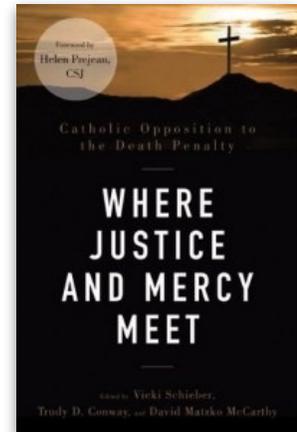


## Where Justice and Mercy Meet: Catholic Opposition to the Death Penalty

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### 6 SESSION/LESSON STUDY GUIDE

#### SESSION 1: “The Death Penalty Today”

[Text Chapters 1-3]

##### **AIM:**

To familiarize students with the reality of the death penalty today: how it works (or doesn't), its application in the United States and around the world, and (in general terms) the U.S. legal/court system.

##### **Summary of the Readings:**

###### **Chapter 1 “Facing the Truth” (pp. 3-15)**

Chapter 1 may be an uncomfortable piece for many to read. As explained by editors Vicki Schieber, Trudy D. Conway, and David Matzko McCarthy, “This opening chapter asks us to deal with what actually occurs in execution chambers across our country.” (p. 3) It challenges us to “face the realities of what American citizens ask prison officers to do in their [our] names.” (p. 3)

###### **Chapter 2 “Seeing Ourselves from an International Perspective” (pp. 16-30)**

Chapter 2 offers a broad overview of the current international response to the death penalty and its historical background. (p. 17) Students may be surprised (even shocked) to learn that the United States is the only Western democracy in the world to retain the death penalty, and joins with the likes of China, Iran, North Korea, and Yemen in executing more people than any other countries. As the editors note: “On the issue of capital punishment, our country seems to be inconsistent with its broader role in the world.” (p. 18)

###### **Chapter 3 “Trying to Get it Right” (pp. 31-45)**

Chapter 3 offers a broad overview of the history of the death penalty in respect the U.S. criminal justice and court system, noting that “the abstract debates and the concrete changes in how, where, and before whom we execute have a long and complex history”. (p. 34) One might conclude that states keep trying to “get it right” so as to make the practice of the death penalty “more palatable.”

## **GROUP/CLASS DISCUSSION:**

### **(on Chapter 1 - “Facing the Truth”)**

1. What is it about now “outdated” methods of capital punishment (hanging, death squad shooting, etc.) that make them seem “barbaric and uncivilized”?

Do you feel differently about the different methods? How so?

2. What purpose do you think is served by making executions look like medical procedures? (see p. 7) Is that effective, do you think, in making the death penalty more “palatable” (that is, making it easier to accept)?
3. Having read about the process of lethal injection, do you feel that it can be defended as “humane”? (see pp. 8-13) What are some of the (many) things that can go wrong with the process?
4. Does it surprise you to learn that the American Medical Association and most other medical professional associations have ethical codes that prohibit their members from participating in executions? (see p. 10) Why do you think that is the case? If you were a medical professional, would you participate? Why or why not?
5. What do you feel about the efforts by some drug manufactures (here and abroad) to distance themselves from the “business of execution” by protesting or prohibiting the use of their drugs for use in state executions? (see p. 12) Do you think that might put sufficient pressure on states to rethink their laws concerning capital punishment? What about the efforts of some states, like Georgia and Texas, to protect the anonymity of lethal drug suppliers? Why do you think the states might be taking these actions?
6. Do you agree that, “[i]f ordinary people knew what really happened in an execution chamber, support for the death penalty would decline”? (see p. 13) Explain. Do YOU feel differently about it after having read this chapter? How so?

### **(on Chapter 2 - “Seeing Ourselves from an International Perspective”, pp. 16-30)**

1. We Americans are often proud of the leadership role we envision our nation playing in the world, especially in the area of human rights. How did you feel about learning where the United States stands on the death penalty in relation to other nations? (from the text, p. 30) Does that surprise or trouble you at all? How so?
2. Why do you imagine early reform of death penalty laws often eliminates the death penalty in practice (de facto) before abolishing it legally (de jure)? (see p. 20)
3. As noted in the text (see p. 23), many of the countries that retain the death penalty employ it for a broad range of offenses (from economic and political crimes to moral and military offenses). Why might that be the case? Even if you are/were in favor of the death penalty in some cases, would you limit its application as regards certain categories of crime? Explain.

4. Take a look at the chart on p. 24 (Figure 1 “Executions in 2010 by Country”). Why do you think the United States is the only Western democracy on the list, alongside a number of authoritarian governments in East Asia, the Middle East, and North Africa?! Does that fact surprise/ disturb you? How so?
5. What might explain the fact that the United States is so out of step with the international community in retaining the death penalty?
6. Does it surprise you to learn that, according to public opinion data, almost 68% of Americans support the death penalty? What about the people you know? How do you think they feel about the issue? Is it something you discuss much (or at all) with your friends or family? Why or why not?
7. Why do you think so many states seem to remain highly resistant to changing their death penalty policies? (see p. 28)
8. Given the Catholic Church’s opposition to the death penalty, how do you explain the high percentage of Catholics (60%) who support it? (from the text, p. 30) Why do you think there is such a major “disconnect” between what the Church teaches and Catholic public opinion? Do you think most (many?) young Catholics are aware of what the Church teaches concerning the death penalty? Do you think that most young Catholics appreciate why the Church teaches what it does on this issue?

**(on Chapter 3 -- “Trying to Get it Right”, pp. 31-45):**

1. Why do you think we spend so much time and energy in this country “tinkering” with the ways in which we execute - trying to limit and repair the practice “with the hope of making it morally and legally more palatable”? (see p. 36) Do you think people feel “conflicted” about the death penalty? Explain.
2. What does Sr. Helen Prejean mean in saying that “support for the death penalty in this country may be a mile wide but is only an inch deep”? (see p. 36) If that is true, how might we best focus our efforts to abolish capital punishment?
3. Do you think most people believe that capital punishment has a clear deterrent effect? (see p. 37) What about the young people you know? Do you think that assumption is well-founded? Explain.
4. If you wanted to challenge the “deterrence” argument, how would you do so? (see pp. 36-8)
5. Why do you think certain states tend to execute so many persons and to so stridently resist abolition efforts? What is it about their history, demographics, or politics that might explain such disparate treatment? (see also pp. 186-7; Figure 2 on p. 188)
6. Do you think that the notion of “retributive justice” is a strong argument in favor of the death penalty? Can you explain that argument in your own words? (see p. 39) Why do

you think people feel so strongly about the “law of retaliation”? (see p. 39). Can you defend it from a moral point of view?

7. If you had a friend who tried to defend the death penalty using the “retribution” argument, how could you challenge him/her? (see pp. 40-1)
8. As the text explains, supporters of the death penalty continue to believe that the courts can fairly apply retributive justice. (see p. 40) Do YOU feel that is the case? What are some of the many factors that suggest it isn’t fairly applied?
9. If the aim of retributive justice is some sort of “payback” for victims and those most harmed by violence, how can that goal be squared with the growing numbers of murder victims’ family members who oppose executions? (see p. 40)
10. Do you think we should be concerned about the potential “brutalizing effect” of capital punishment? What are the problems you see with killing in response to killing? (see p. 42)
11. In a nutshell, what is “restorative” justice? (see p. 43) How is this approach arguably more in keeping with our faith (than retributive justice)?

#### ***HOMWORK/ASSIGNMENTS FOR FURTHER STUDY:***

1. Read the New York Times article about a recent execution in Oklahoma that went terribly wrong: “One Execution Botched, Oklahoma Delays the Next.”

<http://www.nytimes.com/2014/04/30/us/oklahoma-executions.html>

What do you find most disturbing about that case? Is that likely to have an impact on the way the public thinks about capital punishment? How so? Should it?

2. The Pew Research Center recently reported on decreased public support for the death penalty. See “Lower Support for Death Penalty Tracks With Falling Crime Rates, More Exonerations”:

<http://www.pewresearch.org/fact-tank/2014/03/28/lower-support-for-death-penalty-tracks-with-falling-crime-rates-more-exonerations/>

What do you think about the statistics provided in that piece? What do you think about the subject change in public opinion?

3. If we could refine the process of lethal injection so as to eliminate all suffering, would that make it “civilized and humane”? (from text, p. 15)

Could/would you be able to defend such a process?

4. The Death Penalty Information Center issued a report in October 2013 titled: “The 2% Death Penalty: How a Minority of Counties Produce Most Death Cases At Enormous Costs to All.” The report details the incredible discrepancies in application of the death penalty

among counties in various states. You can read the report (or summary thereof) and/or view a short video concerning the same at: <http://deathpenaltyinfo.org/twopercent>

What does this report suggest to you about the death penalty?

5. Research your state's laws concerning capital punishment. What is the current law? How is it applied? Has it been challenged? Are there efforts underway to change or abolish the law?
6. If your state still retains the death penalty, what practical steps might you take in your school, parish, or community to work towards its abolition? See "***Catholics and the Death Penalty: Six Things You Can Do To End Capital Punishment***" (Robert H. Hopcke. Cincinnati, Oh: St. Anthony's Messenger Press, 2004)
7. Retributive justice focuses on righting wrongs through punishment. It is premised on the notion that wrongs can be righted. Discuss whether restorative justice abandons this focus or reconceives what "righting wrongs" entails. (from the text, p. 44)
8. Supreme Court rulings keep adding procedures, modifying protections, and narrowing the number of people who can be sentenced to death. Discuss whether any of the specific court rulings discussed in the chapter appear to be addressing the issue of restorative justice. Is our death penalty system of punishment exclusively focused on retributive justice? Do you think an exclusive focus on retributive justice is too narrow? Explain. (from the text, p. 45)

## **SESSIONS 2 & 3: “The Least of These” - Injustices of the Death Penalty**

[Text Chapters 13-15]

### **AIM:**

To help students understand and appreciate the fundamental injustices of the death penalty in terms of economics, race, and persons with disabilities.

### **Summary of the Readings:**

#### **Chapter 13 - “Money Matters” - Economics of the Death Penalty (pp. 165-78)**

Chapter 13 discusses what many already sense to be that case, that money matters significantly in determining who is executed in the United States today. As people of faith, we especially are challenged: “Catholic social teaching brings us to reflect far more deeply and broadly on issues bearing on the economics of the death penalty.” (p. 167)

#### **Chapter 14 - “A Legacy of Race” - The Death Penalty and Race (pp. 179-93)**

As the editors explain, “[S]ince poverty and race are so interrelated in the United States, a consideration of economics naturally leads into a consideration of race.” (p. 180) Like the preceding chapter, this piece challenges us to acknowledge and confront the inherent inequities in the system when it comes to application of the capital punishment. “[C]learly race matters in the criminal justice system.” (p. 181)

#### **Chapter 15 - “Vulnerabilities and Risks” - People With Disabilities and the Death Penalty (pp. 194-208)**

Chapter 15 focuses on the situation of persons with intellectual disabilities in relation to capital sentencing and reveals their particular vulnerabilities.

### **GROUP/CLASS DISCUSSION:**

#### **(on Chapter 13 - “Money Matters” - The Economics of the Death Penalty -- pp. 165-78)**

1. Critique the death penalty from a pure “cost/benefits” analysis. Specifically, what is the clear statistical/measurable evidence that the death penalty effectively serves to deter crime; that is, that it is “money well spent”? (see p. 173) What do criminologists and law enforcement officials say on the matter? Does that fact surprise you? How so?
2. Again, from a straightforward cost/benefits analysis, what are the perhaps hidden material costs associated with death penalty cases that make them so much more expensive than cases in which the death penalty is not sought? (pp. 171-2)
3. Do you feel that the heightened costs associated with trying death penalty cases (in terms of time and expense) are really justified? (see pp. 172-3) Explain.
4. What does our Catholic faith tradition say about human nature in relation to the material goods of the world? (see p. 170) How is that view different from the prevailing views of our culture?

5. What are the “spiritual costs” associated with the death penalty that we, as people of faith, need to consider? (see pp. 174-5)
6. What does Sr. Helen mean when she says “The death penalty is very much a poor person’s issue”? (see p. 177)
7. How does the concept of “restorative justice” challenge us to look at crime (and the “costs” of crime) differently? (see p. 176) How might that inform our views about the death penalty?

**(on Chapter 14: “A Legacy of Race” - The Death Penalty and Race - pp. 179-93)**

1. Most people (probably most people you know) are not racist on a personal level (or don’t see themselves as such). Yet racism in the courts and other social institutions is well documented. Why do you think that is the case? As people of faith, how are we challenged to respond? (from the text, p. 193)
2. Does it change your perspective on the death penalty to read about the disproportionate amount of African Americans executed? (see p. 184) Should it? Explain.
3. What does the author mean in saying that death penalty statistics showing racial disparity do not necessarily show racial discrimination? (see p. 184) What point is he trying to make?
4. You are sitting at the lunch table with some friends discussing the death penalty. One of your classmates asserts that more African Americans are executed because African Americans commit a disproportionate number of the crimes in this country. How do you respond?
5. What do you think of the fact, as explained in this chapter, that over three-fourths (76%) of all executions in the modern era involve a white victim. (see Figure 1, p. 187)
6. In addition to the racially disparate and discriminatory application of the death penalty, where else do you see racial inequality in contemporary American institutions? Do you think there are logical and historical connections between inequality in one institution (e.g., the legal system) and other institutions (e.g., education)? Explain. (from the text, p. 193)

**(on Chapter 15: “Vulnerabilities and Risks” - People With Disabilities and the Death Penalty - pp. 194-208)**

1. In order to respond to the vulnerabilities and risks of persons with intellectual disabilities, we need to be aware of the risks they continue to face in specific states. Often their situation goes unnoticed. Discuss how we might be better informed, and how we might be able to take action on their behalf. (from the text, p. 208)
2. The U.S. Supreme Court recently ruled (Hall v. Florida) that Florida’s I.Q. score cutoff (at 70) was too rigid to decide which mentally disabled individuals must be spared the death penalty. The ruling is expected to affect not only Florida, which has the nation’s second-

largest death row after California, but also as many as eight other states. You can read more about the case at: <http://www.nytimes.com/2014/05/28/us/court-rules-against-florida-iq-rule-in-death-cases.html>

Some legal scholars think that states will now be required to take a less mechanical approach to mental disability in capital cases. In light of what you have learned in this chapter, what do you think would be a more just approach?

### ***HOMEWORK/ASSIGNMENTS FOR FURTHER STUDY:***

1. Do some research into your own state criminal justice system. What is the average cost of defending a death penalty trial as opposed to an ordinary criminal trial where the death penalty is not sought? Make sure that you include all the attendant costs of appeals, death row incarceration, etc. (see pp. 170-1)
2. If you were charged as a state legislator with the task of drafting a budget for criminal justice matters for your constituents, where would you choose to most effectively invest state money and energy? Explain. (see pp. 174-5) How might funds typically spent on death penalty cases be better used to support crime victims and their families?
3. What evidence do you see in local news reporting of economic and/or race bias in terms of the time and attention given to certain crime/murders in your city?
4. Re-read the six recommended actions for individuals who feel called to do something to address the unjust treatment of persons with disabilities on death row. (See pp. 204-5) What action(s) do you feel like YOU can take to make a difference?
5. Read *Hall v. Florida* (2014) at: [http://www.supremecourt.gov/opinions/13pdf/12-10882\\_kkg1.pdf](http://www.supremecourt.gov/opinions/13pdf/12-10882_kkg1.pdf)

What was the Court's rationale in rejecting Florida's death penalty law?

6. A recent report notes that there are 10 times more mentally ill Americans in prisons and jails than in state psychiatric hospitals, and adds that those individuals' conditions often deteriorate while they are incarcerated. The report, "The Treatment of Persons With Mental Illness in Prisons and Jails" was released by the Treatment Advocacy Center, a nonprofit organization dedicated to eliminating barriers to the timely and effective treatment of severe mental illness. Read and summarize the report in your own words. You can read more about the report at: [http://www.huffingtonpost.com/2014/04/08/mental-health-prison\\_n\\_5115134.html](http://www.huffingtonpost.com/2014/04/08/mental-health-prison_n_5115134.html)

## **SESSION 4 : “A Christian Rethinking of the Death Penalty”**

[Text Chapters 5-8]

### **AIM:**

To challenge students to rethink how we think about and try to defend the death penalty, in part by exploring purported scriptural basis for the same.

### **Summary of the Readings:**

#### **Chapter 5 - “Forgiveness and Healing” (pp. 59-69)**

From the point of view of families suffering in the aftermath of violence and murder, Chapter 5 explores the important difference between “forgiveness” and “reconciliation”. Grounded in the theology of our Christian faith tradition, the writer looks at how we are challenged to move beyond the desire for revenge, and see forgiveness as the only sure pathway to healing.

#### **Chapter 6 - “Jesus Christ and Sacrifice” (pp. 70-83)**

In this chapter, we look at a common human desire for a scapegoat, and notes that we (as people of faith) are able to identify with that desire because Jesus’ life, death, and resurrection free us to confess our sins and to live a new way of God’s love in the world.

#### **Chapter 7 - “Hebrew Scriptures - ‘An Eye for an Eye’” (pp. 84-96)**

In chapter 7, the author helps us see that the so-called retributive meaning of the phrase “an eye for an eye” in what we call the Old Testament is not quite right. It’s the most often quoted, and most often misquoted, passage in all of the Torah, he explains. The author (a professor of philosophy and an Orthodox Jew) challenges us with a more sophisticated and nuanced understanding of the Scripture passages often used to defend the death penalty.

#### **Chapter 8 - “The Bible and the Church” (pp. 97-109)**

Chapter 8 presents the death penalty debate in the context of the well-know challenge: “What would Jesus do?” The author, Sr. Mary Katherine Birge, SSJ, brings together the themes of accountability, repentance, and restoration within the context of the New Testament.

### **GROUP/CLASS DISCUSSION:**

(on Chapter 5: “Forgiveness and Healing” - pp. 59-69)

1. In what important way is “forgiveness” different from “reconciliation”? (see p. 61) Which is more more challenging or difficult for you? How so?
2. How can forgiveness be “liberating”? Share about a time when you felt that way - either when you forgave someone or were forgiven by someone for a wrong you committed.
3. What is your favorite biblical story about Jesus’ power of forgiveness? Why is that story so meaningful to you?

4. What do we mean in our faith tradition when we talk about the “communal” aspect of sin? (see p. 64) How do you see this to be true in your own personal relationships? With your friends? Family?
5. How is this reflected in our liturgy? Discuss the communal elements in the Confiteor (“I confess to almighty God, and to you, my brothers and sisters....”) (from the text, p. 69)

**(on Chapter 6: “Jesus Christ and Sacrifice” - pp. 70-83)**

1. Have you ever really considered the fact that Jesus was executed by the state; that is, that Jesus was a victim of capital punishment? Does realizing that cause you to look at capital punishment any differently? How so?
2. In terms of history, the text mentions Hitler’s use of the Jews as scapegoats for Germany’s social problems in the aftermath of WWI. (see p. 73) Can you think of other such instances of scapegoating - either historically or currently? What do you think accounts for our need/desire to scapegoat other individuals or groups? In other words, what purpose does scapegoating serve?
3. Have YOU or someone you know ever been made to be the scapegoat? What was that experience like? How did you feel?
4. What are some of the dangers of scapegoating? What risks do we run when we scapegoat others or other groups of people? (see pp. 75-6)
5. As previously discussed (see Chapter 2) the retributive justice defense of the death penalty is premised on the notion that certain crimes are so heinous that they “deserve” death. (see p. 78) What sorts of crimes does our modern culture view as deserving of death and why? Why do you think our modern culture in the United States no longer dreams of executing persons for adultery or sorcery, for example, or for economic crimes? Why do you think our culture still executes for crimes like treason? Does that strike you as unusual? Why or why not?
6. What does the writer of this chapter mean by saying that “the death penalty’s value lies in its symbolic significance”? (see p. 78) Do you agree or disagree? Explain.
7. Jesus’ calls for reconciliation and radical solidarity make people anxious. It is comforting when we hear a call to be nice to the people we know and like. It is frightening when we are called to share life with sinners and outcasts. No wonder Jesus was a threat to law and order. Discuss how we would have to live differently in order to see Christ in the prisoner (Matt. 25:31-46) - especially in the the death row prisoner. (from the text, p. 83)

**(on Chapter 7: “Hebrew Scriptures - ‘An Eye for an Eye’” - pp. 84-96)**

1. The author of this chapter, Richard Buck, puts the phrase “an eye for an eye” (often called the *lex talionis*) in the context of Jewish law as a whole and its legal customs. He holds that phrases like “a wound for a wound” and “a hand for a hand” have an important meaning (and are often misunderstood). What is the meaning of this seemingly severe

language in the context of Jewish law? (from the text, p. 96) Why is it so important that we read this passage in its historical context? What is the risk when we fail to do so?

2. “Equality retribution” (“an eye for an eye”) says essentially that the only appropriate way to pay back offenders for what they have done is to do to them exactly what they have done to the offended parties. (see p. 87) Do you agree? What problems do you see with this approach to justice?
3. What is the argument against a literal reading of these sorts of passages (“an eye for an eye”) in Hebrew scriptures? (see pp. 88-89)
4. Rather than requiring capital punishment, these passages in Hebrew scriptures (Exodus 21:22-5; Lev. 24:17, 19-20; Numbers 35:31) appear to be intended to limit or check physical violence/retaliation. Why do you think they are so often misunderstood and mistakenly used to support capital punishment?
5. How do these passages, far from supporting retributive justice, in fact make clear that recompense and restoration are the more fundamental demands of Hebrew scriptures?
6. Buck makes the point that, while the Hebrew Bible requires capital punishment for some crimes, “within the court system outlined by the Bible itself, significant safeguards and roadblocks are put in place to render the death penalty practically nonexistent.” (see p. 91) What does he mean?
7. Do you find it surprising or interesting to note that a number of prominent Jewish religious authorities believe that “every Jew should be opposed to capital punishment”? (see p. 94) Explain.

**(on Chapter 8: “The Bible and the Church” - pp. 97-109)**

1. Read Matthew 5:1-48 (the beginning of the Sermon on the Mount). Jesus’ teaching in this passage “raises the bar” in sense that he demands more than the standard interpretation of the Mosaic Law at the time. How so?
2. We often assume that these teachings are difficult, if not impossible, to live by. Discuss why they are considered “hard” sayings. Discuss why and how the family members of murder victims, like Bill Pelke and Ron Carlson, have found that Jesus’ teachings are liberating and healing. How can this be so? (from the text, p. 108)
3. Are you aware of any passage in the New Testament that justifies (or even attempts to rationalize) the use of capital punishment? Or violence as a response to violence?
4. How is Jesus’ message and practice of nonviolence different from mere passiveness in the face of wrong-doing or evil?
5. Read the story of the woman caught in adultery (John 8:1-11). Does Jesus just “let her off the hook”? If we are called to practice mercy, where is the accountability for those who do wrong?

### **HOMWORK/ASSIGNMENTS FOR FURTHER STUDY:**

1. Recall a time when you found it hard to forgive. What made it so for you? What helped?
2. Have you ever experienced what the text talks about as the “healing power of forgiveness”? Either in forgiving another for a wrong done to you, or in seeking forgiveness for a wrong you had committed? Share about this, if you are able.
3. In her book *Don't Kill in Our Names: Families of Murder Victims Speak Out Against the Death Penalty* (New Brunswick, NJ: Rutgers University Press, 2003), Rachel King shares the stories of families who, as Sr. Prejean explains, “understand the powerful reality that taking another life in the name of justice only perpetuates the tragedy.” King also shares about the organization Murder Victims’ Families for Reconciliation. See their website at <http://www.mvfr.org/> and read/hear some of their stories. What do you think makes such radical forgiveness possible?
4. Read Leviticus 16:20-28 to get a deeper appreciation of the role of the ritual “scapegoat” in the ancient Hebrew culture.
5. Read and reflect on Isaiah 53 (the “Suffering Servant” passage which the Church hears and reflects on in a special way during the Lenten season). Though it was written some 700 years before the birth of Christ, many see in it a prophetic foreshadowing of Jesus’ Passion and death. Note the connections you find between the Suffering Servant and Jesus. How does this Old Testament passage help us better appreciate Jesus as an innocent scapegoat? Was Jesus’ suffering in this way necessary for our salvation?
6. Look up the roots of the word “atonement”. (It comes from a Medieval Latin phrase that has to do with being “at one” or “in harmony”.) How does the term help us better understand what restorative justice is about?
7. This chapter provides an interesting perspective on opposition to the death penalty from the point of view of Jewish biblical scholars and religious authorities. Research other faith traditions concerning their positions and reasoning on the death penalty.
8. Buck draws a contrast between a biblical system of justice and our secular system. He suggests that severe crimes, like personal injury, require the offender offer restoration to the victim and ask for forgiveness. Consider how the contemporary system of justice could be reformed in order to include both of these practices. (from the text, p. 96)
9. Throughout his ministry, Jesus repeatedly confronts and challenges wrong-doers and sinners. He never says that sin “doesn’t matter”. This is the “justice” aspect of his teaching. But he always tempers justice with mercy. (Hence, the name of this book: **“Where Justice and Mercy Meet”**). Read and share about a favorite New Testament story where this is the case.
10. Share about other figures you are aware of (public and/or private, historical or current) who embraced the radical practice of nonviolence in response to violence. What made it possible for them to do so? Was it “effective”? How so?

## **SESSION 5 : “Church Teachings on Capital Punishment”**

[Text Chapters 9-12]

### ***AIM:***

To understand the rich and complex Catholic teachings concerning the death penalty, and to appreciate the development of the same.

### ***Summary of the Readings:***

#### **Chapter 9 - “The Catholic Moral Tradition” (pp. 113-125)**

Chapter 9 outlines periods of Church history and their different attitudes towards capital punishment. Noting the developments that have taken place, the author nonetheless attempts to sensitize us to the “changeless continuity” of our faith and the teachings of the Church.

#### **Chapter 10 - “The Church Today” (pp. 126-136)**

Continuing the discussion in Chapter 10, the author guides us through developments concerning the death penalty that follow from the Second Vatican Council. Key to this development is the 1976 statement of the Pontifical Commission for Justice and Peace: “The Church and the Death Penalty”.

#### **Chapter 11 - “The Catechism in Historical Perspective” (pp. 137-148)**

This chapter and the next focus on the development of “personalism” as a moral construct; that is, a focus on the dignity of each person in relationship to God. It focus on the development of the teaching of Catholic Catechism, with a particular emphasis on Church teaching concerning the death penalty.

#### **Chapter 12 - “The Death Penalty in the Catechetical Tradition” (pp. 149-161)**

Chapter 12 focuses on the revised Catechism, and on the work and writings of John Paul II concerning the death penalty.

### ***GROUP/CLASS DISCUSSION:***

**(on Chapter 9: “The Catholic Moral Tradition” - pp. 113-125)**

1. What did you learn from reading in this chapter about and the history of the Church’s attitude towards capital punishment? Did anything surprise or disturb you? Explain.
2. The legalization of Christianity under Roman Emperor Theodosius I in the 4th century gave rise to caesaropapism; that is, the combining of the power of the secular government (the Roman Empire) with the Church. What do you imagine were the benefits of this situation? What were the detriments, as far as the Church was concerned?
3. As the Church took on something of a hybrid status in the 4th century - exercising political and spiritual authority - do you think there could have been a tendency toward moral

compromise? How so? As the modern Church involves itself in secular/political matters, do you think that is a problem today? How so?

**(on Chapter 10: “The Church Today” - pp. 126-136)**

1. In what sense is the Church’s recent stance against capital punishment, not so much a “new development”, as a return to its early roots?
2. The author points out in that “[t]he early 1970s marked a significant turning point in regard to ecclesiastical [Church] teaching on the death penalty.” (see p. 131). What was going on in the United States/world that might help account for or explain that change?
3. What interesting connection does the author make between capital punishment and legalization of abortion in the United States? (see p. 134) Do you think that it is a legitimate connection to make? Explain.
4. What do you think of the author’s other explanations for what he calls the dramatic return to widespread sentiments against capital punishment? (see pp. 133-5). Which of his reasons make(s) the most sense to you?

**(on Chapter 11: “The Catechism in Historical Perspective” - pp. 137-148)**

1. See if you can articulate, in your own words, what the writer means by the term “personalist turn”. (see p. 143) How is this notion/belief fundamental to our Catholic faith?
2. How is this belief “counter-cultural”; that is, how does it differ from the prevailing attitudes of our time and culture?
3. How were the writings of the French theologians Henri de Lubac, SJ, Yves Congar, etc., works of “rediscovery” rather than new developments? (see p. 143)
4. What else was going on in the world and in our culture in the 1960s in particular that might help explain this “personalist turn” that the chapter refers to?
5. Why was this development so significant in the death penalty debate? (see p. 144)
6. Discuss how the dialogue of the Church with contemporary society, as discussed in this chapter, mirrors dialogue on other life issues. (from the text, p. 148)

**Chapter 12: “The Death Penalty in the Catechetical Tradition” (read pp. 149-161)**

**GROUP/CLASS DISCUSSION:**

1. Compare the first and second editions of the Catechism as presented in this chapter on p. 154. What do you think is the most significant change? Why? (from the text, p. 161)

2. Does it surprise (or trouble?) you in any way to hear that Church is capable of “progress in doctrine”? (see p. 151) Shouldn’t doctrine be “eternal and unchanging”?
3. In his encyclical *Evangelium Vitae*, St. John Paul II reaffirmed the ancient teaching of the Church that there are negative moral norms that have absolutely no exceptions; that is, some actions that are always wrong/immoral. What bearing does this document have on the issue of the death penalty? (see pp. 152-3)
4. What does the writer mean in saying that “the ongoing development of the church’s teaching on the death penalty is to help us celebrate the Eucharist more worthily and efficaciously”? (see p. 157) What is the connection he is trying to draw between our moral actions and our public worship? Does that resonate for you? Explain.
5. As explained at the end of this chapter, St. John Paul II was himself a victim of violence, and an incredible witness of the healing power of forgiveness. (see pp. 159-160). Discuss your response to his compassion for the man who tried to kill him. Discuss too your feelings about Marietta Jaeger’s response to her daughter’s murderer.

#### ***HOMEWORK/ASSIGNMENTS FOR FURTHER STUDY:***

1. Read the U.S. Bishops’ 1980 “Statement on Capital Punishment”:

<http://www.usccb.org/issues-and-action/human-life-and-dignity/death-penalty-capital-punishment/statement-on-capital-punishment.cfm>

Or read the Bishops’ more recent document “A Culture of Life and the Penalty of Death” (2005):

[http://www.usccb.org/\\_cs\\_upload/7917\\_1.pdf](http://www.usccb.org/_cs_upload/7917_1.pdf)

Outline and try to understand the Bishops’ arguments and rationale.

2. Another excellent resource for reading the U.S. Bishops’ voluminous documents and statements in opposition to the death penalty is their website and archived documents at:

<http://www.usccb.org/issues-and-action/human-life-and-dignity/death-penalty-capital-punishment/>

3. Take a look at some of the Vatican II documents referred to in this chapter and see if you can get a sense of this renewed focus on the dignity of the human person. What language in the Vatican II documents especially catches your ear?

*Gaudium es Spes* (1965) [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_const\\_19651207\\_gaudium-et-spes\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html)

*Dignitatis Humanae* (1965) [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html)

See also John XXIII's *Pacem in Terris* (1963) [http://www.vatican.va/holy\\_father/john\\_xxiii/encyclicals/documents/hf\\_j-xxiii\\_enc\\_11041963\\_pacem\\_en.html](http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html)

4. Read Genesis 1:26-27. What do these verses tell us about man's fundamental nature? <http://new.usccb.org/bible/genesis/1>
5. View the famous photo of St. JP II meeting with the man who tried to assassinate him. What strikes you when you reflect on the photograph?



CNS file photo by Arturo Mari

<https://pbs.twimg.com/media/B0mLdPZCIAlo9l8.jpg:large>

6. You can read *Evangelium Vitae* at: [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/documents/hf\\_jp-ii\\_enc\\_25031995\\_evangelium-vitae\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae_en.html)

Do you find St. John Paul II's message about the death penalty to be hopeful? How so?

## **SESSION 6 : “True Discipleship”**

[Text Chapters 16 and 4]

### **AIM:**

To help participants understand the missional aspect of discipleship

### **Summary of the Readings:**

**Chapter 4** explores the role of drama (e.g., the staged production of “Dead Man Walking”) in stirring hearts and minds as regards important social issues like the death penalty.

**Chapter 16** fittingly concludes our study with a recognition of the challenges we face if we truly seek to follow Jesus. Preaching about issues like the death penalty, says the author, Fr. Jim Donohue, “takes strength and courage.” Most certainly, it requires grace.

### **GROUP/CLASS DISCUSSION:**

(on Chapter 16: “A Matter of Discipleship” - The Heart of Our Faith - pp. 209-22)

1. What does it mean to say that, as people of faith, we need “to have the Bible in one hand and the newspaper in the other”? (see p. 212) How seriously do you take that imperative? Explain.
2. How do you respond to those who argue that there needs to be a strict divide between spiritual and secular matters, and/or that the Church has no business meddling in secular/political matters?
3. Why do you imagine that some say that Catholic social teaching is one of the “best kept secrets” of our faith tradition? Do you agree? Is that a good or a bad thing? Do you agree with the U.S. Catholic bishops that: “[M]any Catholics do not adequately understand that the social teaching of the Church is an essential part of the Catholic faith”? (p. 214)
4. How can we, as people of faith, better integrate the social teachings of the Church into the ordinary life of faith?
5. How can we ourselves become better educated as regards the Church’s social teaching and better share the social demands of the Gospel, especially as regards the Church teaching in opposition to the death penalty?
6. Kelly Johnson’s quote concerning the Church’s social teaching is an interesting one: “The value of human dignity as such is not contested. What is contested is who counts as a person, what ‘dignity’ requires, and how it is to be upheld when it costs something to others.” (see pp. 220-1) In what other modern moral/social contexts do you see that being played out?

7. Why does the writer say: “Preaching about the death penalty will take conviction and courage”? (see p. 220) What is there to “fear”? What do you fear most or what most concerns you about talking or sharing with others about the death penalty?
8. Dorothy Day’s great quote is worth reflecting on as we close our discussions: “One of the greatest evils of the day is the sense of futility”. Young people, she said, cannot see that we can be responsible only for the one action of the present moment.” (see p. 221). What would you like to do to change the world? What would you like to do to help end the death penalty today?

#### **Chapter 4: “The Power of Stories” (read pp. 46-56)**

##### ***GROUP/CLASS DISCUSSION:***

1. You might find this chapter somewhat oddly placed in this collection of writings concerning the death penalty. Why do you think the editors of this book included this chapter on “the power of stories”? How does it fit in with the message/goal of the book?
2. What is it about telling and hearing stories, especially about the lives of those impacted by violence and the death penalty, that resonates with us more so than just learning about facts and arguments?
3. Is there a story that you have heard in this book (or elsewhere) that changed or deeply impacted your views concerning capital punishment? If so, please share.

##### ***FOR FURTHER REFLECTION:***

1. If you have seen the film “Dead Man Walking” (or read the book), what do you think makes it such a powerful vehicle for talking about and reflecting on the death penalty and its application?
2. At first glance, the story of “Dead Man Walking” might seem like an unlikely one for a stage production. Why do you think it might be as powerful as it is for so many who have seen it performed? If you have seen it staged, please share about your reactions.
3. “The Exonerated”, a play by Jessica Blank and Erik Jensen, is another example of the power of theater to grapple with the issue of the death penalty. It recounts the true-life tales of six former death row inmates who were exonerated before execution. See the theater review of the same in The New York Times, “When Justice Makes You Gasp”:

<http://www.nytimes.com/2012/09/20/theater/reviews/the-exonerated-revived-at-the-culture-project.html>

You can also watch a performance of the same on YouTube at:

<https://www.youtube.com/watch?v=WZCpSHUDmxU>

“The Exonerated” was also made into a film, and aired on cable-television in 2005.