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The Morality of the Death Penalty

Article 1:

"Is the Death Penalty Moral?" Thomas Roeser

Response

In questioning the morality of the death penalty, Thomas Roeser in no way argues that it is unlawful. In fact, he states, "There is no doubt that, historically, the state has affirmed it has legitimate power to exact the ultimate punishment." He even gives evidence of the historical and religious justification for the death penalty. Though he implies that capital punishment is immoral, he doesn't decisively say that it is. I've concluded that he doesn't do this so as to justify his "exception" to the death penalty. Perhaps a better title would be, "Should the Death Penalty be Severely Curtailed?"

Credibility

Thomas Roeser, who says he was a one-time defender of "blanket capital punishment," is a radio talk show host, writer and lecturer. His writing reflects a mostly professional, thoughtful and respectful tone, giving him a measure of credibility. Roeser seeks to establish common ground with his readers by using words such as "us" and "we." At one point, though, he argues, "Capital punishment should not be applied even for those who with premeditated act take a life and who with certitude of DNA and other means are

convicted with thoroughly adequate and even eloquent counsel. That's hard for victims' families, I know." Does he really know? This remark struck me as condescending and as having less compassion for the victim than for the murderer. Mr. Roeser would have done well to leave out this comment.

Logic

A weakness I see in the author's argument against the morality of the death penalty is that he does not present a lot of strong evidence to support his stance. He actually spends more time defending the legality of capital punishment both from a historical and religious standpoint. What evidence he does present for his case is for a "narrower construct" of the death penalty, not for its abolishment. One reason he presents for his change of heart on "blanket capital punishment" is, "...the death penalty may well cut off the time needed for remorse or contrition, which in the Christian sense is needed for redemption of the soul. This would militate for drastic narrowing of the capital punishment formula based on concern for the soul of the sinner, no matter how heinous his deeds. It is here where I have decided to be counted." Sounds like a sob story to me. I would argue that a convicted murderer, faced with imminent death, not to mention all the years leading up to the execution to examine one's conscience, would be motivated to repent. Timothy McVeigh, the Oklahoma City bomber, asked for and was given the last sacraments by a Catholic priest minutes before his execution. Mr. Roeser fails to accept the burden of proof when arguing for the curtailment of capital punishment when he says, "that there have been proven police brutalities and modern tests of DNA that overrule other evidence," and that "the poor are not equipped as are the wealthy to mount a

vigorous defense.” He doesn’t follow these statements with any evidence. As to his statement about the poor, should this line of reasoning then call for a drastic reduction of their sentences for all crimes committed? The exceptions to the death penalty he names are for “those who alter the future of a nation or kill a large accumulation of people...” and for the assassination of a president. How would you determine the number of people someone would have to murder to apply the death penalty? Is twenty-five enough, or maybe 300? Roeser only goes as far as questioning the morality of the death penalty to make his case for its curtailment. I believe that had he said that it was clearly immoral, he would not be able to make a case for any exceptions. If immoral, it would be wrong to apply the death penalty under any circumstances.

Article 2

“The Moral Failure of the Death Penalty” Joe Loya

Response

I was taken aback by Joe Loya’s dismissive statement that “opponents of the death penalty are accused of never thinking about the victims...I think about the victims all the time. In fact, I believe that we give victim’s feelings too much sway in the penalty phase of a trial...” Mr. Loya, who must fancy himself an expert on justice since he’s an ex-con who spent a considerable amount of time behind bars, gives far too much opinion and personal history about himself in this article. His arguments against the death penalty are more of an egotistical harangue against the law and victims than a question about its morality. He feels capital punishment is wrong, yet he offers no solutions. Essentially

what he is saying is that “if the cycle of settling the score is ever going to be broken,” then victims and their families need to get over it and turn the other cheek. His arguments did not challenge my beliefs because they are neither logical nor compelling.

Credibility

According to his bio, Mr. Loya is an “essayist, playwright and author of memoir, *The Man Who Outgrew His Prison Cell*.” In my opinion his poor writing, angry, arrogant tone and illogical reasoning decry his credibility. For instance he says, “In fact, there is a way in which a victim can victimize *their selves* when they become consumed with rage and obsessed with retribution.” The author offers no counterarguments or evidence, makes no attempt to be fair, and fails to establish common ground, especially with victims, their families and those sympathetic to them. He makes the extreme and oversimplistic assertion, “It seems to me that we as a community surrender some of our civility when we allow human sacrifice simply because it offers victims a sort of joyful relief.” I disagree with Loya, because we as a society would surrender some of our civility if we did not carry through with the laws as written to hold accountable those who would harm our citizens. My common sense also tells me, even though I cannot pretend to know the mind of the victim’s family, the application of the death penalty does not result in a perverted sense of relief for them, as the author would have us believe.

Logic

“The Moral Failure of the Death Penalty” is riddled with logical fallacies, but I will address only a few. To begin with, the author over-simplifies that “our courts don’t

dispense justice in the best interest of society as much as they meet (sic) out something akin to the vendetta justice of a blood feud.” He doesn’t elaborate further nor offer any evidence to back his claim. Loya merely offers the example of a woman who watches the execution of her father’s murderer followed by an extreme assertion that an execution “clearly implicates us all.” The author also resorts to a false analogy when he likens a lawful execution with “the retaliatory impulse of a sort of Hatfield-McCoy backwater justice.” A lawful execution is not impulsive. It is the result of a lengthy process to bring about legal justice. There is a difference between individuals taking the law into their own hands and the state applying the law. He makes another false analogy when he says, “We are misled like those cops and guards who broke the law (he goaded them into beating him) to prove their superiority to me, if we believe that an execution is the only way to confirm the societal values that the criminal is thought to have violated.” How can we be misled like the cops and guards who broke the law if we believe that the death penalty is permissible? Execution is legal in most states, and one does not break the law by believing. It’s ironic that Mr. Loya, who doesn’t seem to have an abundance of respect for the law, was changed by his experience in solitary confinement. He states, “I decided to alter the violent criminal trajectory of my life . . . I considered the root of all my thuggery, and I became a pacifist.”

Article 3

“The Death Penalty: Morally Defensible?” Casey Carmical

Response

My first reaction to this article was that it was well organized, clear and concise. I thought it also raised some valid arguments and offered credible evidence. Upon closer review, however, I found that the author, Casey Carmical, resorted to some logical fallacies. I also noted that he made some polarizing and patronizing comments. If the flaws were eliminated, Mr. Carmical could salvage and develop this essay into a decent argument worthy of consideration in the defense of the morality of the death penalty.

Credibility

The tone of Mr. Carmical's essay has an "us" (pro death penalty) against "them" mentality. He refers to the opponents as "abolitionists." Clearly, he does not attempt to build common ground until the very end when he states, "Let *us* work in America to get back the mentality that victim rights are more important than criminal rights." However, he's lucky if the death penalty opponents read that far if they haven't been offended by some his statements. For instance, he says, "the parents of the victim will be among the tax payers that pay for his (the murderer's) meals and his cable television...it is this type of situation that the abolitionist approves. Somewhere along the line, their priorities have been turned upside down." The author further weakens his credibility when he states on his works cited page, "In all likelihood, I do not have any more credentials than you do."

Logic

One of the strengths of this article is how the author lists the five reasons to abolish the death penalty given on the Campaign to End the Death Penalty website. He then systematically counter argues each reason, at times making valid points and offering textual evidence. As an example, one of the reasons given on the website for abolishing

the death penalty is that the death penalty condemns the innocent to die. He argues, "Before any person is executed in this country, 12 members of a carefully selected jury have to decide beyond a reasonable doubt that a defendant is guilty. The possibility of an innocent person being executed is extremely small." Supreme Court Justice Antonin Scalia echoed this same argument in 2002: "In my 15 years on the bench, I can only think of one case when I thought there was a little doubt as to the substantive guilt...the case where there is serious doubt about whether this is really the person that did it is enormously rare." Another strong point is the way in which Mr. Carmical discredits the false irony of a bumper sticker that reads, "We kill people to show people that killing people is wrong." He prefers the slogan "We execute people to show that murder is wrong." The author defines the words "kill," "murder," and "execute," showing that they are not interchangeable terms. However, he immediately follows this with a laughable false analogy. He says, "Just because two actions (killing in self-defense and murder) result in the same end does not make them morally equivalent. If it were so, legal incarceration would be equated with kidnapping, lovemaking with rape, self-defense with battery, etc." Mr. Carmical also oversimplifies when addressing the claim of the death penalty opponents that "the death penalty is not applied fairly." To that he replies, "Is the system unfair? Fix it." Other logical fallacies the author commits are over-reliance on authority, hasty generalization and a combination slippery slope and red herring where he describes the comforts of prison. He claims, "eventually criminal rights activists will see to it that all prisons are nice places to go."

Bibliography

Carmical, Casey. "The Death Penalty: Morally Defensible?" *hoshuha.com*. Casey's Critical Thinking, n.d. Web. 5 April 2010.

Loya, Joe. "The Moral Failure of the Death Penalty." *sfgate.com/citybrights*. San Francisco Chronicle, 10 Nov. 2009. Web. 17 April 2010.

Roeser, Thomas. "Is Death Penalty Moral?" *stopcapitalpunishment.org*. Chicago-Sun Times, 18 Jan. 2003. Web. 5 April 2010.

Final Response

The death penalty, as with all controversial topics, usually evokes strong feelings on both sides of the issue, so it is easy to let one's emotions prevail over logic. This is probably one of many reasons the three writers of the articles I chose carelessly slipped into using logical fallacies, failed to establish common ground, and came off at times as angry, condescending, polarizing and arrogant. As to my stance on the death penalty, I do not believe it is immoral. All the reasons given for its abolishment—that it is racist, that it punishes the poor, that it condemns the innocent to die, that it is not a deterrent to crime, that it is cruel and unusual punishment—are reasons that I do not feel have been proven to my satisfaction. I don't think I am being hard-hearted; I'm an advocate for taking responsibility for one's actions. No one has to be executed if they don't willfully murder. One of the outcomes of doing this project is that I have learned of the importance of knowing your subject well. You must do your research and carefully think through your arguments in order to defend your point of view on an issue. You must do more than just appeal to your audience's emotions and feed them your opinion. If you want to challenge someone's beliefs, it is also important to build common ground. You can have all your facts lined up, but if you are divisive, you are going to lose some of your audience. I found this exercise to be useful not only in determining the strengths and weaknesses of the articles examined, but it will serve to help me with future papers that I write. Hopefully, I will avoid making some of the same mistakes that I pointed out.