

alternatives to the death penalty

For many people debating capital punishment an important consideration is what we can do instead. Is there an equally effective alternative or combination of alternatives to retaining the death penalty?

Put this way, the answer depends on what you consider the purpose of the death penalty. If the purpose of capital punishment is simply retribution—an eye for an eye—then no other penalty seems to fit the crime so well. If, however, you believe the real purpose of capital punishment is to protect society from criminals, then it is reasonable to consider alternatives.

Life imprisonment

A poll conducted in Florida in the 1980s indicated that 84% of Floridians favored the death penalty over the alternatives then being practiced, but 70% said they would support sentencing murderers to a lifetime of prison labor instead if the money they earned went to family members of their victims. In a sense, they would hark back to the ancient practice of family members' demanding financial penalties from those who killed their relatives.

Many members of the public mistrust life sentences because in many jurisdictions prisoners sentenced to life eventually become eligible for parole. But this is not true everywhere, and even where it is, not all lifers who become eligible for parole receive it. Many "lifers" do, in fact, die in prison.

In defense of parole, those who wish to abolish the death penalty point out that some criminals do reform. It is generally true, as well, that there is less and less need to protect society against particular individuals as time goes by. For whatever reason, criminals usually become less violent as they get older. Murder, in particular, seems to be a young person's crime. There are relatively few middle-aged murderers, and almost no elderly ones.

Although most death penalty abolitionists would prefer to keep the possibility of parole open even for lifers, many would gladly surrender the possibility of eventual release in return for an end to capital punishment. For this reason, they join in efforts to pass "life means life" bills that assure that defendants who receive life sentences will never get out of prison.

Prison officials harbor a certain amount of wariness about combining "life means life" laws with the abolition of capital punishment. The hope is that prisoners might eventually be released if they maintain a good record of behavior; this can be a powerful motivation for them to behave themselves. Prisoners who know they will never get out, but cannot be executed, have little to lose and no incentive to behave. For this reason, some prison officials believe that "life means life" should be accompanied by a potential death sentence for those who commit murder while in captivity.

Rehabilitation

For some abolitionists, the most promising alternative to death is rehabilitation. For many people, and for Christians in particular, the idea of redemption has a special attraction, even aside from the social benefits of turning a destructive criminal into a reliable and productive member of society.

Thomas Mott Osborne reported a conversation he had with a 20-year-old condemned prisoner. The young man told Warden Osborne he was "sorry to go" without "the chance to do enough good in the world to balance the harm I've

done." Osborne was moved by the doomed man's complaint. "He had the right idea," said Osborne. "The only way to balance a debit is by a credit. Resist not evil, but overcome evil with good. Balance wrong by right. Give the man a chance to redeem himself after his sin by doing good to make things balance. That can be done, even in prison."

Some death penalty retentionists, even among those who accept that rehabilitation is possible, consider it an unacceptable option to retribution. "If rehabilitation were our aim," admits the pro-death penalty psychologist Ernest van den Haag, "most murderers could be released. Quite often, they are 'rehabilitated' by the very murder they committed. They are unlikely to commit other crimes." That is not the real point, though, he argues. "We punish [murderers] not for what they may or may not do in the future but for what they have done," he insists.

Retentionists insist that, at the most, rehabilitation is only a hope, not a plan of action, and a hope, they say, is not enough on which to base a criminal justice system. "Nobody knows how to rehabilitate," insists van den Haag. "There seems to be little difference in the behavior of people who have been subjected to rehabilitation programs compared to those who have not been. The recidivism rate is about the same." That being so, it is always a risk to release once-vicious criminals, no matter how rehabilitated they might appear to be.

Abolitionists respond that rehabilitation does not necessarily mean release. Although it may be preferable to release those who are truly reformed, if there is any doubt, they can continue to be confined.

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Further Reading

Amnesty International. <http://www.amnesty.org>; Bender, David L., and Bruno Leone, eds. *The Death Penalty: Opposing Viewpoints*. St. Paul, MN: Greenhaven, 1986; Kronenwetter, Michael. *Capital Punishment: A Reference Handbook*. Santa Barbara, CA: ABC-CLIO, 2001; Van den Haag, Ernest and John P. Conrad. *The Death Penalty: A Debate*. New York: Plenum, 1983.

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