

INFINITE DIGNITAS

Death penalty, contradiction passed off as development

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"Every human person possesses an infinite dignity, inalienably grounded in his or her very being, which prevails in and beyond every circumstance, state, or situation the person may ever encounter." (n. 1). This is the incipit of the new Declaration of the

Dicastery for the Doctrine of the Faith (DDF), *Dignitas infinita*. A noun and an adjective that, placed side by side, can only refer to the three divine Persons, but which instead written imprudently in the Declaration characterise the human person.

Creature and finiteness refer to each other ontologically: a sublime dignity, made for the Infinite, like the human one, is still a created dignity, which has had a beginning and is expressed in an essence, which indicates, precisely, always delimitation. Instead, the Declaration tells us, without particular argumentation, that the infinite dignity of man would even be 'fully recognisable even by reason alone' and confirmed by the Church. Exactly where, how and when is unknown: the unmistakable mark of every 'Tuchan creation'.

A gratuitous and erroneous assertion therefore, admissible only if the meaning of the adjective is intended to be hyperbolic. But which instead turns out to be the foundation of a serious error in the Declaration, in no. 34; a paragraph that introduces the "many grave violations of human dignity today", developed later: "Here, one should also mention the death penalty, for this also violates the inalienable dignity of every person, regardless of the circumstances.[". Footnote 56 reproduces the new version of No. 2267 of the Catechism of the Catholic Church (CCC) and the Letter of 1 August 2018 that was sent by the Congregation for the Doctrine of the Faith on this occasion.

The paragraph motivates the relationship between strengthening the protection of human dignity, the object of *Dignitas Infinita*, and condemnation of the death penalty, recalling no. 268 of the encyclical *Fratelli tutti*: "the firm rejection of the death penalty shows to what extent it is possible to recognise the inalienable dignity of every human being and to accept that he or she has a place in this universe. If I do not deny that dignity to the worst of criminals, I will not deny it to anyone, I will give everyone the possibility of sharing this planet with me despite, despite all our differences".

The reasoning is more or less this: the death penalty offends the dignity of the human person; therefore, to deny that the human dignity of a criminal can be offended by capital punishment will have the consequence that the dignity of non-criminals will be even safer. However, a quick glance at the general situation is enough to understand that, unfortunately, things are not like that at all: republican France, strictly death penalty-free, has included abortion as a constitutional right; that is to say, it has constitutionally 'blessed' the extermination of hundreds of thousands of innocent people in their mothers' wombs, at the hands of duly registered doctors practising in public facilities, while it does not want to touch even a hair on the head of a serial killer, especially if he is 'otherwise French'. On the other side of the ocean, the United States,

where the death penalty is in force in most states (in some of which it is no longer applied for some time or has been rendered inoperative by a moratorium), there has been, on the contrary, a ruling that abortion is unconstitutional. It seems that the more care is taken to defend the murderers from a just and deserved punishment, the more they allow the innocent to be punished with impunity; indeed, with the state's seal of approval.

So, Pope Francis' reasoning, echoed by DDF, is simply contradicted by reality. But there is another, even more serious problem: the assertion that the death penalty "violates the inalienable dignity of every human person beyond all circumstances" is wrong and contradicts the Church's perpetual teaching on the matter.

Let us proceed systematically. No. 2267 of the CCC was amended in 2018, with the insertion of a very problematic statement: 'the Church teaches, in the light of the Gospel, that "the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person", and she is resolutely committed to its abolition throughout the world'. This assertion sounded to the most attentive ears as a blatant contradiction of the Church's teaching, which left freedom as to the appropriateness of capital punishment, but defended the truth that legitimate secular power could execute an offender, provided other principles of justice were respected.

The CDF, at the time still led by Cardinal Ladaria, had tried to have it both ways, defending both the change in the Catechism desired by Pope Francis and the perpetual teaching of the Church and thus advocating 'an authentic development of doctrine'. Mission impossible.

Now, the Declaration no longer even brings up the question of expediency, but goes straight to ruling that the death penalty in any case is contrary to the dignity of the person. Without exclusion. If this were the case, one would have to logically conclude that those who commit the death penalty are always committing a sin against the fifth commandment, because there would no longer be any distinction between the innocent and the guilty. And, similarly, he who commits the death penalty always commits an act of injustice, because he deprives a person of something that inalienably belongs to him, namely the right to life, by virtue of his alleged infinite dignity.

Now, just to mention only one quote among many, Pope Innocent III in his epistle *Eius exemplo* to the Archbishop of Tarragona, Durando of Osca, demanded that the Waldensians who converted to the Catholic faith should profess, in a formula of faith, exactly the opposite of what Pope Francis and Cardinal Fernández teach: "With regard to

secular power we declare that it may exercise the death penalty without mortal sin, provided that in bringing vengeance it proceeds not from hatred but from an act of justice, not recklessly but with reflection." (Denz. 795).

It should be noted that Innocent III considers that it is certain circumstances that make the death penalty illegitimate, not the very fact of imposing the death sentence. Now, how is it possible that secular power has the power to impose capital punishment without sin, as *Eius exemplo* wants, if this punishment always violates the dignity of the human person, "beyond all circumstances", as *Dignitas infinita* states? How can capital punishment proceed from being an 'act of justice' (precisely, a retributive act of justice), if it becomes a radical act of injustice towards human dignity?

It is impossible to reconcile these two positions. Catholic teaching has never taken an absolutist view of the right to life, as the Waldensians, Quakers, Mennonites, Hussites, and pacifists have done, while it has always defended the inviolability of innocent life. Which is something else. Thus we find ourselves, once again, in the embarrassing situation of *Fiducia supplicans*: the contradiction of Church teaching passed off as authentic development. And as the saying goes, there is never two without three.