

# Kluwer Mediation Blog

## Mediation and Research

Charlie Irvine (University of Strathclyde) · Friday, December 16th, 2016



Sometimes we have to ask probing questions. Does mediation do any good? Does it make the world a better place? Is there more or less peace in our societies because of our work? This sort of research question exercises scholars and academics, but practitioners too want to believe their work makes a difference. A related question is do mediators have transferable skills?

As a sweeping generalisation it's fair to say that mediators are practical people, more focused on doing than theorising. They get their feedback from satisfied clients and repeat referrals. Academics, on the other hand, seek to make careful sense of things – ask questions, measure, analyse. Their conclusions are painstakingly researched, underpinned by years of study, and then honed by editors and reviewers before publication.

This dichotomy between doing and thinking, or between practice and theory, has troubled many of us for years. Why shouldn't practitioners conduct research? For that matter why shouldn't researchers practice? Rather than answer these rhetorical questions I describe two projects

straddling both worlds. One began as evaluation and morphed into facilitation, the other combined facilitation and research from the start. They may hold promise for the future.

The first project featured an organisation working with congregational conflict (Place for Hope) that had received Scottish Government funding for “tackling sectarianism”. It used a process known as community dialogue to bring together people from the Catholic and Reformed traditions in a series of conversations about their experience of sectarianism. In the first phase I acted as a conventional researcher, observing dialogues and interviewing participants. In phase two, however, I was asked to act as co-facilitator in one area while continuing as evaluator.

The challenge will be clear to those familiar with research methodology. From some perspectives, the researcher should interfere as little as possible with the phenomenon being studied. During phase one I recorded the dialogues while sitting quietly in a corner. But in phase two I was researcher and participant. I helped plan and shape the conversations. We did what mediators do, listening, paying attention, asking questions, reflecting back and synthesising what we were hearing. We used a flipchart. We exchanged stories and joined in the laughter (and the dinner). I recorded the conversations, later analysing them by themes before producing a final report – see <http://strathprints.strath.ac.uk/54549/>

A few months later I was approached by the Church of Scotland’s Panel on Review and Reform, seeking to better understand how the church made decisions and reached consensus. Knowing of the sectarianism work they asked me from the outset to act as researcher AND co-facilitator (alongside a panel member). Here again I combined roles, jointly planning and running the dialogues while also recording and analysing them. We ran five groups across Scotland in a mix of urban, town and rural settings, with clergy, elders and congregational members. That report was presented to the Church of Scotland General Assembly in May 2015 – see [https://pure.strath.ac.uk/portal/en/publications/decision-making-and-consensus\(ae9903a9-a67c-4e71-96b3-8dd6c44410aa\)/export.html](https://pure.strath.ac.uk/portal/en/publications/decision-making-and-consensus(ae9903a9-a67c-4e71-96b3-8dd6c44410aa)/export.html)

The report explored the combined role in more detail. Dialogue has been described as “*a means to access our thinking while we are thinking.*”<sup>[1]</sup> The mediator/researcher is well placed to do this: “*Rather than acting as outside listeners (the ‘fly on the wall’ approach) the researcher and a member of the Panel would act as facilitators. This allowed them to test their hypotheses as they formed, offering their thinking to the participants for affirmation or alteration.*”<sup>[2]</sup>

This goes to a key issue: is research done ‘to’ people or ‘with’ them? If the former, the researcher should avoid opportunities for participants to influence her/his findings. Better to stand outside the mêlée of everyday life (in a rather God-like way) and reach conclusions in a pure and uncorrupted fashion. But social phenomena like sectarianism or group decision-making aren’t atoms or numbers, readily measured; participants’ views ARE the data. To offer our impressions back to those people for correction and debate can only improve accuracy.

One critique would point out that such researchers lack objectivity. They shape the conversation, responding to what’s said and selecting some topics for comment. How can they then stand back and coolly analyse the data? In fact this is little different from mediators’ daily fare. Unless we say nothing, our interventions are inevitably selective. We have views and preferences like everyone else. Realistically, the best we can offer is to be even-handed. The concept of the neutral mediator has been widely criticised as impossible and even undesirable<sup>[3]</sup>; likewise the neutral researcher.<sup>[4]</sup>

Those from a social constructionist tradition would ask whose interests the purported neutrality serves. From that perspective a more ethical path is to acknowledge that the third party joins the system s/he is observing and changes it; better then, to be open and honest about the views we hold and positions we seek to prove.<sup>[5]</sup>

Others may question the mediator's research skills. Can we really do what researchers do? Our goals are different: one is committed to the resolution of conflict; the other to observation and analysis of phenomena under study. However, some have noticed a good deal of commonality between mediators and qualitative researchers (whose research generally involves interviews and observation of real-time processes rather than surveys and measurement). As a starting point: "*the qualitative researcher and mediator are present and interacting with participants.*"<sup>[6]</sup> Both share values like self-determination, empowerment and acceptance of diversity; both require a degree of empathy, or "*empathic neutrality*"<sup>[7]</sup>; and other personal qualities like patience and flexibility. At the heart of each activity are practices familiar to mediators: active listening, open-ended questions, reflection, paraphrasing, re-framing and comfort with feelings. Both mediators and qualitative researchers are called to ensure that participants experience fairness.<sup>[8]</sup>

When it came to analysing the data I noticed one additional thing: the facilitator responses (not just mine) provided a novel source of insight. They were real-time efforts to capture the essence of the conversation, arguably more valid for being uttered at the time.

Looking back at the two projects it strikes me now that a background in mediation was fantastic preparation for empirical research. You learn to help people give voice to their deepest thoughts and feelings. This has to be done gently, subtly, at the right moment; and provisionally, for they may not wish to reveal too much. Baruch Bush, who coined the term "transformative mediation" said mediators "*impartially hear, and impartially report to the parties, many crucial parts of their own dialogue that they themselves may not have grasped fully or even heard because of their closeness to the situation*"<sup>[9]</sup> My aim in this blog is to embolden mediators to use their many transferable skills as creatively as possible. Research is a natural fit. There must be others and I look forward to hearing about them.

---

*To make sure you do not miss out on regular updates from the Kluwer Mediation Blog, please [subscribe here](#).*

### **Profile Navigator and Relationship Indicator**

Includes 7,300+ profiles of arbitrators, expert witnesses, counsels & 13,500+ relationships to uncover potential conflicts of interest.

Learn how **Kluwer Arbitration** can support you.

# Learn more about the newly-updated *Profile Navigator and Relationship Indicator*



 Wolters Kluwer

## References[+]

This entry was posted on Friday, December 16th, 2016 at 10:55 am and is filed under [Developing the Field](#), [Dialogue](#), [Future of mediation](#), [Growth of the Field \(Challenges, New Sectors, etc.\)](#), [Scotland](#). You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.