

The Immorality of the Death Penalty

“The death penalty is not about whether people deserve to die for the crimes they commit. The real question of capital punishment in this country is, do we deserve to kill?” I believe this question, asked by Bryan Stevenson in *Just Mercy*, captures the essential problem with the death penalty. The death penalty mistakes revenge for justice, when a society that executes offenders is simply committing the same violence it condemns. A death sentence is often decided by inept juries, is irreversible once executed, and simply inhumane. Therefore, convicting someone to death is morally wrong and unethical.

The judicial system in the United States is extremely flawed. Oftentimes, especially in death penalty cases, serious harm is caused by racially biased jury selection. Studies show that less representative juries convict and sentence Black defendants to death at significantly higher rates than white defendants. In *Just Mercy* during the trial of Johnny Lee Gates, a Black man, prosecutors struck all prospective Black jurors after which an all-white jury imposed the death penalty. After 26 years on death row, Mr. Gates was proven innocent and his conviction was overturned. Unfortunately, this is far from an isolated incident; the integrity of many trials have been impacted by exclusion from jury service on the basis of race. Although deemed unconstitutional by the Supreme Court, prosecutors’ use of peremptory strikes is a primary mechanism for creating racial disparities on juries. In *Just Mercy*, nearly everyone on Alabama's death row, including Walter McMillan, was tried by an all-white or nearly all-white jury. Not only are people tried by biased juries, but biased people accuse them. As Stevenson states, “accumulated insults and indignation caused by racial presumptions are destructive in ways that are hard to measure.” The judicial system is no exception to these problems. The death penalty disproportionately targets the most vulnerable in society including ethnic minorities, people in

poverty, and people with mental disabilities. In *Just Mercy*, Jimmy Dill was executed simply because the state of Alabama refused to assess whether he had an intellectual disability. Furthermore, he did not possess the money or resources to hire proper counsel. It is unjustifiable to execute an innocent person simply because the judicial system failed to provide them with the basic resources needed to challenge their conviction. Other abuses of power such as bribery and the withholding of evidence are consistently present in the judicial system. Ultimately, the combination of these unjust practices results in one in every nine people on death row being exonerated. Deciding to end a human life is not a matter to be taken lightly, however, a flawed justice system and unfair trials have made it immensely too easy to do just that. Under no moral circumstances is it lawful to execute someone under such a debilitated institution.

The absolute irreversibility of execution is another colossal ethical issue with the death penalty. The judicial system is made up of humans who, because they are humans, will inevitably make mistakes. Execution, however, leaves no room for errors and has consequences that can never be undone. It is unethical to commit this type of irreversible act based on evidence that is anything less than absolutely certain, a measure unachievable by a jury composed of humans. The death penalty essentially assumes that no possible piece of evidence or information can possibly be learned between the time of sentencing and death that could change the punishment the convicted is said to deserve. It is simply irrational to assume that there could be no possible evidence uncovered or a mistake by the jury that could change the sentence of the prisoner. This assumption makes even less sense when you look at the statistics. Seven death sentences are set aside for every one carried out, demonstrating that sentences frequently change after conviction. Rationality requires that we leave this possibility open, which cannot happen if the convict has been executed. Although there is a possibility for appeal on death row, it is substantially more

complicated and lengthy than other types of sentences and therefore requires counsel that can be very difficult for prisoners to access. In the case of Jimmy Dill, he did not gain this counsel until it was too late.

Besides the possibility of the case changing, there is also the possibility of the person changing. It is unethical to resolutely sentence someone to irreversible death when you can never be sure that they do not have the capacity for change. As Bryan Stevenson said, “each of us is more than the worst thing we've ever done.” Capital punishment and incarceration in the United States value retribution over rehabilitation. The system would rather kill someone for the crimes they commit instead of attempting to help them. Failing to acknowledge the human capacity for change and growth is inhumane and immoral. Instead of getting rid of criminals by executing them, prisons should be working to strengthen their rehabilitation and parole programs to get prisoners the help they need. By failing to consider the convict's past, potential improvement, or other factors affecting their character, the system dehumanizes criminals in the prosecutor's eyes. Without this basic sense of human compassion and empathy prosecutors are able to justify sentencing a person to death.

In conclusion, the death sentence is immoral because it is decided by inept juries, is irreversible once executed, and is simply inhumane. It is crucial that the institutions in our society show a degree of mercy, compassion, and humanity that reflects what is right, what is just, and what is moral. The death penalty fails to recognize our common humanity, which begs the question, “do we deserve to kill?”

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