MAKING CHANGE WHEN CHANGE IS HARD:
THE LAW, POLITICS, AND POLICY OF SOCIAL CHANGE
FALL 2024 – GEN ED 1102

University Professor Cass R. Sunstein
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Class Schedule
Wednesday
12:45 pm – 2:45 pm ET
Room: Sever Hall 113

Teaching Fellows

Please address all logistical concerns to the Head TF, Meghana Bharadwaj.

Meghana Bharadwaj: mbharadwaj@jd25.law.harvard.edu (**Head TF**)
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Course Overview

How does change happen? When, why, and how do people, and whole nations, come together to influence large-scale policies and actions? Why do revolutions occur? Why do significant changes, short of revolution, happen in a hurry? This course will try to answer these questions. To draw general lessons for those interested in making change, we will assess a range of political and legal approaches; examine mass movements and the leadership by organizations, governments, and individuals; and attempt to gauge outcomes.

Using psychology, political science, and economics, and focusing on case studies, the course will explore, among other things, the possibilities and limits of "nudging"; the role of emotions and cognition, including individual biases; informational cascades; group polarization; information-seeking and information-avoidance; polarization; and belief change. Case studies will include climate change; gun rights; air pollution; LGBTQ rights; privacy and abortion; and conservatism, with reference to the U.S. Supreme Court. *This course is listed in "Ethics & Civics."*

Course Evaluation

The grading breakdown is as follows:

- Participation: **20%**
    - **10%:** Lecture attendance and lecture quizzes
    - **5%:** Section participation and attendance
    - **5%:** Four Canvas discussion posts

- Midterm: **30%**
- Final: **50%**

Both the midterm and final will be take-home, open-note exams. The exams will ask students to apply concepts from the readings, lectures, and discussions.

- The <u>midterm</u> will be released on Canvas on Sunday, October 13 at <u>12pm noon</u> ET and be due by Friday, October 18 at <u>11:59pm</u> ET. You will have *5 hours* to complete the midterm from the time you download it.

- The <u>final</u> will be released on Canvas on Thursday, December 5 at <u>12pm noon</u> ET and be due by Thursday, December 12 at <u>11:59pm</u> ET. You will have *48 hours* to complete the final from the time you download it.

This course cannot be taken Pass/Fail.

Office Hours

The course instructor will announce office hour times at the beginning of the semester. Course TFs will announce office hour times during the first section meeting.

Class Expectations

a. *Assigned Reading*

<u>Complete the reading for each class unit prior to the class on that unit.</u> Required readings will be posted on Canvas. Each unit will have a dedicated module where you can access the readings; see: https://canvas.harvard.edu/courses/136002/modules. If you are having trouble accessing any of the links or files, check with your classmates first before informing the Head TF. Though the links and files may include whole articles, **you are only responsible for the pages/sections assigned in the syllabus.**

In addition, **please purchase the assigned textbooks:**

TALI SHAROT & CASS R. SUNSTEIN, LOOK AGAIN: THE POWER OF NOTICING WHAT WAS ALWAYS THERE (2024).

SENDHIL MULLAINATHAN & ELDAR SHAFIR, SCARCITY (2013).

ALBERT HIRSCHMAN, THE RHETORIC OF REACTION: PERVERSITY, FUTILITY, JEOPARDY (1991).

b. *Expectations*

Students are expected to do <u>all of the reading</u> and join each week ready to participate if called upon. In section, you will be expected to discuss the readings and topics at hand, ask questions, and engage with fellow students.

There are no prerequisites for this course. While many of the cases and readings examine issues related to *American* policy debates, the class is intended to have broad applicability. Students are encouraged to draw connections—and highlight disjunctures—with events and experiences beyond the United States.

During our time together, you are required to engage in only class activity during class-time—please avoid texting, internet surfing, or multitasking of any kind. We urge you to consider the significant negative effects on learning from divided attention. Success in learning and getting the most out of your time at Harvard will depend on each of us bringing a high level of commitment to the classroom.

    c.   Discussion Posts

Discussion pages on Canvas will be set up so that participation can continue after class, with students posting reflections, critiques, ideas, further readings, or other comments. **Students are required to post a substantive comment or respond to another student's post (300-500 words) at least four times throughout the semester, which will account for 5% of your participation grade.** Given the size of the class, we hope that this will allow more people to be heard and boost your overall participation grade. This will also provide an opportunity to flag points of confusion for your TF, and for your TF to check your understanding of the course material.

    d.   Attendance and Lecture Quizzes

Every student is expected to attend every class and section. Absences from class and section will only be excused for medical or family emergencies, and for religious holidays. In these circumstances, you must inform your TF when you know you cannot be present. St**udents are expected to attend the entirety of each class and section**; sections will begin in the <u>second week of the semester</u>. Late arrivals and early exits, without prior engagement with your TF, will count as absences. More than one unexcused absence will result in a penalization of your participation grade. **The expectation is that every student enrolled in the course will participate in both lecture and section.**

Attendance in class will be verified through paper-and-pencil pop quizzes during the lecture throughout the semester, which will account for 10% of your grade. These quizzes are completion-based: you will receive credit for turning in your quiz paper at the end of the lecture session to a TF. However, consistent high performance on the quizzes can boost your participation grade.

Individual TFs will take attendance during section and monitor your substantive participation in class, which will account for 5% of your participation grade. All students should aim to speak at least once during each section session.

Accessible Education

Harvard University values inclusive excellence and providing equal educational opportunities for all students. Our goal is to remove barriers for disabled students related to inaccessible elements of instruction or design in this course. If reasonable accommodations are necessary to provide access, please contact the Disability Access

Office (DAO). Accommodations do not alter fundamental requirements of the course and are not retroactive. Students should request accommodations as early as possible, since they may take time to implement. Students should notify DAO at any time during the semester if adjustments to their communicated accommodation plan are needed.

If you have a Faculty Letter from the DAO, please submit it to the Head TF by the *end of the second week of the semester* so that the instructor and the Head TF can make the appropriate accommodations. Failure to do so may result in the course head's inability to respond in a timely manner. All discussions are confidential, although AEO may be consulted to discuss appropriate implementation.

Academic Integrity

All written work must be appropriately referenced, and all quotes should be cited. Any verbatim language from any other person or persons, or from your own writing that has been published elsewhere, must be placed in quotation marks and the sources must be clear. Altering the wording of a sentence or passage in a paraphrase does not obviate the need for a citation. If you are making a line of argument that was made first by someone else, you need to make that clear.

Members of the Harvard College community commit themselves to producing academic work of integrity – that is, work that adheres to the scholarly and intellectual standards of accurate attribution of sources, appropriate collection and use of data, and transparent acknowledgement of the contribution of others to their ideas, discoveries, interpretations, and conclusions. Cheating on exams or problem sets, plagiarizing or misrepresenting the ideas or language of someone else as one's own, falsifying data, or any other instance of academic dishonesty violates the standards of our community, as well as the standards of the wider world of learning and affairs.

Certain assignments in this course might permit or even encourage the use of generative artificial intelligence (GAI) tools such as ChatGPT. The default is that such use is disallowed unless otherwise stated. Any such use must be appropriately acknowledged and cited. It is each student's responsibility to assess the validity and applicability of any GAI output that is submitted; you bear the final responsibility. Violations of this policy will be considered academic misconduct. We draw your attention to the fact that different classes at Harvard could implement different AI policies, and it is the student's responsibility to conform to expectations for each course.

For both the midterm and final, collaboration or discussion with other students in any way is not permitted. Students seeking guidance regarding proper citation and academic honesty should refer to the Harvard Guide for Using Sources (http://usingsources.fas.harvard.edu) and the section on Academic Integrity and Academic Dishonesty in the FAS Handbook (https://handbook.fas.harvard.edu/book/academic-integrity). Our school takes academic integrity seriously, and any violations could carry serious consequences, such as failing the course. If you have questions on citations, or any other aspect of these policies, please engage your TF or the instructor.

Fall 2024 Class Schedule

Part I: Mechanisms of Change

Unit 1: Information and Belief Change **[Week 1, Sep. 4]**
Unit 2: Habituation and Dishabituation **[Week 2, Sep. 11]**
Unit 3: Nudges and Nudging **[Week 3, Sep. 18]**
Unit 4: Sludge and Scarcity **[Week 4, Sep. 25]**
Unit 5: Shocking Shifts **[Week 5, Oct. 2]**

Part II: Change, 1

Unit 6: Climate and the Environment **[Week 6, Oct. 9]**
Unit 7: Liberty, Privacy, Abortion **[Week 7, Oct. 16]**
Unit 8: LGBTQ+ Rights **[Week 8, Oct. 23]**

Part III: Change, 2

Unit 9: Rhetoric of Reaction **[Week 9, Oct. 30]**
Unit 10: Moral Foundations **[Week 10, Nov. 6]**
Unit 11: Conservatism **[Week 11, Nov. 13]**
Unit 12: Gun Rights **[Week 12, Nov. 20]**

Part IV: The Present and the Future

Unit 13: Polarization **[Week 13] - ***NOTE***: Class on Monday, December 2, 2024**

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Fall 2024 Reading Assignments

UNIT 1: Information & Belief Change

> Ryan Bubb, *TMI? Why the Optimal Architecture of Disclosure Remains TBD*, 113 MICH. L. REV. 1021 (2015), pp. 1021–1042.

> Christopher A. Kelly & Tali Sharot, *Individual differences in information-seeking*, 12 NATURE COMMC'NS 2 (2021), pp. 2–10.

> Russell Golman, David Hagmann & George Loewenstein, *Information Avoidance*, 55 J. OF ECON. LIT. 96 (2017), pp. 96–129.

UNIT 2: Habituation & Dishabituation

> TALI SHAROT & CASS R. SUNSTEIN, LOOK AGAIN: THE POWER OF NOTICING WHAT WAS ALWAYS THERE (2024).

UNIT 3: Nudges & Nudging

Cass R. Sunstein & Richard Thaler, *Libertarian Paternalism Is Not An Oxymoron*, 70 U. CHI. L. REV. 1159 (2003), pp. 1159–1202.

Felix Ebeling & Sebastian Lotz, *Domestic Take-Up of Green Energy Promoted by Opt-Out Tariffs*, 5 NATURE CLIMATE CHANGE 868 (2015), pp. 868–871.

Cass R. Sunstein, *Nudging: A Very Short Guide*, 37 J. CONSUMER POL'Y 583 (2014), pp. 1–7.

UNIT 4: Sludge & Scarcity

SENDHIL MULLAINATHAN & ELDAR SHAFIR, SCARCITY (2013), pp. 1-66; 105-181.

Richard Thaler, *Nudge, Not Sludge*, 361 SCI. 431 (2018).

UNIT 5: SHOCKING SHIFTS

Timur Kuran, *The Inevitability of Future Revolutionary Surprises*, 100(6) AM. J. OF SOCIO. 1528 (1995), pp. 1528–1551.

Matthew J. Salganik, Peter Sheridan Dodds & Duncan J. Watts, *Experimental Study of Inequality and Unpredictability in an Artificial Cultural Market*, 311 SCI. 854 (2006), pp. 854–856.

Michael Macy, Sebastian Deri, Alexander Ruch & Natalie Tong, *Opinion cascades and the unpredictability of partisan polarization*, 5 SCI. ADVANCES (2019), pp. 1–7.

UNIT 6: CLIMATE & ENVIRONMENT

E. Donald Elliott, Bruce A. Ackerman & John C. Millian, *Toward a Theory of Statutory Evolution: The Federalization of Environmental Law*, 1 J. OF L., ECON., & ORG. 313 (1985), pp. 313–340.

Robert S. Pindyck, *What We Know and Don't Know about Climate Change, and Implications for Policy*, (NAT'L BUREAU OF ECON. RSCH., Working Paper No. 27304, 2020), pp. 1–35.

Troy Campbell & Aaron Kay, *Solution Aversion: On the Relation Between Ideology and Motivated Disbelief*, 107 J. OF PERSONALITY & SOC. PSYCH. 809 (2014), pp. 809–824.

INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2023: SYNTHESIS REPORT (SUMMARY FOR POLICYMAKERS) (2023) (**ok to skim**).

UNIT 7: Liberty, Privacy & Abortion

GEOFFREY STONE ET AL., Constitutional Law (8th ed. 2017) (excerpts)

Lochner v. New York (1905)

West Coast Hotel v. Parrish (1937)

Griswold v. Connecticut (1965)

Roe v. Wade (1973)

Dobbs v. Jackson Women's Health Org. (2022) (excerpt).

UNIT 8: LGBTQ+ Rights

Michael Klarman, *How Same-Sex Marriage Came to Be: On activism, litigation, and social change in America*, HARV. MAG. (March / April 2013), pp. 30–35.

Obergefell v. Hodges, 576 U.S. 644 (2015) (excerpt).

Ratna Kapur, *There's a problem with the LGBT rights movement – it's limiting freedom*, THE CONVERSATION (Sep. 17, 2018).

Chase Strangio, *The Trans Future I Never Dreamed Of*, The Atlantic (Jun. 24, 2020).

UNIT 9: The Rhetoric of Reaction

ALBERT HIRSCHMAN, "Two Hundred Years of Reactionary Rhetoric," "The Perversity Thesis," "The Futility Thesis," "The Jeopardy Thesis," in THE RHETORIC OF REACTION: PERVERSITY, FUTILITY, JEOPARDY (1991), pp. 1–12, 35–45, 69–86, 121–127.

Matthew J. Neidell, Shinsuke Uchida & Marcella Veronesi, *Be Cautious with the Precautionary Principle: Evidence from Fukushima Daiichi Nuclear Accident* (NAT'L BUREAU OF ECON. RSCH., Working Paper No. 26395, 2019), pp. 2–5, 21–22.

UNIT 10: Moral Foundations

Jesse Graham, Jonathan Haidt & Brian A. Nosek, *Liberals and Conservatives Rely on Different Sets of Moral Foundations*, 96 J. OF PERSONALITY & SOC. PSYCH. 1029 (2009), pp. 1029–1046.

Leda Kanellakou et al., *Examining Moral Foundations Theory Through Immigration Attitudes*, 9 ATHENS J. OF SOC. SCI. 9 (2022).

Benjamin Enke, *Moral Values and Voting*, 128 J. OF POL. ECON. 3679 (2020), pp. 3679–85.

UNIT 11: Conservatism

DONALD CRITCHLOW, THE CONSERVATIVE ASCENDANCY (2007), pp. 8–17, 180–183.

Neil Gross, Thomas Medvetz & Rupert Russell, *The Contemporary American Conservative Movement*, 37 ANN. REV. OF SOCIO. 325 (2011), pp. 325–341, 345.

Julian Zelizer, *How Conservatives Won the Battle Over the Courts*, The Atlantic (July 7, 2018).

UNIT 12: Gun Rights

Reva Siegel, *Dead or Alive: Originalism as Popular Constitutionalism in* Heller, 122 HARV. L. REV. 191 (2008), pp. 191–245.

German Lopez, *How the NRA resurrected the Second Amendment*, VOX (May 4, 2018).

Michael Luca, Deepak Malhotra & Christopher Poliquin, *The Impact of Mass Shootings on Gun Policy*, 181 J. OF PUB. ECON. 1 (2020), pp. 1–11.

UNIT 13: Polarization

Cass R. Sunstein, *Partyism*, 2015 U. CHI. L. REV. F. 1, pp. 1–27.

Lilliana Mason, *Losing Common Ground: Social Sorting and Polarization*, 16 THE FORUM 47 (2018), pp. 47–66.

Antoine Banks et al., *#PolarizedFeeds: Three Experiments on Polarization, Framing, and Social Media*, 26 INT'L J. PRESS/POL. 609 (2021)

Amit Goldenberg et al., *Homophily and Acrophily as Drivers of Political Segregation*, 7 NAT. HUM. BEHAVIOR 219 (2022)

Nick Clegg, *Facebook, Elections, and Political Speech* (Sep. 24, 2019).

Cass R. Sunstein, *Is Social Media Good or Bad for Democracy?* (Jan. 22, 2018).