

Syllabus: LS162AC Restorative Justice

Fall, 2022

Instructor: Dr. Julie Shackford-Bradley

jsbradley@berkeley.edu

Wednesdays, 3-6 pm

Welcome!	<p>Welcome to the class. I look forward to working with all of you this coming semester. This class offers everyone a chance to rethink how we respond to crime, harm and conflict. I will do my part to present a broad array of voices and perspectives through guest speakers, films, readings, and other class experiences. My expectation for you all is to be engaged, think deeply, show up, express your views, and keep up as best you can.</p>
Content of the class	<p>This course presents Restorative Justice from multiple angles and perspectives. The course begins with an introduction to the principles and practices of RJ, emphasizing the concepts of harm and repair, understanding root causes of harm and violence and interrupting cycles of harm and violence.</p> <p>To present a context for the rise of the Restorative Justice Movement in the US, the course examines the ways in which the US criminal legal system causes, rather than deters or prevents harm and violence. We focus on communities that are most impacted by this system, and link the cruelties of our current system to histories of colonization, enslavement and white supremacy.</p> <p>Having laid out the context, course content shifts to the analysis of how Restorative Justice practice and process can be engaged in response. We look at how people are engaging RJ in prisons and as diversion, as well as in schools to interrupt cycles of violence and harm. The course will explore the different ways that communities approach Restorative Justice, to make it more culturally relevant and responsive to people's shared histories and current needs.</p>
Community Partnerships	<p>As an American Cultures Engaged Scholarship course, LS162AC has a Community Partnerships Requirement. Students will be paired with one of several community partners who are implementing, or exploring the application of principles of restorative justice in a wide range of contexts. (See bcourses for the list of Community Partners).</p> <p>Students will be connected with partners by mid-September, and expected to complete about 30-40 hours over 10 weeks with their orgs doing projects as needed, as well as learning more about the organization, and participating in their activities.</p> <p>As a final project, students will create presentations where they discuss the organizations and their work in the context of the RJ movement, and present the work they have completed.</p>

Class Assignments	Attendance and Participation 10%	This course is discussion-based and relies on your attendance and participation for success for all. 2 excused absences are allowed. Please send an email to jsbradley@berkeley.edu explaining your absences.
	Reading Responses 15%	Provide written answers of 350-400 words for reflection questions on the readings to prepare for class meetings. Six reflection responses are required over the semester.
	Mid-term take home 20%	Answer questions regarding concepts presented in readings, films, and class discussions
	Current events discussion & blogpost 10%	RJ is such a broad topic, and students will have many ways to connect it with other interests, movements, and issues in today's world. Therefore, each student will bring in an article, film, podcast or other form of media and explain their interest in the topic and how they see this topic intersecting with the course content. Students will write up a one-page "blog post" on the topic.
	Community Partnership presentation and paper 25%	Partner with other classmates and a community organization that works in the areas of RJ/TJ. Produce a final reflection/assessment based on a rubric we will provide. In response to the needs of your community partner, produce a short film, research project, social media presentation, etc. that you can present to the class Produce a 10-page paper about the issues your community partner is addressing (with background research), the RJ strategies they are engaging, challenges they face, and how you see their work in the larger continuum of the RJ/TJ movements.
	Final take home 20%	Answer questions regarding concepts presented in readings, films, and class discussions

Class Culture	Learning Community	This course will be organized with a Restorative Justice approach. Together, we will strive to create a learning community that is inclusive and fair, and invites courageous engagement. We will begin the semester developing shared values and agreements for learning together and communicating, and plan for how to respond if conflict or harm occurs. Those shared agreements will be our guide for accountability throughout the semester, to be revisited if needed. Students are invited to bring “best selves” to class, to think before speaking, and to engage with intentionality. There is room to respectfully disagree with each other, while also maintaining sensibility toward the way our internal biases and lived experiences shape our understanding of the world.
	Content Warnings	Some of our readings, films and discussions will focus on conflict and harm, which could cause trauma responses for students. Be sure to continually check in with yourself, exercise self-care, and communicate with me or other campus caregivers if you are feeling overwhelmed.
	Faculty responsibility	It's my role to model best practices in class in my language and behaviors, which includes being open to feedback. If you have an issue with something I've said or done, please reach out to me directly and we can talk about it.
	DSP Accommodations	Please contact me as soon as possible at jsbradley@berkeley.edu if you need particular accommodations, and we will work out the necessary arrangements.
	Academic Integrity	<p>One of the most important values of an academic community is the balance between the free flow of ideas and the respect for the intellectual property of others. Researchers don't use one another's research without permission; scholars and students always use proper citations in papers; professors may not circulate or publish student papers without the writer's permission; and students may not circulate or post materials (handouts, exams, syllabi--any class materials) from their classes without the written permission of the instructor.</p> <p>Any test, paper or report submitted by you and that bears your name is presumed to be your own original work that has not previously been submitted for credit in another course unless you obtain prior written approval to do so from your instructor. In all of your assignments, including your homework or drafts of papers, you may use words or ideas written by other individuals in publications, web sites, or other sources, but only with proper attribution. If you are not clear about the expectations for completing an assignment or taking a test or examination, be sure to seek clarification from me beforehand. Finally, you should keep in mind that as a member of the campus community, you are expected to demonstrate integrity in all of your academic endeavors and will be evaluated on your own merits.</p>

Course Meeting Schedule

Week 1 Aug 24	Introduction to the class Community Building Intro to RJ Principles and Practices Film and Discussion
Film	Healing Justice, Part I

Week 2 Aug 31	RJ Movement in the United States: Reckoning with Violence and harm in our communities
Film	Healing Justice, Part II
Readings for Week 2	<p>Alexander, Reckoning with Violence "Reckoning With Violence," Michelle Alexander <i>op ed</i>, <i>NY Times</i>, March 3, 2019 https://www.nytimes.com/2019/03/03/opinion/violence-criminal-justice.html</p> <p>Sered Intro, Ch. 1 <i>Until We Reckon: Violence, Mass Incarceration and a Road to Repair</i>," Danielle Sered, The New Press, NY and London, 2019.</p> <p>Fania Ch. 2 <i>The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social Transformation</i>, Good Books, 2019.</p> <p>Shah, Healing "Healing from Harm and Unlearning Violence," Sonya Shah, <i>Tikkun Magazine</i>, Winter, 2012 (35-37 and p. 69).</p>
Ideas and Reading Guide	<p>Author Danielle Sered makes the argument that we need to recognize how communities are caught in cycles of harm, and how the prison and other state-based punishment systems only fuel those harms. She also talks about how, when we listen to victims and survivors of harm and violence, it becomes clear that sending people into the system of mass incarceration is not responsive to their needs.</p> <p>Alexander, Davis, and Shah explain in more detail the principles and practices of Restorative Justice and how they are applied in various ways. Shah, a prominent RJ practitioners here in Berkeley, articulates the foundational understandings of RJ, in terms of a belief that every person is capable of empathy and transformation, and that for some victims/survivors, forgiveness is a path toward liberation. Through these stories, the processes of RJ approaches are laid out.</p>

Week 3 Sept 7	Mass Incarceration, History and Impact on Black Communities
Films podcasts	New Yorker Radio Hour with Michelle Alexander Ted talk Bryan Stephenson” We Need to talk about an injustice”
Readings for Week 3	<p>Sered, Ch. 2 Superpredator Myth Alexander Introduction, and Ch. 4</p> <p style="text-align: center;"><i>The New Jim Crow: Mass Incarceration in the Age of Colorblindness, Michelle Alexander NY: New Press, 2012.</i></p> <p>Optional readings: Alexander Ch. 1-3</p>
Ideas and Reading Guide	<p>Author Michelle Alexander presents an overview of her book <i>The New Jim Crow</i>, and traces histories of policing and punishment in the United States from slavery through the Jim Crow period, and into the current period of mass incarceration. She takes readers deep into an understanding of the cruelty of these systems, and their enactment, based on concepts of white supremacy that denied the humanity of Black Americans and demanded that white people hold on to, and continuously demonstrate power by any means. Alexander looks closely at the policies that have built up from the Nixon administration to the present, through the war on crime and war on drugs, to restrict due process, citizenship and basic rights of Black Americans.</p> <p>Danielle Sered's chapter on prisons builds on many of the arguments put forth by Alexander. She addresses the ongoing harms of institutional racism white supremacy through a restorative lens, and adds a critical analysis of how prisons are failing in their stated missions to deter crime and rehabilitate people involved in crimes.</p>

Week 4 Sept 14	Native American and Indigenous People’s Experiences with the Criminal Legal System, and the Criminalization of Language, Culture and Family.
Guest Speaker	TBA
Readings for Week 4	<p>Lakota: Native Lives Matter</p> <p>“Native Lives Matter,” Lakota People's Law Project, Feb. 2015 https://s3-us-west-1.amazonaws.com/lakota-peoples-law/uploads/Native-Lives-Matter-PDF.pdf</p> <p>Native Americans Unseen Victims</p> <p>“Native Americans are the Unseen Victims of a Broken US Justice System,” Jake Flanigan, <i>Quartz</i>, 2015. https://qz.com/392342/native-americans-are-the-unseen-victims-of-a-broken-us-justice-system/</p> <p>Madley, Incarceration in California</p> <p>“California’s First Mass Incarceration System: Franciscan Missions California Indians, and Penal Servitude, 1769–1836,” Benjamin Madley, <i>Pacific Historical Review</i>, vol. 88, 2019 (14-47).</p> <p>Ross, Inventing the Savage</p> <p><i>Inventing the Savage: The Social Construction of Native American Criminality</i>, Luanna Ross, University of Texas Press, 1998.</p>
Ideas and Reading Guide	<p>As these readings demonstrate, Native and Indigenous people’s experience of colonialism across North America has been varied, but with some important commonalities. We start with some insight into where Lakota people are now, in relationship to policing and the criminal legal system, experiencing disproportionate contact with criminal legal systems, uneven sentencing, and harsh and cruel treatment. Madley’s piece takes us back to California of the 1500s to demonstrate ties between the Spanish Mission system and today’s mass incarceration system. Ross traces the ways in which, over centuries, every aspect of Native life, family structure, language, and culture were criminalized both figuratively as well as legally, and explore the results of these assaults for Native communities.</p>
For more info	<p>History of Huichin Land</p> <p>https://www.youtube.com/watch?v=iYAfiEKWLC4 12:55-50:00 Corinna Gould</p>

Week 5 Sept 21	Criminalizing Immigrants: Latinx Experiences of Legal Violence
Film	The Pushouts
Readings for Week 5	<p><u>Safer and Just--Latino Voices Report</u></p> <p><i>Latino Voices: the Impacts of Crime and Criminal Justice on Latinos, Californians for Safety and Justice, 2014</i></p> <p>Mendoza Caging Out, Caging In</p> <p>"Caging Out, Caging In: Building a Carceral State at the U.S-Mexico Divide," Mary E. Mendoza, <i>Pacific Historical Review</i>, Vol 8, N. 1, 2019 (86-109).</p> <p>Abrego Making Immigrants Into Criminals</p> <p>"Making Immigrants into Criminals: Legal Processes of Criminalization in Post-IIRIRA Legislation," Leisy Abrego, et al, <i>Journal on Migration and Security</i>, 2017.</p>
Ideas and Reading Guide	<p>Following the themes of earlier weeks, we turn to the Latinx experience of the criminal legal system in the US. The report from Californians for Safety and Justice, while dating back to 2014, charts the experiences of people who share a desire for safe communities, and yet are also faced with the realities of severe discrimination and mistreatment in the criminal legal system. Mendoza and Abrego, et al, make the link between unequal treatment in the legal system and histories of immigration and immigration policy in the US. As in previous weeks, we see the connection to the US' addiction to low wage labor.</p>
For more info	<p>Cesar Cuauhtemoc Garcia Hernandez 12:50</p> <p><u>https://www.youtube.com/watch?v=Nnbu8lpwqxA</u></p>

Week 6 Sept 28	RJ for Youth and in Schools: Disrupting the School-to-Prison Pipeline
Guest Speakers	Jonathan Bradley, Eddie Estrada Impact Justice
Readings for Week 6	<p>Rios, Smoking Guns</p> <p>"Smoking Guns or Smoke & Mirrors?: Schools and the Policing of Latino Boys, Victor M. Rios and Mario G. Galicia, <i>Journal of the Association of Mexican American Educators</i>, v7 n3 p54-66 2013.</p>

<p>Readings for Week 6 (cont)</p>	<p>Fania Davis, Ch. 4</p> <p>Justice on Both Sides</p> <p><i>Justice on Both Sides: Transforming Education through Restorative Justice</i>, Maisha Winn, Harvard Education Press, 2020, (1-12; 15-49).</p> <p>Impact Justice Report</p> <p>"Restorative Community Conferencing," Impact Justice Report, s. baliga, Sia Henry, G. Valentine, 2017 (1-22).</p>
<p>Ideas and Reading Guide</p>	<p>Victor Rios explores how youth experience criminalization right here in the International Blvd. area of Oakland, revealing the ways in which youth become alienated from society through this treatment.</p> <p>Then, Fania Davis elucidates the possibilities of Restorative Justice in schools and communities of youth for pushing against policies and attitudes that isolate, marginalize, and overly discipline and punish youth of color. RJ is offered as a path to resilience for students, teachers and school communities.</p> <p>Maisha Winn picks up all of these threads by delving deeply into how schools can change on the everyday and structural levels –or how education can be transformed--by embracing Restorative Justice in Schools. Beyond simply bringing Tier II processes into schools, she emphasizes how schools must focus on 4 pedagogical areas or stances in our educational systems: history, race, justice and language to transform on all levels.</p> <p>... We then look at the Impact Justice Report to better understand how this Oakland-based organization has created a viable and effective diversion model to reduce youth contact with the system in the US.</p>

<p>Week 7</p> <p>Oct 5</p>	<p>Midterms</p> <p>Take home Mid-terms due at 6:00 pm—submit through bcourses or directly through email to jsbradley@berkeley.edu</p>

<p>Week 8</p> <p>Oct 12</p>	<p>RJ in Practice: Role Play of a Restorative Community Conference</p> <p>Check in about community partnership through individual/group meetings</p>

Week 9 Oct 19	Seeking Accountability and Healing: RJ and TJ responses to Sexual Harm
Film	“Accountability”
Readings for Week 9	<p>Sered, Ch. 3: Accountability</p> <p>Karasek “I’m a Campus Sexual Assault Activist. It’s Time to Reimagine How We Punish Sex Crimes.” Sophie Karasek, <i>New York Times</i>, Sept. 2018.</p> <p>Me Too and Restorative Justice “Me Too and Restorative Justice” L. Wexler, et al, <i>Dispute Resolution Magazine</i>, 16, Winter 2019, 1-5.</p> <p>McGlynn, Seeking Justice for Survivors “Seeking Justice for Survivors,” C. McGlynn, et al, <i>Sexual Violence and Restorative Justice: Legal, Social and Therapeutic Dimensions</i>, Eds. M. Keenan and E. Zinsstag, Routledge, 2017 (1-11).</p> <p>Kim, From Carceral Feminism “From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration,” Mimi Kim, <i>Journal of Ethnic & Cultural Diversity in Social Work</i> 27:3, 219-233, May 2018.</p> <p>Alternatives to Crime-Centered (update on bcourses) “Alternative to the Crime-Centered Approach to Gender Violence,” Panel at the University of Miami School of Law, S. Haines, et al, <i>University of Miami Race and Society Justice Law Review</i>, 383, 2015 (383-392).</p>
Ideas and Reading Guide	<p>This week, students address one of the most challenging areas of application of RJ, in cases of sexual harm. Readings explore the humiliations that survivors face as they are subjected to investigations in which gender bias leads to an inherent distrust of the stories and testimony of women and non-cis men. We start with Sophie Karasek, a UCB grad who played a major role in campus activism around SVSH, and later, came to embrace RJ as a possible response to SVSH. An article from the #Me Too movement explores similar territory, as does the works of Kim and Haines, et al, particularly in light of the difficulty of achieving guilty verdicts in sexual harm cases, for women and people in LGBTQ communities</p>

Week 10 Oct 26	Redefining Safety / Abolition and Transformative Justice
Film	TBA
Readings for Week 10	<p>Sered, Ch. 4: Displacing Incarceration</p> <p>Law, Protection Without Police “Protection without Police,” Victoria Law, <i>Upping the Anti</i>, Issue 12, 2017, (1-10).</p> <p>Nation: Prison Abolition “‘What is Prison Abolition?’” John Washington, <i>The Nation</i>, July 31, 2018.</p> <p>Elster, After 26 Years VOEG “After 26 Years in Prison,” Jerry Elster, <i>Tikkun</i> 27 (1), 2012.</p> <p>Sanchez In Spite “‘In Spite of Prison,’” Angel E. Sanchez, <i>Harvard Law Review</i>, Vol. 132, April, 2010 (1650-1683).</p>
Listen for Week 10	<p>Mariame Kaba Interview: content warning</p> <p>https://theappeal.org/justice-in-america-episode-20-mariame-kaba-and-prison-abolition/</p> <p>or read transcript here: https://theappeal.org/justice-in-america-episode-20-mariame-kaba-and-prison-abolition/</p>
Ideas and Reading Guide	<p>This set of readings offers visions for moving beyond our current systems of policing, and criminal legal approaches to discipline and punishment, and the role that Restorative Justice alternatives, as well as Transformative Justice, can play. We also hear from Mariame Kaba, a leader in this movement, who lays out her vision of the intersections of prison abolition and RJ and TJ. Finally, Sanchez’s story illustrates how people can persevere through unjust systems and shed light on injustices in order to foment change.</p>

Week 11 Nov 2	Restorative/Tribal Justice in Indigenous Communities
Film	Tribal Justice
Readings for Week 11	<p>Pecos Melton Indigenous Justice Systems</p> <p>“Indigenous justice systems and tribal society” Ada Pecos Melton, In <i>Justice as Healing: Indigenous Ways. Writings on Community Peacemaking and Restorative Justice from the Native Law Centre</i>. Ed., Wanda D. McCaslin, St. Paul, MN: Living Justice Press, 2005 Pp. 108-120.</p> <p>Justice Yazzie Hozho Nahasdlíi</p> <p>“Hozho Nahasdlíi: We Are Now in Good Relations,” Judge Robert Yazzie, St. Thomas Law Review, Vol 9, 1996-1997 (117-124).</p> <p>Native American Peacemaking Courts</p> <p>“Native American Peacemaking Courts Offer a Model for Reform,” Rebecca Clarren, <i>Investigate West</i>, Nov. 2017.</p> <p>Littlewolf and Eagle</p> <p>“Indigenous Eyes to Restorative Justice,” Erica Littlewolf and Harvey Eagle, Originally published in <i>Intersections: MCC theory and practice quarterly</i>, Compiled by Lorraine Stutzman Amstutz and Stephen Siemens, Vol 1, Issue 4 “Restorative Justice”, Fall 2013.</p>
Ideas and Reading Guide	<p>As Restorative Justice has developed as an alternative to Western criminal justice processes, Native American justice leaders around the country have been reviving and strengthening their traditional justice systems, as alternatives to imposed Western processes. These developments link the RJ movement with decolonization, as the dysfunctions of Western approaches are emphasized; for example, the sidelining of the people who are harmed (victims / survivors) and communities, and the de-emphasizing of rehabilitation and repair for those who harm. Native communities have their own names for what is called “Restorative Justice” and some writers make it clear their practices are uniquely embedded within their own cultural traditions and should not be appropriated. At the same time, it is argued that, where the RJ movement has supported the revival of tribal justice approaches, the result is progress toward decolonization.</p>

Week 12 Nov 19	NAGPRA: Native American Graves Protection and Repatriation Act
Film	<u>"NAGPRA: No Stone Unturned"</u>
Readings	<p>"NAGPRA: A Look Back Through the Litigation," Kelly Yasaitis, <i>Journal of Land, Resources, and Environmental Law</i>, Vol 25, (259-286).</p> <p>"In the end, Our Message Weighs," Blood Run, NAGPRA and American Indian Identity," Penelope Kelsey and Cari Carpenter, <i>American Indian Quarterly</i>, Vol 35, No. 1, 2011 (56-74).</p>
Ideas and Reading Guide	This week we will explore the legal remedy for centuries of grave robbing, collecting and illegitimate research impacting Indigenous and Native American communities. While NAGPRA sets up a structure for repatriating remains, and while it stops future harms, we will see how the law is limited in its ability to facilitate the repatriation process, which Indigenous people see as true restorative justice.

Week 13 Nov 16	Media
Film	Concrete, Steel and Paint
Readings	<p>Picturing Immigration</p> <p>"Picturing Immigration: How the Media Criminalizes Immigrants," Emily M. Farris & Heather Silber Mohamed, <i>Politics, Groups, Identities</i>, June 18, 2018.</p> <p>MLF Transformative Justice and Slavery</p> <p>"Transformative Justice and the Dismantling of the Legacy of Slavery in PostModern America," Mary Louise Frampton, in <i>After the War on Crime: Race, Democracy and a new Reconstruction</i>, NYU Press, 2008 (207-212).</p> <p>Boston Globe Disappear</p> <p>"Papers rethink past crime reporting: Fresh start or a cover-up?" Stephen Humphries, <i>Christian Science Monitor</i>, Feb 8, 2021.</p> <p>Why Journalists Need</p> <p>"Why journalists need to think twice about reporting on arrests," Akintunde Ahmad, <i>Columbia Journalism Review</i> Oct. 31, 2019.</p> <p>Doing No Harm</p> <p>"Doing No Harm: The Call for Crime Reporting that Does Justice to the Beat," Natalie Yahr, Center for Journalism Ethics, U. Wisconsin, Aug. 22, 2019.</p>

Ideas and Reading Guide	Media has a huge impact on how we develop and hold assumptions and biases about the criminality of specific groups of people, and reinforces these ideas on the nightly news and in newspaper representations of people who are accused of committing crimes, as Farris, Mohammad and Francis note. Francis' piece takes a next step in laying a foundation for understanding the role of media in transforming justice in the US. Then, our readings address how recently, journalists and newspapers have developed awareness of how their reporting harms individuals and communities and have pledged to make changes. Are these changes enough, we must ask? What other changes are needed?
-------------------------	--

Week 14 Nov 30	Check out Evaluations Talk about final exam Presentations
-------------------	---

Week 15 Dec 7 RRR week	Presentations
------------------------------	---------------

Dec 12	Community Partner papers due (online)
Dec 15	Final Exams due at 6:00 pm (online)