Analysing the effectiveness of the death penalty as a deterrent: should it be abolished?

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Introduction

The death penalty is also known as capital punishment, which is a government sanctioned practice where a person is put to death by the state as a punishment and consequence for a crime they are found guilty to have committed. It is the lawful infliction of death as a punishment that has been used in various countries and in America since 1608.\(^1\) The Bible prescribes death for murder and many other crimes such as kidnapping and witchcraft, in the last 200 years there have been over 15,600 executions, mostly by hanging up to 1900.\(^2\) In recent years however, lethal injection is now almost universal in most states, which still uses the death penalty. Michigan was the first state to abolish the death penalty for all crimes except treason in 1846, while Rhode Island was the first state to outlaw the death penalty for all crimes in 1852.\(^3\) The death penalty is mostly favoured in America, 63% favours the death penalty for convicted murderers, hence showing how the public seems to prefer life imprisonment as a punishment in contrast to the death penalty.\(^4\) Although there is much support of the death penalty today, as of 2016, 19 states have abolished it.\(^5\)

Comparing to America where the death penalty is still being used in most states compared to the United Kingdom which have implemented the Murder Act 1965, abolishing the death penalty. The Act passed states that a person convicted for murder shall be sentenced to life imprisonment.

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1. [http://www.capitalpunishmentuk.org/thoughtsUS.html](http://www.capitalpunishmentuk.org/thoughtsUS.html)
2. ibid.
3. [https://en.wikipedia.org/wiki/Capital_punishment_in_the_United_States](https://en.wikipedia.org/wiki/Capital_punishment_in_the_United_States)
Graphs presenting the death penalty trends 2004-2013

In this project, the different aspects of the debate surrounding the death penalty will be explored, such as whether it is ethical or not, the idea of retribution and justice. However, the project will focus mainly on the arguments on whether the death penalty acts as an effective deterrence of crime or not. Research and statistics used focus mainly on the crime rates in America with some references to other countries; which use or have abolished the death penalty.


Definition and assumptions of the deterrence theory

Deterrence is the theory that criminal laws are passed with well-defined punishments to discourage individual criminal defendants from becoming repeat offenders and to discourage others in society from engaging in similar criminal activity. 7 This can be defined by general and specific deterrence. General deterrence comes about when the general population witness or hear about the infliction of pains upon the convicted while specific deterrence works when offenders are punished severely that they are unwilling to reoffend in the future. 8

Research for decades, presented throughout the project, have found that people do not commit crimes because of the fear of getting caught rather than being motivated by their moral sense. Hobbes, Beccaria and Bentham also found that people are more likely to be dissuaded from committing crime if the punishment is swift, certain and severe. 9 The closer the application of punishment is to the commission of the offence, the greater the likelihood that offenders will realise that their crime is not worth it. 10

The deterrence theory has high face validity as it makes sense that if there are stricter laws in place and punishments for wrongdoings, the people would seriously consider their actions and if committing crime is worth the risk of suffering the punishment.

However this theory is built on several assumptions: that members of society know what the penalties for the crimes are, that humans are rational beings that have will and control over their actions and that they consider and think things through in order for the deterrence theory to work.

It is difficult to decide if a system or a way of enforcing law act as a deterrence or not, whereas it is more appropriate to ask the question: to what extent is the current system of the death penalty as effective deterrent on society. The most effective deterrent would be a justice system that ensures that everyone who commits crime would be guaranteed to be apprehended and punished with no exception, in this case, members of society would less likely commit crime due to the fear of the inevitable, which is to be incarcerated or in serious cases death. However even the most powerful and effective criminal justice system may have limits in its deterrence effect, due to motive and the possibility that the benefit overcomes the costs. This includes circumstances where ones motive is even stronger than the fear of ones own death.

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Debate on the death penalty as an effective deterrence

- Research/ experiment done

To argue whether the death penalty is an effective deterrence of crime is difficult as research done on the punishment in relation to the theory is rather contradictory and hence inconclusive. The rigorous examination of the deterrent effect of capital punishment began with research in the 1970s by Isaac Ehrlich, currently a University of Buffalo Distinguished Professor of Economics. Professor Ehrlich’s research found that the death penalty has a strong deterrence effect. In his empirical research, in the form of models and calculations, resulted in an increase in the probability or severity of various punishment, murder decreases. Additional research reconfirmed his original findings, which was also supported by Professor Stephen K. Layson of the University of North Carolina at Greensboro, who strongly reconfirmed Ehrlich's findings. This shows how evidence of the death penalty being a strong deterrence has been greatly consistency and hence highly reliable.

Ehrlich developed a formula:

$$\epsilon_{Pa} > \epsilon_{Pe|a} > \epsilon_{Pe|c}$$

Pa denotes the probability of the event of apprehension, Pca denotes the conditional probability of conviction of murder while Pec denotes the probability of execution or other punishment.

Ehrlich derived at the conclusion that the greater the deterrent effect associated with its probability of apprehension given the values of the conditional probabilities, reduces the expected utility from murder. Hence with the probability of the other subject of his equations being kept constant, the use of the death penalty, a more severe form of punishment would therefore decrease the expected utility from murder, discouraging it. Hence with the increasing risk of apprehension and the severity of the punishment, would likely deter people from committing crime. Therefore it can be argued that the death penalty is an effective specific deterrent.

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Nobel laureate Gary S. Becker's seminal 1968 on the study of the economics of crime assumed that individuals respond to the costs and benefits of committing crime supporting the research of Ehrlich. Criminals "rationally maximize their own self-interest (utility) subject to constraints (prices, incomes) that they face in the marketplace and elsewhere." This contributes to the idea of the death penalty as an effective deterrence, which suggest that it will be effective as it adds to the cost of committing crime, assuming that every potential criminal considers and puts thought into thinking about the consequences rationally. Hence this acts as deterrence to people, discouraging them to commit crime.

On the other end of the debate, the death penalty could be viewed as an ineffective deterrent as most severe crimes are done without rational thought of the punishment that will follow and hence whether it is the use of an execution or a life imprisonment, it does not matter. Willie L. Williams, a Police Chief of Los Angeles commented that he is “not convinced that capital punishment, in and of itself, is a deterrent to crime because most people do not think about the death penalty before they commit a violent or capital crime." According to statistics, half of all murders are committed while under the influence of drugs or during an argument and hence are not subjected to rational thought. This brings up the argument: If the death penalty is a deterrence, it does not apply to everyone. This theory assumes that people who commit crime can rationalise the cost and benefit behind the death penalty and their crime, however this excludes a group of people that commit crime out of rage and impulse, crimes committed under the abuse of alcohol or drugs and people who are mentally ill, lacking the ability to mentally process the consequences a crime entails. A study carried out by Dr Robert Hanlon, professor of clinical psychiatry and clinical neurology at Northwestern University, Illinois, found that in the 77 murderers he examined in the study, 9 out of 10 impulsive killers have a history of alcohol or drug abuse and impulsive killers are more likely to have cognitive and intellectual impairments than calculating murders. Therefor it can be argued that the death penalty as a severe punishment does not apply to everyone and all criminals due to the circumstance they are in and their well-being at the time of planning or committing a capital crime.

Furthermore an argument against Ehrlich’s theory is the perception of being able to escape from crimes. Most criminals commit crime with the plan and mindset of escaping apprehension and any form of punishment. Findings of a study done in 2002 suggests that 76% of active criminals and 89% of the most violent criminals either perceive no risk of apprehension or are incognizant of the likely punishments for their crimes. Hence this shows how the severity of the punishment of a crime acts to a small extent as a deterrence of crime, as only a small group of criminals consider the idea and consequences of their actions.


17 U.S. Department of Justice Office of Justice Programs: American Indians and Crime


19 http://aler.oxfordjournals.org/content/4/2/295.abstract
A weakness of the research done on the death penalty as an association with deterring crime rates, such as Ehrlich’s research, is that it is limited due to it being impossible to test the number of people or crime the capital punishment has deterred. In the research the only aspect that can be studied is the crime rate, and not the number of crimes that the death penalty deterred, making it difficult to test if in fact the death penalty is an effective deterrence due to the lack of robust and empirical evidence. As poet Hyam Barshay observes; "The death penalty is a warning, just like a lighthouse throwing beams out to sea. We hear about shipwrecks, but we do not hear about the ships the lighthouse guides safely on their way. We do not have proof of the number of ships it saves, but we do not tear the lighthouse down." Therefore it is difficult to study the death penalty and whether it does decrease crime and homicide rate.

Statistics

Columbia Law School’s Jeffrey Fagan, used New York as an example to demonstrate whether or not criminals face the threat of death or not seemed to have little effect on their behaviour. He commented that, "New York’s homicide decline has continued before the capital-punishment statute, through the capital-punishment statute, and after the capital-punishment statute." In New York the death penalty had been reinstated in 1955 but then abolished in 2004, of which in this time there were no executions. This shows how the abolition of the death penalty do not seem to have much of a deterrence effect on the people. When Fagan and collaborators compared the homicide rates in two Asian metropolises, Hong Kong and Singapore, they found little differences despite Hong Kong abolishing the death penalty in 1993 while Singapore still has the mandatory death penalty for murder and various other crimes.

Homicide rates in Hong Kong and Singapore, 1967-2007

The graph illustrates a general trend of decreasing homicide rates over the years in both countries. However, when comparing the homicide rates after 1993, where Hong kong has abolished the death penalty, the homicide rate in general is much higher in Hong Kong compared to Singapore. What is

20 [http://intellectualloafing.com/original/discussionsfolder/myessaysfolder/deathpenaltyfolder/deathpenaltyessayssectwo.htm](http://intellectualloafing.com/original/discussionsfolder/myessaysfolder/deathpenaltyfolder/deathpenaltyessayssectwo.htm)

rather surprising is that before 1993, when both countries had the capital punishment Singapore had a slightly higher rate of homicide compared to Hong Kong. Hence from the statistics, it is evident that the death penalty has little effect as a deterrent to prevent and reduce crime.

Statistics of states that have abolished the death penalty in America contradicts the results above when comparing the death penalty as a deterrence in other countries. In Illinois following the U.S. Supreme Court's decision in *Gregg v. Georgia*, Illinois's state legislature voted to reinstate capital punishment in 1974, all executions were carried out through lethal injection. However Illinois Gov. Pat Quinn abolished the death penalty in 2011, more than a decade after the state imposed a moratorium on executions out of concern that innocent people could be put to death by a justice system that had wrongly condemned 13 men. With the abolition, the Illinois moratorium on executions in 2000 led to 150 additional homicides over four years following, according to a 2006 study by professors at the University of Houston. Therefore, evidence show how the abolishment of the death penalty leads to increasing homicide rates, supporting the theory that the death penalty does deter crime.

The United Kingdom have also used the death penalty in the form of hanging as method of execution until it was abolished in 1965. Statistics show that following the abolition of the capital punishment the murder rates have since increased.

The graph above, produced from the Home Office Report (Murder 1957-1968) report, shows the rates for murders that would have been classed as capital and non capital under the 1957 Act. It

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22 [http://www.deathpenaltyinfo.org/illinois-1](http://www.deathpenaltyinfo.org/illinois-1)


25 [http://www.capitalpunishmentuk.org/abolish.html](http://www.capitalpunishmentuk.org/abolish.html)
continued to increase and in the 21st century has reached over 900 a year by 2004 in England and Whales.\(^{26}\)

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**Index changes to the homicide rate in the United Kingdom (1964-2009) graph**\(^{27}\)

The homicide rate in 2009/10 was 11.2 (out of 100,000), compared to 6.3 (out of 10,000) in 1964, the homicide rate after the abolition is close to double that of the rate with the death penalty.\(^{28}\)

Therefore the statistics of homicide rate before and after the abolition of the death penalty in the UK supports the argument that the death penalty does reduce homicide rates, acting as an effective deterrence in reducing crime rates.

Murder rates in America between 2008 and 2015 have been assessed. According to the able below, it shows how in the 8 years the average murder rates are lower in states without the death penalty compared to states with the death penalty. Therefore it can be concluded that the death penalty has little effect as deterrence in reducing the amount of crime in the state.

<table>
<thead>
<tr>
<th>Year</th>
<th>Average murder rate of death penalty state per 100,000 people</th>
<th>Average murder rate of states without the death penalty per 100,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>5.2</td>
<td>3.3</td>
</tr>
<tr>
<td>2009</td>
<td>4.9</td>
<td>2.8</td>
</tr>
</tbody>
</table>

\(^{26}\) [http://www.capitalpunishmentuk.org/abolish.html](http://www.capitalpunishmentuk.org/abolish.html)

\(^{27}\) Home Office’s recorded crime statistics

\(^{28}\) [https://fullfact.org/news/has-murder-rate-doubled-hanging-was-abolished/](https://fullfact.org/news/has-murder-rate-doubled-hanging-was-abolished/)
Abolitionist would support abolishing it as statistics have shown that abolishing the death penalty has little significance to homicide rate so why keep it? A study done on the states of America where the control group is the six states that have not had the death penalty on the books at any point in our 1960 to 2000 sample. Deterrence in these states was unaffected by either the Gregg or Furman decisions, and hence homicide rates in these states are a useful baseline for comparing the evolution of the homicide rates in other states. The remaining states are considered “treatment” states because either Gregg abolished their existing death penalties or Furman enabled their subsequent reinstatement (or, more commonly, both). This is the findings of the results:

(Data in the table from: http://www.deathpenaltyinfo.org/murder-rates-nationally-and-state)

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>4.6</td>
<td>2.9</td>
</tr>
<tr>
<td>2011</td>
<td>4.7</td>
<td>3.1</td>
</tr>
<tr>
<td>2012</td>
<td>4.7</td>
<td>3.7</td>
</tr>
<tr>
<td>2013</td>
<td>4.4</td>
<td>3.4</td>
</tr>
<tr>
<td>2014</td>
<td>4.7</td>
<td>3.8</td>
</tr>
<tr>
<td>2015</td>
<td>5.1</td>
<td>4.1</td>
</tr>
</tbody>
</table>

Result of the experiment: homicide rates for controls and treatment states

The results show that the abolition of the death penalty neither affected the treatment nor control states. Furthermore, there seems to be an unpredictable fluctuation in the annual homicide rates regardless of whether there is the death penalty or not. This supports the idea that the death penalty is not a good deterrence for crime as the crime rate seems to fluctuate with little relation to the reinstatement or abolition of the death penalty. This is critical evidence when it comes to reasoning


with those for the death penalty, as it shows how abolishing the death penalty would not cause an increase in homicide crimes.

A weakness of the research done is that the results are mostly based on correlation. Example the statistics that there is higher murder rates in states without the death penalty compared to states with the death penalty. However due to it merely being correlation, it is not possible to infer causation and hence it is not possible to conclude that the death penalty causes higher murder rate. As correlation is the study of the association between co-variables, it may not be that death penalty causes higher murder rates, but it could be that states with high murder rates reinstate the death penalty in hopes that it will be an effective deterrence. The fact that some states or countries which do not use the death penalty have lower murder rates than jurisdictions which do is not evidence of the failure of deterrence. States with high murder rates would have even higher rates if they did not use the death penalty.31

Types of execution used

Public execution is a form of capital punishment which members of the general public may voluntarily attend. This definition excludes the presence of a small number of witness randomly selected to assure executive accountability.32 In the 18th century, the primary purpose of capital punishment was deterrence, thus it had to be carried out in public so that people could witness it, a type of deterrence through instilling fear in the people witnessing it, a reminder to not violate the laws. According to historian Stuart Banner, public execution was an "emphatic display of power, a reminder of what the state could do to those who broke the laws."33 This gives the state the chance to display its power in front of those who fell under its jurisdiction. Besides the humiliation of it, which is often criticised as distasteful, it acts as a strong reminder and warning to the people, that there are punishment and costs for actions going against the law.34 A harsh punishment makes people think carefully before acting, considering if it is worth committing the crime.

Another attribute to the death penalty being of little effectiveness in deterrence could be due to the method of execution used. Lethal injection is now either the sole method or the default option in every death penalty state in the US. It would seem that most people perceive this to be the least cruel form of execution, perhaps because most of us have experienced (non lethal) injections and the procedure looks to be pain free, unlike the public hangings that take place in Iran. 35 Hence with the method being less severe and perceived to be less torturous and cruel, it can be said to be less scary compared to that of other methods such as execution by lethal gas commonly used in the

31 http://deathpenaltycurriculum.org/student/c/about/arguments/argument1a.htm
32 http://www.hastingsconlawquarterly.org/archives/V19/I2/Blum.pdf
1900s where the convict suffers “moaning, gargling and foaming” for around 4 to 7 minutes\(^{36}\) or even electrocutions where convicts suffer severe pain and torture before death. Therefore when considering whether the death penalty is an effective deterrence for potential criminals, the lethal injection, commonly used as method of execution in the US, seem to be a painless and humane one.

Both research done in the past and in recent years have shown a large amount of evidence that there is a link between executions and the decrease in murder rates. Using a panel data set of over 3,000 counties from 1977 to 1996, Professors Hashem Dezhbakhsh, Paul R. Rubin, and Joanna M. Shepherd of Emory University found that each execution, on average, results in 18 fewer murders.\(^{37}\) Another study done by Naci Mocan, an economics professor at the University of Colorado at Denver, found that each execution results in five fewer homicides, and commuting a death sentence means five more homicides, in his 2003 study he co-authored and a 2006 study that re-examined the data.\(^{38}\) He commented that "The results are robust, they don't really go away," he said. "I oppose the death penalty. But my results show that the death penalty (deters) what am I going to do, hide them?"\(^{39}\) This study supports the argument that the death penalty is an effective deterrence and abolishing it with a lenient, less severe, punishment would result in higher homicide rates, the punishment would be less of a deterrent.

**Interviews/feedback from criminologists and the police force**

Criminologists have also reported that the death penalty does not deter murder. A recent study published in the Journal of Criminal Law and Criminology reported that 88% of the country’s top criminologists surveyed do not believe the death penalty acts as a deterrent to homicide. Eighty-seven percent of them think that the abolition of the death penalty would not have a significant effect on murder rates and 77% believe that “debates about the death penalty distract Congress and state legislatures from focusing on real solutions to crime problems.”\(^{40}\) Furthermore Frank Friel, Former Head of Organized Crime Homicide task Force in Philadelphia commented that "The death penalty does little to prevent crime. It’s the fear of apprehension and the likely prospect of swift and certain punishment that provides the largest deterrent to crime."\(^{41}\)

A 1995 national survey of police chiefs from around the country discredits the repeated assertion that the death penalty is an important law enforcement tool.\(^{42}\)

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\(^{36}\) http://www.heritage.org/research/testimony/the-death-penalty-deters-crime-and-saves-
lives#_edn17


\(^{38}\) ibid.


\(^{41}\) http://www.deathpenaltyinfo.org/law-enforcement-views-deterrence

\(^{42}\) AR2007061100406.html

RATES?: THE VIEWS OF CRIMINOLOGY 489 (2009)
Statistics on what police chiefs feel should be the primary focus in reducing crime\textsuperscript{43}

The graph illustrates that there is a simple majority of police chiefs in America that believe that attempting to reduce drug abuse would help in reducing crime whereas the expanded use of the death penalty is the least favourable option, only 1\% of the police chiefs felt that it is important and effective.

Another study done in 2009 on the views on Police Chief in America found these results:

![Police Chiefs' Views Table]

Results from a questionnaire answered by police chief\textsuperscript{44}

This recent study supports the study done in 1995, as 66\% of police chief felt that the death penalty is not the most important law enforcement tool. From the graph it can also be interpreted that it is possible that Politicians support the death penalty as a way of showing the power of the institution, and that they are tough on crime when in fact the survey show that most murderers do not think about the range of punishments before actually committing crime. Therefore it can be concluded that more severe punishments may not necessarily lower crime rates and deter people from committing crime, supporting the theory of the death penalty not being an effective deterrent.

\textsuperscript{43} http://www.deathpenaltyinfo.org/law-enforcement-views-deterrence

\textsuperscript{44} http://www.deathpenaltyinfo.org/law-enforcement-views-deterrence
The death penalty acting as a specific deterrence, as removing murderers from society removes any possibility of him committing another crime and also a general deterrence to the public who are aware of the severe punishment of this crime and hence would not do the same so as to avoid the consequences. The death penalty can be argued to be appropriate when it comes to the removal of the worst criminals from society, something that long term or permanent incarceration could not do as there is always the possibility of escape and also incidents in the prison. Hence for the safety of prison guards and other inmates and society as a whole these criminals could just be removed. Therefore when viewed this way, the death penalty is effective in deterring offenders from committing further crimes. Although abolitionist would argue about the ethical issues or even the lack of chance for rehabilitation, it cannot be denied that removing a dangerous convict from society goes beyond deterring them, but ensures that there is no probability of them causing anymore harm.

Ernest van den Haag, a Professor of Jurisprudence at Fordham University who has studied the question of deterrence closely, wrote: "Even though statistical demonstrations are not conclusive, and perhaps cannot be, capital punishment is likely to deter more than other punishments because people fear death more than anything else. They fear most death deliberately inflicted by law and scheduled by the courts. Whatever people fear most is likely to deter most. Hence, the threat of the death penalty may deter some murderers who otherwise might not have been deterred. And surely the death penalty is the only penalty that could deter prisoners already serving a life sentence and tempted to kill a guard, or offenders about to be arrested and facing a life sentence. Perhaps they will not be deterred. But they would certainly not be deterred by anything else. We owe all the protection we can give to law enforcers exposed to special risks.”

However statistics portray a different interpretation of the death penalty as an effective deterrence. An argument could be that the death penalty is not that effective in deterring crime due to the little amount of people that get executed each year, only a tiny proportion of murderers, around 1.5%, get sentence to death. Hence with the little use of the death penalty, how can it be considered an effective deterrence? This would cause the lack of awareness of the severe consequence of certain crimes and hence affects people’s decision making when it comes to committing crime.

A reason why evidence for this theory is so limited is due to studies regarding deterrence are inconclusive, that is because the death penalty is rarely used and takes years before an execution is actually carried out. For example, there were 16,137 murders in 2004, according to the FBI, but only 125 death sentences were handed out, and 59 persons—most of whom were convicted a decade earlier—were executed. With the probability of being executed for a murder a crime being so small, it is likely that the test of the death penalty as a deterrence is not valid due to the added decrease of probability of a person being executed for their crime. Therefore the magnitude of the deterrent effect of the death penalty, including the possibility of no effect, will depend both on the

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45 [http://deathpenaltycurriculum.org/student/c/about/arguments/argument1a.htm](http://deathpenaltycurriculum.org/student/c/about/arguments/argument1a.htm)

46 [http://www.capitalpunishmentuk.org/deterrence.html](http://www.capitalpunishmentuk.org/deterrence.html)

47 ibido

48 [https://www.law.columbia.edu/law_school/communications/reports/summer06/capitalpunish](https://www.law.columbia.edu/law_school/communications/reports/summer06/capitalpunish)
scope of the legal authority for its use and on the way that legal authority is actually administered. It might also depend on such factors as the publicity given to executions which are beyond the direct control of the criminal justice system.49

The myriad of research and evidence on this subject is a strength as it could bring about vital practical application. Before lawmakers use the evidence of research done on the death penalty as a deterrence, they should be aware of the research design and the researcher which is especially true in domains where research may be driven by ideology and advocacy motives; these incentives may lead researchers to use econometric sophistication to silence debate rather than enlighten policymakers.50 Thus it is crucial to use the research evidence carefully as it could play a crucial role in the abolition or reinstating of the death penalty depending on whether it stimulate, reduce or have no effect on crime. The abolition or reinstating of the death penalty is very vital and needs to be considered seriously due to it being a life and death decision, deciding whether the criminals are given a chance to live or not.

Other factors/ arguments about the death penalty

The death penalty is a controversial matter due to it being the consequence of heinous crimes such as murder or horrific torture, therefore it is a highly emotional topic with strong arguments on both sides of the debate on whether the death penalty should be reinstated or abolished.

One factor of the argument is the idea of justice being served. It can be argued that when one commits crime involving causing grievance hurt or even death of a victim, they have forfeited their right to live. Alex Kozinski (a judge on the United States Court of Appeals for the Ninth Circuit, where he has served since 1985) commented that society is entitled to take the life of those who show utter contempt for the lives of others- vindication for victims.51 Besides the justification of their death it can be argued that the death penalty for murderers would reduce the “needless misery on their surviving family by letting the perpetrator live.”52 Hence a strong argument for the

49 https://www.nap.edu/read/13363/chapter/5
51 http://takingnote.blogs.nytimes.com/2014/07/24/why-the-death-penalty-is-doomed/?_r=0 Why the death penalty is doomed, by Jesse Wegman
52 The New Yorker Feb 10 1997 pg48, TINKERING WITH DEATH
need of the death penalty is the idea that they deserve retribution, to suffer in proportion to the offence they had committed, ‘an eye for an eye’. The psychology behind it would be that the guilty get a taste of their own medicine and would be punished for how they treated their victims bringing not only rightful justice for the victim but also bring about effective closure for the victim’s family.

However some may argue against the theory of justice, as Former California governor Pat Brown commented “to take a life when a life has been lost is revenge, it is not justice”. The truth is the execution of a criminal would not end the misery of the lost of a victim, hence is the long death rows on the journey that leads to a horrific death really necessary and also humane for the criminal? Some question whether the victim’s family meeting the perpetrator time and time again for the trial or even watching the execution will cause more grievance compared to relieve and justice.

Another argument of this debate is the ethicality of the death penalty. The constant debate on if the state should have the right to remove the life of a person, would this be considered as ‘playing god’ rather than serving justice. It raises questions to if the life imprisonment is a severe enough punishment and that forfeiting their right to live is crossing the boundaries of human rights. There is simply no humane method of putting a person to death as it not only brings about physical pain but also great mental anguish during the death row. The death penalty removes the individual from society mercilessly with absolutely no chance for any form of rehabilitation or chance for them to turn over a new leaf and realise their mistake.

To add to that, the death penalty can be argued to be unethical and inhumane due to possible mistakes or even corruption and unfairness in the justice system, as the death penalty is irreversible. With life imprisonment exoneration would allow the innocent to now gain back freedom with monetary compensation, but with the death penalty, innocent people will be executed and there are no possible ways of compensating them for the miscarriage of justice if a mistake is made in the investigation and sentencing. In Illinois last year there was about 1000 murder cases but only 2 percent of that 1000 guilty were sentenced to death. This brings about the question of whether this law is imposed fairly or uniformly. There is an absence of standards for the 102 Illinois state attorneys who decide whether to request the death penalty or not. One is five times more likely to get the death sentence for first-degree murder in the rural areas of Illinois than he is in Cook County. The mistakes made in the past also highlights clear racial discrimination. Innocence project of Wrongfully Convicted Participate in Congressional Black Caucus Policy Panel in Washington D.C. (September 2016) found that currently 70% of the nation’s 344 wrongful convictions overturned by DNA evidence were of persons of colour. With this statistics it is shocking that one’s race could affect the probability of them being guilty for a crime, as many mistakes have been made in the past.

53 ‘Public Justice, Private Mercy’ book

54 http://www.deathpenaltyinfo.org/executed-possibly-innocent

55 George Ryan’s (Governor of Illinois) speech delivered at Northwestern University College of Law, announcing his commutation of all Illinois’s death sentences

56 ibid.

57 http://www.innocenceproject.org/wrongfully-convicted-congressional-black-caucus/
With many factors being able to contribute to why someone can be wrongly convicted such as the incapability for some accuse to hire a defence lawyer, racial discrimination or even a false eyewitness testimony, having the death penalty is very dangerous. Therefore it is arguable that, to protect citizens from any mistakes that the court could possibly make, the death penalty should be abolished to prevent the horrific incident where an innocent person is wrongly executed for someone else’s crime.

**Conclusion:**

Overall, there is a myriad of research and conclusions about the death penalty as an effective deterrence of crime. To add to that there are many debates on the other factors such as ethics, retribution and possible mistakes by the court that has to be considered in order to conclude whether the death penalty should be abolished or not.

After reviewing the arguments, I believe that a possible solution and answer to the question is that the death penalty should not be abolished but reforms are needed to solve any problems that the death penalty could cause. The death penalty is crucial as some evidence have shown that it does provide to some extent, some deterrence, to those who are aware of the consequences. There should be more news and information in order to publicise and create more awareness so as to increase the deterrence effect of it. However to prevent the innocent from being executed by mistake, or any possibility of racial discrimination, the government could ensure that each accused
has a fair trial where they are all treated and persecuted without any form of bias and also that sufficient investigations are being done to ensure that an innocent person would not be executed for another person’s crime. George Ryan, governor of Illinois, proposed for the reform of the system with a package that would restrict the use of jailhouse snitches, create a statewide panel to determine death eligible cases and reduce the amount of crimes eligible for death. It is not a perfect system but it would dramatically reduce the chance for errors in the administration process and ultimate penalty.  

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