

TS 877/JD 827 - The Principles and Practices of Restorative Justice

**Boston University School of Law
Boston University School of Theology
Instructor: Tom Porter
Teaching Assistant: Tasi Perkins
Room #113 School of Theology
Spring 2010-- Tuesday 6:30 to 9:30**

I. Course Objectives

This course focuses on the fundamental principles and practices of restorative justice. The course explores the needs and roles of key stakeholders (victims, offenders, communities, justice systems), outlines the basic principles and values of restorative justice and introduces some of the primary models of practice. It also identifies challenges to restorative justice - the dangers, the pitfalls – as well as possible strategies to help prevent restorative justice from failing to live up to its promise. This is done in the context of secular and religious understandings of justice.

The course is organized around the issue of crime and harm within a western legal context. However, attention is given to applications and lessons from other contexts. Of particular interest is the contribution of traditional or indigenous approaches to justice as well as applications in post-conflict situations. Ultimately, the course explores restorative justice as a way of seeking justice in all contexts and as a way of life.

II. Course Procedure

This course is scheduled for three hours on each Tuesday of the spring semester from 6:30 to 9:30 p.m. (with a break after the first half of the period).

The class will include presentations from the instructors, class discussions of the assigned readings, conversations with victims, offenders and community members, and role plays of different practices. One of our classes will take place at a prison.

III. Requirements and Grading

A primary responsibility in this class is active weekly participation. Students are expected to do the required reading and to participate in class. Occasional oral assignments will be made based on class readings. In addition, participants are asked to prepare three (3) brief papers for this class.

1. A weekly one page critical and self-reflective paper on the readings for the week due by Monday evening before the class on Tuesday.
2. Paper (5 pp. double-spaced with endnotes as appropriate) This paper will deal the
3. Principles of Restorative Justice. The paper should draw primarily on course readings, as defined in the required reading lists, class room discussions and your experience: How, from your own experience, do the **principles** of restorative justice respond to your experiences of harm and offense? How does it satisfy the needs for justice of victims, offenders and communities? (*Due: Friday, February 19*)
4. Paper (5 pp. double-spaced with endnotes as appropriate) This paper, based on the readings, class room discussion and your own experience, will be your own critical assessment of restorative justice **practices** as compared with the adversarial retributive practices of the courtroom. (*Due: Friday, March 26*)
5. Final “Integrative ” Paper (10 pp. double-spaced with endnotes as appropriate). What do you see as the future for restorative justice in our social order and in our legal system? What are the critical issues for you with restorative justice principles and practice? How does a religious understanding of justice (from any tradition) address some of these critical issues? What suggestions do you have for addressing these issues and integrating restorative justice principles and practices into our social order? This paper should thoughtfully engage course materials, class room discussion and your experience (*Due: Friday, April 16*)

Grading

Class Participation and weekly reflection papers (20%)

Two “Secondary” Papers (20% each or 40%)

Final Paper (40%)

IV. Course Schedule

1/19 - Class One Introduction and Overview

- Introductions
- Overview of Class
- Overview of Restorative Justice
- Restorative Justice and Understandings of Justice in Religious Communities and Texts

Required Reading (c. 65 pp.):

Zehr, “Restorative Justice: The Concept—Movement Sweeping Criminal Justice Field Focuses on Harm and Responsibility” article—five pages (on website)

Zehr, *Little Book of Restorative Justice*, pp.3-63. (on website)

A. Justice: the Needs of Victims, Offenders and Communities

1/26—Class Two What does justice require for victims, those harmed by crime?

- Experience of Harm and Trauma
- Needs of Victims
- Response of Retributive Justice and Restorative Justice
- Conversation with a Person who Was Harmed by a Crime

Required Reading (64 pp.)

Johnstone, *Restorative Justice: Issues, Values, Debates*, pp. 62-86.
Zehr and Toews, *Critical Issues in Restorative Justice*, pp. 65-105.

2/2 - Class Three What does justice require for/from offenders?

- The Needs of Offenders
- The Journey of Real Accountability and the Problem of Punishment
- Response of Retributive Justice and Restorative Justice
- Conversation with an Offender

Required Reading (85 pp.)

Johnstone, *Restorative Justice*, pp. 87-135.
Zehr and Toews, *Critical Issues in Restorative Justice*, pp. 107-154.

2/9 - Class Four What does justice require for/from communities?

- Needs of Communities
- Addressing Systemic and Structural Injustice
- Response of Retributive Justice and Restorative Justice
- Conversation with Community Members

Required Reading (103 pp.)

Johnstone, *Restorative Justice*, pp. 136-160
Zehr and Toews, *Critical Issues in Restorative Justice*, pp 155-236,

2/16 - Class Five What is the Role of Punishment and Prison

- A trip to prison—the class will meet at one of our prisons with conversation with staff and inmates
- Understanding the issues with the punishment system

Required Reading (100 pp.)

Cayley, *The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives*, 1-42, 73-86, 89-121, 151-164

2/23- Class Six What does justice require? Retributive and/or Restorative Justice

- The Principles of Retributive Justice
- The Principles of Restorative Justice
- Critical Issues
- Retributive and Restorative Justice: Our Experience and Response—Sharing of Papers

Required Reading (114pp.)

Johnstone, *Restorative Justice*, pp.1-60, 161-171.

Zehr and Toews, *Critical Issues in Restorative Justice*, 1-57.

B. The Practices of Restorative Justice

3/2 - Class Seven Restorative Justice and Victim Offender Conferencing

- History and Overview
- The Process
- The Experience—Role play

Required Reading (117 pp.)

Umbreit et al, “Victim-Offender Mediation: Three Decades of Practice”, pp. 279-299 (on website)

Zehr and Toews, *Critical Issues in Restorative Justice*, pp. 239-359

See: www.voma.org - Victim Offender Mediation Association (VOMA), an international membership association, supports and assists people and communities working at restorative models of justice. VOMA provides resources, training, and technical assistance in victim-offender mediation, conferencing, circles, and related restorative justice practices.

School vacation

3/16 - Class Eight Family Group Conferences

- History and Overview
- The Process
- The Experience—A Video

Required Reading (64 pp.)

MacRae & Zehr, *The Little Book of Family Group Conferencing, New Zealand Style*, pp, 1-64

3/23 - Class Nine **Circle Processes**

- History and Overview
- The Process
- The Experience—A Role Play

Required Reading (114 pp.)

Boyes-Watson, *Roca Circles*, pp. 1- 40.(on website)

Boyes-Watson, *Circle of Accountability*, 1-5 (on website)

Pranis, *The Little Book of Circle Process*, 1-69

3/30 - Class Ten **Restorative Justice in Severe Violence; Restorative Justice and Large-Scale Wrongdoing: TRC, etc.**

- The Application of Restorative Justice to Cases of Severe Violence
- Truth Commissions: A Study of the Truth and Reconciliation Committee in South Africa
- Truth, Justice and Reconciliation

Required Reading (147 pp.)

Minnow, *Between Vengeance and Forgiveness* 1-147

C. Restorative Justice: Religion & Public Theology

4/6 - Class Eleven **Indigenous Traditions**

- **History and Overview**
- **First Nation Principles**
- **First Nation Practices**

Required Readings (95 pp.):

Ross, *Returning to the Teachings*, pp. 5-75; 173-198 (on website)

4/13 - Class Twelve **Restorative Justice and Justice in Religious Traditions**

- Restorative Justice in the Hebrew Bible, New Testament and Koran
- Reflections on Our Own Traditions

Required Reading (104pp.)

Zehr and Toews, *Critical Issues in Restorative Justice* 361-373
 Heschel, *The Prophets*, Chapter 11 195-220 (on website)
 Zehr, *Changing Lenses*, pp. 126-157 (on website)
 Hadley, *Spiritual Roots of Restorative Justice*, 161-197 (on website)

4/20 - Class Thirteen Restorative Justice and the Social Order

- What is the future of Restorative Justice in our Social Order?
- Reflections by Students

Required Reading (95pp.)

De Gruchy, *Reconciliation, Restoring Justice*, 147-213 (on website)
 Zehr and Toews, *Critical Issues in Restorative Justice*, 375-404.

V. Required Readings

The following reading is required (those pages listed in the class descriptions above) of those taking the class for academic credit and recommended for non-credit participants as well. All will be placed on reserve. Some will be found on Blackboard. The ones marked with a * should be considered for purchase.

*Cayley, David. *The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives* (Toronto: House Of Anansi, 1998).

De Gruchy, John W. *Reconciliation: Restoring Justice* (Minneapolis: Augsburg Fortress Publishers, 2003)

Hadley, Michael, editor, *The Spiritual Roots of Restorative Justice* (Albany: State University of New York Press, 2001)

*Johnstone, Gerry. *Restorative Justice: Ideas, values, Debates* (Devon: Willam Publishing, 2002).

*MacRae, Allan & Howard Zehr, *The Little Book of Family Group Conferencing, New Zealand Style* (Intercourse, PA.: Good Books, 2004).

*Minow, Martha, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston: Beacon Press, 1998)

*Pranis, Kay, *The Little Book of Circle Process*, (Intercourse, PA: Good Books, 2005).

Ross, Rupert. *Returning to the Teachings: Exploring Aboriginal Justice* (New York: Penguin Books, 1996).

Zehr, Howard. *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 1990). Third Edition

*Zehr, Howard. *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).

*Zehr, Howard and Toews, Barb, editors, *Critical Issues in Restorative Justice* (Monsey, New York: Criminal Justice Press, 2004)