

Death penalty



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The death penalty is an emotive issue which arouses passions on ethical, religious, political, economical and social fronts. Both the supporters and opponents of capital punishment have marshaled convincing arguments to support their respective stands. The debate continues, reflecting the social and political climate of the times. Advocates of the death penalty contend that it is the only means of serving justice and deterring further capital crimes, while the opposition cites the arbitrariness of the punishment and the wrongful execution of the innocent as valid reasons to abolish capital punishment.

Supporters of the death penalty argue that murder is a violation of the most fundamental of human rights: the right to life and this heinous crime merits the death

penalty. Their contention is that justice, which is the basic tenet of the legal system, mandates that the punishment is appropriate to the seriousness of the crime. Here, the death penalty is the only punishment which is in proportion to the crime of depriving the victim of life. As murder violates the sanctity of life, justice is served only by the award of the death penalty. 1

Deterrence is another argument advanced by advocates of the death penalty. While the deterrent effect may not operate in sudden crimes of passion, " There are carefully calculated murders, such as murder for hire, where the possible penalty of death may well enter the cold calculus that precedes the decision to act." 2 The fear of the finality of death is definitely

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more of a deterrent than any alternative, such as life imprisonment. Even when the deterrent effects of the death penalty cannot be conclusively proved, its' adherents assert that, if deterrence holds good, the innocent lives of future victims have been saved and if deterrence fails, the only consequence is the execution of a convicted murderer.

Abolitionists hold the arbitrariness of the death penalty to be a major reason for it to be repudiated. This includes disparities in (1) region - the execution of the death penalty is concentrated in the Southern states; (2) race - blacks receive the death penalty at a 38% higher rate than other defendants; (3) legal representation - indigent defendants are often assigned incompetent defense attorneys; (4) jury misperception and bias. ³ The advent of modern DNA testing has led to several exonerations of Death Row inmates, calling the execution of the death penalty into question by its' opponents. Erroneous convictions are attributed to pressure on police and prosecutors to solve homicides, often resulting from the politicization of a crime, lack of eyewitness testimony, heightened publicity, juror bias, limited resources of the defense attorney, emotional issues in heinous cases and coerced confessions. Abolition of the death penalty is the only way to prevent the death of innocents. ⁴

At present, thirty-eight states in the U. S. have authorized the death penalty, which is also upheld by the Federal Government and the U. S. military.

Despite the consistent media bias against the death penalty and the strident activism of abolitionist lobbies, public opinion polls clearly demonstrate that the overweening majority of the American public supports the authorization of the death penalty. Under these circumstances, despite ongoing debate, calls for a moratorium and changes in legislations, it is evident that the

death penalty is here to stay.

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