

Research on Mediation - Why its tricky and why we need to do it

Kluwer Mediation Blog
July 6, 2017

Sabine Walsh (Sabine Walsh Mediation)

Please refer to this post as: Sabine Walsh, 'Research on Mediation - Why its tricky and why we need to do it', Kluwer Mediation Blog, July 6 2017, <http://mediationblog.kluwerarbitration.com/2017/07/06/research-mediation-tricky-need/>

In the next few weeks, my first cohort of Masters in Conflict Management students will be submitting their research dissertations. Meanwhile next year's are beginning to think about the research topics. For me, this is terribly exciting. I get to see the results and outcomes of the research completed, and help the new students choose interesting topics. I get to work with enthusiastic, interested and passionate students and help them explore new areas of study.

For the students themselves, I'm not sure exciting is quite how they would describe how they feel, certainly not those in the final stages of editing and proof reading. Research can be a frustrating, isolating and thankless task. Obstacles must be overcome, cul de sacs navigated and hours spent reading books and articles that may end up not being relevant. And then there are the supervisors to deal with....

Research in conflict and mediation, in particular, poses its own unique challenges. Some of these might be off-putting to prospective students so it is worth addressing these in a little more detail to establish how they can be overcome.

First of all, where to begin!?? How do you choose a narrow enough area in a field as wide as conflict and mediation? As academics we talk about identifying a gap in the research. Mediation is such an under-researched area that it consists more of gaps than research results. This is a fantastic opportunity for students on the one hand, but frustrating on the other. For postgraduate level research, the research question must be narrow enough to address within the confines of a Masters dissertation or PhD thesis. This can mean the difference between researching, say, barriers to family mediation and barriers to family mediation in court annexed programmes in Norway (or wherever). It can be challenging for students, particularly those who have not worked in the field, to identify sufficiently narrow gaps without some guidance from tutors. Having then identified a topic, the overall dearth of research can mean that relevant literature is difficult to source. Reading into the context of the research can prove tricky and sometimes relevant literature will only be available in the context of other jurisdictions or indeed other disciplines. Some of the most relevant literature can be in the form of unpublished research dissertations which can be difficult to access if they are located in other universities - a request to students everywhere - publish your research people!!!

Again, tutors with subject matter expertise can help out a lot here, as can looking outside the traditional media of books and journals to source relevant writing. Conflict is a subject that spans a number of different disciplines - law, business, social studies, psychology, so thinking outside the frame of the "home" department can be useful. When looking for other unpublished research in this area, identify universities that have relevant departments or schools and see can they be visited to do a search through dissertations. This can even be useful at the conceptual stage, to see how other students have framed their research questions.

The next challenge may come after identification of a research question, and is related to the nature of mediation itself. In my experience, what researchers are most interested in is what happens in the mediation room; the experience of the parties, the interventions of the mediators, the dynamic in the room. Research subjects, and data, are difficult to source however due to, first of all, the confidential nature of mediation, meaning that mediators, services and other gatekeepers will rarely allow researchers access to clients, and rightly so. Parties themselves may be reluctant to engage in research for many reasons, including wanting to forget a difficult episode in their lives as quickly as possible, concerns about confidentiality and fear of conflicts or at least negative emotions being stirred up again. Even if one party agrees, the other may not. Where parties do agree, the researcher will need to overcome significant ethical issues and may not gain the ethical approval required from their institution.

This issue prevails not just at postgraduate level but in all research contexts in this area. It is not an easy one to overcome. Students may have more luck with larger, possibly funded services where appropriate safeguards can be put in place, than with private clients. Certain aspects of research relating to mediation parties may prove easier to achieve, such as research on demographics, attendance rates or similar. A careful consideration of the appropriate research methodology might assist. Using an anonymous online survey might be easier for parties to contemplate than engaging in face to face interviews. Thinking outside the box may also be of assistance. Maybe engaging with practitioners to ascertain what they feel might affect parties to mediation or what they feel about certain aspects of the parties' experience could be just as interesting and relevant, though from a different angle of course, as engaging with parties directly. One of the great joys of research is how many different ways there are to do it.

Finally, and practically, the issue of resources must be mentioned. Conflict studies and mediation are often thrown into the melting pot that is known as the humanities. And when it comes to the humanities, research funding tends to be scarce, at least when compared with other disciplines. Seeking postgraduate funding for research into mediation is, somewhat ironically given how often cost savings are cited as a reason for promoting mediation, a thankless and often fruitless task. Despite the benefits that are clear to us working in the area, it is not generally identified as an area worth funding research into. I definitely don't have an easy answer for this one but, again, a bit of lateral thinking might help. As I've already said, conflict and mediation is a huge field that has tributaries into many other disciplines. Some of these other disciplines do benefit from funding. So in thinking about a research topic, if funding, or rather the lack thereof, is a barrier, it could be worth thinking about these areas and seeing where they and mediation interface and what research might be worth doing in this interface. A colleague of mine put this suggestion a little more bluntly saying "if you put technology in the title you'll be sorted." While I'm not suggesting this will bring a funding windfall, it is worth thinking about.

None of these challenges should put potential research students off. Research in conflict and mediation is urgently needed to inform our practices, to drive policy at governmental level and to assist in understanding this complex area. It is also intensely rewarding. Even if a small study on a narrow topic might feel like it is insignificant, it will contribute to knowledge in this area and give other researchers something to build on. It is so important that we not only carry out this research but also that we publish or otherwise share it with our peers and with those in other disciplines. It is time we put a greater effort into filling all those gaps we identify. And to my long suffering students, the finishing line is in sight, stay strong...