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The Death Penalty: For Whom the Bell Tolls

Some legal issues gain importance because they concern basic religious, ethical, and social values. Capital punishment is such an issue. The social significance of the death penalty was highlighted in the public debate following the schoolyard shootings of 1997 and 1998: What is the appropriate sentence for a young teen who commits premeditated murder? On one side, a Texas state representative called for lowering the age at which someone can be sentenced to death from seventeen to eleven. On the other side, death penalty opponents argued that teenagers are more impulsive and less likely to understand the consequences of their actions than are adults (Asseo). Most people in the United States, however, would find executing a child of eleven repellent, for our society considers that children deserve special protection.

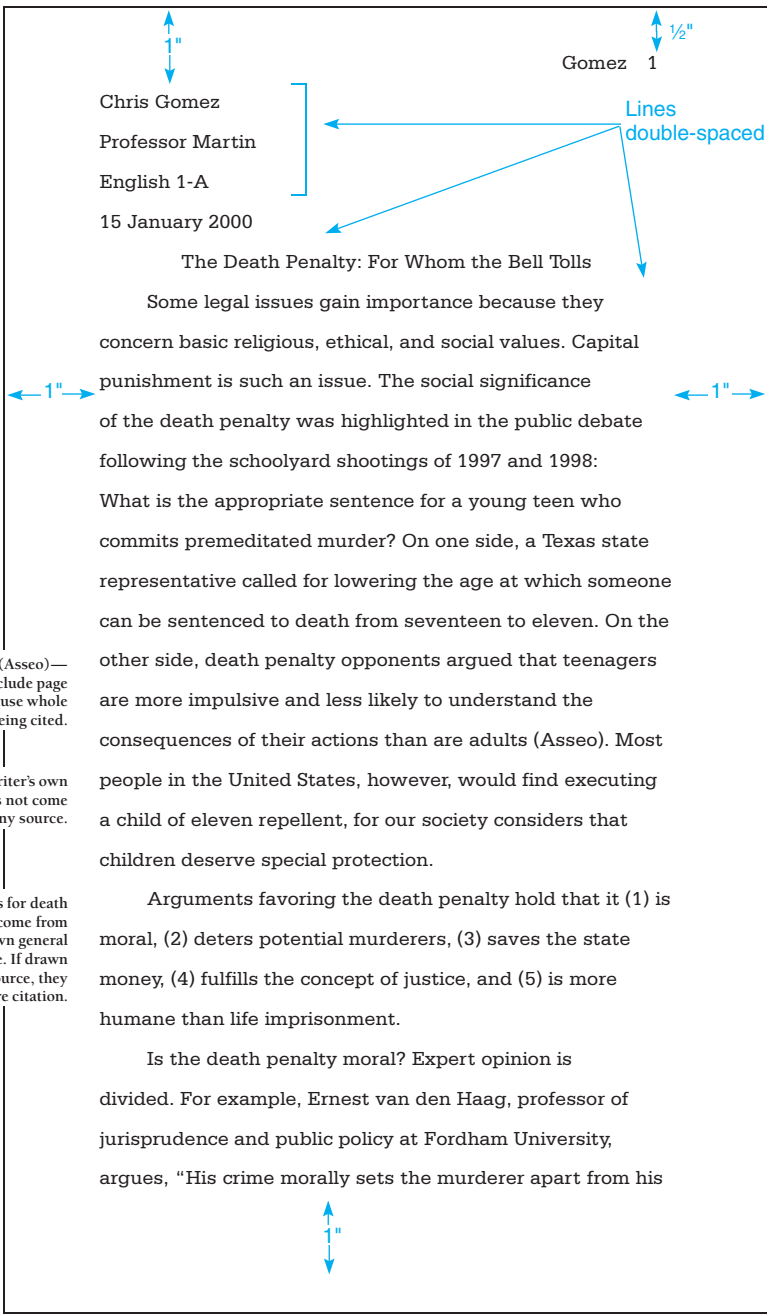
Arguments favoring the death penalty hold that it (1) is moral, (2) deters potential murderers, (3) saves the state money, (4) fulfills the concept of justice, and (5) is more humane than life imprisonment.

Is the death penalty moral? Expert opinion is divided. For example, Ernest van den Haag, professor of jurisprudence and public policy at Fordham University, argues, "His crime morally sets the murderer apart from his

Citation—(Asseo)—
does not include page
number because whole
work is being cited.

Opinion is writer's own
and does not come
from any source.

Arguments for death
penalty come from
writer's own general
knowledge. If drawn
from other source, they
would require citation.



victim. The victim did, and therefore the murderer does not, deserve to live. His life cannot be sacred if that of his victim was" (61). However, Michael E. Endres, professor of criminal justice at Xavier University, says that capital punishment is immoral because

the death penalty serves no rehabilitative purpose; it exceeds the requirements of justice and social unity; alternatives to it may serve the same purpose as well; finally, the incapacitation or special deterrence of a given offender is insured by execution, but there are other effective ways to inhibit reoffending. (67)

If it is moral to execute convicted, responsible adults, is it also moral to execute children or mentally incompetent adults? Is a sixteen-year-old a responsible adult? If not, should an offender this young be executed? Currently, seventy-three death-row inmates in the United States committed their crimes before they were eighteen years old, and in the last decade nine such offenders have been executed (Amnesty International sec. 4). Since 1990, only five other nations have executed juvenile offenders: Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen (Amnesty International sec. 4).

Diminished mental capacity is a mitigating factor in capital offenses, and psychiatric evidence must be considered (Hood 63-64). However, psychiatrists who assess the defendant's mental state are often in a double bind, for the very condition that mitigates the crime may also make

Author being quoted, Michael E. Endres, is identified in lead-in to quotation; thus his name is omitted from parenthetical citation at end. Full source is found under "Endres" in "Works Cited."

Quotation more than four lines long is indented ten spaces and appears without quotation marks. Citation comes after final punctuation, separated by one space.

Source of both pieces of information about execution of minors is section 4 of Web publication by corporate author.

Hood is cited twice, for different kinds of information: first for fact and second for his opinion. Since both are from Hood, citations are required.

the defendant a danger to society (Hood 64). Furthermore, psychiatry is more an art than a science and thus does not provide conclusive evidence for a decision regarding life or death.

Paragraph 6 states writer's own conclusion, not that of any source.

The moral questions regarding capital punishment are open to so much controversy that it is difficult for an informed person to take a definitive stand one way or the other on moral grounds.

Exact quotation is from Hood, page 167. Since Hood's name is mentioned in lead-in to quotation, it is not repeated in parenthetical citation.

Does the death penalty deter potential murderers?

Roger Hood is clear on this question: "The evidence as a whole gives no positive support to the deterrent hypothesis" (167). One might argue, of course, that the death penalty is a deterrent only if executions are actually carried out. Thus, as the number of executions increases, the frequency of murder should decline. However, according to Hood (117-48), no evidence indicates that more frequent executions lead to lower homicide rates. For example, the last executions in Australia took place in the mid-1960s, but

Citations indicate writer is summarizing pages 117-48 of Hood and using facts from pages 124-25 and 126 of Hood and page 17 of Horgan.

"the reported homicide rate per 100,000 of population has fallen, and the murder rate has remained constant" (Hood 124-25); in the United States, when the first execution took place after a decade-long moratorium, the homicide rate almost doubled, from 4.8 per 100,000 to 8.8 (Hood 126). Some admittedly inconclusive evidence suggests that executions may actually bring about more murders. One study, reported by Horgan, indicates that in the month after each execution in New York State between 1907 and 1963,

the number of murders rose by an average of a bit more than two (17).

Dividing murderers into two categories is useful when one considers the deterrence argument: what Adam Hugo Bedau terms “ ‘carefully contemplated murders,’ such as ‘murder for hire’ ” (172), and so-called crimes of passion. As Bedau points out, those who carefully plan murders do so with a view to avoiding detection and punishment; hence, the threat of the death penalty plays little or no role in the decision to commit the crime. No threat would deter the killer who is carried away by uncontrollable rage or hatred.

If capital punishment is a deterrent, then painful methods of execution should have more effect than painless ones, yet Texas, Utah, and other states have adopted lethal injection as the method of execution--ameliorating the severity of the death penalty, supposedly for “humanitarian” reasons. States that use lethal gas as a means of execution do not make the agony of death by asphyxiation a matter of public knowledge. If the death penalty is a deterrent, the agonies of execution should not be reduced, as in Texas, or kept hidden from the public, as in California.

Since no one has been able to show that the threat of the death penalty reduces the number of murders, the argument for capital punishment on the basis of its deterrent value crumbles.

Does capital punishment save the state money? Robert L. Spangenberg, an attorney who directs the Boston Legal

Idea of dividing murderers into two types is writer's own, but quotation from Bedau provides information about one type. Citation points to discussion on page 172 of Bedau.

Citation shows that Horgan (page 18) presents information from Spangenberg.

Assistance Project, points out that "states spend anywhere from \$1.6 million to \$3.2 million to obtain and carry out a capital sentence; states could incarcerate someone for 100 years or more for less money" (qtd. in Horgan 18). Of course, a cost/benefit analysis might reveal that the death penalty is economically sound because it provides social benefits such as protection from potential murderers. However, as Bedau says, "we cannot have such an analysis without already establishing in some way or other the relative value of innocent lives versus guilty lives (38)."

It appears, then, that economic arguments in favor of capital punishment have no solid basis.

Does the death penalty fulfill the requirements of justice? Immanuel Kant argued that justice demands complete equality; thus, if one murders, the commensurate punishment is death. Bedau (17) quotes from The Metaphysical Elements of Justice:

Only the law of retribution . . . can determine exactly the kind and degree of punishment. . . . All other standards fluctuate back and forth and, because extraneous considerations are mixed with them, they cannot be compatible with the principle of pure and strict legal justice. (Kant 101)

As Bedau points out, the principle of equality applies to murderers who are intrinsically vicious and have rationally willed to kill another. "If modern criminologists and psychologists are correct, however," says Bedau, "most

Writer found quotation from Kant on page 17 of Bedau. Quotation, however, is from page 101 of Kant's book, as indicated in parentheses at end of quotation. Writer knows Bedau's source because Bedau documented carefully.

murders are not committed by persons whose state of mind can be described as Kant implies" (17). Even if we accept Kant's principle of justice, we find that it is inapplicable in the real world.

Finally, is it more humane to execute a convicted murderer than to require him or her to spend years, or life, in prison? It is, of course, impossible to make such a judgment for the condemned. Lifers in prison do commit suicide, and convicted murderers do ask for death rather than life imprisonment. As Bedau says, however, it is impossible to determine which is more severe, life in prison or death, for there is no way to compare the two alternatives (27). We do know, however, that death makes it impossible to correct errors in judgment. In any case, society does not base its penalties on the preferences of the convicted.

There is, then, no agreement about the morality, deterrent value, economic effectiveness, justice, or humaneness of the death penalty--and there is always a possibility that an innocent person will be put to death.

In the past 18 years, at least 27 people condemned to death have later been found innocent by a higher court. Some of these reversals came about through sheer serendipity. The innocence of Randall Dale Adams, released [in 1989] after spending 12 years on death row in Texas for murdering a police officer, came to light only because a filmmaker happened to

Quotation marks show that writer has used an exact quotation from Bedau's book (from page 17, as citation indicates).

From Bedau (page 27) writer gained idea that it is impossible to determine whether life in prison or death is more severe punishment; because Bedau's idea is paraphrased (that is, restated in writer's own words), quotation marks are not used. However, Bedau must still be given credit.

take an interest in the case. Others have not been so lucky. From 1900 to 1985, at least 23 Americans were executed for crimes they did not commit, according to a 1987 report in the Stanford Law Review. (Horgan 18)

The death penalty should be abolished. I believe that it dehumanizes my society and hence robs me of part of my humanity. The Declaration of Independence sets the standard:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness. Individuals or the state can take life only when no alternative exists, and quite obviously alternatives to capital punishment do exist.

John Donne said it, and Ernest Hemingway echoed it: "Any man's death diminishes me, because I am involved in Mankind; And therefore never send to know for whom the bell tolls; It tolls for thee"--and me. (341)

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