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Why Can't Death Penalty Stop Crime?

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ABSTRACT

Economists advocate penalty to raise the demand price for a crime. Then, a higher penalty should mean less crime quantity demanded, while death penalty should eliminate the whole demand. This paper uses red-light running as an example of crime, to explain why such theory fails. It fails, because red light is a setup. When it is a setup, its purpose is to capture and penalize violation, not to eliminate violation. The pursuit of penalty revenue further explains why higher penalty comes with higher crime rate. This paper concludes that people do not demand red light or crime. Instead, they demand traffic, in order to sell their bread. That is why even death penalty can't stop crime, if selling bread or crossing road is a crime.

1. Traditional Theory of Crime

An act without motive is not a crime (*actus reus non facit reum nisi mens sit rea*). When its motive is identified, every crime has a demand function. Most economists, e.g., Becker (1968), thus assume a demand function for crime, and advocate penalty to raise the demand price for a crime.¹ Then, a higher penalty should mean less crime quantity demanded, while death penalty should eliminate the whole demand. However, real life observations by, e.g., Baz Dreisinger (2016), show that such measure is ineffective, and that contrarily countries with higher penalty have higher crime rate. This paper utilizes a traffic model to explain the ineffectiveness and offers an alternative thinking.

¹ Tietenberg (1997) used a supply function to explain and combat pollution, but there is no corresponding death penalty.

2. Some Examples

Take traffic ticket for red light running as an example. Some people demand this crime, in order to sell, e. g., their bread. Since such violation can lead to accident or even kill someone, its penalty is usually heavier than, e.g., jaywalking. But despite the heavy penalty, such violation still exists, accidents still happen, and people still get killed.

For another example, China caught corrupted cadres every year, and some were sentenced to death. But there are always new capture every new year.

Hence, contrary to the traditional theory, penalty, even death penalty, cannot exterminate crime.

Back to the first example, why is there a red light, in the first place?

3. The Traffic Theory

Walters (1961) worked out a traffic model. He observed that car speed and density have a negative relation, as shown in Figure 1.

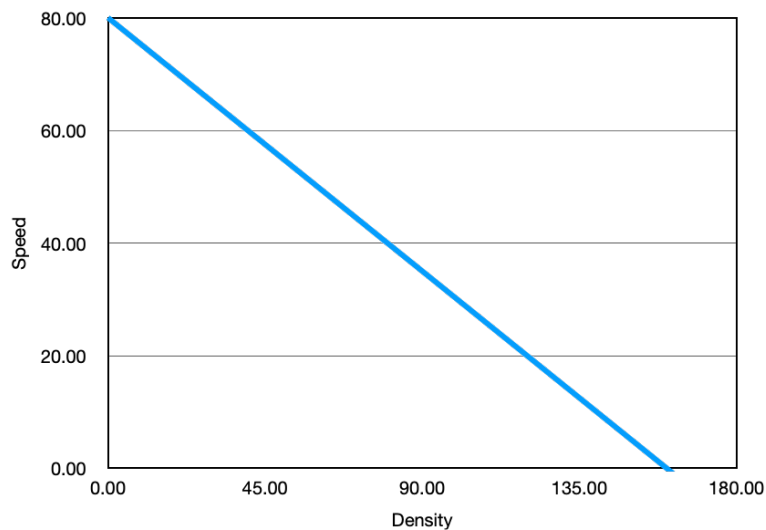


Figure 1. Walters' Traffic Theory

This line also represents traffic capacity of a road, i.e., the maximum speed given density, or the maximum density given speed. Traffic inside the capacity line is free, i.e., drivers can move faster or slower at will.

4. Traffic Beyond Capacity

Traffic inside the capacity line is free, but what if drivers find themselves outside the capacity line?

Figure 2 illustrates two capacity lines: one with a maximum density of 160, and another with that of 80. The larger capacity line stands, e.g., for a road with two lanes, while the smaller line for a road with one lane. Cars move from the former to the latter road.

There are several possible ways of moving.

4. Move 1

If traffic starts from Position A, a reduction of speed will bring the traffic inside the smaller capacity line. A simple roundabout or a yield sign can help cars from two or more directions merge seamlessly into a single road, provided that they slow down upon entering. Then, cars can move freely again. No red light is needed.

4. Move 2

However, if traffic starts from Position B, the reduction of speed will bring traffic all the way down to zero. Zero speed means congestion or even a standstill, perhaps caused by accidents. That is disaster.

4. Move 3

There is another way to move traffic into the lower capacity line: the reduction of density. Holland has successfully done that, by encouraging car drivers to switch to bicycles.

Instead, most other countries install traffic light for that purpose, but that is self-deceptive. The density is stalled, not reduced.

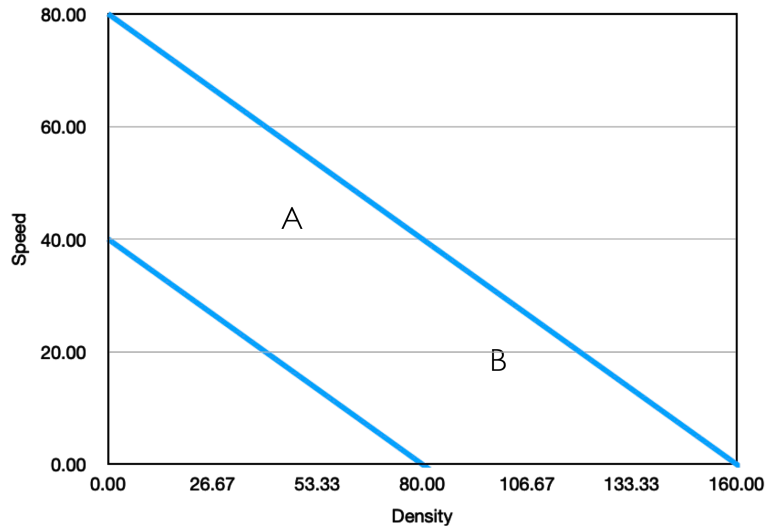


Figure 2. Traffic Beyond Capacity

4. Move 4

Traffic light is not only deceptive, it is also destructive.

As stated, traffic from Position A needs no traffic light, but if the authority insists on installing it, Position A becomes Position B, as density increases behind the light. But, that is still not the worst move.

4. Move 5: A Perfect Setup

As stated, traffic inside a capacity line is free. So, it would be a perfect setup to install a traffic light inside the capacity line.

When it is a setup, its purpose is to capture and penalize violation, not to eliminate violation.

4. Move 6: Penalty on Everyone

There is another incentive for not eliminating the violation: the penalty revenue.

But revenue from red light crime is uncertain and dwindling, for some drivers will eventually recognize and avoid the trap. Instead, there is another device that can capture and penalize every driver on that road: tollbooth.

When toll collection results in congestion, authorities charge more toll for solving the congestion. And the vicious cycle of toll-congestion rolls on and on. It is a great invention by Walters.

Will such penalty eliminate violation? No. On the contrary, this vicious cycle explains why higher penalty comes with higher crime rate. When crime rate increases, authorities imposes heavier penalty to press it back down. In time of turmoil, stricter law applies, so to say.

4. Safety

Is traffic light at least safe? No. Evidences show that intersection with traffic light is 10 times more dangerous than, e.g., roundabout.²

5. The Application to Economics

If the horizontal axis of Figure 1 measures the number of occupations, while its vertical axis the corresponding profit rate arranged in descending order, the negative line now represents the capacity of an economy. Different people may have different profit-occupation ranking, and they are even constantly seeking new opportunities to obtain their new capacity line. For the latter purpose, people must have free choice of profession within the capacity line.

However, if some of the occupations are declared illegal. Seeking new opportunities, some people may become criminals and, if caught, will be penalized. As long as occupation prohibition exists, some violations is inevitable. But, like the red light inside the capacity line, such prohibition is a pure setup, which invites, captures and penalizes violation. Stopping violation or crime is not its purpose.

6. The Ultimate Solution

The ultimate solution to stop crime is to to reopen the prohibited occupations, i.e., to allow laissez faire. According to Dreizinger, prisons in Holland are almost empty. Dutch people can practice any occupation: selling drugs, prostitution, gambling, wine making, etc. No smuggling is needed either, for trade within the EU is duty-free.

² <https://www.fdot.gov/agencyresources/roundabouts/benefits.shtm> (accessed on May 6, 2023).

When your profession is not illegal, you do not need any bodyguard. There is no body to protect or kill. When you have a proper job, you don't need to steal or rob anymore. When it is no longer illegal, prostitution further saves potential rapists and victims. Life is full of uncertainties, which also means opportunities, for entrepreneurs to gamble. Multiple parties and local self governments make politics a free profession, reduce wealth concentration, eliminate temptation to corrupt, and most importantly, avoid raging wars.³

Given laissez faire, some fighting, arguing, cheating, etc., as part of the bargaining process, are normal.

Laissez faire also invents more new professions, and increases the maximum density of the road of professions.

7. Conclusion

People do not demand red light or crime. They demand traffic, in order to sell their bread. Hence, penalty, even death penalty, cannot exterminate crime, if crossing road or selling bread is a crime.

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³ Drug is not a crime, as defined in the first sentence of this paper.