UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Le Forme della Mediazione

2526-1-F8702N005

Learning objectives

In relation to the objective of knowledge and understanding:

- To understand the model of restorative justice and the programs that implement it, as well as their application within the Italian legal framework
- To know the main national and international legal sources regulating the application of restorative justice programs
- To understand the principles and characteristics of the restorative paradigm, also in contexts beyond criminal justice, with particular attention to social and community settings
- To understand the role of the mediator and their equidistance (equiprossimità), highlighting the distinctions and interactions between this role and other social professions
- To explore specific contexts of application of the restorative model, both in Italy and abroad, with particular attention to serious and very serious offenses and the experiences of peace justice
- To deepen the understanding of issues related to the experience of victimization

In relation to the objective of applying knowledge and understanding:

- To be able to describe the process of a restorative justice program in all its phases
- To be able to describe the restorative paradigm and conflict mediation
- To experiment with tools used by expert mediators in restorative justice programs, approaching the practical skills required by this professional role
- To be able to take on a role in promoting restorative justice programs in professional settings where there is a legal duty to inform beneficiaries

Contents

Retributive, rehabilitative, and restorative justice

Restorative justice as relational justice
Mediation and reparation: victims and those identified as offenders in the reconstruction of social and civic agreements
The mediator's listening: equidistance (equiprossimità)
The conflict generated by the offense
Mediating a conflict
Repairing the irreparable
Conflict mediation in community settings

Detailed program

Retributive, Rehabilitative, and Restorative Justice:

- Shifting perspectives and embracing a complementary approach
- The justice of encounter: from monologue to dialogue
- Distinction between restorative justice and actions with restorative value

Restorative Justice as Relational Justice:

- Knowing and recognizing
- Civic agreements and trust-based expectations

Mediation and Reparation: Victims and Those Identified as Offenders in the Reconstruction of Civic Agreements:

- Restorative justice programs
- The process and structure of a mediation meeting
- Active participation and responsibility towards others

The Mediator’s Listening:

- Characteristics of empathic listening
- The mediator’s role of equidistance in restorative justice programs
- The mediator’s listening in relation to conflicts arising from the commission of an offense

The Conflict Generated by the Offense:

- First- and second-generation conflicts
- Conflicts and disagreements
- What kinds of conflicts are addressed by restorative justice

Mediating a Conflict:

- Case referral and selection
- Preliminary meetings
- Building consent
- Mediation encounter
- Restorative outcome

Repairing the Irreparable:

- The experience of The Book of Encounter (Il Libro dell’Incontro)
- The experience of the South African Truth and Reconciliation Commission

- Reparation as the outcome of a restorative justice program
- Symbolic and material restorative agreements

Conflict Mediation in Community Contexts:

- Mediating a conflict in a school setting
- Mediating a conflict in a correctional institution

Prerequisites

No prior knowledge required

Teaching methods

In relation to critical thinking and judgment skills, the following activities are planned:

- Theoretical lectures, always accompanied by classroom debates and group discussions
- In-class exercises allowing students to personally experiment with the concepts learned
- Role-playing activities with reflective evaluation
- Group work both in and outside the classroom to encourage peer dialogue, always under the supervision of the instructor
- Preparation of written reports

In relation to communication skills:

- Group work involving the analysis of a text and in-class presentation of selected parts to peers, followed by discussion
- Use of diverse modes of expression (legal texts, literary works, audiovisual materials)

In relation to learning skills:
Some lectures will take place in a Milanese correctional facility for adults, with the participation of a group of incarcerated students. This setting is designed to encourage dialogue and the exchange of different perspectives on the complex issue of reparation following the commission of a crime.
The shared learning experience with individuals identified as offenders will enhance students' critical thinking and judgment, improve their communication skills, and provide a broader, more inclusive perspective — valuable for future work in social professions and academic research.

Assessment methods

Student Participation and Assessment
Students will be actively involved in classroom activities, with a strong emphasis on valuing each participant's point of view.
During the course, analysis and reading assignments will be given and subsequently presented and discussed in class.
At the end of the course hours, students will be required to submit a short written paper, which will serve as part of the final assessment.

- For attending students:
  Based on the content of the lectures, the sessions held at the correctional facility, and the readings assigned by the instructor, students will be asked to prepare a group oral presentation. This will be organized autonomously in small groups and delivered in class.
  In addition, students will be required to submit a written group paper as their final exam.

- For non-attending students:
  Starting from the readings listed in the "Required Texts" section, students will be asked to write a paper that explains restorative justice and explores a specific aspect of it.
  The VOCI (VOICES) found in Il Libro dell'Incontro may serve as an interesting starting point.

The student may choose a key concept related to restorative justice or mediation, or a particular theme that resonated with them, and develop a personal analysis.
Alternatively, they may connect their work to a specific case of conflict, imagining a possible mediation process. This case might be taken from personal professional experience (for those already working), or from other contexts such as current events, films, or literature.

The paper should include:
A descriptive short section on restorative justice and mediation (drawing from the assigned texts)
A reflective section, focusing on a personal interpretation, developed from a chosen word, theme, conflict, or even the experience of engaging with the group of incarcerated students at the correctional facility.

Textbooks and Reading Materials

For attending students:

- Course slides
- Bertagna, Ceretti, Mazzuccato (a cura di), Il libro dell'incontro. Vittime e responsabili della lotta armata a confronto,
  Saggiatore, 2015

The instructor will provide guidance in class regarding the use of selected parts of these additional texts, which students may draw upon for their specific group projects:

- Bertolini B., La giustizia riparativa in Italia: uno sguardo d'insieme, opuscolo del progetto Re-justice: sustainable training in a challenging field, in www.scuolamagistratura.it, 2022
- Bertolini B. Corica G., Report di indagine, in Autorità Garante per l'Infanzia e l'Adolescenza (a cura di), La giustizia riparativa in ambito penale minorile. Indagine nazionale su effetti, programmi e servizi, in www.garanteinfanzia.org, 2023
- Bortolato M., e Vigna E., Oltre la vendetta. La giustizia riparativa in Italia, Laterza 2025
- Brunelli, F., Ceretti, A., La giustizia riparativa e la mediazione reo/vittima, in F. Danovi, F. Ferraris (a cura di), ADR una giustizia complementare, Milano, Giuffrè, 2018
- Brunelli F., I programmi di giustizia riparativa, in G. Spangher (a cura di), La riforma Cartabia Torino, Giappichelli, 2022
- Brunelli F., I programmi di giustizia riparativa in V. Bonini (a cura di), La giustizia riparativa Torino, Giappichelli, 2024
- Brunelli F., La parola in mediazione, in "Dignitas" n. 11/2003, Sesta Opera San Fedele
- Cartabia M., Ceretti A. (2020), Un'altra storia inizia qui, Milano, Bompiani
- Ceretti A., Di Ciò F., Mannozzi G.,Giustizia riparativa e mediazione penale: esperienze e pratiche a confronto in Scaparro, F. (a cura di) Il coraggio di mediare. Contesti, teorie e pratiche di risoluzioni alternative delle controversie, Milano, Guerini & Associati, 2023

- Ceretti A., Mediazione penale e giustizia. In-contrare una norma, in Studi in ricordo di Giandomenico Pisapia, vol. III, Giuffrè, Milano, 2000
- Ceretti A., Vita offesa e lotta per il riconoscimento in F. Scaparro (a cura di), Il coraggio di mediare, Guerini & Associati, 2001
- Ceretti A., Cornelli R., Milano-Bogotà. Percorsi di giustizia nella Colombia dopo l'Accordo di pace, Giappicchelli, Torino, 2020
- Danovi F., Ferraris ADR Una giustizia complementare, 2018 Giuffrè
- Greco T., La legge della fiducia, alle radici del diritto, editori Laterza, 2023
- Greco T., Critica della ragion bellica, Laterza 2025
- Mannozzi G. , La giustizia senza spada. Uno studio comparato su giustizia riparativa e mediazione penale, Giuffrè, Milano, 2003.
- Mannozzi, G., Lodigiani, G., La giustizia riparativa. Formanti, parole e metodi, Torino, Giappichelli, 2017
- Mannozzi, G., Lodigiani, G., Giustizia riparativa. Ricostruire legami, ricostruire persone, Bologna, Il Mulino, 2015
- Mannozzi, G., Mancini, R., La giustizia accogliente, Milano, FrancoAngeli, 2022
- Mazzucato C., Appunti per una teoria 'dignitosa' del diritto penale a partire dalla restorative justice, in AA. VV., «Dignità e diritto: prospettive interdisciplinari», Quaderni del Dipartimento di Scienze Giuridiche, Università Cattolica S.C. (sede di Piacenza) n. 2/2010, Libellula, Tricase, 2010
- Mazzucato, C., Oltre la punizione ecco la giustizia riparativa, Milano, in "Vita e Pensiero" n. 4/2016
- Morineau J., Lo spirito della mediazione, Franco Angeli, Milano, 1999.
- Nociti A., Guarire dall'odio, ed. Franco Angeli, 2000
- Ristretti Orizzonti, La società del non ascolto, in "Ristretti" n. 4 luglio agosto 2018
- Ristretti Orizzonti, Il difficile cammino verso la riconciliazione, in "Ristretti" n. 4 luglio agosto 2008
- Scaparro F. (a cura di), Il coraggio di mediare, Guerini e Associati, Milano, 2023 nuova edizione
- Tramonte, V., Giustizia riparativa. Pratiche, effetti, potenzialità, Trento, Erickson, 2023

For non-attending students:

- Bertagna, Ceretti, Mazzuccato (a cura di), Il libro dell'incontro. Vittime e responsabili della lotta armata a confronto, Saggiatore, 2015
- Marcello Bortolato, Edoardo Vigna, Oltre la vendetta. la giustizia riparativa in Italia, editori Laterza, 2024

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS