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## The Trouble with the Death Penalty

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### The Trouble with the Death Penalty

For almost as long as the death penalty has been used, it has been a subject of debate. Technically, the death penalty, also known as capital punishment, is described as "the practice of executing someone as punishment for a specific crime after a proper legal trial" ("Introduction to Capital Punishment n.p.). But does anyone really deserve death as a punishment? What if the person is proved to be innocent after they are dead? Is the death penalty a moral form of punishment? Is the death penalty actually less expensive than life long imprisonment? Does the death penalty really deter others from committing murder? Is death the most effective form of punishment a criminal could undergo? Are there alternate forms of punishment that would be just as effective without killing the criminal? What does the catholic church have to say about the death penalty? All these questions have answers that lead to the conclusion that the death penalty is not an effective or moral form of punishment.

The death penalty as a form of punishment has been used nearly as far back as history itself goes. Hammurabi's Code was one of the first written law codes discovered, and twenty five different crimes used the death penalty as a form of punishment (Reggio n.p.). For example, if a son and a mother were found to have committed an act of incest, they would be burned at the stake (Andrews n.p.). The death penalty was also used later, through the fifth century BC, during the Roman Empire. The Roman Law of the Twelve Tablets had the death penalty as a form of

punishment, for crimes such as the burning of a house or even for burning a stack of corn near a house (Reggio n.p.). Another well known use of the death penalty involved the philosopher Socrates. In 399 BC, Socrates was forced to drink poison as it was believed that he had committed heresy and that he corrupted children with his stories he was telling (Reggio n.p.). The death penalty is still used today as well. In 1997, Timothy McVeigh was "sentenced to death on 11 counts of murder, conspiracy, and using a weapon of mass destruction", and his sentence was carried out on June 11, 2001 (Oklahoma City Bombing Fast Facts, n.p.).

Over the years, the reasons for which the death penalty has been used has changed quite a lot. The crimes that had to be committed for the jury to consider the death penalty as a form of punishment has gotten more and more severe; in most states now the death penalty is restricted to cases in which the crime was first degree murder (Reggio n.p.). The supreme court has even tried to get rid of the death penalty all together in the case Furman vs. Georgia in 1972 (Reggio n.p.). The abolition was made on the discovery that the law enforcing the death penalty violated the 8th and 14th amendments, therefore making it unconstitutional (Reggio n.p.). However, this ban only lasted four years, as many states simply reworded the law and they got the case overturned. Today, nineteen states have completely abolished the death penalty, but it can still be used as a form of punishment for federal crimes ("States and Capital Punishment", n.p.), as well as in crimes committed in the thirty one other states.

It may seem like the death penalty wouldn't cost that much money or time. It seems like the death penalty is a definite outcome, so that once death is sentenced that's that. Actually, the opposite is true. The death penalty is actually a lot more expensive than any other form of punishment. The execution itself isn't even the expensive part of the process. In Texas, the drugs

used to execute an offender only cost a mere hundred dollars (Erbs n.p.). It's the part after the sentencing, when the inmate is on death row, that costs the most. Most inmates are on death row between seven and fifteen years before they are actually executed (G. n.p.), and even then most prisoners who reach death row are never executed at all. It varies state by state, but there is a general trend that keeping a prisoner alive is less expensive than sentencing one to death. Cases involving the death penalty cost on average about "four times as much as defending a case where the death penalty is not considered" (Erbs n.p.). Not only do the cases themselves cost more, but housing a death row inmate costs more money as well. It varies state by state, but for example, in California, on average "the annual cost of the death penalty is \$137 million compared to the cost of lifetime incarceration which is \$11.5 million" (Erbs n.p.). Taxpayers in New Jersey have spent approximately \$253 million more dollars on death penalty trials than they would have otherwise, and no one has even been executed in the state since 1963 (Barnes n.p.). Based on the numbers, it can be concluded that the death penalty is a lot more expensive than any other form of punishment. This money that is going towards the death penalty, which is often times not even carried out, could be used for better uses, such as funding sources that try to arrest people that aren't even caught for their crimes in the first place (Fagan n.p.).

Many people who support the death penalty say that it is a good form of punishment because it scares other would be murderers from committing the crime themselves. One study was done recently that concluded an average of eighteen lives were saved because the death penalty was in place (Tanner n.p.). These studies are based on the idea that "if the cost of something becomes too high, people will change their behavior" (Tanner n.p.). However, there are a number of studies that have been done on this subject, and it seems that the conclusions are

shaky, and never quite the same from study to study. Some studies have said that the estimated amount of deterred murders was three, another said five, and yet another said fourteen (Tanner n.p.). Therefore, because these studies can't be replicated to get the same answer, they are not necessarily scientifically credible. It's hard for scientists to measure deterrence, because there aren't exact numbers on the topic. These studies can also be controversial because some think that cases of all homicides were counted, not just the ones that could result in the death penalty, and also because the death penalty is not followed through with enough for researchers to make an actual statement about how many murders would be deterred (Tanner n.p.). Other researchers say that they also take into account the fact that "there's no way to tell if a murderer was aware of the state's death penalty status when the crime was deliberated...or if the threat of life without parole makes an equal impression on potential murderers" (Booth n.p.).

However, in studies supporting that the death penalty does *not* deter would-be murderers from committing the crime, the facts are more straightforward and have been replicated. The National Research council issued a report which "stated that studies claiming that the death penalty has a deterrent effect on murder rates are "fundamentally flawed" and should not be used when making policy decisions ("Facts about the Death Penalty" n.p.). Along these same lines, in another study relating deterrence and the death penalty, the 2014 FBI Uniform Crime Report concluded that the South had the highest number of murders out of all fifty states (Facts about the Death Penalty" n.p.). In fact, eighty percent of all executions happen in the South. In the Northeast, all the states in New England (with the exception of New Hampshire), along with New York and New Jersey have all abolished the death penalty, and this region of the US has the lowest murder rate. The Northeast is only involved in less than one percent of executions ("Facts

about the Death Penalty" n.p.). All in all, studies that try to prove the death penalty results in deterrences from other murders have "no credible evidence" (Booth n.p.), and therefore it cannot be statistically proven that deterrence actually works. Right now, it looks like there is more credible evidence that deterrence does not work, and credible evidence is a lot more reliable.

Not only is the death penalty very expensive and not proven to deter would-be murderers from murdering, a death sentence is often preferred by the murderers as opposed to a life sentence. But why should murderers get what they want? Isn't the whole point of the death penalty to severely punish the offenders? If offenders want the death penalty, are we as a society truly punishing them? In the case of Michael Passaro, who pleaded guilty to the charge of murdering his two year old daughter by setting her on fire, he actually requested the death penalty as his punishment -- and got it (Robinson n.p.). Passaro felt that he was escaping punishment by dying. Between the years 1993 and 2002, 75 inmates on death row volunteered to be executed, and a few didn't even appeal their death sentence at all, similar to Passaro (Robinson n.p.). In prison, inmates aren't given much reason to live any more. They are living in isolation, only allowed out of their cells for an hour a day (Robinson n.p.). Also, the time allowed for recreational hobbies such as music or playing games has been lessened (Robinson n.p.). Inmates just sit in their cells all day, twiddling their thumbs, thinking, and sleeping. There are no TVs, no phones, no games, and not even much communication with other inmates. If that isn't the ultimate form of punishment, than what is? These conditions make prisons even more harsh, and the prisoners suffer even more. Volunteering for and requesting the death penalty would allow offenders to escape the suffering, but don't we want them to suffer? Apparently, death isn't

suffering or punishment for some of these prisoners, it is welcomed. To make them suffer, a life sentence should be given instead.

Although some prisoners welcome the death penalty, for others it can be seen as torture. Kelly Gissendaner, a woman who was placed on death row for persuading her lover to kill her husband, appealed again and again to spare her life, but her appeals were denied every time (Yan n.p.). Witness Jeff Hullinger, said that "when Gissendaner finally walked to the execution chamber after midnight, she saw the witnesses through a window and began sobbing" (Yan n.p.). She was very apologetic of her crime and as she was executed, she sang Amazing Grace, asking for comfort and forgiveness (Yan n.p.). The board that declined the appeals apparently were among the people who believe that guilty people deserve to be punished based upon the severity of their crime ("Capital Punishment" n.p.). Therefore, a crime of murder means the offender deserves a punishment of death. It kind of goes along the lines of the "eye for an eye" saying that was so popular in the twelfth century and even to this day, because of Hammurabi's Code. The Bible, which is a book held in very high regard, states "whoever shed the blood of man, by man shall his blood be shed" (Genesis 9:6). Many Christians refer to this statement when advocating for the death penalty.

Not all Christians advocate for the death penalty, however. In fact, the pope himself is quite against it. In Gissendaner's trial, Pope Francis weighed in on the decision. The day of the execution, a representative of Pope Francis sent a letter saying that the pope wanted "the board to spare Gissendaner's life" (Yan n.p.). Although it was not clear if the board actually saw the letter from the pope, the letter stated, "while not wishing to minimize the gravity of the crime for which Ms. Gissendaner has been convicted, and while sympathizing with the victims, I

nonetheless implore you, in consideration of the reasons that have been presented to your Board, to commute the sentence to one that would better express both justice and mercy" (Yan n.p.).

Since each individual criminal has a different view on how they would prefer to be punished for their crime, death penalty or life long imprisonment, it would be extremely difficult to fix the legal problems surrounding the issue. The purpose for the criminal justice system is to protect the community, but also to rehabilitate criminals when possible. The Catholic Church has been criticizing the death penalty for the past few decades for this reason. Pope John Paul II had a very firm belief that the death penalty should only be used as a last resort. He said, the death penalty should be used "if this is the only possible way of effectively defending human lives against the unjust aggressor. If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means" ("Death Penalty" n.p.). Way more often than not, non-lethal means are always an option. A life sentence does not involve any lethal means at all, so, according to the Catholic Church, this is the most effective form of punishment. While in prison, a criminal will be behind bars and watched, unable to hurt anyone else, so the safety of the general public would be certain. Because the death penalty would kill a human being, the criminal's life would not be spared, which also lends to the Catholic belief that all human life should be held in high regard.

Catholics believe that human life is sacred and should be respected, as Pope John Paul II says, "human life is sacred and inviolable at every moment of existence" (Paulus n.p.). Pope Francis addressed the United States Congress about the abolishment of the death penalty, stating that "I am convinced that this way is the best, since every life is sacred, every human person is endowed with an inalienable dignity, and society can only benefit from the rehabilitation of those



convicted of crimes" (Satlin n.p.). The church believes that dignity of human life applies to both the victims and the offenders, and therefore no life should be taken away.

Catholics believe that God is the only one who should create and destroy life, humans should not do it intentionally. One of the Ten Commandments, the most well known form of Catholic law, states "Thou shall not kill" as the sixth commandment (Exodus 20:13). Violating the Ten Commandments is sinning, and of course humans are not supposed to sin or else they might have a harder time getting to heaven. The death penalty is pretty clearly violating the sixth commandment, as someone is being killed outright. One might say that yes, the death penalty commits murder, but at the same time, didn't the murderer themselves kill someone? The Catholic Church would say that yes, this is very true, but the death penalty is never the answer, as "we cannot teach that killing is wrong by killing" ("Catholic Bishops..." n.p.). In sum, today, the Catholic Church does oppose the death penalty, and has started a movement to have it abolished all around the world.

Today, the United States is the only developed democracy in the entire world that uses capital punishment. Even though the number of executions has slowly been decreasing year by year, unfortunately I don't think the death penalty will be going away any time soon. However, if the number of states that have abolished the death penalty come to greatly outnumber those who don't, I think the supreme court might take it into consideration to abolish it federally, but some states still seem to be stuck in their old ways. If Catholics do continue to speak out against it, and use a moral argument as a reason to abolish the death penalty, as a group they could begin to persuade otherwise. The moral side of the argument brings a whole other side to the debate. Personally, I think that morality should play a huge part the decision whether or not to abolish

the death penalty, since intentionally killing a person is perhaps one of the biggest, most ungodly decisions one could make. It does not seem to be a just form of punishment, as I don't think anyone deserves to die despite what they have done. I believe that there is always room for forgiveness; for the victims to forgive the criminal as well as for the criminal to forgive themselves. This forgiveness can't take place if the criminal is dead, as there would be no reason to forgive them. I think that allowing criminals to ponder what they have done is the only way for them to figure out that it was wrong. I also think that Pope Francis could play a huge part in further looking to abolish the death penalty. Pope Francis is such a prominent figure in the world *and* to the US, and since he supports the abolishment of the death penalty he could definitely have an influence over the government. The abolishment of the death penalty need not be seen only from a governmental and secular point of view, but also from a moral point of view through the Catholic Church.

In conclusion, the death penalty might not do all that some people hope it does. While some think it causes the prisoners to suffer, the majority of prisoners actually welcome death as opposed to other punishments. While some think that the death penalty deters others from committing murders, those studies are not statistically proven and there is more credible evidence against that statement than there is for it. As surprising as it may sound, the death penalty is actually more expensive than life sentencing. Also, the church does not support the death penalty as they believe all human life is sacred, and no one deserves to die, despite the severity of the crime. The death penalty seems to not be as effective, or as moral, as people think it is. Robert Drew, a man executed by lethal injection on August 2, 1994 swore to the end that he

was innocent ("Texas Executes..." n.p.). His last words were "Remember, the death penalty is legal murder" ("Killer executed..." n.p.).

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