Using the Death Penalty: Should We Flip the Switch?

Peer-Reviewed Articles

- This article works to summarize all the work done that focuses on the impact of jurors attitudes on the death penalty on their likelihood to favor a guilty v. not guilty verdict and they type of sanction favored. Most studies reveal that the more favorable one’s attitudes are toward the death penalty the higher the probability that you will favor a conviction and sanction of the death penalty.

- The article challenges the use of DNA evidence in death penalty cases and using such evidence to garner support against the death penalty among the public due to innocence and wrongful conviction. They challenge the scientific validity of such methods and promote more scientifically sound and rigorous approaches to be used in an effort to support or oppose the death penalty.

- Provides a historical perspective and evolution of the death penalty in the United States, focusing on capital trials used to convict and sentence capital offenders, the procedure utilized in capital cases and the cost associated with the death penalty.

- This article addresses the issue as to whether or not a defendant represents a “continuing threat to society,” essentially what will the defendants future behavior look like and will they present a risk to society. The article specifically looks at how this is determined by expert witnesses who are in the mental health field, calling into question the accuracy of their predictions. Past studies have found that such predictions are only accurate 1/3 of the time. The study looked at 155 cases in Texas, where experts had testified to the offenders future dangerousness. Those who were executed (n=65) were later removed from the sample). The study found that many predictions were not accurate and such expert testimony concerning a capital offenders dangerousness has little merit and minimal probative value.
- Examines past case law of the US Supreme Court that had issues centered on the 8th Amendment’s cruel and unusual punishment clause. The article examines the Courts rationale and uses their legal principles to argue how and why the death penalty should be held unconstitutional under the 8th Amendment of the US Constitution.

- Addresses the death penalty from an international perspective, comparing those nations who currently use the death penalty to those who do not have this as a current sentencing practice. With the US being one of the only western nations to currently use the death penalty, they article comes from a human rights perspective – citing the importance of safeguarding offenders and their rights and the possibility of error and wrongful conviction in such cases.

- This article reexamines the Marshall Hypothesis, which argues that the more knowledge has on the death penalty and the more informed they become on the issue the less likely one might be to support the death penalty. Taking into account new information about the death penalty, past information, demographic factors, and religion, the authors find that more information leads to a decrease in the support of the death penalty.

- Examines the administration of the death penalty from a racial perspective. Looks at the consistency in the application of the death penalty and the racial fairness present when administering the death penalty and how such disparity present in the application of the death penalty across races should be enough of an impetus to abolish the death penalty.

- Examines the role of race in support or opposition towards the death penalty. The study uses an experimental design to examine the effect of race on various arguments toward the death penalty (racially driven arguments v. nonracial arguments against capital punishment). The study found that Blacks were more likely to be responsive to arguments that had both racial and nonracial perspectives, than Whites. The study also found that Whites were more likely to support the death penalty for those arguments that included a racial motivation to the death penalty.

- The article focuses on the ability of the death penalty to deter crime, specifically capital murder, and examines support for the death penalty by looking at the opinions of scholars and experts in the field of criminology.


- Looks at the various factors that impact and inform various arguments concerning the death penalty and death penalty opinion over time. Specifically looks at changes in such arguments concerning six areas – including the philosophies that guide the death penalty (i.e. deterrence, incapacitation, and retribution). They also look at bias, cost of the death penalty, error and possible wrongful conviction. The article also examines how both public opinion and scholarly opinion have shifted over the past 25 years toward the abolition of the death penalty.


- Examines the role of gender and the death penalty, shedding light on the discriminatory fashion in which the death penalty is applied across gender. Specifically, much research has shown that women are less likely to receive the death penalty than males who commit similar offenses. This is often argued to be rooted in the chivalry hypothesis. The study uses a content analysis to examine the application of the death penalty across men and women and finds that there is a bias present.


- The article looks at contextual and individual level factors that impact and garner the support for the death penalty among Whites in the United States. The article notes that White who support the death penalty may do so due to several reasons, some which have yet to be accounted for by past research. For example, the legitimacy and trust in the government and authoritarian values all impact support for the death penalty. Interestingly, the study finds that those who live in close proximity to a higher number blacks “impact the racial prejudice on white support” for the death penalty.


- Examines the deterrent effect of the death penalty by looking at the impact of the death penalty on the homicide rate. The article reviews past work by Ehrlich and Klein. The article also addresses the impact and deterrent effect of the death penalty compared to the actual threat of execution and compares capital murder in states with and without the death penalty.
- Explores several arguments used in support and opposition of the death penalty, looking at both the need for reform in our current system and the positive elements it provides (i.e. its utility).

**Books**


**Websites**


The Innocence Project. [http://www.innocenceproject.org/](http://www.innocenceproject.org/)