

The Death Penalty Should Get Abolished

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Introduction

The death penalty is the state's deliberate execution of a person convicted of a capital crime. Supporters regard it as proportionate punishment for the most aggravated murders, a means of expressing condemnation, and a possible deterrent. Opponents argue that an irreversible penalty cannot be administered reliably in a fallible and unequal justice system. The strongest case for abolition rests not on sympathy for serious violence but on the responsibilities of a lawful state. Government must protect the public, punish culpable offenders, respect victims, and avoid inflicting irreversible error. Life imprisonment can incapacitate a dangerous person without giving the state power to execute someone who may later be shown to be innocent or unfairly sentenced (National Research Council, 2012).

The original essay contains unsupported claims that abolition would reduce capital offenses and that executions discourage business investment. Abolition should be defended through evidence and principle rather than speculative economic effects. Research has not established that the death penalty deters homicide more effectively than long imprisonment. Meanwhile, capital cases involve documented wrongful convictions, inconsistent charging, racial and geographic disparities, long delays, and extraordinary legal cost. These problems are not accidental side issues; they arise because death requires a level of certainty and fairness that ordinary institutions cannot guarantee.

Irreversibility and Wrongful Conviction

Criminal trials are designed to test evidence, but they are not infallible. Mistaken eyewitness identification, false confessions, unreliable forensic methods, hidden exculpatory evidence, incentivized informants, inadequate defense, and official misconduct can contribute to wrongful convictions. Appeals may uncover errors, yet procedural deadlines can prevent courts from reaching the merits. New scientific methods may emerge years later. An execution ends the possibility of correction.

Supporters may respond that capital cases receive additional review. They do, but more review does not eliminate human error. It also creates decades of litigation because courts understand that a mistake cannot be repaired. The state should not adopt an irreversible punishment when a secure alternative exists. Life imprisonment is severe, preserves public safety, and allows correction if evidence changes.

Deterrence and Public Safety

Deterrence theory assumes that potential offenders consider the probability and severity of punishment. Many murders, however, occur during intense emotion, intoxication, mental disturbance, interpersonal conflict, or circumstances in which the offender does not expect capture. The practical certainty of investigation and conviction may matter more than a remote difference between execution and life imprisonment.

The National Research Council reviewed studies of capital punishment and concluded that the available research was not useful for determining whether the death penalty increases, decreases, or has no effect on homicide rates. This does not prove that deterrence is impossible; it means confident claims that executions save a specific number of lives are not scientifically supported. Public-safety resources may produce clearer benefits when directed toward solving homicides, supporting witnesses, preventing domestic violence, reducing firearm risk, and providing services in communities with high victimization (National Research Council, 2012).

Arbitrariness, Race, Geography, and Representation

Only a small fraction of eligible murders result in death sentences. The outcome depends not only on the crime but on prosecutorial policy, county budgets, jury selection, victim characteristics, defense quality, and state law. Two similar cases may receive radically different punishments because they occur across a county or state line. Such geographic concentration is difficult to reconcile with a penalty presented as society's universal judgment (American Bar Association, n.d.).

Race enters the system through historical and contemporary inequalities. Research has repeatedly examined disparities associated especially with the race of the victim, while discrimination in jury selection and unequal access to defense have been documented in criminal justice more broadly. A capital system need not be intentionally racist in every case to reproduce racial hierarchy. Because execution is final, persistent disparity carries special moral weight.

Competent representation is essential, but capital defense is specialized and expensive. Underfunded counsel may lack investigators, experts, time, or relevant experience. Later lawyers cannot always reconstruct what should have happened at trial. A punishment whose legitimacy depends on exceptional lawyering is unjust when that lawyering is not reliably provided.

Cost, Delay, and the Needs of Victims

Death-penalty cases are often more expensive than comparable noncapital cases because they

require separate sentencing proceedings, expert evidence, extensive jury selection, heightened review, and long incarceration under special conditions. These safeguards are necessary if the penalty exists, so cost cannot be reduced simply by shortening appeals without increasing the risk of error. Funds devoted to capital litigation are unavailable for victim services, unsolved cases, mental-health treatment, or prevention.

Supporters frequently invoke closure for victims' families. Some relatives do want execution and should not be dismissed. Others oppose it, and many find that decades of hearings and media attention prolong trauma. No verdict can restore the person killed. A victim-centered system should provide counseling, financial assistance, respectful information, participation consistent with due process, and timely resolution. It should not promise that one punishment will produce a universal emotional outcome.

Retribution and the Strongest Counterargument

The most serious argument for the death penalty is retribution: certain acts are so grave that only death is proportionate. This position does not depend on uncertain deterrence research. It expresses moral outrage and the belief that failing to execute undervalues the victim's life. Abolitionists should answer this argument directly rather than portraying supporters as cruel.

Proportionality does not require the state to reproduce the harm committed. A sentence of life without release can communicate permanent condemnation and incapacitation. The legitimacy of punishment also depends on who imposes it and under what conditions. The state must model lawful restraint precisely when confronting the worst conduct. Refusing execution does not forgive murder; it limits government power in recognition of fallibility and human dignity.

There is also a risk that capital punishment centers the offender's death more than the victim's life. Public debate becomes focused on execution methods, appeals, and final statements, while prevention and survivor support receive less attention. A severe noncapital sentence can preserve accountability without creating a second deliberate death as the central public event.

Constitutional and International Context

In the United States, Supreme Court doctrine has allowed capital punishment under procedural limits while prohibiting it for certain categories and requiring individualized sentencing. Constitutional permission does not settle whether a state should retain the policy. Legislatures may provide greater protection than the constitutional minimum, and several jurisdictions have abolished the penalty or stopped carrying out executions (*Furman v. Georgia*, 1972; *Gregg v. Georgia*, 1976).

Internationally, a large majority of countries have abolished the death penalty in law or practice, although important states retain it. International trends do not automatically decide domestic

morality, but they show that secure modern states can punish serious crime without execution. Concerns about unfair trials, political offenses, discrimination, and cruel methods also demonstrate how readily capital power can be abused once accepted.

Execution methods create an additional problem. States have changed drugs and procedures in response to shortages, litigation, and concerns about pain. Secrecy surrounding suppliers or protocols may protect vendors but makes independent evaluation harder. A punishment presented as lawful and controlled should not depend on improvised procedures or concealment. Even a technically painless execution would not resolve innocence and disparity, but repeated method controversies reveal how difficult it is for institutions to convert killing into a routine administrative act.

Mental illness and intellectual disability require careful distinction. Supreme Court decisions prohibit execution of people with intellectual disability and impose other categorical limits, yet diagnosis can be contested and resources vary. Severe mental illness may impair judgment, communication, or the ability to assist counsel without meeting a categorical exemption. Capital proceedings can spend years debating whether a person is competent to be executed, a process that exposes the moral contradiction of treating someone until the state can lawfully kill them.

Abolition also improves consistency in plea bargaining. The threat of death can pressure defendants to accept guilty pleas, including people who fear that an underfunded defense or biased jury will produce execution. Supporters argue that leverage helps solve cases, but punishment should not be designed primarily as a bargaining instrument. A justice system should determine guilt and sentence through reliable evidence, not through the terror created by an irreversible maximum.

Religious and philosophical traditions disagree about whether mercy, retribution, or the sanctity of life should control punishment. In a plural constitutional society, public policy cannot depend on one theological answer. It should rely on reasons citizens with different beliefs can evaluate: reliability, proportionality, equal protection, public safety, and limits on state power. This shared framework permits moral seriousness about murder without requiring every citizen to participate through law in an execution.

Commutation and clemency remain necessary safeguards but are politically fragile. Governors may fear appearing weak, and review procedures may be opaque. A system that depends on rare acts of mercy to correct patterns of error has already placed too much weight on discretion. Abolition replaces uncertain rescue with a clear rule while leaving courts able to impose the most severe noncapital sentences allowed by law.

Conclusion

The death penalty should be abolished because its claimed advantages do not outweigh its irreversible risks. Research does not establish a superior deterrent effect, while wrongful convictions, arbitrary geography, unequal representation, racial disparity, long delay, and high cost are persistent

features of capital systems. These problems cannot be solved by executing faster, because careful review is the minimum response to possible error.

Abolition is compatible with severe punishment and concern for victims. Life imprisonment can protect society and express condemnation while preserving the possibility of correction. The central moral question is not whether murderers deserve sympathy; it is whether a fallible state should possess and use an irreversible power when an effective alternative exists. Justice requires accountability, but it also requires restraint.

References

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United States Supreme Court. *Furman v. Georgia*, 1972; *Gregg v. Georgia*, 1976.

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