

CRIMINAL JUSTICE SEMINAR: **Race, Reform, and Abolition**  
**Democracy after George Floyd**

BY ZOOM, WEDS 8:00 AM TO 9:50 AM

“In thinking specifically about the abolition of prisons, ...using the approach of abolition democracy, we would propose the creation of an array of social institutions that would begin to solve the problems that set people on the track to prison, thereby helping to render the prison obsolete.”

- Angela Davis, *Are Prisons Obsolete?* (2003)<sup>1</sup>

**Abolition Democracy Meets Criminal Justice Reform**

Energized by the voices of Black, Indigenous and People of Color activists, calls to “defund,” “shrink,” or even “abolish” the police and other institutions of the criminal legal system have become common in the mainstream media. This year’s version of the criminal justice reform course, dedicated to George Floyd, Breanna Taylor and all the victims of police and prison violence, seeks to investigate how this mobilization of what Professor Angela Davis called (following W. E. B. Du Bois) abolition democracy from the ground up, transforms the normally staid and top down process of criminal justice reform. Does abolition discourse force us to look at reform proposals differently? What role should data and social science evidence, so valued by the modern criminal justice reform community, play in navigating us toward abolition? These and other core issues around abolition democracy and traditional reform approaches will be our central focus. After an introduction

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<sup>1</sup> quoting from W.E.B. Dubois, *Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880* (1935)

to the main sources of abolition politics, we will turn to the core “technologies” and institutional innovations that have been presented by reformers over the past decade and consider how these look in light of the concerns and knowledges brought into the debate by abolition politics.

**Instructor:**

Professor Jonathan Simon

Office Hours via Zoom: Mondays 9-10 am; Thursdays 2-3 pm

**Texts-Readings**

All assigned materials will be provided via a link or pdf on the bcourse homepage under the appropriate week.

**Grading**

Students will receive a non-graded 20 percent credit for taking a lead role in shaping the class discussion on one of the topics in module 3 or 4 (you will be asked to volunteer in week 2 and if you are unable to attend the live zoom session for that discussion, we will find a way for you to help shape the discussion, e.g., by recording a short video). The remainder of your grade for the class will be based on a short research paper on one of the topics covered in modules 3 and 4 (or an alternative agreed to by the instructor). In order for this paper to satisfy the short paper version of the Berkeley Law writing requirement it must be 12-15 pages and receive comments on a rough draft. In order for me to make those comments, the rough draft will be due the last week of classes. I will distribute a rubric describing the criteria to be used in evaluating the paper shortly after the semester begins.

**Class Assignments & Student Participation**

Class preparation should take no more than four hours each week including the work toward preparing your paper. Most assignments will consist of a short introduction from me on video and links to one or more short readings, podcasts, or videos.

## **Modules (to be updated with specific assignments in December)**

### Module 1: Abolish What? What needs to be Abolished? What will be left?

**Week 1: Jan 20.** Where are we right now when it comes to the penal state? What do we want from the future?

**Week 2: Jan 27.** What is it that needs to be abolished? Four myths about punishment that doom reforms to be expansions

### Module 2: Reformers and Abolition Movements in the Contemporary US

**Week 3: Feb 3.** Reformers-What makes reformer discourses distinctive? What vision do they have of the kind of future they wish for criminal legal institutions?

**Week 4: Feb 10.** Incarcerated and Formerly Incarcerated Perspectives

**Week 5: Feb 17.** Black (Queer) Feminist Perspectives

**Week 6: Feb 24.** Disability Rights Perspectives/

**Week 7: March 3.** Queer Trans Perspectives

### Module 3: Technologies of Reformers

Reformers have often organized their proposals around new technologies that allegedly offer to achieve crime control goals without the harms of the current criminal justice practices.

**Week 8 March 10:** Algorithms-Across the criminal legal system many reformers advocate the use of data based prediction systems to both reduce the scale of enforcement and punishment and its racial disparity

(e.g. Proposition 25 which was defeated in November 2020). Critics worry that data from the criminal legal system will simply lock in the overly punitive practices of the past.

**Week 9: March 17.** Surveillance-Reformers frequently promote enhanced surveillance, whether through electronic monitors on people released from custody, or body-cameras on police officers. Critics worry that technology simply strengthens the power of the criminal legal system.

Week 10: SPRING BREAK

**Week 11: March 31.** Procedural Justice-Reformers advocate training police officers and other actors in the criminal legal system in methods of treating people with greater respect and deference to their dignity, arguing that by doing so people contacted by the criminal legal system will become increasingly likely to want to obey the law and trust law enforcement. Critics argue that structural racism in the criminal legal system cannot be easily dislodged with procedural justice only.

**Week 12: April 7.** Evidence Based Rehabilitation-Reformers argue that the key to reducing incarceration is to introduce more programming into imprisonment that has been tested as effective in reducing recidivism after release and giving imprisoned people incentives to engage them. Critics argue that rehabilitation models are uncertain and too readily accept the view that people currently imprisoned are dangerous unless changed.

#### Module 4: New Institutions

Over the last decade or so reformers inside the criminal legal system have attempted to launch new versions of old institutions as path to deeper reforms.

**Week 13: April 14.** Progressive Prosecutors and Public Defenders

**Week 14: April 21.** Drug, Mental Health and other “Problem Oriented  
Oriented Courts

**Week 15: April 28.** Restorative Justice

### Bibliography of Reform and Abolition Resources

Reformers:

Barkow, Rachel Elise. *Prisoners of Politics: Breaking the Cycle of Mass Incarceration*. Harvard University Press, 2019.

<https://www-degruyter-com.libproxy.berkeley.edu/hup/view/title/562106>

Justice, Health and Democracy, Edward J. Safra Center for Ethics, Harvard University

<https://ethics.harvard.edu/jhd-project>

Pfaff, John. *Locked in: The true causes of mass incarceration-and how to achieve real reform*. Basic Books, 2017.

Stevenson, Bryan. *Just Mercy: A Story of Justice and Redemption*. Spiegel & Grau, 2019.

[https://eds-a-ebshost-com.libproxy.berkeley.edu/eds/ebookviewer/ebook/\\_bmxlYmtfXzc4MzEyOF9fQU41?sid=5641873b-b609-4886-8b24-f6e7638b6d26@sessionmgr4007&vid=0&format=EK&rid=5](https://eds-a-ebshost-com.libproxy.berkeley.edu/eds/ebookviewer/ebook/_bmxlYmtfXzc4MzEyOF9fQU41?sid=5641873b-b609-4886-8b24-f6e7638b6d26@sessionmgr4007&vid=0&format=EK&rid=5)

The Square One Project: Reimagining Justice

<https://squareonejustice.org/>

Zimring, Franklin. *The Insidious Momentum of American Mass Incarceration*. Oxford University Press 2021.

[https://eds-a-ebscohost-com.libproxy.berkeley.edu/eds/ebookviewer/ebook/\\_bmxlYmtfXzI1NzYxMDhfX0F00?sid=fc8efe55-c318-4198-95b4-1070ad447dc8@sessionmgr4006&vid=0&format=EB&rid=1](https://eds-a-ebscohost-com.libproxy.berkeley.edu/eds/ebookviewer/ebook/_bmxlYmtfXzI1NzYxMDhfX0F00?sid=fc8efe55-c318-4198-95b4-1070ad447dc8@sessionmgr4006&vid=0&format=EB&rid=1)

*President's Task Force on 21st Century Policing*. (2015). Final report of the president's task force on 21st century policing.

[https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

The Growth of Incarceration in the United States: Exploring Causes and Consequences

<https://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>

Abolitionists:

ABOLITION FOR THE PEOPLE

<https://level.medium.com/abolition-for-the-people-397ef29e3ca5>

Ben-Moshe, Liat et. al. "Critical Theory, Queer Resistance and the Ends of Capture." in *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*, edited by Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman, 266-95. New York: Fordham University Press, 2015.

<https://ebookcentral-proquest-com.libproxy.berkeley.edu/lib/berkeley-ebooks/reader.action?docID=3239969&ppg=6>

Ben-Moshe, Liat. *Decarcerating Disability: Deinstitutionalization and Prison Abolition*. U of Minnesota Press, 2020.

<https://muse-jhu-edu.libproxy.berkeley.edu/book/75175/>

Black Lives Matter

<https://blacklivesmatter.com/>

Butler, Paul. *Chokehold: Policing black men*. The New Press, 2018.

<https://ebookcentral-proquest-com.libproxy.berkeley.edu/lib/berkeley-ebooks/detail.action?docID=5407544>

BYP100. <https://www.byp100.org/>

Critical Resistance. *On the Road With Abolition: Assessing Our Steps Along the Way*. <https://www.youtube.com/watch?v=GHdg4dqBMyk&feature=share>

Davis, Angela Y. *Are prisons obsolete?*. Seven Stories Press, 2011.

<https://ebookcentral-proquest-com.libproxy.berkeley.edu/lib/berkeley-ebooks/reader.action?docID=6078707>

Davis, Angela Y. *Abolition democracy: Beyond empire, prisons, and torture*. Seven Stories Press, 2011.

Du Bois, W. E. B. *Black Reconstruction in America: Toward a History of the Part of which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*. New Brunswick, NH: Transaction, 2012

Hart, Benji. "To Fight for Black Lives Is to Be Anti-Police." *Radical Faggot* (blog), July 21, 2016

<https://radfag.com/2016/07/21/to-fight-for-black-lives-is-to-be-anti-police/>

INCITE. Abolitionist Feminist Resources to Dismantle Policing.  
<https://incite-national.org/2020/06/11/abolitionist-feminist-resources-to-dismantle-policing/>

Kaba, Mariame. Everything Worthwhile Is Done With Other People  
<https://adimagazine.com/articles/mariame-kaba-everything-worthwhile-is-done-with-other-people/>

Karakatsanis, Alec. Usual cruelty: The complicity of lawyers in the criminal injustice system. The New Press, 2019.  
<https://ebookcentral-proquest-com.libproxy.berkeley.edu/lib/berkeley-ebooks/detail.action?docID=5651877>

Mathiesen, Thomas. *The politics of abolition*. New York: Wiley, 1974.

Mathiesen, Thomas. *The politics of abolition revisited*. Routledge, 2014.

McLeod, A.M., 2013. Confronting Criminal Law's Violence: The Possibilities of Unfinished Alternatives, 8 UNBOUND: Harv. J. Legal Left  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2385234](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2385234)

McLeod, Allegra M. "Prison abolition and grounded justice." *UCLA L. Rev.* Vol. 62 (2015): 1156-1239

Ransby, Barbara. *Making All Black Lives Matter: Reimagining Freedom for the 21st Century*. Berkeley, CA: University of California Press, 2018.  
[https://www-degruyter-com.libproxy.berkeley.edu/california/view/title/568603?tab\\_body=toc](https://www-degruyter-com.libproxy.berkeley.edu/california/view/title/568603?tab_body=toc)

Robinson, Cedric. "A Critique of W. E. B. Du Bois' Black Reconstruction." *Black Scholar* 8, no. 7 (May 1977)  
<https://www-jstor-org.libproxy.berkeley.edu/stable/pdf/41066170.pdf?refreqid=excelsior%3Ad27736982305aa9842b08b30ed44e799>



Schenwar, Maya, and Victoria Law. *Prison by any other name: The harmful consequences of popular reforms*. The New Press, 2020.

Stanley, Eric A. and Nat Smith. *Captive Genders: Trans Embodiment and the Prison Industrial Complex* Oakland, CA: AK, 2011  
<https://ebookcentral-proquest-com.libproxy.berkeley.edu/lib/berkeley-ebooks/detail.action?docID=4548733>

Stanley, Eric A., Dean Spade and Queer (In)justice, "Queering Prison Abolition Now," *American Quarterly*, Vol. 64 No. 1  
<https://muse-jhu-edu.libproxy.berkeley.edu/article/470204>

Taylor, Keeyanga-yamahtta. *We Should Still Defund the Police*  
<https://portside.org/2020-09-05/we-should-still-defund-police>

Vitale, Alex S. *The end of policing*. Verso Books, 2017.

Yarish, J.N., 2019. *Reconstructing Home: Abolition Democracy, the City, and Black Feminist Political Thought Revisited* (Doctoral dissertation, UC Santa Barbara).  
<https://escholarship.org/uc/item/8430z7x9>