

Beccaria's Argument Against Capital Punishment

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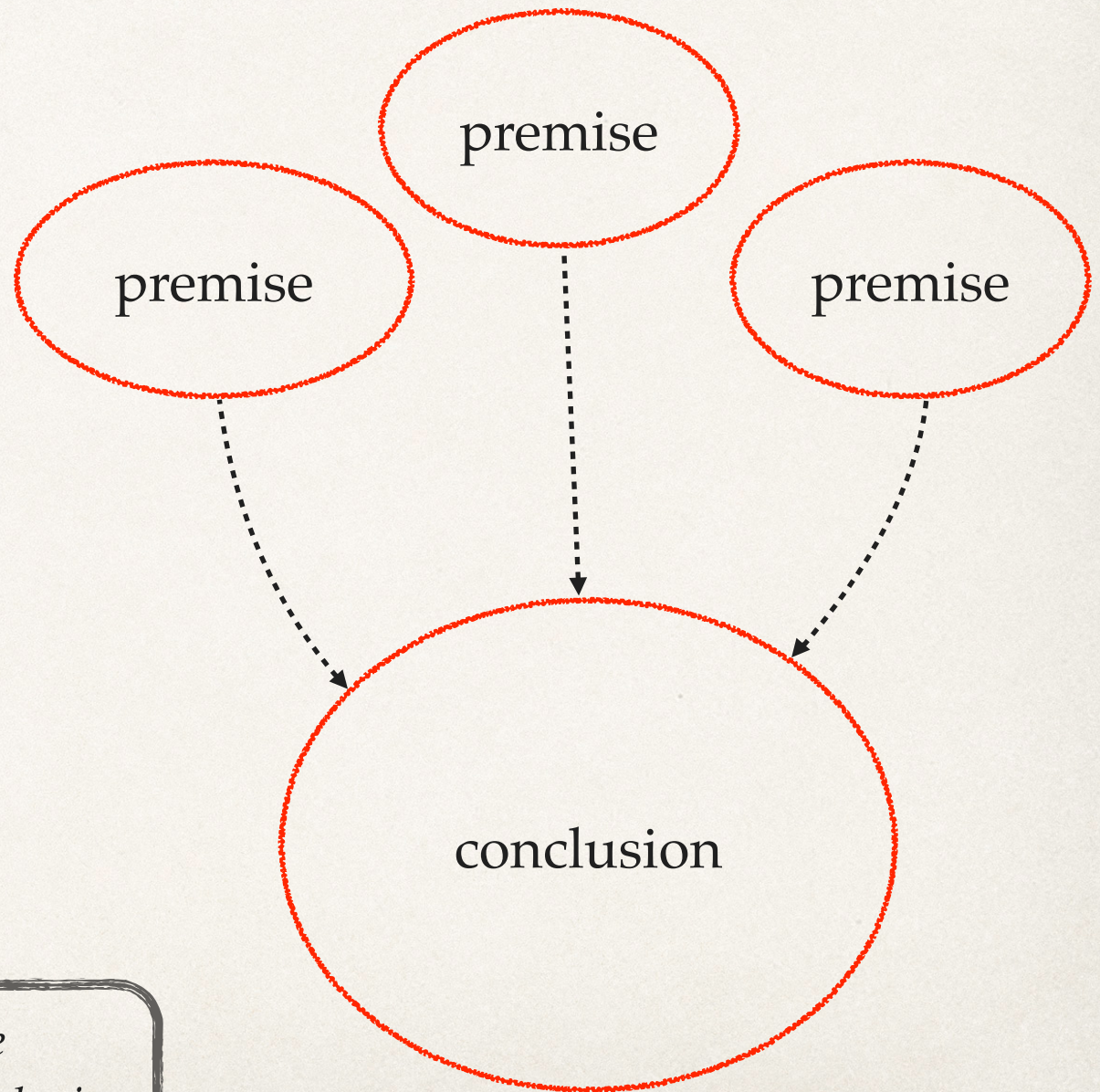


“If I can demonstrate that the death penalty is neither necessary nor useful, I shall have gained the cause of humanity.”
(Crimes and Punishments, 1764)

Mechanics of the Course - Corrected

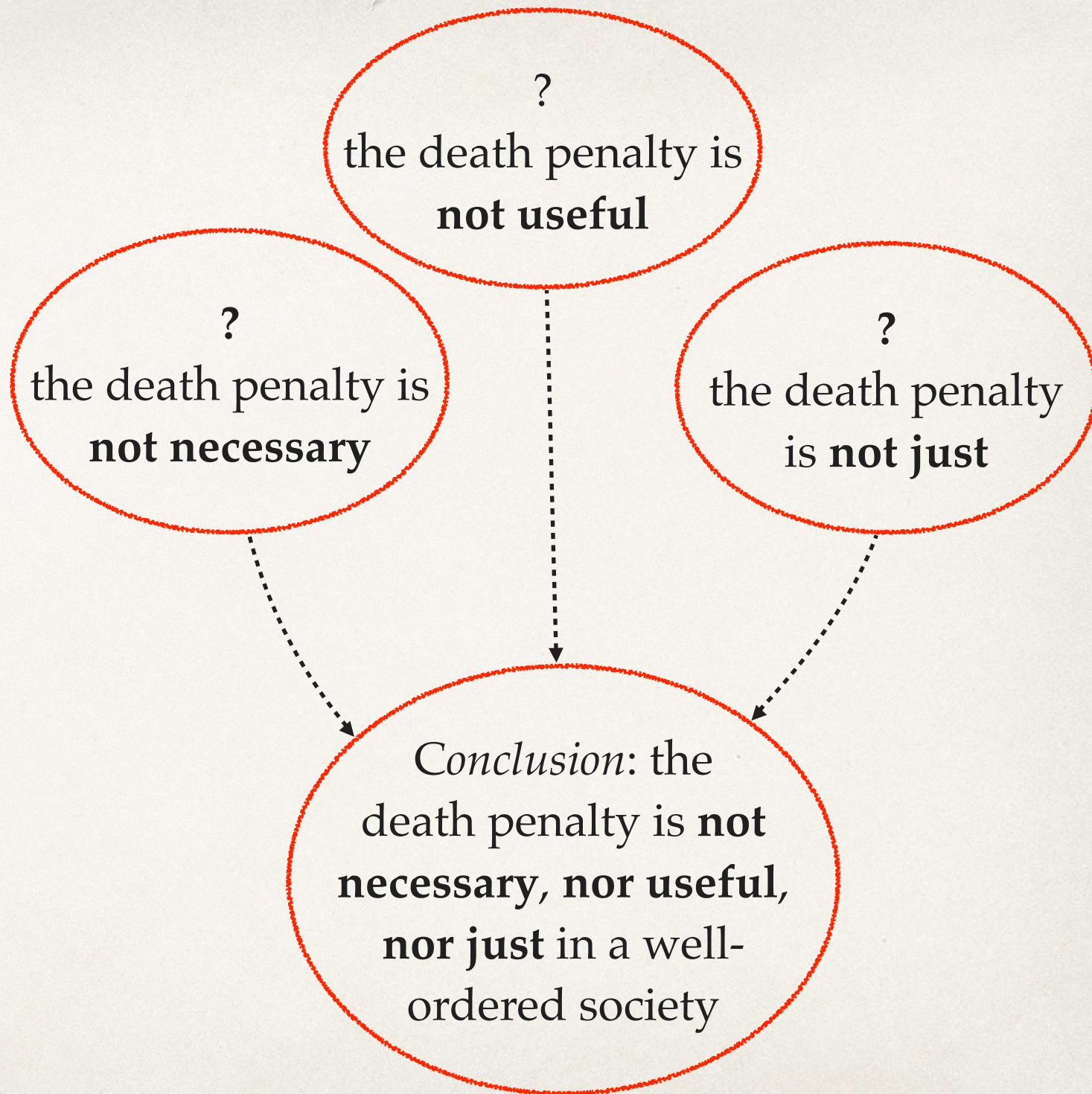
- ❖ Course website [*www.marcello.dibello.com/PHI169/*](http://www.marcello.dibello.com/PHI169/)
- ❖ Readings and assignments available electronically
- ❖ Three writing assignments:
 - ❖ 10% argument analysis - **DUE September 15 - Next Monday**
 - ❖ 15% comparison of conflicting arguments
 - ❖ 15% questioning the assumptions of an argument
- ❖ Debate participation: 30 % of the grade
- ❖ Final group project: 30% of the grade

What is an
argument in
the first place?



*NB: The directed arrow means that the
premise offers some support to the conclusion*

What is
Beccaria's
argument?



Why is the Death Penalty not Useful?

Implicit

Assumption:

A punishment is *useful* when it **can deter** or **prevent** future crimes.

Intermediate conclusion (A):

The death penalty is less effective than life imprisonment at deterring or preventing crimes

Intermediate conclusion (B):

The death penalty is not effective at deterring or preventing crimes

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graph TD; A["Implicit Assumption: A punishment is useful when it can deter or prevent future crimes."] -.-> D["The death penalty is not useful (or at least less useful than life imprisonment)"]; B["Intermediate conclusion (A): The death penalty is less effective than life imprisonment at deterring or preventing crimes"] -.-> D; C["Intermediate conclusion (B): The death penalty is not effective at deterring or preventing crimes"] -.-> D;
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The death penalty is **not useful** (or at least less useful than life imprisonment)

(A) Why is the Death Penalty Less Effective at Deterring/Preventing Crime? *Beccaria's Words*

It is not the intenseness of the pain that has the greatest effect on the mind, but its continuance; for our sensibility is more easily and more powerfully affected by weak, but by repeated impressions, than by a violent but momentary impulse. The power of habit is universal over every sensible being. As it is by that we learn to speak, to walk, and to satisfy our necessities, so the ideas of morality are stamped on our minds by repeated impressions.

The death of a criminal is a terrible but momentary spectacle, and therefore a less efficacious method of deterring others, than the continued example of a man deprived of his liberty, condemned as a beast of burden, to repair, by his labour, the injury he has done to society. If I commit such a crime, says the spectator to himself, I shall be reduced to that miserable condition for the rest of my life. A much more powerful preventive than the fear of death, which men always behold in distant obscurity.

(A) Why is the Death Penalty Less Effective at Deterring/Preventing Crime? *Graphical Analysis*

Empirical Assumption:

Our minds are more affected by weak and repeated impressions, rather than by one intense and brief impression

Fact: The death penalty triggers an intense but brief feeling of horror in our minds

Fact: Life imprisonment exercises a weak but repeated feeling of fear in the minds of people

The death penalty is less effective at deterring or preventing crime than life imprisonment

(B) Why is the Death Penalty Not Effective at Deterring Crimes? *Beccaria's Words*

*Let us, for a moment, attend to the **reasoning of a robber or assassin**, who is deterred from violating the laws by the gibbet or the wheel. ...He reasons thus:*

“What are these laws that I am bound to respect, which make so great a difference between me and the rich man? ... Who made these laws? The rich and the great, who never deigned to visit the miserable hut of the poor; who have never seen him dividing a piece of mouldy bread, amidst the cries of his famished children, and the tears of his wife. Let us break those ties, fatal to the greatest part of mankind, and only useful to a few indolent tyrants. ...

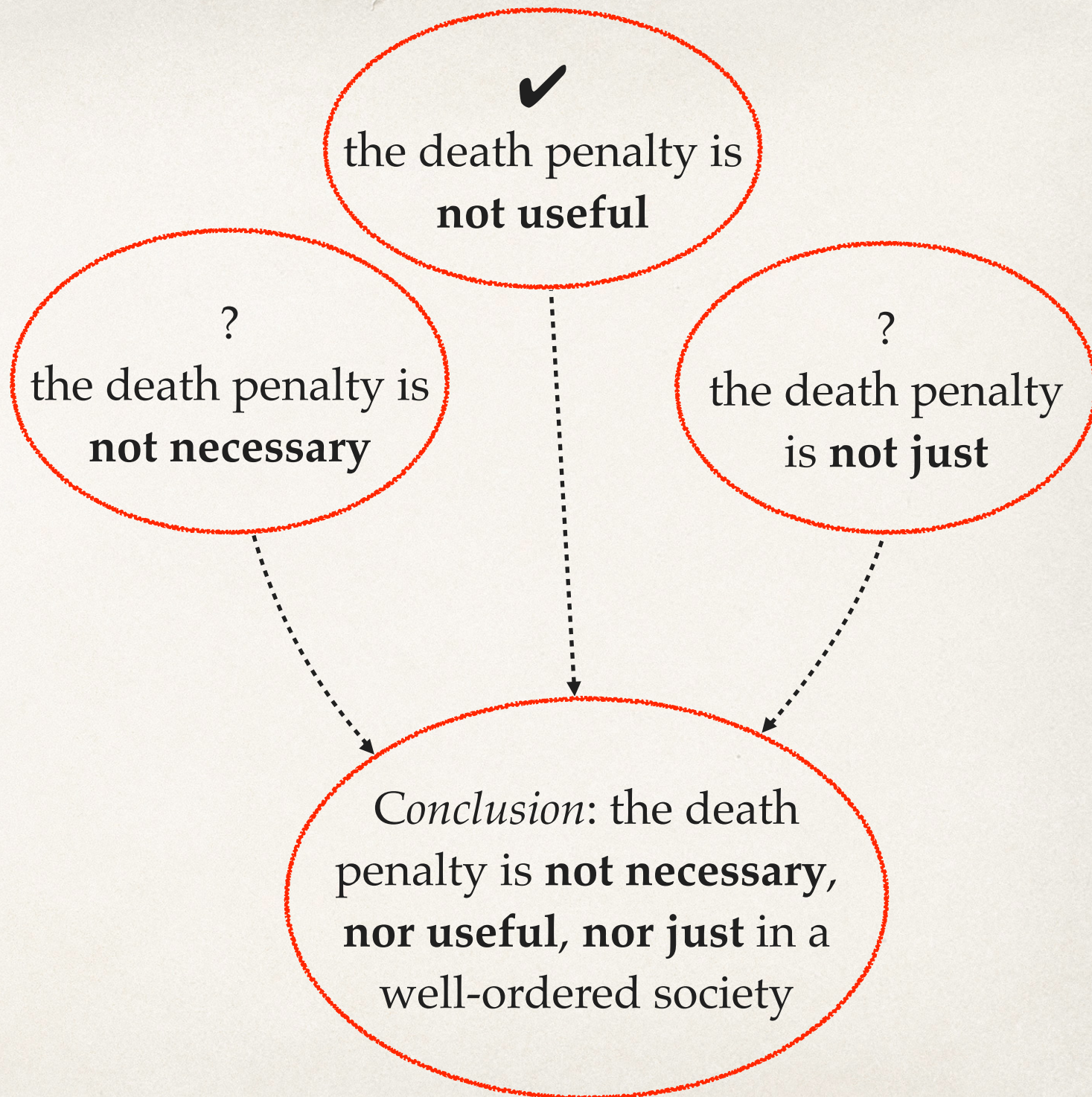
I shall live free and happy on the fruits of my courage and industry. A day of pain and repentance may come, but it will be short; and for an hour of grief, I shall enjoy years of pleasure and liberty.

King of a small number, as determined as myself, I will correct the mistakes of fortune; and shall see those tyrants grow pale and tremble at the sight of him, whom, with insulting pride, they would not suffer to rank with dogs and horses.”

(B) Why is the Death Penalty Not Effective at Deterring Crimes? *Graphical Analysis*

The analysis of the argument for this intermediate conclusion is left for you as an exercise

What is
Beccaria's
argument?



Why is the Death Penalty Not Just?

Beccaria's Own Words

A punishment, to be just, should have only that degree of severity which is sufficient to deter others.

Now there is no man, who, upon the least reflection, would put in competition the total and perpetual loss of his liberty, with the greatest advantages he could possibly obtain in consequence of a crime. Perpetual slavery, then, has in it all that is necessary to deter the most hardened and determined, as much as the punishment of death. I say, it has more.

There are many who can look upon death with intrepidity and firmness; some through fanaticism, and others through vanity, which attends us even to the grave; others from a desperate resolution, either to get rid of their misery, or cease to live: but fanaticism and vanity forsake the criminal in slavery, in chains and fetters, in an iron cage; and despair seems rather the beginning than the end of their misery. The mind, by collecting itself and uniting all its force, can, for a moment, repel assailing grief; but its most vigorous efforts are insufficient to resist perpetual wretchedness.

Why is the Death Penalty not Just?

Graphical Analysis

Fact: "There is no man, who, upon the least reflection, would put in competition the total and perpetual loss of his liberty, with the greatest advantages he could possibly obtain in consequence of a crime"

Philosophical Assumption:

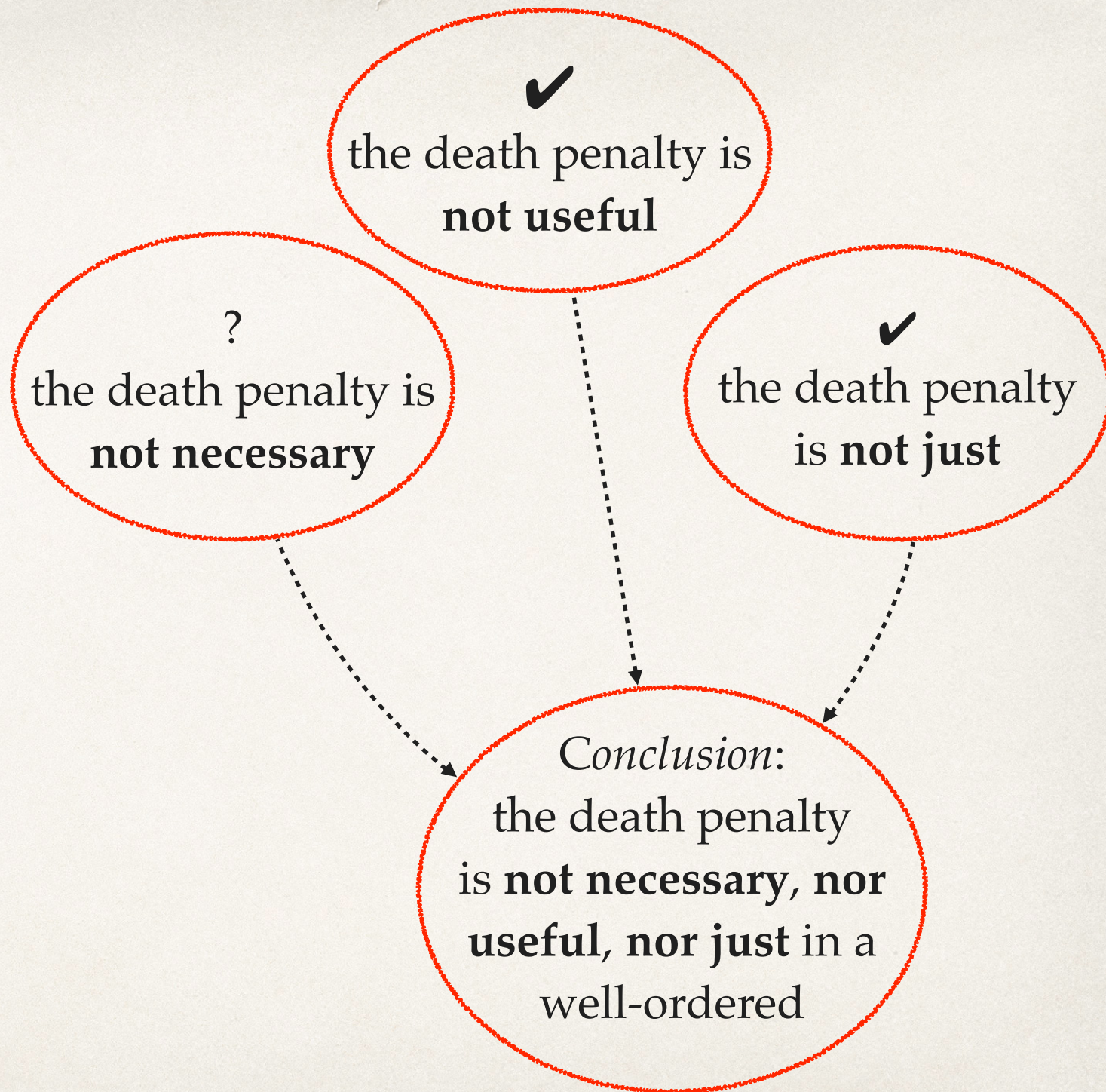
"A punishment, to be just, should have only that degree of severity which is sufficient to deter others."

Intermediate conclusion: "Perpetual slavery [=life imprisonment] has in it all that is necessary to deter the most hardened and determined, as much as the punishment of death. I say, It has more"

Missing premise?

The death penalty is not just

What is
Beccaria's
argument?



Why is the Death Penalty not Necessary?

Implicit Assumption:
A punishment is
necessary when

*Left for you as
an exercise*

Can You now Better Assess These conflicting Arguments About the Death Penalty?

I don't think you should support the death penalty
to seek revenge. I don't think that's right. I think
the reason to support the death penalty is
because it saves other people's lives.

(George W. Bush)

izquotes.com

It's racist

Blacks who kill whites are much more likely to be executed than whites who kill Blacks. Forty percent of Death Row inmates are Black.

It targets the poor

More than 90 percent of those charged with capital crimes are too poor to hire an experienced lawyer.

It kills the innocent

Since 1900, more than 400 innocent people have been on a death sentence. At least 23 of the innocent were executed.

It doesn't stop crime

States without the death penalty have lower murder rates. As Texas outpaced the nation in executions from 1982-91, violent crime in the state grew nearly 46 percent — much faster than the national rate.

It's barbaric

At least 10 of the people executed since 1976 were under 18 at the time of the crime. Even more "cruel and unusual" were the 3 executions of mentally retarded convicts in 1995. Executions can be torture: one electrocution required 3 jolts delivered over 14 minutes.

Campaign to End the Death Penalty
P.O. Box 25730, Chicago, IL 60625