Moving Away from the Death Penalty

How can otherwise normal, moral persons - as citizens, voters, and jurors - participate in a process that is designed to take the life of another? In DEATH BY DESIGN, research psychologist Craig Haney argues that capital punishment, and particularly the sequence of events that lead to death sentencing itself, is maintained through a complex and elaborate social psychological system that distances and disengages us from the true nature of the task. Relying heavily on his own research and that of other social scientists, Haney suggests that these social psychological forces enable persons to engage in behavior from which many of them otherwise would refrain. However, by facilitating death sentencing in these ways, this...
inter-related set of social psychological forces also undermines the reliability and authenticity of the process, and compromises the fairness of its outcomes. Because these social psychological forces are systemic in nature - built into the very system of death sentencing itself - Haney concludes by suggesting a number of interlocking reforms, derived directly from empirical research on capital punishment, that are needed to increase the fairness and reliability of the process. The historic and ongoing public debate over the death penalty takes place not only in courtrooms, but also in classrooms, offices, and living rooms. This timely book offers stimulating insights into capital punishment for professionals and students working in psychology, law, criminology, sociology, and cultural area studies. As capital punishment receives continued attention in the media, it is also a necessary and provocative guide that empowers all readers to come to their own conclusions about the death penalty.

The Future of America's Death Penalty

After forty years of increasing prison construction and incarceration rates, winds of change are blowing through the American correctional system. The 2008 financial crisis demonstrated the unsustainability of the incarceration project, thereby empowering policy makers to reform punishment through fiscal prudence and austerity. In Cheap on Crime, Hadar Aviram draws on years of archival and journalistic research and builds on social history and economics literature to show the powerful impact of recession-era discourse on the death penalty, the war on drugs, incarceration practices, prison health care, and other aspects of the American correctional landscape.

The Decline of the Death Penalty and the Discovery of Innocence

TCR Singles Contains one featured essay from a previous issue of The Concord Review (TCR). TCR contains essays from a unique international journal of exemplary history research papers by secondary students of history. This issue features: "Capital Punishment" was written by Benjamin Patrick Chiacchia while attending Lincoln High School in Lincoln, Rhode
Abstract: Capital punishment has served a unique function in the American penal system, and its 400-year history in the United States has been surrounded by controversy. While the death penalty has a complicated history of influence, including religious norms, social sentiments, and political fervor, its exercise has often fallen to the will of the people. Activism on both sides, coupled with the normal political processes that influence this contentious facet of criminal justice, has led to a nationwide struggle over the continuation and methods used to carry out capital punishment. In the absence of a constitutional provision regarding the death penalty, debate has and continues to revolve around how and if this form of punishment will continue to be employed by the United States. This paper explores the relationship between the people and the death penalty, as well as the general history of capital punishment and the arguments posed by both sides of the debate.

The Death Penalty

NEW YORK TIMES EDITORS' CHOICE • A deeply reported, searingly honest portrait of the death penalty in Texas—and what it tells us about crime and punishment in America “Remarkably intimate, fair-minded, and trustworthy reporting on the people arguing over the fate of human life.”—Robert Kolker, New York Times bestselling author of Hidden Valley Road: Inside the Mind of an American Family

WINNER OF THE J. ANTHONY LUKAS WORK-IN-PROGRESS AWARD In 1972, the United States Supreme Court made a surprising ruling: the country’s death penalty system violated the Constitution. The backlash was swift, especially in Texas, where executions were considered part of the cultural fabric, and a dark history of lynching was masked by gauzy visions of a tough-on-crime frontier. When executions resumed, Texas quickly became the nationwide leader in carrying out the punishment. Then, amid a larger wave of criminal justice reform, came the death penalty’s decline, a trend so durable that even in Texas the punishment appears again close to extinction.

In Let the Lord Sort Them, Maurice Chammah charts the rise and fall of capital punishment through the eyes of those it touched. We meet Elsa Alcala, the orphaned daughter of a Mexican American family who found her calling as a prosecutor in the nation’s death penalty capital, before becoming a judge on the state’s highest court. We meet Danalynn Recer, a lawyer who became obsessively devoted to
unearthing the life stories of men who committed terrible crimes, and fought for mercy in courtrooms across the state. We meet death row prisoners—many of them once-famous figures like Henry Lee Lucas, Gary Graham, and Karla Faye Tucker—along with their families and the families of their victims. And we meet the executioners, who struggle openly with what society has asked them to do. In tracing these interconnected lives against the rise of mass incarceration in Texas and the country as a whole, Chammah explores what the persistence of the death penalty tells us about forgiveness and retribution, fairness and justice, history and myth. Written with intimacy and grace, Let the Lord Sort Them is the definitive portrait of a particularly American institution.

The Financial Cost of Capital Punishment in the United States of America

"In Literary Executions, John Barton analyzes nineteenth-century representations of, responses to, and arguments for and against the death penalty in the United States. The author creates a generative dialogue between artistic relics and legal history. Novels, short stories, poems, and creative nonfiction engage with legislative reports, trial transcripts, legal documents, newspaper and journal articles, treatises, and popular books (like The Record of Crimes and The Gallows, the Prison, and the Poor House), all of which participated in the debate over capital punishment. Barton focuses on several canonical figures--James Fenimore Cooper, Nathaniel Hawthorne, Lydia Maria Child, Walt Whitman, Herman Melville, and Theodore Dreiser--and offers new readings of their work in light of the death penalty controversy. Barton also gives close attention to a host of then-popular-but-now-forgotten writers--particularly John Neal, Slidell MacKenzie, William Gilmore Simms, Sylvester Judd, and George Lippard--whose work helped shape or was in turn shaped by the influential anti-gallows movement. As illustrated in the book's epigraph by Samuel Johnson -- "Depend upon it Sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully" -- Barton argues that the high stakes of capital punishment dramatize the confrontation between the citizen-subject and sovereign authority. In bringing together the social and the aesthetic, Barton traces the emergence of the modern State's administration of lawful death. The book is intended primarily for
Access Free Research Paper On Capital Punishment

literary scholars, but cultural and legal historians will also find value in it, as will anyone interested in the intersections among law, culture, and the humanities"

Death by Design

In the 1970s and the 1980s, polls in the United States showed approval of the death penalty growing consistently, with nearly 80 percent of the public favoring capital punishment for murderers in 1988. Yet during the last decade, when approximately 300 persons were sentenced to the death penalty each year, an average of only ten were executed each year. And those deaths that did occur were normally delayed for eight years after sentencing. What explains these significant refusals to implement policies of capital punishment? Raymond Paternoster demonstrates conclusively that despite the public’s desire to punish criminals, to protect ourselves, to spend tax dollars effectively, and to compensate victims' families, we are reluctant to actually take the lives of prisoners, and, in fact, that most Americans would choose to abolish capital punishment if they knew of an effective alternative. That alternative, Paternoster asserts, is to replace the death penalty with sentences of life without parole, along with mandatory financial restitution to the victim's survivors. This policy would ensure that convicted murderers receive harsh punishment, and with parole forbidden in all cases, the public would be protected from any future crimes such criminals could commit. Paternoster shows that life sentences may actually be less expensive than execution and a more effective deterrent than the infrequently imposed death penalty. In addition, life sentences could require prisoners to pay a portion of their prison wages to their victims' survivors. Most importantly, such a policy would ensure that the government does not execute innocent people. Paternoster’s well-documented book argues cogently against capital punishment as an appropriate and effective response to murderers and offers a sound alternative that addresses the public's demand for justice, safety, and restitution.

Death Penalty Cases

Comparative Capital Punishment offers a set of in-depth, critical and comparative contributions addressing death practices around the
world. Despite the dramatic decline of the death penalty in the last half of the twentieth century, capital punishment remains in force in a substantial number of countries around the globe. This research handbook explores both the forces behind the stunning recent rejection of the death penalty, as well as the changing shape of capital practices where it is retained. The expert contributors address the social, political, economic, and cultural influences on both retention and abolition of the death penalty and consider the distinctive possibilities and pathways to worldwide abolition.

The Case Against the Death Penalty

The history of the execution of women in the United States has largely been ignored and scholars have given scant attention to gender issues in capital punishment. This historical analysis examines the social, political and economic contexts in which the justice system has put women to death, revealing a pattern of patriarchal domination and female subordination. The book includes a discussion of condemned women granted executive clemency and judicial commutations, an inquiry into women falsely convicted in potentially capital cases and a profile of the current female death row population.

Slavery and the Death Penalty

This collection asks questions about the received wisdom of the debate about capital punishment. Woven through the book, questions are asked of, and remedies proposed for, a raft of issues identified as having been overlooked in the traditional discourse. It provides a long overdue review of the disparate groups and strategies that lay claim to abolitionism. The authors argue that capital litigators should use their skills challenging the abuses not just of process, but of the conditions in which the condemned await their fate, namely prison conditions, education, leisure, visits, medical services, etc. In the aftermath of successful constitutional challenges it is the beneficiaries (arguably those who are considered successes, having been 'saved' from the death penalty and now serving living death penalties of one sort or another) who are suffering the cruel and inhumane alternative. Part I of the book offers a selection of diverse, nuanced examinations of death penalty
phenomena, scrutinizing complexities frequently omitted from the narrative of academics and activists. It offers a challenging and comprehensive analysis of issues critical to the abolition debate. Part II offers examinations of countries usually absent from academic analysis to provide an understanding of the status of the debate locally, with opportunities for wider application.

Facing the Death Penalty

Capital Punishment: The Defining Issues for the Next Generation, comprised of original chapters authored by nationally distinguished scholars, is an ambitious effort to identify the most critical issues confronting the future of capital punishment in the United States and the steps that must be taken to gather and analyze the information that will be necessary for informed policy judgments. Contributors will articulate the most pressing issues of administration, litigation, legislation, and executive action confronting the future of capital punishment, and identify research strategies designed to supply answers to those questions. The book represents a valuable academic contribution, particularly within criminal justice and law, and promises to be of interest as well to policymakers and practitioners. It will be published a generation after the Supreme Court’s landmark decision in Gregg v. Georgia (1976) heralded the "modern era" of capital punishment, and at a time when the efficacy and operation of the death penalty are under intensive scrutiny by governmental study commissions throughout the country. The book is organized into six sections: (A) Institutional and Disciplinary Perspectives on the Death Penalty; (B) Capital Punishment: Public Policy Perspectives; (C) The Death Penalty as Applied; (D) Participants in the Capital Punishment Process; (E) The Punishment of Death; and (F) Interdisciplinary Perspectives: Toward a Research Agenda for the Future.

Women and Capital Punishment in the United States

Capital punishment is one of the more controversial subjects in the social sciences, especially in criminal justice and criminology. Over the last decade or so, the United States has experienced a significant decline in the number of death sentences and executions. Since 2007, eight states have abolished capital punishment, bringing
the total number of states without the death penalty to 19, plus the District of Columbia, and more are likely to follow suit in the near future (Nebraska reinstated its death penalty in 2016). Worldwide, 70 percent of countries have abolished capital punishment in law or in practice. The current trend suggests the eventual demise of capital punishment in all but a few recalcitrant states and countries. Within this context, a fresh look at capital punishment in the United States and worldwide is warranted. The Routledge Handbook on Capital Punishment comprehensively examines the topic of capital punishment from a wide variety of perspectives. A thoughtful introductory chapter from experts Bohm and Lee presents a contextual framework for the subject matter, and chapters present state-of-the-art analyses of a range of aspects of capital punishment, grouped into five sections: (1) Capital Punishment: History, Opinion, and Culture; (2) Capital Punishment: Rationales and Religious Views; (3) Capital Punishment and Constitutional Issues; (4) The Death Penalty’s Administration; and (5) The Death Penalty’s Consequences. This is a key collection for students taking courses in prisons, penology, criminal justice, criminology, and related subjects, and is also an essential reference for academics and practitioners working in prison service or in related agencies.

Comparative Capital Punishment

The Death Penalty, Third Edition, brings together all the legal issues related to the death penalty and provides case briefs for the most important United States Supreme Court death penalty cases. No other book available brings together a discussion of the major constitutional issues surrounding the death penalty with a broad array of associated case briefs. The authors classify cases according to legal issues and provide a commentary on the various sub-topics, presenting legal materials in an easily understood form. Though the primary audiences of the book are undergraduates in criminal justice programs and practitioners in the corrections and justice systems, the book will also prove useful to anyone who has an interest in the death penalty, the criminal justice system, or the United States Constitution. Every chapter starts with commentaries regarding general case law in a sub-topic, such as aggravating and mitigating factors, followed by a chart of the cases briefed in the chapter, and then the case briefs. These case briefs acquaint the
reader with Supreme Court cases by summarizing facts, issues, reasons, and holdings. The Death Penalty, Third Edition, is a succinct, trusted guide to the law of capital punishment in the United States.

Capital Punishment

Bachelor Thesis from the year 2011 in the subject Business economics - Law, grade: 1,0, Berlin School of Economics and Law, language: English, abstract: Awareness surrounding the financial burden of capital punishment is increasing and slowly beginning to permeate the American Society. However, not enough light has been shed on the sources that are causing the financial devastation. The death-is-different legal doctrine in the United States grants procedural protection that is unique for capital litigation providing individual consideration for each case. The paper investigates the price increase by capitally adjudicating a case compared to a non-capital litigation. Looking at the economic side of the impact of legal statutes should contribute to the discussion about choosing alternative punishments, such as life incarceration without the possibility of parole, and the systems’ improvement prospects or the lack thereof. In the aftermath of a severe economic crisis and with ongoing financial solvency crises of interdependent nations, cost cutting considerations become all the more essential. Further, it is "Time to consider whether maintaining the costly death penalty system is being smart on crime" by briefly looking into where the money could be invested instead in order to achieve an equivalent effect. In short, the paper aims at ascertaining the financial cost of capital punishment and how the discoveries can impact jurisprudence. The central questions are the following. How to approach the financial cost of death penalty? What are the cost drivers of the system? Are there calculable benefits? How did and can economic arguments influence the legitimacy of capital punishment? The paper is structured as follows. The introduction is designed to lay out the framework of the United States capital punishment system. The main part provides an overview of the developments in approaching the cost of state-sanctioned killing, then explores the key cost drivers and f

Legacy of Violence
Since 1996, death sentences in America have declined by more than 60 percent, reversing a generation-long trend toward greater acceptance of capital punishment. In theory, most Americans continue to support the death penalty. But it is no longer seen as a theoretical matter. Prosecutors, judges, and juries across the country have moved in large numbers to give much greater credence to the possibility of mistakes - mistakes that in this arena are potentially fatal. The discovery of innocence, documented in this book through painstaking analyses of media coverage and with newly developed methods, has led to historic shifts in public opinion and to a sharp decline in use of the death penalty by juries across the country. A social cascade, starting with legal clinics and innocence projects, has snowballed into a national phenomenon that may spell the end of the death penalty in America.

Arbitrary Death

Deterrence and the Death Penalty

As most jurisdictions move away from the death penalty, some remain strongly committed to it, while others hold on to it but use it sparingly. This volume seeks to understand why, by examining the death penalty’s relationship to state governance in the past and present. It also examines how international, transnational and national forces intersect in order to understand the possibilities of future death penalty abolition. The chapters cover the USA - the only western democracy that still uses the death penalty - and Asia - the site of some 90 per cent of all executions. Also included are discussions of the death penalty in Islam and its practice in selected Muslim majority countries. There is also a comparative chapter departing from the response to the mass killings in Norway in 2011. Leading experts in law, criminology and human rights combine theory and empirical research to further our understanding of the relationships between ways of governance, the role of leadership and the death penalty practices. This book questions whether the death penalty in and of itself is a hazard to a sustainable development of criminal justice. It is an invaluable resource for all those researching and campaigning for the global abolition of capital punishment.
Debating the Death Penalty

The death penalty arouses our passions as does few other issues. Some view taking another person's life as just and reasonable punishment while others see it as an inhumane and barbaric act. But the intensity of feeling that capital punishment provokes often obscures its long and varied history in this country. Now, for the first time, we have a comprehensive history of the death penalty in the United States. Law professor Stuart Banner tells the story of how, over four centuries, dramatic changes have taken place in the ways capital punishment has been administered and experienced. In the seventeenth and eighteenth centuries, the penalty was standard for a laundry list of crimes--from adultery to murder, from arson to stealing horses. Hangings were public events, staged before audiences numbering in the thousands, attended by women and men, young and old, black and white alike. Early on, the gruesome spectacle had explicitly religious purposes--an event replete with sermons, confessions, and last minute penitence--to promote the salvation of both the condemned and the crowd. Through the nineteenth century, the execution became desacralized, increasingly secular and private, in response to changing mores. In the twentieth and twenty-first centuries, ironically, as it has become a quiet, sanitary, technological procedure, the death penalty is as divisive as ever. By recreating what it was like to be the condemned, the executioner, and the spectator, Banner moves beyond the debates, to give us an unprecedented understanding of capital punishment's many meanings. As nearly four thousand inmates are now on death row, and almost one hundred are currently being executed each year, the furious debate is unlikely to diminish. The Death Penalty is invaluable in understanding the American way of the ultimate punishment. Table of Contents: Abbreviations Introduction 1. Terror, Blood, and Repentance 2. Hanging Day 3. Degrees of Death 4. The Origins of Opposition 5. Northern Reform, Southern Retention 6. Into the Jail Yard 7. Technological Cures 8. Decline 9. To the Supreme Court 10. Resurrection Epilogue Appendix: Counting Executions Notes Acknowledgments Index Reviews of this book: [Banner] deftly balances history and politics, crafting a book that will be valuable to anyone interested in knowing more about capital punishment, no matter what his or her views are on the ethical issues surrounding the topic. --David Pitt, Booklist Reviews of this book: In this well-
researched and clear account Banner charts how and why this country went from having one of the world's mildest punitive systems to one of its harshest. --Publishers Weekly

Reviews of this book: Stuart Banner's book is fine and balanced and important. His lucid history of this grim subject is scrupulously accurate and refreshingly free of the tendentiousness and the sensationalism that this subject invites. --Richard A. Posner, New Republic

Reviews of this book: [The] contrast between the past and the present can now be seen with great clarity thanks to Stuart Banner and his comprehensive book, The Death Penalty American historians have been slow to undertake anything like a full-scale study of the subject Banner's book does much to fill [the gaps]. His book is an important and comprehensive treatment of the topic. --Hugo Adam Bedau, Boston Review

Reviews of this book: Despite the gruesome nature of the book's topic, it is difficult to stop reading. Banner's research is fascinating, his writing style compelling. Given the emotional nature of the subject (few people known to me are wishy-washy about whether the death penalty is moral or immoral), Banner walks the line of neutrality skillfully, without seeming evasive. --Steve Weinberg, Legal Times

Reviews of this book: Stuart Banner's The Death Penalty is a tour de force, remarkable for its neutrality as it traces the ways in which the death penalty has been applied, and for what kinds of crimes, from the Colonial era to the present. Banner writes like a historian who believes perspective is best gained by dispassionately setting out what happened and letting everyone come to his or her own conclusions. I think, in this book, that works wonderfully. On a subject in which emotions run so high, it seems awfully useful to have a dispassionate voice. After all, if Banner allowed his own feelings on the death penalty--pro, con or somewhere in the middle--to be known, the book easily could be dismissed as a diatribe. He doesn't, and it can't. --Judith Neuman Beck, San Jose Mercury News

Reviews of this book: Law professor Banner offers a persuasive examination of the evolution of capital punishment from Colonial times onward. He makes clear that the death penalty has possessed generally consistent support from the US populace, although changes in the sensibilities of juries, executioners, legal theoreticians, and judges have occurred Highly recommended. --R. C. Cottrell, Choice

Reviews of this book: Stuart Banner aptly illustrates in The Death Penalty, like the nation, the death penalty has changed with the times Banner's account
spotlights a number of interesting trends in American history. Mostly evenhanded in the tour he provides through the history of the death penalty and its role in and reflection of American society, he has managed to provide an accessible look at what is a profoundly controversial and complicated subject. --Steven Martinovich, Ft. Lauderdale Sun-Sentinel

Reviews of this book: "For centuries," Stuart Banner tells us, "Americans had been proud to possess a criminal-justice system that made less use of the death penalty than just about any other place on the globe, including the countries of western Europe." But no longer. Now we possess "one of the harshest criminal codes in the world." The Death Penalty helps explain that turnaround, but only in the course of a complicated story in which different factors emerge at different times to play often unforeseeable roles. [This is a] superbly told history. --Paul Rosenberg, Denver Post and Rocky Mountain News

Reviews of this book: Stuart Banner's lucid, richly researched book brings us, for the first time, a comprehensive history of American capital punishment from colonial times to the present. He describes the practices that characterized the institution at different periods, elucidates their ritual purposes and social meanings, and identifies the forces that led to their transformation. The book's well-ordered narrative is interspersed with individual case histories, that give flesh and blood to the account. --David Garland, Times Literary Supplement

Reviews of this book: [An] informative, even-handed, chillingly fascinating account of why and how the U.S. government and many state governments decided to sponsor executions of criminals--even though innocent defendants might die, too. --Jane Henderson, St. Louis Post-Dispatch

Reviews of this book: Stuart Banner’s The Death Penalty is a splendidly objective achievement. Delightfully written, free of academic pretense, liberally sprinkled with apt references from contemporary sources, the book exhaustively explores the multifaceted evolution of America's penal practices. --Elsbeth Bothe, Baltimore Sun

The Death Penalty is certain to be the definitive account of the American experience with capital punishment, from its beginnings in the seventeenth century, to the execution of Timothy McVeigh in 2001. This is a first rate piece of scholarship: well written, deeply researched, fascinating to read, and full of insights and good common sense. It is, in my view, one of the finest books to deal with this troubled and troubling subject. Historical and legal scholarship owe a debt of gratitude to Stuart
Banner. --Lawrence Friedman, Stanford Law School  A masterful book. This is a long overdue account which fills a huge gap in our understanding of America's long and complex relationship to state killing. With meticulous scholarship and lucid prose, Banner has written a compelling account of the place of capital punishment in our society. It sets the standard for all future scholarship on the history of the death penalty in America. --Austin Sarat, author of When the State Kills: Capital Punishment and the American Condition  The Death Penalty, a study we have badly needed, is the first history of the nation's engagement--as well as its disengagement--with capital punishment from the country's earliest days to the present. With a sure grasp of the constitutional issues, Stuart Banner greatly advances a conversation at last underway about the rightness of putting people to death for having inflicted a death. Banner's greatest and most useful feat is remaining dispassionate on a subject that he cares deeply about--as do a growing number of his fellow Americans. --William S. McFeely, author of Proximity to Death  The Death Penalty beautifully explains the changing paths traveled by supporters and opponents of capital punishment over the years. It explores a subject of enormous symbolic importance to Americans today, linking our views about the death penalty to our larger concerns about crime. --David Oshinsky, author of "Worse Than Slavery": Parchman Farm and the Ordeal of Jim Crow Justice  Banner's book is a superbly detailed and textured social history of a subject too often treated in legal abstractions. It demonstrates how capital punishment has gnawed at the conscience and imagination of Americans, and how it has challenged their efforts to define themselves culturally, politically, and racially. --Robert Weisberg, Stanford Law School

The Death Penalty

This ebook is a selective guide designed to help scholars and students of criminology find reliable sources of information by directing them to the best available scholarly materials in whatever form or format they appear from books, chapters, and journal articles to online archives, electronic data sets, and blogs. Written by a leading international authority on the subject, the ebook provides bibliographic information supported by direct recommendations about which sources to consult and editorial
commentary to make it clear how the cited sources are interrelated.

A reader will discover, for instance, the most reliable introductions and overviews to the topic, and the most important publications on various areas of scholarly interest within this topic. In criminology, as in other disciplines, researchers at all levels are drowning in potentially useful scholarly information, and this guide has been created as a tool for cutting through that material to find the exact source you need. This ebook is a static version of an article from Oxford Bibliographies Online: Criminology, a dynamic, continuously updated, online resource designed to provide authoritative guidance through scholarship and other materials relevant to the study and practice of criminology. Oxford Bibliographies Online covers most subject disciplines within the social science and humanities, for more information visit www.aboutobo.com.

Capital Punishment: Oxford Bibliographies Online Research Guide

At the start of the twenty-first century, America is in the midst of a profound national reconsideration of the death penalty. There has been a dramatic decline in the number of people being sentenced to death as well as executed, exonerations have become common, and the number of states abolishing the death penalty is on the rise. The essays featured in The Road to Abolition? track this shift in attitudes toward capital punishment, and consider whether or not the death penalty will ever be abolished in America. The interdisciplinary group of experts gathered by Charles J. Ogletree Jr., and Austin Sarat ask and attempt to answer the hard questions that need to be addressed if the death penalty is to be abolished. Will the death penalty end only to be replaced with life in prison without parole? Will life without the possibility of parole become, in essence, the new death penalty? For abolitionists, might that be a pyrrhic victory? The contributors discuss how the death penalty might be abolished, with particular emphasis on the current debate over lethal injection as a case study on why and how the elimination of certain forms of execution might provide a model for the larger abolition of the death penalty.

When the State Kills
The Death Penalty

From 1965 until 1980, there was a virtual moratorium on executions for capital offenses in the United States. This was due primarily to protracted legal proceedings challenging the death penalty on constitutional grounds. After much Sturm und Drang, the Supreme Court of the United States, by a divided vote, finally decided that "the death penalty does not invariably violate the Cruel and Unusual Punishment Clause of the Eighth Amendment." The Court’s decisions, however, do not moot the controversy about the death penalty or render this excellent book irrelevant. The ball is now in the court of the Legislature and the Executive. Legislatures, federal and state, can impose or abolish the death penalty, within the guidelines prescribed by the Supreme Court. A Chief Executive can commute a death sentence. And even the Supreme Court can change its mind, as it has done on many occasions and did, with respect to various aspects of the death penalty itself, during the moratorium period. Also, the people can change their minds. Some time ago, a majority, according to reliable polls, favored abolition. Today, a substantial majority favors imposition of the death penalty. The pendulum can swing again, as it has done in the past.

The Case for Capital Punishment

The Road to Abolition?

Many studies during the past few decades have sought to determine whether the death penalty has any deterrent effect on homicide rates. Researchers have reached widely varying, even contradictory, conclusions. Some studies have concluded that the threat of capital punishment deters murders, saving large numbers of lives; other studies have concluded that executions actually increase homicides; still others, that executions have no effect on murder rates. Commentary among researchers, advocates, and policymakers on the scientific validity of the findings has sometimes been acrimonious. Against this backdrop, the National Research Council report Deterrence and the Death Penalty assesses whether the
available evidence provides a scientific basis for answering
questions of if and how the death penalty affects homicide rates.
This new report from the Committee on Law and Justice concludes
that research to date on the effect of capital punishment on homicide
rates is not useful in determining whether the death penalty
increases, decreases, or has no effect on these rates. The key
question is whether capital punishment is less or more effective as a
deterrent than alternative punishments, such as a life sentence
without the possibility of parole. Yet none of the research that has
been done accounted for the possible effect of noncapital
punishments on homicide rates. The report recommends new
avenues of research that may provide broader insight into any
deterrent effects from both capital and noncapital punishments.

The Death Penalty

Death Penalty Cases presents significant verbatim excerpts of death-
penalty decisions from the United States Supreme Court. The first
chapter introduces the topics discussed throughout the book. It also
includes a detailed history of the death penalty in the United States.
After this introduction, the remaining eighteen chapters are divided
into five parts: Foundational Cases, Death-Eligible Crimes and
Persons, The Death Penalty Trial, Post-Conviction Review, and
Execution Issues. The first part, consisting of five chapters, talks
about the mandatory death penalty, mitigating evidence and racial
bias. The next part covers death-eligible crimes, such as rape and
other crimes that do not involve homicide and murder. The middle
part presents the trial process, from choosing the appropriate
decision-makers through the sentencing decision. Followed by this
is a chapter focusing on the aftermath of conviction, such as claims
of innocence. The book concludes by exploring issues related to
execution, such as not executing insane convicts. Finally, execution
methods are presented. Provides the most recent case material--no
need to supplement Topical organization of cases provides a more
logical organization for structuring a course Co-authors with
different perspectives on the death penalty assures complete
impartiality of the material Provides the necessary historical
background, a clear explanation of the current capital case process,
and an impartial description of the controversies surrounding the
death penalty Provides the latest statistics relevant to discussions
on the death penalty Clearly explains the different ways in which the states process death penalty cases, with excerpts of the most relevant statutes

Capital Punishment: New Perspectives

Capital punishment is irrevocable. It prohibits the correction of mistakes by the justice system and leaves no room for human error, with the gravest of consequences. There is no evidence of a deterrent effect of the death penalty. Those sacrificed on the altar of retributive justice are almost always the most vulnerable. This book covers a wide range of topics, from the discriminatory application of the death penalty, wrongful convictions, proven lack of deterrence effect, to legality of the capital punishment under international law and the morality of taking of human life.

Routledge Handbook on Capital Punishment

Over a career spanning nearly four decades, Rick Unklesbay has tried over one hundred murder cases before juries that ended with sixteen men and women receiving the death sentence. Arbitrary Death depicts some of the most horrific murders in Tucson, Arizona, the author’s prosecution of those cases, and how the death penalty was applied. It provides the framework to answer the questions: Why is America the only Western country to still use the death penalty? Can a human-run system treat those cases fairly and avoid unconstitutional arbitrariness? It is an insider's view from someone who has spent decades prosecuting murder cases and who now argues that the death penalty doesn't work and our system is fundamentally flawed. With a rational, balanced approach, Unklesbay depicts cases that represent how different parts of the criminal justice system are responsible for the arbitrary nature of the death penalty and work against the fair application of the law. The prosecution, trial courts, juries, and appellate courts all play a part in what ultimately is a roll of the dice as to whether a defendant lives or dies. Arbitrary Death is for anyone who wonders why and when its government seeks to legally take the life of one of its citizens. It will have you questioning whether you can support a system that applies death as an arbitrary punishment -- and often decades after the sentence was given.
The Death Penalty

The first comprehensive history of lynchings and state-sanctioned executions in Minnesota. Minnesota is one of only twelve states that does not allow the death penalty, but that was not always the case. In fact, until 1911 executions in the state were legal and frequently carried out. In Legacy of Violence, John D. Bessler takes us on a compelling journey through the history of lynchings and state-sanctioned executions that dramatically shaped Minnesota's past. Through personal accounts of those involved with the events, Bessler traces the history of both famous and lesser-known executions and lynchings in Minnesota, the state's anti-death penalty and anti-lynching movements, and the role of the media in the death penalty debate. Bessler reveals Abraham Lincoln's thoughts as he ordered the largest mass execution in U.S. history of thirty-eight Indians in Mankato after the Dakota Conflict of 1862. He recounts the events surrounding the death of Ann Bilansky, the only woman ever executed in Minnesota, and the infamous botched hanging of William Williams, which led to renewed calls for the abolition of capital punishment. He tells the story of the 1920 lynching in Duluth of three African-American circus workers--wrongfully accused of rape--and the anti-lynching crusade that followed. The significant role that Minnesota played in America’s transformation to private, after-dark executions is presented in the discussion of the "midnight assassination law." Bessler's account is made more timely by the thirty-five hundred people on death row in America today--more than at any other time in our nation’s history. Is Minnesota's current approach superior to that of states that have capital punishment? Bessler looks at Minnesota history to ask whether the application of the death penalty can truly solve the problem of violence in America.

Capital Punishment

It has long been acknowledged that the death penalty in the United States of America has been shaped by the country’s history of slavery and racial violence, but this book considers the lesser-explored relationship between the two practices’ respective abolitionist movements. The book explains how the historical and conceptual links between slavery and capital punishment have both
helped and hindered efforts to end capital punishment. The comparative study also sheds light on the nature of such efforts, and offers lessons for how death penalty abolitionism should proceed in future. Using the history of slavery and abolition, it is argued that anti-death penalty efforts should be premised on the ideologies of the radical slavery abolitionists.

Cheap on Crime

Is capital punishment just? Does it deter people from murder? What is the risk that we will execute innocent people? These are the usual questions at the heart of the increasingly heated debate about capital punishment in America. In this bold and impassioned book, Austin Sarat seeks to change the terms of that debate. Capital punishment must be stopped, Sarat argues, because it undermines our democratic society. Sarat unflinchingly exposes us to the realities of state killing. He examines its foundations in ideas about revenge and retribution. He takes us inside the courtroom of a capital trial, interviews jurors and lawyers who make decisions about life and death, and assesses the arguments swirling around Timothy McVeigh and his trial for the bombing in Oklahoma City. Aided by a series of unsettling color photographs, he traces Americans' evolving quest for new methods of execution, and explores the place of capital punishment in popular culture by examining such films as Dead Man Walking, The Last Dance, and The Green Mile. Sarat argues that state executions, once used by monarchs as symbolic displays of power, gained acceptance among Americans as a sign of the people's sovereignty. Yet today when the state kills, it does so in a bureaucratic procedure hidden from view and for which no one in particular takes responsibility. He uncovers the forces that sustain America's killing culture, including overheated political rhetoric, racial prejudice, and the desire for a world without moral ambiguity. Capital punishment, Sarat shows, ultimately leaves Americans more divided, hostile, indifferent to life's complexities, and much further from solving the nation's ills. In short, it leaves us with an impoverished democracy. The book's powerful and sobering conclusions point to a new abolitionist politics, in which capital punishment should be banned not only on ethical grounds but also for what it does to Americans and what we cherish.
Let the Lord Sort Them

The fifth edition of this highly praised study charts and explains the progress that continues to be made towards the goal of worldwide abolition of the death penalty. The majority of nations have now abolished the death penalty and the number of executions has dropped in almost all countries where abolition has not yet taken place. Emphasizing the impact of international human rights principles and evidence of abuse, the authors examine how this has fueled challenges to the death penalty and they analyze and appraise the likely obstacles, political and cultural, to further abolition. They discuss the cruel realities of the death penalty and the failure of international standards always to ensure fair trials and to avoid arbitrariness, discrimination and conviction of the innocent: all violations of the right to life. They provide further evidence of the lack of a general deterrent effect; shed new light on the influence and limits of public opinion; and argue that substituting for the death penalty life imprisonment without parole raises many similar human rights concerns. This edition provides a strong intellectual and evidential basis for regarding capital punishment as undeniably cruel, inhuman and degrading. Widely relied upon and fully updated to reflect the current state of affairs worldwide, this is an invaluable resource for all those who study the death penalty and work towards its removal as an international goal.

Cruel and Unusual

Two distinguished social and political philosophers take opposing positions in this highly engaging work. Louis P. Pojman justifies the practice of execution by appealing to the principle of retribution: we deserve to be rewarded and punished according to the virtue or viciousness of our actions. He asserts that the death penalty does deter some potential murderers and that we risk the lives of innocent people who might otherwise live if we refuse to execute those deserving that punishment. Jeffrey Reiman argues that although the death penalty is a just punishment for murder, we are not morally obliged to execute murderers. Since we lack conclusive evidence that executing murderers is an effective deterrent and because we can foster the advance of civilization by demonstrating our intolerance for cruelty in our unwillingness to kill those who kill...
others, Reiman concludes that it is good in principle to avoid the death penalty, and bad in practice to impose it.

Principles of Criminology

Research Paper (undergraduate) from the year 2015 in the subject Law - Criminal process, Criminology, Law Enforcement, grade: A, University of Alaska Fairbanks, language: English, abstract: This is an investigation into the death penalty and how it is applied across political lines in America. With a focus on the differences in Democratic run states and Republican run states. The death penalty and its effects on a state’s murder rate have long been a point of controversy. It has been debated whether the death penalty is a deterrent to crime. There is an ongoing need to understand the deterrence effect of the death penalty, in order to understand how to properly lower the murder rates in a given area. Further, in order to understand if the death penalty is applied in a given state, it is important to look at the political orientation of a particular state. Political orientation can have a strong affect on the punishment type chosen by a particular state. This study seeks to clarify the debate by looking at the statistical facts, and formulating hypothesis. (1) the death penalty is a deterrent for the crime of murder. (2) Conservative states are more likely to employ the death penalty. Null hypothesis, (1) the death penalty has no effect on the murder rate. (2) political leanings of a state do not determine if they have the death penalty.

Literary Executions

Does the prospect of possible execution save lives by deterring the act of murder? Heilbrun presents evidence concerning whether state death penalties demonstrate the two necessary properties of a true deterrent. He also analyzes rarely-considered factors that influence the deterrence of murder and discusses the common criticisms of capital punishment.

The International Library of Essays on Capital Punishment, Volume 2

This fourth edition of the first true textbook on the death penalty engages the reader with a full account of the arguments and issues
surrounding capital punishment. The book begins with the history of the death penalty from colonial to modern times, and then examines the moral and legal arguments for and against capital punishment. It also provides an overview of major Supreme Court decisions and describes the legal process behind the death penalty. In addressing these issues, the author reviews recent developments in death penalty law and procedure, including ramifications of newer case law, such as that regarding using lethal injection as a method of execution. The author’s motivation has been to understand what motivates the "deathquest" of the American people, leading a large percentage of the public to support the death penalty. The book will educate readers so that whatever their death penalty opinions are, they are informed ones.

**TCR Singles 26-3 Capital Punishment**

The true and gripping account of the nine-year struggle by a small band of lawyers to abolish the death penalty in the United States. Its new edition features a 2011 Foreword by death-penalty author Evan Mandery of CUNY’s John Jay College of Criminal Justice, as well as a new Preface by the author. The mission, plotted out over lunch in New York’s Central Park in the early 1960s, seemed as impossible as going to the moon: abolish capital punishment in every state. The approach would fight on multiple fronts, with multiple strategies. The people would be dedicated, bright, unsure, unpopular, and fascinating. This is their story: not only the cases and the arguments before courts, the death row inmates and their victims, the judges and politicians urging law and order, this is the true account of the real-life lawyers from the inside. The United States indeed went to the moon, and a few years later the U.S. Supreme Court ruled the death penalty unconstitutional. The victory was long-sought and sweet, and the pages of this book vividly let the reader live the struggle and the victory. And while the abolition eventually became as impermanent as the nation's presence on the moon, these dedicated attorneys certainly made a difference. This is their tale. As Evan Mandery writes in his new Foreword, "In these pages, Meltsner lays bare every aspect of his and his colleagues' thinking. You will read how they handicapped their chances, which arguments they thought would work (you may be surprised), and what they thought of the Supreme Court justices who would decide the crucial cases.
You will come to understand what they perceived to be the basis for support for the death penalty, and, with Meltsner's unflinching honesty, what they perceived to be the inconsistencies in their position. "Mandery concludes: "It is my odd lot in life to have read almost every major book ever written about the death penalty in America. This is the best and the most important. Every serious scholar who wants to advance an argument about capital punishment in the United States--whether it is abolitionist or in favor of the death penalty, or merely a tactical assessment--cites this book. It is open and supremely accessible." And the author's "constitutional vision was years ahead of its time. His book is timeless." Part of the Legal History and Biography Series from Quid Pro Books, the new ebook editions feature embedded pagination from previous editions (consistent with the new paperback edition as well, allowing continuity in all formats), active TOC and endnotes, and quality digital formatting.

DeathQuest

The essays selected for this volume develop conventional abolition discourse and explore the conceptual framework through which abolition is understood and posited. Of particular interest is the attention given to an integral but often forgotten element of the abolition debate: alternatives to capital punishment. The volume also provides an account of strategies employed by the abolition community which challenges tired methodologies and offers a level of transparency previously unseen. This collection tackles complex but fundamental components of the capital punishment debate using empirical data and expert observations and is essential reading for those wishing to comprehend the fundamental issues which underpin capital punishment discourse.

The Death Penalty in Democratic and Republican States and its Effects on a State’s Murder Rate

This classic has been the most authoritative text in the field since 1924. The thoroughly revised Eleventh Edition continues to provide a sound, sophisticated, sociological treatment of the principal issues in criminology.
The History of the Death Penalty in Colorado

An in-depth examination of what life under a sentence of death is like.

A Study of the Deterrent Effect of Capital Punishment with Special Reference to the Canadian Situation

Experts on both side of the issue speak out both for and against capital punishment and the rationale behind their individual beliefs.

Capital Punishment in America

In The History of the Death Penalty in Colorado, noted death penalty scholar Michael Radelet chronicles the details of each capital punishment trial and execution that has taken place in Colorado since 1859. The book describes the debates and struggles that Coloradans have had over the use of the death penalty, placing the cases of the 103 men whose sentences were carried out and 100 more who were never executed into the context of a gradual worldwide trend away from this form of punishment. For more than 150 years, Coloradans have been deeply divided about the death penalty, with regular questions about whether it should be expanded, restricted, or eliminated. It has twice been abolished, but both times state lawmakers reinstated the contentious punitive measure. Prison administrators have contributed to this debate, with some refusing to participate in executions and some lending their voices to abolition efforts. Colorado has also had a rich history of experimenting with execution methods, first hanging prisoners in public and then, starting in 1890, using the "twitch-up gallows" for four decades. In 1933, Colorado began using a gas chamber and eventually moved to lethal injection in the 1990s. Based on meticulous archival research in official state archives, library records, and multimedia sources, The History of the Death Penalty in Colorado, will inform the conversation on both sides of the issue anywhere the future of the death penalty is under debate.