

Death penalty missing in 'seamless garment'?

David Gibson Religion News Service | Oct. 3, 2011

Is Catholic opposition to the death penalty losing traction as opposition to abortion, gay marriage, contraception and other causes become the defining 'pro-life' issues for the American hierarchy?

That's what some Catholics are asking after the bishops' Pro-Life Activities Committee Sept. 26 released its message for October's 'Respect Life Month' campaign, which kicks off in thousands of U.S. parishes on Oct. 2.

Galveston-Houston Cardinal Daniel N. DiNardo, who wrote the message, focused tightly on the bishops' increasingly fierce fight with President Obama over mandated contraception coverage, allegations of growing discrimination against believers, concerns about excess embryos from fertility treatments and long-term care of the infirm.

Conspicuously absent from the letter was any mention of the death penalty.

That struck more than a few Catholics as odd, especially in the wake of the controversial execution of Troy Davis in Georgia and because DiNardo's own governor, Rick Perry, has unapologetically defended his state's record of leading the nation in executions as he campaigns for the White House.

Vincent Miller, a Catholic theologian at the University of Dayton, called the omission 'troubling.'

'If contraception is a life issue,' he said, 'surely state-sponsored execution is one.'

Miller was one of 256—and counting—Catholic scholars and activists who have signed a petition calling for the abolition of the death penalty in the wake of the Sept. 21 executions of Davis and Texas white supremacist Lawrence Brewer. The petition cites church teaching, as well as legal authorities and the latest research, to argue the capital punishment is racially unjust as well as immoral.

Gerald J. Beyer, an associate professor of Christian social ethics at Saint Joseph's University in Philadelphia and one of the authors of the petition, said that while he was generally 'very encouraged' by the bishops' track record against the death penalty, DiNardo's failure to mention the death penalty even in passing was 'a missed opportunity' at a critical moment.

Beyer said many signatories were 'either angry or confused,' but he said it 'is important to remember that the bishops—and DiNardo in particular—have spoken out strongly in the past against the death penalty.'

In fact, the petition cites statements from the bishops and the late Pope John Paul II, who amended the church's catechism to virtually rule out any justification for capital punishment. The current pope, Benedict XVI, also asked Georgia officials not to execute Davis.

So why did the death penalty go missing from this year's 'Respect Life' statement?

One answer is politics. The membership of the U.S. Conference of Catholic Bishops (USCCB) has grown

increasingly conservative, both culturally and theologically, in recent years (while theologians have remained more liberal). At the same time, opposing abortion and gay marriage have become such priorities for the bishops that they can overshadow other aspects of Catholic teaching.

That conservative shift coincided with the election of Obama, who generally supports abortion rights, and with a dramatic shift in public opinion—especially among rank-and-file Catholics—toward approval of gay relationships. The bishops feel under siege on both fronts, and many prelates say the hierarchy would be better off with a Republican in the White House despite a broad overlap between Democratic policies and Catholic social teaching.

The bishops' anxiety about Obama was heightened when the administration proposed regulations mandating that health insurance plans cover contraception. Even Obama's Catholic allies on health care reform say the proposed religious exemptions are inadequate; fighting the proposal has dominated the bishops conference, even as the exemptions are expected to be broadened significantly in final form.

DiNardo gave "special attention" to the insurance mandate because "it poses an unprecedented challenge to the religious freedom that allows the church to participate fully in public life on all these issues," said Sister Mary Ann Walsh, a spokeswoman for the USCCB.

Walsh noted that other "Respect Life Month" materials deal with the death penalty, and said bishops not only protested the Davis execution but also played a major role in campaigns to end the death penalty in New Mexico, Illinois and New Jersey, as well as ongoing efforts in Maryland, Connecticut and elsewhere.

But Catholics who oppose the death penalty say that message hasn't reached everyone, which is why Beyer said it was important to highlight it this year, as the bishops have done in the past.

Just last weekend, Supreme Court Justice Antonin Scalia, whose Catholicism is as prominent as his conservatism, told an audience at Duquesne University Law School that he found no contradiction between his religious views and his support of the death penalty.

"If I thought that Catholic doctrine held the death penalty to be immoral, I would resign," Scalia said. "I could not be a part of a system that imposes it."

While some might quibble with Scalia's doctrinal interpretation, his comments point to a theological reason for the bishops to downplay the death penalty: For most of its 2,000-year history, the Catholic Church had few objections to capital punishment.

Efforts in recent decades to shift that teaching have been halting and fraught with concerns that if the church changed its teaching on this issue, it could be viewed as changing its mind on other doctrines. As a result, Catholic teaching allows for the theoretical possibility of a state execution, even as the justifications for the ultimate penalty are "practically nonexistent."

That qualifier does allow death penalty supporters like Scalia a loophole that he and others have exploited, while the church has consistently taught there is no wiggle room on the sinfulness of procuring or carrying out an abortion.

The other question is whether downplaying opposition to capital punishment—which is consistently supported by two-thirds of Americans—helps or hinders the larger pro-life cause, including opposition to abortion.

For 30 years, there has been a lively debate in the Catholic Church over emphasizing a "consistent ethic of life" (often referred to as the "seamless garment" argument, articulated by the late Cardinal Joseph Bernardin of

Chicago) that refers to the responsibility to view embryonic stem cell research, abortion, capital punishment and assisted suicide as all interconnected threats to life.

When Bernardin popularized the concept in the 1980s, it sparked controversy as some saw it as putting abortion on par with lesser concerns. Others said the consistency helped shore up the church's credibility against criticism that the bishops had become a single-issue advocacy group.

Clearly that argument has not been settled, and the political and cultural winds don't bode well for a resolution anytime soon.

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