

DEAD CERTAINTY

*The Death Penalty and
the Problem of Judgment*

Jennifer L. Culbert

STANFORD UNIVERSITY PRESS
STANFORD, CALIFORNIA

Contents

<i>Acknowledgments</i>	<i>ix</i>
1. Judgment and Metaphysics: American Capital Punishment Jurisprudence and Friedrich Nietzsche's History of an Error	i
2. The Promise of Reliability and the Twin Objectives of the Capital Punishment System	29
3. The Consolation of Common Sense in the Regulation of Capital Punishment	48
4. The Cockcrow of Positivism: "Normal" Culpability in Capital Punishment Jurisprudence	70
5. The Impact of <i>Payne</i> : The Return of Sense to Capital Punishment Jurisprudence	88
6. The End of Error: DNA Technology and the Decision Not to Decide in Capital Cases	112
7. The Experience of Judgment	136
<i>Notes</i>	165
<i>Bibliography</i>	211
<i>Index</i>	223