

LS190 Truth and Reconciliation
Seminar on Topics in Law and Society
Truth, Justice and Reconciliation: Responses to State Violence
Spring, 2022
Thursdays, 3:30-6:30
Course #: 30069
Dr. Julie Shackford-Bradley

Course Description

How do people and communities envision and enact justice in response to state-sponsored and state-sanctioned violence? How have TRCs (Truth and Reconciliation Commissions) and analogous approaches taken shape in the United States, in response to state-sponsored violence, including “legal violence”? With South Africa’s Truth and Reconciliation Commission as a foundational model, this course will examine an array of community-based strategies for surfacing truths about historical harms, pursuing accountability through apologies and reparations, and restoring relationships, communities, artefacts, and lands.

We will also address the many challenges that arise in establishing official commissions, reaching out to communities, and following through with recommendations, especially when working with the same governmental and political structures that perpetrated or enabled the violence, and when the violence is ongoing. The course will “think globally and act locally” by presenting examples of TRCs around the world and in the US, and engaging students in research on the possibilities of TRC approaches for the Berkeley campus and Bay Area.

Assignments

Attendance and Participation

Reading Responses

Midterm Paper – will cover topics and concepts of the first 6 weeks of class

Research Paper and Presentation – students will research a “historical harm” in a local area of the US and develop a Truth, Justice and Reconciliation plan based on the various strategies discussed in class. Students will present on their progress throughout the semester.

Research Project and Presentation – students will work in teams on researching historical harms at UCB and in the Bay Area, and applying Truth, Justice and Reconciliation strategies. Student will present their projects and outcomes at the end of the semester.

Final Exam – This take home final exam will cover the concepts and specific examples of TJRC strategies covered in the latter half of the course.

Weekly Readings and Assignments

Week 1

January 20

Intro

Intro to the Class

Guest Speaker: Tony Platt

Intro to Research Project and Research Plan

Week 2

January 27

Concepts of
Justice through
Truth and
Accountability

Introduction

“The Lay of the Land,” *Reconciliation in Divided Societies: Finding Common Ground*, Erin Daly and Jeremy Sarkin, U. of Pennsylvania Press, 2015 (3-37).

“When Does Transitional Justice Begin and End?: Colonized Peoples, Liberal Democracies and Restorative Justice,” Chris Cuneen, *Restorative Justice in Transitional Settings*, Kerry Clamp, ed., Routledge, 2016 (190-210).

Truth

“History as Confession: The Case of the South African Truth and Reconciliation Commission,” Deborah Posel, *Public Culture*, 20:1, 2008 (119-141).

“The Whole Truth and Nothing But the Truth?: On the Role of Truth Commissions in Facing the Past,” Stephan Parmentier and Monica Aciru,” *Facing the Past: Amending Historical Injustices through Instruments of Transitional Justice*, Peter Malcontent, ed. Intersentia, 2016 (225-246).

Accountability

“What is Acknowledgement and Why is it Important,” Trudy Govier, *Dilemmas of Reconciliation: Cases and Concepts*, Carol A. L. Praeger and Trudy Govier, eds. (65-89).

“The Problem of ‘the Community’ and Collective Responsibility,” Ami Harbin and Jennifer J. Llewellyn, *Restorative Justice in Transitional Settings*, Kerry Clamp, ed., Routledge, 2016 (133-151).

“Reckoning with Past Wrongs: A Normative Framework,” David, A. Crocker, *Dilemmas of Reconciliation: Cases and Concepts*, Carol A.

L. Praeger and Trudy Govier, eds. Wilfrid Laurier University Press, 2003 (39-63).

Week 3

February 3

Concepts of Justice: Apology, Reconciliation and Transformation

Reconciliation

"The Concept of Reconciliation," Trudy Govier, *Taking Wrongs Seriously*, Humanity Books, 2006 (9-25).

Apology

"The Apology Initiative," *Taking Wrongs Seriously*, Humanity Books, 2006 (67-87).

Forgiveness

"The Paradox of Forgiveness: Forgiving the Unforgivable," Ilana Shiloh, *Perspectives on Forgiveness*, Susan Divietro and Jordan Kiper, eds., Brill, 2018 (23-36).

No Future without Forgiveness, Bishop Desmond Tutu (excerpts)

Justice is Reconciliation (Tutu) <https://www.project-syndicate.org/commentary/justice-is-reconciliation?barrier=accesspaylog>

Transformation

Transforming Historical Harms, David Hooker and Amy Potter Czajkowski, presented by Coming to the Table through the Eastern Mennonite University Center for Justice and Peacebuilding (nd) (excerpts).

Week 4

February 10

South Africa TRC

Research Methods and discussion of Research Paper And Projects

Background to South Africa Apartheid History

Confronting Apartheid, Facing History, Facing Ourselves, (1-66).

Film: Facing the Truth with Bill Moyers DVD X7103

Stories of Physical and Structural Violence

"Memory and Trauma," Pumla Godobo-Madikizela, *Truth and Lies*, Jillian Edelstein, M&G Books, (nd) (21-33).

Truth and Lies, excerpts, M&G Books, (nd) (38; 55; 64;79; 87-97; 100-101; 108; 110-115; 142-145;

The Development of the TRC

"The Power of Truth: South Africa's TRC in Context," *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*, Deborah Posel and Graeme Simpson, eds., Witwatersrand University Press, 2002 (1-13).

“Culture: The Missing Link in Transitional Justice,” Cathy Bollaert, *Transitional and Transformative Justice*, Mathew Evans, ed., Routledge, 2019, (100-116).

Reconciliation in South Africa?

In the Balance: South Africans Debate Reconciliation, Fanie du Toit and Erik Doxtader, eds Jacana Media, 2010 (110-147).

“No Reconciliation without Social Justice,” (Jackie Ahmat);

“Reconciliation: A Call for Reparative Humanism: (Pumla Godobo-Madikizela);

“This Thing Called Reconciliation,” Antjie Krog.

Week 5

February 17

Canada TRC

Background to Canada’s History of Residential Schools

Stolen Lives *Facing History, Facing Ourselves* TRC of Canada

Ethnography of the TRC Process

Truth and Indignation: Canada’s Truth and Reconciliation Commission on Indian Residential Schools, Ronald Niezen, U. Toronto Press, 2013, (pp 1-150).

TRC Report

Honoring the Truth: Reconciling for the Future: Report of the Truth and Reconciliation Commission of Canada, 2015 (Executive Summary)

https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf

Narrative Truths: Stories of Victims and Survivors

Film: *Picking Up the Pieces: The Making of the Witness Blanket*

<https://vimeo.com/457804808>

Note: This film shares traumatic stories of Indian residential school survivors. Please watch and share with gentleness. If you or your family members have a history with residential schools, make sure before watching that you can connect with support.

Week 6

February 24

Calls for US TRCs and Reparations for Slavery and White Mob Violence

Background to the “Two Original Sins” and TRC Envisioning

“The Shameful Final Grievance of the Declaration of Independence,” Jeffrey Ostler, *The Atlantic*, Feb 8, 2020

Does America Need a Truth and Reconciliation Commission? Sarah Souli, *Politico*, August 2020.

“We need to talk about an Injustice,” Excerpt from Bryan Stevenson Ted Talk (transcription)

Slavery gave America a fear of black people and a taste for violent punishment. Both still define our criminal-justice system, Bryan Stevenson New York Times 1619 Project August, 2019.

Greensboro TRC

Reconciliation in a Community-Based Restorative Justice Intervention, David K. Androff, *Journal of Sociology & Social Welfare*, December 2012, Volume XXXIX, Number 4, (73-96).

Greensboro Truth and Reconciliation Commission Report: Executive Summary, May 25, 2006.

Film: Greensboro: Closer to the Truth (60 min. version; find through Berkeley Library website)

Elaine, Arkansas Truth-Seeking Commission

"The Elaine Race Massacre: Truth Before Reconciliation" (read online) <https://trinitywallstreet.org/stories-news/elaine-race-massacre-truth-reconciliation>

Story of Elaine Massacre by Ida B. Wells Barnett (read online)

<https://digital.lib.niu.edu/islandora/object/niu-gildedage%3A24320>

Elaine, Arkansas Truth-Seeking Commission

<https://sdpconference.info/truth-telling-reparatory-justice-2/>

Reparations

From Here to Equality: Reparations for Black Americans in the Twenty-First Century, William A. Darity Jr. UNC Press, 2020 (Chapters 1, 3 and 13).

Film: Te-Nahasi Coates speaks to Congress

<https://www.youtube.com/watch?v=kcCnQ3iRkys>

Week 7
March 3

Midterm Paper due

No class

Week 8
March 10
Museums,
Memorialization

Museums as Spaces to Promote Justice and Repair

"Distant Historical Wrongs: Truth-telling and Restorative Justice," David Wilkins, *Transitional and Transformative Justice*, Mathew Evans, ed., Routledge, 2019, (141-160).

"Taking the Reparative Turn," Marouf Hasian, JR and Nicholas Paliewicz, *International Journal of Communication*, v. 14, 2020 (2227–2245).

"Why lawyer Bryan Stevenson felt nation needed Lynching Memorial before healing could begin," Gracie Bonds Staples, The Atlanta

Journal-Constitution, Dec 10, 2018,
<https://www.ajc.com/lifestyles/pushing-america-face-its-racist-past/mTygNRxLbPrwX7Rc8FU1IL/> (please read online)

EJI Legacy Museum

Virtually Visit the Legacy Museum: From Enslavement to Mass Incarceration, from the Equal Justice Initiative

<https://museumandmemorial.eji.org/museum>

Elaine Massacre Memorial

<https://www.elainemassacrememorial.org/about>

Addressing/Replacing Confederate memorials

“New Wine in Old Bottles: Using Historical Markers to Reshape Public Memory of the Civil War” W. Todd Groce, *Interpreting the Civil War at Museums and Historic Sites*, Rowman and Littlefield, 2017 (45-60).

No Common Ground, Karen L. Cox, UNC Press, 2021 (13-46; 121-148).

“Bree Newsome reflects on taking down South Carolina's Confederate flag 2 years ago,” Lottie Joiner, June 27, 2017, *Vox.com* <https://www.vox.com/identities/2017/6/27/15880052/bree-newsome-south-carolinas-confederate-flag> (please read online)

Plantation as Museum of Slavery

Study of the Whitney Plantation Museum of Slavery in Louisiana view online). <https://afterlivesofslavery.wordpress.com/culture/the-whitney-plantation/>

Week 9

March 17

TRCs in the US:
“Stolen
Children”

Ethnic
Cleansing

Background to Wabanaki TRC

The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social Transformation, Fania Davis, Good Books, 2019 (Ch 6 and 7).

Remembering the “Forgotten Child”: The American Indian Child Welfare Crisis of the 1960s and 1970s, Margaret Jacobs, *American Indian Quarterly*, Vol. 37, No. 1-2, Special Issue: Native Adoption in Canada, the United States, New Zealand, and Australia (Winter/Spring 2013), pp. 136-159

“The Stolen Children of Maine: Native Wabanaki Seek Truth, Reconciliation Amidst a Cultural Genocide,” D. Martindale, *In These Times*, July 2015.

Report Wabanaki TRC and Beyond

“Beyond the Mandate: Continuing the Conversation,” Report of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission, June 2015.

Ongoing Controversy about ICWA and Removing Native Children

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/03/12/fate-of-native-children-may-hinge-on-us-adoption-case>

Other Stories of Residential Schools for Native Children in the US

A Generation Removed: The Fostering and Adopting of Indigenous Children in a Post-War World, Margaret Jacobs, University of Nebraska Press, 2014. (excerpts).

The Remains of 10 Children at the Carlisle Indian Boarding School Are Returning Home, BY JENNA KUNZE JUNE 17, 2021

<https://nativenewsonline.net/currents/the-remains-of-10-children-at-the-carlisle-indian-boarding-school-are-returning-home>

Week 10

March 31

Eugenics: Focus on California and UCB

Background on the Eugenics Movement in the US

Eugenics in the US, Lumen Learning

Eugenics in California

<https://www.uvm.edu/~lkaelber/eugenics/CA/CA.html>

Race Betterment Exhibit

The Race Betterment Booth: an intimate look at California's eugenic legacy on the centennial anniversary of the PPIE. *Another State* blogpost, 2015

<https://anotherstate.wordpress.com/2015/03/05/the-race-betterment-booth-an-intimate-look-at-californias-eugenic-legacy-on-the-centennial-anniversary-of-the-ppie/>

Chapter 1. Race Betterment and Tropical Medicine in Imperial San Francisco, Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America*, Berkeley: University of California Press, 2015, (28-56).

Exhibiting Eugenics: Response and Resistance to a Hidden History, Ralph Brave and Kathryn Sylva, *The Public Historian*, Vol. 29, No. 3 (33-51).

Eugenics at UC Berkeley and other Cal Universities and Orgs

"Misanthropology and Eugenics at Berkeley," Tony Platt, Draft of Talk for the Conference... June 2, 2021

"Engaging the Past: Charles M. Goethe, American Eugenics, and Sacramento State University," Tony Platt, *Social Justice* 32, 2, 2005.

Recent Responses to Eugenics Histories and Harms

Save the Redwoods Organization Founder Memorial Removed

<https://www.times-standard.com/2021/06/28/madison-grant-memorial-removed-from-prairie-creek-redwoods-state-park-over-his-racist-eugenics-beliefs/>

'You Just Feel Like Nothing': California to Pay Sterilization Victims, By Amanda Morris, New York Times, July 2021

<https://www.nytimes.com/2021/07/11/us/california-reparations-eugenics.html?smid=url-share>

Caltech to Remove Six Eugenics Supporters' Names From Campus
Insight, Jan 19, 2021

<https://www.insightintodiversity.com/caltech-removes-six-eugenics-supporters-names-from-campus/>

Committee on Naming and Recognition, California Institute of Technology, *Final Report*, December 2020

<https://inclusive.caltech.edu/about/commitments-progress/committee>.

UCB Building rename review committee

<https://chancellor.berkeley.edu/task-forces/building-name-review-committee>.

Week 11
April 7

Presentations on research proposals and progress

Week 12
April 14
Apologies, Repatriation, and Other Pathways to Justice and Reconciliation

Background on Apologies

"Official Apologies," Rhoda Howard-Hassmann, *Facing the Past: Amending Historical Injustices through Instruments of Transitional Justice*, Peter Malcontent, ed. Intersentia, 2016 (247-264).

Political Apologies Throughout History, Columbia University Institute for Human Rights

<https://www.humanrightscolumbia.org/ahda/political-apologies?page=4>

Apologies and Reconciliation Ideas for Slavery

Apologies, Reparations, and the Continuing Legacy of the European Slave Trade in the United States, Angelique Davis, *Journal of Black Studies*, 45/4 May 2014, 271-286. (271-286).

A Proposal for Community-Based Racial Reconciliation in the United States through Personal Stories, James Wacks, 7 *Va. J. Soc. Pol'y & L.* 195 (1999-2000)

Redress and Reconciliation as Indigenous Practice

"Polishing the Chain: Haudenosaunee Peacebuilding and Nation Specific Frameworks of Redress," Jill Scott and Alana Fletcher, *Arts of Engagement*, Dylan Robinson and Keavy Martin, eds. Wilfrid Laurier University Press 2016 (157-179).

Repatriation/Rematriation of stolen art/artefacts

Overview

<https://www.khanacademy.org/humanities/special-topics-art-history/arches-at-risk-cultural-heritage-education-series/whose-art/a/repatriating-artworks>

NAGPRA Website

<https://www.nps.gov/subjects/nagpra/index.htm>

Week 13

April 21

Recognition
and Healing
through the Arts

Background

"Recasting Reconciliation Through Culture and the Arts: A Virtual Collection: Positing a Theoretical Framework," C. Cohen and L. Yalen (1-5).

Three Examples of Artistic responses to historical harms

Guernica: The Biography of a 20th Century Icon (excerpts), Gijs Van Hensbergen, Bloomsbury, 2005.

The Guernica (excerpts), Yayo Aznar, Edilupa Ediciones, 2004.

Sankofa statue film

Native Loops, Supaman,

<https://www.youtube.com/watch?v=42Ql8ummSnE>

Student examples

Week 14

April 28

Presentations

Presentations on final projects