

UNIVERSITY OF MANITOBA
Department of Sociology

SOC 7450: SELECTED TOPICS IN CRIMINOLOGY
“The Justice of Restorative Justice”
Fall 2009
Tuesday 1-4PM
335 Isbister

Instructor: Andrew Woolford
Office: 327 Isbister Building
Office Hours: By appointment
E-mail: Andrew_Woolford@umanitoba.ca
Phone: 474-6058
Credit hours: 3

Course Objectives:

In this course we will examine the principles and practices of restorative justice through the lens of contemporary social theory. Each week, restorative justice reading(s) will be placed in conversation with related theoretical works to allow us to reflect on some of the questions of justice that are at stake in the theory and practice of restorative justice. These questions include: What is justice? What are the conditions for just and fair communication? In what space should justice be located? In what ways does restorative justice facilitate or disrupt gender and racial domination? What are the performative dimensions of restorative interactions? What modes of regulation and resistance are coming to prominence in contemporary neoliberal times? How might restorative justice play a role in a just societal transformation?

Readings:

All readings will be available from the Photocopy/Mail room.

Assignments and Grades:

Participation: You are expected to complete the required readings prior to the class so you can participate intelligently in the discussion. Each week one student will be responsible for presenting the readings to the class (approximately 15 minutes) and facilitating discussion for the first half of the class. These presentations are intended as an opportunity for you to improve your teaching and conference presentation skills. Therefore, your presentation(s) should be structured around a guiding theme or thesis statement and questions should be prepared for class discussion based on this theme/thesis.

Participation grades are assessed based on the combination of your in-class participation and your seminar presentation(s). Missed classes, failure to read the assigned texts, and disruptive or

negative classroom behaviour will all result in lower participation marks. Class participation is worth 20% of your final grade.

Critical Summaries: These are two-page critical commentaries or analytical synopses of weekly readings. They will be evaluated and commented on for their pertinence to the texts addressed and their critical insight. A minimum of 5 must be handed in during the semester, at least one per month (you can opt to write more, although *you may not write more than one per week*. Critical Summaries will not be accepted after December 1, 2009). This assignment is worth 30% of the final grade.

Essay(s): You have the choice of writing either two short 9-12 page essays (one due October 20th the other on December 15th, 2009), or one long term paper, 20-25 pages, due December 15, 2009. The essay(s) will be on a topic selected by the student, but must relate to themes discussed in the course. The essay(s) assignment is worth 50% of your final grade. (Note: students who opt to write the long term paper can choose to hand in an outline which will count for up to 10% of the total essay grade – see instructor to discuss this option). Late essays will be penalized 2% (out of 100%) per day unless an extension has been obtained from the professor prior to the due date.

Grading:

A+	90-100	Exceptional
A	80-89	Excellent
B+	76-79	Very Good
B	70-75	Good
C+	66-69	Satisfactory
C	60-65	Adequate
D	50-59	Marginal
F	49 & below	Failure

Academic Honesty: Students should acquaint themselves with the University's policy on 'Plagiarism and Cheating' (S. 7.1, p. 22) found in the Graduate Calendar.

The Faculty of Arts also reserves the right to submit student work that is suspected of being plagiarized to Internet sites designed to detect plagiarism.

Voluntary withdrawal deadline date: November 18, 2009

Course Outline:

Week 1: Introduction

- No assigned readings. Selections from Andrew Woolford (2009) *The Politics of Restorative Justice* (Halifax: Fernwood) recommended and available for those who would like an introduction to the topic.

Week 2: Restorative Justice

- Jennifer Llewellyn and Robert House. (1998). *Restorative Justice: A Conceptual Framework* (pp. 15-42 required, entire document recommended) available from <http://dalspace1.library.dal.ca/dspace/handle/10222/10287>
- Nancy Fraser. (1997) "From Redistribution to Recognition? Dilemmas of Justice in a Postsocialist Age" in *Justice Interruptus: Critical Reflections of the 'Post-Socialist' Condition*. New York: Routledge (pp. 11-39).

Week 3: Restorative Communication

- John Braithwaite and Stephen Mugford (1994) "Conditions of Successful Reintegration Ceremonies: Dealing with Juvenile Offenders", *British Journal of Criminology* 34, 2: 139-171.
- Habermas, J. (1990). "Discourse Ethics" in *Moral Consciousness and Communicative Action*. Tr. By C. Lenhardt and S. W. Nicholsan. Cambridge, MA: MIT Press.

Week 4: Restorative Recognition

- Charles Taylor (1992) "The Politics of Recognition" in A. Gutmann (Ed.) *Multiculturalism and the Politics of Recognition*. Princeton, NJ: Princeton University Press. (pp. 25-75)
- Nils Christie (1977) "Conflicts as Property", *British Journal of Criminology* 17, 1: 1-15.

Week 5: Restorative Communities

- Jean-Luc Nancy (1991) *The Inoperative Community*. Minneapolis: University of Minnesota Press (pp.1-42)
- Paul McCold and Benjamin Wachtel (1998) "Community is Not a Place: A New Look at Community Justice Initiatives", *Contemporary Justice Review* 1: 71-85.
- George Pavlich (2001) "The Force of Community" in H. Strang and J. Braithwaite (eds) *Restorative Justice and Civil Society*. Cambridge, UK: Cambridge University Press. (pp. 56-68)

Week 6: Restorative Performativity

- Erving Goffman (1967) "On Face Work", in *Interaction Ritual*. New York: Pantheon Books (pp. 5-45).
- Erving Goffman (1959) "Performances", in *The Presentation of Self in Everyday Life*. New York: Anchor Books (pp. 17-76).
- James Dignan, Anne Atkinson, Helen Atkinson, Marie Howes, Jennifer Johnstone, Gwen Robinson, Joanna Shapland, Angela Sorsby (2007) "Staging restorative justice encounters against a criminal justice backdrop: A dramaturgical analysis", *Criminology & Criminal Justice* 7, 1: 5-32.
- J. Scott Kenney and Don Clairmont. 2009. "Using the Victim Role as Both Sword and Shield: The Interactional Dynamics of Restorative Justice Sessions" *Journal of Contemporary Ethnography* 38, 3: 279-307.

Week 7 Restorative Publics

- Nancy Fraser (1997) "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" in *Justice Interruptus: Critical Reflections of the 'Post-Socialist' Condition*. New York: Routledge. (pp. 69-98)
- Amy Gutmann and Dennis Thompson (2004) "What is Deliberative Democracy?" in *Why Deliberative Democracy?* Princeton, NJ: Princeton University Press (pp. 1-63)

- John Parkinson and Declan Roche (2004) "Restorative Justice: Deliberative Democracy in Action?" *Australian Journal of Political Science* 39, 3: 505-518.

Week 8: Restorative Aboriginal *Identities*

- Rupert Ross (1996) *Returning to the Teachings*. Toronto: Penguin (pp. 5-28).
- Emma Larocque (1997) "Re-examining Culturally Appropriate Models in Criminal Justice Applications" in M. Asch (ed.) *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*. Vancouver: UBC Press (pp. 75-96).
- Chris Anderson (1999) "Governing Aboriginal Justice in Canada: Constructing Responsible Individuals and Communities Through 'Tradition'", *Crime Law & Social Change* 31: 303-326.
- Mark Findlay (2000) "Decolonising Restoration and Justice: Restoration in Transitional Cultures", *The Howard Journal* 39, 4: 398-411.

Week 9: Restorative *Gender Relations*

- Seyla Benhabib (1992) "The Generalized and the Concrete Other" (pp. 148-178) in *Situating the Self*. New York: Routledge.
- Barbara Hudson (2006) "Beyond White Man's Justice: Race, Gender and Justice in Late Modernity", *Theoretical Criminology* 10, 1: 29-47.
- Jean Hampton (1998) "Punishment, Feminism, and Political Identity: A Case Study in the Expressive Meaning of the Law", *Canadian Journal of Law and Jurisprudence* XI, 1: 23-45.

Week 10: Restorative *Governmentalities*

- Foucault, Michel 1991. "Governmentality" in Graham Burchell, Colin Gordon and Peter Miller (eds.) *The Foucault Effect: Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault*. Chicago: University of Chicago Press (pp.87-104).
- Nikolas Rose (1999) "Governing" in *The Powers of Freedom*. Cambridge, UK: Cambridge University Press (pp. 15-60).
- Pat O'Malley (2008) "Experiments in Risk and Criminal Justice", *Theoretical Criminology* 12, 4: 451-469.
- John Muncie (2006) "Governing Young People: Coherence and Contradiction in Contemporary Youth Justice", *Critical Social Policy* 26, 4: 770-793.

Week 11: Deconstructing Restorative Justice

- Jacques Derrida (1992) "Force of Law: "Mystical Foundation of Authority"" in D. Cornell, M. Rosenfeld, and D.G. Carlson (eds) *Deconstruction and the Possibility of Justice*. London: Routledge (pp. 3-67).
- George Pavlich (2005) *Governing Paradoxes of Restorative Justice*. London: Glasshouse Press (pp. 1-31).

Week 12: Informal Reckonings, Part I

- Andrew Woolford and R.S. Ratner (2008) *Informal Reckonings: Conflict Resolution in Mediation, Restorative Justice and Reparations*. London: Routledge-Cavendish. (Chapters 1-3).

Week 13: Informal Reckonings, Part II

- Andrew Woolford and R.S. Ratner (2008) *Informal Reckonings: Conflict Resolution in Mediation, Restorative Justice and Reparations*. London: Routledge-Cavendish. (Chapters 4-6).