

INTD 1018a – Restorative Justice Theory and Practice

January, 2024

Instructor Information

Instructor: sujatha baliga
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Office: MNR 111
Office Hours: Mondays 10am-12pm (except 1/15 MLK day–alternative hours that week by appointment)

Course Information

Meeting Times: Mondays and Tuesdays 1-4pm, Thursdays 10:30am-12:30pm

Location: MT Twilight 201, Th Sunderland Language Center 130 (with exceptions, see syllabus below)

Course Materials

All course materials can be found in [this google drive](#) or are linked in this syllabus, below.

Course Description

This course outlines the basic principles and values of restorative justice, illustrated through the primary modes of restorative practice (“victim-offender dialogue” in prisons, “westernized” circle processes in schools and community contexts, certain forms of indigenous justice including peacemaking, family group conferencing as diversion from the criminal legal system, and truth and reconciliation commissions in both transitional and non-transitional settings). The course examines various contexts in which restorative justice programs operate, ranging from complete circumvention of criminal legal and school discipline processes to those that interact with or even operate within those systems. We will also identify challenges to and shortcomings of restorative justice, including critiques of restorative justice as undermining the rule of law and, conversely, from transformative justice/prison abolitionist perspectives. The course will close with individual and group presentations about

Learning Outcomes

By the end of the semester, students will have knowledge necessary to:

- describe the principles of restorative justice and restorative processes practiced nationally and internationally

- recognize face-to-face dialogue and collective decision making as an approach to achieving justice
- analyze whether restorative justice programs and practices adhere to restorative justice principles
- examine both criminal legal system and restorative justice processes from the positionalities of survivors, those who've caused harm, and their communities
- identify ways restorative justice processes might serve to address current and/or historical harms
- discern the relationship between indigenous peacemaking and restorative justice
- explore the relationship of restorative justice to state-led processes, and assess critiques of restorative justice through transformative justice and rule of law lenses
- imagine ways restorative justice might work towards ending mass criminalization and punitive school discipline policies

In addition, class time will be spent experiencing circle and developing introductory-level skills for facilitating dialogue circles.

Grading/Evaluation

Students will be evaluated in the following ways:

Reflection Papers (20%)

Reflect on the assigned texts and/or films for the week and provide a 1-2 single-spaced page response that may include: what you understood from the readings or videos; how the material impacted you; questions the readings raised for you; and/or, applicability of the readings to current or historical situations (which may be personal, social, political, etc.). If you so choose, you may incorporate creative components into your reflection papers (such as images, drawings, poetry, etc) after you have written at least 1 page of text reflecting on the readings.

Attendance and Class Participation (15%)

Your grade for class participation is not determined by the number of times you raise your hand or the amount of time you speak, but rather by the quality of participation with direct relationship to assigned class materials. It's also my hope to foster an ethic of "step up/step back" so that all the wisdom in the room can be heard.

You're all encouraged to ask questions throughout class (unless we're in circle, in which case you'll wait for the talking piece to come around; circle will be explained on the first day of class). Sometimes we'll have to postpone an answer for timing/pedagogical

reasons, and you should feel free to bring any lingering questions to office hours or to me via email.

Written Questions for Guest Speakers (15%)

We will have guest speakers in four and possibly five of our classes. The readings will include materials that were authored by the guest speakers, and you'll submit two questions based on those readings into a google doc in advance of class. The google docs for each speaker can be found in the readings folder corresponding to each speaker's class.

You need not ask your questions during class (indeed, we won't have time for all of the questions to be asked and answered, and different questions might come up for you during the guest speaker presentations), but the google doc will be shared with the speaker and we'll get to as many of them as we can. You'll be able to see each other's questions in that google doc, so do your best to bring a diversity of questions to each speaker.

Final Project

For this project, choose one of the *project options* described below. This project can be completed individually or as a group. Note that there is both a written component and a presentation component.

Writing Component (20%)

The written paper should be in APA format and be between 4 to 6 pages in length. Under some circumstances, the project might be in a different medium. Please contact me about a time to meet during office hours if you are considering something other than a written paper.

Presentation (20%)

Students will be expected to *present* and *lead a discussion* on their final project in the last week. The presenter(s) may assign other background reading (such as their written component of the project) and then present to the seminar for feedback and discussion. In addition to instructor evaluation, students will evaluate each other on this activity. The length of these presentations will be determined by the number of individual presentations/groups we have.

Project Options:

(1) *Evaluate an actual justice or justice-related program.* Briefly describe the program, then assess where it falls on the restorative justice continuum and explain the criteria you used to determine its place on the continuum. Does it reinforce retribution? Does it include everyone impacted? Identify specific examples that led you to your conclusions. If it falls on the pseudo/non-restorative justice end of the continuum, make suggestions on how it could be more restorative.

(2) *Design a restorative justice application* for a community you are a part of. Draw upon the needs and realities of your community, restorative justice values, and the approaches you have learned about. This may be a new program, a response to a specific case, or a change to how things are currently handled.

(3) *Explore a Topic of your Choice.* To best fit your own needs, you may wish to write a paper and presentation and discussion exploring a particular topic of your choice within the current restorative justice field or one which restorative justice theory or practice could apply.

Evaluating Your Classmates (10%)

In addition to instructor evaluation, students will evaluate each other on this activity. A rubric for thoughtful evaluation will be provided.

Extra Credit Opportunities (up to 5%)

In addition, there are two opportunities for extra credit (each providing up to an additional 2.5% of your grade) on the morning of January 16th and on January 17th (these are listed in the syllabus, with instructions, below).

In summary:

Assignment	Due Date	Percentage of grade
Reflection Paper #1	Class 4	10%
Reflection Paper #2	Either Class 6 or 9	10%
Two questions for each visiting speaker	1/9 by 10am; 1/18 by 8am; 1/22 by 10am; 1/23 by 10am; 1/25 by 8am	15%
Final Short Paper (4-6	Final Class	20%

pages)		
Final Individual or Group Presentation	Class 10, 11, or first half of Class 12	20%
Evaluation of Your Classmates Presentations	Class 10, 11, and first half of Class 12	10%
Attendance and Class Participation	Ongoing	15%
Total		100%

Course Policies

Since class participation is part of what you are graded on, please do your best to attend each class. If you are going to be absent for a truly unavoidable reason, please *email* me in advance and we'll discuss how you can catch up on missed material. Likewise, if unavoidable circumstances require you to hand in an assignment late, please give me advance notice and suggest the earliest possible time you will be able to turn in your assignment. Please note, however, that the curriculum builds on itself, so it's important to stay on top of the readings, films, and class discussions.

You may use a laptop or other device to access reading assignments during class as is needed. However, I strongly encourage you to take hand-written notes; let's do our best to have the classroom experience mirror restorative justice culture; staring at a screen instead of being present to the person who is speaking goes a long way on that front. This is particularly true when we're in circle.

A note on content warnings: This is a class on restorative justice, and as such we'll at times be grappling with some of the worst things humans do to one another, or with unconscionable injustices wrought by structures and institutions against people and their communities. The titles of each class describe the material we'll be working with; I generally don't give individual content or trigger warnings because I don't want to assume which subjects may be emotionally/intellectually/morally/spiritually challenging to different students. I warmly encourage each of you to have a self-care/community care plan for during and after class and when engaging with class materials you anticipate to be challenging for you. I commit to doing my best to make our class a space where we can engage bravely, empathetically, and thoughtfully with difficult content.

In three of our classes, we'll be welcoming visitors/auditors. Members of the Indigenous Justice group at Middlebury will be joining our class with Chief Justice Robert Yazzie, and students from Professor Alex Yuster's Human Rights class will join our time with Dr. Fania Davis. In addition, for the class addressing restorative justice applications to intimate partner and sexual violence, we'll be joined by members of the Vermont Network Against Domestic and Sexual Violence. Where we'll need a larger room to accommodate additional visitors, the class location will be listed in the Course Schedule, below.

Course Schedule

Date & Location	Topic & In Class Speaker	Readings, Other Pre-Class Work & Assignments	Relevant Learning Outcome
Thurs, Jan. 4 Class 1 10:30-12:30 SDL 130	Introductions, Building Class Values, and Origins of Restorative Justice	Pre-Class Work: Bring an object to class that tells us something about you.	<ol style="list-style-type: none"> 1. Introduce self to the class 2. Experience circle process 3. Identify elements of circle 4. Describe the principles of restorative justice 5. Build Class Values
Monday, Jan. 8 Class 2 1-4pm AXT 201	Restorative Justice Practices – FGC & Circle, VORP and VOD What Is, and Isn't, Restorative Justice	<u>Readings</u> and Other Pre-Class Work: Community Works RCC report (28 pages) Restorative Justice: What It Is and Is Not, by The Editors of Rethinking Schools (11 pages)	<ol style="list-style-type: none"> 1. Understand face-to-face dialogue and participatory decision making as justice 2. Describe existing restorative justice processes used

		Howard Zehr, <i>The Little Book of Restorative Justice</i> (2002), Chapter 3, pp.42-57 (15 pages)	nationally and internationally 3. Analyze whether restorative justice programs adhere to restorative justice principles
Tuesday, Jan. 9 Class 3 3 hrs 1-4pm AXT 201	Racialized Mass Criminalization in the United States What Brings Us To The Work of Restorative Justice? Speaker: Fania Davis Note: Prof. Alex Yuster's Human Rights Class students will be joining us for this class	<u>Readings</u> and Other Pre-Class Work: Watch the movie "13th," available on Netflix Fania Davis, <i>The Little Book of Race and Restorative Justice</i> (2019), Chapter 1 pp.1-16, Chapter 6-7, pp. 73-96 (35 small pages) Due Tuesday 1/9 10am: Enter two questions you have for our time with Dr. Fania Davis into this google doc .	1. Consider what personally ignites our own interests in the subjects/fields we want to engage in 2. Imagine ways restorative justice can work towards ending mass criminalization; 3. Consider the terms "racialized mass incarceration/hyperincarceration," "mass criminalization," and "the carceral state."
Thursday, Jan. 11 Class 4 10:30-12:30 SDL 130	The Role of the State in Restorative Justice Processes / Transformative Justice Critiques of RJ / Prison	<u>Readings</u> and Other Pre-Class Work: Nils Christie, <i>Conflicts As Property</i> , 17 Brit. J. Crim. 1 (1977) (14 pages)	1. Consider the role of the state in restorative justice processes 2. Assess critiques of restorative

	Abolition and Restorative Justice	<p>Howard Zehr, Retributive Justice, Restorative Justice, in New Perspectives in Crime and Justice, Issue no. 4 (1985) (15 pages)</p> <p>Revisit Continuum of restorative practices found in Class 2 folder: Howard Zehr, The Little Book of Restorative Justice (2002), Chapter 3, pp.54-55 only (1 page)</p> <p><i>Optional Reading: Excerpts from Howard Zehr, Changing Lenses: Restorative Justice for Our Times (25th ed. 2015) (30 pages)</i></p>	<p>justice through transformative justice and rule-of-law lenses</p> <p>3. Examine the relationship of restorative justice to prison abolition</p>
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January 15, MLK day, no class

Tuesday, Jan. 16 Morning – Optional

Extra Credit Opportunity (up to an additional 2.5% of your final grade): attend the following event and write a 1 to 2 page single spaced reflection on your experience and what connections you draw to the topics we cover in class.

The Global Body in Conflict: Movement Matters series welcomes [SLMDances'](#) Artistic Director Sydnie L Mosley and six Creative Partners, including alumna Jessica Lee '13. SLMDances is a New York City based dance-theater collective that works in communities to organize for gender and racial justice.

In celebration of Martin Luther King Jr, members of SLMDances will offer a three-hour workshop open to students, faculty, staff and administrators. Tuesday January 16th from 9:30-12:30 in the MAC Dance Theater (Room 110). Free! Registration is required ahead of time. Sign up [here](#)!

Coalition Building and Collaboration:

Aligned with MLK Jr.'s vision for racial equity, in this workshop SLMDances' will share the praxis of self-development, community building, strategic vision, decolonized organization

building, and the embodiment of our collective values: HUMANITY, DREAMING, COMMUNITY, TRANSPARENCY, LEARNING, and ACTIVISM. We will offer you creative works, stories, and resources that have supported our journey to creating a values-centered, mission-oriented collective in which leadership and labor is shared, and members feel whole, valued, and cared for. Our practices offer tenacity in artistic, cultural, and movement organizing work.

- This is hands on learning (not a dance class).
- Bring your class, attend with colleagues, bring a friend, join by yourself.
- Limited space, pre-register [here](#)
- All bodies, abilities and backgrounds welcome!

Sponsored by: The Dance Department, Kathryn Wasserman Davis Collaborative in Conflict Transformation, The Office of Institutional Diversity, Equity and Inclusion, The Scott Center for Spiritual and Religious Life, Center for Community Engagement, The Anderson Freeman Resource Center.

<p>Tuesday, Jan. 16 Class 5 3hrs</p> <p>Note different location: AXT 302</p>	<p>Addressing Sexual and Intimate Partner Violence with Restorative Justice and Restorative Practices</p> <p>Note: VT Network Against Domestic and Sexual Violence will be joining us for this class</p>	<p>Readings and Other Pre-Class Work:</p> <p>Choose <u>two</u> of the following articles:</p> <p>Coker, D. (2006). Restorative Justice, Navajo Peacemaking, and Domestic Violence. <i>Theoretical Criminology</i> 10(1), 67–85. (17 pages)</p> <p>baliga, s. (2019). A Different Path for Confronting Sexual Assault. <i>Vox</i>. (9 pages)</p> <p>Maley, M.H., Mills, L.G., & Shy, Y. (2009). Circulos De Paz and the promise of peace: restorative justice meets intimate violence. <i>New</i></p>	<ol style="list-style-type: none"> 1. Examine the application of restorative processes to harms of sexual and intimate partner violence 2. Consider how, if at all, restorative justice might need to be modified to address these particular harms
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		<p><i>York University Review of Law and Social Change</i>, 33(1), 127–152. (24 pages)</p> <p>Bushie, Berma. (1999) Community Holistic Circle Healing. (14 pages)</p>	
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Wednesday, Jan 17th – Optional

Extra Credit Opportunity (up to an additional 2.5% of your final grade): attend the following and write a 1 to 2 page single spaced reflection on your experience and what connections you draw to the topics we cover in class.

Professor Alex Yuster's Juvenile Justice class – 10:30am-12pm

Room: 75 Shannon St, Rm 203

Juvenile Justice: ending the death penalty and life imprisonment for crimes committed before age 18

- why US has lagged on this issue
- what might help to advance it here
- what approaches might be needed in remaining countries not in compliance

Readings (if no link, in this [folder](#)):

Jo Becker, Campaigning for Justice: Human Rights Advocacy in Practice, Stanford University Press 2013, Ch 11 – Abolishing Sentences of Life without Parole for Juvenile Offenders – pp 222-243.


[Sentencing Project Policy brief on juvenile life without parole](#) – 2023

Linde, Robyn. "From Rapists to Superpredators: What the practice of capital punishment says about race, rights and the American child." *International Journal of Children's Rights*, 19, (2011), 127-150.

Blog on abolition of the Juvenile Death Penalty in the US:

<http://jlc.org/blog/roper-v-simmons-ten-years-later-recollections-and-reflections-abolition-juvenile-death-penalty>

[Roper v. Simmons Ten Years Later: Recollections and Reflexctions on the Abolition of the Juvenile Death Penalty | Juvenile Law Center](#)

<p>Thursday Jan. 18 Class 6 2hrs</p>	<p>Schools, School Discipline, and the School-to-Prison Pipeline</p> <p>Speaker: Jon Kidde</p>	<p><u>Readings</u> and Other Pre-Class Work:</p> <p>LPI Restorative Practices Factsheet (2 pages)</p> <p>Kidde, One Pager</p> <p>Jon Kidde, Whole-School Restorative Approach Resource Guide. <i>Report for VT Dept. of Education</i>. (2017) (28 pages – stop at page 31)</p> <p>Watch two videos: #1: Tier One Circles (9.5 minutes) #2: Reentry Circle (14 minutes)</p> <p>Due Thursday 1/18 8am: Enter two questions you bring to our time with Jon Kidde into this google doc.</p>	<ol style="list-style-type: none"> 1. Learn how restorative justice operates differently in schools, and why it's often called restorative practices 2. Describe the tiers of restorative practice and the applicability of the circle and other restorative modalities to each tier.
<p>Monday, Jan 22 Class 7 3hrs</p>	<p>Restoratively-Inspired Prison Programming, Crimes of Severe Violence, and VODs</p> <p>Speaker: TBD</p>	<p>Pre-Class Work:</p> <p>Watch in advance of class:</p> <p> Meeting with a killer - D... (45 minutes)</p> <p>The Prison Within (Available through Amazon Prime Video and via Kanopy; Kanopy link will be shared second week of class) (1hr 26 minutes)</p>	<ol style="list-style-type: none"> 1. Examine both criminal legal system and restorative justice processes from the positionalities of survivors, those who harm, and other community members in

		<p>Due Monday 1/22 10am: Enter two questions you have for our time with TBD into this google doc.</p>	<p>crimes of severe violence</p> <ol style="list-style-type: none"> 2. Understand perspective of survivors who chose to meet with the person who had taken a loved one's life
<p>Tuesday, Jan 23 Class 8 3hrs</p>	<p>Indigenous Worldview and Justice and Their Relationship to Restorative Justice</p> <p>Speaker: Hon. Robert Yazzie, Peacemaker and Chief Justice Emeritus of The Navajo Supreme Court</p> <p>Note: Indigenous Justice Student Group will be joining class</p>	<p>Readings and Other Pre-Class Work:</p> <p>Robert Yazzie, "Life Comes From it": Navajo Justice Concepts. <i>New Mexico Law Review</i> 24 (1994), pp. 175–190 (15 pages)</p> <p>Edward C. Valandra and Wanbli Wap̣háha Hokšíla, "Undoing The First Harm: Settlers in Restorative Justice." <i>Colorizing Restorative Justice</i> (2020), pp. 325-370 (45 pages)</p> <p>Due Tuesday 1/23 10am: Enter two questions you have for our time with Justice Robert Yazzie into this google doc.</p>	<ol style="list-style-type: none"> 1. Analyze how restorative justice and indigenous peacemaking differ 2. Consider indigenous roots of many restorative practices
<p>Thursday, Jan 25 Class 9 2hrs</p>	<p>Truth Commissions and Truth and Reconciliation Commissions; Historical Harms</p>	<p>Readings: Margaret Burnham, <i>The Cold Cases of the Jim Crow Era</i>, <i>New York Times</i>, (Aug 28, 2015) <i>available at:</i> http://www.nytimes.com/2015/</p>	<ol style="list-style-type: none"> 1. Identify ways restorative justice processes could be utilized to address current

Thursday, Feb 1 Class 12 2hrs	Class Presentations and Closing Circle	Students will sign up for slots Closing Circle, no additional reading	
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