

Should capital
punishment be
reintroduced in the uk



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Capital punishment is a practise of which criminals, when, convicted of a serious crime known as a ' capital crime' are executed. The term ' capital' originates from the Latin word capitalis, meaning the head and a ' capital crime' was originally punishable by the severing of the head.

Although not always used, 58 countries still uphold capital punishment as a sentence according to Amnesty International's figures in December 2009, and, since 1985, over 50 countries have abolished capital punishment. The six main execution methods still used since 2000, are; electrocution, lethal injection, beheading, shooting, hanging and stoning.

In the U. K hanging was the preferred way of executing a person. This was found to be of simple and quick preparation and an extremely quick process of dying for the prisoner. Capital punishment in the U. K was abolished in 1969.

Nowadays capital punishment is considered a barbaric and inhumane sentence. The question of whether capital punishment should be reintroduced has been widely debated, argued and many reasons given for support and against its practise.

This essay will provide the history of capital punishment in the U. K, and evaluate the arguments for and against reintroducing capital punishment to the U. K.

The following steps were taken to acquire the information needed to complete this assignment:

Questionnaires were distributed on the 19th October 2010 and collected on the 25th October 2010.

Internet sources were accessed on the 17th, 21st, 22nd, 23rd, 24th and 25th of October 2010.

Capital punishment's abolition in the U. K

William the Conqueror first abolished capital punishment in the U. K in the 11th Century but this was reinstated by his son. Several proposals were put forward to parliament from the late 1700's but all were opposed. In the 1800's hanging's were seen as great days out and people of all classes would enjoy watching a criminal strung up by the neck and would be very disappointed to see him/her die too quickly. From the 1800's to the 1900's many capital crimes were reduced from the death penalty to imprisonment (see below table) and murder was the only ' capital crime' still punishable by death.

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By the end of the Second World War, attitudes had changed towards accepting the abolition of capital punishment as people were concerned by the holocaust of Nazi Germany. The last executions to happen in the U. K were that of two men who were hanged in Walton Gaol in Liverpool.

Capital Punishment Abolished

Notable Date

Notable Event

1908

People under 16 are no longer liable for hanging.

1922

Infanticide (Mother killing her child) is no longer a capital offence.

1931

Pregnant Women are no longer hanged.

1933

People under 18 are not executed. Sentenced to Her/his Majesty's Pleasure.

1948

House of Commons suspends capital punishment. Overruled by House of Lords.

9 March 1950

Timothy John Evans hanged at Pentonville Prison.

28 January 1953

Derek Bentley hanged at Wandsworth Prison for the murder of P. C. Miles.

13 July 1955

Last Women hanged in U. K (Ruth Ellis at Holloway Prison).

1956

The passing of Death Penalty (Abolition) Bill is overturned by Lord's.

1957

Homicide Act 1957 restricts use of capital punishment.

23 July 1957

First execution under the 1957 act: John Vickers.

5 November 1959

Last execution for murder of police officer: Gunther Podola.

13 August 1964

Last executions: Peter Anthony Allen & Gwynne Owen Evans.

1965

Capital punishment in murder cases is suspended for 5 years.

1966

Timothy John Evans receives a posthumous pardon.

1969

Capital punishment for murder is abolished.

February 1998

Mahmood Mattan receives a posthumous pardon.

July 1998

Derek Bentley receives a posthumous pardon.

Capital list. Available from <http://stephen.stratford.co.uk/capital-list.htm> (accessed 24th October 2010).

Mp's decided on May 20th 1998, to adopt human rights provisions, outlawing capital punishment for murder except for times of war or imminent threat of war. Capital punishment ended effectively with the criminal justice bill on the 31st July 1998 and on the 27th January 1999, the 6th protocol was signed by the home secretary formally abolishing capital punishment in the U. K.

Arguments for capital punishment

Cost: It can be argued that the cost of keeping a criminal incarcerated is cheaper than giving them the death penalty but this is not the case. Studies have shown that the complicated legal process of pre trial and trials are tremendously expensive.

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' The additional cost of confining an inmate to death row, as compared to the maximum security prisons where those sentenced to life without possibility of parole ordinarily serve their sentences, is \$90, 000 per year per inmate. With California's current death row population of 670, that accounts for \$63. 3 million annually.'

(Commission on the Fair Administration of Justice, June 30, 2008). Available from <http://www.deathpenaltyinfo.org/costs-death-penalty>. (Accessed 25th October 2010).

Retribution: ' Murderers get what they deserve', ' punishment should fit the crime' and an ' eye for an eye'. This seems an debateable argument worldwide for many criminals to be given the death penalty as the punishment does not always fit the crime for example - people who assault, are not assaulted and rapists who raped, are not raped. The Justice Centre of the University of Alaska at Anchorage, in its website section titled " The Death Penalty: Specific Issues - Retribution & Justice for Murder Victims", offered the following:

' Death penalty advocates justify capital punishment under the principle of lex talionis, or ' an eye for an eye' — the belief that punishment should fit the crime. In particular, people who favor capital punishment argue that murderers should be executed in retribution for their crimes and that such retribution serves justice for murder victims and their survivors. Death penalty opponents emphasize the sacredness of life, arguing that killing is always wrong whether by individual or by the state, and that justice is best served through reconciliation.'

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Justice center of the University of Alaska at Anchorage. Available from: <http://www.deathpenalty.procon.org/view.answers.php?questionID=0010004>. (Accessed on the 25th October 2010).

However there is a serious risk of executing the innocent and the adage

' People getting their just desserts' pose a serious drawback for the retribution argument.

Deterrence: ' Does the death penalty act as a deterrent' and that by executing convicted criminals will deter would be murderers from killing people. Many people believe that this is correct and in 2000 George W Bush stated:

' I think the reason to support the death penalty is because it saves other people's lives," and further that " It's the only reason to be for it.'

The Berkeley electronic press available at: <http://www.deathpenaltyinfo.org/donohue>

Deter. pdf. (Accessed on the 25th October 2010).

Studies have failed to provide any evidence that deterrence works and research has found that if a crime is not pre-meditated it is unlikely that the criminal who most probably at the time of his/hers capital crime was not thinking logically and heedless to any consequences that would occur later. Persons who commit pre meditated murder often concentrate on escaping any detection or conviction and thus the threat of punishment by death does

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not deter them as they are convinced they will not be caught. John McAdams stated:

' If we execute murderers and there is in fact no deterrent effect, we have killed a bunch of murderers. If we fail to execute murderers, and doing so would in fact have deterred other murders, we have allowed the killing of a bunch of innocent victims. I would much rather risk the former. This, to me, is not a tough call'.

Marquette University/Department of Political Science, on deterrence available at: <http://www.prodeathpenalty.com>. (Accessed on 24th October 2010).

Prevention of re-offending: Those who commit heinous crimes and are executed cannot commit any more crimes it is said but imprisonment for life does not necessarily make for a peaceful society either. In the U. K life imprisonment usually means a sentence of a minimum time which is set by a sentencing judge usually 15-20 years, the person who committed his/her crime then becomes eligible for parole. For example: Jon Venables after murdering Jamie Bulger along with his accomplice Robert Thompson was given a sentence of just eight years. There has been a public outcry about the sentence given and early this year Jon was recalled back to custody after breaching the terms of his release. Denise Bulger, Jamie's mother stated nine years ago:

' If released they would reoffend'

Interview available at: <http://www.thesun.co.uk/sol/homepage/news/2884530/jon-venables-recognised-by-a-localhtm>.

(Accessed on the 25th October 2010).

Arguments against capital punishment

Wrongly convicted: DNA testing has opened a large window into a person's claim of innocence and has literally changed the justice system. People have been motivated by external influences to confess or admit to a murder that they didn't commit only to be exonerated possibly years later. In the case of Frank Sterling, a New York truck driver convicted on a confession that he gave in 1992 that he had strangled a four year old girl. Frank served 19 years in jail only to be freed earlier this year with the help of the innocence project when DNA proved that he in fact did not murder her and another inmate Mark Christie had.

Picture 12 Frank Sterling Freed After DNA proves His Innocence Frank Sterling

Image available at: <http://www.genpop-org/2010/04frank-sterling-freed-after-dna-proves-hiinnocence/> (Accessed 17th October 2010).

There is ample evidence now that proves there are and have been errors and flaws throughout the legal system, Frank Sterling is just one of countless numbers of people who are innocent. It is also inevitable that innocent people will be convicted and sentenced to death in the world and such mistakes cannot be put right.

The right to live: It has been stated that the right to live is the most significant right of them all when it comes to the death penalty, but it can

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also be argued with the adage an 'eye for an eye'. Professor van den Haag stated in an interview:

'I hold life sacred, and because I hold it sacred, I feel that anyone who takes someone's life should know that thereby he forsakes his own and does not just suffer an inconvenience about being put into prison for sometime'

<http://www.prodeathpenalty.com/ornellaspaper.htm>.(Accessed 21st October 2010).

In the United Kingdom, Article 2 of the human rights act 1998 which states 'everyone's right to life shall be protected by law' was enforced in 2000 meaning that no one in the U. K can be sentenced to death.

A Questionnaire was posted online on the 17th October. The graph below shows the results of the 120 people who were sent and replied to the questionnaire.

C: UsersOwnerAppDataLocalMicrosoftWindowsTemporary Internet FilesLowContent. IE5ELA6NUIH20101024211242[1]. jpg

If capital punishment were to be re introduced into the U. K many questions would be raised for example: will innocent people be executed? can the legal system be trusted? and will it ever be proved as a deterrent etc...? I

personally don't believe that any of these questions can be answered with the upmost truth and above all proof and you have to take into account that each and every person in the world is capable of murder if faced with, for example: self defence.

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Whether or not capital punishment would deter would be criminals prior to their offense, I do believe that the death penalty should be reintroduced into the U. K. In the interest of the people, criminals who have committed acts of such a heinous nature should be given a punishment proportionate to fit the crime. I would go as far as to say that the U. K justice system should, when giving out a life sentence to an offender, mean it is for life and, when a life is taken in such a monstrous way, the offender should be sentenced to death. The reintroduction of U. K capital punishment would not come without its mistakes, and, it could cause misery to the offenders' families. But I personally think that if it was reintroduced with strict laws and guidelines and only for offenders, who have committed terrible crimes, then there could be some retribution, it would permanently incapacitate them, and, maybe it could save some money that could be spent on rehabilitating other less serious criminals.

Commision on the fair administration of Justice. [http://www.](http://www.deathpenaltyinfo.org/costs-death-penalty)

[deathpenaltyinfo. org/costs-death-penalty](http://www.deathpenaltyinfo.org/costs-death-penalty) (Accessed 25th October 2010).

[http://abouthumanrights. co. uk/right-life. html](http://abouthumanrights.co.uk/right-life.html) (Accessed 25th October 2010).

[http://www. amnesty. org/en/death-penalty/numbers](http://www.amnesty.org/en/death-penalty/numbers) (Accessed 24th October 2010).

[http://www. genpop-org/2010/04frank-sterling-freed-after-dna-proves-his-innocence](http://www.genpop-org/2010/04frank-sterling-freed-after-dna-proves-his-innocence) (Accessed 17th October 2010).

[http://www. deathpenaltyinfo. org/DonohueDeter. pdf](http://www.deathpenaltyinfo.org/DonohueDeter.pdf)

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<http://www.prodeathpenalty.com/ornellaspaper.htm> (Accessed 21st October 2010).

<http://stephen.stratford.co.uk/capital-list.htm> (Accessed 24th October 2010).

<http://www.thesun.co.uk/sol/homepage/news/2884530/jon-venables-recognised-by-a-localhtm> (Accessed 24th October 2010).

<http://users.rcn.com/mwood/deathpen.html#Retribution>

John McAdams - Marquette University/Department of Political Science, on deterrence. <http://www.prodeathpenalty.com> (Accessed on the 24th October 2010).

Justice Center of the University of Alaska at Anchorage. <http://www.deathpeanlty.procon.org/view.answers.php?questionID=0010004> (Accessed 25th October 2010).

The Berkeley electronic press. <http://www.deathpenaltyinfo.org/donohuedeter.pdf> (Accessed 25th October 2010).

I would like to thank all my friends on facebook who answered my questions posted on the internet on the 17th of October 2010.