

Death penalty research paper example

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



Death Penalty

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Abstract

The main aim of this research is to depict history of the death penalty from its evolution and to show the role of it nowadays. A comparison of old and modern methods of execution reveals the movement to human and democratic world. The ancient death penalty can be characterized as one of the most cruel and varvarous methods. The execution in the Middle ages is also inhuman. Today, the society undergones transformation and develops of painless means of execution. Specifically, this paper considers such kinds of execution as burning alive, decapitation, hanging, boiling in oil, crucifixion and the lethal injection. In addition, the paper examines the crimes punishable by the death penalty according to different countries Much of the research is focused on the international trend of abolishing the death penalty.

Keywords: death penalty, history, methods of execution, crimes

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Death Penalty

For centuries, states have been using the death penalty to eliminate crime. It was common in ancient time and the Middle Ages. Today, the society recognizes human dignity and right to life. Therefore, the death penalty has become a hotly debated issue. One side may argue in favor of the death penalty and its deterrence while the other side may say about errors in legal system and execution of an innocent man. The foretype of the death penalty

was blood revenge in primitive tribes. It was a sacred duty for family to revenge and kill the murderer. Avoiding revenge meant betray a deceased relative. In tribal culture, a son cannot receive an inheritance without the revenge for a father. As primitive societies developed and divided into social classes, created self-governed republics, the death penalty became the main deterrent and a common response to a variety of crimes. The states took a function of regulating this question. For example, the Laws of Hammurabi (1792-1750 B. C.), Indian laws Manu (2000-12000 B. C.), Hittite Laws (1600-1200 B. C.), the Draconian laws in the ancient Greece (621 B. C.) sanctioned the widespread use of the death penalty. The ancient arbiters always made the death penalty torturous and cruel to show people the terrible consequences of committing misdeeds.

The ancient times had a rigid hierarchical structure of classes, and the death penalty had also been divided by rank. For instance, everyone who used abusive language had to be punished. The ordinary people were punished by drowning. The nobleman only paid fine. In the Middle Ages, the method of execution was also different for social classes. In Medieval Korea, the commoners were beheaded, and dignitaries, condemned to death, had to drink poison at home. In the Middle Ages, the carrying out of the death penalty was often accompanied by torture. The inquisition of that time condemned thousands of people to burning alive, decapitation, drawing, boiling in oil, crucifixion, beating to death. The

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researcher Shaun Porter classifies them as part of the worst 25 methods of execution used in history (2014). In the past, the death penalty was

performed publicly and very solemn. Execution with the guillotine became the most popular form of the death penalty in the Middle Ages. This method was, however, abolished with time. Public punishment of an offender, who violated the calmness of urban life, was a ritual cleansing from crimes and restoring the original purity in relations between people. The court officials hoped that the ritual nature of the punishment would pacify the violence. The right to forgive the offender had only God. When the rope broke, or stairs was too close to the gallows, people interpreted this as a God's sign of innocence.

The criminal code of the emperor Charles V was published in the middle of XVI century. It has been applied in many European countries until the end of XVIII century. The document prescribed such brutal and unusual punishment as quartering, breaking on the wheel, burning at the stake, death by drowning, burial alive. Beheading regarded as punishment for upper social classes and hanging or burial for commoners. In England, the traditional punishment for adultery was cruel. Women were burning at stake, and men were quartering. Britain influenced its colonies on the development of the death penalty. When European settlers came to the new world, they brought the practice of capital punishment. The crimes that punished by the death penalty in New Zealand were murder, treason and piracy. Executions in colonial America, though rare events, had a significant religious component that they lack today (Bohm, 2011).

One of the common executions throughout history was the death by hanging. It occurred in ancient Persian Empire. Then it became widespread. In X century, it was the most usual severe punishment in Britain. Even in the

end of XX century it was a nonalternative method of execution in such countries as Great Britain, Israel, Kenya, Malaysia New Zealand,

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and Singapore. In the XX century, the most famous penalty by hanging is an execution of Nazi war criminals in Nurnberg. In addition, the International Military Tribunal in Tokyo condemned to death by hanging seven Japanese war criminals. In the 20th century some new methods were introduced.

These methods included electrocution, the gas chamber, and the firing squad. Later the lethal injection was introduced.

Historically, it can be traced that the death penalty also has been widely spread in the transition, the revolutionary period, when the government being unable to accomplish the reconciliation of interests within society and to resolve conflicts tearing it resorts to terror. It was during the tyranny of Cromwell, the Jacobin dictatorship, and the "red terror" of Stalinist repression. Characteristically, in any of these periods the massive use of the death penalty did not solve any of the problems faced by society.

Nowadays, we take care even about the criminals and make for them only fast death penalties without pain. Currently, the general rule is that the death penalties are executed in secret. The legal system of civilized nations kills offender privately in a closed room. In the modern era, the number of crimes punishable by death has greatly diminished. The horse theft, piracy, and slave rebellions could also warrant death in the past. In modern times, they are no longer prevalent. In addition, the vast majority of states have abolished the death penalty for ordinary crimes. The crimes punishable by

the death penalty include murder, treason, large scale drug trafficking, sex crimes, kidnapping, treason and others.

For example:

murder (the USA, Saudi Arabia and others);

armed robbery (Nigeria);

women adultery (Iran, North Korea, United Arab Emirates, Saudi Arabia, Sudan);

forgery of official documents (Iraq);

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prostitution, sodomy (Iran);

death for drinking alcohol several times (Iran);

homosexuality (Iran);

printing or showing pornography (China);

procuring and maintaining brothels (China);

embezzlement of State property (Somali);

terrorism (Egypt, the USA, Japan);

counterfeiting (Albania);

drug trafficking (Mozambique, Turkmenistan, Iran);

air and water pollution with aggravated damages (Yemen);

death for cursing the Prophet Muhammad (Pakistan);

collective rape (Pakistan);

kidnapping and human-trafficking (China);

magic, which has led to the death (Rwanda).

The international community in the XXI century comes to abolition and

restriction of the death penalty. Global trend to oppose the death penalty is accelerating. The explanation of this trend is transformation of societies and development of less violent means such as police and prisons for control the crimes and punishment offenders (Garland, 2012). The United Nations Commission on Human Rights has passed a resolution calling on countries that have not abolished the death penalty to establish a moratorium on executions. Furthermore, the General Assembly called on States to restrict the death penalty's use and not impose it for crimes committed by persons below 18 years of age and pregnant women. The range of people who can be condemned is also reduced. In the past, there were no exceptions. In the modern time the law of many countries excluded from this range children, women and very

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old people. The number of countries that use the death penalty is reducing annually. In particular, on the beginning of the First World War the death penalty was abolished by law only in 7 European countries, at the end of the 1980s it was abolished in 53 countries, and suspended in 27 countries (“Death penalty 2012,” 2013). However, the humankind has not yet come to the desired integration for this question because each nation has own history and traditions. Therefore, public opinion in different countries has divided towards positive or negative attitude to the death penalty. The death penalty is abolished by most countries of the developed world, especially in liberal democracies.

Many states, however, do not want to abolish this irrevocable form of punishment. China, Iran, Iraq, North Korea, Afghanistan, Saudi Arabia, the

US, Indonesia, Yemen, Vietnam and others retain the death penalty. China, Iran, Iraq, Saudi Arabia and the US have the highest execution numbers. Thus, the death penalty is mainly an Asian phenomenon. However, Asia is far from homogeneous. Much of Southeast and Southern Asia (the Philippines, Thailand, Sri Lanka) has stopped executions. India, Pakistan and Bangladesh have a very small number of executions (Schabas, 2013). It is surprisingly to see the US in this list. Many people believe that the USA should join 140 other countries and ban the death penalty. Nevertheless, thirty-four states in the United States of America still practice the death penalty as a means of punishment for capital offenses and heinous crimes. The primary method of execution in the USA is lethal injection. The other variants are hanging, firing squad, electrocution, gas chamber. In fact, Europe is the only region in the world where the death penalty is abolished (the exception is Belarus). The histories of the death penalty dates as far back as the ancient laws have been created. At that time it wasn't so controversial as nowadays. The death penalty was an

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ordinary event. The history of the death penalty shows the general turning away from its use. In ancient times, the death penalty was the main deterrent of crime. The executions were barbarous and inhuman. Today, humankind recognizes inalienable right to life and dignity. Therefore, in many countries the death penalty is abolished completely. Instead of it, criminals condemned to life sentence without parole. In my opinion, the state does not have the right to kill the criminal, because that would be depriving the human dignity and right to life. The death penalty is a form of

premeditated murder by the state. The violence generates more violence. It is not an exit to cleanse the world by killing murderers. This action cannot return their victim and cannot bring solace. Legal system cannot be perfect, so we have not had a workable death penalty in our world. I hope that a death penalty-free world soon will become a reality.

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