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Capital Punishment-Alfred Joseph Taylor 1877

The Case Against the Death Penalty-Hugo Adam Bedau 1984

Abolishing the Death Penalty-Gopal Gandhi 2016 In Abolishing the Death Penalty: Why India Should Say No to Capital Punishment, Gopal krishna Gandhi asks fundamental questions about the ultimate legal punishment awarded to those accused of major crimes. Is taking another life a just punishment or an act as inhuman as the crime that triggered it? Does having capital punishment in the law books deter crime? His conclusions are unequivocal: Cruel in its operation, ineffectual as deterrence, unequal in its application in an uneven society, liable like any punishment to be in error but incorrigibly so, these grievous flaws that are intrinsic to the death penalty are compounded by yet another-it leaves the need for retribution (cited as its primary 'good') unrequited and simply makes society more bloodthirsty. Examining capital punishment around the world from the time of Socrates onwards, the author delves into how the penalty was applied in India during the times of Asoka, Sikandar Lodi, Krishnadevaraya, the Peshwas and the British Raj, and how it works today. Of the 195 countries in the world, 140 are abolitionist and no longer have the death penalty in law or in practice. Abolition-minded in theory, India is retentionist in practice-the death penalty can be handed down even for non-homicidal crimes. But even though it is only meant to be handed down in the 'rarest of the rare' cases, there are currently 385 convicts on death row. Through in-depth analysis, persuasive argument and the marshalling of the considered opinion of jurists, human rights activists, scholars and criminologists among others, this book shows exactly why the death penalty should be abolished with immediate effect in India

The Death Penalty-Ernest Van den Haag 2013-06-29 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 on constitutional grounds. After much Sturm und Drang, the Supreme Court of the United States, by a divided vote, finally decided that "the death penalty does not invariably violate the Cruel and Unusual Punishment Clause of the Eighth Amendment." The Court's decisions, however, do not moot the controversy about the death penalty or render this excellent book irrelevant. The ball is now in the court of the Legislature and the Executive. Leg islatures, federal and state, can impose or abolish the death penalty, within the guidelines prescribed by the Supreme Court. A Chief Executive can commute a death sentence. And even the Supreme Court can change its mind, as it has done on many occasions and did, with respect to various aspects of the death penalty itself, durlog the moratorium period. Also, the
people can change their minds. Some time ago, a majority, according to reliable polls, favored abolition. Today, a substantial majority favors imposition of the death penalty. The pendulum can swing again, as it has done in the past.

The Road to Abolition? - Charles J. Ogletree, Jr. 2009-11-01 At the start of the twenty-first century, America is in the midst of a profound national reconsideration of the death penalty. There has been a dramatic decline in the number of people being sentenced to death as well as executed, exonerations have become common, and the number of states abolishing the death penalty is on the rise. The essays featured in The Road to Abolition? track this shift in attitudes toward capital punishment, and consider whether or not the death penalty will ever be abolished in America. The interdisciplinary group of experts gathered by Charles J. Ogletree Jr., and Austin Sarat ask and attempt to answer the hard questions that need to be addressed if the death penalty is to be abolished. Will the death penalty end only to be replaced with life in prison without parole? Will life without the possibility of parole become, in essence, the new death penalty? For abolitionists, might that be a pyrrhic victory? The contributors discuss how the death penalty might be abolished, with particular emphasis on the current debate over lethal injection as a case study on why and how the elimination of certain forms of execution might provide a model for the larger abolition of the death penalty.

Why Zambia Should Abolish the Death Penalty - 2004

The Death Penalty - Louis P. Pojman 2000-01-01 Two distinguished social and political philosophers take opposing positions in this highly engaging work. Louis P. Pojman justifies the practice of execution by appealing to the principle of retribution: we deserve to be rewarded and punished according to the virtue or viciousness of our actions. He asserts that the death penalty does deter some potential murderers and that we risk the lives of innocent people who might otherwise live if we refuse to execute those deserving that punishment. Jeffrey Reiman argues that although the death penalty is a just punishment for murder, we are not morally obliged to execute murderers. Since we lack conclusive evidence that executing murderers is an effective deterrent and because we can foster the advance of civilization by demonstrating our intolerance for cruelty in our unwillingness to kill those who kill others, Reiman concludes that it is good in principle to avoid the death penalty, and bad in practice to impose it.

Capital Punishment Not a Deterrent - Lloyd Vernon Briggs 1940

The Death Penalty - Roger Hood 2015 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.

Debating the Death Penalty - Hugo Adam Bedau 2005-03-24 Experts on both side of the issue speak out both for and against capital punishment and the rationale behind their individual beliefs.

Best Answers for Should Capital Punishment
Be Abolished? Why, Or Why Not?-Barbara Boone 2015-06-25 We've asked dozens of people the following questions: "Justice: What are the arguments against capital punishment (death penalty)?" and "Should capital punishment be abolished? Why, or why not?." Here are the top answers. These answers were picked as being the most inspiring and interesting of all the given answers. Enjoy.

Against the Death Penalty-Stephen Breyer 2016-08-23 A landmark dissenting opinion arguing against the death penalty Does the death penalty violate the Constitution? In Against the Death Penalty, Justice Stephen G. Breyer argues that it does: that it is carried out unfairly and inconsistently, and thus violates the ban on "cruel and unusual punishments" specified by the Eighth Amendment to the Constitution. "Today's administration of the death penalty," Breyer writes, "involves three fundamental constitutional defects: (1) serious unreliability, (2) arbitrariness in application, and (3) unconscionably long delays that undermine the death penalty's penological purpose. Perhaps as a result, (4) most places within the United States have abandoned its use." This volume contains Breyer's dissent in the case of Glossip v. Gross, which involved an unsuccessful challenge to Oklahoma's use of a lethal-injection drug because it might cause severe pain. Justice Breyer's legal citations have been edited to make them understandable to a general audience, but the text retains the full force of his powerful argument that the time has come for the Supreme Court to revisit the constitutionality of the death penalty. Breyer was joined in his dissent from the bench by Justice Ruth Bader Ginsburg. Their passionate argument has been cited by many legal experts — including fellow Justice Antonin Scalia — as signaling an eventual Court ruling striking down the death penalty. A similar dissent in 1963 by Breyer's mentor, Justice Arthur J. Goldberg, helped set the stage for a later ruling, imposing what turned out to be a four-year moratorium on executions.

Courting Death-Carol S. Steiker 2016-11-07 Refusing to eradicate the death penalty, the U.S. has attempted to reform and rationalize capital punishment through federal constitutional law. While execution chambers remain active in several states, Carol Steiker and Jordan Steiker argue that the fate of the American death penalty is likely to be sealed by this failed judicial experiment.

Capital Punishment-McCafferty, James A.

The Death Penalty-Joseph Anthony Melusky 2017 Does the possibility of being put to death deter crime? Do the methods of execution matter? Is it possible for a state-ordered execution to be botched? Are innocent people ever sent to death row? Are there racial biases or other prejudices associated with the death penalty? This book examines the history of capital punishment in the United States; describes the significant issues, events, and cases; and addresses the controversies and legal issues surrounding capital punishment, making this important topic accessible to a wide range of readers. The book presents both sides of the argument on whether capital punishment should continue or be abolished, looking at the evidence regarding whether it is necessary for carrying out justice and deterring violent crime or whether the practice is inhumane, ineffective, biased in its application, and costly. Readers will gain insights into how capital punishment should be used, if at all; whether effective safeguards are in place to ensure that only the guilty receive the death penalty; what crimes deserve this sentence; whether juveniles or individuals with diminished mental capacity should ever be sentenced to death; potentially viable alternatives to the death penalty; and the hidden costs involved in our capital punishment system that make it so expensive. The book also contains primary documents relevant to capital punishment, such as excerpts from documents like the U.S. Constitution, the Hittite case laws, and the Code of Hammurabi, as well as descriptions of and excerpts from key cases decided by the U.S. Supreme Court.

Deterrence and the Death Penalty-National Research Council 2012-05-26 Many studies during the past few decades have sought to determine whether the death penalty has any deterrent effect on homicide rates. Researchers have reached widely varying, even contradictory, conclusions. Some studies have concluded that the threat of capital punishment deters murders, saving large numbers of lives; other studies have concluded that executions actually increase homicides; still others, that executions have no
effect on murder rates. Commentary among researchers, advocates, and policymakers on the scientific validity of the findings has sometimes been acrimonious. Against this backdrop, the National Research Council report Deterrence and the Death Penalty assesses whether the available evidence provides a scientific basis for answering questions of if and how the death penalty affects homicide rates. This new report from the Committee on Law and Justice concludes that research to date on the effect of capital punishment on homicide rates is not useful in determining whether the death penalty increases, decreases, or has no effect on these rates. The key question is whether capital punishment is less or more effective as a deterrent than alternative punishments, such as a life sentence without the possibility of parole. Yet none of the research that has been done accounted for the possible effect of noncapital punishments on homicide rates. The report recommends new avenues of research that may provide broader insight into any deterrent effects from both capital and noncapital punishments.

Capital Punishment - Peter Hodgkinson
2004-02-05 What are the critical factors that determine whether a country replaces, retains or restores the death penalty? Why do some countries maintain the death penalty in theory but in reality rarely invoke it? By asking these questions, the editors hope to isolate the core issues that influence the formulation of legislation so that they can be incorporated into strategies for advising governments considering changes to their policy on capital punishment. They also seek to redress the imbalance in research, which tends to focus almost exclusively on the experience of the USA, by covering a range of countries such as South Korea, Lithuania, Japan and the British Caribbean Commonwealth. This valuable contribution to the debates around capital punishment contains contributions from leading academics, campaigners and legal practitioners and will be an important resource for students, academics, NGOs, policy makers, lawyers and jurists.

End of Its Rope - Brandon L. Garrett
2017-09-25 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 effect of inept lawyering, overzealous prosecution, race discrimination, wrongful convictions, and excessive punishments throughout the criminal justice system.

Let the Lord Sort Them - Maurice Chammah
2021-01-26 NEW YORK TIMES EDITORS’ CHOICE • A deeply reported, searingly honest portrait of the death penalty in Texas—and what it tells us about crime and punishment in America “Remarkably intimate, fair-minded, and trustworthy reporting on the people arguing over the fate of human life.”—Robert Kolker, New York Times bestselling author of Hidden Valley Road: Inside the Mind of an American Family WINNER OF THE J. ANTHONY LUKAS WORK-IN-PROGRESS AWARD In 1972, the United States Supreme Court made a surprising ruling: the country’s death penalty system violated the Constitution. The backlash was swift, especially in Texas, where executions were considered part of the cultural fabric, and a dark history of lynching was masked by gauzy visions of a tough-on-crime frontier. When executions resumed, Texas quickly became the nationwide leader in carrying out the punishment. Then, amid a larger wave of criminal justice reform, came the death penalty’s decline, a trend so durable that even in Texas the punishment appears again close to extinction. In Let the Lord Sort Them, Maurice Chammah charts the rise and fall of capital punishment through the eyes of those it touched. We meet Elsa Alcala, the orphaned daughter of a Mexican American family who found her calling as a prosecutor in the nation’s death penalty capital, before becoming a judge on the state’s highest court. We meet Danalynn Recer, a lawyer who became obsessively devoted to unearthing the life stories of men who committed terrible crimes, and fought for mercy in courtrooms across the state. We meet death row prisoners—many of them once-famous figures like Henry Lee Lucas, Gary Graham, and Karla Faye Tucker—along with their families and the families of their victims. And we meet the executioners, who struggle openly with what society has asked them to do. In tracing these interconnected lives against the rise of mass incarceration in Texas and the country as a whole, Chammah explores what the persistence of the death penalty tells us about forgiveness and retribution, fairness and justice, history and myth. Written with intimacy and grace, Let the Lord Sort Them is the definitive portrait of a particularly American institution.
The Politics of the Death Penalty in Countries in Transition-Madoka Futamura
2013-08-15 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 punishment. This book focuses on the political and legal issues raised by the death penalty in "countries in transition", understood as countries that have transitioned or are transitioning 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-building processes. In this context, Madoka Futamura and Nadia Bernaz bring together the work of leading researchers of international law, human rights, transitional justice, and 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. Covering a diverse range of transitional processes in Asia, Africa, Latin America, Europe, and the Middle East, The Politics of the Death Penalty in Countries in Transition offers a broad evaluation of countries whose death penalty policies have rarely been studied. The book would be useful to human rights researchers and international lawyers, in demonstrating how transition and transformation, 'provide the catalyst for several of interrelated developments of which one is the reduction and elimination of capital punishment'.

Comparative Capital Punishment-Carol S. Steiker 2019 Comparative Capital Punishment offers a set of in-depth, critical and comparative contributions addressing death practices around the world. Despite the dramatic decline of the death penalty in the last half of the twentieth century, capital punishment remains in force in a substantial number of countries around the globe. This research handbook explores both the forces behind the stunning recent rejection of the death penalty, as well as the changing shape of capital practices where it is retained. The expert contributors address the social, political, economic, and cultural influences on both retention and abolition of the death penalty and consider the distinctive possibilities and pathways to worldwide abolition.

Capital Punishment and the American Agenda-Franklin E. Zimring 1989-02-24 Describes social, political, and moral conditions in the United States, discusses the history of capital punishment, and examines the possibility of its being abolished

Capital Punishment Should be Abolished-18??

Moving Away from the Death Penalty-Ivan Šimonović 2014 Capital punishment is irrevocable. It prohibits the correction of mistakes by the justice system and leaves no room for human error, with the gravest of consequences. There is no evidence of a deterrent effect of the death penalty. Those sacrificed on the altar of retributive justice are almost always the most vulnerable. This book covers a wide range of topics, from the discriminatory application of the death penalty, wrongful convictions, proven lack of deterrence effect, to legality of the capital punishment under international law and the morality of taking of human life.

Minorities and the Juvenile Justice System-Carl E. Pope 1993

Towards the Abolition of the Death Penalty in Africa-Lilian Manka Chenwi 2007-01-01

Should Capital Punishment be Abolished in Oregon?-Joe Bigham 1958

Reasons for Abolishing Capital Punishment-Martin Henry Bovee 1873

Capital Punishment in the United States-Raymond Taylor Bye 1919

The Death of Punishment-Robert Blecker 2013-11-19 For twelve years Robert Blecker, a criminal law professor, wandered freely inside Lorton Central Prison, armed only with cigarettes and a tape recorder. The Death of Punishment tests legal philosophy against the reality and wisdom of street criminals and their guards.
Some killers' poignant circumstances should lead us to mercy; others show clearly why they should die. After 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 prison, ironically, it's nobody's job to punish. 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 as punishment that flare up with every news story of a heinous crime. It argues that society must redesign life in prison to make the punishment more nearly fit the crime. It closes with the final irony: If we make prison the punishment it should be, we may well abolish the very death penalty justice now requires.

**Capital Punishment** - Peter Hodgkinson 1996
An analysis of the use of the death penalty across the world, together with the underlying arguments. This book ranks as the original in-depth treatment by the Director of Studies at the Centre for Capital Punishment Studies - University of Westminster, and another leading academic, plus leading commentators from around the world including the USA/North America's Michael L Radlett, William A Shabas and Hugo Adam Bedau.

**The Barbaric Punishment** - Hans Göran Franck 2003-01-01
In this volume, Swedish human rights activist and political figure, Hans Göran Franck, examines the administration of the death penalty from a historical perspective. The author's opinions are based on his lifelong work and devotion to abolishing the 'barbaric punishment'. Building upon previously unpublished material and considerable detail drawn from Franck's personal experiences, it focuses on both the progressive developments within European countries and institutions over several decades, and the frustratingly retrograde situation that prevails in the United States. The author dedicated this book to those facing a sentence of death. During the course of his work, the author traveled to numerous countries and met many condemned men and women. Publication of this important volume, which comes a few years after Hans Göran Franck's untimely passing, coincides with a major development to which he contributed, the adoption of Protocol No. 13 to the European Convention on Human Rights, which abolishes capital punishment in both wartime and peacetime. William A. Schabas a law professor who specializes in the subject of capital punishment, has ensured that the manuscript is up to date, and contributed the introductory chapter.

**Peculiar Institution** - David Garland 2012-10-22
Why does the United States, alone among Western democracies, still have the death penalty? It's not a new question, but David Garland provides fresh answers from a multilayered analysis...The title hints at the most provocative part of Garland's answer. In American history, the "peculiar institution" is slavery. Anyone who thinks its vestiges were wiped out by the Emancipation Proclamation or civil rights laws should read this book and think again.

**Against Capital Punishment** - Benjamin S. Yost 2019-02-13
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 death penalty abolitionists because they sidestep the controversies that bedevil moral critiques of execution. Proceduralists do not shoulder the burden of demonstrating that heinous murderers deserve a punishment less than death. However, proceduralist arguments often pay insufficient attention to the importance of punishment; many imply the highly contentious 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 procedural injustice and the impermissibility of capital punishment and by offering a comprehensive argument of his own which confronts proceduralism's most significant shortcomings. Yost is the first author to develop and defend the irrevocability argument against capital punishment, demonstrating that the irremediability of execution renders capital punishment impermissible. His contention is not that the act of execution is immoral, but rather that the possibility of irrevocable mistakes precludes the just administration of the death penalty. 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.
Some Reasons why Capital Punishment Should be Abolished in Oregon

- Oregon League to Abolish Capital Punishment

Capital Punishment

James A. McCafferty
2017-07-12
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.

Abolition of Capital Punishment


The Death Penalty As Torture

John D. Bessler
2016-11-01
During the Dark Ages and the Renaissance, Europe’s monarchs often resorted to torture and executions. The pain inflicted by instruments of torture from the thumbscrew and the rack to the Inquisition’s tools of torment was eclipsed only by horrific methods of execution, from breaking on the wheel and crucifixion to drawing and quartering and burning at the stake. The English Bloody Code made more than 200 crimes punishable by death, and judicial torture expressly authorized by law and used to extract confessions permeated continental European legal systems. Judges regularly imposed death sentences and other harsh corporal punishments, from the stocks and the pillory, to branding and ear cropping, to lashes at public whipping posts. In the Enlightenment, jurists and writers questioned the efficacy of torture and capital punishment. In 1764, the Italian philosopher Cesare Beccaria, the father of the world’s anti-death penalty movement, condemned both practices. And Montesquieu, like Beccaria and others, concluded that any punishment that goes beyond absolute necessity is tyrannical. Traditionally, torture and executions have been viewed in separate legal silos, with countries renouncing acts of torture while simultaneously using capital punishment. The UN Convention Against Torture strictly prohibits physical or psychological torture; not even war or threat of war can be invoked to justify it. But under the guise of lawful sanctions, some countries continue to carry out executions even though they bear the indicia of torture. In The Death Penalty as Torture, Prof. John Bessler argues that death sentences and executions should be classified under the rubric of torture. In a world in which mock or simulated executions, as well as a host of other non-lethal acts, are already considered to be torturous, he contends that death sentences and executions should be classified under the rubric of torture. Unlike in the Middle Ages, penitentiaries—one of the products of the Enlightenment—now exist throughout the globe to house violent offenders. With the rise of life without parole sentences, and with more than four of five nations no longer using executions, The Death Penalty as Torture calls for the recognition of a peremptory, international law norm against the death
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 of the worst.' The same court had rejected the death penalty just four years before in the Furman decision because it found that the penalty had been applied in a capricious and arbitrary manner. The 1976 decision ushered in the 'modern' period of the US death penalty, setting the country on a course to execute over 1,400 inmates in the ensuing years, with over 8,000 individuals currently sentenced to die.

Now, forty years after the decision, the eminent political scientist Frank Baumgartner along with a team of younger scholars (Marty Davidson, Kaneesha Johnson, Arvind Krishnamurthy, and Colin Wilson) have collaborated to assess the empirical record and provide a definitive account of how the death penalty has been implemented. Each chapter addresses a precise empirical question and provides evidence, not opinion, about whether how the modern death penalty has functioned. They decided to write the book after Justice Breyer issued a dissent in a 2015 death penalty case in which he asked for a full briefing on the constitutionality of the death penalty. In particular, they assess the extent to which the modern death penalty has met the aspirations of Gregg or continues to suffer from the flaws that caused its rejection in Furman. To answer this question, they provide the most comprehensive statistical account yet of the workings of the capital punishment system. Authoritative and pithy, the book is intended for both students in a wide variety of fields, researchers studying the topic, and—not least—the Supreme Court itself.