

Hwa Chong Institution S4 Comprehension Assignment

Death Penalty Suggested Answer Key

Answer all the questions. Mistakes in spelling, punctuation and grammar may be penalised in any part of the paper.

From paragraph 1

Factual

1(a) What reason do opponents of the death penalty give to support their stand? [1]

That people commit crimes because they have suffered from bad past circumstances.

Inferential

1(b) What is the assumption behind that reasoning? [1]

That people are not free moral agents/ that people react mechanistically to their past

OR

That there is a direct causal relationship between people's past and their present actions.

From paragraph 2

Factual/ inferential

2. State two objections about the implementation of capital punishment raised by those who oppose it. [2]

The implementation is (1) inappropriate/ cruel/ unethical etc. (question the way it is executed), (2) unjust, unequal (certain inequities in the system)

Accept "People oppose capital punishment because of the way it is executed... and because of certain inequities in the system."

Inferential

3. How might "a person who objects to capital punishment, *per se*" (line 13) [differ from Chuck Colson on issue of capital punishment? [2]

The difference lies in the fact that the person objects to capital punishment in itself [who believes that under no circumstances can capital punishment be justified] [1], whereas Chuck Colson may possibly find capital punishment justified under certain circumstances [1].

Accept lifting of "Chuck Colson s against CP because of certain inequities in the system"

Factual

4. Give two examples of "mitigating circumstances" cited by the writer. [2]

Bonin: Abuse-ridden childhood/ difficulties he faced growing up/experience as a Viet Nam war vet (or generalized to abuse suffered in childhood and psychological trauma suffered in war)

Alton: fetal alcohol syndrome (congenital defect)

Any two. Excess denials.

From paragraph 4

Linguistic

5. Describe **in your own words**, what happens to machines and animals that 'go bad'.
(line 38) [2]

Machines will be repaired (fixed) and thrown away/ condemned/ discarded if the damage is irreparable. [1]

Animals will be quarantined (removed) or slaughtered (killed) [1]
Each part of the answer must be present for full mark to be awarded.

PASSAGE B

From paragraph 1

Inferential

6. What is paradoxical about the right to be punished? [2]

**Rights are related to entitlements which are beneficial in nature
Whereas punishment involves suffering which is generally undesirable,
hence punishment is unlikely to be regarded as an entitlement or a right**

No marks for merely lifting "punishment entails suffering... "and other forms of circuitous reasoning.

Linguistic

7. "rehabilitative treatment was in vogue" (line 50)
What does the term "in vogue" mean? [1]

popular, widely practiced, fashionable, commonly accepted

From paragraph 2

Factual

8. Why are Russian women exempted from capital punishment? [2]

They are perceived as the weaker sex, and therefore should not be exposed to the death penalty. [1]

The perception stems from traditional Russian chauvinism (towards bearers of children). [1]

Grammar

9. "equal distribution of burdens as well as privileges" (lines 65-66)

What do these burdens and privileges refer to? [2]

Burdens refer to being held fully accountable for their crimes (i.e. facing the death penalty)

Privileges refer to full citizenship/ equal protection of the law

From paragraph 7

Inferential

10. Why are insanity, mistake of law, duress, and personal necessity considered as excusing conditions in sentencing? State the reason in your own words. [2]

From the passage: the ground for these excuses is compassion for the defendant's normal human weakness under circumstances of ignorance or pressure)

Consideration out of kindness/ empathy/ sympathy for the offender's ordinary human frailty [1]

In situations where he lacks knowledge of his actions/ or when he is forced into an action [1]

Tone/bias

11. What is the writer's attitude towards American law? [1]

He is critical of American law OR He feels that (reason) American Law needs improvement/ to be more comprehensive/ is lacking in the area of addressing excusing reasons. (no marks for he feels that/ he thinks that "these excusing conditions.. .are less well developed than they should be in American law")

12. Summary

Using your own words as far as possible, summarise the arguments for and against the justifications for legal punishment.

USE ONLY THE MATERIAL IN PASSAGE B FROM PARAGRAPHS 1, 3 TO 7.

Your summary, which must be in continuous writing (not note form), must not exceed 120 words, including the 6 words given below.

Begin your summary as follows:

Punishment is justified and necessary because...

	Arguments for...	Own words
1	therapeutic treatment, the only plausible alternative, dehumanizes the defendant	therapeutic treatment is a poor substitute/ is dehumanising, because it
2	fails to take offender as a responsible, choosing human agent	sees the offender as incapable of making moral decisions
3	treated as deviant organism	and treats him as subhuman
4	not as a person who could either be praised or blamed, admired or hated for his actions	not as a person worthy of admiration or blame/ of little worth/ stripped of dignity
5	punishment implies that the individual has a right to be rewarded or punished according to what he deserves	whereas punishment accords individuals with dignity and to be punished/ it is a to what he deserves recognition of his humanity
6	punishment offers the offender a means to erase the stain on his reputation and character left by the commission of the crime	Furthermore, punishment presents the offender an opportunity make restore his reputation/ image
7	punishment goes beyond compensating the victim or his family	punishment goes beyond reparation
8	it is a means of repaving the debt to society	It enables the offender to make amends to society
9	criminals have a right to serve their time in prison and be reintegrated into society as full citizens	criminals can rejoin society after serving their sentences
10	The defendant has a constitutional right not to be punished in certain "cruel and unusual" ways and he has a right not to be punished excessively OR Traditional forms of punishment, particularly those applied directly to the body, are now considered taboo and cruel	Cruel forms of punishment have been abolished OR punishment has become more humane
11	imprisonment, a paradigmatic mode of punishment of today, is considerably less cruel and inhumane	Lastly, imprisonment, today's most popular punishment, is not barbaric
12	almost all the democracies in the world have either abolished ritual execution as punishment	Most democratic state have abolished capital punishment
13	or have retained it exclusively for unusual cases	Or are limiting its application
	However... Arguments against	
14	This (referring to point 9) is seldom the case In practice	The idealized outcomes of rehabilitation is but a myth (allow for any general statement that captures the spirit point)
15	ex-convicts are haunted by their records for the rest of their lives	Ex-convicts cannot erase their past/ are judged by their records
16	and sometimes subject to more serious penalties if their commit further crimes	Which may cause them to incur harsher penalties for future crimes
17	it is also hard to know when punishment becomes excessive	And prone to abuse
18	often punishment is arbitrary and inconsistently practised	The implementation varies between jurisdictions, suggesting lack of consistency and sound rationale
19	even life imprisonment can be considered no less cruel and inhumane than capital punishment	Life sentences are no less brutal and barbaric than capital p
20	the problems posed by the right to counsel, jury-trials, exclusionary rules, privilege against self-incrimination, confrontation of witnesses	other problems associated with the defendant's right to a fa continue to exist
21	in Western countries on many issues raised in this paper, there remains considerable diversity as	Western countries are not aligned in the processes to ensure a fair trial

	to how one best ensures a suspect a fair trial	
22	The defendant who has nominally committed the crime has a right to be excused on the basis of personal circumstances at the time of the crime	There should not be punishment for crimes committed under duress
23	Excusing conditions are less well developed than they should be in American law	The law is inadequate in dealing with these excusing conditions

Sample

Punishment is justified and necessary because its only alternative is dehumanizing. Therapeutic treatment reduces the offender to a subhuman of little worth, incapable of making moral decisions. With the right to be punished, an individual is accorded dignity for he has an opportunity to repair his reputation, make reparations to the victims, and make amends to society. Criminals can rejoin society after serving their sentences. Lastly, imprisonment, widely practiced today, is not barbaric. In reality, however, the idealized outcomes of rehabilitation are but a myth; ex-convicts are judged by their records which may cause them to incur harsher penalties for future crimes. All punishments tend to be cruel and sadistic in nature and are prone to abuse. Implementation methods vary between jurisdictions, suggesting a lack of consistency and sound rationale, notwithstanding other existing problems associated with the defendant's right to a fair trial. Lastly, not even Western countries are aligned in their processes of ensuring a fair trial. (158 words, 18 points)

13. Application Question

Gregory Kouki, the writer of passage one, is of the view that in assessing punishment to be meted out, a defendant is totally accountable for his own actions as he is “a free moral agent” who can make choices, whereas George Fletcher, the writer of the second passage, argues that a defendant has “the right to be excused on the basis of human weakness”. Which view do you most agree with and why? [Use examples from recent landmark events and your society](#) to illustrate your points.

Answers should be able to identify the points for and against capital punishment and explain the authors’ views succinctly. Answers should then evaluate the validity of the authors’ arguments and incorporate examples from the passage when appropriate.

Point	Explanation/Elaboration	Evaluation
Defendant has the right to be punished	Both Kouki and Fletcher agree that human beings are moral agents and thus are responsible for any wrongdoings. To grant impunity is to deny the responsibility of the perpetrator and to suggest that he/she lacks moral agency, and thus to dehumanize or to	I agree with the general premise of the argument that moral agents should be held responsible for their actions. There is no way society can function if people are allowed to act immorally without having to face the consequences or take the blame for an act of

	<p>have a “very mechanistic” view of man. In doing so, both authors reason that being regarded as “deviant organisms” and not moral agents is not what human beings wish for themselves, and hence reserve the right to be punished.</p>	<p>wrongdoing. However, Fletcher argues later on that exceptions can be made, hence implying that human beings are not in all situations moral agents.</p>
<p>Defendant has the right to be excused on human weakness</p>	<p>Fletcher considers extenuating circumstances whereby a defendant should be excused from capital punishment due to “human weakness”. He defines this to include “insanity, mistake of law, duress, and personal necessity”. Under such situations, he suggests, it is understandable for man to act irrationally. Kouki does not address this directly, but comes close to opposing when he cites the example of “fetal alcohol syndrome, bad environment, Viet Nam war, child abuse”, things that might manifest in insanity, which “[disposes] a person to certain immoral or antisocial conduct”, as an unjustified basis for excusing a person from capital punishment.</p>	<p>It seems now that the premise “human beings are moral agents” is not always true. While Kouki maintains that to be true, regardless of the defendant’s psychological state, Fletcher seems to suggest that a different criteria be accorded to persons whom, in the moment that moral/immoral act was committed, lacked agency. I agree that human beings do not always act rationally and hence are not unwavering agents of morality. Impulse is one common cause of mistakes. If the defendant is able to prove that the act was committed without immoral intent, he should be sentenced differently from one who committed the act with criminal intent.</p> <p>That being said, if one were to adopt a utilitarian tit-for-tat stance on morality, the defendant should be punished based on the crime he committed, not on his intentions. The harm done is independent on the motivation and society’s moral equilibrium can only be maintained when moral debt is repaid commensurately. It</p>

		<p>is not uncommon for such a stance to be applied to day-to-day trivial matters, but whether this is tenable in legislation remains arguable.</p>
<p>Defendant should not be punished excessively</p>	<p>Fletcher argues that the defendant “has a constitutional right” not to be punished excessively. He claims that abolishment of previous “traditional forms of punishment” now considered taboo is characteristic of democracies. With that in mind, modern society is refining the way justice is served by recognizing “a principle of proportionate punishment”. He concedes that it is difficult to measure “proportion” accurately, that “it is hard to know when punishment becomes excessive.” As a result, punishments are meted out in an arbitrary and somewhat inconsistent manner throughout the world.</p>	<p>Fletcher’s argument is accurate in stating that the legal system should seek to serve justice where it is due – no more and no less. It is simple to agree that no one should be subject to excessive punishment. I agree too that it is impossible to quantify guilt and to measure the severity of a crime, and the best the legislation can do is to provide judgments on a case-by-case basis, or as Fletcher previously advocated for the right to be excused on human weakness in exceptional cases.</p> <p>Fletcher cites the examples of the German Constitutional Court and the US Supreme Court to show the arbitrariness of capital punishment sentencing among nations. The “inconsistencies” in sentencing arise simply due to the different prevailing socio-cultural beliefs of the different states. In Singapore, for example, the death penalty is upheld as it has proven to be an effective deterrent for serious crimes. Singaporean society generally values the safety and security that comes with such a deterrent, and is less concerned than other countries like the US with the civil liberties that such a law might infringe on.</p>

<p>Defendant has the right to repay his debt to society</p>	<p>Fletcher asserts that punishment “is the only means of repaying the debt to society”. Beyond that, he argues that the stigma attached to those who have served their time in prison is unfair, as the prison sentence is sufficient as debt repaid to society. He also suggests that it is unfair for ex-convicts to be subject to more serious penalties if they commit further crimes.</p>	<p>I agree that punishment is a form of repaying debt to society. More than that, punishment should prompt repentance. If released offenders commit further crimes, they display not contrition but contempt for moral values. In this case, it is not unfair for these repeat offenders to be subject to more serious penalties, as it would call for harsher deterrence measures.</p> <p>In other cases where the offender takes full responsibility for his actions, repents and understands the significance of the prison sentence, it does seem unfair that they will have to be “haunted for the rest of their lives by their records” even though they have repaid their debt to society. In Singapore, the educational campaign titled the Yellow Ribbon Project raises awareness on the plight of such released persons and promotes an attitude of forgiveness and magnanimity toward them.</p>
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