

How does one tell the difference between wrong and right? Is it by what they see on their TV set? By the way the group or the majority operates? Or, even by a religious force? The reality of this question is complex in every sense. Telling the difference between wrong and right for myself can be put simply into two origins. I would say that I can conjure the difference between wrong and right from my upbringing and the experiences that have taught myself otherwise. As many other people, we are taught at a young age what is socially acceptable from our parents, which enacts us to live our daily lives. In my case, my father and mother are two very different people, polar opposites in fact, but they both agree on family is most important. My mother is conservative, Republican, and atheist, while my father is Democratic, liberal, and Christian. Growing up, I was able to experience extreme difference of parenting and principles that have made me who I am today. From my mother, I have a strong work ethic, grit, and independence. Then from my father, I obtained the traits of being caring, forgiving, and patient. These, with many other characteristics, have aided me in making decisions daily. I will make the assumption that something is wrong or right based majorly on my principles I've gained from my parents, which can be very difficult at times.

For example, the general concept or definition of the death penalty. I realize everything is grey, but based on my upbringing it's particularly difficult because from my mother's Republican background she believes the death penalty is justifiable while my father's Democratic background he would say it is inhumane...which leaves this empty space for me to use my own brain and decision-making abilities to come to a conclusion. I am compelled to the conflict of the death penalty because it tests what I believe to be right and wrong. Much a part of me automatically acknowledges the act as wrong, but a small part of me keeps holding onto the idea of "equal" justice (Encyclopedia Britannica). To be honest, if some insane serial killer raped and tortured my sister, then proceeded to kill her, I would want that person to die for their heinous actions. Like I said, it isn't always black and white when it comes to these cases as it may appear. There is a point where I would want the justice system to "play God" and take their life. It could be argued that I have a difficult time with my morals and ethics and determining what is "right or wrong." Thus, I am exploring the facts and opinion of the death penalty to further understand the entire process of the putting someone to death, as well as better my stance on the matter.

Some may question why this subject matter would be relevant or even important to them if they're not involved; the answer is, simply put, they are taking part. Each and every single one of us is a part of this group called humanity and, whether we like that, we need to realize we are all in this world together. It may not be direct, but your neighbor's problems are yours; we all share the fact we are human. If a fellow human has killed another human, that is our entire problem and we must come to global census on how to deal and better the situation of capital punishment, especially the death penalty.

To go about determining the idea of what is wrong and right, there are five approaches to ethical decision-making. As a note of reference, the definition of ethics is: standards of behavior that tell us how human beings ought to act in the many situations in which they find themselves as friends, parents, children, citizens, business people, teachers, professionals, and so on (Oxford Dictionary). Continuing with the approaches according to website *Psychology Today*, they are utilitarian, rights, fairness, common good, and virtue. The utilitarian approach consists of participating the consequences in determining what is ethical. Trying to increase the good done to outweigh the harm. Thus, the ethical action is the one that produces the greatest good and does

the least harm for all. As for the “rights approach,” the concern at hand is the individual morals of the persons affected in the conflict. It could be argued that this way of thinking supports the idea that humans should and have the ability to live the life they choose to, which is protected by this approach. The ethical action in this case, is the one that best protects and respects the moral rights of those affected. When it comes to the next approach, fairness or also known as the justice approach, the saying “an eye for an eye” applies. For every action, there should be an equal reaction. Ethical actions should treat all human beings equally, or if unequally, then fairly based on some standard that is defensible. Similar to the utilitarian approach, the common good is in defense for the people. The main difference from the two, is the utilitarian is taking the consequences to determine what is the most harmless to the greater good and the common good thought is based off the community at large and what is going on at that moment to decide what is best for the people (Psychology Today). The final approach of virtue, would be perfectly put by René Descartes as “I think, therefore I am” (Princeton). This quote states that what you think is what you are; therefore, when one should make an ethical decision, they should keep in mind what action will illustrate they are instating prime examples of good virtue or self value.

All of these approaches were categorized to better understand the ways and types of ethical thinking to better answer extremely difficult and complex question as the one being explored in this paper. Should the death penalty be allowed? Where are the moral and ethical problems one could encounter when deciding this? All of these questions swarm my brain and drive me to uncover the truth, as I know it, and educate myself to a conclusion.

Capital punishment is not a new idea and has been practiced since ancient times across the globe. Ancient civilizations created documents that stated laws and rules that, when broke, were punished through a variety of punishments from fines to death (Columbia Encyclopedia). The concept of punishment for crimes that were determined by the society at the time, created the most basic notions of what is right and wrong in today's Western culture. As far as scientists have discovered, the earliest replica of the death penalty form by ancient Babylonia in 1700 BC. The document was entitled, The Code of Hammurabi (Guernsey). This was known to be the first ever documented source that contained death penalty laws affirmed by historian JoAnn Guernsey. She continues to note that “...under this code, there were twenty-five punishable by death” (Guernsey). Which included: aiding and abetting slave, adultery, and many more, although, death was not one of the crimes to be charged with death. Punishment of death in the colonial times of the United States and was first brought over from Great Britain (Death Penalty Information Center). Rhode Island was the only colony that did not have at least 10 crimes punishable by death and was most likely the only colony, which decreased the number of capital crimes in the late 1700's. The colonies had "roughly comparable death statutes which covered arson, piracy, treason, murder, sodomy, burglary, robbery, rape, horse-stealing, slave rebellion, and often counterfeiting” (DPIC). Hanging was the usual sentence. America’s Founding Fathers made it so that the death penalty was deemed acceptable under the Constitution (Encyclopedia Britannica). Not long after that, the US Congress established the Federal Death Penalty in 1790. Following that, in the same year in the month of June, the first person was executed under the US Federal Death Penalty (DPIC). This began the centuries long debate of whether putting people to death should be protected under the law and if it is a justifiable act.

As of today, several countries have put into law that the death penalty or any punishment alike, is inhumane and has be eradicated from that area. These countries have different degrees to which they have abolished the law. For example, 140 countries have abolished the death penalty in some cases, usually the worst crimes such as rape. It was reported that in 2012, only one

country that is Latvia, got rid of the death penalty for all crimes (Amnesty International). Whereas in 2013, twenty-two countries were known to be still carrying out executions by the government and to have at least fifty-seven imposed to death sentences (The Guardian). Several countries have notified the capital punishment of death to be inhumane and therefore have made it illegal. The latest country to do so was Gabon in 2010 (Amnesty International). Although there are many countries moving towards removing the death penalty, a country that still strictly practices the death penalty is China. Asserted by *Time Magazine*, China is the world leader in executions, carrying out 90% of them worldwide. There are 24 types of violent crime in China and 31 non-violent types subject to the death penalty. The reason why the rates are so high is explained by the author of the article, Teng Biao:

People in China viscerally hate corruption and are reluctant to see the death penalty dropped. They do not see why corrupt officials should benefit from foreign standards on human rights. But the truth is that those who would benefit most from the abolition of the death penalty would not be corrupt officials nor gangsters, but the weak and the poor. It is they who suffer disproportionately from corruption and crime. (Biao)

Thus, the death penalty can also be a political tool in China — people who do not have a protector, or who irritate their superiors, or who are at the wrong time at the wrong place, are often chosen as a scapegoat. Anyone is in danger of being a victim: once one makes one mistake in the political power struggle, the accusations of corruption are extremely likely to fall on you. Making China also the global leader for the number of corrupt officials who are sentenced to death (Time).

In the United States, the death penalty has a lengthy process that can take up to several years to determine (Cornell Law). As stated before, the first ever death penalty law to be enacted upon was in 1608 (DPIC). America was heavily influenced by Britain, bringing the practice overseas to their new home. There are now 32 states where the death penalty is legal, and 18 where it is not. To begin, there are over sixty offenses upheld by the states and 41 federal offenses that are punishable by death. These include: espionage, treason, and death resulting from aircraft hijacking. However, they mostly consist of various forms of murder, such as murder committed during a drug-related drive-by shooting, murder during a kidnapping, murder for hire, and genocide (DPIC). The 1960s brought challenges to the fundamental legality of the death penalty because before then, the Fifth, Eighth, and Fourteenth Amendments were interpreted as permitting the death penalty. However, the culture at this time suggested that the death penalty was a "cruel and unusual" punishment, and therefore unconstitutional under the Eighth Amendment. This began a serious discussion on the ideals of the country as well with exposing the corruption of the system.

To be convicted to the death penalty, one has to fit certain laws and rules to be even charged with the punishment. First, the state legislature or Congress may impose the death penalty. The Supreme Court has ruled that the death penalty is not "per se" a violation of the Eighth Amendment's ban on cruel and unusual punishment, but the Eighth Amendment does influence the specific procedural aspects when regarding a jury may use the death penalty and how it must be carried out (Cornell Law). This is because of the Fourteenth Amendment's Due Process Clause, the Eighth Amendment applies against the states, as well as the federal government.

The Eighth Amendment analysis requires that courts consider the evolving standards of decency (of the era/culture) to determine if a particular punishment constitutes a cruel or unusual punishment. Next, considering these standards of decency, courts both look for objective factors to show a change in community standards and also make independent evaluations about whether the statute in question is reasonable (American Civil Liberties Union). Cornell claims that there are three factors the Supreme Court looks to:

a consideration of the offense's gravity and the stringency of the penalty; a consideration of how the jurisdiction punishes its other criminals; and a consideration of how other jurisdictions punish the same crime. (Cornell)

Continuing, to further determine a death sentence, the jury must be guided by the particular circumstances of the criminal, and the court must have conducted an individualized sentencing process specific toward that case (ACLU). Finally, another aspect that the state or Congress takes into account are the Supreme Court rulings that executing mentally retarded criminals violates the ban on "cruel and unusual punishments" because their mental handicap lessens the severity of the crime and therefore the punishment of death would be cruel. As well with invalidating the death penalty for all juvenile offenders. The consensus is that teenagers' lack of maturity and responsibility, obtaining greater vulnerability to negative influences, and incomplete character development (Cornell).

Although the justice system is setup to be blind, there are corruptions in the system especially for the death penalty. Children can still be tried as an adult, if at an "appropriate" age or if not close to the age of an adult, they can be sentenced to life in jail without parole. Alike to young people, minorities are at risk of injustice in determining whether they are executed (ACLU). As with such the system set forth kills innocent people. Since 1973, 138 death-row prisoners have been released because they were innocent. In addition, at least ten people have been executed since 1976 even though they were probably innocent. As ACLU states, "wrongful convictions often result from false confessions, which are frequent among people with mental retardation, mistaken eyewitnesses, jailhouse snitches, junk science and prosecutorial abuse." In addition, the process is arguably racially bias towards whites, when simultaneously punishing the poor. The defendants who kill white people are far more likely to get the death penalty than those who kill black people. Most defendants are poor and are forced to depend on incompetent or token representation. Some lawyers have slept or appeared drunk during trials (The Progress Report). Unfortunately, the death penalty has never been applied fairly across race, class, and gender lines. Who is sentenced to die often depends on the attitudes of prosecutors, where one is tried, the prejudices of judges and juries, and the abilities and commitment of defense attorneys (Amnesty International). Like stated before, everyone in the nation are affected by the death penalty. Prosecuting a death penalty case is costly for a state and takes away funding that could be used for education and social programs to perhaps avoid the problem in the first place (DPIC). Capital punishment costs more than sentencing a prisoner to life without parole, which is argued as an alternative to the death penalty. Corresponding to a study executed over years, the state found that the death penalty cost North Carolina \$2.16 million more per execution over the costs of sentencing murderers to life imprisonment. But the majority of these costs occur at the trial level. In its review of death penalty expenses, the State of Kansas concluded that capital cases are 70 percent more expensive than comparable non-death penalty cases, including the costs of incarceration (ProCon.org). It could be said that the beginnings of the death penalty had a

“genuine agenda for ‘justice’” but as supported by statistics, it is difficult to note that as the truth these days as we have evolved as humans.

The science of killing has been a complicated and lengthy operation for the United States, crossing many horrific trials to create the “perfect” method of execution. In the early years of this country, hanging was the appropriate method and has gone through many different ways (DPIC). These include gas chambers, shooting, electrocution, and what is used mainly today: lethal injection. All states and the federal government use lethal injection as their primary method of execution. States use a variety of protocols using one, two, or three drugs. Dr. Joseph A. Matan, MD from Vallejo, CA who specializes in legal medicine clarified the lethal injection method:

Well... there is a three-drug protocol uses an anesthetic or sedative, typically followed by pancuronium bromide to paralyze the inmate and potassium chloride to stop the inmate's heart . The one or two-drug protocols typically use a lethal dose of an anesthetic or sedative. (Matan)

He continued to specify the process as, he adds he have not actually done himself, but has been in the room:

First off...It is important for everyone there to be professional and not let their emotions take over them. That isn't easy though. Anyways, the inmate is escorted into the execution chamber. You might have seen some photos, I'm sure or movies. Then they are strapped onto a gurney with ankle and wrist restraints, spreading their arms out so they are accessible to inject the serum. The inmate is then connected to a cardiac monitor which is connected to a printer outside the execution chamber. I or another physician would aid in doing so. Next, an IV is put into in each arm, in two different veins and a flow of normal saline solution is administered at a slow rate. While one line is held in reserve in case of a blockage or malfunction in the other. Then at the warden's signal, the 5.0 grams of sodium pentothal in 20 cc of diluent is administered, then the line is flushed with sterile normal saline solution. This is followed by 50 cc of pancuronium bromide, a saline flush, and finally, 50 cc of potassium chloride. You can research California execution procedures if you need more information.

Further into research, the most common problem encountered is collapsing veins and the inability to properly insert the IV (ProCon.org). During the interview, I found it interesting how the human race has perfected the science of killing each other but haven't found world peace yet.

It has come to my final conclusion, the almighty decision, what will it be? For or against the death penalty? As one could learn from this paper, that isn't such a simple question to answer. My first comment I would like to elaborate on is the apathy, almost numbness we have acquired when coming to extremely important issue as the death penalty. The mainstream media will shed light on every single little detail of a case, like what time the offender ate their *Rice Krispies* before the murder, but won't emphasis the crucial fact that this is a human, not just a monster. If it doesn't involve us why should we care? That is what the attitude of my generation. In the era of any information at the tip of your fingertips, we choose ignorance and apathy. That

just saddens me and often makes my hope in humanity decline. Although, while doing my research, I have come to the conclusion of why we still use the death penalty. Like I mentioned during the start of the paper, even myself, I hold onto the sense of justice that the death penalty would provide if one of my family members were horrifically killed. But, in reality, is that fair? I came to the notion that the idea of “an eye for an eye” is quite savage. This is our first and maybe our innate feelings towards a situation as this...almost a caveman action, without logical thought or comprehension of the effect of execution. Referring back to consequential ethical decision making, this belief doesn't rely on this procedure and I believe this is the most effective way of thinking. We have evolved past those barbaric times when this practice was invented and became law, we should have realized by now that it doesn't work and has no ultimate benefit in the end, the one thing you lost, it won't bring back your loved one.

In terms of the idea of that we all think and believe different right and wrong also blows my mind. I can think they're crazy, insane, mental to think the way they do but they could think the same about me. Are we all just a tad bit out of control? This notion scares me cause I feel like at the end of the day, my integrity and principles (moral and ethics) are the only thing that keep me sane. To think that someone thinks I am wrong is a conflicting feeling. But that is life; maybe we're all a bit mad to believe in the things we do, the way we act when people are watching vs. when we're alone, and the actions we take. Maybe we're all crazy together living on this crazy planet, living this crazy little thing called life. What a crazy thought.

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