

Debating The Death Penalty: Should America Have Capital Punishment

Capital punishment by country

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Capital punishment, also called the death penalty, is the state-sanctioned killing of a person as a punishment for a crime. It has historically been used in almost every part of the world. Since the mid-19th century many countries have abolished or discontinued the practice. In 2022, the five countries that executed the most people were, in descending order, China, Iran, Saudi Arabia, Egypt, and the United States.

The 193 United Nations member states and two observer states fall into four categories based on their use of capital punishment. As of 2024:

53 (27%) maintain the death penalty in law and practice.

23 (12%) permit its use but have abolished it de facto: per Amnesty International standards, they have not used it for at least 10 years and are believed to have a policy or practice of not carrying out executions.

9 (5%) have abolished it for all crimes except those committed under exceptional circumstances (such as during war).

110 (56%) have completely abolished it, most recently Zambia (2023).

In addition, Cook Islands, Niue, and Kosovo are abolitionist, whereas Taiwan is retentionist.

Since 1990, at least 11 countries have executed offenders who were minors (under the age of 18 or 21) at the time the crime was committed, which is a breach of the Convention on the Rights of the Child, ratified by all countries but the United States. These are China, the Democratic Republic of Congo, Iran, Nigeria, Pakistan, North Korea, Saudi Arabia, South Sudan, Sudan, the United States, and Yemen. In the United States, this ended in 2005 with the Supreme Court case *Roper v. Simmons*, in Nigeria in 2015 by law, and in Saudi Arabia in 2020 by royal decree.

Capital punishment in China

limit use of the death penalty, proclaiming that it is doing this with the aim of completely abolishing it. Capital punishment in China should not be confused

Capital punishment is a legal penalty in the People's Republic of China. It is applicable to offenses ranging from murder to drug trafficking. Executions are carried out by lethal injection or by shooting. A survey conducted by The New York Times in 2014 found the death penalty retained widespread support in Chinese society.

Capital punishment is used in most East Asian countries and territories, including Japan, North Korea, South Korea, Malaysia, Thailand, Indonesia, Vietnam, Singapore, and Taiwan. According to Amnesty International, China executes more people than all other countries combined. The exact numbers of executions and death sentences are not publicly available, being considered a state secret by China. According to the U.S.-based Dui Hua Foundation, the estimated number of executions has declined steadily in the twenty-first century, from 12,000 each year to 2,400. However, in 2022 the World Coalition Against

the Death Penalty announced that since 2007 at least 8,000 people per year were executed in China. Since 2006, the Chinese government has taken effective measures to limit use of the death penalty, proclaiming that it is doing this with the aim of completely abolishing it.

Capital punishment in China should not be confused with death sentence with reprieve, which is a form of lenient sentencing that is handed down by Chinese courts as frequently as, or more often than, actual death sentences. Death sentence with reprieve is used to emphasize the seriousness of the crime and the mercy of the court, and is sometimes inaccurately added to the number of actual death sentences.

Capital punishment in California

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Capital punishment is a legal penalty in the U.S. state of California. However, the penalty is not allowed to be carried out in the state due to a standing 2006 federal court order against the practice and a 2019 moratorium on executions ordered by Governor Gavin Newsom. The litigation resulting in the court order has been on hold since the promulgation of the moratorium. Should the moratorium end and the freeze conclude, executions could resume under the current state law.

The state carried out 709 executions from 1778 until 1972 when the California Supreme Court struck down California's capital punishment statute in the case *People v. Anderson*. California voters reinstated the death penalty a few months later, with Proposition 17 legalizing the death penalty in the state constitution and ending the *Anderson* ruling. However, in the interim, the U.S. Supreme Court in *Furman v. Georgia* imposed a nationwide moratorium on capital punishment. *Furman*, along with continued challenges at the state level, delayed implementation of Proposition 17 for several years. As a result, the death penalty was not restored in California until 1977, under a statute approved by *People v. Frierson* in 1979.

The state's first post-*Anderson* execution was carried out in 1992. Since that time, there have been 13 executions, yet hundreds of inmates have been sentenced. The last execution that took place in California was in 2006. Three death row inmates in California, Kelvin Malone, Alfredo Prieto, and Glen Edward Rogers, have also been executed in Missouri, Virginia, and Florida, respectively.

As of May 2025, official California Department of Corrections and Rehabilitation (CDCR) records show that there are 587 inmates awaiting execution in California, the lowest it has been since 2011, primarily due to suicide, death from other causes, fewer juries willing to sentence people to death, and resentencings by newly elected district attorneys, among other things. 18 of those with death sentences are women, held in general population at Central California Women's Facility (CCWF) in Chowchilla, with the other 569 inmates awaiting execution being men that are housed throughout the state, most having been transferred from the former death row at San Quentin State Prison.

California voters rejected two initiatives to repeal the death penalty by popular vote in 2012 and 2016, and they narrowly adopted in 2016 another proposal to expedite its appeal process. On August 26, 2021, the California Supreme Court upheld the state's death penalty rules though as of 2024 executions have yet to resume.

Capital punishment in India

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Capital punishment in India is the highest legal penalty for crimes under the country's main substantive penal legislation, the *Bharatiya Nyaya Sanhita* (formerly Indian Penal Code), as well as other laws. Executions are carried out by hanging as the primary method of execution. The method of execution per Section 354(5) of

the Criminal Code of Procedure, 1973 is "Hanging by the neck until dead", and the penalty is imposed only in the 'rarest of cases'.

Currently, there are around 539 prisoners on death row in India. The most recent executions in India took place in March 2020, when four of the 2012 Delhi gang rape and murder perpetrators were executed at the Tihar Jail in Delhi.

Capital punishment

Capital punishment, also known as the death penalty and formerly called judicial homicide, is the state-sanctioned killing of a person as punishment for

Capital punishment, also known as the death penalty and formerly called judicial homicide, is the state-sanctioned killing of a person as punishment for actual or supposed misconduct. The sentence ordering that an offender be punished in such a manner is called a death sentence, and the act of carrying out the sentence is an execution. A prisoner who has been sentenced to death and awaits execution is condemned and is commonly referred to as being "on death row". Etymologically, the term capital (lit. 'of the head', derived via the Latin capitalis from caput, "head") refers to execution by beheading, but executions are carried out by many methods.

Crimes that are punishable by death are known as capital crimes, capital offences, or capital felonies, and vary depending on the jurisdiction, but commonly include serious crimes against a person, such as murder, assassination, mass murder, child murder, aggravated rape, terrorism, aircraft hijacking, war crimes, crimes against humanity, and genocide, along with crimes against the state such as attempting to overthrow government, treason, espionage, sedition, and piracy. Also, in some cases, acts of recidivism, aggravated robbery, and kidnapping, in addition to drug trafficking, drug dealing, and drug possession, are capital crimes or enhancements. However, states have also imposed punitive executions, for an expansive range of conduct, for political or religious beliefs and practices, for a status beyond one's control, or without employing any significant due process procedures. Judicial murder is the intentional and premeditated killing of an innocent person by means of capital punishment. For example, the executions following the show trials in the Soviet Union during the Great Purge of 1936–1938 were an instrument of political repression.

As of 2021, 56 countries retain capital punishment, 111 countries have taken a position to abolished it de jure for all crimes, 7 have abolished it for ordinary crimes (while maintaining it for special circumstances such as war crimes), and 24 are abolitionist in practice. Although the majority of countries have abolished capital punishment, over half of the world's population live in countries where the death penalty is retained. As of 2023, only 2 out of 38 OECD member countries (the United States and Japan) allow capital punishment.

Capital punishment is controversial, with many people, organisations, religious groups, and states holding differing views on whether it is ethically permissible. Amnesty International declares that the death penalty breaches human rights, specifically "the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment." These rights are protected under the Universal Declaration of Human Rights, adopted by the United Nations in 1948. In the European Union (EU), the Charter of Fundamental Rights of the European Union prohibits the use of capital punishment. The Council of Europe, which has 46 member states, has worked to end the death penalty and no execution has taken place in its current member states since 1997. The United Nations General Assembly has adopted, throughout the years from 2007 to 2020, eight non-binding resolutions calling for a global moratorium on executions, with support for eventual abolition.

Capital punishment in Singapore

The Straits Times, 95% of Singaporeans were of the view that their country should retain the death penalty. The support steadily fell throughout the years

Executions in Singapore are carried out by long drop hanging, and usually take place at dawn. Thirty-three offences—including murder, drug trafficking, terrorism, use of firearms and kidnapping—warrant the death penalty under Singaporean law.

In 2012, Singapore amended its laws to exempt some offences from the mandatory death sentence. In a 2005 survey by The Straits Times, 95% of Singaporeans were of the view that their country should retain the death penalty. The support steadily fell throughout the years due to the increasing liberal opinions of society. Despite the decline, a large majority of the public remains supportive of the use of the death penalty, with more than 80% of Singaporeans believing that their country should retain the death penalty in 2021.

The most recent execution conducted in Singapore took place on 13 August 2025, when a 60-year-old Singaporean, who was convicted of having in his possession controlled drugs for the purpose of trafficking, was hanged.

Capital punishment in the United States

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In the United States, capital punishment (also known as the death penalty) is a legal penalty in 27 states (of which two, Oregon and Wyoming, do not currently have any inmates sentenced to death), throughout the country at the federal level, and in American Samoa. It is also a legal penalty for some military offenses. Capital punishment has been abolished in the other 23 states and in the federal capital, Washington, D.C. It is usually applied for only the most serious crimes, such as aggravated murder. Although it is a legal penalty in 27 states, 21 of them have authority to execute death sentences, with the other 6, subject to moratoriums.

As of 2025, of the 38 OECD member countries, three (the United States, Japan and South Korea) retain the death penalty. South Korea has observed an unofficial moratorium on executions since 1997. Thus, Japan and Taiwan are the only other advanced democracies with capital punishment. In both countries, the death penalty remains quite broadly supported.

The existence of capital punishment in the United States can be traced to early colonial Virginia. There were no executions in the United States between 1967 and 1977. In 1972, the Supreme Court of the United States struck down capital punishment statutes in *Furman v. Georgia*, reducing all pending death sentences to life imprisonment at the time. Subsequently, a majority of states enacted new death penalty statutes, and the court affirmed the legality of the practice in the 1976 case *Gregg v. Georgia*. Since then, more than 8,500 defendants have been sentenced to death; of these, more than 1,605 have been executed. Most executions are carried out by states. For every 8.2 people executed, one person on death row has been exonerated, in the modern era. At least 200 people who were sentenced to death since 1973 have been exonerated. That would be about 2.2% or one in 46.

In 2019, the Trump administration's Department of Justice announced its plans to resume executions for federal crimes. On July 14, 2020, Daniel Lewis Lee became the first inmate executed by the federal government since 2003. Thirteen federal death row inmates were executed, all under Trump. The last and most recent federal execution was of Dustin Higgs, who was executed on January 16, 2021. On July 1, 2021, Attorney General Merrick Garland imposed a moratorium on federal executions. In April 2022, 2,414 people were on federal or state death row.

On December 23, 2024, President Joe Biden commuted the sentences of 37 of the 40 individuals on federal civilian death row to life imprisonment without the possibility of parole; 3 people remain on federal death row. Pursuant to Executive Order 14164, signed by Donald Trump on January 20, 2025, the first day of his second term, Attorney General Pam Bondi issued a memorandum on February 5, 2025 that rescinded the Garland moratorium on federal executions. The memorandum also directed the Justice Department to strengthen the death penalty and seek its application by prosecutors whenever reasonable.

The last public execution in the U.S. took place in 1937 in Missouri, after which most states began requiring executions to be held privately. Laws now generally prohibit public attendance, though journalists and selected individuals may witness them. Notably, Timothy McVeigh's 2001 execution was viewed by over 200 people via closed-circuit TV, mainly victims' families.

Capital punishment in the United Kingdom

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Capital punishment in the United Kingdom predates the formation of the UK, having been used in Britain and Ireland from ancient times until the second half of the 20th century. The last executions in the United Kingdom were by hanging, and took place in 1964; capital punishment for murder was suspended in 1965 and finally abolished in 1969 (1973 in Northern Ireland). Although unused, the death penalty remained a legally defined punishment for certain offences such as treason until it was completely abolished in 1998; the last person to be executed for treason was William Joyce, in 1946. In 2004, Protocol No. 13 to the European Convention on Human Rights became binding on the United Kingdom; it prohibits the restoration of the death penalty as long as the UK is a party to the convention (regardless of the UK's status in relation to the European Union).

Capital punishment in Canada

stages, in 1976 and 1999. Prior to 1976, the death penalty was prescribed under the Criminal Code as the punishment for murder, treason, and piracy. In addition

Capital punishment in Canada dates to Canada's earliest history, including its period as first a French and then a British colony. From 1867 to the elimination of the death penalty for murder on July 26, 1976, 1,481 people had been sentenced to death, and 710 had been executed. Of those executed, 697 were men and 13 were women. The only method used in Canada for capital punishment of civilians after the end of the French regime was hanging. The last execution in Canada was the double hanging of Arthur Lucas and Ronald Turpin on December 11, 1962, at Toronto's Don Jail. The National Defence Act prescribed the death penalty for certain military offences until 1999, albeit no military executions had been carried out since 1946.

The death penalty was ended in practice in Canada in January 1963 and was abolished in two stages, in 1976 and 1999. Prior to 1976, the death penalty was prescribed under the Criminal Code as the punishment for murder, treason, and piracy. In addition, some service offences under the National Defence Act continued to carry a mandatory death sentence if committed traitorously, although no one had been executed for those offences since 1945. In 1976, Parliament enacted Bill C-84, abolishing the death penalty for murder, treason, and piracy. In December 1998, Parliament passed legislation to eliminate the death penalty for the military offences. The legislation came into force on September 1, 1999.

Capital punishment in the Philippines

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Capital punishment in the Philippines (Filipino: Parusang Kamatayan sa Pilipinas), specifically the death penalty as a form of state-sponsored repression, was introduced and widely practiced by the Spanish East Indies government in the Philippines. A substantial number of Filipino nationalist figures like Mariano Gómez, José Burgos, and Jacinto Zamora (collectively known as GomBurZa), the Thirteen Martyrs of Cavite (Trece Mártires), the Thirteen Martyrs of Bagumbayan, the Fifteen Martyrs of Bicol (Quince Mártires de Bicolandia), the Nineteen Martyrs of Aklan, and José Rizal were among those executed by the Spanish colonial government.

Numerous Philippine parks, monuments, learning institutions, roads, and local government units are named after José Rizal and those executed by the Spanish as a reminder of colonial atrocities using the death penalty. After the 1946 execution of Imperial Japanese Army General Tomuyuki Yamashita in Los Baños after World War II and the formal establishment of the Third Republic, capital punishment was mainly a deterrent against widespread crime that dominated, until the imposition of Martial Law in 1972.

The Philippines and Cambodia are the only Association of South East Asian Nations (ASEAN) member states that have abolished the death penalty.

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