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PHIL 308

November 6, 2018

Morality of Capital Punishment

In this paper I will explain why and how Capital Punishment, also referred to as the Death Penalty, is morally permissible and should be no matter the mental state of the individual convicted. First, I will present a valid argument, and second I will explain each premise and show how I reach the conclusion. Finally, I will discuss how the argument is valid but not sound and address possible objections.

When explaining the argument, I will define what CFE is in terms of capital punishment, and use the *Singleton v. Norris (2003)* case in explaining how and why CFE is indefensible. However, one of the objections to this argument will cite *Rope v. Simmons (2005)*.

The argument goes as follows:

1. The law of competence-for-execution (CFE) is defensible, or it is permissible to execute mentally disabled individuals.
2. It is not the case that CFE is defensible (it is indefensible).
3. Therefore it is morally permissible to execute mentally disabled inmates.

The rationale behind each premise is clear and backed up with fact. The law “competence-for-execution” (CFE) states that an inmate must be able to comprehend what is about to happen to them and the extent of their punishment; in order to be executed via death penalty the individual must have knowledge of why they are being

punished and what capital punishment means in terms of ending their life (Adams, 2014). Currently, if an individual does not meet this criteria, they cannot be executed. However, it is morally permissible for the death penalty to be carried out with mentally disabled inmates, and both this and CFE cannot coexist.

For premise two, CFE is indefensible because of all the possible outcomes it brings, causing people to face ethical dilemmas at the expense of other people. For example, in the case of *Singleton v. Norris (2003)*, it was ruled that the court may “forcibly treat” an inmate (with antipsychotics) if it is possible that he could harm himself. Treating the individual with antipsychotics would render them eligible to be executed, as it would bring them back to reality and able to understand their punishment (*Singleton v. Norris, 2003*). The psychiatrist is faced with the choice of treating the illness and letting the convicted person die, or failing to treat it and allowing them to live in their poor mental state until death (Adams, 2014). Because of this, one could not possibly argue for CFE as it puts an unfair amount of pressure on psychiatrists, therefore it is indefensible. No one could argue that putting this choice on a psychiatrist is morally right, as there is no obvious answer and each option leads to death or complete depletion of quality of life.

Therefore, the conclusion is reached because CFE is indefensible, therefore allowing it to be true that sentencing mentally disabled people to death is morally permissible. Both of these cannot be present at once, so proving CFE to be indefensible allows it to be permissible to carry out capital punishment with mentally disabled individuals. It is morally permissible to allow the death penalty to be extended to all

mental states/disabilities as it prevents this choice from being made and doesn't allow room for any sort of guilt put on medical providers (Adams, 2014).

An objection to this theory that it is morally permissible to execute mentally disabled individuals is that we should not execute these inmates for the same reason we do not execute children. In the *Roper v. Simmons* ruling of 2005, the Supreme Court claimed capital punishment for anyone under the age of 18 years old when they commit a crime is unconstitutional. Their claim was that it violated the 8th Amendment, which protects citizens against cruel and unusual punishment. The argument was that anyone under the age of 18 does not understand the extent of what they did and cannot be held liable in terms of dying for their crime (*Roper v. Simmons, 2005*). If this is the case, the same would apply to the mentally disabled populations on death row. CFE claims that not understanding the extent of the death penalty or why it is being carried out is enough to exclude the individual from receiving the death penalty, so an objection to the argument that CFE is indefensible is that if it were indefensible, *Roper v. Simmons* would not have ruled that anyone under the age of 18 shall not be put to death as they had the same premise. To summarize, had CFE been indefensible, the Supreme Court would not have ruled that a minor cannot be put to death. In 2005, the Supreme Court did rule this, therefore CFE could be considered indefensible by some.

Another objection to this theory is that, since both CFE being defensible and executing disabled persons cannot coexist, the fact that CFE actually exists as law and is backed up by the lawmakers who created it prohibits it from being true that it is morally permissible to put mentally disabled inmates to death.

The original argument stated that mentally disabled persons can morally be put to death is valid, but not sound. The issue falls on the second premise; CFE isn't indefensible, as it has been made a legal doctrine to ensure morality remains in the court and corrections system, and indefensibility could be argued to be mere opinion. Had it been true and proven that CFE is indefensible the argument would have been sound, but because of this lack of evidence, it is only valid.

In summary, this valid argument follows on the premise that CFE, a legal doctrine outlining the idea that an inmate must have a certain level of competency in order to be executed, is indefensible. CFE must be defensible, or executing mentally disabled inmates via death penalty is morally permissible. It was the case that CFE was indefensible, therefore it is morally permissible to execute mentally disabled individuals via capital punishment.

Works Cited

Adams, D. M. (2014). Belief and Death: Capital Punishment and the Competence-for-Execution Requirement. *Criminal Law and Philosophy*, 10(1), 17-30. doi:10.1007/s11572-014-9293-6

Singleton v. Norris (2003)

Roper v. Simmons (2005)