



Harvard University Crime, Punishment, and Violence Course Guide: Spring 2021

This course guide primarily covers courses open for cross-registration to graduate students across Harvard. Courses restricted to small segments of students in particular schools are not included.

HARVARD KENNEDY SCHOOL

The Criminal Legal System as a Labor Market Institution

SUP 750

Sandra Susan Smith

2021 Spring

The dramatic expansion of the criminal legal system, with its attendant consequences, has left no major institution untouched. Perhaps nowhere, however, have effects of the criminal legal system's growing reach been studied more than in the labor market. As is by now well known, contact with the criminal legal system is associated with significantly poorer employment outcomes. Arrest, conviction, and incarceration reduce the odds of searching for work, and, contingent on a search, of getting a job. When employed, individuals who have had contact with the criminal legal system struggle with job stability, annually working many fewer weeks and earning significantly lower wages. Thus, the criminal legal system not only affects aggregate labor market participation, employment rates, and employment stability, but also erodes wages and earnings while driving up rates of poverty among the employed. In this course we will draw from social science research to define what we mean by labor market institutions. We explain how criminal legal policies serve as such, focusing on the role that these policies have played both to exclude justice-involved individuals from labor market opportunities, but also to extract labor from the same population, often under oppressive conditions. Throughout the course we will examine various reform efforts and assess how successful these have been at reducing barriers to labor market success.

Students enrolled in this course attend two 75-minute class meetings a week. To support remote learning across time zones, students may register for one of two sections of this course. Both sections of the course meet together for one of the weekly meetings and meet in separate time blocks for the other weekly meeting. Course sections and meeting times are listed separately in my.harvard for registration.

Cybersecurity: Technology, Policy, and Law

IGA 236

Bruce Schneier

2021 Spring

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.

Morals, Money and Movements: Criminal Justice Reform as a Case Study

SUP 715

Cornell Brooks

2021 Spring

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, LGBTQ 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."

Course Notes: Also offered by the Divinity School as 2046.

Race and the State: The Role of Public Policy in U.S. Racial Inequality

SUP 230

Desmond Ang

2021 Spring

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 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.

FACULTY OF ARTS AND SCIENCES

Bad Genes, Bad Parents, Bad Behaviors

PSY 2485

Joshua Buckholtz

2021 Spring

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.

Course Requirements: SLS20 or PSY1 or Psychology AP=5 or Psychology IB=7 or Psyc S-1 AND PSY18 or PSY1861

Field Experiments for Policy and Program Evaluation

GOV 2798

Michael Hiscox

2021 Spring

The aim of the course is to provide students with training in how to design and implement randomized controlled trials to test causal models and evaluate policies and programs based on those models. We will discuss working with government and non-government partners, ethics, sampling, blocking, statistical power, online platforms, and communicating findings. Examples will be drawn from research on political campaigns, business programs, economic development, public health, education, employment, welfare, taxation, discrimination, and criminal justice.

Graduate Research Course: Mental Health Policy
HLTHPOL 3002
Haiden Huskamp
2021 Spring

Participants discuss key institutional details related to the financing and delivery of mental health and substance use disorder treatment and existing research on mental health policy. Topics include: clinical presentation and treatment decision making; integration vs. exceptionalism; role of the government in financing and delivery of mental health and substance use disorder treatment; insurance coverage; payment; disparities in treatment; role of adverse childhood events; intersection with criminal justice; and social attitudes toward mental illness and addiction.

Race, Solidarity, and the Carceral State
EMR 134
Sara Awartani
2021 Spring

This specialized seminar course surveys how U.S. social and racial justice movements have encountered and interacted with the rise of the carceral state. Using case studies from African American, Arab American, Latino, and other New Left movements, we will ask: what possibilities of resistance are imagined under conditions of repression? And how have these possibilities of resistance and conditions of repression changed over time? This course equips students to understand how imprisonment, surveillance, and political repression have shaped social movements, racial formations, and U.S. politics since the late 1960s. The course is divided into five units: (1) COINTELPRO & the Civil Rights Movement; (2) Operation Boulder and Surveillance; (3) Reagan, Terrorism, and the New Right; (4) Prison Abolition; (5) Immigration and Border Security. At the end of the course, students will present original historical research on a topic relevant to the course themes and questions.

Themes in the History of African American Political Thought: Seminar
AFRAMER 217X
Brandon Terry
2021 Spring

This seminar will closely examine influential figures and texts in the history of African-American political thought from slavery to the contemporary era. We will critically evaluate, assess, and critique a range of African American authors and their interlocutors across genres (e.g., philosophy, literature, music, etc.) to better understand and build upon the development of key traditions, themes, and concepts. This year's theme will be the idea of "crime" in black politics and political thought, with special eye toward illuminating contemporary debates around hyperincarceration, public safety, and the political ethics of social movements. Open to graduates and undergraduates.

GRADUATE SCHOOL OF EDUCATION

Transformative Justice

EDU T416

Kaia Stern

2021 Spring

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/transformational 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 transformational justice work in diverse environments. An optional visit to a jail or prison will be incorporated into the curriculum.

Enrollment is limited. Instructor permission required. Enrollment instructions will be posted to the course website.

HARVARD LAW SCHOOL

Art of Social Change

Ms. Crisanne Hazen, Professor Elizabeth Bartholet

Spring 2021 course

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.

Course requirements consist of reaction papers related to the readings and class presentations.

Criminal Procedure: Investigations

Professor Annette Gordon-Reed

Spring 2021 course

This course will examine the operation of the Fourth, Fifth, and to a lesser extent, the Sixth Amendments to the U.S. Constitution. We will discuss, among other topics, warrants, search and seizure, the exclusionary rule, and the right against self incrimination.

The Effects of Mass Incarceration: Experiences of Prison and Parole

Professor Dehlia Umunna

Spring 2021 seminar

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 \$80 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 seminar 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.

Evaluating Criminal Justice Reform

James Greiner

Spring 2021 reading group

A few short years ago, it would have been unthinkable for candidates for prosecutorial positions to run on a platform of reduced incarceration. Equally unthinkable would have been a coalition of the libertarian right and the progressive left on reentry initiatives and criminal record-clearing. But the current era could be merely the swing of a policy pendulum; the next few years could see the pendulum swing back to tough-on-crime rhetoric. One possible way to prevent a cycle of change and reversal is to generate scientific evidence of what works in criminal justice reform. This reading group will focus on how to do so, the challenges associated with doing so, and examples of attempts to do so.

Note: This reading group will meet eight times, 90 minutes per meeting.

Law and Neuroscience

Judge Nancy Gertner

Spring 2021 seminar

Prerequisites: 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.

Mass Incarceration and Sentencing Law

Judge Nancy Gertner

Spring 2021 course

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 growth 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.

Punishment, Prisons, and Justice

Professor Erin Kelly

Spring 2021 reading group

This reading group will interrogate theories and practices of punishment in relation to the American criminal justice system—a system that incarcerates people at a world-leading rate and severely impedes post-incarceration reentry into society. Discussion will be anchored by my recent book, *The Limits of*

Blame: Rethinking Punishment and Responsibility (Harvard Univ. Press, 2018), and will include a range of other perspectives on punishment and prisons—retributive justice, focused deterrence, restorative justice, reconciliation, transformative justice, reparations, and prison abolition—in order to grapple with the ethics of criminal justice with regard to individual wrongdoing and social injustice.

Note: This reading group will meet on the following dates: 1/28, 2/11, 2/25, 3/11, 4/1, 4/15.

Restorative Justice
Professor Adriaan Lanni
Spring 2021 seminar
T 5:00pm - 7:00pm

This reading group will discuss the theory behind restorative justice and examine current experiments in the practice of restorative justice, with a visit or two from restorative justice practitioners.

White Collar Criminal Law and Procedure
Ms. Antonia Apps
Spring 2021 course
M 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.

CHAN SCHOOL OF PUBLIC HEALTH

Principles of Injury Control

ID 240

David Hemenway

2021 Spring 1

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.

Students outside of HSPH must request instructor permission to enroll in this course