

# Candidate 2

Who holds moral responsibility over capital punishment?

Capital punishment is the process of which a state or country decide to take someone's life due to a criminal act they have been accused for. This creates a moral dilemma around who can authorise these killings and who is held responsible for the deaths of people accused of a crime. There are many different views around the morality of capital punishment and in more detail, we can look at who hold the responsibility of the lives lost from capital punishment. The first chapter will focus on the moral and ethical issues around the role pharmaceutical companies play in supplying the drugs used for lethal injection. The second chapter will look at the government and organisation ran by the government and how they have an impact on the deaths from capital punishment, some may believe that the public therefore hold some responsibility because they vote for issues like capital punishment. The final chapter will look into judicial homicide and whether the state or country take responsibility for innocent lives lost through the death penalty.

## Chapter 1: Pharmaceutical companies

"Pfizer makes its products to enhance and save the lives of the patients we serve. Consistent with these values, Pfizer strongly objects to the use of its products as lethal injections for capital punishment," Pfizer, Pharmaceutical Company

In the last 10 years, there have been 266 deaths in the US from capital punishment' and 12% of all executions are by lethal injection. This means that 12% of the 266 deaths used the drugs supplied by the pharmaceutical companies, that is 32 people. One of the main methods of death penalty is lethal injection in which three drugs are used. If we presume that capital punishment is accepted for this discussion, we can look at who is responsible, we cannot say that drug companies are the sole reason that people are dying from death penalty because it is not the only method of execution.

However lethal injection has become a much more preferred way of capital punishment. Lethal injection is now the most commonly used method in the United States and was first introduced in 1977 because it was classed as the cheapest and most effective option. Lethal injection was also quickly accepted in society in the US as people found it was the most humane way to execute someone, people thought of it as painless and quick. This puts a huge responsibility on the drug companies as the drugs are so highly in demand. The first one is usually sodium thiopental which puts the individual to sleep, the next drug is usually pancuronium bromide which is used to paralyse the muscles. The final drug potassium chloride is used to give an irreversible cardiac arrest. ' This means that a drug company would have to supply either all three or just some of them, most of these drugs can be also used for other medical procedures. For example, for those who have low potassium (Hypokalemia) the drug potassium chloride can be used to bring normal levels back to the

body. Other drugs used for the paralysation are Midazolam which has multiple uses and is often used in a variety of controlled medical environments. One specific use that isn't for lethal injection is the use for seizures. A midazolam nasal injection is used to prevent a cluster of seizures from happening in children aged 12 or above and in adults.

The demand is so high for these drugs as so many pharmaceutical companies over the last 10 years have been withdrawing from supplying governments for the death penalty. This has primarily been due to the public support of the companies who have withdrawn, creating a pressure from those who haven't to keep up a good reputation with the general public.

It can often be seen that pharmaceutical companies can use their power to profit rather than helping people. Most pharmaceutical companies claim to have values of helping those who are sick, but in reality many can see that in some ways they are making a profit off of illness. In 2018, the highest priced drugs in the world were cancer and orphan drugs which accounted for nearly two-thirds of new treatments. This means that instead of making the most needed drugs cheaper, many companies took advantage of the situation and had high prices for the high demand. The companies don't always look at what's best for the world and what treatments are needed but instead look at what drugs could make the most money for them. This creates an ethical problem over the power they hold as they supply a product which is greatly needed. Many would say that the greed of the companies is immoral and there should be laws or regulations put in place to prevent profits and greed being more important than people's lives. Due to the multiple uses of the drugs that contribute to lethal injection, there can be complications of what the drug companies agree to be supplying for. One example in America, a country that have the high rate of death penalty, have had cases where a pharmaceutical company sell a drug to the government with the agreement of it being used for seizure but it was used for death penalty. An example of an American Drug company Akorn decided in March 2015 they informed the state of Oklahoma that they were no longer going to supply Midazolam for the use of lethal injection and they would like all products to be returned. This can be linked to the idea of medical responsibility of preserving life, many would say that the drug companies should take on a similar responsibility as doctors or medical professionals of preserving and protecting life and thereafter they shouldn't supply drugs for lethal injection. Many companies do not supply the drugs anymore but this could be due to their reputation being at stake and not their moral standard of what is right. This has been the choice by the majority of drug companies. Many pharmaceutical companies, including Akorn, have stated that they are happy for Midazolam to be used elsewhere in a prison for other medical uses, therefore they are happy to still supply the drug.

There is a moral issue here on the companies dictating who can use their drugs and for what reasons. They do not seem to be making the same actions to prevent people from using their drugs for suicide, some would say they don't take action because there isn't a public issue with it and therefore their reputation isn't jeopardised. However others might say that is the individual's choice if they want to misuse the drug to kill themselves whereas they can control whether the drugs are used for lethal injection. The companies taking this action have stated without words that they don't agree with the killing of those by the state, and do not want to be responsible for it, however they have previously supplied the drug that has been used to take someone's life away. The companies might not have originally thought what they were doing was morally wrong but their drugs have still been part of killing people and therefore many believe they should take ethical responsibility. Some would suggest that these companies once agreed to the state or government to kill someone with their supplies because they are a business who would profit off of selling their drug, but when more controversy in recent years starts to appear they are afraid of bad publicity so they decided to withdraw from their original agreement.

This can be seen as morally wrong as they are deciding when to supply their drug and to who based on money and publicity which would ultimately affect their profit. The companies seem to have the right to decide who can use their drugs, this links into the argument that they are a private company but many would say they still have to act within the moral standard of society even if they are a private company. However it is completely legal to refuse to sell a drug as they do not have to supply so it could be seen as their right to decide. In South Carolina they have had to change their method of execution from lethal injection to firing squad because of the lack of supply for the drugs. So many of KM the pharmaceutical drug companies no longer wanted to supply the state if it was for the use of death penalty. This is quite common across US states as so many companies have changed their moral policies. Pharmaceutical companies are businesses, this ultimately means that one of their main objectives will always be financial profit and their financial growth. This can sometimes lead companies away from moral standards and what impact their supplies have on society, some might say that private companies don't have the moral obligation to adopt a moral stance. The company has not made any agreement to work with the government or state so in some ways they shouldn't have to follow the same moral standards. However, they have agreed to supply drugs to those within a society and people are expected to have moral standards to which we treat each other and our environment, so as an official company who have power, they should take responsibility and do the right thing. We are all functioning within a set of unwritten rules so they should have the moral obligation to follow these. In a lot of cases the pharmaceutical companies have only recalled their

drugs or stopped supplying them due to their reputation being at stake and the fear of negative public opinion. Very few of the pharmaceutical companies withdrew because they felt it was the moral thing to do. This is a fairly big moral issue because they still were part of taking someone's life. However, some might argue that the death penalty will take place with or without the drugs and lethal injection is the most humane way. This is an argument that has lots of controversy around it, lethal injection was introduced as a way that might kill people in a less painful and more humane way, however further studies into this suggest that this might not be the case and although it is 'more humane' for us to watch rather than the electric chair or firing squad, many would say it is more painful. In the state of Nevada an inmate, Zane Michael Floyd, fought for his right to chose how he dies from the death penalty. He said that he would much prefer the firing squad over lethal injection and states "the most humane way" to die from execution is from gunshots to the head. Many death row inmates share similar views around how they want to die. Lethal injection could therefore not be needed and would not need pharmaceutical companies to supply.

#### Chapter 2: Prison officers and others part of the Justice System and /or the Government

In the countries that legalise capital punishment, the majority are democracies, meaning that in theory the public have voted for the political party or leader that has control over the laws. This would suggest that the public are in favour of capital punishment in these countries. However, each democracy is different and it does not always mean the public have say on issues such as capital punishment. Politics are a complex issue and we cannot assume that the leaders) made their favour IM of capital punishment public, so the population may have voted and not been aware of the intent to legalise it or it might have not been a media issue at the time. If a law is wanting to be passed some countries might have a vote on who agrees with capital punishment. One prime example of the general public being in favour of capital punishment is the USA with 60% of US adults in favour of the death penalty being used for those convicted of murder and 27% strongly agreeing. 11 At this percentage we can see that the majority are in favour no matter the political party. Some could argue that the public have a significant impact on capital punishment and therefor take moral responsibility for those lives. In America there is a large group of people who follow Christianity and this could lead to them being in favour of the death penalty as many traditional Christians may follow the 'eye for an eye' philosophy and believe that if someone kills they do not deserve to die. As discussed in the previous chapter with the pharmaceutical companies needing to take responsibility you could say the general public and the officers have a bigger role in authorising the killing of someone. This creates a moral dilemma as you could argue that there is a high expectation

that the public have some form of moral duty whereas private companies do not seem to be expected to follow the same rules. There are corporate crimes taking place up locally and there doesn't appear to be as much outrage as there is from those in the general public committing crime.

Although prison officers who are part of the death penalty process have chosen the job they have, it might not of been their intent going into the job. As politics and roles change around the prison they may have been asked to take on the role of a guard who helps in death row. The question lies around whether a moral responsibility should be put on the officers or not. The system recognises this problem as there are often measures to prevent the officers involved from feeling responsible for the death of someone. For example, it is fairly common in the firing squad that not all guns are loaded with live bullets so that the shooter does not know who actually killed the individual. However there is only so much you can do to take that responsibility away, many officers have reported having nightmares of those they have contributed to killing, and some suffer from Post Traumatic Stress Disorder. On one side of the argument you could say that they have chosen this job and are fully aware of what it includes, they have gone through training to do the job and therefore should be prepared to take someone's life. On the other hand you could argue that although they know what they are getting into they do not comprehend the extent of their actions until they have been part of taking a life. Jennie Lancaster, a retired prison warden in North Carolina Department of Corrections says; "At job interviews we don't ask things like, 'So how do you feel about wheeling away a body? But maybe we should. It's not a role many of us picture ourselves playing."

This shows that many officers may be misled to what the job actually includes, and as their role progresses their responsibilities may develop. Some officers may be supported to make this decision but most of the time it is up to the individual to decide whether to take the job or not and the reality is often very different to what is described. However, if they are fit to do the job they should be conscious enough of the fact that the death penalty includes killing those who have committed an offence and therefore some would argue they should take responsibility to make sure they are fit for the job and those doesn't seem to be the case. I'm some older documents from one of the oldest correctional institutions in Massachusetts it was found that those who died from what we call the death penalty in their documents it was described as judicial homicide implying that it was murder by the state and those involved in the killing of the prisoners.

### Chapter 3: Judicial Homocide

The term judicial homicide is often used and implied that the state have committed a murder

instead of the wording 'death'. This usually implies a sense of wrongdoing or morally unacceptable actions. Many sources describe judicial homicide as the unjust killing of someone through the state. This allows the moral responsibility to fall on the government or state rather than the criminal. This idea suggests that even though the criminal has committed a serious crime this does not equal the individual losing their life. The term 'judicial homicide' implies the government are morally responsible for the murder of inmates on death row. Similar to the pharmaceutical companies, the government hold a power more than the public do and this can be misused. Death penalty is seen by many as a form of murder which is lawful by the government or state. One argument in this discussion is that the state or government should not have the authority to kill someone because of their actions and therefore are morally responsible for the lives lost from capital punishment. The American Civil Liberties Union<sup>13</sup> believes that capital punishment is inherently bad and that the government shouldn't give itself the right to kill someone and describes it as discriminatory and arbitrary. However this argument could be used for issues such as euthanasia, the government or state are taking away a life. However, the difference with euthanasia is that usually the person is in favour of dying due to being ill or unable to function like they want to. This can also be used for military conscription when certain countries, such as Iran, force people to sign up for the military which is compulsory, this suggests that they get to choose whether someone lives or dies, like capital punishment.

Another argument in this discussion is that the government should be able to take the life of an offender. This brings up the question on whether the offender is responsible for their death due to their actions. This takes a fairly traditional approach saying that the person cannot change and they were fully aware of the consequences of their actions. However there are some cases where this may not be the case, when someone has killed because they have felt they were in a difficult situation or due to their life experiences something unfortunate lead them to committing a serious crime. As most people would believe they deserve some form of punishment, so that the family, friends, or the public can get a sense of justice, but also because that is what modern societies hold as a moral standard, which is to not take the life of another person and if someone does this we should punish them. However, some would believe that if someone showed remorse and was truly apologetic of their actions they shouldn't be killed for their crime. This doesn't mean in any way that they should be let off with their crime but that there should be an alternative punishment put in place. It is also not a coincidence that the states or countries that have capital punishment also have a higher violence rate due to the brutalisation effect. The Brutalization Effect study in South Carolina" looked at how the rates of homicide were much lower in states that had abolished the death penalty due to the brutalisation effect. When a government carry out judicial homicide, such

as capital punishment, it suggests that brutal acts like violence are condoned. Some might say this is the government abusing their power and creating a double standard or what is morally acceptable. Overall there are many parts of the capital punishment system that could be held morally responsible for the deaths. It is difficult to put the responsibility on one person or organisation, the government play a big role in making capital punishment legal and what is allowed, they also hold power over the court system, this ultimately means they decide whether people die from the death penalty or not. Another role is that of the court and public who influence the court cases, for example the jury or the judge who would sentence an individual to death row. Pharmaceutical companies also play a role by supplying drugs for lethal injection, as we have seen many have withdrawn their supply due to public opinion and their reputation being at jeopardy. The other possible role responsible is the criminal themselves and what the actions should have the consequence of death.

I have come to the conclusion that there is not one role that can be held solely responsible and that there is a moral responsibility from all parties involved where they should all consider their part in the system and how detrimental it is to society. This dissertation looked at the moral responsibility of capital punishment but in the future it would be useful to look at the sociological impact on capital punishment and what the impact of this is. It would be further interesting to know what effect capital punishment has on society and people, looking further into the brutalisation effect.