

## ARGUMENTS ABOUT THE DEATH PENALTY

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[The recent controversy concerning the execution by gassing of an American convict has brought the question of the death penalty yet again to the fore. Some regard the starts and stays in that case as barbaric. Others have opined that one must oppose capital punishment if one is opposed to abortion. This displays a false line of reasoning, for it is wrong to equate the lawful killing, by public authority, of a guilty person with the unlawful killing of an innocent. One can find among the abolitionists those who have no qualms about supporting or demanding abortion.

Nevertheless the recent spate of successful appeals against convictions in English courts, particularly by Irish men and women, has made many wary of endorsing the death penalty in Great Britain. The death penalty is for those guilty of heinous crimes not for those found "guilty" by means of shoddy or inept forensic science or by fabricated evidence. Many of those whose appeals have been successful would probably now be dead had the death penalty been available in English Courts.

From time to time one has the distinct impression that some involved in the British system of justice are more interested in securing conviction than they are in arriving at the truth. A nation must be satisfied in its justice system if it has the death penalty as a sanction. Nevertheless the innocent person who is executed has a great example to follow; that of Our Saviour and the martyrs.

Serious defects in one system of justice, however, cannot dictate the norm for all others. At a time when society is obsessed with the "rights" of criminals and is waist deep in the blood of aborted babies, we feel no embarrassment in presenting the following text for our readers. We hope that it will help redress much of the wooly thinking on the subject. - Editor, *Apropos* ]

Certain cases of particularly brutal assault have caused the question of the death penalty to be raised yet again... and just as quickly shelved, as it is known that a large majority of French people is in favour of it for the most serious crimes.

Here, **Rémi Fontaine** avails himself of numerous quotations as he answers questions often asked about the death penalty: is it a safeguard, an efficacious deterrent, or an act of revenge? Does it not impair the dignity of man and the sacred character of human life? Catholics too often forget that, for the repentant criminal, it is also a pre-eminent opportunity for reparation, and so for eternal life.

### **Is the death penalty an efficacious protection, a legitimate defence?**

*'The lives of some dangerous individuals are an obstacle to the common good of human society; hence these men must be eliminated by death from society.'*

*'There are those so irreformably dangerous that their lives are a menace to their fellow-men. It is right to remove them in the same way as one puts down a wild animal.'*

*'The head of civil society is just and commits no sin when he executes a dangerous man in order to prevent the peace of the state from being disturbed.'*

*'The head of state can impose irreformable penalties, such as death.'*

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(St Thomas Aquinas: *Summa Theologica*)<sup>2</sup>

'The law grants the right of self-defence to every person who is the victim of an attack. A man may lawfully kill to save his life. A child, an old man or a tortured hostage have neither the means nor the possibility of exercising this right of self-defence. When society punishes their murderers with death, it merely exercises this right on behalf of the defenceless victims.' (André Giresse: *Cahiers de Chiré* No.5)

'Violence is just where gentleness is futile.' (Corneille)

'The death penalty is an act of violence taken for the sake of the legitimate defence of society as such, especially its weak members - women and children. The State may renounce it only if no harm is caused thereby to the right of women and children to life and survival on earth, nor to the duty of the community towards them.'<sup>3</sup> (P. de Margerie: 'Le Monde', 26 June 1978)

### Is the death penalty really a deterrent?<sup>43</sup>

'A logical argument (in the absence of a reply) is: .....if capital punishment is a deterrent, its abolition will bring an increase in the number of murders and, therefore, of victims. If the death penalty does not deter and it is retained, there will be unnecessary executions. Since, either way, a risk of death is incurred, I prefer that those incurring it should be the criminals, rather than honest people.'<sup>5</sup> (Francois Romerio: 'Présence Socialiste' 25 Sept 1977)

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<sup>1</sup> This is the traditional *jus gladii* of the state- the power of life and death - recognized by the Church, and applicable only against the guilty, with this Thomistic specification, confirmed by Pius XII and summarized by Fr. de Margerie:

*'The State never abrogates the right to life, but may take note of the renunciation of the exercise of this right by the guilty person. In other words, it may decide that the commission of the crime, and particularly the non-recognition of the absolute and unconditional right of the innocent to life, signifies, on the part of the criminal - even if he does not accept such an implication - the renunciation of the unconditional nature of his own right to life.'* He then retains only the right not to be killed by private persons, nor prior to a verdict and subsequent death sentence. (cf. speech by Paul VI to Italian Jurists, 9th December, 1972). [We cannot see the direct relevance of Paul VI's speech to the preceding text. The speech concerned the right to life of the unborn child - perhaps it is quoted in support of the absolute and unconditional right of the innocent to life. – Ed. *Apropos.*]

<sup>2</sup> A condition which is evidently a matter of debate: has the law the means and the will to protect society, without capital punishment as the keystone of the penal system? (cf. Alphonse Karr's response to the abolitionists: 'Let our dear murderers begin!'). It is a question of political prudence, as distinct from doctrine. *'It is beyond doubt that the principle of the death penalty is accepted by Christian doctrine. This does not mean that the Church requires that the application of the death penalty should be part of the penal code of every nation. In other words, it is possible to accept the principle of the legitimacy of the death penalty, without being in favour of its application in particular circumstances, in a particular country. Once the principle of the death penalty is recognized by the Church, the state has full liberty to decide whether the actual application of the death penalty is opportune or not. That is a matter for discussion. It is in this sense that one may be for or against the death penalty.'* (J.M. Vaissière, *Fondements de la Cité.*)

<sup>4</sup> Beware of the fraudulent use of certain statistics in this question, as happens also in the case of abortion.

<sup>5</sup> Let us add that, in the (unlikely) event of the death penalty's not being a deterrent, it does (in the nature of things) "deter" the condemned man from offending again, an all too common occurrence today. A pointer which also turns the scale....

'It is advantageous that the ill-will of the evil should be repressed by their dread of punishments.'  
(St Augustine)

'When a bandit is hanged, it is because of others, so that the fear of punishment may stop their misdeeds.' (St Thomas Aquinas)

'He who is hanged is not corrected: others are corrected through him.' (Montaigne)

'The deterrent effect which a rigorous application of the law can exert on potential criminals is too easily forgotten. I am aware of the common objection: since you believe that even the irresponsible must be punished, how will their punishment serve as an example to other irresponsible people who are driven by, the same base inclinations? My reply: fear is a very powerful motivating force, often capable of arousing in the most hardened of hearts a resolution which counter-balances the criminal instinct. Animals are irresponsible; yet their behaviour can be altered by rewards and punishments.<sup>6</sup> In the case of hardened criminals, there is obviously no question of reward, but the threat of punishment retains all its force. "Fear is the beginning of wisdom" says Scripture. It is even the only wisdom for lawless and loveless creatures. This does not by any means rule out compassion towards criminals; but this compassion, which is directed at the criminal's soul, should not in any way hinder the exercise of penal justice, which is concerned solely with the social repercussions of crime.' (Gustave Thibon: *Le billet de Waastmunster*, February 1978)

'The person who kills with malice aforethought must be made aware that he risks death. The prospective criminal has to choose either to run this risk or not. Let criminals know that they shall no longer act under cover of an easy going indulgence, by virtue of which individuals and, in the end, society, are reduced to strife and disintegration. The death penalty must remain as the cornerstone of the range of punishments. It is the equivalent of the nuclear deterrent in our punitive apparatus.'<sup>7</sup> (André Giresse: 'Cahiers de Chiré' No.5)

'There are murderers who are irreformable monsters, homicidal maniacs. By eliminating them definitely, we thereby save those innocent people whom they would not fail to kill, on emerging from prison, or if they escape, or even if they remain in prison, as has happened.' (P. Bruckberger: 'Sud-Ouest' 24 Feb 1979).

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<sup>6</sup> A crude image? St, Thomas, with and after Aristotle, did not fear to compare the criminal to a beast: '*By his crime, he renounces (recedo) this life of reason*', which makes him what he is: a rational creature. Losing (relatively) this rational nature, he thereby loses (relatively) his human dignity. He thus falls (relatively) into the servile condition of beasts. (J.M. Vaissière, *Fondements de la Cité* )

And Pius XII: '*When a man unwarrantably refuses to submit to reason, he becomes, either by his tenets or his acts, as it were, a corrupting poison in relation to the public good, which is the very basis of all good in society. In that case he loses, in a certain way, his human dignity and no longer has the right to inviolability, which that dignity confers on every human being...*' (13th September, 1952) See also Question 4.

[We add the following observation by Bernard Levin in the *London Times* of 15th May 1989 - Editor, *Apropos*.

'The gang who destroyed the woman in New York (the infamous Central Park gang-rape), and the gang who beat up a blind man and broke his stick in Britain, have altogether shaken themselves loose from the human race. The difference is crucial, and can be seen in the terrible question that springs to mind of every fully human being: why did they want to do these things.' ]

<sup>7</sup> It should be noted that such a deterrent exists so as not to be used, or to be used as little as possible, relying upon its efficacy.

## Does the Death Penalty not imply revenge rather than justice, a law of retaliation more than a law of civilization?

*'Spare the rod and spoil the child.'*<sup>8</sup>

*'Whenever the death penalty is discussed, the abolitionists condemn it as a law of retaliation, and thus the very depths of barbarity. I have yet to be shown why the law of retaliation is barbarous. Where a crime is concerned, I find it fully justified. In actual fact, it is never strictly applied: the murderer sentenced to death is never made to suffer the threats, the anguish and, sometimes, the tortures, which he himself inflicted on his victim.'*<sup>9</sup> (P. Bruckberger: 'Sud-Ouest' 24 Feb 1979)

*'Yet it must not be thought that the "law" is a mandatory prescription; it is only an extreme limit (not more than an eye for an eye), a non-obligatory rule of jurisprudence. That is how the Talmudic rabbis understood and transmitted it. In fact, in a famous commentary, the Jewish doctors show, by means of a 'reductio ad absurdum' that the ancient law is not to be taken literally, as Western minds are inclined to believe: **"If a one-eyed person puts out one of your eyes, shall the tribunal order his remaining eye to be put out? He has only blinded you in one eye, and you seek to make him blind in both".**'* (P. Pierre Fourny: *Promovere* 1978)

*'Hatred is not a useful quality if we want good avengers (redressers of crime), anymore than it is if we want good soldiers. What is required is total dedication to the common good. Being a juror in a criminal case is no picnic, but neither is war, yet it is sometimes necessary. Woe to the country which has no soldiers or cannot find judges!'* (R.P. Bruckberger: *Oui à la peine de mort*)

*'Without hatred or fear'* (from the oath sworn by jurors in our criminal courts)

*'It (authority) holds the sword with good reason: it is God's minister in executing vengeance upon the malefactor.'*<sup>10</sup>

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<sup>8</sup> There is personal vengeance and vengeance on behalf of a third party. If a mother reproves a child who has stolen a cake, the reason is not simply because he has deprived his little sister (whom she "avenges") of her snack. She punishes him above all out of love for him, so that he will not do it again and thus become a slave of his whims. She teaches him his liberty, his dignity as a man, which is co-extensive with his responsibility. And if we really understand that the punishment must be in proportion to the harm caused, we can also understand that the irreversibility of a crime must be compensated by the irreversibility of the penalty.

<sup>9</sup> The idea of retribution or expiation expressed in the questionable law of retaliation of primitive societies is, nonetheless, the essence of penal justice (which is corrective justice at the community level). In that sense, the law of retaliation marks an improvement over the ancient practice of family vengeance, whereby the sanction bore no resemblance to the fault: *'...I have slain a man to the wounding of myself, and a stripling to my own bruising. Sevenfold vengeance shall be taken for Cain, but for Lamech seventy times sevenfold.'* (Genesis, 4:23-24) It puts an end to tribal vengeance, making the supreme punishment strictly individual and the penalty usually commensurate with the crime committed.

<sup>10</sup> Is not "vengeance", without hatred or imprudence, but with discernment and reflection, the legitimate exercise of penal justice by the secular arm, in conformity with the Church's authorization? (cf. Fourth Lateran Council). See also Pius XII: *'Considered in its end, the deliberate breach of a law indicates an arrogant contempt for authority... And, since all human authority can, in the end, emanate from God alone, every deliberate infraction constitutes an offence*

Commentary by Pius XII: 'Here, expiation is put in the forefront. The expiatory function alone enables us to understand the Creator's final judgement.' (3 Oct 1953.) 'Holy Scripture teaches that, as regards the implementation of the penalty, human authority, within the limits of its competence, is nothing other than the executor of divine justice.' (5 Dec 1954)

### **Is not the death penalty an attack upon the dignity of man - an act of barbarous cruelty?**

'The most indispensable punishment for the soul is that which is due for crime. By crime, a man puts himself outside the framework of eternal obligations which bind each human being to all the others. He can be reintegrated into it only by punishment: fully, if he consents; otherwise, imperfectly. Just as the only way of showing respect for a person who is suffering from hunger is to give him something to eat, so the only way of showing respect for a person who has placed himself outside the law is to reintegrate him into the law, by subjecting him to the punishment, which it prescribes.... Punishment should be an honour.'<sup>11</sup> (Simone Weil, "L'enracinement")

'It is not barbarous to punish the guilty, but it is to deprive the innocent of protection...'

'I am for the retention of the death penalty in our laws. Imprisonment for life, or even for a long period, degrades the convict once for all, even -and especially - in his own eyes. <sup>12</sup> The infliction of the death penalty safeguards his dignity. The death sentence may bring dishonour, but this is not always so. To deprive a criminal sentenced to death of the infliction of his punishment is, for the most part, to take from him the only hope he has of rehabilitating himself.

It is a thousand times better to die than to rot in prison for twenty years. At the moment of dying, the murderer inspires respect; the recluse risks rapidly losing his self-respect. It is to be feared that the abolitionists are unaware of the respect due to man, even one guilty of the most heinous of crimes. Death, above a certain level of guilt, ought to be desired, for it is the only way of emerging with honour.' (P. Bruckberger: *L'âne et le boeuf* and various articles.

'The death penalty is the consequence of a mystical idea, totally unappreciated today. The purpose of the death penalty is not to save society, at any rate, not materially. Its purpose is (spiritually) to

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*against God Himself.... We declare that it would not be right totally and in principle to repudiate the vindicatory function of punishment.'* And Pius XII rejects the thesis according to which St. Paul's formula contains merely 'ideas corresponding to the historical circumstances and culture of the period', maintaining that this verse has a 'general and perennial value', as it refers to the 'essential basis of penal authority and its immanent finality.' [5th Feb., 1955 – Discourse to Catholic Italian Lawyers].

<sup>11</sup> Hence, capital punishment can be considered a signal honour, however little one may realize that 'what gives meaning to life, gives meaning also to death.' (Saint-Exupéry) When life is desacralised, sacrifice becomes absurd.

<sup>12</sup> On this point, see the "Revue de science criminelle" (No.2, 1967, p.479): 'It is not humanly, equitably or practically possible to keep a condemned man of fifty in prison on the pretext that, twenty or thirty years. Previously, he was a vile murderer. Any law which ordained that a life sentence should mean this literally would, before long, be inevitably and justifiably abrogated. It would have served only to facilitate the abolition of the death penalty, by leading the legislator and public opinion to believe that an alternative punishment had been found.'

save society and the guilty party.<sup>13</sup> For the sacrifice to be perfect, there must be assent and joy on the part of the victim. To give chloroform to a person sentenced to death would be an act of impiety, for it would take away from him the consciousness of his grandeur as a victim, and destroy his chances of gaining paradise...' (Baudelaire: *Mon coeur mis à nu* 1864).

'Certain crimes exclude their perpetrators, not from the group, the family or society, but from humanity. These crimes are so heinous that to commit them is to exclude oneself, to put oneself outside, to reject the human condition. Let us examine the situation of a man who has committed a crime and continues to live. If a criminal does not feel that a crime of this nature has put him beyond the pale, then he remains evil, and if he does feel he has put himself beyond the pale, what secular procedure can free him from remorse, shame, despair and disgust. If he again becomes worthy to live, he should ask to die.'<sup>14</sup> (Jean Fourastié: *Le Figaro* 25 June 1979)

### **Is the death penalty not contrary to the Gospel spirit? Does it not infringe the sacredness of life, recognized by the Church: 'Thou shalt not kill'?**

'Jesus answered: Thou shouldst not have any power against me (of life and death), unless it were given thee from above.' (John XIX: 11)

'And he said to his disciples (It is impossible that scandals should not come). But woe to him through whom they come! It were better for him that a millstone were hanged around his neck and he cast into the sea than that he should scandalize one of these little ones.' (Lk XVII: 1-3)

'The New Testament combines the affirmation of the State's right to take life (cf. Rom XIII: 4) with the presentation of the twofold example of Jesus, God and man. Jesus is the God in whom all authority is vested to lead men to good and chastise evil (Rom XII: 1-5), even by means of the sword; but He is also the man whom, in circumstances of self-defence, gave no command to kill (John XVIII: 11: "Put up thy sword into thy scabbard"), but preferred to die for those who killed Him and for their eternal salvation. His example invites Christians, and even all men, to prefer to suffer violence, contrary to justice, rather than take violent action in conformity with justice, each time that the rights of others, especially the weakest, are

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<sup>13</sup> History provides celebrated examples, from the good thief to Jacques Fesch, and including Francois Villon, Gilles de Rais and Buffet.

<sup>14</sup> There is the example of Buffet, asking President Pompidou not to reprieve him: 'You will be aware that the function of a defence counsel is to get his client, at whatever cost, out of his position as a condemned man, even if his client is guilty and dangerous, as I am. My conscience is deep rooted in my situation, and I declare most sincerely that I cannot see myself ending my life in such circumstances. Now, I am not one to commit suicide myself. Since I have killed, the only way out for me is to be killed. That is my morality.' And in his last letter he wrote: 'To give myself voluntarily, to God, in death that would be my life's wish, the supreme reward.' - the grace of the good thief transforming his punishment into a reward.

[Added note by Editor *Apropos*: Prisoners subject to life imprisonment have also recognized the enormity of their crimes and have rejected appeals made by others for their parole. Ian Brady, the "Moors Murderer", in a letter to the *Sunday Times* of 16th May 1982, stated: 'Noting the alacrity with which the quality and popular press publish Lord Longford's lamentably frequent utterances re the question of parole for Myra Hindley and myself, it is not widely known that he does not and never has represented my opinion on this subject. The weight of the crimes both Myra and I were convicted of justifies permanent imprisonment.' - Although recognizing the weight of the crimes, Brady has apparently never expressed regret for them and has expressed the wish to kill himself through starvation. He has been force-fed by his incarcerators as a 'mental patient'.]

not thereby infringed. Jesus never infringed the right of the weak to earthly life, not even indirectly; nor did He affirm any unconditional and absolute right of the guilty to this life.<sup>15</sup> (P. de Margerie: *Le Monde* 26 June 1978)

'Now then, my dear Camus, if there are Christian abolitionists, they must have a patron saint in the Gospels. I think I have found that patron saint: the bad thief. What did the bad thief want? Above all and exclusively, to save his skin, his miserable, earthly skin. He was lucky enough to be crucified with somebody who worked miracles. Why was He waiting before working one more - it was urgent! "If thou be Christ, save thyself and us." Justice? He did not think of it. The main thing for him was to escape punishment, to escape yet again. He came to a nasty end!"

As for the good thief: 'Having led the life of a bandit, he knew that he had wasted his life, and he had no intention of wasting his death, as it was all he had left; and what he had left was no doubt the most important thing in a man's life...

"For we receive the due reward of our deed." Where he attains an epic grandeur, as the Greeks understood it, and, amidst his own misfortune, perceives the difference between the innocent and the guilty, is when he turns to Jesus and says: "But this man hath done no evil". It was then that he suddenly became a Christian. He took pity on God, on divine innocence crucified, which he had the grace to recognize; and, as he recognized his incarnate God in the man next to him on the cross, hope welled up within him and he implored; "Lord remember me when Thou shalt come into Thy kingdom".<sup>16</sup>

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<sup>15</sup> Fr. Margerie adds: 'Let us note emphatically that, to our knowledge, no episcopal conference (nor even any bishop) has said that it recognized such an unconditional and absolute right to temporal life on the part of an unrepentant criminal. No doctrinal declaration of the universal Church can be quoted in this sense: on the contrary the constant teaching of the ordinary magisterium of the Roman Pontiff in the course of the centuries, and particularly in the course of our own, restricts the recognition of an absolute and unconditional right to earthly life to the case of the innocent.'

Pius XI even specifies: 'It is absurd to invoke against innocent human beings the right of the state to inflict capital punishment, for this is valid only against the guilty.' (*Casti Connubii*, 1930). And [Pius XII states]: 'It is reserved to public authority to deprive the condemned man of the gift of life, in expiation for his fault, after he, by his crime, has already deprived himself of his right to life!' [Address to the First International Congress of Histopathology of the Nervous System] (14th September, 1952).

<sup>16</sup> It is no parable that Fr. Bruckberger relates here. It is what really happened at the most decisive moment in our human history. Christ did not reply to the bad thief on Calvary. He did not miraculously suppress his punishment. To the good thief he said: *This day thou shalt be with me in paradise.* This is the reality which, two thousand years later, is still producing "good thieves", just like Jacques Fesch, one of the last to be sentenced to death in France: *The nails in my hand are real, and they are accepted. You see (he is writing to his wife), I am certainly going to go through a deuce of an agony, and the preparation for this gory masquerade is horrible. Well, if it makes me tremble, it is not through physical fear but because I understand better the total purity of Christ by contrast with my abjectness. In spite of everything that will happen to me, I shall be saved solely and uniquely by grace. A few moments ago, the thought occurred to me that, whatever I did, heaven would never be for me. It was Satan who inspired that thought. He wants to discourage me. I threw myself at the feet of Mary, and I am better now Holy Virgin, be with me!*

*I AM HAPPY! GOOD-BYE!*

Here is this man, condemned by the city of men, and no doubt welcomed, like the good thief, into the city of God. Fr. Bruckberger writes: *"If the condemned man is worthy of it, and if he can seize his chance, then whatever crimes he may have committed, he is suddenly invested with an unassailable sovereignty: a justice of a different kind, a justice from the next world, comes into this world, passes through it and carries off its prey, as it were, on a fiery chariot Do*

(P.Bruckberger: *Oui à la peine de mort*)

'The forgiveness of God calls for the forgiveness of man, but does not replace the task of judges.' (Cardinal Lustiger: *Le Figaro* Nov. 1991)

'As for the objection which says that the murderer, for example, can repent after his crime and thus recover the fullness of a sacred dignity rendering him untouchable, such an objection is not serious.... For the very nature of repentance after a crime consists not only in acknowledging one's guilt but in knowing that one deserves punishment... If repentance and even God's pardon were sufficient, why, we may ask, is the person who has received absolution bound to fulfil the **penalty** of penance? Thus, even a repentant criminal may be punished by public authority - provided, of course, that the latter deems it proper.' (cf note 2) (J.M.Vaissière: *Fondements de la cité*)

## TO SUM UP

'The intention of the avenger must be to effect at least the correction of the criminal and, perhaps, his repentance: at any rate, to render it impossible for him to do harm, preserve the peace to which the citizens as a whole are entitled, and promote respect for justice and the reverence due to God the Creator.' R.P. Bruckberger: '*Oui à la peine de mort.*'

Protection, deterrence and, of course, correction ( in the sense of "repression", to "avenge", without hatred, a third party, to effect expiation by means of a merited punishment, proportionate with the irreversibility of the crime committed), perhaps to redeem - such are the social, political and moral arguments which provide the basis for the State's right to use the sword, in other words, for the legitimacy of the death penalty.

'He that loveth (his son) chasteneth him betimes': a moral and political virtue. Love: this is to be understood as being both for the person punished (his personal good) and for society, in other words, for the common good and for the criminal's salvation (which partly rests with the judge).

To a person who, through his own fault, has lost what made him worthy and sacred, the possibility of the death penalty paradoxically offers him the opportunity of recovering that dignity at one go, by making him face up to his responsibilities and enabling him, at the supreme moment, ultimately to assume full responsibility for his acts.

A choice of expiation and amendment, while tragic (in the classical sense) , is much more human, honourable, <sup>17</sup> probably more efficacious <sup>18</sup> and in a word, moral than the alternative - an irreducible sentence cruelly described as "for life".

This is why those duly authorised (judges and soldiers alike) can legitimately deprive a guilty man of his life,

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*not take away from criminals this final chance to escape from us, step into the fiery chariot and be carried away on it."*

<sup>17</sup> 'Death, beyond a certain level of guilt, ought to be desired, for it is the only way of acquitting oneself with honour - if only from the temporal point of view, to say nothing of eternity. To leave a man to rot in a cell for forty or fifty years is moral bankruptcy. All those lawyers who declaim against the death penalty do not know what a man is. You will see whether Mesrine will not prefer to die rather than be put back behind bars. There is more dignity in dying like Bontemps than in languishing like Patrick Henry.' (R. P. Bruckberger: "*Valeurs actuelles*," 25th December, 1978.)

<sup>18</sup> It is hard to imagine that Buffet would be the same man, after twenty years of detention (in a penal system which some describe as a school of crime, on account of the conditions of promiscuity and life which make it a great disgrace), as he was at the time of his death.



without encroaching upon the judgement of God.<sup>19</sup> That is after giving consideration to the fore-mentioned alternative and the other advantages of the death penalty.

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<sup>19</sup> With due respect to Cardinal Lustiger, who stated: *'It is more human and more Christian not to deprive any human being of his earthly life. If God leaves a man a time to live, why should men arrogate to themselves the right to take it away from him, even if he is guilty of the worst crime?'* (The question is as valid - or rather is no more valid- as regards the just war).

*'Human justice must fulfill its mission. It is not divine justice. For a legislature to renounce the death penalty is to display wisdom and to affirm the rule of law: is granting the legitimacy of killing a guilty man to abolish murder? Only on condition that justice has the means and the will to protect society.'* (Some condition! 'Let our dear murderers begin!') *Le Figaro*, November 1991. [Text in brackets is commentary by Rémi Fontaine. - Ed. *Apropos*]