

Death Penalty: Arguments for Termination

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“Criminals do not die by the hands of the law; They die by the hands of other man”

- George Bernard Shaw

Realisation vs. Justification.

According to the theory of Deterrence, capital punishment is an effective way to stop crime. By giving death penalty to one criminal it will create fear in another criminal's mind. So this theory may have that capacity to stop the increasing level of crime. On the other hand, many people think that, realisation is more effective than deterrence. By giving life imprisonment to the criminal, he may realize the value of life and seriousness of his crime. Only then he will stop himself and another to do any crime. Killing a person can't be a way to stop crime.

What people and society actually want from a criminal? What court wants to prove by giving death penalty to a criminal? The death penalty is the ultimate denial of human rights.¹ The death penalty, also known as capital punishment, is the lawful imposition of death as punishment for a crime. Capital punishment is the pre-planned taking of a human life by a government in response to a crime committed by that legally convicted person. According to the system of death penalty, a criminal is hanged by another criminal. That means a criminal who received life imprisonment is hanging another criminal who received death penalty. And by doing this, the criminal who have life imprisonment his days of imprisonment will be decreased or be deducted by the nation. Can this kind of penalty bring morality or justice or any positive impact to the society? If killing an innocent person is crime, then giving a pre-planned death to the criminal is immoral and injustice.

History of Capital Punishment:

By the king Hamaurabi of Babylon first was established death penalty in 18th century BC for committing 25 different codified crimes. On that time, death penalty meant drowning, beating to death, burning alive etc. Death penalty became a common form of penalty in 14th century BC, 7th century BC and 5th century BC. It became a common form of punishment in the 10th century AD. The numbers of capital crimes were increasing day by day and it reached to 222 crimes including stealing, cutting down a tree, marrying a Jew, treason etc.² The movement of abolitionist started in the 1800s, by the Cesare Beccaria's 1767 essay, On Crimes and Punishment. During the time of 1920s-1930s, death penalty was an effective way to prevent crime. From the 1950s-1960s, public sentiment turned against capital punishment and the number of execution declined.³ Many cases caused the nations to rethink its capital punishment laws. The purpose of giving death penalty is, to remove someone from society who would cause more harm or, to remove someone from society who is incapable of rehabilitation, to punish the criminal, to deter others from committing murder, to take retribution on behalf of the victim. Using those logic many

¹Amnesty International USA; Journal published in News Junkie Post, October 10,2010 or www.newsjunkipost.com

² Death Penalty Information Center; Part 1: History of the death penalty- V.Streib, 2003 or <https://deathpenaltyinfo.org>

³The Death of Death Penalty by Kathy Gill, 2017 or www.thoughtco.com

people thought that the more severe the crime, then the more severe the punishment is necessary. Executing a person is quick and painless. The family member of the victim wants to give the highest punishment to the criminal. In death penalty criminals have less time to realise the pain of the victim's family. And life becomes hard for both families. But this punishment cannot deter crime. The life of the criminal cannot bring justice for the crime committed. Basically, two wrongs do not make a right. The society and people want to punish the criminal by the highest punishment and the courts wants to prove that a criminal doesn't deserve second chance. And they ultimately want to prove two wrong make one thing right which is inhuman.

The morality of killing a person is also subjective for each person. Retribution, safety, appropriate punishments are seen as the reason for the favouring of death penalty. Then the phrase will come true that "an eye for an eye makes the world blind". If we support death penalty, then we have to kill one person on the reason of killing an innocent person. At one situation, there will be no one as one crime takes two life ultimately. Because by doing a severe crime, a criminal faces death. And criminologists believed that it is the preventive social measure. If it is true then in our society no crime will exist, no criminal will exist, no punishment will exist. But still it's an open eye dream. In reality, murder rates are the highest and have increased more over the past ten years, in states with the death penalty. Clearly, the psychological threat of death is not enough to prevent murders.

Grounds of Capital punishment in Bangladesh:

According to Penal Code 1860, Capital punishment in Bangladesh is a legal form of punishment for anyone who is over 16, however in practice will not apply to persons under 18⁴. Crimes that are currently punishable by death include waging war against Bangladesh, abetting mutiny, giving false evidence upon which an innocent person suffers death, murder, assisted suicide of a child, attempted murder of a child and kidnapping.⁵ To consider tedious and mitigating factors the Appellate Division requires trial courts for murder cases, weather the death penalty is warranted.⁶ The Women and Children Repression Prevention Act 2000 provides that the death penalty can be imposed for murder or attempted Murder or attempted murder involving burning, poison or acid against women and children.⁷ A number of offences are punishable by death when committed by armed forces personnel.⁸

Present situation of the world:

Per Amnesty International's 2008 death penalty annual report, "at least 2,390 people were known to have been executed in 25 countries and at least 8,864 people were sentenced to death in 52 countries around the world."⁹ Executions in 2008, by Country ¹⁰, China 1,718; Iran 346; Saudi Arabia 102; U.S 37; Pakistan 36; Iraq 34; North Korea 15; others 66.

According to the latest report, 60 percent people of the world think that death penalty is not deterrent to murder. And 40 percent people think that their moral beliefs would disqualify them from serving on a capital case. About supporting death penalty, 47

⁴Penal Code 1860 section 1

⁵Ibid; section 3

⁶Ibid; section 5

⁷Ibid; section 7

⁸Ibid; section 9

⁹ Humanities issues, Pros & cons of the death penalty by Deborah White, 2017 or www.studylib.net

¹⁰ Amnesty International, Annual report of death penalty, 2008 or www.amnesty.org

percent people support, 43 percent prison and 10 percent was unsure. Most of the countries are now abolishing death penalty as it has no positive effect. An ad hoc moratorium is almost in place. The rate of execution between 2005 and 2006 was getting low.¹¹ In legal and criminal justice, death penalty is a touchy subject as many lives are involved with it.

Where it stands:

What is important- Realisation or Revenge or Deterrence or Justice? One criminal is killing another criminal by hanging and we want to prove this system as a symbol of justice. This system encourages other criminal immoral and inhuman. Justice cannot be immoral. According to the purpose of death penalty, this form of punishment deters other to commit crime. Just to deter others this form is taking a life. It is no important to deter crimes by taking a life. An eye for any eye-this idea seems as a mentality of revenge to make equal justice. Justice cannot be denied but the revenge idea cannot bring justice. In this situation, important is realisation. If a criminal realises that, he committed a crime then the level of crime will be decreased. By killing a criminal, the purpose of the punishment will be impossible to achieve. The theory has the capacity and it is more important because any form of punishment should have the purpose to realise the criminal what wrong he had done. By giving death penalty to a criminal, neither the victim's family nor the family members of the executed gets any peace. This punishment can never be a fair. The purpose of punishment is to realise the criminal that he did wrong. Capital punishment violates the right to life. It is the ultimate cruel, inhuman and degrading punishment. There can never be any justification for violating human rights or killing morality. The purpose of this punishment and justice ultimately are not co-related. There is no check and balance between justice and justification. In our modern society, it has consistently been shown to be immoral, unfair and ineffective punishment. If it is really effective than the crime level will decrease. But it is true that, crimes are increasing, and death penalty is failed to fulfil its purpose because it is not actually fruitful. It doesn't even give a chance to the criminal to realise about his guilty. In the name of justice this cruel, inhuman and degrading punishment can't be affected.

Article 32 of the Constitution ensures Right to life of everyone and a criminal is not out of everyone. So, giving death penalty to a criminal is kind of violating the constitutional right. If he punished by imprisonment, then it will be more fruitful. Because he will realise his fault staying in the jail. In the imprisonment, he will learn many works and when he will be out of jail, he can contribute towards the nation. It will be more and more effective to the other criminals. In short, imprisonment is more and more effective than death penalty. And imprisonment doesn't violate the constitutional rights of a criminal.

Conclusion:

Catholic Cardinal McCarrick, Archbishop of Washington writes, "The death penalty diminishes all of us, increases disrespect for human life, and offers the tragic illusions that, we have taught that killing is a wrong by killing."¹² 58 countries representing about one-third of all countries worldwide, including the United States retain the death penalty for ordinary capital crimes.¹³ A goal of punishment is not only to punish and deter, it is also a goal to remove the danger to society. Life sentences are deterrents only if criminals

¹¹ The Death Penalty Information Centre; A crisis of Confidence: Americans' Doubts About the Death Penalty, 2007 or <https://deathpenaltyinfo.org>

¹² Pros and Cons of the Death Penalty and Capital Punishment or www.thoughtco.com

¹³ Amnesty International 2008 or www.amnesty.org>2008"

know that life really does mean life in prison. This is a worse punishment than death. Death is different. Pain and anger are common in the wake of tragic loss and can be accompanied by an overwhelming desire for revenge. But execution is not sufficient to satisfy those desires. As per psychology death penalty is cruel and inhumane. It kills morality and justice. Some people think that death penalty should exist. But any purpose of this punishment is not fulfilled yet. It is just a premeditated and cold blooded killing of a human being by the state in the name of justice. True justice can come through realisation. By killing one person for killing another person can only increase the number of death person and fake justice. Realisation, realisation through imprisonment, justice can make a positive circle. Wrong for wrong; cruelty for cruelty: crime for injustice can never make a positive circle and positive influence. So as people of faith, we take this opportunity to reaffirm our opposition to the death penalty and to express our belief in the sacredness of human life and in the human capacity for change. Many that live deserve death. And some that die deserve life. Can you give it to them? Then do not be too eager to deal out death in judgement.¹⁴

¹⁴ J. R. R Tolkien, The Fellowship of The Ring(The Lord of The Rings) capital-punishment, death- penalty, Gandalf,j-r-r-tolkien, lord-of-the-rings-like.