

Spring 2000

The Death Penalty in America
Course Syllabus

Class meetings: Tuesdays -Thursdays 10:30-11:45 AM, MH 523

Instructor: Mona Lynch

Office: 513 MacQuarry Hall

Phone: 924-2958

E-mail: mlynch@email.sjsu.edu

Office hours: Tuesdays 1:00-4:00 PM; Thursdays 8:30-9:00 AM; 12-1:30 PM.

COURSE OVERVIEW:

This course will address several large questions related to the most extreme form of legal punishment--execution by the state. Who is likely to receive the death penalty? What purpose does it serve? Why has this ultimate corporal punishment thrived throughout our history while most other forms of physical punishment have been rejected by both the courts and the public? Since the earliest days of the republic, heated battles over capital punishment - how it should be carried out, against whom, how to apply it fairly, or whether to execute people at all - have cropped up in public and political arenas, so we will begin the course with an historical overview to provide a framework for examining these questions. Throughout the semester, we will address the issues surrounding race, class, and gender and the death penalty, from the colonial witch hunts and the disproportionate execution of slaves, up through modern legal challenges based on biased application. Within this inquiry, we will examine how the courts have interpreted the limits of acceptability in criminal punishment, both procedurally, and in terms of what constitutes unconstitutionally cruel and unusual punishment. We will discuss how deviant behavior comes to be defined as so serious that it warrants death, including how that definition has transformed with broader social changes over time.

We will also explore the explicit social justifications for capital punishment, including retribution, deterrence, and incapacitation; as well as the implicit purposes, as suggested by sociolegal theorists. In a related vein, we will analyze public opinion on the death penalty, including a discussion on how we learn about capital punishment and how the issue is politicized. We will discuss in detail the modern death penalty legal procedure, from the charging stage through the execution process. We will conclude with an inquiry into capital punishment's future in this nation by placing it within an international perspective: Will its use continue and even expand as appears to be happening at present, or will the death penalty be abandoned, as has been the case among our Western peer nations?

REQUIRED TEXTS:

Bedau, Hugo, editor (1997). The Death Penalty in America: Current Controversies. Oxford University Press. Available at Spartan Bookstore

Death Penalty Reader (2000) Available at Maple Press, 431 E. San Carlos, SJ.

COURSE REQUIREMENTS:

You need to complete the required readings **prior** to the week's classes, as laid out in the course outline below, take and pass three in-class written exams, and turn in a typewritten critical essay paper, as assigned in class .

The tests will include questions on both the reading assignments and the material covered during class periods, so your attendance at lectures will have a major impact on your exam performance. The exam format will be a combination of multiple choice, true-false, and short answer.

The paper assignment will require you to synthesize some of the materials covered in the course in a critical/analytic essay of about 4-5 pages in length. As the course progresses, I will hand out a specific outline and description of the requirements for the paper.

The weight for these course requirements are broken down as follows:

Exam #1	25%
Exam #2	25%
Exam #3	25%
Essay	25%
TOTAL	100%

GRADING, MISSED EXAM & LATE ASSIGNMENTS POLICY

Only legitimately excused missed exams can be made up. My policy for what constitutes legitimate excuses will be outlined during our first class meeting. Only under extreme and unavoidable documented emergency circumstances will you be able to make up an exam for a legitimate excuse if you have not given notice of your absence before the actual scheduled exam period. In other words, don't report your absence after the exam was given, unless you can document your complete and total inability to do so before the exam. You may only make up 1 scheduled exam during the semester, so if you are not in attendance for more than 1 scheduled exam, you will receive zero (0) points for any additional missed exams. Missed exams #1 & #2 will be taken on the final day of class, May 16, during the class period. The make-up exams will

be in a different format than the original exams. The missed final period will be arranged if necessary, and will also be in a different format than the original final.

The paper deadline is a firm deadline. Each day that your assignment is late will result in a 5% deduction from your grade for that assignment. Again, only legitimate excuses as outlined in the first class meeting will be accepted to avoid the late penalty. Computer / printer breakdowns are generally NOT legitimate excuses.

Final grades will be determined by your averaged performance across the four course requirements, as follows:

A range = 90% or above

B range = 80-89%

C range = 70-79%

D range = 60-69%

F = 59% or below

TOPICS / ASSIGNMENTS / DUE DATES:

WEEK 1 (February 1-3): The death penalty & the birth of the nation.

READ: Chapter 1--Death Penalty in America; Begin Chapter 1--Reader, by 2-1

WEEK 2 (February 8-10): Capital punishment practices through the mid-20th century.

READ: Finish Chapter 1--Reader, by 2-8. .

WEEK 3 (February 15-17): Arguments for and against the death penalty.

READ: Chapters 32-33--Death Penalty in America, by 2-15.

WEEK 4 (February 22-24): Functions of the death penalty--explicit and implicit purposes.

READ: Chapter 9, 27, skim chapter 10--Death Penalty in America, by 2-22.

WEEK 5 (February 29-March 2): Thinking about the death penalty: Public opinion, sources of knowledge and capital punishment. Exam review.

READ: Chapters 7-8, 29--Death Penalty in America; Reader--chapter 3, by 2-29.

WEEK 6 (March 7-9): **EXAM #1 on Tuesday, March 7.** Constitutional challenges to capital punishment: From *Maxwell* to *Furman* .

READ: Chapter 12, Death Penalty in America; begin Reader--chapter 4, by 3-9.

WEEK 7 (March 14-16): *Furman to Gregg*; Introduction to modern death penalty procedure.

READ: Chapters 13-15--Death Penalty in America; finish chapter 4--Reader, by 3-14

WEEK 8 (March 21-23): Demographics of death & continued discretionary concerns:
McCleskey v. Kemp, et al.

READ: Pages 249-274--Death Penalty in America, by 3-21.

WEEK 9 (March 28-30): **SPRING BREAK: NO CLASSES**

WEEK 10 (April 4-6): Who is eligible for death / defining capital crimes / continued constitutional challenges. *Thompson v. Oklahoma*; *Stanford v. Kentucky*, *Ford v. Wainwright*.

READ: Chapter 18--Death Penalty in America; Begin chapter 5--reader, by 4-4

WEEK 11 (April 11-13): Finish constitutional challenges; exam review.

READ: Finish chapter 5--reader, by 4-11.

Exam #2 Thursday, April 13.

WEEK 12 (April 18-20): The capital trial.

READ: Pages 275-342--Death Penalty in America by 4-18.

WEEK 13 (April 25-27): The post-conviction process and habeas corpus.

READ: Chapters 25-26--Death Penalty in America; chapter 6--Reader, by 4-25.

ESSAY ASSIGNMENT DUE IN CLASS: THURSDAY, APRIL 27.

WEEK 14 (May 2-4): The social psychological effects on the participants; Execution procedure.

READ: Chapter 7--Reader; Chapter 28--Death Penalty in America, by 5-2.

WEEK 15 (May 9-11): The execution process cont.; U.S. death penalty & international standards.

READ: ; Chapter 8--Reader; chapter 19--Death Penalty in America; handout, by 5-9.

WEEK 16 (May 16): Exam make-ups; individual questions/review.

FINAL EXAM: During scheduled exam period