

Death Penalty

Introduction

Death penalty is an age-old punishment where a crime is punished by death. There were death penalty laws that existed from the times of ancient Babylonian period and the mention of this practice has been recorded in many books and inscriptions. This practice continues even today in some countries like the US, despite the advancements that we have made as a society. We have become more sophisticated than ever before, thanks to many factors such as technological advancements, globalization, education and democracy. However, the practice still continues. In fact, the US is the only advanced democracy where capital punishment by death is not abolished. If this form of punishment, are we exhibiting barbaric traits as a society? This is exactly what this paper will argue. Death penalty is a barbaric act simply because the law should be about protecting humans and not killing them. This paper will start with a brief history of death penalty in the US and will move onto why death penalty is barbaric and should be abolished from the society.

Brief History of Death Penalty

The first recorded death penalty in the US was in 1608 when Captain George Kendall was executed in Virginia for being a spy for Spain. Since then, many people were sentenced to death in different colonies and they were punished for many crimes such as murder, adultery, rape, robbery, witchcraft and arson. During the 1700s, many philosophers and writers began to argue. When the nation became independent, different states began to have their own laws for death penalty. It has continued as a form of practice among many states today though a lot of them have banned it (Burkhead, 2009).

Is Death Penalty Justified?

The big question is whether death penalty is justified even though it has been in existence for many centuries. The answer is a big no because killing a person does not really solve any purpose.

Lawfulness Perspective There are no concrete laws at the federal level that are against death penalty. The one that comes closest is the Eighth Amendment of the US Constitution that states that the federal government should not impose excess fines or award cruel punishment that amounts to undue torture. The idea behind this amendment is to restrict the government from handing out any excess punishment to any individual (The Library of Congress, 2012). Unfortunately, these laws are not completely clear and in many cases, it is open to interpretation. This is why many states had their own laws with respect to death penalty even after several rulings from the Supreme Court. In 1972, for example, the Supreme Court emptied the nation's death rows by declaring all the existing statutes with respect to death penalty as unconstitutional. Immediately, many states retooled and reworded their statutes to continue death penalty. The Supreme Court further tried to abolish death penalty by reducing the crimes that come under the gamut of this punishment. In 2008, for instance, the Supreme Court overruled a ruling by Louisiana court that convicted a father for raping his eight-year old daughter. The Supreme Court ruled that the punishment is not proportional to the nature of the crime. This ruling overturned all the state laws that awarded capital punishment for child rape. This ruling also brings up the question of what is the appropriate punishment for what crimes.

What is Appropriate Punishment? Death can never be an appropriate punishment for any crime simply because the society does not give the criminal a chance to get any kind of retribution. When he or she is made to live for the rest of their life in a small room, there is a higher chance for them to atone the sin they committed. Otherwise, it does not solve the purpose. For those who argue that death penalty will be a deterrent, it is not true either. This is evident in the crime statistics that the US has seen in the last few decades. The murder rate has climbed by 122 percent between 1963 and 1980 and the murder rate in New York city alone rose by 400 percent. It is much worse in other cities. A study

undertaken by MIT showed that based on the 1970 homicide rates, an average American had a higher chance of being murdered than an American soldier who fought in World War II (Koch, 1985). This goes to show that death penalty has not brought down crime rate and on the contrary, it has only increased it. This goes to show that death penalty is not an appropriate punishment if the idea is to educe crime. Another reason why death penalty is inappropriate is the finality of the punishment. There is always the possibility for a wrong ruling and in such a case, nothing can be done out of it.

Divides the Society Death penalties divide the society intensely because there are people who feel it is justified and others who feel it is morally incorrect. These sections of the society are deeply divided on this subject and the only way to unify them is to abolish death penalty completely. Death penalty also brings up social issues. Groups such as the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored People (NAACP) charge that death penalty is applied unfairly. They contend that in the south, black men who rape white women receive more death sentences than white men who rape black women. This creates another rift in a society that has battled a lot of racial issues. In this sense too, death penalty is barbaric because it creates problems between different factions of the society and overall, prevents people from living a healthy and happy life.

Moral Standpoint From a moral standpoint, death penalty is cruel. One of the earliest opponents of death penalty, Cesare Beccaria, believed that capital punishment is cruel. He argued that the idea of killing criminals made the entire nation more brutal. "Is it not absurd that the laws which detest and punish homicide, should, in order to prevent, publicly commit murder themselves?" (Guernsey, 2009, p. 11). The reverse part is that this absurdity is followed and in many cases, even supported by courts and some sections of the society. How is it moral to kill one person under the garb of punishment for another person? In a recent case, Michael Shaw was killed by capital punishment in the state of South Carolina. He was executed in the electric chair and this is what gave him a lot of popularity leading to his death. While Shaw died, camera crews were focused on capturing the moment and a group of people cheered the executioner outside the death house. There was an overall sense of elation and all this was ironically done to affirm life (Bruck, 1985). This execution and the ones that have taken place before and will take place after raises a lot of moral questions. For the religious-minded, it is God who created human beings and only He has the power to kill. No human being has the power to kill something they did not create. For the non-religious people, there is no happiness when someone is killed. The death of another individual does not give any kind of satisfaction, even if the person is a criminal. In this sense of morality too, capital punishment is not justified. There is no place for it in a modern society that is based on ethics and values.

Emotional Response and Is it Justified? The most common reason for this irrationality is an emotional response by the society that wants to mourn over the loss of a loved one. When a close blood relative is killed brutally, the immediate family is angry and wants revenge at any cost. However, after a few years, there is only a sad feeling and the idea of revenge is lost in most cases. In other words, time is the best healer and people simply move on. This is not to say that the perpetrator of the crime should go scot-free. Rather, he or she should be given punishment that is rational, moral and just. Some proponents of death penalty argue that it is hard for the victim's family to know that the killer is alive and will be cared for by the society (Royko, 1983). Are they going to get closure by killing the killer? Definitely not because irrespective of what happens to the killer, the victim is never going to come back to life. Further, the reasoning behind death penalty is that the criminal should suffer the last few seconds just like his victim. The ideologies of deterrence never hold good as is being seen in our society. Though death penalty has existed for centuries in the US, it has not deterred individuals from committing a heinous crime. As rightly pointed by Quindlen (no date, p.66), "I can't believe deterrence is what most proponents seek from the death penalty anyhow. Our most profound emotional response is to want criminals to suffer as the victims did. When a man is accused of throwing a child a high-rise terrace, my emotional response is that he should be given an opportunity to see how endless the seconds are from the 31st floor to the ground. In a civilized society, that will never happen. And so what many people want from the death penalty, *they will never get.*" This simply makes it a spiteful and revengeful action taken in the spur of the moment that has no implications for anyone involved. Therefore, this is yet another reason to abolish death penalty.

Alternate Choices

The US Supreme Court and the society as a whole should reflect the shared values and the growing maturity of the society. Awarding capital punishment is a cruel way to punish someone and it goes against the rights guaranteed by the US Constitution. Moreover, death sentences are final and irreversible and for these reasons, courts should rule in favor of life imprisonment. In fact, as a country death penalty should be abolished simply because it is barbaric. While criminals should be punished for the good of the society, it does not have to be by way of death. Life imprisonment will give the same amount of retribution and deterrence as well and this is why it is a more appropriate form of punishment.

Conclusion

In short, death penalty is barbaric from a moral, legal and ethical standpoint. Therefore, it should be abolished immediately.

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