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“Criminals do not die by the hands of law. They die by the hands of other man” (George Bernard Shaw). Capital Punishment here in the states has become, especially in more recent years, a somewhat more esoteric topic, with most people having only seen it in a TV show or movie. When considering if we the people have the right to sentence someone to be put to death, most consider only the moral side of the debate, with the assumption being made that spending money on a bullet or syringe to kill is still a better and cheaper option then life imprisonment. I personally at first was part of that same camp believing that surely a bullet or an injection had to be cheaper, however after doing the research and seeing the cost associated with capital punishment, both ethical and fiscal, I am firmly convinced that it is a flawed system that, in its current state, needs to be abolished.

In understanding something as big as capital punishment, we must first understand what the laws are regarding it, and at least here in the US, what someone must do to be sentenced to die. Per the National Conference of State Legislatures, 30 states in the United States still allow the death penalty, with the main method being that of lethal injection. The 20 states that have abolished the death penalty have replaced it with life imprisonment with no chance of parole. The states that have abolished it have stated every reason from saying that it is cruel and unusual punishment, to fiscal reasoning and research stating that it is more cost effective to sentence criminals to life imprisonment then lethal injection.

According to the US Department of Justice, in all states that allow the death penalty, aside from a few different and admittedly unlikely offences such as genocide or espionage, all of the different criteria to make one eligible for the death penalty involve murder in some compacity with the specifics being different for each state.

Considering that most of these qualifications require that the person in question have taken someone else’s life first, most would say that it is justice that in return they lose theirs. However, while that action in some cases can give a sense of closure to the victims, according to a news story reported by Forbes, it can also result in a botched execution, as was the result of the execution of Clayton Lockett, a criminal sentenced with the murder of Stephanie Niemen in Oklahoma. During the execution, after the drugs were injected Clayton had a blown vein, which resulted in only some of the cocktail being absorbed by the body and as a result, he went into seizures and convulsions, and had to be restated at a hospital before a second, successful execution could take place. Considering that this is a special case, and is not representative of most executions, it does go to show that these executions are not perfect, and can result in a cruel and unusual death for the criminal, thus violating the 8th amendment.

When assessing this from the monetary side of the issue, I found several sources that ultimately changed my point of view. Per the Kansas Judicial Appeal costs report of 2014, on appeal cases alone it is estimated that justices spend 20 times the amount of time on such cases and that the cost of housing an inmate under a death sentence in administrative segregation is estimated to cost 49 thousand a year, which stands in stark contrast to the 24 thousand that is estimated for a prisoner in general population. Granted these numbers are only for Kansas, however this data is also compounded by a study done by Indiana regarding the average cost of a death penalty trial and direct appeal case, which on average was more than 450 thousand dollars when considering the labor of the justices and administrative costs associated with such a case.

Now all the facts that I have ran through in this paper do not take the idea or concepts of ethics into account, and this was on purpose because, due to the concept of ethical relativism, we know that ethics in this sort of debate is going to be relative to the person and no hard and fast rules exist, at least per said theory. However, most people would say that killing is wrong, and this stands directly in line with another ethical theory, known as Kantian Theory, which in a nutshell states that there is a right or wrong and that depends on the motive of the person. For example, imagine that I won the lottery and instead of doing the many things that I could do with that amount of money, I decide that giving the money away to charity and enjoying that wonderful feeling that comes from donations is what I want to do. Per Kantian Theory, this action cannot give me moral worth because I did it because I thought it was fun, not because it was just the right thing to do. Now in the realm of the death penalty, Kant would be in majority against such an action because to him it would be a hypothetical imperative that the family of the victim or victim, or even the population at large, wants the criminal put to death, thus it is not in line with the rest of Kant’s theory. As well as being against his overall theory, with the law of retribution being the sole exception, it also stands in stark contrast to both utilitarian ideals and the idea that Humans have intrinsic worth, and therefore cannot be used for a purpose, I.e. as a deterrent to other criminals using the death penalty, which per a probability and statistics study done by Steven Durlauf of the Journal of Quotative Criminology, using probability analysis and equations, stated that no hard and fast data about the effectiveness could really be found, and that what data does exist it subjective due to the judgement of the interpreter. On the utilitarian side of things, the people that would ordinarily be put to death would be held in general population prisons. Now in the current system I will concede that they don’t serve much of a purpose other than providing information for studies and taking up space in the already overcrowded prison system. However, we see prison work programs all of the time, I personally drove by a bus that had prisoners cleaning up a road a couple weeks ago, and if these programs became more wide spread, would not only satisfy the utilitarian side of this issue, but would put these people to work that is for the good of society, and possibly open up different rehabilitation routes for the inmates. Such programs are, by their very nature, a danger to the guards and people whom work in the prisons, and it is a defiantly a travesty when someone innocent is hurt or killed due to a jailbreak or other such event, however, these people did sign up for their job and understood the risks associated with such work.

All in all, personally I can understand the appeal of the death penalty, especially from the victims point of view. They get some sense of closure and finality, and at least from the citizens point of view, the government and judicial system doesn’t have to keep track of said criminal. However, upon investigation and deeper digging, I personally feel that the taking of another life, doesn’t accomplish the fiscal goals that seem to present on the surface, and have too much potential for a botched execution, or for the inmate to end up spending a life sentence anyway due to the overhead associated with the death penalty.

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