

Is Capital Punishment Dying?

Executions could go the way of typewriters as the need for them diminishes.

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There are many forces that have contributed to the existence of capital punishment over the centuries. The desire of societies to express their outrage for certain heinous crimes, make the punishment fit the crime, rid society of certain habitual offenders and among others, deter future abhorrent criminal behavior all have at one time or another been used as justifications for capital punishment. The assumed goal of executions is the protection of society from certain types of aberrant behavior. If that behavior diminishes the need for executions diminishes.

Of the 86 countries that have abolished capital punishment since 1976 all but four have homicide rates ranging from nil to 3 per 100,000. Interestingly, those four abandoned capital punishment despite experiencing homicide rates ranging from 7 to 22. On the other hand two countries with negligible homicide rates (Japan and South Korea) maintain execution as a possible punishment.

There is a similar but less pronounced trend in the United States. Four states with above average homicide rates have repealed their capital punishment statues while 15 states with below average homicide rates have repealed their capital punishment statues. On the national level the US homicide rate has decreased from 9.5 in 1993 to 4.7 in 2011 a near 50 percent decrease. There are a number of possible factors at play: aging of the US population thereby diminishing the percent of those in the high crime ages 17 -29; swelling of the prison population thereby diminishing the effect of recidivism; and, one scholar has even suggested the increased legal private ownership of firearms.

Executions in the US have decreased as homicide rates have declined. Recall that fewer homicides produce fewer opportunities to assess capital punishment as well as space out scheduled executions. Other forces impinging on the rate of executions include the imposition of life sentences without the possibility of parole, a narrowing of criminal

offenders eligible for execution and the not so occasional few that have been exonerated while on death row. In addition, states like Illinois, Maryland and Nebraska have suddenly and somewhat unexpectedly repealed their capital punishment statutes.

The upshot of the above discussion is that repeal, in part, is a function of the homicide rate. Therefore, the portfolio of weapons to end executions should include efforts to lower the homicide rate further, a conclusion that is much easier said than done.

Fortunately (for the abolitionist movement) current trends are in that direction. However, just about the time public attitude towards execution turns south events such as the school shooting in Connecticut, the Boston Marathon bombing and the killings of black Christians in South Carolina enrage public opinion and support for executions again increases even if temporarily. In the absence of these horrific events the abolition of executions is much simpler.

* Professor Cloninger has researched crime through an economic lens for over 45 years. A partial list of his work (with citations) can be accessed at:

<http://www.ontheotherhand.me/about.html>