

C 7, M 5, L 1

Narrative Approach to Mediation.

The Narrative Approach to Mediation

By

Toran Hansen

Narrative Mediation is a new approach to mediation that was spurned by Narrative Family Therapy, developed in the mid-1980s by Michael White and David Epston, in Australia. It came out of their interest in post-modernism and social constructionism, in examining the making of meaning through the filter of language and the subjective interpretation of “facts”. While Narrative Therapy has become relatively mainstream in Family Therapy, Narrative Mediation is still a relatively new and unexplored phenomenon in the field of mediation. Narrative Mediation is being pioneered presently in Waikato Mediation Services in Hamilton, New Zealand, through the work of John Winslade, Gerald Monk, and Alison Cotter. Monk and Winslade have also taught counseling courses at the University of Waikato, at the School of Education’s Human Development and Counseling Program, where Winslade is at present a Senior Lecturer. At this time, Monk is the Director of the School Counseling Program at the College of Education at San Diego State University. Now, I would like to tell you a story about Narrative Mediation.

“It is widely accepted that mediation is a storytelling process... telling one’s story in mediation serves simultaneously the ethical mandate, “participation”, as well as the pragmatic mandate to move “from story to settlement” (Harrington and Davis in Cobb 1994, 48). The story is at once its content, contained within the body of the story itself (the actual set of events) and its telling, or the complete

discourse around the way the story is delivered (Cobb 1994, 50-51). In mediation, the conflict parties' stories act like "theories of responsibility", which construct the logical, causal linkages between actors, their actions, and outcomes (Cobb 1994, 52). People can actually be said to think in terms of stories and their constituent parts (the themes, roles, and plots), which work together to create a system of meaning around particular people and events (Cobb 1994, 52). The stories that one constructs fit into a wider web of stories relating to other stories created by the same individual, to stories created by members of one's social network, and even to cultural stories on a societal level (Pearce and Cronen in Cobb 1994, 53).

In a mediation, "narratives are interactively developed, modified, and contested as disputants elaborate portions of their own and each other's conflict stories" (Cobb 1994, 53). Conflict stories tend to cast oneself in the role of victim and protagonist, which contrasts against the other party in the role of the victimizer, the antagonist (Cobb 1994, 57). For mediation to effectively use the storytelling metaphor and create a cooperative climate among disputants, it becomes necessary to destabilize those "theories of responsibility" which simultaneously serve to legitimate one's point of view and de-legitimate the point of view of the other party. This leaves conflict parties with a previously "closed" interpretation (their story) open to new possibilities and interpretations. This new climate of openness could lead to the genesis of a new account and mutually satisfying interpretations and outcomes (Cobb 1994, 60-61).

Narrative Mediation builds on the storytelling metaphor. It is both an approach and a methodology, providing mediators with a way of incorporating stories into the very fabric of mediation. Narrative Mediation comes out of the tradition of Narrative Family Therapy developed by Michael White and David Epston in the mid-1980s (e.g. Monk 1996, 2). The model developed out of the tradition of

postmodernism and, more particularly, its embrace of multiplicity and contingency (Wylie and Pare 2001, 1). Postmodernism recognizes that one's point of view can never be completely "objective" and an account of an event is intrinsically linked to one's point of view. One's point of view, by extension, comes directly out of one's socio-cultural context (Winslade and Monk 2001, 41).

Postmodernist therapies "attempt to privilege clients' interpretations in the construction of meaning through a collaborative conversation" (Wylie and Pare 2001, 2). There is no one "truth" to discover, merely individual interpretations of what has transpired, is transpiring, or will transpire. One viewpoint should, therefore, not be privileged as being considered more "true" than another. All stories are representations of events and their "accuracy" and "truth" are not questioned in therapy sessions, as this would inevitably lead to privileging certain views over the clients'. This has noticeably occurred in traditional therapy which often privileges the therapist's view over the client's. The common position taken by "expert" therapists is to diagnose and treat clients based on the therapist's "expert" point of view, which uses a process of medical labeling. In Narrative Therapy, on the other hand, the clients identify their own problems and resolutions. The identities of individuals are created and recreated in therapy as they create and recreate their personal stories and the stories of the dominant societal discourse affecting them (Wylie and Pare 2001, 3). By influencing the client's view of reality through therapy, client's identities are changed in an active, imaginative endeavor between the therapist and the client. Clients are given more control in the creation of their own stories, their own identities, and, consequently, more control over their lives (Wylie and Pare 2001).

Language also plays an important role in the genesis of meaning through stories. It is the medium with which stories are designed

and, in Narrative Therapy, is not considered to be a value-neutral medium through which our ideas pass but rather, has meaning unto itself. Our words do not just simply describe our experience but in a very real sense serve to create it. The social constructionist point of view considers language a type of social action (Winslade and Monk 2001, 39-40). The very act of naming, giving meaning to a word, leads to a certain perception of the concept named. The act of naming is part of the dominant societal discourse coming out of one's socio-linguistic heritage. In fact, Michael Foucault demonstrates how language construction is an act of power which serves the interests of the dominant classes with linguistic forms, "present[ing] as "normalizing truths" in the sense that they construct norms which mould people's lives and relationships" (Monk 1996, 5). Therefore, social constructionist approaches consider the meaning-making behind the background discourse coming out of language use and attempt to make this explicit in therapy sessions, ultimately giving the power of naming and meaning-making back to clients.

Postmodern approaches are not without their criticisms. Chief among them, is the concern that the inherent subjectivity represents, "a sort of "anything goes" aesthetic, a relativistic chaos, [and] an abandonment of shared ideals" (Wylie and Pare 2001, 1). Postmodern thinking can result in, "an ethical relativism that... will create a vacuum in which the power principle will become preeminent" (Wylie and Pare 2001, 12). "The destabilizing of identity, reality, and interpretation raises a number of disconcerting issues such as the dissipation of political, social, and cultural agency" (Wylie and Pare 2001, 12). If a client's unique viewpoint is privileged then "the truth" is no longer fixed and knowable, it is only "the truth" in so much as it accurately reflects a client's reality. The concern is that this subjectivity will lead to a kind of ethical

anarchy and therapeutic interventions will no longer be guided to the same extent nor will their “solutions” be evaluated against objective criteria. Conversely, postmodernists feel that the acknowledgement of the inherent subjectivity in therapeutic interventions is a strength. “It deposits us on different (if no longer solid) ground, a ground that offers new possibilities for staging resistance to the damaging effects of social, cultural, and political and political dominant narratives and for inviting subjects to write for themselves more empowering, less subjugated narratives” (Wylie and Pare 2001, 12).

Narrative Mediation with its postmodernist underpinnings, challenges the problem-solving orientation and its positivist foundation, prevalent in the field of mediation today. Rifkin, Millen, and Cobb suggest that a “folklore of neutrality” has developed in the field of mediation in which it is considered possible for mediators to stand apart from their own historical and cultural context (e.g. Winslade, Monk, and Cotter 1998, 22). Narrative Mediation involves recognizing that one cannot be completely neutral and requires practitioners to take a stand on issues stemming from the dominant societal discourses which create and recreate systems of oppression. In addition, the feasibility of separating content and process issues, considered an integral aspect of the problem-solving model, is seriously questioned. Narrative Mediation considers both content and process as part of the overall meaning-making system and does not try to separate them in the practice of mediation for the expressed purpose of focusing on exclusively on process issues. Furthermore, the problem-solving orientation and its orientation towards settlement, tends to emphasize substantive issues over relational issues. The Narrative approach to mediation places substantive issues as a secondary aim after considering the primary, relational needs of the conflict

parties. As well, the problem-solving approach, having come out of an individualistic culture, has been criticized for being less than accommodating for members of collectivist cultures and their needs, while Narrative Mediation, sensitive to other cultural meaning-making systems, elicits and draws upon the clients' worldviews in seeking "local expertise" and resolutions (Taylor 2002, 137, Winslade and Monk 2001, 35-37, and Winslade, Monk, and Cotter 1998, 22-24).

Due to its emphasis on resisting dominant societal discourses, the Narrative approach has been found to be particularly effective in working with marginalized groups. One principle focus in a Narrative approach is on, "helping clients not only to tell their stories, but to find strategies for resisting the internalization of negative cultural messages" (Semmler and Williams 2000, 2). "Human dilemmas are manufactured in the social contexts rather than embedded in the human beings themselves... this stance enables clients to experience liberation on a very individual level" (Semmler and Williams 2000, 2). Michael White's catch phrase for Narrative Therapy is, "the people are not the problem; the problem is the problem" (e.g. Taylor 2002, 136). This externalization of the problem can be particularly beneficial for marginalized groups who, when privileging the prevailing societal discourse, consider themselves to be the source of the problem. As a result, a Narrative approach, "addresses the power of cultural systems in shaping people's lives, and the power engendered when clients free themselves from cultural constraints on self-definition" (O'Hanlon in Semmler and Williams 2000, 2). Good examples of this exercise of empowerment come from successes Narrative Therapy has had in working with adolescent girls or with women suffering from Anorexia and Bulimia, for instance (Kelley, Blankenburg, and McRoberts 2002, 14 and Vode and Gallant 2002, 7). Success of the

Narrative approach is thought to come out of its concern for undermining social injustices which have negatively impacted marginalized groups. It “is simultaneously value-based and method-based; an approach that embodies the strengths perspective and extends it further into the realm of social justice” (Vode and Gallant 2002, 12). Thus, the Narrative approach bridges the gap between micro-level and macro-level change by providing a nexus between the dominant societal level discourse and the individual’s idiosyncratic stories (Vode and Gallant 2002, 12 -13).

Coming out of the tradition of Narrative Family Therapy, the Narrative approach to mediation adopts a profoundly therapeutic style of mediation, which contrasts against the bargaining style.

In the therapeutic style, mediators emphasize increasing understanding among the disputants and overcoming relationship problems. Face-to-face contact between parties is maximized during the intervention, as are attempts to uncover underlying issues and veiled interests. The goal is not simply to reach agreements but to use the intervention as an opportunity to improve communication and to develop a foundation for addressing problems in general (Folger, Poole, and Stutman 2001, 290).

In the bargaining style, settlements are more heavily emphasized, caucuses are more frequent, and attempts to narrow issues, promote compromise, and synthesize arguments are more common (Folger, Poole, and Stutman 2001, 290). The Narrative approach seeks to better conflict parties as people, as much as it attempts to deal with the specific conflict at-hand and generate a settlement.

In Narrative Mediation, conflict parties pass through three phases: engagement, deconstructing the conflict saturated story, and constructing an alternative story (Taylor 2002, 135 and Winslade and Monk 2001, 58). However, “these are not discrete stages. They

do not always follow one after the other in tidy sequences. At times a mediation may move back and forth between these stages” (Winslade and Monk 2001, 91). As noted above, it is critical that the mediator be tuned into the dominant discourses affecting the thoughts and actions of clients throughout the mediation process. Taken-for-granted assumptions by one or both parties relating to either the conflict itself, the conflict parties themselves, or their roles (e.g. husband/wife, employer/employee, African American/Caucasian, etc.) are addressed and reconsidered throughout the mediation sessions (Winslade and Monk 2001, 58-61). This involves pulling apart old, comfortable modalities of thought, old stories pertinent to the conflict, of the conflict itself, of the other party(ies), or even of oneself, to make room for the new modalities, the new stories. The mediator must be ever vigilant in searching for small pockets of resistance by clients to their “theories of responsibility” or for alternative ways of viewing the conflict and the other party. These are often hidden within the dominant discourses which color the client’s worldview (Taylor 2002, 135 and Winslade and Monk 2001, 61). From these alternative ways of considering moments contained within the stories of conflict parties, they can identify preferred options from which to generate a new shared narrative, outside of their established modes of thinking (Winslade, Monk, and Cotter 1998, 26).

In the engagement phase, like with other approaches to mediation, the mediator concentrates on establishing a relationship with conflict parties. Attention is paid to the physical setting of the mediation, the initial moves of conflict parties, and their non-verbal behavior (Winslade and Monk 2001, 62). The Narrative approach recognizes the role the mediator and the mediation have within the conflict stories of the parties and consider the implications of how their identity (gender, ethnicity, etc.) and the physical setting will

impact the conflict narratives of the parties (Winslade and Monk 2001, 64). Creating a psychologically safe environment and a strong alliance with the conflict parties is paramount and is the foundational to the work to follow. The Narrative mediator is at once concerned with what conflict parties say and the manner with which they say it (Winslade and Monk 2001, 68-69). Once the stage is set and rapport established, the mediator invites the conflict parties to tell their stories. This is where Narrative Mediation starts to take on a very different character from other approaches to mediation.

In Narrative Mediation, the mediator uses some specific tools and strategies to achieve the goal of moderating conflict interactions. The centerpiece of the approach are the dual processes of deconstruction and externalization which work hand-in-hand with one another. Deconstructing the conflict-saturated story involves, “undermin[ing] the certainties on which the conflict feeds and invites the participants to view the plot of the dispute from a different vantage point” (Winslade and Monk 2001, 72). This vantage point comes out of a process called “externalization”. Through externalization, conflict parties, “objectify the problem and place it outside themselves, as if it were a separate entity” (Taylor 2002, 136). “They are given the chance to view the problem as an imagined other, a third entity in the relationship... and are both positioned simultaneously as “victims” to the problem’s tyranny... they are spoken of as on the same side” (Winslade, Monk, and Cotter 1998, 32). The process of naming the conflict can be quite playful and creative, resulting in a personified “other” who becomes the antagonist in the new, united narrative (Winslade, Monk, and Cotter 1998, 32).

Externalization is a mechanism for redressing and destabilizing “totalizing descriptions” or a persons tendency to “sum up a

complex situation in one description that purports to give a total picture of a situation” which inevitably favors oneself and places blame for the conflict on the other party (Winslade and Monk 2001, 5). The conflict is subsequently referred to as “this conflict” or “it” rather than “your conflict”. Alternatively, it is named and called by its name (such as “this distrust”) and in the process of this externalization, the blame for the conflict is removed from the other party. Conflict parties are empowered by participating in naming their conflict account and are given the ability to actively resist its control and manipulation of them (Winslade and Monk 2001, 7 and Winslade, Monk, and Cotter 1998, 32). Initially, the parties often meet with the mediator separately to tell their account of the conflict, to “story” it, and get familiar with the ideas of narrative deconstruction and externalizing the conflict (Winslade and Monk 2001).

Once the problem has been externalized, the parties and the mediator can work together to “coauthor” a new narrative, one in which the parties work together against their common problem. The mediator is able to take a stance with the conflict parties, joining them in a protest against the conflict. The recognition that the mediator is a part of the conflict and its movement towards a solution allows the mediator to address power differentials in the relationship, particularly those which become evident through the process of deconstructing dominant discourses (Winslade and Monk 2001, 48). There are several questioning techniques, termed “recovering the unstoried experience”, which help the mediator bring out this new narrative and explore it. The parties accounts are mined for, “small signs of hopefulness and strength that can lead to an alternative story” (Taylor 2002, 136). Called “unique outcomes”, these moments, “are often isolated pieces of lived experience that are not salient to people’s thinking simply because they do not fit into

the dominant story” (Winslade and Monk 2001, 84). Unique outcomes can be “surprising little discoveries each party makes about the other’s intentions or motivations or life circumstances... sometimes they are simply little moments of shared agreements or understanding... As these little moments appear, the mediators draw attention to the meanings the parties share” (Winslade, Monk, and Cotter 1998, 35).

These unique outcomes could be likened to Bush and Folger’s concept of recognition from transformative mediation which involves, “the evocation in individuals of acknowledgement and empathy for the situation and problems of [the other party]” (2). Specific questioning techniques are employed to elicit and explore these unique outcomes and unstoried experiences (see appendix 1 for sample questions). In order to gain access to these unique outcomes the mediator adopts a stance of curiosity. This “curiosity enables the client to discover what strengths [and commonalities] are present, seeing even problematic behaviour as a potential resource and looking at [the] special indigenous knowledge of the client” (Monk 1996, 7). This has obvious similarities to Lederach’s elicitive approach to Conflict Resolution training, in which the trainer adopts a position of “ignorance”.

The trainer assumes a position of ignorance on two levels. First... the design and goals of the training are identified and formulated by the participants... A second aspect... suggests that the trainer not assume that his/her experience and expertise accumulated in one setting is a key resource for the training in another (Lederach 1995, 57-58).

“The attitude of the trainer is essentially, “I do not have the answer, but I can work together with others on a process that may help us find it”” (Lederach 1995, 58). It is the job of the Narrative mediator to work in earnest help conflict parties to discover new possibilities

by demonstrating ignorance and curiosity to draw ideas and stories out of them.

In developing a new narrative, these unique outcomes are built upon and an alternative story is “thickened”. “To this end, links must be made between exceptional events. Surprises must come to seem not so surprising because they fit with the alternative story rather than contrast with the problem story” (Winslade, Monk, and Cotter 1998, 34-35). “The adeptness of the mediator is required to tease out the beginnings of a more preferred narrative from amid the problem story” (Winslade and Monk 2001, 85). In so doing, “attention must be paid to building on the potential for further alternative descriptions of the relationship. There is a tendency for participants to become reenlisted in the problem description if the mediator does not pay attention to strengthening the emerging non-conflict focused interactions” (Winslade and Monk 2001, 86). “Smalling questions” may be required to break down the lived experiences. For example, “was there any occasion during the few interactions that you did have when a small amount of mutual respect may have been evident” (Winslade and Monk 2001, 86)? “Two or three lived experiences that testify to more respectful and favored interactions... are then woven into a coherent narrative with a history, a present, and a future” (Winslade and Monk 2001, 86).

“At this point, [the Narrative] approach to mediation converges again with the problem-solving approach. There is still a place within [this] framework for the processes of generating options and then exploring those options and negotiating mutually satisfying outcomes” (Winslade, Monk, and Cotter 1998, 36). “A counterstory of understanding or agreement or cooperation [is] established before any attempt is made to address the specific problem-solving tasks” (Winslade, Monk, and Cotter 1998, 36). “A sense of hope is

built that things can be different. In this atmosphere of hope, the generation of options for change and the exploration of the fit of such options for each party is easily achieved” (Winslade, Monk, and Cotter 1998, 37). Although these ways may at times be described as “solutions” or as “win-win” outcomes, it is our belief that an emphasis on discursive repositioning enables something far more potent than satisfying interests or meeting needs to take place.

Discursive repositioning includes the conscious shaping, albeit in some small way, of the discourses out of which needs and interests are produced (Winslade and Monk 2001, 62).

Narrative Mediation is thus interested in resolutions that go beyond simple settlement to consider the effects of the mediation on the society at large and, like transformative mediation, considers mediation as a means for conflict parties to achieve a higher moral self (Bush and Folger 1994).

The goals of Narrative Mediation then, represent a kind of a hybrid between the solutions created out of a problem-solving approach and those of the transformative approach, in which empowerment, recognition, and social justice are sought (Bush and Folger 1994). It must be emphasized, that the Narrative approach privileges relational issues over substantive issues, which, in turn, “shortens the negotiation phase of mediation, because it engages people in negotiation from a place of greater willingness” (Winslade and Monk 2001, 90). Written agreements are a natural extension of the new narrative and, in a very real sense, become a part of it as a new plot development (Winslade and Monk 2001, 90-91 and Winslade, Monk, and Cotter 1998, 37). They become a way of strengthening the parties commitment to the new narrative. “Because dominant stories can be expected to reassert themselves after a meeting with a mediator is over, such strengthening may often be crucial to the survival of a new perspective” (Winslade and Monk 2001, 91).

Narrative mediators also often follow-up an agreement with letters to conflict parties or with another session to continue the process of supporting the new narrative (Winslade and Monk 2001, 24).

This [new session] is not just a “checking up” [but rather]... a search for new developments that might not have been predicted... Attention is paid to the decisions, steps, new ideas, differences in mood, everyday exchanges or tiny moments of developing cooperation... These are deliberately built into the alternative story (Winslade, Monk, and Cotter 1998, 38).

The story of the relationship thus leads naturally into the alternative story of the conflict involving the mediation, which, in turn, naturally leads to mediation follow-up and relationship change in the new narrative. Narrative Mediation, is an approach and methodology that can offer mediators an innovative way to handle conflict intervention. It is important to note that, “it is not a model that can be ransacked for techniques without damaging the intent and process it requires... because the foundational view is vastly different [from other approaches]” (Taylor 2002, 137). It may, however, particularly appeal to mediators with a postmodernist theoretical bent who prefer to work with the accounts of parties in conflict rather than attempting to get at “the truth”, recognizing that any truth brings with it implicit bias. As well, the explicit role of mediator as a party to the conflict addresses concerns about the viability of mediator neutrality. While future research needs to look at the efficacy of this approach, one can certainly muse over the possibilities. It provides an interesting alternative to traditional approaches to mediation and one that may, in fact, provide exceptional conflict outcomes which go beyond simple settlement. It is important to recognize, however, that a mediator interested in the Narrative approach should get special training and practice to learn

how to effectively apply it, as the model is not particularly intuitive (Taylor 2002, 137).

Appendix 1 – Questions to Elicit Unique Outcomes

Unique outcome questions How is it that conflict did not completely stop you from wanting to talk together and find your way through the present difficulties?

Why did hurt feelings and blame not stop you from canceling this meeting?

Do any recent occasions stand out for you in which hurt feelings and blame did not completely destroy your efforts in searching for a solution?

Have there been any instances recently when you experienced a hint of not being defeated by hurt feelings and blame?

Unique account questions

How do you explain that you were able to be more in charge of blame, humiliation, hurt feelings, or injustice than you initially thought?

When other people may have held on to hate, how did you develop the resources not to be dominated by blame and claim a sense of space for yourself?

What do you think that it means that you are agreeing about that issue?

How significant is it that she is willing to cooperate on your request in this case?

Unique redecoration questions

What does this tell you about yourself that you otherwise would not have known?

What does your movement away from conflict say about your ability to resolve painful difficulties?

Does cooperation suit you better than arguing, or not?

If most of the time you were able to talk civilly and respectfully about things, as you have been doing today, what would your relationship be like?

Unique possibility questions

Given your present understandings and your desire to heal the wounding effects of blame, what might be your next step?

If you were to advance the cause of cooperation, what might you try to do in the next week?

Now you have noticed these chances to explore greater respect in your relationship, what differences could they make?

Unique circulation questions

If your children were witness to these discussions, who would be most excited about this change in direction?

What difference would introducing more cooperation into this situation, as you have been proposing, make to your other staff or to the service you provide to your customers?

Who will be most likely to support the continuation of these developments? (Winslade and Monk 2001, 87-89)

References Bush, Robert A. Baruch and Joseph P. Folger. 1994. The Promise of Mediation.