Shoring up proceduralist arguments for the abolition of the death penalty, Against Capital Punishment carries with it implications not only for the continued use of the death penalty in the criminal justice system, but also for the structure and integrity of the system as a whole.

Yost is the first author to develop and defend the irrevocability argument against capital punishment, demonstrating that the irremediability of execution renders capital punishment procedurally unjust and impermissible. In Against Capital Punishment, Benjamin S. Yost revitalizes the core of proceduralism both by examining the connection between claim that no type of criminal sanction is legitimate. In Against Capital Punishment, Benjamin S. Yost revitalizes the core of proceduralism both by examining the connection between the specter of procedural injustice motivates many popular and scholarly objections to capital punishment.

Today, a substantial majority favors imposition of the death penalty. The pendulum can swing again, as it has done in the past. From 1965 until 1980, there was a virtual moratorium on executions for capital offenses in the United States. This was due primarily to protracted legal proceedings challenging the death penalty.

The specter of procedural injustice motivates many popular and scholarly objections to capital punishment. So-called proceduralist arguments against the death penalty are attractive to the public because they make strong moral and logical appeals in a manner that is difficult to resist. As Justice Potter Stewart once observed, 'At some point, of course, the ascendency of the death penalty and its severity must give way to the competing demand for the preservation of life.'

In 1976, the US Supreme Court ruled in Gregg v. Georgia that the death penalty was constitutional if it complied with certain specific provisions designed to ensure that it was reserved for the worst offenders. It argued that society must redesign life and death in prison to make the punishment more nearly fit the crime. It is ironic, however, that the worst criminals often live the best lives in prison. Thus the worst criminals often live the best lives. The Death of Punishment challenges the reader to refine deeply held beliefs on life and death connected to the practice of lawyers on the ground. The text concludes with a glimpse to the future of the death penalty and situates the increasingly exceptional American experience in a comparative study of wrongful executions and the undeniable influence of race on death penalty practice. Discussion of law and theory is always supplemented with appropriate empirical studies, and is moral reasoning behind the principle that the death penalty be reserved for the worst offenders, as well as the most uncomfortable realities of American capital punishment— the likelihood thousands of hours over twenty-five years inside maximum security prisons and on death rows in seven states, the history and philosophy professor exposes the perversity of justice: Inside the worst criminals often live the best lives. The Death of Punishment challenges the reader to refine deeply held beliefs on life and death connected to the practice of lawyers on the ground. The text concludes with a glimpse to the future of the death penalty and situates the increasingly exceptional American experience in a comparative study of wrongful executions and the undeniable influence of race on death penalty practice. Discussion of law and theory is always supplemented with appropriate empirical studies, and is moral reasoning behind the principle that the death penalty be reserved for the worst offenders, as well as the most uncomfortable realities of American capital punishment— the likelihood thousands of hours over twenty-five years inside maximum security prisons and on death rows in seven states, the history and philosophy professor exposes the perversity of justice: Inside
Should Capital Punishment Be Abolished

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Given the emotional nature of the subject (few people known to me are wishy-washy about whether the death penalty is moral or immoral), Banner walks the line of neutrality skillfully, slow to undertake anything like a full-scale study of the subject. Banner's book does much to fill [the gaps]. His book is an important and comprehensive treatment of the topic. --Hugo Adam

Table of Contents:

Abbreviations
Introduction
1. Terror, Blood, and Repentance
2. Hanging Day
3. Degrees of Death
4. The Origins of Opposition
5. Northern Reform, Southern Retention
6. moves beyond the debates, to give us an unprecedented understanding of capital punishment's many meanings. As nearly four thousand inmates are now on death row, and almost one
become a quiet, sanitary, technological procedure, the death penalty is as divisive as ever. By recreating what it was like to be the condemned, the executioner, and the spectator, Banner
nineteenth century, the execution became desacralized, increasingly secular and private, in response to changing mores. In the twentieth and twenty-first centuries, ironically, as it has
Hangings were public events, staged before audiences numbering in the thousands, attended by women and men, young and old, black and white alike. Early on, the gruesome spectacle
administered and experienced. In the seventeenth and eighteenth centuries, the penalty was standard for a laundry list of crimes--from adultery to murder, from arson to stealing horses.

The death penalty in the United States. Law professor Stuart Banner tells the story of how, over four centuries, dramatic changes have taken place in the ways capital punishment has been
act. But the intensity of feeling that capital punishment provokes often obscures its long and varied history in this country. Now, for the first time, we have a comprehensive history of the
The death penalty arouses our passions as does few other issues. Some view taking another person's life as just and reasonable punishment while others see it as an inhumane and barbaric
Fathers like James Madison, who advanced the notion of natural rights that pre-exist government, and the progressivism advanced by Woodrow Wilson, the Founders have been losing. It's
dignity ushered in two centuries of American prosperity. Now, as Will shows, conservatism is under threat -- both from progressives and elements inside the Republican Party. America has
Constitution, gave the new republic a framework for government unique in world history. Their beliefs in natural rights, limited government, religious freedom, and in human virtue and
of equality, of majority rule are bubbling just beneath the surface of daily events in America. The Founders' vision, articulated first in the Declaration of Independence and carried out in the

The Pulitzer Prize-winning columnist's "astonishing" and "enthralling" New York Times bestseller and Notable Book about how the Founders' belief in natural rights created a great

The enrichment of crime and punishment. Infused with the spirit of the Enlightenment, its advocacy of crime prevention and the abolition of torture and capital punishment marked a

Reprint of the fourth edition, which contains an additional text attributed to Voltaire. Originally published anonymously in 1764, Dei Delitti e Delle Pene was the first systematic study of

international politics in order to explore the social, political and legal factors that shape decisions on the death penalty, whether this leads to its abolition, reinstatement or perpetuation.

from conflict to peace, or from authoritarianism to democracy. In such countries, the politics that surround retaining or abolishing the death penalty are embedded in complex state-

The increase in the number of countries that have abolished the death penalty since the end of the Second World War shows a steady trend towards worldwide abolition of capital

Experts on both side of the issue speak out both for and against capital punishment and the rationale behind their individual beliefs.

politics, and our cultural life.

brings together the work of ten scholars, including recognized experts on the death penalty and noted scholars writing about it for the first time. Focused more on theory than on advocacy,
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Because of inept lawyering, overzealous prosecution, race discrimination, wrongful convictions, and excessive punishments throughout the criminal justice system. Today, death sentences in the U.S. are as rare as lightning strikes. Brandon Garrett shows us the reasons why, and explains what the failed death penalty experiment teaches about the effects from both capital and noncapital punishments.

The report recommends new avenues of research that may provide broader insight into any deterrent effect of inept lawyering, overzealous prosecution, race discrimination, wrongful convictions, and excessive punishments throughout the criminal justice system. Yet none of the research that has been done accounted for the possible effect of noncapital punishments on homicide rates. The next chapter turns to the American scene with Robert Coover's 1977 novel The Public Burning, which restages the executions of Julius and Ethel Rosenberg as an outlandish public spectacle between literary narration and the role of the witness, concluding that such a witness needs the seal of literary language in order to account for the secret of the death penalty. The next chapter turns to the American scene with Robert Coover's 1977 novel The Public Burning, which restages the executions of Julius and Ethel Rosenberg as an outlandish public spectacle between literary narration and the role of the witness, concluding that such a witness needs the seal of literary language in order to account for the secret of the death penalty.

Among the Lowest of the Dead is a gripping narrative that provides an unprecedented journalistic look into the actual workings of the capital punishment system. Thorough and unbiased, it is a powerfully written and meticulously researched book that makes an invaluable contribution to the growing public dialogue about capital punishment in America. It's one of those rare books that bridges the gap between the literal and the literary to help us understand the history and the future of capital punishment.

Stuart Banner greatly advances a conversation at last underway about the rightness of putting people to death for having inflicted a death. Banner's greatest and most useful feat is beautifully explaining the changing paths traveled by supporters and opponents of capital punishment over the years. It explores a subject of enormous symbolic importance to Americans, a subject that engenders passionate opposition on both sides of the political spectrum, a subject that has seen the country's constitutional foundations shift as well as a subject that has seen significant changes in our legal and political institutions. Banner's narrative is interspersed with individual case histories, that give flesh and blood to the account. The book's well-ordered narrative is characterized by the institution at different periods, elucidates their ritual purposes and social meanings, and identifies the forces that led to their transformation.
Mailer's 1979 novel The Executioner's Song, shows the breakdown of any firm distinction between suicide and capital execution and explores the essential affinity between traditional narrative structure, which is plotted from the end, and the "plot" of a death penalty. Final readings of Kafka, Derrida, and Baudelaire consider the relation between literature and law, showing how performative literary language can "play the law." A brief conclusion, titled "Postmortem," reflects on the condition of literature as that which survives the death penalty.

A major contribution to the field of law and society, this book makes the case for literature as a space for contesting the death penalty, a case that scholars and activists working across a range of traditions will need to confront.

This book examines public attitudes to the death penalty in Japan, focusing on knowledge and trust-based attitudinal factors relating to support for, and opposition to, the death penalty. A mixed-method approach was used. Quantitative and qualitative surveys were mounted to assess Japanese death penalty attitudes. The main findings show that death penalty attitudes are not fixed but fluid. Information has a significant impact on reducing support for the death penalty while retributive attitudes are associated with support. This book offers a new conceptual framework in understanding the death penalty without replying on the usual human rights approach, which can be widely applied not just to Japan but to other retentionist countries.

The fifth edition of this highly praised study charts and explains the progress that continues to be made towards the goal of worldwide abolition of the death penalty. The majority of nations have now abolished the death penalty and the number of executions has dropped in almost all countries where abolition has not yet taken place. Emphasizing the impact of international human rights principles and evidence of abuse, the authors examine how this has fueled challenges to the death penalty and they analyze and appraise the likely obstacles, political and cultural, to further abolition. They discuss the cruel realities of the death penalty and the failure of international standards always to ensure fair trials and to avoid arbitrariness, discrimination and conviction of the innocent: all violations of the right to life. They provide further evidence of the lack of a general deterrent effect; shed new light on the influence and limits of public opinion; and argue that substituting for the death penalty life imprisonment without parole raises many similar human rights concerns. This edition provides a strong intellectual and evidential basis for regarding capital punishment as undeniably cruel, inhuman and degrading. Widely relied upon and fully updated to reflect the current state of affairs worldwide, this is an invaluable resource for all those who study the death penalty and work towards its removal as an international goal.

America's leading writer about the law takes a close, incisive look at one of society's most vexing legal issues. Scott Turow is known to millions as the author of peerless novels about the troubling regions of experience where law and reality intersect. In "real life," as a respected criminal lawyer, he has been involved with the death penalty for more than a decade, including successfully representing two different men convicted in death-penalty prosecutions. In this vivid account of how his views on the death penalty have evolved, Turow describes his own experiences with capital punishment from his days as an impassioned young prosecutor to his recent service on the Illinois commission which investigated the administration of the death penalty and influenced Governor George Ryan's unprecedented commutation of the sentences of 164 death row inmates on his last day in office. Along the way, he provides a brief history of America's ambivalent relationship with the ultimate punishment, analyzes the potent reasons for and against it, including the role of the victims' survivors, and tells the powerful stories behind the statistics, as he moves from the Governor's Mansion to Illinois' state-of-the-art 'super-max' prison and the execution chamber. Ultimate Punishment, this gripping, clear-sighted, necessary examination of the principles, the personalities, and the politics of a fundamental dilemma of our democracy has all the drama and intellectual substance of Turow's celebrated fiction.