

## Reviews of Prof. John Bessler's Books

(as of January 2025)

### *The Death Penalty's Denial of Fundamental Human Rights: International Law, State Practice, and the Emerging Abolitionist Norm*

(Cambridge: Cambridge University Press, 2023)

- Bronze Medalist, 2024 *Independent Publisher Book Award* (True Crime - Legal category)

“Professor John Bessler has just written a book that really documents the way in which the death penalty has historically—and to this day—violated human rights standards, how is tantamount to torture and how it actually violates a number of existing human rights instruments.”

–Diann Rust-Tierney, Executive Director,  
Georgetown Racial Justice Institute Director,  
Discussion with the Death Penalty Information Center  
on “Reconceptualizing the U.S. Death Penalty as  
a Violation of Fundamental Human Rights”

“Professor Bessler is the author of several books on the death penalty, including his 2023 book *The Death Penalty's Denial of Fundamental Human Rights: International Law, State Practice, and the Emerging Abolitionist Norm*. In his most recent book, Professor Bessler argues that the death penalty should be classified as torture, which would prohibit its use under international law and treaties. The reality of capital punishment, he explains, is that it is ‘really just a series of credible death threats.’ The capital charge is a death threat, the death sentence is a more credible death threat, and the execution itself is a very imminent death threat. International law already prohibits mock executions as a ‘classic form of psychological torture,’ and Professor Bessler argues that the death penalty, with its repeated threats to execute, should be viewed the same way.”

–Death Penalty Information Center

“The imposition and execution of the death penalty are known to cause severe psychological if not physical pain or suffering. This practice amounts to cruel, inhuman, or degrading punishment if not torture, neither of which would be covered by the Convention against Torture’s lawful sanctions clause. For a detailed and passionate account see John Bessler, *The Death Penalty's Denial of Fundamental Human Rights: International Law, State Practice, and the Emerging Abolitionist Norm*, making the case that the death penalty constitutes torture.”

–Lutz Oette, *The Transformation of the Prohibition of Torture in International Law* (2024)

**Private Prosecution in America:  
Its Origins, History, and Unconstitutionality  
in the Twenty-first Century**

(Durham, NC: Carolina Academic Press, 2022)

- Bronze Medalist, 2023 *Independent Publisher* Book Award (U.S. History)

“A major work of original and meticulous historical research and scholarship, *Private Prosecution in America: Its Origins, History, and Unconstitutionality in the Twenty-First Century* is an extraordinary and unique contribution [to] the history of American jurisprudence. Exceptionally well written, organized and presented, *Private Prosecution in America: Its Origins, History, and Unconstitutionality in the Twenty-First Century* is especially and unreservedly recommended as a very special and prized addition to professional, community, college, and university library judicial studies collections and supplemental curriculum studies lists. It should be noted for law students, academia, members of the legal profession, and non-specialist general readers with an interest in the subject that *Private Prosecution in America: Its Origins, History, and Unconstitutionality in the Twenty-First Century* is also readily available in a digital book format.”

–*Midwest Book Review*

“[A] thorough history of private prosecution in the United States.”

“With this book, John Bessler has produced the definitive work on private prosecution.

It will be the source that generations will turn to for guidance on this topic.”

–Dean Roger A. Fairfax, Jr., American University Washington College of Law,  
*California Law Review* & Public Remarks about *Private Prosecution in America*

“Bessler argues that the general idea of a private criminal prosecution runs contrary to fundamental constitutional protections afforded to the accused.”

–David Fraser, *Nazi Antisemitism and Jewish Legal Self-Defense:  
The Turn to Law in Liberal Democracies, 1932–39* (2023)

“By the turn of the twentieth century the public prosecutor became the primary method for initiating criminal charges. Private prosecutions became the exception rather than the rule as public prosecutors became more professionalized and independent of the courts, professional police departments became more common in metropolitan areas, and acquittal rates rose for privately initiated complaints.”

–Marc L. Miller, Ronald F. Wright, Jenia I. Turner & Kay L. Levine,  
*Criminal Procedures - Prosecution and Adjudication:  
Cases, Statutes, and Executive Materials* (7th ed. 2023)

“The use of private parties as prosecutors appears to have been the norm in the earliest American colonies, and it persisted in many places for a significant period.”

–Prof. Carlton F.W. Larson, *U.C. Davis Law Review*

***The Baron and the Marquis:  
Liberty, Tyranny, and the Enlightenment Maxim that  
Can Remake American Criminal Justice***

(Durham, NC: Carolina Academic Press, 2019)

“Criminal justice reform has become a hotly debated topic in recent years. In a time devoid of clear solutions, Professor John Bessler suggests going back to basics—all the way back to the Enlightenment. Pulling from such thinkers as Montesquieu and Cesare Beccaria, Bessler examines American punishment within the context that the Founders envisioned it. Our theory of punishment, Bessler argues, should be grounded in Enlightenment principles—those holding that any specific punishment is proper only if absolutely necessary. Anything more than that would be tyrannical.

After building this concept, the text delves into the implications of incorporating it into today’s criminal justice system. What is the role of various legal actors in reverting to these principles? How do we determine what is absolutely necessary? This discussion encompasses not only what is an unusual punishment—as many scholars analyze in their Eighth Amendment studies—but also what would constitute a *usual* one.

By offering an extensive historical analysis into the Founders’ theoretical inspirations, Bessler provides a compelling thesis of what American punishment should be and how we might get there.”

–*Harvard Law Review*

“*The Baron and the Marquis* . . . explores the history of the maxim that articulates what is now known as the parsimony principle. That maxim shaped the American and French Revolutions, and it set the dividing line between tyranny and liberty. Jefferson believed only absolute necessity justified punishment, and the French Declaration of the Rights of Man and of the Citizen (1789) similarly allowed only strictly and obviously necessary punishments. In *The Baron and the Marquis*, Professor Bessler shows the maxim’s modern-day implications for capital punishment, prolonged solitary confinement, and mass incarceration, arguing that unnecessary punishments are excessive and cruel and unusual. An extraordinary work of seminal scholarship, *The Baron and the Marquis* is . . . unreservedly recommended for community, college and university library collections.” –*Midwest Book Review*

“[T]he Milanese jurist Cesare Beccaria (1738-1794), in his famous *Essay on Crimes and Punishments* in 1764, deeply questioned the rationality and efficacy of the death penalty and judicial torture, and argued that penalties must be made proportionate to crimes. Punishment beyond what was strictly necessary was tyranny. Beccaria’s work was quickly translated from Italian and became an instant classic in Europe.

As Professor John Bessler has demonstrated, the *Essay* also had a profound impact in the colonies, where it was read by the likes of Adams and Jefferson.”

–Ryan Greenwood, Curator of Rare Books and Special Collections, Stefan A. Riesenfeld Rare Books Research Center, University of Minnesota Law School

“John D. Bessler explores the history of the maxim that articulates the ‘parsimony principle.’ That principle, which holds that any punishment that goes beyond necessity is ‘tyrannical,’ was first articulated by Baron de Montesquieu and later publicized by the Italian criminal-law theorist, the Marquis Beccaria. Bessler shows the maxim’s modern-day implications for capital punishment, prolonged solitary confinement, and mass incarceration.”

–Andy Amsler, Death Penalty Focus

***The Celebrated Marquis:***

***An Italian Noble and the Making of the Modern World***

(Durham, NC: Carolina Academic Press, 2018)

- Winner, 2018 Next Generation Indie Book Award (Autobiography/Biography)
- Grand Prize Finalist, Eric Hoffer Book Awards
- 1st Runner-Up, Eric Hoffer Book Awards (Reference)
- Finalist, National Indie Excellence Awards (Biography General)
- Finalist, 2018 Best Book Awards – American Book Fest (Biography General)
- Finalist, 2018 Foreword INDIES Book of the Year Awards (Biography)

“A biography examines the 18th-century jurist Cesare Beccaria. Beccaria, born in Milan in 1738, was the eldest son of an Italian aristocrat. Educated by Jesuits, the young noble went on to study law at the University of Pavia, emerging as a prominent man during the Age of Enlightenment. Although his name is not as well-remembered as Voltaire and Adam Smith, Beccaria made his own share of contributions to the advancement of modern thinking. As Bessler explains, this book seeks to ‘restore Cesare Beccaria’s rightful place in the pantheon of the world’s most influential historical figures.’ The main argument for Beccaria’s impact is his slender, though widely read, work published in 1764: *Dei Delitti e delle Pene* (later translated into English as *On Crimes and Punishments*). His book argues against the use of torture and the death penalty in favor of more rational means for punishing criminals. . . .

Bessler argues that Beccaria’s work shaped not just European minds, but also many of the key figures of the American Revolution, including Dr. Benjamin Rush, who was an ‘undying and fervent Beccaria disciple.’ Beccaria’s influence on the Enlightenment and American jurisprudence is an intriguing and engrossing historical trial to follow. The Founding Fathers did not create their own works out of thin air. Following the accomplishments of a lesser-known figure like Beccaria becomes a rewarding exercise for the audience. In skillfully sorting out the many ideas that led to documents with as much longevity as the Constitution, the author shows readers how much thought went into concepts that many take for granted.”

–*Kirkus Reviews*

“In *The Celebrated Marquis: An Italian Noble and the Making of the Modern World*, John Bessler sets out to resurrect the reputation and legacy of Cesare Beccaria (1738-94),

a largely forgotten eighteenth-century Italian aristocrat whose ‘writings on equality, economics, and law and society’, in the words of Bessler, ‘transformed the world’. . . . The author largely succeeds in his aim, as it is difficult to finish the book without feeling that Beccaria’s life and writings have had as much, if not more, influence on the concept of liberal democracy than those of Jean-Jacques Rousseau, Montesquieu and John Locke, as well as other Enlightenment figures. Although Beccaria’s 1764 treatise *On Crimes and Punishments* might be generally familiar to criminologists and penologists, Bessler demonstrates that the Italian writer should also be considered alongside the likes of Adam Smith by economists, since his work in this field has been just as influential. . . . In the eighteenth century, *On Crimes and Punishments* was quickly translated into many languages and was lauded by revolutionaries, just as it was condemned by reactionaries. The influence of the text is most clearly apparent in the French and American revolutions of the eighteenth century, and the depth of research carried out by Bessler to support this is astonishing. . . . Bessler’s work is essential reading for those wanting to understand firstly, why the world has generally, though not uniformly, moved from the barbarism of the Dark Ages towards more humane legal systems; and secondly, how to continue to push for legal systems that are more respectful of human dignity.”

–Bharat Malkani, *LSE Review of Books*

“Setting the French and American revolutions in the context of the European Enlightenment, law professor John D. Bessler introduces Cesare Beccaria, who ignited the world with his 1764 treatise *On Crimes and Punishments*. This runaway bestseller argued against torture, capital punishment, and religious intolerance. Nearly forgotten today, Beccaria sought clear and egalitarian laws, better public education, and milder punishments. Bessler’s introduction to the man and his seminal work is eye-opening and ground-breaking.”

–Next Generation Indie Book Awards Judge

“Cesare Beccaria’s ground-breaking 1764 *Dei delitti e delle pene* (*On Crimes and Punishment[s]*) likely entered Jefferson’s library along with Montesquieu’s *Ésprit des lois* in late 1769, and he immediately took extensive notes from it in Italian. He later acquired an English translation of it, and also owned Voltaire’s 1766 commentary.

John D. Bessler has chronicled the immediate and immense success of Beccaria’s work in both Europe and America.”

–Linda L. Carroll, *Thomas Jefferson’s Italian and Italian-Related Books in the History of Universal Personal Rights* (2019)

“Many Americans have never heard of [Cesare] Beccaria despite his contributions to our understanding and formulation of modern jurisprudence, government, and political economy. . . . Beccaria’s most important work is a small volume entitled *On Crimes and Punishments*. . . . Although a biography of Beccaria, this book includes fascinating details about people such as Jeremy Bentham, Adam Smith, Thomas Jefferson, documents such as the Declaration of Independence, and the social classes and mores of the time.”

–The Eric Hoffer Award (1st Runner Up)

“In 1764, Italian philosopher Cesare Beccaria wrote the treatise, *Dei delitti e delle pene*, which author John Bessler says spawned global movements for fair and proportional punishment and against practices such as torture and the death penalty. Beccaria’s book was a best-seller that swept across Europe and, translated into English in 1767 as *An Essay on Crimes and Punishments*, into the American colonies, shaping the beliefs of America’s founding fathers, and influencing leaders, revolutionaries, and law reformers. . . . Bessler—a law professor and author of numerous books on the death penalty—traces the lasting influence of the 18th-century Italian nobleman and describes how Beccaria’s advocacy of equal treatment under the law and his powerful opposition to torture and the death penalty remains relevant today . . . . Bessler’s latest book, *The Celebrated Marquis*, takes its title from a compliment given to Beccaria by the delegates of the Continental Congress. In it, Bessler describes how Beccaria’s ideals have taken root in the U.S. and shaped progressive criminal justice reforms across a span of 250 years.”

–Death Penalty Information Center

“In North America, Beccaria was immediately popular, and many editions of *Dei delitti* were published at a very early date. Before Independence, William Penn tried to pass a humane criminal code in Pennsylvania, but the attempt was thwarted by the Crown. After Independence, however, Beccaria’s influence surfaced in the decisions taken by the legislatures of the new states, as John Bessler . . . has amply demonstrated in his books *The Birth of American Law: An Italian Philosopher and the American Revolution* and *The Celebrated Marquis: An Italian Noble and the Making of the Modern World*.”

–Rosamaria Loretelli and John Dunkley, *Diciottesimo Secolo*

“Did you know that Cesare Beccaria’s monumental work, *Of Crimes and Punishments*, landed on the Catholic Church’s list of forbidden books? I didn’t. And that he was a member of a group called the ‘Academy of Fists?’ . . . I did know that Beccaria’s early-utilitarian views on the purposes of criminal law greatly influenced the American Framers. All these subjects are covered in this new book by University of Baltimore law professor John Bessler, *The Celebrated Marquis: An Italian Noble and the Making of the Modern World*.”

–Mark Movsesian, Law and Religion Forum,  
St. John’s Law School Center for Law and Religion

“In *The Celebrated Marquis: An Italian Noble and the Making of the Modern World*, University of Baltimore Law Professor John D. Bessler tells the story of Cesare Beccaria, an 18th century economist and lawyer, and his book, *On Crimes and Punishments*, a bestseller that argued against torture, the death penalty, and religious intolerance. Though the book was banned by the Inquisition and placed on the Catholic Church[’s] Index of Forbidden Books, it helped catalyze the American and French Revolutions, Bessler writes, and his ideas shaped the American Declaration of Independence.”

–Death Penalty Focus

“John Bessler, in his wide-ranging analysis of Beccaria’s life and contributions to penal theory and policies, has drawn attention to the number of UN-based treaties and declarations that ‘address the very subjects that Beccaria took up in *On Crimes and Punishments*’ . . . .”  
–Leslie Sebba, Lawrence D. Biele Chair of Law, The Hebrew University of Jerusalem, and Rachela Er’el, Advocate, Affiliated Lecturer, The Hebrew University of Jerusalem  
*Re-Reading Beccaria: On the Contemporary Significance of a Penal Classic*  
(Antje du Bois-Pedain and Shachar Eldar, eds. 2022)

“Called the ‘Italian Adam Smith’ for his pioneering work as an economist, Cesare Beccaria is well remembered for his treatise *On Crimes and Punishments* (1764), the runaway bestseller that argued against torture, capital punishment, and religious intolerance. In *The Celebrated Marquis: An Italian Noble and the Making of the Modern World*, award-winning author John Bessler tells the story of the history of economics and of how Beccaria’s ideas shaped the American Declaration of Independence, constitutions and laws around the globe, and the modern world in which we live.” –*Bench & Bar of Minnesota*

“*The Celebrated Marquis: An Italian Noble and the Making of the Modern World* is a superbly presented work of extraordinary scholarship and an essential, unreservedly recommended addition for community, college, and university library collections.”  
–*Midwest Book Review*

“Professor John Bessler is trying to help Cesare Beccaria—even though he’s been dead for over two hundred years. A man who strove to change the public attitude towards the death penalty, torture, rights of the poor, and more. Beccaria is not a household name unlike many of his English and French-speaking contemporaries of the 18th century. John Bessler—a visiting scholar at the Human Rights Center at the University of Minnesota Law School—wants to change that. . . . The book is *The Celebrated Marquis: An Italian Noble and the Making of the Modern World*, authored by Bessler and released this month (February 2018). It is as much a biography as it is a story of the influence of his ideas and how they shaped the world we know. . . . So how come an intellectual whose book was read worldwide in the 18th century came to be overlooked and lost in the fissures of history? The answers are in Professor Bessler’s *The Celebrated Marquis* . . . .”  
–Alexander Kane, “Saving Beccaria’s Legacy,” University of Minnesota, College of Liberal Arts, Human Rights Program (Feb. 12, 2018)

***The Death Penalty as Torture:  
From the Dark Ages to Abolition***

(Durham, NC: Carolina Academic Press, 2017)

- Bronze Medalist, 2017 *Independent Publisher Book Award* (World History)
- Finalist, 2018 *Eric Hoffer Book Awards*

“In his newest book, *The Death Penalty as Torture: From the Dark Ages to Abolition*,

John Bessler chronicles the historical link between torture and the death penalty from the Middle Ages to the present day and argues that both are medieval relics. The book . . . asserts that capital punishment is itself a form of torture, despite modern legal distinctions that outlaw torture while permitting death sentences and executions.

Bessler draws on the writings of philosophers such as Cesare Beccaria and Montesquieu, who condemned both practices and concluded that any punishment that was harsher than absolutely necessary was unjustifiable. Bringing these historical threads to the modern day, Bessler writes that the availability of highly-secure penitentiaries has made the death penalty unnecessary as an instrument of public safety. He argues that with more than 80% of the world's nations either not conducting executions or barring the death penalty outright, it is time for international law to recognize a norm against the use of the death penalty.”

–Death Penalty Information Center

“[S]tates are prohibited from carrying out things such as torturous *mock* executions, but are permitted to carry out *actual* executions. In this engaging and thoroughly researched monograph, Professor John Bessler addresses this incongruity by arguing that the death penalty should be construed as an act of torture, and thus universally outlawed. . . . By drawing attention to the contradictions inherent in any legal system which condemns the infliction of severe pain but tolerates the actual taking of life by state authorities, Bessler makes a valuable contribution to the crowded literature on both torture and the death penalty. . . . Throughout, Bessler marshals an impressive range of sources to provide the reader with depth as well as breadth of knowledge. . . . His book, then, is a call-to-arms for scholars, jurists, activists and those opposed to capital punishment to frame the case against the death penalty using the language of torture. He is adamant that the prohibition of the death penalty should be, and will in time be, classified as a *jus cogens* norm of international law. . . . By illustrating the links between capital punishment and torture, Bessler commendably shifts the debate over capital punishment back to its moral basis: the death penalty is objectionable because, like torture, it is inherently cruel in all places and at all times.”

–Bharat Malkani, *Human Rights Law Review*

“In *The Death Penalty as Torture: From the Dark Ages to Abolition*, Professor John D. Bessler . . . searches yesterday to make clearer today's understanding of capital punishment and torture. Aimed at reframing the capital punishment conversation, *The Death Penalty as Torture* amply examines society's history in using both capital punishment and torture. In doing so, Bessler pulls the legal concept of 'torture' out of the shadows of the more-oft examined concept of 'cruel and unusual' punishment. Ultimately, Bessler argues that rather than allowing the two concepts to remain in their respective Eighth Amendment silos, given that they bear extricable origins, aims, and methods, the sentencing to death and execution of a human being should be called what it is: torture. Stated otherwise, Bessler makes the case that 'death sentences and executions are ripe for classification as acts of torture' because, 'whether threatened, imposed, or actually carried out', they are *torturous threats of death* akin to those acts already classified as torture by *non-state* actors, and because 'executions are *more severe* than many *non-lethal* acts already classified as illicit



acts of torture.’ . . . The volume in its entirety weaves its parts seamlessly together. . . . The volume will open the eyes and minds of those with an interest in capital punishment, those questioning the use of that irrevocable punishment in the name of all citizens, and capital case practitioners looking for inspirational and historical information with which to push the boundaries of capital litigation. . . . With the broad view provided by Bessler in *The Death Penalty as Torture: From the Dark Ages to Abolition*, we can say, ‘[y]esterday I would not have understood. Today, I can understand.’”

–Karen A. Steele, *Criminal Law Bulletin*

“Recent ‘botched executions’ resulting in painful deaths for inmates have stirred controversy over the use of the death penalty. But could capital punishment also be rejected on the grounds that it amounts to psychological torture? That is the case that University of Baltimore law professor John Bessler makes in his new book, ‘The Death Penalty as Torture: From the Dark Ages to Abolition.’”

–Matt Hadro, *Catholic News Agency*

“[L]aw professor John Bessler . . . has made important contributions to the conversation about the psychological cruelty of capital punishment. . . . Bessler notes that Article 1 of the United Nations Convention Against Torture defines torture as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.’ In his view, the infliction of severe ‘mental suffering’ makes it clear that the psychological anguish an inmate can experience on death row qualifies as torture.”

–Austin Sarat, William Nelson Cromwell Professor of Jurisprudence and Political Science at Amherst College

“Bessler has written several books about capital punishment, and in his most recent, *The Death Penalty as Torture: From the Dark Ages to Abolition*, he maintains that capital punishment and torture have traditionally been categorized in ‘separate legal silos.’ But he contends that, in the 21st century, the classification of torture should be understood to encompass both non-lethal corporal punishments and lethal acts such as capital punishment.”

–Death Penalty Focus

“I would recommend this book for those who have a law degree, or at least possess the patience to read a scholarly legal tome. The author . . . has written extensively on capital punishment. The book has nine chapters, each of which reads like a well-written law review article, followed by extensive footnotes. . . . It is quite evident that he has thoroughly researched this topic. He makes a convincing argument that all elements of the standard capital punishment system in this country constitute torture, and that the U.S. is in violation of international agreements. Since I am a law librarian, and have read about capital punishment, I thought that I knew much about the topic.

This book has shown me that I did not. Even though the physical book has 416 giant pages filled with tiny print, it still seems like it is a condensed product. Whatever your beliefs on capital punishment, this book should be in your library.”

–Francis X. Norton, Jr., *Southeastern Law Librarian*

“John D. Bessler, a law professor who teaches at the University of Baltimore and Georgetown University, argues in 350 pages buttressed with copious notes, that the death penalty as it exists today is a form of torture that should be abolished. He maintains that it runs afoul of international law and treaties as well as the laws of all the nations that prohibit torture. It is an interesting argument that could offer a powerful approach to ending capital punishment.”

–*Criminal Law and Criminal Justice Books*

“In *The Death Penalty as Torture: From the Dark Ages to Abolition*, John Bessler argues ‘that, in the twenty-first century, death sentences and executions should be legally classified as forms of torture’ because the law already considers ‘*torturous threats of death*’ by nonstate actors to be torture, and ‘executions are *more severe* than many *non-lethal acts* already classified as illicit acts for torture’ and, as illicit torture, should be illegal by international standards. . . . Bessler compares the victim’s fear of impending death in a torture-murder to the condemned person’s fear of impending death when the execution process starts, and he argues that if the former is torture, the latter is also. . . . This book would be an excellent addition to an academic law library’s collection.”

–SaraJean Petite, *Law Library Journal*

***Justice Stephen Breyer, Against the Death Penalty (editor)***  
(Washington, DC: Brookings Institution Press, 2016)

“As America stands increasingly isolated in retaining the death penalty, two Supreme Court Justices made a clarion call for abolition. In a case upholding lethal injection procedures, Stephen Breyer and Ruth Bader Ginsburg went beyond the pleadings in a dissent encouraging litigators to bring a test case for outright abolition. Their landmark opinion marshaled a host of reasons, including recurrent due process violations, racial discrimination, and exonerations of innocents. The dissent, republished in a book entitled *Against the Death Penalty*, was essentially an abolitionist manifesto.”

–Prof. Mugambi Jouet, *American Journal of Comparative Law*

“In 2015, a 5–4 Supreme Court decision in the case of *Glossip v. Gross* upheld the legality of a lethal injection drug used in Oklahoma. Justice Stephen Breyer, joined by Justice Ruth Bader Ginsburg, wrote a dissent that urged their colleagues on the bench to reconsider the constitutionality of the death penalty, arguing that it likely violated the Eighth Amendment. A new project from the Brookings Institution Press takes this important dissent and puts it into a format that can be read by a wider audience. *Against the Death Penalty* shares Justice Breyer’s dissent in full, with edits and annotations by legal scholar John Bessler that transform the text into an accessible read free of technical legal jargon.”

–Carrie Engel, Brookings Institution

“The Brookings Institution in Washington asked University of Baltimore law professor John Bessler to analyze and annotate Justice Breyer’s dissent in the *Glossip* case so that more Americans could read it and understand it. The result is a small, but fascinating book titled ‘Against the Death Penalty,’ with John Bessler, one of the nation’s leading authorities on the death penalty, as editor.”

–Dan Rodricks, *The Baltimore Sun*

“In a new book, *Against the Death Penalty*, Professor John Bessler of the University of Baltimore School of law presents Justice Stephen Breyer’s historic dissent in *Glossip v. Gross*, which questioned the continuing constitutionality of capital punishment in the United States, in a new format intended to make the opinion more accessible to a broad audience.” –Death Penalty Information Center

“United States Supreme Court Justice Stephen Breyer makes the case against capital punishment along with John Bessler, a professor at the University of Baltimore Law School.”

–*American Government and Politics Today: The Essentials* (2017–2018 Edition)

“*Against the Death Penalty* by Stephen Breyer, edited by John Bessler (Aug. 23, hardcover, \$14.95). Justice Stephen G. Breyer argues that the death penalty is carried out unfairly and inconsistently, and thus violates the ban on ‘cruel and unusual punishments’ specified by the Eighth Amendment to the Constitution. 10,000-copy announced first printing.”

–*Publishers Weekly*

“*Against the Death Penalty* (Brookings Institution Press, \$14.95), written by Stephen Breyer and edited by John Bessler, gives us Justice Breyer’s view, as articulated in his 2015 dissent in the *Glossip v. Gross* case. In addition to Justice Breyer’s *Glossip* dissent, this slim volume includes as well a thorough and well-annotated introductory essay by John Bessler, a scholar of the death penalty who teaches at the University of Baltimore School of Law.

Mr. Bessler summarizes the history of American jurisprudence on the death penalty and sketches the views of both its proponents (Justice Scalia, Justice Clarence Thomas and others) and its critics such as Justice Breyer. . . .

This book is a valuable contribution to the discussion.”

–Justice David Wecht, Supreme Court of Pennsylvania, “A U.S. Supreme Court Justice Disputes the Justice of the Death Penalty,” *Pittsburgh Post-Gazette*

“*Against the Death Penalty*: If the Supreme Court declares the death penalty unconstitutional again, Justice Stephen Breyer’s 2015 dissent in *Glossip v. Gross* may get credit for starting the ball rolling. This Brookings Institution Press book lays out the dissent in book form, with a deep analysis by University of Baltimore School of Law professor John Bessler, who also expands on Breyer’s own footnotes with additional context.”

–Tony Mauro, “Seven Books for the SCOTUS Devotee in Your Life,” *National Law Journal*, Dec. 21, 2016

“To capital punishment scholar John Bessler of the University of Baltimore School of Law, it seemed fitting and perhaps even inevitable that Breyer would write the most detailed critique of the death penalty to date in his 2015 dissent in *Glossip v. Gross*, a decision upholding a lethal injection drug used by Oklahoma. . . . When the Brookings Institution’s head, Strobe Talbot, decided that Breyer’s opinion deserved a wider audience, he called Bessler, who’s written four books on capital punishment, to discuss how to reach that audience.”

–Marcia Coyle, *National Law Journal*

“Justice Stephen Breyer’s powerful dissenting opinion on the death penalty in *Glossip v. Gross* (2015) . . . serves as the focus of John D. Bessler’s short and insightful book, *Against the Death Penalty*. A law professor at the University of Baltimore School of Law and adjunct professor at the Georgetown University Law Center, Bessler provides a comprehensive 70-page introduction, briefly tracing the evolution of capital punishment over the last 250 years, in addition to including the full text of Breyer’s dissent. It is a timely and well-informed work that makes a convincing case for abolishing state killing. . . . Bessler traces the movement to end capital punishment back to Italian philosopher Cesare Beccaria, whose seminal work *Dei delitti e delle pene* (1764) was translated into English in 1767 as *On Crimes and Punishments*. It was read by George Washington and Thomas Jefferson, and John Adams would passionately quote it while representing British soldiers accused of murder following the 1770 Boston Massacre. . . . *Against the Death Penalty*, in the hands of an astute Supreme Court justice and an accomplished capital punishment scholar, provides an excellent opportunity for lawyer and layman alike to examine one of today’s most pressing questions of criminal justice. Can a society devoted to equal justice for all, applying ‘evolving standards of decency that mark the progress of a maturing society,’ continue to engage in state killing?”

–Stephen Rohde, *Los Angeles Review of Books*

“Justice Stephen Breyer aims to outline why capital punishment is unfair, inconsistent, and ultimately unconstitutional. Breyer leaves the reader with no doubt that the death penalty violates the Eighth Amendment to the US Constitution. The book provides a history of capital punishment and outlines the legal challenges to the imposition of death as the ultimate punishment. . . . The introduction is written by John Bessler (Univ. of Baltimore). Bessler contextualizes and annotates Breyer’s dissent in *Glossip*. . . . Legal scholars consider Breyer’s dissent in *Glossip* as a signature event in the possible end of capital punishment. *Against the Death Penalty* is an important book in the field, best suited for anyone generally interested in issues related to capital punishment in the US. . . . Summing up: Highly recommended.” –*Choice*

“Does the death penalty violate the Constitution? Justice Stephen 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 8th Amendment. *Against the Death Penalty* contains the full text of Justice Breyer’s dissent in the case of *Glossip v. Gross*, which involved an unsuccessful challenge to the state of Oklahoma’s use of a lethal-injection drug that could cause severe pain. This volume includes an introduction to the

case and a history of the challenges to the constitutionality of the death penalty  
by law professor and Minneapolis attorney John D. Bessler.”

–*Bench & Bar of Minnesota*

“The small book (only 162 pages) packs a wallop. The book is comprised of 3 parts: The first part is a 70-page introduction by Law Professor John D. Bessler, the second part is a 26-page dissent written by Supreme Court Associate Justice Stephen Breyer and the last part is the ‘end matter’ (66-pages consisting of Appendices A through E, Notes and Index). The introduction covers the history of court cases involving the death penalty leading up to the recent decision in the 2015 case: ‘Glossip v. Gross’. In a 5–4 decision, SCOTUS ruled that the use of a specific chemical in lethal injections does not violate the Eighth Amendment. Justice Breyer’s dissent states that he feels that imposition of the death penalty is unconstitutional for that as well as several other reasons. The end matter is made up of research leading to his dissent. Although short, the book lays out the many reasons why Justice Breyer feels the death penalty should be abolished.”

–March 10, 2017 Amazon.com customer review

***The Birth of American Law:  
An Italian Philosopher and the American Revolution***

(Durham, NC: Carolina Academic Press, 2014)

- Winner, 2015 Scribes Book Award, The American Society of Legal Writers
  - First Prize, 2015 American Association for Italian Studies  
Book Award (18th/19th century category)
  - Gold Winner, 2014 IndieFab Book of the Year Award (History)

“In *The Birth of American Law: An Italian Philosopher and the American Revolution*, historian John Bessler reveals the profound influence that the Italian thinker, Cesare Beccaria, had on the constitutional founders of the United States, including George Washington and John Adams. Beccaria’s bestselling book, *On Crimes and Punishments*, argued against torture and the death penalty, saying only punishments proven absolutely necessary should be used.

Bessler shows that the death penalty was more controversial at the writing of the Constitution than is often assumed today.”

–Death Penalty Information Center

“Beccaria’s influence in, and on, early American law and politics is extensively traced in . . . *The Birth of American Law: An Italian Philosopher and the American Revolution* (Durham NC: Carolina Academic Press, 2014).”

– Antje du Bois-Pedain, Professor of Criminal Law and Philosophy,  
University of Cambridge and Fellow of Magdalene College, Cambridge,  
and Shachar Eldar, Professor of Criminal Law, Ono Academic College  
*Re-Reading Beccaria: On the Contemporary Significance of a Penal Classic*  
(Antje du Bois-Pedain and Shachar Eldar, eds. 2022)

“The literature on the Founding Fathers and the birth of the United States of America is voluminous, as is scholarship on the death penalty in America. In this book, though, John Bessler makes unique and important contributions to both subjects by demonstrating the indelible influence that an Italian philosopher—Cesare Beccaria—had both on the Founders and on anti-death-penalty discourses. . . . *The Birth of American Law*, which is rich in detail and meticulously researched, can be described as part biography of Beccaria, part legal history of the Founding era, and part searing indictment of capital punishment. . . . Bessler deftly demonstrates how Beccaria had as much influence on the Founders as the likes of Thomas Paine, Montesquieu and other Enlightenment writers. . . . While many students of the Revolutionary era will be familiar with the likes of Jefferson, Franklin, and Adams, and while many students of capital punishment will be familiar with Beccaria’s scathing critique of the death penalty, Bessler merges these two stories into a compelling account of the beginning of the American legal order, making *The Birth of American Law* a must-read for anyone interested in the origins of the US legal order.” –Bharat Malkani, *Journal of American Studies*

“In 1948, Daniel Boorstin published a book called *The Lost World of Thomas Jefferson*. Six decades later much about the Founding Generation’s intellectual world remains almost unknown to contemporary scholars, lawyers, and judges. John Bessler has performed an important service in reminding us of the influence of Cesare Beccaria on the dialogue around the Constitution and the Bill of Rights. In so doing, he has opened up new vistas of meaning that Americans ignore at our peril.”  
–Prof. Garrett Epps, author of *American Epic: Reading the U.S. Constitution*

“Beccaria’s treatise, originally published anonymously in Tuscany in 1764, was thin, slightly more than 100 pages in length, and yet it would have a profound influence not just on the emergence of criminal justice in the 18th and 19th centuries, but also on 20th and 21st century practices. John D. Bessler’s new magisterial study of Beccaria’s work and its influence on American revolutionary-era thinking . . . is well worth the effort of many hours of reading. . . . Bessler’s spellbinding account of the volume’s life and influence could not have come at a better time.”  
–*Journal of Community Corrections*

“John Bessler masterfully and comprehensively traces how Cesare Beccaria’s *On Crimes and Punishments* deeply affected early American views on crime and the proportionality of punishments for crime. Just as John Adams gifted Beccaria’s treatise to his sons, John Bessler has gifted Beccaria to a new generation of Americans. Researchers and scholars interested in exploring Cesare Beccaria’s influence on our nation’s Founders will rely on this volume for generations to come.”  
–Julie Silverbrook, Executive Director, The Constitutional Sources Project

“Professor John Bessler has gathered the criminal law and other significant writings of the eloquent Italian Enlightenment scholar Cesare Beccaria (1738-1794). Bessler shows how Beccaria’s philosophy fits with contemporaneous thinking of Bentham, Blackstone, Hume, Locke, Montesquieu, Rousseau, and Voltaire, and how he influenced American founders such as John Adams, Benjamin Franklin, Alexander Hamilton, John Jay, Thomas Jefferson, James Madison, and George Washington. As a leading current opponent of the death penalty

in the United States, Bessler shows how Beccaria was among the earliest opponents of capital punishment, as well as a critic of torture, corporal punishment, retributive punishment, pretrial detention, and other problems of criminology.”

–David Weissbrodt, Regents Professor of Law, University of Minnesota Law School

“*The Birth of American Law* recovers the role that Cesare Beccaria played in the development of American ideas about crime and punishment. John Bessler illuminates how Beccaria, a leading theorist of the Italian Enlightenment, influenced such American lawyers and founders as John Adams and Thomas Jefferson. He also reminds us that the United States and its law developed not in exceptional isolation but in a trans-Atlantic context of ideas and argument. Bessler and Beccaria have much to teach us; even those finding points of disagreement will benefit from reading this book.”

–R. B. Bernstein, City College of New York, author of *Thomas Jefferson and The Founding Fathers Reconsidered*

“John D. Bessler ha[s] shown the influence of Beccaria’s thought on the American Constitution very accurately.”

–Donatella Morana, Full Professor of Constitutional Law at the University of Rome, *Rivista di Diritti Comparati*

“Across the Atlantic, as John D. Bessler has shown, the Founding Fathers of the United States of America took *On Crimes and Punishments* to their collective breasts. John Adams quoted Beccaria with ‘electrifying’ effect during the Boston massacre trial of 1770 . . . .”

–Sophus A. Reinert, *The Academy of Fisticuffs: Political Economy and Commercial Society in Enlightenment Italy* (Cambridge: Harvard University Press, 2018)

“Unlike most law professors and even most legal scholars, the vast majority of criminologists are undoubtedly familiar with Cesare Beccaria and his 1764 book, *On Crimes and Punishments*. Most Criminology textbooks have a paragraph or two about his work, and no doubt, most instructors in undergraduate Criminology courses mention his name in classroom lectures. Yet, if locked in a jail cell for a day with a pencil and a pad of paper, I suspect few criminologists could write more than a couple of paragraphs about his scholarship. . . . Criminologists know only a little about his work and a little about its impact. John Bessler’s newest book gives us a wonderful resource for increasing our appreciation for Beccaria and his many time-tested contributions. . . . Bessler gives readers a detailed biographical account of Beccaria’s life, helping us to understand why the book was perfect for its time and place and why it gained such immediate popularity. At the time, prisons were especially brutal and inhumane, and almost exclusively reserved for those awaiting either trial or execution. Two of the six chapters in the book discuss the book’s impact in the United States, which at the time was emerging as a nation and ready to take a close look at what type of justice system the new nation would like to build. We learn about how the book influenced a host of America’s forefathers, including Washington, Jefferson, Adams, Madison, Hamilton, and John Jay. Bessler also traces the impact of the book on the Eighth Amendment’s ban on “cruel and unusual punishments” and similar bans in many state constitutions. . . . This is the fifth book on the death penalty authored by Bessler . . . . His scholarship

is detailed and meticulous, with over 100 pages of endnotes and a truly comprehensive Index. The book is not one that can be consumed during a couple of leisurely afternoons on the beach.

It reminds readers that American legal philosophy was heavily influenced by European thinkers, a position that today is rejected by some Supreme Court justices who, for example, take the position that international law and emerging international norms are irrelevant to our debates about the death penalty, mass incarceration, and the treatment of children in the criminal justice system. As such, the book serves as a powerful reminder that as we design the American criminal justice system for the next generation, a look back to the novel ideas of 250 years ago can still help to show us the path.”

–Prof. Michael Radelet, *Criminal Justice Review*

“A truly impressive and seminal work of meticulous and documented scholarship, *The Birth of American Law: An Italian Philosopher and the American Revolution* is enhanced by the inclusion of 112 pages of Notes, a 10 page Bibliography, and a comprehensive Index. Expertly written, organized and presented, *The Birth of American Law: An Italian Philosopher and the American Revolution* is a unique and strongly recommended addition to academic library American Judicial History reference collections and the supplemental studies reading lists for students of the legal structures and concepts undergirding the founding of the United States.”

–Midwest Book Review

“John Bessler is well recognized as a scholar of the legal and criminological history of the modern death penalty, the waning of non-lethal corporal punishment and the development of criminal codes. His new book, *The Birth of American Law: An Italian Philosopher and the American Revolution*, builds on this scholarship by providing a full cultural, intellectual and political history of the roots, the budding shoots and the branches that developed, through evolving standards, into the United States criminal justice and corrections systems. . . . *The Birth of American Law* bears distinction to other well received works on the founding of the nation because it demonstrates the transition from enlightenment political philosophy to criminological theory, a natural jump best exemplified by the link drawn by Beccaria and other theorists between the end of authoritarian rule, the end of torture and a more rational approach to punishment.”

–Leona Jochnowitz, *Criminal Law Bulletin*

“American law scholar John D. Bessler examines how a little-known Italian philosopher named Cesare Beccaria influenced many of our founding fathers, including Thomas Jefferson, James Madison, George Washington, Dr. Benjamin Rush, and John Adams. As a result, he also impacted America’s judicial system, Declaration of Independence, and Constitution.”

–Linda Maxie, *Library Lin’s Curated Collection of Superlative Nonfiction*

“The 18th century Italian philosopher Cesare Beccaria heavily influenced the views of many of America’s founders, according to John Bessler, author of *The Birth of American Law*. Beccaria’s philosophy helped mold our nation’s criminal justice system as it shifted away from Britain’s ‘bloody code.’”

–Marc Hyden, *The Daily Caller*



“Law professor and death penalty expert John D. Bessler’s goal for *The Birth of American Law: An Italian Philosopher and the American Revolution* is to reintroduce historians and legal scholars to the work of Cesare Beccaria, a widely read Milanese nobleman-philosopher. Beccaria’s 1764 treatise *Dei delitti e delle pene* (translated as *On Crimes and Punishments* three years later) became a seminal text for the Revolutionary generation and influenced both American and global legal history. Bessler argues that Beccaria’s work needs to be restored to its rightful place in the history of American legal thought, alongside that of William Blackstone, Jeremy Bentham, Montesquieu, and Voltaire. . . . *The Birth of American Law* succeeds in its purpose. Bessler demonstrates persuasively that Beccaria’s influence was substantial. . . . *The Birth of American Law* . . . is a rich resource for scholars examining the intellectual origins of the American project conceived broadly.”  
–Matthew Taylor Raffety, *The Journal of Southern History*

“The depth of *The Birth of American Law* is as impressive as its title suggests, although its scope is somewhat narrower. Bessler explores the influence on the Founders, and on subsequent American legal thought, of Cesare Beccaria, a late-18th century Italian Enlightenment writer and one of the earliest prominent European death penalty opponents. While few Americans remember it today, Beccaria’s 1764 treatise *On Crimes and Punishments* was widely read among the *literati* on the Continent and, importantly, their American counterparts, including Washington, Jefferson, Franklin, and other central figures of the American Founding.” –Prof. Christopher J. Peters, *The Champion*

“A recent book has shown how *On Crimes and Punishment[s]* penetrated the circles of America’s Founding Fathers, shaping ‘the very fabric of the American Revolution’. In his book, Bessler amply shows how wide was the presence of Beccaria’s *On Crimes and Punishments* in the American Colonies.”  
–Prof. Rosamaria Lorelli, University of Naples

“En visperas del Centenario se ha publicado un excelente libro que evidencia la influencia del pensamiento de Beccaria en los padres fundadores de los Estados Unidos de América, magnífico libro de John D. Bessler, *The birth of American Law. Au italian philosopher and de American Revolution.*”  
–Luis Arroyo Zapatero, Presidente de la SIDS, Universidad de Castilla-La Mancha  
*Metáfora de la crueldad: la pena capital de Cesare Beccaria al tiempo presente*

“Bessler’s study of Cesar Beccaria’s influence on the Founders is especially compelling for modern audiences as it emphasizes how foreign legal thought played directly into the Founders’ consideration of what constitutes ‘cruel and unusual punishment’ . . . .”  
–Prof. Jedidiah J. Kroncke, FGV Direito SP, São Paulo, Brazil

“The information and citations that we derive from Professor Bessler’s book are innumerable. It is then striking for we Italians to find out that a little book written by an Italian nobleman of the Enlightenment proved to be so powerfully inspiring to the minds of the men who emancipated the American laws from the English ones, and who drafted the American

Constitution in the last decades of the 18th Century. . . . [E]ven though many books have been published so far on Beccaria, and hundreds of articles in legal or philosophical journals have been written so far on his famous book, the mass of documents and information recollected and commented upon by Professor Bessler are really something new and important. . . . Professor Bessler shows us how strong the influences of Beccaria's book were on the Founding Fathers of the American Constitution.”

–Prof. Alberto Cadoppi, University of Parma

“*The Birth of American Law: An Italian Philosopher and the American Revolution* is the title of an intense and accurate volume of the American jurist John Bessler, dedicated to the importance and influence of Cesare Beccaria (whose book was translated into English for the first time in 1767 by the publisher John Almon) in the political and legal debate that accompanied the founding experience of American constitutionalism, from the beginning of the Declaration of Independence of 1776.”

–Prof. Antonio D'Aloia, University of Parma

“Local lawyers will have the opportunity to learn how Beccaria and other Italians influenced our Constitution during a Sept. 15 CLE Constitution Day program and reception presented by the U.S. District Court for the Western District of Pennsylvania and the Honorary Consulate for Italy in Pittsburgh. ‘The Italian Influence on the American Constitution’ will feature panels discussing the influence of Beccaria and Filippo Mazzei . . . . U.S. District Court Judge Joy Flowers Conti said she and other organizers of the event want to bring in some Italian judges and professors because they are knowledgeable about Beccaria, Mazzei and Filangieri and their impact on this country. . . . Conti said that a few years ago, her law clerks gave her a copy of a book about Beccaria—‘The Birth of American Law: An Italian Philosopher and the American Revolution,’ by John Bessler—because she loves to visit Italy. ‘The book really was the first time that I’d known the impact the Italians had on the American Constitution,’ Conti said.”

–Madelyn Dinnerstein, “Sept. 15 Program Examines Italy’s Influence on U.S. Constitution,” *Lawyers Journal* (2017)

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

(Boston: Northeastern University Press, 2012)

- Silver, 2012 *Independent Publisher Book Award* (U.S. History)
- Finalist, 2012 *ForeWord Reviews Book of the Year Award* (History)

“A searing indictment of capital punishment, this pioneering history of the Cruel and Unusual Punishments Clause is destined to reframe America’s death penalty debate. As a definitive account of the Eighth Amendment’s origins and the Founding Fathers’ own ambivalent views on executions, it will forever change our perceptions of cruelty and penal reform in the founding era.

This book, which exposes the brutality of state-sanctioned killing, is a must-read.”

–Sister Helen Prejean, author of *Dead Man Walking* and *The Death of Innocents*

“Bessler offers a thought-provoking examination of the Eighth Amendment’s prohibition of ‘cruel and unusual punishment’ in the ongoing debate over the constitutionality of capital punishment. . . . As a starting point for reasoned discourse, this is a remarkably thorough, compelling achievement. . . . Highly recommend.”

–Choice

“The professor and legal scholar John Bessler writes in his careful history of the Eighth Amendment that America’s ban on cruel and unusual punishment began in part with the case of Titus Oates, an English clergyman who received an excessive (and elaborate) punishment for perjury, making him a cause célèbre among 17th-century British elites and igniting outrage toward King James II.

Oates’s aristocratic defenders, inspired by the foment, threw their support behind the English Bill of Rights’ proscription of cruel and unusual punishments, including brutal forms of physical torture as well as exorbitant fines.

Roughly a century later . . . the Framers of the American Constitution ratified the ideals set forth in the English Bill of Rights in our own founding documents, in the form of the Eighth Amendment.”

–Elizabeth Bruenig, *The Atlantic*

“John D. Bessler, an expert on capital punishment who teaches at the University of Baltimore School of Law, argues in his most recent book on the death penalty (he’s written four) that, since its founding, the United States has become a more civilized place. We outlawed duels a long time ago. We no longer whip or torture inmates. We no longer place offenders in stocks.

We stopped public hangings. As Mr. Bessler points out in his excellent history, *Cruel and Unusual: The American Death Penalty and the Founders’ Eighth Amendment*, we’ve made all kinds of progress since the time of Thomas Jefferson, John Adams and the adoption of the Bill of Rights. . . . So how does a society that shed many of its old cruelties—slavery, floggings, lynchings, executions of the criminally insane—still cling to the ultimate punishment?

This is what Mr. Bessler’s book seeks to answer, and in so doing, it argues persuasively that the death penalty, infested with randomness and bias, is a violation of the Eighth Amendment’s prohibition against cruel and unusual punishments.”

–Dan Rodricks, *Baltimore Sun*

“As John Bessler explains in his recent thoughtful and provocative book, *Cruel and Unusual: The American Death Penalty and the Founders’ Eighth Amendment*, our ambivalence about the ultimate punishment is anything but new. While the Founders of our nation and the Framers of the Constitution made passing references to the death penalty in various provisions of the Constitution, many of them were skeptical of its social utility.

George Washington, Thomas Jefferson, Alexander Hamilton, and James Madison were all influenced by an Italian scholar, Cesare Beccaria, whose book, *On Crimes and Punishments*, advocated for, among other things, the abolition of capital punishment. . . . Bessler explains a number of the Framers’ views in detail for the purpose of dispelling the mistaken notion—held by many, including current members of the Supreme Court of the United States—that at the time the Eighth Amendment’s ‘cruel and unusual punishments’ clause was ratified, there was universal and enthusiast support for capital punishment. . . . In the final chapters of the book, Bessler makes the affirmative case that given the significant decline in the use of

the death penalty, not only in the United States but also in the rest of the world (more than 90 percent of the world's executions take place in six countries: China, Iran, Iraq, Pakistan, Sudan, and the United States), capital punishment is now 'unusual.' Furthermore, Bessler asserts that given well-documented problems with the administration of the death Penalty (incompetent lawyers, wrongful convictions, racial discrimination, 'botch' executions, and the psychological torment of life on death row), the continued use of capital punishment, especially given our current ability to incapacitate is 'cruel.' Bessler sees three paths to abolition: legislative repeal, judicial abolition, and disuse, and maintains that all three are presently at work, and that it is just a matter of time before the United States decides, like Justice Harry Blackmun did prior to his retirement from the Supreme Court, that it 'shall no longer tinker with the machinery of death.' May that day come sooner rather than later."

—Prof. John Blume, *Political Science Quarterly*

"The Cruel and Unusual Punishment Clause is . . . the constitutional provision that the United States Supreme Court has relied on to govern and give meaning to the use of the death penalty in the United States, both the methods of execution and the procedures by which the penalty may be imposed during the trial process. The opinions issued by the Supreme Court on the death penalty, primarily since 1972, rely on the history of the Amendment and its current use in America. Paralleling this structure, Professor Bessler explores both the Founding Fathers' understandings of the meaning of the clause and its interpretation and use through America's history. . . . Professor Bessler spends more than half of his book meticulously outlining the Founding Fathers' beliefs and opinions about the death penalty, exploring the wide variety of literature that was available to them as well as their own words. Bessler explores the English roots of the cruel and unusual punishment clause and discusses the common meanings of the words. His research demonstrates that that 'original intent' is not monolithic. The Founding Fathers had complex opinions about capital punishment; they were not wholly and totally convinced that capital punishment was always a correct penal response, even in cases of heinous crimes. Professor Bessler, backed by in depth historical research, argues that the drafters of the Bill of Rights, including the Cruel and Unusual Punishment Clause, meant for interpretation of the clause to adapt as society progressed. . . . Overcoming the familiar "original intent' interpretation is no easy task, but the historical record compiled by Professor Bessler is impressive. *Cruel and Unusual* develops a much needed historical record showing that the Founding Fathers and the drafters of the Bill of Rights were not thoughtless supporters of capital punishment who expected and hoped that the practice would be continued throughout the history of the country and used by the government they formed. . . . Bessler significantly contributes to the literature by providing a compelling interpretation of the 'original intent' of the Eighth Amendment's Cruel and Unusual Punishments Clause. . . . For Bessler, as for many opponents of capital punishment, use of death as a punishment is no longer merely a legislative choice of penalty, but a true human rights violation."

—Prof. Elizabeth Cateforis, *American Studies*

"John D. Bessler . . . gives us a particularly prolific and engaging reading of the canonical problem of U.S. constitutional law in his latest book, *Cruel and Unusual: The American Death Penalty and the Founders' Eighth Amendment*, published in 2012

by Northeastern University Press. Professor Bessler is a *fin* connoisseur of law, jurisprudence and U.S. history regarding capital punishment . . . .”

–*Revue d'études benthamiennes*

“Bessler’s book reflects thorough research and understanding of the modern law of capital punishment, but his unique contribution to the literature is his historical scholarship. He avoids the unfortunate tendency of lawyers and legal authors to rely almost solely on case law, and he explores quite well key sources from philosophy, criminology, political science and history. *Cruel and Unusual*’s analysis of the documented meaning of the Eighth Amendment will be immediately significant to the ongoing challenges to the death penalty in courts and legislatures.”

–Victor L. Streib, professor and former dean, Ohio Northern University College of Law

“*Cruel and Unusual: The American Death Penalty and the Founders’ Eighth Amendment* . . . [t]races influences on the Founders’ views of capital punishment and argues for the penalty’s abolition.”

–*The Chronicle of Higher Education*

“John D. Bessler’s *Cruel and Unusual* is a meticulously researched and clearly written treatise on the Eighth Amendment and capital punishment.

Through an extensive description of the influence of Cesare Beccaria’s *On Crimes and Punishments* on American legal thinkers, this book offers a compelling normative argument that the death penalty violates the Eighth Amendment.”

–*Law and Society Review*

“A new book by Professor John D. Bessler, titled *Cruel and Unusual: The American Death Penalty and the Founders’ Eighth Amendment*, challenges the conventional wisdom that the country’s founders were avid death penalty supporters, and explores their various views on capital punishment. Prof. Bessler discusses how the indiscriminate use of executions gave way to a more enlightened approach that has been evolving ever since.

He sheds new light on the Constitution’s ‘cruel and unusual punishments’ clause by exploring the early influence of Cesare Beccaria’s essay, *On Crimes and Punishments*. Bessler examines the Supreme Court’s Eighth Amendment case law and concludes that the death penalty may well be declared unconstitutional in time.”

–Death Penalty Information Center

“Professor John D. Bessler’s scholarship on the death penalty has ranged far and wide, seldom traversing ground already navigated by others. . . . Bessler’s most recent volume, *Cruel and Unusual: The American Death Penalty and the Founders’ Eighth Amendment*, demonstrates . . . his continuing penchant for probing issues that have not been exhausted elsewhere in the vast literature devoted to capital punishment. The heart of the book is a detailed, multifaceted examination of the elusive meaning of the Eighth Amendment’s prohibition against ‘cruel and unusual punishments.’ . . . *Cruel & Unusual* shines new light on issues that have long been debated and it brings attendant clarity to them.”

–Prof. James R. Acker, *Criminal Justice Review*

“*Cruel and Unusual* is Bessler’s fourth book on the subject of executions and his most scholarly. It documents the United States’ complicated relationship with capital punishment from the time of the Founding Fathers through today and argues for its end.”

–*Minnesota* (alumni magazine)

“John D. Bessler’s fourth book, *Cruel & Unusual: The American Death Penalty and the Founders’ Eighth Amendment*, presents a careful, well-researched study of the death penalty in American history. The book demonstrates that the Founding Fathers held conflicting and evolving views about the death penalty . . . . After detailing the history, meaning, and application of the Eighth Amendment, which was designed to protect prisoners’ rights, Bessler questions why, for example, the amendment bars corporal punishment yet condones executions. . . . Throughout his book, Bessler demonstrates that the originalist approach to constitutional interpretation is too simplistic for use in the Eighth Amendment context and that a ‘*principled*’ approach’ to the Eighth Amendment is necessary and militates in favor of the abolition of the death penalty.”

–*American Criminal Law Review*

“Law professor John D. Bessler studies the Eighth Amendment and traces the history of capital punishment in America. After a thorough examination, he concludes that capital punishment should be declared unconstitutional.”

–Linda Maxie, *Library Lin’s Curated Collection of Superlative Nonfiction*

“[R]ather than accept an originalist analysis focused myopically on late eighteenth century practice, Bessler argues convincingly that the Eighth Amendment’s language was intended by the Founders to permit future generations to interpret ‘cruel’ and ‘unusual’ according to ever-evolving understanding of those terms. . . . If the Cruel and Unusual Punishments Clause is not a petrified embodiment of late eighteenth century penal practices, what does this mean for the constitutional analysis of capital punishment today? Bessler forcefully argues that the time is right for the death penalty’s abolition.”

–Ramsey B. Donnell, *Law Library Journal*

“A number of scholars have challenged Justice Scalia’s historical cherry-picking as ignoring important indicators of the Eighth Amendment’s original meaning.

John Bessler . . . ha[s] emphasized the Framers’ admiration of Enlightenment thinkers who condemned excessive punishment, including those commonly imposed like capital punishment.”

–Prof. Kathryn Miller, *Washington Law Review*

“In 1764 an Italian nobleman Cesare Beccaria published *De[i] delitti e delle pene*, translated into English in 1767 as *On Crime[s] and Punishment[s]*. This slender volume made the author famous worldwide, and profoundly affected how the Founding Fathers viewed this subject. Nearly all of the Founders owned and praised Beccaria’s book, and as a result mollified their views of the death penalty. Beccaria Had impressively argued that the death penalty is ‘neither useful nor necessary.’ . . . John Bessler has summarized the impact of Beccaria’s book on the Founders.”

–Michael H. DeArmy, Moorman Distinguished Professor of Philosophy at the University of Southern Mississippi, *The Constitution of the United States Revised and Updated* (2023)

**Writing for Life: The Craft of Writing for Everyday Living**

(Minneapolis: Bottlecap Books, 2007)

- Gold, 2008 *Independent Publisher* Book Award (Writing/Publishing)
- Silver, 2007 *ForeWord* Magazine Book of the Year Award (Writing)
- Finalist, Midwest Book Awards (Reference/How-to)

“This has got to be one of the best books ever published on how to become a writer. How I wish I had had it before I ever sat down to write my book on drawing! From simple matters of paragraphing and punctuation to deep probes of what writing is and why we value it, John Bessler’s book informs and inspires the new writer. He illuminates every point with quotations from our greatest authors, providing a rich feast of new and old thoughts on writing. For the person who longs to fulfill that uniquely human urge for self-expression in writing on whatever subject, this book is the place to start.”

–Dr. Betty Edwards, best-selling author of *Drawing on the Right Side of the Brain* and *Drawing on the Artist Within*

“*Writing for Life* is filled with wise counsel and sound advice. Reading John Bessler’s well-researched book will help those setting out on the writing trail reach their destination more surely.”

–Ralph Keyes, author of *The Courage to Write* and *The Writer’s Book of Hope*

“Bessler’s book is part inspirational guide and part how-to manual for anyone who has ever encountered a blank page. He demystifies the writing process by breaking it down into manageable steps and offers would-be writers valuable techniques for improving both their writing and their enjoyment of it. He draws liberally upon the wisdom of the world’s best writers to inspire the everyday writer.”

–*Minnesota* (alumni magazine)

“In his inspiring and passionate book on writing, Bessler tackles the often intimidating subject like a true scholar and expert. . . . Think of the book as a more intellectual *Bird by Bird*.

A writing bible that’s inspirational, honest, and beginner-friendly . . . .”

–Molly Priesmeyer, freelance writer

“Bessler . . . dispels the notion that writing is just for literary figures or professional writers and reveals the writing process as a thinking process, breaking down and illuminating each step, from pre-writing to publication. The book demystifies the writing process for beginners and experienced writers alike.”

–*Reference & Research Book News*

“*Writing for Life: The Craft of Writing for Everyday Living* . . . takes us through a complete process of writing . . . but it’s the substance within his chapters that makes one realize that this isn’t just another book about writing.” –*North Dakota Quarterly*

“In *Writing for Life: The Craft of Writing for Everyday Living*, two-time Minnesota Book Award finalist John D. Bessler succinctly demystifies the writing process by breaking down and illustrating each step of the process from pre-writing preparation to final publication. *Writing for Life* is a thoroughly ‘user friendly’ instruction guide covering all of the tools and expertise needed to improve anyone’s writing skills and abilities. Informed and informative, *Writing for Life* is also engaging and even inspiring. . . . *Writing for Life* is skillfully written, comprehensive, practical, and especially recommended for anyone who has an aversion to writing, as well as those seeking to improve the quality of their own written work.”

–*Midwest Book Review*

“Bessler’s book breaks down the writing process for people who think they can’t write or aren’t comfortable writing.”

–*The Free Press* (Mankato, MN)

“*Writing for Life: The Craft of Writing for Everyday Living*, the fascinating new book by John Bessler, was published by Bottlecap Books. . . . Anyone who writes anything will love this book, especially discouraged writers, and who isn’t?”

–Carol Connolly, St. Paul, Minnesota’s Poet Laureate (*Law and Politics*)

“In today’s tech-savvy world, even in the midst of short-form emailing, text messaging and online chats, the ability to write, and write well remains paramount to both career and life success. In *Writing for Life: The Craft of Writing for Everyday Living*, author John Bessler gives tips on how best to craft thoughts into effective pieces of written communication, advice that he says could help even the most writing-adverse people write well.” –WYPR, *Midday with Dan Rodricks*

“Bully for Mr. Bessler! He’s written a well-argued brief for the craft and joy of writing . . . . His advice is both practical and persuasive. The jury of readers should adjourn fast to their notebooks with pencils poised to begin the adventure of writing clean, accurate, and literate prose because that’s what human beings do at their best.”

–Bill Holm, essayist, poet, and *A Prairie Home Companion* contributor

“This book gives readers the know-how and tools they need to write more effectively. This inspirational guide unlocks the secrets of the craft, excites readers about the possibilities of language, and will help both beginning and experienced writers alike better navigate the writing process.”

–*Writers’ Journal*

“I was pleasantly surprised by John D. Bessler’s *Writing for Life: The Craft of Writing for Everyday Living* because, while it touches on the same topics that similar books touch upon, [it] does it with more depth and detail. . . . Using lots of interesting quotes from some of the great writers and offering helpful tips, the author meticulously discusses a long list of topics such as the importance of daily practice, perseverance, discipline, style, editing, polishing and revising, storytelling, and freewriting. He also writes about procrastination and writer’s block—what it is and how to cure it. . . .

[T]hese are the same topics that pop out in any writing book, but the difference



here is that Bessler goes much deeper and examines the issues in more detail. . . .  
*Writing for Life* is a smart, insightful and sophisticated book. It is also well researched and would serve as a fine addition to any writer's reference bookshelf."

–Mayra Calvani, *California Chronicle*

"*Writing for Life: The Craft of Writing for Everyday Living* demystifies the writing process—a process that is all too often misunderstood or feared. By breaking down and illuminating each step of that process—from pre-writing to publication—*Writing for Life* gives readers the know-how and tools they need to write more effectively. In this groundbreaking, inspirational guide, which draws upon the wisdom of the world's best writers, readers learn valuable techniques, such as freewriting, and discover how to best revise what they write in order to create high-quality writing."

–*Deep Valley Sun* (newsletter of the Betsy-Tacy Society)

"Pages of unbroken text in a tiny font cover the chapter title pages and end sheets of law professor John Bessler's *Writing for Life: The Craft of Writing for Everyday Living*. If you look more closely, you realize that each block of tightly packed copy is actually more than fifty quotations about writing, artfully juxtaposed. That adds up to well over a thousand different quotes in a book that combines writing tips, skills and techniques with Bessler's personal story of becoming an observer and communicator. Part guide and part memoir, it was written while Bessler was completing his M.F.A. after obtaining his law degree."

–Paula Novash, *University of Baltimore Magazine*

### ***Legacy of Violence: Lynch Mobs and Executions in Minnesota***

(Minneapolis: University of Minnesota Press, 2003)

• 2004 Minnesota Book Award finalist

"The collective confusion of blood sacrifice for justice is the largely unacknowledged subtext of John D. Bessler's history of lynching and execution in Minnesota. He also untangles the strange drift of Minnesota's capital punishment laws, which can be summed up as a determined effort to sanitize state-sanctioned murder." –*City Pages*

"The author argues that the death penalty does not reduce the murder rate; rather, as Minnesota's historical experience presented in this book indicates, use contributes to an atmosphere of violence. . . . By ending the death penalty, Minnesota has been able, in the author's view, to overcome its 'legacy of violence,' and this is an important reason for its relative low murder rate." –*Journal of Criminal Law and Criminology*

"Scholars have devoted considerable attention to the history of violence in the South and in the West, but the collective violence that was also a significant part of the midwestern past has been left relatively unexamined. John D. Bessler's meticulous chronicle of lynchings and legal executions in Minnesota helps to remedy this neglect. . . . Bessler's research is extensive, his descriptions are richly detailed . . ." –*Michigan Historical Review*

"In *Legacy of Violence: Lynch Mobs and Executions in Minnesota*, Minneapolis lawyer John D. Bessler sets forth with remarkable scholarship, clarity, and objectivity the history

of Minnesota's failed attempt to make peace with capital punishment.”

–*William Mitchell Law Review*

“Mr. Bessler is at his best when he provides in-depth coverage of individual events. *Legacy of Violence* . . . is a worthy and interesting book. I would highly recommend it to anyone interested in the subject . . .” –Laura Wilkerson, *Open Salon*

“We're not perfect up here in God's country, either, as is amply pointed out in 'Legacy of Violence,' by John D. Bessler. Subtitled 'Lynch Mobs and Executions in Minnesota,' the book is carefully researched by Bessler, a Minneapolis attorney and adjunct professor at the University of Minnesota Law School. Bessler covers lynchings from the mass execution in 19th century Mankato to the Duluth lynchings of three black circus workers in the 1920s.” –Dave Wood, “Book Report,” *River Falls Journal*

“John D. Bessler's compelling and important history of execution by hanging in Minnesota . . . brings an unnerving relevance to the charged atmosphere of our times. . . . Well worth the read.” –*Minnesota History*

“Bessler takes us on a compelling journey through the history of lynchings and state-sanctioned executions that dramatically shaped Minnesota's past.”  
–*The Crime Victims Report*

“The author is a skilled storyteller who grabs readers' attention. *Legacy of Violence* is an important addition to a growing historiography that focuses on regional variations of lynching outside the American South.” –Mark Ellis, *The Annals of Iowa*

“Minnesota was not immune to the rage of lynch mobs. Minneapolis lawyer John Bessler examines the execution of black men in Duluth in the final chapter of *Legacy of Violence*, a book primarily focused on Minnesota's death penalty years, officially ended in 1911.”  
–*StarTribune* (Minneapolis, MN)

“*Legacy of Violence: Lynch Mobs and Executions in Minnesota*, a book by John D. Bessler, examines the history of illegal and state-sanctioned executions in Minnesota . . . . The book includes detailed personal accounts from those who were involved in the events, as well as a history of Minnesota's anti-execution and anti-lynching movements, a review of historical wrongful convictions, and an analysis of the role that the media played in the death penalty debate. The author recounts the details of the largest mass execution in the U.S. of 38 Native Americans in Mankato in 1862 at the order of President Lincoln, and the brutal lynching in Duluth of three African-Americans accused of rape.”  
–Death Penalty Information Center

“John D. Bessler's study of capital punishment in Minnesota provides information bearing upon sixty-eight executions carried out between 1854 and 1911, when the death penalty was abolished in that state.”  
–Howard W. Allen & Jerome M. Clubb, *Race, Class, and the Death Penalty: Capital Punishment in American History* (Albany, NY: SUNY Press, 2008)

“[T]here now exists a robust record of the tragic events in Duluth. Bessler is currently a Professor at the University of Baltimore School of Law. His book was based on archival research in newspapers, private papers, and court and legislative records . . . .”

–Corey L. Gordon, “Righting Wrongs Through Posthumous Pardons: Max Mason, the Duluth Lynchings, and Lessons for the Future,” *University of St. Thomas Law Journal*

“A gruesome spectacle [in Minnesota] . . . play[ed] a major role in abolition: journalists’ response to the bungled hanging of William Williams in 1906 inspired shifts in attitude that John D. Bessler has shown were crucial to the state’s abolition of capital punishment in 1911. Angry at a state law forbidding media coverage of executions, newspapers seized on Williams’ death as an example of the dangerous consequences the censorship law could have if it were obeyed: secrecy left state actors unaccountable to the public and the condemned vulnerable to injustice. Bessler demonstrates that a press at odds with the state can produce the subversive narratives that were so often missing in coverage of botched executions.”

–Daniel LaChance, *Law and Society Review*

“In *Legacy of Violence*, attorney John Bessler . . . explores the relation between lynching, racism, and legal executions as practiced outside the South, in this case, in Minnesota. . . . [H]e is most interested in the decline of the death penalty in Minnesota, but he demonstrates that the history of that decline is intertwined with the history of lynching. . . . *Legacy of Violence* is narrative-driven, as Bessler describes a series of executions and acts of vigilantism in the state from the mid-nineteenth to the early twentieth centuries. As a lawyer, he then uses his conclusions about these events to argue against the death penalty on the grounds that it is not a ‘crime-fighting’ tool but ‘just another form of violence in American history.’” –Amy Louise Wood, *American Nineteenth Century History*

“In *Legacy of Violence: Lynch Mobs and Executions in Minnesota* by John D. Bessler, the intersection of race and punishment is emphasized in the history of lynching in Minnesota. Bessler describes the 1920 lynchings as hate crimes, evidenced by a publication from the *Chicago Tribune* that attributed motivations of the lynch mob to ‘sex protection’ and ‘race instinct’.”

–Gabriel Das, What Produced Four Lynchings in Duluth, Minnesota in 1918 and 1920?, B.A. Thesis, Pomona College (2021)

### ***Kiss of Death: America’s Love Affair with the Death Penalty***

(Boston: Northeastern University Press, 2003)

“Bessler’s intentions and stance are unequivocal as he unfolds his critique of the death penalty in the United States. The main thesis is that violence begets more violence, and the death penalty contribute to the cycle of violence. . . . Exploring Americans’ love/hate (more love than hate) relationship with violence and the death penalty, Bessler argues that vengeance provides the main support for executions. But this form of vengeance has transformed from being up-close and personal to distant and invisible. The vengeance is now remote, unconnected from our lives and sense of responsibility . . . . [H]is passion about violence in American society

and the death penalty's role in that violence come across effectively.”

–Prof. Adelaide H. Villmoare, Vassar College

“Highly recommended”; “‘The kiss of death’ is how attorney Bessler describes state-sanctioned executions as they are carried out in America today, and he reasons that this ‘kiss’ is morally ruinous to our nation. In this small, well-crafted volume, Bessler presents a no-holds-barred argument against capital punishment mixed with stories of death row inmates in Texas. . . .

What sets his book apart is Bessler’s style and personal intensity.” –*Library Journal*

“Bessler stresses that, if all states had the option of life without parole, there would probably be fewer death sentences. . . . Strengths of the book include the detailed explanations of the crimes and the author’s strong arguments, grounded in fundamental fairness, about why capital punishment should be abolished. Bessler is also good at exploring common myths surrounding the death penalty.” –*Criminal Justice Review*

“Bessler’s most profound argument in favor of caring comes from situating the death penalty as a symptom of our widespread infatuation with violence. . . . Bessler’s voice, language, style, and confidence are convincing, and make the book an effective indictment of our culture.” –*Rain Taxi Review of Books*

“*Kiss of Death* is well crafted, in a comfortable, anecdotal style. It presents a thoughtful, comprehensive assessment of capital punishment in the United States . . . .”

–*Minnesota Law & Politics*

“Highly recommended”; “Bessler presents a passionate and concise case against the death penalty, drawing on a wide variety of sources . . . . The most riveting section of his book details the horrific personal background of the preponderance of death row inmates, many of whom were viciously abused by their parents.” –*Choice*

***Death in the Dark: Midnight Executions in America***

(Boston: Northeastern University Press, 1997)

• 1998 Minnesota Book Award finalist

- Honorable Mention, Outstanding Books – The Gustavus Myers Program for the Study of Bigotry and Human Rights in North America

“Some of the best books about capital punishment as a legal and cultural phenomenon have been published in the past few years. *Death in the Dark* . . . belong[s] in that good company.”

–Michael Mello, *The Nation*

“Hugo Bedau’s revised ‘The Death Penalty in America’ is a crash course in the subject—a clear guide through the mountainous research data and commentary on the constitutional and legal issues. John Bessler presents . . . arguments even more succinctly.”

–*The Economist*

“Albert Camus related in his essay ‘Reflections on the Guillotine’ that viewing executions turned him against capital punishment. The legal scholar John D. Bessler suggests that public executions might have the same effect on the public today; Sister Helen Prejean, the death penalty abolitionist, has urged just such a strategy.”

–*The New York Times*

“*Death in the Dark: Midnight Executions in America* . . . explores why Americans, despite their enthusiasm for the electric chair, have passed laws insuring that its operation occurs far from public view.” –*The Chronicle of Higher Education*

“Americans have a peculiar relationship with capital punishment. Roughly three-quarters of us tell public opinion pollsters we like it. To get our votes, most candidates for elected office feel compelled to assure us that they like it to, indeed, that their enthusiasm for it knows no bounds. But almost nobody seems to want actually to *see* an execution carried out. In fact, the idea of *public* executions—whether on village greens or TV screens—has become repugnant to most people, and such spectacles are currently prohibited as a matter of law and official policy. Executions in this country were not always so well concealed. Nor should they be, according to John D. Bessler. . . . Bessler argues at some length that televising executions would help shatter the ignorance of the American public about a host of death penalty issues, from racial discrimination in capital sentencing to the sanction’s failure as a general deterrent. He sees the prohibition of cameras as a clear violation of the First Amendment, and offers rebuttals to several common objections to execution broadcasts, such as the fear that they would further coarsen sensibilities and threaten prison security. . . . *Death in the Dark* is . . . a thought-provoking treatment of our love-hate relationship with state-imposed killing.”

–Herbert H. Haines, *The American Journal of Legal History*

“In many states of the US the electric chairs and gas chambers have to be operated after midnight. Attorney Bessler reckons that if more people understood what was done in their name they would demand an end to the death penalty. He thinks Americans must see on its televisions what goes on after midnight behind thick prison walls. His book includes a list of those executed from 1977-1995.” –*The Guardian* (London)

“*Death in the Dark* . . . is an extended and subtle argument for opening the execution process up to public scrutiny. . . . The book is addressed to lawyers, law students, and the legally sophisticated, but the discussion is easily accessible to a general public now familiar with legal technicalities from cases such as O.J. Simpson’s. . . . [I]t is a useful work for those teaching and learning within a variety of disciplines.”

–Leigh B. Bienen, *Journal of Criminal Law and Criminology*

“*Death in the Dark* will definitely cause one to ‘rethink’ the issues associated with capital punishment.” –*Choice*

“[H]istory is told exceptionally well in *Death in the Dark*.” –*St. Petersburg Times*

“[A] thorough explanation of how and why executions became private.”  
–*Punishment in Popular Culture* (Austin Sarat & Charles J. Ogletree Jr., eds. 2005)

“Bessler . . . argues convincingly for reform of U.S. execution laws”; “he debunks common death penalty ‘myths’ and calls persuasively for a return to openness and accountability.”  
–*Publishers Weekly*

“Bessler’s arguments are not to be dismissed lightly.”  
–*The Times Literary Supplement* (London)

“In view of the increasing politicization of capital punishment in the United States and the aggressive efforts by both federal and state governments to severely restrict the availability of post-conviction appeals to death row inmates, John Bessler’s recent examination of this age-old polemic comes at an opportune time. . . . For those who believe that the debate over capital punishment is either settled or passé, this book will prove enlightening. . . . Indeed, the book is persuasive and important, precisely because it is couched in the concrete language of actual policies impacting real lives. The book does not indulge in abstract ruminations about capital punishment, rather, it attempts to move us to action.”  
–Taylor Young Hong, *Columbia Human Rights Law Review*

“John D. Bessler provides a detailed history of the movement in the nineteenth century that transformed capital punishment from a public spectacle (sometimes solemn, more often raucous) to a procedure performed behind prison walls from which the general population is excluded. . . . This exercise in legislative and administrative history constitutes a substantial contribution to capital punishment scholarship. Bessler has avoided facile psychologizing even though the materials he explores seem vulnerable to such attempts. For this we can be grateful.”  
–*Law and History Review*

“Law professor Bessler provides a history of American execution, and the odd transition from hangings in public squares to lethal injections and fryings behind closed doors. If Americans really want the death penalty, they should be made to watch it enacted—so roll in the TV cameras.”  
–Steven Poole, “Books - The List,” *The Guardian*

“In a number of states, there were laws that required executions to be held in the middle of the night. The Minnesota law (of 1889) not only insisted on these night-time executions, but provided also that reporters had to stay away; and newspapers were not allowed to print any of the details of an execution, only the fact that it occurred.”  
–Prof. Lawrence M. Friedman, Stanford University, *Hofstra Law Review*

“In a recent book entitled *Death in the Dark*, John Bessler complains that attempts to avoid personal responsibility have affected the entire death penalty process. He describes what he calls the ‘shell game of moral responsibility’ as follows: ‘Legislators who pass death penalty statutes just authorize capital punishment; it is prosecutors who seek death sentences, and judges and juries who impose them.’

Conversely, prosecutors, judges, and juries just carry out death penalty statutes as enacted by legislators.’ Bessler continues, ‘[e]ven governors who refuse to grant clemency requests can sidestep responsibility for executions by taking the position that they are simply deferring to judicial determinations.’”

–Jonathan Bridges, *University of San Francisco Law Review*

“John D. Bessler has argued that public executions actually increased the incidence of crime by “arous[ing] the bloody instincts” of the criminally inclined. The laws prohibiting public executions physically removed the public presence from executions and, perhaps more significantly, completely removed the death penalty from public consciousness.”

–Rachel King & Katherine Norgard, *Florida State University Law Review*

“*Death in the Dark* is an historical treatment of when and where state killings in the USA have taken place, either by custom or by the force of law. . . . For anyone with a desire to learn more about American death penalty procedures, *Death in the Dark* provides great edification. . . . [I]t should also interest the historian, the layman, the lawyer, and the jurist. Bessler has managed to compile the significant statistics and to arrange them descriptively and in such a fashion as to educate even the most erudite reader. As does any good writer, he does not offer inflexible answers to the questions expressly raised by the book. Rather, he presents the reader with sufficient information at arrive at his own conclusions, or at least to ponder the facts surrounding capital punishment. It is indeed a book which it is difficult to put aside, and impossible to read without contemplating anew its contents.” –*Northern Ireland Legal Quarterly*

“This chilling and well-argued work is highly recommended . . . .”

–*Library Journal*

## **Reviews of Prof. John Bessler’s Book Chapters**

(as of January 2025)

**John D. Bessler, “What-Ifs and Missed Opportunities:  
The U.S. Supreme Court, Death Sentences and Executions,  
and the Fiftieth Anniversary of *Furman v. Georgia*,”  
in *Death Penalty in Decline? The Fight against Capital  
Punishment in the Decades since Furman v. Georgia*  
(Philadelphia: Temple University Press, Austin Sarat, ed. 2024)**

“The first chapter, by John Bessler, examines what he calls the ‘missed opportunities’ that have marked the fifty years of death penalty history since *Furman*. Bessler argues that *Furman* offered a framework that could have ushered in what he calls ‘a whole new era of criminal justice reform—one focused on respect for human dignity, freedom from discrimination, and the protection of universal human rights.’

But the Court did not follow that path. Instead, Bessler claims, the Supreme Court’s 1976 decision in *Gregg v. Georgia* and two companion cases—judicial decisions

allowing the resumption of American executions—undercut the foundation set in *Furman* and set the stage for the *McCleskey v. Kemp* decision that upheld the constitutionality of Georgia’s discriminatorily administered death penalty.

Bessler focuses on the post-*Furman* cruelty of capital punishment, including ‘death row syndrome,’ botched execution, and wrongful conviction. Moreover, in his view, each of those factors means that the death penalty is a form of torture.

In addition, death sentences and executions are torture because the condemned are subjected to a continuous death threat. These sentences are like mock executions (where someone is led to believe that an execution is about to occur), which have already been banned by international law. Modern death sentences constitute a form of psychological torture.

Bessler concludes that in the fifty years since *Furman*, the jurisprudence of capital punishment and the abolitionist movement have failed by not making explicit the connection of the death penalty with torture or cruel, inhuman, or degrading treatment, which are prohibited under international human rights law.

He ends by citing Justice Blackmun’s ideas: ‘Just as nonstate actors are prohibited by law from killing and making death threats, so too must state actors be prohibited from gratuitously killing prisoners and making death threats of the kind now routinely made in the context of the death penalty’s administration.’”

–Austin Sarat, William Nelson Cromwell Professor of Jurisprudence and Political Science, Amherst College

**John D. Bessler, “The Philosophy of Punishment and the Arc of Penal Reform: From Ancient Lawgivers to the Renaissance and the Enlightenment and through the Nineteenth Century,”**  
in *The Palgrave Handbook on the Philosophy of Punishment*  
(Cham, Switzerland: Palgrave Macmillan, Matthew Altman, ed. 2023)

“In chapter 2, John D. Bessler gives an overview of historical trends in punishment from ancient times to the nineteenth century, covering the transition from the divine right of kings to the rule of law and equal treatment under the law; from the shift from religious justifications for punishment to secular rationales, such as proportionality and parsimony; and the switch from ‘bloody’ punishments to the penitentiary system.”

–Matthew Altman, Professor of Philosophy, Central Washington University

**John D. Bessler, “From the Founding to the Present: An Overview of Legal Thought and the Eighth Amendment’s Evolution,”**  
in *The Eighth Amendment and Its Future in a New Age of Punishment*  
(Meghan J. Ryan & William W. Berry III, eds. 2020)

“Part I of the book explores the broader historical context of the Eighth Amendment.



In Chapter 1, ‘From the Founding to the Present: An Overview of Legal Thought and the Eighth Amendment’s Evolution,’ John Bessler describes the origins of the Eighth Amendment and their connection to its modern interpretation.”

–“Introduction,” *The Eighth Amendment and Its Future in a New Age of Punishment* (Meghan J. Ryan & William W. Berry III, eds. 2020)

“In *The Eighth Amendment and its Future in a New Age of Punishment*, Meghan J. Ryan and William W. Berry III have published a timely, important, and unusual volume that . . . examines capital punishment without neglecting noncapital sanctions, and without ignoring the bail and fines clauses in the constitutional text. Divided into three parts, the collection begins with a series of chapters addressing the Eighth Amendment’s historical foundations, beginning with the 17th century English Bill of Rights and continuing through the founding era. John Bessler provides an overview of early doctrine, noting that not only was the cruel and unusual clause rarely litigated, but that most of the early state constitutions included a similar prohibition.”

–David R. Dow, Cullen Professor, University of Houston Law Center

**John D. Bessler, “The American Enlightenment:  
Eliminating Capital Punishment in the United States,”  
in Lill Scherdin, ed., *Capital Punishment: A Hazard to a Sustainable  
Criminal Justice System?* (Surrey, U.K.: Ashgate, 2014;  
New York: Routledge, 2016)**

“In John Bessler’s *Chapter 4: The American Enlightenment: Eliminating Capital Punishment in the United States*, he revisits the founding fathers of the US Constitution in the era of the enlightenment and sees this as the moment of birth of the abolition movement. He also follows the rulings of the US Supreme Court, rulings that gradually curb and transform the death penalty in the light of the Eighth, the Fourteenth and the Fifth Amendments. This transformation takes place in the womb of the changing state and the court rulings also contribute to this change. In contrast to what is often assumed—that America’s founders were passionate death penalty supporters—Bessler found important founders highly ambivalent to the death penalty. Although they chose to retain death penalty laws for certain offences, especially murder and treason, they nonetheless despised ‘cruel and unusual punishments’, which they saw as products of oppressive aristocratic states—as unnecessary punishment signifying tyranny. Many at this time were inspired by Cesare Beccaria’s book ‘On Crimes and Punishments’. . . . Against this background Bessler takes issue with the originalists currently [o]n the US Supreme Court and concludes that the US Constitution, properly viewed, and taking into account the intentions of the founding fathers, does not in any way bar the US Supreme Court from declaring the death penalty to be unconstitutional.”

–Dr. Lill Scherdin, Senior Researcher, Department of Criminology  
and Sociology of Law, University of Oslo