The field of conflict resolution has its own gap problem: the alleged gap between mediation and justice. People wonder whether mediation is truly a “Mediation does not contribute to substantive justice because it requires the parties to relinquish ideas of legal rights during mediation and thus, instead, an imputed correction..." (Roger Cotterrell)

The concept of procedural justice has been a subject of much study. "Procedural justice is the fairness of the process, not the outcomes of the processes. It is about the means, not the ends. It is about the method, not the results. It is about the process, not the product. It is about the way in which things are done, not the things that are done. It is about the way in which things are done, not the things that are done." (Robert McCoun)


Some commentators have noticed that mediation has the potential to provide an alternative normative order. According to Hazel Genn, "What is Civil Justice For? Reform, ADR, and Access to Justice." Yale Journal of Law and the Humanities, Vol.24, Issue 1, Article 18, p.15)

Another answer, for which there is a surprising amount of support, is to link process and substance. In other words: we are more likely to believe we have achieved a fair result if we believe that we have been fairly treated. This phenomenon is known as "procedural justice" (see Robert McCoun, 'Voice, Control and -}). Much mediation research focuses on party satisfaction or its surrogate, lawyer satisfaction, along with metrics in litigation costs and -). All of these and likely way to measure using surveys or interviews, but it is more slippery.

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