

Nottingham Trent University

Division of Sociology

MA Criminology

*Capital Punishment - A Macabre Method of Revenge? A Justified Method of Retribution? Or
Something Totally Different?*

*Should and will this Highly Controversial Practice of State Execution ever be Reinstated in
the United Kingdom?*

*A Literature Review and a Primary Research Comparison of the Viewpoints of Individuals
Studying MA Criminology at NTU Compared to Those Who do Not.*

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MA Criminology

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Acronym Glossary

BA – Bachelor of Arts

CJS – Criminal Justice System

CP – Capital Punishment

CSC – Close Supervision Centre

DP – Death Penalty

FG – Focus Group

GB – Great Britain

MA – Master of Arts

NOW – Nottingham Trent University Online Workspace

NTU – Nottingham Trent University

SREC – School of Social Sciences Research Ethics Committee

UK – United Kingdom

USA – United States of America

Abstract

This research aims to investigate and evaluate contemporary primary viewpoints as well as secondary literature and data on the pros and cons of CP, determining the likelihood of reinstating CP within the UK in the future. More specifically, these primary viewpoints consist of 5 individuals studying MA criminology at NTU and 5 individuals who do not study MA criminology: members of the general public. Each sample consists as individual FGs for the purpose of this project. As CP was last carried out in the UK in 1964, it is a topic that may seem alien to many people of current generations. It is therefore relevant to investigate this relatively overlooked topic to understand its current consensus in 2018. The literature review divulges into topics such as retribution, deterrence and public safety. Additionally, results from the FGs displayed a huge range of diversified responses, with participants studying MA criminology less in favour of reinstalling CP in the UK in comparison to non-MA criminology participants. The research ultimately concludes that whilst in the view of the author that there may be significant benefits of reintroducing CP to the UK at some point in the future, the current CJS is not currently suitable. As a result, it seems very unlikely that the return of CP in the UK will happen at any time in the near future.

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1.0 An Introduction to Capital Punishment in the United Kingdom - A Brief History

CP, also known as the DP, is a highly controversial practice of state execution. Once a popular method of punishment, its usage declined steadily in the westernised world, with the exception of the USA, to the point where it was eventually abolished throughout much of Europe. Naturally, many ethical issues arise surrounding CP and any possible reinstatement is likely to be met with a large divide.

As a result of ‘the growth of criminology as a discipline’ (Senior, Crowther-Dowey and Long, 2007:20), incidentally has seen an increased interest in crime and punishment. Now more than ever ‘crime fascinates us’ (Hill, 2013:5) as a society, as demonstrated by widespread television crime dramas throughout the UK and the increased popularity of social science and crime related academic disciplines. Crime itself can be described as ‘the breaking of the law or the violation of a legal code’ (Silvestri and Crowther-Dowey, 2008:216) and CP is a consequence in some punitive societies around the world of the penetration of societal norms, expectations and permutations. It therefore seems pertinent to look into the taboo subject of CP in the UK in 2018, from a contemporary perspective. As CP was last exercised long ago, it seems many people refrain from talking about this subject due to its perceived lack of relevance in modern society. Alternatively, people may be afraid of CP’s perhaps controversial nature and therefore keep opinions to themselves.

A large problem of CP exploration in the UK is that ‘most of the DP research continues to be done within the USA’ (Simon and Blaskovich, 2002:45). Whilst ‘GB influenced America's use of the DP more than any other country’ (DPIC, 2018a), as a result of its medieval utilisation, many individuals consult to historical examples of CP usage when referring to the

UK. Consequently, large proportions of this research refers to the USA, as it is one of the only westernised countries in the world still using CP. This therefore displays the importance and scholarly significance of conducting a contemporary piece of research, representing CP opinion in 2018, which can act as a catalyst for future research.

It is important for readers to understand CP and therefore necessary to provide a brief history into this subject. The etymology of the term CP has a number of connotations - capital refers to the state, but also when translated into Latin, its meaning is 'of the head' (Harper, 2018), referring explicitly to death. Therefore capital has a dual-meaning, essentially denoting an action of state killing and also the removal of the head. Whilst the latter term is not currently literal in westernised CP, it is still used frequently in some countries as a form of punishment. Punishment refers to a consequence of an individual's earlier actions, and therefore the approaching experience is likely to be unpleasant and often involving pain, in a physical or emotional context; or both. A combination of the terms capital and punishment is how CP has become what it is referred to today.

Different countries adopt different laws and methods of punishment, and the UK's history of CP is extensive. The first origins of CP in the UK was circa '450 BC [when] the DP was often enforced by throwing the condemned into a quagmire. By the 10th Century, hanging from gallows was the most frequent execution method' (Reggio, 2014). State execution was continued by the Tudors, and Henry VIII in particular, during the 16th Century, who is widely known for the infamous executions of two of his wives. At this point, Hopkins-Burke (2013:3) describes 'the administration of criminal justice was chaotic, predominately non-codified, irrational and irregular, and at the whim of individual judgement'. The Bloody Code shortly followed and 'refers to the large number of statutes passed during the eighteenth

century which contained the penalty of death' (Newburn, 2012:35). Not only were large frequencies of legalisation passed, the methods involved were brutal. Public execution was frequent in which 'the motivation was not so much the infliction of physical pain – although that might be a by-product – as of humiliation' (Hale et al., 2013:33). Torture was a large part of the CJS in pre-modern times, as demonstrated by the execution of Guy Fawkes in 1605, the mastermind behind the Gunpowder Plot, who was hung, drawn and quartered by the state as a consequence of his actions of high treason; plotting against the monarch of the country. There have also been a number of other execution methods in the UK excluding those mentioned already including 'drowning, buried alive, hurling from cliffs, beheading, boiling alive, burning at the stake and shooting' (Capital Punishment UK, 2018) as well as the guillotine. Offences liable as capital crimes vastly changed from pre-modern times in comparison to when it was abolished in the UK in the 20th Century. For example, 'relatively minor offences by today's standards being potentially punishable by death' (Newburn, 2012:35) include 'stealing from a shipwreck and being out at night with a blackened face, which made people assume you were a burglar' (Jackson, 2009). By the time CP was eventually abolished in the UK, the only form of execution used under law was hanging.

Under the reign of Queen Victoria in the 19th Century, saw the emphasis of CP once again change. CP was increasingly 'replaced by transportation to colonies such as Australia' (Braithwaite, 1989:114), proving a popular alternative, removing vast proportions of potentially dangerous individuals out of the country, also easing pressure on a Victorian era which encompassed more individuals becoming increasingly against the idea of state killing, in comparison to the past. 'Pressure group activists achieved further success in the 1860s with the moratorium of public executions, although this time they were disappointed not to obtain a complete cessation of the DP' (Hale et al., 2013:37). After large frequencies of miscarriages

of justice, CP was last used in the UK in 1964 and was finally abolished for murder in GB through the Murder (Abolition of Death Penalty) Act (1965) and Northern Ireland, under the Northern Ireland Emergency Provisions Act (1973). CP was completely abolished for all offences in the UK under the Crime and Disorder Act (1998). Prior to this acts royal assent, people could still be put to death ‘for treason, piracy with violence, arson in Her Majesty’s dockyards, and military offences, but no executions had been carried out’ (Knowles, 2015:5) between 1964 and 1998 and has remained unused ever since. It is therefore 54 years since CP was last used and 20 years since it has been completely abolished in the UK.

There has been frequent attempts to reintroduce CP since its formal abolishment but all thus far have failed. ‘Between 1965 and 1994 there were 13 attempts in parliament to reintroduce the DP’ (Knowles, 2015:56) showing that support for CP is not completely dead. The latest example was when the CP Bill 2013-14, was presented before parliament but was unsuccessful – it was ‘withdrawn and will not progress any further’ (HM Parliament, 2014). Despite the apparent support of the bill by many, some politicians and members of the public were outraged that the bill had progressed to the point where it was presented to parliament.

These modern developments, as well as those displayed in Figure 1, show the current narrative of CP in the UK in 2018.

Figure 1 – Capital Punishment in the UK in 2018	
<p>A 'vote took place on 21 February 1994 by way of amendment to the Criminal Justice and Public Order Bill, which was then before the House of Commons. The proposal was rejected in the House of Commons by 403 votes to 159' (Knowles, 2015:56). Whilst this was a comprehensive defeat, there was still evidence of significant support for CP in 1994.</p>	<p>'On 5 October 1994, the Council of Europe's Parliamentary Assembly passed Resolution No. 1044, on the abolition of the DP. This resolution demanded total abolition in all member countries' (Franck, 2004:64). This powerful intergovernmental organisation at the time of the Parliamentary Assembly comprised 32 members, consisting of some of the most powerful countries in the world such as the UK, France and Germany.</p>
<p>Protocol No.13 was signed and ratified by all member nations of the Council of Europe in 2002 which ensured 'banning the DP in all circumstances, including for crimes committed in times of war and imminent threat of war' (Council of Europe, 2018). A strong emphasis on this signing was the concerns over the inevitable ethical issues CP brings.</p> <p>Belarus refused to join the Council of Europe. 'Often described as Europe's last</p>	<p>'On June 29, 1998, the countries in the European Union (EU) agreed that the DP should be abolished worldwide' (Simon and Blaskovich, 2002:20). This was concluded with deployment of the Crime and Disorder Act (1998) and was a huge step for human right activists and anti-CP supporters.</p>

<p>dictatorship, Belarus is the only country in Europe and the former Soviet Union still to use the DP, and the process is shrouded in secrecy' (Bachega, 2018).</p>	
<p>'The United Nations Aim for Total Abolition' (Franck, 2004:57) is resilient. This intergovernmental and global organisation has 193-member states and therefore is hugely influence on political affairs around the world including CP.</p>	<p>'It is highly unlikely that there will ever be any attempt to reintroduce CP in Parliament, and any attempt to do so will fail. Even those few Parliamentarians who continue to support its use accept that there is no practical possibility of it ever returning to the statute book' (Knowles, 2015:64).</p> <p>Ann Widdecombe, a former Conservative Home Office minister and CP supporter said: 'CP will never return to GB and when I was shadow Home Secretary I did not waste time calling for it, preferring instead to concentrate on remedies which were available' (ibid).</p>

This research is fundamental as rather than focusing on historical methods and procedures of CP, it attempts to explain current and future issues, in essence a neo-CP perspective, using previous and current knowledge diachronically; these issues are often widely ignored in academia and therefore this research attempts to exploit this gap in social science.

Furthermore, Knowles (2015:64) suggests 'the abolition of CP did not reflect any sea change in public opinion, which remained firmly opposed to abolition', therefore exhibiting why it is so important to study whether this statement is a real true reflection or not and what reinstating CP may achieve. The USA have shown that reinstating CP is possible as it was

temporarily suspended in 1972, as it was suggested it broke ‘violations of the Eighth Amendment’s prohibition on cruel and unusual punishments. In response to the decision many states changed their DP systems’ (BRI, 2018).

Whilst four years later *Gregg v. Georgia* (1976) ensured CP was in fact constitutional, and subsequently many states reversed their previous decisions, this shows that CP does have the potential to be reintroduced. However, it must be acknowledged the time periods in between abolishment and reinstallation are incomparable in terms of time and length between the UK and the USA. Additionally, ‘since the Second World War, CP has not been reintroduced in any single European country, outside the former Soviet Union, once it has been abolished’ (Franck, 2004:43).

A whole range of debates are explored in this dissertation. The methodology maps the dissertations structure including sections on researcher reflexivity, data collection and ethical concerns of the research. The following sections inspect literature of a pro-CP stance, including the different types of execution methods, determining which method would most likely be used should CP be reinstated within the UK. The next segment evaluates literature of an anti-CP stance, including CP’s lack of deterrence and public disapproval. A discussion over the potential uncertainty of CP if it was to ever return to the UK will then be examined, with the penultimate section concluding with a comprehensive answer to the likelihood of CP returning to the UK, with recommendations for future research at the close. The appendices and the reference list provides additional information for the reader.

2.0 Methodology

The methodology has provided ‘a general plan used to guide a researcher to ensure that their research project achieves the aims and objectives of the study’ (Crowther-Dowey and Fussey, 2013:243). It clearly structures the project in a concise way, allowing maximum efficiency and effectiveness when tackling the project’s research question. It allows the reader to navigate themselves around the dissertation in a coherent manor. ‘Apart from criminologists who study crime for a living, most people have neither the time or inclination to investigate the crime problem carefully’ (Lilly, Cullen and Ball, 2010:3), and therefore a suitable and well-structured methodology is crucial.

2.1 Researcher Reflexivity

As a researcher, reflecting and analytically evaluating any research you undertake is essential to ensure that the work is completed to the best possible standard, minimising errors. Also, a reflexive approach to research ensures ‘the researcher is involved in a process of constant renegotiation of strategy’ (Henn, Weinstein and Foard, 2009:2), allowing the ignition of new ideas.

A useful way to document reflexivity is through a reflexive log. The researcher has kept this throughout the duration of the research ensuring a document of the inevitable developing and evolving cognitive processes that derives as a consequence from literature collection and primary data acquisition. A sample of parts of the reflexive log is displayed in Appendix A.

2.2 Primary Research Data Collection - Focus Groups and Sampling

Primary research is where ‘the researcher can determine exactly what data will be collected and can identify the specific tools that will be used’ (Houser, 2009:272) in the data collection process. It was important to consider primary research as it allows the researcher to gather data at completely their own discretion. Naturally, these require passing stringent and rigorous ethical guidelines from the SREC, or risk being rejected.

The focal point of the primary research consist heavily on FGs. These were first propelled into the spotlight due to ‘the evident success of FGs as a marketing tool in the private sector [which] eventually led public sector organisations to use FGs for their own marketing purposes’ (Bloor et al, 2001:3). FGs are now frequently used across a number of research platforms, in particular social science, to gain research in underdeveloped and relatively unknown areas – in this case, contemporary knowledge of CP in the UK.

The FGs consist of 5 members from an MA criminology course at NTU and 5 other individuals who are not studying on the course – the independent variables of the study. All members were acquired through e-mail. This is the same course the researcher is currently undertaking which is due to finish in August 2018.

The FGs were required to independently answer 10 questions on CP by hand-writing their answers on printed questionnaires, which the researcher subsequently transcribed into a word documented format. FG results from the questionnaires were compared and contrasted, ultimately determining conclusions on CP – the dependant variable of the study. Whilst it is acknowledged that these FG samples are very small in size, and generally unrepresentative of a larger population, which can influence subsequent data analysis, it does provide an insight into the mindsets of different individuals in contemporary UK society regarding CP. This

exploratory research allows a clear narrative to be created in which it ‘can be used to explain, evaluate or emancipate, explore, and/or describe the received material’ (Robson, 2002:59-60) – and therefore this is a useful approach.

Both open and closed questions are situated within the questionnaire to ensure a limited possibility of reaching a saturation point within the narrative of the FG responses. It was also important to diversify the questions to keep the participants engaged. The full FG procedure can be observed in Appendix B.

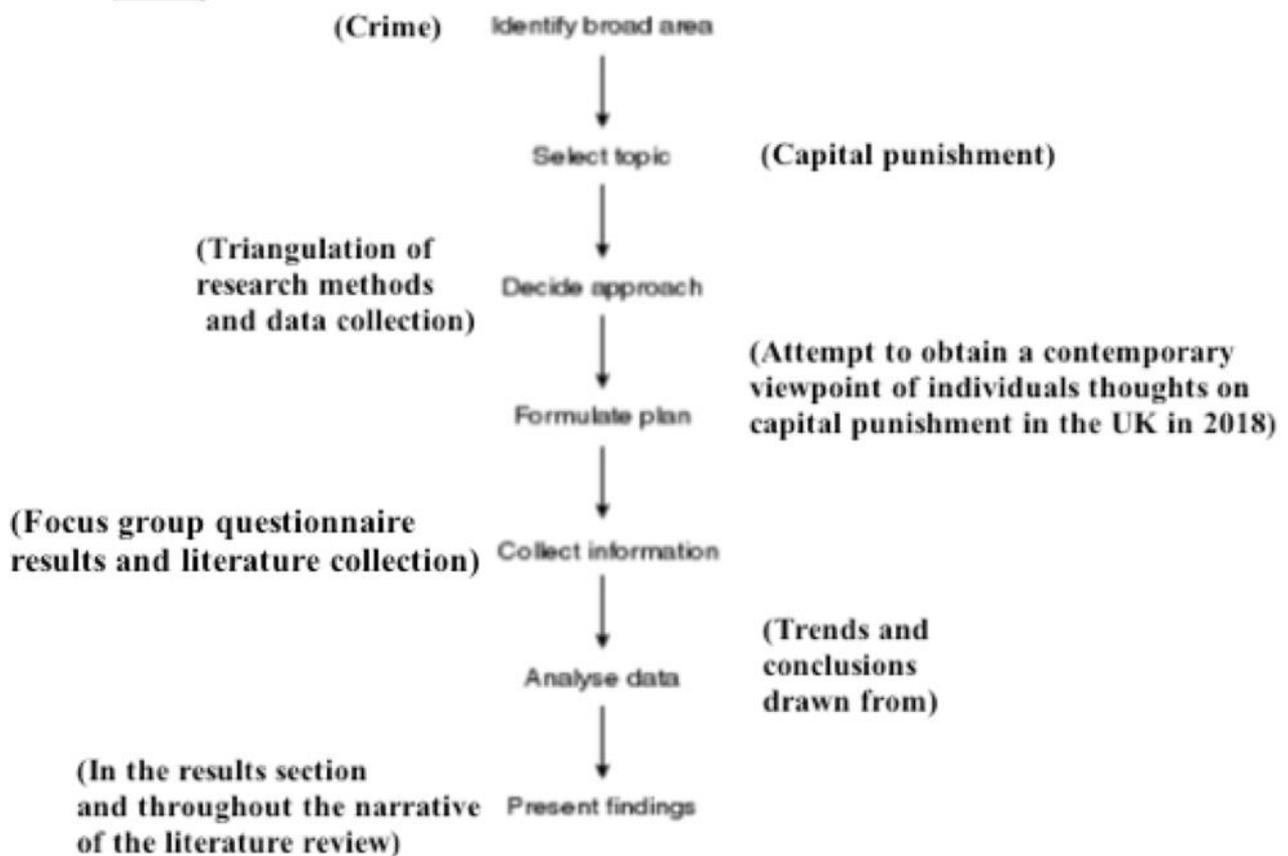
Convenience sampling was utilised, which is sampling ‘in a way that is convenient to the researcher, given lack of resources’ (Davies, Francis and Jupp, 2011:354). As a non-externally funded individual postgraduate researcher, it would not be feasible to attempt a project which involved a high frequency sample, as there simply would not be enough time to obtain and analyse the results in the same way in which could be achieved with a smaller sample. Convenience sampling also seemed appropriate considering 50% of the FG members study the same course as the researcher, allowing efficient data acquisition. Consequently, this allowed discretion from the researcher to choose suitable individuals for the non-MA criminology sample, who do not have a background with working within the CJS, which may skew results. This shows the importance of subjectivity.

Previous dissertations conducted on CP were evaluated in order to grasp effective methods of former students. Griffith (2014:42) adopted a highly ambitious project on studying ‘the impact CP has on the prison employees who were responsible for carrying out executions in the State of Texas’. Whilst Griffith’s method was impossible for this project for countless reasons, it was useful to get an insight into primary research on CP which also had a small

sample. Whether or not primary research was feasible whilst planning the project was a difficult decision and therefore this work inspired the primary research design.

Figure 2 exhibits a reflection of the substantial research process completed in tackling the research question, exhibiting the different steps to the research. This was completed concurrently with Trochim’s (2006) deductive research process: ‘Theory > Hypothesis > Observation > Conformation’.

Figure 2 – The Sequential Model of Research (adapted from: Gill and Johnson, 1997:3)



2.3 Secondary Research Data Collection

Secondary research was also collected ‘using information that other people have gathered through primary research’ (Collins, 2010:120). This was obtained in a variety of ways

containing a combination of established and up-to-date secondary sources, ensuring a balanced outlook was provided and no bias for any method, confirming optimal representation.

A number of resources proved invaluable for literature and data collection. These included books, journals, newspapers, of both a physical and online nature and websites too. Furthermore, the NOW has proved imperative. The pivot of numerous educational databases and academic work conducted throughout the researcher's 4 years at NTU allowed an efficient corroboration between modules. Work conducted on CP in Year 1 BA criminology, in the Developing A Criminal Imagination module exemplified this.

Consequent of the range of both primary and secondary resources gathered, attempts to answer the question derive from a renewed and modernised viewpoint, providing theory new to criminology, consisting of a balanced narrative of for and against CP. It is important to adopt both approaches into research when possible as it allows for a broader sphere of investigation and subsequent analysis.

2.4 Quantitative and Qualitative Data

The research uses an amalgamation of quantitative and qualitative data, acquired from primary and secondary sources including government statistics and anecdotal accounts. Figure 3 displays the numerous methods from both data perspectives, some of which are utilised within the dissertation.

Figure 3 – Different types of Quantitative and Qualitative methods (adapted from: Glen, 2018)

Quantitative	Qualitative
Laboratory Experiments	Direct Observation
Structured Interviews	Participant Observation
Questionnaires	Unstructured Interviewing
Rating Scale	Case Studies – Focus Groups
Direct Observation	Phenomenology
Closed Ended questions	Action Research

A quantitative method was utilised through statistics gathered from the FGs, which were converted into arithmetical measures in the results section. Statistics allow inferences and conclusions to be drawn from which is purposeful for answering the question.

A qualitative method was fulfilled through extensive written responses from the FGs as a consequence of the questionnaire's heavily qualitative structure. Vast quantities of literature resources also derive from a qualitative nature.

Triangulation is better than a singular-based approach as it allows for an increased scope of explanation and understanding as 'the research is not confined to a single method or approach' (Curtis and Watson, 2008:206). Both approaches have limitations, and what one method cannot provide, the other may be able to. It is important that academics from both perspectives work together when possible to provide representative and generalisable research. Falco and Freiburger's (2011:830) suggest that qualitative data is 'a methodological approach not typically used in this area', in respect to CP, with emphasis previously being

placed on quantitative means. Consequently, FGs in this study ‘allow the collection of qualitative data, which would give an insight into the subjective beliefs held by participants’ (Crowther-Dowey and Fussey, 2013:156), providing far more than a yes or no answer.

2.5 Interpretivism and Epistemology

The dissertation derives from different philosophical lenses – through an interpretivist and epistemological stance - deployed consistently throughout the research process.

Understanding the concepts in Figure 4 and Appendix C is vital to ensure a correct methodological approach to the research. For the purpose of primary research and its subsequent analysis, it seemed appropriate to adopt an interpretivist approach. Interpretivism suggests that it is impossible to be completely objective, and therefore subjectivity is inevitable; demonstrated by ‘perceived knowledge’, see Figure 4. As a researcher, it is imperative to ensure all data collection is conducted in an unbiased and structured format - however it is acknowledged that CP is an entirely subjective topic, where objectivity is not possible.

Figure 4 – Broad Definitions of Positivism, Interpretivism, Ontology and Epistemology,
(Carlson et al., 2001:6)

	Positivism	Interpretivism
Ontology		
Nature of 'being'/nature of the world	have direct access to real world	no direct access to real world
Reality	single external reality	no single external reality
Epistemology		
'Grounds' of knowledge/ relationship between reality and research	possible to obtain hard, secure objective knowledge	understood through 'perceived' knowledge
	research focuses on generalization and abstraction	research focuses on the specific and concrete
	thought governed by hypotheses and stated theories	seeking to understand specific context
Methodology		
Focus of research	concentrates on description and explanation	concentrates on understanding and interpretation
Role of researcher	detached, external observer	researchers want to experience what they are studying
	clear distinction between reason and feeling	allow feelings and reason to govern actions
	aim to discover external reality rather than creating the object of study	partially create what is studied, the meaning of the phenomena
	strive to use rational, consistent, verbal, logical approach	use of pre-understanding is important

Interpretivism is linked with Weber 'who suggests that in the human sciences, we are concerned with verstehen (understanding)' (Crotty, 1998:67). Consequently, in order to explain human behaviour, social researchers need to grasp the meaning and interpretations that people attach to phenomena in the social world. For example, under the interpretivist umbrella is phenomenology; when you close your eyes, everything disappears and thus all reality is consequently manufactured. 'Phenomenologists argue that it does not make sense to think of objects in the world separately from subjectivity and our perception of them. An object enters our reality only when we perceive it, when it is presented to consciousness'

(Langdrige, 2007:4). It may be possible that CP is manufactured and socially constructed to the society we live in.

Regarding epistemology, Crotty (1998:3) suggests this is ‘the theory of knowledge embedded in the theoretical perspective and thereby in the methodology’ – how do we know what we know? This differs from a positivist view on where hard, secure objective knowledge is essential, often utilised through quantitative laboratory experiments. Epistemology embraces opinions, agency and subjectivity in a qualitative manor that quantitative measures cannot. Consequently, positivism was not the chosen approach. A rating scale, for example, would not have given the desired results of the researcher as this can prove reductionist. For example, 1 participant’s rating of 7 may be completely different to what another participant may perceive this to be and therefore is completely down to discretion. This method would be unable to illustrate valuable opinions of the FGs. The qualitative results are broken down into quantitative statistics due to an epistemological approach. This is explored in the subsequent section.

2.6 Hypotheses and Content Analysis of Results

Creating hypotheses during primary research allows a test of the researcher’s original aims and expectations to see if they have been met and if not, why not. Figure 5 displays a hypothesis for each question from the FG questionnaires.

Figure 5 – Hypotheses for Focus Group Results

Hypothesis 1 - It is with expectation that those who complete the questionnaire from the MA criminology FG will have firmer views which will consist of more breadth and knowledge of CP and correct criminogenic terminology in comparison to those who do not study on the course; many of these individuals are expected to be future workers in the CJS. This hypothesis seems pertinent as those studying MA criminology are likely to be familiar with CP through connections with modules on the MA course such as Offender Management and Crime Reduction. It is hypothesised some regular citizens may have little or no knowledge on CP.

Hypothesis 2 - It is with expectation that non-MA criminology participants may be more pro-CP in comparison to MA criminology participants, due to some of the Non-MA participants growing up in an era where CP was legal. However, MA criminology participants are likely to be firmer with their views due to more expected previous knowledge. The difference in the samples age can be seen below:

- Average age of participants (MA criminology); $(55 + 22 + 21 + 22 + 23) \div 5 = 28.6$ years old
- Average age of participants (non-MA criminology); $(59 + 20 + 55 + 22 + 55) \div 5 = 42.2$ years old

The average age of MA criminology participants is 13.6 years lower than non-MA criminology participants. The vast majority of those studying on the MA criminology course are between 21 and 23 years old – a relatively young sample and a variable

which cannot be altered. Alternatively, the same variable for non-MA criminology participants is less rigid and therefore participants are more varied in age.

Hypothesis 3 - It is with expectation that MA criminology participants will believe that there is less of a possibility of CP being reinstated than non-MA criminology participants due to a likelihood of more knowledge on any recent developments and its current position in society in 2018 in the UK.

Hypothesis 4 - It is with expectation that MA criminology participants are far more unlikely to choose the deterrence option than non-MA criminology participants. This is due to large quantities of evidence suggesting that CP fails to prove a deterrence. MA criminology participants are more expected to choose the 'other' option than non-MA criminology participants due to the likelihood of their increased knowledge on CP, and therefore may offer alternative reasonings.

Hypothesis 5 – It is with expectation that due to a previous hypothesis, that non-MA criminology participants are more likely to be pro-CP, that consequently, non-MA criminology participants will provide more crimes that should be eligible for CP due to likelihood of their increased support.

Hypothesis 6 – It is with expectation that the majority of participants from both FGs will choose the lethal injection as the method of execution, if they are for CP. This is because it is likely people may be familiar with this practice due to its contemporary usage in the USA.

Hypothesis 7 – It is with expectation that MA criminology participants will be more familiar with miscarriages of justice as result of their knowledge of criminology. However, it is with expectation that non-MA criminology participants will also have some knowledge on this due to their higher average age. Those who were born in the

1960s or earlier may have been familiar with some of these infamous cases in the media at the time.
<u>Hypothesis 8</u> – It is with expectation that MA criminology participants are more likely to suggest that the jury system does not employ a robust enough approach in the sentencing of offender. This is because they are more likely to have increased knowledge on the possible issues of this system through modules such as Contemporary Criminal Justice Practice.
<u>Hypothesis 9</u> – It is with expectation that both FGs are likely to see possible ethical concerns with CP, regardless if they are for, not sure or against CP.
<u>Hypothesis 10</u> – It is with expectation that MA criminology participants are more likely to suggest that it is important to have a view on CP in 2018 due to many of these people likely to eventually work within the CJS in some aspect.

Appendix D demonstrates the FGs responses, whereas Appendix E exhibits a summary and an analysis of the FG results. As displayed in the analysis, half of the hypotheses were achieved – this was an unexpected finding for the researcher, although very thought-provoking. These results allow the reader to grasp a number of different viewpoints prior to the literature review and are used to contribute to the weight of the argument of for versus against CP.

A content analysis scrutinised the results from the questionnaires from an interpretivist and epistemological perspective. This is a ‘research method for the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns’ (Hsieh and Shannon, 2005:1278). Any consistency between findings has been identified, allowing for useful conclusions to be drawn.

Figure 6 displays some mathematical calculations from the FG responses from Question 2. This question was chosen for in-depth analysis as it best encapsulates the argument within the literature review following the methodology.

Figure 6 – Mathematical Calculations for Focus Group Responses on For, Not Sure and Against Capital Punishment		
KEY:		
For - 3 Points	Not Sure - 2 Points	Against – 1 Point
MA criminology		Non-MA criminology
40% For, 0% Not Sure, 60% Against		40% For, 40% Not Sure, 20% Against
Mean - $(2 \times 3) + (3 \times 1) = 9$ $9 \div 5 = 1.8$ (just below not sure)		Mean - $(3 \times 2) + (2 \times 2) + (1 \times 1) = 11$ $11 \div 5 = 2.2$ (just above not sure)
Median - 1 (against)		Median - 2 (not sure)
Mode - 1 (against)		Mode - 3 (for) and 2 (not sure)
Standard Deviation – 0.980; This will show that 68% of my results lie between $(1.8 + 0.980 = 2.78)$ and $(1.8 - 0.980 = 0.82)$. This shows larger deviations from the mean than the Non-MA criminology sample, showing that there is a larger spread of results.		Standard Deviation – 0.748; This will show that 68% of my results lie between $(2.2 + 0.748 = 2.948)$ and $(2.2 - 0.748 = 1.452)$. This shows a slight skew towards CP, which is higher than the MA criminology sample.
$SD = \sqrt{\frac{(3 - 1.8)^2 + (3 - 1.8)^2 + (1 - 1.8)^2 + (1 - 1.8)^2 + (1 - 1.8)^2}{5}} = 0.980$		
$SD = \sqrt{\frac{(3 - 2.2)^2 + (3 - 2.2)^2 + (2 - 2.2)^2 + (2 - 2.2)^2 + (1 - 2.2)^2}{5}} = 0.748$		

2.7 Strengths of Research

Evaluating project strengths allows the researcher to determine what went well and what could be repeated if similar research was carried out.

The feasibility, originality and the clarity of this research are without doubt strengths as these were achievable and realistic. The validity of the research was also ensured through stringent controls during the collection of the primary research, see Appendix B. This was also the case with secondary data, through meticulous referencing to the best possible standard.

Furthermore, deciding early on in the research process that primary and secondary research were to be used was an important part of the research's organisation and structure. It allowed for sole concentration on the question, rather than using time contemplating different strategies. The triangulation of methods ensured that the positives of both approaches were utilised throughout the project.

The choice of primary research was particularly useful as 'you can focus specifically on those issues, topics, populations and variables that interest you [and] do not have to depend on the work of other social scientists who may have approached the issue, topic or problem differently' (Babbie, Halley and Zaino, 2007:384).

A further strength was the high ethical standards achieved in this project, see Appendix F and Appendix G, creating minimal possibility of harm against the FGs. Participants names were anonymised, kept confidential and were referred to as -participant A for example, and informed this was overt research. No participant decided to withdraw their data, and therefore

all are inferred to have been happy with the methodological procedure. Privacy was given to all participants, as only the researcher and the participant were in attendance. The researcher did in no way help or influence participant's completion of the questionnaires. Crowther-Dowey and Fussey (2013:159) also suggest that whilst undertaking FGs, 'new themes that were not anticipated by the researcher may come to light'. This was most definitely the case; findings that were not expected including participant B's extensive knowledge on CP from the non-MA criminology FG which was refreshing.

It is pleasing as a researcher to know that there were little consequences of this research project on the FGs and NTU as an organisation.

2.8 Limitations of Research and Implications for Future Research - Ethical Considerations

It is also important to understand the limitations of your research and acknowledge what could be done differently next time or what another researcher could do to build on your work. Even with the most rigorous controls, no research is error free and there are always things that could be improved.

A large limitation is the small FGs. It was advised by NTU's MA criminology department that the researcher used no more than a sample of 10 to appropriately analyse the FG results to the sufficient and in-depth level required. Conducting research involving larger numbers of participants may have proved more representative, but this was unrealistic and not possible with the resources and time available to an MA criminology student.

Unfortunately, the reliability of the research is tough to ensure as to replicate or re-test this research would be difficult as another FG may provide completely different responses.

Ethical considerations also hindered the research. Barnes (1979:16) defines ethical factors 'by reference to standards of what is morally right or wrong'. All social research must go through stringent controls of the SREC, and with human rights more prominent in society now than ever, it is difficult to achieve would-be desired research. For example, previously, the CJS may have happily provided a researcher access to police records on CP, whereas in 2018, this would not be possible. Emphasis is now placed on overt research in comparison to covert. Unfortunately due to factors such as demand characteristics, results differ when you change these significant variables. Thus, research explorations are limited and the primary research of this project was not as ambitious as previously hoped.

It is without a doubt problematic for a university student to acquire data on CP since it was last used in the UK in 1964. Much of the westernised contemporary research derives from the USA and therefore numerous links have been made to this country in the research, which may differ vastly to the UK.

On reflection, utilising an online generated questionnaire such as SurveyMonkey, rather than hand-written questionnaires, is perhaps a more modernised approach for data collection. However, the application of hand-written questionnaires was chosen as not all those who answered the questionnaire from the non-MA criminology FG were particularly computer adept.

The research approaches also had limitations. Maruna (2001:43) suggests that primary research 'is purely a convenience for statistical classification and hides a tremendous amount of variation'.

In regard to secondary research, the 'subjective interpretation' (Popper, 2008:164) of an academic's work can be taken incorrectly, and consequently, references to their work may not be completely accurate and representative, potentially causing ethical issues.

There was also 'no contingency plan to find an alternative sample population, that is, other groups, if [the researcher] could not find any willing participants (Crowther-Dowey and Fussey, 2013:157). It was not expected that there would be any problems in acquiring a sample population, and there was not. However in the event of future research, a contingency plan would be wise. This was perhaps due to the lack of experience of the researcher involved in conducting FGs.

3.0 Literature Review

A literature review is an essential part to secondary research. This is effectively a review, ‘search and evaluation of the available literature in your given subject or chosen topic area’ (Royal Literary Fund, 2018). It has allowed a critical analysis and synthesis of information and a review of literature conducted by others. The literature review is split into three parts; arguments for CP, arguments against CP and a discussion over possible uncertainty around CP should it return to the UK.

3.1 Arguments for Capital Punishment

Some individuals in society believe that there is no alternative other than to take away another’s life when the crime or act they have committed is so heinous and therefore perfectly warrants CP. A number of common pro-CP arguments include retribution, public safety and pressure, monetary reasons and many other explanations too. These beliefs are evaluated thoroughly in lineage with FG responses from the questionnaires. Following this, sections are comprised on how to define the eligibility of receiving CP and what method of execution should be used if CP was to return to the UK.

3.2 Retribution

Retribution is ‘the act of inflicting or the intent to inflict injury in return for injury’ (Merriam-Webster Inc, 1984:692). This philosophy of punishment is still used today in many CJS’ throughout the world and is referred to as retributive justice, where the CJS takes a staunch stance of revenge and vengeance against the worst perpetrators in society as opposed to

reform and rehabilitation. Some anti-CP activists may question the usage of retribution and justice together as they believe both are impossible. However, under this framework, it is vital to have both of these centralised.

For example, hypothetically under this perspective, a family's relative who may have suffered tremendously at the hands of a cold-blooded murderer deserves to be compensated. Whilst nothing will bring the victim of the murder back, to those who adopt a retributivist stance, including participant D from the non-MA criminology FG, the compensation through the removal of the offender may contribute to some recognition towards any suffering and loss the family are likely experiencing. It can't be right that the last person to see the victim alive is the murderer.

In Iran, the expulsion of societal norms committed by an offender is treated according to a literal eye for an eye practice. For example, 'a woman will be blinded in one eye in Iran after a judge ruled she should suffer an eye for an eye punishment under Sharia Law' (Rogers, 2017). As a result of the retributivist legislation in Iran, 'victims or their families can ask a court's permission to enact qisas [law] either by taking the perpetrator's life in murder cases or afflicting an equal injury to his or her body' (Dearden, 2015). Whilst this practice may seem farfetched and highly unlikely to be adopted in the UK, it shows the length CJS' go to administer their vengeance. Naturally, it is the discretion of the governmental personnel in each society who define how far this vengeance should be taken. Whilst this may be seen as an unrepresentative and ungeneralisable viewpoint, these people are voted into power by the public, with the exceptions of dictatorships, and so form a highly representative viewpoint of the people it serves.

It is interesting to see the bible adopting characteristics of retribution. Christianity, a religion often associated with peace and love, in a passage from Exodus 21: 23-25 exclaim ‘if any harm follows, then you shall give life for life, eye for eye, tooth for tooth’ (see Canton, 2017:15), suggesting retribution is necessary in the event of harm. However, anti-CP supporters advocate that an eye for an eye makes the whole world blind; see participant B from the non-MA criminology FG.

Alternatively, ‘CP does the same to murderers as they do to their victims’ (Sorell, 1987:50) and so if you do not do the crime then you do not do the time. Death may be seen as the optimum and most punitive punishment of all as it effectively ends all existence of an individual and it is therefore hard to comprehend a more severe punishment. To those that say somebody is about to become a victim of CP, a retributivist is likely to suggest that instead more emphasis should be placed on adopting harsher terminology towards these individuals. Consequently, little sympathy towards these people should be given and therefore a justified execution of an assailant would seem more appropriate.

Without a doubt, the philosophical lens of retribution is controversial. Whilst especially close family or friends of a victim, may feel this is a justified punishment, it seems highly unlikely, that retribution would be at the forefront of policy should CP return to the UK. Despite its support from 40% of non-MA criminology participants, much of the evidence seems to show that retribution is prehistoric, and it seems as if the UK has moved on from this.

3.3 Public Safety and Pressure

Public opinion and its subsequent pressure on the government is crucial in relation to CP. The current generation, surrounded by a wealth of resources, including the emergence of the social-media boom, allows access to all kinds of materials previous generations did not have and therefore information can be gathered and opinions formed. Keeping the public safe is also certainly of paramount importance and is essential for support as it has it's peoples best interests at heart, connecting the public and the CJS.

'Imprisonment is plagued by the deaths of prisoners' (Scott and Flynn, 2014:161) and so removing those individuals who meet the criteria of CP, should CP return to the UK, removes any possibility of this occurring. Consequently, less dangerous people will be on this earth alive in or outside of prison. Additionally, those who work in prisons are always at risk from these usually violent individuals, as well as the public in the event of an escape. Those serving whole life tariffs, may feel like they have nothing to lose as, unless in the event of an unlikely escape, they will never leave prison and so are motivated to commit further terrible crimes in prison. The return of CP would mean that 'some would-be murderers would not kill; as a result the lives of their would-be victims would not be lost' (Sorell, 1987:41-42) – a double positive domino effect. Undoubtedly, further lives would be saved if CP was reinstated for murderers especially. It is not surprising murder happens in prison; a confined environment of crowding similar minded individuals in such a close proximity. Murderers in these situations are prone to form dangerous cults and subcultures amongst each other which can be problematic.

It is alarming that a 'large and frightening number of known murderers who have been convicted, are sent to prison and let out and who have killed again' (Sorell, 1987:42). CP is

the ultimate guarantee of safety and eradicates this possibility. In the case of serial offenders, had they been executed prior to their later crimes, deaths would have been avoided.

CSC systems in the UK, within Category A prisons, are the closest the UK has to a death row framework in the USA, containing far more security than a regular prison. Whilst escape in these environments are very rare, it can occur - convicted murderer and Category A prisoner 'Shaun Walmsley's prison escape' (Halliday, 2017) in 2017 is a recent example of this.

Worryingly for the public, Walmsley has still not been apprehended over a year later, and it is feared he may kill again. Whilst these institutions can learn and reform from mistakes, they can prove fatal. Eliminating the possibility of prison fugitives and reoffending, is all but removed by reinstalling CP to the UK. Examining this perspective through a statistical balance sheet or cost-benefit analysis, shows the complicated nature of CP. In essence, you weigh up between the wrongful execution of a small proportion of individuals versus the loss of innocent lives by murderous offenders. It is impossible to know exact statistics on this, but what is certain is that wrongful executions are by complete accident, whereas murder is not. Whilst this does not justify wrongful executions by any means, pro-CP activists from the UK would be sure to argue that more innocent victims would be alive today had CP remained installed.

The UK did not have death row when CP was legislated and this could be piloted if there is a potential of CP returning to the UK. Instead offenders were housed in maximum security prisons where 'the Home Office issued a ruling that three clear Sundays were now to elapse between sentence of death and execution' (Capital Punishment UK, 2018). This does remove the uncertainty, and effective torture mechanism of being on death row, where offenders could be sentenced to death at any time, but alternatively, displays an efficient process, where

little money is needed to house these prisoners for their short stay. Anti-CP protestors would suggest this process is littered with errors as it does not give the accused adequate time to appeal.

The importance and attention paid to the deceased families, as well as the public must never be overlooked. The release of a murderer who may have served their sentence is of a large concern to these people. CP eliminates this concern. The death of these people is a closure in many ways for the victims' families and often in their best interests. This was displayed in a recent documentary *Life and Death Row: In Cold Blood* (2018), where one member of the victim's family said 'the fact these murderers can laugh, love and feel emotion sits totally wrong with me. They should be emotionless like their victims'. Of course, many perpetrators are effectively emotionless anyhow as they do not show empathy towards those that their actions may have affected. CP removes the possibility of these people ever feeling emotion again.

Public pressure often adds to the narrative that criminal justice agencies exhibit. Hopkins-Burke (2013:490) claims that 'the majority of the public in the USA supports the use of CP – this is also the case in the UK'. Despite CP currently being abstained in the UK, according to a recent YouGov Poll 'more than a half of leave voters want the DP brought back after Brexit' (Kentish and Walker, 2017). This finding compliments Hopkins-Burke statement in reference to the UK, as more people voted for Brexit than did not. However, this is not entirely representative as not everyone in the UK is eligible or opts to vote and therefore cannot completely reflect society. Furthermore, the Brexit vote was very close and by no means overwhelmingly one-sided.

Sorell (1987:49) suggests that the 'state not only have the right, but the duty to take human life'. Those who commit the most heinous of crimes deserve to be dealt with as a means for public safety in a hegemonic sense, and not by de facto means of people taking the law into their own hands, such as revenge murders. The persona of often 'juggernaut, savagery and sadistic behaviour' (Goulding, 2016:41) is frequently displayed by those who commit CP eligible crimes, who show little compassion for their actions. This 'macabre behaviour can develop secretly and incrementally through routine steps' (Felson and Santos, 2010:60), and therefore a danger and threat to society. It is unambiguously apparent that offenders struggle to adapt to cultural norms and the rules of society and so 'their deaths would contribute to the survival of society' (Lilly, Cullen and Ball, 2010:28).

As a civilian, people would like to think that the onus of public safety would be the most reasonable motive to reinstall CP to the UK. Overall, when combining the 2 FGs, 30% chose public safety as the main reason to reinstall CP; the most popular option chosen. This is not a particularly surprising finding, as these are members of the public, and it does seem a far more likely reason to reinstall CP in the UK than retribution.

3.4 Monetary Reasons

The monetary argument of CP personifies multitudes of explanations attempting to explain this complex phenomenon.

CJS' and 'many people have defended the DP by saying that it is more simple and cheaper to execute prisoners than to keep them in jail for the rest of their lives' (Franck, 2004:421). If an individual commits a serious crime at a young age, they may spend the vast majority of their

life in prison, of which the tax-payer contributes their hard-earned money to the upkeep of the prison in which these people are housed; ultimately food, water and staff wages. A victim's family must be paid special attention in these circumstances as they too would have to continue to pay their taxes. However, Downes, Rock and McLaughlin (2016:287) suggest that the victimology landscape is not working – 'once they survive the initial impact of a crime, the victims are drawn into a system that treats them with indifference at best and abuse at worst'. Comprehending the emotional trauma of paying to keep these types of egregious individuals alive who have committed the most wicked of crimes, such as murder of a loved one, is extremely difficult. Arguments can be made for the little purpose in keeping alive a highly hazardous individual who has little chance of ever being released. Therefore, extermination may be a more suitable option. Not only are these people a danger to prison staff and the public, they are a danger to themselves, due to many of their unpredictable personalities. Some may advocate that as well as it being cheaper, it is also more humane to execute an individual than locking them away for their entire life. However, from a pro-CP perspective, the death of the offender is the only justified option and thereby CP must be reinstated to the UK.

It is impossible to predict the monetary figures of the price of incarcerating someone in prison versus the price of putting someone on a death row framework. The prison system in the USA and UK operate very differently. The USA adopt a policy of mass incarceration and punitive incapacitation holding a total of '2,121,600' (World Prison Brief, 2018) prisoners – the world's highest. With the USA's extremely high crime rate, this does not currently seem to be a successful policy - 'the DP is often one ingredient in a generally unsuccessful criminal law policy in a country with a high crime rate' (Franck, 2004:43). Senior, Crowther-Dowey and Long (2007:228) instead propose that 'there are limits to what punitive populism can

achieve, beyond detaining individuals who pose risks that cannot be adequately predicted’.

Whilst the UK do not currently adopt these policies, prison overcrowding is very problematic. Recent government statistics show ‘68% of prisons hold more inmates than their usable certified normal accommodation’ (Bulman, 2017). If CP was reinstated in the UK, it would reduce this statistic, all be it by a very small fraction, and therefore decrease the money spent on the prison system, putting finances to better use.

One possible scenario that the UK could utilise is a slightly amended version of the habitual three strikes and you are out, which is currently adopted in certain states in the USA. The current legislation in the USA ‘serves as a safety gate to stop those offenders whose repeated criminality has not been ended by sound judicial sentences or appropriate lengths of imprisonment’ (Meese, 1994:58) – and so a life sentence is imposed. Repeated offenders, who clearly struggle with a complete abstinence or desistance from crime, cost the CJS huge amounts of money every year. These people often are not motivated or have desire to address their problems of criminality, consequently negatively affecting the society. A proposed three strike and you are out rule, containing at least two serious offences, such as assault or persistent hate crimes, could end with CP once you have used your final strike. Utilising resources and huge amounts of time and money on those who are likely to never change is combustible and a waste of time, and therefore far more cost-effective. It also gives offenders two chances to act on previous mistakes.

The money game is a central debate of CP. Some would argue that justice of removing a highly dangerous and hyper-masculine individual, should be the main reason to administer CP, and not a monopoly over money. However, money is such a vital component in society

that this factor cannot be overlooked. Should CP return to the UK, a highly comprehensive monetary cost-benefit analysis of CP is essential.

Interestingly, 0% of FG participants chose monetary reasons as a motive to reinstate CP.

Whilst previously mentioned that civilians may like to think that public safety would be the main reason for CP to return to the UK, this may perhaps be slightly naïve. Time and time again, money has shown its power throughout global society, and if the UK could prove that CP would reduce prison costs and save the country millions of pounds, it is likely this would be the main reason for CP's return. The public clearly do have a role to play too, but it seems monetary reasons would be the main reason for reinstallation.

3.5 Other Reasons

There are many other reasons as to why reintroducing CP to the UK could and maybe should be a possibility.

Looking at criminological theory, in particular rational choice theory in relation to CP, allows a comprehension as to why individuals may make certain actions. The nucleus of the theory is risk versus reward whereby 'individuals must anticipate the outcomes of alternative courses of action and calculate that which will be the best for them' (Goodson, 2009:110). Therefore, individuals make rational calculations of their actions by choice. Subsequently anyone who commits a crime that merits CP in a society which employs this method, deserves death. However, this theory completely ignores any mental disorders such as autism which may impact one's rational choice and therefore this theory is significantly flawed.

Vast improvements in science and technology also hugely reduces any possibility of errors in the CP process, should the UK ever opt for reinstallation. At no time in the history of human mankind has forensics and the methods of detection been so strong and has ‘improved tremendously just in the last 15 years’ (Falco and Freiburger, 2011:841). Fingerprints and DNA can now be extracted from crime scenes that were not possible previously and is only going to continue to improve. However, is this really enough? 100% certainty on the accusation of a crime is indispensable as the final decision is irrevocable. The importance of forensic evidence is huge ‘in terms of persuading the Crown Prosecution Service to press charges’ (Rowe, 2013:240).

The vast improvements of technology has also seen an influx of ‘up to 6 million CCTV cameras across the UK [making it] the world leader in the use of CCTV’ (Rowe, 2013:241). This can be used as vital evidence in cases, determining, with certainty, who committed a crime. It is important to remove bad apples who hinder society and create a spread of more bad apples as these people will thrive and potentially learn and adopt characteristics off some of the worst people in society.

3.6 The Eligibility of Receiving Capital Punishment

If CP was reintroduced in the UK, unsurprisingly there would be exceptionally strict guidelines that the CJS would have to adhere to in order to reduce possibilities of litigation and miscarriages of justice. Defining who is eligible of receiving this maximum punishment is difficult and therefore must be evaluated extensively.

Previously, when CP was legislated in the UK, high treason, was considered the worst crime of all – as demonstrated by it being one of the last crimes to exist before CP's expulsion in 1998. However, deciding what constitutes the worst of all crimes is incredibly subjective. It is perhaps wiser to adopt an approach of crimes which fit under the umbrella of the most atrocious crimes that subsequently, death is the only option – murder for example, as demonstrated by results from both FGs.

Participant B from the MA criminology FG outlines concerns where to draw the line in defining which crimes constitutes CP. Defining what crime is more serious than another is divisive, controversial and hugely subjective; one person may see murder more serious than rape whereas others may see paedophilia as the worst crime of all.

The age of criminal responsibility is a relevant subject to scrutinise when considering the eligibility for CP. Currently, 'the age of criminal responsibility in England and Wales is 10 years old' (HM Government, 2018a) and so people are liable and responsible for their actions for any deed they commit over this age. However, those between the age of 10 and 17 years old 'are treated differently from adults and are dealt with by youth courts' (ibid). It would need to be considered whether this age group, who are consciously accountable for terrible actions, should possibly face CP.

Problematically, the criminal age of responsibility is an incredibly inconstant variable as it ignores varied intellects and mental deficiencies. One person's intellectual ability at the age of 9, for example, may be far superior than another who is 2 years older. However, there must be a termination point as constantly changing variables are likely to cause further confusion. An interesting observation in a recent documentary, *James Bulger: A Mother's Story* (2018),

suggested that ‘if 10-year olds are old enough to make decisions, then why are not 10-year olds tried by those of the same age in jury’ [sic]. This does raise an important point that perhaps criminal age of responsibility is currently too low, and maybe should be raised – potentially to an age where CP may seem more likely to be used if it returned to the UK. If CP was performed on 10-year olds, it is probable that many would turn against this form of punishment due to barbarism against a juvenile. Whilst ‘the execution of juvenile offenders continues in two Islamic countries: Iran and Saudi Arabia’ (Law Explorer 2015), much of the world frowns upon CP usage on this age group and therefore seems extremely unlikely to occur in the UK should CP return.

This link with young offenders is an important concept. These deviant and delinquent individuals are housed within ‘Young Offender Institutions [which] are prisons for 15-21-year olds’ (Politics UK, 2018) before being eligible to transfer over to an adult prison, depending on the crime committed. Currently, you are considered an adult in the UK if you are above the age of 18 years old and so it would need to be clarified if youth offenders between the age of 18 and 21 would be eligible for CP. Problems have occurred previously with age, as demonstrated by the Derek Bentley case which participant A from the MA criminology FG outlined, and so would need to be clearly defined.

Referring back to mentally incapacitated individuals during a criminal act is imperative as the law would need to be clarified on what grounds sufferers would avoid CP should it return to the UK. Many are likely to point to executing the insane as unconstitutional and ‘the imprisoning of mentally ill people has been strongly criticised’ (Scott and Flynn, 2014:160). However, the USA suggests that ‘inmates who are mentally ill, but not insane, have no such exemption’ (DPIC, 2018b) to CP. Once again, distinguishing the difference is exceedingly

subjective. Dangerous and mentally instable offenders who have often committed serious crimes and declared insane by a psychiatrist are usually housed in HMP Broadmoor in the UK – a combined mental institution and high-security prison. This asylum, notable for formerly holding the likes of Ronald Kray and Peter Sutcliffe, would likely contain many future death row inmates should CP return and this framework be installed. Participant C from the non-MA criminology FG suggested repeat offenders and those with personality disorders that won't reform such as psychopaths should be executed, as in effect, there is no place in society for these people. Without a doubt, not all offenders can be reformed.

Whether people are born evil or this is learnt through upbringing, is disputable. There are doubts over the extent of knowledge science has on mental illness, and there is far more to be learnt in this sense. Regardless, it must be weighed as to whether someone who has little or zero control over their actions but commits terrible crimes, have a place in society. If not, CP may be the best alternative.

These topics mentioned must be rigorously assessed before CP becomes anywhere near returning to the UK.

3.7 What Method of Execution Should be Used?

Once deciding those who are eligible to receive CP, logically, the next step is deciding appropriate methods of execution.

When analysing the FG responses, the lethal injection was the only method chosen. Whilst it is acknowledged that these results derive from a very small sample, it is perhaps surprising that no other method of execution was chosen. Despite some participants remitting a

retributive stance in the notion of their answers, lethal injection may be one of the least stereotypically retributivist methods of execution. You may instead expect people from this stance to suggest the electric chair, or medieval methods such as crucifixion, but this was not the case.

A recent documentary *How the Lethal Injection Kills* (2018) suggests that the lethal injection is far more complex than people understand. Acting as the current primary method for execution in the USA in all 31 CP eligible states, ‘Midazolam is used to sedate, Vecuronium Bromide is used to paralyse the muscle and Potassium Chloride is used to stop of the heart’. Problematically, many of the large European ‘pharmaceutical companies are curbing the supply of the drugs to states that use them to kill those on death row’ (ibid) due their unethical nature and so the future of the lethal injection appears uncertain in the USA. Consequently, the USA are dabbling with less well-known and untested drug options, which explain botched executions, as well as alternative methods of CP. The lethal injection is 1 of 5 different methods the 31 states which endorse CP use across the USA. The others are ‘electrocution, gas chamber, firing squad [and] hanging’ (DPIC, 2018c). As a result of these recent developments with the lethal injection, the ‘gas chamber, firing squad and the electric chair have all been up for consideration’ (McCann, 2015) as primary methods as opposed to alternatives.

If CP was reintroduced to the UK, due to these recent developments, is it likely that the lethal injection would not be utilised due to the refusal of the European companies that provide the drugs for the lethal injection. This is a landmark for anti-CP supporters, potentially stopping CP from returning to the UK at any point in the future. However, *Arthur v. Dunn* (2017) show that the firing squad could be an alternative - ‘in addition to being near instant, death by

shooting may also be comparatively painless [and also] historically, the firing squad has yielded significantly fewer botched executions'. This method has been previously used in the UK, and whilst no FG participants chose this option, it may be the most likely option of execution should CP return to the UK.

It is impossible to measure the most painful method of execution. People hold different pain thresholds, and no execution is exactly the same. For example, the lethal injection may react differently to one person, then another. One individual may become unconscious, eventually dying a painless death, whereas another may suffer a slow, agonising death. Whether this is right, or that it even matters is completely subjective, and some would suggest that these people deserve to suffer for their crimes, adopting a no pain, no punishment motto. Some sadistic individuals awaiting execution who enjoy pain, previously in the USA, have opted to choose the electric chair as opposed to the lethal injection. The methods used, and the efficiency and time it takes to die are individualistic. The firing squad is perhaps a very quick method of execution. However, the wait before the execution is likely to be torturous. The lethal injection alternatively is likely to be a far more tranquil experience in comparison.

Anti-CP activists would argue CP is a ramification for society and that all methods of execution are immoral as each other and should not be used under any circumstance.

Alternatively, others may argue that capital offenders should not be able to choose their fate.

Therefore, any method of execution should not be at the offender's discretion and should be painful with an element of just deserts.

4.0 Arguments Against Capital Punishment

Alternatively, many academics and civilians voice their concern of CP, considering it as immoral and a draconian issue in regard to its contemporary usage. Anti-CP and human right activists are likely to riot should CP ever return to the UK. The following sections looks into the moral and ethical dilemmas CP brings, as well it's questionable deterrence mechanism, monetary concerns, the public's disapproval and other prevalent issues. As with previous sections, the literature is combined with FG participant responses and evaluated.

4.1 Moral and Ethical Dilemmas - Miscarriages of Justice

There are questions over the inability of two wrongs making a right in regard to CP as it is effectively an act of retaliation by the state, where the offender succumbs to a similar fate of their victim in the case of murder - death. The state may be just as merciless as the offender in this instance. Retributivists argue that two wrongs do make a right and therefore retaliation is necessary.

Looking at literature theologically seems relevant as conflicts arise in the new and old testament into retaliation and whether this is a suitable response or not. Whilst not all those who are interested in CP look through a religious lens, considerable numbers do, and so this would seem an appropriate subject to investigate.

Currently, 'in the Catholic Church, popular opposition to the DP is higher than it has ever been in the past' (Brugger, 2014:ix). It is perhaps not surprising that many Christians are anti-CP as CP killed Jesus by crucifixion. Brugger (2014:xxiii) refers to the sanctity of life where

‘human life is always sacred’ and should be treasured. The premature ending of one’s life by the state is thus unforgiveable. Sorell (1987:48) compliments this, suggesting it is ‘never right to take human life’ whether through cold-blooded murder from a civilian or through CP by the state. It could be argued from this viewpoint that this appears to make sense – why should the state be given special powers to kill, which in many people’s opinion is the only form of physical life you will ever receive? Under this framework, CP can be described as a sadistic demonstration of anarchy turning into a barbaric totalitarian dictatorship, consisting of authoritarian and sensationalised one-upmanship.

Some may go as far to say of similarities between the concept of CP and brutal genocidal and democidal dictatorial regimes such as Hitler’s Nazi Germany, Stalin’s Soviet Union and Mao’s reign in the People’s Republic of China. These could be described as the capitals of CP adopting characteristics of a ‘hate landscape [and] extreme hate violence’ (Hall, 2013:23). However, some may argue that you do not need to be motivated by hate to kill. If CP were to return to the UK, there could be a risk that the country could turn into a place which exhibits many of these morals.

A huge moral concern is over those who administer the chosen method of execution. These are the last people who will engage in physical, emotional and verbal contact with the offender and in doing so likely presents large amounts of pressure, stress and ‘unfairness of making anyone play the role of executioner’ (Sorell, 1987:50). Infamous UK hangman and executioner Albert Pierrepoint was anti-CP despite his occupation - ‘the fruits of my experience has this bitter aftertaste. CP in my view, achieved nothing except revenge’ *Pierrepoint: The Last Hangman* (2015). Despite being treated like a hero by many members of the public, it was clear that years of carrying out CP took its toll. This is the

total opposite to UKIP leader Paul Nuttall who said he ‘would bring back the DP and personally execute the criminals himself’ (Bartlett, 2017).

Unethical treatment of death row inmates and those in the process of being executed is also frequently seen in the USA, and so these problems must be eradicated if CP was to return to the UK. It is not unusual to see failed or botched execution attempts due to issues with the method of execution – for example, the lethal injection. These include the experience of those who inject, the suitability for the job, the drug tolerance of the offender and the subsequent effect this may have on the execution such as pain the time it takes to render the offender unconscious and ultimately stopping the heart. When the offender is strapped to the gurney in the death chamber ‘we can and do watch others die without being able to capture deaths meaning or significance’ (Sarat, 1999:248). Sorell describes this as (1987:50) ‘brutal, decadent, macabre and corrupting act of judicial killing’ which you would not expect in a first world westernised country. It is perhaps not surprising that many find this slaughter assembly line heartless, excessive and to some extent overkill. Whilst this may not be a public event to the scale witnessed previously in the UK, CP in the USA currently acquires a number of witnesses, including the media, to ensure a unanimous description of the execution, and not solely to the discretion of the prison governor or executioner. This would also likely be the case if CP was to return to the UK.

One of the most controversial of all ethical issues of CP is the sentencing to death of the innocent. These terrible miscarriages of justice are permanent and irreversible and display the enormous impact CP can have on humanity and society. Leaving the decision of an individual’s life in the hands of a jury and judge is of a large concern. A number of

infamous miscarriages of justices have occurred in the UK's history, which likely contributed and hastened the pace by which CP was diluted and eventually abolished.

To begin, 'in 1950, Timothy Evans was executed for the murder of his young daughter' (Sorell, 1987:47). This execution was later found to be a mistake, when John Christie, serial killer and necrophile, was found guilty and subsequently executed through *R. v. Christie* (1953). The volume of ethical issues displayed here is indescribable and can never be rectified, despite Evans being granted a posthumous royal pardon. This shows that playing the role god and deciding an individual's fate can be so problematic.

The case of Ruth Ellis caused tremendous controversy 'in 1955, [as Ellis], a mother of two was hung for murder, despite a huge public outcry, after shooting dead her abusive boyfriend' (Seal, 2014). Whilst there is little debate that Ellis committed murder, the public uproar was heavily weighted on Ellis responding in self-defence. Consequently 'the decision to sentence her to death was unpopular and hastened the abolition of CP' (Sorell, 1987:49). Pro-CP activists would propose that Ellis got her just deserts, as she single handedly prematurely ended the life of another individual.

A third prominent miscarriage of justice in the UK's history of CP was the execution of Derek Bentley. 'Bentley was sentenced to death on 11 December [1952] for killing PC Miles during a bungled break-in' (BBC, 2018). However, it was the circumstances behind the event which caused huge post-controversy. As participant A from the MA criminology FG correctly identifies, there was considerable ambiguity over the translation of Bentley's comments, the mental issues he possessed, and also that he was not the individual who fired the bullet. However, under the joint enterprise ruling in the UK, Bentley was not reprieved

for his actions, and he was sentenced to death and executed in 1953. Despite eventually being absolved and exonerated from the crime, Bentley would never know this outcome.

A final infamous miscarriage of justice was the case of James Hanratty. He was ‘convicted of the murder of Michael Gregsten and the rape of Valerie Storie at Deadman's Hill on the A6, near the village of Ampthill, Bedfordshire’ (Murderpedia, 2018). He was executed in 1962, becoming one of the last individuals in the country to perish as a result of state execution. To this day, the evidence surrounding this case is dubious at best. The UK’s CJS adopts a protocol of innocent until found guilty and guilty when evidence is beyond reasonable doubt. The evidence from this case suggests there is enough ambiguity that Hanratty may have not been the perpetrator of the crime and thus should never have been executed. Further evidence supported this argument in 1995 as ‘inconclusive DNA tests of Hanratty’s [exhumed remains were] carried out’ (Bennetto, 1997). Hanratty proclaimed innocence until his death and his family campaign of his guiltlessness to this day. The boundary between minimal doubt and zero doubt is clearly as difficult to define as reasonable doubt here, and therefore he should never have been executed.

It is fascinating that out of the 4 case studies cited, 3 were mentioned in the FG questionnaires. This shows a remarkable depth of knowledge of CP of some of the participants, as well as stark influences these cases had on the UK’s CJS. These case studies also highlight the injustice CP can create, leading to irreversible effects to the family and friends of an innocent victim.

4.2 A Question of Deterrence

Goals for punishment differ, and as examined in previous sections, the phenomenon of CP is extremely divided. Köneke (2011:2) suggests that ‘the main utilitarian reason of punishment is deterrence’ and therefore CP should only be used if proven to be an effective deterrence.

Simon and Blaskovich (2002:39) alternatively suggest that ‘research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment and such proof is unlikely to be forthcoming’. Franck (2004:43) compliments this statement, saying that CP’s ‘deterrence effect has been effectively refuted’ and therefore questions can be asked over the use of CP at all. Beccaria suggests that ‘punishments are unjust when their severity exceeds what is necessary to achieve deterrence’ (see Vold, Snipes and Bernard, 2002:18). The USA pass sentences to offenders of well over 100 years for the most serious of crimes, and use CP too, and therefore this could conceivably be suggested as excessive. The UK would need to ensure a justified punishment system in place of reasonable standards.

Despite inferences of an anti-CP attitude adopting a more moral outlook than their counterparts, a retributive stance can still be displayed under this perspective, despite the FGs not showing this in their answers. For example, the decision against utilising CP is that to some a life in prison of suffering is far worse than death. CP effectively ends the life of an offender, depending on what method is utilised, in a short space of time. This is not the case for life imprisonment. Of the current ‘59 prisoners serving whole life sentences’ (O’Leary, 2017) in the UK, including those undertaking indeterminate sentences, life without parole sentence or whole life tariffs, the vast majority of life is spent in prison. A bargain-plea between the state and the offender for complete honesty and compliance, in which the defendant gives their utmost compliance in return for a commuted sentence which is not death, does not promote a level playing field. This framework could not exist in the UK

should CP ever return. These individuals are likely to have little knowledge or experience of real life in the outside world. The mental torment, suffering and long-lasting effects lifelong imprisonment must impact on these individuals is likely to be huge and irreversible – similar to the consequences of CP. Decades in prison as opposed to a few minutes of pain – sometimes painless in some methods of execution such as the lethal injection; although this is debatable – is a choice many find so hard to comprehend. Naturally, this argument is entirely subjective. It could be argued that there is little difference between CP and whole life sentences in terms of ethics and both are of similar parallels.

It is difficult to comprehend that having a punishment in place that will end your life should you meet its criteria does not serve as some sort of deterrence. It would be incredibly naïve to suggest that CP does not serve as a deterrence at all. More likely, it will serve as a deterrence for some, and not for others. Falco and Freiburger (2001:841) suggest that it does not currently act as a deterrent due to the hesitation of some states in the USA to use this form of punishment - ‘I think if it was used more often than it would [act as a deterrence] but it is rarely used’ [sic]. Despite evidence refuting CP’s deterrence effect, surely ‘a would-be murderer will think twice before taking a life if he knows that he may well forfeit his own in so doing’ (Sorell, 1987:32-33). Many would think that this is human nature – survival. However, this assumes that all human beings adopt the same cognitive mindsight which is not true. Sorell (1987:34) suggests ‘a rational murderer might not risk it if he thought the matter over’ whereas Vold, Snipes and Bernard (2002:197) exclaim ‘homicide might be deterred by both certainty and severity of imprisonment’, although offer no evidence to support this claim. Deciding what constitutes a rational and irrational murderer is once again highly subjective. Many would question as to how a murderer could obtain any rationality. However, some offenders can be calculated, organised and methodological in the act of their

crimes – many ‘serial killers and rapists, no matter how bizarre they may seem, have a very practical modus operandi’ (Felson and Santos, 2010:59) whereas others are more careless, unorganised and erratic. In essence, defining rationality and irrationality is impossible.

It also must be appreciated that ‘there are significant numbers of people who want to obey the law because it is the law. If something is illegal, that has a deterrent effect all on its own’ (Hari, 2015:266) and therefore it must be appreciated that large numbers of deterrence statistics are because people obey the customary laws of society. As a result, it is not possible to be definite with any claim about CP’s deterrence effect, or lack of. As such, much research on deterrence and CP is complete conjecture with questionable claims. This may skew statistics, and these are not always what they appear, often containing extraneous variables as to the reason for their final figure. Whilst the majority conform to Hari’s framework, this is not the case with all people as demonstrated by the presence of offenders in society. These people may have no reason for crime other than that they may receive a thrill of breaking the law. This is perhaps the most disturbing concept to comprehend.

CP could potentially be employed as a temporary pilot scare mechanism to combat current moral panics in the UK, to test its deterrent effect. Similar to the concern across much of the world surrounding the USA’s gun crime, the UK is currently struggling with knife crime in 2018; ‘knife crime hits a 6-year high’ (Webster, 2018a). If CP was used for those convicted of multiple serious knife crimes, it would be interesting to see if CP acted as a deterrence due to its severe consequences. Whilst this policy may have proved unsuccessful in the USA in terms of their problems with guns, societies can react differently under circumstances. Due to the extensive absence of CP in UK’s society, undoubtedly this would cause some impact. Whether this would reduce knife crime can only be hypothetical for the time being. A similar

stance could be used against the perpetrators of acid attacks to continue the narrative of promoting desistance, with severe consequences to those who do not obey.

A cost-benefit scenario can show why CP may be problematic should it return to the UK. Hypothetically, if a man rapes a woman knowing that he may face CP if apprehended then this may create incentives to kill the only witness present – the woman he raped. CP in this instance has the reverse outcome of what you may expect. If a man commits rape and subsequently does not murder, there is a chance he will be caught and punished by death. CP in this instance could actually make society more dangerous for innocent members of the public. Therefore, if the UK did decide to reinstate CP, then this risk must be considered. A conflict between deterrence and revenge is illustrated here.

(Sorell, 1987:33) displays evidence that CP reinstallation in the UK may bring about positive change for deterrence as ‘figures for murderers in 1964 was 296. In 1980, the figure was 620’; a noticeably higher figure. As previously mentioned, CP was last used in the UK in 1964, and as the crime incidence has more than doubled, it begs the question as to whether CP does in fact act as a deterrent. Whilst this may be a casual claim as a result of coincidence, it alternatively could be a correlation or causation proving CP can act as a deterrent. Doubters may suggest that the UK’s contemporary CJS is of a far more punitive landscape, and that the perceived crime drop has proven that this increased punitiveness is a deterrent in it itself and not a consequence of the removal of CP.

4.3 Monetary Concerns

Despite claims that CP returning to the UK would be a positive in a monetary sense, there are also assertions of its negatives as well.

Those unfamiliar with the judicial system with respect to a death row framework may not understand the time-consuming, uncertain and costly process of before, throughout the duration of a sentence and ultimately the execution that death row ensures at its termination. In reality, in regard to the defendant, 'there must be prosecutors to oppose them, cops and other investigators to put the case in shape for trial, judges to hear the matter, probation officers, mitigation experts, usually a couple of shrinks, court reporters, and transcripts' (Turow, 2003:61). This statement is absent of the usually lengthy and expensive period of incarceration, if convicted, the offender faces whilst awaiting execution, which can be years.

Contemporary studies have demonstrated the severity and excess of money that is applied to CP in the USA. Falco and Freiburger (2011:846) found 'that the average cost per execution is between \$2.5 million and \$5 million. This is 2.5 to 5 times more expensive than the cost of keeping an offender in prison for their natural life, which, on average, costs \$1 million'. Therefore, financially, due to the average cost, execution does not make sense. Participant D from the non-MA criminology FG rejects this statement suggesting it costs a lot of money to keep people in prison, questioning why tax-payers should pay for offenders to stay alive and live an ok life.

Another study from the USA found that 'a DP trial and the first round of appeals cost an average of \$1.8 million, which is twice as much as keeping a prisoner locked up for life' (Franck, 2004:42). Appeals and the call for clemency are problematic due to their costs and that often appeals can be utilised until the day of execution, resulting in a stay of execution if

successful. Naturally, this slows down the process, causes mass distribution within the CJS and legal proceedings, alas proving that the USA currently adopts a disjointed and inefficient system. Whilst appeals are necessarily to a certain extent, to remove the possibility of ever executing an innocent individual, this clearly needs to be limited on how many individuals can obtain if CP was to return to the UK.

A problem of CP derives from an unequal and dystopian CJS. ‘The risk of being sentenced to death is considerably less if you can afford a good lawyer or even several’ (Franck, 2004:42), as exemplified by the O.J Simpson case in the USA, where significant evidence pointed towards a guilty defendant. However, by the power of wealth and perhaps fame, Simpson managed to avoid CP. Had Simpson not had access to the money to afford well-trained and heavily experienced lawyers, he may be no longer be alive. This bourgeoisie versus proletariat structure of the CJS in the USA and UK, highlights clear status disparities, creating an unequal system of law. As CP may be the ultimate punishment, there must be an equal playing field if it was reintroduced to the UK – this is currently not the case. A recent documentary, *Youngest US Women on Death Row* (2018) suggests that ‘1 in 25 on death row is innocent [and] 75% can’t afford lawyers’ in the USA. Individuals can pay bonds, which vary depending on crime severity in the USA to release an individual on bail. Many are absent of the wealth to pay these bonds and thus further widens a disjointed system. This must be avoided if CP returned to the UK.

As mentioned previously, if these claims of monetary concerns were proven true in respect to the UK, then this is likely to be the main reason of CP not returning.

4.4 Public Disapproval

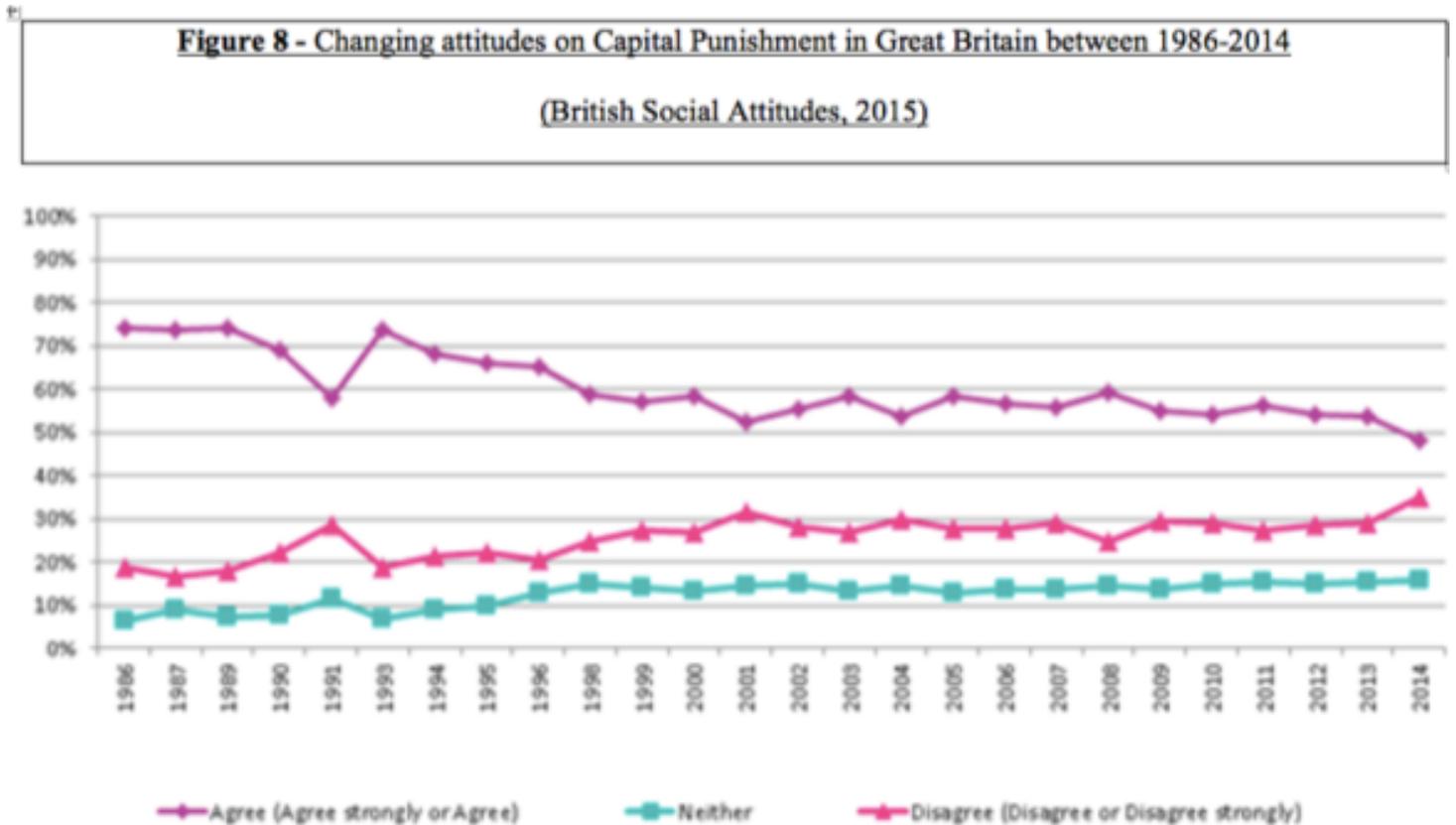
Whilst there is research that demonstrates evidence of some public approval and possible support for reinstatement of CP in the UK, there is evidence of those who are not so keen and that it degrades society. Powell (1989:1046) suggests that in the USA, ‘legislatures should take a serious look at whether the retention of a punishment that is being enforced only haphazardly is in the public interest’. An accurate representation on a serious matter such as CP is essential, as the CJS effectively serves as a body of protection, and if this is not being conducted consistently, this needs urgent investigation. Should CP return to the UK, haphazard enforcement would not be acceptable.

Examining Figure 7 gives a perspective of different viewpoints on CP globally. Whilst these statistics were recorded in the millennial year of 2000, it does give rough indications of the different ethical frameworks alternative continents display. All continents minus Latin America and Western Europe favour CP. The rare comprehensive nature of this relatively modern study shows the extent to which Western Europe, comprising the UK, and North America, comprising the USA, differ on their viewpoints on CP. This perhaps increases evidence suggesting an unlikely return of CP in the UK in the near future.

Figure 7 - A Comparison of Different Continents Viewpoints on Capital Punishment
(adapted from: Simon and Blaskovich, 2002:38)

	Favour:	Against:	Not Sure:
Total/Average	52	39	9
North America	66	27	7
Southeast Asia	63	21	16
Eastern Europe	60	29	11
Africa	54	43	3
Latin America	37	55	8
Western Europe	34	60	6

A recent survey from the British Social Attitudes (2015) also advocated a lack of support of CP in GB - ‘support for the DP fell below 50% for first time’ since records were kept – see Figure 8.



This was an unexpected finding as, historically, it was believed that pro-CP had a public majority. Previously ‘criminologists and a majority of the public were on opposite sides of this issue’ (Hopkins-Burke, 2013:490). However, this finding suggests this gap is closing. This statement is validated from the FG questionnaires, showing that 60% of MA criminology participants were against CP, in comparison to only 20% of non-MA criminology participants. This survey is similar to the Gallup Poll conducted annually in the USA that grasps individuals’ views on CP. Whilst the USA still display a majority backing for CP, ‘support for the DP has dipped to a level not seen in 45 years’ (DPIC, 2017). Despite

this, the USA face the battle that ‘strong public support can sway legislators to vote in favour of the DP and against any statutes seeking its repeal’ (Falco and Freiburger, 2011:830) and so whilst the USA still favour CP, this is likely to continue. Although this was overcome in the UK, the USA is far larger, comprising 50 states where CP ‘is legal in 31 states and illegal in 19 states’ (ProCon, 2018). The battle for complete removal of CP in the USA will be much tougher in comparison to the UK due to the country’s sheer size and massive population. However, it is difficult to compare its significance to the UK as the USA has demonstrated on multiple occasions that it operates as a lone wolf in its decision making and actions. Both countries clearly adopt entirely different morals and ethical standards. It remains to be seen if one of the only global westernised countries that still uses CP will continue to show a decline of its support. If a country dismisses CP, it’s chance of returning is virtually nil.

4.5 Other Reasons

Non-CP methods can also prove to be brutal, and therefore many believe justice and pain can still be administered in this sense. Punishment is necessary and ‘is justifiable because only through punishment can the harm done to the victim be properly acknowledged, the wrongdoing adequately vindicated, or the moral responsibility of the offender respected’ (Canton, 2017:9). Whilst it is important to punish wrongdoings, no CJS administers justice if CP is undertaken from this perspective.

An example of brutal punishment is that towards Charles Salvador, previously Charles Bronson, who is one of the UK’s longest serving and most infamous prisoners. Salvador is 1 of ‘over 50 of the most dangerous men in the prison system [who] are held in the CSC system’ (Webster, 2018b) and has been in prison for ‘41 years, 37 [of which] in solitary

confinement' (Vonow and Rogers, 2018). The mentally agonising and severe psychological effects solitary confinement would cause is likely to be extensive, considering the length of time spent in a secluded and lonely environment. Anti-CP activists may see this as a far superior choice for those who have committed the most serious crimes. Harsher sentences may be advocated as an alternative to CP such as creating tougher living conditions for offenders. For example, a possibility of an increased emphasis on solitary confinement, consisting of no visits or privileges; demonstrated by participant E from the non-MA criminology FG, whole life tariffs and those sent to high-security Category A prisons. Alternatively, virtually inescapable prisons, which mirror much of what Alcatraz in the USA promoted, could be opened to house the 'exceptional risk Category A prisoners' (Travis, 2014), who currently reside at HMP Belmarsh . The in-essence double Category A inmates live in a prison, within a prison which makes escape and the possibility of harm to others extremely tough for these individuals.

Looking at CP theoretically can also produce some concerns about its usage. Hall and Winlow (2015:19) propose 'that environmental conditions can switch on various genes that would otherwise remain dormant'. The socio-biological theory suggests that there are elements of determinism and pre-destination behind why individuals may commit crime in the presence of precise environment conditions. Emphasis from this perspective is likely to focus on rehabilitation and reform as opposed to CP due to a lack of control of their actions. This could be closely linked to those with mental deficiencies in that sense.

A method that could be used as an alternative to CP in the UK in relation to serious offenders, in particular sexual offenders, is surgical castration. Chemical castration is currently legal in the UK in which a drug reduces libido and testosterone. However physical

castration, in all likelihood, would cause uproar amongst human rights activists, and therefore seems an unlikely alternative. This would be similar for the argument of testing drugs on the worst offenders rather than animals.

Research has found that CP is not applied fairly in terms of class, race and gender. Bernard, Snipes and Gerould (2010:8) suggest that ‘wealthy and powerful people who kill are less likely to be arrested, tried, or convicted or are convicted of a less serious offense and given a more lenient sentence’, creating an unlevel playing field. Alternatively, Robinson and Green (2010:203) believe that in the UK ‘blacks continue to experience discrimination’ demonstrated by its policing - ‘stop and search [is] eight times more likely to target black people’ (Dodd, 2017). The suggestion of an institutionally racist or colour-blind society would not work if CP was to be reinstated in the UK as it would be applied unfairly.

It may also be inferred that should CP return to the UK that males are more likely to be executed than females. Current prison population statistics from August 2018 show a male to female ratio of ‘79,385 – 3,780’ (HMPPS, 2018). Whilst some may argue of a sexist CJS, Braithwaite (1989:44) suggests that ‘crime is committed disproportionately by males in most, if not all, societies’ and so subsequent punishment is deserved. However, this should not mean that the CJS look at males from a biased perspective, and each case must be taken on an individualistic basis. There have been very few successful female serial killers in the UK’s history, which further suggests that males are maybe innately more deviant than females.

Furthermore, it appears that there is an isolation of the working class who are stigmatised and stereotypically referred to as the criminal class – a hugely generalised statement and cannot be applied unanimously. This completely ignores socio-demographics, upbringing and other

influential matrixes. If CP was to return to the UK, then rigorous controls would have to be employed to ensure of its impartial application.

The crux of this argument originates to the jury system who decide the fate of the defendant, and the judge who directs the jury. The FG questionnaires found that 100% of MA criminology and 60% of non-MA criminology participants suggested that the jury system does not employ a robust enough approach – a problem if CP returned to the UK. This is a worrying finding as there is no room for prejudice in the CJS, and the jury system must be re-evaluated and reliably applied consistently. Participant C from the non-MA criminology FG suggests an extra tier for juries should CP return to the UK to ensure an increased representation of the public. A unanimous verdict is unquestionable in the case of CP.

5.0 Discussion - Is there an Element of Uncertainty Surrounding Capital Punishment?

Clearly, from the evidence displayed from both for and against perspectives, the crux of the CP argument derives from subjectivity, creating many alternative opinions, leading to uncertainty. Turow (2003:24) even suggests that ‘many of us often feel a visceral attraction to both positions’ creating convoluted cognitive mindsets and confusion, creating changes of opinion on CP – something the researcher experienced themselves. Without looking at CP in-depth, which the majority do not, it is not surprising that there is an element of uncertainty surrounding CP in the UK’s public sphere. For example, literature promotes both positive and negatives of CP’s deterrence effect and its monetary benefits or drawbacks. Furthermore, in many cases the literature is neither explicitly for or against CP, instead putting both arguments forward. Consequently, this creates unconvincing arguments lacking direction.

Justice is key to the uncertainty. Currently, it is fair to say that justice is measured by those who run the country – the monarch, the governmental departments and the Conservative Party. The UK’s democracy, in this sense, can be seen positively because it reduces possibilities of an ultranationalist power vacuum dictatorship and fascism regime. A problem with justice is that quick justice is demanded after shocking crimes such as murder have been committed, by family and friends of the victim and also the public. Unfortunately, justice is not a quick process and cannot be expedited – you are innocent until proven guilty in the UK. There must be ‘sufficient evidence to charge an arrested person with an offence’ (Wilson et al., 2011:197) and so criminogenic accusations must be dealt with correctly and seriously. If CP returned to the UK, it is likely the process of justice would be lengthened due to the irreversible consequences of a wrong decision.

Justice is different for everybody and is virtually impossible to measure. To some, justice is just out of reach and to others it may never be achievable. For others, justice is ‘deferred and always to come’ (Reynolds, 2001:31) – a Derridean position. It can be probed as to whether it is possible to achieve unanimous justice or justice for all. For example, during the process of when a law is passed, a voting process occurs whereby the most desired result wins overall. However, whilst democracy provides a voice and an opportunity for everybody to vote, apart from those below the age of 18 or serving a prison sentence, there is never a 100% unanimous acceptance across all voters. This would be identical if the possibility ever arose of a vote of CP being reinstated in the UK. However, if CP was ‘to be reintroduced, if it is the view of a majority, [there must be] no exception’ (Sorell, 1987:39).

Suicide before arrest, whilst awaiting trial, or whilst in custody eradicates justice from being served. Braithwaite’s (1989:120) theory of reintegrative shaming claims that ‘the ratio of murderers who committed suicide before being arrested to all convicted murderers might be a proxy for the presence of shame in the culture’. Many people are so ashamed of their actions or are afraid of being publicly shamed that they feel the only option is to take their own life. However, justice cannot be served for neither the state, the victim or neither the victim’s or perpetrators family. Participant B from the non-MA criminology FG questions the difference between the state taking a life and suicide. However, it can be argued that people lose the right to life control the minute they commit a monstrous crime. Whilst suicide may end the torture of life imprisonment, or never having to experience CP should it return to the UK, it could be argued that the act of taking your own life may be worse. Suicide may be more painful emotionally and physically, almost certainly carrying elements of regret, than execution methods the state deploys. However, suicide involves control which offenders do not have through CP. It is clear suicide creates more injustice, leading to more uncertainty.

The issue of self-defence in the UK is also an unclear concept as you ‘can use reasonable force to protect yourself or others if a crime is taking place inside your home’ (HM Government, 2018b), but there is no definition of what reasonable force constitutes too. As a result, should the discretion of the CJS decide an individual’s use of reasonable force is excessive, and CP was installed under the correct circumstances, then the governance and sovereignty of the UK seems uncertain in this instance. This highly contrasts the USA where ‘you have a right to shoot them while they are in the process of breaking in, if you fear you will lose your life’ (Sottile, 2014). Therefore, what constitutes murder can differ and is uncertain in both countries.

Undoubtedly, the uncertainty CP currently conveys to the public is stark causing CP to become a dangerous mechanism to society.

6.0 The Conclusion: Should and Will Capital Punishment Return to the UK in the Future?

To conclude whether CP will return to the UK in the near future is relatively straight forward – no it certainly will not. Whether it might in the distant future is uncertain. Whether it should, is also entirely subjective. It appears from the research gathered that even with support from the public and those who work within parliament and the CJS, that it would be a tremendously tricky task to achieve to reinstall CP to the UK. With the Council of Europe attempting to promote worldwide abolition of CP and European pharmaceutical companies refusing to supply drugs for the lethal injection, it appears maybe now more than ever that CP reinstallation is becoming increasingly unlikely.

Undoubtedly, large numbers of legal hurdles would have to be overcome if CP was ever reinstated in the UK. There is some hope to those who adopt a pro-CP doctrine as a result of the bill presented to parliament in 2013-2014. Whilst this did not succeed, it is clear there are powerful individuals within the political sphere who are still pro-CP. Previous failures should not mean a complete withdrawal for CP activists.

The huge influx of social-media based platforms can produce positives for CP. Due to the vast wealth of resources online, people are now increasingly conducting their own educated research, leading to accurately informed opinions, as demonstrated by the non-MA criminology FG responses. This increased narrative of independent research is most certainly optimistic. However, this needs to continue in greater magnitudes. If so, it is perhaps more likely that people will stand up and challenge others which will benefit possible CP reintroduction in the long-term.

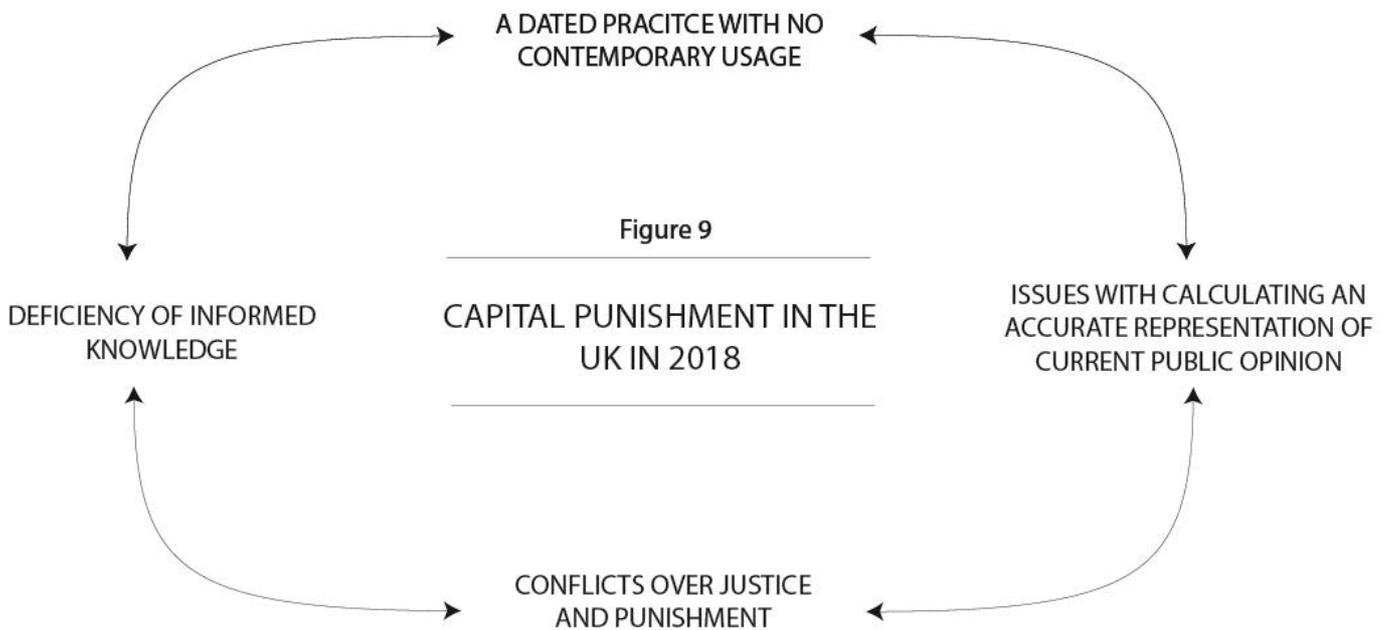
The main issue with CP is clearly the moral and emotive ethical dilemmas this form of punishment carries – in particular wrongful executions. Even the strongest CP advocates are likely to understand these issues and this will always be a stumbling block for its reintroduction into the UK.

Whilst the economy of pain lens is a crucial argument to CP, it is ultimately subjective to the society, the environment and its people. Subjectivity is clearly the nexus to this highly debated argument and has been a common theme throughout the dissertation, with the utilisation of an interpretivist stance, in particular, proving notably successful. It is clear from the evidence mentioned that the vast majority of the CJS is astoundingly subjective and therefore surely begs the question as to whether CP can function in the UK's society.

Alternatively, much of life is subjective, and the world would not operate if subjectivity did not exist, and therefore it is essential to society and must be embraced. In this respect, it would make complete sense to reintroduce CP to the UK.

There are many other issues that could have been explored to aid the answer of whether CP will return to the UK the future, which were not evaluated extensively within the dissertation. For example, Switzerland's popular practice of euthanasia or controlled killing, homicide in the act of war or combat and the perspective of martyrs and CP. Unfortunately, not everything could be mentioned.

A model created by the researcher for the purpose of this project, see Figure 9, displays the current narrative of CP in the UK in 2018. The spiralled cycle embodies CP’s contemporary uncertainty within the public and the CJS. Despite some extensive knowledge from the FGs, there were those also who knew little on the phenomenon. Increased knowledge on crime in general, will aid knowledge on CP usage globally, which can help individuals create their own opinions on justice and punishment. Consequently, it will be easier to calculate an accurate representation of the current public opinion of CP in the UK.



It is difficult to give a conclusive answer of what the UK should do to address the large number of factors that are currently problematic within its CJS. These problems can clearly influence individual cases, and until these are adequately addressed, this cycle will continue and CP cannot be reinstalled safely into the UK’s society.

Whatever the outcome of CP’s future in the UK, families and friends throughout the country continue to have lifelong and irreversible change after crimes that would likely be eligible for

CP should it be re-legislated. Anti-CP protestors will tell you further death is not necessary, whereas pro-CP protestors will argue the opposite. CP reintroduction to many would create a safer society, should its procedure be as close to 100% impermeable as possible. CP to others would lead to the deaths of further innocent individuals. The thought processes of both perspectives are largely misunderstood, and do not necessarily embody a sadistic or a lenient mindsight. Irrespective if you agree or disagree with CP, all opinions must be respected, whichever end of the spectrum your opinion relates to.

The truth is there is no universally accepted opinion and there will never be unanimous solidarity or rapport on CP. Whether CP is a macabre method of revenge, a justified method of execution or something totally different is completely subjective. It is therefore important for you, the reader, to do your research and make a decisive decision within your mind on what your opinion is on this controversial subject. The FGs validated this importance, and one day you may have to make an important vote on this decision in the capitalist and democratic society of the UK. What cannot be argued, is that it is plain to see that CP is an enigma which will continue to divide future generations for years to come.

Society is not perfect. As human beings, not everything can be controlled and freedom and liberty must never be taken for granted. Many that live deserve death, and many that die deserve life and even if CP returned to the UK, this would still be the case. Society must embrace and understand this philosophy and do its best as a culture to combat the worst perpetrators of all. The methods of punishment and justice will likely always be a divided and blurred event. Make your decision.

7.0 Recommendations

This has been a thoroughly enjoyable and very rewarding piece of research, achieving far more than initially expected. It has been exciting, as a researcher, to analyse in-depth literature and FG responses on a whole range of alternative viewpoints on this controversial topic.

It is with hope and expectation that this project can be of some influence on the criminological community and contribute positively to social science, potentially motivating others to conduct research on CP. There is currently a large gap in social science regarding CP in the UK and modern criminology has undoubtedly been waiting for a piece of contemporary research which displays a neo-perspective of CP, and this research has produced that.

There are aspects which the researcher has found within this project that could be improved on in the future by other researchers. There are some important recommendations to those who continue research on this split and forever evolving phenomenon.

The use of FGs was a very important factor to this research as it contributed additional material to the literature provided, containing some extremely adept and detailed answers, which aided the motivation of the researcher to continue to push to greater depths to find out more about CP. It is recommended for the conduction of larger-scale studies in the future, increasing sample sizes as far as possible to improve the studies value through increased representation and generalisability.

It cannot be stressed enough that when researching the possible future of CP in the UK, that history cannot be forgotten; ‘some arguments that were made in the past have been entirely discredited or even forgotten today, while our current debates contain arguments that would be utterly foreign to denizens of earlier decades’ (Steiker and Steiker, 2010:645). The UK may have experienced a completely different culture had CP not previously taken place, and society must understand why and how CP was initially introduced and subsequently abolished, if it was ever to be reintroduced to the UK.

It is acknowledged that there was a large emphasis on the USA in this project, and although this was not ideal, there was little alternative. The same regularity of literature was not apparent in the UK due to the ignorance of research in contemporary academia. If the continued narrative of contemporary studies such as this project, shed light on the current position of CP in the UK’s society, then it can only be a positive for its understanding, with less emphasis then placed on using the USA’s research. There are limited contemporary public opinion polls on CP in the UK and therefore this is only going to decrease CP’s perceived value, relevance and importance to newer generations, if not addressed.

Government funded initiatives could help tackle this issue. This recommendation is crucial as government initiatives are likely to have the financial resources and capability of achieving a comprehensive and modern understanding of CP in the UK in 2018, that self-funded initiatives are unlikely to achieve. An improved narrative of public opinion on CP in 2018 needs to be gauged before CP can move forwards or backwards in society.

As a consequence of its uncertain position in the UK’s society in 2018, CP is ‘probably the gravest real-life problem in the law’ (Turow, 2003:11). Until this is addressed with vast

quantities of research and resources, this is likely to continue. However, it is with hope that an emphasis on future substantial research on CP in the UK has just begun.

Appendices:

Appendix A

Researcher's Reflexive Log

Why choose CP as subject of research?

10/11/17

CP is a subject of which the researcher is very passionate about, partly due its effective ignorance in modern society. It is fair to say that opinion on CP's usage is widely divided globally and many do not even have an opinion, which is why it is so important to conduct research from a contemporary perspective. CP effectively removes the only existence you ever experience, in the researcher's personal opinion, and therefore it should only ever be used under the correct circumstances.

As a passionate MA criminologist, the researcher believes that there are certain members of society, all be it a vast minority, whose existence should be severed. For example, in the case of pre-mediated, cold-blooded murder, why should an individual who has murdered another, have the right to live whereas the other person's life has prematurely ended? These murderers still live in hope that one day they may be released, when in reality, all hope should be ended by administering CP. Offenders can manufacture innocence through many appeals and lawyers which consequently is hugely problematic and expensive.

Researchers changing opinion on CP

05/01/18

It is important to state that the opinion of the researcher has changed on CP countless times with the positives and negatives of this approach frequently weighing against one another. Currently, the researcher is possibly of the most certain mindsight they have ever been about pro-CP usage. However, the researcher is open to change and thus will attempt to write as clearly and concisely as possible from an unbiased perspective. However, the researcher has chosen to adopt an interpretivist and epistemological perspective, as positivism adopts an approach of complete objectivity which the researcher does not believe can ever be fully achieved. An interpretivist approach, consisting of perceived epistemological knowledge, allows some subjectivity, which the researcher believes is important in the analysis of the FG results. To ensure a fair and coherent argument, a balance had to be ensured between the researcher's criminological background and knowledge of what works and what works best versus their personal wishes on bringing CP back into the UK's society, as well as the literature collected and the FG responses.

The researcher has frequent conversations with family and friends on their own opinions on the subject which is fascinating to listen to – whether they agree with CP or not. The researcher often takes notes during these conversations to gauge different individuals' opinions on CP to broaden their knowledge. Everyone is entitled to their own opinion and its diversity makes CP such an interesting subject to investigate.

If contemporary studies such as this project, promote some positives of CP back into contemporary UK society, then it can only be progressive to those who also adopt a similar perspective in the sphere of this highly debated topic.

Appendix B

Participant Information Sheet and Informed Consent Form

Questionnaire on Capital Punishment:

Purpose: The purpose of the research is to gain an insight into different individuals' mindsets and opinions on capital punishment, and ultimately whether they believe it could ever be reinstated within the United Kingdom.

Procedure: You will be asked over e-mail about completing a questionnaire about capital punishment in the United Kingdom. In the case of MA criminology participants, the researcher and the participant will be directed to a secured classroom. The researcher will hand you, the participant, the questionnaire, and you will be asked to complete it. For non-MA criminology participants, a private room in the students' union will be the environment for the completion of the questionnaire. Participants can take as long or as short as they wish to answer the questions.

Ethical Considerations: Participation is completely at the discretion of the participant and therefore no-one will be pressured. However, participants offering their services to complete the questionnaire will be encouraged to answer all the questions to the best of their ability. Participants can withdraw data until 2 months (60 days) post completion of the questionnaire. All data gained from the research will be kept completely confidential outside of this project, and participants will be referred to as participant A and participant B, for example, to ensure anonymity. The data will be used for the sole purpose of the researchers MA Dissertation and

will be destroyed upon the completion of this work. All data will be kept in a secured safe and location, plus additionally, it will be stored as encrypted files.

Statement of Consent:

I have read the information above and understand the purpose of the research and my part in it. I have asked any prior questions before the completion of the questionnaire, and these have been answered to my satisfaction. I understand I have the right to withdraw my data during the questionnaire, or up to 2 months (60 days) prior to the completion of the questionnaire. I consent to participate in this study.

Name of Participant: _____ Date: _____

(please print in block capitals)

Signature of Participant: _____ Date: _____

Name of Researcher: _____ Date: _____

(please print in block capitals)

Signature of Researcher: _____ Date: _____

Thank you for considering participation in this research project. Your contribution is greatly appreciated.

Appendix C (Crotty, 1998:5)

Schools of Thought Paradigm

Epistemology	Theoretical perspective	Methodology	Methods
Objectivism Constructionism Subjectivism <i>(and their variants)</i>	Positivism (and post-positivism) Interpretivism <ul style="list-style-type: none"> • Symbolic interactionism • Phenomenology • Hermeneutics Critical inquiry Feminism Postmodernism <i>etc.</i>	Experimental research Survey research Ethnography Phenomenological research Grounded theory Heuristic inquiry Action research Discourse analysis Feminist standpoint research <i>etc.</i>	Sampling Measurement and scaling Questionnaire Observation <ul style="list-style-type: none"> • participant • non-participant Interview Focus group Case study Life history Narrative Visual ethnographic methods Statistical analysis Data reduction Theme identification Comparative analysis Cognitive mapping Interpretative methods Document analysis Content analysis Conversation analysis <i>etc.</i>

Appendix D

Focus Group Participant Questionnaires

Dissertation Participant Questionnaire's (please ensure all answers are your own)

Participant A (MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Whilst having no direct experience of capital punishment, I am aware of some of the historical applications and existing use in some countries around the world. This is primarily gained through news reports and background reading.

2. What is your opinion on capital punishment? Please choose one answer
 - a) For
 - b) Against - X
 - c) Not Sure

Please expand your answers here as to why you have these opinions.

I am against capital punishment. There is an underlying assumption that the offence is so severe that only the death of the offender can protect the public or serve as adequate penalty.

There is no allowance for rehabilitation or reparation. In effect, we are giving up on the offender as a completely lost cause. Capital punishment is often portrayed as satisfying the needs of the general public in terms of revenge with news outlets feeding this 'blood lust', which has little to do with democracy or justice. The taking of another person's life is viewed as the most serious of crimes in most cultures with murder being the most common offence in modern times to attract a death sentence. The morals underpinning this view appear right and justified to me, but having considered this, how can we reconcile the state-sponsored taking of a life? This undermines the moral stance taken in passing the sentence. The final point here is that capital punishment is irreversible. Once the sentence has been passed, there is no room for further appeals, reviews or correction of miscarriages of justice.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

No, I do not believe that capital punishment will ever return to the UK, or most other western European countries. Countries that continue to use this are continuing long held legislative models. I'm not aware of any countries who have introduced, or reintroduced capital punishment in modern times. I do not think that there would be sufficient support in the UK from the populace for its reintroduction and I also think that it would be political suicide on human rights for any government to try to introduce legislation to force this through.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence

- b) Retribution
- c) 'Just Deserts'
- d) Public Safety - X
- e) Monetary reasons
- f) Other (please expand)
- g) None of the above

Most crimes punishable by a death sentence involve the taking of a life and many of these are spontaneous or crimes of passion. There is no evidence to suggest that capital punishment works as a deterrent. Retribution and Just Deserts speak more of revenge than justice and monetary reasons can never be grounds for executing someone. Given this, public safety can be the only grounds for capital punishment.

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

As discussed above, the taking of an offender's life can only be considered in the most serious of offences. The only reason I can see for an execution is for public safety. As an example, consider Osama Bin Laden, who was effectively executed by the American military (without a trial) and his body dumped at sea. I understand that had Bin Laden been taken for trial or had he been incarcerated he would have been a focus for further atrocities in attempts to free him. Similarly, had he been given a burial on land, then he would have become a martyr and his grave a focal point for terrorist pilgrimages. His assassination and disposal probably

saved countless lives in terrorist attacks, so logically it makes sense and I raise no objection here, but I would point out that it is only morally and legally acceptable under the conditions of war or combat. The same conditions do not apply in civilian settings and struggle to find a moral foundation.

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

The case that comes to mind is of Derek Bentley, who was convicted and executed for the murder of Police Constable Sidney Miles in the early 1950s. As I recall the case, Bentley was committing a burglary with an accomplice, Christopher Craig. It was Craig who carried a firearm and it was him who fired the fatal shot, but at the age of 16, he was too young to

hang. Bentley was alleged to have made a comment along the lines of, 'Let him have it Chris.' Arguably, this could be interpreted as an instruction to shoot or to hand over the weapon. The prosecution claimed the former and Bentley was convicted and executed for murder. Following campaigns, Bentley's conviction was quashed in the 1990s and he received a posthumous pardon. There is clear evidence of Bentley's criminality, but the evidence alleging murder was tenuous at best. Once the sentence was carried out, there was no opportunity for this miscarriage of justice to do anything more than clear Bentley's name after his death.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

The current system in the UK for indictable offences places a burden on juries to attribute guilt or otherwise on an offender. This can lead to a reluctance to pass a guilty verdict, especially if the potential or mandatory sentence is death. A related example can be considered through deaths caused by the driver of a motor vehicle. In many cases, there is clear evidence of manslaughter and this used to be the charge proffered, but it became apparent that many jurors, presumably being motorists themselves, had great reluctance in passing a guilty verdict. This became so apparent, that legislators had to introduce a new, specific offence to cover these circumstances (causing death by dangerous driving), but in essence, this is simply manslaughter using a motor vehicle.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

It's important that a full and complete debate is exercised on a subject such as this, but it's equally important that all views and opinions are influenced by and based on solid evidence. Moral and ethical values are often intrinsic to a person and shaped by both nature and nurture, but these can be influenced by experience and knowledge.

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

I think it's important for everyone to have an opinion on capital punishment, but it's important to recognise that anyone working within the CJS does so without favour or bias. This means that privately held views should not over-ride the law of the land and anyone within the CJS must be accountable and their actions informed by policy and legislation.

Participant B (MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Yes – I know that it is illegal in the UK but legal in various US states – the offenders are placed on death row and are not told when their ‘death date’ will be until the actual day when they are allowed one final meal and are normally given the lethal injection. There has to be an audience that watch through a screen as well.

2. What is your opinion on capital punishment? Please choose one answer
 - a) For
 - b) Against - X
 - c) Not Sure

Please expand your answers here as to why you have these opinions.

I think ‘an eye for an eye’ is wrong and I think once you start to use capital punishment there is the serious question of where you draw the line as to what an offender has to have done in order for them to warrant capital punishment. I also think it is almost an ‘easy’ way out where they do not have to deal with their crimes and the consequences. I understand the cost of capital punishment is also not a sufficient reason – some people may use the argument of costs of housing a prisoner, however, my understanding of holding a prisoner on death row and then giving them

the lethal injection is far greater than a regular custodial sentence. I also think it is an out-dated punishment and the CJS should be looking forward rather than backward.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

No – I think if it was going to then it would have been done already. The backlash – media and political (riots etc.) – would be too great and no one would want to be known as ‘that person’ who re-introduced capital punishment.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence – X
- b) Retribution
- c) ‘Just Deserts’
- d) Public Safety
- e) Monetary reasons
- f) Other (please expand)
- g) None of the above

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an

explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

This reiterates my point of 'where do you draw the line' – what crimes constitute taking someone's life. What about a combination of crimes just below the line?

Wrongful convictions and previous convictions? Does someone who commits murder once (perhaps through self-defence) make them bad enough a person for them to be killed over someone who is a serial rapist (if the line is drawn above rape below murder)?

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

I know there have been several cases of wrongful convictions for capital punishment – I do not know which are from the UK and which from America and I do not know a huge amount of details regarding the cases. There was a Netflix documentary and book written about one man and there are also various other cases regarding wrongful convictions for various other crimes, which I think should also be taken into consideration.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

Yes – juries and judges vary in their opinions and punitiveness – e.g. one jury/judge may sentence someone to capital punishment that another wouldn't which does not work when factors such as someone's life are taken into consideration

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes – these are my concerns

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

I think a lot of people have almost 'forgotten' about capital punishment and that it is not as widely discussed as it has been previously, perhaps. I think it would be better for them to have a distinct opinion, however, some people do say they are not sure whether they do agree with it or not and, as capital punishment is not legal in the UK and in my opinion will stay that way, I do not think that it is as significant or prominent an issue as, perhaps, restorative justice (or another contemporary CJS issue) is.

Participant C (MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

I only know that it's still legal in certain countries and states in the US but don't specifically know which, and that it was outlawed in England in 1965.

2. What is your opinion on capital punishment? Please choose one answer

- a) For
- b) Against - X
- c) Not Sure

Please expand your answers here as to why you have these opinions.

I don't believe anybody has the right to decide whether a person should live or die regardless of what they may have done.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

No because there would be too much opposition to it from human rights groups and the public in general, I think the UK is too modernised to ever revert to capital punishment. I also don't believe the government would risk the potential backlash that could occur if an innocent person was sentenced to capital punishment.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence – X
- b) Retribution
- c) ‘Just Deserts’
- d) Public Safety
- e) Monetary reasons
- f) Other (please expand)
- g) None of the above

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

I think once capital punishment is an option there is a tendency to use it as a ‘tit for tat’ sentence rather than to acquire justice. I think families affected by crime lean towards being in favour of the death penalty because they think it will bring them justice when in reality taking another life wont right the wrongs already committed.

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

I am aware that there were previous instances whereby innocent people were hanged and pardoned after but don't know specifically.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

I believe the system generally works how it is now. However, leaving the fate of someone's life in the hands of untrained jury members could cause several ethical issues, at the same time allowing a singular judge to make this decision could also be problematic. I think if capital punishment were to be reinstated cases would need to

be decided upon by a variety of trained legal and medical professionals to ensure there was no risk of sentencing an innocent party.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes, I understand completely since I agree that it is morally wrong to decide whether another person should die.

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

I don't believe it's strictly necessary to have a concise opinion right now as there is currently no substantial debate over whether it should be reinstated but should such a debate ever arise it would be important for CJS employees to hold a firm stance yes, so they could set an example for everybody else.

Participant D (MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Yes - 31 states in America still have the death penalty and administer it via lethal injection. The method of using the electric chair was abolished in 2008 in Nebraska, the last state to use this as capital punishment. The death penalty was abolished in the UK in the 1960's.

2. What is your opinion on capital punishment? Please choose one answer

- a) For - X
- b) Against
- c) Not Sure

Please expand your answers here as to why you have these opinions.

I believe it is appropriate in some cases. for example, I believe offenders who have committed sexual acts against young children should not be allowed back into the community and it is a waste of tax payer money keeping them alive in prison. Similarly, if you murder someone (NOT in self-defence) then why should you be allowed to live?

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

I don't think it will happen, it was voted for it to be abolished and more and more American states are banning the death penalty so I don't think the UK will re-instate it.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence
- b) Retribution
- c) 'Just Deserts' – X
- d) Public Safety
- e) Monetary reasons
- f) Other (please expand)
- g) None of the above

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

- sexual offences against children and rape

- cold blooded murder

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection - X
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

Timothy Evans was wrongfully executed for the murder of his wife and child when it was known serial killer John Christie.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

There have been miscarriages of justice before from juries that have let their opinions get in the way, additionally there has been cases where evidence has been withheld from the jury that have led to wrongful convictions. There needs to be a 100% certainty that the individual

on trial committed the offence and if the conviction is wrong an innocent party can lose their life.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes, morally it could be argued that taking someone's life no matter what they have done makes you equally as bad and it isn't justice. Ethically, the government is there to punish and it can be suggested that the methods adopted for executions have been unethical and have been more like torture.

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

Yes - if everyone doesn't agree then this will cause more injustices within the system.

Participant E (MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

No, I do not have much knowledge on capital punishment.

2. What is your opinion on capital punishment? Please choose one answer
 - a) For - X
 - b) Against
 - c) Not Sure

Please expand your answers here as to why you have these opinions.

I think in the most serious of cases where there is no doubt that the person is guilty I think the amount you pay to house them for the rest of their life in prison is such a burden on the system. The system is unable to cope with the growing number of offenders needing prison space and I think capital punishment will solve a lot of the problems being faced.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

To a certain extent yes as there are increasing problems and I think something is going to have to change and I think if done in the right way it could be supported.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence
- b) Retribution
- c) 'Just Deserts'
- d) Public Safety
- e) Monetary reasons
- f) Other (please expand) – X
- g) None of the above

To protect the British Justice system before it is pushed to a point where it can't withstand the demand and crumbles.

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

Crimes that can occur life sentences in prison. For example, murder.

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue question 7.

- a) Lethal Injection - X
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

No I am not familiar with any.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

No I don't think the system is robust enough. As a result I think there could be numerous problems and these need to be ironed out before capital punishment can be reintroduced to the UK.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Most definitely.

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

No I don't think people need to have a firm opinion on capital punishment in 2018 as its not affecting them at this moment. However, should CP start being re-considered to becoming reintroduced to the UK then I think people need to assess where they stand on it.

Participant A (Non-MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Yes - I know about the mechanisms of death caused by the various modes of execution in the context of my job as a neurologist.

2. What is your opinion on capital punishment? Please choose one answer

- a) For - X
- b) Against
- c) Not Sure

Please expand your answers here as to why you have these opinions.

There are some crimes that are so terrible that the perpetrators have no right to life in a civilised society.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

No. Whilst the majority of the general public is in favour of capital punishment, the Houses of Parliament would never produce a majority vote for the death penalty.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer
- a) Deterrence
 - b) Retribution
 - c) 'Just Deserts' – X
 - d) Public Safety
 - e) Monetary reasons
 - f) Other (please expand)
 - g) None of the above
5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.
- The murder of a public servant such as a doctor or a police officer, crimes against humanity, ethnic cleansing, mass murder, sexual crimes against pre-pubertal children.*
6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection - X
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

Yes, there have been many.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

It is my understanding that sentencing is the role of the judge and that the judge is obliged to impose a sentence within guidelines written in law. For example the maximum sentence for causing death by dangerous driving is only 10 years – even if the offender was blind drunk, a multiple offender and had run over a group of young children on their way to school. Thus, the death penalty could be mandated in law for certain heinous crimes.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes.

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

Yes this is important.

Participant B (Non-MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Yes, I know it is not installed within the UK and is in various places over the world. Heavily documented followings of death row experiences and capital punishment is a prevalent topic in the USA, where it is legal in some states. I am aware of some of the ways the death penalty is carried out - lethal injection, hanging, firing squad, electric chair. It is a controversial subject - there are many charities and movements across the USA in particular that have a primary aim to get prisoners off death row.

2. What is your opinion on capital punishment? Please choose one answer

- a) For
- b) Against - X
- c) Not Sure

Please expand your answers here as to why you have these opinions.

Ultimately, morally, financially and practically, I see capital punishment as ineffective. The judicial system should indeed serve justice, but also pose as both a democratic and exemplary system that structures our society. Morally, I believe you cannot teach killing in wrong by killing. Financially, it is too under investigated to suggest whether capital punishment would cost the tax payer less than imprisonment. Practically, the paradox of

'justice vs deterrent' is too emotionally infused to be a justifiable reason to reinstate capital punishment. It is proven that the death penalty is not a deterrent to crime, instead, it is favoured with the argument, "if someone murdered your X, would you want them dead?" This is most definitely understandable, but too infused with biased and blinded by emotive judgement to be considered as a practical measurement within our criminal justice system. Capital punishment gives too much room for mistake, too much possibility of a power vacuum and thus a death state, too much room for society to create a very distorted moral compass, and way too much room for a governing system of dystopian hatred.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

Probably not, no. It was taken away for a reason and I believe is viewed as quite "backward thinking" now. I do think the judicial system will call for longer systems and harsher prison sentences, though.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence
- b) Retribution – X
- c) 'Just Deserts'
- d) Public Safety
- e) Monetary reasons

f) Other (please expand)

g) None of the above

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

My reasons have been pretty much stated in question 2. I believe the reinstating of capital punishment would corrupt the practical and democratic processes of society - both financially and morally.

On a more personal level, I think the potential of crimes to be punishable by death could gradually blur the way society is governed. Dystopian totalitarianism could begin to evolve under a potential death state. I also do not think there is any higher justice than your humanity being taken away but living with that robbery - better fulfilled by a life sentence with no chance of parole.

An interesting scenario: If someone murdered a loved one, would you feel better justice if you watched them serve their life in prison, or if they committed suicide before that justice was served? Is there really a distinction between capital punishment and suicide if the result is the same? Why is this satisfaction taken away by suicide? If justice feels best served by murder being administered by the state, does this not highlight murderous inhibitions within ourselves? An eye for an eye will make the whole world blind.

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

Yes, the last death penalty served in the UK was a miscarriage of justice.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

I think the jury system is most definitely a robust enough approach. It could be argued that some information or legal jargon could be administered to a jury before court, but I

believe the best justice can be served by a layman's majority - the people. The system however, I believe needs to review prison conditions and sentence lengths. The UK system would most definitely become problematic if it was reinstated - the same result of any major law regarding sentencing. Probably my biggest concern would be the conscience of a juror if they voted in favour for the death penalty. I know as a potential juror, I would find it difficult to be the means to someone's death.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

I think there are higher priorities, such as overcrowding, miscarriages of justice, institutional racism within the criminal justice system and corrupt policing. However yes, it is a very important matter that needs to be confirmed, as it would change the course of the nation dramatically should it be reinstated.

Participant C (Non-MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Yes personal reading, documentaries etc.

2. What is your opinion on capital punishment? Please choose one answer
 - a) For - X
 - b) Against
 - c) Not Sure

Please expand your answers here as to why you have these opinions.

For. Certain crimes, premeditated murder, repeat offenders, personality disorders that won't reform e.g. psychopaths. Obviously need conclusive evidence

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

Yes, but not in the short term. Would need big changes in government and a public demand e.g. after repeated terrorist attacks. Will be difficult to argue against human rights groups though.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence
- b) Retribution
- c) 'Just Deserts'
- d) Public Safety – X
- e) Monetary reasons
- f) Other (please expand)
- g) None of the above

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

Terrorism, repeat offenders, premeditated murder, child murders, paedophiles that repeat offend.

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection - X
- b) Hanging

- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

I'm sure there have been many, e.g - Hanratty.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

No. Evidence often withheld, only appears after the trial. Tend to be too lenient. Would need extra tier if considering capital punishment.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes, but some people cannot be reformed

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

Yes and public debate before more major incidents occur.

Participant D (Non-MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Yes, I have watched many programmes on the Death Penalty, such as 'Life on Death Row'. I know that it is now illegal in nearly every country.

2. What is your opinion on capital punishment? Please choose one answer
 - a) For
 - b) Against
 - c) Not Sure - X

Please expand your answers here as to why you have these opinions.

I do not agree with capital punishment due to the fact that innocent people may be killed. This is an unforgivable mistake. Additionally, if someone has committed a dreadful crime then I believe that perhaps the death penalty is the easy way out and instead they should be made to regret what they did and be tortured instead.

However, my argument for the death penalty would be that it costs a lot of money to keep people in prison, so why should we pay for a serial killer to stay alive and live an ok life.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

I can't imagine this would ever happen as it would be seen as 'inhumane' and 'going back in society to the past'.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence
- b) Retribution – X
- c) 'Just Deserts'
- d) Public Safety
- e) Monetary reasons
- f) Other (please expand)
- g) None of the above

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

For murder, especially multiple murders.

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection - X
- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

Yes, I have heard about some people who have been wrongly accused and I watched Making a Murderer which is about a man who was on death row for something he was wrongly accused for.

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

Yes, I don't think the jury is fairly representative. I think that the number of jury members would have to be a lot larger if the death penalty was on the line.

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes definitely! Particularly in the case of falsely accusing the innocent.

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

No, not necessarily.

Participant E (Non-MA Criminology Student)

1. Do you have any existing knowledge on capital punishment/the death penalty? If yes, please state what knowledge you have. If no, please move onto question 2.

Not much really. Only what I have seen on TV.

2. What is your opinion on capital punishment? Please choose one answer
 - a) For
 - b) Against
 - c) Not Sure - X

Please expand your answers here as to why you have these opinions.

Not sure. Depends on legislation in each country that wants to include it. Can surely only ever be undertaken if the crime has been proved to have been committed by that person 100%.

3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)? Please explain your reasons.

I don't really. I think it is a bit barbaric and third worldy. I believe that criminals should suffer for their sins but not forever as this is too costly for the government.

4. If capital punishment was to be reinstated, what do you believe should be the main reason for this? Please choose 1 answer

- a) Deterrence
- b) Retribution
- c) 'Just Deserts'
- d) Public Safety – X
- e) Monetary reasons
- f) Other (please expand)
- g) None of the above

5. If you are for reinstating capital punishment, what crimes do you believe these should be for? If you are not sure, or against capital punishment, please provide an explanation as to your reasons for uncertainty, or opposition of any crime resulting in the punishment of death.

If someone has killed someone intentionally then they should suffer as a result as the family and friends left behind are suffering for the rest of their lives. They should not have any privileges or visits in prison; solitary confinement.

6. If you are for reinstating capital punishment, what do you think the method of execution should be? Please choose 1 answer from below. If you are not sure or against capital punishment, please continue to question 7.

- a) Lethal Injection - X

- b) Hanging
- c) Firing Squad
- d) Electric Chair
- e) Gas Chamber
- f) Crucifixion
- g) Stoning
- h) Other (please expand)

7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?

No

8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?

I don't really have enough knowledge to comment. All I can say is from personal experience - if a lady becomes pregnant, a male's sentence may be halved - why should this be? It may be more of a deterrent to criminals depending on the 'type' of criminal. For example, some terrorists want to be killed for religious reasons!

9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?

Yes

10. Do you believe it is important for those who work within the Criminal Justice System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?

I do if they voting to change the law and include this type of punishment.

Appendix E

Focus Group Results and Analysis

<u>Question</u>	<u>MA Criminology</u>	<u>Non-MA Criminology</u>	<u>Analysis</u>
<p>1. Do you have any existing knowledge on capital punishment/the death penalty?</p>	<p>Existing Knowledge – 4</p> <p>No Existing Knowledge – 1</p>	<p>Existing Knowledge – 4</p> <p>No Existing Knowledge – 1</p>	<p>80% of both the MA and non-MA criminology FGs have prior knowledge on CP prior to the completion of the question.</p> <p>Hypothesis 1 was correct. Whilst both FGs recognised they had existing knowledge on CP, the MA criminology FG did exhibit far greater knowledge of CP in their answers through correct criminogenic terminology.</p>

<p>2. What is your opinion on capital punishment?</p>	<p>For CP – 2 Not Sure CP - 0 Against CP – 3</p>	<p>For CP – 2 Not Sure CP – 2 Against CP – 1</p>	<p>40% of MA criminology participants are for CP. 60% are against CP.</p> <p>Alternatively, 40% of non-MA criminology participants are for CP, 40% are not sure and 20% are against.</p> <p>Hypothesis 2 did not relate exactly as to how the researcher envisaged. However, MA criminology participants were firmer with their views.</p> <p>Further analysis on this question is conducted within the results section of the</p>
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			dissertation.
<p>3. Do you believe it is possible that capital punishment could ever be reinstated within the United Kingdom (UK)?</p>	<p>A possibility that CP could be reinstated in the UK – 1</p> <p>No possibility that CP could be reinstated in the UK – 4</p>	<p>A possibility that CP could be reinstated in the UK – 1</p> <p>No possibility that CP could be reinstated in the UK - 4</p>	<p>80% of both MA and non-MA criminology FG believe that there is no possibility that of CP ever been reinstated to the UK.</p> <p>Hypothesis 3 was not met. The researcher was surprised with the number of non-MA criminology participants that believed there was little chance of ever CP being reinstated in the UK.</p>
<p>4. If capital punishment was to be reinstated, what do you believe should be the main reason for this?</p>	<ul style="list-style-type: none"> - Public Safety - 1 - Deterrence - 2 - Just Deserts - 1 - Other - 1 (To 		<p>20% of the MA criminology participants chose public safety. 40% chose deterrence,</p>

	<p>protect the British Justice system before it is pushed to a point where it can't withstand the demand and crumbles)</p>	<ul style="list-style-type: none"> - Just Deserts - 1 - Retribution - 2 - Public Safety – 2 	<p>20% chose just deserts and 20% also chose other.</p> <p>20% of the non-MA criminology participants likewise chose just deserts, 40% chose retribution and 40% chose public safety</p> <p>Hypothesis 4 was not fully met. It was not expected that the MA criminology FG would have chosen 2 answers of deterrence. Whilst there is research that suggests CP can prove as a deterrence, vast amounts suggests it does not – most notably coming</p>
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			<p>from the USA.</p> <p>However, as expected, MA criminology participants were more likely to choose the other option.</p>
<p>5. If you are for reinstating capital punishment, what crimes do you believe these should be for?</p>	<p>Crimes that CP should be eligible for – 2</p> <ul style="list-style-type: none"> - Cold blooded murder - Sexual offences against children and rape <p>No crimes that CP should be eligible for – 3</p>	<p>Crimes that CP should be eligible for – 3</p> <ul style="list-style-type: none"> - Murder of a public servant such as a doctor or a police officer - Crimes against humanity - Premeditated murder - Serial killers - Child murder - Ethnic cleansing - Mass murder - Sexual crimes 	<p>40% of MA criminology participants provided crimes that CP should be eligible for – however only 2 different types of crimes were provided.</p> <p>60% of non-MA criminology participants provided crimes that CP should be eligible for. This included some of those who earlier in</p>

		<p>against pre-pubertal children.</p> <ul style="list-style-type: none"> - Terrorists - Repeat offenders including paedophiles - Personality disorders that won't reform e.g. psychopaths <p>No crimes that CP should be eligible for –</p> <p>2</p>	<p>the questionnaire chose the 'not sure' option on their opinion of CP.</p> <p>Numerous crimes were listed as to what should constitute CP. 40% believed there was no crimes that CP should be eligible for.</p> <p>Hypothesis 5 was most certainly achieved here.</p>
<p>6. If you are for reinstating capital punishment, what do you think the method of execution should be?</p>			<p>40% of the MA criminology participants chose lethal injection as the method of execution should the UK decide to reinstall CP. 60%</p>

	<p>Lethal Injection – 2</p> <p>No CP – 3</p>	<p>Lethal Injection – 4</p> <p>No CP – 1</p>	<p>did not cross any of the boxes and so were against CP.</p> <p>80% of the non-MA criminology FG chose lethal injection as the method of execution should the UK decide to reinstall CP. 20% did not cross any of the boxes and so were against CP. Despite the question saying if you are not sure or against CP move onto the next question, both not sure participants crossed the lethal injection box.</p> <p>Hypothesis 6 was very much achieved.</p>
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			No other method of execution was chosen apart from the lethal injection.
7. Are you aware of any miscarriages of justice that have occurred as a result of capital punishment in the United Kingdom (UK)?	Aware of miscarriages of justice – 4 Unaware of miscarriages of justice - 1	Aware of miscarriages of justice – 4 Unaware of miscarriages of justice - 1	80% of both MA and non-MA criminology FG are aware of miscarriages of justice as a result from CP in the UK. Only 20% from each FG are unaware. Hypothesis 7 was not met; however it does not come as a particular surprise. As mentioned in the hypothesis, it would not be a surprising that non-MA criminology participants had knowledge on this

			subject due to their average age.
<p>8. Do you believe the Criminal Justice System, and in particular the jury system, employs a robust enough approach in the sentencing of offenders? Could the current system in the United Kingdom (UK) be potentially problematic if capital punishment was to be reinstated?</p>	<p>The jury system is a robust method – 0</p> <p>The jury system is not a robust method – 5</p>	<p>The jury system is a robust method – 2</p> <p>The jury system is not a robust method – 3</p>	<p>100% of MA criminology participants believe the jury service is problematic, whereas 60% of non-MA criminology participants believe the jury system is problematic, with 40% satisfied with how it is working at the present moment. These results suggest that the jury is not a robust enough approach and therefore something would have to change should CP be reintroduced to the UK. Participant C from the non-MA</p>

			<p>criminology FG suggest an extra tier in the jury system should CP return to the UK to combat this issue.</p> <p>Hypothesis 8 was achieved as expected.</p>
<p>9. Despite your opinions on capital punishment, could you see the possible moral and ethical concerns some individuals may have on this form of punishment?</p>	<p>Can understand why some people think there are moral and ethical issues with CP – 5</p> <p>Cannot understand why some people think there are moral and ethical issues with CP – 0</p>	<p>Can understand why some people think there are moral and ethical issues with CP – 5</p> <p>Cannot understand why some people think there are moral and ethical issues with CP – 0</p>	<p>100% of participants across both FG can see why some people see that there are some moral and ethical issues regarding CP.</p> <p>Hypothesis 9 was unanimously achieved as expected.</p>
<p>10. Do you believe it is important for those who work within the Criminal Justice</p>	<p>It is important to have an opinion on CP in 2018 –</p>	<p>It is important to have an opinion on CP in</p>	<p>80% of non-MA criminology participants believe that it is important to</p>

<p>System in the United Kingdom (UK) to have a firm opinion on capital punishment in 2018?</p>	<p>3</p> <p>It is not important to have an opinion on CP in 2018 – 2</p>	<p>2018 – 4</p> <p>It is not important to have an opinion on CP in 2018 - 1</p>	<p>have an opinion on CP in 2018, with 20% suggesting it is not important. This is opposed to 60% of MA criminology participants believing it is important, with 40% suggesting it is not.</p> <p>Hypothesis 10 was not achieved. It was surprising to the researcher that 40% of MA criminology participants who are likely to work in the CJS at some point in their lifetime, believe it is not important to have an opinion of CP in 2018.</p>
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Appendix F

Ethical Approval Form



College of Business Law and Social Sciences

School of Social Sciences

School of Social Sciences Research Ethics Committee (SREC)

Notification of Decision

Student's Name	Alex Goulding
Supervisor's Name	R Gee
NTU ID	N0501129
Course	MA Criminology
Date of SREC meeting	13/06/18
Date Notification sent to student	22/06/18

At the Social Sciences Research Ethics Committee meeting the following decision was made in respect of your application for Ethical Approval of a Research Project:

Approved with Conditions and Recommendations – see points below, before commencing your research you need to incorporate these conditions in consultation with your supervisor, but you do not need to resubmit your application.

Points that student needs to address

Condition:

- The student and project supervisor are kindly advised to exercise greater care in any project-related matters that could compromise the high ethical standards expected by SREC. For example, the information document is peppered with errors of diction, and asserts that "participants are completely obliged to refuse to complete the questionnaire" - in which case, there isn't much point in completing the investigation as no data will be acquired. (If this is the case, then the student should not proceed with the work.) The student is required to proofread all the documents that comprise his/her ethics application, making changes where needed, and the project supervisor should only approve the final version of these documents once they are satisfied that any errors of diction have been addressed satisfactorily.

Recommendation:

Consider the following changes to the information and consent document:

- Insert 'is' between "research" and "to gain".
- Change "individuals mindsights" to "individuals' mindsets".
- Append a period (.) after "Kingdom" at the end of the "Purpose" section of the document.
- Change "the case for" to "the case of".
- Change "where by" to "and".
- Change "student's union" to "students' union".
- Change "take as a long or as short" to "take as long or as short a time".
- Change "complete and questions" to "complete any questions".
- Change "are completely obliged" to "have the right".

If at any stage of the application process it has been decided that your project requires a **Disclosure and Barring Service Check** (DBS Check) or an Overseas Police Check you may **not** commence research until this check has been completed and considered as satisfactory.

Please note a DBS check might not be listed as an additional condition/recommendation identified by SREC as we might be satisfied that your Project Supervisor has already identified this as a requirement on your application form.

If you need to enter an ethical approval code for the research participation scheme, then use the date of this notification as that code.

If you have any queries please do not hesitate to contact your project supervisor or alternatively e-mail SOC.ethics@ntu.ac.uk.

Further information and guidance can be found on the ethics module (XXSOC10002) on NOW.

School Research Ethics Committee

Appendix G

Student's Certificate of Ethical Compliance

Please tick all the relevant boxes and sign this Certificate and attach it to your project report **when you submit it for assessment**. Please ask your supervisor to countersign this Certificate.

1. I confirm that the research for this project was approved by the School Research Ethics Committee (SREC) before primary data collection began.	✓
2. I confirm that the research was conducted wholly in accordance with the information I gave SREC when I applied for ethical approval, and the project did not subsequently change in any way that affected this information.	✓
3. I confirm that the research was conducted wholly in accordance with SREC Guides and protocols (available on the Ethics Learning Room on NOW).	✓
4. I confirm that the research was conducted wholly in accordance with the relevant guidance and guidelines as indicated in the application form for ethical approval.	✓

Signed _____ Alexander Goulding _____ (Student)

Date _____ 28/06/18 _____

I confirm that, to the best of my knowledge, the research was conducted in line with the specified guidance and protocol(s) and the information provided in the application for ethical approval.

Countersigned _____ R.J.Gee _____ (Supervisor)

Date _____ 3.7.2018 _____

SREC, 2018

Reference List:

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