Marcello Di Bello

Lehman College CUNY

PHI 169 - Fall 2014

Asking the Right Questions

Final Project — 6 Groups

- Three groups are working on Ferguson

- One group is working on abortion

- One group is working on vegetarianism

- One group is working on capitalism

Presentations and Debates

1. A general introduction into the topic (10 minutes)

2. Discussion of arguments for and against a specific position (25 minutes)

3. Simulation of a debate among the members of the group (25 minutes)

4. Questions from the audience (15 minutes)

Schedule

✤ November 12 — Ferguson 1 (*Jasmen, Jan, Francis, Bradley*)

✤ November 17 — Ferguson 2 (*Dzhenet, Anaie, Sydney, Marfre*)

✤ November 19 — Ferguson 3 (*Krystle, Vivian, Genesis*)

✤ December 1 — Capitalism (*Richard, Miguel, Saikou, Ahmeth*)

✤ December 3 — Vegetarianism (*Stephanie, Abigail, Mary*)

✤ December 8 — Abortion (*Nana, Rona, Tariq, Bintou*)

Let's Take Stock About Where We Are in Our Discussion of the Death Penalty

Questions We Considered So Far

1. Is the death penalty cruel (or more cruel than life imprisonment)?

2. Is the death penalty effective at deterring crime (or more effective than life imprisonment)?

3. Does the death penalty discriminate against certain racial groups?

1. Is the death penalty cruel (or more cruel than life imprisonment)?

Mill thinks that the death penalty is <u>less cruel</u> than life imprisonment.

Beccaria thinks that the death penalty is <u>more cruel</u> than life imprisonment.

Mill and Beccaria rely on **different definitions** of pain and cruelty. Mills thinks of pain *cumulatively*, and in this sense the overall pain associated with life imprisonment surpasses the pain associated with the death penalty. Beccaria, instead, thinks of pain as we experience it, *step by step*. We experience pain *now, at each successive moments, not all together*. In this sense, the pain associated with the death penalty is bigger.

We can argue endlessly about which definition of pain is best—Mills' or Beccaria's? We seem to have little hope to come to an agreement.

2. Is the death penalty effective at deterring crime (or more effective than life imprisonment)?

If you recall, both Beccaria and Mill have offered arguments that are based on the **psychology of the criminal**. These arguments are speculations about how much fear and horror the death penalty causes in the minds of potential criminals.

If possible, however, it is best to look for **data from the social sciences**. We can look for data showing whether there is a **statistical correlation** between the death penalty and rates of violent crimes.

But Even Looking at Data and Statistics Does not Give us an Immediately Clear Answer

The issue at stake is this: Does capital punishment, in a form which has been or might be practiced in the United States, provide a better deterrent to murder than long imprisonment? … If not, capital punishment offers no practical benefits to weigh against its social costs. (p.1)

*A small (but still substantial) portion of the vast literature on crime and prevention deals with factual evidence about deterrence. This evidence is statistical and the problems of interpretation are difficult. Nevertheless, there is a **broad consensus** about the answer to our question. (p. 2)*

*…America's leading criminologists … believe that **capital punishment does not contribute to** lower rates of homicide. (p. 9)*

John Lamperti, "Does Capital Punishment Deter Murder?"

But…

*Our results suggest that **the legal change allowing executions beginning in 1977** has been associated with **significant reductions in homicide**….*

*In particular, our most conservative estimate is that the **execution** of each offender seems to **save, on average, the lives of eighteen potential victims**.*

Hashem Dezhbakhsh, Paul H. Rubin and Joanna M. Shepherd, "Does Capital Punishment Have a Deterrent Effect? New Evidence from Postmoratorium Panel Data"

3. Does the death penalty discriminate against certain racial groups?

- It seems clear that blacks are disproportionally targeted and suffer discrimination.

- However, if van den Haag is correct, discrimination is irrelevant for the justice of the punishment.

- If so, claiming that the death penalty discriminates against certain racial groups cannot be an argument against the death penalty itself.

Summary So Far

1. Whether the death penalty is cruel depends on the definition of pain and cruelty. Beccaria and Mill have their own definition. Which is better is hard to say.

2. Whether the death penalty deters crime seems hard to assess. A first examination of papers in the literature on deterrence suggests that scholars disagree.

3. The question of discrimination seems irrelevant.

In other words, we have made no progress whatsoever!

The three issues we examined

(1) cruelty,
(2) deterrence, and
(3) discrimination

seem either irrelevant or muddled with disagreements

Which Other Issues, Data or Questions are Worth Considering While Deciding Whether the Death Penalty Should be Abolished?

Advising the Texas Governor

The Governor of Texas wants to undertake a serious scrutiny of whether the death penalty is necessary for violent crimes such as murder.

Which issues, questions and data do you think should the governor take into consideration? And why?

Recall that our investigation into (1) deterrence, (2) cruelty and (3) discrimination led nowhere. So what else is there to consider?

Back to van den Haag…

Whether The Death Penalty Deters Crime or Not Might not Matter, After All

*Despite much recent work, there has been no conclusive statistical demonstration that the death penalty is a better deterrent than are alternative punishments. However, **deterrence is less than decisive for either side**. Most abolitionists acknowledge that they would continue to favor abolition even if the death penalty were shown to deter more murders than alternatives could deter…*

Deterrence is not altogether decisive for me either. I would favor retention of the death penalty as retribution even if it were shown that the threat of execution could not deter prospective murderers not already deterred by the threat of imprisonment.

Ernest van den Haag, "The Ultimate Punishment: A Defense"

Two Justifications of Punishment (and Two Questions)

Deterrence. Punishment is justified because it prevents future crime. This is a **forward looking** criterion for the justification of punishment—i.e. the punishment is justified because of the positive effect it will bring **in the future**.

Retribution. Punishment is justified because the criminal deserves it. This is a **backward looking** justification of punishment—i.e. the punishment is justified because of what the criminal did **in the past.**

Does the death penalty deter crime?

Do people who are convicted deserve the death penalty?