

EXCURSUS I

In Praise of Clement Greeks

There is so little to praise in this world. Today let us praise one small group of men, those who make up the Greek cabinet and who decided to extend clemency to the three leaders of the junta sentenced to death a few days earlier. Papadopoulos, Patakos, and Makarezos will not be executed. And all decent people everywhere should be thankful.

Is it necessary to explain why? Probably, lamentably. It is *not* because these three are innocent of crimes: they ran a brutal and sleazy dictatorship, which among other things made torture a standard operating procedure against political opposition. *Nor* is it because the trial that ended with the death sentences constituted a miscarriage of justice; one should always be doubtful of trials for "treason," which was the major charge against the defendants, but as far as an outside observer can judge the trial was a fair one. Why then? For one reason that is very simple and that has been eloquently stated many times. We must put capital punishment outside the pale of government in civilized society—once and for all, and without any exceptions whatsoever.

This is not a pacifist position. There are times when it is morally necessary to kill, be it in war or in revolution. There may even be situations in which it is not possible to take prisoners. But killing in combat is of an altogether different kind than the deliberate execution, by due process, of a prisoner who is totally under control. Albert Camus, in his timeless essay on this subject, has stated the definitive reason against capital punishment: In its methodical cruelty capital punishment offends against the ultimate human solidarity, which is the solidarity against death. At the same time, capital punishment offers the ultimate case of bad faith: In theory nobody is doing any killing; it is the state, as impersonal abstraction, which kills, and the concrete individuals participating in the act are exculpated by this theory, which is thus an ultimate betrayal of moral responsibility. Capital punishment is perhaps the most solemn ceremony of government, and as such it reveals the hideous monster that lurks behind all structures of human power, the wild beast of which Augustine spoke. Is this too philosophical? It is the details that count—the fine points of the executioner's technique and the responses of his victims—the blind terror, the reduction of human beings to the status of screaming animals, adults crying for their mothers and emptying their bowels before stony-eyed witnesses. *Those* are the data for the philosophy of abolition.

In praising let us not sentimentalize. The motives of the Greek Government were undoubtedly mixed: There was a danger of unrest in the armed forces. But what motives are ever pure, especially in politics? The Greek people as a whole are hardly more humane than other nationalities. Indeed, the act of clemency provoked a clamor of opposition. The populace enjoys bloody spectacles, and it does not like being cheated of them. It is more or less the same everywhere. In poll after poll, in countries where the death penalty has been abolished, there are majorities wanting it reinstated. Nevertheless, this is an occasion to praise. It was summed up very economically by Alexandros Panagoulis: "I believe that justice can be done without opening graves." Panagoulis speaks with some authority: He had been sentenced to death for trying to assassinate Papadopoulos in 1968 and had his sentence commuted to life imprisonment—by Papadopoulos.

There is no progress in history. But there are progresses—here and there, always fragile, always reversible. I believe that the moral proposition of the unacceptability of capital punishment is such a progress. Its historical roots are Jewish and Christian, though it is to the credit of the Enlightenment that the proposition was institutionalized in the judicial system (the first country to do so was Austria, under the Enlightened absolutism of Joseph II). It is to the credit of Latin America that, for a while, it became one large part of the world in which capital punishment had been outlawed almost completely. (The legal stipulation was not always lived up to, but it was not denied in principle until Castro's victory in Cuba—"al piedad!" became the best-known slogan of the Cuban Revolution, and it has found many emulators since, "right" as well as "left.") After World War II, under the shock of Nazi inhumanities, most countries in Western Europe abolished the death penalty. In the United States there was a steady decline in executions, not so much because of juridical developments but because of the reluctance of jurors, judges, and governors to carry out the death penalty. There has been no execution in this country since 1967.

There is no progress. There are progresses. And every progress can be lost again. The one major political fact in the world today is a quantum jump in the incidence of tyranny. Not all tyrannies are equally bloody, but there is blood enough as we survey the political map of the earth. Regardless of ideology, governments go on hanging, shooting, drowning, beheading all over the world. Much of this carnage, of course, is without refinements of judicial ceremony. But the old need for the spectacles of death will not be denied. And so, all over the world, we may (courtesy of modern

communications) observe the classical scenes: human beings walking up the steps of the scaffold, bound to stakes before firing squads, kneeling for the sword. No one knows the number of executions in the Communist countries; in the Western world, year in and year out, South Africa leads in the number of executions. Franco's Spain continues to employ the *garotte*, which, in fidelity to national tradition, it brought back from the torture chambers of the Siglo de Oro. Perhaps no more need be said about the moral credentials of the Third World in this area than to note that Amin's Uganda, whose record of assassinations is notorious, is spearheading the drive to expel Israel from the United Nations—among other reasons, for its alleged inhumanities (Israel has not executed a single Arab terrorist in all the years since its independence). As to the United States, the next Supreme Court decision on capital punishment will determine what happens to those two distinctly American contributions to the technology of executions, the electric chair and the gas chamber.

Perhaps Camus died in good time. There was still some hope then that men of all political persuasions would at least agree on saying *no!* to certain bestialities, as they had said *no!* to Nazism. There is little ground for such hope today. But three executions will *not* take place in Greece, and by virtue of that fact the darkness is held back yet another moment and the sky (that lucid sky of Attica) is a little more visible for all of us.

PLB

EXCURSUS II

The United States in Consensus

We can say once more to the new nations: We have heard your voices. We embrace your hopes. We will join your efforts. We commit ourselves to our common success.

These concluding remarks suggest the overall tone of Henry Kissinger's long and commendable address at the U.N. on September 1. Delivered by Ambassador Daniel P. Moynihan to the Seventh Special Session of the United Nations General Assembly, the speech contains a large number of specific proposals that will take some time to unpack. Some of these proposals appear to be run in different if not actually opposite directions, and some will have a difficult time passing unscarred through the myriad governmental corridors of Washington. Which is to say that they have yet to

pass the acid tests of close scrutiny and application.

Nevertheless, the address marks a new approach to Third World countries and their claims; it has great promise and deserves strong support. Within the very recent past public exchanges between the United States and Third World countries at the U.N. were becoming increasingly rancid and destructive. And within the United States ideas about how to deal with the claims of Third World countries—particularly when proposals for a new international economic order were aired—have tended increasingly toward polar extremes. One extreme is that of abasement, intellectual and moral, which accepts as valid the charge that the poverty of the developing countries is caused and maintained by the political and economic policies of the developed countries of the West. The other extreme is irritation or deliberate indifference, which rejects not only the exaggerated charges of the Third World countries, but is prepared to ignore them if possible and oppose them when necessary. There is little question that the Third World countries perceived the U.S. to be moving toward the second position:

Kissinger's speech veered toward neither of these extremes, but set a deliberate course of its own. He attempted to elevate the terms of the discussion above the usual terms of the debate—a harsh critic would say he tried an end around—stressed the interdependent nature of many political and economic issues, and suggested actions which demand cooperative effort from the U.S., other developed countries, and the new, undeveloped countries.

How does all this square with the position concisely enunciated by Ambassador Moynihan not long before he took office, a position that he himself capsulized: *The United States goes into opposition*. Was he forced to read a position paper sharply at variance with his own? Not at all. A careful rereading of Moynihan's remarks (*Commentary*, March, 1975) will show that much of what he suggested under the rubric of opposition has been employed in Kissinger's speech under the rubric of cooperation and consensus. The ideologies of the Third World countries are implicitly recognized, the interdependence of much economic activity is acknowledged, limited and concrete proposals for action are suggested, and the duties as well as the rights of all countries are stressed.

Those countries sheltered under the umbrella term "Third World countries" are not all equal: The blessings of nature and history have fallen more generously on some than on others. Implicitly, Kissinger's speech takes these disparities into account. If many of the proposals put forth by Kissinger are implemented, the U.N. confrontations