

# Moral Justifications of Capital Punishment

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## Abstract

The term "capital punishment" refers to the act of putting a person to death as a kind of punishment for committing a crime once that person has been found guilty of committing the crime. While it is a popular fallacy that the death penalty is only applied to the most serious crimes, such as aggravated murder, felony murder, and contract killing, the truth is that a very wide range of crimes are punishable by death. Contrary to popular belief, the death penalty is not only applied to the most serious crimes. The topic of "the moral justifications of capital punishment" is one that is currently being discussed in our group, and the question of whether or not the death sentence should be used as a form of punishment has been a source of contention for a very long time. Concerns over both ethics and humanitarian issues are at the forefront of this decision. One must have an understanding of the concept of the death penalty on its own in order to comprehend this. There is a widespread and widespread outcry against the use of capital punishment and the death penalty. Many people argue that these practices are unethical and that they violate the fundamental "right to life" of an individual. The fact that there is a sizable and sizable uproar against the use of capital punishment and the death penalty has caused this outcry. Many individuals still think that the death penalty should be abolished because it is a severe and uncommon form of punishment, even though recent studies have shown that it has a considerable deterrent effect. However, if such an effect can be demonstrated, then the use of death punishment necessitates a life-for-life exchange. If there is a sincere commitment to the sanctity of human life, then it is possible that this kind of punishment should be required rather than prohibited. In the event that such an effect can be demonstrated, capital punishment entails a swap of one life for another. It is essential to investigate the past of the death penalty in order to demonstrate that putting people to death as a kind of punishment is inhumane. This can be accomplished by looking at the history of capital punishment. The purpose of the research is to conduct an investigation to determine the moral justifications of capital punishment, and in order to do so, the researchers used both descriptive and analytical approaches in order to arrive at a result.

**Keywords:** Capital Punishment, Rights, Arguments, Ethical, Immoral, Justifications.

## 1. INTRODUCTION

Capital punishment, sometimes known more colloquially as the death penalty, is an extremely contentious issue that has rocked the worlds of sociologists, criminal investigators, philosophers, justice, and law and order to such an extent that its ramifications have raised problems. A person is less likely to have an overwhelming desire for inhumane punishment if they believe that human life should be held in sacred regard as this principle. Finding out whether or not there are moral arguments for the death penalty is the issue that I would like to suggest as a discussion point. The term "capital punishment" is a common one. The definition of "capital punishment" in the dictionary states that it refers to a killing authorized and sanctioned by the state as a form of retribution for a grave act. Additionally, it refers to the death penalty. The criminal or convicted offender must be executed by authorized law enforcement authorities or by individuals working for these organizations. It is thought to be the harshest kind of punishment. For millennia prior to the advent of the death penalty, which has a long history, death was regarded as the only appropriate punishment for committing crimes of any kind. People would watch the hangings, decapitations, or executions because they were public events.

## 2. Methodology

The research utilized a method that was both descriptive and analytical. Research typically takes a qualitative approach due to its nature. The qualitative methods of data collection acquire information from secondary sources such as books, journals, websites, book reviews, paper presentations, and so on. These approaches are based on Immanuel Kant and Jeremy Bentham's

understanding of the idea of punishment and capital punishment. The study determines the moral justifications of the capital punishment.

### 3. Research objective

The purpose of this study is twofold: first, to determine the meaning of capital punishment; and second, to determine the moral justifications of capital punishment by applying various theories of capital punishment as articulated by various philosophers.

### 4. Result and Discussion

#### 4.1 Does justification exist for the use of the Capital Punishment?

Even if Kant has made his position clear, it only accepts that crime should be punished but that the severity of the penalty should vary. Different sanctions and reparations were suggested in the Code of Hammurabi based on class and group. Events in history have included both mass murders and murders as a result of personal claims. The history of the death penalty can be traced back to 1697 B.C., and the debate over its efficacy and morality is still very contentious today. (Student Essay on Capital Punishment, Friend or Foe).

Before moving on to the topic of my argument, it would not be fruitless to analyze the death penalty in the context of religion. Buddhism opposes the death penalty. The Dharmapada's Chapter 10 condemns cruel punishment. Judaism is vehemently opposed to the death penalty. On the other hand, Christianity asserts that the wicked should be punished according to their crime. Treason and murder are particularly morally repugnant acts. "Eye for eye," "tooth for tooth," "hand for hand," "scorching for searing," "wound for wound," and "stripe for stripe" are all rephrased throughout the Bible (Exod 21:23 to 25). "(Kant).

Abolitionists in every region of the world claim that the death penalty is an act of evil multiplied by two. Retributionists, on the other hand, maintain that the use of the death sentence is justified. Cesare De Beccaria, a prominent abolitionist who lived in the 18th century, is credited with making the following argument: "The death penalty is pointless because it sets men up as barbarians. I find it absurd that laws that punish murder should also allow it. A well-known quote from Mahatma Gandhi is, "An eye for an eye merely leaves the whole world blind." (Kant). Pacifists, who believe that violence only serves to spread criminal behaviour among children and adolescents, support this viewpoint. Retributionists, on the other hand, hold that the death penalty is the only just punishment for certain crimes. In response to this position, I would like to make the observation that resentment breeds more resentment, whereas compassion and love can shift people's perspectives.

Cases that call for severe punishment should be heard in public hearings, which should be made available in every nation that preserves democratic norms. This would be justifiable. Because no one is born a criminal, it is in all of our best interests as human beings to behave decently, even in the most severe of situations. The lives of hapless victims, who subsequently become targets of social justice, are twisted and turned upside down by circumstances and inevitable conditions. Every nation's government ought to have the ability to respond in a way that is humane while still upholding democratic principles. In this case, I think that a life sentence in prison would be a better way to make up for what was done because it would give the offender a chance to change.

In former times, the death penalty was often carried out in the form of physical punishment, shunning, expulsion, and other similar practices. They eventually give way to more horrifying, brutal, and inhumane methods like crushing, crucifixion, impalement, crushing, stoning, burning, mutilation, sawing, decapitation, scaphism, or neck lancing, among others. It is truly revolting and horrible to be forced to endure such egregious punishments. The human heart's capacity for compassion has diminished! Retentionist nations like Japan, South Korea, Taiwan, and the United States have recently implemented new execution methods like beheading, electrocution, firing squad, gas chamber, hanging, and lethal injection. The death penalty is still used for crimes like murder, espionage, treason, rape, adultery, sodomy, and apostasy in some countries, but not in others, it appears as though wrongdoers will not be forgiven by the nation. Christ instructed his followers to "hate the sin, not the sinners." This indicates that everyone needs a second chance to make amends.

The brutalizing effect of the death penalty and its contempt for the sanctity of life are yet another disadvantage. Every government should develop the best strategies for minimizing the negative effects of capital punishment. Such penalties frequently involve public display, which brings disgrace to the family. They are made the targets of public mockery, forced to deal with indifference, and forced to live as outsiders. This further harms the criminals' families' mental health. They will have to confront insecurities about politics and society, which will ultimately lower the family's morale. Hatred can grow in the minds of second-generation criminals if they want to get even. This can lead to the death of many innocent people.

Though economists feel that the death penalty would dramatically reduce expenses, they fail to recognize that one life lost would mean that these people would have no chance to improve their lot in life. It is necessary to develop counseling facilities, and forums and conversations should offer a sympathetic ear to address behavioral issues. Life must be considered valuable, and a life that hasn't been lived fully should merit every opportunity for renewal. Countries that prioritize such sanctions ought to scale back and adopt an optimistic outlook on humanity's inherent goodness. Social Security benefits need to be available to those who have committed crimes and were later captured by the police or another law enforcement agency. They should collaborate with medical authorities and make counseling services accessible to the community. To put it another way, the law ought to set stringent limits that make it possible to save the lives of people. The societal stigma that would continue to affect the accuser's family members is another obstacle that needs to be overcome. They ought to be able to live normal lives without someone pointing a finger at them. Instead of using weapons and punishment, the accused should be given the chance to meet their family, friends, and loved ones. This would foster a good environment and undoubtedly act as a catalyst for altering the criminals' negative attitudes. This way, both of the criminals recognize their mistakes and soften up. Some criminals do acknowledge their errors and express a desire for atonement.

Such punishments have fallen out of favour over time, and nations are working to modify their positions. However, there is still no permanent solution to how significant crimes should be punished. It is a relief that juvenile offenders have been spared the death penalty when their age is considered. It's not over yet. The argument that the death penalty is a second-degree crime and ought to be dropped from the pages of law and order is valid. Every person deserves the opportunity to atone for the wrongs they have committed. Prior to the hearing of the cases, special courts of hearing made up of senior judges should be established to provide the criminals an opportunity to speak freely.

#### 4.2 Determining the moral justifications of capital Punishment

The act of putting someone to death for a crime they have committed is referred to as an "execution" and the term is used in this context. Even though the application of the death penalty might vary greatly from country to country, it is widely held that the United States is the only country that uses the death sentence for crimes such as contract killing, aggravated murder, and criminal murder. There are many crimes that can lead to a death sentence, such as espionage, treason, military justice, sexual crimes (like rape, adultery, incest, and sodomy), religious crimes (like formally giving up the state religion in Islamic countries), drug trafficking, human trafficking, and serious cases of corruption. Also, people have been sentenced to death for crimes by military courts around the world (Wikipedia.org). Those who oppose it frequently base their arguments on the question of whether or not the death penalty is morally justifiable. The lesson I took away from my ethics course was that the best approach to analyzing the morality of an action is to consider three factors: the act itself, the reason behind it, and the results of it. The death penalty's primary motivations are retaliation, deterrence, and punishment. Examples of the act include electrocution, lethal injection, and hanging, all of which result in death. The executioner and the prisoner who is about to die suffer as a result of the cruel methods used to bring about death. I want to show that the death penalty is cruel and immoral, and that its bad effects far outweigh any good ones. This is true even though many countries and parts of the United States still think it is okay.

Examining the history of the death penalty is a vital step in proving that it is an inhumane form of punishment. Naively, nearly every civilization has at one time or another resorted to the practise of putting criminals and political opponents to death as a means to deter crime and subdue political resistance. Since the beginning of recorded history, people have been put to death in a formal setting. According to the bulk of historical reports and other ancient tribal practises, the execution of criminals was an accepted form of dispute resolution under their legal system. The traditional means of carrying out the sentence of death were sometimes gruesome and bloody. This includes crucifixion, crushing, beheading, and dismemberment, as described in the Bible. It also includes drowning, as shown in movies about the mafia, being eaten by animals, boiling to death, being buried alive, and burning.

I mention all of these horrifying execution techniques to compare them to today's, more humane, methods of capital punishment. Lethal injection, electrocution, and hanging have all been used as forms of capital punishment in recent American history. Lethal injection and electrocution are still used today. While it is true that some of the contemporary approaches are more acceptable than those of the ancients and even certain other modern nations, all of them fall far short of being compassionate.

For instance, electrocution is cruel because it causes severe suffering that lasts until the prisoner loses consciousness and dies from brain damage. Running into an electric fence and feeling the excruciating pain, I would never choose to die from electrocution. The electric chair has broken down on rare occasions, which may make the pain worse. In today's society, the electric chair should not be viewed as a kind of execution.

One more modern method of execution is the administration of a lethal dose of a medication through injection. The Reverend Bill Wiseman was the first person in Oklahoma to utilize the method of execution that is known as lethal injection in the year 1977. Despite the fact that the method had initially been designed by Jay Chapman, the state medical examiner, and approved by anesthesiologist Stanley Deutsch, the Reverend Bill Wiseman was the first person in Oklahoma to use the method. Its first known application was in the U.S. state of Texas. The People's Republic of China, Guatemala, the Philippines, Thailand, and Taiwan, together with all other states in the United States except for seventeen, were the first to apply this strategy in 1997. The three chemicals that are utilized in the injection that ultimately results in the death of the prisoner are as follows: sodium thiopental, which paralyzes the muscles and causes respiratory arrest; potassium chloride, which stops the heart. This is a reasonably painless way of execution compared to other options. However, because sodium thiopental is not utilized in the surgical setting, it is unknown whether or not it is beneficial in maintaining an unconscious state in a patient. In addition, a study that was carried out at the University of Miami and published in the medical journal "The Lancet" reveals that many of the individuals who administered the lethal injections did not have any training in anesthesia, that the medications were given remotely without any monitoring of anesthesia, that the data were not recorded, and that there was no peer review. All of these revelations were made possible by the fact that there was no peer review. Due to the absence of any kind of peer review, it was easy for all of these revelations to come to light. Because of this, it is very difficult, if not impossible, to determine whether or not the prisoners were put through an intolerable level of pain when they were being put to death. Even though it hurts a lot and has been compared to getting an electric shock, most people agree that this is the most humane way to put someone to death.

What are the primary reasons in support of the death sentence now that its barbaric nature, both historically and currently, has been brought into question? In its arguments for the application of the death penalty, the Supreme Court of the United States cited revenge and deterrence. These are the key arguments that can be made in support of it. A significant number of people are of the opinion that the penalty should be appropriate for the offence. As a consequence of this, the death sentence is the sanction that is considered to be the most suitable for the most severe of offences. In a similar spirit, the use of the death penalty as a deterrent is strongly supported because it reduces the likelihood that heinous crimes will be committed in the future. As a result, people feel secure. Inmates may still commit crimes while they are confined, either against the other inmates or the guards, or by attempting to evade detection. As a result, the life without parole sentence, which is an alternative to the death penalty, is ineffective as a crime deterrent. Due to this, a lot of people think the death sentence is the best deterrent. The victim's family finds solace in knowing that the perpetrator has been caught and is no longer at large because they are no longer in danger.

Strong reasons are made against the death penalty. Some believe that incarcerating criminals for the remainder of their lives in jail is a more severe punishment than keeping them behind bars for a brief period of time. They think that life in jail would punish a criminal relentlessly for a very long time, with death being the only way out. For these opponents of the death penalty, life in prison would serve the same purposes of deterrence, vengeance, and closure. Due to the built-in appeal procedure associated with death punishment, the closure acquired from it might be postponed for a very long time, in contrast to this closure. The cost of killing a prisoner increases dramatically when compared to the expense of keeping him behind bars for the rest of his life due to the appeals process. Take the state of California as an illustration. According to a report that was completed in June 2008 by the California Commission on the Fair Administration of Justice, the state spends approximately \$138.7 million per year on the execution of capital punishment. According to the estimates provided by the Commission, the state could save more than \$127 million annually if the death penalty were utilized instead of life sentences in prison. According to Death Penalty, the steep cost of appealing a death sentence and the lengthy process involved in doing so have persuaded many judges who were previously in support of the death penalty to change their minds. Whatever goals it is argued that the death penalty serves—whether deterrence, punishment, or assuaging the agony caused by victims' families—the death sentence must be abolished. In a speech, Judge Kozinski said that these goals aren't being met by the system as it is now because it doesn't work well. "The way the system works now does not make it easier to reach those goals," he said. When compared to the total number of people who have been found guilty of capital crimes and condemned to death, the number of actual executions is extremely low. According to Judge Kozinski, the benefits of capital punishment prosecutions significantly outweigh the expenses. However, in order to manage the number of cases involving the death sentence, "there would need to be one execution per day for the next 26 years." He said that the "most heinous killers" should be the only ones to face the death penalty under the legal system. (talkleft.com)

In the end, the main argument against the death penalty is that it violates morality. The death penalty is murder, and murder is never right, no matter how you look at it! It is necessary to examine the morality of the death penalty in greater depth, as murder

is not always regarded as a moral absolute. Depending on your morality, murder can occasionally be justified as moral. During the course on ethics that we took, we discussed five primary subcategories of ethical ideas. There are problems with four of the five theories of ethics, including utilitarianism, Kantianism (deontology), egoism, and relativism. Virtue ethics, on the other hand, does not have any problems. Now, let's take a look at the perspectives that each theory offers on the use of the death sentence. The notion of utilitarianism contends that the application of the death penalty should be sanctioned by society. This is necessary in order for utilitarianism to be able to determine what will satisfy the greatest number of people. The philosophical foundation of utilitarianism was laid by John Stuart Mill and Jeremy Bentham. It is predicated on a consequentialist understanding of morality. This suggests that it solely takes into account the results of a particular action. Additionally, utilitarianism is solely concerned with issues that serve to improve and bring happiness to society as a whole. The theory of utilitarianism is flawed because it gives no consideration to the possible outcomes and ignores the perspectives of those who are in the minority. The execution of convicts, which is a consequence of the application of the death sentence, is something that utilitarianism would deem to be moral because it contributes to the total happiness of society. The relatives of the victims would be ecstatic that justice had been served by the execution of the criminals, while the rest of society would feel safer knowing that the prisoners would never be able to escape and hurt the victims or their families. The utilitarian view does agree that life in prison can be a good alternative to the death penalty because the prisoner is still punished and doesn't take away from society's overall happiness.

The second major school of ethics is known as Kantianism, or Kantian deontology. Kantianism rejects the death sentence on moral grounds. The focus of Immanuel Kant's deontological ethical theory is on the intentions or motives underlying an action rather than its consequences. This view, known as deontology, can be seen as an alternative to consequentialism. Since deontologists hold that moral principles are constrained by responsibility, they are sometimes referred to as duty-based ethicists. This view is incorrect because it ignores the act's actual effects in favour of the actor's motives. Intentional kindness frequently results in unintended hurt, and the converse is also true. The double effect principle describes this phenomenon. Deontologists argue that capital punishment is always immoral because it undermines the most basic of human rights—the right to life. They give thought to the brutality with which capital punishment is carried out as well. Opponents of capital punishment argue that the victims' families bear an additional burden as a result of the death of a loved one in jail. On the other hand, deontologists can justify their support for capital punishment by saying that it is reasonable for victims' families to want vengeance and that the punishment fits the crime. According to the notion, secondary victimization takes place when the victim or the victim's loved ones suffer additional harm at the hands of the legal system and do not receive proper compensation. Since any kind of incarceration is wrong, including life sentences, deontology forbids them as a substitute for the death penalty. In deontological terms, there is no justification for violating anyone's right to life over anyone else's (the right to liberty).

From the perspective of egoism, the death penalty might be viewed as moral. Egoism holds that every person's actions are motivated. Self-interest is the main driving force behind this. According to this idea, anything can be used. Egoism holds that motivation alone determines morality. According to egoism, behaviour is moral if it is motivated by one's own self-interest. Because of this, the theory of ethics is flawed. The offender commits the crime out of self-interest, despite the fact that the crime requires the death penalty. Egoism, in my opinion, would argue that the death penalty ought to be an acceptable response because it is possible for someone to act selfishly and kill another person. Egoism would also allow the death penalty to be replaced with life in prison. The most recent flawed ethical philosophy is relativism.

According to moral relativists, the death sentence might be justified in some circumstances while being immoral in others. The extreme version of individualism is moral relativism. Individualism refers to the belief that people should behave solely in their own interests, rather than for the greater good of society as a whole. Solipsism, the belief that nothing but the self exists or can be proven to exist, is another possible interpretation of moral relativism. Cultural relativists believe that a society's moral convictions are valid and utilize this perspective to describe human conduct. In accordance with moral relativist theory, if two groups or cultures hold views that are diametrically opposed to one another, then both groups and civilizations are wrong. This would eliminate the possibility of doing anything immoral. As a result, relativists have divergent views on whether the death sentence is morally justifiable.

The only ethical philosophy without flaws was virtue ethics, which Aristotle established. One approach from Aristotle's perspective on the death penalty is to apply teleology to the subject. The term "teleology" refers to the process's completion. The criminal must be executed in order to end the use of the death penalty. The execution of a person is used as a means of punishment under the death penalty. There is, however, a second perspective on the moral quandary posed by the death penalty: The elimination of the death penalty is the prevention of crime. Therefore, teleologically speaking, the death penalty could come to an end in one of two ways. However, this is only part of the story. Virtue ethics takes into account the motivation, the action, and the results when determining morality. The death penalty would, in my opinion, be finally deemed immoral in virtue ethics. The death penalty's primary motivations are retaliation, deterrence, and punishment. The first and last motives are

positive, while the second motive is negative. Although hanging, electrocution, or fatal injection is all possibilities, the method of execution varies. According to universal law, it is never right to kill. The executioner and the prisoner who is about to die are both affected by death as a result of the death penalty. The results can also be seen as wrong because they hurt people. Because it disregards each and every one of the three requirements, the behaviour is immoral. Nevertheless, this is not the entire solution. Thomas Aquinas revised virtue ethics, following Aristotle. According to Aquinas, it is risky to apply universal principles and moral absolutes to everyone without taking them into account. He believed that there should be exceptions to every rule because people live in such diverse environments. Although there are some circumstances in which the death penalty is appropriate, this theory maintains that it violates morality.

## 5. Conclusion

There is a widespread idea that by hanging murderers and rapists, we will deter all future crimes. This argument tends to be consequentialist and achieves the goal without the proper methods. In a situation where free legal aid is, at best, a systemic farce. There is no doubt that the majority of people who get death sentences have less significant backgrounds. Therefore, keeping the death penalty in place is absurd. The fundamental goal of the criminal justice system, which is to reform and rehabilitate, is at odds with this process. The phrase "gallows are not merely a symbol of death, but also of cruelty and brutality, an apostle of primitive barbarism; horror and irrelevance to life; mediaeval fanaticism and modern tyranny" has been asserted with justification.

As a result, when evaluating the morality of the death penalty based on the five different theories of ethics, it is evident that different outcomes could be obtained. It is easy to see these various findings. There is a compelling argument that the death penalty is morally wrong because the act of killing someone—whether it be through electrocution, lethal injection, or any other method—as well as its results—the prisoner's death, the suffering of the prisoner's family, and the psychological effects on the executioner—are all gravely troubling. Last but not least, the death penalty is a cruel type of punishment that has existed for a long time but needs to be abolished in the present period. Death by electrocution, fatal injection, or any other means, the reasons for doing so (punishment or retribution), and the results (the death of another human being) injecting a lethal dose into a person has not been proven to be painless, making the practise of euthanasia cruel. Both advocates and opponents of capital punishment have fair reasons to consider; nonetheless, the latter's moral, monetary, and other considerations far outweigh the former. In my opinion, capital punishment is warranted for this crime, but it should be abolished because of its immorality. Instead, a sentence of life in prison could serve to achieve the same ends. One's bank account may also be affected. In my opinion, prisoners who have been given death sentences have earned their places on death row. There are many cases where the means by which they are executed are far more humane than the means by which they murder their victims.

The fact that the procedure takes so much time is really disappointing. Because of this, a significant number of inmates on death row pass away due to unavoidable circumstances prior to the day set for their execution. While the inmates are waiting to be executed, they are frequently allowed to have an excessive amount of comfort. As an example, detainees have access to televisions in their cells and are isolated from those who may try to harass them. In certain facilities, death row convicts can even own cats. In certain facilities, convicts are fed so well that they gain so much weight that they are no longer eligible for execution by lethal injection or electric chair. It's true that some facilities will let death row convicts keep cats as pets. In conclusion, I think that the use of the death penalty should be outlawed because of how expensive it is. Putting a significant amount of money into the process of putting someone to death does not strike me as just or fair.

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