

The Death Penalty in America

Course Syllabus

Class meetings: Tuesdays -Thursdays 12:00 PM - 1:15 PM

Instructor: Mona Lynch

Office: 513 MacQuarry Hall

Phone: 924-2958

E-mail: mlynch@email.sjsu.edu

Office hours: Tuesdays 2:00-5:30 PM; Thursdays 9:00-10:30 AM.

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 (1997) Available at a local copy shop to be announced.

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, turn in a short (1-2 typed pages) research paper proposal on a topic related to the course material, and write and turn in a passing 6-7 page typewritten research paper based on the approved proposal.

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 and short answer. The required paper and proposal can be on any one of a wide range of topics related to the death penalty. As the course progresses, we will discuss possible topics and approaches to this assignment, and I will hand out an outline of requirements for the paper and proposal. I will provide comments and suggestions on your proposal in order to help you make the most of your selected topic. You must turn in an acceptable paper proposal before you write the paper itself.

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

Exam #1	25%
Exam #2	25%
Exam #3	25%
Research paper and proposal	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 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. Missed exams #1 & #2

will be taken on the Thursday morning at 9 a.m. immediately following the originally scheduled period. The missed final period will be arranged only if needed.

The paper and proposal deadlines are firm deadlines. Each day 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 (January 26-28): Introduction; class mechanics; the death penalty & the birth of the nation.

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

WEEK 2 (February 2-4): Capital punishment practices through the mid-20th century.

READ: Chapter 2--Reader; chapters 32-33--Death Penalty in America, by 2-9

WEEK 3 (February 9-11): Arguments for and against the death penalty.

READ: Chapter 9, 27, skim chapter 10--Death Penalty in America, by 2-16

WEEK 4 (February 16-18): Functions of the death penalty--explicit and implicit purposes.

READ: Chapters 7-8, 29--Death Penalty in America; Reader--chapter 3, by 2-23.

WEEK 5 (February 23-25): Thinking about the death penalty: Public opinion, sources of knowledge and capital punishment. Exam review.

READ: Chapter 12, Death Penalty in America, by Thursday 3-4.

WEEK 6 (March 2-4): **EXAM #1 on Tuesday, March 2.** Constitutional challenges to capital punishment: From *Maxwell* to *Furman*.

READ: Chapters 13-15--Death Penalty in America; read chapter 4--Reader, by 3-9.

WEEK 7 (March 9-11): *Furman to Gregg*; Introduction to modern death penalty procedure.

READ: Pages 249-274--Death Penalty in America, by 3-16

WEEK 8 (March 16-18): Demographics of death & continued discretionary concerns:

McCleskey v. Kemp, et al.

READ: chapter 18--Death Penalty in America; chapter 5--reader, by 3-23.

WEEK 9 (March 23-25): Who is eligible for death / defining capital crimes / continued constitutional challenges. *Thompson v. Oklahoma*; *Stanford v. Kentucky*, *Ford v.*

Wainwright. **PAPER PROPOSALS DUE 3-25 IN CLASS.**

WEEK 10 (March 30-April 1): **SPRING BREAK-NO CLASS**

WEEK 11 (April 6-8): Tuesday, April 6: **PROPOSAL CONFERENCES**; Exam review on Thursday

READ: read pages 275-342--Death Penalty in America by Thursday 4-15.

WEEK 12 (April 13-15): **Exam #2 Tuesday, April 13.** The capital trial.

READ: read chapters 25-26--Death Penalty in America; chapter 6--Reader, by 4-20.

WEEK 13 (April 20-22): Trial procedure cont.; the post-conviction process and habeas corpus.

READ: Chapter 7--Reader; Chapter 28--Death Penalty in America, by 4-27.

WEEK 14 (April 27-29): The social psychological effects on the participants; Execution procedure.

READ: Chapter 8--Reader, by 5-4.

WEEK 15 (May 4-6): The execution process continued.

READ: Chapter 19--Death Penalty in America; class handout, by 5-11.

WEEK 16 (May 11-13): U.S. death penalty and international standards.

POSSIBLE FIELD TRIP to San Quentin (?)--NO READING

WEEK 17 (May 18): Future possibilities. Exam review.

PAPER DUE 5-18 IN CLASS

FINAL EXAM: Tuesday, May 25 9:45 AM