

Doodstraf is tegen de waardigheid van het leven dat heilig is

Address of His Holiness Pope Francis to the delegation of the International Commission against the Death Penalty

Pope Francis

17 December 2018

Distinguished Ladies and Gentlemen,

I cordially greet you and would like to express my personal appreciation for the work that the International Commission against the Death Penalty carries out in favour of the universal abolition of this cruel form of punishment.

I also thank you for the commitment that you have all generously dedicated to this cause in your respective countries.

I addressed a [letter to your former President on 20 March 2015](#) and I expressed the Church's commitment to the cause of abolition in [my discourse before the Congress of the United States on 24 September 2015](#).

I shared several ideas on this theme in [my 30 May 2014 letter to the International Association of Penal Law and to the Latin-American Association of Penal Law and Criminology](#). I expanded on them in [my discourse on 23 October 2014 to the five great world associations dedicated to the study of penal law, criminology, victimology and prison issues](#). The certainty that every life is sacred and that human dignity must be safeguarded without exception, has led me, from the very beginning of my ministry, to work at different levels for the universal abolition of the death penalty.

All this is now reflected [in the recently revised text of n. 2267 of the *Catechism of the Catholic Church*](#), which expresses the progress of the doctrine of the last Pontiffs, as well as a change in the conscience of the Christian people, which rejects a penalty that is deeply injurious to human dignity (cf. [Address to participants in the Meeting promoted by the Pontifical Council for Promoting the New Evangelization on the occasion of the 25th anniversary of the *Catechism of the Catholic Church*, 11 October 2017](#)); a penalty contrary to the Gospel, because it means suppressing a life which is always sacred in the eyes of the Creator and of which God alone is the true judge and guarantor (cf. [Letter to the President of the International Commission against the Death Penalty, 20 March 2015](#)).

In past centuries, when the instruments that we have available today for the protection of society were lacking and the current level of development in human rights had not yet been achieved, recourse to the death penalty was presented on some occasions as a logical and just consequence. Even in the Papal States recourse was made to this inhuman form of punishment, ignoring the primacy of mercy over justice.

It is for this reason that the new version of the *Catechism* implies that we should also assume our responsibility for the past and that we acknowledge that the acceptance of this type of penalty was due to the mentality of an era that was more legalistic than Christian, which held sacred the value of laws lacking in humanity and mercy. The Church could not maintain a neutral stance in the face of the current demands of reaffirmation of personal dignity.

The revision of the text of the *Catechism* in the article dedicated to the death penalty does not imply any contradiction with past teaching, because the Church has always defended the dignity of human life. However,

the harmonious development of doctrine necessarily requires that the *Catechism* reflect the fact that, despite the gravity of the crime committed, the Church teaches, in the light of the Gospel, that the death penalty is always inadmissible because it offends the inviolability and dignity of the person.

Likewise, the *Magisterium* of the Church holds that life sentences, which take away the possibility of the moral and existential redemption of the person sentenced and in favour of the community, are a form of death penalty in disguise (cf. *Address to the Delegates of the International Association of Penal Law, 23 October 2014*). God is a Father who always awaits the return of his son, who, aware he has made a mistake, asks forgiveness and begins a new life. Thus, life cannot be taken from anyone, nor the hope of one's redemption and reconciliation with the community.

As has happened in the heart of the Church, it is necessary that a similar commitment be assumed in the concert of nations. The sovereign right of every country to define its own legal system cannot be exercised in contradiction to the duties that pertain to it by virtue of international law, nor can it represent an obstacle to the universal recognition of human dignity.

The United Nations' resolutions on a moratorium on the use of the death penalty, which aim to suspend the application of capital punishment in member countries, are a necessary path to undertake, without this meaning that the initiative for its universal abolition be discontinued.

On this occasion, I would like to invite all States that have not abolished the death penalty but do not apply it to continue to comply with this international commitment so that the moratorium may apply not only to the execution of the penalty but also to the imposition of the death sentence. The moratorium must not be experienced by the convicted person as merely an extended delay of his execution.

I ask the States that continue to apply the death penalty to adopt a moratorium with a view to the abolition of this cruel form of punishment. I understand that to achieve abolition, which is the objective of this cause, in certain contexts it may be necessary to submit to a complex political process. The suspension of executions and the reduction of offenses punishable by the death penalty as well as the prohibition of this type of punishment for minors, pregnant women or persons with mental or intellectual disabilities, are the least of the objectives to which the leaders of the entire world must commit themselves.

As I have already done on other occasions, I would like to call attention once again to *extrajudicial, summary and arbitrary executions*, which unfortunately are a recurrent phenomenon in countries with and without the legal death penalty. These are deliberate murders committed by state agents, which are often passed off as the result of clashes with presumed criminals or are presented as the unintended consequences of the rational, necessary and proportionate use of force to protect citizens.

Love toward oneself remains a fundamental principle of morality. Therefore it is legitimate to insist on respect for one's own right to life, even when doing so requires one to deal a lethal blow to one's aggressor (cf. *Catechism of the Catholic Church*, n. 2264). Legitimate defense is not a right but a duty for one who is responsible for the lives of others. Preserving the common good requires rendering the unjust aggressor unable to inflict harm. To this end, those holding legitimate authority must repel all aggression, even by armed force, to the extent necessary to protect their own lives and those of the people entrusted to their charge (cf. *ibid.*, n. 2265). As a result, any use of deadly force which is not strictly necessary to this end can be regarded only as an illegal execution, a crime by the state.

Any defensive action, in order to be legitimate, must be necessary and measured. As St Thomas Aquinas taught, "this act, since one's intention is to save one's own life, is not unlawful, seeing that it is natural to everything to keep itself in 'being', as far as possible. And yet, though proceeding from a good intention, an act may be

rendered unlawful, if it be out of proportion to the end. Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists, 'it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense'" (*Summa Theologiae* ii-ii, q. 64, a. 7).

Lastly, I would like to share with you a reflection that is related to your field of work, to your fight for *truly humane justice*. Reflections in the fields of law and the philosophy of law traditionally focus on those who offend or interfere with the rights of others. Inadequate attention has led to the failure to help others when we are able to do so. This reflection can wait no longer.

The traditional principles of justice, characterized by the idea of respect for individual rights and their protection from any interference by others, must be integrated with an ethic of care. In the field of criminal justice, this entails a greater understanding of the causes of conduct, of their social context, of the situation of vulnerability of those who break the law and of the suffering of victims. This form of reasoning, inspired by divine mercy, should lead us to contemplate each concrete case in its specificity, and not permit ourselves to be influenced by abstract numbers of victims and criminals. In this way it is possible to address the ethical and moral issues that derive from conflict and from social injustice, to understand the pain of the actual persons involved and to reach a different kind of solution that does not increase such suffering.

We could express it with this image: we need justice that in addition to being a father is also a mother. Gestures of mutual care, typical of love that is both civil and political, are present in every action that seeks to build a better world (cf. Encyclical Letter *Laudato Si'*, n. 231). Love for society and the commitment to the common good are an excellent form of charity, which regards not only relationships between individuals, but also "macro-relationships (social, economic and political ones)" (Benedict XVI, Encyclical Letter *Caritas in Veritate*, 29 June 2009, n. 2: aas 101 [2009], 624).

Social love is the key to authentic development: "In order to make society more human, more worthy of the human person, love in social life — political, economic and cultural — must be given renewed value, becoming the constant and highest norm for all activity" (*Compendium of the Social Doctrine of the Church*, n. 582). In this context, social love spurs us to think of great strategies that encourage a culture of care in the various spheres of life in common. The work you do is a part of this effort to which we are called.

Dear friends, I thank you again for this meeting, and I assure you that I will continue to work together with you for the abolition of the death penalty. The Church is committed to this and I would like the Holy See to cooperate with the International Commission against the Death Penalty in building the consensus necessary for the eradication of capital punishment and of every form of cruel punishment.

It is a cause to which all men and women of good will are called, and a duty for we who share the Christian vocation of Baptism. All of us, in any case, need the help of God, who is the wellspring of all reason and justice.

Therefore, I invoke upon each of you, through the intercession of the Blessed Mother, the light and strength of the Holy Spirit. I bless you wholeheartedly and, please, I ask you to pray for me.