

Koestler's Appeal to End Capital Punishment

REFLECTIONS ON HANGING.

By Arthur Koestler. Macmillan. New York. 231 pp. \$4.50.

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There are two major arguments against capital punishment. One, that is against the highest moral (divine for those who believe in the divine) law to take life. Two, that it is the only punishment which is irreversible and does not permit adequate restitution in case of error by society or rehabilitation on the part of its victim.

The first of these is apt to be dismissed by realists who argue that a race which tolerates the destruction of millions of its fellow beings in total war is guilty either of hypocrisy or of triviality in balking at the execution of a relative handful who, more likely than not, are guilty as charged of the most heinous of crimes.

Yet the failure of mankind as yet to end the greater inhumanity of war should not thereby deny its right to end the lesser (if one observes the measurement by numbers) savagery of capital punishment.

In *Reflections on Hanging* Arthur Koestler reviews the history of the subject, particularly as it applies to England, where he played a prominent part in the recent public campaign to abolish the death penalty. The book itself played an important role in that effort, which resulted in passage by the House of Commons of the bill to end capital punishment. Although the bill was defeated in the House of Lords, public demand did force the British government to modify existing law by limiting the death penalty for those guilty of what are considered the extreme variants of murder.

The cruelty of the process of capital punishment; its failure to serve as a deterrent to crime and its role in deadening men's reverence for human life are all here cited. The gallows (but one can substitute the gas chamber or the electric chair), says Koestler, is "the symbol of terror, cruelty and irreverence for life; the common denominator of primitive savagery, medieval fanaticism and modern totalitarianism."

England, France and the United States alone among the capitalist democracies retain the death penalty. The Soviet Union abolished the death penalty in the early years of the socialist revolution and later restored it.

Although Koestler cites English experience primarily, his thesis is valid and his book of interest to Americans in 42 of whose 48 states capital punishment is still approved by law.

"The Wrong Man," a recent movie about a man tried, convicted and jailed because of a confusion in identity, dramatized for Americans a whole number of similar cases

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International balladiers Marais and Miranda, who are slated for a Lewisohn Stadium debut on Thursday evening, July 25th, singing popular folk songs of many lands as well as Marais' own "Africana Suite for 'Too Late the Phalarope'".

which have made the newspapers and in which people have suffered for crimes they did not commit.

These, logically, involve people who were 'only' imprisoned, not executed. But whether in the political arena, as in the Sacco-Vanzetti or Rosenberg cases, or in the sphere of 'routine' crime and punishment, most Americans can cite either as fact or surmise instances wherein Americans have died for crimes they did not commit.

Americans of socialist orientation are concerned, additionally, with the attitude of socialist countries toward the death penalty. The recent rather grisly "rehabilitation" of citizens of the socialist countries of Eastern Europe, now acknowledged to have been falsely branded as traitors and executed during the Stalin purges unhappily reminds that not only the reputations but the people themselves would now be restored to their place in society were capital punishment abolished there.

Certainly it is in order to hope that the countries of socialism will not lag behind others in ridding themselves of the death penalty.

Supporters of capital punishment are apt to pose the expense of prison maintenance against the economy of execution and the salutary permanence of that punishment against the prospect that the murderer let live might one day murder again. According to Koestler, however, experience shows that most murders are crimes of passion, unpremeditated, not committed by professional criminals and, in the cases of those reprieved, most unlikely ever to be repeated.