# Restorative justice in complex settings: Participation, innovation, rights

## Prof. Claudia Mazzucato

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

*Course aims*

This module is intended to offer insights into the use of restorative justice in ground-breaking and far-reaching fields that have in common a great deal of complexity and large-scale forms of injustice. ‘Classic’ justice systems prove to be unable to address complex justice needs that involve several stakeholders (individuals, institutions, organisations, groups, etc.), emerge from diverse types of harm and require to deal with the past with a forward-looking attitude. Building on the teacher’s research, experience and practice in the international context, the module addresses a selection of relevant settings where complex justice needs emerge: post-conflict societies in the aftermath of large-scale violations of human rights; responses to historical injustices (such as colonialism and enslavement); responses to institutional abuse by both public and private actors; responses to environmental harms and corporate violence. Innovation in justice systems is the pivotal concept around which the course develops, bearing in mind the challenges and values of democracy and human rights. The module is particularly suited to curious students who are intrigued by complex issues and wish to reflect on some of the big challenges of today's world. In addressing injustice and harms, the course bears a 'restorative approach', thus aiming at imagining creative, inclusive and participatory responses. After a review of the fundamentals of restorative justice and the existing legal tools, the module tackles challenging fields where restorative justice is increasingly used, though still largely new. The module capitalises on the students’ openness to discovery and their commitment to looking inside innovative, and sometimes tentative, interventions that are shaping new theories and practices as widely recognised by the United Nations, the Council of Europe, the European Union and similar organisations.

*Intended learning outcomes*

1. *Knowledge and understanding*; *Applying knowledge and Understanding:*

Upon completion of the module, students will be able to:

* describe and critically analyse justice needs in complex contexts, in organisational or institutional settings and/or in the aftermath of large-scale incidents and harms
* recognize and understand different ways to address justice needs in relation to different conceptualisations of justice itself (e.g. punitive, transformative, responsive, restorative, etc.)
* describe and critically analyse restorative justice, its principles and values, its goals and processes, its potential and pitfalls in selected fields of application characterised by high complexity

1. *Making judgements:*

* discuss the reasons behind justice systems’ resistance to innovation
* discuss the role of democracy, stakeholders’ participation and voluntary compliance in responding to complex justice needs
* discuss the challenges of restorative justice and its potential for innovations in justice.

1. *Communication:*

* master the basic specialized terminology in restorative justice.

***COURSE CONTENT***

Restorative justice: the fundamentals (notion; principles; programmes; main legal tools)

Participatory innovation in the field of justice

Restorative justice facing complexity: potential and pitfalls

Restorative justice in transitional settings (post-conflict societies; large-scale violations of human rights)

Restorative responses to historical injustices

Environmental restorative justice

Restorative responses to corporate violence

***READING LIST[[1]](#footnote-1)***

Students will be required to prepare a series of readings comprising book chapters and journal articles and other material that address the course topics in general. In addition to the above, each student will be required to prepare context-related articles of their choice. Both reading lists will be available on the Blackboard platform.

Students will have to make constant reference to the pertinent international and European legal tools concerning restorative justice and other relevant topics: these will be uploaded to Blackboard.

Students who are not at all familiar with restorative justice are required to get acquainted with the fundamentals by reading the following: United Nations Office on Drugs and Crime (2020). *Handbook on Restorative Justice programmes*. United Nations, Vienna (available online, open access).

All the reading materials necessary to prepare for the exam are available in the University library. When in open access, the relevant texts are directly uploaded to Blackboard.

***TEACHING METHOD***

Traditional academic lectures. Active participation is strongly encouraged: students are expected to participate constructively with comments and questions.

Regular attendance is not compulsory, but it is strongly advised, due to the wide range, variety and innovative nature of the topics the module addresses.

Audio-visual material will be used to support learning as appropriate. Where possible, students will be involved in other activities, such as seminars, conferences, talks and testimonies.

Regular attendance is a prerequisite for working under Prof. Mazzucato’s supervision on a final dissertation.

***ASSESSMENT METHOD AND CRITERIA***

The final exam consists of a written test, comprising three distinct parts:

* 4 multiple-choice questions to assess *knowledge and understanding*

(correct answer: 2 points; unanswered question: 0 points; wrong answer: 0 points)

* 2 open-ended questions to assess *the application of knowledge and understanding*

(0 to 6 points each)

* 1 brief essay to assess *judgment skills*

(0-12 points).

Multiple-choice and open-ended questions are equally based on the general compulsory readings and relevant legal tools. The brief essay is based both on the general compulsory readings and legal tools and the chosen context-related readings (cf. above *Reading list*).

The test will be accessed via Blackboard with browser lockdown (Respondus Lockdown Browser) and it will be carried out under the teacher’s supervision. Computer rooms are used.

Further details about the written test will be posted on Blackboard at the beginning of the course.

The test aims at assessing the achievement of the intended learning outcomes (see above). Therefore, students will be tested on:

* their full understanding of the topics;
* their proficiency in the critical comprehension of the key concepts;
* their mastery of the specialised terminology;
* their ability to establish interdisciplinary connections.

Students will have to demonstrate their thorough and critical study of *all* the requested readings. Mere knowledge of the topics without a critical understanding of the key issues or partial and sectoral knowledge of the topics will not be considered sufficient to pass the exam.

***NOTES AND PREREQUISITES***

*Prerequisites*

This module is meant for a Master's/graduate degree. It addresses the use of restorative justice in specific and highly innovative contexts and settings as explained above.

Although the course includes a few introductory lectures to get all the students ‘on the same page’, those who have never touched upon restorative justice are invited to get acquainted with the topic as instructed above (cf. *Reading list*).

*Office hours*

Office hours take place upon appointment.

Place: Department of Legal Sciences (4th floor, Gregorianum building, room 414 ) or online.

Time: please consult the teacher’s webpage or the Blackboard notice board.

1. I testi indicati nella bibliografia sono acquistabili presso le librerie di Ateneo; è possibile acquistarli anche presso altri rivenditori. [↑](#footnote-ref-1)