

7-11-2005

The Effect Of Knowledge Gain On Capital Punishment: A Partial Test Of The Marshall Hypothesis

Alexander Able Savon
University of South Florida

Follow this and additional works at: <https://scholarcommons.usf.edu/etd>

 Part of the [American Studies Commons](#)

Scholar Commons Citation

Savon, Alexander Able, "The Effect Of Knowledge Gain On Capital Punishment: A Partial Test Of The Marshall Hypothesis" (2005).
Graduate Theses and Dissertations.
<https://scholarcommons.usf.edu/etd/852>

This Thesis is brought to you for free and open access by the Graduate School at Scholar Commons. It has been accepted for inclusion in Graduate Theses and Dissertations by an authorized administrator of Scholar Commons. For more information, please contact scholarcommons@usf.edu.

The Effect Of Knowledge Gain On Capital Punishment: A Partial Test Of The Marshall
Hypothesis

by

Alexander Abel Savon

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts
Department of Criminology
College of Arts and Sciences
University of South Florida

Major Professor: John K. Cochran, Ph.D.

Date of Approval:
July 11, 2005

Keywords: marshall hypothesis, capital punishment, public opinion, knowledge gain,
death penalty

© Copyright 2005 , Alexander Abel Savon

Dedication

I would like to thank my parents, Abel and Karin Savon, for their love and support over the years. They instilled in me the importance of furthering my education, and I could tell I was getting smarter when they asked me for help on the crossword puzzle. To my sister, A.J., who I've watched grow into an amazing person with the best sense of humor of anyone I know. Your jokes and witty brilliance gave me the inspiration I needed to get through the stress and hard times. Finally, I would like to dedicate this thesis to my late grandfather, Guenther Daudel, who unknowingly inspired me to constantly better myself by his example. I am eternally grateful.

Acknowledgments

I am indebted to a number of people for their help, knowledge and support throughout this entire process. First I would like to thank my thesis chair, Dr. John K. Cochran, for the idea, the insight, and the countless hours mentoring which enabled this project to come to fruition. I would also like to acknowledge my committee members, Dr. M. Dwayne Smith, for pointing me in the right direction, and Dr. Thomas Mieczkowski, for holding me to higher standards.

I would also like to thank a special group of people who provided me with the occasional much needed kick in the butt: Tara Horn, Scott Toner, Joseph Digregorio, Joseph Pinkos, Jessica Spencer, Grace Pasden, Brian Johnson and Abigail Dufretay (3.9 pounds of support). I want to recognize my friend James Kuzin, who became my Grand Pooba of the formatting process. Finally, I want to thank Kitty Patneude for her friendship, great advice, and for writing my letter of recommendation to get into Graduate School.

Table of Contents

List of Tables	ii
List of Figures	iii
Abstract	iv
Chapter One Introduction	1
Cruel and Unusual Punishment	1
Evolving Standards of Decency	3
<i>Furman v. Georgia</i>	3
Public Opinion	5
The Marshall Hypothesis	7
Chapter Two Literature Review	9
Exposure to Information	10
Biased Assimilation	12
College Classroom as a Stimulus	12
The Role of Innocence	14
Proposed Research	15
Chapter Three Methodology	18
Research Design	20
Measures	22
Chapter Four Results	24
Chapter Five Summary and Conclusions	36
Key Findings	37
Future Research	38
References	40

List of Tables

Table 1	Pearson's Zero-Order Product Moment Correlation between Knowledge Gains and Change in Death Penalty Support	24
Table 2	Pearson's Zero-Order Product Moment Correlation between Knowledge Gains and Change in Truth Acceptance	25
Table 3	Pearson's Zero-Order Product Moment Correlation between Knowledge Gains and Change in Myth Holding	26
Table 4	Zero-Order Product Moment Correlation between Truth Acceptance and Change in Myth Holding	27
Table 5	Pearson's Zero-Order Product Moment Correlation between Truth Acceptance and Change in Death Penalty Support	28
Table 6	Pearson's Zero-Order Product Moment Correlation between Myth Holding and Change in Death Penalty Support	28
Table 7	A Profile Analysis of People with The Strongest Knowledge Gains: Relative Gain Greater than or Equal to .80	31
Table 8	A Profile Analysis of Most Resistant Myth Holders: Percent of Change Less than or Equal to .20	33

List of Figures

Figure 1	An Example of Relative Gains	22
Figure 2	Direct and Indirect Effects of Knowledge Gains on Decreased Support for Capital Punishment	29

The Effect Of Knowledge Gain On Capital Punishment: A Partial Test Of The Marshall Hypothesis

Alexander Abel Savon

ABSTRACT

Justice Thurgood Marshall proposed a three-pronged postulate in his dissent in 1972 in the *Furman v. Georgia* (408 U.S. 238) Supreme Court case. The American public is generally uninformed when it comes to the death penalty, and given information a “great mass of citizens” would be against it, unless their underlying beliefs were rooted in retribution (*Furman v. Georgia*, p. 363). These statements subsequently came to be known as the Marshall Hypothesis, and were deemed testable by researchers.

This study examines the influence on death penalty opinion as a consequence of participating in a college class on the death penalty. Students in the class, who were either criminology majors or minors, were asked to take part in a questionnaire regarding their attitudes toward capital punishment at the beginning and at the end of the semester. Over the course of the class, students took part in a pre and post-test designed to measure their knowledge of the death penalty. This study correlated the amount of knowledge gained by each student with their respective death penalty attitudes.

Results indicated that many in the class had little knowledge of the practice, application, and corollary effects of capital punishment. Those students who made the greatest amount of knowledge gains also reported a reduction in support for capital punishment. The acceptance of death penalty truths was not found to be related to a

reduction in death penalty support. Further analysis, however, showed that those students who accepted these death penalty “truths” were also able to disregard death penalty “myths.” The present study concludes that support for the death penalty is directly reduced through increased knowledge gain, and indirectly reduced through truth acceptance as a function of death penalty “myth” abandonment.

Chapter One

Introduction

American society is one consisting of a rich diversity of races, ethnic groups, religions, strongly held beliefs, and opinions. Our First Amendment rights allow us the privilege of expressing these opinions without the threat of governmental retribution. The pluralism inherent to American culture enables a broad diversity of thought, leading Americans to express opinions on a myriad of culturally salient topics. This becomes important in the milieu of a democratic society, where public opinion helps shape law and social policy. Perhaps one of our most pervasive issues is the topic of capital punishment, which is the cause of much controversy and heated debate in this country. The debate focuses on our Eighth Amendment protection against cruel and unusual punishment, and what factors influence the legality of its application. “Cruel and unusual,” written in the language of the constitution, does not contribute a concrete meaning or a distinctive, actionable interpretation. The abstract nature of this wording allows the Constitution to be inherently flexible amidst rapidly changing societal and cultural norms. Alternatively, these open-ended concepts are also a weakness because their ambiguity leads to imprecision and multiple interpretations.

Cruel and unusual punishment falls under the umbrella of public morality and how it is defined by each successive generation. Public morality is the root of our legal system and is reflected in a number of ways. Two prevailing concepts that define our values and laws are the consensus and conflict model. The consensus model, being the more legislative, is a representative of the will of the majority which may sometimes

subjugate the minority. The conflict model is more in line with public opinion which has direct influence and is not a representation. Public morality can be gauged through public opinion, and can therefore become a device for interpreting the meaning of the Eighth Amendment with regard to capital punishment. In order to serve this function, the standard of public opinion must be raised beyond beliefs and attitudes not rooted in information germane to the death penalty. Relying on the conflict model (public opinion) for constitutional interpretation has certain policy implications. Capital punishment can be found to be cruel and unusual if an informed public deems it so.

What exactly constitutes cruel and unusual punishment however, has historically been interpreted by the Supreme Court, which is the ultimate arbiter of the meaning of the Constitution. Initially, it made numerous efforts to impose some type of analytical definition. In other words, it has been difficult for the Supreme Court to formulate legal opinions to be applied when a legislatively prescribed punishment is challenged as “cruel and unusual” (*Furman v. Georgia*, 408 U.S. 238, 1972, p. 238). In *Wilkinson v. Utah* (99 U.S. 130, 1878) the Court first looked at the constitutionality of execution with the example of the firing squad. The Court declared that shooting was not cruel and unusual because it did not involve torture or unnecessary cruelty. The decision also set a precedent that the punishment of death in itself was not cruel. Justice Clifford, in delivering the opinion of the court, referring to Blackstone stated: “Punishments are cruel when they involve torture or a lingering death; but the punishment of death is not cruel within the meaning of that word as used in the constitution. It implies there is something inhuman and barbarous,--something more than the mere extinguishment of life (130 U.S. 135). The next form of execution scrutinized by the courts was electrocution in

1890 in *In re Kemmler* (136 U.S. 436). The Court decided that electrocution, although unusual, was not cruel because it did not involve “torture or lingering death.” Death by electrocution fit the criteria of unusual at the time, but was not considered cruel.

After the initial analytic approach, the courts pursued a normative stance in an effort to bring meaning to the eighth amendment that was not drawn solely from the provisions of the Constitution. The Constitution was drafted so that the public morality, decency and fundamental values of the time provided its underlying basis. These values are always changing, and in that spirit, the courts attempted to explore these values in a series of cases beginning with *Weems v. United States* (217 U.S. 349, 1910). It was in *Weems v. United States* (1910, p. 378) when the Court decided that the definition of cruel and unusual punishment was dynamic and changing “as public opinion becomes enlightened by a humane justice.” The definition was further elaborated in *Trop v. Dulles* (365 U.S. 86, 1958, p. 101) when the Court stated the idea behind the Eighth Amendment was tantamount to the “evolving standards of decency that mark the progress of a maturing society.”

These evolving standards are an abstract concept that require tangible measurement if they are to be applied to Eighth Amendment interpretation. In *Furman v. Georgia* (1972), the “evolving standards” were identified through several contemporary devices. The first evidence of changing sentiment found in *Furman* came in the form of decisions made by state legislatures. The decision of some states to abolish or authorize capital punishment was viewed as an indicator as to whether the public accepts or rejects it. The trend to minimize or restrict the use of capital punishment by state legislatures in recent years showed that the public does not support it, according to Justice Marshall

(*Furman v. Georgia*, 1972). Justices Powell and Chief Justice Burger argued that evidence that society approves of capital punishment can be found in the number of states whose legislatures have kept capital punishment as an option (*Furman v. Georgia*, pp. 438-39, 384-85). The problem with using the legislative record as a measure of public consensus lies in the fact that we live in a republic form of democracy in which individuals do not directly influence policy. The influence of the way the public feels about certain issues is said to be expressed at the ballot box on Election Day. We empower our elected representatives to make laws and decisions based on the will of their constituency. State legislators, however, may not operate in ideal form but may be subject to political and partisan pressures which may skew direct objective representation.

A second of indicator of these “evolving standards” can be found in the decisions juries and prosecutors make in capital cases. Justice Brennan surmised that the infrequency with which juries employ the death penalty (approximately a hundred or so cases among thousands tried each year where the death penalty is available), is an accurate indicator of the public conscience and “demonstrates that our society seriously questions the appropriateness of this punishment today” (*Furman v. Georgia*, p. 299). Justice Powell, in his dissent, stated that the infrequency with which the death penalty was imposed was not a rejection of it, but rather an illustration of the particular care needed to impose it (*Furman v. Georgia*, pp. 440-41). A flaw in the reliance on prosecutorial and jury practices may be their sensitivity to outside influence. A highly publicized trial may lead prosecutors to push for the death penalty in capital cases while certain jurors may be excluded from service if they are against capital punishment.

Therefore, both legislative records and prosecutorial and/or jury decisions may be biased representations of the public sentiment. The third index of our evolving standards can be found through opinion polls taken through surveys or other instruments.

Public opinion, through polls taken, can be a flawed indicator of public sentiment but it is, nonetheless, arguably the most accurate. Polling the general public is the only measurement that is a direct representation of the will of the people and more in line with the conflict model. Legislative record has an inherent lag which comes from the gap between public sentiment and when new laws are enacted, whereas public opinion polls are in real time. Public opinion also proffers unbiased data in that it is not affected by the party politics of legislators and prosecutors. Again, although juries may be a sample of the population, it is a relatively small sample that can be influenced by such things as peremptory challenges. Albeit, the practice of polling the public is not perfect, but it has been improved upon over the years with the advent of new social research methodologies and advanced statistical techniques.

Justice Marshall had great reservations about public opinion, and found it disturbing that public opinion polls showed that a majority of the American population favored capital punishment. Justice Marshall believed that before public opinion can become a factor in deciding the constitutionality of the Eighth Amendment it must be held up to scrutiny and analysis. In *Furman v. Georgia* (1972), Justice Marshall stated that for public opinion to be held up to a constitutional standard it had to be “informed”. It was Justice Marshall’s contention that the majority of the American public had little to no knowledge of the death penalty.

His second belief was that given information about the death penalty “the great mass of citizens would conclude that the death penalty is immoral and therefore unconstitutional” (*Furman v. Georgia*, p. 363). This belief goes to the reasons people give for their support of capital punishment, and how these reasons qualify the legitimacy of that support. Some reasons for supporting punishments in general include their deterrent value, public safety issues, and their cost effectiveness. These general beliefs rooted in deterrence, incapacitation, and cost as support for capital punishment are valid reasons but the public may be uninformed about “true” effectiveness. Results are unambiguous that capital punishment doesn’t deter (Bailey and Peterson, 1994), doesn’t incapacitate more effectively than life sentences (Marquart and Sorensen, 1989), and is not a cost savings (Garey, 1985). Public perception of the pervasiveness of rising crime rates and the preponderance of murders may also influence this opinion. If public were to become informed of these “truths” then according to Marshall they would change their opinion.

Marshall’s third contention regarding the efficacy of public opinion involved the necessity to gauge the moral basis behind that opinion. If the foundation of the public’s feelings towards the death penalty relies on a belief in vengeance or “just desserts” then it has no place in modern jurisprudence (*Furman v. Georgia*, p. 345). Marshall believed that information and knowledge will have little impact on death penalty opinion if retribution is the underlying factor of that opinion (*Furman v. Georgia*, p. 363). A belief in vengeance for a particular grievance or wrong-doing can be an automatic emotional reaction which runs counter to the logic and reasoning required for a measured response. Retribution and vengeance are themes that permeate many facets of our popular culture

and perhaps even shape our beliefs and attitudes at the subconscious level. Marshall deemed retribution as incompatible with decent and civilized conduct and that it is precisely the baseness and harshness of retribution that the Eight Amendment was designed to restrict (*Furman v. Georgia*, p. 345). This three-pronged postulate consequently became known as the *Marshall Hypothesis*. What makes Justice Marshall's opinion in *Furman* unique is its ability to be tested empirically. It is the testability of these hypotheses that have prompted researchers and abolitionists of the death penalty to gauge its utility.

In previous attempts to test the Marshall Hypotheses researchers have exposed study participants to various amounts and types of death penalty information. Initial studies obtained pre- and post-test measures of death penalty attitudes but provided only minimal death penalty information as the stimulus (Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981; Ellsworth & Ross, 1983). These studies failed to measure how much knowledge was gained and if it was retained at the time of the posttest. Subsequent studies maintained the pre and posttest structure of these early research designs and increased the stimulus to the setting of a classroom which allowed for increased exposure and assimilation time (Bohm, 1989, 1990, 1994; Bohm, Clark, & Aveni, 1990, 1991; Bohm & Vogel, 1991; Bohm, Maisto, & Vogel, 1993; Wright, Bohm, & Jamieson, 1995). But again knowledge levels, knowledge gains, and knowledge retention were not measured. Instead these researchers assumed that an increase in knowledge level was occurring in participants through exposure to reading materials and information presented within a classroom setting. Simply exposing participants to information does not mean that this information was retained nor does it not show how much was retained. These

past studies did not measure individual knowledge level of their participants or the knowledge gained over time. Researchers may have assumed that the stimulus provided between the pre and the posttest translated into knowledge being gained.

The second Marshall hypothesis (increased death penalty knowledge leading to a reduction of death penalty support) must be measured in terms of knowledge gain and attitude change in order to be comprehensive and show causation. There should be a direct measure of the correlation between change in the amount of information gained and change in death penalty opinion. Merely measuring attitudes on a pretest-posttest basis without analyzing the underlying changes in the amount of knowledge gained is an incomplete test of the second prong of the Marshall Hypothesis. The current study will improve on previous studies (Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981; Ellsworth & Ross, 1983; Bohm, 1989, 1990, 1994; Bohm et al., 1990, 1991, 1993; Bohm & Vogel, 1991; Wright et al., 1995) by measuring information level and knowledge gained over the course of the stimulus and will assess the effects of this change in level of information on change if any, in death penalty opinion.

Chapter Two

Literature Review

Shortly after Marshall's assertions in *Furman*, researchers began to conduct studies to examine their empirical viability. In testing all of parts of the Marshall hypothesis, the challenge is changing abstract concepts such as "informed" and "knowledge of the death penalty" into operationalized variables. The difficulty lies in determining what information and how much of it is necessary to achieve the status of being "informed." Is being an "informed" citizen tantamount to merely being exposed to capital punishment related materials, or does it involve understanding the content of those materials? If the latter, what level of understanding constitutes being "informed?" There is the additional issue of measuring retributiveness. Since Justice Marshall believed that death penalty support based on retributive reasoning was resistant to any new information, increased knowledge must be analyzed in conjunction with measures of retributiveness. The extant research literature testing the Marshall Hypothesis has largely failed to address these issues.

A few of the first studies to address issue were conducted in the mid-seventies and employed a pre-test/post-test design. A study done by Ellsworth and Ross (1983) disseminated a questionnaire to five hundred people from the San Francisco Bay area in 1974. A high response rate was achieved by having their research assistants contact the participants and set up appointments to collect the surveys instead of mailing them. What Ellsworth and Ross were able to discern was that even though the majority of their respondents had an unusually high education level, they still had little knowledge of the

application and consequences of capital punishment. More specifically, the respondents that were pro death penalty rated deterrence as their strongest reason, yet when presented with facts contradicting its efficacy, most would still maintain their beliefs (Ellsworth & Ross, 1983). This statement reaffirms Marshall's contention that retributive reasoning supercedes knowledge and facts germane to the death penalty.

Sarat and Vidmar (1976) conducted a study utilizing interview data gathered from a sample of 200 adult residents of Amherst, Massachusetts in 1975. A pretest was administered which took the form of a questionnaire with various statements designed to gauge attitudes towards capital punishment on a Likert scale. The stimulus introduced to the participants were two fifteen-hundred word essays focusing on the utilitarian and humanitarian aspects of capital punishment, which was followed by a post-test. Sarat and Vidmar found that their subjects knew very little about the death penalty and when exposed to information about the death penalty, a large percentage of people changed their opinion to not favoring the death penalty. They also found that retributive beliefs had a strong and significant relationship with support in terms of retaining previously held opinions. Although these findings are impressive, there were several shortcomings of the study that limit the generalizability of the results. The stimulus introduced provides basic information at best, and certainly would not qualify as providing a wealth of knowledge on the subject. The authors even concede that the conditions of the study provided "only the most minimal opportunity for creating informed public opinion" (p. 195). For instance, the exposure to the provided stimulus amounts to the time it took for each respondent to read two 1500 word essays and then take a post-test on their attitudes. This brevity of exposure coupled with minimal time for adequate reflection does not meet

the criteria for retained “knowledge.” The study also fails to analyze the legitimacy of retribution as a factor in formulating opinion and maintaining ignorance against relevant facts and information. Both studies found a general reduction in support for the death penalty but were unable to understand the reasoning behind the change and to what level their respondents were “informed.”

Vidmar and Dittenhoffer (1981), in a Canadian study, also used a pre and post-test questionnaire but improved on the other studies by changing two things. They exposed the participants to relevant information materials, but then coupled it with group discussions and a longer period of time for reflection and assimilation. The idea behind this approach was that active learning is more conducive to attitude change than passive learning. The researchers were able to form a quasi-experimental group by paying the subjects that participated in the readings and discussions a larger sum of money than the control group which merely filled out the pre and post-tests. These improvements on design allowed Vidmar and Dittenhoffer not only to replicate previous findings by shifting certain cases from death penalty support to death penalty opposition, it also produced a majority of opposition. Opinion in the experimental subjects changed from 33 percent opposing capital punishment to 71 percent (Vidmar & Dittenhoffer, 1981). Despite its improvements, the study had some major shortcomings. Researchers had to assume that the subjects in the experimental group actually read the assigned material and brought up pertinent information in the group meetings. There were also no researchers present in these group meetings, so there was no way of knowing what was talked about, or if any subjects monopolized these discussions. Another major problem with the study is its use of an extremely small (N=21) nonrandom sample. The study demonstrated the

need to improve sample size and increase the amount of information along with the time needed to retain that information. The crucial component missing in these studies appears to be the need to exert a greater amount of control over the circumstances. The process by which an individual person perceives the information he or she has been given still remains a mystery.

In a 1979 study, Lord, Ross, & Lepper attempt to illustrate some of the dynamics of this process. In their study they identified that attitude polarization and biased assimilation play a part in the way people process information. It is their contention that people who hold strong opinions on complex social issues are likely to examine relevant empirical evidence in a biased manner. A group of 151 undergraduates were delineated as either “opponents” or “proponents” of the death penalty according to their answers on a questionnaire. Lord and his colleagues discovered that when exposed to the same empirical studies, the students assimilated the information in a biased manner in accordance with their previously held beliefs. In other words, people who have a strongly held opinion on a certain subject will take in information differentially, disregarding conflicting evidence and placing greater emphasis on evidence consistent with their beliefs, thereby polarizing their opinions (Lord et al., 1979; Ellsworth & Ross, 1983).

The effects of attitude polarization and other biases necessitate a change in the time and manner in which information is imparted. The next era of tests of the Marshall hypothesis, almost completely monopolized by Bohm and his colleagues, attempted to address this issue (Bohm, 1989, 1990, 1994; Bohm et al., 1990, 1991, 1993; Wright et al., 1995; Bohm & Vogel, 1991). These studies utilized a classroom setting and increased

the stimulus time to an entire semester instead of a questionnaire filled out in a few hours (Bohm, 1989, 1990, 1994; Bohm et al., 1990, 1991, 1993, 1995; Bohm & Vogel, 1991). Moreover, a classroom setting provides constant instructor supervision and more time for the participants to take in and analyze information and incorporate it into their own system of beliefs. Classroom settings generally met for 40 hours a semester and classroom instruction was supplemented with videos on capital punishment, guest speakers, classroom discussion and the use of Bedau's *The Death Penalty in America* (1982), (Bohm, 2003, p. 263). Opinions on the death penalty were disaggregated into four questions because the general opinion question taken from poll data does not accurately encompass the different degrees of support people may have (Bohm, 1989, 1990, 1994; Bohm et al., 1990, 1991, 1993, 1995; Bohm & Vogel, 1991). The first two questions proffered scenarios in which the respondent decide if *some* or *all* people convicted of first degree murder should be put to death, while the last two were more direct and asked respondents to put themselves in the position of jury member or executioner.

Bohm and associates' measure of death penalty opinion along with the improved experimental stimulus of a college classroom have led to a number of important findings. With regard to the first question of whether *all* people convicted of first degree murder should be put to death, the percentage increase in opposition went from 28.3 to 46.6 percent. Likewise, the percentage increase in opposition for *some* people convicted of first degree murder went from 28 to 49.5 percent (Bohm et al., 1991). The third question asked respondents to act as a member of a jury trial where the defendant, if found guilty, would automatically be sentenced to death. The change in percentage of those subjects

who could not convict went from 22.5 to 34.4. When asked to act as executioner and actually pull the lever themselves the percentage went from 47.2 to 49.6 percent who could not pull the lever (Bohm et al., 1991). Though support for the death penalty may decline after participants have been informed, the change in opinion was not great enough to produce an opposition greater than 50 percent (Bohm, 1989; Bohm et al., 1991; Bohm & Vogel, 1994).

Three factors were identified that were not affected by increased knowledge about the death penalty. If revenge or retribution is the main reason for death penalty support, then knowledge is not likely to effect much change because revenge is primarily an emotional instead of an intellectual response (Bohm & Vogel, 1991; Bohm et al., 1993). Increased knowledge would also not have an effect on death penalty attitudes if that opinion is based on the incapacitation effect of the death penalty, because that effect is simply irrefutable. Finally, increased knowledge of the death penalty as per the deterrence argument will not affect attitudes because general deterrence is not a particularly salient reason (Bohm et al., 1993). In fact, Bohm (1991) notes that in the 1991 Gallup poll, only 13 percent of respondents favoring capital punishment selected “it is a deterrent” as a reason for their support. It was also determined that if subjects give their opinion about the death penalty publicly, it may be more difficult to change their positions (Bohm, 1990). The reason for this is that people committing publicly to an opinion make those opinions more resistant to counter arguments and avoid thinking about the implications of that opinion.

In a partial test of the Marshall hypothesis, Lambert & Clarke (2001) and Clarke, Lambert & Whitt (2001), have focused on the idea of innocence and the effect it

has on people who maintain retribution as their main basis of support for the death penalty. Lambert and Clarke maintain that “even the most staunch adherent of an eye for an eye will want to get the right person’s eye” (2001, p. 337). Using a nonrandom sample of 210 criminal justice students, Clarke et al. used a three-part survey consisting of a pre-test, three essays, and a questionnaire to gauge attitudes on capital punishment. The first section measured students’ knowledge on the death penalty by using a series of statements based on a 5-point likert scale. The students were then asked to read three essays which included an essay on control, one on deterrence and one providing the most recent information on the frequency and probability of sentencing innocent individuals to death. The final part of the survey measured the degree to which their attitudes changed based on the exposure to each of the three essays. Clarke et al. found a small reduction in support for the death penalty, but not enough to shift the level of support to one of opposition. In fact, exposure to the “innocence” essay led to the largest degree in attitude shift toward death penalty which was statistically significant. Lambert and Clarke (2001) conducted a similar study with the only difference being a large sample (N=747). Their results produced similar findings in that those students who read the “innocence” essay had a larger reduction in support for the death penalty, but not enough to create a majority. Some obvious problems with these two studies are their use of a nonrandom sample in using only criminal justice students and the limited exposure time (approximately 10-12 minutes). Along these same lines, a positive aspect of this study is that researchers were able to produce a statistically significant shift in attitude using only limited exposure time.

The current study will utilize a college classroom as with the Bohm studies, but extend the experimental stimulus to a full semester course. This study will also expand on previous research by providing multiple measures of “knowledge.” In a few of the Bohm studies, “knowledge” was operationalized as mere exposure to the death penalty course/materials (Bohm, 1989, 1990; Bohm et al., 1990, 1991; Bohm & Vogel, 1991; Wright et al., 1995). In others, a 14-item scale was used (Bohm et al., 1991), or a single self-defined student assessment of knowledge item was utilized (Bohm et al., 1993; Bohm and Vogel, 1991). In most of Bohm’s studies, attitudes toward the death penalty are compared before and after exposure and/or between “experimental” and “control” groups (Bohm, 1989, 1990; Bohm et al., 1990, 1991; Bohm & Vogel, 1991; Wright et al., 1995). In others, “knowledge” levels are compared with death penalty opinions both at the start and at the end of the course (Bohm et al., 1993; Bohm, 1994) or changes in knowledge are examined but not correlated with death penalty support or change in that support (Bohm et al., 1991). In fact, none of these studies have correlated the effects of identified change in knowledge levels with any changes in death penalty attitudes and beliefs which are necessary for a more complete test of the second of the three Marshall hypotheses. The present study addresses this shortcoming.

Identifying changes in knowledge levels and correlating them with changes in death penalty attitudes is the most ideal way to test Marshall’s assertions in the second prong of his hypothesis. The degree of change in an individual’s knowledge level gain is the most salient way to identify whether or not a person is truly “informed.” For instance, the degree in knowledge change should have a significant impact on overall death penalty support according to Marshall’s second hypothesis. Additionally, the tendency to

disregard death penalty “myths” and accept death penalty “truths” should also be proportionate to the change in knowledge. Other correlations such as death penalty support with increased “truth” acceptance and “myth” abandonment could also be a function of the overall amount of knowledge gained.

Chapter Three

Methodology

The research design utilized for this study consisted of a one-group pretest-posttest design similar to the studies conducted by Bohm (1989, 1990) and his colleagues, (Bohm & Vogel, 1991, 1994; Bohm et al., 1990, 1991, 1993). The sample for this study consisted of 70 undergraduate Criminology students of a large, urban university in West-central Florida enrolled in a special topics course on the death penalty during the Summer of 2003. All students enrolled in this course were Criminology majors (69) or minors (1). Fifty-six percent of the subjects were female, 60 percent were white, 23 percent black, 16 percent hispanic, and 1 percent “other.” The mean age of these subjects was 23.1 (SD = 5.75; range = 19-65). Fifty-seven percent were seniors and 43 percent juniors (all special topics courses in the Criminology major are restricted to upper-division students). The self-reported grade point average of the students was 2.94 (SD = 0.43; range 2.00 - 3.81; a minimum 2.00 g.p.a is required for both the major and minor in Criminology) and 58 percent indicated having previous exposure to information on capital punishment presented in previous courses. The profile of these subjects is nearly identical to that of the major as a whole. Similar to Bohm’s studies, the course met for 3 ½ hours a day, twice a week, for six weeks (42 classroom hours, with some brief breaks). The assigned text for the course was Bohm’s *Deathquest II* (2003). Bohm and his colleagues used *The Death Penalty in America*, (1982) by Hugo Adam Bedau. I believe that the Bohm text supercedes the Bedau book for our purposes because it is more current, and, in our opinion, both more comprehensive and better suited for

undergraduates. In addition to the text, other sources of death penalty information included daily lectures and discussions, a required packet of readings containing 22 reprints of original empirical studies relating to death penalty issues and four redacted U.S. Supreme Court rulings (*Furman v. Georgia*, 1972; *Gregg v. Georgia*, 428 U.S. 153, 1976; *McClesky v. Kemp*, 481 U.S. 279, 1987; and *Witherspoon v. Illinois*, 391 U.S. 510, 1968), and several invited presentations and guest speakers. Topics covered in the course included the history of the death penalty in the United States, with special emphasis on its legal history as per the Supreme Court. These topics were also very similar to Bohm's course description. Also covered in the course were the issues of public opinion, theological and philosophical approaches to the issue of capital punishment, and retribution. The exiguous deterrent and incapacitation effects of the death penalty, the issues of innocence and miscarriages of justice in the administration of the death penalty, and questions of arbitrariness and vagary were also discussed. Finally, the questions of racial/ethnic-, economic-, gender-, and age-based disparities in capital sentencing, and the relative economic cost of capital punishment were addressed.

The instructor was forthright in presenting his own views of the death penalty, but strongly emphasized the importance for the students to form their own, informed opinions. To the best of his abilities, all sides of an argument were presented on issues without a preference for any position. The instructor would often take the role of "devil's advocate" to provoke thought and discussion. Finally, it was made aware to the students that their grades and evaluations were by no means dependent on their beliefs and how they were reported. The course, text, instructor, and other course materials were all quite favorably evaluated by the students; in fact, several of the students offered written

comments about the quality of the course and the large amount information they felt they had learned (91.4 percent indicated that they strongly agreed with the statement: “Overall, I learned a great deal from this course,” the remaining 8.6 percent agreed with this statement). Several indicated that the course had caused them to change their views regarding capital punishment (58.6 percent less supportive/more strongly opposed; 5.7 percent less opposed/more strongly in favor) while others indicated that their opinions had not changed (35.7 percent), but nearly all of the written comments showed that the students felt the course was provocative and caused them to be more introspective. We interpret these comments as validation that the “experimental stimulus” was sufficient in both quantity and quality of exposure (c.f. Lord et al., 1979; Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981).

On the first day of classes, after a brief course introduction, the students were asked to complete a brief questionnaire regarding their views on capital punishment and to take a “knowledge” pretest. The pretest was comprised of 50 randomly selected multiple-choice and true/false items derived from the test bank developed for the Bohm text. Although the pretest was graded it did not count as part of the students’ final course grades. These same 50 items comprised the “knowledge” post-test and were given as part of the final exam. The scores on this exam did count as 25 percent of the students’ final course grades.

The subjects’ attitudes toward capital punishment were measured before and after the stimulus using a single item. The first asked “Which of the following statements best describes your position toward the death penalty for *all* persons convicted of first-degree murder?” Response categories ranged from 1 = very strongly opposed to 7 = very

strongly in favor (high score = high support). The questionnaires also included a series of eleven statements displaying “truths” and “myths” about capital punishment where students were asked to indicate the degree they agreed/disagreed (1 = strongly disagree; 4 = strongly agree). Four of these statements represented death penalty “truths:” (1) There is strong reason to believe that similar offenders convicted of murder often receive dissimilar sentences; that is, some are sentenced to death while others are sentenced to an alternative less than death,” (2) “Poor people who commit murder are more likely to be sentenced to death than rich people,” (3) “A black person is more likely to receive the death penalty than a white person for the same crime,” and (4) “Those who murder white victims are more likely to receive the death penalty than those who murder blacks.” These four items were combined into a collective death penalty “truths” scale (high scores = high truth).

The remaining seven items represented death penalty “myths:” (1) “The murder rate usually drops in the weeks following a well-publicized execution,” (2) “The murder rate is lower in states with the death penalty,” (3) “The best available research findings consistently reveal unambiguous evidence that capital punishment reduces homicide,” (4) “The death penalty is more effective than life imprisonment without possibility of parole (LWOP) in protecting society from the future actions of those who have already committed capital crimes,” (5) “Only legally relevant criteria distinguish murderers sentenced to death from those sentenced to a punishment less than death,” (6) “There is no evidence to support the claim that innocent persons have ever been sentenced to death and executed in error,” and (7) “Capital punishment is less expensive than alternative

punishments such as life imprisonment without opportunity for parole (LWOP).” These seven items were combined into a collective death penalty “myths” scale.

Change in knowledge attitudes and beliefs was operationalized by three different methods. The first method consists of simple differencing the pre-test score from the post-test or vice versa, depending on the direction the change should occur. For example, an increase in knowledge level should have a positive association with truth acceptance but have a negative association with myth holding and death penalty support if it is concurrent with Marshall’s second hypothesis. The second method, percent of change, takes the difference from the pretest and posttest scores or posttest from the pretest and divides it by the original pretest score. The third method measures the change in relative gains achieved by each participant. Relative gain refers to the difference of the pretest-posttest scores divided by the maximum total possible points between the original pretest score and the total possible score that could have been achieved. These are measurable gains specific to each participant based on their scoring differentials between pre and post test. Each student, in effect, creates for him/herself a range of possible improvement available to them. A student scoring a 90 percent on the pretest can only gain a maximum of 10 total points assuming they score perfectly on the posttest (See Figure 1). A student scoring 50 percent on the pretest has a better opportunity to attain a large amount of total gain points by scoring well on the posttest. Assuming the second student receives an 84 percent on their posttest, the difference (34 points) would be divided by the total points possible (50) in order to receive this student’s relative gain (0.68).

Figure 1. An Example of Relative Gains

	Pretest	Post-test	Difference	Points Possible	Relative Gain
Student 1	90	100	10	10	1.00
Student 2	50	84	34	50	0.68

Although there is a disparity in the amount of total points gained between the two students, student 1 was able to achieve a relative gain of 100 percent while student 2 only achieved 68 percent. The first two measures described would show the second student as having the greatest amount of knowledge gained, which albeit true, fails to show the context of that gain. The measure of relative gain addresses this limitation. Each item was constructed in such a way that a negative association between the change in knowledge measure and change in the death penalty attitude and belief measure would show support for the second Marshall hypothesis. That is, the increases in knowledge should be associated with significant decreases in death penalty support. Increases in knowledge should also have a positive association with truth acceptance and a subsequent negative association with myth holding. Pearson product-moment correlation coefficients are used to assess the nature of the relationship between knowledge gained and changes in truth acceptance, myth holding, and death penalty support.

Chapter Four

Results

Table 1 presents zero-order product moment correlations between measures of knowledge gain and the measures of change in death penalty support. The net difference between pretest and posttest score as a measure of knowledge gain shows no relationship across all three measures of change in death penalty support. Likewise, the correlations between percent of change in knowledge and the three death penalty support measures also failed to attain statistical significance. However, correlations between relative gains in knowledge are statistically significant across all three measures of death penalty support. Therefore, the effect of knowledge gained on change in death penalty support achieves statistical significance only when it is measured as relative gains. Those students which showed the greatest relative gains in knowledge also reported the greatest decreases in death penalty support consistent with the second Marshall hypothesis.

Table 1. Pearson's Zero-Order Product Moment Correlation between Knowledge Gains and Change in Death Penalty Support (N=70)

<u>Knowledge Gains</u>	<u>Death Penalty Support</u>		
	Difference	Percent of Change	Relative Gain
Difference	-.107	-.125	-.125
Percent of Change	-.002	-.003	-.003
Relative Gain	-.220*	-.265*	-.265*

* p < .05 (one-tailed t-test)

When the correlations between knowledge gains and truth acceptance are examined (Table 2) a different pattern of findings emerge. The net difference between pretest and posttest score as a measure of knowledge gain is significantly correlated with the posttest difference in truth acceptance, but not with the percent of change or relative gains measures. The only other significant relationships emerge when correlating relative gains made in knowledge with both the net difference and the relative gains measures of truth acceptance. These relationships seem to suggest that knowledge gains may have lead to greater death penalty truth acceptance. Acceptance of death penalty truths is likely to be a major component in death penalty opposition. As such, these findings supplement the argument that increases in relative knowledge gain will decrease death penalty support through truth acceptance, albeit indirectly.

Table 2. Pearson's Zero-Order Product Moment Correlation between Knowledge Gains and Change in Truth Acceptance (N=70)

<u>Knowledge Gains</u>	<u>Truth Acceptance</u>		
	Difference	Percent of Change	Relative Gain
Difference	.198*	.184	.219
Percent of Change	.106	.096	.093
Relative Gain	.227*	.158	.340*

* p < .05 (one-tailed t-test)

Table 3 presents zero-order product moment correlations between measures of knowledge gain and the measures of change in myth holding. None of the measures analyzed produced statistically significant correlations. This suggests that there is no direct relationship between gains in knowledge and the abandonment of death penalty myths. This is not to assume however, that there is not an indirect relationship. Table 4, which presents the correlations between truth acceptance and myth holding, reports that the correlation between the percent of change in truth acceptance and the relative reduction in myth holding is statistically significant. Thus, increased acceptance of death penalty truths may lead to the abandonment of certain death penalty myths. In other words, those students which showed the greatest percent of change in truth acceptance also reported the greatest relative decreases in myth holding. Accepting death penalty truths challenges the viability of death penalty myths, which are conducive to death penalty support.

Table 3. Pearson's Zero-Order Product Moment Correlation between Knowledge Gains and Change in Myth Holding (N=70)

<u>Knowledge Gains</u>	<u>Myth Holding</u>		
	Difference	Percent of Change	Relative Gain
Difference	-.089	-.135	-.022
Percent of Change	-.068	-.086	-.018
Relative Gain	-.067	-.075	-.042

* $p < .05$ (one-tailed t-test)

Table 4. Pearson's Zero-Order Product Moment Correlation between Truth Acceptance and Change in Myth Holding (N=70)

<u>Truth Acceptance</u>	<u>Myth Holding</u>		
	Difference	Percent of Change	Relative Gain
Difference	-.156	-.144	-.160
Percent of Change	-.181	-.159	-.201*
Relative Gain	-.113	-.128	-.069

* $p < .05$ (one-tailed t-test)

The zero-order product moment correlations between measures of truth acceptance and measures of change in death penalty support are displayed in Table 5. No statistically significant correlations were found between any of these measures. However, a number of the correlations between measures of reduced myth holding and measures of change in death penalty support (as shown in Table 6) attain statistical significance. The correlation between net differences in myth holding and all three measures of change in death penalty support attain statistical significance. Likewise, the net differences in death penalty support are also significantly related to all three measures of change in myth holding. Thus, those students who most abandoned death penalty myths also reported the greatest decreases in death penalty support. As was mentioned before, the reduction in death penalty myth holding is directly related to the gains made in truth acceptance. These findings suggest that a complex relationship exists between truth acceptance and reduced death penalty support when mediated by death penalty myth holding.

Table 5. Pearson's Zero-Order Product Moment Correlation between Truth Acceptance and Change in Death Penalty Support (N=70)

<u>Truth Acceptance</u>	<u>Death Penalty Support</u>		
	Difference	Percent of Change	Relative Gain
Difference	-.069	-.030	-.030
Percent of Change	-.056	-.018	-.018
Relative Gain	-.016	-.028	-.028

* p < .05 (one-tailed t-test)

Table 6. Pearson's Zero-Order Product Moment Correlation between Myth Holding and Change in Death Penalty Support (N=70)

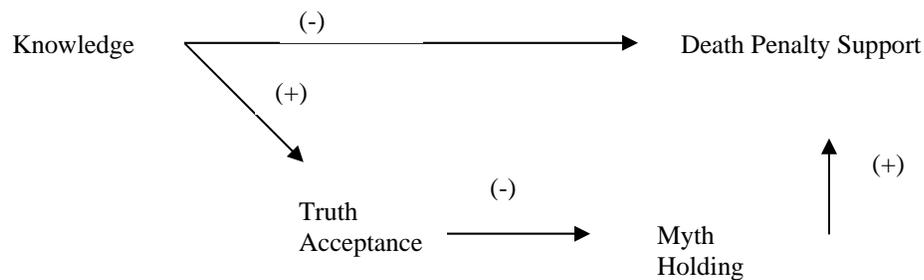
<u>Myth Holding</u>	<u>Death Penalty Support</u>		
	Difference	Percent of Change	Relative Gain
Difference	.275*	.224*	.224*
Percent of Change	.237*	.192	.192
Relative Gain	.270*	.194	.194

* p < .05 (one-tailed t-test)

In summation, these findings reported in Tables 1-6 suggest that gains in knowledge have both direct and indirect relationships with decreases in death penalty support. For example, Figure 2 shows a direct relationship in that an increase in knowledge leads to a decrease in death penalty support. The indirect relationship appears

to be a function of truth acceptance, myth holding and death penalty support also illustrated in Figure 2.1. Knowledge gains are directly related to increased acceptance of death penalty truths. In turn, increased acceptance of death penalty truths leads to a decrease in adhering to death penalty myths. Finally, the abandoning of death penalty myths leads to decreased support for the death penalty. These direct and indirect relationships between knowledge gains and the reduction of death penalty support give credence to the second prong of the Marshall Hypothesis.

Figure 2. Direct and Indirect Effects of Knowledge Gain on Decreased Support for Capital Punishment



The two variables having the greatest direct impact on change in death penalty support according to Tables 1 through 6 are knowledge gain and myth abandonment. In order to better understand some of the dynamic behind these effects, a profile analysis is employed to examine the characteristics of those students who reported the highest knowledge gains and the lowest myth abandonment. That is, the demographic

characteristics of those participants that displayed the greatest amount of knowledge gain will be evaluated to determine what factors specific to the group or individual facilitated a change in attitude. Transversely, those students who were found to be most resistant in maintaining their death penalty myths will also be analyzed. To do so, the profile of those students from the top 20 percent of knowledge gain is described (Table 7). Similarly, a profile of those students from the bottom 20 percent of myth holding is also described (Table 8).

**Table 7. A Profile Analysis of People with The Strongest Knowledge Gains:
Relative Gain Greater than or Equal to .80 (n=16)**

<u>Variable</u>	<u>Mean</u>	<u>Standard Deviation</u>	<u>Minimum</u>	<u>Maximum</u>
Age	22.94	3.53	19.0	34.0
Sex	0.56	0.51	0.0	1.0
Black	6 %	0.25	0.0	1.0
Hispanic	0.13	0.34	0.0	1.0
G.P.A	3.17	0.45	2.2	3.81
Retributiveness	8.38	2.47	4.0	13.0
Difference in truth acceptance	3.63	3.84	-2.0	12.0
Difference in myth holding	4.13	4.92	-5.0	14.0
Death penalty support (pretest)	4.81	1.11	2.0	7.0
Death penalty support (posttest)	3.50	1.86	1.0	7.0
Difference in DP Support	1.31	1.40	0	4.0
% of change in DP Support	0.28	0.31	0	0.80
Relative gain in DP Support	0.28	0.31	0	0.80

The participants most likely to hold on to previously held myths about the death penalty had a mean age of 23.7 and made up 53 percent of the class. The range in age went from 19 years old to 65. These students had a mean grade point average of 2.90 with a minimum of 2.0 and a maximum of 3.78. The mean difference in truth acceptance was 1.89 with a standard deviation of 3.74. These students had a mean score of 4.97 for the death penalty support variable on the pretest and a mean score of 4.41 on the posttest. The difference between the pretest and posttest scores was 0.57.

Table 8. A Profile Analysis of Most Resistant Myth Holders: Percent of Change Less than or Equal to .20 (n=37)

<u>Variable</u>	<u>Mean</u>	<u>Standard Deviation</u>	<u>Minimum</u>	<u>Maximum</u>
Age	23.70	7.64	19.0	65.0
Sex	0.56	0.50	0.0	1.0
Black	24 %	0.43	0.0	1.0
Hispanic	0.11	0.31	0.0	1.0
G.P.A	2.90	0.45	2.0	3.78
Retributiveness	8.41	2.90	4.0	15.0
Difference in truth acceptance	1.89	3.74	-3.0	12.0
Difference in knowledge gain	44.78	15.84	18.0	80.0
Relative knowledge gain	0.70	0.13	0.38	0.96
Death penalty support (pretest)	4.97	1.54	1.0	7.0
Death penalty support (posttest)	4.41	2.13	1.0	7.0
Difference in DP Support	0.57	1.56	-2.0	4.0
% of change in DP Support	0.10	0.38	-1.0	0.80
Relative gain in DP Support	0.10	0.38	-1.0	0.80

The participants achieving the greatest amount of knowledge gains had a mean age of 22.9 and made up 23 percent of the class. The range in age went from 19 years old to 34. These students had a mean grade point average of 3.17 with a minimum of 2.2 and a maximum of 3.81. The mean difference in truth acceptance was 3.63 with a standard deviation of 3.84. These students had a mean score of 4.81 for the death penalty support variable on the pretest and a mean score of 3.50 on the posttest, for a difference of 1.31.

These numbers indicate that there were significant differences along with some similarities between the two groups. Grade point average, for example, displayed very similar low and high range values that only varied by one or two tenths of a point. The difference becomes evident when comparing the two mean scores which are 2.90 for the staunch myth holders versus 3.17 for the greatest knowledge gain students. This is a significant, though not surprising difference in that those students who made the greatest knowledge gains would also have the higher grade point average. It is also not surprising to see that the highest myth holding students had a mean score of 1.89 in truth acceptance on the seven point scale as opposed to a score of 3.63 for the highest knowledge gain students. Those participants most likely to hold on to death penalty myths should also be more resilient in accepting death penalty truths. Finally, the most relevant observation when looking at pre and posttest differences is the degree of change in death penalty support. Both the myth holding and knowledge gain students report very similar pretest scores of 4.97 and 4.81, respectively. At the time of the posttest, however, the students with the greatest knowledge gains show a mean score of 3.50 in death penalty support while their myth holding counterparts displayed a 4.41, indicating only a minimal reduction in support. A mean difference of 0.57 for the myth holders and 1.31 for the

knowledge gains students shows a significant difference in death penalty support. This is also not a surprising conclusion when considering the results of Tables 1-6 and of Figure 2 which illustrates the direct and indirect effect of knowledge gain and myth holding on death penalty support.

These results have considerable relevance when we relate them to the contentions made in the Marshall Hypothesis, specifically the second prong. Justice Marshall's belief that with increased information and knowledge gains the "great mass of citizens would conclude that the death penalty is immoral and therefore unconstitutional" has a significant bearing on the aforementioned results. Although a 1.31 reduction in death penalty support by the highest knowledge gains students is not tantamount to a total rejection of the death penalty, it does illustrate a definite trend. Those students with the highest grade point averages that were able to accept death penalty truths and abandon death penalty myths consequently made the greatest amount of knowledge gains. This result certainly gives credibility to the belief that the more knowledgeable one becomes on capital punishment, the more likely one is to reject its practice.

Chapter Five

Summary and Conclusions

This study sought to examine whether or not a relationship exists between support for capital punishment and knowledge gained on the subject. The reason for conducting this type of research follows the notion that the American public is usually uninformed on a variety of different topics which they also profess to have strong opinions on. The Marshall Hypothesis serves as an excellent springboard for this research and has become the impetus for many studies preceding this one. The second prong of this hypothesis states that if the American public were to become informed about the practice, application, and corollary effects of capital punishment, they would be against it. The other two prongs offer that the majority of Americans are uninformed about the death penalty and that information would have no effect on their beliefs if that belief was rooted in retribution. This study focused on the second prong of that hypothesis and attempted to identify the dynamics behind how information becomes knowledge, how much of that knowledge was gained, and if increased knowledge reduced death penalty support.

This study replicated the classroom setting used by Bohm and his associates and used a one-group pretest-posttest design (Bohm, 1989, 1990; Bohm & Vogel, 1991; Bohm et al., 1990, 1991, 1993). The group consisted of 70 undergraduates who were either criminology majors or minors enrolled in a special topics course on the death penalty during the Summer of 2003. The class consisted of an assigned text for the course, daily lectures and class discussions, required reading packets, and several invited

presentations and guest speakers. Students were given a “knowledge” pretest at the beginning and end of the class which consisted of 50 random questions related to capital punishment. This test was supplemented with a survey used to gauge students’ attitudes toward capital punishment which consisted of a 7-point likert scale. The survey also included eleven statements that represented “truths” and “myths” about the death penalty which were measured using a 4-point scale. The main focus of the study was change in knowledge and amount of knowledge gained, which was analyzed using simple differencing, percent of change and relative gains. The nature of the relationship between knowledge gained and changes in truth acceptance, myth holding, and death penalty support were assessed by using Pearson product-moment correlation coefficients.

Results of the study included a number of key findings which displayed some direct and indirect associations between increased knowledge and death penalty support. In terms of direct knowledge gains on death penalty support, a key finding was that those students with the greatest relative gains in knowledge reported the greatest decreases in death penalty support. In this case knowledge level did have the predicted effect on death penalty support, but only as a function of the specific relative gains made. Knowledge gain was also measured against the degree to which the students held on to death penalty myths. Although no association was found that achieved any statistical significance, further analysis revealed an indirect correlation between knowledge gains, truth acceptance, and the effect it had on myth abandonment. Acceptance of death penalty “truths” was found to be directly related to an increase in knowledge gain, which subsequently lead to a reduction in students holding on to their death penalty “myths.” Truth acceptance alone had no effect on reduced death penalty support unless it was also

correlated with myth holding, revealing a complex indirect relationship. In both cases increased knowledge gains lead to a reduction in death penalty support either directly or indirectly when mediated by truth acceptance and myth holding. These key findings seem to suggest that the second prong of the Marshall Hypothesis maintains relevance even if its suppositions are more multifaceted than originally surmised.

Some other findings, the result of a demographic analysis between the most stringent myth holders and people with the highest knowledge gains, illustrated specific attributes associated with each of these groups. For example, the students who made the greatest gains in knowledge also had a higher mean grade point average than their counterparts. These same students were able to attain a higher level of truth acceptance and refute death penalty myths. An interesting finding was that both groups detailed similar pretest scores on death penalty support, but after the stimulus, the highest knowledge gain students had a much more significant reduction in death penalty support than students who held onto their myths.

There were several limitations to this study which should be addressed in future research on the Marshall Hypothesis. The sample used was not a random sample as it was comprised of criminal justice students who opted to take the special topics course on capital punishment. There was no control group and there were no controls for gender, race, grade point average, and retributiveness. The statistical analysis was incomplete because there was no use of residual change scores. Valid generalizations of these findings cannot be conclusively drawn due to the fact that the level of correlation was relatively low and statistical significance achieved was never higher than a 0.340.

The relevance of this research is evident today because capital punishment in the United States remains a hot button issue. Proponents and opponents of the death penalty stringently maintain their beliefs and justify them with a number of religious, academic, and social rationales. The justifications behind the reasoning of death penalty proponents were directly challenged through increased information and discussion in the setting of a university classroom. If Justice Marshall's contentions are to have any legitimacy in the ongoing debate over capital punishment in this country, then they should be tested completely. As researchers achieve a more cogent and comprehensive analysis of this postulate, the closer we will come in deciding its true relevance.

The research conducted in this study was not meant to be a simple replication exercise of the previous tests of the Marshall Hypothesis. I believe that there was a significant contribution to be made to the extant literature in that no one had previously studied change in knowledge and the effect it had on death penalty support. Increased information, and therefore knowledge, is an integral component to the second prong of the Marshall Hypothesis, and should be measured to see if it was actually achieved. Previous tests have relied on exposure to information on the death penalty, and although time and level of exposure were increased, the retention and level of increase were never analyzed. This study provided multiple measures of knowledge and attempted to measure that change in knowledge to see if was retained at the end of the class and what effect this change had on support for capital punishment. Although it is beyond the scope of this study to evaluate the epistemological foundation of knowledge gain, it does prove that increased knowledge can change opinion and beliefs. The data show that analyzing

the dynamics of knowledge gain is now the proper focus of the debate over the ability to create an “informed electorate.”

References

- Bailey, William C. and Ruth D. Peterson (1994). Murder, capital punishment, and deterrence: A review of the evidence and an examination of police killings. *Journal of Social Issues*, 50, 53-74.
- Bedau, Hugo Adam (Eds.). (1982). *The death penalty in America*, Third Ed. New York: Oxford University Press.
- Bohm, R. (1989). The effects of classroom instruction and discussion on death penalty opinions: A teaching note. *Journal of Criminal Justice*, 17, 123-131.
- Bohm, R. (1990). Death penalty opinions: A classroom experience and public commitment. *Sociological Inquiry*, 60, 285-297.
- Bohm, R. (1994). A comparison of factors associated with uninformed and informed death penalty opinions. *Journal of Criminal Justice*, 22, 125-143.
- Bohm, R., Clark, L. J., & Aveni, A. F. (1990). The influence of knowledge on reasons for death penalty opinions: An experimental test. *Justice Quarterly*, 7, 175-188.
- Bohm, R., Clark, L. J., & Aveni, A. F. (1991). Knowledge and death penalty opinion: A test of the Marshall Hypothesis. *Journal of Research in Crime and Delinquency*, 28, 360-387.
- Bohm, R., & Vogel, R. E. (1991). Educational experiences and death penalty opinions: Stimuli that produce changes. *Journal of Criminal Justice Education*, 2, 69-80.
- Bohm, R., Maisto, A. A., & Vogel, R. E. (1993). Knowledge and death penalty opinion: A panel study. *Journal of Criminal Justice*, 21, 29-45.
- Bohm, R. (2003). *Deathquest II: An introduction to the theory and practice of capital punishment in the United States* (2nd ed.). Cincinnati: Anderson.
- Clarke, A. W., Lambert, E., & Whitt, L. A. (2001). Executing the innocent: The next step in the Marshall Hypothesis. *Review of Law & Social Change*, 26, 309-345.
- Ellsworth, P. C., & Ross, L. (1983). Public opinion and capital punishment: A close examination of the views of abolitionists and retentionists. *Crime and Delinquency*, 29, 116-162.
- Garey, Margot (1985). The cost of taking a life: Dollars and sense of the death penalty. *University of California, Davis Law Review*, 18, 1221-1273.

- Lambert, E., & Clarke, A. (2001). The impact of information on an individual's support of the death penalty: A partial test of the Marshall Hypothesis among college students. *Criminal Justice Policy Review*, 12, 215-234.
- Lord, C. G., Ross, L., & Lepper, M. R. (1979). Biased assimilation and attitude polarization: The effects of prior theories on subsequently considered evidence. *Journal of Personality and Social Psychology*, 37, 2098-2109.
- Marquart, James W. and Jonathan R. Sorensen (1989). A national study of the Furman-Commuted inmates: Assessing the threat to society from capital offenders. *Loyola of Los Angeles Law Review*, 23, 101-120.
- Sarat, A., & Vidmar, N. (1976). Public opinion, the death penalty, and the Eighth Amendment: Testing the Marshall Hypothesis. *Wisconsin Law Review*, 171, 171-206.
- Vidmar, N., & Dittenhoffer, T. (1981). Informed public opinion and death penalty attitudes. *Canadian Journal of Criminology*, 23, 43-56.
- Wright, H. O. Jr., Bohm, R. M., & Jamieson, K. M. (1995). A comparison of uninformed and informed death penalty opinions: A replication and expansion. *American Journal of Criminal Justice*, 20, 57-87.