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24 November 2022

### Why the Death Penalty Should be Abolished?

The death penalty, also known as capital punishment, is the practice of killing someone sanctioned by the state only as a punishment for a severe crime. There has been an ongoing debate on whether death punishment should be continued or abolished. In recent times, there has been huge outrage against capital punishment as most people believe it is inhumane and cruel punishment. There are three different views regarding this. Some people think the death penalty should be abolished in all cases no matter the reason. Also people think it should be allowed and that it should not be abolished. The third and generally the most popular belief is that the death penalty must be abolished in all cases but with an exception of gruesome crimes. The death penalty in general should be abolished for all crimes without any exceptions because these exceptions can be misused.

The recorded history of the death penalty goes back to the Eighteenth century B.C. when death penalty laws were established in the code of King Hammurabi of Babylon (Strew). He declared the death penalty for 25 different crimes. Since then, many laws and states had provisions for the death penalty. The Draconian code of Athens had the death punishment as the only punishment for all crimes (Strew). Death punishments were carried out in very inhumane and cruel ways including crucifixion, beating to death, stoning to death, drowning, burning alive,

and impalement (Strew). Even today, many countries have death penalties as punishment for murder, treason, mutiny, etc. Mostly the punishment is carried out by hanging the individual.

The justice system of America was highly influenced by Britain and inherited the same system. Since the British system has the death penalty in its code, so America inherited that. The first recorded execution was of Captain George Kendal in 1609 for being a spy for Spain. Later, in 1612, The Governor of Virginia Sir Thomas Dale made the law that made the death penalty punishment for even minor offenses like stealing fruits, killing chickens, and trading with Indians (Strew). However, with time, the laws were changed and people started vocalizing against capital punishment.

Capital punishment is a severe violation of human rights. It is a basic human right to live and live free from torture or cruel, inhumane punishment. The 1948 United Nations Universal Declaration of Human Rights protects both of these rights (Amnesty International). International organizations have adopted several instruments that can use and implementation of capital punishment. These include the Protocol to the American Convention on Human Rights to Abolish capital punishment, protocol No. 6 and 13 to the European Convention on Human Rights, concerning the abolition of the death penalty and the abolition of capital punishment in all cases, respectively, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the capital punishment (Amnesty International).

By the end of 2021, around 108 countries had abolished the death penalty (Amnesty International). According to Amnesty International, 579 cases of executions were recorded in 2021 which is 20% more than 2020. A lot of executions happen in China every year but since the data is classified, which means there is no proper number or estimate. Other countries like

Saudi Arabia, Syria, Iran, and Egypt are some of the countries where the most known executions took place (Amnesty International). The reason for this huge number of executions in China is because of the authoritative regime in the country, so any voice of dissent or crime is death severely. On the other hand, the death penalty is common in Muslim countries because of religious reasons. Islam as a religion has established death penalties for many crimes, which is why capital punishment is common in Muslim regions.

Most international human rights organizations demand the abolishment of capital punishment. They are of the view that the death penalty is inhumane, cruel, and completely against the fundamentals of basic human rights. No crime is severe enough to take the life of the criminal. It does not mean that a criminal should get away with the crime. They must be dealt with severely and proportional to their crime but the death penalty does not serve the main purpose. Organizations like Amnesty International, the Human Rights Commission of the UN, etc. vocally demand the abolishment of capital punishment all across the globe.

Another argument presented by the supporters of the claim is death penalty does not align with the reformatory justice system. A reformatory justice system is a system in which criminals are treated in such a manner that they are rehabilitated and made capable to support themselves in the future. Efforts are made to rehabilitate them and make them responsible members of society. This is a new concept in the field of the justice system. Previously, a retributive system was prevalent. The retributive system is based on the principle of “Eye for an eye”. It promotes that there must be a complete deterrence against crimes that can only be created by severe punishments. Hence they support the death penalty. Some other arguments against the death penalty are the following.

First, since there is always a risk of execution of innocent people, therefore, the death penalty must be abolished (International Commission Against Death Penalty). No justice system is perfect. Many a time, due to lack of evidence or miscalculation, innocents are sentenced, which is certainly not fair. It is said that it is better if a criminal gets away than if an innocent is punished. As capital punishment is a severe punishment, hence no innocent should be given this punishment. Keeping in mind the risk, it is better if the death penalty is abolished all across the globe.

Second, there is a big possibility of inconsistency of the death penalty. Many cases have been seen in which disproportionate punishments are granted which are completely against the principles of justice. In many countries, capital punishment is often used unjustly against minorities, the poor, and members of ethnic, racial, political, and religious groups (International Commission Against Death Penalty). Keeping in mind the arbitrary application of the death penalty, it should be abolished.

Third, the death penalty must be abolished because it does not deter crime effectively. The advocates of the death penalty present it as a deterrence against crime. However, the truth is it lacks effective deterrence. Recently, the General Assembly of the United Nations said that there is no conclusive evidence of the deterrent value of capital punishment (International Commission Against Death Penalty). According to many criminals and criminologists, the death penalty is the easiest punishment for terrorists and suicide bombers who intend to die anyway. So the death punishment must be abolished.

Fourth, opposing the death penalty does not mean a lack of sympathy for murder victims. Contrarily, murder shows a lack of respect for human honor and life (ACLU). Since life is

honorable and death is irreversible, murder is abhorred (ACLU). By the same principle, state sanctioned killings are also immoral and unethical. One thing that is important to mention is that those who support the abolishment of the death punishment are not sympathizers of murderers or offensive criminals. They are just suggesting better and more effective ways of punishing and treating criminals.

After mentioning the arguments in support of the abolishment of the death penalty, it is pertinent to present the views of opponents as well. According to the supporters of the death penalty, there is no other punishment proportional to some gruesome crimes like terrorism, spying, and murders, etc. to counter such severe crimes, there must be severe punishment, and the death penalty serves the purpose. Some of the arguments of the people who support the death penalty are that first, it creates deterrence against gruesome crimes. The restorative system suggests rehabilitation and parole of criminals. Many criminals do crimes because their life in prison is better than their previous life ([procon.org](http://procon.org)). There is less deterrence offered by the new restorative justice system. To maintain deterrence, the death penalty should be legalized. Secondly, the death penalty is according to the retributive principle of “an eye for an eye” ([procon.org](http://procon.org)). According to this principle, the punishment should match the crime. Only the death penalty matches some severe crimes like murder, terrorism, spying, etc. Third, the death penalty gives closure and solace to the victim’s family. The death penalty is needed for the family of the victim to move on in life and not live in fear of the criminal getting out of prison ([procon.org](http://procon.org)). Lastly, the supporters of the death penalty claim that it is moral and ethical because an innocent person or random person is not punished. Only a criminal with a huge criminal record of gruesome crimes is sentenced to death ([procon.org](http://procon.org)). What is immoral and inhumane in that? The

immoral and inhumane is the act of that crime for which he is punished. All these are the arguments of the supporters of the death penalty.

After going through the arguments in support and against the death penalty, it can be said that both sides have some valid points. However, the arguments against the death penalty are more significant and practical. Human judgments always have a probability of error and taking away the life of a person because of such human error would never be a good thing. Similarly, there are other better and more humane ways to punish offensive criminals. In such a way, the purpose is served without hurting or violating the sentiments of people and international organizations.

Despite all arguments in favor of the death penalty, there should not be any legal provision for it. Sometimes, it gets extremely necessary to deal with someone with an iron hand and make an example out of them. One such case could be a child molester or serial killer. There have been several criminals who have raped hundreds of children and then murdered them brutally. Such criminals who have a record of serial killing, many incidents of rape of women or spying, etc. should be given life imprisonment without parole and could be sent to rehabilitation centers. There is a huge probability of misuse of the death penalty if allowed. So if a section of the group is not satisfied with punishments apart from death punishments, some new and better punishments can be adopted to deal with habitual criminals and terrorists, etc. whatever the crime is, the death penalty should never be allowed in any case of circumstances.

In conclusion, the death penalty is state sanctioned killing punishment for criminals. It has been practiced for at least 4 thousand years. Even today, many countries have legal provisions for the death penalty. However, there is a huge population against the death penalty.

They argue that it is not only inhumane and immoral but there is also a risk of the innocent being punished. Moreover, it does not create deterrence in society. It is against the fundamentals of human rights. Similarly, it can be used arbitrarily against the poor, and minorities and for political and religious purposes. Contrarily, the supporters of the death penalty are of the view that it creates deterrence in society. The families of the victims find solace and closure after the death of the criminal. Moreover, the death penalty also serves the retributive principle of the justice system. After going through all the arguments, it can easily be said that the arguments in favor of abolishment of the death penalty are more valid and substantive hence death penalty must be abolished all across the globe.

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