

CHAPTER 2

17 ARGUMENTS FOR THE DEATH PENALTY

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Introduction

Violent crimes and murder are part of the cruelest, most inhuman and disparaging crimes that exist and they violate the victim's right to life.

These are a few important primary causes to why each civilized state governed by law should impose the severest judgment - death penalty - on such heinous crimes.

In itself the death penalty is not something desired. But this awful punishment is forced by a sometimes ice-cold brutal reality. And the reality is that the door back to paradise is closed. Therefore each country is continuously forced to fight an uneven fight against all forms of the destructive. The capital punishment should be viewed as one instrument among many in the fight for a more righteous and better world.

There are some words that often return when we defend the death penalty: justice and human dignity. And these words also constitute a foundation for that which is called democracy and civilization. These two realities can also be regarded as two bearing pillars in the defence of the capital punishment.

Justice is a highly regarded word in society and in politics, but within the judicial system and that which concerns crime and punishment, justice has, both as a word and as a conception, ended up existing in the shadows. But we want to lift forth this truth in the light, since justice should be the foundation within the legal system. When the death penalty is discussed the aspect of justice should be allowed in the foreground first and foremost.

With human dignity we point the spotlight on the victims of crimes. Respect walks hand in hand with human dignity. Man has an inviolable dignity and therefore deserves the highest respect. Human dignity and respect, not foremost for the one who hurts his fellowman but for the victims of crimes and his relatives, is something that should be brought forth considerably more than today, and especially in connection with the death penalty. But the prerequisite for that is that sympathy and solidarity with the victim should increase in society. In order to rightly value the death penalty it is necessary to have empathy and understanding for all the victims and their relatives.

We will here give seventeen arguments for the death penalty. The arguments should be regarded in their totality. They make up a chain that receives its strength by the fact that all the links together form a strong and convincing totality.

Argument 1 (17)

The Death Penalty is the only punishment for violent criminals and murderers if justice will be administered

Justice has always been the cornerstone of every state worthy of the name. All discussions around the death penalty should therefore be initiated by the question of justice in relation to the crime that has been committed. And justice is not only about capturing the criminal and getting a conviction, but first and foremost about the penalty of the sentencing, which has to be just.

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While jurists and criminologists over the course of time have worked with different theories of justice - every time has had its theory and its emphasis - one reality is remaining and never disappearing from the vast crowd, and that is justice. Even if the aspect of justice hasn't had an especially large part in some nations criminal policy, it is nevertheless in the soul of the people. And it will always remain there. If a State authority is going to win the respect in the long run for its criminal policy it must be based on justice.

The inner core of the capital punishment is in other words the existence or non-existence of justice within the walls of the judicial system. Do we want a society where one within the legal system strives for justice as much as possible? Or should the so-called "humane criminal policy" that puts the well being of the criminal in the focal point take the place of justice? How highly do we want to rate justice within the state governed by law?

Justice and Law are married to each other. If there is a divorce between these two, both will have difficulties surviving. If there is no justice the law will be transformed from being the threatening sword into being something like an non-threatening toothless tiger, i.e. following a crime nothing that in a real sense can be counted or experienced as a punishment is imposed.

That which constitutes a society where there is law and order is that justice is administered. But if the state governed by law refuses to administer justice and instead shows the criminal a kinder side, then justice and the law in its usual and original meaning has ceased to function.

What then is the consequence if justice is once again placed in the high seat in the state governed by law? When it comes to the violent criminal and the murderer the death penalty becomes natural, because no other punishment can be called fair and just if proportion to the crime committed is to be maintained and defended and respected.

We need to ask this question: If we on the one scale place the victims of the violent criminal and the murderer, what do we have to place on the other scale in order for it to be even and just?

Maybe we can answer the question more easily if we stop and ask questions of the darkest character to ourselves. These questions hurt but they need to be asked. Suppose that you yourself today became the unfortunate victim of the hand of a murderer. If it was possible for you to express your will, what punishment would you want the murderer to receive in order for you to feel that it was fully just?

Then suppose that the hand of the murderer afflicted the one that you care for the most, your partner or your child, your mother or your father, your best friend. What punishment would you want the murderer to receive in order for you to feel that it was fully just?

If you answer these questions from the perspective of justice - which you should first and foremost - the death penalty should to most people be the obvious answer when full justice is to be administered. Only the death penalty evens out the scales of justice.

It is important that we dare and have the strength to place ourselves in the place of the victim since it is among us living that the victims of tomorrow lives. Our voice is the voice of the

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victims. This is the voice we should make known to society. Every year it is too late for a number of people to make known how they feel and think.

The laws of countries are not always based on justice. One consequence of this is the rejection of the death penalty. For example in Sweden the murderer is sentenced to prison, usually between 6-18 years.⁽¹⁾ This short time also has as a goal to rehabilitate the perpetrator. Afterwards the criminal is released and, normally, has a whole life in front of him and is able to fulfill his dreams.

This is to be compared with the victim of the perpetrator who may have received lifelong injuries and harm, or death and the grave. And contrary to the perpetrator the victim is not released from the grave after a few years. This is also to be compared to the deceased's relatives and friends who are forced to live with this trauma for a whole lifetime. This great difference does not even come close to something we can call justice.

Someone may suggest a lifetime prison term as an alternative. But this does not mean justice either. A lifetime prison term will, in countries like Sweden, mean that despite the depriving of liberty there will be times to be on leave, good and nice times, care and rehabilitation. Furthermore lifetime prison in Sweden is in reality only 10-18 years. There is the comforting hope of release, a hope that is almost always fulfilled. But how many good and nice times can the deceased expect to have? When will he be released? What hope does he have?

Even if it were a lifetime sentence without parole or mercy, the convict would get used to his new life in prison. He would soon adjust to this new world that he in a limited way can form so that the existence still becomes fairly decent for him. The prison term cannot be made unbearable for him, because then the prison becomes like a torturing pain, which would be inhuman. The prison term must therefore be made tolerable and humane by the state governed by law. But then justice falls flat on the ground. The deceased victim does not get to participate in the good of life, not even a fraction of what the lifetime convicted criminal takes part of. The victim's lot in comparison to the convict's cannot even be compared; the difference is so complete. One got death, the other life, even if it is a life with limited freedom. No one can call this justice. On the contrary, it is scornful and rude injustice and means that the victim's dignity and value in comparison to the convict becomes exceedingly small.

As long as a punishment bear no proportion to a crime the justice is weak and deadly sick.

There is therefore no alternative to the death penalty for the violent criminal and the murderer. Every measure against him from the State's side, which replaces the death penalty, means that complete justice is not performed.

A lost human life can only be fully compensated through the death penalty. As long as this does not happen there will, in a symbolic way, be the call of blood from the ground with the message that the crime has not been atoned. Most of us understand and feel that there is a debt that has to be paid in a just way. There is a debt to the victim, to the relatives of the victim, and a debt to the world. It is easiest for the relatives of the victims to hear and understand this call from the blood on the ground. And this atoning, recompense and compensation that can silence the cries

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from the victims is the death penalty. The capital punishment means that society comes as close to full justice as possible.

Today the state governed by law is far away from this justice and atonement. Today the state governed by law is foreign to words such as guilt and atonement. Today, on the contrary, the violent criminal and murderer receive much pity from the laws. He is taken care of while those affected by him on one hand are afflicted by his cruelty and then also by a judicial system that does not give the perpetrator a just judgment. This should not be accepted. That which has to characterize a civilized state governed by law is that the State authority institutes as just punishments as possible. The punishment should fit the crime. If another thinking steals the place of justice the state governed by law loses part of the civilized spirit. Since justice is such a determining ingredient in the civilized State and since certain crimes demand the death penalty in order for full justice to be administered it is clear that the capital punishment and civilization is closely intertwined.

Always and everywhere within all areas of society justice has a high priority. As soon as anything is unjust we humans react. The code of justice is written in our genes and everyday there are situations where we react based on what this code of justice says to us. And if there is any place where justice should be handled carefully and with respect it should be in the courtroom. There justice should be revered and respected more than in any other place on earth. And if it is allowed it is easy to realize that the verdict will be that the death penalty is the only totally just penalty for the violent criminal and the murderer. Justice demands his life.

It is also important to point out that justice has no demands whatsoever on it. Justice has a value within itself. We can not in other words begin to search for "profitable effects" from justice, for instance that justice has to lead to a smaller amount of crimes committed (general prevention) or that the criminal becomes a better human being (rehabilitation) and so on. Justice demands no such thing. Justice is above all these things. Justice sits alone on the throne and seeks our respect based on what it is in itself.

Rightly used the capital punishment sings the praise of justice with the clearest and strongest voice and that makes up the first and foremost reason for the death penalty.

The time the abolitionists use the word justice and injustice it is usually impropriety within a legal system with the capital punishment what they have in mind. As soon as one sees such signs one states that the death penalty can not be fair to the criminals. They use the word justice when relating to the criminal.

We supporters of the death penalty on the other hand use the word justice when relating to the victim of crimes. This is the only natural and obvious thing. Justice must be administered with the victim at hand. Justice must be placed in parity to what the criminal has done. It is about the verdict itself, that must be just and fair. It is the victim that first and foremost must be able to think and feel that justice has been administered in a verdict. And after the victims, the members of society.

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If we find improprieties in a legal proceeding it is very serious. But such things do not undermine the death penalty in itself, but on the other hand the legal security.

Even if an unjust or discriminating legal proceeding would mean that four out of ten guilty murderers escaped a death sentence, justice has been made with the six convicted ones. Justice is not made until everyone who deserves it is convicted; justice is served each and every time an individual who deserves it is convicted.

And capital punishment always stands untouched and remains innocent during every capital case, because eventual unjust improprieties never touch the death penalty as a fair punishment as such. The death penalty will always be the only just punishment for certain types of crimes. Especially for murder the death penalty is necessary, above all because it defends justice as a basic principle in the application of the law.

The capital punishment can be defended from many aspects but it would be enough to say that the death penalty is simply the only just punishment for some of the most heinous crimes and then everything has to be silent. More should not have to be said on the subject. No one should need to know more. The argument of justice is so strong and decisive that this one argument is enough to introduce the death penalty.

Now we have sixteen more arguments to look at.