

Preface

The social sciences are perhaps better suited for explaining social processes and events than for critiquing or glorifying particular groups or institutions. However, analyses of social phenomena (e.g., punishment) that combine a grounded theoretical approach with the techniques of narrative analysis have advantages over more explicitly quantitative social science research. First, grounded theory focuses the researcher on questions of explanatory import. Second, the techniques of narrative analysis empower respondents to tell their stories in ways that are less encumbered by the categorical rigidity of traditional survey questions. A grounded narrative analysis—obviously contingent on the context under scrutiny—can simultaneously elucidate social processes and expose often unanticipated avenues for robust social critique. In short, hearing the voices of those in power allows researchers to explore social action as it lives in society. At the same time, elucidating the lived doings of power heightens the potential for revealing concrete or tangible perspectives for social change or at least for understanding the processes that inhibit social change as such.

Given its long and contentious history and its highly controversial use today, one state institution that is particularly worthy of scrutiny is capital punishment. Yet the vast majority of death penalty criticism relies disproportionately on either rhetorical claims or the analysis of statistical outcomes as compared to the analysis of the death sentence as it is practiced. That is, the stories of capital jurors' presented here uncover the subtle worlds of "doing death." In this way, I believe the work presented here articulates a more complex and thus compelling critique of state-sanctioned capital punishment than has past research or criticism.

That the death penalty has been at the epicenter of America's protracted struggles with racial inequity does not need to be revis-

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ited here—numerous important tomes have well documented this. Rather, the question here is what participating in this institution says about the state of American race relations and our development (or lack thereof) as a multiracial and multicultural democracy. Are we familiar enough with the systems of privilege that characterize our social stations in life to hold the fate of a fellow citizen in our hands? Can members of a society that is still striving to overcome the profound toxicities of race and class segregation and inequity operate a policy as final as the death penalty in a way that even remotely serves America's relatively newfound investments in diversity and multiculturalism?

This book investigates these questions through the lens of one of the most cherished U.S. democratic institutions: the jury. By focusing on the lived experiences of citizens who were enlisted by the state to make the life-or-death decision, this project both invites readers to consider the realities of the death sentence in practice and challenges readers to consider the consequences of its continued use for the future of the American condition.

The approach presented here is thus explicitly multidisciplinary. I certainly could not have written this book without the path-breaking insights of social scientists such as Jeannine Bell, Patricia Ewick, Jack Katz, Michael Musheno, Laura Beth Nielsen, Trish Oberweis, Cathernie Kohler Riessman, Austin Sarat, and Susan Silbey. I have also been tremendously influenced by critical race scholars such as Derek Bell, Kimberlé Crenshaw, and Patricia Williams; critical whiteness scholars such as Mathew Frye Jacobson, George Lipsitz, and David Roediger; and Lat crit scholars such as Laura Gomez and Margaret Montoya. The imprint of many others too numerous to list is also present in these pages.

While some in the academy have frowned at the obvious breakdown in sociology as a grand approach to social phenomenon, my exposure to the various “. . . and society” and “crit” approaches—with their intensive focus on complex issues such as law, race, sexuality, and gender (social phenomena that are, in my mind, worthy of a disciplinary perspective in their own right) has been truly liberating. Learning about these fields has energized me both as a

scholar and as a member of a truly multidisciplinary, intellectual community (in the best sense of that oft overused term).

I would also be remiss if I failed to mention the story of the book's development. *Jurors' Stories of Death* emerges from nearly a decade of work as both a graduate student at Northeastern University and a faculty member in the Department of Sociology and Criminal Justice and the Departments of Black American Studies and Legal Studies at the University of Delaware. This volume grows out of my efforts to understand the pervasive inequities in criminal punishment, especially the death penalty. My doctoral dissertation, "Race, Ideology, and Legal Action" (Steiner 1999), was a statistical study of former capital jurors' beliefs about the legal system in the context of race. While only one drastically revised chapter of the dissertation is included as an appendix here, writing it was an invaluable step in the development of the ideas that fill this book.

More recently, I have collaborated with William J. Bowers and Austin Sarat on a *Law and Society Review* article, "Folk Knowledge as Legal Action: Death Penalty Judgments in a Culture of Mistrust and Punitiveness" (Steiner, Bowers, and Sarat 1999). That work and another article, "The Consciousness of Crime and Punishment: Reflections on Identity Politics and Law-Making in the War on Drugs" (Steiner 2001), which appeared in *Studies in Law, Politics, and Society*, underlie many of my arguments in chapters 2 and 3. Chapters 4 and 5 rely on an article, "Narratives of the Death Sentence—The Tale of Racial Inferiority and African-American Resistance: Toward a Theory of Legal Narrativity" (2002) also published in *Law and Society Review*. Much of appendix B was published as part of "Before or against the Law? Citizens' Legal Beliefs and Experiences as Capital Jurors" (2003).

Between 1996 and 2000, I served as a research associate at Northeastern University's Criminal Justice Research Program. During that period, it was a privilege to be a member of the Capital Jury Project (CJP), a National Science Foundation-funded study of juror discretion in death penalty cases. The data collection effort that yielded the jurors' stories that serve as the focus of this book were supported by this grant (NSF-9013252).

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This remarkable and truly interdisciplinary project brought together scholars and students of sociology, political science, criminology, psychology, and law. Without the efforts of my colleagues and their students and without the tireless efforts of countless undergraduate research assistants, the work presented here would never have been possible. I thank the following CJP investigators from around the country for their years of dedication: John Blume (South Carolina), Wanda Foglia (Pennsylvania), William Geimer (Virginia), Joseph Hoffman (Indiana), James Luginbuhl (North Carolina), James Marquart (Texas), Kathryn Russell (Alabama), Marla Sandys (Kentucky), Austin Sarat (Georgia), Jordan Steiker (Texas), Scott Sundby (California), Margaret Vandiver (Tennessee), and Gordon Waldo (Florida). I also thank the following undergraduate research assistants: Laura Biringer, Heather Couter, Elisa DiTrolio, Dan Hart, B. J. Hill, Dave Kelly, and Ian Sibble.

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Without my family, I would not have completed this book. I offer loving-kindness to my mother and father, Phyllis and Howard Steiner; my two brothers, Rob and Adam Steiner; Adam's

wife, Kerry; and my significant other, Professor Ruth Fleury-Steiner, to whom I dedicate this book. I am incredibly grateful for the love and support of these people.

Finally, I must acknowledge my indebtedness to a great sociologist and mentor, William J. Bowers. My relationship with Bill goes back to the winter of 1994. Soon after beginning as a graduate student in the department of sociology at Northeastern University, Bill invited me to join the CJP, and two years later he hired me as his chief collaborator. His incredible energy for social research created an amazing atmosphere in which to develop my abilities as a sociologist. While we have not always agreed about everything, Bill continually encouraged me to expand my knowledge, to challenge myself to go further in my theoretical thinking, and to ultimately develop my professional identity. I feel privileged to have made his acquaintance and will always be grateful to him.