



Cruel and Unusual: The American Death Penalty and the Founders' Eighth Amendment

John D. Bessler

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The conventional wisdom is that the founders were avid death penalty supporters. In this fascinating and insightful examination of America's Eighth Amendment, law professor John D. Bessler explodes this myth and shows the founders' conflicting and ambivalent views on capital punishment. *Cruel and Unusual* takes the reader back in time to show how the indiscriminate use of executions gave way to a more enlightened approach—one that has been evolving ever since. While shedding important new light on the U.S. Constitution's "cruel and unusual punishments" clause, Bessler explores the influence of Cesare Beccaria's essay, *On Crimes and Punishments*, on the Founders' views, and the transformative properties of the Fourteenth Amendment, which made the Bill of Rights applicable to the states. After critiquing the U.S. Supreme Court's existing case law, this essential volume argues that America's death penalty—a vestige of a bygone era in which ear cropping and other gruesome corporal punishments were thought acceptable—should be declared unconstitutional.

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