

Kluwer Mediation Blog

(My) Books of the Year 2014

Sabine Walsh (Sabine Walsh Mediation) · Sunday, December 14th, 2014

At this time of annual reflection, I always feel it is worth looking back and picking out some of the better readings and materials I have come across over the past number of months. My father recently said he wished he had been in possession of a wheel barrow when visiting Harvard University's bookstore, and I would have to express a similar sentiment when it comes to recent books related to conflict, mediation and the general area in which we work. So here are some of my highlights:

The Dance of Opposites: Explorations in Mediation, Dialogue and Conflict Resolution Systems Design by Kenneth Cloke

I must confess that while I loved this book when I first read it, I am now thoroughly inspired by it, having recently had the opportunity to spend some time in the company of its author, and to hear him speak at the Mediator's Institute of Ireland's Annual Conference in Dublin. The book, the chapters of which were originally written as standalone essays which have now been revised and in some cases re-written, propose a new and innovative ways of thinking about and engaging with conflict, drawing on a variety of other disciplines including mathematics, organisational design, neurophysiology and spirituality. The author's workshop at the recent conference focused on the subject matter of the first chapter "The Language of Conflict". It was a fascinating tour through the language and communication of conflict, how it is used and the effects it has, and even the most seasoned mediators attending learned new strategies and gained new insights into how to use their language in their professions. His chapters on mediation and meditation, or mediating mindfully, and on heartfelt communications, sit easily alongside those on climate change, politics and law.

It is a wonderful book for those many of us who would love to have the time to read more about what we do but never seem to be able to find it, because each chapter can be read on its own, the book put aside and then picked up when the time is there to read Kenneth's thoughts on another area. Furthermore, his genuine, heartfelt passion about the subject matter, and his faith in humanity's ability to change how we deal with conflict, to bring about a "conflict revolution", is evident on every page.

The Mediation Process: Practical Strategies for Resolving Conflict (4th edition) by Christopher Moore

While in the process of selecting some core texts for my postgraduate mediation and conflict resolution students last summer, the latest edition of Christopher Moore's seminal text appeared, just in time. Despite the print version looking somewhat

intimidating to new students, at a hefty 680+ pages, this edition is clearly structured, logically presented and bursting with practical and theoretical information and guidance about mediation as an alternative dispute resolution process. Described by the author himself as a “how-to” book, it contains significantly more material and has been substantially re-written since the previous editions. A section on Responding to Special Situations has been included which covers diverse topics such as multi-party disputes and cultural differences. It also has a section on understanding disputes and conflict resolution generally which provides a very valuable synthesis of current thinking on conflict theory and dispute management.

For those starting out in mediation, it is extremely helpful in its step-by-step, process-orientated discussion of mediation tools and skills. It also offers several template mediation documents and tables and chart to explain key process stages and concepts.

Thinking, Fast and Slow by Daniel Kahneman

While not a mediation book, one has only to read the opening paragraph of the Introduction to this bestseller by Nobel Prize Winner Daniel Kahneman to see its relevance for those working in the area of conflict. The author’s aim, he says, is to trigger “watercooler conversations” and to “enrich the vocabulary that people use when they talk about the judgments and choices of others...” To do this, the book draws on recent developments in cognitive and social psychology, focusing particularly on what has been learned about intuitive thought. I first came across this book through a lecture on mediation and neuroscience, a fascinating and rapidly developing area from which we can learn an enormous amount about why the conflicts, and the people with whom we work are so complex and unpredictable.

This book looks at research on heuristics and biases (see Charlie Irvine’s past posts on this area), how we make choices, and the difference between our remembering self and our experiencing self. All of these areas are relevant to understanding how people in conflict act and, more importantly, why they do so. The more lenses we have through which to view what our clients are experiencing, the more interventions and strategies are available to us in working with them.

Despite tackling very scientific material which, for me, anyway, is almost a foreign language, Mr. Kahneman manages to lay out his materials in an easy to read, easy to understand and very engaging way. Using practical examples and case studies, he makes what many might feel are mind bending concepts accessible and entertaining. Anyone working with people, or seeking to understand themselves and others better, could do with picking up this book over the holiday season. Who knows, it might open up a whole new way of viewing those annual disagreements...

There is not enough space or time here to go into the other books, and indeed articles and blogs that have kept me entertained and enriched throughout the year, but there is one more I just have to mention. Lisa Parkinson’s Third Edition of her family mediation text *Family Mediation: Appropriate Dispute Resolution in a New Family Justice System* is due for publication very shortly. While I have not yet seen it, I have had the privilege to hear quite a lot about it and make one or two very small contributions to it. The 2nd edition of this work has been my constant companion over the last 3 or so years of my mediation career, and generally travels in my bag to all

family mediations. This edition updates and substantially expands upon that one, addressing the implications of the dramatic family law reforms that have occurred in the UK in the recent past, and going into some of the most challenging aspects of family mediation in greater depth. While aimed primarily at family mediators in the UK, it has relevance for practice all over the world, and indeed contains much information on mediation practices in and regulation in other jurisdictions. I know many people from many different countries who consider Lisa's book to be their bible. She is my mentor and, in plain English, my hero, and I can only hope that anyone interested or working in family mediation will find a copy of the 3rd Edition in their stockings on Christmas morning.

With that, all that remains is to wish you beannachtaí an tSéasúir - A happy and peaceful holiday season to all my fellow mediators and resolvers of conflict!

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The image shows a screenshot of the Kluwer Arbitration Practice Plus web application. The interface is clean and professional, with a blue header and a white main content area. The header includes a checkmark icon and the text "Explore Practice Plus". The main content area displays a profile for "Gary B. Egan" with a profile picture, name, and various statistics. Below the profile, there are several circular charts and data tables, likely representing the "Relationship Indicator" mentioned in the text. The bottom of the image features the "Kluwer Arbitration" logo on the left and the "Wolters Kluwer" logo on the right.

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