

# “Justice, Civilization, and the Death Penalty”

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**“Abolishing the death penalty, even though it may be deserved, is the right thing to do and is a mark of progress in a civilized society” (144).**

- ❖ The death penalty is detrimental to civilization
- ❖ The death penalty is no more effective as a deterrent to crime than life in prison
  - ❖ The death penalty teaches society that murder is sometimes acceptable
  - ❖ The death penalty is a form of torture, psychological and physical

**Reiman’s first premise: “[Because] one penalty is more feared than another, it does not follow that the more feared penalty will deter more than the less feared” (146).**

- ❖ The death penalty is equal to life in prison as a deterrent to crime.
- ❖ Reiman asks the question : If you were likely to be deterred from committing a crime based on the punishment, would life in prison be less of a deterrent than the death penalty (145)?

**Argument: There is no empirical evidence to show life in prison is an equal deterrent to crime as the death penalty.**

**Rebuttal: There is no empirical evidence to the contrary.**

**Reiman’s second premise: “Anyone contemplating committing a crime already faces a substantial risk of ending up dead as a result [of armed police or armed private citizens]” (146-7).**

- ❖ “Roughly 500 to 700 suspected felons are killed by the police in the line of duty every year” (146).
- ❖ “The number of privately owned guns in America is substantially larger than the number of households in America” (146-7).

**Argument: It is unlikely anyone contemplating murder thinks they will be caught, either by the police or by a private citizen. Therefore, it is unlikely this will be a deterrent.**

**Rebuttal: “The likelihood of being killed by the police or a gun-owning citizen is a more immediate risk than a more distant execution as a result of conviction of a capital crime, especially after apprehension, conviction, and appeal” (147).**

**Reiman’s third premise: “The refusal to execute...also teaches a lesson about the wrongfulness of murder” (147).**

- ❖ To advance as a civilized society, we must teach people that murder, whether as a criminal act or as a result of the death penalty, is always wrong. By punishing with life in prison instead of execution, we show society murder is always wrong.

**Argument: By subjecting murders to the ultimate punishment, we slowly teach society murder is wrong.**

**Rebuttal: A lesson is also taught by punishing a murderer with life in prison and, as a society, showing we do not condone murder, even in the guise of punishment.**

**Reiman’s fourth premise: “Either we must abolish the electric chair or reinstitute the rack. Surely, this is the [ridiculous point] of van den Haag’s common-sense argument” (147).**

**Argument: Common sense tells us the death penalty is more fearful than life in prison and will deter more criminals than the less fearful threat of life in prison (147).**

**Rebuttal: Until we have conclusive evidence that capital punishment is more of a deterrent than life in prison, we must grant either that we should not follow common sense and not impose the death penalty or we should follow common sense and torture murderers to death (147). Is this the mark of a civilized society?**

## Our Opinion

Although the cost of the death penalty was not discussed in Reiman’s article this is frequently a consideration. The cost of a capital trial and subsequent appeals are a factor considered by some prosecutors when determining whether or not to try a capital case. This results in the death penalty being applied inconsistently across the country. Since the evidence is inconclusive as to whether the death penalty is an effective deterrent to murder and the empirical evidence that does exist is conflicts, we believe the death penalty should be abolished, as long as by doing so there is no harm caused to society.