

DEATH PENALTY- HUMAN (?) ASPECT

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Summary: This article deals with the death penalty. The definition of the death penalty seems somehow inadequate when it is compared to the crime. It is a paragon of situational ethics, and solid moral arguments are slim. But, the facts against the death penalty are less vague. Concrete examples of false convictions, unnecessary pain, and barbaric practices can be found in this article. Due to the imperfect nature of human behavior, no human entity possesses the arbitrary ability to end the life of another human being.

Key words: death penalty, penalty, human behavior, justice ability, crime.

Анотація: У цій статті розглядається страта. Визначення страти здається так чи інакше неадекватним, іноді навіть її порівнюють із злочином. Це - зразок ситуативної етики, і тверді моральні аргументи тонкі. Але, факти проти страти невизначені. У цій статті розглядаються конкретні приклади неправдивих засуджень, непотрібного болю, і варварських методів. Із-за недосконалої природи людської поведінки, ніхто з людей не має довільної влади закінчити життя іншої людини.

Ключові слова: смертний вирок, покарання, людська поведінка, здатність правосуддя, злочин.

Аннотация: В этой статье рассматривается смертная казнь. Определение смертной казни кажется так или иначе неадекватным, иногда даже её сравнивают с преступлением. Это - образец ситуативной этики, и твердые моральные аргументы тонки. Но, факты против смертной казни неопределенны. В данной статье рассматриваются конкретные примеры ложных осуждений, ненужной боли, и варварских методов. Из-за несовершенной природы человеческого поведения, никто из людей не обладает произвольной властью закончить жизнь другого человека.

Ключевые слова: смертный приговор, наказание, человеческое поведение, способность правосудия, преступление.

"The arc of the universe is long, but it bends toward justice."

Dr. Martin Luther King, Jr

The 10th of October in 2011 was the first World Day Against the Death Penalty. This event was launched by the World Coalition Against the Death Penalty, which gathers international non-governmental organizations (NGOs), bar associations, unions and local governments from all over the world [7, p. 42]. Established by the organizations who participated in the first international Congress against the death penalty (Strasbourg, 2001), the Coalition aims to encourage the establishment of national coalitions, the organization of common initiatives and the coordination of international lobbying efforts to sensitize states that still maintain the death penalty. This World Day focuses on the inhumanity of the death penalty as a cruel, inhuman and degrading treatment and punishment. The dreadful conditions on death row inflict extreme psychological suffering and execution is a physical and mental assault. Death row inmates around the world are held in appalling conditions: the cells are not suitable for a human being; the dietary regime is inadequate; and an access to medical care is difficult. Not only are inmates placed in physically cruel and unusual circumstances, but their mind is also greatly affected by their situation, with many death row inmates suffering from mental illness and mental

disabilities as a result of their death sentence. Executions, regardless of the method used, are cruel and inhumane. They can and do go wrong in many cases.

Murder by definition is the destruction of another human being. When polled, ninety percent of adults, aging from twenty to forty, responded that murder was wrong. In 1994, Polly Klaas, a twelve-year-old girl was abducted from her own home. Her body was later found, and her killer, Richard Alan Davis, pleaded guilty to charges of kidnapping and first degree murder. When polled, seventy-five percent of the same adults felt that sentencing Richard Alan Davis to death was not wrong. The death penalty can often be approached in this matter [6, p. 55]. The definition seems somehow inadequate when it is compared to the crime. It is a paragon of situational ethics, and solid moral arguments are slim. As with many debates of human rights, the moral implications tend to be individual. But, the facts against the death penalty are less vague. Concrete examples of false convictions, unnecessary pain, and barbaric practices can be found within this practice. Due to the imperfect nature of human behavior, no human entity possesses the arbitrary ability to end the life of another human being.

Richard Alan Davis did indeed commit what the government considers to be the most heinous of crimes. By lawful standards, if anyone deserves to be executed, it would be him. To some, it would appear that executing Davis would be the fitting punishment for the crime committed. In such cases, any other form of punishment can simply seem inadequate. Jailing these people for life just doesn't seem punishment enough. However, there is a sincere irony found within the death penalty. It brings to mind the parental saying, «Do as I say, not as I do». The government, in essence, has granted itself rights that the individual has not. Furthermore, these individuals are murdered just the same. If it were indeed moral to take the life of one who has killed, there would be nothing. A massive domino effect would be unleashed wherein retribution would be the accepted norm. Eventually, we would all fall victims to capital punishment.

Despite the opinion, the death penalty is cruel and unusual punishment. Whether it is by gas chamber, electric chair, or lethal injection, the process is entirely savage. There have been tales of faulty electric chairs or ineffective cyanide tablets. In a satiric comic dating from 1994, Newsweek portrayed a man awaiting death in the gas chamber. He is thinking to himself that had he known execution to be so painless, he would have killed from an earlier date. «Execution can never be made humane through science.» – New York Times [7, p. 47]. The eighth amendment to the U.S. Constitution strictly prohibits cruel and unusual punishment. In recent years, science has provided what is thought to be a less cruel form of execution. Sitting upon death row, waiting to die is cruel. Every time we execute someone, we as a society sink to the same level as the killer. How can we hope to end barbaric practices, if we still stand in acceptance of them?

In theory, the death penalty serves as a deterrent for further murders. Many politicians argue that executions prevent heinous crime, while virtually no criminologists agree. Some studies indicate that the crime rate actually increases following an execution. In Louisiana, for example, during the summer of 1987, eight people were executed. In the same period, the murder rate in New Orleans

rose 16.9%, the highest the area had seen in years. Statistics also indicate that those states with the death penalty do not have a lower rate of crime than the states without it.

In the endless arguments over capital punishment, questions of the agony suffered by the victims and their families' are raised. The eventual result always produces one more dead body, one more set of grieving parents, and one more cemetery slot. Those ones who support the death penalty feel that the only vindication the victims' family can receive is to execute the criminal. But the criminal has a family too. When a person is executed, not one, but two families must grieve. When a person is dead, the punishment is over. Only those left behind are punished. Like the families of terminally ill patients, families of condemned killers experience grief and loss of anticipation of eventual death. «They feel as helpless bystanders in a slow dying process they know can be stopped...their relatives' death is highly desired since homicide is nearly universally condemned» – Masour. As the great philosopher H. L. Hart once wrote: «To take any life is to impose suffering not only on the criminal, but also on many others. That is an evil to be justified only if some good end is achieved thereby that could not be achieved by any other means» [6, p. 33].

Today, executions and the process leading up to them cost more than two million dollars, versus the eight-hundred thousand dollars it costs to house an inmate for life. Ironically, most people tend to assume that execution would be less expensive of two routes. This money could be used on rehabilitation programs, outreach programs, and preventive programs. In California, the average death row inmate spends close to a decade on death row. Inmates in normal detention cells actually have a higher death ratio than do those on death row. This is most probably due to the fact that death row inmates are segregated from the majority of the prison community [8, p. 35].

Perhaps the sad story of Jimmy Wingo, a black man executed in Louisiana can best express the injustices of the death penalty. He was arrested under questionable circumstances and prosecuted by a small district attorney only hoping to secure convictions. Because of his meager financial standings, he received a poor defense. The majority of the witnesses were subpoenaed under the same procedures as the arrest, and some were intimidated before even reaching the stand. His conviction was based upon what could be considered circumstantial and inferential considerations. He, in fact, had never even set foot inside the home of the victim. Regardless, he was sentenced to death and executed. The case of Jimmy Wingo presents the universally most argumentative factor of the death penalty: the execution of the innocent. It was recently reported that at least 350 people had been wrongly sentenced to death, 23 of which were found to be innocent after they had been executed. A pardon cannot be granted to the inmate who is no longer alive.

Every time we execute someone, we are sending the most profound message about the value of human life. Despite the nature of one's actions or flaws, we are all still human. We all bleed, cry, and hurt. Where we cannot crawl inside the head of another, the agony of awaiting death must be torture. Would we be so quick to judge if the convicted killer was a loved one or a friend? So many

moral questions are raised; one cannot even define the tip of the iceberg. Perhaps if we did not attempt to fight hatred and anger with hatred and anger, there would be less of it to fight. We all possess a certain amount of fallacy within us, as we are all imperfect beings. In exacting the truths about right and wrong, we can never be sure. Rather, within our own imperfections, we must attempt to define it.

There are no universally accepted parameters for judging the value of human life. Opinions and beliefs vary from individual to individual, and we all possess free will. One cannot hope to change the past. When a person is murdered, it is one of the most heinous thoughts imaginable. But, to advocate execution will only leave us as hypocrites, rather than avengers of justice.

The validity of the death penalty is negligible, as is the human ability to weigh the value of life. Conceivably it is possible to decrease the levels of heinous crime today. But, when heinous crime is punished with the same, we are no better than the criminals are. Rationalization of the death penalty only equates to judicial murder. The same judges inflict unnecessary pain on the loved ones of the executed. If what we are all striving for is less pain, than we should not be advocating more. There are no easy answers, nor is there a clear line of right and wrong. Individual free will leads to differences within us all. Nevertheless, we are all still human.

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