

The analysis of the reasons to enforce capital punishment

[Law](#), [Capital Punishment](#)



Capital Punishment

INTRODUCTION

Capital Punishment is viewed to many people as inhumane, unnecessary, and over the line. Most people would ask, who is just enough to decide who lives or who dies? This idea comes from being a very liberal society now, where everyone should love anyone and hate should not exist. Sadly this idea is not always what everyone believes, some people believe in getting revenge and embracing the hate that this world has to offer and that is where the concept of capital punishment takes place.

Background

Capital Punishment first started in the United States in 1608 when George Kendall of Virginia was accused of plotting to betray the British with the Spanish. In 1612 Virginia's governor, Thomas Dale, implemented many laws that allowed the death penalty to be enacted on crimes such as theft. This happened in 1622 when Daniel Frank was executed for stealing property. Virginia was big on using capital punishment first but not all states implemented these laws, such as New England who in 1636 said crimes punishable by death are pre-meditated murder, sodomy, witchcraft, adultery, idolatry, blasphemy, assault in anger, rape, statutory rape, man stealing, perjury in a capital trial, rebellion, manslaughter, poisoning and bestiality. This is the first time the death penalty was not allowed to be executed on every crime.

The change in death penalty started in 1776 when Thomas Jefferson and four others fought the Virginia law on death penalty to be only executed for

crimes for treason and murder. Although they lost the vote, by one, others followed these activists in trying to narrow the reasons for the death penalty to be used. In 1793, William Bradford, the Attorney General for Pennsylvania strongly insisted that the death penalty be retained, but admitted it was useless in preventing certain crimes. He said “ the death penalty made convictions harder to obtain, because in Pennsylvania, and indeed in all states, the death penalty was mandatory and juries would often not return a guilty verdict because of this fact. In response” and in 1794, the Pennsylvania legislature abolished capital punishment for all crimes except murder “ in the first degree,” the first time murder had been broken down into “ degrees.”

This same thing happened in New York changing 13 crimes punishable by death to only two crimes, the same thing happened in Kentucky and Virginia. Four States followed including Vermont, Maryland, New Hampshire, and Ohio. Some States got worse with their death penalty crimes, because at this time there were very few jails and penitentiaries for criminals to serve their time for their crimes.

Trying to end capital punishment state-by-state was difficult at best, so death penalty abolitionists turned much of their efforts to the courts. They finally succeeded on June 29, 1972 in the case *Furman v. Georgia*. With the majority of 5-4, the U. S. Supreme Court ruled that the way capital punishment laws were written, including discriminatory sentencing guidelines, capital punishment was cruel and unusual and violated the Eighth

and Fourteenth Amendments. This effectively ended capital punishment in the United States.

By early 1975, thirty states had again passed death penalty laws and nearly two hundred prisoners were on death row. In *Gregg v. Georgia* (1976), the Supreme Court upheld Georgia ' s newly passed death penalty and said that the death penalty was not always cruel and unusual punishment. Death row executions could again begin. This is the point where new forms of executions began to take place. Some States equipment that was used became fluty and would cost thousands to fix. They soon came up with Lethal Injection which would only cost fifteen dollars every time it was used.

Thesis

Capital Punishment although it does take a life away is very necessary in order to prevent horrible crimes from taking place, allows people to be rightfully punished for their actions based on prior events in life, and it cost more to sentence someone to two lives in prison then to just lethally inject them.

DISCUSSION

Immanuel Kant, a great philosopher of ethics, was one of the first to express his view on the death penalty. " Kant several times stresses that a murderer shall die by all means" (Kant Death Penalty). He further went to explain what he means " This is required by the justice as an " a priori" established by law: " The categorical imperative of penal justice, that the killing of any person contrary to the law must be punished with death, remains in force" (Kant, 1996)" (KDP). The actions of taking someone's life should be

punishable by death, even then in most states the death penalty is considered to be in humane.

JS Mill is another supporter of the Death penalty being inflicted on those who murder other people. " Mill believes that it is appropriate to inflict the death penalty on murderers because, in the same way as a thief should be fined or an attacker flogged, he who takes human life should forfeit their own" (Death Penalty). These great philosophers who have great minds are saying that if someone takes another's life than the murders should be offered up as well. " He believes that the death penalty is the most humane way of punishing criminals and that the effect upon the observers is appropriate" (DP). This means that for the family that lost their loved one because someone killed them, that this is the most humane and appropriate way for their sentencing to be.

Aristotle's another great philosopher was actually sentenced to the death penalty for corrupting the minds of people. He was actually someone who was for the death penalty though. " Aristotle's theory of justice suggests the death penalty as a fitting punishment for acts of murder in some cases where an agent has acted voluntarily and viciously" (DP). Although Aristotle's was for the death penalty being inflicted on murders, he was the first philosopher who suggested the courts look back on the criminals past before the court kill him for his first offense. " because it allows a system of justice to fit death penalty judgments to the particular circumstances of individual cases" (DP). For criminals that have no previous offense typically should not be damned with the death penalty.

For the other side of the argument, the sympathizers, disagree with the death penalty claiming that killing someone for anything is inhumane. States that do not have a death penalty typically sentence their murders to two hundred years in prison or longer with a chance of bail. This satisfies the people who disapprove of the death penalty, but in the long run it cost more to sentence a murderer to two lives in jail, then to just lethal inject them with the life penalty. Lethal Injection cost about \$15 for every person that has to suffer the punishment. While imprisoning someone for life they have to provide food and well-being for the prisoners, and for those who are still killing while incarcerated their punishment should be death by lethal injection since they have proven they will not change their actions.

Many people will argue that it cost more to give a murderer capital punishment, which is true if the states have to maintain upkeep on the devices already being used. " Each death penalty case in Texas costs taxpayers about \$2. 3 million. That is about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years" (Death Penalty Information center). The Death Penalty cost so much in the state of Texas because the upkeep on the equipment is poor, this is also why the state has offered the idea of bringing back the firing squad for and execution. That would bring the cost of death to \$3-\$10 per execution. " A New Jersey Policy Perspectives report concluded that the state ' s death penalty has cost taxpayers \$253 million since 1983, a figure that is over and above the costs that would have been incurred had the state utilized a sentence of life without parole instead of death" (DPIC). The state of New

Jersey has also had more death penalties than most other states, and also these numbers are before the finding of lethal injection.

CONCLUSION

There is a definite need for the death penalty, people who kill other people should not be allowed to just get away with what they have done because sympathizers don't like the idea of killing someone because it cost too much. The great philosophers have said they agree with the death penalty if the penalty fits the crime, but they also believe not every crime should be punishable by death, and that is very true. The two crimes that should be punishable by death would be treason and murder. While the death penalty does cost a bit for upkeep there are other forms of killing that could be enforced to make this cheaper. People don't deserve to do what they want and get away with it, there will always be consequences for peoples actions.