

MERCY, YES, BUT JUSTICE TOO

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Sometimes we hope desperately that our predictions are wrong. Fourteen years ago I suggested that it was only a matter of time before character assassination would be replaced by real assassination. That has happened in a big way. Although the political murder of conservative activist Charlie Kirk has been called by some a tipping point, there have been a lot of political killings and attempted killings. And no, there is not “equal wrong on both sides,” a fact that has the unfortunate result of making efforts to do justice seem partisan.

In a year I will retire from classroom teaching. Let me tell you where my students are these days. Though the number of moral relativists seems to have declined slightly in recent years, an alarming number now think it is righteous to riot, burn, and bully to advance their political causes. The idea that one must never do evil for a good result is a very hard sell. In a discussion of the Just War principle that noncombatants must not be deliberately targeted, I condemned the October 7 terrorists who raped, killed, and tortured the men, women, and children at a music festival. One student furiously told me that the music lovers “deserved it.”

The problem isn’t that we aren’t moral beings, but, in a way, that we are moral beings. Conscience demands justification for our acts. If we refuse to repent or repudiate acts of grave evil, then in order to justify them, we are compelled to invent [ever more extreme rationalizations](#), which eventually demand new evils along the lines of their depraved premises. Just read the comments on BlueSky. Just listen to some of our politicians.

The State of Utah is seeking execution for Mr. Kirk’s assassin. What should a faithful Catholic think of the death penalty? First let’s clear away the bromides.

We are told by some that violence never solves anything. That statement is too broad. It does not solve the problem of human sin, but the use of just force by public authority protects against other violence and reinforces respect for moral law.

We are told that vengeance belongs to God. Yes, but St. Paul explains that the governing authorities “do not bear the sword in vain,” because when they exact just retribution against wrongdoers, they are doing God’s work.

We are told that capital punishment will not bring back the dead. But neither would a lesser punishment. The purpose of punishment is doing justice, not undoing death.

We are told to turn the other cheek. Yes, if someone slaps me, I should keep my temper. But if he tries to shoot my family, he needs to be stopped.

We are told that human life is sacred. But Genesis 9:6 presents the sacredness of human life not as an objection to capital punishment, but as a reason for it. “Whoever sheds the blood of man, by man shall his blood be shed” – why? -- “*for* God made man in his own image.”

We are told that the death of the wrongdoer deprives him of the opportunity for repentance. Isn't the imminence of execution often the only thing capable of *driving* a hardened soul to repentance? Samuel Johnson remarked, “Depend upon it, Sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully.”

We are told that we must be merciful. Certainly. We should pray for the restoration of the sinner, and yes, from the fact that a given punishment is deserved, it does not follow that it may not be lessened. But as Thomas Aquinas points out, punishment has three aims: Correcting ~~the wrongdoer~~, discouraging others from doing wrong, and relieving those whom he has hurt, because failure to punish dishonors and mocks the victims. It follows that we may lessen deserved punishment only provided that doing so does not undermine these three conditions,

Perhaps the most interesting and measured argument against capital punishment comes from the great Pope John Paul II. Unlike some who claim to be following his lead, he acknowledges the consistent teaching of the Church that capital punishment is not wrong in principle, and he does not suggest that this doctrine could simply be sponged away. However, he offers two conclusions, not one.

One conclusion is doctrinal. Capital punishment should be used only reluctantly, when no lesser punishment can defend society. As a faithful Catholic, I accept this without reservation.

But the other conclusion is prudential. Because of improvements in prisons, he thinks, such cases are now almost non-existent. But the Church herself teaches that so long as they follow her moral doctrine, citizens and public officials must exercise their own prudence. Thus, faithful Catholics may agree with John Paul II – but also respectfully disagree -- about just how often capital punishment is indispensable for society's protection.

John Paul II seems to have assumed that when a criminal is locked up, society is in no longer at risk of harm. But the protection of society includes its moral and spiritual protection, not just its physical protection. Returning to St. Thomas's three purposes of punishment, we must ask:

Do our prisons correct their prisoners? Criminals socialize other criminals in prison. They tend to become not better, but worse. Many are then released to do further harm.

When no one is executed even for heinous crime, can the community be preserved from becoming still more careless about wrongdoing? The trend seems to lie in the other direction. These days even non-criminals celebrate assassination.

By failing to employ capital punishment even when it is most obviously deserved, are we honoring the victims? No, we are insulting the memories of the dead, and we are mocking the pain and sorrow of those left behind

Mercy, yes. But only in unity with justice. It exceeds my purpose to say what should be done about Charlie Kirk's murderer. But when we are too casual about the conditions for mercy, we discredit both justice, and mercy itself.