

# A **LIBERTARIAN** ARGUMENT FOR CAPITAL PUNISHMENT

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It's clear in the public mind--on the average of polls, about 87% clear--that the bottomline meaning of "coddling criminals" is that you don't think the behavior of any of them is serious enough to merit execution: the people's killing of criminals is more heinous than anything they've done against the people. What is now very serious, not many days before we elect a new President, is that this issue has become, due mainly to the superior politicking of the Republicans, serious indeed, just possibly the most serious, even determinative. The social world Bush labels "liberal" has been captured by the ACPT (anti-capital-punishment taboo): "taking the murderers off the streets" is Bush's euphemism for CP (capital punishment).

1. Equally clear is the minority opinion, most dramatically displayed in Dukakis' second-debate **object failure** to make a convincing response to the opening theoretical question about the rape-murder of his wife: would he come down all that hard, CP-hard, on the rapist-murderer? No, he wouldn't. After that, it was all downhill for the Duke. "We the People," as Geo. Will put it, don't want a President with no guts and "no nerve ends." Worse: the people just didn't believe the Duke would behave the way he said he would; the people have been wondering whether he's real, and now they "know" (ie, conclude) he isn't; and the people are worried about a candidate who doesn't know how he'd behave in an emergency.

2. How did liberals get so solidly **boxed into** the ACPT? Its force, now, is as mindless in the liberal social world as is that of the AAT (antiabortion taboo) in the ad hoc, single-issue alliance of the old-Catholic and rightwing Protestant social worlds. And for the same numinous reason: "the sanctity of human life." (The ACP-AA-AW seamless-garment antiviolence coalition is so small as to be politically invisible: it's against capital punishment, abortion, and war. Ahimsa all the way.)

3. It's serious. There's about as much chance of putting in the Oval Room an anti-capitalpunishmentist as an antiabortionist--yes, less. Another question: why do liberals so often behave unpolitically, selfdestructively? For the same reason the radical right (eg, Pat Robertson) does so: **blind ideological arrogance**. In 1980, instead of standing solidly behind Carter's bid for a second term, the liberals, instead of hunting Reagan alongside Carter, shot themselves in the foot. ("Themselves": on most issues I'd say "ourselves," as I tilt at least 60% liberal.)

4. 'Twas not always so. The ACP taboo is a **late development** in the history of libertarian-liberal thought. Till WWII it was only a minor plank in the platform. What made it major and now de rigueur? Among other factors, shoah (the holocaust), Ghandi's nonviolent success in convincing the British Raj to quit India, and our civil-rights-movement's rhetoric and victory.

5. This Thinksheet will state but not develop "a libertarian argument for capital punishment." I want to present an extended example of the antilibertarian effects of the ACPT. **Proposition:** The dignity of the person-in-society (ie, a human being) demands taking full responsibility for one's behavior. If the social consequences of one's behavior are not life-&-death but only life, then one is not fully responsible and so does not have full-range dignity vis-a-vis society: society & nature are nonparallel. Vis-a-vis **nature**, one does have full-range dignity: some behaviors, eg jumping off a high cliff, result in death; but in a **society** in which the ACP taboo obtains, one is denied full-range dignity: one can do anything one pleases without fear of law-administered death. Furthermore, the people are less free in an ACPT society: the victims of Willie Horton, MA murderer furloughed in spite of the court's sentencing him to life imprisonment "without parole," were not living, as they thought they were, in a society guaranteeing them "life, liberty, and the pursuit of happiness," ie, in a liberal-libertarian society. Only capital punishment perfectly protects the public against the loss of freedom and even of life. Yes, some innocents are executed; very few in comparison with those who are murdered by murderers given sentences other than capital punishment. Bush's argument here is compelling: "Who(m) are we supposed to be protecting, the murderers or the public?"

**Example:** The story I'm about to tell, a true and recent story, counters the argument that capital punishment brutalizes society: society, I and the story say, is more brutalized by the absence of capital punishment--a counterargument paralleling the one just stated, viz, that more innocent die from the absence of capital punishment than by its practice. ...It's the lead story in the 30 Sept 88 WALL ST. JOURNAL, and I've added some personal reminiscences and reflections.

Robt. L. Dordies "served 11 years in prison for the murder of a 66-year-old man, from whom he stole \$17. Now 32, he is a ranking member of the Black Gangster Disciples," a criminal network terrorizing and controlling much of Chicago's public housing, including The Robert Taylor Homes, the largest complex. An avid learner, Dordies has profited grandly from his basic, midlevel, and advanced training in America's school of crime, our prison system, where he mastered the skills of survival, manipulation, and domination. If society were masochistic, governed by the death wish, it could hardly have done better than to provide this murderer with those opportunities to train his mind and hone his skills for the continuance of his life of crime.

"Mr. Dordie exercises iron-fisted control over his territory," a territory I knew well before, during, and after WWII. When I was pastoring there, no public housing had yet been erected, and there were no gangs. Then, when south Chicago experienced a flood of rural folk utterly unprepared for urban life, the old neighborhood life yielded to **anarchy**, and gangs sprang up--at first unarmed--to provide some order. (Not law and order, which the police--as unprepared for the influx as the newcomers were unprepared for urban living--were unable to provide.) The first of these gangs to gain public notice was the Blackstone Rangers, whose leaders I met with in connection with certain churches' encouragement and cultivation of them--eg by providing them places to meet. As the police continued to be inadequate to create and maintain tranquility, gangs' inter rivalry got bloody. I was there to witness the transition of the BRs from unarmed to knives but had left by the time of transition to guns, without which the gang could not have survived. Ironically, the BRs unwittingly modeled benevolence for the criminal gangs. WSJ (Alex Kotlowitz): The gangs are working to "ingratiate themselves with the neighbors. They have learned from the El Rukns gang, previously known as the Blackstone Rangers, who in the late 1960s and early 1970s were a political force, conducting federally financed job-training classes and organizing social events. They even sponsored their own singing group."

In the absence of a competent city government, the gangs constituted the secular **infrastructure** of the ghettos, including "the projects"; the sacred infrastructure, the churches, were comparatively ineffectual in the chaos, and tended to privatism in spite of Saul Alinsky's Industrial Areas Foundation's effort to rouse them to sociopolitical action. The WSJ article is well titled (with an unspoken play on "slum lords") "Lords of the Slums," with these subheads: "Chicago Street Gangs Treat Public Housing As Private Fortresses"--"The Black Gangster Disciples Menace Tenants, Use Units to Store Guns, Sell Drugs"--"Co-opting Kids and Old Folks." "Says Irving Spiegel, a University of Chicago professor of social-service administration, the gangs 'are an institution, and we're just beginning to recognize that.'" As with the breakdown of civil government in the Roman Empire the churches took up the slack, eg the bishops becoming the mayors (a situation that in some places, eg Salzburg, Austria, continued well into the 18th c.), so in the projects the gangs, in the absence of effective civil-city governing, rule by rough approximations of executive, legislative, and judicial structures, including capital punishment of deviants and resisters. The spy system is so well developed that even though there are many viewers of crimes, there are no witnesses: whenever the police arrive, a gang member is present to note who said what to the police and/or who spent secret time, out of gang view, with the police. Cold Black, Dordies streetname, "controls a small army of teenagers and men in their 20s....The 'soldiers' in Cold Black's army often commandeer apartments in the highrises, where they sell drugs and store guns." "Protection money" is the form of taxation. The social pathology is so deep that resistance from within the territory is virtually nonexistent. As a terrified resident put it, "You fail to make normal reactions to abnormal situations." The Chicago Housing Authority estimates that 60,000 are living illegally in the facilities....No capital punishment?