

BOOK REVIEW

Vollum, S. (2008). *Last Words and the Death Penalty: Voices of the Condemned and Their Co-Victims*. New York: LFB Scholarly Publishing LLC.

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Dr. Scott Vollum wrote *Last Words and the Death Penalty* with the purpose of giving voice to the two populations that are the most directly impacted by the death penalty process: those condemned to die by execution and those co-victims “in whose name this brand of justice is often served” (p. 248). He examined their perspectives by analyzing the last statements given by the offenders prior to their execution, and the statements made by co-victims to local newspaper reporters at the time of execution. He also explored the content of those statements for signs of the principles of restorative justice.

Data for this study was collected from executions that took place in Huntsville, Texas, from December 1982 to March 2004. Statements (N: 292) made by offenders at the time of execution were obtained from their “factsheets” posted on the Texas Department of Criminal Justice website. Co-victim statements (N: 159) were obtained from articles reporting on executions in *The Huntsville Item*, the local newspaper. Statements of those co-victims who were unwilling to speak to the media and those who chose not to attend the execution of their offender were not accounted for. Vollum employed qualitative and inductive analysis. The statements were examined to determine their meaning and develop theoretical categories based on the themes of the statements.

According to the author, the death penalty, the most extreme and severe of penal sanctions in the United States, is one of the most potent generators of human casualties. He starts by analyzing the three spheres of the death penalty and its human casualties: the capital punishment process, which includes the period of sentencing and residence on death row; the “rituals of death” such as deathwatch and “deathwork,” and the death penalty’s broader social context. He makes clear that the consequences of the death penalty and executions are not limited to the condemned and the co-victims. Rather, he says, there is a whole “death row community” of individuals who are impacted by an execution: the condemned and his loved ones, co-victims, correctional staff, members of the media and of the legal community.

The most obvious impact of this process is on the inmates awaiting their own execution who experience the ups and downs of the often false hopes surrounding appeals, clemency hearings, and pleas for executive mercy. Vollum highlights that although much of the focus on the death penalty in the context of the Eighth Amendment’s prohibition of cruel and unusual punishment has focused on the execution itself, it can be argued that the confinement of the condemned awaiting execution represents the truly cruel and unusual aspect of the death penalty. This impact extends to inmates’ families and friends who experience prolonged grief because of the impending loss of their loved ones, who at the same time are responsible for the co-victims loss.

According to Vollum, a less considered impact is on the co-victims of the crime who suffer the uncertainty about the conclusion to this traumatic event in their lives. His research suggests that the death penalty process might constitute a secondary victimization on co-victims that only prolongs their period of grieving, and interrupts their healing process. Some co-victims express relief and satisfaction that the offender has been sentenced to death, but often this is followed by extreme dissatisfaction as the process takes years and sometimes decades before the execution. This is exacerbated by media attention that usually focuses on the offender and not the victims. Some will find closure once the inmate is executed, but for others the execution will actually impede their healing.

When addressing the impact of murder on co-victims and their needs for healing and closure, Vollum suggests that restorative justice might offer the best possibility for accommodating those needs among co-victims, offenders, offenders' families and the community in the wake of a capital murder. He cautions that the death penalty process, however, only exacerbates the grief and harm of crime by failing to attend to those needs and inhibits the potential for meaningful restorative justice processes. "The claim that there is a duty to deliver justice and retribution for the victims and co-victims is one of the most dominant and emotionally powerful arguments for the death penalty; however co-victims and their needs are largely ignored or forgotten in the aftermath of a tragic murder and the subsequent capital trial and appeal process" (p. 47).

To talk about restorative justice and its relation (or lack thereof) to the death penalty, Vollum refers to Zehr's paradigmatic book "Changing Lenses" (1990) which helped generate the modern movement toward restorative justice. According to Zehr, restorative justice views crime as a violation of people and relationships in which there is a tear or rupture in these relationships that needs repair and restoration. Restorative justice aims to place the status of victim back into the hands of those who actually experience the victimization, empowering victims and making them active participants in the justice process. The focus, in regards to offenders, is on accountability and responsibility, which are central to the healing and reconciliation of all who are impacted by crime. Retributive justice, on the other hand, views crime as a violation against the state, relegates the needs and rights of victims to secondary status by making the state the victim, focuses on determination of guilt and punishment for the offender, and offers little or no consideration of the community in the justice process. It discourages or impedes accountability. Vollum says that the death penalty, being the ultimate manifestation of retributive justice, is no different (p. 242).

Even though Vollum emphasizes that restorative justice cannot truly co-exist with the death penalty because this type of punishment contradicts the essential principles of restorative justice—where reconciliation and second opportunities are desirable—he is not implying at all that the criminal justice system should act leniently towards capital murderers. He simply suggests that restorative justice, within the sphere of life imprisonment, could more adequately assist co-victims in achieving healing and closure by avoiding the prolonged wait for an execution that only seems to trigger more feelings of despair, and by acknowledging the possibility of redemption inherent in our human nature. The abolition of the death penalty is desirable, as most of the world has come to accept, based on evolving standards of decency. However, acknowledging that the death penalty is not going to disappear anytime soon, Vollum offers an innovative approach by advocating for the inclusion of certain elements of restorative justice within the context of capital punishment.

Vollum searches for elements of restorative justice within the last words of condemned inmates. According to him, these statements “represent one of the most unique communicatés in human societies. It is exceedingly uncommon for humans to be asked to make a statement before they are killed. When they have finished uttering the last words which will ever leave their mouths, they are put to death and their voice is forever silenced” (p. 40). Last statements of executed offenders in Texas were examined. Ten major themes found across the statements were identified: well wishes, religion, contrition, gratitude, personal reconciliation, denial of responsibility, criticism of death penalty, anger and resentment, resignation, and accountability. Statement themes were examined in regard to the characteristics of the condemned, their offense, and the context of their time on death row (and the characteristics of the execution). Interesting findings include the fact that condemned inmates with more education were more likely to express contrition and less likely to make religious statements. Other findings suggested, for example, that in cases where there was a codefendant, the condemned was less likely to express contrition or any form of personal reconciliation. Condemned inmates who had been sentenced to death for killing a police officer were three times more likely to criticize the death penalty and express anger and resentment. Inmates were significantly more likely to express contrition in their last statements when co-victims were present at the execution.

An overwhelming majority (74%) of the last statements of the condemned included some restorative element, and only a small proportion included a non-restorative theme (18.2%). This was more frequent when they had family or friends present at the execution. “Such attempts to connect to others in their last minutes of life represent interesting assertions of humanity at the very moment when one’s humanity is being taken away” (p. 232). Vollum’s work reveals that redemption and transformation are possible and expressed regularly among condemned inmates.

Statements made by the condemned’s co-victims at the time of the execution were gathered from the local newspaper stories on each execution. The major themes were identified and examined in the context of the offender, offense, and execution characteristics. These themes were: healing and closure, satisfaction/dissatisfaction, justice and revenge, memorializing or honoring the victim, removal of condemned, forgiveness, sympathy, rationalization (dehumanizing the condemned and separating themselves from the execution), death penalty support, and religion. Interesting findings suggest that very few co-victims (2.5%) indicated that the execution provided emotional catharsis for them, and 20.1% of co-victims reported it brought no healing or closure. Religion was the least common theme among co-victims.

An analysis of the restorative nature of co-victim statements was also conducted. In 75.5% of the cases, however, co-victims made statements that were explicitly non-restorative. Their statements were more characterized by pain, anger, and frustration. Vollum notes that, as the length of time between sentencing and execution increased, non-restorative statements were more likely to occur. There is ambivalence in regard to whether executions assist or hinder the meeting of co-victims’ needs for healing or closure.

Vollum concludes his work by suggesting that future research should include deeper interviews of condemned inmates and co-victims that would reveal a more profound understanding of their sentiments. Research should also be extended to offenders and co-victims in murder cases in which the offender is not sentenced to death in order to make a comparison. Finally,

he says that if we want to understand the full human impact of the death penalty, future studies should expand to family and friends of the condemned, correctional staff, and even juries.

Vollum's work is an invaluable contribution to the study of the death penalty that offers a new angle and adds to the scarce research on the statements of condemned inmates and co-victims. It highlights the death penalty's deep human consequences, which expand beyond the most obvious actors involved in it, and reclaims the voices of those executed by the state and of the co-victims in whose name this penalty is carried out. Even though he explicitly reveals his opposition to the death penalty, Vollum performs an extraordinarily objective analysis that is worth serious consideration. The book is very well structured and organized and flows logically. Although it encompasses rigorous social science research, it nevertheless is engaging and easy to read. I would recommend it without reservation.