

City University of New York (CUNY)

## CUNY Academic Works

---

Dissertations and Theses

City College of New York

---

2010

### Evaluating the Deterrent Effect of Capital Punishment on Crime

Permitterio Leocadio  
*CUNY City College*

[How does access to this work benefit you? Let us know!](#)

More information about this work at: [https://academicworks.cuny.edu/cc\\_etds\\_theses/2](https://academicworks.cuny.edu/cc_etds_theses/2)

Discover additional works at: <https://academicworks.cuny.edu>

---

This work is made publicly available by the City University of New York (CUNY).  
Contact: [AcademicWorks@cuny.edu](mailto:AcademicWorks@cuny.edu)

Evaluating the Deterrent Effect of Capital Punishment on Crime

By

Permitterio Leocadio  
Sociology Department  
The City College of the City University of New York

Mentor  
Professor Reuben Thomas, Ph. D.  
The City College of the City University of New York

Submitted to the Faculty of Graduate Division  
Of the Sociology Department of the City College of the  
City University of New York  
In partial fulfillment of the requirements  
For the Degree of  
Master of Arts  
December 2010

*To*

*My mother, Arcenia Leocadio Alcantara*

*And to the memory of my father, Florentino Severino Hernandez*

*To my sisters, Ediburga, Agustina, Maritza, Minerva and Janely*

*And to my brothers Junior, Cedeño, and in a special manner to Brenny (honorifically) who has been one of my brothers that always to help to crystallize my ideas.*

*I am grateful to my family that has given me spiritual force and the great moral support that has inspired me to become a professional, with the master degree of sociology, in this great nation of the United States of America.*

*New York, 2010*

**Masters Thesis /2010**

**By Permitterio Leocadio**

**The City College of the City University of New York**

**TITLE:** Evaluating the Deterrent Effect of Capital Punishment on Crime

**Research Question:** What is the effect of capital punishment on crime?

**Hypothesis:** Capital Punishment can reduce crime.

**OUTLINE:**

**1-Introduction** -Presentation and meaning about Capital punishment and Deterrence

**2-Background:** Origin and basis for establishment of Capital Punishment on crime

**3-Deterrence:** As argument to support capital punishment

**4-Opponents:** Arguments and findings against death penalty as deterrent of crime

**5-Supporters:** Arguments and evidences in favor of capital punishment as a deterrent of crime.

**6-Conclusion:** Inference and some final recommendations.

**Abstract:**

Many researchers, academics or philosophers see capital punishment as a deterrent to crime. Several states in the United States apply the death penalty to try to reduce crime. Other states do not agree with the application of this repressive law arguing that a crime should not be solved with another crime. From a theoretical view, the principal point of analysis about capital punishment in this present work is to state that capital punishment can reduce crime. Here also it will be examined some of the collateral consequences of the application of capital punishment, and its implications for the Criminal Justice System. I will compare the benefits and the costs of the application of capital punishment. Although the application of this law has its collateral consequences that can affect innocent individuals, juveniles, insane, or minorities, it is important to consider that this law can prevent criminal acts if used to penalize convicted murderers.

## **Evaluating the Deterrent Effect of Capital Punishment on Crime**

### **1-INTRODUCTION**

The objective of this work is to make an evaluation about the deterrence effect of capital punishment on crime. Deterrence is concerned with the ability of the death penalty to reduce or prevent criminal acts. Capital punishment refers to execution of a person as punishment after he or she has been convicted of a crime, generally murder. In the broad world of the laws, it has been considered generally two types of crimes. One is misdemeanors that refer to insignificant or minor robbery and or vandalism. The other type of crime is a felony that includes very serious crimes such as murder, rape or kidnapping (Walker: 9). The principal emphasis in this work is to be addressed toward the idea that capital punishment can reduce the crime, specifically the homicide rates. Also to be considered the collateral consequences of capital punishment that can include racial disparity, execution of people who are proven to be innocent, others that could be executed who are insane, and juveniles who are tried as adults and eligible for the death penalty.

Capital punishment is a controversial issue in almost all levels of social spheres because many argue about the possibility that innocent people

and others not eligible for the death penalty could be executed. Many attribute their opposition on a moral and religious basis. Others think that capital punishment is a deterrent of crime, and that in fact this law should be applied absolutely to penalize convicted murderers. Moreover, they believe that spending certain time in prison is an insufficient sentence to punish an act of assassination. The effect of capital punishment on crime should be evaluated based on the reduction of the rate of violent crimes or, of course, on the basis of the decreasing of murders. According to some reports, in some states like California and Texas, the crime has decreased due to the application of capital punishment. So the effect of the death penalty should not be seen from a sentimental or emotional view.

## **2-BACKGROUND**

Capital punishment has existed from ancient times according to some studies. The death penalty can be implemented by different methods such as Decapitation, Electrocution, or electric chair, Firing squad, Gas chambers, Hanging, Lethal injection, firing squads, Stoning and others. In the 1700s before the Christian era, the Code of Hammurabi ordered the death penalty for minor crimes such as the fraudulent sale of alcoholic drinks. In the medieval epoch were punishable with the death penalty crimes such as

reduced robbery and rape among others; but there was also evident that Henry VIII in England ordered extrajudicial executions. This means that many executions could have been practiced to innocent people during the period of this king of England. In 1789, Dr. Joseph –Ignace Guillotin proposed a beheading machine as method of execution. In 1791 the first ten amendments to the United States Constitution were adopted, and the Eight Amendment prohibits “cruel and unusual punishment”. Nevertheless, the Constitution supposes the legality of capital punishment. For example, the Fifth Amendment supports that no one will be obligated to respond of a offense or incriminate themselves unless he/she it be accused by a grand jury or panel of adjudicators. Also that no one will lose his/her life or liberty without the due legal process. This means that a convicted murderer could be executed under the due legal process if he/she is proved guilty. For example, in 1794 Pennsylvania institutes that capital punishment is reserved for first –degree murders (Henderson: 90, 91, and 92). So any founded guilty of murder would be executed.

In the United States, the first documented execution occurred as early as in 1608 during the colonial era when Captain George Kendall was executed for being a spy. The colonial laws such as capital punishment were borrowed from British laws where about fifty crimes were considered as



capital offense including vagrancy, heresy, witchcraft, rape, murder, and treason, among others (Walker: 11).

There are four aspects of capital punishment in the United States that have characterized the evolution of this law. First, the reduction in the number and types of crimes that includes various categories that one can be sentenced to capital punishment. 1-this category includes murder in a felony like rape, robbery and kidnapping, 2-multiple murders, 3-murder of police or correctional officer, 4-cruel or heinous murder, 5-murder for financial gain, 6-murder by an offender being convicted previously for a violent crime, and 7-causing or directing another to commit murder. About 80% of capital cases in United States involve defendants charged with “felony-murder” (Mitchel: 14, 15).

The second aspect in the evolution of capital punishment is the attempt to reduce cruelty in executing people by replacing a method or technology with another one. For example in the 1800s the most used method for execution was hanging, this was replaced by electrocution, then lethal gas and ultimately the most used method is the lethal injection. The third aspect of capital punishment in its evolution is the attempt of policy-makers to try to make the sentence to death fair and rational through a due process. The fourth aspect is the sanitizing of executions. For example in the

1700s and 1800s the executions were made in public way in front of “hundreds of spectators as day’s festivities” (Mitchell: 16) while today the executions are made in a more discreet way through of specialized procedures (Mitchell: 14, 15, 16). For example, the execution of Timothy McVeigh in Oklahoma City by 2001 was a case in which the accused had a trial through due process, with a grand jury, then sentenced to death, and finally discretely executed with the method of lethal injection. McVeigh was proved guilty by a grand jury of putting a bomb in the Alfred P. Murrah Federal Building killing 168 people.

From 1976, when the death penalty was restored until September 2007, about 1009 individuals have been executed in the United States of America. Texas had the major number of executions, with a total of 405, more than 80% of the executions in the country occurred in the South (Walker: 17).

Capital punishment in the United States has had many changes since the 1800s; the U.S. government has attempted to limit its use of capital punishment although it is considered legal in the Criminal Justice System. During the 1930s and 1940s, campaigns against the death penalty took place on a national level; the movement was looking to stop the public execution, especially hangings. Several noted abolitionists of the death penalty were

Edward Livingston, William Cullen Bryan (editor of the *New York Post*), and Horace Greeley (founder of *New York Tribune*) among others. In 1947 Michigan was the first state to abolish the capital punishment; by 1917, twelve states had abolished the capital punishment (Henderson: (8, 9).

Actually, thirty-eight states (about 75% of all the states) of the United of America employ the death penalty that including Alabama, California, Florida, Arizona, Maryland, New Jersey, East Virginia, Texas and Washington among others. Each state has differences and similarities in applying this controversial law. For example, Alabama, applies the death penalty to intentional murder, with a minimum age of sixteen years old. If he or she is mentally disabled then he or she is not eligible for the death penalty but is eligible for life in prison without parole. The method of execution in Alabama is electrocution. The sentence is decided by the judge or by the recommendation of a grand jury. Florida sentences capital punishment for offenses of first degree murder, felony murder, and capital drug trafficking, with a minimum age of seven-teen years old. The sentence is similarly decided as in Alabama, but the method for execution can be either electrocution or lethal injection. New York employs the death penalty to first degree- murder minimum age of eight-teen years old. The sentence is also decided by a grand jury and the method of execution used is lethal

injection (Henderson: 48-54). Nevertheless, the state of New York has not yet executed any murderer.

Capital punishment can be applied to a capital offense that refers to a murder where the criminal acted with deliberate intent. Capital offense also could include aggravating circumstances such as multiple victims, if the victim was a police or correctional officer, and if offender was previously convicted of a violent crime or another capital offense among others. The death penalty is compulsory mostly for murders committed during the course of another felony (Henderson: 26). In 1998, about ninety-four countries in the world actively used the death penalty, and the four principal nations using capital punishment were China, Ukraine, Russian and the United States. It is important to point out here that American courts have tended to restrict capital punishment to crimes that involve homicide.

There are twelve states of the United States that do not have established the capital punishment but could use it in an optional way in circumstances such as first-degree murder. Such states include to Michigan, Alaska, Iowa, Minnesota, North Dakota, Wisconsin, Hawaii, West Virginia, Rhode Island, Vermont, Maine, and Massachusetts. Culture, religion, and politics have played an important role in the issue of whether enforcing the death penalty is a solution to reduce crime (Espejo: 15). The U.S. territories

of American Samoa, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, and the District of Columbia also do not apply the capital punishment (Walker: 17).

In the world, there are actually seven-teen countries with the death penalty; countries using the death penalty include Afghanistan, the Bahamas, Belize, China, Ghana, Iran, Iraq, Korea, Libya, Syria, Uganda, The United States and Vietnam. Until 2006, 1591 executions were made, and 91% of those executions correspond to China, Iran, Pakistan, Iraq and Sudan and the United States (Walker: 82). According to Amnesty International, an organization campaigns for the abolition of the capital punishment, about fifty two prisoners were executed during the 2009 in the United States while in the world were executed about 1,700 inmates.

### **3-DETERRENCE**

As mentioned previously, deterrence suggests that punishment discourages people from criminal behavior. Deterrence is a general idea about the reduction of murder rates by using execution or capital punishment. Many investigations have reported evidence in favor of and against capital punishment as a deterrent of crime by examining murder rates in states with and without capital punishment (Espejo: 6). Promoters of the

capital punishment argue that fear of death prevents people from committing murders and other grave crimes; people will think twice before they risk committing a crime that will be punished through execution.

Opponents of capital punishment, on the other hand, reject the deterrent value of the death penalty by arguing that there is not any definitive evidence to show that the death penalty has some impact on the rate of violent crime. They suggest that prolonged incarceration could be more effective as a deterrent of crime than capital punishment. Nevertheless opponents and advocates of capital punishment converge in the belief that society has a right to protect itself from criminal action (Henderson: 14-15). They agree that criminal acts must be punished to keep a society safe.

In addition, society should also establish methods for its protection by creating laws through social consensus in which a great percentage of the population agree. If the majority of the population in a determine nation agrees that a given law is convenient for the well being or protection of their society, in this case the death penalty, the decision on the utilization of the death penalty for murderers would be more fair and representative of the people. As it will be detailed and disused in the following pages of this paper, some studies provide evidence that the death penalty does not deter

the crime whereas other studies have demonstrated that in fact the capital punishment reduces crime.

#### **4-OPPONENTS**

##### **Racial disparity**

For many Americans the crime has a black aspect. According to Marcus Mabry, Evan Thomas and Scott Minerbrook, fear of black crime is because racist feelings. They argue that these feelings emphasize in the Americans “fear of crime” and consequently Scott Minerbrook disputes that fear of black people have brought as a result discrimination in the criminal justice system(Winters: 260, 261).

A great question that opponents of capital punishment ask is if the death penalty is fair. They suggest that the death penalty is unjust to minorities and the poor because those groups are more likely to be found guilty of crimes or sentenced to the death penalty than rich or white people. They attribute this racial disparity to several factors. For example, poor people are poor or minority defendants are mostly represented by courts’ attorneys who are generally without experience and poorly paid (E. Williams: 7-10).

Sometimes, when defendants or their families can not to pay an experienced attorney, the ending up losing a given case in which the defendant could have avoided the death penalty. Opponents of the death penalty fear that many minority persons are at great risk of being executed in an unclear process of sentencing; some can be judged with bias or prejudice. According to Stephen Bright, in recent years, a court of Georgia appointed a lawyer to represent a black man, because he was poor. The defense lawyer referred to his client by saying “he is poor and broke; he’s got an appointed lawyer” (Williams: 10). The final verdict for this black man was the death penalty. Opponent of the death penalty believe that the more cruel sentences are kept for blacks and the poor (Williams: 10-11).

In the 1970s, African American prisoners were considered totally irreparable and that keeping them incarcerated was much better to protect society (Frampton: 93). This constructed image of African American prisoners could suggest that they are disadvantaged under any condition faced in the Criminal Justice System. In this way, the opponents of capital punishment argue that many innocents could be executed because of their minority status. Few years ago, investigations discovered that in Florida, two prisoners were put to death for a crime they did not commit and one person was put to death in Mississippi in similar situation of innocent (Mitchell:



68). However, opponents of capital punishment admit that there is not conclusive evidence that most individuals sentenced to death are innocent.

According to the Death Penalty Information Center, by using DNA tests and other methods, thirty-five prisoners were found innocent and discharged from death penalty row from 2000 to 2004 (Walker:64). This proof of innocence through DNA implies that if there is a good supervision during this process of sentencing criminals, the risk to impose capital punishment on innocent persons or minority groups could be reduced in this way. Nevertheless, opponents continue believing that capital punishment should be abolished. They believe that life imprisonment could be a better punishment to crimes because this sentence puts the criminals out of society for the rest of their lives. This also could help to save the life of the prisoner if later is declared innocent. Many believe that in the future, life in prison could be more used than the death penalty to punish murderers. For example, in recent surveys from Maryland, Kansas, and Pennsylvania, respondents were asked if life in prison without parole was a better alternative to the capital punishment for murder, about 60% of them agreed with life in prison without parole (Walker: 89, 90, 91).

According to Eric M. Freedman, “the death penalty is arbitrary in its administration” therefore he believes that the execution of innocent

individuals is unavoidable (Mitchell: 63). According to him, in some states, the significant elements that determine a sentence to death for a defendant do not correspond to “the seriousness of his or her crime”. For example, in recent years, during five-years, a study in Florida and Georgia reported that for Georgia when blacks kill whites, the 20.1% of them are sentenced to death and in Florida this is 13.7%. But when whites kill whites in Georgia, only the 5.7% of them are sentenced to death and in Florida this cipher is 5.2%. When whites kill blacks in Georgia the 2.9% are sentenced to death and in Florida the 4.3%, nevertheless, when blacks kill blacks in Georgia the 0.8% of them are sentenced to death and in Florida are sentenced to death only 0.7% (Mitchell: 66, 67). Undoubtedly the data showed above suggest a disparity between black and white murderers sentenced to death in these two states. This does not mean that the death penalty should not be implemented to try to reduce crime rates because its unavoidable mistakes that could occur in any other established policy. This precisely means that any system or public policy is imperfect, so the process to sentence a criminal to death also could have its mistakes.

The death penalty, it should be implemented by due process in order to avoid that innocent people being executed for crimes they have not committed. It is important to point out that according to Christopher

Hitchens, Americans want feel safe and therefore many support the death penalty in order to alleviate “their fear of violence” (Mitchell : 47). In addition, although opponents sustain that the capital punishment executes innocent persons and that blacks are sentenced to death penalty in a disproportionate way, studies prove that of about 600 prisoner murderers executed from 1976 when was restored the death penalty to 2007, no one has been confirmed innocent (Williams: 84, 85). This affirmation neutralizes the assumption about that the capital punishment executes innocent people. Some states such as Hawaii agree that the death penalty could be applied disproportionately to racial minorities and poor. Michael McCain, district attorney in Milwaukee shares the idea that the capital punishment is applied inequitable to minorities; he says “It rare that a wealthy white man gets executed, if it happens at all” (Espejo: 17).

According to the National Association for the Advancement of Colored People (NAACP), the 43% of the people in death row in the prisons of United State are African Americans. According to Bonner and Fessenden there are evidences that show that the death penalty has been employed with more frequency when the victim was a white person. For example, the 82 % of the victims of death row prisoners were white, while 50 % of all homicide victims were white (Espejo:17). Investigators at Stanford

University found that the correlation between skin color and the death sentence disappears when both murders and victims are Blacks. However, trial attorneys try to select jurors free of bias or prejudice that can influence their decisions to arrive to a verdict (Walker: 58, 59).

### **Juveniles who are eligible for capital punishment**

The death penalty for juveniles is another issue involved in the debate of whether this law is really applied to deter crime or is simply mostly applied to vulnerable persons such as young. Some states of the United States execute persons for crimes they committed when they were children. About 300 youths have been executed in this way before they were eighteen years old. Actually, about 2% of the people sentenced to death by the court are juveniles. After the reestablishment of the capital punishment in the United States in 1976, the States have executed 11 juveniles, eight of them after 1990. During this same period judges have sentenced 173 offenders for crimes they committed as juveniles, this is about 2.7% of the total of people sentenced to death in the United States (Feld Barry: 236-237).

Recent cases show that young murderers are granted with penalty different from capital punishment. For example, in Dallas, Texas a twelve years old girl and her boyfriend, a third-teen old boy, would be charged with

capital murder if result guilty of the death of the girl's mother and her stepfather, who were shot on August 17/10. The pair could only face forty years in jail that is the maximum penalty for juveniles in this state (New York Daily News, p10).

Opponents sustain that the capital punishment can promote juvenile violence. According to Philip Brasfield, juvenile crimes could be explained as a reaction of teens to their learning from observing the "state example" by executing citizens to deal with crime. They believe that his could give to the teenagers a message or a wrong teaching that murder could be used "to solve society's problems". (Espejo: 39). I do not believe that the legal execution of a murderer could become a wrong teaching for juveniles if they are properly instructed about the capital punishment. According to the theory of the socialization, individuals the social behavior both deviant and conformist is controlled mostly by the socially learned norms and values (Holton and Hunt: 182).

The instruction for juveniles concerning this law should be in the context the death penalty being only applied for those who destroy the lives of others in an intentional way. For example, through the case of the execution of Timothy McVeigh in the Oklahoma City because he was convicted bomber, children and teenagers could be taught to understand that

people who in an intentional manner commit terrorist acts to kill to others, will executed in order to give example to others.

According to the investigations, Timothy McVeigh premeditated this crime. He wanted destroy a federal building with the objective of killing people. On the morning of April 19, 1995, McVeigh commit his intended crime, a bomb was put in the Alfred P. Murrah Federal Building by McVeigh with the helping of his accomplices. The bomb destroyed the federal building killing 168 innocent people and thousands of others were injured (Sherrow: 7).

During the trial, a grand jury composed of twelve people achieved unanimously came to the verdict of guilty for McVeigh. Then, the same grand jury decided to enforce the death penalty, and Timothy McVeigh was sentenced to death, and later executed by lethal injection (Sherrow: 39,40). Some believe that vengeance is not the solution, Bud Welch –the father of Julie one of 19 children killed during the bombing of the Alfred P. Murrah Federal Building, made efforts by arguing against the execution for Timothy McVeigh, however he was executed in 2001(Richardson: 104). This case represents an example for others and the society in general to avoid such criminal acts. The deterrent effect of the death penalty here is clear; others will be prevented of acting in that manner, and so save lives. A great

question in relation to this case, for opponents of capital punishment to ask could be: who or what taught Timothy McVeigh violence?

According studies, juvenile crimes could be explained mostly by grave conduct issues they faced in their early childhood context such as family and neighborhood. The principal influential factors in criminal juvenile behavior come from non supportive family that includes child neglect and repression. For example, according to Richard A. Mendel, 50 % of discarded by their parents committed serious crimes while 20 % neglected or abused tended to display criminal behavior. Underclass environment and friends also have relation with delinquent behavior because of regular association of many children with “drug- using peers or participating in a young gang” (Bender: 71, 72).

### **Insane prisoners eligible for capital punishment**

Competency is another very controversial issue for the application of capital punishment. According to the 8<sup>th</sup> Amendment of the Constitution of the United States, prisoners with mental illness can be executed only if they understand the sentence. This amendment prohibits the execution, only to people who are unaware of the punishment they face, because in this condition they are incompetent or ineligible to be executed. Some argue that

many prisoners could be executed in an insane condition. Also, they argue that others could be executed after they have restored their competency through forced medication. From Mental Health America, in Position 54, the policy position includes that defendants should not be sentenced to the death penalty or executed if they were mentally insane when they committed the crime.

Mental Health America also believes among other things that evaluation of competency to stand trial should be conducted by very qualified experts or professionals in order to avoid unfair sentence that could put in danger the life or liberty of a mentally incompetent individual (MHA, Position St 54: 1, 2). This is great because is a way in which the sate can demonstrate that the objective to punish a crime is to assure justice for the victim and a fair sentence for the offender pays in base his committed crime.

Singleton was convicted of capital felony murder in the state of Arkansas, in 1979. His execution was scheduled for June 4 1982. Later he petitioned for a stay of execution and order of habeas corpus and made some claims such as that he was incompetent and therefore ineligible for execution under Ford v. Washington 477 U.S. 399 (1986) that prohibits the execution of an insane. In 1997, the state placed Singleton on an involuntary medication regime after a panel review agreed that he presented danger to



himself and others. After the medication, Singleton's psychotic symptoms decreased and his execution was scheduled for March 1, 2000. In February, 2000 he petitioned for habeas corpus again arguing that the State could not constitutionally restore his competency by forced medication and then execute him. The Court denied the petition affirming that he had not proof that the only interest of medication was to restore competency for his execution. The Court support that a State may administrate forced medication to a prisoner if he/she presents dangers to himself/herself or others, and the objective is medical's interest. Singleton apparently attempted to avoid the penalty imposed on him.

Singleton presents the Court two options: 1) involuntary medication and then his possible execution or 2) no medication resulting in psychosis and imprisonment, he also offers a third option based on a stay of execution until involuntary medication help restore his competency. He believes that the principal objective of medication is to restore his competency for execution; therefore he gives those choices to the Court. In this part of the process, one could suggest that Singleton is manipulative or suspicious of malingering, that he understands the sentence and therefore he is competent to be executed. Singleton considers himself as "artificially competent" and therefore he must not be executed. Singleton is on death row from 1997

because of his conviction for felony murder of Mary Lou York. He was on psychotropic medication, initially to alleviate his anxiety and depression. He was also diagnosed with schizophrenia and placed on antipsychotic medication voluntarily but he refused it later and was forced to do it.

Singleton was in observation from June, 2000 to August, 2000 and he was interviewed several times by the Dr. Mrad (psychologist in forensic evaluation). Singleton admitted he was having hallucinations. He believed, among other things that he was God or the Holy Spirit, he also admitted he had tried to kill himself. Dr. Mrad stated that Singleton was psychotic because of his hallucinations. Dr. Mrad also stated that Singleton's disorder is chronic and that with the time it gets worse. Dr. Mrad determined that Singleton was incompetent, this mean that he is ineligible for execution. By December 2001, Singleton sent a letter to the Court saying he believed Mary Lou York was not dead and that she was waiting for him in "this hearth".

Singleton is an insane death row prisoner forced to take medication with drugs, the Court could restore his competency by voluntary or involuntary medication, and consequently he would be executed. A great dilemma here is how determine if the objective of his medication is in base to medical interest or purely the restoration of competency for execution.

The forensic expert, Dr. Mrad acted in a correct way when he conclude that Singleton is incompetent to stand trial, and therefore he is ineligible for execution. According to the development the case, Singleton could have been executed previously if he only objective of the state would have been to kill him. But the state stays his execution through his incompetence by insanity.

**Source: Center for Cognitive Liberty and Ethics**

### **The capital punishment does not deter the crime**

Opponents argue that the death penalty is not a solution to reduce crime. Some critics of capital punishment suggest that it does not deter the crime rates, that this is very expensive, and that the presence or absence of this law in a state is not a decisive factor in the actions of murderers.

Studies conducted by the Federal Bureau of Investigation have showed that ten of the twelve states without the death penalty have murder rates below the national standard whereas the 50% of the states with the application of this law have homicide rates above the national average.

Another study by the New York Times reveals that, the crime rates could increase or decrease in any state independently whether or not the capital punishment exists (Espejo; 14). Others studies show that eight-teen

of the twenty states with the highest murder rates apply the capital punishment. Seven-teen of the twenty biggest cities in the United States present the highest murder rates in the nation, all of them belong to states where the death penalty is applied (Mitchell: 64).

Some argue that threat of punishment only does not have effect on reducing crime, and therefore the death penalty is the solution to reduce crime. But to prove the relationship between execution and deterrence could be difficult because different reasons could be involved in the reduction of crime rates. In 1991, a survey realized by Gallup confirmed that 75 % of Americans favor the death penalty while only 13% consider that the capital punishment has deterrent effect on crime (Grabowski: 11).

Different methods have been used to measure the deterrent effect of the death penalty on crime. One of the methods used is to compare the crime rates between states that apply the death penalty and those that do not apply it. According to FBI Statistics, in the decade of the 1980s, studies showed that the death penalty is not a deterrent of crime, the occurrence of murder in states with the death penalty was about 7.5 in each 100, 000 people. States without the death penalty presented an average of 7.4. They support that some states applying the death penalty have murder rates higher than those states non- having the death penalty. In 1996, Missouri State that has the

death penalty presented a murder rate of 8 while Iowa without the death penalty showed a murder rate of 2 per each 100,000 inhabitants. Illinois that apply the death penalty presented 10 murders each 100,000 people also in 1996 while Wisconsin without the death penalty showed only a murder rate of 4. In addition, a Bureau of Justice Statistics showed that in 1996, the south of the United States had 9 murders each 100,000 people, the highest rate in the country while the Northeast had 5.4 per 100,000 people, and the national rate was of 7.4. By understanding that about eighty-one percent of all executions in the country in 1996 were in the South, this suggests that the capital punishment has not a significant deterrent effect on crime (Grabowski: 11, 12).

In addition, according to the Bureau of Justice Statistics, in 1997 the average murder rate in states with the capital punishment was of 6.6 whereas for states without the capital punishment the murder rate was 3.5 (Espejo: 58). According to the data mentioned above, from the data of the Bureau of Justice Statistics, the states with the death penalty had approximately two times the homicide rate of the states that do not apply the death penalty.

Opponents appeal to the “brutalization effect” or theory of the death penalty in order to support that capital punishment is not a deterrent of crime. According to this theory, executions promote murders by desensitizing

people to the depravity to kill, legalizing vengeance in which persons see it acceptable, and by imitation in which people can understand that they can kill their adversaries in a determine circumstance (Espejo: 60). The brutalization theory has been supported by some studies. In Georgia, a publicized execution was followed by twenty-six homicide cases equivalent to 6.8% increase in a month. The same study found that in general each execution was related to an increase of 5.5 murders.

Opponents also sustain that the cost of capital punishment is higher than the cost of prison for life. A study done in New York, in 1982, showed that approximately the cost of the death penalty is about triple of the cost of life in prison. In Florida, the cost of capital punishment is about six times more, where a single execution costs an average of \$3.2 million; this expense is due to a long process of appeals that usually occurs in a capital punishment case. In Texas the cost is \$2.3 million with about three times which of life in prison for about forty -years. Therefore, the authorities in some states are trying to reduce trial time by using special motion and extra jury selection (Mitchell: 64, 65). Many in the United States believe that capital punishment is less expensive than life in prison. Capital punishment could save time and money. This idea is false, according to opponents

because many prisoners can work in the prison industries and in this way reduces the cost of their imprisonment (Mitchell: 19, 20).

Opponents also think that the capital punishment is not a deterrent of crime because killers mostly do not consider the consequence of their criminal actions. John O’Hair district attorney in Detroit who has been judge said the majority of homicides correspond to “impulsive actions, crimes of passion”, he do not believes that death penalty can prevent crime, and although Detroit is among one of the states with the highest homicide rates, death penalty is not the solution (Espejo: 18).

The argument about the disproportionate application of the death penalty to poor and minority prisoners or even juveniles could be acceptable to reject the application of the death penalty, if consistent evidences show in fact that innocent people are being executed. But the argument over crime of passion or impulsive actions could not represent a strong support to reject the death penalty. One could think about the family of the victim and the value of the life of the victim that rarely is mentioned by opponents of the capital punishment. Although many believe the solution of a crime is not precisely solved with another crime. Under law, an execution based on a due process, and should not be considered as a crime because of its legal establishment.

Moreover, it should be understood that the laws established are mostly the product of social problems. Social problems generally suggest changes in certain laws or even the creation of new laws to its solution. According the concepts of Emile Durkheim, the characteristics of punishment originate from the nature of crime (Calhoun, Gerteis, Moody, Pfaff, and Virk: 164). In the specific case of the death penalty, many nations or states see it as a solution or at least a way to reduce the social problem of crime. The implement of capital punishment is an effect of wanting to solve a social problem. The public opinion of wanting a way to reduce crime supports the establishment of capital punishment.

Some laws come from public sensibility. For example the “three – strikes” law in California was the result of a public emotional response to the crime committed on Polly Klass (Tornry: 5). It is known that Polly Klass, a twelve years –old girl who was captured from her home and then killed by a sex offender called Richard Davis, the innocence of the victim among other things such as that he criminal said that the girl asked him to kill her, made a great effervescence in the political environment. Finally, Californians voted in favor for the establishment of this new law in 1994, which requires life in prison after a third felony conviction. I would add here, in terms of extrapolation that probably, after a third or fourth felony conviction, the



public opinion could be oriented toward ask for the capital punishment as maximum sentence for the offender. Therefore, the death penalty is the product of the claim of many who understand that this is a considerable manner to deter murder rates.

### **Christian Religious basis of opponents to capital punishment**

Opponents of capital punishment also argue that this law is immoral and there is some religious basis that censures it. Pope John Paul II was strongly opponent of the death penalty. Christian religion presents the story of Cain and Abel, where many opponents argue as an example of that a murder can be punished in a different way than capital punishment. Cain killed his brother Abel because of jealousy; Cain was not sentenced to death “God sent him to wander the earth”. In the Catholic Church both the Pope John Pal II was opponent of death penalty, now Benedict XVI also is great opponent of the death penalty. Therefore, it has been considered that for many Catholic people into the Christian religion, the position adopted by those two great Catholic Leaders would be sufficient to be in opposition to the application of the capital punishment (Walker: 49). It is important to point out that in the United States the religious factor could be irrelevant to

influence the use of the death penalty because there is a separation between the religion and the state.

## **5-SUPPORTERS**

Supporters of the death penalty believe that racial disparity is uncertain in the application of this law because this could disappear when the convicts and their victims are blacks. For supporters, capital punishment is moral and there are religious basis that justify it. Death penalty is moral because is proportionate to the harm done to the murder victim. They also think this sentence prevents convicted killers from commit another crime and that the execution of a murderer could also prevent to other potential killers to commit murder (E. Williams: 18-20). Supporters of the death penalty believe that life imprisonment is not a deterrent of crime, and that inmates in life prison without parole could commit crimes from prison because they do not have “nothing to loose” (Walker: 92).

In New York, the governor Gorge E. Pataki explains that he signed the law that restored the death penalty because he understands that execution is a deterrent of crime and at the same time it gives a social message. The message is that people who commit murder will be not permitted to continue living. This law of 1995 establishes among other things that killers, who

assassinate a police officer, a judge, or a witness, are “subject to death penalty” (R. Mitchell: 60).

Advocates of capital punishment believe that moral culpability can be connected, according to the law, to the shock a crime has on the victim. They say that a murderer is guilty of a more grave offense than a person who simply injures another (Henderson: 17). During the 1970s, studies analyzing the national murder rate between 1930 and 1970, economist Isaac Ehrlich estimated that each one execution can prevent about seven or eight murders. In 2001 study of some economists such as Paul Rubin, Joana Mehlhop and others showed that one execution can prevent between seven and twenty-five murders (Espejo: 6). This indicates that the application of the death penalty is worth of study to determine its effect on crime.

Also, other studies have demonstrated that the death penalty is a deterrent of crime because each execution of a murderer is equivalent to the reduction of assassinations by about five. This study also considers that despite the evidence which the death penalty tend to reduce the crime, also it is important for any present or future study, to contemplate other possible factors that could be involved in sentencing a criminal to death. (Gittings KAJ and Mocan H: 454). Certainly, it is probable that the due process can

put clear the factors that can involve a verdict that would result in the death penalty for a criminal.

### **Christian Religious basis of supporters to justify the death penalty**

Many Supporters of the death penalty, especially Christians or Catholics base their religious argument in which “the Bible indicates that there are certain offenses that should be punished by death”, and therefore it justifies the continued use of capital punishment in such offense as first-degree crime. Genesis, the first of the Bible, sustain that capital punishment is correct for murders. Christian’s proponents of death penalty generally believe that the Bible, in this sense should be followed (Walker: 41, 42, 43 and 44). According to reports, in 1998, Karla Faye Tucker was the first woman executed in Texas after the Civil War. She was sentenced to death because killing two people in 1983. During four-teen years in prison she repented of her criminal behavior and promised that she had changed, and converted to Christian. In base her religious beliefs, she pretended publicly commute her sentence to death to life in prison. Some believed she deserved to continue living because of her repenting or religion as well as her possible rehabilitation.

Others, a great majority assured that the sentence to death for Tucker was fair because she had killed two people “in cold blood”. Many officials of the state of Texas refused give any opportunity to Tucker to live. In this large process, the last words were from the Governor of Texas George W. Bush who evaded stay Tucker execution. He assured she had the capital punishment and “it have to be managed “fairly and justly based on the facts of the crime” (Netzley: 67, 68 and 69). With those words the execution of Karla Faye Tucker becomes a reality in 1998 in the State of Texas. In relation to the execution of Tucker, many opined that this was fair. For example, Tony Snow, from Detroit News, supports that Tucker execution was necessary to prevent other criminal people sentenced to death, to simulate rehabilitation and pretending to evade execution from the use of religious basis (Netzley:70). This execution was an example to prevent potential criminals from killing.

### **Economic aspects of crime**

It has been pointed out that the higher crime rates correspond to states with a great amount of poor people and that there is correlation of crime with lack of economic opportunities or unemployment. This argument has been rejected by who point out that for example, a man having to support a

family and facing more urgent economic needs than a young or single man, has less inclination to crime. Also studies have showed that women are less prone to crime than men even with economic lacking. Others studies reveal that in 1961 the unemployment rate in the United States was 6.6% while the criminal rate was 1.9 per 1000 people. In 1969 the unemployment rate was 3.4% and the crime rate increased to 3.7 per 1000 people. The recession from 1980 to 1982 was accompanied by a drop in crime. Later when the economy revitalized, the crime rate increased. Criminologists such as Thomas Orsah and Richard Freeman conclude that the relationship between unemployment and crime is too weak to be measured. Mr. Freeman also concludes that “if unemployment were cut by 50%, the crime rate would drop by only 5%”. Some criminologists compare crime with any other “business” activity that turns up in good epochs (A. Winters: 53, 54, and 55).

Studies about the economics of crime have demonstrated that sanctions have an impact on criminal activity. For example, with increased arrests police have a deterrent effect on crime. According to the economic theory of crime or standard economic model of crime, an offender could respond to distinguish between the advantages and disadvantages of committing a crime (Gittings KAJ and Mocan H: 454). This is a well reasoned idea, although not all criminals are normal persons, many of them

could deter from committing crimes due to the possible consequence that later they could face by being sentenced to death.

### **Racial Disparity**

Supporters believe that racial disparity is few probalbe because black people are more often to commit crimes than other groups and therefore they are more often to be sentenced to death than other groups. According to William Tucker, a writer of Brooklyn, New York, the capital punishment reduces the crime. He says that statistics have showed that the application of this law “deters-not increases-murder” (Espejo: 9). From 1994, various states that apply the capital punishment have showed less homicide cases than those where this law is not applied.

The drop in murder rates, mostly from the 1990s, has been marked in the states that apply the capital punishment. According to Tucker, ten of the twelve states where has not been adopted the capital punishment including Maine, Vermont, Massachusetts, Rhode Island, West Virginia, Michigan, Minnesota, Iowa, North Dakota, and Hawaii are mostly liberal Democratic. Wisconsin and Alaska are the other two states where the capital punishment also it has been not adopted. These states have a cold climate, and traditionally it has been observed that cooler states have had lower crime

rates. Another attribution to this low crime rates is that those twelve states, with the exception of Michigan, have low African-American populations; and African Americans tend to commit murder about “six times the rate of other population groups” (Espejo: 11,12). This conception could be in contradiction to one of the arguments of opponents to the capital punishment, about the idea of racial disparity. Opponents of capital punishment sustain that prisoners or murders of the minorities such as African Americans, are more often to be executed than whites or other groups.

It is important to point out that some statistics researches show that there is a negative association between the median income of a determined state and its level of crime rates. According to the Statistical Abstract of the United States, states with a lower median income have a higher crime rates whereas higher median income is apparently associated with a lower crime rates. According to this data, the research was realized in the ten most populated states that include to New Jersey, California, New York, Illinois, Michigan, Pennsylvania, Georgia, Florida, Texas, and Ohio. New Jersey is the state with a higher income (about \$65,000 median household income) and its crime rates is of about 1,600 per each 100,000 inhabitants. California has a median income about 60,000 and its level of crime rates is of about



1,900 per each 100,000 inhabitants. New York with a median income of \$55,000 has its level of crime rates on about 1,600 per each 100,000 inhabitants. Texas with about \$46,000 of median income has its level of crime rates on about 3,000 per each 1000, inhabitants. Florida has a median income of about \$46,000 with crime rates of about 2,700 per each 100,000 inhabitants.

Pennsylvania has a median income of about \$46,000 with crime rates of about 1,700 per 100,000 inhabitants. In contrast, Ohio that is the state with the lower median income among those 10 states mentioned above, has a median income of about \$45,000, has crime rates of about 2,500 per each 100,000 inhabitants (Nadmias & Guerrero: 422,423). This same study also showed that a low median house hood income in those ten most populated states is closely related to the level of education because to major level of education the income is increased. The numbers mentioned above do not necessarily show a perfect relation between the income and the criminality of those states but they present an idea that implies that the major crime rates is into minority groups characterized by lower income than whites. So, this implies that racial disparity can not be measured in this context.

Some states where the death penalty has been adopted but that have not yet executed anybody are characterized by liberal politics and a large

minority population. Those states include to New Jersey, Connecticut, and New Mexico (the most important); and others like New Hampshire, Kansas, and South Dakota which combined have twenty-seven prisoners on death row but none has been executed. Some think that this panorama is a reflection of jury conclusion since state policies. For example, in the state of Connecticut, a jury recently declined to require the capital punishment on a drug dealer who had ordered the execution of a woman and her eight- years old son (Espejo: 12).

### **Deterrence as one of the most important arguments of supporters**

Texas is one of the states where more executions are made, about one-third of all executions in the United States are practiced in this state. Texas has observed a notable decline in murder rates. According to the economist Morgan O. Reynolds, in the state of Texas, the murder rate fell 60 % whereas in the national level it fell 33% since the 1990s when this state began to apply more strongly the death penalty. In 1991 the crime rate in Texas was of 15.3 in each 100,000 inhabitants, and for 1999 it was of 6.1 while the national average of crime rate was of 5.7. Florida is the fourth state in execution since 1990 with a reduced murder rate of 10.7 to 5.7. States like New Mexico, with the death penalty but not carry out executions, showed an

increase of crime rates from 9.2 to 9.8 each 100,000 inhabitants during the 1990s. Texas holds the record in executions monthly and annually by executing twelve convicted murders during April 1997 and forty during 2000. From 1994, states that execute murderers have showed a reduction in crime rates whereas those states non-executing or without the death penalty tend to show increase in crime rates. (Espejo: 7, 12).

The deterrence theory is supported by other statistics. According to Karl Spence, researcher of Texas A&M University, in 1960, fifty six prisoners were executed in the United States and the number of murders was of 9,140. For 1964, only fifteen people were executed and the number of homicide case increased to 9,250. Later, from 1969 to 1976, all states stopped executions because of the Supreme Court ruling on the legality of the death penalty. In 1969 the number of homicide cases was of 14,590, and six years after, it increased to 20,510 (Grabowski: 13).

In addition, researchers have also observed that generally, each execution is followed by a dropping of homicide rate. They sustain that the reason of this dropping is that each execution can create community awareness about the consequence of a criminal killing to others. From 1977 to 1991, the state of Utah executed three criminals. Each execution was followed by a decrease of fifteen percent in the rate in which the homicides

occurred in the months after the executions compared with the previous months to them. This data reveal, according to researchers a close association of cause and effect between execution and crime rate, but at the same time, they point out that other factors could also explain the homicide rate increase and decrease. Those factors include economic circumstances, the use of drug and alcohol and facility to obtain handgun, among others. Therefore, many argue that is tricky to show in a conclusive way whether the death penalty deters the crime or does not. But because the deterrent effect of capital punishment until now has no been proven, this does not imply that this effect no exists. This is the reason why some researchers looking evidences about the deterrent effect of the death penalty, ultimately have invited criminologists glance about the conduct patterns of individuals who kill. And that the homicides could be grouped in the categories that include premeditation and those there are not planed (Grabowski: 13-15).

Supporters of the capital punishment believe that there is little awareness about the deterrent effect of capital punishment because this law is not applied consistently and rapidly in a reasonable period of time. They say that only a litle percentage of murderers are executed. Each year is reported about 20,000 murders that sums 400,000 cases from 1977 to 1996. According to the FBI Uniform Crime Report, 5,154of this total of murderers

were sentenced to death and only 358 have been executed during 1977 to 1996 ( Grabowski: 18).

In May 2000, studies by Hashem Deshbakhsh, Paul Robin and Joanna Shepherd, professors of Emory University, show that each execution of a criminal person could save in average about eight lives of possible victims. They believe that this evidence of deterrent effect the death penalty should form part of the death penalty discussion (Espejo: 13). Some believe that public executions could maximize the deterrent effect of capital punishment. They think that if people can be really aware of the severity of punishment for a given offense, they many could be discouraged through watching in the television the execution of those offenders who have been convicted of assassinate (Espejo: 42-43).

The public executions could function in the sense that many people could fear to be executed because if their crime is proven, but at the same this way of execution also could have a contrary effect. The negative issue of the public executions could include the aspect in which many would be no sensible the immorality of killing, as have pointed out some experts, and then the homicide rate could increase after executions. Is certain that great part of the behavior of human being is learned from the environmental or cultural context, but I think that although this reasoning could be accepted

for many, also could be improbable that people mostly learn to kill from a public execution where has been demonstrated that a offender has killed a person in an deliberate manner.

Actually, in the United States the methods of execution as mentioned previously have changed to others more specialized and discrete like executing murderers in late night and witnessed only by a select group of people such as journalist, advocates and families as of the victim as of the murderer. According to Michael Kroll, “this well-intentioned regulation of our system of capital punishment has had the secondary effect of enabling people psychologically to distance themselves from the act of killing (Mitchell: 16).

I believe in the well –intentioned regulation of the capital punishment utilized actually, in special in the United States of America. As was mentioned previously, this regulation includes the specialized method of execution generally with injection lethal where only is permitted a reduced number of people as witness such as families as of the victims as of the criminal, counselors, and journalists.

This ritual and private manner of execution could give a subliminal social message. The message is that the State or government does not enjoy by executing any criminal; that unfortunately, the execution could be

necessary to try to reduce the crime in the deal to get the social order required to preserve a safer society. This could be considered as one of the benefits of the application of capital punishment. The learning from the experience is that, people who kill others in a deliberated way, it will be executed under the law if they are found guilty. Furthermore, private, ritual and methodic way of execution can give an example to society of that this fact is not a motive of social festivities, in contrast, the execution of a citizen could mean for many and the society in general a irreparable lost of an individual that unfortunately made the mistake of killing an innocent person. From this context, juveniles could learn to preserve an acceptable behavior or healthy human interaction. At the same time the general message or teaching for juveniles is that execution of murder under the law can be necessary to prevent crime.

Some people that have been witnesses to an execution support that after that event they continue being pro-death penalty. Richard W. Byrne was a citizen witness to the execution of Andre Graham on December 9, 1999 (he had killed a couple during a cocaine deal on October 8/1993). Byrne assures that he had encountered sentiments during this execution; he felt mercy and no sympathy by Graham at the same time. No sympathy because “Graham had chosen to take the life of innocent people”, therefore

Byrne believes that graham had also sacrificed his own right to life when he committed assassinate of the couple (Richardson: 62, 69).

Richard W. Byrne believes that the arguments against the death penalty he held some years ago now have changed. He believed that “it’s inhumane, not worth of a civilized society, the wrong person might be executed”, etc. after the execution of Andre Graham, he thinks the execution of a murderer is not barbaric because the murderer has taken the life of an innocent person. He supports that “the focus should be on the life of the innocent” and the death penalty a declaration by society that for murder act an individual can be deprived of his/her life. Mr. Byrne ends saying “the value of an innocent life over one of a cold blooded murder must be acknowledged” (Richardson: 72, 73). The message is that society will punish hardly criminal acts.

### **In summary, arguments of opponents and supporters**

#### **Opponents:**

1-The death penalty is immoral because there are prejudices or biases to sentence to poor or minorities, and therefore there is racial disparity in its application. In addition, according to them a crime should not be resolved with another crime.



2-Life in prison is more acceptable sentence because is less expensive than the death penalty, and if the prisoner is found innocent later, his life is saved.

3-Execution does not discourage potential criminals to commit murder because many do not care about their own lives, and also some are not conscious of the consequences of their criminal behavior in certain circumstances.

4-Execution is not deterrent of crime because many states with the death penalty have a higher crime rates than those without the death penalty.

5-The findings about one execution can prevent between five and twenty-five crimes, and save about eight lives are not definitive, therefore, in this base, the death penalty could not be considered a deterrent of crime.

6-Religious concepts, especially in the Christians, show that killers should be punished in a different way from the death penalty.

7-The majority of the states that apply the death penalty, are above the national average of crime rates.

8-Seven-teen of the biggest cities belonging to states with the death penalty, present the highest crime rates in the nation.

9-Eight-teen of the twenty states with the highest crime rates in the United States, apply the capital punishment.

10- The reduction of crime rates can be affected by other factors different from the death penalty such as income and education level. A major level of education or income suggests a lower crime rates in several important states in the United States.

**Supporters:**

1-The death penalty is moral because is proportional to the harm done to the victim.

2-Execution prevents convicts to commit another crime and prevent or discourage potential killers to commit such act or crime. So this is deterrent of crime

3-Inmate murderers in life imprisonment could commit another murder into or outside of prison by killing another inmate or an officer into the prison, or by directing another person to kill somebody outside. The execution eliminates this possibility, implicating so a deterrent effect in crime.

4-One execution could prevent between five to twenty-five crimes and can save about eight lives. This is another effect of deterrence of crime.

5-From the example of executing murderers, criminals could think before they commit a crime because they know if they are found guilty, they will be

executed. And it has been demonstrated that people mostly fear the death more than any other thing in life.

6-Religious concepts from the Christian Bible suggest that capital punishment is correct to capital offenders.

7- In states like Texas, where the death penalty often applied, the crime rates fell about 60% since the 1990s while the national level of crime rates only dropped about 33%.

8-Although some big cities could reflect that to major income or level of education would have a lower crime rates, it has been demonstrated that when the level of unemployment decrease, the level of crime rates increase.

9-The effect of the death penalty is little perceived because of many murder cases, only few murderers are executed each year, and consequently the deterrent effect is little too.

By comparing the arguments in pro and against the capital punishment, related to the crucial point of discussion that is deterrence, one could evaluate that mostly, supporters and opponents are even in their points of view about the death penalty. In one hand, opponents not yet have could demonstrate in conclusive manner that the death penalty has not deterrent effect on crime. In the other hand supporters neither have until now, could demonstrated conclusively that the death penalty is a deterrent of crime. This

is due to that others factors or variables could influence the decrease and increase of crime rates.

Therefore, this dilemma suggests that future studies about the determination of whether or not the death penalty reduce crime should be combined with additional variables to the execution in order to see definitely what is the more influential factor in reducing crime. Those additional variables to execution could include income, education, illegal use of handgun, and racial component of each state in study.

### **Evidences of not deterrent effect of the death penalty,**

First, it has been showed that the twelve states without the death penalty have murder rates below the national average whereas the 50% of the states with the capital punishment have homicide rates above the national average.

Second, some states applying the death penalty have murder rates higher than those states non- having the death penalty. In 1996, Missouri with the death penalty had a murder rate of 8 while Iowa without the death penalty showed a murder rate of 2 per each 100, 000 inhabitants. Illinois that apply the death penalty had 10 murders in each 100, 000 people also in 1996 versus Wisconsin without the death penalty whose murder rate was of 4.

Third, in 1996, the south of the United States, with about the 80% of all the executions, had a murder rate of 9 for each 100,000 people. This is the highest rate in the country while the Northeast had 5.4 per 100,000 people, and the national rate was of 7.4

Fourth, other factors different from the variable execution, can influence the crime rate because the negative association found between the median income of a determined state and its level of crime rates. A high income and level of education reflect a low crime rate.

### **Evidences of the deterrent effect of the death penalty**

First, in the state of Texas, the murder rate fell 60 % whereas in the national level it fell 33% since the 1990s when this state began to apply more strongly the death penalty. In 1991 the crime rate in Texas was of 15.3 in each 100,000 inhabitants, and for 1999 it was of 6.1 while the national average was of 5.7. Florida is the fourth state in execution since 1990 with a reduced murder rate of 10.7 to 5.7. States like New Mexico, with the death penalty but not carry out executions, showed an increase of crime rates from 9.2 to 9.8 each 100,000 inhabitants during the 1990s.

Second, in 1960, fifty six prisoners were executed in the United States and the number of murders was of 9,140. For 1964, only fifteen people were

executed and the number of homicide case increased to 9250. Later, from 1969 to 1976, all states stopped executions, in 1969 the number of homicide cases was of 14,590, and six years after, it increased to 20,510 cases.

Third, some researchers say that if a higher percentage of murderers were executed, the death penalty would have major effect in crime. From 1977 to 1996, 400,000 cases of murders have been reported, 5,154 of this total were sentenced to death, and only 358 have been executed.

Fourth, from 1977 to 1991, in the state of Utah each execution was followed by a decrease of fifteen percent in the rate in which the homicides occurred in the months after the executions compared with the previous months of the execution. However researchers maintain that despite these evidences, other factors could explain the increase and decrease of homicide rates in this state. They do not agree that executions only reduce the homicide rates. Therefore, more evidences are necessary to determine whether execution is the medicine to reduce crime.

## **6-CONCLUSION**

The debate about whether capital punishment is not a deterrent of crime probably will continue during many years. Supporters will try demonstrating and supporting their theory that each execution decreases the

homicide rates or at least it decreases the number of possible victims. In the past it was thought that public executions would maximize the deterrent effect of crime by giving an example to the population that those who kill a human being consequently would be executed. In the United States, public execution is actually not used. Instead it used lethal injection. Supporters believe that many criminals could evaluate the consequence of committing a murder act, and therefore the capital punishment can discourage criminals from killing.

Opponents will continue claiming that the death penalty is not the solution to reduce crime because they believe the fact of a crime should not be solved with another crime. They advocate that sentencing criminals to life in prison is more socially accepted and a less expensive alternative to reduce crime. Different points of view always will exist about the implementation of any social policy or controversial law such as capital punishment, but in the sociological context, it is important understand that society needs to castigate criminal behavior to keep the social order. The establishing of certain laws to maintain the balance of human behavior could be seen as repressive but necessary for a better fortification of values and the collective conscience of a society. The social order is necessary to assure more healthy human relations and protection of society.

Capital punishment should be reserved, as many have pointed out and some states do, only for first degree murder, for those who intentionally kill persons, especially for those criminals who commit murder against innocent people. A long sentence is not the solution to reduce crime because some murderers could get released from prison after they complete their sentences and later they could commit a new assassination. With the death sentence for murderers, society at least would assure that an execution will serve an example to prevent other criminal acts. Supporters present that each execution can prevent between five to twenty- five crimes and save about eight lives, and therefore the death penalty is deterrent of crime. They sustain that since the 1990s, in Texas the crime rates fell as a consequence of the application of the death penalty.

Many believe that poverty could be an influential factor for increasing the crime rates. Others argue that lack of economic opportunity do not affect the crime rates because in general when the level of unemployment has decreased, the crime rate has increased.

Opponents suggest that the evidences of deterrence of crime supported by execution is not consistent but both supporters and opponents believe that more conclusive evidence of the deterrent effect of capital punishment is necessary to get a more solid conclusion of the deterrent



effect. There is not significant evidence to support the hypothesis that capital punishment can reduce crime. It is possible that the existent evidence about the relationship between executions and decrease of crime rates is caused by other factors instead of execution. This work opens the possibility that in future and broader studies, probably it will be demonstrated that the application of the death penalty to murderers can reduce crime as hypothesized here originally.

It is clear that there is a great point of convergence between opponents and proponents of the death penalty that crime must be punished to protect society. The great controversy is that proponents believe that murder (especially, first degree murder) must be punished with the death penalty because it is effective to deter crime, and that life in prison is benevolent to murderers. In contrast, opponents think that life imprisonment is a better option because it is less expensive and cruel than capital punishment.

In the debate about capital punishment, it should be clear that society should never defend the life of a murderer who is a destroyer of the lives of others. First degree murder should be punished with the death penalty. This can mark a precedent to others who could commit similar crimes. If the death penalty is not applied for first degree murder, this could give a negative example to others who could kill, with awareness that later they can

repent of their crime and their lives will be pardoned. Society should not have excuse when the justice system executes a murderer.

The crucial point between opponents and proponents about the death penalty versus life in prison should be evaluated in the social context of its deterrent effects on crime and what is more appropriate socially to compensate the life of the victim. The effect of capital punishment on crime would be that the execution of murderers puts them away and prevent them from committing another crime, and can prevent other potential killers from committing such an act. In this way the death penalty is a great potential factor to reduce crime rates.

However, it would be a mistake, in this paper to consider that the original hypothesis that capital punishment reduces crime has been proved. The evidence found about deterrence appears to be not significant to conclude that the death penalty is a deterrent of crime. Various states with the death penalty show reduction of crime rate, but no study until now has concluded definitely that there is a significant relation between executions and the reduction of crime rates. Therefore, the deterrent effect of capital punishment on crime is uncertain until consistent evidence demonstrates that a significant relationship exists between executions and deterrence.

Consequently, the original hypothesis that capital punishment can reduce crime, it has not been proved in the present paper. At the end of the present thesis, my final comment about the application of capital punishment is that I will never understand why people, who commit premeditated murder, later believe that the death penalty is unfair.

**BIBLIOGRAPHY**

- Espejo Roman (2003), Does Capital Punishment Deter Crime, Greenhaven Press and The Gale Group Inc.*
- E. Williams Mary (2000), Capital Punishment, Greenhaven Press, San Diego, California*
- E. Williams Mary (2003): Is the Death Penalty Fair, Greenhaven Press: San Diego, California*
- Henderson Harry and A. Flanders Stephan (2000), Capital Punishment, Revised edition, Facts on File, Inc. 11 Pen Plaza, New York*
- Gittings KAJ and Mocan H (2003), Commuted sentences and the Deterrence effect of Capital Punishment, Journal of Law and Economics vol. XLVI, the University of Chicago*
- R. Mitchell Hayley (2001), Tthe Death Penalty, Greenhaven Press, San Diego, California*
- Feld Barry (1999), Bad Kids: Race and the Transformation of the Juvenile Court New York Chicago University Press-p106*
- Waldron, UPAL, Quarles, McCauley, Harper, Frazier, Benson and Altemose (1976), The Criminal Justice System: an introduction, Instructor Manual, New Jersey, London, Printed in United States of America ISBN*
- Tonry Michael (2004): Thinking about Crime: Sense and Sensibility in American Penal Culture, New York, Oxford University Press*
- Frampton, Lopez, and Simon (2008): After the War on Crime, Race, Democracy, and a New Reconstruction, New York University Press, New York and London*
- News Wire Eservices (2010): Boy, 13& Girl, 12, charged in murder, New York Daily News, September 4/10 p.10*
- Richardson Stephanie (2006), Capital Punishment, Social Issues, GreenHaven Press Thompson Gale Corporation*
- Melton, Petrila, Poythress & Slobogin (1997), Psychological Evaluations for the Courts- A Hand book for Mental Health Professionals and Lawyers, Guilford Press, New York & London*
- Center for Cognitive Liberty & Ethics-CCIC (2002), Drug for Death, Singleton, Death Penalty, forced drugging, <http://www.cognitiveliverty.org/dll/singleton>*

- Smith, Hoeksema, Frederickson and Loftus (2003), *introduction to Psychology*, Wadsworth/Thomson Learning, Belmont, CA
- Mental Health America (2006), *Position Statement 54: Death Penalty and People with Mental Illnesses*, <http://www.nmha.org/go/position-statement/54>
- Nadmias Chava Frankfort and Guerrero Anna Leon (2009), *Social Statistics for a Diverse Society*, Pine Forge Press, an Imprint of SAGE Publications, Inc.
- Sherrow Victoria (1998), *The Oklahoma Bombing –Terror in the Heartland* Enslow Publishers, Inc. USA
- Walker Ida (2008), *The Death Penalty*, ABDO Publishing Company, Edina, Minnesota 55439
- Winter A. Paul (1995), *Crime and Criminals*, *Opposing Viewpoints*, Green haven Press Inc, San Diego, CA
- D. Netzley Patricia (2000), *Issues in Crime*, *Contemporary Issues* Lucent Books, Inc. San Diego, CA
- H. Kim Henny (1998), *(Youth Violence)*, Greenhaven Press Inc, San Diego CA
- Calhoun, Gerteis, Moody, Pfaff, and Virk (2007), *Classical Sociological Theory*, Blackwell Publishing, MA, USA
- Horton B. Paul and Hunt L. Chester (1988), *Sociology*, McGraw-Hill, Inc. U.S.A
- K. Li David (2001) *Cuff me, said killer wife: cop*, *New York Post Newspaper*, September 28/10 p. 4
- F. Grabowski John (1999) *The Death Penalty*, Lucent Books, Inc. U.S.A.