

# [Death penalty](https://assignbuster.com/death-penalty-4/)

[](https://assignbuster.com/)[Law](https://assignbuster.com/essay-subjects/law/), [Capital Punishment](https://assignbuster.com/essay-subjects/law/capital-punishment/)

Death Penalty Jaclyn C. Vargas Sociology 101 Professor Catina Erwin July 12, 2010 Death Penalty Capital punishment has been a tool of the American judicial system since the beginning of our history as an attempt to deter it's citizens from committing acts of violence against others with an ambition for community safety. However, our system of law is too lagging and inconsistent for the prospect of death as punishment to be a deterrence which therefore calls for reform and restructure; perhaps adopting the old ways of countries far removed from Westernized thinking. Originally the sentence of capital punishment necessitated death by beheading however, along with the dilution of the name came weaker and more “ humane" ways of executing prisoners and is now known as the death penalty. The death penalty sentence in America does not serve as a meaningful deterrence. [P]roponents of deterrence have argued that in order for legal sanctions to be effective deterrence to crime, they must be (1) severe, (2) administered with certainty, (3) administered swiftly (celerity), and (4) administered publicly. The presumed importance of celerity of punishment is illustrated by Beccaria: An immediate punishment is more useful; because the smaller the interval of time between the punishment and the crime, the stronger and more lasting will be the association of the two ideas of “ crime" and punishment; so that they may be considered, one as the cause, and the other as the unavoidable and necessary effect . . . Delaying the punishment serves only to separate these two ideas, and thus affects the minds of the spectators rather as being a terrible sight than the necessary consequences of a crime, the horror of which should contribute to heighten the idea of punishment. " (cited in Bailey, 1980, p 1309 ). Many people in our country have not seen a live execution and what they have seen most often looks painless and is carried out often a couple of decades after the punishable crime leaving minimal lasting impressions. Public humiliation is a greater deterrence; public hangings and canings have a greater impact on crime rates. “ Worldwide, fewer than half of all nations allow the death penalty . . . Internationally, attention has focused on those nations where executions are relatively common, such as China and Iran . . . In the United States . . . pressure to abolish capital punishment has grown, both at home and abroad. " (Schaeffer, 2009, p175-177) The penalty needs to be reformed not abolished. The eighth amendment bans cruel and unusual punishment suggesting that executions should be humane and not cause undue pain, however since the rights of the victim were taken with force and brutality the criminal-killers should not be afforded comfort and privacy in compliance with their sentence to death. I agree with what Singapore's Senior Minister Lee Kuan Yew said in a speech, " The…traditional Asian value system . . . places the interests of the community over and above that of the individual…In criminal law legislation, our priority is the security and well being of law-abiding citizens rather than the rights of the criminal. . ."(Tan, 2002) During a visit to Singapore, which practices public caning and sends prisoners to the gallows, I felt secure that no harm would befall me and I was never more afraid to J-walk. The guidelines for caning is spelled out very clearly; the number of lashes for each crime and humiliating public displays leaves no room for their society to act out of ignorance. The marks the caning leaves is a permanent reminder therefore, deterrent to breaking the law. Youths who have been convicted of violent crimes should be subject to the death penalty as well. Although “ every country on earth has ratified the United Nations' Convention on the Rights of the Child, which prohibits the death penalty for juvenile offenders, with two exceptions: Somalia, which effectively has no government, and the US. Even China, one of the world's most enthusiastic criminal-killers, recently banned juvenile executions. " (Beiser, 1999) However, crime punishment should not be imposed based on age if it is a crime that resulted out of deliberation. If an eleven year old was malicious enough to plot and commit murders of his parents or peers that same eleven year old should be punished as if he were 35. Perhaps if youths were exposed to the physical consequences of their actions the desire or idea to commit such crimes would yield deterrence. Americans and our criminal justice system would benefit from revisiting what is in the Nations best interest and resist pacifying those that insist perpetrators of violence be given the very rights to die peacefully which they violently stole from their victims. There will continue to be high crime rates as long as there is no deterrent; or certainty that swift, humiliating and painful justice will undoubtedly occur. Outline 1. Does the death penalty serve as a deterrent to crime? a. No because most people that commit the crimes which make them eligible for the death penalty probably act prior to thinking out consequences and those that do obviously do not believe they will be caught or held accountable. “[P]roponents of deterrence have argued that in order for legal sanctions to be effective deterrence to crime, they must be (1) severe, (2) administered with certainty, (3) administered swiftly (celerity), and (4) administered publicly. The presumed importance of celerity of punishment is illustrated by Beccaria: b. An immediate punishment is more useful; because the smaller the interval of time between the punishment and the crime, the stronger and more lasting will be the association of the two ideas of “ crime" and punishment; so that they may be considered, one as the cause, and the other as the unavoidable and necessary effect... Delaying the punishment serves only to separate these two ideas, and thus affects the minds of the spectators rather as being a terrible sight than the necessary consequences of a crime, the horror of which should contribute to heighten the idea of punishment. "(p. 1309) c. Our judicial system is not swift nor are the executions public. d. I believe that public humiliation serves as a more effective deterrence. e. As barbaric as it may seem, caning and public hangings have more of a direct impact on homicide and crime rates in general. 2. What are some other countries’ responses to the death penalty? a. Most countries have abandoned the idea of capital punishment b. Human rights have been adopted over societal well being 3. What is your position on the death penalty- should it be legal or should it be abolished? a. Reformed b. Needs to be in the public eye and seen as a certainty in order to have impact. c. Should be painful and something to be feared instead of looking like a peaceful sleep. d. The penalty needs to be reformed not abolished. The eighth amendment states that executions should be humane and not cause undue pain, however since the rights of the victim were taken with force and brutality the criminal-killers should not be afforded comfort and privacy in compliance with their sentence to death. 4. Should youths who have been convicted of violent crimes be subject to the death penalty? a. Yes- Although “ every country on earth has ratified the United Nations' Convention on the Rights of the Child, which prohibits the death penalty for juvenile offenders, with two exceptions: Somalia, which effectively has no government, and the US. Even China, one of the world's most enthusiastic criminal-killers, recently banned juvenile executions, " 5. Why or why not? a. don't feel that crime punishment should be imposed based on age if it is a crime that resulted out of deliberation. b. If an eleven year old was malicious enough to plot murders of his parents or peers that same eleven year old should be punished as if he were 35. c. Perhaps is youths were exposed to the physical consequences of their actions the desire or idea to commit such crimes would lessen. REFERENCE PAGE Bailey, W (1980). Social Forces, Vol. 58, No. 4 (Jun., 1980), pp. 1308-1333 Retrieved July 8, 2010 from http://www. jstor. org/stable/2577328 Beiser, V. (1999). Wasted Youth Retrieved July 10, 2010 http://motherjones. com/politics/1999/12/wasted-youth Schaefer, R. T. (2009) Sociology: A brief introduction (8thed.) pp. 175-177 Tan, A (2002) Singapore Death Penalty Shrouded in Silence Retrieved July 9, 2010 fromhttp://www. singaporewindow. org/sw02/020412re. htm Reuters