

Against Death Penalty Research Paper

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Hidden Victims

Annotation In the US, murderers, particularly those sentenced to death, are usually considered as entirely different from the rest of us. Sociologist Susan F. Sharp challenges perspective by reminding us that those facing a death sentence, in addition to being murderers, are brothers or sisters, mothers or fathers, daughters or sons.

Gruesome Spectacles

Courting Death

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.

The Death Penalty

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.

Against 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

The Ethics of Capital Punishment

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.

Facing the Death Penalty

Economics plays a key role in human rights issues as decision-makers weigh the incentives associated with choosing how to use scarce resources in the context of committing or escaping human rights violence. This textbook provides an introduction to the microeconomic analysis of human rights utilizing economics as a lens through which to examine social topics including capital punishment, violence against women, asylum seeking, terrorism, child abuse, genocide, and hate. Whether analyzing the decisions made in capital punishment cases, the causes and consequences of genocide, or the impact of terrorist acts on domestic and international decision-making, the science of economics provides tools and a systematic method of analysis and policy recommendation. This key text presents a method for integrating the social sciences of economics and human rights to create new opportunities for the investigation of social issues. Within each chapter, readers gain a fundamental understanding of a specific human rights issue, the decision-makers and the decision-making process involved, and the benefits and

costs leading to the decisions. Experts on each issue, drawn from a variety of fields, contribute to each chapter and present first-hand accounts and different perspectives on each issue. The detailed analyses and accounts provided also explore the potential incentives involved in the prevention and termination of human rights violations. Aiming to further economic inquiry and enhance interdisciplinary research, this textbook serves as a multi-purpose guide for a range of readers. Students, researchers, and educators, as well as those working in organizations supporting victims of human rights violations and policy-makers facing human rights challenges, will find this book informative and engaging.

Deterrence and the Death Penalty

There are many forms of liberation—some that exist at the mercy of circumstance and others that can never be taken away. In this stirring and timely collection of stories, essays, poems, and letters, Jarvis Jay Masters explores the meaning of true freedom on his road to inner peace through Buddhist practice. He reveals his life as a young African American man surrounded by violence, his entanglement in the criminal justice system, and—following an encounter with Tibetan Buddhist teacher Chagdud Tulku Rinpoche—an unfolding commitment to nonviolence and peacemaking. At turns joyful, heartbreaking, frightening, and soaring with profound insight, Masters's story offers a vision of hope and the possibility of freedom in even the darkest of times.

Dead Man Walking

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.

Legislative Entrepreneurship in the U.S. House of Representatives

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.

Reflections on Hanging

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.

Essays on 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.

Crimes and Punishments

With her characteristic brilliance, grace and radical audacity, Angela Y. Davis has put the case for the latest abolition movement in American life: the abolition of the prison. As she quite correctly notes, American life is replete with abolition movements, and when they were engaged in these struggles, their chances of

success seemed almost unthinkable. For generations of Americans, the abolition of slavery was sheerest illusion. Similarly, the entrenched system of racial segregation seemed to last forever, and generations lived in the midst of the practice, with few predicting its passage from custom. The brutal, exploitative (dare one say lucrative?) convict-lease system that succeeded formal slavery reaped millions to southern jurisdictions (and untold miseries for tens of thousands of men, and women). Few predicted its passing from the American penal landscape. Davis expertly argues how social movements transformed these social, political and cultural institutions, and made such practices untenable. In *Are Prisons Obsolete?*, Professor Davis seeks to illustrate that the time for the prison is approaching an end. She argues forthrightly for "decarceration", and argues for the transformation of the society as a whole.

America's Death Penalty

Euthanasia, Abortion, Death Penalty and Religion - The Right to Life and its Limitations

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.

The Case Against the Death Penalty

Robert Turrell presents a novel approach to the study of capital punishment in 20th-century South Africa. *White Mercy* focuses on official acts of mercy rather than on miscarriages of justice. Turrell bases his absorbing narrative on a thorough investigation of government statistics, court testimony, and judges' reports. He shows that racism and sexism profoundly influenced death-penalty cases, but not in equal ways. Africans, whom white rulers considered the "weaker" race, and women, whom men called the "weaker" sex, entered a legal realm that both

promoted preordained cultural difference and disproportionately granted clemency to females convicted of murder. What will perhaps surprise many readers is that a number of condemned white men went to the gallows because the court believed they exhibited the incorrigible instincts of the "weaker" race. *White Mercy* stands alone in South African scholarship as the only book-length history of capital punishment. It is also a pioneering study in the field of gender studies. Turrell's sharp analysis and engrossing vignettes will be welcomed by students in graduate seminars and upper-level undergraduate courses covering a range of themes from race relations and gender studies, to the death penalty and constitutional developments in the United States and South Africa.

White Mercy

Risks to the innocent

The Death Penalty

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.

The Decline of the Death Penalty and the Discovery of Innocence

This edited volume brings together leading scholars on the death penalty within international, regional and municipal law. It considers the intrinsic elements of both the promotion and demise of the punishment around the world, and provides analysis which contributes to the evolving abolitionist discourse.

When the State Kills-

Pre-University Paper from the year 2012 in the subject English - Discussion and Essays, grade: 15, , language: English, abstract: In the following term paper the author is going to compare the German and American attitude toward the death penalty. At first she wants to clarify the definition. This paper will give a brief overview of the recent history of capital punishment in both states. The emphasis is on the comparison between these different attitudes. Providing to the findings of the German attitude the author intends to carry out a survey. Finally, she would like to express her own opinion on the topic.

Death Penalty Cases

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.

The Economics of Human Rights

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.

In Cold Blood

This distinguished constitutional theorist takes a hard look at current criminal law and the Supreme Court's most recent decisions regarding the legality of capital punishment. Examining the penal system, capital punishment, and punishment in general, he reviews the continuing debate about the purpose of punishment for deterrence, rehabilitation, or retribution. He points out that the steady moderation of criminal law has not effected a corresponding moderation in criminal ways or improved the conditions under which men must live. He decries the "pious sentiment" of those who maintain that criminals need to be rehabilitated. He concludes that the real issue is not whether the death penalty deters crime, but that in an imperfect universe, justice demands the death penalty. Originally published by Basic Books in 1979.

Heavy Lifting

Powerful account of the brutal slaying of a Kansas family by two young ex-convicts.

Arbitrary Death

This book synthesizes scholarly reflections with personal accounts from prison administrators and inmates to show the harsh reality of life on death row.

Principles of Criminology

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

Cheap on Crime

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

Finding Freedom

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.

Moving Away from the Death Penalty

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.

Slavery and the Death Penalty

The Future of America's Death Penalty

Why do some members of the U.S. House of Representatives become legislative entrepreneurs?

Against Capital Punishment

Death Penalty. A Comparison Between Germany and American Attitudes Towards 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.

Living on Death Row

In 1982, Sister Helen Prejean became the spiritual advisor to Patrick Sonnier, the convicted killer of two teenagers who was sentenced to die in the electric chair of Louisiana's Angola State Prison. In the months before Sonnier's death, the Roman Catholic nun came to know a man who was as terrified as he had once been terrifying. She also came to know the families of the victims and the men whose job it was to execute—men who often harbored doubts about the rightness of what they were doing. Out of that dreadful intimacy comes a profoundly moving spiritual journey through our system of capital punishment. Here Sister Helen confronts both the plight of the condemned and the rage of the bereaved, the fears of a society shattered by violence and the Christian imperative of love. On its original publication in 1993, *Dead Man Walking* emerged as an unprecedented look at the human consequences of the death penalty. Now, some two decades later, this story—which has inspired a film, a stage play, an opera and a musical album—is more gut-wrenching than ever, stirring deep and life-changing reflection in all who encounter it.

The Death Penalty

Reflections on Hanging is a searing indictment of capital punishment, inspired by its author's own time in the shadow of a firing squad. During the Spanish Civil War, Arthur Koestler was held by the Franco regime as a political prisoner, and condemned to death. He was freed, but only after months of witnessing the fates of less-fortunate inmates. That experience informs every page of the book, which was first published in England in 1956, and followed in 1957 by this American edition. As Koestler ranges across the history of capital punishment in Britain (with a focus on hanging), he looks at notable cases and rulings, and portrays politicians, judges, lawyers, scholars, clergymen, doctors, police, jailers, prisoners, and others involved in the long debate over the justness and effectiveness of the death penalty. In Britain, *Reflections on Hanging* was part of a concerted, ultimately successful effort to abolish the death penalty. At that time, in the forty-eight United States, capital punishment was sanctioned in forty-two of them, with hanging still practiced in five. This edition includes a preface and afterword written especially for the 1957 American edition. The preface makes the book relevant to readers in the U.S.; the afterword overviews the modern-day history of abolitionist legislation in the British Parliament. *Reflections on Hanging* is relentless, biting, and unsparing in its details of botched and unjust executions. It is a classic work of advocacy for some of society's most defenseless members, a critique of capital punishment that

is still widely cited, and an enduring work that presaged such contemporary problems as the sensationalism of crime, the wrongful condemnation of the innocent and mentally ill, the callousness of penal systems, and the use of fear to control a citizenry.

Death Penalty and the Victims

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.

Are Prisons Obsolete?

Over the past three decades, the United States has embraced the death penalty with tenacious enthusiasm. While most of those countries whose legal systems and cultures are normally compared to the United States have abolished capital punishment, the United States continues to employ this ultimate tool of punishment. The death penalty has achieved an unparalleled prominence in our public life and left an indelible imprint on our politics and culture. It has also provoked intense scholarly debate, much of it devoted to explaining the roots of American exceptionalism. America's Death Penalty takes a different approach to the issue by examining the historical and theoretical assumptions that have underpinned the discussion of capital punishment in the United States today. At various times the death penalty has been portrayed as an anachronism, an inheritance, or an innovation, with little reflection on the consequences that flow from the choice of words. This volume represents an effort to restore the sense of capital punishment as a question caught up in history. Edited by leading scholars of crime and justice, these original essays pursue different strategies for unsettling the usual terms of the debate. In particular, the authors use comparative and historical investigations of both Europe and America in order to cast fresh light on familiar questions about the meaning of capital punishment. This volume is essential reading for understanding the death penalty in America. Contributors: David Garland, Douglas Hay, Randall McGowen, Michael Meranze, Rebecca McLennan, and Jonathan Simon.

The Death Penalty in America

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.

For Capital Punishment

Debate has long been waged over the morality of capital punishment, with standard arguments in its favour being marshalled against familiar arguments that oppose the practice. In *The Ethics of Capital Punishment*, Matthew Kramer takes a fresh look at the philosophical arguments on which the legitimacy of the death penalty stands or falls, and he develops a novel justification of that penalty for a limited range of cases. The book pursues both a project of critical debunking of the familiar rationales for capital punishment and a project of partial vindication. The critical part presents some accessible and engaging critiques of major arguments that have been offered in support of the death penalty. These chapters, suitable for use in teaching courses on capital punishment, valuably take issue with positions at the heart of contemporary debates over the morality of such punishment. The book then presents an original justification for executing truly terrible criminals, a justification that is free-standing rather than an aspect or offshoot of a general theory of punishment. Its purgative rationale, which has not heretofore been propounded in any current philosophical and practical debates over the death penalty, derives from a philosophical reconception of the nature of evil and the nature of defilement. As the book contributes to philosophical discussions of those phenomena, it also contributes importantly to general normative ethics with sustained reflections on the differences between consequentialist approaches to punishment and deontological approaches. Above all, the volume contributes to the philosophy of criminal law with a fresh rationale for the use of the death penalty and with probing assessments of all the major theories of punishment that have been broached by jurists and philosophers for centuries. Although the book is a work of philosophy by a professional philosopher, it is readily accessible to readers who have not studied philosophy. It will stir both philosophers and anyone engaged with the death penalty to reconsider whether the institution of capital punishment can be an appropriate response to extreme evil.

The Death Penalty

What makes for a “good” legislature? In *Heavy Lifting*, Alan Rosenthal traveled to five states, interviewing and shadowing legislators to find out the answer. Through this engaging narrative, the author first establishes the most important aspects of

American state legislatures--what they are and how they do their jobs--and then graduates to the book's central thesis: Rosenthal argues that, on the whole, the American legislature must be evaluated on the basis of its processes, not its products. He breaks down the legislative process into three principal functions: representing, lawmaking, and balancing the executive, and covers each in turn in the remainder of the book.

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