

Crime And Punishment In America

The Death Penalty in America Crime and Punishment in America Debating the Death Penalty : Should America Have Capital Punishment? The Experts on Both Sides Make Their Best Case The Biblical Truth about America's Death Penalty American Exceptionalism and Human Rights Capital Punishment in America Harsh Justice The Political History of the United States of America, During the Period of Reconstruction (from April 15, 1865, to July 15, 1870,) Including a Classified Summary of the Legislation of the Thirty-ninth, Fortieth, and Forty-first Congresses America's Experiment with Capital Punishment The Routledge Handbook of Religion and American Culture Crime and Punishment in American History Punishment in America Cruel and Unusual The Death Penalty in America Punishment in America Crimes of Punishment The Death Penalty The Death Penalty The Death Penalty in America Capital Punishment in America Hugo Adam Bedau Richard Clay Hanes Hugo Adam Bedau Professor of Philosophy Tufts University (Emeritus) Dale S. Recinella Michael Ignatieff Michael L. Radelet James Q. Whitman Edward McPherson James R. Acker Chad E. Seales Lawrence Friedman Michael Welch Anne-Marie Cusac Hugo Adam Bedau Cyndi Banks Theodore L. Dorpat Raymond Paternoster Stuart BANNER Hugo Adam Bedau Raymond Paternoster

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a study of capital punishment issues including american attitudes deterrence problems and discussions for and against the death penalty

covering the evolution of the american criminal justice system throughout history the crime and punishment in america reference library explores everything from juvenile justice to organized crime crime and punishment in america almanac examines key topics including moral and religious beliefs economic implications of crime and punishment penology and reform changing attitudes towards violence the death penalty and more

when news breaks that a convicted murderer released from prison has killed again or that an innocent person has escaped the death chamber in light of new dna evidence arguments about capital punishment inevitably heat up few controversies continue to stir as much emotion as this one and public confusion is often the result this volume brings together seven experts judges lawyers prosecutors and philosophers to debate the death penalty in a spirit of open inquiry and civil discussion here as the contributors present their reasons for or against capital punishment the multiple facets of the issue are revealed in clear and thought provoking detail is the death penalty a viable deterrent to future crimes does the imposition of lesser penalties such as life imprisonment truly serve justice in cases of the worst offences does the legal system discriminate against poor or minority defendants is the possibility of executing innocent persons sufficient grounds for abolition in confronting such questions and making their arguments the contributors marshal an impressive array of evidence both statistical and from their own experiences working on death penalty cases the book also includes the text of governor george ryan s march 2002 speech in which he explained why he had commuted the sentences of all prisoners on illinois s death row by representing the viewpoints of experts who face the vexing questions about capital punishment on a daily basis debating the death penalty makes a vital contribution to a more nuanced understanding of the moral and legal problems underlying this controversy

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

with the 2003 invasion and subsequent occupation of iraq the most controversial question in world politics fast became whether the united states stands within the order of international law or outside it does america still play by the rules it helped create american exceptionalism and human rights addresses this question as it applies to u s behavior in relation to international human rights with essays by eleven leading experts in such fields as international relations and international law it seeks to show and explain how america s approach to human rights differs from that of most other western nations in his introduction michael ignatieff identifies three main types of exceptionalism exemptionalism supporting treaties as long as americans are exempt from them double standards criticizing others for not heeding the findings of international human rights bodies but ignoring what these bodies say of the united states and legal isolationism the tendency of american judges to ignore other jurisdictions the contributors use ignatieff s essay as a jumping off point to discuss specific types of exceptionalism america s approach to capital punishment and to free speech for example or to explore the social cultural and institutional roots of exceptionalism these essays most of which appear in print here for the first time and all of which have been revised or updated since being presented in a year long lecture series on american exceptionalism at harvard university s john f kennedy school of government are by stanley hoffmann paul kahn harold koh frank michelman andrew moravcsik john ruggie frederick schauer anne marie slaughter carol steiker and cass sunstein

why is american punishment so cruel while in continental europe great efforts are made to guarantee that prisoners are treated humanely in america sentences have gotten longer and rehabilitation programs have fallen by the wayside western europe attempts to prepare its criminals for life after prison whereas many american prisons today leave their inhabitants reduced and debased in the last quarter of a century europe has worked to ensure that the baser human inclination toward vengeance is not reflected by state policy yet america has shown a systemic drive toward ever increasing levels of harshness in its criminal policies why is america so short on mercy in this deeply researched comparative work james q whitman reaches back to the 17th and 18th centuries to trace how and why american and european practices came to diverge eschewing the usual historical imprisonment narratives whitman focuses instead on intriguing differences in the development of punishment in the age of western democracy european traditions of social hierarchy and state power so consciously rejected by the american colonies nevertheless supported a more merciful and dignified treatment of offenders the hierarchical class system on the continent kept alive a tradition of less degrading high status punishments that eventually became applied across the board in europe the distinctly american draconian regime on the other hand grows whitman argues out of america s longstanding distrust of state power and its peculiar broad brush sense of egalitarianism low status punishments were evenly meted out to all offenders regardless of class or standing america s unrelentingly harsh treatment of transgressors this equal opportunity degradation is in a very real sense the dark side of the nation s much vaunted individualism a sobering look at the growing rift between the united states and europe harsh justice exposes the deep cultural roots of america s degrading punishment practices

critically analyze the history politics law empirical evidence and principled underpinnings of the contemporary debate about the death penalty in america they also assess likely future trends in capital punishment law and practice

the routledge handbook of religion and american culture explains where religion is made in the united states it offers essays profiling cultural sites including energy industry public life music arts and entertainment and life and death these sites organize the volume s 31 chapters demonstrating how cultural religion has been constructed and performed in specific historical and ethnographic case studies this volume offers a much needed resource for religious studies scholars and students interested in the study of religion and culture in the united states as well as those in american studies anthropology of religion sociology of religion material culture studies environmental studies and history

in a panoramic history of our criminal justice system from colonial times to today one of our foremost legal thinkers shows how america fashioned a system of crime and punishment in its own image

michael welch s book is an invitation to think it is an invitation to grow intellectually and critically as a consumer of crime policy and an observer of the american scene written by a scholar who has dedicated his work to uncovering the hidden ironies of formal crime policy this is a collection of essays of depth and significance those who read it will be challenged and those who engage with the challenges contained within these pages will have their views of the realities of penal policy changed deepened and made more honest more complete more true from the foreword by todd r clear florida state university punishment in america offers readers a critical examination of the so called back end of the criminal justice system namely incarceration the book integrates various levels of analysis ranging from the macrosociological aspects of punishment to the meso organizational and micro individual dimensions of imprisonment the overarching themes of punishment in america are social control and the ironic effects of incarceration in an effort to reduce crime the criminal justice system ironically produces various self defeating measures moreover these pitfalls in current correctional policy and practice which neglect fundamental social inequality merely compound the problem of crime

the statistics are startling since 1973 america s imprisonment rate has multiplied over five times to become the highest in the world more than two million inmates reside in state and federal prisons what does this say about our attitudes toward criminals and punishment what does it say about us this book explores the cultural evolution of punishment practices in the united states anne marie cusac first looks at punishment in the nation s early days when americans repudiated old world cruelty toward criminals and emphasized rehabilitation over retribution this attitude persisted for some 200 years but in recent decades we have abandoned it cusac shows she discusses the dramatic rise in the use of torture and restraint corporal and capital punishment and punitive physical pain and she links this new climate of punishment to shifts in other aspects of american culture including changes in dominant religious beliefs child rearing practices politics television shows movies and more america now punishes harder and longer and with methods we would have rejected as cruel and unusual not long ago these changes are profound their impact affects all our lives and we have yet to understand the full consequences

from the salem witch trials to death row this work is a gripping analysis of the evolution of punishment practices policies and problems in america from puritan ducking stools to boot camps and supermax prisons punishment in america investigates the evolution of punishment in the

united states intriguing inquiries into penitentiaries parole capital punishment and other sanctions reveal how the rationales behind them retribution rehabilitation and deterrence reflect changes in society culture and values reaching beyond the typical focus on prisons and incarceration to extralegal lynchings and vigilante operations and the treatment of the poor and the mentally challenged this remarkable review also explores the impact of stricter laws on pedophiles and drug offenders and the effect of three strikes legislation and truth in sentencing this thought provoking work will help readers understand the conflicting roles that punishment has played in delivering justice and promoting rehabilitation

this groundbreaking book by an award winning psychoanalyst and forensic psychiatrist presents a comprehensive exploration of a timely but often taboo topic the failure of punishment to deter crime and violence an issue that affects us both individually and as a culture written at the culmination of the author s fifty year career as a psychoanalyst forensic psychologist and scholar this wide ranging work identifies the origins of violence and investigates the surprising consequences of punishment from a multitude of perspectives in his treatment of the topic dr dorpat utilizes scientific research ethical reasoning and his vast clinical experience and insight he also suggests the benefits of new and emerging humane alternatives to the revenge punishment model currently entrenched in our society such as restorative justice in contrast to most contemporary measures these new approaches while still imprisoning dangerous individuals effectively stress reparation and forms of sanctioning other than incarceration when restitution replaces revenge everyone benefits crimes of punishment examines four key interrelated social methods of punishment these are 1 the corporal punishment of children 2 the incarceration of adults in prisons 3 capital punishment the death penalty and 4 emotional verbal abuse as he elucidates and analyzes each of these forms of punishment dr dorpat clearly and logically makes the case that punishment is not only ineffectual but that it also engenders more of what it ostensibly aims to stop violence and misbehavior both children and adults who are subjected to punishment tend to become more violent individuals in covering the full scope of our contemporary justice system dr dorpat brings to the forefront those who are often overlooked or dismissed the victims of crime his concluding chapters present and clarify the psychological wounds and needs of these individuals and demonstrate how restorative justice is effective in attending to victims in an ethical and healing manner in a humane and ethically evolved society restitution replaces punishment market comparison crimes of punishment is unique in that it covers not just one but four different types of punishment the corporal punishment of children the incarceration of adults the death penalty and verbal emotional abuse two earlier books written by psychiatrists expose the terrible conditions in america s prisons they are the crime of

punishment new york viking 1968 by karl menninger and prison madness by terry kupers san francisco jossey bass 1999 this book differs in two important ways from the books written by menninger and kupers first the crimes of punishment covers other kinds of punishment while those authors deal only with the punishment of incarceration secondly the reforms they recommend are merely piecemeal modifications of the present criminal justice systems whereas dr dorpat argues for a radical change that includes the abolition of today s punitive prison retributive justice system and the establishment of a new and different system namely restorative justice a system that has been developed over the past decade in australia and new zealand the crimes of punishment differs from menninger s book in covering the many changes that have occurred in prisons since 1968 in several short chapters on restorative justice the book also explores this exciting new approach and serves as an informed introduction to a new important and effective moral approach to the treatment of criminals

this book addresses one of the most controversial issues in the criminal justice system today the death penalty paternoster et al present a balanced perspective that focuses on both the arguments for and against capital punishment coverage draws on legal historical philosophical economic sociological and religious points of view topics include the history of the death penalty in the united states from the 1600s to today the changing nature of the death penalty changes in the types of crimes that warranted the penalty the procedures employed to put capital offenders on trial and the methods used to impose death constitutional legal issues surrounding the death penalty the influence of race on the administration of the death penalty both in the past and in the present justifications for and against the death penalty retribution cost public safety and religious arguments questions about the execution of innocents exonerated capital offenders and flaws in the operation of the death penalty public opinion and the death penalty the death penalty and international law and practice the future of the death penalty in america

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 mcfely 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

a j richards

in the 1970s and the 1980s polls in the united states showed approval of the death penalty growing consistently with nearly 80 percent of the public favoring capital punishment for murderers in 1988 yet during the last decade when approximately 300 persons were sentenced to the death penalty each year an average of only ten were executed each year and those deaths that did occur were normally delayed for eight years after sentencing what explains these significant refusals to implement policies of capital punishment

raymond paternoster demonstrates conclusively that despite the public's desire to punish criminals to protect ourselves to spend tax dollars effectively and to compensate victims families we are reluctant to actually take the lives of prisoners and in fact that most americans would choose to abolish capital punishment if they knew of an effective alternative that alternative paternoster asserts is to replace the death penalty with sentences of life without parole along with mandatory financial restitution to the victim's survivors this policy would ensure that convicted murderers receive harsh punishment and with parole forbidden in all cases the public would be protected from any future crimes such criminals could commit

paternoster shows that life sentences may actually be

less expensive than execution and a more effective deterrent than the infrequently imposed death penalty in addition life sentences could require prisoners to pay a portion of their prison wages to their victims survivors most importantly such a policy would ensure that the government does not execute innocent people paternoster s well documented book argues cogently against capital punishment as an appropriate and effective response to murderers and offers a sound alternative that addresses the public s demand for justice safety and restitution

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