

CAPITAL COMMENTARY

A Publication of the Center for Public Justice

Capital Punishment, Justice, and Timothy McVeigh

May 21, 2001

Some death-penalty abolitionists protest that if the state executes Timothy McVeigh, it is involved in state-sanctioned "murder." Some Christians argue that support for capital punishment contradicts a belief in "Christ-centered forgiveness." While there may be good reasons for not applying the death penalty in certain cases, such reasons are not supported by either Scripture or classical Christian teaching on the role of the government as an agent of God's justice. Even contemporary scholars who have serious reservations about capital punishment attest to this.

Anglican theologian Oliver O'Donovan has noted that the moral-theological tradition of the Church is "almost unanimously permissive of the death penalty" ("The Death Penalty in *Evangelium Vitae*," in *Ecumenical Ventures in Ethics*, p. 219). Catholic scholar Steven A. Long says in "Evangelium Vitae, St. Thomas Aquinas, and the Death Penalty" (*The Thomist*, 1999, pp. 511-52), "It is nearly the unanimous opinion of the Fathers and Doctors of the Church that the death penalty is morally licit, and the teaching of past popes (and numerous catechisms) is that this penalty is essentially just (and even that its validity is not subject to cultural variation)." Most recently, Avery Cardinal Dulles says both Scripture and tradition agree "that the State has authority to administer appropriate punishment to those judged guilty of crimes and that this punishment may, in serious cases, include the sentence of death." (*First Things*, May 2001). Moreover, Cardinal Dulles admits that opposition to the death penalty in Europe since the Enlightenment has gone hand in hand with a decline of faith in eternal life. In the nineteenth century the most consistent opponents were groups hostile to the churches.

These authorities know, for instance, what St. Augustine taught in *City of God*: "The same divine law which forbids the killing of a human being allows certain exceptions.... Since the agent of authority is but a sword in the hand, and is not responsible for the killing, it is in no way contrary to the commandment, 'Thou shall not kill,' to wage war at God's bidding, or for the representatives of the State's authority to put criminals to death, according to law or the rule of rational justice." St. Thomas Aquinas also wrote: "[B]oth divine and human laws command such like sinners be put to death. Nevertheless, the judge puts this into effect, not out of hatred for the sinners, but out of the love of charity, by reason of which he prefers the public good to the life of the individual."

The Protestant Reformers were in essential agreement with this line of argument and even the early Mennonite pacifists agreed in their *Schleitheim Articles*: "The sword is ordained by God outside the perfection of Christ. It punishes and kills people and protects and defends the good. In the law the sword is established to punish and to kill the wicked, and secular authorities are established to use it."

After Pope John Paul II appealed to President Bush to grant clemency to Timothy McVeigh, a Bush spokesman responded: "The President has great respect for the pope and this is a tragic situation. The President also has deep compassion and sympathy for the 168 victims of the Oklahoma City bombing and their families." Neither the Pope's appeal nor the President's response adequately addresses the question of justice. Given the nature of his crime, an argument for just recompense as classically understood in the Christian tradition gives sufficient warrant for McVeigh to suffer the ultimate penalty. The burden of proof should be on those who would dispense with the principles of that tradition.

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