent with our belief in the intrinsic value and dignity of human life.
- c. Helps bring closure to victims' families.

- d. Eases the burdens on our court system.
- e. Save our public justice system millions of dollars.
- f. Allows for moral conversion and rehabilitation.
- g. Is an available “bloodless” means of punishment.

**4. The “mark of Cain”** was a visible sign of his offense and was intended to protect and defend Cain from capital punishment. It’s significance is as a reminder that “not even a murderer loses his personal dignity” and that God prefers correction over execution.

**5. Just punishment as it relates to defense of society** obligates society to use “bloodless means” of punishment. Executions may only be used in cases of “absolute necessity” when it is the only means available to defend society. However, today, as a result of steady improvements in the organization of the penal system, such cases are “rare” and practically “nonexistent.” The Ohio Bishops have stated it is not “absolutely necessary for the defense of society and the citizens of Ohio to execute anyone.”

**6. The “Good Samaritan” teaches us to:**

- a. “See” the victims.
- b. Compassionately respond to immediate needs.
- c. Provide follow-up support.
- d. “Return” to further share Christ’s healing message of love & forgiveness.
- e. Respond quickly to victims of crime.
- f. To pray and witness God’s compassion.
- g. Respond to even our enemies, no matter how sinful or lacking in love.

**7. The framework for moral decisions** is grounded in Scripture and a consistent set of principles reflecting the sacredness of all human life and a commitment to those things which make life truly human.

**8. Public officials ought to promote:**

- a. Rehabilitation
- b. Education
- c. Prevention
- d. Helping construct a society where every person can participate with dignity and responsibility.