

MEMO

TO: Participants in **Restorative Justice: The Promise, The Challenge** SPI 2008

FROM: Howard Zehr and Lorraine Stutzman Amstutz, instructors

DATE: 26 February, 2009

RE: Course preparation and assignments

Welcome to SPI! We know it seems like a long way off, but it is time to begin getting ready.

These concentrated courses are intense, allowing very limited time for reading during the course itself. Yet the class is richer if we begin with some common background.

For this reason, we are asking you to do the following:

- If you have web access, *please read* some of the introductory material, especially the tutorial and one of the slide shows, on the following website:
<http://www.restorativejustice.org>.
- If you can get a copy of some of the texts ahead of time, we would highly recommend that you begin reading (especially *Changing Lenses* or *The Little Book of Restorative Justice*).

Finally, we would ask that you think about some of the “hot issues” or theories about crime and justice that are on people’s minds in the community from which you come. What are the current issues and concerns in your community? These perspectives will help to enrich our discussions.

We are looking forward to the course and trust that you are as well. If you have questions about the content or requirements before you arrive, feel free to contact Howard at zehrh@emu.edu.

See you soon!

Eastern Mennonite University / Center for Justice & Peacebuilding
Summer Peacebuilding Institute
Restorative Justice: The Promise, The Challenge
Session II: May 14-22, 2009

Syllabus as of February 27, 2009

Instructors

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Course Description

This course will provide a critical introduction to 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 addresses challenges to restorative justice - the dangers, the pitfalls – as well as possible strategies to help prevent restorative justice from failing to live to its promise.

As a case study, the course is organized around the issue of crime 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.

The course is offered either for training or for 3 hours of graduate academic credit.

Course Objectives

This course is intended to provide critical awareness of the prevailing practice and philosophy of justice including

- the experiences and needs of victims, offenders and communities
- restorative justice principles and practices
- possible “new” applications
- potential problems and pitfalls in the field.

Course Dates and Location

The course will be conducted as part of the Summer Peacebuilding Institute (SPI) of the Conflict Transformation Program, Eastern Mennonite University, Harrisonburg, Virginia. It will start on “Thursday, May 14 and end on Friday, May 2. Classes will be held between 8:30 a.m. and 5:00 p.m. with a two-hour break for lunch (final times to be negotiated); there are no classes on the weekend. In addition, there will be one evening session for students taking the class for academic credit.

Core Texts and Discretionary Reading

The following reading is highly recommended for all participants and required of those taking the class for academic credit. The more reading that can be done before and during the course, the more informed the discussion will be. *Non-credit participants are especially encouraged to read Changing Lenses.* (Additional reading is required for credit as outlined below.)

Core texts

- Pre-class readings: please read some of the introductory material, especially the tutorial and one of the slide shows (in English, Spanish or French) on the following website: <http://www.restorativejustice.org>.
- Howard Zehr, **Changing Lenses: A New Focus for Crime and Justice** (Herald Press) (270pp) Third edition preferred but not essential.
- Rupert Ross, **Returning to the Teachings: Exploring Aboriginal Justice** (Penguin Canada) (270pp)
- Gerry Johnstone. **Restorative Justice: Ideas, Values, Debates** (Willan Publishing, UK) (pp. 170)
- Howard Zehr, **The Little Book of Restorative Justice** (Good Books) (70pp)
- Alan MacRae and Howard Zehr, **The Little Book of Family Group Conferencing** (Good Books) (70pp)
- Kay Pranis, **The Little Book of Circle Processes** (Good Books) (70pp)

Suggested discretionary texts on restorative justice (see requirements below)

- Lorraine Stutzman Amstutz and Howard Zehr, **Victim Offender Conferencing in Pennsylvania's Juvenile Justice System** (165pp+)
- David Cayley, **The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives**. [In addition to a critique of the justice system, it introduces a variety of restorative justice cases and models. Required for the semester-long version of this course, it is much appreciated by most students.]
- Gerry Johnstone, **A Restorative Justice Reader** [Excellent collection of key texts].
- Howard Zehr and Barb Toews, **Critical Issues in Restorative Justice** [International anthology on problems and challenges in the field.]
- Jessie Sutherland, "Colonialism, Crime, and Dispute Resolution: A Critical Analysis of Canada's Aboriginal Justice Strategy". (www.mediate.com/pfriendly.cfm?id=1154)
- Ada Pecos Melton, "Indigenous Justice Systems and Tribal Society." (www.tribal-institute.org/articles/melton1.htm)
- Martha Minow, **Between Vengeance and Forgiveness** [Justice options after mass wrongdoing].
- Michael Hadley (ed), **The Spiritual Roots of Restorative Justice** [The bases for RJ in many world religions.]
- Dan Van Ness and Karen Strong, **Restoring Justice** 3rd Ed. [Overview and application issues in restorative justice.]
- Wanda McCaslin, (ed.). **Justice as Healing: Indigenous Ways, Writings on Community Peacemaking and Restorative Justice from the Native Law Centre.**

Course Requirements and deadlines (for graduate credit)

The following are the general outlines of requirements for those taking the class for graduate credit. Others are encouraged to read as much as possible, however, in order to receive maximum benefit from the course.

- **Required reading.** *Core texts plus 500 pages* of discretionary reading. We recommend that you choose at least some of this reading from the **discretionary reading** suggestions above but other selections from the course bibliographies are also acceptable. If you do research for your course project, this reading may be included but do write a summary/reflection as noted below. (1500 pages total).
- **Written reflections** (1-2 pages each) for *each reading selection*, including the core texts/readings but not the pre-readings: (preferably **1 core text/reading paper submitted at end of SPI**). (120 points total)
- Brief (1-2 page) written report on individual restorative justice **explanation/interview** (30 points).
- Restorative justice **audit project** (3 options) (**If possible, one-page project proposal submitted at end of SPI**). (120 points)

Evaluation (for graduate credit)

In general, we expect you to *follow the guidelines* of the assignment and to discuss deviations from them with me before turning it in. In evaluating your work, *quality* is more important than quantity. We appreciate creativity, clear expression of ideas, evidence of engagement with the reading and class sessions, and projects that are of real interest and value to you.

Please read carefully the attached supplement that describes writing standards, documentation requirements, the CJP grading system and the guidelines for course extensions.

Assignment Guidelines (for graduate credit) **Read carefully**

Reading reflections:

In addition to the assigned core texts, you need to read at least *500 pages* from other sources in areas related to restorative justice; a minimum of 1500 pages, including core texts, is the minimum required for a graduate course. We suggest that you choose in part from the *discretionary readings*. However, follow your interests and needs in making the selections. You may choose material from the bibliographies for this course. Other selections are possible as long as you demonstrate their relevance in your reflection. For example, since the reading list reflects a North American bias, if you are not from here you may want to choose part of your reading from your own country and tradition. If you do not have a justice background, you may find that you want to part of your reading in criminal justice, law, criminology etc. to help put restorative

justice into context. Howard Zehr's office files (section 1.13) contain a unique collection of unpublished papers related to restorative justice that may also be used.

You should write a reflection for each separate reading, including the core texts but not the pre-class reading (one reflection may be submitted for a book of monographs or essays). These reflection papers should be brief (1-2 pages) and should contain these two elements: 1. A discussion of what this piece has contributed to your understanding of restorative justice and 2. A notation of the total pages of reading covered by that paper.

120 points total. *One of the core text summary/reviews should preferably be submitted at the end of SPI.*

Explanation assignment

To someone who is not in this class and does not have a background in restorative justice, describe restorative justice in your own words and solicit their feedback and questions. In a brief paper (2-4 pages), summarize this experience, their reactions, and what if anything you learned about restorative justice and how to present it. (30 pts)

Course Project:

For this project, you may choose one of the *project options* described below. Normally these will be presented in written form using APA format for academic papers including footnotes and bibliography. (See CJP guidelines) Under some circumstances, the project might be in a different medium – e.g. video – but please check with instructors about this. Length: 12-15 pages. 120 points total.

Project Option 1: Audit

Evaluate an actual justice or justice-related program from a restorative framework. Briefly describe the program or approach, then assess ways that it does and does not measure up to a restorative justice “yardstick.” Does it reinforce punishment or restorative values? Suggest ways it does and does not point in a restorative direction and how it could become, or be part of, a more restorative approach.

You are not expected to do a study of how well the program is doing in actual fact although if you have information about this, it is of course relevant. Rather, you should look at how the program is conceived and designed, then do an “audit” in which you measure it against restorative justice principles.

To do this, you will need to develop, *adopt and/or adapt a restorative justice “yardstick”* consisting of no less than 4 and up to 12 criteria; this will serve as guidelines in evaluating the approach or program you have selected.

Examples of possible topics include a school or church disciplinary procedure, a post-conflict justice approach such as a truth commission, a specific restorative justice program, a traditional approach to justice.

Project Option 2: Program or case design

Design a restorative justice application for your own community drawing upon the needs and realities of your own community, restorative justice values, and the approaches you have learned in this course. You may take one of the following approaches:

- Design a new program for your community.
- Design a process for a specific case within your community, assuming you have an actual case study to work with.
- Prepare plans to modify an existing program in your community based on what you have learned. As part of this plan, describe what your program is already doing, reflect on it on the basis of what you have learned in the course, and suggest ways to incorporate what you have learned.

Be as specific as possible. Think about the actual needs and resources in your community, the politics in your community, the people who will be “key actors” in any attempt to implement a program, etc. To do this, you will need to develop, adopt and/or adapt a restorative justice “yardstick” consisting of no less than 4 and up to 12 criteria; this will serve as guidelines in shaping your approach.

The outline and issues in the *Victim Offender Conferencing in Pennsylvania’s Juvenile Justice System* and *Restorative Justice: A Vision for Healing and Change* will help you think about the issues that need to be addressed in designing your approach project. The former was designed for communities in Pennsylvania who are thinking of starting programs based on the Victim Offender Conferencing model, so you should take it as a starting point only. Also, you do not need to address all points in elaborate detail. Include some discussion of what you see to be the main points of resistance and problem areas in designing and implementing your plan and what strategies you would propose to address these.

Project Option 3: Assessment of “restorative justice” terminology.

The term “restorative justice” is being used for many applications and by many organizations. To what extent is this usage consistent with the principles of restorative justice? For example, a victim recently contacted us to say that after she had seen restorative justice on television, she had done an extensive review of restorative justice on the internet and concluded that it was all about offenders and little about victims. Is this true? In what other areas might the term be abused or misused?

To do this, you will need to identify what principles or “yardstick” of restorative justice you will use (see Project 1 above), the search the web and evaluate the usages that you find.

Project Option 4: Topic of your choice

To best fit your own program needs, you may wish to write a paper exploring a particular topic of your choice within the restorative justice field. *Please discuss your topic with Howard before proceeding with this option.*