

PSYC 496 Restorative Justice

Spring, 2020: Tues, Thurs 12:30-1:50
Room 32, Psychology Bldg

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Office hours: Tues, Thurs 2-3pm

Readings and films:

Assigned articles will be available via Compass. Films will be used to support learning, as needed. When possible, links will be made available to students.

“Conflict is not a problem that needs solving but a phenomenon that needs understanding.” ~ *Dominic Barter*

“Restorative Justice is respect. Respect for all, even those who are different from us; even those who seem to be our enemies. Respect reminds us of our interconnectedness, but also of our differences. Respect insists we balance concerns for all parties. If we pursue justice as respect, we will do justice restoratively.” ~ *Howard Zehr*

“Forgiving is not forgetting; it’s actually remembering -- remembering and not using your right to hit back. It’s a second chance for a new beginning. And the remembering part is particularly important. Especially if you don’t want to repeat what happened.” ~ *Desmond Tutu*

"A riot is the language of the unheard."
~ *Martin Luther King*

"Peace is not the absence of conflict but the presence of creative alternatives for responding to conflict -- alternatives to passive or aggressive responses, alternatives to violence."
~ *Dorothy Thompson*

“You never really understand a person until you consider things from his point of view, until you climb inside of his skin and walk around in it.”
~ *Harper Lee*

“Human beings are inherently relational in that we are not merely interdependent with one another, but that we understand each other, through each other”
~ *Jennifer Llewellyn*

“Once you understand what people really want, you can't hate them anymore. You can fear them but you can't hate them, because you can always find the same desire in your own heart.” ~ *Orson Scott Card*

“Justice is truth in action.” ~ *Benjamin Disraeli*

"No matter how big a nation is, it is no stronger than its weakest people, and as long as you keep a person down, some part of you has to be down there to hold him down, so it means you cannot soar as you might otherwise."
~ *Marian Anderson*

“For the white person who wants to know how to be my friend...the first thing you do is to forget that I'm Black. Second, you must never forget that I'm Black.”
~ *Pat Parker*

“I think we all have empathy. We may not have the courage to display it.”
~ *Maya Angelou*

"If you have come to help me, you are wasting your time. But if you recognize that your liberation and mine are bound up together, we can walk together." ~ *Lila Watson*

Place in the Curriculum

This is a mixed undergraduate and graduate level course offered in the Department of Psychology. Though space is limited and psychology majors are given a priority to enroll, the course is open to any undergraduate and graduate student on campus interested in restorative practices.

Course Description

This course provides a critical examination of restorative justice principles and practices. Starting with the problems and limitations associated with dominant (punitive) responses to crime and rule violations, we will examine how restorative justice presents an alternative philosophy of justice and seek to understand the costs and benefits associated with attempts to apply that philosophy in different contexts, including criminal justice, schools, and families. Although the focus will be on exploring theoretical, empirical, and experiential writings concerning restorative approaches, there will also be some opportunity to develop and practice applied “facilitation” skills. To the extent possible within the structure of the university system, the course itself will be guided by restorative principles, including power sharing.

General Information

Availability and contact preferences

I encourage you to take advantage of office hours to either discuss the course material or share your reactions to something related to the class (a movie, for example). If you have a conflict during my office hours, feel free to either stop by my office at a different time (I’ll be happy to talk with you if I possibly can) or schedule an appointment. In order to create the conditions for you to have more interaction with classmates and maximum face-to-face contact with me, I encourage an “intentionally-limited” email policy. If you are ill, out of town, or are otherwise unable (which is different from “unwilling”) to come to office hours, please do email. If I am myself out of town during the work week, I will also be available on email. Otherwise, please plan on interacting with me face-to-face as much as possible.

Electronic devices

This is a device-free space. If you have laptops or other devices, please keep them in your bag. Research findings indicate that students who have access to their laptops spend a significant part of the class period focusing on activities not related to the class, which impacts not only their own learning and retention of information but also that of their classmates. Moreover, laboratory studies show that, even when the study is set up so that students are on-task the entire time, those who take notes on laptops do not retain information as well as those who hand-write their notes (you can read more [here](#) and [here](#)). Since you are paying to take this course and presumably are invested in learning the course content, it is important to me to try to create the conditions that will maximize your learning, which would be a device-free classroom. Additionally, restorative justice is often described as relational justice. I want this classroom space to support your relationships with me and with each other, and my

experience has taught me that electronic devices get in the way of such interpersonal connection. Please know that I do not make the choice to keep electronic devices out of the classroom lightly. Like many of you, I have a very strong value for personal autonomy and collaborative decision-making, and it does feel somewhat incongruous with those values to impose this policy. I'm doing it anyway, because I believe it will serve all of us, even as I remain committed to these other values and pledge to look for opportunities to bring them into the class in other ways.

Academic honesty

This course adheres to the University's guidelines on academic integrity. Academic dishonesty during exams or on class assignments will not be tolerated. *If you are having problems in class, please talk with me so that we can develop a plan for you to improve your performance in the course without cheating.* Cheating and plagiarism will be penalized in accord with the penalties and procedures indicated in the University Student Code (found at: <http://studentcode.illinois.edu/>). You are responsible for familiarizing yourselves with how the Student Code defines an infraction of academic integrity. For example, "every direct quotation must be identified by quotation marks or by appropriate indentation and must be promptly cited," and "Prompt acknowledgment is required when material from another source is paraphrased or summarized in whole or in part." This is true even if your words differ substantially from those of the source.

In addition to the University Student Code, the Department of Psychology also has the following guidelines regarding academic integrity. If academic dishonesty of any sort is evident, be assured that both the instructor and the teaching assistant will take appropriate action.

- A student "suspected" by an instructor or a proctor of cheating in an examination is considered to have cheated. Students have a responsibility to avoid any behavior that, however innocent, may look suspicious to a reasonable observer.
- Cheating and all other forms of academic dishonesty, such as plagiarizing a paper, are considered by the Department of Psychology as grounds for expulsion from the University.

Accommodations and mental health

If you have a diagnosed condition or disability that causes difficulty with learning in the classroom, completing assignments as described, or taking examinations, please see me as soon as possible and provide documentation if it is available. I will do whatever I can to accommodate your legitimate needs, which should be documented by the Division of Disability Resources and Educational Services (DRES, <http://www.disability.uiuc.edu/>). According to University policy, it is the student's responsibility to notify the instructor of any special needs. All information and documentation of disability will be kept strictly confidential. Additionally, mental health issues can manifest in anyone at any time. The university counseling center has free services for students. See <http://counselingcenter.illinois.edu/counseling>

If you require assistance in the event of an emergency, please let me know so that I can make arrangements to assist you in moving to a Safe Area during an emergency. Safe Areas are located on each floor of the Psychology Building next to the freight elevator in the southwest corner, and they are marked on the emergency wayfinding maps found throughout the building.

Course Requirements

Class participation (20 points)

Students are expected to attend and actively participate in class. The nature of participation will vary based on class activity, but active participation is possible no matter what is happening at any given moment. For example, active participation during lecture involves asking or answering questions and writing questions/comments in the margin to bring up (or just think about) at a later time. Similarly, active participation during films (we will have several) also involves jotting down questions, responses, or even just something a character said or did that seems important.

Circle processes and other exercises and activities will provide additional opportunities for active participation. Participation points can be earned by leading a community-building or learning circle (10 points/circle). This will be discussed in class and I am available for additional guidance as needed.

Weekly thought papers about the readings (120 points)

There is a reading thought paper due every Thursday before noon via Compass 2g (WebCT). You will have 14 weeks to submit 12 such thought papers (no extra credit will be given for additional submissions), so you get two “freebies” if you either forget, have a crisis, or just choose to focus on other work. Please note that Compass will not accept late submissions, and I will not accept submissions that are not posted on Compass (unless there is a system-wide problem), even if they are emailed to me prior to the deadline. You should also bring a hard copy with you to class on Thursdays. I prefer to read paper rather than the screen (I will collect them) and it will help refresh your memory when we talk about the reading in class. Because the thought papers are also intended to be the preparation for class discussion, credit will only be given to students who are in class that day.

The thought paper should be between ½ and 1 single-space page (standard font and margins). It should focus on identifying and responding to the main ideas of one of the week’s assigned reading. “Responding” in this case means describing some kind of internal analytic process. Below are some questions that you can use as a prompt to stimulate a response:

- Is the author’s argument logical/sensical within their own logical framework?
- How does the author’s argument/findings fit with the other things we’ve read or learned about it class?
- Discuss the extent to which you agree/disagree with the author’s interpretations or conclusions.
- What new questions does the reading raise?
- If you could talk with the author, what would you tell them?

Evaluation of the thought papers will consist of a threshold model. The spirit of the assignment is to create conditions for students to engage with the reading. Thus, the threshold is ***Is it evident that the student engaged with the essence of the reading?*** Evidence of such engagement is worth 10 points each of the 12 weeks for a total of 120 points. Missing submissions or a lack of sufficient evidence of such engagement (including personal musings on related topics) will result in 0 points. Submissions consisting only of a reading summary will result in half credit (5 points).

Written Assignments

All written assignment should follow the specified length requirement in a standard 12-point font and with standard one-inch margins. There is no length minimum, but given the brevity of the assignments, I strongly recommend that you write as close to the upper limit as possible. Please note, as well, that it is typically more challenging and time-consuming to express complex ideas well in a short space compared to a longer space. Papers that are late (even if handed in on same day) will incur a 10% penalty unless otherwise arranged with the instructor at least 24 hours prior to the deadline.

Explanation assignment -- due Feb 4th (60 points)

To someone who is not in this class and does not have a background in restorative justice, describe restorative justice in your own words and solicit their feedback and questions. In a one page, single-spaced paper, summarize this experience, their reactions, and what if anything you learned about restorative justice and/or how to present it.

Conflict style assignment -- due March 3rd (100 points)

In up to 4 double-spaced pages, explore your own conflict style by answering the following.

1. What did you learn about conflict in your family of origin? Provide a specific example as an illustration. Of the things you learned about conflict in your family, what do you think works well? What doesn't?
2. Think about an important romantic or friend relationship. How do you respond to conflict in this relationship? What works well about your response? What doesn't?
3. Think about a group, team, or organization that you are part of. How do you respond to conflict in that group? What works well for you about your response? What doesn't?
4. Talk to one person who is part of either #2 or #3 above about your conflict style with them, including the ways that it works or doesn't from their point of view. Pick this person mindfully, thinking about who will support your well-being. Summarize their feedback.

Final Project – due April 23rd (100 points)

Option 1: Restorative Justice “audit.” Evaluate an actual justice or justice-related program from a restorative framework. Briefly describe the program or organization, focusing on how it responds to conflict and/or rule violations. Then assess the degree to which it is aligned and not aligned with restorative principles. Conclude by making specific recommendations for how it can become better aligned with restorative principles. Since there is some disagreement within the movement about what these principles are, be sure to be explicit in identifying and describing the principles you decide to focus on. Examples of possible topics include a school or church disciplinary procedure, a post-conflict justice approach such as a truth commission, a specific restorative justice program, a traditional criminal justice response, your own family's norms/traditions in relation to conflict, and a specific case in the news.

Option 2: Literature review focusing on what we know about restorative responses to one particular type of act, such as fighting in school, sexual assault, or domestic violence. These are just examples; you may write about a different act/behavior but please talk to me first in case I have concerns.

Grading

The final grade for this course will be based on the total number of points you **earn** on the two examinations, journal entries, the racial identity paper, and the final project. The course requirements total to 400 points, which break down as follows:

Participation/circle	20 points
Thought papers	120 points
Explanation paper	60 points
Conflict style paper	100 points
Final project	100 points

Semester grades will be assigned according to the following scale. I realize that the cutoffs between the grades are somewhat arbitrary, even if they are consistent with traditional practices and university guidelines. However, the lines have to be drawn somewhere, and this is where I have determined they will be. Having so determined, in the interest of fairness, exceptions will not be made, even if a student is literally just a point short of the higher grade. If this appears petty – after all what possible harm could it cause – please keep in mind that in a class this size there will always be a handful (not just one) student who is a point short of a higher grade. To make an exception for one student and not another would be absurdly unfair, and to make an exception for the whole bunch would be the equivalent of moving the cutoff, which would only create a new group of “border” students. So, these are the cutoffs. Use them to plan the effort you put into your work.

The final letter grade will be based on a percentage of your 400 points:

<u>% of 400</u>	<u>Number of Points</u>	<u>Grade</u>
93-100	372-400	A
90-92.99	360-371	A-
87-89.99	348-359	B+
83-86.99	332-347	B
80-82.99	320-331	B-
77-79.99	308-319	C+
73-76.99	292-307	C
70-72.99	280-291	C-
67-69.99	268-279	D+
63-66.99	252-267	D
60-62.99	240-251	D-
<60	<240	F

Semester Schedule (Spring, 2020)

Unit 1. Definitions and History

Week 1:
Jan 21, 23

The Start of a Movement

Christie, N. (1977). Conflicts as property. *British journal of Criminology*, 17(1), 1-15.

Opening circle: I am ____

Closing circle: "right now..."

Discussion questions:

1. What is justice?
2. Are there different ways of getting justice?
3. What is a justice system? What would an ideal justice system look like?
4. What kind of a justice system do we want to have in this class?

Week 2:
Jan 28, 30

Defining Restorative Justice

Zehr, Howard (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books. (Chapters 1-2)

Week 3:
Feb 4, 6

History of Justice Systems: Retributive and Restorative Justice

Braithwaite, J. (2003). Principles of restorative justice. *Restorative justice and criminal justice: competing or reconcilable paradigms*, 1-20.

McCold, P. (2000). Toward a holistic vision of restorative juvenile justice: A reply to the maximalist model. *Contemporary Justice Review*, 3(4), 357-414.

**** Explanation Assignment due Feb 4 ****

Week 4:
Feb 11, 13

Restorative Justice Critiques

Allison Morris (2002). Critiquing the Critics: A brief response to the critics of restorative justice. *British Journal of Criminology* 42(3), 596-615.

Takagi, P., Shank, G. (2004). Critique of restorative justice. *Social Justice* 3(3), 147-163.

Levrant, S., Cullen, F., Fulton, B., & Wozniak, J. (1999). Reconsidering restorative justice: The corruption of benevolence revisited. *Crime and Delinquency* 45(1), 3-27.

Week 5: **Restorative conceptualizations: Victimhood, Power, and Theoretical Aims**

Feb 18, 20

Shpungin, E. (2014). The fluidity of victimhood. *T Gavrielides (ed.)*.

Lyubansky, M. & Shpungin, E. (2015). Challenging Power Dynamics in Restorative Justice. In T. Gavrielides (Ed.). *The Psychology of Restorative Justice*. TBC Publications.

Unit 2. Restorative Justice Models

Week 6: **Victim Offender Mediation and Family Group Conferencing**

Feb 25, 27

Umbreit, M., & Stacey, S. (1996). Family group conferencing comes to the U.S.: A comparison with victim-offender mediation. *Juvenile and Family Court Journal*, 47(2), 29-38.

Burning Bridges ([film](#))

Week 7: **Restorative Circles**

March 3, 5

Coates, R., Umbreit, M., & Vos, B. (2003). Restorative justice circles: An exploratory study. *Contemporary Justice Review*, 6(3), 265-278.

Additional reading: TBA

**** Conflict style paper due March 3 ****

Unit 3. Restorative Justice in Education

Week 8: **RJ in Schools**

March 10, 12

Vareham, S. (2005). Seeing things differently: Restorative justice and school discipline. *Education and the Law* 17(3), 87-104

Karp, D., & Breslin, B., (2001). Restorative justice in school communities. *Youth Society*, 33(2), 249-272

Morrison, B. (2006). School bullying and restorative justice: Toward a theoretical understanding of the role of respect, pride, and shame. *Journal of social issues*, 62(2), 371-392

Illinois Criminal Justice Information Authority. Implementing Restorative Justice: A guide for Schools <http://www.icjia.state.il.us/public/pdf/BARJ/SCHOOL%20BARJ%20GUIDEBOOK.pdf>

SPRING BREAK March 14-22

Week 9: **Restorative Justice in Higher Education**

March 24, 26

Karp, D., & Conrad, S. (2005). Restorative justice and college student misconduct. *Public Organization Review*, 5(4), 315-333.

Week 10:
March 31,
April 2

Implementation Challenges

Lyubansky, M., & Barter, D. (2019). Restorative Justice in Schools: Theory, Implementation, and Realistic Expectations. In *The Psychology of Peace Promotion* (pp. 309-328). Springer.

Unit 4. Restorative Responses to Crime

Week 11:
April 7, 9

Overview and Homicide

Pali, B., & Pelikan, C. (2014). Con-texting restorative justice and abolitionism: exploring the potential and limits of restorative justice as an alternative discourse to criminal justice. *Restorative Justice*, 2(2), 142-164.

Tullis, P. (2013). Can forgiveness play a role in criminal justice. *New York Times*. Retrieved from <http://www.nytimes.com/2013/01/06/magazine/can-forgiveness-play-a-role-in-criminal-justice.html>

Week 12
April 14, 16

Racial Harm

Lyubansky, M. (2013). Restorative Justice for Trayvon Martin. *Journal for Social Action in Counseling and Psychology*, 5(1), 59.

Davis, F. E., Lyubansky, M., & Schiff, M. (2015). Restoring Racial Justice. *Emerging Trends in the Social and Behavioral Sciences: An Interdisciplinary, Searchable, Linkable Resource*.

Week 13:
April 21, 23

Sexual Violence

Brenner, A. (2013). Transforming campus culture to prevent rape: the possibility and promise of restorative justice as a response to campus sexual violence. *Harvard Journal of Law & Gender*, 10.

Koss, M., & Achilles, M. (2008). Restorative justice responses to sexual assault. *National online resource center on violence against women*.

Koss, M. P., Wilgus, J. K., & Williamsen, K. M. (2014). Campus sexual misconduct restorative justice approaches to enhance compliance with Title IX guidance. *Trauma, Violence, & Abuse*, 15(3), 242-257.

**** Final projects due April 23 ****

Week 14
April 28, 30

Evaluating the Evidence

Latimer, J., Dowden, C., Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*, 85(2), 127-144.

Bergseth, Kathleen J., and Jeffrey A. Bouffard. 2007. The Long-Term Impact of Restorative Justice Programming for Juvenile Offenders. *Journal of Criminal Justice* 35 (4), 433–451.

Rodriguez, N. (2013). Examining the effectiveness of a restorative justice program for various types of juvenile offenders. *Crime and Delinquency*, 53(3), 355-379.

Sherman, L., & Strang, H. (2007). *Restorative justice: The evidence*. The Smith Institute

Week 15:
May 5

Closure

A Restorative Classroom

It is something that we can only accomplish together, but I very much want this classroom to be a restorative space. I'll say more about restorative practices throughout the semester, but here are 10 ways to be restorative, based on [an article by Howard Zehr](#). Please know that I am committed to these principles, both in the classroom and in my personal life.

1. Take relationships with your classmates (and instructor) seriously, envisioning yourself in an interconnected web of people, institutions and the environment. Treat everyone respectfully, even those you feel don't deserve it, even those who have harmed or offended you or others.
2. Try to be aware of the impact - potential as well as actual - of your actions on others and the class.
3. When you become aware that your actions negatively impacted others, take responsibility by acknowledging and seeking to repair the harm - even when you could probably get away with avoiding or denying it.
4. Involve those affected by a decision, as much as possible, in the decision-making process.
5. View the conflicts and harms in class (and in your life) as opportunities. Much learning and connection can emerge from them.
6. Listen, deeply and compassionately, to others, seeking to understand even if you don't agree with them. (Think about who you want to be in the latter situation rather than just being right.)
7. Don't silence yourself. Engage in dialogue with others, even when what is being said is difficult, remaining open to learning from them and the encounter. It is my intention to create conditions where there is enough safety for everyone to speak their honest "truth". For my part, I pledge to you to not hold back and speak honestly (yet, hopefully, with sensitivity) about whatever we're discussing. I would very much like if others did the same.
8. Be cautious about imposing your "truths" and views on other people and situations. Every person has a right to (and is responsible for) his/her own feelings, thoughts, and beliefs. *We are not always going to agree or see everything the same way.* Try to approach disagreement by focusing on your own understanding and growth rather than on trying to change someone else.
9. Be aware of your internal state. Give yourself and each other permission to be sad and afraid, and even confused and angry (I'll make sure the anger is safely contained). If you do find yourself feeling unusually emotional, you might want to think or even talk it through with me, a classmate, or someone else you trust in order to make sense of your experience. If you want to do so, you may also express what you're feeling in class. Emotions are a form of feedback that something important is happening. If they are ignored, they'll keep coming back, sometimes when they are least welcome.
10. Sensitively confront everyday injustices including sexism, racism and classism.

Additional thoughts on change and growth: Change and growth take courage. Our current ways of thinking, whatever they may be, are in many ways comfortable, in part because they are familiar. We can predict how our friends and relations (and even our classmates and instructors) will respond to us. New ways of thinking are, by definition, unfamiliar and, therefore, scary because we don't know how others will respond. As the semester begins, I have no way of knowing how any of you might change and grow, but I know that many of you will. This kind of personal growth is not a course requirement and will not ever be formally evaluated, but for those of you who are open to it, I want you to know that, no matter where you start or even where you end up at the end of the class, I hold you in high regard and wish you an exciting and fulfilling journey of discovery.