Social Mediation – Working Towards Inclusion from Amidst Exclusion

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Abstract

The aim of this paper is to analyze to what extent social mediation can be regarded as a productive means of solving disputes between migrant communities bearing in mind the often structural roots of these conflicts. The analysis of social mediation and its relevance is further carried out in the explicit light of the concepts of inclusion and exclusion. What this paper is intended to show is that it is in the housing neighborhoods that the primary experience of inclusion can take place. No political right is enough if the people are deprived of their right to live in peace in their local communities. Being accepted as a full worthy agent in the local level can give migrants a sense of belonging and empower them also on other levels of the society. Also, as social mediation involves a direct encounter of the two parties the underlying differences can be taken into account yet making way for a shared understanding of the past conflict and of how to prevent them in the future.

Keywords: social mediation, restorative justice, migrants, conflict resolution, inclusion, exclusion, neighbourhoods.

The Practice of Exclusion

Reasons for migration are multiple.[1] In many cases they have to do with various ways of excluding the other. But as theologian Miroslav Volf claims "the practice of exclusion is not just something that the evil and barbaric others do out there; exclusion is also what we, the good and civilized people, do right here where we are".[2] We ignore and undervalue those around us daily. This becomes even more clear if the other has e.g. a different ethnic origin from ours. The problems related to exclusion follow migrants[3] even in their new settlements. The practice of exclusion causes some wide-ranging consequences and this is why it needs to be tackled even in the midst of our own societies.

Exclusion takes form in a multitude of ways and it is important to understand them in order to be able to find some solutions to the existing challenges. Miroslav Volf describes exclusion firstly as cutting of the bonds that connect, taking oneself out of the pattern of interdependence and placing oneself in a sovereign position of independence.[4] This way of understanding exclusion is the more common sense way and it indeed describes the reality that migrants face in their new settlements, often not able to participate due to language barriers or many discriminatory practices.

Surprisingly, exclusion can also entail erasure of separation. According to Miroslav Volf exclusion can secondly mean not recognizing the other as someone who in his or her otherness belongs to the pattern of interdependence. The other then emerges as an inferior being who must either be assimilated by being made like the self or be subjugated to the self.[5] This way, too, to exclude migrants is clearly present in their everyday lives. It is not uncommon that the inclusion of migrants is understood as trying to make them like the national citizens of a country, obliged to renounce their typical habits. To accentuate the point Volf is making by describing exclusion also as an erasure of separation I refer particularly to Seyla Benhabib who argues for respecting the other just as the other. Not accepting the other as he or she is means to make him or her deny some characteristics very distinct to him or her.[6] Not respecting others as they are therefore presents a way to exclude them.

It is important to understand these two ways of understanding exclusion, it is not just about pushing the other away, it is also about trying to force the other to be like oneself. Both ways of exclusion are equally problematic and both ways of exclusion can be found in the reality of migrants in our European societies. At the same time it is important to understand the challenge that the existing plurality in terms of worldviews, languages, cultures and ethnic origins puts forward. There are plenty of possibilities for the practice of exclusion in Europe today and the practice of exclusion extends to many different levels of society.

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[1]   The majority of cases of migration have to do with poverty, famine and persecution on the basis of race, religion, ethnicity, language, gender and sexual orientation, as well as ethnocide, genocide and civil wars. Seyla Benhabib, *The Rights of Others. Aliens, Residents and Citizens*, Cambridge University Press 2004, p. 137.

[2]   Miroslav Volf, "A Theology of Embrace for a World of Exclusion", in: David Tombs, Joseph Liechty (ed.), *Explorations in Reconciliation. New Directions in Theology*, Ashgate 2006, p. 24.

[3]   I want to underline that the term *migrant* usually refers to the movement of people from one place to another, both across national borders and within a national territory. Therefore the term covers many kinds of people in a variety of situations, those who move voluntarily and those moving involuntarily. In this paper a migrant refers to both these categories, though bearing in mind that the kinds of problems and situations I describe here usually do not apply for certain groups of voluntary migrants, such as personnel of multinational companies or organizations. See Kathleen Valtonen, *Social Work and Migration. Immigrant and Refugee Settlement and Integration*, Ashgate 2008, p. 4-6 for definitions of the term migrant.

[4]   M. Volf, "A Theology", p. 67.

[5]   *Ibidem*, p. 67.

[6]   S. Benhabib, *The Rights of Others*, p. 168-169. See further K. Valtonen, *Social Work and Migration*, p. 6, who takes this point further and explicitly and critically discusses the process of integration of migrants.

Exclusion is not just something that touches individuals in their actions towards each other. Even actions of states and other political entities can be described in terms of exclusion. Sheila Benhabib talks of political member- ship when referring to principles and practices for incorporating aliens and strangers into existing polities. Political boundaries define some as members, others as aliens. The modern nation-state system has regulated membership in terms of the principal category of national citizenship.[7] This question of national citizenship is most important when talking about migration. The newcomer often needs the rights and privileges that the national citizenship is connected with, like those of education, social security and healthcare. Being excluded from a political membership makes one excluded in a significant way from the whole system. This entails a whole lot of problems that must be dealt with not only by policymakers but also in the local level.

The Need to Include the Excluded

A high concentration of both ethnic minorities and of socially dis- advantaged populations is typical for many deprived neighbourhoods in Europe. These neighbourhoods also present a breeding ground for conflicts of many sorts. Sophie Body-Gendrot states that it can be regarded somewhat a common wisdom that ethnically diverse societies tend to have higher levels of social and interpersonal violence than the more homogeneous ones.[8] And according to recent studies the inhabitants of these neighbourhoods often feel insecure in their residential areas. Interestingly this feeling of insecurity and fear of violence does not always rest on empirical facts pointing to more violence than in the average but there is still a strong feeling of that being the case.[9] Personal intuition therefore seems to mark one's attitudes towards the others. This is more so when the other is of different ethnic origin that what oneself is. In neighbourhoods inhabited by migrants this poses a problem. Anxieties towards the other spread unrest in the societies.

However, discriminatory practices, behaviours, attitudes and beliefs are part of elementary dynamics of human relationships and come to play even in a most everyday conduct, as maintained by Kathleen Valtonen. Moreover, she claims that our attitudes and beliefs about individuals and groups are formed by prejudice, stereotypes and ethnocentrism.[10] Encountering the other can be problematic just because we bring to that encounter a whole set of expectations and assumptions. Noting this, the complexities of interaction in ethnic neighbourhoods become clearer. At the same time it hints to encounters between people to be also the solution of the issue.

To fully grasp the width of this problem I want to maintain a comprehensive understanding of the concept of violence. Large scale riots are not the only urgent problem in ethnic neighbourhoods, even though these, too, are not uncommon. What severely weakens the quality of life of the inhabitants in these neighbourhoods are the many kinds of troubles that are of so ordinary character that they do not interest the police or the media. These tensions do not show in the statistics on violence in the area. Yet they pave way for continuous conflicts.

Ethnic neighbourhoods foster a number of different cultural communities that often are very strange to the others. Cultural communities are built around their members' adherence to values, norms, and traditions that bear a prescriptive value for their identity. Failure to comply with them affects their understanding of membership and belonging, explains Seyla

7   S. Benhabib, *The Rights of Others*, p. 1.
8   K. Valtonen, Social Work and Migration, p. 82.
9   Jean-Louis Pan Ké Shon, "Perception of Insecurity in French Poor Neighbourhoods: Racial Proxy or Pure Discrimination Hypotheses?", in *Sage Journals: Urban Studies* 49 (3/2012), p. 506.
10 K. Valtonen, Social Work and Migration, p. 82.

Benhabib.[11] It is in the cultural identities that our most elementary convictions come to the fore. It is also in the cultural identities that the differences between individuals are at best identified. Yet it is these differences that need to be respected in order to not exclude the others.

Modern states presuppose a plurality of competing as well as coexisting worldviews. Societies that are composed of people of very different backgrounds need to make some substantial compromises so that they can accommodate the different expectations. This is not at all easy and depending on the level of the society there are differences in how these compromises are done. Principles of political integration are often more abstract and more generalizable than principles of cultural identity. Benhabib differentiates between thin and thick criteria when describing ventures to make unity out of a plurality. She claims that it is often easier to build on thin liberal-democratic institutional criteria rather than on thick cultural identities, thus leaving controversial issues concerning cultural, linguistic, religious and ethnic identities open and not addressed.[12] But these factors so constitutive to the personal identities of people do not go away simply by not mentioning them at the political level.

Like I pointed above, the practice of inclusion is by far about making the other like the self. Inclusion of migrants cannot mean that the migrants have to renounce their original culture and everything they believe in. Differences between people must be respected. There is a need to create unity in plurality. Enhancing multiculturalism must be seen as more of a norm than an exception. There is now more than ever an urgent need to rethink the idea of inclusion of only those alike and exclusion of the rest.[13]

The consequences of not giving the thick cultural criteria the amount of attention they deserve can be seen in the conflicts arising in the ethnic neighbourhoods, in the areas where the residents' cultural identities come profoundly to the fore. The practice of exclusion opens towards more and more chaos. Continuing chaotic living conditions are for many too much to bear and they seek out ethnic, nationalist or religious extreme movements that promise security in the face of what seems a world out of control.[14]

Any kind of violence is hardly ever a problem only in the interpersonal level. Any sort of violence is detrimental both to the victim and the offender, but questions related to violence are often of public relevance, even though the violence in itself is played in very private areas of life. Violence involving migrants, ethnic and racial groups even adds to the complexity.[15]

As it is difficult to point to any single cause for violence it can be stated that inter-racial violence is closely intertwined with crucial structural questions that must be dealt with by policy makers. Firstly, migrants become easy targets for xenophobic sentiments as they are often confined to segregated housing blocs in urban or rural areas, frequently cut off from the community around them.[16] Secondly, as sustained by Juhani Iivari, who has conducted a study on migrants' sentences for offences in Finland, migrants' criminality seems to be a sum of failures in integration, long-term unemployment and lack of financial resources, racism and

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[11] S. Benhabib, *The Rights of Others*, p. 120.

[12] *Ibidem*, p. 166.

[13] I want to underline a paradox that often is neglected. It is that of the homogeny of European societies. The modern nation-state system is built on the idea of inclusion. The nation states include people who are similar to each other in language, religion, race and ethnicity. However, the opposite of inclusion is always exclusion. The other has always been there. The incorporation of aliens and strangers, immigrants and newcomers, refugees and asylum seekers is a vital challenge but if you look at the European societies closer it is clear that they have always been there. See further S. Benhabib, *The Rights of Others*, p. 1.

[14] Robert J. Schreiter, The Ministry of Reconciliation. Spirituality & Strategies, New York 2004, p. 11.

[15] According to S. Body-Gendrot, "Urban Violence and Community Mobilizations", p. 83, inter-racial violence can be triggered by a need to act out in a context of frustration due to a perception that the residents' situation is unfair compared to that of the rest of the society or by a wish to answer to a provocation of hostile proximate groups.

[16] Benhabib, *The Rights of Others*, p. 163.

marginalisation – all of which are largely structural problems. Therefore the answers to these problems cannot be only of stricter order and discipline, Iivari concludes.[17]

Measures to include must be taken on all levels of the society, even at the grassroots level. This is emphasized by Benhabib who claims that the subnational level should be equally advanced when reflecting on the ways to improve the lives of citizens and aliens. She underlines the significance of membership within bounded communities and defends the need for democratic attachment and action that is not directed only to the existing nation-state structures.[18]

The meaning of active measures at subnational level is highlighted when the importance of housing neighborhoods is recalled. As it is in the housing neighborhoods that much of the time is spent and where people should feel most comfortable and unpretending, it is there that also the cultural values and especially their differences come to play a significant role. A migrant who time after time meets dissent and resistance towards his or her worldview, custom and habits can develop feelings of indifference and nonchalance to- wards any effort of participation in the decision making affecting them.

Participation in decision making is essential for democracy. The democratic rule ideally means that all members of a sovereign body are to be respected as bearers of human rights, and that the consociates of this sovereign freely associate with one another to establish a regime of self-governance under which each is to be considered both author of the laws and subject to them.[19] Democratic processes can dissolve tensions.

Inclusion in the democratic process is, however, not self-evident for the migrants, quite the opposite. They easily know and feel that they are un- welcome to join. The state's functions are time and again being questioned, which shows in the mobilizations in mixed neighborhoods. The growth of inequalities and the failure of redistributive policies suppresses peaceful cohabitation in our societies. When the rules of the democratic game seem biased in the housing, education, labor and civil rights arenas, resorting to direct action makes sense.[20]

The lack of participation therefore is highly problematic and must be fought with measures that take into account the migrants special circumstances and the structural problems in which they are entangled. As I have shown migrants often meet many kinds of exclusionary practices that make their possibilities in participating in democratic activity difficult or unappealing. Instead of exclusion, inclusion should be fostered.

As an answer to the destructive practice of exclusion Miroslav Volf proposes the practice of embrace. This means never giving up on the other, sacrificing the self, and cultivating a willingness to rethink our thoughts and reshape our very identities in response to the other. Volf admits himself that in the harsh world of exclusion there are many who might object to the practice of embrace as something inefficient and positively harmful.[21] Whereas embrace in the world of today can be seen as an unexpected answer to the challenge of exclusion there are also other developments going on that provide whole new answers to old questions.

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[17] Juhani Iivari, *Tuomittu maahanmuuttaja* (eng. *The Convicted Immigrant*), Helsinki: National Reserach and Development Centre for Welfare and health, STAKES, Research Report 154, 2006, p. 139-140. Juhani Iivari has shown through empirical studies how the proportion of immigrants' sentences for offences, likewise the number of immigrants in prison is higher than that of Finns. These results are roughly consistent with research results obtained in other European countries. *Ibidem*, p. 9.
[18] S. Benhabib, *The Rights of Others*, p. 3.
[19] *Ibidem*, p. 43.
[20] S. Body-Gendrot, M. Martiniello (ed.), *Minorities in European cities*, Introduction, p. 5.
[21] M. Volf, "A Theology", p. 30.

Restoration Instead of Violence

Traditional judicial ways of solving conflicts are going through important transformations that can be expressed in connection with other societal evolvements. There is a sort of a vicious circle going on. In the past most disputes were regulated within families, schools or neighbourhoods. Now those places of regulation are going through a crisis. The judiciary and the police are called upon to resolve even minor disputes. Conflicts in the local level are escalated to the judicial conflict resolution. This burdens the judicial system. The crisis in the judicial conflict resolution system is manifested in overloaded courts, formality of the process, long delays, and high costs. This results in substantial challenges in judicial conflict resolution.[22]

There is a need for innovative methods for conflict resolution, these include methods that pay attention to the management of conflicts that mi- grants are involved in. According to a recent study French inhabitants feel unsafe just because their neighbours are foreigners. Long-term measures in policy level should therefore seek to combat ethnic stereotypes rather than only to promote social integration. Attempts of forced social integration are not only bound to fail, but may even heighten the perception of insecurity if the mere living next to foreigners leads to a perception of insecurity.[23]

The novel measures also should tackle problems originating of different migrant communities settling in the same areas. In addition to just resolving the actual matter, conflict resolution at its best alleviates ethnic prejudice instead of provoking it. Measures for tackling these problems even involve ways of solving conflicts without immediately resorting to violence. Therefore fruitful methods of solving conflicts must not only be able to solve the acute problem but must also take into account the complex dynamics of conflict and violence.

Since the 1970's a variety of restorative programs and approaches have emerged throughout the world. Restorative justice was originally an attempt to address some of the limitations of the criminal justice system in responding to wrongdoing. It began as an effort to deal with burglary and other property crimes but can now be available even for the most severe crimes. Restorative methods are also spreading beyond criminal justice system to schools and workplaces. Restorative approaches are used to resolve and transform conflicts even internationally in order to build and heal communities. Restorative justice is considered a sign of hope and the direction of the future.[24]

As restorative justice involves a myriad of slightly differing practices, it is not easy to define what restorative justice is all about. According to one definition restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms and needs, and obligations, in order to heal and put things as right as possible.[25] Through restorative justice the parties can learn to live together as neighbours. Or, as Robert A. Duff expresses it, they can "recognize and accept each other as fellow citizens who can live within the polity, if not in friendship, at least in civic

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[22] Heidi Jokinen, Medling vid brott. En begreppslig analys av en konfliktlösningsmetod i en senmodern tid (eng. Mediation in Criminal Cases. A Conceptual Analysis of a Conflict Resolution Method in Late Modernity), Åbo 2011, p. 310; Jean-Pierre Bonafe-Schmitt, "Mediation: from Dispute Resolution to Social Integration", in: S. Body-Gendrot, M. Martiniello, Minorities in European cities, p. 217; Howard Zehr, The Little Book of Restorative Justice, Intercourse 2000, p. 3-5.

[23] J.-L. Shon, "Perception of Insecurity ", p. 507.

[24] H. Zehr, *The Little Book*, p. 3-4. See Jari Salonen, Juhani Iivari, *Evaluation of the "Let's Talk – Social Mediation for refugee Communities in Europe" Project*, Helsinki: IOM International Organisation for Migration, Helsinki, Report 78/2004, p. 9; Crista Pelikan, Tomas Trenczek, "Victim offender mediation and restorative justice: the European landscape", in: Dennis Sullivan, Larry Tifft (ed.), *Handbook of Restorative Justice*, London 2008, p. 84 for different restorative practices.

[25] H. Zehr, *The Little Book*, p. 37. See further H. Jokinen, *Medling vid brott*, p. 318 on the challenges on defining restorative justice.

peace."[26] I want to therefore insist on restorative justice being a fruitful way to include in the world of exclusion.

Restorative justice implies an encounter between the key stakeholders of the conflict, the alleged victim and the offender at minimum. Sometimes even other members of the community are involved. The two parties enter into a dialogue with each other to deal with the urgent questions emanating from the conflict. The encounter allows an opportunity for the two parties to explore facts, feelings and resolutions. They are encouraged to tell their stories, to ask questions, to express their feelings, and to work towards a mutually accepted outcome. During the meeting the two parties can explain to each other why the particular action and its consequences pose a problem.[27] It is the personal restorative encounter between the two parties that is of unique significance. This encounter provides an opportunity for the wrongdoing to be articulated by victims. The offenders then again can ac- knowledge the wrongdoing, thus taking up the responsibility of his or her actions. In conflicts where there is no clear offender both parties can acknowledge their part in the origins of the conflict. Restorative justice empowers the two parties in a conflict. Both might also understand that instead of looking at the past wrongdoings it is better to look to the future and find a mutually acceptable way of living together.[28]

Restorative justice makes it possible for the two parties to take a personal stand in the case and to discuss exactly those issues that they feel relevant in the case. In the judicial conflict resolution this is not always the case as the process is strictly regulated and directed by the legal professionals. This personal participation is fruitful with regard to the two parties internalizing the conflict and its resolution. This personal participation can in my opinion be further understood as a way of democratic participation as it enables those whose lives are at stake to express their opinion and contribute to shaping the immediate living conditions. Restorative justice can give the two parties a sense of being able to influence in a peaceful manner their situation.

In addition to the two parties the restorative meeting is attended by one or two mediators. Unlike arbitrators the mediators have a facilitative role and they do not impose or even propose any settlement of the conflict. It is entirely up to the two parties to solve their conflict. The mediators oversee and guide the process, balancing the meeting for the parties involved. The mediator is trained to the task but is usually no professional in conflict resolution. This way the mediator possesses no expert knowledge that could put him or her in a superior position with regard to the two parties. Even the mediator's role emphasizes the meeting's unofficial and informal nature.[29]

Another way of enhancing the possibilities of the two parties in being empowered by the restorative justice is that mediation is always completely voluntary. The parties are never made to come to mediation, but they personally choose to. The two parties can firstly decide whether they want to start mediation in the first place and then they have the right to end the meeting any time they so wish. This, too, can be very empowering for the two parties. They are included in the conflict resolution.

Social Mediation as a Working Method with Migrant Communities

As an unambiguous definition of restorative justice alone is difficult to draw there is neither one single and clear cut definition of social mediation. Arranged in 2000, the *European Seminar on Social Mediation and New Ways of Conflict Resolution* defined in its final declaration social

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26   Robert A. Duff, *Punishment, Communication, and Community*, Oxford University Press 2001, p. 96.
27   *Ibidem*, p. 92; H. Zehr, *The Little Book*, p. 44-45.
28   R. Duff, *Punishment, Communication*, p. 92; H. Zehr, *The Little Book*, p. 44-45.
29   H. Jokinen, *Medling vid brott*, p. 56.

mediation as a "process for creating and repairing social bonds, leading to peaceful resolution of the conflicts in daily life in which an impartial and independent party seeks, by organizing exchanges between persons and institutions, to help them to improve a relationship or to resolve a conflict opposing them".[30]

The origins of social mediation can be traced to France, where social mediators and social mediation practices are nowadays countless. In his editorial to a collection of proceedings of the *European Seminar on Social Mediation*, Claude Bartolone, then French Minister for Urban Affairs, stated that the idea of social mediation was born as a response to some very concrete problems of everyday life. These problems are in part directly connected to an urban lifestyle especially in deprived areas, where tensions are aggravated by unemployment and economic difficulties. According to the minister many social mediation practices are related to the integration of migrants of foreign origin.[31]

Indeed, a typical feature of social mediation is often its relatedness with disputes involving migrants. This is the case with Finland, where social mediation was started by a project in the mid 2000's. In order to facilitate the integration of refugees and to strengthen the environment for reduced racism, discrimination and social tension, the International Organization for Migration (IOM) and the Regional Office for the Baltic and Nordic States organized together with the Mediation Office in the city of Vantaa from Finland and the North-East Consortium for Asylum Support Services from the UK a project called *Let's Talk – Social Mediation for Refugee Communities in Europe*. The idea was to develop social mediation practices for settling both criminal cases and disputes in situations where the parties come from refugee communities or where the conflicts occur between refugees and the local communities.[32]

The Finnish model of social mediation put emphasis on the parties of the conflict. In many cases social mediation most importantly emphasizes the kinds of conflict dealt with. An essential feature of social mediation is that conflicts can be ordinary things, not just crimes with statutory punishments. Jean-Pierre Bonafe-Schmitt in his article *Mediation: From Dispute Resolution to Social Integration* (2000) divides the matters dealt with in social mediation into three different entities: the majority of these troubles are noise nuisances such as noisy washing machines or lawnmowers; relational problems such as loud conversations and grating animals; and conflicts related to ownership, like car parking. Typical is that the disputes are of an everyday kind. Yet they cause a great deal of conflict in the neighborhood, they are easily subject to repetition and create a feeling of insecurity.[33] It is extremely important to deal with the matters. Social mediation offers a method to do that.

Working with disputes that are complex conflicts – since it is usually not clearly defined who is the offender, if there even is one – the aim of social mediation is not only to settle compensation but also to support the opposing parties to understand the conflict, its origins

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[30]   Délégation interministérielle à la ville, Social mediation. New Ways of Conflict Resolution in Everyday life. Proceedings of the Seminar organized by the Interministerial Delegation for Urban Affairs under the French Presidency of the European Union – Oisin Programme. Paris-Créteil, 21-22-23 September 2000, Saint-Denis La Plaine 2000, p. 126.

[31]   *Ibidem*, p. 5-6.

[32]   J. Salonen, J. Iivari, *Evaluation of the "Let's Talk…"*, p. 3. The activities of the *Let's Talk* project can be divided into three categories: education, information dissemination and networking activities. Considering the very short mandate, 14 months starting from December 2002, the project started activities in a field where there were no previous experiences to learn from. Owing to its short timeline, the project was to be regarded as a start for something new rather than a completed enterprise; *ibidem*, p. 3. The practice of social mediation has continued in Finland with the so called Kotilo-project that is still running. See the homepage of the project: http://lato.poutapilvi.fi/p4_pakolaisapu/en/finnish_refugee_council/frc_in_finland/ kotilo-project viewed on 14.8.2012.

[33]   J.-P. Bonafe-Schmitt, "Mediation", p. 227; R. Duff, *Punishment, Communication*, p. 92.

and consequences. Social mediation can be thereby a tool for preventing community conflicts and promoting good relations on a very personal level.[34]

The final declaration of the *European Seminar* states that social mediation guides the transformation of urban life around three main objectives: fostering communication to society; developing and creating social bonds meant to contribute to a better integration of certain populations; and contributing to the control and prevention of conflicts and violence. Further social mediation is regarded as a specific activity, which should not be confused with other public activities, such as education, social work or personal and material security, but social mediation should be developed on a co-operative and complementary basis along with these activities.[35]

Social mediation therefore can have multiple advantages. These have to do with not only the integration of the migrants and what that entails to the whole community, but social mediation also enables more personal and individual developments. Social mediation puts strong emphasis on mediation being either preventive in creating social bonds or reparative in repairing them. The prevention of conflicts is highly important in contexts with migrants. Along reparation of crimes and disputes already occurred, the Finnish *Let's talk* project aimed specifically at prevention by decreasing crimes and disputes in which refugees are involved, and to building capacities and empowering the refugee communities' networks and the actors working with them.[36]

Social mediation: working towards inclusion

Like I stated above some of the judgments we make of each other are unfounded in that they are based on some xenophobic sentiments and lack a correlation to reality. This is more so as the roots of the conflict might rest, as Benhabib claims, on unexamined prejudices, ancient battles, historical injustices and sheer administrative dominion.[37] Through social mediation it is possible to create spaces for personal encounter in order to work with these judgments and expectations.

Cecelia Clegg depicts the encounter in mediation as a potentially life- changing dialogue where the two parties are at their most vulnerable.[38] Using the term *life-changing* here can seem sentimental but it is actually not. Many of the reasons leading to a clash between people are based on some very basic assumptions about the other. These assumptions, half-truths and even myths can be largely exaggerated, faulty and even directly racist. Yet they represent the life-view of the opinion holders. For them these assumptions are most real and serious. This is why such conflicts are so problematic.

Truth becomes a central concept in social mediation. Moreover it be- comes very central to understand the different dimensions of truth. The understanding of truth being many different things is especially true when it comes to social mediation, where issues of factual truth might reveal very little about who is wrong or right. In the kind of disputes that social mediation deals with it is in fact often very difficult to find a factual truth about the wrong and right done in the situation that evoked the conflict.

Apart from the factual truth there is a need to understand how true is actually something existential that corresponds to the human experience.[39] In mediation it is not the factual truth

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[34] J. Salonen, J. Iivari, *Evaluation of the "Let's Talk…"*, p. 13.
[35] Délégation interministérielle à la ville, *Social mediation*, p. 129-131
[36] J. Salonen, J. Iivari, *Evaluation of the "Let's Talk…"*, p. 15.
[37] S. Benhabib, *The Rights of Others*, p. 178.
[38] Cecelia Clegg, "Embracing a Threatening Other: Identity and Reconciliation in Northern Ireland", in: Sebastian C.H. Kim et al (ed.), *Peace and Reconciliation. In Search of Shared Identity*, Aldershot 2008, p. 88
[39] R. Schreiter, The Ministry of Reconciliation, p. 118.

that is of importance but the relational one, the one that gives way for the lived experience of the participants. This kind of truth is not justified by reasoning it through but by the shared moral responsibility that meeting another person constitutes.[40] Creating spaces, like that of mediation, for a direct encounter might help the parties involved to shed new light on these situations and to find a common ground to deal with the matters.

In social mediation the role of the surrounding community is enhanced. The inhabitants in a certain neighbourhood might not share a sense of common neighbourhood identity, but in the residential area the two parties need to live together, next to each other, even in the future. According to recent studies an experienced insecurity in a neighbourhood is a clear incentive for moving out, if the resident only can.[41] As this is not always possible, it is important that the conflicting parties find a certain kind of solution to their conflict. Therefore it is important to understand what to expect of mediation. The two do not have to become friends, it is enough that they learn to live in peace.[42]

The proper solutions of conflicts are portrayed by looking at their depth and sources. For Marc Gopin one of the fundamental errors of modern civilization is the tendency to ignore the importance of cultural particularity for the individual and for the community. Concretely, he says, we cannot enter as peacemakers into a culture with pre-programmed, homogenized sets of values and principles, unless those principles are accompanied by an embrace of the unique identities of groups and individuals.[43] In order to answer to the challenges posed by the existing diversity, you need to pay closer attention to these differences and not try to overrule them with some generic common rules. Societies therefore need means to take these differences seriously. This is exactly what happens through restorative justice. Social mediation gives way for diversity as each conflict resolution can be defined according to the two parties of that particular conflict.

The possibilities of social mediation with migrant communities are highlighted when giving attention to the diversity that exists in certain neighbourhoods. Through a restorative encounter these differences can be maintained yet finding a common ground in solving the particular conflict. Gopin highlights further the meaning of negotiating, of the nature of the boundaries and of the steady work on the guidelines of crossing those boundaries as the key to the creation of deep and meaningful human identity. For him this means embracing the other in all his particularity.[44] This is especially true with regard to migrants, who in a profound manner do not share the linguistic, ethnic, religious or cultural background of their new settlement. Making them renounce all that would be a violent thing to do. The crucial question is how to accommodate these different ways of life to each other.

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[40] In this respect I differ from Benhabib, who also suggests a meeting between the different stakeholders in an issue. According to Benhabib the political membership is ideally enhanced through the means of discourse theory that initially was formed by Jürgen Habermas and further developed by herself. The basic premise of discourse ethics is that only those norms and normative institutional arrangements are valid which can be agreed to by all concerned under special argumentation situations. The discourse ethics demand that all those whose interests are affected by a policy and their consequences have a say in their articulation as equals in a practical discourse. S. Benhabib, *The Rights of Others*, p. 13. It is reason that rules in the discourses. Benhabib utterly insists on a moral universalism that is apt for reconciling between institutional and normative necessities of democracy on the one hand and of the political membership of aliens and citizens alike on the other. This basic subsumption I do not share with her but rather want to further a moral contextualism, that in my opinion best describes what mediation and restorative methods are all about, as I aim to show in this paper.

[41] J.-L. Shon, "Perception of Insecurity ", p. 511.

[42] R. Schreiter, The Ministry of Reconciliation, p. 65.

[43] Marc Gopin, "The Heart of Stranger", in: David Tombs, Joseph Liechty (ed.), *Explorations in Reconciliation. New Directions in Theology*, Aldershot 2006, p. 16.

[44] *Ibidem*, p. 20.

Apart from the encounter making possible new ways of interpreting situations and other people, these encounters, where the word is given to both parties and where they are also made to listen to the other, entail a specially rewarding personal participation in conflict resolution. This participation empowers both parties in a world of exclusion in an important manner. They get to know that they are stakeholders in bringing about the change in the society.[45] In social mediation the parties can be active participants whose full agency is enhanced by the mediator's minimal role.

The impact of mediation can therefore be described as a grass-roots initiative of empowerment of people. Different formal and informal modes of action and interaction constitute fertile ground for grass-roots engagement, making civil society an arena of inclusive participation. Even the types of civil society activity that are not formalized can be very significant for integration in the long term. The activity in civil society has potential not only for making sense of diversity, but for legitimizing it as a way of living.[46] With this in mind the official authorities could develop and boost different grass-roots initiatives, like that of social mediation, with active measures.

Benhabib states a paradox that "we can never eliminate": those who are excluded will not be among those who decide upon the rules of exclusion and inclusion.[47] But with mediation just anybody can be granted a full agency to have at least a bit of control in shaping rules and customs applicable in one's immediate contours. According to Benhabib, the treatment of aliens, foreigners and others in our midst is a crucial test case for the moral conscience as well as political reflexivity of liberal democracies.[48]

As mediation enables for the two parties a possibility to define the resolution of conflict completely according to their wishes, no general public can be sure in advance of what the actual outcome is going to be. Benhabib who calls for citizens active participation admits that such processes might be messy and unpredictable and may yield less than ideal results, but she is still convinced that they are after all more desirable than the coercive enforcing of certain principles, which always is questionable from a democratic perspective.[49] Social mediation can therefore strengthen the two parties' experience of a democratic decision making, having through mediation the experience of being taken seriously, as a rightful actor. Mediation can enhance their abilities and willingness to participate in other levels of the society, too. There is in theory no issue that could not be dealt with through social mediation. Yet in some cases the conflicts might be rooted in problems with a long history. Such problems represent a complex web of issues that can be extremely challenging to tackle. Like antipathy between certain nations. These might challenge the success of social mediation.[50] However, I want to emphasize that such an approach misses the possibilities of mediation on the very singular and personal level. The idea of mediation is to facilitate an experience for them to get a new kind of perspective on the other, no matter what the original setting might be.

Conclusion: Working Towards Peaceful Communities

The mixing of habits and customs has increased as the number of mi- grants has increased rapidly across Europe. A challenge emanating from this is the coexistence of inhabitants of different origins in the same housing areas. These neighborhoods can be fraught with conflict. In this paper I have argued that social mediation can serve as a fruitful means to solve conflicts between migrant communities.

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[45]   C. Clegg, "Embracing a Threatening", p. 89.
[46]   K. Valtonen, *Social Work and Migration*, p. 48-49.
[47]   S. Benhabib, *The Rights of Others*, p. 177.
[48]   *Ibidem*, p. 178.
[49]   *Ibidem*, p. 113.
[50]   J. Salonen, J. Iivari, *Evaluation of the "Let's Talk..."*, p. 31.

The developments in the past decades have challenged the idea of an uncontested collective narrative of common sympathies. This is well ex- emplified in the neighborhoods inhabited by migrant communities. Multitudes of beliefs and values live side by side. Universal claims on definite practices are therefore inapt and more contextual approaches are needed as moral issues do not lend themselves to be scrutinized out of the context in question. As social mediation involves a direct encounter of the two parties, the underlying differences can be taken into account yet making way for a shared understanding of the past conflict and of how to prevent them in the future. Social mediation could be a valuable method in working towards inclusion of migrants.

Social mediation can also serve on a more structural level. I have suggested that it is in the housing neighborhoods that the primary experience of inclusion can take place and that it is through some very concrete in- tegrative actions that migrants are empowered also on a wider perspective. Being accepted as a full worthy agent in the local level can give migrants a sense of belonging and empower them also on other levels of the society. This potential emphasizes social mediation's relevance for integration of migrants. Social mediation hints at an emergence of a new mode of social regulation. I have argued the urgency of these new modes in working with the migrant communities. Social mediation shows only one kind of new thinking of the possibilities of participation of migrant communities in the running of their lives on a very basic level. These promising practices on the grass-roots level can, however, act as an example of giving way to similar practices even on other levels of the society.