JUST REVENGE

COSTS AND CONSEQUENCES
OF THE DEATH PENALTY

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ST. MARTIN'S PRESS
NEW YORK
For my father,
who disagrees with me about the death penalty
and most other issues

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tion, address St. Martin’s Press, 175 Fifth Avenue, New York, N.Y. 10010.

Design by Maureen Troy

Library of Congress Cataloging-in-Publication Data

Costanzo, Mark.
       Just revenge: costs and consequences of the death penalty / Mark
Costanzo.
       p. cm.
HV8699.U5C67  1997
364.66/0973—dc21    97-17045
97-17045
CIP
were granted the more dignified method of death because “the
decency due to their sex forbids exposing and publicly mangling
their bodies.”8 Blackstone adds that such small kindnesses reveal
the “humanity of the English nation.” In England, one final ac-
commodation was made to women: pregnancy could postpone or
prevent execution. If the condemned was known to be or sus-
ppected of being pregnant, a panel of twelve matrons was ap-
pointed to investigate the matter further. If the panel determined
that the prisoner was with child, a stay was granted. But mercy
had its limits—many women were hanged shortly after giving
birth in their prison cell. In 1931, a law was passed forbidding

**Executions in the United States**

Nearly four centuries have passed since the first documented
lawful execution on American soil in 1608 (Captain George Ken-
dall was killed for the crime of theft in Virginia).9 Although early
colonial laws were adapted from British law, capital punishment
in the colonies was both more humane and more restricted than in
seventeenth-century England. At a time when drawing and quar-
tering, disemboweling, and burning at the stake were still com-
monplace in the civilized countries of Europe, hanging—at the
time regarded as the most humane method—was almost always
the means of execution in the colonies. However, just as in Europe,
hangings were festive public spectacles. The condemned was
forced to take a slow wagon ride to the gallows, often sitting atop
the very coffin he or she would soon occupy. The rowdy crowds
who witnessed the hangings often numbered in the thousands.

Under British law at the time, there were more than fifty cap-
tal offenses (including vagrancy, heresy, witchcraft, rape, murder
and treason)10 while, on average, only about a dozen crimes were
punishable by death in the colonies. But lists of capital crim