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The Death Penalty

Elisée Reclus

1879

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I do not have the honour of being a Swiss Citizen and know only imperfectly the means to petition the removal of an article, but it is an issue of human agitation in all civilized countries. As an international citizen I have the right to address this issue. Unfortunately I also am French and my motherland is also a country of executioners and the guillotine, that we have invented and use everyday.

Enemies of the death penalty. I must try to find their origins. Is it justifiable that it takes away from the right to self defence? If it is, it will be difficult to oppose it because we all have the right to self defence, against beasts and attacks from other men. But is it not clear if the right to self defence can be delegated because it ends immediately with danger? When we take into our hands the lives of our fellow men, there is no social action against them, it's nothing that can be done for us to help them; it's the same when a man's place is outside of others, above which when there is a contract that has power over citizens, they have the right to kill that which opposes them. History, funnily enough has given us numerous examples that claim this right.

The origin of the death penalty, that which is actually applied in the States, is certainly one of vengeance, vengeance without mea-

sure, as terrible that it can inspire hatred, this vengeance is governed by the following summary of justice, that is to say the law of retaliation: "tooth for a tooth, eye for an eye, head for a head". When the family was established it was substituted for individual vengeance or vendetta. It exercised the price of blood: each injury is paid for by another injury, each death with another death, hence causing hatred and wars. It is the state of a large part of Europe during the middle ages, it is the last century of Albania, of Caucasus and of many other countries.

It is dependent a little on the order that is perpetually present in wars, through redemption. Individuals or families, can usually redeem themselves, and that form of transaction is fixed by custom. Lots of cattle, sheep, goats, lots of coins ringing or acres of land were set apart to redeem the blood. The condemnation can also redeem when it is adopted by another family, occasionally even when one has offended them, one can also return free by an action of brilliance; finally, one can fall too low from deigning to punish. It is suffice to say that one can hide behind a woman and from then on be free, so vile they want to kill him, but is more unhappy when covered in injuries. He lives, but his life is worse than death.

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The law of retaliation of family to family is not evidently maintained in the large central States, monarchies, aristocracies or republics. Society is represented by its government, King, councils or magistrates, which take charge of vengeance or retribution, the same one would say in the language of jurisprudence. But history has proved us that we are monopolising the state's right to punishment, caste or King, dealt primarily to deal with personal injuries, and we know the fury with which he pursued his enemies and the cruel fate he makes them suffer. There is no torture that the imagination has invented which has then been applied to millions of men: here burned, a small fire, furthermore it was successively cut or skinned by its members, at Nuremburg, the prisoner was commanded in the body of the "Virgin" of iron, red-hot, in France, he

temperament or the sent of blood, it is now possible to offer them rehabilitation through heroism.

We have seen this a hundred times, criminals run into flames or water to save the unhappy and feel reborn in the esteem of other men. The convicts that the town of Carthagene freed, that France has re-enslaved, showed sublime heroism during their few months of freedom. Christianity said to obey, and the people have been degraded. Enrich yourselves say the bourgeois to their children, and they seek to enrich themselves in anyway, either through violating or more skillfully turning the law. Become the heros say the socialist revolutionaries and bandits can even rise through heroism.

broke his limbs or was pulled by four horses; in the Orient, the impale the unlucky, in Morocco, on the masonry leaving only the head above the wall. And why does everyone seek vengeance? Is it to punish real crimes? No, everyday hatred of the Kings and dominant classes is turned against the people who demand the freedom to think and act.

Its the service of tyranny that is always the death penalty. What did Calvin do, master of death? He burned Michel Servet, one of those divine men as science has only existed for ten or twelve years in the history of mankind. What did Luther do, another founder of religion? He has excited his friends, the Lords, to attack the peasants "kill them all, kill them, hell will return soon." What did the Catholic Church triumph over? She organised auto de fés. It was she who lit the pyres, which held the noble people of Spain for three centuries in terror. And recently when a free city, guilty of having maintained its autonomy, was reclaimed by its oppressors, have we not seen them kill thousands, men, women, children and use guns to quickly increase the piles of corpses. And whoever plays a part in the massacre, proud of their work, do they not cynically brad about it? Here we can hear them.

(The Narrator is alluding to the repression of the Paris Commune.)

But if the state is fierce when it acts to avenge an infringement of its power, it provides less power in the condemnation of private crimes, and gradually is ashamed to apply the death penalty. Gone are the times where the executioner, wearing red, stands behind the king: he is no longer the second figure of the state, no longer the "living miracle" like Joseph de Maistre; he has become the shame of society and no body knows his name any longer. One can see men cutting off their hands in order to save themselves from serving as an executioner. In many countries where the death penalty still exists, no one is beheaded, no one is hung, they just collect on the inside of prisons. Again, in many countries, the death penalty is abolished; over a hundred years of the blood from those who

have been decapitated no longer pollutes the soil of Tuscany and Switzerland which is one of the nations who had the honour of burning the scaffolding. And now she is ashamed to restore it! She has very little concern for her glories. Before she reestablishes the death penalty, that she shows the countries with the last crime are those where the penalty is the harshest.

Or it is precisely the opposite that happens: the blood is the blood, that covers the scaffolding and the prisons that are forming murderers and thieves. Our courts are schools of crime. What is most vile is that which public prosecutors use for repression and wardens and police torture

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So the death penalty is useless. But is it just?

No, it is not just. When an individual seeks revenge alone, he can consider his opponents as being responsible, but society as a whole, must understand the bond of solidarity which binds together all its members, virtuous or criminal, and recognise that each crime has its share. Has the childhood of criminals been taken care of? Were they given a complete education? Has it facilitated their lives paths? Were they given good examples everyday? Has it ensured that everyone had a good chance to remain honest or to regain after an initial fall. And if that is not possible, can the criminal not be accused of injustice?

The economist Stuart Mill, an honest scholar that has given a good example to all his colleagues, compares all members of society to the riders in which a Caesar fixes the same goal. One competitor is young, agile, alert, another is old: he is sick, lame, crippled. Is it fair to condemn the latter: to misery, slavery or to death which the former is crowned a winner. And what does another choose in society? Some have the chance of happiness, education and power: they are declared virtuous; the others are condemned by society to remain in their misery or in their vice: is it on them that social condemnation must fall?

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But it is again another cause to defend the bourgeois in pronouncing the death penalty. They kill themselves and kill millions. Studies have proved that hygiene, has doubled a lifespan. Poverty shortens the life of the poor. It kills some in a few years or others in a few months. If you have the pleasures of life, like that of our peers in England, they live past sixty years, but are sentenced to forced labour - what is worse - to not work, die before your time, live a short life with the torture of disease. The choice is easy to make. It is about 8 to 10 million people, that society has exterminated, in Europe alone, not by killing them with rifles but by removing their places from the banquet of life. Ten years ago, an english worker, Duggan, committed suicide with his whole family. A infamous journal, always busy extolling the virtues of kings and the powerful had the impudence to welcome the suicide. "Good riddance to the workers who kill themselves, they relieve us of the unpleasant task of doing it ourselves". That is the cynical confession of all the worshippers of God Capital

Is the remedy of all these mass murders, the same as that of murders committed individually? You know in advance what a socialist would propose. Collectivism is a complete social change, the division of land between all those who work it. Thus narrowing the gulf of hatred between men, that poverty and the pursuit of wealth, the great advisor of crimes, will cease to pit people against each other, and social condemnation will finally rest. The law of force prevails in nature and it is time to replace justice, which is ideal for any man worthy of the name.

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But in a transformed society, it is possible that crimes will still be committed. Psychologically the mind of a criminal will present itself again. What will we do then? Will we kill the criminal? Certainly not. He committed the crime in madness, we care for him, as we care for those with other sicknesses, we guarantee their violence. When men become criminals through the impetuosity of