

Capital Punishment Between Suppression of Life and Ethical Justification

Iasmina PETROVICI¹,
Ivan DEAN²

¹ West University of Timisoara,
Timisoara, Romania,
iasmipetrovici@yahoo.com

² West University of Timisoara,
Timisoara, Romania,
ivan_dean96@yahoo.com

Abstract: Is the capital punishment a solution? Can a basis for rejecting or justifying it be established? How should and how can a criminal be punished? Can the capital punishment be replaced by another type of punishment? Is this really a cruel, violent and unusual punishment? Questions like the previous ones, to which, of course, many others can be added, cannot be avoided once the still controversial issue of capital punishment has been addressed, being considered a major infringement of human rights. Uncomfortable and complex, sensitive and profound, it appears, first and foremost, as a fundamental theme for philosophical reflection and not only, being of a special significance to the applied ethics, as it is a point of contention that concerns life itself. The importance of this theme is conferred in particular by the fact that it deals with different aspects regarding the suppression of a person's life in a legal, deliberate and justified way, an obvious importance by the very purpose of this punishment.

From a compositional point of view, we have structured the present study in such a way as to include, using the critical dimension, the highlighting of some of the relevant philosophical perspectives that are subsumed to the topic, and which can still be an argument, at least an ethical one, against the application of capital punishment. At the end of the study, we sketched some current distinctive reflections, pointing out an argument in favour of one's own choice on the subject of the study, not necessarily considering that this is not a solution, but also that an ultimate basis cannot be established to support it.

Keywords: *Capital punishment; the suppression of life; the right to life; applied ethics.*

How to cite: Petrovici, I., & Dean, I. (2020). Capital Punishment Between Suppression of Life and Ethical Justification. *Postmodern Openings*, 11(4), 309-322. doi:10.18662/po/11.4/237

1. Introduction

We have chosen to outline a study on philosophical perspectives on the death penalty, starting from the fact that taking one's life legally is still a topic that can easily find its place in philosophy, in particular in applied ethics. Thus, in the following study, we will try, in a concise way, but at the same time, edifying and criticizing, to outline some relevant contemporary philosophical perspectives and the problematic aspects related to capital punishment, aiming primarily to demonstrate that, despite the arguments put forward in its favor, this is not exactly a solution, causing, in many cases, more harm than expected or anticipated positive consequences.

Currently, the capital punishment, is maintained legally effective in over 50 countries, mostly in Africa, South Asia and the Middle East, being completely abolished in 106 countries (Amnesty International, 2020a). In many states it is maintained only at the theoretical level, being applied only in the case of war crimes, and in other states, although it appears in the Penal Code, it is not applied in any case. In 2019, 657 executions took place in 20 countries (Amnesty International, 2020b). According to the source mentioned above, in the US, the death penalty is legally effective in 22 states, while China is the country with the largest number of executions per year, followed by Iran, Saudi Arabia, Iraq. In the European Union, the capital punishment was abolished, being a mandatory condition for the countries in order to join the Union, but in Belarus the capital punishment has remained legally effective, authorities in the country claiming that they are not prepared to revoke it, as they have dealt with organized crime.

Beyond the aforementioned data, when we try to outline a philosophical study regarding capital punishment, we find that we are facing a problem that presents a complex interweaving with other areas, such as justice, religion, politics (Hood & Hoyle, 2015, pp. 32-36). Most philosophers concerned with the problem of capital punishment have established their vision both on the background of their own philosophical system and in the wider context of one or more of the above mentioned fields. The importance of this theme, regarding the specificity of human existence, is first supported, at the ideological level, by the persistence and consistency of philosophical reflections, then, at the *de facto* level, in that, at present, the death sentence is legally effective in over 50 countries, an issue that provokes ethical issues and debates (Singer, 2011, pp. 72-73). Regarding the contemporary philosophical debates, we will discuss, in the following, some visions considered paradigmatic on the problem of capital punishment, referring in this regard, to Koestler (2008), Camus (2008),

McCloskey (1995), Nagel (1995), Foucault (1997), Derrida (2017), in order to be able to outline our own perspective on their background.

2. Capital punishment and moral responsibility: Arthur Koestler and Albert Camus.

Koestler (2008) wrote *Reflections on Hanging* during death row, being accused of espionage, eventually he escaped execution, dissimilar to his comrades. In 1955, the philosopher set up an assertive national campaign for the abolishment of death penalty, noting that he will have “no peace of mind until the death penalty is abolished” (Koestler, 2008, p. 27). He considers the problem of capital punishment to be one that concerns not only statistical data, but also feelings and morals. Indeed, both the facts and the data must coincide and be accurate, but that does not mean that suffering and emotionality are not involved. For Koestler, the scaffold was not only a mechanism by which a man's life was taken in a legal and justified manner, but also a means by which humanity came to morally self-destruct. To show that this is indeed a terrible act that does not honor mankind, the philosopher recalls that in the Middle Ages and in the nineteenth century there were some isolated cases, so that the animals were liable to death penalty, being represented by a lawyer and judged like people. Koestler lays out a number of examples, largely bizarre, therefore this is not relevant, but the fact that, as he points out: “why do we think that the hanging of an animal is more revolting and disgusting than that of a man?” (Koestler, 2008, p. 71). We are more shocked by the killing of a living creature, because in this case the capital punishment is an unjustified and artificial one, including instances when we associate an absurd ceremonial with it, as opposed to the case of people, who might have reasons to kill, which is what causes the action to be justified or not. Moreover, the rejection of killing animals is not felt for aesthetic reasons, that is because of the rituals that accompany the punishment (which, in this case strictly aims at the suppression of life without any purpose), but, for an intellectual reason. Experience confirms that capital punishment has no intimidating effect on people, so killing a human is just as pointless as killing a horse. We are probably revolted because we regard an animal as a defenseless creature. Another approach would be to claim that animals do not know what they are doing and therefore cannot be held responsible for their actions, as animals have no reason, judgment or moral sense. However, the lacks of moral sense or mental deficiency are not considered to be sufficient reason for the annulment of a sentence or for the plea of “guilty, but demented”. If an

individual who is not in all mental faculties is brought before the court, he will not be tried, but, rather, placed in an institution intended for such patients: “unless the offense in which the crime committed is punishable by the death penalty. In this case, the court decision must be pronounced” (Koestler, 2008, p. 63).

Referring to the punishment, Koestler emphasizes its three objectives: punishment as such, the pervading character by which the society gets to be defended and the correction of the offender. Both the attitude regarding the pervading value and the legitimacy of the capital punishment follow deterministic assumptions, because if a criminal had complete freedom of will, the threat would have no effect. Retributive theories, from a deterministic perspective, according to Koestler, are absurd, because then revenge on a man would be equivalent to revenge taken on a car. On the other hand, if we were to believe in free will, then revenge would be a sin against the spirit, since the hypothesis of human freedom also implies certain religious consequences, for which it might be presumed that the criminal may not be a “broken robot”, rather, they execute an obscure plan, where human justice has no power to intervene. Over time, both religions and metaphysical philosophies have addressed the problem of evil, which they have implicated in the divine plan, regardless of an absolute answer regarding the relation between man and evil, revenge is not a serious one and constitutes a denial of the very existence of Christianity (Koestler, 2008, p.108). So, from a deterministic point of view, revenge is absurd, and from the perspective of human freedom it is not founded, even if, in the depths of our being, we all have those vindictive impulses due to our biological inheritance.

Camus (2008), like Koestler (2008), considers capital punishment to be the shame of a society that the legitimists cannot base rationally and morally. The French philosopher reflects on the justification for applying the capital punishment against a report of his father who was not an abolitionist and who insisted on watching the execution of a murderer who killed an entire family. Once back home, after waking up early to get to the other side of town to catch the execution, he did not relate the happenings of that day to anyone (Camus, 2008, p. 119). What Camus wants to show through this account is that since suppressing an individual's life as a deserved punishment has only brought a simple and honest man into a state of disgust, it is clear that capital punishment is a terrible act. That is, if, the justice that should defend the honest man, on the contrary, causes nausea, it means that we cannot claim that the purpose of the capital punishment can bring an added peace and order in the city.

Camus combats the intimidating effect or the pervading character of the death penalty by claiming that there is no case in which someone determined to commit a crime has been deterred by the fear of punishment; on the contrary, capital punishment has been an act that fascinates many criminals. During that period, the executions ceased to be public so that, in order to benefit from intimidating consequences through the given examples, the whole process should be exposed, not restricted. Either the execution is televised for everyone, everywhere, or this psychological argument is no longer invoked. As Camus points out, who could be intimidated by a murder “sneakily, at night, in a prison yard?” (Camus, 2008, p. 124). Criticizing the intimidating effect, Camus appreciates that, indeed, the capital punishment that is said to scare potential killers, or that, when applied, stops some, for others, referring to those who administer it, on the contrary, allows them “to pursue their vocation as killers” (Camus, 2008, p. 136). Becoming in of itself legally allowable, that what the capital punishment is supposed to punish. Camus concludes that it is nothing more but revenge, because it punishes, but does not prevent, and, moreover, gives rise to criminal tendencies, that is, punishes without purpose. In many societies, premeditated murder is the worst act anyone can commit. But isn't capital punishment the premeditated murder that cannot be compared to any calculated murder of an assassin? Moreover, the law of retaliation fails because it acts between two individuals, one guilty and one innocent, the victim being of course the innocent one, but the society that should represent the victim is not, at least partially responsible for a crime necessary to submit such a harsh punishment?

We can argue that the suppression of life, being an irreversible and irrevocable punishment, which has never managed to achieve its goals, punishes a guilt that can be relative. To decide that a person's life must be taken in order to be punished means to decide that person is not capable of betterment. Even the worst member of a society has the right to life, which automatically implies the chance for betterment, in the absence of which moral life is impossible. And with regard to the claim that an individual should be eliminated in the absolute way from society, because it represents a too great evil, is the same as saying that the society in question is good in the absolute way, which is not plausible. To those who consider forced labor a light punishment, Camus points out that they are unimaginative and that “deprivation of liberty may seem an easy punishment only to the extent that contemporary society has taught us to despise freedom” (Camus, 2008, p. 167). Only the abolition of capital punishment and its replacement with forced labor for life in respect to the criminals that are supposed to be

unrecoverable, and in limited span of time for the rest, can elevate the situation of the societies towards some with judgment traits.

3. Suppressing life and the right to life:

H. J. McCloskey and Thomas Nagel.

Both McCloskey (1995) and Nagel (1995) explore the general problem of applying punishment against philosophical reflections on life and death. Regarding the death penalty, no matter how it is approached and treated, from a legal, moral, philosophical or religious perspective, it must be taken into account that its application means not only to take the life of a man, but also any potential becoming.

However, in order to speak about one's right, to bluntly take it away, we must start from the idea of the right to life that McCloskey (1995) develops in the article with the same title. The philosopher defines the right not as a claim, freedom or aspiration, but as a redemption, as a given, refusing to treat this subject in a theistic way, seeking other considerations, which purposefully do not take divine will into account. The human right to life strictly linked to its autonomy, autonomy that fundamentally implies the ability to choose rational and moral. McCloskey notes that the right to life: "is obviously presupposed by the right to freedom and, likewise, the right to self-development and self-improvement. If someone takes our life, then they also take from us the freedom and the opportunity to perfect ourselves, as well as the other rights we have" (McCloskey, 1995, p. 69) hence the importance of relating this subject to the question of the death penalty. But is this right valid for all human beings? Is it inviolable? Fundamental or conditional? What does this right imply and prohibit? Does it have limits and what are they? McCloskey seeks to answer these questions without resorting to theism, but, apart from theistic theory, no one can assert this right as being inviolable and fundamental, each presenting with limitations or conditioning. Even Christian philosophers, beyond the doctrine that life is given by God and as such, man has no right over it, whether it is his own life or the life of another human being, transform this fundamental right into a conditional one. Criticism has been brought in particular to Thomas Aquinas, which, starting from a series of murder cases in the Old Testament, concludes that taking the life of a man, even innocent, is a right and even a duty, if this is the will of God (Aquinas, 2009, p. 233). But McCloskey appreciates, accepting this view as correct, assuming that: "taking life at God's command does not mean violating the right to life; it simply means giving God a helping hand in the administration and management of his

property” (McCloskey, 1995, p. 69). Moving on to the natural law of the right to life of the human being, which involves not only not killing, but also preserving, assisting and defending a human life, we are faced with the situation in which this natural given conflicts with the natural law of other human beings to conservation. This is precisely the moment when the question arises: is the death penalty acceptable or not? The ethics of Thomas Aquinas’ natural law, however, argues that it is unfair and unacceptable to take the life of an innocent. But what about that of a culprit? It seems that debates on this topic are largely restricted to defending the life of an innocent human being. Because to take the life of an innocent being, deliberately, implies in itself an injustice. The right to life of a guilty human being remains to be discussed, where, since there is potentiality, we cannot be certain that it cannot be a positive one. The right holder is only the autonomous, the one who has the ability to choose rationally and morally. The divergent of the rational and immoral decision maker appears, to which the idea of capital punishment can (or not) be applied. If rationality becomes the basis for holding rights, accepting the absence of rational capacity to choose, the problem becomes questionable, the fundamental right becomes a conditional one. In this context, McCloskey recalls what was suggested to him by Professor B.D. Ellis regarding newborns and automatically abortion. Ellis (as cited by McCloskey, 1995, p. 79) argues that the equals sign between an existing X and a potential X cannot be placed. Does having the right to life not entail owning the right to become? Any person who holds the right, rational and moral can be a potential criminal. Any criminal, individually speaking, can become, can be a rational and moral man? Thus a holder of rights. If we accept that an X is not equal to a potential X, how does this idea reconcile with McCloskey's idea that potentiality is an absolutely necessary, even if not sufficient, condition for anyone to be a right holder? And yet, life involves change and potential evolutions. Nevertheless to take the life of a man means to take the potential of becoming, moreover, we can argue, it means to suppress his “protection of dignity” and the possibility of applying an “appreciative ethics of care” (Sandu, 2010, pp. 14-18).

But to point out, beyond the right to life, what capital punishment involves, perhaps we should, by antithesis, define death. What death is and what is our attitude towards death is a topic that Nagel (1995) has extensively dealt with. If life is an essential natural right that we hold, or suppose we have, death, as a phenomenon which ends life definitely, can only be perceived as a loss. Thus, is death good or bad? Occurring not as a form of being, but nonexistence, it is neither good nor bad, neither positive nor negative. It is neutral. Like any act in itself, it has value precisely through

what it takes away or what it brings in, what it destroys or what it creates. And because it just takes without bringing something in place, destroys without creating, transforms something into nothing, we cannot perceive it as good. So, death, like any other thing or phenomenon, or more than any one of them, cannot be regarded as neutral. It is bad, even just because it deprives us of something. Nagel distinguishes between two categories of people, by their attitude towards death: “some people think that death is a frightening thing, others have nothing against death per se, although they hope at the same time that their own death will not be premature nor painful” (Nagel, 1995, p. 90).

As long as death is a natural phenomenon, natural and inevitable, for us, as living beings, the only healthy attitude is to accept it as such. But neither does the first category makes the fear of death a daily topic nor does the second category look forward to it. Even our attitude towards death denotes that we regard it as something inevitable, with which we do not want or, at least, do not rush to deal with it. Thus, by definition and perception, death is not “good”. Returning to natural law, man is defined as a being inclined towards good. Deciding and taking the life of another human being, legally, deliberately, free of any consequence, obviously does not fall into the attributes and characteristics of a human being. Life, with its good and bad aspects, is, no matter from what perspective, positive, and is so rather through experience, than content, rather through potential, than the value of the moment. Its value is especially given by the capacity of becoming, of transformation, the potential that exists in it and no longer exists outside it. Irreversible death carves through any continuity, any possibility of becoming, and any opportunity to become and be able to do something. Returning to the idea that life is a given, a good of any human being, by antithesis, individual death must be regarded as a dispossession of the person. And in the case of capital punishment, we are talking about a dispossession of a good, which we have not, in any case, made accessible to the particular individual. And then where is the legal or correct right to take this good away? Death cannot be attributed with certain characteristics, good or bad. It becomes a bad thing, not in itself, but in antithesis to life. By antithesis to life, good or bad, death is a bad thing, because it removes everything that means life and potentiality. For the living individual, unlimited possibilities of continuing his existence can be imagined. Possibilities are beyond our capacity of conception. Thus, Nagel considers that “death [...] is an abrupt interruption of this unlimited field of possibilities” (Nagel, 1995, p. 98). And he is referring to natural death. How much more abrupt is the interruption in the case of capital punishment? It is

assumed that one of the purposes of capital punishment is the safety and certainty that once dead, the individual found guilty no longer poses a danger to others. He will no longer be able to act in the intolerable way in which he has acted upon another human being. But does life imprisonment not solve this problem? Is it a more expensive option for society? But is it not preferable for the individual? Is it not preferable for those who have to enforce the legislation of capital punishment, judge, decide and execute morally speaking? The life of the individual, good or bad, holds in it the possibility of change, of becoming, of transforming into something good through “an ethical construction of the identity” (Cojocaru & Sandu, 2011, p. 260), however unlikely this may be. The one sentenced to death is deprived of all life’s attributes, but removing the chance, the right to use this potential is the most reprehensible. That period of time, from the death enforced by capital punishment to the moment when, naturally, the individual would die, is his time, in which he can become, act, create and relate even under conditions of detention. It is his time that he capitalizes on or not. It is a chance given to him. Is he worthy of it? Life itself is a chance that every human being receives and uses in one way or another, varyingly different, beneficial or not.

4. „Decorporalization” of punishment and natural finitude: Michel Foucault and Jacques Derrida

Contrary to the background of the more general discussion regarding the critique of the particularly violent aspect of punitive systems, Foucault addressed the issue that may serve as a counter-argument to the intimidating effect, namely that today the “punitive spectacle” has gradually disappeared, so that, arguments that potential criminals will be prevented by the frightening aspect of punishment cannot be sustained, as the punishment has ceased to be theatrical. (Foucault, 1997, p. 39). Since the punishment becomes private, justice cannot be reproached for the public violence it disposes of with the same intensity, consequently, when it kills or strikes, it does not intend to show its force, but manifests itself, rather, by virtue of an element that is inherent in its specificity. In this way, justice, in fact, disguising itself, frees itself from the shame of punishing, Foucault upholding the idea of “decorporalization” of the punishment (Foucault, 1997, p. 40), to the detriment of the cruelty of torments, an important role here is played by various tranquilizing psychological and medical methods and techniques. On the other hand, with Foucault we encounter a unique and distinctive perspective on the right to punish, right held by the sovereign

by means of whom it engages into war with its enemies, because the possibility of punishing in the sovereign's arsenal aims at a boundless authoritarian power concerning life and death. The French philosopher considers that punishment is at the same time a means for personal revenge, because, given that the physical-political power of the sovereign is included in the law, it means that it does not only seek to defend, but it also avenges the disregard of its authority by punishing those who end up violating its prohibitions (Foucault, 1997, p. 92). In this context, the punishment is no longer intended to restore a balance, but rather the exercise of the total force of the "omnipotent sovereign" by which it highlights the asymmetry between him and the subject who has allowed himself to disregard the law, violating it. Thus, the punishment would be immoral, since it stems from tendencies, aiming at a purpose, namely, that of the sovereign to prove his power. Moreover, in the case of public executions, the people are invited to partake in the revenge of the sovereign, and thus, a punishment of the sovereign is also carried out, through verbal reprimands and assaults on the condemned. Referring to the proportionality between crime and punishment, which takes social order into account, Foucault considered that not past offence should be targeted, but future disorder (Foucault, 1997, p. 147) the calculation should be made according to the possible repetition of a crime, not the crime in itself, in the sense that we must punish exactly enough to prevent repetition. Regarding the death penalty, while aiming for the right punishment, the French philosopher agrees that the one found guilty should rather be a slave for the benefit of all, considering it more useful to always be faced with a man who has been deprived of freedom and which is subject to eternal labor to repair the damage caused to the city, which raises the question: "why would society suppress a life and a body that could belong to it?" (Foucault, 1997, p. 147) The application of the sentence should be in accordance with the principle of proportionality, that is to say, it should be applied specifically and differentially to each individual case. Foucault also argues for the need of the corrective nature of the punishment, so that a punishment should not only seek to erase a crime, but also to transform a culprit, an impossible task if the person would be sentenced to death and executed: "The sanctioning power must no longer dishonor itself from committing a crime greater than the one it wants to punish. For it to remain innocent for the punishment it is applying" (Foucault, 1997, p. 101).

J. Derrida noted about the capital punishment that it is an effect of the alliance between religion and the sovereignty of the state, a sovereignty aimed at the power it has over the lives and deaths of the subjects (Derrida,

2011, pp. 62-63). In the wider context of his vision about the sovereignty of the nation-state and its theological-political bases, as well as the criticism of the legitimacy of the violent punitive means (legislatively delimited) in their relation with the state, the law and the justice (Derrida, 2011, p. 84) and the sovereign's right to dispose of or apply the punishment, Derrida considers that the important question is not *why someone should be an abolitionist?*, but rather on *what grounds can the abolitionist commitment be justified?* Most of the abolitionist arguments are as we have seen: it does not prevent crime, it is a cruel punishment, it is disproportionate on minorities, and it glorifies violence and revenge as the essence of justice, and so on.

The French philosopher wonders if these are really preeminent positions or just some sociological, cultural or psychological arguments, which, in fact, do not contain in themselves the fundamental principles of the philosophical doctrines that concern the capital punishment.

Referring to some conceptions regarding capital punishment, especially on abolitionists (Cesare Beccaria, Victor Hugo, Albert Camus), Derrida believes that most of the abolitionist arguments rely on are based on the same Christian doctrines invoked by the supporters of the capital punishment (Derrida, 2017, p. 92). In seeking a philosophically based perspective, the French philosopher recognizes in the Kantian conception (formulated around the categorical imperative and human dignity) a legitimist philosophical position that is hard to combat by European abolitionist traditions. The main Kantian argument is that the death penalty, starting from the categorical imperative of criminal justice, can be proposed without being linked to a phenomenal or empirical interest of the society or nation.

In the same way, the abolitionist discourse makes a similar statement, claiming that the value of human life lies outside any calculation that concerns an interest, thus imposing the rejection of the death penalty on the same theme that Kant supports (Derrida, 2017). A great perversity of the death sentence consists, on the one hand, in the fact that it prescribes the time and place of our last moment, and, on the other, that it takes mechanical control over uncertainty that is the essence of our future, robbing us of natural finitude.

5. Conclusions

On the basis of the previous pages, we can conclude that the death penalty was, is, and probably will continue to be, indeed, a controversial issue, of crucial importance to humanity. From crucifixion to lethal injection,

people have channeled their ingenuity and resources over time trying to perfect a method of suppressing life, treating this practice, often as a subject in itself, paying close attention to the consideration that this would have a positive purpose demonstrated rationally. Although it has been encountered since ancient times, while the aim of the punishment was neglected in favor of the macabre spectacle of torture, in present times, we appreciate that the death penalty hinders humanity from evolving, reverting it to barbaric times. We can observe mainly the violent character of the punishment, its revengeful aspect, as a manifestation of the sovereign's power, on the one hand, and on the other hand, the fact that it cancels the possibility of uncertainty that precisely manifests in the future, by mechanical execution, it disappearing unnaturally. Starting from the idea that man is an autonomous being, that this autonomy conveys the right to life, it follows that he has full right over this life; he is the sole owner of his life. He is given, by definition, the right to make decisions, to choose and to enforce. Of course, there are legal and ethical limitations to these rights and freedoms. What about the right to life? Is there a clear, defining, unbeatable condition of the moment or the motivation, in which a natural law holder becomes a dispossessed, without ever have been a mere striver, always being an entitled, by his human quality in itself?

Capital punishment implies defects that are not remediable, because this punishment is based on the philosophical theory of responsibility, which is incapable of making compromises with the rest of the deterministic points of other courts. The law is flexible in the case of other crimes or offenses, but the death penalty removes any chance of proportioning the punishment according to the liability. The essence of capital punishment is the intention from which it stems, this being the very anti-progressive reasoning of societies. Certainly, from the perspective of some, the death penalty is a barbaric act, but for a family who lost a child after a homicide, and of course other examples can be mentioned here, we cannot deny that, in such situations, feelings would urge us to perceive the execution of the guilty as a solution. However, we consider that the basic argument against capital punishment is the judicial error, which even with the juries of today is a possibility. Only the thought that an innocent person could be executed unjustly causes feelings of moral disgust and psychological upheaval, along with the perception of legal incompetence, because, if a judge issues a wrong decision, once the alleged culprit is executed, there is no way of return. Thus, we advocate as an alternative to the death penalty a punishment that involves forced labor for life, as an acceptable option, additional

rehabilitation programs, provided that the punished person works in order to support themselves so that the taxpayers do not intervene in this regard.

To conclude, we considered that, not infrequently, capital punishment becomes similar to a premeditated crime that is legal, and the state similar to a criminal exempt from punishment, sometimes even glorified for decision. However, the thought of the horrific crimes that have taken place and are taking place, tends to cause people to proclaim themselves in favor of this punishment, for which this issue is an extremely delicate and complex one, which will be addressed and discussed further, both from a legitimist and an abolitionist point of view, without promptly finding an ultimate and fundamental position that can subsume any arguments and which can reconcile the two extremes.

References

- Amnesty International. (2020a). Death penalty. <https://www.amnestyusa.org/issues/death-penalty/?gclid=CjwKCAjwxLH3BRA>
- Amnesty International. Death Penalty in 2019: Facts and Figures (2020b, April 21). <https://www.amnestyusa.org/issues/death-penalty/?gclid=CjwKCAjwxLH3BRA>
- Camus, A. (2008). Reflectii asupra ghilotinei [Reflections on the guillotine]. In A. Koestler & A. Camus, *Reflectii asupra pedepsei cu moartea* [Reflections on the death penalty] (pp. 117-169). Humanitas.
- Cojocaru, D., & Sandu, A. (2011). (Bio)ethical and social reconstructions in transmodernity. *Journal for the Study of Religions and Ideologies*, 10(30), 258-276. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1962236
- Derrida, J. (2011). *The Beast and The Sovereign* (2nd. vol.), *The seminars of Jacques Derrida*. University of Chicago Press.
- Derrida, J. (2017). *The death penalty* (2nd vol.). *The Seminars of Jacques Derrida*. University of Chicago Press.
- Foucault, M. (1997). *A supraveghea și a pedepși* [On crime and punishment]. Humanitas.
- Hood, R., & Hoyle, C. (2015). *The death penalty. A worldwide perspective* (5th ed.). Oxford University Press.
- Koestler, A. (2008). Reflectii asupra streangului [Reflections on hanging]. In A. Koestler & A. Camus, *Reflectii asupra pedepsei cu moartea* [Reflections on the death penalty] (pp.25-115). Humanitas.
- McCloskey, H. J. (1995). Dreptul la viață [The right to life]. In A.Miroiu (Ed.), *Etică aplicată* [Applied ethics] (pp.68-89). Alternative.

- Nagel, T. (1995). Moartea. In A.Miroiu (Ed.), *Etică aplicată* (pp. 90-100). Bucuresti: Alternative.
- Sandu, A. (2012). *Appreciative ethics: A constructionist version of ethics*. LAP Lambert Academic Publishig.
- Singer, P. (2011). *Practical Ethics*. (3rd ed.). Cambridge University Press.
- Thomas Aquinas. (2009). *Summa Theologica* (1st vol.). Polirom.