

# Critique of the death penalty research paper example

[Law](#), [Capital Punishment](#)



The death penalty also known professionally as capital punishment is where one is put to death by the state after being found guilty of a heinous crime. Its existence can be traced back to the eighteenth century in the code of King Hammurabi (Strieb 24). During the colonial times, the death penalty was approved in most constitutions. The common methods used included hanging or mutilation of the head. These methods were thought of as slower, torturous and ineffective. Consequently and with industrialisation, these methods were improvised to include electrocution and the use of lethal drugs.

The main aim of a correctional facility like a prison is to correct that which is wrong. An offender leaving a prison after serving his or her time is supposed to have learnt a lesson and changed for the better. Previously, those who advocated for the death penalty insisted that it spares the world of additional murder victims. According to this argument, murderers are incapable of changing their ways and deserved the capital punishment. The pertinent question has always been whether or not the death penalty is served fairly and how well it serves justice.

After much discussion, the death penalty was abolished in the United States citing that it is unconstitutional and against the eighth amendment (Brian 2). Ninety seven followed suit citing that it is cruel and against the least basic human rights. Currently only fifty eight nations practice it. A few of the remaining use it with a lot of caution and rarely. The death penalty is unfair in practice, it does not deter crime and it is against the most basic of human rights; the right to life. Subjecting the death penalty to a cost benefit

analysis, the ledger is usually one sided with no discernible benefits. It should be reinstated in all the constitutions.

## **Deterring Crime**

In nineteen twenty five, a sociological research done on the death penalty revealed that it does not deter crime. However, the evidence for that was found to be quite weak. The research also revealed that capital punishment is not as effective as long term imprisonment in terms of offering correction (Kenneth, Raymond and Hui 1012). Owing to the lack of enough data, many experts did not take the research seriously until the abolition of death penalty. This sparked an electrifying debate on the effect of capital punishment on deterring criminal activities.

In nineteen eighty nine, further research was conducted by the American Society of criminology based on the same query. An overwhelming amount of evidence led to the conclusion that; the death penalty has never been as effective as long term imprisonment when it comes to deterring criminal activity (Kenneth, Raymond and Hui 1013). While the death penalty led to a 10 percent decrease in homicides, long term imprisonment led to a 15 percent decrease in homicides. This implies that there was an increase in criminal activities after the death penalty.

Out of all the subjects used for this study, 96 percent of those in long term imprisonment showed an improvement in their behaviours. This is because of the correctional services like counselling offered in prisons. The increase in homicides in cases of the death penalty was attributed to revenge by the friends and families of the criminal (Bedau 1056). The previous suggestion that capital punishment is more effective was termed a fallacy. The same

research revealed that people tend to commit crimes because they feel like losers. When they have nothing to live for, they commit a homicide so that they can be punished by death because suicide is illegal. What is imminent from all these discussions is that there is no demonstrable deterrent effect with the death penalty.

## **Racial and Social Discrimination**

The constitution advocates for justice of all. Justice in this case implies that judgement should be made rightfully, equally and with fairness. One of the arguments against death penalty has been that it is conducted unfairly. It is either based on racial or economical biases (Hashem and Paul 1356). An exhaustive study on racial discrimination was once conducted in five states in America. In the state of Georgia, the rates of receiving capital punishment for the white people were substantially higher than their black counterparts. The reverse was the truth in the white dominated states. The preference on these penalties could not be explained by any other factor.

Racial minorities have always been poor in developed continents like Europe and America. In these areas, social status played an important role when it came to offering capital punishment. In the same situation and with all things held constant, poor people had a higher chance of receiving the death penalty (Deathpenaltyinfo. org). The evidence was quite obvious basing on the data. Members of the affluent strata were missing from the death penalty list.

The above evidences tip the balance of the weigh beam towards justice that calls for equitable ruling. In some cases, there have been problems in cases

where the prosecution ostensibly states a lesser crime for a crime punishable by capital punishment. This could stem from a myriad of reasons including poorly trained and inexperienced lawyers. Discretion is unavoidable even with statuses guiding the prosecution towards a sentence (Rob 331). This implies that capital punishment could have been used illegally on innocent civilians. This is especially so based on the biases discussed above.

## **Human Rights and the Death Penalty**

The ways with which the death penalty was executed has been accused of being barbaric. As such, it goes against human rights. Traditionally, capital punishment was instituted through hanging. This method was used for quite a while until debaters thought of it as barbaric (Schabas 179). The gallows replaced hanging but this too was thought of as barbaric. For instance; it could lead to choking if the drop was too short. This is equal to hanging. If the drop was too high, then the head would be mutilated. This was abolished with the discovery of guns. This is inhumane and against the human right of the right to life.

The firing squad was used for quite a while where the criminal was strapped onto a chair and sprayed with bullets. All this while, families were allowed to watch which imprinted an irreversible psychological damage on the audience (Strieb 82). Electrocution was the next form of undertaking the death penalty. This was probably the most painful and brutal way of exercising this form of penalty. In fact, most of the people present reported of the smell of burning flesh from the amount of voltage used.

The gas chamber which was adopted afterwards did not improve this

situation. The use of sulphuric acid and cyanide fumes has been known to cause corrosion of internal organs. This is known to cause severe pain. By a veneer of decency, lethal injection was adopted by most states. However, the end result is always the same; there is death of an individual. Someone's right to life has been taken away. It also affects the psychological makeup of the audience because it exposes them to barbarism.

## **Costs of the Death Penalty**

The death penalty devours a lot of resources in the process of instituting it. Costs are higher when a death penalty is in the offing. The steps taken in the appellate are longer and take a longer time (Kenneth, Raymond and Hui 1040). The process is more likely to drag on for decades especially with the appeals included. These resources could instead be redeployed to other correctional programs which are likely to lead to attainment of the goal of correction. Also, the long time taken in jails could be used for correcting the individual instead of preparation for appeals. In this way, the correctional facilities would make more sense.

## **Conclusion**

All the facts above are summed up to show that the death penalty is unfair and unreasonable. It goes against all human rights and it exposes others to barbaric activities. Its only benefit seems to be retribution for the victim and/or their families. The costs undertaken when dealing with capital punishment are too great to compare with long term imprisonment. Furthermore, capital punishment does not under any circumstance meet the goal of any correctional facility. It is important to also consider that death penalty robs

the research field of potential subjects. Therefore, it is with a lot of conviction that I believe that the death penalty should be done away with.

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