

Eliminating injustice imposed by the death penalty

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In "Black Lives Matter and the Call for Death Penalty Abolition," published in *Ethics*, Michael Cholbi and Alex Madva defend the central arguments of the Black Lives Matter movement's abolitionist stance on capital punishment. The Black Lives Matter movement, in recent years, has advocated for numerous reforms to address "the war against Black people." Based on the argument that capital punishment is a "racist practice" that "devalues Black Lives," the movement has taken a stand by calling for the death penalty to be abolished.

The authors argue that specific Black capital defendants or specific Black murder victims are not the only ones feeling the injustice within the U.S. [capital punishment](#) regime. Rather, Black communities, as a whole, suffer a distributive injustice under the [criminal justice](#) system's use of the [death](#) penalty.

Empirical evidence presented in the article indicates Black Americans are disproportionately impacted by capital [punishment](#) practices. According to a number of studies, Black capital defendants face a higher likelihood of being sentenced to death in comparison to defendants of other races. Likewise, defendants who murder Blacks are less likely to face execution as a punishment than those who kill individuals of other races.

Drawing upon Cholbi's previous work, the authors assert that because this political injustice affects all Black Americans, regardless of their interaction with the criminal justice system, the law produces normative

realities where Blacks are not granted equal protection or equal legal status. Living in these normative realities shapes attitudes and behaviors in Black communities that lead to increased levels of violence, increased gun ownership, and an environment of distrust between the communities and law enforcement.

Research indicates that these discriminatory patterns emerge partly as a result of implicit racial biases that stereotype Black individuals as angrier, more violent, subhuman, or less likely to feel pain or grief. The article discusses data that suggests the introduction of death penalty as a means of punishment may exacerbate existing racial biases and alter jurors' perceptions of guilt and their willingness to convict defendants. Studies also found implicit bias could impact decisions concerning jury selection and evidencing gathering.

The authors argue that the legal system's continued use of the [death penalty](#) demonstrates a type of institutional recklessness that denies Blacks legal equality and places Black lives at risk, and abolition, the authors propose, offers the most effective remedy to reduce implicit bias and eliminate this injustice.

"The Black Lives Matter movement asserts that American institutions have waged a war on Black communities," the authors write. "Even if 'war' is hyperbole, it seems clear that progress toward greater racial comity and justice will require building greater trust between Black communities and institutions, especially law enforcement and the legal system. The abolition of capital punishment in the U.S. would not only be just. It would also be a powerful step, both symbolically and substantively, toward ending that 'war' and establishing peace across divisions of race."

Founded in 1890, *Ethics* publishes scholarly work in moral, political, and legal philosophy from a variety of intellectual perspectives, including

social and political theory, law, and economics. In addition to major articles, *Ethics* also publishes critical discussions, symposia, review essays, and book reviews.

More information: Michael Cholbi et al, Black Lives Matter and the Call for Death Penalty Abolition, *Ethics* (2018). [DOI: 10.1086/695988](https://doi.org/10.1086/695988)

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