



# Harvard University Crime, Punishment, and Violence Course Guide: Updated for Spring 2023

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

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### **Creating Justice in Real Time: Vision, Strategies and Campaigns**

**MLD 375**

**Cornell Brooks**

**2023 Spring**

**M W 3:00pm - 4:15pm**

**Rubenstein 306**

Amidst the end of the world as we've known it, envisioning the world we want to be. Angela Davis, the activist, philosopher, and academic, reminds us that, "sometimes we have to do the work even though we don't yet see a glimmer on the horizon that it's actually going to be possible." The COVID-19 pandemic has exposed and exacerbated longstanding inequities and injustices, called into question even more the perils of racial capitalism, and elevated the importance of advocacy in an age of unprecedented activism. In this class, we begin with, as a point of departure, the pandemic and the intersecting crises it exposed, among these being environmental and climate injustice, policing and public safety, the dire need to prison reform, the fragility and inaccessibility of the right to vote, the need for equitable economic development, and the long call for reparations for racial injustice in the United States. We'll use advocacy principles to address these issues, including the particular strategies of the arc of advocacy. Working with the William Monroe Trotter Collaborative for Social Justice, municipal governments, as well as national/state advocacy organizations, a select cohort of students will work to address current injustices in real time—with a focus on what is demonstrably effective. Students will develop visions, strategies and campaigns as well as legislative, policy, best practice, organizing, communication, and moral framing strategies to address injustices related to policing, voting, the environment, economic development, infrastructure, prison abolition, and reparations. Students will employ advocacy principles such as moral ambition, perfect/imperfect victims, concentric/consecutive coalitions, and scholarship as an organizing tool. Students should be willing to work often outside of class and to remain patient, flexible, and persistent as the course proceeds throughout the semester. This is a limited enrollment course that requires students to competitively apply. Students should demonstrate a deep passion for social justice. Application link and deadline to be posted.

*Course Notes: Also offered by the Divinity School as HDS 3093.*

**Law, Order and Algorithms****DPI 617****Sharad Goel****2023 Spring****M W 12:00pm - 1:15pm****Wexner 332**

Data and algorithms are rapidly transforming law enforcement and the criminal legal system, including how police officers are deployed, how discrimination is detected, and how sentencing, probation, and parole terms are set. Modern computational and statistical methods offer the promise of greater efficiency, equity, and transparency, but their use also raises complex legal, social, and ethical questions. In this course, we examine the often subtle relationship between law, public policy, and technology, drawing on recent court decisions, and applying methods from machine learning and game theory. We survey the legal and ethical principles for assessing the equity of algorithms, describe computational techniques for designing fairer systems, and consider how anti-discrimination law and the design of algorithms may need to evolve to account for machine bias. Concepts will be developed in part through guided in-class coding exercises, though prior programming experience is not necessary.

**Policing, Citizenship, and Inequality in Comparative Perspective****SUP 710****Yanilda Gonzalez****2023 Spring****T TH 12:00pm - 1:15pm****Littauer Bldg 130 (HKS)**

Police provide an essential service for citizens – security and protection – without which the exercise of all other rights becomes heavily constrained. Police institutions are also the primary entity of the state with which most citizens come into direct contact. In practice, however, governments throughout the Americas (and beyond) have long struggled to organize police institutions such that they address societal demands for security, and that the deployment of coercion against citizens is applied equitably and constrained by law and external accountability. From São Paulo and Johannesburg to Chicago and Baltimore, police forces engage in widespread extrajudicial killings and torture that largely target marginalized sectors of society, including Afro-descendants, the poor, and those living in the urban periphery. At the same time, these groups are also underserved by their police – and the state – leaving them vulnerable to high rates of crime and violence. Through comparative analysis of police institutions in Latin America, the United States, and other regions, this course probes the ways in which police institutions shape the lived experiences of individuals and communities, and how police may help reproduce existing social inequalities.

## GRADUATE SCHOOL OF EDUCATION

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### **Education is Liberation: The Transformative Potential of Education in Prisons**

**EDU A811A9**

**2023 Spring**

This course will consider the role of education as a mechanism for the transformation of prison communities. It will look at the role of education of prisoners as well as those who work in prisons. It will draw on the experiences of Justice Defenders who offer law degrees and paralegal training to prisoners, ex prisoners, and prison officers in Uganda, Kenya, and The Gambia. Themes will include the importance of proximity, the power of lived experience and harnessing the perspective of those who ‘see with eyes that have cried,’ and the potential of education as a mechanism for personal transformation, increasing safety, and reducing recidivism.

### **Transforming Justice: From Classroom to Cellblock to Community**

**EDU T416**

**Kaia Stern**

**2023 Spring**

**TH 10:30am - 1:15pm**

How do we understand justice? What are the connections between trauma, education and mass incarceration? From cradle to prison cell, what is our praxis—that is, how do we do education, and what are its fruits? This course explores the systems of racialized punishment that have created the current conditions around school suspensions, arrests, and incarceration. It focuses on the growing movement for restorative/transformational justice, paying particular attention to factors associated with delinquency and crime; such as citizenship, poverty, race, and gender. The course uses readings, discussion, workshops, and meetings with expert practitioners in diverse settings (schools, prisons, and neighborhoods) to provide the tools educators need to nurture learning communities that affirm human dignity. Visiting practitioners will include indigenous leaders, prison educators, and teachers from the Boston Public Schools. Our work will engage a range of disciplines including applied ethics, transformational pedagogy, neuroscience, and public policy to ask fundamental questions about what it means to keep humanity at the center of conflict resolution. Please note that this course includes a practicum—students will support transformational justice in diverse environments. **Enrollment is limited. Instructor permission required. Enrollment instructions will be posted to the course website.**

# HARVARD LAW SCHOOL

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## **Art of Social Change**

**HLS 2011**

**Michael Gregory & Crisanne Hazen**

**2023 Spring**

**M 1:30pm - 3:30pm**

This course explores various strategies for systemic law and policy reform, focusing on education, child welfare (abuse and neglect, foster care, adoption), and juvenile delinquency/law enforcement. 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 examine significant reform initiatives and debate with the speakers and each other how best to advance children's interests. The emphasis is on weighing different approaches to social change, inside and outside of the courtroom, with the goal of informing students' future advocacy efforts. Through readings, speakers, and in other ways, we will endeavor as much as possible to bring the voices of young people themselves into our conversations. Course requirements consist of reaction papers related to the readings and class presentations. This course is part of the Child Advocacy Program (CAP), and you can visit the program's website ([cap.law.harvard.edu](http://cap.law.harvard.edu)) to see a schedule of the speakers and topics from previous semesters. Students are also encouraged to enroll in CAP's Child Advocacy Clinic and to consider enrolling in other courses related to children's law, a list of which you can find on the website. Cross-registrants are welcome.

## **Criminal Procedure: Adjudication**

**HLS 2049**

**Adriaan Lanni**

**2023 Spring**

**TH F 10:15am - 12:15pm**

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.

## **Criminal Procedure: Investigations**

**HLS 2050**

**2022 Fall, 2023 Winter, & 2023 Spring (various)**

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 Effects of Mass Incarceration: Experiences of Prison and Parole**

**HLS 2624**

**Dehlia Umunna**

**2023 Spring**

**M 3:45pm - 5:45pm**

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.

### **Gender Violence, Law and Social Justice**

**HLS 2098**

**Diane Rosenfeld**

**2023 Spring**

**W TH 1:30pm - 3:00pm**

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.

**International Criminal Law****HLS 2455****Ioannis Kalpouzos****2023 Spring****T W 10:15am - 11:45am**

International Criminal Law examines how the international legal system attempts to name and address the gravest crimes in international law. We will focus on: a) international criminal law as part of public international law, as well as a political project; b) genocide, crimes against humanity, war crimes, and the crime of aggression; c) perpetrators and victims of international crimes; d) domestic and international judicial enforcement, with special attention to the International Criminal Court. Through a discussion that is both doctrinal and critical, the course will seek to illuminate both the law and politics of international criminal justice and to inform its practice.

**Law and Neuroscience****HLS 2707****Nancy Gertner****2023 Spring****W 3:45pm - 5:45pm**

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****HLS 2918****Nancy Gertner****2023 Spring****T 3:45pm - 5:45pm**

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.

### **Mind and Criminal Responsibility in the Anglo-American Tradition**

**HLS 2831**

**Elizabeth Kamali**

**2023 Spring**

**W 3:45pm - 5:45pm**

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.

### **Policing in America: The Good, the Bad and The Ugly**

**HLS 2870**

**Dehlia Umunna**

**2023 Spring**

**M 6:00pm - 8:00pm**

Law enforcement in the United States plays a critical, often life-altering role in its citizenry's life. More than 19,000 local, state, and federal law enforcement employ close to 450,000 officers. Police officers are involved in the prosecution of the approximately nine million criminal offenses each year and conduct over 11 million arrests. They are also responsible for the deaths of about 950 people per year since 2015. This seminar examines the establishment, role, and function of police in a democratic society. It will provide a foundation in the history of police and community relationships, police work, police culture/behavior, police discretion and its control, police legitimacy and public support, and community policing, use of force, institutional bias, and racial justice. We will also analyze why law enforcement is such a polarizing issue in society. Experiences in the class will include conversations with local police commissioners and police officers, touring local prisons or jails, meetings with citizens whose

lives have been impacted by their interaction with police officers, and a wide variety of written texts, including essays and case studies.

**Prison Law**  
**HLS 2394**  
**Samuel Weiss**  
**2023 Spring**  
**M T 8:30am - 10:00am**

While courses in criminal law tend to focus on the “front end” of the criminal legal process (investigation, prosecution, and verdict), this course focuses on the back end: the law of incarceration. What legal obligations does the state have toward those it incarcerates? Topics to be covered include: the evolution of prison rights litigation; the scope of constitutional rights in prison; the prison disciplinary process; the interaction of prison law and remedies; conditions of confinement; medical and mental health care; sexual assault; the intersection of prison law and gender identity; religious freedom; the enforcement of disability law inside prisons; immigration detention and incarceration; and alternatives to an American-style carceral system. There will also be a focus on legal practice—how lawyers litigate prison rights cases.

**Quantitative Reasoning**  
**HLS 2009**  
**Crystal Yang**  
**2023 Spring**  
**M T 10:30am - 12:00pm**

This course provides an introduction to quantitative concepts and methods that are increasingly important for lawyers. We will explore these concepts through application to contexts such as election fraud, employment discrimination, jury selection, criminal law, and antitrust. The goal of the course is to provide students with the skills necessary to engage in quantitative reasoning and to become savvy consumers of quantitative evidence. This course does not require any background in mathematics, economics, or statistics.

**Restorative and Transformative Justice**  
**HLS 2654**  
**Adriaan Lanni**  
**2023 Spring**  
**T 3:45pm - 5:45pm**

This seminar will discuss the theory and practice of restorative and transformative justice. Some classes will involve discussions of readings; others will be experiential; and others will involve interacting with visiting restorative justice practitioners.

***November 18, 2022: Professor Lanni is no longer taking applications for the spring Restorative and Transformative Justice seminar.***

## **White Collar Criminal Law and Procedure**

**HLS 2254**

**Antonia Apps**

**2023 Spring**

**T 3:45pm - 5:45pm**

The past several years have seen a number of significant developments in white collar criminal prosecutions. The Department of Justice recently announced a renewed focus on white collar criminal enforcement, allocating additional resources to investigating and prosecuting corporate crime and holding individuals engaged in corporate misconduct accountable. White collar criminal prosecutions present difficult ethical issues for prosecutors and defense attorneys, and there have been significant developments numerous areas of white collar covered by this course, 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 government's use of corporate resolutions to enhance compliance measures at companies; (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, public corruption, and cybercrime, 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.

## **Wielding Impact: Economics as Tool for Justice Reading Group**

**Chika Okafor**

**W 6:00pm – 8:00pm**

The study of the law is inextricably linked with the study of what constitutes justice. Yet formalistic legal doctrine may at times obfuscate deeper inquiry into how to better promote justice in our communities, our society, and our world. One chief goal of the new law and political economy (LPE) intellectual movement is to strongly situate themes of justice in how we evaluate and refine our public institutions. An untapped opportunity exists to advance this goal by leveraging the tools of sophisticated quantitative analysis. For example, economic analysis can bolster LPE goals to foster equity; put simply, economics can itself be a powerful tool to promote justice. This reading group will explore when and how the application of economics within legal, social, and political institutions can foster justice, focusing primarily on three realms which face some of the most pressing social problems: economic justice, the criminal justice system, and climate change. The purpose of this reading group is threefold: (1) to expand our vision of what a “just” society looks like; (2) to introduce varied approaches to advance this vision, in policy and in practice; and (3) to explore how scholarship in general—and economics scholarship in particular—can bolster our collective efforts to realize a more just future.

Note: This reading group will meet on the following dates: TBD.

## CHAN SCHOOL OF PUBLIC HEALTH

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### **Principles of Injury Control**

**ID 240**

**David Hemenway**

**2023 Spring 1**

**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 firearms, are examined in detail.

THIS CLASS HAS HSPH PRIORITY ENROLLMENT. Cross-Registrants and Non-Degree Students will be enrolled on a space available basis after the enrollment deadline for the course