

Restorative Justice Theory and Practice

TH 3323

Louisville Presbyterian Theological Seminary
Spring 2019

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Course Description:

“Restorative justice is an approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offense or harm to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible” (Zehr 2015: 48).

This course studies restorative justice (RJ), and evaluates its approach to achieving peace with justice in dialogue with practical theology. Students will read foundational and contemporary writings in restorative justice alongside writings in practical theology in order to: (1) identify the promise and problems of RJ for congregational ministry; and (2) assess the continuities and discontinuities between restorative justice and religious conceptions of peace with justice.

The course has three main thematic emphases. First, the course examines the idea of restorative justice and how it is conceptualized. This section consists of an overview of restorative justice theory and process, including core principles, values, and goals. Students will learn how the meaning of restorative justice has developed from its early days as a Western criminal justice reform effort, to its emphasis on restorative practices in the following decades of global expansion and social scientific analysis, to the current implementation of restorative systems.

Second, the course examines how restorative justice is institutionalized. Students will learn how the idea of restorative justice has been linked to a variety of practices that share some theoretical commitments to group process and community participation. Further, students will learn how restorative practices are evaluated by social scientists, and imagine how persons in ministry might evaluate key restorative practices that bear witness to the work of the Church in the world.

Third, the course examines critical issues in restorative justice. For example, is right procedure more important than good outcomes in this approach to peace-building and putting things right? Does restorative justice affect social justice? Are patterns of racial disparity replicated by restorative practices? Students will investigate the reasons why restorative justice theorists and practitioners disagree about what restorative justice means, how it should be practiced, and how it should be evaluated.

Student learning outcomes (SLOs)

- **SLO 4:** Students will demonstrate an understanding of their denominational heritage.
- **SLO 5:** Students will demonstrate a beginning ability to read and interpret a variety of cultures.
- **SLO 8:** Students will demonstrate an ability to think theologically, strategically, imaginatively, and contextually about ethical issues.

Course objectives:

- 1) Articulate an understanding of restorative justice theory and identify its promise for Christian ministry (**SLO 5**).
- 2) Assess the relevance and efficacy of restorative practices for ministry (**SLO 5**).
- 3) Demonstrate critical awareness of the role of culture in restorative justice (**SLO 5**).
- 4) Demonstrate knowledge of the interlocking commitments of Christian ministry and restorative justice (**SLO 8**).
- 5) Demonstrate an ability to initiate and sustain peer dialogue with critical issues central to understanding the complexity of restorative justice.
- 6) Demonstrate an ability to identify one's denominational heritage (**SLO4**) and the Christian movement as resources for restorative practices and systems (**SLO 8**).

Course Requirements

- I. **Preparation and Participation** (5%) evaluated by the following criteria:
 - Preparation for class: write a 100-word paragraph (or less) that engages a reading for each class, and that raises a question. Paragraphs are to be emailed to the professor no later than 1-hour before class begins. Paragraphs will not be returned.
 - In class: openness to reflect critically and dialogue on the ideas that we discuss.
- II. **RJ Theory and method paper** (25%, 5-7 pages). Frank Lloyd Wright is credited with the adage in architecture that form and function should be one, joined in a spiritual union. How does the form of restorative practice fit the function of restorative justice? (Due: March 26, 2019).
- III. **Religious heritage presentation** (20%). Identify key moral norms and ecclesial values of your religious heritage that can provide guidance on the use of restorative justice for ministry. Present your research and theological reflection in class discussion on April 25, 2019.
- IV. **Restorative Systems and the Beloved Community paper** (50%, 10-12 pages). Describe a Christian understanding of beloved community and argue what purpose is served by restorative justice as an instrument of beloved community. Reflect on the following questions as you develop your essay: How fitting or suitable is restorative justice for Christian faith and ministry? What are the discontinuities between restorative theory and

Christian practice? What does RJ contribute to the practice of faith? How can religious communities contextualize restorative theory and construct restorative systems for the work of reconciliation and social reconstruction? (Due: May 16, 2019).

Required Texts:

Geoff Broughton, Restorative Christ: Jesus, Justice, and Discipleship. Eugene, Oregon: Pickwick Publications, 2014 (978-1-62564-052-9)

Gerry Johnstone and Daniel W. Van Ness, editors. Handbook of Restorative Justice. Portland, Oregon: Willan Publishing, 2007 (978-1-84392-150-9)

Eugene McLaughlin, Ross Fergusson, Gordon Hughes and Louise Westmarland, editors. Restorative Justice Critical Issues. London: Sage Publications, reprinted 2004. (978-0-7619-4209-2)

Bonnie J. Miller-McLemore, editor. The Wiley Blackwell Companion to Practical Theology. West Sussex, UK: John Wiley & Sons, Ltd., reprinted 2014. (978-1-118-72409-5)

Recommended Hyperlink Resources:

February 26: Lorraine Stutzman Amstutz, “Restorative Justice: The Promise and the Challenges,” sermon preached at Grantham Church on April 10, 2016
<https://www.granthamchurch.org/2016-sermons/2016/8/1/the-promise-and-challenge-of-restorative-justice>

March 5: Kathleen Daly, “Mind the Gap: Restorative Justice in Theory and Practice,” (2002)
https://www.griffith.edu.au/data/assets/pdf_file/0021/223770/2003-Daly-Mind-the-gap-pre-print.pdf

March 12: John Braithwaite, “Restorative Justice: Theories and Worries,”
<https://www.granthamchurch.org/2016-sermons/2016/8/1/the-promise-and-challenge-of-restorative-justice>

March 26: Theo Gavrielides, “Restorative Justice Theory and Practice: Addressing the Discrepancy” (2007)
https://www.peacepalacelibrary.nl/ebooks/files/HEUNI_8oiteshk6w.pdf

April 23: Paul Takagi and Gregory Shank, “Critique of Restorative Justice” (2004)
https://www.socialjusticejournal.org/pdf_free/97Takagi.pdf

April 25: Lawrence Sherman and Heather Strang, “Restorative Justice: The Evidence” (2007)
http://www.iirp.edu/pdf/RJ_full_report.pdf

April 30: Desmond Tutu, “ ‘Unfinished business’ of the TRC’s healing”
Mail & Guardian Online (May 17, 2017)
<https://mg.co.za/article/2014-04-24-unfinished-business-of-the-trc-healing>

May 2: Nadine F. Bowers du Toit and Grace Nkomo, “The ongoing challenge of restorative justice in South Africa: How and why wealthy suburban congregations are responding to poverty and inequality,” (2014)
<http://www.hts.org.za/index.php/HTS/article/view/2022>

May 7: Daniel Van Ness, “Creating Restorative Systems,”
<http://restorativejustice.org/10fulltext/vanness3>

Class Schedule and Assigned Readings (*the assigned reading should be completed *in advance* of the date under which it is listed.*)

February 7: WELCOME & OVERVIEW

February 12 & 14: SHAPING FAITH & JUSTICE

- Johnstone & Van Ness, Part I, chapters 1-3 (58 pages)
- Miller-McLemore, Part I, chapters 1-2 (19 pages)

February 19 & 21: SHAPING FAITH & JUSTICE (CONTINUED)

- Johnstone & Van Ness, Part I, chapters 4-6 (49 pages)
- Miller-McLemore, Part I, chapters 5 & 7 (18 pages)

February 26 & 28: CONCEPTUALIZING RJ & THE MINISTRY OF JESUS

- McLaughlin et al., Part I (46 pages)
- Broughton, Introduction & chapter 1 (50 pages)

March 5 & 7: METHOD AND PROCESS

- Johnstone & Van Ness, Part II, chapters 8 & 9 (33 pages)
- Miller-McLemore, Part II, chapters 12-15, 17 (48 pages)

March 12 & 14: METHOD AND PROCESS (CONTINUED)

- Johnstone & Van Ness, Part III (55 pages)

- Miller-McLemore, Part II, chapters 19-23 (50 pages)

March 19 & 21: *RESEARCH AND STUDY*

March 26 & 28: INSTITUTIONALIZING RJ & VICTIMS

- McLaughlin et al., Part II, chapters 6-11 (71 pages)
- Broughton, chapter 2 (31 pages)

April 2 & 4: SOCIAL CONTEXT

- Johnstone & Van Ness, Part IV, chapters 15-17 (55 pages)
- Miller-McLemore, Part IV, chapters 38-40 (30 pages)

April 9 & 11: SOCIAL CONTEXT (CONTINUED)

- Johnstone & Van Ness, Part IV, chapters 18-20 (69 pages)
- Miller-McLemore, Part IV, chapters 41-43 (29 pages)

April 16 & 18: CONTESTING RJ & OFFENDERS

- McLaughlin et al., Part III (74 pages)
- Broughton, chapter 3 (41 pages)

April 23 & 25: RJ EVALUATION

- Johnstone & Van Ness, Part V (51 pages)
- Broughton, chapter 4 and Conclusion (41 pages)

April 30 & May 2: GLOBAL APPEAL & GLOBAL DEVELOPMENTS

- Johnstone & Van Ness, Part VI, chapters 23 & 25 (40 pages)
- Johnstone & Van Ness, Part VI, chapter 24 (choose 3 regions)
- Miller-McLemore, Part IV, Section 2 (choose 3 regions)

May 7 & 9: THE FUTURE OF RESTORATIVE JUSTICE

- Johnstone & Van Ness, Part VII, chapters 27-29 (47 pages)
- Miller-McLemore, Part IV, Section 3 (choose 2 traditions)

LPTS Policy Statements

1. Use of Inclusive Language:

In accordance with seminary policy, students are to use inclusive language in class discussions and in written and oral communication by using language representative of the whole human community in respect to gender, sexual orientation, ethnicity, age, and physical and intellectual capacities. Direct quotations from theological texts and translations of the Bible do not have to be altered to conform to this policy. In your own writing, however, when referring to God, you are encouraged to use a variety of images and metaphors, reflecting the richness of the Bible's images for God. See for further assistance, http://www.lpts.edu/Academic_Resources/ASC/avoidinggenderbiasinlanguage.asp.

2. Academic Honesty:

All work turned in to the instructors is expected to be the work of the student whose name appears on the assignment. Any borrowing of the ideas or the words of others must be acknowledged by quotation marks (where appropriate) and by citation of author and source. Use of another's language or ideas from online resources is included in this policy, and must be attributed to author and source of the work being cited. Failure to do so constitutes plagiarism, and may result in failure of the course. Multiple occurrences of plagiarism may result in dismissal from the Seminary. Students unfamiliar with issues relating to academic honesty can find help from the staff in the Academic Support Center. For the Seminary policy, see The Code of Student Conduct, 6.11; the Student Handbook, p. 19.

3. Special Accommodations:

Students requiring accommodations for a documented physical or learning disability should be in contact with the Director of the Academic Support Center, Beth Herrinton-Hodge (bherrintonhodge@lpts.edu), during the first two weeks of a semester and should speak with the instructor as soon as possible to arrange appropriate adjustments. Students with environmental or other sensitivities that may affect their learning are also encouraged to speak with the instructor.

4. Citation Policy

Citations in your papers should follow the Seminary standard, which is based on these guides: Kate Turabian, *A Manual for Writers of Term Papers, Theses, and Dissertations*, 7th ed. Chicago: University of Chicago Press, 2007.
The Chicago Manual of Style, 15th ed. Chicago, IL: University of Chicago Press, 2003.

Copies of these guides are available at the library and in the Academic Support Center.

5. Attendance Policy

According to the Seminary catalog, students are expected to attend class meetings regularly. In case of illness or emergency, students are asked to notify the instructor of their planned absence from class, either prior to the session or within 24 hours of the class session.