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GREGORY BURCH

The Death Penalty GRIN Verlag

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 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 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 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. 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 had explicitly religious purposes--an event replete with sermons, confessions, and last minute penitence--to promote the salvation of both the condemned and the crowd. Through the 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 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 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 hundred are currently being executed each year, the furious debate is unlikely to diminish. The Death Penalty is invaluable in understanding the American way of the ultimate punishment. 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. Into the Jail Yard 7. Technological Cures 8. Decline 9. To the Supreme Court 10. Resurrection Epilogue Appendix: Counting Executions Notes Acknowledgments Index

Reviews of this book: [Banner] deftly balances history and politics, crafting a book that will be valuable to anyone interested in knowing more about capital punishment, no matter what his or her views are on the ethical issues surrounding the topic. --David Pitt, Booklist Reviews of this book: In this well-researched and clear account...Banner charts how and why this country went from having one of the world's mildest punitive systems to one of its harshest. --Publishers Weekly Reviews of this book: Stuart Banner's book is fine and balanced and

important. His lucid history of this grim subject is scrupulously accurate...It is refreshingly free of the tendentiousness and the sensationalism that this subject invites. --Richard A. Posner, New Republic Reviews of this book: [The] contrast between the past and the present can now be seen with great clarity thanks to...Stuart Banner and his comprehensive book, The Death Penalty...American historians have been 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 Bedau, Boston Review Reviews of this book: Despite the gruesome nature of the book's topic, it is difficult to stop reading. Banner's research is fascinating, his writing style compelling. 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, without seeming evasive. --Steve Weinberg, Legal Times Reviews of this book: Stuart Banner's The Death Penalty is a tour de force, remarkable for its neutrality as it traces the ways in which the death penalty has been applied, and for what kinds of crimes, from the Colonial era to the present. Banner...writes like a historian who believes perspective is best gained by dispassionately setting out what happened and letting everyone come to his or her own conclusions. I think, in this book, that works wonderfully. On a subject in which emotions run so high, it seems awfully useful to have a dispassionate voice. After all, if Banner allowed his own feelings on the death penalty--pro, con or somewhere in the middle--to be known, the book easily could be dismissed as a diatribe. He doesn't, and it can't. --Judith Neuman Beck, San Jose Mercury News Reviews of this book: Law professor Banner...offers a persuasive examination of the evolution of capital punishment from Colonial times onward. He makes clear that the death penalty has possessed generally consistent support from the US populace, although changes in the sensibilities of juries, executioners, legal theoreticians, and judges have occurred...Highly recommended. --R. C. Cottrell, Choice Reviews of this book: Stuart Banner aptly illustrates in The Death Penalty, like the nation, the death penalty has changed with the times...Banner's account spotlights a number of interesting trends in American history...Mostly evenhanded in the tour he provides through the history of the death penalty and its role in and reflection of American society, he has managed to provide an accessible look at what is a profoundly controversial and complicated subject. --Steven Martinovich, Ft. Lauderdale Sun-Sentinel Reviews of this book: "For centuries," Stuart Banner tells us, "Americans had been proud to possess a criminal-justice system that made less use of the death penalty than just about any other place on the globe, including the countries of western Europe." But no longer. Now we possess "one of the harshest criminal codes in the world." The Death Penalty helps explain that turnaround, but only in the course

of a complicated story in which different factors emerge at different times to play often unforeseeable roles...[This is a] superbly told history. --Paul Rosenberg, Denver Post and Rocky Mountain News Reviews of this book: Stuart Banner's lucid, richly researched book brings us, for the first time, a comprehensive history of American capital punishment from colonial times to the present. He describes the practices that characterized the institution at different periods, elucidates their ritual purposes and social meanings, and identifies the forces that led to their transformation. The book's well-ordered narrative is interspersed with individual case histories, that give flesh and blood to the account. --David Garland, Times Literary Supplement Reviews of this book: [An] informative, even-handed, chillingly fascinating account of why and how the U.S. government and many state governments decided to sponsor executions of criminals--even though innocent defendants might die, too. --Jane Henderson, St. Louis Post-Dispatch Reviews of this book: Stuart Banner's *The Death Penalty* is a splendidly objective achievement. Delightfully written, free of academic pretense, liberally sprinkled with apt references from contemporary sources, the book exhaustively explores the multifaceted evolution of America's penal practices. --Elsbeth Bothe, Baltimore Sun *The Death Penalty* is certain to be the definitive account of the American experience with capital punishment, from its beginnings in the seventeenth century, to the execution of Timothy McVeigh in 2001. This is a first rate piece of scholarship: well written, deeply researched, fascinating to read, and full of insights and good common sense. It is, in my view, one of the finest books to deal with this troubled and troubling subject. Historical and legal scholarship owe a debt of gratitude to Stuart Banner. --Lawrence Friedman, Stanford Law School A masterful book. This is a long overdue account which fills a huge gap in our understanding of America's long and complex relationship to state killing. With meticulous scholarship and lucid prose, Banner has written a compelling account of the place of capital punishment in our society. It sets the standard for all future scholarship on the history of the death penalty in America. --Austin Sarat, author of *When the State Kills: Capital Punishment and the American Condition* *The Death Penalty*, a study we have badly needed, is the first history of the nation's engagement--as well as its disengagement--with capital punishment from the country's earliest days to the present. With a sure grasp of the constitutional issues, 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 remaining dispassionate on a subject that he cares deeply about--as do a growing number of his fellow Americans. --William S. McFeely, author of *Proximity to Death* *The Death Penalty* beautifully explains the changing paths traveled by supporters and opponents of capital punishment over the years. It explores a subject of enormous symbolic importance to Americans today, linking our views about the death penalty to our larger concerns about crime. --David Oshinsky, author of "Worse Than Slavery": Parchman Farm and the Ordeal of Jim Crow Justice Banner's book is a superbly detailed and textured social history of a subject too often treated in legal abstractions. It demonstrates how capital punishment has gnawed at the conscience and imagination of Americans, and how it has challenged their efforts to define themselves culturally, politically, and racially. --Robert Weisberg, Stanford Law School *Capital Punishment Among the Jews* Temple University Press Bachelor Thesis from the year 2011 in the subject Business economics - Law, grade: 1,0, Berlin School of Economics and Law, language: English, abstract: Awareness surrounding the financial

burden of capital punishment is increasing and slowly beginning to permeate the American Society. However, not enough light has been shed on the sources that are causing the financial devastation. The death-is-different legal doctrine in the United States grants procedural protection that is unique for capital litigation providing individual consideration for each case. The paper investigates the price increase by capitally adjudicating a case compared to a non-capital litigation. Looking at the economic side of the impact of legal statutes should contribute to the discussion about choosing alternative punishments, such as life incarceration without the possibility of parole, and the systems' improvement prospects or the lack thereof. In the aftermath of a severe economic crisis and with ongoing financial solvency crises of interdependent nations, cost cutting considerations become all the more essential. Further, it is "Time to consider whether maintaining the costly death penalty system is being smart on crime" by briefly looking into where the money could be invested instead in order to achieve an equivalent effect. In short, the paper aims at ascertaining the financial cost of capital punishment and how the discoveries can impact jurisprudence. The central questions are the following. How to approach the financial cost of death penalty? What are the cost drivers of the system? Are there calculable benefits? How did and can economic arguments influence the legitimacy of capital punishment? The paper is structured as follows. The introduction is designed to lay out the framework of the United States capital punishment system. The main part provides an overview of the developments in approaching the cost of state-sanctioned killing, then explores the key cost drivers and f

The Death Penalty Harvard University Press

Pre-University Paper from the year 2012 in the subject Didactics - English - Discussion and Essays, grade: 15, , language: English, abstract: In the following term paper the author is going to compare the German and American attitude toward the death penalty. At first she wants to clarify the definition. This paper will give a brief overview of the recent history of capital punishment in both states. The emphasis is on the comparison between these different attitudes. Providing to the findings of the German attitude the author intends to carry out a survey. Finally, she would like to express her own opinion on the topic.

Capital Punishment Among the Jews Palala Press

The issue of capital punishment is a continually-debated issue because it calls into question the values and direction of society. How is a civilisation supposed to handle lawbreakers? Are some crimes so heinous and some people so dangerous that the death penalty is the only appropriate response? The United States Constitution prohibits 'cruel and unusual punishment', but opinions on whether that includes capital punishment are vehement on both sides. Many states have some form of death penalty, and public opinion seems to indicate support of it in principle. However, many firestorms have erupted recently over the application of the penalty, including the topics of its use on minors and those with mental disabilities. There are also questions raised about how much of a factor race plays in a capital sentence. Internationally, several countries have foresworn the death penalty, with certain countries in Europe and the Americas refusing to extradite criminal suspects (including suspected terrorists) to the US if capital punishment is a possible sentence. With such politically flammable and ethically challenging issues hanging over it, capital punishment is a vitally important issue to understand. To help facilitate that study, this book assembles a carefully selected

and substantial listing of literature focussing on the death penalty. Anyone researching this area of criminal justice will find this book an important tool as it offers easy access to the most relevant works about capital punishment. Following the bibliography, further access is provided with author, title, and subject indexes.

Capital Punishment Marshall Cavendish

This updated encyclopedia provides ready information on all aspects of capital punishment in America. It details virtually every capital punishment decision rendered by the United States Supreme Court through 2006, including more than 40 cases decided since publication of the first edition. Entries are also provided for each Supreme Court Justice who has ever rendered a capital punishment opinion. Entries on jurisdictions cite present-day death penalty laws and judicial structure state by state, with synopses of common and unique features. Also included are entries on significant U.S. capital prosecutions; legal principles and procedures in capital cases; organizations that support and oppose capital punishment; capital punishment's impact on persons of African, Asian, Hispanic, and Native American descent, on women, and on foreign nationals; and the methods of execution. Essential facts are also provided on capital punishment in more than 200 other nations. A wealth of statistical data is found throughout.

Capital Punishment Nabu Press

An innovative, comprehensive overview of capital punishment. This book offers an objective, policy-oriented examination of the death penalty as practiced in the United States.

Capital Punishment Forgotten Books

The 4th edition edition of this classic study has been thoroughly revised to provide up-to-date information on the scope and practice of capital punishment and the movement, backed by international organizations and human rights treaties, to abolish the death penalty worldwide. As in previous editions, it draws on Roger Hood's experience as consultant to the United Nations for the Secretary General's five-yearly surveys of capital punishment as well as the latest information from non-governmental organizations and the academic literature. Not only have more countries - such as the Phillipines - abolished capital punishment, but amongst those that retain the death penalty, fewer have been carrying out executions. Legal challenges to the mandatory imposition of capital punishment have been successful, as has the movement to abolish the death penalty for those who commit a capital crime when under the age of 18. Of particular interest is the situation in China, where all death sentences are to be reviewed by the People's Supreme Court. Support for capital punishment is waning in the USA, where concern is mounting as evidence of conviction of the innocent grows, and where there have been renewed challenges to the constitutionality of the death penalty. Despite the many advances towards world-wide abolition, this book reveals many human rights abuses where the death penalty still exists. These include the wide range of crimes still subject to capital punishment in some countries, the lack of protection from police abuse, unfair trials, lack of access to qualified defence counsel, terrible conditions and excessive periods of time spent on 'death row', and public and painful forms of execution. Roger Hood and Carolyn Hoyle engage with the latest debates on the realities of capital punishment, especially the claim that the death penalty is a uniquely effective deterrent to murder and other serious crimes. This edition brings up-to-date the discussion of whether capital punishment can ever be administered equitably,

without discrimination or error, and, for the first time, considers the alternatives to capital punishment, especially the problems associated with a mandatory sentence to life imprisonment without the possibility of parole. This edition also considers the role and influence of victims' families and victim interest movements.

Capital Punishment Oxford University Press

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Capital Punishment Among the Jews Rowman & Littlefield

"These essays...show us the human and inhuman realities of capital punishment through the eyes of the condemned and those who work with them. By focusing on those awaiting death, they present the awful truth behind the statistics in concrete, personal terms." --William J. Bowers, author of *Legal Homicide Between 1930 and 1967*, there were 3,859 executions carried out under state and civil authority in the United States. Since the ten-year moratorium on capital punishment ended in 1977, more than one hundred prisoners have been executed. There are more than two thousand men and women now living on death row awaiting their executions. Facing the Death Penalty offers an in-depth examination of what life under a sentence of death is like for condemned inmates and their families, how and why various professionals assist them in their struggle for life, and what these personal experiences with capital punishment tell us about the wisdom of this penal policy. The contributors include historians, attorneys, sociologists, anthropologists, criminologists, a minister, a philosopher, and three prisoners. One of the prisoner-contributors is Willie Jasper Darden, Jr., whose case and recent execution after fourteen years on death row drew international attention. The interdisciplinary perspectives offered in this book will not solve the death penalty debate, but they offer important and unique insights on the full effects of American capital punishment provisions. While the book does not set out to generate sympathy for those convicted of horrible crimes, taken together, the essays build a case for abolition of the death penalty. "This work stands with the best of what's been written. It represents the best of those who have seen the worst." --Colman McCarthy, *The Washington Post Book World*

The Financial Cost of Capital Punishment in the United States of America GRIN Verlag

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 the principles 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 significant advance in criminological thought, which had changed little since the Middle Ages. It had a profound influence on the development of criminal law in Europe and the United States.

The Death Penalty in Democratic and Republican States and its Effects on a State's Murder Rate
Harvard University Press

Research Paper (undergraduate) from the year 2015 in the subject Law - Criminal process, Criminology, Law Enforcement, grade: A, University of Alaska Fairbanks, language: English, abstract: This is an investigation into the death penalty and how it is applied across political lines in America. With a focus on the differences in Democratic run states and Republican run states. The death penalty and its effects on a state's murder rate have long been a point of controversy. It has been debated whether the death penalty is a deterrent to crime. There is an ongoing need to understand the deterrence effect of the death penalty, in order to understand how to properly lower the murder rates in a given area. Further, in order to understand if the death penalty is applied in a given state, it is important to look at the political orientation of a particular state. Political orientation can have a strong affect on the punishment type chosen by a particular state. This study seeks to clarify the debate by looking at the statistical facts, and formulating hypothesis. (1) the death penalty is a deterrent for the crime of murder. (2) Conservative states are more likely to employ the death penalty. Null hypothesis, (1) the death penalty has no effect on the murder rate. (2) political leanings of a state do not determine if they have the death penalty.

The Death Penalty Routledge

Numerous people face legal execution in the United States. Their presence in death rows throughout the country refutes a basic premise of our judicial system, for the use of capital punishment denies the existence of universal rehabilitation. There is another paradox-juries continue to sentence men and women to death; yet few ever get executed. Whether one is for or against capital punishment, one cannot approach the issue without deep emotion and conviction. James McCafferty provides an even-tempered, eminently reasonable discussion of the issue with balanced commentary from both sides of the debate. McCafferty presents not only empirical data and analyses of the nature of capital punishment, but provides perspectives on the larger issues of our approach to lawbreakers and their rehabilitation. The claims of both those who want to retain capital punishment and those who want to abolish it are included. The arguments consider whether capital punishment deters crime as well as the question of discrimination. A wealth of references, an extremely useful bibliography, and a final chapter delineating the legal issues facing the courts at the time the book was originally published in 1972 complete this unusually incisive and balanced study. Capital Punishment remains an important volume in the field of criminal justice. It seeks to educate rather than propagandize. It is intended for use in numerous courses in sociology and political science as well as in law schools. Anyone wishing to gain a perspective on what remains a controversial issue more than thirty years later would be well advised to study this work by world-class scholars.

The Case Against the Death Penalty Crown

Bachelor Thesis from the year 2011 in the subject Business economics - Law, grade: 1,0, Berlin School of Economics and Law, language: English, abstract: Awareness surrounding the financial burden of capital punishment is increasing and slowly beginning to permeate the American Society.

However, not enough light has been shed on the sources that are causing the financial devastation. The death-is-different legal doctrine in the United States grants procedural protection that is unique for capital litigation providing individual consideration for each case. The paper investigates the price increase by capitally adjudicating a case compared to a non-capital litigation. Looking at the economic side of the impact of legal statutes should contribute to the discussion about choosing alternative punishments, such as life incarceration without the possibility of parole, and the systems' improvement prospects or the lack thereof. In the aftermath of a severe economic crisis and with ongoing financial solvency crises of interdependent nations, cost cutting considerations become all the more essential. Further, it is "Time to consider whether maintaining the costly death penalty system is being smart on crime" by briefly looking into where the money could be invested instead in order to achieve an equivalent effect. In short, the paper aims at ascertaining the financial cost of capital punishment and how the discoveries can impact jurisprudence. The central questions are the following. How to approach the financial cost of death penalty? What are the cost drivers of the system? Are there calculable benefits? How did and can economic arguments influence the legitimacy of capital punishment? The paper is structured as follows. The introduction is designed to lay out the framework of the United States capital punishment system. The main part provides an overview of the developments in approaching the cost of state-sanctioned killing, then explores the key cost drivers and finally takes the reader through the difficulty of quantifying benefits. The main part concludes with a section offering a deduction of how economic reasoning may impact jurisprudence. At last, the conclusion presents final remarks.

Capital Punishment New York : Harper & Row

Why does the United States continue to employ the death penalty when fifty other developed democracies have abolished it? Why does capital punishment become more problematic each year? How can the death penalty conflict be resolved? In *The Contradictions of American Capital Punishment*, Frank Zimring reveals that the seemingly insoluble turmoil surrounding the death penalty reflects a deep and long-standing division in American values, a division that he predicts will soon bring about the end of capital punishment in our country. On the one hand, execution would seem to violate our nation's highest legal principles of fairness and due process. It sets us increasingly apart from our allies and indeed is regarded by European nations as a barbaric and particularly egregious form of American exceptionalism. On the other hand, the death penalty represents a deeply held American belief in violent social justice that sees the hangman as an agent of local control and safeguard of community values. Zimring uncovers the most troubling symptom of this attraction to vigilante justice in the lynch mob. He shows that the great majority of executions in recent decades have occurred in precisely those Southern states where lynchings were most common a hundred years ago. It is this legacy, Zimring suggests, that constitutes both the distinctive appeal of the death penalty in the United States and one of the most compelling reasons for abolishing it. Impeccably researched and engagingly written, *Contradictions in American Capital Punishment* casts a clear new light on America's long and troubled embrace of the death penalty.

The International Library of Essays on Capital Punishment, Volume 2 GRIN Verlag
Essay from the year 2002 in the subject American Studies - Culture and Applied Geography, grade: 1-, University of Potsdam (Institut für Anglistik/Amerikanistik), 6 entries in the bibliography,

language: English, abstract: Various attitudes and passions like racism, revenge, religion and political power have supported the imposition of the death penalty. The aim of this paper is answer the question whether the media, Christian religion and the policy of the United States of America bear full responsibility for the existence and the ongoing justification of the death penalty. These three institutions possess huge influence on the peoples' opinions and form the three pillars of US pride. I will try to find my personal answer through isolating these pillars and explaining their efforts to evade the often required abolition of the death penalty. There is no execution in the USA that is not accompanied by demonstrators - opponents as well as proponents. So it was only a matter of time until the popular press recognized the controversial topic "death penalty" as their new pecuniary resource. "When citizens are confronted with the issue of capital punishment, be they jury members or other by-standers, they decide if death as punishment is applicable in that single case, or, more broadly, if it is in the interest of society at all. By-standers are not, in fact, neutral or impartial. As human beings they are shaped by their world outlook." As we all know the media plays a major role in this outlook and it is easy for them to indoctrinate peoples' minds with their conviction of right and wrong. The media tells us, sometimes subtly, sometimes directly, what clothes to wear, what car to drive, what music to like and maybe also what "monster" to send to death row.

Capital Punishment GRIN Verlag

The U.S. death penalty is a peculiar institution, and a uniquely American one. Despite its comprehensive abolition elsewhere in the Western world, capital punishment continues in dozens of American states- a fact that is frequently discussed but rarely understood. The same puzzlement surrounds the peculiar form that American capital punishment now takes, with its uneven application, its seemingly endless delays, and the uncertainty of its ever being carried out in individual cases, none of which seem conducive to effective crime control or criminal justice. In a brilliantly provocative study, David Garland explains this tenacity and shows how death penalty practice has come to bear the distinctive hallmarks of America's political institutions and cultural conflicts. America's radical federalism and local democracy, as well as its legacy of violence and racism, account for our divergence from the rest of the West. Whereas the elites of other nations were able to impose nationwide abolition from above despite public objections, American elites are unable- and unwilling- to end a punishment that has the support of local majorities and a storied place in popular culture. In the course of hundreds of decisions, federal courts sought to rationalize and civilize an institution that too often resembled a lynching, producing layers of legal process but also delays and reversals. Yet the Supreme Court insists that the issue is to be decided by local political actors and public opinion. So the death penalty continues to respond to popular will, enhancing the power of criminal justice professionals, providing drama for the media, and bringing pleasure to a public audience who consumes its chilling tales. Garland brings a new clarity to our understanding of this peculiar institution- and a new challenge to supporters and opponents alike.

Capital Punishment Among the Jews Oxford University Press, USA

Excerpt from Capital Punishment Among the Jews: A Paper Read Before the New York Board of Jewish Ministers In the following essay, an attempt is made at tracing the history of capital punishment among the Jews. From the Biblical period onwards, there took place a long and complex

development of the principles, the methods and the application of capital punishment. The story of this development is contained chiefly in the Old and the New Testaments, Josephus, the Rabbinic writings and the Responsa of the Middle Ages. The following study, which is based on these sources, attempts to make clear what was the nature of this development. The Four Methods of Capital Punishment According to a saying of the Rabbis, nine hundred and three different methods of death have been created for man. But Rabbinic jurisprudence recognised only four legal methods of inflicting death as the penalty for a capital crime, namely: stoning, burning, decapitation and strangulation. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

Deathquest Sagwan Press

This fifth edition of the first true textbook on the death penalty engages the reader with a full account of the arguments and issues surrounding capital punishment. The book begins with the history of the death penalty from colonial to modern times, and then examines the moral and legal arguments for and against capital punishment. It also provides an overview of major Supreme Court decisions and describes the legal process behind the death penalty. In addressing these issues, the author reviews recent developments in death penalty law and procedure, including ramifications of newer case law, such as that regarding using lethal injection as a method of execution. The author's motivation has been to understand what motivates the "deathquest" of the American people, leading a large percentage of the public to support the death penalty. The book educates readers so that whatever their death penalty positions are, they are informed opinions.

Encyclopedia of Capital Punishment in the United States, 2d ed. GRIN Verlag

Essay from the year 2015 in the subject Law - Philosophy, History and Sociology of Law, grade: 4.00, Indiana University (College of Arts and Sciences - Political Science Department), course: POLS-Y210 Rule of Law, language: English, abstract: This paper hopes to establish the continued forcefulness of Cesare Beccaria's argument against torture and the death penalty by reconciling its reasoning with the societal and legal context of the modern day. Cesare Beccaria, considered one of the founding fathers of Enlightenment penology and legal theory, is perhaps most well known for his treatise On Crime and Punishment in which he argues against punitive administration of torture and capital punishment. This paper analyzes the arguments proposed by Beccaria and reasserts their modern relevance to contemporary legal conversation on the death penalty and government-administered torture. Weaknesses in Beccaria's argument such as his questionably justified causal claims on human behavior are examined, but ultimately found to not render his argument less sound insofar as it seeks to discredit capital punishment. Beccaria's own model of social contract theory is also examined and used as a basis by which to evaluate his legal claims.

Capital Punishment Springer Science & Business Media

Presents divergent viewpoints on capital punishment in the United States.