

ON THE PUNISHMENT OF DEATH

THE ABOLITION CLASSICS

The texts that built the case against the death penalty

V . 2 0

**ON THE PUNISHMENT
OF DEATH**

A Fragment

PERCY BYSSHE SHELLEY

With an Introduction and Notes by
JEFF HOOD

THE ABOLITION CLASSICS
V. 20

COMPLICIT PRESS

On the Punishment of Death was composed around 1815
and first published, as an unfinished fragment, in *Essays,
Letters from Abroad, Translations and Fragments*
(London: Edward Moxon, 1840), edited by Mary Shelley.

The original text is in the public domain
and is reproduced here in full.

This volume is not a reprint alone. It is an annotated edition:
Shelley's text is arranged into ten sections,
each followed by an editor's note.

Foreword, editor's note, annotations and apparatus
copyright © 2026 by Jeff Hood.

All rights reserved.

C O M P L I C I T P R E S S

C O N T E N T S

FRONT MATTER

Foreword

Editor's Note

ON THE PUNISHMENT OF DEATH

I. THE FIRST LAW

II. THE FOUR IDOLS

III. WHAT DEATH IS

IV. THE ACCIDENT OF CIRCUMSTANCE

V. THE DOOM OF DEATH

VI. THE MARTYR'S DEATH

VII. THE COMMON CRIMINAL

VIII. THE MARK OVERSHOT

IX. MILD LAWS, RARE CRIMES

X. THE TOWER OF SILOAM

Afterword

EDITORIAL APPARATUS

Definitions and Terms

Further Reading

About the Editor

FOREWORD

Percy Shelley never stood where I have stood. This fragment was written at a table, not in a witness room. Nobody handed him a phone at midnight and told him the stay had been denied. So far as history records, he never watched a single execution in his twenty-nine years. I have watched thirteen.

That contrast could sink this fragment. It does not. Shelley built his case for abolition almost entirely from the imagination, and the case holds anyway, which tells you something about the case and something about the limits of witness itself. I have stood closer to the machinery than any poet needs to stand. Closeness has taught me things Shelley could not have known. It has not taught me that he was wrong.

His argument does not depend on having seen the room. It depends on a harder, plainer claim: that no one, close or far, actually knows what death is, and that a state building a punishment on that ignorance has lost the argument before the first witness is ever called. I have watched the state kill thirteen people with the practiced confidence of an institution that believes it knows exactly what it is doing. It has never once convinced me that it does.

I have not smoothed this text for you. Shelley was twenty-two or twenty-three, wealthy, English, and it shows, nowhere more than in the paragraph on the poor and the men who guard them, which I have printed whole and flagged rather than cut. An

abolitionist text that hides its author's failures from the reader has already started lying to it about something larger, and I did not want this volume lying to you about anything, including itself.

What is left, once you have made room for the century that produced him, is a young man who looked directly at the one question underneath the whole death penalty and refused to let the state answer it for him. What is death? He does not know. Neither does anyone signing a death warrant. That gap, between the sentence and the knowledge required to justly hand it down, is the argument this whole series exists to make. Shelley found it a century before anyone built a movement to stand inside it.

Rev. Dr. Jeff Hood
North Little Rock, Arkansas
2026

EDITOR'S NOTE

THE AUTHOR

Percy Bysshe Shelley was born in Sussex, England, on 4 August 1792, heir to a baronetcy he would spend his short life offending. Oxford expelled him in his first year, 1811, after he co-authored a pamphlet titled *The Necessity of Atheism*. His father disowned him not long after. He eloped that same year with sixteen-year-old Harriet Westbrook; the marriage collapsed within a few years, and in 1814 he left her for Mary Wollstonecraft Godwin, daughter of the philosopher William Godwin and the feminist Mary Wollstonecraft. Harriet drowned herself in London's Serpentine in December 1816. Percy and Mary married three weeks later.

He spent his adult life a kind of exile, first from his own family and class, then, from 1818 onward, from England itself, living in Italy among a circle that included Byron and Leigh Hunt. He wrote continuously and radically: *Queen Mab*, *Prometheus Unbound*, *A Defence of Poetry*, with its claim that poets are the unacknowledged legislators of the world. In August 1819, cavalry rode down a crowd of unarmed reformers in Manchester, an event that came to be called Peterloo. Shelley answered from Italy with *The Masque of Anarchy* and sent it to Leigh Hunt at *The Examiner*. Hunt, who had already served two years for libelling the Prince Regent and was writing under the new Six Acts, judged the moment too dangerous and held it back; the poem waited

thirteen years and did not reach print until 1832, a decade after Shelley was dead. It still ends, in every movement that has since borrowed its final stanza, with the many told to rise like lions against the few.

He drowned on 8 July 1822, sailing home across the Gulf of Spezia in a boat named the *Don Juan*, four weeks short of his thirtieth birthday. Byron, Leigh Hunt, and Edward Trelawny cremated his body on the beach at Viareggio, under the quarantine laws of the region. He did not live to see a single one of his political causes won.

THE FRAGMENT

Editors, following William Michael Rossetti's dating in his 1878 edition of the poems, place the composition of *On the Punishment of Death* around 1815. Shelley set the pages down unfinished and, so far as anyone has established, never returned to them. His widow found the manuscript afterward and published it in 1840, eighteen years after his death, in *Essays, Letters from Abroad, Translations and Fragments*, a collection she assembled to keep his prose from disappearing along with him. In her preface she called it a fragment carrying the value of a philosopher and a poet reasoning in favor of humanity, and said she hoped it might yet reach the legislators shaping English law in a milder direction than her husband had known. A later editor, H. Buxton Forman, restored one dropped word, *punishment*, to the opening lines from Mary Shelley's own earlier reprints. Even this text's smallest details carry a history of being rescued.

The fragment did not arrive from nowhere. Basil Montagu, a penal reformer who moved through Shelley and Godwin's circle in these years, had already compiled a multi-volume anthology of argument against capital punishment, drawing on more than a century of legal opinion. Montagu was a friend of Sir Samuel Romilly, the law reformer who spent his parliamentary career stripping capital offenses off the English statute books one felony at a time, and Montagu was himself a student of William Godwin, the philosophical anarchist whose daughter Shelley had married. Abolition was a live argument at Shelley's own dinner table years before it reached this page.

I have arranged the fragment into ten sections for this edition, each followed by my own note. Shelley wrote no such divisions; the original runs as a single continuous argument, broken only by his own paragraphing. The section titles, and everything printed as an editor's note, are new to this edition and mine alone.

**ON THE PUNISHMENT
OF DEATH**

A Fragment

I

THE FIRST LAW

THE TEXT

The first law which it becomes a Reformer to propose and support, at the approach of a period of great political change, is the abolition of the punishment of death.

EDITOR'S NOTE

Shelley opens with the boldest sentence in the fragment and spends the rest of it trying to earn the right to have said so plainly. Abolition, in his ordering, is not one reform among many others waiting their turn. It is the first reform, the one every other reform depends on, the hinge the whole door swings from.

He wrote this at "the approach of a period of great political change." England in 1815 was bracing for exactly that kind of change: Waterloo that summer, a country exhausted by war and hungry for something new. Four years later the government would answer that hunger with cavalry sent into a crowd at Peterloo. Shelley would answer Peterloo with a poem telling the crowd to rise like lions after slumber.

I know something about writing at the approach of a period of great political change. I have watched states race to kill people faster, before a court or a

governor or an election could get in the way. Urgency runs in both directions. Shelley understood that it could belong to the reformer first, if the reformer would only claim it.

II

THE FOUR IDOLS

THE TEXT

It is sufficiently clear that revenge, retaliation, atonement, expiation, are rules and motives, so far from deserving a place in any enlightened system of political life, that they are the chief sources of a prodigious class of miseries in the domestic circles of society. It is clear that however the spirit of legislation may appear to frame institutions upon more philosophical maxims, it has hitherto, in those cases which are termed criminal, done little more than palliate the spirit, by gratifying a portion of it; and afforded a compromise between that which is best;—the inflicting of no evil upon a sensitive being, without a decisively beneficial result in which he should at least participate;—and that which is worst; that he should be put to torture for the amusement of those whom he may have injured, or may seem to have injured.

EDITOR'S NOTE

Four words carry the whole rotten architecture of capital punishment on their backs: revenge, retaliation, atonement, expiation. Shelley refuses all four a seat at the table of "enlightened political life," then names what they actually produce when they are allowed to legislate anyway: miseries in

the domestic circle, torture offered up as amusement to whoever feels wronged.

I have sat in clemency hearings where the word used was “closure” instead of “expiation.” Same theology, cheaper paint. Killing a man in a cell down the hall does not return anyone’s daughter and does not un-kill anyone’s father. It performs a return. Shelley saw the performance for what it was two centuries before Alabama built a nitrogen mask to update the costume.

III

WHAT DEATH IS

THE TEXT

Omitting these remoter considerations, let us inquire what Death is; that which is applied as a measure of transgressions of indefinite shades of distinction, so soon as they shall have passed that degree and colour of enormity, with which it is supposed no inferior infliction is commensurate.

And first, whether death is good or evil, a punishment or a reward, or whether it be wholly indifferent, no man can take upon himself to assert. That that within us which thinks and feels, continues to think and feel after the dissolution of the body, has been the almost universal opinion of mankind, and the accurate philosophy of what I may be permitted to term the modern Academy, by showing the prodigious depth and extent of our ignorance respecting the causes and nature of sensation, renders probable the affirmative of a proposition, the negative of which it is so difficult to conceive, and the popular arguments against which, derived from what is called the atomic system, are proved to be applicable only to the relation which one object bears to another, as apprehended by the mind, and not to existence itself, or the nature of

that essence which is the medium and receptacle of objects.

EDITOR'S NOTE

Here is the whole argument distilled to a single dare: what if the state does not actually know what death is?

Shelley builds his case on honest agnosticism, not on the confident afterlife theology his century preached from every pulpit in England. He will not say death is a doorway. He will not say it is an ending. He says, correctly, that no living mind has ever verified either claim, and that a state which cannot answer the question has no business handing down the sentence.

I am a theologian. I believe things Shelley the atheist did not. But on this single point we arrive at the same place from opposite directions: any institution that claims the authority to kill is claiming a knowledge it does not have. I have watched the state fumble that claim from three feet away, behind glass, more than a dozen times. It never once looked like it knew what it was doing.

IV

THE ACCIDENT OF CIRCUMSTANCE

THE TEXT

The popular system of religion suggests the idea that the mind, after death, will be painfully or pleasurable affected according to its determinations during life. However ridiculous and pernicious we must admit the vulgar accessories of this creed to be, there is a certain analogy, not wholly absurd, between the consequences resulting to an individual during life from the virtuous or vicious, prudent or imprudent, conduct of his external actions, to those consequences which are conjectured to ensue from the discipline and order of his internal thoughts, as affecting his condition in a future state. They omit, indeed, to calculate upon the accidents of disease, and temperament, and organisation, and circumstance, together with the multitude of independent agencies which affect the opinions, the conduct, and the happiness of individuals, and produce determinations of the will, and modify the judgment, so as to produce effects the most opposite in natures considerably similar.

EDITOR'S NOTE

Read this paragraph again, slowly. Shelley is describing mitigation a hundred years before the word existed in American capital defense. "Accidents of disease, and temperament, and organisation, and circumstance" could be lifted whole into any competent sentencing-phase closing argument today. Untreated illness. Childhood trauma. The accident of which house a person happened to be born into.

He is not excusing the crime. He is asking why a system willing to calculate every other variable of human behavior refuses, at the one moment the calculation costs a life, to calculate this one. I have read hundreds of pages of mitigation evidence that arrived at trial too late, filed by lawyers carrying too many cases, for men the state killed anyway. Shelley's circumstance is still most people's sentence.

V

THE DOOM OF DEATH

THE TEXT

To compel a person to know all that can be known by the dead, concerning that which the living fear, hope, or forget; to plunge him into the pleasure or pain which there awaits him; to punish or reward him in a manner and in a degree incalculable and incomprehensible by us; to disrobe him at once from all that intertexture of good and evil with which Nature seems to have clothed every form of individual existence, is to inflict on him the doom of death.

A certain degree of pain and terror usually accompany the infliction of death. This degree is infinitely varied by the infinite variety in the temperament and opinions of the sufferers. As a measure of punishment, strictly so considered, and as an exhibition, which, by its known effects on the sensibility of the sufferer, is intended to intimidate the spectators from incurring a similar liability, it is singularly inadequate.

EDITOR'S NOTE

"The doom of death." Three words, and Shelley has said more than most sentencing statutes manage in three hundred. To sentence someone to death is to sentence them to full and final knowledge of the one subject on which no living witness can testify.

Then, in the same breath, he turns to the practical case and finds it just as hollow. Death, he says, is “singularly inadequate” even as a deterrent, because terror is not evenly distributed among human beings, because some men do not fear it and some are made braver by it. I have stood with people three hours before their deaths who were steadier than the guards assigned to walk them there. Terror is not a policy. It is a guess about the inside of a stranger’s chest.

VI THE MARTYR'S DEATH

THE TEXT

Firstly,—Persons of energetic character, in whom, as in men who suffer for political crimes, there is a large mixture of enterprise, and fortitude, and disinterestedness, and the elements, though misguided and disarranged, by which the strength and happiness of a nation might have been cemented, die in such a manner, as to make death appear not evil, but good. The death of what is called a traitor, that is, a person who, from whatever motive, would abolish the government of the day, is as often a triumphant exhibition of suffering virtue, as the warning of a culprit. The multitude, instead of departing with a panic-stricken approbation of the laws which exhibited such a spectacle, are inspired with pity, admiration and sympathy; and the most generous among them feel an emulation to be the authors of such flattering emotions, as they experience stirring in their bosoms. Impressed by what they see and feel, they make no distinction between the motives which incited the criminals to the actions for which they suffer, or the heroic courage with which they turned into good that which their judges awarded to them as evil, or the purpose itself of those actions, though that purpose may happen to be eminently pernicious. The laws in this case lose

that sympathy, which it ought to be their chief object to secure, and in a participation of which, consists their chief strength in maintaining those sanctions by which the parts of the social union are bound together, so as to produce, as nearly as possible, the ends for which it is instituted.

EDITOR'S NOTE

This is Shelley predicting the martyr before the word attaches itself to anyone in particular. Kill a person for their politics and you may not extinguish the politics. You may consecrate them. The crowd does not always leave an execution convinced of the state's virtue. Sometimes it leaves in love with the one the state killed.

Every abolition movement carries its own list of the dead it did not set out to make into saints, but made into saints anyway, because the state insisted on killing them in public. I am careful with this passage. Sanctifying anyone the state executes, guilty or innocent, is its own kind of danger. It can excuse what a person did, or worse, romanticize the very machinery that killed them. Shelley is naming a fact about spectacle here, not issuing an altar call. I try to hold the passage the same way.

VII

THE COMMON CRIMINAL

THE TEXT

Secondly—persons of energetic character, in communities not modelled with philosophical skill to turn all the energies which they contain to the purposes of common good, are prone also to fall into the temptation of undertaking, and are peculiarly fitted for despising the perils attendant upon consummating, the most enormous crimes. Murder, rapes, extensive schemes of plunder, are the actions of persons belonging to this class; and death is the penalty of conviction. But the coarseness of organisation, peculiar to men capable of committing acts wholly selfish, is usually found to be associated with a proportionate insensibility to fear or pain. Their sufferings communicate to those of the spectators, who may be liable to the commission of similar crimes, a sense of the lightness of that event, when closely examined, which at a distance, as uneducated persons are accustomed to do, probably they regarded with horror. But a great majority of the spectators are so bound up in the interests and the habits of social union that no temptation would be sufficiently strong to induce them to a commission of the enormities to which this penalty is assigned. The more powerful, the richer among them,—and a numerous class of little tradesmen are richer and

more powerful than those who are employed by them, and the employer, in general, bears this relation to the employed,—regard their own wrongs as, in some degree, avenged, and their own rights secured by this punishment, inflicted as the penalty of whatever crime.

EDITOR'S NOTE

I will not smooth this paragraph over for the reader, and I will not pretend Shelley's own class did not shape it. "Coarseness of organisation." The "little tradesmen" who feel richer and safer watching a poor man hang. This is a twenty-two-year-old aristocrat's language for people he had likely never sat across a table from, and it carries every prejudice of an Englishman who never once faced the workhouse or the noose himself.

And yet buried inside the condescension is a diagnosis I recognize from every jury pool I have watched seated in an American courtroom. The people with the least to fear from the system are often the ones most certain the system is protecting them. Security purchased with someone else's death still feels, to most of the people buying it, like a fair bargain. Shelley got the why right even where he got the who wrong. I have printed the passage whole, prejudice and all, because an abolitionist text that hides its author's failures from the reader has already started lying to it about something larger.

VIII

THE MARK OVERSHOT

THE TEXT

In cases of murder or mutilation, this feeling is almost universal. In those, therefore, whom this exhibition does not awaken to the sympathy which extenuates crime and discredits the law which restrains it, it produces feelings more directly at war with the genuine purposes of political society. It excites those emotions which it is the chief object of civilisation to extinguish for ever, and in the extinction of which alone there can be any hope of better institutions than those under which men now misgovern one another. Men feel that their revenge is gratified, and that their security is established, by the extinction and the sufferings of beings, in most respects resembling themselves; and their daily occupations constraining them to a precise form in all their thoughts, they come to connect inseparably the idea of their own advantage with that of the death and torture of others.

The passion of revenge is originally nothing more than an habitual perception of the ideas of the sufferings of the person who inflicts an injury, as connected, as they are in a savage state, or in such portions of society as are yet undisciplined to civilisation, with security that that injury will not be repeated in future. This feeling, engrafted

upon superstition and confirmed by habit, at last loses sight of the only object for which it may be supposed to have been implanted, and becomes a passion and a duty to be pursued and fulfilled, even to the destruction of those ends to which it originally tended.

The savage and the illiterate are but faintly aware of the distinction between the future and the past; they make actions belonging to periods so distinct, the subjects of similar feelings; they live only in the present, or in the past as it is present. It is in this that the philosopher excels one of the many; it is this which distinguishes the doctrine of philosophic necessity from fatalism; and that determination of the will, by which it is the active source of future events, from that liberty or indifference, to which the abstract liability of irremediable actions is attached, according to the notions of the vulgar. This is the source of the erroneous excesses of Remorse and Revenge; the one extending itself over the future, and the other over the past; provinces in which their suggestions can only be the sources of evil.

EDITOR'S NOTE

Revenge, Shelley says, begins as something almost reasonable, a settled expectation that the harm will not repeat itself, and then overshoots that mark until it becomes a passion pursued for its own sake, cut loose from the safety it was ever meant to secure. He closes the passage by setting revenge beside remorse: the one extends itself over the

past, the other over the future, and neither, left ungoverned, does the living any good.

This is where a poet's psychology gets ahead of two centuries of restorative-justice literature. I have sat with murder victims' family members who wanted the execution and got it, and I have sat with murder victims' family members who wanted the execution and got it and found that the wanting did not stop the day the man died. The mark, once overshot, does not travel back to where it started. Shelley knew that before anyone had a clinical name for it.

IX

MILD LAWS, RARE CRIMES

THE TEXT

Nothing is more clear than that the infliction of punishment in general, in a degree which the reformation and the restraint of those who transgress the laws does not render indispensable, and none more than death, confirms all the inhuman and unsocial impulses of men. It is almost a proverbial remark, that those nations in which the penal code has been particularly mild, have been distinguished from all others by the rarity of crime. But the example is to be admitted to be equivocal. A more decisive argument is afforded by a consideration of the universal connexion of ferocity of manners, and a contempt of social ties, with the contempt of human life. Governments which derive their institutions from the existence of circumstances of barbarism and violence, with some rare exceptions perhaps, are bloody in proportion as they are despotic, and form the manners of their subjects to a sympathy with their own spirit.

EDITOR'S NOTE

Shelley makes an empirical claim here and has the honesty to call it "equivocal" in the very next sentence: mild penal codes, he says, correlate with rarer crime. Modern criminology has spent two

centuries testing that claim with better data than Shelley had, and the finding holds up better than most nineteenth-century social science generally does. Certainty of consequence deters more reliably than severity of consequence, and the harshest available penalty tends to buy very little marginal safety over a merely serious one.

What Shelley saw without the data was the second half of his own argument, the half that matters more to me: violent states make violent subjects. He calls it a “sympathy” between despotic governments and the manners of the people they govern. I have watched states execute people at record pace and then act surprised when their own prisons and streets do not get gentler for it. Shelley was not surprised. He told them so first.

X

THE TOWER OF SILOAM

THE TEXT

The spectators who feel no abhorrence at a public execution, but rather a self-applauding superiority, and a sense of gratified indignation, are surely excited to the most inauspicious emotions. The first reflection of such a one is the sense of his own internal and actual worth, as preferable to that of the victim, whom circumstances have led to destruction. The meanest wretch is impressed with a sense of his own comparative merit. He is one of those on whom the tower of Siloam fell not—he is such a one as Jesus found not in all Samaria, who, in his own soul, throws the first stone at the woman taken in adultery. The popular religion of the country takes its designation from that illustrious person whose beautiful sentiment I have quoted. Any one who has stripped from the doctrines of this person the veil of familiarity, will perceive how adverse their spirit is to feelings of this nature.

EDITOR'S NOTE

An atheist reached further into the Gospel here than most preachers I have shared a pulpit with. Shelley pulls the tower of Siloam out of Luke thirteen, the eighteen killed when it collapsed, the

ones Jesus refused to call more sinful than anyone left standing, and sets it against a crowd outside the gallows congratulating itself on its own survival. Then he reaches for John eight, the stone no one in that crowd around the accused woman was fit to throw, and asks what kind of Christian nation builds a public spectacle out of exactly the gesture its own scripture forbids.

I have stood outside those walls. I have watched people gather in lawn chairs to celebrate a death, and I have watched other people gather across the road to grieve one, and both crowds believed they knew something the other did not. Shelley is right about the meanest wretch in his tower-of-Siloam crowd: he is comforted less by his own goodness than by his own survival, and mistakes the second feeling for the first. I have felt the temptation myself, walking back to my car after a killing I could not stop. It is not virtue that lets you drive home.

The fragment ends here. Shelley never told us what it is instead.

Afterword

The manuscript simply stops. There is no concluding paragraph, no closing argument gathered up and handed to the reader, because Shelley set the pages down one day in 1815 and, as far as anyone has ever established, never came back to them. Seven years later the sea did the same thing to him that his fragment describes doing to everyone eventually: it disrobed him, without warning, of every certainty he had been building toward. Mary Shelley found the pages afterward and refused to let the unfinished stand for the unimportant.

I have organized a great many unfinished things in the years I have spent on this work. Appeals cut off mid-argument by a clock nobody agreed to. Clemency petitions filed and answered with silence. Letters from men who did not live to read my reply. The fragment is not a lesser form for this subject. It may be the truest one available to it. Nobody who has stood where an execution happens gets to walk away with a tidy final paragraph. The sentence just stops, and somebody else has to decide what comes next.

Shelley handed that decision to whoever found the pages after him. I am handing it to you. The tower falls on someone new most weeks in this country. The crowd still gathers, still measures its own goodness by its own survival, still mistakes the one for the other. Finish the sentence he could not.

It is still, in the places that matter, exactly as unfinished as he left it.

Rev. Dr. Jeff Hood
North Little Rock, Arkansas
2026

EDITORIAL APPARATUS

Definitions and Terms

Reformer. Shelley's own capitalized term for the political radical seeking structural change; in his usage a specific vocation, not a vague sentiment.

the modern Academy. Shelley's phrase for the skeptical philosophy of his own moment, invoked to argue that materialist science cannot rule out the survival of consciousness after death.

the atomic system. The materialist doctrine, descending from ancient atomism through eighteenth-century philosophy, which Shelley argues addresses only the relations among objects as perceived by the mind, not the nature of existence itself.

Basil Montagu (1770-1851). English lawyer and penal reformer, a friend of Shelley's circle who compiled a multi-volume anthology of writing against capital punishment.

Sir Samuel Romilly (1757-1818). Whig law reformer who spent his career in Parliament reducing the number of offenses punishable by death under English law.

William Godwin (1756-1836). Philosophical anarchist, author of *Political Justice*, and Shelley's father-in-law by his marriage to Mary Wollstonecraft Godwin.

Peterloo. The 16 August 1819 cavalry charge on a peaceful reform rally in Manchester, which killed at least eleven people and occasioned Shelley's poem *The Masque of Anarchy*.

the tower of Siloam. A reference to Luke 13:4, in which Jesus refuses to call eighteen people killed by a collapsing tower more sinful than anyone left standing.

philosophic necessity. The determinist position, associated with Godwin, which Shelley distinguishes from fatalism in Section VIII: the will remains the active source of future action even though it is itself shaped by prior causes.

nitrogen hypoxia. A method of execution by inert-gas asphyxiation first used by the state of Alabama in January 2024, referenced in this volume's notes.

mitigation. In American capital defense, the evidence offered at sentencing about a defendant's history, circumstances, and character, intended to weigh against a death sentence.

clemency. An act of mercy by a governor or other executive authority, commuting a death sentence or, more rarely, granting a full pardon.

Further Reading

ON SHELLEY

Holmes, Richard. Shelley: The Pursuit. 1974; NYRB Classics. The standard biography.

Shelley, Mary, ed. Essays, Letters from Abroad, Translations and Fragments. Edward Moxon, 1840. The volume in which this fragment first reached print.

"On the Punishment of Death. A Fragment." Wikisource. The public-domain text, with Rossetti's and Forman's editorial notes on its dating and transmission.

ON THE FRAGMENT'S CONTEXT

Montagu, Basil, ed. The Opinions of Different Authors upon the Punishment of Death. London: Longman, Hurst, Rees, Orme, and Brown, 1809–1816. The anthology Shelley's circle was reading, three volumes gathering more than a century of argument.

Radzinowicz, Leon. A History of English Criminal Law and Its Administration from 1750. Stevens and Sons, 1948–1968. The standard scholarly account of Romilly's campaign and the century of reform that followed it.

ON THE DEATH PENALTY IN AMERICA

Prejean, Helen. Dead Man Walking. Random House, 1993. The accompaniment tradition in which this editor stands.

Stevenson, Bryan. Just Mercy. Spiegel and Grau, 2014. The memoir of the capital defense attorney whose work has produced more death row exonerations than any other single advocate in American history.

Death Penalty Information Center.
deathpenaltyinfo.org. The essential clearinghouse for data on American executions, state by state.

RELATED VOLUMES IN THIS SERIES

Hugo, Victor. Under Sentence of Death. 1829. Edited and reset by Jeff Hood. Complicit Press, 2026. V. 9.

Sergeant, Adeline. A Life Sentence. 1889. Edited and reset in Florence, Alabama by Jeff Hood. Complicit Press, 2026. V. 15.

Dunbar, Paul Laurence. The Sport of the Gods. 1902. Edited and reset in Pine Bluff and Little Rock, Arkansas by Jeff Hood. Complicit Press, 2026. V. 16.

Bye, Raymond T. Capital Punishment in the United States. 1919. Edited and condensed by Jeff Hood. Complicit Press, 2026. V. 17.

Wilde, Oscar. The Ballad of Cummins Prison. 1898.
Reset in Grady, Arkansas by Jeff Hood. Complicit
Press, 2026. V. 18.

Dreiser, Theodore. An American Tragedy. 1925.
Edited and condensed by Jeff Hood. Complicit
Press, 2026. V. 19.

About the Editor

The Rev. Dr. Jeff Hood is an author, activist and death row spiritual advisor. He is the founder of the Execution Intervention Project and serves as Dean of The New Theology School, where he is the Rev. Charles Moore Professor of Prophetic Theology. He has accompanied condemned men across multiple states and has witnessed thirteen executions. He lives in North Little Rock, Arkansas.

COMPLICIT PRESS

THE ABOLITION CLASSICS

The texts that built the case against the death penalty