Death Penalty Is Not Effective

**Background information**

The death penalty has been a tool that has been used for centuries to punish those that commit heinous crimes. The death penalty has been a debatable issue for years with its concepts of deterrence, just punishment, and retribution being disagreed upon. For it to be performed, there should be a legal trial. Capital crimes fall into this category like murderers, adultery, rape and some types of frauds. This form of punishment was introduced in the 18th century B.C. in the reign of King Hammurabi of Babylon (Good, 1967).  He codified the punishment for 25 different crimes.in the 7th century B.C. the draconian code of Athens made death penalty the only form of punishment for all crimes. In the 5th B.C., the Romans were carrying out this form (from the 12 tablets) of punishment through crucifixions, drowning, burning alive as well as impalement (Smith, 2012). In the 10th century A.D, Britain was carrying out death penalty through hanging. William Conqueror was however against death penalty during his reign. However, Henry VII reign had approximately 7200 people executed through quartering, beheadings, hanging, boiling and burning at stake (Block & Hostettler, 1997).

Thesis statement

The death penalty is not effective and should be dropped as a form of punishment.

**Body**

The assumption can be considered as the only fact that rings in peoples’ mind when they make the statement that death penalty is an effective deterrence. However, it should be noted that assumption is far from facts. There lacks sufficient evidence to prove that such a capital punishment can work as a form of deterrence. It is greatly assumed that the great fear of receiving such punishment or justice can deter murder or other crimes that deserve this form of punishment. If this were true, then people would not do drugs, speed on highways because of the fear of being prosecuted.

Human behavior and history have shown that the rational human instincts do not prevent people from committing crimes. If it did, then we would never use the death penalty. Would just inform the population of the law and it would be afraid so much to never commit a crime again. It is unfortunate that there are those who commit crimes out of passion and care less of the possible repercussions. With or without the capital punishment, people will are bound to commit crimes. It is, therefore, worth pointing out that the death penalty option is never a conclusive evidence or justification in the criminal justice system as a means of deterrence in preventing people from committing crimes.

In Canada, the act of carrying out death penalty has proved to be an ineffective form of deterrence. The country decided to abolish this form of punishment in 1976 and sought other means of punishing capital crimes. A year earlier, there were approximately 721 homicide cases committed in the country (Chandlier, 1976). In 2001, Canada had a total of 554 cases of homicide which translated to a 23% decline in homicides committed before the abolition of the death penalty punishment.  If the death penalty was for sure a form of deterrence, then it can be questioned why there were 167 more cases of homicide that were committed when the country had enforced the death penalty. In 1999, 5.7 million homicides in every 100 00 people were recorded, while the rate of homicide in the U.S was almost three times lower with figures standing at 1.8 million in the same population sample (Banner & Banner, 2009).

along with the 110 states that have declared capital punishment as illegal, the European non-death penalty nation’s data reveals that the U.S has more than two times the number of homicides that of Europe (Shin, 2007). This is another apt example of nations that do not have capital punishment with lower rates of homicides than their counterparts that enforces the death penalty. However, it is worth noting that these statistics do not mean that country that carries out the death penalty cause a brutalization effect. They, in the real sense, show the evidence that deterrence is not in any way causing a decline in the number of reported homicide cases per year.

The American society of criminology, The Academy of Criminal of criminal justice and the law and society association carried out a survey concerning thee capital punishment. A large majority of those that were interviewed believed that the punishment is not a proven deterrence method to homicide. More than 80% of those interviewed had a strong belief that present research fails to support a deterrence effect as far as the death penalty is concerned. Some criminologists do suggest that the death penalty causes more homicides annually. The brutalization effect has it that the rates of homicides will tend to go up because of the executions in states.

One might pose the question of how the active and potential murders are influenced by the actions of the state. They are more affected the simple explanation by the phrase, ‘you murder, and we execute you’. From this generalization, we can come up with the idea that the death penalty would serve as a form of deterrence. However, it is unfortunate that the statistics fail to go along with the idea that deterrence is effective. In the real sense, the criminals can be considered as not being affected psychologically in whichever the direction. Hence drawing a conclusion that death penalty is not a good form of deterrence and cannot deter people from committing crimes.

Many types of research have shown that the capital punishment as well life imprisonment have the same deterrence effect. A scholar by the name Professor Isaac Ehrlich who is a writer and an economist developed a theory of deterrence. The theory posited that capital punishment was a form of deterrence. He used complex mathematical equations to prove that some people were saved by the virtue of the fact that death penalty was in place (Ehrlich, 1973). He mentioned that in every execution between the years 1933 and 1969 had successfully deterred criminals from committing approximately eight homicides. His study was hailed by many as a breakthrough in as far as the study of deterrence was considered, and he, therefore, gained a nationwide popularity. However, there were many critiques of his work by conceptual and methodological misunderstandings. More so, the research failed to gain respect because deterrence in some instances is difficult to formulate equations. It is also difficult to calculate a ratio of those people saved by the deterrence because most of the research tend to suggestive instead of being definitive.

Besides, in Ehrlich’s works, it is difficult to conclude from a perspective being so many experts in this field contradict each other on the on the death penalty as a deterrent. A part from the contradicting views by the scholars on the field, there are no statistics that show that the rate of homicide is lower in those states that have the death penalty. His idea can be considered as being noble but fails to have concrete proof to back it up. He also failed to publish any work that can be considered credible on the field of deterrence on the death penalty.

The scenario involving attorney Diane Marshall can be used as a case study to prove the ineffectiveness of death penalty. One convicted murder told him that even if people are told that they are going to be boiled in oil, they would not be deterred because criminals have it in mind that they will not be caught in crime. Criminals most of the times fail to stop and think about the possible consequences of the actions they are about to undertake. It had been suggested that public execution was a good way of making criminals think of the repercussion of their actions. It was common in cities and towns in the United States and served as a long-lasting emotional and visual dramatization that made people think more of the consequences of crime. However, in the 1880s, this method ceased being operational. This was because was barbaric and intentionally undercut the deterrence function. The society has been considered as having a long history of using punishment as a means of scaring people from committing crimes. The fact that the opinions of many are that the society has the highest interest in curbing murder and, therefore, should use the highest form of deterrence. This deterrent is the death penalty. This has been championed by the popular view that in instances where murderers are killed, potential future murderers will be deterred by the instilled fear of losing the life. However, it should be noted that contrary to the pro-deterrent ideas some studies have revealed that death penalty does not have a deterrent effect.

To further prove that death penalty is ineffective, we can consider states to elucidate the assertions. Out of 12 states, ten states without capital punishment have the rates of homicide being below the national average. Of those states that use capital punishment, 50% had a homicide rate of the national average of 6.3 in the year 1998 Death Penalty Info. Between 1978 and 1998, the rates of homicides in those states using capital punishment had been recorded to be 48% to 101% higher compared to those using the death penalty (Bedau, 1998). This is to say that death penalty had a higher rate of homicide compared to the states with the death penalty.

**Conclusion**

Conclusively, with or without the death penalty, people are still going to commit crimes. As much as there have been some studies explaining that a death penalty is an effective form of deterrence, there lacks conclusive evidence to prove that people are deterred. The death penalty, therefore, is not effective and should be totally banned.