

History 410/510: The Death Penalty in Historical and Comparative Perspective
Dr. Randall McGowen
Winter Term 2004

Office: 365 McKenzie Hall
hours—Weds. 2-4

Few debates in American society today are as emotionally charged as the issue of the death penalty. The United States is almost alone among democracies in its continued use of capital punishment. After a brief hiatus in the early 1970s, the death penalty has been reintroduced in most political jurisdictions, and this to the applause of a large majority of citizens. It has become a pivotal issues helping to decide elections; it seems that no politician can be elected to national office who opposes the practice. Yet executions themselves are now so routine that they seldom attract much attention. Nonetheless, a vocal minority of the population continues to condemn capital punishment. With an intensity equal to that of the proponents of death, they argue that it is unjust and immoral. Like so many of the controversies that polarize this society, this one goes on as if we had discovered the issue for the first time, and as if no other experience than the American matters to the dispute. The goal of this course is to demonstrate that the death penalty has a history, and that this history can contribute to the contemporary debates over the subject.

Four hundred years ago the public execution excited every bit as much interest as today. It was one of the most symbolically powerful events mounted by the governments of early modern Europe. The ceremony was surrounded with royal and religious imagery. Offenders were executed for a wide range of offenses including property crimes. The spectacle attracted large crowds. Then in the eighteenth century there arose a major assault upon the prominence of the gallows in western Europe and colonial America. Critics challenged the extent of the punishment and raised doubts about the moral justification for the sanction. Within a surprisingly brief period capital punishment was abolished for property crimes, and succeeding decades saw the gradual elimination of public executions. By the mid-nineteenth century the penalty was largely reserved for cases of murder. The number of executions in most western societies fell off rapidly. The tide of reform, however, stopped short of the total abolition of the punishment. The grim fate of the murderer excited public interest in new ways, at first through literature and newspapers, later through the movies. In America, the early twentieth century saw great interest in new technologies for execution of the condemned such as the electric chair and the gas chamber. Following the end of World War II, and especially following the revelations of the death camps, many European countries abolished the death penalty entirely. Although polling evidence suggests that in some countries a majority of the population would support its return, the political establishment in every European nation has resisted the resurrection of the penalty.

In the US, however, the story of the death penalty has taken a different path. In part the divergence has its roots in history. It is a question of regions and the relations among them. While the northern and midwestern states followed a pattern somewhat like that of Europe, the west, and especially the south, pursued a distinctive trajectory. This difference has been dramatically marked in the post 1970s period. The most obvious

source of this peculiar history lies in character of race relations in this country. This issue, however, will not entirely explain the nation's commitment to death. Rather one must also look at the cultural distinctions that mark America, the place of violence in the nation's cultural mythology, the importance of the gun culture, and the rise of a powerful fundamentalist religious impulse influencing the approach to social problems. Additionally, the politics of the death penalty in America points to the importance of considering the political structures of the nation, and the peculiar centrality of law and order issues in the late 20th century.

This complicated history of the changing relation of various societies to the death penalty is the theme of this course. Our initial task is to understand the most important features of this story, both the meaning of the death penalty in early modern times and the often contradictory history of its gradual abolition over three centuries in western societies. Then we will explore the evidence of American exceptionalism, looking for its regional and cultural sources, even as we try to understand the extraordinary prominence the question has achieved since the 1970s.

Reading List:

Michel Foucault, *Discipline and Punish*
Albert Camus, *Reflections on the Guillotine* (on reserve in library)
Truman Capote, *In Cold Blood*
Barry Scheck, *Actual Innocence*
Mikal Gilmore, *Shot in the Heart*

Videos:

Dead Man Walking (students must see this film on their own)
Birth of a Nation
Death Wish
The Thin Blue Line
Lynching in Marion
Fury
"The Execution" (Frontline)
Scottsboro: American Tragedy
"Requiem for Frank Lee Smith" (Frontline)

Course Structure:

This course will be taught in a lecture-discussion format. The instructor will present some material through lecture. Because we will be watching videos in class, students, on some days, should be prepared to stay for the full two hours. A significant portion of class time, however, will be devoted to a discussion of the readings and the videos. Students must complete assignments on time and participate in discussions. Twice

during the term we will have in-class debates; all students will participate in them, as well as write short (2 page) position papers summarizing their arguments. The other written work will include a mid-term paper (4 pages) and a take-home final exam.

Course Outline:

- Jan. 5 The spectacle of punishment
- Jan. 7 The logic of public executions *Foucault*, part I
- Jan. 12 The struggle against the gallows in Europe and America
- Jan. 14 The Enlightenment critique of capital punishment *Foucault*, part II + IV
- Jan. 19 Martin Luther King holiday
- Jan. 21 Public or Private -- the fate of the execution after 1850
- Jan. 26 Debate: Should the execution be public?
- Jan. 28 American counterpoints: the Southern experience of race and law
- Feb. 2 “Scottsboro” First Paper Due
- Feb. 4 Looking at lynching
- Feb. 9 Lynching in Marion Debate: Is the death penalty in America racist?
- Feb. 11 The post-war retreat from death in Europe *Camus*
- Feb. 16 The politics of abolition in France, Britain, and Germany
- Feb. 18 American debates about death in the 1950s and 60s
- Feb. 23 Violent dreams and the language of judgment *Capote*
- Feb. 25 The politics of vengeance – “Death Wish”
- Mar. 1 Personal histories *Gilmore*
- Mar. 3 On death row – “The Execution”
- Mar. 8 The question of innocence *Scheck, et al.*

Mar. 10 The future of the death penalty?