

Example of critical thinking on the death penalty is a fair punishment

[Law](#), [Death Penalty](#)



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Law

The death penalty is a fair punishment

Rough Draft Revision 1

Death penalty should not be abolished since it has been proven to effectively deter crimes. Although the anti-death penalty groups believe that death is a grave punishment because the calculated killing of a human being by the State is considered as a denial of the executed person's humanity and the right to life (Mandery 167). Some lawmakers believe that death penalty is cruel and degrading which is in violation of the Eighth and Fourteenth Amendments. However, several crimes have been committed nowadays without due regard to respect for human rights by inflicting the evil against another. Such person who inflicted evil to another is judged to have violated the rule. There are three concepts to analyze death penalty namely: 1.) It is an evil to inflict harm or suffering to another; 2.) The violation is considered as a moral or legal offense that requires punishment for the person who has done wrong; 3.) The offender is guilty for committing the offense (Pojman and Reiman, 1998).

One of the authors of the book in the person of Pojman believes that death penalty or the practice of execution is in accordance to the principle of retribution. Any person who has been done wrong deserves justice and the offender should be punished based on the viciousness of his or her actions. In effect, death penalty serves as a deterrent to future murderers as society is exposed to risk the lives of innocent individuals who are left with nothing if society will reject to inflict the same suffering done by the criminals (Pojman and Reiman, 1998). Therefore, there is a justifiable reason to execute the people who deserve capital punishment for the gravity of offense committed (Soss et al., 2003, p. 415).

Rough Draft Revision 2

Although many anti-death supporters believe that capital punishment can be discriminatorily imposed against identifiable classes of people based on race, studies have shown that there is a direct correlation between the existence of death penalty and lower rates of capital crime (Pojman and Reiman, 1998). Some condemn the imposition of the cruel punishment based on the morality clause or respect for human life. However, Bedau and Cassell (2005, p. 33) argue that the more significant consideration of death penalty is that it has been proven to be a necessary means to achieve a socially valid end. Imposition of death penalty will deter heinous crimes from occurring in society. For those offenders who committed crimes that are driven by sexual impulses or factors such as rape with murder, incest, child molestation and other similar crimes, there is a need to impose the penalty of death because they initially intended to inflict the serious offense against their victims. An

offender who commits brutal crimes deserves to suffer the same equalizing punishment. Soss, Langbein, and Metelko (2003) stated that the strong support for the death penalty is much more likely to occur among white people who have given high importance for on the need for order and deference in society.

The argument of Pojman deserves merit since death penalty or the practice of execution is in accordance to the principle of retribution. Thus, any person who has been done wrong deserves justice and the offender should be punished based on the viciousness of his or her actions. In effect, death penalty serves as a deterrent to future murderers as society is exposed to risk the lives of innocent individuals who are left with nothing if society will reject to inflict the same suffering done by the criminals (Pojman and Reiman, 1998). Therefore, racial bias or racial prejudice must not be the only contention to prohibit the imposition of death penalty since it is one effective measure to deter future crimes and guarantee peace and order in the community.

Final Copy of the Paper

Death penalty should not be abolished since it has been proven to effectively deter crimes. Although the anti-death penalty groups believe that death is a grave punishment because the calculated killing of a human being by the State is considered as a denial of the executed person's humanity and the right to life (Mandery 1967). Some lawmakers believe that death penalty is cruel and degrading which is in violation of the Eighth and Fourteenth Amendments. However, several crimes have been committed nowadays

without due regard to respect for human rights by inflicting the evil against another. Such person who inflicted evil to another is judged to have violated the rule. There are three concepts to analyze death penalty namely: 1.) It is an evil to inflict harm or suffering to another; 2.) The violation is considered as a moral or legal offense that requires punishment for the person who has done wrong; 3.) The offender is guilty for committing the offense (Pojman and Reiman, 1998).

One of the authors of the book in the person of Pojman believes that death penalty or the practice of execution is in accordance to the principle of retribution. Any person who has been done wrong deserves justice and the offender should be punished based on the viciousness of his or her actions. In effect, death penalty serves as a deterrent to future murderers as society is exposed to risk the lives of innocent individuals who are left with nothing if society will reject to inflict the same suffering done by the criminals (Pojman and Reiman, 1998). Therefore, there is a justifiable reason to execute the people who deserve capital punishment for the gravity of offense committed.

Although many anti-death supporters believe that capital punishment can be discriminatorily imposed against identifiable classes of people based on race, studies have shown that there is a direct correlation between the existence of death penalty and lower rates of capital crime (Pojman and Reiman, 1998). Some condemn the imposition of the cruel punishment based on the morality clause or respect for human life. However, Bedau and Cassell (2005, p. 33) argue that the more significant consideration of death penalty is that it has been proven to be a necessary means to achieve a socially valid end.

Imposition of death penalty will deter heinous crimes from occurring in society. For those offenders who committed crimes that are driven by sexual impulses or factors such as rape with murder, incest, child molestation and other similar crimes, there is a need to impose the penalty of death because they initially intended to inflict the serious offense against their victims. An offender who commits brutal crimes deserves to suffer the same equal striking.

Soss, Langbein, and Metelko (2003) stated that the strong support for the death penalty is much more likely to occur among white people who have given high importance for on the need for order and deference in society. The argument of Pojman deserves merit since death penalty or the practice of execution is in accordance to the principle of retribution. Thus, any person who has been done wrong deserves justice and the offender should be punished based on the viciousness of his or her actions. In effect, death penalty serves as a deterrent to future murderers as society is exposed to risk the lives of innocent individuals who are left with nothing if society will reject to inflict the same suffering done by the criminals (Pojman and Reiman, 1998).

However, there are certain factors to consider before the imposition of death penalty which influences an offender to commit a brutal crime. The primary consideration is the human behavior as part of the overall assessment of the criminal liability of the offender. In effect, death penalty cannot be imposed on criminals found to be suffering from insanity or mental disorder and should instead be admitted to the proper mental health facility for treatment. This is based on the positivist theory under criminal law wherein

every criminal considered as a mentally sick person who should be given medical attention. The purpose of death penalty is to promote equality than a matter of individual accountability and social order (Soss et al., 2003, p. 413). To understand the mass support for death penalty as a fair punishment is not only a scholarly challenge but a political necessity since it often times dependent on public opinion. The broader analysis should be made based on the perception of the white people who give high value to social order. In addition, the argument of Immanuel Kant based on the principle of equality where “ any undeserved evil that is done to another is an evil done to yourself. Thus, if one robs another, you rob yourself, if one commits slander, you slander yourself; if one strikes another, you strike yourself; and if you kill another, you kill your own self” (Pojman and Reiman, 2006, p. 1).

Some of the anti-death supporters contend that death is grave punishment for being severe, degrading, inhuman, brutal and cruel sentence, and shocks the morals of society (Mandery, 2005). Some of the religious groups argue that it is only God who is the giver of life, who has the power to take the life another and neither the state has the right to order the capital punishment to an offender. However, during the 9/11 attack in the U. S. several innocent lives were wasted due to the acts of terrorists who unleashed terror with just one press of a button. The violent race has the capability to cause mass destruction which deserves an equally severe punishment. The amount of punishment must be in accordance with the principle of equality which can be traced back in the bible passage “ an eye for an eye, a tooth for a tooth”. The only principle that can definitely assign both the quality and quantity of a just penalty should be in accordance to the principle of equality. This is

based on the universal maxim of Kant which states that the offender wills an action to himself. Thus, the undeserved evil which a person has committed to another person is to be regarded as perpetuated to himself (Pojman and Reiman, 2006, p. 10).

In conclusion, death penalty is considered as a fair punishment because the person who inflicted harm to another should be punished in the same propensity when the harm was committed. Thus, a person who murdered an innocent man deserves to suffer from capital punishment. The rampant violence in our society is justifiable enough to support death penalty, particularly in the case of terrorist attacks where many lives are wasted for no reason. The response of the public on imposition of death penalty cannot only be based on personal attitudes, characteristics or opinion, but should also take into consideration other factors such as the county's local murder rate, education level, and racial composition (Soss, et al., 2003, p. 416).

Therefore the support of the white Americans for imposition of death penalty as a fair punishment should not be dismissed as a simple expression of racial prejudice (Soss et al., 2003, p. 415). The basis for the white support is anchored on diverse considerations that cannot be left alone based on the racial component. Therefore, racial bias or racial prejudice must not be the only contention to prohibit the imposition of death penalty since it is one effective measure to deter future crimes and guarantee peace and order in the community. Public opinion must not only be based on personal sentiments and attitudes. It bears stressing that it is the safety and security to innocent lives who may be at the mercy of brutal murderers who possess the propensity to destroy society (Soss et al., 2003, p. 415).

References:

Bedau, H. A. and Cassell, P. G. (2005). Debating the Death Penalty: Should America Have

Capital Punishment? New York, USA: Oxford University Press.

Mandery, E. J. (2005). Capital Punishment: A Balanced Examination. Canada: Jones and

Bartlett Publisher.

Pojman, L. P. and Reiman, J. H. (1998). The Death Penalty: For and Against. Maryland.: Rowman

and Littlefield.

Soss, J., Langbein, L. and Metelko, A. R. (2003). Why Do White Americans Support the Death

Penalty? Journal of Politics. 65(2), 397-421.

Taylor, S. (2001). " Does the Death Penalty Save Innocent Lives?" National journal. 2001:

1551-2. ProQuest. Web. 4 November 2013 .