

COMMENTARY

CAPITAL PUNISHMENT. The recent campaign for the abolition of capital punishment has not perhaps been notable for a consistent appeal to principles. And it must be at once admitted that sanctions, for which the moral law may find sufficient justification, can in practice be suspended for the common good. None the less, and without prejudice to the merits of the current debate, it seems important to refer the question to its source. And that must be to the purpose of punishment itself.

It is no longer fashionable to insist on the retributive element of legal punishment, with its vindication of an order that has been violated and with its absolute assertion of the claims of justice. There is a natural instinct among men that the violated order is to be restored and should be seen to be restored. But it is only a primitive justice that is content with this, and the remedial aspect of punishment, as St Thomas emphasizes, should in this life be more our concern than the retributive, for in the end retribution can be left to the divine judgment alone. No human judge, but God alone, can read the secrets of the heart.

Grave crime carries with it a corresponding gravity of punishment, and it is only murder or the most serious offence against the security of the state that is now punished with death. But even in such extreme cases it is hard to see that the remedial purpose of punishment can be excluded, and the remedy of death is final indeed. The assumption must be that the murderer is incapable of reform, his crime so grave that no other punishment than death can match its iniquity. But such a conclusion is arbitrary to the point of injustice, for there are many cases of reprieved murderers who have amply expiated their crimes, and the much quoted experience of other countries by no means suggests that public opinion will tolerate no punishment but death.

In this country counsel is often confused by the emotional accent of much propaganda for penal reform. The large hearts of Mr Gollancz and Lord Pakenham embrace a wide variety of appeals to man's humanity; arguments from the terrible effect of an execution on prison officials, chaplains, doctors and the other

prisoners; statistical proof that abolition in other countries has led to no increase in murder; reminders that the innocent may sometimes be hanged, and here the Evans-Christie case has provided powerful support. But however compelling such arguments may be (and one must in particular suspect the lawyers' opposition to any measure of reform, for their record has through the centuries been one of obstruction), it is the appeal to the purpose of punishment that should finally determine opinion and induce reform. Is death the only appropriate punishment for murder, and can justice be vindicated in no other way? The answer will take account of the alternatives, and it is to be remembered that a long term of imprisonment as such may have no remedial effect whatever. On the other hand, analogies from a medieval preoccupation with the security of a city state are not necessarily relevant to the circumstances of the usual modern crime of violence.

It is in any case becoming evident that the public conscience is far from easy at the continuance of capital punishment. It may be argued that this is due to a general ambiguity about moral values and reflects sentimentality rather than true compassion. Yet the sanctions of the law demand informed assent from the general body, and execution for murder is surrounded by such an atmosphere of hysteria and pathological curiosity that it may even be said for that very reason to be defeating the true ends of justice. The very ritual of judicial executions encourages the basest instincts, and it needs no psychologist to interpret the presence of the mob at the prison gate on an execution morning. But these considerations, incidental though they are, indicate how far the punishment has moved from its purpose. The murderer is in a measure a hero, or, quite specially, a heroine if a woman. The alternative sentence of imprisonment should, one supposes, be indeterminate, and modern methods of penal treatment should be able to provide for the grossly abnormal and to insure, as far as human knowledge ever can, that no one likely to commit a murder again is let free.

It is not a soulless legalism, then, that insists on a realistic recourse to the principles and purpose of punishment in judging the proper sentence for murder as for any other crime. The Christian conscience should be more awake than any other to the quality of mercy, but only to the mercy that reflects the mercy of God, to whom too vengeance belongs.

THE AQUINAS CENTRE. Many readers of BLACKFRIARS have expressed interest in the Aquinas Centre, the memorial to Father Vincent McNabb which is being established at the London priory of the Order of Preachers. Structural alterations have taken longer than was expected, but it is hoped that the Centre will be open before the summer, and details of the programme of lectures, days of recollection, conferences and concerts which it is hoped to provide, will be available in due course. The Centre should be a concrete realization of many of the aims of this review, and that is why we look to the generous interest and support of its readers.

MIDDLE AGE

Half knowledge,
 a knowing pose—
 I swing between
 these two opposed.
 One sky-line
 a swarming soul
 shares with
 the crystal pole.

See, pure as sense
 the pines raise
 limbs unshadowed
 through the haze,
 and rose boughs
 balancing,
 dense with light,
 their vital green.

So, thick as needles'
 network, I
 carry a dim
 and sovereign sky,
 whose roof, arching
 out of sight
 and mind, pools
 midnight.

K.F.