

Free essay on should death penalty be used for retribution

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



Laws are enacted to maintain social order and status quo in the society. Various arms of the government, especially the judiciary are bestowed with the responsibility of ensuring that citizens obey the laws to promote social order, harmony and social justice in the country. In most countries, the judiciary has the discretion to pronounce any form of punishment on a criminal; based on the gravity of crime an offender has committed. In most countries including America, criminals who are convicted for committing capital crimes such as murder, robbery with violence, rape and treason are punished through death penalty. The move to sanction criminals through death penalty remains a controversial topic that elicits diverge views from the public, other government quotas and the international community. Proponents of death penalty have provided valid reasons why they support death penalty including its effectiveness in deterring crime. Death penalty is effective in deterring crime because it is anchored on the principle of “ an eye for an eye”-that means that the punishment should match with the gravity of the crime one has committed. Consequently, the opponents of death penalty have condemned its use in the criminal justice system because it contradicts religious and moral principle of preserving life. As a result of this controversy, the paper seeks answer the question on whether death penalty should be used for retribution or not.

Death penalty should be used for retribution to promote social justice, deter crime and restore social order, but it is important to define the term retribution before expounding on these assertions. Most people tend to confuse the meaning of retribution and revenge, but the two words differ in meaning and applicability. Cromie (2013) asserts that retribution connotes a

rational theory that postulates that an offender should be given sanction that match with the gravity of the crime one has committed (p. 73). In other words, punishment should be congruent with the gravity of the crime a criminal has committed. Consequently, Cromie defines revenge as the act of inflicting bodily harm on the offender; an act that is influenced by anger and hatred the victim has towards the offender (p. 75). This is clear indication that retribution is directly influenced by hatred and anger one may have towards the offender(s), but rather a moral way to maintain social order and status quo.

Social justice is an imperative component in ensuring that harmony, cohesion and order prevail in the society, but this goal can only be realized through the enactment of laws, which represent the collective will of the people. The laws should serve the interest of all people and promote equality and fairness; without any form of biasness or discrimination. In other words, there should be no person or a group of individuals who should feel oppressed and marginalized by certain laws, but this goal can only be realized when the public feel that the type of punishment- stipulated in the law and given to a criminal match with the gravity of the crime one has committed. For instance, criminals who commit serious felonies such as rape, murder, robbery with violence and treason should be punished through death penalty because that is the most justifiable form of punishment for capital crimes in the society (Blecker 1). However, social justice will not be realized when members of the public feels that the type of punishment given to a criminal is not desirable or does not represent the collective will of the people. In such a scenario, members of the public will resort to other

unlawful acts of retribution including mob justice; a move that will lead to creation of unstable nation. Therefore, death penalty should be used in retribution to promote social justice and prevent the creation of insecure and injustice nation.

Opponents of capital punishment have criticized the use of death penalty for retribution because they believe that it is less effective in deterring crime as compared to sending criminals in correction facilities. This aspect is premised on the fact that criminals change their behaviors and reform while in correction facilities. However, it has been established that most criminals do not reform and continue to commit crime when released into the society because they were not punished in accordance to the gravity of the crimes they had committed. In other words, most criminals continue to commit crime because they believe that they will not be punished severely for commit other offense; an aspect that increases crime rate in the society. However, using death penalty for retribution is an effective way to deter crime because criminals are punished based on the gravity of the crime. For instance, those criminals who are charged for committing capital offenses understand that they will punished punitively and they will not repeat to engage in criminal activities again. Exposing criminals to punitive forms of punishments prevent other criminals from engaging in criminal activities thus deterring crime. In essence, death penalty should be used in retribution to deter crime.

Society is a system that is made of different elements and institutions, which work in harmony to maintain its social order. However, social order is disrupted when various elements and institutions fail to function effectively.

Crime is one of the factors, which disrupt social order in the society because criminals kill people and engage in criminal activities in order to benefit themselves from undeserved outcomes. Since criminals disrupt social order and benefit from undeserved outcomes, retribution should be used to restore moral justice in the society by punishing criminals based on the gravity of the crime one has done. In other words, using death penalty for retribution ensures that criminals pay a price that is similar to the gravity of the crime. This move restores social order in the society because retribution is the only way death penalty as a punishment can requite crime in the society. Based on this assertion, it is evident that death penalty should be used for retribution to promote social justice, deter crime and restore social order in the society.

Works cited

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