

Hamline University School of Law ♦ Dispute Resolution Institute



Innovative Programs at home & abroad

A Select Annotated Bibliography on Restorative Justice, Mediation & the Practice of Law

This bibliography is a work in progress. It was last updated in August of 2007.¹ Items owned by Hamline University Law Library are indicated by an asterisk (*) at the end of the entry. Suggestions for additions to this select bibliography are invited and should be sent to hvogel@hamline.edu.

RESTORATIVE JUSTICE – UNDERLYING PRINCIPLES

Books:

1. Annalise Acorn, *COMPULSORY COMPASSION: A CRITIQUE OF RESTORATIVE JUSTICE* (2004). This book offers a critical examination of the restorative justice movement. The authors questions whether the legal system can trust the contrite actions of a wrongdoer, whether true healing does exist in the process, and whether true reconciliation or accountability are met with restorative justice methods.
2. John Braithwaite, *CRIME, SHAME AND REINTEGRATION* (Cambridge University Press 1989). This book asserts that the key to some societies' lower crime rates is the level of personal responsibility and the introduction of shame on those individuals who act outside of the social norm.*

¹ The August 2007 update was performed by Nathan P. Hansen and Elvira Embser-Herbert, Research Assistants for Hamline University Law Library under the supervision of Barbara Kallusky, J.D., Faculty Services Librarian. The August 2007 update included, for the first time, brief annotations for each entry. This bibliography was originally prepared in 2003 by Penelope Harley, Post-Graduate Fellow, Dispute Resolution Institute, Hamline University School of Law and Howard J. Vogel, Professor of Law, Hamline University School of Law, for the Biennial Symposium On Advanced Issues in Dispute Resolution sponsored by the Dispute Resolution Institute of Hamline University School of Law entitled *MOVING TO THE NEXT LEVEL: Intentional Conversations About Restorative Justice, Mediation, and the Practice of Law*, held at Hamline University, St. Paul, Minnesota, on November 1 and 2, 2003. Rather than attempting to compile a comprehensive catalogue of resources, the original bibliography was intentionally tied to the anticipated themes of the symposium, in the hope that it would be helpful to all those participating in the symposium. An annotated abridged copy of the transcript of the proceedings of the Symposium is published: James Coben & Penelope Harley, *Intentional Conversations About Restorative Justice, Mediation and the Practice of Law*, 25 HAMLINE J. PUB. L. & POL'Y 235 (2004).

www.hamline.edu/law/adr/symposium/Coben_Harley.pdf

Prior to the most recent update, this bibliography was updated in 2005 by Professor Vogel.

3. John Braithwaite, *RESTORATIVE JUSTICE AND RESPONSIVE REGULATION* (Cambridge University Press 2001). The author presents significant evidence that well-designed restorative justice programs provide better opportunities for individual and community growth than traditional criminal justice systems. Through comparing the restorative justice system to societies with stronger and more established community standards, Mr. Braithwaite argues that the restorative justice system can actually be a stronger deterrent than the traditional American legal system.*
4. Denise Breton & Stephen Lehman, *THE MYSTIC HEART OF JUSTICE: RESTORING WHOLENESS IN A BROKEN WORLD* (Chrysalis Books 2001). The authors argue that the “reward-and-punishment system” that exists within the American society from childhood to the justice system dehumanizes the causes and effects of wrongdoing. The book argues that societies should utilize a system that better responds to the individual needs of each party to a legal or social proceeding.*
5. Robin Casarjian, *HOUSES OF HEALING: A PRISONER’S GUIDE TO INNER POWER AND FREEDOM* (The Lionheart Foundation 1995). This book is written for prisoners to use individually as a self-help resource or as a guide for facilitators leading small groups. The “emotional literacy” program set forth in this book was developed over an eight-year period and is designed to assist prisoners confront their criminal and addictive behavior and deal constructively with conflict and hostility.
6. Erik Claes, Rene Foque, & Tony Peters eds., *PUNISHMENT, RESTORATIVE JUSTICE AND THE MORALITY OF LAW* (2005). Proceedings of the 10th Aquinas Conference, held at the Catholic University of Leuven on 2-3 May 2003. These collected papers question the legitimacy both of restorative justice practices and of the prevailing penal system. Central to the discussion is whether the practice of any punishment can be compatible with a democratic constitutional state.*
7. Nancy Amoury Combs, *GUILTY PLEAS IN INTERNATIONAL CRIMINAL LAW: CONSTRUCTING A RESTORATIVE JUSTICE APPROACH* (2007). This book shows how restorative justice principles can be used to construct a model guilty plea system for international crimes such as genocide and crimes against humanity. The thesis that the practice is justified because it increases the proportion of international offenders who can be prosecuted is supported with examples from Sierra Leone, East Timor, Cambodia, Argentina, Bosnia, and Rwanda.*
8. David J. Cornwell, *CRIMINAL PUNISHMENT AND RESTORATIVE JUSTICE: PAST, PRESENT AND FUTURE PERSPECTIVES* (2005). This book addresses the suitability of punishment in restorative justice. Justifications for punishment are considered as are retribution, deterrence, and rehabilitation. In addition, advocates from New Zealand, the Netherlands, and Canada provide commentary on the potential for restorative justice with reference to its use within their legal systems.
9. Wesley Cragg, *THE PRACTICE OF PUNISHMENT: TOWARD A THEORY OF RESTORATIVE JUSTICE* (Routledge 1992). This book examines traditional forms of punishment to question the “serious vacuum” between sentencing theory and practice. Pulling from his

twenty-five years as a volunteer with the John Howard Society, a Canadian organization which assists people in conflict with the law, the author considers the value of rehabilitation against the decreasing effectiveness of punishment as a deterrent.*

10. John W. de Gruchy, *RECONCILIATION: RESTORING JUSTICE* (Fortress Press 2002). This book addresses the concept of reconciliation within theological, political, and social contexts. The author addresses the development and ecclesiastic practice of reconciliation within Christian theologies and expands the discussing to Islam and Judaism by considering the role of agency within reconciliation. The author uses the South African Truth and Reconciliation Commission as a case study for the matters examined.
11. Amitai Etzioni, *CIVIC REPENTANCE*, (Rowman & Littlefield 1999). This collection of essays addresses the concept of civic repentance present in religious traditions but lacking in civic culture. The concept of civic repentance, according to the editor, has three key elements: true remorse, punishment, and prevention of future offense. These essays offer suggestion on how to remedy this lack of civic repentance and its consequences.
12. Michael L. Hadley, ed., *THE SPIRITUAL ROOTS OF RESTORATIVE JUSTICE* (SUNY Press 2001). This collection of papers examines the philosophical and religious underpinnings of restorative justice. Stemming from an international interdisciplinary research project, this collection explores the diversity of faith-based perspectives on crime and punishment in relation to restorative justice. Christianity, Islam, and Judaism are considered as well as, Buddhism, Chinese philosophy and religion, Hinduism, and Sikhism.*
13. Mary Evelyn Jegen, *JUST PEACEMAKERS: AN INTRODUCTION TO PEACE AND JUSTICE* (2006). This book provides a methodology for ameliorating social problems such as hunger and violence through individual action within the Christian tradition. It is designed for personal study or for use by groups.
14. Gerry Johnstone, *RESTORATIVE JUSTICE: IDEAS, PRACTICES & DEBATES* (Willan Pub. 2001). This book provides an introduction to restorative justice and the debate that surrounds it. The author asserts that restorative justice represents a major paradigm shift with the potential to profoundly change the role of the criminal justice system within society.
15. Gerry Johnstone, *A RESTORATIVE JUSTICE READER: TEXTS, SOURCES, CONTEXT* (Willan Pub. 2003). This book brings together influential contributions to the restorative justice literature. Writings from proponents and critics are included, as well as works which are not specific to restorative justice, yet, aid the readers' understanding of it. The concept of restorative justice is traced to its historical roots in anthropology and theology and the goals of restorative justice (i.e., preventing crime and restoring both the victim and offender) are thoroughly discussed.*
16. H. J. Kerner & Elmar Weitekamp, eds., *RESTORATIVE JUSTICE: THEORETICAL FOUNDATIONS* (Willan Pub. 2002). This compilation of papers from the fourth international restorative justice conference, held at the University of Tübingen in 2000 provides a thorough review of the theoretical foundations of restorative justice.*

17. Christopher D. Marshall, *BEYOND RETRIBUTION: A NEW TESTAMENT VISION FOR JUSTICE, CRIME, AND PUNISHMENT* (Wm. B. Eerdmanns Pub. Co. 2001). This book examines common assumptions about punishment by examining New Testament teachings. It is one volume in a series entitled "Studies in Peace and Scripture," a project sponsored by the Institute of Mennonite Studies.*
18. Rhea Miller, *CLOUDHAND CLENCHED FIST: CHAOS, CRISIS, AND THE EMERGENCE OF COMMUNITY* (LuraMedia 1996). This book encourages the reader to find a new idea of community through the "creativity of chaos." The author proposes a cooperative, rather than competitive, worldview and draws from her experiences as a priest and as an activist.
19. Daniel Philpott, ed., *THE POLITICS OF PAST EVIL: RELIGION, RECONCILIATION, AND THE DILEMMAS OF TRANSITIONAL JUSTICE* (2006). This collection of essays considers political questions about reconciliation from a Christian theological standpoint. Complex accounts of societies transitioning into democracy are considered and the contributors advocate a role for Christian theology in such political reconciliation.
20. Peter Sasso-Lundin, *RESTORATIVE JUSTICE: IMPACT, PERCEPTION, AND STUDENT SUCCESS* (Thesis (M.A.) Hamline University 2005). This thesis written for completion of the Masters of Arts in Education program at Hamline University investigates the principles of restorative justice within an alternative education environment. The author, a teacher with experience in traditional and alternative schools gathered information through student interviews to answer the question, "What is the impact of combining restorative justice and traditional forms of discipline to help alternative education students develop an increased sense of connectedness in the school?" *
21. Richard T. Snyder, *THE PROTESTANT ETHIC AND THE SPIRIT OF PUNISHMENT* (Wm. B. Eerdmanns Pub. Co. 2001). This book advocates for a restorative approach, rather than punishment, within the American criminal justice system. The author incorporates examples of modern alternatives, such as the South African Truth and Reconciliation Commission, Native American legal practices, and the New Zealand Youth Court into his argument for this transformation.
22. Heather Strang & John Braithwaite, eds., *RESTORATIVE JUSTICE & CIVIL SOCIETY* (Oxford University Press 2001). This collaborative work addresses the growth of the restorative justice movement from a range of perspectives. The relationship between restorative justice and civil society, particularly in regard to authority over restorative justice is considered.
23. Heather Strang & John Braithwaite, eds., *RESTORATIVE JUSTICE: PHILOSOPHY TO PRACTICE* (Ashgate Publ, Ltd. 2000). This collection of papers comes from the Restorative Justice Group of the Research School of Social Sciences at Australian National University's 1999 conference. The papers collectively explore the interaction between restorative justice theory and its application.*

24. Dennis Sullivan & Larry Tifft, *RESTORATIVE JUSTICE: HEALING THE FOUNDATIONS OF OUR EVERYDAY LIVES* (Willow Tree Press 2001). This book advocates a need-based concept of justice and offers restorative justice as an approach to transform families, communities, schools and workplaces.
25. Daniel W. Van Ness, *CRIME AND ITS VICTIMS: WHAT WE CAN DO* (InterVarsity Press 1986). This book asserts that the criminal justice system is divorced from the needs of the people involved. The author describes how the present system evolved and draws from his own legal career, to offer practical advice on prevention, punishment and public policy reform.
26. Daniel W. Van Ness & Karen Heetderks Strong, *RESTORING JUSTICE: AN INTRODUCTION TO RESTORATIVE JUSTICE*. (LexisNexis/Anderson Pub. Co. 2006). Now in its third edition, this book provides an introduction to the theory and practices of restorative justice with attention paid to defining the concepts, examining the history, and exploring the challenges of making restorative justice happen.
27. Howard Zehr, *CHANGING LENSES: A NEW FOCUS FOR CRIME AND JUSTICE* (Herald Press 2005). This book, now in its third edition, challenges societal assumptions about crime and justice and their resulting practices in the criminal justice system. Calling the current approach “retributive” the author considers historical, biblical, and practical alternatives to propose a restorative model to which could better address the needs of victims and offenders. The text of the main body of the book is unchanged from the first edition issued in 1990. The 2005 Afterword by the author, however, offers important modifications to his views in the main text, such as moving away from the view that retributive and restorative approaches to justice are entirely mutually exclusive and contradictory.*
28. Howard Zehr, *THE LITTLE BOOK OF RESTORATIVE JUSTICE* (Good Books 2002). This book asks what is required for justice to be achieved and how a society should respond to wrongdoing. The author proposes, in answer to these questions, an approach for making restorative justice both possible and useful by collectively identifying and addressing the needs of those with a stake in the offense.*
29. Howard Zehr & Barb Toews, *CRITICAL ISSUES IN RESTORATIVE JUSTICE* (Criminal Justice Press/Willan Publ’g 2004). The chapters in this book identify and address the key threats to the “soul” of the emerging restorative justice movement as it moves beyond the criminal justice system and into the workplace, schools, and homes.*

Articles:

30. Andrew Ashworth, *Some Doubts About Restorative Justice*, 4 CRIM. L. F. 2777 (1993). This article takes a critical approach to restorative justice in general and Daniel Van Ness’s article “New Wine and Old Wineskins: Four Challenges of Restorative Justice” (see below) in particular. The author concludes that greater attention must be given to distinguishing the aims of the criminal justice system from the aims of the sentencing and asserts that

seeking better services and compensation for crime victims is compatible with a desert-based sentencing system.

31. John Braithwaite, *Restorative Justice: Assessing Optimistic and Pessimistic Accounts*, 25 CRIME & JUST. 1 (1999). This essay sets forth some of the history of restorative justice and how it has been utilized throughout the world in order to compare the history of the author's use of restorative justice in business. The author also discusses what he calls the Optimistic Account and the Pessimistic Account of restorative justice and their particular uses. The essay ends with a call to further recognize, research, and debate the role of restorative justice and its usefulness in numerous areas.
32. Conrad G. Brunk, *Restorative Justice and the Philosophical Theories of Criminal Punishment* in THE SPIRITUAL ROOTS OF RESTORATIVE JUSTICE (Michael L. Hadley, ed., 2001). The article compares restorative justice with the retributive, utilitarian deterrence, rehabilitation, and restitution approaches and argues that restorative justice provides a "more satisfying answer" to the questions traditionally underlying the criminal justice system.*
33. Darrol Busler, *Are 98.6 Degrees Enough?: Reflections on Restorative Justice Training and Credentialing*, 25 HAMLINE J. PUB. L. & POL'Y 335 (2004). This comment offers thoughts and comments on the 2003 Hamline University Dispute Resolution Institution Symposium, particularly to offer questions for consideration with the aim of promoting the usefulness of restorative practice. The author focuses particularly on the ability of individuals to effectively utilize restorative practices without fully understanding the context in which many restorative practices developed. This comment asserts that credentialing and promotion of past experiences may have some usefulness in developing sustainable practices in the restorative field.
34. Zvi D. Gabbay, *Justifying Restorative Justice: A Theoretical Justification for the Use of Restorative Justice Practices*, 2005 J. DISP. RESOL. 349 (2005). The author notes that questions persist as to whether using restorative justice in criminal law settings is justified in comparison with traditional theories of punishment. This comment analyzes two main theories of punishment, retributivism and utilitarianism, to the basic values that structure the restorative justice model. The author also addresses the criticism that restorative justice practices results in vastly different punishments to equally culpable offenders. The comment concludes in suggesting that restorative justice practices improve and promote society's response to crime while still satisfying the traditional theories of punishment.
35. Eleanor Judah & Michael Bryant, *Rethinking Criminal Justice: Retribution v. Restoration?*, 23 SOCIAL THOUGHT: JOURNAL OF RELIGION & SPIRITUALITY IN SOCIAL WORK (special edition, forthcoming)
36. Carrie Menkel-Meadow, *Restorative Justice: What is it and Does it Work?*, 3 ANN. REV. LAW & SOC. SCI. 10.1 (2007). This article reviews the literature in which restorative justice is theorized and practiced: criminal violations, community disputes, civil wars, regime change, human rights violations, and international law. It looks at the limitations and

achievements of Restorative Justice with an eye toward understanding it. Ms. Menkel-Meadow explores the foundational concepts of Restorative Justice and suggests that there are important questions about whether it should be a supplement or substitute for conventional legal processes.

37. Patrick J. Smith, *A Method for the Madness: Restorative Justice as a Valid Mode of Punishment and an Advancement of Catholic Social Thought*, (2005). This article tracks the history of theories of punishment and the goals that punishment has played in our society. The author introduces restorative justice as an alternative to the historical methods of punishment and shows its relation to Catholic Social Thought while discussing the beneficial uses of restorative justice in the criminal justice system.
38. John Steele, *A Seal Pressed in the Hot Wax of Vengeance: A Girardian Understanding of Expressive Punishment*, 16 J. LAW & RELIG. 35 (2001). The article explores René Girard's theory of expressive punishment as a pathological societal approach to answering unlawful violence with "sacred violence." The author surveys legal scholarship to provide a broad review of express punishment and argues that the use of express punishment in administering sacred violence is inherently problematic.
39. Daniel W. Van Ness, *New Wine and Old Wineskins: Four Challenges of Restorative Justice*, 4 CRIM. L. F. 251 (1993). This article considers "four challenges" in introducing restorative justice principles into the current criminal justice system. They are: the challenge to abolish criminal law, the challenge to rank multiple goals, the challenge to determine harm rationally, and the challenge to structure community-government cooperation. The author argues that each can be and must be effectively addressed if criminal justice is to become an effective means for healing.

RESTORATIVE JUSTICE – APPLICATIONS

Circles

Books:

40. Christina Baldwin, *CALLING THE CIRCLE* (Bantam Books 1998). This book provides a guide for those wanting to use the practice of "calling a circle." The author explains that "calling a circle" is a practice of sitting together, passing a talking piece, speaking, listening and in so doing creating a sacred space where tasks can be accomplished.
41. Jean Shinoda Bolen, *THE MILLIONTH CIRCLE – HOW TO CHANGE OURSELVES AND THE WORLD – THE ESSENTIAL GUIDE TO WOMEN'S CIRCLES* (Conari Press 1999). This book is designed to be an inspirational tool for women wishing to create new circles or from existing ones create "vehicles of societal and psychospiritual change." This book explains how to form a circle, with whom, and how to anticipate and resolve conflicts as they arise.
42. Judie Bopp, Michael Bopp, Lee Brown & Phil Lane, *THE SACRED TREE* (Lotus Light Pub. 1989). This book was originally created by a Native American inter-tribal organization

(Four Worlds Development Project) as a handbook to address widespread drug and alcohol abuse in tribal communities. This publication offers the approach to the broader community.

43. Beverley Engel, *WOMEN CIRCLING THE EARTH: A GUIDE TO FOSTERING COMMUNITY, HEALING AND EMPOWERMENT* (Health Communications 2000). This book provides a guide to creating women's circles to build community and empower participants. The book also discusses the growth of the practice as a social movement in the twenty-first century.
44. Charles Garfield, Cindy Spring & Sedonia Cahill, *WISDOM CIRCLES: A GUIDE TO SELF DISCOVERY AND COMMUNITY BUILDING IN SMALL GROUPS* (Hyperion 1998). This book provides ten guidelines for forming wisdom circles. The author asserts that every individual has the power to heal by connecting with others. Through wisdom circle, the author further asserts, authentic values of the community can be recovered.
45. Jane Dickson-Gilmore & Carol La Prairie, *WILL THE CIRCLE BE UNBROKEN?: ABORIGINAL COMMUNITIES, RESTORATIVE JUSTICE AND THE CHALLENGES OF CONFLICT AND CHANGE* (2005). This book summarizes the essential issues in restorative justice, particularly in relation to Aboriginal communities. The authors emphasize conferencing, healing circles, and sentencing circles and identify community as the key element to success in restorative justice.*
46. Kay Pranis, Barry Stuart & Mark Wedge, *PEACEMAKING CIRCLES: FROM CRIME TO COMMUNITY* (Living Justice Press 2003). This book is a "nuts and bolts" resource for practitioners of circles. The powerful process of circles is emphasized and the authors describe the creativity, personal growth, and healing potential of circles.
47. Kay Pranis, *THE LITTLE BOOK OF CIRCLE PROCESSES: A NEW/OLD APPROACH TO PEACEMAKING* (Good Books 2005). This book describes "Family Group Conferences," an approach used in New Zealand to address juvenile crime and child welfare issues. The approach encourages offenders to face their victims and make amends for the harm they have caused.
48. Jack Zimmerman & Virginia Coyle, *THE WAY OF COUNCIL* (Bramble Books 1996). This book provides a method for teaching essential communication skills to individuals or groups. The authors set forth a practice that emphasizes careful listening and open expression to facilitate shared responsibility and partnerships, rather than hierarchies.

Cases:

49. *State v. Pearson*, 637 N.W.2d 845 (Minn. 2002). The issue presented was whether the district court had the authority under Minn. Stat. § 611A.775 to stay adjudication of defendant's guilt based on the sentencing circle's recommendation after the state agreed to send the case to the circle. The Supreme Court noted that, on its face, § 611A.775 reflected a broad healing purpose to restorative justice programs, both for victims and offenders, although the statute failed to provide any guidance as to what constituted an appropriate

sanction. However, the parties each agreed, pursuant to the terms of a plea agreement, to refer the case to a sentencing circle prior to sentencing by the court, and the state did not condition its consent on the understanding that the circle would recommend adjudication of the offense, or that the court would ultimately adjudicate the offense. Consequently, the district court did not abuse its discretion in staying adjudication of the offense.

II. Victim Offender Mediation

Books:

50. Mark Umbreit, *CRIME AND RECONCILIATION: CREATIVE OPTIONS FOR VICTIMS AND OFFENDERS* (Abingdon 1985). This book describes the experience of the author in forming and working with the Indiana-based Prisoner and Community Together program (PACT). The author also addresses the broader issues of crime, victimization, and justice from a Christian perspective.*
51. Mark Umbreit, *THE HANDBOOK OF VICTIM OFFENDER MEDIATION: AN ESSENTIAL GUIDE TO PRACTICE AND RESEARCH* (Jossey-Bass Publishers 2001). This book is a valuable guide for individuals seeking to provide victim mediation in a number of areas from property crimes to murder cases. The author includes the first large national survey of VOM programs, and multi-site studies, using data from Canada, England and the U.S. as a valuable resource and reference for those involved in the victim mediation field.*
52. Mark Umbreit with Robert B. Coates & Boris Kalanj, *VICTIM MEETS OFFENDER: THE IMPACT OF RESTORATIVE JUSTICE AND MEDIATION* (Criminal Justice Press 1994). This book is based on victim-offender mediation programs from Minnesota, California, New Mexico, and Texas. The author presents details from each of the four programs including victim/offender satisfaction, recidivism rates of offenders, and issues encountered by official who started the programs.

III. Family Group Conferencing

Books:

53. Gale Burford & Joe Hudson, *FAMILY GROUP CONFERENCING: NEW DIRECTIONS IN COMMUNITY CENTERED CHILD AND FAMILY PRACTICE (MODERN APPLICATIONS OF SOCIAL WORK)* (Transactions Publishers 2000). This book describes new approaches in child welfare services such as: community conferences, circles, and wraparound services. The authors assert that these new approaches evidence a shift in the administration of child welfare services away from emphasizing pathology and toward a more holistic approach which recognizes families and social networks.
54. Allan MacRae & Howard Zehr, *THE LITTLE BOOK OF FAMILY GROUP CONFERENCES— NEW ZEALAND STYLE* (Good Books 2004). In fewer than one hundred pages, this book provides an introduction to and description of New Zealand's ground-breaking approach to juvenile justice, Family Group Conferences (FGCs). FGCs are the norm in New Zealand for

juvenile criminal justice cases, making court rooms a last resort. The authors provide details of the practice, descriptions of actual cases, and reactions from observers.

Articles:

55. M. Macgowan & J. Pennell, *Building Social Responsibility through Family Group Conferencing*, 24 SOCIAL WORK WITH GROUPS, (3/4), 67-87. This paper describes FGC from a group development perspective involving planning and convening the single-session meeting. The FGC moves along with the help of a group worker called a coordinator, but its success is based on people-citizens-banding together. The core of the convening stage is when families are left alone, equipped with resources at their disposal, to determine a plan for change. This paper describes FGC, its group work elements, and illustrates how the model helps to build partnerships and social responsibility.
56. Joan Penell & Gale Burford, *Feminist Praxis: Making Family Group Conferencing Work* in Heather Strang & John Braithwaite, RESTORATIVE JUSTICE AND FAMILY VIOLENCE: NEW IDEAS AND LEARNING FROM THE PAST (Cambridge University Press 2002). This chapter asserts that family group conferencing can stop family violence and child maltreatment. The authors emphasize that family group conferencing needs to build partnerships that respect the privacy of families while promoting women's leadership and ensuring protective intervention. The article defines feminist praxis, surveys recent developments in Canada and the United States in stopping family violence, and then applies all of this to designing and implementing a family group conferencing program.
57. Joan Penell & Gale Burford, *Family Group Decision Making and Family Violence* in Gale Burford & Joe Hudson, FAMILY GROUP CONFERENCING: NEW DIRECTIONS IN COMMUNITY CENTERED CHILD AND FAMILY PRACTICE (MODERN APPLICATIONS OF SOCIAL WORK) (Aldine de Gruyter 2000). This chapter discusses family group conferencing as an integration of efforts to advance child and adult safety, and strengthen family unity. The authors offer the approach as an option for child welfare workers to consider when addressing the growing need for a more holistic approach to child welfare cases.
58. C. Waites, M. Macgowan, J. Pennell, I. Carlton-LaNey & M. Weil, *Increasing the Cultural Responsiveness of Family Group Conferencing: Advancing Child Welfare Practice*, 49 SOCIAL WORK 291 (April 2004). This article describes the family group conferencing model piloted in New Zealand and now used in the United States and other countries. The model is described in relation to child welfare struggles to manage child abuse and neglect and to seek permanency for children, while being culturally responsive to the communities it serves. The article addresses how this model is used in the African American, Cherokee, and Latino/Hispanic communities in North Carolina to carry out plans that protect nurture, and safeguard children and other family members.

IV. Community Conferencing & Miscellaneous

Books:

59. S. Gordon Bazemore, Maria Schiff & Gordon Bazemore, *RESTORATIVE COMMUNITY JUSTICE: REPAIRING HARM AND TRANSFORMING COMMUNITIES* (Anderson Pub. Co. 2001). This book evaluates the practices and theories of restorative community justice. The contributed chapters address the foundations of restorative community justice, its current practices, and the future of the movement.*
60. Gordon Bazemore & Lode Walgrave, eds., *RESTORATIVE JUVENILE JUSTICE: REPAIRING THE HARM OF YOUTH CRIME* (Criminal Justice Press 1998). This is a collection of papers explores restorative justice as a vision for the juvenile justice system. The editors introduce the concepts and outline the way in which restorative justice may systematically reform the juvenile justice system. An agenda for future research is also suggested.*
61. Jim Consedine & Helen Bowen, *RESTORATIVE JUSTICE: CONTEMPORARY THEMES AND PRACTICE* (The Bradbury House of Words 1999). This book explores the theory and practices of restorative justice in New Zealand.
62. Gary LaFree & Gwen Hunnicutt, *Restorative Justice for Victims of Sexual Assault*, in *GENDER AND CRIME: PATTERNS OF VICTIMIZATION AND OFFENDING* (2006). This essay addresses the uses of restorative justice practices with victims of sexual assault. It is one in a collection of essays on gendered criminal violence and its treatment within the criminal justice system.
63. J.L. Ristock & J. Pennell, *COMMUNITY RESEARCH AS EMPOWERMENT: FEMINIST LINKS, POSTMODERN INTERRUPTIONS* (Oxford University Press 1996). This book explores various efforts to end violence against women. The author suggested ways in which members of community groups, government departments and universities can join in research-based efforts to confront this violence.
64. Jo Thakker, Tony Ward & Patrick Tidmarsh, *Disposition and Treatment of Juvenile Sex Offenders from the Perspective of Restorative Justice*, in *THE JUVENILE SEX OFFENDER* (2006). This article examines the treatment of juvenile sex offenders. It is part of a collection of essays which examines what is known about the nature and development of sexually abusive behavior, the consequences for both victims and perpetrators, and approaches to assessment, intervention, and relapse prevention.

Articles:

65. Dave Hines & Gordon Bazemore, *Restorative Policing, Conferencing and Community*, 4 *POLICE PRACTICE AND RESEARCH* 411 (2003). This paper describes the experience of one urban police department with the restorative conferencing process. The authors describe how conferencing changed the focus of the police response to juvenile offenders and offered community-focused alternative to court and formal processing.
66. Kay Pranis, *Restorative Values and Family Violence* in Heather Strang & John Braithwaite, *RESTORATIVE JUSTICE AND FAMILY VIOLENCE* (Cambridge University Press 2002). This essay examines how restorative justice practices may be used to address family violence.

The author explores the importance of feminist and indigenous values in this process of applying restorative practices to family violence.*

67. Kay Pranis, *Restorative Justice, Social Justice and Empowerment* in S. Gordon Bazemore, Maria Schiff & Gordon Bazemore, *RESTORATIVE COMMUNITY JUSTICE: REPAIRING HARM AND TRANSFORMING COMMUNITIES* (Anderson Pub. 2001). This essay describes the power of community restorative justice practices and their ability democratizes criminal justice through participatory decision-making.*

RESTORATIVE JUSTICE – INDIGENOUS TRADITIONS

Books:

68. Lisa Elbert, *Decolonizing Restorative Justice*, in *IN THE FOOTSTEPS OF OUR ANCESTORS: THE DAKOTA COMMEMORATIVE MARCHES OF THE 21ST CENTURY* (2006). This essay addresses the use of restorative justice within the context of decolonization.*
69. Jeffrey Ian Ross & Larry Gould, eds., *NATIVE AMERICANS AND THE CRIMINAL JUSTICE SYSTEM* (2006). This book explains the causes, effects, and solutions for the presence and plight of Native Americans in the criminal justice system. Articles from scholars and experts in Native American issues examine the ways in which society's response to Native Americans is often socially constructed. The contributors work to dispel the myths surrounding the crimes committed by Native Americans and assertions about the role of criminal justice agencies that interact with Native Americans.*
70. Wanda D. McCaslin, ed., *JUSTICE AS HEALING: INDIGENOUS WAYS – WRITINGS ON COMMUNITY PEACEMAKING AND RESTORATIVE JUSTICE FROM THE NATIVE LAW CENTRE* (Living Justice Press 2005). This is based on a compilation of articles from *Justice as Healing* Newsletter with contributing authors of leading scholars, practitioners, judges, lawyers, Elders and community members from across Canada, United States, New Zealand and Australia working in the area of Indigenous justice. The editor has compiled 45 essays that speak directly to Indigenous ways of responding to harms and restoring harmony in relationships with a focus on exploring Indigenous healing paths.
71. Marianne O. Nielson & James W. Zion, eds., *NAVAJO NATION PEACEMAKING: LIVING TRADITIONAL JUSTICE* (2005). This book provides insight into the Navajo Judicial Branch from persons who have participated in its development. Justice Sandra Day O'Connor is included in the list of chapter authors along with several noted scholars. The book offers lessons in Navajo peacemaking as an effective approach to some of the most enduring problems faced by the criminal justice system.*
72. Rupert Ross, *RETURNING TO THE TEACHINGS: EXPLORING ABORIGINAL JUSTICE* (Penguin, Canada 1996). This book introduces the reader to the debate between traditional practices of justice and the alternative use of aboriginal self-governance. The author, a Crown Attorney in North-Western Ontario First Nations community, recounts his own process of

transformation from skeptic of aboriginal self-governance to his now strongly supportive stance.*

Articles:

73. Gretchen Ulrich, *Widening the Circle: Adapting Traditional Indian Dispute Resolution Methods to Implement Alternative Dispute Resolution and Restorative Justice in Modern Communities*, 20 HAMLINE J. PUB. L. POL'Y 419 (1999). This article discusses traditional Indian dispute resolution methods and the use some of these methods in the subset of alternative dispute resolution in the American legal system. Focusing on Peacemaking ceremonies of the Navajo Indians and talking circles utilized by American Indians and the First Nation communities of Canada, the author ultimately concludes that these dispute resolution methods contain several positive aspects which need further exploration and understanding as the use of these methods become more popular.
74. Robert Yazzie, "*Hozho-Nahasdlii*" – *We Are Now in Good Relations: Navaho Restorative Justice*, 9 ST. THOMAS L. REV. 117 (1996). This essay focuses on justice concepts as developed and used in the Navajo society. The author makes the case for future implementation of this Navajo system of justice, particularly as police and social-work models within the American legal system falter. The article notes the positive aspects of the Navajo system of justice, particularly discussion, consensus, relative need, and healing.

INTERNATIONAL PERSPECTIVES, TRUTH COMMISSIONS, AND THE SOUTH AFRICAN EXPERIENCE

Books:

75. Elazar Barkan, *GUILT OF NATIONS: RESTITUTION AND NEGOTIATING HISTORICAL INJUSTICES* (Johns Hopkins University Press 2001). This book explores the attempts by nation-states to make restitution for past injustices. The author discusses "guilt" as a motivating factor in these attempts and asserts that the desire to right these wrongs is based in "neo-Enlightenment morality." The author also suggests that by negotiating an agreed interpretation of history, parties can transcend festering animosities and ultimately reach true conflict resolution.*
76. M. Cherif Bassiouni, ed., *POST CONFLICT JUSTICE: INTERNATIONAL AND COMPARATIVE CRIMINAL LAW SERIES*. (Transnational Press 2002). This book provides a thorough introduction to "transitional justice" through the collected works of thirty experts and scholars as well as UN documents and original materials from various notable tribunals and truth commissions. Disagreements among the authors add to the texture of this book and the editors leave it the reader to find common truths among the conflicting views.
77. Michael Battle, *RECONCILIATION: THE UBUNTU THEOLOGY OF DESMOND TUTU* (The Pilgrim Press 1997). This book is an analysis of Bishop Desmond Tutu's theology of "ubuntu," the African concepts that relationships are the root of identity for both individuals and groups. The book is also a portrayal of Bishop Tutu as a theologian,

grounded in prayer and protest, somewhat in contrast to his public image as a politician or public speaker.

78. Nigel Biggar, ed., *BURYING THE PAST: MAKING PEACE AND DOING JUSTICE AFTER CIVIL CONFLICT, EXPANDED AND UPDATED* (Oxford University Press 2003). This collection of essays examines the quality of peace as it has been forged in the civil conflicts in Rwanda, South Africa, Chile, Guatemala and Northern Ireland by asking: How do newly democratic nations put to rest the conflicts of the past? Is granting forgiveness a politically viable choice for those in power? Should justice be restorative or retributive?*
79. Alex Boraine, *A COUNTRY UNMASKED: INSIDE SOUTH AFRICA'S TRUTH AND RECONCILIATION COMMISSION* (Oxford University Press 2000). This book tells the story of the Truth and Reconciliation Commission (TRC) in the Republic of South Africa from its conception within the African National Congress to its success in offering amnesty in exchange for truth. The author served as the deputy chairperson of the TRC and does not gloss over problems incurred by the TRC, but includes his view of the difficulties of such a transition including the debate over retributive versus restorative justice.*
80. Tristan Anne Borer, ed., *TELLING THE TRUTHS: TRUTH TELLING AND PEACE BUILDING IN POST-CONFLICT SOCIETIES* (2006). This book draws from two bodies of literature—peace building and transitional justice—to examine whether truth-telling mechanisms can contribute to sustainable peace and, if so, how and under what conditions. The authors approach these questions by examining whether truth telling contributes to the following elements, all of which are deemed to be constitutive of sustainable peace: reconciliation, human rights, gender equity, restorative justice, the rule of law, the mitigation of violence, and the healing of trauma.
81. Jon Elster, ed., *RETRIBUTION AND REPARATION IN THE TRANSITION TO DEMOCRACY* (2006). This collection of essays presents an analysis of transitional justice from 1945 to the present. Included are a general theoretical analysis of the processes of retribution and reparation as well as case studies by historians and political scientists who discuss the West European transitions after 1945 and more recent Latin American, East European, and South African transitions to democracy in the 1980s and 1990s. The volume's focus is on retribution against the leaders and agents of the autocratic regime preceding the democratic transition, and on reparation to its victims.*
82. Mark Findaly and Ralph Henham, *TRANSFORMING INTERNATIONAL CRIMINAL JUSTICE: RETRIBUTIVE AND RESTORATIVE JUSTICE IN THE TRIAL PROCESS* (2005). This book argues for a concept of international trial within a new paradigm which merges competing ideas such as retributive and restorative justice.
83. Chris Fletcher, *REPARATIONS IN SOUTH AFRICA: MODEL OR MISTAKE?* (Honor's paper presented to and on file at Macalester College Dept. of Int'l Studies 2005).
84. Burt Galaway & Joe Hudson, *RESTORATIVE JUSTICE: AN INTERNATIONAL PERSPECTIVE* (Criminal Justice Press 1996). This collection of essays explores the theory, research and

practice of restorative justice in Australia, New Zealand, the US, Canada, England and Wales, Japan and Germany. There is also one section dedicated to restorative justice practice among Indigenous peoples.

85. Pumla Gobodo-Madikizela, *A HUMAN BEING DIED THAT NIGHT: A SOUTH AFRICAN STORY OF FORGIVENESS* (Houghton Mifflin 2003). This book is an original study of Eugene de Kock, the commanding officer of state-sanctioned apartheid death squads. The author, who grew up in a black township in South Africa, served as a psychologist on the Truth and Reconciliation Commission and met with de Kock. Through their discussions, the reader is witness to the extraordinary awakening of de Kock's remorse and is left to wonder about the frighteningly human aspects of such evil.
86. Priscilla Hayner, *UNSPEAKABLE TRUTHS: CONFRONTING STATE TERROR AND ATROCITIES – HOW TRUTH COMMISSIONS AROUND THE WORLD ARE CHALLENGING THE PAST AND SHAPING THE FUTURE* (Routledge 2001). This book draws from hundreds of interviews to form a critical view of truth commissions. The author examines twenty major truth commissions with special attention paid to South Africa, El Salvador, Argentina, Chile and Guatemala.*
87. Antjie Krog, *COUNTRY OF MY SKULL: GUILT, SORROW, AND THE LIMITS OF FORGIVENESS IN THE NEW SOUTH AFRICA* (Three Rivers Press 2000). This book tells the story of South Africa's Truth and Reconciliation Commission. The author, a journalist who covered the hearings, writes with passion and sensitivity in this account of the horrors that plagued South Africa.
88. Martha Minow, *BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE* (Beacon Press 1999). This book explores the strategies and results of truth commissions in South Africa, East Germany, and Argentina; war-crimes prosecutions in Nuremburg and Bosnia; and reparation in American. The author, a Harvard Law professor, emphasizes the restorative power of speaking the truth and explains justice is a process, rather than an end.*
89. Martha Minow & Nancy Rosenblum, *BREAKING THE CYCLES OF HATRED: MEMORY, LAW AND REPAIR* (Princeton University Press 2003). This book blends political and legal theory and focuses on the role of memory in fueling cycles of hatred and maintaining justice and personal integrity. The authors argue that innovative legal institutions and practices, such as truth commissions and civil damage actions against groups that sponsor hate, often work better than more conventional criminal proceedings and sanctions. The authors also call for more sustained attention to the underlying dynamics of violence, the connections between intergroup and intrafamily violence, and the wide range of possible responses to violence beyond criminalization.*
90. Robert I. Rotberg & Dennis Thompson, *TRUTH V. JUSTICE* (Princeton University Press 2000). This book weighs the virtues and failings of truth commissions, especially the South African Truth and Reconciliation Commission, in their attempt to provide restorative rather

than retributive justice. The authors examine, among other issues, the use of reparations as social policy and the granting of amnesty in exchange for testimony.*

91. Dennis Sullivan & Larry L. Tifft, eds., *HANDBOOK OF RESTORATIVE JUSTICE: A GLOBAL PERSPECTIVE* (Routledge International Handbooks 2006). This collection of original essays describes the theory, principles, and culturally diverse practices of restorative justice around the globe. It provides comprehensive and international overview about a field that is transforming criminal justice at its foundations.*
92. John C. Topey, *POLITICS AND THE PAST: ON REPAIRING HISTORICAL INJURIES* (Rowman & Littlefield 2003). This book offers an original, multidisciplinary exploration of the growing public controversy over reparations. The authors analyze why reparations politics can be expected to be a major aspect of international affairs in coming years. In addition, the book includes discussions of the politics of reparations in specific countries and regions, including the United States, France, Latin America, Japan, Canada, and Rwanda.*
93. Desmond Mpilo Tutu, *NO FUTURE WITHOUT FORGIVENESS* (Doubleday & Co. 1999). This book argues that true reconciliation cannot be achieved by denying the past, but admits that it is not easy to confront the horrors people inflict upon one another. With a clarity born out of decades of experience, Archbishop Desmond Tutu shows readers how to move forward with honesty and compassion to build a newer and more humane world.*
94. Charles Villa-Vicencio & Wilhelm Verwoerd, eds., *LOOKING BACK, REACHING FORWARD* (Zed Books 2000). This anthology contains contributions from some of the members of the South African Truth and Reconciliation Commission (TRC). The authors explore the context in which the TRC did its work.
95. Charles Villa-Vicencio, *A THEOLOGY OF RECONSTRUCTION: NATION BUILDING AND HUMAN RIGHTS* (Cambridge University Press 1992). This book compares the changing situations in South Africa and Eastern Europe, and the challenge of what happens when "the empire has not yet crumbled." The author explores the encounter between theology, on the one hand, and constitutional writing, law-making, human rights, economics, and the freedom of conscience on the other to argue that such transformation requires theology to become an unambiguously interdisciplinary study; essentially, a theology of reconstruction and nation-building.
96. Elmar Weitekamp & Hans Jurgen-Kerner, eds., *RESTORATIVE JUSTICE IN CONTEXT: INTERNATIONAL PRACTICE AND DIRECTIONS* (Willan Pub. 2002). This book grew out of the 4th International Conference on Restorative Justice for Juveniles, held in 2000. The chapters review a number of key developments and issues in restorative justice practice from a wide geographical as well as thematic perspective.
97. Richard Wilson, *THE POLITICS OF TRUTH AND RECONCILIATION IN SOUTH AFRICA: LEGITIMIZING THE POST-APARTHEID STATE* (Cambridge University Press 2001). This book illustrates the impact of the Truth and Reconciliation Commission (TRC) in urban African communities in Johannesburg. It argues that the TRC had little effect on popular ideas of

justice as retribution. This provocative study deepens our understanding of post-apartheid South Africa and the use of human rights discourse.*

Articles:

98. Olga Botcharova, *Implementation of Track Two Diplomacy: Developing a Model Forgiveness* in FORGIVENESS AND RECONCILIATION: RELIGION, PUBLIC POLICY & CONFLICT TRANSFORMATION (Raymond G. Helmick, S.J. & Rodney L. Petersen, eds., 2001). This essay explores "track two diplomacy," diplomacy involving non-governmental organizations and the role of forgiveness in its implementation. It is published in a volume of collected works from a conference for policy makers and theologians and issue of mutual concern.
99. Maya Goldstein-Bolocan, *Rwandan Gacaca: An Experiment in Transitional Justice*, 2004 J. DISP. RESOL. 355 (2004). The author argues that focusing more on the restorative aspect of the Gacaca than the retributive notion offers better opportunities for peace and reconciliation, particularly in an area of the world that has seen significant suffering. This article argues that the retributive element of the Gacaca has some beneficial characteristics but must also respect the human rights of those brought before it. The author stresses that both the retributive and restorative aspects of dispute resolution practices like the Gacaca have equally beneficial uses in restoring peace and justice.
100. Olivia Lin, *Demythologizing Restorative Justice: South Africa's Truth and Reconciliation Commission and Rwanda's Gacaca Courts in Context*, 12 ILSA J. INT'L & COMP. L. 41 (2005). This article argues against the prevailing view of South Africa's Truth and Reconciliation Commission (TRC) as a successful model of the restorative justice ideology and asserts that the motivation for the TRC was primarily politics. The author cites recent sociological and legal scholarship to argue against the TRC's method of revisiting the past to as a means to transitional justice. Post-genocide Rwanda is used a case study for the discussion.
101. Donald W. Shriver, Jr., *Truth Commissions and Judicial Trials: Complementary or Antagonistic Servants of Public Justice?*, 16 J.L. & RELIGION 1 (2001). This article juxtaposes court trials and truth commissions to explore their potentials and limitations. In the end the author concludes that both approaches fail to effectively address some key moral issues.
102. Charles Villa-Vicencio, *The Reek of Cruelty and the Quest for Healing—Where Retributive and Restorative Justice Meet*, 14 J. L. & RELIGION 165 (1999-2000)
103. Ellen A. Waldman, *Healing Hearts or Righting "Wrongs?: A Meditation on the Goals of "Restorative Justice"*, 25 HAMLINE J. PUB. L. & POL'Y 355 (2004). Ms. Waldman explores the different goals of justice in restorative and retributive processes in relation to the experiences of South Africa's Truth and Reconciliation Commission. This article draws contrasts the therapeutic goals of restorative justice to some of the most notable shortcomings, particularly the goals of equal treatment under the law.

104. Lers Waldork, *Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice*, 79 TEMP. L. REV. 1 (2006). This article focuses on the role of local justice in post-conflict nation-states transitional justice practices. Using the Rowandan gacaca process as an example, the author notes weaknesses in the Rowandan approach and attempts to draw lessons about how to better implement local justice in difficult transitions and expand local justice's jurisdiction to handle instances of genocide, crimes against humanity, and war crimes

FORGIVENESS

Books:

105. Robert D. Enright & Joanna North, eds., *EXPLORING FORGIVENESS* (University of Wisconsin Press 1998). This collection of twelve essays explores forgiveness in interpersonal, family, and societal relationships, as well as, the broader scope of international relations. The essays are authored by a range of professionals from academics to police-chief-turned-minister.*
106. Pumla Gobodo-Madikizela, *A HUMAN BEING DIED THAT NIGHT: A SOUTH AFRICAN STORY OF FORGIVENESS* (Houghton, Mifflin Co. 2002). This book is an original study of Eugene de Kock, the commanding officer of state-sanctioned apartheid death squads. The author, who grew up in a black township in South Africa, served as a psychologist on the Truth and Reconciliation Commission and met with de Kock. Through their discussions, the reader is witness to the extraordinary awakening of de Kock's remorse and is left to wonder about the frighteningly human aspects of such evil.
107. L. Gregory Jones, *EMBODYING FORGIVENESS: A THEOLOGICAL ANALYSIS* (Wm. B. Eerdmans Pub. Co. 1995). This book argues that extreme views of forgiveness are inappropriate because they characterize forgiveness as either too easy or too difficult. The author instead offers a biblically centered exploration of what it means to embody Christian forgiveness.
108. Fred Luskin, *FORGIVE FOR GOOD: A PROVEN PRESCRIPTION FOR HEALTH AND HAPPINESS* (HarperSanFrancisco 2002). This book asserts that forgiveness is essential for mental and physical healing. The author, clinical psychologist and cofounder of the Stanford University Forgiveness Project, insists that forgiveness is not synonymous with forgetting and offers practical steps for "becom[ing] the hero instead of [the] victim in the story you tell."
109. Donald W. Shriver, Jr., *AN ETHICS FOR ENEMIES: FORGIVENESS IN POLITICS* (Oxford University Press 1995). Focusing on three large-scale problems in American society, post-World War II relations with Germany and Japan and race relations within the United States, the author points to specific moments where forgiveness and acts of condolence have had significant positive implications. Using these experiences, this book makes the argument for implementing forgiveness in politics as a centerpiece of the political system.*

110. Donald W. Shriver, Jr., *HONEST PATRIOTS: LOVING A COUNTRY ENOUGH TO REMEMBER ITS MISDEEDS* (Oxford U. Press 2005). This book puts forth the argument that recognition of morally negative events in American history is essential to the health of society. The author contends that through the accurate teaching of history and recognition of both positive and negative public memory, repentance for injustices must find a place in our political culture.*
111. Everett Worthington, *FIVE STEPS TO FORGIVENESS: THE ART AND SCIENCE OF FORGIVING* (Crown Publishers 2001). This book is based on more than a decade of research; including the authors own work as well as dozens of psychologists investigating the scientific benefits of forgiveness. The book sets forth the “REACH” plan: Recall the hurt; Empathize with the one who hurt you; Altruistically decide to forgive; Commit publicly to forgiveness; and Hold on to that forgiveness. The author offers advice for putting the program to work in your own life and dozens of examples of how others have used it to forgive.

Articles:

112. Douglas B. Ammar, *Forgiveness and the Law—A Redemptive Opportunity*, 27 *FORDHAM URB. L.J.*1583 (2000). This essay discusses the goals and limitations of forgiveness models of restorative justice and addresses specifically the model of forgiveness as a qualified moral virtue set forth by Jeffrie Murphy. Mr. Ammar’s work asserts that forgiveness is one possible way to reestablish healing for the offender, the victim, and the entire community as a primary goal of the American legal system.
113. Robert D. Enright & Bruce A. Kittle, *Forgiveness in Psychology and Law: The Meeting of Moral Development and Restorative Justice*, 27 *FORDHAM URB. L.J.* 1621 (2000). This work presents an overview of the work done by the Department of Educational Psychology to provide the meaning of forgiveness the author is discussing. The author also illustrates forgiveness in practice through discussion of a mediation of a Victim Offender Conference. The article concludes with thoughts regarding the importance of restoring the importance of forgiveness in all forms of the legal process.
114. David M. Lerman, *Forgiveness in the Criminal Justice System: If It Belongs Then Why Is It So Hard To Find?*, 27 *FORDHAM URB. L.J.* 1663 (2000). In this essay, Mr. Lerman presents a prosecutor’s view of the role of forgiveness within the criminal justice system. The essay examines different methods that legal professionals may use forgiveness and discusses hurdles that individuals may face when attempting to implement forgiveness models in their daily practice.
115. Samuel J. Levine, *TESHUVA: A Look at Repentance, Forgiveness and Atonement in Jewish Law and Philosophy and American Legal Thought*, 27 *FORDHAM URB. L.J.* 1677 (2000). Mr. Levine considers the concept of teshuva in Jewish law and philosophy in order to uncover Professor Stephen Garvey’s article *Punishment as Atonement* and examines the potential uses of such a theory in the legal community.

116. Maragaret Colgate Love, *Of Pardons, Politics and Collar Buttons: Reflections on the President's Duty to be Merciful*, 27 FORDHAM URB. L.J. 1483 (2000). In this Article the author proposes that the President has a duty to pardon in her words, "not so much to do justice in particular cases, but to be merciful as a more general obligation of office." The essay provides background information regarding the Presidential pardon power and suggests opportunities for the President to restore the power's vitality through increased use.
117. Linda Ross Meyer, *Forgiveness and Public Trust*, 27 FORDHAM URB. L.J. 1515 (2000). Ms. Ross contends that it is important to recognize that a "wrong" against an individual member of a community is a "wrong" against the community itself, leaving behind distinctions of public or private wrongs. With this definition, the essay argues that forgiveness should similarly, be considered a community experience and also describes relationship of this community forgiveness to punishment and (human) justice.
118. Martha Minow, *Keynote Address: Forgiveness and the Law*, 27 FORDHAM URB. L.J. 1394 (2000). Professor Minnow, in her Keynote Address to the Stein Center Symposium attempts to answer the question of: "Can we create a legal world adept at judgment and also comfortable with forgiveness?" Minnow addressed the Truth and Reconciliation Commission experience in South Africa and addressed the need for the legal community to address higher moral ambitions when considering the implications of legal actions.
119. Jeffrey G. Murphy, *Keynote Address: Forgiveness, Reconciliation and Responding to Evil: A Philosophical Overview*, 27 FORDHAM URB. L.J. 1367 (2002) – panel discussion?
120. June O'Connor, *Fostering Forgiveness in the Public Square: How Realistic a Goal?*, 22 J. SOC'Y CHRISTIAN ETHICS 165 (2002)
121. Everett L. Worthington, *Is There a Place for Forgiveness in the Justice System?* 27 FORDHAM URB. L.J. 1721 (2000). This article provides a general discussion of the American justice system and argues that reconciliation, not retribution, should be the motivation for the actions of the system. Drawing from his experience as scholar who has studied and advocated for forgiveness and as a son who lost his mother to violent crime, the author explores the possibilities for forgiveness within a system that strives to "(1) provide fair (to society, to victim and perpetrator, to plaintiffs) post-injustice settlements; and (2) protect society from future injustices." The author offers that these goals can be pursued either through and unforgiving, retributive approach or through a forgiving, restorative approach and advocates for the latter.

RITUAL

Books:

122. William Everett, *THE POLITICS OF WORSHIP: REFORMING THE LANGUAGE AND SYMBOLS OF LITURGY* (Cleveland: United Church Press 1999). Mr. Everett suggests that language

and symbols must be examined in a new way. This book suggests that the “underlying monarchical imagery,” or political theory, of language and symbols in our society must be understood differently than it has been through sociology, anthropology and psychology. The author suggests that a “ritual practice” will help Christian worship extend beyond the language and symbols of its past history.

Articles:

123. William Johnson Everett, *Ritual Wisdom and Restorative Justice*, 25 HAMLIN J. PUB. L. & POL'Y 347 (2004). This article addresses the role of symbols and rituals in our justice system and asserts that they are indispensable in the attempt to resolve conflicts. Mr. Everett identifies and addresses three ways in which ritual and symbol exert some level of social power: by legitimating action, by ordering relationships, and by enabling people to "rehearse" their participation in the resolution of conflict.

THE PRACTICE OF LAW: ALTERNATIVE APPROACHES

Books:

124. Steven Keeva, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE* (Contemporary Books 2002). Mr. Keeva explores the relationship between spirituality and the legal profession asserting that such a relationship promotes a healing, rather than adversarial, legal process. This book combines profiles of individual attorneys as well as anecdotes to exhibit the importance of changing the way in which attorneys approach the practice of law.*
125. Carol Martin, Lode Walgrave & Ian O'Donnell, *RESTORATIVE JUSTICE AND THE LAW* (Willan Pub. 2002). This collection of essays tackles various issues prevalent in the area of restorative justice. One overarching theme between the essays deals with the friction between traditional aims of the American legal system like retribution and punishment and the core goals of community healing and forgiveness found in restorative justice.*
126. Robert H. Mnookin, Scott R. Peppet and Andrew S. Tulumello, *BEYOND WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES* (Belknap Press 2000). The authors attempt to lessen the importance placed on “winning” in traditional negotiation methods and techniques. This book asserts that through understanding the traps that negotiators fall into during negotiations, individuals can obtain better results for their clients and better craft unique solutions to difficult questions.*

Articles:

127. Robert F. Cochran, *The Criminal Defense Attorney: Roadblock or Bridge to Restorative Justice*, 14 J.L. & RELIGION 211 (1999-2000). This paper considers the potential role for a lawyer in discussing restorative justice with the client. The author questions whether the attorney will serve as a roadblock or as a bridge to restorative justice.

128. Jonathan R. Cohen, *Advising Clients to Apologize*, 72 S. CAL. L. REV. 1004 (1999). This article examines the benefits and costs of advising a client to apologize. Mr. Cohen asserts that apologies are too often not used or advised by attorneys and that the failure to so advise a client often leads to protracted legal battles and more hurt feelings for all involved. Through addressing the definition of an apology and the proper uses of an apology, Mr. Cohen makes a compelling case that apologies could often help minimize the potential liability of a client.
129. Susan Daicoff, *Making Law Therapeutic for Lawyers: Therapeutic Jurisprudence, Preventive Law, and the Psychology of Lawyers*, 5 PSYCHOLOGY, PUBLIC POLICY, AND LAW 811 (December 1999). This article discusses the integration of therapeutic jurisprudence (TJ) with preventive law (PL), which the author asserts is a uniquely satisfying and humanistic way of practicing law. The author uses the psychological data on the personality characteristics of lawyers to argue that TJ/PL is particularly well suited for lawyers with certain personality traits atypical of lawyers generally. These traits reflect altruistic, humanistic, or interpersonally oriented values; 2 of these atypical traits have been empirically linked to career dissatisfaction among lawyers.
130. Frederick Gay, *Restorative Justice and the Prosecutor*, 27 FORDHAM URB. L.J. 1651 (2000). Mr. Gay argues that more often, prosecutors are recognizing the need or usefulness of restorative justice in efficiently managing and reducing large case loads while also meeting the needs of the victim and the community far better than the traditional criminal justice system. The article asserts that through involving the victim and the community, restorative justice's focus on reparation, restitution and accountability seeks to remedy harms to the community, the victim, and the offender and increases the opportunity for the criminal justice system to better serve the needs of the community.
131. Carrie J. Menkel-Meadow, *When Winning Isn't Everything: the Lawyer as Problem Solver*, 28 HOFSTRA L. REV. 905 (2000). This reprint of a lecture given by Professor Menkel-Meadow advances the idea that negotiation is a process that needs more attention in the legal society. This lecture explores the purposes and methods of effective negotiation. Additionally, Professor Menkel-Meadow addresses the various needs for negotiation which arise in the legal community and discusses the different goals and definitions of success in those various negotiation settings.
132. Linda G. Mills, *The Justice of Recovery: How the State can Heal the Violence of Crime*, 57 HASTINGS L.J. 457 (2006). The author argues that restorative justice programs recognize and are congruent with theories at the heart of the criminal justice system. This article concludes with a call for reform of the criminal justice system that focuses on healing individual victims while at the same time reducing public harm and danger from defendants within that system.
133. Mary Ellen Reimund, *The Law and Restorative Justice: Friend or Foe? A Systemic Look at the Legal Issues in Restorative Justice*, 53 DRAKE L. REV. 667 (2005). This article seeks to address role of lawyers in the restorative justice movement in the adult criminal justice system. The author argues that the legal issues which have been raised in the restorative

justice movement must be viewed in relation to the legal community particularly self-incrimination issues. The theory extolled by the author is that the restorative justice movement complements the American legal system and cannot be viewed apart from that legal system.

THE PRACTICE OF MEDIATION: ALTERNATIVE APPROACHES

Books:

134. Robert Baruch Bush & Joseph Folger, *THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT THROUGH EMPOWERMENT AND RECOGNITION* (Jossey-Bass 1994). This book advocates a transformative approach to mediation. The authors contrast the transformative approach with the problem-solving approach to argue that that by emphasizing empowerment and recognition mediation has the potential to do more than simply settle a dispute.*
135. Michael Lang & Alison Taylor, *THE MAKING OF A MEDIATOR: DEVELOPING ARTISTRY IN PRACTICE* (Jossey-Bass 2000). This book outlines a model of “artistry in professional practice.” The connection between reflexive practice and interactive process is emphasized and the authors describe the theories, principles, and practices essential for developing “true artistry” in medication.*
136. Michelle LeBaron, *BRIDGING TROUBLED WATERS: CONFLICT RESOLUTION FROM THE HEART* (2002). This book sets forth a holistic approach to resolving conflict by emphasizing relationships as the origin of conflicts. The author advocates a transformative approach that moves beyond the analytic and the intellectual and emphasizes the connections, meanings, and identities which come from relationships.*
137. Michelle Le Baron, *BRIDGING CULTURAL CONFLICTS: A NEW APPROACH FOR A CHANGING WORLD* (2003). This book advocates mindful awareness, cultural fluency, and conflict fluency as tools for decoding and moving through intercultural conflicts, and for deepening and integrating change. The author draws from her experience as an attorney, mediator, and scholar to show how fluency with culture and conflict can be learned through attention and practice, just as we would internalize a new language. As fluency is acquired, a process called dynamic engagement is presented to help prevent intercultural conflict, limit its escalation, and transform it into a learning experience.*
138. Mark S. Umbreit, *MEDIATING INTERPERSONAL CONFLICTS: A PATHWAY TO PEACE* (CPI Pub. 1995). This book shows how negotiation and mediation can be applied in resolving a wide range of conflicts in families, schools, workplaces, and communities. The author emphasizes humanistic mediation as “as journey of the heart,” which allows the mediator to address the emotional context of the conflict.*
139. John Winslade & Gerald Monk, *NARRATIVE MEDIATION: A NEW APPROACH TO CONFLICT RESOLUTION* (Jossey-Bass 2000). This book introduces the narrative mediation approach as an alternative to the problem-solving paradigm, interest-based model of resolving disputes.

The narrative mediation approach encourages the conflicting parties to tell their personal "story" of the conflict and reach resolution through a profound understanding of the context of their individual stories. The authors map out the theoretical foundations of this new approach and show how to apply specific techniques for the practical application of narrative mediation to a variety of conflict situations.*

140. Leah Wing & Janet Rifkin, *Racial Identity Development and the Mediation of Conflicts*, in Charmaine L. Wijeyesinghe and Bailey W. Jackson III, *NEW PERSPECTIVES ON RACIAL IDENTITY DEVELOPMENT: A THEORETICAL AND PRACTICAL ANTHOLOGY* (New York U. Press 2001). This book chapter addresses new models of racial identity within the context mediation. The authors suggest how these new models may be applied within the context of conflict resolution.*

Articles:

141. Robert A. Baruch Bush, "What Do We Need a Mediator For?": *Mediation's "Value-Added" for Negotiators*, 12 OHIO ST. J. ON DISP. RESOL. 1 (1996). This lecture examines the "value" of mediation as a tool in the dispute resolution process. Comparing mediation to litigation and negotiations, the author arrives at the conclusion that mediation provides opportunities for parties to save money, time, and hurt feelings through the training of mediators to hone in on underlying problems and feelings.
142. PATRICK GLEN DRAKE, *Victim-Offender Mediation in Texas: When "Eye for Eye" Becomes "Eye to Eye"*, 47 S. TEX. L. REV. 647 (2006). Promoting Victim Offender Mediation (VOM), the author attempts to provide the rationale for utilizing VOM in Texas criminal court systems, particularly in violent crime cases. This comment seeks to explain VOM and urges that more attention should be provided to alternative forms of restorative justice.
143. F. Matthews-Giba, *Religious Dimensions of Mediation*, 27 FORDHAM URB. L.J. 1695 (2000). This Essay traces the religious roots of mediation, with a particular emphasis on the influence of the Franciscan movement. The author discusses the various styles, strategies and goals of mediation and their corresponding results and their application in present day mediation with special consideration given to mediations involving individuals from a variety of cultural backgrounds.
144. Penelope Harley, *The Globalization of ADR: Feeling the Way Forward? (Ruminations of a "Female, Peace-Making Interested, Restorative Justice Oriented Flake"!)* 27 HAMLINE J. PUB. L. & POL'Y 283 (2006). Discussing the 2005 Hamline University Symposium on Advanced Issues in Dispute Resolution, the author discusses the discussions theories and practices in mediation, particularly the personal nature of each individual's private model of mediation practice and training. This article is primarily encompasses the thoughts and beliefs which provide the framework for her personal mediation theory and practice.
145. Jackie Nolan-Haley, *Informed Consent in Mediation: A Guiding Principle for Truly Educated Decision-making*, 74 NOTRE DAME L. REV. 775 (March 1999). This article proposes that individuals entering the mediation process are not fully aware of what is

included in an individual's waiver of rights, particularly regarding disclosure of potential mediator conflicts and knowing consent to waive these conflicts. The author argues that the idea of informed consent to waive these conflicts is significantly lacking in the current model of mediation and cites literature, current disclosure and consent requirements, and case law on point to support this argument.

146. Mary Ellen Reimund, *Confidentiality in Victim Offender Mediation: A False Promise?*, 2004 J. DISP. RESOL. 401 (2004). The author sets forward a framework of the complexities of the mediation process, particularly confidentiality conflicts, in order to better serve the goals of restorative justice, the victim offender mediation (VOM) process, and mediation in its relation to restorative justice. This article puts forward the thesis that VOM puts forward a false promise of confidentiality and argues that understanding the goals of restorative justice helps alleviate these problems.
147. Ellen Waldman, *Identifying the Role of Social Norms in Mediation: A Multiple Model Approach*, 48 HASTINGS L.J. 703 (April 1997). This article attempts to clarify different mediation models and distinguish them on the basis of how each model treats social norms through its practice. The author notes that the three major mediation models can be better utilized in particularized types of disputes and states that recognition of the different mediation models will allow the mediator to better serve the process and the individuals involved.

WEBSITES

148. <http://rjp.umn.edu/> - The Center for Restorative Justice and Peacemaking, University of Minnesota. This cite provides information about the Center, "an international resource center in support of Restorative Dialogue Practice, Research, and Training" and their "quick links" provide literature in PDF format on various aspects of restorative justice.
149. <http://www.fau.edu/divdept/caupa/centers/cji/index.html> - The Community Justice Institute of Florida Atlantic University (CJI) offers a detailed website dedicated to the CJI's goals of increasing community involvement in the justice process. CJI provides information on their services which help facilitate community justice efforts through providing significant assistance to various agencies or organizations that seek to utilize community justice. The website provides links to educational materials and government funded reports which discuss different community justice models.
150. <http://www.restorativejustice.org> – This comprehensive website is a service of the Centre for Justice and Reconciliation. The website contains a database of over 5,000 articles on the topic of restorative justice, an overview of restorative justice for every region of the world, a number of book reviews and history of the restorative justice movement, including articles and other resources that examine restorative justice techniques from a Judeo-Christian perspective. Conferences and other training sessions are also advertised through the website.

151. <http://www.corr.state.mn.us/rj/Default.htm> - This website, offered by the Minnesota Department of Corrections (MDOC), provides an overview of the restorative justice work undertaken by MNDOC. Links located on this webpage provide sample practices and applications of restorative justice by MNDOC, MNDOC goals and evaluation reports, and links to other regional and national restorative justice programs.
152. <http://www.voma.org> – The Victim Offender Mediation Association (VOMA) website provides an overview of the victim offender mediation (VOM) process and seeks to further the VOMA goals of enhancing restorative justice dialogue, principles, and practices. Additionally, training opportunities, grant advertisements, and job opening announcements are provided by the VOMA website.
153. <http://restorative.tripod.com> – This website, titled Restorative Measures in the Schools, provides guidance and specific examples for the use of restorative justice methods in everyday classroom life. Focusing on the talking circle approach to restorative justice, the website sets forth examples and explanations of the talking circle process.
154. <http://www.adr.af.mil./general/guideadr.doc> - This “A Guide to ADR Links” document is a valuable resource which provides an overview of numerous topics in the ADR field. Listing biographies, codes, federal and state resources, national organizations and listings of journals, newsletters, publishers and listservs, provides for a centralized document to begin research in the area of ADR.
155. <http://www.renaissancelawyer.com> – The Society of Renaissance Lawyers (SRL) website is a forum for many different disciplines of the legal community. The SRL seeks to provide an arena for attorneys to interact and share ideas which strive to better the legal profession through honest, healthy, creative and respectful attention to human rights and values. The website offers a number of links to “transformative law” models and trends ranging from restorative justice to law and spirituality. A number of liaisons are available through links on the website for further discussion of these, and other, ideas.