

WRANGLE ON CAPITAL PUNISHMENT

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ABSTRACT

This paper critically discusses the presence of capital punishment from the philosopher's point of view. Capital punishment is the process of sentencing a convicted offender to death for the severe crime or wrongful act that they have performed and carrying out that sentence. The practice of capital punishment was first introduced by the European settlers in the year 1608. Although countries like Brazil, Denmark, Norway, and Luxembourg have abolished capital punishment, around sixty percentage of the world's population live in countries which still have the practice of capital punishment. Different philosophers have their own views and the practice of capital punishment. Aristotle's suggest that he was against the practice of capital punishment. Whereas, St Thomas was a vocal supporter of capital punishment. St Thomas theory states that the State not only have the right but it is also the duty of the state to protect people from enemies. The different theories of punishments also have different opinions on capital punishment. The retributive theory in its simplest form propagates the idea of "An eye for an eye". It gives importance to individuals more than state. It believes in the practice of reformation and rehabilitation. The deterrence theory gives more importance to the society more than an individual. It believes that punishing an individual is morally correct if it brings a considerable change to the society. Both utilitarians and deontologists have the opinion that punishments are justifiable. Having critically analyzed the opinions of different philosophers and theories, this paper tries to make an attempt to bring an end to this debate.

INTRODUCTION

The term Capital punishment is a Latin term meaning "Capitalis" which means "regarding the Head." Capital punishment is the process of sentencing a convicted offender to death for the severe crime or wrongful act that they have performed and carrying out that sentence. The practice of Capital punishment is being followed from a long period of time. It was first introduced by the European settlers in the year 1608. It is been followed in many countries including India. It is carried out in a variety of ways, including the guillotine, hanging, lethal

injection, electrocution, firing squad, and so on. The execution is not always carried out immediately. Their names are kept on the death row for a time while their cases are appealed. In some cases of lesser offences, an appeal for life imprisonment is possible. In this paper I have critically analyzed different views of the philosophers on capital punishment and tried to end the debate on the justification of capital punishment.

ARISTOTLE

Aristotle was against the practice of capital punishment. According to Aristotle justice means giving people what they deserve and it requires things to be given to people equally. Aristotle believes that everyone wants to be a good human being based on naturalism and self-realization. He believed that human beings would revert to natural tendencies in order to achieve their own happiness. Natural tendencies for good character evolve over time and through practice. In other words, no one is born perfect, and everyone has the same chance of committing immoral acts as they do of performing good deeds. The habits that a person develops over time shape their personality during the ups and downs of the vicious cycle of moral or immoral decision-making. This defines a person's virtue in terms of how well they deal with the vicious cycle. Aristotle believed that the natural state of pleasure was neither good nor bad, but rather a natural byproduct of developing good character. ¹This is an intriguing concept in terms of immoral acts of violence that some may find pleasurable to commit. One might argue the mental state in which such acts are committed. Regardless, does it make it right for society to decide morality in the form of justice for that person?

THOMAS AQUINAS

Thomas Aquinas defends the right to execute, that is capital punishment. The death penalty, like other punishments, is a decision made by human reason. Its justification depends on specific historical and cultural circumstances and on the needs of the political community, as well as on the severity of the offense. Killing a guilty person is not intrinsically evil, in Aquinas's view, but it is nonetheless a last resort, when nothing else can be done for the good of the community.² Thomas defends capital punishments on medical grounds. He sees the

¹Aristotle's View on Capital Punishment (2005 October 14)

² Saint Thomas Aquinas on the Death Penalty Author: Elinor Gardner

community as patient. For punishment is not always meant to be medicine for a single offender; sometimes the "patient" is the community. The goal of capital punishment is to benefit the community rather than the offender. Aquinas says that capital punishment should be used where it is useful to the common good and in accordance with human custom, but it should not be used where it is not useful to the common good and is not in accordance with custom.

JEREMY BENTHAM

Jeremy Bentham was the founder of utilitarianism. According to him punishment is considered to evil because it causes some pain and suffering. But, punishment can be permitted on utilitarian ground if it is done for the greater good of the people and it prevents some greater evil. So according to Bentham punishment is to prevent crime in order to secure the greatest good for the greatest number. Jeremy Bentham supports capital punishment it will promote the happiness of greatest good for the greatest number in the society. According to him, capital punishment is justifiable is it is able deter crime and reform criminals. Capital punishment can serve as an effective measure for serious crimes as it prevents people from committing crimes and it will also act as a tool to satisfy people. But there are also some problems associated with implementing capital punishment. One of the problems associated with capital punishment is that capital punishment can be mistakenly carried out on innocent victims. Many people have been proclaimed to be innocent long after the execution. This radical form of execution is carried out in some cases against the poor and people from low economic situation or background.³

I personally believe that Capital punishment is required for this society. The society in which we live in has a lot of wrong doers who are not guilty of it. According to me, people should be sentenced to capital punishment who repeat the same mistake again and again. Capital punishment puts in a sense of fear to all the wrong doers who will fear to commit the same mistake again. I also feel that there should be stricter rules and regulations to be imposed and it should be implemented properly. The main aim of capital punishment is to make sure that common people live peacefully and to reform the other wrongdoers.

³Epistemic Investigation into Jeremy Bentham's Theory of Capital Punishment

I am a strong believer of utilitarian theory proposed by Jeremy Bentham and would state utilitarian theory as a defense for capital punishment. The happiness of the greatest number of people in the society matters the most. In a democratic country like India the happiness or peacefulness of people is important. Talking about democracy I also feel that Monarch would be a better way of governance in India because most of the people in India gets easily carried away by political parties and those parties use the common people to satisfy their needs. I also feel that the sanction on the politicians who commit wrong should be stricter, which in itself will help to the development of the country.

There are also some shortcomings of capital punishment. If the execution of capital punishment is liberalized people tend to take advantage of it. People will have no fear of committing offense or crime again and again which will increase the crime rate. If this is done, the powerful will oppress the powerless. People who will have power (in terms of wealth, politics etc.,) will have an edge over those who does not have power.

CONCLUSION

Having analyzed the point of view of different philosophers I personally feel that capital punishment is necessary but there has to be certain conditions in executing it. People who commit grievous offences will have to be executed. It is only when we can prevent others from doing it and can move towards a crime less society.

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