

# The Death Penalty

A N A M E R I C A N H I S T O R Y

STUART BANNER

# The Death Penalty An American History

**Stuart Banner**



## **The Death Penalty An American History:**

**The Death Penalty** Stuart Banner, 2003-03-31 Here for the first time we have a comprehensive account of the death penalty in the United States Stuart Banner tells the story of dramatic changes over four centuries in the ways capital punishment has been administered and experienced Banner moves beyond the debates to give us an unprecedented understanding of America's ultimate punishment Race, Class, and the Death Penalty Howard W. Allen, Jerome M. Clubb, 2008-05-15 Examines both the legal and illegal uses of the death penalty in American history **The Death Penalty** Stuart BANNER, Stuart Banner, 2009-06-30 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 *Rites of Execution* Louis P. Masur,1989 This study examines the conflict over capital punishment and the transformation of American culture between the Revolution and the Civil War **Debating the Death Penalty** Hugo Adam Bedau,Paul G. Cassell,2005-03-24 Experts on both side of the issue speak out both for and against capital punishment and the rationale behind their individual beliefs *Invitation to an Execution* Gordon Morris Bakken,2010-11-16 Until the early twentieth century printed invitations to executions issued by lawmen were a vital part of the ritual of death concluding a criminal proceeding in the United States In this study Gordon Morris Bakken invites readers to an understanding of the death penalty in America with a collection of

essays that trace the history and politics of this highly charged moral legal and cultural issue Bakken has solicited essays from historians political scientists and lawyers to ensure a broad treatment of the evolution of American cultural attitudes about crime and capital punishment Part one of this extensive analysis focuses on politics legal history multicultural issues and the international aspects of the death penalty Part two offers a regional analysis with essays that put death penalty issues into a geographic and cultural context Part three focuses on specific states with emphasis on the need to understand capital punishment in terms of state law development particularly because states determine on whom the death penalty will be imposed Part four examines the various means of death from hanging to lethal injection in state law case studies And finally part five focuses on the portrayal of capital punishment in popular culture

**Furman V. Georgia** Rebecca Steffoff, 2008 Examines the 1972 Supreme Court case Furman v Georgia in regard to the death penalty

**The Death Penalty in the United States** Louis J. Palmer, Jr., 2013-10-17 The death penalty landscape has changed considerably since the 1998 first edition of this book For example six states that had the death penalty Connecticut Illinois Maryland New Jersey New Mexico and New York no longer impose the punishment Some of the changes set out in this second edition involve discussions of all of the significant cases decided by the United States Supreme Court after 1998 including Roper v Simmons 543 U S 551 2005 Atkins v Virginia 536 U S 304 2002 Schiro v Smith 126 S Ct 7 2005 Harbison v Bell 129 S Ct 1481 2009 Holmes v South Carolina 126 S Ct 1727 2006 Kansas v Marsh 126 S Ct 2516 2006 Ring v Arizona 536 U S 584 2002 Sattazahn v Pennsylvania 537 U S 101 2003 This new edition includes 13 new chapters They cover such topics as capital felon s defense team habeas corpus coram nobis and section 1983 proceedings the Innocence protection act and post conviction DNA testing challenging the death sentence under racial justice acts inhabited American territories and the costs of capital punishment

**The History of the Death Penalty in Colorado** Michael Radelet, 2017-01-15 In The History of the Death Penalty in Colorado noted death penalty scholar Michael Radelet chronicles the details of each capital punishment trial and execution that has taken place in Colorado since 1859 The book describes the debates and struggles that Coloradans have had over the use of the death penalty placing the cases of the 103 men whose sentences were carried out and 100 more who were never executed into the context of a gradual worldwide trend away from this form of punishment For more than 150 years Coloradans have been deeply divided about the death penalty with regular questions about whether it should be expanded restricted or eliminated It has twice been abolished but both times state lawmakers reinstated the contentious punitive measure Prison administrators have contributed to this debate with some refusing to participate in executions and some lending their voices to abolition efforts Colorado has also had a rich history of experimenting with execution methods first hanging prisoners in public and then starting in 1890 using the twitch up gallows for four decades In 1933 Colorado began using a gas chamber and eventually moved to lethal injection in the 1990s Based on meticulous archival research in official state archives library records and multimedia sources The History of the Death Penalty in

Colorado will inform the conversation on both sides of the issue anywhere the future of the death penalty is under debate

**The Death Penalty** Joseph A. Melusky, Keith A. Pesto, 2017-06-22 This book addresses the myriad controversies and examines the evidence regarding capital punishment in America It answers questions regarding topics like the efficacy of capital punishment in deterring violent crime the risks of mistakes legal issues related to capital punishment and the monetary costs of keeping inmates on death row Does the possibility of being put to death deter crime Do the methods of execution matter Is it possible for a state ordered execution to be botched Are innocent people ever sent to death row Are there racial biases or other prejudices associated with the death penalty This book examines the history of capital punishment in the United States describes the significant issues events and cases and addresses the controversies and legal issues surrounding capital punishment making this important topic accessible to a wide range of readers The book presents both sides of the argument on whether capital punishment should continue or be abolished looking at the evidence regarding whether it is necessary for carrying out justice and deterring violent crime or whether the practice is inhumane ineffective biased in its application and costly Readers will gain insights into how capital punishment should be used if at all whether effective safeguards are in place to ensure that only the guilty receive the death penalty what crimes deserve this sentence whether juveniles or individuals with diminished mental capacity should ever be sentenced to death potentially viable alternatives to the death penalty and the hidden costs involved in our capital punishment system that make it so expensive The book also contains primary documents relevant to capital punishment such as excerpts from documents like the U S Constitution the Hittite case laws and the Code of Hammurabi as well as descriptions of and excerpts from key cases decided by the U S Supreme Court

**A History of American Law** Lawrence Meir Friedman, 2019 Renowned legal historian Lawrence Friedman presents an accessible and authoritative history of American law from the colonial era to the present day This fully revised fourth edition incorporates the latest research to bring this classic work into the twenty first century In addition to looking closely at timely issues like race relations the book covers the changing configurations of commercial law criminal law family law and the law of property Friedman furthermore interrogates the vicissitudes of the legal profession and legal education The underlying theory of this eminently readable book is that the law is the product of society In this way we can view the history of the legal system through a sociological prism as it has evolved over the years

**The Death Penalty** Roger Hood, Carolyn Hoyle, 2015-01-08 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 Emphasising the impact of international human rights principles and evidence of abuse the authors examine how this has fuelled challenges to the death penalty and they analyse 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

A History of American Law: Third Edition Lawrence M. Friedman, 2005-06-01 In this brilliant and immensely readable book Lawrence M Friedman tells the whole fascinating story of American law from its beginnings in the colonies to the present day By showing how close the life of the law is to the economic and political life of the country he makes a complex subject understandable and engrossing A History of American Law presents the achievements and failures of the American legal system in the context of America's commercial and working world family practices and attitudes toward property government crime and justice Now completely revised and updated this groundbreaking work incorporates new material regarding slavery criminal justice and twentieth century law For laymen and students alike this remains the only comprehensive authoritative history of American law

*The Biblical Truth about America's Death Penalty* Dale S. Recinella, 2015-12-01 While secular support for capital punishment in America seems to be waning religious conservatives particularly in the Bible belt remain staunch advocates of the death penalty citing biblical law and practice to defend government sanctioned killing Dale S Recinella compares biblical teaching about the death penalty including such passages as eye for eye tooth for tooth life for life with the nation's current system of capital punishment and offers persuasive arguments for a faith based moratorium on and eventual abolition of executions Framing his careful and incisive analysis as a legal brief to those who believe the Bible mandates the ultimate punishment the author addresses two critical areas of inquiry what do the scriptures tell us about who is deserving of death and who has the authority to kill and what do they tell us about the required standards for execution and the plight of victims families Recinella's examination of the Hebrew Torah or Christian Pentateuch and the Talmud reveals that the biblical death penalty was not a simple system of swift retribution but a complex and practical set of laws that guided capital courts established under the Sanhedrin His scrutiny of these texts the Christian doctrine of atonement and Romans 13 in the Pauline Epistles draws parallels between the traditional biblical arguments used in favor of capital punishment and those used as the basis for pro slavery positions in the nineteenth century Demonstrating that both approaches are unsubstantiated in biblical terms Recinella debunks the accepted religious reasoning for support of the death penalty and shows instead that the Bible's strict conditions for sanctioning execution are at odds with the arbitrary ways in which capital punishment is administered in the United States He provides convincing evidence that a sentence of death in today's criminal justice system in fact fails to meet both the Bible's exacting procedural requirements and its strict limitations on judicial authority By



providing actual scriptural language and foundation to counter the position that biblical truth justifies a pro death penalty stance this thoughtful solidly researched and well reasoned work will give pause to religious fundamentalists and challenge them to rethink their strongly held views on capital punishment      The Death Penalty Ida Walker,2008 Discusses the controversial viewpoints regarding the death penalty      **Race, Class, and the Death Penalty** Howard W. Allen,Jerome M. Clubb,2009-01-01 In Race Class and the Death Penalty Howard W Allen and Jerome M Clubb examine historical trends in the use of capital punishment in the United States Employing empirical data the authors explore how frequently the death penalty has been used and how its frequency of use has changed where the death penalty was used most often the offenses charged and the characteristics of the executed Not surprisingly their findings indicate that minority groups particularly African Americans and those of lower social and economic status in general have been executed in disproportionate numbers The authors conclude that while the use of the death penalty has progressively declined and the range of capital offenses has narrowed disparities in the use of capital punishment between social groups and regions that appeared in the colonial period have persisted into the twenty first century      **The Death Penalty Today** Robert M. Bohm,2017-11-13 More than 30 years after the US Supreme Court reinstated the death penalty it is still plagued with egregious problems Issues of wrongful conviction inhumane practices and its efficacy as a deterrent are hotly debated topics As of August 2007 two thirds of the worlds countries have abolished the death penalty Today the US falls alongside I      *Is the Death Penalty Dying?* Austin Sarat,2008-01-18 Drawing together an array of distinguished scholars from political science criminology sociology and law this volume examines the death penalty in the US      **America's Death Penalty** David Garland,Randall McGowen,Michael Meranze,2011-01-25 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 Routledge History of Crime in America James Campbell, Vivien Miller, 2024-12-27 Covering a broad chronology from the colonial era to the present this volume's 28 chapters reflect the diverse approaches, interests, and findings of an international group of new and established scholars working on American crime histories today. The book is organized around major themes in crime history, including violence, science and technology, culture, gender, and organized crime, and it addresses pressing contemporary concerns such as mass incarceration and the racial politics of crime in modern America. It also engages with the history of crime literature, film, and popular culture from colonial execution sermons to true crime television in the twenty-first century. The volume is alert to continuities and diversity over time and place in the history of American crime, notably in chapters on the South, the West, and the impact of urbanization on practices and ideas about crime and law enforcement in different periods of the American past. The Routledge History of Crime in America is an indispensable interdisciplinary resource for students and researchers working in areas of crime, crime policy, punishment, policing, and incarceration.

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