# Restorative Justice and Conflict Resolution

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***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The aim of the course is to introduce students to restorative justice by studying its theoretical (primarily philosophical, legal and social), methodological and practical aspects in relation to the various relevant national and international contexts. Restorative justice will be addressed in relation to the fundamental questions and problems that this model of “dialogical” justice is intended to address in an innovative way: conflict and violence, on the one hand, an aspiration for justice and peace on the other. In the “special part” of the course, lectures will cover a number of meaningful examples from various fields and features of the national and international experience. The course also aims to offer students direct experience of restorative justice by means of some practical exercises (see below *Complementary teaching activities*).

By the end of course, students will:

a) *knowledge and understanding*

– be able to identify the various models of conflict resolution, particularly those involving tensions between coercion/force and persuasion/consent and between coercion and compliance;

– know and be able to describe and critically comment on the principles, values and aims of restorative justice, according to international and European standards and national (Italian) legislation;

– know and be able to describe and comment on the main restorative justice programmes and their respective fields of application;

– be able to present and comment on the examples of restorative practices presented during lectures;

b) *applying knowledge and understanding*

– master international, European and national (Italian) legal sources on restorative justice;

– be able to describe and comment on course themes using the appropriate specialised language confidently and accurately;

– be able to present and propose adequate critical reflections on the main philosophical, legal and social issues raised by conflict and by the means of overcoming them;

– be able to make appropriate interdisciplinary connections with the other subjects on their individual courses of study.

***COURSE CONTENT***

General part: An Overview

* *Conflict, violence and war. Justice and peace. A philosophical legal overview*

The problem of the "other". Friend-enemy. Vengeance. Violence. War. Law, justice and violence. Truth, memory, forgiving, forgetting

* *Conflict resolution mechanisms*

Judicial-adversarial models. Negotiated settlement. Restorative models. The anthropological, philosophical and multicultural dimensions of conflict resolution practices. Images of justice.

* *Restorative justice*

Origins. International, European and national (Italian) legal sources. The Italian comprehensive legislation on restorative justice in criminal matters: legislative decree n. 150/2022. Principles of restorative justice. Main types of programmes of restorative justice. Fields of application. Restorative justice, victims of crime, suspect/accused persons, offenders. Challenges, pitfalls and potentials. Restorative justice and responsive regulation.

* *Transitional justice models and responses to serious violations of human rights.*

Dealing with the past: closing the books? Courts, tribunals and punishments; amnesties and truth commissions; truth and reconciliation commissions. Victims, perpetrators and communities, between past and future. Restorative diplomacy, restorative peacebuilding.

Special part: experiences of restorative justice

* The Truth and Reconciliation Commission of South Africa.
* Forms of restorative justice in the Israeli-Palestinian dialogue: the Parents Circle-Families Forum.
* Restorative justice in cases of political violence: Italian and international experiences.
* Restorative justice, corporate violence, environmental crime: challenges and perspectives.

Practical part (*attendance is strongly encouraged)*)

* Non-compulsory series of practical classes and complementary teaching activities (see below).

***READING LIST***

Learning materials and bibliographic information will be provided on Blackboard platform. Students must prepare for the exam by studying all the course reading material as well as one text chosen from those listed on Blackboard. Accessing and using Blackboard regularly is therefore mandatory for all students. The exam is cannot be passed if the study is limited to course slides and student’s notes.

*Lecture attendance*

Given the theoretical and practical nature of the course and the variety of topics on the syllabus, regular attendance is particularly encouraged.

***TEACHING METHOD***

The course is characterised by a strongly interactive teaching approach, whereby participatory lectures will be combined with practical activities. Audiovisual material (documentaries, film clips and documentary films) will be used to support learning as appropriate. Over the course of the year, where possible, students will be involved in potential extension activities, e.g. seminars, conferences and talks from experts and privileged witnesses.

***ASSESSMENT METHOD AND CRITERIA***

The oral exam is intended to verify students’ achievement of the intended learning outcomes (see above) with a particular focus on comprehensive assimilation of the concepts of the whole syllabus, critical understanding of the problems presented and confident and accurate use of technical language. Decisive assessment criteria are, therefore: the ability to independently and confidently navigate between the topics on the syllabus; a capacity for critical reasoning and making connections between various disciplines; confident use of specialist language. Merely conceptual or superficial knowledge of the topics, detached from critical knowledge of the issues at play, is inadequate and insufficient to pass the exam; likewise, partial or approximate knowledge of the topics in question.

***NOTES AND PREREQUISITES***

*Prerequisites*

Owing to the introductory nature of course, designed for Political and Social Sciences students and Law students, there are no prerequisites in terms of content. Nevertheless, Law students will be required to make the appropriate links to criminal law and criminal procedural law.

International exchange students and Erasmus students who wish to enrol in this course must be fully fluent in both written and spoken Italian especially with respect to the legal terminology. They must be able to understand, comment and discuss complex legal texts in Italian.

*Necessary prior study (for Law students only)*

To take the Restorative Justice course, Law students must have already *passed* the exams for Criminal Law 1 and either Criminology or Criminal Law 2. Should these conditions not be, it will not be possible to validate the exam result, and students will have to take it again.

*Complementary teaching activities*

The course is complemented by a series of optional practical classes (10 hours) held by Dr. Diletta Stendardi, lawyer and restorative justice facilitator. Further information at this regard will be provided at the beginning of classes.

*Office hours*

Upon appointment either at the Department of Legal Sciences (4th floor, Gregorianum building) or online.

*Notes*

Further information can be found on the lecturer's university webpage and Blackboard.