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Articles on Capital Punishment


“The death penalty is a savage, racially biased, arbitrary and pointless punishment that becomes rarer and more geographically isolated with every year. … The death penalty is not and has never been about the severity of any given crime. Mental illness, intellectual disability, brain damage, childhood abuse or neglect, abysmal lawyers, minimal judicial review, a white victim — these factors are far more closely associated with who ends up getting executed. Of the 23 people put to death in 2017, all but three had at least one of these factors, according to the report. Eight were younger than 21 at the time of their crime. … The rest of the developed world agreed to reject this cruel and pointless practice long ago. How can it be ended here, for good? … There’s no reason not to take the final step. The justices have all the information they need right now to bring America in line with most of the rest of the world and end the death penalty for good.”


Author supplied Abstract: Capital punishment originated with the earliest tribes, but in recent decades more than 140 countries have abolished the death penalty. Despite the opposition of many U.S. religious organizations, the majority of Americans favor the use
of the death penalty. The role of religion in support for capital punishment remains unclear because most faiths contain opposing messages of punishment and redemption. This study seeks to provide a better understanding of this often contradictory relationship between religion and support for the death penalty. Using data from the 2008 wave of the General Social Survey, the authors explore how spirituality, religiosity, beliefs about the afterlife, theism, and religious tradition influence one's opinion of the death penalty. Results from robust Poisson regression show that religiosity decreases support for the death penalty, but a belief in Hell strongly increases support for punitive forms of corporeal justice. Uncertainty in the existence of an afterlife and the existence of Heaven also significantly affect support for the death penalty. Independent of these factors, conservatism had the largest effects on support for capital punishment. The divergent effects of religious expression are discussed.


Extremely conservative and angry reaction to Pope Francis’ October 11, 2017 Discourse to the Pontifical Council for Promotion of the New Evangelization in which the Pontiff said the death penalty can no longer be morally justified as it is contrary to the Gospel and violates the basic dignity even of those guilty of serious crimes such as murder. Fesar asserts that “No Pope can overturn the Church’s teaching that the death penalty is legitimate. So Francis’s comments were puzzling.” Fesar goes on to deny the possibility of development of doctrine that Pope Francis claimed: [Fesar] “That meaning of the sacred dogmas is ever to be maintained which has once been declared by Holy Mother Church, and there must never be any abandonment of this sense under the pretext or in the name of a more profound understanding.” For a rebuttal of Feser’s approach see David Bentley Hart, “Christians & the Death Penalty: There Is No Patron Saint of Executioners.” Commonweal (November 16, 2017) https://www.commonwealmagazine.org/christians-death-penalty (accessed November 21, 2017)

This is Pope Francis’ Discourse Discourse to the Pontifical Council for Promotion of the New Evangelization in which the Pontiff said the death penalty can no longer be morally justified as it is contrary to the Gospel and violates the basic dignity even of those guilty of serious crimes such as murder. He noted that this was an example of the development of moral doctrine and indicated that the teaching on this matter in the *Catechism of the Catholic Church* would have to be updated. An unofficial English translation of the Pope’s address can be found under the title “Pope Francis: The dynamic word of God cannot be moth-balled” on the site of Radio Vaticana at http://en.radiovaticana.va/news/2017/10/11/pope_francis_the_dynamic_word_of_god_cannot_be_moth-balled/1342352 [10/12/2017 11:37:58 AM]

Reaction, pro and con, has been swift and a number of short articles have already appeared in organs such as America, Catholic Herald (UK), CNA, National Catholic Reporter, National Catholic Register, One Peter Five, etc.


Highly critical review of Edward Feser and Joseph M. Bessette’s *By Man Shall His Blood Be Shed: A Catholic Defense of Capital Punishment*, San Francisco: Ignatius Press, 2017. “[T]he claim Feser and Bessette advance is not simply that Catholics may approve of capital punishment, but that they must, and that it actually borders on heresy not to do so. Needless to say, an assertion that bold requires a formidable array of corroborating evidence, and this Feser and Bessette fail to provide. What they have produced instead is relentlessly ill-conceived. Its arguments, philosophical and historical, are feeble. Its treatment of biblical texts is crude, its patristic scholarship careless. And all too often it exhibits a moral insensitivity that is truly repellent.” Turning to the authors’ use of natural law argumentation Hart concludes that “the arguments Feser and Bessette make are mostly blank assertions masquerading as deductions of logic; they are precisely as persuasive or unpersuasive as the reader wants them to be. This is inevitable. Nature and natural reason may quite plausibly indicate a certain set of rational prohibitions, and beyond that a smaller set of rational responsibilities. But at the tertiary level of moral reasoning—that of assigning penalties for misdeeds—nature provides no scale of calculation except “common sense,” which is largely worthless. Thus, Feser and Bessette try to argue for certain natural goods accomplished by the principle of punishment as such, and then argue for the specific punishment of execution on the basis of a commonsensical principle of proportionality. It is all quite unconvincing.”


Argues that Catholics can hold the morality of the death penalty, even in California (where the author is a deputy attorney general in San Diego). Horst argues that for the pope to state a general principle is acceptable, but that the application of the principles leaves room for difference interpretations and that “no bishop, priest or layman may add his prudential judgments to the list of the Church teachings and enjoin them as obligatory” (p. 64). Horst also draws a distinction between the papal condemnations of abortion, euthanasia and capital punishment, noting the first two are “intrinsically evil” while capital punishment is not.


Kerr, Fergus, O.P. “Comment: Capital Punishment.” *New Blackfriars* (First published: 19 October 2018) [https://doi.org/10.1111/nbfr.12420](https://doi.org/10.1111/nbfr.12420)

Brief rehearsal of the Church’s changing positions on the morality of the death penalty, concluding that it represents a real reversal of Church teaching, and not just a “development” as some would like to argue.


One of several articles in the same issue dealing with capital punishment.

Pope is professor of moral theology and social ethics at Boston College.


Interview conducted by George Anderson, S.J. with the noted Sister whose work with prisoners on death row in Louisiana was immortalized in the film “Dead Man Walking.” One of several articles in the same issue dealing with capital punishment.

Skojec, Steve. “Pope Francis is Wrong About the Death Penalty. Here’s Why.” *One Peter Five* (October 11, 2017) [https://onepeterfive.com/...s/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+Onepeterfive+%28OnePeterFive%29](https://onepeterfive.com/...s/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+Onepeterfive+%28OnePeterFive%29) [10/12/2017 3:58:19 PM]

Very conservative dismissal of Pope Francis’ papal magisterium and maintains that Pope Francis is in serious error in proclaiming the death penalty as morally unacceptable, and that no pope can change the Church’s traditional teaching in this area. The principal
arguments to support this thesis are that the death penalty is found in Scripture, and that many popes have supported it throughout history.


Books On Capital Punishment


Brugger teaches moral theology at the seminary for the Archdiocese of Denver.


From the Publisher’s (Rev. Joseph Fessio, S.J.) promotion: “The Catholic Church has in recent decades been associated with political efforts to eliminate the death penalty. It was not always so. This timely work reviews and explains the Catholic Tradition regarding the death penalty, demonstrating that it is not inherently evil and that it can be reserved as a just form of punishment in certain cases. Drawing upon a wealth of philosophical, scriptural, theological, and social scientific arguments, the authors explain the perennial teaching of the Church that capital punishment can in principle be legitimate—not only to protect society from immediate physical danger, but also to administer retributive justice and to deter capital crimes. The authors also show how some recent statements of Church leaders in opposition to the death penalty are prudential judgments rather than dogma. They reaffirm that Catholics may, in good conscience, disagree about the application of the death penalty. Some arguments against the death penalty falsely suggest that there has been a rupture in the Church's traditional teaching and thereby inadvertently cast doubt on the reliability of the Magisterium. Yet, as the authors demonstrate, the Church's traditional teaching is a safeguard to society, because the just use of the death penalty can be used to protect the lives of the innocent, inculcate a horror of murder, and affirm the dignity of human beings as free and rational creatures who must be held responsible for their actions. By Man Shall His Blood Be Shed challenges contemporary Catholics to engage with Scripture, Tradition, natural law, and the actual social scientific evidence in order to undertake a thoughtful analysis of the current debate about the death penalty.”

However, see also the very critical review by David Bentley Hart, “Christians & the Death Penalty: There Is No Patron Saint of Executioners.” Commonweal (December 1,
Hart states that “the claim Feser and Bessette advance is not simply that Catholics may approve of capital punishment, but that they must, and that it actually borders on heresy not to do so. Needless to say, an assertion that bold requires a formidable array of corroborating evidence, and this Feser and Bessette fail to provide. What they have produced instead is relentlessly ill-conceived. Its arguments, philosophical and historical, are feeble. Its treatment of biblical texts is crude, its patristic scholarship careless. And all too often it exhibits a moral insensitivity that is truly repellant.” Speaking of the authors’ use of natural law argumentation Hart concludes that “the arguments Feser and Bessette make are mostly blank assertions masquerading as deductions of logic; they are precisely as persuasive or unpersuasive as the reader wants them to be. This is inevitable. Nature and natural reason may quite plausibly indicate a certain set of rational prohibitions, and beyond that a smaller set of rational responsibilities. But at the tertiary level of moral reasoning—that of assigning penalties for misdeeds—nature provides no scale of calculation except “common sense,” which is largely worthless. Thus, Feser and Bessette try to argue for certain natural goods accomplished by the principle of punishment as such, and then argue for the specific punishment of execution on the basis of a commonsensical principle of proportionality. It is all quite unconvincing.”

Edward Feser, is Associate Professor of Philosophy at Pasadena City College in Pasadena, California. Joseph Bessette is a Professor of Government and Ethics at Claremont McKenna College (CMC) in Southern California, and also teaches in the Dept. of Politics and Policy at the Claremont Graduate University.


Contains a series of essays on the topic of war, violence, and capital punishment.