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Short-term visiting professor at Bocconi from Stanford Law School, Donohue contributed with his studies to the repeal of the death penalty in Connecticut

If you think academic work can’t be “emotionally draining”, meet John Donohue, the C. Wendell and Edith M. Carlsmith Professor of Law at Stanford Law School, who’s teaching law and economics at Bocconi as a short-term visiting professor. In the last six years his academic interests led him to the death rows of Connecticut prisons and his work is the main piece of evidence in a trial which will decide the fate of five inmates sentenced to death and perhaps of six more.

Educated as a juris doctor at Harvard Law School, his specialization is the use of empirical analysis to determine the impact of law and public policy in a wide range of areas. He decided to complement his law education with a PhD in Economics (which he obtained at Yale in 1986) in order to develop command over the statistical tools needed in this area of study. “I was especially struck by a classic Isaac Ehrlich study about the death penalty, claiming that every execution saves eight human lives. I was skeptical of the conclusions but I needed to learn more econometrics before I was in a position to fully evaluate this study. I can now say that the study was methodologically flawed”, Donohue explains.

In the following years Donohue applied empirical analysis to a number of social issues, including civil rights, discrimination, crime, school funding and the increasing rate of incarceration in the US (“It’s true that it stems crime rates, but only up to a point, and in the US costs have surpassed benefits”).

The turning point in Donohue’s career, six years ago, was the request, by the Connecticut chief public defender’s office, to assess the arbitrariness of the application of the death penalty in the state for a trial involving five death row inmates who were claiming that the decision-making process in death penalty cases is arbitrary and fraught with racial and geographical biases.

The conclusions of his study (“Arbitrariness and discrimination are defining features of the state’s capital punishment regime, which represents a chaotic and unsound criminal justice policy that serves neither deterrence nor retribution”) ignited a soul-searching process in Connecticut, which ultimately led to the repeal of the death penalty for future cases in April 2012.

Nothing, though, has been decided about the fate of the 11 inmates currently in Connecticut’s death rows and that’s the reason why the trial is being held, with Donohue as the key expert witness. “It will resume on November 19th, when I’m back in the US”, he reckons, “and it should be over in a week. But then it will take some months for the judges to issue a decision”.

“In hindsight, working on this report and being involved in the trial has been much more challenging than expected, something that changed my life and the life of my family. I didn’t fully anticipate what it would feel like to walk into a death row or to be savagely attacked at the trial by an expert hired by the state of Connecticut who is trying to undermine the findings of my report. But he has just statistical expertise and I think that having both a statistics and a law education is a great advantage for me – especially since the facts are on my side”.

Prof. Donohue will discuss human rights and criminal law systems at the Fourth Science for Peace World Conference (Aula Magna Università Bocconi, November 16-17, 2012).

Fabio Todesco