



The Death Penalty: An American History

By Stuart Banner

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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.

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Editorial Review

Amazon.com Review

Stuart Banner's *The Death Penalty* is a richly detailed overview of American attitudes toward and implementation of capital punishment throughout its past. Banner decries what he sees as today's prevailing "smug condescension" to history, and states that executing a fellow human in the 17th and 18th centuries, though exponentially more common than today, was "just as momentous" an act. He traces changing technology and venues as well as the relatively constant arguments--legal, philosophical, and religious--of proponents and opponents. The book is rich with fascinating sidelights, among them the chilling practice of "symbolic" executions, the idea that dissections, viewed as a sort of punishment beyond death, were thought to act as deterrents to capital crime, and how the rise of newspapers as a mass medium hastened, in part, the demise of public hangings. *The Death Penalty* is free of polemic and cant, admirably disinterested, and at once rigorous yet thoroughly accessible. --H. O'Billovich

From Publishers Weekly

In this well-researched and clear account, Washington University law professor Banner charts how and why this country went from having one of the world's mildest punitive systems to one of its harshest. In colonial America, criminals were hanged before large crowds in elaborate rituals that included sermons and prayers. All serious crimes robbery, arson, counterfeiting were capital offenses. But gradually, opposition to execution took root and, by the 1780s, it was considered by many to be a feudal relic incompatible with human progress; resulting penal reforms significantly reduced the use of capital punishment. By the Civil War, a prolonged debate led three northern states to abolish it, while the rest limited its application to murderers (the South's opinions on the matter remained more or less unchanged). As 19th-century "elites" withdrew from the crowds at public executions, the mood turned against them altogether; when executions were moved inside prison walls, they no longer presented the public with their traditional (and gruesome) brand of deterrence. But, as Banner shows, in the last few decades, the number of executions has surged. Today, he contends, the death penalty is "an emotionally charged political issue administered within a legal framework so unworkable that it satisfie[s] no one." (12 halftones, not seen) (Mar.) Forecast: If booksellers shelve this with the recently reissued *Legal Lynching* by Jesse Jackson Sr. and Jesse Jackson Jr. and Ivan Solotaroff's *The Last Face You'll Ever See*, they'll see increased sales, for those impassioned on the subject will seek them out. And with its original and sound research, this volume should have staying power. Copyright 2002 Cahners Business Information, Inc.

From Library Journal

Opponents of capital punishment will get cold comfort from this history of the death penalty in America. Banner (law, Washington Univ.) is not a proponent of capital punishment and in fact takes great pains to describe the gruesome details of many executions. But here he concludes that the death penalty is ingrained in the American justice system, if not in the American way of life. Banner's account focuses on how the crimes punishable by death, and the way executions are administered, differ today from earlier times. Until the mid-18th century, a death sentence was given for a litany of crimes and carried out by hanging in the public square, with sermons and confessions. Today, a death sentence is given only for murder and treason and takes place out of sight, with few witnesses. Yet the reasons for the death penalty are the same: deterrence and retribution. Banner points out that while the death penalty has been a divisive issue for the past 250 years, it has always been with us except for the few years from the late 1960s to 1976. A chilling account; recommended for crime collections in all libraries. Frances Sandiford, Green Haven Correctional Facility Lib., Stormville, NY
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Users Review

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Norman Williams:

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