UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Le Forme della Mediazione

2627-1-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

In relation to independent judgment:

- 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

In relation to communication skills and learning ability:

- To be able to work effectively in a group setting, actively participating in the exchange of ideas, and deliver an effective oral presentation on restorative justice.

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

**For attending students: **

Participants will be expected to take an active part in classroom activities by contributing their individual perspectives and viewpoints.
During the course, analytical and reading assignments will be given and subsequently presented and discussed in class.
At the end of the course, participants will be required to prepare a short written paper, which will form part of the final assessment.
In particular, drawing on the lectures, meetings, discussions with students residing within the correctional institution, and the readings assigned by the instructor, participants will be asked to prepare and deliver a presentation. This task will be developed independently through group work and presented in class, followed by a plenary discussion.
In addition, participants will be required to produce a written paper as the final examination assignment, which will also be completed in groups. Students will be assessed on their ability to analyze texts, work collaboratively in groups, deliver effective oral presentations, and produce a written paper demonstrating personal reflection and the ability to develop concrete and well-founded insights.

For non-attending students:

Based on the readings listed in the “Reference Texts” section, students are required to produce a written paper explaining restorative justice and developing one of its aspects (the entries included in The Book of the Encounter may provide an interesting starting point, as may other insights drawn from the assigned texts). Students may choose a key concept related to restorative justice and mediation, or a topic that particularly interested them, and analyze it. Alternatively, they may identify a specific conflict case and imagine a mediation intervention, for example a conflict encountered in their professional field (for those already employed) or in other contexts such as current events, film, or literature.

The paper should include a brief descriptive section on restorative justice and mediation that draws on and reflects the assigned readings. Its primary focus, however, should be a personal reflection connected to the conflict analyzed, as well as to the potential and limitations of restorative justice programs and mediation practices that could be implemented in the case under examination. Students will be assessed on their ability to connect the studied texts to the written assignment, which must include personal reflections and concrete insights..

Textbooks and Reading Materials

For attending students:

- Teaching materials/slides
- Bertagna, Ceretti, Mazzucato (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
- Ceretti A., Cornelli R., Per una pace possibile. Responsabilità, giustizia e riparazione al tempo delle guerre, editore Feltrinelli, 2026
- 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
- 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, Mazzucato (a cura di), Il libro dell'incontro. Vittime e responsabili della lotta armata a confronto, Saggiatore, 2015 (in particular: reading and study of the section "Breve storia di un lungo percorso" and the section "Voci." Students should then analyze one chapter of their choice from "Per una convergenza di sguardi", or " La giustizia dell'incontro" or "Lotta armata, vittime, conflitti e dissidi".
- In addition to the above text, students should choose one of the following additional texts:
  A) Marcello Bortolato, Edoardo Vigna, Oltre la vendetta. la giustizia riparativa in Italia, editori Laterza, 2024
  B) Adolfo Ceretti, Roberto Cornelli, Per una pace possibile. Responsabilità, giustizia e riparazione al tempo delle guerre, editore Feltrinelli, 2026

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS