

## BOOK REVIEW

***P.J. Murphy and Loyd Johnsen (1997) Life 25:  
Interviews with Prisoners Serving Life Sentences.  
Vancouver: New Star Books.***

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In Dostoyevsky's classic novel *Crime and Punishment*, the protagonist Raskolnikov commits two brutal, gruesome murders with an axe. The murders are premeditated and there is a robbery involved. In Canada, by today's standards, these killings would be considered first degree murders and would call for a sentence of life imprisonment with 25 years minimum before consideration for parole.

In *Crime and Punishment*, Raskolnikov's nagging conscience inevitably leads him to confess. Eventually, the law of 16th century Russia deals with him and he receives a sentence of 7 years hard labour. The last paragraph of the novel contains the passage, "But that is the beginning of a new story - the story of the gradual renewal of a man, the story of his gradual regeneration, of his passing from one world to another, of his passing into a new unknown life ... ." By today's Canadian standards, the 7 year sentence would be considered very light.

Oddly enough, nowhere in Dostoyevsky's novel does it say that the prosecutors appealed the judge's sentence! There is nothing written about any public out-cry at the "leniency" of the sentence. I have never heard of, or seen it written that any reviewer or critic felt that the ending of the story was "unrealistic" because of the "light" sentence. Obviously, it was looked upon as a "just" sentence.

In the book *Life 25: Interviews with Prisoners Serving Life Sentences*, the 15 people relating their stories have committed the ultimate crime of first degree murder. Some of these crimes were more gruesome than others to be sure, but on the whole, none were more horrendous than the murders in *Crime and Punishment*. It would be difficult to say that any of these people are sympathetic characters. In fact, in some of the cases the persons seem not to acknowledge their responsibilities for the deaths. They speak of the murder as "the incident" or when "it" happened, as if it were something inexplicable that just happened rather than as something they were responsible for, something

*they* did. Yet even with all of this, after reading the book, it becomes apparent that all of these men are now somehow changed and perhaps at least some of them are now on the path to “gradual regeneration.” Perhaps that is why this book is so interesting, because it does tell us something new not only about these people but about “justice.” One cannot help but think that there may be hope for redemption for some of these men and, further, to consider just what is the purpose of the mandatory provision of this law.

Canada is, we would hope, a civilized country. People care. People are, no doubt, curious about this 25 year minimum life sentence. What does it do? How does it affect everyone concerned? This book, edited and presented by Murphy and Johnsen, will certainly give you an idea. It may give you more than one idea. It may provoke some to broaden their thinking horizons a bit. It seems that in Canada we are inundated with American views of what criminal justice is about.

Perhaps it is time we look beyond. Perhaps we should look at what they do in other civilized countries, not only in the present but also in the past. Yes, even in “uncivilized” 16th century Russia.

It seems inevitable that whatever *Life 25* can tell us about our own system of justice, it will be read in the light of an American lamp. If it is possible, let us *not* be influenced by what they do in the U.S.A. There is a strong argument to be made that Americans are not civilized when it comes to the justice system.

When we are considering the “why” of a prison sentence, we must look at the primary purposes of the law. These are:

1. Deterrence and protection of the public. (First and most important).
2. Retribution. (Punishment. This is a close second).
3. Rehabilitation of the offender. (This is last and considered least important).

If we are examining the practicality of the long prison term in regards to deterrence, we must look at the people in this book to see if there were any thoughts of what the punishment might be for the act they were

committing or about to commit. I could not find any incidents where they thought about the consequences of their acts. The very nature or the act of murder seems to preclude that. Is there such a thing as murder at all because Cain was not punished severely enough for killing Abel? Was there a rash of old lady pawnbroker robbery-killings after Raskolnikov got “only” 7 years for his crime? Do people not kill only because they are fearful of the consequences? The examples in *Life 25* tell us that this was not a significant factor, or a factor at all.

Protection of the public. Indeed, the public is protected from these people. But, does “the public” not include the other people who come into contact with them after they are put into prison? Are they protected? And would not the public be better served if something was done for and with these people rather than *TO* them?

Now, we deal with the aspect of retribution, punishment. How to punish someone who kills? How to make a person atone for the ultimate crime? This question is as old as “Man” himself. We do not know the answer. If you kill the person who kills, how can he atone or make amends? To make amends, one must be allowed a choice. One can only make amends through self examination and discovery.

Currently, I am serving time in a federal Canadian prison, although not a life sentence and not for murder. I have, however, served almost 25 years now on a 37 year aggregate sentence. I have been out on parole but have been returned because of drugs. Now recovering, I was a life long heroin user. My prison sentences were basically for being a thief, armed robber and so on. As far as thievery goes I have probably done it all, but I have never shot or killed anyone. This is not to say that I have never created any victims, because the trail of victims is many and long. These people were hurt by me, perhaps not physically but in many cases psychologically.

I do, however, like to think that because I have never taken a life that it is at least possible for me to make amends, to atone. Can there be atonement for the crime of murder?

In most cases, one would think not. But in reality, I know of at least one case of a person convicted of first degree where there was at least the

promise of atonement and forgiveness. This person went for his 15 year review under the “faint hope” legislation in Canadian law (R.S.C., 1990, c. C-46, s. 745). He had very favourable behaviour reports. The murder was the senseless killing of a young woman during a robbery. The woman’s family members were, of course, at the hearing and voiced their opinions. After hearing all the reports of the man’s behaviour and other related material, they said “We are Christians, we forgive this man. But 15 years is not enough time. We have no objections to him getting out, but we feel he should do at least five more years.”

This prisoner, being a reasonable person, was naturally disappointed but he also felt that this was understandable and, surprisingly, fair! They did not say he should never get out. They showed, as far as he was concerned, mercy - something he had not shown 15 years earlier. Thus, he felt he could do another five or even ten years and he would feel as if he had paid, at least partially, for his crime. Atonement - he has a conscience and he knows that the debt is only paid if both parties agreed that it is paid.

That was one case. Obviously, they are all very different. There may be cases where the families might agree that 15 years or even less is enough. There are many who would say that the debt can never be paid and the person should never be let out. If they are cognizant of *all* the facts and come to that decision, who could argue?

It does seem to make sense that there should be options. The door should be left open a crack . . . faint hope.

This brings us to the aspect of rehabilitation. My experience has taught me that in serving a long sentence, at some point, in most cases (unless the person is mentally ill), a prisoner reaches a stage where he or she could be considered “cured.” Some may say rehabilitated but I think “cured” is a more fitting word. I believe that if a person were released on that day or during that time period, they would never commit another crime and would never return to prison. I think almost every person in *Life 25* would fit into this category. And these are, no doubt, extreme cases.

Unfortunately, sentences do not work that way and that favourable time period passes and drifts into the past. And for each and every person, that time is different. As that day or series of days gets vague, the person does go through changes - but into what? In most cases, the result is not something or someone better, but someone older. From that point on, any changes for the better are done in spite of the prison, with or without programs, rather than because of it. Any benefits derived are painfully squeezed out by the struggling prisoner, trying to stay human.

When you read this book and peek into the minds and the lives these prisoners are experiencing, you recognize that they are individuals. There is no common denominator except that they are all murderers in the eyes of the law. It seems rational to propose that the law should be changed and there should be a latitude to treat them, each and every one, differently. Who would be doing this is up to corrections to decide. Let it be someone qualified.

That there are some people who should never be let out, there is no argument. But not all prisoners fall into this category; or even close to it.

It appears that this is what the "faint hope" clause is all about. The law is recognizing that there are some who may be eligible. But it does not go far enough in recognizing individuals. Why should the option not be there for someone to be released on parole even sooner? The persons in which book who have killed are not likely to convince you or anyone of that, but it did leave me with the thought that there should be a sentence of life with no minimum time for parole eligibility. The law is too concrete as it is, and leaves no options open. These are humans, in spite of whatever "horrible" deeds they have done - human, nevertheless, each an individual, unique, different as all humans are. The thought or the suggestion of no minimum life sentences would scare most people, but in reality the safeguards are there. Those individuals who should never be released never get out, but other individuals, who could be released, should be released. That would be a civilized Canadian law.