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Should the Death Penalty be reintroduced in Australia?

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Abstract

The argument on the reintroduction of the death penalty has been raging on among Australian citizens for a long time. The evidences provided by both the supporters and those who oppose the death penalty are very convincing. The supporters of the death penalty claim that it provides justice for the bereaved, and it decreases the number of crimes, since it instils fear in the hearts of criminals. Furthermore, they claim that keeping dangerous criminals in jail is a security risk for all citizens. On the other hand, individuals opposing the death penalty point to the fact that life is sacred, so, no one has the right to take it. Human Rights representatives also explain that the death penalty infringes the right to life. Because of judicial imperfections, the death penalty may take away lives of innocent people. This paper considers both of these opposing views and examines the issue of reintroduction of death penalty in Australia.

Should the Death Penalty Be Reintroduced in Australia?

Australia's Federal Government abolished the death penalty in 1973. North South Wales became the last state in 1985 to end the use of capital punishment. Individuals who had committed a murder and treason were the ones who were usually sentenced to death. The debate on the reintroduction of the death penalty has been raging on over the years after the abolishment. The facts presented by both sides of the debates are compelling. It is less likely that the two sides will come to a consensus anytime soon. This paper will examine the views of both sides to conclude whether it is right to reintroduce the death penalty in Australia.

Supporters of the death penalty usually claim that the death penalty is a sufficient punishment for serious such crimes as a murder. The supporters usually quote the old saying 'an eye for an eye'. Schabas (n.d.) explains that victims who have lost their loved ones through criminal acts are usually bitter and only want the criminals dead. Justice to them will only take place with the death of criminals. The individuals who have not been supporting the death penalty are in most cases not victims. In fact, these people may have never been victims (All-Access Membership, 2013). These people, consequently, have no right to comment on justice to the victims.

People who support the death penalty also think that the harshness of the punishment will serve the purpose of preventing the commission of a crime. Everyone fears death, and people usually want to live as long as possible. As a result, by sentencing hard-core criminals to death, potential perpetrators will be fearful and will possibly not be tempted to commit crimes. Consequently, crime rates will reduce, and a more peaceful society will emerge as a result.

The death penalty can also play an important role in ensuring the safety of civilians. Keeping hardened criminals in prison can be a security risk for civilians. Criminals may escape and blend into society. If criminals end up escaping, they will eventually go back to committing crimes. As they commit crimes, people may end up being hurt or killed. They may even choose to go after prosecutors and witnesses in revenge missions. Suppose Saddam Hussein was sent to life imprisonment, what would be the effects? The thought is just terrifying. Criminals like these have been found to be more powerful in prison. Their followers might try to break them out or worse they may murder civilians in retribution of their capture (All-Access Membership, 2013). Consequently, the only way to prevent murders is to execute the criminals.

In turn, the individuals in opposition to the death penalty are driven by morality and a sense of rational justice. The Reintroduction of the penalty will promote murders. Life is sacred; only God can take it. No one has the power to execute another person for the sake of justice. Furthermore, the death penalty is morally wrong and cruel. In the execution of the penalty, the criminal's rights are infringed. It is ironical that the law that should be protecting the rights of its citizens dares to infringe on the same rights (Doussa, 2006).

Justice systems in the world usually try to restore a form of balance between the victim and the culprit. Balance will only happen when victims get compensation for their emotional pain (Wallis). In the case of the penalty, death is the only way. However, it is unreasonable to compensate someone's life with death. The death penalty just goes on to show the hypocritical nature of the justice system. The same justice system that convicts a criminal for a murder will use death as a form of punishment. Furthermore, the death penalty

infringes on the rights of criminals (Hoare, 2007). It is exactly for this reason that the death penalty was scrapped off.

It is also questionable whether the death penalty is strict enough as the punishment for serious crimes. A 2007 survey in Australia addressed this question. The survey consisted of 10000 participants who were asked whether they would prefer death or life imprisonment. A surprising 80% said that they preferred death. The survey concluded that death was not a sufficient punishment for such crimes as a murder. Instead, criminals must be sentenced to life imprisonment. In this way, their actions will haunt them for the rest of their lives. Life imprisonment, unlike the death penalty, also provides criminals the chance for redemption. Redemption may not mean much to the victims, but it is still the right thing to do. As a result, the justice system will be able to achieve its major goal of rehabilitating criminals (Death Penalty).

It is an undeniable fact that the justice system of Australia is far from being perfect. The justice system is represented by human beings, and errors are inevitable. According to Drehle (2008), mistakes in the justice system often happen because of false confessions, incorrect eyewitness testimonies, incomplete investigations, jury verdicts based on passion, and mistakes of laboratory technicians who use out-dated equipment. Judges who mischaracterize evidence can also cause judicial errors. If it is the judicial system that is supposed to convict criminals, then reintroduction of the death penalty should be rejected. Several cases all over the world have revealed the negative outcomes of its reintroduction on a flawed justice system. The system may end up convicting wrong people to death (Schwartz, 2014). The most notable of all was the case of Cameron Todd Willingham. In 2004, Mr. Willingham was executed for the murder of his three children. In 2011, conclusive evidence suggesting the innocence of Mr. Willingham was found, but it was too little too late (Schwartz, 2014). So, the death penalty should not be introduced again in order to prevent execution of innocent people. Life imprisonment without parole is a better punishment for criminals who have committed serious crimes.

The death penalty certainly has its advantages and disadvantages. However, the death penalty is not the method that must be used to punish criminals. Death to unrepentant criminals is a merciful punishment. In contrast, life in prison is an unbearable form of punishment. Furthermore, death limits the justice system from attaining its main goals, which are to rehabilitate criminals and give them a chance for redemption (Schabas). Also, the penalty can lead to deaths of innocent people; like in the case of Mr. Willingham who was found innocent after his death. If life imprisonment had been applied, the victim would not have died for someone else's crime. The justice system in the country is far from perfect, so the death penalty carries potential risks for innocent citizens. Cases like this have occurred in many parts of the world. Such cases are unforgivable, so the death penalty should not be reintroduced in the country.

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