Seeing Theory in Practice: An Analysis of Empathy in Mediation

Dorothy J. Della Noce

Bush and Folger (1994) in The Promise of Mediation *articulated distinctions between Individualist and Relational ideology, and linked them to specific theoretical orientations to mediation practice, problem-solving and transformative, respectively. Yet, a question persists as to whether these distinctions produce any material differences in practice. This question is approached here through an examination of a single construct in the mediation literature, empathy. The author proposes that the Individualist and Relational ideological frameworks have material implications for the concept and the practice of fostering empathy between the parties to a mediation: The problem-solving framework fosters a social interaction which can be understood as* transactional empathy *while the transformative framework fosters an interaction described as* relational empathy.

A growing body of literature suggests that social interaction reveals, shapes and is shaped by ideological frameworks at many levels, and most importantly, at the micro-level of discourse (e.g., Fairclough and Wodak 1997; Mumby and Clair 1997; van Dijk 1997a, 1997b, 1998). Ideological influence is particularly profound in professional settings, which implicate the values, norms, resources and social identity of professional group members (van Dijk 1998).

Dorothy J. Della Noce, J.D., is a doctoral candidate in communication science at Temple University in Philadelphia; a founding member of the Institute for the Study of Conflict Transformation at Hofstra University Law School <www.hofstra.edu/Law/isct>; a co-leader of the Practice Enrichment Initiative, a theory-to-practice project jointly funded by the William and Flora Hewlett Foundation and the Surdna Foundation; and past president of the Academy of Family Mediators (1997-1998).

0748-4526/99/0700-02719$16.00/0

With respect to the professional setting of conflict mediation, Bush and Folger (1994; Folger and Bush 1994) identify the Individualist and Relational ideologies as particularly salient, and discuss their general implications for the mediation process. In essence, they argue that the mediation process unfolds in very different ways at the discursive level, through very different mediator moves, depending upon the ideological commitments of the mediators. Such discursive variation can be expected because these different ideological commitments support two distinct theoretical frameworks for practice: problem-solving and transformative (Bush and Folger 1994; Folger and Bush 1994).

Other scholars, however, argue that the transformative framework is little different from the problem-solving framework, and that the micro-level discursive practices of the mediators from each group would be very similar if not completely indistinguishable (e.g., McAdoo 1998; Menkel-Meadow 1995; Slaikeu 1996; Williams 1997). That this debate continues, and with the level of rhetoric it has sometimes assumed (e.g., Menkel-Meadow 1995) highlights the continuing importance for the mediation field of examining the nature and effects of the link between theory and practice.

Such an analysis is also important in light of the continuing criticism that the conflict resolution field has been slow to develop a theoretical base, and even slower to connect theory to practice in a way that is meaningful for practitioners (Kolb 1994; Rifkin 1994; Scimecca 1993). Theory may seem far removed from the moment-to-moment demands of conflict interaction and resolution. Yet theory — implicit or explicit, sophisticated or naïve — shapes the practice of conflict resolution. In the case of mediators, theory is the "why" underlying their interventions, the rationale for what intervention is used when, and how it is enacted and played out in interaction. Mediators draw on their theories of practice, and the even more fundamental ideological assumptions on which they are based, as they engage in the micro-level discursive practices of a mediation session. And their doing so is consequential: as they conduct the mediation session, mediators foster interactions between the parties which both reveal and reproduce the mediators' views of the ideal social and moral order.

This premise, that mediators foster certain interactions between the parties which reveal and reproduce the mediators' vision of an ideal social and moral order, deserves some elaboration. Much of the practice and policy of mediation is founded on the principle of neutrality, although more than one commentator has characterized this principle as part of the "mythology" of mediation (e.g., Folger and Jones 1994; Kolb 1994). A communication perspective, as well as a significant body of empirical research, supports an alternative view: that by their very participation all mediators inevitably influence how a conflict emerges, unfolds and resolves (see, e.g., Bush and Folger 1994; Cobb and Rifkin 1991; Dingwall 1988; Folger and Jones 1994; Greatbatch and Dingwall 1989 and 1994; Kolb 1994). And, while mediators and parties alike exert some influence on each other and on how the media-

tion session unfolds in moment-to-moment interaction, the influence of the mediator is frequently paramount. This is because mediation is an "orchestrated encounter," that is, one in which social interaction is organized predominantly by one participant according to a particular frame (Dingwall 1988; Greatbatch and Dingwall 1994). In mediation, the mediator is the "keeper of the frame" (Greatbatch and Dingwall 1994: 108). The mediator's practice "frame" depends upon his or her theory of practice, embedded in even more fundamental ideological assumptions about how human beings can and should properly conduct themselves in interpersonal conflict. My premise in this article, then, is that all mediators organize and influence interaction in mediation according to their own frames, and what should be explored and better understood are the nature, sources, enactment, consequences, and limits of that influence. Examination of the workings of theory, ideology and discourse provides valuable insight on these matters.

In this article, I explore the relationship between conflict resolution theory and mediator practice, and how both reflect and are embedded in ideology, by examining a single construct in the mediation literature, *empathy*. I begin with a discussion of the nature of ideological analysis, and proceed to an overview of the ideological and theoretical distinctions made by Bush and Folger (1994), and why these are salient for the mediation process. With this context in place, I then examine how the concept of empathy is developed in each theoretical framework, and the role of ideology in shaping the concept. I propose that the Individualist and Relational ideological frameworks have material implications for the concept and the practice of fostering empathy between the parties in mediation. That is, the same general theoretical concept, empathy, will be understood and enacted differently, with different social consequences, depending on the underlying ideological assumptions of the mediator. This is because empathy, concerned as it is with the development of understanding between human beings, implicates fundamental assumptions about the nature of human beings, and how and why they relate with each other. Depending on whether the mediator privileges Individualist or Relational assumptions, I suggest that the mediator will foster *transactional empathy* or *relational empathy*, respectively. I explore these points through excerpts of mediation discourse from a demonstration that took place at the closing plenary session of the 1998 Academy of Family Mediators Annual Conference, held in San Francisco. Finally, I close with comments on the policy implications of this analysis. In the process, I hope to demonstrate that theory is indeed a very practical matter.

Ideological Explanation of Discourse and Social Interaction

Discourse (talk and text in its social context) is a material practice; that is, discourse has real and practical social consequences. Through their talk and text, ordinary individuals as social actors enact, sustain, and reproduce a particular social order; social orders, in turn, shape and are reflected in the

discourse of ordinary individuals. Ideological frameworks explain this mutually constitutive relationship between discourse and society (Fairclough 1989; Fairclough and Wodak 1997; van Dijk 1998).

Ideological frameworks are the clusters of socially shared beliefs, or systems of ideas, of the members of a social group, which explain group members' social practices in general and their discourse in particular (van Dijk 1998). Ideology is similar to the notion of "world view," referring generally to a well-systematized set of assumptions that provide the cognitive and social frame for the beliefs, perceptions and behaviors of a group of individuals (Eagleton 1991: 43).

Ideologies are social and discursive resources which enable people to coordinate their actions, reproduce their values, maintain their social positions and resources, and negotiate the conflicts of daily life (van Dijk 1997b, 1998). Ideological frameworks reflect a group's values and its preferred moral order for society (van Dijk 1998). By "moral order," I refer to socially shared beliefs about how human beings ideally should relate to each other, that is, what group members consider the "good" and the "should" of human interaction (cf. Gilligan 1982; Hekman 1995; Jack and Jack 1989). Ideological influence is particularly profound in professional settings, which implicate the social values, norms, resources and identities of professionals as group members (van Dijk 1998). Hence, professional discourse reflects and sustains the preferred moral order of the professional, and the nature of that preferred moral order is revealed as the professional manages how human beings relate to each other in the professional setting.

In *The Promise of Mediation*, Bush and Folger (1994) look at the emergent profession of mediation,[1] and offer an ideological analysis and explanation of the variety of mediator practices identified in the empirical literature. They suggest that, in their professional interactions, mediators draw on their ideological frameworks as they listen, interpret interactions, and shape their responses. At the same time, mediators enact and reproduce their own visions of the ideal moral order, their social belief systems regarding how human beings properly should relate to each other in conflict (Bush and Folger 1994). Before I move to the details of Bush and Folger's analysis, I want to address a foundational question of the merits of comparative ideological analysis.

Ideological Analysis and Comparisons

A criticism of Bush and Folger's work is that, in articulating and comparing Relational and Individualist ideology, they created an unnecessary dichotomy (e.g., Menkel-Meadow 1995; Williams 1997). Since I will build here upon the ideological categories they articulated, and continue the use of comparison to further clarify the role of ideology in shaping theory and practice, I must address this criticism.

There is nothing particularly pernicious about comparisons in general; in fact, using comparisons to clarify concepts and support claims is a

respected scholarly tradition. In the conflict resolution field itself, scholars have traditionally employed comparisons to aid understanding. For example, Fisher and Ury (1981) highlighted the features and benefits of principled negotiation through a comparison with positional bargaining. More recently, and more closely on point with Bush and Folger's ideological analysis, feminist negotiation scholars have highlighted how typically "feminine" aspects of negotiation are kept hidden and undervalued, through critical analysis of the male-gendered individualist assumptions which dominate negotiation theory (e.g., Gray 1994; Kolb and Putnam 1997; Putnam 1994). As van Dijk (1998) points out, a comparative element is essential to the study of ideology: ideologies and their effects upon discourse are generally not visible where there are no alternatives to consider.

Moreover, not all comparisons create dichotomies. The term "dichotomy" assumes a splitting of what was once a whole; but this is precisely the type of assumption that ideological analysis examines and challenges. Because ideological analysis exposes fundamental assumptions, it opens consideration of whether different assumptions support essentially incompatible modes of understanding. If it appears upon analysis that the sets of assumptions identified cannot be held simultaneously, no whole has been split — but the illusion of a whole has been unmasked. A dichotomy has not been created so much as a difference has been clarified. An important corollary to this point is that critiquing comparative analyses as creating dichotomies is itself an ideologically-based argument, based on assumptions about the importance of synthesis, integration and consensus. From a different point of view, creating false common ground is as egregious an error as any dichotomization, because the impulse to minimize or otherwise obscure difference impedes clarity, understanding, any appreciation of diversity and its consequences, and ultimately, informed choice.

With these thoughts in mind, then, I move in the next section to an overview of Bush and Folger's analysis of ideology and how it shapes mediation theory and practice.

Individualist and Relational Ideologies

Bush and Folger (1994) identify two ideologies — Individualist and Relational — and tie each to a particular theoretical framework for mediation practice: problem-solving and transformative, respectively. In this section I outline the contours of Individualist and Relational ideology and examine certain key assumptions of each. I then overview how these ideologies are tied to theories of practice.

A number of scholars both prior to and since Bush and Folger have articulated the Individualist and Relational ideologies and certain distinctions between them (e.g., Bellah, Madsen, Sullivan, Swidler and Tipton, 1985, 1991, 1996; Gilligan 1982; Mansbridge 1983, 1990; McNamee and Gergen 1999; Sandel 1996). One of the most fundamental differences between these two

ideologies is found in the assumed nature of human beings. While Individualist ideology assumes an essentially *presocial* human being (Fairclough 1989: 105), Relational ideology assumes an essentially *social* human being. I explain these terms and their implications below.

In the Individualist view, human beings are originating agents: they precede and are the source of all meaning and social interaction (McNamee and Gergen 1999). These human beings are "presocial," that is, standing "outside and prior to society" (Fairclough 1989: 105). There are firm boundaries between the self and the social. The ideal base state, so to speak, is separation and autonomy, and although circumstances (such as conflict) may compel interaction and interdependence, the highest value to be achieved in such interaction is re-establishment of independence, typically through the satisfaction of individual needs. The preferred moral order is *transactional*, typified by economic models of arms-length contractual relations between unrelated individuals (Held 1990; Koehn 1998; cf. Greenhalgh 1995), and the "good" is achieving individual satisfaction through agreement or consensus.

Individualist ideology portrays human beings as autonomous, self-contained, atomistic individuals, each motivated by the pursuit of satisfaction of his or her own separate self-interest (Bellah, Madsen, Sullivan, Swidler and Tipton, 1985, 1991, 1996; Bush and Folger 1994; Holmes 1990; Mansbridge 1983, 1990; McNamee and Gergen 1999; Sandel 1996). Rational-economic explanations of human behavior predominate, and add to the picture of human beings as calculating, and even selfish, interested primarily in maximizing their own gain (Greenhalgh 1995; Held 1990; Holmes 1990).

Relational ideology, on the other hand, portrays human beings as fundamentally social, that is, formed in and through their relations with other human beings, essentially connected to others, constantly relating to others through dialogue, and motivated by a desire for quality interactions with others (Bush and Folger 1994; Deetz and White 1999; Gilligan 1982; Hekman 1995; Koehn 1998; McNamee and Gergen 1999). Social and interactive explanations of human behavior predominate.

In the Relational view, social interaction is the presumed base state and originating source. Any absolute boundary between the self and the social is challenged, because human beings are seen as discursively and socially constituted (Hekman 1995; McNamee and Gergen 1999). The concepts of human agency and autonomy are retained, but reformulated as socially constructed, interactional accomplishments rather than preexisting individual states or personal attributes (Hekman 1995; Lannaman 1999). Thus, although circumstances (such as conflict) may produce separateness and self-absorption, these are viewed as socially constructed phenomena, which are therefore susceptible to change through constructive social interaction. The preferred moral order is relational and dialogical, expressed in models of personal interaction and conversation that enact a dialectic between autonomy and connection (Bush and Folger 1994; Folger and Bush 1994; Gilligan

1982; Lannaman 1999; Mazanec and Duck 1999; McNamee and Gergen 1999). The "good" which emerges through this dialectic is *transformation*: an enrichment of the quality of the interaction and the personal/interpersonal awareness of the individuals involved, evidenced by new understandings, shared meaning, appreciation of difference, deliberation, and ultimately, considered decisions about how to act (Burkitt 1999; Bush and Folger 1994; Deetz and White 1999; Folger and Bush 1994; Hekman 1995; Koehn 1998; Mansbridge 1983, 1990; McNamee and Gergen 1999). Transformation is valued in itself, regardless of whether consensus or agreement is achieved or even possible (Bush and Folger 1994; cf. Deetz and White 1999; McNamee and Gergen 1999).

It is useful here to return to the question of whether clarifying the differences between these ideological frameworks creates an unnecessary dichotomy. After all, if both ideologies are part of the same whole, then any claim that they support different theories would be specious. I submit, however, that evidence of the incompatibility of each paradigm, and the distinct "epistemological space" each inhabits (Hekman 1995: 90) is seen in the logical and practical difficulty of trying to hold fast to both sets of assumptions at the same time. Thus, it is reasonable to continue to work with the premise that articulating the difference between these ideologies does not create a false dichotomy. A further consequence of this observation is that, since these paradigms are based on essentially incompatible assumptions, they are not likely to be amenable to synthesis or integration[2] (cf. Hekman 1995: 90).

Ideology in Mediation Theory and Practice

In the context of mediation, Bush and Folger (1994) argue that the assumptions of Relational ideology foster a *transformative* orientation to practice, while the assumptions of Individualist ideology foster a *problem-solving* orientation. I now turn to an overview of how Individualist and Relational assumptions inform mediation theory, drawing on Bush and Folger's earlier analysis as well as literature published since 1994 which lends support to their analysis.

Individualism, Interest-Based Bargaining and Problem-Solving Mediation

The approach to mediation which typifies the contemporary literature incorporates interest-based bargaining as an essential step or phase, and presumes that the mediator should encourage the parties to use interest-based bargaining, and then assist them in doing so, for the purpose of reaching an integrative, or win-win, agreement (see, e.g., Haynes 1994; Irving and Benjamin 1995; Menkel-Meadow 1995; Mnookin, Peppet and Tulumello 1996; Moore 1996; Rubin, Pruitt and Kim 1994; Slaikeu 1996).

A number of negotiation scholars have argued that the theoretical framework of interest-based bargaining is based on Individualist assumptions (Gray 1994; Kolb and Putnam 1997; Putnam 1994; cf. Greenhalgh 1995). After all, the presumed goal of each bargainer is to uncover the self-interest

of the other bargainers ("self" being the frequently-obscured prefix to "interest-based"), in order that he or she might use that knowledge to achieve satisfaction of his or her own self-interest (e.g., Fisher and Ury 1981; Mnookin et al. 1996). When mediators import interest-based bargaining into the mediation process, they likewise import the Individualist assumptions on which it is based. For example, Haynes (1994) explicitly adopts the Individualist assumption of self-interest in his description of the role of the mediator: "He clarifies for the clients what is important, *directing them* away from emotive behaviors *towards their self-interests* that are contained in information about *the problem and solutions to it...*" (p.15, my emphasis).

In this framework, conflict is a problem in needs-satisfaction (Bush and Folger 1994). Because agreement marks in a tangible way the successful and mutual satisfaction of individual needs, it is the hallmark of successful conflict resolution. Thus, mediators who employ this theoretical framework experience a strong pull to become outcome-oriented, that is, focused on the satisfaction of individual interests through agreements. They tend to take a "macro-view" in mediation (Bush and Folger 1994), because their focus on outcome frequently puts them "ahead of the parties" (Kolb 1994: 472). Process concerns, when invoked, are framed in terms of process control for efficient agreement-production.

This is essentially what Bush and Folger (1994) identify as "problem-solving mediation": mediation in which the mediator's goal of seeing that the parties' individual self-interests are satisfied through problem-solving and agreement-production fosters certain patterns of mediator behavior. They describe the key patterns of problem-solving mediation as the mediator shaping the definition of the conflict into a tangible problem to be solved, dropping any of the parties' issues that cannot be treated as tangible problems, and pressing toward particular solutions.

Relational Ideology, Conflict Transformation and Mediation

A number of scholars are exploring how human interaction in general might differ if Relational assumptions are privileged (e.g., Deetz and White 1999; Gray 1994; Greenhalgh 1995; Koehn 1998; Kolb and Putnam 1997; McNamee and Gergen 1999; Putnam 1994). Conflict scholars in particular suggest that if Relational assumptions are privileged, the goal of conflict intervention shifts to conflict transformation, or fostering qualitative changes in human interaction in the midst of conflict (Bush and Folger 1994; Folger and Bush 1994; Kolb and Putnam 1997; Putnam 1994). They argue that this shift in the goal of intervention produces forms of practice in which deliberation and reflection are encouraged as ways to know both self and others and to create meaning (Bush and Folger 1994; Kolb and Putnam 1997; Putnam 1994), difference is appreciated (Gray 1994; Kolb and Putnam 1997), "invisible work," such as the creation of a supportive socio-emotional climate, is attended to (Folger and Bush 1996; Kolb and Putnam 1997), and emotionality is embraced rather than curtailed (Bush and Folger 1994; Folger

and Bush 1996; Gray 1994; Putnam 1994). In the specific context of conflict mediation, Bush and Folger call this a shift to the transformative orientation.

In the transformative orientation, conflict is viewed as a crisis in human interaction, which provides an opportunity for interactional transformation and individual moral growth in both strength of self (*empowerment*) and concern for other (*recognition*) (Bush and Folger 1994). At the practical level, the mediator's goal is to create a context in which the parties can capture and act upon these opportunities as they work through their conflict, which the mediator does by highlighting opportunities for each party's conscious deliberation, decision-making, and interpersonal understanding, and supporting the parties' efforts to develop these opportunities (Bush and Folger 1994). The mediator adopts a "micro-focus," staying with the parties in their moment-to-moment interaction (Bush and Folger 1994; Folger and Bush 1996). Success is defined in terms of incremental increases in personal clarity and interpersonal understanding, which are reflected in the parties' dialogue and their decisions. And, while one possible decision is agreement, it is no longer the single, privileged outcome.

This review brings us full circle to the question framed at the beginning of this article, and provides the necessary context for considering that question. I have argued that the scholars cited articulate defensible ideological frameworks, and that Bush and Folger correctly link these ideologies to different theoretical orientations for mediators. Assuming this is so, are those differences salient and consequential at the level of the discursive moves of a mediator in a mediation session?

I believe that one reason this question persists is that there has not yet been a comparative, empirical examination of micro-level discursive practices between mediators specifically representing the Individualist and Relational orientations. While such a study would provide valuable insight into this issue, it is a major undertaking beyond the scope of this article. However, I propose that another way to explore the connection between ideology, theory, and practice is to take a single fundamental theoretical construct which appears in the literature of both theories, compare how it is conceptualized and applied in each theory, and consider how the differences might be explained in terms of ideology. Empathy is one such construct that appears in both the problem-solving framework and the transformative framework.

Empathy in Mediation Practice

In this section, I shall first discuss why empathy is a concept that I expect to be fruitful for an examination of the links between ideology, theory and practice. Then, because empathy is a fairly complex concept, I will define what I mean by "empathy" for purposes of this article. I then will examine how empathy is formulated in both the problem-solving and transformative frameworks.

Why empathy?

There are several reasons for choosing empathy as a concept for comparative analysis. First, since the publication of *The Promise of Mediation*, some have argued that Bush and Folger's conceptualization of empathy in mediation, fostering inter-party recognition, is not a new concept at all. For example, in a critical review of *The Promise of Mediation*, Menkel-Meadow (1995: 241, note 5) says "I feel compelled to add that I probably did not see anything new here because I do not see facilitating empathetic communication as 'new' or separate from problem-solving mediation." Similarly, as elaborated in Endnote 2, Slaikeu (1996: 14) portrays recognition as simply another useful building block of problem-solving mediation, the functional equivalent of acknowledging the other side's interests in interest-based bargaining. But paradoxically, others have treated the concept of recognition as foreign to the mediation process and more relevant for counseling and therapeutic practices, particularly if it is made a goal of the mediation process (e.g., Moore 1996; Slaikeu 1996: 291, note 2). So, empathy appears in the literature as a concept subject to conflicting understandings and interpretations between the two theoretical frameworks.

Moreover, the concept of empathy has direct links to ideology, theory and practice, because it encompasses the development of understanding between human beings. Hence, it implicates fundamental assumptions about the nature of human beings, how and why they relate with each other, how they create and share meaning, and how interpersonal understanding is achieved. Because these fundamental assumptions differ in the Individualist and Relational frameworks, empathy is a construct which might reasonably prove fruitful for analyzing differences in theory and practice.

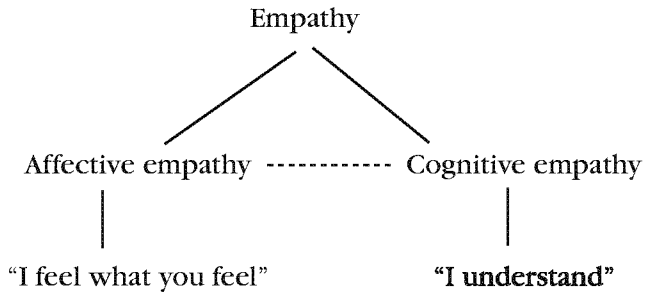
What is empathy?

Empathy is a complex concept with a number of different meanings (see generally, Duan and Hill 1996). To clarify what I mean by "empathy" in this analysis, I must make two distinctions. First, I am not concerned here with empathy between the mediator and a party. While this form of professional-to-client empathy appears in some of the contemporary mediation literature as well as in certain mediator training standards, I believe it is more oriented toward building professional rapport with parties, possibly to support efforts at interpersonal influence, than it is toward building party-to-party understanding. My concern here is with the development of party-to-party empathy in mediation.

This brings me to a second distinction. My focus will be on *cognitive empathy*. Duan and Hill (1996) distinguish two core categories of empathy: *affective empathy* (or *empathic emotions*), responding to another's emotion with the same emotion, and *cognitive empathy*, intellectually taking the perspective of another, also known as *perspective-taking*. They

propose that affective empathy and cognitive empathy exist as distinct phenomena, while also acknowledging that the cognitive and affective elements of empathy very likely influence each other in ways not yet known. This distinction is depicted in Figure One.

Figure One
Categories of Empathy

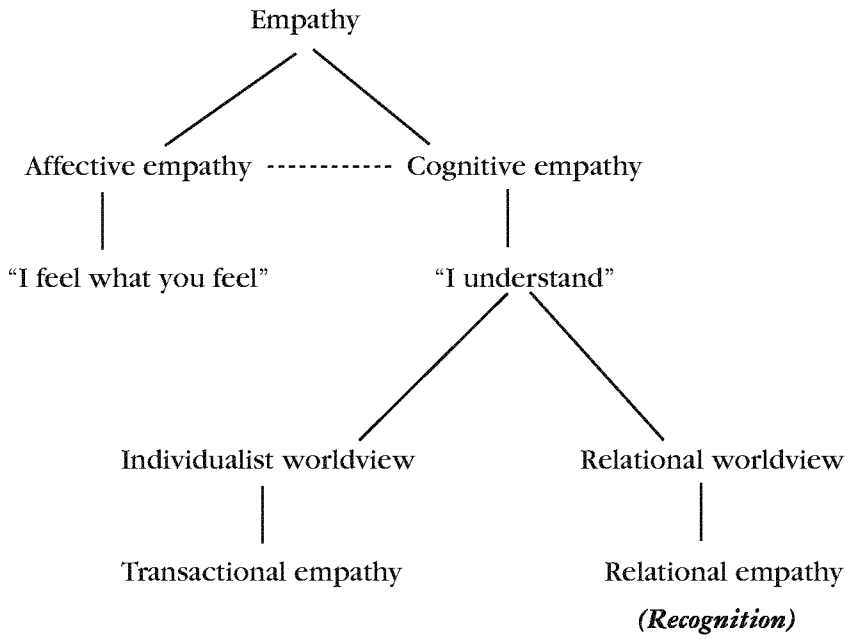


I make this distinction, not because I assume that affective empathy is not relevant to conflict interactions, but because conceptual clarity is essential to the comparison I shall be making. And, just as Duan and Hill (1996) argue that affective and cognitive empathy are two separate concepts, a similar distinction appears to be made in the literature of both the problem-solving and transformative frameworks. In the problem-solving framework, for example, Mnookin et al. (1996: 219) distinguish cognitive empathy and perspective-taking from "feeling for" someone, which they call "sympathy" (p. 219). In the transformative framework, cognitive empathy appears as "recognition," a term of art which requires some explanation. Because conflict is a crisis in human interaction, one response to this crisis is for those involved to be self-absorbed, that is, focused on self-protection and incapable of looking beyond their own needs. Within this crisis lies the opportunity for recognition: to acknowledge the perspective of a differently-situated other who holds a contrary viewpoint (Bush and Folger, 1994: 82). Based on the definitions and examples Bush and Folger offer, and their frequent use of the term "perspective-taking" as a synonym for recognition, I situate efforts by a mediator to support inter-party recognition in the transformative orientation within the cognitive, rather than affective, dimension of empathy.[3]

This distinction between cognitive and affective empathy is significant, and should not be overlooked. Overlooking this distinction appears to have created confusion for critics of the transformative framework like Menkel-Meadow (1995: 223), who understands empathy in the mediation context to be "asking [the parties] to feel for and with each other," and who thereby collapses recognition with the expression of feelings (p. 237). It could also explain why others equate empathy in the transformative framework with therapy (e.g., Moore 1996; Slaikeu 1996).

In the sections that follow, I examine how cognitive empathy is portrayed in the problem-solving and the transformative frameworks for mediation practice, and how that portrayal reflects the assumptions of the Individualist or Relational worldviews, respectively. Through this analysis, I suggest that differences at the level of theory lead to different practices. Specifically, a mediator will foster either *transactional empathy* or *relational empathy*[4] between the parties in mediation, depending on whether the mediator privileges the Individualist or Relational worldview, respectively. See Figure Two for an illustration.

Figure Two
Effects of Worldviews on Empathy



Individualism, Problem-Solving Mediation and Transactional Empathy

Because conflict in the Individualist, interest-based paradigm presents a problem in individual needs-satisfaction, negotiation in this paradigm is essentially a transactional, economic, even instrumental activity (Greenhalgh 1995; Kolb and Putnam 1997). As with other dimensions of the process, cognitive empathy and perspective-taking are likely to be filtered through a transactional, outcome-driven, instrumental lens (cf. Putnam 1994). That is, interpersonal understanding matters only as it relates to furthering the transaction, and empathy is framed in transactional terms: an instrument to be employed in service of achieving a particular outcome, and a commodity to be exchanged (Gray 1994). As an instrument, empathy is employed strategically by the negotiator for the better understanding of the wants and needs of the opponent, in order to use that understanding to maximize the negotiator's own self-interest, to uncover where there is room to maneuver, to help tailor arguments to change the opponent's mind, and to enhance the ability to influence the opponent to do what the negotiator wants it to do (see, e.g., Fisher, Kopelman and Schneider 1994 and 1996; Fisher and Ury 1981; Mnookin et al. 1996). As a commodity of exchange, empathy is extended on the condition that the other will do the same when the time comes (see, e.g., Fisher and Ury 1981: 53; Ury 1991 and 1993: 54-55; and Mnookin et al. 1996: 226).

Conceptually, the value of empathy in this paradigm lies solely in how it serves the self-interest of the negotiator who uses it, and ultimately, how it serves transactional ends. Bargainers need only understand enough about the other's interests or motivations to get to a satisfactory deal. Empathy is neither a goal in itself nor an independently valued effect of the bargaining process. Thus, I suggest the term "transactional empathy."

The mediator who privileges Individualist assumptions by adopting interest-based bargaining will filter the parties' communication through a transactional lens, which, in turn, will color what the mediator recognizes as an opportunity for empathy and deems a competent response. This establishes and delimits a particular range of opportunities for empathy: perceived cues to underlying interests, particularly if they appear to be in service of furthering the transaction. Moreover, the mediators' responses will support inter-party empathy as a transactional instrument and a commodity, but not as an independent goal of the mediation nor as an effect valued in itself (cf. Moore 1996; Slaikeu 1996). In other words, the mediator will foster transactional empathy between the parties.

To further elaborate on why transactional empathy can be expected to characterize the practices of problem-solving mediators, it is useful to consider how the assumptions of Individualism relate to and explain interpersonal communication. The notion of the presocial, self-contained, atomistic human being, which is at the core of Individualism, relies upon psychological explanations of human behavior which reside within the indi-

vidual (Kolb and Putnam 1997; McNamee and Gergen 1999; Putnam 1994). The individual, and particularly each separate individual mind, is "where the action is." Language is assumed to be representational and instrumental. That is, meaning is assumed to exist within the individual prior to dialogue, and language serves to convey this pre-existing, fully-formed meaning to another. Communication is the uni-directional process of transferring meaning from one individual to the other, and understanding is complete when an individual is able to capture the other's meaning and reproduce it in him or herself. This view of human communication is visible in the premises of interest-based bargaining: in order for one to be able to "uncover" an interest, one must presume that it is fixed, pre-formulated, and exists independently of the interaction between the parties (Kolb and Putnam 1997).

The psychological model of communication orients the mediator's attention to each party's individual psychology rather than their jointly constructed dialogue (cf. Cobb and Rifkin 1991). It thereby supports certain assumptions underlying problem-solving mediation, such as: the parties carry hidden interests into the mediation with them; it is the mediator's task to uncover those interests and see that they are satisfied; the mediator *can* determine what the parties' interests are and when they have been uncovered; and this task can be fully accomplished in the mediation session.

One need not look far to find these psychological assumptions. Consider the example provided by Williams (1997: 151), whose metaphor for the mediation process likens the mediator to a taxi driver, who must take the parties to their chosen destination. Implicit in this (transactional) metaphor is the notion that the parties have a fixed destination in mind when they hail the mediator's "taxi," and have but to convey that destination to the mediator for understanding to be complete and the mediator's task to be defined.

A further consequence of Individualist psychological assumptions is that the mediator is invested with the power, not to mention the presumed ability, to determine when and whether the parties' underlying interests have been surfaced. Once the mediator is satisfied that the parties' "hidden" interests have been uncovered, further exploration can be expected to end. As Lewicki, Saunders and Minton (1997: 205) phrase it: "The *mediator* must be able to *separate rhetoric from true interest* and to identify each side's priorities. *Once this has been accomplished*, the mediator will then begin managing the exchange of proposals and counterproposals, testing each side for areas where concessions may be possible" (my emphasis).

In summary, Individualist ideology infuses problem-solving mediation in two essential ways. First, the Individualist assumptions about the nature of human beings and how they should relate to each other, which underlie interest-based negotiation, enter mediation when interest-based bargaining is imported as a standard element of mediation practice. Second, Individualism promotes and rests upon a psychological, instrumental view of communication. As a result, a mediator operating from these assumptions

will have a particular view of the concept, value, and discursive practice of empathy, which will dispose him or her to foster transactional empathy between the parties. Understanding between the parties will be pursued and supported as an instrument of the transaction, and as a commodity to be exchanged, but not as a discrete goal of the process or an independently valued effect.

Relational Ideology, Transformative Practice and Relational Empathy

As stated earlier, Relational ideology represents a paradigm shift "from the individual to the interactional field" as the focus of attention (cf. Hekman 1995: 74; see also, Bush and Folger 1994; Kolb and Putnam 1997; and Putnam 1994).

This is a consequential paradigm shift for mediators in terms of their frameworks for understanding and intervening in party interactions. Whereas the Individualist focus disposes mediators to listen to what each party says for what it reveals about that party's hidden interests and psychological motivations, the interactional focus disposes mediators to attend to what the parties are *doing together* as they dialogue. Communication is viewed as a moment-by-moment, on-line process of relating. Dialogue, on-line human interaction, rather than the separate individual mind, is "where the action is."

When interaction is privileged, meaning is formulated as a situated, interactive construction that emerges *through* dialogue, in the process of people relating with each other. As people listen, interpret, reflect and respond to each other in a dialogic process, meanings are created, changed and coordinated between them from moment to moment. Shared meaning develops as continual adjustments and approximations of meaning take place in the interpersonal encounter, by each participant in response to the other (Broome 1993). It is important to note here that the concept of creating "shared meaning" should not be confused with "finding common ground." While emphasis on "common ground" implies that only the similarities between people matter and provide hope for conflict resolution, creating "shared meaning" accommodates the appreciation of difference (Broome 1993).

In this paradigm, interpersonal understanding is always open, tentative, provisional, and potentially surprising (Stewart 1983: 383), not something which can be fully accomplished and closed. Empathy is an ongoing interpersonal process, a "way of knowing" others (Duan and Hill 1996: 262), or as Stewart (1983) suggests, a tensional event between people. With the focus on interaction rather than individual psychology (Broome 1993: 106), the communicative process of developing empathy is valuable in its own right, whatever the outcome, because empathy in itself expresses the enrichment of interaction and personal awareness that embodies the "good" in Relational ideology.

The mediator who privileges Relational assumptions thus can be expected to have a different view of the value of empathy and how it is enacted in mediation practice than does one who privileges Individualist assumptions. First, because conflict is, above all, a human interaction, and empathy is identified with the "good" of human interaction, then supporting inter-party empathy becomes an *objective*, not just an incident or accident, of mediation (Bush and Folger 1994; Bush 1996).[5] This is a central premise of the transformative framework, that mediation should be practiced in a way that consciously and deliberately surfaces the opportunities for recognition, so that the parties may choose how to respond to these opportunities and thereby engage the possibility of enriching the quality of their interaction.

The relationally-oriented mediator is likely to frame improved interpersonal understanding as both a *goal* of the process and a valuable *outcome in itself* (Bush and Folger 1994; Folger and Bush 1996). This frame, in turn, establishes and delimits a different range of opportunities for empathy in mediation practice than Individualist ideology permits. The relationally-oriented mediator will attend to cues from the parties about how they want to be understood and how they are understanding the other and their situation. Throughout the process (even when not in service of settlement, or when a settlement might not even seem possible, as well as when a settlement has already been reached), the mediator is likely to remain attuned to each party's emerging interpersonal understandings, fully expecting them to be open, shifting and tentative. The mediator's interventions will support exploration and reflection, geared toward opening and encouraging dialogue and the development of shared meaning in discourse.

In a sense, this analysis makes it apparent that "perspective taking" is an inadequate and potentially misleading term to describe empathy from the Relational worldview, because it perpetuates the sense that communication is uni-directional and resides within one individual. It suggests that meaning is captured by one individual rather than shaped through dialogue between individuals. In defining relational empathy, Broome (1993: 106) notes that the psychological orientation of previous definitions of empathy may actually have encouraged egocentrism. Recognition, as Bush and Folger have defined it, more fully captures the premises and practice of relational empathy because it puts greater emphasis on the interaction than the psychology. Nonetheless, perspective-taking is a useful reference point, with a history of literature and research that should be built upon and extended from the Relational viewpoint. As McNamee and Gergen (1999), point out, the goal of exploring the Relational worldview is not to dismiss all that has come before, or what has been learned from other perspectives, but to contribute to its further development by informing it with Relational sensibilities. (See also Duan and Hill's [1996] essay, in which they comment that empathy research has progressed as far as it can using the psychological model, and that it is time to move to a communication-based understanding of empathy.)

In summary, Relational ideology infuses transformative mediation practice in two important ways. First, Relational assumptions provide mediators with a particular view of human beings and what is valuable in human interaction. Second, Relational ideology promotes and rests upon an interactive, dialogic view of communication. As a result, a mediator operating from these assumptions will have a particular view of the concept, value, and discursive practice of empathy, which will dispose him or her to foster relational empathy between the parties. Inter-party empathy will be considered an ongoing dialogic process, a goal of interaction in itself, and an independently valued effect of mediation.

Can We See It In Practice?

The next question is whether these differences are visible in the actual discursive practices of mediators. By exploring mediation discourse, the discussion moves beyond the conceptual level to the practical import of theoretical frameworks and ideological differences.

An opportunity for exploring the discourse of mediators for the influence of ideologies was presented at the 1998 annual conference of the Academy of Family Mediators, in a closing plenary session called "Mediator Moves — Why Do We Do What We Do?"[6] The stated goal of this plenary session was to "look at how different approaches and ideologies or belief systems about mediation translate into the micro-interactions of the mediation process itself."

The presentation was structured around a family mediation role-play exercise between Ralph and Ann. Ralph and Ann interacted for a time, until stopped by the moderator, who then asked each panelist to state exactly how he or she would respond at that moment if he or she were the mediator. The presentation, unscripted and unrehearsed, recorded live and unedited, captures the spontaneous, naturally-occurring talk of mediators. Nonetheless, this example has its drawbacks. The role players were not permitted to respond or develop their conversation further in response to the mediator's interventions, so analysis of the unfolding of dialogue over multiple turns at talk is not possible. In addition, the mediators did not have the opportunity to frame the interaction through any opening comments, nor were they able to choose the timing of their intervention. (In fact, they were somewhat constrained by the moderator's own beliefs about what an appropriate point of intervention was.) Nonetheless, this plenary session does present a rare opportunity to explore how mediators intervene differently in the *exact same interaction* between parties and how ideology explains the difference.

Each of the four panel members, all experienced mediators, made opening remarks about their "philosophy" of mediation. Mediator #4 described her approach as the transformative framework, informed by Relational ideology.[7] As for the ideological frameworks of the other mediators, it is interesting that in a program explicitly focused on ideology, none of the

other panel members clearly articulated any specific ideology or theoretical framework. Nonetheless, two points support an ideological analysis of the mediators' discourse. First, because ideological frameworks are not always conscious (Fairclough 1989), not claiming an ideology is not the same as being ideology-free. And second, indications of the mediators' ideological assumptions and theoretical frameworks can be found in their discursive practices, even if not articulated.

I should also state that I am assuming in this analysis that what each mediator does represents competent practice from his or her perspective. Panel members were invited to participate in this presentation because of their prominence in the field, and an assumption that they would represent a high standard of practice in their responses is attached to their participation. In addition, because this was a public presentation, with over 300 audience members in attendance, I assume that each panel member was motivated to put his or her "best foot forward."

What I present below is an exploration of how the concepts and distinctions articulated in this article might be used to understand why four mediators each intervened differently in the exact same interaction between parties. This is by no means a complete empirical study, but rather, is intended to provide some initial insights on whether and how mediation discourse is shaped by the mediator's theory and ideology, with the hope of stimulating discussion and provoking further exploration and study. For this exploratory analysis. I am relying generally on guidelines for interpretation suggested by Fairclough (1989); Harre and van Langenhove (1999); Potter and Wetherell (1987); van Dijk (1998); and Wetherell and Potter (1992).

My interest in exploring these excerpts is threefold:

(1) what do the mediators orient to as potential opportunities for interpersonal understanding between the parties;

(2) how do the mediators respond to the parties; and

(3) how are the mediators' responses explained by Relational or Individualist ideology.

Segment 1:

Ralph: You know, you keep asking me to move out repeatedly. But, you don't have any consideration for what that's going to mean for me or the kids. You just have a consideration of it for you.

Ann: No, I already know what it'll look like. I've taken a calendar - I've planned it out. You'd have every other weekend, and you could pick them up at Friday at six and you could…drop them off Sunday. It's what everybody does. All my friends do that. It's really what you do anyway - you have the kids on the weekend…

Ralph: Is there a particular time in there that I should brush their teeth?

Ann: Yeah. Probably around six-thirty in the evening, but that would be a change for you because you don't even…I mean…God, the kids' hygiene when they're….no, uh, I don't even want to get into….this is not supposed to be emotional. It's supposed to be about resolving these issues, and I think it's clear that the main time you have with the kids already is on the weekends, so we should just - for the stability and status quo… I read all these books. Structure, predictability and consistency - I can give them that, you can't. And so, this way it'll just be the way they're used to….they'll see you on the weekends….

Ralph: Why don't I stay in the house - you move into a prison with them. That'll give them a lot of structure and stability - that's the way it feels to me. It's not that I would not move out of this house.

Ann: Um hum.

Ralph: It's not an issue of that.

Ann: Then do it.

Ralph: Huh…that's a good reason. That's a good reason - plus, I think I'm going to put myself in jeopardy if I move out. If I move out of this house, isn't it true that I set myself up to be seen as maybe abandoning the kids? And, isn't it true that I set myself up to maybe lose the equity I have built up in the house?

Moderator: Okay. Let's stop. So, we will take this in reverse order?

Mediator #1: Ralph, I hear you wanting, uh, some information about how your legal status might be effected by, uh, moving out. I understand you have contacted a lawyer. Is this something that you've had a chance to talk to the lawyer about - get some information about?

Mediator #2: You're asking for some legal advice, but I think it would be important to talk to the attorney about that. What I'd like to do, right now, is talk with you about what's important for your kids.

Mediator #3: Ralph and Ann, I don't know which of you two would move out, but are there some assurances that you would give the other person prior to that person moving out? What would that be?

Mediator #4: Ralph, I heard you ask Ann if she understands what it means to you and the kids for you to move out of the house. What do you want Ann to understand about that?

Commentary on Segment 1:

Mediators 1, 2, and 3 orient to Ralph's concern with the potential legal and financial jeopardy attached to a decision to move from the house (Lines 25-29). This is clearest with Mediators 1 and 2, who refer explicitly to the issue of legal implications raised by Ralph. While it is more subtle with Mediator 3,

his use of the word "assurances" can be read to presuppose a concern with risk, loss, or jeopardy, such as Ralph raised in Lines 25-29.

The problem-solving, Individualist framework explains the mediators' attention to the issue of jeopardy. Because the mediators are attuned to each party's separate, individual psychological motives and interests, and to concrete, transactional problems, Ralph's concerns with legal and financial jeopardy are highlighted as the salient points in the parties' dialogue. Moreover, the solely instrumental and transactional value accorded to interpersonal understanding in this framework make it entirely appropriate to de-emphasize talk prior to line 25, because it cannot easily be placed in a transactional frame. It is therefore not useful to the mediation.

It is also interesting to consider how each mediator further develops the line of the conversation in response to the parties' talk. The mediators' responses all narrow the discussion to interest-based problem-solving in some way: Mediator 1's comments in Lines 31-34 indicate that he believes that Ralph has an interest in protecting his legal status, and moves toward an exploration of the extent of information Ralph has in this regard. Mediator 2 acknowledges the legal issue, but diverts it to an expert outside of the mediation process (Lines 35-36). She then changes the topic in Lines 36-37 to "what's important for your kids." The parties have not framed the discussion in those terms as yet, so in effect the mediator is imputing an underlying interest to them and deciding for them that this will be the topic of any ensuing conversation. It can be anticipated that she, too, is moving the discussion toward a solvable problem, but in this case, the problem is cast by the mediator as how to do what is best for the children. Mediator 3 puts a transactional frame on the dialogue by asking each party what assurances they would offer the other. Implicit in this request for assurances is the assumption that one could provide the other sufficient assurances to make moving out palatable. This approach can be interpreted as a search for interests underlying the parties' positions on moving out of the house by eliciting what each is willing to offer the other in exchange for the outcome he or she wants. Through these responses, each mediator creates the space within which the parties can continue the conversation: limiting the dialogue that can logically follow to legal status, kids' needs, and providing assurances, respectively, and indicating that it would be inappropriate for either party to explore further anything said prior to Line 25.

Even as the mediators direct their responses to Ralph, their transactional frame embraces both Ralph and Ann, and positions them in a transactional relationship with each other. Note how Mediators 1 and 3, in particular, position Ann as someone who wants or needs something from Ralph, or can offer something to him to advance Ann's goal of having him move out of the house.

Mediator 4's intervention orients to and highlights a different portion of the discourse than the other three mediators. She attends to Ralph's initial framing of the dialogue (Lines 1-3), where he states that Ann does not under-

stand what his moving would mean. While this intervention cannot be explained satisfactorily in the problem-solving framework, it can be explained in the transformative framework as capturing an opportunity for recognition, that is, relational empathy. Because empathy in the Relational framework is an ongoing process of meaning-making, Ralph's reference to "meaning" can be considered a cue to the mediator that empathy is at issue. This mediator's theory disposes her to hear Ralph asking for understanding of his situation and concerns, and Ann missing that request. Because fostering recognition is a goal of this process, the mediator places high value on capturing this opportunity.

The mediator's response positions the parties with respect to each other in a way that is relational rather than transactional. Ralph's position as one seeking to build understanding is highlighted; and likewise, Ann is no longer representative of a need that must be satisfied, but is positioned as a person in a dialogic relationship who can participate in building understanding. Here, too, the mediator creates a certain space for the conversation that can logically develop from the point of intervention. By noting briefly what she heard Ralph ask, and inviting him to say more about what he wants Ann to understand, the mediator focuses the conversation to follow on the potential opportunity for interpersonal understanding and shared meaning to develop. This is consistent with the Relational view of empathy as a valued effect and goal in itself. However, as worded, the question also opens a decision-making opportunity[8] to Ralph. Ralph can choose to elaborate on what he wants Ann to understand at any number of levels he has already raised: from talking broadly about his own situation, to what he thinks his moving might mean for the children, or to the narrower focus on legal and financial jeopardy.

In this first segment, then, we see that ideological frameworks explain why three mediators oriented to one particular dimension of the parties' conversation, while a fourth mediator oriented to a completely different dimension. This next segment focuses attention on how ideology explains the disparate nature of the mediators' interventions themselves, particularly where the aspects of the conversation the mediators orient to appear to be more ambiguous.

Segment 2:

Ralph: You know as well as I do, if you really are honest with yourself, that I've spent essentially the same amount of time with these children as you do. I take one day a week — a full day of work — off a week. I spend virtually all my time with them on the weekend. I see them in the evening. I cannot conceive of any schedule that doesn't allow me to have that kind of equal time, or similar time with my children. It's not in their best interest otherwise.

Ann: Are you done?

Ralph: No. Then, in addition to that, I think that'd allow you lots of time to do the stuff you want to do.

Ann: Don't tell me what I want to do.

Ralph: Well, you did ask me if I was done.

Ann: I asked if you were done. I did not ask you to tell me what I want. You tried to do that all our marriage. It's not going to happen now. And, you asked if I would acknowledge you as a parent. I do acknowledge you as a parent, but not as the parent you profess to be. You're a good dad. You're a good dad. But, you do not have equal responsibility for these children, and you never have. You take one day of work off a week. On that day, we have a babysitter in the morning who watches those kids while you…

Ralph: We have a babysitter every morning.

Ann: Every morning - that's correct. But, when you say you're taking a whole day off with the kids, the baby sitter is there, you're making your business phone calls, you're doing the budget, you're doing whatever you need to do…so don't tell me you're interacting with the kids all that day. On the weekends we're both at home. Yes, you take them to the park. Yes, you take them to [franchise] - and why you would subject them to that kind of food is beyond me - but, you do these things…[out-of-role aside by Ralph]. But, it just seems that you want credit beyond what you do. And, I'm not saying you're not part of their lives - I'm not saying you're not a good dad. But, the problem is that you seem to think that makes you an equal parent, and you're not.

Ralph: You don't get it. I am not, and I am telling you I am not going to agree to the schedule that you think there should be because you've defined how we're parents. You talk about my controlling you - you have controlled…you control whether these kids can eat anything.

Moderator: Let's stop this here…[commentary omitted]

Mediator #3: You know, Ann and Ralph, parenting changes over time. What I'd like to know is what kind of parents would you like to be - not the kind of parents you are today. What kind of parents would you both like each other to be in the near future?

Mediator #2: I would say…Ann, would you like Ralph to share the kids on an equal basis?

Mediator #1: I hear the two of you disagreeing about what the past has been - as to how much time each of you has been spending with the kids…what that time has been like. And, I want to ask you if you think it would be helpful, at this point in the process, to focus on what kind of division of time makes sense going forward. Maybe we could make some

49 kind of chart that would help us figure out what you think would be best
50 for the kids in the future.

51 **Mediator #4:** Ann and Ralph, I'm hearing - as you talk about the
52 decisions you want to make regarding the children - that you're both
53 concerned about what it means to be parents to your children. And, Ralph,
54 I heard you say that you'd like your contributions as a parent recognized.
55 Ann, I heard you do some of that - that you recognized that Ralph is a
56 good parent, and what I'm wondering is if maybe each of you would like a
57 little more time to talk about what it means to be parents to these children.

Commentary on Segment 2:

Mediators 1 and 2 orient directly to Lines 5 and 6, where Ralph raises the issue of a schedule and his goal of having equal time with the children. In the problem-solving, Individualist framework, this issue presents a transaction and a concrete problem to be solved. Time with the children is a commodity which can be divided as well as traded. In their responses to the parties, both of these mediators focus the developing conversation on "sharing" or otherwise allocating time with the children. For these mediators, their theory supports an assumption that little else in the exchange between the parties needs to be pursued further except those matters which potentially advance the transaction.

Mediator 3 orients generally to the discussion about the kind of parents Ann and Ralph are, and it is not clear solely from where he focuses his attention whether he is relying on Individualist or Relational premises. However, what he does in his response is more telling. He tells them first what he is not interested in, which is any further discussion about the kind of parents they are now, signaling that such discussion is not productive in mediation and should not be pursued. He then uses the familiar problem-solving strategy of orienting the parties to the future. Even more telling, however, is the transactional frame he places around that discussion: he asks each to describe what kind of parent they would like *the other* to be in the future. With the discussion authorized by the mediator in this way, it is easy to imagine the dialogue which would follow as one which focuses on what each wants *the other* to do, and thereby possibly elicits the eventual parameters for exchange.

Mediator 4, like Mediator 3, orients to the discussion of how Ann and Ralph parent their children (Lines 33-35). However, although she orients to essentially the same aspect of the parties' conversation as does Mediator 3, she fosters its development in a different way. In contrast to the moves made by Mediator 3, Mediator 4 indicates that what the parties were saying is valuable to the mediation process by summarizing briefly and inviting them to talk more about it. The summary is theory-driven: it focuses on the opportunities for developing interpersonal understanding by highlighting Ralph's bid for recognition and Ann's unnoticed efforts at offering recognition to Ralph.

The mediator's language then engages the possibility of constructing a shared meaning about what it means to be parents of these children.

Note, too, that while Mediators 1, 2, and 3 continue to position Ann and Ralph in a transactional relationship with each other, Mediator 4 again positions both as joint participants in the dialogic process of creating shared meaning, with a choice open as to whether they wish to pursue that discussion.

Each of these segments illustrates that the mediators heard very different things from the parties as they interacted with each other, highlighted different aspects of the interaction as salient to mediation, and responded in different ways. Ideology provides a solid, coherent explanation. The discourse of Mediators 1, 2, and 3 show them to be operating from the problem-solving theoretical framework, based on Individualist assumptions, where understanding is valuable for how it serves transactional ends. The discourse of Mediator 4 shows her to be operating from the transformative framework, based on Relational premises and oriented to the development of interpersonal understanding and shared meaning, as a goal and a value in itself. The implications of these differences are discussed in the next section.

Implications for Policymakers and Practitioners

This analysis highlights the importance of examining micro-level discursive practices of mediators for the influence of theoretical frameworks and the ideological assumptions upon which they are based. It demonstrates that theory, embedded in ideology, operates at the most practical of all levels, shaping the moment-by-moment social interactions of mediators and parties in distinctive ways. It also reveals how mediators influence whether the parties interact with each other as human beings in a transactional or relational way, reflecting the mediators' own ideologically-based sense of the ideal social and moral order, and in turn, reproducing that social and moral order. A number of policy implications emerge from this analysis.

Through various studies and critiques, it has become apparent that the ideal of mediator neutrality cannot be sustained: mediators do indeed influence, and even shape, both the process and the substantive outcome of the dispute (see, e.g., Cobb and Rifkin 1991; Dingwall 1988; Folger and Jones 1994; Greatbatch and Dingwall 1989, 1994; Kolb 1994). Yet, despite credible evidence that neutrality cannot be sustained as a working premise for mediators, it continues to be a mainstay of ethical standards, standards of practice, and even legislation. But this actually provides only the illusion of a practice standard: if neutrality cannot be achieved, lack of neutrality cannot be sanctioned. It is time for policy in the field to reflect the reality of mediator influence. I suggest that policy makers accept the inevitability of mediator influence (cf. Bush and Folger 1994; Folger and Jones 1994), and pursue clarity regarding differences in theoretical frameworks and the forms of mediator influence which are normative in each framework. Then policymakers can begin to shape policies that honestly reflect the proper

parameters of influence under various theories of practice. This would provide mediators with concrete guidance for their practices, and the public with a better understanding of what they may and may not expect from mediators.

A corollary to this observation is that, as a general principle, standards for mediation practice should require that a mediator disclose his or her practice framework to parties, and provide parties the opportunity to give or withhold their informed consent regarding the framework used. This will require higher levels of theoretical sophistication and self-awareness than are currently required of mediators, including awareness of the mediator's own theoretical framework for practice, the assumptions on which it is based, and the nature and extent of mediator influence it entails. Mediators should also be able to describe and explain these matters to mediation participants in meaningful, understandable terms. Adjectives such as "problem-solving" or "transformative" (or any of the multitude of other descriptive terms now in use for mediation) probably mean very little to the average user of mediation services — they have varying and mixed meanings even within the mediation community. What mediation participants need to know is what the mediator will *do*, and how it will affect the parties' interactions and their decisions. With this information, parties can make an informed choice about proceeding with mediation as well as with the mediator.

The same level of awareness should inform mediation program design. Program designers cannot assume a generic form of mediation, or that "generic" mediators will populate their programs. Mediators will bring their theoretical frameworks and ideological assumptions to the mediation programs they serve. Likewise, the assumptions of program designers can produce program designs that inadvertently support some forms of practice and constrain others (Della Noce 1999). Therefore, as part of the early design work regarding the goals and desired outcomes of a program, program designers should consider and discuss explicitly the available theories of mediation and the social consequences of incorporating any given theory into the program. For example, whether an approach to mediation encourages people who use the program to relate to each other in a transactional or relational way is a significant consideration, with consequences for the program users, the goals of the program, program design and implementation, and program-related research. It should be made explicitly and with full information.

The analysis in this article also has implications for the continuing efforts to define a universal set of "core skills" for mediators, which now span over a decade (see, e.g., Filner 1999; Honeyman 1990; Mediator Skills Project 1998; Test Design Project 1995). These efforts attempt to define mediator competencies at the level of concrete, decontextualized, atheoretical skills and techniques. Yet, this analysis demonstrates that no single mediator move can be said to make sense (that is, to be competent or not) except as it is enacted in interaction, as part of the mediator's theoretical

framework, embedded in certain ideological assumptions. Even if it is possible at some point to say there are "core skills," this says nothing about the judgment necessary to determine how, when and why to use those skills in interaction. For example, the mediators in the preceding illustrations appear to be doing very different things, which some may label as competent or not depending upon their own frameworks. But, what a competency assessment at the level of concrete, isolated mediator skills will undoubtedly miss is that all of these mediators were acting competently *within their own theoretical frameworks*.

This is an important point, because a reader might argue from the preceding analysis that one framework represents competent practice and the other represents incompetent practice. On the contrary, the behaviors described for each framework are those that are considered "good practice" from that framework, and they must be analyzed in that light. They cannot simply be dismissed as being "not mediation" or incompetent mediation. Williams (1997), for example, argues that what Bush and Folger describe as problem-solving mediation is either not mediation at all or is not competent mediation. But such an argument does not explain the pervasiveness of such practices, nor does it offer a constructive way to understand and deal with the very real differences in the field.

Prescriptions for engaging in problem-solving practice can be found in numerous texts and examples can be found in numerous training videotapes. To say, as Williams (1997) appears to say, that they represent "bad practice" centers the dialogue in the field on an interminable debate over who is and who is not a "real" mediator or a "good" mediator. But the key issue is neither boundaries of practice nor perceived competence; it is the theory and assumptions underlying the mediators' practices. It is more constructive for the field to inquire into the sources of differences in practice and the consequences of those differences, to further develop and clarify coherent theoretical frameworks, and to use the resulting clarity and understanding to inform both practice and policy-making (DellaNoce 1998, 1999; Toben 1998), than it is to argue over whose theoretical framework is more competent.

A final policy issue relates to mediator training. Training standards in the field, such as they are, have been atheoretical since their inception and do not require theoretical sophistication or clarity on the part of trainers. Not surprisingly, then, a great deal of the training in the field either lacks a coherent theory, obscures the theory relied upon, or confounds theoretical clarity by indiscriminately blending incompatible theoretical constructs. I believe that it is time for mediator training to be explicitly theory-driven, and for training standards to reflect and support the importance of theoretical and ideological clarity. Trainers should be required to be explicit about their theoretical frameworks. This would enrich both the training experience and mediation practice. In addition, this would respect the trainees' right to be fully informed about the theories relied upon by available training programs

so that they can make educated choices. Any promise of a generic or atheoretical training program does trainees a disservice, because every training incorporates the preferred moral discourse of the trainer (or of the training standards with which the trainer must comply). It may also be time for training standards to be written which are theory-specific, rather than continuing to attempt to regulate training in diverse theories and practices through a generic set of standards.

Finally, the subject of mediator training raises two additional important questions: Can theories and ideologies be "trained?" And, are ideological frameworks subject to change? The first question highlights the fact that "training" is actually best suited to the development of technical competence and rote skills. Reflective theoretical and ideological awareness requires something more, such as moving beyond training and into professional seminars which encourage study, dialogue and critical thinking.

Nonetheless, in training programs, I believe that theories and ideological frameworks can at least be made explicit. One approach is to have a segment early in a training which outlines the assumptions (about human beings, conflict, negotiation, communication, etc.) underlying the approach to mediation promoted in the training.[9] This could be followed by exercises in which trainees explore whether they resonate with these assumptions. If they do, the training "fit" will seem quite natural. If they do not, the trainees then have the opportunity to further "try on" and explore those assumptions throughout the training. Trainees may find that they want to reconsider their assumptions and move toward the ideology articulated in the training. Or, they may find that what they gain from the training is greater clarity on what they do *not* want to do, which at least prepares them to investigate other programs. In either case, however, they will not be lulled into unthinkingly adopting the moral discourse of any given training program as the normative moral discourse of all of mediation, but will instead have the opportunity to be critical, reflective learners.

As to whether mediators' ideological frameworks are subject to change, following Fairclough (1989; 1995) and van Dijk (1998), I submit that they are under certain limited conditions. First, practitioners must become reflective, and develop an awareness of their own ideological frameworks. Second, practitioners must be critical, that is, they must learn to recognize and evaluate the assumptions which frame various discursive practices. And finally, ideological change, if desired, is most likely to occur through cumulative changes in discursive practice. But this is admittedly a slow process (van Dijk 1998). Contrary to some of the currently popular notions in the field, it is unlikely that mediators can change their ideological assumptions as they believe each case, context, or client warrants. Ideology goes far deeper than "style."

NOTES

The author is grateful to her colleagues on the Practice Enrichment Initiative and also to an anonymous reviewer for *Negotiation Journal* for their insights and suggestions on earlier drafts of this article.

1. There is some debate as to whether mediation can or should be considered a "profession." An excellent resource on this topic is provided by Morris and Pirie (1994). I refer here to mediation as an "emergent profession" based on Picard (1994).

2. An instructive example of the difficulty, if not futility, of integration efforts is provided by Slaikeu (1996). In the first chapter of his book, he claims to offer "the integrative model" for mediation, that is, a model which integrates the transformative and problem-solving frameworks. His model has three "foci:" agreement, empowerment and recognition. Yet, in that chapter, he limits empowerment to efforts at problem-solving, and limits recognition to understanding negotiator interests, in effect co-opting empowerment and recognition in service of interest-based bargaining (cf. Kolb and Putnam 1997). He rejects empowerment and recognition as independent goals of the process (a key premise of the transformative framework), and focuses in the remainder of the book solely on interest-based problem-solving. Empowerment and recognition do not even appear as topics in the index. Problem-solving assumptions prevail here over relational assumptions, because both sets of assumptions cannot be held simultaneously (cf. Kolb and Putnam, 1997).

3. Highlighting the importance of the conceptual distinction between cognitive and affective empathy within the transformative framework no doubt begs a question about the role of the parties' emotions in the mediation process, especially since one of the "hallmarks" of the transformative process is acknowledging and working with the parties' expressions of emotion (Folger and Bush, 1996). I make this distinction as follows:

While the focus of the mediator's attention is on fostering cognitive understanding rather than affective empathy, the parties' experience and expressions of emotion are important to the process of building interparty understanding (Broome 1993). Emotional expression provides another way for the parties to learn about and appreciate their differences (Putnam 1994). Emotional expression can be considered a critical moment in which there is potential for the nature of the conflict interaction to shift (Bush and Folger, 1994; Folger and Bush 1996; Putnam 1994.) The mediator works with the parties' emotional expression as with all communication in the mediation: by paying attention to the cues for empowerment and recognition contained therein and surfacing these opportunities for the parties to consider and act upon as they choose.

Cues to a recognition opportunity — such as a request for understanding from a party, an invitation to the other to step into a party's own shoes, or an expression of how one party is understanding another — may be signaled in loud voices, sarcastic tones, insults, accusations or attributions. For this reason, it is important that emotional expression not be treated as mere venting or a bothersome constraint on rationality, and therefore, ignored, tolerated, reframed, prevented in advance via ground rules, or terminated.

Here, in fact, is where cognitive and affective empathy may intersect, as either party may experience an affective response as a result of understanding the other better, or may achieve greater cognitive understanding as a result of confronting the level of affect that the other party is expressing. But the focus of the mediator, at all times, is on inter-party cognitive empathy, that is, working with the parties' communication in-the-moment to enhance and develop their interpersonal understanding.

4. The term "relational empathy" appears to have originated with Broome (1993), although he did not tie this notion of empathy to ideology or the Relational worldview. I extend Broome's notion of relational empathy in this article by making the connection to Relational ideology explicit.

5. The same suggestion with respect to cognitive empathy, or perspective-taking, was made in a study by Slaikeu, Pearson and Thoennes (1988). Because the researchers found that there were more empathic statements between spouses in successful mediations than in unsuccessful mediations, they reasoned that parties with high perspective-taking ability were more likely to be successful in the process of mediation, and that if parties were not high in perspective-taking ability, it should be the job of the mediator to do whatever he or she could do to foster understanding and empathy between the parties. They urged that mediators adopt a proactive stance and look for ways to draw each party into the other's world.

However, while they did not link the concept to any specific theory of practice, their research assumed only instrumental value for perspective-taking. And, their research was embed-

ded in the psychological perspective, characterizing perspective-taking as an individual psychological trait, which gave practicing mediators no real access to perspective-taking in the process, short of testing or assessing their clients' perspective-taking ability to determine which clients rated high or low.

6. Audiotape GS2-1351-98, available from the Academy of Family Mediators, Lexington, Mass. The author is grateful to the Academy of Family Mediators for its permission to reprint excerpts of this session here.

7. Because I was Mediator 4, I must clarify that my intent in this analysis is only to illustrate that there are visible differences between micro-level mediator practices with respect to opportunities for empathy, and to suggest that the differences can be explained by the ideology of the mediator. I do not claim that my responses represent "best practice," or even what any other mediator might have said in the same situation if working from Relational premises.

8. The opportunity for party decision-making which is highlighted in Mediator 4's interventions implicates the empowerment dimension of Bush and Folger's theory. While the focus of this article is on the recognition dimension, recognition represents only half of the transformative framework. Examination of the empowerment dimension is beyond the scope of this article, except to note that Bush and Folger argue that there is an essential interplay between empowerment and recognition, and recognition is more likely to be enacted when a party experiences some measure of empowerment.

9. R.A.B. Bush, J.P. Folger, D.J. Della Noce and S.G. Pope incorporated the training suggestions made here in the mediator training programs they designed and presented for the U.S. Postal Service REDRESS Program.

REFERENCES

Bellah, R.N., R. Madsen, W.M. Sullivan, A. Swidler, and S.M. Tipton. 1985, 1996. *Habits of the heart: Individualism and commitment in American life*. Berkeley and Los Angeles: Calif.: University of California Press.

———., ———., ———., ———., and ———. 1991 and 1992. *The good society*. New York: Vintage Books.

Broome, B.J. 1993. Managing differences in conflict resolution: The role of relational empathy. In *Conflict resolution theory and practice: Integration and application*, edited by D.J.D. Sandole and H. van der Merwe. Manchester and New York: Manchester University Press.

Burkitt, I. 1999. Relational moves and generative dances. In *Relational responsibility: Resources for sustainable dialogue*, edited by S. McNamee and K.J. Gergen. Thousand Oaks, Calif.: Sage.

Bush, R.A.B. and J.P. Folger. 1994. *The promise of mediation*. San Francisco: Jossey-Bass.

Cobb, S. and J. Rifkin. 1991. Practice and paradox: Deconstructing neutrality in mediation. *Law & Social Inquiry* 16 (1): 35-62.

Deetz, S. and W.J. White. 1999. Relational responsibility or dialogic ethics? A questioning of McNamee and Gergen. In *Relational responsibility: Resources for sustainable dialogue*, edited by S. McNamee and K.J. Gergen. Thousand Oaks, Calif.: Sage.

Della Noce, D.J. 1998. President's message: Conflict in the field is a challenge to be met. *Mediation News* 17 (3). Lexington, Mass.: Academy of Family Mediators.

———. 1999. Mediation policy: Theory matters. *Virginia Mediation Network News*, 6 (2): 4-5.

Dingwall, R. 1988. Empowerment or enforcement? Some questions about power and control in divorce mediation. In *Divorce mediaton and the legal process*, edited by R. Dingwall and J. Eekelaar. Oxford: Oxford University Press.

Duan, C. and C.E. Hill. 1996. The current state of empathy research. *Journal of Counseling Research* 43 (3): 261-274.

Eagleton, T. 1991. *Ideology: An introduction*. London: Verso.

Fairclough, N. 1989. *Language and power*. London: Addison Wesley Longman Ltd.

Fairclough, N. 1995. *Critical discourse analysis: The critical study of language*. London: Addison Wesley Longman Ltd.

Fairclough, N. and R. Wodak. 1997. Critical discourse analysis. In *Discourse as social interaction*, edited by T. A. van Dijk. Thousand Oaks, Calif.: Sage.

Filner, J. 1999. The voluntary mediator certification project: A discussion. *Conference Program and Proceedings Book*. Lexington, Mass.: Academy of Family Mediators.

Fisher, R., E. Koppelman, and A.K. Schneider. 1994. *Beyond Machiavelli: Tools for coping with conflict*. New York: Penguin Books.
Fisher, R. and W. Ury. 1983. *Getting to YES: Negotiating agreement without giving in*. Boston: Houghton Mifflin.
Folger, J.P. and R.A.B. Bush. 1994. Ideology, orientations to conflict, and mediation discourse. In *New directions in mediation: Communication research and perspectives* edited by J. P. Folger and T. S. Jones. Thousand Oaks, Calif.: Sage.
———. and ———. 1996. Transformative mediation and third party intervention: Ten hallmarks of a transformative approach to practice. *Mediation Quarterly*. 13 (4): 263-278.
Folger, J.P. and T.S. Jones. 1994. Epilogue: Toward furthering dialogue between researchers and practitioners. In *New directions in mediation: Communication research and perspectives*, edited by J.P. Folger and T.S. Jones. Thousand Oaks, Calif.: Sage.
Gilligan, C. 1982. *In a different voice: Psychological theory and women's development*. Cambridge, Mass.: Harvard University Press.
Gray, B. 1994. The gender-based foundations of negotiation theory. In *Research on negotiations in organizations*, vol. 4, edited by R.J. Lewicki, B.H. Sheppard and R. Bies. Greenwich, Conn.: JAI Press.
Greatbatch, D. and R. Dingwall. 1989. Selective facilitation: Some preliminary observations on a strategy used by divorce mediators. *Law & Society Review*, 23 (4): 613-641.
———. and ———. 1994. The interactive construction of interventions by divorce mediators. In *New directions in mediation: Communication research and perspectives*, edited by J.P. Folger and T.S. Jones. Thousand Oaks, Calif.: Sage.
Greenhalgh, L. 1995. Competition in a collaborative context: Toward a new paradigm. In *Research on negotiation in organizations*, Vol. 5, edited by R.J. Bies, R.J. Lewicki and B.H. Sheppard. Greenwich, Conn.: JAI Press.
Harre, R. and van L. Langenhove. 1999. The dynamics of social episodes. In *Positioning theory: Moral contexts of intentional action*, edited by R. Harre and L. van Langenhove. Malden, Mass.: Blackwell Publishers.
Haynes, J.M. 1994. *The fundamentals of family mediation*. Albany: State University of New York Press.
Hekman, S.J. 1995. *Moral voices, moral selves: Carol Gilligan and feminist moral theory*. University Park, Penn.: The Pennsylvania State University Press.
Held, V. 1990. Mothering versus contract. In *Beyond self-interest*, edited by J.J. Mansbridge. Chicago: University of Chicago Press.
Holmes, S. 1990. The secret history of self-interest. In *Beyond self-interest*, edited by J.J. Mansbridge. Chicago: University of Chicago Press.
Honeyman, C. 1990. The common core of mediation. *Mediation Quarterly*, 8 (1): 73-82.
Irving, H.H. and M. Benjamin. 1995. *Family mediation: Contemporary issues*. Thousand Oaks, Calif.: Sage.
Jack, R. and D.C. Jack. 1989. *Moral visions and professional decisions: The changing values of women and men lawyers*. Cambridge: Cambridge University Press.
Koehn, D. 1998. *Rethinking feminist ethics: Care, trust and empathy*. London: Routledge.
Kolb, D.M., ed. 1994. *When talk works: Profiles of mediators*. San Francisco: Jossey-Bass.
Kolb, D.M. and L.L. Putnam. 1997. Through the looking glass: Negotiation refracted through the lens of gender. In *Workplace dispute resolution: Directions for the 21st Century*, edited by S. Gleason. East Lansing: Michigan State Univ. Press.
Lannaman, J.W. 1999. On being relational in an accountable way: The questions of agency and power. In *Relational responsibility: Resources for sustainable dialogue*, edited by S. McNamee and K.J. Gergen. Thousand Oaks, Calif.: Sage.
Lewicki, R.J., D.M. Saunders and J.W. Minton. 1997. *Essentials of negotiation*. Chicago: Irwin.
Mansbridge, J.J. 1983. *Beyond adversary democracy*. Chicago: University of Chicago Press.
———. 1990. *Beyond self-interest*. Chicago: University of Chicago Press.
Mazanec, M.J. and S. Duck. 1999. Responding and relating: Response-ability to individuals, relating, and difference. In *Relational responsibility: Resources for sustainable dialogue*, edited by S. McNamee and K.J. Gergen. Thousand Oaks, Calif.: Sage.
McAdoo, B. 1998. Comments made as panel member at Program 1.01, "Hot Topics: Experienced practitioners address the challenges of our profession." 1998 annual conference, Society of Professionals in Dispute Resolution. Audiotape available from The Sound of Knowledge, Inc. San Diego, Calif.

McNamee, S. and K.J. Gergen. 1999. Relational responsibility: Resources for sustainable dialogue. Thousand Oaks, Calif.: Sage.
Mediator Skills Project. 1998. An interim report of the mediator skills project: Assessing and supporting effective mediation. Submitted to the State Justice Institute and the William and Flora Hewlett Foundation.
Menkel-Meadow, C. 1995. The many ways of mediation: The transformation of traditions, ideologies, paradigms, and practices. *Negotiation Journal*, 11 (3): 217-242.
Mnookin, R.H., S.R. Peppet and A.S. Tulumello. 1996. The tension between empathy and assertiveness. *Negotiation Journal*, 12 (3): 217-230.
Moore, C.W. 1996. *The mediation process: Practical strategies for resolving conflict.* 2nd ed. San Francisco: Jossey-Bass.
Morris, C. and A. Pirie. 1994. *Qualifications for dispute resolution: Perspectives on the debate.* Victoria, B.C.: UVic Institute for Dispute Resolution.
Mumby, D.K. and R.P. Clair. 1997. Organizational discourse. In *Discourse as social interaction*, edited by T. A. van Dijk. Thousand Oaks, Calif.: Sage.
Picard, C.A. 1994. The emergence of mediation as a profession. In *Qualifications for dispute resolution: Perspectives on the debate*, edited by C. Morris and A. Pirie. Victoria, B.C.: UVic Institute for Dispute Resolution.
Potter, J. and M. Wetherell. 1987. *Discourse and social psychology: Beyond attitudes and behaviour*. London: Sage.
Putnam, L.L. 1994. Challenging the assumptions of traditional approaches to negotiation. *Negotiation Journal*, 10 (3): 337-346.
Rifkin, J. 1994. The practitioner's dilemma. In *New directions in mediation: Communication research and perspectives*, edited by J.P. Folger and T.S. Jones. Thousand Oaks, Calif.: Sage.
Rubin, J.Z., D.G. Pruitt and S.H. Kim. 1994. *Social conflict: Escalation, stalemate, and settlement.* 2nd ed.. New York: McGraw-Hill.
Sandel, M.J. 1996. *Democracy's discontent: America in search of a public philosophy*. Cambridge, Mass.: The Belknap Press of Harvard University Press.
Scimecca, J.A. 1993. Theory and alternative dispute resolution: A contradiction in terms? In *Conflict resolution theory and practice: Integration and application*, edited by D.J.D. Sandole and H. van der Merwe. Manchester and New York: Manchester University Press.
Slaikeu, K.A. 1996. *When push comes to shove: A practical guide to mediating disputes*. San Francisco: Jossey Bass.
Slaikeu, K.A., J. Pearson and N. Thoennes. 1988. Divorce mediation behaviors: A descriptive system and analysis. In *Divorce mediation: Theory and practice*, edited by J. Folberg and A. Milne. New York: Guilford Press.
Stewart, J. 1983. Interpretive listening: An alternative to empathy. *Communication Education*, 32: 379-391.
Test Design Project. 1995. *Performance-based assessment: A methodology, for use in selecting, training and evaluating mediators*. Washington: National Institute for Dispute Resolution.
Toben, S. 1998. Acceptance speech on behalf of the William and Flora Hewlett Foundation, on receiving the 1998 Peace Award from the Academy of Family Mediators. Reprinted as "Hewlett Foundation officer speaks about future of organizations," *Mediation News*, 17 (4), pp.12-13. Lexington, Mass.: Academy of Family Mediators.
Ury, W. 1991. *Getting past no: Negotiating your way from confrontation to cooperation*. New York: Bantam Books.
van Dijk, T.A. 1997a. The study of discourse. In *Discourse as structure and process*. (Discourse studies: A multidisciplinary introduction, Vol. 1), edited by T.A. van Dijk. London: Sage.
———. 1997b. Discourse as interaction in society. In *Discourse as social interaction*. (Discourse studies: A multidisciplinary introduction, Vol. 2), edited by T.A. van Dijk. London: Sage.
———. 1998. *Ideology: A multidisciplinary approach*. London: Sage.
Wetherell, M. and J. Potter. 1992. *Mapping the language of racism: Discourse and the legitimation of exploitation*. New York: Columbia University Press.
Williams, M. 1997. Can't I get no satisfaction? Thoughts on *The promise of mediation*. *Mediation Quarterly*. 15 (2): 143-154.