

# Death Penalty Is Getting a Bad Name

## Nations That Have It Provide Lessons in Moral Geography

By FRANKLIN E. ZIMRING

Events are conspiring lately to give the death penalty a bad name. First the revival of the electric chair in Alabama was fouled up by technical difficulties. It took three pulls of the switch to execute the first death warrant there in 20 years. Then racial overtones incited an international controversy over the hanging of three black nationalists convicted of bombings in South Africa. Meanwhile, the Khomeini regime in Iran defended the religious purity of its revolution by executing 17 members of the Bahai faith. It's almost enough to make a citizen reassess his support for local experiments with lethal injection.

Or is it? Capital punishment, like any other legitimate instrument of state power, can be misused. But what does that prove? We have learned much from the state's abuse of the mental-health process in the Soviet Union, but only a fool would counsel that we must close our mental hospitals because they abuse theirs. Isn't an assault on the death penalty similarly misdirected? The answer is No.

Sometimes you can judge the morality of a practice by the company it keeps; executions hang out in the world's seediest neighborhoods. The liberal democracies that we normally use as points of reference will not execute, even under substantial pressure. Indeed, contrasting those nations of the world still engaged in capital punishment with those that abstain is a course in moral geography that we cannot ignore.

A recent survey of capital punishment by Amnesty International provides an excellent starting point for such a tour. South Africa's recent hangings, for example, were far from an aberration. That country is listed as one of the world leaders in executions in the report, averaging well over 50 per year in the period covered by the survey. Of the 132 persons the government reported executed during 1978, one was white.

South African leadership in execution policy may just be a product of punctilious

reporting. Many nations, including the Soviet Union (and, until very recently, China) have been understandably reluctant to acknowledge widespread execution. Many other countries would have difficulty sorting out when informal government killing shades into officially sanctioned execution. Argentina, Cambodia under Pol Pot and Idi Amin's Uganda must be excused from such a detailed census.

Still, the officially reported patterns do speak forcefully to the contrast between countries that execute and those that refrain. Western nations show wide variation in laws on the books regarding capital punishment, but nearly all avoid exacting the ultimate penalty.

Only three of 15 nations in Western Europe reported any executions during the 1970s: France, Greece and Turkey. The trend is clearly toward abolition of the death penalty in deed if not *de jure*. Recent events in Great Britain, where a proposal to bring back execution was decisively defeated, suggest that this pattern will persist independent of other changes in national political sentiment.

But South Africa is hardly isolated in its executions. Many of its African neighbors execute with some regularity, as do nations across the Third World. The large group of developing nations that reject execution is still a minority. And while the trend in most countries is away from execution as a tool of government, there are exceptions here as well. Authoritarian military coups provide opportunities for new death penalties in many nations. Dictatorships of the left and right, in countries as disparate as Haiti and Cuba, find common ground on capital punishment. And the executioner is reputed to ply his trade, quietly, through much of the Eastern Bloc.

Two non-executing nations merit special attention because of the provocation that they have endured without resort to capital punishment. Israel exists in fear of external

force, and domestic terror, and its current government can hardly be regarded as soft-hearted; yet not since the death of Adolf Eichmann has the prospect of an execution become real.

West Germany, of course, has a special legacy in the department of governmental violence. Small wonder that its citizens suffered through a decade of kidnaping and assassination without being exhorted to fight fire with fire.

But what if Western Europe is wrong and our proponents of execution are right? The unanimity of Europe's pacifism toward Hitler was no substitute for correct policy. Might this be another mass mistake?

The case for capital punishment might survive the hostility of its enemies, but never the enthusiasm of its friends. It is possible that the West Germans and Scandinavians have missed out on a policy to enhance the social value of human life. But is it possible that Idi Amin embraced it as such? Are there other areas of ethical propriety in which it is suggested we take instruction from South Korea and Uganda?

The correlation between capital punishment and human-rights violations is so strong that the list of countries with active executioners matches Amnesty International's other score cards concerning torture and political repression. Can this be a coincidence? Or have we stumbled on a shorthand method of taking a society's moral temperature.

Much of the rhetoric in favor of an American execution revival seems simultaneously arid and provincial, a species of neo-barbarian chic. And the pattern among nations resembles an iron law of political economy: Capital punishment thrives only where life is cheap.

Franklin E. Zimring, on leave from the University of Chicago, is acting director of the Earl Warren Legal Institute at the University of California at Berkeley.



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