

The Death Penalty and Healthcare Professionals

FAUSTO B. GOMEZ, O.P.*

There are over 282 death row inmates in the Philippines and, soon perhaps, healthcare professionals will be asked to administer the lethal injection to some of these inmates. In fact, Leo Pila Echegaray is the first prisoner sentenced to die under Republic Act 7659 (1994) by lethal injection. Since bioethics is life-ethics, and capital punishment, a sub-theme within the chapter on human life, it is therefore important that we analyze the issues involved in the death penalty and how we should respond to it.

We shall reflect meditatively on three questions: First, *Is the death penalty human or inhuman?* Second, *Is capital punishment Christian?* And third, *Should healthcare professionals administer lethal injections to convicts?*

Is the Death Penalty Human or Inhuman?

The number of countries throughout the world opposing the death penalty is, in general, steadily growing. In the West, with the exception of the United States, most countries have abolished capital punishment, in particular the members of the European Community, Australia and New Zealand. John Paul II has said that the movement towards the abolition of capital punishment is a sign of hope for the culture of life. In Asia, however, including all the

* Fr. Fausto B. Gómez, OP., STD, is a Professor of Moral Theology at the University of Santo Tomas, Manila. He is also the Head of the Bioethics Department, Faculty of Medicine, of the same University.

countries of the ASEAN, many still have the death penalty in their penal codes.¹

Three arguments are put forward by those who are still in favor of the death penalty: first, capital punishment may be a requirement of justice; second, it is a deterrent to crime; and third, it may be a legitimate defense of the State. *Do these arguments justify the death penalty today?*²

May capital punishment be a human, humane and just punishment? I think it cannot be so. Traditionally, three ends have been assigned to social punishment, namely, vindictive or retributive, exemplary and medicinal. Certainly, social justice demands that punishment should not be *vindictive*: "An eye for an eye and a tooth for a tooth will leave the whole world blind and toothless" (Gandhi).

Humane and just punishment ought to be medicinal, restorative, rehabilitative and healing: to give a chance to the offenders to change. As John Paul II writes: "Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform."³ At the end of his career as a magistrate, judge Fulco wrote: "Like everyone else, I served in the war and saw an innocent generation die; but I can state that nothing gave me the sort of bad conscience I felt in the face of the kind of administrative murder that is called capital punishment."

Is the death penalty a deterrent to crime? Can it be used for exemplary reasons to dissuade others from committing similar crimes? Those persons in favor of capital punishment answer this question in the affirmative while those opposing it, in the negative. This much may be prudently said: there is no perceptively higher rate of crime in

¹ Cf. Amnesty International, *When the State Kills... The Death Penalty V. Human Rights*, London: AI Publ., 1989; "Crime and Punishment," *Asiaweek*, March 16, 1994, p. 28.

² For a more extensive presentation, see Fausto Gómez, O.P., *The Praxis of Justice and Solidarity*, Manila: UST-SRC Publ., 1988, pp. 221-243, and "Una vez más la pena de muerte en el banquillo," *Studium*, Vol. XXXV, 1995/1, pp. 11-27.

³ John Paul II, *Evangelium Vitae* (EV), no. 27; cf EV, no. 56; *Catechism of the Catholic Church*, Vatican City, 1992, no. 2266; St. Thomas Aquinas, *Summa Theologica*, II-II, 108.

countries which have abolished the death penalty than in those which maintain it —and apply it. For example, since the reimposition of the death penalty for heinous crimes in the Philippines in 1994, has the number of these crimes diminished? Statistically, the opposite seems to be true. Capital punishment, therefore, does not seem to have a significant impact on the commission of crimes. Albert Camus wrote: "Murder has been punished with execution for centuries, and yet the race of Cain has not disappeared. The power of intimidation reaches the quiet individuals who are not drawn toward crime, and has no effect on the hardened ones who need to be softened."⁴

Granting for the sake of argument that capital punishment could be a deterrent to crime, it would still be against human dignity when it involves killing the offender: the human person. No human person can be made an object of exemplariness for others without thingifying him/her. As E. Kant's categorical imperative put it: "Think in such a way that you always take humanity, in yourself as well as in every other person, as end and never as means."

Moreover, violence is not the humane and just way to solve social problems; nonviolence is. Legal execution of human beings is not a natural but a violent end to life, and violence generates more violence. Mario Cuomo, a former New York Governor, has said repeatedly: "The death penalty demeans and debases us. It tells our children that it is all right to meet violence with violence."

Is the death penalty a legitimate form of social defense through the State? I don't think it is. The State has huge powers at its disposal to defend itself and the common good against social offenders properly and justly: "No one will ever be able to prove that the mere existence of a man can disturb the public order; what disturbs it is his activity."⁵

The moral principle of self-defense may not be applied to capital punishment, for this is a punishment and not an act of self-defense. As the French Bishops said in 1978: "In this situation, it is not a question of legitimate defense. Besides, legitimate defense cannot justify the

⁴ Cf. Albert Camus, *Resistance, Rebellion, and Death*, trans. by J. O'Brian, New York: A. Knopf, 1961, pp.175-234.

⁵ L. Rossi, "Pena de muerte," in *Diccionario Enciclopédico de Teología Moral*, Madrid: Ed. Paulinas, 1981, p. 794.

death of an unjust aggressor, except in case of an emergency and when there is no other way to prevent him from killing his victim.”⁶ The moral principle of collective social defense may be applicable only in case of a defensive war.

Why is the death penalty inhuman and unjust? Mainly because it is against *the right to life*. We read in the United Nations’ *Universal Declaration of Human Rights* (1948): “Everyone has a right to life, to liberty, and to security of his person” (Art.3), and, “No person can be subjected to torture, and to cruel, inhuman, and degrading punishment” (Art.5). Furthermore, the UN’s International Covenant of Civil and Political Rights (1966) states: “The right to life is inherent to the human person. This right shall be protected by law. No one will be deprived of it arbitrarily” (Art.6). “No disposition of this article may be invoked by any State to postpone or impede the abolition of capital punishment” (Art.6, no.6). The European Convention of the Rights of Man (1985) affirms: “The death penalty shall be abolished. No one shall be condemned to this punishment nor executed” (Protocol, n.6).⁷

In this context, *how may one say that to defend human life we have to reimpose the death penalty for heinous crimes?* As Joaquín Ruiz-Jiménez, who was for a time the Defender of the People in Spain, said: “To proclaim the right to life and to maintain at the same time the death penalty is an essential contradiction.” And he added: “If you want life, promote life and not death.”

A *consistent life-ethics* considers human life like “a seamless garment” which may only be fully protected if respected from its beginning (against abortion) to its natural end (against euthanasia, and also capital punishment). *How may one be pro-life and pro-death penalty?* “It must be a very fruitful field of enquiry to examine why there is often a close concurrence between pro-life views and

⁶ French Episcopal Conference, “Debe mantenerse la pena de muerte?” Spanish Version, *Ecclesia*, No. 1.872, 1978, p. 137.

⁷ Within the Bill of Rights of the Philippine Constitution (1987), Art. 3, Section 19, 7, we read: “Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed unless for compelling reasons involving heinous crimes, the Congress hereafter provides for it.” The Congress did pass a law in 1994 promulgated by Republic Act 7659, and now there are over 15 heinous crimes punishable by capital punishment.

support for capital punishment.”⁸ Fortunately, Pro-Life Philippines is a member of the Philippine Coalition Against the Death Penalty (spearheaded by the Catholic Bishops’ Conference of the Philippines’ Episcopal Commission on Prisoners’ Welfare, or CBCP ECO-PRIW).

The right to life is an inalienable and indivisible right and, therefore, no one can lose this right. Hence, the distinction often used by some Christians between an innocent and a guilty person to say that the right to life and the commandment “Thou shall not kill” applies to the innocent only, is not appropriate: “As far as the right to life is concerned, every innocent human being is absolutely equal to all others.”⁹

Besides being a violation of the inalienable right to life, *is not capital punishment the cruelest kind of torture, physically and psychologically?* We read in the Universal Declaration of Human Rights: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Art.5).

How about the victims of the perpetrators of heinous crimes? Some of those who are for the death penalty continue accusing the capital punishment abolitionists of defending the “criminals” and not the innocent victims. This accusation is, of course, unfair. We are in solidarity with the victims of those in death row. And we are for a just medicinal punishment, and for effective law enforcement, and even for life imprisonment. But, *should we not all also be in solidarity with the families of the perpetrators of heinous crimes?* When a death sentence is carried out on a member of the family, a human being is legally killed, and his/her family is made to suffer unjustly. Victor Hugo wrote in *The Last Days of the Condemned*: “Do you think that the fatal stroke wounds him alone? That his father, his mother, or his children will not suffer by it? In killing him, you vitally injure all his family and thus again you punish the innocent.” Kerry Kennedy, daughter of Robert Kennedy and niece of the late American President John F. Kennedy says: “I understand that the families of victims want the death penalty; but, it is not a good solution.”

⁸ Richard H. Nicholson, “Is Capital Punishment Ever Ethical? *Hastings Center Report*, Vol. 25, No. 4, July-August, 1995, p. 5.

⁹ John Paul II, EV, no. 57

With due respect, may I ask those among us who continue favoring capital punishment: *Will the poor and marginalized of our society be discriminately affected by the application of the death penalty?* With the French Bishops I ask: *Does not society have a responsibility for the crime committed by this man who was often made, to a certain degree, marginalized?*

Is Capital Punishment Christian?

There are Christians on both sides of the question: many, in favor and many, against the death penalty. Let us look at the Sacred Scriptures, then reflect on the meaning of God, Jesus Christ and the human person.

For many centuries, traditional theology and the teaching of the Church have accepted the death penalty as a possibly just — and Christian— punishment. St Thomas Aquinas —and, after him, traditional theology and the teaching of the Church until Pius XII— extended the application of the *principle of totality* not only to the human body (in cases of mutilation of its sick organs), but also to the social whole (society): as a gangrenous limb must be amputated, likewise a criminal who is really dangerous to the community ought to be executed in order to preserve the common good.¹⁰ In his teaching on the death penalty, the great Angelic Doctor depends more on Aristotle than on the Bible and the Fathers of the Church, including St. Augustine, who was practically against all human executions.¹¹

Today, a growing number of believers in Christ question and oppose this tradition and propose a return to our roots, to the first centuries of Christianity, when Christians, on one hand, were forbidden to be gladiators, soldiers and judges so that they would not be in a situation of killing a human being or sentencing one to die. On the other hand, many of them faced capital punishment as victims, like Christ and the martyrs. St. Cyprian wrote with irony: "A murder committed by an individual is a crime; but when carried out by the

¹⁰ Cf. II-II, 64, 2.

¹¹ Cf. N. Blázquez, O.P., *Pena de muerte*. Madrid: San Pablo, 1994, pp. 57-76.

State is a virtue." Ecclesiastical writer Lactantius wrote: "The precept 'Thou shall not kill' is absolute and does not admit any exception." Indeed, "God's glory is," St. Irenaeus wrote, "the person fully alive."¹²

In today's context of human dignity and rights, and of the common good, St. Thomas' teachings appear to be wrong. The common good, in particular, is understood as the promotion of the rights and duties of the individuals as social beings. Vatican II put it this way: "According to the almost unanimous opinion of believers and unbelievers alike, all things on earth should be related to man as their center and crown." As the new Catechism of the Catholic Church states: "The person represents the ultimate end of society, which is ordered to man; the common good is ordered always towards the development of persons."¹³

The Pontifical Commission for Justice and Peace (1976) wrote: "The existence of capital punishment in the Old Testament does not of itself justify it for today. None of the passages (Ex 21:12 and ff.; Ex 22:19; Lev 20:10) usually cited demand the capital punishment be used today. *A fortiori* the New Testament does not prescribe it."¹⁴ Certainly, both Testaments have to be read contextually; and the Old Testament, the Catechism tells us, must be read from the New, for the Old Testament is a preparation for the Gospel; and John Paul II adds: "We must recognize that in the Old Testament this sense of the value of life, although already quite marked, does not yet reach the refinement found in the Sermon on the Mount."¹⁵

The last Pope to use St. Thomas' arguments in favor of capital punishment (also used by the Church's new Catechism) was Pius XII. The first one to oppose the death penalty explicitly is John Paul II, particularly in his powerful Encyclical (1995) *Evangelium Vitae*, where he tells us that: "We have to be unconditionally pro-life"; to revere and

¹² St. Irenaeus, *Adversus Haereses*, IV, 20, 7: PG 7/1, 1037; cited in *Lineamenta*, Synod of Bishops for Asia (1996), III, 16; also in EV, no. 34. Lactantius, *Divn. Inst.*, Lib. VI, 20: PL 6, 707-708. See Niceto Blázquez, O.P., o.c., p. 20.

¹³ *Gaudium et Spes*, no. 12; CCC, nos. 1929, 1912.

¹⁴ Pontifical Commission for Justice and Peace, "The Church and the Death Penalty," *Origins*, Vol. 6, No. 25, December 9, 1976, pp. 390-391.

¹⁵ John Paul II, EV, no. 40; cf. CCC, no. 1964.

love "every human life," because human life is "sacred and inviolable at every moment of existence." For every Christian, the Pope adds, the new Law involves "an absolute imperative to respect, love and promote the life of every brother and sister."¹⁶

Moreover, many episcopal conferences throughout the world, including the Episcopal Conferences of the United States of America, Canada, France, Spain, and the Catholic Bishops' Conference of the Philippines, are absolutely against capital punishment as inhuman, unjust and unchristian.

To shed light on the stand of a Christian on the issue of the death penalty, it is imperative to meditate on the meaning of God, Jesus Christ, the human person. A Christian ought to ask: *Who is God for me?* God is love, and "lover of life" (Ws 11:26), who takes pleasure "not in the death of the wicked man, but in the turning back of a wicked man who changes his ways to win life" (Ez 33:11). God is one and triune: Father, Son and Holy Spirit. He is the Creator, the Lord and Giver of Life. Thus, "Life, especially human life, belongs only to God: for this reason whoever attacks human life in some way attacks God himself."¹⁷ God is the Father of the prodigal son. He is merciful and forgiving; according to St. Thomas, more inclined to forgive than to punish. He is our Father. José Luis Martín Descalzo wrote: "Is it possible that someone may come to believe that he can serve God the Father by killing one of his children?" Sister Helen Prejean, CSJ, author of *Dead Man Walking*, writes: "I cannot believe in a God who meets hurt for hurt, pain for pain, torture for torture. Nor do I believe that God invests human representatives with such power to torture and kill."¹⁸

Who is Jesus Christ? He is the Son of God and a-Man-for-others. He is the Prophet who preached love of neighbor, including love of

¹⁶ John Paul II, EV, nos. 28, 39, 61, 77.

¹⁷ EV, no. 9

¹⁸ Helen Prejean, C.S.J., *Dead Man Walking*, New York: Vintage Books, Random House, Inc., 1994, p. 21. José Luis Martín Descalzo continues: "How many centuries of aberrations, of falsifications of the image of God have lead human groups – even followers of Christ – to the monstrous idea that God the Father may have anything to do with God the Hangman." (*Razones desde la otra orilla*, Madrid: Sociedad de Educación Atenas, 1992, pp. 220-222). See St. Thomas Aquinas, *Sum. Theol.* II-II, 21, 2.

enemies, and forgiveness. He is the peacemaker, the non-violent loving person: "All who draw the sword will die by the sword" (Mt 26:52). The great writer Origen commented: "With these words, the Lord disarmed all Christians."

Jesus, dying on the cross, asked that his executioners be forgiven: "Father, forgive them" (Lk 23:34). Can Jesus therefore favor the death penalty? How can a Christian be in favor of capital punishment, after proclaiming the *Sermon on the Mount*? Jesus continues proclaiming today: "You have learnt how it was said to our ancestors: *You must not kill...* But I say to you: anyone who is angry with his brother will answer for it before the court... You have learned how it was said: *Eye for eye and tooth for tooth.* But I say this to you: offer the wicked man no resistance... You have learnt how it was said: *You must love your neighbor and hate your enemy.* But I say this to you: love your enemies, and pray for those who persecute you" (Mt 5:21-22, 38-39, 43-44). "Since Cain killed Abel, the blood that is shed, of any brother cries to heaven, to the Father of all. Including the blood of Christ, who with his forgiveness, calls for a love that conquers hatred, for even the love of the enemies."¹⁹

Jesus Christ is our Good Shepherd, who is always in search of the astray (cf. Mt 18:12-14), the Good Samaritan, who helps the wounded on the roads of life (cf. Lk 10:29-37), the author of life (Ac 3:15), who out of love gave his life for the salvation of all, so that we all could have true life (Jn 10:10). Truly, as John Paul II tells us, to reject life is to reject Christ: "It is precisely in the 'flesh' of every person that Christ continues to reveal himself and to enter into fellowship with us, so that rejection of human life, in whatever form that rejection takes, is really a rejection of Christ."²⁰

Who is the human person? Every human person possesses a unique and sacred dignity and inalienable human rights, beginning with the right to life. For a Christian, the human person is "the only creature God has wanted for its own sake."²¹ He/she is the image of

¹⁹ Elías Alcalde, "Los diez mandamientos," *Vida Nueva*, No. 2.056, September 14, 1996, p.27. See St. Thomas Aquinas, *Sum. Theol.* I-II, 107, 2 ad 2.

²⁰ John Paul II, EV, no. 104; cf. Id., no. 25.

²¹ Vatican II, GS, no. 24; cf. John Paul II, *Veritatis Splendor*, no. 13.

God, the icon of Christ, who deserves, therefore, profound respect and reverence. "As the visible image of the invisible God, the subject of rights which no one can violate — no individual, group, class, nation or State."²² "The Church recognizes in all human beings the same dignity and the same fundamental value, independent of any other consideration derived from circumstances."²³

The greatest dignity of the human person is being a child of God and a sister/brother of Christ, and in Christ of all other human beings. *If the human being, every person, is my sister/brother, how may I want her/his death?*

In addition, every free and responsible human person is a sinner called to repentance by God through Jesus in the Spirit. Except for the unborn and born children — and those who are like children —, all humans are sinners and partly responsible for the social sins that permeate our modern culture and make it a culture of death.

On May 21, 1996, seven Cistercian monks were assassinated by terrorists in Algiers. They had been held hostage for almost two months. Earlier, Fr. Christian de Chergé, the Prior, realizing the grave dangers his community was facing, had written a letter to his family, to be opened after his death. In this moving letter, he speaks of his great love for Algiers, and Islam, and of the offering of his life to God and Algiers. He wrote: "My life has no more value than any other. Nor any less value. In any case, it has not the innocence of childhood. I have lived long enough to know that I share in the evil, alas, which seems to prevail in the world, even in that which would strike me blindly."²⁴

Our faith does not make us judges of others: "The law-abiding have no cause for self-righteousness. Nor, of course, are attitudes of vindictiveness and vengefulness sanctioned by the Christian's

²² John Paul II, *Centesimus Annus*, no. 44; cf. VS, no. 99.

²³ John Paul II, *Address to Healthcare Ministry*, November 30, 1996; cf. GS, nos 12 and 24.

²⁴ Quoted from *New City*, Vol. XXXI, No. 11, November 1996, pp. 22-23.

faith, though it is natural to be outraged by behavior which is violent, unjust or destructive.”²⁵

We are all sinners in need of forgiveness by God and, therefore, obliged to forgive others — all others — and be merciful to them as God is merciful to us: “No punishment can suppress the inalienable dignity of those who have committed evil. The door to repentance and rehabilitation must always remain open.” *Does capital punishment close the door to conversion?* “The mercy of God is great and we pray that it will save the criminal but it is absurd to count on divine mercy to justify the absence of human mercy. I condemn you to death hoping in the mercy of God — a presumption if there ever was one. I cannot have mercy so may God have mercy upon you.”²⁶

Each human person, including every offender, is my brother/sister. My relationship to him/her ought to be a relationship of love: love of neighbor (inseparable from the love of God) that demands respect for all life, particularly human life; that inclines me to offer my life in the service of others. We may say that while the life of the others has for me an absolute value, my life has a relative one. Why? Because my life is at the service of the life of the others.²⁷

Should Healthcare Professionals Administer Lethal Injection to Convicts?

As equal human persons, we have the right to adequate healthcare, rooted in our right to life — to a dignified life —, and, therefore, to be treated by those in the healing professions. It belongs to the essence of their professions to cure and/or care for the sick, all wounded humanity.

We all — potential patients — are asked to trust our doctors, nurses, and other healthcare providers, as ministers of our health.

²⁵ Patrick Hannon, “Law and Morality,” *Priests & People*, Vol. 10, No. 11, November 1996, p. 407.

²⁶ Peter J. Riga, “Capital Punishment: A Division of Magisterial Texts?” *Linacre Quarterly*, Vol. 63, No. 3, August 1996, p. 9. John Paul II, *Message for the 1997 World Day of Peace*; in *L'Osservatore Romano*, 18/25 December 1996, pp. 3, 7-8.

²⁷ Bartolomeu Bennassar, *Moral evangélica, moral social*. Salamanca: Sígueme, 1990, p. 62. See John Paul II, EV, no. 47.

*How could we trust them if they would be involved in killing human beings – in abortion, in euthanasia, and also in the execution of heinous crimes offenders sentenced to death? “Their profession calls for them to be guardians and servants of human life. ‘Causing death’ runs completely counter to the healthcare profession, which is meant to be an impassioned and unflinching affirmation of life.”*²⁸

As other professionals, when physicians or nurses are asked to participate in an action which is considered immoral by their conscience they should refuse cooperation by appealing to the universal human right to follow their conscience, to religious freedom, and to become conscientious objectors. This is clear in the cases of abortion and euthanasia. *How about in the case of capital punishment?*

Considering the arguments earlier given against capital punishment, from a human and Christian perspective, conscientious objection ought to be used when necessary by healthcare professionals against their possibly required participation in the application of the death penalty. Doctors and nurses, in particular, should not participate in the execution of serious offenders sentenced to death, because this would be against the convicts’ inalienable right to life and against the universal condemnation of torture.

Amnesty International declared in 1981 and confirmed in 1988 that considering that the World Medical Association resolved in 1981 that “It is unethical for physicians to participate in capital punishment, and that the participation of health personnel in execution is a violation of professional ethics,” therefore, these professionals ought not to participate by, *inter alia*, “determining mental and physical fitness for execution; preparing, administering, supervising or advising others on any procedure related to execution; making medical examinations during executions, so that an execution can continue if the prisoner is not yet dead.”²⁹

²⁸ John Paul II, EV, no. 89.

²⁹ Cf. *Ethical Codes and Declarations Relevant to Health Professions. An Amnesty International Compilation of Selected Ethical Texts*. London: AI, 1994, pp. 112-113.

The Resolution on Physician Participation in Capital Punishment by the World Medical Association (1981) states that "It is unethical for physicians to participate in capital punishment, although this does not preclude physicians certifying death." The explanation of the WMA' Secretary General, endorsed by the WMA, states: "Regardless of the method of capital punishment a State imposes, no physician should be required to be an active participant. Physicians are dedicated to preserving life. Acting as an executioner is not the practice of medicine, and physician services are not required to carry out capital punishment even if the methodology used utilizes pharmacological agents or equipment that might otherwise be used in the practice of medicine. A physician's only role would be to certify death once the State had carried out the capital punishment."³⁰

Among physicians, psychiatrists, in particular, also have a specific declaration by the World Psychiatric Association (1989). This declaration says, in part: "*Considering* that the United Nations' Principles of Medical Ethics enjoins physicians —and thus psychiatrists— to refuse to enter into any relationship with a prisoner other than one directed at evaluation, protecting or improving their physical and mental health; and further, *conscious* that psychiatrists may be called on to participate in any action connected to executions, *declares* that the participation of psychiatrists in any such action is a violation of professional ethics."³¹

The nursing code of ethics goes beyond the medical ethics code, by asking nurses not only to abstain from participating in executions, but also by requesting them to promote worldwide the complete abolition of the death penalty as a legal punishment. In 1989, the International Council of Nurses resolved the following: "ICN considers participation by nurses, either directly or indirectly, in the immediate preparation for and the carrying out of State authorized executions to be a violation of nursing's ethical code. ICN does call on national nurses' associations to work for the abolition of the death penalty in all countries still practicing this form of punishment."³²

³⁰ *Ibid.*, pp. 11-12.

³¹ *Ibid.*, p. 21.

³² *Ibid.*, pp. 32-33.

How about Catholic doctors and nurses? Their faith, practiced in love, strengthens their opposition to the death penalty and, consequently, to participate in the execution of prisoners. The Catholic Physicians' Guild of the Philippines has a unanimous resolution, adopted at its National Convention on February 4, 1996, in favor of the culture of life and against the culture of death; in particular, against abortion, contraception, euthanasia and the death penalty. The resolution states, in part: "Whereas the death penalty is unnatural and a violent end to the life process and opposed to the inalienable right to life of every human being,... therefore be it resolved that CPGP makes it of record and known to all that it fully recognizes that physicians are protectors of human life and that it is strongly opposed to all of the unethical practices enumerated above."³³

Catholic healthcare professionals are asked by their humanity and their faith to be competent and compassionate (John XXIII said that *competence* is the modern name of *charity*), to make of their work "a form of human solidarity and Christian witness."³⁴

Conclusion

In human perspective, punishing another human being by the death penalty is not a human, humane, just act, much less a solidarity act: it is against the right to life, and the right not to be tortured; capital punishment cannot be considered a sign of love, the value and virtue of life. As convicted Matthew, one of the two main characters of the movie *Dead Man Walking* put it, just before he was executed by lethal injection: "Killing is wrong no matter who does it: me, you, the government."

Punishment, therefore, must go beyond retribution and even exemplariness to become a restorative and medicinal punishment. St Ambrose wrote: "God drove Cain out of his presence and sent him into exile far away from his native land ... God, who preferred the correction rather than the death of a sinner, did not desire that a homicide be punished by the exaction of another act of homicide."³⁵

³³ Cf. *CPGP Newsletter*, Vol. XXX, No. 1, April 1996, p.1.

³⁴ John Paul II, *Address to the Italian Medical Association*, December 9, 1995.

³⁵ St. Ambrose, *De Cain et Abel*, II, 10, 38: CSEL, 32, 408; quoted in EV, no. 10.

Love of neighbor urges us to see in the other person not a thing, not an alien, but an equal, an image of God who is the absolute Lord of life and death. It helps us perceive in the face of any person "a call to encounter, dialogue and solidarity"; every human face tells us, in the first place, as E. Levinas said, "Thou shall not kill."³⁶

Moreover, love of neighbor is not possible without forgiveness. We are all sinners, and this is why we cannot stone others — any other — to death, or execute them, or administer to them a lethal injection. Remember the adulterous woman, who was brought in front of Jesus by a group of scribes and Pharisees? These tell Jesus: "Master, this woman was caught in the very act of committing adultery, and Moses has ordered us in the Law to condemn women like this to death by stoning. What have you to say?" Jesus answers: "If there is anyone of you who has not sinned, let him be the first to throw a stone at her." To the woman, the Lord says: "Has no one condemned you?" She answers: "No one, sir." Jesus: "Neither do I condemn you" (Jn 8: 3-11). "In the eyes of Jesus, everyone is a victim, including the perpetrators of heinous crimes. And Jesus came so that we all would have life, and have it to the full."³⁷

Christian love of neighbor is universal. It does not exclude anyone, but, preferentially, it is love of the "little ones" of Jesus, who are his "proxies" (St. Basil), including those in prison: "I was hungry and you gave me food; I was thirsty and you gave me a drink; I was a stranger and you made me welcome; naked and you clothed me, sick and you visited me, in prison and you came to see me." When, Lord? "I tell you solemnly, in so far as you did this to one of the least of these brothers of mine, you did it to me" (Mt 25:35-36, 40).

Who is the other person for us, Christians? A brother/sister in Christ. A beggar asked Leo Tolstoi for alms. After checking his wallet and pockets, the great Russian writer answered: "Brother, I have nothing to give you; if I had I would give it to you." The beggar said: "You

³⁶ Cf. John Paul II, EV, no. 83; Id., *Crossing the Threshold of Hope*, New York: Alfred A. Knopf, 1994, pp. 210-211; Emmanuel Levinas, *Ethique et infini*, Paris: Ed. Fayard, 1982, p. 83. See Jorge Peña Vial, "Levinas y el olvido del otro," *Scripta Theologica*, Vol. XXVIII/2, 1996, pp. 543-564.

³⁷ Jaime Card. Sin, *Message on the Occasion of Pro-Life Week*, Feb. 8-15, 1997.

have given me the best thing: you have called me brother.” And God asked Cain, *Where is your brother Abel?* Cain, then and now, answers with a question: *Am I my brother’s keeper?* Jesus Christ answered this question by giving his life for the salvation and life of all human beings. Hence, John Paul II answers today: “Yes, every man is his brother’s keeper, because God entrusts us to one another.”³⁸

Certainly, “Every man’s death diminishes me... Therefore never send to know for whom the bell tolls. It tolls for thee” (John Donne). We hope and pray that our bell will never toll for our brothers in death row. If it does, let us remember that it tolls for all of us. □

University of Santo Tomas, Manila

³⁸ John Paul II, EV, no. 19.