#### SIMON CV

Jonathan Simon,
Lance Robbins Professor of Criminal
Justice Law
Faculty Affiliate, Center for the Study of
Law & Society

UC Berkeley 592 Simon Hall University of California, Berkeley Berkeley, CA. 94720 510.643-5169 issimon@berkeley.edu

Twitter: @jonathansimon59

# **Professional Employment**

Lance Robbins Professor of Criminal Justice Law, UC Berkeley, 2019-

Adrian Kragen Professor of Law, 2010-2019

Faculty Director, Center for the Study of Law & Society, UC Berkeley, School of Law, 2013---2019

Associate Dean for Jurisprudence and Social Policy, School of Law (Boalt Hall), July 2004 --- 2009

Professor of Law/Jurisprudence and Social Policy, University of California, Berkeley, 2003---Present

Professor of Law, University of Miami, School of Law, 1996-2003

Associate Professor of Law, University of Miami, 1992-1996

Assistant Professor, Department of Political Science, University of Michigan, 1990-1992

Law Clerk, Chambers of the Hon. William C. Canby, Jr., United States Court of Appeals for the Ninth Circuit, 1988-1989

## **Honors and Visiting Appointments**

Visiting Professor, *Universita Della Calabria, Istituto Di Studi Penalitici "Alimena"*, December 2023

Fellow, Japan Society for the Promotion of Science, May 2018

Fellow, Israeli Institute for Advanced Studies (Working Group on the Legitimation of Criminal Law in Modern Societies), Hebrew University of Jerusalem, Israel (Spring 2016)

Docteur honoris causa de la Faculté et de l'Institut, Faculté de Droit et Criminologie, Université Catholique de Louvain, April 2016

Leverhulme Visiting Professor, Edinburgh University School of Law, Winter-Spring 2011

Visiting Research Fellow, Queens University, Belfast, March 2011

MacCormick Fellow, Edinburgh University School of Law, 2010-11

J.C. Smith Distinguished Visiting Professor of Criminal Law, University of Nottingham, Law School, February 2009

Visiting Professor of Law, Yale Law School, 1997-1998

Visiting Professor of Law, New York University, School of Law, 1996-1997

### **Books Authored**

Work in Progress: The Carcerral Cathdedral: The myths behind our modern faith in punishment (Manuscript)

Mass Incarceration on Trial: A Remarkable Case and the Future of Imprisonment (New Press, 2014) https://thenewpress.com/books/mass-incarceration-on-trial

Governing Through Crime: How the War on Crime Transformed American

Democracy and Created a Culture of Fear (Oxford University Press, 2007)

Distinguished Book Award 2008, American Sociological Association,

Section on the Sociology of Law; Hindelang Award, American Society of
Criminology, 2010.

https://global.oup.com/academic/product/governing-through-crime-97801953
86011?q=governing%20through%20crime&lang=en&cc=us

Poor Discipline: Parole and the Social Control of the Underclass, 1890-1990 (Chicago: University of Chicago Press 1993) Distinguished Book Award 1994, American Sociological Association, Section on the Sociology of Law https://press.uchicago.edu/ucp/books/book/chicago/P/bo3629579.html

# **Selected Presentations and Lectures**

Building the Carceral Cathedral: What history can teach us about how (and how hard it is) to shrink the carceral state, Center for Ethics Public Lecture Series, January 19, 2024 Muyra Clare Rogers Memorial Chapel

Governare Attraverso La Criminalità Nell 'Epoca Dei Populismi, Fondazione Basso, Unitelma Sapienza, Universita' Della Calabria, Roma, Via Della Dogana Vecchia, n. 5, December 15, 2023

- Politica Criminale e Diritto Penale: Un Confronto tra USA e Italia incontri di studio con il Prof. Jonathan Simon, Universita della Calabria, December 12-13, 2023
- "Why is it so hard to shrink the carceral state?", Negotiating Carceral Regimes Colloquium, Simpson Center for the Humanities, University of Washington, Seattle, Washington, March 30, 2022.
- "From Eugenics to Big Data: A Genealogy of Criminal Risk Assessment in American Law and Policy" "Algorithms Between Trust and Control" am 5. May 2021.Convenors: Prof. Christoph Burchard (Goethe-Universität, "Normative Orders"), Prof. Indra Spiecker gen. Döhmann (Goethe-Universität). <a href="https://www.youtube.com/watch?v=q7uJAfqTbr8">https://www.youtube.com/watch?v=q7uJAfqTbr8</a>
- "Four Myths of Punitive Immigration Policies: Sovereignty, Discipline, Eugenics, and Broken Windows," *Decarceral Futures Conference: Bridging Prisons and Immigration justice*, Queens University Law School, Kingston Ontario, May 9, 2019, Keynote
- "Mass Incarceration: Lessons for Punishment and Society," El Rosario Law School, Bogota, Colombia, August 7, 2018
- "The Arcs of Mass Incarceration: Four Turning Points in the History of U.S.

  Penality and their Legacy for the Contemporary Penal State," Centre for
  Criminology and Socio-Legal Studies, Toronto, Canada, October 26, 2017,
  Nineteenth Annual Edwards Lecture:
- "The View from Castle Rock: Restoring Legitimacy to America's Prisons," Scottish Centre for Crime & Justice Research, 2011 Annual Lecture, Edinburgh, Scotland, April 11, 2011
- "How Should We Punish Murder? Excessive Punishment and the Structure of the Law of Murder," 3rd Annual Barrock Lecture, January 24th, 2011, Marquette Law School, Milwaukee, WI.
- "No Rationale for the Law of Homicide,, May 22nd, 2009, Centre for Criminology, University of Oxford, 4th Annual Roger Hood Public Lecture:
- "Implications of the War on Crime,, British Society of Criminology Conference, London School of Economics, September 2007. Plenary Session

## Books and Journals Edited

- RUSSELL SAGE JOURNAL OF THE SOCIAL SCIENCES, CRIMINAL JUSTICE AS LABOR MARKET INSTITUTION, Vol. 6 (ISSUE 1), (2020) coedited with Sandra Smith
- THE LEGAL PROCESS AND THE PROMISE OF JUSTICE: STUDIES INSPIRED BY THE WORK OF MALCOLM FEELEY. With Rosann Greenspan and Hadar Aviram. (Cambridge University Press, 2019)

- ${\tt HTTPS://www.cambridge.org/core/books/legal-process-and-the-promise-of-justice/452816B7755C68B287607CE276816B7F}$
- Architecture and Justice: Judicial Meanings in the Public Realm with Nicolas Temple and Renee Tobe (Ashgate 2013) https://www.routledge.com/Architecture-and-Justice-Judicial-Meanings-in-the-Public-Realm-1st-Edition/Simon-Temple/p/book/9781409431732
- SAGE HANDBOOK OF PUNISHMENT & SOCIETY with Richard Sparks (Sage 2013) https://uk.sagepub.com/en-gb/eur/the-sage-handbook-of-punishment-and-society/book233796
- AFTER THE WAR ON CRIME: RACE, DEMOCRACY, AND A NEW RECONSTRUCTION, edited with Mary Louise Frampton and Ian Haney-Lopez (New York University Press, 2008) https://nyupress.org/9780814727614/after-the-war-on-crime/
- Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism, edited with Austin Sarat (Duke University Press 2003) https://www.dukeupress.edu/cultural-analysis-cultural-studies-and-the-law
- EMBRACING RISK: THE CHANGING CULTURE OF INSURANCE AND RESPONSIBILITY, edited with Tom Baker (University of Chicago Press 2002) https://press.uchicago.edu/ucp/books/book/chicago/E/bo3643822.html

## Articles, Book Chapters, and Essays

- "From Eugenics to Big Data: Towards a Genealogy of Criminal Risk Assessment in the United States, in *Algorithmic Transformations of Power: Between Trust, Conflict and Uncertainty*, edited by Christoph Burchard and Indra Spiecker genannt Döhmann (forthcoming 2025 Nomos)
- "Dignity Defied: Legal Rational Myths and the Surplus Legitimacy of the Carceral State, *Law & Social Inquiry* forthcoming 2024
- Simon, Jonathan. "Losing Our Punitive Civic Religion." In Excessive Punishment: How the Justice System Creates Mass Incarceration, pp. 20-26. Columbia University Press, 2024.
- "Losing our Punitive Religion," in Lauren B. Eisen editor, *Excessive Punishment*. Columbia University Press, 2024
- "American Policing and the Struggle for Black Civic Rights." In Thomas Aiello editor, *The Routledge History of Police Brutality in America*, pp. 108-116. Routledge, 2023.

- "The Real Human: Reimagining the "Real Man" in *The Society of Captives*, ch. 11, pp 213-234, Ben Crewe, Andrew Goldsmith, and Mark Halsey, eds. *Power and Pain in the Modern Prison: The Society of Captives Revisted*, Oxford, UK: Oxford University Press (2022)
- "Knowing What We Want: A Decent Society, A Civilized System of Justice, and a Condition of Dignity," Daedalus Vol 151 No.1, 170-191 (2022)
- "Dignity and its discontents: Towards an abolitionist rethinking of dignity." *European Journal of Criminology* Vol. 18, no. 1 (2021): 33-51.
- "Governing through crime." In Mary Vogel, ed. *Crime, Inequality and the State 2nd Edition*, ch. 38, pp. 589-595. Routledge, 2020.
- "Governing through Crime in Retrospect", in Criminal Justice Theory, Vol 26: Explanations and Effects. Routledge, New York (2020), chapter 3
- Smith, Sandra Susan, and Jonathan Simon. "Exclusion and Extraction: Criminal Justice Contact and the Reallocation of Labor." RSF: The Russell Sage Foundation Journal of the Social Sciences 6, no. 1 (2020): 1-27.
- "The criminal is to go free": The Legacy of Eugenic Thought in Contemporary Judicial Realism about American Criminal Justice, Boston University Law Review, Vol. 100, 787-815 (2020) http://www.bu.edu/bulawreview/files/2020/05/02-SIMON.pdf
- Millennials and the New Penology: Will Generational Change in the U.S. Facilitate the Triumph of Risk Rationality in Criminal Justice, in Criminal Justice, Risk and the Revolt against Uncertainty, edited by John Pratt and Jordan Anderson. 319-344 Palgrave Macmillan (2020) https://link.springer.com/chapter/10.1007/978-3-030-37948-3\_14
- Review Essay: Criminal Law in an Age of Mass Incarceration, University of Toronto Law Journal, Vol. 70, 177-193 (2020) https://www.utpjournals.press/doi/abs/10.3138/utlj.2019-0102
- Police Abolitionist Discourse? Why It has been Missing (and Why it Matters), in The Cambridge Handbook of Policing in the United States, edited by Tamara Rice Lave and Eric J. Miller, 85-104, with Eduardo Bautista Duran (2019) https://www.cambridge.org/core/books/cambridge-handbook-of-policing-in-t he-united-states/police-abolitionist-discourse-why-it-has-been-missing-and-why-it-matters/0E181E4AE4A12140CB014CFE81C99C5A

- For a Human Rights Approach to Reforming the American Penal State, Journal of Human Rights Practice, 2019, 1-11 (2019) https://academic.oup.com/jhrp/article-abstract/11/2/346/5545483?redirectedFrom=fulltext
- Can Courts End Mass Incarceration? in The Legal Process And The Promise Of Justice: Studies Inspired By The Work Of Malcolm Feeley. Edited by Rosann Greenspan, Hadar Aviram and Jonathan Simon, (Cambridge University Press, 2019

  https://www.cambridge.org/core/books/legal-process-and-the-promise-of-just ice/can-courts-abolish-mass-incarceration/74A799645664183DB32A43B895 15DEF6
- Explicit Bias: Why Criminal Justice Reform Requires us to Challenge Crime Control Strategies that are Anything but Race Blind, Tulsa Law Review (2019), Vol. 54 (2) 331-8 https://digitalcommons.law.utulsa.edu/tlr/vol54/iss2/14/
- "Actuarial Justice." The Handbook of Social Control (2019): 194, with Gil Rothschild-Elyassi and Johann Koehler https://onlinelibrary.wiley.com/doi/abs/10.1002/9781119372394.ch14

  Penal Monitoring in the United States: Lessons from the American Experience and Prospects for Change, Crime, Law & Social Change (2018) Vol. 70:161-173 https://link.springer.com/article/10.1007/s10611-017-9724-0
- Beyond Tough on Crime: Towards a Better Politics of Prosecution, in Maximo Langer and David Sklansky editors, Prosecutors and Democracy: A Cross-National Study (Cambridge University Press, 2018), 250-275 https://www.cambridge.org/core/books/prosecutors-and-democracy/beyond-tough-on-crime-towards-a-better-politics-of-prosecution/4CF736EF2E119C32 9CBC51D2B1CAB620
- Racing Abnormality, Normalizing Race: The Origins of America's Peculiar Carceral State and its Prospects for Democratic Transformation Today, Northwestern LAW REVIEW Vol. 111 (4) 1625-1653 (2017) https://scholarlycommons.law.northwestern.edu/nulr/vol111/iss6/13/
- Visions of Legitimacy: Public Criminology, the Image, and the Legitimacy of the Carceral State, in Michelle Brown and Eamon Carrabine eds. Routledge International Handbook of Visual Criminology (London: Routledge 2017), 74-88

  https://www.taylorfrancis.com/books/e/9781315713281/chapters/10.4324/97 81315713281-7
- Is Mass Incarceration History? (Review Essay: From the War on Poverty to the War on Crime: The Making of the Mass Incarceration in America. By Elizabeth

- Hinton. Cambridge, Massachusetts: Harvard University Press, 2016), Texas Law Review Texas Law Review, Vol. 95 (5)1077-1101 https://texaslawreview.org/is-mass-incarceration-history/
- The Second Coming of Dignity, in Sharon Dolovich and Alexandra Natapoff eds.

  Mapping The New Criminal Justice Thinking (New York University Press 2017) 275-307

  https://nyu.universitypressscholarship.com/view/10.18574/nyu/97814798315
  48.001.0001/upso-9781479831548-chapter-13
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- Policing after Civil Rights: The Legacy of Police Opposition to the Civil Rights
  Movement for Contemporary American Policing, in Ben Bradford, Beatrice
  Jauregui, Ian Loader and Jonny Steinberg, eds. The Sage Handbook of
  Global Policing (London: Sage 2016), 373-388
  https://sk.sagepub.com/reference/the-sage-handbook-of-global-policing/i268
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- Pro-Black Criminalization and the Legitimation of Criminal Law in Modern Societies: A Comment on Aaronson's From Slave Abuse to Hate Crime Jerusalem Review of Legal Studies, (2016), Vol. 14 (1) 204-213 https://academic.oup.com/jrls/article/14/1/204/3061391
- Amnesty Now! Ending Prison Overcrowding through a Categorical Use of the Pardon Power, University of Miami Law Review Vol. 70(2) 44-88 (2016) http://lawreview.law.miami.edu/wp-content/uploads/2016/03/Amnesty-Now-Ending-Prison-Overcrowding-through-a-Categorical-Use-of-the-Pardon-Power.pdf
- The New Overcrowding, Connecticut Law Review Vol. 48 (4):1191-1216 (2016) http://heinonline.org/HOL/AuthorProfile?action=edit&search\_name=%20Si mon,%20Jonathan&collection=journals
- The New Gaol: Seeing Incarceration "Like a City," THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE Vol. 684. The Great Experiment: Realigning Criminal Justice and Beyond (March 2016), 280-303 http://ann.sagepub.com/content/664/1/280.abstract
- Dignifying Madness: Rethinking Civil Commitment Law in an Age of Mass Incarceration, University of Miami Law Review Vol. 70(1) 1-52 (2016), with

- Stephen Rosenbaum
- http://lawreview.law.miami.edu/wp-content/uploads/2015/12/DignifyingMadness.pdf
- The legal civilizing process: dignity and the protection of human rights in advanced bureaucratic democracies, in A. Eriksson (ed.) Punishing the Other (London: Routledge, 2016), 30-50 https://www.taylorfrancis.com/books/e/9781315772912/chapters/10.4324%2 F9781315772912-3
- Ending the Injustice of Mass Incarceration, Book Review Symposium: Mass Incarceration on Trial, Social Justice, Vol.42 (2) 189-194 (2015) https://www.jstor.org/stable/24871294
- Law's Violence, the Strong State, and the Crisis of Mass Imprisonment (for Stuart Hall) Wake Forest Law Review, Vol. 49:649-676 (2015) https://pdfs.semanticscholar.org/a302/376fcfaf8f1da3284e018f8a6e93f8a5e4 46.pdf
- Stepwise Progression: The Past, Present, and Possible Future of Empirical Research on Law in the United States and the United Kingdom, JOURNAL OF LAW & SOCIETY, Vol. 41(2)173-202 (2014) w/ Michael Adler https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2437168
- An Unenviable Task: How Federal Courts Legitimized Mass Incarceration, in Legitimacy and Criminal Justice: An International Exploration, Justice Tankebe and Alison Liebling Editors (Cambridge University Press 2014), pp. 227-246 https://www.oxfordscholarship.com/view/10.1093/acprof:oso/978019870199 6.001.0001/acprof-9780198701996-chapter-12
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- http://ssrn.com/abstract=2379519 (with Hannah Lacquer and Stephen Rushin)
- A Radical Need for Criminology, Social Justice: A Journal of Crime, Conflict and World Order, Vol. 40(1-2):9-23 (2014) http://www.socialjusticejournal.org/product/jonathan-simon/
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- The Return of the Medical Model: Disease and the Meaning of Imprisonment from John Howard to Brown v. Plata, The Harvard Civil Rights-Civil Liberties Law Review 48: 217-256 (2013) https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2343813
- Gimme Shelter: Mass Incarceration and the Criminology of the Housing Boom, in Architecture and Justice: Judicial Meanings in the Public Realm, Jonathan Simon, Nicolas Temple and Renee Tobe editors (Ashgate 2013), 177-188 https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2335689
- Courts and the Penal State: Lessons from California's Decades of Prison Litigation and Expansion, Calif. Journal of Politics & Policy 5(2): 252–265 2013; https://escholarship.org/uc/item/67k3h4mc
- Introduction- Punishment & Society: The Emergence of an Academic Field, with Richard Sparks, in SAGE HANDBOOK OF PUNISHMENT & SOCIETY, Jonathan Simon and Richard Sparks eds. (Sage 2013); 1-19 http://sk.sagepub.com/reference/hdbk\_punishment-society/n1.xml
- Punishment and the Political Technologies of the Body, in SAGE HANDBOOK OF PUNISHMENT & SOCIETY, Jonathan Simon and Richard Sparks eds. (Sage 2013); 60-89, published in translation: Punição e as tecnologias políticas do corpo, Sistema Penal & Violência 5(2): 219-251 https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2343795
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- Dignity and Risk: The Long Road from Graham v. Florida to the Abolition of LWOP, in (eds). Life Without Parole: America's New Death Penalty Charles Ogletree and Austin Sarat eds. (2011)

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- How Should we Punish Murder? Excessive Punishment and the Structure of the Law of Murder, Marquette Law Review Vol. 94:1241-1312 (2011) https://scholarship.law.marquette.edu/mulr/vol94/iss4/7/
- Drugs Are Not the (Only) Problem: Structural Racism, Mass Imprisonment, and the Overpunishment of Violent Crime in Race, CRIME AND PUNISHMENT: BREAKING THE CONNECTION IN AMERICA Keith O. Lawrence ed. (Aspen Institute, 2011), 133-148 https://www.racialequitytools.org/resourcefiles/lawrencek.pdf
- Interposition: Segregation, Capital Punishment, and the Forging of the Post-New Deal Political Leader, in America's Death Penalty: Between Past and Present, David Garland, Randall McGowan, and Michael Meranze eds. (New York: NYU Press, 2011), 166-190 https://muse.jhu.edu/chapter/278616
- Capital Punishment as Homeowner's Insurance: The Rise of the Homeowner Citizen and the Fate of Ultimate Sanctions in Both Europe and the United States, in Is the Death Penalty Dying? European and American perspectives, Austin Sarat and JurgenMartschukat, eds. (Cambrige: Cambridge University Press, 2011), 78-108

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- Consuming Obsessions: Housing, Homicide, and Mass Incarceration since 1950, The University of Chicago Legal Forum Vol. 2010 (October 2010),141-180 https://pdfs.semanticscholar.org/862c/253e21e29d1ce396b4bdcdd7b4b3732a b111.pdf
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- Recovering the Craft of Policing: Wrongful Convictions, the War on Crime, and the Problem of Security in When Law Fails: Making Sense of Miscarriages of Justice Charles J. Ogletree, Jr. and Austin Sarat eds. (NYU Press, 2009) https://escholarship.org/content/qt64f809vh/qt64f809vh.pdf?nosplash=8fe8f09fbcd3fe4c0f1d2f5fd38e8dca
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## Comments and Book Reviews

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Review of, Michael Tonry, Thinking About Crime: Sense and Sensibility in Criminal Justice, reviewed, Theoretical Criminology,

### **Service**

UC System Wide P&T Committee, 2014-2015, Chair 2015

UCOP advisory committee on sexual harassment policy 2015

Chair, UC Berkeley Police Review Board

UC Berkeley P&T Committee, 2011-2015

UC Berkeley American Cultures Committee, 2007-2010

Center for the Study of Law & Society, Faculty Director, 2013-2019

Legal Studies Curriculum Committee, Chair, 2015-present

Public Interest Placement Committee, 2011-2014; Chair, 2013-14

Dean's Merit Advisory Committee, 2011-2012, 2012-2013

JSP Legal History Search, 2012-2013

Appointments Committee, 2003-4, 2004-5, 2005-6

Curriculum Committee, School of Law 2004-5; 2005-6, 2006-7

Admissions Committee, JSP, School of Law, 2004 - 2009, 2019

## **Professional Service**

British Journal of Criminology, International Advisory Board, 2015-

Punishment and Society, Co-Editor in Chief, 2004—2008, Deputy Editor, 2004-

Journal of Criminal Law and Criminology, Deputy Editor, 2010-

Law & Social Inquiry, Editorial Board, 2013-

Law & Society Review, Associate-Editor, 2007 - 2010

Theoretical Criminology, International Advisory Board, 2001-

Law & Society Association,

Board of Trustees, 2003-2006

Executive Committee Representative Class of 2006

Program Committee, Co-Chair, 1999

ABF Doctoral Mentor, Fall 2017-

AALS Criminal Law/Procedure Section Pre-Tenure Faculty Mentor, Fall 2017-

# **Education**

University of California, Berkeley

Phd., Jurisprudence & Social Policy Program, 1990

J.D., School of Law (Boalt Hall), 1987

A.B., Social Science Field Major, 1981

University High School, Chicago, Illinois, Diploma 1977