My View on Capital Punishment

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I. Introduction

According to the definition of the officials, “capital punishment” refers to main punishment. Since the primitive human period, death penalty has been the main punishment people used to punish the criminals. Cruel execution was believed to prevent future serious crimes. Through the blooming of civilization, many countries nowadays have abolished capital punishment, believing that it will bring positive effects to the society.

In Taiwan, the advocacy or abolishment of the death sentence has been a controversial issue for the past few decades. To execute it or not is just a momentary step, but the decision will cause various kinds of problems from many aspects. Different comments have been made on such issue. In order to provide another perspective other than the pros and cons of this issue, the writer will illustrate reasoning of the position on the capital punishment in this thesis, with reference to a comprehensive research.

II. Thesis
a. Capital Punishment Should Be Kept
   i. Social Justice

“No person shall be held to answer for a capital crime, unless on a presentment or indictment of a Grand Jury, nor be deprived of life without the due process of law.” (The Fifth Amendment) This clearly points out the necessity of capital punishment because it can help our society maintain moral value and social justice. Henry Hyde, a Republican from Illinois, plays the role of the House of Representatives Judiciary Committee. He believes that society has the right to use certain types of law, including fines and various kinds of punishments, to ensure that criminals who commit such crimes receive suitable discipline: “Society has a right to impose whatever punishment in collectively determines befits the violations of its laws.” (Henry Hyde, 1997) A heinous murderer who committed brutal crimes deserves extreme punishment, the depriving of one’s life, the death penalty.

Most people in Taiwan believe that the implementation of capital punishment will have a deterrent effect for those who want to contravene the law and make them think twice before they harm innocent victims. The violations of the laws have not only brought painful injury upon individuals but also weakened the
security and peace originally existing in the society and holding the community together. Capital punishment is the retribution for the revulsions those unforgivable criminals have done.

ii. Deterrence

Compared with the life imprisonment without the possibility of parole, capital punishment is considered to be cruel and unusual punishment and to have more deterrent effects. From the analysis provided by Professor Stephen K. Layson of the University of North Carolina at Greensboro, the data showed that increase of the execution rate resulted in the reduction of homicide rate from 1936 to 1977. It is worth emphasizing that, Layson estimated, on average, each execution may contribute to the deterrence of 18 murders or so.

On the other hand, “though a life without parole sentence prevents murderers from committing the same crime, it does not prevent them from murdering in prison.” (Paul G. Cassell, 1993) According to the information provided by Paul G. Cassell, an associate professor of law at the University of Utah in Salt Lake City, more than five federal prison officers have been killed by the rehabilitated after they have the shortened sentence and be released since December 1982.

Ironically, the inmates in at least three of the incidents were already be given life imprisonment for murder. “Every prison in the United States has its own stories of the lifer who killed another inmate over a cigarette or a piece of chicken.” (James C. Anders, 1989) Therefore, it is more likely that capital punishment is a better solution than the adverse consequences caused by life sentence.

Standing in the victims family members’ points, we didn’t have the experiences of losing our dearest and nearest person which was caused by a bloodcurdling murderer’s behavior so we have no point to ask them to forgive or to agree the perspective of abolishing death penalty.

b. Capital Punishment Should Be Abolished

Many people who approve the abolition of capital punishment claimed that only using the cruel punishment in trouble times can make out society better.
Nevertheless, in a seminar of research of the controversial issue, capital punishment, a lawyer reclaimed that “if death penalty is effective and we legislate law to sentence all the crimes to death penalty, whether fraud, robbery, insult are all sentenced to death, then people won’t be afraid of murdering. The criminals will become crueler and this is so-called, as I paraphrase, “Cruelty from the effect” in the criminological terms. As a result, capital punishment will lose the function of the deterrence effect gradually.” (Zhi-Xiang Chen, 2009)

There is a famous saying from Mahatma Gandhi, “An eye for an eye makes the whole world blind.” Indeed, the function of the capital punishment is to indemnify the victims’ family as well as to fulfill the government’s duty to protect the citizens. However, the death of a criminal cannot make the victim come alive or bring any indemnification for the victim’s family.

“Everyone has their right to life, liberty and security of person.” (The Universal Declaration of Human Rights, 1948) Therefore, we should not enact the laws that punish the criminals by depriving of their rights. It is a contradictory rationale to allow a person to kill another. When a murder or bloodcurdling criminal case happens, after we charge the criminal, we should think about some significant issues. When a criminal is executed by capital punishment, the criminal case will come to an end. However, there are very few people will be concerned about how serious of the social inequality and how severe the oppression of the powerful influence people has given to the poor and what level we might ride roughshod over them to push them to the edge of the society yet to do such kind of haunting crimes.

In the summer of 1924, a well-known American layer, Clarence Seward Darrow were took over a century trial, the” Leopold and Loeb” trial. Leopold and Loeb were two teenagers on the wrong track and ended up kidnapping and killing the 14-year-old Bobby Franks. They had no idea that their impulse for the excitement had caused an irretrievable tragedy. In his eloquence for the convicts, he told the judges “I’m pleading for a time when hatred and cruelty won’t control the hearts of men. When we learn by reason and judgment and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man. “(Clarence Seward Darrow,1924) In the end of the trial, the efforts he had done prevented the two boys from being hung, helping people understand that “tempering the justice with mercy” (Darrow,1924) is the best way to make this society better.
In that trial, Darrow certainly emphasized “those psychological, physical, and environmental influences -not a conscious choice between right and wrong-control human behavior.” (Wikipedia) Conclusively, all the endeavors Darrow did in his lifetime all persuaded people in the society that the extreme punishment which conflicting with the humanitarian progress, death penalty, should be abolished.

On the other hand, the purpose of capital punishment is to reduce the panic of public security among the citizens. However, it doesn’t have the function of deterring people from committing serious crimes. A piece of evidence provided by Chin-Feng Wang, the ex-Prime Minister of the Ministry of Justice of Taiwan, proved this point. She said that when people in Taiwan were ruled by imposed martial law, the severe punishment for the gang burglary was death penalty, but the robberies still kept happening without extinction; on the contrary, while Taiwan has not used the death sentence for nearly four years, the cases which involved the charge of murder declined by nearly 30%. This data reveals that there must be better ways to deal with vicious criminals instead of ending their lives.

Though Chin-Feng Wang resigned for her goal to abolish death penalty, she still believes that capital punishment cannot prevent people from doing illegal things. Different evidences can result in different verdicts because of judges’ judgments. In the case of Jian-He Su took place in 1991, the convicts were standing between innocent and capital punishment. Due to various kinds of suspicious points and uncertainty of the statements given by the accused suspects under examination, the defendants were been sentenced to death, and then to guiltless and then to death again. In the end of the trial, their lawsuits were rescinded because there were no valid evidence to prove them guilty. Therefore, three of them were released in court in 2003 after nearly a decade. In any trial like this, a false verdict can cause the deprivation of an innocent person’s life and an irremediable tragedy for his family. “As far as Chin-Feng Wang is concerned, she appealed to the government to respect all living creatures, including convicts, and to educate our citizens to respect all people.” (Wang, 2010)

In July 23th, 2007, a vice-professor who teaches in National Taiwan University, Huan-Ru Yang, was accidentally killed by an drug-addictive rehabilitated who just released because of the shortened sentence. Critics in various kinds of fields were spread around and called out for the innocence of his death. His wife, Mei-Yin Zhang is a religious Buddhist, at the moment she heard his husband’s death, she
chose to forgive the killer and also told her daughters not to revenge. She saw though the impermanence of a person’s life, understanding that ending the other person’s life would not change the fact so she told herself to walk through the grief and ponder upon the true value of a person’s life. She used mercy instead of hatred to face this tragedy, having a merciful heart and walked through the road of recovery. In this case, Mei-Yin Zhang not only eased the panic in the society but also send a significant message to all of us:”Missing our beloved ones who had passed away is like holding onto the string of a kite, letting it struggling in the wind. However, if we learn to let it go, the kite can fly freely to where it belongs and we ourselves can overcome the trauma of losing our family members eventually.

III. Conclusion

Though it is a trend around the world to abolish the capital punishment, the situation in Taiwan nowadays does not permit us to do so. The Chinese culture has deeply ingrained with the definition of “A person who kills others should definitely be killed as well” for thousands of years. It is hard to change this kind of revenging thoughts in our citizens’ minds. Besides, though many countries worldwide have abolished the use of death penalty, the educational system qualities of different countries are varying greatly from country to country. If we stop using the capital punishment immediately, panic will spread around Taiwan. Our citizens will be concerned about their safety and be afraid that the justice cannot be of use when their family members are harmed by others. It is more likely that we should wait until the decline of the crime rate and the severe criminal cases, and perhaps by then, the fear among the general public will ease up, and we can abolish the capital punishment.

To sum up all my supporting findings above, I think the abolishment of death penalty is necessary but it needs to be done one stop at a time. The result and effect it will bring are what the government needs to consider and plan perfectly in advance to let the citizens feel safe and feeling protected. For instance, the government should present the plans for not only both the convicts to be educated to readjust themselves to society, but also for the victims’ family to overcome the trauma with the help of the psychiatrists and more complete welfare, social security, and litigation systems to ensure that both sides are taken care of.

The society now in Taiwan is still on their way to abolish the death penalty. There are still many controversial issues we need to solve and overcome. After this
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research, I think we need to make efforts and endeavor to use our strength and try our best to advance to the goal of the abolishment of the death penalty and open a resplendent future for our descendants.

IV. Reference

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