2 An Examination of Murder

THE BACKGROUND

The gravity of murder and the consequences of being convicted and formally labelled a murderer might suggest that a good deal is known about the subject. In the United Kingdom relatively little research has been undertaken in this area, despite the concern that has been expressed in the media about levels of violence in our society. Instead, various assumptions have been made about the nature of murder and moral judgments have been offered about what should be done with those found guilty of the offence.

The only regular information available comes in the Criminal Statistics produced annually by the Home Office, which includes a chapter on homicide. These provide some statistics and a limited amount of detail about the numbers of offences recorded as murder or manslaughter, the methods and surrounding circumstances of the killings, the nature of the relationship between offender and victim, and a few personal characteristics of the parties involved. Before I carried out my investigation, there were really only two studies which shed any light on the contemporary nature of homicide – viz. Evelyn Gibson’s analysis of cases between 1967 and 1971, and Morris and Blom-Cooper’s examination of people indicted for murder from 1957 to 1977.

Not surprisingly, attention has tended to be focussed on both murder and manslaughter, for at times it seems difficult to identify clear distinctions between the crimes. Perhaps courts reach verdicts which are based on their moral assessment of the facts, and do not always strictly accord with the legal definitions of the offences. But my study was confined to murder cases, and there were three principal reasons for this. Firstly, murder is a unique crime insofar as it carries a mandatory sentence of life imprisonment, or the equivalent thereof. Secondly, and this is the main justification for the mandatory sanction, it is generally accepted that the offence of murder should be retained for what are regarded as the very worst examples of unlawful killing. Thirdly, I had to take account of some inescapable logistical considerations – the research was carried out by

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me alone, on a part-time basis, and I simply did not have sufficient
time to investigate manslaughter cases as well.

One of my principal objectives was to discover what sort of cases
are judged by the courts to amount to murder. Opinions may differ
about whether a particular set of facts deserves to be treated as one of
the worst types of homicide and thus merits the label 'murder'. As a
lawyer I was keen to identify the range of situations which are
currently categorised as such by the criminal justice system. There
may be some cases which do not deserve to result in a murder
conviction, so that the law may require redefinition. Moreover, it
often seems to be assumed that murder is predominantly a 'domestic'
offence – a rather vague expression, but one which implies that a man
of previously good character who is not a 'criminal' in the real sense,
has killed a member of his family because of some acute domestic
difficulties. Indeed, commencing on statistics relating to murder cases
during a 20-year period ending in 1905, Sir John Macdonell con­
cluded:

I am inclined to think that this crime is not generally the crime of
the so-called criminal classes, but is in most cases rather an incident
in miserable lives in which disputes, quarrels, angry words and
blows are common. The short history of a large number of the
cases which have been examined might be summed up thus:-
Domestic quarrels and brawls; much previous ill-treatment; drink­
ing, fighting, blows; a long course of brutality and continued
absence of self-restraint. This crime is generally the last of a series
of acts of violence. 4

Is this true today, or does the nature of murder change as the years
pass by? Other forms of murder, such as where an offender kills in
the course of committing robbery or in the pursuance of some other
form of gain, are usually regarded as more serious in that they pose a
greater threat to the public at large. It is important to know whether
the number of these crimes is changing and, if so, in what way.

My research was based on a largely random sample of 250 cases of
people convicted of murder between 1978 and 1982 inclusively. This
represents roughly one in three of the total number of recorded
convictions during those years. In each year 50 cases were examined,
consisting of 41 adult males, 5 two adult females and seven young
persons (YPs), 6 so that the sample was generally reflective of the
situation overall. Permission was granted to me to collect information
from files kept in the Life Sentence Section (P2 Division) of the Prison