



# Editorial

## Treasa Kenny and Kieran Doyle

This is the first journal issue since we took over the editorial function from **Delma Sweeney** and we acknowledge with gratitude all her quiet, diligent, effective work in respect of previous issues.

This edition brings together an eclectic collection of six articles and a book review. **Greg Rooney's** article on “The Value of Mediator Soft Skills to Modern Commercial Practice” started life as a three-part blog. Its central argument is that Boulle and Field (2018), and evaluative mediation per se, are selling a narrow view of mediation which is more about rebranding the legal profession than using mediation to its full potential. His exhortation is for the legal profession to 'embrace' facilitative mediation and the 'soft skills' inherent in this approach. His opinion is a valid and interesting one and should serve to stoke debate and broader thinking across the profession.

**Judit Hajdu**, in her article “Narrative Practices in Restorative Justice”, makes a case for incorporation in restorative justice of practices from narrative therapy, drawing on her experiences of both. For those unfamiliar with narrative therapy, her insightful overview of its practices and principles is immensely helpful while the same can be said for those new to restorative justice. She sees common ground between the two approaches and scope for possible synergy in two areas in particular: in the exchange and deconstruction of stories at the preparatory stage of victim-offender mediation and in strengthening the role of communities in restorative events using collective narrative practices.

**Michael Tophoff** focuses in his article “Quieting the Mind” on how mediators can contribute to lowering levels of emotion in reconciling parties in a conflict. He contrasts two different approaches to doing so, the Buddhist



Anapanasati and the Western Mindfulness-Based Stress Reduction (MBSR). In order to assess their likely effectiveness in calming emotions, he first describes aspects of neuroscience and the process of emotional arousal. He concludes that Anapanasati in its definition of mindfulness and in its practice seems compatible with neuroscience, in contrast to MBSR. He recommends use of Anapanasati breathing practice as a relatively easy and directly applicable formula for conflict parties and more intensive training and study for mediators in their role as peace makers.

Use of mediation in trust and probate disputes offers reductions in complexity and cost compared with traditional civil litigation and has the additional benefit of maintaining the privacy of the parties. **Zia Akhtar** takes a forensic look at relevant UK and US statute and case law in his article “Mediation as a remedy in Trust and Probate Disputes: A review of the comparative approach for international lawyers” and examines impediments to the progress of mediation in achieving a settlement out of court. He argues that facilitative mediation is the most suitable form of alternative dispute resolution in contentious trust cases and suggests that the UK and Ireland could learn from the US’s more developed and structured practices on ADR and mediation.

**Maggie O’Conor** writes about post-conflict Belfast and the influence of pluralism and interculturalism on the traditional narrative of oppositional and contested identity in Northern Ireland. In her article, she reports on her research on markings, murals and memorials (‘symbolic landscapes’) in five city areas and reflects on what they say about interculturalism. She concludes that the cultural expressions in the landscapes do not reflect the full picture and that many other meanings are silenced. She argues that giving a voice to diversity is an important step towards building positive peace and developing a ‘Third Space’ characterised by pluralism.

The final article, “**A collective restorative justice strategy for Ireland, 2019-2023**”, presents a strategy that emerged from a symposium held in March 2019 in Maynooth University and is part of a four-year project involving ten



European countries. Its purpose is to help embed restorative justice and restorative practices within the Irish criminal justice system and it sets out a statement of principle and a series of objectives and potential actions in relation to three Strategic Pillars: accessibility, knowledge and cultural change. The intention is to follow up the strategy by developing an implementation process that involves all interested parties.

This issue also includes a review by **Emily Dunne** of a book on Cross-Border Family Mediation: International Parental Child Abduction, Custody and Access Cases. This is a second, updated edition by Christopher Paul and Sybille Kiesesewetter.

We conclude by extending the usual invitation to share knowledge in the Journal of Mediation and Applied Conflict Analysis. Submission details can be found in Author Information on the home page.

The Edward M Kennedy Institute for Conflict Intervention provides a range of programmes that may be of interest to peace-makers and those engaging with others in conflict situations. These programmes are:

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