Is the Death Penalty is just a Punishment?

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# Introduction

The death penalty, often referred to as capital punishment, is a legitimate way for a criminal to be put to death; it should not be confused with extrajudicial executions that take place without following the proper legal procedures. Even if the death penalty is legal, it is contentious in a global context where human rights are prioritised. The primary points of contention in this on-going debate centre on the morality of state-sanctioned executions and whether or not they adhere to fundamental human rights principles. Even while social justice and human rights are hot topics right now, there are still moral concerns with the death penalty, which calls into question the legitimacy of its continued use in many nations. This essay explores the problematic moral and ethical issues surrounding the death sentence and makes the case that it is incompatible with fundamental human rights concepts. Although it is lawful, the death sentence violates fundamental human rights principles, leading to discussions on its morality and ethical applicability in modern society. The essay critically examines defences and rebuttals to address the general query, is the Death Penalty just a Punishment? It questions accepted wisdom by carefully examining moral and ethical implications to ascertain the actual nature of the death penalty concerning justice and societal norms.

# Body

## Death Row and Psychological Stress

The death penalty is a divisive issue that continues to spark solid feelings and discussions throughout the world. A component of this discussion centres on the "Death Row Phenomenon," which describes the mental anguish that prisoners facing execution go through. This occurrence creates an ethical conundrum because it affects not only the guilty persons but also their families (Schladen et al., 2022). Within the context of the Death Row Phenomenon, this part of the essay critically examines the ethical implications of the death sentence, highlighting the psychological suffering imposed on prisoners and the significant effects it has on their relatives. TAIWO (2022) explores the severe psychological suffering that death row convicts experience. They suffer from the ongoing anxiety of dying since they are condemned to wait out their fate in solitude, frequently for years or even decades. According to research, protracted periods of uncertainty and the fear of being put to death can cause serious mental health problems, including anxiety, sadness, and even insanity. The agony of knowing that their time on death row is almost up creates severe psychological discomfort for prisoners and calls into question the morality of the death penalty. Additionally Purwanto (2020) presented the argument on the suffering that death row convicts' relatives go through. These people's relatives go through a special kind of anguish because they are divided between their affection for the guilty family member and their fear of social rejection. They experience financial difficulty, social exclusion, and stigmatisation, which can lead to strained relationships and emotional upheaval. Research indicates that there is a greater likelihood of mental health issues among the relatives of death row convicts, which exacerbates the moral conundrum surrounding the death sentence.

Furthermore, examining the morality of the death penalty is crucial, given the psychological damage that death row convicts and their families endure. A fundamental ethical precept known as the concept of human dignity asserts that every person is entitled to dignity and decent treatment. This idea is broken by the Death Row Phenomenon, which causes prisoners and their families to endure protracted psychological suffering (Holland et al., 2020, p. 58). Utilitarianism is one of the ethical philosophies that argue that deeds should be judged according to their total value and effects. The adverse effects of the death sentence, such as the psychological pain that prisoners and their families go through, exceed any possible advantages, raising ethical concerns about the use of the death penalty (Geisslinger et al., 2021, p. 1041). Moreover, Αργυροπούλου (2020) presented the standpoint that cruel, inhuman, or degrading treatment is condemned under the international human rights framework, which is enshrined in publications like the Universal Declaration of Human Rights. These ideals are broken by the Death Row Phenomenon, which is marked by protracted periods of solitude, uncertainty, and mental suffering. When the state, as the implementer of justice, causes such pain to people and their families, it undermines the moral foundation of society and gives rise to ethical sorrow. Hence, the death penalty's morality in the context of the Death Row Phenomenon is seriously called into doubt, given the psychological suffering endured by death row convicts and their families. The core ideals of international human rights, utilitarianism, and human dignity condemn such suffering.

## Violation of Right to Life

The death sentence has drawn criticism due to its moral and ethical ramifications. It is a practice that is firmly established in judicial systems around the world. The "Violation of the Right to Life," which raises concerns about the death penalty's compatibility with the fundamental human right to life, is one of the most critical parts of this discussion (Le Moli, 2020). In alignment with this, Kumar Mohsin (2022) discussed the death penalty's finality and irreversibility, which prevents human error correction and frequently results in ethical transgressions. It draws attention to how final the death penalty is. If someone is executed, their conviction cannot be overturned. Even though they are uncommon, errors will inevitably occur in any legal system, and it is a severe injustice to execute an innocent person. According to McArdle (2023), the right to life is intrinsically violated when there is no opportunity to correct human error. This is because irreversible acts should never compromise the right to life. There is another school of thought that highlights the ethical transgressions caused by prejudices in the criminal justice system. Research has shown that racial and socioeconomic disparities exist in the application of the death sentence, as exemplified by Mbah's (2019) study. These prejudices compromise the impartiality and justice of the judicial system, violating the rights of vulnerable and marginalised groups to life.

Furthermore, academic experts examine how the death sentence violates human dignity and highlight how it violates a person's fundamental right to life. Accordingly, Kevin (2019) contends that the death penalty essentially infringes on an individual's right to life, a notion recognised by a plethora of international human rights treaties. Furthermore, he argues that the deliberate taking of a life by the state undermines society's moral foundation and goes against the fundamental principles of human dignity. Additionally, another argument highlights how the death penalty undermines human dignity by denying the fundamental right to life. According to Jones (2022), the state's intentional taking of a person's life reduces each person's inherent value and worth. The death penalty strips a person of their intrinsic dignity and worth as a human being, turning them into a statistic.

The denial of life by the death sentence serves as a clear reminder of the moral and ethical conundrums that come with the death penalty. The irrevocable nature of execution cannot undo errors, and the ethical transgressions are made worse by the prejudices present in the judicial system. Furthermore, any just society should be guided by the fundamental value of human dignity, which is undermined by the death penalty's rejection of an individual's inherent right to life. It is clear from these arguments and the accompanying data that the death sentence is inconsistent with the fundamental rights to life, human dignity, and justice.

## System Re-evaluation Needs

The death sentence has drawn much attention and discussion in the context of changing human rights and justice. Strong arguments for the "Need for Re-evaluation of Legal Systems" cast doubt on long-held beliefs about justice and urge for a thorough examination in light of evolving human rights standards, particularly as they relate to the death penalty and executions. The primary source of influence is global human rights frameworks, which encourage member states to reassess their legal systems following international standards and norms. This emphasises the Human Rights Committee's (HRC) scepticism regarding member states' execution practises under the International Covenant on Civil and Political Rights (ICCPR). According to Joseph (2019, p.361), nations must re-evaluate their position on the death penalty since the HRC's scepticism challenges the legality of executions under international human rights law. A different perspective highlights the necessity of reducing the death sentence in order to bring it into line with the international standard of saving the death penalty for the "most serious crimes." According to Sato (2023), reassessing legislative frameworks to restrict the use of the death sentence guarantees that it is applied only in cases that call for the harshest punishment possible, keeping it consistent with changing human rights norms.

Additionally, some legal professionals support impartiality in the administration of justice, stressing the need to evaluate legal systems and replace practices that counter fundamental human rights values. They also urge for a thorough assessment of legal systems in order to abolish the death sentence. According to Arora Vinjamuri (2023, 391), a thorough re-examination of practices that sustain state-sanctioned violence is necessary in light of the increasing knowledge of human rights. Maintaining the values of justice and human dignity in today's society requires this re-evaluation. Furthermore, the necessity of applying justice in a way that is compatible with fundamental human rights principles is emphasised by Bullard (2021), underscoring the significance of coordinating legal procedures with the essential values of equity, equality, and respect for human dignity. Since the death sentence as it exists now runs counter to these ideals, legal systems need to be reassessed in order to maintain moral coherence while pursuing justice.

Therefore, change is urgently needed, as seen by the vital need for re-evaluating judicial institutions, especially in light of the death sentence. The status quo is challenged by international human rights frameworks like the ICCPR and the developing standards of the "most serious crimes," which forces member nations to evaluate their legal systems critically. A careful examination of actions that go against fundamental human rights principles is necessary for ethical forwardness in justice, and society should be urged to adopt more morally and humanely acceptable substitutes. Given these solid reasons and the growing body of data against the death penalty, judicial systems across the world must undertake an honest and self-reflective reassessment. Societies may preserve the values of justice, equality, and human dignity by adopting ethical forwardness and coordinating practices with changing human rights standards. Re-evaluating legal systems is both morally required and a sign of human development since it guarantees that justice is administered in a way that is compatible with the core principles that characterise all of mankind.

# Conclusion

The psychological anguish of inmates and their families is highlighted as this essay explores the complicated ethical issues surrounding the execution sentence. It challenges human dignity and justice by exposing the unchangeable nature of the death penalty, the possibility of murdering innocent people, and prejudices within the legal system. It becomes clear that legal systems need to be reviewed in order to better correspond with the changing norms of human rights. International frameworks such as the ICCPR call into question the legality of executions and encourage countries to re-evaluate their position. The essay emphasises the need for ethical forwardness and a thorough examination of procedures to ensure justice is consistent with each person's inherent value. Given these vital considerations, society everywhere must take a revolutionary step toward a more equitable and compassionate judicial system. The death sentence is at a crossroads between societal norms and human development because of its inherent moral problems and ethical breaches. The death penalty must be abolished in favour of alternatives based on mercy, rehabilitation, and respect for human life in order to preserve the values of justice, equality, and human dignity. Reimagining justice as we go calls for a shared commitment to tearing down the structures that support injustice and misery. Societies may create a more just and compassionate society where justice is a source of hope rather than despair by adopting ethical forwardness. However, collectively, the shreds of evidence and the need for re-evaluation signified that the death penalty cannot be considered as only a penalty.

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