

# Capital Punishment

## Abstract

This paper is aimed at the capital punishment and its usage in modern society. The basic question examined is, whether death penalty can ever be justified as a tool to fight the most heinous crimes. In order to determine the answer this question, I am examining the capital punishment from the point of view of possible functions it can have and weighting it against inherent risks and harms created by it.

The first chapter of this thesis is based on description. Firstly it shows the history of using the capital punishment in the area of Czech Republic; secondly I describe the usage around the world – mainly in USA, China and Middle East. Lastly I analyze international law concerned with capital punishment – namely International Covenant on Civil and Political rights and European Charter of Human rights, optional protocols to them and of course court decisions regarding these treaties.

The second chapter is aimed at evaluating the possible benefits that using of capital punishment can have – especially when compared to life imprisonment. It is divided according to these functions, which are deterrence of potential criminals, protection of the society from sentenced criminals and the retribution for the crimes committed. In the end I find no clear benefit that executing of felons would bring.

The third chapter then deals with right of the state to impose this kind of punishment on people and fails to find any possible justification that would 'be complicit with social contract theory.

The fourth chapter shows all possible risks and negative impacts of death penalty, starting with decreasing of value of human life in the society. Then there are listed various miscarriages of justice – in the form of executing the innocent person and discrimination on basis of race, ethnicity or wealth (dependency on good attorneys).

This paper concludes, that capital punishment cannot be justified, because possible benefits are very weak or non-existent, there is an inherent problem with state deciding to end someone's life and there are dangers that make the whole system both flawed and unjust.