



## The Surgical Effect of Death Penalty

There are more than 2,000 prison inmates on death row in America. These individuals have been tried for serious crimes, convicted, and sentenced to death. While appealing their convictions, some have lived with the death sentence hanging over them for as much as ten years.

After having outlawed the practice for many years, the Supreme Court restored the death penalty as a state option in 1976. Since then, only 13 states have permitted executions; another 24 have enacted but not used legislation allowing capital punishment. In 13 other states, the death penalty is still not permitted.

During the more than 13 years that capital punishment has been restored, there have been only 120 executions in the entire nation. In 1935, when there were far fewer homicides and a much smaller population, 199 persons were executed. Today's attitude toward the life of a convict is hardly as callous as some would insist.

### Just Retribution

But what about capital punishment? Is it just for the state to take a person's life? Should the practice be outlawed once again? Is the power to execute someone more power than is proper?

The only defense of the use of capital punishment is an appeal to justice. The earliest known moral code, the Mosaic Laws, mandated the death penalty not only for murder but for several other offenses that would never earn it today. Those who object to capital punishment on religious grounds ignore God's command to Moses (Leviticus 24:17), "He that striketh and killeth a man, dying let him die." And the Apostle Paul told the Romans that the state indeed had authority to punish serious crimes with death.

Among the great moral teachers of history, Augustine defended the use of the death penalty in his *City of God*. Thomas Aquinas likened the taking of a criminal's life to the amputation of a diseased limb in order to save the rest of the body. Others have persuasively held that crime demands not only punishment but retribution. While a thief may be able to restore what he has stolen, a murderer cannot. But, if justice demands retribution for thievery, it demands the same for murder. The taking of the life of a murderer, therefore, is a just act of retribution.

Too often, only the deterrent effect of capital punishment is pointed to as justification for its use. And there is no doubt that it does deter. But to punish one man in order to deter another can never be justified of itself. The deterrent effect, as powerful as it may be, can only be the by product of an act that is itself just.

Refusal to administer capital punishment likely leads to additional violent deaths. During his term as New York City's Mayor, the liberal Edward Koch pleaded: "One Lemuel Smith was convicted last year in Dutchess County for murder. He had already been convicted in Schenectady for a kidnapping and rape, for which he received two 25-years-to-life sentences. He had also already been convicted of murder in Albany, for which he received another 25-years-to-life sentence. While serving these three life sentences in Green Haven Prison, he lured a woman corrections officer ... into the Catholic chaplain's office and there strangled her to death and mutilated her body .... A fourth life sentence is meaningless. The status of the law in New York has given him a license to kill."

Capital punishment, in careful use, is both just and necessary.



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