



Course Syllabus¹

Philosophy 091-07: Restorative Justice

Fall Semester 2023; TTh 4:30-5:45

Professor Erin Kelly

Phone: 617-627-2849 (office)

Office Hours: Th 1:30-3pm and by appointment

Co-instructor: Associate Research Professor Jonathan Tirrell, Department of Child Study and Human Development

This course will study the theory and practice of restorative justice, which involves the radical idea that victims of crime can heal together with the persons who have injured them. We will examine existing restorative justice models in the United States and abroad to consider their moral philosophy, aims, and effectiveness. We will be especially concerned to develop a notion of restorative justice that addresses the ethics of criminal justice in connection with both individual wrongdoing and social injustice. The class will include visits from practitioners describing their work and modelling their practice. Readings from moral and political philosophers, social scientists, and legal scholars.

Readings:

All readings and other course materials linked below.

9/5 Introduction to Restorative and Transformative Justice

- Watch: “An example of RJ with sugatha baliga” Video (5 min)
- Watch: “What is Transformative Justice?” Video (10 min)
- Mimi Kim, “From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration”
- Mia Mingus, "Transformative Justice,"

¹ This syllabus borrows from a course developed by Adriaan Lanni (Harvard Law School). Many thanks to Professor Lanni for sharing her materials.

- Watch: “Positive Youth Development for Youth Workers” Video (3 min)

9/7 **Restorative Justice: Overview**

- Howard Zehr, “A Restorative Lens,” pp. 181-214
- Judith Herman, “Accountability,” *Truth and Justice*, pp. 109-141.
- William Damon, “What is Positive Youth Development?”

9/12 **Indigenous Traditions**

- Watch Documentary *Hollow Water* (40 mins)
- Laura Mirsky, “Restorative Justice Practices of Native American, First Nation, and other Indigenous Peoples of North America”
- Ada Melton, “Indigenous Justice Systems and Tribal Society”
- Lauren van Schilgaarde, “Restorative Justice in Indian Country”
- Excerpt from Allan MacRae and Howard Zehr, *Little Book of Family Group Conferences, NZ Style* Download *Little Book of Family Group Conferences, NZ Style*, excerpts
- Watch: Rangatahi Courts Video (7 min.)

9/14 **Restorative and/or Retributive Justice**

- Zehr, “Restorative Principles,” *Little Book of Restorative Justice*
- Christopher Bennett, “Varieties of Retributive Experience”
- Michael Lewis, “Self-Conscious Emotions”

9/19 **Philosophies of Accountability**

- R. Jay Wallace, *The Moral Nexus*, (pp. 1-11)
- Danielle Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*, Ch. 3 (pp. 91-128)
- Watch: “What is Accountability?” Video (16 mins)

9/26 **Victim-Offender Dialogue: Visit with Yael Rhodes, C4RJ**

- C4RJ, [How the Circle Process Works](#)Download [How the Circle Process Works](#)
- RISE, [U.S. District Court of MA program statement](#)Download [U.S. District Court of MA program statement](#)
- MGL ch. 267B: [An Act Promoting Restorative Justice Practices](#) Download [An Act Promoting Restorative Justice Practices](#) ; C4RJ [Fact Sheet](#) Download [Fact Sheet](#)
- Excerpt from [NZ Sentencing Act of 2002](#)

9/28 **Victim-Offender Dialogue**

- Howard Zehr, "Restorative Practices,"
- Mark Umbreit and Marilyn Armour, “Restorative Justice Dialogue”
- VOD exercise

9/21 Circle Processes

- Howard Zehr, ["Restorative Practices,"](#) Download "Restorative Practices," *Little Book of Restorative Justice*
- Carolyn Boyes-Watson and Kay Pranis, [Circle Forward](#) Download Circle Forward, excerpt
- Kay Pranis, [The Little Book of Circle Processes](#) Download The Little Book of Circle Processes, (pp. 293-330)
- Mark Umbreit and Marilyn Armour, ["Restorative Justice Dialogue"](#) Download "Restorative Justice Dialogue"
- Optional: Marvin Berkowitz, [Moral and Character Education](#) Download Moral and Character Education

9/26 Victim-Offender Dialogue: Visit with Yael Rhodes, C4RJ

- C4RJ, How the Circle Process Works
- RISE, U.S. District Court of MA program statement
- MGL ch. 267B: An Act Promoting Restorative Justice Practices; C4RJ Fact Sheet
- Excerpt from NZ Sentencing Act of 2002

9/28 Philosophies of Accountability

- Stephen Darwall, "Two Kinds of Respect"
- Sered, *Until We Reckon*, Ch. 4 (pp. 129-157)

10/3 Restorative Justice for Harmed Parties in Cases of Serious Violence. Visit with members of the Transformational Prison Project

- ["Circle Up."Links to an external site.](#) Documentary available through Kanopy at Tisch Library.
- Johnstone, ["Healing the Victim,"](#) Download "Healing the Victim," *Restorative Justice* (pp. 62-86)
- Chris Cuunun and Carolyn Hoyle, ["In Defense of Restoration in the 'Deep End' of Criminal Justice"](#) Download "In Defense of Restoration in the 'Deep End' of Criminal Justice"
- Browse the impact statements at sentencing of homicide survivors: <https://justalternatives.org/victim-impact-statements-links-for-victim-survivors/Links to an external site.>
- Browse the victim survivor stories of homicide survivors: <https://justalternatives.org/victim-survivor-stories/Links to an external site.>

10/5 Forgiveness as a Normative Power

- Christopher Bennett, “The Alteration Thesis”

10/10 **Restorative Justice and the Criminal Justice System**

- Christopher Bennett, *The Apology Ritual*, Ch. 6, Ch. 7 (pp. 163-174), Ch. 8 (175-183)

10/12 **Restorative Justice and the Criminal Justice System**

- Gerry Johnstone, “Some Limitations on Restorative Justice,” *Restorative Justice* 25-33, 151-158
- Antony Duff, “Responsibility, Restoration, and Retribution”

First paper due (5-6 pages)

10/17 **Restorative Justice in Prisons.** Class visit with visitors from the Transformational Prison Project.

- Johnstone, “Restorative Approach to Offenders,”
- Description of VOEG program from Insight Prison Project website
- Daniel Van Ness, “Prisons and Restorative Justice”
- Adriaan Lanni, “Taking Restorative Justice Seriously”

10/19 **Restorative Justice and the Criminal Justice System**

- Nils Christie, “Conflicts as Property”
- Albert Dzur, “Democratic Innovation in Criminal Justice”

10/24 **Community-Based Justice**

Albert Dzur, ["Trench Democracy in Criminal Justice: Download "Trench Democracy in Criminal Justice: An Interview with Lauren Abramson,"](#) *The Boston Review*, Dec. 13, 2013

Mimi Kim, ["Moving Beyond Critique"](#) Download “Moving Beyond Critique”

Esteban Kelly, ["Philly Stands Up"](#) Download “Philly Stands Up”

Excerpts from INCITE!, ["Community Accountability within the People of Color Progressive Movement"](#) Download “Community Accountability within the People of Color Progressive Movement”

Fania Davis, ["Toward a Racial Reckoning: Imagining a Truth Process for Police Violence,"](#) Download "Toward a Racial Reckoning: Imagining a Truth Process for Police Violence," *The Little Book of Race and Restorative Justice*, Ch. 6

Watch video: ["Everyday Practices of Transformative JusticeLinks to an external site."](#) (14 mins)

10/26 **Restorative Justice and the Criminal Justice System**

- Christopher Bennett, “Restorative Justice”

10/26 **Community-Based Justice**

- Albert Dzur, “Trench Democracy in Criminal Justice: Download “Trench Democracy in Criminal Justice: An Interview with Lauren Abramson,” *The Boston Review*, Dec. 13, 2013
- Mimi Kim, “Moving Beyond Critique”
- Esteban Kelly, “Philly Stands Up”
- Excerpts from INCITE!, “Community Accountability within the People of Color Progressive Movement”
- Fania Davis, “Toward a Racial Reckoning: Imagining a Truth Process for Police Violence,” *The Little Book of Race and Restorative Justice*, Ch. 6
- Watch video: “Everyday Practices of Transformative Justice” (14 mins)

10/31 Forgiveness and Reconciliation in Rwanda

- BBC report, 4 April, 2019. “Rwanda Genocide: 100 Days of Slaughter”
- Timothy Longman, *Memory and Justice in Post-Genocide Rwanda*, Introduction (pp. 11-17, 23-26), Ch 2 (pp. 33-64), Ch. 8 (pp. 271-309)
- Martha Minow, “Truth Commissions”
- Watch video: “Albert’s Story” Aegis Trust video. (5 min.)
- Watch video: “Grace and Vanessa” (6 min)

11/2 Forgiveness and Reconciliation in Rwanda. Zoom visit with Rwandan Restorative Justice Practioners.

- Jonathan Tirrell, Erin Kelly, et. al, “Forgiveness and Justice After Genocide in Rwanda”

11/7 Restorative Justice and Developmental Science: Introducing Approaches to Studying and Promoting Human Development. Readings TBD.

11/9 Restorative Justice and Developmental Science: Character and Community Development. Readings TBD.

11/16 Restorative Justice and Developmental Science: Resilience, Forgiveness, and Thriving. Readings TBD.

11/21 Restorative Justice and Developmental Science: Revisiting Forgiveness in Rwanda. Readings TBD.

11/28 Philosophies of Forgiveness

- Sussman, “Kantian Forgiveness”

11/30 Philosophies of Forgiveness

- Jessica Wolfendale, “The Hardened Heart: The Moral Dangers of Not Forgiving”

12/5 RJ on Campus: Sexual Assault

- Leigh Goodmark, “RJ as Feminist Practice”
- Donna Coker, “Crime Logic, Campus Sexual Assault, and Restorative Justice,” excerpt

- Chrysalis Collective, “Beautiful, Difficult, Powerful: Ending Sexual Assault through Transformative Justice”
- David Karp and Megan Schachter, “Restorative Justice in Universities”
- Optional: Listen to Podcast, “A Survivor and Perpetrator Find Justice” (56 mins)

12/7 **RJ on Campus: Sexual Assault**

Judith Herman, "Prevention," *Truth and Repair*, Ch. 9

12/14 **Final paper due**

Course Requirements

Class attendance and participation

Six “content reflections” 10%

Phil 91 students: Three short papers (5-6 pages each) 30% each

Phil 191 students: write one shorter paper (5-6 pages, 30%) and one longer paper (12-15 pages, 60%)

Content Reflections

I have created a “Content Reflections” portion of the Canvas course site for each class meeting. You should post brief thoughts –do not write more than 300 or so words per posting – on some aspect of the assigned materials **six times during the semester**. You can either start a discussion thread or respond to someone else's comment. Because postings are meant to precede and sometimes provoke class discussion, please submit them by 11am.

Course Policies

You may NOT use ChatGBT to compose your drafts or essays.

Late papers may be marked down if the lateness is unexcused.

Incompletes will be granted only in special circumstances and provided that you make your request before the last paper is due.

Learning Objectives. In this course you will learn:

1. About the restorative justice movement and its philosophy.
2. About why the restorative justice movement has sought alternatives to criminal punishment in response to problems of crime and justice and what its strengths, potential, and shortcomings are.
3. How to read, analyze, and articulate arguments and viewpoints in philosophical texts and assess their relevance to the theory and practice of restorative justice.
4. How to produce a cogent argument and express it clearly, both in writing and orally.
5. How to anticipate objections to one’s views, apply the principle of charity to others’ opinions, and address objections and competing views effectively and respectfully in discussion and writing.
6. How to develop and defend one’s own ideas with respect to problems of ethics and justice.

Student Resources:

Accommodations for Students with Disabilities: Tufts University values the diversity of our students, staff, and faculty and recognizes the important contribution each student makes to our unique community. Tufts is committed to providing equal access and support to all qualified students through the provision of reasonable accommodations so that each student may fully participate in the Tufts experience. If you have a disability that requires reasonable accommodations, please contact the StAAR Center (formerly Student Accessibility Services) at StaarCenter@tufts.edu or 617-627-4539 to make an appointment with an accessibility representative to determine appropriate accommodations. Please be aware that accommodations cannot be enacted retroactively, making timeliness a critical aspect for their provision.

Academic Support at the StAAR Center: The StAAR Center (formerly the Academic Resource Center and Student Accessibility Services) offers a variety of resources to all students (both undergraduate and graduate) in the Schools of Arts and Science, Engineering, the SMFA and Fletcher; services are free to all enrolled students. Students may make an appointment to work on any writing-related project or assignment, attend subject tutoring in a variety of disciplines, or meet with an academic coach to hone fundamental academic skills like time management or overcoming procrastination. Students can make an appointment for any of these services by visiting the StAAR Center (Links to an external site.)website, which can be accessed by the URL of go.tufts.edu/StAARCenter.

Mental Health Support: As a student, there may be times when personal stressors or emotional difficulties interfere with your academic performance or well-being. The Counseling and Mental Health Service (CMHS) provides confidential consultation, brief counseling, and urgent care at no cost for all Tufts undergraduates as well as for graduate students who have paid the student health fee. To make an appointment, call 617-627-3360. Please visit the CMHS website: <http://go.tufts.edu/Counseling> (Links to an external site.) to learn more about their services and resources.