



# Conflict mapping

Theory and methodology

**Practical application  
in juvenile justice**



# **Conflict Mapping**

Theory and methodology

**Practical application in juvenile justice**

Programa Compartim

11



**Department of Justice Compartim Knowledge Management Programme**  
Centre for Legal Studies and Specialised Training  
Juvenile Penal Community Mediation

#### **Legal warning**

This work is subject to a Creative Commons Recognition 3.0 licence. The reproduction, distribution and public communication and transformation of the material, without any restriction provided the holder of the right (Generalitat de Catalunya. Departament de Justícia) is mentioned. The complete text of the licence can be consulted at <http://creativecommons.org/licenses/by/3.0/legalcode>

© Generalitat de Catalunya  
Departament de Justícia  
[justicia.gencat.cat](http://justicia.gencat.cat)

First edition: December 2014  
Legal number: B 27920-2014

The electronic version of the document is accessible at: [justicia.gencat.cat/publicacions](http://justicia.gencat.cat/publicacions)

## Contents

Foreword.....	4
1. Presentation .....	6
2. Introduction.....	11
3. Theoretical framework of restorative justice .....	13
4. Theoretical framework of conflict theory.....	15
4.1. Conflict theories .....	16
4.2. Conflict mapping .....	19
5. A common language.....	24
6. Methodology.....	31
6.1 The prior information .....	32
6.2 The opening speech.....	34
6.3 The narrative .....	40
6.4 The summary .....	45
6.5 The closure .....	50
7. The mapping.....	54
8. Glossary.....	65
9. Appendices.....	68
10. Bibliography .....	75
11. Authors.....	77

## Foreword

For the Centre for Legal Studies and Specialised Training it is a source of satisfaction to write the prologue to this new publication: *Conflict Mapping. Theory and methodology. Practical application in juvenile justice*, which summarises three years of work by the juvenile penal mediation practice community (CoP) on the Compartim Programme.

I would like to single out two aspects that give the work special value. One concerning the form. The other concerning the content.

As far as the form is concerned, as usual on the Compartim Programme we can see that the work methodology of cooperation between professionals provides great expert knowledge which, as in this case, is transformed into quality contributions to a large number of operational and organisational problems. Today we can say that, if properly managed, the sum of the professionals' knowledge can be one of the best instruments for the efficacy and efficiency of organisations.

The other valuable aspect I mentioned has to do with the substantial contribution of knowledge made by the work. We are looking at a methodology, conflict mapping, which improves the traditional intervention process by the penal mediator in juvenile justice because he also takes the position of a conflict operator. That equips him with more and better possibilities of intervention. The end result will affect the main agents involved in the process –offender and victim–, since they can benefit from more professional and rigorous technical interventions.

My thanks to all those who have made this work possible: to the professionals on the Mediation and Technical Advice Service juvenile penal mediation programme, the professionals at the Centre for Legal Studies and Specialised Training and the experts who have contributed to it.

Josep Xavier Hernández i Moreno

Director of the Centre for Legal Studies and Specialised Training

The mediation and reparation in juvenile justice programme was launched in 1990 and was a pioneer in Spain. Over time it has been updated and adapted to the legislative changes and the young offenders' profiles. In recent years it has been open to the influence of restorative justice.

In the framework of the Centre for Legal Studies and Specialised Training Compartim Programme, the juvenile penal mediation practice community have been analysing professional practice and broadening its theory and methodology for three years. The result of this process is the document *Conflict Mapping. Theory and methodology. Practical application in juvenile justice*, which we are presenting here.

It is a great satisfaction to me that the professionals working in the direct care of minors and victims have devoted time and enthusiasm to analysing their practices and proposing improvements. That involvement in the investigation and study of the interventions brings a unique value for introducing new ideas into the methodology they apply in restorative practice.

The methodology that has emerged from this process contains elements of restorative justice and of conflict theory, broadens the spectrum of possibilities that had appeared in the mediation and reparation programme until now and enriches the approach to the different casuistries of the minors and the victims in the care of the technical teams.

This work on conflict mapping, in which the immense majority of the professionals carrying out the mediation programme have taken part, will contribute to planning the best restorative intervention strategy.

Joaquim Clavaguera i Vila

Director general of Penal Execution in the Community and Juvenile Justice

## 1. Presentation

As part of the Compartim Programme, a group of colleagues from the Mediation and Technical Advice Service, in association with the expert in Legal and Social Sciences and lecturer at Girona University, Dr Raúl Calvo, have spent three years working on the methodology of conflict mapping as a tool for good practices. The group have carried out the task while continuing to work as mediators, in full symbiosis and experiment between the work of theoretical construction and professional practice.

As well as providing a global methodology for what we call the *first phase of intervention, first interviews with the victim and the aggressor*, the document proposes new work perspectives and new concepts which, as I understand it, affect the whole intervention process and will help improve good practices.

However, before I comment on the work done and the document allow me to mention some historical aspects of the mediation and reparation programme which, in my opinion, can situate the context and importance of this work.

We can say that the development of juvenile justice in Catalonia has been an almost continuous process of transition and change –since the transfer of powers from the Central to the Catalan Government in 1981– from one regulatory framework to another and from one model of justice to another.

The mediation and reparation programme is part of that process and at times has been its engine for change. Drafting began in 1989 and it was implemented in 1990. That means that one way or another it has been influenced by different ways of understanding justice and draws on various models, possibly without being fully aware of that. It took its first steps in a protective and correctionalist regulatory framework that regarded minors as incapable and irresponsible and in which, moreover, there were no victims. In that regulatory framework an educational model in which measures in the community prevailed came into general use. From 1990, however, through a set of new ideas from different spheres (responsibility model and guarantees, diversion/dejudicialisation, defence of the victims' rights, reparation for the victim, mediation, etc.) and reference to some of the first experiments that are still at an early stage we launched the reparation programme. And we did so whilst in general we were defending and taking the first steps towards the responsibility model. The ideas of restorative justice, from a more constructed theoretical perspective, came later, but in certain aspects they influenced us and we gradually incorporated them into the framework of the responsibility and guarantees model defined by Law 5/2000.

In my opinion, in our model, as happens in other juvenile justice systems in Europe, the relation between the general framework of the responsibility model and the restorative one raises some difficulties. We need to think and refine in relation to their common points and the boundaries between one and the other, the elements of balance and friction, the ideas of responsibility and guarantee themselves, a transversal approach to the introduction of restoration or the priority of persisting with dejudicialisation and many other aspects.

If in terms of models of justice the mediation and reparation programme received the influences I have mentioned, I would say that in terms of intervention, methodology and techniques the decisive influence was mediation. It erupted with such force that everything was mediation, from one mediation model or another, but still mediation. Therefore the professionals had to be mediators and nothing more, trained to mediate and nothing more. That influenced all spheres, not just the penal, even though we were aware that what we were doing was often not mediating.

That process, and perhaps the fact that few were aware of the need for it for a time, hampered the construction of a systematised methodological framework of intervention. We focused our attention on defining the goals of the programme, describing the intervention process and its phases, consolidating experience and training the professionals as mediators.

When four years ago the Mediation and Technical Advice Service drafted the document on its bases for action, we were aware of those deficits; for that and other reasons we proposed to improve the processes of intervention qualitatively and diversify the restorative alternatives to provide a response to the conflicts.

As the person primarily responsible, I am not saying all this as an excuse for not yet having a well-defined and systematic methodology of the intervention process. I am very proud of the process followed with many colleagues, of constantly going full speed ahead to overcome the regulatory limits, of helping introduce an internationally recognised programme, of doing everything possible to build a better, more human, more participatory justice, one closer to the public, and most of all of having shared this experience with you all and other colleagues who are no longer working on the programme.

If I set out this historical aspect of the programme in the foreword to a document that focuses its content on the methodology of conflict mapping, it is because of the great importance I give the work done and the document written. Because it means that, without giving up the experience of the programme, with its successes and mistakes, the document strengthens it with a methodology that is a leap forward in the implementation of good practices.

With no intention of developing the idea or its broader meaning here, I think it is appropriate to mention that the word *methodology* comes from three Greek words: *meta* (beyond), *odos* (road) and *logos* (reason, study). It refers to the set of rational procedures used to achieve goals which require a doctrinal base and an action or tasks that need specific knowledge, skills and qualities. Its meaning can be applied to many different spheres, from carrying out a rigorous observation such as the exploration of a conflict to the set of procedures and techniques that determine an investigation or a systematised intervention process.

From that perspective, I consider that so far the mediation programme has not had a specific global methodology for carrying out that process.



In the work done and in the document, the idea is to achieve that goal. First, the document proposes a global methodological framework which we traditionally define as the *first phase of the intervention*, insofar as it establishes a nexus between the general conflict theories, the general mapping methodology and the application of the most suitable techniques.

The process followed by the working party, with the invaluable support of Raúl Calvo, was not confined to analysing established knowledge, theories and methodologies. Taking the most significant general theories of conflict and the methodology of mapping as a reference point, they alternated between theory and experiment, intervening in the cases themselves.

Here I consider that the process is as important as the result. More than that: I think that without the experiments it would be very difficult to implement the methodological content of the document and make it extensive to the whole group. It is often said that good theory is the condition for a good praxis and, as David Ausubel has said, significant learning means connecting what is to be taught with what the student or the professional already knows and has mastered. That is why the working party have not been restricted to defining a methodology; they have also learned to apply it and, which is sometimes more difficult, to unlearn deeply rooted habits and other ways of doing that can hamper the intervention process.

The task has been done with a systematic trawling of our own individual and collective experience. At no time must the accumulated experience be despised; on the contrary, it must be given full value when it comes to comparing one's own work step by step with the reference theories for in order to construct a genuine and specific methodology adapted to our reality.

I consider that that not only allows us to have a specific and systematised methodology of intervention, but also a more consistent tool for accumulating knowledge and for individual and collective self-assessment of the processes of intervention. The methodology is an essential tool for investigation and intervention since it enables us to systematise the most suitable knowledge, procedures and techniques for developing a good intervention process. Moreover, it creates better conditions for the accumulation of knowledge through its application, an analysis of the method and verification of the confirmation of the hypothesis and the accomplishment of the goals.

For these three years the work and the writing has gradually taken account of different empirical methodologies (surveys of the cases intervened and self-assessment); more rationalist and qualitative methodologies relating to case analysis and an approach to a knowledge of conflict theories and the methodology of mapping, as well as experiments with different techniques. It has been a continuous alternation between theory and experiments. In that way the different elements of the methodology have taken on meaning and life through study and implementation.

The work process has brought important elements to resolve an outstanding issue among mediators: the possibility of using the work itself as a tool for good practices,

learning and accumulation of knowledge. That takes the form of recording and viewing the intervention itself, showing it to colleagues, who show theirs, and sharing the content, correcting and making any necessary changes, generating synergies of trust in oneself and in the group through qualitative self-assessment as a form of improving the intervention.

In that way the methodological action will not be just a tool for the intervention, but also a tool for analysing the reality one is intervening. To be efficient, the methodology must be disciplined and systematic, as it has to provide the approach of the intervention and the accumulation of disciplinary knowledge.

This tool will allow a process of systematic and conscious methodological intervention in which the professional will explore, order and analyse the conflict. It will also be the base for guiding the intervention process, using the most suitable techniques at each moment, defining strategies and taking well-founded decisions.

The document is based on the theory and the experiments and puts forward suggestions for determining the most suitable ways and means or procedures for dealing with the conflict. It helps find and apply the most suitable means and techniques for tackling and solving problems. Among many other things, the document supplies: the bases for considering the significance of the prior information available to the professional and how to make efficient use of it; the importance and conceptualisation of the opening speech; the elements for understanding the conflict and taking decisions; the fundamental role of the narrative and the way of applying the techniques to bring it out, to express it, to have it flow and acquire meaning for the parties and the mediator; the way the participants learn to narrate, to listen and to give meaning to what really matters to them; the way of observing with more clarity insofar as consistent referents are established for assessing and deciding; the importance of the final summary and the closure.

For all those reasons and many more, the document makes important contributions to the improvement of our professional task. The methodological project "is aware that it not only has to deal with what is real, but also with what is possible, that it not only has to act, but also to choose and decide the best way of doing so". Although the work focuses on the first interviews with the victim and the aggressor many elements will have an effect on the development of other phases of the process.

To end, I would like to single out two aspects which I believe change the present outlook in relation to the centre of the intervention, the so-called *first phase of intervention* and the figure of the mediator.

The first aspect refers to the central object of the work in the first interviews with the offender and the victim. In the current programme, the central purpose is an appraisal of the viability of the mediation (it also takes conflict into account, but that is not the priority). Everyone knows there are various alternatives for reparation that do not involve mediation, but specifying them is not a specific goal; they are deduced from the deficits or difficulties in the accomplishment of the goal of the mediation. In the proposal in the document, the central object of the work at this phase is the conflict in itself,

understanding it (characteristics, dynamics, agents, narrative, whether or not it is ripe, how to make it evolve, etc.) and analysing it in order to define strategies and take decisions. Mediation or other restorative alternatives derive from that analysis of the conflict.

The second aspect refers to the figure of the mediator; from a perspective in which we define mediation as the central and operative object of the work, it is natural that the professional who carries it out is called a *mediator*, although in practice the tasks, alternatives and goals of the work done by him are quite diverse. That also means that the training and the techniques applied are mainly related to the mediation, although the task to be done –the management of the conflict and the alternatives to be applied– call for a wider range of techniques than that offered by mediation. That is why the working party proposes to use the phrase *conflict operator* for the professional whom until then we had called *mediator*, since he has to deploy quite different initiatives, techniques and interventions.

Lastly I would like to say that the process followed shows a great will for work and enterprise by the group of enthusiasts and the group of mediators. Enterprise is an adventure which, starting from reality, looks for a different and better future. To draft a project or a new creation requires imagination, curiosity, spirit and motivation. Accomplishing the goal is not easy; one needs to put a great deal of interest and energy into it, but when that happens, as is the case here, you will agree with me that it is fantastic.

It was along those lines that the philosopher J. A. Marina said that enterprise is a way of life, an attitude towards reality. It consists of inventing a difficult project and carrying it out. Enterprise is always an adventure, a confident and spirited approach to the future. When we plan we are anticipating the future we want and will strive to achieve; and the action is the way of making what I think a reality. And, as María de Maeztu says, “it is not enough to be, one must act”. Reality is compounded of what exists and of the possibilities we create with it.

We had all placed great expectations in this work and at times we had even been impatient; it seems that “you have to wait for what is good”. Today we have a new tool at the service of restorative justice and for implementing good practices. But at the same time, since it is a methodology for action, it has to be regarded as a living project, open to innovation.

José Dapena Méndez

Director of the Community Prevention and Mediation Programme  
Mediation and Technical Advice Service  
Department of Penal Execution in the Community and Juvenile Justice

## 2. Introduction

Any specialised professional practice requires a theoretical framework to guide it, methodologies that structure it and an assessment that can compare and advance the theoretical and the practical fields.

The theoretical, methodological and practical approaches dealt with throughout this document are a response to a curiosity about our own professional practice. It is the result of three years of looking at, analysing and debating that practice and it began in 2012 with an approach to the concepts and methodology of conflict analysis: what is called *conflict mapping*.

As the next step, in 2013 we collected data about the characteristics of the interventions and ended in 2014 with an analysis of specific practice through recording them. That process has enabled us to identify the most important elements to be borne in mind during the intervention.

And so we have taken into account the theoretical framework of restorative justice, mediation, conflict theory and whatever emerges from the role of the conflict operator. We understand that an intervention in the processes of reparation in juvenile justice has to do with aspects of those three paradigms.

Since it was first conceived, the theoretical sources of the juvenile justice mediation programme were an emergent restorative justice –a current that was beginning to accumulate experience– and mediation as an alternative technique to the adversarial resolution of conflicts.

In restorative justice the concept of reparation of harm, understanding harm as a derivative of the crime and reparation as aimed at the victim, has been a principle valued and shared by the whole group. As an alternative to the courts for resolving conflicts, whether understood as technique or as methodology, mediation has provided the essential elements of the intervention and is a reference for understanding the space, characteristics and goals of the intervention.

The theoretical and practical reference of mediation as a method of resolution of conflicts is characterised by the voluntary participation of the parties in a process, assisted by an impartial third party who accompanies them to reach a satisfactory agreement. The voluntary element in the processes, the impartiality of the professional, looking to the future, techniques such as open, reflexive questions, paraphrasing, rephrasing, legitimisation and empathy have been part of the technical language used to describe the intervention.

These theoretical references have broadened and grown in the last twenty years. The professional practice of the mediators in juvenile justice has also evolved, diversified and specialised.

Conflict theory according to Entelman (2002) locates conflict in relations. Conflict springs from interactions as an expression of incompatibility of goals. And so when what a person wants is incompatible with what others want, conflict arises. From that idea we have to understand relations between people in order to describe conflict. Before understanding can come, observation of the relations is necessary. The elements of the observation have been structured in the methodology of mapping: they are subjects, interests, awareness of conflict, power, frame of reference, emotions, relations and coalitions.

Observation and understanding of each element and its relation with the other seven enable an understanding of a conflict situation. Therefore we must identify the agents of the conflict among the persons connected with that situation. For each agent we must identify the interests which are in conflict; whether they are recognised as part of the conflict (awareness); what resources are available; what the reference values in the conflict are; what emotions are present; the relations between the agents and the identification of coalitions between persons. With the information of all these elements, we can reach a global or systemic vision of the situation, which enables us to understand it and therefore to take decisions to intervene in it.

The professional who intervenes in conflicts with his analysis and understanding is called a *conflict operator* (CALVO, 2010). Through conflict mapping, the operator can discover the nature of the conflict and intervene to make it evolve, ripen or resolve itself. The concept of the operator –according to Meyer– can go even further to include both intervening in the creation, evolution and resolution of the conflict and in the figure of the mediator to open up the possibilities of intervention above and beyond resolution of conflicts, and incorporating, as in the sphere of juvenile justice, restorative goals and practices.

Law 5/2000 on the penal liability of the aggressor and its later amendments incorporate the aspects recommended by the UN and the European Community (Directive 2012/29/UE of the European Parliament and the Council) in penal justice for adolescents, opening up a space for the incorporation of restorative approaches to the intervention of justice. LORPM 5/2000 includes conciliation and reparation between the aggressor or young offender and the victim and/or the person harmed by the crime in a mediation that seeks an extrajudicial solution to the conflict. This Law regulates the procedure and the legal effects of conciliation and reparation, called *mediation*, as well as other extrajudicial solutions. Furthermore, it can propose the most appropriate reparatory and socio-educational activities in the interests of the aggressor.

However, we must bear in mind that we are working with adolescent boys and girls who are at a stage of their lives characterised by a sharp manifestation of physical, biological, social, emotional and behavioural changes that require a period of adaptation and reorganisation at different levels: personal, family and social. That period brings changes at different levels; forward and backward steps in affective and relational behaviour are constant. The girls and boys are constructing their identity.

Directive 2012/29/UE of the European Parliament and the Council establishes the minimum rules for the rights, support and protection of the victims of crimes. It defines the condition of victim within the penal process and incorporates the possibility of restorative justice as a form of reparation. It also postulates the treatment the victims must receive from the administration of justice.

The theoretical and practical development has evolved from the initial concepts. In 2010, the description of professional practice was "...in penal justice we find that the parties are the victim and the offender, the conflict is derived from the crime and the solutions refer to the consequences derived from that event. And we define penal mediation as a process through which victim and offender, with the help of a neutral and impartial professional, become involved in a search for solutions to a conflict which confronts them as a consequence of the crime, returning the protagonism to the parties so that it is they who decide the way in which they want to make and receive reparation" (Appraisal of juvenile penal mediation by victims and offenders. Compartim Programme, 2010).

This description refers to the process of mediation as a form of intervention. The definition combines the goals of restorative justice with the methodology of mediation. That definition in itself generates doubts and questions which have been asked out loud and for which there is no standard answer: Can a person who is neither victim nor aggressor<sup>1</sup> be incorporated into the process of mediation in the file?; Is priority given to resolving conflict between persons or only the crime?; Is participation to avoid a trial enough or is a will to repair the harm required?; What is the minimum capacity of the adolescent for being able to take part in a process of mediation?; What type of intervention are we making when the victim does not take part?; If the intervention made is not purely a mediation, what do we call it?, and the professional who carries it out?

These and other questions have been a subject of reflection and debate for three years; some answers have emerged along the way, others are half formed. The most interesting part has been looking at theories and concepts that take a different standpoint and examining them in more depth, and therefore shaping an alternative way of seeing and understanding professional practice. For the whole working party it has been an exciting and fascinating journey which is now recounted in this document for everyone to share.

### **3. Theoretical framework of restorative justice**

Restorative justice emerges from a deep questioning of the perspective of retributive justice, which focuses on responding to the breaking of the rules by the aggressor in committing the crime. In that context, the interests and needs of the victim and the community were relegated. In restorative justice the intervention is based on providing an alternative to the crisis of the penal justice system, concentrating on repairing the harm

---

<sup>1</sup> We are referring to victim and aggressor in reference to the "pair in the crime": where the victim is generated by the aggressor's illicit actions; with his action the aggressor places the other person in the situation of victim (Wikipedia).

done by the crime with the active participation of the people affected in the resolution of the conflict and mending the links broken as a consequence of the transgression committed by the adolescent.

According to Nils Christie (1977), the traditional penal model is inhuman; it sees the criminal offence as an act by the offender against the State. Christie defends the moral and social implications of the crime, including the victim and the community in the restorative processes. And so he takes as a model the informal processes that are far removed from the legal professionals.

According to Robert Mackay and Howard Zehr (1990), attention should be focused on the victim and the aggressor, giving them an opportunity for dialogue and reparation of the harm suffered. This context encourages a reflection aimed at assuming responsibility. The restorative practices should be based on social life and interpersonal relations, consensus and human rights. They propose that restorative practices should be implemented by giving support so that victim and aggressor take part on equal terms, which promotes integration and bonding. That also gives space and voice to the community to express itself relation to the conflict, the process and the solution.

Restorative justice proposes to incorporate ethical and moral values into the conception of justice and especially in the way of applying it. It gives importance to the victim and focuses the goal on the reparation of the harm derived from the crime.

Restorative justice has three orientations in relation to the intervention and the accomplishment of the restorative goals:

Focusing on the encounter.

Focusing on reparation.

Aimed at transformation.

Restoration that focuses on the encounter conceives the meeting between victim and aggressor as the way of generating a setting where they can resolve the conflict. It tries to create the conditions for victim and aggressor to meet.

The perspective that focuses on reparation considers that there must be an intervention to repair the harm derived from the crime. It considers that the harm and its consequences affect the victim, wounding his personal autonomy, but they also affect the aggressor and the community. The consequences for the aggressor of his own offence have to do with his social stigmatisation, which separates him and identifies him as a negative element. From this point of view it is considered that the aggressor may make a positive return to society through his reparatory actions, whether aimed at the victim, the community or himself. If the community is the context where the crime occurs, it is therefore also harmed. It is also the context where reparation is made.

The perspective aimed at transformation postulates that the purpose of restorative justice is to change society and particularly its way of understanding and applying the law. It postulates a sweeping change in justice as a power of the State, which also involves a change in the way society understands it.

The orientation that is a reference in this work is the one focusing on reparation and so we need to delve deeper into this perspective.

Restorative justice aimed at reparation considers that the crime has meant an imbalance where the autonomy of the victim's will has been broken. The goal of reparation is for the victim to recover control over his life. In relation to the aggressor, reparation is his way of being reintegrated into the community through the reparatory actions for the victim, the community and himself.

The conception of *reparation* includes an approach to the victim's situation and needs, compensating him for the crime and identifying its consequences for him, the community and the aggressor. Dealing with all these aspects means structuring a reparation adapted to each situation, bearing in mind its specific characteristics.

Reparation also incorporates goals referring to the crime, the victim, the aggressor and the context in which the relation between them has occurred and the consequences generated. Seen in this way, reparation has to be aimed at reintegrating both the aggressor and the victim into the context of the community through an intervention in the consequences of the crime. This view includes other ideas concerned specifically with the aggressor, the victim, the community and the intervention of justice.

#### **4. Theoretical framework of conflict theory**

According to Dr. Raúl Calvo Soler:

Conflict or conflictive relations are a usual or even classic topic in many spheres of knowledge. It is classic for at least two reasons: with some frequency, concepts or proposals emerge to reactivate the debate with new ideas and those ideas usually leave us new questions rather than innovatory answers. Be that as it may, it seems that the questions that accumulate around conflict are being answered little by little. Notwithstanding, looking at the heart of the conflict, three questions that are the base of many of the discussions now in progress are raised:

1. What is a conflict?
2. How can conflicts be analysed?
3. Where do conflicts come from?



Needless to say, these questions are connected with one another. In answering the one about the notion of conflict, in some way we are forging the bases for understanding the diagnostic process and where we should analyse it from. That does not mean that once we have defined the concept of conflict there is only one possible answer to the other two questions; a conception of conflictive relations may be compatible with a host of proposals for analysis and they can be coherently related to various ontological concepts. In the next pages we will try to present some answers to those three questions, though they may be as ephemeral as many of the ones posed so far,.

#### 4.1. Conflict theories

The study of conflicts has been the object of many theories. Whether expressly or implicitly, different authors have developed their own. Although there are a host of structures designed around the concept of conflict, with the loss of detail entailed in any generalisation it would be possible to express three broad concepts of what it is<sup>2</sup>:

##### a) Theories of the properties of the individuals

Conflict is seen as the opposition of different psychological elements (desires, values, beliefs, etc.) which are manifested externally as symptoms or problems of behaviour. For example, in the Freudian conception the opposition between a desire and a moral demand may manifest itself as a problem of behaviour. From there, when we observe an interaction in terms of a dispute between two persons, we should understand it as a manifestation or expression of the conflict each of them has. Conflict does not need “the other” to be constituted and therefore it becomes some essential element of human beings. More than that, for these theories, however much one accepts the notion of *intrapersonal* and *interpersonal conflict*, the latter would always be conceptually and pragmatically dependent on the former; *interpersonal* conflict is a manifestation of *intrapersonal* conflict.

This notion of conflict has been historically linked to terms such as aggressiveness, frustration and/or envy. And it has been opposed to notions such as satisfaction, success, docility, etc.

The weakest point of this way of understanding conflicts may be that in order to sustain it we have to deny the value of interaction with reference to the constitution of the human being - of his identity and of the ‘ego’. In other words, we can make it an accessory to interpersonal conflict because we can identify intrapersonal conflict as the primary trigger. At all events, if we accept the metaphor that we are not a peg on which to hang our mental states (desires, values, beliefs) at least two affirmations are assumed: (a) that our interactions with the other shape and constitute us and that (b) we are capable of thinking about our own mental states (we can desire something or not desire it), and so

---

<sup>2</sup> We can see a more detailed development of the different kinds of theories in SCHELLENBERG, James A. *Conflict resolution: theory, research and practice*. Albany: State University of New York Press, 1996.

interpersonal conflict can claim a place at least as primary as that of intrapersonal conflict.

There is a second point of controversy in that conception of conflict. For different reasons, the idea of *intrapsychic conflict* was closely related to the concepts of sickness or pathology. Despite that, it is reasonable to affirm that not all intrapsychic conflict is related to a pattern of behaviour which we can call sickness. Above and beyond the difficulties that may be posed by a definition of that term, we must remember that it refers to “an unhealthy condition of body or mind” (Merriam Webster).

It is really difficult to sustain that any confrontation of our system of values (dilemma) or any impossibility of fulfilment of a desire can be catalogued as a sickness. As Lou Marinoff says “...*Having problems is normal, and emotional distress is not necessarily a sickness. People who are struggling to find a way of understanding and coping with a world which is more complex with every passing day should not see themselves labelled with a disorder, when what they are actually doing is travelling roads devoted to the search for a more satisfactory life...*”<sup>3</sup>

### **b) Theories of manifestation of social structures**

The second group of theories relate conflict to the structure of our societies. Here, unlike the first group, conflicts do not emerge from the properties that define the human being but from his place in a social context with particular structures.

The idea of social structure is not a simple one, but fundamentally it points to two elements: (a) the idea of what we are and what we can become depends ultimately on external properties, i.e. characteristics that are independent of our individual attributes (place of birth, the social class we belong to when we are born...) and (b) that this assignation to the structure (concerning class, race, gender...) is not natural but springs from a more or less explicit imposition (false awareness) by certain groups that actively sustain it (the beneficiaries) from certain resources and against others (the harmed).

So conflict is precisely a reaction to the way in which societies are structured. For these theories, all individual conflict is ultimately a result of social conflict. The key word, referring to conflict, is *power*. Conflicts arise as the series of explosions that set out to produce changes in a particular social structure, whether as revolutions (Karl Marx) or evolutionary processes (Michel Foucault). In any case, conflict is a manifestation of power struggles.

This notion is close to terms such as submission, oppression or domination and opposed to terms such as freedom or emancipation.

---

<sup>3</sup> MARINOFF, Lou. *Plato Not Prozac*. New York: Harper Collins; 1999.

This set of theories also has some important problems. First of all, this way of understanding conflict leads to a simplification of the concept which complicates the explanation of the phenomenon. If the centre of the conflict is the power struggle, we need to identify the notion of power to really observe what is happening. But when we do so the problems begin to arise, because the notions of power hardly serve to cover all the situations which we call conflictive before analysing them.

For example, it is not easy to see how the interaction between two children for the possession of a pencil can be called a power struggle. Evidently we could work on an explanation to make those facts fit into a relation based on a power struggle. That raises two questions: (a) we will tend to see them as forced explanations which entail making a large number of suppositions, each of which will be an object of argument, and (b) we will find it difficult to make the explanation fit when we try to place ourselves in another kind of situation (for example, conflict between a doctor and his patient, a worker and his employer, between one province and another or between one country and another). Indeed the most patent demonstration of these difficulties is that the notions of power normally used by the authors who sustain these theories are so broad and diffuse that it is really difficult not to find power in all spheres and areas of life (something similar has happened with the violence-conflict duo, see Galtung).

Likewise, and this may be a second problem, these theories do not manage to clearly separate two ideas; it is one thing to say that in any conflict power plays an important part, but another quite different one is to argue that the cause and goal of any conflictive relation is a power struggle. Whilst it seems that there is no problem when it comes to assuming the first affirmation, the second comes up against many of our intuitions about what conflicts are and how they function.

### **c) Theories of processes of interaction**

The last group of theories, in which Professor Entelman's proposal belongs, conceives conflict as a type of relation that emerges from particular processes of interaction and interdependence. That interaction may occur at a primary level between individuals, but it may also develop in a more sophisticated way among groups or collective agents. Like the theories of properties, which are not unaware of the role played by the internal tensions of the 'ego'. But unlike them it calls for the crystallisation of a goal to be able to shape a conflict.

If the internal tensions of a subject are not configured in a proposal about what the agent wants, desires or prefers, which significantly implies the answer to the question of what he has to do to achieve it, there will be no conflict. Moreover, these theories prescribe the value of interaction which was originally consolidated in the structural theories.

Once the idea of a goal that calls for a way of doing has taken shape, there may be a confrontation between the goal and the action of other agents. Conflict arises from interaction, from the recognition that we need one another to accomplish our goals and that, in certain circumstances, that need reveals an incompatibility of the desire of the 'ego' with the desire of 'others'. The conflict posed is not a 'sickness'; it is a possible result

of the idea of a 'we' that does not ignore individuality. Nor is conflict configured as something inevitable or necessary for change; cooperation is assumed to be possible. Cooperative processes are recognised as naturally as conflictive processes. Lastly, unlike the structuralist theories, this idea recognises a wide range of possible goals for the agents and subordinates the struggle for power to the struggle for goals. Power is important, not as an end in itself but as a means of making our desires and preferences a reality.

The notion of conflict is close to notions of competition or claim and opposed to notions of collaboration, agreement or consensus.

## 4.2. Conflict mapping

Whatever the conception of conflict defended, it is important to establish the suppositions, processes and elements that have to be developed to analyse a conflictive relation: what we call *conflict mapping*.

As its name indicates, *mapping* is a process of analysis of a conflictive relation which enables us to establish a map of the conflict. Fundamentally mapping is done from a set of possible reflections and descriptions on the basis of which we can answer questions such as: What must we do?, Why?, What for? and When must we do it?

Here the definition of the map allows us to establish an itinerary of intervention; it will only be possible to understand what we have to do when it is possible to unfold the map and see where we want to go.

As well as proposing answers to the questions posed above, the technique of mapping generates possible lines of analysis for two levels of questions.

1. First of all, mapping enables us to start taking decisions about the most suitable methodology for working on a particular conflictive relation. Basically that affirmation supposes that for different types of conflicts it would be best to work with different methods of resolution. We cannot develop this in detail here, but if we accept that consideration we can then understand how mapping allows the operator to define one method of intervention and discard others.
2. A second important aspect revealed by mapping is knowing what information the operator needs to be able to broaden the map of the conflict. When we begin to diagnose a conflictive relation, it is normal for questions about which we have little or no information to arise. For example, it may be problematic to answer the question of who the agents in this conflict are or what the goals they aim to achieve are. When that happens, the operator reveals the need to generate a process of investigation that will allow an increase in the epistemological material that defines the conflictive situation. Here mapping obliges us to investigate in a particular direction and, consequently, provides the possibility of establishing strategies for obtaining the information we need.

It is important to bear in mind that any mapping proposal is functional in a theory of conflict and responds to five basic questions:

1. What is a conflict?
2. How and why do conflicts arise?
3. How and why do conflicts evolve?
4. What elements constitute a conflict?
5. What can be done with a conflict?

That appears clearly at the very moment when the elements around which the conflict relation map has to be drawn are identified. To put it another way, by answering the five questions we will be opting for one of the three great conceptions presented above. But by doing so we are conditioning the pieces on the base of which the map is to be drawn.

A conception of the conflict in terms of processes of interaction is defended. Here it is argued that a conflict is a relation of interdependence between two or more agents, each of whom either perceives that his goals are incompatible with those of the other agents (*perceived conflict*) or, if they do not perceive that, the real events generate that incompatibility (*real conflict*).

If that definition is accepted, it is easy to point out the elements the mapping will revolve around:

1. The subjects (who takes part in the conflict?)
2. The interests and goals (what do the subjects want and how do they intend to achieve it?)
3. Power (what resources do the subjects have for obtaining their interests?)
4. Awareness (who is recognised as an interlocutor for the resolution?)
5. The frames of reference (what are the presuppositions, paradigms or prejudices the agents harbour unconsciously?)
6. The emotions (what role do the emotions play in this conflict?)
7. The relation (how is the relation between the subjects structured?)
8. The coalitions (what coalitions can be generated in this conflict?)

Each of these pieces enables us to draw a map of a conflictive relation to better understand the intervention. In short, it is possible to present some examples of how

those elements and the mapping can oblige the operator to take decisions about his intervention. To reach an understanding of these aspects we will focus on situations within the sphere of juvenile justice.

1. The subjects can play different parts within a conflict. Perhaps the most paradigmatic is that of agent: the subject who, having a specific interest affected by the conflict, also has the capacity to condition the result. In general, it is no surprise that when the notions of victim and aggressor are mentioned in the sphere of juvenile justice there is a tendency to identify them as the agents of the conflict. But the practice of intervention has shown that it is not unusual for the aggressor and/or the victim to lack either an interest in or a capacity to condition the result of the conflict. In those cases the encounter part of the intervention can pose the problem of sitting down at a table subjects who in fact are not agents. Consequently, there will be no solution to that conflict unless the real agents of the conflictive relation can be incorporated into the process. The step from the victim-aggressor mediation discourse to the discourse of the restorative circles, for example, can help avoid setting up incomplete tables.
2. If the interests respond to the question “*what do the subjects want?*”, we cannot assume that the victim and/or the aggressor are capable of expressing what they want or even that they intend to put their hidden interests on the table. From that point of view, recognising that a lie, deceit or omission can have a specific place during the intervention requires the analyst to take a more strategic view of it. For example, the design of restorative interviews as a guideline for action before the development of a victim-aggressor mediation may be advisable when such questions are detected in the mapping.
3. As we have already said, as opposed to the theories of social structures, power in the conception of interaction is seen more as a resource than as an end in itself; power is the resource that allows the agents to obtain the interests for which they are in the conflict. In the sphere of the victim-aggressor interaction it is not surprising that there are asymmetrical relations. Those relations may lead to both cases where the greater power is held by the aggressor over the victim and ones where it is the victim who has more power over the aggressor. The important point is that when the mapping shows an asymmetry of power, that inevitably leads to a decrease in the autonomy of the will of the subject who occupies the weak position in the relation. That situation poses the problem in reference to the scope of the intervention of the third party (mediator, facilitator, conciliator). If that operator’s proposal is excessively limited in his interventions, it will be difficult to correct that asymmetry of power. Consequently, the intervention may end up confirming the *status quo* strength over weakness.<sup>4</sup>

---

4 That has been, for example, one of the criticisms levelled at mediation in some countries, especially in reference to cases of divorce where the woman had to make concessions in the process which would not have been admitted in the courts. We will not dwell here on an analysis of that criticism. Cf. MAYER, Bernard S. *Beyond Neutrality: Confronting the Crisis in Conflict Resolution*. San Francisco: Jossey-Bass Publishers, 2004.

4. The relation between non-recognition of the other as an interlocutor in the process of resolution of the conflict and the processes of escalation is well known.<sup>5</sup> The increase of intensity in the resources used is intended to break down the resistance of the other to not accepting the one escalating. So the answer in the encounter (victim-aggressor mediation) may be counterproductive if the presence of the parties is forced when one or both have been delegitimised by the other. To avoid confusion we should point out here that the legal summons, i.e. the idea that victim and aggressor come to the table legally does not solve the problem of the lack of legitimisation; legitimacy is not constructed on the basis of legality. Therefore, to get the agents to legitimise one another is a process that can transcend the encounter and, depending on the risk of escalation, may make it advisable to do separate interventions before working on a joint interaction. These examples try to show how from the structuring that is a result of the mapping it may be best to take strategic decisions that better adjust to the reality of the conflict; to think of a single methodology of response to all conflicts is a serious error that will be paid for in the end with the loss in the short, medium and long term of efficiency in the intervention.

#### **The preconditions of the mapping. The role of the narrative**

As we have pointed out, the suggested definition of *conflict* relates two possible scenarios: real conflict and perceived conflict. Basically, the distinction between those two views is related to an old argument in philosophy which revolves around the question “*does reality exist?*”. What interests us here is that the main idea is related to the question of whether conflict is a phenomenon that occurs in reality (realist), in events, or whether it is more related to the parties’ perceptions (mixed) or even, in a more radical version, constructed by the parties’ narratives (constructivist).

Needless to say, a tendency towards one of those positions has many implications, ranging from purely ontological questions to technical aspects. For example, if someone defends a version of the conflict in constructivist terms it will be difficult to use elements of discourse such as the notions of truth or goal. More than that, the question referring to the use of certain techniques will have to be redefined; for example, the reality agent. On the other hand, if one assumes a concurrence of a reality in which there is conflict, it will be necessary to investigate aspects related to the many interpretations or the diversity of narratives. And similarly techniques such as the alternative story will have to be reviewed in order to endow them with a specific meaning in view of the conception sustained.

In any case, what it is difficult to deny in any of those positions is that the parties’ narratives play an important part in the development of the diagnostic process and later of the intervention. Needless to say, that part will vary according to the conception defended; if it is argued that the conflict is in the narrative, by changing the narrative from a conflictive to a non-conflictive one the conflict will have been resolved. However, if the

---

5 Cf. CALVO SOLER, Raúl. “La escalada del conflicto. Una clasificación doméstica”. *Revista Confluencia-Análisis, Experiencias y Gestión de Conflictos*, no. 1. Bogotá: Grupo Editorial Ibáñez, 2013, pp. 43-81.

proposal is realist (the only conflict is the real one) or mixed (there are real conflicts and perceived conflicts) the narrative occupies the space of expression of the conflict but not of its constitution; a change of narrative is not a sufficient condition for constituting the solution to it. Be that as it may, the narrative becomes the material the analyst works with for the purpose of constructing the map of the conflict.

The exploratory phase, i.e. the one where the aim of the intervention is to draw the map of the conflictive relation, takes as a reference the use of the parties' narratives. In that case, there are three key actions in the exploration in relation to them: (1) hear, (2) explore and (3) understand.

1. Hear, basically, in terms of having a clear idea of the affirmations made in the narrative. The narratives in the conflict have a particular propensity to be complex, dark, ambiguous, contradictory and incoherent, among other properties. It is for that reason that the process of hearing –which is clarifying the narrative– requires actions such as *purging* (removing the emotional overtones of the language), *clarifying* (overcoming the ambiguous and vague elements) and *ordering* (supplying the narrative with a structure that will help understand it).
2. A clear narrative is not a sufficient condition for constructing the mapping; it has to supply information –specific information what is more– in relation to the elements the analyst is considering. We must act in exploratory terms to be able to establish the map of the conflictive relation we are exploring.
3. Lastly, we have understanding of the narrative by the operator. We think of the concept of *understanding* as a process that transcends simple hearing; it is possible to hear and not understand. From that perspective, *understanding* goes beyond the issue of clarity and has to do with the generation of assessments of what the other is expressing. This last section is more complex from the exploratory point of view than the two previous ones. But it suffices here to mention that the idea of understanding does not mean that the operator is in agreement with or positively values what is expressed in the parties' narratives. It is understanding that gives support to considerations of an empathetic nature by the person mapping.

And so, without any doubt, the possibility of generating a successful exploratory phase that in turn allows an adequate process of mapping may be obstructed, not only by the specific idiosyncrasy of the parties in the conflict who turn up to the meeting but, more importantly, by the operator's action itself. In that case, there are certain processes that have to be handled with skill and solvency by the explorer so that he does not end up generating more complex and darker narratives. In situations of that kind we should stress the following: the role of prior information, the opening speech, the handling of the summary and the issue of the closure of the meeting.



## 5. A common language

In 2010, at the Compartim Programme Seminar for Prevention and Mediation in the Community, Dr. Raúl Calvo gave a talk about the conflict operator, which marked a new conception of the professional who intervenes in a mediation. From that moment an approach to the way the conflict operator sees intervention in juvenile justice was proposed, understanding that mediation is just one of the interventions done.

For that reason, two training sessions aimed at the professionals of the Juvenile Justice Mediation Service were held to start to put us in touch with theoretical concepts from which professional practice could be analysed.

The debates, comments and interests that emerged from the course led the juvenile penal mediation CoP to look more deeply into that knowledge. And so in December 2011 we launched a project that has occupied us these last three years in the Compartim knowledge management programme, with the collaboration of Dr. Raúl Calvo as expert, and we have been able to analyse professional practice from the point of view of conflict theory and the methodology of mapping.

Over those three years we have combined theoretical and technical debate with professional practice. To be able to analyse the intervention from a parameter new to the professionals with the possibility of a practical comparison has been the basis of the work among the practice community. Initially (2012) the theoretical debate took priority and then we went on to the use of the concepts of *mapping* in the analysis of the interventions through the tool of the *survey* (2013), which also involved a methodical collection of data. The data have helped us compare the hypotheses that emerged from the experience and the ones that were put forward while the survey was being drafted and put into practice. That process has led to a final analysis technique based on recording real interventions and watching them in a group (2014). That has enabled us to understand the importance of the different elements of the intervention being thought and structured in relation to the goals the professional has to work towards. Lastly, the process leads to the development of technical proposals that assist the professional task of analysing the conflict, seeking to understand it as a first step towards the technical decisions for the intervention.

The process summarised here has brought concepts and assisted the group work of the professionals involved, aspects which have been crucial to its development. Next we will give more details of the theoretical and methodological process.

In 2012 we began to debate and reflect in order to analyse the professional task from the concepts of conflict theory proposed by R. Entelman and Raúl Calvo's mapping methodology. Those debates showed that many aspects were valued from a qualitative perspective of the experience. That meant agreements and disagreements, all equally valid, since we did not have data for comparing the hypotheses and, therefore, choosing between them.

To collect data that would enable us to compare the professional experiences we drafted a survey (technical questionnaire) with which to obtain information about the interventions. It combines concepts of justice with concepts of conflict theory and mapping methodology. With that tool we compiled the data of 334 interventions completed between February 2012 and April 2013 which supply quantitative information about them and which we will comment on below.

The survey is structured in six groups of questions that enable us to describe the intervention from the concepts of mapping with the intervention structure of juvenile justice.

The first group of questions differentiates between the processes in which the victim takes part (mediations) and those in which he/she does not (restorative processes), as a way of describing the different interventions carried out.

1. Is there a victim identified by the prosecution?	Yes / No
2. Did the victim take part in the mediation?	Yes / No
3. Beginning of the intervention	(data)
4. End of the intervention	(data)
5. Was there any agreement?	Yes / No
of what kind?	tangible / intangible / both
6. The mediation was	direct / indirect

The results obtained show that of 334 processes, in 317 there is a victim identified in the prosecution file and 17 with no victim. Of the 317 processes with a victim, in 230 the victim takes part in the process. When the victim does not take part, the technician can decide whether to continue to intervene with the aggressor or pass it on the courts. So we have 76 processes (17 without a victim + 59 the victim does not take part) in which the intervention is aimed at restorative processes, whether in the community or with the aggressor himself.

In the second group the intervention is conceptualised from the concepts of mapping. The first element of mapping is to identify the agents in the conflict (persons who have an interest in it and capacity to modify the result) and third parties (they have an interest but no capacity). On that point the debate focused on whether the agents necessarily had to be victim and aggressor or could be other persons. There was also a debate about the role of the parents or legal representatives of the adolescent aggressors who were of age. According to the legal perspective, they would not have a decisive role; according to conflict theory, we should explore their role to determine whether they are agents or third parties. Therefore, the questions referring to the legal representatives were aimed at clarifying that point.

The earlier and later relations of the persons involved is an element of the analysis of the mapping. The calculation of future interdependence is an element to be borne in mind when analysing a conflict and proposing the intervention.

7. How many agents were there in the conflict?	(number)
8. Were any of them legally liable?	Yes / No
9. How many are collective agents?	(number)
10. Are there any agents who are neither offender nor victim?	Yes / No
11. Did you manage to have all the agents take part?	Yes / No
12. If not, why not?	not locatable / did not think necessary / did not want to come / other
13. Were there third parties taking part in the conflict?	Yes / No
13. were any of them legally liable?	Yes / No
14. Did you manage to have all the third parties take part?	Yes / No
15. If not, why not?	not locatable / did not think necessary / did not want to come / other
16. Did the agents have previous relations?	Yes / No
17. Of what type? couple	(mark the necessary options)
relative	
friend	
study / work	
neighbour	
other	
18. Will they continue to have a relation in the future?	Yes / No

In relation to the agents, the processes typically have two or three agents (43.47% and 24.34%, respectively). For there to be more than three agents is quite unusual.

Concerning whether some agent is legally liable, this refers to the role of the parents in determining whether they carry any weight in the processes, whether or not they are agents. In 57.39% of the cases those legally liable are identified as agents. Therefore, it is considered that in more than half the processes the parents' participation is necessary for the intervention and resolution of the conflict. We must explore what standpoint they take in the conflict; if they take a different one in each case we need to correctly identify that standpoint when planning the intervention.

The collective agents account for 56.95% of the processes. They require a specific intervention which can be valued as a difficulty or as a characteristic that marks the development of the whole process.

The debate about the agents of the conflict is related to the possibilities of resolving and making reparation. To really be able to resolve a conflict the persons directly involved must take part in the process; otherwise the solution will be partial and difficult to maintain over time. In that case, the perspective provided by the mapping helps understand both the conflict and the decision-making about the persons who have to take part in the process. They may or may not be the victim and the aggressor. In the cases where they do not coincide the operator has to take decisions about whether or not to continue the intervention and about its goals.

Previous relations between the agents and third parties have been seen as important to the intervention. It has been proved that there are previous relations in 57.83% and in

69.92% of the cases the technician considers that they will continue their relation in the future. In the analysis of the conflict we need to explore and discover the relations, since they make up the scenario where it occurs and will necessarily be the sphere of the intervention.

The next elements of the mapping to identify are the interests in the conflict, their resolution and the goals for achieving them. If the goals remain hidden, are not exposed, are not expressed or verbalised, the process may fail when it comes to trying to find a solution. Two aspects that were also regarded as important are the presence of violence in the conflict and the interest in reparation, as well as the professional's perspective.

19. Are there any aspects related to violence?	physical, psychological, both, No
20. Did the victim show any interest?	Yes / No
21. The victim's goals are	tangible, intangible, both
22. Did you detect hidden goals in the victim?	Yes / No
23. Identify them in a word	(description)
24. Did you manage to bring out the victim's hidden goals?	Yes / No
25. What are the aggressor's goals?	tangible, intangible, both
26. Did you detect hidden goals in the aggressor?	Yes / No
27. Identify it in a word	(description)
28. Did you manage to bring out the aggressor's hidden goals?	Yes / No
29. Did the victim identify the aggressor's goals?	Yes / No
30. Did the aggressor identify the victim's goals?	Yes / No
31. Did you see the mediation as a space for resolution?	Yes / No
32. Did you see the agents and third parties in the mediation as a space for resolution?	Yes / No

Some types of violence –physical, psychological or both– were identified in 63% of the processes. That aspect directly affects the assessment of the harm by both the victim and the aggressor and consequently must be part of the reparation.

The interests and goals are classified as intangible or tangible. Concerning reparation, conciliation, apologies and explanations make up the intangible part. The tangible aspects are economic reparation, reparatory actions or the hours spent serving the community. The data show that in 51.74% of the cases intangible reparation has been the main interest and goal. The tangible interests are present in 15.65%. There can also be a combination of intangible and tangible aspects, which accounts for 32.61% of the processes collected. The professionals must bear in mind the different aspects that describe the harm and their consequences for determining the ones that have to be included in the reparation in each case.

In the next section we find the aspects related to power, its symmetry or asymmetry in the intervention. Other elements which have to do with power and awareness of the conflict are empathy, trust and legitimisation; those three aspects are basic for moving forward towards a resolution of the conflict.

33. Do you believe there was asymmetry of power?	Yes / No
34. In which relation/s was there asymmetry?	(mark the necessary options)
victim - aggressor	
victim – third party	
aggressor - third party	
victim - other agents	
aggressor – other agents	
35. Who had most power?	victim / aggressor / third party / other
36. Were threats or warnings used?	Yes / No
37. Were emotions crucial in the conflict?	Yes / No
38. If anyone did not empathise with the intervener, who was it?	victim / aggressor / third party / other
39. If anyone did not empathise with the others, who was it?	victim / aggressor / third party / other
40. In which of those relations was there no empathy?	(mark the necessary options)
victim - aggressor	
victim - third party	
aggressor - third party	
victim - other agents	
aggressor - other agents	
41. At the end of the intervention, was there empathy?	Yes, through intervention / Yes, other / No
42. If anyone mistrusted the intervener, who was it?	victim / aggressor / third party / other
43. If anyone mistrusted the other, who was it?	victim / aggressor / third party / other
44. In which of those relations was there no trust?	(mark the necessary options)
victim - aggressor	
victim - third party	
aggressor - third party	
victim - other agents	
aggressor - other agents	
45. At the end of the intervention, was there trust?	Yes, through intervention / Yes, other / no
46. If anyone delegitimised the intervener, who was it?	victim / aggressor / third party / other
47. If anyone delegitimised the other, who was it?	victim / aggressor / third party / other
48. In which of those relations was there no legitimisation?	(mark the necessary options)
victim - aggressor	
victim - third party	
aggressor - third party	
victim - other agents	
aggressor - other agents	
49. At the end of the intervention, was there legitimisation?	Yes, through intervention / Yes, other / no

The asymmetry of power in a conflict means that the parties involved are not on equal terms when it comes to taking decisions. Asymmetry was detected in 42.61% of the cases, where in the majority of situations it is the victim who has most power (71.43%).

Emotions, as an important element of the conflict, are detected in 48.70% of the processes.

Legitimation, trust and the empathy between the parties and concerning the professional are necessary elements to be able to develop a mediation-reparation process. Empathy towards the professional is present in 95.22% of the processes, trust in 96.52% and legitimation in 98.26%. Therefore we consider that these aspects should be kept in mind and the operator should work on them during the intervention.

Between the agents and third parties the lack of empathy, trust and legitimation occurs more in the victim-aggressor relation, the victim being the one who most mistrusts (51.61%), the one who most delegitimises (37.50%) and the one who least empathises (22.60%).

All these aspects: emotions, symmetry of power, legitimation, trust and empathy must be present in the analysis of the situation and must be part of the professional's intervention to make the mediation-reparation process viable.

In the survey one section is devoted to the techniques. Different techniques of mediation and resolution of conflict are collected. The technician is asked to list the ones he has used in a planned and conscious way.

The list of techniques, which you can consult in the Section 8, is: rapport, role play, putting oneself in the other's place, purging discourse, questionnaire, paraphrasing, summary, restating, rephrasing, reframing, legitimation, recognition, empowerment, brainstorming, reality agent, devil's advocate, generation of options, caucus, metaphors, humour, single text, speaking as I, appreciative dialogues, setting limits, triggers, intersubjective criteria, others.

We wanted to incorporate into the survey the operator's view of his own intervention and the process carried out. During the whole survey the technician has to think about professional practice from the point of view of the mapping and the goal of reparation through a process of mediation or some other restorative intervention. The technical opinion about practice and the difficulties it involves enables us to be more aware of the decisions taken and to identify the favourable and improvable aspects of each process.

51. How would you characterise your intervention?
52. What would you say were the problems of that intervention?
ignorance of the parties in the process
the legal limits of the intervention
the role of the lawyers
the limitations of the mediator
the parties' lack of interest
the lack of time in the mediation
the need to involve other institutions
others
53. If an agreement was reached, do you believe it is viable?
54. Do you believe the conflict was open to mediation?
55. Do you believe the aggressor will reoffend?
56. What was the type of intervention?
57. What was the classification of the crime according to the prosecution?
58. Date of the events

In general, the technicians say they are satisfied with the interventions carried out (92.17%). The difficulties detected in some cases may just be a snag or they could be an obstacle that affects all the actions of the intervention in a specific process; they are also identified with especially difficult or complex cases.

So far we have explained the result of the technical debate and the analysis of data done in 2012 and 2013. In 2014, the proposal went a step further. The idea is to practise the conceptualisation of reparation and conflict theory applied through mapping to see if they provide an adequate framework for analysing and improving professional practice.

To be able to carry out that last phase recording the real interviews was indispensable for analysing them. And so all the professionals who took part in that process have made recordings of their interventions.

The recordings have been viewed, minuted and described qualitatively to identify and analyse the different moments of the intervention. The questionnaire for each recorded process has been completed.

The main tool of the operator's intervention is the interview, which must be semistructured since the goal is to explore the eight elements of the mapping. To be able to reach an understanding of the situation we have to work from the discourse (from now the narrative) of the persons interviewed. And so the interview has to provide space for the persons to express themselves and also for the professional to do the exploration.

An analysis of the recordings has shown that the intervention space has to be prepared to explore the narrative. The interview has to be prepared to make the intervention technique easier; in that case the different elements that structure the interviews from the point of view of the goals to be achieved have been analysed and debated: understanding the conflict, solution and reparation.

Five key elements at the beginning of the intervention have been identified, analysed and described: the prior information, the discourse of the opening of the intervention, the narrative of the parties, the technique of the summary and the closure. Those elements have been the *objects of observation* in the recordings, identifying and describing professional practice, so that through the analysis and the technical debate we can reach methodologies for each element.

Each aspect has been analysed from the goals it aims at, its concordance with the goals of the professional intervention, the favourable aspects and the difficulties raised in order to be able to apply the assessment methodology entailed by the mapping. Once the analysis had been done methodologies were agreed for each element. With these new ideas recordings were made in which the professionals put into practice the methodological aspects that had emerged from the previous process.

Each one of the methodological elements is developed in that document, incorporating the aspects analysed and debated. The recordings have been a crucial element in managing to make proposals for improvement. That material is subject to the Law for data protection (LO 5/1999) and therefore cannot be part of the document.

## 6. Methodology

Next we will deal with elements that occur at the beginning of any intervention. They structure it and are a guide for the professional; they also provide the framework for the situation in which the mapping is done. The preparation of these five elements is absolutely necessary for doing a quality intervention.

The elements are:

- The prior information
- The opening speech
- The narrative
- The summary
- The closure

Each element is structured in four sections:

**Description of the element:** the concept of each one is defined, incorporating theoretical references worked on with the expert Raúl Calvo.

**Description of the technical practice:** this refers to the professional practice carried out so far and details the work on the specific element done within the framework of the mediation programme until 2013.



**Methodology:** the methodology is the technical concept, the product of reflection, viewing the recordings of the interviews with the persons dealt with by the mediation service and the debate generated at the knowledge management meetings

**Methodological justification:** this relates the technical practice carried out with the methodology, providing technical reflections that help with the understanding and the practical incorporation of the operator's point of view.

## 6.1 The prior information

We understand that the *prior information* is the information the operator has before the intervention and consists of a group of ordered data which help make the decisions that give meaning to the reality observed. Once those data are introduced we can generate the information needed to produce the knowledge.

According to *Wikipedia* it is considered that the generation and/or procurement of information pursues these goals:

- To increase/improve the user's knowledge or, to put it another way, reduce uncertainty about a set of logically possible alternatives.
- To provide the person taking the decisions with the fundamental raw material for the development of solutions and the choice.
- To provide a series of rules for assessment and decision.

For Gilles Deleuze, information is a system of control insofar as it is the propagation of slogans that we should believe or show that we believe. In that case, information – according to him– is an organised set of data which can change the state of knowledge in the sense of the slogans transmitted. For their part Ferrell and Hirt say that those data and knowledge are strictly linked to improvement in our decision making.

## Description of technical practice

The tools we have for doing an analysis of the prior information are these:

The information contained in the legal file, such as the complaint, the statement (of the aggressor, the victim, witnesses, etc.), the medical reports, the expert appraisals and the information collected in the Service data base.

The goal of collecting that information is to find out the personal data of the aggressor, his family and the victim, as well as to place the events in context.

If the aggressor is a *first time offender*, this means that it is the first time the law has intervened and so that information is available. If he is a *reoffender*, information about the new complaint is available, plus the record of the other offences and the information of the professionals who have intervened previously. The operator can coordinate with them to obtain more complete information.

The exploration and design of the intervention changes according to whether the offence is committed individually or in a group, its typology and the characteristics of the victim (individual, adult or aggressor of age, if it is a public or private entity, if there is a previous or future relation, etc.) and if there are others involved who do not have a file open.

That information helps understand the problems to be worked on, discover the types of crime, the number of agents involved in the conflict, establish hypotheses which are compared in the space of the interview and decide on the intervention model.

## **Methodology**

Now that we have reflected on our professional practice over these three years we have incorporated different elements to be borne in mind in the preliminaries of the analysis of the prior information. And so we have considered that it favours and affects the following aspects:

Having information about the situation reported and the persons involved allows us to:

Make a prediction of the design of the intervention and the operators who have to intervene.

Make initial hypotheses about the situation reported in its context and orient the operator's intervention.

Be able to answer the doubts of the persons who attend the interview.

And affects:

The interview and the way of looking at the situation owing to the influence of the operator's prejudices and presuppositions.

The analysis of the conflict, which can be biased or distorted, since:

- a) The statements are partial and occur at a moment of crisis generated by the offence and the circumstances.
- b) The writing is done in the words of the person taking the complaint, who sets it down in legal terms and changes the meaning.
- c) Sometimes it includes words the other person did not use, thus generating an atmosphere which is not the real one.

## **Methodological justification**

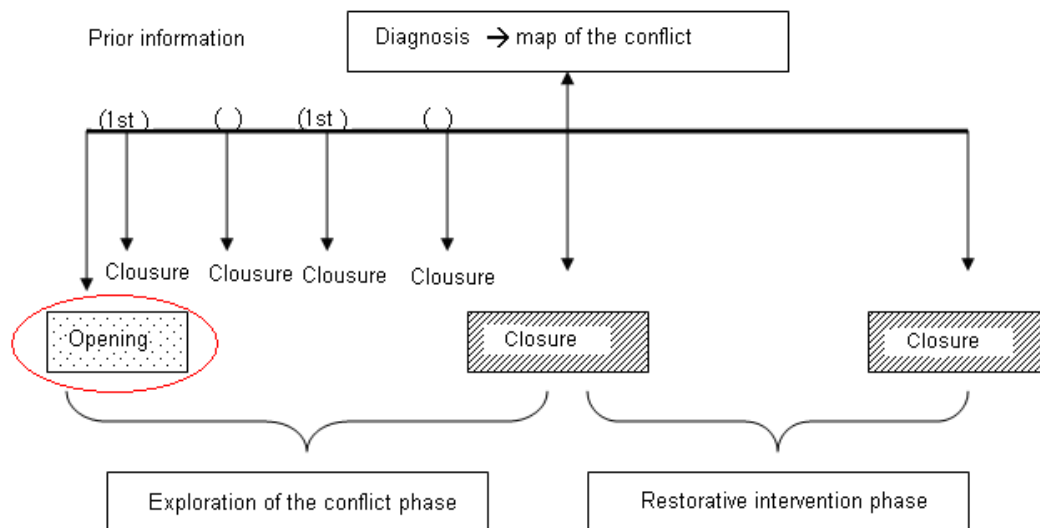
To make an effective use of that information, the operator must be aware of the frame of reference he is starting from and of his own prejudices and beliefs.

This process of awareness is a resource that should be borne in mind throughout the intervention. In that case, elements of analysis and reflection such as the case supervisions or the self-assessment of the intervention through carrying out the survey

and the drafting of the mapping will be tools for a more objective way of looking at the task in hand.

That change in the operator's way of looking means that the information ceases to be a simple collection and becomes a basic tool of the work and the intervention. Elements such as the chronological order of the events and the largest possible number of elements and views contribute to a global view of the conflict and of the persons who are directly or indirectly involved. That factor brings objective elements and therefore disconnects any subjective way of looking the operator may have. The idea is to carry out a better intervention, being aware of the aspects that may connect us with our beliefs, prejudices and personal histories and with the histories of the persons with whom we are intervening.

## 6.2 The opening speech



This section focuses on the elements included in the technician's first speech when starting the interviews, specifically at the opening of the first interview with the victim or the aggressor.

In the theoretical framework of mediation, special importance is given to the mediator's presentation speech in which he provides information about the process and its rules and the role of the professional. It serves to focus attention on the mediation as a form of conflict resolution and proceeds to collect the versions of both parties about the conflict affecting them.

In the social sciences, the professional's presentation and making the goal of the interview explicit have always been the basic elements of any opening of an intervention.

## **Description of technical practice**

After the interviews the mediation programme incorporates elements and goals to be worked on in the opening speech and details of the development and the closure.

The first part, presentation and information, includes:

Introducing the persons attending the interview,

1. Confirmation of the personal data.
2. Information about the complaint and the process it has followed under the law: filing suit, instruction, technical team report, trial, judicial decision and educational measures.
3. As an alternative to that process, the mediation-reparation programme is explained,
  - its characteristics,
  - the conditions of access, and
  - its judicial validation and results.

To conclude that informative part, space is left for exploratory questions. At that point the aggressor is asked, with the prior authorisation of his legal representatives, to decide about the path he wants to take. That decision marks the step to a second part of the interview which covers:

- if the aggressor chooses the legal path, he is referred to the professional in charge of the counselling programme.
- if the aggressor chooses the extralegal path he is given an individual interview to assess the viability of the programme in the event that he meets the conditions for access.
- passing on the aggressor to the counselling programme if he does not meet the conditions for access.

## **Methodology**

At that point the new way of giving the opening speech and the elements it must have are detailed.

The opening is the initial element of any intervention or interaction between the technician and the victim and/or aggressor.

The general goals of the opening are:

- Creation of an atmosphere conducive to the intervention and personal contact
- Setting the interaction or intervention which will take place next
- Explaining what the intervention will be like

– What it is intended to achieve

The opening is conceived as a structured speech that includes the elements to be conveyed. It must have an **order** in which the different elements are connected and which provides the operator with a structure and a reminder of the information he has to give.

Given the importance of the first contact with the aggressor and the victim, the technical debate about the opening speech has focused on the first interview, which marks the beginning of the whole later intervention.

The characteristics of the opening speech must be **brevity, clarity** and **utility**, which are structured according to the intervention we want to develop.

**Brevity** in the exposition means that the ideas to be explained are specific and direct so that we can reach the intervention as soon as possible. There we can give a voice and a space to the victim and/or aggressor, diverting attention from the professional. Brevity leads us to decide how much information should be included at that first moment to be able to start the intervention.

**Clarity** means that the exposition of the elements and ideas to be put forward should be introductory. In that way we leave open the option of broadening/deepening the information or explanation at a later moment of the interaction. Clarity also means deciding whether or not to use specialised language. Concerning the use of legal and psychological tecnicisms about the conflict, mediation techniques, etc. we must be aware of the person or persons the intervention we want to begin with our opening speech is aimed at. The technician must be skilful at adapting the language to the interlocutor. The idea is to make ourselves and the goal of the intervention understood.

The **utility** of the opening speech refers to the goal that is set with the intervention. That goal has to be worked on and borne in mind from the first contact. The aim is to make a first assessment, to explore a specific issue, to have feedback; we have to explain it clearly, briefly and understandably in the opening of the interaction.

In the first interview, the elements that must be included in the opening are:

**Introduction of those present:** The first thing is to identify who is who, with the name and the role they will play in the interview, in order to give meaning to their presence and participation.

The assignation of roles gives meaning to the interview, allows those present to understand what is expected of them and to understand the roles and contributions of the others.

According to the concept of *leadership of the table* in conflict resolution, in the presentation and development of the interview it is the technician who sets the goals and controls the order of speaking.

Although the central focus is the aggressor or the victim, it is most important **to leave room for all those present to speak**, to listen to them and collect what they can contribute. All of them must be able to confirm the role we assign to them and the one they assign to themselves, which may not coincide (legitimation of oneself and of the other).

**Length of the interview:** the length will depend on the goal of the intervention, the number of people present and the complexity of the conflict. The operator must be flexible and can decide to do a number of interviews to reach an assessment of the situation. The recommended length of the interview is an average of 45 minutes.

**Goals of the interview:**

1. *The intervention of the technical team:* in relation to the **information** that has to be given we need to refer to the task given by the prosecution to the technical team, specifically to assess the situation and report on the most suitable intervention.

In relation to the information about the legal process in the case of the aggressor, it is up to the lawyer to inform and advise and so the operator will not speak at length about that point in the opening speech. In relation to the victim, we consider that the information will be part of the interview, if he or she is not accompanied by his or her lawyer, but it will not be included in the opening speech.

2. *The technician decides:* the technician is the one who decides about whether or not the conditions for the starting the programme are right and informs the aggressor or the victim, as the case may be. If they agree to the conditions, he invites them to take part voluntarily and it is they who will eventually decide on their participation.

The intervention is set in the theoretical framework of restorative justice, where reparation of the harm must be the result of the process. The technician has to assess the persons involved and the situation through the mapping, which provides a global view.

3. *We want to understand:* bearing in mind the interventions performed on the case by the different professionals (police, prosecution, lawyer), we need to clearly explain the types of interaction we hope to establish with the persons summoned. The fact of being able to make it explicit that the interest focuses on understanding their point of view of the events, the complaint, the legal process and the conflict marks the difference from other interventions aimed at collecting a description of the events, as in the case of the statements.

To make it easier for the persons to express themselves, they are invited to speak by formulating an open question. That question allows them to explain themselves and start the narration from their view of the situation. That aspect is developed in more detail in the narrative section.

## Methodological justification

We will now make a comparison between the intervention as done so far and the methodology. We will deal with the different elements of the opening speech and its effects on the later intervention, trying to identify all the similarities and differences that have been detected.

At the beginning of a new intervention with persons who are meeting for the first time the **introduction of those present** is always preceptive. That introduction fulfils two basic functions: one, to introduce the professional, and two, to identify the persons attending, both to confirm their personal data and to assure ourselves that the interview is beginning with the right person. In the analysis of the interventions that have been carried out we have detected that the introduction of those present at the interview stopped at that point.

As we have said it is important to introduce all the persons attending, the relation between them and their role in order to be able to interact and give them turns to speak. We consider it important to make all of them take part, give them the space to talk, listen to their contributions and include them in the information that allows us to take technical decisions. It allows them to see their attendance at the interview as useful and allows the operator to understand why they and not others have come to the interview. For example, for an aggressor to come with his grandmother or an adolescent to be accompanied by half the neighbours in their building, or a victim come with partner or children.

We should point out that all the information is important and brings us a better understanding of the personal situation of those present and also of the conflict to be analysed. Therefore, the introduction accomplishes the four goals of presentation, identification, assignation of roles and participation.

The contribution of information to the process in juvenile justice has been a key element in all the first interviews. We have always assessed and debated over whether there was too much information, whether it was understandable enough, whether it took up a lot of the time of the interview and the effects it had on the later development of the intervention. A debate was also sparked over whether confusions concerning the role of the professional were created and if this made the aggressors and the families take decisions based on the “bad aggressor” who opts for mediation to avoid a trial.

From that first moment of the opening speech we propose to extract the information about the process in law in order to focus the intervention on the goal of analysing and collecting information that would allow the technician to decide about the viability of the mediation-reparation process.

Therefore it is important to be able to provide information and clarify doubts about juvenile justice at later moments of the interview. The lawyers attending the aggressors and their families usually inform about those points. Recognising their informative function and role as advisors gives them a more active part in the interview. In the event

that the lawyer is not present the aggressor should be informed and recommended to talk to him.

Concerning the victims who may have no legal advice, we make a similar suggestion. In the speech we do not include the information about the process in law, but we do have to be able to deal with it at another moment of the interview, playing the role of informers and answering any doubts they raise.

Another aspect connected with the initial information is **willingness**. As we have remarked, in the theoretical sphere of mediation willingness is concerned with the decision to take part in the process once everyone has all the information.

Willingness in our intervention was understood as in extrajudicial mediation processes, where all the information is given to the parties so that they can decide whether or not to take part in it. That conceptualisation of willingness entails some problems such as having to resolve incongruities between it and the conditions of access to the programme: what do we do if the persons want to take part but do not meet the conditions such as capacity or recognition? What happens in the cases where they decide to take part solely to avoid the trial?

When those issues crop up, the debate is intense and the technicians' decisions very varied, as are the difficulties in carrying out the process and accomplishing the goals of reparation.

Once the different aspects and doubts have been analysed and debated, what comes next is to distinguish between the technical decision and the aggressor's and victim's decisions. The **professional's decision** is based on the prior conditions that guarantee the viability of the process. The goal of the interview is for the technician to have the information that will enable him to take that technical decision and therefore it **has to precede the victim's and the aggressor's decisions**.

Once the professional has confirmed that the conditions are right for starting the mediation-reparation programme, he informs the aggressor and/or the victim taking part in the programme and offers them the opportunity of taking part voluntarily, thus collecting their decision. Those aspects are dealt with in more depth in the Closure section. In the opening speech we should point out that the first decision is up to the technician.

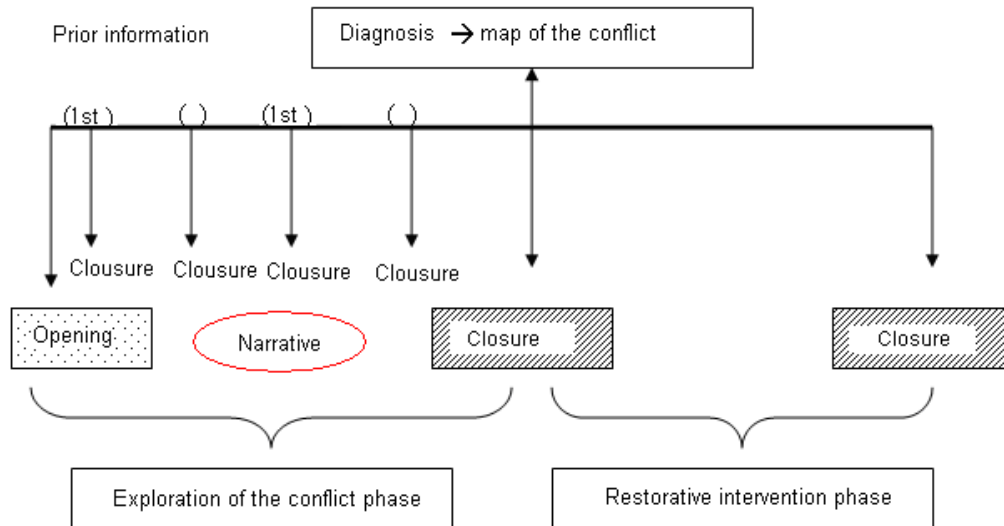
The **length of the interviews** has been quite varied. We have always sought ways of making the intervention more flexible. If the interview complies with the goals proposed in that section, it is. Once the methodology of the first interviews has been put into practice, in the majority of the cases the length is 45 minutes approximately. At the same time it orients those present and puts a limit on our intervention, which must not be too heavy.

We must also consider that there are cases which, for their complexity, require the technician to do longer interviews or a number of different ones to be able to take a



decision. At all times the technician has to decide about the best kind to do based on criteria that serve as guidelines, which means taking them flexibly.

### 6.3 The narrative



We will be using the concept of *narrative* to refer to the space the persons we are intervening with have to explain themselves in the exploratory interviews. It is their opportunity to spontaneously recount what happened and their point of view of the conflict.

We can listen to narratives by different interlocutors and at different times, depending on how they take part and become involved in the process (aggressor, victim, parents, relatives, lawyers, other persons). Here we will refer most of all to the narrative given in the first interview with the aggressor and the first interview with the victim. Within the process this is the part that follows the opening speech.

It must be borne in mind that there are no static conflicts. The sole presence of the operator can change the conflict and perhaps also its narrative.

#### Description of technical practice

Our work over these last three years, during which we have introduced ourselves to conflict theory and the techniques of mapping, has led us to think about how we have worked on the narrative so far and *to make an appraisal* and try new methodologies.

Some of the most significant differential features are:

- Information: previously we had a lot of prior information about the requisites the aggressor had to have to take part in the programme.

- Agents: we started from a space where the aggressor and the victim were the protagonists of the mediation process.
- Setting: our work method so far gave considerable importance to the individual intervention with the aggressor and therefore most of the narrative was recounted in a restricted space.
- Community: we were accustomed to treating the resolution of the problem basically through reparation to the victim and if other difficulties were detected we passed the case on to other services.

## **Methodology**

In relation to these points, the methodology refers to:

- Information: we listen to the narratives of the aggressor, the family and the lawyer and the victim without giving too much prior information.
- Agents: we carefully analyse the narratives of all the persons interviewed to find out which ones have to be in the management and resolution of the conflict because we consider that they have a place in it. That aspect is developed more fully in the mapping section.
- Setting: in the interviews the relatives have to be more present to reinforce and empower the aggressor or the victim with them.
- Community: in the cases where the technician thinks it appropriate, other professionals and representatives of the community will have a more active role in the conflict resolution process. That also means listening to their narratives before and after the resolution of the conflict.

As we have explained in the Opening section we move on to the space of the narrative with an open question: “Tell me...what happened?”. These open questions are the kind that allow narrative answers; open questions avoid the interrogation effect of the judicial context.

The aggressors’ and victims’ initial narratives may be reserved rather than spontaneous, because an atmosphere of safety and trust has still not been created for them. We have to observe and lead them to a tranquil place so that they can tell their story and feel that they are in a safe space, a space that can help them.

The narrative has to lead to understanding. The operator has to listen to the problem and ask questions which have to do with each person’s reasons for saying what he is saying. If that exploration is transformed into an investigation of the evidence, the effect of each question is a setback. In the face of an investigatory question, people defend themselves; in the face of an exploratory question, they open up.

Another necessary skill for the operator is being able to handle his working hypotheses in a relaxed way and being ready to listen with an open mind in order to confirm or change them.

**The handling of that space** is marked basically by active listening, an attitude of curiosity and an absence of prejudices by the operator.

It is in the narrative that we can observe certain aspects of the 8 elements of the mapping (which appear in the section devoted to mapping):

1. Agents (who is in the conflict),
2. Goals (what they are),
3. Awareness (who is recognised as a valid interlocutor for the resolution of the conflict),
4. Power (what resources do they have to accomplish their goals),
5. Frames of reference (what the prejudices of the parties are),
6. Emotions (what role the emotions have in the conflict),
7. Relations (how the relation between the subjects is structured) and
8. Coalitions (what coalitions are formed in the conflict).

In the aggressor's narrative we have to observe what level of recognition, assumption of responsibility and spirit of reparation he shows. And in the victim's we have to see whether he feels part of the conflict, whether he assumes responsibility for taking part in its resolution, participating or undertaking to perform actions to contribute to its resolution and if he is willing to receive reparation from the aggressor, legitimising him, the process and the operator<sup>6</sup> That analysis is extensive to other agents taking part in the process.

In the juvenile restorative justice working model the operator has to be able to work on the narrative with those involved to clarify the shadow zones and perform a task aimed at reflection so that the person takes a stance and identifies himself as an individual personally and as a member of the community.

We need to recognise and identify the emotions that are in the narrative. In the stories there are some words that become key words, are central words, where we often

---

<sup>6</sup> FOLGER, Joseph; BARUCH BUSH, Robert A. *The Promise of Mediation*. San Francisco: Jossey-Bass Publishers, 1994.

observe strong affective overtones. We also have to identify the operator's emotions in the face of the narrative he is listening to.

We have to listen to what is said and also try to listen to what is not said (verbal and non-verbal language).

When a person begins to show a view of a situation, he organises the account in his own way. It can be disordered (especially with adolescents) and therefore the operator has to have the skill of being able to understand without directing or manipulating the other's discourse.

Each person starts the story at a point. Generally it is at that point when the person speaking takes a positive position and puts the other in a negative one. There is a temporal and logical sequence that gives meaning to the story being told. The different narratives may have problems of content and also of form. The operator has to be able to order them sequentially and also has to purge, clarify and order the discourse to obtain a complete and comprehensible narrative.

Some of the techniques that can help to purge, clarify and order are paraphrasing, summarising and relocating the emotional overtones; also working with redefinitions and with reference frameworks. For example, it is important to change what is presented with negative overtones for a content with positive ones.

The stories the parties tell us may be very different. That does not mean that one party is telling the truth and the other is lying; what that tells us is that each party is constructing their story dynamically from a different point of view and from a different experience. The narrative is being constructed and amended throughout the process, given that conflict is not static.

For that reason questions that help the person understand that there may be different versions of the same event and that one can see the other's point of view without being in agreement with it are useful.

In the phase of the collection of the narrative we have to bear in mind that according to Mayer (2008) there are two points of balance in the intervention:

1. The scope, which defines the point we have to reach at the mediation table and the subject matter to be dealt with. The scope of what we are working on will determine the mapping.
2. The depth in which the matter to be dealt with has to be examined.

When new subjects associated with the reason for the complaint appear and constitute an alien subject matter that goes beyond the framework of the information we have from the judicial file or what emerges in the course of the interview we have to decide where to set the limit on the intervention.

To find out whether a subject is decisive for the intervention we have to ask ourselves if we can intervene and move forward in the process without touching it.

- If the answer is No, the subject is decisive, therefore it has to be dealt with.
- If the answer is Yes, it is an alien subject and has to be disregarded.

On the other hand we also have to be clear about whether or not we are bringing out a latent subject in the narrative. The operator has to be clear about those aspects because the form of exploration of the narrative will mark the intervention later. The best thing would be to find a point of balance in the scope and the depth and only bring up the latent subject if it is indispensable to the strategy for the resolution of the conflict that will be designed for the case.

The limits of the intervention, in relation to the use of information that appears in the narratives in the interviews, also have to do with how the operator deals with the subject of confidentiality. If there is no confidentiality, it is more difficult for them to tell the real story. In that case, the lie is not the problem. The problem is the hidden goal, which is related to what we have already said about scope and depth in the latent subject during the narrative.

In our context, in which we are working with adolescents in the penal sphere, the umbrella of confidentiality may generate dilemmas for the operator when it comes to intervening.

The way of closing that space is to make a summary. In the section on the summary we have set out in detail the elements, the uses and the risks. It can be introduced with the following format: “Let me see if I’ve understood aright, what you’re saying is XXX, is that so?”

### **Methodological justification**

The comparison between the way of dealing with the narrative in the development of the practice and the methodology crops up during the practice community technical debates, specifically in relation to these four outstanding aspects:

- Information: giving a lot of information in the opening could pose a risk and condition the aggressor’s narrative in the sense that he adapts it to what he thinks the operator is hoping to hear.
- Agents: we pass from focusing attention on victim and aggressor to a broader view of management of the conflict; we observe that there may be more people involved, albeit to different degrees, and so we have to identify the agents who are necessary to be able intervene in the conflict.
- Setting: holding individual interviews with aggressor and victim, without anyone accompanying them, greatly strengthens the operator-aggressor-victim bond. This is valued positively, but perhaps we are not sufficiently aware of the fact

that when they are involved and committed to the resolution of the conflict, it is good that they have the family and closest referents so that they also value it and become involved. We therefore propose that the interviews and contacts be done with these agents and the third parties accompanying them.

- Community: carrying out reparations with only the victim and the aggressor, leaving out their environment, means a restricted intervention; we consider that we have to move forward in the sense of involving professionals and persons from the community who are closest to both of them because the essence of restorative justice lies in restoring the bonds and strengthening the social ties.

This new view of the narrative means that it is crucial to give it space and be aware of its importance as an object of analysis and intervention.

#### **6.4 The summary**

One of the techniques considered to be of vital importance is the summary, since it provides us with an opportunity of structuring a discourse, bringing out what is fundamental and creating a bond of trust and respect with the other interlocutors.

By summary we mean the operator's speech in which he compiles all the outstanding aspects of the other's narrative, collecting key words with a positive connotation of what has been recounted and as a way of checking whether it has also been understood.

The operator's interventions are based essentially on interviews, encounters or meetings in which the different participants state their positions in words. He has to know how to lead those spaces and make them useful for his purpose. He has to establish a communicative style based on active listening and using the different dialectic techniques.

And so the summary is part of the active listening technique. We must bear in mind that in the communicative interaction between different persons there are a large number of intertwining meanings. Therefore it is important to collect both the content of the concept (what I express) and the force of the expression (how I express it).

The goal of the summary technique is to find out if the operator has understood the interlocutor and if he feels he is understood in his turn. The summary brings order and clarity to the ideas, singles out the important aspects, helps structure the thinking and create the process of understanding.

#### **Description of technical practice**

From the theoretical framework of mediation we have salvaged a tool which is the summary. The use of that technique is related to how to structure the interaction with the interlocutors in the interview space.

In professional practice, the summary was used occasionally and the practice community were not aware of its technical importance.

In professional practice the summary was used as one more technique in a whole spectrum. The space for reflection generated in knowledge management has served to show its importance as a structuring element of the interviews. It has also served to bring more awareness of the use of the technique and avoid intuitive interventions.

## **Methodology**

To manage a conflict it is indispensable to identify the meanings of the narrative without provoking defensive reactions in the other.

The goals of the summary are:

1. For the interlocutor: to accompany and structure his discourse in an ordered and understandable manner.
2. For the operator: to be able to understand what the interlocutor is saying and experiencing. To lead the other to structure his discourse so that it is a congruous and comprehensible account.
3. Concerning the context: to generate a relation of trust that will enable management of the conflict.

The summary aims for the parties' narrative to be:

1. Simple: easy to understand in the use of the language.
2. Clear: with no doubts about understanding.
3. Ordered: methodical account in the exposition of ideas.
4. Externally coherent: without contradictions throughout the discourse.
5. Internally congruous: coherence between what is said and how it is said.
6. Reflexive: stress that we consider that the technique of the summary should promote a space for reflection and awareness by compiling what is recounted, bearing in mind that it has been mentioned before. Therefore, reflexive questions must never be used at that moment.

So we must analyse the interlocutor's narrative to detect the elements which specifically have to be dealt with in order to generate the right kind of change.

The most suitable moment for doing the summary should also be identified, since the narrative must not be interrupted. We must avoid any intervention at a vital moment of the other's discourse and wait for the turning point, the moment when the narrative becomes less intense, to intervene.

The summary technique is applied at different moments during the interview and/or the intervention process.

During the interview, the following aspects must be borne in mind in the preparation of the summary:

- Not to combine it with the paraphrasing.
- Not to ask questions or purge the discourse during it.
- Not to interpret or twist the ideas expressed by the interlocutor.
- Not to point out or appraise the consequences of his postulates since he will be more concerned with defending his thesis than with whether he has been understood.
- In the summary what operates is **the explanation**, not the justification. If the operator delivers a value judgement the interlocutor will respond by justifying what has been judged. That is different from the narratives that could be given by the aggressor or the victim where there may some element justifying their action which is collected in the summary.

It is appropriate to summarise when:

- The narrative is complex.
- A confused dialogue needs ordering.
- A verbal confrontation needs stopping.
- A misunderstanding needs pointing out.
- An item of information needs checking.

It should also be pointed out that the summary technique can be counterproductive in the following circumstances:

- When the operator's discourse is complex or disordered.
- When the operator includes statements that have not been made by the other party.
- When the operator makes interpretations and appraisals of what the interlocutor has said.

In relation to the intervention process, the summary technique is applied at the following moments:



- When starting or closing a joint session: *“If I remember aright, last week we dealt with...”*.
- When starting or closing a private session.
- When completing each phase of the process.
- At the moment of ending the intervention.

Situations arise in which it is difficult to make a proper summary unless the discourse has been previously purged, with techniques such as questions and paraphrases which make it possible to say with neutral overtones what is said with negative ones.

The stages of the summary technique are as follows:

1. Beginning:

We should begin with an opening in the style:

- “If I may, let’s see if I’ve understood aright...”
- “And so what you’re saying is...”

We must ask permission to take the lead in the narrative and return leadership in the conversation to our interlocutor.

2. Development:

During the development of the summary the following concepts must be borne in mind:

- Present each idea in a specific, well-defined way, linked to a key word in the other’s discourse which is representative of his argument.
- To achieve that, we have to use short sentences, with no subordinate clauses. Example of what not to do: “When you say A, what you mean is B?”, “If you hadn’t done X, now Y wouldn’t be happening”.
- Whenever possible list the ideas and do not formulate more than five. Each idea should have its key word.

Whilst the interlocutor is speaking, the operator must take notes without ceasing to look at or listen to him. The content of the summary must be written and ordered before it is spoken. We cannot express with clarity what has not been thought with clarity.

### 3. Conclusion:

The summary always ends with a return of the information received to our interlocutor and with a question. That will allow the other to be able to correct, qualify, clarify and/or amplify what he has said.

As for example:

- “[summary], is that what you mean?”

The summary enables the interviewee to listen to himself by hearing what the operator has said.

*The operator acts as a mirror:* the fact that the interviewee can listen to himself through the other may amend his own narrative. The operator has to pay close attention to the way the interviewee’s narrative is amended after listening to the summary.

The summary enables us to close subjects in order to move on in the intervention process.

#### **Methodological justification**

A specific feature of our profession is working in the sphere of adolescents and with the adults related to them.

When working with adolescents the use of that technique is indispensable, since the boys and girls we are attending to often have a disordered, not very clear discourse where matters of space and time are not the same as adults’. The technique of the summary helps focus the ideas so as to be able to think about the subject to be dealt with. It is therefore a fundamental technique for working on the historical sequence, the participation, the agents and the other elements of the mapping.

But it is not only with adolescents that this technique is powerful; it is also the case in the intervention with the persons affected, victims or those have been harmed, where the summary enables us to collect the outstanding aspects and make an intervention adapted to each person.

The technical importance of the summary is related to the effects it produces in the interaction with the aggressor or the victim. It allows us to show that we are listening actively, that we understand without judging what they are telling us, encourages communication and promotes a deeper exploration of the conflict situation.

The summary allows us to generate consensus, trust and a space for cooperative work. The operator can take a position from cooperation, not interrogation. To be able to understand and convey what the other thinks and describes allows us to empower him.

It is important to focus attention on the object of the work, to be able to order, clarify and pin down the different aspects that allow us to obtain a common, agreed account.

The summary enables us to identify the recognition, the assumption of responsibility and the spirit of reparation completely and objectively without the aggressor's discourse being conditioned by what he supposes he has to say to be able to take part in the mediation programme.

As we have said, thinking about the interventions carried out so far has made us realise that although the summary technique was applied often, it was not applied in a systematic way. Its methodical incorporation makes it easier to be able to structure the interlocutor's discourse and secure the goal we are aiming at.

## **6.5 The closure**

The closure is the speech the operator makes when concluding an interview, a phase of or the end of a process.

In the discussion technique, we have observed that in daily practice closures are not only part of the initial interview; there is closure at different moments of the process.

The analysis of technical practice has proved that techniques with little justification have been applied, so we will explain what as from now we will consider closure, locating it in the framework of the conflict operators' task.

### **Description of technical practice**

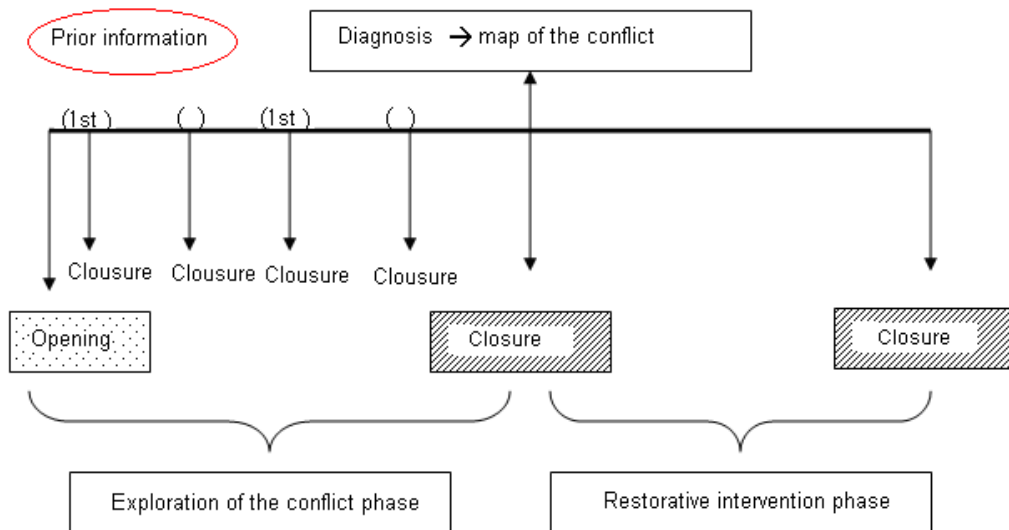
In practice the operator has done closures of interviews and processes without bearing in mind the technique as such; instead it was used as a way of finishing the intervention with the parties involved in the conflict. Therefore, we had not incorporated the importance of that technique into our practice and were acting intuitively, though not improvising, the result of professional practice.

When the first interview was finished, a space was set aside to clarify doubts; the aggressor was presented with the options so that he could choose one of the two possible ways. The steps to be taken from the aggressor's decision were defined and we moved on to the exploratory phase, which would determine whether he could take part in the mediation programme or should be referred to the counselling programme.

### **Methodology**

In the methodology, the conception of closure is broader, takes account of different aspects of analysis and procedure and places the operator as an active subject in the taking of decisions about the process to be followed.

Closure occurs at different moments such as the interviews, the phases and the end of the intervention process. The methodology specifies the goals, the content and the way of making those closures. Each moment has its own goals, content and way of doing.



The **exploration of the conflict phase** consists of a first assessment interview with both the victim and the aggressor in which the viability of the programme is appraised. It includes the different interviews the operator needs to map the conflict and produce a diagnosis of the situation. All the interviews that have to be done during the process will have a moment of closure, which we call **closure of the interviews**.

When the exploratory phase ends, the operator has the elements he needs to take the decision as to whether or not to continue the process. Notifying the victim and the aggressor of the decision taken marks the beginning of the restorative intervention phase or the end of the process. When the continuation of the mediation-reparation process is decided it is because the operator reckons that the conflict is ripe and in condition to start the intervention. The conflict may be assessed as unripe or intractable, aspects that are described later.

Once it is decided that the conflict is ripe, we enter a **restorative intervention phase**, where the operator has to decide on the best strategy. That strategy would be implemented to reach reparation. Once the reparation is done we go on to what we call an *end of process closure*.

In short we will talk about different moments of closure:

### 1. Closure of the interviews

This is the summary done at the end of the interview, where the elements or subjects dealt with are reproduced. It also serves as a bridge between this interview and the next one, allowing the operator to put the goals set for the exploration-intervention into practice. It closes with a summary which presents all the information and subjects dealt with in an integrated whole, as set out in the Summary section.

The most widely used technique in the closure will be the summary. When drafting it, it will be important to present each idea as an integrated whole, use short sentences and wherever possible list the ideas to be expounded and finish with a feedback of the information.

When it comes to feedback, it is important to ask if everyone has heard what we have said and make sure they all understand it. We have to make sure they are situated in the intervention. We have to create a space of clarification, listening and giving the person time to express himself.

For example: "Today we've talked (...)" "for all we've said...", "we'll see each other on day X at time Y at place Z".

Throughout the process, it is the operator who tries to create a suitable atmosphere, using clear, understandable and accessible language. It is he who takes care to adapt the vocabulary to the people listening at any moment, making sure that communication is fluid and useful.

In the closure of the interview it is the operator who guides that moment. It is he who makes a summary of the main ideas he has worked on throughout the session and links up with an explanation of what the next steps will be - making a new appointment or deciding what will be arranged at the next one.

If the operator has interviewed the adolescent individually, whether it is the victim or the aggressor, we return to the interview with the parents, which begins with a speech by the operator. At times, when the operator thinks it appropriate, the aggressor and/or the victim are given the task of explaining to their parents the content of what has been discussed in the individual space, with our cooperation if needed. That whole process allows us to reach the moment of closure of the joint interview –parents and children– where the outstanding elements to be worked on and the decisions of the operator concerning the next interventions must be expressed.

## 2. Closure of the exploratory phase

This is the moment when the aggressor and the victim are informed about the result of the mapping and what the restorative intervention strategy that follows will be. In this closure we will decide what information we give, depending on the strategy that we as operators wish to adopt.

According to our appraisal we may find ourselves with three alternatives; in all of them we will use the summary, accompanied by the information necessary to do the closure:

- **Ripe conflict:** the kind where the appraisal indicates that all the conditions for a restorative intervention are met. In this case we would also do a *closure of the exploratory process* and enter the *restorative intervention phase*. We explain that the right conditions to be able to tackle the conflict exist and begin a speech to start the restorative intervention phase.
- **Unripe conflict:** the kind where some elements meet the conditions for an intervention and others do not. Here we analyse which management strategy (for the victim or for the aggressor) is necessary to make the conflict ripe. Once that phase of intervention in the management plan is finished, we do a closure of the exploratory process, which will include elements such as the return about whether the conflict at present is ripe or intractable.
- **Intractable conflict:** the kind where it is considered that the restorative intervention is not viable. On that supposition we would make a closure, which we will call *closure of the exploratory process* and which would have elements of the end of the process closure, since the adolescent would be referred to the counselling programme.

For example, there is no spirit or real motivation to make reparation and/or no recognition or assumption of liability for the problem; it is considered that it cannot fit a process of these characteristics because the aggressor is embarking on a life of crime which needs other types of response; because there is a mental pathology that prevents his participation in a programme of these characteristics; because the conflict has reached an impasse as it requires an intervention time that makes it unviable according to what is allowed by the legal framework (limitation of the crime); because the breadth of the conflict makes it impossible to tackle within the context of juvenile justice, so it requires another type of intervention programme.

In that space it is the operator who makes and directs the content of the closure discourse, which is addressed to the aggressor, the victim and the relatives or accompanying persons.

It is important for the operator to spend time finding out and confirming whether they have understood the decision taken.

As this is the end of the exploratory process, the next step is to pose the intervention strategy in order to begin the relevant actions with the aggressor, the victim and the other agents of the conflict.

### 3. Closure of the end of the process

This is the moment when the operator makes a final summary, singling out the actions performed by the victim and/or the aggressor to resolve the conflict and redress the imbalance produced by the illegal act, thereby re-establishing relations.

That space involves both parties, victim and aggressor, pooling everything that has happened throughout the process. The most important aspects for both, the ones that have enabled them to reach reparation and a solution of the conflict, are compiled. The participants are thanked for their involvement and their efforts recognised. A summary is made of all that, which means going back to pick out the most positive aspects observed by the operator, the ones that can be useful for empowering the parties and legitimising their own personal process as persons capable of resolving the conflict restoratively, acknowledging the positive personal aspects that have contributed to the solution.

This will be done through a joint interview with all the persons who have taken part in the process in accordance with the restorative strategy used.

In that space the protagonists will be the agents, but it will be the operator who organises the session, controlling the turns for speaking and noting what is said, leading the table.

As we have done in the rest of the process, we must remember to maintain clarity in the speech, with accessible language that is conducive to fluid and useful communication.

### **Methodological justification**

The moment of closure of the interview focuses on clarifying doubts to help the aggressor and/or the victim decide about their participation in the mediation-reparation process and the orientation of the steps to be followed by the operator.

At the closure of the first interview we propose to make a summary, as defined in the Summary section, as a way of indicating that the conclusion is beginning. Next, the operator expounds the technical appraisal and his decision about the later interventions.

At that point the victim and/or the aggressor are offered the possibility of voluntary participation, as defined in the mediation programme and, depending on whether the aggressor is of age, with the consent of his legal guardians. When they decide to take part in the programme the time for the next contact must be indicated in the closure.

For other interviews we recommend following the same order, starting the conclusion with a summary of the aspects dealt with, confirming with those present the aspects agreed and the conclusions reached and ending with an explanation of the next actions or the end of the intervention as the case may be.

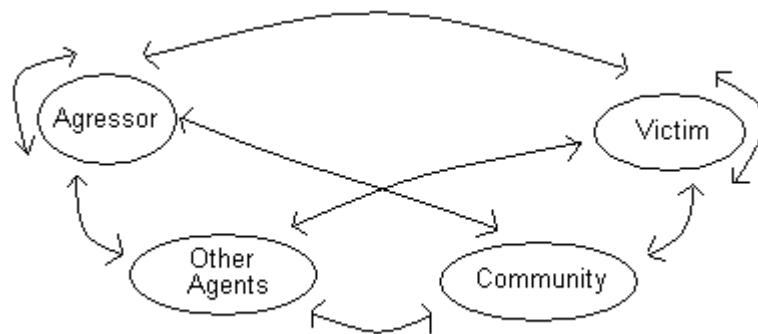
## **7. The mapping**

In recent years, bearing in mind professional practice and the framework of conflict theory, we have observed that mediation is not sufficient to resolve the casuistry dealt with by the Service. Mediation is understood to be one more tool the operator can use in the restorative intervention.

The theoretical framework of restorative justice has acquired impetus; we have seen that in the intervention we work to restore the balance destroyed by the harm suffered in the offence committed by the aggressor. We understand that the harm affects all the parties involved and there is reparation not only by the aggressor to the victim; reparation has a far wider scope, where we try to restore both the aggressor and the victim to the community.

The view of the conflict operator is not confined to the intervention with the victim, the aggressor and aggressor's family; it also looks for the persons who may have an interest and capacity to resolve that conflict. And so we work with the victim, with the aggressor, with other agents and with the community globally and integrally, understanding that they have suffered harm as a consequence of the illegal act, even though they have not been acknowledged juridically.

Here is a diagram to illustrate that:



**Error! No s'ha definit el marcador.** Mapping is a process of analysis of a conflictive relation that allows us to establish a map of the conflict situation (CALVO, 2014). That is, is a diagnosis where we test the degree of ripeness of the conflict. With mapping we try to understand the individuals' situation in order to be able to better define and design the intervention strategy.

The narrative is the expression of the conflict related with the mind and not with the words. If the conflict has to do with perceptions, the narrative is related to the manifestations of each person's and so the intervention will concentrate on thinking in a different way. We must bear in mind that people situate the beginning and end of the conflict at different points; they usually situate the beginning where it most interests them. According to where the beginning of the conflict is placed, it is defined differently.

It is through the subjects' narrative that we can make a diagnosis of the conflict or a map. We must bear in mind that each party has his own perception, the narrative reveals the interpretation the person makes, a description of his reality. Therefore, as we intervene we need to do the mapping to always have a description of the state of the conflict.



To leave no aspect without analysis, it is important to do that process in writing with a grid or table and at least a sheet for noting down the different aspects (see Appendices, mapping diagrams).

The mapping begins with the operator's first contact with the conflict, which starts with a reading of the file and involves prior information for the exploration. As we have said, the operator generates hypotheses and has to be very careful about being conditioned by them. It also means being able to create a first scenario about who the persons involved in the conflict might be.

All that information has to be tested and compared through the parties' narratives. The prior information and opening speech are moments when the operator can have access to the narrative without any conditioning.

The operator has to lead the table, conducting the interview and ordering the turns for speaking. Once the opening speech has been made, the first turn is given to the aggressor. When the interview is done with the victim, it is given to him or her. We must prevent the other agents, for example the parents, speaking and cutting off the narratives, taking control of the discourse. To that end the operator gives turns to each one. A useful technique for avoiding interruptions in the narrative would be to give the parents paper and pencil for noting down what they want to say, helping them restrain themselves and await their turn.

The operator has to plan the interviews with the goal of listening and understanding. He has to be curious and not take things for granted. The exploration of the narrative has to serve for understanding. When an agent repeats an element in the narrative, he is indicating that it is an important subject. However, the operator has to be alert and observe the things the agent does not say, because it is possible that in those gaps there is important information for understanding the conflict.

To accomplish those goals, the summary is the technical part of the active listening, a basic element for the operator to understand what he is being told.

The operator structures and orients his intervention through the closure as well. The closure of each intervention gives meaning to the task performed and enables him to specify the next actions and confirm that he has understood correctly. To do so the person he has interviewed is given a turn to speak in order to confirm what has been said, to add information or help the sequence or the fragmentation of a very long account. It involves decision-making techniques and reinforces the role of the operator in orienting and facilitating the mediation-reparation process.

The individual interviews make it possible to work on the narrative, purging the discourse, clarifying and ordering what the other is conveying. The operator has to clearly define the way each of the subjects sees the conflict. For example, when the parties see the conflict differently the operator has to enable both of them to see the conflict from the same standpoint, to be able to understand the other (we are talking about the conflict and not the events).

Concerning the aggressor's and the victim's narratives, we have to establish whether a subject is primary or secondary for the intervention. For example, it is different when the identification of the other with the label *squatter* is the reason for the conflict from when their physical appearance is the form of identify.

When the narrative is mapped we have to be alert to paradoxical or schizophrenic communication indicators. According to Watzlawick (1993), paradoxical communication occurs when there are incongruities in occasional fragments of the content at different points of the narrative. Schizophrenic communication occurs when there are incompatibilities between analogue and digital communication, for example, a victim who claims in a strained tone of voice that he is living that conflict in a far more relaxed way than the aggressor. Another example would be an interview with mother and daughter when, whilst the daughter is giving an account of the situation, the mother communicates non-verbally by making gestures of incredulity and surprise. In that case the operator should use the technique of the *caucus* to find out the reason for that discrepancy in order to avoid *legitimising the lie*.

The mapping is incorporated into the methodology through the narrative of the subjects interviewed. To apply it, the following elements are analysed:

1. Subjects involved in the conflict
2. Interests and goals
3. Relations between the subjects
4. Power
5. The role of emotions in the conflict
6. Awareness (legitimation)
7. Coalitions
8. Frames of reference

The subjects involved in the conflict are the persons who have an interest in resolving it. From that paradigm we distinguish between individual agents, collective agents and third parties.

The agents are those who have an interest in the conflict and the capacity to condition the result. We distinguish between individuals and/or collectives. The individual agent is the specific person and the collective agent is the group of persons who have individual goals, but are clustered around a common goal which gives them a collective entity.

According to Entelman (2002), the *third parties* are the subjects who have an interest in the result of the conflict but no capacity to condition the result. Either they are absorbed by the conflict or they stay out of it. We distinguish different types of third parties:

1. Third parties who intervene: a person who has no interest, but does have the capacity to resolve the conflict.
2. Third parties who take part: a person who has an interest, but no capacity in the outcome of the conflict.

From the juridical point of view the roles of victim and aggressor are charged with significance. From conflict theory we aim to strike a balance between the parties, since the victim, the aggressor or other persons are conceived as agents or third parties, making it easier to produce a better balance between them, transcending the juridical vision. That conceptualisation is reinforced by the postulates of restorative justice explained in this document.

The interests and goals are analysed simultaneously in relation to the maintenance of the conflict and their current relation. That is, we will explore and analyse them both at the time of the events and at present, when they choose to take part in the mediation-reparation programme.

The analysis of the goals that lead them to validate the “table for the resolution of conflicts” becomes important as a useful and legitimate space for resolving their differences. And so we distinguish three types of goals: tangible, intangible and hidden.

The *tangible goals* are the ones that can be measured, are specific, unlike the *intangible goals*, which are more abstract or symbolic, for example “*I hope they forgive me*”. The *hidden goals* are the ones that are not made explicit in the narratives.

The operator has to value the effect of the hidden goals on the resolution of the conflict in order to make them explicit. In the face of the suspicion that they exist, he also has to assess what scope and what depth of narrative to explore (MAYER, 2008). We have to strike a balance between the scope and the depth and only bring out the latent subject if it is indispensable to the strategy for resolving the conflict designated for that case. When an incongruity with those elements is detected, it has to be explored as an indicator of elements that interfere; they can be related to emotions, frame of reference and/or beliefs. The more evident that incongruity, the more difficult the intervention.

In practice, the mapping of the interests and goals is done as follows:

- Interest: what they want in the conflict. For example: “I want the cell phone”.
- Goal: the way of achieving the interest. For example: violence.
- Object: what resource or aspect we base ourselves on to achieve the goal. For example: aggression or threat.
- Position: how I present it, proposal or offer. For example: dominant attitude.

During the mapping process the diagnostic phase of the conflict has also taken a look at the story told by the participants, putting it in context. Through that story, we will also be able to explore the relations between the subjects.

In conflict mapping we analyse each person’s account of the story of the relation, see if there was a previous relation and/or predict whether a future relation could be generated, what is called the calculation of future interdependence. And so, through each one’s

narrative of the events we can discern whether or not there are coalitions between the different subjects in the conflict. It is important to know what place each one occupies and how they define the goals for resolving the conflict, given that through the coalitions collective agents are formed or not. An analysis of that relational dynamic will lead to discerning what the coalitions produced in that conflict are.

Power is defined as the resources the victim, the aggressor and the other agents have for achieving their goals, that is, what they aim to accomplish, what they expect or want to achieve. When exploring that element, we must bear in mind the cost to a person of using it and what benefit he will obtain from that use to find out whether or not he maintains it in the conflict.

In the mapping, power is one of the elements that enable us to value the symmetry or asymmetry between victim and aggressor. The intensity of that power is expressed through its impact on the other. It can be expressed through threats or warnings, which are also appraised and intervened.

Another element to explore in the mapping are the emotions. We have to value what part they play, since there are conflicts where the emotional aspect is significant. We have to explore the role of the emotions, how they appear in the interview and how the interviewee handles them.

When the emotional content appears in the narrative it is a moment for listening, collecting information and asking clarifying questions. It is important to point out that when in the narrative there is a moment of high emotivity it is not the time to ask reflexive questions.

Observing the parties' narratives also allows us to discover what prejudices and presuppositions there are on the table, that is, what the frames of reference are.

So we must see in what frame of reference the subject moves, from what presuppositions and what mental model he responds and expresses his emotions. For example, in a case of gender violence we have to explore what the subjects think of the mistreatment and how they respond and express their emotions about it.

In conflicts where there is a prior relation between the agents and where they have lived through situations that have undermined their physical and moral integrity, emotivity plays an important part.

We need to understand and value whether the emotions that come to the surface in the interview and in the conflict point to whether we are looking at a ripe or an unripe conflict. If it is unripe, we have to work on the emotions with the agents to equip them, which can generate a propitious setting for giving rise to reparation of harm and a restoration of relations.

Sometimes we have to legitimise the pain and the anger of a victim of harm and at others we have to work with a thirst for revenge. In those cases the technique of reframing or devil's advocate can be useful.

Another aspect to explore in the mapping is what degree of legitimisation one party grants the other. To legitimise means that the victim considers the aggressor and/or the operator a valid interlocutor for interacting and vice versa. Delegitimising means that one party does not consider the other a valid interlocutor and, moreover, issues a value judgement; otherwise we would be defining another type of conflict.

In mapping the narrative, we can find different descriptions of the conflict. Victim and aggressor define it in different ways which we need to compare. To decide on the description to work with we will need to collect the information from all those involved. If the other agents confirm one of the narratives collected, we will work with the narrative of the subject who defines it differently. The professional's description of the conflict has to be distinguished from the single text technique. We are not creating a common story but deciding which description of the conflict makes it possible to intervene. That decision will be the framework for deciding the intervention strategy.

The process of legitimisation (FOLGER AND BARUCH BUSH, 1996) means that the operator has to:

- Legitimise the victim and the aggressor.
- Legitimise each party towards himself (empowerment).
- Intervene so that victim and aggressor legitimise one another.

With the incorporation of the mapping, we have observed that in our practice there are two stages of intervention: first, a diagnosis of the conflict, and second, an intervention in restorative strategies.

The exploration of the conflict stage consists of a first assessment interview to appraise the viability of the programme with both the victim and the aggressor. That stage includes the different interviews necessary for the operator to map the conflict and make a diagnosis of the situation.

The exploration stage interviews have three phases:

1. Exploratory phase: where the technician makes his opening speech and collects the narrative.
2. Propositional phase: where the technician works on the narrative with his techniques. Here we explore the conditions of maturity of both victim and aggressor.
3. Closure phase: where through the summary and/or return the interview space is closed and we move on to another stage or the continuation of the same one.

In the case of the aggressor, the operator values the viability of the reparation process through the exploration of three elements: recognition of the events, responsibility for the events and spirit of reparation (what the working party have colloquially called “the three R”). Recognition (R1), assumption of responsibility (R2) and reparation (R3) are concepts with diffuse boundaries. The three elements may appear partially. The operator has to work to ripen the conditions of viability in both the victim and the aggressor.

Recognition of the events is related to the aggressor’s narrative in relation to what is imputed to him. Responsibility has a more moral tone and also of assumption of the consequences of an act, since it has to do with awareness of the events. On the other hand, the spirit of reparation is related to the will. The will and the spirit of reparation are independent of the capacity to make it. If in the mapping the operator detects that some of the aggressor’s or the victim’s conditions of viability are not ripe he has to help generate the right setting for ripening them.

Once that setting has been established, the operator has to work with the aggressor on his capacity for reflection, for listening to the other and approaching a feeling of empathy towards the other agents, and being able to express his reflections and put them into words.

And so with the victim the operator also appraises willingness, interest and capacity. In the interview we explore their expectations in relation to the complaint, their story of the events and how affected they seem by the harm produced by the crime committed by the aggressor. Willingness is explored in connection with the degree of participation or commitment shown by the victim in resolving the conflict through the mediation-reparation programme. Interest is explored by analysing the spirit they show to be prepared to receive reparation. Lastly, capacity is explored with an assessment done by the operator of the degree of emotional intelligence the victim displays, that is, how they manage their emotions, what degree of self-awareness they have of the ones that can interfere in the management of the conflict and the degree of empathy they show towards the aggressor and his family.

The operator has to empower each of the parties to strike a better balance and, therefore, for victim and aggressor to find their own resources to be able to manage the conflictive situation, legitimising them.

During the three phases of the interviews we must bear in mind the breadth (how much we want to cover) and the depth (how far we want to find out) of the exploration<sup>7</sup>, since it will mark the intervention. Questions such as “Should we stay with the events or move on to the conflict?” have been put up for debate, since the penal system focuses on the events and not on the intentions or the prior motives that would define a conflict. For that

---

7 MEYER, Bernard. *Beyond Neutrality: Confronting the Crisis in Conflict Resolution*. San Francisco: Jossey-Bass Publishers, 2004.

reason we have chosen to incorporate reparation for harm from the paradigm of restorative justice.

After appraising the conditions both the victim and the aggressor have to meet, there can be three suppositions: that the conflict is ripe, unripe or intractable.

– *Ripe conflict*: the kind where the appraisal indicates that all the conditions for a restorative intervention are met. In that case we would also do a *closure of the exploratory process* and enter *the restorative intervention phase*. We explain that the right conditions to be able to tackle the conflict are present and the next speech starts the restorative intervention phase.

– *Unripe conflict*: the kind where some elements meet the conditions of intervention and others do not. Here we analyse which management strategy (for the victim or for the aggressor) is necessary to make the conflict ripe. Once that phase of intervention in the management plan is finished, we do a closure of the exploratory process, which will include elements such as informing as to whether the conflict at present is ripe or intractable.

The types of unripe conflicts identified in the analysis of our practice are:

– *Agential conflicts*: conflicts that arise because the other is who he is. The same conflict with another person would not be lived in the same way.

– *Conflicts over hidden goals*: these are generated when one of the parties does not make explicit the true reason for the conflict and why he has decided to resolve it by taking part in the mediation-reparation programme. Here we find the cases where they want to use the meeting space to extract information, to take revenge...

– *Conflicts from zero sum thinking*: these arise because one of the parties thinks that any gain by the other party will mean a loss for him.

– *Conflicts from prejudices*: this occurs when one party has a preconceived idea based on negative appraisals of what the other person could be like taken from partial information. For example, in the cases where the social and cultural aspects are important in the conflict.

– *Conflicts from delegitimation*: In this case, one party considers that the other is not a valid interlocutor for taking part in the resolution of the conflict. That appraisal is fundamentally a moral judgement of the other person.

– *Emotional conflicts*: where the emotional aspect is important.

– *Conflicts from asymmetry of power*: these arise because there is an imbalance of power between the parties that is so great that it prevents them

from taking part in the resolution of the conflict in the same conditions, with the risk that one of the parties may come out worse off if they are not empowered. Cases of violence against the partner where we have a very victimised victim.

– *Intractable conflict*: the kind in which it is considered that the restorative intervention is not viable. On that supposition the exploratory process is closed and the aggressor referred to the counselling programme and the victim is informed of the inviability of the process.

Once it is considered that a conflict is ripe, or that it is possible to work strategically to ripen it, we enter what we call the *restorative intervention phase*. The operator assesses which strategy is the most suitable. It is then implemented to reach reparation, which once done leads to closure for the end of the process.

Concerning the restorative intervention phase we have to bear in mind that in the context of intervention in juvenile justice reparation of the harm caused to the victim by the aggressor's reparatory actions is taken as framework and goal. And so restorative justice is a theoretical reference that marks the intervention programme, where it is considered that the crime has caused an imbalance which has broken the autonomy of the will. The goal of reparation is for the victim to be able to recover control of his life. In relation to the aggressor, reparation is a way of reintegration into the community through the reparatory actions to the victim, the community or himself.

And so reparation is a symbolic act performed by the aggressor towards the persons affected by the crime, who may be: himself, the victim, their families and society. In the same way reparation for the victims has an effect on them through their empowerment. The reparatory effects on the victims also involve reparation for the aggressors, their families and society.

The concept of reparation which is posed now includes an approach to the victim's situation and needs, compensating him or her, identification of the consequences of the crime for the community and the aggressor. Dealing with all those aspects allows us to structure a reparation which is adapted to each situation taking account of its specific characteristics.

Reparation also incorporates goals referring to the crime, the victim, the aggressor and the context in which the relation between them and the consequences generated have occurred. Reparation seen in that way must be aimed at reintegrating into the context – the community– both the aggressor and the victim through an intervention in the consequences of the crime. That vision therefore includes other ideas aimed specifically at the aggressor, the victim, the community and the intervention of justice.

This perspective allows us to transcend a vision of the intervention as a process of mediation and includes a whole spectrum of restorative practices, putting them on the



same level as equally valid tools and possibilities –reparatory, educational and reintegrating– which the operator has to plan the intervention.

The process has shown that restorative justice and conflict theory as theoretical references and mapping as a methodological reference provide the goals for the intervention and the tools of analysis that allow us to broaden its scope and move forward in resolution and reparation strategies.

## 8. Glossary

**Active listening:** a technique for understanding what people say to us, their perceptions, emotions and the context they are speaking in. That means synthesising the data and feelings expressed and rephrasing; it also involves adopting an attentive physical posture.

**Conflict:** the result of the crime. It generates incompatibility of goals between the parties.

**Emotions:** analyse the role played by emotions in a conflict, at the beginning, while it lasts and when it reaches resolution.

**Empathy:** capacity for putting oneself in the other's place and understanding their circumstances.

**Empowerment:** a tool for mediation which is used so that the parties can strengthen their own awareness of all they can do concerning: their interests, their options, their capacities, their resources and decision-making.

**Goals:** defined as the aspects that relate the subjects with the conflict. They answer the question, what do the parties want?

**Tangible:** material, divisible, quantifiable.

**Intangible:** immaterial, indivisible.

**Hidden:** are not shown, are hidden from the professional.

**Not hidden:** are expressed, are shown, are brought out.

**Hidden goals:** goals are what the parties want to achieve through conflict. A hidden goal is the kind that is not shown, is hidden from the professional.

**Interest:** aspect that relates the person to the conflict, its duration and/or resolution. These three terms are intrinsically linked.

**Leadership:** concept related to assuming power, protagonism and responsibility whether by the agents or the technician. This term is intrinsically linked with active listening and interest.

**Legitimation:** legitimation is a positive connotation of the parties' positions. Considering and recognising the other as a valid interlocutor.

**Mapping:** a system of conflict analysis that enables the operator to discover the typology and composition of the conflict. It helps thinking about planning the intervention.

Operator: the professional who intervenes in the prevention, management and resolution of conflicts.

Power: a set of resources available for resolving conflict.

Symmetrical: equality in resources.

Asymmetrical: inequality in resources.

Purging the discourse: a technique for removing from the parties' narrative any elements with emotional overtones, mainly referring to guilt and the negative roles assigned to the other party.

Subjects: the persons involved in and connected with the conflict. It answers the questions, whom does the conflict affect? and whom does the decision of a solution affect?

Third parties: persons or groups who are connected to the conflict. They can be participants (have an interest in the conflict, but do not condition the result) and interveners (have no interest, but condition the result – prosecutor, judge).

Trust: the result we place in the other concerning his action.

## **Techniques**

Rapport: generating empathy using tone of voice and gestures.

Role play: asking someone to act as if he had a different role. The mediator can also do this.

Putting oneself in the other's place: asking someone to get under the skin of another person in order to reach understanding.

Purging the discourse: working on the discourse to remove all elements with emotional overtones, the ones referring to guilt, the negative roles assigned to the other party and the ones referring to the idea that the conflict cannot be resolved, among others.

Questionnaires: Use of questions in any of their variants.

Paraphrasing: technique consisting of a synthetic repetition by the professional of what the parties have said. It takes account of emotions, facts and expectations, moving the narrative to a more neutral language.

Summary: presenting summaries of the ideas defined by the parties.

Restating: presenting the proposal of one of the parties while modifying some elements.

Rephrasing: setting out the opinions expressed by the parties in which the disagreeable, negative or harmful aspects are eliminated.

Reframing: presenting a proposal while changing the frame of reference in which it is made.

Legitimation: working to get one of the parties to regard the other one as an interlocutor in the conflict.

Recognition: working to get one of the parties to see the other as a subject in the conflict.

Empowerment: working to get one of the parties to assume autonomy for taking decisions.

Brainstorming: allowing the parties to present ideas without restrictions.

Reality agent: presenting to the parties aspects based on the reality they cannot see.

Devil's advocate: presenting to the parties aspects based the worst possible scenario.

Generation of options: asking the parties to present alternatives.

Caucus: Private meetings with the parties.

Metaphors: Use of metaphors.

Humour: Use of humour.

Single text: presenting a text around which the parties can discuss the solution.

Speaking as I: using the first person singular in discourse.

Appreciative dialogues: recalling and reflecting on positive past moments of the parties.

Setting limits: drawing the line between what is acceptable and what is not.

Triggers: generating stories that shape a process of reflection by the parties.

Intersubjective criteria: establishing criteria accepted by both parties.

## 9. Appendices

### 9.1. Mapping 1

#### Mapping agents

Persons	Specific interest	Capacity to condition result

### 9.2. Mapping 2

#### Mapping interests (at time of events)

Interest (desire)	Goal (way of achieving it)	Object	Position

### 9.3. Mapping 3

#### Mapping interests (now)

Interest (desire)	Goal (way of achieving it)	Object	Position

### 9.4. Mapping 4

#### 3R

Recognition	Responsibility	Reparation

### 9.5. Methodological files

#### a) Prior information:

When we talk about *prior information* we are referring to the set of ordered data available to the professional about the crime, the aggressor, the victim or any other person or situation before he intervenes.

That information generates knowledge and helps understand the problems that need working on. It is fundamental for designing and improving decision-making. The operator must be aware of the frame of reference he is starting from and of his own prejudices.

Sources:

1. The information that appears in the judicial file, whether he is a first time aggressor or a reoffender.
2. The information derived from coordination with other professionals who have intervened with the aggressor.

Favourable aspects:

1. Supplies information about the situation, the relation between the victim and the aggressor and the other persons involved.
2. Enables us to make initial hypotheses about the conflict.

Interfering aspects:

1. The information can condition the interview and the way the professional sees the situation.
2. The primary information in the statements may be partial and distorted given the moment of crisis generated by the complaint.
3. The prosecution's qualification may magnify the conflict.

#### **b) Opening speech:**

When we talk about the opening speech we are referring to the first verbal contact the professional has with the aggressor, the victim and the other persons involved, directly or indirectly, in the situation produced by the crime.

There is a brief and ordered exposition of the goals of the interview, the length, the role of each participant, the subjects to be dealt with and the operator's decision about whether to offer the aggressor or the victim an opportunity to take part in the programme, once their conditions have been appraised.

That speech must be clear, short and useful and ends when the aggressor and/or the victim is invited to speak by means of an open question.

Elements:

- Introduce all those present at the interview.
- Specify the length of the interview (approximately 45 min).
- Goal of the interview:

1. Explain the intervention of the technical team.
  2. The operator has to take a decision.
  3. Is interested in listening to the story,
  4. Understanding the situation - problem.
  5. Setting out both options succinctly:
    - Reparation: decided by everyone involved.
    - Trial: decided by the judge.
- End by letting the boy speak with an open question: *What happened?*

#### Recommendations:

- The speech must be short and clear.
- It must have an order that ties together the different aspects to be conveyed.
- Avoid legal language.

#### **c) Narrative:**

When we talk about narrative we are referring to the space where the persons with whom we are intervening will have an opportunity to recount, spontaneously and without interruptions, what happened and their point of view of the conflict.

The handling of that space is marked by active listening, an attitude of curiosity and the absence of prejudices on the part of the operator. And, most of all, it must serve to understand the parties' reasons.

In the juvenile restorative justice working model, the narrative must serve for the operator to clarify the shadow zones and perform a task aimed at reflection so that the person takes a stance and identifies himself as an individual, personally and as a member of the community.

#### Leading into the narrative

- The person being interviewed is invited to speak with an open question:  
*What happened? What's your point of view of the situation?*

#### Conducting the narrative

- The operator has to listen actively to the other.
- Identify the elements of mapping in the person's narrative:
  - subjects
  - goals
  - awareness
  - power
  - frames of reference
  - emotions
  - relation
  - coalitions
- Do not interrupt the narrative.



- The operator must be curious, questioning and clarifying each section in order to understand it.
- Explore the conditions of access to the programme.
  - Aggressor: recognition, responsibility, spirit of reparation.
  - Victim: willingness, interest in restorative reparation, capacity.

#### Closure of narrative

- Done through the summary.
- The summary makes it possible to purge the discourse, clarify and order the narrative.
- It makes it possible to close subjects and pass on to other moments of the intervention.

#### **d) Summary**

When we talk of the summary we are referring to the technique that gives us a possibility of structuring the narrative, bringing out what is crucial and creating a bond of trust and respect with the persons with whom we are intervening.

It enables us to check if we have understood what they were trying to say and give them an opportunity to amend, extend or confirm the account, as well as bringing order and clarity to what has been said.

It is of vital importance to identify the right moment for doing the summary, since it must help clarify the narrative and serve for the interviewee to listen to himself through hearing what the technician has said.

The summary is crucial for closing subjects and moving forward in the intervention, and is applied at different moments: during the space of the interview and/or during the intervention process. It has its own rules of application.

Goals of the summary:

- Structure our interlocutor's discourse in an orderly and understandable way to be able to understand what he says and what he experiences.
- Lead the other to structure his discourse so that it is a congruous and understandable account.
- Generate a relation of trust that enables communication and intervention.

The summary enables the narrative to be:

- Simple: easy to understand in the use of the language.
- Clear: with no doubts about understanding.

- Ordered: methodical account in the exposition of ideas.
- Externally coherent: with no contradictions throughout the discourse.
- Internally congruous: coherence between what is said and how it is said.
- Reflexive: induce recapitulation without asking reflexive questions.

The stages of the summary technique are:

- Beginning, we should start with an opening in the style: “If I may, let’s see if I’ve understood aright...”; “And so what you’re saying is...”.
- Development:
  - Present each idea in a specific, well-defined way, linked to a key word in the other’s discourse which is representative of his argument.
  - Use short sentences, no subordinate clauses or adversatives.
  - Whenever possible list the ideas and do not formulate more than five.
- Conclusion:
  - End with the return of the information received to our interlocutor: “[summary], is that what you mean?”

It is appropriate to summarise when:

- The narrative is complex.
- A confused dialogue needs ordering.
- A verbal confrontation needs stopping.
- A misunderstanding needs pointing out.
- An item of information needs checking.

We must bear in minds the following aspects:

- Not to combine the summary with the paraphrasing.
- Not to ask questions or purge the discourse during the summary.

- Not to interpret or twist the ideas expressed by the interlocutor.
- Not to point out or appraise the consequences of his postulates, since he will be more concerned with defending his thesis than with whether he is being understood.
- In the summary what operates is the explanation, not the justification.

**e) Closure:**

When we talk of the closure we are referring to the moment when the operator concludes a space such as an interview, a phase of a process or its end.

Each moment has its own goals and content and way of achieving them.

The ultimate goal of any closure is to move forward in the intervention and in the process once a diagnosis of the situation has been made and reach the solution of the conflict.

**Elements of the closure of the interview:**

Summary of the aspects dealt with.

Decisions taken by the operator.

Specification of the following things to be done:

Management.

New moments of contact.

**Elements of the closure of the exploratory process:**

Summary of the actions taken.

Feedback of information.

Explanation of the diagnosis of the conflict.

Exposition of the following actions to be taken at the intervention phase.

**Elements of the closure to end the process:**

Summary of the actions taken, singling out the key aspects.

Collection of the aspects that signal the end of the intervention.

Appraisal by the parties and close.

## 10. Bibliography

ANGUERA ARGILAGA, Maria Teresa. *Manual de prácticas de observación*. Mexico: Editorial Trillas, 1988.

CALCATERRA, Rubén. *Mediación estratégica*. Barcelona: Editorial Gedisa, 2006.

CALVO SOLER, Raul. *Eines de l'operador de conflictes*. Generalitat de Catalunya. Departament de Justícia. Course given at the CEFJE, 2011.

CALVO SOLER, Raúl. *Anàlisi i intervenció en la mediació de conflictes*. Generalitat de Catalunya. Departament de Justícia. Course given at the CEFJE, 2012.

CALVO SOLER, Raúl. "La escalada del conflicto. Una clasificación doméstica". *Revista Confluencia-Análisis, Experiencias y Gestión de Conflictos*, no. 1. Bogotá: Grupo Editorial Ibáñez, 2013, p. 43-81.

CATALUNYA. DEPARTAMENT DE JUSTÍCIA. CENTRE D'ESTUDIS JURÍDICS. *Anàlisi i revisió de la pràctica professional a mediació penal juvenil*. CoP juvenile penal mediation. Compartim knowledge management programme, November 2013.

CERVERA CAMINAL, Anna. *Taller d'elaboració de productes del coneixement*. Generalitat de Catalunya. Departament de Justícia. Course given at the CEFJE, 2010.

CHRISTIE, N. "Conflicts as property". A: *British Journal of Criminology*, vol. 17, 1977, pp. 1-15.

DÍEZ, Francisco; TAPIA, Gachi. *Herramientas para trabajar en mediación*. Buenos Aires: Paidós Mediación, 9, 1999.

ENTELMAN, Remo F. *Teoría de conflictos: hacia un nuevo paradigma*. Barcelona: Editorial Gedisa, 2002.

EUROPE. EUROPEAN UNION. Recommendation r(99) 19/1999 of the Council of Ministers, on development in penal mediation in the member states.

EUROPE. EUROPEAN UNION. Resolution 1986/10 of the Economic and Social Council, on the principles of justice for victims.

EUROPE. EUROPEAN UNION. Directive 2012/29 of the European Parliament and the Council, establishing minimum standards on the rights, support and protection of the victims of crime.

FOLGER, Joseph; BARUCH BUSH, Robert A. *The Promise of Mediation*. San Francisco: Jossey-Bass Publishers, 1994.

GALTUNG, Johan. *Tras la violencia, 3R: reconstrucción, reconciliación, resolución: Afrontando los efectos visibles e invisibles de la guerra y la violencia*. Bakeaz Ediciones, Centro de Documentación de Estudios para la Paz, 1999.  
ISBN-9788488949356

HAYNES, John M. *The Fundamentals of Family Mediation*. New York: State University of New York Press; 1994.

MARINOFF, Lou. *Plato, Not Prozac*. New York: Harper Collins; 1999.

MAYER, Bernard S. *Beyond Neutrality: Confronting the Crisis in Conflict Resolution*. San Francisco: Jossey-Bass Publishers, 2004.

NOGUERAS, Ana; GIMENO, Robert. *Eines pràctiques per a l'anàlisi i la gestió de conflictes*. Generalitat de Catalunya. Departament de Justícia. Course given at the CEFJE, 2014.

UNITED NATIONS ORGANISATION. *Declaration of Human Rights*. 1948.

UNITED NATIONS ORGANISATION. *Declaration of the Rights of the Child*. 1989.

UNITED NATIONS ORGANISATION. *Convention on the struggle against torture and other cruel, inhuman or degrading treatment or punishment*. 1984.

SCHELLENBERG, James A. *Conflict Resolution: Theory, Research and Practice*. Albany: State University of New York Press, 1996.

SUARES, Marínés. *Mediación. Conducción de disputas, comunicación y técnicas*. Buenos Aires: Paidós Mediación, 4, 1996.

WATZLAWICK, P. *Pragmatics of Human Communication*. New York: W.W. Norton and Company Inc., 1967.

ZHER, H. *Changing lenses: A new focus for crime and justice*. Scottsdale: PA Herald Press, 1990, 271 p.

## 11. Authors

The members of the working party of CoP juvenile penal mediation 2014, professionals of the Mediation and Technical Advice Service mediation teams:

Lídia Casadevall Dalmases (Girona)

Josefa Delgado Bautista (Barcelona)

María Pilar Fuertes Bertolín (Barcelona)

María Cristina García Pérez (Barcelona)

Immaculada de Malibrán Pages (Girona)

Cristina Martín Moreno (Barcelona)

Juan Antonio Matilla Matilla (Barcelona)

María Ángeles Menéndez Cuenca (Barcelona)

Lourdes Molina Hernández (Barcelona)

Núria Mora del Hoyo (Barcelona)

Sheila Moreno Peláez (Barcelona)

Angels Pérez Morales (Barcelona)

Laura Sánchez Martínez (Barcelona)

Anna Maria Verdaguer Bassas (Barcelona)

Contribution about conflict theory and methodology of mapping by:

Dr. Raúl Calvo Soler

Special thanks for his expertise, didactics, dedication, patience and sense of humour over the three years in which he has accompanied, oriented, debated and taught about conflicts, the way of understanding and tackling them.

# Gestió del coneixement

