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Robert Badinter and the Abolition of Capital Punishment in France

I have chosen to write about Robert Badinter, a French criminal lawyer born on March 30, 1928, a university professor and a politician mainly known for his struggle against the death penalty in France. Thanks to this influential figure, juries in French criminal courts cannot anymore sentence anyone to death.

The abolition of the capital punishment in France was for a long time Robert Badinter’s main battle, while the majority of the French people were supporting the guillotine. Badinter’s struggle against the death penalty started in the 1970s during the “Clairvaux” prison revolt, when two inmates – Roger Bontem and Claude Buffet – took a guard and a nurse as hostages and finally killed them by cutting their throats. During the trial, Badinter was Bontem’s attorney. Although it was established that Buffet was the murderer while Bontem was only an accomplice, the jury decided to sentence both men to death. Badinter’s client was executed in 1972. This event horrified Badinter, who never gave up fighting for the abolition of the death penalty after that. That fight was mostly the reason why he later accepted to defend Patrick Henry, a man who kidnapped and killed an eight-year-old child. During the now famous trial, Badinter made a case not only in defense of his client, but mostly against capital punishment. He won this difficult case and managed to convince the jury not to condemn his client to death. Henri was condemned to life imprisonment. The death penalty was still applied in France, but became an important matter of concern. The question was raised and often debated.

After Francois Mitterrand became the President of the French Republic, Robert Badinter was appointed Minister of Justice and led an intense action to promote civil liberties. Not only had Badinter the privilege to propose the abolition of the death penalty for all crimes, which was finally voted in 1981, but he also presented and supported in Parliament the abolition of State Security Court and Military Court. He was also the President of the commission which prepared the text of the new French Penal Code adopted in 1992 to replace the old Napoleon Code. Finally, he became the President of the French Republic Constitutional Council, a prestigious body of nine members, which is the French closest equivalent of the U.S. Supreme Court and whose most important duty is to control laws and assume constitutional adjudications.

Robert Badinter – as well as other devotees of the abolition of the death penalty like me – has always believed that there is no correlation between the capital punishment and the decrease of fierce criminality. Hopefully, his work on French criminal policy will also influence the world. As the capital punishment is still applied, especially in China and in the U.S., Badinter continues his struggle by giving conferences on the subject of the death penalty and is still called to do expertise work on constitutional problems all over the world. As Mahatma Gandhi said, “if leadership at one time meant muscles, today it means getting along with people. The best way to find oneself, is to lose yourself in the service of others.”