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THE INEXTRICABILITY OF RESEARCH AND PRACTICE. RESEARCH ON THE PENAL MEDIATION SERVICES OF THE BASQUE COUNTRY (2007-2009): SOME REFLECTIONS TO FOSTER DEBATE ON GENERAL FINDINGS AND MYSTERIES

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“The most beautiful we can experience is the mysterious. It is the source of all true Art and Science”.

(Albert Einstein)

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1. Lecturer in Criminology and Victimology at the Basque Institute of Criminology (gema_varona@ehu.es). Communication presented within the Round Table *Relations between research and practice. Challenges and difficulties to improve practice* (Jornada Actualitat i reptes de la justícia restaurativa, Barcelona 21 July 2009, organised by the Centro de Estudios Jurídicos y Formación Especializada del Departamento de Justicia of the Catalanian Generalitat together with the European Forum for Restorative Justice, within the Summer Course of the Forum *Towards Critical Restorative Justice Practices*). This communication was unpublished and has been adapted and completed with the common discussion results in Barcelona and recent bibliography on the matter for the present publication in honour of Professor Antonio Beristain.

I. INTRODUCTION: RESEARCHING RESTORATIVE JUSTICE

I must thank to the editors of this book in honour of my admired Professor Beristain the chance to write some words to express what is behind them: the deep debt I owe him. He is responsible of the content of interest in this paper. I am extremely grateful for being one of the many students who have had the opportunity of sharing his love for criminological and victimological knowledge as one of the possible ways to reduce human suffering and to create elements for social relations based in justice and absence of fear.

The paper I present here is a re-elaboration of an unpublished communication presented within the 2009 Summer Course *Towards Critical Restorative Justice Practices* organised by the *Centro de Estudios Jurídicos y Formación Especializada* of the Catalanian Justice Department together with the European Forum for Restorative Justice. I must thank the Generalitat and the European Forum for Restorative Justice for their kind invitation to debate these matters with distinguished colleagues². I must also thank the generous audience who was listening and discussing with us later. I intended to be polemic, to foster debate, as well as brief and clear, although English is not my own language so I have to apologize for its unintended “ill-treatment”. My aim now is to preserve the original text and to pay a tribute to the well known international character of Professor Beristain.

The objective of the round table was the discussion among researchers and practitioners on how research can help to improve practice by sharing ideas and insights drawn from experience. My first thought was to ask myself for the common meaning of “researcher” and “practitioner”. Do not worry; I will save the reader from this disquisition that might be regarded fruitless, at least at first sight and considering the name of the encounter in which took place the debate. In any case, the starting point of discussion was the own experience as researcher. Thus I will dedicate some brief paragraphs to this matter.

My experience as researcher of restorative justice started in 1992, as Erasmus student in Leuven (Belgium) with a comparative and descriptive work on alternative sanctions. It continued with a Ph.D. on restorative justice, defended in 1997 at the University of the Basque Country. In 1998, within a Summer Course organised in Donostia-San Sebastián by the Basque Institute of Criminology, I had the chance to present a communication under the title “Justice through mediation processes: a challenge for criminological research”. Ten years later I developed an external evaluation of the penal mediation pilot project financed by the Basque Government, for the first time, in Barakaldo (Varona 2008a).

2. Professor Gerry Johnstone (Hull University, UK); Montse Martínez, Coordinator of the Catalanian *Programa de Mediació i Reparació Penal*; Mónica Díaz, Mediator of the Technical Team of Juvenile Justice; and Clara Casado, Mediator of the Catalanian *Programa de Mediació i Reparació Penal*.

Currently, with the help of two colleagues of the Basque Institute of Criminology³ we are working on a more ambitious project⁴: the evaluation of the four Penal Mediation Services (PMS) existing in the main cities of the Basque Country (in Barakaldo, Bilbao, Donostia-San Sebastián and Vitoria-Gasteiz). This external evaluation will be published at the end of 2009 and has also been requested by the financing institution of the PMS, the Basque Government. Our external evaluations are centred not only on mediators' actions by analysing their own internal evaluations or statistical reports –asking mediators for details and crossing of variables–, but mainly on the citizens' satisfaction on the exercise of their rights, duties and legitimate expectations regarding the administration of justice and particularly the mediators' role. Our methodology includes observation⁵, case studies⁶ and questionnaires. Besides we are interviewing policy makers, judges, prosecutors, judicial secretaries, mediators and personnel of social services supporting victims and offenders. All questionnaires are designed to contain qualitative data, although some of it can be analysed statistically⁷ through SPSS software⁸. The background of the evaluation follows international standards (Varona 2007).

Although it will be mentioned later, I will not centre this intervention on the benefits of employing internal versus external evaluations. If external evaluation is conceived as a participatory process in relation to a true understanding of communities being evaluated, difficulties can be solved while keeping an ethnomethodological perspective⁹. At the end this can be linked to common ethical problems to both internal and external evaluators¹⁰.

3. Izaskun Orbegozo and Laura Vozmediano, both researchers at the Basque Institute of Criminology and Ph.D. candidates.

4. For Barakaldo we could only interviewed 25 people, victims and offenders. Now we are interviewing more than 500. In addition, together with mediators, lawyers, judges, prosecutors and judicial secretaries, we are interviewing staff of different social services supporting victims and offenders. Finally, in the case of Barakaldo, we have recontacted with those 25 people interviewed in 2007 to value the long term effects of mediation. The kind of questionnaires used is an adaptation of the British research by Miers (2001b), Professor of Cardiff Law School (United Kingdom).

5. Of the offices for mediation as well as of mediation encounters.

6. Where we can develop limited experimental observation or controlled experimentation as a technique of data gathering on PMS mediation. We needed a control group with the same features as the studied or experimental group, chosen at random, in which mediation intervened as the only difference.

7. Recent literature underlines the need for simultaneous use of quantitative and qualitative practices and the importance of granting an active role to observed subjects.

8. The Statistical Package for the Social Sciences (SPSS) was originally developed by three Professors (should we call them researchers or practioners?) at Stanford University in the late 1960s.

9. On the sphere of AIDS, see Mulenga, Chibuye and Luwaya (2004). According to them: "... external evaluators do not often have a deep understanding of critical issues affecting the target communities. Though external validity of results is important for donors and program managers, if meaningful findings are not derived from a formative and participatory process, evaluations will remain incidental to the improvement of ... programming ... The result (should be) meaningful and useful evaluation findings that mirror... the concerns of people on-the-ground for whom the program is designed and aimed to assist ... (We should) engage beneficiaries through out a participatory evaluation process. While efforts should be undertaken in order to avoid bias and ensure that results are as valid as possible, the benefits of a more informed, formative evaluation far outweighs the negative effects of an evaluation that is not well grounded in local realities".

10. See Mathieson (1999).

Apart from this, I have done some preliminary studies on restorative justice in relation to crimes of the terrorist group still operating today in the Basque Country¹¹. Here I considered both adults and minors involved in terrorist crimes. This is a line of research I would like to explore in the future, following the discussion produced in the round table, organised by Professor Ivo Aertzen (Leuven, Belgium), in 2008 in Barcelona¹². Another line of research for next years, in an interdisciplinary team with a historian¹³, will be restorative justice in relation to victims of the Spanish civil war and later dictatorship. This kind of research is related to transitional justice in which Professor Stephan Parmentier (Leuven, Belgium) has fostered an interesting debate. At the moment, we have only revised existing and growing literature on the matter.

That is my experience, a modest and restricted one (only and mainly in the range of penal cases within the penal process, mainly with adults, in a concrete Spanish region). From it I would like to draw what I call findings and mysteries, that is, contrasted data and open problems, always related to practice. As our country, and region, is being quite cautious introducing restorative justice, it was enriching to listen in our common discussion how some of these problems have been managed in other areas and countries where restorative justice is much more advanced¹⁴.

II. SOME PRELIMINARY FINDINGS

Among the findings I will be listening there are many common places, obvious things that, however, usually pass unknown or unnoticed by practitioners and especially by policy makers. Besides, one preliminary finding is the possibility to describe why and how we are able now to name and bring to criminological debate issues we were not able to see before.

Research and practice are both part of a continuum, even if we are not developing a so called action research. However researchers, practitioners and policy makers do have different priorities. This conditions their concepts of time and benefits of their work, including research itself. The challenge is that the perceived gap that separate all of us does not become as deep as to see each other as adversaries.

Research is needed to improve restorative justice projects but is limited by epistemological, cultural, political, legal, and organisational factors. An example of a combination of these factors comes from an initial revision of the history of research on this field. I always ask myself why researchers were not able to see victims before. Why victims were so invisible to us, even in very serious cases such as terrorism? Practitioners and social activists were the first ones to illuminate us about this hidden reality that some social scientists and law professionals still disregard. For this I have many real examples within the domain of Victimology. I will recall two:

11. ETA.

12. See Varona (2008b) and Varona *et al.* (2009).

13. Ph. D. María Ascensión Martínez Martín.

14. It should be reminded that from the 16th to the 18th of June, 2010, the biannual Congress of the European Forum for Restorative Justice will take place in Bilbao (Basque Country, Spain).

- At the beginning of July 2009, within an interview for our external research on the Basque penal mediation services, a judicial secretary told me victims “do not exist” in their files;
- Even today we do not have any university centre in the Basque Country specialised on terrorist victimisation, even though only ETA has caused almost 1,000 deaths.

Despite its modest character, research on this area offers us some light to minimize wrong options in practice. This light takes the form of preliminary conclusions on the way external evaluation is carried out and its results. Restriction of space requires simplicity, but simplicity requires the possibility of later deeper research and discussion, on the following findings of our research¹⁵:

1. Sometimes researchers are seen as rivals or just obstacles in the everyday work of practitioners and this is consequence of a precarious scenario of restorative justice and research itself. Researchers have to defend the relevance of their work in social sciences facing the initial scepticism, suspicion or distrust of some mediators and practitioners (including policy makers, judges, prosecutors, lawyers, staff of the judicial office and social services linked to victims and offenders).

This seems to happen less in natural sciences although looking for better ways of social organisation seems to me as important as, for example, research on mother cells¹⁶. It also seems to happen less in other countries where Criminology, Victimology and restorative justice are better developed, even considering its limits and mistakes¹⁷. In comparison with other countries and with the international standards, our situation is precarious. Practitioners in a broad sense are not totally convinced of research benefits¹⁸ and this should be a challenge for researchers themselves.

This is a conclusion we might reach just by reading the project *Victims in Europe Questionnaire (VinE)*. As you know, this project will assess quantitative information on the implementation of the EU Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings. The fieldwork is being conducted during the years 2008 and 2009 by APAV and InterVICT¹⁹. Questions 47-50 on legal implementation and question 9 on organisational implementation relate to penal mediation (art. 10 of the Decision). I am afraid the results for the Spanish situation are not fulfill-

15. I can only refer to the results of the external evaluation of Barakaldo, published in 2008, and to preliminary results of the four penal mediation services of the Basque Country. The final external evaluation report will be published at the end of 2009 and will be available in the same web page.

16. In relation to public opinion, definition of social problems, public priorities and violence, see *The Human Security Report 2005*, produced by the Human Security Report Project (HSRP), located at the Human Security Centre, Liu Institute for Global Issues, University of British Columbia from February 2002 to May 2007. Later it moved to the School for International Studies, Simon Fraser University, Vancouver (<http://www.humansecurityreport.info>).

17. Cfr. Walters (2003) on some examples in Europe, United States, Australia and New Zealand.

18. Research covers much more than external evaluation.

19. There are two surveys. One on legal implementation and the other on organisational implementation (<http://apav.pt>).

ing the requirements of that Decision due to a lack of legislation on the matter and the lack of involvement of victim support agencies and other stakeholders.

Another example of this is the importance of the name (pilot) and the place (somehow hidden) of some Penal Mediation Services in the Basque Country. Our research results will try to put some pressure on policy makers, so that they can value the relevance of these issues where symbolic elements count very much.

At the end we should refer to financial issues. Our research is paid by the different organisations running the services we are evaluating. This is part of the contract between the Basque Government and the penal mediation services. Funding is diverse and scarce considering the amount of work carried out.

2. Precarious research does not mean simple or irrelevant research. The reason is that most researchers on the matter critically trust on restorative justice and are motivated on doing a good job despite difficulties.

Besides, apart from the external evaluation, other relevant researches are being carried out. From my experience final works of my students and many other students have represented a first step on innovative and later more ambitious research. They do not have many research resources, but they have the interest and the will. In this sense, obviously with previous requirements, mediators should see students as subjects of cooperation. The lack of space and other real limits for cooperating with students can be solved in creative ways, if there is a true common interest.

3. There are guarantees in this field for research to be independent. I experienced research proposals in other areas where independence was at risk²⁰. The parameters to evaluate results in our research are international standards elaborated by consensus of independent experts and policy makers. It is true sometimes these parameters are vague, but they represent a minimum compromise in the development of a basic and common understanding of restorative justice that can be adapted in every cultural context.

Not to be ingenuous, my hypothesis is that independence will be endangered when restorative justice relates deeper with political power or professional culture. Nowadays restorative justice means small projects on the margins, even if promising. Precarious nature of research itself might contribute in a positive way to its independence. May be in the future, there will be a risk of external evaluations becoming internal evaluations. It might be interesting to reproduce what I found in the web in relation to this matter:

The most recent issue of the American Journal of Evaluation (v. 27, n3, Sept. 2006) presents an interesting ethical scenario: when is an evaluator no longer external? In the scenario, an evaluator has been working with an agency for a number of years, and a significant portion of their income comes from the single agency. A foundation, interested in funding a replication of a program that was found to have promising

20. "People working in the social domain, usually experience how some social studies are previously determined or are developed to sustain this or that particular interest" (own translation from Spanish of Miguel Ángel Ruiz, communication presented within the Summer Course organised by the Basque Ombudsman in 2006, in press).

results by the evaluator, is concerned that the evaluator is not external. For agencies and funders looking for an external evaluator, they should consider:

- * What is the purpose of having an external evaluator?
- * What areas are of particular concern for objectivity?
- * What are they hoping to gain, or willing to lose, in the trade off between existing knowledge (when an evaluator has a relationship and history with an organization) and objective perspectives?

4. Great difficulties exist in spreading and transferring knowledge of mediation research facing the bureaucratization of Spanish administration of justice, today immersed in a slow process of modernisation, even though the Basque case has some valuable advantages on computer systems.

There is a need of political leadership to transform issues of criminality in opportunities of social cohesion. For that we need a well informed and critical public opinion, as well as flexible practitioners and policy makers, ready to make changes in the way they see and they do things everyday. For example, judges should understand that restorative justice should not be reduced to simplifying their work. During the recent research I listened to a judge's reflection on how to make mediation attractive. His first answer to this was that judges should be explained that restorative justice might save them from increasing caseload, something that nowadays cannot be clearly proved, at least for all kind of crimes and penal procedures.

5. Mediation research results tell us that we must broaden the definition of "success" or "results". With the intervention of competent mediators, restorative justice, as other research results point out, does provide victims and offenders with a forum where they are real subjects and not objects of the administration of justice. This *per se* is a big step for a justice system.

6. Researching on all stakeholders of restorative justice, including the media²¹, is needed. One example in our study is judicial secretaries. They are key subjects on the selection of cases for mediation, but they usually go unnoticed on all researches in the administration of justice in general. We find that they are a professional group willing to cooperate in our research precisely because they are usually forgotten in other issues.

7. The definition of "serious cases" and the net-widening effect is relative. It might be more precise to talk on objective and subjective seriousness as studied by Victimology. This is the case with conflicts among neighbours, friends, and ex partners.

8. Negative impact of a pending trial on the implicated parts and their families, with psychological and physical consequences, should not be neglected.

9. There is a great need of State legal regulation, that is, of a law regulating, in a broad sense, the possibilities of penal mediation in the whole penal process. It is needed for reasons of equal treatment following the legality principle and rule of law. However, as many studies in Sociology of Law show, legal change *per se* will not bring

21. See the results of the International Seminar *Building social support for restorative justice. Working with the media, civil society and citizens*, organised by the European Forum of Restorative Justice (Faculty of Law, K.U. Leuven, 3-5 June 2009).

a significant impact if it is not accompanied with effective means (including cultural changes) on the organisms in charge of its development. We need a solvent institution to lead and supervise the project in order to overcome difficulties²².

10. Most objectives of the penal mediation services (PMS) programme are being approached. Foreseen results might be produced or not (efficacy), in the short, medium or long run; but PMS are acting with efficiency, channelling adequately their resources towards their defined objectives.

11. Mediators are highly valued by victims and offenders, even in cases where an agreement was not reached and even after almost two years have passed since mediation²³.

12. Mediators' willpower, that is, their engagement and commitment in the programme strongly influence its positive outcomes. In some cases is the strongest variable conditioning victims' and offenders' satisfaction.

13. Researching on restorative justice offers data beyond restorative justice²⁴: on other legal institutions and professions (police, social services, prosecutors, judges, etc.); on human condition to face living together everyday; on the link between emotions and actions²⁵; on the changing relationships among women and men, parents and children, neighbours...²⁶.

III. PERSISTENT MYSTERIES

The definition and research of open problems, what I call mysteries, is usually pointed out in the titles of the different recent and near future congresses and meetings organised by the European Forum. That reveals the global aspect of mediation in the penal arena, even though cultural, political and juridical differences around the world.

There are things we already know on restorative justice to minimize possible risks. However research is in need because it is much more what we do not know on restorative justice in Spain. From my experience, the following issues must be listed as open problems, just as examples of possible questions:

1. Research and practice can mutually inform what is "relevant". Research can revise why and how restorative justice emerged (some would say reemerged) as it did in the seventies. What are the political, cultural, economical, social, community and individual variables that favour the development of restorative justice? Under what conditions? Is it possible a general theory of restorative justice to guide research and practice?

22. On this need, see commenting general law making, Laporta (2009, 29).

23. As said before, in 2009 we recontacted victims and offenders interviewed in 2007.

24. In a sense the questionnaires passed to victims and offenders are some kind of specific victim survey and self report study.

25. See in extension, González Lagier (2009).

26. In a related way, see Relis (2009).

2. Research can allow different approaches and proposals, but how to study restorative justice from a true interdisciplinary perspective, including partnerships with practitioners and citizens?

3. How does objectivity of mediators in serious cases work? Does impartiality means indifference, neutrality or lack of interest in relation to grave victimisation in contrast to less serious cases or cases with parties of double condition (victim and offender at the same time)? Being objective could be keeping a difficult and uncertain distance in order to be able to understand reality (Lledó 2009).

4. Does mediation should be as a way of justice (as a start point, as a process, as a goal)²⁷, as part of the administration of justice but simultaneously keeping its flexibility?

5. Do we need media protocols regarding restorative justice, especially in complex cases, such as terrorism and other serious crimes?

6. Should we talk of *auctoritas* of mediators? Mediators do not usually have power of coercion, but *auctoritas*. They are usually young people and, sometimes, they do not receive the support of prosecutors and/or judges, but they do have knowledge, capabilities, abilities, motivation and attitudes that have a very positive impact on victims and offenders and are highly valued by them, as our interviews show. *Auctoritas* can be defined as an influence capacity, as a kind of wisdom socially accepted, due to the competence and trust they project, in relation to their autonomy. Research itself can spread the knowledge of that feature, verified and accepted by the scientific community and the international standards. But, what exactly is the basis of mediator's *auctoritas* that conditions the positive evaluations by victims and offenders? Of course, mediator's *auctoritas* has limits in its capacities and scopes. Could the following three factors increase mediator's *auctoritas*?:

- * Spreading knowledge on their work to society. Here researchers as lecturers on the matter have certain power.
- * Adequate basic legal regulation of penal mediation to ensure proper coordination with all stakeholders in the administration of justice, including related social services, so that mutual trust can be fostered.
- * Adequate legal regulation on mediators' post and qualifications: the kind and extent of their knowledge and recycling, selection and appointment, as well as their rights and duties, may help increase this *auctoritas*, not only before victims and offenders, but also before judges, prosecutors and other staff related to the administration of justice.

7. Can mediation offer positive innovations on the implementation of human rights of victims and offenders by enabling different frameworks to work together and broadening and integrating concepts?

27. Terms used by Mariana Isern (2009).

8. Regarding terrorism, which are the resilience variables attached to restorative justice? Here we have the example of case studies in Italy and Northern Ireland²⁸.

9. Regarding transitional justice, how reconciliation can be promoted in particular action research projects on restorative justice?

10. How to measure the impact of mediation in the community? We are still looking for the adequate tool to research this, although I can mention the last question of the questionnaire passed to victims and offenders in our external evaluation in the Basque Country: *with the adequate learning, would you like to collaborate as a volunteer mediator?* Apart from this, up to this moment, conferencing is scarcely developed in the services examined.

11. How all these questions –provoked from a particular regional perspective– can promote fruitful comparative research? I think here the European Forum for Restorative Justice is giving many clues.

12. We could have more practical examples of open problems. These are some of the subjects that coordinators of the four Basque penal mediation services discussed in a focus group in July 2009, organised as part of our external evaluation:

–What kind of influence, if any, has the number, the gender, the ethnic origin, the age, the custom... of mediators?

–Are they seen by judges, prosecutors, social services, policy makers, victims and offenders as part of the administration of justice? Do they see themselves as part of the administration of justice?

–How different variables relate in the unequal treatment of similar cases regarding selection, processing and results in penal mediation?

–Are the penal mediation services becoming mainly family mediation services?

–What should be the conditions for an effective coordination among social services (physical and psychological health, economic, family, cultural, educative, etc.) that would ensure a positive impact of mediation in the community?

–How mediators can unify criteria for the equal treatment of cases in mediation that might be not specified by law, when existing? For example: to allow to enter some supporting person; informing on the possibility that the other person might come with a lawyer; choosing direct or indirect mediation; the exact time of the process to clarify the voluntary feature of mediation; to start cooperating with judges in charge of prisoners, etc.

–How to improve coordination among different penal mediation services in the area? Where are the limits between coordination and autonomy? Is there competition among them? How to underline the wealth of having four penal mediation services managed by three different organizations?

28. See Eriksson (2009).

IV. EPILOGUE

The last question asked to mediators in our on-line questionnaire for them is how external evaluation can be improved, that is, being more useful for them and meaningful to communities.

Research cannot be done without mediators' cooperation²⁹, but mediation services can certainly keep working without research, although they might lose the chance for improvement through analysis. At least, that is what they usually tell me: they do not have the time for analysis due to their case load and lack of sources. They have other priorities.

Researchers are what we are, just researchers. By researching, I am probably learning from mediators, victims, offenders and other practitioners interviewed much more than what I can offer them at the end. In this sense, we must abandon the aura of wise and totally independent men and women. We are researchers because of the methodology we use in our work, because we are conscious of the provisionality of the data we supply in an area, social sciences, where human and institutional behaviour is so diverse, dynamic and complex that research must be critical and constantly changing, notwithstanding the starting point of some basic, and more or less constant, findings.

In the time we live, where many demand quick and simple recipes for social problems, what researchers offer to practitioners and policy makers may not seem very attractive, but is all we have if we want to be honest: the promise of the scientific method in social science to try to assess how restorative justice may improve, in human rights and social justice terms, social organisation. Researchers must be capable to see, define and research problems hidden by our own incompetence, among other factors. For that we need help from our colleagues in practice, as much as they need us to provide them with the time, and may be tools, they do not have to study issues in a deeper, common, comparative and interdisciplinary way. We both share basic ethical principles in our everyday work.

By revising history of research in this field, I am sure there are important issues in front of us right now we are not able to see or define or, perhaps, we still lack the adequate tools to study them. I am sure we will in the future if we work together. In order to do that we need mutual trust and channels of permanent communication. Research must be based on active cooperation, including transparency, among real people who, in our very different fields, are working with limited resources, but with a common interest on the potentials of this kind of programmes. The ultimate goal of our research is to promote mutual, joint and continuous learning. In this sense, we consider ourselves critical collaborators, rather than referees. In addition researchers should be ready to cooperate with other researchers. Perhaps we should worry more for working together and spreading our findings in society rather than promoting ourselves. An example of international cooperation, if brief but intense, has been recently with Daniela Bolivar Fernández, who is developing her Ph.D. with Professor Ivo Aertsen (Leuven, Belgium)

29. In fact, in the kind of evaluation we are developing, we cannot work in an adequate manner without the cooperation of all stakeholders or practitioners related to mediation (judges, prosecutors, judicial secretaries, lawyers and social services staff).

and will be phone interviewing victims of serious crimes treated at the Basque services after our fieldwork is done.

I will finish returning to my disquisition mentioned above, after all not so theoretical. I am convinced that researchers are a little bit practitioners and practitioners are somehow researchers. Once more we both are students, constantly learning from each other by saving difficulties and stating the need of permeability among all stakeholders to define and minimize social problems. At least that is my limited experience for which I was so kindly invited to participate in this discussion to foster comparative restorative justice.

That experience has been enriched by Professor Beristain. Again, but never enough, thank you Professor Beristain, my admired professor, for transferring to all your many students the victimological passion to understand others and understand ourselves with scientific and modest precision. Thank you for teaching us to keep, at the age of 85, the eyes of a child: curious, nonconformist, amazed... (Lledó 2009), and for providing us with concepts and words that open the world instead of closing it (Iglesias 2008). This is not pure rhetoric, but an act of constant willpower acknowledging its inherent obstacles. Evidence proves that it brings you more personal and academic problems than advantages. So it was during dictatorship and transition, so it was and still is against ETA terrorism. Here the worst part were not the terrorist behaviours but a society, in which I am included, and even some institutions that chose to look in another direction, leaving so many victims alone. Your will in favour of personal freedom and human rights commitment was one of the lessons I finally learned and treasure. What a great lesson for all fields and episodes of life!, of life in its whole meaning, much beyond scientific life.

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