

CAPITAL PUNISHMENT: AN OVERVIEW

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Abstract: Capital punishment, referred to as the death sentence and originally referred to as judicial murder or other, is the state-sanctioned method of executing an individual as a penalty for a crime, usually after an authorized, governed by rules the procedure to determine that the person is accountable for breaking norms that justify the punishment. The sentence directing that an offender be executed in this way is commonly referred to as the penalty of death, and the act of performing the punishment is called an execution.

Keywords: Punishment, Execution, Offender

Introduction

A criminal act is an offence committed against another person or the state that is punishable by law. A crime requires causing specific harm to an individual or to society as a whole. Crimes are destructive to both individuals and society. As a result, the law prohibits people from committing crimes under the prospect of penalty. Any violation of the law results in legal responsibility and a suitable penalty. In this paper, I will attempt to highlight the issue of whether or not capital punishment is justified.

Let's start with punishment. Punishment, in its most basic form, is defined as intentional infliction of mental or physical distress on a supposed or actual offender, such as a moral or legal infraction. The primary goal of punishment is to provide justice to the victim while also preventing crime by instilling fear in individuals so that they do not engage in illegal behaviour. It is a tool designed to maintain social order. So it ought to necessitate moral, legal, and political justification. When someone makes an offence, he or she deserves a penalty. The imposition of penalties is meant to achieve a moral balance between punishment and crime. Most philosophers and thinkers approved of the practice of punishment, viewing it as an ethically legitimate social practice. Punishment is a type of 'negative reward'; hence, it is vital to defend the ideals of humanity and ethics.

Capital Punishment:

In recent years, capital punishment has become a major problem with respect to moral philosophy and criminal law. Capital punishment is the purposeful execution of an actual unlawful crime. Capital punishment, sometimes known as the death penalty, is the state's execution of a convicted person as punishment for capital offences.

The term 'Capital' is derived from the Latin 'Capitalis', which means "concerning the head," hence being sentenced to death means figuratively losing one's head. Most places that still use the death sentence reserve it for premeditated murder, espionage, and treason. So, capital

punishment, or the death penalty, is a legal process in which a person is executed by the state as retribution for a crime. Capital offences are defined as legal orders that require someone to be punished in this manner, which is the death penalty. Preventive and retributive theories advocate the death penalty or capital punishment.

Ethical Issues:

Regarding the aim of punishment there are three important ethical issues. Such as rights forfeiture, retribution and deterrence. Everyone from birth has fundamental god given rights to life, health liberty and property. Another of the common justifications of the death penalty is that it is a direct application of the retributive conception of punishment: an eye for an eye, a life for life. Beside these the more popular defenses of capital punishment is that it deters others from committing similar crimes. More than other penalties might deter, such as long-term imprisonment.

Is Capital Punishment Justified?

The practice of capital punishment has recently sparked widespread concern around the world. This subject sparked intense debate among philosophers and thinkers from throughout the world. To have a clear idea or make accurate judgments about a topic, it is vital to conduct a thorough analysis of it from all angles. Both proponents and opponents of capital punishment have used the following arguments to support their positions: The following justifications are provided by those who favour the death penalty.

1. **It is the ultimate warning.** Capital punishment is the ultimate deterrent to all crimes. If the criminal understands that the legal system will not stop executing him, he perceives the system as more draconian. He is less likely to break and enter. He may not intend to kill them while robbing them, but knowing he would be executed makes him far more concerned about the possibilities.
2. **Retribution is justice for victim.** The justice system essentially seeks to impose punishment proportionate to the crime. If the offence is purposeful denial of the victim's right to life, capital punishment may be used to claim that the legal system has no provision for the crime of murder and the victim will receive no justice. So the death sentence is justifiable and ultimately balances the scales of justice.
3. **Deterrence** According to preventive theory, capital punishment is reasonable. This punishment is exemplary. It deters others from committing similar acts more effectively than other sanctions, such as severe prison sentences.
4. **Incapacitation.** The death penalty prevents the murderer from killing again. Criminal murder may have a natural propensity, and in general, this type of crime shows no concern for anyone. They live an abnormal life. In the future, they may commit homicide or other heinous crimes. As a result, capital punishment is an appropriate method of providing societal security.
5. **Financial Cost.** Some scholars believe that keeping a criminal in prison for life is an expensive and terrible existence, and that society should not bear the costs of murder. Capital punishment is the better option in this scenario.

Arguments against Capital Punishment:

The following arguments are emphasized by those who oppose the death penalty to support their position.

1. **Value of life.** Everyone believes that human life is so precious that even the most heinous murder should not devalue it. They think that even if an offender kills someone, their life still has value and cannot be diminished by their bad behaviour. Not all abolitionists go it as far as that. They contend that life ought to be spared unless there is a compelling case for the death penalty.
2. **Right to life.** Even people who commit murder have an unalienable right to life, and this right is violated when someone is sentenced to death or executed. This is in line with the value of life argument, but it is also supported by the human rights perspective.
3. **Execution of the innocent.** One of the most widely held and compelling reasons against death punishment is that innocent people would be executed as a result of faults or inadequacies in the legal system. Witnesses, prosecutors, and jurors can all make mistakes. When this is combined with weaknesses in the system, innocent people are inevitably convicted of crimes. Where capital punishment is used, such errors cannot be corrected. So, the death penalty should be abolished.
4. **Deterrence is a morally flawed concept.** The death sentence does not appear to prevent individuals from committing significant violent crimes. Social scientists generally agree that the death penalty's deterrence effect is, at best, dubious.
5. **Humanitarian's view.** Humanitarians want to abolish capital punishment. They believe that punishment should not be the sole means of enforcing social or legal laws. Because there is anything retribution to execute the law.

Conclusion:

So, the problem of capital punishment has gained a lot of attention in the professional literature, and many philosophers are still discussing it and offering diverse answers to the questions that have been presented. However, the difficulties discussed here are not the only ones. There are numerous examples, including the role of reasons and mitigating circumstances, the use of insanity as a defense, the imprisonment of offenders, and the cultural and historical context of punishment.

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