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Justice and Capital Punishment

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James Bryant

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Capital punishment may be legal, but is it ethical? It has been an integral part of justice systems all over the world for thousands of years. However, many countries have begun to reevaluate the morality and ethicality of the death penalty. Numerous statesmen are divided on the matter due to the intricacy of the problem and controversy surrounding it. The United States has not abolished capital punishment, unlike many other civilized nations. It has left the decision up to individual states. This has led to a situation in which it is legal in some states, but illegal in others. There are thirty states that utilize the death penalty, while twenty have abolished the institution.¹ Capital punishment proves that what is legal is not necessarily ethical. It is not ethical because it violates the right to life, can take innocent life, and could be used as a weapon by the state.

Capital punishment is a violation of the unalienable rights that the United States was founded on. These unalienable rights include the right to life, liberty, and the pursuit of happiness. According to Steffen, “A moral issue is provoked, as in other life-and-death issues, not because executions are legal or they enjoy, and have historically enjoyed, popular support, but because execution involves an intentional killing.”² Government is formed to protect the rights of mankind. One of those basic rights is life. Jacquette states, “The practice of capital punishment inures citizens to the taking of life, erodes an attitude about the sanctity of human life, and sets a bad example for everyone.”³ Without life, humanity has nothing. The United

¹ “States With and Without the Death Penalty,” *Millions Misspent: What Politicians Don’t Say About the High Costs of the Death Penalty*, Death Penalty Information Center, <https://www.deathpenaltyinfo.org/states-and-without-death-penalty>.

² Lloyd Steffen, *Executing Justice: the Moral Meaning of the Death Penalty*, Wipf & Stock, 2006.

³ Dale Jacquette, *Dialogues on the Ethics of Capital Punishment*, Rowman & Littlefield, 2009.

States is no different. The Founding Fathers cited the importance of the right to life in the Declaration of Independence. This right to life was never considered conditional. Everyone's life has value. It is not acceptable to sacrifice the few in order to save the many, and additionally there may be innocents who inadvertently pay the price.

It is impossible for states to be entirely sure of guilt in cases facing the death penalty. According to the ACLU, "Between 1973 and 2015, 148 innocent citizens were exonerated and released from death row."⁴ One innocent life taken is too many. The state's job is to protect the innocent to the best of its ability. The incorporation of capital punishment into the justice system allows circumstances to be created in which innocent lives are at risk. It can be extremely difficult to overturn unjust convictions, because evidence is frequently hard to obtain after the fact. An estimated 4.1% of convictions are incorrect, according to a recent *Times* article.⁵ The American justice system is not accurate enough to assume that all receiving the death penalty are 100% guilty. You cannot give life back, once it is taken. Unfortunately, the state is often tempted to use the justice system for its own end.

Capital punishment can be viewed and used as a political weapon by many states. Many Americans believe that McCarthyism was such a case. Steffen remarks, "The dispensation of justice is affected by a variety of cultural contingencies, which can be exposed and addressed, and ultimately changed, even from within the system itself; and to make this simple admission is

⁴ "The Case Against the Death Penalty," *American Civil Liberties Union, Aclu*, www.aclu.org/other/case-against-death-penalty.

⁵ David Von Drehle, "More Innocent People on Death Row Than Estimated: Study," *Times*, April 28, 2014, <http://www.time.com/79572/more-innocent-people-on-death-row-than-estimated-study>.

to note that execution policy has likewise been affected by the influence of contingent factors that fail the ideal of impartial justice.”⁶ The state will always act in ways that are convenient to itself. Power is ultimately a corrupting force, and those who have it will frequently do just about anything to keep it. Socrates’ public execution by Greece is one of the most well-known cases involving capital punishment for the purpose of political reasons.⁷ Capital punishment could become a political weapon in the wrong hands.

Despite being legal in many countries for millenniums, capital punishment is not proper or virtuous. It is universally true that the right to life is fundamental to all humans. Humanity is bound to err, and the question of life is too critical to allow misjudgment. The state must never be offered the opportunity to use life as a governmental weapon. Many states have already taken the courageous stance to disallow the practice of capital punishment, and many more will hopefully follow in the years to come.

⁶ Steffen, 33-34.

⁷ Jacquette, 2.

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