

1. Record Nr.	UNINA9910814922403321
Autore	Federman Cary <1963->
Titolo	The body and the state : habeas corpus and American jurisprudence // Cary Federman
Pubbl/distr/stampa	Albany, : State University of New York Press, c2006
ISBN	0-7914-8202-2 1-4294-1179-1
Edizione	[1st ed.]
Descrizione fisica	1 online resource (256 p.)
Collana	SUNY series in American constitutionalism
Disciplina	345.73/056
Soggetti	Habeas corpus - United States - History Habeas corpus - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references (p. 191-234) and index.
Nota di contenuto	Habeas corpus in the new American state, 1789-1915 -- Bodily inventions : the habeas petitioner and the corporation, 1886 -- Habeas corpus as counternarrative : the rise of due process, 1923-1953 -- Confessions and the narratives of justice, 1963-1979 -- Future dangerousness and habeas corpus, 1982-2002 -- Habeas corpus and the narratives of terrorism, 1996-2002.
Sommario/riassunto	The writ of habeas corpus is the principal means by which state prisoners, many on death row, attack the constitutionality of their conviction in federal courts. In <i>The Body and the State</i> , Cary Federman contends that habeas corpus is more than just a get-out-of-jail-free card—it gives death row inmates a constitutional means of overturning a jury's mistaken determination of guilt. Tracing the history of the writ since 1789, Federman examines its influence on federal-state relations and argues that habeas corpus petitions turn legal language upside down, threatening the states' sovereign judgment to convict and execute criminals as well as upsetting the discourse, created by the Supreme Court, that the federal-state relationship ought not be disturbed by convicted criminals making habeas corpus appeals. He pays particular attention to the changes in the discourse over federalism and capital punishment that have restricted the writ's application over time.

