4 Future Definitions and Concepts of Murder

Not surprisingly, the study confirms that murder remains an extremely diverse crime, not merely in its external characteristics, but also in the gravity of the cases that it encompasses. There is no simple description of the people who are convicted of murder, or of their victims or the surrounding circumstances. It would be convenient if categories of murder and murderers could be readily identified, but only superficial classification appears to be possible. It was relatively uncommon to find any statistical significance in the correlation between even two factors. Admittedly, there were some instances of cases bearing certain characteristics – for example, there were several murders committed by young men, many of whom were unemployed, who apparently killed for financial gain, and many of their victims were late-middle-aged or elderly people, killed in their own homes. But many other young male murderers committed very different offences and many of them had a job; many victims aged 50 or more were killed by older offenders, and for seemingly different reasons.

The numbers of murders seem to be increasing but only very gradually; the Home Office Criminal Statistics (1986) show 108 recorded convictions in 1976 and 173 in 1985, though the figures fluctuate from year to year. Yet the overall impression is that the nature of murder remains largely unchanged; the vast majority of murderers are male, they usually know their victims, killing with a sharp instrument is still the most common method, and nearly half of the murders are carried out in a fit of temper. It is, of course, encouraging to find that those committed in the furtherance of theft or gain, about which there is understandable concern, continue to represent no more than about 22 per cent of the total number. The obvious apparent change is that fewer convicted murderers in the sample had no previous convictions and more of them had a prior record of violence than their predecessors. At the same time, it is worth remembering that the number of people convicted of criminal offences in England and Wales during the period 1978 to 1982 increased by 24.6 per cent compared to 1967 to 1971, and there were more than three and a half times as many recorded crimes of violence against the person between 1978–82 than during the years relating to Gibson’s (1975) survey.
The apparent motive for the commission of a crime can provide an indication of its gravity, for a person who kills, say as an act of revenge, may deserve greater condemnation than one who lashed out in a fit of rage. In this study, in cases in the former category, the judge was much more likely to make a minimum recommendation of an above-average period of imprisonment than in those of the latter variety. But it would be dangerous to suggest that the seriousness of a case can be assessed in such a simplistic manner. Murders in the course of theft or robbery are usually considered to be particularly serious, especially when compared to ‘domestic’ killings. One of the reasons for this is that it is thought that large numbers of offences of financial or property gain are committed by professional criminals after calmly calculating the pros and cons of the offence. But this study had demonstrated that crimes in this category do not always follow this pattern. Whilst nearly 80 per cent of the 54 murderers who killed in the furtherance of theft or gain had previous convictions for property offences, eight had no convictions at all and three others had been convicted of minor traffic or drugs offences only. More than two-fifths had never received a custodial sentence, and only 11 had been given a sentence of 12 months imprisonment or more. Nearly a third (17 of the 54) were under 18 years of age when the offence was carried out.

Moreover, this group of murders should be divided into those where the offender killed with an instrument which he had taken with him, having previously decided that he would use it if necessary, and those where he grabbed hold of the first thing that came to hand and struck out at his victim. A planned offence in which the offender coolly defies the law is more blameworthy than one which is committed impulsively or on the spur of the moment. In cases where a person carries a weapon such as a gun, knife or iron bar the court is likely to infer that some form of violence has been contemplated. Any unlawful killing is a very serious matter but, for example, the burglar who is disturbed and – panic-stricken – kills on the spur of the moment surely deserves less condemnation than the robber who sets out with a knife or gun with which he is prepared to kill or grievously injure.

The term ‘domestic murder’ is often used to denote cases in which the defendant has, strictly speaking, fulfilled the legal requirements of murder but it ought not to be considered as one of the very worst offences. It is a term which cannot be defined with any great degree of confidence, though it is possible to identify cases where the parties