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Tel. 392-2020
O.H.: Thursdays 2:00 - 4:00
and by appointment

Spring 2002
Course # 6936
Section # 3521

Reconciliation

Course Overview

Can legal and other dispute resolution systems promote reconciliation between the injured party and the injurer? And what about internal reconciliation, for example, when the injurer is unrepentant? This seminar examines the interaction between legal mechanisms and human reconciliation on both individual and social levels. Topics include psychological aspects of conflict resolution, accountability and denial, dialogue, apology and forgiveness, victim-offender-reconciliation programs, and responses to social pathologies such as racism and genocide. Readings draw from a wide range of sources including legal scholarship, historical narratives, social science research, and theology.

Materials

The books I recommend buying for this course are below. Each has been ordered at the law school bookstore and has also been placed on reserve in the law library. Although there are a number of books, they are of the comparatively-less-expensive, “popular press” type (rather than the very-expensive, legal textbook type). There also will be several readings that have been placed on reserve in the law library, principally of academic articles, that you need not purchase.

Sandra M. Gilbert, *Wrongful Death: A Medical Tragedy* (W.W. Norton & Co. 1997);

Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Beacon Press 1998);

Randall Robinson, *The Debt: What America Owes to Blacks* (Dutton 2000);

Sharon Rush, *Loving Across the Color Line: A White Adoptive Mother Learns About Race* (Rowman & Littlefield 2000);

Simon Weisenthal, *The Sunflower: On the Possibilities and Limits of Forgiveness*, 2nd edition (Schoken Books 1997) (Note: Do not buy the 1969 edition.)

Requirements

The requirements for this course are:

1. Preparation and Participation. For most sessions, there will be assigned readings. *You are expected to have read these assignments carefully and to have begun thinking about them on your own before the class begins. In class, you are expected to participate constructively in the discussion.* The success or failure of the class will largely depend upon the whether you are prepared to discuss the materials.
2. Presenting Your Research. Roughly four class sessions at the end of the semester will be devoted to students presenting their own research. This will be done before the papers are due. The goals are both that the other students learn from your research and that you receive input from them that may be of help in writing your paper.
3. Research Paper. All students are required to write a final research paper, or, with advanced approval, produce a comparable project. If you would like this to satisfy your senior writing requirement, the paper should be roughly 25 pages. If not, it need be only roughly 10 pages. The topic you choose should require some independent research. Central in assessing your papers will be the quality of your analysis of your given topic.
4. Miscellaneous. From time to time, there may be miscellaneous assignments.

Grading

_____ For students whose research papers satisfy their senior writing requirement, grades will be based 40% upon class participation and other miscellaneous assignments and 60% upon their final paper. For students whose research papers do not satisfy their senior writing requirement, grades will be based 50% upon class participation and other miscellaneous assignments and 50% upon their final paper.

Tentative Schedule of Topics

Day 1: **The Human Dimension of Conflict Resolution**

Assignment: None

Day 2: **One Example**

Assignment: Sandra M. Gilbert, *Wrongful Death: A Medical Tragedy*

Day 3: **Forgiveness**

Assignment: Simon Weisenthal, *The Sunflower: On the Possibilities and Limits of Forgiveness*

Day 4: **Apology**

Assignment: Jonathan R. Cohen, "Advising Clients to Apologize," 72 S. CAL. L. REV. 4, 1009 (1999) (on reserve);
Lee Taft, "Apology Subverted: The Commodification of Apology," 109 YALE L.J. 1135 (2000) (on reserve).

Day 5: **Victim Offender Reconciliation Programs**

Assignment: Reading – To Be Announced

Day 6: **Race (I) – Ambiguity, Denial, Perspective and Identity**

Assignment: Sharon Rush, *Loving Across the Color Line: A White Adoptive Other Learns About Race*

Day 7: **Race (II) – Reparations**

Assignment: Randall Robinson, *The Debt: What America Owes to Blacks*

Day 8: **Responding to Genocide**

Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*

Days 9 - 14: **Presentations**