Micro dynamics in mediation

Hans Boserup

Abstract

The author has identified a number of styles in mediation, which lead to different processes and different outcomes. Through discourse and conversation analysis he examines the micro dynamics in three of these, the postmodern styles: systemic, transformative and narrative mediation. The differences between the three mediation ideologies and practice is illustrated through role play scripts enacted in each style. Mediator and providers of mediation and trainers in mediation are encouraged to adopt discourse and conversation analysis in order to examine practice and to improve mediation services.

Keywords

Micro dynamics, mediation, discourse analysis, interpretive repertoires

Introduction

Inside a court house we can immediately sense that there is a difference between what happens in the courtroom of Judge A and Judge B. We can also sense the difference between what happens in the mediation room of mediator A and mediator B. We know judges wanting to control every detail, and we know the judges, who in confidence to the parties' competences wait it out before interven- ing. The same applies to mediators. But we have had no language or terminology to describe the differences, so that A, B, and others can understand and describe what the differences are about. Only with such terminology, A and B can consider if there is something in particular that should be changed. This article is about such a terminology.

The Author's Study

The article is based on parts of the author's 850 pages discourse and conversation analysis of texts about and dialogues within mediation. That focus is called a micro focus, and what is analysed is called micro dynamics. When you get that close, it becomes clear that not only the processes of A and B are different; their processes lead to different outcomes too. It further becomes clear that language does not neutrally convey data from speaker to listener. The participants to dialogue do something with language in relation to each other. That something we call speech acts.

Three Styles Examined

The study focus on three styles of mediation: systemic, transformative and narrative mediation, which consider themselves postmodern. During the 1990s these three styles brought mediation into a completely different frame of understanding than community (e.g. Schonholtz, 1984), settlement-driven (e.g. Ralston, 1994), and humanistic mediation (e.g. Umbreit, 1997). Postmodern thinking explains some social phenomenon in a way that modern thinking cannot.

The postmodern mediation styles first and foremost distinguish themselves from the previous mod- ern positivist styles by focusing on relationships and on the interaction between the parties, while the previous styles focus on the individuals. When relationship becomes a more interesting object of study than the individual, the focus is on how relations create human identity, feelings, thoughts, value concepts and how people through stories (narratives) position themselves and each other in roles associated with properties like character, rights and obligations. Where community, settle- ment-driven and humanistic mediation focus on the individual and the individual's internal proc- esses, systemic, transformative and narrative mediation focus on relationships and interaction. This is partly how these three styles can be positioned as postmodern. Humans are seen in context, and without context it is assumed that words and actions do not have valid meaning and cannot properly be understood. It is not the article's task to argue for a modern or post-modern conceptual frame- work or to explain in detail what is central in the two ways of thinking. The article is simply based on the fact that systemic, transformative and narrative mediation position themselves as postmodern. The styles have only adopted some of the postmodern ideas.

The systems approach is linked to modernist thinking. Maturana and Varela's findings (1970) devel- oped systemic thinking, replacing homeostasis (equilibrium) with autopoiesis (self-preservation) leading Bateson (1972) to link the systems approach to postmodern thinking. The Milan School of Family Therapy developed the philosophy further. Haynes and Fong (2004) decided in 1993 that their mediation style could best be understood within the systemic framework developed by the Milan School. The systemic mediation theory and practice discussed in this article is the framework developed by Haynes and Fong (Haynes, Haynes, and Fong, 2004). The Milan School (Bertrando, P., & Bianciardi, M.; 2004; Cecchin, 1987) has developed over the years – occasionally thinking constructiv- ist and occasionally thinking construction*ist*. Both constructivist and constructionist paradigms move away from the positivist, modernist idea that the world is objectively knowable, and move towards the idea that there is no one true reality, but that 'reality' is multiple. The constructivist paradigm holds that human beings try to make sense of the situation they are in, and therefore social phe- nomena are the result of human interpretation (Kelly, 1955). Constructionism holds that meanings are 'reality', constructed through interaction (Foucault, 1971; Gergen, 1985). As systemic mediation does not reject the notion of a unique self with an essence, it is logical to link the style to the part of the Milan School thinking that is constructi*vist*. Transformative (Folger & Baruch Bush, 1995) and narrative mediation (Winslade & Monk, 2001) situate themselves within construction*ist* thinking.

Michael White and David Epston (1989,1990) developed narrative family therapy which is strongly influenced by the constructionist Foucault's (1971, 1980a, 1980c,) work. Winslade and Monk's (2001) narrative mediation comes out of White and Epston's Narrative Therapy (Besley, 2001). They hold that knowledge, emotions, cognition, identity creation and reality are socially constructed within interactions through language and reject the idea of an identity with a unique essence. Trans- formative maintains an ontology of a unique self with an essence, which can be changed through empowerment and recognition. However, from a postmodern point of view transformative media- tion operates within overarching principles like human relations theory, while according to post-modern thinking there are no higher truths having validity independent of individual concrete reali- sation.

Ideology in Mediation

Each of the three styles is grounded in different ideologies. If you try to mediate within one style adopting the ideology of another style, you will realise that it is not working. If you try to mediate within a postmodern style adopting modern positivist individual thinking you will get into trouble too. The author has frequently demonstrated so using students as role-players.

Ideology, Discourse Analysis and Interpretive Repertoires

Through discourse analysis this research has identified what in the three examined styles is regarded given as best practice by adopting Potter and Wetherell's theory of interpretive repertoires (Wetherell & Potter,1998). While discourses aim to exclude, interpretive repertoires are more flexi- ble. The study has identified about 50 interpretive repertoires from each style (altogether about 150) by analysing texts from prominent mediators of the styles. The identified three groups of inter- pretive repertoires are distinct in their differences. It is not difficult to identify the relationship of systemic and narrative mediation to constructi*vis*t and constructio*nis*t thinking respectively. It is more difficult to connect the identified interpretive repertoires of transformative mediation to any academically accepted epistemology, which is consistent the theory expressed in 'The Promise of Mediation' (Folger & Baruch Bush, 1994, 2005).

All the three investigated styles assume that their process is designed in accordance with what the parties need and have come for. None of the mediators seem, however, to give the parties any choice as to which style they want to be mediated in, or what kind of authority they are ready to provide for the mediator. So each mediator reads into the parties' discourses and positioning of the mediator their consent to the selected style and the mediator's mandate. The identified interpretive repertoires indicate that systemic mediators draw on a problem-solving repertoire, while the trans- formative mediators draw on a conversational repertoire and the narrative mediators draw on a repertoire of changing discourses and repositioning.

Positioning theory provides a useful analytical perspective on the discourses in mediation. The theory provides insight into how the mediator organises and frames the on-going *turn shifts*, how the

mediator structures the participants' various rights and obligations and how these positioning activi- ties reveals the mediator's preferred order (ideology).

Interpretive Repertoires (examples)

Listed below are just a few examples to demonstrate how interpretive repertoires may look like. (For more information on interpretive repertoires please see the extended version of this article at www.mediator.dk.). ˗

Systemic Mediation

Interpretive repertoire 1: The mediator manages other people's negotiations.

Interpretive repertoire 2: The mediator controls the process and the parties control the content.

Interpretive repertoire 4: The goal is a negotiated agreement, which the parties find will satisfy the needs of everyone involved.

Interpretive repertoire 6: Mediation is always more directed toward common sense than toward emotions.

Interpretive repertoire 7: Systemic circular small questions which become larger during the media- tion process.

Interpretive repertoire 9: The parties are challenged through questions about differences in time and space and by reflective questions for personal reflection.

Transformative Mediation

Interpretive repertoire 2: The mediator follows the parties wherever they want to go.

Interpretive repertoire 3: The mediator also follows the parties when their dialogue becomes heated.

Interpretive repertoire 6: The mediator only intervenes when there are breaks, and only tries to get into the dialogue when the parties say something that is really important to them, when they ex- press strong emotions or when they come up with new information or share a new insight, changing something for them.

Interpretive repertoire 7: There may be many situations where the mediator begins to intervene but stops because the parties either interrupt the mediator or keep talking. The mediator generally tries to allow the parties to talk and tries not to interrupt them.

Interpretive repertoire 11: Prior to entering mediation, mediator should remind himself that this is the parties' conversation and not the mediator's call.

Interpretive repertoire 16: When the mediator summarises, he should not be afraid to express that the parties are really far apart, because when they realise how far they are from each other, then they stop and think more about what to do about it.

Narrative Mediation

Interpretive repertoire 3: Deconstructing questions degrade the polarisation and encouraging the parties to see

the conflict's many opportunities and complexity.

Interpretive repertoire 4: Deconstructing questions help to create a more productive relationship between the parties.

Interpretive repertoire 8: It is difficult to regard the mediator as a neutral helping the process, making no judgments or value-based interventions, but supporting all the parties, and we do not believe in that narrative.

Interpretive repertoire 9: If we accept the mediator as neutral and impartial, we see it as a contrast that the mediator's influence is an integral part of the mediation process.

Interpretive repertoire 10: When mediators relate to the parties' stories, it is natural that they choose to emphasise some perspectives over others.

Interpretive repertoire 14: When people talk, they also create the world. Therefore, language is per- formative, and its use is a form of social action.

Interpretive repertoire 17: When focusing on the discursive context, one can move away from focusing on the individual as a context-independent being who is the cause of the conflict.

Interpretive repertoire 19: The identity is constructed out of the discourses that exist in their environment.

Interpretive repertoire 21: From a constructivist point of view, what the parties express as conflict is constructed of discourses that produce alternating different and contradictory versions of subjective experiences.

Differences demonstrated in role-playing

In role-playing, the author has frequently made variations on the same conflict with various parties, different mediators and different styles. It is considered by most as unproblematic to use role play in linguistic and social science research. This corresponds perfectly with the author's experience in the comparison between authentic mediations and mediation role plays. The role play below is based on an authentic mediation, which the author frequently has repeated in role plays in different settings:

General instructions for both role-players

Karsten and Olga have been married for 12 years. They have two children, Helen (12 years) and Dan (9 years). Olga is a day care mother. Karsten is a teacher and active in local politics.

Both parents clearly love the children and must be considered to be loving and caring parents. Olga and Karsten's lives on a daily basis are very different. Karsten is on the go all the time. In addition to work and politics, he is a hunter and loves fishing. Karsten is often accompanied by Dan when fish- ing, which gives both of them great pleasure. Olga lives in a more isolated way, and it means a lot to her how the home looks like, and that no one can criticise her family life. Olga is very close to her mother, who has great influence on Olga's attitudes and opinions.

Throughout the marriage, the communication between them has deteriorated and culminated 18 months ago, when Karsten moved and bought a small house close to Olga and the children.

Karsten and Olga have been unable to agree on custody and in a recent court trial Olga got custody over Helen and Karsten got custody over Dan. Olga has appealed to the High Court and seeks custody of both children. Dan has not yet lived with Karsten at any time. The children are visiting Karsten approximately every 14 days, but without staying over.

Helen is a quiet girl who has difficulty expressing emotions. Helen is relieved that the parents have separated because their bickering upset her. She likes to visit Karsten, but it worries her that he often tells her that "it's all bullshit." That makes her afraid. Helen's relationship with Dan is not particularly close. She sees him as annoying and they do not have common interests or peers at all.

Dan is a cheerful boy who for the most part is trusting and accommodating, even though he may get angry. He is happy with Karsten and would like to spend more time with him. However, he is afraid to ask Olga permission. He would like to be loyal to both parents.

The child expert's assessment says that both parents are capable of parenting and that the children equally love both parents, but Dan has a need to see more of his father. Olga's concern to let the kids spend more time with their father is not shared by the child expert.

Special instructions for Karsten

You are 41, and you were a long distance lorry driver before you became a teacher. You are active in local politics and avidly hunt and fish in your spare time. You were actively involved in the care of the children while they were small and also served on the board of the children's day care centre. You believe that your marriage began deteriorating when the kids were born. You had to move out of the bedroom as Olga felt that the children needed reassurance and had to sleep in the matrimonial bed. You did not agree and moved out of the home in protest.

You think that you and Olga are very different in attitudes. Where the home is enough for Olga, you want a more extroverted life. The big problem in your life is that you have not been able to dialogue with Olga in a constructive way and to find a way of life that satisfy the needs of both of you. Dialogues always ended in fights.

You resent that Dan is still living with Olga in spite of the fact that you have a judgment that Dan should be staying with you. For the sake of Dan, you do not dare force your right though, but you are passionate about seeing more of the children. You would also like to participate in more in their lives, such as in school events, but Olga does not let you know when these events are taking place.

Special instructions for Olga

You are 42 and third of a family of 4 children. You have previously been married to an alcoholic and abusive husband and from this marriage you have a daughter aged 22.

It means a lot to you to work at home and entertain the kids when they come from school. You are very dependent on your mother; whose opinions you often feel restrained to live by. Your social circle is small and you do not talk to very many adults other than family. You are well aware that this is not a

sustainable situation, and that you have to work on becoming more outgoing.

At the beginning of the marriage with Karsten, there were few conflicts. After a few years, however, you realised that there were big differences in your perception of family life. According to your opinion Karsten is too little at home. When you were together, you blamed Karsten for never being home, prompting bickering. You became more and more dissatisfied and went for several years contemplating divorce, but did not dare to take the initiative. It was a relief when Karsten moved out.

You are caring for the children and closely related to them. The children's well-being is very important to you, and food and clothing is a high priority for you. You worry that your relationship with Karsten is so tense and you are worried that children suffer from it. You are afraid that Karsten should require children to be more with him than they want. You talk to the children about it. You are ambivalent as to how much they should see Karsten. You are well aware that Dan often misses Karsten.

The role play has been tested many times on students from Denmark, Sweden, Europe, Africa, North America, Latin America and Asia. After observing the same conflict being mediated with the same parties, but with different mediators and in different styles, the observers and participating students were asked whether they recorded differences. They did. Not only do the processes unfold very dif- fervently, the different processes lead to different outcomes too. In addition to asking the observers, the parties and the mediators were also asked about their experiences. In particular, the parties were surprised. They stated – as is the case with the multiple role-play in mediation, which the au- thor has experienced – that they experienced authentic feelings, and experienced the wide varia- tions of emotions and thoughts, depending on the style adopted. In the following we shall learn how differently the typical opening in four styles of mediation may appear. In the eyes of the knowledge- able the opening tells very much about the remains of the processes.

Systemic Mediation

M: I do not know much about what we should be talking about. ... Can you help me and tell why you're here today?

O: We do not agree on where our children, Helen and Dan should be staying. ... M: So it is about children who you have together?

O: Yes.

M: And it is about where the children should be?

K: Yes, and no. ... The Court has determined that Dan should be staying with me and that Helen should be staying with Olga.

O: But I've appealed to the High Court ...

M: So we have a situation where the court decides what to do if you cannot agree?

O: But the judge cannot see that Karsten is never at home and that Dan will become a latch-key child

...

K: He will not be a latch-key child. ... I just want to teach him to be independent and outgoing ... M: So how is the situation now?

K: Actually, it's quite simple. … Olga and I live on opposite sides of the school ... only 500 metres apart, so we can practically hear when the school bell rings. In fact, the kids could just go between father and mother, as they pleased, but Olga cannot let go ... so even with the judgment's clear text, both Dan and Helen are still living with her ...

O: They are not gonna have my key so they can invite everyone into ... M: So it's also about when and how children come to visit?

O: They can naturally see their father as much as they want.

M: So it's all about when and how long they can see their father? O: Yeah, you could say ...

M: So there is no disagreement that they should see their father, but when and for how long? O and K: Yeah, you could say.

M: And Karsten, how long is it?

K: I think that they should take turns staying with Olga one week and with me the next week ...

O: It is really important that they get in bed early, and you are absent in the evening with all your council policy. ...

K: (Interrupting) ... I shall, of course, be present to put them to bed. ... O: (Interrupting) ... But when?

M: So it is about visiting hours and bedtime? O: Yeah, you could say.

Here the communication during the entire process goes through the mediator, trying to get the con- versation into a frame of common sense (logical and not affective). He will separate what does not belong together and try to get the parties to talk about one issue thing (context) at a time. He is only interested in topics that can be negotiated, and he tries to clarify the disputed themes.

Transformative Mediation

M: My job is to help you having the most productive conversation you can have with each other about the issues, which seems to have been difficult for you. It is you who makes all the decisions, and I will only help you to get the dialogue to work.

K: I would like to know why Dan is still staying with you when the court clearly has decided that he should be staying with me?

O: But you're never home. I cannot do that to my son.

K: Of course I'm home ... I just could not bear to be at home the last while, before I got my own home, because you always bullied and grumbled.

O: But how do I know that you've changed and not continually attending city council meetings? ... It's really insecure that one never knows where you are ...

M: So you would like to speak with Karsten about how you could feel more secure? O: Yes, but he is not

to talk to ...

M: So you would also like to speak with Karsten about how you can talk about the kids? O: It's clear ...

K: I want to talk about the children, and I will talk about security too. But it is not the children's safety that it is all about. And I have had enough of the kind of security that requires that they are sleeping in the marital bed.

M: So you would like to find out how the two of you can talk about children and how the children can feel safe?

O: But it seems so confusing, and the judge has failed to understand the most important things. K: It's not at all confusing. We live almost next door, and the school is just around the corner.

M: So Olga, you would like to speak with Karsten about how it all could be more manageable for you and you would like Karsten to understand why you think it seems confusing? And Karsten ... you would like a conversation, where you could talk about how much easier it is for you to solve your issues now that you are living so close to each other and to the school?

O and K: Yes, that would be great.

The parties here are in direct dialogue with each other, and the mediator only intervenes when he senses that the level of empowerment and/or recognition needs a boost. Also, this mediator tries through interpretation of the parties' utterances, to get them clarify what needs to be talked about. The key for the mediator is to optimise the dialogue and that the parties themselves find ways for what should happen.

Narrative Mediation

M: Can you tell me about your hopes for our conversation today? O: I want to create a safe home for the children.

K: I would like to see Dan moving in with me.

M: So Olga, can you tell me what obstacles you see getting in the way for the children to have a safe home?

O: First of all, Karsten attends all sorts of things and is never at home. There must be one parent present when the children return home from school. There must be a nice environment when they come home and they should not return home to an empty house.

M: So, before you can be sure that the children have an adult to come home to from school, they don't have a safe home.

O: That's right.

M: And Karsten, can you tell me what gets in the way of Dan moving in with you?

K: Olga will not abide by the court's decision, and I will not make it worse for the children by bringing the matter to a head.

M: So if you and Olga could find a solution that did not make it worse for the kids, you would have come far?

K: That's right.

M: So, once you were so fond of each other that you dared raise a family. How long has this conflict been going on?

K: It has been brewing for a year, but eventually it became so unbearable that I moved out. M: So, how has the conflict impacted on your life?

K: Headache, nervousness, and the matter is constantly running around in my head. M: So you were a different kind of person before the conflict began?

K: Yes, it has been bad and people are gradually becoming tired of hearing me talk about it. M: And Olga, how has the conflict impacted on your life?

O: Well since I discovered that he did not love me anymore, I have since been deeply saddened. My mom says that I have to pull myself together and I'm still young and have a life ahead of me.

M: So you would both prefer to be free of the ills that the conflict has caused to you life's quality. ... Pause...

M: Do you remember the time when things were going well for you and you could manage every day on your own?

K: It is hard to believe that Olga could change so much. But it was a good time.

O: It's you who has changed. Earlier we were able to sit on the couch for the evening drinking coffee in front of the TV, and to talk well with each other about everything and nothing.

The parties may communicate directly with each other, but mainly the communication goes through the mediator. The mediator focuses on hearing the parties' hopes for the conversation, and he asks externalising questions about what is getting in the way of the parties realising their hopes. They can then talk about how to get these "external" obstacles out of the way, so they can realise their hopes. Then the mediator gets the parties to realise what the conflict has done to their lives. She considers the conflict to be a social construct that can be deconstructed, and her questions in that regard are called deconstructing questions. Once done, she tries to find experienced narratives of cooperation. She gets the parties to sense the difference between being in a narrative of cooperation rather than being within the conflict narrative. Once the parties have felt the change and express their willing- ness to change, the mediator begins as a co-author together with the parties to construct a future narrative with resources from the experienced former cooperation.

Why the Difference

The dialogues in different styles appear – as we have seen demonstrated – rather differently and for a good reason. The author's study shows that individual styles are based on quite different ideologies. The different ideologies have implications for how mediators in the individual styles are practicing their process. The study shows that mediators' different ideologies make them think quite differently about how much and how it is safe to influence the parties' process and consequently the out- come of the individual processes.

Ideology and dialogue practice

The micro analysis clearly demonstrates how each mediator's style transforms their ideology and their interpretive repertoires into practical intervention in dialogue. In transformative mediation the parties interact directly with each other. In systemic and narrative mediation most of the interaction takes place between the mediator and a party, even though the parties are allowed to interact directly. The mediator's control can be determined by a number of elements in the interaction such as the use of the personal pronoun singular indicating the mediator as the focal point. Other elements demonstrating the mediator's control are containment of verbal conflicts between the parties, interruptions, defining the issues, back-channelling (continuers), lapses, changing the subject, closed re- formulations, etc.

Mediator Influence

The rhetoric of mediation is based on the mediator as neutral and impartial, and the fundamental principle of respecting party autonomy seems incompatible with mediator influence at all. This study finds that no matter what ideology informs the mediator's practice this will translate into informing, affecting and influencing the progress of the mediation and as a consequence the outcome. Other empirical studies, for example, Dingwall and Greatbatch (1993) also confirm that mediators influence the sub- stance of the parties' mediation. These studies are grounded in observation or in analysing transcriptions.

Conclusion

Ideologies in the three investigated postmodern styles of mediation – systemic, transformative and narrative mediation have been shown to affect the interaction between the mediator and the par- ties, significant at the micro level and in different ways. Discourse analysis reveals that individual styles are based on different ideologies and consequently have different outcomes. As the ideological differences manifest within the interpretive repertoires, so do the differences also manifest in the way mediators perform their mediation.

NOTE: The article presents one part of this study. Readers can get access to an extended version of the article at www.mediator.dk

References

Austin (1962) *How to Do Things with Words.* Oxford, Clarendon Press.

Bateson, Gregory (1972). Steps to an Ecology of Mind*: Collected Essays in Anthropology, Psychiatry, Evolution, and Epistemology.* University of Chicago Press.

Bertrando, P., & Bianciardi, M., (2004) Systems in Evolution: Luigi Boscolo and Gianfranco Cecchin in conversation with Paolo Bertrando and Marco Bianciardi, *Journal of Family therapy* Volume 26, Issue 3, pp. 213-223, August 2004.

Tina Besley (2001) Foucauldian Influences in Narrative Therapy: an Approach for Schools**,** *Journal of Educational Enquiry, Vol. 2, No. 2.*

Cecchin, G. (1987) Hypothesizing, Circularity, and Neutrality Revisited: An Invitation to Curiosity, *Family Process*, Volume 26, Issue 4, pp. 405–413, December 1987.

Bush, Robert A. Baruch & Joseph P. Folger (2005) *The Promise of Mediation – The Transformative Approach to Conflict,* Revised Edition, Jossey-Bass, San Francisco.

Foucault, (1971) "*The Discourse on Language"* translation appears as an appendix to the *Archaeolo- gy of Knowledge* trans. A. M. Sheridan Smith (New York: Pantheon, 1972), pp. 215–37.

Foucault, M.(1971) "*The Discourse on Language"* translation appears as an appendix to the *Archaeo- logy of Knowledge* trans. A. M. Sheridan Smith (New York: Pantheon, 1972), pp. 215–37.

Foucault, M. (1980a), Two lectures. In Gordon, C. (Ed.) *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* by Michel Foucault. Hemel Hempstead, England: Harvester Wheatsheaf, pp 78-108.

Foucault, M. (1980c), The Confession of the Flesh. In Gordon, C. (Ed.) *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* by Michel Foucault Hemel Hempstead, England: Harvester Wheatsheaf.

Gergen, K.J (March 1985), "The social constructionist movement in modern psychology", **American Psychologist 40** (3): 266–275.

Haynes, J.M., Haynes, G.L. and Fong, L.S. (2004). *Mediation. Positive Conflict Management*. Albany: State University of New York.

Jorgensen, et al. (2001) Microfocus in Mediation: The What and How of Transformative Opportunities & Identifying Opportunities for Empowerment and Recognition in Mediation, in Folger & Bush (Eds.) **Designing mediation.** New York, Institute for the Study of Conflict Transformation.

Kelly, G. A. (1955). **The psychology of personal constructs**. New York: Norton.

Maturana, H. R. & Varela, F. J. (1987), *The Tree of Knowledge: The Biological Roots of Human Under- standing.* Boston: Shambhala Publications.

Maturana, H., (1970) "Neurophysiology of cognition", pp. 3-24 in: Cognition: A Multiple View, Paul Garvin (Ed.), New York: Spartan Books.

Maturana, Humberto, & Varela, F., Autopoiesis and Cognition: The Realization of the Living. Dordrecht/Boston: Reidel, 1980.

Ralston, R., (1994) Effective Advocacy and Mediation, in ADR for the Defence: Alternative Dispute

Resolution, Defence Research Institute, Inc. H-1, at H-3.

Schonholtz, R.,(1984) Neighborhood Justice Systems: Work, Structure and Guiding Principles, *ME-DIATION Quarterly*. 3.

Stokoe, Elizabeth (2011) Simulated Interaction and Communication Skills Training, The Conversation-Analytic Role-Play Method, in Antaki, C. (Ed.) (2011) *Applied Conversation Analysis, Intervention and change in institutional talk,* Palgrave MacMillan.

Umbreit, M. (1997, pp. 201–213) Humanistic mediation, *Conflict Resolution Quarterly* Volume 14, Issue 3.

Wetherell, M & Potter, J. (1998) Discourse Analysis and the identification of interpretive repertoires, I C. Antaki (Ed.) *Analysing Everyday Explanation, A Casebook of Methods* (168-163). London, Sage.

White, M., Epston, D.,(1990) *Narrative Means to Therapeutic Ends,* New York, W. W. Norton & Company

Winslade, J. & Monk, G. (2000) Narrative Mediation, A New Approach to Dispute Resolution. San Francisco, Jossey Bass. *Journal of Educational Enquiry,* Vol. 2, No. 2, 2001.

Hans Boserup is an Attorney at Law, Ass. Professor of Law & Court Appointed Mediator. The author will hopefully defend his study for the degree of Doctor of Legal Science in the spring 2014 at Uppsa- la University, Sweden.