

Research Paper Capital Punishment

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.

Deterrence and the Death Penalty National Academies Press

Capital punishment has been part of the criminal justice systems of this country since colonial times. Laws and methods of execution have changed, but thirty-nine states, the District of Columbia, and the Federal Government retain the death penalty. The US Supreme Court held in 1972 that capital punishment as currently practiced is cruel and unusual and therefore unconstitutional. The paper provides an analysis of the court decision and holds that the death penalty can be restored under conditions that will withstand future Court review.

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.

The increase in the number of countries that have abolished the death penalty since the end of the Second World War shows a steady trend towards worldwide abolition of capital punishment. This book focuses on the political and legal issues raised by the death penalty in "countries in transition", understood as countries that have transitioned or are transitioning from conflict to peace, or from authoritarianism to democracy. In such countries, the politics that surround retaining or abolishing the death penalty are embedded in complex state-building processes. In this context, Madoka Futamura and Nadia Bernaz bring together the work of leading researchers of international law, human rights, transitional justice, and international politics in order to explore the social, political and legal factors that shape decisions on the death penalty, whether this leads to its abolition, reinstatement or perpetuation. Covering a diverse range of transitional processes in Asia, Africa, Latin America, Europe, and the Middle East, *The Politics of the Death Penalty in Countries in Transition* offers a broad evaluation of countries whose death penalty policies have rarely been studied. The book would be useful to human rights researchers and international lawyers, in demonstrating how transition and transformation, 'provide the catalyst for several of interrelated developments of which one is the reduction and elimination of capital punishment'.

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

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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. TCR Singles Contains one featured essay from a previous issue of The Concord Review (TCR). TCR contains essays from a unique international journal of exemplary history research papers by secondary students of history. This issue features: "Capital Punishment" was written by Benjamin Patrick Chiacchia while attending Lincoln High School in Lincoln, Rhode Island. Abstract: Capital punishment has served a unique function in the American penal system, and its 400-year history in the United States has been surrounded by controversy. While the death penalty has a complicated history of influence, including religious norms, social sentiments, and political fervor, its exercise

has often fallen to the will of the people. Activism on both sides, coupled with the normal political processes that influence this contentious facet of criminal justice, has led to a nationwide struggle over the continuation and methods used to carry out capital punishment. In the absence of a constitutional provision regarding the death penalty, debate has and continues to revolve around how and if this form of punishment will continue to be employed by the United States. This paper explores the relationship between the people and the death penalty, as well as the general history of capital punishment and the arguments posed by both sides of the debate.

Death Penalty Cases 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 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 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

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. CORRECTIONS TODAY, 3rd Edition, is a briefer, visual, paperback alternative to hardback Introduction to Corrections texts, ideal for instructors who are looking for course materials that present numerous real-world concepts and applications. It examines the field of corrections through the lens of students who are giving serious thought to a career in the field or are working in corrections while seeking an advanced degree in order to be promoted or switch job paths.

CORRECTIONS TODAY, 3rd Edition, offers a practical, engaging, career-focused, and authoritative introduction to corrections. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

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.

"Confronting the Death Penalty probes how jurors make the ultimate decision about whether another human being should live or die. Drawing on ethnographic

and qualitative linguistic methods, Robin Conley explores the means through which language helps to make death penalty decisions possible - how specific linguistic choices mediate and restrict jurors', attorneys', and judges' actions and experiences while serving and reflecting on capital trials."--Provided by publisher.

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. 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.

The first historical study—and a riveting account—of the last execution in Michigan. An in-depth examination of what life under a sentence of death is like.

This book provides an overview of capital punishment in Japan in a legal, historical, social, cultural and political context. It provides new insights into the system, challenges traditional views and arguments and seeks the real reasons behind the retention of capital punishment in Japan.

A professor of social psychology explores the history of execution in America, weighing its social costs, discussing its potential benefits and problems, and building a new model for understanding the politics behind the death penalty. Prospects for the future.

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

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

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.

Evolving Standards of Decency examines the ways in which popular culture portrays the death penalty. By analyzing literature and film, Atwell argues that capital punishment becomes much more complex when both offenders and victims are presented as fully developed individuals. Those studying justice issues, corrections, or capital punishment will find this an accessible work that places the stories read in novels or seen in movies in the context of the legal system that has the power of life and death.

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.

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.

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

Published in 1764, *On Crimes and Punishments* by Cesare Beccaria (1738-1794) courted both success and controversy in Europe and North America. Enlightenment luminaries and enlightened monarchs alike lauded the text and looked to it for ideas that might help guide the various reform projects of the day. The equality of every citizen before the law, the right to a fair trial, the abolition of the death penalty, the elimination of the use of torture in criminal interrogations—these are but a few of the vital arguments articulated by Beccaria. This volume offers a new English translation of *On Crimes and Punishment* alongside writings by a number of Beccaria's contemporaries. Of particular interest is Voltaire's commentary on the text, which is included in its entirety. The supplementary materials testify not only to the power and significance of Beccaria's ideas, but to the controversial reception of his book. At the same time that philosophes proclaimed that it contained principles of enduring importance to any

society grappling with matters of political and criminal justice, allies of the ancien régime roundly denounced it, fearing that the book's attack on feudal privileges and its call to separate law from religion (and thus crime from sin) would undermine their longstanding privileges and powers. Long appreciated as a foundational text in criminology, Beccaria's arguments have become central in debates over capital punishment. This new edition presents Beccaria's *On Crimes and Punishments* as an important and influential work of Enlightenment political theory.

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.

This is the first book to examine individual rights from an economic perspective, collecting together leading articles in this emerging area of interest and showing the vibrant and expanding scholarship that relates them. Areas covered include The implications of constitutional protections of individual rights and freedoms, including freedom of speech and of the press, The right to bear arms, The right against unreasonable searches, The right against self-incrimination, The right to trial by jury, The right against cruel and unusual punishment, including capital punishment. The focus of these papers is both theoretical and empirical, examining how economics can illuminate the entire sequence of crime and punishment, from the decision to commit a crime, to police methods for apprehending and arresting criminals, to the rules used in trials to the scope of punishment for the convicted.

Bachelor Thesis from the year 2011 in the subject Business economics - Law, grade: 1,0, Berlin School of Economics and Law, language: English, abstract: Awareness surrounding the financial burden of capital punishment is increasing and slowly beginning to permeate the American Society. However, not enough light has been shed on the sources that are causing the financial devastation. The death-is-different legal doctrine in the United States grants procedural protection that is unique for capital litigation providing individual consideration for

each case. The paper investigates the price increase by capitally adjudicating a case compared to a non-capital litigation. Looking at the economic side of the impact of legal statutes should contribute to the discussion about choosing alternative punishments, such as life incarceration without the possibility of parole, and the systems' improvement prospects or the lack thereof. In the aftermath of a severe economic crisis and with ongoing financial solvency crises of interdependent nations, cost cutting considerations become all the more essential. Further, it is "Time to consider whether maintaining the costly death penalty system is being smart on crime" by briefly looking into where the money could be invested instead in order to achieve an equivalent effect. In short, the paper aims at ascertaining the financial cost of capital punishment and how the discoveries can impact jurisprudence. The central questions are the following. How to approach the financial cost of death penalty? What are the cost drivers of the system? Are there calculable benefits? How did and can economic arguments influence the legitimacy of capital punishment? The paper is structured as follows. The introduction is designed to lay out the framework of the United States capital punishment system. The main part provides an overview of the developments in approaching the cost of state-sanctioned killing, then explores the key cost drivers and f

This Brief reviews the past, present, and future use of school corporal punishment in the United States, a practice that remains legal in 19 states as it is constitutionally permitted according to the U.S. Supreme Court. As a result of school corporal punishment, nearly 200,000 children are paddled in schools each year. Most Americans are unaware of this fact or the physical injuries sustained by countless school children who are hit with objects by school personnel in the name of discipline. Therefore, Corporal Punishment in U.S. Public Schools begins by summarizing the legal basis for school corporal punishment and trends in Americans' attitudes about it. It then presents trends in the use of school corporal punishment in the United States over time to establish its past and current prevalence. It then discusses what is known about the effects of school corporal punishment on children, though with so little research on this topic, much of the relevant literature is focused on parents' use of corporal punishment with their children. It also provides results from a policy analysis that examines the effect of state-level school corporal punishment bans on trends in juvenile crime. It concludes by discussing potential legal, policy, and advocacy avenues for abolition of school corporal punishment at the state and federal levels as well as summarizing how school corporal punishment is being used and what its potential implications are for thousands of individual students and for the society

