

## *Transforming 21<sup>st</sup> century conflicts*

### *Tools for promoting secure, inclusive and innovative societies*

To respond to the call “Shaping a World Class University”, by which the University of Padua is promoting initiatives meant to enhance opportunities of virtual exchange students, in a moment in which physical mobility is strongly reduced due to the pandemic, the project “**Transforming 21<sup>st</sup> century conflicts**” is designed to promote an online Winter School focused on promoting secure and inclusive societies, through the adoption of innovative perspectives and tools.

The Winter School is designed to be highly interdisciplinary and international and to combine the teaching on conceptual and theoretical frameworks with more skills-building-oriented workshops, in order to promote knowledge, competencies and skills among students of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> level of studies. The project is designed, therefore, for the “Curriculum Enhancement” goal, and to introduce students – mostly but not exclusively – from law schools, to concepts and methodologies which are rarely part of their traditional learning programs at an undergraduate level. Introducing students to perspectives like restorative justice and conflict transformation, and to critical and innovative instruments for enhancing restorative, responsive and transformative approaches to interpersonal conflict is considered as a key-factor for reflecting on topical issues such as active citizenship, democratic professionalism, participatory democracy and on the instruments that can help in the difficult task of matching the issues of security with the ones connected to inclusivity and to the promotion of peaceful communities.

The school is designed to take place in the last week of February 2022, and to offer an intensive path (mon-fri 9:30-12:30 / 15:00-18:00, ending on Saturday 9:30-12:30), and will be free for students.

# Program

## 1. Understanding Conflict (Day 1)

*This unit is dedicated to the overall course introduction and to an introduction to the topic of conflict, with a focus on some tools and conceptual frameworks for conflict analysis. The goal is to show conflict as a complex, multi-layered, relational structure, that transcends rigid legal schemes and, therefore, requires interdisciplinary and innovative lenses to be understood and analyzed.*

### Morning session:

#### Introduction to the Winter School.

*This is an introductory session, meant to offer a first greeting and an overview of the course. Two presentations will follow, meant both to introduce to perspectives that help envisioning law as strictly related to the problem of conflict and to the issue of its transformation.*

*The morning session has the following scheme:*

1. **Greetings and welcome:** (Federico Reggio – Anna Matczak – Brunilda Pali – Angelo Anzalone – Katarzyna A. Przybyła)
2. **A vignette for introducing our course: three narratives from the Iliad** (Federico Reggio): *this presentation will focus on a concept that has been characterizing the legal-philosophical teachings at Padua University in the last 80 years, which is the strict relationship between law and ‘converting conflict into controversy’. Two ancient narratives will be used to show that such conversion can happen both within the form of a process and of a negotiation.*
3. **Models, criteria and methods for a theory of justice: The perspective of the communicational theory of law** (Angelo Anzalone): *this presentation is meant to offer a short and simple philosophical introduction to the topics covered in the winter school; and will also provide a brief introduction to the theoretical proposal known as Communicational Theory of Law.*

### Afternoon session (15.00-18.00)

#### Understanding conflict and its complexity (Katarzyna A. Przybyła)

*In this session, participants will be discovering different lenses from which they can look at conflicts or which they should at least consider when analyzing conflicts. We will start the session by defining and understanding the meaning and characteristics of the conflict itself. Then we will talk about the difference between the concepts of conflict resolution and conflict transformation, and the interdisciplinary field of Peace and Conflict Studies. The main part of the session will be focused on exploring some conflict analysis tools and methods, Lisa Schirch’s conflict assessment framework.*

*Before the session: Please read general info (even from Wikipedia) about the Russo-Ukrainian conflict which started in 2014. We will use this example in our exercises.*

If you want to learn more, here are the recommended readings ([and summaries/ free online readings](#)):

Lederach, John Paul. (2003). The little book of conflict transformation. Good Books.

Lederach, John Paul. (2003) Conflict Transformation. Beyond Intractability. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder.  
<http://www.beyondintractability.org/essay/transformation>

Schirch, Lisa. (2013). Conflict assessment and peacebuilding planning : toward a participatory approach to human security (First Edition.). Kumarian Press.

Schirch, Lisa. Conflict Assessment and Peacebuilding Planning. <http://conflict-assessment-and-peacebuilding-planning.org/>

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## **2. Conflict in context (Day 2)**

*This unit is meant to help understanding conflicts within the complex relationship between individuals and communities, and to outline how they are highly context- and culture-sensitive. The focus will be on critical issues such as those ones connected to community involvement and accountability, cultural heritages and biases, and, e.g., problems connected to race, gender and minorities.*

### **Morning session:**

#### **1. An insight on dialogue and interculturality (Federico Reggio)**

*This brief presentation offers a reading from an old dialogue belonging to Indian literature, and, more widely, to the Buddhist tradition. A brief dialogue taken from this old text will be taken as a starting point for brainstorming on the basic principles of dialogue. It will be followed by some contextualized reflections on the challenge of interculturality.*

Suggested reading (for those who want to know more about this specific cultural context):

[https://www.academia.edu/44084311/When\\_Dionysos\\_met\\_the\\_Buddha\\_A\\_Reading\\_on\\_Interculturality\\_Identity\\_and\\_Globalization\\_at\\_the\\_Crossroad\\_between\\_India\\_and\\_Late\\_Hellenism\\_Sociological\\_and\\_Legal\\_Philosophical\\_Implications](https://www.academia.edu/44084311/When_Dionysos_met_the_Buddha_A_Reading_on_Interculturality_Identity_and_Globalization_at_the_Crossroad_between_India_and_Late_Hellenism_Sociological_and_Legal_Philosophical_Implications)

## 2. **Conflict, culture and folklore- An Insight from South-East Asia** (Immanuel Zarzosang Varte)

*South-East Asia is wracked with numerous conflicts that often threaten global peace. These conflicts often have their roots in traditional and modern folklores that form the basis for fierce claims, counter-claims, contestation and legitimization of nativity and ownership, indignity, belongingness and identity (the current South China Sea imbroglio is one such example). Meanwhile, folklore and culture also plays an important role in resolving conflicts among and between communities. As such, the dual, often overlapping and juxtaposing role of folklore as both a cause of conflict and tool for conflict resolution among peoples merits deeper studies. The presentation will therefore endeavour to analyse the role of folklore and culture as mechanisms for conflict and peace with examples drawn for South-East Asia.*

### Suggested Readings:

1. Utley, F. L. (1952). Conflict and Promise in Folklore. *The Journal of American Folklore*, 65(256), 111–119. <https://doi.org/10.2307/536878>.
2. Huang, Y. & Sang, J.. (2006). Cultural Conflicts and the Collapse of Folk Culture: A Folkloric Perspective to Tilings Fall Apart. *Foreign Literature Studies*. 28. 32-39.
3. Boege, V. (2007). Traditional approaches to conflict transformation - potentials and limits.
4. Faure, G. (2009). Culture and conflict resolution. In J. BercovitchV. Kremenjuk, & I. W. Zartman *The SAGE handbook of conflict resolution* (pp. 506-524). SAGE Publications Ltd, <https://dx.doi.org/10.4135/9780857024701.n27>.

### **Afternoon session:**

1. **Racialized Youth and the Restorative Lenience Project: From Intractability to Malleability** (Esmorie Miller)
  - **The Problem:** The normalized, amplified racialization of penalty in youth justice
  - **Objective:** The role of lenience as a Restorative Resource for Racialized Youth—from Intractability to Malleability
  - **Case Study:** Race in the Urban, the Historic Contours
  - **Innovation/Intervention:** A lesser-known logic for exploring race and penalty in youth justice

- **Student Q&A:** This is an opportunity for students to intervene with questions, to clarify their understanding
2. **On psychosocial dynamics of conflict: time, space, borders and community (with a specific focus on migration-related issues)** (Ciro De Vincenzo)
    - Social psychological tools to approach contemporary sociopolitical conflicts;
    - Undocumented migration and border struggles at the European borders;
    - Social memory/justice as a transformative community-based practice

### **3. Restorative, responsive and transformative approaches to conflict in Criminal and Civil Law (Day 3)**

*This unit is dedicated to an introduction to approaches and paradigms of conflict transformation that, in different sectors, are grounded on peculiar premises, commonly characterized by a relational attitude and by the promotion of dialogical, participatory and possibly agreed-upon solutions: restorative justice; transformative justice and responsive regulation are briefly outlined as paradigms that require a wholly different “vision” of conflict and its solution.*

#### **Morning session (Criminal Law):**

##### **1 Restorative Justice, The promise, the challenge** (Federico Reggio)

*Restorative Justice is presented as a paradigm of justice. This presentation is meant to offer a few conceptual signposts for theoretically envisioning this approach and its fundamental differences from the traditional theories of punishment.*

##### **2 Restorative Justice and penal law theory** (Debora Provolo & Elena Cadamuro)

*The general crisis of the traditional criminal justice system, which has proved inadequate in achieving the objectives of general and special prevention and reintegration of offenders into society, has created new spaces for the restorative justice model. In this context a fundamental role is played by the “rediscovery” of the crime victims and their needs. In this session we will explore in particular: 1. the renewed interest in the crime victim (victimology) and the role of the victim in restorative justice practices; 2. the main differences between restorative model and retributive model; 3. the possible interaction between restorative and traditional methods of responding to the crime, starting from the experience of the Italian legal system; 4. the applicability of the restorative paradigm to specific criminal phenomena; 5. the need to rethink the meaning of punishment and the role of criminal law in the perspective of restorative justice.*

3. **Beyond penal-law: transforming conflict through dialogical forms of justice** (Federico Reggio)

Further readings:

H. Zehr, *The little book of Restorative Justice*, Good Books 2005 (and further editions).

I. Vanfraechem, D. Bolívar, I. Aertsen (eds.), *Victims and Restorative Justice*, Routledge, 2015.

A few conversations from Brunilda Pali's blog "restorotopias" are also suggested:

<https://www.restorotopias.com/2018/11/21/a-conversation-with-howard-zehr/>

<https://www.restorotopias.com/2018/12/04/a-conversation-with-christa-pelikan/>

<https://www.restorotopias.com/2020/03/18/393/>

<https://www.restorotopias.com/2020/06/02/a-conversation-with-lindsey-pointer/>

**Afternoon session (Civil Law):**

1. **Online Dispute Resolution: a double-edged category** (Letizia Mingardo)

*Digitalisation has emerged even in the field of dispute resolution. In the field of ADR (Alternative Dispute Resolution), ODR (On-line Dispute Resolution) has taken on a growing theoretical, and a rising practical, importance. Using ICT (Information and Communications Technology), ODR offers a variegated totality of alternative dispute resolution, largely in the sphere of civil law, i.e. for e-commerce, lease, labour and even family disputes. In the not too distant future, ODR will be enriched with expert systems of mediation, conciliation, negotiation, arbitration and/or by other forms of Artificial Intelligence (AI), in which the activities of the third party could be co-adjudicated by, if not substituted for, machines. By virtue of the transformative power of technology, ODR is already evolving into something totally "other" with respect to ADR. The quality which, above all, seems to be illustrative of its innovative character is its growing institutionalisation, as the phenomenon of "ODR in Courts" shows. Access to justice is currently enhanced through sophisticated ODR platforms that substitute for some court proceedings in several pioneering judicial systems across the globe. Finally, ODR is able to show, better than anything else, the transformation of the concept of Law itself in the digital era and the progressive elimination of boundaries between Common Law legal theories and Civil Law legal theories.*

Further readings:

- Rabinovich-Einy, O. - Katsh, E., *Digital Justice. Reshaping Boundaries in an Online Dispute Resolution Environment*, in *International Journal of Online Dispute Resolution*, vol., 1, issue 1, 2014, pp. 5-36
- Susskind, R., *Online Courts and the Future of Justice*, Oxford University Press, Oxford 2019

- Ortolani, P., *Self-Enforcing Online Dispute Resolution: Lessons from Bitcoin*, in *Oxford Journal of Legal Studies*, vol. 36, issue 3, 2016, pp. 595-629

## 2. **An outlook on postmodern negotiation** (Massimo Antonazzi)

*This unit will analyze the basics of the negotiation process, attempting to offer all students a clear picture of the meaning of ‘negotiating professionally’. During this first lesson we will see the fundamental elements and phases of a negotiation process.*

## 4. **Critical and innovative applications of restorative, responsive and transformative approaches (Day 4)**

*This unit is specifically designed to be more interactive and to bring the student to envisioning critical and innovative application of restorative, responsive and transformative approaches to current social, political, and institutional conflicts.*

### **Morning & Afternoon session: Brunilda Pali**

*How can our societies respond to conflicts, harms, and injustices without perpetuating them? How can we pursue social, racial, environmental, and multispecies justice and repair in ways that are restorative, responsive and transformative? This interactive day is designed for envisioning how to address critically and innovatively relational, cultural, institutional, and societal conflicts, harms, and injustices. More specifically it will explore the limits and possibilities offered by restorative, transformative, and responsive approaches in addressing societal challenges in complex social contexts. We will learn about specific applications of the approaches discussed here to societal ‘problems’, such as sexual violence, hate crime, racial injustice, environmental harms and so on, and delve into their potential and limitations.*

The following background readings would be advised for more informed discussions:

\*Nils Christie (1977). Conflicts as property. *British Journal of Criminology* 17(1): 1–15.

\*Brunilda Pali (2020). Nourishing the restorative imagination. In Gemma Varona Martínez (ed), *Arte en prisión: Justicia restaurativa a través de proyectos artísticos y narrativo* (pp. 23-40). Valencia: Tirant lo blanch.

\*Lindsey Pointer & Amy Giles-Mitson (2020). Sustained restorative dialogue as a means of understanding and preventing sexually harmful behavior on university campuses, *Contemporary Justice Review* 23 (1): 22-43.

\*Interview with Ailbhe Griffith <https://www.euforumrj.org/en/interview-ailbhe-griffith>

\*Jennifer J. Llewellyn (2019). Responding restoratively to student misconduct and professional regulation: The Case of Dalhousie Dentistry. In John Braithwaite, Valerie Braithwaite & Gale Burford (eds.). *Restorative and Responsive Human Services*.

\*Mark Walters & Carolyn Hoyle (2010). Exploring the everyday world of hate victimization through community mediation. *International Review of Victimology* 18(1): 7–24.

\*Fania E. Davis, Mikhail Lyubansky & Mara Schiff (2015). Restoring racial justice. In Robert Scott, Marlies Buchmann & Stephen Kosslyn (eds.), *Emerging trends in the social and behavioral sciences* (pp. 1–16). Hoboken, NJ: John Wiley and Sons.

\*Emanuela Biffi and Brunilda Pali (2019). *Environmental Justice: Restoring the Future*. Leuven: European Forum for Restorative Justice.

\*Pali Brunilda and Ivo Aertsen (2021). Inhabiting a vulnerable and wounded earth: restoring responsibility. Editorial Special Issue Environmental Restorative Justice. *International Journal of Restorative Justice*, 4(1), 3-16.

## 5. Crafts for conflict transformation (Day 5)

*This unit will focus on conflict transformation as a social craftsmanship. It will offer skill, schemes and tools that are required to future professionals involved in the field, among others, argumentative skills; techniques for building and managing dialogue; strategic tools for promoting negotiated solutions; skills and techniques for enhancing creative and parallel thinking.*

### **Morning session:**

#### 1. ***Working on skills through Circles & psychodrama*** (Alexia Stouraiti)

*RJ and conflict transformation is not a formula - we need each other's contribution. In order to be able to create a safe place in the midst of conflict and the intense emotions that arise, we also need to be aware of our own inner conflicts, biases, fears, and expectations. Roleplays, as well as multiple psychodramatic techniques and interventions, have been integrated into training curriculums for professionals globally. Experiential learning is considered the best strategy for adult learners, as it addresses not only the cognitive but also the emotional function of the brain. In this session, we will enter our psychodramatic roles. We will be creating a common ground to meet each other in a new way while aiming at personal and professional development.*

If you want to learn more, here are some recommended readings:



Yaniv D. (2012), *Dynamics of creativity and empathy in role-reversal: Contributions from Neuroscience*, *Review of General Psychology*, pp. 70-77

Stouraiti A. (2021), *The Use of Psychodrama in Mediation training*, *MediaRes*, 1/2021, pp. 128-139

2. **Connecting logos, ethos and pathos through argumentation** (Federico Reggio)

*This presentation will show how argumentation is an ideal place for connecting three words: emotions, morality and rationality. The art of argumentation, connected to the socratic notion of 'maieutic' is central in the professional competences and skills of a peacebuilder, as this unit will try to show, by arguing the importance of a 'socratic' approach to conflict mediation.*

**Afternoon session:**

3. **Tools for effective negotiation** (Massimo Antonazzi)

*This unit will continue to work on the basics of the negotiation process, attempting to offer all students a clear picture of the meaning of 'negotiating professionally'. We will focus on the role of emotions in the negotiation, starting to explain a famous behavioral model for managing the emotional context at the negotiating table.*

4. **Reflective practice & critical thinking** (either Federico Reggio or Katarzyna A. Przybyła)

Further readings:

[https://www.academia.edu/44085590/EDUCATING\\_TO\\_DIALOGUE\\_CONNECTING\\_AN\\_ARGUMENTATIVE\\_APPROACH\\_TO\\_MEDIATION\\_AND\\_EDUCATIONAL\\_TRANSACTIONAL\\_ANALYSIS\\_SOME\\_TRANSKILLS\\_SIGNPOSTS\\_FOR\\_PROMOTING\\_INCLUSIVE\\_AND\\_PARTICIPATIVE\\_SOCIETIES](https://www.academia.edu/44085590/EDUCATING_TO_DIALOGUE_CONNECTING_AN_ARGUMENTATIVE_APPROACH_TO_MEDIATION_AND_EDUCATIONAL_TRANSACTIONAL_ANALYSIS_SOME_TRANSKILLS_SIGNPOSTS_FOR_PROMOTING_INCLUSIVE_AND_PARTICIPATIVE_SOCIETIES)

[https://www.academia.edu/50750106/Art\\_and\\_conflict\\_transformation\\_Conflict\\_transformation\\_as\\_an\\_art\\_An\\_introduction\\_to\\_the\\_issue\\_1\\_2021\\_of\\_Mediares](https://www.academia.edu/50750106/Art_and_conflict_transformation_Conflict_transformation_as_an_art_An_introduction_to_the_issue_1_2021_of_Mediares)

<https://www.mediaresrivista.it/wp-content/uploads/2021/08/heritage-soulou.pdf>

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## **6. On building peace (Day 6 - half-day only)**

*Conflict transformation aims at peace, considered not just as a ceasing of the conflict itself, but rather as a situation where relational resources are enabled to interact in a constructive way. This final unit offers*

*a perspective on issues like apologies and reconciliation in their anthropological value, and also on resilience.*

- ***Beyond conflict. On apology, reconciliation and resilience (Anna Matczak)***

*The session will be divided into two components. Firstly, we will explore the role of apology in conflict transformation as well as the practice of apologizing from three distinctive perspectives: (1) legalistic in court settings, (2) cultural as a ritual, (3) linguistic as a speech act. This part will finish with a breakout session, in which students will be asked to collectively create a checklist for a meaningful apology. During the second part of the session, we will discuss the concept of resilience and its relevance and applicability for conflict transformation. In this part students will also be asked to assess their own individual resilience. The session will finish with a closing circle.*

**Literature recommendations:**

Gibney, M., Howard-Hassmann, R.E., Coicaud, J.M. & Steiner, N. (2008). *The Age of Apology. Facing Up the Past*. Philadelphia: University of Pennsylvania Press.

Frydenberg, E. (2017). Positive psychology, mindset, grit, hardiness, and emotional intelligence and the construct of resilience: A good fit with coping. In E. Frydenberg (Ed.) *Coping and the challenge of resilience* (pp. 13-28). London: Palgrave Macmillan.