

## REVIEW ARTICLE

# Last meals and final statements: Social science research on America's death row

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**Abstract**

Over the past two decades, a growing body of work has emerged in the social sciences that explores various aspects of capital punishment in the contemporary United States. This article reviews one strand of this literature that focuses on the execution ritual itself – specifically on condemned inmates' last meals and the final statements that they make in the execution chamber just prior to their execution. It also discusses some of the limitations of the research and offers some ideas for future scholarship in this area.

**KEYWORDS**

capital punishment, death row, final statements, last meals, United States

## 1 | INTRODUCTION

Over the past two decades, a growing body of work has emerged in the social sciences that explores various aspects of capital punishment in the contemporary United States. In this article, I will review one strand of this literature that focuses on the execution ritual itself – specifically on condemned inmates' last meals and the final statements that they make in the execution chamber just prior to their execution. Whereas executions, at least in the United States, are increasingly privatised, rationalised, and dehumanised (Johnson, 1998; Lynch, 2000) – “...nothing more than the efficient disposal of waste” as Daniel LaChance (2007:702) has argued – condemned inmates' decisions over their last meals and what, if anything, to say in their final statements “...are [nevertheless] moments of humanity in an otherwise inhumane ritual”, offering the inmate “a moment of autonomy on the threshold of death” (Johnson, 2013, p. 115). Neither feeding an inmate who is shortly to be put to death nor allowing them to speak as they lie on a gurney in the execution chamber serve any practical purpose, but rather, if anything humanise the inmate by emphasising their autonomy and individuality (LaChance, 2007). Exploring final meals and statements thus offer fascinating insights into human beings *in extremis*.

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The article will be structured in three main sections. In the first, I will discuss the small body of scholarship on inmates' last meals. Following on from this, in the bulk of the article, I will turn my attention to the comparably larger body of scholarship on final statements. Finally, I will conclude by discussing some of the limitations of the research and offering some ideas for future scholarship in this area.

## 2 | LAST MEALS

Inmates on Death Row are offered a last meal in the twenty-four-hour period leading up to their execution. Each state, however, has a different policy regarding the last meal. In some states the inmate asks for it in person, while in others they make their selection known via a pre-printed form. Similarly, the maximum cost of last meals has ranged from \$20 in Texas to \$40 in Indiana and Florida. In Florida, inmates are also limited to whatever is available locally, while in Indiana inmates can select from a small number of local restaurants (Jones, 2014). Prior to 2011, Texas had limited inmates to whatever was available within the prison kitchen or butcher shop. However, in that year, following an incident where a condemned inmate, the white supremacist murderer Lawrence Russell Brewer, asked for, and was provided, with an expansive meal that he then declined to eat, the state decided to withdraw the choice of last meal.<sup>1</sup> In its place, condemned inmates are offered instead the same meal as other inmates in the prison (CBS News, 2011).<sup>2</sup>

This denial of an inmates' choice of last meal is significant because of two factors highlighted in the social science literature on the topic. Primarily, there is the symbolic meaning of denying the condemned inmate their choice of last meal. As Linda Ross Meyer (2011:180, 181) has argued, the symbolism of the last meal – echoing as it does Passover and the Last Supper, as well as offerings of food to the dead in ancient cultures – “is perhaps even richer and more multivocal than the ritual of last words”. Thus, on one level, the last meal may be read “[a]s a ritual of reconciliation... [;]...an offering by the guards and prison administrators as a way of seeking forgiveness for the impending execution”. Recognising that food brings comfort, “...eating a hearty meal also symbolises a clear conscience, a mind at peace with itself, and with the host”. However, conversely, she notes how the last meal also signifies “...the absence of forgiveness, hospitality, reconciliation, protection, friendship, and nourishment”.

The role played by the last meal in comforting condemned inmates has also been highlighted by other scholars. Michael Owen Jones (2014) has suggested that meals chosen by inmates, where they have the ability to do so, are selected not only for the physical and emotional comfort that they bring, but also for their ability to trigger pleasant memories from life before confinement. Savoury and sweet foods, in particular, as well as luxury and prestige foods, such as lobster or shrimp, may also be selected because they have been denied to inmates during their incarceration. This thesis on the role of ‘comfort food’ in the execution process also finds support in the work of Kevin M. Kniffin and his colleagues, who examined the food selections of 272 inmates executed in the United States between 2002 and 2006. On average, they concluded that inmates selected 2.18 items of meats and fried foods compared with 1.02 items of starches, fruits and vegetables. This pattern, they concluded, was consistent across the country, and there were also no differences in foods selected between those who admitted or denied their guilt (Kniffin et al., 2011).

In a subsequent piece of research drawing on the same sample of inmates, Brian Wansink along with Kniffin and Mitsuru Shimizu (2012) also found that last meals were calorically rich, containing on average 2.5 times the daily recommended servings of protein and fat for an adult (2756 calories). Last meals also on average exceeded in one meal the daily range of calories recommended for sedentary males in their thirties and forties in an entire day (2200–2400 calories). In addition, inmates more often than not selected calorie-dense food options such as meat, fried food, and desserts, as well as soft drinks rather than fruits and vegetables. Just under 40% also selected branded products for their last meals (39.9%). Again, Wansink and his colleagues explain these patterns by arguing that high-calorie and calorie-dense foods such as meats and fried foods are selected because of their ability to provide comfort and mediate stress. Moreover, they suggest, the preference for branded products may reflect a related desire for, among

other things, familiarity and past positive associations. The latter foodstuffs, of course, would also have been denied to inmates during their incarceration.

A final interesting conclusion regarding last meal selection from the work of Kniffin and Wansink (2014) is that those who deny their guilt were significantly more likely to refuse a last meal than those who admitted guilt and apologised to their victims in their final statements ( $p < 0.001$ ). Those who denied their guilt were almost three-times as likely (2.7) to refuse a last meal than those who admitted their guilt, and where they did select one, it contained statistically fewer calories (2786 compared with 2085 calories:  $p < 0.005$ ). The former group, where they did not refuse a last meal, were also on average significantly less likely to select branded foods than those who admitted guilt (0.18 items compared with 0.56 items:  $p < 0.005$ ). Kniffin and Wansink explain these patterns by arguing that refusing a last meal could be a way for the condemned inmate to register their lack of consent to the execution process. To return to Ross Meyer's (2011) earlier point, such inmates are rejecting the forgiveness and reconciliation implicit in the offer of the last meal from those who are shortly to take their life. In contrast, those who admit guilt are probably more likely to select a meal because they are more at peace with their sentence and their fate.

The work on last meals is suggestive but is not, as Wansink, Kniffin and their colleagues themselves acknowledge, without its issues (see Wansink et al., 2012, p. 840). Primarily, the research is based on the known amounts of food that were ordered rather than the unknown amounts that were actually consumed. Put another way, inmates may select different amounts of food, and there may indeed be differences in the amounts selected by those who admit or deny their guilt, but there is no way of knowing how much of it is actually consumed. Indeed, some inmates may select large amounts of food with the intention of sharing it with their guards. Moreover, both the foods and portions selected may reflect a desire for the types of food denied inmates during their (typically long) incarceration, rather than a desire for 'comfort food' per se. Finally, in the context of the last study cited above, there is also no way of ascertaining whether inmates who denied their guilt in their final statements were in fact innocent. As Kniffin and Wansink (2014) concede, at the time that they wrote their article, the Death Penalty Information Centre had only identified 10 inmates among those executed post-*Furman* who were 'executed but possibly innocent'.<sup>3</sup> Only one of the inmates who denied their guilt in their sample were included among these 10, thus raising doubts about the patterns observed. That said, it is possible, as the authors note, that the remainder may still nevertheless be innocent and may be subsequently exonerated.

### 3 | FINAL STATEMENTS

The final stage of the execution ritual before sentence of death is carried out is the final statement of the condemned. The last words of the condemned to those gathered to witness the execution, which in the past could number upwards of thousands, has been a part of the execution ritual in England back to at least the fourteenth century, and something that the colonial settlers brought with them to the New World (Ross Meyer, 2011).<sup>4</sup> In Texas, the state that has provided the majority of the material for the analysis of final statements, the warden gives condemned inmates the opportunity to make a final statement through a microphone to the gathered witnesses after they have been secured to the gurney in the execution chamber (Texas Department of Criminal Justice, 2019). These statements are then transcribed by a member of TDCJ staff from a remote location listening through the PA system and then uploaded, minus any profanity, to the 'Death Row Information' section of the TDCJ website (Vollum & Longmire, 2009).<sup>5</sup>

As noted above, to date significantly more academic attention has been paid to the final statements of condemned inmates than to their last meal selections. Scholars have adopted both qualitative and quantitative methodologies to explore aspects of final statements, although the majority of the research has tended to be quantitative in nature. In broad terms, scholars who have explored the themes found in final statements have tended to adopt a qualitative methodology, whereas those who have examined underlying trends and comparative questions have adopted a quantitative methodology. The research on final speeches to date has explored four broad inter-related topics: the

themes and psychological constructs found within the statements; factors that explain why some inmates apologise and express repentance in their statements while others do not; inmates' (perhaps unexpected) use of positive emotional language within their statements; and the meaning of the final statements themselves.

### 3.1 | Common themes found in final statements

Beginning with the publication of an article by Nathan A. Heflick in 2005, a number of scholars have explored the themes found in the final statements. To date, all but one piece of research – an article by Miranda Upton and her colleagues (2017) on Missouri – have drawn on statements made by inmates in Texas. This no doubt reflects both the fact that over a third of inmates executed in America post-*Furman* have been executed in this one state (570 of 1533 executions), and that researchers can easily access their statements online. While there do not appear to be any real differences between the content of inmate statements from Missouri and Texas, this exclusive focus on Texas means that each piece of research on the topic has effectively explored the same, or at least overlapping statements. For example, Heflick (2005) sampled 237 statements from between 1997 and 2005, Andreas Schuck and Janelle Ward (2008) sampled 283 statements from between December 1982 and November 2006, Scott Vollum (2008; see also Vollum & Longmire, 2009) sampled 292 statements from between December 1982 and March 2004, while Linda Ross-Meyer (2011) in turn sampled from 1982 to 2008. Moreover, each author has also identified similar, if not identical, themes in their respective sample of statements. All the Texas studies and the Missouri study have highlighted expressions of love and appreciation to family and friends as well as expressions of religious faith (such as belief in God and the afterlife, and prayer) as dominant themes in statements. Other recurring themes include expressions of both guilt and innocence, forgiveness (both in terms of forgiving others and the inmate seeking forgiveness for themselves), and, as will be discussed in more depth below, apology (see Figure 1).<sup>6</sup>

This work has been complemented by several articles written by psychiatrists Sharon R. Foley and Brendan D. Kelly on the psychological constructs found within the final statements (Foley & Kelly, 2007, 2018; Kelly & Foley, 2013, 2018). As in the above work, Foley and Kelly found nine themes in 240 final statements from Texas from between 2002 and 2017, such as 'love', 'spirituality', 'apologizes to victim's family', and 'regret for offence'. They then adapted the Thematic Guide for Suicide Prevention (TGSP) developed by Antoon Leenaars (see, for example, Leenaars, 1988), classifying evidence within the statements in terms of two main domains (intrapyschic and interpersonal) and eight psychological factors. In the intrapsychic domain, just under half (47%) of the statements analysed displayed evidence of 'unbearable psychological pain', mainly "...the idea that death stops painful tension, relieves intolerable pain, and provides flight from psychological and environmental traumas" (Kelly & Foley, 2013, p. 544). In the interpersonal domain, just over half (51%) displayed evidence of 'identification-egression', where the condemned inmate "...identifies with a lost or rejecting other or ideal", such as a family member or freedom (*ibid.*).

In this way, they argue, the final statements are similar to suicide notes, although there are notable differences, not least that there is significantly more evidence of 'cognitive constriction' (where "...the individual appears overwhelmed by emotion and has constricted logic or perception" – *ibid.*) in the latter than the former. This suggests that many inmates have, over the long period of their confinement on Death Row, come to terms with their situation or, at least, know that their fate is out of their hands (Foley & Kelly, 2007; Kelly & Foley, 2013). Another important conclusion from Foley and Kelly's work is that there are important differences in the dominant psychological constructs found in the final statements of different kinds of offenders. Thus, identification-egression – where the condemned inmate "...identifies with a lost or rejecting other or ideal", such as a family member or freedom (Kelly & Foley, 2013, p. 544) – is more likely found within the final statements of condemned inmates who were convicted of non-sexual offences, and who admit their guilt and express love in their statements. In contrast, inmates who have been convicted of sexual offences were more likely to manifest rejection-aggression (where the inmate expresses "...disgust or rejection of either oneself or others or preoccupation with a rejecting or lost other. There may also be evidence of vengeful or destructive thoughts or impulses, or the individual may hope that his death will have a

**Heflick (2005) – Texas 1997-2005 (n=237)**

1. Afterlife belief
2. Silence
3. Claims of innocence
4. Activism
5. Love/appreciation
6. Forgiveness

**Schuck & Ward (2008) – Texas 1982-2006 (n=283)**

1. Expression of love and/or appreciation
  2. Addressing others
  3. Religion
  4. Seeking forgiveness
  5. Acknowledgement of guilt or responsibility
  6. Declaration of innocence
  7. Political statements
  8. Threats or accusations
  9. Personal self-attributions
  10. Reference to an aspect of the crime
  11. Not at peace
- Subject;
  - *Addresses* relevant relationships (from closest to furthest);
  - *Expresses* internal feelings (love, hate);
  - *Defines* situation (responsibility, acceptance versus innocence, political statement, denial);
  - *Deals* with situation (self-comfort, religion, wish/hope, forgiveness, self-blame vs. accusation, denial);
  - Closure.

**Ross-Meyer (2011) – Texas 1982-2008 (n=405)**

Expresses love for friends and family  
 Express faith in God  
 Acknowledge guilt and apologise  
 Express gratitude to friends and family  
 Believe they are going to a better place  
 Acknowledge victim's families' feelings  
 Express regret or sorrow for victims  
 Protest death penalty or injustice of trial  
 No record

**FIGURE 1** Typologies of final statements

negative effect on others" – *ibid.*), as well as make spiritual references and express anger in their statements. Finally, inmates who had committed their offence at a younger age and had spent less time on Death Row were more likely to manifest unbearable psychological pain.

Refuse to speak  
 Assert innocence  
 Ask victims' families for forgiveness  
 Forgives others: "no hard feelings"  
 Ask forgiveness from others besides victim  
 Other  
 Disagree with victims' perspective  
 Incoherent  
 Express faith without mentioning God  
 Express gratitude to lawyer  
 Joke or try to be "game"  
 Use profanity  
 Protest racism  
 See their deaths as "examples of faith"

#### Upton et al (2017) – Missouri 1995-2011 (n=46)

Domain I: Life	Category A: Gratitude	Theme 1: Thankfulness Theme 2 Support Theme 3: Statements of love
	Category B: Messages	Theme 1: Hope Theme 2: Advice to others Theme 3: Well wishes
Domain II: Death	Category A: Religion/Spirituality	Theme 1: Life after death Theme 2: Expression of faith
	Category B: End of Life	
Domain III: Execution	Category A: Grievances	Theme 1: Innocence Theme 2: Anger
	Category B: Repentance	Theme 1: Forgiveness Theme 2: Acceptance
	Category C: Reflection	Theme 1: Regret Theme 2: Guilt/remorse Theme 3: Acknowledgement of pain to others Theme 4: Reflection on their life

#### Vollum (2008); Vollum & Longmire (2009) – Texas 1982-2004 (n=292)

##### Well-wishes

Love or well-wishes to family or friends  
 Words of encouragement to family or friends  
 General expression of love  
 Wish co-victims peace or closure

FIGURE 1 (Continued)

### 3.2 | Factors that explain why inmates apologise

Two recurring themes found in the final statements of condemned inmates are apologies and repentance. Alongside, expressions of love and gratitude to family and friends, and statements regarding God and the afterlife, condemned inmates frequently use their final statements to apologise to the victim's family and express contrition towards

Words of encouragement to fellow prisoners  
Wish that execution brings justice

### **Religion**

Afterlife  
Proclamation of faith/giving self over to god  
Preaching  
Prayer for others  
Gratitude toward god  
Prayer-unspecified  
Asks god's forgiveness  
Prayer for self

### **Contrition**

Apology to co-victim(s)  
Asks for forgiveness from co-victim(s)  
Apology to own family/friends  
Asks for forgiveness from god or other deity  
Apology/asks forgiveness-unspecified  
Wish to turn back time  
asks for forgiveness from own family/friends  
Apology to god or other deity

### **Gratitude**

Gratitude to family & friends  
Gratitude to god or other deity  
Gratitude to chaplain/spiritual advisors  
Gratitude to criminal justice staff  
Gratitude to lawyers  
gratitude to media

### **Personal reconciliation**

Forgives others  
Found peace  
Personal transformation  
Humanize self

### **Denial of responsibility**

Claim of innocence  
Externalize blame  
Minimize/rationalize actions or agency

### **Criticism of death penalty**

Is wrong (general)  
Hypocritical/killing is wrong  
Not justice  
Does not bring peace or closure

FIGURE 1 (Continued)

co-victims, their own family and friends, as well as, in some cases, to God or some other deity. The second strand in the final statement literature explores the question of which factors predict whether or not an inmate will apologise and express repentance. This is a crucial question as inmates who do so are more likely to bring closure to their victim's family than those who are belligerent and/or assert their innocence in their statement (Exline et al., 2003; Weiner et al., 1991). Moreover, inmates in the death chamber know that whatever they say will have no bearing on

Only creates more victims  
 Inhumane  
 Not a deterrent

#### Anger & resentment

Condemns cj system or government in general  
 Anger or resentment toward cj officials/cj system  
 Condemns police/cj officials  
 Condemns co-victim(s)/victim(s)  
 Anger or resentment toward own lawyers  
 Anger or resentment toward witnesses at trial  
 Anger or resentment toward co-victims

#### Resignation

Release  
 Fate  
 Helplessness

#### Accountability

Acceptance of responsibility for the murder  
 Acceptance of responsibility for other bad acts or crimes

**Foley & Kelly (2007) – Texas 2002-2006 (n=100); Kelly & Foley (2013) – Texas 2002-2011 (n=179); Foley & Kelly (2017) – Texas 2002-2017 (n=240).**

Domains	Factors
Intrapsychic	Unbearable psychological pain
	Cognitive constriction
	Indirect expressions
	Inability to adjust
	Ego
Interpersonal	Interpersonal relations
	Rejection-aggression
	Identification-egression

FIGURE 1 (Continued)

their fate – the time for appeals and stays of execution is past – and so any apology that they offer is likely to be genuine rather than an attempt to improve their situation.

In an article exploring 205 final statements from Texas from between December 1982 and August 2007, Judy Eaton and Anna Theuer (2009) found that 26.6% of inmates offered an apology, 21.3% asked for forgiveness, and 8.5% expressed remorse. In addition, 10.8% took responsibility for their crime and 22.6% admitted guilt. However, they were unable to determine a particular profile for those inmates who offered an apology: multivariate analysis revealed that neither the inmate's age, race, level of education, time spent on Death Row, number of prior offences, nor the nature of the crime predicted whether they would apologise to the victim's family in their statement. However, they did find a statistically significant association between inmates who expressed being at peace and those offering an apology ( $p < 0.001$ ): 88.7% of those who expressed that they were at peace apologised compared with just 10.3% who did not. Nevertheless, this conclusion needs to be treated with caution as almost half of the inmates that they sampled did not express whether or not they were at peace.

Other authors have, however, highlighted factors that appear to be found among those inmates who do apologise and express repentance. In his previously discussed analysis drawing on largely the same sample of statements as used by Eaton and Theuer, Scott Vollum (2008) found those inmates who were under the age of 18 at the time of their



crime were significantly more likely to express contrition in their statement, while those who were older at the time of their crime were less likely to do so ( $p < 0.005$ ). Inmates were also significantly more likely to express contrition when witnesses for the victim(s) of the crime were present at the execution ( $p < 0.005$ ). Those with a high school education or GED were also more likely to express contrition than those without, but not significantly more so. More broadly, older inmates and those who were older when they committed their crime (45 years and older), were less likely to make a statement containing restorative themes, as were natives of Texas and white inmates (20.5% compared with 17.3% and 12.2% of black and Hispanic inmates). Condemned inmates were also more likely to make a statement containing restorative themes if they had family and friends witnessing the execution. In contrast, inmates who were executed for killing a police officer were more likely to express non-restorative themes.<sup>7</sup>

Vollum's observation that natives of Texas are less likely to make a statement containing restorative themes has, however, been challenged in a more recent article by Judy Eaton (2014). Drawing on a sample of 667 males (379 white and 288 non-white) executed across the United States between January 2000 and 2011, she concluded that almost half of white males executed in 'honor states' offered an apology compared with 29% of those from non-honor states, although they were no more likely to express remorse.<sup>8</sup> This difference, however, only held for white males, with no differences being discernible between non-whites in honor and non-honor states. Eaton also found that both the length of time an inmate had spent on Death Row and, again echoing Vollum's findings, that the presence of witnesses for the victim(s)' family predicted whether an inmate would express remorse. On this basis, she concluded that white southern offenders may, reflecting their culture of honor, be more motivated to protect their reputation as an honourable person – and by extension that of their family and/or culture – by offering an apology, although they may not necessarily be sincere. An apology may also remove the dissonance created in southern offenders' views of themselves as simultaneously a 'southern country gentleman' and a murderer. These findings need to be contextualised, however. As Eaton acknowledges, some inmates could have apologised to their victim's families before their execution and thus may not have felt any need to do so in the execution chamber. Moreover, inmates were classified as southern or non-southern based on the state in which they were executed which may differ from the state in which they were born and raised. Finally, as the majority of states retaining capital punishment are in the south of the country, most notably Texas, it may be possible that inmates executed in non-southern states are more extreme, hardened offenders who are unlikely to apologise anyway.

Further evidence that the presence of those affected by the inmates' crimes increases the likelihood of them apologising is also found in research by Stephen K. Rice and his colleagues. Prior to January 1996, only criminal justice officials, relatives of the inmate, and members of the media were permitted to witness executions in Texas. However, this changed in January 1996, when the state began to allow survivors of attempted homicide to witness executions. Drawing on a sample of 269 final statements from Texas from between December 1982 and June 2005, Rice et al. (2009) found that inmates were not only significantly more likely to make a statement after the survivors were allowed to attend, but that they were also significantly more likely to admit guilt and express repentance. Whereas only 14% and 6% of those executed in Texas between 1982 and 1<sup>st</sup> January 1996 expressed guilt and repentance respectively, this increased to 43% and 41% respectively of those executed between 1<sup>st</sup> January 1996 and 7<sup>th</sup> June 2005 (all  $p < 0.001$ ). The percentage of inmates expressing their innocence, that capital punishment was illegitimate, or that their legal proceedings were unfair also increased or remained stable over the same period, but the patterns were not statistically significant.<sup>9</sup>

The final factor that would appear to be associated with apology in final statements is claimed association with God, with those inmates invoking God in their statements being significantly more likely to also apologise. In a piece of research examining 232 final statements from Texas between 2000 and 2010, Mark Cooney and Scott Phillips found that just over a third of inmates offered an apology (34%), with those who mentioned God being more likely to do so (36%). Indeed, the more an inmate mentioned God in their statement, the more likely it was that they would also apologise: 53% of those who mentioned God twice apologised, while 71% of those who mentioned God three or more times did so ( $p < 0.000$ ). In addition, mentioning God also increased the word count of the statement, with each mention of God increasing the word count by 175% and each increase in a hundred words also increasing the

odds of an apology by 83%. Cooney and Phillips explained these patterns by arguing that inmates who claimed association with God thereby also elevate their moral status and, by extension, their social status. Although they may "... be the lowest of the low in the eyes of humankind – a prisoner on death row...God's support means that [they are] nonetheless valued, respected, and not beyond redemption (Cooney & Phillips, 2013, p. 162). This, in turn, reduces the vertical distance between the inmate and the victim(s) witnesses and provides them with the social assertiveness that is required for them to be able to apologise.

### 3.3 | Positive emotional language

Perhaps counterintuitively, several scholars have also found evidence for a higher proportion of positive emotional words in the final statements than one might expect given the inmates' situation. In their analysis of 407 final statements from Texas between December 1982 and June 2015, Sarah Hirschmüller and Boris Egloff (2016) found that the inmates used on average a higher proportion of positive emotion words (such as 'happy' or 'love') than negative ones (such as 'sad' and 'hate') ( $p < 0.001$ ). Indeed, 80% of the statements that they sampled contained more positive emotion words than negative ones. They also compared the statements with results from a study where participants were asked to contemplate their own death (Kashdan et al., 2014) as well as suicide notes preceding actual or attempted death (Handelman & Lester, 2007), and in both cases found that the statements contained a higher proportion of positive emotion words.

These findings were echoed in research conducted by Amelia Goranson and her colleagues in a provocatively-titled article, 'Dying is Unexpectedly Positive'. Like Hirschmüller and Egloff, Goranson et al. (2017) compared final statements from 396 inmates from Texas between December 1982 and June 2013, with Death Row inmates' poetry and imaginary final statements of participants recruited online.<sup>10</sup> They found that the final statements used a significantly lower percentage of negative words than either the poetry or imagined statements. The percentage of positive words was also higher in the final statements and in the poetry than the imagined statements. These patterns would not appear to be shared across all ethnic groups, however. In their analysis of 331 inmates from Texas from between 1982 and 2009, David Lester and John F. Gunn III (2013), found that the statements of Euro-Americans contained a smaller percentage of positive emotions and feelings than those of either African Americans or Hispanic Americans, although all three ethnic groups expressed similar percentages of negative emotions.<sup>11</sup>

### 3.4 | The meaning of final statements

As we have seen above, scholars have highlighted a variety of themes found in the final statements, ranging from expressions of love, declarations of faith in God and the afterlife, apology and contrition, to anger and silence. A third strand in the literature addresses itself to the broader question of the meaning of the final statements. What, in other words, are condemned inmates trying to communicate through their words (or, indeed, silence) to the assembled witnesses and, more broadly, the world?

Primarily Scott Vollum (2009; Vollum & Longmire, 2009) has argued that inmates' final statement should be understood as their attempt to reassert agency and transcend their situation. From the moment that they are incarcerated until their death, Death Row inmates lose not only their freedom, but also their agency: inside the walls of the prison, their environment, diet, clothing, and routine are strictly controlled by prison staff. They also lose their privacy, being constantly monitored either physically or through surveillance technology. Moreover, barring a successful appeal, they know that they are powerless to alter their fate. Condemned inmates are, to quote Albert Camus (1963 [1957]), "...no longer a man but a thing waiting to be handled by the executioners". From this perspective, then, final statements – and by extension their choice of last meal – can be understood as a way in which condemned inmates can reject their status as a 'thing' and reassert their personhood and agency. In their final statements, inmates have

the opportunity to say whatever they like and thereby re(define) their life and death to the world (and also, arguably, to themselves as well). More broadly, the content of their statement also provides them with an opportunity to transcend their situation. For example, by expressing well-wishes, love and encouragement they are able to “[transform] their death into an event that may bring some good to others...[and] exult themselves to a position of beneficence and righteousness” (Vollum & Longmire, 2009, p. 13). Similarly, through reconciling themselves with others, such as co-victims and their families, they are able to “transform the negative events and circumstances [around their crime and execution] into something meaningful and transcendent” as well as “...effectively reconcile themselves with the world they are leaving” (Vollum & Longmire, 2009, p. 19). Indeed, even the relatively rare instances where condemned inmates express resignation to their fate can be read from this perspective as an expression of release; while the state may be taking their life, the inmate is nevertheless prepared to be released from it.

However, perhaps the most important way in which condemned inmates are able to redefine their identity and transcend their situation is through their use of religious language. As noted above, not only are religious expressions a dominant theme in final statements, but inmates who invoke God in their statements are also significantly more likely to apologise. By invoking belief in God and the afterlife in their statements, inmates are able to not only elevate their moral status, but also signal to the world the depth of their transformation from a sinner to someone who, while condemned to die for their sins, nevertheless ‘walks with the Lord’. Moreover, by invoking the afterlife they are able to redefine their ignoble death at the hands of the state as an act of transcendence; the necessary precursor to their journey to a better world.

A different perspective on the meaning of the final statements is provided by Schuck and Ward and Hirschmüller and Egloff (2016) who draw on terror management theory (TMT). The basic premise of TMT is that human beings are aware that death is both inevitable and unpredictable, and therefore actively avoid thinking about their own mortality. However, there are occasions when this is not possible, such as the death of a loved one, and we are confronted by the terrifying prospect of our own demise (mortality salience). According to TMT, individuals will react to this mortality salience by attempting to put such thoughts out of their mind and by reinforcing or defending cultural beliefs that offer either literal immortality (such as religion) or symbolic immortality (such as living on through one’s children or a group identity) (see Pyszczynski, Solomon & Greenberg, 2015). For these scholars, TMT provides an explanation why inmates experiencing extreme mortality salience in the death chamber often draw on religious language, positing a connection with God and expressing faith in an afterlife, and/or assert their membership of a particular social or ethnic group. They may also be hoping to ‘live on’ through the advice, love and well-wishes that they give to loved ones in their statements. Hirschmüller and Boris Egloff (2016) also suggest that inmates’ use of positive language in their statements could also be a way of coping with the existential threat to the self of their imminent death. Indeed, TMT also provides an explanation of sorts for why some inmates say nothing at all: they are overwhelmed – literally rendered dumb – by the extreme mortality salience that they are experiencing.

Both Vollum and those scholars drawing on TMT thus portray condemned inmates as actively using their statements to fulfil some purpose; either attempting to reassert their agency and transcend their situation, to present a certain image of themselves to the world, or to respond to the imminence of their own demise. In contrast, Robert Johnson and his colleagues (2014) argue, echoing Camus, that the evidence from final statements point instead to human beings who have been rendered passive – dead men walking – by their confinement on Death Row. Gone are the “...rambunctious, rebellious, and sometimes violent men who entered death row years earlier” to be replaced by “...predictably defeated men, men worn down by time and pressure and isolation on death row” (Johnson et al., 2014, p. 147). Indeed, the majority are completely submissive; focused just on getting through their ordeal and offering no resistance as they are strapped to the gurney in the execution chamber. This, they suggest explains both why final statements are often incoherent or rambling, as well as arguably more importantly, why, as discussed above, many inmates use them to express contrition, remorse and the desire for forgiveness (see also McKendy, 2006 on ‘narrative debris’). Death Row inmates have, in other words, become ‘creatures of confinement’: rendered passive and conforming to institutional demands and dominant cultural ideas. That is not to suggest that such expressions of contrition are insincere. According to Johnson and his colleagues, many inmates recognising the seriousness of

their crimes, do feel genuine contrition, regret and the desire for redemption and "...yearn to be seen as people, not monsters, yearn to be seen as changed men, men of substance, men different from those who committed horrible crimes, men whose lives, once a wasteland of violence, have now been redeemed" (Johnson et al., 2014, p. 148).

## 4 | CONCLUSIONS

In this article, I have briefly reviewed the social science literature on the last meals and final statements of condemned inmates in the contemporary United States. Although relatively little has been written on last meals, the research to date suggests that, where they are allowed, inmates select foods that bring them comfort in some way, either through its high calorific and calorie-dense content or because it is a brand that has past positive associations. Many may also select prestige foods or simply foods, textures and tastes that have been denied to them during their incarceration. In addition, those who deny their guilt are significantly more likely to also refuse a last meal, arguably because to consume the meal signifies on some level that they consent to the execution process. The comparably larger literature on the final statements explores the themes and psychological constructs found in them, as well as why some inmates apologise in their statements while others do not, the predominance of positive emotional language in the statements, as well as the broader meaning of the statements themselves.

This is a fascinating area of scholarship that, as noted in the introduction, provides fascinating insights into how human beings respond to the imminence of their own demise. The research, however, is not without its issues or limitations. One significant limitation of the research is that it is almost exclusively focused on Texas. This is understandable as, again, this one state has accounted for over a third of those executed in the United States in the post-*Furman* era. However, it does mean that almost all of the research on final statements is effectively looking at the same sample of data, adding more cases with each subsequent execution. There is thus a need, as several researchers have noted (see Kelly & Foley, 2018; Vollum & Longmire, 2009), to explore a broader geographical sample of statements, from those countries that account for some 90% of executions worldwide at the current time. This, would, of course, not be a straightforward endeavour – statements, where they are made, may be harder to access and would also require translation for English-language researchers to utilise – but would provide a much broader perspective on the topic. Bridges could also be built between social scientists and historians writing on the final speeches of condemned inmates in England from the seventeenth-through to the nineteenth century (see, for example, McKenzie, 2007; Sharpe, 1985; Walliss et al., 2022). This would, again, provide a broader, more historically-contextualised perspective, on how human beings, not just North Americans in the late twentieth- and early-21st century, meet their death at the hands of the state.

Another limitation of the research on final statements concerns the fact that around a quarter of inmates refuse to make one.<sup>12</sup> Researchers have devoted a considerable amount of attention to the significance and meaning of what is said but largely ignored what is *not* said. Does inmates' silence, like the refusal to select a final meal, signify their lack of consent to the execution? Or, following Johnson et al.'s (2014) argument, have they been rendered so passive by their confinement on Death Row that they have effectively been rendered mute? Are inmates so overwhelmed by the process that they are undergoing that they have effectively been "...rendered speechless by the enormity of the violence that awaits him, made mute by the unspeakable cruelty of the killing process" (Johnson et al., 2013, p. 112)? These are certainly questions that merit further research in order to gain the fullest possible perspective on the significance and meaning of final statements.

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## ENDNOTES

- 1 Brewer apparently asked for “two chicken fried steaks, a triple-meat bacon cheeseburger, fried okra, a pound of barbecue, three fajitas, a meat lover's pizza, a pint of ice cream and a slab of peanut butter fudge with crushed peanuts” – CBS News, 2011:np.
- 2 Around the same time, the Texas Department of Corrections also removed details of the final meals previously selected by inmates, ostensibly in response to individuals benefiting commercially from producing last meal-related books and other products (Ross Meyer, 2011) – see Jones (2014:3–4 for examples).
- 3 *Furman v. Georgia* (1972) ruled that the United States death penalty violated the Eighth and Fourteenth amendments, and constituted cruel and unusual punishment. Following the decision, over 629 death sentences were vacated and reduced to life imprisonment, and there was a de facto moratorium on capital punishment throughout the country. Between 1972 and 1976, 35 states, led by Florida, enacted new death penalty laws that addressed the court's concerns. In 1977, following the Supreme Court decision on *Gregg v. Georgia*, capital punishment was reinstated, beginning with the execution of Gary Gilmore in Utah (see Bohm, 2017). At the time of writing (February 2022), the number ‘executed but possibly innocent’ has doubled to 20 out of the 1542 executed (or just over 1%). <https://deathpenaltyinfo.org/policy-issues/innocence/executed-but-possibly-innocent> (accessed 9 February 2022).
- 4 In the context of England, it is unlikely that condemned prisoners continued to give final speeches when public executions were abolished in the 1860s, taking place instead inside the prison with only prison staff present. The late-nineteenth century hangman, James Berry was reported to tell prisoners as he entered the condemned cell that “if you have anything to say, now is the time, because when I get you on the scaffold you won't have time” (Lofland, 1975, p. 289). Indeed, his successor, Albert Pierrepoint, was apparently able to dispatch a prisoner through the gallows floor within 15 seconds of entering the condemned cell – see <http://www.capitalpunishmentuk.org/Timeline%20of%20hanging.html>. On one occasion, the execution of James Inglis in May 1951, only seven seconds elapsed from Pierrepoint and his assistant entering the condemned cell until the trapdoor fell (AP News, 1994).
- 5 See ‘Texas Department of Criminal Justice – Death Row information’ [https://www.tdcj.texas.gov/death\\_row/dr\\_executed\\_offenders.html](https://www.tdcj.texas.gov/death_row/dr_executed_offenders.html) (accessed 9 February 2022).
- 6 For a word cloud showing the words most commonly used by death row inmates executed in Texas between 1882 and 30 June 2015, see Hirschmüller and Egloff (2018).
- 7 For a discussion of the characteristics of restorative and non-restorative themes in final statements, see Vollum (2008:153)
- 8 The term ‘honor states’ derives from the work of Nisbett and Cohen (1996), and is used to describe states in the American South.
- 9 Innocence (13% compared with 21%; capital punishment illegitimate (11% compared with 10%); legal proceedings unfair (8% compared with 11%) – see Rice et al. (2009), Figures 2 and 3.
- 10 This latter group were asked to imagine that they had been convicted of a capital crime and were on Death Row awaiting their execution the following day. They were instructed to “try to imagine what you would think about the day before your execution. Try to feel the emotions you would feel when facing execution”. They were then asked to write a final statement (Goranson et al., 2017, p. 994).
- 11 Euro-Americans also expressed more past tense verbs in their statements – see Uysal (2018).
- 12 This ranges from 12.1% of the statements sampled by Ross Meyer (2011) through to 25.3% of those sampled by Schuck and Ward (2008).

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**How to cite this article:** Walliss, J. (2022). Last meals and final statements: Social science research on America's death row. *Sociology Compass*, 16(7), e12987. <https://doi.org/10.1111/soc4.12987>