

Spring 2003

**ADMINISTRATION OF JUSTICE 115**  
**Special Topics: The Death Penalty in America**  
Course Syllabus

Class meetings: Tuesdays -Thursdays 9:00-10:30 AM, MH 523  
Instructor: Mona Lynch  
Office: 513 MacQuarry Hall  
Phone: 924-2958; e-mail: [mlynch@email.sjsu.edu](mailto:mlynch@email.sjsu.edu)  
Office hours: T 12:30-3:00 PM; Th. 12:30-2:30 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 racially 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:**

Banner, Stuart (2002). The Death Penalty: An American History. Published by Harvard University Press. Available at Robert's Bookstore, 330 S. 10 Street, San Jose; Spartan Bookstore on campus, and online through Amazon.com.

Death Penalty Reader (2003) 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 two 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 paper assignment will require you to synthesize some of the materials covered in the course in a critical/analytic essay of about 5-6 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 each of these course requirements is equivalent, so performance on each test equals one third of your grade and the paper performance comprises one third of your grade.

## 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 midterms will be taken on the final day of class, May 13, during the class period. The make-up exam will be in a different format than the original exam. 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.

Please familiarize yourself with the SJSU policy on academic dishonesty, available in pdf format at: <http://www.sjsu.edu/academic.html>. It is also published in the SJSU print catalog. Use those rules and definitions to guide your conduct in this class.

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 28-30): The death penalty & the birth of the nation.

READ: Introduction and Chapter 1—Banner.

WEEK 2 (February 4-6): Capital punishment practices through the Civil War.

READ: Chapter 2-4—Banner.

WEEK 3 (February 11-13): Historical developments through the mid-20th century.

READ: Chapters 5-7—Banner.

WEEK 4 (February 18-20): Arguments for and against the death penalty; purposes of the death penalty.

READ: Chapter 8—Banner; Chapter 1—Reader.

WEEK 5 (February 25-27): Thinking about the death penalty: Public opinion, sources of knowledge and capital punishment.

READ: Reader—Chapter 2.

WEEK 6 (March 4-6): Constitutional challenges to capital punishment: From *Maxwell* to *Furman*.

READ: Reader--chapter 3; Banner—Chapter 9.

WEEK 7 (March 11-13): *Furman to Gregg*; Intro. to modern death penalty procedure.

READ: Reader—chapter 4; Banner—chapter 10.

**MIDTERM EXAM THURSDAY, MARCH 13**

WEEK 8 (March 19-20): Demographics of death & continued discretionary concerns: *McCleskey v. Kemp*, et al.

READ: Reader—Chapter 5; Banner--epilogue.

WEEK 9 (March 25-27): **SPRING BREAK: NO CLASSES**

WEEK 10 (April 1-3): Who is eligible for death / defining capital crimes / continued constitutional challenges. *Thompson v. Oklahoma*; *Stanford v. Kentucky*, *Ford v. Wainwright*.

READ: Reader—chapter 6.

WEEK 11 (April 8-10): Finish constitutional challenges; exam review.

READ: Reader—Chapter 7.

WEEK 12 (April 15-17): The capital trial.

READ: Reader—chapter 8.

WEEK 13 (April 22-24): The post-conviction process and habeas corpus.

READ: Reader—chapter 9.

**ESSAY ASSIGNMENT DUE IN CLASS: THURSDAY, APRIL 24.**

WEEK 14 (April 29-May 1): The social psychological effects on the participants; Execution procedure.

READ: Reader —chapter 10.

WEEK 15 (May 6-8): The execution process cont.; U.S. death penalty & international standards.

READ: Reader--chapter 11.

WEEK 16 (May 13): Exam make-ups; individual questions/review.

**FINAL EXAM: During scheduled exam period—Thursday, May 15, 8:15 –9:30 AM.**

**NOTE LATER STARTING TIME.**