



Written by [Steve Byas](#) on February 23, 2016

Pope Calls for One-year Moratorium on Death Penalty

In his book *How the Catholic Church Built Western Civilization*, historian Thomas Woods explained, “In most Western countries, if a person is convicted of murder and sentenced to death, but goes insane between the moment of sentencing and the moment of execution, he is kept alive until he regains his sanity.”



The reason, Woods wrote, is theological, because only if a man is sane can he make a good confession, receive forgiveness for his sins, and hope to save his soul.

Legal scholar Harold Berman observed that modern Western legal systems “are a secular residue of religious attitudes and assumptions which historically found expression first in the liturgy and rituals and doctrine of the church.”

So, it is not without precedent that Pope Francis has weighed in on the serious issue of the death penalty, calling for its worldwide abolition, arguing that the commandment, “You shall not kill” was absolute and equally valid for the guilty as for the innocent. Specifically, the spiritual leader of the 1.2 billion-member Roman Catholic Church called for Catholic politicians around the globe to make a “courageous and exemplary gesture” and seek a “moratorium” on capital punishment for the remainder of the Church’s Holy Year, which ends in November.

This proclamation should, however, raise a few questions for all Christians. Is the death penalty really forbidden by God?

And, if the pope wishes to expend his moral capital in calling for a moratorium on anything, why not call for a one-year moratorium on the killing of unborn babies around the world? Many more unborn children are killed than those who face execution for murder.

It should be stressed that, under Catholic teachings, the pope is not announcing some official modification of the church’s teachings on the issue of the death penalty. The Catholic Catechism asserts that the state has the right to exact the death penalty. Nations may practice “just war,” and individuals may exercise self-defense.

Catholic doctrine teaches that, to be good, every moral act must satisfy three elements: The act itself must be good, the intention of the one doing it must be good, and the circumstances must be appropriate.

While admitting the right of the state to practice capital punishment, the Catholic Church does not believe the state has an unlimited right to make such laws and carry them out. For example, it believes that there must be some proportion between the taking of the life of the criminal and the benefit expected to the common good. Because of this, the Catholic Church believes the death penalty should be used only for very serious crimes, such as murder.

One can detect similar sentiment in the Eighth Amendment of the Bill of Rights, which forbade the



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federal government from carrying out “cruel and unusual punishment.” Use of the ultimate penalty as a punishment for murder would, in itself, be “cruel,” but it would not be “unusual” for the crime of murder. However, use of the death penalty for shoplifting would be both cruel and unusual. And, horrifying methods of execution such as crucifixion, burning at the stake, or drawing and quartering would be cruel and unusual even for cases of murder.

The Catholic Catechism asserts that if non-lethal means are sufficient to defend and protect people’s safety from the aggressor, the state should limit itself to such means. Pope Francis has noted that incarceration for life can serve the same good as the taking of a criminal’s life.

But one must ask, is life in prison a just punishment for some of the most heinous crimes? And, in the case of this particular pope, Francis has also denounced life imprisonment, calling it “a hidden death penalty.” It is a certainty that were the death penalty to be outlawed throughout the United States, one could expect the next crusade to be to outlaw life in prison, without the possibility of parole, declaring that punishment is also cruel and unusual, at least in the eyes of many liberals.

Sounding almost like a progressive Supreme Court justice in the United States who believes the Constitution is a living document that changes with the times, Pope Francis declared that there is now “a growing opposition to the death penalty even for the legitimate defense of society” because the means now exist to “efficiently repress crime without definitively denying the person who committed it the possibility of rehabilitating themselves.”

Francis has voiced strong support for an international anti-capital-punishment conference in Rome, entitled “A World Without the Death Penalty,” saying he hoped it would bring renewed energy to the mission to end capital punishment.

In his call for the end of the death penalty, Francis, like so many opponents of the practice, cited the Sixth Commandment, found in the biblical book of Exodus, chapter 20, verse 7, which reads, in the New King James Version, “You shall not murder.” As the Scofield Reference Bible explains, the Hebrew language uses several words to express the idea “to kill.” The verb used here is a special word which can only mean murder and always indicates intentional slaying.

And, just like other opponents of capital punishment, Francis takes an absolutist interpretation of the verse, arguing that any killing, even the taking of the life of murderers by the government, is a violation of the Sixth Commandment. While the pope explained to thousands of people in St. Peter’s Square, “The commandment, ‘You shall not kill,’ has absolute value and applies to prohibit the execution of murderers” as well as innocent persons, if one were to skip over to Chapter 21 of Exodus, his position becomes untenable.

In Exodus 21:12, “He who strikes a man so that he dies shall surely be put to death.” In fact, there are more than a half-dozen other instances in this chapter where the use of capital punishment is prescribed.

This is not to argue that modern governments should implement the death penalty in as many instances as was provided for in the law of ancient Israel; however, to assert that the Sixth Commandment prohibits government from ever using the death penalty is simply poor exegesis.

In the New Testament, the Apostle Paul told the church in Rome of his day, “For he [the civil ruler] is God’s minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God’s minister, an avenger to execute wrath on him who practices evil.” (Romans 13:4, NKJV).



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Conversely, just because the Sixth Commandment does not prohibit capital punishment does not mean that it is required. Surely, governments can be tyrannical and corrupt, using the death penalty to exact punishment upon dissent rather than upon evil. For instance, the Framers of the Constitution wisely chose to define treason (which is punishable by death) in an extremely limited way in the words of the document itself. They knew well that the sword of government had been used in an evil and unjust fashion many times throughout history.

After all, it was just a few years after the Constitution was adopted and ratified that the nightmare known as the French Revolution and its horrific Reign of Terror engulfed France, with thousands facing a swift death penalty on the guillotine simply for opposing the radicals in power. In one of history's greatest ironies, the chief champion of the Reign of Terror was Maximilian Robespierre — a former opponent of the death penalty.

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