

# [The that a society that does not](https://assignbuster.com/the-that-a-society-that-does-not/)

The question of whether or not Capital Punishment is ethicalhas been a problem society has faced for a long time. The death penalty is givento those who commit crimes so heinous, like murder, that society believes thecriminal responsible deserves death as a punishment. A widely controversialsubject, the death penalty ethical question is split among many people ofdiffering ideas with some believing it is bad, and some believing it to be good. This essay will go over why the death penalty is ethical from the stances ofImmanuel Kant, Utilitarianism, and Retributivism.

Immanuel Kant believed that the death penalty was morallyjustifiable in certain cases and insisted on the capital punishment for murderssaying, “ whoever has committed murder, must die” (Avaliani). Hebelieved that a society that does not sentence someone who has killed people todeath is just as bad as committing the crime itself. Kant criticizes the beliefthat no one has a right to deprive a person of a right to live. He believedthat a state should have the right to kill a murderer.

Kant believed that capital punishment is justified only forserious crimes such as murder or anything that causes a very large amount ofdamage to society. He believed it was impossible to allow any type of situationwhere a murderer should be entitled to any legal rights and would be able tojustify his actions. He also believed that we could not get rid of capitalpunishment and didn’t know what could take its place it if it was abolished. Kant thought that if a criminal is not punished then society has acontroversial nature and undermines itself.

He also believed punishing aninnocent man by accident was better than failing to punish someone who hascommitted a crime and believed a murderer sentenced to death shouldn’t be allowedto appeal for a lighter punishment. Utilitarianism views the death penalty as being morallyjustifiable if it benefits society as a whole or promotes general happiness. So, if someone commits very serious crimes like murder then it would promote thegeneral happiness of the public to have that person be punished with the deathpenalty. So, while even though punishing criminals might cause sadness and painfor them and the people who are close to them, these punishments will ensurethe happiness of the society as a whole. It can be said that Utilitarianismssupport death penalty because, violating laws causes pain for the majority ofthe society so preventing this pain is necessary.

However, they don’t believeit is all right to punish criminals in order to give them what they deserve orexact revenge or retribution on them. The problem with retribution, for utilitarianists, is that it promotes suffering without any gain in happiness. Utilitarianists also believe capital punishment is meant todeter many criminals from committing murder. The severity of losing one’s life isintended to cause fear and consequently prevent crime. The death penalty isalso better than life imprisonment because it prevents the criminal whocommitted such heinous crimes from being released from prison and committing themagain. From this viewpoint, the taking of the criminal’s life is justified becauseit prevents the taking of other, innocent lives. If decided that the permittingthe criminal to live may result in consequences of more terrible crimes, then capitalpunishment would be considered an appropriate alternative in that case.

These views show that the death penalty is an ethicalsolution to terrible crimes. All of these viewpoints state that the deathpenalty should only be used in scenarios where the criminal in question hascommitted the most heinous of crimes, murder. Kant states that if a criminalhas killed someone then he forfeits his rights as a human being and hispunishment should be equal to the crime.

Executing murderers prevents themfrom committing their crime again, and thus protects innocent victims. The goodoutweighs the bad, and the executioner is morally justified in taking themurderer’s life. It is actually more morally wrong to simply incarcerate amurderer to a life of air-conditioning, television equipped prison where theyget three free meals a day, recreational time, and visits from people close tothem. Someone who murders another person can only be made to pay for theiractions by forfeiting their rights and giving their life in place of the personthey killed. It should be this way because a loss of freedom does not compareto loss of life.

If the punishment for smaller crimes such as theft isimprisonment, then the punishment for murder must be even more severe, becausehuman life is much more valuable than any material item. For example, if amurderer took the life of a child and the criminal was only given a lifesentence then, the family of the victim will be paying taxes for his meals andhis television. And if he were to take the college courses that prison mightoffer him, the family of the victim would be financing that as well. This goesagainst Kant and utilitarianism because it doesn’t strip the criminal of theirrights or punish them accordingly, but it also doesn’t promote happiness to thevictim’s family. Many people also tend to claimthat the death penalty is just a means of revenge. However, it is not while inreality, the murderer actually gets off fairly easy when they are sentenced todeath. The murderer is often only injected with a lethal injection.

If a personis given the lethal injection they are put to sleep and then given a shot thatwill stops their heart. The criminal dies from overdose and respiratory andcardiac arrest while they are unconscious. The small amount of pain thecriminal goes through does not even begin to compensate for the pain of thevictims and their families.

The death penalty in the UnitedStates is reserved for only the most heinous of crimes. It is not a state-runlottery that randomly chooses people at random from among all those convictedof murder. Instead, it is a system that selects the worst of the worst. If youwere to sentence killers like the ones previously described to a lighterpunishment, such as a long period in prison, would be disproportionate to theseverity of the crime.  The Retributive Theory is a formof justice that comes from the old saying “ an eye for an eye”. The basicprinciples of it are desert and proportionality with desert referring to somethingwhich has caused a person to commit a crime. Proportionality refers to how muchpunishment the criminal should get according to the crime they committed. Retributivistsdo not punish a criminal for what they might do, but only for what the personhas done for the whatever the person deserves.

In the retributivist theory, thepunishment given out is seen as a form of retaliation for whatever crime wascommitted. Retributive justice tries to atone for the crime. The supporters ofretributive justice say that criminals deserve punishment on account of theirwrongdoing. If they deserve discipline, then justice demands we do so and injusticeis done if we don’t.

An advantage to this theory is thatit targets punishment only for those who deserve it therefore, an innocent personcan’t be punished. For a punishment to be given out, a person must be foundguilty of committing the crime they are accused of.