

Death penalty and penalty of life imprisonment - emotional and philosophical (re)construction of extreme punishment

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The paper deals with the death penalty from the aspect of »social« psychology and philosophy. The objection that this theme has already been exhausted or that it is no more topical could only be made by someone who is either superficial or ignorant. The principal thesis of this paper is the basic affinity between the »social« attitude towards a criminal offender who has been sentenced to death and the penalty of life imprisonment - an institute which could not be more topical than it is at present in Slovenia. This thesis is argued on the basis of the findings of the so-called (re)construction of criminal law as the emerging discipline of legal psychology. If a life sentence is a reflection of the projection of »social« contempt towards the delinquent, then the death penalty is an expression of »social« hatred; in both cases a person is perceived as a non-person, i.e., as someone who is not sufficiently worthy or evil. The psychological part of the article is followed by a presentation of some retributive and utilitarian theories of extreme punishment, seen from a philosophical point of view. The concluding synthesis of the two approaches is value-oriented and it condemns both the death penalty and life imprisonment.

Key words: criminal law, legal psychology, death penalty, penalty of life imprisonment, psychological aspects, philosophical aspects

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