

It's who you kill that matters, according to new research

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A defendant is much more likely to be sentenced to death if he or she kills a "high-status" victim, according to new research by Scott Phillips, associate professor of sociology and criminology at the University of Denver (DU).

According to his research published in *Law and Society Review*, (43-4:807-837), the probability of being sentenced to death is much greater if a defendant kills a white or Hispanic victim who is married with a clean criminal record and a college degree, as opposed to a black or Asian victim who is single with a prior criminal record and no college degree.

Recent discussions of the death penalty tend to focus on innocence and cost. Phillips' research says that arbitrariness has long been a concern.

"The concept of arbitrariness suggests that the relevant legal facts of a capital case cannot fully explain the outcome: irrelevant social facts also shape the ultimate state sanction" Phillips says. "In the capital of capital punishment, death is more apt to be sought and imposed on behalf of high status victims. Some victims matter more than others."

Phillips research is based on 504 death penalty cases that occurred in Harris County, Texas between 1992 and 1999.

Drawing on the same data, Phillips's previous research demonstrated that black defendants were more likely to be sentenced to death than white

defendants in Houston. The [racial disparities](#) revealed in the prior paper become even more acute after accounting for victim social status - black defendants were more apt to be sentenced to death despite being less apt to kill high status victims.

The combined results of the two papers call into question the meaning of justice.

"Should justice be defined according to the punishment a particular defendant deserves?" Phillips asks, "Or should justice be defined according to whether the judicial system can hand out lethal punishment in an even-handed manner? The question strikes at the heart of the [death penalty](#) debate."

Provided by University of Denver

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