

Capital punishment research paper

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



This research paper addresses the following issues regarding capital punishment: Are convicted defendants easily convicted and sent to death row because they cannot afford high dollar lawyers? Is there a moral difference when the state kills as opposed to an individual? Should punishment be based on "eye for an eye" edict or the one that says to "turn the other cheek"?

For the purposes of this paper, research is focused mainly on the United States.

Research

Regarding the first issue, Amnesty International quoted U. S. Supreme Court Justice Harry A. Blackmun, who in February 1994 stated that "the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake". The quotation preceded an article entitled "Death Penalty and Arbitrariness" (n. d.), which suggests that the answer to the question posed is "yes". The article lists reasons contributing to the arbitrariness of the imposition of the death penalty. One such is that most inmates on Death Row were unable to pay for an attorney at their trial, meaning that they were represented by an attorney appointed by the court. Amnesty claim that such attorneys often lack experience, plus are generally overworked and underpaid. In some extreme instances the attorney has slept during part of the trial or appeared in the court affected by drugs and/or alcohol.

Another article – this one by Petar Hadji-Ristic (n. d.) for the Inter Press Service News Agency – also supports that view. Entitled "RIGHTS: Poverty and Capital Punishment Go Hand In Hand", it states that 95 percent of those on death row are poor. In the same article, Bryan Stevenson, director of the

Equal Justice Initiative in Alabama, is reported as saying that: “ We have a serious issue in the U. S. Our criminal justice system is very sensitive to wealth. Our system treats you better if you are rich and guilty, than if you are poor and innocent”.

The second issue addressed highlights a topic which has engendered a great deal of debate and will no doubt continue to do so. In respect of murders committed by individuals, those encompass killings in a wide range of circumstances that include crimes of passion and other murders committed “ in the heat of the moment”, such as during drunken brawls, road rage incidents, during burglaries that “ went wrong” and so on. Then there are the more planned or premeditated crimes and even the serial killings. Thus, it can be difficult to determine which – if any – of those murderers deserve to face the death penalty. They have all taken life/lives, so are all guilty of wrongdoing, yet it could be said not all to the same degree.

However, compared with those individuals, when the state executes someone, in every case it is a premeditated killing. In an article by James Fieser (2008, updated January 2011), entitled “ Capital Punishment: From Moral Issues that Divide Us” Supreme Court Justice Arthur Goldberg is quoted as stating that “ the deliberate institutionalized taking of human life by the state is the greatest degradation of the human personality imaginable.”. He considers it degrading to both the executed criminal and to society itself. Also that it reduces respect for life (especially the poor) and is actually a relic of a former era. He concludes by saying that the death penalty in our society serves no purpose and is not cost effective. The same article notes that the U. S. is just about the only industrialized western

country that still has the death penalty.

The third issue invites us to consider the choice between the philosophies of the “eye for an eye” edict or the one that says to “turn the other cheek”?

The first expression comes from the New Testament (Exodus 21: 23, 24), which stated: “But if there is serious injury, you are to take life for life, eye for eye, tooth for tooth” and the second is attributed to the instruction by Jesus to turn the other cheek. According to Mark Loughridge (19 June 2012) in an article entitled “An Eye for an Eye” on the Milford Reformed Presbyterian Church website, “context is the key” in considering such questions. Loughridge considers that whilst the principle of an eye for an eye should apply literally (i. e. a life for a life) in the case of someone committing murder, for less serious crimes such as injury, it would be wrong to take the law literally. He goes on to say that any punishment should not only be appropriate to the crime but should also be “proportional to it”. In contrast, he suggests that the principle of turning the other cheek is applicable to our individual daily interactions with others. Rather than seek revenge or restitution when we are wronged, Loughridge suggests we respond “with grace, gentleness and generosity”.

A further view on this topic is provided by an article on the New Zealand Kingwatch website, entitled “Crime and Punishment” (n. d.). Under the sub-heading “Murder”, the article states that: “Intentionally and deliberately killing another person is such a serious crime that the death penalty is required by the law.” It also suggests that because man was created in God’s image, then killing another is like striking God. The article continues by highlighting the difference between murder and manslaughter, suggesting

that the death penalty should apply only “ where the murder is planned in advance”. It also states that in cases of brutal murder, the death penalty should be the only option to be applied. On the other hand, the article suggests that executing someone should not be by the act of a single, professional executioner, but should be by joint action of a number of people, as should the decision to carry out the death penalty. The article also postulates that mercy should always be a factor in the decision where capital punishment is the verdict; i. e. that the decision must be unanimous, otherwise the sentence should be commuted.

Conclusions

Having researched the three issues addressed for this paper, my findings are as follows:

It seems to be true that defendants are more likely to be convicted and sent to death row if they are poor and thus cannot afford their own lawyers, having to rely instead on court-appointed lawyers who are likely to be inexperienced and less able than their higher paid counterparts.

As regards the moral difference between a murderer killing someone and the state executing a convicted criminal, in my view – which I believe is shared by a significant number of others – there is little difference from a moral perspective. Killing someone is wrong, and killing the perpetrator does not put right the wrong. Executing a criminal is simply repeating the sin of murder, though “ legitimized” by the state. It is time for the death penalty to be abolished and replaced by full life imprisonment.

Regarding the third issue, the weight of opinion seems to be that punishment should be appropriate for the crime committed, so endorsing the

“ eye for an eye” principle, at least for serious crimes. “ Turning the other cheek” could be construed as sending criminals a message that they’ll be forgiven rather than punished.

References

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