Cybersecurity: Technology, Policy, and Law
IGA 236
Bruce Schneier
2020 Spring
MW 2:45pm - 4:00pm
Rubenstein 304

In our information-age society, cyber/Internet security has become a paramount concern and an increasingly broad area of public policy. From cybercrime to national security, from corporate data collection to government surveillance, from cell phones to driverless cars, issues of Internet security are everywhere. These issues are complex and multifaceted, touching on such things as personal freedom and autonomy, public safety, corporate behavior and profitability, international relations, and war. This course seeks to explore the complex interplay of public policy issues in computer and Internet security. We will survey the nature of Internet security threats, explore the human factors surrounding security, and seek to understand the basics of Internet security technologies. We will also apply this understanding to a series of computer- and Internet-security policy issues, both current and near-future. Examples include government demands for encryption backdoors, software liabilities, hate speech and radical speech, digital copyright, surveillance reform, and computer-crime law. While these issues will primarily be US-focused, we will also discuss relevant issues in the EU and China, as well as international tensions and norms. Cyberspace is fundamentally technological, and an area where public policy requires a firm understanding of the underlying technologies. Cybersecurity is no exception. This class assumes no computer science background and will make these technologies comprehensible to the layperson. For additional information about digital technology courses at HKS please visit https://medium.com/digitalhks/roadmap/home.

Mass Incarceration
SUP 727M
Roscoe Jones
2020 Spring
Spring 2
F 1:15pm - 4:00pm
Rubenstein G21 (HKS)

Mass incarceration is one of the fundamental policy challenges of our time. Over 2 million Americans are behind bars—more than any other industrialized nation, we spend billions of dollars on punishment, and minorities and other marginalized groups are disproportionately affected. Today, policy makers on both the left and right recognize that an urgent need exists for the American criminal justice system to be less punitive. Yet, substantial questions exist over how to fix the criminal justice system, who to focus
on, what reforms are needed, and how far reforms should go. The first half of this course examines the historical events and philosophical ideas that cause, shape, and sustain mass incarceration. What accounts for the growth of America’s incarceration experiment? What are its historical origins? What are its modern consequences? The second half of the course explores current criminal justice reform policy challenges and potential solutions. Topics include bail and jail reform, fines and fees, sentencing reform, solitary confinement, and felony disenfranchisement. The aim of this course is to provide students with an overview of the U.S. criminal justice reform movement and its policy challenges. The course will hone students’ ability to critically assess criminal justice policy and understand how we arrived at this vexing problem, what can be done, and what are the limits of reform efforts. The instructor will introduce topics and guide discussion. No disciplinary background is assumed, nor is any special familiarity with the field of criminal justice required.

Morals, Money and Movements: Criminal Justice Reform as a Case Study
SUP 715
Cornell Brooks
2020 Spring
Course Notes: Also offered by the Divinity School as 2046.
T TH 11:45am - 1:00pm
Wexner 330

Students will explore the elements of successful and unsuccessful criminal justice campaigns as well as how to build coalitions, create compelling narratives, and create movement momentum with impact. This is a moment of generationally unprecedented activism, a Twitter Age of social justice, represented by movements for immigration reform, gun reform, immigration rights, LGBQ rights, Black Lives, as well as voting rights and democracy. In terms of policy, the broad movement for criminal justice reform offers incisive and on occasion inspiring lessons as well as dire warnings about the possibilities for social justice. Money and morality, economics and ethics, have served as powerful arguments for criminal justice reform including: elimination of money bail as a turn key for American debtors’ prisons; decreasing police-involved shootings; eliminating solitary confinement for children; deconstruction of a carceral state; breaking the nexus between predatory taxation and predatory policing, and reducing the social as well as financial costs of incarceration. Money and morality not only characterize arguments made for criminal justice reform but also describe the basis for community organizing, building coalitions, launching social justice campaigns, inspiring public support as well as opposition, creating narratives and setting the stage for effective negotiation. Through Money, Morals and Movements, students will explore: 1) leadership lessons, arguments and strategies used in successful and unsuccessful criminal justice campaigns; 2) building coalitions based on economic interests and moral commitments; 3) creating compelling narratives with empirical research, moral traditions and community stories; 4) stacking litigation, legislation, advocacy and organizing to create movement momentum with impact, and 5) counting the costs without “selling out.”

Race and the State: The Role of Public Policy in U.S. Racial Inequality
SUP 230
Desmond Ang
2020 Spring
MW 11:45am - 1:00pm
Wexner 330

This course examines the causes and consequences of racial inequality across a range of domains - from education and criminal justice to labor markets and civic and social engagement. While providing
students with an economic toolkit for understanding and discussing discrimination, this interdisciplinary course also draws on work in sociology and social psychology to shed light on the real-world ramifications of racial inequality in America. Throughout the course, students will engage in critical evaluation of the impacts that public policies – both current and historical - have on marginalized communities. Example topics include: 1) the social costs of police violence in minority neighborhoods, 2) the consequences of “ban the box” measures on discrimination in hiring, and 3) the role of civil rights policies in minority representation and racial polarization.

**Strengthening the Enforcement of Criminal Laws Against Kleptocrats: A Field Study**  
DPI 541  
Mark Wolf  
2019 Fall  
M 4:15pm - 7:00pm  
Taubman 401 (HKS)

Grand corruption—the abuse of public office for private gain by a nation's leaders ("kleptocrats")—is endemic in many countries, and has severe national and international consequences. Kleptocrats have impunity in their own countries because they control the administration of justice, including the courts, and will not permit the enforcement of anti-corruption laws against their allies or themselves. Strengthening the enforcement of criminal laws against kleptocrats is essential to diminishing grand corruption. In this Field Study course, students will work with clients on innovative means to combat grand corruption. One project will involve working with Integrity Initiatives International and the Foreign Ministry of Colombia to develop and implement strategies to create an International Anti-Corruption Court (IACC). Another project, working with the European Union Anti-Corruption Initiative, will contribute to the international effort to support the new Ukraine High Anti-Corruption Court. Depending on the number of students enrolled, there may be other projects and clients as well. The class will be taught by Senior United States District Judge Mark L. Wolf, who has both prosecuted and presided over notable cases of public corruption, and whose 2014 articles catalyzed the evolving coalition and campaign for the IACC. Students will work in groups with their client to identify issues and priorities, provide interim reports, and obtain feedback. The major class assignment is the preparation of a final report to the client under the supervision of Judge Wolf. Each student will also be required to write two short papers reflecting on readings for two of the seminar sessions. No travel will be required.

**FACULTY OF ARTS AND SCIENCES**

**Bad Genes, Bad Parents, Bad Behaviors**  
PSY 2485  
Joshua Buckholtz  
2020 Spring  
Location: TBA

This class will explore the biology of criminal behavior and violence. We will examine the construct of "anti-sociality" and unpack clinical and diagnostic issues surrounding its diverse manifestations, such as psychopathy. A strong emphasis will be placed on biological mechanisms. A particular focus will be on understanding how genes and environments act and interact to predispose antisocial behavior by shaping brain function and development.
Recommended Prep: The Psychology Department requires completion of Science of Living Systems 20 or Psychology 1 or the equivalent of introductory psychology (e.g. Psych AP=5 or IB =7 or Psyc S-1) and either PSY 18 or PSY 1861 before enrolling in this course.

Big Data and Surveillance
HISTSCI 277
Rebecca Lemov
2020 Spring
Full Term

This course investigates the emergence of new types of surveillance fueled by big data. The premise of the course is that these urgent contemporary issues can begin to be better understood by use of historical epistemological methods. In this spirit, first we will examine the question, “What is big data?” We will ask how it differs from other forms of knowledge, how it bears on the scientific method, and how we might best define it. Next the course will explore different historical forms of surveillance – comparing the totalized top-down forms of surveillance in, for example, East Germany, with new data-driven forms emerging today. Finally we will explore areas such as predictive policing and algorithmically-driven decision-making in many arenas and ask about their implications for freedom and subjection.

Capital Punishment in History and Literature
HIST 1919
Alison Frank Johnson
2020 Spring
T 12:45pm - 2:45pm
Location:TBA

Attitudes towards capital punishment reflect how societies understand the law; the purposes of punishment; equality and inequality; the relationship between the individual and the state; the underlying causes of crime and criminality; the relevance of gender, class, and race to matters of life and death. Students will examine the history of the death penalty in Europe (primarily Germany, France, and England) and have the opportunity to work with archival materials from the Habsburg Monarchy. Open to undergraduate and graduate students, with the permission of the instructor.
Course Level:For Undergraduate and Graduate Students

Race, Medicine, and Mass Incarceration
HISTSCI 148VJ
2020 Spring
1/27/2020 to 4/29/2020
Th 3:00pm - 5:45pm

There are over two million people locked up in local jails, state prisons, and federal prisons across the United States. Toward the beginning of this multi-disciplinary seminar, we will examine the historical development of this mass incarceration, as well as racial disparities in America’s criminal justice system. We will then explore some of the medical issues in historical and contemporary U.S. carceral settings, including: medical experimentation on prisoner populations, mental health and suicide, substance abuse, HIV and sexual health, pregnancy and labor conditions, foodborne illnesses, chronic disease, temperature-related medical emergencies, and aging in prisons. Please be advised that some readings for this seminar will refer to instances of violence, sexual assault, and medical trauma.
GRADUATE SCHOOL OF EDUCATION

Educating Incarcerated Youth: Practice, Research, Policy, and Advocacy
EDU T406
Lynette Tannis
2019 Fall
F 1:30pm - 4:29pm
Longfellow 319 (HGSE)
Permission of instructor required.

Our nation’s incarcerated youth are arguably our most disenfranchised population. They are disproportionately children of color, children with special needs, children living in poverty, and children who identify as LGBTQ-NC. Many of them dropped out – or were forced out of school and funneled through the school-to-prison pipeline. Each year, more than 1,000,000 cases are heard throughout our nation’s juvenile courts. Depending on the nature of the offense, some children are automatically transferred to an adult court and serve their time in adult facilities. With this system in place, annually, more than a 100,000 children are incarcerated in juvenile and adult facilities throughout the United States. Due to a primary institutional focus on safety and security, children who need education as a means to lead productive lives and to positively contribute to society often receive little exposure to high-quality educational programs. What must we do to ensure the opportunity gap these children face does not continue to persist? The premise of this course is that teachers, school leaders, and other educators must be prepared to work effectively with this disadvantaged and often ignored population. This course provides a lens for examining our nation’s juvenile justice educational settings, practical tools for teaching and leading in institutional settings, and a space for urgent dialogue about how we, as a society, will address the learning needs and equitable treatment of marginalized youth. Students will also engage with juvenile justice education experts and will participate in a field visit to a juvenile detention facility to observe and reflect on practices for the education of incarcerated youth.

From Plantations to Prisons: Justice, Punishment, and Learning
EDU T010G
Kaia Stern
2019 Fall
Fall 1
MW 10:00am - 11:59am
Longfellow 207 (HGSE)

(New module.) How do we understand punishment? How do our understandings of justice and punishment affect our learning and teaching? How are human rights, democracy, and family at risk? This seminar focuses on the religio-historical roots of the U.S. penal industry, suggesting a continuum between plantations and prisons that calls into question our basic notions of justice and their impact on education. The course draws from community voices (an optional visit to a local prison will be incorporated into the curriculum), academic texts, media, and narrative sources to give particular attention to factors long associated with crime and punishment, such as citizenship, race, and sin. Throughout the seminar, students will engage in discussion of texts and materials as part of a more intimate, seminar learning environment. Permission of instructor required. Enrollment is limited to 15. Enrollment instructions will be posted to the course website. Class will meet on the following dates: September 23, September 25, September 30, October 2, October 7, October 9
Transformative Justice
EDU T416
Kaia Stern
2020 Spring
TH 10:00am - 11:59am
Instructor permission required. Enrollment instructions will be posted to the course website.

How do we imagine justice? This course explores how we can repair harm in relationships and change systems that cause harm. Specifically, it considers systems of racialized punishment that have created the current conditions around school suspensions, arrests, and incarceration. Inspired by the growing movement for restorative/transformative justice, the course uses readings, discussion, and workshops to consider the tools educators need to nurture learning communities that attend to trauma and affirm human dignity. Questions for consideration: What is the internal labor needed to sustain justice work that transforms ourselves, each other, and our communities? From cradle to classrooms to cellblock, what is our praxis—that is, how do we do education, and what are its fruits? Please note that this course includes a practicum—students will engage in transformative justice work in diverse environments. An optional visit to a jail or prison will be incorporated into the curriculum. Enrollment is limited.

HARVARD LAW SCHOOL

HLS 2011
Elizabeth Bartholet   Crisanne Hazen
2020 Spring
Th 5:00pm - 7:00pm
Wasserstein 2012 (HLS)

This course deals with strategies for changing law and policy, focusing on child welfare (abuse and neglect, foster care, adoption), education, and juvenile justice. We bring into the classroom as visiting lecturers leaders from the worlds of policy, practice, and academia—successful change agents representing different disciplines, career paths, and strategies for change. We explore significant reform initiatives, and debate with the speakers and each other how best to advance children's interests. The emphasis is on different approaches to social change, inside and outside of the courtroom, with the goal of informing students’ future advocacy efforts. Visit the Child Advocacy Program (CAP) website to see a schedule of the speakers and topics from previous semesters. Course requirements consist of brief questions/reactions related to the readings and class presentations, turned in weekly. This course is part of the Child Advocacy Program (CAP), whose other courses are: Child, Family, and State (alternating years), Family Law (alternating years), the Child Advocacy Clinics, and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required. Cross-registrants are welcome.
NEW -- Restorative Justice
HLS 2654
Adriaan Lanni
2020 Spring
M 5:00pm - 7:00pm
Wasserstein 3015 (HLS)
Prerequisite: None Exam Type: No Exam This seminar will examine the theory and practice of restorative justice, with particular emphasis on its application to criminal offenses. Readings will focus on the theories of restorative and transformative justice and empirical research evaluating existing restorative programs in the United States and abroad. We will also examine several existing models for implementing restorative justice. The class will include in-person and video visits from practitioners describing their work and modelling their practice. Seminar grades will be based on short response papers. An additional one or two credits of independent clinical credit may be available for 2Ls and 3Ls (by application) to participate in a restorative criminal diversion program in the Boston area.

Capital Punishment in America
HLS 2020
Carol Steiker
2019 Fall
MT 10:20am - 11:50am
Langdell 225 (HLS)
Prerequisites: For JD students, Criminal Law is required. For LLM students, permission of the instructor is required to waive the requisite. Exam Type: In Class This course considers the legal, political, and social implications of the practice of capital punishment in America, with an emphasis on contemporary legal issues. The course will frame contemporary questions by considering some historical perspectives on the use of the death penalty in America and by delving into the moral philosophical debate about the justice of capital punishment as a state practice. It will explore in detail the intricate constitutional doctrines developed by the Supreme Court in the four decades since the Court "constitutionalized" capital punishment in the early 1970's. Doctrinal topics to be covered include the role of aggravating and mitigating factors in guiding the sentencer's decision to impose life or death; challenges to the arbitrary and/or racially discriminatory application of the death penalty; the ineligibility of juveniles and persons with intellectual disability for capital punishment, limits on the exclusion and inclusion of jurors in capital trials; allocation of authority between judges and juries in capital sentencing; and the scope of federal habeas review of death sentences, among other topics. Some seats are reserved for students enrolled in the Capital Punishment Clinic. Students who enroll in the Capital Punishment clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the Capital Punishment clinic, they will also lose their reserved seat in this course. Please see the clinic's description for more information. There is an early drop deadline of August 26, 2019 for students enrolled in this course through the Capital Punishment clinic.

Comparative Criminal Law: Fair Trials
HLS 2907
Ruth Coffey
2020 Spring
T 5:00pm - 7:00pm
Location:TBA
This seminar will explore changing ideas about the nature of a fair trial within a common law criminal justice system. What is a fair trial? Who is it fair to? How can it be achieved? The material will be drawn primarily from the UK, with other readings from the US and from other common law jurisdictions. The seminar will consider the people involved in a criminal trial, from the witnesses to the press reporters, the police and prosecutors, the judges and jury members, the lawyers, the defendants and the public. To what extent should a 'fair trial' be fair to each? What does fairness involve for these groups? Can a fair trial be achieved for all, and should it? We will consider the fair trial provisions within international and constitutional documents and the extent and limitations of their guarantees. And we will use examples from the UK and comparative material from the US and other common law jurisdictions to examine a selection of reforms, for example, innovations in the way in which vulnerable witnesses give evidence, or obligations of disclosure on the defence and the modified right to silence. We will critique these reforms, examine their contribution to, or detraction from, the achievement of a fair trial, and consider whether similar measures could, or should, be introduced in the US. No knowledge of UK law is required. The instructor is a UK-qualified criminal barrister, a part-time judge (criminal) in the UK, and a door tenant at Red Lion Chambers in London.

Complex Federal Investigations
HLS 2286
John Gleeson
2019 Fall
W 1:00pm - 3:00pm
Hauser 105 (HLS)

This seminar will examine many of the problems and issues that arise during federal criminal investigations of complex entities -- including both organized crime groups and legal corporations. Topics include the legal and practical investigative powers of the federal grand jury; the investigative use of legal tools such as immunity, contempt and perjury statutes; electronic surveillance methods including "bugs," "wiretaps" and more recent technology; the use of plea- and cooperation-bargaining agreements to advance investigations; the role of professional responsibility rules, including those governing investigative contacts with persons represented by counsel; and the various ways such investigations can intrude upon the attorney-client relationship (including through attorney subpoenas and disqualification). We will also discuss specific types of complex investigations including the use of the RICO Act in organized crime investigations; the leveraging of the attorney-client privilege in investigations of legal corporations; and the unique challenges of national security and transnational investigations.

Contesting the Carceral State
HLS 2724
Jocelyn Simonson
2019 Fall
W 5:00pm - 7:00pm
Hauser Hall Room 103

This reading group will explore the law and politics of mass incarceration in the United States today, with special attention to the ways in which social movements are pushing for reform on the ground. We will spend some time in our first two sessions reading diagnoses of the causes and consequences of the carceral state--the network of institutions and actors that are together responsible for the mass incarceration and supervision of more than 6 million Americans today. We will then turn to a variety of reform efforts that people contesting the carceral state are engaging in today. Although we will discuss
specific reform outcomes, our focus will be not just on the "what" but also on the "how": how does reform of the criminal legal system happen? What kinds of legal and political strategies are necessary for largescale decarceration in the United States today? In preparation for each session, we will read works by contemporary scholars and thinkers about the history and reform of the carceral state. We will pay particular attention to current debates over whether decarceration is best achieved through democratic or bureaucratic efforts. Assignments will also include one podcast each session that examines the ongoing work of advocacy groups pushing for change on the ground. This reading group will meet on the following dates: 9/4, 9/18, 10/2, 10/16, 10/30, 11/13

Corporate Criminal Investigations  
HLS 2263  
Daniel Kahn, Leo Tsao  
2019 Fall  
M 5:30pm - 7:30pm  
Wasserstein 3007 (HLS)

The criminal investigation and prosecution of large-scale corporate misconduct are among the most high profile areas of focus for federal prosecutors and the white-collar defense bar. Recent major prosecutions of individuals and corporations for violations of the Foreign Corrupt Practices Act (FCPA), the Bank Secrecy Act (BSA), and the International Emergency Economic Powers Act (IEEPA) demonstrate that this remains an active area of enforcement for U.S. law enforcement. The interpretation of these laws by courts continues to develop and evolve, implicating a number of significant legal issues. Moreover, such investigations are becoming increasingly global in nature, as foreign law enforcement and regulatory agencies become more active in focusing on these crimes. These multi-jurisdictional investigations pose new obstacles to government enforcers and defense practitioners, and new legal questions for courts to address. This seminar will explore various aspects of corporate criminal investigations and prosecutions. Topics to be covered include principles of corporate liability; conducting internal and government investigations of corporate misconduct; strategic considerations for prosecutors and defense counsel in corporate criminal investigations; Department of Justice policies on charging, including those designed to incentivize voluntary disclosures, cooperation and remediation; legal and practical issues implicated by multi-jurisdictional cases; corporate compliance programs; and proposals for reform of corporate criminal laws and policies.

Criminal Procedure: Adjudication  
HLS 2049  
Adriaan Lanni  
2020 Spring  
W TH 1:00pm - 3:00pm

The subject of this course is the criminal process "from bail to jail." We will address some of the main constitutional and policy issues that arise about the structure of this process, including the right to counsel, the influence of prosecutorial discretion, the institution of plea bargaining, the role of the jury, and the choice of sentencing procedures. We will also address some important issues about the outcomes produced by this process, including the problem of wrongful convictions (innocence) and disparate racial and class impacts.
This course examines the law governing police behavior, primarily by examining the constitutional doctrines of the Fourth, Fifth, and Sixth Amendments that regulate law enforcement action. Topics covered include search and seizure, stop and frisk, electronic surveillance, probable cause, warrants and their exceptions, police use of force, custodial interrogation, eyewitness identification procedures, and exclusionary remedies. In addition to doctrinal examination, the course will also ask broader policy questions about the regulation, democratic accountability, and scope of police behavior in the United States today.

This course examines the relationship between the people and the police, primarily by examining the constitutional doctrines of the Fourth and Fifth Amendments that regulate law enforcement behavior. Topics will include custodial interrogation, search and seizure, stop and frisk, electronic surveillance, probable cause, warrants and their exceptions, excessive force, and exclusionary remedies. In addition to doctrinal examination, the course will also explore some of the challenging policy questions associated with contemporary policing, as it exists and is carried out in America's cities.

The intersection of criminal law and immigration law is a growing field of law that is at the forefront of today's immigration debate. As immigration laws have become more "criminalized" and criminal laws have become more "immigrationized" it is increasingly important to understand the intersection of criminal law and immigration law. The goal of this course is to give students the skills to recognize and examine immigration consequences of criminal convictions and to analyze how those laws have developed in light of historical trends related to immigration detention, border security, race, poverty, and national security, and Fifth Amendment Due Process jurisprudence. Some seats in this course are reserved for students in the Crimmigration Clinic. For more information, please view the clinic's Course Catalog description.
The Internet has changed the landscape of business, commerce, communication - and also crime. The borderless nature of the Internet has complicated the investigation and enforcement of cybercrime. Cryptocurrency has created a new means of sidestepping currency and money laundering controls. Each day brings news of a new cyberattack on a company, a government entity, and even, perhaps, on the very foundations of our democracy. Meanwhile, new technologies seem to create new ways of committing crimes almost as rapidly as they create new legitimate business opportunities. Neither law enforcement nor businesses have a good idea how to respond. Substantive criminal law and criminal procedure are straining to catch up with this rapidly evolving criminal landscape. The ability of criminals to operate nearly anonymously and across multiple jurisdictions creates new challenges for judges, prosecutors, defense attorneys, and crime victims. At the same time, new cyber tools and techniques are coming into play that might be used to track cyber criminals, but the constitutionality and privacy implications of these tools are subject to question. This course will explore, among other questions: In what ways does the cross-border nature of cybercrime impact legal practice? What are the unique legal barriers to prosecuting cybercrime? What constitutional protections attach to people or data abroad? What international issues arise from the different legal and cultural approaches to privacy and security in different jurisdiction? Though the focus of the course is on cyber-crime law, we will also explore issues common throughout criminal law practice, including search and seizure issues, criminal procedure, prosecutorial ethics, appropriate defense strategy, and the federal sentencing guidelines. We will also briefly explore other avenues outside the criminal law for addressing the cyber-crime risk. In addition to examining the case law and statutory framework, the class will include case studies drawn from my experience as a US federal prosecutor and as an international data breach investigator and lawyer as well as from recent public examples to teach practice and policy in the area. This course will be of interest to future prosecutors, defense lawyers and criminal justice policymakers.

In the past four decades, the United States has experienced a huge expansion of its prison population, making mass incarceration one of the nation’s most important social justice issues. Social scientists have responded to this phenomenon with research attempting to understand the causes and consequences of our expansive criminal justice system. This seminar will present the economic models of crime and criminal justice as well as the empirical evidence related to these subjects. We will cover topics spanning the entire breadth of the criminal justice process, including the determinants of crime, policing, prosecution, trial, sentencing, and the effects of punishment on post-incarceration outcomes.
Students will write a paper (1500 words) and an exam essay (500 words), both due at the end of the exam period. Fair trial teaches the fundamentals of the Sixth Amendment, the right of a criminal defendant to be confronted by a prosecution based on the testimony of live witnesses, the right to a fair jury as ultimate arbiter of guilt, the central place in the process of cross-examination and the role of counsel, and the corruption of the process introduced by plea bargaining. Limit of 50 students.

Gender Violence, Law and Social Justice
HLS 2098
Diane Rosenfeld
2020 Spring
M T 1:15pm - 2:45pm
Location:TBA

This course offers an in-depth examination of the phenomenon of gender-motivated violence. Following a consideration of the prevalence and variation of types of sexual violence and coercion around the world, we consider questions such as: How, if at all, is violence against women different from other types of violence? How effective have legal strategies to address violence against women been, and what shifts in thinking about gender-motivated violence would be necessary finally to eradicate it? How has the #MeToo movement reshaped the possibility of legal reform? How does the toleration of sexual violence shape people’s expectations and sense of entitlements? What are the implications of gender-based violence for the constitutional guarantee of equal protection of the laws? Does equal protection itself have a gendered meaning and reality?

Among the types of violence against women we will consider are: intimate-partner violence; domestic homicide; prostitution; rape; sex trafficking of women and children; and violence against women facilitated by the Internet. The readings consist of primary and secondary materials drawn from several disciplines: law, social science, political science, public health, psychology, evolutionary biology and women and gender studies.

Gender Violence Legal Policy Workshop
HLS 2513
Diane Rosenfeld
2020 Spring
W 1:00pm - 3:00pm
Location:TBA

Prerequisites: Students must register for either the Title IX course or the Gender Violence, Law and Social Justice course during this academic year.
This workshop offers the student hands-on experience in analyzing, evaluating, and creating legal policy on a range of issues related to gender violence. The three main areas of concentration are campus sexual assault, intimate partner violence, and sex trafficking and prostitution. We advise government officials (local, state and federal); national, international, and local advocacy groups working to stop
gender violence; and individuals needing assistance in knowing their rights or accessing services. Recent activities include submitting comments to the White House Task Force on Protecting Students from Sexual Assault; helping an advocacy organization on preventing domestic violence homicide; and preparing a training for Middlesex County Police Chiefs on investigating sex trafficking rings.

**International Counterterrorism Law**  
**HLS 2421**  
**Benjamin Saul**  
2019 Fall  
T W 10:20am - 11:50am  
Wasserstein B015 (HLS)

This course explores how international law counters terrorism, from criminal suppression to economic sanctions to war, and from the 1930s to the present day. Key areas include the legal definition of terrorism, criminal cooperation treaties, the international law of self-defence, international humanitarian law, human rights, and refugee law. The course discusses often heated interpretive debates, claims about the inadequacy of, or gaps in, the law, and proposals for law reform. Particular controversies examined include whether terrorism is ever justified; preventive terrorism offences (such as 'material support' for terrorism); 'targeted killings' (or extrajudicial assassinations?); drone strikes and the right to life; detention and trial of terror suspects; 'irregular renditions' (illegal abductions?), 'enhanced interrogation' (torture?); economic sanctions and due process; and control measures in occupied territory. The course also explores institutional responses to terrorism by the United Nations and regional organisations (in Europe, the Americas, Asia and Africa). Selected national counter-terrorism laws, drawn from different legal traditions, are highlighted to illustrate the interaction between international, regional and national laws. The course not only examines controversies over what the law 'is', but over how and why the law should respond in certain ways, taking into account values such as human rights, the rule of law, and state sovereignty. The study of terrorism, and the law's response to it, is ultimately a study of when public violence is justified, against whom, and for what purposes.

**International Criminal Law**  
**HLS 2455**  
**Tim McCormack**  
2020 Winter  
January  
1/6/2020 to 1/24/2020  
MTWTThF 1:00pm - 4:15pm

Public International Law will be helpful but is not a required prerequisite. Exam Type: In Class This course will focus on the prosecution of international crimes (genocide, crimes against humanity, war crimes and the crime of aggression) by international and national courts. We will study some of the historical development of the law of these crimes -- including the elements of crimes, modes of liability, and defenses -- as well as the institutional, political, strategic, logistical and procedural challenges faced by prosecutors, defense lawyers, and judges who adjudicate these crimes. The ambition of the course will be to understand the law and its development, as well as the dynamic application of the law in the courts that pursue these cases.
Law and Neuroscience
HLS 2707
Nancy Gertner
2020 Spring
TH 5:15pm - 7:15pm
Location:TBA

By permission of the instructor. Applications will be considered on a rolling basis and should be directed to Judge Gertner (ngertner@law.harvard.edu) with a cc to Alyssa Lary (alary@law.harvard.edu). This seminar examines cutting edge and even controversial linkages between law and neuroscience. We seek to highlight neuroscientific basis for behavior patterns with legal implication including how neuroscience intersects with criminal law, its normative assumptions and criminal punishment, evidentiary rules, memory bias and enhancement, lie and deception detection, adolescent brains and juvenile law. We will look critically at efforts to use neuroimaging in court in connection with in the prediction of criminality and predispositions towards mental illness and addiction, as well as efforts to identify neurobiological influences on the brain. Is there such a thing as a criminally violent brain? Does it make sense to speak of the neurobiology of violence or the psychopathology of crime, and how are (or should) such concepts translated into criminal law. The seminar will necessarily lead us to consider the relationship between law and science, more generally, and neuroscience in particular. Speakers will provide insights into their work and research.

Legal History Workshop: Race and Policing in Historical Context
HLS 2596
Kenneth Mack, Anna Lvovsky
Note: This course is jointly-listed with FAS as History 2475.
2020 Spring
T 5:00pm - 7:00pm

This workshop aims to provide students with a historical perspective on the intersections between law, race, and police institutions in the United States. Assignments and class discussions will feature a mix of major works in the field of legal history, introducing students to critical methodologies and historiographical debates, and workshop presentations by leading historians currently writing on questions of race and policing. Further information about the topics to be covered will be available closer to the Spring semester. Law students will have a choice of enrolling in the workshop for two or three credits. Those who choose to write a substantial paper will receive three credits upon successful completion of the course; those who do not complete substantial papers will receive two credits. All FAS graduate students who enroll in the workshop must complete a substantial paper and will receive four credits upon successful completion of the course.

Mass Incarceration and Sentencing Law
HLS 2918
Nancy Gertner
2020 Spring
T 1:00pm - 4:00pm

This course will first put 20th century sentencing law in sociological and historical context. It will examine the history, philosophy, and administration of the criminal sentencing process, the causes of growth in the US penal population, the historical roots of that grown from the mid 20th century to the present, and the impact of those policies on communities of color and the crime rate. We will then
examine more closely the legal framework that enabled those policies, including the war on drugs, emphasis on retribution over rehabilitation, the changes in sentencing law and the structure of sentencing decisionmaking. Particular attention will be devoted to substantive sentencing standards (the insights of neuroscience, evidence based lessons from diversion programs) in addition to the procedures governing those decisions. The course will explore different kinds of sentencing regimes—state guideline systems, international models on which sentencing standards have evolved from common law decision making or judge-imposed guidelines (Australia, Israel, England), in addition to the federal sentencing guidelines. We will consider the interplay between principles of proportionality, severity, and parsimony on sentencing law. This course will be divided into two parts: the first part of the term will involve the substantive law of sentencing, and the sociological and historical context in which it evolved as described in the original course description. But the second part of the term will be somewhat unusual. I will invite judges (federal and state), prosecutors, defense lawyers to join the class in addressing particular sentencing issues, with discussions centered around hypothetical cases. All the participants will sentence; they will review the cases, determine the sentences, and discuss them at the class sessions. The issues will be cases involving addiction and drug offenses, mental health, the neuroscience of childhood adversity, juvenile offenders, sex offenders, and issues of race and gender. The idea is not only to look at sentencing at the meta level, but also at the level of the concrete case, which may challenge the generalizations of the sentencing law.

**Mind and Criminal Responsibility in the Anglo-American Tradition**
HLS 2831
Elizabeth Kamali
2020 Spring
W 3:00pm - 5:00pm

This seminar will explore the deep roots of the modern doctrine of mens rea and will consider a variety of related issues, including insanity, infancy, provocation, and duress. Readings will include a variety of primary and secondary sources from a broad time span in Anglo-American history, from the medieval to the modern. Our goal will be to understand the role of mind in defining the bounds of criminal responsibility at various points in time over the long durée of common-law history, relying upon secondary literature as well as close readings of primary source texts. Students will develop a comparative perspective on issues of mind that continue to perplex lawyers today, while also building a set of critical reading skills that are essential to the work of legal historians and practicing lawyers alike.

**Seeing Criminal Justice: Examining the Interplay of Visual Media, Storytelling and Criminal Law**
HLS 2984
Rebecca Richman Cohen
2019 Fall
W 5:00pm - 8:00pm
Hauser 105 (HLS)

The law is awash in stories. Stories from within and beyond the walls of the courtroom shape our impressions of the criminal justice system; they challenge or affirm our norms; they help us make sense of the world and its complexities. Yet these stories often stand in tension with one another. Police body cameras, videotaped confessions, mitigation and victim impact videos, primetime television, citizen journalism, and documentary films often produce narratives that compete with each other, and with our own entrenched beliefs. Together, we will explore different approaches to understanding how visual technologies, particularly with respect to video, have shifted the way we come to understand criminal justice narratives. Visual media commands a unique power to evoke empathy and to make powerful
claims about truth. But such power can also distort and mislead. Grounded in these understandings, we will embark on a project of "media literacy" and explore questions around audience, authorship, truth, and objectivity as we consider how visual media may be used as a conduit to communicate criminal justice stories. Additional time reserved for viewing films.

The Effects of Mass Incarceration: Experiences of Prison and Parole
HLS 2624
Dehlia Umunna
2019 Fall (also taught in the Spring)
M 5:00pm - 7:00pm
Wasserstein 4063 (HLS)

More than 6 million Americans are under "correctional supervision" in the United States, which incarcerates people at a rate drastically out of proportion with its population compared with the rest of the world. The yearly US cost of incarceration is over $70 billion per year. There are major debates on incarceration issues swirling in the general public and in the legal community ranging from the morality and efficacy of solitary confinement to the effects of prison overcrowding to the proper administration of parole to the appropriateness of life sentences without parole for a variety of populations and crimes. The effects of incarceration fall disproportionately on communities of color and perpetuate the cycle of poverty. Through a combination of practical experiences and written texts, students will examine the experience and effects of incarceration and parole locally, nationally, and internationally. Experiences in the reading group will include: touring local prisons or jails, meetings with lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research. Students numbered 1-5 on the waitlist who plan to enroll if the opportunity arises should attend the first class, as long as other course scheduling permits. Note: This reading group will meet on the following dates: 9/9, 9/23, 10/21, 11/4, 11/11, 12/2 Drop Deadline: September 10, 2019 by 11:59 pm

The Effects of Mass Incarceration: Experiences of Prison and Parole
HLS 2624
Dehlia Umunna
2020 Spring
M 5:00pm - 7:00pm

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White Collar Crime and Public Corruption  
HLS 2863  
Jennifer Taub  
2019 Fall  
W 5:00pm - 7:00pm  
Wasserstein 3012 (HLS)

This reading group will explore how the public suffers when elite offenders use white collar crime to gain and sustain wealth, social status, and political influence. Unlike street crime, typically committed by the poor and disempowered, the sorts of criminal schemes executed by the wealthy are not as easily detected, prosecuted, or punished. This is not just a failure of law enforcement, it is also a social justice issue. What is white collar crime? Sociologist Edwin Sutherland coined the term "white collar crime" 80 years ago in a controversial address he delivered to the American Sociological Association Annual Meeting in 1939. He challenged the prevailing theories of criminologists that poverty and psychopathy were chief causes of crime. Almost a decade later, Sutherland published his monograph entitled White Collar Crime. Looking mainly to the status of the offender, Sutherland defined it as "crime committed by a person of respectability and high social status in the course of his occupation." Most lawyers would say it includes felonies motivated by money. Fraud, embezzlement, insider trading, conspiracy, bribery of public officials, campaign finance fraud, money laundering, tax evasion, RICO, environmental crime, and public-welfare offenses including food and drug mislabeling and adulteration. Plus, the cover-up crimes like perjury, false statements, witness tampering, and obstruction of justice. In addition to parsing statutes and reading landmark decisions involving white collar crime and public corruption, we will also focus on current high-profile indictments and investigations.

This reading group will meet on the following dates: 9/4, 9/18, 10/2, 10/16, 10/30, 11/6

White Collar Criminal Law and Procedure  
HLS 2254  
Antonia Apps, John Savarese  
2020 Spring  
W 3:00pm - 5:00pm

The past several years have seen a number of significant developments in white collar criminal prosecutions. Over the last decade, the government has demanded massive financial settlements in white collar prosecutions, including several in which federal prosecutors have sought indictments of corporate entities and demanded guilty pleas as part of the resolution. Recent pronouncements by the Department of Justice suggesting a softening of this approach for companies that self-disclose and cooperate. Prosecutors have also indicated their intention going forward to increase their focus on individual prosecutions, leveraging internal investigations conducted by corporations and insisting that corporations must provide evidence of individual wrongdoing in order to get cooperation credit. There have also been significant developments in numerous areas of white collar law, including insider trading, public corruption, and the Foreign Corrupt Practices Act, to name a few. And investigations that were once limited to the United States now frequently involve regulators and prosecutors across the globe.

This course will examine those developments and will focus on (1) case studies in corporate criminal law enforcement, including how federal law, emerging prosecutorial practices, and corporate cooperation guide and shape the resolution of white collar investigations; (2) evolving government expectations about the role of corporations and corporate counsel; (3) ethical and legal dilemmas in conducting a corporate investigation; (4) the emergence of the deferred prosecution agreement and efforts to regulate it; (5) the black-letter law of corporate criminal liability, including the challenges posed by this standard for companies in light of the collateral consequences of indictment; (6) recent developments in
insider trading, the FCPA, and public corruption, among other areas; and (7) the impact on US prosecutions of foreign regulators investigating cross-border conduct. The course will also address various law enforcement investigative techniques commonly used by prosecutors and issues pertaining to sentencing in white collar cases.

Wrongful Convictions and Post-Conviction Remedies
HLS 2379
Daniel Medwed
2019 Fall
M T 3:20pm - 4:50pm
Hauser 102 (HLS)

The emergence of DNA testing has not only assisted law enforcement in solving crimes, but also helped to expose a problem that many observers of the criminal justice system long suspected: that a sizable number of innocent people have been convicted in the United States. Given that biological evidence suitable for post-conviction DNA testing is available in only a smattering of cases, the exonerations generated by DNA represent the tip of the innocence iceberg, so to speak. This class will explore (1) the primary factors that contribute to the phenomenon of wrongful convictions; (2) the types of post-conviction remedies available to litigants seeking to reverse a wrongful conviction; and (3) potential reforms that could be implemented to guard against the conviction of the innocent.

HARVARD T.H. CHAN SCHOOL OF PUBLIC HEALTH

Human Rights Dilemmas in Child Protection
GHP 553
Jacqueline Bhabha
2019 Fall
Fall 2
10/28/2019 to 12/20/2019
T Th 9:45am - 11:15am
FXB G13 (HSPH)
Jointly Offered with Harvard Kennedy School as IGA 342M

A growing number of children and adolescents around the world are subjected to violence, exploitation and other forms of abuse. These harms persist despite the proliferation of international norms and structures designed to protect this population and promote its wellbeing. In many cases global transformations exacerbate rather than reduce the risks of abuse and increase the protection challenges these risks give rise to. Though each category of child protection deficit has its own characteristics and its attendant normative framework, they all share common and definable elements. These commonalities reflect key structures of the society in which the harms occur: growing income inequality and poverty; natural or man-made disasters of unprecedented destruction; a failure to move beyond concerns relating to basic child survival and attend to core child protection concerns. The study of how societies address their child protection obligations, including the normative framework, advance planning and policy and practice initiatives undertaken, reveals a series of profound and unresolved dilemmas that go to their self-definition as global players. An investigation of the human rights dilemmas that arise in child protection on a global scale presents, in a microcosm, a perspective on the social and political dynamics affecting some of the world's most vulnerable populations.
The perspective of this course is twofold. One focus is on the child protection issues themselves, their genesis and impact. The other is on the human rights strategies and dilemmas relevant to those (at both the individual and societal level) charged with responding to rights violations affecting children and fulfilling public child protection obligations. In the midst of historic technological advances and significant progress in the realm of international human rights, the strategic choices and responsibilities facing leaders and others concerned with child protection are of increasing complexity and scope. Some challenges require long term structural planning and the ability to marshal resources for child protection across agencies and governments. Other challenges require immediate emergency responses that entail diplomatic, logistical and leadership skills. Yet others require multidisciplinary, integrative talents in order to understand and impinge on detrimental contemporary transformations that have aggravated the plight of many of the world’s most vulnerable children. Little work has been carried out systematically in any of these areas, with the result that expertise on the ground is thin and operates in a somewhat evidence-free zone.

A key concern of the course will be to integrate legal approaches with those developed in the health and social sciences. A recurring theme will be the evaluation of how international obligations map onto policy outcomes and how human rights mechanisms affect problems facing vulnerable children on the ground. The course will begin with a brief review of the theory and literature relating to child protection and international human rights. It will proceed with an in depth discussion of case studies covering central aspects of child protection, child labor, child trafficking, child soldiering and child persecution. Analytic points will be derived from an investigation of specific problems, the legal frameworks relating to them and the solutions that have been advanced to address them.

Principles of Injury Control
David Hemenway
2020 Spring
Spring 1
1/27/2020 to 3/13/2020
Th 4:00pm - 6:50pm
Kresge 200 (HSPH)

This course provides an introduction to a serious public health problem - intentional and unintentional injury - and provides a framework for examining control options. Specific categories of injuries, such as motor vehicle crashes and violence, and specific risk factors for serious injury such as opioid addiction and firearms, are examined in detail.

THIS CLASS HAS PRIORITY ENROLLMENT
**Cross-Registrants and Non-Degree Students will be enrolled on a space available basis after the enrollment deadline for the course
Students outside of HSPH must request instructor permission to enroll in this course.