

Loyola University New Orleans
Restorative Justice CRJU – C800-081 and CRJU – C494-081
Spring 2007

Dr. Lydia Voigt, Distinguished Professor and Chair

Department of Sociology

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**Office Hours: M 3:00 – 6:00 p.m. in Monroe Hall 537F or
before class in Mercy Hall 306E and
by appointment**

Course Meeting Information: The class meets on the following dates and times:

February 23 and 24, 2007; March 23 and 24, 2007; and April 27th and 28th

Friday 6:00 – 10:00 p.m.; Saturday 9:00 – 5:00 p.m.

The class meets in Mercy Hall 311

Course Description:

This course offers a critical review of Restorative Justice (RJ) including a consideration of its definitions, historical roots, theoretical origins, key principles and substantive practices, global policies and programs, controversial issues, and future directions and possibilities. The course brings together a wide range of perspectives encompassing historical, philosophical, religious, political, sociological, anthropological, criminological, economic, and legal considerations. The course also provides a critical assessment of the potential of Restorative Justice as well as its limitations. Finally, special attention is given to the implications of Restorative Justice for our personal lives and for society.

Course Goals: Upon completion of this course students should be able to:

- Understand the core components of Restorative Justice (RJ);
- Understand the roots of RJ and the history of the RJ movement;
- Understand the theoretical underpinnings of RJ;
- Understand the key principles and practices of RJ;
- Understand the associative concepts of RJ such as reintegrative shaming, mediation, and sentencing circles;
- Understand the critical issues – myths and realities;
- Explain how RJ represents a different way of thinking about crime and responding to crime;
- Explain the transformative process;
- Know the different types of programs and their relative impacts;
- Know the key resources for the study and practice of RJ.

Required readings:

Howard Zehr and Barb Toews (Eds.). 2004. *Critical Issues in Restorative Justice*. Cullompton, Devon, UK: Willan Publishing.

Dennis Sullivan and Larry Tifft. 2005. *Restorative Justice: Healing the Foundations of Our Everyday Lives* (2nd Ed.). Monsey, New York: Willow Tree Press, Inc.

Please carefully review the following Web sites:

<http://www.restorativejustice.org/>

<http://www.ojp.usdoj-gov/nij/rest-just/>

<http://ssw.che.umn.edu/rjp/default.html>

<http://www.justicestudies.org/>

Class Format:

Although formal lectures have been planned for this course, it is primarily a graduate seminar. This means everyone in the class participates in raising questions over the assigned readings and takes an active role in analyzing and discussing the issues. Please be sure to sign up on Blackboard. In the event that there is an interruption to our course due to the cancellation of courses by the university as a result of an emergency such as a hurricane, we will continue the course on Blackboard.

Class Decorum:

- Students are expected to come to class prepared and to actively participate in class.
- Questions and discussions are encouraged in class. Superior contributions to discussions and outstanding impromptu class presentations (based on readings and class materials) may result in extra credit points added to the final grade.
- **Assignments:** All assignments must be submitted in typed form in hardcopy (do not email assignments). Proofread and polish all work prior to submission. Assignments must be handed in on their designated due dates. Late submissions will result in grade penalties or failure.
- Students with disabilities who believe that they may need accommodations in this class are encouraged to contact the Office of Disability Services at 504-865-2990 as soon as possible to ensure that such accommodations are implemented in a timely fashion.
- The *University Honor Code* will be strictly enforced. All work must represent each student's own efforts.
- **Attendance:** Individuals are expected to be punctual and regular in their class attendance. Excessive absences (more than 4 hours per term) will result in failure or necessitate withdrawal from the course. If a student misses the first weekend of our Intensive Weekend class, the student must withdraw from the

class. In such case the student must immediately contact the Department of Criminal Justice or College of Social Sciences Office.

- If for reasons of serious illness or other emergency you are unable to complete the course requirements as scheduled, you must speak with the professor regarding approval of a grade of “I” (Incomplete). Please note that grades of “I” change to “F” automatically if the course is not completed and the grade changed by the sixth week of the subsequent term, excluding summer terms. The resulting “F” grade remains the permanent grade for the course.
- All students are encouraged to come to office hours, Mondays 3:00- 6:00 p. m. in my office in 537F Monroe Hall or just prior to class in my office in Mercy Hall 306E or by appointment.

Course Requirements:

- I. Two Position Papers:** Prepare written position papers/reactions to your selected discussion questions, which have been designed to amplify the lecture materials. You may choose one from each group of questions associated with the first and second weekend meeting of the class (see Tentative Order of Lectures for questions corresponding to lecture materials for the January and February weekend meeting of the class). Your position papers/reactions should be informed by class materials (required readings) as well as additional library and internet research. Each written reaction should be approximately 5 pages double-spaced in length in addition to a list of citations and bibliographic references. Your written papers/responses will form the basis of brief oral presentations to the class, which should serve to stimulate further class discussion of the questions. The written papers/responses must be submitted to be graded at the end of each weekend class when the specific question is scheduled for discussion. Together the *two* position papers/responses (i.e., one position paper corresponding to the first two weekend sessions - 2 total) will comprise 30% of the final grade. **Please note that your first position paper is due on February 23rd, 2007 (i.e., the first weekend meeting of the class).**
- II. Class presentation:** Each student will be expected to do a formal class presentation (approximately 15-20 minutes) on a selected Restorative Justice policy or program. The following questions, which have been adapted from Howard Zehr’s list of questions in *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA, 1990: 230-231), will help guide the analysis of your selected policy or program. The questions will particularly assist in your evaluation of whether the policy or program reflects the principles of Restorative Justice and whether it meets its RJ goals.
 1. What are the policy/program goals of restoration? Does the policy/program promote restoration of all parties?
 2. Does the policy/program meet the needs of victims? Does it make right the harm to victims? Does it enable the victim to participate fully? Does it protect victims who are less powerful?

3. Does the policy/program meet the needs of offenders? Does it enable and encourage offenders to accept responsibility for their actions? Does it enable the offender to participate fully? Does it avoid dehumanizing offenders? Does it protect the less powerful offender?
4. Does the policy/program meet the needs of the community? Does it enable the community to participate fully? Does it make right the harm to the community? Does it address the community's need for safety?
5. Does the policy/program facilitate effective community-government cooperation? Does it effectively coordinate public and private resources? Does it impose the least drastic government intervention possible?
6. Does the policy/program successfully maintain the restorative vision? Does the implementation of procedures and regulations interfere as little as possible with the accomplishments of reparative and/or reintegrative goals? Are measurable objectives established and tracked. Are the measures or indicators clearly related to the restorative goals of the policy/program? Does the analysis of program outcomes or impacts give an adequate picture of the policy's/program's restorative nature and activities, and are reports available to others seeking to build restorative justice?

The class presentations will be given during our last weekend session, April 27th and 28th, 2007. Please post presentation outlines or PowerPoint slides on Blackboard prior to the class, so that the members of the class can download handouts. A hardcopy of the presentation must be submitted to the professor on the day of the presentation. Make sure that you cite references for all of your facts and observations where appropriate and include a full bibliography. The class presentation will comprise 30% of the final grade. Due to strict scheduling, there will be no opportunity to make up a missed presentation.

- III. **Term paper:** The post-Katrina era has brought many challenges as well as many opportunities. Certainly crime has been among the great issues that have affected the quality of life in New Orleans before and after Katrina. There is, however, much debate regarding questions of what the best course of actions to address the problem of crime may be or what types of reforms are needed. Begin by reviewing the crime trends and criminal justice challenges facing New Orleans in 2007. Your task is to focus on some of the opportunities that change brings and to propose restorative justice reforms to help alleviate the problem of crime. You will have to convince a broad base of critics and supporters. How would a conservative supporter of the *crime control model* reply to a call for more humanistic techniques to reintegrate people in society, which rely more on working through the relative harm committed and responding to the needs of victims, offenders, relatives and neighbors, religious congregations, and

community institutions, than on the courts or prisons and traditional criminal justice methods of responding to the problem crime? How would a restorative justice advocate respond to the conservative call for tougher sentences and more prisons to bring down the rising crime rates? Does restorative justice adequately address causation and prevention issues in specific cases? Should restorative justice be speaking to the larger issues of social justice? If so, what does restorative justice have to say – theoretically and practically – to the social structural conditions that create harm? Your term paper should be approximately 10-15 pages in length. Be sure to include a comprehensive list of references and sources of information. The paper will comprise 30% of the final grade. The paper is due on or before April 30th in the Criminal Justice Office (**this deadline is subject to change. Please contact Dr. Voigt during the first class session to confirm this or a later date**).

Tentative Order of Lectures

February 23 and 24, 2007

Definitions of Restorative Justice

The History of Restorative Justice

Models of Criminal Justice:

Crime Control Model

Justice Model

Due Process Model

Rehabilitation Model

Nonintervention Model

Restorative Justice Model

Social Justice and Restorative Justice

Restorative Justice and the Role of Spirituality

Reading Assignment:

Sullivan and Tift, Chapters one, two, and three; Zehr and Toews, Parts I and II, and Part V. Also, please review the following Web sites:

<http://www.restorativejustice.org/>

<http://www.ojp.usdoj.gov/nij/rest-just/>

<http://www.gale.com/OpposingViewpoints>

<http://ssw.che.umn.edu/rjp/default.html>

Position Paper Questions: Please choose one of the questions from the following list of questions:

- (1) What are the fundamental principles of restorative justice?
- (2) How does restorative justice compare to mainstream criminal justice?
- (3) What does restorative justice offer to a victim, offender, and community that is not already available in criminal or civil courts?
- (4) Does restorative justice constitute a paradigm shift?
- (5) What roots or affinities does restorative justice have in various world religions?

March 23 and 24, 2007

Theoretical Foundation:

**Community-oriented Mainstream Criminal Justice and Juvenile Justice
Victimology
Paradigms of Adversarialism and Mutualism
The Conflict Perspective
Post Modern Theory of Crime and Crime Control
Left-Realism and Community Crime Control
Constitutive Criminology
Models of Nonviolent Criminology:
Mutuality
Altruistic Humanism
Positive Peacemaking
Resilience**

Restorative Justice Processes:

**Reintegrative Shaming
Reciprocal Approach to Violence Recovery
Conferencing
Sentencing Circles
Mediation
Conflict Resolution
Transformative Justice**

Critical Issues of Restorative Justice:

**Has restorative justice responded to retributive justice?
Has restorative justice met the needs of the victim, offender, and the community?
What is the relationship between restorative justice and treatment?
Has restorative justice addressed the systemic injustices?
How do culture, class, race, and gender affect restorative justice?
What is the role of the State?
What is the role of the religious traditions?
How are outcomes and impacts measured or evaluated?**

Reading Assignment:

Sullivan and Tiftt, Chapters three- nine; Zehr and Toews, Parts III-VI.

Position Paper Questions: Please choose one from among the following questions:

- (1) Has restorative justice been developed into an adequate comprehensive theory?
- (2) Discuss how restorative justice addresses the challenges presented by an ever increasing diversity of perspectives and needs related to culture, class, race and gender?
- (3) Discuss the *transformation process* suggested by restorative justice. Is there a “normal” pattern of transformation? Why does it matter what pattern of thinking is adopted by individuals or communities or within the justice system?
- (4) Some theorists such as Richard Quinney (e.g., see his book *Providence: The Reconstruction of the Social and Moral Order* (NY: Longman, 1980)) emphasize the importance of the spiritual dimension of a restorative transformation. Do you think this is a necessary component of restorative justice, or simply a dimension of experience that seems to be important to some of its practitioners? If you think it is necessary, explain why. If you think it is not necessary, what significance is there in the spiritual discussion of many of its proponents?
- (5) How are faith-based organizations helping to restore those impacted by crime? What leadership roles are religious communities taking in transforming communities at large and in restoring communities? How can a partnership among faith-based organizations, religious communities, and the criminal justice system benefit victims, offenders, and the community at large?

April 27 and 28, 2007

The Challenge of Restorative Justice

The Future of Restorative Justice

Global Policies, Practices, and Programs:

Class Presentations

Concluding Comments