



EMORY  
UNIVERSITY

Department of History  
College of Arts and Sciences

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**Course Syllabus: History 190-01**  
The American Death Penalty  
Fall 2015

Class Meetings: MW, 1-2:15 p.m.  
Classroom: Candler Library 122

Office Hours: Tuesdays 2:30-4:30 p.m.  
(drop in) and by appointment

Course Overview

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This course will explore the complex and uneven relationship Americans have had with capital punishment from the colonial period to the present. The United States is home to Michigan, which abolished its death penalty in 1846 and has never reinstated it, and to Texas, which currently houses nearly 300 death row inmates and has accounted for nearly 40% of all executions nationally since 1977. That incongruity is just one example of the contradictions that have historically surrounded capital punishment in America. Our questions will come from a range of academic disciplines, from the philosophical (Why do we punish? Why does the state have the right to kill?) to the sociological (Why and how has the race, gender, class, and geographical location influenced who gets the death penalty and for what crimes?) to the political (Why are those who distrust government often more, not less, likely to support the death penalty?) to the poetic (What meanings do screenwriters assign to death sentences and executions?). And yet, as historians, we will be especially attuned to questions of historical context. How and why do answers to these questions change as we examine different periods in American history—from the seventeenth century, when Puritans sang hymns at public execution ceremonies, to the twenty-first, when inmates are put to death on sterilized gurneys in centralized prisons far from the scene of the crime? Students will learn to read scholarly analyses of capital punishment carefully and critically, often by seeing how they account—or fail to account—for the primary sources we encounter, the raw stuff of history that we will examine throughout the course. Treatises on the death penalty, newspaper accounts of executions, death row autobiographies, judicial opinions, and films are among the sources we will turn to in an effort to understand the historical and contemporary meanings of the death penalty in the only western democracy that still maintains it.

This course is part of a broader initiative in Emory College to improve students' abilities to effectively find, analyze, and marshal evidence in support of arguments and to assess the nature, quality, and use of evidence in others' arguments. As such, we will spend a considerable amount of time contemplating the nature and use of evidence. You will learn how to distinguish among the kinds of evidence historians use to build arguments; you will hone your abilities to access, locate, identify, and analyze evidence to construct your own arguments based on original research that you conduct; and you will learn to evaluate the quality, credibility, reliability, and validity of different kinds of evidence you and others use in the service of arguments. To help measure the effectiveness of the evidenced-oriented components of the course, you will take two short standardized tests at the beginning and end of the course. I will not be told the individual results of these assessments, and they will have no effect on your grade for the course.

## Required Text

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A hard copy of the following text will be on reserve in the library, but should be purchased:

Stuart Banner, *The Death Penalty: An American History* (Cambridge: Harvard U. Press, 2002)

## Evaluation

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Assessment	Details	% of Grade
One 3-5 page essay	Analysis of the influence of the past on the present	15 or 25% <sup>1</sup>
Staged Assignment: One 6-8 page essay	Analysis of primary sources in response to a historical question (Lynching and Capital Punishment Project)	30%
Staged Assignment: Primary and Secondary Source Reflections	Critical reflections on the nature, value, and use of evidence you've collected and that a scholar has used. (Lynching and Capital Punishment Project)	10% (5% each)
Final Exam	Two take home essays that ask you to synthesize the course material	15 or 25%
Participation	Students are expected to attend all class lectures and discussions. Everyone will do all the required readings and assignments each week and students will be expected to discuss the weekly themes and topics. Attendance will be taken and unexcused absences will affect a student's participation grade. In addition to the students' contributions in discussion, participation may be measured by in-class writing exercises, quizzes, and short preparatory assignments.	20%

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<sup>1</sup> For the two assignments marked "15% or 25%," the assignment you score the highest on will be worth 25% of the course grade, and the other assignment will be worth 15% of the course grade.

*It is important to me that I have a respectful and amicable relationship with you and that you seek this kind of relationship with each other and with me. I will be supportive of you and ask that you be the same with me and your classmates. Here are my policies and expectations:*

1. Attendance is mandatory. If you miss more than two class meetings, your grade may be lowered. If you miss more than four class meetings, you may fail the course—even if you have successfully completed its other requirements. Please be aware that material will be presented in class that will not appear in the readings and which you will be expected to know for exams. You may be considered absent if you conduct business unrelated to class (reading the newspaper, completing a crossword puzzle, text messaging, etc.) during class. Quizzes may not be made up.
2. To minimize distractions during class time, laptop use is not permitted in the classroom except when it is part of a documented disability accommodation.
3. E-mail is the best way to get in touch with me. Please be aware that it may take me up to one business day to respond to your e-mail.
4. Any students with a disability or special needs should meet with me as soon as possible to discuss any arrangements that need to be made.
5. If English is not your first language and you need help with class assignments, you may benefit from working with specially trained ESL Tutors. These tutors are undergraduates who will support the development of your English language skills. Like Writing Center tutors, ESL tutors will not proofread your work. Language is best learned through interactive dialogue, so when you come to an ESL tutoring session, be ready to collaborate! ESL tutors will meet with you in the ESL Lab in Callaway S108 and other designated locations, and they will help you at any stage of the process of developing your essay or presentation. You may bring your work on a laptop or on paper. If you schedule an appointment in the ESL Lab, you may also bring your work on a USB stick – computers are available in the lab. Visit [www.epass.emory.edu](http://www.epass.emory.edu) and click on "ESL Services" to schedule an appointment, read the appointment policies, and view the offerings of the ESL Program. If you do not have a scheduled appointment, you may meet with a drop-in tutor in the ESL Lab. Here, you may have less time with a tutor if other students are waiting, but you can briefly discuss an assignment and some of your concerns. For more information, visit the website or contact Dr. Levin Arnsperger, Assistant Director of the ESL Program and Tutoring Coordinator ([larnspe@emory.edu](mailto:larnspe@emory.edu)).
6. The Emory Writing Center offers 45-minute individual conferences to Emory College and Laney Graduate School students. It is a great place to bring any project—from traditional papers to websites—at any stage in your composing process. Writing Center tutors take a discussion- and workshop-based approach that enables writers of all levels to see their writing with fresh eyes. Tutors can talk with you about your purpose, organization, audience, design choices, or use of sources. They can also work with you on sentence-level concerns (including grammar and word choice), but they will not proofread for you. Instead, they will discuss strategies and resources you can use to become a better editor of your own work. The Writing Center is located in Callaway N-212. Visit [writingcenter.emory.edu](http://writingcenter.emory.edu) for more information and to make appointments.
7. Come prepared to learn: bring all relevant materials, texts, and assignments to class each day. Prepare your reading and assignments completely: come to class ready to discuss the assigned material with observations, questions, and comments.
8. I will expect that you will be academically honest, doing your own work on assignments and assessments, giving full credit to the ideas of others, and checking with me when you are uncertain about whether your actions constitute academic dishonesty. The Honor Code applies to all work submitted for courses in Emory College. Students who violate the Honor Code may be

subject to a written mark on their record, failure of the course, suspension, permanent dismissal, or a combination of these and other sanctions. The Honor Code may be reviewed online at: [http://catalog.college.emory.edu/academic/policy/honor\\_code.html](http://catalog.college.emory.edu/academic/policy/honor_code.html)

9. Absence from examinations can be excused only in serious and unavoidable causes, such as confining illness. Permission to make up any missed exam can only be granted by a dean in the Office of Undergraduate Education.
10. Please turn off your mobile phones before class begins.
11. In order for everyone to benefit from classroom discussions, each person must contribute. All participants should be actively listening and responding to one another. Don't censor yourself, but do make sure that you remain sensitive to the backgrounds, differences, and needs of others in the room. If you are unable to participate fully in class discussions for any reason, please let me know at the beginning of the semester.
12. Please come to me with any questions or problems you may have with the class material. If you have concerns regarding your grade at any point, please see me as soon as possible to help address ways to improve your mastery of the course material. The sooner you contact me regarding concerns, the more I can do for you. I will not be able to accommodate students who contact me at the end of the semester with concerns about their grade.
13. Laugh at my jokes.

**SCHEDULE OF READINGS AND ASSIGNMENTS**  
**All readings, except for Banner, are available via E-Reserves**

Date	Topic	Readings and Assignments (to be completed <i>before</i> class)
Wed. 8/26	Introduction to the Course  What is Punishment?	None.
Mon. 8/31	What is Punishment?  The Nature of Evidence: Initial Assessment	Read <i>Francis v. Resweber</i> 329 U.S.459 (1947) Read <i>Singleton v. Norris</i> 319 F. 3d 1018 (2003)
Wed. 9/2	When is Death Justified as a Legal Punishment?  Enlightenment Views of Capital Punishment I	Read Locke, excerpts from <i>Two Treatises on Government</i>
Mon. 9/7	No Class—Labor Day	No Class
Wed. 9/9	When is Death Justified as a Legal Punishment?  Enlightenment Views of Capital Punishment II	Read Kant, excerpt from <i>The Metaphysical Elements of Justice</i>
Mon. 9/14	Why Shouldn't We Punish With Death?  Enlightenment Views on the Death Penalty III  Assign Paper #1	Read Beccaria, excerpt from <i>On Crimes and Punishments</i>
Wed. 9/16	The Death Penalty in Early American History	Read Banner, <i>The Death Penalty</i> , up through and including Chapter 3
Mon. 9/21	Race and the Death Penalty in the Early Republic	Read excerpt from DeLombard, <i>In The Shadow of the Gallows</i>

Wed. 9/23	Catch Up  The Nature of Evidence: Assessing Secondary Sources	None—Work on your paper and read ahead
Mon. 9/28	Critical Reading, Writing, and Thinking:  Argumentation	<b>First Draft of Paper #1 Due</b>
Wed. 9/30	Early Efforts at Abolishing the Death Penalty  The Nature of Evidence: Debating Public Policy in a World Without Statistics	Read Rush, “Considerations on the Injustice and Impolicy of Punishing Murder by Death”
Fri. 10/2		<b>Paper #1 Due by Sunrise</b>
Mon. 10/5	Early Efforts at Abolishing the Death Penalty	Read Banner, Chapters 4 and 5
Wed. 10/7	Lynching and Capital Punishment in the aftermath of Reconstruction	Read Kaufman-Osborn, “Capital Punishment as Legal Lynching”
Mon. 10/12	Fall Break	No Classes
Wed. 10/14	Assign Lynching and Capital Punishment Project	None
Mon. 10/19	The Death Penalty in a Modernizing Age:  Melodrama, Modernity, and Capital Punishment	None (Work on Project)
Wed. 10/21	Lynching and Capital Punishment Project:  The Nature of Evidence: Assessing Secondary Sources	Secondary Source Assignment Due

Mon. 10/26	Lynching and Capital Punishment Project  The Nature of Evidence: Assessing Primary Sources	Primary Source Assignment Due
Wed. 10/28	The Death Penalty in a Modernizing Age	Read Banner, Chapters 6-8
Mon. 11/2	Cold War Liberalism, The Rehabilitative Ideal, and the Decline of Capital Punishment, 1935-1967	Watch <i>I Want to Live!</i>
Wed. 11/4	Cold War Liberalism, The Rehabilitative Ideal, and the Decline of Capital Punishment, 1935-1967	Read Chessman, excerpt from <i>Cell 2455, Death Row</i>
Fri. 11/6		<b>Lynching and Capital Punishment Project Due by Sunrise</b>
Mon. 11/9	The Retributive Turn: Progressive Critiques of the Rehabilitative Ideal	Read Morris, "Persons and Punishment"
Wed. 11/11	The Retributive Turn: Conservative Critiques of the Rehabilitative Ideal	Read Berns, excerpt from <i>For The Death Penalty</i>
Mon. 11/16	The Legal Death and Revival of Capital Punishment	Read excerpts from <i>Furman v. Georgia</i> (1972) and <i>Gregg v. Georgia</i> (1976)
Wed. 11/18	The Legal Death and Revival of Capital Punishment  The Nature of Evidence: The use of statistics in <i>McClesky v. Kemp</i>	Read Banner, Chapters 9-end
Mon. 11/23	Capital Punishment in the Late 20 <sup>th</sup> Century	Read <i>Payne v. Tennessee</i> (1991)

Wed. 11/25	Thanksgiving Break—No Class	None
Mon. 11/30	Catch Up	
Wed. 12/2	Is the Death Penalty Dying (Again)?  The Nature of Evidence: End of the Course Assessment	Watch <i>Dancer in the Dark</i>
Mon. 12/7	Is the Death Penalty Dying (Again)?	Read LaChance, “What Will Doom The Death Penalty”

**FINAL EXAM: Due on December 15<sup>th</sup> by Sunrise**