

Alexandre Sylvain

The Deterrent Effect of the Death Penalty

As of December 2020, more than 2,500 people are on death row in the United States (CNN). The death penalty is one of the most controversial topics in the criminal justice system around the world. In the U.S., more than half of the states are still using the death penalty as a punishment for crimes. However, the opposition is getting stronger over the years and the fight for the abolition of capital punishment is not done. The ethical issue remains one of the major problems of the death penalty knowing that its effects are limited. The deterrent effect of the death penalty hasn't been proven and some studies even prove that there is no such thing as deterrence in this form of punishment.

Capital punishment does not help with reducing crime rates. On average, states without capital punishment have lower homicide rates compared to the ones applying it. A study comparing crime rates in multiple states between 1997 and 2007 conducted by Gebhard Kirchgassner found that the deterrent effect cannot be proven. In that same study, the author compares data between the United States and Canada, a country that abolished the death penalty in 1976. He found that similar to the U.S. states without capital punishment, Canada's homicide rates are lower and therefore the death penalty has no impact on homicide rates and does not deter people from committing crimes. Researchers also used a series of felony and non-felony crimes over a short period of time and found that executions had a partial deterrent effect on non-felony crimes, while felony homicides increased after an execution. Both studies confirmed that the death penalty has no clear deterrent effects and that states or foreign countries that abolished the death penalty, end up with a lower homicide rate.

Japan is one of the few developed countries with the United States still using the death penalty. They are facing the same concerns about the deterrent effect of this punishment and question its necessity. Japanese researchers used newly available data from Japan's National Police Agency to determine if the death penalty is a real deterrent for homicides or robbery-homicides. They analyzed the deterrence effect on a specific period, between 2006 to 2009 and they found Japan had a total of 35 executions in four years with 15 executions just for the year 2008 (Muramatsu et al. 441). They did not find any evidence of deterrence during that time period. Overall, the founding results are consistent with research from the United States, that the death penalty does not deter homicides.

Paying attention to facts and research is key to better understand any topic. Therefore, the opinions of professionals in the field matter as they are more likely to be research-based. Radelet and Akers asked criminologists their opinions on the deterrent effect of the death penalty. These experts are from various associations like the American Society of Criminology (ASC), the Academy of Criminal Justice Sciences (ACJS), or the Law and Society Association (LSA). The results are clear, "Approximately 80% of the experts in criminology believe, on the basis of literature and research in criminology, that the death penalty does not have significant deterrent effects" (Radelet and Akers 8). They conclude that there is a wide consensus among America's top criminologists, stating there is no deterrent effect and that it can do little to reduce crime rates. They also found that public misinformation often leads to belief in the death penalty deterrent effect. Some people argue that if the punishment for a crime is death, offenders will reconsider committing any future crimes. This argument is mostly due to the large misinformation about the death penalty in the country as well as the difficulty for researchers to analyze deterrence. Another argument is that disregarding the deterrence or incapacitation effect,

the death penalty could reduce the cost of keeping people in prisons for life sentences. However, on more than 2 million people incarcerated in the U.S., the 2,500 residents on death row would not represent a huge cost for the U.S. carceral system if they were to be sentenced to life. The best way to solve the astronomic cost of incarceration in the U.S. would be engaging in prisons/jails population reduction and not by executing human beings.

We can also analyze the deterrent effect on specific crimes such as terrorist attacks. Tampubolon and Silalahi, two professors at the University of Indonesia, analyzed data on the death penalty and terrorism in Indonesia. The results showed that terrorism is a very specific crime that the death penalty will never deter. Individual committing acts of terror are most of the time indoctrinated. They explain that “the terrorist considers that what they are doing is right because this action is Jihad, which in their ideology when they die while committing this act: they are very ready to go to heaven and meet heaven angles” (Tampubolon and Silalahi 9). They argue that the purpose of legal sanctions should not be retaliation, but rather education, to try to change criminal behavior and fight indoctrination. Another way to explain that death penalty will never deter terrorism is one of their methods of attack, the suicide bomber techniques. Suicide bomber techniques are used to inflict a maximum number of casualties, in this case, terrorists are prepared to die for their ideology. The death penalty cannot solve the indoctrination problem for acts of terrorism as nothing will deter terrorism.

The Boston Marathon Bombing was a terrorist attack that we can use as an example for the previous article. The case of Dzhokhar Tsarnaev, who is one of the two responsible for the Boston bombing resulting in the death of three people and wounding hundreds is still not settled yet. The supreme court is actually weighing arguments about reinstating the death penalty for

him. However, as explained in the previous study from Indonesia, executing Dzhokhar Tsarnaev will not deter other terrorists from committing more terrorist attacks in the U.S.

The death penalty deterrent effect cannot be proven and most of the time is even proven to be non-existent. If there are no doubts about the incapacitation effect of the death penalty, it is not the case about the deterrent effect. Punishments should be beneficial for our society and not used as a revenge method. If society does not benefit from the death penalty as a whole, it is useless and inappropriate to keep using it. It is time for us to understand and listen to science, research, and facts, and not only believes. Capital punishment is morally wrong and therefore should be abolished around the world. It was abolished in Virginia just a few months ago, and that efforts should spread around the U.S. The best option for people living in states where the death penalty is still legal is to reach to your representatives and ask for changes. More than 2,500 people are on death row in the country. They need actions to be taken. They need you.

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