American capital punishment and the promise of "closure"

Several justifications exist for the death penalty, yet it is only recently that the concept of “closure” has come to serve as a rationale for American capital punishment. This contemporary justification promises murder victims’ families that the execution of their loved one’s murderer should provide them with “closure”—a contested word that typically denotes an end to the pain associated with their loved one’s murder. How and when this new narrative came about has garnered little scholarly attention, particularly as murder victims’ families begin to challenge closure as relevant to their healing.

The goals of the current study seek to: 1) elucidate how closure entered the American death penalty debate; 2) illustrate the myriad meanings assigned to closure, identifying how various stakeholders have trafficked in the term’s use; 3) examine how closure has been used politically to legitimize death penalty practices and the state’s right to take life; and 4) critically analyze claims that closure has “symbolically transformed” the American death penalty today.

The study employs discursive textual analysis of nearly 2500 American newspaper stories from 1989 to 2008, legislative hearings, legal case histories, academic and popular sources, and archival materials from American death penalty and victims’ rights groups during this twenty year period. The findings illustrate that closure entered death penalty discourse in the late 1980s, and reached a tipping point in news coverage in 2001 with Timothy McVeigh’s execution. While the term was used in nearly every way imaginable, the findings illustrate it was most prominently used in supporting secondary victims’ “right to view” the executions of their loved ones’ murderers and in justifying Timothy McVeigh’s execution for his role in the Oklahoma City Bombing. I argue that the media’s sensational portrayals of such historical moments allowed them to serve as “galvanizing events” ushering in closure as a powerful symbol in justifying the state’s right to take life and the view that executions are a form of “therapeutic justice.” Despite closure being used to support certain death penalty practices, the analyses presented here provide little support for the notion that closure has “symbolically transformed” American capital punishment today as has been suggested by some scholars. Closure is a small blip in print news coverage and does not resonate strongly with Americans’ support for capital punishment in national opinion polls. The study concludes with a critical examination of the role of closure as a contemporary, and empirically unchallenged, justification for the death penalty—one that serves as an empty promise for murder victims’ loved ones.
Whilst capital punishment and incarceration exist in the execution chamber and behind the prison walls, they also thrive in films, books and news articles, in their presentations and representations. It is here that punishment acquires much of its meaning; within its 'cultural life' (Sarat and Boulanger 2005). Co-victims were more likely to mention some type of closure when they felt that justice had been served, and when the offender asked for forgiveness and stated a hope that the execution would bring the co-victim closure. The American Bar Association and other professional organizations have adopted policy statements calling for an exclusion from capital punishment for those with severe mental illness at the time of the offense. Of course capital punishment doesn't rehabilitate the prisoner and return them to society. But there are many examples of persons condemned to death taking the opportunity of the time before execution to repent, express remorse, and very often experience profound spiritual rehabilitation. Thomas Aquinas noted that by accepting the punishment of death, the offender was able to expiate his evil deeds and so escape punishment in the next life. This is not an argument in favour of capital punishment, but it demonstrates that the death penalty can lead to some forms of rehabilitation. Top. Closure and vindication. It is often argued that the death penalty provides closure for victims' families. This is a rather flimsy argument, because every family reacts differently.