

Commentary

A RIGHT TO KILL : Compromise is rarely a good counsellor when moral issues are at stake, and the Homicide Act of 1957—based as it was on an uneasy attempt to avoid the political pressures that the complete abolition of capital punishment would create—is by this so seriously discredited that its revision has become a matter of urgency, if not of honour.

There are traditional arguments to justify the taking of human life when the general good is thought to require it. The danger to the community of letting wild men run wild in their wildness might seem to the medieval moralist a sufficient reason for eliminating a cancer that could destroy society itself, but this can have little in common with the judicial execution of murders in the context of the criminal law today. Murder is indeed of all crimes the gravest, and the community is right to express its detestation with the greatest severity. But must that mean the death sentence? Can so ultimate and irreversible a punishment be justified?

The answer must be No, unless it can be shown that no other punishment can achieve the degree of deterrence that execution brings. It can hardly be argued that deterrence is not the point, that the retributive act of execution is all, for there could never be an adequate balance fixed between the wrong of murder and the penalty of death. And, as to deterrence, it has been repeatedly shown, from the experience of other countries—and indeed from the partial experience of this country as well—that there is no significant relation between rates of murder and the existence of a death penalty. The latest evidence, in an important study by Professor Sellin of the University of Pennsylvania, of the operation of capital punishment in the United States shows how unfounded is the belief that the death penalty is a unique instrument for the protection of society against murder. In states that have abolished it (some of them with large city populations, such as Michigan) the murder rate is often less than that in states which still retain it.

But the debate is not merely one of statistical probabilities. It raises in a special way the question of moral sensibility in relation to the law. Some recent executions in England have left a grave doubt in many minds as to whether justice has been done. The categories of capital

murder are themselves so arbitrary—the most deliberate poisoning can never attract the death penalty, but an impulsive shooting in anger can (and will)—that the law itself has become unacceptable, and the final discretion of the Home Secretary in deciding whether an execution is to be carried out, based on evidence that is not made public, can seem a responsibility too great for even the most just of men.

The moral question remains, and it is a lamentable dereliction of Christian responsibility to hesitate to raise it. If wrong has been done—and necessarily one can only make judgments about morally responsible acts—then the punishment for murder, as for any other crime, must seek to satisfy the proper ends of punishment. The death penalty satisfies the need for retribution, it can be argued, if retribution is understood to mean a crude equation of a life for a life, a transaction in death that make things even. But is murder the only crime for which the criminal can make no recompense through his own efforts, through reparation, as a Christian would want to say? Countless murderers have done precisely this, and it is surely not without significance that the reconviction of imprisoned murderers is so notably low, and their reconvictions for murder almost unknown? There will be murderers who may need to serve the term of their natural lives in captivity: the risk of releasing them is too great. But even they, and they perhaps most of all, have the opportunity to restore the balance of justice—through work, through the positive contribution they can make, for instance, to recompense their victims' families. The truth, too little realized, is that the great proportion of murderers are first offenders, that they represent very often the most co-operative element in the prison population, and that the border-line which separates the reprieved from the executed murderer is so arbitrary that no one could ever say that the man who has been put to death might not have responded just as well to the alternative of imprisonment.

To oppose the death penalty as barbaric, uncertain and morally unacceptable is not to say that the punishment for murder should not be severe. It should be more severe indeed, for the hangman's noose is an easy option which eliminates the need for the hard work of re-establishing the rule of justice which the murderer has defied. The hideous ritual of the scaffold may satisfy a primitive sense of revenge, but who is the gainer? The hangman, no doubt, for he has been paid. But no one else who has taken part in, or who has assented to, the execution can claim to be better off, and there is a dark and hidden record of much harm that has come to those who have had to witness

so inhuman a deed. The alternative is not an easy one. There must be many alternatives indeed, seeking to match the circumstances of each man's crime. It will be called imprisonment, and for some it will mean a sentence for life. And, so long as prisons remain mere places of captivity, where man can rot unseen, the alternative might seem worse than the sentence of death. But it need not, and it must not, for it is becoming plain that the death sentence is on its way out in every country that cares at all for true justice, not to speak of mercy. The need is to make imprisonment serve the proper purpose of punishment, and murder imposes a difference of degree and not of kind. When one thinks of the catalogue of devastation and disaster in a world that has lived too long by violence, the opportunity in prisons to build and not to destroy might seem a curious irony. But there can be no other way if the dignity of men is to be accepted, and the rights they retain as persons are to be respected. Instead of idleness, work: instead of cruelty, the rule of a discipline that looks to a life that has some purpose still.

It would be a tragedy if capital punishment were to be abolished, only to be replaced by a soulless incarceration, serving no end other than exclusion from the society of men. That is why the campaign to remove the anomalies of the present Homicide Act must be accompanied by much serious thinking about what is to be done instead so that justice may be done and hope may begin to live.

VIRIDIANA. It is interesting but perhaps not so surprising to note that those who are most deeply outraged by Luis Bunuel's latest film, *Viridiana* (given an X certificate by the British censors, and seldom can it have been more thoroughly earned) are not often the Catholics against whom, after all, most of this picture's savage assaults would seem to be mounted, but others less personally involved. What complicates one's approach to Bunuel is, of course, the inconvenient fact that he is undoubtedly a genius. Amid all the anarchical welter of symbol, blasphemy, liturgical echo, passion, beauty and cruelty, the conviction that this is great cinema incontrovertibly establishes itself. And what also emerges is the honesty of the director: for years now Bunuel has been waging a tireless battle against Catholicism—and especially Spanish Catholicism—which stands for him as the incarnation of reaction, exploitation, superstition and falsehood. That he has no ideas of his own on the God-man relationship is quite untrue as anyone who has seen his *Nazarin* will freely acknowledge. *Viridiana* is an extreme example of his work, on every count, and a film which only

a Spaniard brought up in the Church could have made. It has moments of pain almost impossible to endure, and in its anxiety to make a point will load a sequence with double and triple meanings—Freudian, religious, private—that turn this story of a novice assailed by every possible ordeal and temptation into a cry of torment that rises impartially from every participant in the struggle. Bunuel could never attack religion as fiercely were he not so knowledgeable about it, with a deeply held respect for its power; the burning crown of thorns, the crucifix that turns into a flick-knife, the parody of the Last Supper are no more shocking in this film than the suicide, the rape, the hopelessness, the violence. Catholics will feel appalled at the vindictiveness, but realize at the same time that it cannot be dismissed as mere clumsy desecration. Bunuel shows us these things because he really considers this a way in which to diagnose the malady of humanity. *Viridiana* is terrible, but it would be a grave error simply to see it, as did a recent correspondent in *The Observer*, as a 'stupid and blasphemous insult' to the Christian faith: it is at once much more and much less. We may deplore it, but we can learn a great deal from it.

Reflections on a Canonization

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There took place in May the canonization of Martin de Porres, the mulatto, seventeenth-century, Dominican laybrother of Lima. We do not know for certain whether he was, by his coloured mother, of African or of Indian blood; the fact that he was usually called a mulatto, not a mestizo, rather suggests the former, and one may think there is something African about his laughter and gentleness. We do not even know for certain whether he was, technically, a laybrother, or simply a *familiaris* in the priory; he certainly took vows, but he seems always to have been referred to as a *donatus*, and the legislation of the Order at the time (for instance at the Chapters of 1580, 1642, and 1647) seems officially to have excluded half-castes from receiving the habit. But these details are of little significance by comparison with what he