

The Case For Capital Punishment

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- Those in favour of the reintroduction of capital punishment for premeditated murder.
- Those in favour of the reintroduction of capital punishment for pre-meditated murder of children.

Murder is different

- Victim has no input
- No compensation can ever satisfy
- Life is the ultimate possession
- Fundamental role of Government to protect its citizens
- If individual decides to take the life of a person they must face the consequences
- *"Such an extreme act of pure evil can only be met by the most extreme of responses - and that can only be death"* (Lord Stevens, 2005).

Key Arguments in Favour

- Deterrence
- Protects society
- Satisfies public outrage
- Sends fear into criminal classes
- Popular opinion
- Alternatives crueller
- Religious basis
- Innocent victim paradox
- Modern execution methods

Deterrence

- *“No other punishment deters men so effectually from committing crimes as the punishment of death. This is one of those propositions difficult to prove, simply because they are in themselves more obvious than any proof can make them....No one goes to certain inevitable death”*
- Sir James Fitzjames Stephen
(cited in Baber, 1990, p.21)



Deterrence

Homicides per million population in England and Wales

Year	Homicides
1900	9.6
1910	8.1
1920	8.3
1930	7.5
1940	..
1950	7.9
1955	6.3
1960	6.2
1965	6.8
1970	8.1
1975	10.3
1980	12.5
1985	12.5
1990	13.1
1995	14.5
1997	14.1

- Homicide in England and Wales includes the offences of murder, manslaughter and infanticide.
- The rate of homicides peaked in the mid-1990s. In 1995 14.5 homicides were committed per million of population.
- Since the early 1960s the number of homicides per million population has more than doubled.

Deterrence

- Abolition of capital punishment coincided with the substantial increase in homicides:
DOUBLED!
- 1965- 1969 125% increase in murders that would have attracted the death penalty (Baber, 1994)
- More detailed studies in America (see Sarat, 2005)

Deterrence

- Number of police officers killed while on duty between 1946- 1964: 0.6, from 1965 to 1989: 1.8 (see Baber, 1994).
- Brutal murder of PC Beshenivsky
- *"I genuinely never thought I'd say this, but I am now convinced that the monster who executed this young woman in cold blood should, in turn, be killed as punishment for his crime. For the first time in my life, despite 40 years at the sharp end of policing, I finally see no alternative"*.
- Lord Stevens (2005)



Deterrence continued....

- USA 1993-1997 reduction in murders from 24,562 to 18,209 at a time when executions increased by 62%
- Texas (Houston) 1982- 1996 homicide rate fell by 63% compared to 19% nationally.

Protects society

- Deterrence, incapacitation and certainty!
 - Between 1965- 1998 there were 71 murders by people released from life sentences according to the Home Office
- *“If a man be dangerous and infectious to the community, on account of some sin, it is praiseworthy and advantageous that he be killed in order to safeguard the common good”* (Thomas Aquinas, 1225-1275).

Retribution: Satisfaction of legitimate public outrage

- Some crimes so appalling



• *“The indignation raised by cruelty and injustice, and the **desire of having it punished**, which persons unconcerned would feel, is by no means malice. No, it is resentment against vice and wickedness: it is one of the **common bonds**, by which society is held together; **a fellow feeling**, which each individual has in behalf of the whole species, as well as of himself”* (Bishop Butler, 1729).

An exemplary penalty: instrumental perspective

- Send fear into criminal fraternity creates wider benefits
- Enhances authority of law/ restores values
- *'The sentence would send a clear message to both Thai society and the international community'*
(The Guardian, 19th January, 2006, p.3): Murder of Katherine Horton.
- Life sentences of 10-15 years undermine credibility in criminal justice

- *"I will reiterate, in the absence of capital punishment, the only outcome for these two vile criminals is for them to see the end of their days in their prison cells".*

(Paul McKeever, 2009)



David Bieber,
Murdered 2003

Harry Roberts,
murdered 1966





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Cousins jailed for racist murder

The racist killers of black teenager Anthony Walker have been told they must serve minimum terms of 17 and 23 years.



Barton and Taylor followed Anthony to McGoldrick Park

Anthony, 18, was killed with an ice axe at McGoldrick Park in Huyton, Merseyside, on 29 July.

Michael Barton, 17, of Boundary Road, Huyton, who was found guilty of his murder on Wednesday, will serve a minimum of 17 years and eight months.

Paul Taylor, 20, of Elizabeth Road, Huyton, admitted murder and must serve at least 23 years and eight months.

On Thursday, Mr Justice Leveson told Taylor and Barton: "This was a racist attack of a type poisonous to any civilised society."

"In spite of your youth, deterrent sentences are vital."

"You took from Anthony

“ You went into the park

BBC NEWS:VIDEO AND AUDIO
[See Anthony's mother visiting the scene of his death](#)
 VIDEO

BBC Liverpool
 Information and features on the BBC's Liverpool website

ANTHONY WALKER TRIAL

LATEST NEWS
 Two guilty of Anthony's racist murder

BACKGROUND

- Anthony died 'doing right thing'
- Walker family 'still forgive'
- Murder 'proves racism exists'
- Racist graffiti at murder scene

THE TRIAL

- Accused denies supplying ice axe
- Teenager denies changing story
- Anthony's lawyer: 'I am proud of my client's statement'

Strength of public opinion

- 67% favoured reintroduction (Observer, 2003)
- Polls have regularly shown majority in favour of capital punishment over the long term.
- This increases when children are involved.
- Liberal democracy?

Half of us back death penalty

More than half of voters back the reintroduction of the death penalty, a new poll suggests.

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Many even believe the death penalty should be extended beyond murderers to rapists and drug traffickers.

Calls for the death penalty has been heightened by recent high-profile cases, including the torture and killing of Baby P and last week's Facebook nursery child abuse trial.

But human rights activists say support for the death penalty is actually weakening and claim the moral case against – and public revulsion at – the punishment remains strong.

The last British executions were in 1964, before capital punishment was scrapped for murder in 1969 and for all offences in 1998.

But the latest poll, conducted by Harris Interactive, shows 54 per cent of people back the death penalty while 30 per cent are against it.

Although the strongest support comes from older generations, 49 per cent of 25- to 34-year-olds and 37 per cent of those aged 16 to 24, support executions.

Of those in favour, 94 per cent want it for murder, 68 per cent for war crimes and 62 per cent for child abuse.

But 29 per cent believe it should be extended to major drug dealers and 45 per cent say it should be used for rapists and those involved in gun crime.

However, support for the death penalty stood at 75 per cent in 1994, the last time MPs voted on whether to bring it back.



54 per cent of people back the death penalty

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They say

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- Russian court extends moratorium on death penalty [CTV.ca](#)

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Life prison sentences more cruel

- Cruel to victim's family (alive/potential for release)
- Cruel to prisoner
- *"It requires a superhuman to survive 20 years of imprisonment with character and soul intact.....I gravely doubt whether an average man can serve more than ten continuous years in prison without deterioration"*
- Sir Alexander Paterson, Commissioner of Prisons 1930 (cited in Hitchens, 2003, p.185).

Continued.....

- Cost of imprisonment
- Higher for more dangerous offenders
- Puts at risk other prisoners/ guards

Religious and moral justification

- Genesis 9:6
 - 'whoever sheds man's blood by man his blood shall be shed.....'
- Exodus 21
 - Premeditated murder ('Lying in wait') punishable by death
- Leviticus 24: 17-20
 - 'And he that killeth any man shall surely be put to death.....eye for eye, tooth for tooth'

Innocent victims?

- Increasingly unlikely
- Double standards
- War on terror! (See Hitchens, 2003, p.185-2100)

Modern execution methods

- Some execution methods have proved cruel
- Modern methods can minimise the risk of unnecessary suffering



VOTE

- For capital punishment?
- Against capital punishment?

Further reading

- Hitchens, P. (2003). A Brief History of Crime. London: Atlantic Books (Chapter 6).
- Baber, M. (1994). Capital Punishment. House of Commons Research Paper 94/25.
- Amnesty International:
<http://www.amnesty.org.uk/content.asp?CategoryId=78>
- <http://www.amnesty.org.uk/content.asp?CategoryId=78>