

Bishops Decry Capital Punishment

Following is the text of the U.S. bishops' statement on capital punishment, agreed to during the recent meeting in Washington, D.C. Bishop Matthew H. Clark has said that the "statement contains important Catholic principles and very challenging questions."

In 1974, out of a commitment to the value and dignity of human life, the U.S. Catholic Conference, by a substantial majority, voted to declare its opposition to capital punishment. As a former president of the National Conference of Catholic Bishops pointed out in 1977, the issue of capital punishment involves both "profound legal and political questions" as well as "important moral and religious issues." And so we find that this issue continues to provoke public controversy and to raise moral questions that trouble many. This is particularly true in the aftermath of widely publicized executions in Utah and Florida and as a result of public realization that there are now more than 500 persons awaiting execution in various prisons in our country.

In resumption of capital punishment after a long moratorium, which began in 1967, is the result of a series of decisions by the U.S. Supreme Court. In the first of these decisions, *Furman vs. Georgia* (1972), the court held that the death penalty as then administered did constitute cruel and unusual punishment and so was contrary to the Eighth Amendment to the Constitution. Subsequently, in 1976, the court upheld death sentences imposed under state statutes which had been revised by state legislatures in the hope of meeting the court's requirement that the death penalty not be imposed arbitrarily.

These cases and the ensuing revision of state and federal statutes gave rise to extended public debate regarding the necessity and advisability of retaining the death penalty. We should note that much of this debate was carried on in a time of intense public concern about crime and violence. For instance, in 1976 alone, more than 18,000 people were murdered in the U.S.

Criticism of the inadequacies of the criminal justice system has been widespread, even while spectacular crimes have spread fear and alarm, particularly in urban areas. All these factors make it particularly necessary that Christians form their views on this difficult matter in a prayerful and reflective way and that they show a respect and concern for the rights of all.

We should acknowledge that in the public debate about capital punishment we are dealing with values of the highest importance: respect for the sanctity of human life, the protection of human life, the preservation of order in society and the achievement of justice through law. In confronting the problem of serious and violent crime in our society, we want to protect the lives and the sense of security both of those members of society who may become the victims of crime and of those in the police and in the law-enforcement system who run greater risks. In doing this, however, we must bear in mind that crime is both a manifestation of the great mysteries of evil and human freedom and an aspect of the very complex reality that is contemporary society. We should not expect simple or easy solutions to what is a profound evil, and even less should we rely on capital punishment to provide such a solution. Rather, we must look to the claims of justice as these are understood in the current debate and to the example and teaching of Jesus, whom we acknowledge as the justice of God.

Allowing for the fact that Catholic teaching has accepted the principle that the state has the right to take the life of a person guilty of an extremely serious crime, and that the state may take appropriate measures to protect itself and its citizens from grave harm, nevertheless, the question for judgment and decision today is whether capital punishment is justifiable under present circumstances. Punishment, since it involves the deliberate infliction of evil on another, is always in need of justification. This has normally taken the form of indicating some good which is to be obtained through punishment or an evil which is to be warded off.

The three justifications traditionally advanced for punishment in general are retribution, deterrence, and reform. Reform or rehabilitation of the criminal cannot serve as a justification for capital punishment, which necessarily deprives the criminal of the opportunity to develop a new way of life that conforms to the norms of society and that contributes to the common good. It may be granted that the imminence of capital punishment may induce repentance in the criminal, but we should certainly not think that this threat is somehow necessary for God's grace to touch and to transform human hearts.

The deterrence of actual or potential criminals from future deeds of violence by the threat of death is also advanced as a justifying objective of punishment. While it is certain that capital punishment prevents the individual from committing further crimes, it is far from certain that it actually prevents others from doing so. Empirical studies in this area have not given conclusive evidence that would justify the imposition of the death penalty on a few individuals as a means of preventing others from committing crimes. There are strong reasons to doubt that many crimes of violence are undertaken in a spirit of rational calculation which would be influenced by a remote threat of death. The small number of death sentences in relation to the number of murders also makes it seem highly unlikely that the threat will be carried out and so undercuts the effectiveness of the deterrent.

The protection of society and its members from violence, to which the deterrent effect of punishment is supposed to contribute, is a value of central and abiding importance; and we urge the need for prudent firmness in ensuring the safety of innocent citizens. It is important to remember that the preservation of order in times of civil disturbance does not

depend on the institution of capital punishment, the imposition of which rightly requires a lengthy and complex process in our legal system. Moreover, both in its nature as legal penalty and in its practical consequences, capital punishment is different from the taking of life in legitimate self-defense or in defense of society.

The third justifying purpose for punishment is retribution or the restoration of the order of justice which has been violated by the action of the criminal. We grant that the need for retribution does indeed justify punishment. For the practice of punishment both presupposes a previous transgression against the law and involves the involuntary deprivation of certain goods. But we maintain that this need does not require nor does it justify taking the life of the criminal, even in cases of murder.

We must not remain unmindful of the example of Jesus who urges upon us a teaching of forbearance in the face of evil and forgiveness of injuries. It is morally unsatisfactory and socially destructive for criminals to go unpunished, but the forms and limits of punishment must be determined by moral objectives which go beyond the mere inflicting of injury on the guilty. Thus we would regard it as barbarous and inhumane for a criminal who had tortured or maimed a victim to be tortured or maimed in return. Such a punishment might satisfy certain vindictive desires that we or the victim might feel, but the satisfaction of such desires is not and cannot be an objective of a humane and Christian approach to punishment.

We believe that the forms of punishment must be determined with a view to the protection of society and its members and to the reformation of the criminal and his reintegration into society (which may not be possible in certain cases). This position accords with the general norm for punishment proposed by St. Thomas Aquinas when he wrote: "In this life, however, penalties are not sought for their own sake, because this is not the era of retribution; rather, they are meant to be corrective by being conducive either to the reform of the sinner or to the good of society, which becomes peaceful through the punishment of sinners."

We believe that in the conditions of contemporary American society, the legitimate purposes of punishment do not justify the imposition of the death penalty. Furthermore, we believe that there are serious considerations which should prompt Christians and all Americans to support the abolition of capital punishment. Some of these reasons have to do with evils that are present in the practice of capital punishment itself, while others involve important values that would be promoted by abolition of this practice.

We maintain that abolition of the death penalty would promote values that are important to us as citizens and as Christians.

First, abolition sends a message that we can break the cycle of violence, that we need not take life for life, that we can envisage more humane and more hopeful and effective responses to the growth of violent crime. It is a manifestation of our freedom as moral persons striving for a just society. It is also a challenge to us as a people to find out ways of dealing with criminals that manifest intelligence and compassion rather than power and vengeance. We should feel such confidence in our civic order that we use no more force against those who violate it than is actually required.

Second, abolition of capital punishment is also 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 particularly important in the context of our times that this belief be affirmed with regard to those who have failed or whose lives have been distorted by suffering or hatred, even in the case of those who by their actions have failed to respect the dignity and rights of others. It is the recognition of the dignity of all human beings that has impelled the church to minister to the needs of the outcast and the rejected and that should make us unwilling to treat the lives of even those who have taken human life as expendable or as a means to some further end.

Third, abolition of the death penalty is further testimony to our conviction, a conviction which we share with the Judaic and Islamic traditions, that God is indeed the Lord of life. It is a testimony which removes a certain ambiguity which might otherwise affect the witness that we wish to give to the sanctity of human life in all its stages. We do not wish to equate the situation of criminals convicted of capital offenses with the condition of the innocent unborn or of the defenseless aged or infirm, but we do believe that the defense of life is strengthened by eliminating exercise of a judicial authorization to take human life.

Fourth, we believe that abolition of the death penalty is most consonant with the example of Jesus, who both taught and practiced the forgiveness of injuries and who came to give his life as a ransom for many. In this regard we may point to the reluctance which those early Christians who accepted capital punishment as a legitimate practice in civil society felt about the participation of Christians in such an institution and to the unwillingness of the church to accept into the ranks of its ministers those who had been involved in

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Bishops Urge Polish Unity

Warsaw, Poland (RNS) — Poland's Roman Catholic bishops have stepped up their appeals for national unity, urging Poles to be moderate and responsible, to reduce the danger of Soviet intervention. "We have paid a heavy price for Poland's independence and we must not risk losing her security and sovereignty through irresponsible actions," the bishops said in a pastoral letter read from pulpits throughout Poland on Sunday, Dec. 14. It was the third such appeal in a week.

On Dec. 9, following a meeting of the Polish

government and the Catholic hierarchy, the bishops had urged the government and people to unite "to safeguard the existence of our sovereign state and to enable our country to emerge from the existing crisis."

Meantime, the Polish Catholic bishops have appealed for restraint and piety in connection with the 10th anniversary of the bloody suppression of workers' riots on the Baltic coast.

Referring to the rioting in Dec. 1970 that led to the ouster of former Communist Party chief Wladyslaw Gomulka, the bishops urged that memorial ceremonies "be conducted in an atmosphere of seriousness and deep reflection over the experiences our country is living through."

According to official figures on the 1970 disturbances, about 50 Polish workers were killed in clashes with militia, sparked by protests over food price hikes.



Gets Grant

Margaret Ann Visco, a sophomore history major at St. John Fisher College and a member of St. Lawrence parish in Greece, has been awarded a \$500 grant from the Genesee Country Antique Dealers Association. The stipend is a result of the cooperation between Fisher and the association during the annual antique show at Fisher.

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