

# Arguments for and against capital punishment.

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Background.

Capital punishment is the lawful infliction of death as a punishment and since ancient times it has been used for a wide variety of offences. The Bible prescribes death for murder and many other crimes including kidnapping and witchcraft: By 1500 in England, only major felonies carried the death penalty - treason, murder, larceny, burglary, rape, and arson. From 1723, under the "Waltham Black Acts", Parliament enacted many new capital offences and this led to an increase in the number of people being put to death each year. In the 100 years from 1740 - 1839 there were a total of up to 8753 civilian executions in England & Wales, the peak year was 1785 with 307. Remember that the population in 1800 was just 9 million.

Reform of the death penalty began in Europe by the 1750's and was championed by academics such as the Italian jurist, Cesare Beccaria, the French philosopher, Voltaire, and the English law reformers, Jeremy Bentham and Samuel Romilly. They argued that the death penalty was needlessly cruel, over-rated as a deterrent and occasionally imposed in fatal error. Along with Quaker leaders and other social reformers, they defended life imprisonment as a more rational alternative.

By the 1850's, these reform efforts began to bear fruit. Venezuela (1853) and Portugal (1867) were the first nations to abolish the death penalty altogether. In the United States, Michigan was the first state to abolish it for murder in 1847. Today, it is virtually abolished in all of Western Europe and most of Latin America. Britain effectively abolished capital punishment in 1965 (for the full story of abolition [click here](#)).

The USA, together with China, Japan and many Asian and Middle Eastern countries, plus some African states still retain the death penalty for certain crimes and impose it with varying frequency. [Click here](#) for a detailed list of abolitionist and retentionist countries.

Is capital punishment ethically acceptable? •

The state clearly has no absolute right to put its subjects to death although, of course, almost all countries do so in some form or other (but not necessarily by some conventional form of capital punishment). In most countries, it is by arming their police forces and accepting the fact that people will from time to time be shot as a result and therefore at the state's behest.

A majority of a state's subjects may wish to confer the right to put certain classes of criminal to death through referendum or voting in state elections for candidates favouring capital punishment. Majority opinion in some democratic countries, including the U.K, is still in favour of the death penalty.

It is reasonable to assume that if a majority is in favour of a particular thing in a democracy, their wishes should be seriously considered with equal consideration given to the downside of their views.

A fact that is conveniently overlooked by anti-capital punishment campaigners is that we are all ultimately going to die. In many cases, we will know of this in advance and suffer great pain and emotional anguish in the process. This is particularly true of those diagnosed as having terminal cancer. It is apparently acceptable to be "sentenced to death" by one's family doctor without having committed any crime at all but totally unacceptable to be sentenced to death by a judge having been convicted of murder or drug trafficking {the crimes for which the majority of executions worldwide are carried out} after a fair and careful trial.

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Arguments for and against capital punishment

Let us examine the merits of both the pro and anti arguments.

Arguments for the death penalty.  
Incapacitation of the criminal.

Capital punishment permanently removes the worst criminals from society and should prove much cheaper and safer for the rest of us than long term or permanent incarceration. It is self evident that dead criminals cannot commit any further crimes, either within prison or after escaping or being released from it.

Cost.

Money is not an inexhaustible commodity and the state may very well better spend our (limited) resources on the old, the young and the sick etc., rather than on the long term imprisonment of murderers, rapists, etc.

Anti-capital punishment campaigners in the U.S. cite the higher cost of executing someone over life in prison, but this (whilst true for America) has to do with the endless appeals and delays in carrying out death sentences that are allowed under the U.S. legal system where the average time spent on death row is over 11 years. In Britain in the 20th century, the average time in the condemned cell was from 3 to 8 weeks and there was only one appeal

Retribution.

Execution is a very real punishment rather than some form of "rehabilitative" treatment, the criminal is made to suffer in proportion to the offence. Although whether there is a place in a modern society for the old fashioned principal of "lex talens" (an eye for an eye), is a matter of personal opinion. Retribution is seen by many as an acceptable reason for the death penalty according to my survey results.

Deterrence.

Does the death penalty deter? It is hard to prove one way or the other because in most retentionist countries the number of people actually executed per year (as compared to those sentenced to death) is usually a very small proportion. It would, however, seem that in those countries (e.g. Singapore) which almost always carry out death sentences, there is far less serious crime. This tends to indicate that the death penalty is a deterrent, but only where execution is an absolute certainty. The death penalty is much more likely to be a deterrent where the crime requires planning and the potential criminal has time to think about the possible consequences. Where the crime is committed in the heat of the moment there is no likelihood that any punishment will act as a deterrent. There is a strong argument here for making murder committed in these circumstances not punishable by death.

Anti-death penalty campaigners always argue that death is not a deterrent and usually site studies based upon American states to prove their point. This is, in my view, flawed and probably chosen to be deliberately misleading. Let us examine the situation in 3 countries.

Britain.

The rates for unlawful killings in Britain have more than doubled since abolition of capital punishment in 1964 from 0.68 per 100,000 of the population to 1.42 per 100,000. Home Office figures show around unlawful killings 300 in 1964, which rose to 565 in 1994 and 833 in 2004. The figure for homicides in 2007 was 734. The principal causes of homicide are fights involving fists and feet, stabbing and cutting by glass or a broken bottle, shooting and strangling. 72% of the victims were male with young men being most at risk. Convictions for the actual crime of murder (as against manslaughter and other unlawful killings) have also been rising inexorably between 1900

and 1965 they ran at an average of 29 per year. There were 57 in 1965 - the first year of abolition. Ten years later the total for the year was 107 which rose to 173 by 1985 and 214 in 1995. There have been 71 murders committed by people who have been released after serving "life sentences" in the period between 1965 and 1998 according to Home Office statistics. Some 6,300 people are currently serving sentences of "life in prison" for murder.

Statistics were kept for the 5 years that capital punishment was suspended in Britain (1965-1969) and these showed a 125% rise in murders that would have attracted a death sentence. Whilst statistically all this is true, it does not tell one how society has changed over nearly 40 years. It may well be that the murder rate would be the same today if we had retained and continued to use the death penalty. It is impossible to say that only this one factor affects the murder rate. Easier divorce has greatly reduced the number of domestic murders, unavailability of poisons has seen poisoning become almost extinct whilst tight gun control had begun to reduce the number of shootings, however, drug related gun crime is on the increase and there have been a spate of child murders recently. Stabbings have increased dramatically as have the kicking and beating to death of people who have done something as minor as arguing with someone or jostling them in a crowd, i.e. vicious and virtually motiveless killings. As in most Western countries, greatly improved medical techniques have saved many victims who would have previously died from their injuries. Careful analysis of the situation in Britain between 1900 and the outbreak of the second World War in 1939 seems to point to the death penalty being a strong deterrent to what one might call criminal murders, i.e. those committed in the furtherance of theft, but a very poor deterrent to domestic

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murders, i.e. those committed in the heat of the moment. A very large proportion of the victims of those hanged during this period were wives and girlfriends, with a small number of husbands and boyfriends. So where a crime was thought about in advance the criminal had time to consider the consequences of their action and plan differently. For instance they may decide to rob a bank at the weekend to avoid coming into contact with the staff and to do so without carrying firearms

America.

In most states, other than Texas, the number of executions as compared to death sentences and murders is infinitesimally small. Of the 1099 executions carried out in the whole of the USA from 1977 to the end of 2007, Texas accounts for 406 or 37%.

Interestingly, the murder rate in the US. dropped from 24,562 in 1993 to 18,209 in 1997, the lowest for years (a 26% reduction) - during a period of increased use of the death penalty. 311 (62%) of the 500 executions have been carried out in this period. The number of murders in 2003 was about 15,600.

America still had 5 times as many murders per head of population as did Britain in 1997 whilst Singapore had 15

times fewer murders per head of population than Britain. How can one account for this? There are obvious cultural differences between the 3 countries although all are modern and prosperous.

It is dangerously simplistic to say that the rise in executions is the only factor in the reduction of homicides in America. There has been a general trend to a more punitive society, (e.g. the "three strikes and your out" law) over this period and cities such as New York claim great success in reducing crime rates through the use of "zero tolerance" policing policies. But otherwise, there has been political and economic stability over the period and no obvious social changes. Improvements in medical techniques have also saved many potential deaths. Various recent academic studies in the USA have shown that capital punishment is a deterrent there. For details of these go to <http://www.cilf.org/deathpenalty/DPDeterrence.htm>

Texas.

As stated above, Texas carries out far more executions than any other American state (between 1982 and 2007 it executed 404 men and 2 women) and there is now clear evidence of a deterrent effect. My friend Rob Gallagher (author of Before the Needles website) has done an analysis of the situation using official FBI homicide figures. Between 1980 and 2000, there were 41,783 murders in Texas

In 1980 alone, 2,392 people died by homicide, giving it a murder rate of 16.88 for every 100,000 of the population. (The US. average murder rate in 1980 was 10.22, falling to 5.51 per 100,000 by the year 2000. Over the same period, Texas had a population increase of 32%, up 6,681,991 from 14,169,829 to 20,851,820. There were only 1,238 murders in 2000 giving it a rate of 5.94, just slightly higher than the national rate which had dropped to 5.51/100,000 in the base year (1980). there was one murder for every 5,924 Texans. By the year 2000, this had fallen to one murder for every 16,843 people or 35.2% of the 1980 value. If the 1980 murder rate had been allowed to maintain, there would have been, by interpolation, a total of 61,751 murders. On this basis, 19,968 people are not dead today who would have potentially been homicide victims, representing 78 lives saved for each one of the 256 executions. The overall U.S. murder rate declined by 54% during the period. Therefore, to achieve a reasonable estimate of actual lives saved, we must multiply 19,968 by 0.54 giving a more realistic figure of 10,783 lives saved or 42 lives per execution. Even if this estimate was off by a factor of 10 (which is highly unlikely), there would still be over 1,000 innocent lives saved or 4 lives per execution. One can see a drop in the number of murders in 1983, the year after Charlie Brooks became the first person to be executed by lethal injection in America

In 2000, Texas had 1,238 murders (an average of 23.8 murders per week), but in 2001 only 31 people were given the death sentence and 17 prisoners executed (down from 40 the previous year). This equates to a capital sentencing rate of 2.5% or one death sentence for every 40 murders.

Singapore

Singapore always carries out death sentences where the appeal has been turned down, so its population knows precisely what will happen to them if they are convicted of murder or drug trafficking - is this concept deeply embedded into the sub-consciousness of most of its people, acting as an effective deterrent?

In 1995, Singapore hanged an unusually large number of 7 murderers with 4 in 1996, 3 in 1997 and only one in 1998 rising to 6 in 1999 (3 for the same murder). Singapore takes an equally hard line on all other forms of crime with stiff on the spot fines for trivial offences such as dropping litter and chewing gum in the street, caning for males between 18 and 50 for a wide variety of offences, and rigorous imprisonment for all serious crimes.

Arguments against the death penalty.

There are a number of incontrovertible arguments against the death penalty.

The most important one is the *virtual* certainty that genuinely innocent people will be executed and that there is no possible way of compensating them for this miscarriage of justice. There is also another significant but much less

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realised danger here. The person convicted of the murder may have actually killed the victim and may even admit having done so but does not agree that the killing was murder. Often the only people who know what really happened are the accused and the deceased. It then comes down to the skill of the prosecution and defence lawyers as to whether there will be a conviction for murder or for manslaughter. It is thus highly probable that people are convicted of murder when they should really have only been convicted of manslaughter. Have a look at the cases of [James McNicol](#) and [Edith Thompson](#) and see what you think.

A second reason, that is often overlooked, is the hell the innocent family and friends of criminals must also go through in the time leading up to and during the execution and which will often cause them serious trauma for years afterwards. It is often very difficult for people to come to terms with the fact that their loved one could be guilty of a serious crime and no doubt even more difficult to come to terms with their death in this form. However strongly you may support capital punishment, two wrongs do not make one right. One cannot and should not deny the suffering of the victim's family in a murder case but the suffering of the murderer's family is surely valid too.

There must always be the concern that the state can administer the death penalty justly, most countries have a very poor record on this. In America, a prisoner can be on death row for many years (on average 11 years (2004 figure)) awaiting the outcome of numerous appeals and their chances of escaping execution are better if they are wealthy and/or white rather than poor and/or black irrespective of the actual crimes they have committed which may have been largely forgotten by the time the final decision is taken. Although racism is claimed in the administration of the death penalty in America: statistics show that white prisoners are more liable to be sentenced to death on conviction for first degree murder and are also less likely to have their sentences commuted than

black defendants,

It must be remembered that criminals are real people too who have life and with it the capacity to feel pain, fear and the loss of their loved ones, and all the other emotions that the rest of us are capable of feeling. It is easier to put this thought on one side when discussing the most awful multiple murderers but less so when discussing, say, an 18 year old girl convicted of drug trafficking. (Singapore hanged two girls for this crime in 1995 who were both

only 18 at the time of their offences and China shot an 18 year old girl for the same offence in 1998.)

There is no such thing as a humane method of putting a person to death irrespective of what the State may claim (see later). Every form of execution causes the prisoner suffering, some methods perhaps cause less than others, but be in no doubt-that being executed is a terrifying and gruesome ordeal for any criminal. What is also often overlooked is the extreme mental torture that the criminal suffers in the time leading up to the execution. How would you feel knowing that you were going to die tomorrow morning at 8.00 a.m.?

There may be a brutalising effect upon society by carrying out executions - this was apparent in this country during the 17th and 18th centuries when people turned out to enjoy the spectacle of public hanging. They still do today in those countries where executions are carried out in public. It is hard to prove this one way or the other - people stop and look at car crashes but it doesn't make them go and have an accident to see what it is like. It would seem that there is a natural voyeurism in most people.

The death penalty is the bluntest of "blunt instruments," it removes the individual's humanity and with it any chance of rehabilitation and their giving something back to society. In the case of the worst criminals, this may be acceptable but is more questionable in the case of less awful crimes.

Will Britain restore capital punishment in the future?

My 2005 survey of 1118 respondents shows that 66% of the population (two out of three people) would like capital punishment reinstated. Support for the death penalty in Britain seems to be steady and it is strongly supported by young people too. In the short term (say the next 10 years), there is no realistic chance of reinstatement, however, despite majority public support for such a move. Reintroduction of something that has been abolished is always much more difficult than introducing something entirely new.

Successive free votes on the issue in the House of Commons during the 1980's failed to get anywhere near a majority for restoration. Politically it would be impossible now, given our membership of the EU and our commitment to European Convention on Human Rights, both of which are totally against capital punishment. The EU contains no member states that practice it and will not allow retentionist states to join. The present Labour government is implacably opposed to capital punishment and has removed it from the statute book for the few remaining offences for which it was still theoretically allowed. The Conservative party seems to be split on the issue, but the official party line is against reintroduction. The Liberal Democrats are firmly against. There is no doubt that capital punishment is a very emotive issue but there is a strong anti-death penalty lobby in this country who would put every obstacle in the way of its return should it ever become likely.

There is concern at the number of convictions that are being declared unsafe by the Courts, particularly for the

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most serious offences such as murder and terrorism.

Yet we live in a time of ever rising serious crime despite what the government tells us.

Will people become so fed up with escalating levels of crime and what they see in, most cases, as derisory punishments that they will support anything that appears likely to reduce crime and redress the balance? Or do they see the return of capital punishment as a return to barbarity?

Should capital punishment be re-introduced in Britain?

There are very real issues of human rights that will affect us all if it were to be reintroduced.

Will the government introduce laws that are just and contain sufficient safeguards and will the judiciary administer them properly?

We are all potentially capable of murder (a lot of domestic murders, where one partner murders the other during a row, are first time crimes) and, therefore, we must each consider whether we and our loved ones are more at risk of being murdered or being executed for committing murder.

We must also consider what the likelihood is of innocent people being executed - it is inevitable that it will happen sooner or later.

Can the police, the courts, and the system generally be trusted to get things right on every occasion? They never have been able to previously.

Will juries be willing to convict in capital cases? Would you like to have to make the decision as to whether the person in the dock should live or die?

Will the government really be willing to carry out death sentences or will they find every excuse for not doing so, thus returning to the injustices of earlier centuries?

Will executions really prove to be the deterrent that the supporters of capital punishment expect them to be? This is a very important point as it is always put forward by the pro-capital punishment lobby as the principal benefit from reintroduction. It is unlikely the very worst murderers would be deterred because they are typically psychopaths or of such dubious sanity that they are incapable of rational behaviour (sometimes taking their own lives immediately after the crime, as in the Hungerford and Dunblane massacres). Certain criminals, e.g. drug traffickers, may be deterred because they have a clear option with defined risks but would the person who has a violent argument with their partner give a second thought to what will happen to them when in the heat of the moment they pick up the carving knife?

It is unlikely that a handful of executions a year will have any real deterrent effect particularly on the people whom society would most like to be deterred, e.g. serial killers, multiple rapists and drugs barons. Yet these particular criminals are the least likely to be executed, the serial killers will be found insane and the drug barons will use any means to avoid conviction, e.g. intimidation of witnesses. So we go back to the situation where only "sane" murderers can be executed. Thus a modern day Ruth Ellis might also hang because she was sane, whilst Beverley Allitt, who murdered 4 small children, would be reprieved because she has Munchausen's Syndrome by Proxy or so she and certain psychiatrists claim.

Can these scenarios ever be seen as justice?

Should we only execute people for the most awful multiple murders as a form of compulsory euthanasia rather than as a punishment or should we execute all murderers irrespective of the degree of guilt purely as a retributive punishment for taking another person's life and in the hope of deterring others?

What about crimes such as violent rape, terrorism and drug trafficking - are these as bad as murder? How should we punish such offences?

Should executions be carried out in such a way as to punish the criminal and have maximum deterrent effect on the rest of us, (eg. televised hangings). Would this be a deterrent or merely become a morbid show for the voyeuristic?

Or should they be little more than a form of euthanasia carried out in such a way as to remove from the criminal all physical and as much emotional suffering as possible?

Does it make any sense to imprison someone for the rest of their life or is it really more cruel than executing them, particularly if they are young?

If we do not keep them in prison for life, will they come out only to commit other dreadful crimes? A small but significant number do.

What is the cost to society of keeping people in prison? (£700.00 per week at present for an ordinary prisoner

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which is around £550,000 for a typical life sentence for murder with a minimum tariff of 15 years).

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These questions need to be thought about carefully and a balanced opinion arrived at. How do you feel about them? If you wish to share your thoughts with me send me an [email](#) (Please include your name and age)

If the general conclusion is that capital punishment is desirable, then the first step toward restoration is for the Government to present a fully thought out set of proposals that can be put to the people in a referendum stating precisely what offences should carry the death penalty, how it should be carried out, etc., and what effect on crime is expected to follow from reintroduction.

If such a referendum produced a clear yes vote, the Government would have a genuine mandate to proceed upon and could claim the support of the people, Urns substantially reducing the influence of the anti-capital punishment lobby. There should be another referendum about 5 years later so that the effects of reintroduction could be reviewed and voted on again. Referenda have the advantage of involving the public in the decision making process and raising awareness through the media of the issues for and against the proposed changes.

The alternatives.

What are the realistic alternatives to the death penalty?

Any punishment must be fair, just, adequate and most of all, enforceable. Society still views murder as a particularly heinous crime which should be met with the most severe punishment. Whole life imprisonment could fit the bill for the worst murders with suitable gradations for less awful murders. Some 44 people are serving whole life tariffs in the UK.

I am personally against the mandatory life sentence for murder as it fails, in my view, to distinguish between really dreadful crimes and those crimes which, whilst still homicide, are much more understandable to the rest of us.

Therefore, it is clearly necessary to give juries the option of finding the prisoner guilty but in a lower degree of murder, and to give judges the ability to pass sensible, determinate sentences based upon the facts of the crime as presented to the court.

Imprisonment, whilst expensive and largely pointless, except as means of removing criminals from society for a given period, at least enforceable upon anyone who commits murder (over the age of 10 years, However, it appears to many people to be a soft option and this perception needs to be corrected.

In modern times, we repeatedly see murderers being able to "get off" on the grounds of diminished responsibility and their alleged psychiatric disorders or by using devices such as plea bargaining. This tends to remove peoples' faith in justice which is very dangerous.

Are there any other real, socially acceptable, options for dealing with murderers? One possible solution (that would enrage the civil liberties groups) would be to have everyone's DNA profile data-based at birth (not beyond the wit of modern computer systems), thus making detection of many murders and sex crimes much easier. If this was done and generally accepted as the main plank of evidence against an accused person and a

determinate sentence of imprisonment passed, involving a sensible regime combining both punishment and treatment, it would I am sure, considerably reduce the incidence of the most serious and most feared crimes. The reason for this is that for most people, being caught is a far greater deterrent than some possible, probably misunderstood punishment, e.g. "life imprisonment." Surely this has to be better than the arbitrary taking of the lives of a tiny minority of offenders (as happens in most countries that retain the death penalty) with all the unwanted side effects that this has on their families and on the rest of society. It is clear that certainty of being caught is a very good deterrent - just look at how people observe speed limits when they see signs for speed cameras and yet break the speed limit as soon as the risk is passed.

"Life without parole" versus the death penalty.

Many opponents of capital punishment put forward life in prison without parole as a viable alternative to execution for the worst offenders, and surveys in America have shown that life without parole (LWOP) enjoys considerable support amongst those who would otherwise favour the death penalty

However, there are drawbacks to this:

It is argued by some that LWOP is in fact a far more cruel punishment than death. This proposition was put forward in a parliamentary debate by the philosopher John Stuart Mill in the 19th century. It is interesting to note

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that no less than 311 prisoners serving life sentences in Italy petitioned their government in 2007 for the right to be executed. They cited LWOP as a living death where they died a little every day. In the USA, as of January 2008, there are over 2,200 people serving whole life sentences who were under 18 at the time they committed the crime, as US law no longer permits the execution of minors. One might be forgiven for asking what is the point of locking a person up to the day they die and one might wonder if it is indeed a far worse punishment than death.

Death clearly permanently incapacitates the criminal and prevents them committing any other offence. LWOP cannot prevent or deter offenders from killing prison staff or other inmates or taking hostages to further an escape bid - they have nothing further to lose by doing so.

However good the security of a prison, someone will always try to escape and occasionally will be successful. If you have endless time to plan an escape and everything to gain from doing so, it is a very strong incentive.

We have no guarantee that future governments will not release offenders, who were imprisoned years previously, on the recommendations of various professional "do-gooders" who are against any punishment in the first place. Twenty or thirty years on it is very difficult to remember the awfulness of an individual's crime and easy to claim that they have reformed.

Myra Hindley is a prime example of this phenomenon - whilst I am willing to believe that she changed as a person during her 37 years in prison and probably did not present any serious risk of re-offending, one has absolutely no guarantee of this and it does not obviate her responsibility for her crimes. Fortunately, she died of natural causes before she could obtain the parole which I am sure she would have eventually been granted.

The Numbers Game "death versus deterrence".

If we are, however, really serious in our desire to reduce crime through harsher punishments alone, we must be prepared to execute every criminal who commits a capital crime irrespective of their sex, age (above the legal minimum) alleged mental state or background. Defences to capital charges must be limited by statute to those which are reasonable. Appeals must be similarly limited and there can be no reprieves. We must carry out executions without delay and with sufficient publicity to get the message across to other similarly minded people. This is similar to the situation which obtains in China and would, if applied in Britain, undoubtedly lead to a large number of executions to begin with until the message got through. I would estimate at least 2,000 or so in the first year if it were applied for murder, aggravated rape and drug trafficking. This amounts to more than 7 executions every day of the year Monday through Friday.

Are we, as a modern western society, willing to do this or would we shy away from it and return to just carrying out the occasional execution to show that we still can without any regard for natural justice? These events will be seized upon by the media and turned into a morbid soap opera enjoyed by a (large?) proportion of the population. (Note the popularity in the American media of capital murder trials there.) It is doubtful whether executions carried out on this basis will deter others from committing crimes.

For capital punishment to really reduce crime, everyone of us must realise that we will personally and without doubt be put to death if we commit particular crimes and that there can be absolutely no hope of reprieve. One wonders if as many people would be willing to vote for this scenario in a referendum when they realised the full consequences of their action.

I *have* no doubt that if we were to declare war on criminals in this fashion, we would see a rapid decline in serious crime but at what cost in human terms? There will be a lot of innocent victims - principally the families of those executed.

"Mad or Bad".

Are criminals (particularly murderers as we are discussing capital punishment) evil or sick? This is another very important issue as it would seem hardly reasonable to punish people who are genuinely mentally ill but more reasonable to use effective punishment against those who are intentionally evil. As usual, as a society, we have very confused views on this issue - there are those, notably some social workers and psychiatrists, who seem to believe that there is no such thing as evil whilst the majority of us do not accept that every accused person should be let *off*, (i.e. excused any responsibility for their actions) due to some alleged mental or emotional condition. Will advances in mapping the human genome over the next couple of decades allow us to predict those people who are prone to committing violent and murderous crimes and so prevent them before they happen?

It would seem that whilst legally and technically "sane" many criminals are in some way abnormal and their thought processes are not like those of the rest of us. Ruth Ellis was, in my view, a perfect case in point. She lived at a time when the death penalty was mandatory for murder and was known to be in favour of it herself. She had two small children and yet neither factor stopped her committing a murder which she made no attempt to escape from or deny responsibility for, and for which she knew that she would probably be hanged. We can only

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conjecture why she did murder David Blakely, the man she loved at all, and particularly in the way she did which

was much more likely to result in her execution. Home Office psychiatrists who examined her in the condemned cell found her to be sane according to their definition, and I have no doubt that we would also have considered her to be sane if we had interviewed her - but she was obviously not "normal." For a detailed account of her case and subsequent appeal [Click here](#).

In America the judicial system seems, on the whole, less concerned about the mental state of condemned prisoners and are willing to execute them as the case of the child killer, Westley Alan Dodd, who was clearly very abnormal indeed. There are many other cases to choose from where the defendant's deeds are not those of a normal person. The typical psychopath is often a person of above average intelligence but is presently incurable and will continue to present a severe risk to society.

Will we ever find an answer to the "mad or bad" question and be able to find effective treatment for those who turn out to be "mad?" Should we worry about the alleged mental state of our worst criminals? These are the people who are least likely to benefit from imprisonment or care in institutions (or worse still the community) and are most likely to re-offend. It could, therefore, be argued that killing these people would be a very good thing.

Capital punishment and the media.

Three hundred years ago there was no media. Newspapers first started in England around 1725 and were expensive and of very limited circulation. In any case few people could read at that time. So public executions were vital to show that justice had been done and provide a deterrent to others. In particularly heinous cases of murder the execution could be carried out near the scene of the crime so that the local people could see the murderer punished, or the criminal could be gibbeted near the scene to remind people of the punishment. By 1800 newspapers were more widespread and public execution was abolished in England, Scotland and Wales in 1868. Reporters were still allowed to witness some executions for some years afterwards, but by the 20th century, typically newspapers would merely state that so and so was executed yesterday for the murder of ... at such and such prison. No details of the execution were made available and so the story would be two paragraphs unless there was some special feature such as a protest outside the prison. Radio and later television news would also carry a similar brief report.

In the USA reporters are always permitted to attend executions and they receive a lot of coverage at state level. However the media's attitude to executions varies widely depending on the age and sex of the criminal, the type of crime and method of execution

Middle aged men being executed by lethal injection in say Texas for "ordinary" murders hardly rate a paragraph in the press of other states, nowadays and do not get a mention in the U.K. media at all. But, a woman convicted of double murder and being injected on the same gurney gets tremendous worldwide media attention at all levels ([Karla Faye Tucker](#)). Equally, a man being hanged in Washington or Delaware or shot by a Utah firing squad makes international news (Westley Allan Dodd, Billy Bailey and John Taylor). And yet (non white) women being hanged in Jordan and Singapore, the large number of people publicly beheaded in Saudi Arabia and men and women executed by the hundred in China make very little news. However, when a white woman is hanged in Africa, ([Mariette Bosch](#) in Botswana) this is considered newsworthy by the British press. The UK broadsheets ran large articles with photos of her.

Why is this? Is it a form of racism or do we not care if the execution takes place in a Middle Eastern or Far East

Country? Are their criminals somehow perceived as lesser people with less rights? The media obviously does not judge many of these stories to be newsworthy although they are aware of them through the news wires from those countries (which is how I know about them) In Singapore when executions were reported, they typically only made a small article and aroused very little public interest. Most Singaporeans, however, firmly support the government hard line on crime and punishment

During the late 70's and early 80's when executions were rare in America, every execution by whatever means, attracted a great deal of media interest and yet now they are more frequent (normally averaging over one per week), the authorities seem to have difficulty in finding sufficient official and media witnesses. They also used to attract pro and anti-capital punishment protesters in large numbers, but these seem to have dwindled down to just a few in most cases.

I tend to think that if executions were televised, they would soon reach the same level of dis-interest amongst the general public unless it fitted into a "special category," i.e. a first by this or that method or a particularly interesting criminal.

In Kuwait criminals have been hanged in the yard of Nayef Palace and once the prisoners are suspended the press and the public are allowed in to view the hanging bodies. Photography is also allowed and photographs of the executions appear in the Kuwaiti media. One wonders what the deterrent effect of this. Have a look at the

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article on [Kuwait](#) to learn more.

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Is media coverage of executions just a morbid sideshow for some people, who deprived of public hangings, etc., lap up every detail the media has to offer whilst the majority ignore the not very interesting criminals who are executed by lethal injection?

Lethal injection, as my own survey has shown, is perceived by most respondents as the least cruel method - probably because it is the least gruesome method. The less the public interest, the easier the process becomes - a state of affairs that suits governments of many countries and states in America very well.

Probably the majority of people don't much care either way and would rather watch football! They may vaguely support capital punishment but do not wish to be or feel involved.

The Future.

I wonder if in another hundred years we will, as a world still have capital punishment at all or for that matter prisons, or whether we will have evolved technological means of detecting and correcting potential criminals

before they can actually commit any crime. It seems to me that we must first find this technology and then educate public opinion away from its present obsession with punishment by demonstrating that the new methods work, pointing out the futility and waste of present penal methods, especially imprisonment and execution.

Punishment will remain popular with the general public (and therefore politicians) as long as there are no viable alternatives and as long as crime continues its present inexorable rise. Logically, however, punishment (of any sort) cannot be the future - we must progress and therefore we will.

Until this utopian point is reached, which I believe it ultimately will be, I think that we will see the use of the death penalty continuing and its reintroduction in countries that had previously abolished it. Most of the Caribbean countries are trying to get it re-introduced.

It is clear that in strict penal societies such as Singapore, that the crime rate is much lower than in effectively non-penal societies such as Britain. It is, therefore, logical to assume that Singaporean style policies are likely to be adopted by more countries as their crime rates reach unacceptable proportions.

I do not believe that the majority of people who support capital punishment or other severe punishments, do so for sadistic reasons but rather out of a feeling of desperation that they and their families are being overwhelmed by the rising tide of crime which they perceive the government is doing too little to protect them from. I think there would, in the long term, be sufficient support for non-penal methods of dealing with criminals if these were proved to be effective.

A particular danger in our society is that we continue to do little or nothing effective about persistent juvenile offenders. If the death penalty were re-introduced, we may be consigning many of these to their death at the age of 18, having never previously given them any discipline whatsoever. Surely execution should not be both the first and last taste of discipline a person gets and yet as we allow so many youngsters to run wild and commit ever more serious crimes unpunished, public opinion and thus political expediency makes it more and more likely. Nicholas Ingram, who went to the electric chair in the American state of Georgia in 1995, is a perfect example of this phenomenon.

We should start by introducing stricter discipline from "the bottom up," i.e. start with unruly children at school and on the streets and progress through young thugs and older thugs before we think about restoring capital punishment. This way, we might bring up a generation or two of disciplined people who might not need the threat of execution to deter them from committing the most serious crimes.

It is noticeable that whilst Singapore retains and uses the death penalty, it also has severe punishments for all other offences, including caning for many offences committed by young men who are usually the most crime prone group. Thus, Singapore provides discipline at all levels in its society and has the sort of crime figures that most countries can only dream of.

Pain and suffering - is the death penalty a cruel and unusual punishment?

The Eighth Amendment to the American Constitution prohibits the imposition of "cruel and unusual punishments" and the "infliction of unnecessary pain in the execution of the death sentence". Whilst this would seem reasonable it never intended this amendment to guarantee a pain free death. When the Constitution was written execution by hanging was specified and at the time this meant the short or no drop method as the concept of a measured drop hadn't been invented. In the Supreme Court case of *Rees v Baze* in 2007, Ralph Baze challenged the lethal

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injection procedure in the state of Kentucky which was found to be constitutional by the court because it did not intentionally cause pain.

Obviously one cannot be inside the brain of a person as they are being put to death to know what, if any, pain they are feeling. All we can do is to observe their reaction to the process and carry out an autopsy afterwards. If for instance in a measured drop hanging, there is no obvious struggling or movement after the drop and the autopsy finds that the neck has been broken and the spinal cord severed then it is reasonable to conclude that the person died a pain free death. In lethal injection if the person appears to lapse into unconsciousness within seconds of the commencement of the injection of the fast acting barbiturate that is normally the first chemical injected in the US we conclude the same. It is equally clear that when any form of execution is bungled the prisoner often exhibits signs of great suffering.

The time taken in the actual preparations prior to the execution, (e.g. insertion of the catheters or the shaving of the head and legs for electrocution), must also cause great emotional suffering which again may far outweigh the physical pain of the actual moment of death which at least has an end. Remember that in 20th century Britain, it took typically around 15 seconds to carry out a hanging, whereas it can take 20 to 45 minutes when it goes well to carry out a lethal injection. It sometimes takes much longer when a vein cannot be found. Hanging may cause a degree of physical pain, but surely being executed over a period of half an hour or more must cause acute mental agony.

We have looked at the pain caused by execution but what of the suffering?

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One issue rarely addressed is the length of time prisoners spend in the condemned cell or on death row in tiny cells in virtual solitary confinement prior to execution and the uncertainty of eventual execution as various stays are granted and then overturned (particularly in America, where it is an average of over 12 years - in 2006, the last year for which statistics are available but can sometimes be over twenty years, as is the case in California). In Britain when we had the death penalty, three clear Sundays had to elapse between sentence and execution, although this period could increase somewhat if the prisoner appealed. In the US the person will have their execution date set often three months in advance and have to deal with the approach of it. In Japan they are informed within the last hour or so of their life so that they never know when they will be taken to the gallows. In



my view, the mental anguish caused by this part of the process is a far greater cause of suffering both to them and their families than that caused by the physical pain produced by the .. eventual execution. This view was shared by the British Privy Council which is still the final appeal body for many of the Caribbean countries and who ruled that if executions had not been carried out within five years after the death sentence then the person must be reprieved.

Can capital punishment ever be "humane"?

I have never personally believed that any form of death, let alone execution, is either instant or painless, so which method of capital punishment should a modern "civilised" society use?

Should our worst criminals be given a completely painless death even if the technology exists to provide one, or should a degree of physical suffering be part of the punishment?

Whatever method is selected should have some deterrent value whilst not causing a deliberately slow or agonising death.

British style, being an extremely quick process that is designed to cause instant and deep unconsciousness and also benefits from requiring simple and thus quick preparation of the prisoner. It seems to have substantial deterrent value.

Lethal injection may appear to be more humane than other methods to those who have to administer and witness it, but it is also a very slow process. It is essential that the catheter actually goes into a vein rather than through it or round it if the prisoner is to die a pain free death. If it doesn't, then the person may *suffer* a great deal of pain but will be unable to communicate this due to the paralysing *effects* of the second drug. The biggest single objection to lethal injection is the length of time required to prepare the prisoner, which can take from 20 to 45 minutes depending on the ease of finding a vein to inject into.

The electric chair seems to possess no obvious advantage as the equipment is expensive to buy and maintain, the preparations are lengthy, adding to the prisoner's agonies, and it always causes a slow and cruel death. It is also dangerous to the staff involved.

Gas chamber can cause a quick death when all goes well, but seems to have a greater number of technical problems than any other method, often with the most gruesome consequences (This may in part be due to the

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age of the equipment - in most cases 70-90 years old!

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Shooting by a single bullet in the back of the head seems greatly preferable to shooting by a firing squad in that it is likely to cause instant unconsciousness followed quickly by death rather than causing the prisoner to bleed to death, often whilst still conscious.

It is easy to condemn capital punishment as barbaric, but is spending the rest of one's life in prison so much less cruel to the prisoner or is it merely a way of salving society's conscience and removing the unpleasantness for the staff and officials?

For a **full** description of each of these methods click on the hyperlinks above.

Conclusion.

At the end of the debate, we would seem to be left with 3 options.

- 1) Not to have the death penalty and the genuine problems it causes and continue to accept the relatively high levels of murder and other serious crimes that we presently have.
- 2) Reintroduce capital punishment for just the "worst" murderers which would at least be some retribution for the terrible crimes they have committed and would permanently incapacitate them. It would also save a small amount of money each year which could, perhaps, be spent on the more genuinely needy. This option is unlikely to reduce overall crime levels.
- 3) Reintroduce the death penalty in the really strict format outlined above and see a corresponding drop in serious crime whilst accepting that there will be a lot of human misery caused to the innocent families of criminals and that there will be the occasional, if inevitable, mistakes.

**Ultimately the choice is yours!**

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