Social mediation: a (proposed) educational pathway[*]

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1. Feeling like mediation.

Undoubtedly the conflict, that occurs from the wider levels of the wars to the most micro disputes in the civil courts or the hostilities in the neighborhoods, is getting wider and wider. Every conflict, if violent, carries a charge of potential continuation and multiplication of the conflict. Unfair wealth distribution, escaping from war, great migrations and so on make us feels the conflict even where we believe we can be safe and secure.

Consequently, the desire to deal with conflict, to solve them, to reduce their negative effects to neutralise the causes, is increasing.

1.1 Need for mediation.

"Decide then for us a king to be our judge, as is the case for all peoples. "So, the elders of Israel turned to Samuel about 3000 years ago. And Samuel, who had not really liked the words "Give us a king to be our judge", after consulting the Superior Entity to avoid misunderstandings and to receive the necessary consent, admonished the chieftains who had addressed the request to him.

And Samuel tried to frighten and deter them for their insane intent, by listing the abuses which they would meet and would be subjecte: "… he will take your sons for his carts and his horse, he will run before his chariot, he will make them captains of thousands and commanders of fifties, he will set them to plow his ground, to reap his harvest, and prepare to him weapons for its war, and instruments of his chariots. He will take your daughters to be perfumers and cooks and bakers. He will take well your fields, and your vineyards, and your best olive groves and give them to his servants. On your seed, and on your vineyards, he will take the tenth and give them to his courtiers and to his servants. He will take your servants men and women, your best cattle and your asses and put them to his work. He will take the tenth on your flocks and yourselves will become his servants". But the chieftains stubbornly insisted: "We also may be like all the peoples; our king will be judge for us, ..." [1]. Three thousand years without changing the need for a third, who settles the conflicts in which everyone can find himself protagonist. It seems that the chieftains of Samuel were fully aware that the conflict is an implicit and unavoidable condition of every social aggregation. Moreover, it seems that they were so afflicted that used to lose heart, rather than face it, delegating any arising decision on freedom and costs to others.[2]

It can be said, reading the biblical story of Samuel, that the need for someone who settles the conflict is stronger than the outcome of the conflict itself: it is important the recognition of your own right, but dealing with the conflict is more expensive than run the risk of no recognition of your own right.

The need for a third, who settles the conflict, seems to be so deep and rooted to transcend even the human sphere. A recent survey, the search of the missing link in the evolution of man, which has collected two decades of studies on the behavior of lemurs, a primate species that has common origins with the man and a rich social life, shows, among the many behavioral aspects, that these cute little animals"... know how to handle conflicts through reconciliation mechanisms..."[3].

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[1] La Bibbia, Primo libro di Samuele, Testo CEI, 2008, www.bibbia.net, cap.8, § 4-20

[2] The costs that entails freedom of choice and decision, and the delegation of such powers, I believe that the most enlightening thought is that expressed by Erich Fromm in particular in Escape from Freedom , 1941 (published by Mondadori in Italy).

[3] www.unipi.it/news 08/07/2016 - Lemurs, the missing link in the evolution of human behavior - presentation of the book: E. Palagi and I. Norscia of the Natural

The ability or power to settle conflicts is what prompted the action of a judicial power. This is in turn an important part of every organized society, having its own structure and therefore a government.

You can definitely say that the exercise of settling large or small conflicts, in a more or less authoritative or authoritarian way, is necessary for every organized society. This is because the uncontrolled proliferation of internal conflicts, not only represents a dangerous failure of the current power of social control, but it undermines the society itself, being the opposite of social cohesion.

A power able to settle conflicts in a social group, more or less large but organized, is fundamental to exercise the government. The judicial power that in modern democracies is one of the three fundamental powers, alongside the legislative and the executive, coincided frequently with a single political or religious subject in ancient societies.

Nonetheless, the judicial power of a society organized, especially if large, requires fixed codes that are the judge's tools called to apply them. A judge can also put their own, as in many jurisdictions, to adapt the rules to the contingency of the conflict that needs to be settled, but he must always motivate it with the formal precepts of the rule.

The sense of substantial justice, perceived by the disputing parties, is rarely satisfied by the exercise of judicial power just because this can be taken into account the whole of humanity up to a certain point, not intended as kindness, but just as a set of human prerogatives in communication with their own kind: feelings, moods, history, affection, emotions, the protagonists of the conflict.

Considering all the above-mentioned humanity and subordinating rules to it, a new approach arises, which is very different from the judiciary one. The use of a third party, who is not a judge but a subject able of understanding each party's positions, while not siding with any, and who is able to help each of them to know the other, must be the mediator: a person whose action is beneficial and necessary to help the parties to reach a settlement.

Mediation, in the forms that have spread in the recent decades, has experienced a number of specificities that enabled endorsements. Their distinction may, in some ways, be useful, as you will see later, but what matters is their common denominator, that is a "mediative" (in the

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meaning of mediation) methodology and a shared approach carried out by mediator.

Social Mediation is most likely leading us back to all the areas of its specialization.

For all the above-mentioned reasons, it is fair to consider that mediation will continue to acquire increasing space and a role in a world where micro, meso and macro conflicts are growing in exponential terms.

Specifically, Social Mediation is likely to be devoted to a larger spread and therefore to give a significant contribution to civil society. Not only would it be convenient thinking to the mediating approach as a method to overcome and resolve conflicts, but also as an order of thought that should be promoted, and a pedagogical process to apply when training the new generations, as well as a set of ideas, guidelines, values and opinions. And it is also right to give Mediation the features of a culture that should be promoted and spread. It is not, probably, excessive to hope the growth of a Social Mediation ideology as reference for the construction and reconstruction of social relations.

1.2 Right now

It is worth mentioning that Mediation, in its governed forms, has a recent history coming back to the eighties. It has always existed in any community, mostly not institutionalized and not organized; so, it is always wise to recall and learn from tradition and not to fall back into that timing provincialism, which lacks of common sense and has a lot of presumption. So, Thomas Eliot criticized his contemporaries: "It is a provincialism, not of space, but of time; one for which history is merely the chronicle of human devices which have served their turn and been scrapped, one for which the world is the property solely of the living, a property in which the dead hold no shares."[4].

The task of settling conflicts, arising from a group or a community, even if there are institutional bodies responsible for this purpose, has always been covered largely by figures that have settled them for their recognized authoritativeness. Their authoritativeness was marked by any formal role that these figures could play in the

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[4] Thomas Stearns Eliot (Saint Louis USA 1888 - London England 1965), poet, essayist and playwright, Nobel Prize for Literature in 1948, has witnessed the human crisis of the twentieth century. The song is taken from the essay on Virgil " What a classic " in his inaugural address to the Virgil Society of London, 16 October 1944.

community, such as the influence deriving from their religious function or their caring of public order, and also by informal roles, such as their age, experience or education or simply their recognized wisdom.

The mediator so recruited in the community plays commonly an institutional role, but not necessarily. He has a personality showing such forms of authoritativeness in some fields, often associated with a position of formal authority, appointed or elective, or also informal, for culture or positions, always confined solely to its own social image, sometimes even without any obvious social role.

Each of the subjects represented expresses different conditions from those of others, but all have in common the potential or actual operating capacity of power within the community, group or others. In these figures, it is relevant the consideration they are given by the other members of the community. This is the aspect by which these figures may or not play a mediating role during conflicts within the community. Perhaps we should say that they are somehow induced by the community to play that role, because it is the same society that shapes the figures it needs for its perpetuation and survival. This is the most important aspect to determine how much the role of the mediator is carried out occasionally or constantly.

Another significant aspect of interest here is the fact that, these figures have not received a specific training in mediation or other techniques to settle conflicts, unless they are not specifically responsible for the exercise of justice. This may convince us more on how a mediating role has been historically covered for experience, acquired skills and subjective merits, validated by interpersonal relational conditions that develop intensively and with strength in a community, especially if small, letting the direct and personal increasing of knowledge.

Today we have consolidated, with dispersion of typical relations in large urban concentration, some relational networks that are mostly superficial, although large and dense. Moreover, the new use of globalized and planetary tools of communication, facilitate social aggregation models, that since based on technology, we have never known before.

The globalization process neutralizes the financial and economic boundaries allowing us to communicate each other anywhere, but it carries superficiality and a kind of neglect and indifference to cultural differences, to the needs of men and to their history. Of course, cultural differences and needs still exist and, if necessary, they grow up until

they explode into social contradictions, that is conflicting conditions, if they do not find space to express themselves and be happy.

The following reflections and considerations, come from a European project, aiming to identify and circumscribe the figure of a Social Mediator, especially devoted to integrate marginalized and excluded people usually in trouble.

Since its beginning, and particularly in the past two years (2015-2016) we have followed a lot of considerable events that let us to think about the growing social conflict, with specific reference to Europe.

Considering that history has never known a process of globalization like the current one, and that social events, which have taken place, are closely linked to it, we could say that our time is characterized by phenomena that are unprecedented in the known history.

Europe, after shooting down the great dictatorships that had developed in its territory, has started a unification process on an economic basis that has been the prelude to the political union advocated by its founders. It has opened its borders to the free movement of goods and people between countries that until few years ago were fighting with weapons.

The two most significant macro-phenomena for our purposes, not taking here care of the causes that could generate them, were the growth of the differences in the distribution of wealth and the massive increase of people in a geographical movement both within the EC and with external sources.

The former has favored negative employment processes, impoverishment of large segments of population, depriving of their future a huge number of generations.

The latter, to a certain extent caused by the first, is reinforced by the increasing migration from the poorest European countries to the richest ones, from the colonies that had gradually liberated themselves from colonizers, from the countries that have been gradually merged into the EC. Migration flows that are actually sustainable, although sometimes they carry on a physiological conflict, however manageable by governments.

The flow of migrants has increased in exponential terms with the increase of immigration from the East and Africa.

Right to free movement of people in the presence of these migratory inflows from the most problematic areas of the planet, has re-emerged a principle that seemed to be forgotten: the ability to restore

the stiffness of the boundaries. Equally it fueled the fear of external terrorism that threats and strikes just the European capitals.

In this last period there have been numerous events of inevitable interest in Social Mediation both for Inclusion and not: repeated attacks in France, and not only, with a large number of victims, but also in Belgium, perpetrated by terrorists of outside Europe ideology, but born and living in Europe; Paris, that just ten years after the revolt of the suburbs, knows new signs of struggle against a labour reform in streets that are silenced by a new terrorist act; an anti-European feeling that is carrying out the exit of an important country as England from the EC ; Istanbul with the whole Turkey, the papal candidate country to enter the EU and courted by the EU, which has to deal with a president who represses with violence street demonstrations, arresting journalists and closing newspapers, and even with a failed coup that helps the president to dismantle what little was left of right.

And then the extra-European migration flows input, that is probably the heaviest phenomenon, perhaps because it is the worst managed, surely because it produces victims at a fast pace in order to thousands and shakes ethical principles of solidarity and justice that the political fathers of Europe had professed but that the EU of economics and finance seeks to set aside. The sea of Europe par excellence, the Mediterranean, the interface between two continents and several cultures, becomes the boundary ditch in which to drown thousands of fugitives, trying to decline the responsibility.

The Social Mediator operating in Europe must take possession of the tools to study and understand these phenomena. It is from phenomena of this kind that much of more or less micro conflicts derive, more or less micro, but that needs our attention.

1.3 Mediation and common sense

The need for mediation, as we have seen, is as old as man. It stems from a need for justice that is not always achievable through canonical ways. On the other hand, those who try to act through formal justice, after experiencing stress and costs of a legal action, are seldom satisfied.

Even the narrative media help to comfort or really encourage a search for justice. Those movies, tales, stories that we enjoy in our spare time, often refer to the power relations between strong and weak subjects. More often, these refer to large and powerful entities, such as companies or high personalities against small and isolated citizens.

Their plot shows as the former can use the best, most capable and victorious lawyers while the latter must rely on the unlikely Robin Hood or act themselves heroically alone.

The obvious consequence perceived, although it is common to imagine that good wins always the evil, is that acting against the powerful is a losing battle. The message carried out by these stories, always romanticized and spectacular, is that after a long struggle the small citizen, who is right, delivers the monstrous and bad giant by obtaining stratospheric compensation and the right punishment for the other. But also stand out, even more, the sacrifice, the long time spent, the loss of relationships and affections, the encountered financial risks. What remains, in spite of the consolation that good guys win and bad guys lose, as a matter of fact, is the feeling that justice can triumph. Moreover, power is always power and if we were to fight it, it would surely be better to renounce, without running the risk of a long and painful suicide.

1.4 Who offers Mediation

Those who propose a Mediation service, more or less explicitly and more or less formally, give parties the opportunity to meet each other in a neutral context. There, each part may not feel threatened and can express positions that elsewhere would not be expressed, or that could appear inappropriate or off-topic. The proponents of the Mediation Service play all their own credibility and ability to achieve a successful result. Their ability is to show themselves in a super partes position and bring out parties to reach mutually acceptable or even advantageous positions. Essentially his ability is to bring out common sense positions.

1.5 Those who turn to Mediation

Those who turn to Mediation seek essentially a protected area within which to state its reasons, within or beyond they officially formulate and collectively recognize rules. Those who turn to Mediation often want, more or less explicitly, find comfort in the opinion of a third party or they want a third party to express their own appraisal. Those who turn to Mediation are open and curious and mostly predisposed to know unimagined reasons or solutions. Those who turn to Mediation do not aim at a kind of victory crushing the

other: this is, rather, the actual desire of those who turn to formal justice. Essentially, those who turn to mediation want to reach a solution that takes account of rights by respecting the other, according to recognizable common sense.

1.6 Who requests Mediation

Mediation, beyond certain positions that can be characterized by ideological choices of non-violence or otherwise, is promoted and favoured by those who believe that maintaining disputes or conflicting conditions is somehow counterproductive and socially expensive. It can be considered counterproductive by stakeholders, because they foresee to face costs that are not offset by a victory of the dispute: costs related to legal proceedings, if the conflict is brought before the formal justice; costs of attrition in other ways.

The conflict can be considered counterproductive by institutions that suffer the costs of widespread conflicts. In the latter instance, the institutions as enacting and operational arm of the established power, generally have interest in maintaining social peace that an excessive conflict, although micro, tends to undercut. Therefore, it becomes convenient, economical and inexpensive, trying to resolve conflicts with common sense that the Mediation can help to use.

2. The specific mediations

The Mediation as a means or method for resolving conflicts, is a practice that has accompanied men since their early forms of social aggregation. In more recent times it has become a subject of study until to define it real discipline. In a culture such as the western, more and more oriented to specializing every area of knowledge, perfecting and deepening knowledge, Mediation could not follow different paths.

They have therefore developed specialized addresses for the application of mediation techniques and methodology. The most known and popular are the Civil and Commercial Mediation, the Family Mediation, the Cultural and Intercultural Mediation and Penal Mediation. Other several specific forms have been outlined, some just highlighted, and numerous others there will be looking for more and more detailed specializations.

Social Mediation refers to an area extremely broad because its field is the social action. Therefore, it would tend to be seen as all encompassing, but this would not be of any use. It will then explained what the competence of Social Mediation is, if compared with more specific forms of Mediation.

The following sections, even if briefly, after outlining the forms of the most common and well-established Mediation, show where these forms overlap and coincide with the most relevant areas of Social Mediation and how much Social Mediation can borrow from each of them to play a significant role.

This will serve us, by checking the specific areas of expertise and intervention, to find/identify the boundaries between the different mediative forms. Borders that, just for the peculiarities, the spirit and the philosophy of mediation, may not be so clear and precise. We will try to understand where they overlap and where they differ.

It can now be assumed that the overlapping areas are so large to make difficult the understanding of what kind of mediation must be applied in certain situations. But this allows us to believe that various mediative forms can borrow each other specific methods and tools.

The basis, however, can surely be the same for all: an impartial, independent and neutral third part helps the parts overcome the conflict, by finding solutions desired by and beneficial to all the involved parties.

2.1 Civil and Commercial Mediation

Civil and Commercial Mediation has its boundless application in the disputes arising from the non-compliance of agreements or from their interpretation not shared between the parts, when agreements have a commercial value or refer to economic and financial interests. Are included in this scenario the disputes which arise between companies, between companies and consumers, between individuals who have concluded agreements in civil and commercial matters or have caused or suffered civil or economic damage, between public service managers and users citizens and so on. This is the form of mediation that had a legal first recognition in the field of alternative forms of judicial disputes resolution specified by the EU to the countries member. On the other hand, the EC is a body created on an economic basis to facilitate trade within it and between it and the other countries of the world. The EC

commitment under the Civil and Commercial Mediation[5], deriving from the desire to promote access to justice, but also to reduce the cost of the same, has produced a number of recommendations to the member states, a figure of the European Mediator[6], the establishment and strengthening of standards and services related disputes between companies and consumers, the drawing up of a Mediator ethic code, directives that have driven and supported the countries of Europe to legislate. It is on this base that the Civil and Commercial Mediation in Europe has developed and has been leading to a standardization process of other forms of mediation that still need to be completed.

The training required to be able to mediate between conflicting sides of civil and commercial disputes is usually a basic training. As a matter of fact, it refers to an assumption of existing expertise in the subject who intends to do the Mediator for gathered experience, but even more for personal motivation. The training consists of a refinement of knowledge on techniques and methods of communication, negotiation and then mediative. In Italy, for example, the training includes 60 hours of classroom, the assisted mediation exercise and then a periodic update of a few hours. That is a very little amount of hours, if you do not have a wealth of experience consistently useful.

With regard to the purposes of this work, it is worth considering that most of the legal disputes, civil and commercial, which more easily clog courts, are disputes of content economic value. They represent, and are also in any way indicative of the widespread conflict, a social phenomenon only for the amount of events and the number of people who remain involved.

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[5] Some useful references in Europe and Italy: Green Paper on Alternative Dispute Resolution in Civil and Commercial Matters, EC, Brussels, 19.04.2002 COM (2002) 196; COMMISSION RECOMMENDATION of 4 April 2001 on the principles applicable to out-of-court bodies involved in the consensual resolution of consumer disputes, 2001/310 / EC; Directive 2008/52 / EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, Art. 3. In Italy L. n. 192 of 1998 mandatory for the conciliation attempt; L. n. 281 of 1998 Conciliation Chambers of Chambers of Commerce to resolve disputes between businesses and between businesses and consumers; D.Lgs. N.5 / 2003 Public and Private Conciliation Bodies; D.Lgs. N.28 / 2010 art. 5 mandatory mediation attempt.

[6] The figure of the European Ombudsman was established by the Treaty of Maastricht art. 195 EC Treaty; The functions are defined in Decision No 262/94 / EC / ECSC / EURATOM of 9 March 1994.

2.2 Cultural and Intercultural Mediation

The Cultural Mediation has entered when the increase of migratory flows from Eastern Europe, Africa and Asia reached a consistency that bring out the first of social tension forms connected to the immigration phenomenon.

The newcomers, sometimes only passing through to other countries, sometimes willing to stay, along with a great desire to survival and redemption, bring their mother country customs and traditions with themselves.

The person who leaves his country, the known territory, the affective and social ties, in search of a place to live, is essentially driven by a conviction: anything that can be found in places of destination can never be worse than what he left. And it is also reasonably presumable that he is inclined to adapt himself to the host country. Lack of knowledge or wrong knowledge, due to false information, or mystified by the illusions of the host country, creates assumptions of problematic permanence. The cultural shock, since his arrival, does the rest. His being an immigrant is by definition a weak position compared to the environment of the host country: he is without economic resources and perhaps an illegal immigrant, who does not know the rules and customs, does not understand the language and local habits. This drives easily him, wherever he can, to join his fellow citizens who have similar condition and culture. So he becomes part of real communities with their own rules, customs and traditions; these are in some way borrowed from the original countries and re-adapted to the new living conditions and aggregation, sometimes in contradiction with the indigenous culture.

As long as the incoming flow of migrants remained within controlled numbers, so that it could be reasonably absorbed quickly enough and sustainably by the indigenous community, the integration of newcomers could play a physiological naturalness: the newcomer, after the first time of fear and suspicion for the unknown, did not represent a threat but a curiosity, and he could easily receive solidarity and support. And if the integration process is not set in motion, the subject continued to live on the edge a condition, still does not pose a threat. And if, because of his deviant individual behaviour, he had to be considered a threat, his repression was easily applied under the consent of the entire indigenous community.

The conflict begins to be potential when the indigenous community begins to perceive immigrants like a presence

proportionally exuberant, numerically high and crash, or at least like a threat interfering on habits, customs and current rules.

In such conditions, Cultural Mediation made its entry. The Mediator is not the third independent, impartial and neutral, but a subject able of understanding the language of the immigrant and supporting him in the satisfaction of his assistance and relief need. At the beginning, the Cultural Mediator was more frequently a linguistic Mediator not far from the translator, but different because of his inclination to support and help the immigrant[7]. The Cultural Mediator, was initially a subject able to speak both the native language of the immigrant and the language of the target country. His actual aim was also to facilitate the exchange of information between the immigrant and the local authorities or support institutions. Language was obviously the main key. Sometimes, the Cultural Mediator was an autochthonous or more frequently, whenever possible, was a subject immigrated in previous years who had already gone a good step of the integration process in the local community; or if not of integration, even only adaptation, having acquired even partly local customs, habits, dress and especially language. A subject that had become able to translate words and concepts from one language into the other, but above all was able to explain and represent the positions of both sides in such intelligible way because he knew both the source and target culture.

Nowadays Cultural and Intercultural Mediation have been interchangeable used. In practice, a difference between them has arisen. The Intercultural Mediation is a more complex stadium of Cultural Mediation because it refers to issues between indigenous institutions and individuals of different culture[8]. Therefore, not only are they people who need assistance, but they are collective actors, or even individuals, having different cultural values and, for this reason, under risk of conflict[9].

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[7] M. Castiglioni, La mediazione linguistico culturale, Franco Angeli, Milano 1997.

[8] A. Tosolini, Mediatori culturali ed interculturali, in "La città in controluce", n.10, 1999.

[9] Bearing in mind the risk of conflicts inherent in the encounter between different cultures, whether they are ethnically characterized or even only for social or economic class or otherwise, it is useful to seek a finalized approach to non-prejudicial recognition of differences and thus recognition of similarities and similarities. These can represent the starting point for mutual enrichment. For a theoretical approach to this, a good starting point is the framework of the cultural dimensions elaborated by Geert Hofstede on the basis of extensive research in the field of professions in countries

The entry of immigrants, with important numbers, produces social inclusion issues inevitably, but first, the most basic problems such as health and safety, over trade and cultural understanding issues.

It clearly appears at least curious to keep on calling immigrant the new generations. They were born in the country of destination, they speak the language and do not often know the mother tongue of their parents. They have assimilated new customs and traditions or, at least, they have adapted their own. Nevertheless, the full recognition as indigenous people has not occurred yet. Their parents left from lower status and upward socio-economic mobility has made small steps. The discomfort and the conflicts, which can arise, are now under the eyes of all in the suburbs of Paris and other capitals; but even worse some of them convey the discomfort until extreme violence choices, mystifying and recognizing themselves in a culture of origin that does not belong to them anymore, in contrast and opposition to the indigenous culture in which they have never been integrated.

New social conditions have matured and grown in many European countries that go beyond the areas of Cultural Mediation. As a matter of fact, today they belong to the second and third generations of immigrants, scilicet they are the sons and grandchildren of those who first migrated to another country.

2.3 Family Mediation

Family Mediation is the most known to the general public, even if superficially and most of times in an inaccurate way. As a matter of fact, those who do not have any particular knowledge, often confuse Family Mediation with what, in fact, lies with the family advice about reconstruction of family relations.

The Family Mediation has been consolidated over time because it responds to the growing needs of resolution of disputes mainly due to cases of separation and divorce.

The changes in male and female roles among contemporary societies, the job changes and employment trends have caused radical changes to the asset of the family unit so far known, as well as to its internal relations, and its referring roles. It can be certainly stated that

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of different culture. G. Hofstede, Culture's Consequences: Comparing Values, Behaviors, Institutions and Organizations Across Nations,*Sage Publications, London 2001*.

the meanings of fatherhood and motherhood have changed and are still rapidly changing.

The scope of Family Mediation is given by the deterioration in relations between the members of the family that, worsened into open conflict, have caused the end of *manage*. The purpose of Family Mediation is to overcome the conflict condition, in order to put each party in the position to rebuild a new pathway of life. In Family Mediation, it is emphasized the strangeness to repair pathways and reconstruct the household, that is competence of the family counselling, family counsellor, or family psychologist.

The Family Mediation is particularly useful in those cases where there are children, particularly if they live with one parent, especially if underage[10] or suffering from any form of disability.

In the latest cases, Family Mediation loses the impartial and neutral features that ideally characterize the Mediator. The parties are not just two, namely the arguing spouses, but there is a third part, not represented, which has even less active role in the onset of the dispute and that is the part that pays the highest costs. The obvious reference is to children and underage children. The Mediator has indeed its greater reason of being protective towards the weakest part, the minor children, that is, very frequently, exploited by the other parties.

The family mediator is called to deal with issues having a conflicting condition, formally founded on apparently objective data, that more often appear irreconcilable and insoluble. It is always, of course, the explication of a far deeper conflict and a condition much more painful than the aggressiveness shown by the part. These are causes that are rooted in feelings, moods, emotional and psychological investments that determine the substantial quality of everyone's life, the existence sense of utility, hope for the future and a sense of continuation of the existence itself.

Among the judges who deal with separations and divorces, a culture of family mediation is now widespread in all European countries and in most countries, all over the world[11].

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[10] F. Scaparro, La mediazione integrata, Associazione GeA – Genitori Ancora, Milano, 1999. 200/5000. An example of this is this synthetic written among the innumerable essays, articles, and books of the person who first introduced the theme of Family Mediation in Italy.

[11] In J.M. Haynes e I. Buzzi, Introduzione alla mediazione familiare – Principi fondamentali e sua applicazione (seconda edizione), in Prospettive di psicologia giuridica, n. 5, Giuffrè Editore, you can find a good overview of the various models of

Where family mediation has been institutionally recognized, this is the first condition for its continuation. But also where it has not been recognized yet, the same judges often lead the disputing spouses towards a process of family mediation, in some cases almost forcing them if necessary.

On the basis of a commonly shared orientation supporting and protecting the weaker part, precisely the children especially if minors or disabled, the Family Mediation operates so that the conflicting parties can achieve to a parental responsibility that is to be predominant over every other aspect. To do this, the Family Mediation makes use of methodology and techniques that help parents take note of the termination of the marital relationship without having to destroy or give up the parental one.

The field covered by Family Mediation does not end in any case within the marital separation but extends to those areas of family conflict that easily cross over other mediation areas. It is the case of conflicts between siblings or children and parents. These cases before a court are considered disputes between contenders who are foreign to each other. So if the contention is postponed to the Mediation, it belongs to the Civil and Commercial Mediation. It looks like any conflict between company and consumer, between subjects disputing for neighbourhood issues, etc.. More often, a more responsible approach to family mediation allows the parties to clarify the subsided elements of their family relationships that are the real origin of the conflict, and that are often considered disputes of economic interest.

3. *Other specialties of Mediation*

The other kinds of mediation are not specialties of minor importance, but more simply they are further specificities. Here just a sole purpose will be mentioned to give an idea on how mediation can look for more specific areas of intervention, characterized by specializing mediative instruments and/or ADR. It is interesting to note that organizations dealing with mediation, tend to merge in their framework different specialties of Mediation, that may be conceptually contiguous.

family mediation in the different countries that among the first and most have started the application. In addition, there is a thorough discussion of the many practical aspects both legal and human as well as psychological.

3.1 School Mediation

The School Mediation deals with conflicting phenomena in the school, perhaps without excluding cases of conflict between pupils and teachers, between parents and teachers or between students. But its real core is represented by the specific or environmental conflicts arising from bullying. These areas have the school context as theatre of action, from which they take their name, although they require a large part of the typical approach and techniques of Criminal Mediation, that is characterized by three distinctive subjects: the "executioner", the "victim" and the community of protagonists.

School Mediation should have a greater social breath for its role of responsibility in dealing with conflicts arisen where the disseminations process of knowledge is fundamentally structured, and is prerequisite for deeper conflict areas. "The dissemination process of knowledge and skills is the crucial element, the mechanism that at the same time allows the overall productivity growth and reducing inequality both within countries and globally, as demonstrated by the economic rebalancing is currently achieved by many poor and emerging countries, beginning with the China, compared to the rich countries "[12]. Therefore, I wish to state that the School Mediation, designed to manage the conditions that produce conflicting situations, whether inter-individual, whether environmental, should be supported and widespread because it has a crucial social function.

3.2 Environmental Mediation

On Christmas Eve of 1968, from Apollo 8, the astronaut Bill Anders took a photo of the Earth never seen before. The photo, known as Earthrise, offers a suggestive image of our planet: a blue and white ball partially obscured suspended in space. That image has particularly helped the conscience of a fragile Earth that needs to be protected and worry about. The themes on environment got out of the laboratories. Today it is clear enough, that in less than a century our species has produced such damage and wasted so many resources to threaten the lives of the next generations. Environmental Mediation has found its space of intervention in environmental issues regarding the life of

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[12] Thomas Piketty, Capital in the XXI Century , translated by S. Arecco, Bompiani, 2014, p. 44.

individuals and small groups. However, environmental issues, are social problems and although the conflicts to face may be small, they represent phenomena at the basis of macro conflicts.

Environmental Mediation regards disputes and conflicts between people, who both caused the damage and have the responsibility of environmental issues, such as events of noise, air, soil, water pollution, or it regards simple disputes between citizens for noises caused by a public local or smells produced by eateries. The subject, in most cases, is in fact an extension of the Civil and Commercial Mediation, but also of the Criminal Mediation when serious environmental damage assumes the contours of precisely criminal offense.

One area of particular relevance in the context of environmental issues, derived by the excess of objects, often far from being necessary, produced in the past years and which are still produced in excess. These objects, produced despite the actual needs, cause disposal problems, already complicated. This is one of the most deleterious effects of consumerism, which contradictory impulses of growth have produced. Recently a social conscience, about and against rampant consumerism has been growing. Current and potential resulting conflicts are numerous and end up by investing indirectly and directly the daily lives of citizens: spaces dedicated to waste storage, individual costs, collective and social for the disposal of waste and surpluses, air, water and land pollution, organized crime which manages the company's business derived, etc.

The environmental professionals have a crucial role and among them there are those who are committed to specific Mediation often of interest for public bodies.

But given the vastness of the topic, the Environmental Mediation can be a framework for anyone. About it should be noted as such an issue there are also many people who unknowingly and deservedly they occupy. It is therefore worth remembering the phenomenon of re-use of objects, that is, the flea markets: from those who seek to come up with a label for antiques, to those more "flea market" and because of this environmentally more functional, to those of exchange, all favoured by communication which allows internet. Aside from the intersection with the market risks of the stolen goods, these sites allow you to allocate to reuse objects deemed useless for certain and useful or even necessary for others and become acquirable due to the loss of financial value occurred in the process. Objects that would be or are thrown away and that would impose a charge for disposal or even just for the award in special

landfills, find a reason to continue to exist in new hands. Without counting the individual economic implications which in many cases represent a barrier to the difficulties resulting from the crisis: subjects with the collection and resale have a source of income, individuals to dispose of objects no longer used would incur a cost, subjects through exchange can procure items considered most useful subjects they can afford, given the lowering of prices, to buy things that in other circumstances they would be inaccessible. The social function that results is evident.

3.3 Social Mediation for Inclusion

Inclusion can be defined as a process of integration, involvement, membership within a group in which the members have opportunities of rights, benefits, privileges not allowed out of the group, or they are not subjected to fleecing or penalization existing out from it.

The Social Mediator for Inclusion operates in those areas where the situations are peculiar to a social condition of exclusion or marginalization. The infighting, arising from those conditions, is typical of those phenomena defined as social conflicts. The literature on the social conflict is boundless and those who contributed to it in large part of the human sciences are among the greatest thinkers of all time. This can not be the forum in which to deal with what has been said about, but remembering it, even if generically, serves to reasonably detect that the work of the Social Mediator for Inclusion is the domain of the exclusion and social marginalization in which a social conflict exists.

The areas of social intervention regarding exclusion situations or social marginalization are largely characterized by the weakness conditions of the target subjects, compared with the wider social context which nominally they belong to. This is the case, for example, of the disabled, the old, the poor, the junkies, etc. But in these areas, a large number of possible social operators, supporting and decreasing difficulties, has already competence. It then becomes necessary to differ the Social Mediator for Inclusion from those operators or, at least, being part of them characterize the peculiarity of his intervention. Therefore, what can make profitable his intervention is only the existence of a social conflict or at least a situation similar to a conflicting condition.

This is certainly true in the presence of micro or meso conflict, but some considerations should be made also in presence of macro–infighting.

The Social Mediator for Inclusion is, conceptually, the closest figure to the Social Mediator. As a matter of fact, almost all the social conflicts are based on the condition of a person who is or believes to be side-lined or marginalized or cut off from the strongest group, which holds conditions deemed the best. So, in macro-infighting area we can consider that the conflict arises when a group feels itself excluded from the best conditions enjoyed by another group and claims the participation to that or, in extreme cases, the replacement.

For example, the social conflicts of the Sixties' and Seventies' in the student-world and work-world were based on the request to extend greater access to education, better working conditions and higher wages to the poorest social groups It was, essentially, an application to be integrated into a circuit of social and economic benefits that had been privileges of the upper classes.

Focusing on the most immediately identifiable areas, just think for example about the young unemployed. Although they are not marginalized, they are subject to a process of marginalization because of their lack of income, of social role, of social growth perspective, and consequently for the obstacles they meet in creating a family nucleus. Or think about the adults excluded by the labour market, who in addition to their impoverishment and often their mental and physical decay, are marginalized by the social work environments in which they had had a role. Think about the young immigrants of first or second generation, who though violence looks for a survival space on the edge of civil society. And so on, countless examples could be given. It results that the Social Mediation for Inclusion is a specificity of Social Mediation just little different from that.

3.4 Penal mediation and Restorative Justice

Generally speaking, judicial systems have always been characterized by a predominant punitive side, specifically in the areas related to the identification of the accountability and the consequent applicable sanctions. This is particularly true in criminal law since in this field of the law it is much more difficult to compensate the victims of the crimes through damages actions than in others.

The punitive nature of the punishment tends to be a deterrent useful to discourage the repetition of the crime and, in some ways, or only sometimes, tends to satisfy any desire or need for vengeance.

Through these simple and prevailing ways of applying criminal justice, any possibility of remedying the injury that the criminal offense produces remains vain, both for the victim and the society where the crime is committed.

If we think about the criminal offense as a fact that alters, weakening, the personal structure of the victim, but also that alters the structure of the social relations of a community, it becomes necessary to imagine how to bring individuals and communities involved in the crime to a condition of normal social coexistence.

It is on such bases that the so-called reconstructive justice or even reparative justice was born and shaped.

Along with the constant attempts to make justice right, it has always been of interest the nature of the punishment and the re-education of the offender for his recovery to normal social life.

Even in this case, apart from some terminology, there is nothing new under the sun.

In the ancient Jewish culture, as documented in the Old Testament, there were "two different judicial procedures to be enforced against the offender: the *mishpat* (judgment) which tends to condemn the offender and the *riv* (bilateral fight) that tends to the reconciliation of the offender with the offended. The first way was public and was aimed at defining the guilty of the accused"[13].. The second way, insetad, was a genuine attempt at reconciliation with the involvement of family members of belonging[14].

A real mediation procedure can be recognized in the line.

The reference to the culture that has been the matrix of the great monotheistic religions is to be considered very appropriate. Concepts such as forgiveness, repentance, discernment, penitence, and atonement are fundamental to a reconstructive path of all the actors of the criminal act[15].

The victim (or anyone in her place) needs to rebuild trustworthy bonds with the vision of their future and their social environment. The

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[13] G. A. Lodigiani, La prospettiva del rendere giustizia nel canone scritturistico giudaico-cristiano, in Themis-Rivista giuridica, November 2011, p. 42.

[14] G. Bellia, Pena e riconciliazione nel mondo biblico, in a cura di G. Fiandaca e C. Visconti, Punire mediare riconciliare, G. Giappichelli editor Torino, 2009, p. 74.

[15] in a cura di G. Fiandaca e C. Visconti op. cit. interesting tips on this are in the essay di G. Bellia already mentioned, and in those of M Bouchard, La riparazione come risposta all'ingiustizia, and of C. Scordato, Una riflessione teologica su pena e mediazione.

community needs to re-establish and rebuild the relational framework torn and endangered by the crime committed.

Criminal mediation operates in the above-described areas, both collective and individual, with the action of a mediator able to "read" the relations and communication between the direct and indirect protagonists and to accompany and support these people on a path of awareness, processing, repair and restoration of justice and social cohabitation.

On Criminal mediation in the collective field the Commission for Truth and Reconciliation in South Africa has made history. "In South Africa, at the beginning of the 1990s, two opposed political positions were confronted: on the one hand, the South African government wanted to forget the decades of the Apartheid (considered as a" mistake ") to focus on building a new country, on the other hand, the African National Congress and other organizations wanted to judge and punish those responsible for the segregationist policy and all the human rights violations through the establishment of special tribunals inspired by the Nuremberg model"[16]. The Commission's action was inspired to a work of reconstruction of the truth through the voluntary witness of the victims and executions of the dramatic period of the Apartheid. This way of acting, has allowed a meaningful elaboration of the conflict and a process of collective reconciliation in the absence of which the state of violence and civil war would have torn South Africa for a long time yet. It is worth remembering, in order not to lose sight of how the mediation discourse is legitimately intrinsic to ethical, spiritual, and not least to religious beliefs, that the success of the Commission has been possible, *inter alia* as considered by D.M. Tutu[17], for the widespread belief in the African population of the ethic of the "Ubuntu". It characterizes a person for generosity, welcome, and compassion.

In a more individual context, criminal mediation is mainly a matter of intervention in the juvenile justice structures. These, by the type of subjects they deal with, are better oriented to the search for solutions and applications that, although less formal, certainly achieve more substantial results and significant re-education and reconstitution value. More than in other areas, just because they are teenagers who still have to make choices of their own existence.

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[16] A. Ceretti, *Il perdono, riparazione e riconciliazione*, in Ars Interpretandi, 9, 2004, p. 47.

[17] D.M. Tutu, *Non c'è futuro senza perdono*, Feltrinelli, 2009, mentioned in A. Ceretti op.cit.

"The protagonists offer a non-authentic representation of themselves: shame, and guilt do not allow the expression of their deepest experience"[18]. It is up to the mediator, then, in such a storm of emotions, to guide the narration of his own life to find out the possibility of approaching the parts in the best way possible.

4. The not yet existing Mediations

Every social context and interpersonal interaction can become an area of specialization for mediation. Hereafter we try, without much effort of imagination, to identify the possible areas of specific Mediation thinking that every human relationship context can be a specific area of interest as a harbinger of conflict.

4.1 Technology and Information Mediation

In the last century, there was the greatest number of inventions, discoveries and innovations, never seen in human history. Furthermore, the growing spread of education and the invention of the Internet multiplied the exchanging information to the maximum.

The unexpected progress in technology, which appears unstoppable and in exponential progression, creates deep social differences between the ones who own new technologies and the ones who ignore them, the ones who can or not get information, the ones who make the information and those who suffer consequences. Marginalization, concentration of power, management information, are just some of the matters referred to deal with. It is clear that social differences and contradictions, that are so broad and deep, have a highly conflicting power at any level, from the macro to the micro one.

4.2 No job Mediation

The name of this mediation, just created, could be improper. But it is not really relevant, since the area, we want to refer to, is the non-working condition. The work, as it was in the last century, is disappearing. There are new trades, but especially more capable, sophisticated and intelligent machines replacing men and better

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[18] E. Lo Cascio, *Vittime e autori del reato nella stanza della mediazione*, in a cura di G. Fiandaca e C. Visconti op. cit., p. 145

working. *"With modern technology, man has assumed the unchecked domination of the world, uncontrolled, not only as boundless, but above all with no control, in the sense that this domain is no longer subjected to any judgment, and to any principles other than those arising from the same technologies, ... "* [19].

Theoretically, technology would have a role in freeing men from fatigue, because they may be alleviated by the heaviest work enjoying more free time. In practice, technology is used and useful for increasing productivity, by "freeing" men from work and replacing them with machines. If we consider that, today, work is still the most widespread means to get an income and provide for survival, we can currently witness the reduction in labour demand through the expulsion of workers from the productive process and the fewer search for human resources to employ. Productivity and products offer increases, but reduce employment; that means that unemployment and inactivity soar, and the pool of people who no longer have a job, who know the work in marginal shape or have never entered the labour market, has reached relevant sizes.

Conflicts related to employment, regarding those who are employed, are known and the institutional or mediative procedures to face them are consolidated. Remain the conflicts that involve others among the above-mentioned subjects, i.e. those who do not work, and that fall into social issues of greater interest and inclusion of marginality.

4.3 Generational Mediation

The current historical moment is letting us aware that some generations, having, in large part, power in their hands, have taken off a tremendous amount of resources to the younger and coming generations, and they are responsible of a downward trend in the living conditions. The massive exploitation of the planet's resources, which many have considered irresponsible, produced impoverishing and pollution, advantaging wholly a minority economically, damaging the habitat, where the new generations will live, for a very long period. We have recently begun to think how to deal with the damage caused, that the next generations are to sustain. In the past twenty years between this century and the last century, for the first time, after at least a couple

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[19] F. Rotondi, Theory of a world for everyone, Guide Publishers, 2004, p 79

of centuries, new generations have a life expectancy poorer than the previous one. In many rich Western countries, younger generations find planning a path of living, independent from their family, extremely difficult. The increasing age in life and the extension of mental and physical efficiency, thanks to advances in medicine, have legitimized the trend to pursuing a productive life, at the expense of young people employment, in a world where work is decreasing.

"Another optimistic thought, widespread in modern societies, is that the lengthening of life expectancy automatically results in substitution of the 'class struggle' with 'generational conflict ...'' [20]. In any case we are discussing about conflict rising. In any case it is reasonable to conclude that the older and younger generations are beginning to contend for space and resources in opposing positions, in competitive terms, and therefore under a high conflict potential.

4.4 Neo-Family Mediation

Until the last century, less than twenty years ago, we used the image of family, the fundamental building block of social construction, consisting of a male and a female, which aimed at the bio-socio-cultural reproduction, by having children. Some elements of great social change have already been activated: the transformation of the role of women inside and outside the family, the intensification of migration to Europe, the reduction of births in the Western countries, the partial diversion of procreating capacity through innovative techniques breaking the direct link between the reproductive sex act and procreation.

Considering the increasing disruptions of a family ménage, in a short period of time (for such radical changes, a few decades are a short period), we are used to seeing families made up of members coming from other broken nuclei, or families with only one parent and one child; as well as, because of globalization, becoming easier the creation of nuclei with adopted children of other ethnicity or race.

We also see the re-formation of families in which the elderly are reinstated for economic reasons or for the help they can freely give physically or through their own economic resources to household economy.

In addition, thanks to the facilitation of travel, we can see an increasing number of families whose members are living far from the

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[20] Thomas Piketty, op. cit., p. 44

family residence for most of the time, because they study or work in a different place.

The personal and subjective inclinations to specific sexual behaviours, known as LGBT, have become a factor of gender identity and new subjects, oriented to cover old roles, have appeared.

In the new family formations, it should not been forgotten, how the new acquisition of offspring in the household can be decisive. It is meant that, if in the past a child came to enrich the family almost exclusively through the natural biological process of insemination or, sometimes, through an adoption, today, there is no surprise or less and less it surprises (remember always the brevity of time in which this is happening) when the "arrival" of a child is the result of fertilization of an egg, throughout sophisticated technical instruments, and possibly with genetic, male or female, assets that are "unknown".

There is also no surprise when the child comes from the uterus, made available by a woman (who can remain unknown) for the necessary months, in a free or paid form.

Nevertheless, we still do not wonder what the natural desire and the legitimate right to know their biological origin will produce in large numbers.

Even the same adoption processes or expectations, which until recently were the only alternative to meet parental vocation, when nature and medicine could not achieve that, are now configured in a different way: they may be less a stopgap and a couple's choice or sometimes even a single's choice. A more different characterization than in the past is also due to increasing availability of different ethnicity or race minors who arrive with migratory flows and which can reach important numbers. Here too we wonder just over the management of mass adoptive phenomena, despite the history gives us examples, including recent ones (for example the " *stolen generation* " in Australia), declared that large good principles and good intentions have produced tragic and explosive results becoming forms of cultural genocide. A right, which should never be denied to an individual, from the first moment of his learning, is the development of awareness and pride in his own origins. But, as the blacks of America say, how can a white family, with all the love they can give, teach the pride of being black to a black adopted child?

The above reasoning configures new family models, but calls families to new responsibilities far more imagined than experienced. But

just because new, and occasional object of attention and curiosity, seem to last and work better than traditional cores [21].

The simple system of family has become a system that can be configured with an ever-greater complexity.

But the family is the place where more and more the best and the worst feelings of interpersonal relationships reflect themselves. In mediating family setting, the conflicting emotions may find an outlet, allowing their metabolizing and then the emancipation towards stages of better communication and a genuine protection of minors.

In his work, the family mediator deals with balancing the power of the two sides, so that none can override the other and a compromise is achievable. So far has he been equipped to manage the family conflict with traditional protagonists under traditional social phenomena.

The Mediation shall become Neo-Family referring to new social phenomena, closely related to the family. If they are configured in recent decades and probably new ones will emerge. So, in the new frontiers of the Neo-Family Mediation, besides the attention paid to communication processes, in the network of feelings, emotions and complexity of relationships, beyond the attention to fundamental aspects of law, today it is more and more necessary to pay attention to the emerging social phenomena.

Then the Neo-Family Mediator will increasingly be a cultural or Intercultural mediator and always a Social Mediator.

Perhaps we should begin to think about him as a Social Mediator particularly attentive to family conflicts.

5. *The Social Mediation*

With regard to all the above considerations, it seems inevitable to think about the Social Mediation as an element that overlaps every

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[21] It should be interesting to investigate this aspect in order to verify the existence of a Hawthorne effect, ie the phenomenon studied by Elton G. Mayo (Adelaide USA 1880-1949), American sociologist and psychologist who studied as a post office people are under observation performance better just because they feel observed.

specialty of mediation but its area of expertise extends over a vast area surrounding each of them and differentiating them.

The framework, which we have made, can give us an idea of the subject in a group that has or is called to play a mediating role or has received a training course that allowed him to play the role of peacemaker/mediator.

Paradoxically, the professional competence of the Mediator is the one that marks the border between the different specialties of Mediation. We say paradoxically, because the Mediator should be competent to promote the processes of communication between the conflicting parties, regardless of the content of the dispute, not holding the role of searching for solutions. The boundaries are fictitious, because the distinction to speciality of the Mediation encourages the attention of the mediating process on the subject of the dispute, neglecting the people with their own needs that were at the origin of the conflict.

Indeed, the temptation to deal with disputes and conflicts in King Salomon arbitration mode, is the temptation in which one can easily fall. The parties do that, because they try to lessen their anxiety that inevitably produces conflict, through the recognition of their case by a higher authority. The Mediator, for his strong professional experience and specific knowledge, proposes solutions that he thinks inevitable. But considering them inevitable, he is easily induced not to focus on the need of the parties to elaborate solutions, which are possibly unimagined, autonomously according to their physiological time.

5.1 Justice and common sense

Mediation brings extraordinary opportunities and expectations in terms of substantive justice and common sense. This is because the formal justice should refer to the legislation that over the time has gradually been settled and was transcribed for taking them into memory. The written rules, codes, are the references of the formal justice along with the story of the cases in which they are applied. Of course, the written rule, crystallized in its form, cannot cover the diverse range of possibilities on which to apply it. Therefore, the legal systems have planned legislative instruments for the judge who is to deal with situations where the strict application of the rules would be not only inadequate, but also counterproductive. They need to have the judge will apply the law with greater of wisdom than can be contained in the stringent rules.

In the Anglo-Saxon system, the judge's personal contribution refers to a significant area. This is done in the belief that, under his experience and common sense, the judges can express themselves by interpreting, applying and adapting the provision to the case dealt with according to the best sense of justice.

In Latin and Roman systems, revised in a compelling way through the Napoleonic code, which seemed to be written in order to predict every event, donations areas of the court to adapt the application of the rules in the light of wisdom and common sense appear less open.

In fact, the tools exist and are planned, and recourse to them requires a deep culture of felt and spread justice in the whole population, in a social climate of confidence between institutions, governance and citizenship. These instruments, difficult to represent with a unique description, express concepts that require the judge to take responsibility of choices that is not strictly consistent with the written rules, but is harmonious with the sense of justice in the light of wise choices and good sense. These are the concepts embodied in "those lawyers (scholars of civil law in particular) call "general clauses", for example: good faith, injustice of the damage, diligence, morality or individual words or phrases contained in normative statements, often of legislative rank, which are assigned specific semantic character, and because of these particular consequences in terms of their interpretation. " [22].

The aspect that we want to emphasize here is the implicit search of common sense at all times in which we want to inspire a sense of substantial justice.

5.2 Apology of common sense

It will become clear that is repeatedly appealed to common sense as a set of useful tools to better interpret some sense of justice. Being a questionable interpretation of the term, especially when compared between different languages, it becomes necessary at this point to dwell on its meaning or at least on the meaning attached to it here and on which a semantic sharing is to be found.

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[22] V. Velluzzi, Observations on the semantics of the general clauses in Ethics & Policy / Ethics & Politics, VIII (2006) 1, p. 1

A. Manzoni wrote: "*good sense there, but was hidden, for fear of common sense.*" [23]. The reference was, in The Betrothed (I Promessi Sposi), to those who did not believe, according to common sense, the truth of the spreaders existence, of which there was no demonstration: *"There they were the ones who thought to the end, and as long as they lived, which everything was imagination* " [24]. They could not express their opinion for fear of widespread common belief that, even if false, was fortified by conformity, common sense.

The two terms, good sense, and common sense, if we do not enter the merits of the history of philosophy in which the latter has a specific place and its own importance [25], but if we focus on the more popular meanings taken from dictionaries, have meanings that are, in some ways, similar and are frequently used as synonyms. For what we need here, we are meant to make a distinction, to emphasize in one of them, common sense, qualities that better let the common thought refer to a shared sense of justice.

A small contribution of the terms in English translation can probably help a little bit more. "Senso comune" must inevitably be translated into common sense. With regard to "buonsenso", among the many translations available, we want to focus on *"good judgment"* and *"good sense"* in the sense that mostly move them closer to balance and reasonableness.

The meaning, we want to give, refers to the set of unwritten rules that allow us to consider fairer, better and commonly recognizable an event, a decision, a behaviour, rather than what standard and official rules would permit.

Of course, good sense may coincide with what is determined by the formal rule, but it is unlikely. While the norm is crystallized in its definition, and is unchangeable until it is replaced or modified by a subsequent norm, good sense is basically flexible. It changes with the current culture from which it is shaped, and suits the conditions of society, and the group of individuals.

Current culture refers to the set of rules, mostly accepted rules of conduct that does not necessarily, but hardly, coincide with the

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[23] A. Manzoni, I promessi sposi, Italian Literature Einaudi, p. 589, Reference Edition: a cura di Angelo Marchese, Mondadori, Milan 1985.

[24] A. Manzoni, op. cit, p. 589

[25] The "Scottish school of common sense" was founded by inspiration at the thought of Thomas Reid, Strachan Scotland 1710 – Glasgow 1796

dominant culture. This is the set of standards, rules and existing behaviours among the dominant groups that hold the larger slices of power within a society.

Therefore, the current culture belongs mainly to the average citizen and the average popular bands, which constitute the majority of the people of a nation or country, and it is to these cultural majorities that good sense refers. Of course, it requires constant vigilance lest overlaps the good sense, the common-sense expression of conformism.

It is clear that good sense becomes the main instrument of social mediation, the key that opens more easily access to the warring parties, the main point of reference in the management of Mediation.

Of course, as the culture of a silent people, even good sense can acquire significantly different forms at different times. But this does not preclude the opportunity to use good sense as the main instrument of Social Mediation and not. Indeed, this characteristic makes it more suitable and appropriate in situations where the formal and official rule fails or does not have the ability to change and adapt promptly to changing society.

If we refer to the Italian model of law-making in the field of Civil Mediation, in its original sense, we find an example: legislator has tried to put the license to use good sense in the hands of the subjects called conciliators, but also the flexibility that characterizes it, in order to make accessible in a short time and satisfactory for the parties that result that the rule, rigid rule for excellence, cannot expect to reach, if not in long times, in an expensive way and almost always with unsatisfactory results for the parties.

Unfortunately, later in the evolution of the standard, the importance on the personal characteristics of the conciliator was not reinforced. Features that may originate only from a significant experience supported by appropriate training, as well as from inclination and personal attitude. The result was the evolution (?) to a figure of conciliator who, for his professional backgrounds, has expertise in specific issues regarding Civil Mediation. We could say that it was not the good sense to prevail.

But referring back to good sense, this is not an easily measurable characteristic. As a matter of fact, it is not a skill but a quality and as such unlikely to be circumscribed. But it is a quality that all we can find in people who have it to some extent. In fact, good sense is the resulting dowry of a blend of quality, defects, strengths and experiences

alchemically dosed. If it were a disease, and who knows that in some cultures it is not, it would be a syndrome.

We might consider that applying good sense can mean pragmatically to evaluate an event, a phenomenon, a condition taking into account both objective factors and the characteristics of those involved, in a broad perspective convenience or common minimum joint discomfort. In fact, the key words to the understanding and application of good sense may be the common law and the common duty.

Good sense cannot be taught in a university or a vocational school classroom. It is the result of experience, of learning, of studies that have shaped the path conducted during a life of a character, a markedly, intelligence sensitive to it. But if it cannot be taught with a package of lessons, it can be revealed with adequate support there where there are prerequisites and conditions.

Good sense is also particular important part of the power that the Mediator can exercise. It is a given power regardless of the actual possession of the same: the recognition that the subject is or may place themselves outside of the conflicting parties, gives him the power to influence the parties, a power that, in his role, means helping them or push them towards overcoming the conflict.

The SM must have the tools to understand what are the social and legal mechanisms that encourage companies and legislators to formulate the rules. As with common sense, it does not stop the legality of the rules but also includes legitimacy and justice.

The Social Mediator must be able to recognize where the conflict is, even where apparently there is no conflict and also able to recognize the apparent conflict. He must be able to understand the size and the peculiarities of the conflict observed.

From a more general standpoint, hoping that Social Mediation is, as above mentioned, something more than a simple set of techniques supported by a methodology, Social Mediator is manly a promoter and bearer of the culture of mediation and resolution of the conflict.

6. *The education of Social Mediator*

The education of SM is impossible without all this "background".

The panorama of training activities for mediators and conciliators is very different both in terms of duration and content. It cannot be otherwise forgotten that there are many different way of mediating and

diversified applicative interpretations. However, there are always common elements of sociology, psychology and conflict management that are absolutely necessary when it comes to "Alternative Dispute Resolution".

In the field of civil and commercial mediation, precise criteria have been defined mainly because of the interest and action shown over time by the European Union through directives, indications, and studies to the definition of a code of ethics and a specific European mediation body. It is the case of Italy that after a difficult legislative process has defined a minimum duration of 56 hours of theoretical training, in addition to experience with accredited organizations and periodic updating.

Indeed, it is clear that this is a very small period of time that the actual operational capacity of mediation bodies has to deal with.

Without prejudice to civil and commercial mediation as mentioned above, training in other areas of mediation provides, for example, a minimum of about 180 hours of theory associated with a variable duration of guided workshops for a few hours, followed by training on the field alongside experienced practitioners for a few hours. Most of the time a degree is required, preferably in closed sectors to those of the specialty concerned, and possibly from the experience in the field of interest.

There are national or European private association bodies, easily found through a web search, which explain the requirements in terms of duration, higher or even lower than those quoted, and content, trying to ensure a high level of effectiveness and training quality.

In these areas of education, in coherence with their mission, universities have also joined. Most of the time, for example, in Italy, they offer training courses in the form of a Master, i.e. a total duration of 1500 hours course, including theory, training, internships and studies, or specializations in which the duration is comparable to that of Private bodies whose courses vary, of course, according to their ability to "sell the product".

From the experience of the most widespread mediation forms, we can determine that a solid and broad theoretical knowledge, combined with a good experience in the field, remain a valid method of learning and training. This is a method that gives priority to the theoretical part by subordinating it to experience.

In the case of the education of the Social Mediator, it is the contrary.

The capacity and effectiveness of the Social Mediator greatly relies on what we have firstly called common sense, that essentially is the result of the experience learnt in our lives. It is argued that a learning process consists of good experience mainly supported by theoretical knowledge in the field, and, in this case, this is the best and most suitable training method: training and apprenticeship enhanced by a good theoretical preparation. The latest formula is more persuasive as it helps to target the theoretical intervention better on the specific stresses that arise from the practical moment.

According to the former formula, theory and practice, the learner experiences the field after he learnt the theoretical framework; the latter, based on the practical events, allows the learner to rebuild the theoretical framework that the practical event refers to. The former requires the search for the case suitable to explain the theoretical construct and if it does not meet the case, he must create or simulate it implying a dose of artificiality. The latter, based on practical experience, reconstructs the theoretical reference. The experiential event can be up to correct the theoretical framework, so this is the best, in education, to approach the field research.

Consequently, we think that the basic training approach of Arlekin, founded on learning trade in the field, is particularly suitable to training both the Mediator for Social Inclusion and Social Mediator.

As seen, so far it has been assumed that the figure of the Mediator for Social Inclusion requires a broad and solid training based on an existing substrate in social experience.

The participation and / or support to entities (individuals or groups) experienced in difficult conditions is certainly useful prerequisite to training, considering that it would be a test case to find out the aptitude, motivation and orientation of a person towards social mediative activities. Moreover, the experience of conflict management would be a very useful experience suggesting motivation. Experience in conflict management involves various forms of activity: real mediative management between individuals in conflict, as between groups in conflict, situations that may occur in many different areas, from business to the recreational one. Many activities, although they are not labelled as mediative, include substantial mediative actions especially in the micro field. Think about what the human resource management in a company is, or about the role of the president of a cultural recreational association dealing with the conflicting positions of its members, or the association of patients facing with hospital procedures, by supporting

patients in care choices and providing their members with care improvement. Of course, in addition, the experience of negotiation, conducted in different fields, has a useful value being prerequisite for the education to Social Mediator.

Previous experience, similar to mediation and negotiation activity, is fundamental to ensure a sufficient level of motivation. This must be taken into high consideration in terms of common sense, as it was initially treated, because the Mediator for Social Inclusion work in areas where the availability of exposing himself for forms of social justice is the rule.

Furthermore, we considered the desirability of a professional high level, which is recognizable under EC criteria, so that the Mediator for Social Inclusion can easily operate on the whole European territory. It is expected that university studies allow him to understand the knowledge of disciplines from which the Mediation draws strong contributions.

If previous studies and experience, preferably diversified, are a good start point for training, the exercise field facilitated by trainers/experts mediators is the experimental/educational basis of the Mediator for Social Inclusion.

It is unthinkable that the education of the SM is a simple, no matter how accurate and full-bodied, knowledge transfer. For the content itself of Social Mediation, it should include field-testing and on-the job training, but not only. Just for its size, features and variety of themes, it should consider learning methodologies and research techniques and understanding of benchmarking methodologies.

Training on the job should be the main part of the training process characterized by the testing of different mediation areas to diversify and expand experience.

This should therefore be implemented gradually and completed by the administration of explanatory theoretical contents. These are, in the form of traditional learning activities, the references, in the form of information, examples, reflections, notions that help the trainee to consolidate the experience of his work in a theoretical framework, whose mastery is the ability to face with new and unforeseen situations: the skill and knowledge to cope with new and unforeseen situations is what makes the difference in expertise, and the scope of social conflict, with all its possible variety of events and unpredictable situations, requires a professional approach.

The connecting tile between the on the job activity, strictly practical, and the activity strictly theoretical is configured with a series of laboratory activities in which the trainees can experience the relational dynamics of mediative, through individual or group exercises and role playing, in a status protected and guided.

On the basis of these considerations, taking into account the preparation of origin, previous experience and activities on the job and study necessary to the Mediator for Social Inclusion, it is reasonable to assume a training course taking 600-900 hours. These must be spread between activities on the job, traditional learning and experimentation laboratory with a certain predominance of the first. The activity on the job is prevalent and occupy 60% of the path (360-540 hours). The remaining 40% is attributable equally to theoretical and laboratory activities (240-360 hours each). This allows the most experiential part of the route to prevail, being instrumentally enhanced by the activity of theoretical teaching.

The activities on the job should be carried out with the support and assistance of experienced mediators and should be diversified across the bow of the performance of various mediation activities (Cultural, Family, Civil, Criminal, etc.) in order to enrich the cultural background but mainly expand the horizon of the Mediation in training understanding. The main purpose in training the Mediator, besides the acquisition of techniques and conflict mediation methodology, is the ability of recognizing the existence of the conflict and reading the features of the same. The theoretical training, partly carried out with traditional methodology and enriched by workshop activities, should foresee study materials that enable the learner to understand ADR, relational mechanisms of conflict, social conflict, levels of conflict, historical phenomena, legislation, legal regulation, cultural diversity, geopolitical, religions, specific mediation, negotiation, etc. Of course, we refer to studies in the field of sociology, psychology, law and socio-politics. But what should be emphasized, given the European context in which the professional figure works, is the attention to a comparative methodology necessary to better understand any concept or information that – being legal, social or cultural – is acquired from various European and non-European countries.

In training the Social Mediator, it is necessary to evaluate a further area relating to the level of competence. Attitude and past experience have already been said, but precisely about these issues, it is unthinkable that their entry into the curriculum finds them already

sufficiently consolidated. Of course, these considerations have to deal with different levels of complexity and difficulty that cases may arise. We think that it should not expected a single monolithic training, but two levels. We do not think that more than two levels are necessary, because the formation of the Social Mediator, as qualified by a specific training course, should continuously be updated and reinforced by additional training opportunities, enjoyed periodically during the whole professional life. In addition, each level may have a composition for both modules both in the on the job, in the theoretical and laboratory. Participation and recognized learning content of each module would allow the learner to gain certified skills useful for completing each of the two levels of training. Furthermore, the path for the achievement of each of the layers can be addressed by the same person in training through the module choices that gradually make its path. It might as well opt for one or another of the specificity of Mediation, according to preference and attitude.

The two levels should be as follows:
- the first should deal with basic teachings and experiments on cases of low-medium complexity;
- the second with teachings of the highest level and on cases of medium to high complexity.

In summary, the subject that accesses the curriculum for Social Mediation has a basic educational background of university level; It has aptitude for social activities and for verifiable Mediation through aptitude interview; It has experience in activities involving interventions mediation or anyhow comparable and in supporting social activities or service, or which may be assimilated.

The following table summarizes the training framework.

Type of training		Disciplines/specificity/modules	Duration in hours	
			I liv	II liv
On the job		Social, Family, Cultural, Civil, Criminal Mediation, etc.	360	540
Classroom	Theoretical	Social, psychosocial, legal, geopolitical, ADR, etc	120	230
	workshops	Exercises, role-playing, exchanges of experiences, etc.	120	230
Total hours			600	900

Obviously, this approach should be seen as part of the various national and European regulations if, in practice, we also aim at an accurate expert who want to be officially recognized.

As a matter of fact, so far we have intentionally specified the meaning of "social mediation" and mediation for social inclusion, by identifying the constitutional elements (others would say the "formants") by measuring distances, but also by emphasizing the similarities with other categories of mediation, in particular the inter-cultural and civil ones.

This comparison and the impression that sub-distinctions also vanish when we speak about mediation (having mediation by its nature fluid edges and being in fact "blur") allow us to frame the presumed curriculum at a common European level, enabling effective professionalization with the consequent recognition of the "mediator" for social inclusion.

In this regard, it should be noted the considerable and complex work carried out in the "Arlekin" project to joint training and also based on knowledge and practical experience of mediators for social inclusion or social mediators for inclusion (again a difference if you want "bluring"...). The Arlekin project (with the participation of the French CNAM of the Lorraine, the University of Braga, the University of Palermo, the CRESM - in its turn Sicilian partner of the E-medi@te project which has already seen us involved in the field of training of mediators-, the University of Seville and a Belgian mediation body) from the consideration that "social mediation" is one of the largest construction spots of our European societies. It transforms neighbourhoods, schools, public transport, hospitals, etc., to help people to live together, to solve their conflicts, regulate social and collective life, to access to rights and to social integration.

As mediation between people, between social actors and institutions, it is plenty of a great diversity of practices according to different countries and different places where it has been exercised. But this profusion is, at the same time, obstacles to recognition: indeed, until now it lacks of a frame of reference that allows us both to train social mediators and to achieve the "official" recognition of their professionalism". The Arlekin project (http://arlekin-eu.fr/wakka.php?wiki=ArleKin) wants to answer this question, providing for a European professional group of social mediators and

aiming, in fact, to the recognition, by a essentially practical training, of the profession of mediator for social inclusion.

The Arlekin project has focused on the contribution of the experience. The acquisition of the trade through exercise and field-testing, is the key that has always been used in human history to learn, expand, adapt the knowledge and skills that have historically allowed men to modify environment. It is the same approach to the base of the field research and the experimental research. We have already had occasion to point out how the Mediation belongs to man since he formed the first social groupings. It is in fact means of survival and perpetuation of the species as a means of overcoming that phenomenon, the conflict, which brought over a certain threshold is a threat to human existence. Therefore, the Mediation is methodology and tool, as well as orientation of thought, survival and perpetuation of the human race. To learn what is behind and around the Mediation cannot disregard the field-testing of social relationship, the encounter with the conflict at any level can present and the reflection, along with the study, on causes, events and consequences of the conflict. The most valuable contribution of Arlekin project is therefore to be able to make move on the area, just like when apprentices learned the trades, so that subjects oriented to learn how to overcome the conflict, especially there where social exclusion and the marginalization can be due, could take possession of practical techniques through experience in the field.

Of course, regardless of what may be considered as a comprehensive training and regardless of the different "skills" and "knowledge" needed, in our view, to be a social mediator and regardless of what each trainer believes is essential according to its experience and professional background, in any case it must take in consideration firstly the European regulatory framework, and the rules of each Member States (here in particular of Italy as a Country that already has a precise statutory regulation of mediators).

Looking at Europe, or better at the European Union, it is necessary to bear in mind two aspects and two different sets of rules.

On one hand, it is necessary to refer to the so-called European training framework which in turn descends from the "Bologna process" that ... so many crazy rules adduced to universities (to be clear: we totally agree with usefulness of the common process envisaged in Bologna and the subsequent reform of university degree courses, despite some "narrow interpretation" has in fact favored the excesses ...).

On the other hand, once you have chosen and framed the training of "mediator for social inclusion or social mediator tout court" we should prove whether the professional so formed may have a "European acknowledgement" and then enjoy the benefits offered by the Directive on the acknowledgment of qualifications, free movement and free exercise of the profession in Europe. In this case, the regulatory framework as well as the well-known Directive on the professions are also enriched, in particular in Italy, by specific legislation enacted just in the field of "professions that are outside institutional official association" issued in 2013, which is not apparently an actual "acknowledgment" of the value of a given profession but rather is a safeguard for the protection of" consumer-customer ".

Although it is not possible to develop here all the steps, we might at least sketch out a legislative framework for entering the path we have here suggested.

Let us consider, then, the European common educational framework, or more precisely, the European Qualifications Framework for lifelong learning (EQF)[26].

As above mentioned, this is an almost obvious consequence of the Bologna process, through which, at the end of the last century, convergence was sought among the European countries in order to harmonize and standardize the degree of teaching/learning, to ensure minimum standards and common at least convergent paths.

The framework is divided into 8 different levels with descriptors that are useful for learning framework and its impact on the operational level. The following is a table attached to the recommendation, and that serves as a reference synopsis.

		Knowledge
		In the context of EQF, knowledge is described as theoretical and/or factual.
Level 1	The learning outcomes relevant to Level 1 are	• basic general knowledge
Level 2	The learning outcomes relevant to Level 2 are	• basic factual knowledge of a field of work or study

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[26] Recc. 2008/c111/01/CE European Parliament and European Council https://ec.europa.eu/ploteus/sites/eac-eqf/files/broch_it.pdf

Level 3	The learning outcomes relevant to Level 3 are	• knowledge of facts, principles, processes and general concepts, in a field of work or study
Level 4	The learning outcomes relevant to Level 4 are	• factual and theoretical knowledge in broad contexts within a field of work or study
Level 5	The learning outcomes relevant to Level 5 are	• comprehensive, specialised, factual and theoretical knowledge within a field of work or study and an awareness of the boundaries of that knowledge
Level 6	The learning outcomes relevant to Level 6 are	• advanced knowledge of a field of work or study, involving a critical understanding of theories and principles
Level 7	The learning outcomes relevant to Level 7 are	• highly specialised knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research • critical awareness of knowledge issues in a field and at the interface between different fields
Level 8	The learning outcomes relevant to Level 8 are	• knowledge at the most advanced frontier of a field of work or study and at the interface between fields

We believe that the proposed training of social mediator should necessarily fit between 5 and 7 common levels of learning with a possible future development of higher education getting level 8.

As a matter of fact, if we look at the European framework of permanent qualifications referring to the skills developed after learning, it emerges as succinctly summarized by the table below:

Skills	Competence
• In the context of EQF, skills are described as cognitive (involving the use of logical, intuitive and creative thinking) and practical (involving manual dexterity and the use of methods, materials, tools and instruments).	• In the context of EQF, competence is described in terms of responsibility and autonomy.
• basic skills required to carry out simple tasks	• work or study under direct supervision in a structured context
• basic cognitive and practical skills required to use relevant information in order to carry out tasks and to solve routine problems using simple rules and tools	• work or study under supervision with some autonomy
• a range of cognitive and practical skills required to accomplish tasks and solve problems by selecting and applying basic methods, tools, materials and information	• take responsibility for completion of tasks in work or study • adapt own behaviour to circumstances in solving problems
• a range of cognitive and practical skills required to generate solutions to specific problems in a field of work or study	• exercise self-management within the guidelines of work or study contexts that are usually predictable, but are subject to change • supervise the routine work of others, taking some responsibility for the evaluation and

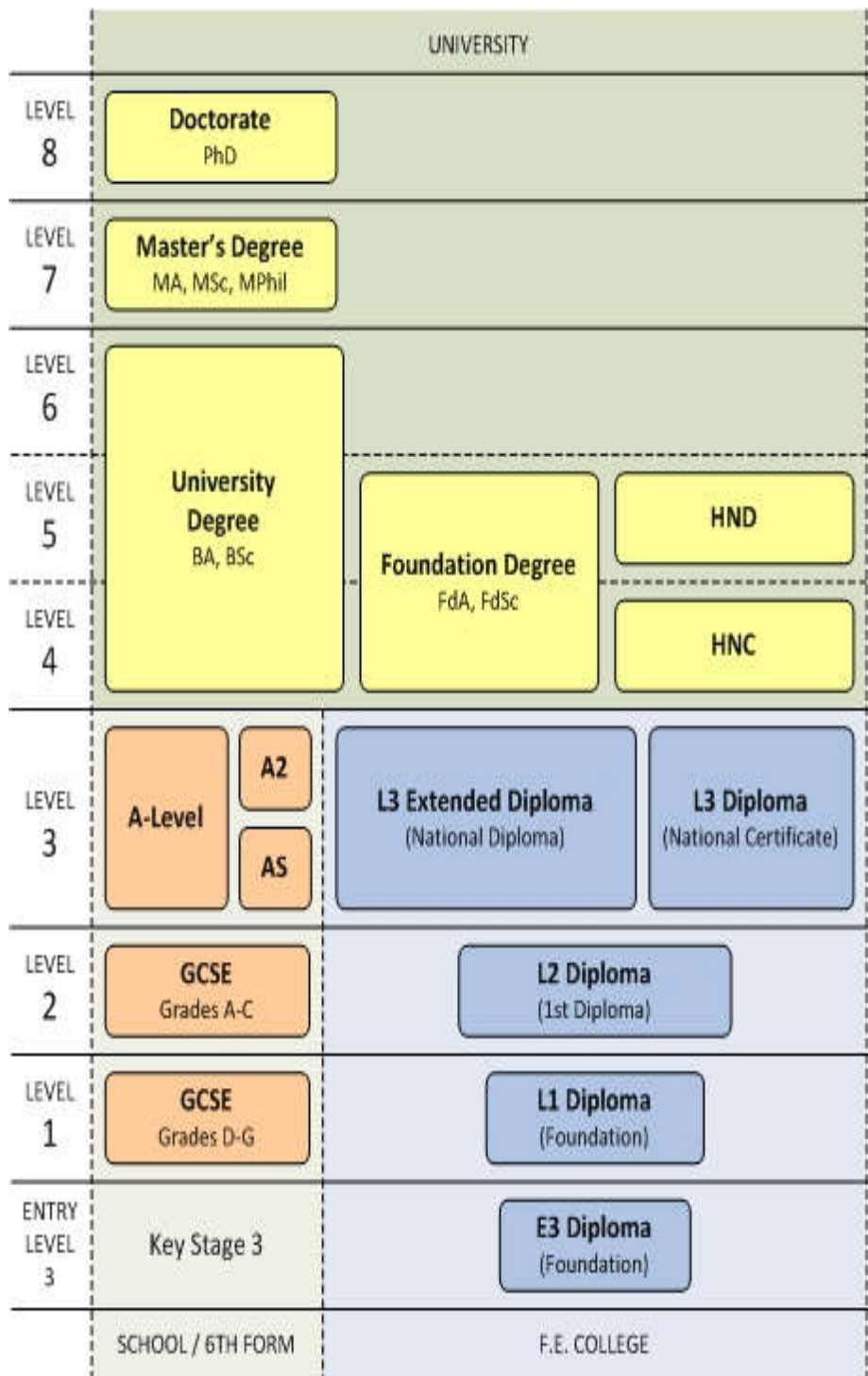|	improvement of work or study activities
• a comprehensive range of cognitive and practical skills required to develop creative solutions to abstract problems	• exercise management and supervision in contexts of work or study activities where there is unpredictable change • review and develop performance of self and others
• advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialised field of work or study	• manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts • take responsibility for managing professional development of individuals and groups
• specialised problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields	• manage and transform work or study contexts that are complex, unpredictable and require new strategic approaches • take responsibility for contributing to professional knowledge and practice and/or for reviewing the strategic performance of teams
• the most advanced and specialised skills and techniques, including synthesis and evaluation, required to solve critical problems in research and/or innovation and to extend and redefine existing knowledge or professional practice	• demonstrate substantial authority, innovation, autonomy, scholarly and professional integrity and sustained commitment to the development of new ideas or processes at the forefront of work or study contexts including research

It should be noted that the various levels can be compared and are equivalent to the different levels of school education and university or para-university.

As well as level 5 corresponds to level A of training, level 6 matches to the basic university education (undergraduate or baccalaureate), level 7 matches to university education ("Master of Arts" or "Master of Science") and finally level 8 matches to the PhD.

In fact, this is what always emerges from the "common European framework":

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UNIVERSITY

LEVEL 8

Doctorate
PhD

LEVEL 7

Master's Degree
MA, MSc, MPhil

LEVEL 6

LEVEL 5

University Degree
BA, BSc

Foundation Degree
FdA, FdSc

HND

LEVEL 4

HNC

LEVEL 3

A-Level

A2

AS

L3 Extended Diploma
(National Diploma)

L3 Diploma
(National Certificate)

LEVEL 2

GCSE
Grades A-C

L2 Diploma
(1st Diploma)

LEVEL 1

GCSE
Grades D-G

L1 Diploma
(Foundation)

ENTRY LEVEL 3

Key Stage 3

E3 Diploma
(Foundation)

SCHOOL / 6TH FORM

F.E. COLLEGE

Furthermore, in this context, we must be aware of the common principles of guarantee of quality in higher education and vocational education and training, namely:

- Quality assurance policies and procedures should underpin all levels of the European Qualifications Framework.

– Quality assurance should be an integral part of the internal management of education and training institutions.

– Quality assurance should include regular evaluation of institutions, their programmes or their quality assurance systems by external monitoring bodies or agencies.

– External monitoring bodies or agencies carrying out quality assurance should be subject to regular review.

– Quality assurance should include context, input, process and output dimensions, while giving emphasis to outputs and learning outcomes.

– Quality assurance systems should include the following elements

– clear and measurable objectives and standards;

– guidelines for implementation, including stakeholder involvement;

– appropriate resources;

– consistent evaluation methods, associating self-assessment and external review;

– feedback mechanisms and procedures for improvement;

– widely accessible evaluation results.

– Quality assurance initiatives at international, national and regional level should be coordinated in order to ensure overview, coherence, synergy and system-wide analysis.

– Quality assurance should be a cooperative process across education and training levels and systems, involving all relevant stakeholders, within Member States and across the Community.

– Quality assurance orientations at Community level may provide reference points for evaluations and peer learning.

In the light of these guidelines[27] , we can say that the training, above hypothesized, to prepare the figure of the "social mediator", that better meets the European common indications, is that between 5 and

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[27] Recommendation of The European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning; www.ond.vlaanderen.be/hogeronderwijs/bologna/news/EQF_EN.pdf

7. Then the level concerns higher education (such as the specialized technical training courses) or the "specialization diploma", or Master's level university.

The latest configuration, which requires participants to have a degree in the areas regarding the master, thanks to the common value in Europe, the ability to integrate a basic teaching of hours with a considerable number of hours of practice on site, demonstrates to be, in our view, the most comprehensive and effective training of social mediator.

This training also could guarantee easier recognition under the current laws and regulations, and thus it could enable to exercise the profession of mediator throughout Europe without limits.

It is worthy of note, in this regard, that the law establishing the civil mediation in Italy has already indicated the minimum level of learning in the university education, like the starting point for the further training of "civil mediator".

The presence of a law "recognizing" the value of university-level as basic training also had an interesting influence in applying the law on the regulation of non-organized professions (Act 14 January 2013 n. 4). In the specific case, when the recognition of the professional activities of intercultural mediator was asked, the Commission, specifically set up for the implementation of the regarding law, has rejected such recognition, referring precisely to the national law on mediation, and, therefore, requiring essentially a basic knowledge of university level at least.

However, if the type of training for social mediator was the one proposed here (Master's degree or course of high specialized training), in the light of the Act n. 4 of 2013, we believe that there are all the prerequisites necessary to say that such training may allow professional associations or group of social mediators to require and obtain recognition of the skills acquired.

Consequently, as a result of the EU legislation on free movement, after receiving this first national recognition, the "profession" of mediator would become exercisable in the same manner and with the same guarantees in the entire European Union.

7.   *Remarks for future debate*

The function of Social Mediator is to prepare for the conflict, to spread knowledge about the conflict, as a manageable and surmountable

time of growth towards a richer location: conflict produces fall and decline, only if ruled by fear and violence.

The main role of Social Mediator is the spreading of a mediation culture in terms of ideology that improves relations between men and peoples, as well as the improvement of conditions for the weakest people.

The Social Mediation includes the exercise of those activities and actions that prevent and / or overcome social conflicts and aim at the reconciliation of the conflicting parties on the basis of mutually acceptable compromises. This is the foundation of a healthy democracy, in which one of the parties, even if the majority, do not dishonestly prevails on the other minority parties by virtue of its numerical strength, but it leaves them room for expression and then mediation.

At the same time, a minority, albeit it has a predominant effective power, does not prevail over other parties by virtue of the power held. The exercise of Social Mediation in this area seems to compete with the administrative apparatus, but it is its knowledge and a widespread harmonic culture that can make a difference.

The theme of social mediation traces the foundations of majoritarian democracy, as we have known in the Western systems under universal suffrage.

An extraordinary scholar, Norberto Bobbio, has shown that the prevalence of numbers in a majoritarian democracy needs a corrective to become a developed democracy: this is the capacity to take into account minorities. He finds, in negotiation / contract, we can also say in the mediation relationship, the achievement of compromise that enables democracy to be fully realized [28].

The instinctive relationship between majority and minority is to exclude minorities relying on the strength of numbers, but the prevalence of numbers is the reason of the force. Assuming that each individual represents a vote of weight and value equal to all other individuals, the achievement of a prevailing number would mean to prevail on groups or smaller groups. So the reason of the prevailing number prevails, but if an individual of greater strength (dialectic, physical, economic, financial, or military) corresponded to each individual of the other part, for the same number the second part would prevail[29].

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[28] Norberto Bobbio, the majority rule: limits and aporias, in N. Bobbio and others, democracy, majority and minorities , Il Mulino, Bologna, 1981, pp. 33-72.

[29] Norberto Bobbio, op. cit.

As a consequence, the right of the number, in extreme ratio, corresponds to a reason of force. If we also consider that the right of vote, as universal as suffrage may be, remains limited to one part of individuals by excluding those who do not have that right / power for several reasons: age below the minimum threshold of voting rights, limitations due to mental abilities, limitations due to legal sanctions which exclude the right to vote [30].

Social Mediation can also understand that. It can deal with it. And if it has the capacity to deal with, it can really deal with any other conflict and aim at effective and concrete social inclusion between different peoples (provided that they are really so different...).

ABSTRACT: Conflicts, occurring from the wider levels of the wars to the most micro disputes in the civil courts, is getting wider and wider. Every conflict, if violent, carries a charge of potential continuation and multiplication of the conflict. Consequently the desire to deal with conflict, to solve them, to reduce their negative effects to neutralise the causes, is increasing too.

But the "culture of mediation" needs to be developed and there is also room for a particular and practical formation of the "mediators". We can say that along with the "information" (i.e, the diffusion of the "culture" of mediation) there is a need for the "formation" of the specific profile of "mediator for the social inclusion".

In this article, we analyse the phenomenon starting firstly with the specific mediations (i.e. Civil and Commercial Mediation, Cultural and Intercultural Mediation, Family Mediation, School Mediation, Environmental Mediation, Penal Mediation and Restorative Justice) and secondly searching of the not yet existing mediations (i.e. Technology and Information Mediation, No job Mediation, Generational Mediation, Neo-Family Mediation). The analysis of this different kinds of mediation in reference to the different conflicts leads us to assume that the "social mediation for the inclusion" is the most complex and wide-ranging of mediation. Accordingly this kind of new mediator needs a particular and complete education and formation not only in "theory" but also practical and developed with the concrete experience on site. In consideration of the European regulatory

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[30] Norberto Bobbio, op. cit.

framework, and the rules of each Member States on superior education we try to formulate a educational plan that, merging practical and theoretical aspects, may have a "European acknowledgement" for the "Social Mediator" and then enjoy the benefits offered by the Directive on the acknowledgment of qualifications, free movement and free exercise of the profession in Europe.

ABSTRACT: I conflitti, che avvengono dalle guerre alle più piccole controversie nei tribunali civili, divengono sempre più ampi e frequenti. Ogni conflitto, se violento, si carica di una possibile continuazione e moltiplicazione del conflitto. Di conseguenza, aumenta anche la volontà di affrontare i conflitti, di risolverli, di ridurre i loro effetti negativi per neutralizzarne le cause. Or bene se da un lato bisogna sviluppare la "cultura della mediazione" dall'altro è opportuno dare spazio ad una formazione particolare e "mirata" dei mediatori. Possiamo dire che, insieme con le "informazioni" (cioè la diffusione della "cultura" della mediazione) c'è la necessità della "formazione", in particolare del profilo specifico del "mediatore per l'inclusione sociale". In questo articolo analizziamo il fenomeno iniziando innanzitutto con le individuazione delle specifiche mediazioni (ad esempio la mediazione civile e commerciale, la mediazione culturale e interculturale, la mediazione familiare, la mediazione scolastica, la mediazione ambientale, la mediazione penale e la giustizia ricostruente) e, in secondo luogo, l'analisi delle figure di mediazione non ancora esistenti (ad esempio la mediazione tecnologica e dell'informazione, la mediazione del lavoro, la mediazione generazionale, la mediazione neo-familiare). L'analisi di questi diversi tipi di mediazione in riferimento ai diversi conflitti ci porta a supporre che la "mediazione sociale per l'inclusione" sia la più complessa e ampia tra le mediazioni. Di conseguenza, questo nuovo tipo di mediatore ha bisogno di una formazione particolare e completa non solo in "teoria" ma anche in pratica e sviluppata con l'esperienza concreta sul campo. In considerazione del quadro normativo europeo e delle norme di ogni Stato membro in materia di istruzione superiore abbiamo cercato di formulare un piano educativo che, riunendo aspetti pratici e teorici, possa avere un "riconoscimento europeo" per il "mediatore sociale" e quindi godere dei vantaggi offerti dalla direttiva sul riconoscimento delle qualifiche, la libera circolazione e il libero esercizio della professione in Europa.