

# **The Death Penalty**

An Immoral, Ineffective, Unsatisfying  
Form of Punishment  
That Should Be Abolished

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The death penalty, otherwise known as capital punishment, is the punishment of execution. According to the Death Penalty Information Center, the death penalty dates as far back as the 18th century B.C in the Code of King Hammurabi of Babylon. They note “death sentences were carried out by such means as crucifixion, drowning, beating to death, burning alive, or impalement.” Basically, the DPIC is trying to describe how cruel the punishment can be. Their are major drawbacks of the use of death penalty including its immorality, ineffectiveness, and dissatisfaction. However, others say the death penalty is a justifiable form of punishment because of their belief in an eye for an eye and its constitutionality.

The first major drawback of the use of death penalty is its immorality. Immorality is defined in our common knowledge as ethically objectionable behavior. No person deserves to die and who gave the government the right to declare if a person is entitled to death? There are many cases in which the government had convicted the wrong person to the death penalty. For example, according to Bruce Weber, in 1974, Delbert Tibbs was charged with rape and murder that he had nothing to do with. Delbert spent three years in prison before the Supreme Court found he was innocent and vacated his death sentence. One could only imagine how terrible it would have been if the government did not realize he was innocent before the time for his sentence came. Furthermore, another example advocating the immorality of the death penalty, comes from Herbery Clark. According to Herbery Clark, “Capital punishment is the

ultimate form of cruel, inhuman and degrading treatment. It is known to have been inflicted on the innocent. Its very nature means it can not be reversed.” Herbery Clark statement is easily supported. In the U.S, as reported by the DPIC, there are five legal methods of the death penalty. These include death by lethal injection, electrocution, gas chamber, hanging, and firing squad. Obviously, none of these methods sound the least bit painless. How could you subject a human to this inhumane treatment?

The second major drawback of the death penalty is its ineffectiveness. In many studies, the death penalty has proven not to alter crime rates. For example, according to the Times Picayune Publishing Company, as of 2010 murder rates have doubled in states with death penalty than in those without. For example, in 2010 murder rates in states with the death penalty was about 5.00. However, in states with no death penalty the murder rates were 4.01, which is about a 25 percent difference. Therefore, why subject to this inhumane punishment when it has proven to be ineffective in many states? Did you know, as reported by the Tribune Content Agency LCC: “California has spent about \$4 billion on capital punishment since the death penalty was restored in 1978, according to a Loyola University study? The agency shares the vast expense that comes with the capital punishment, and it is not worth it because it has proven to be ineffective. The money going to the death penalty could be spent on more resourceful endeavors. In addition, another example that proves the death penalty does not, lower

crime rates, is the statement by Dr. Jonathan Groner, an associate professor of surgery at Ohio State University College of Medicine and Public Health who researches the deterrent effect of capital punishment. According to Groner:

"The psychological mind-set of the criminal is such that they are not able to consider consequences at the time of the crime. Most crimes are crimes of passion that are done in situations involving intense excitement or concern. People who commit these crimes are not in a normal state of mind -- they do not consider the consequences in a logical way."

Groner is trying to inform the readers that when a criminal commits a crime, he either is not in the correct mindset, or he believes he can go unpunished. As said by Dr. Jonathan Groner, this shows how even if you impose a punishment for a crime it will not lower crime rates. Therefore, why does the government still use the death penalty when has it proven to be ineffective?

Finally, the last major drawback of the death penalty is dissatisfaction. When one says dissatisfaction, one is pertaining to the discontentment of the family of the victims. According to Vivian Penda, "In 2008, the Maryland Commission on Capital Punishment, having heard testimony from many survivors of murder victims, concluded that capital cases are more detrimental to surviving families than life without parole cases." As you know, states pay large amounts of money for the death penalty. However, instead of

spending millions on giving out punishment, the government should be using it to help victim families undergoing trauma. Many victims, according to Penda, have trouble just getting out of bed, much less figuring out where to find and fight for grief counseling and other needed services. The death penalty is just tormenting for the victims.

Governments should be giving victims aid instead of making them go through the lengthy process of the death penalty. Another example, showing the dissatisfaction of the death penalty, is from a letter by Sydney acquired from The Sydney Morning Herald. In her letter, Sydney, whose brother died of a heroin overdose, talks about how people say killing traffickers will make the loss of our families right, However, more death in her family's name is not something that will make it right. Many people argue sentencing the criminal to death will be satisfying to the victims' families, but this is not always the case according to these examples. This is another reason why the death penalty is useless because it tends to not provide a satisfactory closure to victims' families.

On the other hand, the first reason to why people support the death penalty is because of their belief in an eye for an eye. Most Americans believe that because a person killed someone they should be killed themselves. According to "The Economist", two thirds of Americans approve on capital punishment because they believe in taking an eye for an eye. Furthermore, another poll conducted by Art Swift has shown that 35% of Americans who favor the death penalty use the excuse "an eye for an eye." This shows how most people who support the death penalty use it as a form of revenge.

However, this is an arguable reason to support the death penalty. Many victims families, who have gone through the experience, are known to denounce the death penalty. As noted by *deathpenaltycurriculum.org* in 1995, a man named Bud Welch had a daughter, Julie, who was killed in the Oklahoma City bombing. Welch's first reaction was wishing that those who had committed such a terrible crime should be killed. But, Welch realized that killing was just a form of vengeance. According to *deathpenaltycurriculum.org*, "Vengeance is a strong and natural emotion. but it has no place in our justice system." Getting revenge is most likely not going to help soothe the pain of your loss, these people believe it will but, they have not gone through it first hand. Therefore, using the idea of revenge as a basis to support this inhumane practice is feeble.

The second reason to why people validate the death penalty because of its constitutionality. People who don't support the death penalty, such as myself, say the death penalty is unconstitutional because it goes against the 8th amendment. The 8th amendment of the constitution prohibits the use of cruel and unusual punishment. However, they believe it is constitutional because the death penalty is not a cruel and unusual punishment. According to the opinion of the Court from *Farmer v Brennan* "Simply because an execution method may result in pain either by accident or as an inescapable consequence of death does not establish the sort of objectively intolerable risk of harm" This shows how people who justify the death penalty don't believe it to be a cruel punishment. However, death should be classified a cruel punishment because it

does technically violate the 8th amendment. As noted by William Brennan, from *Furman v. Georgia*, “it treats members of the human race as nonhumans, as objects to be toyed with and discarded.” This is not a humane way of dealing with people.

Furthermore, C.J Warren continues from *Trop v. Dulles* saying “As such it is a penalty that subjects the individual to a fate forbidden by the principle of civilized treatment guaranteed by the 8th amendment.” Not only does it treat humans as if they can be easily disposed of, but isn't death the cruelest punishment you can give a person?

The death penalty is a debatable form of punishment. There are many stances on the issue in hand. Some states have outlawed the death penalty, while some haven't. There are pages and pages of articles, polls, that try and to justify as well as oppose this form of punishment. People use its constitutionality, ethical boundaries, and all sorts of reasons to try and persuade the other side. However, because of this wide range of opinions in it is hard to come to a decision on whether or not to outlaw the death penalty from all states.

In *Furman v. Georgia*, 408 U.S. 238 (1972), the Court nullified existing capital punishment laws since they comprised cruel and unusual discipline infringing upon the Eighth Amendment. The Court contemplated that the laws brought about an unbalanced utilization of the death penalty, explicitly victimizing poor people and minorities. The Court additionally contemplated that the current laws ended life in return for peripheral

commitments to society.

The entirety of the prisoners as of now waiting for the penalty and those executed in the modern era of capital punishment were indicted for homicide. Verifiably, the death penalty was generally utilized for rape, especially against dark respondents with white casualties. At the point when capital punishment was reestablished in 1976, the Supreme Court left open the chance of forcing the death penalty for offenses other than murder, like assault or even theft. In any case, the Court before long decided that capital punishment would be unlawful for the rape of a grown-up where no demise had happened.

One of the main contentions on the side of proceeding with the utilization of capital punishment is the discouragement argument. It is set that to forestall the widespread commission of brutal wrongdoings, a similarly cruel punishment should be utilized to impact others from carrying out similar or comparative offenses. So, horrible violations should be met with unforgiving punishments, and the harshest of all punishment is execution. Realizing that demise qualified offenses will be met with the death penalty is a significant factor in controlling crime, as indicated by the prevention of discipline.

Professor Thomas Bertonneau once said “the justice that the death penalty seeks,



it seeks foremostly for the deceased, who can no longer demand it for himself. In another way, the death penalty is society's belated application of self-defense in place of the victim. "We should like to have been there," the sentence says, "to have met lethal force with lethal force for the victim's sake." The death penalty thus honors and commemorates the dead and speaks to the sanctity of life in the civilized order." Most casualties affirm that the execution of the wrongdoer never really soothes the loss. Truth be told, many take the position that executions proceed with the interaction of unnecessarily punishing innocent families. Even more intriguing is the perspective on Marietta Jaeger-Lane, whose girl was kidnapped and murdered. When gotten some information about her perspective on capital punishment, Jaeger-Lane said, Loved ones wrenched from our lives by violent crime, deserve more beautiful, noble and honorable memorials than premeditated, state-sanctioned killings."

As states and nations deliberate on whether the death penalty should be abolished or not, there are notable variations that have occurred over time. The US is among the countries that capital punishment has been seriously debated. Surveys have overtime showed an uptick in the number of Americans who suggest capital punishment particularly for murder convicts. However, it has been noted that the public support for capital punishment has generally declined as the number of executions also has in the US. In the US the number of executions was highest in the year 1999 when 98 of them were carried out (Death Penalty Information Center). The number has since

then declined sharply. Being a first world country and the world's largest economy, the US is an essential team player and many other nations look upon it when making policies. It is therefore important to evaluate the situation in the country even as other countries are also considered.

Records from the Death Penalty Information Center further states that 23 inmates were executed in the year 2017 while this was higher than the previous year that recorded 20 executions, it was still lower than the number of inmates that were executed in the 1990s and early 2000s. All the 23 executions carried out in 2017 occurred in the eight states of Arkansas, Alabama, Georgia, Florida, Virginia, Texas, Missouri and Ohio while the executions in 1999 had occurred in 20 states. Also in 2017 and for the second year in a row, the US did not appear in the world's top five countries in death penalties (Masci, 2020). This was as per report by Amnesty International which is an organization that strongly opposes capital punishment. The US ranked eighth globally led by China, Iran, Saudi Arabia, Iraq, Pakistan, Egypt and Somalia respectively. Overall, 2017 recorded about 993 executions in 23 countries down from 2016 which had recorded 1032 (Masci, 2020). The figures may not always be accurate since they include the only cases that Amnesty international is able to confirm. For instance, it is suspected that China carries out more executions than all the other countries combined.

There are numerous facts recorded about death penalty and that may help nations and individuals to decide if indeed it is an effective form of punishment or not. First, a total of 139 countries around the world have abolished the practice (Amnesty International). This demonstrates that more reasons against its practice have proven it as an effective or in violation of human rights. Other factors making it inappropriate include the following;

Death penalty has been found and proven to be racially biased. Since the year 1977, an overwhelming majority of convicts accounting for 77% has been executed for allegedly killing white victims, while Africa-Americans account for about half of homicide victims in the US (Amnesty International).

Another fact recorded by Amnesty international is that this mode of punishment has on various occasions claimed the lives of innocent people. Since the year 1977, Amnesty reports that 138 people have been excused from their death rows in the US as a result of wrongful convictions while over 1000 people have also been executed over the same period of time. Some people that support death penalty often argue that it is an effective way of deterrence. However, data from FBI indicates that the 14 US states that do not carry out death penalty recorded homicide rates that were below the national rate in the year 2008 (Hamaseuto, 2019).

Amnesty states that the penalty costs more resources and diverts them from being used in genuine control of crime. The greatest cost is associated with the prior processes to conviction

such as during trial. It is found that even if all the post-convictions particularly appeals were abolished, the punishment would still be way more expensive than all the other existing modes of punishment. These facts explain more why death penalty should be abolished than upheld.

According to Amnesty International, capital punishment totally disregards mental illness. Dozens of inmates in the US have been executed despite having suffered from serious mental illnesses. The execution of persons with mental illnesses is prohibited by international law. This is one reason it is said to be a human violation. Additionally it is arbitrary and also unfair. In almost all the death penalties that have occurred, the inmates could not afford hiring attorneys at trial. Politics, crime location, bargaining and plea have all affected the process making it a lottery of who dies and who survives. In the recorded 27 executions of foreigners in the US since 1988, none of them had been informed, upon their arrest, about their rights to communicate with consular representatives (White, 2011).

Execution is an ultimate irrevocable punishment. This makes it inappropriate in the event that an innocent life could be lost only to realize later they were not guilty of the said crime. This has been witnessed before such as in the US where more than 100 inmates have been exonerated on the grounds of innocence. Many more may have lost their lives before they could be exonerated (Duff and Green, 2011). The fact that it is irreversible makes it excessive.

Singapore is also known for its practice of capital punishment. The country is a large economy and plays a big role in the world in general and in Asia in particular. Singapore is popularly known for its economic activity earning names such as financial hub, manufacturing hub and economic hub among others. However, its stand on capital punishment has gained varying perceptions and opinions from people around the world especially criminologists, lawyers and activists. The country has a total of 32 offences that warrant capital punishment whereby four of them are mandatory. This means that in these crimes, even the judge has no authority to consider mitigating circumstances. The four crimes are murder, terrorism, drug trafficking and possession of explosives ammunition and unauthorized firearms. In the year 2012, an amendment was made in the mandatory death penalty for drug trafficking and murder allowing the system to consider life sentence. Since this amendment, a variety of inmates have escaped death and instead suffered lifetime incarceration (Hamesauto, 2019). Amnesty International reports that Singapore has executed more than 400 prisoners since 1992. It was at an all time high in 1994 when 76 prisoners were executed (Hamesauto, 2019). As the world gradually abandons this mode of punishment, the number of executions in the country has also been declining but far from extinction (Amnesty International).

Murder and drug trafficking account for a majority of executions carried out in the country. As stated earlier, each country has the type of crimes that it considers most foul and that should be handled with much severity. Murder is the most common in the countries that practice death penalty. Execution in Singapore is often done on Friday mornings. It is not revealed prior to the day and relatives are informed on the Monday of the execution week. This has been termed by its opponents as a gross violation of human rights and insensitivity to relatives of the victims

(Sharp, 2005). Foreign families on the other hand are given at least a week to be able to visit their departing inmates (Sharp, 2005). Amnesty international notes Singapore's government has a strong support for capital punishment and has continuously justified it as an effective way of controlling crime. In a press statement given in September 2016 by the Minister for Foreign Affairs, Vivian Balakrishnan, capital punishment for drug traffickers and murderers is a key element that keeps Singapore drug free and ensures that it is safe from crime. She further explained that the mode of punishment is the reason the country ranks among the few countries that have succeeded in fighting drug trafficking. It has deterred traffickers from establishing themselves in the country and should therefore be upheld. The support by the government is further reinforced by the country's population that equally believes the offenses deserve capital punishment.

With its seemingly regard for the death penalty, Singapore may not abolish it anytime soon. The country is said to rely on some extremely harsh laws that target drug traffickers who are not economically strong and who come from humble backgrounds (Hor, 2004). This simply means that the process is not fair and just either since it discriminates against offenders based on their financial stability. In addition to this, Singapore is said to be hostile towards and cracking down on the human rights activists that oppose capital punishment. Any individual that voices their dissent against death penalty including lawyers have been cracked down by the government. To make sure that activists and lawyers would have little if any impact in such matters, a new law was introduced in 2016, tightening the existing restrictions on the ability of activists and lawyers to question court decisions (Hor, 2004). It can therefore be said that the penalty remains since people who can criticize it have been denied their freedom of expression.

The Facts from Amnesty international depict death penalty as an unfair mode of punishment in all ways and one without any positive impact in matters curbing crime. However, there are those that strongly believe that the capital punishment provides deterrent against violent crime. When criminologists define deterrence in terms of capital punishment or death penalty, they simply look at its presence could possibly stop violent crimes by preventing people to commit them in the first place. This then turns out to be a value proposition. Would a criminal be willing to risk their life because they got the willingness to take that of another? Others look at it as an advantage from the angle of a convicted person.

The ultimate aim of any form of punishment is to stop people from wrong doing. Punishment may lead them to transformation and also acts as a warning to others against doing similar acts. However, there have been many punishments that have been used but have not yielded positive results meaning that the forms of punishment may not necessarily achieve its ultimate goal of eliminating crime. It is for such reasons that different states and nations subscribe to different theories and forms of punishment based on the one they believe would help them fight crime more effectively, with the most extreme one being death penalty. Comparing the effects of death penalty in relation to various theories would help in distinguishing if it is the best mode of punishment for capital offenses.

The theory of deterrence is aimed at instilling fear of committing crimes in people based on the extremity of the punishment. With such fear the level and probability of crimes in a society

reduces. The proponents of capital punishment state that the fear of execution is strong enough to prevent people from engaging in crimes that could call for it such as murder and drug trafficking. However, Hagan (2008) notes that while this sounds like a very plausible theory, it has not been found to work effectively in its practice. For instance, the states that practice it such as the US and Singapore still face drug trafficking and homicides as threats to their national security. Proponents argue that the deterrence Death penalty brings about an irreversible deterrent that a murderer would never get the chance to commit another murder.

Incapacitation helps to protect the society from future similar crimes. The offender is barred from committing a crime again either temporarily or permanently (Duff and Green, 2011). Death punishment prevents them permanently from reoffending. Some supporters of the punishment believe that it is the most effective in preventing crime since people are seen to fear death more than anything else. Particularly, they believe that people fear deaths scheduled by courts and inflicted by law. However, following the findings above from Amnesty International and the center for death penalty, it is evident that it has not played a big role in deterring crime. One would argue that it has not been effectively implemented for it to yield positive results since there are cases of bias and injustices. All the same, it is also true that most criminals hardly have the thought of what repercussions would face them if they were to be found guilty of serious crimes.

In yet another justification of capital punishment, supporters argue that it eliminates any possibility of an escape and thus of future victims. An example is given of the drug lord Joaquin



Guzman, popularly known as “El Chapo” who has a long history of being captured and later escaping maximum security prisons. In the year 2001, he bribed guards and with their help managed to escape through a dirty laundry cart, then to a trunk of a waiting Monte Carlo. He would then hide in tunnels before being captured in Mazatlan in 2014 after which he escaped again out of Mexico’s top-security prison through a tunnel. Criminologists would argue that had he been executed, the threat would not be there.

Otherwise referred to as rehabilitation, reform is for the idea that a punishment should improve the behavior of an offender and change their character such that they are less likely to engage in crime again in future (Brooks, 2014). In such cases, proponents suggest that imprisonment is an effective way of reforming inmates where they are offered with reformatory training and attendance contrary to deterrence and retribution. Death penalty does not meet this particular aim since it does not give room for reform. In some cases, people who committed serious crimes in the past have reformed and transformed to productive members of the society. Instead, it permanently eliminates the offender and may therefore not be the best way to handle them. Since capital punishment lacks training and reformatory training, it is excessive in nature and therefore inappropriate (Brooks, 2014). It denies them the chance to change and become better people.

This is a forward looking theory. It justifies the mode of punishment inflicted on a wrong doer based on its dreaded future consequences (White, 2011). Punishment is hereby viewed as an effective way to control crime. When there is punishment, crimes are likely to reduce in future (Wilson, 2002). This goes hand in hand with the utilitarianism theory whereby a moral action is

one that produces happiness for the greatest number of people. Therefore, punishment including death penalty is justified as long as it prevents harm for the majority and provides them with happiness even if it causes harm to one or a few people.

The theory or principle of retributivism argues that a wrongdoer should be punished for the simple reason that they deserve it. While reductionism looks forward, this looks backward in time to the offence. An offender should be punished because they deserve to suffer and not because they need to be prevented from doing wrong again in future according to reductivists (Wilson, 2002). This justifies the eye for an eye law where evil is returned with evil.

Retributivism advocates a set of punishments that should vary according to the severity of an offense. Therefore, the severity of the punishment should match the seriousness of the offense committed with minor crimes deserving minor punishments. This theory therefore justifies death penalty especially in the event of murder or based on the crimes that ever country considers most foul. For instance, drug trafficking in Singapore is one of the capital crimes that call for death penalty. This principle upholds proportionality for the form of punishment to reflect the magnitude of the crime committed. It therefore does not consider reform.

Following the results of this study from the various secondary sources used, it is appropriate to state that death penalty has not been proven to be appropriate and satisfactorily effective in deterring or even controlling crime. It is excessive in nature. Countries that have been practicing it still suffer from crime rates some even higher than countries that death penalty has been abolished. In the very most unfortunate cases, innocent individuals have been executed as a

result of skewed justice systems. Offenders that would have reformed and become productive in the society have also been denied that chance by being executed. This is not to mention the families of the victims who are executed and especially those that are later found to have died of crimes they did not even commit. While we would all wish for a crime free society and for a mode of punishment that is maximally effective in ensuring that, we should also be fair, just and always uphold basic human rights. Causing death is in no way fair or just since it is permanent and denies people the chance to change. It is important that countries that still practice execution review their laws and come up with a better more acceptable and effective mode of punishment now that death penalty has proven that it will never help deter crime.

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