Towards the Worldwide Abolition of the Death Penalty

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Introduction

In a monumental 1972 decision by the U.S. Supreme Court, all but a few death penalty statutes in the United States were declared unconstitutional (Furman v. Georgia, 408 U.S. 238). Consequentially, each of the 630 inmates then on America's death rows was resentenced to life imprisonment, and many thought we would never again see an execution. However, on July 2, 1976 the Supreme Court reversed its course toward abolition in a case called Gregg v. Georgia (428 U.S. 153), and approved several newly-enacted capital statutes. Today gives us an opportunity to compare the ways in which the death penalty was justified at the time of Gregg and the ways that it is justified today.

In the following pages, I will outline the major arguments made in support of the death penalty in the mid-1970s and examine the responses by scholars and death penalty foes that were made to these justifications. I will argue that because of the high quality of those responses, death penalty supporters have been forced to make dramatic shifts in the past 25 years in how they support their position. I will argue that those who support the death penalty today, compared to 25 years ago, rely much less on such issues as deterrence, incapacitation, cost, and religious principles, and more on grounds of retribution. In addition, those who support the death penalty are more likely today than in years past to acknowledge the inevitability of racial and class bias in death sentencing, as well as the inevitability of executing the innocent. I will conclude with a look at today's

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arguments in favor of the death penalty, and some thoughts on how to expose the many shortcomings of these justifications.

Public opinion on the death penalty in America over the past 50 years has vacillated. The best data on public attitudes toward capital punishment come from Gallup polls, which show that support decreased through the 1950s and until 1966, when only 47% of the American public voiced support (Ellsworth & Gross 1994). Support then gradually increased to a point in the 1980s and early 1990s where upwards of three quarters of Americans supported the death penalty under at least some circumstances. By 1994, support had reached 80% (Gallup & Newport 1991:44, Gillespie 1999). The most more recent data indicate that public approval for the death penalty has decreased rather significantly in the past few or three years. By February 2001, support for capital punishment had dropped to 67% (Jones 2001).

To address the question of what accounts for these patterns, let's turn the clock back twenty-five years to the time of the Gregg decision and examine the main arguments that supporters of the death penalty were making at the time.

Deterrence

In the mid-1970s, the top argument in favor of the death penalty was deterrence. This hypothesis suggests that we must punish offenders to discourage others from committing similar offenses; we punish past offenders to send a message to potential offenders. In a broad sense, the deterrent effect of punishment is thought to be a function of three main elements: certainty, celerity, and severity. First, people do not violate laws if they are certain that they will be caught and punished. Second, celerity refers to the elapsed time between the commission of an offense and the administration of punishment. In theory, the more quickly a punishment is carried out, the greater its deterrent effect. Third, the deterrent effect of a punishment is a function of its severity. However, over the last two decades more and more scholars and citizens have realized that the deterrent effect of a punishment is not a consistent direct effect of its severity – after a while, increases in the severity of a punishment no longer add to its deterrent benefits. In fact, increases in a punishment's severity have decreasing incremental deterrent

effects, so that eventually any increase in severity will no longer matter. If one wishes to deter another from leaning on a stove, medium heat works just as well as high heat.

At the time of Gregg, the main justification for the death penalty offered by its supporters was deterrence. And, while scholars have studied this hypothesis for the past 75 years, only recently have we developed the sophisticated data banks and statistical techniques to fully explore the issue. Scores of researchers have examined the possibility that the death penalty has a greater deterrent effect on homicide rates than long-term imprisonment (see reviews in Bailey & Peterson 1997, Bohm 1999, Hood 1996:180-212, Paternoster 1991:217-45, Peterson & Bailey 1998, Zimring & Hawkins 1986:176-86). While some econometric studies in the mid-1970s claimed to find deterrent effects (e.g., Ehrlich 1975), it was soon discovered that these studies suffered from critical flaws (e.g., Klein et al. 1978). Overall, virtually all of the deterrence studies done in the past 25 years have failed to support the hypothesis that the death penalty is a more effective deterrent to criminal homicides than long imprisonment. As two of this country's most experienced deterrence researchers conclude after their review of recent scholarship, "The available evidence remains 'clear and abundant' that, as practiced in the United States, capital punishment is not more effective than imprisonment in deterring murder" (Bailey & Peterson 1997:155).

There is widespread agreement among both criminologists and law enforcement officials that capital punishment has little curbing effect on homicide rates superior to long term imprisonment. In a recent survey of 70 current and former presidents of three professional associations of criminologists (the American Society of Criminology, the Academy of Criminal Justice Sciences, and the Law and Society Association), 85% of the experts agreed that the empirical research on deterrence has shown that the death penalty never has been, is not, and never could be superior to long prison sentences as a deterrent to criminal violence (Radelet & Akers 1996). Similarly, a 1995 survey of nearly 400 randomly-selected police chiefs and county sheriffs from throughout the U.S. found that two-thirds did not believe that the death penalty significantly lowered the number of murders (Radelet & Akers 1996).

Opinion polls show that the general public is gradually accepting the results from this body of research. According to the 2001 Gallup Poll, only 10% of those who support the death penalty believe it has deterrent effects (Jones 2001). In short, a remarkable change in the way the death penalty is justified is occurring. What was once the public's most widely-cited justification for the death penalty has by now lost virtually all of its appeal.

Incapacitation

A second change in death penalty arguments involves the incapacitation hypothesis, which suggests the need to execute the most heinous killers in order to prevent them from killing again. According to this view, we need the death penalty to protect the public from recidivist murders. On its face it is a simple and attractive position: No executed prisoner has ever killed again, and some convicted murderers will undoubtedly kill again if, instead of being executed, they are sentenced to prison terms.

Research addressing this issue has focused on calculating precise risks of prison homicides and recidivist murder. This work has found that the odds of repeat murder are minuscule, and that people convicted of homicide tend to make better adjustments to prison than other convicted felons (Bedau 1982a, 1997, Stanton 1969, Wolfson 1982). The best research on this issue has been done by James Marquart and Jonathan Sorensen, who tracked down 558 of the 630 people on death row when all death sentences in the U.S. were invalidated by the Supreme Court in 1972. Contrary to the predictions of those who advocate the death penalty on the grounds of incapacitation, the researchers found that among those whose death sentences were commuted in 1972, only about one percent went on to kill again. This figure is almost identical with the number of death row prisoners later found to be innocent (Marquart & Sorensen 1989). Interpreted another way, these figures suggest that 100 prisoners would have to be executed to incapacitate the one person who statistically might be expected to repeat. Arguably, today's more sophisticated prisons and the virtual elimination of parole have reduced the risks of repeat homicide even further.

While the incapacitation argument might have made sense in less developed countries or an era when there were no prisons

available for long-term confinement, the empirical evidence suggests that today's prisons and the widespread availability of long prison terms are just as effective as capital punishment in preventing murderers from repeating their crimes. Still, leading scholars (Ellsworth & Gross 1994; Gross 1998) conclude that next to retribution, incapacitation is the second most popular reason for favoring the death penalty. In a 1991 national poll, for example, 19% of death penalty supporters cited incapacitation as a reason for favoring the death penalty (Gross 1998:1454). But in the last two decades it has become clear that if citizens are convinced that convicted murderers will never be released from prison, support for the death penalty drops dramatically.

The public opinion polls I mentioned earlier measure support for the death penalty in the abstract, not support for the death penalty as it is actually applied. A key factor that has changed in sentencing for capital crimes since the Gregg decision has been the increased availability of "life without parole" (LWOP) as an alternative to the death penalty. Today, at least 32 states offer this option (Wright 1990), although it is clear that most citizens and jurors do not realize this and vastly underestimate the amount of time that those convicted of capital murders will spend in prison (Fox et al. 1990-91: 511-15, Gross 1998:1460-62). Another segment of the population realizes that life without parole is an alternative to the death penalty, but in spite of this, believe that future political leaders or judges will find ways to release life-sentenced inmates. It is a paradoxical position: such citizens support giving the government the ultimate power to take the lives of its citizens, but do so because of distrust of these same governments and/or the perception of governmental incompetency.

Nonetheless, when asked about support for the death penalty given an alternative punishment of life without parole, support for the death penalty plummets. Nationally, the 2001 Gallup Poll found that only 54% of the respondents supported the death penalty given the alternative of life without parole – a vast difference from the "overwhelming support" that many erroneously believe the death penalty enjoys. As more and more Americans learn that, absent the death penalty, those convicted of capital crimes will never be released from prison, further withering in death penalty support seems likely.

Caprice and Bias

As new death penalty laws were being passed in the 1970s to replace those invalidated by the Furman decision, many thought that the death penalty could be applied in a way that would avoid the arbitrariness and racial and class bias that had been condemned in Furman (Bedau 1982b, Black 1981). However, research conducted in the years since has all but unanimously concluded that the new laws have failed to achieve this goal. Most of this scholarship concludes that for comparable crimes, the death penalty is between three and four times more likely to be imposed in cases in which the victim is white rather than black (Baldus & Woodworth 1998, Baldus et al. 1998; Baldus et al. 1990, Bowers et al. 1984, Gross & Mauro 1989, Radelet & Pierce 1991).

By any measure, the most comprehensive research ever produced on sentencing disparities in American criminal courts is the work of David Baldus and his colleagues conducted in Georgia in the 1970s and 1980s (Baldus et al. 1990). After statistically controlling for some 230 variables, these researchers concluded that the odds of a death sentence for those who kill whites in Georgia are 4.3 times higher than the odds of a death sentence for those who kill blacks. Attorneys representing Georgia death row inmate Warren McCleskey took these data to the Supreme Court in 1987, claiming unfair racial bias in the administration of the death penalty in Georgia. But by a 5-4 vote, the Court rejected the argument, as well as the idea that a statistical pattern of bias could prove any bias in McCleskey's individual case (McCleskey v. Kemp, 481 U.S. 279 (1987)). In effect, the McCleskey decision requires that defendants who raise a race claim must prove that race was a factor in their individual cases, and that as far as the courts are concerned, the statistical patterns indicating racial bias are totally irrelevant.

Two ways in which possible bias and arbitrariness in the death penalty can be reduced is through the provision of effective counsel to the poor and the careful use of executive clemency powers. Again, social science research addressing these issues has identified problems.

Research on the quality of attorneys provided to indigent defendants charged with capital offenses has relied on case-study

methodology and examination of statutory law or customary procedures used to attract and compensate counsel. Stephen Bright has documented dozens of cases in which death sentences were given despite the fact that the defense attorneys were drunk, using drugs, racist against their own clients, unprepared or outright unqualified to practice criminal law, or otherwise incompetent (Bright 1997a, 1997b). In several cases, the defense attorney slept during the trial – giving a new meaning to the term "dream team" (Bright 1997b:790, 830). State governments are increasingly appointing attorneys in capital cases who submit the lowest bids; typically, attorneys are compensated at less than the minimum wage (Bright 1997b:816-21). As a result, those sentenced to death are often distinguishable from other defendants convicted of murder not on the basis of the heinousness of the crime, but instead on the basis of the quality of their defense attorneys.

A possible remedy for these failures at trial is executive clemency. Executive clemency can be used not only to remove bias and arbitrariness, but also to correct mistakes (e.g., when doubts exist about the prisoner's guilt, or when previously unknown or underweighted mitigation – such as evidence of mental illness or retardation – emerges), or to reward rehabilitation. Again, social science research in this area suggests the ineffectiveness of executive clemency in achieving these goals. Clemency today is rarely granted, especially compared to the years before the 1972 Furman decision (Bedau 1990-91). Since 1972, only 41 death sentences in American jurisdictions have been were commuted to prison terms for humanitarian reasons through power of executive clemency (for descriptions of 29 of these, see Radelet & Zsembik 1993). Of these, only six were granted on grounds of "equity."

Public opinion on the death penalty shows that while most Americans recognize the problems of race and class bias, they do not view such discrimination as a reason to oppose the death penalty. In the 1999 Gallup Poll, for example, 65% of the respondents agreed that a poor person is more likely than a person of average to above average income to receive the death penalty for the same crime (Gillespie 1999). Half the respondents believed that black defendants are more likely than whites to receive a death sentence for the same crime.

Cost

A fourth way in which death penalty arguments have changed in the past 25 years involves the issue of its fiscal costs. Two decades ago, some citizens and political leaders supported the death penalty as a way of avoiding the financial burdens of housing inmates for life or long prison terms. The 2001 Gallup Poll found that 20% of those supporting the death penalty cited the high fiscal costs of imprisonment as a reason for their positions (Jones 2001). This is not an issue on which well-intentioned people disagree; this is an issue on which the death penalty supporters are flat-out wrong. As more and more people learn about the high fiscal costs of the death penalty in the next few years, we can expect further declines in death penalty support.

Research over the past 25 years has firmly established that a modern death penalty system costs several times more than an alternative system in which the maximum criminal punishment is life imprisonment without parole. This research has been conducted in different states with different data sets by newspapers, court and legislatures, and academics (see reviews in Bohm 1998, Dieter 1997, Spangenberg & Walsh 1989). Estimates by the Miami Herald are typical: $3.2 million for every electrocution versus $600,000 for life imprisonment (von Drehle 1988). These cost figures for capital punishment include not only expenses for those cases that end in execution, but also the many more cases in which the death penalty is sought that never end with a death sentence, and cases in which a death sentence is pronounced but never carried out. They also include the costs both for trials and for the lengthy appeals that are necessary before an execution can be authorized. Consequently, the cost issue today has become an anti-death penalty argument. Absent the death penalty, states would have more resources to devote to the ends the death penalty is allegedly designed to pursue, such as reducing high rates of criminal violence or rendering effective aid to families of homicide victims.

Miscarriages of Justice

Death penalty arguments are changing in a fifth way: death penalty retentionists now admit that as long as we use the death penalty, innocent defendants will occasionally be executed. Until a

decade ago, the pro-death penalty literature took the position that such blunders were rare historical oddities and could never be committed in modern times. Today, thanks in part to DNA, the argument is not over the existence or even the inevitability of such errors, but whether the alleged benefits of the death penalty outweigh these uncontested liabilities. Several studies conducted over the last two decades have documented the problem of erroneous convictions in homicide cases (Radelet et al. 1992; Scheck et al. 2000). Since 1970 there have been 95 people released from death rows in the U.S. because of innocence (Death Penalty Information Center 2001; for a description of 68 of these cases, see Bedau & Radelet 1987, Radelet et al. 1996).

The cases of those wrongly sentenced to death and who were totally uninvolved in the crime constitute only one type of miscarriage of justice. Another (and more frequent) blunder arises in the cases of the condemned who, with a more perfect justice system, would have been convicted of second degree murder or manslaughter, making them innocent of first degree murder. For example, consider the case of Ernest Dobbert, executed in Florida in 1984 for killing his daughter. The key witness at trial was Dobbert's 13-year-old son, who testified that he saw his father kick the victim (this testimony was later recanted). In a dissent from the Supreme Court's denial of certiorari written just hours before Dobbert's execution, Justice Thurgood Marshall argued that while there was no question that Dobbert abused his children, there was substantial doubt about the existence of sufficient premeditation to sustain the conviction for first degree murder. "That may well make Dobbert guilty of second-degree murder in Florida, but it cannot make him guilty of first-degree murder there. Nor can it subject him to the death penalty in that State" (Dobbert v. Wainwright, 468 U.S. 1231, 1246 (1984)). If Justice Marshall's assessment was correct, then Dobbert was not guilty of a capital offense, and – in this qualified sense – Florida executed an innocent man.

In other cases, death row inmates have indeed killed someone, but, again, a more perfect system for deciding who should be convicted and who should die would have found these defendants not guilty because of insanity or self-defense, or because the killing was, in reality, an accident. Examined in this way, the class of

"wrongful convictions" extends far beyond the group of those convicted who were legally and factually innocent of the crime.

The Growing Focus on Retribution

Thus far I have argued that in the last 25 years, debates over deterrence, incapacitation, cost, fairness, and the inevitability of executing the innocent have all been either neutralized or won by those who stand opposed to the death penalty. But while death penalty advocates increasingly acknowledge that these traditional justifications are growing less persuasive, in their place we have witnessed the ascendancy of what has become the most important contemporary pro-death penalty argument: retribution. Here one argues that justice requires the death penalty. Those who commit the most premeditated or heinous murders should be executed simply on the grounds that *they deserve it* (Berns 1979, van den Haag 1997, 1998). Life without parole, according to this view, is simply insufficient punishment for those who commit the most heinous and premeditated murders.

Retributive arguments are often made in the name of families of homicide victims, who are depicted as "needing" or otherwise benefitting from the retributive satisfaction that the death penalty promises. Perhaps the question most frequently posed to death penalty opponents during debates is "How would you feel if your closest loved one was brutally murdered?"

Those who oppose capital punishment can reasonably respond by pointing out that the death penalty offers much less to families of homicide victims than it first appears. For example, by diverting vast resources into death penalty cases – a small proportion of all homicide cases – the state has fewer resources for families of non-capital homicide victims and for more effective assistance for families of all homicide victims. Or, one could argue that the death penalty hurts families of homicide victims in cases in which the killer is not sentenced to death, since the prison sentence risks making them feel like their loved one's death was not "worth" the life of the killer. Or, one could argue that the death penalty serves to keep the case open for many years before the execution actually occurs, often through resentences or retrials, continuously preventing the wounds of the family of the victim from healing. Death penalty

opponents can also point to Timothy McVeigh and scores of other death row inmates who have given up their appeals and asked to be executed rather than serve long terms of imprisonment. Those who love retributive punishments have yet to deal with the evidence that life imprisonment without parole can be even worse than execution.

Arguing that the most heinous murderers "deserve" to die does not settle the question of whether our governments actually ought to spend the resources to deliver the just deserts (Wolfgang 1996). Given well-documented *injustices* in the application of the death penalty, we can raise the issue of whether such a penalty can be applied in the name of "justice." The question becomes not "Who deserves to die," but instead, "Who deserves to kill?"

Unlike the arguments reviewed above, retribution is a non-empirical justification and thus all but impossible to test with empirical data. After all, there are no mathematical formulae available or on the horizon that can tell us precisely (or even roughly) how much of a given punishment a murderer – or any other offender – "deserves." In the end, the calculation of how much punishment a criminal "deserves" becomes more a moral and less a criminological issue.

To the extent that the death penalty is justified on moral (retributive) grounds, it is paradoxical that the overwhelming majority of what can be called the "moral leadership" in the U.S. already stands opposed to the death penalty. Leaders of Catholic, most Protestant, and Jewish denominations are strongly opposed to the death penalty, and most formal religious organizations in the U.S. have endorsed statements in favor of abolition (American Friends Service Committee 1998). In the words of Father Robert Drinan, a Jesuit priest and former member of Congress, "The amazing convergence of opinion on the death penalty among America's religious organizations is probably stronger, deeper, and broader than the consensus on any other topic in the religious community in America" (Drinan 1991:107). Consequently, no longer are Old Testament religious arguments in favor of the death penalty widely used or heard.

There is also evidence that the general public recognizes some limits to retributive punishments. In 1991, the Gallup Poll asked

respondents which method of execution they preferred. After all, if one were *really* retributive, and if people like Oklahoma City bomber Timothy McVeigh *really* got what they "deserved," the preferred method might be slow boiling or public crucifixion. Yet, 66% of the respondents favored lethal injection, an increase of ten points from six years earlier (Gallup & Newport 1991:42). This preference likely reflects, at least in part, the belief that inmates might suffer too much in electric chairs and gas chambers. In contrast, lethal injection offers an ostensibly less painful death. In fact, death penalty opponents often argue against the use of lethal injection on the grounds that this method makes executions more palatable to the public by creating the appearance that the inmate is simply being put to sleep (Schwarzschild 1982). This concern with finding ways to reduce the prisoner's suffering is inconsistent with the idea that we need the death penalty on the grounds of retributive justice.

Trends Toward Abolition

The above changes in death penalty debates come at a time when there is a relatively rapid worldwide movement away from the death penalty. Amnesty International reports that in 1999, only thirty-one countries hosted one or more executions. Even within those thirty-one countries, the executions were concentrated in only a handful; 85 percent of all known executions in 1999 were carried out in China, Iran, Saudi Arabia, the Democratic Republic of the Congo, and the U.S. (Amnesty International, 2000:22). In 2000, the U.S. moved to third place on this grisly list, behind only China and Saudi Arabia (see <*www.amnesty.org*>). Normally these are not countries with whom the U.S. shares domestic policies. Taiwan's decision to continue to allow executions tells the world that it prefers to follow the human rights policies of China, not those of the vast majority of developed nations.

Hugo Adam Bedau, the dean of American death penalty scholars, has argued that the history of the death penalty in the U.S. over the past two centuries is a history of its gradual retraction. Among specific changes that mark the path toward the decline of the death penalty have been:

> The end of public executions and of mandatory capital sentencing, introduction of the concept of degrees of murder, development of appellate review in capital cases, decline in annual executions, reduction in the variety of capital statutes, experiments with complete abolition, even the search for more humane ways to inflict death as a punishment ... (Bedau 1982: 3-4).

With over 3,700 men and women currently sentenced to death in the U.S., it is quite easy for those who oppose the death penalty to preach doom and gloom. However, Bedau's observations invite students of the death penalty to take a long-term historical view. With such a lens, the outlook for abolition is more optimistic.

A century ago, only three countries had abolished the death penalty for all crimes; by the time of Furman in 1972 the number had risen to nineteen. By 1900, only three countries had abolished the death penalty for all crimes; by 1978 the number had risen to nineteen (Amnesty International 1999:16). But since then the number of abolitionist countries has almost quadrupled. By the end of 1999, seventy-three countries had abolished the death penalty for all offenses, thirteen more retained it only for "exceptional" crimes (i.e., during wartime), and twenty-two others had not hosted an execution in at least ten years (Amnesty International 2000:22). By the beginning of the 21st century, 108 countries had abolished the death penalty either totally or in practice.

Today, all fifteen members of the European Union have abolished the death penalty, and the Council of Europe, with 41 members, has made the abolition of the death penalty a condition of membership. Russia, a country that was among the world's leaders in executions in the early 1990s, announced in 1999 that it, too, was abolishing the death penalty (Amnesty International 1999:16). In April 2001 the death penalty was abolished in Chile, and in the same month all those under death sentences in the Philippines had their sentences commuted to prison terms. Clearly, in a comparatively short historical time span, more than half of the countries in the world have abolished the death penalty, and the momentum is unquestionably in the direction of total worldwide abolition.

The above is not meant to suggest the absence of countries that continue to swim against the tide of worldwide abolition. Inter-

nationally, the death penalty is slowly expanding in a few countries, such as Yemen, the English-speaking Caribbean, and here in Taiwan (Amnesty International 1999). Few would disagree with the prediction that the next few years will be busy ones for America's executioners.

On the other hand, as the new century began, more and more countries are signing international treaties that abolish or restrict the death penalty (Schabas 1997). In April 2001, for the fifth year in a row, the Geneva-based U.N. Commission on Human Rights passed a resolution calling for a worldwide moratorium on death sentencing. The resolution reaffirms an international ban on executions of those under 18, those who are pregnant, and those who are suffering from mental illness. The resolution also calls for non-death penalty nations to refuse to extradite suspects to countries that continue to use executions as a form of punishment.

Other calls for moratoriums on death sentencing are also being made. In 1997, the normally-conservative House of Delegates of the American Bar Association called for a moratorium on the death penalty. In May 1999, the Nebraska legislature passed a resolution calling for a two-year moratorium on executions because of questions of equity in the administration of its state's death penalty. This resolution was vetoed by the governor, but later the legislature unanimously overrode the governor's veto of that part of the legislation that allocated some $165,000 to study the issue (Tysyer 1999). In January 2000 the Governor of Illinois imposed a moratorium on executions in that state. Scores of cities and countries in the U.S. have passed similar resolutions. Finally, in April 2001, a Gallup Poll found that 54% of all Americans supported an immediate moratorium on executions.

Conclusion

The goal of my remarks has been to present a brief overview of recent scholarship on the death penalty. I organized this discussion by examining six issues that have traditionally framed death penalty debates, paying particular attention to the social scientific literature that has evaluated each one. Our discussion suggests that changes in the discourse of capital punishment have evolved

partly in response to the findings of this research. I conclude with three observations derived from the foregoing discussion.

First, the past two dozen years have witnessed significant changes in the nature of death penalty debates.

Second, at the same time as American discourse on the death penalty is changing, there is an accelerating worldwide decline in the acceptance of capital punishment. Indeed, the trend toward the worldwide abolition of the death penalty is inexorable.

Finally, our review sends a positive message to criminologists and other social scientists who often feel as if their research is ignored by the public and by policy makers. As our review suggests, changes in the nature of death penalty debates are a direct consequence of social scientists' close and careful examination of the various dimensions of these arguments. Scholars have examined questions of deterrence, race, cost, methods of execution, innocence, juror decision-making, and the political and social environments in which death penalty legislation has emerged (Mello 1999, Tabak 1999). Clearly, this is one area of public policy where social science research is making a slow but perceptible impact. There is no question that by taking a broad historical outlook, those of us who stand opposed to the death penalty are on the winning side. ❑

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