

Should The Death Penalty Be Allowed?

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Introduction

The death penalty allows the state to execute a person convicted of a capital offense. Supporters defend it through retribution, incapacitation, deterrence, and respect for the gravity of murder. Opponents emphasize wrongful conviction, arbitrariness, racial and geographic disparity, cost, prolonged suffering, and the availability of life imprisonment. The original essay recognizes the conflict between retribution and rehabilitation but confuses several ethical theories, treats biblical interpretation as uniform, and leaves the question entirely to the executive branch. In the United States, capital punishment is governed by constitutions, statutes, courts, prosecutors, juries, governors, and correctional systems. In 2026, twenty-seven states legally retain it, along with the federal government and military, but executions are concentrated in a small number of states. This essay concludes that the death penalty should not be allowed. The state has a duty to protect society and punish the most serious crimes, but permanent imprisonment can accomplish incapacitation without creating the irreversible risk, unequal administration, and institutional harm of execution.

For the abolitionist position, see [arguments for abolishing the death penalty](#).

What the Death Penalty Is

Capital punishment is not simply a severe prison sentence. It requires a special charging decision, death-qualified jury selection, a guilt trial, a separate penalty phase, automatic and collateral appeals, clemency review, and an execution process. These additional procedures exist because “death is different”: the punishment is irreversible and requires heightened reliability. They also create long delay and substantial cost. The ethical question concerns the whole system, not only the final moment.

Capital Offenses

In contemporary U.S. law, the death penalty is generally limited to aggravated murder and selected crimes against the state that involve death or extreme circumstances. Statutory aggravating factors can include multiple victims, murder of a law-enforcement officer, murder for payment, torture, or killing during another serious felony. The exact categories vary by jurisdiction. A prosecutor’s decision to seek death is discretionary, which means equally serious cases can receive different treatment according to county, resources, policy, and individual judgment.

Constitutional History

In *Furman v. Georgia* (1972), the Supreme Court invalidated then-existing death-penalty schemes because their administration was arbitrary. States revised statutes to guide sentencing, separate guilt and penalty phases, and provide appellate review. In *Gregg v. Georgia* (1976), the Court permitted capital punishment under these revised procedures. Later cases prohibited execution of people with intellectual disability and those who were under eighteen at the time of the crime and limited capital punishment for crimes against individuals in which the victim did not die. The Constitution permits some death sentences; it does not require them.

Current U.S. Use

Legal retention does not mean routine use. Death Penalty Information Center data in 2026 indicate that two-thirds of states have either abolished capital punishment or conducted no execution in at least ten years. During the first half of 2026, executions were concentrated in four states, and the national death-row population fell below two thousand for the first time since the 1980s. These patterns show that capital punishment is exceptional even within the United States. Geography strongly influences whether a similar murder leads to a death prosecution.

Retribution

Retribution holds that punishment should be proportionate to moral wrongdoing. Murder deliberately destroys a life and inflicts lasting suffering on families and communities. Supporters argue that a sentence less than death can fail to express the crime's gravity. This argument should not be dismissed as primitive revenge. A justice system properly communicates condemnation. The difficulty is showing that proportionality requires execution rather than life imprisonment. A state can impose a severe, public, and permanent loss of liberty without imitating the offender's killing.

"An Eye for an Eye"

The phrase "an eye for an eye" originally functioned partly as a limit on excessive retaliation, requiring proportionality rather than unlimited vengeance. Religious traditions interpret capital punishment differently. Some believers support it through scriptural law and state authority; others oppose it through mercy, human dignity, forgiveness, and the possibility of repentance. The Bible cannot operate as one uncontested legal answer in a religiously plural constitutional state. Public policy needs reasons that citizens of different beliefs can examine.

Deterrence

Deterrence asks whether execution prevents murders that would otherwise occur. Severe punishment may influence some conduct, but homicide is often committed under rage, intoxication, perceived necessity, mental disturbance, or an expectation of avoiding capture. Studies face major difficulties because executions are rare, states differ, and many factors influence homicide rates. Decades of research have not produced credible evidence that the death penalty deters homicide more effectively than long imprisonment. A policy with irreversible costs should not be justified by a benefit that cannot be demonstrated reliably.

Certainty Versus Severity

Criminological theory generally gives greater preventive importance to the likelihood of detection and punishment than to an extreme increase in severity. Improving homicide clearance, witness safety, forensic quality, violence prevention, and timely adjudication may create more deterrent value than preserving execution. A death-penalty system can consume resources in a small number of cases while many murders remain unsolved. Public safety should be evaluated by crimes prevented and cases solved, not by symbolic harshness.

Incapacitation

Execution permanently incapacitates an offender. Life imprisonment without parole can also prevent the person from returning to the public, subject to prison security. Serious violence can occur inside prison, but correctional systems manage risk through classification, staffing, and prosecution. The state does not need to kill a person to prevent community reoffending. Where safe confinement is available, incapacitation provides little independent argument for death.

Wrongful Conviction

The strongest argument against capital punishment is that criminal justice is fallible. Since 1973, at least 202 people sentenced to death in the United States have been exonerated. Wrongful convictions can result from mistaken identification, false accusation, official misconduct, unreliable forensic testimony, false confession, poor defense, or withheld evidence. Death-row cases receive intensive review, yet exonerations still occur after many years. The documented number cannot include every innocent person whose evidence was never discovered.

Irreversibility

A wrongful prison sentence can never be fully repaired, but release and compensation remain possible. Execution eliminates correction. New DNA methods, witness recantation, disclosure of misconduct, and improved forensic science often emerge long after trial. Appeals review legal records; they do not guarantee discovery of every factual error. The death penalty asks a fallible institution to make an infallible decision. No procedural safeguard can remove that contradiction.

Quality of Defense

Capital defense requires extensive investigation of guilt and mitigation, including mental health, trauma, family history, intellectual functioning, and alternative suspects. Defendants often lack personal resources and depend on state-appointed counsel. Underfunding, excessive workload, or limited experience can shape outcomes. Two defendants who committed similar crimes may receive different sentences because one team found crucial evidence and another did not. A punishment cannot be applied fairly when life depends heavily on the quality of representation a county can provide.

Prosecutorial Discretion

Prosecutors decide whether to seek death, negotiate a plea, or pursue life imprisonment. They consider evidence, aggravation, victim-family views, office policy, resources, and politics. Discretion is necessary, but it creates geographic variation. A case eligible for death in one county may never be charged capitally in a neighboring county. Elections can reward promises of toughness. Transparency and review can reduce inconsistency, but they cannot transform a rarely used punishment into a uniform one.

Jury Selection

Capital juries are “death qualified,” meaning prospective jurors whose opposition would prevent them from following the law can be excluded. Supporters regard this as necessary for lawful sentencing. Critics argue that the process produces juries different from the wider community and can exclude people with moral or religious objections. Jurors also receive complex instructions concerning aggravation and mitigation. Confusion about unanimity, future danger, or parole can influence the result. The emotional burden placed on jurors is substantial.

Race of the Victim

Research has repeatedly found that death sentencing is influenced by race, especially the race of the victim, with murders of white victims more likely to produce capital outcomes in many datasets. This does not prove conscious prejudice in every case. It indicates that victim value has not been treated equally across the system. Historical segregation, prosecutorial choice, media attention, county resources, and jury composition can interact. A punishment reserved for the “worst” crimes becomes unjust when the identity of the victim affects which crimes are judged worst.

Race of the Defendant

The defendant’s race can also affect investigation, charging, jury evaluation, perceived dangerousness, and access to counsel. The pattern varies by place and study, but capital punishment operates inside a criminal-justice system with documented racial inequality. Individualized sentencing was intended to produce fairness, yet discretion can permit implicit bias to enter at multiple stages. Eliminating intentional discrimination is not enough if the aggregate system remains unequal.

Geographic Arbitrariness

A small group of counties has historically produced a large share of death sentences. Differences in homicide rates cannot fully explain this concentration. County budgets, elected prosecutors, local culture, and defense resources matter. A national punishment whose application depends heavily on the location of prosecution challenges equal justice. Moving a county line should not determine whether a person lives or dies.

Mental Illness

Severe mental illness can affect perception, judgment, impulse control, communication, and the ability to assist counsel. Constitutional law prohibits executing a person who lacks a rational understanding of the reason for execution, but mental illness short of that standard may still shape the crime and trial. Symptoms can be mistaken for lack of remorse. Jurors may treat illness as aggravating dangerousness rather than mitigation. A death-penalty system is poorly equipped to make fine moral distinctions in complex psychiatric cases.

Intellectual Disability

Atkins v. Virginia prohibits executing people with intellectual disability. Determination requires evidence concerning intellectual functioning and adaptive behavior, with attention to development.

Testing contains error, records may be missing, and state rules can be restrictive. The constitutional exemption recognizes reduced culpability and vulnerability to wrongful conviction. Borderline cases demonstrate the difficulty of drawing a life-or-death line from imperfect measurement.

Juvenile Offenders

Roper v. Simmons prohibits execution for crimes committed before age eighteen because adolescents differ in maturity, susceptibility to peers, and character development. The categorical boundary is administrable but does not mean development ends on a birthday. Neuroscience and developmental psychology also inform mitigation for young adults. The exemption illustrates a broader principle: culpability must consider capacity, context, and possibility of change.

Victims' Families

Families of murder victims are not a uniform group. Some seek execution, some oppose it, and others hold mixed or changing views. The justice system should provide information, counseling, financial support, participation rights, and respectful treatment regardless of position. Capital litigation can require families to attend repeated hearings and relive the crime for decades. Some report relief after execution; others do not. Policy should not claim to deliver “closure” as a predictable result.

Closure

Closure is not a clinical endpoint produced by a legal event. Grief can continue after conviction, sentence, appeal, or execution. Promising closure can place pressure on families to feel a particular way and can justify delay-filled litigation in their name. A sentence of life imprisonment may provide finality earlier because it avoids decades of capital appeals. Survivor needs should be met directly rather than used as a rhetorical answer to the death-penalty debate.

Cost

Capital cases generally cost more than comparable noncapital cases because of specialized counsel, experts, longer trials, jury selection, penalty investigation, enhanced security, and decades of appeals. The relevant comparison is not the daily cost of one prisoner but the full system required to produce a reliable death sentence. Recent state studies continue to find substantial additional expense. These resources could support homicide investigation, victim services, violence prevention, or other public needs. Cost alone does not decide morality, but it weakens the claim that death is a practical necessity.

Delay

Long delay is often criticized by supporters who want sentences carried out quickly. Accelerating execution conflicts with the need to investigate error. Many exonerations occur after years or decades, demonstrating that time can uncover injustice. Delay also creates uncertainty for families and prolonged isolation for prisoners. The system faces an unavoidable tension: speed increases the risk of wrongful death, while review makes punishment remote from the crime.

Conditions on Death Row

People sentenced to death may spend years in highly restrictive confinement with limited human contact and uncertain execution dates. Conditions vary by state and have been challenged under constitutional and human-rights standards. Severe isolation can worsen mental health and impair the ability to assist legal counsel. The state should not use degrading conditions merely because the person has been convicted of a grave crime. Human dignity is not earned through innocence.

Methods of Execution

Jurisdictions have used lethal injection, electrocution, firing squad, gas, hanging, and newer methods. Lethal-injection secrecy, drug availability, medical participation, and failed procedures have produced litigation. Changing the method does not remove the ethical issue; it changes the physical mechanism. A procedure intended to appear clinical can obscure violence without guaranteeing a painless death. The state's search for an acceptable technique demonstrates the difficulty of making execution humane.

Medical Ethics

Professional medical ethics generally opposes physician participation in execution because the clinician's role is care, not killing. Correctional authorities may seek medical knowledge to place lines, assess consciousness, or manage complications. Using clinical skill to facilitate death conflicts with professional identity. Nonmedical teams may increase technical risk, while medical participation legitimizes an act outside therapeutic purpose. The conflict cannot be solved merely by changing job titles.

International Perspective

Most countries have abolished the death penalty in law or practice, although significant states retain and use it. International human-rights law has moved toward restriction and abolition, particularly

concerning juveniles, pregnant people, and fair trial. The United States' continued use places it apart from many democratic allies. International practice is not conclusive proof of morality, but it shows that advanced legal systems can punish severe crime without execution.

Utilitarianism

Utilitarianism evaluates consequences rather than declaring that killing is always wrong. A utilitarian defense would need to show that executions prevent enough harm, provide enough social benefit, or use resources better than alternatives. Deterrence evidence is inconclusive, incapacitation can be achieved through imprisonment, costs are higher, and wrongful execution creates enormous harm. On current evidence, a consequence-based analysis does not clearly support retention.

Deontology

Deontological reasoning asks whether the state may intentionally kill a restrained person as punishment. Some retributive deontologists argue that respect for moral agency requires proportionate punishment and that a murderer can deserve death. Other duty-based views emphasize the right to life, the prohibition on using a person as an instrument of public reassurance, and the state's obligation to avoid irreversible error. Because legal institutions cannot guarantee correct and equal application, the duty to preserve human dignity supports abolition.

Virtue Ethics

Virtue ethics asks what kind of political community capital punishment expresses. Justice and courage require serious accountability for murder. Mercy, humility, temperance, and practical wisdom warn against excessive confidence in institutional judgment. Abolition need not express softness. A society can condemn murder, protect the public, and impose lifelong consequences while refusing to make killing a civic ritual. The virtuous response balances moral seriousness with awareness of fallibility.

Retributive Proportionality Without Execution

Life imprisonment without parole is itself an extreme punishment, and its use deserves separate scrutiny concerning age, prison conditions, and individual change. For the most serious adult murders, it can express condemnation and incapacitate without irreversible killing. Restitution, victim services, and opportunities for offenders to accept responsibility can supplement the sentence. The alternative to execution is not release or absence of consequence.

Possibility of Rehabilitation

Some people convicted of murder change profoundly, while others remain dangerous or unremorseful. Rehabilitation does not necessarily require release. A person can develop responsibility, education, spiritual life, or service within prison. Execution makes later moral development irrelevant. A justice system committed partly to human capacity should preserve life even when liberty is permanently restricted. Rehabilitation should not be romanticized through anecdotes; it is one reason to avoid claiming that a human being is nothing more than the worst act committed.

Clemency

Clemency offers a final safeguard and allows consideration of doubt, disproportionality, illness, change, or injustice. It is often controlled by governors or boards and can be affected by politics. A safeguard used rarely and inconsistently cannot make the underlying system reliable. Executive mercy should not bear the burden of correcting every failure in investigation, trial, and appeal.

Transparency

Execution protocols, drug sources, witness access, and official claims are sometimes shielded from public review. Some confidentiality may protect suppliers or staff, but secrecy can prevent accountability for state killing. The public cannot evaluate legality or humanity without accurate information. The 2026 debate includes renewed concern about restrictions on witnesses and misleading official descriptions. A democratic government should not exercise its most irreversible power behind avoidable secrecy.

Abolition and Public Safety

Abolition would replace death sentences with severe imprisonment authorized by law, while preserving prosecution and victim rights. Savings could support skilled homicide investigation, defense quality, forensic integrity, trauma services, and violence prevention. States that have abolished the death penalty have not followed one consistent pattern of homicide change, undermining predictions that abolition necessarily produces more murder. Public safety depends on far more than the availability of execution.

Recommended Position

The death penalty should be abolished at state and federal levels. Existing death sentences should receive lawful review and commutation to appropriate terms of imprisonment. Abolition should be accompanied by strong life-safety systems: effective investigation, properly funded prosecution and defense, reliable forensic standards, witness protection, victim services, humane high-security imprisonment, and review mechanisms for innocence. The goal is not leniency. It is severe accountability without irreversible institutional killing.

Conclusion

Capital punishment remains constitutionally permitted in limited circumstances and legally available in twenty-seven states, the federal government, and military, yet its actual use is geographically concentrated and historically declining. Retribution gives the strongest argument for retention because murder deserves the most serious condemnation. Deterrence has not been shown to exceed that of imprisonment, and incapacitation does not require death. Against uncertain benefits stand documented wrongful convictions, racial and geographic disparities, unequal defense, high cost, prolonged litigation, difficult execution methods, and the impossibility of correction. At least 202 death-row prisoners have been exonerated since 1973, demonstrating that error is not hypothetical. The state should punish murderers firmly and protect society, but it should not claim an infallibility it does not possess. Life imprisonment can preserve accountability while leaving open the possibility of correcting error and recognizing human change. For those reasons, the death penalty should not be allowed.

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