

The Killing State Capital Punishment In Law Politics And Culture

In the mid-1990s, as public trust in big government was near an all-time low, 80% of Americans told Gallup that they supported the death penalty. Why did people who didn't trust government to regulate the economy or provide daily services nonetheless believe that it should have the power to put its citizens to death? That question is at the heart of *Executing Freedom*, a powerful, wide-ranging examination of the place of the death penalty in American culture and how it has changed over the years. Drawing on an array of sources, including congressional hearings and campaign speeches, true crime classics like *In Cold Blood*, and films like *Dead Man Walking*, Daniel LaChance shows how attitudes toward the death penalty have reflected broader shifts in Americans' thinking about the relationship between the individual and the state. Emerging from the height of 1970s disillusion, the simplicity and moral power of the death penalty became a potent symbol for many Americans of what government could do—and LaChance argues, fascinatingly, that it's the very failure of capital punishment to live up to that mythology that could prove its eventual undoing in the United States.

Today, death sentences in the U.S. are as rare as lightning strikes. Brandon Garrett shows us the reasons why, and explains what the failed death penalty experiment teaches about the effect of inept lawyering, overzealous prosecution, race discrimination, wrongful convictions, and excessive punishments throughout the criminal justice system.

The Killing State Capital Punishment in Law, Politics, and Culture Oxford University Press on Demand

Over 7,000 people have been legally executed in the United States this century, and over 3,000 men and women now sit on death rows across the country awaiting the same fate. Since the Supreme Court temporarily halted capital punishment in 1972, the death penalty has returned with a vengeance. Today there appears to be a widespread public consensus in favor of capital punishment and considerable political momentum to ensure that those sentenced to death are actually executed. Yet the death penalty remains troubling and controversial for many people. *The Killing State: Capital Punishment in Law, Politics, and Culture* explores what it means when the state kills and what it means for citizens to live in a killing state, helping us understand why America clings tenaciously to a punishment that has been abandoned by every other industrialized democracy. Edited by a leading figure in socio-legal studies, this book brings together the work of ten scholars, including recognized experts on the death penalty and noted scholars writing about it for the first time. Focused more on theory than on advocacy, these bracing essays open up new questions for scholars and citizens: What is the relationship of the death penalty to the maintenance of political sovereignty? In what ways does the death penalty resemble and enable other forms of law's violence? How is capital punishment portrayed in popular culture? How does

capital punishment express the new politics of crime, organize positions in the "culture war," and affect the structure of American values? This book is a timely examination of a vitally important topic: the impact of state killing on our law, our politics, and our cultural life.

Evolving Standards of Decency examines the ways in which popular culture portrays the death penalty. By analyzing literature and film, Atwell argues that capital punishment becomes much more complex when both offenders and victims are presented as fully developed individuals. Those studying justice issues, corrections, or capital punishment will find this an accessible work that places the stories read in novels or seen in movies in the context of the legal system that has the power of life and death.

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.

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

Is the Death Penalty Dying? provides a careful analysis of the historical and political conditions that shaped death penalty practice on both sides of the Atlantic from the end of World War II to the twenty-first century. This book examines and assesses what the United States can learn from the European experience with capital punishment, especially the trajectory of abolition in different European nations. As a comparative sociology and history of the present, the book seeks to illuminate the way death penalty systems and their dissolution work, by means of eleven chapters written by an interdisciplinary group of authors from the United States and Europe. This work will help readers see how close the United States is to ending capital punishment and some of the cultural and institutional barriers that stand in the way of abolition.

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 “If you’re one of those people who despair that nothing changes, and dream that something can, this is a story of how it does.”—Anand Giridharadas, *The New York Times* Book Review **WINNER OF THE J. ANTHONY LUKAS 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.

A Pulitzer Prize-winning historian takes a new and closer look at the Supreme Court's controversial and much-debated stance on capital punishment in the landmark case of *Furman v. Georgia*.

This book brings together scholarship on three different forms of state violence, examining each for what it can tell us about the conditions under which states use violence and the significance of violence to our understanding of states. This book calls into question the legitimacy of state uses of violence and mounts a sustained effort at interpretation, sense making, and critique. 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.

Killing Times begins with the deceptively simple observation—made by Jacques Derrida in his seminars on the topic—that the death penalty mechanically interrupts mortal time by preempting the typical mortal experience of not knowing at what precise moment we will die. Through a broader examination of what constitutes mortal temporality, David Wills proposes that the so-called machinery of death summoned by the death penalty works by exploiting, or perverting, the machinery of time that is already attached to human existence. Time, Wills argues, functions for us in general as a prosthetic technology, but the application of the death penalty represents a new level of prosthetic intervention into what constitutes the human. Killing Times traces the logic of the death penalty across a range of sites. Starting with the legal cases whereby American courts have struggled to articulate what methods of execution constitute “cruel and unusual punishment,” Wills goes on to show the ways that technologies of death have themselves evolved in conjunction with ideas of cruelty and instantaneity, from the development of the guillotine and the trap door for hanging, through the firing squad and the electric chair, through today’s controversies surrounding lethal injection. Responding to the legal system’s repeated recourse to storytelling—prosecutors’ and politicians’ endless recounting of the horrors of crimes—Wills gives a careful eye to the narrative, even fictive spaces that surround crime and punishment. Many of the controversies surrounding capital punishment, Wills argues, revolve around the complex temporality of the death penalty: how its instant works in conjunction with forms of suspension, or extension of time; how its seeming correlation between egregious crime and painless execution is complicated by a number of different discourses. By pinpointing the temporal technology that marks the death penalty, Wills is able to show capital punishment’s expansive reach, tracing the ways it has come to govern not only executions within the judicial system, but also the opposed but linked categories of the suicide bombing and drone warfare. In discussing the temporal technology of death, Wills elaborates the workings both of the terrorist who produces a simultaneity of crime and “punishment” that bypasses judicial process, and of the security state, in whose remote-control killings the time-space coordinates of “justice” are compressed and at the same time disappear into the black hole of secrecy. Grounded in a deep ethical and political commitment to death penalty abolition, Wills’s engaging and powerfully argued book pushes the question of capital punishment beyond the confines of legal argument to show how the technology of capital punishment defines and appropriates the instant of death and reconfigures the whole of human mortality.

Capital Punishment examines all aspects of capital punishment in the United States. It discusses the history behind the death penalty in the United States and varying opinions about the ethics of capital punishment. Features include a glossary, further

readings, websites, source notes, and an index. Aligned to Common Core Standards and correlated to state standards. Essential Library is an imprint of Abdo Publishing, a division of ABDO.

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.

Brings together the work of writers to discuss the meaning of execution in American law and culture. This book provides historical background on the death penalty and brings together arguments about the morality of capital punishment with arguments about its meaning. It also considers whether death penalty is the very cause of violence.

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. 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.

How does the way we think and feel about the world around us affect the existence and administration of the death penalty? What role does capital punishment play in defining our political and cultural identity? After centuries during which capital punishment was a normal and self-evident part of criminal punishment, it has now taken on a life of its own in various arenas far beyond the limits of the penal sphere. In this volume, the authors argue that in order to understand the death penalty, we need to know more about the "cultural lives"—past and present—of the state's ultimate sanction. They undertake this "cultural voyage" comparatively—examining the dynamics of the death penalty in Mexico, the United States, Poland, Kyrgyzstan, India, Israel, Palestine, Japan, China, Singapore, and South Korea—arguing that we need to look beyond the United States to see how capital punishment "lives" or "dies" in the rest of the world, how images of state killing are produced and consumed elsewhere, and how they are reflected, back and forth, in the emerging international judicial and political discourse on the penalty of death and its abolition. Contributors: Sangmin Bae Christian Boulanger Julia Eckert Agata Fijalkowski Evi Girling Virgil K.Y. Ho David T. Johnson Botagoz Kassymbekova Shai Lavi Jürgen Martschukat Alfred Oehlers Judith Randle Judith Mendelsohn Rood Austin Sarat Patrick Timmons Nicole Tarulevicz Louise Tyler

"Please see the attached text file"--

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

Examines and explains the laws of capital punishment as they exist in the United States as of 1998, focusing primarily on issues that are resolved after a defendant has been convicted of a capital crime.

Is life without parole the perfect compromise to the death penalty? Or is it as ethically fraught as capital punishment? This comprehensive,

interdisciplinary anthology treats life without parole as “the new death penalty.” Editors Charles J. Ogletree, Jr. and Austin Sarat bring together original work by prominent scholars in an effort to better understand the growth of life without parole and its social, cultural, political, and legal meanings. What justifies the turn to life imprisonment? How should we understand the fact that this penalty is used disproportionately against racial minorities? What are the most promising avenues for limiting, reforming, or eliminating life without parole sentences in the United States? Contributors explore the structure of life without parole sentences and the impact they have on prisoners, where the penalty fits in modern theories of punishment, and prospects for (as well as challenges to) reform.

Refusing to eradicate the death penalty, the U.S. has attempted to reform and rationalize capital punishment through federal constitutional law. While execution chambers remain active in several states, Carol Steiker and Jordan Steiker argue that the fate of the American death penalty is likely to be sealed by this failed judicial experiment.

This book represents a unified, interdisciplinary inquiry into several of the major empirical and normative issues raised by the death penalty. The essays have been revised and updated to survey the current state of the death penalty against the background of the past half-century, and are divided along two major axes : one detailing a range of facts raised by the controversy over capital punishment, the other presenting a critical evaluation of the subject from a constitutional and ethical point of view. The author addresses topics that include strong public support for the death penalty, wrongful convictions in capital cases, the disappearance of executive clemency, constitutional arguments surrounding the Eighth Amendment, and procedural reforms presently under consideration that move toward abolition.

People from all walks of life speak out against the barbarism of government control over a person's death, as well as the inconsistent pardoning of some criminals

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...It is 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

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.

In 1976, the US Supreme Court ruled in *Gregg v. Georgia* that the death penalty was constitutional if it complied with certain specific provisions designed to ensure that it was reserved for the 'worst of the worst.' The same court had rejected the death penalty just four years

before in the Furman decision because it found that the penalty had been applied in a capricious and arbitrary manner. The 1976 decision ushered in the 'modern' period of the US death penalty, setting the country on a course to execute over 1,400 inmates in the ensuing years, with over 8,000 individuals currently sentenced to die. Now, forty years after the decision, the eminent political scientist Frank Baumgartner along with a team of younger scholars (Marty Davidson, Kaneesha Johnson, Arvind Krishnamurthy, and Colin Wilson) have collaborated to assess the empirical record and provide a definitive account of how the death penalty has been implemented. Each chapter addresses a precise empirical question and provides evidence, not opinion, about whether how the modern death penalty has functioned. They decided to write the book after Justice Breyer issued a dissent in a 2015 death penalty case in which he asked for a full briefing on the constitutionality of the death penalty. In particular, they assess the extent to which the modern death penalty has met the aspirations of Gregg or continues to suffer from the flaws that caused its rejection in Furman. To answer this question, they provide the most comprehensive statistical account yet of the workings of the capital punishment system. Authoritative and pithy, the book is intended for both students in a wide variety of fields, researchers studying the topic, and--not least--the Supreme Court itself.

Why does the United States continue to employ the death penalty when fifty other developed democracies have abolished it? Why does capital punishment become more problematic each year? How can the death penalty conflict be resolved? In *The Contradictions of American Capital Punishment*, Frank Zimring reveals that the seemingly insoluble turmoil surrounding the death penalty reflects a deep and long-standing division in American values, a division that he predicts will soon bring about the end of capital punishment in our country. On the one hand, execution would seem to violate our nation's highest legal principles of fairness and due process. It sets us increasingly apart from our allies and indeed is regarded by European nations as a barbaric and particularly egregious form of American exceptionalism. On the other hand, the death penalty represents a deeply held American belief in violent social justice that sees the hangman as an agent of local control and safeguard of community values. Zimring uncovers the most troubling symptom of this attraction to vigilante justice in the lynch mob. He shows that the great majority of executions in recent decades have occurred in precisely those Southern states where lynchings were most common a hundred years ago. It is this legacy, Zimring suggests, that constitutes both the distinctive appeal of the death penalty in the United States and one of the most compelling reasons for abolishing it. Impeccably researched and engagingly written, *Contradictions in American Capital Punishment* casts a clear new light on America's long and troubled embrace of the death penalty.

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.

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.

The death penalty has largely disappeared as a national legislative issue and the Supreme Court has mainly bowed out, leaving the states at the cutting edge of abolition politics. This essential guide presents and explains the changing political and cultural challenges to capital punishment at the state level. As with their previous volume, *America Without the Death Penalty* (Northeastern, 2002), the authors of this completely new volume concentrate on the local and regional relationships between death penalty abolition and numerous empirical factors, such as economic conditions; public sentiment; the roles of social, political, and economic elites; the mass media; and population diversity. They highlight the recent abolition of the practice in New York, New Jersey, New Mexico, and Illinois; the near misses in New Hampshire, Connecticut, Maryland, and Nebraska; the Kansas rollercoaster rides; and the surprising recent decline of the death penalty even in the deep South. Abolition of the death penalty in the United States is a piecemeal process, with one state after another peeling off from the pack until none is left and the tragic institution finally is no more. This book tells you how, and why, that will likely happen.

Focusing on the United States but also addressing issues surrounding capital punishment in almost two hundred other countries, offers entries covering virtually every capital punishment decision rendered by the Supreme Court from its beginning through 1999, and each Supreme Court Justice who has ever rendered a capital punishment opinion.

Risks to the innocent

Since 1976, over forty percent of prisoners executed in American jails have been African American or Hispanic. This trend shows little evidence of diminishing, and follows a larger pattern of the violent criminalization of African American populations that has marked the country's history of punishment. In a bold attempt to tackle the looming question of how and why the connection between race and the death penalty has been so strong throughout American history, Ogletree and Sarat headline an interdisciplinary cast of experts in reflecting on this disturbing issue. Insightful original essays approach the topic from legal, historical, cultural, and social science perspectives to show the ways that the death penalty is racialized, the places in the death penalty process where race makes a difference, and the ways that meanings of race in the United States are constructed in and through our practices of capital punishment. From *Lynch Mobs* to *The Killing State* not only uncovers the ways that race influences capital punishment, but also attempts to situate the linkage between race and the death penalty in the history of this country, in particular the history of lynching. In its probing examination of how and why the connection between race and the death penalty has been so strong throughout American history, this book forces us to consider how the death penalty gives meaning to race as well as why the racialization of the death penalty is uniquely American.

In this timely book, Robert Jay Lifton and Greg Mitchell investigate the mindsets of individuals involved in the death penalty -- including prison

wardens, prosecutors, jurors, religious figures, governors, judges, and relatives of murder victims -- and offer a textured look at a system that perpetuates the longstanding American habit of violence. Richly rewarding and meticulously researched, *Who Owns Death?* explores the history of the death penalty in the United States, from hanging to lethal injection, and considers what this search for more "humane" executions reveals about us as individuals and as a society... and what the future of the death penalty holds for us all.

Gruesome Spectacles tells the sobering history of botched, mismanaged, and painful executions in the U.S. from 1890 to the present. Since the book's initial publication in 2014, the cruel and unusual executions of a number of people on death row, including Clayton Lockett in Oklahoma and Joseph Wood in Arizona, have made headlines and renewed vigorous debate surrounding the death penalty in America. Austin Sarat's book instantly became an essential resource for citizens, scholars, and lawmakers interested in capital punishment—even the Supreme Court, which cited the book in its recent opinion, *Glossip v. Gross*. Now in paperback, the book includes a new preface outlining the latest twists and turns in the death penalty debate, including the recent galvanization of citizens and leaders alike as recent botched executions have unfolded in the press. Sarat argues that unlike in the past, today's botched executions seem less like inexplicable mishaps and more like the latest symptoms of a death penalty machinery in disarray. *Gruesome Spectacles* traces the historical evolution of methods of execution, from hanging or firing squad to electrocution to gas and lethal injection. Even though each of these technologies was developed to "perfect" state killing by decreasing the chance of a cruel death, an estimated three percent of all American executions went awry in one way or another. Sarat recounts the gripping and truly gruesome stories of some of these deaths—stories obscured by history and to some extent, the popular press.

[Copyright: 9c169e84063bd294471e649c9d37bfd3](#)