



CEU Summer University

Zrínyi u. 14, Budapest, Hungary 1051

Tel.: (36 1) 327 3069, 327 3811

Fax: (36 1) 327 3124

E-mail: summeru@ceu.hu

Website: <http://www.ceu.hu/sun>

Legal Studies

A Chance To Reform, a Chance to Heal: Exploring the Potential Of Restorative Justice July 4 - 15, 2005

Benjamin Cardozo School of Law and Hamline University School of Law

Professors Howard J. Vogel & Olga Botcharova

Scope & Purpose: Restorative Justice offers a refreshingly different framework for thinking about wrongdoing. It moves beyond the confines of traditional justice systems to embrace social justice principles. Restorative Justice acknowledges the damaged relationships that result from any wrongdoing and focuses on healing for all those involved. This course will offer students an opportunity to study the four leading Restorative Justice practices and explore the possibilities Restorative Justice offers to move beyond the limitations of retributive justice towards embracing the importance of forgiveness, reconciliation and social healing.

The first week of the course will concentrate on the potential for Restorative Justice practices to encourage reform of judicial systems. The second week of the course will examine the tremendous opportunities Restorative Justice practices and principles offer to address the individual and collective pain associated with profound ethnic conflict. Through case study and dialogue exercises students will be invited to draw on their own experience of conflict as they explore the dynamics of cultural conflict.

The class will be highly experiential in nature with the practice of the talking circle serving as a core modality for class discussion. In a talking circle participants speak only when holding the talking piece. The practice encourages participants to listen deeply and respectfully to each other and reminds them that each has a valued contribution to offer.

Required Readings: The reading assignments for the course are drawn from the list which follows. The specific reading assignment for each session is listed in the "Session Schedule" which follows. (Note that items 2, 3, 4, 7 & 8 are all reprinted in Howard J. Vogel, ed., *Reading Supplement for A Chance to Reform, A Chance to Heal* (Duplicated Copy, 2005). **The reading assignment listed for each session should be prepared before the session for which it is listed.:**

1. Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002), entire book;
2. Kay Pranis, *The Little Book of Circle Processes: A New/Old Approach to Peacemaking* (Forthcoming, Good Books, 2005), entire book as reprinted in the *Reading Supplement* for the Course;
3. Mark Umbreit & Jean Greenwood, *Criteria for Victim-Sensitive Mediation & Dialogue with Offenders*, entire article as reprinted in the *Reading Supplement* for the Course;
4. Mark Umbreit, *Family Group Conferencing: Implications for Crime Victims*, entire article as reprinted in the *Reading Supplement* for the Course;
5. Carol Tavris, *Anger: The Misunderstood Emotion* (Simon & Schuster, Rev. Ed. 1989), pages 46; 47; 48-54; 59; 68; 70-73; 91-103; 125-127; 128-131; 150-160; 205; 210; 211; 214-216; 247-250; 286-288; 313-319; Chapter 9 all pages 251-285; Plus any chapter by individual choice;
6. Pumla Gobodo-Madikizela, *A Human Being Died That Night: A South African Woman Confronts the Legacy of Apartheid* (Houghton Mifflin Company 2003, 2004) entire book, beginning with the appendix that appears at the end of the book;
7. June O'Connor, *Fostering Forgiveness in the Public Square: How Realistic a Goal?* entire article as reprinted in the *Reading Supplement* for the Course;
8. Donald W. Shriver, Jr., *Truth Commissions and Judicial Trials: Complementary or Antagonistic Servants of Public Justice*, pages 1-22 of the article required; pages 22-33 optional, as reprinted in the *Reading Supplement* for the Course.

SYLLABUS

BREAKS WILL BE SCHEDULED DURING EACH CLASS PERIOD.

WEEK ONE

A CHANCE TO REFORM

JULY 4, 2005, MONDAY - DAY 1: INTRODUCTIONS

Reading (to be prepared prior to the session): Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002), entire book.

9:00-12:00 -- Topics & Activities: Introductions of Participants. Introduction to and consideration of the principles underlying Restorative Justice. Overview of the course.

View and discuss: *Restorative Justice: Victim Empowerment Through Mediation and Dialogue* (25 Minute Video)

12:15-13:30 LUNCH

13:30-14:10 Lecture: "The Shift from Communism Towards the Rule of Law in Central and Eastern Europe: a Role for Mediation" - Professor Csilla Kollonay Lebozky

14:15-16:15 Library and Computer Lab Tours:
Group A: Library (2:15-3:15); Computer Lab (3:15-3:45)
Group B: Computer Lab (2:15-2:45); Library (3:15-4:15)

19:00 Welcoming Cocktail Party at Kerepesi Dorm

JULY 5, 2005, TUESDAY - DAY 2: THE CIRCLE PROCESS

Reading (to be prepared prior to the session): Kay Pranis, *The Little Book of Circle Processes: A New/Old Approach to Peacemaking* (Forthcoming, Good Books, 2005), entire book as reprinted in the *Reading Supplement* for the Course.

9:00-13:10 – Topics & Activities: Exploration of the main components of the circle process: ritual, the importance of values, the use of the talking piece, the role of the circle keeper, the notion of consensus-based decision making.

Circle processes and the criminal justice system: an introduction to circles of understanding, circles of healing, sentencing circles, transition circles.

13:30-14:10 (optional) Lecture: "Collaborative Processes in Eastern and Central Eastern European Countries" - Professor Kinga Göncz

JULY 6, 2005, WEDNESDAY - DAY 3: VICTIM-OFFENDER MEDIATION

Reading (to be prepared prior to the session): Mark Umbreit & Jean Greenwood, *Criteria for Victim-Sensitive Mediation & Dialogue with Offenders*, entire article as reprinted in the *Reading Supplement* for the Course.

9:00-13:10 -- Topics & Activities: Introduction to the practice of Victim-Offender mediation.

Victim-offender mediation and serious crimes: consideration of the possibilities and/or limits of victim-offender mediation.

View and discuss: *Glimmer of Hope* (53 Minute Video)

13:30-14:10 (optional) Lecture: "Introduction to the Dynamics and Issues in a Multi-Party, Multi-Ethnic Dispute" - A case study focusing on managing diverse components of multi-party disputes, from pre-negotiation arrangements through post-settlement closure - Professor Kinga Göncz

JULY 7, 2005, THURSDAY - DAY 4: RESTORATIVE JUSTICE FOR JUVENILES AND FAMILY-GROUP CONFERENCING

Reading (to be prepared prior to the session): Mark Umbreit, *Family Group Conferencing: Implications for Crime Victims*, entire article as reprinted in the *Reading Supplement* for the Course.

9:00-13:10 -- Topics & Activities: Overview of the different models of family-group conferencing and their applications. Close examination of the New Zealand experience. Consideration of a viability and desirability of totally alternative juvenile justice system.

View and discuss: *Family Group Conferencing* (13 Minute Video)

14:30 TOUR OF PARLIAMENT

JULY 8, 2005, FRIDAY - DAY 5: TAKING STOCK, CONSIDERING CHALLENGES

Reading: None.

9:00-13:10 – Topics & Activities: A chance to reflect on the course so far prior to transition to cross-cultural and international dimensions. Consideration of the interface between restorative justice and mediation. Examination of the critiques and challenges facing restorative justice.

JULY 9 AND 10, 2005, SATURDAY AND SUNDAY

No Classes

JULY 10, 2005, SUNDAY

10:00-16:00 BOAT TRIP TO SZENTENDRE (optional)

WEEK TWO

A CHANCE TO HEAL

JULY 11, 2005, MONDAY - DAY 1: ANGER & CONFLICT – STEPS TO RECONCILIATION

Reading (to be prepared prior to the session): Carol Tavris, *Anger: The Misunderstood Emotion* (Simon & Schuster, Rev. Ed. 1989), read selected pages as follows: 46; 47; 48-54; 59; 68; 70-73; 91-103; 125-127; 128-131; 150-160; 205; 210; 211; 214-216; 247-250; 286-288; 313-319; Chapter 9 all pages 251-285; Plus any chapter by individual choice.

9:00-13:10 -- Topics & Activities: Anger and conflict. The relational dynamics of individual and collective victimhood and aggression from a psychological perspective. Examination of the limits of official diplomacy (“track one”). Victims and justified revenge. Development of a multi-step model from revenge to reconciliation (“track two”).

JULY 12, 2005, TUESDAY - DAY 2: ANGER & CONFLICT – CONTINUATION AND WRAP-UP FROM PREVIOUS SESSION; FORGIVENESS – ILLUSION OR POSSIBILITY? INTRODUCTION TO THE SOUTH AFRICAN TRUTH & RECONCILIATION COMMISSION EXPERIENCE

Reading (to be prepared prior to the session): Olga Botcharova, *Implementation of Track Two Diplomacy: Developing a Model Forgiveness* in Raymond G. Helmick, S.J. & Rodney L. Petersen, *Forgiveness and Reconciliation: Religion, Public Policy & Conflict Transformation* (Templeton Foundation Press 2001) pages 269-294 TO BE DISTRIBUTED IN CLASS July 11th; Pumla Gobodo-Madikizela, *A Human Being Died That Night: A South African Woman Confronts the Legacy of Apartheid* (Houghton Mifflin Company 2003, 2004) entire book, beginning with the appendix on the history of apartheid that appears at the end of the book.

9:00-13:10 -- Topics & Activities: Anger and Conflict – Continuation and Wrap-up from previous session. Forgiveness, Politics & Truth Commissions. Identification and reflection on the meaning and possibilities of forgiveness in the face of deep and violent cultural conflict. Introduction to the South African Truth and Reconciliation Commission.

View and discuss: *Long Night's Journey Into Day* (94 Minute Video)

14:30 TOUR OF COURTS

JULY 13, 2005, WEDNESDAY - DAY 3: THE SOUTH AFRICAN TRUTH & RECONCILIATION COMMISSION CONTINUED; TRUTH COMMISSIONS AROUND THE WORLD: THE CRITICAL ISSUES

Reading (to be prepared prior to the session): June O'Connor, *Fostering Forgiveness in the Public Square: How Realistic a Goal?* entire article as reprinted in the *Reading Supplement* for the Course & Donald W. Shriver, Jr., *Truth Commissions and Judicial Trials: Complementary or Antagonistic Servants of Public Justice*, pages 1-22 of the article required; pages 22-33 optional, as reprinted in the *Reading Supplement* for the Course.

9:00-13:10 -- Topics & Activities: Amnesty and Forgiveness in the South African experience – continuation from previous session. Identification and reflection on the significance of historical and cultural context in the character of truth commissions in a variety of settings around the world. Consideration of the nature of “truth” in the context of violent cultural conflict.

JULY 14, 2005, THURSDAY - DAY 4: APPLYING RESTORATIVE JUSTICE PRINCIPLES I

Reading: None.

9:00-13:10 -- Topics & Activities: Exploration of the applicability of the principles and practices considered in the course to multi-ethnic conflicts with special attention to Eastern and Central Europe.

JULY 15, 2005, FRIDAY - DAY 5: APPLYING RESTORATIVE JUSTICE PRINCIPLES II

Reading: None.

9:00-13:10 -- Topics & Activities: Students will apply principles and practices they have studied to a conflict of their choice.

14:30-16:30 In-class, written final examination.

COMPLETION REQUIREMENTS AND GRADES:

For all students, class attendance is mandatory. An examination requiring a written response will be administered after the last class session on Friday, July 15, 2005.

The grade for the course will be based on classroom participation (1/3) and the examination (2/3).