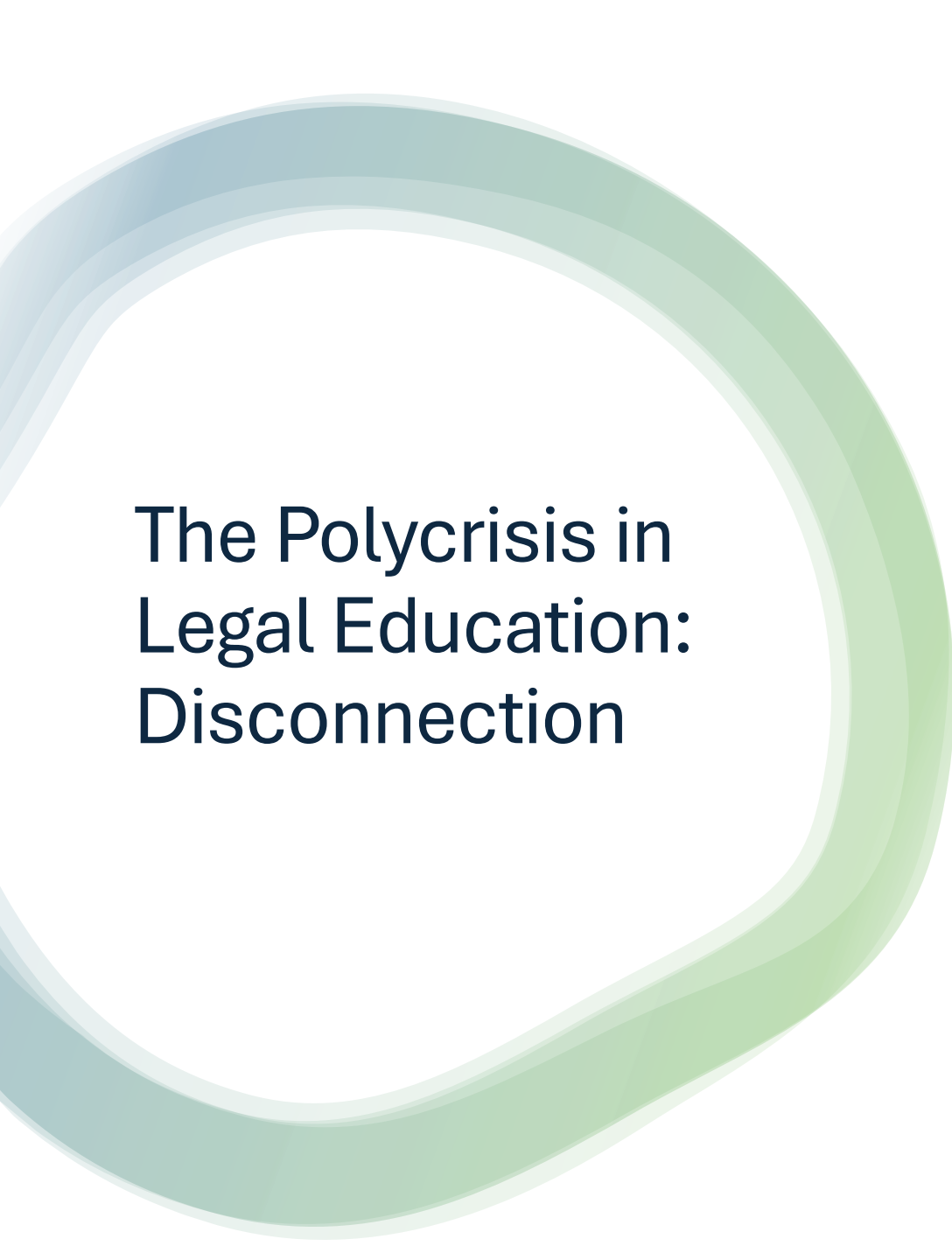


Reflective Practices in Restorative Legal Pedagogy

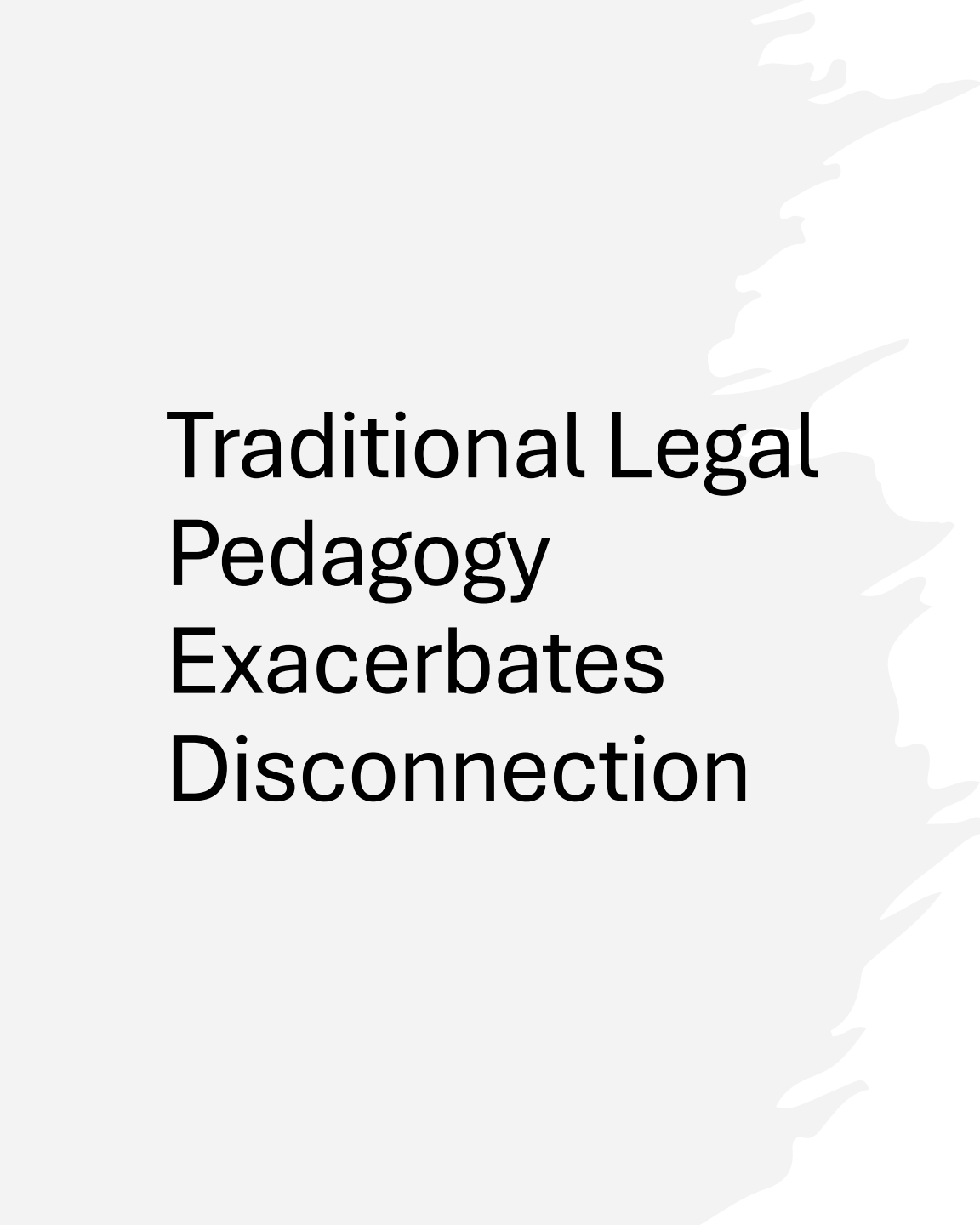
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The Polycrisis in Legal Education: Disconnection

- From Self: growing isolation and alienation from values and motivation amplified by increasing anxiety and inability to meaning make on personal and professional levels
- From Community: rising fragmentation and polarization straining our capacity to honor diverse perspectives and ways of being, including neurodivergence; loneliness epidemic accelerated by the rise in AI/other technologies that interfere with genuine human connection



Traditional Legal Pedagogy Exacerbates Disconnection

Transmission/Banking Model:
Passive learning, hierarchical,
professor as fount of all expertise
and knowledge, competitive, focus
on memorizing existing law and
rationalization and emotional
disconnection

Message to students: Status quo is
immovable and inevitable and law is
not collaborative, decreasing sense
of agency, efficacy, and creativity and
promoting a disconnection from self
and community, including peers,
clients, and profession

- -Paolo Freire, Kimberle W. Crenshaw, Duncan
Kennedy, Paul Caron, Gerald F. Hess, Ann L. Iijima

Defining Restorative Pedagogy

Restorative pedagogy draws on emancipatory education practices to empower and engage adult learners through non-hierarchical and embodied learning that fosters dialogue unearthing systems of oppression.

-Rowan Sweeney, Lindsey Pointer, John Dewey, bell hooks, Gilbert, Schiff & Cunliffe, and McMahon, Ahmed & Bemiller

Restorative Legal Pedagogy

Non-hierarchical, relational, and participatory

Honoring lived experience as expertise

Slow learning: dialogue, self-reflection, active-listening

Embodied learning, emotional awareness and regulation

Intentional and collaborative community of support

Reflective Practices in Restorative Pedagogy

- Re-engaging the personal: connecting content to lived experiences, our internal worlds, and our articulated values
- Allowing reflection on one's emotional response to (in)justice and law's incoherence
- Encouraging deliberation over efficiency/immediacy of response
- Intentional community building to counter the alienating, competitive narratives fostered by curved grading

STUDENTS APPRECIATE THE APPROACH

- Student experience of self-reflection:
 - “The reflections really helped me to think critically.”
 - “This was hard for me because it made me think about how much of my empathy is intellectual rather than emotional, and it made me wonder about the limits of my empathy.”
 - “The reflections were great! Made me think much deeper and personally than other classes.”
- Student experience of non-hierarchical learning and lived experience as a source of knowledge:
 - “To see someone so openly discuss their feelings clashed with my preconceived idea that “criminals” or someone capable of such violence is hardened and not capable of that. And based on the things he was saying, this was not his first time – he had worked hard prior to this video to be able to speak so openly.”
 - “Sometimes, when professors teach a course in the area where they are an expert, they get caught up in student's lack of nuanced understanding of the subject at first. This instructor is not one of these professors. Instead, she is able to introduce students to this subject in a way that fosters the student's own discovery, individual passions, backgrounds, and values.”
 - “The trip you organized with [Ohio Reformatory for Women] was one of the most impactful experiences I've had in law school. The experiences that each woman shared will guide how I approach providing trauma-informed and respectful representation to any clients I have the privilege of representing in the future.”
- Student experience of intentional and collaborative community:
 - “This instructor created a safe space for students to share their thoughts, opinions, and just generally share their feelings. This continued throughout the semester and allowed for students to connect in a much more meaningful way than a normal classroom would. I loved the continuity in watching The Prison Within to start every class, it really helped carry the topic throughout the semester. This class opened my mind and my heart in a way that no other law-school course has done.”
 - “The class structure allowed us to reflect together and flesh out our thought processes, preconceptions, and misunderstandings”

STUDENTS APPRECIATE THE APPROACH

- Student experience of connecting to others' humanity:
 - “Accountability can be freeing, in the same way that self-reflection can be fulfilling. To be accountable for one’s role within their own life is to reclaim the agency that you have as a human being existing within this world. To be accountable for oneself is more than just admitting to your faults but also admitting to your entirety of being—acknowledging the positive things that you had done as well as the harm that you have caused because that is what it means to be human. In a way, taking accountability is freeing because it allows you to break out of this bad and good, black and white narrative that the justice system often lives in. Accountability provides people with the opportunity to have ownership of their entire lives and their entire existence within situations, where they are more than just their one action and it took more than just one decision but a rather a lifetime of making decisions to bring them to where they are today. To be free in this sense is to be unshackled from that one defining moment. To be free in this sense is to be redefined as a three dimensional being with complexity and nuance, to not be a 2d drawing of either a criminal or a victim.”
 - “I was struck by the statement “you are not your crime,” and how much that helps to meet people with curiosity – allowing them to be defined as more of a whole human being than just one thing – and also seems pressure relieving at the same time. This humanizes individuals, and allows humans to relate to humans on a more basic level – inside the prison system or even out. I would venture to state that a lot of people, myself included, often think of one or two things that define them – be that who they were in high school, a harm they committed, an affiliation they had, etc. But humans are so much more three dimensional and allowing harming parties to define themselves not only by the harm they caused but as a whole picture.”