

Catholic activism on the death penalty; a brief dispatch from Denmark

John L. Allen Jr. | Nov. 30, 2012 All Things Catholic

Rumors of the death of the church's passion for social justice have been greatly exaggerated, at least to judge by a high-profile international conference in Rome on Tuesday promoting global abolition of the death penalty, which was organized by the Community of Sant'Egidio.

The conference was titled, "A World without the Death Penalty: No Justice without Life." At a time when critics sometimes accuse Catholicism of backing away from its broad peace-and-justice agenda, the event gave a much different impression -- not just in terms of the fight against capital punishment, but the overall vitality of Catholic civil society.

Held at Rome's elegant Donna Camilla Hotel, the conference was primarily pitched at ministers for justice from various nations (what Americans would call the "attorney general"). It brought together politicians, jurists, scholars and activists to celebrate the progress made in the last 30 years toward the elimination of capital punishment and to strategize about work remaining to be done.

The all-star lineup included top officials from the United Nations and the European Union, cabinet-level officials from Zimbabwe and the Central African Republic, a senior counselor to the president of Mongolia, and testimonies from attorneys general in Nicaragua, Mozambique and Tanzania.

Sant'Egidio, of course, is one of the new movements in the church, created by progressive young Catholics in the 1960s who wanted to translate the faith into social change. It's a global leader in conflict resolution, ecumenism and interfaith dialogue, and a wide range of other causes, and tends to be especially adept at building strong ties both with the hierarchy and secular movers and shakers.

Tuesday's conference was timed to coincide with the annual Sant'Egidio-inspired "Cities for Life/Cities against the Death Penalty" event, now in its 10th edition. About 1,600 cities around the world are scheduled hold rallies, marches, speeches and an assortment of other happenings Friday to promote the end of capital punishment. Its symbol is Rome's Colosseum, which lights up every time a jurisdiction somewhere in the world abolishes the death penalty.

The following are a few snippets from Tuesday's event.

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A dossier compiled for the conference asserted there's a "clear global trend toward abolition of the death penalty."

As of October, according to the documentation, more than two-thirds of nations on earth have eliminated capital punishment either by law or in practice. Ninety-six nations have abolished the death penalty entirely; nine have eliminated it except for exceptional crimes committed during wartime; and 35 nations are considered to have

ended capital punishment in practice because they haven't executed anyone in at least 10 years.

Although the United States remains the lone member of the G8 to practice capital punishment, 17 American states have legally abolished the death penalty, most recently Connecticut in April.

Veteran activists called that a remarkable shift in a short arc of time. Robert Badinter, a French politician who served as Minister of Justice in the years of Francois Mitterand, said when he introduced a bill in 1981 outlawing the death penalty in France, only 35 other nations had done so. Today, almost 150 countries have followed suit, which he called "unthinkable" not long ago.

Badinter also argued that for all practical purposes, the death penalty has been eliminated from international law. Even the International Criminal Court, set up to prosecute genocide and other crimes against humanity, has no provision for capital punishment, and Badinter said no international judge these days would agree to sit on any court that does.

Given that trajectory, Jan Jarab of the U.N.'s High Commissioner for Human Rights described total abolition of capital punishment as "an achievable goal."

Several speakers suggested Sant'Egidio has contributed to this momentum -- perhaps especially in Africa, where the credibility the community gained through successful conflict resolution efforts, notably the 1992 Mozambique peace accords, gives it leverage with both governments and civil society. At the end of 2011, 16 African nations had abolished the death penalty by law and another 22 had ended it in practice, representing two-thirds of the continent.

At the same time, the conference confirmed that the death penalty is hardly on the brink of becoming obsolete. Among the salient data:

- 58 nations still have the death penalty on the books, though the number in which executions are actually carried out is smaller. In 2011, executions were performed in 20 nations.
- In 2011, there were an estimated 5,000 people executed around the world, of whom roughly 4,000 were put to death in China.
- Four nations in 2011 and early 2012 returned to using the death penalty, bucking the abolitionist trend: Afghanistan, the United Arab Emirates, Botswana and Japan.
- In 2011, 1,923 death sentences were handed down in 63 nations.
- Also in 2011, there were at least 18,750 persons on death row, an estimate experts stressed is conservative, given that only a few nations release complete data on whom they have in jail, and in countries such as Belarus, China, Mongolia and Vietnam, death sentences are actually considered state secrets.
- The United States was in fifth place worldwide in 2011 in the number of people it put to death, with 43. The U.S. trailed China, Iran, Saudi Arabia and Iraq. (As a footnote, that was the third-lowest annual total of executions in America in the last 17 years.) At the moment, 3,189 people are on America's death rows.

Of particular concern, according to participants, is the application of the death penalty to minors (as in Iran) and in cases of mental illness or mental disability (including in the United States). Participants also flagged pressure in some countries to expand use of the death penalty to combat drug trafficking, terrorism and even homosexuality. (In 2011, Liberia and Uganda both launched efforts to impose the death penalty for certain homosexual acts.)

Laurence Argimon-Pistre spoke on behalf of the European Union, saying it intends to spend about \$15 million next year on lobbying efforts against the death penalty. As preliminary steps toward total abolition, Argimon-Pistre laid out five priorities:

- Legal assistance to prisoners awaiting execution, to ensure they get a fair trial
- Promoting legal and constitutional reform in states that still use the death penalty -- for instance, making sure the right of appeal is upheld
- Monitoring detention conditions and the treatment of prisoners on death row
- Studies and reports on "miscarriages of justice" and abuse of the legal system
- Restricting the trade of goods and technical assistance necessary to carry out capital punishment -- for instance, Pistre said, tightening up the sale of "new generation medicines used for lethal injection"

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Because the conference brought together people who have been fighting against capital punishment for a long time, it wasn't really necessary to lay out the abolitionist case in great detail. People in that room, anyway, were already on board.

Almost in passing, however, four core arguments against the death penalty surfaced repeatedly:

- It's morally corrosive. Mario Marazziti of Sant'Egidio argued that "when the state kills in the name of the entire community, it lowers the community to the level of the murder."
- It doesn't deter crime or keep society safer. George Kain, police commissioner in Ridgefield, Conn., told the conference that if he thought the death penalty kept police and correctional officers from harm, he'd be all for it. Instead, he said, research shows it doesn't.
- It's applied in a disproportionate manner to minorities and the poor, thereby encapsulating the prejudices of a society. For instance, Marazziti cited an exhaustive study of every execution in the United States for the crime of murder up to 1989. Out of 15,978 executions, only 30 involved a white person sentenced to die for killing a black person.
- It's a definitive and irrevocable penalty applied by a fallible legal system that can and does make mistakes.

Few people at the Rome meeting were in a stronger position to drive that fourth point home than Curtis McCarty, who spent 22 years in Oklahoma prisons, 19 of them on death row, after being convicted three separate times for the 1982 murder of a young woman. Although he freely acknowledged that at the time he was a drug addict, a petty criminal and "not very likeable," he also insisted he didn't kill anybody.

He was eventually set free after an FBI probe revealed police and prosecutorial misconduct in his case, including the falsification of forensic evidence.

Today living in Lincoln, Neb., McCarty dedicates himself to anti-death-penalty activism. He described the experience of watching a fellow inmate led off to execution -- a man who had once been a cold-blooded killer, McCarty said, but who seemed over the years to begin to feel remorse and to make amends.

"I saw him come out of that cage wrapped in chains, completely defenseless, without hope and without family or any kind of support, no one to lean on," he said. "He had to walk down there with nothing. I could just feel it was wrong."

A similar account came from Marat Rakhmanov, a Russian accused of a double murder in Uzbekistan at the age of 28. He spent eight years on death row and was subjected, as he described it, to every form of humiliation and physical abuse imaginable. He was eventually liberated after human rights lawyers and non-governmental

organizations, including Sant'Egidio, took up his case and were able to prove Rakhmanov had nothing to do with the crime.

As a law enforcement professional, Kain questioned the reliability of the system from a different point of view. He cited difficulties with eyewitness testimony, the challenge of keeping up with evolving forensic technology coupled with the inadequacies of many forensic labs, and breakdowns in evidence-gathering procedures.

"The promise of a completely fair and equitable system of capital punishment is simply impossible to obtain," Kain said. "It's permanently and irrevocably broken."

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Speaking of McCarty, his story also illustrates a final point: Catholic social justice advocacy doesn't just have the potential to affect law and politics, but it can also be a powerful missionary tool.

McCarty said he used to think of himself as an atheist, but having been drawn into the orbit of Sant'Egidio, he said every time he's in Rome, he goes to Mass on a daily basis, and he "probably" considers himself a Catholic, though he hasn't yet gone through the formal process of joining the church.

I asked what it was about Sant'Egidio's style that appealed to him.

"It's simple and direct," he said. "When asked about their faith, they just say they live by the Gospels. It couldn't be clearer."

"In my experience, a lot of people who profess to be Christians in the United States really aren't," he said. "They may want to be, but it seems they haven't really read the Gospels. If you do, it's about service, generosity, love and support for the poor, the infirm, for everybody, and we have to look out for each other. The idea is to look at another person, no matter their race or religion, and say: 'That's a human being, I love him, and I'll do what I can to make his life better.' "

"In a way, it shames me to no end to spend time with the community, because I really am embarrassed about who I was," McCarty said. "What I've come to understand is that this is an opportunity to redeem myself."

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As this column is posted, I'm in Copenhagen, Denmark, speaking at an event the Catholic church organized on the church's role in global affairs.

Without really even trying, Denmark offers a fascinating laboratory for Catholic life as what Benedict XVI once described as a "creative minority." A prominent journalist here describes the country as "the outskirts of Catholicism."

There are only around 40,000 or so Catholics in Denmark, which has a total population of almost 6 million, and only a quarter of those Catholics are actually Danes. The rest are Poles, Filipinos, Vietnamese and other groups that have immigrated to the country. There are more than 70 priests and a grand total of exactly one bishop: Czeslaw Kozon of Copenhagen. (The Copenhagen diocese also includes the Faroe Islands and Greenland, making it geographically one of the largest in the world.)

Despite the tiny Catholic footprint and despite being in many respects one of the world's most thoroughly secular societies, Denmark nevertheless manages to generate some interesting religion storylines. For instance, earlier this year, the country's parliament voted to force the state-sponsored Lutheran church to allow gay couples to be married in the same ceremonies as heterosexuals. Individual priests can decline to officiate for

theological reasons, but the bishop is required to find a replacement.

The move was championed by Manu Sareen, a cabinet member in the country's left-leaning government. Born in India, he's Denmark's first minister from a non-European background, and he's also a self-described agnostic. Yet because Lutheranism here is the established religion, people say Sareen actually has more power over church affairs in many cases than the Lutheran bishops. (From the "Only in Europe" files, his formal title is "Minister for Equality, Ecclesiastical Affairs and Nordic Cooperation.")

Critics see the gay marriage vote as a classic lesson in the dangers of becoming entangled with the state as well as another chapter in secular intolerance of Christian orthodoxy. Supporters, meanwhile, see it as a sign of the times: Churches sooner or later will be forced to adapt to a growing social consensus in favor of full equality for homosexuals. Whichever view one adopts, it certainly poses an interesting thought experiment about the future of church/state relations.

I'll have more to say about my Danish swing next week.

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