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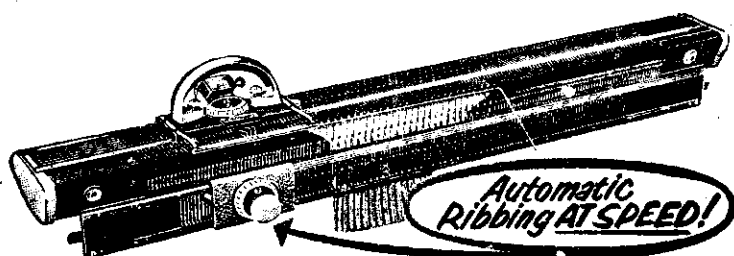
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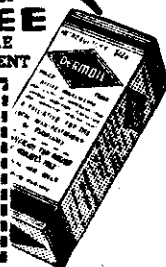
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BOOKS

Argument on Hanging

A LIFE FOR A LIFE? by Sir Ernest Gowers: Chatto and Windus, English price 7/6. CAPITAL PUNISHMENT AS A DETERRENT: AND THE ALTERNATIVE, by Gerald Gardiner, O.C.: Victor Gollancz, English price 6/-. REFLECTIONS ON HANGING, by Arthur Koestler: Victor Gollancz, English price 12/6. DAUGHTERS OF CAIN, by Renee Huggert and Paul Berry: Allen and Unwin, English price 18/.

(Reviewed by F.A.J.)

THE prison chaplain who saw Edith Thompson hanged said of the occasion: "When we were all gathered together there, it seemed utterly impossible to believe what we were there to do... My God, the impulse to rush in and save her by force was almost too strong for me." Somewhere between that reaction and a typical emotional opposite—"A man like that deserves to be hanged... I wouldn't mind stringing him up myself"—we make up our minds on this controversial question. Four recently-published books, or any one of the first three, should help us to do so, not in a prejudiced way, but from evidence.

Sir Ernest Gowers was Chairman of the Royal Commission on Capital Punishment which sat in Britain and visited the Continent and America between 1949 and 1953. In *A Life for a Life?* probably one of the most important books on the subject ever written, he briefly sets out the facts and arguments about capital punishment, "in the spirit of a judge rather than an advocate," and gives a personal testament of unusual value. Before serving on the Commission he had, "like most other people," given no great thought to the problem, but would probably have favoured the death penalty. Four years of close study convinced him that the abolitionists were right.

Briefly, the main rational arguments for the death penalty are that murders would increase if it were abolished, and that there is, anyway, no alternative; the emotional case is that a man who kills deserves to die. Sir Ernest, Mr. Gardiner and Mr. Koestler cover similar ground in discussing these arguments. Mr. Gardiner's approach is judicial: he states the case for capital punishment, then critically examines it. Mr. Koestler's more brilliant book, though largely factual, is warmed by indignation and pity; and its range is greater, especially in its examination of hanging as an English heritage.

The first important conclusion these books reach is that abolition, more than 100 years old in some countries, does not in practice lead to an increase in murders, any more than it led to an increase in other crimes for which death was once the penalty. Mr. Koestler dryly notes that the Judges, who live on precedent, never quote it when they

BOOK SHOP

IN Book Shop on Wednesday, August 8, Lillian Cumming, of Auckland, will review two historical novels, "Roman Wall," by Bryher and "God And My Right," by Alfred Duggan. Nola Millar, of Wellington, talks about her "Work in Progress," a book on the early theatre in New Zealand.



ARTHUR KOESTLER

oppose abolition. More remarkably (and quite apart from the disrespect for life which judicial killing may encourage), medical evidence before the Royal Commission showed that for several types of disordered mind the death penalty may act as an incentive to murder. (An interesting fact from last century: of 167 persons awaiting execution in one prison 164 had previously witnessed at least one execution.) The second important conclusion is that there are no special difficulties about imprisonment as an alternative to the death penalty. The Royal Commission agreed with the Home Office that any convicted murderers whom it would be unsafe ever to release are likely to be mentally abnormal, while Mr. Gardiner notes that many who are now hanged are among those it would be easiest to reform.

Those who feel that, as Mr. Gardiner puts it, "one requires some justification before deliberately killing people," may find themselves convinced by the rational arguments against hanging. My suspicion, however, is that most people are not likely to be so convinced, since they are not repelled by the gallows as a State institution, and take the view that death is the only fitting retribution for murder. The remarkable fact is that though the British Home Office, for example, does not now recognise "such primitive conceptions" as retribution, the law remains as inelastic as if it were still based on it.

Thus, while the State will relieve a man because his neck is so shaped that if he were hanged his head might come off, or some other scandalous thing happen to shock public opinion (hanging must not be unseemly), it will hang psychopaths, epileptics, mental defectives and the like. *Daughters of Cain*, which examines the backgrounds of the first eight women hanged in England since Edith Thompson, shows that in most cases "the crime resulted from the effect of great strain upon unstable, inadequate personalities," and since these books were published a survey in the *English Observer* of the cases of 85 murderers hanged in Britain between 1949 and 1953 reaches the same conclusion as the Royal Commission: that murder (even in these cases where the law was allowed to take its course) is "not generally the crime of the so-called

N.Z. LISTENER, AUGUST 3, 1956.