

Position Paper: Capital Punishment

Introduction

FCLNY opposes capital punishment as part of a consistent life ethic that actively opposes all types of violence but particularly the state sanctioned lethal violence of capital punishment, war, euthanasia, abortion, and unethical scientific research on human beings. Opposition to capital punishment aligns with FCLNY's commitment to the philosophy of prolife feminism, the belief that all human beings have a right to live without violence. Guilt does not erase this right. Prolife feminism acts in the tradition of early American feminists who embraced the tenets of nonviolence, nondiscrimination, and justice.

Impact

The violence of capital punishment is sanctioned by governments around the world. In the first eleven months of 2020, there were 400 verified executions worldwide including 17 in the [United States](#). Texas, Georgia, Tennessee, Alabama, and Missouri are responsible for the execution of seven individuals, while the federal government, under the [Trump administration](#), is responsible for ten. While capital punishment is no longer legal in New York State and the number of U.S. executions is steadily declining, it remains [active](#) in 26 states. Most [executions](#) occur by means of lethal injection but electrocution, firing squad, gas chamber and even hanging are legal options in some states by request or due to shortages of Pentobarbital, one drug used for lethal injections.

While it may seem as if we have come a long way from the cruel, inhumane executions of the [past](#) such as boiling, impalement, crucifixion or skinning, modern methods of execution are a far cry from peaceful. In all methods of [modern execution](#) (lethal injection, electrocution, gas chamber, firing squad or hanging), the prisoners are bound and blindfolded. Those who experience lethal injection die by an anesthetic overdose and respiratory and cardiac arrest while unconscious. Because doctors cannot legally perform executions because of ethics constraints, non-medical personnel give the injections. Extreme pain and a slower death results if the needle is injected into muscle rather than vein. With electrocution, up to 2,000 volts of electricity is administered and results in limb dislocation or fractures, skin changing color or catching fire. If the prisoner does not die with the first attempt, the electricity will be repeated until death occurs. Those who are executed by means of a gas chamber often hold their breath, struggle, and experience extreme pain. The prisoner's eyes may pop before dying from asphyxiation. Those before a firing squad have a target placed over the heart where 5 shooters aim. The blood loss that causes death may be fast or slow. A hanging victim dies from a dislocated neck or through slow asphyxiation. Instantaneous death is rare.

Currently, there are 500 [women](#) awaiting execution around the world and 100 women who have been executed within the past decade. While men far outnumber women on death row, a 2018 [study](#) released by the Cornell Center on the Death Penalty and the World Coalition Against the Death Penalty shows that women suffer disproportionately from the violence of capital punishment sentencing. Women's histories of gender-based violence are frequently ignored by attorneys, judges and juries and women are more likely to receive a misapplication of the death penalty. The study also finds that women who are illiterate, mentally ill, intellectually compromised or of a marginalized ethnic group are at an increased risk of being unfairly sentenced. Women experience greater negative impact from the harsh conditions of death row, especially if they are caring for infants or young children. In some countries, menstruating women have little access to even sanitary products. Agnes Callmard, UN Special Rapporteur summarizes by saying:

[The report] reveals that courts judge women not just for their alleged offenses, but also for what are perceived to be their moral failings as women: as 'disloyal' wives, 'uncaring' mothers, 'ungrateful' daughters. Nowhere are transgressions of the social norms of gender behavior punished more severely than in a capital trial.

Solution

In 2020, the majority of Americans still favor use of capital punishment, however, when given the choice between life imprisonment and the death penalty, they favored life imprisonment 60% to 36%. In a poll of 500 police chiefs, the death penalty ranked lowest as a potential overall crime deterrent. Other studies have mixed outcomes or have been determined to be methodically flawed.

FCLNY advocates enacting nonviolent solutions to the problem of violence. Capital punishment, with its retributive approach to justice ignores the victim in favor of the state and offers no possibility of repair or reconciliation. Rather it perpetuates the violence it seeks to eliminate. Restorative justice, a system that embraces the inherent human dignity of both the offended and the offender offers an intimately personal approach wherein victims can feel heard, offenders can seek forgiveness and both parties can experience healing. This personal healing can reverberate throughout violence-torn communities and bring genuine change.

Conclusion

FCLNY opposes capital punishment as it does all state sanctioned violence and instead embraces the tenets of nonviolence, nondiscrimination, and justice. Capital punishment unfairly judges women not only for the crimes they commit but also for how they are perceived as stepping outside of socially acceptable gender roles. [Restorative justice](#) is a system that can eliminate the violence inherent in a justice system that embraces the death penalty by facilitating healing for victims, offenders, and the wider community.

Did you Know?

Since the advent of DNA testing, 375 wrongly convicted prisoners have been released. [The Innocence Project](#), founded by Peter Neufeld and Barry Scheck in 1992, is responsible for 190 overturned cases. Out of those released with the help of IP, 60% were African American and 21 were on death row.

Resources

Article 6 of the UN Convention on Civil and Political Rights forbids the execution of a pregnant woman.

Death Penalty Information Center. Description of Each Execution Method/ Execution List 2020

History Rundown. 10 Most Cruel Execution Methods of All Time (2020, March)

Innocence Project. DNA Exonerations in the United States.

Pilkington, E. (2020, Dec.) Trump Administration has Executed more Americans than all States combined. The Guardian. Trump administration has executed more Americans than all states combined, report finds | World news | The Guardian

Rehumanize International. Capital Punishment (rehumanizeintl.org)

Sarat, A. (2020, Dec.). Trump's Approval of Hanging and Firing Squads Is a National Embarrassment (Slate.com)

THE CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE. Judged for More Than Her Crime A Global Overview of Women Facing the Death Penalty (2018, Sept.). Retrieved January 4, 2021, from "Judged for More Than Her Crime": New Report Examines Worldwide Use of Death Penalty Against Women | Death Penalty Information Center

World Population Review. Death Penalty States 2020, Death Penalty States 2020 (worldpopulationreview.com)