

CAPITAL PUNISHMENT

Introduction * Definition

- ▶ **Capital punishment (death penalty) is the lawful infliction of death as punishment, the legal killing** of a person for a crime.

* History

- ▶ **Capital punishment had been a widely accepted practice before the mid-18th century.** Approximately 200 different crimes were regarded as **capital offences**. *Major felonies* ranged from shoplifting to murder, from mail theft to witchcraft.
- ▶ **Methods of execution** were relics of the dark ages: *crucifixion, stoning, drowning, burning at the stake, breaking in the wheel, impaling, beheading, quartering, and gibbeting* (displaying executed corpses).
- ▶ **The movement to abolish the death penalty** began during the *Age of Enlightenment*. Great thinkers, such as Voltaire, Diderot, Hume and Thomas Paine, campaigned against executions.

* Present methods

- ▶ Capital punishment is accomplished by **lethal gas or injection, electrocution, hanging, and shooting** (firing squad).

Trends and Regulation * Trends

- ▶ **In countries where capital punishment is practised** the types of *capital crimes are reduced* and fewer criminals are executed.
- ▶ **As countries become more democratic, they tend to abolish capital punishment,** demonstrating that the state does not have unlimited power over the life of an individual. *The death penalty is replaced with life sentence*, imprisonment for life, usually *without the possibility of parole*.
- ▶ Backward nations, **dictatorships and totalitarian governments continue to condone capital punishment.**

* Regulation (Figures are based on *Amnesty International Statistics*, 2003)

- ▶ 76 nations **abolished** capital punishment *altogether*.
- ▶ 16 countries **retained** it only for *exceptional circumstances* such as wartime crises.
- ▶ About 90 countries **retained** it, but mete it out only for the *most violent crimes*.
- ▶ 20 countries, where capital punishment is lawful, are **abolitionists in practice** (i.e. no executions are carried out).
- ▶ 83 countries **continue to inflict capital punishment.**
- ▶ **European Union member states** have all *ratified* Protocol 6 of the European Convention on Human Rights, which commits a government to the *permanent abolition of capital punishment*.

★ Toll of human lives

- ▶ 1,526 people were **executed** in 31 countries in 2002.
- ▶ 3,248 people were **sentenced to death** in 67 countries.
- ▶ 81% of all known executions took place in **China, Iran and the US**.
- ▶ **A majority of US states** practise death penalty. On average, 75 executions occur across the nation each year.

The Debate
Over the
Death
Penalty

- ★ The death penalty, the most controversial penal practice, is a hotly contested issue on which nations of the world are split.
- ★ For supporters, capital punishment is **an issue of criminal justice policy and proper punishment**.
- ★ For critics, capital punishment is **a moral, human rights issue**.

<u>Arguments FOR the Death Penalty</u>	<u>Arguments AGAINST Capital Punishment</u>
<ul style="list-style-type: none"> ■ Governments have the right to kill people who commit terrible crimes. Those who take a life give up the right to their own. 	<ul style="list-style-type: none"> ■ The state has no more right to take a life than does an individual. Thus, state execution is also <i>murder</i>, and the death penalty is a violation of one of the fundamental human rights, the <i>individual's right to life</i>.
<ul style="list-style-type: none"> ■ Capital punishment is the most complete <i>retribution</i>. The punishment should fit the crime – an eye for an eye, a tooth for a tooth. 	<ul style="list-style-type: none"> ■ Christianity preaches forgiveness rather than revenge.
<ul style="list-style-type: none"> ■ Statistics cannot prove the effectiveness of the death penalty with certainty, because it is virtually impossible to prove the effect of something that is not happening (i.e. fewer murders take place, thanks to doing away with murderers). The threat of execution is the <i>best deterrent</i>. 	<ul style="list-style-type: none"> ■ Statistics show that the presence or absence of capital punishment does not visibly influence the rate of homicide. It cannot be supported by sufficient evidence that the death penalty is an effective deterrent, because when a country outlaws capital punishment, there is no increase in crime. Serial killers, multiple rapists, drug barons and psychopaths will never be deterred.
<ul style="list-style-type: none"> ■ The death penalty provides the public with a feeling of security, as it <i>removes the worst criminals from society</i>. An executed murderer is not set free: he or she will never kill again. 	<ul style="list-style-type: none"> ■ The death penalty is not needed for the sake of public security, because <i>life imprisonment</i> has the same ends: it isolates criminals from society.

<ul style="list-style-type: none"> ■ <u>The very small chance of executing the wrong person is balanced by the benefits of deterring murderers.</u> 	<ul style="list-style-type: none"> ■ <u>If capital punishment exists, there is a great risk of killing the innocent</u>, due to inadequate legal representation, prosecutorial misconduct, false testimony or racial prejudice. If anyone is killed by mistake, there is <i>no possible way of compensating</i> them for the miscarriage of justice. Since 1973, 99 people in the US have been <i>released from death row</i> after they were proved innocent.
<ul style="list-style-type: none"> ■ <u>The methods used today to perform executions are less brutal than they used to be.</u> Lethal injection or electrocution kills instantaneously. 	<ul style="list-style-type: none"> ■ <u>Capital punishment is a violation of a basic human right – the right not to be tortured, or not to be subjected to cruel, inhumane and degrading punishment.</u> <u>The death penalty is a brutal act</u>, and the method applied does not lessen its brutality. <i>Botched executions</i>, during which prisoners die in agony because death is not instantaneous, are a common occurrence. <i>Keeping prisoners on death row</i> is also a form of torture.
<ul style="list-style-type: none"> ■ <u>Life imprisonment, which costs much more than capital punishment, is a waste of taxpayers' money.</u> 	<ul style="list-style-type: none"> ■ <u>The legal costs of death row inmates' appeals</u> against their death penalty are as expensive as long-term imprisonment is.