Ali

Enter the Name of Instructor

Philosophy

October 22nd, 2019.

Writing Assignment 2

Death penalty or capital punishment is a deliberate act of taking someone’s life who is convicted of life threatening offenses. From a state to state, the underlying causes of capital punishment stands different and leads to this deliberate act. The Consequentialist school in philosophy suggests that capital punishment remains synonym to inflicting the hard treatment by a state or state nominated authority for previous misconduct. For the consequentialist, the death penalty remains a conventional process that goes according to the resentment and the anger, which the accused has inflicted over someone else (Jackson and Jackson). They argue that since those who conduct actions which widely remains at a clash with the regulations offered by the states or with the general norms of the society, consequently, they deserve nothing more than death. They also argue about the death penalty in line with the “expressive theory about punishment (Jackson and Jackson)." The expressive theory of punishments addresses the underlying reasons for death penalties; therefore, many consequentialists cite the very same theory when referring to their ideas.

For deontologists, however, choices are morally required, prior to deciding about the fate of life and death of anyone. As deontology falls in the domain of moral framework, therefore, those belonging to the class of philosophy, cite the moral factors as the guiding element in their decisions about the death penalty as well. With reference to such rules of deontology in philosophy, the reference to such rules or the character traits is made in line with morals largely accepted by society. For many deontologists like Cassel, the morals should guide about the fate of anyone. The larger the wrong accusations are devoted with a self of anyone, the larger should be the punishment. Capital punishment is that’s how the ultimate consequence left.

Kant’s view about the death penalty is largely attributed to Kant’s passionate sermons. For Kant, capital punishment remains one of the primary punishment at the state’s prerogative (Swabey). Though he attributes capital punishment with the proved offense, however at many instances, he had been so stringent about his insistence. His such beliefs about capital punishment make the readers as philosophically suspect. For the reason of his much emphasis on capital punishment, the critics of him believe that his view of capital punishment is largely inconsistent with the fundamental tenets of morals and legal philosophy. Kant justifies his arguments about capital punishment based on the notion that essentially one among the two strategies is required to deny the execution (Swabey). The first remains denial by retribution, whereas the second is inviolable moral principles. These inviolable moral principles argue that the death penalty remains immoral and illegitimate. For his critics, such values appeal to the morals and values of human dignity and their right to life.

There are many reasons; one can disagree with Kant's view of moral philosophy. For example, his firmness on the notion that the death penalty stands at no difference with the morals of human dignity does not conform to the present-day laws (Swabey). Kant’s justification of his narrative about capital punishment appears –a kind of- outdated and vague concerning the legal systems in place today. It remains on the prerogative of the modern-day scholars to interpret Kant’s view about capital punishment so as to synchronize it with the modern jurisprudence at a place in our society.

Different from Kant, Paul Cassel and Bryan Stevenson have different views on death punishment. Cassel’s view remains that capital punishment must be referred to as a deterrent. This deterrent helps to limit the bad instances in society. If one who has committed murder or any such offense is held liable for his actions, the society generally and the states specifically can bring this deterrent in place to limit any such future incidence (Von Drehle). For example, if a person has killed anyone, he may in the future can become a source of taking another’s life. To curb such incidences in the future, it remains better to hold him accountable for his actions at the very first attempt (Von Drehle).

Bryan Stevenson, however, opposes the death sentence for the people who are considered as minors. He had been so vocal about the death sentence of these minors and people who have been involved in minor crimes (Stevenson). He believes that the United States' constitutional structure is different from many others and holds swerve consequences for the acts, which otherwise not result in the death will sentence in any other country. The best example to illustrate his point of view remains his opposition to capital punishment for those under the age of 18. In many of his publications, he has also referred toward banning capital punishment throughout the U.S. He advocates the notion that minors and adults, can be brought into social mainstream through the efforts in bettering their social circumstances.

There exist different structural problems and administrative objections about the way death penalty is implanted in America. The legal system in America remains too pelted. For outside, it is difficult to analyze the pretexts and the reasons which are developed for holding someone accountable for the death penalty. The first and the foremost objection, one may make to the administrative hurdles is removing this impediment. There can be other ways such as making the proceedings public before executing someone, so as the larger public becomes aware of the circumstances which lead to the death penalty.

Works Cited:

Jackson, Jesse, and Jesse Jackson. *Legal Lynching: Racism, Injustice, and the Death Penalty*. Marlowe & Company, 1996.

Stevenson, Bryan. *Just Mercy: A Story of Justice and Redemption*. Spiegel & Grau, 2015.

Swabey, William Curtis. *Ethical Theory: From Hobbes to Kant*. Philosophical Library, 1961.

Von Drehle, Dave. *Among the Lowest of the Dead: The Culture of Death Row*. Crown, 1995.