

# Life Unworthy of Life: Capital Punishment

By Rev. Emmanuel Charles McCarthy



Images for this article courtesy of Rev. E. McCarthy

**H**ow many others besides Jesus have heard the state bureaucrat say, “We cannot tolerate you. We cannot help you.

The world will be a better place without you.

You are unworthy of life. You must die.” What goes through the mind of the victim when he or she hears, “You are to be executed!”

Over the centuries many who have claimed to be followers of Jesus have stood with the historical “community of executioners”—kings, presidents, governors, judges, soldiers, police, wardens, hangmen.

Jesus himself stood with the historical “community of the executed.” He did not stand with those who say, “You must die.” He stood alongside those who are told, “You must die.” Capital punishment is not what Jesus taught. It is what he suffered.

*-The Stations of the Cross of Nonviolent Love: The First Station*

**T**he German phrase “Lebensunwertes Leben,” means “life unworthy of life.” It was the state’s designation for those human beings whom the Third Reich determined had no right to live and were therefore legally killed by Christian men and women and others, who were employees

of the German state at that time. But from whence does the state acquire its knowledge that this person is unworthy of life? Does the state have a mind that can even comprehend that life exists, let alone who is worthy of life and who is not?

## The State is not a Person

**T**he state, like the corporation, is actually not a person, regardless of whether one or both are defined as a person in the law. A “person” in law only is only a legal fiction, which nevertheless is still a fiction. The state has no center of personality. It has no intellect and no will. It can neither know nor choose. Strictly speaking, the state does nothing and can do nothing. People unthinkingly applaud or blame “the state” as if “the state” knowingly made a free choice to do this or that. The state in reality is some or many individual human beings, each thinking, choosing and acting. It is an illusion to blame the state as if it were a morally responsible human being. As Patrick Buchanan succinctly puts it in the opening sentence of the introduction to his excellent book, *Churchill, Hitler and the Unnecessary War*, “War is the creation of individuals not of nations.” The same can be said of abortion and capital punishment. Individual human beings choose and execute war, capital punishment and abortion. The state has no body, no mind, no will, no arms, no leg—other than the bodies, minds, wills, arms and legs of the individual human being. The state, per se, cannot speak a single word nor pick up a pencil. Human beings and only human beings do everything that is attributed to “the state.”

**W**hen the philosopher Friedrich Nietzsche calls the state, “the coldest of cold monsters,” what he means is that under the canopy of the word “state”, human beings have done, are doing and will do the most cold-blooded, merciless, grotesque and savage things to other human beings. Un-

der the cloak of the words “the state” human beings have produced a steady stream of brutalized victims who are told by word and/or by deed that their lives are unworthy of life. Nietzsche means that human beings, in an unending process of intense local nurturing, operationally make “the state” not only into a natural reality equal to themselves—as if the state were a thinking person—but also and beyond this, people make “the state” into an operational supernatural reality-- that ultimately decides for people what is good and what is evil, who will live and who will die, who is worthy of life and who is unworthy of life. When people do this they usually simultaneously reduce their personal moral responsibility to somewhere near zero. Morality then becomes doing what “the state,”—which cannot even utter a single word—“says” one must do. High morality becomes doing what “the state” “says” to do, diligently and meticulously.

## The State is Mindless

Yesterday, the human being in the mother’s womb was as worthy of life as any other human being. The destruction of that human life was understood as monstrous and evil. Today, “the state,”—that is, a mere human being—announces that the human life in the womb is not necessarily worthy of life and can be destroyed if the child’s mother makes the judgment that the child is unworthy of life. From whence did “the state,” that is, a human being acting under the abstraction “the state,” obtain this new knowledge that another human life, who is in existence in utero, is or can be unworthy of life? The “state” never received such knowledge, because the state has not an ounce of capacity to receive knowledge from anyone, from anywhere, at any time. The state is mindless.

The fact is this: Individual human beings make the decision that a child in the womb can be unworthy of life if the mother decides the child is unworthy of life. “The state” no more makes that decision than “the state” makes the decision to enter into the mass human slaughter of war or to burn someone to death in an electric chair. Again, the state makes and executes no such decisions because “the state” is devoid of an intellect and will, of arms and legs.

People say, “In the name of the state, I kill you;” or “The state permits me to kill you, so I can kill you;” or “The state orders me to kill you, so I will kill you.” But it is the speaker who does the killing, not an abstraction called “the state.” Left to the abstraction, the person who is killed, whether in utero or extra utero, would remain alive. The fact is that the decision that a human being is unworthy of life is made by each person who participates in the killing. Bertolt Brecht’s poem titled, GENERAL, YOUR TANK IS VERY POWERFUL, illuminates this truth quite simply:

General, your tank is very powerful.  
It smashes down forests  
And crushes a hundred men.  
But it has one defect:  
It needs a driver.  
General, your bomber is very powerful.  
It flies faster than a storm  
And carries more than an elephant.  
But it has one defect:  
It needs a mechanic.  
General, man is very useful.  
He can fly and he can kill.  
But he has one defect:  
He can think.

## I am not Responsible

The need to create a new law, the “crimes against humanity” law, and to apply it ex post facto at the Nuremberg War Crimes trials, arose from the fact that the Nazis did nothing illegal for which they could be tried. Everything they did was in accordance with the laws of Germany. Of course, they wrote the laws they wanted and needed in order to do legally what they wanted to do, regardless of how ruthless and pitiless it was. But, then, so do all other groups that get their hands on the law-making and law-enforcing apparatus of a state make laws in their own interests. So, the universal legal and moral defense of all the Nazis being tried for war crimes was, “I am not responsible. I was following the laws of the state. I took an oath to obey the laws of the state. I was just following orders from a state official.”

But, who is the state official, whether he or she is a president, a general, a judge, or a sergeant? He or she is just a human being like all other human beings. From where does he or she obtain the knowledge

that this life is not worthy of life, that these lives are not worthy of life. From where do they derive their moral authority to do this? To say that their moral “authority” comes from the nine hundred, or nine thousand, or nine million other human beings, who selected or elected them to do it and told them it is all right to do, only pushes the issue back a step. For, from where do the selectors or electors of these officials obtain their knowledge that there is *Lebens-unwertes Leben* that can be eradicated? The plea, that “I am not responsible. I was just following the laws of the state. I took an oath to obey the laws of the state. I was just following orders from a state official,” has no more moral merit before God than it had legal merit before the judges at Nuremberg.

In Catholic moral theology, there is no one moral decision a person can make that will relieve him or her from making other moral decisions. A Catholic cannot hand his conscience and moral life over to “the state,” and thus be done with all personal moral reflection, responsibility and decision-making. The state is not, and can never be, the final arbiter of good and evil. God, “who alone is good,” is that. If “the state” becomes this, it has formally become an idol, a false god.

It must be remembered that, since antiquity, “the state” has tried to usurp this prerogative of God. Indeed, it is the diabolical quality of “the state” that it seeks to be the last word in every aspect of people’s lives, controlling, when possible, even people’s thoughts. However what falls under the label “state” is the pressure of other fallible, sinful, fallen men and women to do this or not to do that. To again say the obvious, which loses its obviousness under pressure, the pressure group, the state, is not God. As a follower of Christ-God, a Christian cannot yield to pressure if what the pressure group is trying to intimidate him or her into doing or not doing is inconsistent with the teaching of Jesus.

The capacity of the pressure group, the crowd--whether it be a state, a lynch mob, fans at a sporting event, or children in school, etc.-- to do terrible evil is beyond dispute. In a group, people pursue, and do with a sense of moral self-righteousness, what they would consider abominable out-

side the pressure of the group. And, as with every evil, there are artisans and artists, sophisticated and unsophisticated con men, living off the dark-side, who are geniuses at gathering, manipulating and organizing crowds into fervently accepting and fanatically pursuing the merciless agenda of the dark-side against life by calling life unworthy of life.

## Following the crowd or following Jesus

There is no place in the teachings of Jesus that even hints that His disciple can do in a crowd what he or she cannot do alone. The Christian knows that he or she is morally forbidden to hide behind a crowd in order to unleash a torrent of mercilessness and pain on others. The Christian may not yield to the pressure placed on him or her by others to do what Jesus Christ would never do, regardless of how outnumbered he or she is. The crowd, whether it be the state, the revolution, the lynch mob, the gang, the class, etc., is only a hundred, a thousand or a million largely ignorant and concupiscent-riddled individual creatures like himself or herself, but Jesus is God incarnate “through whom all things were made.”

The Christian is not free to follow the crowd, whatever the name of the crowd may be, if the crowd is engaging in or fostering thoughts, words, and deeds contrary to the teaching of Jesus. Even if the crowd is composed entirely of Christians, the individual Christian must still personally morally discern whether or not Jesus would do what the crowd is doing before entering into its activities. If the Christian is morally certain that Jesus would not do what the pressure of the group is pushing him or her to approve of or participate in, then he or she knows what Jesus, God, expects of him or her. He or she must resist the pressure of the group, regardless of the tag the group puts on itself or its activities—and regardless of the cost.

The title for a Christian—who resists the temptation to travel the way of the un-Christlike pressure of a group—is “martyr.” Martyr is the Greek word for witness. The Christian witnesses to Way of Jesus being the Way of the Creator and therefore be-

ing a Way always morally superior to and never subject to the way of some creature or creature constructed institution, regardless of the cultural authority with which the creature’s way is imbue, e.g., the law of “the state.”

If Jesus is not the ultimate norm for discerning what is and what is not God’s Will and Way, for discerning what a Christian should and should not do, then who or what is? The entire Law of the Gospel, teaches the Catechism of the Catholic Church (#1970), is contained in the “new commandment” of Jesus, to love one another as He has loved us. This “new commandment” summarizes all the others and expresses the entire will of the Father (CCC #2822). And so, as regards capital punishment, the Christian must ask the question and honestly answer it to himself or herself and to God, “Would Jesus ever do this? Would Jesus ever decapitate another human being? Would he ever burn another person to death in an electric chair or at the stake? Would He ever stone another person to death? Would He ever say to another the terrible thing communicated to Him: The world will be a better place without you. You are unworthy of life. You must die?”

If the Christian is, in truth, convinced in conscience before God, that Jesus would not do such a thing, then regardless of whether others—even other Christians—participate in or support such an act, it is morally forbidden for this Christian to engage in it. Theologically, in the Catholic Church, this is called the primacy of conscience. It is the individual person with his or her individual conscience, and the record of whether or not he or she truthfully adhered to it, who will appear before the awesome judgment seat of Jesus Christ. It is not the abstraction “the state” that will appear there. As Pope Benedict XVI wrote years ago:

“One’s own conscience must be obeyed before all else, even if necessary, against the requirement of ecclesiastical authority. This emphasis on the individual, whose conscience confronts him with a supreme and ultimate tribunal, and one which is the last resort, is beyond the claim of external social groups, [and] also establishes a principle in opposition to increasing totalitarianism.”

The same primacy of conscience before God ultimately applies to participation in and support of abortion and war, indeed, to all of life’s choices. Whether the Christian’s choice, to witness to the truth of the will of God as revealed by Jesus, changes the pressure group’s desires or actions is of secondary importance. What is important is that the Christian, as a chosen member of Christ, acts according to the Holy Spirit of Jesus Christ and in good conscience struggles to love as Jesus loves.

Why is this important? It is of axial importance because the supreme desire of Christ, which governs all His choices, teachings and actions, is to obediently do the will of the Father in order to bring eternal salvation to all people. The supreme desire of Christ must be the supreme desire of those He has chosen, for they, as members of His Mystical Body are to be extensions of Him, His Power, His Wisdom, His Spirit and His Love for the salvation of all humanity in their particular moment in time and space and history.

Needless to say, the supreme desire of Christ is not the supreme desire of the Supreme Court, nor the supreme desire of the Supreme Commander-in-Chief of the armed forces. Since “supreme” means “reigning superior to all others,” what must a Christian do when conflicting Supremes call to him or her for allegiance and obedience? No person can serve two Supremes. A choice for one and against the other is inescapable. Where supremacy is concerned, “both/and” as a choice does not exist. A person must and will give witness to the supremacy of one or the other in and with his or her life.

No one is forced by Jesus to make Him and His desires supreme in his or her life and therefore to have to struggle “to obey all that I have commanded you” (Mt 28:20). In a society that is an immense supermarket of manufactured artificial desires, for a person to commit to have and to maintain as one’s supreme desire the supreme desire of Jesus—and be willing to die to any desire that interferes with it—is not very attractive, even to many Christians. Even an Apostle, Judas, in his life could choose to make the desire for money a superior value to following Jesus. Any Baptized person may, by his or her own free will, follow the supreme

desires of the crowd rather than Jesus, or follow some person other than the Nonviolent Jesus of the Gospels. But if a Christian chooses to follow some crowd--regardless of the banner the crowd operates under--whose members will kill people or to follow someone who will kill other human beings, in utero or extra utero—the Christian thereby becomes a participant in choosing which lives are unworthy of life--that is an inescapable matter of simple logic.

If the Creator chooses to give life to someone, by what authority does the creature destroy it? If the Creator infinitely values and loves someone, as Jesus tells us the Father of all does, by what overriding authority does the creature not value and not love that person? No human life is perfect, but all human life is infinitely precious to the Father of life. For a sinful creature to determine, “This life is unworthy of love. This life has no value. This life is unworthy of mercy. This life is unworthy of life,” is a decision that no disciple of Jesus can make without engaging in something in which Jesus never engaged. It is to make a decision that no person can make--Christian or non-Christian--without having a deluded evaluation of his or her own intelligence and moral rectitude.

The Gospels recount that on several occasions Jesus comes into direct contact with people who believe that some life is unworthy of life. One is in Gethsemane when Peter murderously slashes out with his sword and almost kills the armed servant of the high priest, who has come to arrest Jesus. Jesus’ response? He commands Peter to put up his sword, and He heals the ear of the man who has come to take Him to His death. Jesus did not think that a human life became unworthy of life because that person thought Him to be unworthy of life. Indeed, that is precisely what Jesus’ command, “Love your enemies,” means. A life does not become unworthy of life because it considers you unworthy of life. It remains every bit as worthy of Christlike love as the day that life was conceived by God and by human beings.

A second such moment occurs when a Samaritan village--Samaritans and Jews were rabid enemies--will not welcome Him. Seeing this, James and John say to Jesus, “Lord, do you want us to call down



fire from heaven to burn them up?” Jesus “turns and rebukes them” (Lk 9:54).

One more circumstance where Jesus has a direct confrontation of this kind, with men who have reached the conclusion that a particular life is unworthy of life, takes place when the scribes and Pharisees bring to Him a woman caught in adultery. Adultery, according to the Law of Moses, is a capital crime, an extreme moral offense, for which the designated punishment is stoning to death. Knowing that Jesus rejects violence and teaches love of enemies, they try to trap Him so that He will either have to contradict His own teaching and be discredited, or contradict the Law of Moses. Jesus’ response? “Let the one of you who is without sin be the first to throw a stone at her.” (Jn 8:8) In that creative response to the evil of capital punishment, Jesus not only saves a temporal life that others thought unworthy of life, He also saves the eternal life of her potential executioners. For His teaching about judgment also could not be clearer: “Stop judging, that you may not be judged. For as you judge so you will be judged, and the measure you use will be the measure used for you” (Mt 7:2). I have often wondered whether the scribes and

Pharisees dropped the stones because they realized that they were as unworthy of life as the woman they had judged unworthy of life and were about to kill.

But are not all of us unworthy of life from day one? Life is either pure accident or pure gift from God. Either we exist because of the random banging together of sub-atomic particles in infinite space over billions of years, or we exist because God drew us from nothingness out of love. No one earns his or her life before conception by measuring up to some standard of worthiness. None of us can make ourselves worthy of life by measuring up to some standard after conception. All of us are sinners and none of us knows how serious and destructive our sins have been. Before receiving Communion every Sunday, do not hundreds of millions of Western Christians say this: “Lord, I am not worthy that Thou should enter under my roof”? Before receiving Communion every Sunday do not hundreds of millions of Eastern Christians say this: “I believe and profess that you are the Christ, the Son of the living God, come into this world to save sinners, of whom I am the greatest”? No life is worthy of life, and every sinner is “well aware of my

malice”(Ps 50/51) and his or her radical unworthiness before the Holy One--when he or she is in their right mind.

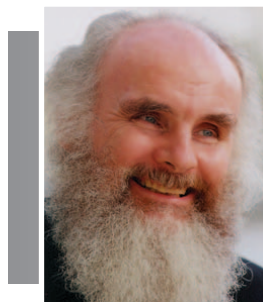
**B**ut, the truth is, all life is worthy of life. Why? Because, to whomever our Father in heaven gives life, by that fact alone, is infinitely worthy of life—and not only worthy of life but also worthy of love. No human standard of worthiness or unworthiness in regard to a human being’s right to life or a human being’s right to be loved can ever be superior to the supremacy of the Father’s choice to give life to Jane or Fred out of love for Jane or Fred. Life, exclusively bestowed by the Father of all is always worthy of life and worthy of love by the self-evident fact that it is in existence. Again, what the Creator of heaven and earth infinitely loves and values, no creature has the right to de-value and not love, let alone despise, despoil or destroy. There is no life unworthy of life. There is no life unworthy of love. Such ideas come solely from the “father of lies in whom there is no truth, and who was a murderer from the begin-

ning” (Jn 8:44).

**F**or the Christian, capital punishment, abortion and war are not only right to life issues, they are also right to be loved issues— to be loved as Jesus loves issues. Who among us would vest himself or herself with the illusionary authority to dare to decide and then say to another, “You have lost the right to life, a right that God bestowed on you and that only God could have bestowed on you”? Who among us would dare to decide and say to another, “You have lost the right to be loved by God and Jesus”? What Christian or what Church would ever want to be an agent of implementation for the worldview and the programs of those who believe, speak and act

on the basis of such a consciousness—such a grand illusion?

**R**esist the powers, the cultures and the crowds of death as Jesus resisted them—by loving as He loved those whom others say are unworthy of life and unworthy of love—and see the glory of the Resurrection—to Life and Love Eternal. Capital punishment is not what Jesus taught. It is what he suffered. The Cross and not the instrument of death is the only authentic defender of all life and the only authentic Way of love for both the worthy and unworthy.



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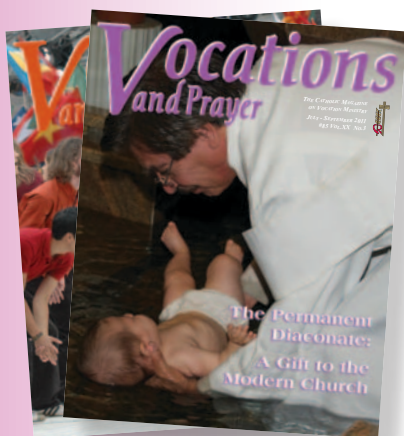
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After being in heaven for a while, this is what Dr. Seuss gave to Jesus to give to the Holy Spirit to say to the Churches and their leaders for a clarification of thought regarding a truth and a commandment that first God clearly taught but that people thoroughly distorted, and then that Jesus clearly taught but that other people thoroughly distorted.

Dr. Seuss' idea is that every girl and boy should know this great truth of God and if they like his books they will want to hear this truth of God over and over again and in that way learn and live its meaning. And what better person, to hear this poem from and to memorize it with, than your bishop, your priest, your minister, your pastor or your religious education teacher, plus your parents. Enjoy!

## **"YOU SHALL NOT KILL."**

By Rev. Emmanuel Charles McCarthy

*You shall not kill them in the rain.  
You shall not kill them on a train.  
You can not, will not, on a boat.  
You will not, will not, with a goat.  
Not in the womb! Not in a tree!  
Not in a war! You let them be!  
Do not kill them as embryos.  
Do not kill them eating Cheerios.  
Do not kill them with a mouse.  
Do not kill them in a house.  
Do not kill them from a chair.  
You're not God, so it's not fair.  
Do not kill them here or there.  
Do not kill them anywhere!  
Remember how you killed the Lamb?  
So "Stop the killing,"  
says the great I AM!*

*Inspired by Dr. Seuss*

