

Capital Punishment

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Definition

Capital punishment, or the death penalty, is the killing of a person as a punishment for some offensive act also known as a capital offence or a capital crime.

- Capital offences may include murder, treason, genocide, etc.

- Capital punishment has in the past been practised in almost every society, although at this time only 58 nations actively practice it, with 95 countries having abolished it.
- The Death Penalty has been around since 18th C.E. B.C
- Many other countries haven't used it for decades. They may allow it only during wartime.
- The first capital punishment that took place in the United States was in 1608.
- Capital punishment is a legal penalty in India. It has been carried out in 5 instances since 1995, while a total of 26 executions have taken place in India since 1991.

History

In colonial India, death was prescribed as one of the punishments in the Indian Penal Code, 1860 (IPC), which listed a number of capital crimes. It remained in effect after independence in 1947. The first hanging in Independent India was that of Nathuram Godse and Narayan Apte in the Mahatma Gandhi assassination case on 15 November 1949.

Under Article 21 of the Constitution of India, no person can be deprived of his life except according to procedure established by law.

- Lethal Injection
- Electrocution
- Gas Chamber
- Hanging
- Firing Squad

Why is it a Moral Issue?

- Capital Punishment is a moral issue because of the notion that killing is wrong.
- This situation raises the question of whether killing can be justified.
- Is it humane to kill those that have broken their pact with society?... Is it right to forfeit one's life when s/he takes another?

Let's analyse whether it is humane or not?

Facts for....

- For every three murders that takes place outside of prison, one takes place inside.
- More humane than other types of punishment.
- Capital punishment allows more space in prisons.
- When a criminal is given a capital punishment, it dissuades others in the society from committing such serious crimes. Others refrain from these types of crimes due to fear of losing their own lives.
- If a criminal is jailed, he may again commit the same crime after being released from prison. Giving him capital punishment would make sure that the society is safe from being attacked by criminals. It seems to be an appropriate punishment for serial killers and for those who continue to commit crimes even after they had served their imprisonment.

Arguments for....

- Ending the life of a prisoner who has killed people could be stopping further murders.
- Without the option of capital punishment, inmates sentenced to life in prison could kill other inmates without further punishment.
- Inmates could potentially escape and kill innocent citizens.
- Preventing murders from happening is morally permissible.
- Therefore, the death penalty is morally permissible.

Arguments for....

- When a criminal commits a crime they get punished.
- The death penalty is a punishment for a murderer.
- Being punished for a crime is morally permissible.
- Therefore, the death penalty is morally permissible.

Once a criminal, always a criminal!!

Facts against....

- Capital punishment is racially and financially biased
 - Since 1977 the majority of death row defendants (77%) have been executed for killing white victims, even though African-Americans make up about half of all homicide victims.
 - Almost all death row inmates couldn't afford their own attorney at trial. Local politics, the location of the crime, plea bargaining, and pure chance are what affect this process and make it like a "lottery".

"If you can afford the right lawyer, you've got the best legal system in the world."

Facts against....

- Capital punishment is racially and financially biased.
- Holding a bias that could potentially be invalid is unfair.
- Being unfair is morally impermissible.

More facts

- The death penalty can never be voluntary.
- The death penalty is not a deterrent.
- The death penalty costs more and diverts resources from genuine crime control.
- In many cases, the wrong person is convicted on death row.

Arguments against....

- A criminal is a person.
- Each and every person has a right-to-live.
- Murder takes away the right-to-live.
- A capital punishment is a form of murder.
- Murder is morally impermissible.
- Therefore, capital punishment is morally impermissible.

"What says the law? You will not kill. How does it say it? By killing!"

-Victor Hugo, author of Les Miserables

Thank you!!

- <http://newsactivist.com/en/news-summary/ethics-fall-2014-champlain-college-st-lambert-flacks/death-penalty-ethical>
- <http://www.bbc.co.uk/religion/religions/hinduism/hinduethics/capitalpunishment.shtml>