

The Case for the Death Penalty

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The death penalty represents a highly contentious form of state-sanctioned punishment, frequently eliciting extensive ethical, legal, and pragmatic debates concerning the appropriate scope of governmental authority. Proponents argue that in instances of extreme criminality, the state possesses the prerogative to administer the ultimate sanction. Conversely, opponents contend that no state should wield such arbitrary power. This paper posits that the death penalty can be defended under specific, limited circumstances: when the crime committed involves exceptional violence, when guilt is unequivocally established, and when the perpetrator continues to pose a demonstrable threat to public order. It is crucial to acknowledge that this assertion does not diminish the gravity of execution as a punitive measure. Rather, it regards capital punishment as a singular sanction, acceptable only when alternative methods are deemed insufficient to achieve the desired societal effects. Building upon this premise, three key areas will be examined: deterrence, public safety, and justice for victims and society. Arguments from opponents of the death penalty will also be acknowledged.

Justifications for the Death Penalty

In response to the murder of a community member, society may consider the highest penalty for the offender to be justifiable, particularly when the crime exhibits exceptional cruelty and guilt is established beyond reasonable doubt. From an ethical standpoint, the death penalty can be justified by its perceived proportionality. A lesser sentence, such as imprisonment, may be viewed as inadequate to restore order following an act that deliberately extinguishes an innocent life and profoundly assaults society's moral fabric. Utilitarian reasoning similarly suggests that legal frameworks must address the most severe infractions to prevent a perpetuation of violence that cannot be normalized (Batar, 2021). Furthermore, the death penalty is argued to fulfill society's need for retribution in extreme cases and to establish a stricter boundary for unacceptable acts than conventional penalties can achieve (Batar, 2021). These moral and utilitarian arguments collectively support the framework of the death penalty as an extreme measure justifiable by the demands of proportionality, order, and collective well-being.

Capital punishment also draws support from its historical role as the ultimate legal instrument for addressing offenses deemed existentially threatening to the foundational principles of civilization. Historical legal texts and the evolution of early modern criminal law indicate that crimes such as murder and treason were frequently punishable by death. While historical precedent does not inherently validate moral righteousness, it highlights a recurring correlation between capital punishment and societal values such as proportionality, authority, and the state's perceived duty to respond to extreme

violence with commensurate force. Moreover, the historical existence of capital punishment, often applied to meet stringent standards of justice, can inform contemporary discussions regarding its deterrent and protective value.

A consistent theme in justifications for the death penalty is its designation as an extraordinary punishment reserved for cases of exceptional violence, intent, and harm. Capital punishment is thus sought under limited conditions, aiming to maintain proportionality and restrict its application to instances of supreme culpability, aligning with retributive arguments often associated with Kantian philosophy (Ref-s983315). This perspective distinguishes capital punishment from ordinary criminal sanctions, classifying it as the sole legal response to transgressions that fundamentally undermine civil order. The emphasis on narrow application becomes critical, as procedural biases and inconsistencies could compromise the moral legitimacy of any death penalty if evidentiary and procedural standards are not rigorously enforced (Udoudom et al., 2019). Consequently, proponents argue that the death penalty is morally defensible only when applied rarely, strictly, and exclusively to the most egregious crimes.

Central to the rationale for capital punishment is the principle of proportionality: a punishment is deemed justifiable when it corresponds to both the severity of the offense and the offender's level of culpability. Advocates frequently contend that sentencing an individual to death for the intentional and heinous taking of an innocent life constitutes a just response within this framework. Here, execution serves as a reciprocal measure for the irreversible harm inflicted, rather than an excessive extension of legal authority. Proponents often invoke Kantian retributive theory, which posits that punishment should align with the moral gravity of the committed act, asserting that the gravest offenses warrant the most severe legal consequences (Udoudom et al., 2019).

While life imprisonment is widely acknowledged as a severe sentence, proponents argue it may not adequately address the community's moral outrage in cases involving the deliberate and aggravated destruction of an innocent life. From this perspective, a proportional punishment is considered essential for upholding societal respect for legal boundaries. This viewpoint also supports the argument for the deterrent value of the death penalty. When the public perceives a punishment as appropriately aligned with the crime, it reinforces the legitimacy of the law, irrespective of ongoing empirical debates regarding its actual deterrent effect on future offenses.

Conversely, a second line of ethical objection to the death penalty concerns the state's intentional act of ending a human life, raising theological questions about whether any canonical process can legitimize this practice. The issue of responsibility is also central. Opponents argue that officials who authorize an execution bear moral responsibility for

a death that differs fundamentally from the imposition of imprisonment. In contrast, an opposing argument asserts that the state is morally responsible for preventable murders it fails to avert, particularly when the threat of the death penalty could prevent such crimes and save lives (Sunstein & Vermeule, 2019). The core of this moral disagreement revolves around the allocation of responsibility and the public priorities that determine whether executing a convicted murderer or saving other lives through deterrence takes precedence (Sunstein & Vermeule, 2019).

However, arguments for capital punishment cannot rely solely on speculative deterrent effects. The most robust rationale must align with broadly shared moral and legal expectations regarding the state's response to individuals who, through specific types of premeditated murder, intentionally and knowingly assault humanity and social order in a manner deserving of the most severe possible reaction. In this view, retribution transcends mere vengeance; it represents a societal acknowledgment, expressed through the legal system, that certain actions violate human dignity and principles of social peace to an extent where death becomes a justifiable punishment. This logic is strengthened by the recognition that the state is responsible not only for punishing the guilty but also for acknowledging the gravity of past losses and preventing future ones when the law's response to extreme violence is deemed insufficient (Sunstein & Vermeule, 2019). Popular support for capital punishment, in this context, reflects society's desire for punishment proportionate to blameworthiness, moral responsibility for actions, and the irreplaceable lives lost, driven by the conviction that the law's punitive response must be commensurate with irreparable harm. Viewed this way, the death penalty emerges as an exceptional sanction rooted not in rage but in societal perceptions of culpability and severity.

Deterrence Effect

A primary practical justification for the death penalty is the contention that its application deters potential offenders from committing murder by attaching the most severe punishment to the gravest legal violation. This argument draws on classical deterrence theory, which posits that punishment influences behavior when potential criminals anticipate certain and severe consequences for unlawful acts. Execution, in this framework, represents the most formidable expected punishment, purportedly intimidating prospective killers. Empirical evidence supporting this argument remains inconclusive. However, a study of murder and execution trends in Texas between 1984 and 1997 suggested a correlation between a decrease in the murder rate in the 1990s and an increase in executions during the same period, implying that executions might influence murder rates rather than simply reflecting societal moral outrage (Sorensen et al., 2020). Nevertheless, the significance of such evidence lies not in demonstrating a universal behavioral law but in suggesting the plausibility of deterrent effects from

execution within a specific legal and social context. For proponents, the existence of such evidence is important because, while not the primary justification for the penalty, a deterrent effect would further bolster its public safety rationale alongside the predominantly retributive argument.

Furthermore, advocates of capital punishment often cite broader correlations indicating that jurisdictions willing to execute tend to exhibit lower homicide rates compared to jurisdictions where execution is rare or non-existent. This argument does not assume that all potential criminals engage in rational calculations of punishment. Instead, it posits that a legal regime widely perceived to enforce its harshest penalties can influence general belief in the deterrent effect of punishment on murder and similar crimes. Texas is frequently referenced in this context; a report on executions and homicides from 1984 to 1997 indicated a correlation between the rise in executions in the 1990s and a decline in homicide rates, particularly during periods of increased executions (Sorensen et al., 2020). As noted previously, such statistics cannot definitively prove causation due to confounding variables like policing levels, demographics, and economic factors. Nevertheless, these statistics are often used to support the claim that the enforcement of the death penalty may contribute to its effectiveness as a deterrent.

Public opinion significantly contributes to the belief that capital punishment effectively deters crimes such as murder. The general public often interprets the death penalty as the state's firm response to extreme acts of violence, thereby reinforcing trust in governmental commitment to punishing grave offenses. When perceived as a tangible and enforceable measure, rather than an abstract or infrequently imposed consequence, the death penalty can foster confidence in the justice system and the notion that intentional killings carry severe repercussions (Batar, 2021). This perspective retains influence, even without definitive empirical evidence, as criminal laws function not only through coercive enforcement but also as powerful symbolic instruments.

The death penalty acts as a potent signal, capable of both shaping the behavior of potential offenders and influencing broader community perceptions of law enforcement's resolve. Crucially, societal perception can at times supersede objective facts. Public judgments regarding capital punishment often prioritize its symbolic significance over statistical data or crime metrics. In such scenarios, the belief that the death penalty functions as a strong deterrent may hold greater sway than measurable outcomes. Ultimately, the effectiveness of capital punishment in preventing crime largely depends on whether society believes in its deterrent impact.

Psychological deterrence theories suggest that punishment impacts behavior less through abstract legal implications and more through fear, risk perception, and the mental availability of consequences when an individual contemplates violence. From this perspective, the death penalty is justified by the claim that the fear of execution creates a more substantial emotional barrier against planned homicide than alternative punishments, particularly when the sentence is publicly known and applied to premeditated murder. Psychological deterrence theory also posits that deterrence would be weaker for crimes perpetrated in a fit of rage, under intoxication, or when the likelihood of apprehension is perceived as low. This accounts for variability in evidence regarding the influence of harsh punishment across certain parameters. Evidence on life without parole suggests that even this extreme punishment may not achieve superior deterrent results against violent crime compared to a life sentence with parole eligibility, indicating that punishment severity does not necessarily translate directly to behavioral control (Kleinstuber & Coldsmith, 2020). Nonetheless, fear-based theories allow for the reasoning that the most severe possible punishment may influence a subset of rational criminals, potentially having some residual deterrent impact.

Public perception of the death penalty plays a critical role in sustaining the notion that it deters murder, primarily by reinforcing the idea that the law imposes strict consequences for acts of extreme violence. When capital punishment is regarded not as a remote possibility but as an actual and actionable consequence, it can shape public sentiment, fostering the belief that intentional killings are met with severe repercussions and that the government remains committed to decisively addressing the gravest offenses (Batar, 2021). Even without definitive empirical evidence, this perception holds significance, as criminal law functions not only through enforcement but also through the signals it sends about the seriousness of certain actions.

The symbolic weight of the death penalty can influence both potential offenders and broader societal viewpoints, presenting it as a sufficiently harsh measure to deter behavior and reinforce the authority of the legal system. However, public understanding may sometimes overshadow the factual effectiveness of the punishment, as its impact often hinges more on what it symbolically represents than on actual crime rates or statistical outcomes. In this sense, the societal impact of the death penalty rests heavily on whether people believe in its effectiveness as a deterrent, suggesting that its power lies as much in public perception as in tangible evidence.

Nevertheless, proponents of the death penalty argue that reluctance to accept its use as a means of preserving public order should not undermine its potential justification in upholding societal order. They suggest that this possibility remains relevant, even if the death penalty's deterrent effect is not universally demonstrable across various contexts

and social environments. Proponents contend that the death penalty serves societal order by allowing the legal system to express appropriate outrage at heinous acts and by signaling the state's view that the deliberate killing of innocent individuals constitutes a crime of the highest severity (Batar, 2021). They further assert that these notions maintain the ordering effect of the death penalty, both by emphasizing the extreme nature of crimes against order and decency through the death of the innocent, and by reinforcing the boundaries delineated by criminal law regarding certain egregious acts. According to this reasoning, the death penalty serves to preserve public order even when considering its punitive demands in the context of extreme and unspeakable behavior. Even if empirical criticisms from opponents are deemed valid, an advocate for the death penalty may still posit this final line of argumentation to justify execution as a suitable punishment in certain circumstances.

Public Safety Considerations

The public safety argument for the death penalty is more direct, based on the premise that permanently eliminating a criminal who has committed the most extreme acts of violence removes any possibility of that individual causing harm again—whether in prison, as an escapee, or after parole release. This argument differs from the deterrence claim, as it does not speculate on the behavior of unknown future offenders but directly addresses the concrete danger posed by a proven individual responsible for the worst types of murder. Supporters of the death penalty contend that when the government possesses incontrovertible evidence of an offender's extraordinary potential for causing death, the finality of a death sentence can be interpreted as a proportional means of safeguarding innocent individuals and potential victims. This aligns with the state's duty to uphold the sanctity of life by preventing additional deaths (Sunstein & Vermeule, 2019). This argument is morally compelling, as proponents posit that governmental responsibility extends not only to harms caused by punishment but also to harms passively permitted by failing to act against demonstrable public threats. In this context, the death penalty is presented as a means of maintaining collective safety when lesser punishments are considered insufficient for the complete removal of a lethal threat.

The certainty of incapacitation, even with life sentences, can be questioned. Deprivation of freedom does not inherently eliminate an offender's capacity for violence within the prison environment or the risk posed by an escape. Evidence, such as homicides committed against fellow inmates, assaults on prison staff, or planned violence against other inmates, demonstrates that offenders serving life sentences can still inflict harm, even within correctional facilities. Furthermore, the incapacitative effect of life imprisonment cannot be entirely guaranteed due to the possibility, however remote, of escape, particularly for offenders with a history of lethal or violent acts. The debate is

further complicated by studies suggesting that life without parole may not offer superior deterrence against violent offenses compared to life with the possibility of parole. This implies that, absent clear evidence, a life sentence with no release possibility does not inherently guarantee greater protection than other forms of punishment (Kleinstuber & Coldsmith, 2020). Proponents of capital punishment utilize these limitations of life imprisonment to argue that only execution provides absolute protection against offender threats.

A further public safety argument asserts a psychological benefit: community members feel more secure knowing that those most capable of committing the gravest murders will no longer be able to threaten their neighbors, prison staff, witnesses, or the victims' isolated family and friends with future acts of violence. This contributes to a sense of public safety that focuses less on theoretical punishment and more on the assurance that the judicial system has taken definitive steps to preclude further harm. This sentiment reinforces public confidence that the state can respond to lethal crime with certainty. When execution is perceived as a real and enforceable punishment, its application can influence broader community notions of safety and security, as incapacitation allows people to feel that the most serious threats have been removed from social life (Sorensen et al., 2020). While this feeling does not address the morality of capital punishment or necessarily assuage the community's fear post-sentence and execution, it is offered as support for the idea that one purpose of capital punishment is to protect society.

However, considerations of cost and the comparative deterrent value of incarceration versus execution do not fully address the public safety question. While an alternative penalty might entail greater cost, it is argued that execution eliminates a form of criminal danger that life imprisonment cannot entirely remove. Although life imprisonment appears cheaper and simpler to enforce, it necessitates the state's long-term financial commitment to housing, medical care, custody, and supervision of individuals who may remain dangerous. Conversely, proponents argue that while execution processes can be lengthy and costly due to appeals, it ultimately provides a final form of incapacitation that custodial imprisonment cannot, especially when the judicial system enforces it as a response to murder (Sorensen et al., 2020). In essence, the debate concerns whether punishment aims to protect the public from future violent acts by the convicted or solely to reduce future custodial costs. Historical supporters contend that the death penalty can be justified in exceptional instances, regardless of cost, when public protection is the paramount priority.

Moreover, the defense of capital punishment must address a compelling criticism tied to its human fallibility: the possibility of convicting an innocent person, with no recourse for

an irreversible penalty. This presents a significant challenge to the argument, given that justice is administered by humans. Analyses of capital punishment practices have revealed significant disparities in investigative, prosecutorial, and punitive processes, particularly concerning racial and social inequalities (Udoudom et al., 2019). The irreversibility of execution makes such errors a critical moral consideration; in cases of imprisonment, errors can at least be partially rectified through release, compensation, and rights restoration, whereas execution forecloses all possibilities of redress. Opponents argue that this theoretical possibility renders the death penalty, even in its limited form, a morally unstable position susceptible to evidentiary errors, flawed testimonies, and unequal access to legal resources. To successfully defend capital punishment within a narrow scope, a response to this criticism requires a clear articulation of the stringent standards of proof and process that must be met before societal justice demands are asserted.

Justice for Victims and Society

For many proponents, justice demands that the state respond to the suffering of victims' families commensurate with the gravity of the crime. When murder involves the extinguishing of a life through premeditated and extreme violence, execution is often perceived as a legally sanctioned response to the enormity of that loss, also signaling to the public that the state does not equate this loss with ordinary crime. Relatedly, the sentence is intended to provide a similar sense of justice to the family, relieving them of prolonged uncertainty regarding punishment and assuring them that the law has dealt severely with the perpetrator of their loss (Batar, 2021). This perception of punishment extends beyond the individual family to society at large: such murder threatens the moral order and society's confidence in the integrity of the legal system. Punishing this type of crime serves to restore confidence that society distinguishes between right and wrong, and that its perception of the murder aligns with the law's. Thus, proponents believe the state enacts justice by punishing those accountable for wrongdoing, expressing condemnation of the act, and providing a definitive response to irrecoverable harm.

Finally, the death penalty can be justified based on its symbolism. The verdict of capital punishment is believed to convey a message to society that certain crimes and behaviors transgress acceptable societal boundaries. The argument is that this message serves a greater good beyond individual criminals, asserting a collective belief that the killing or murder of innocents warrants the utmost legal punishment. This is supported by the notion that the death sentence is a form of retribution aligned with Kantian ethics (Udoudom et al., 2019). Symbolism is crucial because criminal laws are expressive instruments, intended to set boundaries beyond merely defining crimes. Furthermore, it is argued that society is warned that some crimes are too severe to be

treated with less gravity by law and society. Proponents of the death penalty also believe it establishes boundaries by ensuring that similar crimes are not punished identically, and that the state demonstrates equality regarding the value of the lives taken by criminals. However, critics note that this symbolism would be undermined in legal systems that practice discrimination. Regardless of broader justice implications, if the application appears unjust, all sentiments of retribution are lost (Udoudom et al., 2019).

Moreover, a successful legal response can alleviate the feelings of alienation, rage, and fear experienced by survivors and society after severe violence, provided they are convinced that justice has been served. Supporters therefore defend the imposition of capital punishment on offenders as a public demonstration to victims' families that the state has taken their loss seriously and will not respond to maliciously deliberate murder by refusing to impose a suitable penalty. This demonstration of justice may mitigate the prolonged uncertainty that burdens survivors, who often grapple with grief intertwined with frustration and insecurity stemming from a perceived inadequate sentence. It is also argued that society's faith in the law is strengthened as citizens observe public authority safeguarding against further deliberate extinguishment of human life, rather than maintaining an indifferent stance toward ongoing threats (Sunstein & Vermeule, 2019). While these effects are not universally perceived, it is argued that a punishment regarded as just contributes to restoring moral order, thereby strengthening trust in society as a whole following intense violence.

The alternative argument that executions provide "closure" is countered by the fact that closure is not something that can be legislated, as loss, trauma, and moral injury often persist long after sentences are delivered. In this view, justice is less about the offender's death and more about the victim's family accepting it, such that execution alone does not conclude justice. Critics cite the importance of acceptance, care, and honest accountability. If a family sincerely believes that executing an offender conflicts with their moral code or religious background, execution does not bring justice. Proponents of this theory suggest alternatives, such as life imprisonment without the death penalty, but this too is debated. Life without parole, they argue, still inflicts violence upon the situation and does not consistently prove to be a more effective deterrent against violent crime than life sentences with parole eligibility, with crime rates increasing and decreasing equally across sectors (Kleinstuber & Coldsmith, 2020). If this is true, healing is not necessarily better served, nor is there a stronger or weaker good for the community if punishments vary. Thus, critics contend that the rationale for either option does not primarily rest on the offender's death but on what transpires afterwards in the community's name.

Conclusion

The arguments presented outline the specific circumstances under which capital punishment may be deemed justifiable. These include instances of extreme murder committed with determined intent, where guilt is unequivocally established, and when the crime's impact cannot be compensated or societal security affirmed by means other than capital punishment. The three primary justifications advanced are the belief in its deterrent effect on some violent acts, its role in permanently incapacitating dangerous perpetrators, and its perceived delivery of proportional justice. However, it is essential to acknowledge that strong moral objections to extreme murders persist, which profoundly question the previously expressed reasoning. These robust moral arguments against the death penalty, which should not be disregarded, fundamentally challenge capital punishment. Examining under what circumstances premeditated murder warrants a specific sentence becomes complex when opposing the death penalty, and thus, such objections should not be dismissed or be determinative of the state of capital punishment. Nevertheless, any support for capital punishment must remain mindful of these moral objections, demonstrating a cautious approach that prioritizes legal interests and fairness rather than purely punitive impulses. The fundamental question remains: can we accept that there are circumstances, however limited, under which the ultimate punishment—annihilation—is acceptable, intended to denounce abominable violence directed at humanity and aggressive crimes, while still upholding the limits imposed by morality?

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