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# BEYOND THE GAVEL: THE STUDY OF MURDERS IN THE NAME OF JUSTICE

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## ABSTRACT

"Beyond the Gavel: The Study of Murders in the Name of Justice" delves into the intricate nexus between legal frameworks and moral landscapes, scrutinizing the ethical complexities surrounding executions carried out under the guise of justice. Examining judicial deaths worldwide, this study navigates through the clash of legal mandates and moral imperatives, shedding light on biases, inequalities, and systemic flaws inherent within justice systems.

Investigating specific case studies and critical analyses, this research dissects the ethical dilemmas arising from flawed trials, wrongful convictions, and institutional biases, urging comprehensive reforms within legal systems. It scrutinizes the global landscape, advocating for human rights, fairness, and the sanctity of life beyond the confines of legal statutes.

By exploring challenges to the status quo and proposing pathways towards reformation, this study aims to foster international collaboration, elevate awareness, and advocate for equitable justice systems that transcend boundaries and uphold the core principles of morality and human dignity."

**Keywords:** Judicial Murders, Ethical Dilemmas, Systemic Flaws, Human Rights Advocacy, Global Justice.

## 1. Introduction

In the resounding chambers of justice, where the authoritative echo of the gavel punctuates legal proceedings, a haunting paradox emerges—a discordant convergence where the pursuit of justice intertwines with the stark reality of state-sanctioned killings. "Beyond The Gavel: The Study of Murders in the Name of Justice" embarks on a solemn expedition into this chilling facet deeply entrenched within legal systems across the globe.

This investigative journey peers beyond the veneer of legal legitimacy, venturing into the shadowy moral hinterlands where the concept of justice grapples with the disconcerting spectre of sanctioned murders.(Aceves) Behind the facade of established jurisprudence lies a labyrinthine domain suffused with ethical turbulence, questioning the moral underpinnings upon which the edifice of law stands. The ambit of this inquiry transcends the mere mechanics of legal protocol. It delves into the murky waters where capital punishment, extrajudicial executions, and systemic deficiencies converge, casting profound aspersions upon the integrity of justice systems worldwide. Within these complex realms, this study seeks to navigate the intricate tapestry of dilemmas that extend "Beyond the Gavel." It endeavours not only to shed light on the ethical quandaries intrinsic to state-sanctioned killings but also to ignite a crucial discourse that scrutinizes the chasms existing between legal precepts and the true essence of justice.

This journey into the heart of darkness within our legal systems is one fraught with moral contradictions and ethical ambiguities. It is an expedition that confronts the inherent tensions between the rigidity of law and the nuanced shades of moral righteousness. From the harrowing narratives of wrongful convictions to the ethical minefield surrounding the application of capital punishment, this exploration aims to unravel the tangled web that shrouds the interface of justice and sanctioned deaths. Through meticulous analysis and critical examination, "Beyond the Gavel" endeavours to uncover not just the legal intricacies but also the moral fabric that weaves through the execution of justice. It seeks to navigate the convoluted corridors where legal pronouncements often clash with moral imperatives, posing existential questions about the very foundations upon which our systems of justice rest.

### 1.1. Historical Overview of Judicial Killings

The practice of judicial killings, often intertwined with the evolution of legal systems, dates

back centuries, entrenched in various civilizations and eras. In ancient times, the concept of retributive justice often manifested in forms of execution as a means of societal retribution.

Civilizations such as ancient Rome employed various methods of state-sanctioned killings, including crucifixion and public executions. These acts were not merely punitive but served as public spectacles, meant to deter potential offenders and solidify state authority.

Medieval Europe witnessed the prominence of public executions, where methods such as beheading, hanging, and burning at the stake were employed to punish offenders. These executions were not solely punitive but were also intended to display the supremacy and power of ruling authorities.

The Enlightenment era saw shifts in philosophies surrounding justice and punishment. Thinkers like Cesare Beccaria advocated for the reform of legal systems, challenging the arbitrary nature of punishments and the prevalence of capital punishment. Beccaria's work, "On Crimes and Punishments," sparked discourse on the necessity of proportionate and humane punishments, influencing legal reforms across Europe and beyond. *(Creegan)*

The 20th century witnessed contrasting trends in judicial killings. While some nations moved towards abolishing capital punishment, others maintained or even expanded its use. Notable historical events, such as the Nuremberg Trials post-World War II, highlighted the complexities of justice in the face of heinous crimes and raised questions about the legitimacy of state-sanctioned killings. *(Johnson and Fernquest)* The civil rights movements in various countries further catalysed discussions on the ethical implications of judicial killings, emphasizing disparities in the application of justice across different racial and socio-economic groups.

Contemporary times showcase a diverse landscape regarding the legality and prevalence of judicial killings. Many countries have abolished capital punishment, citing human rights concerns and the lack of deterrence efficacy. However, a significant number of nations still endorse executions, albeit amidst ongoing debates on the morality and effectiveness of such practices.

Throughout history, the evolution of judicial killings reflects changing societal attitudes, ethical considerations, and the quest for a more just and equitable legal system. As debates persist, the

historical tapestry of state-endorsed killings continues to shape modern legal and ethical discourse, prompting societies to grapple with the moral complexities inherent in the administration of justice.

1.2. Notable Historical Cases of Judicial Murders

These following cases represent moments where judicial systems were susceptible to biases, societal pressures, and miscarriages of justice. They continue to serve as reminders of the importance of fair trials, the scrutiny of evidence, and the ethical considerations within legal proceedings.

i.	<i>The Trial of Socrates (399 BCE):</i>	Socrates, the famed Greek philosopher, faced charges of impiety and corrupting the youth of Athens.(Linder) His trial, marked by philosophical debates, ended with his condemnation and execution by drinking poison hemlock. His case raised fundamental Questions about free speech, individual rights and the role of the state in controlling dissent (Bowles)
ii.	<i>The Trial of Joan of Arc (1431):</i>	Joan of Arc, a French peasant girl, faced trial for heresy and witchcraft orchestrated by English-backed ecclesiastical authorities during the Hundred Years' War. (The Trial of Joan of Arc) She was found guilty and executed by burning at the stake in spite of her defence and assertions of divine guidance. Her trial served as a symbol of the legal system's manipulation of politics and religion. (Scott)

iii.	<b><i>The Execution of Thomas More (1535):</i></b>	Sir Thomas More, a statesman and philosopher in Tudor England, faced charges of treason for refusing to acknowledge King Henry VIII as the head of the Church of England.(Wegemer) He was found guilty and put to death in spite of his unwavering beliefs. The conflict between individual morality and governmental authority was highlighted by More's case.(Conscience and the Law in Thomas More - Cummings - 2009 - Renaissance Studies - Wiley Online Library)
iv.	<b><i>The Execution of Anne Boleyn (1536):</i></b>	Anne Boleyn, the second wife of King Henry VIII, faced charges of adultery, incest, and treason.(Friedmann) Despite questionable evidence, she was found guilty and beheaded. Her case exemplifies the influence of political motives and manipulation in high-profile trials during Tudor England.(BERNARD)
v.	<b><i>The Trial of Giordano Bruno (1600):</i></b>	Giordano Bruno, an Italian philosopher, faced charges of heresy by the Roman Inquisition for his cosmological and theological beliefs, including the plurality of worlds. (Maifreda) His trial culminated in his execution by burning at the stake, reflecting the tensions between scientific inquiry and religious orthodoxy during the Renaissance. (Pogge)

vi.	<b><i>The Execution of King Charles I (1649):</i></b>	The execution of King Charles I during the English Civil War marked a pivotal moment in history.(Bonney) Tried by a special court, the King was convicted of high treason and beheaded. This unprecedented act raised profound questions about the authority of monarchs and the rights of citizens versus rulers (Holmes)
vii.	<b><i>The Salem Witch Trials (1692):</i></b>	The Salem Witch Trials in colonial Massachusetts stands as a harrowing example of mass hysteria and miscarriage of justice.(Goss) The trials led to the executions of 20 individuals accused of witchcraft, highlighting the dangers of unchecked accusations and the vulnerability of legal systems to societal panic. (Full Article Supplicatory Voices: Genre Properties of the 1692 Petitions in the Salem Witch-Trials 1)
viii.	<b><i>The Sacco and Vanzetti Case (1921-1927):</i></b>	Nicola Sacco and Bartolomeo Vanzetti, Italian immigrants in the United States, were convicted and executed for a robbery-murder despite doubts about their guilt.(Hinton) Their trial was overshadowed by anti-immigrant sentiments and concerns about a biased legal process, sparking international protests and debates on the integrity of the justice system.(Bantman and Altena; Moore)

ix.	<b><i>The Rosenberg Case (1950-1953):</i></b>	Julius and Ethel Rosenberg's trial in the United States during the Cold War era remains a contentious episode.(The Rosenberg Story(Ies)) Accused of espionage and passing atomic secrets to the Soviet Union, they were convicted and executed via the electric chair. The case stirred debates about justice, fairness in trials, and the ethics of capital punishment during a time of heightened political tensions.(Burnett)
x.	<b><i>The Dreyfus Affair (Late 19th - Early 20th Century):</i></b>	The wrongful conviction of Alfred Dreyfus, a Jewish French army officer, on charges of treason sparked a national scandal in France.(Begley) His imprisonment in a renowned penal colony was caused by anti-Semitic sentiments and an ineffective legal system, even though he had proof of his innocence.(Cahm) Dreyfus's case exposed systemic prejudices within the French legal apparatus.(Lindemann)

These historical cases epitomize the complexities, prejudices, and power struggles embedded within judicial systems, often resulting in tragic miscarriages of justice and the use of state power to suppress dissent or enforce conformity to prevailing ideologies.

### 1.3. A Look Back at Indian Judicial Murder Cases Through History

Bhagat Singh, Rajguru, and Sukhdev were prominent figures in the Indian independence movement. They were involved in the protest against the Simon Commission in 1928 and were later implicated in the murder of British police officer James A. Scott. The trio believed in the use of violent means to protest against British rule and sought revenge for the death of freedom fighter Lala Lajpat Rai, who died after being injured in a police baton charge during a protest against the Simon Commission. Bhagat Singh and his associates were arrested, tried, and

sentenced to death by hanging. Despite widespread protests and appeals for clemency, they were executed on March 23, 1931, in the Lahore Central Jail. The execution of Bhagat Singh and his comrades became a turning point in India’s struggle for independence, and they are remembered as martyrs for their sacrifice.

In recent years, there has been renewed focus on the death penalty debate in India. Advocates argue that it serves as a deterrent to heinous crimes, while opponents emphasize human rights concerns and the possibility of wrongful convictions. The Indian judiciary continues to grapple with questions surrounding capital punishment. Several high-profile cases have stirred public debate, highlighting the complexities of the judicial system and the need for reforms to ensure fairness and justice. As India marches forward in the 21<sup>st</sup> century, discussions on the death penalty persist, reflecting evolving societal values and an ongoing quest for a balanced and just legal system. Public opinion remains divided, and the debate on judicial killings continues to shape the narrative of justice in India. Efforts towards judicial reform in India have gained momentum with a focus on ensuring transparency, speedy trials, and safeguarding the rights of the accused. The judiciary is working towards striking balance between punishment and the protection of human rights, acknowledging the evolving sensibilities of society.

In parallel, discussions on alternative forms of punishment, rehabilitation, and addressing root causes of crime have gained traction. The goal is to create a justice system that is not only punitive but also reformative, addressing the larger issues that contribute to criminal behaviour. As India moves forward, its judicial system continues to adapt to changing societal values, international standards, and a commitment to uphold fundamental rights for all citizens. The dialogue on judicial killings remains dynamic, reflecting the ongoing evolution of India’s legal landscape in pursuit of a more just and equitable society.

2. Legal Framework vs. Moral Terrain

<b><i>In the Legal Framework:</i></b>	Judicial murders, if sanctioned by law, may occur within the legal system under certain conditions, often as a result of flawed trials, wrongful convictions, or misuse of the legal process. While these executions might align with established laws or regulations, they can raise ethical concerns regarding the fairness of the judicial system and the protection of human rights.
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<b><i>In the Moral Terrain:</i></b>	Judicial murders are typically viewed as ethically unacceptable and morally reprehensible, irrespective of their legal justification. The moral landscape condemns any intentional taking of human life by the state, regardless of whether it's carried out through legal channels. This perspective emphasizes the inherent value of human life and advocates for justice, fairness, and the protection of human rights above legal mandates.
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2.1. Legal Rationale and Justification

The legal rationale behind judicial murders often rests upon the authority of the state to enforce laws and administer justice. Within this framework, capital punishment is deemed a lawful response to certain crimes, intended as a deterrent and a means of retribution. Laws and legal precedent provide the groundwork for sentencing individuals to death after a fair trial, under specific circumstances delineated by the legal system. (*Fletcher and Ohlin*)

However, the justification for such executions encounters ethical dilemmas. Flawed trials, wrongful convictions, or procedural errors within the legal system may lead to the execution of individuals who might be innocent or have not received a fair trial. This disparity between legal processes and moral implications challenges the legitimacy of judicial murders, sparking debates about the efficacy and fairness of capital punishment as an instrument of justice.

Judicial murders justified under legal parameters often lead to discussions surrounding the constitutionality of the death penalty, its actual deterrent effect, and the irrevocability of such sentences. The legal system aims to ensure due process, but instances of wrongful executions underscore the inherent risks and flaws within this process. (*Robinson*)

The clash between legal rationale and moral considerations persists, urging a re- examination of existing laws and practices. Legal frameworks might justify capital punishment, yet the ethical implications challenge the very premise of state-sanctioned executions, prompting calls for reform or abolition to align legal processes more closely with moral imperatives and human rights.

## 2.2. Clash and Intersection

The clash between legal mandates and moral imperatives regarding judicial murders manifests as a complex intersection. Legal frameworks often permit capital punishment under certain circumstances, citing the authority of the state to enforce laws and uphold justice. However, this legality confronts moral considerations that vehemently oppose the intentional taking of human life by the state, regardless of legal sanction.

This clash highlights the inherent tension between what is lawful and what is considered ethical. Legal justifications, rooted in statutes and precedents, may conflict with moral principles emphasizing human rights, justice, and the sanctity of life.

At the intersection of these conflicting paradigms lies an ongoing societal discourse. The legal system operates within the confines of established laws, while moral considerations advocate for a more humane and ethical approach, often questioning the fairness and efficacy of capital punishment in delivering justice. *(Zuradzki)*

Efforts to reconcile this clash involve re-evaluating legal structures to align more closely with ethical principles, aiming for a justice system that not only complies with laws but also upholds the highest moral standards in safeguarding human life and dignity.

## 3. Ethical Dilemmas in Judicial Deaths

Judicial deaths present profound moral quandaries regarding the state's authority to execute its citizens and the inherent conflicts within justice systems. The ethical debate revolves around the fundamental question of whether the state has the moral right to take human life as a form of punishment.

One of the central ethical dilemmas lies in the tension between retribution and the sanctity of life. While some argue that capital punishment serves as a proportional response to heinous crimes, others contend that the intentional taking of life, even under legal sanction, contradicts fundamental human rights and moral principles. *(Kalt)*

Moreover, the potential for miscarriages of justice poses a significant ethical concern. Instances of wrongful convictions or flawed trials leading to executions raise fundamental questions about the fallibility of the justice system and the irreversible nature of death penalties. The ethical

implications of executing an innocent person are deeply troubling, highlighting the immense responsibility and potential errors within the legal framework.*(Bonnie)*

The ethical complexities in judicial deaths challenge the notion of justice itself. Advocates for human rights and ethical considerations argue for the abolition of capital punishment, emphasizing rehabilitation and restorative justice over punitive measures.

**4. Bias, Inequality, and Systemic Flaws**

Judicial systems often grapple with pervasive bias, inequality, and systemic flaws that skew outcomes and exacerbate ethical concerns within legal proceedings.

Bias, whether stemming from racial, socioeconomic, or other prejudices, infiltrates the justice system, affecting decisions on arrests, charges, trials, and sentencing. Such biases perpetuate inequality, resulting in disproportionate impacts on marginalized communities.*(Brinks)*

Additionally, systemic flaws within the legal apparatus, such as inadequate legal representation, overcrowded courts, or lack of resources, contribute to unequal treatment and compromised justice. These flaws undermine the integrity of the legal system, leading to miscarriages of justice.*(Weitzer)*

The existence of biases and systemic issues raises profound ethical concerns. Judicial deaths, often carried out within flawed systems, amplify the risk of executing individuals unfairly or as a result of systemic injustices. Such executions underscore the urgent need for reforms addressing biases, promoting equality, and rectifying systemic flaws within the legal framework. *(Roberts)*

**4.1. Prevention of Bias, Inequality, and Systemic Flaws**

Mitigating biases, inequalities, and systemic flaws within the justice system requires comprehensive reforms addressing various aspects of legal proceedings.

<i>I.</i>	<i>Education and Training:</i>	Implementing extensive training programs for judges, lawyers, and law enforcement to recognize and counteract biases, promoting
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		fair and impartial decision-making.
<b>II.</b>	<b>Policy Reforms:</b>	Enacting policies that promote equality, diversity and inclusivity within the justice system, ensuring equitable access to legal representation and resources.
<b>III.</b>	<b>Technological Integration:</b>	Utilizing technology to streamline processes, reduce human errors, and ensure transparency in legal proceedings, aiding in fairer outcomes.
<b>IV.</b>	<b>Community Engagement:</b>	Engaging communities affected by biases and inequalities, fostering trust and collaboration to address systemic issues and shape more just legal systems.
<b>V.</b>	<b>Oversight and Accountability:</b>	Implementing robust oversight mechanisms to monitor and rectify biases and flaws, holding institutions accountable for fair and equitable practices.

By implementing these measures, the justice system can work towards mitigating biases, inequalities, and systemic flaws, ultimately promoting a fairer, more just system that reduces the risk of unjust judicial deaths and ensures equality before the law.

5. Global Perspectives and Advocacy

Addressing judicial deaths requires a global perspective that transcends national boundaries. Advocacy efforts on an international scale can significantly impact policy and legal frameworks.

<b><i>I.</i></b>	<b><i>International Collaboration:</i></b>	Fostering collaboration among nations to share best practices, promote human rights, and collectively address systemic issues within justice systems.
<b><i>II.</i></b>	<b><i>Human Rights Advocacy:</i></b>	Engaging with international human rights organizations and bodies to advocate for the abolition of judicial deaths and the implementation of fairer legal systems.
<b><i>III.</i></b>	<b><i>Policy Standardization:</i></b>	Working towards global policy standards that prioritize human rights and promote equitable justice, ensuring a consistent and fair approach to judicial proceedings.
<b><i>IV.</i></b>	<b><i>Awareness and Education:</i></b>	Raising global awareness about the ethical dilemmas surrounding judicial deaths, fostering understanding, and support for reforms that promote justice for all.

By fostering global perspectives and advocating for equitable legal frameworks, the international community can strive towards minimizing injustices within judicial systems and promoting a more just and humane approach to criminal justice on a global scale.

6. Case Studies and Critical Analysis

Detailed case studies offer nuanced perspectives on judicial deaths, revealing multifaceted challenges within legal systems.

<b>Case Study I:</b>	In this instance, racial biases in the legal system significantly impacted the sentencing and subsequent execution, prompting a re-evaluation of policies to address racial disparities in sentencing and access to fair trials. <i>(Exum)</i>
<b>Case Study II:</b>	Examining a case of flawed forensic evidence leading to wrongful conviction and execution showcases the dire need for improved forensic practices and enhanced oversight to prevent such miscarriages of justice. <i>(Gould)</i>

Critical analysis of these cases unveils deep-seated flaws, including institutional biases, inadequate legal representation, and procedural errors. This scrutiny calls for reforms cantered on mitigating biases, enhancing procedural transparency, and ensuring equitable access to justice.

7. Challenges to the Status Quo

The status quo regarding judicial deaths faces several challenges rooted in ethical concerns, systemic inefficiencies, and societal evolution.

<b>I.</b>	<b>Ethical Scrutiny:</b>	Increasing ethical concerns surrounding the morality of capital punishment challenge the established practice, urging a reconsideration of its place in modern societies.
<b>II.</b>	<b>Systemic Reforms:</b>	Persistent flaws and biases within legal systems demand substantial reforms to rectify inequities and ensure fair trials, compelling a shift in current procedures.

III.	<b>Changing Societal Values:</b>	Evolving societal values and global trends towards human rights advocacy challenge the acceptance of judicial deaths, demanding alignment with evolving norms.
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Overcoming these challenges requires a concerted effort to address ethical concerns, implement systemic reforms, and adapt legal systems to better reflect evolving societal values and norms.(Kaleck and Saage-Maaß)

8. Conclusion

Judicial deaths present a complex intersection of legal frameworks and moral considerations, sparking profound ethical dilemmas and systemic challenges within the justice systems worldwide.

The clash between legal mandates and moral imperatives, highlighted by biases, inequalities, and systemic flaws, necessitates critical reforms. Rethinking established norms and practices, coupled with global advocacy for human rights, becomes paramount in ensuring equitable justice systems that prioritize fairness, dignity, and the sanctity of life.

Addressing these challenges involves comprehensive reforms, from mitigating biases to systemic overhauls, fostering international collaborations, and embracing evolving societal values. This collective effort aims not only to prevent unjust judicial deaths but to establish a justice system that embodies fairness, transparency, and human rights for all.

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