

Mercy or Injustice?

by Theodore Dalrymple



Now that French president François Hollande has decided not to run for a second term, he can devote himself to doing good works, without consideration of the electoral consequences. The first was a pardon for a 70-year-old woman named Jacqueline Sauvage. News of Hollande's act of mercy was greeted with much noisy applause—except from the judiciary, which regarded his decision as illicit political interference with justice.

In 2012, Sauvage shot her husband in the back with a hunting rifle, killing him outright. By all accounts Sauvage's husband was a monster. He had been violent and abusive to her during their 47-year marriage, and he had sexually assaulted all three of their daughters. He wasn't much of a loss to the world, therefore, but the court found that Sauvage had no legal excuse for what she did and sentenced her to ten years' imprisonment, a sentence upheld by the appeal court. During the whole of their marriage, Sauvage had drawn no one's attention to the abuse she suffered, nor to that suffered by

her children. Her first effort to put an end to it was to shoot him.

A campaign began almost at once in her favor. It included politicians of all parties and a petition with 430,000 signatures. Needless to say, feminist organizations took part. Hollande first tried a partial pardon, asking the courts to grant Sauvage early parole; but, to everyone's surprise, they refused. She had never really recognized or felt her guilt, they said.

This kind of poor reasoning is, alas, common in all jurisdictions nowadays, and is completely antithetical to the rule of law. People are to be punished for what they have done, not what they might do according to some psychological speculations about their mental state. It was obvious from the outset that Sauvage was vanishingly unlikely to do something similar again: and it wasn't because she posed a future danger to society that she was punished.

When Hollande finally decided to pardon Sauvage fully, her lawyers characterized the presidential pardon as "an extremely strong message sent to women who suffer domestic violence. It has become symbolic. It doesn't mean that you must kill to survive but that you must do all that is possible not to reach that stage."

This is nonsense, of course. The message, if anything, is precisely the opposite: you will not be treated too severely if you kill your violent husband, even if you have made no other efforts to avoid his violence. If you put up with it for long enough, in fact, you can kill him.

This is a peculiar kind of feminist populism, according to which women, apparently weak and feeble creatures, can't be held to the same level of legal obligation as men. They are by nature victims and nothing but victims, indeed not fully responsible human beings.

But none of us is fully consistent. I admit that when I saw pictures of Jacqueline Sauvage, I was glad that Hollande had pardoned her.

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