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Groenhuijsen, Marc

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CHAPTER 1
MURDER VICTIMS’ FAMILIES

1.1
COMPLEXITY OF VICTIMS’ FAMILIES POSITION

1.2
VICTIMS’ FAMILIES’ PERSPECTIVE

1.3
VICTIMS’ FAMILIES AND CLOSURE
ARGUMENTS AGAINST THE DEATH PENALTY AS SEEN FROM A VICTIMOLOGICAL PERSPECTIVE

Marc Groenhuijsen¹ and Michael O’Connell²

The death penalty is a controversial topic for debate. Whereas some feel it to be an integral part of their culture, dictating that the most severe crime shall be punished by the ultimate sanction, others are convinced that no matter the circumstances, a state can never be justified in deliberately taking the life of one of its citizens. For simplicity’s sake, we limit this exposition to situations where murder has been committed. That is the archetypical act which could lend itself to the imposition of the death penalty. The basic principle underlying this reflex is the *ius talionis*, in present day language equated with “an eye for an eye.” A few examples suffice to convince us that things are not that simple. Murder can be committed in various ways and forms, which can bring us both very distant to the idea of the death penalty and rather close to it.

Allow us to begin with the ultimate extreme represented by the Holocaust. Imagine Adolf Hitler did not commit suicide, but was caught by the allied forces. Would he have been tried in a court of law and be given the death penalty? We doubt it. It is much more likely that he would have been shot on sight. Today we refer to this practice as “summary execution.”³ Or, alternatively, consider the plot, in 1944, when several officers within the army conspired to kill Hitler. Obviously, had they succeeded many thousands of lives would have been saved. With hindsight, they would have been saved.

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¹ Professor in criminal law and victimology at Tilburg University in The Netherlands. President of the World Society of Victimology.
² Commissioner for Victims’ Rights, South Australia. Secretary-General of the World Society of Victimology.
hailed as heroes. But back then: should or would they have been tried and on conviction sentenced to death?

Back to more mundane proportions. Thomas Lawrence (widely known as Lawrence of Arabia) wrote that when on a military expedition in World War I, he witnessed an enraged Hamed the Moor murder Salem, a member of another tribe. Lawrence, being aware of the Arab custom of the “blood feud,” realised that to prevent a “tribal bloodbath,” Hamed should be killed, and that is what he did. Should he, given his admission and his explanation, have been found guilty of murder and executed albeit that he prevented endless violence?

Susan Falls, an Australian woman, killed her husband but claimed she did so after suffering over two decades of violent abuse. Assuming this is not a case of justifiable self-defense, there are probably very few people in their right minds who would argue she would deserve the death penalty.

Undoubtedly, some of these cases are easier to address than others. Yet all challenge the fundamental principle “Thou shalt not kill,” which calls for the question as to the limits of a punitive response to these kinds of incidents. The application of that principle in some circumstances might seem clear but in others vague. Mindful of such, evaluating the death penalty from a victimological perspective (as proposed by this chapter) without identification and analysis of arguments for and against is unwise. To do otherwise, one might easily stumble then fall victim to rhetoric rather than traverse truths intelligently.

Debate on the death penalty is tethered to many ethical and religious tenets. There are many throughout the world who support the death penalty while many others oppose it staunchly. Suppose since childhood you were taught that it is right to avenge harm done to you or your loved ones, even by taking the perpetrator’s life. Conversely, assume you were socially conditioned that it is wrong to seek retribution, at least to the extent of killing the perpetrator. One standard allows for the death penalty, while the other does not. They cannot both be correct. What is to be decided between them? And, who is to decide which right is right?
Members of the World Society of Victimology (WSV) have encountered such struggle on several important occasions. For the past decade, the WSV’s Executive Committee (WSV EC) has confronted the question on whether to support campaigns for the elimination of the death penalty. The question came to prominence most recently when other international criminal justice organisations invited the WSV to partner on an international campaign to abolish the death penalty. In 2010, the WSV EC tasked several members to prepare a discussion paper on the arguments for and against the death penalty from a victimological perspective. In 2013, these members presented a summary of their findings rather than a publishable paper. The WSV EC’s vote on the invitation carried by a majority (with no-one voting against) in favour of the WSV adopting a policy opposed to the death penalty and to joining the campaign.

The WSV EC held that killing people supposedly to gain justice for victims of crime violates the human right to life and does not affirm the sanctity of life. It too often results in injustice, so in a cruel irony it victimises. On top of that, it turns out to be an affront to many victims (including those bereaved by murder) and rather than alleviate pain and anguish, it can cause more pain and anguish. This is a principled view, backed up by empirical evidence and by experience from service providers. Nevertheless, it is uncertain to what extent the membership of the WSV supports this position. There has been no ballot among the membership. And neither has there been a poll among so-called victim advocates. Hence the implications of this principled position are unclear. The WSV just might lose some of its members. Or it could be embraced by new ones applauding this stance. Have individual members in those countries where the death penalty is practiced been looked upon as contemptuous of their governments? The answer is unclear to many.

So: how did the WSV EC reach its decision? What were the arguments put and views considered by the WSV EC? This chapter does not allow for a comprehensive exploration of the arguments for and against the death penalty. Instead, it points to the more widely known arguments from a focused victimological-perspective.

First, however, some preliminary remarks on the question: what is victimology? In one of the earliest textbooks to contain a chapter on victimology, Stephen Schafer\(^5\) wrote, “early criminologists have not shed any clear light upon the nature of [the importance of the victim’s relationship to the crime, or the] interplay [so] they did not evolve the dynamic possibilities of victimology.” In the 1940s two criminologists did, however, query the extent to which the victim contributed to or was culpably involved in his or her demise. Although others took up such matter, the plight of the victim of crime did not attain prominence until the mid-1960s, and victimology did not start to emerge as a “science parallel” to criminology until a decade later.\(^6\)

The WSV defines victimology as “the scientific study of the extent, nature and causes of criminal victimisation, its consequences for the persons involved and the reactions thereto by society, in particular the police and the criminal justice system as well as voluntary workers and professional helpers.”\(^7\) Others define victimology more widely. Some incorporate victims of natural phenomena, such as natural disasters, and victims of human rights abuses, such as abuse of power that might not be criminal in the place the victimisation happened.\(^8\) Some include auto- or self-victimisation, such as suicide. Common to all, however, is the concept that the victim should be at the centre of scientific endeavour.\(^9\) Debate on the death penalty can be tackled from both the narrow penal scope of victimology as well as the more global human rights scope of victimology; and, arguably on rare occasions the concept of auto-victimisation might be helpful.

No matter the point of view, all are challenged as to what responses are appropriate in a civilised society to the problem of unlawful killing of human beings. All agree there should be a better solution

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6 Mendelsohn, 1937, 1956; see also von Hentig 1940, 1941.
8 For methodological implications see Groenhuijsen, Marc. 2009. “Does victimology have a theoretical leg to stand on? Victimology as an academic discipline in its own right?” In Frans Willem Winkel, Paul Friday, Gerd Kirchloff & Kianne Letschert, eds., *Victimization in a multi-disciplinary key: recent advances in victimology*. Nijmegen: Wolf Legal Publishers.
than state-sanctioned killing as punishment. The death penalty, given pointers outlined later in this chapter, for any crime is against the better judgment of victimology, albeit that some in the “victims’ movement” take a contrary view. Against this background, it has to be noted that during the past decades, increasing attention has been paid to instances of mass victimization, including atrocities committed in international conflicts or by national governments suppressing (parts of) their own populations. Victimologists have become aware that these particular types of crimes or abuses of power can easily lead to new calls for inflicting the death penalty. Yet it is significant that the UN, when establishing the International Criminal Court in order to deal with these types of situations, deliberately did not include the death penalty in the Statute of Rome and its related governing legal documents. Instead, it found different ways to address legitimate victims’ interest in the very worst instances of victimization.10

The WSV holds that all victims, as human beings, have a fundamental right to be treated with respect, which is a personal attribute, and to dignity, which is an interpersonal attitude.11 In accordance with international law, including the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), victims have other fundamental rights, including access to information and to participate in the making of key decisions that impact them and access to medical, psychological, financial, and practical assistance. The WSV acknowledges that when crime happens, there are other human beings involved who, although referred to as suspects, defendants, and offenders, are also human beings who have fundamental rights, including the right to a fair trial and the right not to be subject of cruel and unusual punishment. It is important to reflect for a moment on the meaning of the preceding observation. The WSV has consistently promoted the “emancipation” of the victim in society in general, and in criminal justice systems in particular. However, the WSV, while thus being supportive of legitimate victims’ rights, has never adopted an anti-offender attitude. That is because the views of


the WSV stem from the conviction that reform of criminal justice is not a zero-sum-game.\textsuperscript{12} Adding useful victims’ rights does not necessarily restrict offenders’ rights. In other words: victims’ rights can never compromise the offender’s right to a fair trial or to be immune from cruel or unusual punishment.

The state plays a central role in both upholding the rights of victims and the rights of victimisers. The criminal law (including underlying tenets such as the rule of law) helps the state discharge this role. The law is supposed to function as, among other things, a deterrent to potential victimisers. It also empowers the state to threaten, impose, and inflict punishment. Furthermore, as Dubber\textsuperscript{13} explains in the context of proven criminal victimisation, victims have a right to measures to vindicate the violation of, for instance, the security of their person. Conversely, strange as it may look at first sight, the victimiser has a right to be held accountable, for instance, to be punished. Through criminal law and procedures, the state provides a process to settle clashes of rights but also protecting of rights. In too many nations, however, the law and procedures are neither a guarantee of victims’ rights nor victimisers’ rights. In such nations, criminal justice systems can amount to a “degradation ceremony”\textsuperscript{14} or “shameful ritual.”\textsuperscript{15} The imposition of the death penalty is a prime example of that degradation and shame.

More than a decade ago three writers—Howard Zehr, Diane Robertson, and Rachel King\textsuperscript{16}—laid out the arguments for and against the death penalty from the perspectives of those bereaved by murder in the United States. Zehr used words and portraits of victim-survivors of violent crime, including murder, to lay open the painful and ongoing


journey towards healing, not closure. He concluded that victim-survivors want a “restoration of equity,” which entails denunciation of the wrongdoing, absolution of the victim, and attribution of responsibility. In his view, these elements of justice for victims are inherent in restorative justice but not in retributive justice. Robertson\textsuperscript{17} asserted that to tackle violent crime there should be severe punishment, but she also proffered that there should be a “more effective solution” than “lock ’em away and throw away the key” or “fry ’em.” King\textsuperscript{18} surmises that the many voices of those who have faced the “ugliness of violence firsthand” then chosen to “forgive” rather than add to “the violence with execution” have set themselves free and “brought a small measure of peace to our troubled world.” The arguments canvassed by these writers (who interviewed several dozen victims) serve as a backdrop for the structure of the rest of this chapter.

In the 1960s, the drafters of the International Covenant on Civil and Political Rights began moves for the abolition of the death penalty in international law.\textsuperscript{19} Since then, international law has evolved so in general it forbids the death penalty and its use is preserved for the most heinous crimes\textsuperscript{20}. International law also provides for the right to fair trial and due process. An unfair trial or failure to adhere to due process could result in the wrongful conviction of an innocent person. If such results in execution of the death penalty, the error is grave and, tragically, cannot be undone.\textsuperscript{21} Despite the legal safeguards, the World Society of Victimology notes the observation of the United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, that “No judiciary, anywhere in the world, is so robust that it can guarantee that innocent life will not be taken, and there is an alarming body of evidence to indicate that even well-functioning legal systems have sentenced to death men and women who were subsequently proven innocent.” There are too many reported cases of prosecutorial and judicial errors to militate against

\textsuperscript{17} Robertson, D. 2002. Tears from heaven; voices from hell—The pros and cons of the death penalty as seen through the eyes of the victims of violent crime and death row inmates throughout America. San Jose: Writers Club Press. p. xi.


\textsuperscript{19} See the International Covenant on Civil and Political Rights, Article 6.


the risk that innocent lives can be lost. From a theoretical point of view, it can even be maintained that in imposing the death penalty, there is an *inevitability* of caprice and mistake.\(^{22}\)

Arguably, those who assert that deterrence justifies the death penalty bear the burden of proving that it is a deterrent. Some advocates for the death penalty point to its preventive nature. That the threat and, in some cases, actual execution, may deter one murder per year is put as adequate reason to warrant the continuation of the death penalty as a legitimate punishment for the most serious crimes. However, there is another side to this argument. Indeed, logic and empirical evidence seem to also point in the very opposite direction. Threatening potential perpetrators with capital punishment means that they have nothing more to lose. They can and will do anything they can in order to prevent being arrested, even if that means committing additional serious crime. In that sense, the ultimate sanction can be counterproductive—we will return to this issue later on. Further, the carrying out of the death penalty is seen as fitting retribution for murder—but is it? Retribution is, after all, only one of the objectives of punishment. Punishment as a remedy for crime should also be future-looking in terms of rehabilitation, public safety and, if practical, restoration. That the death penalty is deserved, even if in the eyes of the majority of people, is not enough to justify it. It must do some good or, asserts Hospers,\(^{23}\) prevent “*some evil.*”

The death penalty is also said to bring finality, some say, but does it? Certainly the executed murderer cannot kill again. The deliberate taking of a person’s life rests however on a flawed premise that if the murderer is killed then there is a cancelling out of his or her crime. Some victims who believed the death penalty would give them satisfaction have discovered this is not the case. Over time, many victims feel uncomfortable that the offender is dead.\(^{24}\) They are denied, for instance, the opportunity to get answers to key

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questions they have about the deceased, the circumstances of his or her death, or an explanation.

Although throughout history, victimisers have been subjected to cruel and unusual punishments, it is evident that claims such punishment deters potential victimisers is inconclusive. Similarly, the assertion that the death penalty (either threatened or executed) reduces homicide or other violent crime is just not supported by reliable research. As indicated above, the exact opposite might very well be the case.

Criminological and psychological studies confirm that most victimisers do not act rationally, so few prospective murderers consider the threat of the death penalty.25 As the aforementioned Susan Falls’ case shows, some who kill act impulsively, perhaps in anger or under tremendous emotional stress. Others kill in moments of passion. Some do not have the mental competence to weigh the possibility of execution. Even if the threat of the death penalty is being considered, others do not expect to be apprehended.26

There is no strong evidence that would-be murderers fear the death penalty more than they fear the threat of life imprisonment, with or without a chance at parole. Studies over decades reveal that the death penalty is no greater deterrent than life imprisonment.27 Notably in the USA, states that do not execute murderers generally have lower rates of murder than those states that execute murderers.28 The same can be said internationally when comparisons are done between countries that do not employ the death penalty with those that do. For example, almost three decades after abolishing the death penalty, there was a 44% decline in murders in Canada.29 In addition, there is some evidence that the death penalty instead of deterring would-be

28 Robertson 2008, p. 11
murderers may even incite criminal violence.\textsuperscript{30} We already mentioned the driving factor of avoiding detection. Here we can add that capital punishment can even effectively create a class of outlaws who have nothing more to lose and hence nothing more to fear. Similarly, as the father of a murder victim stated, “teaching people to respond to violence with violence will, again, only breed more violence.” Hence, the World Society of Victimology holds that killing people who kill sends an incoherent message to the public at large. Further, rather than prevent victimisation, the death penalty might exacerbate the risk of becoming a victim.

Some claim valuing the murderer’s life devalues the victim’s life. This is misleading. In fact it is morally wrong to pitch debate on the death penalty as valuing the life of the murderer over that of his or her victim. All life should be valued. All human beings have a right to life. The value of life cannot be taught by killing a killer. Both victims and murderers are people who have a measure of dignity (a personal attribute), respect (an interpersonal attitude) and desert (an interpersonal claim).\textsuperscript{31}

The death penalty process and the execution of the murderer, should it happen, is not about the personhood of the victim and his or her rights. Murder disturbs the balance of justice in a society. However, succumbing to violence by ‘legalised murder’ neither restores the balance for that society, nor does it restore the victim’s family to the status that preceded the murder. Moreover as Coretta King pronounced, “Justice is never advanced in the taking of human life.” Taking the life of a murderer is unjust punishment, especially in light of the fact that, for instance, the United States of America executes only a small percentage of those convicted of murder. These unfortunate perpetrators are typically not the worst offenders but merely the ones with the fewest resources to defend themselves.\textsuperscript{32}

With respect to race, studies in the United States have repeatedly shown that a death sentence is far more likely where a white person


is murdered than where a black person is murdered. The death penalty is racially divisive because it appears to count white lives as more valuable than black lives.\(^{33}\) Conscious and unconscious discrimination pervades criminal justice systems. This results in patterns of racial disparities that is a significant barrier to victims’ families attaining truth, which is important for victims and the public.\(^{34}\) Some offenders have mental (personality) disorders. It is unjust to punish them with the death penalty; instead, they should be detained then given psychological treatment. Such discrimination disturbs some victims’ families.

International and domestic laws, as well as criminal justice systems, should be grounded on the rule of law and principles that demonstrate a respect for life, including the life of a murderer. Laws and systems should not formalise feudal notions such as “payback” or foster desire for revenge. To paraphrase Martin Luther King, behaviour can be regulated by law; such law might not change the heart, but it should regulate the heartless. The father of a person killed in the Oklahoma City bombing in the United States in 1995 said the death penalty “is simply vengeance; and it was vengeance that killed [my daughter] ....Vengeance is a strong and natural emotion. But it has no place in our justice system.”\(^{35}\) Therefore rather than support punishment by death, the World Society of Victimology notes that many victims’ families denounce the use of the death penalty. Executing the murderer of their loved ones is quite often an affront to them and only causes more pain.

Interviews of victims’ families confirms that the legal procedure leading up to the death penalty can be a traumatising experience, often requiring them to relive the pain and suffering of the death of their loved one for many years.\(^{36}\) Judge Manck in sentencing a murderer observed that death penalty trials and appeals can last many years “with multiple painful rehashings of the crime.” He said, “It is an outrageous


way to penalize victims.”

The prolonged litigation battle and resultant outrageousness can prevail across generations. As the parents of a murder victim who oppose the death penalty aptly told a conference audience, “We hope our two remaining children do not have to grow up with the lingering, painful reminder of what the defendant took from them, which years of appeals would undoubtedly bring.”

The litigation can also impact those convicted murderers awaiting a decision on whether they will be executed or not. The uncertainty, prison environment and conditions, and lack of rehabilitative programmes can produce severe mental health issues and physical suffering for those on death row. This is not desirable. Criminal punishment itself involves the deliberate restriction on an offender’s liberty. This should occur “in order to produce good consequences (which … includes the prevention of bad ones).”

According to Miles Kemp, the parent of a murder victim, “People shouldn’t go to prison so they can suffer.” The welfare of the prisoner, even a murderer, is an integral factor in every debate on structural victimisation in prisons.

It is evident that the pain and anguish of victims’ families cannot be healed through the execution of those whose crime have thrust them into such a state of emotional and psychological torment. The promise of healing fosters false hope. Some members of victims’ families are even outright offended that others would promote execution on their behalf, for the benefit of their healing or their revenge. Ron Carlson, an abolitionist, continued his advocacy for elimination of the death penalty with greater intensity after his sister, Karla, was murdered. Contrary to respect and dignity for such moral courage, some victims’ families who publicly advocate for abolition of the death penalty encounter ridicule and abuse from other murder victims’ families. Such is a third source of victimisation after the offender and the criminal justice system: others bereaved.

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by murder. This third source of victimisation can be disrespectful, demoralising, and dehumanising.

Kristin Froelich, whose brother was murdered in the United States of America, suffered depression and confronted other mental health issues. As she grappled with “surviving” the various sources of victimisation, she discovered restorative justice, which prioritised offender accountability and victim healing. Restorative justice programmes have the potential to offer victims, including those bereaved by murder, a facilitated encounter with the offender. Rather than focus on the law breaking, the encounter focuses on the actual harm. Instead of the state doing justice to the offender, restorative justice means the victims, the offender, and others affected (for example, the community) engage to the extent reasonably practical in determining a just outcome.

The World Society of Victimology has joined others in various discourses on restorative justice. Its position is that restorative justice is enshrined in a draft convention on victims’ rights. Article 9, headed “Restorative justice,” reads,

(1) State Parties shall endeavour, where appropriate, to establish or enhance systems of restorative justice, that seek to represent victims’ interests as a priority. State shall emphasize the need for acceptance by the offender of his or her responsibility for the offence and the acknowledgement of the adverse consequences of the offence for the victim in the form of a sincere apology.

(2) State Parties shall ensure that victims shall have the opportunity to choose or to not choose restorative justice forums under domestic laws, and if they do decide to choose such forums, these mechanisms must accord with victims’ dignity, compassion and similar rights and services to those described in [the draft] Convention.

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Frankly speaking, this set of conditions for successful restorative justice forums will in actual practice exclude many, if not a large majority of, murder cases. And even if some form of mediation is endeavoured, it will usually take place in a prison setting, long after the crime was committed. But even so, when careful consideration of the bereaved family is observed, it can be a useful mechanism to amend the traditional approach taken by the criminal justice system.

There are said to be other viable alternatives, such as life without parole. Although the World Society of Victimology Executive Committee did not discuss that option, Garkawe and O’Connell pointed out that proponents for life without parole argue it delivers punishment without the re-opening of emotional and psychological hurt endured while a murderer seeks to save him or herself from the death penalty by making appeal after appeal, after appeal.

In truth any remedy in case of murder is unsatisfactory. The thing victims’ families want (which would give real satisfaction) is to bring back to life the deceased, their loved one. Capital punishment cannot resurrect the dead. On the contrary, it causes family members more pain than other sentences. The death penalty rests on the tragic illusion that taking the murderer’s life defends the victim’s life and life in general.

Death penalty cases in some United States’ states can last for two decades. Making a prisoner wait for years to be executed is cruel for him or her as well as his or her family who are often overlooked. Family and friends of the murderer are indirectly punished for the crime of their loved ones. Sharp highlights the challenges faced by

these people. She points to the neglect, stigmatisation, shaming, and social isolation. She contrasts that assistance provided to victims’ families with that provided to families of those accused of murder, and reveals a lack of assistance for the latter. Sharp also draws on some similarity about the effects of the appeal process on murderers’ families and victims’ families. Further, murderers’ families have to deal with people who clamour for the execution of the person they love as well as knowing some victims’ families and members of the public at large watch the execution killing of their loved one at the appointed time.

Likewise, experience in the United States of America shows it is an illusion to think that inflicting the death penalty is cheaper for society than alternative punishments. The death penalty is an expensive legal remedy.

Appeals processes allowing death penalty cases to traverse back and forth between state and federal courts are costly. Such cost can be greater than supporting a death row prisoner for the rest of his or her life in custody. For example, Brambilla reported that the cost of sentencing 408 people to death in a US state was an estimated $816 million higher than the cost of life without parole. Should the death penalty be repealed and alternative punishments employed, the expected savings could be reallocated to victim assistance such as grief counselling for those bereaved by murder. As Victoria Coward whose son was murdered in 2007 aptly said,

If we are serious about helping surviving victims — all of us — we need to see the bigger picture. The bigger picture is that the death penalty is given in fewer than 1% of cases, yet it sucks up millions and millions of dollars that could be put toward crime prevention or victims’ services. What I wouldn’t give for a tiny slice of those millions to give my

50 Ibid.
grieving daughters some professional help to process the death of their brother.\textsuperscript{54}

The World Society of Victimology in addition acknowledges that imprisoning a murderer for life without parole, so he or she will effectively die in prison, can also be cruel. Like the death penalty, it deprives the murderer the opportunity:

- To take responsibility for having killed somebody
- To walk in the shoes of each of his or her victim’s family
- To know what goes through minds of each member of the victim’s family
- To acknowledge that he or she destroyed a family
- To show true feelings of remorse and demonstrate he or she knows the harm he or she has done
- To live with the repercussions of his or her crime

Hence, we caution against taking a sentence of life without parole lightly. Recently, no-one less than Pope Francis spoke out in no uncertain words against this sanction. He recounted that a short time ago the life sentence was taken out of the Vatican’s Criminal Code. And he added: “A life sentence is just a death penalty in disguise.”\textsuperscript{55} In the same vain, the European Court for Human Rights has condemned a sentence of life without parole as a violation of the European Convention on Human Rights (1950). In a series of landmark decisions, the Court held that every prisoner is entitled to have his sentence at some point in time reviewed by a competent court, with a realistic prospect of an eventual release from prison.

These above-mentioned pointers match many victims’ needs and expectations.\textsuperscript{56} A few victim-survivors even suggest that the prosecution’s focus on the death penalty or other harsh penalty fosters a


\textsuperscript{55} WSV et.al. 2014, NO 2014 version only 2015, p.22

\textsuperscript{56} See, for example, Mokricky, Silvosky, and Welch in Zehr. H. 2001. \textit{Transcending: Reflections of crime victims}. Intercourse, PA: Good Books.
Murder victims’ families are not alone in challenging the death penalty. It seems that many people in most countries do not condone the death penalty. Consistent with such sentiment, most United Nations member-states have abolished the death penalty and many have abolished it in practice but not necessarily in domestic law. Several states continue to use this ultimate sanction frequently: China, Iran, Iraq, Saudi Arabia, and the United States. Thus, in 2012 the United Nations General Assembly reiterated its requests “upon all States to establish a moratorium on executions with a view to abolishing the death penalty.”

In addition, there is concern that in some countries that there are racial and cultural divisions over the appropriateness of the death penalty. One United States’ study for instance showed that in a southern state, about two thirds of African Americans oppose the death penalty, whereas about two thirds of white people support it. A much earlier national study showed that about 44% of Americans support life without parole, while 41% supported the death penalty and about 15% were undecided. Across the globe, public opinion is clearly a complex and constantly evolving assortment of views. Variations in survey results can be attributed to the methodology

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61 Cope, C., “Most South Carolinian blacks say Dylann Roof should get life without parole,” The Herald, June 12, 2016.

and the instrument as well as the prevailing circumstances when conducted. Some surveys reveal shortcomings in people’s knowledge on the death penalty as punishment, as administered, and so on. Over-time comparisons of results that suggest views shifting towards less favour for the death penalty within a particular country also show the influence of political and religious leadership. The United Nations report Move Away from the Death Penalty: Lessons in South-East Asia, for example, cites shifting attitudes towards the elimination of the death penalty in the Philippines and Mongolia to illustrate the importance of political leadership. The report also points to the critical influence that reform in these countries had in the Asia region.

A delegation for the World Society of Victimology witnessed necessary religious leadership when in 2014 Pope Francis repealed the death penalty as punishment under canon law. In doing so, he went a major step further than his predecessors (St John Paul II condemned the death penalty in Encyclical Letter Evangelium Vitae, n. 56, as does the Catechism of the Catholic Church, n. 2267). No matter how serious the crime, he told his audience, to kill a person is an offence to the “inviolability of life.” He has repeated his condemnation of the death penalty many times, including in 2016 telling the 6th World Congress against the Death Penalty that “it does not render justice to victims, but instead fosters vengeance. The commandment ‘Thou shalt not kill’ has absolute value and applies to the innocent and the guilty.” He has also cast the death penalty as contrary to “the dignity of the human person” and urged all to seek instead God’s “merciful justice”. His exhortation is not unique as several of the world’s great religions share convictions that prescribe a duty not to kill. As a result, many people oppose to the death penalty because it clashes with their beliefs. Mindful of that commonality in beliefs, the World Society of Victimology holds that “All people have an obligation to preserve the body and life of other people.”

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65 As Psalm 82:4.
We now come to our conclusions. The death penalty has always been a very controversial issue. Like societies across the globe, the World Society of Victimology has struggled with the question of the death penalty since it was founded in 1979. The issue, however, came to prominence in the past decade. The WSV’s executive committee has concluded that the death penalty is imperfect, cruel, and inhumane punishment that is arbitrarily, even unfairly, inflicted on too often the vulnerable.

The death penalty violates human rights. It is a cruel and arguably barbaric punishment against a human being. To some of the world it is one of the worst acts of human nature. It defies doctrines and theologies of the world’s great religions.

A death penalty might perhaps have been slightly justifiable if it were able to prevent future crimes on a massive scale, but this has not been the case. It is more likely that the exact opposite is the case. Homicide crime statistics from those countries that invoke the death penalty do not prove at all that exacting justice by death has the effect of deterrence or decreases the incidence of crime. This article has also debunked the notion that executing people rather than imprisoning them is cheaper. It is not.

As this article has revealed, there are many reasons for victimologists and victims themselves to oppose the death penalty. It is evident ultimately that the question on whether to employ the death penalty is a moral one. Mindful of this, we conclude there is no excuse in indulging in it. Importantly, such support for the abolition of the death penalty does not imply tolerance for murder or indeed any violent crime. We oppose the death penalty not just for what it does to those guilty of heinous crimes, but for what it does and does not do for those impacted by such crimes as well as for what it does to all across the societies of the world we share.