



CCTimes Letter to the Editor from Willis Elliott, 24 Jan 89

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WHICH ACCEPTABLE LEVEL OF MURDER?

Antiabortionists now in a rising level of civil disobedience consider abortion murder. Murder is unacceptable. Therefore, no abortion is acceptable. The clarity of their syllogism seduces them into self-righteousness with all its baneful progeny. When used for "pro-life," the self-deluding and disastrous logic is not different from when used by the Nazis for pro-death: (1) Jews are evil; (2) Evil is unacceptable; (3) Therefore, no Jew should be allowed to live. When you load your syllogism at the front end, you should not be surprised when it goes bang at the rear end.

Surprise! This letter is not about abortion. It's about capital punishment, specifically in reply to Colman McCarthy's column today. Notice his "muddleheadedness," a word he uses here against us who hold capital punishment to be the lesser of two evils.

First, his syllogism: (1) Governments practicing capital punishment sometimes execute the innocent; (2) Nothing can justify the execution of even one innocent person; (3) Therefore, nothing can justify capital punishment. And since nothing can justify capital punishment, every execution falls into the category of murder. This sets up an additional syllogism piggypacking on the first and paralleling its use by antiabortionists, of whom McCarthy is one: (1) Capital punishment is murder; (2) Murder is unacceptable; (3) Therefore, no execution is acceptable. Again, the loaded logic says "Bang! You're dead!" I find this especially offensive because it murders my thinking, assigns me to a place among the dead.

But though I consider calling capital punishment (and abortion) murder an instance of language pollution and accordingly a disservice to clear thinking, for the sake of argument I'll accept the description of capital punishment as state-sanctioned murder. Within the limit of this only rhetorically accepted definition, the execution of 23 innocent out of 350 innocent sentenced for murder and later found innocent (1900-1985, according to the Stanford Law Review article McCarthy refers to) is an acceptable level of murder.

How can I accept any level of murder? As I said, I accept capital punishment as the lesser of two evils. What's the other evil? Marginally, our courts and prisons glutted with repeat offenders. Centrally, the silent, unstudied, innocent dead who have been and continue to be murdered by the Willie Hortons, the murderer recidivists who, gone through the revolving door, murder again. That is what I, and most Americans, consider an unacceptable level of murder. That, according to an increasing number of our legal ethicists, is the greater miscarriage of justice.