

LS190 Truth and Reconciliation
Seminar on Topics in Law and Society
Truth, Justice and Reconciliation In Settler Societies
Spring, 2023
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.

Class Culture and Values

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

Many 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

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.

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.

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.

Midterm Exam 15%	This take home exam will cover the first 6 weeks of class, the frameworks of Truth and Reconciliation and details of two case studies in South Africa and Canada.
Final Quiz 15%	This take home quiz will cover material from the second half of the semester, from Week 8-13.
Research Paper and Presentations 25%	Students will research a “historical harm” in a local area of California and develop a Truth, Justice and Reconciliation plan based on the various strategies discussed in class. An extensive guide to the research project will be provided. Students will present on their progress throughout the semester.
Art and Popular Culture Projects / Presentations 20%	Students will create (individually or in pairs/groups) projects that use art and/or popular culture media to disseminate information about historical harms, engage in “decolonization” practice, invite reconciliation and co-existence, or meet other outcomes.

Weekly Readings and Assignments

Week 1 Introduction to the Class	<p>Intro to the class</p> <p>Intro to Research Project and Research Plan</p> <p>Introduction to Restorative Justice and Community Building</p> <p>Clint Smith interviewed on Amanpour and Co. (Dec 2021 and discussion)</p> <p>https://www.nonviolent-conflict.org/confronting-truth-english/</p>
Week 2	Readings
Transitional Justice: Concepts of Justice through Truth and Accountability	Introduction: Transitional Justice and RJ
Today’s class lays out the basics of “Transitional Justice” which developed in the 1980s and 1990s. In brief, Transitional Justice laid a foundation	Intro to Transitional Justice
	<p>“An Introduction to Transitional Justice,” Anja Mihr, from <i>An Introduction to Transitional Justice</i>, 2nd Ed., New York: Routledge, 2021.</p>
	Four Kinds of Truth

for peaceful transitions to democratic or at least less militaristic and more egalitarian governance in countries around the world that had experienced dictatorships and civil war.

Transitional Justice opens possibilities for non-punitive and non-violent approaches to addressing state-sponsored harm and violence, (such as Apartheid in South Africa), through the construction of Truth Commissions Truth and Reconciliation Commissions based on Restorative Justice principles. But what is really meant by “truth” and what is meant by “reconciliation”? Today’s class begins to explore those questions.

Most importantly, these readings reject the notion that we can simply skip from truth to reconciliation and “move on.” Reconciliation requires a series of events and changes that are based on the needs of those who have been harmed, including needs for social and economic justice and repair.

Week 3

New Directions in Transitional Justice: Decolonization, Slavery, and More

Today’s readings provide a critique of Transitional Justice, (TJ) asking how countries like the US and Canada can instruct other nations in TJ while refusing to address the historical and ongoing violence and harm of colonialism, slavery and white supremacy.

Cuneen and Park’s articles start off the discussion with the question of how **Settler Societies** in the US, Canada, Australia and New Zealand can apply TJ to state-sponsored harms. They argue that “liberal democracy” as we know it

Excerpt from SATRC Report, Vol 1, Chapter 5. (1998)

Reconciliation

Road to Reconciliation

“Starting Points” – Introduction,” Elin Skaar, Siri Gloppen, and Astri Suhrke, (3-16) and Ch. 2: “Roads to Reconciliation: A Conceptual Framework,” Siri Gloppen, from *Roads to Reconciliation*, Maryland: Lexington Books, 2005. (17-52).

Justice is Reconciliation

“Justice is Reconciliation,” Archbishop Desmond Tutu, *Project Syndicate*

What is Acknowledgement

“What is Acknowledgement and Why is it Important,” Trudy Govier, *Dilemmas of Reconciliation: Cases and Concepts*, Carol A. L. Praeger and Trudy Govier, eds. Wilfrid Laurier University Press, 2003 (65-89).

Films

Loretta Ross on Amanpour & Co. (January 7, 2022)

<https://www.pbs.org/video/there-room-redemption-our-cancel-culture-ah3pmv/> **(to watch in class)**

Readings

Decolonizing Transitional Justice in Settler States

When Does Transitional Justice Begin and End?

“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 (190-202).

UNDRIP – the role of International Law

Text of the UN Declaration of Indigenous Peoples

Decolonizing Transitional Justice (optional)

“Settler Colonialism, Decolonization and Radicalizing Transitional Justice,” Augustine S.J. Park, *International Journal of Transitional Justice*, 2020, 14, (260–279).

Australia and New Zealand

New Zealand Reparations

hides histories of settler colonialism and its harms and that TJ will need to be radicalized in order to bring true **Reconciliation** for those who have been harmed.

With these arguments in mind, we will look at the UN Declaration of the Rights of Indigenous Peoples to see how it is influencing national and local efforts to decolonize, and to create frameworks for multiple sovereignties within a settler state.

From there, we will look at the latest efforts in Australia and New Zealand to claim rights and sovereignty, to demand that the colonial governments are held accountable for treaties that have been signed, and to address repair past and current harms being inflicted on Indigenous people.

“New Zealand Leads the Way on Reparations for Indigenous People,” Christine Charneau, June 2021.

<https://www.justiceinfo.net/en/79224-new-zealand-leads-way-reparations-indigenous-people.html>

Treaty of Waitanga

“Behind the smoke and mirrors of the Treaty of Waitangi claims settlement process in New Zealand: no prospect for justice and reconciliation for Māori without constitutional transformation,” Margaret Mutu, *Journal of Global Ethics*, Vol 14, 2018, Issue 2: Special Issue: Reconciliation, Transitional and Indigenous Justice, p. 208-221.

Australia: Uluru

Australia: Uluru Statement: <https://ulurustatement.org/>.

A description of the process featuring an interview with Megan Davis can be seen in this video:

<https://www.youtube.com/watch?v=-dsCJGdY9Lc>.

Establishing a Voice in Parliament could be an opportunity for Indigenous Nation Building, August 4, 2022, *The Conversation*.

<https://theconversation.com/establishing-a-voice-to-parliament-could-be-an-opportunity-for-indigenous-nation-building-heres-what-that-means-187534>

Films

Treaty of Waitanga

<https://www.nzonscreen.com/title/nga-tohu-signatures-2000?collection=the-waitangi-collection>

Week 4

South Africa TRC

Today's class explores The South African Truth and Reconciliation Commission (SATRC) and process of the 1990s. With the recent passing of Archbishop Desmond Tutu, there is renewed interest in his role in shaping the SATRC, as based in 3 cultural traditions, indigenous “Ubuntu,” Christian faith, and Western Legal structure. The goal of the SATRC was to create the foundation for a peaceful transition from Apartheid governance

Readings

Background: South Africa Apartheid History and the TRC

Confronting Apartheid

Confronting Apartheid from *Facing History, Facing Ourselves*, (1-66) (optional)

Pages 13-51 describe apartheid and the struggles against it.

Pages 51-55 discuss the TRC – read this section

Pages 55-67 discuss the aftermath of the TRC

Apartheid Repression: Excerpts from *A Crime Against Humanity: Analysing the Repression of the Apartheid State*, Ed. Max Coleman, Human Rights Committee of South Africa, 1998.

of the white minority in South Africa to Black majority governance.

Readings on how people experience and understand ubuntu in everyday life are important for recognizing the role of Indigenous philosophy and thought in the SATRC process. Through the philosophy and practice of ubuntu, restorative justice became a central aspect of the SATRC. Many have not recognized the importance of this aspect for Black South African participants.

The SATRC developed into a massive, multi-year process for exploring the truth of what happened over time, and for engaging punitive and non-punitive approaches to exposing and addressing specific harms associated with politics and governance.

Readings argue that reconciliation was achieved to the extent of peaceful co-existence between Black and White people, but that true Reconciliation and Reparation have yet to manifest.

Brief Intro to the Structure and Mandate of the TRC

<https://www.usip.org/publications/1995/12/truth-commission-south-africa> (read online)

Truth

History as Confession

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

Complexity of the SATRC

Ubuntu

Moral Values of Ubuntu: "Chapter 2: Entrenching the Moral Values of Ubuntu in Everyday Life," Oriare Nyarwath, from *Ubuntu and the Everyday in Africa*, Eds., James Ogude and Unifier Dyer, Africa World Press, 2019 (65-88).

Ubuntu Everyday: "Changing the Stories we Tell Ourselves: Diverse Realities and Perspectives on Ubuntu in Eastern Cape, South Africa," Otrude Nontobeko Moyo, *Africanity and Ubuntu as Decolonizing Discourse*, palgrave macmillan, 2021, (103-149).

Reconciliation in South Africa?

Reconciliation Excerpts: from *After the TRC: Reflections on Truth and Reconciliation in South Africa*, Eds. Wilmot James and Linda Van de Vijver, David Philip Publishers, 2000,

"Truth without Reconciliation, Reconciliation without Truth," Frederik Van Zyl Slabbert, (62-72).

"The Language of Potential," Alex Boraine, (73-81).

"His Name was Henry," Albie Sachs, (94-100).

Films

Long Night's Journey Into Day (watch in class)

Week 5

Canada TRC

Canada's TRC is our second case study from outside the United States. From 2008-2015, Canada's TRC held hearings and listening sessions. Our readings for this week focus on the background,

Due: First Research Project Proposals

Readings

Canada's TRC

Fragments of Truth:

process and structure and outcomes of the TRC.

The writing of Naomi Angel gives background to the harms of the Residential Schools in Canada, and provides information and insights into the development of the Truth and Reconciliation Commission.

The TRC Final Report names this as **cultural genocide**, while also providing a comprehensive historical analysis of the coordination between Canada's state government and religious institutions tasked with building and running the schools between 1831 and 1969.

The section of the TRC Final report on the **legacies of harm** documents how the destruction of families and family relationships, and experiences of sexual and other abuse in the schools fostered mental and physical health issues, with severe and lasting consequences.

TRC Report acknowledges the resilience of Indigenous peoples despite the violence people have faced, and supports movements to strengthen languages and cultures, Indigenous justice, increased access to land and resources and more.

Recent updates include reports on the progress, or lack thereof, of the Canadian government and people in following through with the 94 actions put forth in the TRC report.

Further, much was made of the Pope's apology and visit to Canada. While it was promising at first, many have been disappointed in the lack of accountability of the Catholic Church.

Fragments of Truth: Residential Schools and the Challenge of Reconciliation in Canada, Naomi Angel, Dylan Robinson and Jamie Berthe, Duke University Press, 2022.

Introduction (1-18)

Reconciliation as a Way of Seeing (19-53)

Nations Gather (90-124)

Reconciliation as a Ghostly Encounter (125-159)

TRC Process and Report

Honoring the Truth: Reconciling for the Future:

[Report of the Truth and Reconciliation Commission of Canada](#), 2015 (Executive Summary)

Calls to Action for Accountability

["Calls To Action for Accountability: Status Update on Reconciliation."](#) Eva Jewel and Ian Mosby, *Yellowhead Institute*, December 17, 2019.

What is Reconciliation in Canada

"Peace like a Red River: Indigenous Human Rights for Decolonising Reconciliation," Jeffrey Ansloos, from *Peacebuilding and the Rights of Indigenous Peoples: Experiences and Struggles in the 21st Century*, Springer Press, 2017, (65-73).

World Declaration on the Rights of Indigenous Peoples in the Canadian Context: A Study of Conservative Government Rhetoric and Resistance, K.J. Verwaayen, from *Peacebuilding and the Rights of Indigenous Peoples: Experiences and Struggles in the 21st Century*, Springer Press, 2017, (29-40).

Pope's Visit and Apology

Full Text of the Pope's Apology, *America: The Jesuit Review*, July 25, 2022.

<https://www.americamagazine.org/faith/2022/07/25/pope-francis-apology-canada-243411>

The Pope's Non-Apology to Indigenous Canada Furthers a History of Abuse, Lori Campbell, *Yes! Magazine*, Aug 5, 2022

<https://www.yesmagazine.org/opinion/2022/08/05/pope-apology-indigenous-canadians-catholic-church>

Films

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

Arts, Popular Culture, Research

Research Methods and discussion of Research Paper and Projects

Today's class opens up a conversation around the role of the arts, popular culture, and research in Truth and Reconciliation.

Cohen's work starts us off with a foundational approach to the role of the arts in promoting co-existence among people, by addressing harm and trauma, and forging bridges across difference.

Other readings for this day explore the role of art, popular culture and research in expanding and radicalizing Truth and Reconciliation.

If Reconciliation means **decolonization**, how and where does artistic expression engage people in processes of decolonizing space, thought and relationships? Views of the "other"? Views of oneself as colonial subject?

When we think about accessing new understandings of **truth**, what roles do artist expression and popular culture play in accessing and conveying truth, both for those who have experienced harm, and those who have engaged in or benefited from harm.

Today's class provides a small sampling of the broad range of possibilities that artistic and popular cultural expression offer as vehicles for Truth and Reconciliation.

These examples serve as a launching point for students' research and Truth and Reconciliation Projects.

Readings

Focus on Research and Method

Decolonizing Methodologies

Decolonizing Methodologies: Research and Indigenous Peoples 3rd Ed., Linda Tuhiwai-Smith, Zed Books, 2021, Ch. 5-8.

Making History

"Making History: Final Report," Tony Platt, January, 2022.

"Representing Genocide at Home: Ishi, Again, Catherine M. Cole, from *Theater and Human Rights After 1945*, Eds. Mary Luckhurst and Emilie Morin, Palgrave MacMillan, 2015 (128-152).

Background: Art and Reconciliation

Creative Approaches

Creative Approaches to Reconciliation, Cynthia Cohen, in M. Fitzduff and C.E.Stout Eds, *The Psychology of Resolving Global Conflicts: From War to Peace*. Westport: Greenwood.

Examples of Artistic responses to historical harms

[Picasso's Guernica](#)

"Guernica – Pablo Picasso's masterpiece – Everything you need to know," *Public Delivery*, Oct. 19, 2021. (website: <https://publicdelivery.org/pablo-picasso-guernica/>) (view online)

Current Examples of Art for Truth and Reconciliation

[Urban Art Mapping: George Floyd Street Art](#)

"How the Death of George Floyd Sparked a Street Art Movement: A group of Minnesota faculty and students is documenting and archiving the phenomenon," *Smithsonian Magazine*, Sept. 3, 2020. Website: <https://www.smithsonianmag.com/smithsonian-institution/how-death-george-floyd-sparked-street-art-movement-180975711/> (view online)

[Art of Standing Rock: Not Afraid to Look](#)

"A Statue at Standing Rock Sends a Powerful Message of Resistance: Like the DAPL protesters, this artwork is *Not Afraid to Look* Big Oil in the eye, Clara Chaisson, *Natural Resources Defense Council "On Earth"* (webpage: <https://www.nrdc.org/onearth/statue-standing-rock-sends-powerful-message-resistance>) Nov 23, 2016. (view online)

AIDS Quilt ([online quilt](#))

Stitching the Future of the AIDs Quilt: The Cultural Work of Digital Memorials, Ioana Literat and Anne Balsamo, *The Cultural Work of Digital Memorials, Visual Communication Quarterly*, 21:3, 138-149.

Week 7

Midterm Exam due at 6:00 pm

No class

Week 8

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

This set of readings and class session explore the terrain of harm experienced by Black Americans through slavery, the Jim Crow Era, and the current era of Mass Incarceration.

In considering how “Truth and Reconciliation” could be applied in the US as a response to these harms, our readings emphasize the importance of establishing the truths of centuries of historical harms, where denial and lack of accountability are normative.

A key element of this conversation is in the legacies of slavery, and the ways in which ongoing beliefs in and expressions of and white supremacy ensure that these legacies are not discussed or addressed.

Some feel that government-sanctioned Truth and Reconciliation Commissions are not going to bring about the changes we need in the US. Dr. David Ragland’s work focuses on the need for truth-telling, arguing it is not time to emphasize reconciliation or forgiveness.

Due: Art Project Proposal

Readings

Background to the “Two Original Sins” and TRC Envisioning

Our Democracy’s Founding Oaths Were False

“Our Democracy’s Founding Oaths Were False When they were written. Black Americans Have Fought to Make them True.” Nikole Hannah-Jones, *NY Times Magazine* August 14 2019.

<https://www.nytimes.com/interactive/2019/08/14/magazine/b-lack-history-american-democracy.html> (read online)

A Culture Shift Can Only Happen

“A Culture Shift Can Only Happen with Reparations and Truth Telling,” David Ragland, *yes! Magazine*, June 16, 2020

<https://www.yesmagazine.org/opinion/2020/06/16/protest-police-violence-anti-racism-reparations> (read online)

The Shameful Final Grievance

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

Does America Need a Truth and Reconciliation Commission?

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

Racial Justice Demands Truth and Reconciliation

“Racial Justice Demands Truth & Reconciliation,” Michael A. Lawrence, *University of Pittsburgh Law Review* 80 (1), 2018.

“We need to talk about an Injustice,”

Bryan Stevenson Ted Talk and Transcription ([view online](#))

Slavery gave America a fear of Black people

"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.

Truth telling in the US

Truth-telling as Decolonial Human Rights Education in the Movement for Black Liberation," Dr. David Ragland, *International Journal of Human Rights Education*, Vol. 5, Issue 1, 2021 (1-43) – focus on pp 12-38).

Week 9

Museums, Memorialization

This week's focus is museums and memorials that reveal long-subverted truths about historical harms of slavery and the Jim Crow, and the legacies of harms in communities that experienced lynchings and other white mob violence.

The work of Bryan Stevenson is featured, including his Legacy Museum and National Memorial. Stevenson has taken on the challenge of speaking truth to power, as well as creating pathways to healing for families and communities of victims of lynching and white mob violence.

In addition, this week's readings explore how the US South is addressing the history of the Civil War and memorialization of the Confederacy over the past century.

As many memorials and statues that valorize Confederate Leaders are pulled down, these readings explore how they came to be in the first place and their role in promoting white supremacy as a framework for understanding race and history.

We also explore strategies for remembering violence and resilience though historical markers and other

Readings

Museums / Memorials: Spaces to Promote Justice and Repair

"Distant Historical Wrongs

"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

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

Why lawyer Bryan Stevenson

"Why Lawyer Bryan Stevenson thought we needed a 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> (visit online)

Plantation as Museum of Slavery

Study of the Whitney Plantation Museum of Slavery in Louisiana

<https://afterlivesofslavery.wordpress.com/culture/the-whitney-plantation/> (view online)

forms of local public storytelling and truth telling.

Finally, we uplift the example of the Whitney Plantation, which has been transformed into a “Museum of Slavery.” In contrast to many plantation tours across the south where slavery is left unaddressed, and where white plantation life is celebrated, at the Whitney, the stories of the lives of Black people who lived and worked on sugar plantations are centralized. The lives of those who perished at this and other plantations, where industrialized sugar production was so brutal, are celebrated, and cruelty is surfaced.

Does all this work set the stage for a national TRC on enslavement and its legacy in the US? As always, our question is what is needed to move from Truth to Reconciliation?

Week 10

Week 11

TRCs in the US: “Stolen Children”

Cultural Genocide in the US

For this week’s class, we study the first attempt at a TRC process to address historical and ongoing harms experienced by Indigenous People in the US. The Wabanaki REACH organization of Maine worked with the state government to convene a TRC to address the massive problem of removing children from their homes for adoption or to place in foster care. Despite the passage of national law (ICWA) in 1978 to restrict this practice, the law was ignored in Maine, where generations of children were subjected

The Whitney Plantation

“The Whitney Plantation,” Clint Smith, in *How the Word is Passed: A Reckoning with the History of Slavery Across America*, Little Brown and Co., 2021, (52-84).

Addressing/Replacing Confederate memorials

New Wine in Old Bottles

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

“From Bereavement to Vindication,” from *No Common Ground*, Karen L. Cox, UNC Press, 2021 (27-56).

Films

Due: Presentations on Research Proposals and Progress

Readings

Background to Wabanaki TRC

Remembering the “Forgotten Child”

“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, (136-159).

The Stolen Children of Maine

“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

to abuse and families were broken apart.

As the film that followed the process shows, many people came forward to tell their stories with the hopes that revealing the truth can open a path to healing. Once again, a lack of accountability on the part of those who harmed block pathways to Reconciliation.

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

Residential Schools for Native Children in the US

National Native American Boarding School Healing Coalition

<https://boardingschoolhealing.org/> (review website)

[Federal Indian Boarding School Initiative](#): Investigative Report (May, 2022) (1-106)

Films

Dawnland

Week 12

What Reconciliation Means for Indigenous Peoples in the US:

Decolonization, Repatriation, Self-determination, Land and Sovereignty

This week, we will look at some strategies that Indigenous peoples in the US are employing for "reconciliation." These include decolonization of hearts and minds, repatriating and rematriating ancestors from museums and universities, reclaiming land in the "landback" movement, looking back at treaties to demand honest upholding of those treaties by the US government and agencies, and demanding self-determination and sovereignty.

In Saitu's piece, she defines settler colonialism and explains why it has been immune to decolonization movements around the world.

Other readings and films address the promises and challenges of repatriating the ancestors, which many feel is the essence of restorative justice. This issue concerns us directly at UC Berkeley.

Readings

Repatriation as Restorative

Settler Colonialism, Race and the Law

Settler Colonialism, Race and the Law: Why Structural Racism Persists, Natsu Taylor Saitu, NYU Press, 2020, Chapters 2, 3, 11 and 12.

[UNDRIP Implementation Toolkit](#) (review online)

NAGPRA Litigation

"NAGPRA: A Look Back Through the Litigation," Kelly Yasaitis, *Journal of Land, Resources, and Environmental Law*, Vol 25, (259-286).

NAGPRA and Identity

"In the end, Our Message Weighs," Blood Run, NAGPRA and American Indian Identity," Penelope Kelsey and Cari Carpenter, *American Indian Quarterly*, Vol 35, No. 1, 2011 (56-74).

Repatriation Project

America's Biggest Museums fail to Return Native American Human Remains, by Logan Jaffe, Mary Hudetz, and Ash Ngu, Pro Publica, and graham Lee Brewer, NBC News, Jan 11, 2023.

<https://www.propublica.org/article/repatriation-nagpra-museums-human-remains>

NAGPRA Website

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

Readings on Landback

"Cultivating sovereignty in parks and protected areas: Sowing the seeds of restorative and transformative justice through the #LANDBACK movement," Fisk, Jonathan, et al, Parks Stewardship Forum, UC Berkeley, 2021 <https://escholarship.org/uc/item/2189q9w6>

Films

[Reclaiming the Ancestors Webinar](#) (optional—watch on your own)

Week 13

Apologies, Reparation, and Other Pathways to Justice and Reconciliation

To wrap up the discussion on Pathways to Reconciliation, we will explore two further strategies that have played a role and will continue to be explored in the future: official apologies and reparations.

While many are cynical about official apologies, they can play an important role in establishing the truth of harm, and a pathway toward economic reparations or other forms of repair. As Govier points out, a valid apology includes some action for healing and repair.

Reparations remain a controversial issue in the US, but are increasingly seen as part of mainstream discourse in the conversation about addressing historical harms.

Readings

Background on Apologies

The Apology Initiative

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

Official 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> (view online)

Apologies and Reconciliation Ideas for Slavery / Mass Incarceration

Apologies, Reparations, and the Continuing Legacy

"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).

From Here to Equality

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).

Reparations for Mass Incarceration

Excerpt from *Stolen Wealth, Hidden Power*, Tasseli McKay, UC Press, 2022 (163-184).

Week 14 and 15

Presentations on Art and Research Projects

Finals Week

Due: Final Quiz

Due: Art Project

Due: Research Papers and Projects