

УДК 343.25

М.В.Ярошенко (2 курс, ЮФ), О.Г.Ветрова, к.ф.н., проф.

СМЕРТНАЯ КАЗНЬ: ЗА ИЛИ ПРОТИВ

Capital Punishment is a term which needs deep thinking. The dilemma of 'to kill or not to kill', is a hard fact which must be faced and organized. The main question is: Who deserves death and why? What are the criteria of this?

People are divided into those, who support death penalty and those, who do not (abolitionists).

The argument for is based on justice and the nature of the moral community, which requires that each person should respect the life and liberty of others. Those who commit crimes destroy the basis of the moral community. The argument is based on love and the nature of an ideal community in which forgiveness and the hope for redemption are guiding aims. The most compelling argument against capital punishment, however, is based on its actual administration in our society: the risk of killing an innocent person, disproportionate infliction on the poor and minorities, weakness of the deterrence argument, failure to recognize that destructive life histories of criminals may have damaged their humanity to the point that it is unfair to hold them fully accountable for their wrongdoing, and so on. Let's view the arguments in details.

DETERRENCE

As a justification for capital punishment, deterrence is used to suggest that executing murderers will decrease the homicide rate by causing other potential murderers not to commit murder for fear of being executed themselves ("general deterrence") and, of course, that the murderer who is executed will not kill again ("specific deterrence")

MORAL ISSUES AND RETRIBUTION

The desire for vengeance or retribution is the desire to see persons suffer, or be punished, for their actions. The principles of retribution suggest that a murderer should be executed because he or she "deserves" or "has earned" the death sentence. Those who base their opposition to the death penalty on moral grounds argue that life is sacred and killing is always wrong, whether it is done by an individual or by the state. In addition, people also have questioned whether we as individuals or as a society have the right to decide that another must die.

REHABILITATION AND INCAPACITATION

It is indisputable that executing a murderer renders him or her unable to kill again. However, those who support the concept of rehabilitation for murderers believe that imprisonment is effective in preventing murderers from killing again. Murderers have one of the lowest recidivism rates of all offenders. In fact, people who have served time in prison for other offences are more likely to commit murder upon their release than convicted killers are

ECONOMICS

Some of those who support the death penalty defend it as a cost-effective alternative to life imprisonment. However, it may be more costly to execute an inmate than to have that person serve a life sentence

POSSIBILITY OF MISTAKE

One hardly can think of a worse fate than to be convicted of a crime one did not commit; therefore, it is not surprising that many abolitionists report that the risk of executing an innocent person influenced their position. Society must determine whether the benefits gained through execution of convicted killers outweigh the risk of executing innocent persons. Returning to the question: What should we do with them?

I hold the view that punishing them would be absurd: two blacks do not make a white; and punishment creates a class of punishers whose lives are wasted and they become almost as

undesirable as the criminals they imprison. At the same time criminals probably will not live in society after prison, they are soon back and ready for acting again according to their criminal nature. Meanwhile they are wasting and depraving honest citizens as warders, chaplains, and jail governors who are almost as much prisoners as the criminals they have to torment.

But the criminal who can be reformed is not the problem. If you can reform him (or her) do it; that is all. Do not make him a martyr. The real problem is the criminal you cannot reform: the human mad dog or cobra. The answer is, kill him kindly and apologetically. Let him go comfortably to bed expecting to wake up in the morning as usual, and not wake up.