

SALIENT

THE HARVARD UNDERGRADUATE JOURNAL OF CONSERVATIVE THOUGHT



CRUEL & UNUSUAL

MAINTAINING POLITE SOCIETY AGAINST ALL ODDS

SEPTEMBER 2025

VOLUME V ISSUE II

EDITORIAL BOARD

EDITOR-IN-CHIEF

RICHARD Y. RODGERS

DEPUTY EDITOR

CHARLES B. BRATTON II

ASSOCIATE EDITORS

DAVID F.X. ARMY

DECLAN I.M. DEADY

LUIS E. CARDENAS

IMPRESSUM:

The Harvard Salient is an independent undergraduate student publication of Harvard College, dedicated to the presentation of conservative thought and scholarship by students, faculty, and alumni of Harvard University. It is published by Salient Publications, Inc., with the generous support of its committed benefactors.

The name Harvard College is a trademark of the President and Fellows of Harvard College and is used with the permission of Harvard University. “*The Harvard Salient*” and the S-feather logo and all derivations thereof are registered trademarks of Salient Publications, Inc. © 2025 Salient Publications, Inc. All rights reserved.

The views expressed in essays published do not necessarily reflect those of Salient Publications, Inc. or the editorial board of *The Harvard Salient*. While the editors are responsible for the selection and editing of content, the opinions expressed and the accuracy of the facts presented remain the sole responsibility of the individual authors.

www.harvardsalient.com
www.salientpublications.com

TABLE OF CONTENTS

EDITOR’S NOTE: CRUEL & UNUSUAL LIVING	3
DEFENDING THE SWORD OF FINALITY	4
<i>Justice, Mercy, and Capital Necessity</i>	
AN AUDACIOUS PROPOSAL	7
<i>A Reexamination of the Death Penalty</i>	
NON OCCIDES	13
<i>The Commandment and the Common Good</i>	
THE ROD & THE REPUBLIC	18
<i>Discipline, Virtue, and the Moral Education of a People</i>	
HARVARD REVIEW	23
THE VIOLENCE OF OUR TIME	24
<i>A Defense of Guantanamo Bay</i>	
NEC VITIA NEC REMEDIA	28
<i>The Moral Crisis of a Civilization Too Kind to Survive</i>	
IN DEFENSE OF UNDERSTANDING	33
<i>The Spanish Inquisition and Now</i>	
THE CRY OF BLOOD	37
<i>On Law, Natural Order, and the Necessity of Retribution</i>	
THE EXECUTIONER’S WILL	44

TO SUBSCRIBE TO *THE HARVARD SALIENT*:

Visit www.salientpublications.com/subscribe, email secretary@salientharvard.com, or write to:

The Harvard Salient
8 Eliot Street
Cambridge, MA 02318

LETTER TO THE EDITOR GUIDELINES:

The Harvard Salient welcomes all varieties of letters to the editor. To submit a letter to the editor, email the Editor-in-Chief at editor@salientharvard.com. Note that letters to the editor are not published pseudonymously/anonymously, and that authors or editors are allowed to respond to relevant letters in print.

SUBMISSION GUIDELINES:

Before submitting unsolicited material, consult with the editor(s) at editor@salientharvard.com. Essays ought not exceed 2,000 words, fiction and book reviews 1,500. Notes should be formatted as footnotes and kept to a bare minimum.

All other inquiries: info@salientharvard.com

EDITOR'S NOTE

Cruel & Unusual Living

Ours is an age of cruelty made ordinary. We suffer indignities our ancestors would have called intolerable and congratulate ourselves for our sensitivity in bearing them. The disorders that beset our public life—lawlessness at the borders, confusion in the schools, corruption in the courts, decay in the churches—are not accidents of policy but symptoms of a deeper malaise: a civilization that has forgotten what it means to be just, and therefore what it means to be merciful. We live cruel and unusual lives, not because our punishments are too severe, but because our virtues are too weak.

The essays that follow take their bearings from this crisis. One confronts the decadence of modern penology and dares to ask whether a nation that will not punish evil can long claim to hate it. Another contends that the very defense of life—once the hallmark of Christian civilization—requires a reexamination of justice itself, lest mercy dissolve into sentiment and the law into pity. Others turn to the Inquisition and the family to recover what the modern conscience has unlearned: that discipline, both civic and domestic,

is the seedbed of freedom. Still another surveys our borders and finds there a parable of the soul—a nation so terrified of being called cruel that it has forgotten how to live at all. And one final meditation reminds us that justice cannot be suspended forever, for the blood of the innocent cries even now from the ground.

Together, these reflections trace the anatomy of a civilization losing its nerve. We are governed by a class that fears virtue because it implies judgment, and by a people who mistake comfort for peace. Our politics, our institutions, even our homes have grown humane to the point of self-extinction. Yet if the ship of state is to be steered from the rocks toward which it drifts, it will not be by indulgence, but by the recovery of what our forebears called order—an order tempered by charity, but firm in conviction, confident that civilization is worth both defending and disciplining.

The cruelty of our time lies not in what we forbid, but in what we permit. To live humanely again, we must dare to be thought severe. ❧

Publius

DEFENDING THE SWORD OF FINALITY

Justice, Mercy, and Capital Necessity

DECLAN I.M. DEADY

There is nothing inherently cruel in putting a man to death. To suppose otherwise is to presume that death itself is, above all else, something to be feared. Such a worldview reeks of modern sentimentality and lacks the intellectual sturdiness developed by Christian and pagan philosophers alike. A belief in death as oblivion, that fashionable creed of our so-called New Atheists, is taken on faith just as much as belief in life after death. Both claim to know that which is, to man, unknowable. The difference is that one who believes in something beyond the grave does not pretend to have reasoned it out from first principles. Instead, it is received from a coherent philosophical and theological framework. He accepts that he must have faith because he understands the limits of his rational mind. Those who proclaim death-as-oblivion do so, in part, because they cannot abide their own ignorance.

A curious side effect of this materialist creed becoming the default cosmology of the modern West is that murder, or indeed any killing, has come to be seen as the

final, unforgivable sin. If death is the one wound from which no man may recover, then to kill, for any reason, becomes the supreme transgression. Even to kill in self-defense is, for such minds, insufficiently justified, for the slain man ceases to be. This logic underpins much of the modern opposition to capital punishment: something so absolute, so final, can never, it is said, be justly administered by the hand of man.

The argument is not without appeal. It seems reasonable to assert that trusting anyone—even blindfolded Lady Justice herself—with the sword of finality is to invite corruption, and that the result will be injustice multiplied rather than justice secured. Indeed, history bears this out: tyrannies ancient and modern—above all, the atheistic regimes of the twentieth century—sent millions to their deaths in the name of “justice.” We congratulate ourselves that we are more civilized than these sorts, and perhaps even more civilized than the ancients. But is there truly a better way?

No. There is not. If one accepts that there is life after this one, then the best thing a criminal



The Execution of Lady Jane Grey, Paul Delaroche, 1833

who has committed a capital offense can do is confess, repent, and willingly accept his just punishment. Such an acceptance, St. Thomas Aquinas tells us, tempers the pains due after particular judgment and spares the soul a measure of torment.¹ Our modern system, wherein criminals—especially those convicted of capital offenses—are encouraged to maintain their innocence to the very end, denies them this opportunity for reconciliation with their victims and with God.

Modern sentiment holds that for criminal justice to be legitimate, it must be rehabilitative, and that any punishment failing this sentimental test has no place

in a “modern” state. The problem is that this framework ignores the moral and social goods of retributive justice. The most familiar defense of retribution is that it deters crime—that it “makes an example” of wrongdoers. But this utilitarian argument is thin gruel. It assumes deterrence is the highest good of punishment, just as the rehabilitative model assumes reform is. Both are mistaken. Both see the criminal, rather than the community, as the principal beneficiary of justice.

This view overlooks the vast majority who are not criminals and are unlikely to become so. It is they—the innocent, the decent, the peaceable—who ought to be

the chief concern of any just order. Criminal justice must exist not for the comfort of the offender but for the protection of the would-be victim. Considering our exceptionally high rates of recidivism,² it is plain that our system protects neither the innocent nor the guilty. It neither safeguards society nor saves souls.

The rejection of the death penalty was heralded as a reform that would protect the innocent, wrongly accused, and usher in a gentler, more just society. On its face, that promise sounds noble. The problem is that its fruits have not borne out the claim. Policies meant to prevent crime have instead eroded the moral authority of law itself. What they so often amount to, in practice, is a soft anarchy—a purge by neglect rather than decree. A society where crime is tolerated is no society at all. To mend this state of affairs, we must first remember why we put men to death: not out of vengeance, but out of justice and charity. The death penalty is the state’s most solemn declaration that one has so violated the sacred duties of membership in society that life within it is no longer tolerable. It is, in essence, a permanent exile. This exile protects the innocent from further evil and, paradoxically, protects the evildoer by preventing him from compounding his sin.

To restore a culture of justice will require patience—perhaps a century’s work—and it will be costly. But is it not far more expensive to rebuild civilization

from its ruins than to repair it now?

Civilization is separated from barbarism by the existence of law. The barbarian has no code; the civilized man does. Are we willing to surrender our divinely inherited civilization merely to be seen as “kind”? Will we refuse to be truly charitable for fear of being called uncharitable by those who despise Truth? The barbarians—and those who love them—are among us. We must not allow the enemies of righteousness, of order, and of Civilization itself to prevail. ❧

Ignatius

¹ St. Thomas Aquinas, *Summa Theologiae*, II-II, q. 66, a. 6; q. 68, a. 1; and *Supplementum*, q. 15, a. 3. Aquinas teaches that the willing acceptance of temporal punishment for sin mitigates the punishment due after death, since “by enduring punishment voluntarily, man makes satisfaction for sin.”

² U.S. Sentencing Commission, *Recidivism of Federal Violent Offenders Released in 2010*

AN AUDACIOUS PROPOSAL

A Reexamination of the Death Penalty

DAVID F.X. ARMY

Capital punishment has been a recurrent element of human juridical practice. The central problem that animates its perennial presence is, simply, how a civilized polity ought to respond to grievous wrongdoing. What, in principle, is a just penalty for crime? Ought the penal system be principally instrumental, fashioned to deter and prevent future offenses, or is its primary end retributive, a moral balancing of wrong and right? Is rehabilitation a genuine aim of criminal law, or is it an attenuated ideal unsuited to certain forms of transgression? How a society answers these questions determines its penal philosophy; and Western jurisprudential history, from late antiquity onward, attests to the profound variety of answers that have been given.

A brief historical sketch will illustrate this variance. Between roughly 1400 and 1600 in Western and Central Europe, capital punishment enjoyed broad sanction and frequent application;¹ England,

by some estimates, executed on the order of one to two percent of each generation in that epoch.² The rise of Enlightenment sensibilities, changing mores, and juridical reform saw the use of the death penalty begin to decline from the late seventeenth and eighteenth centuries onward.³ In the United States, abolitionist impulses with respect to capital punishment emerged by the early nineteenth century, gained traction through the twentieth, and produced a legal landscape in which abolition and retention coexist across state lines.⁴ Notwithstanding long-running humanist currents, the mid-twentieth century nonetheless witnessed considerable state executions—1,289 by some counts⁵—a reminder that cultural progress is non-linear and that institutional practices often lag or diverge from prevailing moral rhetoric.

This mutable history demonstrates that penal orthodoxy is not self-evident, that each generation must adjudicate afresh the ends and instruments

of punishment. There is no fixed standard, nor universally correct prescription. The United States now stands at an inflection point. The liberal ideas and ideals that predominated in the mid-twentieth century are increasingly subjected to critical scrutiny, and in many instances have revealed themselves to be flawed—indeed, potentially pernicious—frameworks for structuring society. On this basis, the time has come for the United States to undertake a rigorous re-examination of its penal philosophy in general, and its application of capital punishment in particular. To secure a society that is simultaneously maximally safe and just, it is argued that a comprehensive and assertive application of capital punishment is warranted.

Put simply, the United States ought to implement capital punishment with considerable swiftness and public transparency, potentially encompassing thousands—or even tens of thousands—of cases annually.

The secular rationale for capital punishment, together with the state's duty to its citizenry, constitutes the foundational premise of this thesis. This rationale may be subdivided into two distinct components: the first addresses the individual, while the second concerns society at large. With respect to the individual, the principle of *ius talionis*, or the law of retaliation, underpins this justification. This principle may be succinctly captured by the broadly interpreted Kantian maxim that very crime merits a punishment of commensurate severity.⁶ Within penal philosophy, this notion is articulated through the concept of retributive justice. It is morally incumbent

upon a legitimate government to punish criminal acts, meting out penalties proportionate to the severity of the offense. While the other penal philosophies—defense, deterrence, rehabilitation, and restorative justice—have each, in their turn, been used or blended in some way throughout Western history, it is retributive justice alone that satisfies in full the moral debt that a capital crime incurs.

Life demands life, blood demands blood. It is not fair that the person who has taken life be allowed to live, no matter how little liberty they enjoy.

The welfare and defense of a civilized society likewise necessitate the judicious application of capital punishment. Unlike the individual, the societal argument is not so much about the moral debt that a capital offense incurs. It is instead focused on protecting the polity from the one who has committed a capital offense and is either unrepentant about the act or is unable somehow to be reformed or rehabilitated. In support of this claim, St. Thomas Aquinas writes:

“...we see that if the health of the whole human body demands the excision of a member, because it became putrid or infectious to the other members, it would be both praiseworthy and healthful to have it cut away. Now every individual person is related to the entire society as a part to the whole. Therefore, if a man be dangerous and

1 Pieter Spierenburg, ed., *Violence and Justice in Europe: Punishment, Torture and Execution* (Cambridge: Polity Press, 2004).

2 Frost, Peter, and Henry C. Harpending. “Western Europe, State Formation, and Genetic Pacification.” *Evolutionary Psychology* 13, no. 1 (2015): 230-243.

3 Beam, Sara. “Violence and Justice in Europe: Punishment, Torture and Execution.” In *The Cambridge World History of Violence*, edited by Robert Antony, 389-407.

4 Sheherezade C. Malik and D. Paul Holdsworth, “A Survey of the History of the Death Penalty in the United States”, *University of Richmond Law Review* 49 (2015): 693-710.

5 Ibid.

6 Immanuel Kant, *The Metaphysics of Morals*: Kant argues that “the principle of punishment is a categorical imperative,” and that “the undeserved evil which you inflict upon another...that you do to yourself,” insisting that punishment must be governed by the principle of equality (*ius talionis*) so that “the pointer of the scale of justice is made to incline no more to the one side than the other.”

infectious to the community, on account of some sin, it is praiseworthy and healthful that he be killed in order to safeguard the common good.⁷

This justification, as employed by Aquinas, is fundamentally secular rather than spiritual in character. He contends that, for the sake of the collective good, it is necessary to remove individuals whose very existence is injurious to a well-ordered society. Implicit in this reasoning is the notion that the continued presence of such a malignant individual would not only threaten societal safety but might also propagate vice throughout the community, thereby undermining the very foundation of virtue within the state.

John Locke echoes this reasoning, asserting that:

“every man, in the state of nature, has a power to kill a murderer; both to deter others from committing similar injuries... and also to secure men from the attempts of a criminal, who, having renounced reason—the common rule and measure God hath given to mankind—hath, by the unjust violence and slaughter he hath committed upon one, declared war against all mankind, and therefore may be destroyed as a lion or a tiger, one of those wild savage beasts, with whom men can have no society nor security: and upon this is grounded that great law of nature, Whoso sheddeth

man’s blood, by man shall his blood be shed.”⁸

From this, it follows that punishment is concerned not solely with deterrence but, more crucially, with the security of society. The murderer—or any individual guilty of a heinous crime—has effectively severed their ties to the community into which they were born, thereby violating the societal contract that binds citizens. Locke contends that, for the protection of the social order, such individuals must be executed. One who declares war against mankind through the perpetration of a crime cannot coexist safely within society. Just as a lion, a tiger, or any other wild animal cannot be domesticated, neither can such a person be rehabilitated. Where rehabilitation is impossible and the individual poses a continued threat to both fellow citizens and the state, the only recourse is capital punishment.

John Stuart Mill concurs with this analysis, observing:

“When there [is] the greatest crime known to the law; and when the attendant circumstances suggest no palliation of the guilt, no hope that the culprit may even yet not be unworthy to live among mankind, nothing to make it probable that the crime was an exception to his general character rather than a consequence of it, then I confess it appears to me that to deprive the criminal of life... is the most appropriate... mode in which society can attach to so great a crime.”⁹

The criminal Mill describes corresponds



precisely to Locke’s wild animal and Aquinas’s putrefied limb: one who has made crime a profession, depravity a habitual practice, and lawlessness the defining principle of life.

This tripartite description of the unrepentant criminal is well known to the present age. It corresponds to what Marx termed the lumpenproletariat: the permanent underclass, the lifelong petty criminal who refuses to contribute to society. Such individuals include the gang member, the career thug, the child molester or rapist, those who rob the innocent of their innocence; the drug dealer or narcotics smuggler who enriches themselves at the expense of the lives of their clientele, and the mafia operative or cartel member, who has made organized crime a vocation. These persons constitute a malignant element within law-abiding society. Mill’s point is unambiguous: such

individuals will never assimilate into a virtuous society, cannot be reformed, and the most fitting means of both punishing their crimes and safeguarding the broader community is through their execution.

It is on this basis that the United States must begin the implementation of the death penalty at a grand scale. The aforementioned examples encompass tens, perhaps hundreds of thousands of individuals nationwide. These people are a parasitical drain upon not only the United States as a whole, but also upon the good order and discipline of its citizens. The swift and visible execution of these individuals is not only a moral good, insofar as it pays the moral debt owed to the victim(s), but it is also a societal good, because it permanently and publicly removes their malignant influence upon the social order.

The justification for public execution rests in the fact that the state bears a

7 Aquinas, *Summa Theologiae*, II, II, q. 64, art. 2

8 John Locke, *Two Treatises of Government*, 2.11

9 John Stuart Mill, “Speech in Favor of Capital Punishment,” in *A Speech against the Bill for the*

Abolition of Capital Punishment, given 21 April 1868

fundamental duty to its citizens to ensure that crime is not only punished but also prevented, thereby allowing law-abiding individuals to live unmolested from criminals and preserving the civic virtue upon which the sociopolitical order depends. Historically, the permanent, public removal of such criminals—whether by banishment or execution—served as a visible demonstration that the government had fulfilled its obligations within the social contract. Swift and public executions constituted a method by which legitimate authority could make manifest that virtue was rewarded and vice punished. As this regards the United States, ideally an apparatus for capital punishment should be present in every municipality, thereby reinforcing the immediacy and transparency of justice. Such an expanded and expedited application of the death penalty would permanently excise significant portions of the criminal element while also deterring prospective offenders, demonstrating to the citizenry that justice need not be deferred for decades but can, instead, be realized promptly.

The efficacy of public executions, or executions in general, as a deterrent has been extensively debated. Yet even if one were to concede that such measures did not, and do not, substantially deter criminality, it may be countered that deterrence was never the primary purpose. Rather, it is ancillary to a retributive penal philosophy. The principal objective lies in the demonstration of moral equilibrium: for every criminal act, there is a commensurate reaction. Moreover, the permanent and expeditious removal of those who commit violent and infamous crimes both protects society and ensures that their pernicious influence does not continue within the gene pool.

A frequent objection to the

death penalty concerns its perceived expense and administrative burden. Yet the current cumbersome and grossly expensive methods, whether by electrocution or lethal injection, by which executions are undergone need not be an objection to the expansion of the death penalty. Instead, new and faster methods of execution might be adopted by the state. Indeed, the material costs of execution—whether by hanging or by firearm—are minimal, and the instantaneous nature of a hanging, resulting in rapid cessation of life, is arguably more humane than the alternatives that are practiced today.

One who declares war against mankind through the perpetration of a crime cannot coexist safely within society.

Another critique holds that public executions constitute barbaric vestiges of an unenlightened past. This objection misconstrues the historical function of public execution: such measures were intended not as spectacles, but as both a deterrent to potential offenders and a transparent assertion of societal authority in the enforcement of law.

It could, however, be argued that to protect society from those guilty of capital crimes could simply be consigned to a federal prison cell for the remainder of their earthly lives. This would permanently remove them from the population, as well as pay for the crime. But life imprisonment in a case where blood has been spilled or innocence taken is not a punishment that is commensurate with the crime. In other words, justice at the individual level has still not been fulfilled. Life demands life, blood demands blood. It is not fair that the person who has taken life be allowed to live, no

matter how little liberty they enjoy.

Perhaps the most frequently cited moral objection posits that the swiftness of execution creates a risk of condemning the innocent. This concern, however, is increasingly attenuated in the modern era, particularly with the advent of DNA and other forensic technologies that substantially reduce uncertainty regarding guilt. Historical examples cited in support of this objection originate from a period in which technological limitations precluded definitive adjudication of culpability—a circumstance no longer operative. Moreover, to halt the execution of proven offenders out of fear that an innocent individual might occasionally be condemned is analogous to forbidding the operation of automobiles on the grounds that accidents might occur: a patently absurd and specious argument.

The system of penal philosophy and criminal justice, as it stands now, is both wholly insufficient and unsustainable. The time has come to replace the moral and intellectual barbarism of the current age wherein the guilty are favored over the innocent, the blood debt of murderers is not paid, and those who prey upon the nation's citizens walk away free. Instead, a new, stronger, more robust system, built upon the twin pillars of the secular justification for capital punishment and the state's duty to its citizenry, must arise. The United States must substantially broaden the scope of those subject to execution. It is no longer viable that violent murderers languish on death row, enjoying a prolonged and comparatively comfortable existence until the inevitable course of nature terminates their lives rather than the state itself. No longer is it acceptable that those individuals who knowingly distribute lethal substances be permitted to emerge from incarceration relatively unscathed after a decade of

taxpayer-funded imprisonment. Likewise, those who commit sexually violent or perverse acts, preying upon the innocence of others, cannot be tolerated within the body politic. Swift execution must be their inescapable fate. ❧

Nikolai Alexandrovich Romanov

NON OCCIDES

The Commandment and the Common Good

Few moral questions divide the modern conscience as sharply as capital punishment. For centuries, Christian and civil authorities alike regarded it as a legitimate exercise of state justice: a means to uphold order, protect the innocent, and vindicate divine law. Yet in recent decades, particularly within the Catholic tradition, the death penalty has become a point of profound reexamination. What was once tolerated or even commended as an instrument of justice is now condemned as contrary to the inviolable dignity of the human person. Adequately understood, opposition to the death penalty does not represent a rupture with tradition but rather its inevitable conclusion. It is the logical flowering of the Christian view of justice, mercy, and human dignity as revealed in Scripture, developed by the Fathers, refined by scholastic theology, and brought to maturity

in the Magisterium of the modern Church. To be a true conservative in the classical sense—to conserve what is highest and most sacred—is to defend life even when society demands death.

Aristotle taught that justice is the constant will to render to each his due.¹ It is the highest of the moral virtues because it perfects man's relations with others, ordering him to the common good. Yet Aristotle's justice operates within the natural order; it presupposes proportion between crime and punishment but knows nothing of the supernatural destiny of man.

The Christian tradition accepts Aristotle's insight but transfigures it. As St. Thomas Aquinas explains, the preservation of justice in human affairs is directed to the divine law, for the law of man is subordinate to the law of God.² The state, therefore, acts not merely as an avenger of temporal order but as a minister of

divine justice. Punishment, in this view, serves not only as deterrence and retribution but moral restoration: the reintegration of disorder into the higher order of the good.

For this reason, Aquinas, like most Fathers, accepted that the state may, in principle, execute the guilty. In *Summa Theologiae*, he writes that it is lawful “to kill a criminal...just as a doctor may cut off an infected limb.”³ Yet even here, Aquinas's analogy implies limits. A surgeon removes a limb only when it cannot be healed, and only for the sake of the body's life. The act is justified not by vengeance but by charity: the preservation of the whole. When the disease can be cured, amputation is no longer necessary.

From this Thomistic principle follows a crucial corollary. If society today possesses the means to protect itself without taking life, and if the killing of the criminal no longer serves the restoration of moral order but instead perpetuates vengeance, then the analogy of the diseased limb collapses. Execution becomes a needless mutilation of the social body—a sign not of justice but of moral decline.

The pagan world viewed death as the natural terminus of justice: a balancing of scales between offense and punishment. The Christian revelation, however, reveals a deeper arithmetic. Justice is fulfilled not in destruction but in redemption.

In the Gospel, Christ confronts the woman caught in adultery, an offense punishable by death under Mosaic law. “He that is without sin among you,” says our Lord, “let him first cast a stone.”⁴ With this single sentence, He both upholds and transcends justice: the sin remains sin, but mercy now fulfills the law. Likewise, on Calvary, the repentant thief, himself a capital criminal, receives pardon and the promise of paradise at the very moment of his execution. The paradox is apparent: divine justice saves through mercy, not through killing.

Law must reflect and reinforce virtue. Yet the death penalty, far from ennobling civic life, degrades it.

The early Fathers of the Church discerned that divine justice is always tempered by mercy. St. Ambrose taught that God does not desire the death of the sinner but that he be converted and live.⁵ St. Augustine, likewise, though he acknowledged the legitimate authority of the state to punish, urged that punishment be guided by charity rather than vengeance. He warned magistrates and bishops alike not to let zeal for justice extinguish love of neighbor. For Augustine, the aim of punishment is medicinal—to correct and heal

1 Aristotle defines justice as the virtue by which a person consistently seeks what is right in relation to others, calling it “complete virtue in relation to another.” Although he does not use the later Roman formula “*constans et perpetua voluntas jus suum cuique tribuendi*” (“the constant and perpetual will to render to each his due”), the principle underlies his discussion in *Nicomachean Ethics* V.1–5, where justice is treated as both lawful action and equality in human relations.

2 Aquinas, *Summa Theologiae*, I–II, q. 93, a. 3; q. 95, a. 2. In these articles Aquinas teaches that every just human law derives its authority from participation in the eternal law, and that any human statute which departs from divine reason loses the nature of law and becomes an act of violence. Thus, the preservation of justice in human affairs is ordered ultimately to the divine law, for the law of man is subordinate to the law of God.

3 Aquinas, *Summa Theologiae*, II–II, q. 64, a. 3: “It is permissible to kill a criminal if this is necessary for the welfare of the whole community. However, this right belongs only to the one entrusted with the care of the whole community—just as a doctor may cut off an infected limb, since he has been entrusted with the care of the health of the whole body.”

4 John 8:7 (DRA)

5 Ambrose of Milan, *De Penitentia* II.10.95, in St. Ambrose: *Letters*, 1–91. Ambrose here paraphrases Ezekiel 33:11, emphasizing that divine justice is ordered to conversion, not destruction.

the soul—never to exact suffering for its own sake. Whenever retribution becomes its own end, justice itself is corrupted, for it forgets that even the offender remains a creature made in the image of God.⁶

Aquinas, writing within a medieval world of fragile social order, could still see capital punishment as sometimes necessary for the preservation of the common good. Yet his principles point toward its eventual transcendence. In the *Summa Contra Gentiles*, he insists that mercy does not abolish justice but perfects it: *miserecordia est quedam species iustitiae*.⁷ The perfection of justice, then, is the conversion of the soul.

The Catechism of the Council of Trent still affirmed the legitimacy of the death penalty, interpreting it as a lawful participation in divine

judgment. But in the centuries since, both the Church and civil society have undergone moral maturation. The dignity of the human person—implicit in creation, made explicit in the Incarnation—has become the organizing principle of Christian social thought.

This development reached its zenith in the teaching of recent popes. Pope St. John Paul II's *Evangelium Vitae* (1995) taught that cases requiring execution “are very rare, if not practically non-existent.”⁸ Pope Benedict XVI reiterated that penal justice must always respect the “innate dignity” of all.⁹ Finally, Pope Francis, in revising the Catechism in 2018, declared the death penalty “inadmissible,” because it is “an attack on the inviolability and dignity of the person.”¹⁰

6 Augustine develops this theme in several works, notably *Epistula 133* (to Macedonius) and *City of God* I.21, where he pleads for clemency even toward the guilty. See Augustine, *Letters and The City of God* against the Pagans. Augustine's argument is that punishment, rightly conceived, is a work of love—*correctiois causa, not ultionis*—and that justice severed from charity ceases to reflect the divine order.

7 Mercy is a certain kind of justice.

8 *Evangelium Vitae*, n. 56, The Holy See: “Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime, as a condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfills the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behaviour and be rehabilitated. It is clear that, for these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases of absolute necessity: in other words, when it would not be possible otherwise to defend society. *Today however, as a result of steady improvements in the organization of the penal system, such cases are very rare, if not practically non-existent* [emphasis added].”

9 Benedict XVI. *Apostolic Journey to the United States of America and Visit to the United Nations Organization Headquarters: Meeting with the Members of the General Assembly of the United Nations Organization, Address of His Holiness Benedict XVI*. April 18, 2008: “Recognition of the unity of the human family, and attention to the innate dignity of every man and woman, today find renewed emphasis in the principle of the responsibility to protect.”

10 *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Libreria Editrice Vaticana, 2018), §2267, citing Francis, Address to Participants in the Meeting Organized by the Pontifical Council for the Promotion of the New Evangelization, October 11, 2017, in *L'Osservatore Romano*, October 13, 2017. §2267: “Recourse to the death penalty on the part of legitimate authority, following a fair trial, was long considered an appropriate response to the gravity of certain crimes and an acceptable, albeit



At first glance, this appears to contradict Aquinas and the Fathers. In truth, it fulfills them, for they justified execution only as a last resort in a fallen world where society lacked other means of protection. Once those means exist, the rationale disappears. The principle that punishment must serve the common good, grounded in charity, remains intact. Thus, the modern Church's opposition to the death penalty is not liberalism masquerading as mercy but Thomism completed by history.

Society's health depends on moral coherence. Law must reflect and reinforce virtue. Yet the death

penalty, far from ennobling civic life, degrades it. It trains the citizenry to equate justice with vengeance, power with righteousness, and death with order. Modern executions occur not in the solemnity of divine judgment but in the sterility of bureaucratic procedure. The condemned dies not beneath the sword of lawful authority but by injection from a faceless technician. The ritual is bloodless, antiseptic, and yet, profoundly barbaric. It substitutes the illusion of control for the reality of justice.

Moreover, the system's fallibility undermines the moral legitimacy of the state. In the United

extreme, means of safeguarding the common good. Today, however, there is an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes. In addition, a new understanding has emerged of the significance of penal sanctions imposed by the state. Lastly, more effective systems of detention have been developed, which ensure the due protection of citizens but, at the same time, do not definitively deprive the guilty of the possibility of redemption. Consequently, 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 works with determination for its abolition worldwide."

States alone, over 200 people have been exonerated from death row since 1973.¹¹ A polity that kills the innocent, even inadvertently, commits a moral wound that no utilitarian calculus can heal. A truly conservative society should err on the side of life, not death.

The conservative defense of the death penalty often rests on Romans: “For he is God’s minister to thee, for good. But if thou do that which is evil, fear: for he beareth not the sword in vain.”¹² Yet the same passage commands rulers to be “God’s minister: an avenger to execute wrath upon him that doth evil.” The sword’s legitimacy depends on the justice of its use. A ruler who wields it contrary to mercy, or beyond necessity, ceases to act as God’s minister and becomes an idolater of his own power.

Catholic political thought, rooted in natural law, recognizes that temporal authority is limited. The state is ordained for the temporal common good; it cannot usurp divine prerogatives. Life, as a gift from God, lies beyond its ultimate disposal except insofar as charity demands. When the death penalty no longer serves charity—when it no longer defends but desecrates life—it becomes an act of hubris, not justice.

The power to kill must always point back to the sacred, or it becomes demonic. In the modern secular state, the altar has vanished. What remains is the cold machinery of retribution, unilluminated by sacrifice or prayer. In such a world, to abolish the death

penalty is not to deny the sacred but to protest its profanation.

The same logic that justifies execution for the guilty will, in time, explain the elimination of the inconvenient. A society that kills to solve problems, be they crimes or pregnancies, has already forgotten what man is.

Mercy, in Christian tradition, is not weakness but strength—the sovereign exercise of charity over passion. A merciful ruler is not indulgent but godlike, for he imitates the divine patience that sustains creation itself. As St. Thomas writes, “mercy takes precedence of other virtues, for it belongs to mercy to be bountiful to others, and, what is more, to succor others in their wants, which pertains chiefly to one who stands above. Hence mercy is accounted as being proper to God: and therein His omnipotence is declared to be chiefly manifested.”¹³

The state that spares life when it could justly take it does not betray justice; it mirrors divine authority. Clemency, rightly understood, restores rather than undermines order. It proclaims that the ultimate sovereignty belongs not to man’s vengeance but to God’s providence.

Historically, Christian monarchs often exercised this principle. Medieval kings would commute sentences at Easter or Christmas in remembrance of divine mercy. The

Church herself frequently interceded for the condemned, seeing in them not enemies of society but souls still capable of Grace. This tradition reveals an enduring truth: authority achieves legitimacy not by the terror it inspires but by the love it reflects.

Underlying the entire Christian argument is a distinct anthropology: man is created in the image of God, wounded by sin yet redeemable by Grace. His dignity does not depend on innocence or utility but on ontological worth. To kill him deliberately, when not necessary, is to deny that worth. Even the murderer remains *imago Dei*. As Pope Pius XII observed, the state does not “dispose of the individual’s right to life,” though he may lose certain civil rights.¹⁴ The just state must therefore punish without annihilating. By contrast, the death penalty silences repentance at its root. It claims final judgment before the sinner has exhausted the possibility of Grace.

Realism recognizes both sin and redemption. It acknowledges man’s fallen nature but refuses to despair of his salvation. To deny the possibility of conversion is to reject Christianity itself.

The modern world is marked

by what John Paul II called a “culture of death”: abortion, euthanasia, assisted suicide, and the commodification of life.¹⁵ To defend the death penalty in such an age is to add another pillar to this edifice of nihilism. Consistency demands that those who protect life at its beginning and end must defend it also at its most despised. Opposition to capital punishment thus forms part of a broader defense of Christian civilization against the utilitarian devaluation of life. The same logic that justifies execution for the guilty will, in time, explain the elimination of the inconvenient. A society that kills to solve problems, be they crimes or pregnancies, has already forgotten what man is.

We ought to conserve the conditions of moral life. It must therefore stand against every form of sanctioned killing that treats persons as means rather than ends. The defense of the unborn and the defense of the condemned are two faces of the same truth: life is sacred because it is given, not earned.

The abolition of the death penalty should not be seen as capitulation to modern liberalism but as the reassertion of Christian order. It is penance, not permissiveness,

11 Death Penalty Information Center, “Innocence Database”

12 Romans 13:4 DRA

13 Aquinas, *Summa Theologiae*, II–II, q. 30, a. 4

14 Pius XII, “The Moral Limits of Medical Research and Treatment: Address to the Sixth International Congress of Penal Law,” September 14, 1952: “When it is a question of the execution of a condemned man, the State does not dispose of the individual’s right to life. In this case it is reserved to the public power to deprive the condemned person of the enjoyment of life in expiation of his crime when, by his crime, he has already disposed himself of his right to live.” Although Pius XII affirmed the State’s right, in principle, to impose capital punishment, he simultaneously insisted that even the gravely guilty “do not forfeit their personal dignity.” Modern interpreters have read this as anticipating the Church’s later development—from toleration of the death penalty toward its moral rejection—in light of a deepened understanding of human dignity as inalienable.

15 *Evangelium Vitae*, n. 28, The Holy See: “This situation, with its lights and shadows, ought to make us all fully aware that we are facing an enormous and dramatic clash between good and evil, death and life, the “culture of death” and the “culture of life.”

that the age requires. The state must still punish; justice still demands satisfaction. But punishment should be medicinal, not terminal.

A genuinely Christian polity will replace the logic of vengeance with that of restoration. Life imprisonment, properly ordered, can serve as both just retribution and opportunity for conversion. Prisons, if reformed under Christian principles, could become monasteries of repentance rather than warehouses of despair. Such a vision aligns with the Church's oldest wisdom: that punishment must always aim at healing, not hatred. The death penalty, by contrast, seals the criminal's fate before he can seek redemption. It denies the community the witness of repentance, the triumph of Grace over sin. To spare life is to preserve the possibility of sanctity, even in the darkest soul. In this sense, the state that renounces execution reclaims its moral authority, becoming, once more, a guardian of life rather than an agent of death.

The Christian tradition began with an execution. The state killed Christ in the name of justice; in His death, the meaning of justice was transformed forever. The Cross reveals that true authority does not kill but gives life; it conquers by sacrifice, not by the sword.

To stand against the death penalty, therefore, is less a rejection of tradition and more a fulfillment of it—to carry the law from Sinai to Calvary, from the tablets of stone to the heart of flesh. We who love order, authority, and moral coherence must see that these are secured not by killing but by conversion.

In an age that has forgotten

mercy, to defend life even for the guilty is the most radical act of fidelity. It conserves what is oldest and holiest: the belief that every man, until his final breath, remains a creature of infinite worth, capable of redemption, and destined for eternity.

The sword of justice, baptized in the blood of the Lamb, must at last give way to the Cross. ❧

Francisco de Vitoria

THE ROD AND THE REPUBLIC

Discipline, Virtue, and the Moral Education of a People

Few features of modern life so perfectly display the decline of authority as the modern parent's terror of discipline. The father who once governed the home as priest and protector has become an anxious facilitator, consulting child psychologists about "communication strategies." Schools, once the forge of civic virtue, now replace punishment with "restorative conversations." We no longer correct; we negotiate. We no longer form character; we manage feelings.

To strike a child in anger is indeed a sin. But to refuse all correction is not gentleness—it is abdication. Modern sentimentality mistakes punishment for cruelty because it no longer believes in the reality of sin or the necessity of virtue. In the ancient and Christian worlds alike, the chastisement of the body was never merely retributive; it was formative. Discipline is not the enemy of love but its servant, for to love is to will the good of the other, and the highest good of the child is growth in virtue.

The question is not whether corporal punishment can be abused (any good can), but whether it still has any

rightful place in the moral education of human beings. To that question, every civilization until our own answered yes. It is only modernity, with its cult of the autonomous self and its fear of authority, that answers no.

The ancients understood what we have forgotten: that virtue is not an abstraction but a habit of body and soul. Aristotle, in the *Nicomachean Ethics*, teaches that moral excellence arises from habituation; one becomes just by doing just acts, temperate by practicing temperance, etc.¹ The passions must be trained, and the training begins long before reason is mature. The task of the parent and educator is to subordinate appetite to order, and that ordering is first learned through the body.

In the Greek *paideia*, there is a comprehensive ideal of education focused on the holistic development of mind and character, aiming to cultivate a broad, enlightened, and cultured individual. The Spartans were severe, the Athenians moderate, but both recognized correction of the body as foundational to civic character. Roman fathers possessed the *patria potestas* as both a right and a duty. Cicero, in *De Officiis*, describes the father's love as

1 Aristotle, *Nicomachean Ethics*, Book II, Chapter 1: "We become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts."

a rational affection that guides and restrains, never permitting indulgence to dissolve the moral fabric of the household.² Seneca, too, warned that a father who refuses to punish “is not merciful but cruel.”³

The classical world, for all its cruelties, grasped an enduring truth: the soul is not formed by freedom alone. It needs discipline. To discipline the body is to train the will; to spare it entirely is to enslave the will to passion. The line between chastisement and cruelty was always clear to the wise. Punishment must be proportionate, purposeful, and ordered to the good. Christianity did not overturn this principle. Instead, it sanctified it.

The Old Testament joins justice to paternal tenderness. Proverbs teaches, “He that spareth the rod hateth his son: but he that loveth him correcteth him betimes.”⁴ The “rod” here is not the weapon of anger but the instrument of instruction, the shepherd’s staff that corrects the wandering sheep. The Book of Hebrews makes this explicit: “For whom the Lord loveth, he chastiseth; and he scourgeth every son whom he receiveth.”⁵ Divine love manifests itself in correction; to be left unchastened is, in Scripture, the mark of abandonment.

The Fathers of the Church read these passages not as license for severity but as models of divine pedagogy. St. Augustine, in a sermon, urges restrained wrath even while punishing people, writing that “You become worse than the sinner if you fail to correct him.”⁶ He saw the same logic in parental discipline: pain administered for a higher good, never for vengeance. He who cannot punish, does not love.

St. John Chrysostom says “Be careful so that while trying to strike sin, you strike not the sinner.” Even St. Benedict’s Rule for monks prescribes measured corporal correction for novices, offering proof that the Church, for centuries, saw bodily discipline as medicinal, not malignant or immoral.⁷

To the early Christian mind, the family was a domestic church, the father its priest, the mother its moral heart. Discipline within it mirrored God’s governance of creation: firm, just, and compassionate. Chastisement without love was tyranny; love without chastisement was sentimentality. The balance of the two formed the moral imagination of Christendom.

The modern repudiation of corporal punishment begins with a false anthropology. Jean-Jacques Rousseau’s

Émile (1762) declared the child pure and society corrupting. The task of the educator was no longer to restrain appetite but to preserve innocence. In one stroke, the moral order of millennia was inverted: discipline ceased to be a means of moral formation and became an act of violence against nature. No longer a miniature sinner to be guided toward virtue, the child was recast as a being whose inclinations were inherently good, whose authenticity required protection from external constraint. In this subtle transposition, the Christian understanding of original sin yielded to a secular faith in innate goodness. This sentimentalism passed into secular education and psychology. Nineteenth-century reformers denounced corporal punishment as a relic of tyranny while twentieth-century theorists, from Freud to Dewey, recast it as psychological harm. The new creed was permissive: reason with the child, never command; “guide” him, never chastise. Instead of the enlightenment that it was supposed to bring about, it has brought little more than enervation. We have raised generations allergic to authority, incapable of self-restraint, and resentful of all correction.

In the home, permissiveness breeds decadence. In the school, it breeds chaos. Teachers, stripped of the right to punish, are forced to appease. Children, deprived of discipline, learn contempt for their elders. And the state, confronted with a populace unformed in virtue, responds not with wisdom but with surveillance and coercion. A civilization that will not spank a child will eventually cage a man.

The paradox is terrible but true. In abolishing correction at the small scale, modernity invites cruelty at the large. The state that forbids the rod builds the prison; the society that refuses to correct with the hand will correct with the gun. The denial of mild chastisement leads inexorably to severe punishment, because nature, like grace, will not be mocked.

The classical world, for all its cruelties, grasped an enduring truth: the soul is not formed by freedom alone. It needs discipline.

Corporal punishment can be justified only if one understands what man is: a unity of body and soul. To correct the body is not to degrade the person; it is to remind him that he is not pure spirit. The flesh resists discipline, but through it the soul learns obedience. Aquinas teaches that the passions must be ruled by reason,⁸ and reason must sometimes act through bodily means, for the body is the first school of virtue. To the question, “Why not reason with the child instead?” the answer is simple: because the child is not yet reasonable. The purpose of correction is to form in him the capacity for reason by habituating him to the experience of moral order. As the child matures, the necessity of physical correction diminishes—not because punishment was wrong, but because it has succeeded.

The father’s authority here is analogous to divine providence. God

2 Cicero, *De Officiis*, Book I: Cicero distinguishes between *benevolentia* (affection) and *indulgentia* (spoiling affection), insisting that parental love must be governed by reason and justice.

3 Seneca, *De Clementia*, II.4.2

4 Proverbs 13:24 (DRA)

5 Hebrews 12:6-8 (DRA): “For whom the Lord loveth, he chastiseth; and he scourgeth every son whom he receiveth. Persevere under discipline. God dealeth with you as with his sons; for what son is there, whom the father doth not correct? But if you be without chastisement, whereof all are made partakers, then are you bastards, and not sons.”

6 St. Augustine, *Sermon 46*

7 St. Benedict, *The Rule of St. Benedict*, chapters. 23–30. These chapters outline the graduated discipline for monastic faults, ending with corporal punishment for the confused.

8 Aquinas, *Summa Theologiae*, II–II, q. 77, a. 2

allows temporal suffering that man might learn eternal truths. Likewise, the parent inflicts temporal pain to avert moral ruin. The measure of the punishment is love, not rage. Its object is the soul's awakening, not the body's pain.

Aquinas distinguishes between punishment that is medicinal and that which is retributive.⁹ The former aims at the correction of the sinner; the latter at retribution alone. The first is lawful charity; the second is moral poison. When a parent disciplines in anger, he sins; when he disciplines with measured intent to heal, he imitates God. It is therefore essential that corporal punishment remain proportionate, calm, and purposeful. It is not a right but a responsibility, an act of stewardship over the moral development of a child.

The old proverb says it takes a village to raise a child.¹⁰ Today, the sophisticated village has dissolved into a backwater, and the child is raised by pixels on screens. But in the classical and Christian sense, the "village" meant something fundamental: the shared moral authority of family, school, and church. Each reinforced the other. The rod in the home was mirrored by the discipline of the schoolmaster and the exhortation of the priest. Together, they formed the habits of obedience without which liberty is impossible. A society that forbids all corporal punishment imagines itself humane, yet it creates generations of men who cannot govern themselves. The collapse of discipline

in the family precedes the collapse of discipline in the polity. When fathers cease to command, rulers must. The father's rod, light and fleeting, prevents the tyrant's rod, heavy and enduring.

The loss of corporal punishment is therefore more than pedagogical. It is deeply political. It marks the triumph of egalitarianism, sentimentality, and autonomy, and harkens the downfall of hierarchy, reason, and duty. It denies that some must rule and others be ruled, even temporarily, for the sake of order. In abolishing the father's hand, the modern world abolishes the very model of legitimate authority.

A civilization that will not spank a child will eventually cage a man.

To strike in anger is to betray the vocation of fatherhood. To refuse to strike at all is to betray it in another way entirely: by abandoning the child to his passions. The father's hand is meant neither for over-extension nor for withdrawal. It is for guidance, and its occasional severity is a token of its enduring gentleness.

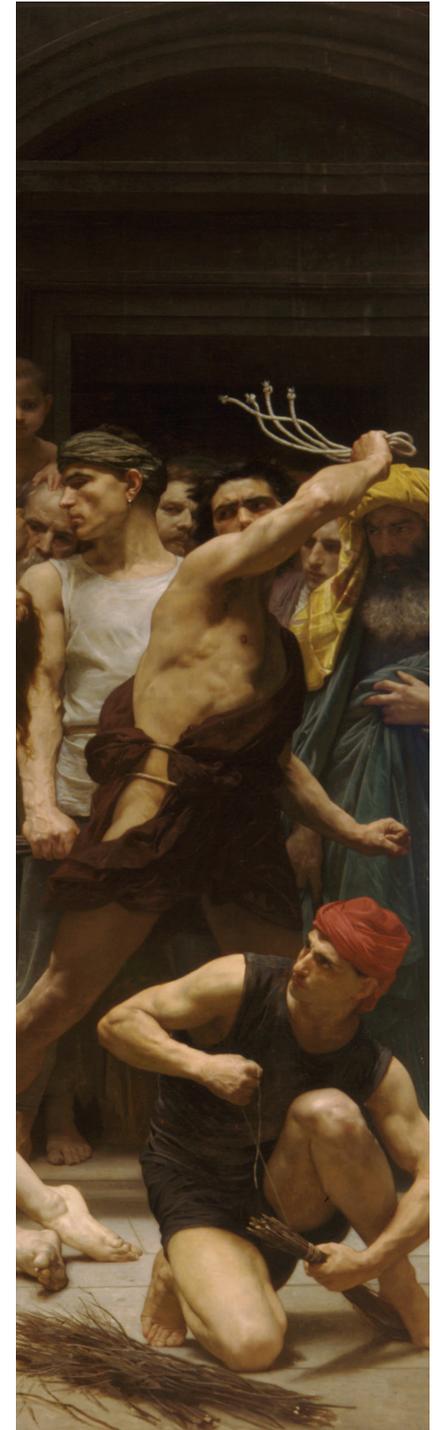
Corporal punishment, rightly ordered, is both a sign and symptom of hierarchy: the visible sign of invisible love. It teaches that wrongdoing has consequences, that authority has meaning, and, most easily forgotten, that mercy does not exclude justice. It reminds the child

that he lives in a moral universe where actions bear fruit, where the body and soul are bound together in the pursuit of the good.

The sentimental age fears this truth because it fears suffering. Yet Scripture is unambiguous. God's mercy is not the abolition of discipline but its perfection. In every scourging of conscience, in every trial of life, the Christian sees the divine pedagogue leading him toward sanctity.

So too must the father see his role. His hand, when it falls, must fall as the instrument of charity, never of wrath. Its purpose is the cultivation of humility and the establishment of peace, not the cause of humiliation and pain. The child who learns reverence under a father's firm love is the man who will later bow before God's justice and rise under His mercy. We are told that corporal punishment is barbaric. Perhaps it is—but only in the way the Cross is barbaric: an affront to sentimental reason, yet the means of salvation. The modern world will continue to raise restless children and ruthless adults until it rediscovers what both antiquity and Christendom knew: that love without discipline is not love at all. ❧

Lucius Orbilius Pupillus



Left: *The Flagellation of Our Lord Jesus Christ*, William-Adolphe Bouguereau, 1880 (detail)

9 Aquinas, *Summa Theologiae*, II-II, q.66, a.6

10 A lesson best learned through the political sage of our time: Hillary Rodham Clinton, *It Takes a Village: And Other Lessons Children Teach Us*, 10th anniversary ed. (New York: Simon & Schuster, 2006).

The Harvard Salient Apologizes to Hitler

"Our internal protocols strictly require the men and women who contribute to our articles to be credited," said Joe Gerbils, Salient Managing Editor. "In our last issue, we fell below our usual high standard, and we apologize to those whose work was affected."

Harvard Hires Drag Queen Professor

This is not satire.



Millions Gather in Harvard Yard, Report The Harvard Salient's 5.1 Issue to Dean Deming

In response to reporting in the *Crimson*, Harvard student body decides it too hates the First Amendment.

English Now Fulfills Foreign Language Requirement

"यह परिवर्तन हेरिटेज अमेरिकियों को उभरते हार्वर्ड वातावरण के साथ बेहतर ढंग से अनुकूलन करने में मदद करेगा।" says Dean John Smith.

Salient Chats Leaked

Sources confirm: group chat's only crime was saying the quiet part out loud—repeatedly—for three years.

THE VIOLENCE OF OUR TIME

A Defense of Guantanamo Bay

Hailed by some as a necessary and just institution and derided by others as an inhumane and illegal gulag, Guantanamo Bay, or "Gitmo," has been a subject of fierce debate since its inception as a terrorist detention center in 2002. Shortly after the terrorist attacks of September 11, 2001 and the War on Terror was declared, a small and relatively unknown U.S. naval base in Cuba, first acquired in 1903, was redesignated and repurposed by President George W. Bush as a holding facility for captured high- and low-profile members of the Taliban and al-Qaeda. Excepting the Japanese internment camps during World War II, this was an unprecedented move in American foreign and domestic policy. President Bush designated the detainees of Gitmo as "unlawful enemy combatants," who did not abide by the law of war and were thus not entitled to the protections that the Geneva Conventions afford prisoners of war.¹ Put simply, the U.S. government denied many terrorist prisoners normal legal representation and due process, confined some of them indefinitely, and employed what the administration

termed "enhanced interrogation techniques." The existence and continued operation of such a facility raise urgent questions: How far may the United States go to maintain its national security? Are torture or enhanced interrogation techniques ever justified? Do terrorists and other hostile non-state actors possess rights? The answer to these questions is, quite simply, that under the principle of *realpolitik*, the United States was justified in what it did, and the continued existence of Guantanamo Bay as a detention facility beyond the ordinary reach of U.S. constitutional law is both acceptable and right.

The justification for Gitmo is not primarily a question about the morality of torture or whether detainees enjoy Constitutional or Geneva Convention protections, but rather a question of pragmatic and strategic necessity. It is this political realism that serves as the first and foremost principle justifying Guantanamo Bay. Gitmo answers three practical needs. Firstly, it keeps highly dangerous individuals out of the general domestic prison population, thereby preventing those

¹ *Executive Order: Interpretation of the Geneva Conventions Common Article 3 as Applied to a Program of Detention and Interrogation Operated by the Central Intelligence Agency*, Office of the Press Secretary, The White House, July 20, 2007.

individuals from recruiting others or directing their movements from behind bars. Secondly, its offshore location has, historically, permitted the United States to conduct intelligence collection under conditions the mainland would not easily allow. Lastly, it projects American resolve, demonstrating to friends and foes alike that the United States will not allow moral vanity to displace national security.

This basic logic takes international relations to be governed by practical necessities rather than idealistic abstractions. It has been said that “Politics has its own rules and cannot be reduced to or constrained by moral or legal rules, since it must respond to the demands of necessity.”² The arena of international relations turns on states advancing their national interests and securing themselves by the means at hand. Thucydides’s Melian Dialogue in the History of the Peloponnesian War is a classic articulation of this truth; in the Western tradition, it is Thucydides, not Machiavelli, who first sets the terms of political realism.

Thucydides recounts how the Melians, a small island people, negotiated with the Athenians, who had come in force and threatened to destroy the island if it did not acquiesce. Throughout the dialogue, the Melians appealed to principles and moral expectation in a vain attempt to dissuade the Athenians. The Athenians replied with pragmatic candor:

“We recommend that you should try to get what is possible for you to get...since you know as well as we do that, when these matters are discussed by practical people, the standard of justice depends on the equality of power to compel; in fact, the strong do what they have the power to do and the weak accept what they have to accept.”³

The Melians refused to yield, resisted, and were slaughtered. The painful truth that the strong do what they can does not make that truth less real. To deny it is to deny political reality, and in our liberal, globalist age, to deny the pragmatic principle that often governs statecraft is to court disaster.

On this pragmatic basis, Guantanamo Bay is justified because it isolates the most dangerous and most effective enemies of the United States. In this respect, Gitmo functions much like a quarantine does against a deadly pathogen: it protects the larger population by containing the threat. Senator Tom Cotton has articulated the point plainly: “Guantanamo enables us to isolate detainees who would otherwise seek to spread their radical ideology beyond their prison walls... the prospect of commingling terrorists with the normal prison population raises the serious risk that hardened criminals will be radicalized.”⁴ It is a matter of national security that there be a place to detain and interrogate



The Raft of the Medusa, Théodore Géricault, 1818-1819

terrorists that will not allow them to propagandize fellow inmates or run organizations from behind bars.

Guantanamo Bay is pragmatically superior for this purpose. Housing such manifestly dangerous people in the domestic prison population would risk radicalization and operational command inside the system. The federal prison system already struggles to manage organized criminal gangs.⁵ Moreover, Gitmo’s physical isolation on an island some ninety miles from the U.S. coast reduces the risk of escape and consequent domestic harm. As Senator Cotton observed, moving Gitmo detainees to the U.S. could create a federal prison population that is more dangerous and more jihadist, and could increase the

risk of attacks or jailbreak attempts. The comparative infeasibility of successful escape from Guantanamo weighs heavily in its favor.⁶

Perhaps the most controversial aspect of Gitmo is the use of so-called enhanced interrogation techniques. These practices, listed by critics and apologists alike, provoked moral revulsion at first glance. Yet the pragmatic argument remains: if the harsh interrogation of a single terrorist prevents an attack and saves many American lives, under what moral rubric would such action be unjustified? This is a utilitarian calculus; if the suffering of one prevents catastrophe for many, it can be defended as a tragic but necessary measure. The reasoning is not new; it echoes the grim prudence

2 Richard Devetak, Jim George, and Sarah Percy, eds., *An Introduction to International Relations*, 3rd ed.

3 Thucydides, *History of the Peloponnesian War*, book 5, section 89.

4 Tom Cotton, “Speech on the Guantanamo Bay Detention Facility at the Heritage Foundation,” December 8, 2015.

5 Mark S. Fleisher and Scott H. Decker, *Overview of the Challenge of Prison Gangs*, NCJRS Virtual Library, U.S. Office of Justice Programs, 2001

6 *Ibid.*

of Caiaphas, who, speaking for the national good, said that “it is better for one man to die than that the whole nation perish.”⁷

Critics will insist that torture often does not yield reliable intelligence and may fail to save lives. Even so, the argument here is that severe measures are justified insofar as they are expedient to American security interests. From an Augustinian Just War perspective, harsh interrogation directed at enemies of the polity can be defended when the objective is the preservation of the national community. Under such a view, the innocent are not the intended targets, and the defense of non-combatants retains moral primacy.

Inter arma enim silent leges—in times of war, the law is silent.

America must project strength and resolve on the world stage. National enemies understand and respect one thing: force. Therefore, foreign policy must be prepared to apply overwhelming strength when necessary. Guantanamo Bay is an instrument of that policy: it meets the enemy on terms he understands.

Domestic governance and external statecraft are not identical spheres. A liberal polity can afford robust civil liberties for its citizens while adopting a sterner posture toward external threats. The rights and protections extended to citizens need not be extended wholesale to foreign terrorists and enemy combatants. In international relations, morality is

secondary to survival.

To argue that America should restrain herself entirely because of the Constitutional or human rights of terrorists is to court naiveté. An enemy that does not play by the rules will exploit an adversary that does. If terrorists know they will not face the harshest measures, they will be emboldened. Defending the rights of non-citizen terrorists who would gladly kill Americans if they had the chance is not magnanimity; it is folly—like cuddling a polar bear in the belief it will not maul you.

Although the wars in the Middle East have abated in scale, the need for a place like Guantanamo Bay persists. Enemies, from narco-terrorists in the Americas to remnants of jihadist groups and geopolitical rivals like China, continue to threaten this nation. These actors pose genuine and grave dangers; against such threats, the state must sometimes employ extraordinary measures. As Napoleon put it, “the man who saves his country violates no law,” and Cicero’s maxim “inter arma enim silent leges”—in times of war, the law is silent—has often been invoked to justify exceptional measures. For the sufferings of a few who brought destruction upon themselves, the preservation of the many can be defended. ❧

Cleon

NEC VITIA NEC REMEDIA

The Moral Crisis of a Civilization Too Kind to Survive

“We can endure neither our vices nor the remedies for them,” wrote Livy, reflecting on the exhaustion of a civilization that had forgotten what made it strong.¹ The line may as well describe our own age. The United States, heir to Christendom and, for better or worse, the Enlightenment alike, now finds itself teetering between two insanities: on one hand, the cruelty of disorder—of lawlessness, invasion, and moral collapse—and on the other, the cowardice of a people too sentimental to act in its own defense. The American border, once a symbol of sovereignty, has become an open wound. Millions enter each year with neither invitation nor intention of assimilation. It is no exaggeration to say that we are enduring something “cruel and unusual”: a form of collective self-destruction disguised as compassion.

The contemporary West, long paralyzed by guilt and self-doubt, has forgotten a truth every ancient society understood—that mercy without order is not virtue but vice. We see this

inversion everywhere: when law is called oppression, discipline violence, or moral judgment hatred. In such a world, the man who defends his home is branded a bigot, while the one who dissolves its walls is praised as humane. The question then is not whether America can survive uncontrolled migration; it cannot. The question is whether we have the moral courage to be “cruel” enough to live.

Cruelty does not always wear the face of violence. It can also take the quieter form of disintegration, the slow unmaking of a people. The present influx of migrants into the United States, numbering in the tens of millions, has brought precisely this. The numbers alone are staggering: roughly 15 million illegal immigrants currently reside within our borders, with a foreign-born population now approaching 50 million.² Nearly one in four children has at least one parent born elsewhere.³ But the more profound crisis is not demographic—it is spiritual.

These newcomers are not, for the most part, assimilating into a coherent

¹ Livy. *History of Rome*, Book 9, Chapter 3.

² From the Migrant Policy Institute: “More than 47.8 million immigrants lived in the United States in 2023, the most in U.S. history. That year, immigrants comprised 14.3 percent of the U.S. population of 331.9 million, close to the record level of 14.8 percent set in 1890. The immigrant population grew by more than 1.6 million people between 2022 and 2023, or about 3.6 percent, the largest annual growth since at least 2010.”

³ From the Kaiser Family Foundation: “For example, 19 million or one in four children in the U.S. has an immigrant parent, including one in ten (12%) or 9 million who are citizen children with a noncitizen parent.”

American culture because that culture itself no longer knows what it is. The older vision, that of a nation rooted in Christian morality, ordered liberty, and civic unity, has been replaced by multicultural relativism. The melting pot, if ever that was a viable political trope, has become a patchwork of rival enclaves, many hostile to the very civilization that sustains them. The result is neither diversity nor harmony, but a slow unweaving of the moral fabric.

Christianity is not a suicide pact. The Gospel commands love of neighbor, but it does not command nations to erase themselves.

To endure this is itself cruel. It is cruel to citizens who find their neighborhoods changed beyond recognition, their wages depressed, and their leaders unmoved; cruel to families torn apart by the relentless competition of a borderless economy; and cruel even to the migrants themselves, who are lured by false promises into a culture too ashamed of its own identity to offer them genuine belonging. A nation without borders cannot offer mercy because mercy presupposes order, and without the structure of justice, compassion decays into chaos.

The Eighth Amendment forbids “cruel and unusual punishment,” but what we face now is something worse: a cruel and unusual mercy, one that punishes the innocent and rewards the lawless. By abandoning control of her borders, America has subjected her own

citizens to insecurity, overburdened the socio-economic-political system, and invited the decay of civic trust.

In the name of compassion, we have institutionalized injustice. We are told it is cruel to deport, to detain, or even to discriminate between citizen and foreigner. But there is nothing compassionate about policies that leave the poor poorer, the cities unlivable, or the culture fragmented beyond recognition. There is nothing compassionate about policies that drive wages down and neighborhoods into disorder, that release predators in the name of mercy while the innocent barricade their doors, that leave the homeless to die of exposure rather than compel them to sobriety, or that abolish standards in education to spare children the pain of effort. Such compassion is the vice of comfort: it salves the conscience of the strong while sacrificing the weak.

In practice, our mercy has become a sophisticated form of negligence, little more than a refusal to protect the weak in the name of appearing virtuous and cosmopolitan.

There is, in this, an echo of Rome’s decline. Livy’s lament could be repeated verbatim in the late empire, when the frontiers collapsed and barbarian tribes poured across them. The Romans, like us, mistook their cosmopolitan refinement for moral greatness. They learned too late that a civilization that cannot defend itself will be destroyed, whether by force or by fatigue.

Christianity is not a suicide pact. The Gospel commands love of neighbor,⁴ but it does not command nations to erase themselves. Indeed, the classical and

Christian traditions alike teach that rulers have a duty to preserve the common good, the conditions that make virtue and peace possible. As St. Thomas Aquinas explains, “God acts mercifully, not indeed by going against His justice, but by doing something more than justice.”⁵ Mercy, in other words, does not contradict justice; it perfects it. Aquinas, following Aristotle, distinguishes between two forms of justice: commutative justice, which governs fair exchange between equals, and distributive justice, by which authority rightly apportions goods for the benefit of the whole.⁶ Between man and God, there can be no commutative justice—nothing we could ever offer as repayment—so divine mercy must be understood as a gratuitous gift, a fullness of justice (*quedam iustitiae plenitudo*), not a negation of it. As St. James writes, “mercy exalteth itself above judgment.”⁷ The triumph is not that mercy abolishes justice, but that divine mercy fulfills justice beyond measure, ordering all things according to the higher law of love.

Applied to political life, this principle reveals that true mercy is never the suspension of order but its perfection. A ruler who governs without reason, sentimentally dissolving the moral boundaries that sustain the polity, commits an injustice rather than an act of mercy. From this perspective, the defense of a nation’s borders is not an act of cruelty but of prudence. A people that refuses to distinguish between citizen and alien, friend and foe, cannot long remain a people at all. Political charity begins at home: in ensuring that families,

churches, and civic institutions are secure enough to practice the works of mercy genuinely and sustainably. The Christian ruler, like the Christian soul, must act mercifully *through* justice, not apart from it. It is not unchristian to insist upon this; it is unchristian not to.

The Livian dilemma cannot be escaped: our vices have grown so great that their remedies will necessarily hurt. But better the pain of discipline than the agony of death.

To confuse the personal virtue of hospitality with the public duty of justice is a profound error. The assertion that a nation ought to dissolve its borders and throw open its arms to accept every single alien that comes its way on the justification of Christian charity is not only erroneous, but dangerous. When Christ commands us to welcome the stranger, He speaks to the individual conscience, not to the mechanisms of the state, especially when the individual is antithetical to the success of the state and the state is already experiencing unsustainable dysfunction. The state, by contrast, is bound by the natural law’s first principle: to seek the good of its people. To make the state an instrument of boundless pity is to pervert its very nature.

Modern liberalism’s religion is sentiment. It exalts emotion over wisdom and equates pity with virtue. Its adherents believe that to feel strongly is to act morally. But sentiment is not charity; it is the parody of charity. True Christian

5 Aquinas, *Summa Theologiae*, I.21.3 ad 2

6 Aquinas, *Summa Theologiae*, I.21.1

7 James 2:13 (DRA)



Freedom From Fear, Norman Rockwell, 1943

love seeks the good of the beloved—even when that good requires discipline, denial, or rejection. The parent who refuses to punish a child for wrongdoing does not love more but less. So too the nation that refuses to enforce its laws, fearing to appear unkind, betrays both its citizens and the foreigners who depend upon its moral seriousness.

Our age mistakes sentimentality for sanctity. The soft tyranny of “compassion” now governs our politics, demanding that every limit be broken in the name of inclusion. But limits are the precondition of love. Without distinction—between good and evil, inside and outside, right and wrong—there is no order, and without order, no love. The Christian virtue of mercy does not abolish the justice of exclusion; it perfects it by ensuring that even exclusion is guided by reason, not rage.

Nations, like persons, have a moral right to exist. They possess not only geographical borders but spiritual boundaries—languages, customs, faiths, and moral habits that make shared

life possible. To defend these is not xenophobia but stewardship. When a civilization abandons this stewardship, it ceases to be a civilization and becomes a market, an economic zone, or an empire of consumption.

America, if it wishes to endure as more than a geographic expression, must recover the principle that sovereignty is not merely a right but an obligation. To refuse to govern one’s own borders is to abdicate moral responsibility. The foreign-born masses now remaking the country’s demography are not, for the most part, malicious; they are responding to a vacuum. Nature abhors a vacuum, and the West has become one—a civilization that no longer believes in itself, a faith without works, and indeed a people without courage.

Our ancestors endured hardships far crueler than deportation to build what we now take for granted. They did not mistake firmness for sin. They understood that love of one’s own is not hatred of others, but the beginning of moral order. It is time we remembered that lesson.

What, then, is to be done? The answer lies in courage. We must recover the will to draw distinctions, to say “no” where “yes” would mean collapse. Policy cannot be sentimental. It must affirm that the law is a moral teacher, and that to enforce it is a work of justice. To restore our borders is not to abandon Christian charity; it is to make charity possible again.

There will be suffering either way. The Livian dilemma cannot be escaped: our vices have grown so great that their remedies will necessarily hurt. But better the pain of discipline than the agony of death. The longer we delay, the harsher those remedies will become.

The expulsion of millions would indeed be “cruel” in a superficial sense, but infinitely less cruel than allowing an entire civilization to perish by neglect.

We deceive ourselves when we imagine that history will spare us what it has visited upon every empire that grew soft, indulgent, and ashamed of its own heritage. What the West faces today is not merely a border crisis; it is a crisis of self-respect. Unless we recover that, no policy—no wall, no patrol, no legislation—will save us.

Some will protest that such firmness betrays the Gospel. But they forget that the Cross is not a symbol of indulgence; it is the emblem of ordered love—love strong enough to suffer for the Truth. Christ’s mercy did not abolish justice; it fulfilled it. To act as though mercy requires moral anarchy is to reject the Incarnation itself, in which divine love entered the limits of flesh, law, and order.

A Christian politics of the common good must therefore combine justice and mercy in proper proportion. It must recognize that love of neighbor is impossible without the integrity of the polis, and that a broken society cannot welcome anyone rightly. True Christian realism accepts that evil must sometimes be restrained, even by painful means. The saints, no less than the statesmen, knew this. Augustine prayed for the conversion of the pagans, but also supported the laws that kept them from desecrating churches. Charity and prudence are not enemies but allies.

To call for strength is not to despair. A people can still repent and return to the sources of its greatness. America remains capable of renewal, but only if it learns again to speak the language of moral seriousness. The age of sentiment must give way to an age of

truth. To defend one’s civilization is not barbarism; it is gratitude—for ancestors, for faith, for the fragile miracle of order that makes human flourishing possible.

If there is hope, it lies in recovering a vision of mercy ordered to justice, of charity tempered by courage. It lies in a revival of Christian moral clarity—a willingness to love rightly, not weakly. This will require “cruel” choices, in the sense that all surgery is cruel to the wound but kind to the patient. A civilization that wishes to live must be willing to cut away what kills it.

What we face today is indeed cruel and unusual: the spectacle of a civilization punishing itself in the name of pity. To endure this is to accept death by pity. The only alternative is a hard mercy—a love that defends, disciplines, and preserves. The West will either rediscover the moral authority to govern its own house, or it will vanish, lamenting that it was too kind to survive.

The Christian must understand: it is not uncharitable to uphold limits, to enforce laws, to protect the good. It is, rather, the highest act of charity—a mercy to generations yet unborn. Civilization will endure not through softness but through strength informed by faith. The time for illusions has passed. What remains is the choice between a “cruel” life and a merciful death. Livy’s warning resounds through the centuries: we can endure neither our vices nor the remedies for them. The only question left is whether we will choose the remedy while there is still something left to save. ❧

Aurelio Espinosa Pólit

IN DEFENSE OF UNDERSTANDING

The Spanish Inquisition and Now

The very word Inquisition has become a byword for fanaticism, cruelty, and blind authority. The phrase “Spanish Inquisition” calls to mind dark chambers, racks, and flames, symbols of a Church turned tyrant. Yet this image, vivid though it is, owes less to history than to centuries of polemic. The so-called *Black Legend*, born of Protestant resentment and Enlightenment pride, transformed a complex institution into a myth of abject, unending evil. The modern man, steeped in this myth, recoils instinctively, never asking what the Inquisition actually was, what world produced it, or what it sought to preserve. What it vilified was not barbarism but belief—an unbroken confidence that Truth is absolute and that error about God endangers souls.

If one were to judge justly, one must first enter the world that believes things. The Inquisition was born not in an age of atomized individualism but in one that still believed civilization itself depended on Truth. It was not merely a tribunal of terror. Instead, it was an attempt—often flawed, occasionally severe—to defend the fragile unity of a Christian commonwealth newly reborn from centuries of war and Islamist oppression. Its story, read rightly, is not one of unmitigated cruelty. Rather, it tells of the perennial tension between order

and freedom, faith and dissent, and mercy and justice.

Spain in the late fifteenth century stood at a threshold. The Reconquista had finally ended with the fall of Granada in 1492, reuniting under Christian kings a peninsula that had been divided for nearly eight centuries between the Cross and the Crescent. Yet political victory did not bring immediate peace. The realm was riven by suspicion and instability. Large populations of *conversos* and *moriscos*—Jews and Mohammedans who had converted, often under pressure, to Christianity—lived uneasily within a society still haunted by memories of war and betrayal.¹ Many of these new Christians practiced their old religions in secret. The unity Ferdinand and Isabella had fought for risked dissolving into religious and political chaos.

In this volatile context, the Inquisition was not conceived as an engine of oppression but as a means of protecting the common good—of ensuring that Spain’s newly forged unity was not undermined by deceit and internal division. Heresy was not seen merely as a private opinion but as a public wound, a contagion that threatened the moral and social order of Christendom itself. To the medieval mind, Truth was not optional; it was the glue of civilization.

The Inquisition’s logic was theological before it was political. The medieval Christian world understood faith not as a personal lifestyle but as the organizing principle of all human life. To endanger the faith was, therefore, to endanger society.

St. Thomas Aquinas, writing two centuries earlier, had articulated the principle that informed every later Catholic state: that while belief cannot be coerced, obstinate heresy, once publicly manifest, can and must be restrained. Heresy, he argued, “is a species of unbelief, belonging to those who profess the Christian faith, but corrupt its dogmas,” just as treason undermines the political body.² Both destroy the bonds of community; both must, therefore, be addressed for the sake of the whole. Modern readers wince at this reasoning, but to

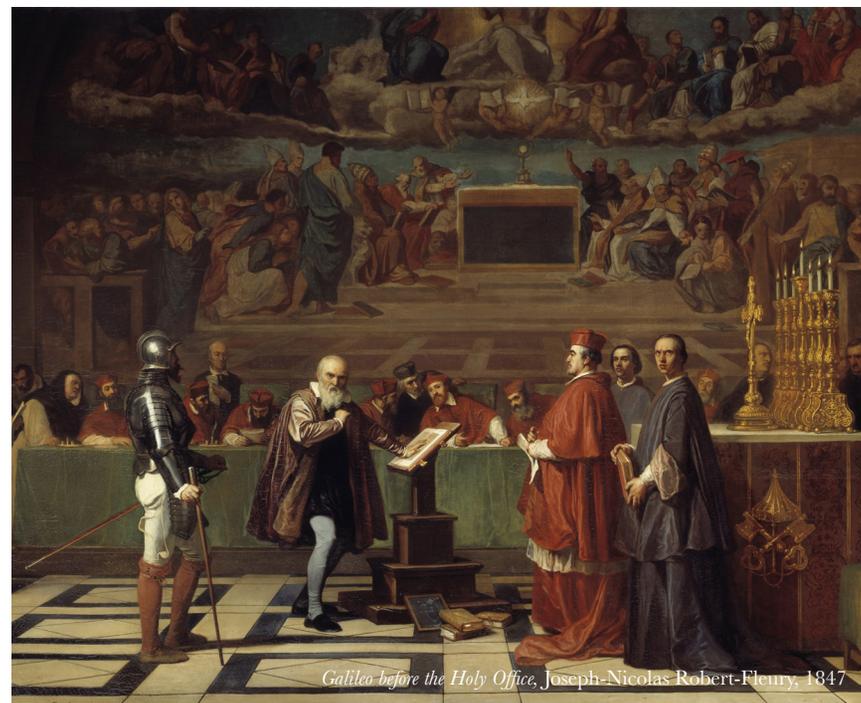
those who saw the soul’s salvation as man’s ultimate end, the logic was self-evident.

This was the world Ferdinand and Isabella inhabited—a world in which the salvation of souls and the stability of the realm were one and the same task. The Inquisition, established in 1478 with papal approval, was thus an instrument not of greed or racial hatred but of religious integrity: a mechanism for discerning sincerity in an age of dissimulation, for protecting faith in a newly unified Christian kingdom.

The historical record, examined without prejudice, reveals something more restrained and bureaucratic than most imagine. Inquisitorial courts, unlike secular ones of the time, kept detailed records and often permitted legal representation.

2 Aquinas, *Summa Theologiae*, II-II, q. 11

1 Norman Roth, *Conversos, Inquisition, and the Expulsion of the Jews from Spain* (Madison: University of Wisconsin Press, 1995), 222.



Procedures emphasized confession and reconciliation over punishment.^{3 4} Most sentences did not end in death but in penance, restitution, or public abjuration. Torture, while permitted, was far more limited than in contemporary civil courts.^{5 6} By the standards of early-modern Europe, the Inquisition was not exceptionally cruel—it was, paradoxically, often more humane.

Moreover, it is crucial to note that the Inquisition's victims were overwhelmingly baptized Christians accused of heresy—not Jews, Mohammedans, or foreigners, but members of the Church who had publicly professed its faith and were suspected of violating it. Its purpose was correction, not extermination.

The later “Black Legend,” propagated by Spain's Protestant and rival Catholic enemies, magnified its horrors for political gain. English and Dutch pamphleteers in the seventeenth century portrayed Spain as a dark tyranny in order to justify their own imperial ambitions.⁷ These narratives hardened into myth, so that by the Enlightenment, “the Inquisition” had become a moral cudgel against all religious authority.

To the modern mind, the Inquisition seems indefensible because we have redefined freedom as the absence of

constraint. The men of the fifteenth century understood freedom differently—as the freedom to pursue the good, not to deny it. Truth was the condition of freedom, not its enemy. Thus, to allow error to spread unchecked was not tolerance but negligence.

The Church, and by extension Christian kings, believed themselves bound to safeguard souls as a shepherd guards his flock. If one sheep strayed, charity demanded pursuit; if wolves threatened, charity required defense.

They erred believing that Truth mattered enough to fight for. The modern West errs believing that nothing does.

This is not to excuse the excesses that did occur, but to understand them within a coherent moral universe. The Inquisition erred not in seeking to preserve truth, but sometimes in overstepping the limits of prudence. Yet even its failures presupposed a world still united by the conviction that faith and order are worth defending. Our age, having lost that conviction, judges it harshly but has little to put in its place.

The Spanish Inquisition cannot be separated from the broader mission

of Spain itself. For centuries, the Iberian Peninsula had been the frontier between Christendom and Islam. The victory of 1492 was not merely territorial; it was civilizational—a reassertion of Christian identity against centuries of encroachment. The monarchy's task was to weld a fractured land into one kingdom under God.

In that light, the Inquisition was the spiritual corollary of the Reconquista—a continuation of the same struggle by other means. Its aim was the unity of faith, the foundation of social peace. The kings of Spain, following the medieval synthesis of throne and altar, saw themselves as guardians of both temporal and eternal order. The state did not exist to maximize freedom of opinion but to secure the conditions in which truth and virtue might flourish.

Modern readers recoil at such unity of church and state, yet they forget what its alternative looked like: civil war, heresy, and the anarchy that engulfed much of Europe during the Reformation. Spain, by contrast, preserved internal stability for centuries. Its Inquisition, for all its faults, was part of that stability.

By the seventeenth century, Protestant Europe had grown powerful, and Spain's empire had begun to wane. Its enemies, eager to justify their own ascendancy, painted the Catholic past in the darkest possible hues.

Thus, the myth served the Enlightenment's own moral project: the replacement of faith with reason, of hierarchy with individualism. The historical Inquisition had ended; the metaphorical one endured, reimagined as the perpetual enemy of progress. In our own time, that caricature still functions as a kind of secular demonology—a way for modernity to define itself against the specter of a world that took truth seriously.

To defend the Inquisition is not

to deny that injustice occurred. It is to refuse a false dichotomy: that one must choose between cruelty and relativism. The real lesson of history is that civilization cannot exist without some shared vision of truth and order. The Inquisition, for all its flaws, understood that heresy is never merely an idea—it is a solvent of community.

In our own time, when every moral distinction is suspect, this older understanding offers a sobering mirror. We recoil at a bit of arm-twisting yet tolerate moral chaos. We condemn fanaticism but applaud decadence. Spain's zeal may have burned too hot; ours burns not at all. If their danger was excess of conviction, ours is its absence.

There is, therefore, a kind of tragic nobility in that world's errors: they erred believing that Truth mattered enough to fight for. The modern West errs believing that nothing does.

The Spanish Inquisition stands, at its core, as a monument to an age that still believed in truth's supremacy over opinion. Its tribunals, however fallible, were founded on the conviction that error about God was the gravest evil, and that societies which tolerated it corroded from within. We may reject their methods, but we should not dismiss their motive: the defense of a sacred order.

History will always find ways to punish civilizations that refuse to defend themselves. The men of Spain chose unity over chaos, truth over relativism, eternity over comfort. We who inherit their civilization would do well to remember both their failings and their faith. For a world that can no longer imagine such conviction may find, in the end, that it cannot endure at all. ❧

Bernard Gui

3 Henry Kamen, *The Spanish Inquisition: A Historical Revision* (New Haven, CT: Yale University Press, 1998), 57.

4 Joseph Pérez, *The Spanish Inquisition: A History*, trans. Janet Lloyd (New Haven, CT: Yale University Press, 2005), 135–36.

5 Ibid. 151–52.

6 Brian P. Levack, *The Witch-Hunt in Early Modern Europe*, 2nd ed. (London and New York: Longman, 1995).

7 A collection of sixteenth- and seventeenth-century Protestant pamphlets depicting the Spanish Inquisition—such as *On the Unchristian, Tyrannical Inquisition That Persecutes Belief*, *The Form of the Spanish Inquisition Introduced in Lower Germany*, *A Warning to All Christians*, *The Englishman's View of the Spanish Inquisition*, and other anonymous Dutch and English tracts—was compiled under a University of California Santa Barbara “Spanish Black Legend” project to illustrate the polemical literature used by England and the Netherlands against Spain.

THE CRY OF BLOOD

On Natural Law, Order, and the Necessity of Retribution

RICHARD Y. RODGERS

Every civilization, before it collapses, must face again the question of justice. It must ask whether law is the servant of truth or the instrument of power. The test arrives when what is evil becomes fashionable and what is good becomes unspeakable, when those who corrupt the soul and defile the body are shielded by legality and celebrated as benefactors to a rotting state. It is then that the distinction between the written law and the natural law, between legality and justice, can no longer be evaded. The written law, if it ceases to reflect the natural law, becomes not law but license, a mechanism of organized injustice, clothed in procedural propriety.

Our own present age, rich in comfort but poor in conscience, has nearly perfected this inversion. We have learned to call merciful that which is cruel, freedom that which is actually bondage, and compassion that which is the most pitiless indifference. The vocabulary of our moral revolution is scientific, therapeutic, and sterile: “reproductive health,” “gender affirmation,” “consensual entertainment,” “assisted reproduction.” But beneath these

euphemisms lies a return to the oldest and darkest of idols: the worship of self, the denial of created order, and the desecration of the innocent. The abortionist, the pornographer, the merchant of surrogacy, the surgeon who disfigures men, women, and children are not pioneers of progress. These people are participants in a counter-civilizational cult, one that severs man from the law written on his heart.

It may be said that such men and women have violated no statute, that they acted under the protection of the law, and that punishment cannot justly be retroactive. Yet to rest in that reasoning is to deny that justice has any reality beyond the convenience of legislators. The ancients knew better. For them, law was not the will of the sovereign but the ordinance of reason; and where the ordinance of reason was broken, no parchment could sanctify its violation. “A law that is not just,” wrote St. Augustine, “is not actually a law.”¹ St. Thomas Aquinas, following him, declared that human enactments derive their binding force from their conformity to the natural law, that participation of the rational creature in the eternal law of

God.^{2 3 4 5} When a society legalizes what the natural law forbids, it forfeits the authority that makes its decrees law at all, and dissolves into tyranny.

The heart of the matter is this: if the natural law has been knowable from the beginning—if the sanctity of life, the integrity of the body, the dignity of generation, and the chastity of the soul are inscribed upon reason itself—then those who knowingly defied these precepts have committed crimes that no statute of limitation, and no ignorance of legislation, can erase. Their guilt is ontological, not conventional. It inheres in the act itself, not in the approval or disapproval of the moment. The abortionist who extinguishes nascent life, the surgeon who sterilizes and

mutilates, the pornographer who degrades the image of man and woman, all violate what every uncorrupted conscience has known from antiquity. They offend Creation, not custom.

To affirm this is to stand in a long tradition. Aristotle, in the *Rhetoric*, distinguishes between particular law—written and variable—and the universal law according to nature, which all men recognize even if no city has declared it.⁶ Cicero calls this law “right reason in agreement with nature,” which cannot be repealed by senate or people.⁷ Christianity continued and deepened that insight: the natural law is not an abstraction but the moral reflection of divine order, one that is imprinted on the hearts of all men.⁸

2 Aquinas, *Summa Theologiae*, I-II, Q91, a.2: “Since all things subject to Divine providence are ruled and measured by the eternal law ... it is evident that all things partake somewhat of the eternal law, inasmuch as from its being imprinted on them, they derive their inclinations to their proper acts and ends. Among all others, the rational creature is subject to Divine providence in the most excellent way, inasmuch as it partakes of a share of providence, being itself provident for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law.”

3 Ibid. I-II, Q93, a.3: “Every law inasmuch as it partakes of right reason, is derived from the eternal law. Hence Augustine says (De Lib. Arb. i, 6) that ‘in the temporal law there is nothing just and lawful but what man has drawn from the eternal law.’”

4 Ibid. I-II, Q94, a.2: “The first principle of practical reason is founded on the notion of good, viz. that ‘good is that which all things seek after.’ Hence this is the first precept of law, that ‘good is to be done and pursued, and evil is to be avoided.’ All other precepts of the natural law are based upon this.”

5 Ibid. I-II, Q96, a.4: “Laws may be unjust through being contrary to the Divine good... or to the good of nature. Such laws do not bind in conscience, except perhaps in order to avoid scandal or disturbance.”

6 Aristotle, *Rhetoric*, Book I, Chapter 13: “By the two kinds of law I mean particular law and universal law. Particular law is that which each community lays down and applies to its own members: this is partly written and partly unwritten. Universal law is the law of Nature. For there really is, as every one to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other.”

7 Cicero, *De Republica*, Book III: “True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting. It summons to duty by its commands, and averts from wrongdoing by its prohibitions. It does not lay its injunctions or prohibitions upon good men in vain, though neither have any effect upon the wicked. It is not allowable to alter this law, nor to derogate from it, nor can it be abrogated altogether. Neither can we be released from it by the Senate or by the people; nor is there to be sought any other interpreter or commentator of it but God himself.”

8 Romans 2:14-16 (DRA): “For when the Gentiles, who have not the law, do by nature those

1 St. Augustine, *De libero arbitrio voluntatis*, b. 1, s. 5., 1.5.11.33

Its violation is both irrational and sinful, and because justice is the constant and perpetual will to render to each his due, any society that withholds retribution from the violator of natural law has betrayed its own foundation.

Modern jurisprudence has forgotten this. The positivist, inheriting Hobbes's absolutism, supposes that right and wrong are what the sovereign commands, that the law is the sum of statutes and penalties, and that morality is private sentiment.⁹ The liberal, recoiling from the violence of that doctrine, retreats into proceduralism. So long as the process is fair, they suppose, the outcome cannot be unjust. Both positions converge in error. If the law is detached from the moral order, it loses the power to command the conscience, and men obey it only from fear. Law becomes a contract of mutual non-aggression, not a tutor in virtue. And when the state blesses evil with legality, it corrupts the very source of its legitimacy.

Further, punishment is not the enemy of mercy but its precondition. Mercy presupposes guilt; it does not abolish it. To punish is to acknowledge the moral seriousness of human acts and to reaffirm the sanctity of the good that has been

violated. Joseph de Maistre, contemplating the wreckage of revolutionary France, wrote that "the executioner is the horror and bond of human association."¹⁰ His remark was not a hymn to cruelty but to order: without the power to punish, a people ceases to be a people, because it loses the capacity to distinguish justice from sentiment. Removing retribution from the moral cosmos effectively declares the universe, and its Creator, indifferent to good and evil.

If this is true, then a civilization that legalizes the destruction of the unborn, the mutilation of reproductive organs, or the commercial manufacture of human life has placed itself in rebellion not merely against nature but against justice itself. Such a civilization cannot endure; it carries within it the seeds of divine judgment. There are limits to God's patience with nations as with men. "The voice of thy brother's blood crieth to me from the earth," said the Lord to Cain;¹¹ and that cry has never ceased. The millions destroyed under the guise of mercy, the children rendered infertile in the name of identity, the women reduced to instruments of commerce—these are not private tragedies but public crimes. Their blood

demands atonement, and if man will not exact it, Heaven will.

Here one must speak with precision. To call for punishment after the fact is not, in this sense, to indulge vengeance. Rather, it is to vindicate the moral order. The prohibition of *ex post facto* laws in our Constitution was framed to prevent tyranny, to secure the citizen against arbitrary decrees. But it was never meant to absolve those who, under cover of legality, commit acts that conscience and reason have always condemned. The Nuremberg tribunals, imperfect yet indispensable, recognized this distinction. The defendants pleaded that their deeds were sanctioned by law; the judges replied that there is a higher law to which every man is bound. "Crimes against humanity" was the phrase chosen, an appeal to the natural law itself, older and more binding than any code of the Reich.

Our own predicament differs only in degree, not in kind. The abortionist may quote statutes and the sex-change surgeon may cite medical consensus just as the Nazi quoted orders, but the moral blindness is the same, and the excuse just as hollow. There are acts so contrary to reason and nature that the soul of man recognizes their evil without instruction. To claim ignorance is to confess corruption.

If the argument holds, then justice requires both reform and reckoning. The law must declare, even retroactively, that certain deeds were crimes *ab initio*—not because the legislature has changed its mind, but because the acts were contrary to the law of nature before they were ever codified. To punish them is to restore the continuity between the moral and the legal, to close the chasm that modernity has opened between conscience and statute. Such punishment would not be the introduction of new law but the

recognition of an older one, reasserted after an age of eclipse.

Yet prudence must guide zeal. Justice, though it demands blood, must not be drunk with it. The restoration of order cannot proceed through anarchy. Any society that undertakes to punish retroactively must do so with solemn restraint, with public acknowledgment of its own guilt for having permitted the crimes, with procedures that protect against excess, and with mercy for those misled rather than malicious. The purpose of punishment is to expiate, not to destroy. It is the reestablishment of moral truth in the order of the world.

No punishment will ever equal the destruction done, but punishment may prevent a worse evil—the moral callus that forms when atrocity is left unpunished. Nations, like men, grow sicker when their sins are left unnamed. To punish after the fact is to confess that the law had failed to recognize justice, and in that confession lies the beginning of repentance. A civilization that refuses to punish what it knows to be evil renounces the right to exist. For where there is no retribution, there can be no responsibility; and without responsibility, liberty decays.

The objection will be made that such reasoning opens the door to fanaticism, that if every faction punishes according to its conscience, the rule of law will perish. The fear is not groundless. Yet the alternative—moral paralysis—is worse. A people that will not act on its deepest convictions of justice because it fears excess will in time lose the capacity for conviction at all. Prudence is not cowardice; it is courage disciplined by reason. The invocation of natural law does not dissolve human law. It recalls it to its origin.

If ever the West is to recover sanity, it must restore that hierarchy.

things that are of the law; these having not the law are a law to themselves: Who shew the work of the law written in their hearts, their conscience bearing witness to them, and their thoughts between themselves accusing, or also defending one another, In the day when God shall judge the secrets of men by Jesus Christ, according to my gospel."

9 Hobbes, *Leviathan*, Chapter 15, OF THE LAWES OF NATURE: "Law, properly is the word of him, that by right hath command over others." Hobbes, however, also writes in Chapter 14, OF THE FIRST AND SECOND NATURALL LAWES, AND OF CONTRACTS: "A LAW OF NATURE, (Lex Naturalis,) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved."

10 Joseph de Maistre, *St Petersburg Dialogues: Or Conversations on the Temporal Government of Providence*: "All grandeur, all power, all subordination to authority rests on the executioner: he is the horror and the bond of human association. Remove this incomprehensible agent from the world and at that very moment order gives way to chaos, thrones topple and society disappears."

11 Genesis 4:10 (DRA)



The Massacre of the Innocents, Peter Paul Rubens, 1610

Law must again be understood as moral pedagogy, politics as the guardianship of the common good, and punishment as the visible sign that the moral order still holds. The abortionist's forceps, the pornographer's camera, the trafficker's contract, the surgeon's scalpel—all these will one day be seen for what they are: relics of an age that mistook license for liberty and created as a result more suffering than the world had ever known. Whether that day of reckoning is temporal or divine remains to be seen, but it will come. The natural law is not repealed by forgetfulness.

Every great repentance begins with a recognition that the law of God has been mocked. The Israelites tore down their idols. The Athenians raised altars to the unknown God. Even revolutionary France, after drowning itself in the blood of princes and priests, rebuilt its churches. So too must we. We do not punish the guilty because we delight in their suffering; we do it to restore the moral architecture of the world. Civilization endures only where innocence is protected and sin acknowledged. Mercy for the guilty is cruelty to the innocent just as leniency for the destroyer is treachery to the destroyed.

We live in that hour of testing. Our courts are crowded, our statutes swollen, yet justice lies prostrate. The question is no longer whether particular acts are legal but whether the civilization that permits them can survive. No order that denies the natural law can long escape its consequences. The blood of the innocent cries out, and the answer must be more than words. The time for persuasion has passed; the time for judgment approaches. If we would not be judged by wrath, we must judge by reason. Justice demands blood—not as vengeance, but as sacrifice, as the visible acknowledgment that some evils are intolerable and that a people's soul is worth

the price of its repentance. To punish those who have knowingly violated the natural law is to confess that law's sovereignty and to reclaim for our civilization the right to call itself just. ❧

John Henry Newman

THE EXECUTIONER'S WILL

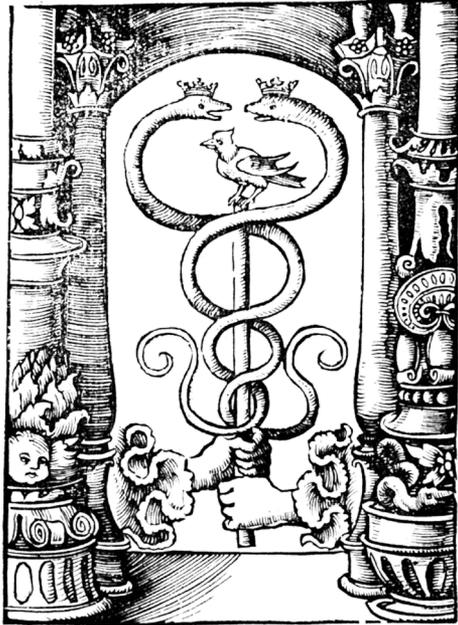
DECLAN I.M. DEADY

To my victims, I leave prayers, asking their
Forgiveness, which I have no right to ask,
For their crimes were not so great as to call
Down my swift axe, well-sharpened, on their necks.
To my mother, leave I apologies,
This was not the life you'd have had me lead
But ev'ry man needs shelter, food, and drink
And Death's Angel served in duty and deed
To the abbot, long suff'ring confessor
My thanks is all I can offer today
And a few pennies laid on darkened eyes
In hope one holy mass for me you'll pray
To king, and to country, all else I own,
In life gave I, my soul, in death, my stone.

❧

Mauritius

γίνεσθε φρόνιμοι ὡς ὁ ὄφας,



ἁπλοῦς ὡς ὁ ἀετός,

Prudens simplicitas amorq; recti.

ἀκέραιοι ὡς αἱ περισσεραί.