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The Morality of Capital Punishment

The issue of capital punishment is a hot topic in the United States today. The death penalty is so controversial because a great number of people differ on their opinions of whether it is wrong or right. Not only do people disagree about the righteousness of capital punishment, but many people have different arguments for why it is right or wrong. These complications make this topic a heavy one to analyze because it is highly controversial and so many people feel strongly about it.

The death penalty was declared to be cruel and unusual punishment by the Supreme Court in 1972. It was ruled unconstitutional and in violation of the Eighth and Fourteenth Amendments. However, in 1976 the Supreme Court reversed their decision deciding that the death penalty in fact, does not violate the Constitution and with new death penalty statutes put into place executions resumed in 1977. (Rachels, 231-232)

Capital punishment is an unfair, unjustified punishment and not an effective tool in deterring crime; therefore it is unethical and should be abolished.

There are many valid arguments for why the death penalty is unethical. These attitudes are excellently illustrated in James Rachels's text The Right Thing To Do. I will be using this book and the authors of its essays to illustrate my points. Firstly, there is much evidence to support that capital punishment does not deter people from committing crimes, whether they are small or large. Supporting this is the fact that of the percentage of murderers convicted, only a small number of them are actually sentenced to death, and of that percentage, only a small number of those people are actually executed. This fact is astonishing. In Hugo Adam Bedau's essay "The Case against the Death Penalty" he says that "Of all those convicted on a charge of criminal homicide, only 3 percent---about 1 in 33---are eventually sentenced to death" (Rachels, 232). This fact surprised me; I thought many more murderers were given the death penalty for their crimes. But with this being true, we cannot expect would-be murderers to be intimidated by capital punishment when the percentage of those actually executed is so low.

Also, there is a large time gap between the sentencing of murderers and their execution to allow for appeals. This process, which can take up several years, if not decades, is incredibly costly and it turns out that it is actually more expensive to execute a murderer rather than to imprison them for life. According to Deathpenaltyinfo.com, in Indiana (with similar figures in many other states) the cost of the death penalty is 38% more than the cost of a life without parole sentence. And in Florida, the state would save \$51 million per year if they punished their first-degree murderers with life sentences as opposed to death. This means that not only is capital punishment morally unjustified, but it is also financially unjustified.

Secondly, of those people sentenced to death, an unbalanced number of them are African American and/or of low economic status. According to Bedau, “Our nation’s death rows have always held a disproportionately large population of African Americans, relative to their percentage of the total population” (Rachels, 234). Not only are the numbers of blacks as opposed to whites on death row lopsided, but the murderer of a white person is more likely to receive the death sentence than the murderer of an African American (Rachels, 234). To further support this point, Bedau gives the following statistics: in the 18 years between 1977 and 1995, 313 people were executed; of those executed, 36 were convicted of killing a black person while 249 were convicted of killing a white person (Rachels, 235). This blatant bias supports my thesis that the death penalty is unfair.

Thirdly, the death penalty cannot be morally justified. The death sentence is not an equal payback to the person murdered or to their family. Killing a murderer does not teach them a lesson. A better lesson would be to allow them to live their life in a tiny prison cell having to think about what they have done and why they are there every single day of their life. Killing them gives them an easy way out and they don’t have to suffer living in prison until they die of old age. Some people say that because someone murdered, that their punishment should fit their crime. Bedau makes a great point in response to that argument. He says that “It would require us to rape rapists, torture torturers, and inflict other horrible and degrading punishments on offenders. It would require us to betray traitors and kill multiple murderers again and again--- punishments that are, of course, impossible to inflict” (Rachels, 239). These arguments show that capital punishment is not morally justified.

There are many other arguments to support my opposition to the death penalty, such as the innocent people who have fallen victim to a system that is not always correct, and the fact that so many other countries have abolished capital punishment.

Despite the strong arguments against capital punishment, there are still several arguments in support of it. For example, many people say that regardless of the statistics, the death penalty actually is a deterrent because would-be criminals are so afraid of the finality of the punishment. But this argument is easily thrown out when we take into consideration the facts showing that the death penalty is not a deterrent, as addressed earlier in the essay. Some also argue that the monetary issue of the death penalty does not matter. They say that justice does not have a price tag, and that it is worth the money spent. Well this argument is not sound; it is only a matter of opinion. In his article “A Defense of the Death Penalty,” Ernest van den Haag makes the statement:

By committing the crime, the criminal volunteered to assume the risk of receiving a legal punishment that he could have avoided by not committing the crime. The punishment he suffers is the punishment he voluntarily risked suffering and, therefore, it is no more unjust to him than any other event for which one knowingly volunteers to assume the risk. Thus, the death penalty cannot be unjust to the guilty criminal. (Rachels, 246)

When I read this justification for capital punishment, I got very angry. Haag’s argument has many holes. If the murderer was a mentally handicapped person, would they be considered to have “volunteered to assume the risk of punishment”? Of course not. A mentally handicapped person may not be able to even think about such

things. And what if the murderer was under the influence of alcohol or drugs where they were incapable of thinking clearly? This would also mean that that person was impaired and was not in a condition where they could voluntarily take full responsibility for their actions. This argument is flawed and must be thrown out.

Another argument used by people supporting capital punishment is a rebuttal to the argument against capital punishment stating that it should not be used because innocent people are killed in the process. Death penalty supporters such as Haag say that in many human activities, construction, police work, and trucking for example, innocent people are killed but that does not prevent us from continuing to do those things. This point is also flawed. In activities such as construction, police work, and trucking, there is a human benefit from the work or product produced, but when a murderer is killed, there is no benefit to the human race. This is yet another defeatable point in the argument supporting the death penalty.

In conclusion, there are many arguments to support capital punishment and to oppose it, but the arguments against capital punishment are stronger and outweigh the arguments in support of it. For that reason capital punishment is an unfair, unjustified punishment and not an effective tool in deterring crime; therefore it is unethical and should be abolished.

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