

# The importance of the death penalty

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The Importance of the Death Penalty Lorena Pula PHI 107 Dr. Latasha

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The world can be a dark and cruel place to live in. Proof of this cruelty can be easily determined just by watching the news, or reading a newspaper of current events. It seems like every day a horrendous crime is committed: murder, kidnapping, and child molestation, just to name a few. These crimes are sufficient proof that there is enough evil in the world to make even the atheist pray for divine intervention. Amazingly, the human species has survived long enough to see another day.

Perhaps the reason for our survival is sheer luck, but most of us would agree that luck has nothing to do with it. A more rational and logical answer for our survival may be linked to the rules that we have set to protect our lives.

Without these rules, our world would be in a chaotic state of nature. Social contract theorist, Thomas Hobbes, believes that life in a state of nature is a "war of all against all," and in the state of nature life is "nasty, brutish, and short. He believed that rules and regulations were very impertinent to keeping order within our society (Waller, 2008). To an extent, I agree with Hobbes. I believe that it is very important that we are advocates for the death penalty, because it is a vital factor to keeping our society under order.

The death penalty is the most severe form of punishment sentenced to a person who has been condemned by the law. Although it is unclear how far back this particular form of punishment has been practiced, the first recorded statistics of the death penalty in the United States dates back to the 1930s (Green, 2005). The controversy of whether the death penalty is an adequate form of punishment, or an unconstitutional one has been debated

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for centuries on end. History can verify the roller coaster decisions about the issues concerning the death penalty. In *Furman v. Georgia*, 408 U. S.

153 (1972), the death penalty was declared "arbitrary and capricious" and therefore unconstitutional under the Eighth and Fourteenth Amendments.

However, in *Gregg v. Georgia*, 428 U. S. 153 (1976), the death penalty was reinstated under a model of guided discretion. There are reasons why the death penalty was reinstated. It appears that the benefits of the death penalty outweigh the alleged detriments it presents.

It is important that we provide retribution due to the people who have been victimized in the most atrocious manner. Intentionally taking the life of an innocent human being is so evil that absent mitigating circumstances, the perpetrator forfeits their own right to life. The person deserves to die or be punished in proportion to the severity of their crime (Waller, 2008). A life taken prematurely by a criminal does not only affect the victim, but the lives of their loved ones forever. If a society fails to punish these criminals in a way thought to be proportionate to the gravity of a crime, the danger arises that the public would take the law into its own hands. The outcome is likely to be an anarchistic, insecure state of injustice (Bedau, 2005). Envisioning yourself in the same situation, where there was no retribution for the crime committed against you or a loved one, an act of private retribution will likely take place.

The death penalty sentence could assist in alleviating these private acts of revenge. It is essential that we find a method of deterrence to assist in preventing people from committing dreadful crimes in the future. The death

penalty provides a justified method of deterrence. Contrary to the idea that it promotes violence, the death penalty helps us think twice about carrying out our intentions of belligerent behavior. Crimes would run rampant as never before if there is not some way to deter people from committing repulsive acts of crime (Messerli, 2008). The death penalty serves as a reminder that there are consequences to our actions, which we are responsible for what we do, so that dire consequences for immoral actions are eminently appropriate (Waller, 2008). Growing up, I could remember being warned by my parents to refrain from participating in activities that would cause harm to me or another person.

If I did not abide by the rules, then I would be punished. The justice system with the punishment of the death penalty is similar to this analogy. The people as a whole are equivalent to the children in this case, with the justice system being the parent, using the death penalty as a way to teach us to refrain from engaging in heinous acts that would hurt ourselves and others. If we do not adhere to the rules, then we suffer the consequences of our actions. It is vital that we have the death penalty to prevent the possibility of reoccurrence. A person sentenced to life in prison could be possibly let out early through parole, making it possible for them to reoffend. A prime example of reoccurrence is presented in the current case regarding the kidnapping of Jaycee Dugard.

She was kidnapped and held captive for eighteen years by a repeated offender, Phillip Garrido. Philip Garrido was previously held in federal prison for eleven years for a similar case and was released early from prison on

parole (Wohlsen and Rindels, 2009). In 2000 to 2005, the percentage of reoccurring violent and sexual crimes committed rose over twelve percent. In addition to this finding, more than half a million crimes committed a year are committed by serial offenders who have just been freed from jail or sentenced to community punishment (Hickley and Slack, 2008). It is appalling to thinking about crimes committed by repeated offenders. It makes a strong case for why the death penalty is very impertinent to our society. It will eliminate all chances of a repeated offense.

It is also a great preventive measure to securing the lives of innocent people. However, as with every controversial issue, there are always two sides to consider. Opponents of the death penalty argue that the death penalty violates the basic human right to life. They believe that prison sentences are a satisfactory alternative to the death penalty for criminals who commit even the most horrific crimes. They present their case by contradicting the very same reasons that validate the death penalty. In addition to their counter arguments, they further argue that it sometimes leads to the death of innocent people and that it discriminates by race. Even after considering objections made against it, I have addressed the statements of opposition to illustrate that the need for the death penalty exceeds these objections.

The people who oppose the death penalty argue that retribution is another ord for revenge, and that killing someone who has killed someone close to you is simply to continue the cycle of violence (" Should the death penalty be used for retribution", 2009). This is not true. According to Pojman, people often confuse retribution with revenge. Retributivism is the theory that the

criminal deserves to be punished in proportion to the crime, whether or not the victim or anyone else desires it. Vengeance signifies inflicting harm on the offender out of anger because of what the criminal has done (Bedau, 2005). It is two completely different words, with two completely different meanings. As far as the idea that the death penalty is a continued cycle of violence, this statement is also false.

The death penalty is not a continued cycle of violence, but a way to bring closure to victims and their families. Otherwise, we run the risk of people taking matters into their own hands. Opponents of the death penalty also argue that it is not a significant deterrent of crimes. However, this is too strong of a claim. Sociological evidence does not show whether the death penalty deters or that it fails to deter. The evidence is simply inconclusive. It would be hard to provide statistics to tell us how many potential criminals have refrained from committing crimes that would put make them eligible for the death penalty sentence (Waller, 2008).

In this situation, probability could go a long way. Since the death penalty is a probable deterrent for crimes, its existence has earned its merit. Similar to the safety features we have installed in vehicles, it doesn't always prevent us from death in a car accident, and it only increases our chances of survival. The death penalty could be viewed as a safety feature we use to increase our chances of simply living, by deterring criminals from committing irrational crimes out of fear for the possibility of dying themselves. We would be too gullible if we were to think that it would always work, but if it saves one life, it has proved its worth. Another argument presented by opponents

of the death penalty is the death of innocent people that were wrongfully convicted. They support the idea that if we allow an innocent person to be executed, morally we are committing the same, or in some ways, a worse crime than the person who committed the urder.

However, this is an incorrect statement. Mistaken judicial execution is in no way the same or as worse than a person who has a deliberate intention to kill an innocent person, whereas no such intention of killing the innocent person occurs in wrongfulcapital punishment(Waller, 2008). Finally, but certainly not the least argument presented by those who oppose the death penalty, is the issue of unjust racial discriminatory action of the justice system concerning the death penalty. Opponents believe that the death penalty discriminates against the poor and minority groups over the rich people and whites. However, to counterattack this proposition, it is not true that the law applied in a discriminatory manner is unjust. Unequal justice is no less justice, however uneven its application. A just law is still just even if it is not applied consistently (Waller, 2008).

Although there may be more minorities considered for the death penalty, it does not make it an unreasonable, or a discriminative action against them because of race. There are other factors that contribute to who may be eligible for the death sentence, not the color of their skin. There are many other reasons that opponents would try to structure a plan to abolish the death penalty, but the truth of the matter is, eliminating it would create more problems than it would solve. Private acts of retribution, deterrence, and reoccurrence are just highlights as to why it is so important. Although

opponents claim that the death penalty violates the right to life, did they forget that the very people they are defending violated the same rights for the victim? I am a proponent for the death penalty, but that does not mean that I do not value life. On the contrary, exactly like Pojman stated " it is not because proponents disvalue life that we defend the death penalty, rather it is because they value life so highly, and that they support its continued use. " (Waller, 2008, p.

260) I do not want to live in a society in which people are not afraid to violate the law because of a lenient judicial system. Even though my safety is not one hundred percent guaranteed, I am more comfortable with the proposition that there would be an equal form of punishment for a crime, if one were ever committed against me. Reference Bedau, A. (2005). Debating the Death Penalty: Should America Have Capital Punishment. New York. Oxford University Press.

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