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## Death Penalty

Death penalty allegations have created a hot debate regarding abolishing capital punishment in the political world and individual perceptions. Human rights organizations have also been at the forefront to discuss whether it deserves retention or should be killed to exist in laws governing sentencing in constitutional law. Nevertheless, the punishment of this form is still practiced in many countries globally, while others have disregarded it as a severe form of punishing wrongdoers in the community (Lundquist, 2014). Other countries in the world are still looking forward to whether the practice is worth or should be abolished immediately. In the contemporary world, 8 of the 10 countries that practiced this form of punishment have abolished it in their constitution. They have admitted abolishing it based on the standards that there are better ways to offer punishment rather than inflicting a lot of pain that leads to the death of the culprits. Notably, the two arguments surrounding the capital punishment method include abolishing it due to humanitarian reasons or having the people punished after committing violent crimes should be treated fairly.

However, the capital punishment topic can be discussed as one with benefits and demerits during practice and putting a futuristic eye into it. In many countries, and United States of America has remained controversial and has no direct solution from many people globally. Abolishing capital punishment looks pretty professional and humanitarian since the countries that have the fair treatment of the culprits care about human life, forgetting that the objective of the violent crime does not concern human life at all (Lundquist, 2014). For instance, the people involved in homicides should not be taken as sober people but treated concerning their acts to the society. Twenty-eight states of the United States of America are still practicing the death penalty as a form of capital punishment in the world. However, death penalty executions are not as high

in China and Russia regarding the United States rate. The US is among the leading countries practising death penalty punishment to wrongdoers. They have recorded 1532 cases of death penalty executions from 1976 (Schabas, 2019). The advantages of carrying out the death penalty practice are pegged on other factors like discrimination and the long-term effects of using other forms of punishment.

Another perspective of the death penalty has taken a different route since its study in criminal law has continuously conflicted. Criminal law studies conflict death penalty; it will only include the legislatures and judicial systems to abolish it or revise it to happen in rare cases that most wrongs do not get involved. Besides, the law reviews may affect how the law gets operational in the future due to humanitarian concerns and how they want the law to be applied in the world's judicial systems. The heated debate is based on how lawmakers and philosophers have depended on their studies in religion, human rights and theoretical pros and cons of the practice. However, most concerns that the philosophers have discussions about have created an insight into Death penalty abolition in the world. The debate brings a prediction that death penalty punishment might come to an end soon due to lawmakers and philosophers' concerns about it.

The concern and main agenda in this paper are to show how crimes are occurring globally, leading to offenders being punished due to their wrongdoing. However, most of the contributors in this debate show that a fair trial and a rational judgment should be done to them irrespective of their crimes. Also, the debate shows the errors that could have been carried out due to poor understanding of the law, approach to jurisprudence and inability to weigh the response that should be given towards criminal experiences.

### **Critical analysis of the Death Penalty**

The topic critical analysis depends on digging into it to have all the factors that should be exclusively discussed. Under the critical analysis death penalty, the factors to be discussed include assumptions involved in the death penalty, Deterrence, human rights issues, retribution, symbolism, incapacitation, and the bias of the topic and error. Also, other death penalty theories are put in concern to show the comparison among other approaches.

### **Cost Analysis of the Practice**

Cost is a factor involved in the quality or relevance of any practice in the running of a country. One of the reasons that crimes happen in many countries is due to the differences in the economic status of the stakeholders of a certain country or nation. For instance, in a country with upper-class people and those of a lower one, the crime rate tends to be very high. Having the same perspective in managing the crime rate in terms of punishments, the softer ways would reduce the crime rate. However, some crimes are heated to agree with the concerns of a softer punishment. While dealing with deep crimes and culprits who are beyond repair, death penalties are the best.

Death penalty sentencing tends to have a control effect on the costs needed to run prisons. Prisons are institutions of correction and require heavy investment from the governments. When there is a high crime rate in a country, there are bills and bails corrected by the judicial system, but most victims are usually poor (Kaplan et al., 2014). For that reason, perpetrators often take the option of being imprisoned since they do not have any money to give for their fines in court. The government uses recurrent expenditure to cover all the expenses that victims need for their survival.

Third-world countries with high crime rates due to the economic status differences have high costs to run the prisons. Their economy gets suppressed by the expenditure they experience.

There are options of capital punishment where wrongdoers are subjected to death penalties face the wrath of the law, and no long-term costs are experienced as a result of staying in prison to get them corrected. Also, superpowers in the world have experienced costs of correction in prisons. At the same time, they could use the death penalty to reduce the money used to practice the imprisonment of the wrongdoers. For instance, a country like China has turned to capital punishments since it is a cost-effective approach to handling the wrongdoers in their country (Kaplan et al., 2014). The costs expected to take care of the offenders can be used to do other significant issues away from supporting prisons. Other costs that are used include convicting and sentencing costs.

The rough estimate of the costs used for the two processes to go through and have a convicted person imprisoned is thrice the costs for the death penalty. For instance, if the price to have a person subjected to capital punishment is 1 million dollars upon imprisonment, the cost would end up to be 3 million dollars if they are offered life imprisonment for the death penalty. The money lost in maintaining prisons and correctional centers should be used to have the country develop rather than using it to correct victims, while on the other hand, the crime rate is high. In most third-world countries, individuals live under the World Bank poverty line of one dollar a day. Hence, since most of the victims committing cheap crimes have no good livelihood, being taken to prison sounds better since they can get daily bread from the country's economic basket.

### **Deterrence and Incapacitation**

Deterrence is the reflex reaction of an individual at the event of knowing they have to face the wrath of the law. Sometimes the reaction to the environment may be informed of swiftness, crime punishment tension and many others. On the other hand, sometimes the cause of

the crime is usually revised and termed as orchestrated their ability to do the criminal activity to escape the wrath of the law. When the offenders flew away to avoid being caught is termed as normal since no one does anything bad expecting to be inflicted pain on them and still doing the same mistake while knowing the consequences (Dubber & Hörnle, 2014). Thus, Deterrence is used to give the offender a chance not to do such offence again done through application. The assumption that it is right and should be considered, researchers have shown various findings that have created a better outcome in murder crimes and prevented capital offense in the past. For instance, one of the studies that show the use of Deterrence from 1977 to 1997 shows that each execution of murder contributed to extra potential murder cases later (Dubber & Hörnle, 2014). However, lack of enough evidence has led to Deterrence's application instead of the death penalty that matches the offense.

Unlike Deterrence, authorities have used incapacitation to ensure that people do not commit crimes that result in death penalties. Bearing in mind that most people fear dying and human rights, philosophers and lawmakers are against the death penalty; they perform one to be an example to the rest who would want to be involved in such activities again. Incapacitation has been proved to work as compared to Deterrence since it inflicts fear on potential offenders.

### **Retribution and Symbolism**

The theory is applied when administering the death penalty. During the punishment, the offenders can feel pain as suffering as a lesson to other people. The United States of America has been using the theory in most of its death penalty practices. Also, it is a match that allows the offenders to feel the same pain that their victims endured when unfair practices were done to them. The conversation states that the practice is not fair since the pain inflicted as a punishment but more of revenge (Dubber & Hörnle, 2014). The human rights perception is against

retribution since it completely changes the goal of doing the death penalty. Symbolism is also practiced though its main concern is to ensure that the death penalty happens correctly. Specifically, the practice is usually done, especially if the members of the public demand to have a symbol and ensure that the offender is subjected to the death penalty. However, lawmakers, researchers and philosophers disregard it since it demeans the dignity of the law and the value of human beings.

### **Human right Issues**

Human rights perception has created a heated argument about the abolition of capital punishment since it has much to do with caring for human lives. They have constantly pushed for the ban of the practice across the globe since it interferes with life if whom nobody has the right to do so except the deity who is believed to have created them and take the life. For that reason, human rights have termed the practice as the cruelest practice and referred to it as a degrading punishment that should not be performed regardless of who is accused. The human rights perception towards it has many disadvantages to the individuals undergoing it instead of the death they are expected to phase as their fate.

They also term the act as being against international law standards that protect the rights of human beings. For instance, they state that one person expected to face their death penalty can spend many years on death row. The victim is usually not notified of the time and the day they will face death (Horder, 2016). They wake up every day not knowing when since they are expected to face death by being killed. The fact that they are not given the day they are expected to die is another punishment not written in the law. It should be considered that these victims should be killed and not held for years, thus getting depressed and in their sentence towards the capital punishment, depression is not their punishment. Another concern is about the types of

executions undertaken to punish the victims subject to capital punishment. Discussed below are the types of death penalty executions practiced in the world.

### **Lethal Injection**

Lethal injection is one of the methods used to actualize capital punishment globally. Injections are usually to change the body's functionality so that the offender can face their death penalty. Typically, paralytic substance is injected into the body system to slowly cause dying of the organs and have the face wrath of the law. Excess potassium is also used to meet the objective of the lethal injection (Horder, 2016). The suffering these people face during the process is regarded as inhuman by the human rights concern. The poisons injected usually affect the functionality of the breathing system, heart functioning, or unconsciousness. Hence, it is a form of suicide since the victims of the same suffer beyond their expectations. Lethal injection has been done in United States, China, Thailand together with Guatemala, among other nations in Africa and Asia.

### **Hanging as a Capital Punishment Method**

After the restoration of capital punishment in 1976, hanging became one of the methods to practice death penalty. However, most countries have replaced it with improved methods to perform the function (Horder, 2016). Offenders who have experienced this type of death penalty are counted since the last person to be killed by hanging in the United States of America was 1994. Importantly, the human rights perspective towards hanging is that they do not respect the rights of a human beings since they do not deserve that torture irrespective of the wrongdoings they have committed. However, it is one of the cost-effective methods to practice death penalty to offenders compared to others.

Among other methods used to execute the death penalty globally are electrocution, use of poisonous gas, or firing squad. They are the latest methods that require the presence of the resource, and the offender is left to die by themselves. They are also not expensive but fought by the human rights because they cause suffering to the victim before dying. Also, they are conflicted since they portray inhuman acts by the government while other better alternatives are present to perform the same function. However, human rights have fought capital punishment to the end since it does not conform to the promises of international law.

### **Bias Caprice and Error in Death Penalty**

Bias, especially in the United States of America, has brought a significant concern in the criminal justice system. The fact remains that most of the execution practices have been made to people who are either incapacitated either by the economic status depression or relationship with the people in their environment (Shatz & Shatz, 2012). Statistics of death penalty show that most of the and the decision made towards them are dictated by poverty level, sex, racial discrimination and lack of a fair judge. Unfair trials in the United States of America are dictated by racial discrimination since it is one of the biggest challenges affecting the judicial system. For instance, an African American found to have killed a white man, they will be convicted more than a white person found killed a black man. Bias and discrimination have ruled the United States judicial system leading to wrong decision-making by the juries.

Gender discrimination has also been practiced greatly in capital punishment. Women who have committed the same crime as men tend to be treated less harshly, and the chances of facing capital punishment are less than men (Van den Haag & Conrad, 2013). The statistics show that a ratio of 1: 3 shows the number of women to men concerning the death penalty. Also, the level of

poverty has been used to decide on the death penalty, and the outcome can easily be termed as a result of being financially incapacitated.

Caprice is also a matter that influences decisions towards determination of the death penalty or not. The judge or attorney's mood determines the outcome of a trial since they also include emotions in their judgements in the current world. Sometimes they might rule based on a personal perception and fail to work according to the law, thus offering a wrong judgment. For instance, in cases of political trials, the judges may want to seek advice from attorneys or use precedents to rule a trial related to a death sentence.

In summation, to sum it all, through a close watch of the evolution of standards of decency of capital punishment, there are gradual changes in how death penalties are done. 38 states in the US have reinstated the death penalty, and 10 of them have withdrawn the same acts. United Nations commission on human rights bill in 1999 in Geneva changed the approach of death penalties, and from them, they have reduced. For instance, hanging in the US was last done in 1994. Although the abolition of capital punishment is active, and death penalties may be on their deathbed globally. The death penalty has been considered an absurd thought of the lawmakers since the dignity of human value is disvalued greatly. In the world's research, capital punishment has not been verified to prevent crime but as a form of revenge based on bias while making decisions and termed as a subject of error. However, from human rights perception, death penalties should be abolished in the United States as well as worldwide.

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