

## *Quod Bonum*

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### **Introduction**

We live in difficult times with terrorism and violence plaguing huge areas in our global village. The problems are real and demand countermeasures. I do not negate the right to self-defence, individual and collective. But, *the profound* solution to problems of violence can never be more violence. We must cherish the hope of creating a better world.

As Vera Lynn sang in 1942:

There's a land of begin again  
On the other side of the hill  
Where we learn to love and live again  
When the world is quiet and still

### **Reasons for abolition of the death penalty**

There are numerous good reasons for wanting the death penalty abolished. Research indicates that the death penalty is not decisive to eliminate heinous crime. States that have abolished the death penalty, have *not* suffered consequences as to crime and stability. The death penalty is in itself brutalizing; and it is costly to administer within the rule of law.

One *very* strong reason for abolition is that the most sophisticated and advanced legal systems inevitably make the occasional mistake. When a death sentence has been executed, the mistake cannot be rectified. The death penalty is furthermore, frequently arbitrarily applied.

There are – the rarest of the rare – cases where the death penalty may not be disproportionate, undeserved and unjust. The perpetrator has been caught red handed and not only admits to guilt, but claims achievement having committed a particularly gruesome crime. Time may demonstrate no prospect of reform and rehabilitation of the criminal. The culprit expresses no remorse and seems entirely unable to readjust to reintegrate into society. *Still*, in extreme cases like this, the death penalty should not be applied – a full life sentence will suffice.

There is, that is, *one added reason* for abolishing the death penalty – a reason that trumps every other attempt at logical reasoning – this reason is based on our shared belief in the dignity and worth of the human being implying a right to life. This is an overarching concern.

## The dignity and worth of the human being

In the Preamble to the Charter of the UN the peoples reaffirm faith ‘in the *dignity* and *worth* of the human person’ and the equal and inalienable rights of all members of the human family. These are the core values of the UN. Article 1 of the Universal Declaration of Human Rights combines dignity and worth as ‘dignity’; it reads: ‘*All human beings* are born free and equal in *dignity* and rights.’

It may be said that each person has an inalienable worth that must be respected by all; but that it is by doing good that the human being gains dignity. Worth is given while dignity is acquired. In this vein one may say that human rights are based on the worth of the person and should have as their goal the realization of the person’s human dignity.

Using the common denominator one may say that all human rights derive from the inherent dignity of the human being. At all events, human rights and liberties are effective inasmuch as they help the individual to grow in good, defend the individual from evil within and without, and promote the individual’s positive role in society.

The person has rights and duties originating directly and simultaneously from her or his human nature – rights and duties which are universal, inviolable and inalienable.

The human being is a social creature. Each and everyone are both ‘self’ and ‘the other’. A permanent bond unites all human beings. Every human being forms part of the implicit unity of the nature of the human race. It is chiefly through the love and care of others that each of us gradually comes to become fully human.

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Human rights make up an intertwined totality composed of everyone’s many different rights at any one time. *The right to uphold life is of a more fundamental character than other rights. All other rights are but to secure the quality of the life that is being upheld.*

The moral demand upon everyone is to help realize the full dignity of all human beings. Whatever is opposed to life itself; whatever violates the integrity of the human person; whatever insults human dignity, also represent a supreme dishonor to our shared humanity.

As human beings we must be perennially concerned for the integral development of every human being and the whole human being. Famine; poverty; subhuman living conditions; lack of education; disgraceful working conditions, crime; and the likes are affronts to our human dignity at large.

The prevention of crime is possible first of all through education and enlightenment whereby spiritual and moral values are internalized in every person. We are called upon to assist to overcome the social causes of crime by promoting a just social order where everyone may succeed in realizing their full capacities for the good. No one must be marginalized. With Mahatma Gandhi ‘The world has enough for everyone’s need, but not for everyone’s greed.’

Peace is the tranquility of order. It is a basic humanitarian concern to upgrade respect for ordinary life – life so much improved by science and knowledge despite all present difficulties.

The death penalty reflects denial of our shared humanity with every person, and ultimately a denial of the gift of life.

The death penalty contradicts the purpose of the law – to establish and maintain the moral order of society, and to restore it when violated. It is not possible to restore the moral order through immoral means. Death cannot make whole what was lost. Violence begets violence, death begets death.

### **On terrorism and violence**

The excellence of governance is timeliness. *To live* – to be and become to the maximum of one's abilities – means being present in one's own time and read its needs and opportunities adequately.

Each time there is a problem between one person or one group of people, and another person or another group of people, there are two main operational options. One can decide to work on the other directly, and leave it at that. When the challenges are complex, that is likely to be a *too limited* approach. One may be able to turn the tables by simultaneously or primarily working on self and one's own group.

What the violent perpetrators against humankind lack, is a deep understanding of the very essence of being human – every member of the human family being human.

When we look at the pattern of migration in our global village, we see a constant stream of people seeking stable, safe and well-organized societies where the individual human being may have a chance to become to the fullest of that person's potential. These are rule of law communities – where no one is denied the protection of the law, where everyone is equal under the law and none is beyond or above the law.

The concept 'rule of law' is intertwined with the dignity and the worth of every human being in that very capacity. Peace and prosperity are fruits of creativity and solidarity that vanish in the face of brutality and destruction.

Worldwide, cruelty and devastation are never the less, marketed as entertainment. Moreover, the outcome of behaviour in one area not intended to have negative consequences, may none the less translate into ruthlessness and ruin in other areas due to lack of consideration and knowledge.

Science on its part may want to move frontiers regardless of the cost to our understanding of the uniqueness and value of human life. No human life must be considered just as a reservoir for spare parts for other human beings. It is not easy to map out and determine border areas in the field of ethics; but what is done in this area influences our understanding of human life.

## **The obligation to enhance human dignity**

A significant step to enhance human dignity can be to instigate a moratorium on the use of the death penalty as it has been done in numerous States.

What the people desire is to enhance human dignity and affirm respect for human life. We do not want a ‘culture of death’ that devalues life. The violence of the death penalty may itself foster the violence of criminal actions. There are countries that have chosen to abolish death penalty in all geographical regions, both rich and poor countries, of all cultures, all values, all traditions and all religions.

Crime may cause vicious circles that need to be broken. Reasons for condemning crime overlap in part with the reasons for abolishing the death penalty. The need to transcend a culture of violence, crime and death is urgent.

It is for us to make a more humane world – the one we desire and believe in. We must have the courage to embrace a culture of life and respect for the worth for every member of the human family.

From a position of power not to take life, is where we differ fundamentally from murderers. Criminals must not benefit from impunity, but must be prosecuted. We should nonetheless opt for the sanctity of life and ask for imprisonment in lieu of the death penalty. Violence and the taking of life brutalize our environment – that is exactly what we want to avoid.

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In short, we cannot behave as if human life does not matter, and expect that others will not do the same in their sphere of influence be it even limited to possessing a gun. We have to be absolutely clear in this respect, life – *every human life* – matters.

Prudence, justice, fortitude and temperance are needed.

To achieve abolishment of the death penalty we all – and Academia in particular – will have to work for enhanced human dignity. As concerns the well-being of humanity, efforts at enhanced human dignity must come together as the sole sustainable approach.

People can expect to be able to look to Academia for guidance by the twin virtues of compassion and wisdom. Great compassion without wisdom may cause great suffering.

It is never too late to build a better world, and now it the time – step by step in the right direction. Universities against the death penalty and this symposium are significant steps. As said at the opening of the Roman Senate,

***‘Quod bonum, felix, faustumque sit’***

