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by S J

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Capital Punishment

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Capital Punishment

Overview

The practice of punishing guilty parties to death for the most severe offenses (capital offenses) and carrying out that penalty is referred to as capital punishment. The particular transgressions and conditions that ascertain whether a criminal activity (usual homicide) is punishable by death are classified by statutory provision and recommended by Congress or any legislative body (Cornell Law Scholl, n.d.). In certain instances, it can be enforced for treason, counterintelligence, large-scale narcotics trafficking, or murder of a witness, prosecutor, or defense attorney. The federal government enforces and executes only a small percentage of capital punishment in the United States, with individual states enforcing the large percentage. The Federal Bureau of Prisons (BOP) accommodates and executes federal death row inmates. This paper aims to discuss capital punishment by looking at the United States Supreme Court's decisions while considering the arguments for and against the practice.

The apex court decided that capital punishment does not encroach upon the Eighth Amendment's prohibition on unkind and strange reprimand. However, it does influence some legal aspects of when jurors can sometimes use capital punishment and how it can be executed (Cornell Law Scholl, n.d.). Due to the reservations in the Fourteenth Amendment, the Eighth Amendment relates to both the local and the central administration. The Eighth Amendment approach permits judges to apply progressing canons of justice when determining if a specific sentence is right or fair. When evaluating emerging principles of civility, judges look for empirical evidence that demonstrates a shift in social norms and independent assessments of whether the statutory provision is appropriate. In *Furman versus Georgia* case of 1972, the courts determined that the legislation favoring capital punishment was unconstitutional since it entailed

cruel punishment violating the Eighth Amendment (Cornell Law Scholl, n.d.). The Court decided that the provisions led to an increase in an unequal use of the death sentence, mainly targeting the middle class and poor. In addition, the Court stated that existing rules revoked life in exchange for minor contributions to humanity.

However, the courts declined to expand Furman in the 1976 Gregg versus Georgia. The judges concluded that capital punishment was not inherently inconsistent with the constitution because it could satisfy social reasons such as reprisal and prevention. The court expressly affirmed new sentencing protocols, explaining that the Georgia laws mitigated the challenge of random implementation seen in previous statutory provisions. In the two decades that followed, in the 2008 Kennedy versus Louisiana, the apex court enhanced Coker's verdict, retaining that capital punishment is unequivocally absent in cases of child sexual assault where the victim lives (Cornell Law Scholl, n.d.). Since only six states in the nation allowed capital punishment as a punishment for teen rape, the apex court decided that capital punishment was excessive in these instances.

One of the arguments in favor of capital punishment is retribution. According to this assertion, true justice necessitates criminals to suffer for their misdeeds and suffer appropriately for the offense. An offender should be punished in accordance with the severity of their criminal act. In the case of a murderer, the penalty is death. The second argument in favor of capital punishment is deterrence. The assertion that executing death row inmates will discourage would-be killers from murdering innocents is frequently used to justify death sentences (Cornell Law Scholl, n.d.). Prevention is most efficient when the penalty occurs moments after the offense - for example, a child learns not to stick their thumb in the flames because the result is immediate

pain. The longer the penalty and the offense, the less efficient a hindrance the punishment is likely to be.

One of the arguments against capital punishment is the value of life. Everyone believes that human life is precious. Some opponents of the death penalty believe that life is so meaningful that even the most heinous convicts should not be denied the significance of their existence (Amnesty International, n.d.). They believe that the worth of the perpetrator's life cannot be diminished by bad behavior, even if the perpetrator has killed somebody. Some abolitionists argue that life should be maintained unless there is a convincing reason not to, but those in favor of the death sentence must justify their actions. In addition to that, the most prevalent and compelling reasoning against death sentences is that innocent people will die sooner or later due to errors or shortcomings in the judicial system. Witness accounts (where they are involved at the time), prosecution, and jury members are all capable of making errors. When this is taken in conjunction with systemic flaws, it is inevitable that innocent individuals will be imprisoned. (Amnesty International, n.d.). Such limitations can be overcome if a death sentence is adopted. There is abundant proof that such errors are probable: in the United States, 130 individuals condemned to death have been declared innocent and cleared from capital punishment since 1973 (Amnesty International, n.d.).

To sum it up, in my view, capital punishment violates basic human right specifically right to live. It is most heinous, inhumane as well as demeaning penalty imaginable. It is a form of discrimination frequently used against society's most vulnerable citizens, like the disadvantaged, ethnic and religious minority groups, and individuals with disabilities. Some government agencies use it to keep their adversaries quiet. Where judicial systems are erroneous and unreasonable prosecutions are expected, there is always the risk of executing an innocent

civilian. The families of the victims of murder deserve justice. They have the authority to see the perpetrator held accountable in a fair hearing without capital punishment. I am not attempting to eliminate or tolerate homicide by rejecting the death sentence. However, as many relatives who have lost family members have stated, the death sentence cannot truly alleviate their pain. It simply extends the agony to the families of the victims.

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