

Life Sentence vs Death Penalty

Cecilia Williamson

Columbia Southern University

English 1302

Nickalus Rupert

April 16, 2023

Life in Prison vs Death Penalty

The debate of life in prison versus the death penalty has been ongoing for centuries. Those on the pro side of the argument often view life in prison as a better form of punishment than the death penalty, believing the former to be a more humane and just way to punish criminals. In contrast, those on the con side often view the death penalty as a more effective form of punishment and retribution against serious crimes. Despite the differing opinions, there is a consensus that the death penalty should only be used in extreme and heinous cases, such as murder, drug possession, terrorism, and corruption. In addition, life in prison is seen as a potential avenue for reformation and rehabilitation for those sentenced. When it comes to the specific controversy surrounding the death penalty and life in prison, there are arguments on both sides. On the pro side, there are those who view capital punishment as an effective deterrent and a form of retribution for heinous crimes. On the con side, there are those that view the death penalty as a violation of the right to life and an unreliable form of punishment. The fundamental right to life, the moral and legal ramifications of the death penalty and life in prison, and all of these are examined to establish if the death sentence is an appropriate form of punishment.

The Literature Review

This literature review seeks to explore the legal and moral implications of life imprisonment and the death penalty and to analyze the arguments for and against the use of capital punishment. It will begin by examining the nature and content of life imprisonment and the arguments for and against the death penalty. It will then move on to examining the moral and legal implications of both life imprisonment and the death penalty and the right to life. Lastly, the literature review will provide an objective analysis of the arguments for and against the death penalty and its implications for the criminal justice system. This literature review provides an in-

depth exploration of the legal and moral implications of life imprisonment and the death penalty and serves as an important source for those looking to gain an understanding of the topic.

The Nature and Content of Life Imprisonment

Life imprisonment is a form of punishment where a convicted criminal is incarcerated for life or a period of time that is deemed to be equivalent to life. According to Antonyan and Antonyan (2020), life imprisonment is a complex issue, with both legal and moral implications, which must be carefully considered when deciding whether to impose the sentence or not. The authors argue that life imprisonment should only be imposed for the most serious crimes, such as aggravated murder and that there should be an attitude of reformation for those convicted. Life imprisonment should be used as an alternative to the death penalty to provide a more humane form of punishment. Life imprisonment allows for the possibility of rehabilitation, which could ultimately lead to the criminal's release if they have demonstrated positive behavior. This can also provide a sense of closure to victims and their families, as the criminal will be held accountable for their actions without being put to death. Life imprisonment also provides an opportunity for the criminal to atone for their crimes and to reflect on their choices. Life imprisonment can be used as a deterrence to crime, as the threat of a life sentence could be a powerful deterrent to potential offenders. Life imprisonment can be used to protect society from dangerous criminals, as those sentenced to life will remain incarcerated for an indefinite amount of time.

Arguments for and Against the Death Penalty

The death penalty has been a controversial issue for centuries, and there are both arguments for and against the use of capital punishment. On one side of the argument, Purwanto (2020) argues that the death penalty should be used sparingly and only for the most serious of crimes, such as murder, drug possession, terrorism, and corruption. Similarly, Antonyan and

Antonyan (2020) state that life imprisonment should be the preferred punishment for serious crimes, rather than the death penalty. They argue that life imprisonment can be used to achieve justice and can also provide opportunities for reformation and rehabilitation. On the other hand, Barry (2018) argues that the death penalty is not a form of “just punishment” and that life imprisonment should be used as an alternative to the death penalty. Barry argues that capital punishment is susceptible to arbitrary decisions, delays, and unreliability and is not a suitable punishment for the crime. The authors also contend that the death penalty violates the right to life guaranteed by the substantive due process clause of the United States Constitution. This article provides a comprehensive overview of the legal and moral implications of the death penalty and serves as an important source for those looking to gain an understanding of the arguments against the death penalty.

Moral and Legal Implications

Life in prison and the death sentence are controversial legal and moral decisions that the families, jurors, and judge must think about when decided on the punishment for a crime. On one hand, Purwanto (2020) argues that the death penalty should only be imposed for the most serious of crimes, such as murder, drug possession, terrorism, and corruption. He argues that capital punishment should be used sparingly, as it violates the right to life and can lead to arbitrary decisions and delays. Similarly, Barry (2018) argues that the death penalty is not a form of “just punishment” and that life imprisonment should be used as an alternative. She argues that the death penalty is not narrowly tailored to achieve its ostensible purposes of deterrence and retribution and that it violates the right to life guaranteed by the substantive due process clause of the United States Constitution. On the other hand, Antonyan and Antonyan (2020) argue that life imprisonment can be used to achieve justice and can provide opportunities for reformation and rehabilitation. They further state that the International Covenant on Civil and Political Rights,

Article 7 Verse (2) – (6), states that the death penalty must be performed appropriately without resulting in imprisonment for years or mental suffering. This article provides an in-depth exploration of the moral and legal implications of life imprisonment and the death penalty and serves as an important source for those looking to gain an understanding of the topic. The death penalty should not be used as a form of punishment because it is irreversible, and any mistakes made during the process cannot be corrected. Furthermore, there is the risk of executing innocent people, as wrongful convictions and flawed legal proceedings are all too common. In addition, the death penalty is disproportionately applied to disadvantaged and minority groups, which raises questions of fairness and equality. Also, research shows that the death penalty does not deter crime more than other forms of punishment, such as life imprisonment. The death penalty is expensive as it requires greater resources than life imprisonment and other forms of incarceration. Life imprisonment is a more humane and cost-effective way to punish criminals while also providing opportunities for rehabilitation and reformation.

The Death Penalty and the Fundamental Right to Life

The fundamental right to life and the death sentence are interwoven. Barry (2018) contends that the death sentence violates the right to life protected by the substantive due process article of the United States Constitution and is not narrowly tailored to fulfill its purported aims of deterrence and punishment. Similarly, Purwanto (2020) states that the death penalty should only be imposed for “heinous crimes” such as murder, drug possession, terrorism, and corruption, as it violates the right to life. In contrast, Antonyan and Antonyan (2020) argue that life imprisonment can be used to achieve justice and can provide opportunities for reformation and rehabilitation. This article comprehensively analyzes the legal and moral implications of the death penalty and the right to life guaranteed by the United States Constitution. It offers an

unbiased overview of the subject and is a crucial resource for anybody trying to comprehend the death sentence and its effects on the criminal justice system.

In conclusion, the debate over life in prison versus the death penalty is one that is highly contested, with arguments on both sides. Those on the pro side argue that the death penalty is a just form of punishment for serious crimes, while those on the con side argue that it is a violation of the right to life and an unreliable form of punishment. Ultimately, the death penalty should only be used in extreme and heinous cases, such as murder, drug possession, terrorism, and corruption, and that life in prison should be used as an alternative form of punishment. Life imprisonment can be used to achieve justice and can provide opportunities for reformation and rehabilitation. Furthermore, the death penalty should not be used as a form of punishment, as it is susceptible to arbitrary decisions, delays, and unreliability. Therefore, life in prison should be the preferred form of punishment for serious crimes.

References

- Antonyan, Y. M., & Antonyan, E. A. (2020). Criminological Problems of Life Imprisonment.
<https://doi.org/10.2991/assehr.k.200321.0866>
- Barry, K. M. (2018). The Death Penalty & The Fundamental Right to Life.
<https://doi.org/10.2139/ssrn.3287213>
- Kort-Butler, L. A., & Ray, C. M. (2018). Public support for the death penalty in a red state: The distrustful, the angry, and the unsure. *Punishment & Society*, 21(4), 473–495.
<https://doi.org/10.1177/1462474518795896>
- Norris, R. J., Mullinix, K. J. (2019). Framing innocence: an experimental test of the effects of wrongful convictions on public opinion. *Journal of Experimental Criminology*.
<https://doi.org/10.1007/s11292-019-09360-7>
- Purwanto, A. (2020). Death Penalty and Human Rights in Indonesia. *International Journal of Criminology and Sociology*, 2020, 9, 1356-1362.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3987003