

Legalised Murder Is No Solution

—High Court Recommendation of Public Hanging

WE were shocked at the recent recommendation by the Jaipur high court that two people—a man and his mother, sentenced to death by the court for having burnt a bride, be publicly hanged. Even more disturbing was the widespread approval with which the judgment seemed to be received.

Many people assumed that women's organisations would see this as a victory. Although the supreme court has, fortunately, countermanded the order for public hanging, the death sentence stands and is presently under appeal to the supreme court.

There is no evidence whatsoever that sentencing a murderer to death deters others from committing murder. Nor is there any evidence that more murders take place in countries that have abolished capital punishment.

If the widely held belief in the deterrent value of punishment had any truth, crime should have long ago ceased, considering the large numbers of people who have been tortured, punished and killed in all known societies. In fact, crime is causally linked to a variety of factors, social, economic, political and psychological, and cannot be combated unless these factors are reckoned with.

At different times and places, capital punishment has been awarded for "offences" as various as adultery, petty theft, prostitution, religious dissent and criticism of ruling powers. In many cases, it has been discovered years afterwards that the person executed was in fact innocent. But the punishment cannot be

revoked nor any compensation given for the life lost.

Capital punishment is in fact legalised murder. The only real motivation behind it is vindictiveness. People who defend it invariably produce as a clincher the argument: "They killed, so why should they live?" This is precisely the logic behind the blood feuds that prevailed in many ancient and medieval societies. The only difference is that today, instead of ourselves, as individuals or groups, taking the responsibility for committing a murder of revenge, we get it done by paid functionaries and surround it with the ritual of law and order, so that it appears more "civilised" and "legitimate."

In fact, the modern process is probably more barbaric than the earlier one. The experience of living in prison for months or years, with a death sentence hanging over one's head is terribly torturous. And the final decision to award the death sentence rather than life imprisonment rests on many chance factors, including the temperament and inclinations of the particular judge before whom the case happens to come up.

Is it not ironical that we should seek to express our horror at the taking of human life, by taking more lives? Two wrongs do not make a right nor does the killing of a murderer restore his or her victim to life. If we are truly appalled by murder, if we truly cherish human life, we should seek to reduce all possibilities of killing.

In the case of wife murder, this means that we strengthen women by making alternatives available to them, so that they do not need to suffer the cumulative

violence at the hands of husband and in-laws which frequently culminates in murder. We have found that whenever a woman has supportive parents, relatives or friends, she finds it much easier to resist her husband's violence and to build a new life for herself.

The building of more social alternatives for women, the provision of employment, housing and childcare on a large scale to women, would be steps in the direction of reducing possibilities of wife murder.

To institutionalise murder, whether in the form of capital punishment or of warfare, is to encourage murderous tendencies in society. It is significant that few people are deeply horrified at the prospect of a supposedly "enemy country" being bombed by the armies of their own country.

This is because we have been taught that killing by a state functionary, a soldier, policeman or hangman, is, in some way, "right" whereas killing by a private citizen is "wrong." In fact, both have exactly the same effect—the destruction of an irreplaceable human life. The numbers of innocent people destroyed by State machineries and armies are infinitely larger than those killed by private citizens.

Today, the world is heading towards annihilation at the hands of a few powermad men. Every time we acclaim violence, whether in the form of warfare, communal violence or capital punishment, we are contributing towards building a more ruthless, violent polity, which can only affect all of us adversely.

—Madhu, Ruth