

The Death Penalty

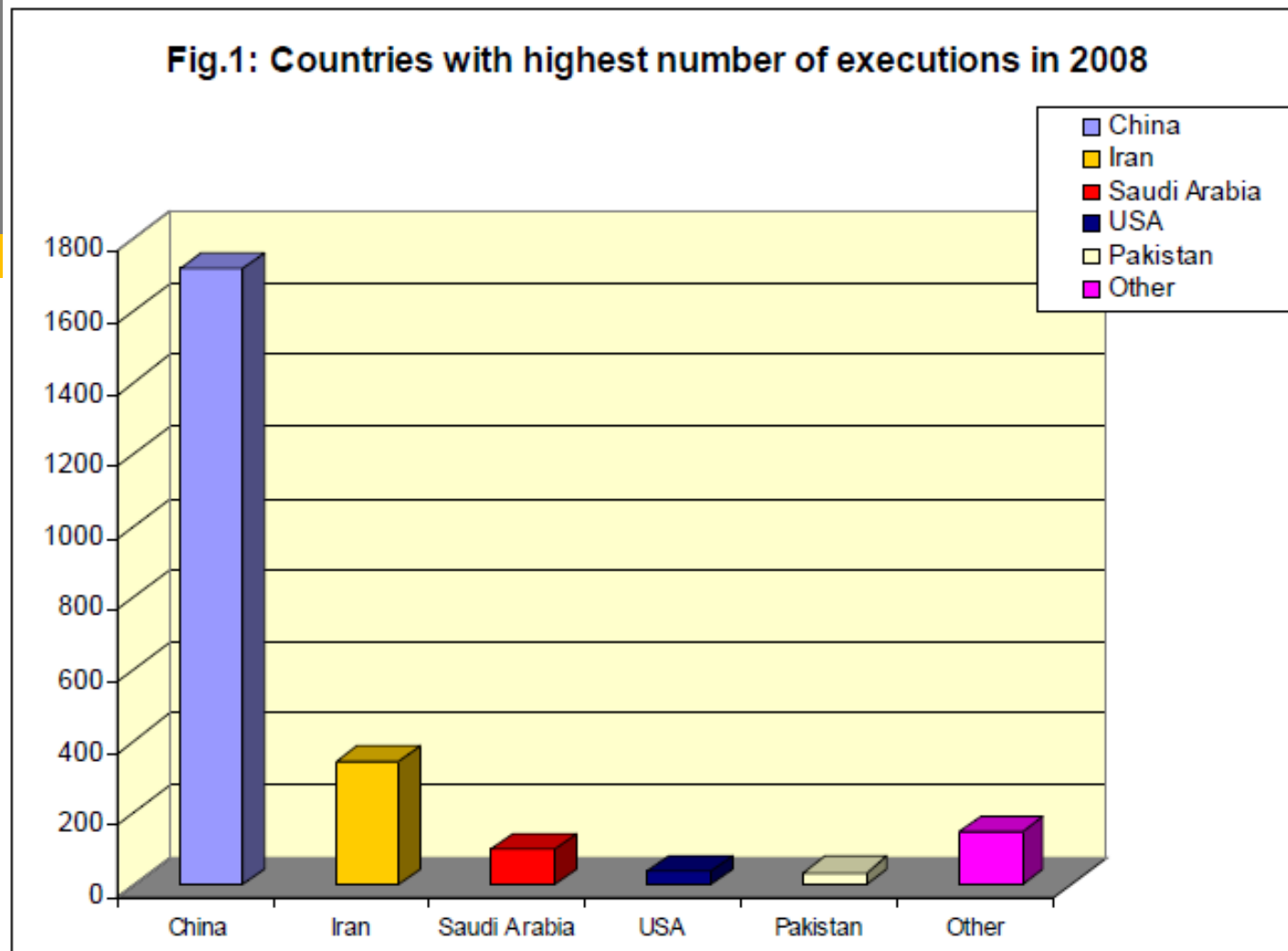
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<http://ethicsmatters.net>

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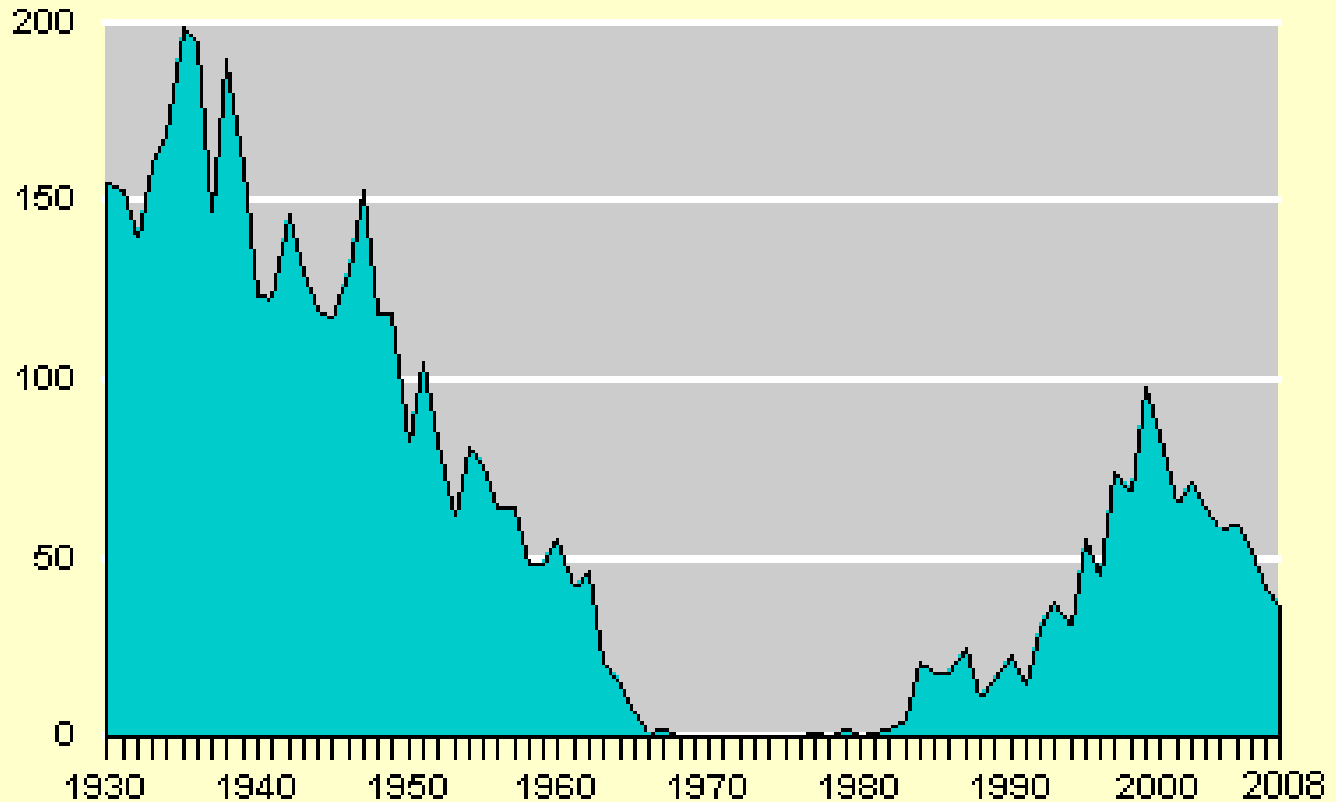
Statistics and Laws



Source: http://www.amnesty.org.uk/uploads/documents/doc_19251.pdf

Executions in the U.S.

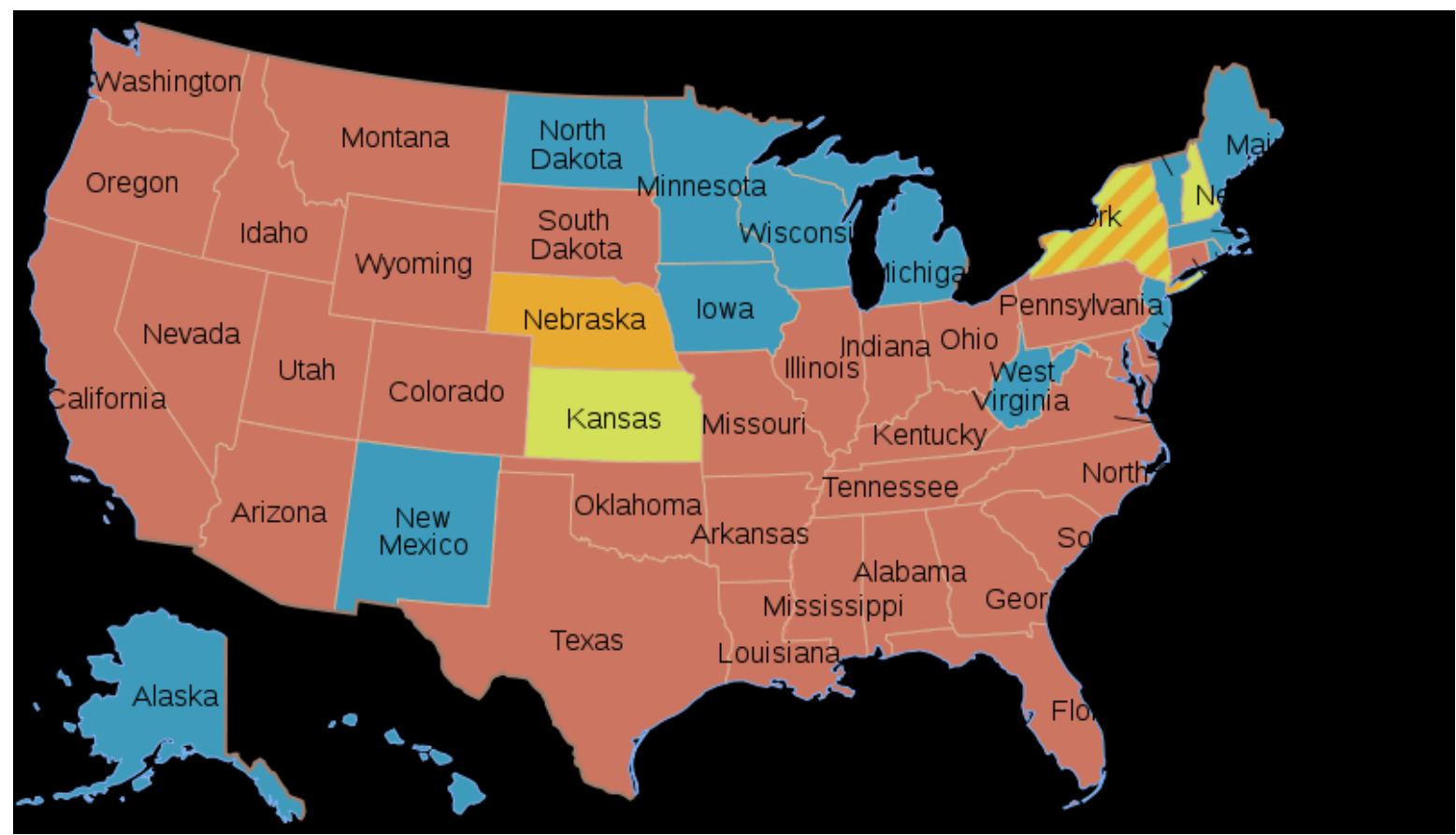
Executions, 1930-2008



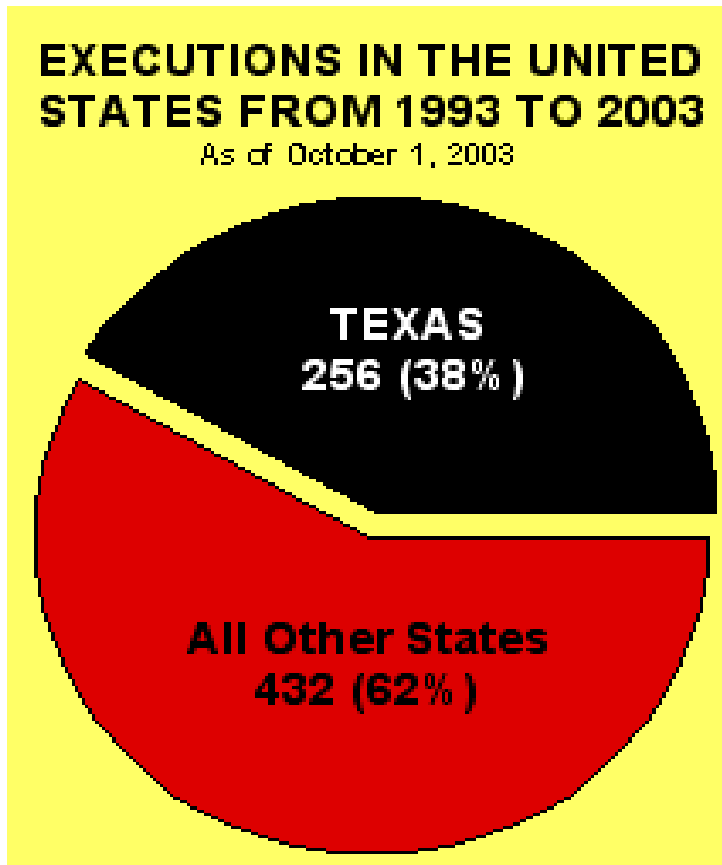
Source: DOJ, <http://www.ojp.usdoj.gov/bjs/glance/exe.htm>

- Blue: No current death penalty statute
 - Orange: Death penalty statute declared unconstitutional
 - Green: No one executed since 1976
 - Red: Has performed execution since 1976
- # Death Penalty States

Source



Executions in the United States, 2



Over one-third of executions occur in Texas;

Source:

<http://www.deathpenaltyinfo.org/article.php?did=414&scid=8>

Also see:

<http://www.deathpenaltyinfo.org/article.php?scid=8&did=186>

Supreme Court Decisions

Not permitted for minors or crimes committed while a minor.
Kennedy v. Louisiana, 2008: overturned Louisiana law to permit punishment of rape of a child by the death penalty

Philosophical Justifications

Justifications for Punishment

Recall two ways of justifying punishment

- Backward-looking: retribution for a past wrong, the *lex talionis*
- Forward-looking: deterrence against future crimes

“A Life for a Life”

The *lex talionis* asserts that we punish with “an eye for an eye” and, by extension, “a life for a life”

How do we then punish torturers?

- Is the *lex talionis* restricted by prohibitions against cruelty, etc.
- Distinguish between whether the offender deserves the punishment and whether we would be demeaned by punishing in that way.

The Sanctity of Life

Both opponents and defenders of the death penalty appeal to the sanctity of life

- Opponents say life is sacred and no one should take it (Cardinal Bernadine's seamless garment analogy)
- Advocates say that the way to honor the sanctity of life is to execute those who have so violated its sanctity by murdering someone

Hope and the Possibility of Change

Is the death penalty as act of giving up hope on the possibility of salvation in this life for the murderer?

Should we give up hope in some cases?

Might the death penalty foster moral awareness on the part of the murderer?

The Effects of the Death Penalty

Does the death penalty deter?

- That particular criminal
- Other possible criminals

Some researchers have argued that the death penalty saves 7-8 innocent lives a year.

Do capital punishment states have lower rate of capital crimes?

The Argument from Common Sense

Common sense says that the death penalty is worse to an offender than life in prison.

Questions:

- Do criminals think they will be punished?
- Does this establish a climate of brutalization?

Executions and Deterrence

If capital punishment is justified in terms of deterrence, then should we do whatever we can to increase their deterrent effect, including:

- execute more swiftly?
- televise executions?

Issues

Capital Punishment and Mistakes

Capital punishment is irrevocable in a way that other punishments aren't

The Trade-off:

- How many executions of innocent persons are avoided?
- How many actual murders are not executed or punished?

The Innocence Project (157 exonerated): <http://www.innocenceproject.org/>

- Sources of Mistakes:
 - 2 DNA Inclusions at Time of Trial
 - 6 Other Forensic Inclusions
 - 15 False Confessions 16 Informants / Snitches
 - 17 False Witness Testimony
 - 21 Microscopic Hair Comparison Matches
 - 23 Bad Lawyering
 - 26 Defective or Fraudulent Science
 - 34 Prosecutorial Misconduct
 - 38 Police Misconduct
 - 40 Serology Inclusion
 - 61 Mistaken I.D.

Governor Ryan's Commission on the Death Penalty:

- http://www.idoc.state.il.us/ccp/ccp/reports/commission_report/summary_recommendations.pdf

Capital Punishment and Race

Possible racial bias on basis of:

- Race of perpetrator
- Race of victim

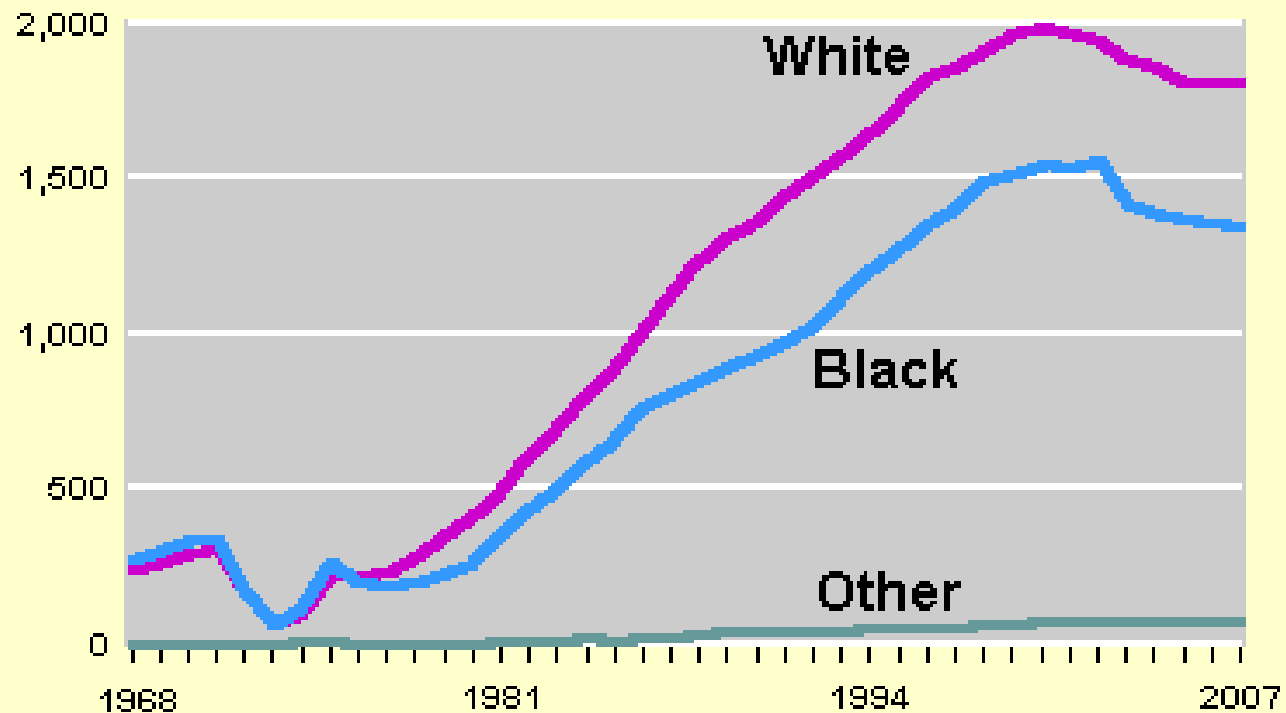
Subtle bias in terms of how offenders are charged, how the prosecution proceeds, etc.

See

<http://www.deathpenaltyinfo.org/article.php?scid=5&did=184>

Capital Punishment and Race

Prisoners on death row by race, 1968-2007



Source: DOJ,

<http://www.ojp.usdoj.gov/bjs/glance/drrace.htm>

Capital Punishment and Foreign Nationals

Mexican nationals were often denied access to consular aid. Many other countries, including Mexico, do not have the death penalty.

<http://www.washingtonpost.com/wp-dyn/articles/A15355-2005Mar7.html>

Physician Participation in Executions

- Statements from Doctors and Medical Organizations
- **Curfman et al; “Physicians and Execution,” New England Journal of Medicine, January 24, 2008**
 - Video
- **Breach of Trust: Physician Participation in Executions in the United States.** This report, published jointly by Physicians for Human Rights, the American College of Physicians, the National Coalition to Abolish the Death Penalty, and Human Rights Watch in 1994, deals with the ethical issues involved with physician participation in capital punishment. PDF

Conclusion

What, if anything, would it take to change your mind on the death penalty?