

ABOLITION OF THE DEATH PENALTY

Extract from speech in the State Council in 1936 of Dr. N.M. Perera, leader of the Lanka Samasamaja Party (LSSP).

It seems to me, judging from the speeches made against this motion, that there is apparently only one real argument that has been brought forward and that was by the Hon. Minister of Local Administration. The excellent lawyer he is says that many alleged murderers had gone to him and he had had the opportunity of defending their cases and that the one thing that had struck him very forcibly was the anxiety of all these alleged murderers to escape the gallows. They said — “For Heaven’s sake, save us from the gallows. We do not mind for how long we are sentenced to imprisonment, but save us from the gallows.” From this he concluded that the gallows or capital punishment was a deterrent. He concluded from the fact that the people were obviously afraid of capital punishment that capital punishment was a deterrent, an effective deterrent. Now, in all seriousness I wish to submit that this is what logicians call an entire *non sequitur*.

That is not the conclusion to be drawn from his assumptions or from his premises. Surely the conclusion is something quite different. If capital punishment is an effective deterrent, then, Sir, they should have turned away from the act of murder. That is what should have happened. If a person is afraid of the gallows, that should have prevented him from committing the murder. On the other hand, after the act was committed, the fact that those fellows shrink from the gallows only permits of this conclusion, and that is, convinced that they had done a wrong they were now anxious to have an opportunity to atone for the act they had committed. That, is the only conclusion to be drawn from that. The fact that they feel they had committed a wrong either in a gust of passion or because they were dupes in the hands of somebody else, surely indicates that they want a chance to make good. Surely, Sir, that is the obvious conclusion to be drawn from those premises. If the man feels that the gallows was a thing from which he shrank, then he should not have committed the act. On the other hand, the man commits a murder and then he wants an opportunity. That is what every lawyer finds. The alleged murderer would rather have a chance of living and making good the mistake he committed.

That, is the correct conclusion, and that really is the reason why people always fear the gallows. Looking at it from the point of view of a deterrent, one would consider that a living death like lifelong imprisonment would be a more vital deterrent than an immediate removal from this sphere both for him and for his family and relations. The fact that he is incarcerated and is there for a number of years stands as a permanent stigma on the family and his relations. That should be, I think, sufficient deterrent if at all.

Society, has set up a false standard. They are still maintaining the old tradition of an eye for an eye and a tooth for a tooth and that a man who murders should also be murdered. People have begun to feel that because a man murdered somebody else, he should be murdered — “If he was able to escape the gallows, then I must carry

out the act that society did not do.” Society sets up the false standard. If on the contrary, society says — “Yes, even assuming the murder was committed, the duty of society is not to take that man’s life but to show to him that he has done wrong by society and wrong by human beings,” then, Sir, the standard is quite different. Then that murdered person’s son or relation will say “He has done a wrong to society; well give him a chance to improve, and it is not my duty to take his life, that is not the right thing to do. Give him a chance”.

This false standard which we have carried on, notwithstanding the so-called progress we have made, we are forcing the people to maintain. It is a wrong attitude towards life to condemn a man outright. That, Sir is a very clear example. There are many cases of that type, of that wrong attitude and its consequences.

It is not true to argue, and I do not think the honourable mover would want to argue that the increase in the number of homicide cases meant that capital punishment has not been a deterrent. We cannot equate the two in any precise fashion, and I do not think that any honourable member who supports the motion would want to equate them. On the contrary neither can we maintain, as the Hon. Minister of Local Administration tried to maintain, that the absence of capital punishment would mean an increase in the cases of homicide. But this fact is significant: We have the authority — a curious coincidence perhaps, but a very significant coincidence—that countries like Sweden, Norway, and Holland and various other countries which have made the experiment have definitely shown that there has been a tendency to lessen homicide, I should not say as a result but following the abolition of the death penalty.

There is a third factor, and that third factor is a fact which even the Hon. Minister of Local Administration acknowledges, that the amelioration of social conditions was the driving factor. But there is another significant fact, that the abolition of the death penalty has been carried out only in those countries where the social conditions are of the best, where poverty and misery as we understand them are at a minimum. So when you remove the social conditions that make poor people the victims of circumstances the chances of homicide and serious crime are less. Therefore our attempt to punish the victims would not be correct. What we should do rather is to give these people who have been the victims of these conditions a chance with better conditions of life.

Now, Sir, it has been argued that both Italy and Germany went back on the abolition of capital punishment and have reintroduced capital punishment. That is an argument which the honourable the nominated Burgher member made much of. I submit, in all earnestness that in Italy and Germany the political conditions created especially after the Nazis came into power present an entirely different spectacle and therefore an entirely different position. Their political exigencies are different. The Nazis maintain their power only by

violence. Some people may like it and some may not. But the fact remains that both Italy and Germany have reintroduced capital punishment by virtue of the creed they adhere to, the creed of violence.

The honourable the Burgher member spoke of Mussolini as a brave man. What a brave man! A man who was responsible for the rape, the most hideous rape that history has seen, the rape of Abyssinia, a man who got thousands of people murdered in Abyssinia.

In the Middle Ages if a person came from a village to a town close by he was driven out, because that town was self-contained. But human nature has marched along. If human nature has been what it is would we have had a single religious teacher? If human nature is what it has been there will not be many members of the State Council who are prepared to sacrifice their time and money for the service of the country. So much for all this talk about human nature being what it is. That has been the stock argument used by every reactionary who was against any reform whatsoever. That was the argument used against the abolition of slavery.

No, that is too specious even for the purpose of a motion of this type. Admittedly, we are all imperfect. That is precisely why we do not want capital punishment. Is the honourable member so perfect that he can say that the other man who is imperfect must not live, must not be given a chance? It is precisely because we are imperfect that we must give him a chance to get rid of those imperfections. How many of us have not at some stage or other of our life wanted to murder some one? We all have had the impulse, only we had not the courage to transplant it into action. When some people have the misfortune to transplant that impulse into action, what do we do? We remove them entirely from the surface of the earth. I say it is not becoming of a society that pretends to progressive ideas, that desires to continue the best in human beings. That should not be the ideal placed before any society.

Then, there was a very curious argument brought forward by the honourable member for Colombo Central. I was very sorry to hear him about a criminal class that exists. I must repudiate that. There is no such class as a criminal class. Human beings are made criminals by the accidents of circumstances, of environments, of social conditions. Poverty and ignorance are the main factors. I ask how many people who have gone to prison for alleged murder and probably owing to some extenuating circumstances have been pardoned after ten years or so, have recommitted murder? You will not find even 1 percent. These are isolated events in the life of a human being.

They are not criminals by intent, by nature. No, Sir. It is only circumstances that force people to commit certain acts, and it is unfair to say that a man is going to be a murderer all his life long because he had committed one murder for some reason or other. It is not fair to say that a very large class of people here are criminals. There are in Ceylon people who employ thugs and so-called murderers in order to extend their land. True, indeed. But what do we do? We condemn the innocent people instead of charging the landlord. That is the person to be removed from society, because he is a danger to society in every way.

It was argued by the honourable member for Narammala that religious teachers have constantly failed by their noble example and precept to

make of the people a virtuous people, to make the people live good lives. Great religious teachers, he says, have preached but without much effect. Therefore, what is the remedy? What does the honourable member advocate? Instead of the State coming to the help and supplementing the teaching of these religious teachers he wants to remove the people whom even the religious teachers have not been able to correct. What a curious argument from a man of the type of the honourable member for Narammala. Because religion has failed society should help religion to reform the people. Every religion would want to give a man a chance. It is said that Christ said there was rejoicing in Heaven when there was one repentant sinner. It means that every person must be given a chance to redeem the mistakes he has committed and atone for them, however enormous the mistakes may be. That is the basis of every religion, and yet in the name of religion we want to remove erring people from the surface of this earth.

What are the principles you advocate? I cannot understand this Buddhism or this Christianity that preaches civilized murder for the murder of man.

No. The charge was made against the mover of this motion that he brought forward arguments of an academic nature. I leave it to the honourable member to answer that charge.

I will say this in conclusion. In the name of society, honourable members must realize that this is a serious problem which they must decide once and for all. I do not like to hear members say, "We are neither this way nor that"; I do not want honourable members to say, "I am still open to conviction." No, Sir: in the name of society, you must definitely decide a question of this nature. In the name of society, you must preserve human beings, give them a chance to improve.

I make a special point of that because the argument is, "in the best interests of society, we must get rid of these murderers." I say that in the best interests of society, from the point of view of the long-range effect on society, society must set the example and get away from the old idea of a tooth for a tooth, an eye for an eye; society must set the example and give these unfortunate offenders a chance of redeeming themselves.

I hope honourable members of this House will now set the pace and march with the rest of the progressive countries of the world. Honourable members must realize that every progressive country is in favour of abolition of the death sentence. In England, for instance, the Labour Party has definitely voted for the abolition of capital punishment, and my honourable friend the member for Colombo Central who is the local representative of the Labour Party must also definitely vote for the abolition of capital punishment. The people in England who were consistently opposed to the abolition of the death sentence are the obscurantist, ignorant Conservatives. They have definitely opposed the abolition of capital punishment, whereas every progressive party in England has been in favour of abolition.

Let us hope that honourable members of this House will set the pace and abolish capital punishment for the sake of the lasting future welfare of Ceylon.

Hansard November 1936