Scope and Purpose: This course offers students an opportunity to study the four leading Restorative justice practices: (1) Talking Circles; (2) Victim-Offender Dialogue (formerly called Victim-Offender Mediation); (3) Group Conferencing (sometimes called Family Group Conferencing); and (4) Truth Commissions. The course will examine the principles underlying these Restorative Justice practices and explore the possibilities Restorative Justice offers to move beyond the limits of a retributive sense of justice toward embracing the importance of forgiveness, reconciliation, and social healing in the community. Application of Restorative principles and practices to disputes rooted in ethnic and cultural conflict in the United States will receive extended attention during the last third of the course. The class will be intensively experiential in nature with the practice of the talking circle serving as a core modality for class discussion.

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.

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. These two sessions will provide the foundation for all of our work together during the semester. The experiential work of these sessions will involve training in “Peacemaking Circles” for conflict resolution. Peacemaking Circles are an adaptation of the North American Indigenous practice of “talking circles” that has found widespread acceptance in the restorative justice movement and beyond. 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.
After the first two sessions, Circle practice will continue to be a core modality for our work throughout the semester.

**Course Requirements:** The requirements for this course include (1) reading, (2) regular visits to the course website, (3) class discussion preparation & attendance, (4) observance of the technology policy for the course, and (5) a final examination. Details for each of these five requirements are set forth below.

1. **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 eight 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 *Course Outline and Schedule with Required Reading Assignments* found below at pages 6-10 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.

To help you prepare for the first two sessions and the immersion experience in Circle practice training these will involve, 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:


2. Web Pages/On-Line Virtual Classroom: A special website on the internet, using the TWEN technology of the West Group, has been established for this course. The website is open 24 hours a day, seven days a week. This site has been set up for the following purposes: (1) on-line distribution of supplemental course materials from time to time; (2) discussion with the instructor and other members of the course on topics and themes of the course, (3) an “Assignment Drop Box” for submission of the self-reported certificate of attendance noted in “3. Class Discussion Preparation & Attendance” below, and (4) announcements regarding any changes to the calendar or assignments required for the course.

STUDENTS IN THIS COURSE ARE REQUIRED TO LOG ON AND REGISTER AT THE WEB ADDRESS FOR THE COURSE. Students should register for the website by going to http://lawschool.westlaw.com with their Westlaw password. If you have not already received your Westlaw password, or have forgotten it, please contact the Computer Services/Reference Librarian at the Hamline Law Library. There is also a password for the course site that will be sent to each student by the instructor via e-mail.

Students should check the website frequently and no less than weekly, to receive additional course materials that will be distributed from time to time, updates needed to the schedule and reading assignments for the course, as well as to monitor the on-line discussion at the website which provides a forum for conversation about themes that emerge in the classroom throughout the semester.

3. 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 posted on the Registrar’s page of the Hamline University School of Law website.

4. Classroom Technology Policy: You may use laptop computers or other electronic devices in class to take notes and access course related materials. You should not use your laptop or electronic devices for other purposes.

In addition to the usual courtesies and respect due to your classmates, please refrain from text-messaging and email, using cell phones, pagers, or any other communication device. Refrain also from displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to distract your classmates.

5. Term Paper: For purposes of evaluation, students will prepare a term paper of 20-30 pages in length. The paper shall be devoted one of the following: (1) the critical study of an actual or hypothetical incident of conflict, (2) a critical study of the practice of restorative justice in the community outside the law school; OR (3) the critical study of a subject or scholarly work. In writing this paper, 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 current edition of the Uniform System of Citation, commonly known as the “Blue Book.” Upon completion of the paper, students are required to submit it electronically via the “Assignment Drop Box” link at the TWEN website for the course. Submission of the term paper is due not later than 3:30 p.m. on Monday, May 10, 2010.

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 entirely 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.
COURSE OUTLINE AND SCHEDULE
WITH REQUIRED READING ASSIGNMENTS

PART ONE – RESTORATIVE DIALOGUE:
An Introduction to a Distinctive Approach to Dispute Resolution

Session 1. January 20th – Introduction to the “Restorative Justice Movement” its History and Principles; Introducing Ourselves to Each Other - The Practice of the Circle Process

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


**EXERCISE:** Circle Practice Training Exercises.

Session 2. January 27th – Further Explorations of the “Idea of Restorative Justice;” The Practice of the Circle Process in the Criminal Justice System


**VIDEO IN CLASS:** *Circle Practice at the Harriet Tubman Center, Minneapolis, Minnesota.*

**EXERCISE:** Sentencing Circle Role Play Exercise.

Session 3. February 3rd – Addressing Crime Under a Different Paradigm; The Practice of Victim-Offender Dialogue - The First Form of Restorative Justice (formerly called Victim-Offender Mediation)

**READ:** Howard Zehr, *Changing Lenses* pp. 178-189 (see supplement tab #3); Conrad Brunk, *Restorative Justice and Philosophical Theories of Criminal*

**VIDEO IN CLASS:** *A Victim-Offender Mediation Conferencing Simulation.*

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

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


**VIDEO IN CLASS:** *Glimmer of Hope.*

**EXERCISE:** Glimmer of Hope Video Discussion Exercise.

**Session 5. February 17th – Group Conferencing (sometimes called Family Group Conferencing)**


**VIDEO IN CLASS** *New Zealand Family Group Conference; Family Group Conferencing (Hennepin County, Minnesota Variation).*

**EXERCISE:** Family Group Conferencing Role Play Exercise.

**Session 6. February 24th – Community Conferencing & Juvenile Justice**


EXERCISE: Community Conferencing Exercise.

**Session 7. March 3rd – Truth Commissions - The South African Experience, Critiques & Comparisons & the Prospects for Forgiveness in Public Life**


**VIDEO IN CLASS** Long Night’s Journey into Day.

**EXERCISE:** Long Night’s Journey into Day Video Discussion Exercise.

**Session 8. March 10th – Taking Stock: Considering Challenges**

**READ:** Handbook of Restorative Justice 91-104; 559-576; 580-593; 598-612; 615-628 (Gerry Johnstone & Daniel W. Van Ness eds., Willan Publ’g. 2007)]

**EXERCISE:** Taking Stock Discussion Exercise.

**PART TWO – HONEST “PATRIOTISM” IN PUBLIC LIFE:**
Case Studies in Truth, Justice & the Possibilities of Restorative Dialogue for Social Healing in the Face of Cultural Conflict

**Session 9. March 17th -- Germans and South Africans as Honest Patriots in Response to the Trauma of the Past**


**EXERCISE:** Class Discussion.


VIDEO IN CLASS: *In the Light of Reverence.*

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

NO CLASS—MARCH 31st—SPRING BREAK

**PART THREE – COMPASSION, FORGIVENESS & RECONCILIATION IN RESTORATIVE JUSTICE DIALOGUE:**

*A Critical Exploration of the Transformative Possibilities of Dialogue from the Heart*

Session 11. April 7th – Compassion as Practice & the Paradox of Forgiveness in Restorative Dialogue

**READ:** Jill Bolte Taylor, *My Stroke of Insight* 130-148 (see supplement tab #15); The Dalai Lama, *The Compassionate Life*, pp. 1-68 (Wisdom Publications, Inc. 2003); *The Charter for Compassion* (see supplement tab #16); Mark Umbreit, *The Paradox of Forgiveness in Restorative Justice*, a Chapter prepared for *The Handbook of Forgiveness* 1-14 (see supplement tab #17);

**VIDEOS IN CLASS:** Jill Bolte Taylor on *Stroke of Insight*; The Dali Lama on *Finding Peace*; Karen Armstrong on *The Idea of a Charter for Compassion*

**EXERCISE:** Practicing Dialogue from the Heart

Session 12. April 14th – Reconciliation: The Possible Impossibility? - The Intersection of Law & Religion in the Public Square, Part 1

**READ:** Karen Armstrong, *The Case for God* pp. ix-xviii (see supplement tab #18); Sharon Tan, *Reconciling Classes and Races*, pp. 1-97 (The Edwin Mellen Press, 2009)

**EXERCISE:** Class Discussion


**READ:** Sharon Tan, *Reconciling Classes and Races*, pp. 99-168 (The Edwin Mellen Press, 2009)

**EXERCISE:** Class Discussion


**VIDEO PRESENTATION IN CLASS:** *What is Sacred?: The Challenge of Bridging the Chasm in World Views & Finding a “Safe” Place for Dialogue in the Public Square - A Case Study in the Challenge and Possibilities for Dialogue between Tribal Wisdom and Science in the On-going Conflict over Sacred Sites in Mnisota Makoce (Minnesota).*