

Example by StudyDriver

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Capital Punishment is Costly Example

Introduction

Martin Luther King Jr. once stated, “The old law of an eye for an eye leaves the whole world blind.” In this quote, he is referring to the ancient Babylonian law, the Code of Hammurabi. Hammurabi’s code justified the death penalty by reasoning that if somebody kills another, then they should be killed for their actions. Hammurabi’s Code was the first death penalty law established, and it dates back to the 18th century B.C. The death penalty is still in place today and is a barbaric, severe, and irreversible punishment. The death penalty should be abolished because it does not deter future murderers, there is no crime that justifies taking a life, and it is applied unfairly.

To begin, the question of whether capital punishment, in the manner it is being imposed now, deters criminals from committing murder anymore than sentencing them to life without parole. While most criminologists, an overwhelming 84%, agree that the death penalty does not deter crime, it is very difficult to determine if it does or not, statistically (“Arguments for and Against the Death Penalty”).

Proving the death penalty as a deterrent has been a burden on opponents of the death penalty since the debate

began. Studies such as those conducted by Isaac Ehrlich determined a clear relationship between the death penalty and deterrence of crime. In Ehrlich's studies, he found that for every execution, seven lives were spared. Studies like these have been imitated and followed up, but have been widely discredited.

The National Research Council of the National Academies Deterrence Report claim that studies on deterrence are flawed in three ways. Firstly, studies do not factor in the deterrence of noncapital punishments on the population ("DETERRENCE: National Research Council Concludes Deterrence Studies Should Not Influence Death Penalty Policy."). Secondly, they do not properly calculate in the perception of potential murders' to the use of capital punishment. Lastly, these studies are invalid because they use estimates and assumptions that are not credible. The Wilson Quarterly states that there are not enough executions to base a study off of and the murder rate varies dramatically from year to year, which makes it even harder to statistically conclude the validness of deterrence in the argument for capital punishment ("Does the Death Penalty Deter?").

While it is statistically very difficult to conclude whether or not capital punishment serves as a deterrent against future crime, there is more "obvious" evidence that it does not. In the United States, 30 states still practice the death penalty. Comparatively, the states who do not practice capital punishment generally have lower murder rates than those who do. In 2016, the average murder rate for states that employ capital punishment was 5.4, but the average for those who do not was only 3.9 ("Murder Rates Nationally and By State."). It is also evident nationally that capital punishment does not serve as a deterrent. Canada abolished capital punishment in 1976, and since then the murder rate has decreased by 25% (Lamperti, John). The American Civil Liberties Union also states that police chiefs, when asked, rank the death penalty as the least effective way to reduce violent crime ("The Case Against the Death Penalty").

Capital punishment is costly. It costs taxpayers money. The death penalty has cost California \$4 billion dollars since 1978. Of that, \$1.94 billion of the \$4 billion went to pre-trial and trial costs alone ("Costs of the Death Penalty"). According to Safe California.org, abolishing capital punishment would save taxpayers \$150 million each year ("How Much Does California's Death Penalty Cost?")

In summation, it is mostly inconclusive as to whether or not capital punishment actually deters crime, but a majority of elite criminologists agree that it does not. Most evidence refutes that capital punishment has no real effect on the murder rate, and because of its costly natures and the unethical nature of the practice, deterrence of murder is not a valid justification for capital punishment.

Secondly, it is argued that a just society must take the life of someone who takes another. Those who support capital punishment argue that when a person kills another they upset a balance, and this is how they justify allowing state sanctioned murder. This is the idea of retribution, and is essentially the same as vengeance. It is argued that this vengeance provides closure to families and closure to the murderer's crime.

However, retribution does not justify taking one's life in response to taking another. Retribution is rooted in the doctrines of Hammurabi's code. These doctrines such as "an eye for an eye" should not be applied to the modern judicial system. These are not ideals of a progressive society because vengeance is a purely instinctual and emotional response. Punishing a person completely out of emotion is not appropriate, particularly with the risks involved. Also, justifying capital punishment by arguing that it provides more closure for families is invalid. As stated by B. Jones, the prolonged legal process associated with capital cases makes capital punishment less closing for victims' families. In most cases, life without parole provides just as much closure without condoning violence and it avoids the risks of wrongly executing a defendant.

In summation, retribution does not justify capital punishment. It is not progressive, nor does capital punishment necessarily provide more closure to victims' families than what life without parole would. It is obvious that life without parole would satisfy the innate need to accomplish retribution by taking the defendant's rights away for life, but it does so in a more suitable manner for modern society with the consideration of ethical treatment of humans.

Lastly, the death penalty should be abolished because it is applied unfairly. Some argue that because every case is unique, then it is applied fairly. Those who support the death penalty acknowledge that discretion is a significant idea within our justice system, but they fail to recognize the racial biases that occur, the biases created when

choosing a jury for capital cases, and the geographical disparities that occur. Those who support the death penalty believe that justice must be achieved for whoever, despite their race, where they live, and the jury who decides their fate. Supporting the death penalty means wanting justice for all, even if punishments are not applied proportionally to everyone.

Despite, the death penalty is arbitrarily dulled out. Justice should be achieved for all, but it should be achieved proportionally. A defendant's race, town, or lawyer should not determine if they live or die. This should not be an issue at all. Taking one's life in order to achieve justice, and not considering if that person is executed fairly is immoral.

There are biases that are created within the jury of capital cases. Courts can eliminate certain jurors if they are not willing to sentence someone to death. This is called the death qualification process, and does not occur in normal juries. Jurors are questioned extensively on their views regarding capital punishment, and often asked to consider the different sentencing options. If they believe that a person can be executed for certain crimes, that juror becomes death qualified. The judge can also eliminate jurors if they believe that one's views may affect their ability to properly choose the punishment for capital cases. When a judge eliminates a juror, this is called a "for cause dismissal." A judge can eliminate an unlimited number of potential jurors under this. The jurors who are not dismissed by the judge, can be dismissed by the lawyers for no reason at all. This is a peremptory dismissal, and it is obvious how this could cause a jury to be very biased. Lawyers have a limited number of peremptory dismissals, and are not allowed to dismiss anyone solely on the basis of their gender, race, or religious beliefs.

These eliminations cause juries for capital cases to not be an accurate representation of the general population. White male conservatives are more likely to be in favor of capital punishment, and are more common on capital case juries. The death qualification process eliminates about 15% of whites and 25% of blacks ("Death Qualification").

Capital case juries are also more biased to a guilty prosecution of 2 reasons. One, it selects jurors who are more conviction prone. Secondly, the death qualification process suggests jurors that the defendant is guilty because

punishment is so heavily discussed before the case is heard. In summation, death qualification makes juries more conviction prone because of the people it selects and the process itself makes jurors more likely to convict a defendant.

Capital cases are also subject to being heavily racially biased. Capital punishment is used disproportionately against blacks, and seems to place more value in white lives. The American Bar Association states that “race is more likely to affect death sentencing than smoking affects the likelihood of dying from heart disease.” Marc Macdougall and Karen Williams from the American University Law Review also claim that black defendants are more likely to be sentenced to capital punishment than white defendants. They state that 26 of 61 of the inmates sentenced to the death penalty by the federal courts are black and 41% of inmates sentenced to the death penalty by the states are black. Mark MacDougall & Karen Williams from the American University Law Review also state that defendants whose victims were white are more likely to receive the death penalty than those whose victims were of color. Baldus data reveals that the death penalty was sought in 70% of cases with black defendants and white victims, but was the death penalty was sought only 19% of the time in cases involving white defendants and black victims (MacDougall, Mark J., and Karen D. Williams). It is truly heartbreaking to find that race plays such a large role in who receives the death penalty.

Conclusion

Also, according to Iuliano, J from the American University Law Review, geographical disparities sway death sentencing significantly . Discretion plays a large part in the justice system. Despite, similar crimes should be punished in the same manner. Cases qualifying for the death penalty are subject to review by elected officials who do not undergo any procedure review. These elected officials are allowed to dull out the death penalty to qualifying cases, at their discretion. This means that if the official in one county or state supports the death penalty, the death penalty may be given out more frequently. Vice versa applies, officials in another county or state who oppose the death penalty are less likely to sentence someone to the death penalty. This means that if a similar crime is committed in 2 different areas, one defendant may be sentenced to death and the

other to life without parole.

In summation, life without parole is a better alternative to capital punishment. Capital punishment should be abolished entirely and such a barbaric punishment has no place in the modern justice system. Life without parole is a less permanent punishment option that does not include the risks of executing an innocent person. It also provides just as much closure to victims' families because it does not require as lengthy of a prosecution process as capital cases do. Life without parole is also a much cheaper sentencing option, and is also not subject to the biases and disparities that capital cases are. If capital punishment was abolished, punishments would be uniform and would not differ from area to area. Defendants would also not have to rely on biased juries to decide the fate of their lives. It is never right to take another person's life, no matter the circumstances.

The state should not have the power to decide who lives and dies, especially when they do it in such arbitrary ways. Society as a whole should be weary of the laws put in place, and also be educated on their rights. At first glance, capital punishment is easily justified, but when looked at closely, it is obvious of how wrong it is. Forming personal opinions on controversial topics by educating yourself is crucial.