

Západočeská univerzita v Plzni

Fakulta filozofická

Katedra anglického jazyka a literatury

Studijní program Filologie

Studijní obor Cizí jazyky pro komerční praxi

Kombinace angličtina – francouzština

Bakalářská práce

Death Penalty in the USA and Europe

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Fakulta filozofická Západočeské univerzity v Plzni

Plzeň 2017

Prohlašuji, že jsem práci zpracovala samostatně a použila jen uvedených pramenů a literatury.

Plzeň, duben 2017

Poděkování

Ráda bych tímto poděkovala panu Ing. et BcA. Milanu Kohoutovi za jeho trpělivost, cenné rady a věcné připomínky při zpracování této bakalářské práce.

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Introduction

As the title indicates, this bachelor thesis deals with issues of the death penalty, predominantly in Europe and the USA. Every year, approximately one thousand legally imposed executions are carried out across the world. However, the exact number of executions performed in secrecy is not possible to ascertain. The objective of this thesis is to investigate the death penalty more in depth, or as the case may be to change my point of view on the topic that is actual and highly debatable. Many human organisations, for instance Amnesty International, Člověk v tísni, etc. are protesting all over the world against the death penalty, which, according to them and many other people, violates the fundamental human right to live. Nonetheless, Christian and democratic states in the USA keep supporting this severe method of punishment. Despite this, controversy has surrounded statutory executions ever since and for this reason I would like to engage in deepening my and possible the public's knowledge about this issue.

The thesis is divided into two parts: one theoretical and one practical. Both parts are written in seven chapters, several of which are enlarged by subchapters. The theoretical part reports on fundamental issues connected to death penalty and its extensive history. I describe processes of executions and the offences that are punishable by death; for sensitive readers, this might be a bit disturbing, as it is for me. The final two chapters of the theoretical part deal with the current situation in Europe and the USA, as well as essential controversies linked to the topic. For my thesis, I mainly use Czech and foreign literature in electronic form, for instance, technical articles on the Internet, e-books in pdf, statistics, maps, etc. and several books about death sentence.

The practical part analyses a questionnaire that relates to the issues mentioned in the theoretical part. I am interested in finding out the public point of view and their arguments. As I was reading professional literature concerning capital punishment, I realized that to make an opinion on such

a topic is not as simple as one would think. My attempt is to remain impartial in order to maintain the objectivity of the work.

However, I might express my opinion, supported by facts that emerge from the theoretical part and the questionnaire as well.

1 A history of punishment by death

1.1 Punishment as a term

A punishment or a penalty is a legal consequence of a criminal offence. It is a state measure in attempt to protect the society. The penalty is considered as a deterrent that should discourage a potential offender or punish an actual offender. The death penalty is also a mean of rehabilitation that should help to restore a reformed offender to the society, and as a retribution, which should rebalance committed injustice and avoid people taking justice into their own hands.

1.2 Ancient times

Killing people as a punishment has been amongst humanity since the Bronze Age. Approximately 4000 years ago, the first code including death penalty was enacted to avoid crimes.

1.2.1 The Code of Hammurabi

The Code of Hammurabi was written in 18 century BC in Babylon, today's Iran. It was supposed to maintain the kingdom's power by deterring potential criminals. The Babylonian king Hammurabi implemented the code that consists of 282 laws that determined the way people should live. The Code was carved into diorite (form of igneous rock) and was embed into the ground on the public place in Babylon. Those laws described acts that were punishable if broken. Within those 282 laws, there were only 25 crimes punishable by death, yet you would not find murder among them. During this period, society regarded the accused as an innocent, until he was proved guilty.¹ Those who falsely accused were themselves punished by death, as the laws were stated as follows:

"11. If the owner do not bring witnesses to identify the lost article, he is an evil-doer, he has traduced, and shall be put to death."

¹JARUS, Owen. Code of Hammurabi: Ancient Babylonian Laws [online]. c2013 [Accessed 2016-12-15] Available on: < <http://www.livescience.com/39393-code-of-hammurabi.html>>

*"3. If any one bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death."*²

However, death punishment had not the same pattern for everybody. The Code of Hammurabi divided the population of Babylon into three different classes. When a crime was committed, the class, where the criminal belonged to, was crucial in deciding the punishment. That division made the decision highly unequal. If a slave or commoner committed any crime punishable by death, before their actual death, they would endure insufferable pain and torture that was frequently the cause of death. On the contrary, if a wealthy man committed the same crime, customarily the torture would be omitted, and the death would be very fast. Furthermore, there was high possibility to escape from the death penalty by simply paying a heavy fine.³ Such a case would be solved as follows:

*"8. If any one steal cattle or sheep, or an ass, or a pig or a goat, if it belong to a god or to the court, the thief shall pay thirtyfold therefor; if they belonged to a freed man of the king he shall pay tenfold; if the thief has nothing with which to pay he shall be put to death."*⁴

The usual methods of execution were dismemberment, skinning, crushing by elephant, or burning.

Typical involvement in the Code was "an eye for an eye". Accurately, it was the 196th law: *"196. If a man put out the eye of another man, his eye shall be put out."*⁵, or very resembling one: *"197. If he break another man's bone, his bone shall be broken."*⁶

² *The Code of Hammurabi* [online]. [Accessed 2017-03-28]. Available on: <http://www.constitution.org/ime/hammurabi.htm>

³ GARFIELD, David K. *The Death Penalty: Capital Punishment in the USA*. Poland: CreateSpace Independent Publishing Platform, 2015. ISBN 978-1511593403.

⁴ *The Code of Hammurabi* [online]. [Accessed 2017-03-28]. Available on: <http://www.constitution.org/ime/hammurabi.htm>

⁵ *The Code of Hammurabi* [online]. [Accessed 2017-03-28]. Available on: <http://www.constitution.org/ime/hammurabi.htm>

⁶ *The Code of Hammurabi* [online]. [Accessed 2017-03-28]. Available on: <http://www.constitution.org/ime/hammurabi.htm>

The Code have inspired legislators to set up new rules and codes, for example Qisas that refers to a form of punishment stated in Islamic law Sharia.⁷

1.2.2 The Draconian constitution

The Draconian constitution is a code of laws founded by Athenian legislator Draco in 8th century BC. Draco did not write these laws, but rather, they emerged from so-called Athenian oral laws in order to prevent the modification of the law by patricians and members of tribunal. They were the only ones who were familiar with those oral laws. The Draconian laws, called axons, were written on wooden boards and put on the public gathering place – the ‘agora’, so more people were able to acquaint with laws, and nobody could no longer modify them. Additionally, Draco's code also recognized the difference between murder and involuntary homicide. Those laws applied very stringent punishments and all crimes could be punished by death, regardless the nature of the crime. Greek laws influenced the Roman Empire. The Empire dispatched an embassy to gather information about the Greek legal system. Thus, the oldest record of the Roman law, so-called Twelve Tables, was established.

1.3 The Middle Ages

Torture was still a part of the pre-execution procedure also during the Middle Ages. To avoid the intolerable pain during the torture or death itself, convicted person could buy himself out with a heavy fine. Until the 10th century, methods of executions varied. In post-Roman Britain, a common method was throwing the condemned person into a quagmire. Later the most preferred execution would be hanging from the gallows. In the 11th century, during the reign of William the Conqueror, no crime was punishable by death, unless it was a murder. However, in the 16th century during the era of Henry VIII, the number of death punishments noticeably augmented. Approximately 72, 000 people were executed since the King

⁷ *Qisas* [online]. [Accessed 2017-03-28]. Available on: <https://en.wikipedia.org/wiki/Qisas>

designated himself as Supreme Head of the Church of England. Henry VIII would charge people of heresy or treason just to assert his power of leader of the new Church, and challenge the Roman Catholics that opposed him. Additionally, an individual would be sentenced to death for not confessing to a crime or marrying a Jew. The punishments would include burning, beheading, hanging, quartering, boiling etc.^{8, 9, 10}

1.3.1 Inquisition

An important chapter in our history was the inquisition. The word inquisition originates from the Latin *inquisition*, which means an interrogation. The inquisition was a special institution that was administered by the Roman Catholic Church, and created to eliminate heresy and to protect the Christendom. The Church frequently opted for a death punishment by burning if they proved the heretic guilty. To make them confess, torturous methods would be applied. Inquisitors were answerable to the Church.

However, in the 15th century, the Spanish inquisition was established and responded to the Crown, not the Church. They would employ the inquisition to consolidate state interests. The main group consisted of so-called conversos, Jews that converted to Christianity after pogroms. They were the main goal for the Spanish inquisitions because they occupied highly valued professions. On the contrary, witchcraft was rather unheeded; inquisitors would pronounce them insane rather than waste their time interrogating them.¹¹

⁸ GARFIELD, David K. *The Death Penalty: Capital Punishment in the USA*. Poland: CreateSpace Independent Publishing Platform, 2015. ISBN 978-1511593403.

⁹ *Introduction to the Death Penalty* [online]. [Accessed 2017-03-28]. Available on: <https://deathpenaltyinfo.org/part-i-history-death-penalty>

¹⁰ *Henry VIII of England* [online]. [Accessed 2017-03-28]. Available on: https://en.wikipedia.org/wiki/Henry_VIII_of_England

¹¹ RAWLINGS, Helen. *The Spanish Inquisition*. Malden, MA: Blackwell Pub., 2006. ISBN 9780631205999.

1.4 Colonies in America during the 17th and 18th century

Arguably, the most dominant influence on colonies in America concerning the death punishment stemmed from Europe, particularly from Britain. The first condemned to death in the British North American colonies was Captain George Kendall, one of the original founders of Jamestown. He was accused of spying for the Spanish government and executed by firing squad in the colony of Virginia in 1608. Lately, in 1612, the governor of Virginia Thomas Dale established the first set of laws in English North America called *Laws Divine, Morall, and Martial*, also known as *Dale's Laws*, where he introduced new offences punishable by death, for instance stealing fruit, engaging in trade with the Native Americans etc. By these Laws, Thomas Dale reinforced the meaning of the word 'draconian', since the punishments were applied remorselessly with high level of torture. In 1612, one Englishman recorded several punishments ordered by the governor against those who had fled to Indians and later been recaptured: "*Some he appointed to be hanged. Some he burned. Some to be broken upon wheels. Others to be staked and some to be shot to death.*"¹²

During the 17th and 18th centuries, the fundamental purpose of the death punishment was to demonstrate the power and sovereignty of the state, especially to those who were sceptical. For that reason, the executions were displayed to the public. England and its colonies would impose death penalty for over 220 crimes and there was no proportionality between the commission of the crime and the imposed sentences. It was almost four times more than it used to be in previous centuries, particularly to protect the commercial interests rather than to secure the general public.¹³ Following enumeration refers to preferred methods of execution in the 17th century, the condemned person would be: "*broken on the wheel or*

¹² JORDAN Don and Michael WALSH. *White Cargo: The Forgotten History of Britain's White Slaves in America*. New York: New York University Press, 2008. p. 47. ISBN 978-0-8147-4296-9.

¹³ GARLAND, David, Randall McGOVEN and Michael MERANZE ed. *America's Death Penalty: Between Past and Present*. New York: New York University Press, 2011. p. 37-41. ISBN 978-0-8147-3267-0.

with the wheel; pressed under weights; boiled to death in oil; burn with red-hot pincers and then torn limb from limb by horses.”¹⁴

Nevertheless not all colonies treated death penalty under the same laws. In Massachusetts, the death penalty would be imposed on criminals, who committed murder, sodomy, rape, treason, arson, or burglary. In Pennsylvania, it was only murder, and treason that was punishable by death. Moreover, no crime was considered capital in South Jersey.

During the 18th century, in the colony of New York, Christianity was highly embedded, and denying the existence of God could impose the death penalty. Methods of execution varied across the 13 colonies however, types of capital offences remained the same. The principal crimes considered as capitals were namely murder and premeditated murder, rape, perjury, sodomy, poisoning, adultery, idolatry, treason etc. Criminals who were found guilty would be in most cases hanged. Regrettably, the situation in colonies intensified, when Europeans, who were considerably attracted to American lands encountered the Natives. The colonists regarded their religion (Christianity) as a convenient reason to sentencing Native Americans to death. In the name of God, Indians were massacred by all incomers in the belief that non-baptized Native Americans were savage animals, incapable of civilizing and therefore had better be killed. It should be mentioned that amongst murdered Indians were women and children as well. The colonist killer would be rewarded for each of the Indian cadaver or scalp, proving the murder.¹⁵

1.4.1 Lynching

During the American Civil War, disputes around the abolition of the death penalty tempered, especially due to debates regarding the treatment of slaves in the Southern States. Slaves were often judged more rigidly than others, moreover they were sentenced to death regularly for even

¹⁴ HOOD, Roger, Carolyn HOYLE. *The Death Penalty: A Worldwide Perspective*. 4th ed. New York: Oxford University Press, 2008. p. 10. ISBN 978-0-19-922847-8.

¹⁵ *Native Americans and Christianity* [online]. [Accessed 2017-03-28]. Available on: http://rationalwiki.org/wiki/Native_Americans_and_Christianity

minor offences. While the trials were in many cases lengthy and complicated, there were people who assumed responsibility for sentencing offenders, particularly to death, into their own hands. This resulted in assemblage of municipal authorities that intended to maintain order with their own means. The authorities began to lynch the undesirables for multiple offences. The word 'lynch' refers to a punishment carried out lawlessly and to a necessary violence practised as an enforcement of social supremacy. It came to its existence owing to the Lieutenant Charles Lynch and Captain William Lynch, who had resorted to lynching since 1780. Lynching was directed against criminals, immigrants, or farmers, and later mostly against black people and the methods were for example, stoning, hanging, burning etc.

1.4.1.1 Ku Klux Klan

One of the most notorious right-wing extremist organizations that instigated the extrajudicial punishments was the Ku Klux Klan. They propagated the white supremacy and nationalism. Their objective was to advance the interests of white Protestant Americans. Not only was the Klan racist but substantially anti-Semitic and anti-Catholic as well. At the turn of the 20th century, America was overwhelmed by a surge of immigrants from Russia, Poland, Ireland, and Italy, which caused another antipathy of Ku Klux Klan. After the First World War, black soldiers were coming back and began to claim their rights. Consequently, the number of members in the Klan raised up to 5 000 000 and the wave of hatred, violence, lynching and racism was unleashed again. The Ku Klux Klan's methods of death penalty was burning, neutering, hanging etc. They targeted primarily black people, Jews, Catholics but also alcoholics and licentious women irrespective of the race.¹⁶

In general, people who had supported lynching, currently support death penalty. There has been many hypotheses about the link between

¹⁶ *Ku Klux Klan* [online]. [Accessed. 2017-03-28]. Available on: <http://hnuti.specwar.info/ku-klux-klan/>

death penalty and lynching, especially, whether the demography of lynched and legally punished people is the same. The hypothesis also includes the question whether racism is still involved in the death penalty and whether the capital punishment was just a substitution for lynching and many others. These questions are not easy to answer and to determine the veracity seems to be highly polemical.¹⁷

1.5 Abolitionist movement

In 1764, Ceasar Beccaria, Italian criminologist, jurist, politician, and philosopher, laid the foundations for the modern penology with his treatise *On Crimes and Punishments*, where he denounced the death penalty and torture, considering them as inhuman and ineffective. Beccaria's work became the first analysis demanding the abolition of the capital punishment. He claimed that the state has no right to take lives and demand punishments to be proportionate to the crime. Beccaria also argued that the punishment should be a deterrent, not a retribution and should serve the public good.

The book influenced reformers throughout the world, who endeavoured the death punishment to be abolished. In the 1780s enlightened rulers in Imperial Russia, Tuscany, or Austria put the death penalty into abeyance for several years. The governor of Virginia Thomas Jefferson proposed that the death penalty should be imposed solely for treason and murder, however, the suggestion was defeated by only one vote.¹⁸ Despite the dismissal, the number of offences considered capital were steadily decreasing.

The next major headway for reformers was banning the public executions. In the case of hangings, the executions were highly attractive to tens of thousands of people, so as a result of the reform the scene was

¹⁷ BOHM, Robert M. ed. *The Death Penatly Today*. 1st ed. The USA: CRC Press, 2008. p. 207-217. ISBN 978-1-4200-7011-8.

¹⁸ GARLAND, David, Randall McGOVEN and Michael MERANZE ed. *America's Death Penalty: Between Past and Present*. New York: New York University Press, 2011. p. 49-59. ISBN 978-0-8147-3267-0.

transferred to execution chambers. Thus, the death row was established and built in separated wings of state penitentiaries. Not long afterward, fifteen states banned public hanging.¹⁹ At the return of the 20th century, electrocution became the dominant method of execution. As a result, abolitionists launched another wave of protests and offences punishable by death were reduced to murder and kidnapping. However, abolitions were followed by re-establishments and for a while, it appeared as a never-ending pendulum.

1.6 The Progressive Period

In 1919, the prohibition was ratified in the American Constitution, and even though it was regarded as an accurate step to curtail crime rate, the effect was complete opposite to what they initially intended. Instead of abstention and reduction of criminality, people began to drink heavily and smuggling alcohol was an everyday occurrence. After that, majority of criminologists believed that the capital punishment was a way to control or deter extreme violence and offences and the capital punishment was reinstated once again. This was followed by new method of execution – death by cyanide gas, which was firstly introduced to the USA in 1924.²⁰

Although the death penalty was reinstated in the course of the authoritarian regimes and warfare, on the 28th April 1950 the Council of Europe enacted the abolition of death penalty in every member country, for instance Belgium, France, Ireland, Italy, Sweden, the United Kingdom, Netherlands etc. The only exception was made for crimes committed during a warfare. Moreover, on the 3rd May 2002, the Council added an amendment stating that no person shall be executed nor sentenced to

¹⁹ GARFIELD, David K. *The Death Penalty: Capital Punishment in the USA*. Poland: CreateSpace Independent Publishing Platform, 2015. ISBN 978-1511593403.

²⁰ *The Progressive Period* [online]. [Accessed 2017-04-15]. Available on: <https://deathpenalty.uslegal.com/the-abolitionist-movement/the-progressive-period/>

death. Currently, the European Union does not allow any member state to enact the capital punishment into the legal system.²¹

²¹ *Evropská úmluva o ochraně lidských práv* [online]. [Accessed 2017-04-15]. Available on: http://www.echr.coe.int/Documents/Convention_CES.pdf

2 Current situation in Europe

As it is mentioned above, the Council has eventually abolished the death penalty amongst the member states. This has been one of many requirements that shall be met prior to joining the European Union. To this day, there are 28 members the EU and another 18 states are to be found on the European continent, yet only one of them maintain the capital punishment in practice.

2.1 Belarus

The state still employing death penalty is Belarus. The president Aleksandr Grigoryevich Lukashenko has governed Belorussian since 1994 and he is reckoned as the last dictator in Europe. He dissolved the parliament together with the constitutional court and established centralized authoritarian presidential system. This caused the expulsion of political opponents of the regime. Furthermore, many of them were sentenced to incarceration or even death. Since 1991, approximately 400 inmates have been executed in Belarus. However, the number may be higher because there is no official figures published. The country is heavily criticized for being mysterious about trials and for inconsiderate behaviour towards the family of inmate. For instance, no one can reveal any information about the execution, nor where the body has been interred. Moreover, no condemned has the right to appeal against the verdict, since the only one who can change it is the President. In other words, he is the only one who can granted clemency, which means to mitigate the sentence to life imprisonment. The chosen method of the execution is shooting. Only a few minutes after the accused comes to know the verdict, he is shot in the back of the head. Therefore, there are many human rights organizations fighting in or outside Belarus for abolition or at least for an improvement of the procedure.²²

²² *Bělorusko* [online]. [Accessed 2017-04-15]. Available on: <https://www.clovekvtsni.cz/cs/lidska-prava/zeme/belorusko>

President Lukashenko is not inclined to abolish the death penalty and neither are Belorussian, who voted against the abolition of death penalty during the referendum in 1996.²³

2.2 Situation in the Czech Republic

As it has been already indicated above, the Czech Republic is not amongst the countries that practice death penalty. Under the rule of President Edvard Beneš, special institutions called *people's courts* were established to conduct war crime trials as a response to World War II. Those courts were responsible for 723 sentences to death. During the communist era, 190 out of 237 death penalties inflicted in Czechoslovakia were judicial murders, as opposed to legally imposed punishments for capital crime.

Figures of executions were gradually being reduced until the capital punishment was eventually abolished. In 1990, after the Velvet revolution, the death penalty was replaced with the life sentence. Furthermore, the Charter of Fundamental Rights and Basic Freedoms banned the capital punishment a year later.²⁴

2.2.1 Olga Hepnarová

The last condemned woman to death in Czechoslovakia was Olga Hepnarová. Her criminal record started with arson of a farmhouse her parents owned in 1970. As she was lighting a fire, her sister and two leaseholders were sleeping in their bedrooms. Fortunately, the couple woke up and were able to extinguish the fire. The arsonist was not suspicious and she has not confessed until the crime committed three years later. On 10th July 1973, Olga Hepnarová drove into a group of people waiting on a tram station. Her truck killed eight people and injured

²³ *Bělorusko nehodlá rušit trest smrti* [online]. [Accessed 2017-04-15]. Available on: https://cz.sputniknews.com/czech.ruvr.ru/2013_02_14/Belorusko-nehodla-rusit-trest-smrti/

²⁴ *Trest smrti v Československu* [online]. [Accessed 2017-04-15]. Available on: https://cs.wikipedia.org/wiki/Trest_smrti_v_%C4%8Ceskoslovensku#Trest_smrti_v_komunistick.C3.A9m_.C4.8Ceskoslovensku

twelve. She confessed to the crime immediately and even admitted that she had been waiting for more passengers being on the station so more people would die. Although her mother asked for clemency, Olga Hepnarová was sentenced to death and later executed by hanging. In 2006, Viktor Kalivoda, known as the Forest Murderer, was sentenced to life imprisonment for killing three innocent people. He admitted in his letters from the prison, that he heard the voice of Hepnarová, who allegedly told him to do these crimes.²⁵

²⁵ *Olga Hepnarová* [online]. [Accessed 2017-04-15]. Available on: <http://kriminalistika.eu/muzeumzla/hepnar/hepnaro.html>

3 Current situation in the USA

Although the United States rank amongst the most democratic and developed countries in the world, they have not renounced the death penalty. There are several organizations protecting human rights and freedoms that make efforts to abolish the capital punishment, and it appears to be proving effective as the number of states still having legal execution decreased. Delaware is the most recent state to ban executions. Since the death penalty is not enshrined in the constitution, not every state performs the sentence.

There are currently thirty-one states across America that still inflict death penalty. They use a range of methods, including hanging, the lethal injection, gassing, electrocution, and death by firing squad. They are usually imposed for the first-degree murder with at least one statutory aggravating factor, treason, repeated rape or forcible sodomy of a child under 14 or perjury causing execution of an innocent person. The highest number of capital crimes can be found in Wyoming. Here, judges convict felons to death also for robbery, burglary, escape, resisting arrest or kidnapping of a minor.²⁶ However, only one inmate has been executed since 1976, which is incomparable to Texas, where 542 felons have been executed, and another 276 are waiting on a death row. Even though these seem like high figures, the exact number of executions is continuously decreasing as it is depicted in the *Image 1* below.

Image 1: *The number of death sentences since 1999 to 2016*

The number of death sentences per year has dropped dramatically since 1999.

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Sentences	295	279	223	153	166	151	138	140	123	126	120	118	114	85	82	83	73	49	30

Source: Bureau of Justice Statistics: "Capital Punishment, 2013." 2014 figure from DPIC research.

Source: *Fact Sheet* [online]. [Accessed 2017-04-26]. Available on: <https://deathpenaltyinfo.org/documents/FactSheet.pdf> Methods of execution

²⁶ GARFIELD, David K. *The Death Penalty: Capital Punishment in the USA*. Poland: CreateSpace Independent Publishing Platform, 2015. ISBN 978-1511593403.

4 Methods of execution

Throughout history, each country's methods of execution have varied. Capital punishment used to involve as much pain as possible to deter potential criminals. However, nowadays society believes that the death works as a deterrent itself. Therefore, modern society's approach to the methods seems to be more human and less sufferable. A list below refers to contemporary methods of death punishment in the USA and Belarus. In certain cases controversial issues are linked to the methods.

4.1 Hanging

Death on the gallows is a very old method of execution practiced by almost every nation. Moreover, approximately eighty countries inflict death by hanging up to this day. The preparation is very important and the cause of death is highly dependent on it. It is necessary to weigh the condemned to determine the length of a rope and corresponding drop distance. The accurate execution also resides in positioning of the noose. It should be placed right behind the ear to break the neck immediately. Nevertheless, some errors can occur. If the noose is not sufficiently tight or/and the rope is too short, the condemned is exposed to strangulation that could last up to 45 minutes. This is often accompanied by twitching, defecation, and in addition, the eyes can explode from the brain pressure. The next miscalculation that could lead to a failure during the execution is having the length of the rope too long. In 1930, unsuccessful hanging was performed on Eva Dugan convicted of murder. The executioner miscalculated the length of the rope, and consequently, her head was torn from the body.²⁷ There are only two states in the USA that enacted hanging as a method of execution and these are New Hampshire and Washington where the number of inmates on death row is below ten.

²⁷ GARFIELD, David K. *The Death Penalty: Capital Punishment in the USA*. Poland: CreateSpace Independent Publishing Platform, 2015. ISBN 978-1511593403.

4.2 Firing squad

With the invention of firearms, there came new method of execution: death by shooting. It is rather a rare method in the USA as there are only two states that, in exceptional cases, allow execution by firing squad: Utah and Oklahoma. In these two states, the protocol begin with binding the condemned to the chair and a hood is placed over the head. The next step is to place sandbags around the chair so it would absorb split blood after that, the heart is located and tagged with a piece of cloth. The squad usually consists of five members whose guns contain a single bullet, one of which is normally blank, so the shooters do not exactly know whose shot killed the felon. In cases, where they miss the heart, criminals bleed to death. Otherwise they usually die from the rupture of the heart.²⁸

In China, the protocol differs. The condemned must kneel down with hands tied together, and the executioner shoots him in the back of the head. The family of the executed receives the rope used to binding the hands, the bullet from the gun that fired on the criminal, and above all, a payment order including costs of the execution.

4.3 Gassing

Although the execution by lethal gas was introduced as a more humane method of killing, the offender can experience extreme pain when the gas is not concentrated enough to cause the unconsciousness before the decease. The first criminal sentenced to death by gassing was Gee Jon. Initial attempt was to pump cyanide gas into the cell while the inmate was asleep which lately proved to be insufficient, so owing to that, the gas chamber was constructed. There is perforated chair that is above a box containing sulphuric acid, crystals of sodium cyanide and distilled water. After the gas chamber is properly locked, the executioner pulls a lever that allows to mix up the substances and to create gaseous hydrogen cyanide,

²⁸ HOOD, Roger, Carolyn HOYLE. *The Death Penalty: A Worldwide Perspective*. 4th ed. New York: Oxford University Press, 2008. p. 156. ISBN 978-0-19-922847-8.

(also known as Zyklon B) that is supposed to kill the condemned. Gassing is legal in Missouri, Wyoming, Arizona, and in California.

Originally, a Jewish German chemist Fritz Haber invented Zyklon B in order to kill rats and insects. Paradoxically, the substance was used during the genocide of the Jewish people in the gas chambers.²⁹

4.4 Electric chair

Historically, electric chair was developed to replace the British gallows in the USA. The electrocution was initially tested on animals even on elephants and followed by a murderer William Kemmler, who was the first human condemned to death by electrocution. Although this should have been a more humane method to end the life, according to witnesses and media reports, the death was in no sense humane, prompt, nor painless.

The electrocution is probably one of the most extreme and painful method across the USA. The inmate is bound to a wooden. An execution team puts electrodes with a sponge soaked in saline solution on his shaved head and legs (to avoid resistance). Lastly, the warden gives an order to start the electrocution. The first dose of alternating current lasts for approximately 30 seconds. After that, a coroner controls whether the heart stops, if not, the cycle has to be repeated until death can be pronounced. The procedure may be accompanied by bleeding, defecation, incontinence etc. Therefore they give the prisoner diapers and a hood to cover his head, so the scene would be less traumatizing. Unfortunately, there have been several cases of the combustion of an inmate making the electrocution much more gruesome. Besides that, problems with electricity as a short cut or a malfunction of the chair resorted lethal injection.

²⁹ *At the Killing Centers* [online]. [Accessed 2017-04-22]. Available on: <https://www.ushmm.org/outreach/en/article.php?ModuleId=10007714>

4.5 Lethal injection

Execution by lethal injection can be performed with one-drug protocol, where the potent anaesthetics are injected, or more normally with three-drug protocol. The first substance – a strong barbiturate sodium thiopental, is supposed to make prisoner lapse into unconsciousness. Next one – pancuronium bromide, induces muscles paralysis and pulmonary arrest. The last substance is potassium chloride. This causes a cardiac arrest, and therefore death. The whole procedure should not last more than ten minutes.

Since the medical ethics are fundamentally opposed to the presence of a doctor during the procedure of execution, he is allowed just to verify whether the prisoner is already deceased. Instead of professional medical staff, executions are performed by untrained personnel, which may leads to errors during the procedure. For instance, the substances might be injected into the muscle, which would cause severe pain. Alternatively, they might not find the vein, and if they do, there is a possibility that the vein collapses. The longest case has lasted for almost two hours and the average time of the execution is significantly higher than the target of 10 minutes.

In 2010, the UK outlawed the export of substances in lethal injections to the USA, followed year later by India and Denmark. Lack of supply of the drugs leads to recourse to older methods of execution or to experiment with other lethal substances that would be tested on prisoners on death row.³⁰

31

³⁰ GARFIELD, David K. *The Death Penalty: Capital Punishment in the USA*. Poland: CreateSpace Independent Publishing Platform, 2015. ISBN 978-1511593403.

³¹ HOOD, Roger, Carolyn HOYLE. *The Death Penalty: A Worldwide Perspective*. 4th ed. New York: Oxford University Press, 2008. p. 156-165. ISBN 978-0-19-922847-8.

5 Twenty four hours before the execution

The beginning of the last day of a prisoner condemned to death starts with the signature of a *death warrant* or *warranty of execution* that describes the schedule and details of an execution. Once an authorized judge sign the document, the inmate has his last 24 hours to live. After examination of an inmate, he is transferred to a holding cell to the place of the execution. During these 24 hours, a chaplain is present to comfort an inmate if it is required. As the night comes, the prisoner can sleep if he wishes to; he is under constant watch of guards, ensuring he does not attempt suicide. Before the execution, inmates may shower or use a phone, and then they have a meal they have requested. Two hours before execution, journalist and people who volunteer to witness execution begin to arrive at the prison. Their role by law is to confirm that an individual was executed. Families of the victim and the condemned are allowed to watch the execution, they are kept separate though. Next step is to take the prisoner to the death chamber, followed by the process of the determined method of execution.³²

³² *Death Row: The Final 24 Hours* [documentary]. Directed by: BLYSTONE John. The United Kingdom, 2012.

6 Controversy

There have been many discussions concerning the death penalty between supporters and dissenters. Said debates involve several aspects, for example social backgrounds, religion, political direction etc. There are more or less controversial opinions about capital punishment that might not have a proper and ideal solution, which would be acceptable for the whole world.

The majority of Holy books are highly resembling in their attitude towards killing – life is considered to be sacred and killing to be a sin. However, Muslim, Christian, and Jewish countries still accept death penalty as an appropriate and effective way of punishment. Even though Christians believe that God is the only one who should decide about the life, it is frequently a Christian, who executes or helps with executions of the inmate in the USA.

Supporters consider death punishment as a deterrent. Despite this, the murder rate in states of the USA without the death penalty stays below the national average. Moreover, criminologists agree that a lengthy prison term works as a more effective deterrent. However, the majority of capital offences are committed under the influence of drugs, strong emotions, or fear of revelation (murdering a victim of rape). Thus the consequences are not taking into consideration.

The miscarriage of justice is a highly controversial topic that penetrates debates about capital punishment. In the past 30 years, over 130 alleged criminals have been convicted of a capital offence due to a miscarriage of justice. Despite some of them being acquitted, there were cases where the truth was revealed after the execution. No legal system in the world is infallible, however, thanks to DNA tests, there is the prediction that errors in justice will be soon reduced.

Another argument relates to costs of an execution. For instance, Texas is spending \$2.3 million per death row prisoner and since 1978 California has spent \$4 billion on executions. Furthermore, prosecuting

capital trials costs \$1 million more than non-capital trials. Possible solution might be to spend that amount on a profounder crime prevention.

Similarly, there are many human rights organizations that fight for those on death row, or those, who have been wrongly sentenced. It is argued that the most fundamental right of an individual is the right to life. Therefore, the majority of countries have signed The International Covenant on Human Rights, which is superior to National ones. However, there are several countries that have decided to not to sign the Covenant, for example China. Their laws and rules totally differ from others. Their prisoners serve, amongst others, as a supply of organs. Exact figures are not published, however it has been estimated that Chinese doctors have carried out approximately 90 thousand transplantations per year. Organs are not taken solely from the capital offenders, but also from the workers in labour camps, ordinarily without a permission. This is considered as a crime against the humanity and many people, including doctors, congressional representatives, politicians, lawyers, etc. are raising awareness about forced organ harvesting.^{33 34} Nevertheless, the first one, who brought up this issue was a doctor Jacob Kevorkian, known for his practices of euthanasia. He propounded to experiment on prisoners on death row and even to use their organs for transplantations. According to his studies, one prisoner on a death row could save up to ten people with his organs and marrow. However, this suggestion cost him his university career.

There are significantly more controversies related to death punishment, however, none seem to be that effective to abolish the capital sentences. Nevertheless, it appears that the public support is on the rise

³³ FERNANDEZ, Milene J. Killed for Organs: China's Secret State Transplant Business. In: *Youtube* [online]. Released 2012-16-4. [Seen 2017-03-15]. Available on: <https://youtu.be/bvA0OwwJMZs>

³⁴ HOOD, Roger, Carolyn HOYLE. *The Death Penalty: A Worldwide Perspective*. 4th ed. New York: Oxford University Press, 2008. p. 316-347. ISBN 978-0-19-922847-8.

and the lack of available lethal substances may contribute to the case against capital punishment.

7 Questionnaire

Practical part of my bachelor thesis deals with an analysis of an anonymous questionnaire relating to public opinion about the death penalty and corresponding issues frequently discussed. I chose an electronic form of questionnaire that I formed by means of website www.surveymonkey.com, which facilitated the creation and distribution for me. Since I was not sure how many people would understand English, I have chosen to write in the Czech language. I posted it on a social network and asked people to answer 15 open or close questions, none of which were compulsory. Each of them offered an option to answer with one's own words, in case the choices were minimal. One hundred and thirteen respondents are embodied in the analysis that reveals the opinions of Czech people, mostly from my background, including family and friends. However, one had to be eliminated, since the individual answered only one question that I considered unsuitable for my analysis.

The first three questions refer to personal data – gender, age, religion, and others are put to find out public ideas and points of view. The last one should display if people are aware of places where the death penalty is legally enacted. I endeavoured to arrange the questionnaire in an order that would ensure continuity and natural flow of ideas and simultaneously not to discourage from completion. For better overview, I have chosen tables and charts, as you will soon notice. The original questionnaire is enclosed as *Appendix 1*.

7.1 Personal data

The first section of the survey concerns some personal data of the respondents. I asked about gender, age, and religion.

7.1.1 Age and Gender

According to gender, numbers are nearly perfectly balanced. There are 57 females and 55 males engaged in the analysis. On the other hand,

age is rather diverse. I have divided men and women into three age groups as it is noted in the *Table 1*.

Table 1: *Gender, age*

Age	19-35	36-50	51-75	Unknown	Total
Female	38	11	6	2	57
Male	26	10	18	1	55
Total					112

Source: own work

The youngest respondent is 19-year-old woman, and the oldest one is 75-year-old man, in addition, two women and one man did not note their age. The largest group of respondents is amongst males and females from 19 to 35 years old with 54 answers. That could be owing to my age (24) and to fact that I posted the survey on my social media, where it could be seen predominantly by people of approximately same age. The other two groups are determined for respondents from 36 to 50 years old where I counted 21 responses, and from 51 to 75 years old where I found 24 responses.

7.1.2 Religion

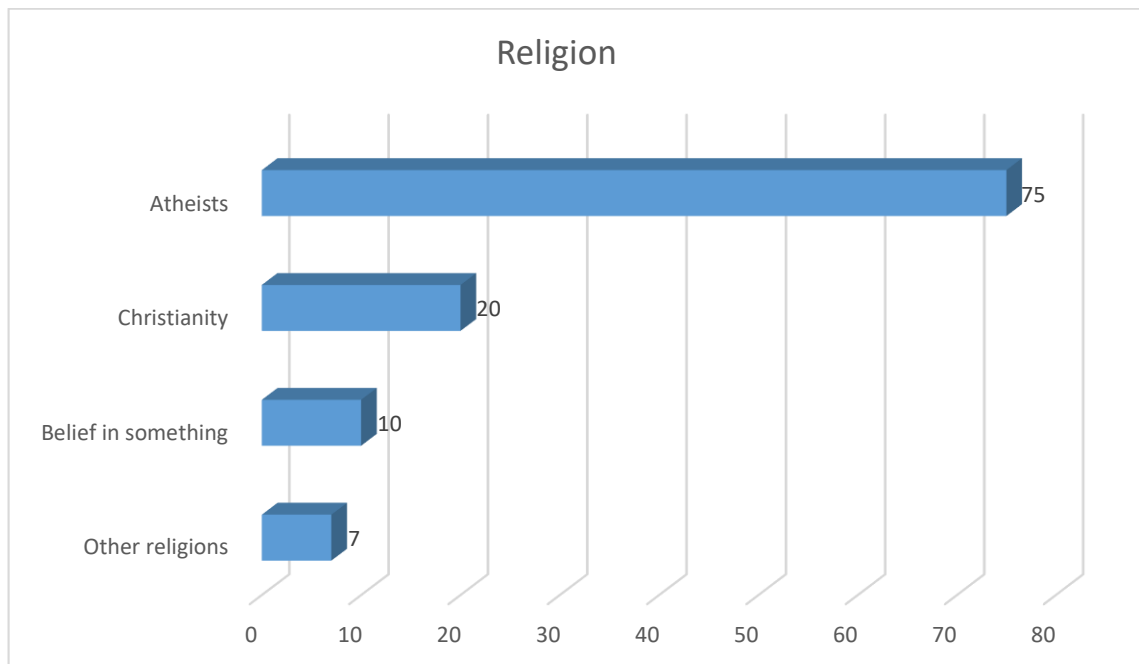
The third personal data deals with religion. Respondents could choose from Christianity, Islam, Buddhism, atheism, or they could add any other religion they adhere to. As the Czech Republic is a country with a low number of religious people, the most frequent response was from atheists. However, 20 people profess Christianity, and ten respondents believe in something but they are not able to determine the exact idea. One person follows the religion of Buddhism, and the last seven have faiths that are less known religion, for instance Ridnoviry (the Slavic native faith³⁵), Pantheism (an idea based on the belief that everything real is divine³⁶), spiritualism, Eastern religion, or the Cannabis church. Although it seems

³⁵ *Ridnoviry* [online]. [Accessed 2017-04-22]. Available on: <https://cs.wikipedia.org/wiki/Rodnov%C4%9B%C5%99%C3%AD>

³⁶ *Panteismus* [online]. [Accessed 2017-04-26]. Available on: <https://cs.wikipedia.org/wiki/Panteismus>

like a figment of somebody's imagination, I have found a website of this Church and it appears to be real, so I have not eliminated this one. The result are converted into a *Chart 1* below.

Chart 1



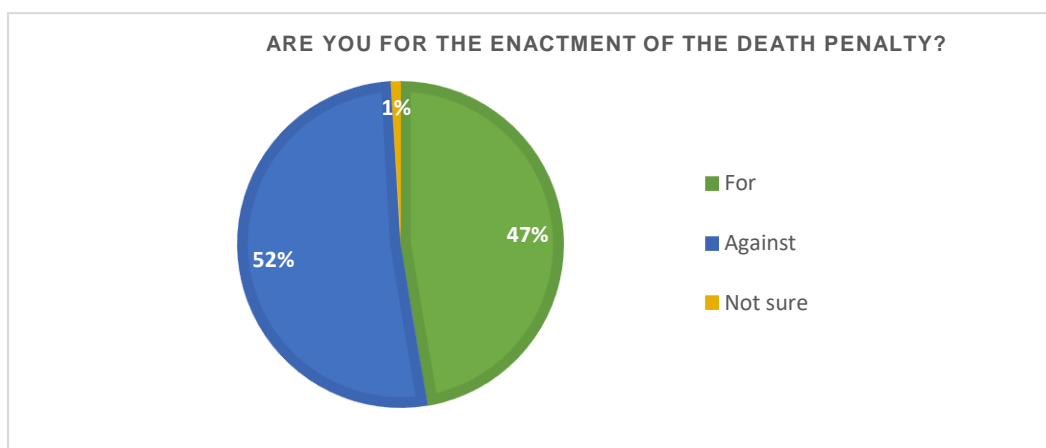
Source: own work

7.2 Are you for the enactment of the death penalty?

7.2.1 In general

The next step was an evaluation of the fourth question, "*Are you for the enactment of the death penalty?*" also regarding different genders and religions. These results are noted in the following *Charts*.

Chart 2

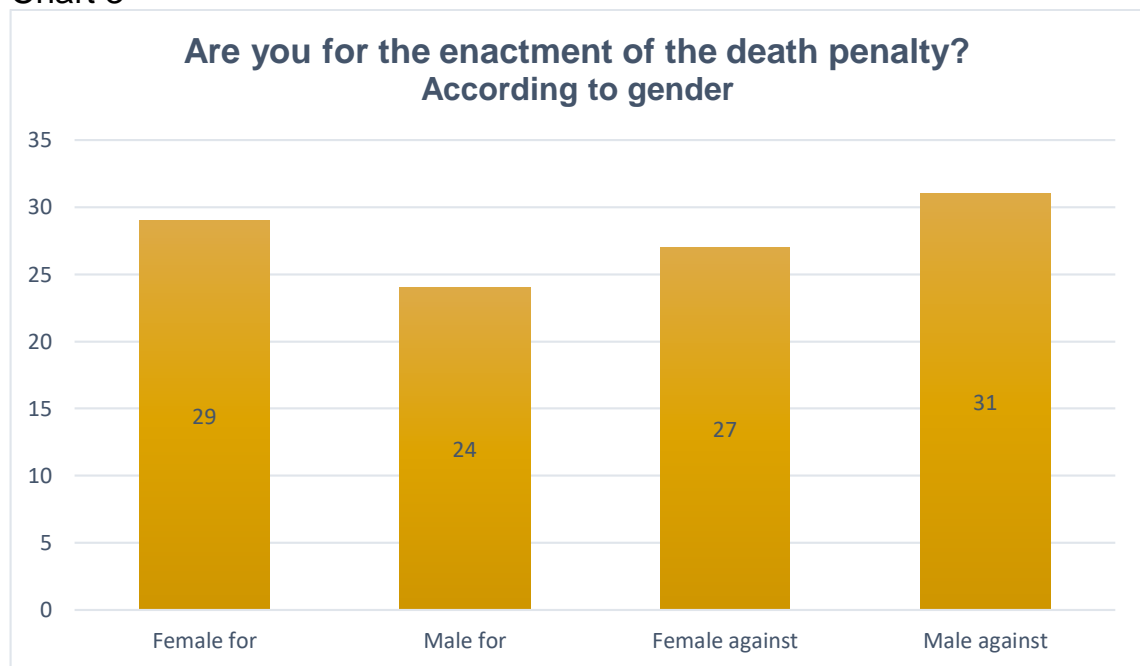


Source: own work

The *Chart 2* shows how many respondents are for or against enactment of the death penalty in general. As you can see, the results differ by merely few votes. The death penalty contains an infinite number of arguments and controversies, some of which are mentioned in the theoretical part of this essay. Therefore, it is not unexpected to see the dissension. Nevertheless, I anticipated more unsure responses, as there was only one woman who responded “*not sure*”.

7.2.2 According to gender

Chart 3



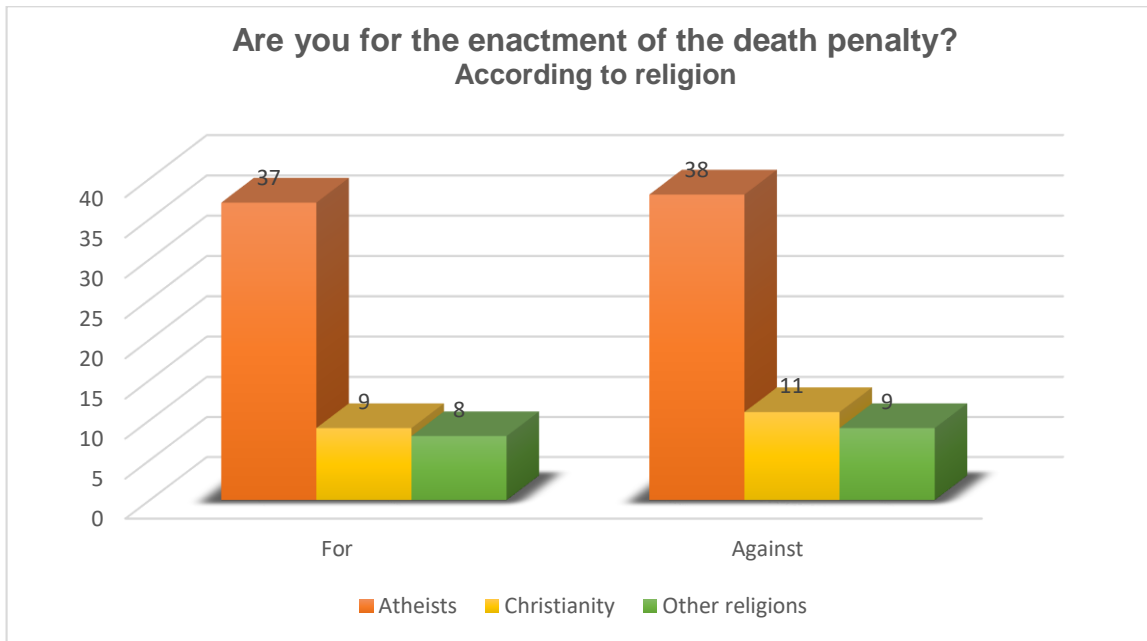
Source: own work

As the *Chart 3* displays, results show that 29 women are for enactment of the death penalty, which is two more than men, and 31 men in comparison with 27 women are against the capital punishment. I was searching for the respondent’s reasons, therefore the next paragraph outlines the most common arguments.

7.2.3 According to religion

The *Chart 4* below again refers to the same question but according to religion.

Chart 4



Source: own work

As you can see, there are two main groups of supporters and dissenters. Additionally, they are divided into three sections considering *Atheists*, *Christians*, and *Other religions* that are not as common. The number of supporters and dissenters amongst *Atheists* differs only in one vote, as well as amongst *Other religions*, and two votes distinguish *Christians*. I belong to the group of *Atheists*; however I am acquainted with Ten Commandments, more precisely with the fifth one “Thou shall not kill”. Therefore, I was surprised that only one response of a Christian contained this religious matter. Others against the enactment mentioned judicial errors, no opportunity to redress, and that no one should make decisions about lives. Answers from religious respondents, who were for that penalty, concurred with those mentioned above.

7.2.4 Arguments for

Initially, I checked the survey for reasons why would people agree with the establishment of capital punishment. The most frequent notes were linked to the nature and gravity of the offences. They would impose death penalty in case of capital offences, for instance crimes against children, serial or mass killing, etc. The next argument concerns costs of

imprisonment. According to Prison Service of the Czech Republic, in 2016 one prisoner costs the state in average €16,335 per year. If we consider the incarceration for 30 years, the amount rises up to €490,050.³⁷ However, in chapter 5 of *Controversy*, we found that one death row prisoner costs the state Texas \$2.3 million. This figure is considerably higher than in the previous case. In other words, higher costs would be paid by tax payers to keep a prisoner in jail for life. The last argument in favour of the death punishment is the effect of deterrent. Many respondents believe that the capital penalty would act as an effectual mean how to discourage potential criminals from committing a capital offence. However, again in Chapter 5 of *Controversy*, a reference about murder rates in states with the death penalty indicates that it is usually not taken into consideration before committing a capital offence. It had never worked as a deterrent in history and seemingly criminality is in a way part of a world society that is not going to be over in a short period of time.

7.2.5 Arguments against

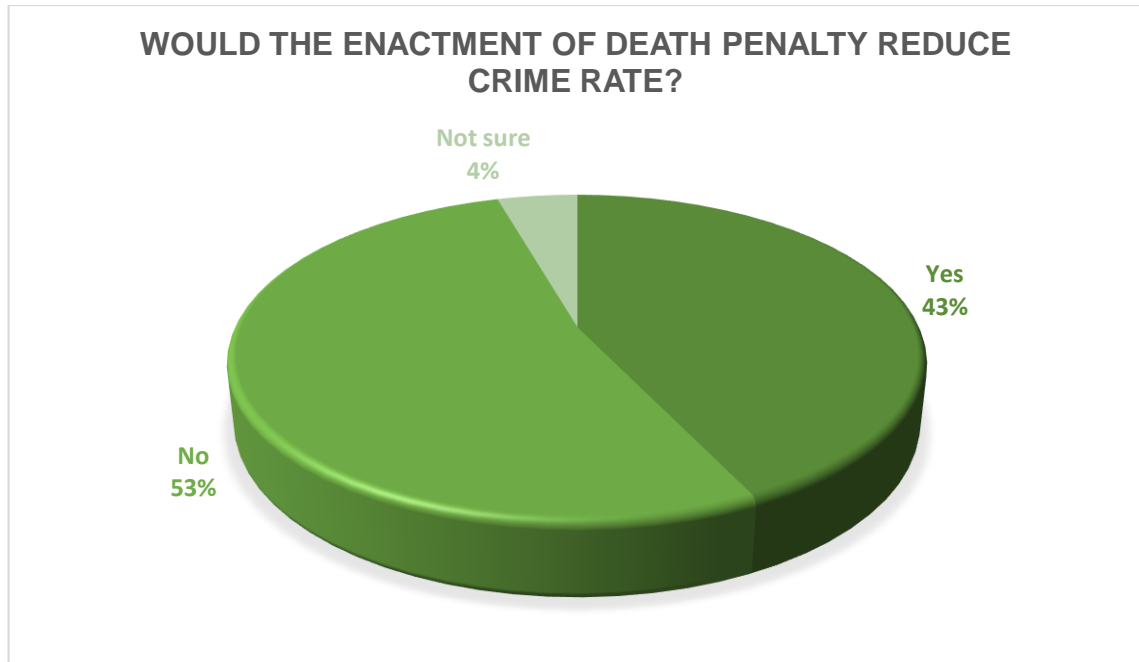
Majority of arguments against the enactment of capital punishment deals with judicial errors. It is highly valuable opinion as we could notice in the theoretical part. Human error is not an exception in any domains; however, in a domain of executing innocent people, it might be the worst inexcusable case. The next reason to vote against the capital punishment is according to respondents the fact that an offender has no opportunity to reform. The truth is that correction of a felon is one of the main purposes of a penalty. Taking into account that there should be an institution that would rather correct the offender, than to execute him. The last argument refers to human rights abuse. As the Covenant of Human Rights states, every individual has the right to life and many countries have affirmed the statement by a signature. Apparently, those who do not agree with the

³⁷ *Vězeňská Služba ČR* [online]. [Accessed 2017-04-25]. Available on: http://www.vscr.cz/client_data/1/user_files/19/file/PDF/prezentace%20VS%20%C4%8CR/vscr_rijen_2015.pdf

enactment of the death punishment would be more successful in defence of their arguments supported by evidence.

7.3 Would the enactment of death penalty reduce crime rate?

Chart 5



Source: own work

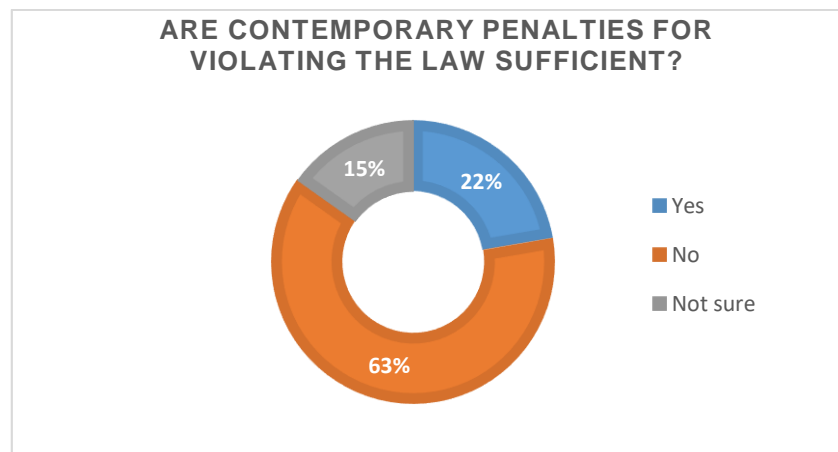
According to respondents, 59 chose "No" as an answer for the fifth question "Would the enactment of death penalty reduce crime rate?" Taking into consideration the research carried out in the USA, mentioned in chapter 5 of *Controversy*, the death penalty would probably not make any difference regarding to criminal rate. Forty-eight respondents think it would decrease criminality, and the final five did not know how to answer. A few answers were written with an addition considering life imprisonment as more effective deterrent or that murderers do not even think about the consequences, which seems to be truth according to ascertained information.

7.4 Are contemporary penalties for violating the law sufficient?

The fifth question concerns our legal system. The Penal Code of the Czech Republic is accessible to the public in electronic form or as a book. There are several types of sentences, for instance pecuniary penalty,

community service, house arrest, imprisonment with or without the possibility of parole. The most serious crimes can be punished with the exceptional punishment that refers to prison sentences for twenty to thirty years or by life imprisonment.³⁸ Although imposed sentences appear to be sufficient, 63% of respondents do not consider them to be. Additionally, many of them noted that sentences inflicted on economic offenders are disproportionate in comparison with murderers, rapists etc. However, according to the Penal Code, the highest sentence for economic criminals is imprisonment for ten years on the contrary a murderer can be sentenced to life imprisonment considering the motive, act itself, and other aggravating circumstances. According to the survey, 22 individuals concur with the inflicted penalties and 17 responses indicate irresolution. The *Chart 6* shows exact numbers of how many respondents answer *No*, *Yes* or *Not sure*.

Chart 6



Source: own work

7.5 Which offences should be considered as capital and punished by death?

Question number six deals with capital offences. My goal was to find out, which crimes are considered as the most serious ones, according to public opinion. The most common answers comprised murder, terrorism,

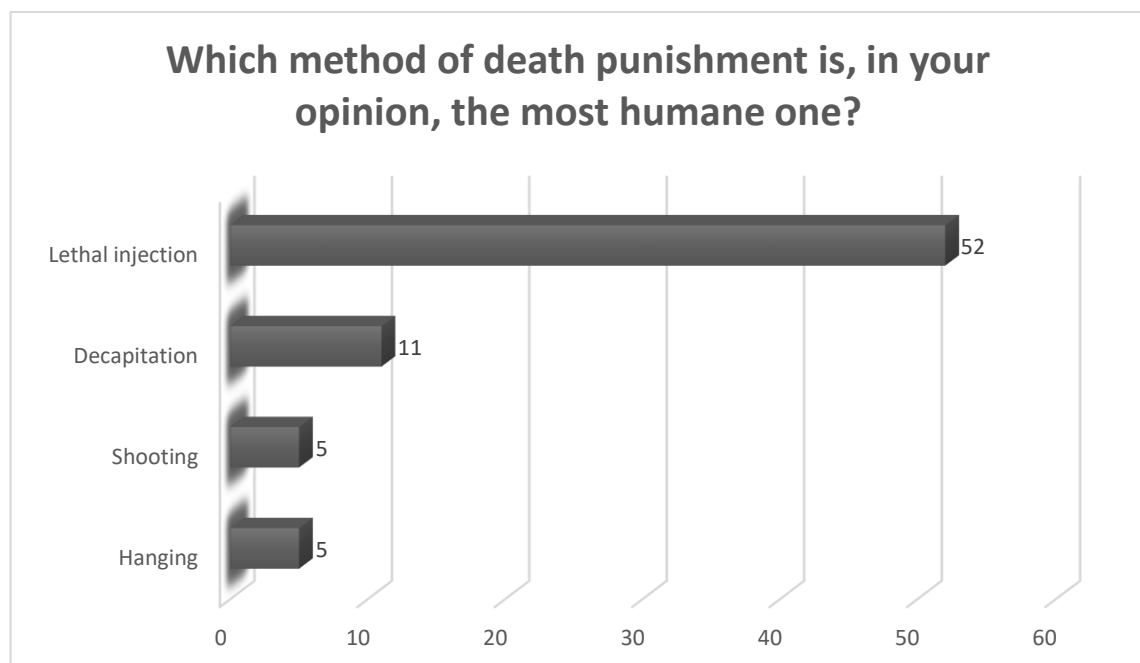
³⁸ *Trestní Zákoník* [online]. [Accessed 2017-04-24]. Available on: <http://www.trestnizakonik.cz/cast-I/hlava-5/dil-2/oddil-4>

and rape. Other suggestions included treason, fabrication and distribution of drugs. Less common answers involved corruption, or cruelty to animals. If we check statistics of Police of the Czech Republic, we are able to ascertain exact figures. In 2016, murder rate of the Czech Republic got to 127 murders, numbers of rapes reached to 628 reports, and no case of terrorism was recorded. In the Czech Republic, death punishment is not a legal penalty, however, in the USA, intentional murderers, traitors, and rapists that kill their victims would be most likely sentenced to death. Apparently, the life imprisonment for the worst crimes seems to be more effective, in comparison with the death punishment in the USA, where the murder rate for the largest cities increased by 14% last year.³⁹

7.6 Which method of death punishment is, in your opinion, the most humane one?

This question offers several options from which to choose. From the *Chart 7* you will be able to recognize the most frequent ones.

Chart 7



Source: own work

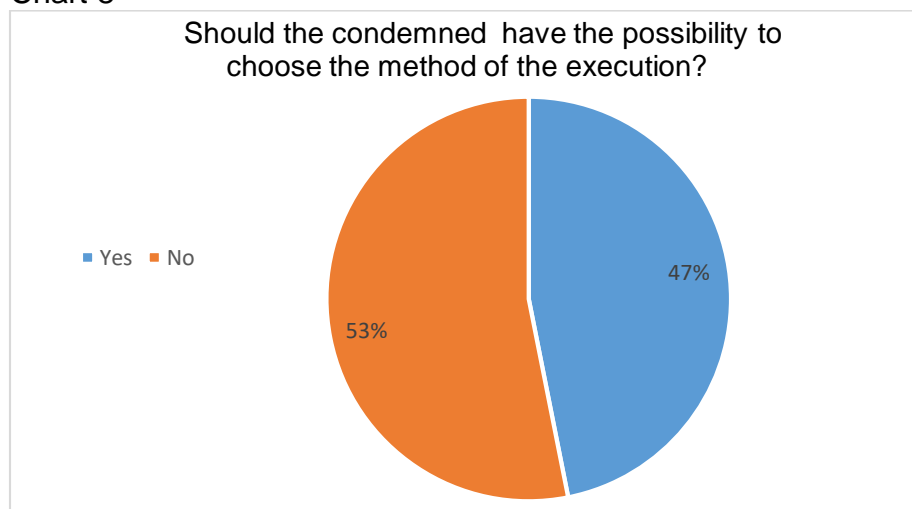
³⁹ *Murders Up in U.S. Cities* [online]. [Accessed 2017-04-24]. Available on: <http://time.com/4607059/murder-rate-increase-us-cities-2016/>

From these results, we found out that majority of respondents chose lethal injection, followed by decapitation, shooting and hanging. Thirty-seven people asked did not opt for any method, due to their belief that death punishment is not an appropriate option. Although lethal injection is the most repeated one, difficulties that are connected with application of intravenous injection prove the lethal injection to not be as humane as people think. On the other hand, decapitation, for example by guillotine, appears to be swift and therefore the most humane method. As I have already pointed out, human error can occur in any kind of death punishment, therefore it might be impossible to find correct answer.

7.7 Should the condemned have the possibility to choose the method of the execution?

As the *Chart 8* indicates, more people would not allow the condemned to choose the method.

Chart 8



Source: own work

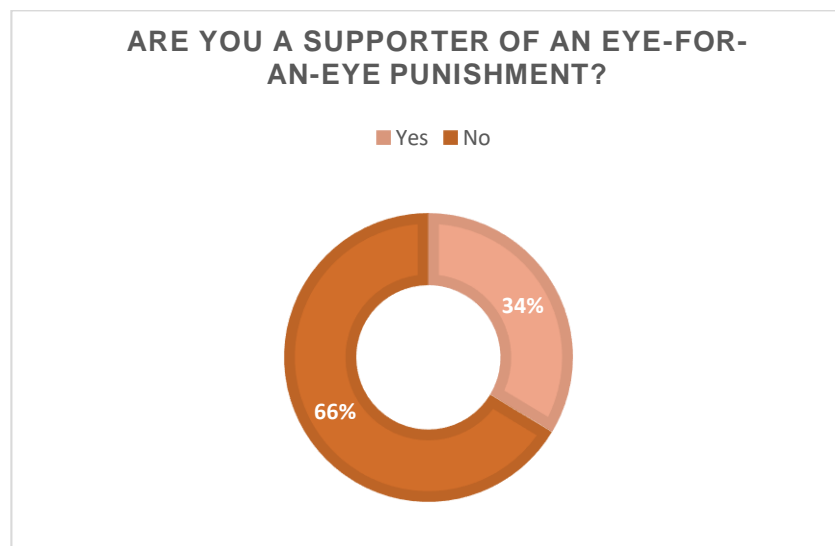
Fifty-one people (53%) would agree to let the condemned choose, while forty-five respondents (47%) would not. In fact, the majority of the countries imposing death penalty has no such opportunity to choose. The reason is that there is no more than one method of execution, for instance Belarus, Ohio, Arkansas, etc.

Mentioning Arkansas, recent event concerning potential executions of eight felons condemned to death lead to demonstrations during Easter. It emerged that the expiration date of the supply of a drug midazolam, a hazardous substance used in lethal injections, is fixed on the 30th April 2017, so they intended to manage executions before the date. Moreover, it came out that Arkansas bought midazolam on the false pretext; they had claimed that it would be used for medical purposes. Owing to demonstrations and mentioned facts, the federal Court arrest judgments and postponed the executions.⁴⁰

7.8 Are you a supporter of an eye-for-an-eye punishment?

Although, in the USA and Europe, there is no legal eye-for-an-eye punishment, I was wondering how many people would agree to the method that is common and legal in Saudi Arabia. The results of the questionnaire are demonstrated in the *Chart 9* below.

Chart 9



Source: own work

Unsurprisingly, most people are against this method of punishment. If it was taken literally, the punishment could be to rape the culprit, and in

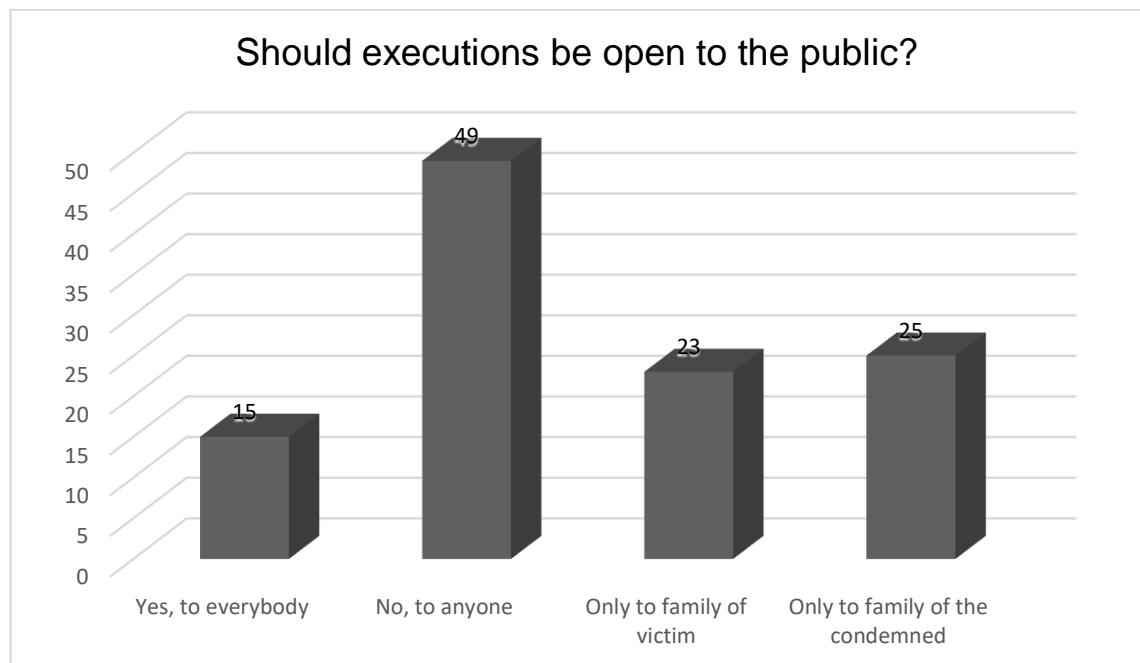
⁴⁰ *Federal Judge Blocks Arkansas Executions* [online]. [Accessed 2017-04-24]. Available on: https://www.nytimes.com/2017/04/15/us/arkansas-executions.html?_r=1

this kind of deviant cases, it would be very difficult to find an individual that would carry out the act.

7.9 Should executions be open to the public?

Chart 10 reveals public opinion of the question “Should executions be open to the public?”

Chart 10



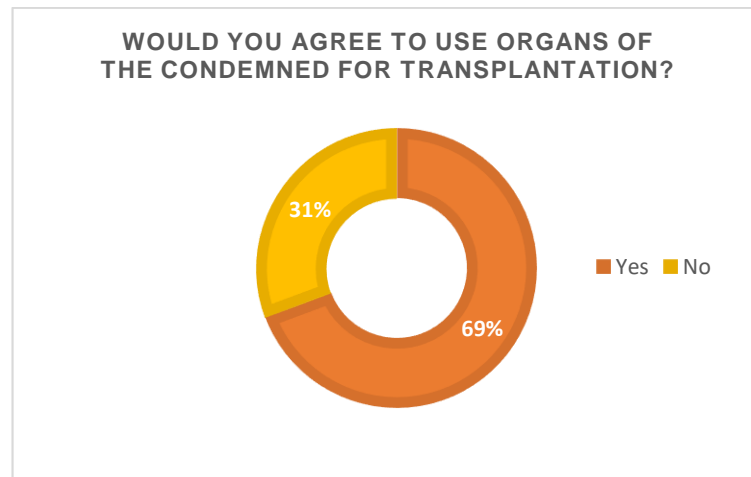
Source: own work

As we have already discovered, in the USA executions are made accessible to the families of the condemned and victim, and additionally to witnesses. Evidently, the majority of respondents do not agree with regulation of the USA. They argued that to want to see an execution is inhumane, and immoral. However, several of them mentioned that a witness should be present to prove that the execution definitely happened. The last two columns indicate the view that families of an inmate and of a victim should have the access to the execution. One must remember that the process of execution is a state secret, for instance in China and Belarus. What was rather surprising to me is the result of the first column, representing those, who would make the execution open to the public.

Defending their view, they mentioned that it should be seen publicly in order to deter potential criminals. Nevertheless, the deterrent effect is not proved by any statistics.

7.10 Would you agree to use the condemned organs for transplantation?

Chart 11



Source: own work

I chose highly controversial question as the next one – “*Would you agree to use organs of the condemned for transplantation?*” According to the survey, 70 individuals would agree and 31 would not. The exact percentage is noted in *Chart 11*. This is an arguable issue, considering that there are thousands (if not more) patients who are awaiting an organ donor. As Dr Kevorkian stated, up to ten people could be saved with organs and marrow of one executed inmate. The answer of ‘No response’ was most popular to the question of ‘who would like to have an organ of a felon’. However, due to the fact that donors are frequently anonymous, no one would know the owner’s identity, and potentially many patients could live better life.

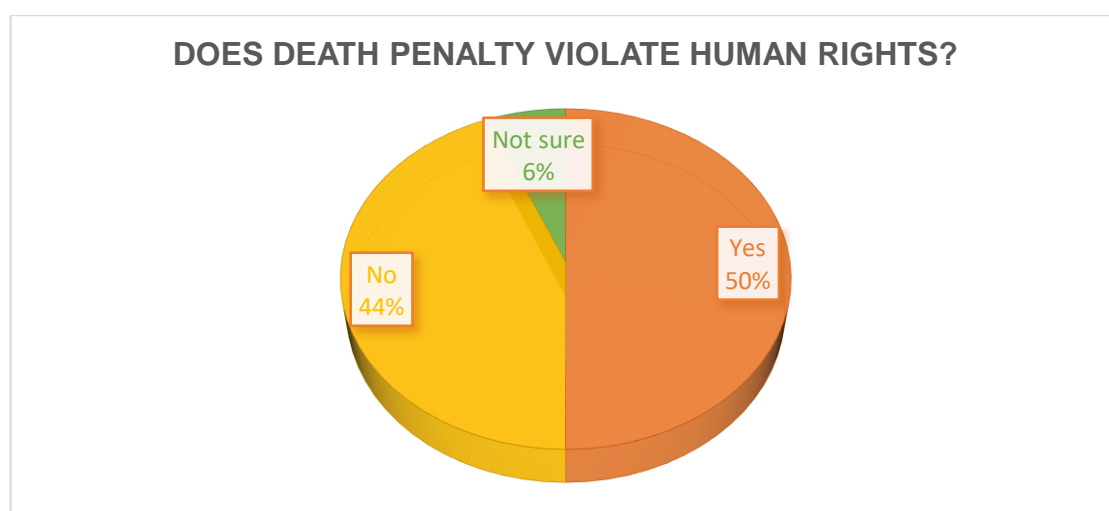
7.11 Does death penalty violate human rights?

In 1989, International Covenant on Civil and Political Rights, valid for every member state of the United Nations, specified that any member state shall not execute any individual. Moreover, every member shall take the

necessary measures to abolish death penalty from their jurisdictions. The Czech Republic acceded to the request in 2004, therefore I posed a question whether death penalty violate human rights or not.

The *Chart 12* below represents 112 opinions, and as we can see, 50% of respondents agreed that death penalty does violate human rights. On the other hand, 44% answered 'no', for example because the condemned have already violated the right to life of a victim, therefore, justice should show disregard for the rights of a felon.⁴¹

Chart 12



Source: own work

7.12 Do you know any country where death penalty is enacted?

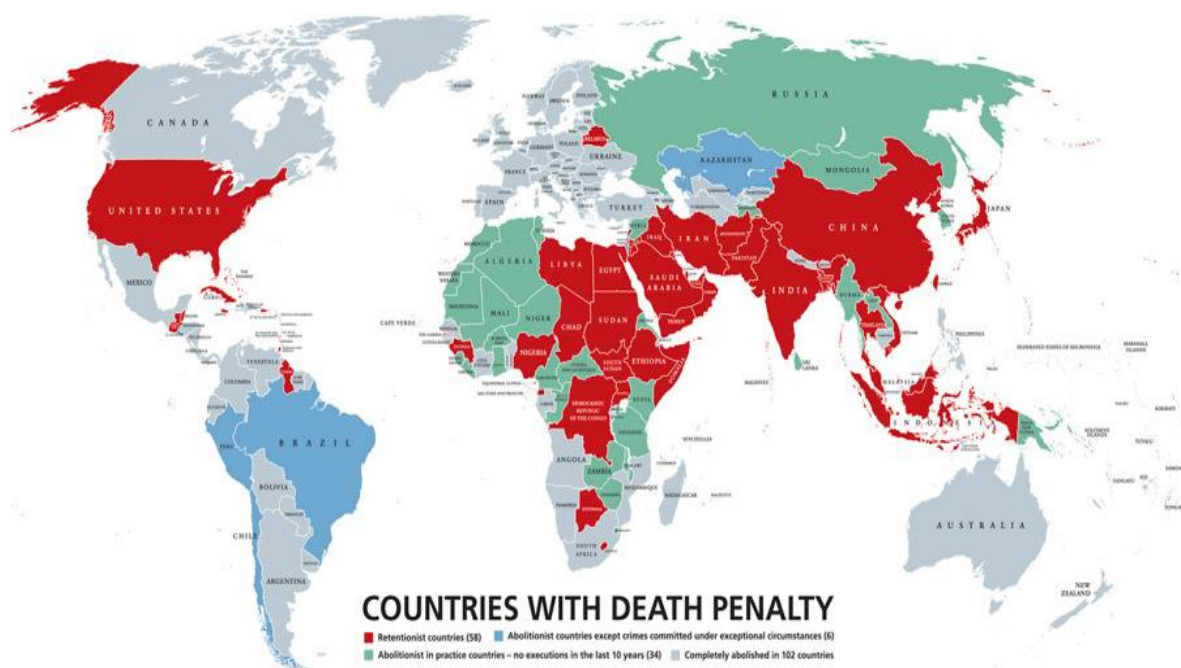
The last question was supposed to be only informative. The objective was to find out which countries appear on people's mind when they hear "Death punishment". The absolute majority noted the USA and China. These are probably the most popular countries that impose the death penalty ever since.

The following *Image 2* represents a world map emphasizing countries that are or recently were associated with death punishment. Red

⁴¹ *Zrušení Trestu Smrti* [online]. [Accessed 2017-04-24]. Available on: <http://www.osn.cz/wp-content/uploads/2015/04/zruseni-trestu-smrti.pdf>

colour denotes countries that still impose capital penalty. Blue countries are those who inflict death punishment only to crimes committed under exceptional circumstances, for instance during the state of war. The green colour refers to states that have not legally abolished the death penalty but have not practiced it for several years. On the contrary, the grey colour highlights those countries that legally abolished death punishment.

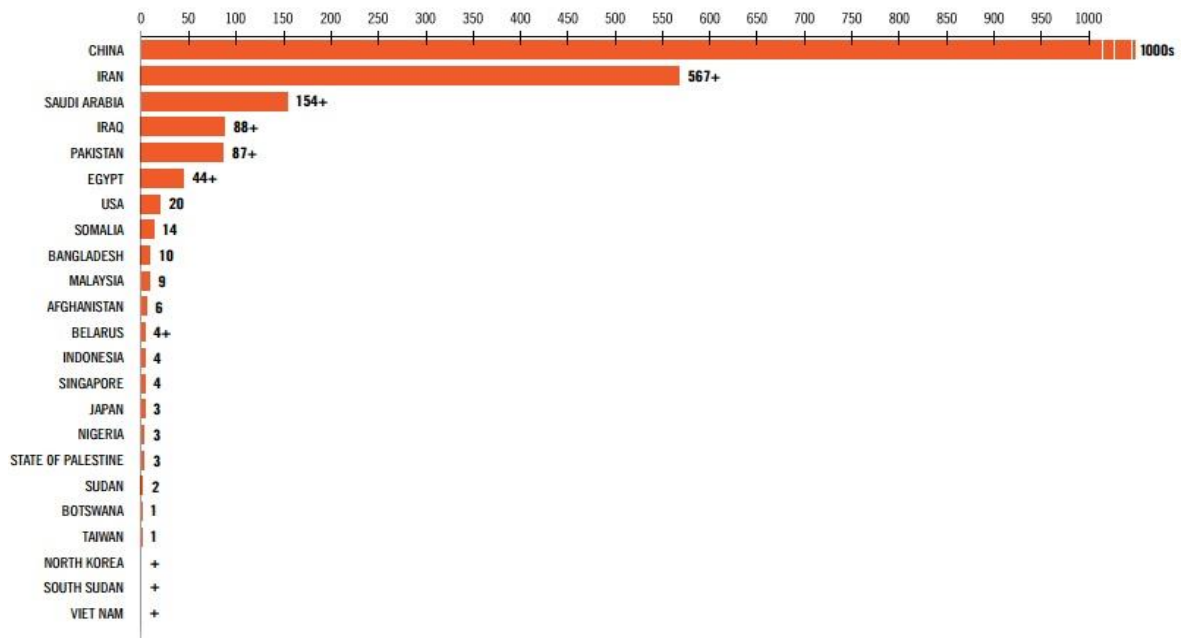
Image 2: *Map*



Source: *Countries with Capital Punishment* [online]. [Accessed 2017-04-24]. Available on: <http://bahaiteachings.org/voting-execute-believe-capital-punishment>

As is evident, many countries have not renounced the capital punishment, yet. According to the human rights organization Amnesty International, majority of death sentences are imposed in China, Iran, and Saudi Arabia; you can see the balance of the year 2016 on the following *Image 3*.

Image 3



Source: *Fact Sheet* [online]. [Accessed 2017-04-26]. Available on: <https://deathpenaltyinfo.org/documents/FactSheet.pdf> Methods of execution

7.13 Summarization of results of the questionnaire

One-hundred and twelve individuals completed my questionnaire. According to the survey, 47% would agree to enact the death penalty and 52% would not. Interestingly, religion does not necessarily act as a decisive factor. According to the survey, the majority would consider murder, terrorism, and rape as a capital offence. Fifty-three percent of inquired people do not think that capital punishment would reduce crime rates. Furthermore, seventy respondents believe that sentences imposed by our legal system are sufficient. Fifty-two respondents believe that the lethal injection is the most humane method of an execution. However, the truth is that the human factor can seriously influence the course of an execution, so the guillotine appeared to be the most reliable, fast, and, therefore the most humane method of execution. Two percent more of participants would not allow the inmate choose the way to die. Additionally, 66% would support an eye-for-an-eye punishment. Forty-nine respondents do not agree with public executions, however, 69% would agree to use organs of the condemned for transplantation. Taking human rights into

considerations, 50% of respondents are confident that capital punishment violates human rights. The last question shows that the USA and China are the most popular countries that people connect with the death penalty. Finally, and most evidently, the questionnaire reveals that issues linked to the death penalty seem to be highly controversial and for many people difficult to answer.

Conclusion

My bachelor thesis was devoted to history and issues concerning capital punishment, primarily in Europe and the USA. I emphasized the most debatable controversies that make people question their opinions. By carrying out this research, I discovered that lethal injection is considered to be a humane method. However, these substances are not as reliable as many people might think. In the USA, 31 democratic states still impose capital punishment and in Europe, only Belarus keeps this sentence in their legal system. I ascertained that costs of an execution enormously exceed those of an inmate condemned to life imprisonment.

The practical part deals with the public opinion, more precisely, the opinion of 112 respondents of my questionnaire. Numbers of supporters vs. dissenters were resembled in many aspects. The most frequent argument against the enactment of capital punishment was miscarriage of justice. On the other hand, the argument for the enactment concerns dissatisfaction with paying lives of prisoner. Nevertheless, figures revealed that to execute an inmate costs significantly more. Even though results reported that people do not believe that our legal system is not stringent enough, approximately a half of respondents would not agree with executions anyway. They demand more appropriate measures that would help to reform criminals effectively. The public view on a death penalty differs in many regards, and it might be due to many aspects that need to be taken into consideration.

Questions concerning capital punishment have surrounded society for thousands years, and apparently it will surround the world in the future as well. I must reveal that initially I was a supporter of death penalty. Prior to this research, I was not aware of any statistics, costs, numbers judicial errors, nor the humanity among executions (or lack thereof). As I was assembling sources for my thesis, my point of view had been gradually changing. Since I was a strong supporter of capital punishment, I am now not able to express my final opinion on the topic. I might agree to the death

penalty in the most extreme cases, where no questions would need to be asked.

This issue has been a hot topic among millions of discussions. All societies contain supporters and dissenters, and an immense number of opinions. Therefore it appears to be impossible for leaders to decide which option seems to be the most appropriate considering the primary need of a society – security.

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Abstract

The objective of the thesis is to create a profound analysis of the death penalty. It is an objective overview of the capital punishment. This work explores numerous issues associated with the capital punishment, predominantly the development throughout the history, selected methods of the punishment and controversial arguments of both, supporters and dissenters. Final chapters are focused on the analysis of public opinion on the controversy connected to the topic.

Resumé

Tato bakalářská práce se zabývá trestem smrti a jeho problematikou zejména v USA a Evropě. Mimoto se také zaměřuje na aktuální metody absolutního trestu a na otázky spojované nejen s průběhem poprav. Druhá část této práce je věnovaná dotazníku, který vyhodnocuje různorodé odpovědi 112 respondentů z České republiky, které jsou často zaznamenány do grafů.

Appendices

Appendix 1 – Dotazník

1. Pohlaví
2. Věk
3. Náboženské vyznání
4. Jste pro zavedení trestu smrti? Odůvodněte
 - a. Ano
 - b. Ne
 - c. Nevím
 - d. Jiné
5. Myslíte si, že by zavedení trestu smrti snížilo kriminalitu?
 - a. Ano
 - b. Ne
 - c. Nevím
 - d. Jiné
6. Jsou tresty za porušení zákona v dnešní době dostatečně vysoké?
 - a. Ano
 - b. Ne
 - c. Nevím
 - d. Jiné
7. Které zločiny by měly být trestány smrtí?
8. Která z následujících metod je podle vás nejhumánnější? Vyberte
 - a. Smrtící injekce
 - b. Pověšení
 - c. Zastřelení
 - d. Stětí
 - e. Plynová komora
 - f. Elektrické křeslo
9. Měl by mít odsouzený možnost si metodu trestu smrti vybrat?
 - a. Ano
 - b. Ne
 - c. Nevím
 - d. Jiné
10. Jste zastáncem trestu “oko za oko”?
 - a. Ano
 - b. Ne
11. Měly by být popravy přístupné veřejnosti?
 - a. Ano, všem
 - b. Ne, nikomu
 - c. Pouze rodině oběti
 - d. Pouze rodině odsouzeného
 - e. Jiné
12. Měl by se odsouzený využít jako dárce orgánů?
 - a. Ano
 - b. Ne

13. Porušuje podle Vás trest smrti lidská práva?

- a. Ano b. Ne c. Nevím

14. Víte, v jakých státech je trest smrti legálně zaveden? Odpovězte