

## Commentary

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# Through the ages, society has struggled with ultimate penalty

Illinois Gov. George Ryan's decision to commute the death sentences of 167 death-row inmates evokes many thoughts and feelings.



Thank goodness it does. The death penalty and related issues about murder and state-sanctioned killing and about trying to bring justice into our human lives are things we need

to think and talk about, not only in the abstract, but in our hearts and guts and souls.

We also need to respect those human beings who are directly affected by Ryan's decision, most especially the families and friends of the murdered victims, and then the prisoners themselves, their families and friends, the lawyers, judges, prosecutors, jury members, law enforcement and prison officials, including counselors and clergy, who live constantly with the

consequences of what we as a society do in what scholar Michael Lesy calls "The Forbidden Zone."

Ryan's decision, of course, is a political issue, and should be. But as a scholar and teacher of war and violence studies, my sincere and unrealistic hope is that politicians not use it to further polarize our society in order to gain a few points in the public opinion polls. Political spinning is the last thing we need, because the controversy surrounding state-sanctioned killing in our penal system ramifies into other areas of deep concern to all Americans. Chief among them is what courses of action we adopt in the aftermath of 9-11 in order to bring perpetrators of terrorist murder to justice, and how our policies affect the people and organizations we charge with putting our plans into action.

Don't dismiss my words as professorial or liberal claptrap. You don't know what I think on these issues, and I am not sure I do. My purpose here is to suggest things to think about and to

read and discuss. Human beings throughout western tradition have been wrestling with the same awful problems. And there seems to be no "getting it right." Our perplexity extends from Homer's "Iliad" and Aeschylus' "Oresteia" to movies such as the Dirty Harry five-pack, "Monster's Ball," "Minority Report" and "Dead Man Walking."

"The Iliad" begins with shocking words and images about the savage anger and fierce desire for justice felt by the supreme Greek warrior Achilles. It eventually makes listeners and readers look honestly at what happens to an admirable human being whose desire for vengeance through killing in combat lead him to commit outrages against human piety.

What killing in combat does to soldiers is explored with deep understanding in psychiatrist and armed-forces adviser Jonathan Shay's "Achilles in Vietnam," his just-published "Odysseus in America" (with a forward by concerned veterans

Sen. John McCain and former senator Max Cleland) and Lt. Col. Dave Grossman's "On Killing: The Psychological Costs of Learning to Kill in War and Society."

Our current policies of tracking down and killing, rather than apprehending and putting on trial, leading al Qaeda figures also raise concerns about the psychological well-being of soldiers, our self-definition as a democratic society, and many consequences for international diplomacy and law. These are explored succinctly in Seymour Hersh's Annals of National Security article in the Dec. 23/30 New Yorker magazine.

Directly and presciently addressing the issues that led Ryan, rightly or wrongly, to his decision is the brilliant Annals of Law article by Scott Turow in the New Yorker for Jan. 6. Turow, known to most of us as a best-selling author of courtroom novels, served as U.S. attorney in Illinois in the early 1980s, was directly involved in capital prosecutions in the 1990s and then was

one of 14 members appointed by Gov. Ryan to the commission that studied the Illinois capital-punishment system.

Turow declares categorically that at the outset of the commission's work in March 2000, he was among the 10 commission members who supported capital punishment. He examines many aspects of the question with firsthand empirical understanding of what goes on within the legal and penal system and what is at stake for all parties involved.

Lesy, Turow, Shay, Grossman, McCain, Cleland, Homer and Aeschylus. These are the voices and minds I recommend. Read and think. Read and think. And then read and think some more.

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**ON THE WEB:** To read Turow's piece, go to [www.newyorker.com/printable/?fact/030106fa\\_fact](http://www.newyorker.com/printable/?fact/030106fa_fact).