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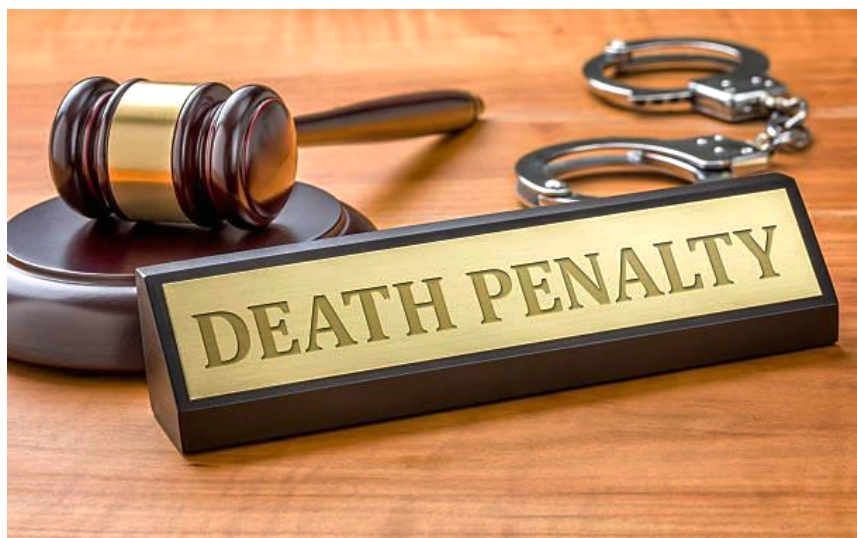
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Capital Punishment

1.0 Background

1.1 Introduction:

Capital punishment or death penalty is one of the most severe of punitive consequences, with its appliance representing the utmost of finalities in law enforcement and criminal sentence. An issue that has garnered intense debate for decades and has divided individuals along party lines and philosophical dispositions, capital punishment is defended by its activists as an effective way to discourage violent crime and as a critically effective way to punish the worst of offenders. Its critics regard it as unconstitutional, barbaric, or generally a violation of human rights. Nigeria is one of few democratic countries globally that still employs the death penalty in its criminal justice system. This conversation will examine the capital punishment from several perspectives to assess the ethical accuracy of its use. Addressing the concept of the death penalty first as a policy and subsequently applying the Kantian and Utilitarian models to the procedure.



2.0 Review of Literature

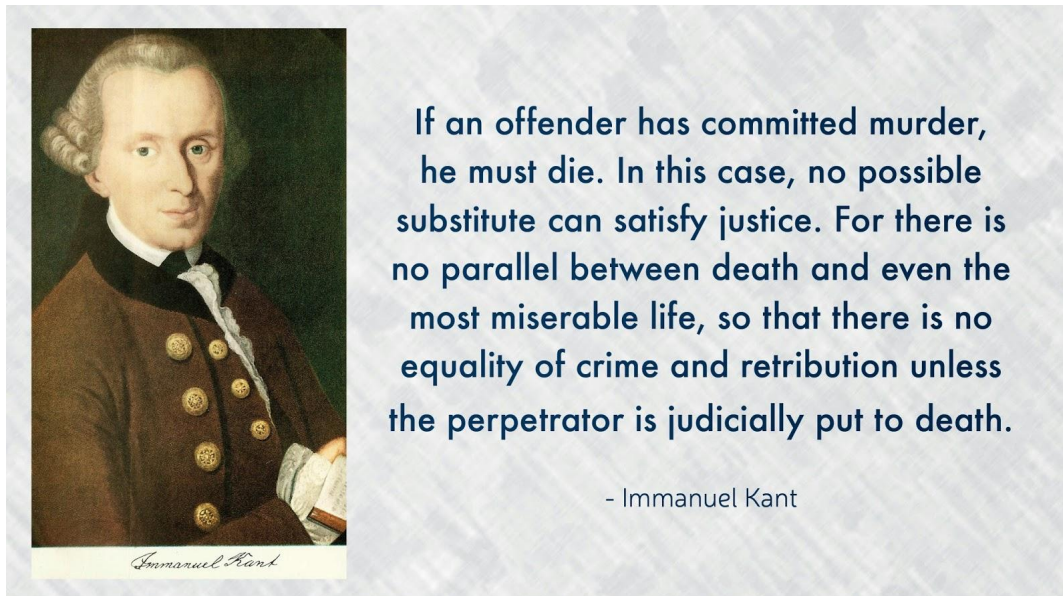
2.1 Kantian Ethics

Immanuel Kant was long considered to be an exemplar of the retributivist method of punishment. While he claims that the only proper punishment response is guilt for a crime, he does not define the usefulness of punishment to retributivist matters. In my report, there will be various possible ways by which we can understand ethical morality.

Immanuel Kant's theory provides a socially constrained, rigid, and sometimes dangerous absolutism through which to grasp the death penalty. Kant's argument asserts that the same reason that applies to the empirical nature of scientific discourse should rationally be used in the same way to ethical approach. Kant believed that "physics will have its empirical part, but still, it will also have a rational one; and likewise ethics – although here the empirical part might be called specifically practical anthropology, while the rational part might properly be called morals." To Kant, ideals on ethical autonomy are intimidating to social order, representing the opportunity for an individual to devise his ethical parameters. To Kant, the rationality of scientific reasonableness denotes a heteronomous orientation whereby there is an umbilical cord of ethicality common to all women and men, directing and restraining behaviors.

Kant presents a framework for justice, which Singer says "has traditionally been thought of as appearing in 'categorical imperatives,' which demand no account of individual circumstances, personal differences, or extenuating conditions. Thus Kant has effectively been conventional as an ethical absolutist. One who remains that, for example, it is always wrong to lie, no matter what the circumstances or consequences." The 'categorical imperative' in which Kant alludes to is fundamental to the normative hypothesis, which implies that there is some undeniable force connected with our formation and actualization of 'good' or 'evil.' It influences us to realize that how we act is intrinsically acquainted with our dedication to a single, unchanging and received idea concerning what is right. To consign to this idea is a practical reason. To fall tiny on this obligation is irrational, allowing Kant to suggest that an actual connection could be observed between morality and rationality. This will also enable Kant to assign a steadfast degree of support to state structures, which he suggests as having an inherent need to enforce an order best for the common good.

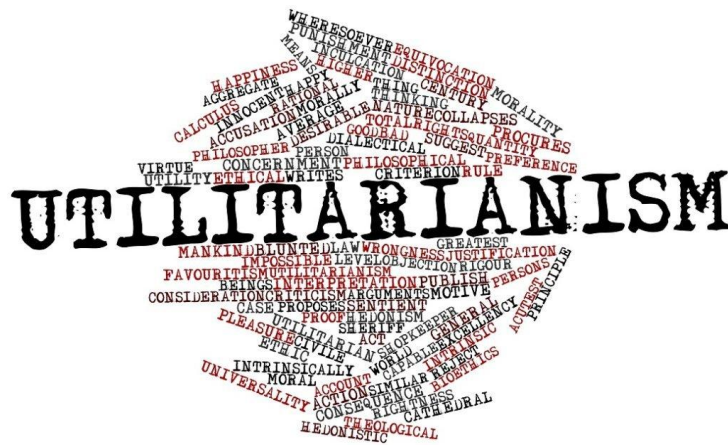
Thus, it is the duty in Kant's knowledge to implement without wavering the standards of good and evil, consistent with the unconditional necessity. To this, Kant "implies at one point the law should be designed so that a race of sins could live in peace under it. The rules of punishment are inflexible and tough: all the guilty must be removed, made to suffer the equivalent of the losses they applied, and there should be no pardon for federal crimes."



If Kant's points are integrated when accepting a moral position on punishment, such terms are unavoidably defined by governing social structures. The inextricable association that economy, theology, morality, and society have in common throughout history tends to substantially impact the way these hegemonic principles are defined. Kant rejects any elasticity outright, which revealed a thinker deeply enamored of his principles in a sense that the critic has held on. So notes the article by Merle, which relates that "most of these mixed theories represent an effort by deontological, especially Kantian philosophers to break with the traditional view of the deontological, especially Kantian justification of punishment as a thoroughly retributivist theory. Indeed, it is with good reason that such a theory has been suspected of relying more on private morality than on principles of right". This idea of personal morality as being present in a philosophy that otherwise imposes itself on a group becomes troubling when applied to the death penalty.

2.2 Utilitarian Ethics

The above can be in contrast to the idea of utilitarianism, which proposes that all situations demand a certain degree of pragmatism concerning behavior. This drives into chaos the moral presuppositions of Kant, with such philosophers as John Stuart Mill and Jeremy Bentham proceeding to the fore of the discussion. In utilitarian philosophy, morality must be directed by perception, context and the distinctions of society on human relationships. Bentham refuses the simple notion that there are specific guaranteed natural rights to which all men are authorized and should, as a result, be rewarded under their survival, premising on the content from a utilitarian perspective. He denied the idea that any group or individual should be provided an ethical framework to dictate what is correct and incorrect.



This, Bentham contends, would be a negation to the preservation of individual rights. Far too many insubstantial factors enter into any given ethical framework through which they could then dictate what is right and wrong. This, Bentham contends, would be a negation to the preservation of individual rights. Far too many insubstantial factors enter into any given ethical dilemma. So Denotes Bedau, who reports that “as commentators on utilitarianism have made clear,²² any possible utilitarianism is some combination of:

- (i) a doctrine of the end state to be realized, that is, a condition or state of affairs deemed to have intrinsic value.
- (ii) a theory of the consequences of possible actions open to the agent. whose value is purely instrumental because choice among these alternative actions is determined by how efficiently each leads or would lead to the end state.

This means that such absolutism, as reflected in the categorical imperative, is destined to lead to an oversight of these nuances and variations. The prescription for an ethical outcome will be based on uniformity, with utilitarianism claiming to be fundamentally irrational. There is a responsibility on those charged with public leadership to extend the greatest good and prevent harm where possible.

This symbolizes a social platform for the creation of ethical decisions which proceeds from any number of variables. As Harsanyi indicates, "In any utilitarian theory, maximization of 'social utility' (or of the total amount of 'good' in our social environment) plays a fundamental role. Yet, this 'social utility' has been defined by diverse utilitarians in different ways. The classics of utilitarianism used a hedonistic definition. They measured social utility to be the total amount of pleasure - less the total amount of pain - if each instance of pleasure and pain is properly weighted according to its duration, intensity, and similar characteristics." This contributes to utilitarian conceptions of crime and punishment, which seek to provide some measure of pragmatic examination of the context, conditions, and social utility present in any ethical transgression.

3.0 Discussion

3.1 Kantian Ethics on the Death Penalty

In applying Kant's ideas to capital punishment, it is clear that he is a definitive advocate for this level of state authority. Kant assumes that the construction of ethicality around moral absolutes of good and evil denotes the need for substantial social control of those that would deviate. This also defines an expectation of the state or authority as having achieved a superior position on morality by being granted this power.

Essentially, Kant would hold that "the type of law needs to be guaranteed against the inclination of citizens to break the law, and that it obtains this guarantee by threatening them. Thus deterrence is the fulfillment of the public right of coercion. But once the finality of punishment is defined in this way, the execution of punishment, i.e., its type and degree, no longer follow the deterrence principle. Rather, it follows the retribution principle.

Kant's systems, critics, dispute, strike something of a hybrid interest in punishment and

deterrence. Both follow the logic that overwhelming state authority is the antidote to unethical behavior. Kant's absolute imperative notifies that those who have transgressed against the universally accepted norms of good and evil have ceded their rights and are thus at the mercy of the state.

In consequence of shielding its law-abiding citizenry, Kant would hold, the state may be seen as needing such an instrument as the death penalty. This allows for a project that enables a terrible deterrent to the commitment of crime and a habit of retribution which some would argue is equivalent to certain crimes.

3.2 Utilitarian Ethics on the Death Penalty

Basically, the threat of over-empowering governments implies a utilitarian aversion to such contrary instruments as the death penalty. Indeed, "from a utilitarian viewpoint, the death penalty is difficult to justify. The analytical data fails to strengthen the common hunch that capital punishment prevents potential murderers and shields society from actual ones more effectively than incarceration for life. No study of the restraint effect of capital punishment can indeed be conclusive, since it is unlikely to compare the effects of retention and abolition within the same power over the same period."

That said, so many thoughts in favor of the death penalty have joined on the truth that it must be a deterrent. So is this noted as half the motive for Kant's reliance on such issues as the death penalty? Invoking Bentham here, we can see that the utilitarian view commands a model for evaluating the appropriate punishment that demands deterrence. Bedau opines that "according to Bentham, a punishment, like any other legal system, must be morally justified in terms of its conduciveness to the appropriate end. That end can be variously stated, and Bentham's account of it varies depending on whether he has an estimate or the ultimate end in judgment. "The immediate principal end of punishment,' he writes, is to 'control action,' the conduct of those who are responsible for punishment if they violate the law as well as the direction of those who are experiencing punishment after having been sentenced for a violation." This means that wherever there is a lack of proof that a method serves as a deterrent, it may be called into the problem as a viable way to enforce the law.

This is simply further intensified in the case of the death penalty by the broad range of

factors revealed in the first segment of this account, which prove it to be a punishment controlled to far too many intangibles, variables, and uncertain doubts to be perceived as ethical in the utilitarian perspective. Quite to the opposite, the utilitarian view would operate that in the absence of reality, pragmatic application chats to the wrongness of the death penalty.

4.0 Concluding Remarks

Kant performs the argument that moral command is unlikely to define without strong patterns formed by manufactured systems such as government. Utilitarianism runs within a system that must essentially be pragmatic. The versatility of this strategy declares that one must reflect this perspective before making an ethically informed decision in any regard. This is a precious perspective where capital punishment is involved, offering the type of philosophical analysis that is justified where the consequence is as weighty as a man's life. By distinction, Kant concedes that none of this measuring of variables indicates that minors must be discussed ethically where the law correlates an act of crime with a specific form of punishment. Being from the state authorities, the exact cause of capital punishment is sufficient to validate any decree in Kant's sense ethically.

Given that so many governments' past and present have confirmed themselves as being anything from flawed to tragically corrupt, this trust shows firmly and problematically misplaced. The implicit biases in the American legal system, for a primary example, produce a system that is unequal based on such circumstances as race and socioeconomic status. If the death penalty is an enlargement of this system—and most evidence relayed in this discussion confirms that such is the case—then it becomes an act of evil executed by the state. The nature of the Constitution and the construction of justice suggests that the intent is to protect law-abiding citizens while maintaining a balance of fair treatment. It has fallen somewhat short of these ambitions due to a commitment to values illustrated by Locke and Kant.

The discussion on capital discipline could benefit from a more muscular insertion of utilitarian theories. These would eventually demand a strong look at the institution and such factors as social, economic, and legal standards concerning ethicality. Any such investigation would find gross corruption, inequality, and inefficiency in the method indicating that the United States government hasn't the ethical authority to determine who should live and who should die by its hand.

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