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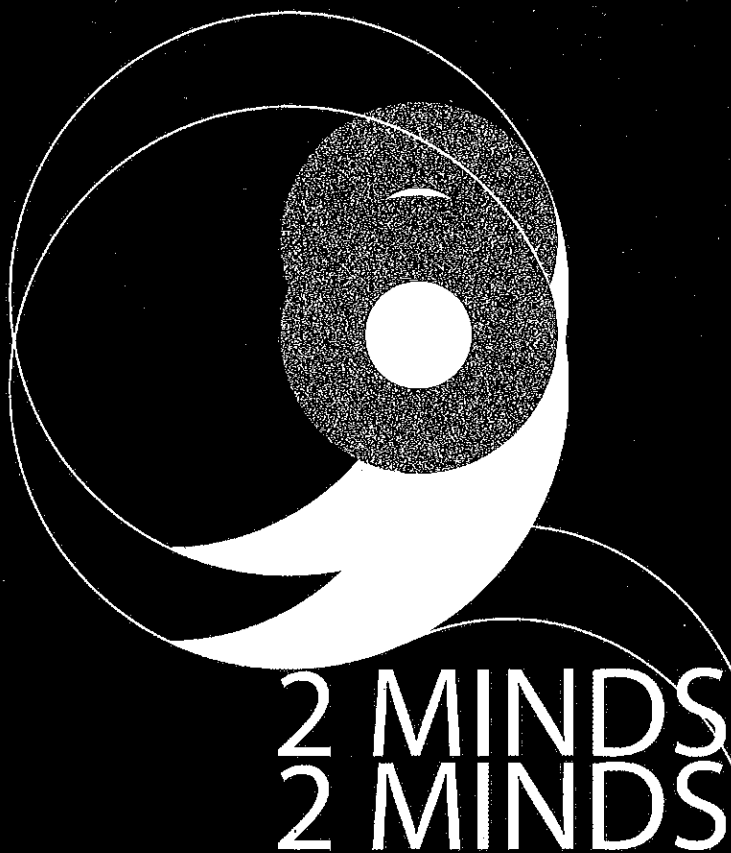
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INGLESE



TWO MINDS
by
Rossana Caselli

*moins de violence
ça ne ferait pas de mal*

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INTRODUCTION

In this booklet we are pleased to introduce you to our project "Two Minds", its different phases and the results achieved so far, but also and above all we wish to show the underlying philosophy, the goals, and the enthusiasm which have marked it and made it something alive in different European countries, where it has been developed all along 2009 and 2010.

This project aims at enhancing and spreading mediation in order to manage family conflicts, to avoid that children become their victims, to suggest mediation as the best tool in order to defend and respect the minor's rights to have his/her own parents, despite their decision not to be partners anymore and, finally, in case of domestic violence against them. In this manual we have presented as well some other fields of application for mediation besides the family and domestic environment, because we think that both society and family share the same methodology and culture of nonviolence, as our partners have experienced by practicing mediation with families and in the associations where they work. Moreover, the project has put to good use

all the experiences matured in the previous three projects that Centro Nazionale per il Volontariato (CNV) has coordinated in the past on the subject of family mediation and implemented within the Daphne Program.

This booklet is divided into two sections: in the first part we have synthesized the main phases of our project Two Mind, as it has been implemented in the past two years. In the second part we have worked at preparing a small manual in order to learn to manage constructively family conflicts, and we have tried to offer some information on social mediation. We have addressed above all the young, children of today and parents of tomorrow, in order for them to evaluate and ponder on the meaning of family and community mediation. This special handbook has been already in use in some schools and has become a tool to talk about the project "Two Minds" with younger people. This is a new version of it, updated and improved according to their suggestions and remarks.

IL CENTRO NAZIONALE PER IL VOLONTARIATO

Let's begin by introducing ourselves. CNV is a volunteer centre that gathers almost 600 people among organizations of volunteers and institutions. It has been established in 1994 in Lucca, in Tuscany, and since then it has always aimed at fighting violence, in every way, and making of this goal its main and most important objective. We have always believed in the importance of the European dimension of voluntary service, and for this reason in 1989 in Lucca the European Coordination Statute of national centers of volunteers was ratified and signed. Two years later, this coordination allowed the creation of the European Volunteer Centre, based today in Bruxelles, which gathers today a huge network of associations of volunteer centers and volunteer development agencies from all European Union countries, with the main goal of promoting volunteering. The steady commitments of CNV have been family issues and above all the defense of minors' rights. In particular, some partner volunteer associations – which in the Nineties led to the National Coordination of V.O. for minors' defense – have actively promoted forms of family cooperation and

a variety of families in which practicing volunteering means to welcome minors (for instance in families that adopt or are granted the child custody), or to share one's life with people in troubles (such as family houses for drug addicted, people with disabilities, or people who are alone, etc.). Since the very beginning, CNV has always been a study and research¹ center as well. In the Nineties some of these researches had already stressed out the key role that volunteering can have in supporting families by weaving some relationships of solidarity. If the community – and along with it the voluntary service that is one of its expressions – supports the family, it becomes easier for it to “hold on” even when its members have to deal with some difficulties such as diseases, disabilities, and conflicts that can arise among them.

Whenever, on the contrary, families are left “alone” in dealing with some problems, especially in some key “transitional” phases – for instance when the family is experiencing some radical change that can have an impact on its identity or on the members' life and attitude – solidarity becomes really difficult to put into practice. In some circumstances, occasionally conflicts make the family forget how central and crucial the children's needs are. For all these reasons,

CNV has been focusing since the Nineties to the “tool” of family mediation, above all to defend the children's rights all through family conflicts².

With concern to mediation, the underlying philosophy back then was that conflicts can become a positive sign of change as well, since they stress on problems that require to be managed. Therefore it is crucial to have or get the required skills to manage them in a constructive way, instead of using violence and troublemaking processes. Back then, in the Nineties, volunteers were already having a key role and engagement with this respect, and it became clear that they could have a more important role, both in our country and in Europe.

As a result, we began to collect and research all good practice experiences of family mediation from many associations and institutions, in Italy, Spain and Germany. Later on we developed the collaboration with Belgian, Greek, and French associations, and started the European Forum of Family Mediators. In a further effort, we began to exchange ideas and approached East European countries that had joined the Union. In 2009 we started the new project “Two Minds”.

SHORT ACCOUNT OF THE MAIN PHASES OF THE PROJECT TWO MINDS

The project Two Minds has involved partners from seven countries: on the one hand Italy and Belgium with a coordinative and teaching role, whereas on the other hand Latvia, Slovenia, Bulgaria, Slovakia and Romania. These five countries have only recently joined EU and what's more their participation and involvement show the first significant and experimentation value of our project. In fact, in these recent democracies third sector organizations are hardly seeking to find a virtuous subsidiary way to cooperate with public politics. By receiving a common training in the specific field of family mediation – at the heart of the whole project – and by drawing from the consolidated experience of CNV, the Italian coordinator, and the expertise of the Belgian partner, the five partner centers of the New Europe have received a significant opportunity to experiment a new managing way to deal with social problems quickly arising in their countries, and a proactive and spurring method with respect to national politics. From this point of view, the project has satisfied the mandate for a project

supported by EU finances, in other words the task of offering an exchange of good practices and training for the construction of an organized and conscious civil society, able to understand the need of its citizens and offer them solutions. These solutions, focused on public, national, and communitarian politics, revolve around the individual, the citizen, the individual, and in this case the family as well, meant as the real maker of social cohesion, the safeguarding place especially for minors.

At the outset, the choice of which countries involve has begun by the analysis – later on confirmed by data obtained through a research implemented by each partner country that joined the project. These are some of the data with respect to Europe, on how families have changed and are changing, something to reflect upon³:

- The families made of the long-established pattern – a couple of parents, with children dependent on them – today are minority all over Europe (in 2009 they accounted for 23% of all families);⁴
- Overall, nowadays families are much “older”, because in the last 25 years the eldest have increased of 18

million people, while the young have decreased of about 23 millions. The birth rate is extremely low (around 1,38%), especially in the Mediterranean countries such as Italy.

- Despite the fact that in Europe the overall population has increased (of more than 33 million people in the past 25 years), the reduction in the number of marriages has been of 22,3%.

- There are more and more common-law marriages; today one child out of three is born out of the marriage, and in some countries these children account for half of the total (Bulgaria, Sweden, Denmark, etc.).

- In this same period, overall the divorce rates have increased of 55%. Every year in Europe there are one million divorces (one every 30 seconds), and according to estimates one marriage out of two ends up in a divorce.

- In the past 15 years more than 21 million children have been concerned by divorce.

Therefore, the impact of divorces and de facto separations is spreading and growing very quickly, especially in some of our partner nations, such as Bulgaria and Belgium, where they reach now the 70 per cent of the total. Besides, in this scenario migration – and the related issue of the economic

situation of the family – accounts for a good percentage of couple separations. In all the East partner countries this trend is rapidly growing, even if it is difficult to have reliable statistics on the number of “transnational” families. By this term we mean families in which at least one of the partners lives either temporarily or permanently in a different country with respect to his/her partner and their children.

All the partner organizations of the five involved countries belong to the third sector and have been chosen with the purpose of being trained in this special method, in order to promote it later on and practice back home, and also to evaluate if it can be useful for other third sector institutions to deal with the community's problems.

In this overall picture, there are some basic differences among the organizations of the involved countries. In Latvia the partner organization is Skalbes Crisis Centre: established in 1999, it offers emergence services in critic situations, such as domestic abuse, abuse on minors, families in mourning, job loss, terminal disease, etc. Skalbes provides crisis support groups for women victims of rape or domestic violence, self-help groups for children, young people and men. Since its foundation, Skalbes has successfully implemented many projects that have had a positive impact on the im-

provement of social services in Latvia with respect to violence against women in family contexts.

The Slovenian partner organization Slovenska Filantropija, established in 1992, is active in some fields in which the institutions are not present as much as necessary, such as refugees, children, young migrants, homeless, and intergenerational cooperation.

In Bulgaria the partner organization, SOS Families at risks, deals through informative activities with the prevention of traffic in women and children, the improvement of the civic participation and transparency, the monitoring of local and public institutions.

In Slovakia the partner organization is ASSP - Association of Supervisors and Social Advisors, whose mission is to help spreading knowledge and specific skills in social work through the teaching and training of professionals and other activities in social fields.

Our Romanian partner is the organization Curcubeu, which manages some temporary foster homes for young people who leave institutes, and implements projects aiming at promoting the development of social, environmental, political, and economic conditions, in order for each human being to fulfill himself/herself.

The purposeful and valiant selection of the partners emerges clearly from this variegated panorama. All the partner organizations, in fact, are undoubtedly working in the third sector, have a consolidated experience of commitment at the side and on behalf of extremely fragile groups, in order to evaluate the use and the impact of family mediation as a possible tool of prevention in the pockets of bigger exposition to risks of precocious and permanent marginalization. The Italian partners of the project - the Tuscany Region (local public institution, at the forefront in the development of social policy); Istituto degli Innocenti (research and training institution, expert in the social field); Spes (service center for volunteers with specific experience in the development of European politics, beginning with cooperation among voluntary organizations) - have been chosen among the long time partners of CNV to support the coordinator center and to perform a quality job with partners, besides the fact of maximizing the long-term impact of the project. The Belgian partner is the Centre Européen de Médiation - ASBL, which has taken care of teaching, tutoring, and auditing for the long distance online part of the course. Its contribution has given the overall project the much needed strong methodological and scientific support.

The European network CEV – European Volunteer Centre – has been another precious partner of our project, and has given its contribution by enhancing abroad the project and its achievements.

The Istituto degli Innocenti has been furthermore charged with the task of revising a common language to deal with the issues of family and mediation, beginning with the already available research materials. After a comparative analysis of all the rules and the texts of partner countries and the materials prepared by the institutions, we have worked at a common and shared definition of family, mediation, and family mediation. Later on, through focus groups and seminars, by adopting this shared and agreed upon language, we have organized seminars in each partner country, in order to exchange ideas. In each country we have met all kinds of people interested in the issue of family mediation (social workers, volunteers, judges, lawyers, teachers, family, and the citizens).

At the end of these seminars, meetings, and visits in places of excellence at European level, we have also agreed on the contents and the methods to use at the activation of the training course for 20 participants on the issue of family mediation.

The organizations of the five involved partner countries have selected four people each to attend the training course organized in Italy for public workers, social and private sectors, and family mediators. Some common and shared criteria have been established and adopted for this selection. The resulting group of students has become the focus and the heart of the very project, the seed for all future development of family mediation in their professional environments, back in their own countries.

Training has been both in classroom and long-distance, for 220 hours on the whole, and has included theoretical lessons, practical lessons⁵, and simulations. In simulations the participants have been trained every day to deal in real terms with different kinds of conflicts, which have been "performed" in the classroom. In the long distance training, the students have activated sometimes forms of family mediation in different environments (such as schools, foster homes, spaces for intergenerational meetings), persuaded that these kinds of initiatives help promoting the culture of mediation. All the experiences of social and community mediation started by the participants in their respective countries have been supported all along, through long distance counseling.

From start to finish, we have been in touch on a regular basis with all partners through videoconference on Skype as well, so to have a real online community and talk and take decisions, according to appointments scheduled ahead. In the same way we have arranged the program of the final meeting entitled "Being family despite everything else: how mediation can give new birth to relationships in families and community". At this final meeting, some of the most innovative and "experimental" practices of family mediation at European level have been presented and activated with our project. Besides, in the final meeting the way towards the creation of a European network of association and institutions committed to family mediation and family has been successfully paved.

At the end of our project we have appraised and evaluated some of the achieved goals, among which:

- The relationships established with associations and institutions of the 12 European countries that we have involved so far in our four Dafne projects, by relating to 250 associations and institutions that have actively participated to our meetings in different European countries, with a clear crescendo in the past 10 years.

- The training and information seminars organized in each of the 12 partner countries, by directly involving 5000 people - among them volunteers, public operators, private social workers, teachers and students, lawyers and magistrates, and families.

- We have trained almost 30 family mediators in Europe; each of them has received 220 hours of training, counseling to start up his/her activity and the support services to family in need.

- We have promoted the experimentation of mediation in different fields (school, environment, penal justice, civil-law marriages and so on), and the exchange of experiences and good practices. We have collaborated with institutions of international level, such as the European Volunteer Center and the European Forum on Family Mediation, Universities and study centers of three European nations, among which the Istituto degli Innocenti of Florence, in addition to other institutions (Tuscany Region, Ministry of the Family, and so on).

- Support during the starting up and the growth of the mediation services in all the five partner countries interested by the project Two Minds.

For all these reasons, we really look forward to going on with our project, and establishing a European network.

MANUAL FOR A CONSTRUCTIVE MANAGEMENT OF FAMILY AND SOCIAL CONFLICTS

INTRODUCTION

This pocket manual has been prepared all along the project by changing and updating the previous versions of the text, used in other projects on the subject of family mediation. With this manual we would like to address, besides the students of high schools, also all people who do not know mediation yet, both family mediation and social mediation, people who could become interested in sharing this culture and its operative perspectives, both in the voluntary service and in different cohabitation contexts. Please find here the Manual, in its last revision and updated version, at the end of the project Two Minds.

The basic idea of this manual is that we all share the responsibility to promote cultural and social change in order that conflicts, both internal and external, in families or between nations, do not evolve into acts of violence or war waged against each other. They need to be viewed as areas of dialogue and civil confrontation in full respect of any or all differences.

Impeding violence is everyone's responsibility.

Imposing oneself on one or more persons signifies not respecting the other's freedom of thought or action, his differences, whether in the nature of opinion, religion, race, sex, or culture. The United Nations Declaration of Human Rights, in its first entry states that "each human being is born free and equal in dignity and rights. Each is endowed with reason and conscience and should behave toward one another in the spirit of brotherhood". "Non-violence" is each person's right, recognized in the spirit of the brotherhood which unites them.

It's particularly easy to use forms of violence on the "weak". That's why, for example, the rights of children and adolescents are among those most difficult to defend. In order to defend these rights, the fundamental Bill of Rights of the European Union affirms that:

"Children have the right to have every need cared for and to be protected for their wellbeing..."and that" in every proceeding...the interest of the child must be considered of the foremost importance..."(Article 24).

Therefore, as members of volunteer organizations, public institutions and as European citizens we are all called to see to it that all conflicts, beginning with domestic dissension, do not become expressions of violence, in particular in the case of children and adolescents towards whom adults have specific obligations.

This manual would like to give a contribution to the attentive consideration of how we may learn to manage conflicts in a non-violent manner, whether the conflicts are domestic or social, and on how mediation can be used in such conflicts and particularly in aiding those who are defenceless.

Our attention is turned toward adults, but even to young people, who are the sons of today and the parents of tomorrow. They are the representatives of that better future to which every generation aspires: a future which we would like, one day, to be non-violent.

More in general, we address also all the people who want to live the real problems of every-day life with a "desire for peace": not those who are in situations of "extreme" uneasiness and violent conflict, but rather those who are willing

to develop a bigger awareness in order to manage their own conflicts and other people conflicts, causing less and less pain for everyone.

Let's not close our eyes when facing reality: very often violence is domestic and occurs inside the family, and is either done by people we love the most or by who say they wants the best for us.

The highest number of cases of power abuses, economic abuses, psychological blackmails, beatings and sexual rapes occurs in the family; many of these aspects of violence are partially covered up and endured in silence, yet they are present in all social classes.

This kind of violence is particularly heinous, because it occurs in an environment where trust, respect, friendship, and mutual honesty should prevail. And this is the reason why quite frequently we are not ready to deal with it, especially children and wives.

Let's remember that in Europe 12-15% of the women are victims of domestic violence and that domestic violence is the main cause of death among women aged 16-44.

Much more than the victims of cancer and incidents. In Italy male partners (husbands and fiancé) are responsible for 70% of the overall rape cases, while foreigners account for less than 10% of them.

Let's not close our eyes in front of this reality. Let's break the circle of indifference and removal that too often come along with these situations.

As it happens in families, often violence blows up where we do not imagine, and sometimes violence is done by someone who says that he/she wants the best for us. Sometimes this happens in the name of a religion belief or for some moral reason, on cultural or political grounds. But all these are war "weapons" for those who say they want to defend us and do it for our wellbeing. Sometimes we are the "others", though, obliged to silence, pushed to act so because we don't respect what may seem different, emarginated, excluded; perhaps because what makes the "other" different is just poverty, or immigration, or a disease, or homosexuality. In these cases being different means to become the victim of those who want to show their strength, sometimes by bringing together a group against

other people. The same may happen inside the very family, inside the community, every time that one difference is not meant as the "salt" of democracy, but something hostile, a menace against all others. And therefore the violence (verbal abuse, behavioral or physical violence) tends to gain ground, on behalf of our good.

Learning how to manage this reality means first of all to re-cognize the conflict dynamics, and to prevent their negative effects. It is possible to prevent by educating and teaching how to manage conflicts in ways that avoid their violent occurrence, and it is possible to mediate before the conflicts make victims. This is what family mediation is, and it is an intervention in the main interest of children.

THE CONFLICT: A VIABLE CHANCE

We are plunged in conflicts: the only variable is their intensity. At home: between parents and children, brothers and sisters, grandparents, in-laws with daughter-in-laws or with son-in-laws. Usually these conflicts are caused by generational differences or in the sexes, and often they are imbedded in the family ties which unite us. Socially: at school, in the workplace, in our neighbourhood. We are confronted with a variety of conflicts, between different decision making levels or between different levels in the social hierarchy, between those who seem to be similar to us and between those we see as being "different". In extreme violent cases, conflicts may develop into terrorist attacks or war. Often, we're at conflict with ourselves, for instance, when we need to make a difficult decision or take a decision that disagrees with a part of us.

But, what is a conflict?

A conflict is a controversy, an opposition, a difference between opposite wants, tendencies and interests.

And all of this contrast is a part of our life and our life's story.

Our growth as adults, the unfolding of our personality in the various facets of life are often marked by conflicts. Reality often clashes with our desires and opinions; it is limiting and therefore redefines our personality and our inclinations.

A conflict can be very tiring and painful, but often helps us to mature our concept and our understanding of reality.

For this reason, every conflict is capable of changing the way we live and see the world. When we are forced to confront others, we redefine our own identity through the relationships that connect us to the world around us. And this, at times, is so difficult that we only do so when impelled due to the conflicts "proposed" to us and imposed on us by others.

In any case, a conflict is a state of relationship in which a problem (the conflict issue) appears giving rise to an emotional uneasiness and sometimes can express real anger⁶.

ANGER

Getting angry is normal. Often, we get angry when we're plunged in a conflict within ourselves or with others. Anger is a feeling and feelings are spontaneous, at times as uncontrollable as an inundated river. It is an explosive and quite often a temporary feeling⁷.

Thousands of years ago, our ancestors had to fight for survival and they had no other choice but to fight. Dangers surrounded them: of course they became angry! It was the only way they had to survive. When they became angry, their bodies were prepared to attack. Therefore, they were ready to hunt, attack, or defend. Fear helped them to escape if the situation became too risky.

Even today, when we're afraid or angry, our bodies act in much the same way: our hormones begin circulating and these "messengers" send the call to our brain, which in return sends the call to our body to get ready to fight or run. Therefore getting angry is normal: it's an alarm system which prepares us for a confrontation which may require all of our mental and physical capacities. Our heart beats stronger, our cheeks redden, our stomach turns upside down,

our hands itch and we feel like we're a volcano ready to blow up. Remaining angry during conflicts certainly makes us feel very much alive: it puts us in contact with the very roots of our existence, with a sense of choice, with comparing ourselves with others and therefore with the very meaning that we give to life. For this reason, the anger we express during a conflict can be positive. It represents not only the search for identity but also our victory over frustration. It may be a "negative" power in lieu of other powers at disposition, but it remains a way of comparing ourselves with others and with ourselves. Anger stirring from conflicts is a vital energy which we put into movement and which usually involves others.

What we must try to avoid is attacking the other person as if he's a wild animal who's come out of hiding, ready to destroy us. We need to stop and think if the situation could be managed in a better way.

Many people react to anger by attacking: punching, slapping, kicking, yelling, insulting. Others react by taking the conflict to court. Anger can become an abuse of power and violence, hurt others and often even hurt ourselves.

AGAINST THE OTHER'S AUTONOMY WITHOUT LEAVING VIABLE EXITS

There are many ways to define violence.

We define violence a voluntary, compulsive act, used by one person towards another in order to force the receiver to act against his/her own will or to limit his/her autonomy.

Violence may be physical (slapping, punching, and the various methods used to inflict physical injuries): when one's anger is bursting, it's usually expressed violently or in some physically aggressive manner.

But violence isn't just physical. There is a psychological violence which expresses itself with threats, abuse, blackmail, blame, deception. It forces one into acting against his or her own will. This is often the case of sexual abuse in children and adolescents. They are victims of psychological violence, forced upon them by the abuser and leaving them incapable of fighting back.

Violence means also not to give the appropriate care; means abuse; means not acknowledging the other, his/her dignity, his/her opinions and/or personal traits. What's more, violence means transforming these traits into "enemies" to fight, and reducing more and more the space of a democratic comparison between "equals", erasing all dialogue forces and all spaces for an autonomous determination of one's life choices. Therefore, little by little, violence means not to leave any exit from difficulties for those who are in trouble, and getting poorer and poorer, losing all possibilities to oppose oneself against it.⁸ It means also not acknowledging the other as a person.

This is the case of the so-called "identity violence" of Sen, that can get to a point where none recognizes the other's capabilities to make individual choices because these are always considered as the simple adhesion to a pre-constituted collective identity, such as in some religious fundamentalisms that feed other fundamentalisms against them.

Therefore, violence is composed of a number of methods used to condition and control the free will of another person. It forces the person to act against his

own will while eliminating any possibility of developing self determination.

There's violence also between "equals": for example, classmates, servicemen, love rivals. Competition, in any area, is always a fertile ground for violence. It's a matter of proving who is the "strongest".

There's another form of violence found in the area of "imbalance of power". Who is "superior" – for major physical, economical, cultural, social, health, or sexual force – asserts himself/herself on the other (who has no choice but to submit) in order to silence him/her or does not even take him/her into consideration.

These are active forms of violence, in that they direct specific action toward the victim. There are also many forms of passive violence, such as the lack of medical attention or of aiding a person's mental development or growth towards independence. These forms of violence are very subtle, and yet have a great impact in a deceitful way on the physical, affective, intellectual, and moral development of the human being.

In any case, the conflict is marked by a growing wave of violence. Violence occurs whenever the persons in conflict consider the other party an obstacle that prevents them to reach their goals and represents a menace for their survival. In this situation it is impossible to foresee a solution for the initial problem which makes room to the opponent. It's impossible to find the way and spaces to manage the initial problem, and the conflicting parties are set to pay anything in order to destroy and annihilate the opponent, and to invest much energy. This will to destroy the opponent may become a real obsession, so strong that has no relations with the reality anymore, but only to one's mind.

IN TIME VIOLENCE CAN CHANGE ITS FACE

Often violence is continuative, repeated, and ends up in creating subject people, used day by day to that kind of "relationship". Sure, there are also some cultural models that have their role in this: not always victims are weak from a psychological point of view. Often, on the contrary, they have strong personalities, yet their state of mind is so soaked in clichés, and pre-established patterns, that they set very low the "tolerance and patience limit", so low that they end up in accepting or even backing violence. A bad word can escape everybody, but when it becomes routine, is already a form of abuse. Yet, for our grandparents once it was pretty normal to be told bad things such as : "Shut up! You don't understand anything!", or "Stop, I'm the boss here!". Whenever this pattern goes from one generation to the next one, with a supine indifference for the social and legislative evolution, we cannot be surprised by learning that even today there are people who consider that it is normal to be treated like that. Even if they suffer for this.

How is it possible that this wicked mechanism goes on and on? First of all we could say that it is handed down from parents to children, from one generation to the following one whenever the members of a family loved each other in the "wrong way", and have transmitted this to their children. Subsequently, bad events may happen, even cruel ones, and everybody gets used to practice torture to others and being tortured by others. This is how many women grow up, and manage to feel safe only when others are subdued. Sometimes they accomplish this by bending their own children's soul during the couple's disputes. Sometimes this is the case of weak men, who make of sex their rule, of money their bloodiest weapon to deprive women of their dignity and respect, and thus hide their incapacity to love. These stories of abused lives see in malice and in a feeling of resentment, strength and fear, submission and conquest the only way to have a relationship.

Domestic violence, the violence inside the family, "family mobbing", develops in this atmosphere of mental cruelty, in which violence grows to the detriment of the party more available to questioning himself/herself. Not always the victim is a person belonging to the group of those who "love

too much", because they are able to accept anything from their beloved. No, it's not true that they do "love too much": these people are simply persons who do not love themselves, and since they are afraid to lose the beloved one, they build up affective conspiratorial "addictions", which are inextricable because they do not practice their own "good", nor the partner's, nor the children.⁹

SILENCE

Violence and maltreatment, especially when repeatedly exerted on the same person over a period of time, create a state of confusion, fear, and even shame in its victim. The victim becomes incapable of expressing his or her own will. This becomes an excuse for the doer of the act to continue the use of violence. The doer views the victim's lack of determination as a consent to his or her continuation, denying to himself and to the victim the very reality of the aggression.

On the other hand, in the person who is subject to violence, especially by the people he/she loves or he/she trusts, little by little grows the idea that there may be a good reason

why the partner is abusing him/her so much. If the other one is "good" – so their thinking goes – maybe there is something "bad" in the very victim. And perhaps the real reason for the violence is the fact that there is something unworthy and undeserving in him/her, something that it is better to hide or fight, something to keep silent. As a consequence, violence becomes as well part of the person who is subject to it, because little by little it is accepted just to keep the love for the other who is practicing violence on him/her. Again, little by little even those who have been subject to violence learn how to have relationship with others in the same way, and keep loving by hurting themselves.

This is often true in the case of paedophiles: the doer claims to care for his victim and to actually love him. He declares to be caring for a neglected child. This "nice" paedophile deceives in order to abuse his victim and refuses to acknowledge the victim's pain, interpreting his fearful submission, confusion, and silence as signs of reciprocal love and not as the results of the trauma. The act has achieved its desired effect: it has annihilated the victim's will, it has induced the victim's silence and has even achieved an apparent "consent" which the perpetrator of the act accepts as "permission" to continue the violence. The cycle destroys the victim's free will.

Often violence develops in the victim's silence. This is why it is very important for each and every one of us to be attentive, to listen, and to be aware of the signals being transmitted to us. We mustn't allow ourselves to be deceived by the perpetrator of the violence.

LOVE AND FREEDOM ARE THE OPPOSITE OF VIOLENCE INTIMACY AS DEMOCRACY

If on the one hand violence forces us to do something we don't want to do, on the other hand, love and freedom do the opposite. This is why sometimes the family becomes a research field, a place to experiment democracy and freedom as nowhere else, a space which we would like to build at least in our privacy.

Freedom defined as free will and independence and perceived as a right (and guaranteed as a precise will and moral conscience, both social and political) forms the foundation of reciprocal respect between those who view themselves as bearers of equal rights and merit.

Quite often, on the contrary, we strive for creating the right conditions to "control" the other, along with his/her life and choices, and we think we are acting for his/her good and for ours, without even trying to create some conditions of trust in order for him/her to make an autonomous choice and be able to live freely. Perhaps, being afraid of the freedom of the other means being afraid of being left.

Instead, democracy means dialogue, the possibility to "make of violence the best argument", the "equal height tool" in the decision making process, while having an open dialogue means to use a tool of democratic education, and at public level means to promote the establishment of a more aware body of citizens. Thus, privacy may become some sort of democracy promise to reach, whose bases are "pure"¹⁰ relationships, for the reason that they are equal, free, independent, based on sincerity and reciprocal trust, in which everybody plays fair, steps forward and gets involved.

Wanting other people's good means to develop the personality and the resources/potentialities that they have, means to help them to express and harmonize those with ours, means to establish a "pure" relationship because not subject to any kind of subordination and blackmail, but rather to entwine a common life project. This explains why when two people – different and yet with equal rights – chose to live together, theirs is more and more a choice that needs to be renewed at each passing day, and it is not "forever". Very often this trend causes tensions and conflicts with traditions, lifestyles and the very concept of family, and leads quite frequently to more fragile families,

since they are not bounded anymore to "keep holding on" or "being together", but for the daily renewed fulfillment of these deals that at the same time are more "democratic" as well.

Staying together, today more than ever, is a free choice. Our loved one remains with us if we are capable of loving and being loved, regardless of the defects or weaknesses of both.

Children, being part of the family, retain their own rights and independence: they are not simply minors who must be supervised, but rather individuals with their own specific needs which must be protected and addressed. Adults have a precise responsibility towards children. The parental right, therefore, assumes not so much the right of parents on the minor but rather their duties toward the minor. These duties are such to help the child reach a healthy, sound wellbeing. The need of children to have a continuity in their relationship with both parents, especially when the parents have decided to split, becomes a right. (Article 24, Bill of Rights of the European Union).

LIQUID LOVES... THE OPPOSITE OF SOLIDARITY

In a family, as elsewhere, it's important to respect the other's free will, because we neither belong to each other by duty nor by love. This becomes especially difficult when one wants to separate, hurting the other, so that the pain at times seem unbearable.

In fact, at times it happens that some ties no longer last or simply one of the two partner decides to end the relationship. The reasons behind the decision may prove to be incomprehensible to the person left behind. They feel unwanted, annihilated in what was held dearest, betrayed and abandoned by the loved one. The intimate pact which once united them no longer exists, worn down with time without their having noticed. The magical relationship between two human beings who once loved each other seems to vanish forever and often one of the two never realizes it.

More and more we speak of "liquid" affective bonds for this very fear of bonds and total involvement, for the possibili-

ty later on to be left alone anyway. Having "liquid bonds" means to be wavering between a desire of stability and sameness on the one hand and the fear to be stuck in too rigid bonds, and therefore on the other hand to give up part of one's freedom.

These "liquid loves"¹¹ are amorphous, and adjust to what contains them: therefore they are the very opposite of soundness and solidarity. In fact any liquid love is the result of an exasperated individualism unable to weave long-term relationship, without responsibility. Why is this happening? Perhaps for the intense and constant pace of changes to which we are obliged to adapt, forced as we are to be "light" when dealing with something new, without the "history" or "personal history" burdens, without ideas and affective relationships, without pre-established personalities, without expectations for the future, not to suffer too much when we don't see any future. Love relationships and lives are liquid in order for us to adapt very quickly to everything new, and especially to being able to adapt without growing fond of our present and our past. As if we were migrants in our lives, shipwrecked people towards an uncertain future. And we will not be the main actors of that future.

SHIPWRECKED

Becoming aggressive seems the natural response to a situation in which we feel that the need to be taken into consideration for all our good qualities has suddenly changed. What we want is to be esteemed by our loved one again, along with regaining our self esteem.

The loss of this identity causes them to ignore who they are anymore...shipwrecked in a storm, cast in conflicts with themselves and with the world of affection which only a short time before was most dear to them.

Shipwrecked: some more, some less. That's the situation for the partners, but for their children it's even worse. And each component of the family feels very much alone. Everybody is shipwrecked, in a stormy sea, and wanders about aimlessly.

THE CONFLICT DOESN'T HAVE TO BE VIOLENT LET'S LEARN TO MANAGE CONFLICTS

Violence is always a sign of conflict because there are various wills and strengths opposing each other. But conflict needs not to be considered synonymous with violence. On the contrary!

Violence is often useless and damaging, even for the apparent "winner". The "loser", the victim, or the problem will always creep up again, demanding all our attention, even due to the remorse which has become an integral part of us. The violence expressed in conflicts proves to be an inadequate solution to the problem: our violent reaction when in the past we had to defend ourselves from the threat of wild beasts, or other life threatening environmental situations, is no longer adequate in responding to today's conflicts.

Sometimes violence becomes a type of revenge for having been wronged (or at least, we believe ourselves to have been wronged). By using violence we are trying to call to

attention someone who doesn't want to listen to our reasons. In either case, we believe we are creating our own form of justice.

Violence is rarely a thunderbolt in a clear sky: it takes time for violence to mature, slowly finding favourable ground in which to grow. It has many allies and grows silently because many people prefer to ignore it until it's inevitably too late.

In conflicts which have stretched out over a certain length of time, as in domestic conflicts between spouses, the violence is often connected to situations in which the conflict has been ignored, or that the spouses were incapable of handling by themselves. The conflict was hidden for too long, ignored, or not managed properly when suddenly it explodes into an uncontrollable situation, like a fire which gets out of hand.

Sometimes the parties involved assume the attitude of "either I win or you win", a face-off: just a short time before they loved each other, now they're enemies fighting each other. It's just in this type of situation, that the way of confronting the problem in a respectable manner gets out of

hand due to the varying emotions and essential differences in each party. These very differences which once blended into each other are now unbearable, and all we want to do is to destroy them.

When the conflict becomes violent it's because we view it as the only solution to the controversy and we can't find the way out.

There are actually various ways to constructively manage conflicts and resolve controversies. Resolving conflicts in a constructive way means to look for a solution to the problem without attacking the person in front. Just as we make a distinction between persons and problems, it is essential to make a distinction between behaviours and attitudes of the parties and their interests: often the interests beneath the conflict can be settled in different ways as regards the party's behaviours and attitudes. The mediator, a third person, can make easier to achieve this.

MEDIATION AS A POSSIBLE AID

When a family finds itself in a crisis and is incapable of resolving its problems in a positive manner, it often searches for help from a third party, as in the case of family mediation.

The family living a conflict situation can experience traumas, but at the same time the conflict can become a resource in order to resolve that very situation. Family mediation plays on the inner resources of the families in order to grant parenthood, in spite of how things are, and to regenerate relationships and give new perspective for the future.

Family mediation is a service offered to families and may be requested by one or more family members: it is not legal or technical consultation, neither it is psychotherapy nor group/couple therapy; it does not involve arbitration; it does not mean to delegate the solution of the conflict to a third party, nor does it substitute judicial roles. The European Commission Recommendation N. R (98) says that mediation must be voluntary. Yet, when couples have children, in

some nations either mediation becomes mandatory – as in Norway – or at least they are required to attend at least the first informative meeting – as in England.

Family mediation is the reorganization of family relationships when they become problematic. It is realized through the role of a specifically trained mediator, who with full consent of all parties involved aids the couple in creating a satisfactory separation for themselves and for their children, while continuing their common parental responsibilities. All this is accomplished in complete professional secrecy and out of the courtroom. The mediator's role is to facilitate communication while aiding the parties involved to search for the solution to their problem, in particular for the wellbeing of their children.

Despite the fact that family mediation has been developed especially for separation and divorce, its most recent applications concern all kinds of family conflicts, especially in the relationship between eldest parents and their children, when they are sick or not able to take care of themselves.

Mediation is very useful also when dealing with adoptions and reconstituted families, or when it is necessary to help people reach new balances while protecting children's rights. Other recent application of family mediation are in disputes arising in case of disabilities or severe diseases of the children that can alter the "family's structure".

In family mediation there are no winners nor losers. The goal is to see beyond the present conflict in order to understand the possible negative consequences that may be felt by all parties involved. It attempts to foresee and limit any possible form of violence, in full knowledge of the devastating effects such violence would have on the future of the children involved.

Family mediation proposes a "both can win" attitude. In order to do so, the parties must be willing to listen to each other and respect one another, especially when dealing with their varied needs and wants, knowing that each will have a future after having dealt with the conflict. Mediation gives hope. It tends to recreate the respect and trust which are often lost during the conflict, and helps the parties realize that no matter what they are still capable of

being good parents. The mediator sustains them in the respective continuation of their duties as parents: this is the common ground on which the mediation takes root.

Perhaps there's only one time in our lives when we truly feel that we are the most important person to another: the moment we become parents (whether biological or not). If the couple separates, it's important for each of the parent to remember their indispensable roles as parents.

THE STEPS OF MEDIATION

It seems almost impossible that so many of the problems relating to understanding each other, so much pain and suffering such as that found in a family crisis, can be confronted and managed by using dialogue and reciprocal agreement. But that's just what happens in family mediation.

Family mediation is not a magic formula and is well aware of the fact that not every conflict can be resolved through mediation. But, it certainly can help those who request it. Mediation is a voluntary act, desired by the parties in contrast, temporarily suspending the judicial roles, while looking for possible solutions.

TIME: Family mediation requires various encounters, usually up to 15, generally held every two weeks. The number and frequency of the encounters varies with the conflict itself together with other aspects to be taken into consideration, such as the lives of the children involved and the manner in which the parents confront the situation.

PHASES: Mediation is divided into three phases.

1) Consent = in order to put mediation into act, the parties involved must be willing to meet, listen, and responsibly work together for the sake of their children. This consent is given after the mediator has separately met with each party, explaining to each of them the goal of mediation, its rules and policy, while listening to the "problem" which divides them and is impeding a collaborative and proper disposition.

2) Feasibility = not all conflicts can benefit from mediation. The mediator must decide, after having met with the parties involved, if the conflict can be resolved through mediation or not. Generally, if there are various pathologies present or if the mediator deems necessary a therapeutic type of intervention, mediation is considered out of the question.

3) Mediation = if the parties involved have consented to follow the practice of mediation and such mediation has been considered feasible, the actual mediation can begin.

COMUNICATION OF RESULTS: If the mediation has proved positive, establishing a continuation of reciprocal paren-

tal responsibilities based on availability, collaboration, and comprehension, the parties may present an actual program to the judicial official presiding their case. This is their own personal choice. The mediation itself is considered private, and to guarantee the parties involved that the actual responsibility and management of the conflict is in every respect theirs, the contents of the mediation will remain strictly confidential if they so desire

JUDICIAL ROLES: Mediation takes on a role in that it attempts to avoid the development of "courtroom battles" which can become long and costly. It's far better for the family, both psychologically and emotionally, to avoid further occasions for conflict and possible lawsuits. In mediation an agreement is achieved which is implemented through the intervention of a lawyer who will supervise all personal and patrimonial aspects of the case. Since mediation is a tentative solution to a non-judicial conflict, it must be carried out during the "time-out". It's obvious that a judicial recourse during the phases of mediation would only interfere with the eventual outcome and would be detrimental to both parties involved. A judicial collaboration once the mediation is completed is indispensable, with the lawyers

of each party presenting his or her requests.

COSTS: Mediation is a free service in those social sectors of governmental institutions (local or judicial) when available. It is not a free service when undertaken privately.

THE MEDIATOR AN UNDEFINED ROLE A PROFESSIONAL WITHOUT WHITE COAT

A family mediator must be professionally trained. Every country has its own schools and even within the same nation methods may vary. The authoritativeness given to this professional group is largely due to a set of self-imposed regulations designed by the mediators themselves. The European Forum on Family Mediation has elaborated a standard used by all members of the European Union. This standard proves very useful in the development of the professional training of the mediators.

Some nations or regions (as in the case of the region of Tuscany) have regulated these roles and are a part of the

acknowledged social professions.

Thus, it is very important to schedule meetings between mediators and schools, in order to exchange one's experiences and verify the achieved results and the adopted methods. For this purpose, local, national and European networks such as those that we are proposing with this Project "TWO MINDS" are obviously crucial.

Private schools prove to be the sites where mediators continue the learning process, often comparing the various methods utilized (these differences being more of a formal rather than practical nature).

The four essential differences in used methodology may be summarized as follows:

- Children should only be present during mediation in extreme cases, although some schools of thought retain it favourable to have children present at the last encounter, or if they are adolescents.

- The agreement resulting from the mediation may be partial (education, relationships) or more general (patrimonial and financial agreements), but must be free of any legal or judicial confrontations. For this reason, some schools of family mediation exclude the possibility of a mediator being a lawyer while other schools do not. However, all mediators believe in the importance of a solid collaboration between the various professions.

- The actual approach used in family mediation may vary; some choose to place the children's future in first place while others focus on the family in its tri-generational outlook (grandparents, parents, children).

- Family meditation may be carried out in family centres, clinics, local social service offices, or in association with volunteer organizations. Often family mediation is promoted by the various associations of mediators or even by the single mediator, especially in those cases in which the family and its crisis is seen as a "private" matter.

LISTENING CENTRES FOR FAMILIES IN TROUBLES

Nevertheless, families in troubles quite often do not know what to ask for in order to be helped. This is why, being experienced as we are, we know that listening centres for families experiencing conflicts can be extremely useful. During the projects of our Daphne Program we have seen that people are glad and willing to address those listening centres, often located either where the voluntary workers work, or next to public institutions, mainly for their need to be listened to.

Consequently, voluntary service is the natural humus in which these kinds of services can be developed. This explains why our project Two Minds has interested all Europe and more specifically organizations of volunteers and of the third sector.

If the needs reported are listened to by knowledgeable, trained and emphatic persons it is much easier to promote the interpretation of viable solutions. Therefore, if a Centre offers many services besides family mediation, it will be ea-

sier to "understand" the problems and offer more articulated solutions. Among the services that it is possible to offer, we can list the following: legal counselling, psychological counselling, information on other social and health services offered in the area, temporary shelters for emergencies.

It is therefore crucial for family mediation to be practiced when possible among a variety of services offered by the same Family Centre, and for this service to be strictly linked to the network of other services, both inside the Centre, and outside, at local level, on the ground along with the institutions. Families in conflict will surely receive help.

Moreover, very often these Centres are promoted by people who have experienced in their life some situations which have pushed to establish such institutions, with the purpose of alleviate and mitigate the pain of family conflict managing. And the voluntary work is most probably an ideal starting point for Centres of this kind.

Another important function of the service offered to the families by the association and volunteers is to give them the desire to become the main actors in determining the social

policies¹² that concern them: in fact, families and social policies make a complex fabric of public and private, which requires new supporting tools at European level, beside national level. And from this point of view, volunteering is a crucial supporting element.

THE "CULTURE" OF MEDIATION

Mediation is such a radically different approach in viewing conflicts that we can define it as an actual "culture of mediation". This is more due to the philosophy behind mediation than to the actual techniques utilized; managing conflicts in order to impede violence, while focusing on dialogue and civil confrontations.

Mediation does not mean meeting at a half way point, finding a solution by a compromise in which each part must renounce something. The etymology of the word mediation signifies to "divide, to open in the middle". It is the recognition of a problem, a "crisis" (from "kri-no" signifying separation, choice, breakage) for which

one searches for a solution. It is the beginning of a process of transformation.

Mediation becomes the laboratory in which people attempt to renew a pact of living together in full respect of their reciprocal dignity and pain; a pact which unites their choices, responsibilities, and even a new outlook for the future.

Mediation is a way of dealing with the conflict, but does not imply that the mediator elaborates and imposes his or her own solutions to the conflict. The mediator focuses on the parties involved, not on the actual solution. The parties are unable to get to a solution on their own and look for help from the outside, but that doesn't mean that the mediator can take their place and resolve the conflict for them. They must find the solution to their problem.

This is why mediation is a learning process as well: it is understanding and being understood. It means acquiring a new consciousness and new capabilities. It also signifies leaving enough room for fair treatment of the conflict because it is now divided, renewed and deeply felt by both parties.

Mediation offers neutral territory where those involved can slow down, talk about their feelings, listen to each other, and try to understand what happened and what is going to happen. It means being able to direct their own lives or at least attempt to do so once again.

LOVE TEARS ARE AGELESS AND THE SAME ALL OVER THE WORLD

Among some other major problems, family mediation has to deal with the dissemination of the information on the service and the culture of mediation. Situations are varied in different countries, of course, but their experiences can suggest us some useful ways to accomplish this, such as the following:

- Promote the importance of mediation of family conflicts by participating or supporting special moments of education and training inside universities for social workers, the elderly, and in schools for children and preadolescents;
- Promote family mediation among the religious communities, since very often the people facing difficult family situations, at least in most of the Catholic countries, rely on priests; it is also possible to contribute to the courses organised in order to wed in Church, to the classes where parenthood is taught, and to the courses organised before a mother-to-be delivers her baby;

- Stress the importance of conflict managing and sensitize the young people and the adolescents with respect to their love stories, by letting them speak about their love sorrows and how to possibly manage them. As a result, the young will also acknowledge the difficulties of their families and get ready to deal with those situation with more "competences";

- Offer special spaces where people experiencing family crisis – such as couples and children, grandparents and other relatives - can meet and ponder, in order to promote the culture of normal conflict managing in everyday life;

- Promote the knowledge of one's rights as well as the duties of parenthood, especially among the young people who often live "liquid love stories", short marriages with children, without the full awareness of parents' responsibilities. Mediation can be an important moment of reflection on oneself and on the family as a whole through the hard times, and the way to learn how to consider difficulties a chance for change.

SOCIAL MEDIATION

Mediation of this nature is applied in various social sectors, besides the domestic area. It is practiced in most European countries.

Here are some examples:

- at school, to help children deal with problems such as "bully-ism" and other forms of aggression often found among classmates, and occasionally between student-teacher or teacher-teacher relationships;
- at work, where there is an ever increasing number of ADR (Alternative Dispute Resolution) cases. These are recognized solutions to controversies in the workplace and favor the entrance of workers such as the disabled into the workplace;
- in the public administration, in order to facilitate the contact between citizens and services offered through public administration by creating a specific set of rules and re-

gulations for mediation. (In the European Union, for example, there is a specific division for European mediation.);

- in health care, to better inform citizens of their state of health, in particular when important decisions must be made regarding their health or the health of their loved ones (for example, in the area of pediatric oncology);
- in the metropolitan area, to address the issues of urban safety, juvenile delinquency, crime victims. The goal is to propose the problems in terms of a divided responsibility rather than reducing the problem to "cops and robbers";
- in the social realm, with intercultural mediation, to encourage the integration of immigrants with our culture and conversely to enhance our knowledge and respect of other cultures;
- in the area of Justice, to find alternative solutions to the "punishment" handed down in particular to minors, promoting a program of rectification of the damage and suffering inflicted. This is due to the realization that the judicial system is often inadequate in resolving conflicts, due to

the rigidity of regulations in the system to generally refer to predetermined categories (winners and losers, victims and culprits, etc.) and delegating to third parties the resolution of the controversy.

The "fil rouge" that links all these experiences is mediation. Mediation can protect and ease all kinds of bonds, both familiar and social. In fact in a mediation process there are not only people in conflict, but also their bonds, their shared history that requires to be welcomed and revitalized.¹³ The mediation proposal – in other words the proposal of a third party that in the social field represents those people who take the commitment and the responsibility of taking care of the communitarian bonds, such as voluntary service – can give a big help in changing the relationships crystallized in conflict or reciprocal indifference and renew the life in common agreements. Therefore mediation is alternative both to the practice of forced solutions in order to address social conflicts, and to the individualistic vision of conflicts, and offers new opportunities even beyond volunteers, as it turned out by this project "Two Minds".

LET'S LEARN TO HANDLE CONFLICTS BEFORE THEY BECOME VIOLENT

From the various examples of mediation, we can discern various ways of confronting conflicts: a sort of road map to peace. We've tried summarizing the most significant issues, according to our opinion, giving way to a guide which has no particular pretence. It's not a prescription, but just a brainstorming to help each of us discover the competence and capability to face conflicts in a non-violent manner: competence and capability which each and every one of us should try to improve.

1) First of all, let's not hide the conflicts

Often we're afraid of conflicts, so we try to hide them and try not to face them, not even admitting that they exist. There are some areas where it's difficult to recognize a conflict, for instance, in the area of pacifism. Peace regarded as an abstract harmony often hides the will of those who wish to show others that it's possible to live together in peaceful harmony. This abstract peace is passive; it doesn't permit

much intervention in order to resolve conflicts quickly. At home, at school, with friends, those who cause problems are viewed as threats. "Behave!" is repeated at school as at home, almost as if silence becomes synonymous with tranquility. In this abstract "pacifism", this hypocritical conformity, conflicts are neither recognized nor confronted. The conflict explodes and the bearer of the dispute becomes a threat to the others, especially if their timing was wrong. And, usually it is.

Let's learn to stop ignoring the existence of conflicts, which we usually do out of fear, and let's begin perceiving and confronting them at their roots.

2) Let's remember that every conflict is the expression of a problem

Conflicts are neither wars in which to wage battle nor fires to douse with silence or irresponsibility. They are problems on which our attention has to focus and must be confronted. Let's avoid falling into the trap of confusing the conflict between two or more sides with the problem they express. Even going to war may be a way of avoiding the conflict,

since it simply eliminates the so-called enemy. Unsolved problems usually have a way of coming back, in a number of ways and at various times. They then demand our attention to the point where if left unsolved or ignored they continue to grow, becoming more intricate and very well rooted, and perhaps unsolvable.

If conflicts are problems which need to be dealt with, at times brought on even unconsciously, it's best to define the problems behind the conflict before they become too difficult to manage.

In order to accomplish this, it is necessary to focus more on the aspects of the problem as they may be agreed upon by the opposing parties, than on these latter.

We need to distinguish the cause of the conflict by the "symptoms" it manifests and the emotions it creates within us. We need to try to identify the problem which is at the root of the conflict, and once identified, attempt to help the other person involved understand it, in order to work together toward the solution.

3) Whose problem is it?

Once the problem has been identified in an acceptable way by those who are involved, we must ask ourselves if the problem belongs to each side or to only one of the two, or again to their relationship. There may be reciprocal advantages for those involved by confronting the problem and finding acceptable solutions.

The conflict is a relationship between the parties involved and the problem itself, just as the solution belongs to both parties.

We waste many energies that sometimes remain "locked" in conflicts, either because we think they are not our business, or because we only think at who is right: but our relationship must keep being our focus.

4) Let's avoid the face-to-face encounter

Once we've decided whose problem it is, let's not toughen up. There's another myth which prohibits our confronting problems or which makes us start off on the "wrong foot": the power struggle. Power struggles involve the direct use of force in order to win.

Generally speaking, especially in social groups where there's a strong sense of belonging (rival bands, family clans, xenophobic groups, etc.), this energy is fortified by the need to fight the enemy. Often, the enemy is fabricated in order to view him as being different and this difference is what the group thrives on, where they find their identity. The group and its visions are good while those on the outside are bad. The battle of strength is often accepted in our society, finding many allies and supporters. It's especially found in typically male groups where strength is an essential characteristic of roles ("bully-ism", boot camp, etc.).

The power struggle, even when reaching the point of war, doesn't manage conflicts. It only eliminates the enemy and possibly creates a "peace plan" which views the conflicts as threats of those who are unwilling to adhere to the social rules of the group. This is managing the power struggle, not the conflict.

Let's rid ourselves of the myths of abstract pacifism and of violence as a proof of strength. We need to accept the concept that peace is found in the non violent management of the conflict.

5) Let's get to the point

One of the problems that come up in conflicts is the interruption of communication: each one for him or herself, and in the midst of the silence and mistrust, arms him or herself against the other.

We need to learn that communication is the only way to find a solution to the conflict. We need to communicate exactly what we're going through as clearly as possible. Getting to the point means giving your point of view and allowing the other person to express his or her point of view without interrupting ("you're wrong", "your viewpoint is way off base", "are you kidding?"). It means defining our way of looking at the problem, even putting ourselves on the line, because we're exposing our weaknesses and doubts.

Talking shouldn't be verbal aggression. It is being able to express the way we feel about the problem and its effects on our lives.

It is not by attacking or ignoring the other person that the situation will improve. We need to express ourselves without offending the other.

6) Keep waiting in the conflict

Often, during the conflict, we need to learn to wait. Wait for

some time to pass in order to avoid impulsive reactions that we may later regret. It's very helpful in reaffirming communication and dialogue.

We need to know how to handle each day. It keeps our expectations in check whether in regard to the family, the workplace, between friends, etc. That doesn't mean adapting ourselves to a difficult situation, but rather learning to be patient and not expecting things to return to the way they were before. Nevertheless, a change in the relationship and in the management of the conflict is underway.

We need to improve our ability to "stay in" the conflict by seeing ourselves, others, and our expectations in a new way. Sometimes reality is better than fantasy.

7) Let's listen to each other

During the conflict listening is very important. That means really listening and perhaps eventually even empathizing with the other: putting yourself in his or her shoes in order to understand his or her point of view.

Listening also means accepting the other person's feelings and being strong enough to do so without being confused.

Listening is fundamental in finding the solution to a conflict. Sometimes conflicts become violent because our need to be heard is left unanswered.

Even the victim wants to be heard by the assaulter, in a kind of informal "justice", which is much deeper than any "formal" justice sought in the courtroom. At times, thanks to listening, one develops a sense of guilt for actions committed and therefore begins a process of change, bringing to light possible solutions or even reparation for the damage inflicted. In mediation, reciprocal listening is highly valued.

8) Being able to say "NO!"

The courage to be different, to be nonconformist, is fundamental in managing conflicts. Being able to say "NO!" means taking a stand, an avoidance of conforming to something which would only lead to harm.

Being able to say "NO!" means having an opinion of your own, your own viewpoint, knowing who you are and protecting your values. Saying "NO!" means being responsible and independent. It doesn't mean taking on a negative attitude but protecting yourself (for example: saying "NO!" to friends instead of riding in a car with a drunken driver after an evening out together).

Saying "NO!" means stopping others from hurting you.

Sometimes it even means stopping yourself from hurting others. It means you put boundaries around your freedom and ask others to respect it.

9) If you can't do it, ask for help

Sometimes we realize that we can't handle the conflict by ourselves. That's the time to have the courage to ask for help: to a friend, a relative, a clergyman, to someone we know and we think could be our mediator.

Asking for help can be very important: it means we're admitting being in trouble and allowing others to help us.

Mediation can help you and there's professional assistance available to you from family or social mediators. Volunteer workers can direct you to what is available (a list of mediation centres can be found on our website: www.centrovolontariato.it).

Volunteer organizations are founded thanks to the people who desire to help those unable to resolve difficulties. A volunteer offers help and solidarity.

10) The solution to the problem is neither in the past nor in the present

The problem which is at the root of the conflict can be re-defined by past and present actions. The solution, however, cannot. It is part of the future. The future is intended as something we dare to do, aiming high toward a real understanding of human relationships and learning. This doesn't mean stipulating life agreements, but trying to resolve some of the small ones (for example, in the case of separation, trying to better organize your children's day).

The solution, sometimes, is just the opportunity to listen to each other, to continue communicating with each other and, perhaps, even to try reaching new agreements. It's not an easy road because it requires the parties involved to not use violence of any kind. They must learn to manage the conflict by finding decent solutions to their varied needs and wants, including independence.

Therefore, it signifies that both parties have accepted the same "rules", the same method of approaching the conflict, and accepting a new idea of coexistence. They are on equal ground. This means that even if one of the two has superior strength (whether economical, physical, cultural, social, etc.) it will not be used against the other. The dialogue is between two people who accept themselves

and recognize each other as equals.

There's no winner or loser. We either both win or both lose. It's a new way of living together, which belongs to the future, not to the past.

The goal of mediation is to facilitate this process. It aids the parties involved to avoid being overtaken by a wave of uncontrollable emotions or by an apparent peace which just can't hold up. It also helps them avoid using strength as a means of resolving their problems. It encourages dialogue, attentive listening, the recognition of each as a valid interlocutor, and mutual respect. It means daring to find unexpected solutions, beginning with everyday situations. It means planning a future and therefore places hope in innovation, creativity and change.

CONCLUSION

Volunteers work in an area where the imbalance of power is frequent. They defend and promote those rights which are respected the least and help the needy and defenseless, not only at the time of need but also as a preventive measure.

For this reason Centro Nazionale per il Volontariato has promoted, together with the European Commission, Justice Division, several initiatives in the area of combating violence directed at women and children (Project Dafne).

To conclude, family mediation turns out to be a powerful tool of great cultural, liable, and pragmatic impact for all those people who have to deal with a conflict and are interested not only in finding a just solution for the involved actors, but also to take care of the "inter-generational relationships", and to safeguard the needs of children and to spread the culture of respect for all kinds of differences.¹⁴

LET'S CLOSE WITH A SMILE...

A world-renowned expert is called in to teach a class of future managers. He arrives in class carrying a glass jar and begins filling it with rocks. He then asks:

«Can we put some more in?»

«No!» replies most of the class.

He takes out some pebbles and continues filling the jar and repeats the same questions.

«No!» reply many students, although not as many as before.

He then takes out some sand and some water and continues filling the jar, this time filling every available space. He then asks his students, surprised as they are, what is the meaning of the message he's trying to convey.

Some begin by saying that success is achieved only when we're capable of finding room in our work agenda for more.

Others guess that it means finding new space and opportunity on the market.

Still, others think it's all about flexibility: in schedules, organizations, etc.

But the world-renowned expert just shakes his head.

Finally he says: «I believe that at work, as in many other facets of life, success is defined as the capability of achieving a good outcome, no matter what the activity undertaken. It's achieved if, first of all, we deal with the biggest and most difficult problems. Those problems are at the heart of the conflict, of which people are often the unaware "ambassadors". Only by starting there can we confront and resolve all the rest. Only by doing so, development, innovation, and success will find the space that otherwise remains hidden under the big rocks, impeding us from seeing and having a future».

Mediation helps not only those who want to touch the water and the sand, but also those who are willing to get rid of those big hard rocks.

- (1) Colozzi and P. Donati (edited by) - "Famiglie e cure di comunità", prefaced by A. Ardigò, F. Angeli, Milan, 1995.
- (2) Within the theme seminars organized in 1999 and called "i venerdì del CNV" ("CNV Fridays"), CNV has always dedicated a specific seminar to family mediation. On the basis of that seminar, later on CNV has developed the first Dafne project, called "Matilde" (2000-2001).
- (3) All abstracts of the research on FM in Europe and in every partner country are available on the Web site www.centrovolontariato.net
- (4) All data and statistics are from E. Moretti, Uff. Statistiche, Istituto degli Innocenti di Firenze, within the Two Minds Project.
- (5) The course reference text book is L. Parkinson "La mediazione familiare", Ed Erickson, Trento 2008 (L. Parkinson, Family Mediation, 1997, London, Sweet & Maxwell).
- (6) F. Scaparro, "Il coraggio di mediare", Edizioni A. Guerini, Milano 2001
- (7) E. Whitehouse, w: Pudney, "Ho un vulcano nella pancia. Come aiutare i bambini ad affrontare la rabbia", Edizioni Gruppo Abele 1999
- (8) A. Sen, "Identità e violenza", Ed. Laterza, Rome 2006
- (9) A. Bernardini de Pace, "Calci nel cuore", Sperling & Kupfer Editori, Milan 2004
- (10) A. Giddens "La trasformazione dell'intimità", Il Mulino, Bologna 1995
- (11) Z. Bauman, "Amori liquidi".
- (12) G. Nervo "Famiglia e politica" Fondazione E. Zancan, Ed. Messaggero, Padova 2010
- (13) E. Scabini e G. Rossi, "Rigenerare i legami: la mediazione nelle relazioni familiari e comunitarie", Studi Interdisciplinari sulla famiglia, Università cattolica, Milan 2003
- (14) L. Parkinson, op. cit.

Source: Catalani E., Gherardini V., Moyersoen J., Turchi G. (editing), Family mediation in the European Union, Survey Report, ChildONEurope Secretariat, Istituto degli Innocenti, Florence, April 2005

TABLE OF DEFINITION OF MEDIATION BY THE INSTITUTION OF E.U.

THE DEFINITION OF ADR The alternative methods of resolving disputes are defined as those processes that take place outside the law courts and are conducted by a neutral third party. Alternative methods of resolving disputes are universally known by the initials ADR. [Green Paper COM (2002) 196 Final (2002.4.19)]

THE DEFINITION OF MEDIATION Family mediation is a process in which a third party, the mediator, who is impartial and neutral, supports the parties in negotiating the matters in dispute and in reaching an agreement. [Recommendation N. R (98) 1 (1998.1.21)]

THE AIM OF MEDIATION The aim of mediation is to reach a conclusion (acceptable to all parties undergoing mediation) that does not lead to discussions centred on blaming or accusations. It is intended that all agreements reached should lead to a long-term improvement in the relationship between the parties that generated the dispute or conflict. [Recommendation 1639 (2003) (1) (2003.11.25)]

THE FIELD OF APPLICATION OF MEDIATION Family mediation can be applied to all disputes or conflicts among the members of the same family, both blood relations or relations by marriage, and those who live or have lived in a family situation thus defined by national law. [Recommendation N. R (98) 1 (1998.1.21)]

Family mediation is mostly utilised in the context of separation of a couple, but also to resolve matters linked to the education and custody of the children and access to them, to the determination of an appropriate financial contribution and the maintenance of the children, the division of property, heredity, etc. [Recommendation 1639 (2003) (1) (2003.11.25)]

TRAINING AND PROFESSIONAL STANDARDS Independently of how mediation is organised and supplied, the individual countries guarantee appropriate mechanisms to ensure the existence of the following:

- procedures of selection, training and qualification of mediators;
- standards to be reached and maintained.

[Recommendation N. R (98) 1 (1998.1.21)]

Mediators must be competent in the processes of mediation. The factors relating to these competences must include specific professional training and continuous improvement in their education and practice, with reference to common standards or to defined accrediting schemes. [European Code of Conduct for mediators (2002.6.4)]

THE AIM OF THE MEDIATOR The aim of the mediator is to offer support to the parties undergoing mediation in their progress towards a previously defined objective. [Recommendation 1639 (2003) (1) (2003.11.25)]

THE REQUISITES OF THE ROLE

1. Independence

The mediator must not act, initiate or continue the action of mediation before having evaluated all the circumstances that may influence his own independence or generate a conflict of interest. The obligation to evaluate this requisite is valid throughout the entire mediation process.

These circumstances must include:

- any personal or business relationship with one of the parties;
- any interest of a financial or other type, direct or indirect, with respect to the outcome of the mediation;
- any past intervention on behalf of one of the two parties, either personally or through the action of an expert in their own mediation society.

In these cases, the mediator may only accept or continue with the mediation if he can guarantee being able to complete the mediation in complete independence and neutrality, with the explicit consensus of the parties.

2. Impartiality

The mediator must at all times act and be recognised as a person who acts with impartiality towards the parties. His mandate is to support the parties equally in the mediation process. [European Code of Conduct for mediators (2002.6.4)]

THE COMPETENCES OF THE MEDIATOR It is the responsibility of the mediator to guarantee the balance of power between the parties in mediation. The mediator must be specifically educated and trained for this purpose so as to be able to meet this requirement.

[Recommendation 1639 (2003) (1) (2003.11.25)]

The mediator should pay particular attention to the evaluation of any violence that has occurred in the past between the parties in mediation or that could arise in the future, and he

should act in order to maintain the individual positions of the parties and evaluate under what circumstances the mediation process is appropriate.

The mediator should possess specific competences relating to the well-being and priority interest of the children, encourage the parties to focus on the needs of the children and remind the parents that the well-being of their children and the necessity to consult and inform them are their first responsibility. [CM (2004) Rec. 1639 final (2004.6.21)]

THE PROCEDURES HANDLED BY THE MEDIATOR The mediator is expected to:

- effectively make clear to the parties the characteristics of the mediation process and their own particular role in it;
- guarantee that the parties have given their explicit consent to the terms and conditions of the agreement of mediation, including the procedures of privacy concerning the mediation process;
- conduct the mediation process in an appropriate manner, evaluating the circumstances of the case, the possible imbalance of power between the parties and the role of the prevailing legislation, as well as the need of the parties to reach a quick and lasting repair of the dispute or conflict between them;
- hear the parties separately if he deems it necessary;
- inform the parties as to the modalities of formalisation of the agreement reached;
- maintain privacy regarding all the information produced during the mediation process, including cases in which mediation has been imposed by the court. Any information given by one party cannot be conveyed to the other party without the consent of the first. [European Code of Conduct for mediators (2002.6.4)]

At CNV we deem very important, now that you have read this booklet, to know what you think about it and which suggestions you may give us, in order to improve our project and make better publication as this one.

If you are willing to help us, please fill in the online questionnaire in our website, in the page dedicated to our Daphne program. In the same website more information is available about our projects, and you may download a DVD about the project "Two Minds". (www.centrovolontariato.it).

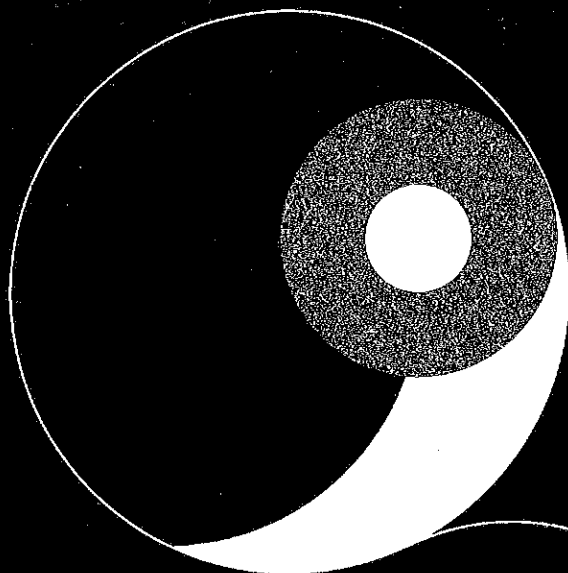
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2 MINDS