FOREWORD

This first print issue of the Berkeley Journal of Criminal Law is triply welcome. It is welcome first of all because it will help to make the important work published by this journal more widely and more lastingly available. It is welcome second of all because it shows tangibly the strengthening commitment of students at Boalt Hall to produce criminal law scholarship that is both cutting-edge and of lasting significance. It is welcome third of all, and most importantly, because it coincides with and concretely symbolizes a broad and exciting reenergizing of criminal justice studies at Boalt.

The Berkeley campus of the University of California, and its law school in particular, have long and proud traditions of training leading criminal justice practitioners and reformers, and of nurturing world-class scholarship in criminal law, criminal procedure, the philosophy of punishment, the sociology of the criminal process, the racial and gender dimensions of criminal justice, and the empirical assessment of criminal justice policy. The Boalt faculty has long included many of the nation’s most esteemed scholars of criminal justice -- a roster that today includes Sandy Kadish, Malcolm Feeley, Frank Zimring, Jonathan Simon, Angela Harris, Christopher Kutz, Rob MacCoun, and Charles Weisselberg. The school boasts a nationally lionized death penalty clinic, staffed by Boalt students and led by two innovative lawyers and gifted teachers, Elisabeth Semel and Ty Alper. The Jurisprudence and Social Policy Program; the Center for the Study of Law and Society; the Kadish Center for Law, Morality, and Public Affairs; the Criminal Justice Studies Program of the Institute for Empirical Research; and more recently the Center for Social Justice have provided a rich network of institutional support for the lively and productive community of scholars, students, and practitioners drawn together at Boalt by a shared interest in criminal justice studies and a shared commitment to criminal justice reform.

But that is prologue. In the past two years Boalt has enriched its criminal justice faculty, hiring extraordinary young scholars like Erin Murphy and Melissa Murray. And the school is now launching an exciting and ambitious new research center, the Berkeley Center for Criminal Justice, in which this journal will play an important role.
Led by a superbly qualified executive director, David Onek, the Berkeley Center for Criminal Justice will build three kinds of connections: connections among faculty, connections between faculty and students, and connections between the law school and the public. As to the first, the Center will draw together scholars working on criminal justice issues at Boalt, across the campus, and around the globe, fostering collaboration, coordination, and the exchange of insights. As to the second, the Center will improve educational opportunities for Boalt students interested in criminal justice and facilitate their involvement in cutting-edge research and policy work. As to the third, the Center will raise the visibility of criminal justice work at Boalt, facilitate the dissemination of research results, bring together policymakers, activists, and scholars to foster dialog and to forge research-based strategies for improving criminal justice law and policy.

Crime, punishment, and policing are central problems and defining issues for any society, and they have been topics of especially intense public concern for the past four decades -- in California, across the nation, and around the globe. Like the Berkeley Journal of Criminal Law, the Berkeley Center for Criminal Justice will address issues of national and international concern, but will take a special interest in the California criminal justice system and in criminal justice issues of concern to California. In criminal justice, as in almost everything else, California often serves as a laboratory for the nation, confronting issues today that the country as a whole will be facing tomorrow. From police professionalism to “Three Strikes” legislation, California has frequently pioneered approaches to criminal justice that the rest of the country has wound up copying. Understanding criminal justice in California can thus help us improve criminal justice everywhere. Not just Californians but everyone has an interest in learning from the successes of California criminal justice, and from its failures.

Deciphering those lessons is, in the largest sense, the critically important mission both of the Berkeley Center for Criminal Justice and of this new incarnation of the Berkeley Journal of Criminal Law. And that, above all, is why I am so pleased to see this journal in print.

David A. Sklansky
Professor of Law