I negate and value morality as ought implies a moral obligation.

I contend the death penalty violates morality. Carol Steiker[[1]](#footnote--1) explains the argument and framework.

I offer here a third formulation of the human dignity argument against capital punishment that both asserts a difference between executions and private murders and does not depend for its force on the punishment being in any way disproportionate or undeserved. **The imposition of** extreme punishments such as **execution** (or rape or torture), even in cases involving the most deserving of murderers (or rapists or torturers), **violates human dignity** - not because of what it does to the punished, but rather because of what it does to all of us. Death, from either execution or murder, by definition destroys the human capacities of the person killed, but **inflicting death** (or rape or torture) **as punishment can**, in addition, damage or **destroy the human capacities of those** of us **in whose name the punishment is** publicly **inflicted**. This threat to dignity stems from certain sociological facts about the way punishment works as a social practice. **Punishment is a public act; it is** generally **presented** by the government **as deserved** by the recipient, **and that** imputation of desert **is generally accepted** by the public; the imposition of **punishment tends to elicit** gratifying emotions of **satisfaction because the public condemnation** and suffering of an offender **assuage to some degree the anger and hatred** provoked by the offense. Nothing in this characterization is meant as a normative justification of punishment practices. I mean to take no position here on whether the "retributive hatred" that wrongdoing inspires is a moral good,72 or whether the public satisfaction of vengeful urges offers a satisfactory consequentialist defense of punishment.73 Rather, I mean simply to suggest that **when** the purposeful infliction of **extreme suffering is yoked with** emotions of **righteousness and satisfaction, it will** inevitably **suppress our** ordinary human **capacities for compassion** and empathy. To be sure, the desire to punish may itself spring, at least in part, from compassion and empathy for crime victims. And not every kind of punishment necessarily suppresses to any great extent our capacities for compassion and empathy. But **the** inherent **moral satisfaction that attends** the practice of **punishment when it includes** the infliction of **death** or other very extreme forms of suffering **does seem to** permit, or **even require, the weakening of important psychological constraints against brutality**. In this way, brutal punishment poses threats to our human capacities distinct from and more insidious than other forms of brutality that might be authorized or tolerated by the government because punishment has a distinctive connection to powerful human emotions. I do not wish to make here the consequentialist form of this argument - that the suppression of compassion and the weakening of psychological constraints against brutality will lead to greater incidence of violence or other bad behavior (though I will embrace this point later74). Rather, I mean to make a deontological point about human dignity. **From any normative perspective, punishment takes** its **justification from** thedistinctive **human** capacity for **agency. In retributive terms, punishment is justified as the product of** human **agency: the duty to punish derives from the will of the wrongdoer in choosing to offend.** **In consequentialist terms, punishment is justified** in order **to protect human agency** from private threats. My version of the deontological argument from human dignity recognizes that, **in extreme forms, punishment** as a practice **can impair** some of the human **capacities** that are **necessary for full agency and thus** can **affect the** necessaryprecondition forany **justification of punishment.** **True** human **agency requires not only reason and volition, but** also **distinctively human affective attributes, such as** the ability to feel **empathy, compassion,** pity**, or love. By** damaging or **destroying** human **capacities to enter** imaginatively **into the pain of others, extreme punishments impair us as social agents, free to will and choose our destinies in an interrelated social world.**

1. NO, Capital Punishment Is Not Morally Required: Deterrence, Deontology, and the Death Penalty. Stanford Law Review, Vol. 58, No. 3 (Dec., 2005), pp. 751-789 [www.jstor.org/stable/40040280](http://www.jstor.org/stable/40040280) [↑](#footnote-ref--1)