HAMLINE UNIVERSITY SCHOOL OF LAW

RESTORATIVE JUSTICE:
Practices & Principles of Dispute Resolution for Social Healing

Three Credits
Fall 2008

SYLLABUS

Wednesdays 8:00 – 10:50 a.m. Room 221W
Room 240A – Law Center 651-523-2120
Office Hours: Wed. Thu. & Fri. 2:00 – 2:50 p.m. hvogel@hamline.edu

Scope and Purpose: Restorative Justice offers a refreshingly different framework for thinking about wrongdoing. It moves beyond the confines of traditional justice systems to embrace social justice principles. Restorative Justice acknowledges the damaged relationships, as well as the injuries sustained by victims, that result from any wrongdoing and focuses on healing for all those involved. This course will offer students an opportunity to study the four leading Restorative Justice practices: Victim-Offender Dialogue (formerly called Victim-Offender Mediation); Family Group Conferencing; Talking Circles; and Truth Commissions in order to explore the possibilities Restorative Justice offers to move beyond the limitations of retributive justice towards addressing the needs of victims, as well as embracing the importance of forgiveness, reconciliation and social healing. The course will examine the potential for Restorative Justice practices to encourage reform of judicial systems, and the tremendous opportunities Restorative Justice practices and principles offer to address the individual and collective pain associated with profound ethnic conflict. Through case study and dialogue exercises students will be invited to draw on their own experience of conflict as they explore the dynamics of different kinds of conflict. The class will be highly experiential in nature with the practice of the talking circle serving as a core modality for class discussion. In a talking circle participants speak only when holding the talking piece. The practice encourages participants to listen deeply and respectfully to each other and reminds them that each has a valued contribution to offer.

There is no prerequisite for the course.
Classroom Activity: Classroom activity will involve a variety of activities including: (1) class discussion featuring experiential use of talking circles for class discussion; (2) small group discussion exercises; (3) role play exercises; (4) occasional introductory comments on “themes” of the course by the instructor; (5) video presentations; and (6) brief writing exercises.

Required Reading Materials: Students are expected to prepare the required reading materials for discussion in advance of the class session for which they are scheduled. Required readings for the course are drawn from seven sources listed below. These sources are available for purchase in the law school bookstore.

Specific page assignments for each week are set forth in the 5 found below in this Syllabus. The required reading materials for the course will serve as the common texts for our discussion in the weekly meetings of the course. They should not, however, be viewed as limiting the range of our discussion. Instead they will provide us with a common set of resources and a starting point for our exploration of the central themes of the course. Collateral reading from other sources chosen by members of the class is encouraged. The sources listed as “optional” throughout the Course Outline found on pages 5-10 below are a good place to start looking for collateral sources. Further recommendations for collateral reading may be found in the Restorative Justice Bibliography that will be distributed in class.

The first two sessions of the course will provide you with an immersion experience in the practices of restorative justice along with a basic overview of the history of the forms and principles of the restorative justice movement in use today that first emerged in the mid-1970s. These two sessions will provide the foundation for all of our work together during the semester. The experiential work of both of these sessions will involve training in “peacemaking circles” which is an adaptation of the North American Indigenous practice of “talking circles” that has found widespread acceptance in the restorative justice movement and beyond. Circle practice will be also be a core modality for our work throughout the semester.

To help you prepare for the first two sessions, the reading assignments for the course have been front loaded with a larger than typical number of pages assigned in order to provide you with a solid foundation of knowledge of both circle practice and restorative justice principles to support the experiential work we will undertake in our meetings.

Required reading will be drawn from the following sources:


**Classroom Attendance & Dialogue:** Attendance is required for satisfactory completion of the course. Students are expected to attend the full session of each class session scheduled for the course and to actively participate in class dialogue. Students should review the full text of the Attendance Policy as set forth in Rule AR-108 of the Hamline University School of Law Academic Rules which are posted on the Registrar’s page of the Hamline University School of Law website.

**Term Paper:** For purposes of evaluation, students will prepare a term paper of 20-30 pages in length. The paper shall be devoted either to the critical study of an actual or hypothetical incident of conflict, or to the critical study of a subject or scholarly work. In either case, students should weave in their reflections on the themes of the course.

Students are encouraged to consult with the instructor on the choice of topic and preparation of the term paper either prior to commencement of the course or during the course by contacting him through e-mail at hvogel@hamline.edu

Papers shall be typed and double-spaced. Papers should be properly footnoted using either the current edition of the *ALWD Citation Manual* OR the current edition of the *Uniform System of Citation*, commonly known as the “Blue Book.” **The term paper is due on December 22, 2008 by 4:30 p.m. (closing time) in the Registrar’s Office.**

Failure to turn in the term paper by the deadline will result in a penalty of one-half grade on the final grade for the course.

**Evaluation:** The grade for the course will be based on the term paper. Evaluation of the Term Paper will include the following factors: (1) description of the subject and issues to
be discussed, (2) analysis and argument in support of the position taken on the issues, (3) organization, and (4) clarity of expression.

**Grade Reports:** Grade reports are released to students by the Registrar only.

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COURSE OUTLINE AND SCHEDULE
WITH REQUIRED READING ASSIGNMENTS

PART ONE – RESTORATIVE DIALOGUE:
A Distinctive Approach to Dispute Resolution

Session 1. August 20th – Introducing Ourselves, the Course and the Circle Process

TASK: Bring to class an object that in some way represents something you value about yourself as a human being.

[OPTIONAL ON RESERVE: Kay Pranis, The Little Book of Circle Processes: A New/Old Approach to Peacemaking (Good Books 2005)].

EXERCISE: Circle Practice Training Exercises.

Session 2. August 27th – Overview of Restorative Justice History and Principles; Circles in the Criminal Justice System


VIDEO IN CLASS: Circle Practice at the Harriet Tubman Center, Minneapolis, Minnesota (50 Minutes).

EXERCISE: Sentencing Circle Role Play Exercise.


READ: Mark Umbreit & Jean Greenwood, Criteria for Victim-Sensitive Mediation & Dialogue with Offenders 1-11 (1997) (see supplement); Victim

VIDEO IN CLASS: A Victim-Offender Mediation Conferencing Simulation (60 Minutes).

EXERCISE: Exploring Experience in the Face of Conflict & Wrongdoing Exercise.

Session 4. September 10th – Victim-Offender Dialogue in Crimes of Severe Violence


VIDEO IN CLASS: Glimmer of Hope (53 minutes).

EXERCISE: Glimmer of Hope Video Discussion Exercise.

Session 5. September 17th – Conferencing


VIDEO IN CLASS Family Group Conferencing (Hennepin County, Minnesota Variation) (13 minutes).

EXERCISE: Family Group Conferencing Role Play Exercise.
No Class – September 24th

Session 6. October 1st – Community Conferencing & Juvenile Justice


EXERCISE: Community Conferencing Exercise.

Session 7. October 8th – Taking Stock: Considering Challenges


EXERCISE: Taking Stock Discussion Exercise.


VIDEO IN CLASS *Long Night’s Journey into Day* (94 minutes).

EXERCISE: Long Night’s Journey into Day Video Discussion Exercise.
Session 9. October 22nd – Truth Commissions: Part II – Critiques, Comparisons & the Prospects for Forgiveness in Public Life


**VIDEO IN CLASS:** *In Rwanda We Say . . . The Family that does not Speak, Dies* (60 minutes).

**EXERCISE:** In Rwanda We Say . . . Video Discussion Exercise.

**PART TWO – HONEST “PATRIOTISM” & FORGIVENESS IN PUBLIC LIFE:**

*Case Studies in Truth, Justice & the Possibilities of Restorative Dialogue for Cultural Conflict Transformation*

Session 10. October 29th – Germans and South Africans as Honest Patriots in Response to the Trauma of the Past


VIDEO IN CLASS: In the Light of Reverence (73 minutes).

EXERCISE: The Case of Tribal Tradition in Conflict with the New Age.

Session 12. November 12th – Truth, Justice & Forgiveness in American Public Life: Part 2 – African American Experience in the City Center Case Study (Minneapolis-St. Paul, Minnesota)


VIDEO IN CLASS: Slaves in the Family (50 minutes).

EXERCISE: The Case of Violence in the Warehouse District.

PART THREE – RESTORATIVE JUSTICE FROM THE HEART: A Foundational Practice for Facilitating Restorative Dialogue with Courage and Integrity for Social Healing


READ: Howard J. Vogel, Healing the Trauma of America’s Past: Restorative Justice, Honest Patriotism and the Legacy of Ethnic Cleansing, 56 Buffalo L.

**VIDEO PRESENTATION IN CLASS:** A Case Study in the Challenge and Possibilities for Dialogue between Tribal Wisdom and Science in the On-going Conflict over Sacred Sites in Minisota Makoce (Minnesota).

**EXERCISE:** Implementing the Minnesota Statutory Protection of Indigenous Burial Sites.

**Thanksgiving Day Break – November 26th**

**Session 14. December 3rd – Wisdom as Foundation for Restorative Justice Practice**


**EXERCISE:** Practicing Restorative Dialogue from the Heart with Courage & Integrity for Social Healing.

**EXERCISE:** Closing Circle Wrap-up Exercise.