

Ethical Justification of Capital Punishment

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"Where would Christianity be if Jesus got eight to fifteen years with time off for good behavior?"

-NY State Senator James Donovan, speaking in support of capital punishment.

The Ethical debate over the legalization of Capital Punishment

With life comes responsibility. As people grow to be individuals in society, they must be held accountable for their decisions and actions. A conservative moral outlook favors the legalization of the death penalty over a more liberal one. Being the conservative I am, my feelings toward why people commit crimes lie more on their individual accountability rather than social causes. Believing that people are autonomous, rational, and free in their individual desires to choose for themselves, I feel that an individual should be held responsible for what they choose to do, especially if it is grossly unlawful, and face the consequences that his or her actions wield. This is the bases of Natural Law Theory. If an individual lives to his or her full potential, by definition of natural moral law, they are a good human being. Committing murderous crimes is not living to full potential. No one on this earth is born with the sole purpose and particular moral conscious to kill, with malice, another human being. The very fact that a murderer purposely violates another beings right to live forfeits their own rights to live. The capital sanction is justifiable.

The debate over capital punishment has traditionally focused on its appropriateness as a form of punishment and its value in deterring criminals in society. Historically, execution has served as a significant form of punishment for deviance from social norms and serious criminal behavior. People compare U.S. execution rates with the execution rates of the rest of the world and see a huge difference, even though half of the world still administers the sanction (Collinsworth: 90). For being the nation with the world's third-highest execution rate, the United States, which usually regards itself as a champion of human rights, faces pressure from domestic and foreign idealists to abolish the death penalty. Death penalty abolitionists use arguments of ethical justification, social inequality, racial discrimination, and public cost profoundly.

Can capital punishment be morally and ethically justified by any authoritative figure short of God Himself? It is. Does humankind have the right to kill another in the name of justice? Yes. According to Emanuel Kant's second form, we as humans must treat each other with worth and not as things with instrumental value; and in his first form we cannot proceed in life with moral and ethical contradictions. Kant may have envisioned a world where society lives peacefully, respecting each other, and without conflict, but his vision is nothing more than that. In conjunction with my conservative stance on capital punishment, I am also a realist. Evil is a reality. Individual moral decline is a reality. Capital sanctions are a reality, and should remain so.

Through teleological utilitarian theory, individuals who grossly fall by the wayside of everyone else must be instrumentally used as an example for everyone else.

They must serve as warnings to the rest of us. In the colonial times, hangings were made public in order for the immediate society to witness what happens when any wrongdoing occurs. Many argue with the value of capital punishment as a deterrent. The problem with capital punishment not being the deterrent it can be is that the sanction is not administered swiftly enough. For punishment to be a deterrent, it needs to be public, harsh, and swift. With the liberal-biased media having such an influence on society today, capital sanctions are perceived to be equally, if not more, evil than the crime committed. Functionalists view sanctioning acts, when made known to the public and explained to be morally justifiable, help to reinforce the standards of proper behavior within a society. With the amount of appeals available to death row inmates and the negative stance the highly influential media has on capital punishment, it's no wonder why crime rates are comparatively high. Society's potential criminals are not acknowledging the message "Murder another human being and you will be sentenced to die".

Through the sociological conflict perspective, lawful executions emphasize the persistence of social inequality in society today. Poorer people find themselves represented by overworked and underpaid public defenders. Lesser defense lawyers, like public defenders, don't have the experience and extensive resources to properly defend a case. Therefore, the people they represent are more likely to be convicted. Other abolitionists argue that race plays a large role in capital convictions. Poor legal services are claimed to be the result of negative racial attitudes by defense council and the court system. African-American death row inmates, who consist of 47 percent of total death

row inmates, are said to be more likely to face execution as compared to Whites. The third major argument for the abolishment of the death penalty is the price it costs the public to execute a man. According to the National Corrections Institution, an estimated \$2.3 million is spent per case to keep a man on death row. Abolitionists say, for a third of that, you could imprison someone in a single cell for forty years. Personally, I think that argument is absurd. First of all, the enormous cost of \$2.3 million is spent on the countless appeals each death row inmate receives throughout their sentence. Appeals can draw out an inmates stay on death row for as long as 20 years. Another reason that argument is wrong is that once an inmate is on death row, he or she has no access to rehabilitating programs, simply because there are none. Why would you sentence a person to death and then spend taxpayer's money to fund programs designed to rehabilitate? You don't.

Capital punishment has remained popular with the American public and their legislative representatives. People hesitate to endorse executions, but when met with some horrific murder in their country, they feel that the death penalty should be available. When polled in 2001, the majority of people tend to favor capital punishment 67 percent to 33 percent.

Works Cited

- Collinsworth, Emily. *Death Penalty and Sentencing Information in the United States*. New York. Wesley Publications, 1999.
- McDaniels, John. "The Ignorance of Society and the Problems With Criminal Behavior Patterns." *Texas State Legislation Journal of Criminal Justice*. 89 (1997): 302-23.
- Randa, Laura E. *Society's Final Solution*. New York. University Press of America, 2001.
- The Death Penalty Information Center*. 17 November 2002. Online. Available at:
<http://www.deathpenaltyinfo.org/>
- Weisel, Eli. *Dialogues: Capital Punishment*. Boston. Houghton, 1998.