

# Death Penalty Research Papers

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## Capital Punishment in America

Harvard University Press

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 **A Literary and Historical Approach, Selected Source Materials for College Research Papers** Deterrence and 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...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* *Americans Speak Out Against the Death Penalty* New York : Basic Books This book considers how the termination of life might be accepted in the view of a general obligation to protect life. It features more than 10 papers written by scholars from 14 countries that offer international comparative empirical research. Inside, readers will find case studies from such areas as: India, Chile, Germany, Italy, England, Palestine, Lithuania, Nigeria, and Poland. The papers focus on three

limitations of the right to life: the death penalty, abortion, and euthanasia. The contributors explore how young people understand and evaluate the right to life and its limitations. The book presents unique empirical research among today's youth and reveals that, among other concepts, religiosity matters. It provides insight into the acceptance, perception, and legitimation of human rights by people from different religious and cultural backgrounds. This investigation rigorously tests for inter-individual differences regarding political and judicial rights on religious grounds, while controlling for other characteristics. It will help readers better understand the many facets of this fundamental, yet controversial, philosophical question. The volume will be of interest to students, researchers, as well as general readers searching for answers.

Cambridge University Press  
 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 Island  
 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.  
*Death Penalty Cases* GRIN Verlag  
 This book synthesizes scholarly reflections with personal accounts from prison administrators and inmates to show the harsh reality of life on death row.

**American Roulette** Oxford University Press on Demand  
 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 Study in Abolition* Oxford

University Press

The death penalty is contested across modern social, political, academic, and legal institutions, and this interdisciplinary text helps readers analyze that debate. It begins with *Furman v. Georgia*, which doubles as the Supreme Court's only decision striking down the death penalty and as the origin of the modern American death penalty. The text explores the legal rules and moral reasoning behind the principle that the death penalty be reserved for the worst offenders, as well as the most uncomfortable realities of American capital punishment--the likelihood of wrongful executions and the undeniable influence of race on death penalty practice. Discussion of law and theory is always supplemented with appropriate empirical studies, and is connected to the practice of lawyers on the ground. The text concludes with a glimpse to the future of the death penalty, and situates the increasingly exceptional American experience in an international context. This legal material is carefully presented so as to remain accessible to non-lawyers, and it is intended for anyone with an interest in capital punishment.

**Living on Death Row** Harvard University Press

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.

**For and Against** Cambridge University Press

Does the death penalty save lives? A surge of recent interest in this question has yielded a series of papers purporting to show robust and precise estimates of a substantial deterrent effect of capital punishment. We assess the various approaches that have been used in this literature, testing the robustness of these inferences. Specifically, we start by assessing the time series evidence, comparing the history of executions and homicides in

the United States and Canada, and within the United States, between executing and non-executing states. We analyze the effects of the judicial experiments provided by the *Furman* and *Gregg* decisions and assess the relationship between execution and homicide rates in state panel data since 1934. We then revisit the existing instrumental variables approaches and assess two recent state-specific execution moratoria. In each case we find that previous inferences of large deterrent effects based upon specific examples, functional forms, control variables, comparison groups, or IV strategies are extremely fragile and even small changes in the specifications yield dramatically different results. The fundamental difficulty is that the death penalty -- at least as it has been implemented in the United States -- is applied so rarely that the number of homicides that it can plausibly have caused or deterred cannot be reliably disentangled from the large year-to-year changes in the homicide rate caused by other factors. As such, short samples and particular specifications may yield large but spurious correlations. We conclude that existing estimates appear to reflect a small and unrepresentative sample of the estimates that arise from alternative approaches. Sampling from the broader universe of plausible approaches suggests not just "reasonable doubt" about whether there is any deterrent effect of the death penalty, but profound uncertainty -- even about its sign.

**A Descending Spiral** Wayne State University Press

This study furnishes data on executions performed in the United States under civil authority. It includes a description of each individual executed and the circumstances surrounding the crime for which the person was convicted. Variables include age, race, name, sex, and occupation of the offender, place, jurisdiction, date and method of execution and the crime for

which the offender was executed.

**The Death Penalty** National Academies Press

A provocative examination of the most recent shift in court opinion that, in effect, works to expedite the administration of death sentences.

**Against Capital Punishment**

Springer Science & Business Media Presents the arguments of two social and political philosophers with opposing views on the topic

**The Death Penalty** Springer Science & Business Media

Built on in-depth interviews with movement leaders and the records of key abolitionist organizations, this work traces the struggle against capital punishment in the United States since 1972. Haines reviews the legal battles that led to the short-lived suspension of the death penalty and examines the subsequent conservative turn in the courts that has forced death penalty opponents to rely less on litigation strategies and more on political action. Employing social movement theory, he diagnoses the causes of the anti-death penalty movement's inability to mobilize widespread opposition to executions, and he makes pointed recommendations for improving its effectiveness. For this edition Haines has included a new Afterword in which he summarizes developments in the movement since 1994.

**Hidden Victims** Inter-Univ Consortium for

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 this country.

**The Death Penalty** Harvard University Press

Why does the United States, alone among Western democracies, still have the death penalty? It's not a new question, but David Garland provides fresh answers from a

multilayered analysis...The title hints at the most provocative part of Garland's answer. In American history, the "peculiar institution" is slavery. Anyone who thinks its vestiges were wiped out by the Emancipation Proclamation or civil rights laws should read this book and think again.

The Death Penalty GRIN Verlag 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.

*A Comparative Study of the World* Oxford University Press, USA 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.

### **Capital Punishment Challenged in the World's Courts** The New Press

This book includes perspectives from a broad range of victims, including family members of the crime victims; convicted persons whose rights are violated by the justice system through wrongful convictions, unequal and discriminatory application of justice, lack of a due process, imposition for crimes that do not meet the most serious crimes threshold or to the categories of perpetrators that should be protected from the death penalty (minors, persons with mental or intellectual disabilities, pregnant women), as well as third parties including family members of the convicted person (especially children and primary caretakers) and persons included in criminal proceedings or executions (such as prosecutors, judges, lawyers and executioners). It is argued in this thought provoking book that the states right to execute violates the right to life and negatively reflects on human rights of its citizens in general.

*Exposing the Death Penalty in 12 Essays* Foundation Press 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 *How Killing the Death Penalty Can Revive Criminal Justice* Crown

This book examines public attitudes to the death penalty in Japan, focusing on knowledge and trust-based attitudinal factors relating to support for, and opposition to, the death penalty. A mixed-method approach was used. Quantitative and qualitative surveys were mounted to assess Japanese death penalty attitudes. The main findings show that death penalty attitudes are not fixed but fluid. Information has a significant impact on reducing support for the death penalty

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while retributive attitudes are associated with support. This book offers a new conceptual framework in understanding the death penalty without relying on the usual human rights approach, which can be widely applied not just to Japan but to other retentionist countries.