

January 2013

Revulsion and Palatability: The Staying Power of Death Penalty Rituals - Last Meals and Beyond

Angie Wheaton
Eastern Kentucky University

Follow this and additional works at: <https://encompass.eku.edu/etd>



Part of the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Wheaton, Angie, "Revulsion and Palatability: The Staying Power of Death Penalty Rituals - Last Meals and Beyond" (2013). *Online Theses and Dissertations*. 147.
<https://encompass.eku.edu/etd/147>

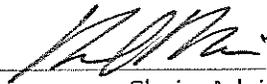
This Open Access Thesis is brought to you for free and open access by the Student Scholarship at Encompass. It has been accepted for inclusion in Online Theses and Dissertations by an authorized administrator of Encompass. For more information, please contact Linda.Sizemore@eku.edu.

Revulsion and Palatability:
The Staying Power of Death Penalty Rituals - Last Meals and Beyond

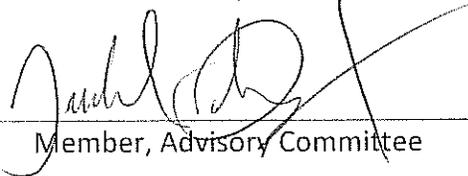
By

Angie Wheaton

Thesis Approved:



Chair, Advisory Committee



Member, Advisory Committee



Member, Advisory Committee



Dean, Graduate School

STATEMENT OF PERMISSION TO USE

In presenting this thesis in partial fulfillment of the requirements for a master's degree at Eastern Kentucky University, I agree that the Library shall make it available to borrowers under rules of the Library. Brief quotations from this thesis are allowable without special permission, provided that accurate acknowledgment of the source is made. Permission for extensive quotation from or reproduction of this thesis may be granted by my major professor, or in [his/her] absence, by the Head of Interlibrary Services when, in the opinion of either, the proposed use of the material is for scholarly purposes. Any copying or use of the material in this thesis for financial gain shall not be allowed without my written permission.

Signature Angie Wheaton
Date 7/19/13

Revulsion and Palatability:

The Staying Power of Death Penalty Rituals - Last Meals and Beyond

By

Angie Wheaton

Bachelor of Science

Eastern Kentucky University

Richmond, Kentucky

2013

Submitted to the Faculty of the Graduate School of

Eastern Kentucky University

in partial fulfillment of the requirements

for the degree of

MASTER OF SCIENCE

August, 2013

Copyright © Angie Wheaton, 2013
All rights reserved

DEDICATION

This thesis is dedicated to Joshua Wheaton for being my inspiration, the fuel to my fire, and helping me realize that the only way to proceed is aim for the stars and never look back.

ACKNOWLEDGMENTS

I would like to thank my thesis chair, Dr. Kevin Minor, for his guidance and support in all things academic and life. I would also like to thank the other committee members, Dr. Judah Schept and Dr. Victor Kappeler, for their comments and assistance over the past two years. I would like to thank some very special people in my life who have been loving and supportive throughout this process: James and Bonnie Hounshell, Veronica Robbins and Roy Lucas, Kandi and George Hylton, and Arnold Connelly. Two people, Dr. Kate King and Dr. Paul Lucko, have been amazing from the beginning and I cannot thank them enough for their never-ending guidance and support. Finally, I thank my cohort, Alyssa, Jennifer Tilley, and Kara Kleinhas for their amazing support and friendship. The love and support from all of the above has made this dream and many more possible. I leave ECU wiser, smarter, and ready for the next chapter of my life thanks to the help of many wise and caring people I have been blessed to meet.

ABSTRACT

The United States has a rich history surrounding capital punishment, and execution rituals are central to this history. The death penalty regime has evolved from a primarily private-based justice system to the state-carceral capital punishment system we have today. This thesis uses three historical eras as the framework for analyzing methods of executions and the rituals that surround them. Throughout each period, rituality has helped cushion the revulsion that is inherently present when taking the life of a human being. If revulsion is not managed, the legitimacy of capital punishment can be questioned. The apex of the capital punishment legitimacy crisis in the US culminated in the *Furman v. Georgia* (1972) ruling decided in the middle of a 10 year moratorium on executions. In conjunction with the “super due process” ideology of the post-*Gregg* era, rituals bolster the palatability of state killing so that the institution of capital punishment is sustained. This thesis applies the theorization of Durkheim, Garfinkle, Goffman, Baudrillard, Bandura, Smith, LaChance, and Pratt to examine the social significance and impact of rituals, including last words, last rites, final visitations, final appeals, and last meals.

Offender-centered rituals have three interrelated functions: they humanize the condemned, promote a demeanor of submissiveness on the part of the condemned during the execution protocol, and infuse bureaucratically rational executions with emotion and meaning. Rituals work together to construct what is to be perceived as a solemn and just degradation ceremony. While each ritual has significance, this thesis focuses on last meals and how they function to cushion revulsion. This is important because last meals have received limited scholarly attention, and the approach that this study uses is unique. Last meals function to individualize and thereby humanize the condemned. This helps account for the media and public interest in the last meals ritual. This study establishes the importance of execution rituals across time. Implications are discussed for future research as well.

TABLE OF CONTENTS

CHAPTER	PAGE
I. Problem Statement.....	1
II. Rituality in Capital Punishment Eras	13
III. Theoretical Foundation	30
IV. Rituals and Revulsion	49
V. Discussion and Conclusion	76
List of References	84
Appendix A	89
A. Last Meals Database	90

LIST OF TABLES

TABLE	PAGE
4.1 Last Meals Post Baze v. Rees through May 2013	61
A.1 Last Meals Database	90

LIST OF FIGURES

FIGURE	PAGE
2.1 Progression of the Legitimacy Crisis and Response	25
3.1 Durkheim's Theory of Rituals and the Transition to Sacred Realm Rituals	33
4.1 Mississippi Plate 1947	54
4.2 Indiana Plate 2007	54
4.3 Power Dynamic associated with Rituals and Meaning	65

CHAPTER 1

PROBLEM STATEMENT

Introduction

The United States has an extensive history with capital punishment as well as with various rituals surrounding the practice (Banner, 2006). In order to better understand the changes in capital punishment and the transition to current execution protocols, rituals surrounding carceral executions need to be analyzed. This is because rituals convey social meaning about the institution of capital punishment (Smith, 1996). The rituals of last rites, last words, and the last appeals of the condemned have been examined in scholarly literature (Garland, 2010; Marquart et al., 1994; Vollum, 2008). The last meals ritual is an area that has received little attention in the literature. The work of LaChance (2007) notwithstanding, last meals are by far the least studied of the various execution rituals. This demonstrates the need for research on the progression of rituals, specifically last meals, as a means of understanding the historical changes in executions.

Paternoster et al. (2008) divided the history of capital punishment into three time frames: early period (1608-1929), premodern period (1930-1967), and the modern period (1976-present). This classification system fits the focus of this thesis and is covered in detail in Chapter Two. The shift from public to private carceral executions occurred in the transition from early to premodern periods. The premodern period ended with an execution moratorium in the United States that ran from 1967-1976. The modern period began with the reinstatement of capital punishment following the U.S. Supreme Court's *Gregg v. Georgia* ruling in 1976 and the first execution which occurred in Utah in 1977.

Spierenburg (1984), drawing on Elias (1969), argues that as nation states became increasingly stable and civilized, people started identifying with those subjected to public punishments, leading to fewer executions and the gradual abolition of public tortures and executions. In addition, jury nullification allowed certain types of offenses which would previously have been considered capital offenses to be acquitted. Jurors began to feel empathy for offenders who were publically tortured and would find the defendant not guilty (Garland, 2010; Paternoster et al., 2008; Smith, 1996).

A number of scholars have discussed the decedence of modern capital punishment from lynching (Bright, 2006; Garland, 2005, 2010; Wood and Donaldson, 2009). There are two primary schools of thinking on the transition of lynchings and public executions to contemporary execution protocols in carceral institutions. Bright (2006) posited that extra-legal lynchings transitioned directly into legal lynchings of today and can be considered a form of “racial violence and racial oppression in America” (p. 214). David Garland (2010), on the other hand, argues that the transition of the death penalty from lynching was not as direct, but rather was mediated by multiple factors (e.g., politics, culture, and sentiments of the public).

As will be noted, rituals have existed with all of the execution types in the United States (i.e., mob lynchings, as well as legal public executions, and private/carceral ones). Brown (1975) found the following consistencies with the mob-type lynching rituals:

1. Advance notice and publicity so that a crowd could be attracted;
2. A mass of people came together;
3. The victim was burned, tortured, and mutilated;

4. Taking, distributing, and selling body parts of the victim as souvenirs, and postcards were prepared and sold;
5. If an investigation was conducted, the perpetrators were listed as “persons unknown.”

Public executions dis-evolved over time vis-à-vis the legal concept of evolving standards of decency. Garland (1990) states that not only does culture shape punishment, but punishment shapes culture as well. He points out that “most of its forms and arrangements are of recent origin and have been crafted to fit the culture and sensibilities of the present” (Garland, 2010, p.18). This concept of punishment and culture is the same concept behind the ruling of the Supreme Court on standards of decency; this standard was created in *Trop v. Dulles* (1958) and is discussed in more detail in Chapter Two. These standards adapt as cultural sentimentalities shift. Different phenomena account for the variations of standards of decency in society. For instance, the National Association for the Advancement of Colored People (NAACP) was created to be socially active and had a goal of abolishing lynchings, preferably through a federal statute (Butler, 2010). Although a federal statute was never passed, the NAACP used media, specifically their magazine *The Crisis* (under the tutelage of W.E.B. Dubois), to shock the senses of readers. They published detailed portrayals of lynchings with pictures giving a vivid account of atrocities that occurred (Broussard, 2011). Another founding member of the NAACP, Ida B. Wells, is heralded as a key figure in educating society on the ills of lynching. Wells did so in a non-violent pacifist manner by publishing stories in her newspaper in Memphis, Tennessee (Brown, 1975). Transition of sentiments motivated the move from “Judge Lynch” justice to court rooms. Through shifts in cultural

sentiments as evidenced by the changes of rituals, the United States has developed the current death penalty regime.

Smith (1996) theoretically examined rituals surrounding executions. The public began establishing ties with the victims of public executions through empathy or respect for their bravery. To preserve the state's legitimacy and right to execute, more decorum and less fanfare needed to surround the execution. By taking the fanfare and decorum of executions out of the public eye, the sanction of death could be represented as being pursued in a solemn humane manner. Some measure of deference to the accused was critical to this process. Smith (1996) found that in order for executions to be performed in a manner which showed decorum and comported with cultural sentiments, the condemned had to be pacified through the granting of some deference. Deference and choice, which are part of the standard protocols of modern execution, encourage the inmate to comply with the degradation ceremony (Garfinkle, 1956), the execution.

Rituals

Rituals of execution have a long history starting at the end of the Middle Ages before the emergence of the nation state. It was with emerging nations states that executions came to be "carried out without elaborate ceremony" (Garland, 2010, p. 75). The creation of the sovereign state required change in the method and ceremony of execution. Executions became "more public, more elaborately ceremonial, and more violent, as the new states sought to use shock-and-awe tactics to impress the populace and strike fear in the hearts of enemies" (Garland, 2010, p.75). The objective, in short, was to intimidate and coerce conformity. Executions existed to communicate abstract principals; "Performative rituals ... give flesh to abstractions and concrete embodiment to

inchoate ideas,” such as “justice”, “sovereignty” and “divine retribution” (Garland, 2010, p. 81). Bureaucratic protocols convey these values by performing the rituals of executions.

There are two components of protocolization, bureaucracy-centered rituals and offender-centered rituals. Bureaucracy-centered rituals are the actual steps of the execution protocol. These rituals are carried out by correctional officer. Offender-centered rituals focus directly on the condemned and require his/her participation. They consist of rituals that are the focus of this thesis (e.g., last meals and last words).

Five main prisoner-centered rituals surround the contemporary execution protocol:

1. Last words;
2. Last rites;
3. Final visitations;
4. Last moment appeals;
5. Last meals.

The last words, interestingly enough, are actually considered a First Amendment right and are thus mandatory in the list of the rituals (Massingill, 2008). In Texas, for instance, the warden will ask the condemned if they would like to make a last statement and will either write it down or allow the inmate to state the last words while in the death chamber. Last words are the most analyzed area of the rituals studied in the execution protocol (Elder, 2010; Vollum, 2008). Last rites are an optional component depending on the prisoner’s religious preferences. This differs from past public executions which were often performed as explicit religious ceremonies. Garland (2010) looked at executions of

the European early modern period and found them to be religious events due to the state's heavy connection with the church. Visitations have different standards depending on the jurisdiction; some jurisdictions are very accommodating to the family, and others restrict visits and allow no physical contact (Marquart et al., 1994; Prejean, 1994; Trombley, 1992). Last moment appeals constitute a ritual due to the fact that there are actual steps included in the protocol pertaining to them (e.g., checking the phone line to make sure it is operational in the execution chamber in the event that a last minute stay is granted) (Marquart et al., 1994). Marquart et al. also noted in their study of Texas capital punishment that last moment appeals is an area of scholarship that has not been addressed in detail. As part of the protocol of execution, phones are checked in the execution chamber to make sure they are functioning, and the warden will make a last minute check for stays before continuing with the execution (Trombley, 1992). Last meals, in some way or another, are part of the protocol of all jurisdictions, except for Texas where these were recently outlawed.

Last Meals

Meals have cultural and social significance. Families sit down to meals together at times, and a common social outing is dining with friends or on a date. People eat together and generally associate food with pleasure. Meals may also be associated with religion, as evidenced by prayer surrounding mealtime. The last meal of the condemned is a part of the protocol with which American society is particularly intrigued. Artists have used the last meal as a platform to bring awareness to the death penalty by painting plates depicting the last meal and using the medium of photography (Black, 2003; Johnson, K., 2013). Popular books have been written about last meals, including one by

Brian Price (2006), the purported Death Row Chef in Texas. The last meal is a mainstay in media coverage of executions (LaChance, 2007).

Historically, last meals have transitioned just as executions and their protocols have. In research on public torture lynchings taking place in the early and premodern periods, Garland (2005) found that in some cases if a victim of lynching would concede their guilt and show compliance, they would be allowed a last request such as a last meal or an opportunity to say goodbye to family and friends. Generally, due to the nature of lynchings and vigilante justice, rituals were not an option. Last meals also have historical origins in the macabre according to a documentary on last meals directed by Bigert & Bergström (2005).

Food and death have always been closely related within different cultures. After a person is interned, families, friends, and loved ones attend wakes of those who die in many cultures of the United States. Neighbors, friends, and distant family members will bring food to the immediate family as a way of helping the family following a death. The condemned is getting their meal that correlates with their wake prior to their death. Christians believe that Jesus was given his meal prior to his death, just as the condemned is given their final meal (Osler, 2009). This thesis will examine how last meals fit into the current bureaucratically protocolled death penalty system.

The condemned's last meal request conveys meaning in and of itself. This meaning ranges from the prisoner not ordering a last meal, to ordering a large disproportionately sized meal, to having a relative fix the condemned's favorite meal in the prison kitchen. This latter occurred in Indiana in the case of Gerald Blevins, and his

mother went back to her hotel room following the execution and attempted suicide (Duda, 2007).

Duda's (2007) research directly links last meals with a power dynamic on the state's part and an accompanying need to appear congenial. This congenial gesture on the part of the state, expressed as it is in ritualistic terms, encourages the one to be executed to accept their fate. In doing so, the ritual helps absolve and cushion both the public and the state from any responsibility of taking another life. Foucault (1982) theorizes that exercising power modifies the actions of others. Combining insights from Goffman (1967) with Foucault, it can be argued that if a person is to respond with proper demeanor to degradation (as a form of power), they have to have a sense of power which can be instilled through governance of self. This sense is promoted through rituals that grant the target of degradation a measure of deference.

Smith (1996) argues that rituals of execution stem from the need for the victim of the execution to comply with the impending punishment of death. Drawing on Garfinkle (1956), Smith (1996) describes executions as degradation ceremonies conducted to comport with cultural sentiments. In order for the victim to be compliant, they have to be allowed some freedom of self. The state allows the condemned choice helping to ensure they will concede when time for the execution arises. If the execution goes awry (e.g., the victim is noncompliant or the method is botched), public opinion can readily shift to revulsion and even encourage abolishment of capital punishment, such as during the pre-Furman years when public support of capital punishment showed an all-time low (Bohm, 2012).

Goffman (1967) examines the ceremonial components of deference and demeanor. Deference allows symbolic meaning to be attached to that which is inherent within a ritual. In particular, the granting of deference encourages a subordinate to feel as if they owe something to their superordinate. This is important when attempting to carry out sterile, bureaucratized executions that cushion the potential for revulsion inherent in state killing. As Lynch (2000) notes, executions need to mean something, rather than being a simple elimination or disposal process. However, their meaning must lodge malice and accountability with the offender, not with the state. The condemned is to accept their pending fate, to comply with the mandate to die, and execution rituals encourage this behavior. It does not always happen this way as evidenced by past executions, but rituals encourage the victim to walk to the execution chamber in a solemn composed manner. Opportunities for showmanship, or not showing proper demeanor, are reduced by allowing choices for the condemned (Smith, 1996). Choices are embedded in rituals that convey meanings, and meanings craft sentiment. Trombley (1992) studied the protocol and procedures of execution. The correctional facility bureaucracy, and even the social norms within death row culture, encourages the condemned to accept their fate and walk to the chamber of their own accord. An important part of this ceremony is the closely followed protocols written for the execution (Smith, 1996; Trombley, 1992).

Equally important to promoting the cultural palatability of state killing is the representation of the condemned in human terms. Last meals allow the condemned to not be seen as a monster per se, and allow the public to relate to the condemned as a human being when they read in media accounts what they had for their last meal. Timothy McVeigh, for example, requested two pints of mint chocolate chip ice cream. Most

people love ice cream, giving them a sense of being able to relate to the condemned and facilitating a final sense of humanization. This allows the condemned to be an autonomous actor with choice that is endowed by the agency, the correctional facility and jurisdiction where the execution occurs (LaChance, 2007). The choice granted makes the person a human being who is allowed to choose mint chocolate chip ice cream, just like any other average person.

Another important factor for a successful degradation ceremony is an audience (Garfinkle, 1956; Smith, 1996). Members of society want to know what is occurring in the execution chamber to ensure that executions are carried out in a culturally palatable manner, a manner that exacts retribution while managing revulsion. Where executions are carried out in private, this gives weight to the importance of media. Media outlets are the information vehicles that deliver carefully managed details of carefully managed executions. Details include how an execution was carried out, the demeanor of the condemned before and during the actual execution, the condemned's last words, and information that is released from the correctional facility where the execution took place (e.g., last meal requests). If not for the media, the public at large would have no knowledge of carceral executions, except for the few present to serve as witnesses.

Applying theory to understand public shifts in sentimentality and the historical progression of executions lends itself to understanding last meals and subsequent rituals. Last meals convey meaning which can be understood by analyzing Goffman, Smith, Garland, and others to explain the unique nature of the last meal ritual in the protocol of state imposed death. Through the analysis of rituals, the overarching goal of understanding the shift in types of executions can be advanced.

Statement of Purpose and Approach:

The purpose of this thesis is to explain the changing nature of capital punishment as evidenced by analyzing the rituals surrounding executions, rituals which contribute to making executions more palatable to cultural sensibilities. More particularly, this thesis addresses the overarching research question of how and why executions devolved over time, and how the rituals have simultaneously changed from those practiced in public executions to the ones surrounding carceral executions. Given the nature of cultural symbolism research, media is the central vessel through which symbolism is conveyed, so media and their influence will be analyzed.

After the historical transitions of capital punishment are discussed, the execution rituals of today, specifically last meals, will be analyzed. As noted above, last meals are an intriguing part of the rituals of execution, and their significance and uniqueness will be examined and researched in this thesis. This will assist in bridging the gap in academic literature discussed earlier.

I will be applying social theory to analyze the reciprocal connection between culture and punishment (Garland, 1990). My work proceeds from the assumption that culturally palatable executions, which carefully manage and cushion the revulsion inherent in state killing, are necessary to sustain the contemporary institution of capital punishment. For the condemned to comply with the execution protocol and for society to accept the execution as just and palatable, it is imperative to understand the function of rituals in promoting desired demeanor and humanization.

I will be documenting last meal rituals from actual cases and analyzing the significance of the condemned's choice of food. Their choice, which illustrates deference

and humanization, actually is a narrative in itself. This narrative feeds the execution sanitation process, rendering the condemned human and compliant, if not patently contrite.

CHAPTER 2

RITUALITY IN CAPITAL PUNISHMENT ERAS

The reasons for the shift of executions from public to private spaces can be better understood by examining the details of the symbols and ceremonies surrounding each type of execution from various time periods. Each historical period is characterized by a distinctive type of execution or combination. Historically, before the existence of modern nation states, executions were not often accompanied by rituals. They were essentially raw acts of violence meant to induce conformity to rule through fear (Garland, 2010). Executions of the Dark Ages were brutal and were used to put “shock and awe” in citizens (Garland, 2010, p. 75).

In the United States, the early period (1608-1929) consisted predominantly of extra-legal executions by vigilantes and public legal executions by the state. The premodern period (1930-1967) included both legal and extra-legal public executions as well as legal executions in private spaces. During the modern period (1976- current), capital punishment has been almost entirely a private legal affair. There have been very isolated incidences of executions which were not a private carceral affair (e.g., the lynching of James Byrd, Jr. in Jasper, Texas by Lawrence Brewer, John William King, and Shawn Berry).

Lynchings constituted the main form of extra-legal executions, and these were predominantly (though not exclusively) carried out in the southern region of the United States (Garland, 2005, 2010). Legal public executions in the early era generally took the form of hangings. Private legal executions, those carried out in prisons, are the carceral

affairs of the current capital punishment regime and have their roots in the transition to the pre-modern era. The transition to private legal executions occurred simultaneously as different methods of execution were introduced (e.g. hanging, electric chair, gas chamber, firing squad, and lethal injection). Since the 1980s, lethal injection has been the preferred method of execution. Interestingly enough, it was discussed as an option as early as 1888, but there was cultural revulsion associated with appearing to use “medicine” for the purpose of inducing death (Denno, 1994). Modern legal executions are largely private affairs involving prison staff and a select few strategically chosen witnesses; audiences are kept at a distance. Rituals have come to play an increasingly important role in private carceral executions. Information about these rituals is dispersed to the public via the media (e.g., by press releases or media representatives serving as witnesses).

This chapter considers three main historical periods in the history of American capital punishment. Attention is directed to the cultural revulsions associated with each period and subsequent use of rituality to manage the revulsion, thereby sustaining the legitimacy of capital punishment as an institution.

Early Period (1608-1929)

The early period had certain unique characteristics. First, hanging was the primary execution method. Hangings were performed on scaffolds and at other times, trees. Second, the executions were generally well attended public affairs. At times, people would travel from far away over the period of a day or more to attend an execution (Banner, 2002; Garland, 2010). Third, religious rituals and overtones were present at legal executions. Preachers would preach long sermons and sometimes, the sermon would be printed and sold for attendees to read and learn from (Banner, 2002;

Garland, 2005, 2010). Next, some executions were considered brutal in nature. For example, the Salem witch trials involved a method of finding guilt called water tests. Once a blanket was placed around the supposed witch and the witch's hands and feet were tied together, the person was thrown in the water. If they floated (which could happen from air trapped in the blanket), they were considered witches and executed. If they did not, then they were considered innocent; yet they could die from drowning if not pulled from the water quickly enough (McKenna, 1928). Also, the bloody rule of England had followed the colonists, and there were a wide range of capital punishment offenses besides murder. Finally, extra-legal executions were prevalent during the early period. Garland found that between 300-400 public torture lynchings (described later in the thesis) occurred between 1890-1940; thousands of other lynchings did not have high publicity or were not as savage (Garland, 2010).

The different characteristics described above interlaced to cultivate revulsion and ultimately contest the legitimacy of capital punishment. Hangings were not an exact science, and even though an attempt was made to scientifically calibrate how to hang someone effectively, mishaps would occur. If not done correctly, the condemned would hang for 30-45 minutes slowly strangling to death. In other cases, the condemned would be decapitated (Paternoster et al., 2008). The public executions were also seen by many as mayhem and festivals of debauchery. The last public execution was carried out in Galena, MO in 1937, and it was reported to have had a carnival like atmosphere (Bohm, 2012).

The rituals surrounding legal executions of the early period were primarily religious in nature. The religious symbolism was imported from England to the colonies.

The condemned would be forced to wait while a preacher would deliver a sermon (which was sometimes printed and sold following the execution) to those in attendance. The offender would then be asked to admit guilt and ask for forgiveness from God, making penitence. The crowds in attendance would drink and commit petty criminal activities, which were hypocritical in nature to the mood that was being set by the ones carrying out the execution. The sense of hypocrisy would foster revulsion in and of itself. This illustrates an important dialectic between celebratory jovialness on the one hand and a degree of obligatory solemnity on the other.

In order to understand the revulsion which encouraged the development of rituals, it is important to understand the historical contexts of early era capital punishment. Colonists imported English methods of execution (Banner, 2002). Consistent with Enlightenment era thinking, the executions were promoted as a method of general deterrence. As the nation slowly began expanding west, the frontier was policed, judged, and juried by the sheriff or the people themselves. A formal criminal justice system was developing, but it did not fully take shape until the end of the 1800s. As the United States became more industrialized, the formal criminal justice gradually removed responsibility for exacting justice from the people. Private justice and vigilantism was no longer considered an acceptable form of justice (Wasserman, 1998).

Viewed against this context, it is easy to appreciate the revulsion that could stem from seeing pictures and graphic depictions of lynchings in the South that were a brutal manifestation of white supremacy. Portrayals of Southern lynchings in Northern newspapers prompted the search for a method of execution which did not require rope around the condemned's neck (Garland, 2010).

The early period is also significant because it was during this time frame the criminal justice system, and society as well, were developing and becoming more advanced. In the United States' infancy, justice was doled out by the people, and lynchings were prevalent at this time. Vigilante groups were held in high esteem by citizens of the areas which these groups 'protected'. In the West, these groups consisted of western frontiers people who would hunt down "perpetrators" and hang them for alleged offenses (Wasserman, 1998). Legal public executions occurred as well. In some areas, the sheriff acted as judge, jury, and executioner.

Particularly brutal lynchings occurred primarily in the South in the post-Civil War era. The victims of lynchings would be hung, burned, castrated, and dismembered into parts for people to take as souvenirs (Bernstein, 2005; Brown, 1975; Garland, 2005). Victims were generally black, and they were often lynched for accusations of raping white women. The local people in areas where the lynchings occurred would justify their actions by saying that justice needed to be served and protection for white women needed to be ensured (Clarke, 1998).

These lynchings did not have rituals per se, although Garland (2005) points out their ritualization of political power and racial supremacy. Lynchings were used as a form of social control to shore up white rule following the abolition of slavery. However, others have argued that there were particular rituals associated with lynchings. For example, Brown (1975) defined an African American lynching as having all of the components described in Chapter One. These components were intended to have a hegemonic effect on those who might show sympathy to blacks, reinforcing white supremacist ideology. The ultimate goal of torture lynchings was not to exact justice

upon black victims; it was to ensure the control over black communities that had been taken away following the Emancipation Proclamation. Ultimately, the institutionalization of Jim Crow laws gave control that had been legally lacking before (Clarke, 1998). Public torture executions filled the interim void.

Both extralegal and legal types of executions helped lay the groundwork vis-à-vis revulsion for the transition to private carceral executions. Revulsion stemmed from many different sources during this period. Members of the public would see an offender suffer during botched executions, and they might observe people being tried with whom they empathized, particularly if the crime did not involve murder or rape. Sometimes the tide of justice would turn in favor of the offender. Jury nullification could occur if the jury did not feel the legally prescribed punishment fit the crime (Smith, 1996). The range of capital offenses in this time period was broad and included such things as murder, rape, theft, bestiality, etc. (Banner, 2002).

Revulsion stemmed also from the brutal nature of the lynchings which occurred primarily in the South. The media was the main medium of educating society about these lynchings, either the Northern newspapers that condemned the practice or the Southern newspapers that condoned and even celebrated it (Wood & Donaldson, 2009).

Particularly in the North, the NAACP, through the work of W.E.B. Dubois and others, helped to make lynching non-palatable to the sensibilities of society (Carroll, 2004). An important point to note in this context is the impact of the lynching of Emmitt Till in 1955. Till was accused of flirting with a white woman. Soon after the accusation, a group of men took Till from his great uncle's house in the middle of the night. When Till's body was found, one of the stipulations of his mother getting his body released

from Mississippi to Chicago was to leave the casket sealed. She agreed, but when she received the casket she asked that it be opened. Once she saw his remains, she made the decision to display his body in an open casket for all to see. Emmitt Till's mother used her battered son's body to bring awareness to these atrocities (Baker, 2006). The Till lynching occurred in the premodern period, but it initiated an aggressive push in the Civil Rights movement and sparked outrage which moved the public to action.

As increasing numbers of people started finding public executions and hangings to be revulsive, the governor of New York formed a committee which researched different methods of execution. In 1888, New York passed a statute which changed the method of capital punishment to electrocution, thus starting the trend of private carceral executions. In the 1890s, this new method of execution was implemented in New York. The new method was challenged in the Supreme Court, *In re Kemmler* (1889), but the Court found that electrocution was not cruel and unusual like such methods as burning at the stake, crucifixion, etc. (Bohm, 2012). It is important to note that legal hanging also occurred in private carceral places. Electrocution was not the only method to occur behind closed doors in the early period (DPIC, 2013). In fact, the last carceral hanging took place in 1996; actually three hangings have taken place in the modern era: 1993, 1994, and 1996.

Premodern Period (1930-1967)

As with the early period just discussed, the premodern period had distinctive qualities which were crucial to the changes in the current death penalty regime and the rituals that help comprise it. First, there was an end to the legal public execution, with the last one, as noted above, being in 1937. Second, hanging was phased out as well.

Third, brutal public lynchings ended in the 1960s (Garland, 2005). Fourth, the Supreme Court increasingly took a hands-on approach to the death penalty. Procedural issues and methods of execution were challenged as early as the 1800's, but the capital punishment system itself did not become an issue with the Supreme Court until the 1960's (Bohm, 2012). Fifth, the total number of executions began to decline. The sheer rate of executions in the early period was numerous due to multiple factors (e.g. the number of death eligible offenses and the community justice approach that was prevalent), but the rate of executions in the premodern period declined significantly. The numbers declined even more when lynchings ceased. Also, there were growing concerns about such issues as racial discrimination. As a matter of fact, when looking at numbers of executions, there was a spike in executions during the Reconstruction Era and also right around the time that the Depression started in the late 1920's (Paternoster et al., 2008). Next, the methods of execution changed throughout this period. As was discussed in the first section of this chapter, revulsion at public executions pushed officials to find and develop more "humane" methods of execution. Finally, the number of crimes that were death eligible continued to decline; the offenses deemed capital punishment eligible were narrowed to murder and rape (Paternoster et al., 2008).

As mentioned earlier, public executions were sometimes seen as festivals for drunkenness, violence, and debauchery. The events which occurred at these executions did not promote the deterrent effects that authorities desired. Activities of attendees caused revulsion, revulsion that could question the legitimacy of capital punishment. This led to ending public executions. Not only did the public format of legal executions end, but the extralegal executions that were primarily occurring in the South ended as

well. The sensibilities of the public were affronted by the depictions and images the media conveyed (Clarke, 1998).

The Southern economy was decimated following the Civil War. The South not only sustained financial loss due to the Civil War, but they had also experienced a boll weevil epidemic which greatly diminished profits from crops. Southern communities were trying to attract industries from the North and Europe, but because of the negative cultural reputation stemming from lynchings, these efforts were not very effective (Clarke, 1998). Southerners knew that in order to promote a better image of themselves and to improve their economy, lynchings needed to cease. Therefore, they implemented death penalty statutes which were less explicitly discriminating by race (Clarke, 1998).

With the critical shift from public local to carceral state executions, the number of executions began to decline. Even though executions are carried out at a state level, the decisions to sentence a person to death continues to be made today at a local level. One explanation for the decline is the advancement of the criminal justice system which allowed for different sanctions besides just death. Most notably, death sentences were increasingly replaced with life prison sentences (Garland, 2010). Another important contribution to the decline was the legacy of the Enlightenment period. Technically the Enlightenment took place during the early period, but its aftermath contributed both to the development of the criminal justice system, and to the questioning of previously held ideas about punishment. This promoted revisions of death penalty statutes.

Methods of execution themselves affected sensibilities and created revulsion. The electric chair was introduced as the new panacea in the late 1800s, but as is the case with all methods, it was questioned and new methods were introduced (Denver et al., 2008).

The gas chamber was first used in 1924, but it did not gain popularity for a number of reasons; these include the sheer cost of the chamber, safety of the administrators/correctional officers who were in close proximity, and ultimately following World War 2, cultural association with Nazi war crimes (Paternoster et al., 2008).

Denver, Best, and Haas (2008) conceptualize the questioning of execution methods in terms of an institutional fad model. The institutional fad model has characteristics similar to pop culture fads. The institutional fad is not a cultural trend per se, but a change in the management of a project or service. Institutional fads are short lived, and are common when there are two structural arrangements present. First, the institution has a decentralized organization which allows for different methods (in this case, executions) to be adopted. Second, social networks allow for people in various organizations to know about the innovation that is being considered for adoption. These two structural arrangements lead the way to changes in how an institution will perform a task (e.g., execution methods). Denver et al. (2008) found that three groups constantly argue against a prevailing type of execution method: death penalty abolitionists, defense attorneys, and those individuals who are developing a new method of execution and stand to profit from it being adopted. The extant execution method is used, and over time is phased out for the new “fad” in the execution chamber.

During the premodern period, carceral rituals became a staple in the legal execution protocol. The shift of the execution from being a religious ceremony to a more secular event became complete (Garland, 2010). Religion was still an aspect of the premodern protocol, but it became optional instead of constituting the primary platform.

Last word and last meal rituals were present in the premodern period. However, last appeal rituals only came to the forefront later in the modern era of “super due process.” The premodern period ended with the start of a ten year moratorium on capital punishment, during which time the courts debated the legality of capital punishment. This induced the Supreme Court to finally address the Constitutionality of the death penalty. The transition to the modern period initiated with the moratorium that began in 1967 and was due to courts all across the country having conflicting opinions on the Constitutional nature of capital punishment. The ten year moratorium allowed the U.S. Supreme Court to address the issue of capital punishment. The moratorium culminated in the landmark decisions in *Furman v. Georgia* (1972) and *Gregg v. Georgia* (1976).

Bandes (2008) notes that social institutions, including correctional systems, help shape public emotions, which in turn, shape public value systems. This is important when considering the crucial role of rituals in cushioning revulsion. The rituals that accompany executions are implemented for two interrelated reasons. The first is to help make the executions palatable to the people, and the second is to help insure the compliance of the condemned. Directly related to this concept, the Supreme Court handed down a decision in 1958, *Trop v. Dulles*. In *Trop*, the Supreme Court established the evolving standards of decency test which explicitly references the sensibilities of the people (Bohm, 2012). As punishments became more distasteful and unpalatable to society, the Court can and has shifted precedent to reflect those sensibilities within the legal and Constitutional realm.

The legitimacy of capital punishment was challenged as a prelude to *Furman*; society had begun to question capital punishment as an institution. Society’s sensibilities

were affronted by the capricious nature of death penalty sanctions. Capital punishment went from being a mostly taken-for-granted component of American culture to a deeply troubled institution that, by the time of *Furman* in 1972, which was in a legitimacy crisis. The response to the legitimacy issue was two-pronged. First, the Gregg decision implemented “super due process” in which bifurcated trials and protracted appeals were mandated to use for capital “aggravated murder” only. Second, executions were increasingly protocolized, bureaucratized, and ritualized. Protocols for execution are infused with rituals. The rituals make the process of execution seem just and humane in order to assist in cushioning revulsion associated with taking a human being’s life. So as the very essence of capital punishment was questioned, rituals took on an even more significant meaning.

All condemned prisoners had their sentences commuted in 1972 with the *Furman v. Georgia* decision. In *Furman v. Georgia* (1972), the Court found that the arbitrary administration of capital punishment was cruel, but not the practice itself. This decision allowed for states to revise their statutes, and the new statutes ultimately ended up back in the Supreme Court for a decision on whether they were Constitutional. *Gregg v. Georgia* (1976) was the decision that restarted the execution practices of the modern period. The new statutes included bifurcated trials, extended the appeals process, and required that aggravating and mitigating circumstances be introduced in the penalty phase. These new “super due process” statutes were supposed to help curtail arbitrary and capricious application of the death penalty. Tools were put in place which supposedly would not allow for unjust or unfair application of the death penalty. Following the post-*Gregg* statutes, the capital punishment regime became even more bureaucratized thereby making

the use of rituals even more important. Using *Trop* as a social acceptance meter, and *Gregg* as a safeguard against arbitrary application of the death penalty, society was encouraged to accept capital punishment as just and sacred. Rituals therefore are imperative to make the execution appear just and humane.

Figure 2.1 shows the timeline of the legitimacy crisis that snowballed during the 1960's into the 1970's; this correlates with the Civil Rights movement and other types of civil unrest occurring at the time. The apex of the crisis spurred the official moratorium (a *de facto* moratorium had started in 1967) that took place when the Supreme Court granted certiorari with the *Furman* case. A few of the reasons for the legitimacy crisis came from the work of such groups as the NAACP and the Civil Rights movement (e.g., Emmitt Till's lynching spotlighted racial abominations in the 50's). The Reconstruction period had an impact on vigilante justice as well due to the financial need of the South (as discussed previously in this chapter). These different movements were able to highlight the atrocities being inflicted upon victims of vigilante justice.



FIGURE 2.1 Progression of the Legitimacy Crisis and Response

Modern Period (1976-CURRENT)

The modern period began after *Gregg v. Georgia* (1976) in which the Supreme Court found revised capital punishment statutes to be Constitutional. This period also has distinct characteristics. First, the bifurcated trial was implemented, wherein guilt and sentencing phases are handled separately. Second, race continued to be a controversial factor; of the 1,325 persons executed in the modern period from 1976 through March 2013, 453 (34.2%) were black (DPIC, 2013). In *McCleskey v. Kemp* (1987), the Supreme Court concluded that since racial disparity is inherent in the criminal justice system, condemned persons must establish racial discrimination on a case-by-case basis. A related controversy comes from research showing that a person who commits a capital crime is more likely to get the death penalty for killing a white victim than a black (Baldus et al., 1983). Third, and as the race controversy demonstrates, the sense of revulsion surrounding capital punishment stems not only from concrete sources (e.g., botched executions or public displays of deviance at executions), but from abstract sources as well (e.g., discrimination and innocence). Fourth, as *Baze v. Rees* demonstrates, methods of execution were still challenged as being cruel and unusual for different reasons. All of the attributes associated with the modern period may seem legal or bureaucratic, but the legal avenues that are used to question the legitimacy of capital punishment are important to the essence of capital punishment. *Trop's* standards of decency were created to allow legal changes based on *society's* shifting standards of decency. If society feels that executions are cruel and unjust, the legitimacy of the practice can come into question. Therefore, jurisdictions use the ideological tools

(primarily through the bureaucratized humanizing ritualization) and the implementation of rituals to cushion revulsion.

Modern era legal executions are exclusively private carceral affairs with few witnesses, and all information about them is conveyed to the public via the mass media. The media has gradually taken on an important intermediate role between executioner and the public in the sanitation and palatization of executions; as early as the late seventeenth century in Europe executions were being moved to private areas where what members of the public knew about execution proceedings depended on what officials released to the public (Garland, 2010).

The prisoner-centered rituals of the modern era include last rites, last visits with family/attorneys, last meals (with the exception of Texas), last appeals, and last words. The protocol is carried out to promote compliance of the condemned. Displays of defiance by the condemned, together with responses from officials, can offend sensibilities and make an execution seem inhumane or otherwise illegitimate. It is in this way that rituals help silence challenges to the legitimacy of capital punishment.

The performance of rituals communicates abstract principals (e.g., humaneness and deference/kindness to the condemned), and provides a concrete reality (e.g., give them a last meal and/or give them time to speak their last thoughts) (Garland, 2010). Whereas revulsion was plainly evident in past eras, in the modern era revulsion is typically better cloaked and managed. Consequently, it becomes more subtle and difficult to detect. Modern era revulsion can theoretically be categorized as concrete and abstract. Concrete revulsion is the product of such things as forcing a person to the execution chamber (as was the case with Charles Campbell in Washington in 1994, who had to be

carried to the scaffolding on a board and eventually was hung in that manner) or botched executions (e.g., ‘Tiny’ Davis in Florida, 1999 who was electrocuted and the chair malfunctioned; an official released photos post-execution of Davis unbeknownst to the facility). A few more examples of botched executions include faulty electric chair, prolonged agony from inability to find a vein, or blown veins during injection of the lethal drugs. By contrast, abstract revulsion is revulsion that stems from fear of executing the innocent (e.g., the controversy surrounding the execution of Troy Davis) or not feeling the punishment fits the criminal (e.g. Karla Faye Tucker and Tookie Williams). Whether it comes from concrete or abstract sources, revulsion can provoke public outrage, which in turn can threaten the legitimacy of capital punishment as an institution.

While abstract revulsion is more characteristic of the modern era, it is by no means unique to this era. Concrete and abstract revulsions were evidenced in how abolitionists approached the death penalty argument during the early and premodern period eras. For instance, in the beginning years of the NAACP, the primary focus was to have lynchings outlawed in the United States (Carroll, 2004). As lynchings became unpalatable, NAACP staff fought the death penalty on the grounds of racial discrimination. This subsequently led to fights over the general arbitrary nature of capital sentences, the lack of deterrence, possible innocence, and categorization of offenders who should not be executed (e.g., juvenile and mentally retarded offenders).

Supreme Court cases such as *Roper v. Simmons* (2005) and *Adkins v. Virginia* (2002) addressed the death penalty as applied to special groups. *Roper* (2005) found that persons under the age of 18 at the time of the crime could not be sentenced to death. *Adkins* (2002) addressed the issue of the mentally retarded. If an individual was found to

be below a certain intelligence level (as determined by the jurisdiction), they could not be sentenced to death (Bohm, 2012). These categorical prohibitions on capital punishment reveal the existence of “special populations”. The legitimacy of capital punishment is questioned to the extent that government cannot or will not protect these special populations. This is most dramatically illustrated in contemporary debates over executing the mentally retarded or the mentally ill. Modern era execution rituals are ineffectual at cushioning revulsion associated with the execution of such “protected classes”. In fact, the juxtaposition of modern rituality against protected class logic creates unique contradictions. This is well illustrated the case of Ricky Ray Rector in Arkansas. Rector was executed after asking to save his pecan pie from his last meal for later (Echols, 2012). Even though Rector clearly was not cognizant of the fact that he was going to be executed, he was executed nonetheless. So where does the standard for mental retardation or illness really lie? These issues and many more define what we have today in the modern era.

CHAPTER 3

THEORETICAL FOUNDATION

This chapter discusses the theoretical foundation for this thesis. The relevant contributions of each theorist whose work will be applied to conceptualize execution rituality are discussed in the following sections. The theorists are listed chronologically, and each section will discuss the theorist's contributions to understanding punishment and rituals. The theories discussed in this chapter will be applied in Chapters Four and Five to conceptualize the rituals of execution, as rituals affect and are affected by the revulsion surrounding state killing.

A foundation for studying punishment and society is the work of Emilé Durkheim. Several later theoretical analyses are based on Durkheim. Following Durkheim, the theories of Garfinkle, Goffman, Baudrillard, Bandura, LaChance, Smith, and Pratt are discussed. This chapter will be laid out to form the theoretical tool box to use for analysis of execution rituals.

Emilé Durkheim

Durkheim published *The Elementary Forms of Religious Life* in 1912. It is the culmination of years of analysis of society and his main treatment of rituality. Specifically, Durkheim analyzes rituals of religion and how they function to promote social cohesion. Religion is a social phenomenon and it is through both profane and sacred rituals, that social cohesion is bolstered. In short, rituals serve as a kind of cultural communication.

Durkheim (1912, p. 255) writes “our main concern is to discover what is most elementary and basic in religious life”. To understand religion, he analyzes the rituals which help create the elementary and basic forms. The emphasis, according to Durkheim, should not be placed on religion itself. The point is to see how religion works as a social phenomenon and is used to reinforce societal cohesion. Durkheim separates society into two different realms, the sacred and the profane. The social groups that form the sacred and profane “periodically recreate a moral entity on which we depend, as it depends on us... and this entity does exist: it is society” (Durkheim, 1912, p. 258). He states there is usually a divide between the two realms. Indeed, “a whole set of rites exists to bring about this crucial state of separation” (p.255). The function of rites, then, is to keep the two realms separate and prevent them from overlapping. By using these rites, participants draw closer together by developing a sense of “oneness”, and at the same time, develop a sense of “otherness” in relation to the entity that is labeled profane. The rites also cushion revulsion stemming from profane acts. An example would be the profane act of taking the life of another.

Durkheim sees rituals as bringing individuals together by making contacts between them more intimate and frequent. The rituals cause a “change in consciousness” (Durkheim, 1912, p. 258). Rituals link the present to the past and encourage the individual to be part of the collectivity. The group as a whole contributes to the ritual mentality thereby encouraging social cohesion. Smith (2012) argues that Durkheim does not look at local and “contingent outcomes”, that he paints the theory with “too broad a stroke” (p.116). In order to adequately theorize cultural shifts and penal attitudes, it

needs to be addressed not only on a macro level but a micro level as well (e.g., local customs as they attribute to punitive attitudes).

Rituals shape the thoughts and emotions of those who are participants and of society collectively, either positively or negatively. The affective and cognitive aspects of rituality lead people to follow through with action. Rituals, Durkheim says, are “as necessary to the proper functioning of our moral life as food is to sustain our physical life... it is through them that the group reaffirms and maintains itself” (Durkheim, 1912, p. 284). Rituals have a comforting function which allows society to morally rebuild from an unpleasant, revulsive experience associated with profaneness. Such experiences can be polarizing, so rituals work to bring everyone back together (except for the profane individual).

Rituals can take different forms depending on their ostensible surface level function. Yet according to Durkheim, the fundamental underlying function of rituals is always the same, namely, to reaffirm social solidarity among the particular participants. For this reason, Durkheim conceptualizes rituals as being “mutually interchangeable” (Durkheim, 1912, p.287). The fact that they are interchangeable gives more credence to their influence. The ultimate goal of these rituals is that “individuals should be reunited, that common feelings should be reunited, and expressed by common acts” (p.287). The rituals are the way that the group can reaffirm itself and “its collective sense of morality.” What this suggests is that the targets of rituality may be cast as “outsiders” or “others” fundamentally distinct from ritual participants.

Durkheim describes sad ceremonies as “piacular,” as having much deeper meaning. These ceremonies can have worry associated with them as well. Even if

violence is entailed, there is an etiquette associated with the piacular ceremony. Anger and sadness combine to give a sense of redemption for the faulted party and the party's action (e.g., avenging a murder). Vengeance is ordinarily perceived and experienced as profane, but this negative type of "piacular" ceremony, through the rituals surrounding it, can move vengeance towards the sacred realm. In this way, the profane comes to merge with the sacred realm. The consequence is that through the ceremony, vengeance and violence become more palatable to society.

Figure 3.1 depicts Durkheim's theory of rituals and shows the progression from the profane to the sacred realm. It is not a leap but a gradual movement on a continuum of sorts which shifts the execution from the theoretical profane realm to theoretical sacred realm. The rituals cushion revulsion, which shifts the execution towards the sacred thereby bolstering the effects of the piacular ceremony.



Figure 3.1: Durkheim's Theory of Rituals and the Transition to Sacred Realm Rituals

Piacular ceremonies are seen as somber affairs, and participants who celebrate at these ceremonies are seen as deviant; solemnity is expected. Because the goal of piacular rituals is to help promote social solidarity, these rituals reign in the profane and emphasize the sacred, therefore promoting a type of group think mentality. Durkheim states that "sadness like joy is exalted and amplified by its reverberation from

consciousness to consciousness” (Durkheim, 1912, p.297). The rituals put most individuals in the same mindset and draw them together. The group is thereby positioned to proffer claims to moral legitimacy, and even moral superiority, and engage the strategies of moral justification identified by Bandura (discussed below).

Important as well, rituals that surround a particular ceremony signal the end of an event. There is a crescendo of tension surrounding the ceremony, leading to the culmination which makes the rituals so critical to the entire process. When members of society feel significant pain associated with a deplorable act (e.g., killing) targeting a sacred entity (e.g., human life), the level of outrage and punitiveness of the sanction increases as well. Collective experiences of extreme emotions associated with sadness, anguish, or irritability will exert pressure on members to act on those feelings in a punitive manner. But punitiveness has the downside of traversing towards the profane and stifling precisely those sentiments that gave rise to it in the first place. Rituals function to coax the event back toward the sacred realm. The morality of the group is thereby reaffirmed, the retributive action legitimated.

Harold Garfinkle

Garfinkle published *Conditions of Successful Degradation Ceremonies* in 1956, which describes the aspects of a degradation ceremony. The degradation ceremony is “any communicative work between persons, whereby the public identity of an actor is transformed into something looked on as lower in the local scheme of social types” (Garfinkle, 1956, p. 420). Garfinkle is describing a concept that has been described in more recent literature (e.g., what Garland, 2010, called “otherizing”). Otherization involves lowering the social status of an actor who is the target of the degradation

ceremony, so that the actor seems fundamentally distinct from and less than the group of onlookers, and thus deserving of punitive treatment. This creates a sense of “them” versus “us” and legitimates harsh handling of the former.

In order to understand how degradation ceremonies work, it is important to understand the dynamics behind them. Depending upon the emotion that the ceremony stems from, the paradigm will differ. The paradigm of moral indignation stems from public denunciation. Moral indignation “serves to effect the ritual deconstruction of the person denounced... [and] reinforce group solidarity” (Garfinkle, 1956, p. 421). Through the effects of the degradation ceremony, the other-ed person becomes a “new person” from the perspective of the ones who construct the ceremony. The individual is seen in a new light.

There are two themes in the rhetoric of the degradation ceremony. These include (Garfinkle, 1956, p. 422):

1. The irony between what the denounced appeared to be and what he is seen now really to be where the new motivational scheme is taken as the standard;
2. A re-examination and redefinition of the denounced.

Garfinkle also explicates conditions for the degradation ceremony to be successful. First, the event and the perpetrator (what he defines as the one who is being othered) must be made to stand out in a unique way. Second, both the event and perpetrator must be categorized in a way to show the following preferences. The event and perpetrator must be described as one in the same, and witnesses must appreciate that the event and perpetrator are profane. Third, the denouncer must be “regarded as acting in

his capacity as a public figure” (Garfinkle, 1956, p. 423). Fourth, there has to be a way for information to get out to the rest of society, a vehicle of dissemination, such as the media. Fifth, the denouncer has to speak on behalf of the collective entity represented and not from the platform of a personal agenda. Sixth, the denouncers have to present themselves as people who support the values that underlie the degradation ceremony, which from a Durkheimian point of view, amounts to an exercise in solidarity enhancement. Seventh, the denouncer and witnesses must be able to distance themselves from the ceremony and perpetrator. Last, the denounced perpetrator must be “ritually separated from a place in the legitimate order” (Garfinkle, 1956, p. 423).

In a successful ceremony, these attributes work in tandem to render degradation palatable to the sensibilities of the people; degradation is interpreted as proper and fitting. Rituals comprising the foundation for the ceremony assist in making the ultimate goal of degradation achievable. In order for onlookers to accept the degradation of a fellow citizen, they have to possess a sense of what is a ‘good citizen’. They need a point of contrast in order to accept the message of the ceremony as legitimate.

The goal for a successful ceremony is to cast degradation as solemn and acceptable, as unfortunate but necessary. Things can and sometimes do go wrong to undermine the palatability of the process and message. The degradation can be spoiled or mitigated if the condemned is not adequately “otherized” or if the acts of authorities do not seem just.

Erving Goffman

Goffman wrote *Interaction Rituals* (1967) after conducting micro level research on interactions in mental hospitals and the rituals that surround these actions. In the

essay, *The Nature of Deference and Demeanor*, he explores “some of the senses in which the person in our urban secular world is allotted a kind of sacredness that is displayed and confirmed by symbolic acts” (Goffman, 1967, p. 47). He further expands upon the concept of symbolic acts, which he describes as a form of communication “subject to a rule of conduct” (p.51). Regardless of whether an act conforms to the rule of conduct or not, it is still a form of communication. The ceremonial activities, a compilation of communications, have different components, one of which Goffman calls “deference and demeanor”.

Deference can be defined as “that component of activity which functions as a symbolic means by which appreciation is regularly conveyed to a recipient of this recipient, or of something of which this recipient is taken as a symbol, extension, or agent” (Goffman, 1967, p.56). More simply, deference is “the appreciation an individual shows of another to that other, whether through avoidance rituals or presentational rituals” (Goffman, 1967, p. 77).

The analysis of deference can be broken down into two main categories. The first involves focusing on one specific ritual and examining all the social situations in which it is performed so that a meaning can be applied to the ritual. The second entails collecting all the rituals that are performed to a given recipient and interpreting these based on their symbolic meaning. Deference is absorbed by both the recipients and givers of communication and is understood by Goffman to be something a superordinate yields to a subordinate.

As mentioned earlier, there are different types of deference rituals. Presentational rituals are those in which specific acts for a subordinate depict how superordinates feel

about them. These rituals depict how the giver will treat the receiver in an on-coming interaction and imply how the receiver is expected to act. If presentational rituals depict what is to be done, avoidance rituals specify what not to do. By performing rituals of either kind, the actor is better able to predict the recipient's behavior in, for example, a degradation ceremony such as an execution.

Demeanor is defined as "that element of the individual's ceremonial behavior typically conveyed through deportment, dress, and bearing, which serves to express to those in his immediate presence that he is a person of certain desirable or undesirable qualities" (Goffman, 1967, p.77). What Goffman has in mind here are not objectified qualities, but instead qualities that are subjectively construed and valued by a particular audience. Through an actor's depiction of demeanor, onlookers tend to judge that individual in other areas of their life based on how they act in a ceremony.

It is through the interaction of deference and demeanor, according to Goffman, that an actor will show compliance within an interaction ceremony and receive and give off the qualities required to successfully carry it through. Through the granting of deference, the actor performs the desired activities, accepting the choices allowed. The demeanor of the individual is thus encouraged to be what the superordinates want it to be. Goffman purports that "if an individual is to act with proper demeanor and show proper deference, then it is necessary for him to have areas of self-determination" (Goffman, 1967, p. 92). The individual is to have choice so that it will be possible for that person to show proper deference and respect for others. The show of respect promotes the best outcome for the ceremony. Rituality, then, becomes an exercise in respect begetting respect, as least in a successfully executed execution.

Jean Baudrillard

Jean Baudrillard wrote extensively on the concept of power. In *Symbolic Exchange and Death*, Baudrillard (1976) focused on the power of death. He states that “power is established at death’s borders” (p. 130). Power is inherent because it is on the “manipulation and administration of death that power... is based” (p.130). Death and power are dependent upon one another.

As was discussed earlier, Garfinkle introduced the concept of otherization. Baudrillard argues that if an “other” must be convinced of their guilt, punishment loses all meaning because the punishment will have no effect on the “other”. In essence, if the condemned (or society) is convinced of their innocence or the justness of their conduct, the hegemonic effect of state sanctioned death does not have the same power. Society does not like the act of taking the life of someone who might be considered innocent, even if only by him/herself. The other side of death as punishment is that when someone is being executed for a crime, society feels a certain amount of disgust from both angles, disgust for the act of taking life and disgust for the condemned. To reduce the revulsion, the power which emanates from the performance of rituals promotes conformity and helps society not feel the disgust from taking a life with state sanctioned homicide.

Another important contribution by Baudrillard is his concept of signs. Signs refer to meanings conveyed through the media. Baudrillard, as discussed by Allen (2011), theorizes that there have been four phases of the sign. Each phase of the sign is directly related to a time period in history. The first phase occurred in premodern societies when information was not mediated; reality was firmly placed in the object itself. The second phase occurred between the European Renaissance and Industrial Revolution. The sign

was still based in reality, but human interpretation was starting to be applied and information was mediated through print. The third phase began in the Industrial Revolution, or what some consider modernity. Signs take on a value based on what consumerism dictates the value to be, and are valued based on worth. Signs are no longer being considered in reality but as what society equates the value of the sign to be. The final phase of the sign is based in late modernity, and this is the most significant phase for this thesis. The sign no longer has any base in reality. The reality or interpretation of the sign is based entirely on a mediated reality. The object or concept now means what media says it means and is the simulacrum of what it once was (Baudrillard, 1996). This last phase of the sign is considered hyperreality, and hyperreality is a false sense of reality.

Hyperreality relates conceptually to pacification. Pacification does not aim at any one group; it works to deter questioning of signs collectively. This is achieved through signs that, in reality, have no direct meaning to the collective (Baudrillard, 1994). This concept is important when applied to executions (discussed in Chapter Four).

Bandura Moral Disengagement Theory

Bandura's (1999) theory of moral disengagement is a micro account of how people circumvent self-censure and thereby carry out inhumane activities. For Bandura, moral agency is "manifested in both the power to refrain from behaving inhumanely and the proactive power to behave humanely" (p. 193). The power to refrain is the inhibitive form, and the power to behave is proactive.

With cultural socialization, people learn to regulate themselves by monitoring their conduct in relation to moral standards and the conditions in which conduct takes

place. People judge their actions against their moral standards and the circumstances as these are perceived to be. People will act (or not act) according to the consequences they apply to themselves (Bandura, 1999). Bandura notes that self-regulatory mechanisms do not play a part in an individual's life unless activated by circumstances which require them to be used. When a person encounters a situation which calls them to possibly act outside of their moral boundaries, as with the conduction of executions, they may use moral disengagement coping mechanisms to justify their actions and avoid oversized self-sanctions.

Different types of moral disengagement are used depending on the situation, and the types are often applied in combination. For example, moral justification occurs once people have justified to themselves that the action is moral in terms of ends warranting means, something moral philosophers call consequentialism. Individuals in this situation will then see themselves as moral agents as they inflict harm on others. Another mechanism called euphemistic labeling renames a harmful action to a sanitized form. Advantageous comparison occurs when a certain action is "colored by what it is compared against" (p. 196). For instance, a terrorist may inflict harm against a person or group based on a perceived greater harm, such as the United States invading Iraq. Bandura found that the combination of these three types of moral disengagement create "the most powerful set of psychological mechanisms for disengaging moral control" (p. 196).

Displacement of responsibility, diffusion of responsibility, disregard and distortion of consequences, dehumanization, and attribution of blame are the last five

moral disengagement mechanisms that Bandura describes. These are discussed in Chapter Four, as applied to the ritualization of execution.

Daniel LaChance

As noted previously, LaChance (2007) has conducted one of the only academic analyses of death row prisoners' last meals. He purports that the "state has crafted elaborate protocols that minimize opportunities for unpredictability" (p. 701), which reinforces the concepts that were described by Goffman (deference and demeanor). LaChance attributes the transition to a state-controlled, state-sanctioned execution process to the fact that public execution was an unreliable strategy of social control. Even though executions have been carceralized, the public's information about executions has not been blocked; it has just been filtered through the media for public consumption. This lends itself to controlling and crafting the image of executions that is conveyed.

LaChance builds his arguments and theoretical applications partly on the work of Mona Lynch. Lynch (2000) argues that carceral bureaucratic executions can be seen as acts that are devoid of meaning, that the act itself has been stripped of any social or cultural meaning; nevertheless, the conceptual application of the death penalty is important to the public and to political figures. Executions (as has been described in the previous sections) are full of meaning that is downplayed to seem as if it is devoid.

This crisis of meaning stems from tensions present on many different levels in the capital punishment system. Capital offenders are concurrently depicted as irredeemable individuals and at least partially morally salvageable through contrition. This retributive approach reflects the trend for corrections to be a punitive rather than rehabilitative. But

retributive procedures can be seen as cold and calculating, and increasingly today as financially costly, which tends to not sit well with cultural sentiments. Inherently, then, there is tension between emotionality and rationality (Garland, 1990).

There is also inherent tension between competing concepts of justice based on assumptions of free will (aggravating conditions) versus determinism (mitigating conditions). The aggravating and mitigating dialectic is highlighted in the penalty phase of capital trials. For example, an offender was on trial for multiple murders from their time as a leader in a street gang and found guilty. The young man has now entered the penalty phase of the capital proceedings. The jury sees a young man who has lived a life of wreaking havoc and leaving countless instances of carnage in his wake. They feel that a punitive approach (e.g., death sentence) is almost mandatory. But mitigating circumstances are introduced which put the young man in a different light. He endured horrific abuse at the hands of his father and watched his father butcher his mother. The jury then understands why the young man has left a trail of carnage in his wake (Lyons, 2010). They must make a decision between not only what is best for society, but also what is best for the young man who slipped through the cracks of the social welfare system.

LaChance overlooks the theories used in studies of rituals (e.g., Goffman) when presenting his work. He makes a strong case for the need for palatability but fails to address the works of Goffman, Garfinkle, and Baudrillard, and others which present crucial insights into the construction of palatability. As such, this thesis can be seen as building upon LaChance's analysis of last meals by applying theorists discussed in this chapter to the overall cultural context of capital punishment.

Phillip Smith

Phillip Smith is another contemporary theorist who has examined the cultural palatability of capital punishment. Specifically, he examines the symbolism associated with executions and the meanings which symbols help sustain the legitimacy of capital punishment as an institution. He states that “executions have not one but several messages attached to them in a complex laminate of meanings” (Smith, 1996, p. 240). According to Smith, there is a fine line between cruel and just in arguments surrounding the death penalty. This is analogous to the distinction drawn earlier between retribution and otherness on the one hand, and humanization on the other. Offender-centered symbols and rituals work to keep the focus on the humane and just end of the spectrum. If the focus does not stay on that end, then the condemned could be seen by onlookers as an “object of pity, veneration, and respect” (Smith, 1996, p.241), his/her otherization notwithstanding.

Smith shows that capital punishment is very much a social action, one embedded in meaning and also giving off meaning. “The state and victim alike [are] involved in a sometimes bitter, always concrete struggle to realize their own best interests” (Smith, 1996, p. 247). In order to manage public opinion, and thereby bolster social control, modern executions are conducted largely in a private low key matter. Nonetheless, these executions and the routines that accompany them convey meaning. The mass media is the primary conveyor of this meaning via press releases and publications in popular outlets following the witnessing of an execution. Smith argues that the mass media remains one of the most effective tools used to evoke “strong sentiments and stimulating intense public interest” (1996, p. 240).

In a more current work, Smith argues that “every institution and procedure, no matter how pragmatic, sensible, or instrumental it might at first appear to be, is also, the carrier of meaning” (Smith, 2012, p.114). Not only is meaning conveyed, but it is also important to see how meanings are portrayed in particular settings. The study of meaning has an important value in the study of cultural sociology. Meaning has the “job of holding society together in the face of threats to stability and order” (p. 118).

Smith uses an interesting analogy to explain punishment. He states that “climate is what you expect, weather is what you get” (Smith, 2012, p. 119). When examined historically, punishment trends (climate) can be deciphered. In this regard, punishment has, generally speaking, reduced the amount of physical pain inflicted and increased privacy and dignity. Smith argues that cultural theory can “help us explain the local and embedded process through which such local meanings (weather) can intersect with more general templates (climate) and often produce unexpected results” (p. 119). Rituals also have a cultural aspect to them. Every jurisdiction has a protocol for execution that is unique (weather) and their own way of performing executions. In the United States, these localized variations of meaning exist against a more generalized cultural climate that is more or less conducive to capital punishment at a particular point in time.

The ultimate goal of the cultural, social, and bureaucratic execution enterprises is to “extract the maximum public benefit for the lowest cost and without transgressing norms of decency” (Smith, 2012, p. 123). Executions are conducted behind closed doors in front of a minimal number of witnesses. This allows the state to control symbolism, thus reinforcing legitimacy by preventing transgression of the norms of decency. The

condemned is shown basic respect (via rituals), death, which is inherently distasteful to society, is hidden, and the body is regulated (Foucault, 1975).

Execution procedures have a local character to them even though they are regulated by both federal and state entities. Through his theoretical examination of the changes in different methods of execution, Smith purports that “long term shifts in norms and modes of control are mediated by a more local and colorful symbolic and narrative landscape. Vague shifts in sensibility and common sense are anchored in repeated, local, concrete discursive, and iconic practices” (2010, p.125). This focus reinforces the importance of execution symbols and rituals, as these are central to the practices Smith describes. These rituals focus on the “broader circulations of meaning in the public sphere, using this to reconstruct motivations for action and opinion” (2010, p.126). Rituals reconstruct and channel meanings, so that what is conveyed to the public is the sanctity of the process which provides justice to the people.

John Pratt

Pratt (2012) wrote *Punishment and 'The Civilizing Process'* to develop a “new analytical framework to understand the development of punishment in modern society, one that would give more attention to changes in values, cultures, and sensitivities, and to the signs and symbols of punishment...” (p.91). To be considered civilized, a society must adhere to proscribed conduct regulations and restraints. Advancement must be evident in such areas as literacy rates, health care, and the handling of criminal offenders. For a society to maintain its status of being civilized, there must not be “floggings, stoning, maiming, executions, or any other attributes of the uncivilized world” (p.92). Some societies, including the United States, continue to practice executions but are still

seen as largely civilized nations. In no small part, this outcome stems from the bureaucratic ritualization of execution processes.

There are consequences to being considered a civilized society. Pratt references Garland (1990) as theorizing the two primary consequences of being regarded as such. First, the state gains hegemony, and thereby more authority and control over citizens. Second, members of society internalize those controls, which include increased sensibilities toward the suffering of others. This allows societies to be more cohesive and show more solidarity among members. This in turn, is imperative to understanding palatability of executions in an ostensibly civilized society. Members of the public absorb the norms of society and do not like to see suffering, but they concede to the authority of the “civilized” state to take care of matters for them. Constructions of the state “versus” the offender represent a good example of this phenomenon; the state punishes on behalf of citizens. This explains why death row and executions are hidden from view. People are content to allow the state to take care of distasteful business for them.

Pratt looks at the changes in executions throughout history and the impact of socialization on capital punishment. The ‘bloody code’ in England had over 300 offenses which were death eligible, with death being the only sanction available for those offenses by 1861. Also, the full transfer of executions from the public arena to private carceral spaces took place in England in 1868. Speirenburg (1984) reasoned that members of English society no longer found public torturous executions to be palatable. Pratt reinforces the argument made by Smith that the decreased retributive vengeance by mobs was due to the increase in centralized state power. Power, as described in the previous

section, grew consolidated and began to exert its influence. Pratt states the public interest began to decline as “bureaucracies made entry” into the penal institution more “restrictive” (Pratt, 2012, p.99). The civilizing process is theorized by Pratt to “have allowed the prison bureaucracy to grow stronger and become more deeply entrenched, automatically giving its own accounts more credibility than that of its prisoners” (p.101). This allows control over the flow of information to society, thus encouraging optimum adherence to the general ideology of capital punishment. The control of flow promotes hegemonic ideology; the state crafts the image of execution it wants society to absorb.

Pratt bases his arguments primarily on the theory of Norbert Elias (1996); he uses Elias as a lens to analyze changes in penal practices and contemporary penal protocol. Pratt argues that the study of Elias’ work and the application of his work to modern penology show “interconnections and subtleties between cultural values, structural processes, social habitus and modes of knowledge that underlie such developments” (Pratt, 2012, p.109). The changes in the penal system, and ultimately the capital punishment system, have taken on their current forms from a combination of many different influences. Ultimately, they developed out of a combination of culture and government control (power); these forces combined to shape the modern capital punishment regime.

CHAPTER 4

RITUALS AND REVULSION

This chapter examines executions and the particular rituals associated with them. In order to better understand rituals, a brief overview of the execution process will be provided. A theoretical analysis of rituals, specifically the last meal ritual, will be discussed using the theorists described in Chapter Three.

Executions and Rituals

Executions are ritualistic in and of themselves. They operate according to bureaucratized protocols that coordinate and give meaning to collective actions. As previously discussed, for an execution to be carried out in a culturally palatable manner, the rituals comprising the protocol must quell revulsion that inherently surrounds the expunging of life. Executions are thus performed as directed by protocols that are set up with specific steps. The steps culminate in execution of the condemned, the taking the life of another in a premeditated strategically calculated manner. Rituals cushion and help manage revulsion inherent in the process, not only for the execution team and the condemned but wider society as well.

The choices of the condemned (i.e., his/her points of deference) are embedded within modern execution rituals themselves. Prisoners have the option of last rites. In the past, by contrast, executions were generally religious affairs without a comparable option. They can choose their last words and whether or not they want a last meal. The ritual of the last appeal is not generally a choice that the condemned makes, unless they opt to waive the right to discretionary appeals beyond mandatory appeals. Last

visitations, another element of choice, give the family opportunity for closure, the attorney time to consult with their client and offer reassurance or updates on the aforementioned appeals, and the chaplain an opportunity to assist with spiritual needs. All of such visitations are optional. It is up to the condemned to decide who he/she wants to see, if anyone. Essentially then, these rituals place the prisoner in at least some control of his/her final hours.

Each member of an execution team has individual tasks that they must carry out when the execution is performed, what Bandura (1999) describes as moral disengagement through diffusion of responsibility. For example, Bohm (2010) argues that strapping the condemned to the table is “one of the more ritualized stages in a ritualized process” (p. 198). The underlying goal of dividing responsibility among the team members is to make the execution a “collective responsibility” of the team (Bohm, 2010, p. 199). No one member feels entirely responsible for taking the life of another.

Bound up with the performance of rituals is the moral disengagement of both the executioner and society at large by means of dehumanization of the condemned into a deserving other. This is something of a paradox because such dehumanization must be accompanied amidst rituals that simultaneously humanize the condemned to make them more compliant and to make it appear that the state is being just and humane in the process of taking a life. As such, rituals of execution humanize the conjured up monster that is about to be extinguished.

Regarding last statements, Vollum (2008) writes that “the reality of human relationships, human emotions, human needs, and human suffering can be more fully considered in the context of the death penalty and the crimes that precede it” (p.5). As

noted in Chapter One, last words are the most studied area of execution rituals (Massingill, 2008; Vollum, 2008). Last words are particularly intriguing because it gives a chance for the onlooker to glimpse the state of mind of the condemned at their time of death. Some of the executed proclaim their innocence, others offer apologies, and a few are defiant to the very end with their words.

Last rites have been studied extensively as well due to the very nature of the historical changes in executions. As mentioned previously, in the early period, executions were religious affairs that were used to make an example of the condemned and prove that the offense was directed against God more so than man. Garland (2010) states that the ritual nature of executions was due to the state's close association with the church. Executions transitioned from a mandated religious platform to a secular ceremony after the official separation of church and state, which made last rites optional instead of mandatory. In Durkheimian terms, this is transition to the profane realm. But in order for life and the taking thereof to be preserved as ultimately sacred, modern execution rituals are solemn affairs that push the profane back toward the desired sacred realm (see Figure 3.1). Revulsion is thereby managed.

All the prisoner-centered rituals give the impression that deferential conciliatory actions are being taken for the condemned in light of their imminent death. Last words lend themselves to understanding the condemned's state of mind at the time of execution, and last rites communicate the status of the condemned's soul. As such, both these rituals speak to the normative expectations of onlookers. Is the condemned remorseful? Is he/she 'ready' to die? The last minute appeals ritual gives the impression that the condemned still has hope, but in reality, very seldom does the last appeal culminate with

a reprieve. The last visitation allows for goodbyes and consolation to the condemned, if the person so chooses. But of all the rituals, the last meal is uniquely individualistic conveying the condemned's unique personal preferences and attention to his/her life before prison. It is the only ritual that involves only the person (they choose what food they want and whether or not they want to eat it). Some prisoners have been known to share their last meal with family. It is thus a part of the execution protocol with which society seems to be fascinated. LaChance (2007) states that the last meal reveals more than just the appetites of the condemned; the choice of a meal by the condemned invites the public to "contemplate their personality, see gluttony and fearlessness, ascetic restraint and fearfulness among orders for T-bone steaks and ice cream" (p. 714). It allows for the condemned to be seen as an individual rather than a monster or dangerous other, a human agent, who has food preferences just like the rest of us. The last meal is thus an unique and interesting ritual that can furnish independent insights into the meaning of rituals.

Last Meals

I have always marveled that they even bother to ask for their last meals. I wouldn't be able to eat, and I've never seen very many who do except to push the food around. It's all part of the larger thing called the execution protocol, developed over the years. I suspect that not many people understand that what is important about the execution protocol is that it helps the warden and the prison staff get on through the damn execution process because you've got things to tend to. It is not something that is individually designed. It's kind of come together over centuries, and I think every country that's practiced executions has had a certain kind of protocol. Donald Cabana¹

¹ This quote was obtained from the paper by David and Mark Dow in their work "The Line Between Us and Them: Interview with Warden Donald Cabana", part of the anthology *Machinery of Death*. Donald Cabana was a warden in Mississippi and Missouri. He quit work as a warden and became an outspoken opponent to the death penalty system.

The saying “breaking bread” brings to mind the social and cultural connotations of food. People get together and eat in order to have a social experience or to spend time with people they care about. It is also a factor of life; people have to eat to survive. So why offer the condemned a last meal, the nutritional value of which is a contradiction in terms... a kind of insult to injury? As noted in the quote above, the condemned generally can’t eat the food given to them because of anxiety, depression, or a number of other hypothetical reasons.

The last meal comes to make more sense when conceptualized as part of the ritualized degradation ceremony. It is one element of deference and choice that assists in making the degradation ceremony unfold palatably. LaChance (2007) sees the rituals of execution as a tool that the state uses to justify “intellectually and emotionally, the use of draconian measures” (p.703). Rituals do this by portraying the condemned as a moral agent who has the capacity to make choices within the realm of a system represented as humane and just enough to offer up choice.

Last meals have been studied on a limited basis in the academic realm. One of the generalized themes of last meal research looks at the hegemonic role that last meals play in the overall power dynamic of executions (Davidson, 2011; Duda, 2007; LaChance, 2007). The last meal has also been described in terms of religious connotation (Osler, 2009; Price, 2006).

In addition to academic literature, numerous popular articles and books (e.g., Black, 2003; Price, 2006) have been published with information on last meals and what a person (e.g., a chef) would have if they were given a choice to have a last meal. An artist, Julie Green, has used her talent as a painter to bring awareness to the death penalty

by painting last meals on different, unique plates (see Figures 4.1 and 4.2). Her painted plates illustrate many things, including the ways meals can articulate racism of the system. One plate (Figure 4.1) depicts the 1955 last meal offered to two black boys: fried chicken and watermelon. There is even a blog, deadmaneating.com, in which an individual writes conveying the last meals (and last words) of those who have been executed. Given the fact that the last meal is such an area of popular curiosity, one could argue that it is among the most important execution rituals conveyed to society (the outlier for this hypothesis is Texas of course).



Figure 4.1 Mississippi Plate 1947 Julie Green, Artist
 Figure 4.2 Indiana Plate 2007 Julie Green, Artist

Source: Johnson, K. (2013, January 25). Dish by Dish, Art of Last Meals. New York Times, p. C1.

Figure 4.1 Mississippi 1947: Fried chicken and watermelon served to a 15- and a 16-year-old boy.

Figure 4.2 Indiana, May 5, 2007: Pizza and birthday cake shared with 15 family and friends. A prison official said, “He told us he never had a birthday cake so we ordered a birthday cake for him.”

Last meals have been described historically as being based on religious undertones. Mark Osler (2009) did a study which compared and contrasted the last meal of Jesus Christ and the last meal of the condemned. Osler argued that while there are differences between the two (e.g., Jesus ate his last meal before he was convicted and

condemned, Jesus chose and ate the last meal in freedom, and it was to be used as a physical symbolic ritual to later be carried in remembrance of Him), the importance is found in the religious nature of the ritual. Brian Price (2006), a former inmate chef for death row prisoners in Texas, always viewed the last meals as the Last Meal because both Christ and the condemned would die in a short time. In a documentary about last meals, religion is noted as a key factor in the origins of the last meal (Bigert & Bergström, 2005). In the oriental geographical area, if an individual was to be executed, they were offered their favorite food to help them go to the other side. If they refused to eat, the food was taken to monks so that the executed's soul could move on to the other side.

Brian Price is arguably one of the most knowledgeable individuals on the topic of the last meal. Price prepared almost 200 last meals for those executed in Texas (Price, 2006). He is referenced in academic works that are written about last meals. His book, *Meals to Die For*, not only takes the reader through the meals that the individuals consumed, but also tells of his evolving opinion on the death penalty. When Price made the last meal for Richard Brimage, a man convicted of rape and murder, he had a hard time because of the crime that Brimage had committed. Price thought of the victim and his daughter: "If Mary Beth (victim) had been my daughter, Brimage would have welcomed a death as easy as lethal injection, rather than face me (p.27)." Price's conversation with his "cellie" made him rethink his position: "what if that had been YOUR son, or YOUR brother [his "cellie" asked] ... Would you be so anxious to see him dead if he were a close relative?" (p.27). Price encourages the reader to think about the concepts of capital punishment throughout the book.

From the first last meal he prepared to the last, Price took great care in the preparation process, and would say a prayer over the meal before it went to the condemned (Price, 2006). In the book, he tells what the condemned man did to end up on death row, how long the individual was on death row, what he/she requested as the last meal (in some cases, Price provides a copy of the request on a slip of paper that it was written on), and the last words of the condemned. After certain individual's sections, he adds an author's note. For example, in the author's note in the Karla Faye Tucker chapter he discusses the emotional toll that one particular correctional officer felt when she delivered the last meal. Captain Parkins was the captain over the kitchen area, and she had brought in the "makings of what would be Karla Faye Tucker's last meal" (Price, 2006, p. 107). She told Price that she wanted it to be "displayed nicely", and helped prepare the peaches, bananas, and salad with ranch dressing that Tucker had requested for her last meal (p.107). She didn't usually deliver the last meal, but she did for Karla Faye. Upon her return from delivering the meal, she was distressed and shaken up. This reaction by the captain is not surprising to Price. Price discusses the difficulty that the employees had dealing with executions. He said that he would have conversations with those who were intimately involved with the death penalty process, and it was obvious that the taking of a human's life had greatly affected them (Price, 2006).

Captain Parkins' reaction to her intimate involvement with Tucker can be seen as a breakdown of the coping mechanisms of moral disengagement. She was profoundly impacted because she was not normally a person who directly interacted with the condemned; she was usually only peripherally involved (to the furthest limits) as the supervisor of the kitchen. She went outside the scope of her normal routine by helping

prepare and deliver the last meal herself. This is also what Garfinkle would describe as a breakdown in the degradation ceremony. Because of the extreme humanization of Tucker, the lines between her being the ‘other’, a pickaxe killer, and a good person (defined as a “good citizen” according to Garfinkle), were blurred. She caused cultural turmoil to the system because she did not fit the categories that are constructed for the execution to be a morally correct, solemn, and just ceremony.

Another significant contribution to the literature on last meals is Duda (2007) who wrote an article for the Oxford Symposium on Food and Morality. He quoted Price that hamburgers are the most frequently requested entrée, and the most requested side item is French fries. He states “the hamburger... icon of the appetites and freedom of youth, the evocation of family, friends, and better times – all are embodied in this popular of meal requests” (Duda, 2007, p. 104). The food is not a nutrition necessity, but a momentary lapse into happier times, or at least more free times for some. He states that the choices that the condemned makes are not to better themselves, but are made to be true to themselves.

Duda gives examples of unique circumstances of specific last meals. Larry Eugene Hutcherson, executed by Alabama in 2006, requested that he not have a traditional last meal, but instead be allowed to have a meal with his family from the vending machines (Deadmaneating.com, 2010; Duda, 2007). Another unique meal was carried out as an experiment of sorts in Indiana. Gerald Blevins requested his mother to come to the prison and make his favorite meal of chicken and dumplings, and for her to be able to eat it with him (which she did). After the execution, she went to her hotel room and attempted suicide. Duda feels that the rituals are (p. 105):

... the history of societies and their efforts to reconcile the general population to the use of power by the state –including the death penalty- is a history of social rituals aimed at congeniality at least. In recent centuries the last meal has evolved into a gesture by the condemned that he or she accepts the verdict, affirms the correctness of the punishment and absolves the executioner and the community as whole of responsibility.

Duda's analysis affirms the theory of Goffman and shows that the condemned is showing proper demeanor, a demeanor of acceptance if not contrition. This illustrates how that the last meal works to provide confirmation the condemned has accepted their fate, accepted the punishment as just, thereby relieving the executioner and state of moral responsibility (Duda, 2007). Palatability is promoted, and legitimacy is bolstered. The meal thus becomes an ideological contribution to the goal of sustaining capital punishment.

In line with Durkheim's (1912) theory, rituals work collectively to make the ceremony go on without trouble and to unite onlookers and participants. In Texas on September 21, 2011, Lawrence Brewer (who was convicted in Jasper, Texas of the dragging death of James Byrd Jr.) requested an unusually large last meal. When the meal was delivered to him, he defiantly refused the meal and said he was not hungry. The next day Senator John Whitmire, who chairs the Texas Senate Committee on Criminal Justice, threatened to pass legislation to stop the last meal if the Department of Criminal Justice didn't do so immediately. The executive director of the Texas Department of Criminal Justice concurred and halted the last meal option from that point forward; it is still not an option as of the time of this writing (Forsyth, 2011). Interestingly enough, Massingill (2008) and Price (2006) have extensive knowledge of the protocols of Texas executions through interviews and firsthand knowledge respectively. When an inmate

like Brewer would request a large last meal, they were in reality only allowed to have a normal portion size and could only have what was available in the prison kitchen unless an employee brought in something unique from the outside (which only occurred on rare occasions such as with Karla Faye Tucker). This is an instructive lesson in semiotics and construction. The Texas Department of Corrections would report what the inmate *requested* for their last meal, not what they *actually received*. To the public, it would thus seem that an ungrateful defiant inmate had wasted taxpayer money on an enormous meal. In reality, the meal consisted of what was on hand. For example, if a person ordered prime rib and lobster, they got a hamburger steak and fried fish that was available in the prison kitchen (Price, 2006). For its part, the public was left to equate the request with the actual serving.

Texas still performs regular executions. Since Brewer's last meal faux pas resulted in the practice being halted, between September 22, 2011 and May 31, 2013, 64 individuals have been executed nationally with 22 (34.4%) of them being from Texas; no one in Texas was allowed a last meal.

For purposes of this study, a database of last meals was constructed for executions taking place between the Baze v. Rees decision in 2008, the last *de facto* execution moratorium that has occurred in recent history. The moratorium took place between September 25, 2007 and May 6, 2008 while the Supreme Court decided on the constitutionality of the lethal injection execution method. The review of media reports conducted for this research project reveals that such reports generally include the condemned's picture, description of the crime that resulted in the death sentence, the

condemned's last words and last meal, and any other unique circumstances that surrounded the execution such as questions of innocence.

As Table 4.1 shows, in total, there were 233 executions between May 6, 2008 and May 31, 2013. Of those 233 executions, 156 (66.9%) persons requested last meals. Of the ones who did not have a last meal, 71 (30.5%) either refused, declined, or had "none" listed as the meal. Of the refused or declined, it was noted that eight were served the regular institutional meal for the last meal, and five obtained a meal from vending machines or the canteen. Of the 23 who refused or declined, two were individuals who actually requested a last meal and refused the food when it was delivered, Lawrence Brewer (TX) and Kent Jackson (VA). Virginia, in contrast with Texas, continues to allow the last meal even though a similar scenario occurred. In the state of Virginia, the condemned can request that the last meal request be kept confidential and not disclosed to the media. Seven individuals in Virginia asked that their last meal not be disclosed to the public. One of the seven was John Mohammad, one of the DC snipers. Yet the blogger who maintains deadmaneating.com reported that Mohammad asked for chicken in red sauce and strawberry cake, but the source of this information was not disclosed.

My sample is drawn from those executed during the years 2008-2013. The year 2008 was the end of a brief execution moratorium (September 25, 2006 to May 6, 2008) during which the United States Supreme Court ruled lethal injection a Constitutionally acceptable method of capital punishment in *Baze v. Rees* (2008). My sample begins when executions were reinstated in 2008 and consists of 233 cases. The last meal choices of these cases will demonstrate the humanization of the condemned and the deference extended to them. I also provide data on standard demographic variables (age, gender,

and race) in addition to food choice. All the cases except for three were obtained from the Clark County Prosecutor Execution Database. The three that were not on the database were obtained from deadmaneating.com blog and a newspaper article. The Clark County, Indiana County Attorney's office keeps a current comprehensive database of information on modern era executions. I was unable to find one common source for all the last meals data. Consequently, I used the Clark County Prosecutor website, which represented the most comprehensive central point of reference from which to draw last meal information. Originally, I tried to obtain press releases from the facilities where each execution occurred, but was only able to obtain 28 in the time period being examined. The demographic data that is displayed in Appendix A of those who have been executed was obtained from the downloadable excel spreadsheet of executions available from the Death Penalty Information Center's website.

Table 4.1

Last Meals Post Baze v. Rees through May 2013

Executions post Baze v. Rees to May 2013	233
Number of Last Meals	156
Number Refused/Declined	23
Number Noted as None or No Request	48
Offered Regular Institutional Tray	8
Vending/Canteen	5
Asked for Meal to be Kept Confidential	7

THEORETICAL APPLICATION

Durkheim

From a Durkheimian perspective, execution rituals promote social cohesion, albeit a form of cohesion that legitimates state killing among participants and onlookers. As depicted in Figure 3.1, the rituality of execution moves the act from the profane towards the sacred realm, thereby helping to legitimate and preserve execution as a practice. This can also be seen with Baudrillard's (1976) observations that society is just as repulsed by the actual execution as they are with the condemned. Rituals cushion the revulsion stemming from the execution itself so that cultural revulsion can be directed almost entirely toward the condemned individual (rather than the state) and the sanction can continue to take place. It is through Durkheim's work that we see how a profane act (e.g., executions) can move toward the sacred realm. The piacular ceremony, which is a somber affair, will be seen as profane if those in attendance have celebratory attitudes. Rituality guards against such attitudes. Celebratory displays, such as those characteristic of early era public executions, are interpreted as traversing back to the profane realm, something in direct conflict with the goal of entering the sacred one.

Cohesion is important so that the piacular ceremony includes the qualities of the degradation ceremony (Garfinkle, 1956), which affirms the state's authority to carry out executions. It promotes "otherization" and unites the people against the deviant. Piacular ceremonies are a somber affair and carried out in a protocolized manner to promote the right of the state to extinguish a life.

Durkheim's work is the basis for most of the theories that will be discussed in this section. His influence is evident in the way that most of the other theorists have built

upon his ideas and applied them to punishment or degradation ceremonies (Garfinkle, 1956).

Garfinkle

As pointed out in Chapter Three, Garfinkle discusses the degradation ceremony and how it works to otherize an individual thereby legitimating punishment. Through otherization, the condemned is seen as worthy of the punishment. The many conditions of the degradation ceremony (e.g., the entity carrying out the ceremony has the power to do so, and the ceremony is not a personal vendetta against the condemned) work together to hopefully achieve a ceremony which will be palatable to society, but this does not always occur.

A good example is found in the case of Karla Faye Tucker. Karla Faye Tucker was made out to be a “monster” when she was tried, convicted, and sentenced to death for a pickaxe murder. But while on death row, she experienced a religious conversion. She eventually came to be seen as a martyr for the cause of redemption and justice, and many individuals (including conservatives) spoke out against her execution. The use of rituals surrounding her execution as described by Durkheim pushed the revulsion that is inherent in the profane realm to the sacred realm, thus cushioning her killing in the eyes of many (see Figure 3.1).

The ceremonies that Garfinkle described also push the execution towards the sacred realm. The ceremonies, and media releases, make sure that society is reminded of the “atrocities” the condemned committed, thereby reinforcing the monster image. The rituals reinforce the principals of the degradation ceremony. The official actors who are involved in the execution process show condemned individuals deference as part of their

responsibility within the protocol. This showing of deference, such as allowing a last meal, reinforces the authority that the official has as an extension of the state thus solidifying degradation ceremonies.

Goffman

Central for this thesis is Goffman's (1967) insight that "proper" demeanor is evident when a prisoner is compliant with the requirements of the execution ceremony. Deference is granted by allowing the condemned choices. In giving the condemned choices, submission to the authority that allows choice is promoted. Of the 233 executions examined in this study, 212 (90.9%) were allowed to request or choose a last meal. The high percentage rate shows that the condemned is granted a choice. This helps ensure, but does not guarantee, that the conductors of the ceremony will not have to negatively interact with an actor and thus risk spoiling or otherwise compromising the underlying messages.

Last meals and last statements give the condemned choice which gives them a sense of self determination. Ironically, this makes the process of being exterminated more acceptable to the condemned. They are allowed to choose what they want to eat within the guidelines of execution bureaucratization. As Duda notes, they most often choose a burger. Being allowed to exercise that choice renders them more compliant; "proper" demeanor is encouraged because the bureaucracy shows them deference.

Baudrillard

Application of Baudrillard is depicted in Figure 4.3. Baudrillard argues that “the progressive control of life and death” is fundamental to social order, a role assigned to collective cohesion by Durkheim (Baudrillard, 1976, p.172). While Durkheim and Baudrillard operate from quite different ontological and epistemological bases, the two views are nevertheless compatible in that control over life and death manifests itself in the protocol making up the ceremony of death (e.g., execution), the purpose of which is to promote cohesion and legitimacy among participants and onlookers. In previous times, the execution of the “other” would be “savoured as a spectacle at a distance” (p. 173). The whole community was expected to attend. “Today, everything and nothing has changed: under the sign of the values of life and tolerance, the same system of extermination, only gentler, governs everyday life, and it has no need of death to accomplish its objectives” (p. 173). The spectacle with all the community in attendance is no longer needed. The disgust is abated with signs conveyed by the government via the media and through the rituals comprising death protocols.

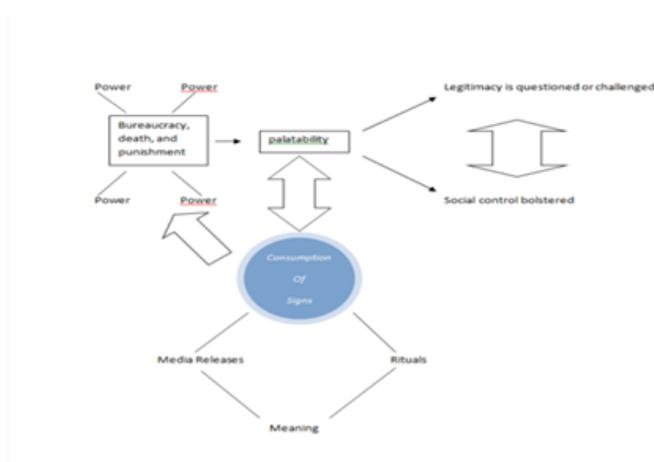


FIGURE 4.3 Power Dynamic associated with Rituals and Meaning

The above diagram (Figure 4.3) depicts the importance of power, and how it operates to abate revulsion through the performance of rituals. Palatability, or the lack thereof, and the corresponding effects on bolstering or challenging legitimacy, are mediated by rituals, rituals with much potential to reproduce and bolster social control. Media releases convey information about rituals to the public, which in turn constructs meaning and crafts sentimentality. How the rituals are performed, and their effectiveness in the ceremony, will directly affect palatability which, in turn, impacts the power of the bureaucracy over death and how the death penalty system is maintained.

Signs are crucial to the entire process. Signs that are to be consumed by direct and virtual onlookers are managed so as to decrease any excessive empathy that might be felt for the offender. Society has a fascination with serial killers, outlaws, and executed inmates much “akin to that associated with works of art” (Baudrillard, 1976, p. 175). This emotionally charged fascination could easily turn counter-hegemonic, challenging legitimacy and power if the offender were to be executed in the absence of effective rituality. Thus a major contribution of Baudrillard is his discussion of signs that are used to push society in the direction of uncritical conformity. This uncritical conformity is pacification. The execution and how it is performed ideally should be accepted without question, or if questions are raised, they should be relegated to the realm of a given onlookers own personal uneasiness about, or opposition to, the death penalty, instead of being launched as a kind of activist assault on the institution of capital punishment and that the state that administers it. The signs (last meals, last words, etc.) do not have any direct meaning when taken at isolated face value, but they do have meaning when placed in the context of the other things going on within the protocol. Last meals do not have

any nutritional value; as a matter of fact, as noted by Cabana, the inmate usually does not have the ability to eat because of stress and nerves. But when last meals are inserted in the protocol, elements of meaning are infused. The condemned is given choice and allowed to mentally re-experience life pre-incarceration (Baudrillard, 1996; Duda, 2007; Goffman, 1967; LaChance, 2007). More broadly, the protocol shapes cultural meanings by giving a simulacrum of humanely taking the life of one who surely deserves to have life taken away.

Information about executions is filtered from the facility to the media and then filtered to the public. No longer do a mass of individuals witness an execution. Now, selectively few are allowed to see the proceedings. The dissemination of information has created a simulated reality, a hyperreality, through which members of society experience executions. Baudrillard (1994) theorizes that society has moved to a stage that there is not a reality, or anything that is any longer real. What we have is hyperreality in which all things are constructed through signs for social interpretation. Rather than directly observing a human being's life being taken, we see signs of a sanitized, sterilized, and bureaucratized process that is offered up as normal and proper. This propels the public, distanced the furthest from executions and condemned, toward moral disengagement (Osofsky et al., 2005). Hyperreality allows for moral disengagement at a safe distance from state sanctioned taking of a life. Hyperreality is constituted through the signs reported from media sources, and accepted as distant fact concerning the taking of a human life. Hyperreality thereby helps sanitize the death process through filtered signs produced by the government and reported by the media.

The signs analyzed for this thesis are the last meals as symbolically conveyed through media representation. As was discussed earlier in this chapter, people are fascinated with the last meal and knowing what a condemned individual chooses or doesn't choose for their last meal. This fascination proves the importance of the last meal, and as time goes on, the implications on the effect of palatability due to the elimination of the last meal in Texas.

Bandura

The types of moral disengagement discussed in Chapter Three, and the five others described below, are important to consider when examining state sanctioned executions. Displacement of responsibility occurs when an individual defers blame to an individual who is in a position of authority. An illustration of the displacement of responsibility is when the person who “throws the switch” during an execution is “just following orders” from the warden to begin the execution; the warden, of course, is carrying out the law. It is important to distinguish between the two types of responsibility that occur in this dynamic: duty to superiors and accountability for the effects of the actions that are ordered. The type of responsibility an individual is charged with will dictate what type of moral disengagement the individual will use. Each type of responsibility can cause moral distress if not cushioned effectively. The moral disengagement principals described by Bandura (1999) will assist with cushioning the revulsion present when faced with death penalty issues.

Diffusion of responsibility does not put all of the responsibility on one person; it spreads the responsibility across each individual involved. When an execution occurs, each member of the execution team (also known as the tie down team in some

jurisdictions) has an individual part in the collective action. As was noted earlier, the actual protocol of execution is ritualistic in itself (Bohm, 2010). No one person takes the brunt of responsibility of taking the life of another. The responsibility of the execution is divided up piecemeal so that no one individual is solely responsible for the act of taking a life. The tie down team is only one piece of the puzzle. Different individuals are responsible for different rituals that are performed. For example, generally Brian Price was solely responsible for preparing the last meals when he was incarcerated and worked in the kitchen of the Walls Unit.

The next type of moral disengagement is disregard or distortion of consequences. When people do not take into consideration the consequences of their actions, it eases their conscience of any responsibility. Executions are considered somber affairs. If a team member shows too much enthusiasm for their job during an execution, it could cause unrest with society if the media reports the cold calculated actions of that team member. This type of moral quagmire is abated by the captain of the team; they do not ask anyone to be on the team who seems too eager to perform executions (Bohm, 2010).

Dehumanization is the way in which people will assign non-human attributes to human beings. A way for correctional officers to do this is to label an inmate or the condemned by their crime (e.g., “rapist murderer” or “child molester murderer”) or their number (e.g., “inmate 24503”). If a condemned individual is seen as a monster, the act of taking a life is seen as just. Smith (1996) would argue this is the way society justifies capital punishment, and that the rituals of execution shift the execution to the just realm. This gives credence to the act of carrying out the execution of the “other”. What may seem like the exact opposite but actually works in tandem with dehumanization is the

moral disengagement act of humanization. The humanization process is when a person who would normally be labeled as a monster is actually seen as a human being. This element is imperative to the execution being carried out in a solemn and bureaucratically humane manner. The condemned has to be humanized (through the performance of rituals) to help promote an atmosphere of submission so that the execution carries on without mishap. This is accomplished by giving condemned inmates choice such as through the choosing of a last meal or last statement (Goffman, 1967).

The last of the moral disengagement techniques discussed by Bandura is the attribution of blame. There are several ways that those who carry out the executions can use this tool. The team member can blame society or lawmakers for the capital sanction being an option. They can blame the jury or judge for handing down the sentence. They can blame the prosecutor for seeking the death penalty before the trial began.

All of these moral disengagement techniques are not something that a person decides immediately to use. As noted in Chapter Three, people do not use the self-regulating mechanisms unless they are required to use them. Most people do not ponder how they would deal with carrying out an execution. Therefore, the mechanisms are gradually put in place to help the person cope with the actions that they are being asked to carry out. The ritualistic nature of executions as a whole help individuals carry out executions. Ritualistic protocols create a sense of normalcy to the proceedings which allow the individual to carry out their job without a moral crisis occurring. For example, when an individual starts the death watch they have a timeline and protocol to follow. They know at a certain time to ask the inmate for their last meal request, and what time the last meal will be delivered.

Osofsky, Bandura, and Zimbardo (2005) analyzed moral disengagement in the execution process. They surveyed three different groups of individuals in three different southern prisons. Groups included guards at the correctional facility who were not on the execution team, guards who were on the execution team, and support team members who carry out the “humane services during the execution” (p.376). This third group consists of individuals who provide emotional support for the families of the victim and the condemned, counseling and spiritual guidance to the condemned, and public relations. Osofsky et al. (2005) used eight measures to gauge levels of moral disengagement: moral justification, euphemistic language, advantageous comparison, displacement of responsibility, diffusion of responsibility, minimization of consequences, and attribution of blame (see discussion above).

Osofsky et al. (2005) found that moral disengagement works in different ways for different individuals (e.g., jurors, warden, or execution team). Depending on the function of the individual who comes in contact with the death penalty system, moral disengagement acts as a coping mechanism which varies based on the task performed. The public itself is desensitized to the process by distance and by the careful construction of information that is released to, and subsequently by, the media. Through press releases to the media, the state can reassert its monopoly over meaning (Smith, 1996). The meaning that the media conveys to the public is released by the institution and may also reflect eyewitness accounts of the execution. Eyewitness accounts are, of course, limited to what the state wants witnesses to see; curtains can be closed at will.

In order to disperse blame and disavow personal responsibility, respondents first shifted the responsibility for executions to broader notions of society. Osofsky et al.

(2005) write “capital punishment is, of course, created, justified, and sanctioned societally” (p.382). All three groups studied disavowed responsibility of the jury and the executioners because if society did not sanction the penalty of death, then others would not have to carry it out.

Not surprisingly, the level of moral disengagement and the methods of disengagement differed depending on how close the individual was to the actual execution process. The support staff is not as close to the actual execution as the tie down team or the person who actually “throws the switch”. The executioner feels that they are following orders and they are just doing their jobs. They carry it out by being as humane in the process as possible. The further away that an individual is from the actual execution, the less use of the moral disengagement tools they require. Another significant factor on the level of moral disengagement is the number of times that an individual has performed their task in an execution. Bandura attributes this to gradualistic moral disengagement. This means that over time, the tools that the individual has used to morally disengage become second nature so that they no longer have to actively think about what they are doing and the consequences. It is just part of the job, and these individuals have no qualms or gives any moral thought to it. Bureaucratic ritualization and protocolization thus lead to moral disengagement. Ritualization helps make the whole process palatable to not only society, but correctional officers, those who counsel on spiritual issues, prepare last meals, coordinate services for media, etc. Even the correctional officers who work in other areas are on high alert for unrest. No one is completely devoid of involvement in the execution process, not even society.

LaChance

Tensions present within the death penalty regime (e.g., free will verses determinism) can threaten legitimacy because they can “diminish the sense of clarity about who targets of capital punishment are” (LaChance, 2007, p.703). LaChance argues that the “last meal requests and last words are devices in contemporary executions that mitigate these tensions by allowing for the representation of offenders as autonomous, volitional individuals within a structure that simultaneously maintains them as irredeemable, controllable others” (p. 704). The rituals of execution that exist in each jurisdiction’s execution protocol thus seek to reconcile the contradictions upon which the institution of capital punishment is based. Individualization vis-à-vis last meals and words allows autonomy and encourages a free will representation (what Baudrillard would see as a sign) of the offender, which reinforces imagery of a “monster” or “dangerous other” and allows for a “humane” execution to be carried out. Free will representation is important to affirmation of capital punishment. If an individual is allowed to choose last words or choose last meals, then by implication, they chose to commit the crime that put them in the execution chamber. This logic absolves society of any wrong doing and works implicitly at neutralizing any guilt among those involved in the execution, whatever role they may have performed.

LaChance notes that “last meals and last words traditions keep offenders and the public from responding to the violence of executions” (p.716). The passivity of the public and condemned to state sanctioned executions fosters palatability by managing revulsion. These particular rituals are used to pacify the inmate, as Goffman theorizes in his work on deference and demeanor. Lynch (2000) argues that current executions can be

seen as acts that are devoid of meaning, that the act itself has been stripped of any social or cultural meaning; nevertheless, the conceptual application of the death penalty is important to the public and to political figures. Executions (as has been described in the previous sections) are full of meaning that is downplayed to seem as if it is devoid. (LaChance, 2007).

Smith

Smith (1996) argues that, regardless of the era under consideration, in order to keep the public satisfied, executions must be interpreted as fair and just. This is similar to the argument made by Durkheim; executions should move towards the sacred realm (the just end of the spectrum for Smith) and away from the profane realm (what would be considered the unjust end of the spectrum for Smith). Executions must be seen as a just action to be palatable to the people, and they also need to be seen as a solemn, sacred occurrence. Rituals shift the gaze of society to focus on justice being carried out in a palatable manner.

Rituals work to neutralize the repulsive effects of state killing by representing the condemned as an individual having positive societal attributes (e.g., food preferences, a family with whom to visit, religious convictions, etc). The state is the authority for carrying out executions, but as discussed in Chapter Three, executions have a local flavor to them as well. For example, in Texas the condemned is not allowed to have a special meal request, but in other states (e.g., Kentucky), the condemned can request a specific meal as long as it does not cost over a certain amount of money (Cunningham, 1994; LaChance, 2007). Yet, if the condemned is framed as someone to be pitied, the practice of capital punishment can be interpreted as barbaric and atrocious. Drawing from

Durkheim, Smith (1996) argues that under such conditions an execution can “deny the hegemonic interpretation of the ritual and convert the execution from a luminal to a profane event” (p. 242).

Pratt

Recall from Chapter Three that Pratt (2012) studied punishment in modern society and how culture affects the “signs and symbols of punishment” (p.91). Drawing on Elias, he used a theoretical lens which focuses on attributes of civilized societies. Importantly, Pratt (2012) observes that the civilizing process does not always guarantee a civilized outcome. The process can unravel into barbaric outcomes, as evidenced by the Holocaust. In part this is because while professionalized bureaucratized rituals humanize and cushion revulsion, they also encourage people to “look the other way” and accept and submit to government ideology (Pratt, 2012). Thus the civilization of punishment is fragile and delicate, contingent upon significations and the context within which events occur. This reinforces the role of offender-centered rituals as a decivilizing element of the execution process, thereby contributing to the predominant ideologies of the practice of capital punishment. And it is here that we see the emotionality-rationality dialectic at work in the form of tension between civilizing and decivilizing trends. The execution process is culturally fragile, entailing the need to carefully balance rational bureaucratic rituality (e.g., the testing of tubes, mock walk throughs, and the like) against emotionally-laden offender-centered rituality (e.g., last meal preparations). The balance is crucial to achieve if justice is to be represented as humanely exacted.

CHAPTER 5

DISCUSSION AND CONCLUSION

Synopsis: The Staying Power of Ritual

Garland (2010) argues that execution protocols have changed from elaborate ceremonies (that could be considered macabre) with strong religious overtones, to the professionalized bureaucratized protocols of today. He suggests, however, that modern execution rituals themselves “don’t have much collective meaning other than being a bland sense of tradition” (p.94). Garland discusses rituals and points out their attributes but then concludes that rituals are mostly a tradition, a lag of culture. Similarly, Johnson (1990) argues that even though state authorized killing is “encased in bureaucratic procedures”, bureaucratic executions are not true rituals. He states that in order for an execution protocol to be a true ritual, it has to convey a larger communal meaning.

The point missed by these lines of arguments is that the transition of ritualistic traditions into bureaucratic protocols does not necessarily render rituals devoid of cultural meanings. To the contrary, I have argued that modern execution rituals do convey important meanings, about the condemned as a volitional agent, about them as human beings, and meanings that tacitly elicit the compliance of condemned persons with their own demise. And it is precisely in this way that modern execution rituals have helped to prop up the ideologies supporting American capital punishment as an institution, offering it legitimacy and keeping the regime of state-imposed death in place during the era of global abolition (Durkheim, 1912; Garfinkle, 1956; Goffman, 1967; Pratt, 2012; Smith, 1996, 2010). This conclusion is consistent with Pratt’s contention (2012) that the rituals

of execution abate the dialectic relationship between what is seen as a civilized and non-civilized state.

This thesis has shown that Garland and Johnson's arguments about rituals are not strictly valid. Execution rituals have been present throughout the three eras described in Chapter Two. Even the vigilante extralegal executions of the early and premodern period featured ritualism amidst violence. For instance, the extralegal executions were conducted outside the legal realm in that the people were the judge, jury, and executioner. One of the ritualistic aspects of the lynchings involved the burning, dismembering, and mutilation of the body that was observed, and in a sense celebrated by the people conducting the lynching and their peers (Brown, 1975).

Rituals have multiple interrelated functions. They help to promote "acceptable" behavior of the condemned, what Goffman (1967) termed proper demeanor. This involves submissiveness on the part of the condemned in exchange for having been granted deference prior to the impending execution. Goffman captures the overarching concern of execution officials quite well: "pass through the teeth of eternity if you must, but don't pick at them" (p. 232). Rituality discourages picking. In so doing, reduces the questioning of legitimacy of death as a sanction. Rituals also have a humanization effect that is shown through the choices that the condemned makes. For instance, a choice of ice cream for a last meal helps society connect with the "other" on a cognitive level (Garfinkle, 1956; Lynch, 2000). Rituals also infuse executions with emotion and meaning (Durkheim, 1912; Pratt, 2012; Smith, 1996, 2012). Another important function of rituals occurs when the degradation ceremony sets the stage for otherization and moral disengagement. If a ceremony is to be "successful" execution, just and sacred, the

condemned has to be distanced from society and set apart as an “other” (Baudrillard, 1976; Durkheim, 1912; Garfinkle, 1956; Garland, 1990). Otherization of the condemned makes the ceremony palatable and deemed worthy of the distasteful task of extinguishing life. LaChance (2007) argues that rituals cast the condemned as a volitional agent. By showing that an individual is capable of choice within the ritualization of execution, it solidifies them as a capable decision making adult who decided to take a life willingly and of their own free will. Lastly, rituals work to exercise government power and show signification to the public (Baudrillard, 1976; Foucault, 1975; Pratt, 2012). Baudrillard states that power is death. Pratt (2012) noted that rituals reinforce conceptually a “look the other way” attitude about execution thus reinforcing ideological perspectives about capital punishment. Death and the threat of death can be a powerful entity. From a Durkheimian perspective, all of these things work in tandem to move the modern profane execution closer toward the sacred realm, thereby promoting imagery of justice and cushioning the revulsion inherent to the profane taking of life (Durkheim, 1912; Smith, 1996).

Abating the revulsion surrounding capital punishment has been an ongoing task for state elites throughout time in the U.S. because of ambivalence to capital punishment surrounding the Enlightenment. In other words, one mainstay in U. S. history is that the institution of punishment has “reflected some ambivalence about the execution ritual” (Lynch, 2000, p.5). Lynch attributes this in part to the creation of the new republic coinciding with the Enlightenment period. Indeed, it can be argued that given the presence of ambivalence and its concomitant growth during the late premodern era and subsequent era, the rituals have taken on an increasingly significant role, promoting

palatability that exists in a state of tension with both concrete and abstract emissions of revulsion.

The heightened sense of awareness stemming from ambivalence led to the two-pronged reaction to the fundamental challenging of capital punishment that was discussed in Chapter Two: post-*Gregg* super due process and enhanced significance of palatalizing rituals. According to Lynch, executions cannot become overly bland, devoid of meaning. Emotionality has to be infused in the process to appease society, but emotionality is potentially volatile, threatening to backfire on authorities at almost every point. Thus, with each historical era, the method of managing emotionality and promoting palatability has been crafted to accommodate the need for acceptance. The ceremony of degradation has always needed to appear solemn, and when this does not transpire, revulsion will result. Historically, this is one reason why executions transitioned to private carceral affairs. The carceral bureaucracy is better able to control the execution process, carefully managing revulsion and crafting emotionality given off.

The interplay between culture and penalty (Garland, 1990) is plainly evident in the hands-on posture toward capital punishment adopted by the U.S. Supreme Court around the premodern to modern transition. The “evolving standards of decency” doctrine was introduced by the Court in *Trop v. Dulles* (1958) and laid the foundation for the death penalty cases that were to follow by planting seeds in the institution of capital punishment for a kind of legitimacy crisis.

As was discussed in Chapter Two, the *Gregg*-induced Super Due Process ideology (see Figure 2.1) was a product of the legitimacy crisis, ultimately creating the modern institution of death row (Garland, 2010). Traditionally, the time between

conviction and execution could be measured in days or weeks. Now, the average time on death row is over 14 years (DPIC, 2013). Some inmates have equated this time on death row to being already dead (Johnson, 1990). Bohm (2012) theorizes that the reason conditions on death row are so harsh is to help make the prisoner malleable, more amenable to death, when time for execution finally comes. If as Bohm suggests, death row conditions and the protracted time on death row are a way of making the execution flow smoothly, culminating execution rituals become all the more salient in ironing out any “last minute” revulsion and legitimating the death penalty system as a whole.

I have also suggested that last meals rituality is uniquely significant to the execution process. This so because this particular ritual exerts the greatest impact on volitionizing and humanizing the condemned as a personal agent, allowing them a final and ultimate chance to exercise their power of choice through what they want to *request* for their last meal. As such, the ritual allows the condemned to be seen as an individual, a normal human being, who is allowed a choice of food preferences (LaChance, 2007). The sheer number of last meals requested (though less often consumed) by prisoners demonstrates the importance attached to such choice by condemned individuals themselves. The last meal, and to some extent the last statement as well, give the prisoner the chance to have freedom of choice (within the parameters of the bureaucratic guidelines).

Limitations/Delimitations of Research

There were several limitations in the research conducted for this thesis. First, there is no centralized data base from which to obtain information on rituals surrounding each execution. The best source I found was the Clark County, Indiana prosecutor’s

website. It had the most comprehensive data on rituals, plus specific data on the condemned; this allowed data to be drawn from a common source. Second, I focused on last meals and did not include data on other rituals. The information and focus on last meals has built on the foundation LaChance (2007) developed on that specific ritual, but if all the rituals were analyzed, data could establish patterns which would give a more holistic picture of rituals and their effects. As is noted in Chapter Three, Durkheim (1912) states that rituals have interchangeability; thus it is the consolidated picture of all rituals that support palatability. Another limitation is the limited case studies of individual last meals conducted for this study. A more meaningful well rounded glimpse into the last meal could be established with more case studies. Another limitation is the fact that not enough time has elapsed since the elimination of the last meal ritual in Texas to adequately study the implications it has had on palatability. The sample of prisoners not offered a last meal (n=22) was too small. There are limitations beyond these, but the other limitations sprouted from the delimitations discussed below.

Delimitations of this study are due to the focus and approach that I chose when conducting the research for last meals. First, I chose to look at last meals from a primarily sociological theoretical perspective. More specifically, I chose to use theorists who addressed rituality and emotionality. As an extension of the first delimitation, I chose to delimit my theoretical application to sociology, but if other disciplines were studied (e.g., anthropology and psychology), a more well-rounded understanding of last meals and rituals in general could be ascertained. Lastly, I chose to only analyze last meals for the time frame post *Baze v. Rees* to May 2013. This time frame could be expanded pre- *Baze* to give a larger sample and give a better picture of the last meal as a

ritual. The delimitations imply future research that can be conducted to expand upon the initial research findings of this thesis.

Future Research

There are several different ways to expand upon the research conducted for this thesis. First, the time frame selected could be expanded. Second, all rituals could be studied for a more comprehensive analysis.

Another possibility for future research includes drawing from other disciplines that could be applied to the study of last meals. For example, an anthropological approach could analyze the significance of food in culture and the relationship to the food choices that the condemned makes. The linkage of last meals to religion and the last meal could also be examined in greater depth from an anthropological perspective. As noted earlier, religion and the last meal have a rich history together (Osler, 2009; Price, 2006).

Psychology has substance to offer. While Bandura's (1999) work was included in this study, other theorists have also studied moral decisions and reasoning. For example, Haidt (2001) studied moral intuition as a basis for moral judgment arguing that people make quick moral judgments based on culturally-grounded intuitions and then rationalize the decision post-hoc using moral reasoning that justifies the decision. Haidt's research shows that moral reasoning is rarely the direct cause of moral judgment. It is intuition that drives most moral decision making, and moral reasoning subsequently legitimates those decisions. If a person uncritically accepts intuitions, executions and taking the life of another human being within a legal protocol will be accepted and rationalized post hoc.

Not only could other disciplines be used to analyze rituals, but different areas of sociology could be used to expand. For example, Lynch (2000) applied Foucault (1975) to executions and showed that the rituals and process of execution further the agenda of the state. Foucault (1975) argues that the creation of the modern penal system has led to the bureaucratization of death. The bureaucracy uses the execution protocol to exercise power over the sanction and power over the people by removing the executions to private carceral facilities and disguising raw violence. Modern execution rituals can thus be conceptualized as shaped by, and as shaping, shifting modes of governance. Kaplan (2012) further expands conceptually on hegemony and ideology in capital punishment in the United States. He argues that the American Creed consists of deeply held ideologies which reinforce the practice of capital punishment, thus legitimating and maintaining the practice.

These further applications of theory and research could significantly contribute to the study of rituals and their impact on the death penalty. As long as certain areas of the U.S. continue to utilize what the global community increasingly regards as an antiquated and draconian mode of punishment, and as long as the mode itself continues to evoke cultural revulsion that needs to be managed, it will be important to investigate the processes through which the capital punishment institution is sustained.

References

- Clark County Prosecutor. (2013). Retrieved June 15, 2012, from www.clarkprosecutor.org
- Dead Man Eating. (2010). Retrieved July 1, 2013, from www.deadmaneating.com
- DPIC (2013). Retrieved from Death Penalty Information Center: www.deathpenaltyinfo.org
- NAACP. (2011). Retrieved December 11, 2011, from National Association for the Advancement of Colored Persons: www.naacp.org
- Adkins v. Virginia, 536 U.S. 304 (2002).
- Allen, K. (2010). *Contemporary Social and Sociological Theory: Visualizing Social Worlds* (Second ed.). Thousand Oaks: Sage Publications.
- Baker, C. (2006). Emmitt Till, Justice, and the Task of Recognition. *The Journal of American Culture*, 29(2), 111-123.
- Baldus, D., Pulaski, C., & Woodworth, G. (1983). Comparative Review of Death Sentences: An Empirical Study of the Georgia Experience. *The Journal of Criminal Law and Criminology*, 74(3), 661-753.
- Bandes, S. (2008). The Heart Has It's Reasons: Examining the Strange Persistence of the American Death Penalty. *Studies in Law, Politics, and Society*, 42, 21-52.
- Bandura. (1999). Moral Disengagement in the Perpetration of Inhumanities. *Personality and Social Psychology Review*, 3(3), 193-209.
- Banner, S. (2002). *The Death Penalty: An American History*. Cambridge, Massachusetts: Harvard University Press.
- Banner, S. (2006). Traces of Slavery . In C. Ogletree, & A. Sarat, *From Lynch Mobs to the Killing State* (pp. 96-113). New York: New York University Press.
- Baudrillard, J. (1976). *Symbolic Exchange and Death*. Thousand Oaks: SAGE.
- Baudrillard, J. (1994). *Simulacra and Simulation*. Ann Arbor: University of Michigan Press.
- Baudrillard, J. (1996). *System of Objects*. Brooklyn: Verso.
- Baze v. Rees, 553 U.S. 35 (2008).

- Bernstein, P. (2005). *The First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP*. College Station: TAMU Press.
- Bigert, M., & Bergström, L. (Directors). (2005). *Last Supper* [Motion Picture].
- Black, J. (2003). ... *last meal*. Monroe: Common Courage Press.
- Bohm, R. (2010). *Ultimate Sanction*. New York City: Kaplan.
- Bohm, R. (2012). *Deathquest* (Fourth ed.). Waltham: Elsevier.
- Bright, S. (2006). Discrimination, Death and Denial: The Tolerance of Racial Discrimination in the Infliction of the Death Penalty. In C. Ogletree, & A. Sarat, *From Lynch Mobs to the Killing State* (pp. 211-259). New York: New York University Press.
- Broussard, A. S. (2011). New Perspectives on Lynching, Race Riots, and Mob Violence. *Journal of American Ethnic History*, 30(3), 71-75.
- Brown, R. M. (1975). *Strain of Violence : Historical Studies of American Violence and Vigilantism*. New York: Oxford University Press.
- Butler, P. (2010). One Hundred Years of Race and Crime. *Journal of Criminal Law and Criminology*, 100(3), 1043-1060.
- Carroll, A. (2004). Protest and Affirmation: Composite Texts in the Crisis. *American Literature*, 76(1), 89-116.
- Clarke, J. W. (1998). Without Fear and Shame: Lynching, Capital Punishment, and the Subculture of Violence in the American South. *British Journal of Political Science*, 28, 269-289.
- Cunningham, B. (1994). *Castle: The Story of a Kentucky Prison*. Kuttawa: McClanahan Publishing House.
- Davidson, M. (2011). The Ritual of Capital Punishment. *Criminal Justice Studies*, 24(3), 227-240.
- Denno, D. (1994). Is electrocution an unconstitutional method of execution? *William & Mary Law Review*, 35(2), 551- 692.
- Denver, M., Best, J., & Haas, K. (2008). Methods of Execution as Institutional Fads. *Punishment and Society*, 10(3), 227-252.

- Dow, M. (2002). "The Line between Us and Them: Interview with Warden Donald Cabana". In D. Dow, & M. Dow, *Machinery of Death* (pp. 175-194). New York City: Routledge.
- Duda, D. (2007). Eat Like There's No Tomorrow and Other Lessons Learned from Last Meals. *Food and Morality: Oxford Symposium on Food and Cookery* (pp. 103-108). Devon, England: Prospect Books.
- Durkheim, E. (1912). *The Elementary Forms of Religious Life*. New York City: Oxford.
- Echols, D. (2012). *Life After Death*. New York City: Blue Rider Press.
- Elder, R. (2010). *Last Words of the Executed*. Chicago: University of Chicago Press.
- Elias, N. (1969). Processes of State Formation and Nation Building. *Transactions of the Seventh World Congress of Sociology at Varna, 3*(Sofia 1972), 274-284.
- Elias, N. (1996). *The Germans*. Cambridge: Polity Press.
- Forsyth, J. (2011, 9 22). *Reuters*. Retrieved June 4, 2013, from Reuters: <http://www.reuters.com/article/2011/09/22/us-last-meal-texas-idUSTRE78L6CQ20110922>
- Foucault, M. (1975). *Discipline and Punish*. London: Penguin.
- Foucault, M. (1982). Subject and Power. *Critical Inquiry*, 8(4), 777-795.
- Furman v. Georgia, 408 U.S. 238 (1972).
- Garfinkle, H. (1956). Conditions of a Successful Degradation Ceremony. *American Journal of Sociology*, 61(5), 420-424.
- Garland, D. (1990). *Punishment and Modern Society*. Chicago: University of Chicago Press.
- Garland, D. (2005). Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America. *Law and Society Review*, 39(4), 793-833.
- Garland, D. (2010). *Peculiar Institution*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press.
- Gregg v. Georgia, 428 U.S. 153 (1976).
- Goffman. (1967). *Interaction Rituals*. New York: Anchor Books.
- Haidt, J. (2001). The Emotional Dog and It's Rational Tail: A Social Intuitionist Approach to Moral Judgment. *Psychological Review*, 108(4), 814-834.

- In Re Kemmler, 136 U.S. 436 (1889).
- Johnson, K. (2013, January 25). Dish by Dish, Art of Last Meals. *New York Times*, p. C1.
- Johnson, R. (1990). *Death Work*. Belmont: Brooks/Cole Publishing.
- Kaplan, P. (2012). *Murder Stories: Ideological Narratives in Capital Punishment*. Lanham: Lexington Books.
- LaChance, D. (2007). Last Words, Last Meals, and Last Stands: Agency and Individuality in the Modern Execution Process. *Law and Social Inquiry*, 32(3), 701-724.
- Lynch, M. (2000). The Disposal of Inmate #85271 Notes on a Routine Execution. *Studies in Law, Politics, and Society*, 20, 3-34.
- Lyons, A. (2010). *Angel of Death Row*. New York city: Kaplan Publishing.
- Marquart, J., Eklund-Olsen, S., & Sorenson, J. (1994). *The Rope, the Needle, and the Chair*. Austin: University of Texas Press.
- Massingill, R. (2008). Death Behind the Walls, Rituals, Folktales, and True Stories. In K. Untiedt, *Death Lore: Texas Rituals, Superstitions, and Legends of the Hereafter* (pp. 119-145). Denton: University of North Texas Press.
- McCleskey v. Kemp, 481 U.S. 107 (1987).
- McKenna, D. (1928). Witchcraft, An Obsolete Crime. *Marquette Law Review*, 13(1), 18-24.
- Osler, M. (2009). *Jesus on Death Row : The Trial of Jesus and American Capital Punishment*. Nashville, TN: Abingdon Press.
- Osofsky, M., Bandura, A., & Zimbardo, P. (2005). The Role of Moral Disengagement in the Execution Process. *Law and Human Behavior*, 29(4), 371-393.
- Paternoster, R., Brame, R., & Bacon, S. (2008). *The Death Penalty: America's Experience with Capital Punishment*. New York: Oxford University Press.
- Pratt, J. (2012). Punishment and 'The Civilizing Process'. In J. Simon, & R. Sparks, *The SAGE Handbook of Punishment and Society* (pp. 90-113). Thousand Oaks: SAGE Publications.
- Prejean, H. (1994). *Dead Man Walking*. New York: Random House.
- Price, B. (2006). *Meals to Die For*. San Antonio, TX: Dyna-Paige Corporation.

- Roper v. Simmons, 543 U.S. 551 (2005).
- Smith, P. (1996). Executing Executions: Aesthetics, Identity, and the Problematic Narratives of Capital Punishment Ritual. *Theory and Society*, 25, 235-261.
- Smith, P. (2012). Punishment and Meaning: The Cultural Sociological Approach. In J. Simon, & R. Sparks, *The SAGE Handbook of Punishment and Society* (pp. 114-128). Thousand Oaks: SAGE Publications.
- Spierenberg, P. (1984). *The Spectacle of Suffering: Executions and the Evolution of Repression*. Cambridge: University Press.
- Trombley, S. (1992). *The Execution Protocol*. New York: Crown Publishers.
- Trop v. Dulles, 356 U.S. 86 (1958).
- Vollum, S. (2008). *Last Words and the Death Penalty*. El Paso: LFB Scholarly Publishing.
- Wasserman, I. (1998). Media Rhetoric and Images of Lynching in the Nineteenth and Twentieth Centuries. *Michigan Sociological Review*, 12, 68-94.
- Wood, A. L., & Donaldson, S. V. (2009). Lynchings Legacy in American Culture. *Mississippi Culture*, 1-25.

APPENDIX A:

Last Meals Database

Table A.1: Last Meals Database

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
5/15/2013	Jeffery Williams	37	M	TX	LI	No	None
5/7/2013	Carroll Parr	35	M	TX	LI	No	None
5/1/2013	Steve Smith	46	M	OH	LI	No	Pizza, fried fish, chocolate ice cream and soda
4/25/2013	Richard Cobb	29	M	TX	LI	No	None
4/16/2013	Ronnie Threadgill	40	M	TX	LI	No	None
4/10/2013	Larry Mann	59	M	FL	LI	No	Fried shrimp, fish and scallops, stuffed crabs, hot butter rolls, cole slaw, pistachio ice cream and a Pepsi
4/9/2013	Rickey Lewis	50	M	TX	LI	No	None
3/12/2013	Ray Thacker	42	M	OK	LI	No	A large meat lover's pizza, a small bag of peanut M&Ms and an A&W root beer
3/6/2013	Frederick Treesh	48	M	OH	LI	No	Steak, eggs, hash browns, cottage cheese, onion rings and a hot fudge sundae
2/21/2013	Carl Blue	48	M	TX	LI	No	None
2/21/2013	Andrew Cook	38	M	GA	LI	No	Steak, baked potato, potato wedges, fried shrimp, lemon meringue pie and soda
1/16/2013	Robert Gleason	42	M	VA	E	No	Confidential upon request

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
12/11/2012	Manuel Pardo	56	M	FL	LI	No	Rice, red beans, roasted pork, plantains, avocado, tomatoes and olive oil. For dessert, he ate pumpkin pie and drank egg nog and Cuban Coffee. Under Department of Corrections rules, the meal's ingredients have to cost \$40 or less, be available locally and made in the prison kitchen
12/5/2012	Richard Stokley	60	M	AZ	LI	No	Porterhouse steak, French fries, Fried okra, Salad with blue cheese dressing, Wedge of cheddar cheese, Biscuits, One apple, One Peach, One Banana, Cream Soda, Chocolate ice cream
12/4/2012	George Ochoa	38	M	OK	LI	No	A large meat lover's pizza and a large Coke
11/15/2012	Preston Hughes	46	M	TX	LI	No	None
11/14/2012	Ramon Hernandez	41	M	TX	LI	No	None
11/13/2012	Brett Hartman	38	M	OH	LI	No	Steak with sauteed mushrooms, fried shrimp, baked potato with butter and sour cream, macaroni and cheese, vanilla ice cream with walnuts, Pepsi, Dr Pepper and Honeycomb cereal with milk.
11/8/2012	Mario Swain	33	M	TX	LI	No	None
11/6/2012	Garry Allen	56	M	OK	LI	No	A large meat lover's pizza and a Pepsi

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
10/31/2012	Donnie Roberts	41	M	TX	LI	No	None
10/30/2012	Donald Moeller	60	M	SD	LI	No	Scrambled eggs, sausage links, tater tots and drip coffee.
10/24/2012	Bobby Hines	24	M	TX	LI	No	None
10/15/2012	Eric Robert	50	M	SD	LI	No	Robert fasted in the 40 hours before his execution, consuming his last meal on Saturday: Moose Tracks ice cream
10/10/2012	Jonathan Green	44	M	TX	LI	No	None
9/25/2012	Cleve Foster	47	M	TX	LI	No	None
9/20/2012	Donald Palmer	47	M	OH	LI	No	A chipped ham and Velveeta cheese sandwich, ranch-flavored Doritos, peanut M&Ms, hazelnut ice cream, cheese cake and soda
9/20/2012	Robert Harris	40	M	TX	LI	No	None
8/14/2012	Michael Hooper	40	M	OK	LI	No	A small cranberry juice, a small coffee, a small portion of blackberries, a small portion of cherries, strawberries, a peach, an apricot, a plum, a pear, an apple, a banana and an orange
8/8/2012	Daniel Cook	51	M	AZ	LI	No	Eggplant lasagna, garlic cheese mashed potatoes, roasted brussel sprouts, broiled asparagus, root beer soda, and ice cream

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
8/7/2012	Marvin Wilson	54	M	TX	LI	No	None
7/18/2012	Yokamon Hearn	33	M	TX	LI	No	None
6/27/2012	Samuel Lopez	49	M	AZ	LI	No	One red and one green chili burrito, Spanish rice, jalapeno, avocado, cottage cheese, french fries, vanilla ice cream and pineapple
6/20/2012	Gary Simmons	49	M	MS	LI	No	One Pizza Hut medium Super Supreme Deep Dish pizza, double portion, with mushrooms, onions, jalapeno peppers, and pepperoni; pizza, regular portion, with three cheeses, olives, bell pepper, tomato, garlic and Italian sausage; 10 8-oz. packs of Parmesan cheese; 10 8-oz. packs of ranch dressing; one family size bag of Doritos nacho cheese flavor; 8 oz. jalapeno nacho cheese; 4 oz. sliced jalapenos; 2 large strawberry shakes; two 20-oz. cherry Cokes; one super-size order of McDonald's fries with extra ketchup and mayonnaise; and two pints of strawberry ice cream. (A 28,974 calorie-busting feast)
6/12/2012	Richard Leavitt	53	M	ID	LI	No	Offered baked chicken, fries and milk for his final meal

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
6/12/2012	Jan Brawner	34	M	MS	LI	No	One DiGiorno Italian Style Favorites Chicken Parmesan pizza, One DiGiorno Italian Style Favorites Meat Trio pizza, a small salad (lettuce, pickles, black olives, tomatoes, shredded cheddar cheese with Ranch dressing), small bottle Tabasco sauce, ½ gallon brewed iced sweet tea and 1 pint Breyers Blast Reese's Peanut Butter Cup ice cream
6/5/2012	Henry Jackson	47	M	MS	LI	No	None
5/1/2012	Michael Selsor	57	M	OK	LI	No	Kentucky Fried Chicken's crispy two breast and one wing meal with potato wedges and baked beans, with an added thigh, apple turnover, two biscuits and honey, salt, pepper and ketchup
4/26/2012	Beunka Adams	29	M	TX	LI	No	None
4/25/2012	Thomas Kemp	63	M	AZ	LI	No	A cheeseburger, fries and root beer; boysenberry pie with strawberry ice cream

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
4/20/2012	Shannon Johnson	28	M	DE	LI	No	Chicken Lo Mein, carrots, cake, wheat bread with margarine, and iced tea
4/18/2012	Mark Wiles	49	M	OH	LI	No	A large pizza with pepperoni and extra cheese, hot sauce, a garden salad with ranch dressing, a large bag of Cheetos, a whole cheesecake, fresh strawberries, vanilla wafers and Sprite
4/12/2012	David Gore	58	M	FL	LI	No	Fried chicken, French fries and butter pecan ice cream
3/28/2012	Jesse Hernandez	47	M	TX	LI	No	None
3/22/2012	William Mitchell	61	M	MS	LI	No	Big plate of fried shrimp and oysters together, big strawberry shake, cup of ranch dressing, 2 fried chicken breasts and a coke
3/20/2012	Larry Puckett	35	M	MS	LI	No	Macadamia nut pancakes, shrimp and grits, ice cream cake, caramel candy and root beer
3/15/2012	Timothy Stemple	46	M	OK	LI	No	A large stuffed-crust pizza with extra cheese, half pepperoni and half Canadian bacon, and a 2-liter bottle of orange soda with ice

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
3/8/2012	Robert Towery	47	M	AZ	LI	No	Porterhouse steak, Sauteed mushrooms, Baked potato with butter and sour cream, Steamed asparagus, Clam chowder, Pepsi, Milk, and Apple pie with vanilla ice cream
3/7/2012	Keith Thurmond	52	M	TX	LI	No	None
2/29/2012	Robert Moorman	63	M	AZ	LI	No	A double hamburger, french fries, two beef burritos, two 14-ounce containers of rocky road ice cream, and three RC Colas
2/29/2012	George Rivas	41	M	TX	LI	No	None
2/15/2012	Robert Waterhouse	65	M	FL	LI	No	Two pork chop cutlets, two eggs sunny side up, two slices of toast, a slice of cherry pie, a pint of butter pecan ice cream, a pint of orange juice and a pint of milk
2/8/2012	Edwin Turner	38	M	MS	LI	No	Porterhouse steak-medium rare, fried shrimp with cocktail sauce, Texas toast-2 slices, side salad with Russian dressing, 1 pack of red Twizzlers candy, and sweet tea
1/26/2012	Rodrigo Hernandez	39	M	TX	LI	No	None

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
1/5/2012	Gary Welch	49	M	OK	LI	No	Two fish filets from Long John Silvers
11/18/2011	Paul Rhoades	54	M	ID	LI	No	Rhoades was offered hot dogs, sauerkraut, mustard, ketchup, onions, relish, baked beans, veggie sticks, ranch dressing, fruit with gelatin and strawberry ice cream cups — the same meal that was offered to all Idaho Maximum Security inmates
11/16/2011	Guadalupe Esparza	46	M	TX	LI	No	None
11/15/2011	Reginald Brooks	66	M	OH	LI	No	Brooks followed the trend of several executed men recently, ordering a large “last meal” that included lasagna, chili-cheese fries, garlic bread, moose-tracks ice cream, chocolate cake, caramel candy, beef jerky, cashews, almonds and root beer
11/15/2011	Oba Chandler	65	M	FL	LI	No	Two salami sandwiches on white bread with mustard. He also asked for a peanut butter and grape jelly sandwich on white bread but ate only half of it. He ordered an iced tea, but drank coffee instead
10/27/2011	Frank Garcia	39	M	TX	LI	No	None

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
10/20/2011	Christopher Johnson	38	M	AL	LI	Yes	From food available in the prison cafeteria, Johnson chose for his final meal a turkey bologna sandwich with tomatoes and cheese, french fries, and an orange drink. Later, from a vending machine, Johnson got a Reese's Cup, pretzels, and grape Sunkist drink
9/28/2011	Manuel Valle	61	M	FL	LI	No	Fried chicken breast, white rice, garlic toast, peach cobbler and a Coca-Cola
9/22/2011	Derrick Mason	37	M	AL	LI	No	Declined.
9/21/2011	Troy Davis	41	M	GA	LI	No	Declined.
9/21/2011	Lawrence Brewer *	44	M	TX	LI	No	Two chicken fried steaks, a triple-meat bacon cheeseburger, fried okra, a pound of barbecue, three fajitas, a meat lover's pizza, a pint of ice cream, and a slab of peanut butter fudge with crushed peanuts. (After the meal arrived, he told prison officials he was not hungry and declined to eat any of it)

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
9/13/2011	Steven Woods	31	M	TX	LI	No	Bacon; a large pizza with bacon, sausage, pepperoni and hamburger; fried chicken breasts; chicken fried steak; hamburgers with bacon on French toast; garlic bread sticks; Mountain Dew, Pepsi, root beer and sweet tea; and ice cream
8/18/2011	Jerry Jackson	30	M	VA	LI	No	Confidential upon request.
8/10/2011	Martin Robles	33	M	TX	LI	No	Declined.
7/29/2011	Robert Jackson	38	M	DE	LI	No	Steak, a baked potato, potato skins, corn and a soda
7/21/2011	Andrew DeYoung	37	M	GA	LI	No	Pizza, breadsticks, all fruit strawberry preserves, concord grape juice and vanilla ice cream
7/20/2011	Mark Stroman	41	M	TX	LI	No	Chicken fried steak with gravy, a ham-and-cheese omelet with onions and tomatoes, bacon, fried potatoes, fried squash and okra, pork chops with eggs sunny-side up, Dr. Pepper and a pint of vanilla Blue Bell ice cream
7/19/2011	Thomas West	52	M	AZ	LI	No	Declined.

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
7/7/2011	Humberto Leal	38	M	TX	LI	No	Fried chicken, Tacos, Fried okra, A bowl of pico de gallo, and two Cokes
6/30/2011	Richard Bible	49	M	AZ	LI	No	Four eggs with cheese, hash browns, biscuits and gravy, peanut butter and jelly, and chocolate milk
6/23/2011	Roy Blankenship	55	M	GA	LI	No	Blankenship declined to request a special last meal and instead will be offered the institution's meal tray, consisting of chicken and rice, peas, carrots, collard greens, corn bread, a brownie and iced tea
6/21/2011	Milton Mathis	32	M	TX	LI	No	Five Texas burgers all the way with bacon, five fried pork chops, five pieces of fried chicken, five pieces of fried fish, an order of chili cheese fries with a whole jalapeno, an order of regular fries and an extra large gallon of fruit punch
6/16/2011	Eddie Powell	41	M	AL	LI	No	Powell did not request a special last meal. He ate sandwiches, soda and corn chips from a vending machine
6/16/2011	Lee Taylor	32	M	TX	LI	No	A medium pizza with cheese, beef, black olives and mushrooms, four soft tacos, large bowls of fried okra and one pint of Blue Bell Ice Cream

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
6/1/2011	Gayland Bradford	42	M	TX	LI	No	Chicken with jalapenos, peanut butter cake, butter rolls, two steak and cheese omelets, hash browns and ketchup, and a root beer soda
5/25/2011	Donald Beaty	56	M	AZ	LI	No	A beef chimichanga with salsa and guacamole, a double cheeseburger with all the fixings, fries, 14 ounces of rocky road ice cream, and a Diet Pepsi
5/19/2011	Jason Williams	42	M	AL	LI	No	Williams made no special request for a final meal. He ate chicken wings and sandwiches from vending machines
5/17/2011	Daniel Bedford	63	M	OH	LI	No	Bedford did not request a special meal, but had the regularly scheduled prison meal of an orange, graham crackers, turnip greens, oven-brown potatoes and wheat bread. He received a two-liter bottle of cola as a special request
5/17/2011	Rodney Gray	39	M	MS	LI	No	None.

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
5/10/2011	Benny Stevens	52	M	MS	LI	No	Four whole catfish (fried), 8 hushpuppies, French fries, coleslaw, hickory smoked barbeque beef ribs (wet with sauce also on the side), hot peach cobbler, ½ gallon of Blue Bell homemade vanilla ice cream, two 20 oz. Cokes, ketchup, salt and pepper, and a sliced red tomato
5/6/2011	Jeffrey Motts	36	M	SC	LI	Yes	Pizza, fried fish, popcorn shrimp, french fries, sweet tea and cherry cheesecake
5/3/2011	Cary Kerr	46	M	TX	LI	No	Pizza, fried chicken, baked chicken, lasagna, tacos, pork ribs with picante sauce, cheeseburger, quiche with meat, cheese and broccoli, and ice cream
4/12/2011	Clarence Carter	49	M	OH	LI	No	Carter had refused a special meal. He broke a fast by eating dates, then tuna and bread

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
3/31/2011	William Boyd	45	M	AL	LI	No	Chicken, french fries, applesauce, a tomato and an orange drink. Boyd also had a meatball sandwich, a Philly cheese steak sandwich, a V8 Splash drink and coffee from the vending machine
3/29/2011	Eric King	47	M	AZ	LI	No	Fried catfish, collard greens, candied yams, cornbread, chocolate cake with ice cream, and cream soda
3/10/2011	Johnnie Baston	37	M	OH	LI	No	Declined.
2/22/2011	Timothy Adams	42	M	TX	LI	No	Fried chicken, french fries, lemon cake, root beer and Sprite
2/17/2011	Frank Spisak	59	M	OH	LI	No	Spaghetti with tomato sauce, a salad, chocolate cake and coffee
2/15/2011	Michael Hall	31	M	TX	LI	No	Chicken cooked three different ways, pizza, brownies, sweet iced tea, milk and vanilla pudding
2/9/2011	Martin Link	47	M	MO	LI	No	A sausage and pepperoni pizza, lasagna, garlic bread, a chef's salad, New-York-style cheesecake, a strawberry shake and Dr. Pepper
1/25/2011	Emmanuel Hammond	45	M	GA	LI	No	Fried chicken, French fries, corn on the cob, jalapeno peppers, mint chocolate chip ice cream and cherry limeade

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
1/13/2011	Leroy White	52	M	AL	LI	No	Guards at Holman Prison in Atmore offered White a final meal this afternoon but he declined, instead buying a cheeseburger from the vending machine plus a V8 juice, pork skins and a Yahoo drink, according to Brian Corbett, spokesman for Alabama Department of Corrections
1/11/2011	Jeffrey Matthews	38	M	OK	LI	No	A deep dish meat lover's pizza, deep fried jumbo shrimp and two hush puppies with vinegar sauce
1/6/2011	Billy Alverson	39	M	OK	LI	No	A large pepperoni and Italian sausage pizza and a large Dr. Pepper
12/16/2010	John Duty	58	M	OK	LI	No	A loaded double cheeseburger with mayonnaise; a foot-long Coney with cheese, mustard and extra onions; a cherry limeade and a large banana shake
11/4/2010	Phillip Hallford	63	M	AL	LI	No	Hallford did not request a final meal, but instead had cheese crackers, nacho cheese Bugles, a ham-and-cheese sandwich and a Dr. Pepper from vending machines
10/26/2010	Jeffrey Landrigan	50	M	AZ	LI	No	Steak, fried okra, french fries, strawberry ice cream and a Dr. Pepper

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
10/21/2010	Larry Wooten	51	M	TX	LI	No	10 fried chicken legs, 10 chicken wings, mashed potatoes, greens, rice pudding, tea (very sweet) and banana pudding
10/14/2010	Donald Wackerly	41	M	OK	LI	No	A medium stuffed-crust pizza from Pizza Hut with mushrooms, bell peppers, black olives and jalapenos, a Dr Pepper, coconut cream pie, and a chocolate shake
10/6/2010	Michael Bengé	49	M	OH	LI	No	A large chef salad with ham, turkey and bacon bits, bleu cheese and ranch dressing, barbecue baby back ribs, two cans of cashews and two bottles of iced tea
9/27/2010	Brandon Rhode	31	M	GA	LI	No	Rhode did not request a final meal and received the standard meal tray being served at the prison. His final meal consisted of a chili dog, tater tots, carrots, cole slaw, a slice of cake, and fruit punch
9/23/2010	Teresa Lewis	41	F	VA	LI	No	Fried chicken, sweet peas, a Dr Pepper, and apple pie for dessert
9/10/2010	Cal Brown	52	M	WA	LI	No	Pizza, apple pie, and Root Beer
9/9/2010	Holly Wood	50	M	AL	LI	No	None.

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
8/17/2010	Peter Cantu	35	M	TX	LI	No	Enchiladas, fajitas and a cinnamon bun
8/12/2010	Michael Land	41	M	AL	LI	No	A prisons spokesman said Land got his last meal out of vending machines at the visitation yard. He ate a meatball sub sandwich, a double pork chop sandwich and a Philly cheesesteak sandwich, with an orange soda and orange juice
8/10/2010	Roderick Davie	38	M	OH	LI	No	Davie, who also goes by an Islamic name, fasted until sundown on Monday. He was served a vegetarian meal and drank several cups of coffee during the night
7/21/2010	Joseph Burns	42	M	MS	LI	No	Burns made no request for a last meal and ate turkey and roast beef sandwiches in the afternoon
7/20/2010	Derrick Jackson	42	M	TX	LI	No	Fried chicken (2 legs, 2 thighs), BBQ ribs, French fries, German chocolate cake, 2 bananas, Ice water, and Ketchup and BBQ sauce

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
7/13/2010	William Garner	37	M	OH	LI	No	A porterhouse steak, fried shrimp, barbecued chicken and ribs, a large salad, potato wedges, onion rings, sweet potato pie, chocolate ice cream and Hawaiian Punch to drink
7/1/2010	Michael Perry	28	M	TX	LI	No	Three bacon,egg, cheese omelets. In addition three chicken cheese enchiladas and 3 each of Pepsi, Coke and Dr. Pepper
6/17/2010	Ronnie Gardner	49	M	UT	FS	No	Gardner fasted from food in the 36 hours leading up to his death, drinking only liquids. He ate his last meal Tuesday evening — a feast of steak, lobster tail, apple pie, vanilla ice cream and 7UP.
6/15/2010	David Powell	59	M	TX	LI	No	Four eggs, four chicken drumsticks, salsa, four jalapeno peppers, lettuce, tortillas, hashbrowns, garlic bread, two pork chops, white and yellow grated cheese, sliced onions and tomatoes, a pitcher of milk and a vanilla shake
6/10/2010	John Parker	42	M	AL	LI	No	Fried fish, french fries and iced tea

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
6/9/2010	Melbert Ford	49	M	GA	LI	No	Fried fish and shrimp, a baked potato, salad, boiled corn, ice cream, cheesecake and soda
6/2/2010	George Jones	36	M	TX	LI	No	Pizza, oatmeal cookies, French fries and sweet tea
5/27/2010	Thomas Whisenhant	63	M	AL	LI	No	Chicken leg quarters, french fries, American cheese, orange drink, coffee and chocolate pudding
5/25/2010	John Alba	54	M	TX	LI	No	4 pieces of crispy fried chicken (2 thighs and 2 breasts), 4 fried pork chops (well done), 6 cheese enchiladas (2 beef, 2 cheese, 2 pork), 1 bowl of pico de gallo and a bottle of ketchup, onion rings, salad, 1 onion, 6 slices of white bread, 6 cold Cokes
5/20/2010	Gerald Holland	72	M	MS	LI	No	A medium-rare steak cooked with onion and garlic; a baked potato with cream cheese, bacon bits and chives; salad with bleu cheese dressing; Brussels sprouts with jalapeno cheese sauce; apple pie and a 1-liter Pepsi

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
5/20/2010	Darick Walker	37	M	VA	LI	No	None.
5/19/2010	Rogelio Cannady	37	M	TX	LI	No	Hamburger (grilled, well done, seasoned with salt & pepper) on a real bun with mustard, mayonnaise, lettuce, tomato, onion and dill pickle, French fries with salt, fried onion rings, a bowl of chili without beans, a pint of vanilla ice cream and two 20oz. root beers
5/19/2010	Paul Woodward	62	M	MS	LI	No	Seven beef-and-cheese enchiladas, pico de gallo, two cheeseburgers, fries and two pieces of fried chicken
5/13/2010	Michael Beuke	48	M	OH	LI	No	Normal prison dinner of chicken a la king, mashed potatoes and lima beans
5/13/2010	Billy Galloway	41	M	TX	LI	No	Two BLTs; 1 bacon cheeseburger; French fries and ketchup; chocolate cake; 2 servings of milk; and 2 Mountain Dews
5/12/2010	Kevin Varga	41	M	TX	LI	No	Five white meat pieces of deep fried chicken, ranch dressing, tater tots, deep fried mushrooms, two double cheeseburgers and French fries, six Mountain Dews, a pint of chocolate overload ice cream and pepper jack cheese

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
4/27/2010	Samuel Bustamante	40	M	TX	LI	No	Four fried chicken legs and thigh quarters, macaroni and cheese, fried okra, jalapeno peppers, 10 flour tortillas and a six pack of cola
4/22/2010	William Berkley	31	M	TX	LI	No	Two BLT cheeseburgers, two jalapeño cheeseburgers, fried okra, french fries with ketchup and mustard, brownies, chocolate and vanilla ice cream, and three root beers
4/20/2010	Darryl Durr	46	M	OH	LI	No	Declined.
3/30/2010	Franklin Alix	34	M	TX	LI	No	None.
3/18/2010	Paul Powell	31	M	VA	E	No	Not released to the public.
3/16/2010	Lawrence Reynolds	43	M	OH	LI	No	A porterhouse steak with A1 sauce, pork chops with barbecue sauce, jumbo fried shrimp with cocktail sauce, fried mozzarella sticks, french fries, onion rings, fried mushrooms, chocolate fudge, black cherries, black walnuts and a Dr Pepper.
3/11/2010	Joshua Maxwell	31	M	TX	LI	No	6 pieces of fried chicken with ketchup, 3 bacon cheeseburgers, 6 red Mountain Dews, brownie and french fries
3/2/2010	Michael Sigala	32	M	TX	LI	No	Deep-fried burritos and chocolate pudding

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
2/16/2010	Martin Grossman	45	M	FL	LI	No	Grossman didn't request a last meal before the execution, but purchased from the prison canteen a chicken sandwich, a can of fruit punch and banana cream and peanut butter cookies
2/4/2010	Mark Brown	37	M	OH	LI	No	A bacon double cheeseburger, onion rings, orange soda and ice cream
1/14/2010	Julius Young	60	M	OK	LI	No	A sirloin steak, a baked potato, onion rings, a tossed salad and a Coke
1/12/2010	Gary Johnson	59	M	TX	LI	No	A po-boy sandwich, milk chocolate, Coke or Dr. Pepper and a cherry or apple pastry
1/7/2010	Vernon Smith	37	M	OH	LI	No	Whole and chopped dates as well as hot tea with lemon and honey. He was also given a miswak, a tree branch used to clean teeth, as well as olive oil, which he used to lubricate his beard
1/7/2010	Kenneth Mosley	51	M	TX	LI	No	An assortment of fried foods, including three pieces of chicken, two pork chops, a cheeseburger, 10 pieces of bacon, French fries, okra, green tomatoes and apple cobbler

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
1/7/2010	Gerald Bordelon	47	M	LA	LI	Yes	Fried sac-a-lait, crawfish étouffée, a peanut butter and jelly sandwich and cookies
12/11/2009	Matthew Wrinkles	49	M	IN	LI	No	Prime rib with a loaded baked potato, pork chops with steak fries, and two salads with ranch dressing and rolls
12/8/2009	Kenneth Biros	51	M	OH	LI	No	Cheese pizza, onion rings and fried mushrooms, chips with French onion dip, cherry pie, blueberry ice cream and a Dr. Pepper soft drink
12/3/2009	Bobby Woods	44	M	TX	LI	No	Chicken sandwiches, hamburgers and half a pound of chocolate cake. Woods only ate "a few bites of this and that," according to a Huntsville prison spokeswoman. The meal was served at 4 p.m.-- about two hours before Woods was scheduled to die
12/2/2009	Cecil Johnson	53	M	TN	LI	No	Refused.
11/19/2009	Robert Thompson	34	M	TX	LI	No	Fried chicken, french fries, onion rings, fried okra, jalapeno pepper and milk
11/18/2009	Danielle Simpson	30	M	TX	LI	No	Four pieces of fried chicken, gravy and biscuits and milk

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
11/17/2009	Larry Elliott	60	M	VA	E	No	Confidential.
11/10/2009	Yosvanis Valle	34	M	TX	LI	No	French fries, jalapeno cheese, onions, four hamburgers, Mexican rice and a tomato
11/10/2009	John Muhammad	48	M	VA	LI	No	Muhammad requested a last meal but asked that details not be made public (had to search in newspaper articles to find this one, but I noticed that VA keeps last meal confidential); NOTE: deadmaneating.com posted the following as his last meal: Muhammad had a final meal request of chicken in red sauce and some strawberry cake.
11/5/2009	Khristian Oliver	32	M	TX	LI	No	Fried chicken, a pint of chocolate ice cream and coffee
10/27/2009	Reginald Blanton	28	M	TX	LI	No	None.
10/21/2009	Mark McClain	42	M	GA	LI	No	Declined.
10/8/2009	Max Payne	38	M	AL	LI	No	A turkey sandwich with tomatoes and mayonnaise, potato salad and cake
9/22/2009	Christopher Coleman	37	M	TX	LI	No	None.
9/16/2009	Stephen Moody	52	M	TX	LI	No	None.
8/19/2009	John Marek	45	M	FL	LI	No	A BLT sandwich, berries with whipped cream, french fries, onion rings, Dr Pepper.

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
8/18/2009	Jason Getsy	33	M	OH	LI	No	A ribeye steak, cooked medium rare with A-1 sauce on the side, hot barbecued chicken wings and onion rings with ketchup, fried mushrooms with marinara sauce, a chef salad with ranch dressing, pecan pie with vanilla ice cream and two types of soda pop
7/21/2009	Marvallous Keene	36	M	OH	LI	No	A Porterhouse steak with A-1 sauce, a pound of jumbo fried shrimp with cocktail sauce, french fries and onion rings with ketchup, dinner rolls and butter, two plums, a mango, a pound of seedless white grapes, German chocolate cake, two bottles of Pepsi and two bottles of A&W cream soda
7/14/2009	John Fautenberry	45	M	OH	LI	No	Two eggs sunny-side up, fried potatoes, two pieces of fried bologna, four pieces of wheat bread, two pieces of wheat toast with butter, four slices of tomato, a side of lettuce and mayonnaise, two Three Musketeers candy bars and two packages of Reese's peanut butter cups

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
7/9/2009	Michael DeLozier	32	M	OK	LI	No	A T-bone steak, french fries and a large salad. (Last meals are limited to \$15 and must be available in the McAlester area)
6/11/2009	Jack Trawick	62	M	AL	LI	Yes	Fried chicken, French fries, onion soup and a roll
6/3/2009	Daniel Wilson	39	M	OH	LI	No	A well-done porter house steak with steak sauce, a baked potato with sour cream and bacon bits, salad with lettuce, cucumbers, tomatoes, radishes, green peppers, carrots and French dressing, corn on the cob with butter, grapes, macaroni and cheese, dinner rolls and Cool Ranch Doritos with a jar of salsa, strawberry ice cream and strawberry cheesecake--both with real strawberries, a 2-liter of Dr. Pepper with ice and one tea bag
6/2/2009	Terry Hankins	34	M	TX	LI	No	Fried chicken, pork chops, cheeseburgers, breaded fried okra, French fries and brownies

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
5/20/2009	Dennis Skillicorn	49	M	MO	LI	No	Conspicuously absent ifrom the St. Louis Post-Dispatch's account of Dennis Skillicorn's execution by lethal injection was what the killer chose for his final meal. The Daily RFT has learned that Skillicorn dined alone in his cell, devouring a double-bacon cheeseburger and potato chips that was delivered from the Crossroads Restaurant & Lounge near the Bonne Terre prison, where Skillicorn met his maker at 12:30 this morning. The 49-year-old murderer did not have anything for dessert. Vickie Green, a cook at the Crossroads, said her restaurant has been "selected several times" by prison officials when ordering up last suppers for its doomed inmates."I think it's because we got the best food in the county," said Greene. " We were honored to be the place they chose. (RFT - Riverfront Times)
5/19/2009	Michael Riley	51	M	TX	LI	No	Two fried chicken quarters, two fried pork chops, a bowl of peaches, an order of french fries and a salad
5/14/2009	Willie McNair	44	M	AL	LI	No	None.
5/14/2009	Donald Gilson	48	M	OK	LI	No	A cheeseburger, chili-cheese french fries and a chocolate shake from Chili's restaurant
5/8/2009	Thomas Ivey	34	M	SC	LI	No	Pizza and donuts
4/30/2009	Derrick Johnson	28	M	TX	LI	No	None.

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
4/29/2009	William Mize	52	M	GA	LI	No	Steak, fried chicken breast, baked potato, salad, garlic bread, a pint of butter pecan ice cream, half a pecan pie and soda.
4/16/2009	Jimmy Dill	49	M	AL	LI	No	Fried chicken, fried okra, a biscuit and a root beer.
4/15/2009	Michael Rosales	35	M	TX	LI	No	Beef enchiladas, fried chicken, a double bacon cheeseburger and a vanilla cake
3/11/2009	Luis Salazar	38	M	TX	LI	No	A cheeseburger, a meat pizza, four slices of ham or bologna, chicken, three pieces of fried fish with lemons, french fries with no skin, a cup of extra olives and pickles and orange or grape juice
3/10/2009	James Martinez	34	M	TX	LI	No	Three chili cheese hot dogs with extra cheese on the side, fried okra with ketchup on the side, french fries with ketchup on the side and vanilla coke or regular coke
3/10/2009	Robert Newland	65	M	GA	LI	No	Newland declined a special last-meal request. Instead, he was served the regular meal tray, which consisted of chicken and rice, carrots, collard greens, rolls, bread putting and iced tea

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
3/4/2009	Kenneth Morris	38	M	TX	LI	No	Fried chicken, fried okra, white cake with lemon icing and lemonade (executed on his birthday)
3/3/2009	Willie Pondexter	34	M	TX	LI	No	Two fried chicken legs, two fried chicken thighs, macaroni and cheese, biscuits, peach cobbler and lemonade
2/20/2009	Luke Williams	56	M	SC	LI	No	Fried chicken, steak, baked potato with sour cream and butter, a tossed salad, cranberry sauce, peach cobbler, fried turkey and ketchup
2/19/2009	Edward Bell	44	M	VA	LI	No	Bell did not request a last meal and was served the same food as the rest of the inmates
2/12/2009	Danny Bradley	49	M	AL	LI	No	Bradley had no final meal request. He had two fried egg sandwiches for breakfast and a snack during the day
2/12/2009	Johnny Johnson	51	M	TX	LI	No	Two chicken-fried steaks, 20 fried shrimp, four fried chicken breasts, four fried eggs without yolks, two biscuits with butter and honey, two large pieces of peanut brittle and 2 gallons of black coffee with cream and sugar on the side

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
2/11/2009	Wayne Tompkins	51	M	FL	LI	No	He ate a last meal of fried chicken and banana split ice cream, using only the single spoon the state allows
2/10/2009	Dale Scheanette	35	M	TX	LI	No	Two spicy fried leg quarters, french fries and ketchup and two spicy fried pork chops
2/4/2009	Steve Henley	55	M	TN	LI	No	A seafood plate of shrimp, fish, oysters, onion rings and hush puppies
2/4/2009	David Martinez	36	M	TX	LI	Yes	Declined.
1/29/2009	Ricardo Ortiz	46	M	TX	LI	No	None.
1/28/2009	Virgil Martinez	41	M	TX	LI	No	Two fried chicken breast, two pork chops, seven flour tortillas, avocados and french fries
1/22/2009	Darwin Brown	32	M	OK	LI	No	Barbecue ribs, chopped beef, hot links, baked beans, plain potato chips, coconut doughnuts and chocolate milk. (Inmates are limited to \$15 for their last meals request. Food must be available in the McAlester area.)

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
1/22/2009	Reginald Perkins	53	M	TX	LI	No	From deadmaneating.com: twenty four hot bbq chicken wings, two cheeseburgers with everything, four slices of pizza with jalapenos, three slices of buttered toast, one sweet potato pie, sherbert rainbow ice cream and twelve Dr. Pepper/Big Red.
1/21/2009	Frank Moore	49	M	TX	LI	No	None.
1/15/2009	James Callahan	62	M	AL	LI	No	Two corn dogs, french fries and a Coke.
1/14/2009	Curtis Moore	40	M	TX	LI	No	Declined.
12/5/2008	Joseph Gardner	38	M	SC	LI	No	Declined.
11/21/2008	Marco Chapman	37	M	KY	LI	Yes	A medium rare 32 ounce steak, shrimp, salad and banana creme pie.
11/20/2008	Robert Hudson	45	M	TX	LI	No	Fried chicken legs and thighs, sirloin steak, corn on the cob, banana pudding, peach cobbler, chocolate chip ice cream, grape soda and milk.
11/19/2008	Gregory Bryant-Bey	53	M	OH	LI	No	Three pieces of fried chicken, spaghetti with meat sauce, potato salad, cherry pie with strawberry ice cream and cola.

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
11/13/2008	Denard Manns	42	M	TX	LI	No	from deadmaneating.com: Manns had a final meal request of fried chicken quarters, two dozen fried shrimp, two-and-half pounds of onion rings and fries, turkey salad with onion, peppers and cherry tomatoes with blue cheese dressing, salt, pepper and garlic powder, half-dozen soft onion rolls with assorted cheeses, chilled apple juice and milk
11/12/2008	George Whitaker	36	M	TX	LI	No	from deadmaneating.com: Whitaker had a final meal request of four fried chicken thighs, french fries with ketchup and hot sauce on the side, peach cobbler, two pints of vanilla ice cream and orange juice. Whitaker had a final meal request of four fried chicken thighs, french fries with ketchup and hot sauce on the side, peach cobbler, two pints of vanilla ice cream and orange juice.
11/6/2008	Elkie Taylor	46	M	TX	LI	No	Spam and cheese, a three-layer white icing cake, a salad, French fries and three bananas
10/30/2008	Gregory Wright	42	M	TX	LI	No	Two double cheese burgers with everything, 2 baked potatoes with butter, large salad with ranch dressing, 1 pitcher of milk, any dessert, and 4

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
							dinner rolls
10/28/2008	Eric Nenno	47	M	TX	LI	No	A grilled cheeseburger, four fish patties, six hard boiled eggs and coffee
10/21/2008	Joseph Ries	29	M	TX	LI	No	None.
10/16/2008	Kevin Watts	27	M	TX	LI	No	None.
10/14/2008	Richard Cooley	41	M	OH	LI	No	A T-bone steak with A1 sauce, french fries and onion rings, four eggs over easy, hash browns, buttered toast, bear claw pastries, a pint of Rocky Road ice cream and Mountain Dew
10/14/2008	Alvin Kelly	57	M	TX	LI	No	"I'm getting communion. I don't want no worldly food. I filled out the paperwork, and I'm going to have the Lord's Supper for my last meal. I'm fasting from Sunday to Tuesday, so when I go, I'll be purified."
9/25/2008	Jessie Cummings	52	M	OK	LI	No	A bucket of KFC chicken, eight additional drumsticks and a chocolate milkshake

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
9/23/2008	Richard Henyard	34	M	FL	LI	No	Two fried-chicken breasts, turkey sausage, fried rice, prison-made chocolate-chip cookies and Coca-Cola
9/17/2008	William Murray	39	M	TX	LI	No	10 chili cheese enchiladas, a cheese pizza, one cheeseburger and sweet tea
9/16/2008	Jack Alderman	57	M	GA	LI	No	Alderman did not make a special last meal request. Instead, at 4 p.m. Tuesday he was given the regular prison meal of baked fish, peas, cole slaw, carrots, cheese grits, bun, fruit juice and chocolate cake
8/14/2008	Michael Rodriguez	45	M	TX	LI	Yes	Spicy fried chicken breast, grilled pork steak with grilled onions, a bacon cheeseburger with everything, a fresh garden salad with French dressing and French fries with ketchup
8/12/2008	Leon Dorsey	32	M	TX	LI	No	None.
8/7/2008	Heliberto Chi	29	M	TX	LI	No	None.
8/5/2008	Jose Medellin	33	M	TX	LI	No	None.
7/31/2008	Larry Davis	40	M	TX	LI	No	A hamburger with cheese and jalapenos and a vanilla shake

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
7/24/2008	Christopher Emmett	36	M	VA	LI	No	Emmett requested a particular last meal but asked that his choices be kept private
7/23/2008	Dale Bishop	34	M	MS	LI	No	3 pieces of pineapple supreme pizza, cherries and cream ice cream and four root beers
7/23/2008	Derrick Sonnier	40	M	TX	LI	No	None.
7/10/2008	Carlton Turner	29	M	TX	LI	No	Fried chicken, cheese and onion omelets and chocolate cake
7/10/2008	Kent Jackson	26	M	VA	LI	No	Jackson told jail officials that he did not want the last meal he'd ordered - which included chicken stir fry, a salad, cookies and an orange drink
7/1/2008	Mark Schwab	39	M	FL	LI	No	Two fried eggs, four strips of bacon, two sausage links, hash browns, buttered toast and a quart of chocolate milk at 8 a.m
6/25/2008	Robert Yarbrough	30	M	VA	LI	No	Fried chicken tenders and cheese pizza
6/20/2008	James Reed	49	M	SC	E	No	None.
6/17/2008	Terry Short	47	M	OK	LI	No	10 pieces of fried chicken

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
6/11/2008	Karl Chamberlain	37	M	TX	LI	No	A variety of fresh fruit and vegetables, cheese, lunch meat, deviled eggs, six fried cheese-stuffed jalapenos, a chef salad with ranch dressing, onion rings, french fries, a cheeseburger, two fried chicken breasts, barbecue pork rolls, an omelet, milk and orange juice
6/6/2008	David Hill	48	M	SC	LI	Yes	Meatloaf, corn on the cob, garlic bread, a beef burrito, a Mexican pizza, a taco, cake, ice cream, garden salad with tomatoes and ranch dressing, and Pepsi
6/4/2008	Curtis Osborne	37	M	GA	LI	No	Osborne declined a special last meal request and instead had the institution's meal tray, consisting of grilled cheeseburger, oven browned potatoes, baked beans, cole slaw, cookies and a grape beverage
5/27/2008	Kevin Green	31	M	VA	LI	No	Green requested a last meal but did not want it disclosed.
5/21/2008	Earl Berry	49	M	MS	LI	No	Barbecue pork chops, barbecue pork sausages, buttered toast, salad (heavy on the onion), mashed potatoes and gravy, pecan pie, and any juice. For breakfast he had two biscuits, sausage, rice and coffee

Table A.1 (continued)

Date	Name	Age	Sex *	State	Method *	Volunteer	Last Meal
5/6/2008	William Lynd	53	M	GA	LI	No	Two pepper jack BBQ burgers with crisp onions, two baked potatoes with sour cream, bacon and cheese, one large strawberry milkshake, from a local restaurant