

Assumption is the only fact that we consider when we make the statement that capital punishment is a deterrent. However, in reality an assumption is not a fact. There is no evidence that capital punishment is a deterrent. We assume that the fear of receiving punishment or justice will deter murder. If that were true then people would not speed on highways or do drugs in fear that they would be prosecuted. History as well as human behavior has shown that rational human instinct does not deter people from crime. If it did we would never have to use capital punishment. We could just inform everyone of the law and people would be afraid and never commit crimes. Unfortunately people commit crimes from passion or they do not think or care about the consequences. With or without capital punishment people will still commit crimes. The death penalty does not have conclusive evidence to be a tool in the criminal justice system to deter people from committing crime.

Canada is one example of why the death penalty has provided statistics that conclude that the death penalty is not an effective deterrent. Canada decided in 1976 to abolish the use of capital punishment (Death Penalty Info). During 1975, there were 721 homicides committed in Canada (Death Penalty Info). During 2001 Canada had 554 homicides which are 23 percent lower than the number of homicides committed before the abolition of the death penalty. If the death penalty was a deterrent, why would there have been 167 more homicides committed when Canada had enforced the death penalty. During 1999 there were 5.7 million homicides per 100,000 people, while the homicide rate was three times lower than the United States, with a homicide rate of only 1.8 homicides per 100,000 people (Death Penalty Info).

Along with 110 nations that have banned capital punishment, European non-death penalty nation's data shows that the United States has more than three times the homicides that Europe has. (New York Times September 22, 2017). This is another example of nations without capital punishment that has lower homicide rates than nations with the death penalty. While these statistics do not imply that country's which have the death penalty are causing a brutalization effect; the statistics do show evidence that deterrence is not causing a decline in the number of homicides per year. A survey conducted from the American Society of criminology, Law and Society Association, and the Academy of Criminal Justice Sciences showed that a large majority did not think that capital punishment is a proven deterrent to homicide. Over 80 percent of those polled believe that the present research does not support a deterrence effect for the death penalty

(Death Penalty Info). Some criminologists even recommend that the death penalty causes more homicides per year. The brutalization effect says that homicide rates will go up because of the example of the state executions.

Why would potential and active murderers be influenced by what the state does? They would be more affected by the simple "you murder, we execute you". From that idea a conclusion could be made that the death penalty would be a deterrent. Unfortunately, the statistics do not go along with the idea of deterrence being effective. In reality the criminals are not affected physiologically in either direction. The death penalty does not cause a brutalization effect and it does not deter people from crime.

While the majority of research found that capital punishment and life imprisonment has the same deterrent effect; Professor and writer of economics Isaac Ehrlich worked on his theory of deterrence that showed that capital punishment was a deterrent. Through his complex mathematical equations he believed that there were a number of people that were saved with the use of the death penalty. He stated that for every execution during 1933 and 1969 it had deterred criminals from committing eight homicides (Radelet, Michael). Although some people considered his statements a breakthrough in the study of deterrence; Ehrlich's research did gain nationwide attention. His research brought mainly criticism for methodological and conceptual misunderstandings (Bedau 250). His research was not respected because deterrence has so many different scenarios that would be impossible to form an equation that was correct for different situations and views. The reason that it is so difficult to calculate a ratio of people saved by the deterrence of capital punishment is because most of the research is suggestive rather than being definitive. It is also very hard to conclude a side of view because there are so many experts on the topic that contradict each other on whether capital punishment is a deterrent. In addition to contradicting views of experts on the topic, none of the statistics show that the homicide rate was lower in states with the death penalty. Ehrlich's idea was a good concept but he did not have any proof to back it up. In conclusion to Isaac Ehrlich's theory's he did not publish any credible work on the deterrence of the death penalty.

Attorney Diane Marshall had a convicted murderer quote to her "You can tell people you're going to boil them in hot oil, but it won't deter crime, because criminals don't think they're going to get caught" (The Duram Herald Co). Most criminals during the act of their crime or even before their act of crime do not stop and think about the consequences of their

intended actions. One possible way to make criminals think about their consequences is to use public execution. Public execution was common in towns and cities throughout the U.S. Public executions were one way to put a long lasting visual and emotional dramatization that might make people think more about consequences of their crimes. Eventually by the late 1800's, public executions were ceased because of the fact that they were very barbaric. That may have unintentionally undercut the function of deterrence (Friedman 179).

Society has a history of trying to use punishment to scare criminals from committing crimes. Many people's opinions are since society has the highest interest in preventing murder; it should only use the highest deterrent. That deterrent is the death penalty. Popular view is that if murderers are sentenced to death and killed, future murderers will be deterred for fear of losing their own life. Contrary to pro-deterrent ideas studies have shown that the death penalty does not cause a deterrence effect.

10 out of 12 states that do not use capital punishment have homicide rates below the national average. 50 percent of the states that use capital punishment have a homicide rate of the national average of 6.3 in 1998 (Death Penalty Info). From 1978-1998, the homicide rates in states that use capital punishment has been 49-102 percent higher than in states that oppose using the death penalty (Death Penalty Info). This means that the states that used the death penalty had a higher homicide rate than the states that didn't use the death penalty.

Justice William Brennan wrote "It is not denied that many and probably most, capital crimes cannot be deterred by the threat of capital punishment (The Duram Herald co.). Who would actually take time to think about all of the different factors that would make the criminal realize he could get sentenced to death. Then on that soul reason deter him/her from committing the crime? Most likely the only people that would be deterred by the thought of capital punishment would be someone with knowledge of law enforcement, or legal knowledge.

With or without capital punishment, people will still commit crimes. There has been study upon study trying to explain how capital punishment is a deterrent. There is not enough conclusive evidence that proves people are deterred from committing capital crimes through the use of the death penalty. Capital punishment does not act as a deterrent.