



Vol. 3 No. 11 (November) (2025)

Evaluating the Death Penalty: Its Role as A Deterrent Vs Its Impact on Human Rights.

Bushra Khan

Department of Political Science, University of Peshawar

Email: bushrasurani@gmail.com

Hamza Noor

Department of Political Science, University of Peshawar

Email: nhamza693@gmail.com

ABSTRACT

This research investigation rigorously analyzes the death sentence as both a claimed deterrent to criminal activity and a possible infringement on essential human rights. Employing a qualitative and theoretically informed methodology based on secondary data analysis, the study assesses comparative evidence from abolitionist and retentionist regimes, including the United States, Japan, Saudi Arabia, and Canada. The results show that supporters of the death penalty say it stops murder and violent crime, but the evidence is not clear and the methods used are not reliable. Countries with the death penalty have not necessarily recorded low crime rates. Conversely, the nine countries that have replaced it since then, such as Canada and Norway, have experienced consistent decline in homicide rates and this demonstrates that the execution measures are not an effective method of preventing crime. The study highlights some of the most serious ethical and legal dilemmas, including wrongful conviction, psychological torment of death row inmates, and institutional imbalances that affect the poorer segment of society disproportionately. This paper compares the deterrence theory and the concept of the human right, and finds that the death penalty does not work in deterring crime, or aligns with the universal right to life and dignity. It calls for a radical re-evaluation of punitive justice regimes across the world, proposing restorative justice, legislative change and social rehabilitation as alternatives that are more humane and effective in achieving sustainable criminal justice outcomes.

Keywords: Death Penalty, Deterrence, Human Rights, Capital Punishment, Restorative Justice, Comparative Analysis

Introduction

Death penalty remains one of the most debatable and persistent issues in the worldwide discourse of human rights and criminal justice. Capital punishment has spawned centuries of moral, juridical, and empirical deliberations, which have been transformed over the centuries since it was used as a vengeance device, to a controversial instrument of state power. There is a more profound question behind all this: does the state have the right to take away the life of a human being intentionally on the pretext of deterring crime, or does it always compromise the same values of justice that it purports to protect? This paper discusses this issue of tension by evaluating the death sentence as a potential deterrent as well as human rights violation.

Historically, the idea of retributive justice was very similar to the death penalty. The earlier rules, like the Hammurabi idea of "eye for an eye," the Roman Lex Talionis, and



Vol. 3 No. 11 (November) (2025)

the public executions in medieval Europe, all said that punishment should fit the crime. The execution was not only regarded as revenge but it was also a spectacle that strengthened the state, and discouraged future crimes. European societies were administering thousands of executions each year by the seventeenth and eighteenth century as a result of killing as well as stealing under the notion that observable terror was the key to social order.

However, during the period of Enlightenment, this orthodoxy was confronted with a moral and philosophical challenge. Thinkers like Cesare Beccaria in his *On Crimes and Punishments* (1764) argued that the death penalty would not better prevent crime than imprisonment, and was not in keeping with rational governance. The criticism by Beccaria provided the foundations of the present-day abolitionist ideas that punishment is aimed at reforming a man rather than destroying him; and the state as the protector of the community morality cannot repeat the violence in the name of justice. The philosophical change led to the new ethical principles that doubted the possibility of the compatibility of deterrence based on fear with human dignity.

The twentieth century was another turning point. The Universal Declaration of Human Rights (1948) and other treaties, such as the International Covenant on Civil and Political Rights (1966), made the right to life a universal principle. The texts basically changed the death penalty question from a worldwide human rights problem to a matter of state criminal policy. By the 1970s, western countries had already gotten rid of the death penalty and connected the justice system to the fight for human rights. But several countries, like the US, China, Iran, and Saudi Arabia, remained using it or even employed it more because they thought it was important to stop big crimes.

The end outcome is a world that is broken up. More than two-thirds of the countries in the world have either legally or in effect gotten rid of the death penalty. About fifty still use it. This is a point of contention that reflects a fundamental philosophical difference: is it more important to have justice and fear of punishment, or is life sacred?

Theoretical Foundations

At the heart of this debate lie two competing theoretical frameworks: deterrence theory and human rights theory.

The deterrence theory was developed out of the classical school of criminology as elaborated by Beccaria and later refined by Bentham, Gibbs (1975) and the current day economics. It claims that people are rational beings who consider expenditures and benefits before committing crimes. In this view, the death sentence, the severest of punishments should have the biggest relevant deterrent effect. Its advocates argue that the threat of execution will make potential criminals fear committing violent acts hence protecting the lives of the people. Ehrlich (1975) and Dezhbakhsh et al. (2003) carried out research which at that time suggested a negative relationship between the execution rates and the homicide rates. It might appear self-evident: the more brutal the punishment is, the lower the chances of committing a crime.

However, this logic encounters significant scientific and ethical obstacles. Deterrence presupposes rational calculation; nonetheless, numerous violent crimes transpire under emotional anguish, intoxication, or psychological coercion, circumstances when rational cost-benefit analysis is lacking. Furthermore, Radelet and Lacock (2009) noted that the majority of criminologists currently dismiss the assertion that capital punishment has a quantifiable deterrent impact. This discrepancy between theory and evidence undermines the fundamental rationale for executions.

Conversely, the human rights theory does not support instrumentalization of life as a



Vol. 3 No. 11 (November) (2025)

means of deterrence. It believes that the right to life is inalienable, indivisible and inherent and this is entrenched in Articles 3 and 5 of the Universal Declaration of human rights and has been restated by the UN Human Rights Committee. On this basis, the killing that is sanctioned by the state does not amount to justice but the greatest insult to human dignity. According to scholars such as Hood and Hoyle (2015), the death penalty goes against the principle of the moral purpose of law and it goes against the contemporary decency that characterizes civilized societies. It also exposes itself to irreparable injustice especially in ineffective judicial systems where false conviction of people is common.

The two systems, which are a utilitarian and a deontological framework, are the basis of policy divergence in the world arena. Human Rights approach quantifies justice by principles, whereas the deterrence approach quantifies it by results. This paper finds itself in the middle of the two schools of thought and aims at both appraising the empirical arguments of deterrence and the normative arguments of human rights.

This research project seeks to rigorously assess whether the death punishment acts as a valid deterrent to criminal activity or represents a violation of human rights. It asks: Does the death penalty effectively deter serious crimes compared to alternative punishments?

To what extent does capital punishment violate fundamental human rights, particularly the right to life and dignity?

With cross-national data and theoretical and empirical research, the paper examines the conflict between deterrence and morality, and how the death penalty is or is not congruent with the objectives of modern justice systems.

This study adds to the ongoing world debate about justice, morality, and change. It seeks to transcend polarized narratives by amalgamating empirical and moral arguments to establish a unified paradigm. The findings not only enrich the scholarly discourse but also possess practical consequences for policymakers, human rights advocates, and legal institutions. As the world moves toward abolition, it is crucial to understand the moral, empirical, and socio-political dimensions of death punishment. This will help us create human justice systems that are both safe and fair.

Methodology

Research Design and Theoretical Justification

The current study is based on a qualitative research design, as it is premised on the interpretivist and constructivist paradigms, which emphasize the social nature of meaning (Denzin and Lincoln, 2011; Creswell, 2014). This method is appropriate since deterrence and human rights are necessarily normative in nature, and therefore do not require a quantitative evaluation but an interpretive understanding. In many cases quantitative studies fail to consider the ethical and psychological dimensions of capital punishment and a qualitative approach can help to explore the moral, legal, and social consequences of the death penalty in greater detail.

The comparative experience of both abolitionist and retentionist nations are analysed using the case study approach. This approach aligns with the statement of Yin (2018) according to which case studies help to gain a deep contextual understanding of complex social phenomena. In this study, the researcher will focus on United States, Japan, Saudi Arabia and Canada to explain cultural, legal and political differences that affect the process of capital penalty.

There is also theoretical triangulation on which the study is founded on the combination of deterrence theory and human rights philosophy. This theoretical synthesis will ensure



Vol. 3 No. 11 (November) (2025)

that the investigation is empirically supported as well as thoughtful in terms of ethics which addresses the two-fold nature of the research subject.

Data Sources and Analytical Approach

The secondary data were collected through academic articles, legal reports and publications of international organizations like Amnesty International, Human Rights Watch as well as the United Nations. An analysis of recurring patterns in the literature was done through thematic analysis, which consisted of allegations of deterrence, wrongful convictions, and trends of international abolition. Descriptive data in the form of statistical evidence, such as homicide rates, was employed to complement the qualitative analysis.

The analysis process involved coding and categorizing themes around three key domains:
Evidence for and against deterrence

Documented human rights violations

Comparative policy outcomes across different legal systems

As a study relying on secondary data, ethical rigor was upheld by properly citing, properly representing, and not being biased. The wrongful convictions and state executions were approached in an academic neutrality and human dignity. Although the qualitative analysis is deep, it becomes restricted depending on the existing data and its reliability. Differences in the reporting of crime in different countries, political bias and differences in methods used in studies might influence comparative accuracy. However, the limitations are mitigated by triangulation and critical evaluation and enhance the validity of the study.

Analysis and Discussion

The Deterrence Dilemma: Evidence and Illusion

Supporters of the death penalty say that it makes people afraid and stops people from committing serious crimes. The notion behind deterrence theory is that smart individuals don't break the law when the punishment is immediate, certain, and terrible. In this scenario, the death penalty is the strongest deterrent since it shows the state's highest power and acts as a moral warning against killing someone else

Classic studies, such as Ehrlich (1975) and Dezhbakhsh et al. (2003), appeared to corroborate this perspective by demonstrating a correlation between executions and reduced homicide rates. In the 1980s, Texas, a U.S. state that routinely carries out executions, experienced a decline in murder rates after the death penalty was brought back. Singapore and Japan, both of which still have the death sentence, both have very low murder rates. They argue that strict enforcement of the death penalty protects the calm in their countries.

However, these links are becoming challenged by a growing body of empirical research that examines both the technique and the underlying assumptions of deterrence-based reasoning. The National Research Council (2012) and Donohue and Wolfers (2006) performed studies that demonstrated a lack of solid evidence linking the death penalty to diminished homicide rates. Their analysis of decades of data found that variations in murder rates are more closely associated with economic cycles, firearm accessibility, and law enforcement tactics than with executions. More detailed examination of the trends in crimes makes the claims of deterrence even less plausible. In various states within the U.S., the rate of crime is always lower where death penalty is not enforced. In particular, the homicide rates in New York and Michigan that abolished the death penalty many decades ago are lower than those in



Vol. 3 No. 11 (November) (2025)

states, which retain it, such as Texas and Louisiana. This is the same paradox happening on a global scale: the nations where the number of executions is the highest, including Saudi Arabia and Iran, still experience the dramatic violent crime rates, and the nations that have abolished the death penalty, including Norway, Sweden, and Canada maintain the homicide rates that are extremely low.

These inconsistencies are summarized in Figure 1, which compares average homicide rates between retentionist and abolitionist states.



Figure 1. Average Homicide Rates per 100,000 Population in Retentionist vs Abolitionist States

Abolitionist States (Canada, Norway), Retentionist States (U.S., Saudi Arabia)

Figure 1 shows that there is a clear difference between the harshness of punishments and the results of crimes. Abolitionist states have lower homicide rates, whether they are executing or not, which is not expected under the deterrence theory. This trend indicates that unless it is non-existent, deterrence is not conditioned by the death threat only but by a set of socioeconomic and institutional factors, such as education, income equality, judicial openness, and societal trust in the police. Levitt (2004) noted that better policing, town planning and social welfare systems are much more associated with declines in violent crime as compared to punitive ones. This school of thought transforms the whole discourse of deterrence where the focus is not on the harshness of punishment, but on the efficiency of government and social justice. Crime by its very nature reduces in a society that is characterized by a stable justice system, a strong law and order enforcement branch and a stable economy where the citizens reside in thus negating the necessity of executions. Deterrence theory presupposes rational calculation; however, not all violent offenses are impulsive, emotional, or narcotic or psychologically disturbed. It is, therefore, largely untrue to claim that all the people who are thinking of committing a crime think about the repercussions of death before taking action. Radelet and Lacoek (2009) argue that 88 percent of mainstream criminologists deny the fact that capital punishment has some deterrent effect that can be measured. The deterrence problem is a misconception that severe punishment can terminate violence. As a matter of fact, it



Vol. 3 No. 11 (November) (2025)

simply perpetuates violence cycles that are sanctioned by the state. One more aspect to consider is political deterrence, meaning that the death penalty continues to exist in a country not because it is effective, but because it conveys some message. In totalitarian societies such as Iran or China, death penalty serves to affirm moral power and quash opposition, occasionally by the high profile execution, to demonstrate that the government is in control. However, such deterring does not result in more fairness among the people, rather people are more scared. Rather than addressing the causes of crime, it is a culture of retribution in perpetuities.

Therefore, the arguments are increasingly continually leading to a paradox; in the presence of death penalty, crime continues to exist; in their absence, the world tends to be more secure and humane. This result invalidates the theoretical rationale of execution as a preventive measure and focuses on other more preventive methods based on social development and rehabilitation.

Human Rights Violations and Ethical Contradictions

From a human rights perspective, capital penalty immediately violates Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 6 of the International Covenant on Civil and Political Rights (ICCPR), both of which uphold the right to life. More importantly, it goes against Article 5 of the UDHR, which says that torture and cruel, inhuman, or degrading treatment are not allowed. From sentencing to incarceration, the execution procedure is a long-term act of psychological cruelty.

The "death row phenomenon" is a good example of this. Prisoners often spend decades in solitary cells, never knowing what will happen to them. This psychological distress, marked by sadness, anxiety, and the erosion of identity, has been acknowledged by various international tribunals as a transgression against human dignity. Hood and Hoyle (2015) assert that such incarceration, alongside the expectation of death, constitutes a type of state-sanctioned psychological torture.

The 2014 execution of Clayton Lockett in Oklahoma proved that "humane" ways of punishing people don't work and are incorrect. Lockett convulsed and moaned in evident pain for 43 minutes before dying of a heart attack during his lethal injection. These kinds of things reveal that the technique is not only incompetent but also inhumane. Even in civilizations with modern technology, dispensing death remains an uncertain and terrible affair.

Wrongful convictions make the moral issues much worse. The courts are still not ideal, even if forensic science has come a long way. Since 1973, the Equal Justice Initiative (2015) says that at least 190 persons on death row in the U.S. have been found not guilty of their crimes. A lot of them spent decades in prison for crimes they didn't do. Anthony Ray Hinton, who was released in 2015 after spending 30 years on death row, claimed that every day there was "a living death sentence." In Japan, Iwao Hakamada was similarly set out in 2014 when DNA evidence showed he wasn't guilty of a crime that had kept him in solitary confinement for almost 50 years.

These stories show a moral paradox: a system that is supposed to promote justice can actually cause injustice that can't be undone. There is no way to make up for what was taken once the state kills an innocent individual. So, capital punishment goes against the two main ideas of justice: fairness and the ability to change your mind. It also turns punishment into revenge.

Additionally, the abuses of human rights affect not only individuals but also society as a whole. When a government kills in the name of the law, it makes violence a regular way to keep people in line. The European Court of Human Rights has frequently said that



Vol. 3 No. 11 (November) (2025)

abolition is a sign of a morally mature society that is moving from retributive justice to restorative ethics. The continued existence of the death sentence signifies not the robustness but the moral frailty of a justice system incapable of transcending retribution.

Comparative Insights: Abolition and Its Outcomes

A comparative review demonstrates that abolition does not trigger crime waves, a recurring fallacy among proponents of the death sentence. Those countries which have abolished capital punishment, in turn, tend to focus on the reduction of violent crime in the long term. In 1976 Canada abolished the death penalty and the murder rate dropped to 3.03 per 100,000 people in 1975 as compared to 1.76 in 2019. The rate of the country is 0.5 per 100,000, which is one of the lowest in the world.

However, despite that, other countries with intact execution regimes, such as Iran and Saudi Arabia continue to experience violent crime and instability. Hundreds of people are executed annually in Iran, and there is an increasing number of drug related and violent offences. The rate of crime in Saudi Arabia has not been steadily rising despite the fact that the execution of beheadings and excessive application of Sharia law are widespread. These disparities demonstrate to us that the death penalty does not make the society safer rather, it is a repressive and unequal process.

Country	Status of Death Penalty	Homicide Rate (Per 100,000)	Human Rights Compliance	Notable Trends
Canada	Abolished (1976)	1.76	High	Decline in Crime
Japan	Retentionist	0.3	Moderate	Rare Executions
Saudi Arabia	Retentionist	N/A	Low	High Execution Rates
Norway	Abolished (1979)	0.5	High	Rehabilitation Focus

Figure 2. Comparative Indicators between Retentionist and Abolitionist States

It is indicated in Figure 2 that the rate of crime is always lower in countries that are opposed to slavery and that they are more compliant to the provisions of human rights. The decline in the homicide rates in Canada after the abolition does not support the fear-induced logic of the deterrence theory because it shows that justice based on human dignity is not necessarily incompatible with security. The experience of Norway teaches even more how emphasis on rehabilitation and social reintegration can convert fear into responsibility and such a conversion results in the social harmony in the long run.

Japan is a special instance. It holds the population in prison, though it does not punish it very frequently, once in several years on average, and one of the crime rates of the world is the lowest. Scholars attribute this phenomenon not to deterrence, but to cultural



Vol. 3 No. 11 (November) (2025)

consistency, good policing and citizens trust. This supports the notion that it is the social capital rather than the death penalty that ensures people are safe.

Saudi Arabia is on the other hand at the opposite end of the spectrum. Its rate of execution is high and usually non-violent crimes such as apostasy or drug smuggling. This indicates that its justice system is punitive as opposed to deterring. This has not prevented unrest, nor rendered violent events less frequent, indicating that fear is not an effective means of preserving things in the long run.

The United Nations Resolution 73/175 (2018) is a request to stop executions globally. According to it, death penalty contradicts the notions of justice and human rights. This change is promoted by the universal policy of abolition by the European Union, that relates moral legitimacy and compassionate government. The abolition of the death penalty in the EU turned into a manifestation of the ethical development and international collaboration. It demonstrated that social order does not require the power of the state to kill but change.

Therefore, having known what other countries are doing, we can come to a solid conclusion that the countries are indeed safe when judicial systems founded on fairness, education, and rehabilitation rather than revenge. Abolition is attached to the extended cultures of human rights that consequently result in peace and confidence within the society.

Policy and Ethical Implications

The further survival of the death sentence raises deep issues of inequality, governance and moral inconsistency. The study conducted by the Sentencing Project (2020) proves that the race and socioeconomic disparities continue to influence the makeup of the death row. This has been particularly so in the United States where blacks and those of low economic status are sentenced to death more often. This is the trend that indicates that the death penalty not only does not work but is also not fair. Justice is grounded on the basis of race and class rather than on the law and evidence.

Politically, the validity of the whole criminal justice system is undermined by such inequalities. A permanent and unfair punishment cannot be considered a moral and legal one. Wilkinson and Pickett (2009) argue that inequality is an ultimate cause of crime; therefore when a system promotes inequality through unequal executions, it is perpetuating the murder that is intended to be eliminated.

The death penalty poses an ongoing philosophical question: does justice exist when the action it condemns is repeated? The response, demonstrated by theory of human rights and the real life incidences, is no. The death sentence as an institution portends the failure of rehabilitating and the triumph of revenge over moral principles. Modern justice, on the contrary, should be grounded in restoration, reform, and reintegration.

The nations that have adopted restorative justice, concentrating on the responsibility of the offender, the healing of the community and prevention demonstrate that non-lethal justice can avert the integrity of morality and the safety of the community simultaneously. The Scandinavian model, as an example, relies on counselling, vocational training, and reintegration programs, which have reduced the repeat offences by an immense proportion.

The larger point is that nations need to change their definition of justice from punishment to social healing. For this change to happen, policymakers need to spend money on education, mental health, and economic equality instead of executions. Hood and Hoyle (2015) contend that the ongoing application of the death sentence signifies a “moral relic of a less enlightened age.”



Vol. 3 No. 11 (November) (2025)

So, for justice to evolve morally, we need to get rid of the death penalty and build systems that deal with the causes of violence, such as poverty, exclusion, and unfairness. Justice can only serve life and not death in this way.

Conclusion

This study finds that death penalty is an ineffective deterrent and is not a morally correct stance. Despite the arguments of its adherents that it makes people safer, there is no evidence that there is an obvious connection between executions and the decrease in crime. On the other hand, the human cost, wrong deaths, mental torture, and loss of human dignity are all evident.

The fact that capital punishment has not been abolished indicates that there are still outdated legal systems and political populism and not that it works. The justice must preserve life and not destroy it. The experiences of the abolitionists suggest that security and humanity can live in harmony with restorative justice programs which rehabilitate the offenders and target the factors which cause them to commit a crime.

Moving forward, policymakers must prioritize:

Global moratoriums on executions to reassess their legality and morality

Independent review commissions to investigate wrongful convictions.

Investment in social reform, education, and restorative justice to replace punitive deterrence with human-centered solutions

The fundamental moral inquiry persists: is it possible to preserve the sanctity of life through an action that intentionally terminates it? The answer, both in terms of facts and morals, is clear: the death penalty should be a thing of the past, not the future of justice.

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Vol. 3 No. 11 (November) (2025)

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