

The ethics of capital punishment

Issues of punishment remain a part of AS and A2 ethics specifications.

Ernie Walcott explores some of the issues that arise from capital punishment.

Capital punishment, or execution, means taking the life of a condemned prisoner.

The death penalty was abolished in the UK in 1965 by the Murder (Abolition of the Death Penalty) Act — the last two people executed in the UK were murderers Peter Allen and John Walby, who were hanged on 13 August 1964. Under the European Convention on Human Rights, which Britain signed in 1999, execution was abolished throughout the European Union.

Elsewhere, capital punishment persists. Amnesty International has estimated that 1,000 offenders were executed in China in 2006 (although the true figure could be as high as 7,500), 177 in Iran and 59 in the USA. In its report, it called capital punishment 'the ultimate cruel, inhuman and degrading treatment'.

Those who support capital punishment claim that:

- It acts as a deterrent to those thinking of committing a serious crime.
- It allows society to rid itself of its most dangerous and undesirable citizens.
- It is the ultimate revenge for taking the life of another.
- The value of human life is made clear by executing those who kill others.
- Execution gives the victim's family a sense of retribution.

Those who oppose capital punishment claim that:

- In countries where the death penalty is enforced, the murder rate does not decline, so execution is not an effective deterrent.
- Many innocent people have been executed.
- Terrorists who are executed can become martyrs, which further encourages terrorism.
- Human life is important, even sacred, and should not be taken away.
- Execution is an easier punishment for the offender than life imprisonment.

In the Christian tradition, the teaching of Jesus seems to suggest that capital punishment is wrong. After all, Jesus came to reform and save wrongdoers, and if a criminal is executed, then he/she cannot be reformed. St Paul wrote: 'Do not repay anyone evil for evil. Be careful to do what is right in the eyes of everybody' (Romans 12:17).

The sanctity of life

Most Christians believe that human life is sacred and a gift from God, and that only God has the right to take it away. However, in the Middle Ages, the Church used capital punishment against those who challenged its authority, and the great Christian scholar St Thomas Aquinas argued that maintaining peace and order in society was more important than reforming a wrongdoer. Many Christian countries continued to practise capital punishment until relatively recently, and some US states still do so.

In Islam, the Qur'an teaches that capital punishment is permissible, but only for just causes: 'Take not life — which God has made sacred — except for just cause' (Surah 17:33). Islamic law, the Shari'ah, permits the death penalty for three offences — murder, adultery and apostasy. However, there are many Muslims who do not feel that capital punishment should be used, and they argue that the Qur'an does not make capital punishment obligatory, but only an option.

Ethical theorists have long debated whether the death penalty is an effective punishment, particularly in the modern age.

The purpose of punishment

In general, punishment is the intentional infliction of pain or suffering by a legitimate authority on those who have breached its laws. If there were no punishments, it has been argued, then citizens would not obey the law and society would collapse. In *Justice that Restores* (IVP 2000), Charles Colson wrote:

The primary purpose of criminal justice is to preserve order with the minimum infraction of individual liberty. Accomplishing this requires a system of law that people can agree on and that therefore possesses not just power but authority. It also requires moral standards; commonly accepted, that serve as voluntary restraints and inform conscience; an accepted understanding of what it due to — and required from — each citizen. Finally, criminal justice requires a just means to restore the domestic order when it has broken down, and a system of punishment that is redemptive.

Opposition to capital punishment

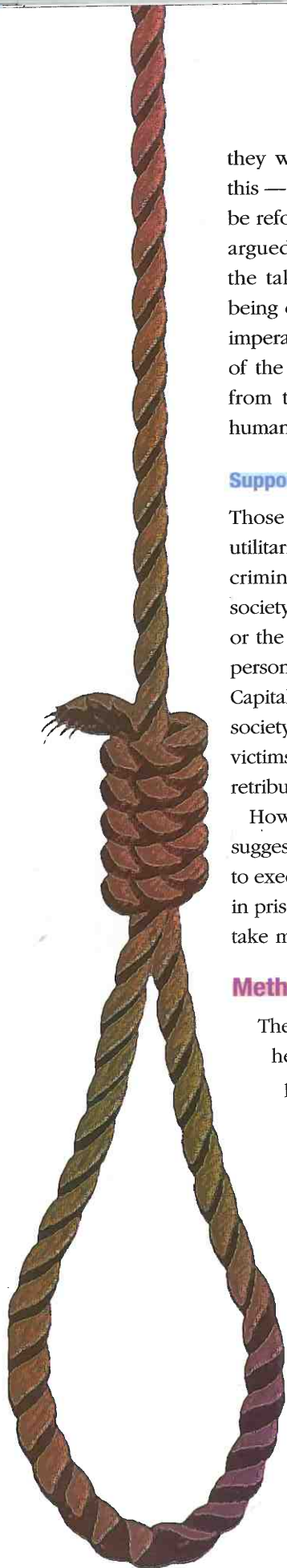
From an ethical standpoint, it could be argued that it is the state's duty to ensure that forms of punishment do not infringe the human rights of the offender. If this duty is not fulfilled, then execution plays no part in a civilised system of justice. Punishment should be proportional, humane and respectful to the equality and dignity of all human beings.

If the purpose of punishment is to deter offenders from re-offending, then, equally, it is also to reform offenders, to show them what they did wrong so that

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in the Middle Ages, the Church used capital punishment





they will not re-offend. Execution does not do this — the prisoner is killed and therefore cannot be reformed or rehabilitated. Thus, ethicists have argued, there is an absolute right to life, and the taking of a human life by another human being can never be justified. This is a categorical imperative, because it is based not on the nature of the crime or the needs of society, but stems from the overriding principle of the value of human life.

Support for capital punishment

Those who support capital punishment take a utilitarian approach, claiming that the loss of one criminal's life is balanced against the cost to society of keeping that person in prison for life, or the potential suffering that could result if that person was released from prison and re-offended. Capital punishment protects innocent members of society from dangerous criminals and allows the victims of crime to feel a sense of revenge and retribution.

However, recent studies in the USA have suggested that it actually costs up to six times more to execute a prisoner than it does to keep him/her in prison for life, because the appeals process can take many years of expensive legal argument.

Methods of capital punishment

The method of execution used is often at the heart of the ethical problems of capital punishment. In the past, execution was intended not just to kill the offender, but also to inflict maximum suffering on him/her. For example, in France in the Middle Ages, offenders were tied to wagon wheels and their bones were broken with an iron bar. In China, offenders were cut into pieces, starting with the eyes, ears, nose, tongue and fingers, before large lumps were cut from their legs and abdomen until they died.

As time passed, more humane (quicker) methods were devised so that the victim did not suffer as much — hanging, the guillotine and the electric chair. Herein lies the ethical dilemma for modern societies using the death penalty —

should the method of execution generate no pain, or is pain part of the punishment?

Scientists have calculated that it takes approximately 1 millisecond for a nerve impulse transmitting pain to be registered in the human brain. There is no form of execution in use currently that acts faster than this — so the person being executed always feels pain. To put things into perspective — death by crucifixion took at least 1 day of agonising pain, stoning took around 15 minutes, and hanging and beheading take at least 20 seconds. With regards to more modern methods, the electric chair takes at least 1 minute and lethal injection (although the victim is unconscious) takes 7 minutes.

Scientists claim that the only way to kill someone without him/her feeling any pain is to detonate a bomb that has been attached to the forehead, so blowing off his/her head. However, this punishment is ethically unacceptable, because the method of execution is a reflection of the society that carries it out, and most people do not want to belong to a society that uses cruel methods of execution. For example, after the apparently brutal execution of Saddam Hussein, which was broadcast on the internet, many headlines in the British tabloid press expressed outrage at the fact that he was denied a dignified execution.

A society could execute offenders by giving them large doses of morphine or other pain-killing drugs to send them into a calm, pleasant sleep before administering a lethal injection — similar to the practice of euthanasia. Yet if execution was a pleasant experience, would it lose its deterrent effect?

According to the US Department of Criminal Justice, a prisoner on death row spends an average of 9 years awaiting execution, during which time he/she undergoes prolonged suffering. One wonders if, after all that time in prison, a few seconds of pain during execution adds considerably to his/her suffering? Perhaps Jeremy Bentham was right when he wrote: 'All punishment is mischief...all punishment, in itself, is evil.'

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