

Capital punishment: an inquiry into policy decisions in the united states researc...

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



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- Introduction
- History and Concepts

Capital punishment is a form of punishment whereby the life of the individual being punished is taken away. It is derived from *caput* that is a Latin term meaning ‘head’. This term is also used in allusion to death by decapitation according to Sarat (12). Currently, the term applies to all the executions that have been sanctioned by the state. The procedure of decapitation is still practiced in some countries in the Middle East for certain offenses. Other terms referring to this procedure include lethal injection, electrocution and facing a firing squad. There are many people who support the use of capital punishment while others oppose its use vehemently. Capital punishment will always be a debated issue. Capital Punishment will always be a hotly debated issue. Even though exploration has shown that a few U. S. States still abolish Capital Punishment because it is seen as immoral, and a nonproductive solution, Capital Punishment has shown to be cost efficient for those U. S. States where Capital Punishment is allowed.

- Cost Effectiveness of Capital Punishment

Cost-effectiveness of capital punishment is a heavily debated topic. Many people are unwilling to debate the subject in practical terms, because there are so many moral and ethical issues attached to the topic of capital punishment. However, if the idea of capital punishment is to be investigated, then the cost-effectiveness of capital punishment programs must be thoroughly investigated.

Upon first blush, it appears that capital punishment is not a cost effective policy. Many studies have been done to this effect, suggesting that because

each death penalty case costs more than a non-capital case, abolishing the death penalty would be a cost-effective solution. Indeed, Fagan writes, “Even in states where prosecutors infrequently seek the death penalty, the price of obtaining convictions and executions ranges from \$2. 5 million to \$5 million per case (in current dollars), compared to less than \$1 million for each killer sentenced to life without parole. These costs create clear public policy choices. If the state is going to spend \$5 million on law enforcement over the next few decades, what is the best use of that money? Is it to buy two or three executions or, for example, to fund additional police detectives, prosecutors, and judges to arrest and incarcerate criminals who escape punishment because of insufficient law-enforcement resources? The threshold question for states goes to the heart of the role of deterrence in American capital punishment law, and then joins with the problem of cost” (Fagan). On its face, this makes sense-- every death penalty case must be able to go through a significant appeals process to ensure that the defendant is treated fairly.

However, recent studies have suggested that there is a deterrent effect to capital punishment; countries and states that have capital punishment may not have lower crime levels, but they do show signs of deterrent insofar as fear of capital punishment is concerned. In theory, individuals are less likely to commit violent crime if they fear that they will be severely punished for it; although there is a monetary cost to using the death penalty, the theory remains that there are fewer costs in terms of law enforcement and fewer lives lost as a result of capital punishment and the use of capital punishment in murder cases (Fagan).

C. Statements of the Problem/Purpose of Capital Punishment

The purpose of capital punishment is, arguably, to serve as a deterrent against violent crime. Individuals who commit violent crime and are then sentenced to death are to act as an example for others who may be considering carrying out similar crimes. Although it has not been conclusively shown that the death penalty acts as a deterrent, some studies have concluded that capital punishment does lead to lower rates of violent murder.

Capital punishment is not about vengeance, although some detractors of the policy claim it is. Nothing can bring back a loved one who has been killed; however, removing the guilty party from society to remind others that they cannot kill with impunity is a very important reason to instituted the death penalty. Although many Americans do support the death penalty for this reason, this should not be the founding basis for the legal construct of the death penalty. Balko writes, “ Most Americans support the death penalty out of a desire for vengeance or retribution. Some crimes, the thinking goes, are so heinous that death is the only appropriate punishment. According to Gallup, about 60 percent of death penalty supporters back capital punishment under some form of this reasoning. It's probably also the strongest argument in favor of the death penalty” (Balko). However, in legal and rational terms, this argument holds the least sway. If the death penalty is to be implemented across the United States, it should be implemented for its practical and cost-effective purposes-- not for the emotional response that individuals understandably have towards death penalty cases. Vengeance may lead to healing on the part of victims, but it is not the purpose of the

legal system to mete out vengeance; it exists to dispense justice.

II. Research Hypothesis: Should Capital Punishment be legal in all U. S. States?

A. Assumptions

There are a number of assumptions that must be made when considering the question of whether capital punishment should be legal in all states within the United States of America. The first assumption that must be made is the assumption that every state is a good representation of how other states will handle similar policies. This may not always be the case; the population difference between Kansas and California, for example, may make these two states poor analogies of each other.

The assumption that all states will institute similar policies is also one that is made. A state with a looser set of statutes may end up having a very different capital punishment policy than one with very strict requirements.

These differences could end up having a huge impact on the outcome of the implementation of a capital punishment policy.

B. Limitations

There are a number of limitations that have slowed or even halted the study of this particular issue. Some states have issued a moratorium or even a ban on capital punishment; when this happens, it is difficult to study the effects of capital punishment on a society without capital punishment, although these states can be used as control groups. Indeed, different states may have always had different crime rates, and it may be inefficient or ineffective to compare states that are so different in size or demographic. In addition,

there are limited financial resources available to study issues like capital punishment. Although it is a very divisive topic, there are other topics that often rise to the forefront of American politics and demand much more attention.

C. Importance of Study

The vitality of the study is offered in this section and this case it is the reason for the legalization of the capital punishment in the United States. It is fundamentally important that policymakers in the United States consider the reality of this study, and take into account the findings that have shown that instituting capital punishment would be a positive change for society as a whole.

III. Arguments For /Against Capital Punishment

A. Why Capital Punishment is Cost Effective/is not Cost Effective in all U. S. States

Many individuals oppose the death penalty in that they find the death penalty as the condemned individuals are not taught any lesson during the process. Bedau and Paul (45), argue that the purpose of the punishment is to ensure that the individual does not commit the same crime again.

Additionally, the punishment does not dissuade the criminals from committing the same crime. Some also argue that the process is immoral and cruel in that one cannot punish the death by death. Not all of the above views are supported by all people. There are some individuals who are supportive of the use of the death penalty.

One of the chief reasons that some individuals support the death penalty is that it is cost effective. Research done by Schultz (78) depict that it takes the

states that have obliterated the death penalty more money to feed and look after the prisoners who were jailed for life who should have been condemned to the death penalty. The cost of the capital punishment is much higher in the states that have not abolished the death penalty in the short term due to the excessive appeals in those states but are lower in the long run after the individual has been executed. Furthermore, the death penalty acts as a means of closure to the families of the fatalities who suffered the crime. It can also be argued that the death penalty can act as a form of deterrence in that the individuals who would like to commit murder would be dissuaded from committing the crime in that they comprehend that the state would stop at nothing until they are executed for their crimes. Vermeulen (78) notes that the use of the capital murder is however cost effective as results have shown and that it is not always cruel if the correct procedures are used. The individual being executed does not even realize that they are dead.

IV. Conclusion

In conclusion, it is imperative to comprehend that both the advocates and opponents of the issue of capital punishment rely on their perspectives to justify their positions on the death penalty. The decision made by the states as to whether to allow the death penalty is on the hands of the legislature however research has shown that the cost of supporting the death penalty is sometimes lower than the cost of maintaining the life prisoners who would eventually die anyway.

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