

■ A bill was presented in the Philippine Congress to abolish the death penalty. Here are the arguments for and against on the subject as presented in British newspapers.

## SHOULD THE DEATH PENALTY BE ABOLISHED?

Britain abolished the death penalty on Nov. 9 last year, for an experimental period of five years. Parliament resisted all attempts by opponents of the change to retain capital punishment for categories of killing — the murder of a police or prison officer, murder by poison, murder in the course of sexually assaulting a child, and types of murder considered specially heinous or exceptionally preventible by the threat of hanging.

The British Parliament has been concerned with the question of the abolition of the death penalty since 1929.

A committee, duly appointed, found:

1. That abolition had not caused an increase in murder in other countries — in most, a decrease had resulted.
2. That the eight states of the United States which had abolished the death penalty were among those with the lowest murder rate.
3. That nowhere had abolition led to an increase in the carrying of firearms, in murder by "professional" criminals, or in the resort to "lynch law."

These findings stilled many misgivings, and the select committee recommended in 1930 that the death penalty be abolished experimentally for five years.

Public opinion was against this. But though the report was pigeonholed, it was not forgotten by the reformers.

However, in 1957 an Act of Parliament limited the application of the death penalty for murder to murders of police and prison officers, murder with firearms of explosive, murder accompanied by stealing, murder done to avoid arrest or to assist escape, and multiple murder.

The act also set up a new defense to a charge of murder, namely, that the offender might be of "diminished responsibility" because of the state of his mind.

Because of its anomalies, the act was considered a failure — especially by judges and lawyers. The difficulty of "grading" types of murder, a point the abolitionists made, became clearer when theory was put into practice. Four years later Parliament was given another opportunity to abolish the death penalty totally through a Private Member's Bill.

It decided to do so for an experimental period of five years. Many impartial observers believe that the death penalty will never be reinstated.

Arguments for and against this important change in the law, as they have been presented to the public in the past 40 years, may be summarized in this way:

*For Retention*

The *lex talionis* — "an eye for an eye;" he who kills should be killed.

Murder stands in a class by itself and should have a punishment of its own.

The safety of the State is the supreme law; and murderers are enemies of the State.

*For Abolition*

This is primitive and solely retributive. You might as well draw the teeth of a man who has knocked another's teeth out.

Murderers are seldom the worst of people — they offer unusual promise of reform.

This is totalitarian. All criminals, in developed countries, are enemies of the State. That is why their conduct is called crime.

The fear of death is the greatest of all fears; the death penalty therefore is the greatest of all deterrents.

The death penalty is more likely than any other to arouse in the criminal a sense of his wrong-doing and bring him to repentance.

Prolonged imprisonment is worse than death.

For certain types of criminal there is no hope of reclamation.

Even if abolition does not increase murder, it probably increases other crimes (bank robberies for example) from which murder may often arise.

The abolitionist countries afford no parallel to Britain. They are mainly pastoral, not industrial, and their people more widely dispersed.

What are abolitionists going to do with reprieved murderers who kill their warders?

Why should the State keep a murderer alive at the taxpayer's expense, perhaps for 20 years or more?

The evidence of the abolitionist countries disproves this. The murderer, it seems, ponders about penalties less than, say the embezzler.

How can this be proved? And of what value, once he is dead, is his repentance socially?

No murderer has ever been known to refuse a reprieve.

This may be true of the insane, whom we should not put to death anyway. Among the sane, few such criminals are murderers. Where shall we stop?

The evidence from the abolitionist countries refutes this absolutely.

Belgium's population density is rather greater than that of Britain's and its trade is highly industrial. There has been no execution there since 1863, and murders have steadily decreased.

They don't, even in abolitionist countries.

Let the prisoner earn his keep, and his family's, as in Sweden. If necessary, train him in productive work.

This is how the abolitionists have always answered the retentionists. But their positive arguments have always been more abstract and ethical, drawing less on forecasts of practical consequences. This is how they go, with the retentionists answers:

*For Abolition*

Human life is the gift of the Creator. No man is empowered to take it away.

This sanctity of human life is as binding on the State as on the individual.

The deterrent effect of the death penalty is much exaggerated.

Reliance on the death penalty merely satisfies and makes secure the public mind, instead of encouraging the elimination of crime by an attack on its social causes.

The death penalty abandons all hope of reforming the criminal.

An execution adversely affects all who must have contact with it, distressing or brutalising the prison staffs.

Executions lead to imitative crime.

*For Retention*

Few of the great religions have ever regarded human life as inviolate, because a future existence is the basis of their belief.

States have never behaved as though these were true. The acceptance of war as an act of State is an entire rejection of it.

That is mere supposition. No one has ever known how many it deters.

One could say the same of any penalty. Until the social causes are known and eliminated the public mind must be satisfied and, as far as possible, "made secure."

The murderer is not, in most cases, likely to repeat his crime. The question of his "reform" is therefore of little relevance.

Representatives of the prison staffs have always denied this.

Even if this were true one cannot order society according to the possible behaviour

There are worse crimes than murder. Fraudulent conspiracies, for example, resulting in the ruin and (sometimes) the deaths of many people. They deserve the highest penalties.

The death penalty is irrevocable. Innocent men have been hanged. In putting a man to death one removes the mainspring from any movement there may be to reverse the verdict.

Executing a criminal inflicts life-long suffering on his relatives, who are innocent of blame.

of its few unbalanced members.

This sounds like a plea for more hanking, not less. Murder is the most abhorrent crime of all to most people, because their minds can encompass it.

This is true, and deplorable; and no effort must ever be spared to prevent miscarriages of justice. But it does not outweigh the need for a supreme sanction.

So does the murder. And so does life imprisonment. It keeps the murderer alive and prevents his wife from starting a new life, through remarriage. — *By C. H. Rolph.*

## WIVES AND MEN

It is one of the best bonds, both of chastity and obedience, in the wife if she thinks her husband wise, which she will never do if she finds him jealous. Wives are young men's mistresses, companions for middle age, and old men's nurses; so as a man may have a quarrel to marry when he will. — *Francis Bacon.*