

Conservatism and Crime
Professor Steven Teles
Spring 2017
Tuesday, 130-4
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Concept of the Class

For good or for ill, American conservatives have had a major role in shaping criminal justice policy over the last half century. While there has been a great deal of scholarship on the political motivations that conservatives brought to this policy engagement, relatively less energy has been invested in the ideas that informed their actions. This course is designed to take those ideas seriously, both for their own sake and as a window into the character of conservative thought.

Some students may find some of the readings in this class discomfoting, and perhaps even disturbing. Pedagogically, one major purpose of the class is to deal with such arguments in a cool, analytical fashion. The purpose of the assignments is to equip you with the ability to present even arguments you disagree with seriously, and to address them through argument and data. In fact, in the final assignment (discussed below) you will have to role play as a conservative—a task that will be more natural for some students than others.

Assignments

2 Critique Papers (40 percent of final grade)—In the critique papers, you will be expected to pick the readings for one week and write a three page, single spaced 12 point Times New Roman memo to your boss (role playing as a legislative aide to a member of Congress). Your boss mentioned to you that he heard about a book or article, and wants you to accurately and concisely summarize the main points of the reading, and to point him to the most important critiques of the argument that you can develop. You are not asked to come to an opinion of your own, since this is a briefing memo.

Policy Memo (45 percent of final grade)—Your assignment is to write a policy memo of 6 single spaced pages for a conservative think tank (AEI, Heritage, Hoover, etc.) making an argument for a specific policy reform, from a conservative point of view (that is, drawing on the arguments you have read during the semester, and targeted at a conservative audience). Examples of policy memos will be provided to you.

Class Participation (15 percent of final grade)—Given that this is a small seminar, it is essential that every student complete the readings before class, and have given them serious thought.

Readings

January 31: Introduction to the Subject

No Readings

(I)

The Conservative Reaction Against Liberal Criminal Justice

February 7: Rational Actor Accounts of Criminal Behavior

Gary Becker, "Crime and Punishment: An Economic Approach," NBER,
<http://www.nber.org/chapters/c3625.pdf>

Charles Murray, *Losing Ground* (Basic, 1984), Chapter Ten

February 14: Norm Enforcement, Moral and Retributive Approaches to Crime

Walter Berns, "For Capital Punishment: The Morality of Anger" *Harpers*, April 1979,
<http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>

Richard Arum, *Judging School Discipline: The Crisis of Moral Authority* (Harvard 2005), Chapters 1&4

George Kelling and James Q. Wilson, "Broken Windows," *The Atlantic*, March 1982,
<http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>

Edward Banfield, "Rioting Mainly for Fun and Profit," in *The Unheavenly City Revisited* (Little Brown, 1974)

John DiIulio, "The Coming of the Superpredators," *The Weekly Standard*, November 27, 1995, <http://www.weeklystandard.com/the-coming-of-the-super-predators/article/8160>

David Frum, "Marijuana Use is Too Risky a Choice," CNN, January 7, 2013,
<http://www.cnn.com/2013/01/07/opinion/frum-marijuana-risk/index.html>

Byron Johnson, *More God, Less Crime* (Baylor, 2011), Chapter Five

February 21: “Constitutional Factors” in Crime

Richard Herrnstein and James Q. Wilson, *Crime and Human Nature* (Simon and Schuster, 1985), Chapters 2, 3, 19 and 20

Charles Murray and Richard Herrnstein, *The Bell Curve* (Free Press, 1994), Chapter 11

February 28: The Classic Synthesis

(*) James Q. Wilson, *Thinking About Crime* (Basic, 2013)

March 7: Race, Culture, and Criminality

(*) Barry Latzer, *The Rise and Fall of Violent Crime in America* (Encounter, 2016)

March 14: Prisons and The Centrality of Order

(*) John Dilulio, *Governing Prisons* (Free Press, 1990)

March 21: SPRING BREAK

March 28: NYC Policing: Conservative Theory and Retrospective Evaluation

George Kelling, “Reclaiming the Subway,” *City Journal*, Winter 1991, <http://city-journal.org/html/reclaiming-subway-12770.html>

Heather MacDonald, “America’s Best Urban Police Force,” *City Journal*, Summer 2000, <http://www.city-journal.org/html/america’s-best-urban-police-force-11751.html>

Franklin Zimring, *The City That Became Safe* (Oxford, 2013), Chapters 4, 5, 8

Heather MacDonald, “It’s the Cops, Stupid,” *The New Republic*, February 2, 2012, <https://newrepublic.com/article/99858/franklin-zimring-new-york-urban-crime-control-city-safe>

April 4: A Defense of Police

(*) Heather Macdonald, *The War on Cops* (Encounter, 2016)

(II)
The Conservative Critique of Contemporary Criminal Justice

April 11: Critique #1

(*) William Stuntz, *The Collapse of American Criminal Justice* (Harvard, 2011)

April 18: Critique #2

(*) Stephanos Bibas, *The Machinery of Criminal Justice* (Oxford, 2012)

April 25: The Militarization of Police

(*) April 18: Radley Balko, *The Rise of the Warrior Cop* (Public Affairs, 2014)

May 2: Frontiers of Conservative Reform

Alex Kozinski, "Criminal Law 2.0," *Georgetown Law Journal Annual Review of Criminal Procedure*, 2015,
<https://globalwrong.files.wordpress.com/2015/09/kozinski-criminal-law-2.pdf>

Reihan Salam, "The Conservative Case for Reforming the Police," *Slate*, December 5, 2014,
http://www.slate.com/articles/news_and_politics/politics/2014/12/the_conservative_case_for_reforming_the_police_and_how_to_do_it_in_three.html

Lucy Caldwell, "It's Time To Take on Police Unions," *National Review*, December 16, 2014,
<http://www.nationalreview.com/article/394743/its-time-take-police-unions-lucy-morrow-caldwell>

Vikrant Reddy, "A New Agenda for Criminal Justice," Conservative Reform Network,
http://conservativereform.com/wp-content/uploads/2016/02/CriminalJusticeReform_v2.pdf

David Dagan and Steven Teles, "Conservatives and Criminal Justice," *National Affairs*, Spring 2016,

<http://www.nationalaffairs.com/publications/detail/conservatives-and-criminal-justice>