The Debate Over Capital Punishment  
**By Ricky McCutcheon**

Capital punishment, also known as the death penalty, is one of the most debated issues in politics. It is a subject with a long and varied history; countries and states have changed their laws numerous times. The methods of capital punishment have changed over time as well, from public to private executions and from gassing and hanging to lethal injection. Despite this evolution, there are many questions yet to be answered, such as: Does capital punishment have a direct relationship with the murder rate in a given territory? What are the pros and cons of capital punishment? Does a person’s ideology impact his/her beliefs? Does a person’s religion also factor into his/her opinion? Members of society can do their best to have their opinions heard, but in the end the power to make decisions on capital punishment rests in the hands of our government leaders.

Capital punishment has a long pre-history in the United States, dating back to the 15th and 16th centuries. Starting in 1426 in England, those who were charged with felonies and refused to enter a plea were pressed to death. Later, during Henry VII’s reign, approximately 72,000 civilians were hung to death. On the flip side, those who oppose capital punishment may trace their values back to May 1787, when Dr. Benjamin Rush, while speaking to Benjamin Franklin, called for a new system that rehabilitates offenders instead of punishing them. In 18th century England, the death penalty was the punishment for all felonies, including property crimes; the United States inherited many of its beliefs from this era. Until the 19th century, all executions in England took place in public and normally attracted great crowds. At this time, capital punishment was in full force in the U.S. as well. The first execution via the electric chair took place in 1890, followed by the first via the gas chamber in 1924. The 1930s saw more executions in the United States than in any other decade in history, which was highlighted by the 199 executions that took place in 1936. By the late 1960s, all but 10 states in the U.S. had laws that allowed capital punishment (CBSNews.com - Capital Punishment).

The Bureau of Justice Statistics noted that there were 42 inmates executed in 2007 (Capital Punishment Statistics). That number, however, was 11 fewer than in 2006. Ten states administered the 42 executions: 26 in Texas, 3 each in Alabama and Oklahoma, 2 each in Indiana, Ohio, and Tennessee, and 1 each in South Dakota, Georgia, South Carolina, and Arizona. Was there any prejudice against minorities? This was not the case in 2007, as 28 of the 42 criminals were white, while the remaining 14 were black. Were any women put to death? No, all 42 of the criminals were men. What about the methods of capital punishment? Forty-one were done via lethal injection, with the remaining execution performed via electrocution (Capital Punishment Statistics). How about the number of prisoners that were sentenced to death? In 2005, the number of those sentenced actually decreased for the 6th consecutive year. At the end of 2006, 37 State and Federal prison systems held a little over 300 prisoners under the death sentence (CBSNews.com - Capital Punishment). Since capital punishment was reinstated by the Supreme Court in 1976, more than half of those sentenced to death have been white inmates. Out of those under the death sentence in 2006, 1,800 were white, around 1,300 were black, 28 were American-Indian, 35 were Asian, and 11
were of an unknown race. As for women, 53 were on death row at the end of 2006. The youngest criminal under the death sentence was 20, while the oldest was 91 (Capital Punishment Statistics).

According to a recent article in the New York Times, capital punishment has captured the attention of scholars in law and economics. The question was raised: Does the death penalty reduce the amount of crime? A dozen recent studies were examined and it was determined that for each murderer that is put to death, 3 to 18 murders are prevented (Liptak). The studies that were performed by economists compared the number of executions in different geographical locations with homicide rates over periods of times. The study, which was looked at in over 3,000 counties over 2 decades, came to the conclusion that as execution rates rise, murders fall (Liptak). An economist at Louisiana State University stated that even though he is against the death penalty, his research made him believe that it does lead to a reduction in crime rate. On the other side of the coin, there are scholars that find flaws in the research of the economists, that it was based on “faulty premises, insufficient data, and flawed methodologies” (Liptak). Gary Becker, who won the Nobel Prize for economics in 1992, said that the evidence provided was “certainly not decisive” due to the fact that “we just don’t get enough variation to be confident we have isolated a deterrent effect” (Liptak). Professors at the University of Chicago and Harvard believe that “the recent evidence of a deterrent effect from capital punishment seems impressive, especially in the light of its “apparent power and unanimity” (Liptak). They also said that “Those who object to capital punishment and those who do so in the name of protecting life must come to terms with the possibility that the failure to inflict capital punishment will fail to protect life” (Liptak).

Scholars can come to conclusions based on research, but that does not mean potential murderers possess the same train of thought. In fact, the chances of being caught, convicted, sentenced to death and executed are very slim. Only 1 in around 300 homicides eventually results in an execution (Liptak). The studies examined states and counties, trying to find a correlation between the number of executions and the murder rate. However, they are so many other variables, such as the general crime rate, the effectiveness of a given criminal justice system, economic situations, and demographic changes, that critics say it’s impossible to determine whether or not the death penalty has an effect on the murder rate. Some economists, such as Professor Wolfers, an author of the Stanford Law Review, note that “capital punishment is so expensive, so if you choose to spend money on capital punishment you are choosing not to spend it somewhere else, like policing” (Liptak). In the end, there may just not be enough executions to be able to make a connection between it and the murder rate. In 2003, there were over 16,000 homicides, but only 150 death sentences and 65 executions (Liptak). Some professors believe that they could only come to a valid conclusion if there were more than 1,000 executions.

An individual’s ideology may play a key role in their opinions on capital punishment. Conservatives believe that the death penalty is a punishment that fits the crime and that it is neither cruel nor unusual. They think that the execution of the murderer is the appropriate punishment for taking the life of another individual (Conservative vs. Liberal Beliefs). On the other hand, liberals believe that the death penalty should be abolished. Contrary to conservative thought, they believe that capital
punishment is cruel and unusual and that putting an accused murderer in prison is the better choice because every execution risks putting an innocent person to death (Conservative vs. Liberal Beliefs). John McCain, the 2008 President Candidate for the Republican Party, takes the traditional conservative view on capital punishment. He believes in broadening the death penalty and stricter sentencing. In 1999, he voted “yes” to limit death penalty appeals (Crime: 2008 Contenders' Views). Barrack Obama, one of the two leading candidates for the Democrat Party, takes a somewhat traditional liberal view. Although he believes that the death penalty does not do an adequate job at decreasing crime, he believes that heinous crimes, such as mass murder or the rape and murder of a child, should require the ultimate punishment for the individual deemed responsible (Crime: 2008 Contenders' Views).

Alongside ideologies, religion may play an important role in how an individual feels about capital punishment. Hinduism, which is one of the world’s oldest and largest religions with around 800 million followers, believes in the principle “An eye for an eye ends up making the world blind.” In other words, Hindus strongly oppose killing, violence, and revenge. They would be considered anti-capital punishment if not for the fact that there are about 100 individuals sitting on death row in India (BBC - Religion and Ethics - Capital Punishment (Hinduism)). Islam, a religion that believes in the god Allah, has mixed thoughts on the topic. The death penalty is allowed, but forgiveness is the preferable method. Capital punishment is only used in two cases: intentional murder and for those who try to weaken authority and the state (BBC - Religion and Ethics - Capital Punishment (Islam)). Christians, the largest religion in the world with over 2 billion followers, can make arguments for and against capital punishment. The Roman Catechism, an important document which was made in 1556, stated that the power of life and death is assigned to civil authorities by God. Still, Christianity debates the issue of capital punishment frequently (CATHOLIC ENCYCLOPEDIA - Capital Punishment (Death Penalty)).

What are some reasons that could persuade an individual to become anti-capital punishment? First, let’s take a look at the financial aspect of the death penalty. The cost of paying for capital punishment is much more than simply keeping that individual in prison for their lifetime; the entire process of carrying out a single death sentence costs 2 to 5 times more than keeping the criminal in prison for the rest of his/her life (Messerli). The procedure takes a long time, and sometimes a criminal can be on death row for 15 to 20 years. Second, one can make the case that capital punishment is cruel and unusual. Since the 8th Amendment prevents cruel and unusual punishment, doesn’t putting an individual to death violate the law (Messerli)? Regardless of the method used, whether it is the firing squad, gas chamber, or lethal injection, is it really humane to allow a murder sanctioned by the state in front of a crowd of people? One must also consider the procedures that go hand-in-hand with capital punishment (Messerli). Don’t all the appeals and hearings in the courtroom take up valuable time of the judges, attorneys, and other court officials involved? Should the time and space be used for other issues that are not yet resolved? Another problem with capital punishment is the ‘eye for an eye’ principle (Liptak). Do two wrongs really make a right? Isn’t that why violence between gangs in our country never seems to come to an end? The message that capital punishment sends may also be misinterpreted (Messerli). If
our legal system wants to show society that killing is wrong, what kind of a message is it sending by doing exactly what it defines as wrong?

From the criminal side of the equation, life in prison may be worse than being sentenced and put to death (Messerli). Isn’t all of their suffering over in a split second if put to death? Life in prison could mean that their pain goes on and on for decades. Why not make criminals live in a cage-like environment where rape and violence are the norm? Criminals are considered thugs while in prison, but may be considered martyrs if put to death. What about the reputation of our nation (Messerli)? America’s reputation amongst other nations is far from great, and keeping capital punishment may portray us as violent and vengeful. Why would America want to be viewed much like we were viewed by Europe when we continued to practice slavery after it was banned overseas? Also, suppose the alleged criminal was born mentally ill (Messerli)? There is no amount of drugs, education, or rehabilitation that can change the way they think and act. The law that says a mentally ill individual cannot be put to death has plenty of room for interpretation. Finally, instituting capital punishment does not bring the victim back to life (Messerli). Does putting an individual to death really help the healing process of the victim’s families? In this case, forgiveness should have priority over revenge.

As easy as it is to argue against the death penalty, it’s just as easy to argue for it. Capital punishment can help the family of the victim achieve a sense of closure (Messerli). Some may take years to recover, and some may never recover. Having the murderer of their loved one alive in prison only adds to their suffering and may even haunt them. Wouldn’t a death sentence help bring an end to the horrible chapter in their lives? An individual can also argue that justice is served with the death penalty (Messerli). The most fundamental form of justice is that the punishment should fit the crime. If someone brutally and deliberately murders another person, doesn’t it make sense for that person to ultimately suffer the same fate? Suppose an individual who has committed previous murders goes to prison for life and continues to murder their fellow inmates (Messerli)? If a criminal is sentenced to life in prison, the only thing worse is capital punishment. What if a person who is sentenced to life in prison happens to escape? This would not be the case is capital punishment was instituted. DNA testing and other methods of crime scene science have become so high-tech that it eliminates almost all uncertainty about whether an alleged criminal is innocent or guilty (Messerli). One of the biggest arguments in the past about capital punishment has been the possibility of error, but DNA testing is over 99% effective. DNA and other methods of testing aside, the process of trial is extremely thorough, making it nearly impossible to convict and put an innocent person to death (Messerli). It takes all 12 members of the jury to unanimously come to the conclusion that the criminal is beyond the shadow of a doubt guilty.

The bottom line is that society will ultimately never come to complete agreement on capital punishment and the death penalty. So many factors go into a person’s beliefs, and to find two people who share the exact same beliefs can be difficult, nonetheless an entire state or nation that feels the same way. The arguments for and against capital punishment are each very strong, and each make valid points that make it tough to distinguish between the two. The capital punishment debate will rage on for decades, and a final conclusion may never be reached. Society must have faith in government to ultimately make the right decisions for the betterment of mankind.
Works Cited


