

4.5 Case study: The Derek Bentley case and the abolition of capital punishment

Learning outcomes

- Understand the main issues in the Derek Bentley criminal trial.
- Evaluate the role the Bentley case played in the debate about ending capital punishment in the UK.

During the 1950s, a number of controversial executions meant the public became increasingly critical of capital punishment. One of these was the case of Derek Bentley, a young man found guilty of murder and executed in 1953.

The Bentley case and public opinion

Many people in Britain disagreed with the sentence. On the night of the execution, 5,000 protestors met outside Wandsworth Prison chanting, 'Murder!' There were angry confrontations with police, and protestors ripped down and burned the death notice posted on the prison gates.

Derek Bentley's family used the media to promote their cause, and through songs, films and books his case became widely known. The Bentley family campaigned for over 40 years. Derek Bentley was eventually pardoned* in 1993, and in 1998 the conviction for murder was quashed.

Key term

Pardon*

To let a person off the punishment after they have been convicted of a crime; or, as in this case, an official acknowledgement that the punishment was unjust.

Source A

Derek Bentley's parents, sister and brother, on their way to an appeal hearing in London. The appeal was unsuccessful – and Bentley was hanged in 1953.



Source B

Photograph of PC Sidney Miles who was killed in 1952. Derek Bentley was executed for his murder.



Key term

Joint enterprise*

When an accomplice to a crime is held jointly responsible for the crime.

Extend your knowledge

Other controversial executions

Timothy Evans was executed in 1950 for the murder of his wife and baby. However, it was later discovered that a serial killer was responsible for their deaths.

In 1955, Ruth Ellis was hanged for the murder of her boyfriend. Many people believed Ellis should have been allowed to plead diminished responsibility because her boyfriend was violent and abusive, but this was not allowed for murder trials at the time.



Derek Bentley trial, December 1952

Victim – Sidney Miles, policeman, shot during an attempted burglary

Accused

Christopher Craig

16 years old, fired the gun that killed the policeman.



Derek Bentley

18 years old, there when the murder took place but did not fire the gun, mental age of 10.



Case for prosecution

- Craig fired the gun. Bentley shouted "Let him have it." This makes him jointly responsible for the murder as he encouraged Craig.
- Bentley has a history of criminality – has been in youth detention.
- Bentley has a low level of intelligence but was not insane and was aware of and responsible for his actions.



Case for defence

- "Let him have it" could mean, "Let the policeman have the gun." There are questions about whether he really said it.
- Bentley didn't have a weapon. Handed himself over to police.
- Bentley has a learning disability and a mental age of 10.



Jury

Finds Craig and Bentley guilty, recommends mercy for Bentley.

Judge's sentence

Craig can't be hanged as under 18. Sentenced to long prison term.
Bentley is guilty of the murder under joint enterprise law*.
Sentenced to death by hanging.



Figure 4.6 Outline of the Derek Bentley case.

Impact in parliament

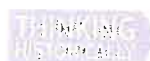
David Maxwell Fye, the home secretary at the time of the Bentley trial, declared: 'There is no possibility of an innocent man being hanged in this country'. Nevertheless, 200 MPs supported a parliamentary motion calling for Bentley's reprieve, but before they could debate the motion the death sentence had been carried out.

In 1957, significant changes were made to the law regarding murder. The Homicide Act made allowances for defendants suffering from diminished responsibility* or who had been abused by the person they murdered. In these cases, the murder charge would be reduced to manslaughter, which was not punishable by death. In 1965, the death penalty for murder was suspended, and this change was made permanent in 1969.

Key term

Diminished responsibility*

Not being fully in control of your actions, for example, because of a mental illness.



Change and continuity (4b&c)

The bird's eye view

Development	Example of immediate changes	Example of change in the medium-term	Example of change in the long-term
The execution of Derek Bentley.		Increased interest and awareness of injustices as a result of the death penalty.	The death penalty in the UK has not been reintroduced despite significant public support for it to be brought back.

Imagine you are looking at the whole of history using a zoomed-out digital map. You have a general view of the sweep of developments and their consequences, but you cannot see much detail. If you zoom in to the time of the abolition of the death penalty, you can see the event in detail, but will know nothing of its consequences in the medium- or long-term in determining opinions about the role of capital punishment in the UK.

Look at the table above and answer the following:

- 1 What were the immediate changes brought about by the development? Write down at least two changes that could complete that column in the table.
- 2 Look at the medium-term changes and the long-term changes. How are they similar? How are they different?
- 3 Work in groups of three. Each take the role of the teacher for one of the above (the immediate changes, the medium-term changes or the long-term changes). Give a short presentation to the other two students in your group, explaining the key changes over your timescale. They may comment and ask questions.

Answer the following individually:

- 4 How was your explanation of change different to the other explanations? Write a short paragraph using examples from what you and the rest of your group said.
- 5 What happens to the detail, particularly of the medium- and short-term changes, when you zoom out to look at the long-term changes?
- 6 What are the advantages and disadvantages of zooming in to look at a specific time in detail?

Summary

- Derek Bentley and Christopher Craig were convicted of the murder of Sidney Miles, a policeman who was shot during an attempted burglary. Only Bentley was executed as Craig was too young.
- The case was controversial and led to an increase in the number of people questioning the death penalty.
- Many MPs at the time believed that Bentley should not be hanged.

Checkpoint

Strengthen

- S1** Why was Christopher Craig imprisoned rather than hanged?
- S2** How did the law on execution change after the Bentley case?
- S3** Why was the Bentley case seen as controversial?

Challenge

- C1** How did the Bentley case influence changes in the laws on capital punishment in 1957?
- C2** How far was the Bentley case significant in bringing about changes to the law on the death penalty by 1965? Use Sections 4.3 and 4.5 to help you judge how important this case was compared to other factors.