

Conflict Narratives: Mediation Case Studies in an Intercultural Context

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Every man's foremost task is the actualization of his unique, unprecedented and never-recurring potentialities, and not the repetition of something that another, and be it even the greatest, has already achieved.

Martin Buber

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eA-ho, metakuye oyasín

For all my relations

Sioux blessing and greeting

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Abstract

The Narrative Model in mediation provides a theoretical framework that can be used to better understand the relevance of intercultural case studies in mediation that took place in Valais, Switzerland between 2001 and 2008. This process-oriented model distinguishes itself from more classical problem-solving models in mediation. The descriptions presented in the conflict narratives analyze and reflect upon the performative, relational, and dialogical nature of the transformative processes inherent in the narrative mediation model.

The narrative approach to mediation was developed using Arthur Kleinman's Explanatory Model to gather the "conflict narratives" from the political asylum seekers that participated in mediation at the Canton's mediation service. Other intercultural mediations are presented using the lens of anthropology to deconstruct the case studies. Social Constructionist theory then provides a theoretical framework to reconstruct or "restory" the conflict narratives. The different methodologies were phases in a grounded theory approach allowing for new theories to emerge in a field of mediation where no prior research in this specific area existed.

The Narrative Model in Mediation, based on social constructionist theory, demonstrates that mediation and mediators are not neutral. So therefore, the practice of mediation in this political context is itself a social action. The evidence presented through the descriptions in the case studies, participatory observation, and interviews may suggest that the mediation process socially constructed an interdisciplinary approach to conflict resolution within the organization, the institutions that participated in the mediation process, and the social and health network in the Valais.

My hypothesis is that mediation is a social practice that is a transformative social action affecting power relations by creating a legitimate space for multiple voices and perspectives to be heard and listened to. This creative social dialogue constructs positive solutions by utilizing the resources of all the participants within the mediation process. When the mediator is recognized as an active transformer of narratives and not an expert, the educational and transformational dimensions of the mediation process are accentuated, socially constructing the emergence of solutions that traditional problem-solving models in mediation could possibly restrict.

Samenvatting

Het Narratief Model in Bemiddeling levert ons een theoretisch kader waarmee we beter de relevantie kunnen begrijpen van een reeks gevallenstudies die tussen 2001 en 2008 plaatsvonden in de Valais in Zwitserland. Anders dan de klassieke probleem-gerichte modellen is dit een meer proces-gericht model. De beschrijvingen in de conflict-verhalen analyseren en weerspiegelen het geacteerde, relationele en dialogische karakter van de transformatieve processen die inherent zijn aan het model.

Deze narratieve benadering van bemiddeling werd ontwikkeld uit Arthur Kleinman's Verklarend model om de "conflict verhalen" te verkrijgen van de politieke asielzoekers die bemiddeling zochten in de bemiddelingsdienst van het Canton. Daarnaast worden ook interculturele bemiddelingen beschreven waarin de gevalstudies worden ontleed door de lens van de anthropologie. Dan treedt de Sociaal Constructionistische theorie op de voorgrond als theoretisch kader waarmee de conflict verhalen worden gereconstrueerd of "herschreven". De verschillende methodologieën waren eigenlijk fases in een "grounded theory" benadering waaruit nieuwe theorieën kunnen ontstaan in een gebied van bemiddeling waarin er nog geen eerder onderzoek was verricht.

Het Narratieve Model in Bemiddeling, gebaseerd op constructionistische theorie, laat zien dat bemiddeling en bemiddelaars niet neutraal zijn. Daarmee is bemiddelingspraktijk in deze politieke context op haar beurt een sociale actie. Het feitenmateriaal dat wordt beschreven in de gevallenstudies, de participerende observaties, en de interviews doen ons vermoeden dat het proces van bemiddeling een interdisciplinaire benadering van conflict oplossing tot stand bracht binnen de organisatie, de instituties die deelnamen aan het bemiddelingsproces, en de sociale en gezondheidsnetwerken in de Valais.

Mijn hypothese is dat bemiddeling een sociale praktijk is die als transformerende sociale actie invloed uitoefent op machtsrelaties, in die zin dat ze legitieme ruimte biedt aan verschillende stemmen en perspectieven om te worden gehoord en beluisterd. Vanuit een dergelijke creatieve dialoog kunnen positieve oplossingen ontstaan waarin de bronnen van alle deelnemers aan het bemiddelingsproces een rol kunnen spelen. Wanneer de bemiddelaar wordt gezien als een actieve transformator van de verhalen en niet als een expert, worden de

opvoedende en transformerende dimensies van het bemiddelingsproces geaccentueerd, hetgeen de sociale bouwstenen levert voor het ontstaan van oplossingen die in de traditionele probleem-oplossende modellen van bemiddeling vermoedelijk minder kans krijgen.

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Conflict Narratives: Mediation Case Studies in an Intercultural Context

The Narrative Model in mediation provides a theoretical framework we can use to better understand the relevance of intercultural case studies in mediation undertaken in Valais, Switzerland between 1999 and 2008. This process-oriented model distinguishes itself from more classical problem-solving models in mediation. The descriptions presented in the conflict narratives analyze and reflect on the performative, relational, and dialogical nature of the transformative processes inherent in the narrative mediation model.

Action Research was used during the period when the mediation service was created for the Canton of Valais' Social Services Department. Participatory observation was used to analyze the case studies, the organizations, and the healthcare and social service's network. The narrative approach to mediation was developed using Arthur Kleinman's Explanatory Model to gather the "conflict narratives" from the political asylum seekers who participated in mediation at the Valais Canton's mediation service. Other intercultural mediations are presented using the lens of anthropology to deconstruct the case studies. Social Constructionist theory then provides a theoretical framework to reconstruct or "restory" the conflict narratives. The different methodologies were phases in a grounded theory approach allowing new theories to emerge in a field of mediation where no research previously existed.

The Narrative Model in Mediation, based on social constructionist theory, demonstrates that mediation and mediators are not neutral. Therefore, the practice of mediation in this political context is itself a social action. The evidence presented through the descriptions in the case studies, participatory observation, and interviews suggest that the mediation process socially constructed an interdisciplinary, or collaborative, approach to conflict resolution. This interdisciplinary approach transformed the organizations and institutions that participated in the mediation process. Mediation affected the configuration of the social and healthcare network in Valais. This interdisciplinary, or collaborative, approach to the co-construction of meaning in complex, intercultural mediation cases can be seen as a co-productive process of

meaning-making. In the face of difference, this process strives to uphold the moral project.¹ This is achieved by integrating the diverse voices within the meaning-making process. In this way, the mediation space allowed marginalized voices to be heard.

Relevant questions emerged during the inquiry process:

- How does the choice of the narrative model in mediation influence conflict resolution within this specific context of intercultural mediation?
- How does the political asylum seeker's understanding of the conflict influence the use of the social and healthcare network?
- How are institutions and the social and healthcare networks transformed by introducing the practice of mediation?
- How can we structure our institutions so that they support evolving human rights, consciousness, and the moral project?
- And finally, how is the role of the mediator perceived in the narrative mediation model where the mediator is not a neutral third party?

My hypothesis is that mediation is a social practice that is a transformative social action affecting power relations by creating a legitimate space for multiple voices and perspectives to be heard. This creative social dialogue constructs positive solutions by using the resources of all the participants in the mediation process. When the mediator is recognized as an active transformer of narratives and not an expert, the educational and transformational dimensions of the mediation process are accentuated, socially constructing the emergence of solutions that traditional problem-solving models in mediation could possibly restrict.

Introduction

My research has focused on intercultural mediation case studies, mostly concerning the immigrant populations in Switzerland. I concentrate on “Conflict Narratives” in a qualitative research project, using the Explanatory Model developed by psychiatrist and anthropologist, Arthur Kleinman. I define mediation in a broad sense. I see mediation as a way to link people together. When bonds are broken, people de-link. This is at the root of the meaning of

¹ Gergen, Kenneth J. (2001). *Social Construction in Context*, Sage Publications. p. 196.

delinquency. Johan Decklerck, a researcher at the Catholic University of Louvain in Belgium, transmitted this understanding of mediation to me. Johan was a professor in my Master's degree program. His definition of mediation has stayed with me. It is simple and easily demonstrates the importance of "linkedness".² I use the term "faire le lien" in French.

Kleinman's narrative orientation influenced my interviews with political asylum seekers who participated in mediations at the social services mediation center where I was a mediator. I approached my research topic using the disciplines of anthropology, sociology, psychology, political science, ethno-psychiatry, and social constructionist theory in an interdisciplinary analysis of my topic.

First, I put in place the mediation service for political asylum seekers and demonstrated the efficacy of this form of conflict management in the social services. This first phase used action research as its methodological basis. As I was a mediator in the department in which I worked. There, I used participatory observation to gain in-depth understanding of the government offices providing services to political asylum seekers and information about the cases themselves. Using the "grounded theory" approach, I began by asking political asylum seekers to describe their conflicts. My hypothesis was that there was a link between how people understand their conflict and how they subsequently use the health and social services networks. My initial research question that sought to obtain "Conflict Narratives" of political asylum seekers led me to the narrative model in mediation and social constructionist theories. The narrative model in mediation and social constructionist theories allowed me to analyze the mediation case studies. They also let me position myself as a qualitative researcher concerning process-oriented mediation and ask questions about neutrality and research as social intervention.

My research in mediation continued at a teacher's college where I developed a concept for school mediation. The literature concerning theories of education, organizational change, and the practice of mediation in schools allowed me to strengthen my understanding of the cognitive processes of the mediation process. I believe that there is a link between nonviolent conflict resolution and organizational change. I also believe that reflexivity creates a bridge linking transformative learning process and transformative mediation. Following my research

² Johan Decklerck, lectures at the Institute Univeristaire Kürt Bösch, Bramois, Switzerland, between 1998 and 2000.

at the teacher's college I was asked to do a form of Appreciative Inquiry interviews at the nursing, physical therapist, and social worker's college in Valais. This experience allowed me to adapt my mediation skills to an organizational environment seeking to transform the college's identity.

In a final case study entitled *Ski Tribes*, I offer a comparative context that provides a contrast questioning the social construction of social worlds. I show how skiing is a practice that mediates social relationships. Skiing offers a practice that relinks people with their natural environment, with the potential of transforming relationships, and possibly birthing new small European communities in the Swiss Alps. Skiing as a practice in this way facilitates a form of intercultural mediation.

When first developing a framework for understanding my case studies I focused on literature by authors such as Avruch, Baruch Bush & Folger, Pipher, Bordieu, Turner, Massé, Kleinman, Devereux, Bateson, Habermas, and Foucault. Later I discovered the works of Winslade, Monk, Cobb, White, K. Gergen & M. Gergen, McNamee, Anderson, Shotter, Cooperrider, and Hosking, from which I have developed an alternative analytical framework based on social constructionist theory that links practice and research methodologies seemingly more pertinent in the field of mediation than that of more traditional disciplines.

I hope my research impacts mediation research by providing unique case studies showing a process-oriented mediation practice within an intercultural context. Further, I hope it adds to the growing literature on the transformative and narrative models in mediation. Much of the narrative research has dealt with family mediation. The intercultural and political context of the case studies that I illustrate in my research will hopefully broaden the contextual spectrum, creating an even larger field in which to apply social constructionist theories. My research attests to the emergence of the narrative model as a growing approach in conflict resolution. My research will equally contribute as participative action research, witnessing the narratives of political asylum seekers and creating a space for constructive dialogue in the related academic fields.

Using Key Concepts in Anthropology to Deconstruct the Intercultural Case Studies

When I began my research I was enrolled in Swiss postgraduate studies in Anthropology and Ethnology. The two-year cycle of classes and research presentations allowed me to analyze mediation through the lens of anthropology. Each course was designed to apply a key concept in mediation to our research topic.

I experimented with several concepts in anthropology beginning with kinship and sought to apply the key concepts, presented in my postgraduate seminars, in analyzing my case studies. This allowed me to look at the cases in new ways. It also allowed me to distance myself from my role as mediator and the action-research phase where I was developing mediation and working to prove that mediation was effective for conflict resolution. This analytical period of postgraduate studies helped me develop reflexivity. I now understand this analytical period in my research to have been a deconstructionist period inspired by Derrida's writings.³

The key concepts in anthropology were tools that opened up new pathways of reflection that allowed me to focus on the core elements of the mediation process. Instead of thinking of mediation as a form of conflict resolution, I tried to determine the basic building blocks that gave rise to what I was practicing. As mediation is interdisciplinary in nature, it was helpful to have a major discipline such as anthropology to provide an analytical framework. Each paper I presented in the context of the Swiss postgraduate studies program was critiqued by the fellows and experts. This participative approach allowed me to distance myself from my identity as the mediator and become a social scientist. The two-year program changed me and allowed me to develop a reflexive posture. Instead of the action-research mediator, promoting mediation and proving its effectiveness, I transformed into a more questioning social scientist curious to analyze the cases and the context. The Swiss post-graduate studies also increased my knowledge by supplying new literature and in-depth readings through the articles and books. This period also allowed me to share with other fellows by investigating our research topics together and witnessing the developmental process that we each undertook.

The following section of my thesis is organized by the key concepts of anthropology that were used as analytical lenses to probe the intercultural mediation case studies. I begin by

³ Site Jacques Derrida-Bibliographie. <http://www.derida.ws/index.php?>

presenting the case study on “space” because it was my first mediation. It was the event of a terrible helicopter accident that initiated me, allowing me to become a mediator.

How the Concepts of Space Contribute to the Structuring of Conflict Management and Mediation

Due to transportation and economic development, tourism is an important economic force that brings together groups of culturally diverse people in new settings. This case study is an attempt to show a new “field,” evolving from new circumstances. “Espace” is a term in the French language often used to describe the place where mediations take place. In English it is more common to use the term “Mediation Service” or “Mediation Center” instead of “Espace Médiation.” So, it is clear that different languages use the term “space” differently in providing mediation services. The term “Espace Médiation” or “Mediation Space,” described the mediation service created for political asylum seekers in the Canton of Valais in 2001–2005. Many “transnational” migrants with a political asylum seeker status came to this office for conflict resolution. The social space and physical space where mediations take place are contingent on multiple factors. I here present a case study that illustrates how concepts of space are fundamental. The following case study is unique and it allows us to understand concepts of space from angles not always considered. This case study can also serve to develop a comparative analysis with more traditional mediation spaces, by opening a window into a mediation field that is rare, but promises to bring great insight into more traditional mediation processes and spaces.

I present an intercultural mediation in Valais that took place with a group of Indian tourists visiting Switzerland. Unfortunately their trip ended with a tragic helicopter accident that involved this group with the Swiss authorities. This accident necessitated a new form of mediation between the Indian tourists, their authorities, and the Swiss authorities.

Crisis Management

After receiving a call from the emergency crisis center I was taken to a soccer field, the site of the worst helicopter accident in Swiss history. The beginning of the mediation started on that “space” where the helicopters had collided and fallen to the ground. The dead bodies of eight victims lay covered by white sheets when I arrived. The accident space was the soccer field in Beuson in the Canton of Valais. Around 60 Indian tourists had been waiting for their turn to go up in the helicopters to view the Swiss Alps. There were around 15 Indians who remained

on the site. The rest had been evacuated by a doctor and a psychologist, and taken to their hotel for a debriefing. Policemen, rescue workers, the press, and several political personalities were gathered at the site. There was white foam on the soccer field that firefighters had sprayed to avoid fire. The accident had taken place in the afternoon around 4 p.m., and I arrived around 6 p.m. It was within this space that the mediation began between the Indians who remained at the accident site and the police inspectors who were responsible for the handling the accident.

I describe the phases and areas where the mediation process took place concerning the helicopter accident. The concept of space in mediation seems especially pertinent in this case study and contributed to the structuring of the mediation process. The following interviews with the head of forensics and the inspector who was initially responsible for the accident site and who became responsible for handling public relations with Indians, the Indian Embassy, and the insurance companies will serve to better explicate the context in which this mediation took place.

Jurisdiction: A Way to Define Space

Jean-Luc Gremaud was in charge of forensics for the Canton of Valais' police force. His scientific expertise was important in identifying the victims of the helicopter accident. In an interview with Mr. Gremaud he explained that the law specifies the responsibilities of the Confederation and the Canton in the event of an accident.

“The ground is within the Canton’s responsibility. As soon as you leave the ground it is in the jurisdiction of the Confederation. As it is difficult to calculate in the space in the air and therefore jurisdiction, an international airplane accident between Rome and New York would be considered within an international jurisdiction because of the airplane’s altitude.

“For instance, a ski gondola or lift would be considered to be in the jurisdiction of the confederation. Another example would be an accident concerning a military airplane. In this situation there would be a military jurisdiction. An accident with a military plane that falls to the ground for example and kills people on the ground would be handled by both military and civil jurisdiction. There would be a form of cooperation between the military and the confederation

“Accidents involving trains are attached to the ground are within the jurisdiction of the confederation because they are long and they travel rapidly across the territory. They

travel on tracks. The surface is owned by the confederation. It would be the confederation's prosecutor that would have jurisdiction of a train accident.

“Normally people don't die in the air. But when they do, who is responsible? The first step is to distinguish the causes and consequences. The national investigation office is responsible for determining the causes; however, it is the local region's responsibility to manage the consequences. A helicopter accident, the one in Beuson, falls into the jurisdiction of the area's responsibility. The first to arrive on the accident scene will be the first to intervene. In Beuson, the local firemen were the first to arrive on the accident site. The Canton of Valais was responsible for the identification of the bodies. The firemen were the first to arrive on the scene and they smelled the gasoline that was on the soccer field. They thought that there was a high risk that a fire would break out. So they sprayed a blanket of foam on the field to prevent an eventual fire. The Indian people on the accident site acted quickly by immediately assisting the wounded. They were not aware of the risks that the fireman feared.”

Air Glacier is a private company that provides rescue services with helicopters, and was involved with this mission. They had a double role. First, they were the company providing the helicopter excursion for a tourist group, and secondly, they were responsible for the rescue mission and providing rapid medical care for the injured.

Just before the helicopter accident occurred at 16:00, one of the Indian tourists took a picture of the two helicopters in flight directly above the soccer field. The man didn't realize that he had taken the shot while he was in Switzerland, just after the accident. When he returned to India, and developed his film, he realized that he had taken this important picture. The photograph appeared in an Indian newspaper. The police called the man and asked for a copy of the photograph. With that one photograph, it was then possible to determine the cause of the accident.

Accompanying Victims

The laws pertaining to jurisdiction provide a framework for crisis management.

“When there is an accident the crisis group is put in place with a check list. The communication headquarters begins informing the different authorities that immediately go to the accident site for the rescue mission. There were the firemen, the doctors for the injured, the police must close the site, and the victims had to be taken care of by the crisis group. The central headquarters calls to find professionals to go to the site as quickly as possible. There was a doctor and a psychologist was taken directly to the site.

However, it is not specified who is directly responsible for the accompanying of the families and victims? That dimension is unclear. You might say it is a grey area. The police are responsible for determining the cause. They are also responsible for obtaining any evidence or information from witnesses. The police didn't carry out a large investigation. The federal investigation was much more important. The judge ordered the police to contact the Indian man who had taken the photograph. He had sold the photograph for a "scoop." The picture showed that there was the glare of the sun in one of the pilot's eyes, and that he couldn't see the other helicopter. With the computer program we use it was possible to take the photograph and exactly position the helicopters right before the accident. It was possible to calculate the distance and position of the two helicopters to determine the cause. The picture showed who was responsible. Without the picture we would not have been able to determine the exact cause of the accident.⁴

The technical explanations that Gremaud gave concerning the position of the helicopters shows how important the exact position of the helicopters was for determining the cause of and responsibility for the accident. New technology provides computer programs that can make exact models and even show the rotation and movement of the airborne helicopters. Using this new technology, we can exactly calculate position in virtual "space." With this technology it was possible to enter specific calculations and insert the exact position of the helicopters using the picture of the accident taken seconds before the helicopters touched. This new dimension of virtual space made possible by computer is yet another example of the importance of "space" concepts that influenced the structuring of conflict resolution concerning the judicial proceedings in this case study.

It is interesting to note how the law determines jurisdiction. The air space and the ground fall into different categories of jurisdiction. The law also structures the interventions of the professionals following the accident. The federal investigation office has a specific role, as do the local police and firefighters. The gray area that Gremaud points out, the mission for taking care of the victims and their families, is the area where mediation was useful.

Tourism, Accidents, and Natural Disasters

In this specific accident we have a group of vacationing foreigners. They had won a trip with the Kodak Company. They were Indians from many areas of India. They all spoke English, but they came from diverse cultural backgrounds. And they had not necessarily met before

⁴ Interview with Jean-Luc Gremaud in Sion, Switzerland, September 2006.

their trip to Switzerland. They were not migrants, but tourists. They had traveled to Switzerland and were there for a short stay. They became involved with the Swiss authorities only because of the accident. Many anthropology studies focus on migration; however, the ever-increasing tourist industry provides new cases of study when different cultural groups meet through unforeseen circumstances.

Gremaud also identified bodies of the 2005 Tsunami victims in Thailand. He was sent by the Swiss Confederation to work on a special team with other international teams. In that specific situation, Western tourists were victims of a natural catastrophe. These examples of tourists involved in accidents or natural disasters are new forms of “culture contact,” the term used by Gupta and Ferguson.⁵ When we consider anthropological locations we must take into consideration the evolution of human encounter. Today, tourism is creating new spatial meeting points. In response to this, practices are adapting to new situations. Consequently, academics have new fields of study.

Mediation and New Fields of Research

Accident and disaster situations may be analyzed from the perspective of “activism-anthropology” a term used in Gupta and Ferguson’s article.⁶ When mediation professionals are called in to serve with new skills, it is pertinent to develop a methodology that can analyze the emergence of the new forms of practice. In the context of changing economic, social, and political frameworks, interdisciplinary research models could be used to follow the evolution of these new situations. In an interconnected world, people from different cultures are meeting in situations outside the traditional anthropological settings of “fields.” The term *transculturation*, defined by Ortiz in Gupta and Ferguson’s article, describes the meeting point where cultures touch and are mutually transformed.⁷ The authors of *Anthropological Locations* quote Liisa Malkki on the development of new methodological strategies. Malkki writes, “What would it mean, she asks, to direct an anthropological gaze on singular,

⁵ Gupta, Akhil. and James Ferguson. (Eds.). *Anthropological Locations: Boundaries and Grounds of a Field Science*. Berkeley: University of California Press, 1997. p. 20.

⁶ Ibid., 24.

⁷ Ibid., 28.

exceptional, and extraordinary events?”⁸ What methodologies must be developed to analyze new cultural phenomena? Social constructionist approaches to methodology seem to offer new avenues of analysis that correspond to these new situations that are emerging in the field. These interviews with police inspectors and my personal account of the mediation process put in place following the accident document new situations where “cultural brokers” are called in to mediate for authorities faced with dealing with the crisis.

I was called by the crisis management center to go immediately to the accident site and assist with the English-speaking victims. I drove to Air Glacier’s headquarters in Sion where I was taken by car to the accident site in Beuson. When I arrived I thought I would be joining a crisis management team. I had my datebook that contained a few blank pieces of paper and my pen. I saw a group of Indians huddled together on the side of the soccer field and I approached them. The manager of the hotel where they were staying was translating for the group. He was visibly relieved to see me to help him translate and console the group. I realized that there wasn’t a professional crisis management team and I immediately went to work improvising mediation on the soccer field.

I explained to the Indians that I was a double national, Swiss and American, that I was a mediator, and that I had been called by the crisis management center to help them. I asked them how I could help. I wrote down their concerns and then went looking for a police inspector, someone who appeared to be in charge. I located Inspector Moix, a tall thin man in a suit. He had dark hair and a mustache. I approached him and explained that I spoke English and asked how I could be of service. This was how the mediation began.

When I arrived the local doctor and the psychologist, who both spoke English, had taken the majority of the group back to the hotel. The Indians remaining at the accident site considered themselves the group leaders responsible for overseeing the way the authorities continued to handle the accident. These people had all seen the accident, witnesses who were present for both the cause and the consequences.

⁸ Fog Olwig, Karen. “Place, Movement and Identity: Processes of Inclusion and Exclusion in a ‘Caribbean’ Family”. Waltraud Kokot, Khachig Tölölyan and Carolin Alfonso, eds. *Diaspora, Identity and Religion. New Directions in theory and research*. London: Routledge, 2004. p. 34.

I continued to function as a translator and mediator between the Indians and the police. I relayed requests and translated answers. I worked to construct an ongoing dialogue where the Indians felt involved and respected in the process of caring for the bodies and organizing the next step. When I asked them if there were any customs that needed to be respected of which the on-site professionals were unaware, they explained that they came from different religious and cultural backgrounds. Nothing specific was initially requested of the police and rescue workers concerning the bodies and their treatment.

As it began to get cold when the sun went down, I brought the Indians together in the soccer field cafeteria. There were blankets to keep them warm and I served tea. As we came together to regroup, we spoke of our next move. Where did they want to go next? Some wanted to go to the hospital to visit the injured; others wanted to return to the hotel. This was a natural phase, coming together and warming up. When I later explained the situation to a doctor who had worked in crisis management, he told me that it is known as the “cocooning phase.”

When everyone knew where they were going and in which car or bus, I got into the car with inspector Moix. We had never met or worked together before, but he immediately integrated me into his team. We began to discuss the next step and what needed to be done. From my perspective it seemed important to get the Indian witnesses’ depositions concerning the accident, as many were scheduled to leave early the next morning. I believed it was important to have their version of the accident and not only the Swiss version. The concept in mediation of co-constructing meaning was my basis for insisting on the importance of collecting the Indian depositions.

When we arrived at the hotel a large meeting was organized. I was seated next to Mr. Gremaud and asked to translate for him. He explained the process involved in identifying the bodies to the interdisciplinary group. His next step was to inform the widow of her husband’s death. There is a checklist with priorities. Gremaud explained, “It is difficult to handle the human side of the situation, concerning the families and the victims. It is an important priority to first communicate information to the families before communicating delicate information to the press. Following the meeting at the hotel with rescue workers, the doctor, the psychologist, and the Indian leaders that were representing their group, it was important to go to the widow and to announce her husband’s death.”

It was getting late. It was dark outside and the fall air was cold. We walked outside to the hotel where the widow was staying with her two-year-old child. When Gremaud knocked on the door, we entered a small hotel room filled with people. The widow was sitting upright on her bed. She was talking on the phone with her family in India. Other women were sitting next to her on the bed. Her child was sleeping in a portable bed at the far side of the room. There were at least fifteen people in her room. Gremaud explained that he had come to officially announce that her husband's body had been identified and that he had been killed in the helicopter accident. I translated for Gremaud as he kneeled close to the victim's widow; I stood behind him and slowly translated his message. He spoke as an authority, but his words were full of compassion and respect. I was carefully concentrated on my task to translate his message with just as much compassion and with the English words that would perfectly represent the sensitive message he was delivering.

Months later, following the accident Gremaud told me how I seemed to translate his thoughts even before he spoke while we were communicating the information concerning the identification of the bodies. Indeed, in extraordinary situations there is a kind of harmony that links people together in a way that musicians play during a musical performance. In crisis situations, the level of cooperation is heightened and our teamwork felt synchronized even though we had never worked together before.

When we entered the hotel room to officially announce to the widow the death of her husband we entered a space that was filled with Indians. Though we were in Switzerland, we entered their space of mourning. They had their cultural ways of dealing with death and crisis and accompanying their victims. Their way of filling the space of the hotel room and the proximity that they had with the widow and her child exemplified this.

After translating for Gremaud, I followed him back to the main hotel lobby. Sandwiches were ordered and we took time to eat and drink. It was early in the morning when we returned to police headquarters. An Indian man who was leaving at 5 a.m. wanted to identify the bodies. I was asked to accompany him and to translate. But I explained that I had never seen dead bodies after an accident and didn't know how I would react. As they needed me the next day for the press conferences I preferred to let Gremaud show the bodies without me. Gremaud explained that the man had asked that the eyes not be shut, but left open. He continued, "He [the Indian] looked at each person and one by one he responded 'no' that he

could not identify the body. When I asked why he had asked to identify the bodies if he couldn't positively identify anyone, he explained that he would be returning to India that day and that the families would all ask him if he had seen their family members. He wanted to be able to honestly respond and tell each family that he had seen each person." The next morning press conferences were scheduled and I was to translate.

The Indian Embassy and Indian ambassadors were present. I drove them to the press conferences and sat next to them to translate the French into English. I later translated for the radio when they interviewed the ambassador. The Minister of Justice, Mr. Fournier, as well as the police commanders and Mr. Bagnoud from Air Glacier were all present at the conferences. Though I was translating, I was also assuring a continuous presence, accompanying the police and Indians at each phase of the accident and the process of identifying the bodies and communicating with the groups of victims and political authorities.

Following the press conferences an important meeting was organized with the ambassadors. There was an official process for returning the bodies to India. An official death certificate had to be established. A permit to transport the bodies had to be given, and there were specific rules concerning their care. They had to be in a lead-sealed coffin. To return the bodies there were medical procedures that involved dialyzing and freezing them. And an airplane had to be reserved to transport the bodies. Many officials and professionals had to coordinate their work to be able to return the bodies to India.

At the canton's police headquarters, a special room was designated where phones were set up for the Indians if they wished to call home. And it was in that room that mediation or negotiations took place concerning the official procedures for identifying the bodies. There was a large table set up in a U-shape. I sat next to Inspector Moix. To the right were the Indian ambassadors. To the left were the insurance companies, the funeral home professionals, and a woman from Kodak international working in Geneva. Inspector Moix recalled a crucial moment when he wasn't getting any cooperation. "I raised my voice and pounded my fist on the table and gave an order to the ambassadors to better cooperate. And you stood up, and spoke, and found a more diplomatic phrase to explain what I had just said. When you sat down, you said to me, 'I changed your words a little bit.'"⁹

⁹ Interview with Jean-Claude Moix, Sion, Switzerland, September 2006.

The law designated the state civil officer of the area in which the people died as the official who must attest the death certificate. As the official in Beuson was on vacation, the official in Sion replaced him. An official list of the names of the dead was established and given to the Indian Embassy. They were in return given the task of assembling the different official papers needed to meet the international procedure for identification. There was a form of mediation and negotiation necessary to harmonize the identification process between the Swiss and the Indian authorities.

This part of the mediation process was an official space. It was a space where two countries were linked through a tragic accident. The Indian people expressed their desire to have the bodies sent back to their families as quickly as possible. The negotiation process was crucial because certain international procedures had to be respected and both countries had to overcome cultural and procedural differences to effectively send the bodies home without delay. Though the accident was in the jurisdiction of the Canton of Valais, the procedures involving the transportation of the bodies was international. And it was also dependant on the Indian authorities who were responsible for obtaining documents that would permit the official sealing of the caskets. Jean-Luc Gremaud thought that, “with the language barrier and the cultural differences, mediation was imperative.”

Gremaud explained,

While I was in Thailand, working with an international rescue team, an Israeli rabbi was watching me while I was doing my work. I asked the Israeli team head to get the man to leave so that I could do my work properly. The Israeli team head explained to me that it was common procedure for them to have a man like the rabbi present while they were doing their scientific work. He explained that when they returned to Israel with the bodies, that man, the rabbi, would be present with the families to attest that the forensic scientists had indeed taken proper care of the bodies. He would be a witness that would communicate to the families and attest to the authorities the proper handling of their loved ones. In this way he would be serving as an important link. He had a role of service, giving help in a difficult crisis. Now I understand the importance of allowing people like the rabbi to participate and need for people who aren't professionals to be able to offer their help during a crisis.¹⁰

When I asked Captain Moix what he thought about the use of mediation in crisis management, he said, “it was as good as gold.” He said that mediation also helped by offering

¹⁰ Interview with Jean-Claude Moix, Sion, Switzerland, September 2006.

a linguistic aid. He continued, saying, “Being a woman, someone physically different, a blond American, and not from the police force, helped to establish a certain neutrality.” Mediation was used to deal with specific problems that needed resolution on a practical level. He explained that tensions existed between the Swiss and Indian authorities, and that the Indian officials refused the Swiss authorities’ request to attend the victims’ funerals.

Captain Moix told how the judge had allowed the forensics department to give the bodies to the Indian authorities as they wished, meaning that the judge did not stand by rules that would have prolonged the identification process and the return of the bodies to their families. “The victims were not terribly injured which meant that they could be visually identified,” said Captain Moix. He reiterated that the police officials and other professionals had been culturally sensitive as they prepared the bodies.

From a practical point of view, “there wasn’t a crisis management tent that was set up on the accident site.” Mr. Moix explained, “It is during important situations like the accident in Beuson that you have a dose of adrenalin that allows you to work well. When you are on the scene you get a kind of strength that allows you to take care of the problems that come up even if you don’t have previous experience.”

He said, “We were very lucky. The accident was on a soccer field. It could have occurred in another area that might have been difficult to reach.” He believes the Swiss authorities responded well to the expectations of the Indians and their authorities.

The responsibility of the helicopter accident has yet to be determined. The judicial system is in the process of deciding the final verdict. Air Glacier was eventually found responsible by the Swiss judicial system of negligent safety practices. This practical case study involving the use of mediation in crisis management illustrates a new cultural meeting point.

New Practices Require New Theoretical Models

This particular mediation that began on a soccer field is a metaphor for a new “field” methodology. What kind of research methods must be developed to investigate intercultural relations and mediation on accident sites? Gupta and Ferguson state, “Like any tradition

valued by a community, anthropology's fieldwork tradition will manage to secure its continuity only if it is able to change to accommodate new circumstances."¹¹ While anthropology has remained a more traditional discipline, social constructionism offers a generative methodological approach that allows new situations to be analyzed.

In a sense mediation is a "political project." It is a profession that uses a specific process for conflict resolution; a process that values communication and a non-violent resolution. Mediators guarantee a "space" for the participants in the conflict resolution process. In this case study, the mediator is narrating the mediation process. Is this a form of "activism-anthropology"? I am convinced that it is because the mediator is actively using practice in new spaces.

Mediation is responding to the emergence of new circumstances. The tourist industry has created new situations that involve people and cultures in ways that are influenced by air transportation and economic development. Tourism is becoming an important economic force bringing together groups of culturally diverse people in new settings. This case study is an attempt to show a new "field" arising from new circumstances.

¹¹ Gupta, Akhil, and James Ferguson. (Eds.) *Anthropological Locations: Boundaries and Grounds of a Field Science*. Berkeley: University of California Press, 1997. p. 39.

Kinship and Mediation: A Relational Approach

This anthropological analysis of eleven mediation case studies, focusing on kinship, shows the importance of family ties in conflict. Kinship is a fundamental concept in the anthropological analysis. These case studies focus on how notions of kinship interact with conflict, and the mediation process, in an intercultural environment, within the social services' administration in Valais, Switzerland between 2001 and 2005.

Migrants with the status of political asylum seekers are often separated from their families due to tragic events such as war. Professionals working in the social services reinforce the support networks otherwise provided by families. The mediation service can be seen as a part of a professional support network to facilitate conflict resolution.

Anne Roschelle in her book, *No More Kin, Exploring Race, Class and Gender in Family Networks*, explains that, "Informal social support networks are characterized by frequent interaction, close family bonds, and exchanges of goods and services among non-family members who typically live in close proximity to one another but not in the same household. The mutual aid that defines these networks can be either emotional or socioeconomic"¹² It is interesting to observe the family bonds in each of the following case studies, as well as the social and political contexts that give rise to the conflicts.

When I received people in mediation I always asked questions about the informal support network. With whom did they discuss their problems? What did their families think? Whom did they count on for help? Did they belong to a religious community? I believe that the informal or more natural support networks that individuals and families create are important, especially in times of difficulty. The mediation service can be seen as a professional resource within the support network. There are informal support networks, just as there are more formal or professional support networks. However, I believe that professionals, such as mediators, are most effective when they empower those seeking their services. They do this

¹² Rochelle, Anne.(1997. *No More Kin, Exploring Race, Class and Gender in Family Networks*. Thousand Oaks, CA:Sage Publications. (see Litwak, 1960b; Sussman , 1965). p. ix preface.

by facilitating informal networks of support that allow the migrants to become self-sufficient rather than depend on professionals.

How does western, postmodern society affect the traditional migrant family structure? When we look at one of the latest developments in kinship studies, we see the development of the dual-family. The *dual family* is defined as a family that lives in two homes, meaning that under the new laws that allow joint custody, some children live with both their mother and their father. This shows a fundamental change in the way society defines families. This change in the way we define families is only one example of the transformations taking place in the modern western family model. When traditional families, such as the political asylum seekers who participated in mediation at the social service's mediation center in Sion, Switzerland, meet with the postmodern Swiss society, we can understand that misunderstanding and conflict are inevitable. There are major differences in laws, institutions, organizations, social and healthcare services, and family models.

Laura Cardia Voneche and Benoit Bastard talk about the relational family in their article, "The Alternate Residence: A Sociological Perspective on the Transformations of the Family." They speak of recent change in relationships among family members. In the past, the hierarchical family was the dominant model. It appears that families today have more of a relational model that values the relationships among family members as opposed to the hierarchical model, which is based on one's position within the family hierarchy. Alternate residence, they explain in their article is, "a form of organization of the life of the child when the parents are separated. It is dealt with alternatively by each of the parents for a given period, a few days during the week, one week out of two, even a longer period, without necessarily having the periods being the same length for each parent."¹³

Mediation offers a process for family members to co-construct common meaning and find solutions adapted to their needs and desires. At the same time that there is recognition of dual families in kinship, courts and legislation recognize that in matters of divorce mediation is a legitimate form of conflict resolution. Mediation recognizes the importance of relationships and it is therefore useful in family conflicts. The development of mediation has been partly a response to family courts in the United States and Europe that have been overwhelmed by

¹³ Bastard, B. and Laura Cardia-Voneche. 2005. "The Alternate Residence: a Sociological Perspective on the Transformations of the Family." Conference in Sophia, Bulgaria.

divorce and custody cases. As social conflict becomes more complex, new methods of conflict resolution are being developed.

Not only is there the dimension of the social evolution of families in the postmodern period, there is also the aspect of intercultural families, where different family models co-exist. The impact of increased migrations has also influenced the development of a multicultural society where different family models exist within the various ethnic communities. There is also an increase in the diversity of family models in host countries. In this sense mediation reinforces the relationships between traditional families and the institutions and services that provide for their well-being and that inevitably enforce the laws that govern their lives.

I analyze case studies that figured in my mémoire, “Requérants d’asile: Comparaison de leur situation dans divers pays, focalisation sur leur prise en charge dans le canton du Valais et creation d’un nouvel espace interdisciplinaire,”¹⁴ from the angle of kinship. What were the influences of kinship on the conflict and the conflict resolution? How did the host country’s culture and law transform the migrant family? And how was mediation useful in these situations?

First Case Study: Mme. B

This case study illustrates the intensity of the bond between the mother and the child, and how a kinship bond can fuel conflict and push actors into violent positions in which they risk their life and the lives of others.

Mme. B is from the Congo. She arrived in Switzerland pregnant, following a cousin with whom she had lived in the Congo and leaving behind two daughters with her mother and father and the father of her unborn child. When she learned that she was HIV positive and chose to keep her baby, she embarked on a trying journey. Her situation became a case study of great importance in my work as a mediator.

¹⁴ Riva, Susie and Randolph Willis. 2004. “Requérants d’asile: comparaison de leur situation dans divers pays, focalisation sur leur prise en charge dans le canton du Valais et creation d’un nouvel espace interdisciplinaire.” Mémoire à L’Université de Lausanne dans la Formation Continue “Migrations, relations interculturelles et pratiques professionnelle.” Under the direction of Prof. Ilario Rossi.

I became involved with Mme. B after she had attempted to get custody of her new-born daughter by violently attacking the administrators at the social services political asylum seekers' office. She used a knife that she had cut herself with and that was stained with her HIV-positive blood. After the unsuccessful attack, the police took her to the hospital where she was released, and returned to the office to attack again. Her daughter was not at the office, nor were the administrators responsible for placing her child in foster care. I organized a debriefing session with Dr. Randolph Willis and organized a series of mediations following the incident.

Mme. B wanted custody of her child. The African community was criticizing her for not taking care of her daughter and allowing white, Swiss people to continue to have custody. Mme. B wasn't clear about the health of her child or about her own health. Had she transmitted the virus to her daughter? Had she passed on death to her own child? Part of the mediation process was to work to clarify her daughter's health and Mme. B's. In fact the Swiss authorities had taken away Mme. B's daughter because they didn't believe that she was capable of administering the necessary medication to the child.

Analyzing this case study with the lens of kinship allows us to see how lineage can mean giving life just as it can also mean passing on disease and death. This complex situation destabilized Mme. B who came from another culture that dealt with AIDS differently than in Switzerland. The African cultural lineage was also a core subject throughout the mediation process. It wasn't acceptable that white people raise this African child. But how could Mme. B regain custody in this complex Swiss system?

When Mme. B showed up at the administrative office armed with a knife, she symbolically came to cut free the ties binding her daughter to the white, Swiss authorities. By the end of the mediation process, although she did not regain custody, she did regain a rich relationship with her daughter with visitation rights that allow her to see her daughter at least three days a week and take her to her home over the weekends. Mediation served by offering the transitional therapeutic space needed to bring together the various actors that were making decisions pertaining to Mme. B's custody issues. In the eyes of her fellow Africans, she is seen as caring for her daughter. She now understands that the medication administered to her daughter prevented transmission of HIV. This clarification allowed Mme. B to be a mother

who transmitted life to her daughter and who can now share her culture, cooking, and social life in a restored mother-daughter relationship.

When the Swiss authorities took the custody of her daughter, they severed a bond for which Mme. B was ready to attack and possibly kill. In Mme. B's mind, the confusing and complex system of the child protection agency, the social services that provide aid for her, and the health services that give healthcare became an enemy that had to be slain. The question of a shared cultural lineage was mediated and now Mme. B accepts that her daughter is in foster care.

Another aspect of this situation involved the rejection of Mme. B and her daughter by the father in Africa who learned that Mme. B was HIV-positive. Though the Return Aid Office in Sion worked many months to try to return Mme. B and her daughter to the Congo, it was not possible to establish a custody guarantee with Mme. B's parents sufficient to allow the child protection agency to release the daughter to join her sisters, grandparents, aunts and uncles. The complex project required that Mme. B create a business that could support her and her daughters. There was also the aspect of researching healthcare possibilities in the event that Mme. B's HIV-positive state evolved into AIDS, requiring medical care. It became clear that Mme. B's country could not give the social aid and healthcare required by the Swiss authorities. Mme. B decided that she was better off separated from her daughters in Africa, but able to send money to her parents for their care. Though she is from the Congo, returning home meant risking her life. Mediation allowed her to co-create an acceptable situation wherein both she and the Swiss foster family are raising her daughter. Just as families have resources to care for family members, we can see that nations have resources to care for their citizens. In this way, lineage has a national dimension. Access to services is socially constructed. Mme. B's nationality does not entitle her to the same social aid and healthcare benefits that Swiss citizens are entitled to. However, her status as a political asylum seeker guarantees her access to social aid and healthcare.

In conclusion, Mme. B has a mother-daughter bond, a "blood relationship," that is at the core of this case both in a real and symbolic way. There is a racial and cultural dimension of lineage, as she is a black African in a white European country and her daughter is legally under the supervision of the Swiss state. There is also the question of nationality because

Mme. B has the status of a political asylum seeker but she is not Swiss. She is from the Congo, a country weakened by civil war and sickness with a high level of HIV-positive infection and limited access to healthcare facilities. Her status does not allow her to pass on Swiss nationality to her daughter unless she is willing to give up her daughter in an adoption procedure. All of these aspects of kinship were elements of an intense conflict between Mme. B and the Swiss institutions.

This case exemplifies the multidimensional significance of kinship in conflict resolution. Though she was unable to establish legal custody of her daughter, she was able to establish a rich mother–daughter relationship. During the mediation process, Mme. B went from rarely seeing her daughter who was placed at the daycare center and cared for by a nun who lived within the walls of the daycare center, to visitation rights over the weekend and Wednesday afternoons. This example shows how the mediation process effectively dealt with the relational dimension of the family ties. Just as Bastard and Cardia-Voneche speak of the transformation of the relational family, we can see that this case study shows how access to mediation permitted reparation and redefinition of the mother–daughter relationship, as mediation based on the premise that relationships between family members are important. The relational family appears to be better served by a practice such as mediation that has incorporated into its philosophical premises the relational paradigm.

One the most symbolic moments during the mediation process was when I was invited to Mme. B’s daughter’s birthday party at the daycare center where she lived. In the cafeteria Mme. B and her African friends had prepared a wonderful buffet and celebrated the daughter’s birthday with presents, cake, and balloons. Mme. B filmed the birthday party and sent the film home to her parents and daughters in Kinshasa. This important ritual, the birthday party, marked the beginning of an important change in their mother–daughter relationship. And my presence, witnessing her love for her daughter, perhaps transformed her relationship with me and the institution I represented.

Second Case Study: Mr. D

Mr. D solicited the help of an association for racial injustice, L'ACCOR. As I worked within an intercultural network in the French-speaking part of Switzerland, L'ACCOR contacted me concerning a letter they had received from Mr. D who was in a prison in Sion. After examining the letter and receiving permission to treat this case from the head of my service and the judge responsible for the prisoner, I proceeded to make an appointment at the prison to meet with Mr. D in person.

This case shows the strong sense of responsibility that young African men have concerning their families in Africa. This young man was the sole provider for his family. While he was in prison he was unable to send money home to his family. He was deeply concerned about their welfare. Many African families' survival depends on money sent monthly by family members that have been chosen to migrate to Europe in the hopes of finding employment. There is an enormous social pressure on these young African men to care for their families who live in poverty. Unfortunately these young men often live alone in Europe, far from their traditional families, communities, and religious practices.

Mr. D was a devoted Islamic follower when he arrived in Switzerland. But when he broke up with his girlfriend and found himself all alone, he began drinking and hanging out in bars. This led to a violent bar fight, which was the reason for his imprisonment. Mr. D, prior to his imprisonment, was not dependant on social aid because he held a job and paid for his own apartment and healthcare. Being imprisoned was a huge setback for him. He felt a great sense of social injustice because of his desperate need to provide for his family members and his inability to find a solution. In his letter to L'ACCOR asking for help, there were threats of retaliation if he was not treated justly. His main request when I met him in prison was to resolve the financial responsibilities he was unable to take care of while in prison. He needed to clarify certain points with the social services concerning his financial aid and his rent. He also asked to have a job in prison that would allow him to earn some money.

In "Family Violence in a Cross-Cultural Perspective,"¹⁵ David Levinson writes about the social learning theory, "The approach within the social learning perspective that has drawn

¹⁵ Levinson, David. 1989. *Family Violence in a Cross Cultural Perspective*. Newbury Park, CA: Sage Publications.

the most attention is the intergenerational transmission of family violence theory”.¹⁶ Not only did Mr. D experience the social change that took place in Somalia before his departure, he also had to adapt to a new culture on his arrival in Switzerland. He was able to hold on to his religious practices, refraining from alcohol during a long period until he broke off an important relationship that caused him great sorrow. At that moment, he began drinking and going to bars. His substance abuse was triggered by great social change and loneliness. Violence in Somalia was rampant, amid which he grew up. His violent bar fight brought out the intensity of the violence he probably had experienced in Somalia. The combination of social change and the transmission of violence he had learned as a young man who had most likely fought in the war showed the influence of culture on behavior.

After having investigated the questions he had with the social services and the prison authorities, and his legal case, I made an appointment to see him again in prison. He was frustrated and almost out of control when I communicated the responses to his questions. However, he was glad that I had responded to his letter and that I had looked into his cares.

Mr. D came from a country where the society had completely broken down and one had to learn at a young age to fight for survival. When he began to fight in the bar, he broke a bottle and attacked another man, injuring him near the jugular, injuring his opponent in a way that killed him. It was for this reason that the judge sent him to prison to evaluate his psychological health. Mr. D perceived his retention in prison as unfair considering that he had only participated in a bar fight. The mediation reinforced communication with Mr. D and the outside world. It didn't bring a solution to his problems.

In summary, family ties in Africa require a young man such as Mr. D to provide for a large circle of relatives. In Europe, families would not expect such a young man to provide for more than his immediate family. This is a basic difference in the definition of “family responsibility.” European social services would have guaranteed that his family would not starve if they were in Europe. However, Mr. D's family had no guarantees from Somalia, which is in the midst of civil war. This case shows how family ties guarantee the survival of family members in Africa, unlike Europe and the developed nations where the state has taken over many of the responsibilities that families used to shoulder. The intensity of the feelings

¹⁶ Levinson, David. 1989. *Family Violence in a Cross Cultural Perspective*. Newbury Park, CA: Sage Publications. P. 17.

of injustice and despair that Mr. D expressed were understandable considering the uncertain fate of his kin and the responsibility that had been entrusted to him as their provider.

Third Case Study: Mrs. A

Mrs. A came from Kosovo. She had obtained a Swiss B permit and worked as an intercultural mediator. She was married with children. Mrs. A's son was attacked by a hunter in a dispute that took place over a driving incident. The dispute occurred while her son and husband were driving in their car. The hunter shot her son in the leg, which left him handicapped. She came to my mediation office, explaining her feelings of desperation and injustice. She didn't understand how this kind of violence could follow her family to Switzerland, as she had fled her homeland to avoid war. The patterns of violence seemed to have followed her to this normally neutral country where vendettas were not the norm and young men were not massacred in conflicts of genocide or on the battlefield. On an existential level, she needed to understand or attempt to find meaning.

The family ties that Mrs. A had known had been tainted by violence. Mrs. A had left her husband because he beat her, but her husband's family clan didn't accept her separation. Her husband's family had sent a man to Switzerland to kill her. As she protected her children, a bullet pierced her finger. This kind of family vendetta between clans is common in Kosovo.

This case shows how family patterns can be passed on. Bert Hellinger¹⁷ and other trans-generational psychologists have brought attention to family patterns and their transmission. These psychologists' concept speaks of family lineage in a way that was often central in the unfolding family story.

Mrs. A explained that she had taken in a young political asylum seeker who was the same age as her son in 2001. He was injured on a Kosovo battlefield. His leg was filled with mortar and he was handicapped. The synchronicity that her own son's leg would be similarly injured but from a bizarre attack from an Italian hunter in Switzerland was indeed perplexing. Though

¹⁷ Manné, Joy. 2005. *Les Constellations Familiales*. Saint-Julien-en-Genevois Cedex, France: Editions Jouvence.

Mrs. A had tried to protect her son from war injury by coming to Switzerland, but now she was a battlefield-like injury. Mrs. A wanted reparation.

Mrs. A was able to find reparation at the office for victims of violence. However, she died of brain cancer shortly after this ordeal. She exemplified courage and service, helping many of her fellow countrymen who had suffered from the war and violence. She was always available to translate and work as a cultural mediator for my office and other institutions. She bravely faced the patterns of violence that seemed to have followed her and her family to Switzerland.

Fourth Case Study: Mr. F

Mr. F is a young man from the Congo who sought political asylum in Switzerland. His late father had been a businessman working in banking. His mother was also a political asylum seeker in Switzerland. Mr. F was older than 18 when he sought asylum and therefore was not allowed to remain in Switzerland even though his mother lived there and her status didn't allow her to leave the country. The Swiss law did not recognize his kinship tie, son of a political asylum seeker living in Switzerland. He did not have the right to stay in the same country as his mother.

Mr. F had been tortured in the Congo and had a doctor's certificate that testified the torture. Nonetheless, the Swiss court of appeals refused to recognize his medical certificate or examine his file. He had been put on a plane that was supposed to fly to his homeland, however the plane was not given permission to land and the political asylum seekers who had been forced to board the plane were redistributed in the Swiss Cantons where they had been residing as political asylum seekers. When Mr. F had been forced to board the plane, the authorities had taken away his permit that allowed him to reside in Switzerland. He was not given a new permit when he returned to Valais. The authorities kept him in an illegal situation, refusing to give him a permit, but unable to send him back to his country of origin.

This paradox is common for the laws and systems governing political asylum. The Swiss government denied Mr. F a permit, though the laws published on their internet website state that he had the right to a permit. National identity is proven by a passport and guarantees one's right to citizenship. If a person cannot return to their country of origin, and they cannot

have official recognition from the country in which they reside, they are denied the right to be a citizen or permit holder. In this way they are denied the right to official status in the country where they reside. The political and national dimension of their identity is taken away, and they are cast into a human rights “black hole”; that is, legislation takes away all their human rights because the state where they reside refuses to recognize them. The creation of the legal status of “NEM”s in Switzerland (non rentrée en matière) is an example of laws that deny people their basic human rights. The judicial system’s logic was to recognize human rights and to defend human rights since the creation of the Declaration of Human Rights in the 1940s. Postmodern society is now using the judicial system’s same logic to deny human rights with new legislation concerning migration laws.

Kinship is structurally based on belonging to a family. This situation shows how belonging can be denied. Our planet is dominated by a system of nation states with a legal logic that defines citizenship. In a postmodern world where there are very large migrations from countries in civil war, millions of people no longer have a national identity because they no longer belong to a nation state that guarantees their rights.

Mediation provided an interdisciplinary approach to Mr. F’s situation. It allowed the social services, Suisse Immigré, an association providing legal aid to political asylum seekers, and the psychiatrist to work together to obtain a reconsideration of Mr. F’s request for political asylum. Mr. F finally obtained a permit. When he was searched by the police, which is often the case for young black men, when he went to the post office to pick up his mail, and for all the other official requirements that required a permit, he was no longer without that important official document.

In one meeting that we had in my office, he came with the pictures of his father, himself with friends in the Congo, his mother, and a picture of his girlfriend. By recognizing Mr. F as a human being born in the Congo, the son of a mother and father, the friend of many, the love of a young woman, I hoped to reinforce him in his belief in himself and his right to exist. As the Swiss state was breaking this young man down, the mediation process allowed his request to be reconsidered and his rights to be respected. The cruelty of the system did not break Mr. F because he was able to find resources such as the books he was reading about Gandhi’s life and his nonviolent approach to social justice.

Fifth Case Study: Mr. V

Mr. V and his family were from Russia. He and his wife had both been professors and had two children, a girl and a boy. Mr. V came to my office concerning the increased tensions in his home that were resulting in violent behavior from Mr. V. Mr. V explained that his wife was having an affair. He believed the affair was the result of his diminished ability to provide for his family. As he was unable to get official refugee recognition, he was unable to find work as a professor. His wife was also suffering from the limited possibilities of finding work. She had taken a job as a waitress and had met a man who frequently came to the café where she worked evenings. The man with whom she was having the affair promised that he would marry her and that in this way she and her children would be able to remain in Switzerland. Mrs. V was concerned for her son's safety. If he were to return to his country of origin, Russia, he would be forced to do military service.

The family violence in this case was aggravated by the stress of migration, unemployment, the refusal of the Swiss government to grant their family asylum, and the fear of danger if the family had to return to Russia. In *Family Violence in Cross-Cultural Perspective*,¹⁸ David Levinson explains the influence of social change on migrant families: "It is generally assumed that in non-Western societies industrialization, modernization, Westernization, and the like create social disorganization that leads, in turn, to an increase in social problems, such as crime, delinquency, substance abuse, and family violence. Social change is seen as altering traditional family structures, dynamics, and values that places new and additional stress on individuals and the family and destroys the social support network in which the family was embedded"¹⁹ (p. 63). Not only was there increased family violence, but Mr. V was also suffering physically. He had begun to drink heavily and was experiencing paralysis in his arm and hand.

¹⁸ Levinson, David. 1989. *Family Violence in a Cross Cultural Perspective*. Newbury Park, CA: Sage Publications.

¹⁹ Levinson, David. 1989. *Family Violence in a Cross Cultural Perspective*. Newbury Park, CA: Sage Publications. P. 63.

In his book *La Troisième Planète. Structures Familiales et Systèmes Idéologiques*, Emmanuel Todd links ideology, politics, and family structure.²⁰ When I saw Mr. V, I worked on reconnecting him with his Russian cultural heritage, as he was a professor and he was well read in Russian literature. I encouraged him to look to the Russian literary tradition and the many examples of family trials and conflicts. I suggested this because of my experience as a young university student with a Hungarian professor who explained to me the importance of literature in the Russian culture. I asked him to decide what role he wanted to play in this conflict. Which character and what kind of outcome did he favor in his family's saga? When his arm and hand became paralyzed I spoke of Mrs. Gorbachev's paralysis when she was forced to give up their political power. It was a cultural metaphor for Mr. V's paralysis as he was forced to give up his wife and accept the change in their family's organization. This cultural metaphor seemed to help Mr. V, as his arm and hand began to heal and he regained his full strength.

In this case, Mr. V was separated from his larger family circle and orthodox values. His family was isolated and alone. Their dream of finding refuge in Switzerland was turning into a nightmare that was paradoxically destroying their family unity. Reconnecting with his Russian cultural heritage and the image of Raissa Gorbachev allowed him to gain a greater perspective on his personal situation. He was then able to regain his health, steer his family away from destructive violence, and write his family's saga with a more constructive outcome. If it wasn't the happy ending he had imagined, Mr. V was able to find a nonviolent solution for his separation from his homeland and he was eventually was able to remake his life.

In *Complexité des Cultures et de l'Interculturel*,²¹ Jaques Demorgan writes about family anthropology in the context of the communist ideology. "Les forces culturelles de transformation d'une telle idéologie ne pouvaient pas relever de racines culturelles récentes. Il fallait qu'elles soient, au contraire, à la fois très profondes quant à leurs racines historiques et très actives au plan des conduits quotidiennes. Ces deux conditions sont pas faciles à réunir.

²⁰ Todd, Emmanuel. 1992. *La Troisième Planète. Structures Familiales et Systèmes Idéologiques*, Paris: Seuil.

²¹ Demorgon, Jacques. 2000. *Complexité Des Cultures et de L'Interculturel*. P. 179. Paris: Anthropos.

Mais en tout cas, elles le sont au plan des structures familiales.”²² In the case of Mr. V, the great Russian authors we spoke about allowed him to find strength in his cultural identity that went deeper than the communist regime that had dominated his life.

Sixth Case Study: Mrs. L

Mrs. L had just arrived from Lebanon with her two children and was at the community housing for political asylum seekers. Her anxiety was the basis for seeking help. After speaking with her it became clear that she was worried about her children’s education. In Lebanon she was a teacher and her children attended high-quality schools. Here in Switzerland she was blocked with her children in the communal welcoming center and her children were not allowed to attend school. Her fear that they would lose a scholastic year and the repercussions that might have were eating away at her. We worked on creating a daily plan that would allow her to survive in her present situation that included daily walks, healthy food choices, prayer, and special lessons that she would design each day that were creative learning projects inspired by the context of the situation that she and her children were living.

The importance of education and the values Mrs. L was evoking show that migrant parents often leave their homeland in the hopes of bettering their own quality of life and that of their children. When confronted with the reality of political asylum in Switzerland and the repercussions that this status has on opportunities for higher education, parents can become destabilized. The values of higher education are often transmitted from generation to generation. Education and scholarly pursuits may be associated with socioeconomic and class issues, but the value of higher education and the possibility to transmit higher knowledge to future generations is a core issue in itself. Mothers that I met during the information and prevention sessions that I organized often brought up this respect for education.

In my meeting with Mrs. L we discussed how their life situation could become a learning experience for her children. She could see that her personal resources and skills as a teacher could be put to use in order to provide a unique, daily “home schooling” opportunity. However, the disenchantment with the political asylum system that didn’t allow for her young

²² Demorgon, Jacques. 2000. *Complexité Des Cultures et de L’Interculturel*. P. 179. Paris: Anthropos.

children to directly enter the school system remained an issue of tension that provoked feelings of injustice. Mrs. L believed that her children had the right to be enrolled in school.

Seventh Case Study: Mr. Z

Mr. Z came into mediation because of a conflict concerning his lodging. During the meeting it was clear that Mr. Z had psychiatric problems. He suffered from paranoia and persecution. He was unable to live in certain housing conditions. He needed privacy and could not live in just any apartment. Mr. Z was unmarried and didn't speak German or French. He was isolated and cut off from his family that lived in ex-Yugoslavia. He had been persecuted during the war and was paranoid. He had gone on a hunger strike to protest his living conditions as a political asylum seeker. His health was deteriorating, and the conflict with the administration responsible for providing his housing was mounting. Mr. Z refused medication that might have helped his mental health.

From the perspective of kinship, this case illustrates how isolated political asylum seekers lacking kin and support network often suffer from mental illness. I tried to coordinate an interdisciplinary approach to care for Mr. Z that included his generalist doctor, a psychiatrist who spoke his mother tongue, the administrators concerned with his lodging, and the social worker. As Mr. Z didn't have family members in Switzerland, a support network of professionals was put in place to replace what a traditional family might have provided for this isolated man.

Eighth Case Study: The N Family

I was contacted by the N family through an interpreter. The N family had been assigned a new housing location. They were to leave the communal housing center and move into a chalet. They refused to move and therefore had spent the several nights with their children in the train station. After much discussion, they agreed to move to the chalet. I promised to come the next day with an interpreter/cultural mediator to find a solution to their problem.

The administrator in the region where they were placed accompanied the interpreter/cultural mediator and me to the family's new chalet. When we arrived the next morning, the children were asleep on unmade beds and Mrs. N couldn't stop crying. Mr. N was visibly agitated and refused to sit down and talk with us. They explained that they had given the children medication prescribed for Mr. N so that they would sleep. Though they had been given utensils, pots and pans, bedding, and all the items needed to set up their household, nothing was in place. All the material remained in plastic sacks.

The conflict mounted as the couple refused to live in the chalet. There were evidently mental health issues, but the most urgent issue was the care of the children. The parents had spent several nights in the train station sleeping outside in unsafe conditions. Now they were drugging the children with adult medication. Was this a situation of abuse? Did the child protection agency need to be called in? As the tension mounted in the chalet our instincts told us to get out. I noticed an ax to cut wood near the fireplace Mr. N became more and more unstable and it was clear we were not in a safe position.

After speaking with different associations, the family finally concluded that they would indeed remain in the chalet. My role as mediator was to coordinate the various interventions by other associations concerned with asylum seekers. The cultural mediator was central in providing a dialogue with the family.

I alerted the psychiatrist concerning the use of adult medication for N's children. After explaining the mental state of Mrs. N to the doctor, Mrs. N began treatment. Mrs. N had been raped in a cabin in ex-Yugoslavia, and the chalet they had been given resembled this cabin. Mr. N was not aware of the rape. The secret that she had kept to herself and the stress of the move triggered her post-traumatic stress disorder. The spiral of conflict that ensued involved the security of their children.

As parents, Mr. and Mrs. N were responsible for their children's care. But under the Swiss laws they could lose custody of their children if the authorities found them unfit parents. Swiss laws create a context where the state can intervene for the security of the children. This case had different aspects that contributed to the conflict. First of all, both parents had mental health issues. Secondly, there was a new stress that was added to the situation when the family was forced to move. The fear of leaving the communal life in the group housing and

being isolated in a chalet in a small village scared the parents. The security of community had allowed them to find a relative balance, but the move seemed to throw off that fragile balance. There was a risk of child abuse and family violence because of the unstable situation that the move had provoked.

Kathleen Malley-Morrison and Denise A. Hines, write about the effects of social isolation. “Some researchers have argued that child abuse and neglect are both associated with isolation of the parent-child relationship from ‘potent, pro-social support systems’ that can provide nurturance and feedback.”²³

This case study shows how migrants who come from war-torn countries often suffer from mental illness and isolation. These two factors increase the possibility of child abuse, where the child protection agency must intervene. The N family situation shows how the lack of a support network and social isolation can contribute to the aggravation of pathologies that affect parents’ ability to care for their children.

Ninth Case Study: The C Family

This situation came to my mediation office as a complaint from an apartment. As I looked into the situation I found that the C family was a political asylum seeker family. The complaint came from a Spanish migrant who had been living in his apartment for many years. He insisted that the noise from the C family, which came from Kosovo, was making his life miserable. The head of the C family, the Spanish man, and the concierge were all invited to the mediation session. During the mediation session it became apparent that the Spanish man had serious psychological problems. He had threatened the C family with a gun, he had lured a young daughter in the C family into his apartment to retrieve a sheet that had fallen onto his balcony from their balcony, and had lamented to her of his suffering and how her family was the cause of all of his problems.

It became clear that his forceful discourse full of racism and stereotypes was a result of his own experience as a migrant in Switzerland. However, it was evident to the participants in the

²³ Malley-Morrison, Kathleen, and Denise A. Hines. 2004. *Family Violence in a Cultural Perspective: Defining, Understanding, and Combating Abuse*. Thousand Oaks, CA: Sage Publications. P. 18.

session that this man's judgment had been tainted by illness, medication, and disability. He was without a job and spent his entire time home alone in his apartment. His wife had left him and his daughter came less and less frequently. The C family had become a scapegoat for all of his woes.

In fact, the C family had become the scapegoat for the entire apartment building as the Spanish man had called the apartment owners demanding expulsion of the C family. Mr. C had recently undergone back surgery. His son and daughter were both working and doing their best to integrate in Switzerland. They were sensitive to the demands of their Spanish neighbor. A plan was worked out to reduce noise during specific hours. However, it was not possible to find a solution, as the Spanish neighbor was irrational. When it became clear to the concierge that the C family was not the root of the problem, but that the mental health problems of the Spanish renter were the cause of the problem, the conflict changed its course.

A few months after the mediation sessions, the Spanish renter called my office and threatened my life. He was upset because he was being forced to move. I immediately contacted the psychiatrist I had been working with to find out who might be treating this man. I was able to contact his psychiatrist who in turn was able to orient his patient away from violence.

This case illustrates the complexity of conflict. The mixture of racism, isolation, and mental illness are causes of high-risk situations. The C family was pinpointed as a scapegoat in their apartment building because they were political asylum seekers. However, their accuser had also been treated as a foreigner and suffered racism as a Spanish migrant worker. He was completely isolated. His family had little contact with him. Though he had spent his adult life in Switzerland, he finally decided to return to his Spanish roots. Because the mediation process had exposed the reality of the situation, the C family was able to remain in their apartment and the tensions were calmed with the apartment owners and concierge. The mediator then became the scapegoat of the Spanish man's woes. In the absence of kin and a support network, people become desperately lonely. Desperation can translate into violence. Traditional support networks may provide a kind of security, however mental illness can also contribute to the expression of violent behaviour as in this case study.

Tenth Case Study: S

S was abused by his father. He was taken to the hospital in Sierre after having been whipped for misbehavior. His father had punished him physically because he was unable to get his son to behave either at home or at school. Physical violence was the father's last resort. The director of the school had given S and his parents a warning concerning S's violent behavior on the school grounds and in the classroom.

The child protection agency, the school psychologist, the social worker, the cultural mediator, and the mediator were all involved in an interdisciplinary attempt to help this family find a solution to their conflict. After several meetings with the entire family, including S's sister, in their home, it became clear that an inter-generational problem was the root cause of imbalance within S's family. This inter-generational problem was compounded with the mounting pressures of their political asylum procedure and the possibility of an imminent departure hanging over their heads.

When S and his family began to tell their story it became clear that there were many factors upsetting their family's serenity. The parents were from different ethnic backgrounds in ex-Yugoslavia. Family clans often shun couples that come from different ethnic backgrounds, which made them a high-risk couple for return to their country of origin. They were at a greater risk for reprisals or exclusion since family, ethnic, and religious groups could ostracize them.

S's father explained they had sought political asylum because of a tragic incident in their village. His father-in-law was of Muslim origin and he had been killed by Serbs and buried in a group grave. S's father had reported the existence of this grave to authorities who were later able to use this evidence to substantiate Serbian war crimes against humanity. Since S's father had denounced his ethnic group, he and his family risked reprisals if they were to return to their homeland.

As their story unraveled the father explained that his mother had recently died and that he was unable to attend her funeral. As he was a political asylum seeker, it was impossible to leave Switzerland. The death of his mother and his grief were compounded by the imposed separation from the rest of the family that prohibited them from working through the grieving

process. S not only had the worries of a young migrant trying to find his place in a new culture, but he had the weight of his family's multiple problems on his shoulders.

The father had a disfigured hand. He explained in one mediation session how he had disobeyed his parents and played with explosives that had blown up in his hand. S's father was aware of the consequences of misbehavior. He himself had paid a high price for disobeying his parents. He wanted his son to obey at school. Despite the father's many efforts, S continued to behave badly, even bringing a knife to school. S risked expulsion from school and his behavior could have a negative effect on the authorities' decision to grant political asylum. The entire family risked expulsion from Switzerland. S's father had whipped his son in an attempt to punish unacceptable behavior. He was unable to effectively discipline his son so he had resorted to violence. However, in his traditional upbringing whipping a child who deserved punishment was acceptable.

Many fathers who are unable to find work because of their status as political asylum seekers suffer from a sense of diminished manhood. It is important not to add to this difficulty by humiliating a father in the eyes of his son. The cultural mediator who worked with me during the series of mediations explained to me the importance of finding a solution where S's father didn't lose face in the eyes of his son. Much of the mediation was about finding ways to enforce rules. S needed to respect his parents and the school authorities. When he disobeyed, new strategies for discipline needed to be put in place.

It was also important that the parents clarify the situation. They needed to demonstrate that they were capable parents, responsible for their children's welfare. The political asylum request and procedure were an adult affair. The parents needed to shoulder their responsibility as political asylum seekers awaiting a decision from Bern. The legal aspect of the problem was to be dealt with by S's parents. He needed to understand that he was still a child and that resolving the asylum problems was not his responsibility.

The death of S's grandmother was also important. The family needed to be conscious of the difficulty of dealing with death while cut off from sharing their grief with their greater family and community. And finally, the heavy past which implicated S's father's ethnic group who had murdered S's grandfather needed to be dealt with from an inter-generational perspective. This tragedy was affecting S's life.

Patrice van Eerel and Catherine Maillard describe different approaches to transgenerational psychology.²⁴ Burt Hellinger's work is represented in this book by showing his approach working with what he calls family constellations. He demonstrates the importance of intergenerational healing that can be achieved within new therapeutic processes. In situations such as S's this dimension is fundamental. The mediation sessions helped to clarify the different aspects of the conflict.

The family spoke about their situation and identified multiple factors that were influencing the parent-child relationship. The framework of this interdisciplinary setting allowed S to recognize his parent's authority while receiving protection from further physical abuse. With the help of the cultural mediator, there was an attempt to better coordinate the interventions of the professionals involved in the case. There was the risk that with so many professionals and institutions involved, the family's best interests would be forgotten.

Boris Cyrulink writes about the transmission of trauma from generation to generation.²⁵ He uses the example of the atrocities committed during World War II and other wars and the effects of these traumatic experiences on individual life trajectories. S's case study shows how trauma caused by the atrocities committed during the war in ex-Yugoslavia are also transmitted from the grandparents, to the parents, and on to the children. In this case study we can see that at least three generations are affected by the ethnic cleansing the Serbian Army carried out on Muslims. There is not only a historical aspect to this case, but the kinship dimension allows us to see how family and ethnic ties have a profound influence on individual destiny. The idea that the "sins of the fathers" or past generations, can influence future generations can be traced in many religions and philosophies. This idea challenges the western ideas of "self" that place the individual in an all-powerful position, able to model his or her own destiny at will. This mixed couple exemplifies the shared pain of ethnic and religious groups caught up in a victim-offender relationship. The atrocities committed by the Serbian Army are a legacy of pain and trauma that future generations may inherit.

²⁴van Eersel, Patrice, and Catherine Maillard.e. 2002. *J'ai Mal à Mes Ancêtres, La Psychogénéalogie aujourd'hui*. Paris:Albin Michel.

²⁵ Cyrulnik, Boris. 2004. *Parler D'Amour au Bord du Gouffre*. Paris: Odile Jacob.

Eleventh Case Study: Mrs. X

The case of Mrs. X is complex and many professionals were involved. Mrs. X is of Rom origin. She first came to mediation when she arrived in Switzerland and was staying at the communal center in St. Gingolph. Her husband was beating her and drinking too much. During the mediation the husband explained that he wasn't sure that he was indeed the father of their baby. Mrs. X was breast-feeding her baby during the mediation session and insisted her husband was the child's father. Mr. X called her a liar. He said she often lied and he wanted a paternity test.

In the initial stages of this couple's saga, there was an attempt to separate the couple and find help for Mrs. X with the Aid for Victims Office, which specialized in aiding battered women. However, Mrs. X decided that she didn't want to meet with the social worker. In mediation we clarified that it would not be possible to pay for a paternity test. At the time it would have cost 4,000.00 Swiss Francs and the couple didn't have that kind of money. It was only later that I learned that Mrs. X was a rape victim. Her husband knew of this rape. Even though he finally accepted that their first child was his biological son, he continued to abuse his wife by questioning the child's origin.

This case illustrates how the availability of a new technology, such as the paternity test, can change the way conflicts concerning the origins of a child are dealt with. Now, kinship or paternity can be tested. In this case, it was a perverse situation. As Mr. X knew that he didn't have the money to pay for a paternity test and the health insurance would not pay for the test, he could continue to bring up the question of paternity to humiliate his wife over the rape. It was a cruel way to remind his wife of a forced infidelity.

The second issue this case illustrates is how a husband could beat his wife in Switzerland until 2004 without the justice system interfering. If there wasn't an official request by the wife, it was considered a private matter. Now, if the police or medical professionals intervene on behalf of a battered woman, they must report it and the judge automatically examines the case. Switzerland's child protection laws evolved more quickly, defining the right to protect children from parental abuse as a public issue. It is interesting to note the evolution of the laws that govern the protection of family relationships. The Nuremburg trials established the Germans did not have the right to commit genocide. It was considered an international

responsibility to condemn this violence and Germans were judged for war crimes against the Jews. This judicial logic was precedence for considering family violence as a public concern.

In the beginning of the case concerning Mrs. X, the judge did not intervene in this violent family situation. As Mrs. X refused to file charges against her husband, there was no official case opened against Mr. X. However, as Mr. X continued to beat his wife, the situation changed under the new law. The judge was officially informed of the case and applied the new law in place. Mr. X had to comply with the judge, not because of his wife who filed charges but because of the other professionals that had denounced the situation.

There were many ups and downs in this couple's relationship. Mrs. X's suffering led to suicide attempts and self-mutilation. It became clear that her last episode of mental illness was triggered by a third pregnancy. When she realized she was pregnant again, she was fearful that husband would force her to abort. This became an existential conflict that greatly troubled Mrs. X. After consulting doctors and the family planning center and after participating in mediation, Mrs. X decided to keep her third child.

This case illustrates the right that a woman has to keep her child or to end her pregnancy. During the mediation I informed Mrs. X that in the eyes of the law she had the right to keep her child. It was her choice. Her husband did not have the right to decide that she should abort. The couple worked through their conflict with the family planning professional. Again, this basic right exemplifies society's beliefs about kinship.

Kinship Issues at the Heart of Conflict

These eleven case studies show the importance of kinship issues in the conflicts seen in an intercultural mediation service. Fundamental kinship issues were at the heart of each of these case studies. This analysis illustrates the link between conflict, kinship, and mediation. Kinship is expressed differently depending on how we look at it in different historical contexts, cultures, countries, judicial systems, families, in the representations of each individual, and of course in our DNA. Mediation provided a process to work through conflict and empowered each participant, allowing him or her to find a livable solution.

How Ritual Reinforces Mediation

Looking at mediation from the perspective of anthropology shows us aspects of mediation not often evoked in mediation trainings. For example, one hardly speaks of rituals when one is teaching mediation techniques. I suggest that mediators are inventing postmodern rituals as they design all sorts of mediation techniques and services in the various fields of mediation.

Here, I look at the different rituals I used in the mediation sessions that were held from 2001 to 2005 at the “Action Sociale,” the mediation service for political asylum seekers in Valais. In this intercultural and administrative environment new rituals were created as tools to support the mediation process.

Jaques Faget refers to ritual.

“La fixation des règles de l’art entraîne une codification et une normalisation des procédures en même temps qu’une ritualisation de l’activité. On assiste à l’élaboration, par ceux qui exercent un leadership sur ce champ en construction (praticiens, pionniers, universitaires, experts étrangers) d’une doctrine, d’une orthodoxie.... Une logique de construction identitaire s’impose alors par le contrôle de l’access du champ à travers des procédures de sélection basées sur l’intégration de rituels, de codes et de saviors constitués.”²⁶

Looking at Mediation as a Secular Ritual

If we look Sally Moore and Barbara Myerhoff’s article, they explain the making and meaning of secular rituals in five major points. These five points, if applied to creating a secular ritual, such as mediation, give insight into the underlying symbols and hidden meaning of mediation in postmodern society.²⁷

1. Moore and Myerhoff’s first point is **explicit purpose**. Mediation was brought to the “Action Sociale” to address the increasing complexity in conflict resolution in the

²⁶Faget, Jaques. 2005. *Médiation et action publique, La dynamique fluide*. p. 26: Presses Universitaires de Bordeaux.

²⁷ Moore, Sally F. and Barbara G. Myerhoff, *Secular Ritual: Forms and Meanings*. In: Sally F. Moore and Barbara G. Myerhoff, Ed., *Secular Ritual*. Assen and Amsterdam: Van Gorcum, 1977: 3-24.

administration. The head of the department needed to find a way to control the mounting number of conflicts. Mediation became the new process representing an ideology of intercultural “peacemaking” that appealed to the hierarchy.

2. There were **explicit symbols and messages** present in the way mediation was communicated to the administration and to the political asylum seekers. Mediation represented a culture of cooperation as opposed to an adversarial approach to conflict resolution. Mediation affirmed social justice by allowing direct access to mediation for all political asylum seekers and employees of the administration. And mediation’s root metaphor had a broad appeal to the many traditional cultures within the intercultural context of the service.
3. **Implicit statements** were used to define mediation in many forms. First there was a written diagram and explanation stating the potential situations that could be addressed in mediation. There were meetings with all the administrators and social workers to explain mediation and to gain understanding of the various conflicts that existed in the system. And finally, an official document was written stipulating the precise function of the mediation service and the role of mediator. This document is in the annexe.
4. All the **social relationships** were affected by the new ritual of mediation. This was so, because it transformed the traditional hierarchical approach to conflict management by allowing all partners the opportunity to express themselves during the mediation process. The mediation process transformed perceptions and found solutions to conflict that hadn’t yet been investigated in other conflict management approaches.
5. Most importantly, **culture versus chaos**, mediation was a cultural statement about cultural order. Mediation was implemented to make order out of chaos. The mediator was hired to find solutions in the face of complex conflict. In an article in the *Nouvelliste* entitled “Requérants,” the heads of the department of the Action Sociale, Simon Darioli and Emile Blanc and the Minister Health and Social Affairs, Thomas Burgener explained the creation of the mediation service, “La creation d’un espace mediation a permis un changement dans l’approche des conflict ou des requêtes individuelles souvent formulées sous une forme de chantage, d’incivilités, ou de comportements violents. Ces conflits,

auparavant portés directement devant l'administration, ont désormais trouvé place dans un milieu neutre.”²⁸

Using Rituals to Reinforce the Mediation Process

I now explain in more detail certain specific rituals that were used to reinforce the mediation process and to distinguish mediation from other forms of conflict resolution in the administration.

To start, I describe the mediator's office. First of all, the office was not attached to an administrative building where the department heads had their offices. The mediation service and the Return Aid Center shared a building and in the last move, an office, in one of the regional administration buildings in Sion. Sion is the capital of the canton of Valais and is centrally located.

The mediation office is large and comfortable with a couch and four arm chairs that can be easily arranged for the mediation sessions, depending on the number of participants. There is a small table on the side, and lots of houseplants decorate the room. In mediation offices there is an unspoken rule that tables and desks should not separate mediators from clients.

Posters hang on the wall. The posters are metaphors that give meaning to mediation. For example: A heart and a tree, forms that appear on the earth when photographed from the sky in Arthus-Bertrand's book, *La Terre vue du ciel*,²⁹ were used to show how the understanding of conflict is transformed when we have some distance—an overview—that allows us to transform our perspective. When people come for mediation, coffee and tea are offered to create a cordial environment. There is no administrative boundary where the participants have to wait and show their papers at a window. There is a waiting room like at the doctor's office.

When I took on my role as mediator, one important dimension was age. I was thirty-eight years old when I was hired. It seems that most mediators are mature adults. I had my diplomas

²⁸ Bonnard, Jean. Other authors? “Requérants, Comment accueillir et gérer une population fluctuante et destinée à être renvoyée à plus ou moins longue échéance? Coup de projecteur sur l'asile valaisan.” *Nouvelliste*. www.nouvelliste.ch, 19.08.2003.

²⁹ Arthus-Bertrand, Y. 2002. *La Terre vue du ciel*. Paris: Editions de la Martinière.

framed and I hung them on the wall in my office so that the people participating in mediation could see that I had studied and received degrees allowing me to practice mediation. I felt that it was important to be clear and transparent about my training and to reinforce the confidence of those entering into the mediation process. I rarely wore pants. I mostly wore skirts to work. I never wore jeans. I used clothing to create an image, just as I chose the color green to paint the walls, as it is considered a calming color.

Mediation's Status within the System

When I began my work as a mediator I was directly responsible to the head of the social service's department. I was asked to participate in the meetings with the administrators and the head of the department. Because of difficulties with the acceptance of my position and the creation of the mediation service, I was never allowed to participate in the social workers' group or to participate with them in their supervision with a psychiatrist. I arranged to have supervision with a psychiatrist individually. After my maternity leave, I was not asked to participate with the administrators at their meetings and there was no explanation. My position in the service and my participation in various groups gave an indication of my position of power in the system and therefore the importance of mediation in our service.

In the beginning the head of the department wanted his employees to use mediation. He actively promoted its use. However, at the end of the four years, he gave clear signs, by not inviting me to meetings, that mediation was no longer being promoted. The projects and groups I created were stopped. These were all clear signs to the employees working in the service. And it was often their choice to decide how to resolve the conflict. In an administrative context where the company culture is promoting mediation, the employees receive a direct message from their managers to use that form of conflict resolution, just as they can decide to change their orientation in conflict resolution.

The political asylum seekers knew about mediation from the social workers and administrators who could propose mediation if they saw the need. The newcomers all participated in a welcoming information session where they saw a film that showed the mediator sitting in her office accompanied by a text that defined mediation. The political asylum seekers who had just arrived in Switzerland were invited for a half-day welcoming

session to have tea or coffee, watch the film, and ask questions about their situation, or ask advice about services in the presence of the mediator and a translator, referred to as a cultural mediator. This meeting gave them direct access to mediation services, as no referral was required. However, barriers to mediation did exist.

Mediation was linked to the power relations in the administration. Who could solve the problem? Who has the right to ask the question? Mediation seemed to threaten certain professionals in the system. Mediation was one option among many within the “Action Sociale” administration. There were other forms of conflict management in the system. The manager could decide, the administrator could solve the problem, the social worker could handle the problem, and other outside resources and professionals, such as a doctor or psychiatrist, could be called on to resolve the conflict.

The head of the department made overt gestures to encourage mediation during a period when the socialist party was critical of the treatment of women by the social service’s department, which was responsible for the care of political asylum seekers. When the political scene changed and the right wing political parties gained more power and worked to enforce strict laws concerning political asylum, the head of the department gave clear signs that mediation was no longer a priority at the service. When the culture of mediation no longer had official support, other methods were favored to resolve conflict. It would appear that ritual exists not just in mediation, but in the administrative context itself. In explicit and implicit ways organizational rituals inform workers about power relations and conflict resolution.

Mediation Rituals: A Patchwork of Experiences and Knowledge

During the mediations, I found myself inventing rituals that were a patchwork of experiences, trainings, and knowledge of other cultures. This allowed me to create an environment that brought people together in mediation. Working as a pioneer, I often improvised by inventing configurations. In family mediations where children were present with their parents, the social services, and the children’s protection agency, I invented a configuration that I refer to as tribal mediation. I now explain certain aspects of my tribal mediations.

As there were many official representatives in the mediation I thanked everyone for agreeing to participate and being present. I then introduced the father of the family. Often the father of the traditional migrant family was being questioned by the Children's Protection Agency. It was important for me that the head of the family should be recognized as such, in his role as the father. I often congratulated the mother for her beautiful children. The women in traditional migrant families often speak less, allowing their husbands to speak more in public situations. When these mothers were congratulated for their children and recognized as mothers, they shone with pride. Then, I introduced the other family members. I proceeded by presenting the head of the administration or social worker present and explained who they represented. I symbolically presented each social worker linking him or her with his or her institution and the role of that institution we were specifically addressing.

I call this "tribal mediation" because when I participated in the Omaha Indian Pow-Wow in the United States, it seemed to me that the head of the ceremony used words that invited and honored all the participants in the circle who danced in the pow-wow. The participants needed to understand their place within the circle. Often situations became complex when several institutions or professionals were involved. In Switzerland, by honoring each participant and explaining their role, it became clearer for the families about how Swiss society dealt with social problems concerning their children. It was important to me that the children's parents remained honored in the eyes of their children. I did not want them to be diminished by the Swiss authorities and the laws that defined the punishment and treatment, which many parents did not understand or were unable to integrate.

During the first session I invited the different representatives that were included in the mediation. When all family members could see the people involved and clarify the roles and rules that provided the legal and administrative framework, I could then work alone with the family. Often, we would invite the administrator or social worker later to explain the agreements that were made. I met regularly with the families to accompany them in the transformation process that allowed them to find new ways to discipline children without physical violence.

Mediation sessions allowed families to remain together, without placing the children in foster care, while addressing the problems that traditional families often have with their adolescents. C. Clement and Tobie Nathan speak of the need for mediation within the ethnic communities

in France.³⁰ They point out that the state often places the children of ethnic families in foster care while working through the conflicts, without taking the time to explain French law. The many works of Devereux and Nathan, known for their contribution in ethno-psychiatry, inspired me from an analytical perspective. The Devereux Center was created in France to address multicultural situations and therapy. Nathan became the head of the Devereux Center following Devereux's death.

Finding a Place Within the Sacred Circle

I tried to make the tribal mediation configuration a sacred circle where all participants were honored and respected. The “dance” that took place within the circle was an improvisation based on my mediation training and applied to the context of my intercultural interventions. My experience at the Omaha Indian Pow-Wow demonstrated to me the healing power of ritual. My Master's Degree in Mediation provided me the intellectual foundation and training to be a mediator. My mediations are a patchwork of rituals borrowed from different cultures and trainings. In this way mediation can be seen as a secular ritual for peacemaking. When we enter into a ritual space, a form of liminality is created that reinforces the transformative processes inherent in the practice of mediation.

³⁰ Clément, C., and Tobie Nathan. 2002. *Le Divan et le Grigri*. Paris: Editions Odile Jacob.

Nebraska Dispute Resolution: A Patchwork Quilt of Laws, Rights, Social Activism, and Mediation

“There is no single model of democracy, or of human rights or of cultural expression for all the world. But for all the world, there must be democracy, human rights and free cultural expression.”

*Koffi Annan*³¹

In my case studies, I focused on intercultural mediations that took place in Switzerland, in the canton of Valais. This chapter integrates a comparative dimension to my work in the field of mediation. During two visits in the United States to Nebraska, a Midwestern state that has a pilot project for the development of mediation, I was able to interview the local actors who have been involved in the promotion of mediation during the last twenty years.

My first field research in Nebraska took place in 2000 when I was doing an internship for my Master’s Degree in Mediation. At that time, I met with the women who had initiated the integration of mediation into the Nebraska judicial system. I also met with political leaders like Frank LaMere. The interviews in 2000 allowed me to gain an understanding of how mediation had developed into a recognized practice. I contacted Louis LaRose in 2006 so that I could learn more about how he had used mediation in conjunction with the Walthill Justice Center. Those interviews allowed me to follow-up on Louis LaRose and his mediation practice. As LaRose had only begun his training in 2000, it was important to follow the evolution of his work.

The local actor’s stories, each of a slightly different fabric, offer a tale that if sewn together, such as the traditional patchwork quilts made by the pioneer women, provide a blanket. They map the development of mediation within the various districts of the state. This region in mid America is often referred to as the Heartland.

Atop the Nebraska State Capitol building in Lincoln is the statue of a man sowing seeds on the fertile Midwestern Plains. The seeds of a culture of cooperation have effectively taken root in this fertile North American soil. Frank LaMere, from the Winnebago tribe, an

³¹ *The Quotable Kofi Annan Selections from speeches and statements by the Secretary-General*. Published by the United Nations Department of Public Information, New York, 1998.

important political figure in the state, explained to me that the Native Americans had honored their relationship with Mother Earth over many generations, and that his people were the guardians of a sacred contract. Mediating between nature and humans, he explained that his people were responsible for the respect of this sacred ecological contract that had for thousands of years guaranteed the fertility and bounty of the Great Plains. He told me of his concern that the sacred contract was no longer respected and that the result could be catastrophic for all people. His life's mission is to work for consciousness and respect for the use of the tribal people's land and resources. He is a social activist and mediator of an ancient agreement between "man and nature." The following meetings and interviews offer a description of the growing field of mediation in North America. The knowledge gained during these interviews has taken the form of precious seeds that were taken to Valais, inspiring the practice of intercultural mediation on another continent. The transnational circulation of mediation practice can be traced along the paths of those who have shared their knowledge and skills. The Nebraska model of dispute resolution is a progressive example of how judicial systems can be transformed to meet the changing needs of citizens.

Mapping the Field of Dispute Resolution in Nebraska

The State of Nebraska had put together a network of professionals and social activists working for the promotion of mediation, for children's rights, and for American Indian rights. I spoke with people in the state's two largest cities, Omaha and Lincoln, the State Capital. I also visited the Omaha Indian Reservation, the Macy School on the Reservation, the Nebraska Justice Center in Walthill, and the Winnebago Indian Reservation. My interest in social justice for the American Indians goes back to my childhood. My family's farm borders the Omaha Indian Reservation and the Missouri River. When I was a little girl, I would drive through the reservation and the small towns, taking in the countryside and the stories that I heard from farmers and small-town people about the American Indians.

I was excited to return to the bluffs that overlook the Missouri River and visit a small town mediation center. It was interesting to see the different needs of rural Americans as compared to urban Americans. I spoke with an important political leader who works nationally for the rights of the Native American Indians. We spoke about his social activism and his view of intercultural relations and education. I was even able to speak with a Native American Indian

mediator to learn about his work in the field. This is a face of America that few Europeans ever see. It seemed that Nebraskans, living in the heartland of America, were dedicated to working together to resolve their problems. Mediation has definitely taken root over the last twenty years in Nebraska. And legislation passed in 1998 concerning conflict resolution, parenting plans, mandatory parenting classes, as well as the integration of mediation in the law for special education, attests to Nebraska's culture of cooperation. However the social injustices that the American Indians have historically known continue to exist.

It was interesting to learn about the period that led to creation of the mediation legislation and the centers: the period of social activism, the writing of laws to support mediation, the manner in which the mediation centers were perceived to work with the court system, the day-to-day functioning of the centers, and the practice of mediation. The context that provided a fertile soil to "grow" mediation in Nebraska is an interesting field of investigation. The Nebraska example of mediation is unique because it combines a private and public management of the mediation centers. The state also created mediation centers that specifically serve the needs of the different rural and urban areas. The Nebraska example can be analyzed to better understand the process that led to the enactment of new legislation and the transformation of the judicial system. The direct result of this legislation was to assure recognition of mediation in conflict resolution, leading to a greater respect for human rights. The content of the mediations is also of great interest. Louis LaRose, an American Indian from the Winnebago tribe working with the Nebraska Justice Center in Walthill gives a rare look into intercultural mediation. After several years of dispute resolution, LaRose provides an account of his evolving practice in the following section of this chapter.

Dispute Resolution in the State of Nebraska

Mimi Amondson was the head of the Conciliation Court in Omaha, Nebraska. I met her at her office in the Omaha Court House. She received me with Mary Lee Brock, who headed the Omaha Mediation Center. Amondson explained that as a divorced Catholic and journalist she wrote many articles in the local papers to raise consciousness about the needs of children whose parents are divorcing and how mediation could be a way to better take care of children and families affected by divorce. Mimi believed strongly that the rights of children should be respected during the divorce and that a child's right to have two parents should influence

custody procedure, facilitating shared parenting. She produced a video entitled *Children: the experts on divorce*.

Amondson's many articles and her personal commitment to mediation led to networking with other professionals who shared her vision. One of her important partners has been Judge Patricia Lamberty, who was a mediator before being appointed judge. Together they worked for legislation to support mediation in divorce cases. And after years of training and practice they are two authorities on mediation in the state of Nebraska.

Judge Lamberty met with me and we talked about her work as a divorce lawyer and how she took classes at a private mediation training center in Colorado. She then left her law practice and began practicing primarily as a mediator in divorce cases. Her knowledge of divorce law and mediation has allowed her to explain the benefits of mediation to the other judges she works with, and her influence has allowed mediation to be accepted and implemented on state and local levels.

Amondson shared much information concerning the documents they use to communicate with the judge about the mediation process that assures confidentiality. She shared information about the new laws that require divorcing parents to attend a class on parenting while going through their divorce. She described the required mediation process and the parenting plan. In her conciliation court statistics, it is clear there is an enormous increase in domestic relations cases being treated in the courts. The laws that were written in 1998 concern the following acts: article 28 Juvenile Justice Task Force, article 29 Parenting Act, article 30 Access to Information and Records, and article 31 Dispute Resolution. In this legislation are directives that determine the functioning of mediation and the process of creating and ratifying a parenting plan, as well as the mandatory participation in the parenting classes. There is also legislation concerning dispute resolution that defines and promotes mediation and qualifies the role of the mediation centers and the mediator. The Nebraska Mediation Centers have both public and private funding. They receive state grants as well as private funds. This model was created in Nebraska with the help of Kathy Severans, a native Nebraskan. She was working as a lawyer and contributing to the creation of the area's mediation center. Severans was hired by United States Attorney General Janet Reno, under President Clinton, to lead the development of community mediation centers on a national level. Severans' experience in the creation of the Nebraska Mediation Centers and her conviction that the public and private mix

best serves mediation has influenced the emergence of national community mediation centers and their internal structures.

In Nebraska there are six mediation centers, each serving a defined geographical area. There are different areas, or branches, of mediation that have been developed over the years. The largest area of mediation is in domestic relations, followed by agricultural mediation. There is a new area of mediation that deals with special education and the new state law for special education, Rule 51. Written in October 1999, it refers all disputes over the individual education plan to the mediation centers. The law provides for mediation in the following areas without restricting mediation in other possible areas: “consumer and commercial complaints, disputes between neighbors, disputes between business associates, disputes between landlords and tenants, and disputes within communities; juvenile offenses and disputes involving juveniles.”³²

Within the Dispute Resolution Act that englobes the different rules, are eight points that support the choice and need for mediation. Point 6 in the legislative findings says, “There is a compelling need in complex society for dispute resolution whereby people can participate in creating comprehensive, lasting, and realistic resolutions to conflicts.”³³ A sliding fee scale ensures that all Nebraska citizens can have access to mediation. In the Omaha Mediation Center all mediations are co-mediations with an attorney and a non-attorney. The Omaha center is currently busy teaching the parenting class required by law. In 2000, about 2,000 parents attended “What About the Children?” The mediating of the parenting plan is also a major part of the work for the Omaha mediators.

The Douglas County Local Court Rule defines the function of the Omaha Mediation Center. It is stated in the Parenting Act under article 43-2902 Legislative findings that, “the Legislature finds it is in the best interests of a minor child to maintain, to the greatest extent possible, the ongoing involvement of both parents in the life of the minor child. The Legislature further finds that parents should maintain continued communications to make as many joint decisions in performing such parenting functions as are necessary for the care and healthy development

³² Douglas County Court Rule. Article 29, Dispute Resolution, p. 901-908. Article 28, Juvenile Justice Task Force, p. 1358-1366.

³³ Ibid.

of the minor child.”³⁴ This strong belief in the need for parents to cooperate after divorce is the motivation for the mandatory class, “What About the Children?” The course is described in a summary that begins by saying, “This is a two hour seminar offered by the Douglas County Conciliation Court, in which parents receive information about the grief process they and their children are experiencing, the necessity of keeping the children out of the conflict between parents, and the importance of the children being able to have a relationship with both parents without having to choose sides.”³⁵

The State Legislature sets the standards for mediation training. Mediators must have a minimum of thirty hours of training offered by the Nebraska State Mediation Centers. Around sixteen hours of training are required for each area of specialization.

Nebraska Justice Center

At the Walthill Justice Center, I met with Rita Dunn. Walthill is a small, agricultural town close to the American Indian reservations and its mediation center serves the poorest areas of Nebraska. She explained that not only do they deal with cases on the Indian reservations, but they also have a large migrant worker population in Western Nebraska. Distance is one of the challenges of their center’s area. The Nebraska Justice Center in Walthill is an old hotel on Main Street, built in the 1800s, that was purchased for \$1 and has been transformed to provide their offices. This small-town setting is now beginning to carve out its place in rural Nebraska. The Nebraska Justice Center specializes in a variety of types of mediation and actively trains local mediators. Some new and interesting areas of mediation are being developed by the Indian tribes. A special grant was given in 2000 to an American Indian, Louis LaRose, to train mediators and promote mediation with the tribal elders. There is government mediation between the city and county. And there has been a great demand for church mediation, concerning disputes between pastors and congregations. A large percentage of mediations in the Walthill Justice Center are family mediations. They have a pilot project for Family Group Conferencing. This new form of mediation comes from referrals from family services. There are pre-interviews with the concerned family members that may

³⁴ Ibid.

³⁵ Ibid.

include parents, siblings, and even grandparents. The mediator sets the stage and then walks out of the room, letting the family figure out the problem. The mediator then returns to see how the family has progressed and facilitates further mediation. The fee for a family mediation can be as much as \$800 because of the many hours involved in the pre-interview process. The special education mediations last for about four hours and are paid for by State Education funds. The local mediation offers the training programs for mediators. If they are accepted by the center, they pay a reduced fee for their classes in return for a certain number of volunteer mediations, in this way giving back to the center. The basic mediation training is thirty hours, with four hours of special training for family, and sixteen hours of special training for Family Group Counseling and Special Education. Victim offender specialization with juveniles requires eight extra hours of classes. To mediate federal cases, mediators must be lawyers and must have sixteen hours in Federal Court Case Mediation. The center offers co-mediation, almost always sending a male/female team.

The center's main functions are mediating, training, public outreach (or sensitizing), and working with the statewide system. The sliding pay scale allows all citizens access to mediation. All the mediators have other professions, as it is not possible to make a living solely as a mediator. Only the mediation center director receives a fulltime salary. The style of mediation offered is "interest based" which means that the mediator doesn't offer a solution, as compared to "directive" mediation, which gives an opinion or proposes a solution.

The Nebraska State Justice Center began a new project in 2000, funded by the Ford Foundation called "New Voice." It is the United Tribes Bison Education Project that funded a two-year contract for Louis LaRose, from the Winnebago Tribe, to train the tribal elders in mediation to improve relations among children, parents, and schools. He developed a whole new approach to role-playing within the context of the American Indian culture. The project provided a national model that can be used by other tribal cultures. Rita talked about exchanges between European cultures that resemble the tribal culture where mediators come to Nebraska to train in tribal mediation skills. The American Indian programs stand out as truly progressive.

The Walthill mediation center also visits schools to create school mediation programs. It is responsible for training teachers and students and for implementation of the programs. There is a great demand for mediation training but Walthill currently has only a staff of four, with

ten mediators working frequently with the center and forty trained mediators in the entire area. Rita's last name explained their motivation, "They mediate because they believe." The Nebraska State Justice Center has a unique country quality. The white wood entry and the refurbished hotel rooms give a homey charm. And the center is dedicated to creating a culture in mediation in rural Nebraska.

Frank LaMere, Vice President of the Nebraska Democratic Party, Winnebego Nation

The day I met with Frank LaMere, he explained that there was a story in the newspaper covering the Nebraska governor's refusal to pay \$10 million for education for reservation children because of a change in the tax law. Our meeting with Frank LaMere, who at the time was vice president of the Democratic Party and a Winnebego Indian, was a rare chance to understand the American Indian's view of injustice. He questioned mediation's effectiveness when there is victimization of an Indian Nation's children. He explained his political involvement and his belief in social activism. He refused to serve on a state commission to look into the education problems on the reservations. He believed the only way for justice was through the court system and he would file suit to defend the rights of the Indian Nations. He didn't think that this specific conflict concerning the reservation schools could be treated in mediation.

I met with LaMere just as he was finishing an interview with a local journalist.

LaMere spoke of his national role as an Indian political leader empowering the tribes socially, economically, culturally, and politically. He explained to me, "I give voice to those who have no voice."³⁶ He works for positive change, building bridges and fostering understanding. He explained his participation in a march in July 1999 where many famous Native American Indian leaders came together to protest jurisdiction restriction of the Pine Ridge Reservation. He told of how he faced the state troopers armed and ready to shoot, and was among the nine leaders to first step across the South Dakota/Nebraska border to defy jurisdiction. There were 800 protesters. Frank was arrested but he believes that the demonstration was a powerful

³⁶ Interview with Frank LaMere, May 2000, Lincoln, Nebraska.

strategy for change. (Coincidentally, I had met with a Hawaiian friend writing his doctoral thesis on social activism, who had been at the Pine Ridge demonstration.) I met Joshua, who had come from Hawaii to Geneva, where he was teaching at the Foundation for a Culture of Peace.

LaMere stressed the importance of speaking from the heart, “When you speak from the heart there is nothing that can be said that is not meaningful or appropriate.”³⁷ He sees mediation as a way to stall the truth. He said that unless the state government recognizes the injustices committed involving Indian children’s equal right to quality education, it isn’t possible to have a real mediation because there isn’t equal power. He sees the Indian Nations as being in an inferior position and that legal action is the only way to gain recognition of the truth. When asked about intercultural education he said, “People immigrating had to strip themselves from their culture and traditions that had helped Europeans to thrive. They were told to get rid of their culture and become American. Young people need rites of passage. Today we can see that youth find comfort in gangs. Gangs are a new form of tribalism. This is because of the loss of culture and tradition.” He went on to explain that Americans Indians need a good education because they live in two worlds. “We need strong schools to prepare Indians for American culture. And we need a strong culture to teach us how to live and treat other people, teachings from our elders.”

Energy and social activism go hand and hand for LaMere who works for an alternative energy company that develops sustainable energy projects on reservation lands in Canada and the United States. He uses the law to change social policy. He also stressed the spiritual dimension of his people. He was in the process of organizing a meeting of indigenous people in the Smoky Mountains in North Carolina for a ceremony to benefit all people. He said, “People need prayer and support to find their way.” And he asked, “Can there be mediation if there is no respect?” LaMere believes that to bring the Indian nations to the negotiating table, the American government must start by telling the truth and recognizing the injustices that took place in the past. For the American Indians who have learned historical lies at school, it is difficult to trust the white man. “When I was young, they told me lies about Christopher Columbus. No one told me that he killed all our spiritual leaders.” He continued, “At Wounded Knee there were many people that were killed. But my daughter knows of this

³⁷ Ibid.

happening. You can't move forward until the past is clear and when we can tell the truth, then we can mediate."

Values such as respect for all people and their differences are core values for the American Indian people. LaMere said that he wanted people to be able to say at his death, "He was always good to me." I asked him how American Indians looked at special education for handicapped children. Tears formed in his eyes and this tall, strong Indian with long, dark hair told me a story. He explained with great emotion how the Indians believe that handicapped children are the beings closest to God, and that they come down to teach us valuable lessons here on earth. He said, "We don't teach them, they teach us." LaMere went on to say that we all have talents and that if we don't use our talents, the creator will take them away. "We must work and look for the opportunities we have to change things." He explained that he had met with former Vice President Al Gore to discuss ecology. LaMere was dedicated to his political and social activism concerning environmental issues. His convictions were inspired from his Native American Indian culture that stresses the important relationship between humankind and the earth. LaMere believes that the Nebraska people are fair because they had a Native American as vice president of the Democratic Party. He finished by saying that there is a need for education and understanding. And he spoke of a program where the elders were teaching the children their language. He said, "Older people keep younger people alive."

Umonhon National Public School

At the Omaha Indian School I met with David Friedli, principal of the Umonhon National Public School. Driving onto the Reservation there was a sad picture of poverty; the houses had broken windows, and stray dogs walked down the middle of the street. There were few buildings. There was the Indian Cultural Center and the school. The school includes grades kindergarten through twelfth grade. The building and classes were a bit disheveled, but Friedli met me with great enthusiasm and explained the challenges that he encountered during his first year as principal.

The number-one problem Friedli deals with is absenteeism. Absenteeism is 20 percent in primary school and 30 percent in high school. Because the unemployment rate is so high, many parents don't get up in the morning and therefore don't get their children up to go to

school. The white man's work ethic is neither appreciated nor valued by the American Indians who consider the immediate and extended family the most important aspect of their life. Many of the children in Macy, on the reservation, live with their grandparents. Alcoholism, diabetes, and violence are the prevalent causes of early death among the American Indians. When I asked Friedli why the older generation was capable of raising the children and not the children's parents he replied by saying, "There is more mobility now and there was more stability for the grandparents."³⁸ He said that the reservation schools have similar problems to those of the urban schools, but they actually have fewer resources on the reservation. There is a lot of criminality on the reservation. Problems such as drugs, theft, and assault are common. Weapons had been found in the possession of students. But Friedli described his school as a safe place.

There are approximately 450 children in the Macy school from kindergarten to twelfth grade. There is one building for all the grade levels. Each year around 50 children begin kindergarten, but unfortunately only about 11 of those students will finish high school. Tribal law requires students to attend school until they are 18, whereas state law requires students to attend school until 16 years of age. Friedli explained that tribal law isn't often enforced and that the last native judge who tried to enforce the law was run out of town.

Friedli said his goal was to create a safe learning environment with the 50 teachers who work with him. There is a 9-to-1 student-teacher ratio. He talked at length about a new pedagogy program called "Expeditionary Learning." It is an Outward Bound program sponsored by state and federal money. It improves teaching by proposing a new way of teaching that has a "hands on" curriculum, putting kids in touch with the community. It is a cross-disciplinary approach that uses team teaching. Friedli explained the need to include the American Indian culture within the daily teaching to attract the interest of the Indian students. He said, "To recapture the Indians into white man's education, you must include the Indian culture and language."

Friedli said a class of students had retraced the last buffalo hunt of the Omaha tribe that took place in 1876. The project involved history, geography, writing skills, preparing the trip that followed their ancestors' trail, and the oral presentation of their research and culture to the

³⁸ Personal interview with David Friedli. May 2000.

country schools they encountered as their class travelled across the state. Their work was reported in the newspaper and they even had a website to document their research and project. This Expeditionary Learning Project is an example of weaving American Indian culture into an interdisciplinary approach to learning.

Another important project was the training of nine Indian teachers. Friedli explained, “We are growing our own teachers. We will be bringing Native American teachers into the classrooms. Kids like it and come more often to class.” He took me to visit the nine teachers in training during their Omaha Indian language class taught by a linguist from the University of Nebraska. As only few of the tribal elders were still alive it was an urgent priority to write down the Omaha Indian language so it could be transmitted to the tribe’s children. We met with Vida, the cultural resource teacher who was responsible for focussing on the Indian culture by bringing in the elders to teach the children the ways of their people. She was also responsible for the urgent project of writing down the Omaha Indian language. She recently received a two-year grant to develop her language project within her tribe and school.

Still, Friedli said, all the community services were overwhelmed by the needs. There are around 3,400 tribal members. The courts, healthcare, and the schools all confront an astounding amount of violence, sickness and truancy. Even though there are partnerships in the community, there are still many problems because of the great poverty on the reservation. He went on, “When there are problems, I even go home with the kids. I like to show the parents that I am not afraid of being a part of the community.” There is a current project to create an interdisciplinary center for social services that will make youth a priority. And he spoke of ideas to make traditional Indian crafts.

The Indian reservation schools became a major subject in the *Omaha World Herald Press* that ran a series on Indian education in February 2000. David gave me a copy of the newspaper article that provided a lot of statistics describing the challenges the reservation schools face.

Is it possible to mediate when there are cases of social injustice? The Omaha Indians and David Friedli sued the state of Nebraska for \$10 million that they believe the governor of Nebraska had unfairly held back from the reservation schools. People like Frank LaMere believe that the law courts must be used to gain social justice when political leaders such as the governor of Nebraska refuse to care for the minority Indian children on the reservations.

Great inequality, Frank LaMere believes, cannot be resolved in mediation because the stronger party doesn't recognize the injustice.

The problems facing the reservation schools are currently being debated on a national level. Federal funds were to supposedly be allocated to finance the Indian Reservation school building projects. The broken government promises on the federal and state levels have created a catastrophic situation in Indian education. The government programs that sought to force Indians to assimilate into America's white culture have failed, victimizing the Indian Nations. There are new educational programs that seek to include the Indian culture in the school curriculum, but funds are lacking to pay for needed resources. The American government's solution to assimilate the Native American Indians, beginning in the late 1800s when Indian boarding schools were created and Indian children were forcefully taken from their parents and placed in white schools, was designed to strip Indians of their heritage and culture. This forced assimilation destroyed the Indian Nations by breaking the bonds between Indian families. Generations of Indian families lost their parenting skills, as they no longer knew what it was like to grow up in a family, having been raised in boarding schools. It wasn't until the 1930s that the government changed its policy and began promoting local schools on reservations, allowing children to remain within their families.³⁹

In the 1970s research again analyzed Indian education and sought to explain why the system wasn't working. Now the debate is resurfacing. There is more understanding of intercultural relations and possibly more respect for the Indian culture, but the damage that has been done over the last 100 years cannot be repaired quickly or easily, and the funds needed to rebuild schools and create special needs programs for Indians are lacking.

Louis LaRose and the Nebraska Native American Mediation Project

The State of Nebraska has six mediation centers and a comprehensive law that gives a framework for the practice of mediation in the state. The Nebraska Justice Center in Walthill, Nebraska was the state's first mediation center to develop mediation in the district in conjunction with the Nebraska Native American Mediation Project. Louis LaRose, a Winnebago, was awarded a grant in 1996 to participate in the mediation training in Fremont,

³⁹ *Omaha World Herald Press* that ran a series on Indian education in February 2000.

Nebraska. LaRose has since participated in many mediation cases with American Indians and Indian Nations, as well as other mediations not involving American Indians.

The mediation cases LaRose received were referred to him through the Nebraska Justice Center in Walthill. The Tribal Courts, prosecutors, and judges would refer the “cases from hell” as LaRose calls them, to him, hoping that mediation would resolve some of the complex situations the court system faced.

LaRose said that “after watching the process I became a believer. Mediation empowered people to find their own solutions.”⁴⁰ He cited cases that he mediated over the years, “Kids fighting, people taking things, injuries, family issues, placement of children and custody.” It was difficult, he said, to remain neutral in certain cases. Especially in abuse cases where children were victims of violence. Parents often lost custody of their children. However, the Indian Child Welfare Act and the tribal courts protect the Indian children from being placed in foster care for erroneous reasons and ensure that Indian children remain within the tribal jurisdiction.

An innovative form of mediation called Family Group Conferences has influenced LaRose’s mediation practice. He explained, “Young people have a vision of what they want to do. Many people from the tribe trained, but the judge decided which cases, the ‘cases from hell,’ would be referred to mediation.” He went on to explain, “In mediation people were heard and they knew that they were being listened to, and that is part of the human way of being. White judges and laws are different.” He continued to cite categories of law, including state law, (White vs. Indian), tribal law, (Indian vs. Indian), and, if there is a felony, the case falls under federal jurisdiction. He said that tribal custom and mores were in a gray area. He also had participated in mediations between tribes.

“In the assimilation model, tribal ways have been made to be bad or wrong. I bring in or incorporate tribal law without making an issue.” He cited how he had done mediations where elders in the group would begin with a prayer. “If they want to sit in a circle, they sit in a circle. If they want to smoke a pipe, then that happens.” When asked where the various

⁴⁰ Personal interview with Louis LaRose. July 2006.

mediations were being held, he said, “The place was always a neutral site like a vacant office space. And it is the mediation service that finds the place.”

LaRose told his personal story of how he went from being an agitator to being a mediator. “When I was in a mediation session with tribal people they would ask me if I knew how to mediate. I was often with a white trainee, but they didn’t ask if the trainee could mediate.” When asked about the cultural factor he said, “Many people wanted me to make a decision just like the elders did. Instead, I got them over the hurdle to be able to make their own decisions. I explained my role as a mediator and not an arbitrator or elder.”

LaRose participated in the Family Group Conference training. This technique in mediation was inspired by the Maori people of New Zealand.

It is difficult to prepare people ahead of time to go into a room alone and decide. In training, we saw a training film showing a Maori family situation. A Maori boy had stolen a camera from a white family. The situation ended up in a Family Conference to decide about what punishment the boy should receive. They went through the steps, and after the movie I wanted to know how the others had seen the film. I realized that I was the only one who had seen the tribal behavior. The Maori family was sitting on the floor in a circle by order of the family. White people were on chairs. The Maori people started with a prayer or admonition from the elders. Then, the elders told from their perspective how they were “shamed out.” They were shamed out over behavior of the young boy. Not only did the boy have to answer to the white family for his actions, but he also had to answer to his own family. This story shows tribal values. The Family Group Conference is a legitimate way for tribal people to resolve their own problems.

LaRose continued to describe his work with a case study.

Deb from the mediation Center gave me a mediation case that involved a woman with drug and alcohol problems fighting to keep her kids. We sat down with the different families. There were four or five different fathers and tribes involved. There was a court order. They went into the session and it was kind of like a birth. I was just hoping the baby would be healthy! She came out of the session and said to me that she needed help with her drug and alcohol problem. She said, “I will do what I need to do to get my children back.” She then went to the drug and alcohol treatment center. She had been on the program for about a year when I saw her again. I couldn’t even recognize her. She was happy and healthy, playing with her kids.

She couldn’t bullshit her family. The judge, the prosecutor, the attorney, could all be bullshitted, but her family said, “Get your act together or we will take away the children.” The family members were from Minnesota, South Dakota, Iowa, and

Nebraska. They all came together for the event. You see, the melting pot destroys the families. And we forget the strength of our culture.⁴¹

After working as a mediator with the native Indian people, LaRose asked the mediation center for cases with white people. He said, "I don't want to be an Indian mediator." So he ended up doing white mediation. His first case was a co-mediation with a white woman. The mediation center called and said, "Boy, do we have a mediation for you!" He said, "What's that?" And they replied, "We've got a mediation for a white church dispute." LaRose exclaimed, "This was one of the greatest experiences of my life. It was a case in North Central Nebraska. When I showed up, I saw cowboys sitting there with their arms crossed. We met for four sessions, once every month."

When asked about his concept of mediation, LaRose gave the example of the Bison Program that was to bring buffalo back to the Reservation. He was in charge of children who didn't know how to work, "kids that no one wanted." He worked with them for one week and didn't get anywhere. He told them, "If you're going to work with me for the rest of the summer I'm making three new rules. The first rule is that you have to treat me as a Winnebago man. The second rule is that I have to treat you as young Winnebago men. And the third rule is that I want to know the name of your uncle on your mother's side." LaRose explained that discipline in the Winnebago Tribe comes from the mother's uncle. This kinship organization was embedded in the social structure of the tribe. He continued with his story,

When these kids knew I was expecting them to behave as young men, their total behavior changed. I told them that they wouldn't catch hell from me in public unless they did a damn stupid thing that would piss off a buffalo. I said that when I would make the time out signal they would have to stop whatever they were doing and we'll talk about it as a group. As their supervisor, they would do what I did. If I handled branches, they did. There was no hypocrisy. When I asked them to pick up buffalo turds, I did it first. In the end, they turned out to be a highly disciplined group. I spent all my time building them up. I instituted tribal discipline.

In this way, whatever families are comfortable with, a prayer, an Omaha or Sioux ceremony, even if it moves away from the Nebraska Justice Center model I incorporate the traditional way. This was the way of the Buffalo Clan and their members and how they resolved disputes. Each clan had a role within a tribe. They reported events and happenings within a tribe. They resolved disputes internally within the Winnebago Tribe.⁴²

⁴¹ Personal interview with Louis LaRose. July 2006.

⁴² Personal interview with Louis LaRose. July 2006.

He went on to comment on a low cycle for mediation in the community. There were fewer cases being referred to mediation. He said that there was more of an interest to work in cities than in rural communities. He explained how mediation depends on the judge. It is the judge who refers cases to the Nebraska Justice Center. He explained that law enforcement officials, court personnel, and law offices were all trained in mediation. LaRose was indemnified by the courts through the Nebraska Justice Center. Only child abuse and sexual abuse cases were mandatory to report. In private practice a mediator would not be covered by state indemnification.

LaRose explained that other tribes were also involved with restorative justice projects. Unfortunately, the current judge in his district didn't have a vision that included mediation. He said, "The judge isn't open to do things, to try things, and take the risk. But that will change."

When LaRose explained the core of mediation he said that there were increased numbers of people with mediation skills. He said mediation allowed people to "pour their souls out; you let it go mindful of tribal ways." He was also aware of tribal sign language.

People won't look at each other in the eye. I always say to them, "Let me know how you want to do things." They have the freedom to correct or change the process. Tribal people feel that stuff is stuffed down their throats. I try to transcend white mediation values without imposing. Real mediation allows you to do that. The crux of it is the emotional part. People can really let you know what's hurting them. They say to me, "I got to say it and somebody finally heard me." It's hard not to be affected when you hear, "The judge didn't hear me. Somebody finally listened to what I had to say." In the older days, elders were people the Indians could talk to. So, speaking took place. But in present tribal society that doesn't take place anymore.⁴³

Tribal customs existed before white people started to judge Indian culture.

During the assimilation period because non-Indians didn't understand the dynamics of what was going on, they labeled many activities as un-Christian or evil, and they [the Indians] had to stop doing them. For instance, there was the custom of standing in the circle if you messed up as a child. And people came and asked why are you standing there? And that transformed behavior. We use the term "shamed out." You couldn't be lazy in a tribal community, or you would starve to death.⁴⁴

⁴³ Ibid.

⁴⁴ Ibid.

Not only has LaRose been involved in mediation cases, he has been involved with adolescents where he works as a facilitator, involving youth in community projects. His practice focuses on the stages in dialogical processes that he initiates allowing the young people to engage in constructive dialogue. He told the story of how he had worked with five girls and a young fellow. He did two hours of facilitating. Then he got really fed up with the girls. One of the girls had crossed the line. So, he asked, “Who is your *dego*?” A *dego* is the mother’s uncle. He proceeded to ask the kids who their family was, their tribe, then their grandfather. He personally knew their *degos* and their grandfathers.

Then, he talked about what was wrong with the Winnepegos. He asked the kids, “What would you want as kids?” And they all said, “We want to have a mall.” So, then he asked, “What would you like to have in your mall? And they replied, “A hair dresser, a finger nail salon, a used clothes store, a game arcade, and then a liquor store.” Louis replied, “Everything that you put on here, on your list, I will defend. But I need your reasons. Then the kids gave their reasons, ‘When white people drive through town and they see Indians drunk, they think all Indians are drunks. In the mall, they wouldn’t have to drive to get alcohol and get killed on the roads.’”

LaRose explained that the youths’ project did get funded, but unfortunately what the kids wanted and needed wasn’t respected. The facilitation process was not respected.

Context and Content

This narrative concerning Louis LaRose’s experience in mediation provides a basis for analyzing the context of the Nebraska Native American Mediation Project and the content of the various mediations. The context and the content are both important. This context illustrates the transformation of judicial practice that included mediation, giving rise to a new legislation. The analysis of the phases leading to official writing of the law, describe the evolving legal context in the State of Nebraska. The framework put forward through the mediation legislation in 1998 created a foundation that allowed each district to develop mediation aligned with its specific needs. It is within the “space” of the mediations that culture meets laws and rights. The cases that LaRose illustrates for us contain a strong affirmation of the importance of kinship bonds. Kinship and the structure of family

relationships within the tribe find a central place in LaRose's narrative. Finally, it is crucial to understand that the mediation referrals depend on the vision of the district judge. If the judge is insensitive to the mediation process and its importance to the judicial system, then there are few, if any, cases in mediation.

Mediation: A New Space in Dispute Resolution

In Jane Cowan's article, "Culture and Rights after Culture and Rights,"⁴⁵ she speaks of a third conjunction that she calls "rights and culture". She describes "a social and ideational space, one that entailed certain ideas of 'self' and 'sociality,' specific modes of agency, and particular rules of the game."⁴⁶ She goes on to speak of "a Foucauldian alertness to the power and knowledge relations associated with this expanding legal and political apparatus."⁴⁷

Would it not be in this space that Cowan refers to in which mediation has grounded itself? She affirms, "We need to develop theorizations of these processes that are both analytically acute and sensitive to the complexities of the real world."⁴⁸ Rights are often expressed in specific cultural settings. In Larose's work, he created a unique space where rights were expressed in a cultural environment that was meaningful to the tribal members.

Mediation is a process that occupies a new space in legal systems where definitions of "self" and "sociality" that Cowan speaks of meet with formal conflict resolution procedures. It is not the Western definition of self that meets with the Western definition of social relationship, but the possibility that other definitions of self and social relationship can be voiced in the mediation space. Mediation provides a space in the legal system that gives priority to relationships and possibly culture. At the same time, mediation occupies a formally defined space within the larger framework of the judicial system as seen in the Nebraska Dispute Resolution Act.

Social Activism and Human Rights

⁴⁵ Cowan, Jane K. Culture and Rights after Culture and Rights. *American Anthropologist*, 108(1): 9–24.

⁴⁶ Ibid., p. 10.

⁴⁷ Ibid., p. 10.

⁴⁸ Ibid., p. 10.

If the Nebraska Dispute Resolution Act was initially adopted primarily to address issues of children's rights, it is clear that its fundamental logic gave rise to a broader application in the area of American Indian rights. Sally Engle Merry describes how transnational ideas and human rights are moving from the global arena to the local.⁴⁹ The Nebraska Dispute Resolution Act is an example of a local act that defends human rights through the process of mediation. Both Frank LaMere and Louis LaRose are social activists who are working to defend Native American rights. LaMere does not believe that important American Indian issues can be addressed in mediation because these social injustices have not been officially recognized by the courts. He sees the Indian Nations as being in an inferior position and that legal action is the only way to gain recognition of the truth. In contrast, LaRose uses his mediation skills to provide a process for conflict resolution that honors relationship and kinship bonds. He believes in the process of mediation. Both are working for human rights. These two Winnebago men have walked different paths leading their nation in the hopes of greater respect of their people's rights.

A Culture of Dialogue Emerges From Human Rights

Mary Pipher is a Nebraska social anthropologist who has written about refugees in her book, *In the Middle of Everywhere*.⁵⁰ She wrote about adapting mental healthcare systems to meet the needs of refugees, as well as school and community programs that facilitate the integration process. Her practical work as a psychologist and her research as a social anthropologist influenced the way she told the stories of refugees living in Nebraska. She recognized the courage of these brave new Americans. Her book came to me just as I was beginning to create a mediation service for political asylum seekers in 2002 in Switzerland. Her professional approach to working with refugees confirmed my own beliefs and encouraged me to continue my personal endeavor in creating a mediation service for political asylum seekers with an interdisciplinary approach, integrating ethno- and transcultural psychiatry, as well as theories from medical anthropology.

⁴⁹ Merry, Sally Engle. Transnational Human Rights and Local Activism: Mapping the Middle. *American Anthropologist*, 108(1): 38–51.

⁵⁰ Pipher, Mary. 1993. *In the Middle of Everywhere*. New York: Harcourt Inc.

In her latest book, *Writing to Change the World*,⁵¹ I again find inspiration from her work: “Good writing facilitates the making of connections in a way that inspires openheartedness, thinking, talking, and action. All totalitarian governments achieve their ends by frightening and isolating people, and preventing honest public discussion of important matters. The way to promote social and economic justice is by doing just the opposite: by telling the truth, and by encouraging civil, public discussion.”⁵² The case studies that are presented in the Kinship chapter told stories of complex conflicts that political asylum seekers encountered in Switzerland. Mediation gave them a space where they could speak about their difficulties. It also allowed their conflicts to be heard by administrators, social workers, doctors, and fellow human beings involved in their specific conflict situations. Again, Pipher’s words seem to fit, “In both therapy and advocacy writing, relationships matter. Mutual respect and trust facilitate the growth of souls. Both endeavors require openness to ideas and a willingness to reconsider and expand one’s point of view. Relationships create the environments that allow humans to extend their circles of caring.”⁵³

This Nebraska narrative describing the development of mediation in various fields helped me see the importance of rights. It seems that rights create the legal foundation that allows mediation practice to take root. After Nebraska children’s rights were acknowledged legislatively by Nebraska citizens, steps were taken to transform the judicial system. And as Family Mediation flourished under the new laws, other fields of mediation came into being. It was in the unique relational context of Nebraska that mediation took a form that has inspired other states and practitioners around the world. In this way practice is indeed transnational.

Mediation is a conflict resolution process that creates a legitimate space where people can talk about their problems and be heard. It is a process working to heal and strengthen relationships. Social activism can be expressed in many ways. I hope that the stories presented in this thesis about mediation will contribute to social activism by providing a better understanding of conflict resolution processes and the respect of human rights. This comparative tale that shares the Nebraska mediation stories exemplifies how practice migrates, crossing borders and expanding circles of caring. My mediation practice in Switzerland was directly influenced by my research in Nebraska and the knowledge that I

⁵¹ Pipher, Mary. 2006. *Writing to Change the World*. New York: Riverhead Books.

⁵² *Ibid.*, p. 7.

⁵³ *Ibid.* p. 15.

gained from the interviews in May 2000. Through my interviewing process in Nebraska, it became clear that laws and rights provide the legitimate basis allowing for a culture of dialogue and mediation to emerge. I am convinced that human rights provide an international framework supporting the practice of mediation and a vision of governance that favours non-violent conflict resolution.

Belief

Mediation is a practice that has in part emerged from an ideology or world view that grew from the tragedy of the twentieth century's wars and the hopes that a culture of peace could offer an alternative path, assuring humankind's survival. With theories such as Mutual Assured Destruction guaranteeing the balance of powers and deterring nuclear war, it is understandable that the possibility of an alternative culture inspired many world citizens. This culture of peace and cooperation was written into the United Nations Declaration of Human Rights after World War II.⁵⁴ The writings of Claude Lévi-Strauss in *Race and History*⁵⁵ and *Race and Culture*,⁵⁶ provide an ideological framework for this emerging world view that the United Nations was buttressing. Lévi-Strauss was one of the intellectual architects, invited by the United Nations' leaders to present his writings in the 1950's. He spoke of cooperation as an essential property of humanness. Lévi-Strauss' ideas reinforced UNESCO's position that promoted the ideology of cooperation. However, in another official UNESCO presentation in 1971, Lévi-Strauss challenged this ideology of cooperation citing the conflicts that existed from the demographic saturation of our planet. His ideology of cooperation changed to a conception of humans as naturally inclined to be if not hostile, then at least reserved towards the other.

It wasn't until the 60th anniversary of UNESCO in 2005, when Lévi-Strauss was once again invited to speak, that the world was ready to give official recognition to the ideas that he had presented in the 1970's.⁵⁷ When Lévi-Strauss questioned the ideology of cooperation he

⁵⁴The Universal Declaration of Human Rights
Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

⁵⁵ Lévi-Strauss, Claude. 19xx. *Race and History*. UNESCO Declaration 1952.

⁵⁶ Lévi-Strauss, Claude. 19xx. *Race and Culture*. UNESCO Declaration, 1971.

⁵⁷ Stoczowski, Wiktor. *Ecole des Hautes Etudes en Science Sociale, Paris. L'Anthropologie comme vision du monde. Race, Culture, et Histoire selon Claude Lévi-Strauss* (2008). UNESCO Courier ISSN 1993-8616.

introduced the concept of ecology and questioned the long-term viability of a consumer culture.⁵⁸

When mediation is taught as a practice, its ideological roots are not always addressed. Mediation is often presented as a new professional practice. However, I would like to show that the emergence of mediation could be traced to the UNESCO texts that have provided an ideological basis for mediation. These writings, presented to the international community in the 1950s, provided the intellectual foundation for the acceptance of a culture of peace and cooperation as a legitimate ideology in the twenty-first century. This philosophy supported the United Nation's doctrine that was to lead the world forward with a new world vision.

If previous warrior societies had protected the survival of families and peoples historically, it became evident during the twentieth century that mediators and ecologists would be needed to usher in a culture of sustainable development. This new culture of peace and permanence was in opposition to a culture promoting war and leading to the annihilation of the planet with the development of nuclear war.

The American President Woodrow Wilson conceived the League of Nations. The League of Nations developed from his research at Princeton University where he studied organizations and later became the president of Princeton. The League of Nations was to provide a constructive and cooperative approach to international relations. His project sought to modify how nations related to one another. The League of Nations, which later was reborn as the United Nations, was designed to bind nations in constructive endeavors and diplomatic communication that would strive to foster cooperation instead of destructive nationalistic tendencies that had all too often led nations to war.⁵⁹

Understanding *belief* as a concept cannot be limited to the social sciences' definitions. Belief and ideologies are socially constructed. Belief and ideologies interact socially constructing or shaping our institutions. In anthropological literature, the fundamental concept of belief offers an interesting angle to analyze basic ideas underlying the mediation process. Recognizing the roots of the ideology of cooperation is part of the reflexive process that academic inquiry brings forth. As a mediator, I often speak of a culture of cooperation. I speak of cooperation

⁵⁸ Lévi-Strauss, Claude. "Race and Culture", 22 March 1971, UNESCO audio tape.

⁵⁹ Heckscher, August. 1991. Woodrow Wilson. New York: Collier Books.

as being a fundamental element in the social construction of mediation practice. It is important to question the fundamental ideologies that are inherent in mediation practice. Questioning the roots of thought and practice are essential in the reflexive process. Lévi-Strauss challenged his ideology of cooperation when he worked on scientific committees that were concerned with the natural sciences. When he became aware of the importance of the demographic saturation of our planet he was forced to question his ideas about cooperation.

Belief is not just a concept that interests anthropologists. Belief is being studied in many different disciplines. For instance, the neuroscientists are discovering the effects of believing on the brain's function. New technology is providing scientific evidence that is adding to our understanding of belief and how "believing" affects our minds and bodies.⁶⁰

Another dimension of belief being developed by scientists is the genetic explanation of belief. There are controversial studies that shed light on the genetic basis for the ability to believe. There may be a link between belief in a God or belief in a humanitarian ideology, and how believing and having a spiritual, genetic orientation can affect humankind's individual and social actions.⁶¹ There seem to be multiple ways of addressing belief. The neurosciences and genetics are contributing to the social construction of knowledge in an important manner. Social scientists are often adverse to genetic explanations. However, I find these theories full of a language or discourse that demonstrates how the meaning-making process in the neurosciences and genetics is creating a dialogical space for the sacred in their field.

There are also many currents in mediation. The transformational current in mediation espouses an emerging relational vision of social life as a whole. It integrates concerns for rights and justice, caring and connection.⁶² There are other currents in mediation, such as the Harvard Negotiation Project, that are more influenced by business and negotiation theories. Other forms of mediation like ADR (Alternative Dispute Resolution) are linked to judicial procedures and have evolved from the practice of law. I will discuss at length the Narrative Model in mediation in the following chapters.

⁶⁰ Cyrulnik, Boris. 2006. *De Chair et Ame*. Paris: Odile Jacob.

⁶¹ Hammer, Dean. 2004. *The God Gene, How Faith Is Hardwired into Our Genes*. New York: Doubleday.

⁶² Bush Baruch, Robert, Folger, Joseph, *The Promise of Mediation The Transformative Approach to Conflict*. San Fransisco, Jossea-Bass.

Dale Bagshaw talks about reflexive mediators in a postmodern constructivist approach to mediation. She cites Gergen's work on social constructionism. She explains that postmodernist theories and ideas "offer a more complex understanding of post-industrial society and conflict than modernist ideas and value conflict, complexity, diversity and the co-existence of multiple truths and identities."⁶³ In her article, "The Reflexive Mediator: Theory and Practice," she explains how our practices are culturally specific.

In this chapter, I review several concepts of belief and how they relate to mediation. I analyze some of the ideologies that have contributed to the emergence of mediation as a practice. I also show how new understandings of belief in the neurosciences may explain how the brain is modified by thoughts and interactions. Drawing from this research, I find it pertinent to consider that interacting in the mediation process could possibly change the brain's functioning and be reason for mediation's effectiveness. Liminal space is created through the use of secular rituals like mediation. When people enter into the practice of mediation, and when they believe in the process, they may possibly be reinforcing the efficacy of the conflict resolution process.

There may also be a certain human potential present in our genes, allowing some individuals to participate more successfully in nonviolent conflict resolution. Genetic research indicates predispositions for certain types of mystical experiences. In light of this research, one could extrapolate that there may also be predispositions for specific skills, possibly skills used in mediation.

What is behind the choice to cultivate a culture of cooperation? What ideologies shape this choice? Do specific genes give certain people the basic skills necessary to enter into the mediation process? And finally, does the belief in a cooperative process have an effect on the brain and, therefore, an effect on the conflict resolution process itself? Though I may not be able to answer all of these questions. I would like to open up the discussion for an integrative understanding of belief as it relates to mediation. Cultivating a culture of cooperation is not a neutral endeavor. The choice to govern through non-violent conflict resolution is a value

⁶³ Bagshaw, Dale. *The Reflexive Mediator: Theory and Practice*. Published in the Conference Papers on CD and on the WMF website – <http://www.mEDIATE.com/world/Bagshaw,Dale>. "The Reflexive Mediator: Theory and Practice." www.unisanet.unisa.edu.au/staff/homepage.asp?Name=Dale.Bagshaw

choice. And when this choice is made by individuals or nations, it is a choice that has been socially constructed.

Claude Lévi-Strauss' Cosmology, UNESCO Ideology, and Mediation

Wiktor Stoczkowski talks about two orientations of reflexivity pertaining to anthropology. In “Racisme, antiracisme et cosmologie lévi-straussienne, un essai d’anthropologie reflexive,”⁶⁴ he speaks of two approaches: anthropology as writing and anthropology as a cultural critique. Here I take the notion of anthropology as cultural critique and apply it to mediation. A kind of reflexivity is needed to remain critical of a culture of peace and cooperation that is one of the ideological foundations of mediation practice. The ideas put forth concerning racism and conflict in Lévi-Strauss’ writings seem especially pertinent in the intercultural mediation field. What kind of reflexivity can be integrated into the practice and training of mediators in Western societies? Stoczkowski cites the UNESCO texts in his article. He quotes the texts that link the causes of World War I and II with the creation of dogmas of inequality between races. His writing suggests that these dogmas of social injustice replaced democracy, leading to war. The UNESCO text goes on to suggest that it is by elevating the spirit of humankind that peace will reign. (UNESCO, 1945: 116)^{65,66}

Ideas of “blood” and “spirit” that were put forth by the Third Reich were assessed in the UNESCO texts. This Third Reich cosmology was refuted but also mirrored in the UNESCO writings. In Swoczowski’s article he states, “L’héritité génétique, déchu de son statut de fondement des rapports sociaux, se trouve dissociée de la culture: la conduite des humains doit désormais se régler sur la certitude de l’égalité des hommes et non sur celle de leur inégalité foncière. Le racisme n’est plus une loi de la nature mais un préjugé de la culture. Comme principe directeur de l’histoire, la coopération entre les peuples se substitue à la guerre inévitable entre les races (UNESCO 1950; Hitler 1992/1925-26:258-299).”^{67,68}

⁶⁴ Stoczkowski, Wiktor. *Racisme, antiracisme et cosmologie lévi-straussienne, Un essai d’anthropologie reflexive*. Paris: EHESS.

⁶⁵ United Nations Education, Science & Cultural Organisation (UNESCO). 1945. *Title*. New York: United Nations, p. 116.

⁶⁶ Stoczkowski, p. 8.

⁶⁷ Stoczkowski, p.10. Hitler, Adolph. 19xx. *Title*. City: Publisher. Hitler 1992/1925-26:258-299)

⁶⁸ UNESCO Declaration on Race. 1950. New York: United Nations.

The resemblances among humans were considered more important than the differences and the rest is only prejudice, concludes Stoczkowski.

A culture of cooperation finds a central place in the UNESCO Declaration. Stoczkowski quotes the 1950 UNESCO Declaration and analyzes a culture of cooperation that replaced a culture of conflict. “l’instinct naturel de coopération’, ce à quoi *Race et Histoire* ajoute que la collaboration entre les cultures est la principale condition de l’histoire cumulative et du progress. L’ontologie de la coopération remplace l’ontologie du conflit. La vision de la nature humaine passé d’un extrême à l’autre. On est ici au cœur même de la nouvelle doctrine anthropologique que l’UNESCO souhaitait mettre au service de son action.”⁶⁹

These powerful words and ideas became the building blocks for a new world ideology where progress was defined by a culture of cooperation. This new culture of cooperation was to supplant the previous culture of conflict. A vast educational program was to be developed using knowledge to overcome the prejudices that were an obstacle to peaceful coexistence.

Lévi-Strauss’ research and reflections evolved over a twenty year period, in the last lines of his 1971 text, *Race et Culture*, he questions the United Nations ideology by saying that he hesitated to believe that “la diffusion du savoir et le développement de la communication entre les hommes réussissent un jour à les faire vivre en bonne harmonie, dans l’acceptation et le respect de leur diversité.”⁷⁰ *Race and History* ushered in the new UNESCO ideology. But as Stoczkowski points out, *Race and Culture* ended with lines that created an ongoing debate. The culture of peace and cooperation that so many were willing to adopt can be analyzed more closely, providing greater understanding of Western attitudes to conflict and conflict resolution.

Stoczkowski goes on to quote Lévi-Strauss, questioning his ideology of cooperation that in 1952 hadn’t taken into account the limited natural resources of the planet and the possibility of future conflict over access to those resources.

“déployée pour occulter les conflits qui découlent, selon Lévi-Strauss, de la saturation démographique de notre planète. L’autorité de la psychologie sociale

⁶⁹ Stockowski, p.12.

⁷⁰ Stockowski, p. 14.

est convoquée pour clamer que les groupes humains placés dans une situation compétitive de développement, partout et toujours, des réactions de répulsion et d'hostilité mutuelles. La monstrueuse population humaine, qui ne cesse d'augmenter grâce aux bienfaits équivoques de la civilisation industrielle, peut-elle s'affranchir de la difficulté croissante de vivre, recluse qu'elle est sur une Terre désormais trop exiguë pour que chacun de ses membres "puisse librement jouir de ces biens essentiels que sont l'espace libre, l'eau, l'air pur, l'air non pollué?"⁷¹

The ideology of cooperation was socially constructed during a historical period that needed a new world vision to move beyond war and massive assured destruction. Only later did the scientific community realize the inevitable conflict for resources facing an overcrowded planet's world citizens. Mediation, one of the new practices in conflict management, was to be used to obtain this higher value of cooperation. Mediation became a form of governance. Citizens were taught to resolve their conflicts peacefully. Their governments were using mediation as a form of governance. However, in the international arena, other powers were amassing great wealth and resources to secure their power positions in anticipation of a future when resources will be depleted and competition for resources fierce.

When we consider the ideologies that support the practice of mediation, we can see that they rest on premises that are not necessarily proven. It is unproven that we are, in fact, cooperative beings by nature, however it is not necessary for cooperation to be an innate skill for it to be considered as an important element from a social constructionist perspective. Mediation seen from this angle would be an attempt to give the ordinary citizens a garden tool to cultivate a new culture of cooperation, while other more powerful international actors are using bulldozers to unearth hidden material treasures.

Is this garden tool a part of a "cover"? The new ideology of cooperation, encompassing mediation, could be understood as being strategically put in place. This new culture was based on a new definition of progress. UNESCO's progress meant embracing a culture of cooperation and leaving behind our former culture of conflict. Who has this new culture benefited? We may not have enough historical distance to address how cooperation, mediation, and non-violent conflict resolution have influenced conflict resolution on a global scale.

⁷¹ Ibid., p. 14.

Mediation seen from this vantage point is part of a greater system and political choice supporting a culture of cooperation. As mediation was made a part of the larger cultural movement to promote cooperation, progressive judicial systems have been inclined to annex mediation into their official court procedures. Communities have felt the need to create local mediation services. And schools have found it useful to integrate cooperative learning pedagogy, emotional intelligence, and mediation programs into their curriculum and educational philosophy.

But what if this form of governance based on the ideology of cooperation diverted the international community's attention from today's ecological dilemma? What if cooperation is only an ideology invented to appease the people before this great unavoidable conflict breaks out and annihilates the world population? Is the UNESCO Declaration simply fairy dust sprinkled on the masses to put them under the spell of a culture of cooperation and occupy them until some great unavoidable conflict is unleashed? Or, is it possible that cooperation and competition are both essential properties of humanness?

Stoczkowski explains,

L'UNESCO a adopté une conception de la nature humaine conforme au projet sotériologique qu'elle ambitionnait de réaliser. Il s'agissait ni plus ni moins que de mettre un terme aux guerres que l'humanité endurait jusqu'alors, de jeter les bases d'une paix définitive, de réconcilier les peuples divisés par leurs différences, de faire régner l'entente et le respect mutuel. Et on ne lutte pas pour l'éradication du mal sans être certain d'en connaître la véritable source. Pour les idéologues de l'UNESCO, le mal-dont la Seconde Guerre incarnait la forme extrême-découlait de l'ignorance et des préjugés. La conception anthropologique défendue par la première Déclaration offrait un parfait complément ontologique à la théorie unescienne du salut: de par nature, l'homme est porté à la coopération, tandis que ses penchants agonistiques sont accidentals et non consubstantiels à notre espèce; le mal qu'ils représentent peut donc être aboli, à condition que l'on en supprime la cause, c'est-à-dire l'ignorance et les préjugés. Un monde sans intolérance, sans xénophobie, sans racisme, sans guerres est possible, et les organisations internationales oeuvrent à le construire.⁷²

These ideas have been transmitted through the educational systems worldwide. This new culture of peace and cooperation was associated with progress. Children were brought up believing in these new values of cooperation and peaceful coexistence that could be achieved

⁷² Stockowski, p. 17.

through higher education. They were taught that all people were fundamentally good and that mutual respect would lead to the reconciliation of differences.

The Lévi-Strauss texts and Stoczkowski's analysis are pertinent in analyzing the ideologies related to mediation especially when we see how UNESCO's ideologies have continued to influence the evolution of mediation as a core subject. In Jean-Marie Muller's UNESCO publication, "De la non-violence en éducation" published in July 2002, he devotes a chapter to mediation. Under the title "Mediation," Muller explains that "L'une des méthodes de régulation non-violente des conflits qui doit être privilégiée est la médiation."⁷³ Here is the confirmation that UNESCO has included mediation into its ideology. In Muller's text, mediation is considered an important method of conflict resolution. "Choisir la médiation, c'est, pour chacun des deux adversaires, comprendre que le développement de leur hostilité ne peut que leur être préjudiciable et qu'ils ont tout intérêt à tenter de trouver, par un accord amiable, une issue positive au conflit qui les oppose."⁷⁴

Muller has another chapter entitled "La résolution constructive des conflits." In this chapter he writes,

La médiation trouve dans la cour de récréation de l'école un terrain d'application privilégié pour rechercher une résolution constructive des conflits qui surviendront. Le but recherché est de permettre aux enfants de s'initier à la non-violence comme règle de vie. La médiation vise à créer une dynamique de coopération entre les adversaires afin qu'ils deviennent des partenaires dans la recherche commune d'une solution participative, créative et constructive du conflit. Celle-ci doit permettre qu'il y ait en définitive deux gagnants.⁷⁵

Here we can see that the "win-win" theories of the Harvard School of Negotiation have permeated the UNESCO ideology. The goal of constructive conflict resolution is to allow both parties to be winners. There is no mention of eventual losers in this description of conflict resolution. This participatory approach to finding solutions encourages training children in a nonviolent approach to conflict resolution.

It is interesting to reflect on the UNESCO Declaration that was written much earlier than Muller's text to see the evolution of the understanding of conflict. The ideas expressed in the

⁷³ Muller, Jean-Marie. 2002. *De la non-violence en éducation*. Geneva: UNESCO p. 40.

⁷⁴ Ibid., p.40.

⁷⁵ Ibid., p. 65.

UNESCO Declaration are more explicit in Muller's text. The idea of mediation as a nonviolent form of conflict resolution is clearly enunciated. A culture of cooperation is directly linked to mediation in Muller's UNESCO 2002 text. UNESCO gave great importance to the year 2000 dedicated to the promotion of a culture of peace. Muller's text illustrates the importance UNESCO attaches to education. Claude Lévi-Strauss and UNESCO provided ideologies that were part of the social construction process of mediation as a practice. However, even Lévi-Strauss questioned his belief in cooperation as an essential property of humanness.

Definitions of Conflict

Fisher and Ury are known for their work in conjunction with the Harvard Negotiation Project. In their introduction they say, "More and more occasions require negotiation; conflict is a growth industry. Everyone wants to participate in decisions that affect them; fewer and fewer people will accept decisions dictated by someone else. People differ, and they use negotiation to handle their differences."⁷⁶ Their focus is on the participative aspect of conflict resolution. They don't speak about mediation. They use the term *negotiation*. However, their work brought fame to the "win-win" approach of conflict resolution.

Transformative mediation is a more recent approach to conflict resolution that focuses on relationships and the personal experience of conflict. In Bush Baruch, and Folger's *The Promise of Mediation, the Transformative Approach to Conflict*, the authors state,

The Transformative Theory of Conflict starts by offering its own answer to the foundational question of what conflict means to the people involved. According to transformative theory, what people find most significant about conflict is not that it frustrates their satisfaction of some right, interest, or pursuit, no matter how important, but that it leads and even forces them to behave toward themselves and others in ways that they find uncomfortable and even repellent. More specifically, it alienates them from their sense of their own strength and their sense of connection between them as human beings. This crisis of deterioration in human interaction is what parties find most affecting, significant—and disturbing—about the experience of conflict.⁷⁷

⁷⁶ Fisher, Roger and William Ury. 1983. *Getting to Yes, Negotiating Agreement Without Giving In, The Harvard Negotiation Project*. New York: Penguin Books.

⁷⁷ Bush Baruch, Robert A. and Joseph P. Folger. 2005. *The Promise of Mediation, the Transformative Approach to Conflict*. San Francisco: Jossey-Bass. p. 45.

This definition of conflict reflects the transformative current in mediation's understanding of conflict. The authors go on to explain that "the impact of transformative mediation can only be felt, and the nature of transformative mediation practice understood, by looking closely at the very heart of this work—that is, by focusing on conflict interaction and its transformation."⁷⁸ In this explanation we see that the interactions of people are what are being transformed. This more recent understanding is influenced by research in the neurosciences and cognitive psychology.

If these books offer definitions in conflict resolution, they do not seek to understand the roots of conflict in the same way that great social scientists writing the fundamental texts for the United Nations sought to understand conflict. They are more focused on methods of conflict resolution that have evolved since World War II. The UNESCO Declaration addresses the roots of conflict. Claude Lévi-Strauss' writings also address the roots of conflict when he speaks of overpopulation and the planet's limited resources. In this way sustainable development and nonviolent conflict resolution go hand in hand. But once again, can we believe in the ideologies that have given rise to a culture of cooperation?

Fritjof Capra wrote *The Tao of Physics* in 1976, explaining how new concepts in physics were modifying our world view.⁷⁹ In Capra's latest book, *The Hidden Connections, A Science for Sustainable Living*, he says,

My extension of the systems approach to the social domain explicitly includes the material world. This is unusual, because traditionally social scientists have not been very interested in the world of matter. Our academic disciplines have been organized in such a way that the natural sciences deal with material structures while the social sciences deal with social structures, which are understood to be, essentially, rules of behavior. In the future, this strict division will no longer be possible, because the key challenge of this new century—for social scientists, natural scientists and everyone else—will be to build ecologically sustainable communities, designed in such a way that their technologies and social institutions—their material and social structures—do not interfere with nature's inherent ability to sustain life.⁸⁰

⁷⁸ Ibid., p. 130.

⁷⁹ Capra Fritjof. 1984.e *The Tao of Physics*. London: Bantam Books.

⁸⁰ Capra. Fritjof. 2002.e *The Hidden Connections, A Science for Sustainable Living*, London: Harper Collins, p. xv.

Capra describes how the roots of conflict are essentially defined by the way humankind relates to the natural environment. As he points out, this core relationship—man and nature—is the most crucial relationship.

An interdisciplinary approach to science has affected our understanding of problems and conflict. The understanding of conflict is related to the evolution of problem-solving approaches on the personal and organizational level.

In *Finding Our Way, Leadership for an Uncertain Time*, Margaret Wheatley explains the importance of understanding self-organizing systems and chaos theory in relation to human interactions in organizations. She also talks about the importance of dialogue:

We cannot continue on this path if we want to find approaches and solutions to the problems that plague us. The world now is quite perplexing. We no longer live in those lovely days when life felt predictable, when we actually knew what to do next. In this increasingly complex world, it's impossible to see what's going on. The only way to see more of the complexity is to ask many others for their perspectives and experiences. Yet if we open ourselves to their differing perceptions, then we will find ourselves inhabiting the uncomfortable space of not knowing.

It is very difficult to give up certainty—these positions, beliefs, explanations define us and lie at the core of our personal identity. Certainty is a lens to interpret what's going on, and, as long as our explanations work, we feel a sense of stability and security. But in a changing world, certainty doesn't give us stability, it actually creates more chaos. As we stay locked in our position and refuse to adapt and change, the things we hoped would stay together fall apart. It's a traditional paradox expressed in many spiritual traditions: By holding on, we destroy what we hope to preserve; by letting go, we feel secure in accepting what is.

I believe that this changing world requires much less certainty and far more curiosity. I'm not suggesting we let go of our beliefs, only that we become curious about what someone else believes. As we open ourselves to the disturbing differences, sometimes we discover that another's way of interpreting the world actually is essential to our survival.⁸¹

Capra and Wheatley take a holistic approach to understanding the material and social sciences. Wheatley has toured the world speaking to many groups about how they see the world today and what is important to them. She talks about the importance of dialoguing in her numerous books. She suggests that talking with people—honest, open conversation—

⁸¹ Wheatley, Margaret J. 2005. *Finding Our Way, Leadership for an Uncertain Time*, San Francisco: Berrett-Kohler Publishers, p. 211.

where people are equal and there are no intermediaries, allows us to create understanding and find solutions to our problems. Dialogue between equals is a simple solution. But, it is often difficult to simply talk about our problems together. And when we do accept to speak to each other, the tendency is to put a professional in the conversation. A communication specialist is often needed to guarantee “talks” on all levels. They could be “peace talks” on the international level, or talking about organizing family life with a mediator or family counselor. Simple dialogue is a radical proposition when so many people are becoming paid professionals in the communications field.

Communication processes that are put in place define and create social interactions. The structure of conflict resolution processes affects the solutions that emerge. This relationship is central. Our understanding of conflict today has progressed to include an integrative vision. Humans are a part of the web of life. We live in dynamic, interconnected systems. This systemic approach to conflict resolution is important in the process of mediation. Again, it is a paradigm that certain social scientists adhere to.

Belief and the Neurosciences

New technologies in brain imagery are allowing scientists to discover the effects of believing on the brain and nervous system. In Boris Cyrulnik’s book, *De Chair et D’Âme*, he explains,

Dans cette approche affective de la croyance en Dieu, il ne s’agit pas d’opposer la science qui dirait la vérité à un dieu qui ne serait qu’une illusion bénéficiante. La science apporte des vérités si brèves qu’elles ne servent en fait qu’à poser de nouvelles questions, et l’attachement à Dieu analyse simplement la manière dont nous l’aimons. Il peut s’agir d’une statue, d’une image, d’un objet, d’un texte ou d’un signe qui représente le non-représentable. La forme perçue qui évoque Dieu prend un effet apaisant, dynamisant, et organisateur du Moi comme toute base de sécurité. La traque scientifique de l’existence de Dieu dans le cerveau relève que l’électroencéphalogramme secrète plus d’ondes alpha à huit cycles-secondes chez les croyants. Ce témoin bioélectrique de l’attention paisible augmente lors des prières tandis que les indices biologiques du stress disparaissent. Même la neuro-imagerie montre que l’amygdale rhinencéphalique diminue son fonctionnement et entraîne le ralentissement du cortex pariétal. La technique rend observable ce que les mystiques appellent “plongée intérieure” qui révèle en effet une déconnexion avec le monde extérieur qu’ils ne perçoivent pas tant que dure l’accouplement de la souffrance et de l’extase.

Bien sûr, il ne s'agit pas de la localisation cérébrale de Dieu, mais de la preuve neurologique que sa simple représentation apaise les marqueurs biologiques du stress. L'affolement se calme, le sujet malheureux récupère un peu de maîtrise émotionnelle en évoquant sa recherche de protection et sa soumission à une puissante et rassurante base de sécurité intime.⁸²

These insights into the brain's functioning allow us to realize the importance of mental representations and their influence on the nervous system. Cyrulnik suggests that believing in God affects brain functioning, calming the nervous system. So even if there isn't a god, prayer has a positive effect on the brain's functioning and, therefore, reduces stress.

The neurosciences offer new insights into brain functioning. New technology suggests that metaphors or representations create specific responses. When we understand the importance of representations and how they affect human behavior, we can possibly apply this new knowledge to practices such as mediation. It is interesting to understand the neurosciences' explanations of how metaphors might facilitate our ability to understand and co-construct meaning. How does this growing research affect practice?

Metaphor is an important communication tool in mediation practice.

Metaphor is another idea that scholars in anthropology, international relations, or conflict studies have begun to use to get at complex cognitive and social phenomena. ... Now, metaphor is seen as something central to cognition, including reasoning and memory. It is also seen as constitutive of culture. This is important, since it is at the level of culture that we can think of metaphor as transcending the cognition of any one individual. It is also how we can link metaphor as a purely cognitive phenomenon to something that is connected with actors' interactions with one another, and to what linguists, referring to the action and communicational contexts of language, call pragmatics.⁸³

This explanation of metaphor allows us to create a link between mental representations that we have and metaphors, and to understand the power of these mental images to transform our understanding and create meaning. Cognition is therefore a dimension of the mediation process. Metaphor is a powerful tool in mediation. It is often through metaphor that we are able to connect with others. Cyrulnik's explanation of brain imagery research in the neurosciences affirms the transformational potential of metaphor in the mediation process.

⁸² Cyrulnik, Boris. 2006. *De Chair et D'Âme*, Paris: Odile Jacob.

⁸³ Avruch, Kevin. 1998. *Culture and Conflict Resolution*. Washington, DC: United States Institute of Peace Press. p. 37.

Believing in the process of mediation itself could affect the participants. This may be one of the most interesting possibilities that brain imagery confirms about belief. If believing affects our minds and bodies positively, then “belief” takes on a whole new meaning. It isn’t only about what we believe in anymore, but how belief affects our behavior. Secular rituals found in the mediation practice could possibly reinforce its effectiveness.

The God Gene Theory

The neurosciences have used brain imagery to help us understand how believing affects the mind-body connection. New research into genes sheds light on spirituality. Dean Hammer explains In the *God Gene*, “I propose that spirituality has a biological mechanism akin to birdsong, albeit a far more complex and nuanced one: that we have a genetic predisposition for spiritual experience and the cultural environment. These genes, I argue, act by influencing the brain’s capacity for various types and forms of consciousness, which become the basis for spiritual experiences.”⁸⁴ Hammer explains the difference between being spiritual and being religious. “Spirituality is based in consciousness, religion in cognition. Spirituality is universal, whereas cultures have their own forms of religion. I would argue that the most important contrast is that spirituality is genetic, while religion is based on culture, traditions, beliefs and ideas. It is, in other words, mimetic. This is one reason why spirituality and religion have such differing impacts on individual lives and society.”⁸⁵

Hammer explains interesting distinctions between consciousness, beliefs and ideas. If we consider the beliefs that have influenced the ideology in the UNESCO Declaration, they would be affecting us from a cultural perspective. These beliefs validate a culture of cooperation. But when we choose to enter into the mediation process we are transforming our consciousness. By participating in the mediation process we may be developing our spiritual capacities by elevating our consciousness. And possibly our belief in non-violent conflict resolution may enhance the transformative potential of the process.

⁸⁴ Hammer, Dean. 2004. *The God Gene, How Faith Is Hardwired into Our Genes*. New York: Doubleday, p. 8.

⁸⁵ *Ibid.*, p. 213.

Hammer explains the recent studies of C. J. Hamerl, a psychology student at the University of London, who studied the relationship between contemplative practice and self-transcendence. “There was a clear relationship between meditation experience and self-transcendence. Control subjects who were interested in meditation but had not yet started had the lowest scores, followed by beginning meditators, and finally by experienced meditators with more than two years of practice. The correlation between how much the subjects meditated and their sense of self-transcendence was highly significant, and greater than that for any of the other scales measured.”⁸⁶ What is important to understand here is that practice allows one to reach self-transcendence. If we want adults to be able to enter into the mediation process with positive results, they must have the opportunity to practice the skills used in mediation. Understanding the point of view of someone with whom we are in conflict is not easy. It takes practice. Muller’s UNESCO text talks about promoting nonviolent conflict resolution and mediation in the schools. The children who practice mediation in school will probably find it easier to enter the mediation process as adults. The self-transcendence research may suggest that mediation skills can be improved if they are practiced.

Robert Cloniger, a psychiatrist at Washington University Medical School in St. Louis, Missouri, invented the self-transcendence scale. This scale grew out of a system of personality classification called the biosocial model. It is measured as part of the Temperament Character Inventory. Cloniger based his scale on three distinct but related components of spirituality: self-forgetfulness, transpersonal identification, and mysticism.⁸⁷

Just as the practice of mediation is a legitimate conflict resolution process, research in consciousness, self-transcendence, and spirituality are becoming mainstream. Understanding the influence of chemicals in the brain on human behavior is a growing area in scientific research.

Hammer explains the importance of brain chemicals and their relationship to consciousness.

Monoamines such as serotonin and dopamine are important players in consciousness. According to a theory developed by Gerald Edelman, the key role of monoamines with regard to consciousness is to link objects and experiences with emotions and values. Evidence supporting the importance of monoamines in affecting consciousness may be seen with the help of sophisticated brain-scanning

⁸⁶ Ibid., p. 212.

⁸⁷ Ibid., p. 23.

techniques and by analyzing the actions of various types of drugs that block or enhance these brain chemicals, as well as in studies of individuals with brain lesions such as temporal lobe epilepsy.⁸⁸

Now that scientists can observe the chemical interactions in the brain, we can begin to integrate this knowledge into our understanding of human behavior. But why would we have these God genes? These monoamines participate in the creation of consciousness. They may contribute to the process of self-transcendence. Hammer postulates that consciousness serves us by offering an evolutionary advantage. “What are the selective advantages of having God genes? Are they simply a side effect of the evolution of the mind, or do they offer us a more direct evolutionary advantage?”⁸⁹ If self-transcendence is considered a skill, than it may be considered a useful skill in conflict resolution. Transcendence may be more valued in the transformational model of mediation.

Hammer takes a position that underlies that importance of optimism. “I argue that one of the important roles that god genes play in natural selection is to provide human beings with an innate sense of optimism. At the psychological level, studies show that optimism seems to promote better health and quicker recovery from disease, advantages that would help us live long enough to have and raise children and pass on our genetic heritage.”⁹⁰

But the advantages of the God genes do not simply affect an individual’s health. They also modify how people see themselves in the world. Hammer connects genes to perception.

Spirituality is very much about the way we perceive the world and our role in it—processes that are mediated by consciousness. Altering a person’s consciousness can help that person to realize that he or she is not necessarily at the center of the universe, that things are not always as they seem. It makes little difference whether the alteration was caused by DNA sequence variation at the VMAZ2 gene, a drug like psilocybin, or a mystical experience achieved after years of meditation. It’s all about seeing the world through new eyes.⁹¹

When people dialogue, when they honestly listen to one another, they are also modifying the way they perceive the world because they transform their individual views by seeking to understand the viewpoint of others. Developing a multi-perspective vision is enhanced by cooperative learning pedagogy, by participating in the mediation process, and by dialoguing.

⁸⁸ Ibid., p. 12.

⁸⁹ Ibid., p. 12.

⁹⁰ Ibid., p. 12.

⁹¹ Ibid., p. 214.

This ability to see the world through the eyes of the other may help us find solutions to difficult problems facing the world today. Whether we are talking to our neighbor, participating in negotiations on nuclear arms control, or working out a family custody issue, we need communication skills. Some people may be born with genes that allow them to transcend themselves. But to enhance the predisposition to self-transcendence, we need to have legitimate social spaces where we can practice the gifts of our God genes.

Hammer concludes: “Our genes can predispose us to believe. But they don’t tell us what to believe in. Our faith is part of our cultural heritage, and some of the beliefs in any religion evolve over time. Some of religion’s least desirable memes, such as the condemnation of pagans, of non-believers, or outsiders, can be difficult to erase or reinvent. But they can be altered—and in the case of religious memes that prove themselves to be destructive to peace, understanding, and compassion, they *must* be.”⁹²

Our genes cannot tell us what to believe in. Again, the nature/nurture debate appears. We may choose to believe in a culture of cooperation. We may choose to educate our children in nonviolent conflict resolution. We may even choose to mediate when we are in conflict.

When we participate in mediation we are practicing communication skills that allow us to transcend our own viewpoint. As we transform our understanding of the conflicts we face, can we find peaceful solutions? Are win-win solutions truly attainable? Possibly “believing” in a culture of cooperation will make us more optimistic for the future and more motivated to pass on a sustainable culture to our children.

My belief in mediation, or should I say, my conviction in the efficacy of the mediation process surely affected outcomes in many of the cases. The situations that I participated in as mediator opened up a world of despair that was at times overwhelming for me. To keep my balance, I was forced to rely on my beliefs. My academic endeavors allowed me to search for solutions and confirm my belief in the resilient nature of the soul and the possibility to find meaning in the most challenging life situations. I was convinced that if I accompanied the individuals and families that came into mediation we would find a way forward together. I believed that if we talked about the situation and added more concerned people into the

⁹² Ibid., p. 215.

conversation we could find peaceful resolution and avoid violence. My practice reposed upon a belief in the philosophy of empowerment.

There are warriors and there are peacemakers in the stories we tell our children. The story of Albert Schweitzer is the story of a great peacemaker. Albert Schweitzer, Nobel Peace Prize winner, was a medical missionary, musician, and theologian. He was an acclaimed self-transcendent. He developed a system of ethics that he called “reverence for life.” “He believed that expressing that reverence for life was an inner necessity that arises independent of thought or understanding. In other words, he believed that transpersonal identification is innate, not learned.”⁹³ Now we have scientists working to prove what Schweitzer believed. It all depends on how we understand what it is to be human.

The Many Facets of Belief

Belief has many facets. The reflexive mediator must understand the ideologies that have put in place a culture of cooperation, as much as he or she must understand how interactions in the mediation process transform behavior. Believing in the process might even influence the process itself. So, are our monoamines the fairy dust that allows us to be optimistic as we confront the challenges of the twenty-first century? Choosing to believe in a culture of cooperation was possibly a first step toward higher consciousness from the part of the world community and the United Nations. Writing the United Nations Declaration of Human Rights raised consciousness among world citizens. Nonviolent conflict resolution has become an accepted part of international curriculum. Muller’s text offers a conceptual framework of practices that represent the UNESCO vision. And maybe some people do have God genes that allow them to attain self-transcendence with a reverence for all life more easily than can others. However, it may be through performing mediation that we develop and refine our skills as peacemakers.

Mediation has emerged from the belief in a culture of cooperation. The practice of mediation depends on cultural and political legitimacy. If a culture of cooperation is indeed the new culture that children are being taught in school, then it is evident that the practice of mediation should be a part of their apprenticeship. Theory must be balanced by the development of

⁹³ Ibid., p. 28.

practical skills. However, the culture so clearly enunciated in Muller's UNESCO text isn't necessarily practiced outside of school. Even if UNESCO promotes a nonviolent approach to conflict resolution, mediation is an uncommon conflict management choice today. An adversarial approach to conflict resolution dominates the way most people choose to resolve conflict. Hopefully, new scientific research in the neurosciences and genetics will add to our understanding of human behavior and, therefore, lift our consciousness, allowing us to make educated, responsible choices for the future.

We can use anthropology to analyze our belief systems and contribute to the advance in scientific research. It is only through an integrative approach between the material and social sciences that we will be able to create sustainable communities. Mediation can benefit from a reflexive approach that allows for a critique of a culture of cooperation and the practice of mediation within this ideological framework.

Trust, Cultural Mediation, and Social Cohesion: Case Studies Promoting a Culture of Cooperation

“Trust” is a core concept in mediation. The different concepts of trust presented in the chapters in *Trust, Making and Breaking Cooperative Relations*, edited by Diego Gambetta,⁹⁴ are pertinent in the anthropological analysis of mediation and conflict resolution. In Christopher Moore’s book, *The Mediation Process, Practical Strategies for Resolving Conflict*, considered the mediators’ “bible,” he dedicates chapter 7 to “Building Trust and Cooperation.” Moore writes, “Conciliation is the psychological component of mediation, in which the third party attempts to create an atmosphere of trust and cooperation that promotes positive relationships and is conducive to negotiations.”⁹⁵ He goes on to explain that “Trust in relationships is usually built incrementally over time through a succession of promises and congruent actions that reinforce the belief that commitments will be carried out, negotiators gradually build a relationship of trust. Mediators may assist negotiators in building a trusting relationship by encouraging them to make a variety of moves designed to increase credibility.”⁹⁶

Moore also stresses that there can be a lack of trust between parties. He says,

Conciliation involves not only minimizing the impact of negative emotions and perceptions but enhancing positive feelings and perceptions. The importance of trust in conducting productive negotiations has been identified by numerous researchers and practitioners (Deutsch, 1958, 1960; Rapoport and Chammah, 1965; Zartman and Berman, 1982). Trust usually refers to a person’s capacity to depend on or place confidence in the truthfulness or accuracy of another’s statements or behavior.⁹⁷

How Trust Influences Mediation

⁹⁴ Gambetta, Deigo. e1988. *Trust: Making and Breaking Cooperative Relations*. New York: Basil Blackwell.

⁹⁵ Moore, Christopher W. 1996. *The Mediation Process, Practical Strategies for Resolving Conflict*. City: Jossey-Bass Publishers, p. 161.e

⁹⁶ Ibid., p. 179.

⁹⁷ Ibid., p. 177.

My hypothesis is that trust is a basic element in a successful mediation process. Without trust it would be almost impossible to convince parties to meet and participate in mediation. But do parties choose mediation because of cultural values that they “trust”? Or do they choose mediation because it is a recognized and legitimate conflict management technique of the judicial system or administration? Is the reputation of the mediator important? Do participants put their trust in an individual? For example, in international mediations, former President Jimmy Carter has become an important actor through the Carter Center for Mediation. Each of these dimensions of trust certainly influences the efficacy of mediation. Our human right’s culture influences the choice to use non-violent conflict resolution. The increase in human right’s legislation has influenced the transformation of judicial systems and created official mediation services in many countries. Just as importantly, a mediator who builds a successful practice and has a good reputation most certainly influences the trust of participants in the mediation process.

Dialogue fostered between conflicting parties may facilitate trust by helping people better understand each other’s positions and motivations in a conflict. Possibly conflicting parties may observe each other and hear each other out. This contact within the process may allow them to recreate a relationship that they can trust. They may also be learning cooperative skills during the mediation sessions that help them to communicate better and increase mutual understanding.

Another level of trust might be the symbolic influence of entering into the mediation process, a secular ritual, allowing parties to create a healing space where they can find new approaches to their problems. Rituals inherent in the mediation process are symbolic trust-makers.

On the other hand, does a lack of trust lead to conflict? When we lose confidence in a person, an institution, or a nation, are we more apt to enter into conflict? What might be the indications of a decline in trust? The respect of traditions, codes, laws, and agreements certainly influence our trust. Even natural laws and cycles allow us to trust in life. When the seasons follow their natural course we trust in nature. When we observe climate change and natural disasters we begin to question our security. Change in any relationship may be a catalyst to question a trusting bond.

Intercultural Mediation Fostering Trust

In this section I illustrate two case studies. The first case study describes a mediation situation where trust was fostered between political leaders. The second situation shows how trusting bonds may be developed between host countries and ethnic communities through mediation processes designed to strengthen social cohesion.

The first situation shows how trust can be fostered between government officials by analyzing a mediation case study where I was asked by the police force and the government of Valais to be a cultural mediator and translator during Cheri Booth Blair's visit to the canton in 2004. I was asked to participate in a special mission, greeting Cheri Booth Blair and her entourage in the presence of the president of the Canton of Valais and other government officials, accompanying the group during the guided visit and events that were planned in her honor. This meeting between Cheri Booth Blair of Great Britain and Jean-Rénée Fournier, the canton's president, is an excellent example of how trust between people and nations is fostered in the political arena.

This particular case study is interesting because it was a form of mediation with a goal to facilitate greater understanding as opposed to a mediation constructed to resolve conflict. In my other mediation case studies my skills were used to resolve conflict. In this situation I was asked to mediate and facilitate a relationship that wasn't conflictual. This request demonstrated that mediation can link people facilitating positive and constructive relationships. I was asked to work as an intercultural mediator to translate and foster an optimal communication between Cheri Booth Blair, her daughter, assistant, and speechwriter, and the government representatives of the Canton of Valais.

As I had worked with the police in other mediations and negotiations, I was asked to serve for this special mission. It is always an honor to be asked to serve one's country, and this was a memorable experience. The planned events were symbolic choices that demonstrated good will. The speeches, receptions, and special sites visited were chosen to communicate important information to the honored guests. The words and conversations spoken expressed a strong desire to reinforce the diplomatic bond between government officials and countries.

Cheri Booth Blair arrived in Martigny by train after having given a speech on human rights and the importance of the Geneva Convention with Louis Arbor, UN High Commissioner for Human Rights. She was then taken to the Gianada Art Museum, where she was offered a tour of the Metropolitan Museum's exhibition on loan to the Gianada Museum for the summer. Following her visit to the museum, she was taken by helicopter to see the Grand Dixence Dam and then flew on to Grimentz. In Grimentz, she toured the village and cafés with her entourage, tasting the local wine and visiting the local stores and village people. Next she was taken to the town hall for a traditional Valais dinner of *pain seigle* (dark bread) and dried beef and cheese from the area. Following the meal, she was offered a glass of wine from barrels containing Glacier Wine, an ancient specialty of the Grimentz village. During the meal speeches were exchanged and stories were told across an old wood table. The first priority was, of course, the security of the visitors, but much thought had been put into the different cultural sites with translators to assure communication and the sharing of the Valais' traditions.

This intercultural mediation shows how receiving important political leaders is part of the diplomatic tradition that reinforces the relationships between allies. It was important to show art, industry, and traditional mountain culture and food. The success of the evening was the intimacy that the small group shared while being shown the beauty of the alpine area. Following social conventions that are internationally recognized reinforced relationships. Interpersonal trust was strengthened through the observations of social codes that conveyed a reciprocal form of honor and respect between the hosts and the guests. The social gestures that were articulated were reproductions of social traditions that foster alliances and friendship. An example of this reciprocity was the gift that Cheri Booth Blair gave to me at the end of our evening together. With this kind gesture she thanked me for my services and the warm welcome that she and her group had received upon their arrival in Valais.

Geoffrey Hawthorn writes in *Three Ironies of Trust*,

If we accept that the less information we have, the more trust we need, if we accept that if we are even to approximate interpersonal trust in wider social settings, and reliably reproduce it, we have to concede the codification of virtue in convention, and if we accept that we have to have explicit and elaborated reasons to adopt it and act on it—then I think that we are driven to the conclusion that the only possible society is an aristocracy. I do not mean by this, or do not only mean, a society bound together by a militaristic code of honor and propped up by a toiling mass in bondage and felt boots. I mean more generally a society which

turns on a code, in which the quality of persons is measured by the extent to which they observe this code, in which there can, that is, be said to be ‘persons of quality’—a society, in the familiar phrase, of ‘virtue and honor’. Its members may be officers or gentlemen, ‘very parfit gentil knights’; they may be Max Weber’s Calvinists; they may be instances of ‘the new socialist man’, or woman; they may take one although—because such conventions are absolute and exclusive—I think always only one, of several forms.⁹⁸

This quote illustrates how conventions among the aristocracy, or in this case the political elite, create trust by respecting the applicable social codes. The protocol that was included during the different phases of Cheri Booth Blair’s visit worked to reinforce trust. The codes of honor and proper social behavior all reinforced the success of the meeting. The social conventions, such as the speeches during the meal in Grimentz, all worked to give a reliable and formal social interaction. Even a culture of peace, using mediation as a common practice, has developed its own codes and conventions. Often mediators use these codes and conventions without consciously recognizing the conventions that they adhere to.

In *Trust and Political Agency* John Dunn writes,

Since at the moment of experience it is necessarily unchosen, trust as a passion cannot be in any way strategic, though of course like any other psychic state it can be in practice prove to have either good or bad consequences, (Good, this volume). As a modality of action, however, trust is ineluctably strategic, however blarily its adopter may conceive the circumstances in which he or she comes to adopt it, and however blarily its adopter may conceive the circumstances in which he or she comes to adopt it, and however inadvertently they may carry through the adoption itself. When it proves to have been strategically well conceived, trust as a modality of action may well generate its passive concomitant, convert a policy of trust into a condition of confidence.

But when less happily placed, naturally it is more apt to generate acute anxiety, or even paranoia. To see trust as a modality of action as central to the understanding of politics is certainly not to commend a strategically inept credulity or a sentimental misconstruction of the intelligence, ability, or benignity of the great. How, then, should we see the claim that an assessment of the presence or absence of trust and of the cognitive justification or folly of trust must be amongst the central elements of any adequate understanding of politics?⁹⁹

This quote illustrates trust as a modality of action in politics. Cheri Booth Blair’s visit to the Valais was a trip that had been carefully planned. It had been initiated by diplomatic contacts

⁹⁸ Hawthorn, Geoffrey. 1988. “Three Ironies of Trust.” In Gambetta, Deigo (Ed.). *Trust: Making and Breaking Cooperative Relations*. New York: Basil Blackwell. P. 111.

⁹⁹ Dunn, John. 1988. “Trust and Political Agency.” In Gambetta, Deigo (Ed.). *Trust: Making and Breaking Cooperative Relations*, New York: Basil Blackwell. P. 73.

with Swiss diplomats stationed in England. It was carefully engineered to enhance greater cultural meaning by sharing cultural information, touring the country by helicopter and on foot through the village of Grimentz. Was the meeting strategically planned to develop trust? Or does intelligent diplomacy simply include the element of trust, though more linked to a form of human passion, indeed an element in human relations that can be fostered by properly planning important diplomatic exchanges? There is an important place for reciprocity in the host guest relationship. Thoughtful planning and interesting company all work to reinforce diplomatic relationships where trust is cultivated within the encounter. However, relying on trust that isn't embedded in sincere encounters could possibly create more relational anxiety.

The government's concern to be able to properly communicate is demonstrated by hiring an intercultural mediator, in a sense, trust is fostered through dialogue and conversation. When people meet, their words have the potential of becoming golden bridges, solidifying relationships of trust. Even though Mr. Fournier spoke English, the decision was made to include a cultural mediator in the communication process. This would seem to reinforce the government's desire to facilitate relational trust within this diplomatic event.

The Historical Museum's Role as Cultural Mediator

The second example of a mediation that was designed to strengthen social cohesion is a mediation that involved the Gianada Art Museum's cultural mediator in the Valais, the mediator for political asylum seekers at the social services in Valais, the president of the Somalian Association in Valais, and the members of the association. The event took place on the official museum day sponsored by UNESCO in 2006 "Museums: Bridges Between Cultures."

The goal of this multi-level, cultural mediation was to welcome a specific migrant community at the canton's historical museum housed in the Valère Castle. The event was sponsored by the Canton of Valais' Museums.

This joint mediation project sought to share the historical museum, its treasures, and its beautiful site with the migrant community. The main purpose of the event was to use the historical museum to teach the migrant community about the history of the Valais in the hopes

of promoting a greater bond of understanding between the Somali community and its host country. This project was undertaken to create collective meaning. As the museum searches to redefine their role in the twenty-first century, this task of making “meaning” may become increasingly important.

The museum’s mediator invited me and the head of the Somali association to discuss how we would prepare for the UNESCO day at the museum. As I am a trained guide at the history museum, I have accompanied many English-speaking groups to the museum. I’ve also spent a lot of time reflecting on the texts in each room of the castle, as I was the translator for the English texts. My work with the museum allowed me to familiarize myself with the local culture and history. This experience had allowed me to better understand my second nationality’s origins and many of the important historical events that shaped the region.

Becoming a citizen of a country is a process that is long and that requires a special form of emotional bonding to take place. As the museum’s mediator and I guided our Somali mediator through the museum, we asked him to choose a couple of important themes that he thought would be interesting for his community. After the visit, we had a long conversation, sharing aspects of the Valais history and relating them to important themes that Somali people were also concerned with. This was an emotional conversation. As we all shared our impressions of the museum and the historical themes that were developed, a strong bond formed among us.

As I had been integrated into the museum’s team, my learning process allowed me to more deeply understand my canton’s history and connect on a deep level. As we all shared, we added a new level of meaning to the themes as they were related to Somali history. In this way it is important to understand the bonding process of double nationals, refugees, and political asylum seekers. A host country can facilitate this kind of bonding through innovative cultural projects and an attitude of welcome that allows newcomers to truly feel at home. When one feels welcome, one can invest in a new residence in a whole other way. When we feel we belong somewhere, we feel responsible and proud to be part of an area or region.

Integration is not only about finding a job and making a living. There is a whole cultural and political dimension that must be attended to. Inclusion goes beyond integration. Inclusion means making a place for the other in the circle. And in an inclusive social space there is mutual transformation as we co-construct meaning.

The political asylum children from the various areas of the Valais toured the historical museum in small groups over the spring season before the special event. This allowed all the children from different ethnic backgrounds to have an educational outing and enjoy the museum's grounds. Migrant families often do not know they are welcome to visit the cultural sites in the canton.

In their book, *Dialogue*, Linda Ellinor and Glenna Gerard speak of collective art's purpose: "To create an opening for intuitive, nonverbal information to emerge and be integrated into the conversation. To explore the collective interweaving of nonverbal symbols as a way of listening for collective meaning."¹⁰⁰ Dialoguing is, therefore, a creative process. The intercultural mediator who took the Somali community through the museum was creating a new dialogue. He shared this new presentation of the historical museum with his community. The learning and sharing process implied the invention of a whole new level of dialogue. This interweaving of symbols (the objects in the museum) and words (the explanations taking form in a new language) is a creative process. Ellinor and Gerard believe that dialogue expands our ability to adapt to increasingly complex and rapidly changing conditions. They also analyze leadership and how trust is developed when leaders listen to others.¹⁰¹

The objects in the historical museum, as well as the site where Tourbillon and Valère sit up on top of two large rock formations, one with geological formations that can be traced to the African continent, are symbolic meaning makers for all who come to visit. Welcoming the migrant communities to sacred Western cultural sites transforms collective meaning within a multicultural social reality.

In their article "Artworks' Networks—Field, System or Mediators," Niels Albertsen, Bülent Diken, and Carstem Bagge Laustsen write, "The work, rather, is a network in networks, a mediator among mediators. It is precisely this notion of the mediator, the actant that allows the types of relations between elements in a network to proliferate far beyond the usual sociological terms such as influence, power, exchange, domination, conflict, or strategy (Gomart and Hennion, 1999:226) The recognition of actants as being different from actors

¹⁰⁰ Ellinor, Linda, and Glenna Gerard. 1998. *Dialogue, Rediscover the Transforming Power of Conversation*. USA: John Wiley and Sons Inc. p. 130.

¹⁰¹ *Ibid.*, p. 12.

opens up a range of possibilities not considered by standard social theories and makes it possible to find types of mediators in discourses other than those of the social sciences.”¹⁰²

These object mediators transform action and understanding within the network. When the political asylum seekers came to the museum, there were many “object” mediators acting to create meaning. The object mediators are the museum pieces that are on display. There may be a painting or a sculpture that is an “actant”. The term here means that it acts upon the observer. It isn’t an actor itself, however it communicates a message that has the potential of transforming the observer’s understanding of the subject that is displayed. Cultural mediation therefore has “object” mediators that other forms of mediation may not include. The Valère Castle in this sense could be considered an “environmental” mediator, as the sacred cultural site must indeed interact with its visitors. Object mediators are part of the linking process. They elicit representations in the observer creating new forms of “linkedness”.

The cultural mediator that was trained as a guide for the special UNESCO day used the “object mediators” to tell a visual story about the history of the host country to the people in his association. I did the same as I told my story to the children’s group that was touring the museum at the same time. The visitors gained a better understanding of their host country’s history and the social questions that marked Swiss people’s lives during their visit. This museum visit cultivated a new kind of relationship between the host country and their guests, the political asylum seekers. My work as a mediator was reinforced by the cultural mediator who guided his tour in his language. And our joint work was reinforced by the objects in the museum and the site itself. The meaning-making process took place on multiple levels. The images and objects that were carefully selected and displayed acted upon the visitors as they individually interiorized the meaning of each room’s presentation. When the host country takes the time to share its cultural values with its immigrant guests, the relationship between host and guest is reinforced. The cultural fault lines in the interior of nations states are in this way addressed constructively by offering ways to co-construct a deeper understanding between people with different cultural backgrounds through dialogue. Making social space for discussions about cultural differences is a preventive measure avoiding fault lines that may create division among people of different ethnic backgrounds.

¹⁰² Albertsen, Niels, Bülent Diken, and Carstem Bagge Laustsen, “Artworks’ Networks—Field, System, or Mediators?” Lancaster, UK: Department of Sociology, Lancaster University, Lancaster.<http://comp.lancs.acuk/sociology/soc105bd.html>.

“The Limits of Social Cohesion, Conflict and Mediation in Pluralist Societies,” edited by Peter Berger, addresses mediation from a larger social perspective. In the book’s introduction, Volker writes, referring to Samuel Huntington’s book, *The Clash of Civilizations and the Making of World Order*, “Huntington’s thesis (or, as he cautiously labels it, hypothesis) is that in the wake of the Cold War international conflicts will increasingly occur around the fault lines between civilizations so as to minimize the threat of violent clashes between them. In other words, the search for normative mediation is not only of great importance for the social cohesion of individual societies, but also of possible even greater importance in the building of a peaceful international order.”¹⁰³

Today’s challenge of multi-cultural societies is to peacefully coexist within the borders of the nation. And this means that one of the tasks of institutions is to find new ways to create common meaning. This shared meaning is what holds a community together. However, it takes significant cooperation to work together in large social mediations, reinforcing social cohesion. Where we can define cultural fault lines, we must reinforce the social fabric that holds us together. If this social fabric is worn and pulled to the point of ripping, violence can undermine social cohesion.

In James Davison Hunter’s book, *The American Culture War*, he explains,

In the midst of evolving normative conflict, the Enlightenment ideals of public trust and civic tolerance central to liberal democracy and the peaceable resolution of conflict have also lost credibility. The very idea of social order in which individual interests and the larger social good would be reconciled, if not synthesized, has all but completely unraveled—deconstructed by postmodernist philosophy and social science, and rendered practically implausible by pluralism itself. To the extent that a ‘moral center’ does exist in American public culture, it has been effectively eclipsed by the acerbic rhetoric of the social and political extremes.

In the absence of common values and ideals as the means to maintain social integration and to buttress its own flagging authority, the modern state has increasingly had to rely on procedural norms concerned with the legality and constitutionality of decisions as its source of justification. The problem is that the legitimacy of the procedures themselves, not to mention the institutions established to put them into effect, are also vulnerable to public scrutiny, doubt,

¹⁰³ Berger, Peter, L. 1998. *The Limits of Social Cohesion, Conflict and Mediation in Pluralist Societies, A Report of the Bertelsmann Foundation to the Club of Rome*. Boulder: Westview Press. p. xvi.

criticism and cynicism. ... The cultural capital that has long sustained democratic institutions and practices is evaporating, that much is certain. How long it will be capable of lubricating the mechanisms of democratic life is simply unknown. It is also unknown what cultural agreements, if any, might revive democratic ideals.¹⁰⁴

The multi-level mediation project in connection with UNESCO, conceived to bridge the gap between cultures, is possibly a new way to lubricate the wheels of a democratic society needing to meet the challenges of increased migration. Facilitating dialogue between ethnic communities and host countries, sharing cultural traditions, and passing on historical knowledge are all innovative ways to reinforce democratic institutions through cultural mediation.

Storytelling as a Way to Transmit Verities

People's values have traditionally been passed on by storytelling. Our children's stories reflect our cultural values and vice versa. Our stories may even help to develop our values. In *The Book of Virtues* William Bennett's collected stories are compiled in an anthology to directly influence character development in children. In his introduction he states,

This book is intended to aid in the time-honored task of the moral education of the young. Moral education—training of heart and mind toward the good—involves many things. It involves rules and precepts—the dos and don'ts of life with others—as well as explicit instruction, exhortation, and training. Moral education must provide training in good habits. Aristotle wrote that good habits formed at youth make all the difference. And moral education must affirm the central importance of moral example. It has been said that there is nothing more influential, more determinant, in a child's life than the moral power of quiet example. For children to take morality seriously they must be in the presence of adults who take morality seriously. And with their own eyes they must see adults take morality seriously.

Along with precept, habit, and example, there is also the need for what we might call moral literacy. The stories, poems, essays and other writing presented here are intended to help children achieve this moral literacy.¹⁰⁵

Trust is a part of emotional and spiritual intelligence. Trust is central in the mediation process that Moore describes. Trust is an important factor in politics. And trust is a primary ingredient

¹⁰⁴ Hunter, James Davison. 1991. *Cultural Wars: The Struggle to Define America*. New York: Basic Books. p. 29.

¹⁰⁵ Bennett, William J. 1993. *The Book of Virtues, A Treasury of Great Moral Stories*. USA: Simon and Schuster. p. 14.

in social cohesion. The stories in *The Book of Virtues* were compiled to facilitate transmission of moral values. Reading stories to children is a powerful way to transmit cultural knowledge.

Bennett explains,

Most of the material in this book speaks without hesitation, without embarrassment, to the inner part of the individual, to the moral sense. Today we speak about values and how it is important to “have them,” as if they were beads on a string or marbles in a pouch. But these stories speak to morality and virtues not as something to be possessed, but as the central part of human nature, not as something to have but as something to be, the most important thing to be. To dwell in these chapters is to put oneself, through the imagination, into a different place and time, a time when there was little doubt that children are essentially moral and spiritual beings and that the central task of education is virtue. This book reminds the reader of a time—not so long ago—when the verities were the moral verities.¹⁰⁶

Truth and *verité* (French for truth), I find this play of words informative. *Verities* is defined in this way: “1. The condition or quality of being real, accurate, or correct. 2. A true statement, principle or belief. It is derived from the Latin word: *veritas*.”¹⁰⁷ Is trust somehow cultivated in quality relations? When people are “being real” do they foster trust? Traditional diplomacy is the art of trust-making. We have all had the experience of being a host and a guest. These are fundamental social metaphors. When we invite people to visit our home, special place, or homeland, we put in place a relational metaphor that cultivates trust.

Trust is an important ingredient in social cohesion. And this is true from an intercultural perspective, as well as an intergenerational perspective. When we tell stories, when we dialogue, we are creating relational bonds that reinforce the social fabric. We can make meaning in many ways. Stories have traditionally been used to pass on cultural knowledge, bonding generations, and ordering the future. In this way, stories act to link people and generations. This “linkedness” reinforces intergenerational and social cohesion.

Trust at the Heart of Mediation

Trust is a central part of mediation, and trust is one of the important bricks of building a foundation to support a cooperative and peaceful society and culture. Today’s multicultural

¹⁰⁶ Ibid., p. 14.

¹⁰⁷ *The American Heritage Dictionary*. 1983. New York: A Laurel Book Published by Dell Publishing.

and global society needs to reinvent forms of storytelling. Dialoguing among social groups allows new social meaning to emerge. It is a creative process that engages individuals in a form of communal belonging. However, it is difficult to dissociate the concept of trust with moral verities. Trust implies by its nature honesty. And honesty is a moral verity. We have been taught since childhood to “tell the truth.” Trust rests on the confidence that a relationship is based on honesty.

The stories that I prepared for Cheri Booth Blair explaining the history of the Canton of Valais and the construction of the Grand Dixence Dam were meant to weave together meaning, and offer her an experience that she might remember, a special bond with the beautiful alpine region of Valais. They were stories told in a greater context, that of a diplomatic meeting between the Cheri Booth Blair of Great Britain and the president of the Canton of Valais. The role I assumed as cultural mediator was part of a well-planned diplomatic event, designed to foster cooperation and trust.

The stories that were told at the museum were part of a pilot project that has been extended to include several cultural mediators working with Suisse-Immigrés in Sion, teaching French to immigrants. The canton’s museums are being used as an educational resource to promote integration. Guides are being trained to transmit culture.

Cultural mediation depends on trust. And age-old verities continue to be central factors of social cohesion. Mediation also depends on individuals who have been educated to recognize the moral value of trust, and this we must not forget. We trust people when we have reason to believe that they are honest.

In Diego Gambetta’s article, “Can We Trust Trust?” he writes,

The existence of cooperation among animals seems to suggest that cooperation may evolve without necessarily postulating trust, a belief which animals are unlikely to entertain. As Bateson argues, the emergent behavior of social groups may contribute to their success: some of the features which make individuals successful in evolution may do so by working in conjunction with features developed by other individuals in the same group. Whether or not a group survives in other words, depends on the emission and reception of signals which foster cooperation, in so far as cooperation improves the adaptive features of a particular group. When transferred to the human world, the evolutionary approach might *a fortiori* suggest that trust would be better understood as a result rather than a precondition of cooperation. Trust would exist in societies and groups

which are successful because of their ability to cooperate, and would consist in nothing more than trust in the success of previous cooperation. Cooperation could be triggered not by trust, but simply by a set of fortunate practices, random at first, and then selectively retained (with varying degrees of learning and intentionality).¹⁰⁸

This understanding suggests that the process of mediation reinforces the creation of trust because the process of mediation builds on communication signals that foster cooperation. The meaning created in the mediation process is a co-construction of understanding that leads to constructive conflict resolution. Mediators build from a base established by a culture of cooperation. Learning how to cooperate is therefore essential. Social cohesion is dependant upon postmodern society's ability to strengthen trust in political, economic, and social systems.

The choice cooperative cultures, societies, and nations make to give a legitimate place to mediation is linked to the planet's grave problem: being faced with MAD (Mutual Assured Destruction). Gambetta says,

We might even agree that, in a certain number of billion years, the universe is likely to contain only those planets—or underdeveloped countries—whose inhabitants happened to hit on the right sequence of cooperative moves and to behave, to just the right extent, as if they trusted each other. On the other hand, we would also like Earth—and our children—to be among them. Evolution has bestowed on us the mixed blessing of being able to generate intentionally the *as if* behavior. Knowing this, we can hardly avoid the responsibility of considering trust a choice rather than a fortunate by-product of evolution.¹⁰⁹

The mediation case studies presented in this paper are attempts to show how cooperation reinforces the positive conditions necessary for trust. In each mediation, cooperative acts gave rise to trust. This can be seen in the international mediation between Cheri Booth Blair and the Valais government. When the speeches were made at the dinner table, their content was influenced by the cultural visits and special moments that had already affected the group's cohesion. The warmth of the speeches reflected the trust that had been created through the respect of social codes and the special itinerary. Another example is the trust that was created between the cultural mediator, the museum's mediator, and myself. The cultural mediator agreed to be a part of our UNESCO project after meeting with us. He was willing to involve his association because he trusted us. The cooperation that was fostered during the cultural

¹⁰⁸ Gambetta. p. 213.

¹⁰⁹ Ibid., p. 213.

visits with the children also reinforced the parent's participation and attendance. The positive cooperation during the UNESCO day among the different partners reinforced the integration of the Somali Association within the social fabric of the Valais. The group had previously been hesitant to participate in activities promoting their integration. And finally, the storytelling process that was used during the guided tours made a space for sharing and contributed to the unfolding story of the Valais' history that is intertwined with its new migrant families.

Power: Treated as a Central Concept in Anthropology and Mediation

Power is a central concept in mediation that pulls together many of the other concepts that have been treated in previous chapters. Next, I cover the concepts of power through the pertinent literature in anthropology and mediation. Then I present relevant case studies in mediation and negotiation. And finally, I analyze certain aspects of power that have been illustrated through the lens of the case studies.

Mediation a Multiform Tactic of the Art of Governing

Power in the Foucault writings on “Governmentality” is treated as an evolving concept seen through different forms of governing. He explains that,

With government it is a question not of imposing law on men, but of disposing things: that is to say, employing tactics rather than laws, and even of using laws themselves as tactics—to arrange things in such a way that, through a certain number of means, such and such ends may be achieved.

I believe that we are at an important turning point here: whereas the end of sovereignty is internal to itself and possesses its own intrinsic instrument in the shape of its laws, the finality of government resides in the things it manages and in the pursuit of the perfection and intensification the processes which it directs; and the instruments of government, instead of being laws, now come to be a range of multiform tactics. Within the perspective of government, law is not what is important: this is a frequent theme throughout the seventeenth century, and it is made explicit in the eighteenth century texts of the Physiocrats which explain that it is not through law that the aims of government are to be reached.¹¹⁰

Mediation is, in fact, a tactic of government to assure that the aims of government are reached. Mediation is a modern form of “governmentality” that imposes certain social norms. This is especially true for mediation that exists within the judicial system and government administrations.

In an article in the *Nouvelliste* entitled “Réquerants, Comment accueillir et gérer une population fluctuante et destinée à être renvoyée à plus ou moins longue échéance? Coup de projecteur sur l’asile Valaisan,” Simon Darioli, the head of the Action Sociale, Thomas

¹¹⁰ Foucault, Michel. Year. *Studies in Governmentality*. Graham Burchel, Collin Gordon, and Peter Miller (Eds.). Chicago: University of Chicago Press. p. 95.

Burgener, minister of the health and social services, and Emile Blanc, head of the office of social aid, were interviewed by journalists. The explanation of the government and the administration concerning the creation of the mediation service was as follows: “Médiation: La création d’un espace médiation a permis un changement dans l’approche des conflits ou des requêtes individuelles souvent formulées sous la forme de chantage, d’incivilités ou de comportements violents. Ces conflits, auparavant portés directement devant l’administration, ont désormais trouvé place dans un milieu neutre. Ce changement a permis de dégager les collaborateurs et les requérants eux-mêmes d’une charge émotionnelle très forte.”¹¹¹

The minister and administrative directors saw the mediation space as a place where difficult conflicts could be dealt with. Instead of the administration making the decision, a new space was created to facilitate conflict resolution. The violent conflicts that were taken to the administrators were particularly challenging. Traditional decision-making was no longer effective. There was an escalation of violence in the conflicts that the administration was managing. They made a decision to try a new approach in conflict resolution by creating the mediation service and giving it a legitimate space in the official administrative structure.

Foucault gives a historical analysis of the art of government. His writing brings a unique understanding of the evolving forms of government. His analysis allows us to see the hidden influence of power. He explains the institution of sovereignty thus:

This art of government tried, so to speak, to reconcile itself with the theory of sovereignty by attempting to derive the ruling principles of an art of government from a renewed version of the theory of sovereignty—and this is where those seventeenth-century jurists come into the picture who formalize or ritualize the theory of the contract. Contract theory enables the founding contract, the mutual pledge of ruler and subjects, to function as a sort of theoretical matrix for deriving the general principles of an art of government. But although contract theory, with its reflection on the relationship between ruler and subjects, played a very important role in theories of public law, in practice, as is evidenced by the case of Hobbes (even though what Hobbes was aiming to discover was the ruling principles of the art of government), it remained at the stage of the formulation of general principles of public law.¹¹²

¹¹¹ Riva, Susie, and Randolph Willis, *Requérants d’Asile: Comparaison de leur prise en charge dans divers pays, focalisation sur leur prise en charge dans le canton du Valais et création d’un nouvel espace interdisciplinaire*. Nouvelliste. Annexe.

¹¹² Foucault, p. 98.

Here we see that the social contract was a formal way of ritualizing the relationship between ruler and subjects. The general principles of public law were formulated to provide a framework for governing. The administrative state that came into being developed many forms of decision-making and discipline to govern the population.

The Social Services department in Valais has a specific office responsible for organizing the healthcare and welfare of the political asylum seekers. This is a modern development of government administrations in Switzerland that became important during the Cold War.

The mediation service was created within the administrative framework responsible for creating social and healthcare services respecting the federal laws governing political asylum. Each canton has its own organization responsible for the care of political asylum seekers.

The modern form of the art of governing is described by Foucault using the term *governmentality*:

We live in the era of a “governmentality” first discovered in the eighteenth century. This governmentalization of the state is a singular and paradoxical phenomenon, since if in fact the problems of governmentality and the techniques of government have become the only political issue, the only real space for political struggle and contestation, this because the governmentalization of the state is at the same time what has permitted the state to survive, and it is possible to suppose that if the state is what it is today, this is so precisely thanks to this governmentality which is at once internal and external to the state, since it is the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on: thus the state can only be understood in its survival and its limits on the basis of the general tactics of governmentality.¹¹³

The state has grown to encompass a jurisdiction over its subjects. This jurisdiction has, however, made the distinction between public and private matters. Very subtle forms of power that are exerted in the different power relations between the state and the people enforce social norms. There has been a change in the definition of what is private and what is public. It is fundamental to understand the way government exerts its control through norms and defines what is public and what is private.

¹¹³ Foucault, p. 103.

This is relevant in domestic violence cases which until recently were considered a private matter in Switzerland. This distinction is important because the framework of laws concerning political asylum governs the private organization of their lives. The state can ignore violence towards women. In a similar way, the state can exercise control over the private organization of political asylum seeker's lives because of their status. The social and healthcare system is organized by the state specifically for the political asylum seekers. They pass through different stages of communal housing and possibly onto a private housing situation. However, they are always linked to a central administration office that makes medical appointments and organizes their budget calculations. Their healthcare insurance is also organized by the state. The social and healthcare services that have been put in place for political asylum seekers require them to pass through a specific configuration designed for their status.

The historical development of the state, the forms of instrumentation that the state uses as well as the phases of transformation, are well described by Foucault,

First of all, the state of justice, born in the feudal type of territorial regime which corresponds to a society of laws-either customs or written laws-involving a whole reciprocal play of obligation and litigation; second, the administrative state, born in the territoriality of national boundaries in the fifteenth and sixteenth centuries and corresponding to a society of regulation and discipline; and finally a governmental state, essentially defined no longer in terms of its territoriality of its surface area, but in terms of the mass of its population with its volume and density, and indeed also with the territory over which it is distributed, although this figures here only as one among its component elements. This state of government which bears essentially on population and both refers itself to and makes use of the instrumentation of economic savoir could be seen as corresponding to a type of society controlled by apparatuses of security.¹¹⁴

Apparatuses of security can take on many different forms. Mediation can be seen as an apparatus of security for the judicial system and state administrations. Hostage negotiation is also an apparatus of security used by the police. They are both modern tactics of the state to assure the social norm and to provide security. These two practices have developed through the state's "governmentality" process. The state exercises its power in its diverse relationships with citizens and other people who live within the state's territorial jurisdiction who have permits or other statuses, such as political asylum seekers or refugees.

¹¹⁴ Foucault, p.104.

As the previous newspaper article attests, mediation was seen by the government's minister and administrators as a means to deal with the escalation of violence that they were responsible for controlling. But it is important to note that the state's legal system has created specific statuses for political asylum seekers. Their status allows government to consider the organization of their social and healthcare under state jurisdiction. The government does not control Swiss citizens in the same manner. What may be considered a private matter for Swiss citizens could be considered to be under administrative control for political asylum seekers. This is partly because political asylum seekers do not have access to work permits when they first arrive allowing them to make their own living. The state has created a patriarchal system that forces the political asylum seekers to be financially dependent upon the social services.

As mediator on the hostage negotiation team in Valais, I was able to participate in role-playing, training, and consulting. This experience with the police allowed me to see how mediation and negotiation are being integrated into the new techniques designed to meet citizens' security needs. The police use negotiation as a way to control the escalation of violence.

Mediation is beginning to be used in Valais by the administration's and the canton's police force. It is a new method of governing. When I worked for the government, my skills were used to reduce violence. My mediation and negotiation skills can in this way be seen as tools in the art of governing.

Administrative procedure and mediation in Switzerland are treated by Christine Guy-Ecabert. In the introduction of her book, *Procédure administrative et médiation*,¹¹⁵ she states that there are two contradictory currents in the area of conflict regulation. One tendency is to extend different forms of judicial power and the other would like to permit individuals to have more responsibility in the management of their conflicts. Her hypothesis is that in the case of administrative conflicts, mediation is an alternative form of conflict resolution that reconciles the two opposing tendencies. The mediation service I created was in an administrative context.

¹¹⁵ Guy-Ecabert, Christine. 2002. *Procédure administrative et médiation, Inscription d'un modèle procédural dans un contexte en mutation*, City: Schulthess. p. 3.

In his book, *Hostage at the Table*, George Kohlrieser, a hostage negotiator and psychologist, writes, “Negativity from powerlessness is poison to our mind. People can learn helplessness as a repetitive response to problems of any kind. They have learned that ‘nothing they do makes a difference,’ so they give up and feel like a hostage. The antidote to powerlessness is emotional bonding. By connecting to people or goals, we can create bonds that enable us to feel empowered. Bonding is a survival mechanism for all of us. Through bonding, we enrich our lives.”¹¹⁶ It is important to make the link between security and people who feel powerless. In fact, when people are disempowered and marginalized, they can become violent. When the state’s governmental actions and decision making are perceived as unjust, social cohesion is at risk. Conflict resolution gives more responsibility to people in conflict, allowing them to actively participate in the resolution of their own conflict. This generates feelings of trust in the system and belief that justice is possible. This is so because, as Kohlrieser explains, the bonds developed in mediation and hostage negotiation allow people to develop “secure bases.” Hostage negotiators often intervene in cases where people are desperately searching for solutions to problems. Their problems may be in the realm of the private or public sector. The police are often called to resolve domestic violence situations. Public opinion and recent laws have made domestic violence a public matter in Switzerland.

I present case studies at the end of this chapter that show how power operates in situations where problem-solving tactics and conflict management are used by the state administration and the police. Some of the cases involved political asylum seekers who used the mediation service at the Social Services Office in Valais. One case is a hostage crisis situation with the Valais police. As a member of the hostage crisis team with the Valais police, I found this case to be helpful in understanding the power dynamics present in hostage negotiation interventions.

Mediation: A Sacred Space Witnessing Victimization

My research deals with intercultural mediation cases, which implies that at least one party is a foreigner. Before looking into the case study descriptions, I would like to present the following theories. The theories that follow add to the background knowledge that is essential

¹¹⁶ Kohlrieser, George. 2006. *Hostage at the Table, How Leaders Can Overcome Conflict, Influence Others, and Raise Performance*. City: Jossey-Bass, p. 17.

in understanding the social construction of the scapegoat, the migrant, and the hostage taker. Social marginalization can often lead to violent acts. In René Girard's book, *La Violence et le Sacré*,¹¹⁷ he treats the question of the scapegoat. His work is fundamental to understanding the process of victimization. In *Bringing Peace into the Room, How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*, Daniel Bowling and David Hoffman explain the importance of Girard's book vis-à-vis mediation.

Bowling and Hoffman have developed interesting theories on morality in mediation. They explain how parties create moral frames as they tell their stories in the mediation process. This can often create situations of mutual blame. They believe that these moral frames are then used as weapons to position the different narratives.

Following Girard, this kind of moral discussion does little to generate either law (social rules) or community, as there is nothing "sacred" in the act of mutual blame (Girard, 1977). On the contrary, in the process of mutual blaming in which values are weapons both sides refute the victimization of the other in a struggle to occupy the place of the victim. It falls to the mediator to create what Girard calls a sacred place by functioning as "witness" to victimization on both sides (Girard 1977).

A sacred place is one that, according to Girard, does more than simply recount the victimization in the presence of others; it elevates violation of an individual to the level of the collective, as others witness and elaborate the violation in public spaces (Girard, 1977). What happens to one person becomes something that reasonably happens to anyone, and thus the collective is itself at risk for similar violations. Second, in the course of this public process there is also transformation of the victims; they become a symbol for the collective, a sign of both danger and immortality, signifying a practical breach of security as well as a moral breach of someone's social obligation. The public story about how the violation occurred functions to increase the security of the collective if strategies to avoid future violations can be created; the public story about who contributed to the violation and why it happened generates morality tales about how people would behave toward each other. It is in this process, according to Girard, that the collective comes to witness itself as a connected whole; relationships are affirmed, social norms created and acknowledged, and social harmony restored (Girard, 1977). Therefore, a place is sacred if it can create the conditions for the victim to be recognized; for the victimization to be accounted for, both practically and morally; and for social relationships to be anchored on the emergent morality. All of this involves the creation of a space where the community can witness itself as a community in which social obligations and norms materialize.¹¹⁸

¹¹⁷ Girard, René. 1994. *La Violence et le Sacré*. Paris: Grasset.

¹¹⁸ Bowling, Daniel, and David Hoffman. 2003. *Bringing Peace into the Room, "How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*. San Francisco: Jossey-Bass. p. 229.

When we are dealing with political asylum seekers and other foreigners in a society, first it is important to take into consideration the political and social context that frames the conflict. Secondly, it is important to understand the narratives of political asylum seekers who have been victims of political injustice. And thirdly, it is important to be able to decode narratives of hostage takers who are often desperate individuals searching for recognition of the injustices that they feel made them victims, demanding reparation through violent means. If the negotiator is unable to relate to the hostage taker's narrative, it is difficult to establish a dialogue of confidence that can persuade a nonviolent resolution of the crisis situation.

The individual's conflict has a place within a much larger social and political narrative describing political injustice. When we consider the political debate in Switzerland on political asylum and the important laws defining political asylum that have recently been modified to become the most severe in Europe, it is clear that political asylum seekers' conflicts are a part of a systemic network of political power and social suffering. It is also interesting to note that Switzerland has traditionally been known for its humanitarian actions and with the United Nation's presence in Geneva, the capital of human rights, there has been a strong symbolic relationship between the Swiss national identity and human rights issues. Until recently, Switzerland was proud to be a host country for political refugees.

Not only are there symbolic ties to humanitarian issues that have been historically and traditionally important in the construction of the Swiss national identity, but Switzerland is a Christian nation. One of the most important Christian representations is the nativity scene. People have been worshipping the birth of Christ for thousands of years and looking at the nativity scene before they could read the story from the Bible. This powerful visual representation is all about welcoming baby Jesus and making a place or creating a space for the Christ Child. Mary, Joseph, shepherds, the wise men, the animals, and the angel all encircle baby Jesus lying in the manger. This image shows how a space was made to welcome into the world Jesus of Nazareth. In spite of difficulties that made Mary and Joseph flee from the political forces threatening the life of their child, a safe place was found where Mary was able to give birth to the Christ Child. In this same way every family is transformed when they welcome a newborn into their family. They must make a place for the new child. They must open their arms to receive the baby. A family's configuration and behavior are transformed when a newborn arrives.

The political commitment to accept refugees is possibly rooted in Christian values as demonstrated in the nativity scene. Making a place for refugees and political asylum seekers is not just about them. It is about the values of the Swiss society. The recent modification of the laws concerning political asylum seekers and the directives for their welfare touch the Swiss national identity as well as Christian morality and ethics. The conflict narratives of political asylum seekers in Switzerland are a part of this symbolic space. The effectiveness of mediation in this context depends on the ability of the mediator to create a sacred space where their conflicts can be witnessed.

Techniques in Self-Governing

It is important to define the aspects of power that pertain to mediation. In the development of his treatise on “governmentality,” Foucault describes various forms of power. In the largest sense it is described as the art of governing. But there is also the internal aspect of power that is treated by Foucault in his work, *Ethics, Subjectivity, and Truth*. Here he asks, “What should one do with oneself? What work should be carried out on the self? How should one ‘govern oneself’ by performing actions in which one is oneself the objective of those actions, the domain in which they are brought to bear, the instrument they employ, and the subject that acts?”¹¹⁹ Here Foucault underlines the importance of “knowing oneself” and “the care of the self”.¹

The history of subjectivity was begun by studying the social divisions brought about in the name of madness, illness, and delinquency, along with their effects on the constitution of a rational and normal subject. It was also begun by attempting to identify the modes of objectification of the subject in knowledge disciplines such as those dealing with language, labor, and life. As for the study of “governmentality,” it answered a dual purpose: doing the necessary critique of the common conceptions of “power” (more or less confusedly conceived as a unitary system organized around a center that is at the same time its source, a system that is driven by its internal dynamic always to expand); analyze it rather as a domain of strategic relations focusing on the behavior of the other or others, and employing various procedures and techniques according to the case, the institutional frameworks, social groups, and historical periods in which they develop.¹²⁰

He goes on to explain that,

¹¹⁹ Foucault, p. 88.

¹²⁰ Ibid.

The history of the “care” and the “techniques” of the self would thus be a way of doing the history of subjectivity; no longer, however, through the divisions between the mad and the nonmad, the sick and nonstick, delinquents and nondelinquents, nor through the constitution of fields of scientific objectivity giving a place to the living, speaking, laboring subject; but, rather, through the putting in place, and the transformations in our culture, of “relations with oneself,” with their technical armature and their knowledge effects. And in this way one could take up the question of governmentality from a different angle: the government of the self by oneself in its articulation with relations with others (such as one finds in pedagogy, behavior counseling, spiritual direction, the prescription of models for living, and so on).¹²¹

Though Foucault does not mention mediation, I believe that mediation could be added to his list. Mediation is interdisciplinary in nature. The process of mediation is a process where one integrates the approaches listed by Foucault at different moments in the course of the mediation process.

Foucault’s analysis allows us to understand how the state’s power has grown to encompass professions and practices that enforce the social norm. Mediation can be considered a practice that enforces the social norm. In this way, mediation is a practice that has emerged as a governing tool. But there is another dimension to the mediation process that echoes Foucault’s writing on self-governance. He asks, “How should one govern oneself?” The reflexive process inherent in mediation integrates notions of self-governance. In mediation self-governance is performed in a relational context.

Foucault’s analysis also permits us to consider that by providing social services and healthcare, the state is exercising a form of power or control over a status of people. The government has created specific statuses for political asylum seekers, the unemployed, invalids, and others. These statuses ensure the state’s right to control certain aspects of the people’s lives who fall into these legal categories. Understanding the mechanisms of power relations in the art of governing allows a completely different analysis of the social construction of conflict. The state appears to be providing services through social workers and other professionals in certain situations. In this kind of relationship care is given but power is also exerted. This way of structuring relationships allows social workers and healthcare professionals to control and wield power in the lives of those dependent upon them. If this is

¹²¹ Ibid.

not decoded, it is difficult to understand the emergence of conflict in sub-cultures formed by judicial descriptions and definitions.

Asylum, Depsychiatrization, and Political Marginalization

It is interesting to note that Foucault analyzed insane asylums and greatly influenced the “depsychiatrization” movement. In psychiatric power, Foucault writes,

Rather than a withdrawal outside the asylum space, it is a question of its systematic destruction through an internal effort; and it is a matter of transferring to the patient himself the power to produce his madness and the truth of his madness, instead of trying to reduce it to zero. ... At the heart of psychiatry, the struggle with, in, and against the institution. When the great asylum structures were put into place at the beginning of the nineteenth century, they were justified by a marvelous harmony between the requirements of the social order (which demanded to be protected against the disorder of madmen) and the needs of therapeutics (which called for the isolation of patients). ... Now it is clearly the institution—as a place, a form of distribution, and a mechanism of these power relations—that antipsychiatry attacks.¹²²

Political asylum has within it the term *asylum*. This is an interesting similarity. The term coined to describe migrants fleeing war, genocide, and political oppression is *asylum seekers*. They are forced to accept a political status that takes away their right to work and their right to leave the canton that they have been assigned to in Switzerland until their appeal has been treated by the judicial system. They are taken care of by social workers in a paternalist system that distributes welfare and healthcare. They do not have the same rights as Swiss citizens. Their status as political asylum seekers can last many years, denying them the possibility to integrate into the Swiss society. Their conflicts are a product of the system or the institution in a way that resembles Foucault’s analysis of insane asylums and the psychiatric institutions that justify the isolation of madmen for the protection of society. The subject, the political asylum seeker, is disqualified from citizenship and barred from the rights of a citizen. His or her national identity is stripped away, stripping him or her of a basic right: the right to vote and participate in democratic society. This in itself undermines Western democracies by denying persons, on a given territory, the right to be a political being.

Habermas develops this in his book, *The Structural Transformation of the Public Sphere*. He explains, “Both status in both the public and private spheres (of civil society and family) was

¹²² Foucault, p. 47.

guaranteed in a negative fashion on the basis of a confidence that the public sphere and the market would function in the anticipated way as long as the autonomy of the private people was assured in both spheres. ... The right to vote too, directly formulated as a right of participation was the automatic consequence of the protection through exemption, of the private dealings in the public sphere.”¹²³

When people who live in a nation’s territory are excluded from the right to vote over a long period and, therefore, cannot participate in the public sphere, a basic premise of the modern welfare state is compromised. In Switzerland, foreigners can live in the territory for generations without having the right to become naturalized. A system of permits allows the state to give rights according to the definitions assigned to each permit. However, Habermas claims that participation in the public sphere is a necessary component guaranteeing the proper functioning of the western welfare state. He goes on to explain,

As soon as the state itself came to the fore as the bearer of the societal order, it had to go beyond the negative determinations of liberal basic rights and draw upon a positive directive notion as to how “justice” was to be realized through the interventions that characterize the social welfare state. ... Participation as a right and claim implies an active, allotting, distributing, providing state that does not leave the individual at the mercy of his situation in society, but comes to his aid by offering support. This is the state committed to social rights. This contract of course, abstracts from the historical continuity (judged in terms of their social functions) between liberal basic rights and social rights to welfare.¹²⁴

There are two basic rights that Habermas stresses: the right to participation exemplified in the right to vote and the right to social welfare. Political asylum seekers have the right to social welfare and healthcare through a separate system created for people of their specific status. However, they do not have the right to vote. The NEMs (*non rentrée en matière*), who are a new category of political asylum seekers, are even denied basic welfare under certain conditions. Their status means that they are denied consideration as political asylum seekers and must immediately return to their homeland. These new laws that deny NEMs’ minimum human rights took effect in January 2008.

There are other rights that Habermas defines, “In part these rights take on the character of participatory rights, insofar as they must already be understood (in conjunction with a

¹²³ Habermas, Jürgen. (1995), *The Structural Transformation of the Public Sphere, an Inquiry into a category of Bourgeois Society*, MIT Press, Cambridge, Massachusetts, p. 226.

¹²⁴ *Ibid.*

principle of equality interpreted in a substantive sense) as guarantees of social claims such as an occupational position corresponding to one's performance or an apprenticeship or education corresponding to one's capability."¹²⁵ As young political asylum seekers only have the right to attend mandatory schooling (with a few exceptions), their status often excludes them from the possibility of developing their capabilities.

When it becomes clear that the basic principles of the modern social welfare state are compromised under the current political asylum legislation, the conflicts that the "institution" creates become more understandable. New conflicts will surely arise in response to the legislation that became enforceable in January 2008. New social and health issues arose under these changing policies.

Raymond Massé writes about ethics and public health. He explains how Habermas' theories on communication are fundamental in understanding the importance of process and method in democracies. In democratic nations, ethics are upheld by procedures. Public health services and institutions have an important influence on culture and citizen's lives. Massé presents his theory of applied ethics that reposes upon a participative and dialogical process. It is the process that guarantees an ethical approach.¹²⁶

In my work with Dr. Randolph Willis in a mémoire entitled, "Requérants D'Asile: Comparaison de leur situation dans divers pays, focalisation sur leur prise en charge dans le canton du Valais et creation d'un nouvel espace interdisciplinaire," we described the effects of the political asylum system designed to distribute welfare and healthcare to political asylum seekers. We used Massé's work in the anthropology of medicine, in his book *Culture et Santé Publique*,¹²⁷ to describe the "culture-bound syndromes" that are pathologies actually induced in patients with the status of political asylum seekers. Totalitarian systems, as Goffman develops, that oblige people to be completely dependent on the institution that governs all aspects of their life, can be applied to political asylum. The exclusion of categories of people, through a marginalization process, accepted and authorized by the state's legislative and administrative practices, creates new pathologies, or neopathologies.

¹²⁵ Habermas, p. 228.

¹²⁶ Massé, Raymon.2003. *Ethique et santé publique*, Les Presses de l'Université de Laval, p.170.

¹²⁷ Massé, Raymond. 1995. *Culture et santé publique*, City: Gaëtan Morin, p. 278.

Political asylum seekers have different rites of passage in their lives that other Swiss citizens don't experience because they aren't a part of this social and political framework. Political asylum seekers exist in a subsystem with its own way of distributing welfare and healthcare. It requires in-depth study to be able to perceive the hidden meanings within the institutional system designed to care for political asylum seekers. Conflicts and diseases need to be decoded. Massé speaks of semantic networks that are networks of meaning. Disease is not only understood by its medical definition. There is also the common or folk understanding of disease. And, of course, there are the associations that the ill person and his or her family have concerning the origins of the sickness and the implications of the illness on the life of the people affected. These semantic networks are the different levels of meaning pertaining to a person's illness. The same is true for conflict. There are semantic networks that give meaning to a conflict, its origins, and the effect of the conflict on the person's life.

Byron Good develops these theories in his book, *Medicine, rationality, and experience, An anthropological perspective*. Massé refers to Good's work in medical anthropology to develop some of his theories in this area. Good explains how narratives can bring together several meaning systems in a patient's story. "The diverse accounts of the illness in these narratives represent alternative plots, a telling of the story in different ways, each implying a different source of efficacy and the possibility of an alternative ending to the story. My point is not that persons having access to a plural medical system do not simply choose among alternative forms of healing but instead draw on all of them, often at the same time—by now a truism in medical anthropology."¹²⁸

In mediation there is no other way to work with a person than to listen to his or her story. There are no laboratory tests that can be used in an "epistemology" for conflict. The understanding of conflict happens within an ongoing dialogue between the participants in the mediation session. That is why the narrative approach in medical anthropology is such an important tool for understanding the mediation process. Mediation models that integrate the narrative approach reinforce the importance of dialogue and discourse. This approach also allows for the multiply situated subject to weave their different perceptions of conflict into the narrative. In this way, their unique understanding of conflict has a central position.

¹²⁸ Good, Byron. 2005. *Medicine, rationality, and experience: An anthropological perspective*, Cambridge: Cambridge University Press, p. 155.

People who choose to seek the help of the mediator have often chosen the help of other professionals in the social and medical network. Each profession has its own language for describing conflict. These languages of distress are learned within professional trainings. This language is used in conversation, as a diagnostic tool, and is coded in written reports.

Ethnopsychiatry and transcultural psychology are important disciplines for decoding conflict and disease in an intercultural context. However, knowledge of the implication of legal status and institutional constraints are equally important. The sociosomatic aspect, or social and institutional dimension, intervenes in the political asylum seeker's reality in a unique way.

These transnational citizens have, within their symbolic space, multiple dimensions that encompass culture from their homelands, their host countries, and their status. All of these influences are enfolded in a complex symbolic system of meaning that creates a multiply situated reference system requiring a new response from professionals. In this context, it is more difficult for a professional to impose his or her expert position and system of meaning. The posture of the professional influences how the patient's meaning systems are heard, understood, and integrated. Narrative approaches seek to find a posture that is less of an expert. This more egalitarian positioning is inherent in mediation and ethnopsychiatry. This approach puts the person's unique meaning system at the center of the healing process.

Dr. Victor Frankl's practice in logotherapy focuses on helping the patient find meaning in his or her suffering. Logotherapy believes that practices that are able to make meaning facilitate the healing process. The ability to find meaning can help a patient change his or her attitude toward their disease. For political asylum seekers this is important because their status cannot be changed. The barriers imposed by their status and the laws governing their status cannot be negotiated. Frankl explains, "What then matters, is the stand a patient takes toward his predicament, the attitude he chooses toward his suffering: in other words, the fulfillment of the potential meaning of suffering. It goes without saying that we must give preference to causal treatment of disease, and resort to medical ministry only if causal treatment proves to

be of no avail. Then the treatment of the patient's attitude toward his disease is the one thing possible and necessary."¹²⁹

Frankl also wrote *Man's Search for Meaning*.¹³⁰ In this book he describes how the ability to find meaning can allow a person to survive in very difficult conditions. He was himself a prisoner in the Nazi concentration camps. During this period of his life, he witnessed the ability of people who should not have clinically been able to sustain their lives due to extreme deprivation, continue to find meaning and the will to live. The meaning that therapist and patient co-construct becomes the basis of a transforming narrative.

Conflict Narratives

The conflict narratives I am developing through interviews with political asylum seekers were inspired by Kleinman's Explanatory Model.¹³¹ The questions that Kleinman developed and I have adapted for conflict capture the conflict narratives and witness the social suffering of the political asylum seekers in Valais.

In his introduction to *Writing at the Margin* Kleinman describes the framework of questions that guide his field research:

What are the range of clinical phenomena in a society? How do they relate to systems of cultural meanings and norms on the one hand and institutionalized social patterns of power relations on the other? How and to what extent do cultural conceptions about sickness influence the prevalence, morphology, and course of particular disorders? In what ways do differing cultural views of sickness and treatment affect clinical communication between patient, family, and practitioners? What are the culture-specific and universal characteristics of the healing process?¹³²

¹²⁹ Frankl, Victor E. 1988. *The Will to Meaning, Foundations and Applications to Logotherapy*, New York: Meridian, p. 117.

¹³⁰ Frankl, Victor, E. 1984. *Man's Search for Meaning*, New York: Simon and Schuster.

¹³¹ Kleinman, Arthur. 1988. *The Illness Narratives, Suffering, Healing, and the Human Condition*. USA: Basic Books.

¹³² Kleinman, Arthur. 1995. *Writing at the Margins, Discourse Between Anthropology and Medicine*. Berkeley: University of California Press, p. 7.

It is through these fundamental questions that a social scientist can begin to understand the social construction of illness and conflict in a given system. This dimension is referred to as “sociosomatic.” The conflicts that are witnessed in the case studies and narratives of political asylum seekers reveal the social and political powers that construct illness and conflict. The systems that the Western welfare states have designed to care for this category of people influence the nature of their illnesses and conflicts. These policies can be seen as important frameworks contributing to the social construction of larger political fragmentation and social inequality, and even influencing the creation of neopathologies.

The social construction of conflict and illness is put in place through a series of governmental decisions. The first step is the judicial creation of a status that differentiates a category of people from the rest of society. The second step is the creation of administrative procedures that govern the lives of those people. These steps result in the social construction of a society with a marginalized class of people lacking the possibility to become active citizens free to participate in the political process. They are denied a part of their identity, the right to belong to a nation. Without their right to a national identity and citizenship they have only limited rights to the social welfare state’s protection. Their children cannot develop their natural capacities within the educational system. People without a national identity and the protection of a nation-state are handicapped and they pass on this handicap to future generations.

Kleinman speaks of his intention in his research,

My intention was to deepen the study of a ‘sociosomatic reticulum (a symbolic bridge) that ties individuals to each other and to the local systems within which they live’. I tried to position the analysis so that it centered on this sociosomatic dialectic between symptoms and society, because that is where Chinese cultural processes pointed. The goal was to develop a methodology suitable for anthropological psychiatry and psychiatric anthropology.¹³³

My work is directly inspired from Kleinman’s approach. However I seek to better understand conflict. My work with Dr. Willis pointed to the hypothesis that conflict and disease are socially constructed. We found that it is preferable to use intercultural mediation when dealing with the complexities of the situations confronting political asylum seekers, reducing the medicalization process and psychiatric interventions. An interdisciplinary approach to the complexity of their illnesses and conflicts was effective in the treatment of their pathologies

¹³³ Ibid., p. 11.

and conflicts. Instead of seeing the political asylum seekers at the psychiatric clinic, Dr. Willis came to my mediation service and participated in mediation sessions. It was often necessary that he have a medical opinion about certain political asylum seekers because of the importance of medical certificates in the judicial system judging political asylum seeker's requests for asylum. Medical certificates can influence judicial decisions. The power of the medical certificate was an intricate part of the social construction of conflict and illness in many of these situations. Our co-disciplinary approach sought to minimize medical labeling allowing more space for relational process.

As Kleinman says, "The body becomes a mediator between individual and collective experience. Effect, then, needs to be examined as the body nexus of social, relational, moral, and political connections: to feel is to value or devalue, to connect with or stand apart, to act in resistance to or to be paralyzed by our embodied social circumstance and our socially projected bodily experiences."¹³⁴

Kleinman's big question is:

What difference does it make—for theory, for research, for policy, and for societal ethics—to change the border between a social and a healthcare problem? Now pulling the edge toward the social side, later on pushing it toward the medical margin—does that disclose a comparative advantage for "medicalization" of human misery under certain conditions, or for "socialization" under others? The moral, the political and the medical are culturally interrelated, but how do we best interpret that relationship and its implications?¹³⁵

In my work Kleinman's question is extremely pertinent. What was treated by the psychiatrist within the healthcare system, often had its origins within the social system. At times the pathology was directly linked with the trauma of the nation of origin. However, in many cases the pathology was much more complex and was rooted in the problems associated with the social system put in place for the political asylum seekers and their specific legal status.

In *Remaking a World, Violence, Social Suffering and Recovery*, the authors Das, Veena, Arthur Kleinman, Margaret Lock, Mamphela Ramphele, and Pamela Reynolds, write about ethnographies in their introduction,

¹³⁴ Ibid.

¹³⁵ Ibid., p. 16.

creating a public space in which experience of victims and survivors can not only be represented but also be molded, and on the other, engaging in repair of relationships in the deep recesses of family, neighborhood, and community. The recovery of the everyday, resuming the task of living (and not only surviving) asks for a new capability to address the future. How does one shape a future in which the collective experience of violence and terror can find recognition in the narratives of larger entities such as the nation and the state? And at the level of interpersonal relations, how does one contain and seal off the violence that might poison the life of future generations?¹³⁶

When we look closely into the case studies of political asylum seekers we can see the suffering that comes from the violence of war and political oppression. But we can also see the suffering generated by the system put in place to care for them in their host countries. This suffering is inherent in narratives describing forced migration. What is important is to gain consciousness of the effects of government policy on disease and conflict. Research must show the negative effects of policy on the lives of political asylum seekers. Otherwise, the scars of the current system risk weakening social cohesion and future generations will be stigmatized by an unjust policy.

An interdisciplinary approach reinforces conflict management helping to find solutions in complex situations. Mediation can be used to unite the different social and healthcare professionals in a process where meaning is co-constructed. Quoting Das et al.:

Networking also promotes dialogue and creates a parallel public space within which critical opinions, which are otherwise excluded and marginalized by the dominant discourse, can be expressed and publicized. Within this civic network, those who are marginalized are invited to tell their stories. It is not that the marginalized don't know what is at odds with them. Rather, the question is how individuals can narrate their suffering, name their own histories, and claim the necessary personal and collective force to resist the deforming effects of social power (McLaren 1992-93:9).¹³⁷

The Power of the Mediator, Neutrality, and Empowerment

This gets us back to the social powers so important in understanding the connection between the concept of power and mediation. How can the mediation process empower the political

¹³⁶ Das, Veena, Arthur Kleinman, Margaret Lock, Mamphela Ramphele, and Pamela Reynolds. 2001. *Remaking a World, Violence, Social Suffering, and Recovery*. Berkeley: University of California Press, p. 4.

¹³⁷ *Ibid.*, p. 67.

asylum seeker? And what effect does the power of the mediator have on the process? My research using case studies suggests that the mediation process is empowering. I base this statement upon the outcomes that I witnessed. The mediator is not a neutral actor. The mediator directly influences the process. Recognizing the mediator's power is crucial. The power to create a legitimate space for marginalized voices to be heard is all but neutral.

In Steven Lukes and Steven Power's, *Power, A Radical View*, they say that behavioral political scientists equate power with success in decision making. "How can the excluded and the marginalized be empowered? And he speaks of empowerment through self-knowledge and self-determination."¹³⁸ This idea brings us back to Foucault and the techniques used in the process to gain knowledge of oneself.

Foucault writes in, *Ethics, Subjectivity and Truth*:

Here we see a movement very different from the one prescribed by Plato when he asks the soul to turn back on itself to rediscover its true nature. What Plutarch and Seneca suggest instead is the absorption of a truth imparted by a teaching, a reading, or a piece of advice; and one assimilates it so thoroughly that it becomes a part of oneself, and abiding, always-active, inner principle of action. In a practice such as this, one does not rediscover a truth hidden deep within oneself through an impulse of recollection; one internalizes accepted texts through a more and more thorough appropriation.¹³⁹

The important methods of appropriation are listening, writing, and habitual self-reflection. Foucault explains, "We have a whole set of techniques whose purpose is to link together truth and the subject." Today's mediation trainings focus on developing reflexivity in mediators. But the mediation process itself develops reflexivity in those who enter into the process. The methods of appropriation that Plutarch and Seneca developed are in fact the basic components in the mediation process: listening; clarifying situations by writing them down for all to see; and seeking to better understand oneself, the other disputants involved in the conflict, and the situation that brings us to mediation. Basically, mediation is a process that promotes deeper understanding. And this is in fact a personal power. More self-knowledge can lead to more individual power. The more opportunity people have to participate in decision making the more power they have. And the more understanding they have of themselves and the people

¹³⁸ Lukes, Steven and Steven Power, *A radical view*, 2nd ed. City: British Sociological Association and Palgrave. pp. 70, 73, 74.

¹³⁹ Foucault, Michel. 1994. *Ethics, Subjectivity and Truth*, Vol. 1, Paul Rabinow (Ed.), City: Gallimard. p 101.

with whom they are in relationship, the more power they have to govern their own lives. This is why the term is central in mediation discourse.

The power of the mediator is also important. How does the power of the mediator influence the mediation process? In *Bringing Peace into the Room*, Bowling and Hoffman discuss the importance of the mediator's personal power. They discuss the research of Kottler who studied the personal characteristics of psychotherapists:

Kottler identified several qualities in therapists that appear to correlate with successful treatment. Among the most significant was a characteristic Kottler calls "personal power" or "force of personality"—not power over another person but rather a quality he equates with "charisma." Kottler concluded that, to explain the success of the best psychotherapist: The answer is not totally confined to what effective therapists do, but also involves who they are. The common thread running through the work of all great therapists is the force of their personalities and the power of their personas. They are the kinds of people who radiate positive energy. They are upbeat, enthusiastic, witty, and quick on their feet. They have good voices and are highly expressive in using them. Most of these highly successful practitioners are simply interesting and fun to be around. And they exhibit qualities that other people want for themselves. ... (Despite their apparent differences in style, they) have all been doing essentially the same things—that is, being themselves and allowing the force and power of their personalities to guide what they do. All the theorists invented styles that made it possible to play on their strengths (Kottler, 1991, 73, 76).¹⁴⁰

At a module in the Swiss post-graduate studies concerning medical anthropology and efficacy, organized by Ilario Rossi in 2006 at the University of Lausanne, the head of the psychiatric department at the Canton of Vaud's hospital (the CHUV), spoke of recent research in psychotherapy validating what Kottler affirms. If the personal power of psychotherapists has been confirmed to be central to treatment success, it is important to apply this understanding to the importance of the mediator's personal power and how it, too, affects the mediation process and the success of the process.

In the *Journal of Dispute Resolution*, Christopher Harper's article, "Mediator as Peacemaker: The Case for Activist Transformative-Narrative Mediation," explains how mediators are not neutral but, in fact, actively intervene in the mediation process. This idea

¹⁴⁰ Bowling, Daniel, and David Hoffman. 2003. *Bringing Peace into the Room, How the Personal Qualities of the mediator Impact the Process of Conflict Resolution*. San Francisco: Jossey-Bass, p. 27.

clearly breaks with the traditional mediation theory where the mediator validates his or her role in conflict resolution by claiming the importance of a neutral third party.

Professor Isabelle Gunning argues that mediators should reject two bedrock notions of mediation—party self-determination and mediator neutrality—in favor of an approach in which the mediator actively intervenes in the mediation in order to help the parties achieve healing, resolution, and, most importantly, substantive justice. To that end, Dr. John Winslade and Dr. Gerald Monk, pioneers of narrative family therapy and narrative mediation, present a concrete approach to mediation that enables mediators and parties to achieve the sort of empowerment and justice sought by proponents of the community justice model of mediation such as Professor Gunning.¹⁴¹

This is an important evolution in practice. The work of these pioneers breaks with past models of mediation to put forward a model where the active intervention of the mediator is encouraged. This would also be a model affirming the importance of the mediator's personal power and challenging notions of mediator neutrality. Harper concludes by saying,

In an increasingly diverse society, it is important to find some sort of common ground. This article contends that one such common ground is language as a meaning-making activity, and mediation is an important way to galvanize people and communities through shared values, healing, and justice. Persons do not enter the mediation room to have a solution handed to them. The mediation room is community space, where community is reflected, created, and potentially healed. No single approach to mediation could possibly address every sort of conflict, but activist transformative-narrative mediation certainly presents an opportunity to recapture and expand on the ideals of justice and empowerment underlying mediation's origins in the community justice movement.¹⁴²

In *Empowerment in Dispute Mediation, A Critical Analysis of Communication*, Jonathan Shailor's research sheds more light on empowerment in mediation. Shailor defines mediation as "a process of communication, and communication as a process that reflexively reconstitutes forms of life (i.e. identities, relationships, and cultural patterns). From this perspective, empowerment is the appropriate elaboration or transformation of disputant forms of life."¹⁴³

¹⁴¹ Harper, Christopher. 2006. Mediator as Peacemaker: The Case for Activist Transformative-Narrative Mediation, *Journal of Dispute Resolution* Vol. 2006.

¹⁴² Ibid., p. 611.

¹⁴³ Shailor, Jonathan G. 1994. *Empowerment in Dispute Mediation, A Critical Analysis of Communication*. Westport, CT.: Praeger, p. 31.

Shailor's research is critical of neutrality and empowerment. His studies of communication processes in mediation sessions attempts to analyze the practice of mediation by creating a theory and methodology that allow empowerment to be studied in face-to-face interactions.

Mediators claim that their neutrality empowers disputants by helping them to reach a "win-win" solution, that is, one that is acceptable to all parties. The theory and analysis here suggests [sic] that this conceptualization is flawed in two ways. First, empowerment cannot always be equated with "agreement". Empowerment is better defined in a larger sense—as a process of elaborating desirable life patterns and of changing undesirable life patterns. A written agreement may or may not serve these purposes. Second, the mediator enactment of neutrality allows disputants to elaborate whatever autobiographical and relationship narratives are already in progress. This dynamic may or may not be empowering.¹⁴⁴

This research analyzes neutrality and empowerment; however, it is based on the premise that mediators must be neutral. When they violate their neutrality, they are not respecting their professional ethics. The importance of mediator neutrality is emphasized in the mediation trainings and theory that were a part of mediation's first wave of development in the 1970s. There has been an evolution in technique, theory, and practice that has questioned neutrality. The traditional model is being replaced in some fields of mediation by models that talk of multi-partiality and even activist intervention. The implications of this research on models, theory, and practice are thought provoking.

Mediators claim to empower disputants by providing them with (1) a forum for self-determination and (2) a model for cooperation and compromise. A major finding of this study is that both components of this definition are deficient. First, mediators claim to promote disputant self-determination by practicing neutrality. Neutrality requires mediators to attend to disputant narratives while, at the same time, with-holding substantive comment. The result is that disputants elaborate their narratives, whether they be positive and productive or negative and destructive. Second, the mediation model for cooperation and compromise asks disputants to make a separation between their dysfunctional narratives and their negotiation; this separation is never successfully achieved.

The conventional definition of empowerment is inadequate because it fails to account for the inseparable connection between techniques of negotiation and disputant forms of life. Disputant definitions of relationships, autobiography, family, and so on cannot simply be acknowledged and then bracketed; they must be grappled with from the beginning of a mediation to its end.¹⁴⁵

¹⁴⁴ Ibid., p.130.

¹⁴⁵ Ibid., p.135.

Diverse mediation techniques and styles define neutrality and empowerment differently. Classical mediation talks about the importance of mediators being neutral. However, new forms of mediation, such as Activist Transformative-Narrative Mediation, use a model that does not oblige the mediator to be neutral. On the contrary, this model suggests that the mediator must be an active transformer of narratives to be successful. In this model the personal power of the mediator is recognized. The neutral model would attempt to dismiss the importance of the personal power of the mediator. If the mediation model demands neutrality as a part of the ethics of mediation, it would be difficult to admit the influence “personal power” could have on the outcomes in conflict resolution.

Returning to Lukes and Powers’ analysis of power as presented in the work of Dozelot, they explain,

In this way Dozelot pursues the Foucauldian theme of the linkage between the normalization of individuals, who conform to socially structured norms as they pursue their several interests, and the bio-political control of populations, promoting national efficiency, health of the population, the control of the birth rate and the control of crime. The modern ‘tutelary complex’ involves a new form of power with greater range and penetration, in which the old criminal laws invoking prohibition and punishment, is combined with new expert norms concerning health, psychology, hygiene and so on: ‘the substitution of the educative for the judicial can also be interpreted as an extension of the judicial, a refinement of its methods, an endless ramification of its powers’ (Dozelot 1979: 97, 98). The whole network of family, school, health visitor, philanthropist and juvenile court functions largely by co-operative rather than coercion, exercising more control with more legitimacy but the absence of any single overall strategy or set of coherent aims. The policing of families differs, however, according to social class. Working class families are more liable to be delinquent, to be claimants and to constitute problems and thus require external attention and compulsory intervention; bourgeois families are, Dozelot suggests (with Foucauldian irony), “freer” in being more conformist, self-disciplined and self-policing.¹⁴⁶

Lukes and Powers write about the difficulty in perceiving how power is actually used. He uses this terminology: “securing of voluntary compliance through non-obvious mechanisms.” This description is possibly fitting for mediation in many contexts. The mediation discourse uses terms such as empowerment. And some models say that mediators are neutral. The mediation process is described as giving the decision-making power to the disputants. This discourse can be misleading as administrative and judicial forms of mediation are enforcing the social norm through the participatory process of mediation. Mediation appears to give the

¹⁴⁶ Lukes, p. 102.

participants or disputants more power. However, Shailor's work would suggest that the empowerment of disputants is not always achieved in the mediation process. More research is needed in mediation to test the premises of its discourse. Does mediation theory actually correspond to the practice of mediation? The power to frame and present knowledge is important here. For new forms of governmentality to become legitimate, they must be presented in ways that convince the governed that they are, in fact, gaining more power. Is mediation actually empowering disputants? Or is mediation a non-obvious mechanism of compliance. Mediation models are framed in discourse. These discourses may possibly affect process and outcome. Reflexive practice and academic inquiry can at least contribute to deconstructing some of the myths associated with the practice of mediation. Being aware of the multiple faces of power may favor a more credible approach that recognizes the power of the mediator. There may even be new descriptions that emerge from analyzing this aspect, allowing the practice to move forward.

Oppression and Symbolic Violence

Lukes and Powers continue their analysis of power by citing Martha Nussbaum's research with Indian widows. They write,

The unrecognized can be seen as dominated because in both "the people or society around them mirror back to them a confining or contemptible picture of themselves", thereby "imprisoning" them "in a false, distorted, and reduced mode of being". As Charles Taylor elaborates, the projection of an inferior or demeaning image on another can actually distort and oppress, to the extent that the image is internalized. Not only contemporary feminism but also race relations and discussions of multiculturalism are undergirded by the premise that the withholding of recognition can be a form of oppression.¹⁴⁷

This form of power is present in the conflict narratives of political asylum seekers who often feel the oppressive look of Swiss people who don't recognize them as refugees. There is the lack of official recognition by the authorities and also the lack of recognition from citizens in the street. The lack of this official recognition of their status is painful for them. They have suffered political injustice; however, the official status they have as political asylum seekers doesn't recognize their story. They lack refugee status and the B permit that goes with that status. They are not considered "real" refugees.

¹⁴⁷ Lukes, p. 119.

And finally, Bourdieu's symbolic violence is explained by Lukes and Powers. Symbolic force is "a form of power that is exerted on bodies, directly and as if by magic, without any physical constraint, but this magic works only on the basis of the dispositions deposited, like springs, at the deepest level of the body...it does no more than trigger the dispositions that the work of inculcation and embodiment has deposited in those who are thereby primed for it."¹⁴⁸ Lukes and Powers explain that Bourdieu's work considers the world as being symbolically structured and that structure of domination can find a place in the human body. Culture-bound syndromes might be explained this way. Bourdieu's work and his theory of symbolic force is a bridge to understanding how power structures can create pathologies in the human body.

Illustrations of Power in Hostage Crisis Negotiation

When I worked with the police in Valais on the hostage negotiation team, I never spoke with the hostage taker. I was a member of the team providing support and analyzing the process. In fact, international protocol suggests the psychologist should not take the phone to negotiate with hostage takers.

My main role was to contribute by analyzing the system. As part of the team, together we analyzed each conversation and made a collaborative decision about our next move. Between phone conversations, we analyzed our negotiating strategies.

Several weeks later, following our role-playing, and in the company of the head of the negotiation team, I met with an actor designated as the hostage taker in a large scenario that involved the entire police force. Scenarios are created to train the police for possible future interventions. However, the scenario is designed for the most part, to train the intervention team. After analyzing the perspective of the actor playing the hostage taker, it was clear to us that the scenario did not allow for the negotiating team's skills to be assessed. The scenario was mostly about testing the intervention team's skills.

¹⁴⁸ Lukes, p.140.

The effectiveness of negotiation must be officially recognized. The commander of an operation must trust the skills of the negotiator. Without the structural integration of negotiators in the conflict resolution process, violent intervention techniques tend to dominate. After following an official training with the police with a member of the Canadian Royal Mounted Police, the importance of structural integration was confirmed. Police interventions depend on the commander's decision to use negotiation or to use force. For negotiation to be used more often by the police, the commander must recognize the efficacy of negotiation and the skills of the negotiator or negotiating team. Mutual trust and bonding happen over time as intervention teams train together and learn how to cooperate for optimal intervention.

The interdisciplinary approach in mediation gathers the various perspectives of the intervention in order to analyze the meta-intervention. The power of negotiation takes time to be recognized by government institutions like the police force. Force is often used by the canton's police because they lack trained negotiators. However, training sessions for intervention teams integrate negotiation into the system's intervention procedures. Intervention styles can compete with one another. To obtain successful negotiations, competing teams and police decision makers must learn to cooperate, increasing mutual trust and the positive outcome of their interventions.

The negotiator's power is extremely important. The personal power of the negotiator is felt by the hostage taker. The man who had been chosen to play the role of the hostage taker in a major scenario involving the entire police force told me in an interview that the personal trust and degree of honesty of the negotiator had directly influenced his decisions.

These days, security forces are trained in negotiating. Because the police must deal with violent situations, new skills have been acquired. Negotiation is an extension of the art of governing. Hostage negotiators are being integrated into special intervention groups. They handle situations involving social violence to assure public and private security. Mediation and negotiation have an important and legitimate place in this form of intervention. In addition to using my hostage negotiating skills, my skills of inquiry as a social scientist helped our group analyze the larger systemic picture of power relations that were being acted out. The police force's internal politics influenced intervention choices and the scenarios for training that were proposed to the commander in chief.

Forms of Power in Case Studies with Political Asylum Seekers

Domestic Violence

A domestic violence situation was referred to my office involving a Macedonian couple with two small children. Other professionals had been involved in this situation. Mediation was only one form of intervention. This case is interesting because the entire network was aware of the abuse of the mother and the children. But the way that the administration was handling the families' conflict blocked police intervention even though they knew of the abuse.

This case exemplified how a dysfunctional system can allow violence to be perpetuated despite laws that should protect victims of violence. My approach was to organize a meeting with the social worker responsible for the Office of Aid for Victims of Violence.

Professionals from our service were present to work on approaches to difficult cases that involved interdisciplinary interventions.

Even after this interdisciplinary work group met, the violence continued. This husband/father was able to manipulate the professionals, abuse his wife and children, and avoid police intervention. I find this interesting because it shows how societies with systems of male dominance can pass laws, but practice is not always modified.

The state has only recently recognized domestic violence by creating legislation that punishes domestic violence. Traditionally the state has viewed family violence as a private matter. However, it takes time to transform practice. My efforts to create a conscious, interdisciplinary approach to this abuse situation failed to alter the system. Though new laws extend the power of the state into the realm of the family, domestic violence remains a complex issue. A man's power of domination cannot be altered simply through the change of laws. More work needs to be done in this area to discover how such complex systems of violence can be transformed.

Oppression

In another case study, a Kurdish man from Iraq began a hunger strike, hoping to gain official recognition for his situation. He suffered terribly from the year's delay in addressing his request for political asylum. He felt the people in the Upper-Valais looked at him like a liar

and beggar. He explained that he had come to Switzerland because of its reputation for humanitarian values. He came from a prominent family and was himself a writer. After numerous mediation sessions, he decided to return to Iraq. He preferred to risk his life rather than risk losing his soul.

This case study exemplifies the power of negative regard in oppression. Great suffering is felt by political asylum seekers like this Kurdish man who felt the direct force of the negative public opinion of people of his status. It takes great courage and strength to resist this form of oppression. It is difficult not to allow one's identity to be penetrated by political stereotypes.

Exclusion

In a final case study, I show how denying access to higher education can be a cause of conflict and suffering. I received an African man and his son, who had been in private school and was preparing his studies that he hoped would allow him to enter medical school. His father, a diplomat, and his mother, a dentist, had both attained high levels of education, an important value in their family.

Since the son was English-speaking, he had to learn French and German, and prove that he was a good student in a completely new educational system. Certain teachers were unwilling to permit him to go to the school that would allow him to apply to the university. The dominant practice has been to let political asylum seekers attend schools up to the mandatory age of fifteen. Political asylum seekers rarely have entry into schools of higher education, which questions some of the basic tenets of democracies. Questions of social class and status can impede one from expanding their abilities and capabilities by denying access to certain educational institutions.

Through an interdisciplinary approach and a long process of mediation between the father and son, then the family and the teachers, and finally the director of the school, a positive outcome was reached. Political asylum seekers are often denied the possibility to reach their human potential because of the way education is organized and the laws that define mandatory education. A system that limits the right of education at fifteen excludes a large number of migrants lacking permits that allow them to continue in the educational system. Delinquency is all too often an outcome of this practice.

The Power of Mediation to Facilitate Interdisciplinary Cooperation

Power provides a conceptual tool for understanding mediation. The state uses mediation and negotiation to govern, control, protect, and enforce the social norm. The power of mediation in these case studies was to facilitate interdisciplinary cooperation. Mediation attempted to facilitate greater understanding and meaning in complex systems with multiple power influences.

The mediation process sought to give political asylum seekers more choice in decision-making. The mediation space possibly aided political asylum seekers to resist forms of oppression linked to their status. And in numerous cases the mediation process transformed their attitudes toward their suffering by finding a meaning for it; a greater meaning that allowed them to survive in difficult situations.

As the state's governing skills evolve, new forms of intervention are used to enforce the law. Security is a major concern for the postmodern state. The negotiating team created in Valais' police force demonstrates this evolution in conflict management. However, confidence in negotiating skills can only be gained through coordinated interventions. Internal perceptions of the efficacy of negotiation as well as departmental power relations influence the decision to use negotiation.

Social Constructionist Theory and the Theoretical Restructuring of the Case Studies: From deconstruction to reconstruction and the re-storying of the conflict narrative

The case studies that I present are interpreted through a philosophical framework or lens inspired by social constructionist theory and the Narrative Model in Mediation. Following the period or phase devoted to deconstruction, using the lens of social anthropology previously presented, I continue the analytical process by reconstructing. This phase of reconstruction applies the philosophical blueprint. I believe this conveys the most pertinent understanding of the intercultural mediation case studies in which I participated as mediator. This second phase of my work also illustrates my evolving understanding of the processes inherent in mediation and the mediator's role. A transition takes place over time, allowing one to gain distance from their work. The first phase of my writing allowed me to move away from my role as mediator. The second phase of my work affirmed my voice as a social scientist. It also clarified my adherence to the Narrative Model in Mediation.

Kenneth Gergen and Dian Marie Hosking develop the constructionist process in their article, "If You Meet Social Construction Along the Road ... A Dialogue with Buddhism."

There is a parallel theme in social constructionism. For the constructionists there are two major moments in practical work, the first being destructive and the second reconstructive. It is the deconstructive turn that is most similar in its effects to meditation. That is, one comes to break the spell of language as a map or picture of the real, and to understand it as situated culturally and historically. One comes to see the possibility that one's understandings are not demanded by "what there is," but are means of constructing it for some human purpose. Such realization may often come by learning that there are multiple ways to construct the existing state of affairs, that one's understanding of the real and the good are specific to a particular tradition. Most of these realizations are accomplished in language and not meditative action, but the immediate ends are similar. In a broad sense one might view the result as liberation in both cases.¹⁴⁹

Each phase of introspection generates new understanding. The meaning I am able to perceive after a two-year reflexive process of reading, analyzing, writing, and teaching mediation has allowed me to generate a new analytical framework. This analytical framework has emerged from various qualitative research methods. Through the first phase of deconstruction I found the Narrative Model in Mediation based on social constructionist theory. To gain more

¹⁴⁹ Gergen, J. Kenneth, and Dian Marie Hosking. 2006. In *Horizons in Buddhist Psychology*, M. Kwee, K. J. Gergen & [first initial] Koshikawa (Eds.): Taos Institute Manuscripts online.

understanding of the complex processes that were animating the “conflict narratives,” I continue to present mediation case studies, but in this section through the lens of social constructionist theory.

When I began asking questions in mediation sessions using Arthur Kleinman’s Explanatory Model, I had already oriented my response. Focusing on the narratives of the people who had entered the mediation process steered my research in a new direction.

The Principle of Simultaneity: here it is recognized that inquiry and change are not truly separate moments, but are simultaneous. Inquiry is intervention. The seeds of change—that is, the things people think and talk about, the things people discover and learn, and the things that inform dialogue and inspire images of the future—are implicit in the very first questions we ask. The questions we ask set the stage for what we “find”, and what we “discover” (the data) becomes the linguistic material, the stories, out of which the future is conceived, conversed about, and constructed.¹⁵⁰

This fundamental orientation offered by Kleinman enabled me to discover the model in mediation that was most appropriate for the intercultural cases I was asked to mediate.

Unknowingly, I was following the tradition of Michael White, who had sought to develop therapies that integrated the anthropological dimensions of power so fundamental when dealing with marginalized populations. The political context in Australia and New Zealand that was sensitive to the Aboriginal and Maori people generated a therapeutic model sensitive to this specific political context. Many fundamental elements of the narrative model provide a framework that permits practitioners to integrate recognition of power struggles into their practice. This anthropological approach also draws from Victor Turner’s work, which looks at conflict dramas accentuating the performative aspect of conflict and therefore mediation.¹⁵¹ What emerges from anthropological concepts are theories pertaining to the ritual dimension present in conflict resolution and the liminal space that the mediator creates to resolve conflict.¹⁵² The constructing process inherent in research uses theories, in this case, an

¹⁵⁰ Cooperrider, David L. and Diana A. Whitney. *A Positive Revolution in Change: Appreciative Inquiry*. City: TAOS Institute Manuscripts online.

¹⁵¹ Turner, Victor. 1957. *Schism and Continuity in an African Society, A Study of Ndembu Village Life*, Manchester, UK: Manchester University Press.

¹⁵² Deflem, Mathieu. 1991. *Ritual. Anti-Structure, and Religion: A Discussion of Victor Turner’s Procesual Symbolic Analysis*. *Journal for the Scientific Study of Religion*, 30(1): 1–25.

anthropological approach to conflict resolution. Alongside theory, the case study methodology reconstructs descriptions of social life.

Sheila McNamee¹⁵³ also addresses this important question about research.

When language is the starting point, there is nothing to discover or explain but rather different ways of talking in which to engage. Research is another form of talk. We co-construct realities with the people we study when we engage in research. Those realities are part of the web of relations in which both researcher and researched participate.

Foucault describes discourse as an event made real when expressed in some form such as writing or speaking. From these events, we construct possibilities and constraints. In other words, conventions for talking make some actions and interpretations sensible and others inappropriate, meaningless, or prohibited.

Research then must be viewed as a constructing process which implies that we construct and reconstruct the descriptions (stories) of social life as we actively engage in the research process itself. Furthermore, the traditions of interpretation that we bring to the research context must be coordinated with those we are studying, with the intellectual community to which we speak, to our families, friends, and so forth. All are presented in some way in our research endeavors. The questions we ask and the conclusions we draw are coordinated within this complex network of relations. From this process of coordination, constraining and potentiating, descriptions will emerge.¹⁵⁴

After four years of offering mediation services to political asylum seekers, the political winds turned and mediation was no longer considered a basic service that the Swiss government could provide. The decision to stop providing mediation services and to restructure the social services left me in a predicament. The social activism that was present at the outset, to provide a space where political asylum seekers could have a voice in the nonviolent resolution of their conflicts, had to be transformed into a new, different action. I had actively participated to create the mediation space, and had participated in the mediations as mediator and observed many unique mediation cases with the service. It became clear that doing further research would continue the process of addressing the conflicts and illnesses of this marginalized social group. The Swiss government could close down my mediation service, but they could not stop my social activism in this new form: research as social action.

¹⁵³ Sheila McNamee. A TAOS Institute founder.

¹⁵⁴ McNamee, Sheila. 1994. Research as Relationally Situated Activity: Ethical Implications, *Journal of Feminist Therapy*, 6(3): 69–83.

When I created the mediation service there were around 2,500 political asylum seekers in our canton. When I ended my work with the social services, there were 1,500 political asylum seekers. The legislation concerning political asylum had made Switzerland less attractive as a destination for asylum seekers. The international conflicts, especially in Ex-Yugoslavia, were moving into a new phase of reconstruction following a long period of war.

The conflict narratives are part of a multi-dimensional matrix. There were many levels of influence to take into consideration: the international political arena, the Swiss legislation concerning political asylum, the canton of Valais' application of Swiss law concerning asylum, the social and healthcare services provided for political asylum seekers, and the events that propelled political asylum seekers to seek assistance at the mediation service. Not only were these influences present, but the perceptions of mediation in the social and healthcare networks played a role, as well as the influence mediation had on the power relations within the system.

Though my main role was to provide mediation services, I was also responsible for greeting the new arrivals and presenting a film at an information session that was considered mandatory. As women were often absent from these information sessions, I created an information session that integrated health prevention with the healthcare professionals, bringing the human resources directly to the women in the community centers where they were first placed. I considered these "dialogue spaces" as important preventive measures that complemented the work in the mediation service. By listening to the new arrivals speak of their diverse challenges, I was able to direct them to resources and make them aware of the mediation service should they feel the need for it in the future. This knowledge may have contributed to a feeling of enhanced social justice in the system. The prevention project grew to include dental prevention for the men in the community housing centers. The arrival of a woman dentist from Cameroon allowed us to create a prevention presentation designed for men and women. Our previous prevention interventions were jointly conducted with the family planning centers. Dental prevention allowed us to create a new dialogue space where men could be invited to participate.

The mandatory information sessions took place at a centralized area where apprenticeships were offered to political asylum seekers. When they arrive they do not have the right to work. After several months they can try to obtain a work permit that would allow them to seek work

in hotel and restaurant services or agriculture. Even if they have specialized skills or an advanced degree, they are not given work permits to exercise their professions. This is a difficult situation for many political asylum seekers who find themselves on assistance and without hope of obtaining a work permit or finding a job. The training programs offered to the political asylum seekers allow them to gain basic professional skills and to be constructively occupied. In some cases, the training programs prepare them for a real job in the Swiss workplace.

The government can take many months before deciding a request for asylum. The judicial system with its formal letters is complicated and many new arrivals have difficulties understanding the asylum procedures they must follow. Families with young children must help their children through the first months in a new community where there are language classes. Eventually the children enter the canton's educational system. After several months of community housing, political asylum seekers are placed in individual housing. All of these phases can be seen as rites of passage.

The majority (nine out of ten) political asylum seekers do not obtain political asylum and are deported. There are also permits that allow political asylum seekers to stay, but do not give them refugee status. Many political asylum seekers have these permits. These permits do not allow them to seek stable employment. As mandatory education is only until age of 15, the children of political asylum seekers with these permits have difficulties finding apprenticeships and continuing their studies. Their life projects are often put on hold, waiting for a political decision that would allow them to have refugee status and begin the integration process.

It is forbidden to use the term "integration" when speaking of political asylum seekers. Integration projects are not a part of the guidelines for political asylum seekers. The Swiss government differentiates between the status of political asylum seekers and refugees. Only refugees benefit from integration. Many political asylum seekers live for years without a national identity. They cannot return to their country of origin, and they cannot participate as active citizens in their host countries. They are kept confined in a patriarchal, social welfare system that is designed to keep them on the margins of society. The Swiss government purposely denies them access to work permits as a measure to hinder integration until a judicial decision has been taken concerning their political asylum request.

Reflexive Research Models

Reflexivity is part of the research process. The initial action-research phase that allowed for creation of the mediation service and mediating in the different intercultural contexts gave way to a secondary phase of analysis and introspection. How we perceive research directly influences the research itself. Research is not neutral. Choosing a methodology and applying specific theories and models set the stage for the stories that are told and the meaning that is generated. Having chosen to use social constructionist theories and the Narrative Model in Mediation to present the “conflict narratives” and intercultural case studies directly influences the web of relations that are spun, connecting these stories to reflections about practice and the larger intellectual community. This specific research vantage point is part of the social construction of mediation practice. The Narrative Model is becoming a more mainstream model. The Blackwell Handbook of Mediation¹⁵⁵ presents a discussion of mediation models. The Narrative Model is becoming well known and has been juxtaposed as a model questioning some of the basic premises of more traditional models of mediation. Defining mediation in this unique way generates new understandings in the field. New perceptions emerge using new case studies that tell about human experience in these specific contexts, broadening the spectrum of understanding and meaning in the field of mediation.

Mine is the voice of a middle-aged American woman living in Switzerland. I am a double national. I speak French with an accent. I have degrees in International Affairs and Mediation. I have studied anthropology. I am the mother of five children and I live in the Swiss Alps in a ski resort town. I was adopted when I was four months old. I grew up Protestant, but am raising my children Catholic. I can go on, but the point is, who I am influences these “conflict narratives.”

I may describe myself differently depending on who is asking about my identity. People may ask, “What are your origins?” As I was adopted and have married a Swiss national whose family was originally from the Italian-speaking part of Switzerland, and therefore has a last name of Italian origin, I can give a number of explanations. But which explanation should I

¹⁵⁵ Herman, Margaret S. (Ed.). 2006. *The Blackwell Handbook of Mediation, Bridging Theory, Research, and Practice*. Malden, MA: Blackwell Publishing.

give? Am I Scottish and Methodist from my adopted family? Am I German and Irish from my biological family that has some Catholics and some Protestants? Am I Swiss Italian from my marriage with my husband? (However, he grew up in the French-speaking part of Switzerland in a small mountain village.) For some time now I have been contemplating, “Which voice do I use? How can I best convey these stories? What should I say and what should I leave out?” And in the spaces of silence intertwined with the “conflict narratives” is there not the narrative of the narrative? My own life has been influenced by my work. My practice and my integration process have evolved together, interlaced, with moments of professional and personal learning experiences.

In Depth Psychology it is important to correlate our identity and personal motivations with our involvement in social and community life.¹⁵⁶ Before finding social constructionism theory, I found this an important observation that many of my mediation teachers failed to include. It is obvious that I would be especially adapted to be an intercultural mediator as my life story has made mediation a technique that has enabled me to survive and move between national and family cultures. I am aware that my life story has influenced my research.

Sarah Davis and Mary Gergen have written about what distinguishes social constructionist research methodologies from more traditional methodologies. They explain,

Far from attempting to hide their own involvement in their projects these authors frequently reflect on their own position with respect to the context of their work. They ask themselves: Who am I with respect to the respondents, how do I understand the social customs described here? What are the consequences to others if I present information in a particular fashion? This reflexivity enables them to participate with subjects in relationships with a high degree of openness, and to use these experiences to help organize their understandings, with a sense of commitment to their values about gender relations. The authors’ reflexive forms of writing also provide an entry into the text for the reader, allowing them to develop a questioning attitude toward the contents and conclusions the authors are advancing. Usually authors try to seal their texts against this type of intrusion. In this sense readers are encouraged to raise questions about the author’s views, to develop their own syntheses of the materials, as well as to develop greater reflexivity about their own positions.¹⁵⁷

Gender studies have opened up avenues of expression to allow women’s voices and perspectives to be integrated into the academic world. What women see as important and how

¹⁵⁶ Samuels, Andrew. 1993. *The Political Psyche*. London and New York: Routledge.

¹⁵⁷ Davis, Sarah, and Mary Gergen. Opening Conversations, Draft Version. Retrieved from www.taosinstitute.net/manuscripts/psychologyofgender.html.

they express their views and their ways of gaining knowledge is fundamental. However, their voices must gain acceptance and approval from the academic community. Women's careers don't always resemble men's careers, as having babies and raising families often impose another rhythm. Elise Boulding has been an influential scholar in Peace and Conflict studies. She raised five children and finished her doctorate in her late 40s. Her life experience and time at home with her children allowed her to see life differently than others. The richness of her work comes from the depth of her inquiry. In *Born Remembering*, she courageously writes, "A spiritual revolutionary has a hard time in our society. The structures of violence and habits of oppression must be destroyed, but by means that we do not yet understand very well. We have only begun to explore the tools of non-violence and behavioral expressions of love (beyond sex!). It is clear that sociological training can be directed to the exploration of those tools, but in what settings can one do such work today?"¹⁵⁸

Boulding searched for meaning in texts that integrated the sacred. The spiritual dimension in Boulding's life led her on a quest for a transformative social process that could help humanity bring peace into the family and community. She writes,

Then there were two writers who gave me a most vivid understanding of the incredible process of remaking, reforming the human material: Evelyn Underhill and, oddly the anthropologist Victor Turner. The way in which Underhill patiently traced out the lineaments of the mystical experience in her masterful work, *Mysticism*, and analyzed the efforts and the disciplines which went into the tearing apart and reforming of those touched in this way by God, made the unbelievable believable. Turner, who wrote *The Ritual Process: Structure and Antistructure* in a totally different context, describes the function of liminality, as a rendering of the ordinary social being into prima material which can then be molded anew. This is the function of the ritual process, which was the focus of his study. Again, the unbelievable became believable.¹⁵⁹

Elise and Kenneth Boulding have been influential scholars, developing Peace and Conflict Studies first at the University of Colorado in Boulder and later at the University of Dartmouth. Their lives show how scholars' spiritual beliefs influence their political and academic engagements. In the search for a new, ethical basis of society, belief and social action interact, transforming human beings on an individual and societal level. Samuels speaks of this process of integrating the sacred into our postmodern reflection of psychology. Depth psychology attempts to bridge the gap between analysis and politics. The individual

¹⁵⁸ Boulding, Elise. 1975. *Born Remembering*, City: Pendle Hill.

¹⁵⁹ Ibid. p. 19.

cannot stand-alone unaffected by political decisions within an individualistic conception of the psyche. The individual is a part of society and participates in the political dimension of life.

Across the world, people have risen to the challenge of resacralization. It is the spiritual longings of ordinary people that have fuelled these movements—and perhaps all the more progressive political and cultural projects of the twentieth century. The resacralizing perspective recovers a sense of the religious verities but these are played through a changing worldview less dependent on religious organization. The resacralizing ethic may be plebeian in its roots, but it is sublime in its aspiratons.¹⁶⁰

Social Constructionism, Depth Psychology, and Peace and Conflict Studies all have different theoretical approaches. What links them in my presentation is each theoretical approach's attempt to integrate the sacred. My personal spirituality has been an important motor for my research. When I first decided to study International Affairs, I was torn between psychology and global problem solving. My experience as an exchange student allowed me to become a world citizen and I began to see how individual problems directly related to larger global problems. I chose International Affairs because I believed that in a postmodern world we are all interconnected and that our planet's survival depends on the development of a culture of peace. My choice to continue my studies in mediation allowed me to develop and practice nonviolent conflict resolution. My profession allowed me to create a space where the secular ritual of mediation could be practiced in an intercultural setting. I worked to create an environment where the sacred dimension could exist and hopefully a culture of peace could emerge. My work affected only a small number of people in my area, following the popular slogan "Think Globally, Act Locally."

My approach was influenced by peace and conflict studies. I did my bachelor's degree at the University of Colorado in Boulder, Colorado, USA. Elise Boulding also spent a part of her life in Boulder. This is an interesting synchronicity for me. When she writes of her search for solitude in *Born Remembering*, she describes the mountain paths that led her away from the campus and into nature. It was in this place of isolation where she was able to find an inner space away from the demands of family and community to think and write. I often ran on the same mountain paths that inspired me.

¹⁶⁰ Samuels, Andrew. 1993. *The Political Psyche*. London and New York: Routledge. p.12.

Women's paths are unique. Some women scholars such as Boulding value life from their experience of motherhood. And they understand transformative processes through their close experience of creating and nurturing life. As a young student in Boulder, I remember running on the mountain paths searching for comprehension. During President Reagan's presidency he challenged the Mutual Assured Destruction (MAD) defense policy by suggesting that limited nuclear war was, in fact, possible. This created a period of uncertainty and questioned the basis of the defense strategies during the Cold War. As I was running and looking for insight, it came to me that life is based on the fundamental ability to transform itself. As I looked at the beautiful fall leaves on the trees I was reminded of photosynthesis and the power of nature to transform light energy. This realization gave me renewed confidence in the transformative power of all life forms and, therefore, humanity's capacity to initiate positive change.

Change is possible, and, to survive, humanity must have the power to transform war culture into peace culture. I often look to nature for insight into complex transformative processes. Through my reading in diverse disciplines, I have discovered that I am not alone in searching for meaning in nature. I found a text written in the 1600s that speaks of almost the same description that I wrote above referring to trees.

Brother Lawrence told me: That God had granted him an exceptional grace in his conversion which took place, while he was still in the world, when he was eighteen, he told me that one day while looking at a tree stripped of its leaves, and reflecting that before long its leaves would appear anew, then its flowers and fruits would bloom, he received an insight into the providence and the power of God which was never erased from his soul; that this insight had completely detached him from the world, and gave him a love for God so great that it had not increased at all in the forty-odd years that had passed since he had received this grace.¹⁶¹

These words come from a historical period that separates us by more than 300 years, and yet these words show how people have always been inspired by the natural, transformational processes they observe.

The spiritual grace that Brother Lawrence associates with his experience described above can be understood in the transpersonal psychology writings that also speak of states of oneness with nature and the spiritual path. Ken Wilber, Stanislov Groff, and Frances Vaughan are three transpersonal scholars who have worked to integrate contemplative spirituality into

¹⁶¹ Delaney, John J. 1977. *The Practice of the Presence of God, By Brother Lawrence of the Resurrection*. New York: Image Books, Doubleday.

Western psychology. Frances Vaughan writes, “Since the major threats to life on earth are caused by human behavior, the need for changing consciousness is urgent. Global crises reflect values, beliefs and attitudes that seem to ignore our relationship to nature. Unexamined beliefs can be dangerous to ourselves, our children, and the earth. Future generations will bear the burden of our addictions and illusions that promise salvation while threatening annihilation.”¹⁶² Vaughan speaks of the healing of the soul as a transformational process.

Transformational mechanisms are also inherent in intercultural mediation processes. Transcultural psychiatry, transpersonal psychology, and intercultural mediation all take into consideration cultural differences. Instead of imposing one dominant world-view, they are approaches seeking to integrate all that is universal. They seek to stress all that links us at the same time they honor unique differences.

The universal teachings about enlightenment that can be found at the heart of the great religions express a unique perception of reality that is shared by many who have had authentic mystical experiences. When mystical experience is not repressed and is well integrated into ordinary waking consciousness, it seems to result in a sense of healing, renewal, inner peace and an outpouring of love and compassion of the suffering of the world. Insights gained from this experience can have a profound effect on behavior and relationships.”¹⁶³

In my practice with political asylum seekers, the spiritual dimension was often present as people told their stories. The “conflict narratives” integrated dimensions of the soul. Rarely were there conflicts that didn’t involve some soul searching and that weren’t related to life and death issues. The spiritual dimension entered the “conflict narratives” in multiple ways and with numerous descriptions of the understanding of the soul, spirituality, and ethics. Each person arrived with his or her own personal and cultural references. My experience would suggest that in our search for meaning it is rare that this spiritual dimension is not present.

Bouldings’ scholarship has placed the importance of nurturing within the household. She looks at how women have cared for their families over generations and her research describes how a culture of peace is cultivated by women in family settings. Boulding writes,

Where Peace Can Be Found: The familial household is an important source of peace culture in any society. It is there that women’s nurturing culture flourishes. Traditionally, women have been the farmers as well as the bearers and rearers of children, the feeders and healers of the extended family. The kind of responsiveness to growing things—plants, animals, babies—that women have had

¹⁶² Vaughan, Francis. (1995), *Shadows of the Sacred*. Quest Books. P. 1.

¹⁶³ Vaughan, Francis. (1995), *Shadows of the Sacred*. Quest Books. P. 222.

to learn for the human species to survive is central to the development of peaceful behavior.

Through most of human history people have lived in rural settings and in small-scale societies. Just as each familial household develops its own problem-solving behavior, so each social group has developed strategies of conflict resolution rooted in local culture and passed on from generation to generation. Similarly, each society has its own fund of adaptability, built on knowledge of local environment and the historical memory of times of crisis and change. Such knowledge and experience are transmitted through familial households as they are organized into communities. The knowledge is woven into religious teachings, ceremonies, and celebrations; it is present in women's culture, in the world of work and the world of play, in environmental lore, in the songs and stories of each people. These are the hidden peace-building strengths of any society.¹⁶⁴

She goes on to describe how the family can also be a source of violence. The family is an important social space where children learn how to deal with conflict. When violence is present in the home it eventually ripples out into the larger social dimension. She also underscores the important role that women play in the home.

I am convinced that the culture of peace that is nurtured in households is fundamental. Many skills that are learned in the home allow us to become professionals. We give more importance to professional training than learning in the family environment. When I was called to the helicopter accident site and initiated as a professional mediator, I was using my professional baggage and training as well as what I had learned in my home and in my community. I grew up in Omaha, Nebraska where mediation has been greatly developed and integrated into the legislation. The Nebraska culture of mediation has its roots in the egalitarian, agricultural way of life. The pioneers who settled Nebraska needed cooperative skills to survive the harshness of Nebraska's natural environment. A culture of cooperation has emerged in Nebraska providing an exemplary state law detailing the legal framework for mediation. I was born and raised in Nebraska. That culture and my upbringing have greatly influenced my mediation practice, possibly even more than my professional training.

When I was adopted I first lived with my parents in my great-grandfather, Carl Wilson's house. He was a first cousin to President Woodrow Wilson. My great-grandfather had many books in his library. The Harvard Classics, old, leather-bound books, lined his bookshelves. I would look at all those old books dreaming of the day when I would be able to "know" the

¹⁶⁴ Boulding, Elise. Year. *Peace Culture: The Problem of Managing Human Difference*. P.4. Retrieved from www.crosscurrents.org/boulding.htm.

contents of those many volumes. The pursuit of knowledge was capital for my great-grandfather as it was for his first cousin. Woodrow Wilson was president of Princeton University before he was elected President of the United States. The life story of Woodrow Wilson was a major influence in my choice to study International Affairs. As Wilson had conceived of the League of Nations and negotiated the armistice following World War I, he stood out to me as a visionary proposing an alternative to Mutual Assured Destruction. Switzerland welcomed the League of Nations on its soil making Geneva an important center for the development of what later became the United Nations.

At the entrance to my chalet invitations addressed to my great-grandfather inviting him to Woodrow Wilson's daughters' weddings are hung, reminding me of this great American president and the close bond I had as a small child with my great-grandfather. Why are we so drawn to certain life stories at such a young age? Wilson's life story has continued to resonate deep in my heart throughout my life. And his example has become a metaphor guiding me to my second homeland, in the French-speaking part of Switzerland. This country has made a place for me just as Wilson's League of Nations found a home in Geneva.

Before completing my Master's Degree in Mediation I was involved in the Swiss Candidature for the Winter Olympics. I saw the opportunity to affect global culture through the Olympic Games that were proposed for Valais, where I live. I proposed a slogan and project that became the theme for our Olympic candidature, "A Candidature for Sustainable Development." My project envisioned a five-point star representing the dynamic nature of sustainable development that included a culture of peace and permanence. My sustainable development project won a contest organized by the sustainable development committee and was published in the official "Rainbow Book" presented to the Olympic committee members. I was asked to be a member of the sustainable development committee because of my work developing the sustainable development theme and the vision of how these values could be applied to the Olympic Games that our canton hoped to host. Unfortunately, our Olympic bid was not successful. Turin, Italy was chosen for the 2006 Winter Olympic Games. However, my work on the committee provided a unique experience to promote the values of sustainable development and a culture of peace. Though I did not have the honor of welcoming the many visitors who would have attended the Olympic Games in Valais, I was given another job; that of welcoming the political asylum seekers. That position allowed me to continue the development of a culture of peace through mediation.

Each time I begin writing about a case study, multiple voices come to me in a matrix form, with many possible story lines. I end up writing only a small part of the story in a limited, condensed version. However in my mind's eye, I see a story that is an organic, multi-dimensional hologram. My life's story is interwoven into each of the case studies. Social constructionist theory has created an academic space where I can speak about my work and research in a more creative way that is closer to my true understanding. My vision of the "conflict narratives" is multifaceted. Stories are interlaced with meaning from inner and outer influences: personal, academic, spiritual. The voices of the authors I have cited have also become an integral part of me. Their words have shaped my understanding and my practice. The many books and articles I have read along with the professors who have taught me over the years are an integral part of this research, as well.

Mindfulness

Mindfulness has been integrated with conflict resolution research and practice.¹⁶⁵ It is fundamental to recognize that our own level of consciousness affects our practice in mediation. The adversarial mindset that dominates Western culture affects our choices in conflict resolution methods. Choosing a cooperative approach to conflict resolution such as mediation is a cultural transformation itself. When parties and institutions choose mediation as the legitimate method to resolve conflict, that choice reflects a paradigm change.

Definitions of "self" in Western society have also contributed to the manner in which mediation has been practiced. Mediation models that have defined the individual as a separate entity have dominated practice and theory. However more recent work has brought forth new models such as the transformational model (Bush & Folger 1994/2005), and the narrative approach (Winslade & Monk 2000). Their work has created a shift in the way we understand "self," developing a relational understanding of "self" based on postmodern philosophy and social constructionist theory.¹⁶⁶ In Kuttner's article, "Wisdom Cultivated Through Dialogue," he presents an approach to mediation that integrates transformational and narrative models in mediation, quoting many of the social scientists who have provided the theoretical

¹⁶⁵ Kuttner, Ran. 2008. Wisdom Cultivated Through Dialogue. *Negotiation Journal*, 24 (1).

¹⁶⁶ Ibid.

foundations and research that have produced these new approaches to practice. Kuttner's synthesis demonstrates the growing recognition of these models. Another example of the growing acceptance of the narrative model in mediation is the *Conflict Resolution Quarterly* from the Summer of 2008 that features several articles presenting narrative and dialogue as central themes when approaching their specific fields.¹⁶⁷

This relationally based conflict transformation framework generates new models in practice by providing theories that allow a critique of our individualistically oriented western culture. Kenneth Gergen's writings address the relational aspects of self. His writings have directly inspired the Narrative Model in Mediation. Gergen writes, "Narratives of the self are not personal impulses made social, but social processes realized on the site of the personal. In this chapter I will extend this theme significantly on the way to articulating a relational conception of self. Western tradition is deeply committed to a view of the self as an independent or self-contained unit. As long as this view is sustained, traditional problems of epistemology and social knowledge will remain unsolved (and insoluble), and the broad social practices in which this conception is lodged will remain unchallenged. I do not intend here to develop an entirely new vocabulary, unanchored to cultural practices, but to reconstitute existing conceptualizations. In particular, I intend to demonstrate how the traditional conception of emotion can be redrawn—how the emotions can be viewed as constitutive features not of individuals but of relationships."¹⁶⁸

Gergen's conception of a relational self has been integrated into the Narrative Model of Mediation challenging traditional models of mediation. The case study with the Indian tourists who experienced a tragic helicopter accident shows the importance of a relational model of self within intercultural mediation. In this situation Swiss authorities were working with people who did not have an individual Western definition of self. That is why they were on the soccer field looking after their countrymen's bodies. They were related to them and responsible for them and to their families. Gergen goes on to shed insight into relational responsibility. "Theories of the self are, after all, nothing less than definitions of what it is to be human. Such theories inform society about what the individual can or cannot do, what limits can be placed on human functioning, and what hopes can be nurtured for future change.

¹⁶⁷ *Conflict Resolution Quarterly* 25(4), Summer 2008.

¹⁶⁸ Gergen, Kenneth. (1994), *Realities and Relationships, Soundings in Social Construction*. Cambridge, MA: Harvard University Press. p. 210.

Further, they inform society about rights and duties, designate those activities to be viewed with suspicion or approbation, and indicate who or what is to be held responsible for our present condition. To define the self is thus to sit in implicit judgment of society.”¹⁶⁹

The Indian understanding of responsibility was providing the framework for their actions. Their group held together and looked after the dead bodies that were lying on the soccer field, went to the hospital to be with the injured, and accompanied the young widow who lost her husband in the accident. They also judged the Swiss authorities’ interventions based on their framework of social responsibility.

When I arrived on the site they explained in detail how they had picked up the helicopter to rescue the Swiss pilot while the Swiss rescue workers watched passively. They had judged it their responsibility to save any survivors and didn’t understand the Swiss hesitation to intervene. The Swiss firemen who first arrived on the scene were aware of the gasoline leak and the danger of explosion. They waited until a white foam covered the soccer field, reducing the risk of explosion. Different cultural understandings can often be the basis of misunderstanding. Intercultural mediation must integrate conceptions of self beyond the Western understanding. In so doing, methods and models are challenged. As the Narrative Model in Mediation incorporates social constructionist theory into its theoretical basis, it stands out as a mediation model that can more appropriately be applied to intercultural mediation.

Gergen elaborates on the pragmatics of narration, “Narrative accounts in a modernist frame serve as potential representations of reality—they are true or false insofar as they match events as they occur. If the accounts are accurate, they also serve as blueprints for adaptive action. Thus, in therapy, if the narrative reflects a recurring pattern of maladaptive action, one begins to explore alternative ways of behaving. Or, if it captures the formative process for a given pathology, one prescribes palliatives. Within the modernist view, the therapist’s narrative has a privileged status in prescribing an optimal way of life. In contrast, for most therapists informed by postmodern perspectives, the modernist concern with narrative accuracy is unconvincing. Narrative truth cannot be distinguished from historical truth, and when closely examined, even the latter concept is found to be problematic. What then is the function of

¹⁶⁹ Ibid., p. 211.

narrative reconstruction? Most existing accounts now point to the potential of such reconstructions to reorient the individual, to open new courses of action that are more fulfilling and more adequately suited to the individual's capacities and proclivities. Thus, the client may alter or dispose of earlier narratives not because they are inaccurate but because they are dysfunctional in his or her particular circumstances."¹⁷⁰

When I arrived on the site I was told the narrative of the courageous Indian tourists who rescued the Swiss helicopter pilot. I was also told that the Swiss rescue workers took too long to intervene. The Indian's perception of the time that it took for the rescue workers to begin helping the injured was part of their story concerning the inadequate response of the Swiss authorities on the accident site. This came out as I was translating at the meeting where the Indian leaders, tourist company representatives, rescue workers, psychologists, doctors, and policemen came together to discuss how they were to proceed and the guidelines for cooperation. The rescue workers had a vision of an efficient intervention with chronological proof of their interventions that they believed to have been rapid. These two narratives co-existed during the course of the mediation process. The final judgment would come from the Swiss judicial system that was to establish the responsibility and liability of the helicopter company that had been hired to take the Indian tourists on sightseeing tours of the Swiss Alps.

From the beginning, I worked with the police inspector promoting the importance of getting the depositions from the Indian tourists so that their version of the accident would be officially recorded. I believed this to be imperative to assure a fair investigative process. Just as Gergen writes of the importance of the privileged status of therapists' narratives and interpretations, this situation shows how different cultural views could be given privileged status. Integrating the depositions of the Indian bystanders was an attempt to have a fair representation of the incident. The accident was not only witnessed by Swiss bystanders, but also by the tourists. Their narratives were an integral part of the investigation. I defined my role as a mediator in a broad sense. I was working for the integration of the multiple voices describing the events following the helicopter accident. The Narrative Model in Mediation has a theoretical framework that gives a place for the status of competing narratives. The narrative approach creates a space where each narrative can be understood to have implications

¹⁷⁰ Gergen, Kenneth. (1994), *Realities and Relationships, Soundings in Social Construction*. Harvard University Press. P. 245.

influencing relationships, practices, and social responsibility. Each narrative position invites a different outcome.

Deep Listening

The way we listen is central in the practice of mediation. The role of the mediator is not the role of an expert. The mediator guarantees a process. The mediator is a third party who provides a legitimate space where parties can dialogue. I define *mediation* as the act of linking or connecting those who are in the conflict resolution process. We find solutions in a certain dimension of consciousness that all participants bring into the process. Within this configuration, the transformative process that generates conflict resolution solutions is influenced by the mediator's mindfulness or consciousness and the quality of listening. How the mediator listens depends on his or her frame of reference. Philosophical frameworks orient the manner in which one listens and how one understands what is being said. Focusing on listening deeply implies giving a central importance to the parties' stories and the meaning they attach to their narratives.

When I first began my work as a mediator with political asylum seekers, I studied ethno-psychiatry to decode the conflicts and illnesses that were being uncovered in the mediation service. I witnessed these extraordinary "conflict dramas," if I may borrow a term from Victor Turner.¹⁷¹ These conflict dramas were influenced by multiple factors. And the intercultural nature of these conflict dramas not only had an ethnic dimension, but political and institutional dimension, too. Race and legal status were present, as well as the influence of human rights and gender issues. Another important factor was that of professional practice. Each practice had a different approach and definition concerning the conflicts being played out. I was facing complex situations involving great suffering. Often people's lives were at stake because of the risk of violence and serious illness. I tried to make sense of the conflict dramas that were being acted out in the space I had created for the department of the social services. The complex nature of the situations brought to the mediation service required an interdisciplinary approach. Often it was necessary to include various professionals and institutions to co-create meaning and find solutions among the many concerned parties.

¹⁷¹ Turner, Victor. (1974), *Drama, fields and meta-phor*. New York: Cornell University Press.

Sheila McNamee and Kenneth Gergen developed an innovative approach to therapy based on social constructionist theory.¹⁷² They talk about focusing attention not on the expert's narrative, but on the client's narrative. This is fundamental as it transforms traditional therapy postures. The all-knowing therapist who diagnoses pathologies and pathological situations with deficiency dialogue is an expert. Their work speaks of a posture change that reduces the power of the therapist/expert in the process and reinforces the client's position. The accent is no longer on the therapist/expert's interpretation but on the client's narrative. "To once again reframe our initial query: on what grounds, save those which are shared within their own community, can mental health professionals claim superiority in naming? On what grounds, save their own, do they function to eliminate alternative possibilities? Is resistance to the multiple possibilities of interpretation desirable, is 'the single calling' possibly injurious not only to the profession but to those clients who live in alternative realities?"¹⁷³

A young psychologist was called to the accident site to provide psychological aid, debriefing and whatever help she could offer to the traumatized. This has become common practice after violent situations in which lives are lost. As I observed and reflected over the course of the three days while working closely with the police and other professionals I questioned our Western professional response to tragedy. How was a young psychologist to alleviate the trauma of sixty Indian tourists? The Indian tourists had a social fabric that reinforced their community after the accident. They were present for each other in a remarkable way. When I accompanied the head of forensics to the hotel room where the young widow and her two-year old child were present, there was hardly a place to stand. The Indians had filled every space of the hotel room and the women were next to her in the bed as she spoke with her family in India. Could we as professionals alleviate their suffering with our psychological methods like debriefing? When I translated for the head of forensics as he officially announced the death of the woman's husband, I tried my hardest to communicate the clarity and compassion present in the message that was spoken. Gergen and McNamee question the deterioration of relationships in our postmodern society with the increased presence of mental health professionals. "The mental health professions thus disrupt the processes of relational

¹⁷² Gergen, Kenneth J., McNamee, Sheila. (2000), *From Disordering Discourse to Transformative Dialogue. The Construction of Disorder*, APA Press. P. 6.

¹⁷³ Gergen, Kenneth J., McNamee, Sheila. (2000), *From Disordering Discourse to Transformative Dialogue. The Construction of Disorder*, APA Press. P. 6.

realignment that might otherwise take place within the community. Relations organic to the community are undermined, communication is attenuated, and common patterns of interdependency undermined. In effect, the deficit terminology functions within a process that removes the client from his/her ecological niche.”¹⁷⁴ My professional role as mediator was to translate and guarantee the resolution process.

Ethno-psychiatry first believed that it was possible to intimately know a given exotic culture and therefore to be the expert in an intercultural therapeutic setting. George Devereux and Tobie Nathan both had an important influence on the development of ethno-psychiatry during the last century. Devereux spoke of “modalités de inconduite.”¹⁷⁵ His research describes in great detail how people in isolated tribes and clans know how to go crazy in their own society. These patterns of dis-ease are culturally embedded. This concept has evolved and today we speak more easily of culture-bound syndromes that can be understood as patterns of dis-ease that have emerged from semantic networks.

As ethno-psychiatry evolved, it became apparent that one could no longer master exotic cultures, continuing to sit in the expert seat. This wasn't only because of the difficulty involved in mastering multiple exotic cultures. It was also because many intercultural patients were turning into transnationals; that is, their identities were being transformed by new technology, communication, transportation, and the influence of postmodern society. The expert was forced to listen to the representations that the client was referring to by placing an importance on the client's configuration of meaning within a psychodynamic approach. Interpretation was no longer based on generalizations from a closed tribal culture or clan. The multiple belongings that clients referred to had unique connotations that belonged to the individual and not the community.

Ethno-psychiatry was simultaneously influenced by theories of semantic networks. Semantic networks became important in the anthropology of medicine research and literature. These semantic networks showed how illness was not just understood by health professionals using their own professional vocabulary, but illness began to be interpreted by using the words of

¹⁷⁴ Gergen, Kenneth J., McNamee, Sheila. (2000), *From Disordering Discourse to Transformative Dialogue. The Construction of Disorder*, APA Press. P. 13.

¹⁷⁵ Devereux, George. (1980), *Basic Problems of Ethnopsychiatry*, University of Chicago Press, Chicago.

the ill. The folk understanding, or common understanding of illness, and the descriptions pertaining to illness, were largely developed by researchers such as Arthur Kleinman, Byron J. Good, and Raymond Massé. The anthropology of medicine contributed to the shift from the superior status of the expert's narrative to the increased status of the client's narrative. In this sociosomatic approach to illness meaning is co-constructed. "A sociosomatic approach encompasses not only the integration of social context into psychosomatic approaches—that is, enhancing the understanding of mind-body interactions in context—but it also posits a direct impact of social processes on the body that is outside of the mediation of conscious awareness." (Kleinman in Gaw)¹⁷⁶

This major shift has put an increased importance on the act of listening. Winslade and Monk explain the importance of social constructionist theories and what that means for mediation. "The importance of these ideas is that they affect what we select for attention from what people say. They shape how we make sense of people's stories. From a social construction or postmodern point of view, the viewpoints people express in a conflict situation are constructed by discursive fields that produce shifting, multiple, and contradictory forms of subjectivity. They are not fixed positions that spring from internal biological imperatives, even though they may be strongly held and firmly entrenched. As mediators, we might also listen for the ways in which disputants speak themselves into positions (or are allocated such positions by someone else's seeking) within a field of particular discourses."¹⁷⁷

Listening for the discourses that are brought into the mediation by the participants is crucial. This form of listening allows the mediator to gain understanding of the "multiply positioned subject."¹⁷⁸ Participants express their identity through the discourses that provide the framework of meaning. The social context of the mediation constitutes yet another dimension where referential systems come into play and provide a framework of meaning.

Work in organizational dialogue also supports an emphasis on listening. "Usually we think that great performances create attentive listeners. Organizational dialogue suggests a reversal:

¹⁷⁶ Massé, Raymond. (1995), *Culture et Santé Publique*. Gaetan Morin Editeur Itée, Boucherville. P.185.

¹⁷⁷ Winslade, John and Gerald Monk. 2000. *Narrative Mediation*. San Francisco: Jossey Bass Publishers. p. 46.

¹⁷⁸ Ibid.

attentive listening enables exceptional performance.”¹⁷⁹ Quality performance in the mediation processes requires a deep listening that is able to hear the narratives being told. The attentive listener becomes aware of the semantic networks that ground these stories in social meaning. The sociosomatic dimension is especially important when dealing with political asylum seekers. Careful listening allows the mediator to decode the representations present in the narrative. The understanding of these narratives depends on a form of mindfulness developed through both academic inquiry and personal development.

Mediation: A Response to Suffering

What may have been the framework supporting the creation of the mediation service and the construction of the identity of the mediator’s role was a postmodern response to avoid suffering. In Charles Taylor’s book, *Sources of the Self, the Making of the Modern Identity*, he writes, “[T]he importance we put on suffering ... seems to be unique among higher civilizations. Certainly we are much more sensitive on this score than our ancestors of a few centuries ago—as we can readily see if we consider the (to us) barbarous punishments they inflicted. Once again, the legal code and its practices provide a window into broader movements of culture. Think of the horrifying description of the torture and execution of a man who had attempted regicide in mid-eighteenth-century France, which opens Michel Foucault’s *Surveiller et Punir*. It’s not that comparable horrors don’t occur in the twentieth-century West. But they are now seen as shocking aberrations, which have to be hidden. We are much more sensitive to suffering, which we may of course just translate into not wanting to hear about it rather than into any concrete remedial action. But the notion that we ought to reduce it to a minimum is an integral part of what respect means to us today—however distasteful this has been to an eloquent minority, most notably Nietzsche.”¹⁸⁰

Taylor writes of our western sensitivity to suffering. This is perhaps one of the main frameworks that drove the creation of the mediation service. How can I alleviate suffering within this unique context? How does the mediator’s practice attempt to alleviate suffering? How can the suffering that was present in the “conflict narratives” be understood? And how

¹⁷⁹ Barrett, Fank J. 1998. Creativity and Improvisation in Jazz and Organizations, *Organizational Science* 9(5).

¹⁸⁰ Taylor, Charles. (1989), *Sources of the Self, The Making of the Modern Identity*. Cambridge University Press. P. 13.

can that suffering be witnessed? I developed my practice by asking myself these questions and responded by improvising and performing in response to the demands that came to my office.

I never felt that I had been trained to deal with the suffering that I witnessed. I put all my energy into the creation of the mediation service because I truly believed that mediation could offer a response to the suffering I witnessed. My attempt to develop a co-disciplinary practice reinforced my conviction that if we worked together we could find solutions to the complex problems that I was witnessing. My collaboration with the psychiatric institution in Valais improved my practice. My academic work and the process of writing down the case studies and presenting them in various professional and academic circles, was another dimension of my attempt to seek solutions through a better understanding of the specific context of my work and of interdisciplinary practice. I sought to find the experience of the experts in my region and as my research grew, on an international level. My search for understanding finally led me to the narrative approach in mediation. The narrative approach has allowed me to reconcile my practice with a theoretical model.

I was first confronted with the aspect of suffering in my first mediation case study. I have previously described in the chapter on “space” the mediation that involved the tourists from India who were involved in a helicopter accident while on vacation in Valais. When I first received the call asking me to come to the accident site, my husband did not believe me. As I explained the situation to my husband in front of my seven-year-old son who happened to be standing by, he spontaneously interrupted, “Mommy, mommy, just go, people need you.” And he ushered me out the door.

I was not the only professional called to intervene at the accident site on the soccer field in Beuson, Valais, Switzerland. There were many rescue workers: firefighters, doctors, psychologists, police officers, community politicians, and a translator. Each was offering aid in a specific way. I had to improvise once I arrived at the accident site. How was I to provide aid and be of service to those in need as a professional mediator? How could I alleviate the suffering that was before me?

First, there was the gut response, the instinctual response to help other human beings in distress. Secondly, there were the question, “How?” that gave rise to the specific actions I

undertook to alleviate suffering. There weren't only the frameworks of the concept of "space" and jurisdiction that were providing the blueprint for action and process, but a moral framework. Taylor describes this in Part 1, "Identity and the Good, I spoke in the outset about exploring the 'background picture' lying behind our moral and spiritual intuitions. I could now rephrase this and say that my target is the moral ontology which articulates these intuitions. What is the picture of our spiritual nature and predicament which makes sense of our responses? 'Making sense' here means articulating what makes these responses appropriate: identifying what makes something a fit object for them and correlatively formulating more fully the nature of the response as well as spelling out what all this presupposes about ourselves and our situations in the world. What is articulated here is the background we assume and draw on in any claim to rightness, part of which we are forced to spell out when we have to defend our responses as the right ones."¹⁸¹

In this sense my identity as a mediator was contingent on a moral framework concerning the role of the mediator that was guiding my actions and the improvisation that I performed as mediator on the soccer field and during the following days with the Indians and other parties. Just as laws mapping jurisdiction influenced the course of the mediation as I described in my analysis concerning "space" so did the other frameworks provide a backdrop for action.

Mediation: Performative, Relational, Dialogical

I now introduce the notion of mediation as performative. Victor Turner's anthropological research on "conflict dramas" captures this performative dimension of mediation and conflict resolution. Mediation is relational, dialogical, and performative. And that is why the work of Michael White and David Epston is so important when they develop the theoretical basis for Narrative Therapy.¹⁸² Their theoretical framework is largely based on anthropology and the social sciences that has allowed for an original model to emerge in therapy and mediation. Narrative therapy, developed by White, integrates Michel Foucault's work on power/knowledge. How in fact do we perform these power relations? How are they present in the professions that we exercise? And who has the power to ask the question?

¹⁸¹ Ibid., p. 9.

¹⁸² White, Michael, and Epston, David. 1990. *Narrative Means to Therapeutic Ends*. New York and London: W. W. Norton & Company.

In *Medicine, Rationality, and Experience, An Anthropological perspective*, Byron J. Good describes the importance of the recognized authority of the person who can ask the question. “She began to interview a man and his family, whom she had met when the man was a patient at the mental hospital. As they told her the details of his illness and who they suspected might be responsible, she realized that they saw her as a healer and now expected her to act on their behalf. Why else would she ask about such matters so explicitly? Only the powerful would dare to ask such questions.”¹⁸³

Who has the recognized authority to ask the question? Is it the doctor, the priest, the witchdoctor, the researcher? Foucault’s analysis of power relations further develops the relational constructs present in professional settings. When I arrived on the accident scene, I was given the right or the authority to ask the question. Mediation was given a legitimate place among the other members of the rescue team and therefore, I was able to ask questions. Anytime you ask a question you are in fact orienting the response. And as the quote suggests, when we ask questions we have created a situation where we become responsible for the answers given to us. We become a part of the situation. We are consequently expected to act within a moral framework. Who has the power to ask a question? The response is central in the analysis of professional networks.

The first question I asked when I walked toward the group of Indians on the side of the soccer field immediately connected me to power relations, moral frameworks, and expectations of me as a professional mediator. When the emergency cell called me, asking me to come to their aid, and escorting me to the accident site at the soccer field, they gave me a legitimate place in the professional network of rescue workers. Their call initiated the dialogue and the co-construction of meaning that ensued.

So, having the right to ask the question is the first step in configuring the relationships within the network. The content of the question is the second influence. What did I ask and how did that specific first question orient the mediation? I recall explaining that I was a mediator and I simply asked, “What do you need?” I noted their responses in my agenda notebook that had

¹⁸³ Good, Byron J. (1994), *Medicine, rationality, and experience. An anthropological perspective*. Lewis Henry Morgan Lectures. Cambridge University Press.

extra paper and went to look for someone that might be able to respond. The well-dressed inspector wearing a tie stood out as the man on the field with authority and I went directly to him and communicated their requests. This is how the dialogical process began. And it was through this process that I began constituting my power as a professional mediator in this context. The manner in which I coordinated the process differentiated me from the work of the other professionals, such as the psychologist. My questions led to different dialogues and therefore different coordinations.

John Shotter talks about these dialogical processes. He explains how our realities are transformed by the conversations that we begin. His work analyzes the importance of “utterances.” “In studying utterance, rather than the well-formed sentence, Bakhtin and Volosinov claim that the utterance is a real responsive-interactive unit. ... Thus whatever we say can never be wholly up to us—all our utterances are to an extent jointly produced outcomes between ourselves and others.”¹⁸⁴

If I relate this understanding of utterances to the first question I asked the Indians who were huddled together on the soccer field in shock, it becomes clear that the first question was linked to their response and co-constructed the ensuing dialogue that was the basis of the ongoing mediation process. This jointly produced outcome was generated by language. The dialogical relationship gave rise to a certain unfolding of events. Shotter explains in another paper how responsive expressions generate relationship form.

“Instead, it is important for us to accept that in all living activities, there is always a kind of developmental continuity involved in their unfolding, such that earlier phases of the activity are indicative of at least the style, the physiognomy, i.e., the unique living identity, of what is to come later. There is a characteristic ‘shape’ to their unfolding in time. Thus, just as acorns only grow into oak trees and not rose bushes, and hens’ eggs only produce chickens and not rabbits, so all living activities, it seems, give rise to what we might call identity preserving changes or deformations—their possible ends are already ‘there’ in their beginnings. In other words, our spontaneous, expressive-responsive bodily activities, our words in our uttering of them, always ‘point beyond’ themselves, toward a limited set of possibilities in the future. Thus, in having internal rather than external relations to their surrounding circumstances like

¹⁸⁴ Shotter, John. (1997), The social Construction of Our ‘Inner’ Lives. *Journal of Constructivist Psychology*.

this, they have an indicative or mimetic, i.e., a gestural, relation to them (even if their surroundings are invisible to those witnessing only the activities)—in other words, rather than simply ‘add-on’ extras, they are always ‘participant parts’ in a larger whole. It is the intrinsic developmental continuity of all our living activities that, to repeat, provides us with the usually unnoticed background of expectations and anticipations we arouse in each other by our responsive expressions, the spontaneous expectations and anticipations in terms of which we all ‘go on’ with each other in our everyday practical affairs.”¹⁸⁵

Shotter’s analysis of communication allows us to understand the importance of the first question from another analytical lens. The mediation on the soccer field was shaped within a dialogical space. The works of Vygotsky and Bakhtin are fundamental in understanding the dialogical processes affecting the co-construction of meaning within the context of mediation. The event of the helicopter accident initiated me and allowed me to become a mediator. I had only finished writing my Master’s thesis on mediation. I consider it an interesting synchronicity that the beginning of my practice should correspond with the end of writing my thesis. It was as if the universe was “evaluating” me. My performance was shaped by my academic work. There was a developmental continuity linking me to my academic positioning. This initial experience provided me with a framework that influenced my approach and understanding of mediation. Kevin Avruch provides an analysis of mediation models and the role of the mediator, “We can also think of this as the “mediation changing the mediator,” or as a successful and effective mediator as one who is receptive to role/task change throughout the process.”¹⁸⁶

The Conflict Narratives: Integrating Arthur Kleinman’s Explanatory Model

Globalization, generalized migrations, and technological innovations, as well as the evolving perceptions of geopolitical configurations, all affect the changing European political policies vis-a-vis political asylum. The European Union has addressed migration from a global vision

¹⁸⁵ Shotter, John. (2006), Vygotsky, Bakhtin. Goethe: Consciousness and the Dynamics of Voice. Paper given in the Departement of Communication, University of San Diego, May 3rd, 2006.

¹⁸⁶ Avruch, Kevin. (2006), Of Time and the River, The Blackwell Handbook of Mediation. Blackwell Publishing. P. 392.

that has influenced the understanding of the effects of new legislation concerning political asylum. Legislation has been consciously redefined to make certain countries less attractive to political asylum seekers.

Switzerland, which is not a part of the European Union, has recently modified its laws concerning political asylum. The Swiss legislation was inspired by the Dutch legislation, which restricted social aid, making Holland a less attractive country for political asylum seekers. The effects of the new Swiss legislation are difficult to assess because of the short time these laws have been in effect. However, the Swiss political debate on political asylum has been heated, and reforms undertaken have resulted in restructuring the social aid services and medical care. The new legal statutes that allow the immediate discontinuation of social aid has increased the precarious status of the political asylum seekers. That, in turn, contributes to the fragility of certain asylum seekers who have received a negative response to their political asylum request.

It is clear that relational and clinical work have been affected by the current reforms in the present political framework. With restricted budgets, professional practices, such as accredited cultural mediators or the access to mediation, may be questioned. The administrations that manage social assistance and care must analyze their services and must scale down their organizations because of the decreasing number of political asylum seekers. The political climate has also changed, forcing administrators to offer strictly minimal services. The instability of the political asylum system and the abrupt political changes influenced by the right-wing Swiss political parties are factors influencing the way services are organized and offered to political asylum seekers.

The complex situations created by the political asylum system have influenced the development of professional networks. These networks weave through the social and medical structures providing care for political asylum seekers. Within these networks are new professionals, such as cultural mediators. The presence of new professionals transforms the roles and status of the various professionals and contributes to the evolution of the diverse professional practices. These emerging networks and interdisciplinary approaches to case management and therapy are innovative ways to meet the needs of political asylum seekers. This increased cooperation requires a coordinator and the recognition of a code of conduct for the participants. It is also important that the professional actors are aware of their colleagues'

functions, roles, and professional competencies. The study of these networks—how they are consolidated, their efficiency, and how they influence the evolution of professional practice and outcomes—are important elements in the analysis of the emergence of mediation.

Mediation is a new professional practice within the mental health system and social services. The mediator not only practices mediation, but also links the medical professionals with other care-givers such as social workers, administrators, and representatives from various partner institutions or organizations. The mediator, a new actor among other traditional professionals, is perceived differently by each of the professionals within the network. At the same time the mediator is recognized by the political asylum seeker for his or her professional services in conflict management. These perceptions orient the political asylum seeker's choice when searching for help in resolving complex conflicts.

The mediation service at the “Action Sociale” in Valais provided conflict management and mediation services for all its political asylum seekers and employees. During that four-year period, mediations were offered for numerous conflicts: family mediation, mediation between neighbours, mediation between the political asylum seeker and the administration, interinstitutional mediation, mediation in collaboration with psychiatry, as some examples. A representative selection of mediation cases were analyzed in a “mémoire,” with Dr. Randolph Willis, under the supervision of Ilario Rossi, professor at the University of Lausanne.

Many of the political asylum seekers' cases addressed to the mediation service concerned pathologies that went beyond traditional mediation. It became important to create an interdisciplinary approach where a psychiatrist was integrated into the mediation process. Intercultural mediation, ethnopsychiatry, and transcultural psychiatry have proven to be important disciplines for a holistic approach to a healthcare plan. Together, they offer an interdisciplinary approach that addresses the conflicts and pathologies presented by the complex life situations of political asylum seekers. The close collaboration between the mediator and psychiatrist allows the political asylum seeker to address his or her situation without unnecessarily orienting the person into psychiatric diagnosis and care. This flexible approach prevents unnecessary psychiatric intervention for complex situations that require medical intervention, but not always psychiatric treatment. The therapeutic dimension of mediation allows the political asylum seekers to take the time to identify the conflicts present in their situation. It also lets the professionals put together a therapeutic plan with the social

and health system networks. Mediation is a professional tool that addresses converging conflicts that often had an effect on physical and mental health.

The analysis of eleven case studies with Dr. Willis in our “mémoire”: “Requérant d’asile, Comparaison de leur situation dans divers pays, focalisation sur leur prise en charge dans le canton du Valais et création d’un nouvel espace interdisciplinaire,” was presented in May 2004. I have continued to research these mediation cases and others by focusing on the perceptions of conflict by using Arthur Kleinman’s Explanatory Model and adapting it to questions about conflict.

I interviewed several political asylum seekers who participated in mediation. The basis of my research therefore includes: case studies, qualitative interviews, and theoretical research. I gained a better understanding of the role of the mediator within the network of care-givers and services. This investigative approach was designed to reinforce the network and interdisciplinary case-work by focusing on the growing importance of networks in healthcare and services. Through a conscious attempt to better understand the emerging networks, this research project will hopefully have a catalysing effect on the social and healthcare systems, as actors become more aware of their role within the networks.

As a mediator it is important to understand the theoretical basis of mediation, its historical background, and the elements related to practice. I suggest that sensitivity to social justice and conflict resolution should be integral to healthcare networks. Mediation offers an interdisciplinary space where complex situations can be addressed. Understanding the complexity of social and healthcare networks is not only important in intercultural mediation. In a globalized and multicultural world more and more situations are intercultural in nature. These situations are no longer marginal, they have become mainstream. Conflict and illness are often both present in complex situations. Kevin Avruch writes, “The second, psychogenic, reason culture is never perfectly shared by individuals in a population (no matter how, sociologically, the population is defined) has to do with the ways in which culture is to be found ‘in there’ inside the individual. Here we are broadly speaking, in the realm of psychodynamics, at least with respect to the ways and circumstances under which an individual receives or learns cultural images or encodements. Because of disciplinary boundaries and the epistemological blinders they often enforce, these sorts of generally psychological concerns are considered off-limits for many social scientists. For this reason,

even many culture theorists have referred to think of culture only as ‘out there’, in public and social constructions, including symbols, that are wholly independent of mind—of cognition and affect.”¹⁸⁷ My approach to mediation has included the “inner” and the “outer” in an interdisciplinary attempt to bridge the two and make sense of the complex “conflict narratives” I witnessed. I have often borrowed the term “psychodynamic” from Alvruch to explain the complex narratives that transnationals express during mediation sessions. Another way of expressing this may be Shotter’s reference to polyvocality. Our narratives are full of many voices.

I treat several dominant theoretical themes: mediation, anthropology, sociology, psychology, social constructionist theory, and the emerging networks in service and healthcare systems. The currents in the field of mediation and the emerging models of mediation are important to analyze, as they allow a better understanding of their founding principles and how each affects expectations and outcomes. An attempt to assess the outcomes of conflict management within the mediation service is a part of this continued research involving the case studies. Administrative and intercultural mediation provided the context for these case studies. The transformative and narrative models in mediation that are based on empowerment, recognition, and the stories that the political asylum seeker’s tell portray a new vision of mediation that focuses on helping people find a way to go on.

Theories pertaining to the sociology and anthropology of medicine that researchers such as Devereux, Nathan, Kleinman, Littleton, and Massé have helped develop a better understanding of the meaning of conflict and disease within an intercultural context. I developed this aspect in my co-disciplinary work with Dr. Willis. Political asylum seekers are migrants who have often been traumatized by war. This particular element is an important consideration when designing coordinated network interventions. The affects of globalization and new technologies all interact, changing the reality of political asylum seekers. Their lives are often shaped by political legislation that creates barriers to integration. These new forms of judicial statuses may even be defined as racism. Ethno- and transcultural psychiatric schools of thought provide a theoretical backdrop to developing therapeutic practices.

¹⁸⁷ Alvruch, Kevin. (1998), *Culture and Conflict Resolution*. United States Institute of Peace, Washington D.C. P. 18.

The emergence of networks and their importance, especially in mental healthcare, can be seen through the diverse consultations that the political asylum seekers had with professionals. This has been documented by looking at the computer program in which all social service employees had to note consultations. The social mapping method used to probe the consultations helped gain more information concerning the functioning of these networks. The transformation of traditional professional roles and practices, and the creation of new roles and practices, are part of an evolving process demonstrating the dynamics of rapid social change.

Mediation is a new profession. As new practices are developed, it is necessary to analyze the transformation of basic mediation principles and new currents in an evolving social and political landscape. Mediation is by nature an interdisciplinary approach. The influence of mediation on the organization of social and healthcare services must also be understood to grasp the complex interconnectedness of supply and demand in relation to migrants.

Integrating the Voices of the Political Asylum Seekers

The following interviews were done after a reflective academic process that structured my thesis by using the key concepts in anthropology. The first part of my thesis uses anthropology to deconstruct my practice. That deconstruction period allowed me to gain distance from my role as mediator. The year and a half spent as a fellow in the Swiss Post-Graduate Studies in Anthropology and Ethnology helped me to make the transition from mediator to social scientist. I used Arthur Kleinman's Explanatory Model to guide my questions.

*Medea: Come, I'll ask you advice as if you were a friend,
Not that I hope for any help from you; but still,
I'll ask you, and expose your infamy.
Where now can I turn? Back to my country and my father's house,
Which I betrayed to come with you?
Euripides, Medea*

(trs. Philip Vellacott, Penguin Book, 1963, page 32)¹⁸⁸

The following interview is a translation from French to English of an interview with **Mme. B.** Who responded to questions about her conflict situation.

1. What is the conflict?

When I came for the problem, it was concerning my daughter, P. Why can't I have my daughter living with me?

2. What effect does this conflict have on your life?

It is for the rest of my life. It hurts. And there are a lot of bad memories for me too.

3. In what way does the conflict continue to influence your life?

First of all it really touches me. They say that I am sick. And it has been since the time that I was in the hospital (giving birth to P.) that they have taken my daughter away from me. They don't give me a response about how much more time she will be with foster parents. I want to hire a lawyer. Is it because I am a foreigner? Why can't I have my daughter? I also think of my daughters in Africa. I can't leave them there as orphans. And P. won't ever be able to go to Africa, never!

Since you have left the social services, there is nobody taking care of my situation. I can't take my daughter to visit in Geneva. Should I find someone who could adopt P.?

4. Are you afraid of something?

I am sick. I have my two daughters in Africa and one here. Maybe I can find someone for P. here? NO, this is all wrong, it's not a good situation.

5. What caused the conflict?

When I came to Switzerland, at the hospital, I said, "Either you give me my daughter, or we are going to each take half." I think that they thought that I was going to hurt P.

6. How should the conflict be handled?

It should be handled at the "foyer" or social services' office with the social worker. I haven't done it anymore, but if it continues I will start again. I will go to the foster parents and I will take my daughter and I will leave. Everybody asks me why? Why can't you have your daughter even if you are sick. Just because I am HIV positive. I don't want to hurt M. S. (social worker) and M. N. (head of child protection agency).

7. How could you be helped?

¹⁸⁸ Littlewood, Roland, Maurice, Lipsedge. (1982), *Aliens and Alienists*, Penguin Books Ltd.

Yes, who can help me? This has been going on for seven years. A mother you can't have her daughter. I don't have any money. Who can help me? My daughter is used to living with whites. I am going to continue to suffer with her when she gets older. Maybe a lawyer, but they all say that they know M. N. Even if I am sick and I don't have any money, I can't abandon my daughter. If I die, who will take care of my daughter?

8. Who do you expect help from?

No one, since you left, nobody. I went to see Mr. S., and he says that it is Mr. N. I don't understand anything. I am not from here. I want to leave with my daughter.

Mr. F.

The following interview was conducted in French with Mr. F. and translated into English.

1. What is the conflict?

The problem is with my political asylum request. I am imprisoned in respect to my request to reconsider my file in Bern. The Canton of Valais wanted to expulse me, then they liberated me. I find it unjust.

2. What effect does this conflict have on your life?

It really troubled me. I had the impression that I was reliving the same things like in my country. It affected my health. I wasn't able to sleep. And all of this is because I came here.

3. In what way does the conflict continue to influence your life?

I don't have a future. I don't know what I am going to do tomorrow. I don't have a project. It is a difficult situation.

4. Are you afraid of something?

I don't know how much more time I will have to wait. I can't go back to my country and I don't know if I can stay here. I really don't know what to do. I always have to fight to survive.

5. What caused the conflict?

It's as if somebody burned your hand. My hand was burned in my country. There is a big fire in my country. I didn't want my whole body to be consumed by the fire. It isn't easy for me to leave my country. I knew about Europe. I knew that it wasn't going to be easy. But I wanted to live. I am not a public danger. I don't understand why I need to keep fighting to survive.

6. How should the conflict be handled?

I can't call this a conflict. As there is hatred in conflict. I came to ask for political asylum. There are laws that protect people. When I came, I thought that I had the right to be protected. But I have the impression that the Swiss want to send me back to where I lived in persecution.

If I had the solution for that I wouldn't be as bothered as I am by this. I don't have a solution.

7. How could you be helped?

The problem is simple. I asked for political asylum. If I would receive political asylum, I would be relieved and my mind would be calmed. I cannot return to my country. I don't see anything else that could help me, except to give me asylum.

8. Who do you get help from?

“Swiss immigrants,” Mrs. J. is handling the legal aspects of my asylum request. Concerning my health, I am better. I am trying to forget. I can sleep now.

Mr. M

The following interview was conducted in English.

1. What is the conflict?

It was a conflict of visions. Perhaps as a result of an extremely difficult decision that had been imposed upon us as a family. We had never been prepared for finding ourselves without a home and identity, asking for asylum.

Who was to blame? I got the sense that my son was blaming me about a situation that I had never thought about getting involved in. And the solution was unknown. Yes, it was about jeopardizing individual visions. My son's vision was to complete his school. And then upon discovering that it was no longer possible for him to complete his school in the same establishment and finish his studies as he was counting on.

I was trying to see if I could restore my authority as a parent and leader of the family. And this is where I got stuck. For him I had no more right to speak for the family because of the alleged activities against me. My son was entering his teenage period. Teenage ranting—my son could be forgiven for his teenage ways, but probably he was right to express his feelings and to speak back to me. I was surprised that he could speak back to me. We had to express our diverse visions of what, when, where, and how. We were in a complex situation. My limited attempts trying to appear as if I was solving the situation by finding a way for him to go back overseas to finish his studies in a private school.

I was a wounded person. And when a person is down, you “go for the kill.” I might be wrong that my son thought that. I didn't know how to handle this conflict. My son was growing up. We sought help from the experts. Where I could have said, “I can solve this on my own,” I relented, allowing other people to intervene. There was a potential for violence. And mainly it was becoming an unsolvable situation. Our decision to seek help was coming from the fact that neither of us was equipped to solve the problem on our own. And also rather given an

unclear environment where we couldn't see what would happen to us, what should we do if we don't know what will happen to us, what the consequences might be in this context, this allowed my son to let out his frustration and I was defensive also. But eventually our need to seek help was a form of recognition that we were incapable of solving our differences.

There were surprisingly good results. Initially, I was expecting a routine thing where someone was paid, but it was a genuine space where someone was going to help restore our unsolved conflict. The details have been lost in a mist of time. The way the issue was handled allowed us to quickly forget about it. The matter was resolved.

2. What effect does this conflict have on your life?

It was a wake-up call for me because I didn't realize that I had a son that was growing up in the house. I was gone from seven in the morning till midnight. That kind of distancing from my family was because I had to provide. I needed to give them a minimum. I got the wake-up call when everything was out of control and I couldn't make the decisions for the family. That allowed me to give space for my son to see how the situation could develop and where he would go and how it would work out and how we could go along with what we wanted.

3. In what way does the conflict continue to influence your life?

It was a wake-up call for me and the way it has influenced me is in terms of giving space to my son and others to express themselves and it also has given me the strong resolve that compromise is the best thing that can happen in conflict situations. And it's not weakness. Win-win strategies are relevant in family conflicts. If I get in a conflict situation I must not just consider negotiation strategies, but understanding the other party. You empathize, sympathize, and want to help. It is a non-adversarial position, positions aren't held permanently, but they shift. For me, historically, conflicts have always existed on all levels. Accepting my son was grown up and understanding I didn't know the details of where my family would go ... it has been a very long road. But somehow the lessons that were learned then, during the mediation have influenced our conduct now. The mediation experience has influenced our relationship today. It has influenced the hierarchy in our family and power distribution and how things are to be handled. But we have learned to manage the situation. I am still the man around here and the young man concedes. But for me it's giving him his rightful place he deserves as a grown-up man. I see that our situation has changed. He has been a bit freer without needing to conform. Our relationship is not founded upon rules but by respect. And he hasn't disappointed us.

4. Are you afraid of something?

I am afraid of the caprices of human nature and the savage instinct in us wanting to settle a problem. Normal people sadly explode and do damage, physical or otherwise. We hear of fathers and sons chopping off their heads and shooting at each other. I was really scared that I could slap my son, he is epileptic, and he could fall down and die. When children are put under pressure, they do the most despicable things. They can throw themselves in the river, take poison, etc. Sometimes I think about it and I'm not quite sure if he takes a wife and decides to abandon school ... these fears they really damage relationships between father and son. This is my worst nightmare. I worry that he won't amount to anything. I have a "damp" for a fellow. What does my son think of me? What does my father think of me? Compromise helps but somewhere along the line we need to know the limits. I'm not going to do these things ... but there is a lot at stake even more than our own personal relationship. In the past two years my son has done what I didn't think he could do. This proves he was right. I am glad he was right.

5. What caused the conflict?

It was because I wanted my son to do things he didn't want to do. And I felt my authority as a parent had been challenged. He was only fifteen. The conflict arose simply because, as I first said, we aren't prepared and can never be prepared for our fear of the unknown. We were a mess as a family. And we were in a place where we couldn't figure things out. We have lived in different places before but this time it was really strange—the fifth dimension. We were asking, "Is this real or is this not real?" It was hard. I don't like to talk about all that during that period because it was hard, it has now passed. It arose, that conflict, because of vision that intersected, and that was hard.

6. How should the conflict be handled?

Being self-conscious, when you are in relationship to an environment. I am more confident now in myself than I was before. I was no longer sure who I was. I was a number. Now, I am no longer a number and I am more aware of myself in relation to my family. Self-awareness must translate into correct steps like understanding, care, responsibility, all that's what self-awareness should translate into everyday behaviour that work to build relationship. Now I have somewhat gained my wholeness. What I see is that I can my self-awareness that the family appreciates. The sudden realization that I am nobody drove me to want to go back to school. I wanted to lead, I am still a leader, but leaders lead by example. I wanted to show my son that people can rise above their misfortune, the Oracle of Delphi, "Know thyself."

Showing the family I still was able to succeed in my classes at IUKB (a post-graduate Master in Business study program), driven to succeed. When I came to IUKB, they witnessed my

action, and that was influence. In conflict situations you need influence. My everyday behaviour was a way to influence the way we were going to live.

7. How could you be helped?

I sought help with Mrs. Riva. First, I had to do a lot of phone calling in my family and they talked to my son. I also talked to myself.

8. Who do you get help from?

Mrs. Riva, by making a follow-up and report back to see if things have improved. It worked well and much that has happened is the interest you have given, and listening and analysis that helped me to navigate

The Props That Set the Stage

These interviews took place around two years following the mediations when the mediation service no longer existed. Therefore, the interviewees have a certain emotional distance from their conflicts. The questions were asked out of the mediation service context when I was no longer a mediator but a social scientist. The interviews add to the research material by integrating the exact words used by the political asylum seekers describing their conflicts. After analysis of the interviews I realized that I had integrated Kleinman's explanatory model in my questioning techniques and mediation model during the mediations that took place at the social service's mediation center. My interpretation of mediation practice was to ask questions similar to Kleinman's questions in his explanatory model. I naturally favoured the narrative approach, minimizing my expert interpretations and maximizing the language and perceptions of the people who were describing their conflict.

The interviewees had participated in a series of mediation sessions. During each mediation session the questions allowed the participants to enter into a dialogue about their conflict narratives. There were individual and group sessions. Each phase allowed the participants to investigate the roots of conflict and the possible solutions. If an expert opinion was needed or the position of an institution was required, that dimension of the conflict was explored and integrated into the process. In this sense, the mediation process integrated the explanatory model by using questioning techniques that allowed for the co-construction of meaning.

The interviewees reveal an aspect of the conflict concerning their fear in the question, “What are you afraid of?” The first interview with Mme. B. reveals her fears concerning her illness. She is HIV positive and fears leaving behind her young children. In the second interview, Mr. F. explains that he fears the insecurity of his situation and not knowing what the future holds for him. And in the third interview, Mr. M. fears the “savage instincts” in people. He fears the violent acts that can result from conflict. These fears were not always specified so directly during the mediation sessions. They were always a part of the narrative; however, the specific questions that were asked brought forward these direct responses.

Academic Inquiry: A Form of Reflexivity

Academic inquiry, another questioning technique, is complementary to the explanatory model. By inquiring into the root causes of conflict using the theories provided by the social sciences, mediators gain another understanding of conflict. The reflexivity required in mediation includes academic inquiry because conflict is contingent on context. Kevin Avruch addresses the importance of the root causes of conflict by citing the work of John Burton.

In some sorts of conflict, usually the most deeply rooted, and seemingly intractable—usually, that is ones having to do with issues of identity, nationalism, race or ethnicity—power references, even very large ones, do not in the end matter all that much ... The position derives from Burton’s theory of conflict—indeed, of all social action—as being based on the frustration by social institutions of the universal, basic (and nonnegotiable) human needs of individuals. If their basic human needs are frustrated or denied expression, individuals will fight institutions implacably, even violently; and they will do so seemingly “irrationally”—against all odds.¹⁸⁹

Social constructionist theory has another approach. Winslade and Monk address this question in their book *Narrative Mediation*. The problem-solving approach to mediation is based on certain fundamental assumptions that mediators such as Avruch and Burton have outlined in their analyses. The Narrative Model questions these assumptions. Winslade and Monk present the assumptions of problem-solving approach in an attempt to distinguish the difference between the two models.

The primacy of the individual in this model of mediation is such that even when a conflict involves groups, the model directs us to make sense of it in terms drawn from individual psychology. Individuals are seen as prime movers in their own

¹⁸⁹ Avruch, Kevin. (1998), *Culture and Conflict Resolution*. United States Institute of Peace Press, Washington D.C. P. 50.

worlds, and communities are portrayed as made up of distinct human beings who act independently and are accountable for their choices. The identification of an individual's needs and the accommodation of her or his interests are viewed as the object of community and as the essential ingredient of a successful mediation. ... The second major assumption built into the problem solving model is that individuals are driven primarily by internally generated needs, which are expressed in mediation as their interests. ... The third major assumption is about conflict itself. It follows from the assumption about the drive to fulfil individual needs. Conflict is assumed to happen because individual needs are not being met.¹⁹⁰

Our assumptions about conflict directly influence our models and the way we understand what is being communicated. The “conflict narratives” above describe conflicts that could not be contained within the problem-solving approach. The principles of social constructionism seem to make more sense of the mediation process and the expression of conflict in this specific context. Winslade and Monk explain,

Antiessentialism is the idea that people are more the products of social processes than determined by essences from the inside. Whether the so-called essences are biologically or environmentally determined, this viewpoint argues that human nature is far more fluid and unstable than has been supposed. It turns out that much of what we have been told is hardwired into our psyches is, mapped onto us by the social and cultural world around us.

From a theoretical point of view, this notion destabilizes the assumption of individual psychology. It makes less reliable the concept of individual psychological needs around which people's interests are formed. This is not to imply that people's needs are not keenly felt, but it does shift the balance of the relationship between social change and personal change. From a social constructionist perspective, people's needs are not so much essential (or natural) as they are constructed in discourse or in conversation. Therefore, a different kind of conversation might lead to a revision of these needs. This perspective shifts the purpose of mediation beyond the task of need fulfilment (in which the needs to be fulfilled are taken as given) and in the direction of transformation.¹⁹¹

“Conflict Narratives”: From Monological to Dialogical Accounts

These interviews allow the words of the political asylum seekers to have a space in the developing story line. However, much of the larger story remains untold. Behind these

¹⁹⁰ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*. Jossey Bass Publishers, San Francisco. P. 32-33.

¹⁹¹ *Ibid.*, p. 37.

conflict dramas are political, economic, and social situations that have influenced the lives of millions. These larger dramas affect the lives of people in many ways. These great upheavals are the cause of massive migrations. The “conflict narratives” in this thesis focus on the stories of only a few people and families that were touched by these waves of political upheaval. The individual stories that are told in this academic work are windows through which we are allowed to see into the lives of the millions who will never tell their story.

Nevertheless, this is not only the story of political asylum seekers. It is also a story about Western democracies. And it is a story about Switzerland’s recent political changes. The asylum seekers came to Switzerland seeking political asylum. The laws governing political asylum and the care systems put in place for people with this judicial status influence the social construction of conflict and illness. Edward Sampson explains how serviceable others are constructed in monological accounts. His illustration shows that there are hidden dialogical partners. “For example, the processes by which a serviceable other is constructed by dominant protagonists is entirely ignored in most monologic accounts, which direct us not only to look within the protagonist and the other for the qualities each seems to possess, but also to ignore the processes of construction by which those qualities appear. We ignore the manner by which dominant groups create serviceable others whose creation gives both self and other the qualities that define their human nature.”¹⁹²

Arthur Kleinman’s Explanatory Model is important because it focuses on using a questioning technique that allows people in mediation to explain their situation in their own words. This approach creates a space where the narratives can be told and heard. The dialogues that emerge from this process permit the co-construction of meaning. This accentuates the importance of the participants’ understanding of the conflict. The “polyvocality,” or “multivoice,” that is cultivated in the mediation process reinforces the integration of these marginalized voices. In this specific context, academic inquiry provides yet another investigative technique. An interdisciplinary theoretical approach integrates the “semantic networks,” or discourses, of the social sciences into the meaning-making process. My analysis suggests that there are a multitude of voices telling the narratives. The explanatory process involves numerous forms of inquiry. Curiosity is central in this model. The quest for understanding or meaning is possibly the force that drives this process.

¹⁹² Sampson, Edward E. (2008), *Celebrating the Other. A Dialogical Account of Human Nature*. TAOS Institute Publications. P.19.

Relational Aspects of Global Pathology

A metaphor that I used with Dr. Willis when we presented our mémoire at the University of Lausanne depicts the polarization between the rich and poor and how it affects our pathologies. Imagine the planet as a large crystal. Freud used the metaphor of the cracked crystal to describe how our psyche cracks, allowing psychosis to permeate the levels of our psyche.¹⁹³ The fault lines of the crack are the pathways allowing for psychosis to penetrate the different levels of the psyche or “self”.

Our planet earth is one large crystal that is breaking. The cracks in the crystal separate the North from the South and the rich from the poor. The fault lines of this break can be traced. If we map these cracks on our planetary crystal, we can see the paths of the emerging postmodern pathologies. Just as we speak of Gaia, our living planet, we can imagine that there is a human psyche connecting all human beings. This metaphor describes an emerging global system. Pathologies that are being expressed in the populations of the wealthy in the North are directly linked to the pathologies of the poor in the South. These pathologies are like a two-sided coin. Each face of the coin has a different imprint, but they are both one expression of the same pathology. These “neopathologies,” the term used by Littlewood, are interconnected. They link the North with the South and the rich with the poor, expressing a fundamental force that seeks to bridge the planetary polarization, connecting humanity in its dis-ease.

When we speak of culture-bound syndromes,¹⁹⁴ pathologies that are directly linked to our lifestyles, we recognize how disease is socially constructed. Diseases such as obesity, heart disease, and diabetes are related to how we eat in the wealthy Western world. These Western pathologies are linked to the poorer third-world nations experiencing famine and malnutrition; diseases caused from the lack of food and water necessary to sustain life. These pathologies are interconnected. They represent the two faces of one coin.

¹⁹³ Manet, Ghylaine, Sigmund Freud, Faculté Européen de Sophrologie Analytique et Comportementale, <http://www.sophrologieanalytique.com/freud.htm>

¹⁹⁴ Massé, Raymond. (1995), *Culture et Santé Publique*. Gaetan morin Editeur Itée, Boucherville. .

In the same way that the developing countries are over-nourished with chemical additives such as vitamin D in milk and fluoride in water, underdeveloped nations are undernourished, lacking the essential vitamins and calories that the body needs to survive.

To heal these pathologies we need a holistic approach that recognizes the lack of balance on our planet today. Our pathologies are showing us the way to healing. We must realize we are interconnected. Our planet is cracking like Freud's crystal. Along the fault lines are new pathologies. These neopathologies, as Littlewood describes them, cannot be treated without us realizing that they are symptoms of one disease.¹⁹⁵

Another example would be the demographic situation in Europe. There are more and more elderly people and fewer children are being born. As birth rates plummet, this demographic reality risks to undermine the social welfare systems put in place in the majority of the Western democracies. Our social system depends on young workers providing for the older, retired populations' retirement pensions. This system is eroding. The other face of this social pathology can be seen in the African villages where children are raising children because AIDS has killed all of the adults. Today, there are entire villages of orphans in Africa.

What will become of intergenerational solidarity? How will we care for one another in the future? The social fabric of society is being torn apart. But again, these pathologies are metaphorically related. This demographic imbalance threatens the planet's social stability. How can we find equilibrium? If we are indeed interconnected in our suffering this may suggest that we may also be interconnected in our healing.

When we turn on our televisions to the evening news we are bombarded by images of human suffering. And yet, we do reach out to them in ways that significantly impact lives. This situation creates great anxiety for many people. Depression and anxiety disorders are rampant in Western societies. Not being able to reach out and help results in feelings of helplessness. We are conscious of the suffering of others, and yet the distances that separate us block us from direct intervention on a significant scale. We see images of victims of war, natural disasters, and famine, and we are conscious of their suffering. As we cannot act we suffer from high levels of anxiety, the other side of the coin.

¹⁹⁵ Littlewood, Roland. (2002), *Pathologies of the West: The Social Anthropology of Psychiatric Illness in Europe and America*. London: Continuum/Cornell University Press.

Crops that are providing biofuels to power the vehicles of the Western world are taking away food supplies from populations in third-world countries that do not have enough grains to feed their people. The price of corn and wheat have skyrocketed. The United Nations is calling for emergency relief to these countries affected by the market change influenced by new technologies in biofuels. This illustrates how energy use in one part of the world directly affects the energy use in the other part of the world. Our energy use connects us to people, the animals that are raised on crops, and to the planet. We are all interconnected.

Edward Sampson describes how the West has maintained its dominance by constructing a serviceable other.

If we examined the conditions of modern life in the West, we would see how much they affirm our mutual independence and interconnectedness far more than the kind of self-sufficiency and autonomy that characterize the self-contained ideal. Furthermore, if we give close consideration to the devices and technologies of power by which the dominant groups sustain their self-sufficient, self-contained ideal, we would see just how many others have to be held down and in check for this act to continue without disruption. In other words, we would see not only the lie of self-sufficiency and self-containment, but the power that undergirds that lie.

And so we confront a contradiction between the realities of our own everyday existence and the belief in self-contained individualism that guides many of our self-understandings. We value the very kind of person that no human being could realistically ever be. We value the very kind of person that requires the suppression of the other to sustain. This is the real basis of the peculiarity of the Western understanding.¹⁹⁶

Transpersonal psychology addresses planetary consciousness. Stanislow Groff says:

In a rare form of transpersonal experience, consciousness expands to include the Earth in its totality. People who have these experiences are deeply moved by the notion of our planet as a cosmic unity. They perceive the different aspects of our planet—geological, biological, psychological, cultural, and technological—as manifestations of a sustained effort to reach a higher level of evolution and self-actualization. It becomes clear that the processes on Earth are guided by a

¹⁹⁶ Sampson, Edward E. (2008), *Celebrating the Other: A Dialogical Account of Human Nature*. TAOS Institute Publications. Chagrin Falls, Ohio. P. 75

superior intelligence that far exceeds all human capacities, and that this intelligence deserves to be respected and trusted.¹⁹⁷

Relational responsibility is paramount once we become conscious of our interconnectedness. This vision of interconnectedness that I found with the transpersonal psychologist seemed close to my understanding of mediation as the act of linking. “Linkedness” and interconnectedness have something in common. They both recognize the bonds that hold us together.

The Social Construction of Conflict and Illness

Political asylum seekers in Switzerland suffer from political situations that affected millions in the countries from which they fled. They have been traumatized by war and social injustice. However, the social and healthcare systems in place in countries that receive them are also considered sources of trauma (Massé 1995). In my work with Dr. Willis we analyzed the rites of passage inherent within the social and healthcare systems imposed on political asylum seekers by their judicial status. This allowed us to decode the conflicts and illnesses we witnessed in this specific subsystem. The power relations in this specific subsystem gave rise to unique conflicts and illnesses. The understanding we gained from our research on the case studies that we analyzed allowed us to design a co-disciplinary approach. From this co-disciplinary approach, we moved to an interdisciplinary approach, working with many professionals and institutions by inviting them to the mediation sessions. This “polyvocality,” or “multivoiced,” dialogue allowed the participants to co-create meaning in complex situations.

The culture-bound syndromes of the social and healthcare network affecting political asylum seekers first permitted me to develop a conceptual understanding of how culture could influence or construct disease. However, I include here another important dimension by describing the relational aspect of culture-bound syndromes between the Northern and Southern Hemispheres. This is important because the conflicts and illnesses that are socially constructed in the Swiss political asylum seeker’s subsystem are related to Swiss citizens. What is the other side of the coin? What neopathologies are on the other face of Swiss coins?

¹⁹⁷ Groff, Stanislov. (1990), *The Holotropic Mind, the Three Levels of Human Consciousness and How They Shape Our Lives*. Harper San Fransisco.

Political asylum seekers in Switzerland live within a Swiss political context and the picture is not complete unless we consider the relationship between political asylum seekers and Swiss citizens.

The new legislation that affects political asylum seekers reflects a change in Swiss political values. An English newspaper, *The Independent*, featured an article by Paul Valley on September 7, 2007 entitled “Switzerland: Europe’s heart of darkness?” In his article Valley writes,

Switzerland is known as a haven of peace and neutrality. But today it is home to a new extremism that has alarmed the United Nations. ... UN special rapporteur on racism, Doudou Diène, warned earlier this year that a “racist and xenophobic dynamic” which used to be the province of the far right is now becoming a regular part of the democratic system in Switzerland. ... What is at stake here in Switzerland is not merely a dislike of foreigners or a distrust of Islam but something far more fundamental. It is a clash that goes to the heart of an identity crisis which is there throughout Europe and the US. It is about how we live in a world that has changed radically since the end of the Cold War with the growth of a globalised economy, increased migration flows, the rise of Islam as an international force and the terrorism of 9/11. Switzerland only illustrates it more graphically than elsewhere. ... The drama that is being played out in such direct politically incorrect language in Switzerland is one which has repercussions all across Europe.

The author uses words such as “drama” being played out and the “language” being used. This terminology fits well into the narrative model of mediation, supporting the idea that Switzerland is playing out a conflict drama. This conflict drama is much larger than the individual dramas of political asylum seekers. The drama being played out is described as a Western drama affecting not only Switzerland, but Europe and the United States. Valley suggests that the cause of this xenophobia and racism has its roots in an identity crisis. He explains how Swiss nationality and notions of kinship are directly related. Have the Swiss lost touch with their identity as a neutral country that traditionally offered political asylum? And if so, how does this affect the relationship between political asylum seekers and Swiss citizens? What are the dynamics of this relationship? What faces have been printed on the sides of this newly minted Swiss coin?

Gergen and McNamee have undertaken an in-depth analysis of relational responsibility.¹⁹⁸ They cite Martin Buber in their opening chapter, “In the beginning is the relation.” They propose that the discourse of individual responsibility is intellectually, ideologically, and pragmatically limited. They speak of conceptions of “We.” And they quote R. D. Laing, “The invention of Them creates Us, and We may need to reinvent Them to reinvent Ourselves.”¹⁹⁹

They go on to explain, “[I]t is not the individual who is acting here: He or She is a manifestation of a collectivity; it is not I, myself, who am the target of this action but I as an exemplar of a particular group. Furthermore, we may be prepared to understand our construction of another’s actions in terms of the larger institutions by which we are constituted.”²⁰⁰

Their theoretical presentation of relational responsibility helps us to better understand the importance of relationship between the political asylum seekers and the Swiss citizens. The “conflict narratives” emerge within this relational context. First, there is the international political dimension, incorporating the relationship between nations and the root causes of migration. And secondly, there is the relationship between political asylum seekers and their host countries. In McNamee and Gergen’s chapter entitled, “Co-Constructing Responsibility”, Karl Tomm explains his conception of “relationship disorders.” He writes,

My awareness of this iatrogenic pathologizing process emerged through conversations with family therapy colleagues who also saw individual behaviour and its meaning as closely connected to the interpersonal systems of relationship in which persons are embedded. As my awareness of this grew, I came to rely less and less on psychiatric diagnoses and the biomedical and individualistic explanations associated with them. Instead, I focussed more and more on relational and cultural explanations to guide my work. Over time, my patterns of psychiatric practice changed quite dramatically. I now prescribe far less medication than most of my psychiatric colleagues and give much more attention to respond to the social networks in which my clients live. It should come as no

¹⁹⁸ McNamee, Sheila, Gergen, J. Kenneth. (1999), *Relational Responsibility: resources for sustainable dialogue*. Sage Publications, Inc. P. 3.

¹⁹⁹ McNamee, Sheila, Gergen, J. Kenneth. (1999), *Relational Responsibility: resources for sustainable dialogue*. Sage Publications, Inc. P. 15.

²⁰⁰ McNamee, Sheila, Gergen, J. Kenneth. (1999), *Relational Responsibility: resources for sustainable dialogue*. Sage Publications, Inc. P. 15.

surprise then that I have a strong bias in favor of the perspective on relational responsibility being proposed by McNamee and Gergen.²⁰¹

The political asylum seekers who participated in mediation found a space where the meaning of their social networks was given paramount importance. As there were multiple bonds and identities in their lives, their relations were possibly more complex. Political asylum seekers bring with them a transnational identity. That identity relates them to intercultural and social networks, as well as a subsystem of social and healthcare networks specifically designed to receive them. These networks influence the social construction of their conflicts and illnesses. When we give an important consideration and place to relational responsibility in our practices, we open up dialogical space, placing importance on co-creation and interconnectedness. To understand the conflict narratives it is fundamental to perceive the context from which their conflicts arose. The ability to perceive and decode the semantic networks, the relational aspects of the pathologies, and their meaning, is central to understanding the conflict dramas that were performed. The conflict dramas are contingent on context. In other words, an investigative process underlies the ability to understand the stories, and the allusions that are being made in the narratives.

Applying the Foundations of the Narrative Model in Mediation to the “Conflict Narratives”

The “conflict narratives” of political asylum seekers take place in a political and social context that demonstrates the importance of these aspects in conflict resolution and mediation. That is why these case studies fit well into the Narrative Model that has given an important theoretical consideration of these aspects. As social constructionist theory and anthropology have inspired the Narrative Model, they have created an analytical approach that honors these dimensions present in conflict. The “conflict narratives” of political asylum seekers provide case studies that reinforce the assumptions of the Narrative Model. I use the theoretical and philosophical blueprint that Winslade and Monk have developed in Narrative Mediation to present case studies that exemplify the principles outlined in their conceptual framework.

²⁰¹ McNamee, Sheila, Gergen, J. Kenneth. (1999), *Relational Responsibility: resources for sustainable dialogue*. Sage Publications, Inc. P. 131.

Winslade and Monk use the philosophies of Wittgenstein to demonstrate the constitutive function of language. Language is a meaning-making activity permitting and constraining the options that we have available to us. “The significance of these ideas for mediation practice is profound. The traditional psychological separation of talk and behaviour becomes irrelevant. Instead, we can think of the talk we create in mediation as actually constructing experience.”²⁰² In the case concerning Mme. B., I review that first mediation session I had with her. Following her attack on the social workers at the administration’s office where she arrived with a knife, she used that knife to cut herself. Her HIV-positive blood on the knife added another level of danger to her attack. Following this incident, I arranged a mediation session with the director of the social workers, the social worker responsible for Mme. B, the administrator, and the computer teacher from the Congo who had helped to calm Mme. B. The computer teacher was also a political asylum seeker. He spoke Mme. B.’s language. I considered it important that Mme. B speak in her mother tongue if necessary to explain and discuss the incident. I was aware of Dr. Metroz’s work in Lausanne, Switzerland, an ethno-psychiatrist who created a service for migrants, promoting the use of cultural mediators or interpreters in healthcare situations. I wanted to see if including a cultural mediator would influence the quality of the dialogue. The other participants were hesitant about including an interpreter, as they believed that Mme. B., who spoke French well, didn’t need to express herself in her mother tongue.

The inclusion of a cultural mediator in the mediation session did enhance the quality of the discussion. In this interdisciplinary setting with the professionals affected by the aggression, it was possible to address the profound issues underlying the attack. Mme. B excused herself for her behavior. The administrator and social worker expressed their outrage at being attacked in such a violent way. They refused to be treated with such disrespect and explained that the judicial system would be involved in the resolution of the situation.

But how were we to go on? What imperatives needed to be stipulated? And how would we structure the relationships that would continue between Mme. B., her administrator, and her social worker? By allowing her to speak in her mother tongue she seemed to be much more in touch with the severity of her actions. Explaining what she had done and why in her Congolese language allowed her to feel the gravity of her actions, as the descriptive words

²⁰² Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*. Jossey Bass Publishers, San Fransisco, P. 39.

resonated in the deepest levels of her “self.” As we discussed the motives behind her attack, she explained that she wanted her daughter back. There was much confusion about her health and the health of her daughter, and how her health situation was affecting the custody issues. Deconstructing the situation afterward allowed us to better understand her desperation. We all agreed to a process that would allow Mme. B to reconstruct her understanding of her health situation and her daughter’s. I was to accompany her to her doctor who specialized in infectious diseases such as HIV. The process of deconstructing the conflict story and restructuring, or “restorying,” began during this first mediation and continued throughout a four-year period. The interview with Mme. B. testifies that she is still searching for solutions about how to go on. She continues to worry about her children in the Congo, her daughter P. in foster care, and her illness.

By allowing Mme. B. to speak in her mother tongue, the performative and constitutive aspects of language were demonstrated in the mediation. I continued to include a cultural mediator who had been trained by Dr. Metroz and his colleagues in the mediation sessions that followed. By integrating the Congolese language the dialogues’ meaning was transformed for Mme. B. I believe that this case study shows how language is a form of social action. The positive results that were obtained in this case, by using cultural mediators, allowed me to use their service in other cases. The administration slowly began to recognize the importance of cultural mediators and interpreters in the social and healthcare networks.

When interpreters are not used, there are many misunderstandings between patients and doctors. In one case I was involved with, a political asylum seeker from Iraq came to my colleague’s office. Her office organized aid and services for political asylum seekers wanting to return to their homeland. This man explained that his wife had been run over by a car as an act of vengeance against him, as he had fled the country. The group that had attacked his wife threatened to attack other members of his family if he did not return to Iraq and offer his life to the attackers. He was wrought with anxiety over the situation. He was able to have a translator at my colleague’s office through the social services. However, when he went to the doctor, seeking help for his physical ailments, he was not given a translator. He explained how sick he was to my colleague, how his stomach hurt terribly and how he was unable to sleep. He asked that she organize as quickly as possible his return to Iraq in the hopes of preventing further violence to his family members. There was also the responsibility of caring for his children now that his wife was severely injured.

After my colleague saw this man, she spoke with me of the situation and his physical suffering. We decided to call his doctor and explain the situation. She was unaware of the contingent situation affecting his health. Without a translator and with the many cultural barriers allowing for another form of communication to take place, the patient was unable to explain his situation and to make a link between his physical illnesses and his family's predicament. When we understand language as a form of social action, it becomes imperative to investigate the dialogue between professionals within a network. Who has the right to communicate with whom? And what subjects can be shared? Who has more privilege in the network? The possibility of communicating or the impossibility of communicating because of barriers to confidentiality affect how cultural stories are performed and enacted. Social and institutional change depend on the communication processes. How are these networks being constituted and what are the rules concerning patient/client confidentiality? What form of social action does interdisciplinary dialogue create among networks? Are patients' and clients' interests respected when professionals communicate information among themselves? Was I acting responsibly when I told the man's story to his doctor? I am convinced that sharing the information I had because of my office's access to a translator was the correct response.

Discourse

Winslade and Monk place importance on discourse. "In other words, the more mediators know the discourses that are significant in the dispute, the more likely they are to help identify a way forward. The less familiar that mediators are with the dominant conflicting discourses, the more difficult it will be for them to understand the complexity of the conflict." This may be another term pertaining to what I have already described as decoding the subsystem of the social and healthcare systems by inquiring into the meaning of the rites of passage and power relations inherent in these unique systems. In the anthropology of medicine Kleinman, Massé and Byron speak of the semantic networks that influence the meaning and understanding of illness. Social Constructionists speak of "discourse" and this term is an integral part of the Narrative Model's philosophy.

To demonstrate the importance of semantic networks and discourse, I present another aspect of Mme. B's case study. The first psychiatrist who treated Mme. B was an African. He labelled Mme. B with a psychiatric sickness that influenced the way her situation was handled by the social services and the decision taken about the custody of her child. The fact that she had been diagnosed with a psychiatric illness changed the perceptions of her behavior.

When Mme. B lost the custody of her daughter and was obliged to let a nun at the day-care institution take the responsibility of her care, Mme. B ceased to visit her daughter and refused to continue to see the psychiatrist. The professionals and institutions of the network interpreted these choices as proof that she was not a competent mother. When Dr. Willis and I began working together on this specific case, we used the mediation space to reconnect and recreate a therapeutic relationship with a psychiatrist. The therapeutic relationship that was recreated within the mediation space allowed Dr. Willis to come to a different diagnosis of Mme. B. When Dr. Willis communicated the change in diagnosis to the network, a relational transformation took place among Mme. B, the professionals, and institutions that were responsible for her. The diagnosis of the psychiatrist co-exists with the folk understanding of mental illnesses. These interpretations all influence the decisions taken by the judicial system, in this specific situation, the child protection agency responsible for determining the modalities of custody.

Another example that illustrates the importance of discourse was the evolution of the prevention sessions with the women. When we first began the prevention sessions we invited the professionals from the Family Planning Center to give their presentation. In the beginning, there was a more formal approach explaining contraception basics and the risks of sexually transmitted diseases. This formal way of presenting sexual prevention used a discourse that put the woman from the Family Planning Center in a position of expert who was teaching non-experts about prevention. Over time, we worked with different women from various areas in our canton. One woman was specifically trained to work with migrants. She suggested that we alter the presentation by telling stories of different situations that show various scenarios for dealing with pregnancy and sexually transmitted disease prevention.

After experimenting with her suggestion we all agreed that this storytelling approach was better. Instead of placing the presenter in the position of expert, the professionals at the session were in a more egalitarian posture, sharing stories about women's sexuality and

explaining how we each tried to integrate the medical information into our personal practices. Storytelling allowed all the women in the circle to have an equal place. We were sharing our personal experiences and stories that helped us all to think about our sexuality. There was a feeling of solidarity as we all sat together, women from around the world, sharing their sexuality and supporting each other by dialoguing about this important part of our lives. Talking together created a bond. Each time I organized a prevention session I felt energized by the positive energy of the women I met and the strength of being all together in a circle, drinking tea, and talking about subjects that concerned us.

We talked about sexuality, the healthcare system, the education system, and whatever other subject that came up. This experience convinced me that we learn in a social environment. The strength of these sisters in a circle was central in the process of transformation. Respecting each other and learning together what was important to prevent disease or pregnancy helped each of us be stronger in our concern for our health and stronger to defend our wellbeing when confronting our sexual partners. We affirmed together our right to make our own choices as women.

It is important to understand the influence of professional discourses. While working with Dr. Willis, it became clear that his expert status as a medical doctor required him to frequently write medical certificates explaining the health status of different patients. The lawyers that judged the legal requests for political asylum took his expertise into consideration. The official language of the psychiatric expertise is influenced by the legal systems' demands. The language used in the medical expertise is for lawyers and judges. The recipients of their medical expertises have an important influence over the "discourse." The legal context directly influences the medical report.

As the mediations that I conducted were confidential, I did not keep files that could be reviewed by my superiors or other legal or official authorities. My status as mediator did not necessitate writing official reports about the situations I mediated. The language that I used to describe my case studies was less coded than that of my psychiatric colleague's medical expertise. He learned to write medical reports for different official circumstances. It became clear to me that this aspect of his work affected the descriptions and how the story was told. Again, who was asking the question? The institution or service asking for his expertise influenced the manner in which the case was presented and the conclusion.

My role as mediator was not to be an expert within the system. Because of this, there seemed to me to be more leeway in my case study descriptions. Mediation services working in other fields of mediation may have imperatives imposed on them that require a certain form or descriptive guideline when speaking of their cases or writing up agreements. I never wrote up agreements. My work with the political asylum seekers was done orally. We spoke about the conflicts; however, I never wrote words on a flip chart. Working with translators or in a language which was often theirs or my second language, either French or English, influenced this decision not to use the written word.

Metaphor is also a form of discourse that is useful in intercultural mediation. Avruch speaks about “metaphor dialogue.”

We would also expect metaphors or, more precisely, what Oscar Nudler called “metaphor dialogue,” to be especially important in intercultural encounters. This is because, viewed functionally, the main task of a metaphor is to map what is known about one domain onto a less well-known domain. Put differently, metaphor is another way we deal with uncertainty. Intercultural encounters often bring the known (say, oneself) into contact with the less known (the other), and they often involve uncertainty. If metaphors were always shared then intercultural encounters would be metaphor dialogues in the fullest sense of the term. But crossing cultural boundaries may also involve crossing metaphor boundaries ... When we speak about the perceptual or cognitive aspects of conflict resolution, in practice this means (as we shall see below) trying to transform the relevant schemas and metaphors²⁰³

During a family mediation outside of my work with the social services I received a couple referred to me by a doctor. They explained their situation saying that they had just finished building their dream home, a chalet in a mountain village. The husband had his own company and his wife was a special education teacher. They were unable to have children and had been trying to adopt for years. They had gone through the interviewing process with the child protection agency. But their adoption plans had not gone as planned.

As the wife was explaining she felt that she was drying up and needed a little water, such as a flower in a pot, she reached into her pocket. Synchronicity had it that in her pocket was a packet of seeds that she had received in the mail as promotion. The seeds were forget-me-

²⁰³ Avruch, Kevin. (1998), *Culture and Conflict Resolution*, United States Institute of Peace Press, Washington D.C. P. 38.

nots. We were able to work with this “metaphor dialogue” to better understand her feelings and their relationship.

As I was working full time with the social services I was aware of a situation that occurred at the same time that I was seeing the couple in mediation. One of the political asylum seekers needed a foster family to take care for her three children. As the mother was sick with tuberculosis, she was not well enough to assure their care. The children needed a foster family until she was completely recovered. The children’s protection agency was unable to find a foster family for the three children and the social workers at the social services were doing their best to care for them in their own homes until a family was found. This was a stressful situation for everyone.

I suggested the couple who had been in mediation with me the past few weeks. As they had been interviewed by the children’s protection agency in their adoption process, they qualified as foster parents. We organized the stay of the three children with them while the mother recovered from her illness.

We used the mediation process to organize the children’s care. As there were many partners working to support the family, it was imperative to have good communication. We organized the children’s lives with the mother, the foster children, the social workers, and the schools. The methodology of mediation assured a smooth transfer. A year later, the couple shared with me that their experience as foster parents opened up the possibility to receive a baby from another canton that was placed long term. They were pleased to receive this child, opening up their home and hearts once again. Their couple’s situation evolved through their experience as foster parents. The metaphor dialogue led to interesting synchronicities that brought healing and transformation into their lives and the lives of the families that they aided. My role as mediator allowed me to connect this couple with children and families in need. By listening to the metaphor that emerged during our first meeting, and the subsequent metaphors that emerged from our sessions, we were led to new “joint actions” that allowed the highest good to manifest.

Co-Constructing a Context of Change with Multiply Positioned Subjects

The family mediation cases that I received at the mediation service were rarely cases preparing couples for divorce. That is because political asylum seekers are under legislation that would not favor divorce as a choice for a couple experiencing conflict. Women especially feel the negative effects of legislation concerning political asylum.

I would like to present an extreme case of violence to illustrate the effects of this legislation on women. As I shared my office with my colleague who organized return aid for refugees and political asylum seekers, we often collaborated. When people were facing severe conflict situations, one of the solutions they envisioned was returning to their country of origin.

An African man came to my colleague's office without an appointment. He wanted to return even though he had refugee status. He was in Switzerland with his wife and young daughter. He spoke to my colleague of his marital problems and thought that returning home may be a solution for him. She suggested to the man that he speak to me.

The man had refugee status, which differs from the status of political asylum seekers. I normally didn't receive refugees because the Red Cross assured their social and healthcare needs. However, the social services were in charge of the allocation of the money to the Red Cross and oversaw the care of the refugees through the Red Cross organization. Our services were organized under the same institutional umbrella.

I listened to the man in my office explain what had happened to him in Africa and why he had sought political asylum. He was a lawyer who had been involved in politics. The political opposition burned down his office and threatened his life. The result of his political activity forced him to flee his country with his wife and daughter.

He continued his story by explaining his violent tendencies and his disputes with his wife since he had been in Switzerland. He described how his anger became uncontrollable and he was afraid he would harm his wife. He thought that if he returned to his home country the separation would save him from committing a regretful act.

My superiors refused to allow me to receive this man in further mediation sessions as he was a refugee and they didn't want me to extend my services to people with that status. I relayed

the difficulty of the situation to the social worker at the Red Cross who was unaware of the development of the couple's conflict and the risks of danger for the wife and daughter.

I later learned that Dr. Willis was the psychiatrist for this man following his imprisonment for attacking his wife, when a family therapist asked me to come to the session she had organized with the wife. As the family therapist was less familiar with the intercultural and political aspects concerning this case, she sought my help. I agreed to come; however, I knew that my superiors would not accept me being involved in the case. I simply acted as a resource. During the session the woman explained that she was living in the shelter for battered women with her daughter. She told how her husband became violent and aggressive and had tried to kill her. When the family therapist suggested an official separation the woman explained that her husband had received political asylum and refugee status. She could only remain in Switzerland if she stayed married to him. She did not have refugee status on her own. She and her daughter were caught in a situation that threatened their lives because of the way Swiss legislation discriminates against women political asylum seekers and refugees. The law does not protect female political asylum seekers by giving official recognition to situations such as rape, forced prostitution, or, in this case, a violent husband (violence toward women). I later learned from Dr. Willis that the police had intercepted his patient, just before he attempted to kill his wife. The Swiss legislation forced this woman to live in fear and under the threat of violence because of her legal identity as "wife."

This conflict narrative demonstrates how the laws and culture of a country directly affect the "multiply positioned subject." Social context is an important factor contributing to the understanding of self and identity. This woman's identity as the wife of a mentally disturbed refugee denied her the possibility of protecting herself by using the legal means offered to Swiss women and other women benefiting from less fragile judicial statuses under the jurisdiction of Swiss law. She could neither establish her own identity as a refugee, nor could she separate from her husband without being deported. Her identity was legally connected to her husband's status. If she separated she would be forced to return to her homeland where her security could not be assured because of her identity as "wife." This legal discrimination based on gender differences in political asylum demonstrates how individual responsibility is too limited a concept. To understand these complex situations, dynamic concepts of the nature of self are more applicable. Multiple subjectivity and the multiply positioned self seem to reflect the complexity of identity in these case studies. Winslade and Monk explain, "Through

the postmodern lens, a problem is seen not as a personal deficit of the person but as constructed within a pattern of relationships. From this perspective, the social context is the key to understanding self and identity. The self is constituted by myths, traditions, beliefs, assumptions, and values of one's particular culture, all developed within discourse."²⁰⁴ This woman's identity was fatally linked to her husband's. Swiss law reinforced this identity. It is interesting to note that Swiss women only received the right to vote in 1972. The Swiss tradition of male political dominance is perpetrated through a culture that continues these relational, problematic patterns.

Another family case that I mediated exemplifies the importance of social context. A family mediation case was referred to the mediation service because of abuse. In Switzerland, the child protection agency is the authority notified by hospital professionals who receive abuse victims for treatment. This situation in mediation required the coordination of the various professionals: a doctor at the hospital, the child protection agency, the administrator and social worker at the social services, the head of the social services department, and the family. Each person involved in this situation had direct responsibility for the abused child's well-being. Each person represents an aspect of the social and legal responsibilities defined by Swiss law. When a situation of abuse arises, it is important that the family understand the social context surrounding the event. Without an understanding of the referential framework, it is difficult to co-construct a meaningful dialogue. The initial configuration of the mediation space can contribute to the clarification of social and relational responsibility. The configuration of the mediation also sets the stage for the transformative process. The co-construction of the context provides the impetus for systemic change.

My work was that of a pioneer. I was inventing new techniques to meet the needs of the situations I was confronted with. I tried to apply what I had learned from my traditional mediation training, adapting the methodologies inherent in the mediation process to the intercultural and interinstitutional context where I was "performing" mediation. I had to devise a mediation space that corresponded to the situation facing me. In family violence situations, there were many actors. To truly co-construct meaning I believed everyone needed to be represented. However, this was all new and experimental, as I was the only mediator

²⁰⁴ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Francisco, P. 44.

doing this work in this specific field in Switzerland. I depended on the trust and collaboration of my colleagues and the families in question.

I tried to create peacemaking circles of healing where all the participants found their place in the circle of life. It is a challenge to find one's place in a complex postmodern society. It is especially difficult, when you come from another culture, with different laws and family traditions. Traditional families often depend on the social structure of the village and the extended family to assure the education of their children. The political asylum seekers who found their parenting skills subject to Swiss law had to change relational patterns that they had learned in their families and countries of origin. Physical punishment of children is unacceptable in most Western democracies. And the power of the state to punish families who use violence to discipline their children is being consolidated in legislature inspired by children's rights. This evolution in children's rights and the legislation put in place to enforce these principles must be integrated into educative practice. The mediation space offered a transformational and educative approach where the state and family could work together to achieve the respect of the children's rights.

Winslade and Monk speak about complexity:

Narrative mediators are interested in exploring more than what the parties are clear and certain about. They are also interested in the grey areas, the dilemmas and the internal conflicts people are experiencing. They avoid conveying an expectation of adherence to a unified view of the problem because they do not expect people to have a singular coherent or unified experience of life. Ambiguities, contradiction, and internal conflicts are always emerging from our exposure to the multiple and sometimes contradictory meanings of events around us.

From the narrative perspective, this complexity is an ally rather than an enemy of the mediation process. Complexity increases the range of possibilities for how things can develop. Multiple identities increase the range of resources that people can bring to bear on a situation. Conflicting discourses mean that people can always learn from looking at things from another perspective. Thus possibilities for creative change are made possible.²⁰⁵

The healing circles that I have previously described as tribal mediation were configured to generate creative change. The process of mediation allowed for the co-construction of

²⁰⁵ Winslade, John, Monk, Gerald. (2000)., *Narrative Mediation*, Jossey Bass Publishers, San Fransisco, P. 47.

meaning within the new context of the host country. The families involved needed to learn to be together and raise their children in the context of Swiss culture, without the help of their extended families. The social workers and administrators and even the mediation process were all resources for these families to find new ways to go on together in what could be described as a transitional phase. The social workers from the child protection agency represented the Swiss law and the right of the state to look after the well-being of the child.

I invited all the representatives of the referential framework to the first mediation. This allowed everyone to understand the power configurations and the responsibility of each person within the circle. The Swiss social service's system was clarified by its representatives physically present in the peacemaking circle.

The parents were also honoured. Tobie Nathan, in *Le Grigri et le Divan*, writes about the French State that enters into family situations disqualifying the parents and especially fathers of traditional families.²⁰⁶ Unfortunately, the state often ends up taking over the role of the parents and placing the children of ethnic minorities in foster or institutional care. This breaks the bonds of the family and weakens traditional cultures and families, contributing to their marginalization. When traditional family practices are condemned by the state, Tobie Nathan affirms that parents give up and allow the state to take over. This creates a situation where many ethnic minorities risk ending up as orphans. His observations come from his well-known work in France at the George Devereux Center where ethnopsychiatry is practiced.

My experience would suggest that what is needed is a transformative context that allows for traditional families to adapt to the rules and laws of Western democracies. Nathan stresses the need for mediation in this area. By honouring the parents in the peacemaking circles, their important role as parents is recognized. This recognition generates a participatory attitude on the part of parents. By not focusing on blaming, possibilities for change can arise.

The children in this mediation witnessed the process. They were included. Their voices were heard within the circle. They, too, must find their place in their host countries' schools and culture. The children of migrants must find their place without disrespecting their own family's rules and traditions. Degrading parents who come from a different cultural

²⁰⁶ Clément, C., Nathan, Tobie. (2002), *Le Divan et le Grigri*, Editions Odile Jacob. Paris.

background doesn't serve the host country well. Children who lose respect for their parents may also lose respect for themselves, constructing a relationship with the host country that is often fuelled by humiliation. Humiliation can breed violence over time, and may also inhibit the family's integration process.

The professionals who are invited to the mediation session to represent the Swiss authorities provide an important referential framework during the first mediation. They serve to contain the conflict. Their presence reinforces the feeling of security necessary to overcome the fears of punishment. In the peacekeeping circle, all the participants carry the weight of the conflict.

It was in this setting that I received a Rom family from Kosovo. The father had been drinking and had physically punished his daughter. The daughter had a panic attack and was taken to the hospital for treatment. The hospital reported the incident to the child protection agency and the administrator at the social services asked me to intervene. We had already dealt with a similar situation with an African family. As the administrator was satisfied with the mediation work we had done together before, he asked me to use mediation to handle this delicate situation. After our initial meeting, which included the child protection agency, the administrator, the social worker, the parents, and four of the five children, we agreed to meet again in a smaller circle the following session.

I met with the family over a six-month period. This allowed a more therapeutic approach to be used by the children's protection agency that was responsible for the children's safety. In the smaller circle we were able to discuss the conflicts that were causing tensions within the family. The parents were well aware of the fact that the child protection agency was supervising the evolution of their family's situation, but they had a more private space where they could work things out. There were no reports given to the child protection agency. They simply knew that the family was participating in the mediation sessions. Our agreement stipulated that the social worker from the children's protection agency would meet with us again in the presence of the administrator after several months of sessions. If there would be another act of abuse the administrator would be responsible for handling the situation in a more authoritarian manner and would directly inform the child protection agency.

I had phone conversations with the tutor who came to help the children with their homework to try to understand the family history and dynamics. I spoke with the previous administrator,

who had also had difficulties with the family, to try to better understand their history and their relationship with the administration. I also asked that a cultural mediator accompany our meetings so that the parents could speak freely in their mother tongue. The cultural mediator was present throughout of the process. This mediation demonstrates polyvocality, or multivoice. Many voices were included within the mediation process.

During our sessions I tried to deconstruct their conflict by asking questions that might help us better understand the core elements that were causing the illnesses and tensions in the family circle. The first problem identified was the father's drinking and alcoholic tendencies. He explained that he was on unemployment and that as he was unable to meet the family's financial needs he was forced to seek the aid of the administration responsible for the political asylum seekers. His inability to find secure employment meant that he could not apply for refugee status. For the migration service to grant him and his family that kind of permit he was required to demonstrate his financial independence.

His wife was also sick. She suffered from severe headaches and was often obliged to shut herself into her room until the pain eased. She, too, was unable to find employment due to her illness. She was going through the process of medical examinations and questioning that would determine if she would receive invalid status and, therefore, a fixed income. During the course of our mediation sessions, she learned that she had been denied invalid status.

There were five children from ages seventeen to eight. The oldest sister was away at an apprentice school. She had a form of handicap that qualified her for special assistance. I met with her separately when she was visiting her family on the weekends. There was a sixth child from a previous marriage. The sixth child was the father's son. He was blind. He had also benefited from services for children with handicaps and had gone through an apprenticeship. He had successfully received a B permit that granted him refugee status. He didn't live with his father. I learned from the previous administrator that the children's protection agency had had to intervene when the boy was young because the parents had left him alone, without care, isolated in a room apart from the rest of the family.

The children easily spoke during the sessions. The father spoke the most. The mother allowed the father to do most of the talking. However, if I asked her direct questions she would respond cooperatively and openly. Because of the family's status as political asylum seekers,

they were not allowed to leave the country and had to ask for permission to leave the canton. This family had been in Switzerland for over 15 years. The Swiss government had not given them refugee status and, even though the five youngest children were all born in Switzerland, they shared the same legal status as that of their parents.

The mother expressed her despair at not being able to go to funerals of family members in Kosovo. She said how other families had received the B permit and refugee status and could leave the country. She felt trapped and was unable to meet with family members that lived in other European countries. When we talked about organizing the summer vacation and the activities for the children, she spoke of her worries. Summer seemed to be especially long for their family, as they were reminded that other children were able to leave on vacation while their children were forced to stay in Switzerland and couldn't go on vacation outside of the country. After fifteen years, this situation was becoming unbearable for the mother.

The older children were all girls. The youngest child was a boy, who often seemed to be at the center of his parents' attention. The girls explained how the conflict had escalated in their family. The oldest daughter had a boyfriend that she had met while doing her apprenticeship. However, he was Swiss and that was unacceptable for her parents who wanted her to stay within the circle of family friends and mostly within their Rom culture. This traditional culture married the children off in families with similar origins. The father was upset when his oldest daughter didn't come home or stayed out late, not telling him where she was or whom she was with. The oldest sister had shared information with her younger sister who had kept the secret of her whereabouts. This had caused the father's violent reaction. As he had been drinking alcohol, he lost control of himself and took his rage out on the younger sister.

The family was able to talk about all these tensions. We discussed the concerns of the parents for their daughter's safety. We discussed the parent's responsibility to educate their children without resorting to violence. We spoke about school and homework and structuring family time and school time. We spoke about vacation and the individual summer projects of each child. They seemed to lack structure in the daily routines of the family members, in part because of the mother's migraine headaches. We worked on the family mealtime as an exercise in being together and sharing the task of setting the table, preparing the meal, etc. We tried to develop a family ritual where they could all share and talk while taking responsibility for making the meal and cleaning up the dishes.

During this process it became important for the father to speak with the administrator. His major concern was to find a way to return to work and balance his budget with the administrator so that he could obtain a B permit which would bring more stability to his family and open the door for apprenticeships that his children wouldn't otherwise have. The fear of an insecure future was a heavy burden for the parents to assume. I asked the administrator to participate in the mediation session so that he could become aware of their difficulties by listening to them tell of their worries and problems. He vowed to help them clarify their financial situation and accompany them in the procedures for obtaining the B permit.

The social worker from the children's protection agency was integrated into the last session to testify to the progress the family had made over the months since the first meeting. She came to attest that they had respected their social contract by engaging in the mediation sessions. Her regard empowered the family and reinforced the parents' self-image by attesting that they were capable of educating their children in a nonviolent manner. The family regained its self-respect. Their confidence in their ability to resolve their family conflicts was strengthened throughout the mediation sessions.

The help from the administrator, who was sensitized by the family's despair, transformed the conflict within the family. The renewed hope of resolving their major problem concerning their judicial status, gave them energy to confront the other problems in their lives. They found a way to go on together. There was no recurrence of violence during the period of the mediation sessions. And their family life returned to normal. The father went back to work. And the mother's headaches diminished. I saw the intercultural mediator who had played an important role throughout the process at the grocery store a year later. He was pleased to inform me that the family had received the B permit and refugee status and that they were doing well. The cultural mediator expressed his satisfaction with the mediation process and its results. He had considered the mediation an important learning experience in his career as a cultural mediator.

The mediation sessions allowed this Rom family to create a new future by addressing the conflicts that were causing them such great distress. Again, the conflicts and illnesses were interrelated and therefore required an interdisciplinary approach. It was the combined efforts

of all the participants that co-constructed a multi-faceted approach leading to constructive solutions. The transformational process emerged from this peacekeeping circle where the family members were able to readjust their positions. I later learned from the cultural mediator that the family finally obtained a B permit and refugee status.

This could not have been achieved without careful listening to the discourses that were specific to the context of this family's conflict. The rites of passage and the administrative procedures that apply to political asylum seekers were directly affecting the way this conflict drama was being performed. The meaning that illness takes on in this context is contingent on the semantic networks present in the system. Raymond Massé speaks of a "language of distress" that is used to communicate about the illness. He also explains the importance of the "social process" that constitutes the sick person or patient's status within the family as an invalid status that may be attributed.²⁰⁷ The father's alcoholism and his violence arose within a specific context of unemployment and hopelessness, just as the mother's headaches were also related to the social context of their predicament. Her headaches might possibly have served to gain the invalid status that she needed to resolve the financial problems that her family was facing. When the fundamental problem concerning their status was addressed and financial solutions were found, the necessary energy to repair and rebuild relationships, kindled by a renewed hope in the future, allowed them to continue with their lives and imagine a more stable future in Switzerland.

A similar case came to me concerning an Indonesian family that had been in Switzerland for a long time without being able to obtain refugee status. The parents were growing older and their young adult children had married and were starting families. I had previously seen the son and his new wife in the mediation center concerning the financing of the wife's studies, and the sharing of the household tasks that was necessary if she was to have the time to successfully pass her exams. The social services are a major partner in political asylum seeker's lives as they have the power to make decisions about the allocation of resources, such as money for studies.

The authorities had given refugee status to certain adult children in the family and not to others. The parents were still without refugee status. The authorities had been putting pressure

²⁰⁷ Massé, Raymond, (1995), *Culture et santé publique*, Gaetan Morin editeur, Montréal, p. 335.

on one of the sons to take over the financial burden of his parents if he wanted to get refugee status. These tensions concerning the permits that were being allotted and the differences in treatment were felt to be unjust by all the family members. The parents' pride was hurt, as they still had not received refugee status while some of their children had refugee status and, therefore, a place in Swiss society. The father had lost his position as head of the family.

The parents, an adult son, and daughter came to a mediation session to discuss the conflicts that were causing distress in the extended family. I had already been informed by the social worker of the father's alcoholism and the mother's difficulty in sharing their apartment. The conflict between the parents was escalating because of the father's deteriorating health and alcoholism. Yet underlying these health problems were years of unresolved issues in relation to their judicial status and their insecure future. The parents were visibly no longer capable of entering the economy as workers. Their health had deteriorated and their skills did not fit the demands of the Swiss economy. The son who was feeling the pressure of the authorities to take care of his parents felt that this was an unjust obligation, as he was beginning his own family and didn't have the financial means to care for his parents. The daughter had recently lost her husband. She had young children to raise and she was concerned about her mother who was forced to live with her alcoholic husband. The daughter wanted to take the mother on a trip overseas to see her extended family in the hopes that this would raise her spirits. The father had recently been hospitalized and his health was fragile.

My approach as mediator was to provide a safe and confidential space where the family could speak about their difficulties. Social workers had been involved with this family for a long time. They were directly involved in the situation and the relationship patterns that had developed with the social workers had an impact on the situation.

By inquiring into the situations that were being discussed, it was possible to create a space where analysis and reflection were possible. The mediation session allowed us to deconstruct the various conflicts and agree to different efforts to clarify their judicial situation. Creating space is one of the most important aspects of mediation. John Paul Lederach is a well-known mediator. In his book, *Building Peace, Sustainable Reconciliation in Divided Societies*, he writes, "Reconciliation, in essence, represents a place, the point of encounter where concerns about the past and the future can meet. Reconciliation-as-encounter suggests that space for the acknowledging of the past and envisioning of the future is the necessary ingredient for

reframing the present. For this to happen, people must find ways to encounter themselves and their enemies, their hopes and their fears.”²⁰⁸

The mediation space was a resource for the family to be able to dialogue about its problems. They spoke together of their concerns and they envisioned and agreed to specific steps that needed to be taken to clarify their judicial status with the authorities and their aid from the social services. The parent’s conflict was also addressed. Their conflict was contextualized. By telling their story, connections between their despair and economic worries were made in relation to their father’s deteriorating health and his feelings of inadequacy. This dialogue helped all family members see that responsibility for the conflict was not within the individuals, but was directly related to the social context. This realization helped them to better choose their actions as individuals and as a family. Winslade and Monk explain:

From here we can conceive of mediation as an opportunity for participants to reconstruct their interpretation of the history of the dispute in the light of some alternative discursive positions. These positions can never be value-free, neutral, objective positions. They will always be drawn from the cultural context to which we have access. People are connected, often simultaneously, to a number of different discourses, such as those associated with their family situation, occupation, gender, ethnicity, socioeconomic positioning, religious affiliation, sexual orientation, age, ability or disability, and so on.²⁰⁹

These family mediation cases demonstrate the pertinence of the narrative model. The intercultural context combined with the social and political context produced unique conflicts and illnesses that emerged from this specific subsystem in Valais. As Switzerland has a federalist form of democracy, each canton has the liberty of organizing the social and healthcare services offered to political asylum seekers. Each Swiss canton has its own policy pertaining to the organization of the social and healthcare services. Each canton has a political orientation as well. These different regional cultures give rise to different social and political contexts. It is also in the jurisdiction of the canton to allocate permits. A woman jurist, who is a member of the most far right political party in Switzerland, currently runs the Office for Foreigners in Valais. She has the power to interpret the application of the Swiss federal law within her service. The particularities in these case studies stem from this canton’s specific

²⁰⁸ Lederach, Jean Paul. (1997), *Building Peace, Sustainable Reconciliation in Divided Societies*, United States Institute of Peace. Washington D.C.

²⁰⁹ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Fransisco, P. 46.

way of deciding judicial status, giving work permits, and organizing the social and healthcare services.

I participated in a workshop sponsored by SOS Racism in Geneva in the fall of 2005, where I was a participant on a panel of experts describing the treatment of political asylum seekers who no longer had the right to social aid. The young 17-year-old African man next to me explained how he was not even allowed a place to sleep. The police now surveyed the shelter that had once provided a bed for him at night. He described their embarrassment as they forced him to leave the premises. He thought they felt sorry for him but had to respect the enforcement of the law. Other panel participants described how the police created a sort of human barrier for political asylum seekers who tried to gain access to free meals, money, and other aid that the canton was obliged to provide by federal law. I contributed by speaking of the metaphor provided by the nativity scene. The Christian tradition's most important story represented the welcoming of the Christ Child. A place was prepared for the Christ Child at the manger. I asked what change was occurring in the Swiss culture that could explain this kind of treatment toward political asylum seekers. Switzerland had traditionally been a country that made a place for refugees and asylum seekers. What does this say about the Swiss national narrative and its humanitarian tradition? What relational changes have the Swiss undergone with their national, humanitarian, and religious narratives? And what has been the catalyst for this change? By asking these questions I attempt to underscore the relational dimension. By putting an emphasis upon the Swiss cultural changes that have influenced the social construction of the changing perceptions concerning political asylum seekers, it becomes clear that negative portrayals of political asylum seekers are a part of a greater social malaise. This very small percent of the population is targeted by political campaigns that feed a right wing political movement demonizing foreigners. Posters have been used in political campaigns over the years to socially construct foreigners as state enemies, responsible for the nations woes.

In Switzerland one can speak of third-generation foreigners because of laws concerning naturalization. The Swiss people voted in 2008 on the issue brought forward by the far right political party. The right-wing supported the naturalization procedure by popular vote within the commune concerned as the way to determine the acceptance of foreigners as Swiss nationals. This would replace legislative procedures that are not based on popular vote. However, this form of direct democracy concerning naturalization procedures did not pass.

Still, the fact that there was a referendum reflects the Swiss conception of citizenship. In most Western democracies it would be impossible to speak of third-generation foreigners. This terminology demonstrates that three generations can be born and raised in Switzerland and still not be recognized as Swiss citizens. The conflict narratives show that this political context has a direct effect on the lives of migrant families.

The Power Relations Affecting Mediation and the Perceptions of Entitlement

The history of the creation of the mediation service as well as the perceptions of the other professionals within the social services and healthcare networks all contribute to the power relations present within the politics of mediation. Winslade and Monk draw on Michel Foucault's critique of power. "A narrative approach to mediation draws on this poststructuralist analysis of power. From this perspective, power does not so much adhere to structural positions in hierarchical arrangements as it operates in and through discourse. Discourses offer people positions of greater or lesser entitlements. Within particular discourses, some positions are rendered more legitimate or more visible and others are subjugated. Some voices get heard and others are silenced."²¹⁰

This particular mediation service allowed for the voices of the political asylum seekers to be heard. The right to have a translator in my office was guaranteed by the internal policy of the social services. And a document stipulating my mandate was sent out to all the employees at the social services explaining which situations could be referred to mediation. As discourse is so central in the narrative model, it is interesting to note that the mediation service was described as space that was multi-partial not neutral. However, the traditional definition of the mediator as a neutral third party definitely influenced the perception of my role. As I did not have the power of the administrators and social workers to make decisions about the allocation of resources or to make medical appointments, I was less involved in these aspects of the power relations that linked the political asylum seekers with the social services. The social services mediated the relations between Swiss society and the political asylum seekers. This relational configuration consciously proposed a paternalistic approach that would keep

²¹⁰ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Francisco, P. 50.

the political asylum seekers on the margins of the Swiss society. Integration has never been the goal of the social services. Political dictates ban the term itself from being used in the projects that are initiated to occupy and teach the political asylum seekers on their arrival. This relational configuration places the political asylum seekers in a dependent position.

Access to mediation served to prevent social injustice within the system by proposing a space where conflict could be managed through dialogue. Political asylum seekers had the right to ask for mediation; however, barriers did exist. In some situations administrators were reluctant to make an appointment at the mediation service and supply transportation. In other situations, political asylum seekers were unaware of the existence of the mediation service. It was also possible that the directors preferred to handle certain situations without mediation. In one case the psychiatrist and psychologist that led the social workers supervision sessions opposed the use of mediation.

Mediation also prevented violence by providing a resource for all the employees in the service. When social workers or administrators were unable to find solutions they could always refer a case to mediation. If they felt relational tensions rise, a colleague that could offer another approach to conflict resolution supported them. The direction was also looking to solve the increase of violence within the service. The direction perceived mediation as another course of action that could disarm conflict. Mediation was one of the options in conflict management and resolution offered. Winslade and Monk speak of the systematic effects of relational power, “Power is everywhere and pervades the entire social body. All social life then comes to be a network of power relations, and these relations are always capable of being reviewed, not only at the level of large-scale social structures but also at local and individual levels.”²¹¹

Not all the social workers and administrators perceived the mediator as a resource. Certain professionals perceived the arrival of the mediator as a threat to their own power. This was evident from the start. When I first began to exercise my role as mediator, a social worker wrote a letter to the director of the social services objecting to my interventions. He believed that mediation risked diminishing his power in the eyes of the political asylum seekers,

²¹¹ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Fransisco, P. 51.

allowing them to question his decisions. He continued to militantly oppose my presence during the four years that I worked for the social services.

Another clue to the reaction of my colleagues to my presence in the service became apparent when the head of the social workers asked me to attend a supervision that was organized with the psychiatrist and psychologist. I arrived at the supervision unaware of my co-workers' opposition to my presence. I was surprised that the head of the social workers had not informed me. It was a tense meeting. The psychiatrist and psychologist were not even curious to investigate the reasons behind their adamant demands to ban me from the supervision. Instead of using the session as a learning experience, analysing the resistance to mediation, the psychiatrist and psychologist colluded with the social workers and administrators. It was an uncomfortable situation for me. I felt that my superior had set me up by asking me to be present despite my not knowing that I was not welcome. From that session I concluded that the network of professionals including the psychiatrist and psychologist felt threatened by my presence and how mediation could affect the power relations in the system. They all seemed to want to protect the status quo. Mediation seemed to question their expert status. Their professional voices and interpretations had more power in therapeutic settings that did not question their authority by proposing dialogue and the co-construction of meaning, or alternative narratives.

This surprised me. I was looking to the group as a resource that would help me to better understand the psychiatric pathologies that I was confronted with. In the end, I sought out an individual supervision with a specialist in ethnopsychiatry. And at the same time I met Dr. Willis and we developed our co-disciplinary approach and research. Nevertheless, this initial experience highlighted the power relations that were at stake in the professional network and the system's resistance to change.

I was confronted with a similar situation when I sought to be a part of the mother and child group that had been organized by the psychiatrist specializing in child psychiatry. She held monthly meetings at the hospital with the professionals in the network who worked with mothers and young children. The psychiatrist who supervised me suggested that I contact the woman psychiatrist and participate in the network as I, too, was trying to develop an interdisciplinary approach to the complex situations that the professionals in my service dealt with. To my surprise, the psychiatrist didn't want me to participate in the network because of

the confidentiality of the cases that were discussed. She did not recognize a mediator as a professional. In fact, no one in the service had direct access to my cases as they were confidential. The computer system we used at the social services required the social workers and administrators to enter the meetings they had with the political asylum seekers and the issues that were being addressed. All the employees had access to this information. However, my cases were not disclosed. They were confidential. My superiors did not receive reports of what went on in my mediation sessions.

In front of all the professionals at the interdisciplinary network meeting the doctor made it clear that she didn't want a mediator present. She allowed me to participate at the session but made it clear that I was only invited back if I were to present a case study. I organized the interdisciplinary presentation of a case study involving the midwife, the family planning center, the social worker, and the psychologist. During the preliminary work of putting together our presentation the psychologist was strangely uncooperative and communication with her was problematic. The evening that we presented our case study she became even more critical of our perceptions and explanations. Nevertheless, we had made the effort to expose a complex situation involving a political asylum seeker with three young children of Rom descent. The wife was abused, was prone to inflicting wounds on herself, had a calcium deficiency that was causing her to lose her teeth, and had just recently given birth to her third child. I saw this case as a classic example of the importance of working together in the network. The complexity of this case seemed overwhelming. An interdisciplinary approach was indispensable from my point of view.

After having contributed as the child psychiatrist had suggested and supported, I understood that I could be a part of the ongoing case study presentations. I saw myself as a link between this group of professionals and my service. However, the psychiatrist disagreed. She only wanted me to present a case. She didn't want me to be a part of the group.

After reflecting on the sessions that I had taken part in, I realized that her interdisciplinary approach differed greatly from mine. She stood in front of the group of professionals who attended the session. The others sat in the bleachers of the auditorium. When she questioned the participants during their presentations, she reformulated their words, using psychiatric terminology. In fact, she was the expert, reformulating other professionals' terminology. This put her discourse in a dominant position. There was no co-construction of meaning with

multivoice and polyvocality. The way she structured these interdisciplinary sessions allowed her to play the expert role, placing her discourse on the top of the professional hierarchy.

Her interpretation of an interdisciplinary network placed her in the leadership position, structuring the work of the other professionals around her expertise. This style was in complete opposition to my own. When I realized this, I was then able to understand why I was not welcome. I found it unfortunate, but the experience allowed me to see the different approaches to interdisciplinary work. This experience allowed me to see that there were different ways to lead interdisciplinary groups. I did not adhere to the psychiatrist's approach that did not correspond to my values. As a mediator I believe in a more egalitarian approach to group work, where one discourse isn't allowed to dominate. This experience demonstrated the power relations that existed between professionals. I am now grateful for this priceless lesson that allowed me to see that there are many approaches to interdisciplinary work. Her professional performance allowed me to see more clearly how I wanted to perform professionally and why.

The power relations were not only within the service and the professional networks, but they were present within the mediations. Here I present an analysis of power relations that were present in the "conflict narratives" to demonstrate the importance of agency. "As people express resistance to a particular power relation, that relation starts to change, even in the tiniest of ways. This process of expressing resistance develops a sense of agency in people who have felt silenced and marginalized."²¹²

The interview with Mr. F. tells only part of his story. He was able to resist the state's pressures of expulsion by turning to the texts of Gandhi and demonstrating nonviolent resistance to Swiss government oppression. On his arrival in Switzerland, the stresses of the political asylum procedures drove him to mental illness and a mental hospital stay. His fragile mental health required him to regularly consult the psychiatrist. However, following the interdisciplinary approach that Dr. Willis and I developed allowed Mr. F to change. We obtained an expert opinion from a torture specialist and worked with the legal services responsible for defending his request for political asylum. This allowed him to perform in a new way. Instead of allowing this situation to break him down mentally, he learned how to

²¹² Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Francisco, P. 51.

resist the oppression in a new narrative that modelled Gandhi's resistance to political oppression. His heroic performance reinforces what Winslade and Monk affirm:

Viewing agency from this perspective acknowledges that there are likely to be opportunities to act in apparently powerless circumstances in a variety of settings at different times. Even the most downtrodden or defeated person can demonstrate some level of psychological resistance to an oppressive or constraining circumstance. This analysis moves away from a globalized notion of powerlessness and sensitizes persons to their ability to act, even in some modest way.”

Mr. F. was performing meaning from a new storyline. Winslade and Monk integrate Jerome Bruner's ideas using the terms “landscapes of action” based on “landscapes of consciousness”.²¹³ The mediation process allowed Mr. F. to change his performance. He found resources in the writings of Gandhi that transformed his consciousness and allowed him to modify his response to oppression.

In the mediation with Mr. M and his son, personal agency is demonstrated by his ability to continue his studies by following a Masters' Degree in Business. Though he could not work because of his status, he could continue to evolve by working on another degree that could possibly provide future employment. He was thus able to regain respect for himself. The model that he wanted to portray to his teenage son was important to him. He wanted to demonstrate courage in the face of adversity. By completing his degree he showed his adolescent children that he was the leader of the family. He courageously persevered.

Another aspect of the conflict was the ambition of the son to continue his studies within the Swiss school system at the college level that would give him access to university studies. As French was not his mother tongue and he had not studied German, this was a great challenge. The teacher initially responsible for his study program did not adhere to this academic plan. It took a series of mediations with the teachers and school directors to persuade the system that the young man could pass the classes that would allow him into the college. The family's educational tradition and his ambition to be a doctor guided his determination. In the end the system did not track him into vocational training, and he was able to successfully continue his studies at the college. Again, the mediation process provided the space for dialogue between

²¹³ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Fransisco, P. 52.

the young man, his family, his teachers, and the directors of the institutions. This case study demonstrates the importance of personal agency. The young man's determination to succeed and his natural intelligence allowed him to resist the operation of power in his life. This family took a course of action that allowed them to resist the pressures of forced unemployment and the tracking system of the Swiss school system.

The mother of the family used her skills as a dentist to work in the health prevention program for political asylum seekers at the social services. Her professional activities allowed her to gain experience and to better understand the system. As she worked with the social services she had privileged access to relationships and information that not all political asylum seekers had. Her professional activity was within the context of an occupational program for political asylum seekers that did not provide a salary, but added an important sum of money to their family's monthly income. Her ability to act constructively by practicing her skills in this new context gave her a sense of agency that allowed her to support her family through these difficult times. She used this opportunity to practice her skills, create a relational network, and find resources for her family. After several years, this family's request for political asylum was accepted. And their son successfully completed his studies and can apply to medical school.

Power relations were present in the social services. The administrators in the communal housing centers provided access to resources, such as train tickets and doctor's appointments. They were also responsible for organizing the schooling of the children. If a person or family had special needs, it was often up to the administrator to decide how he or she would orient the person or family in the network of professional services. They could either organize an access to care or create barriers to care. They were close to the new arrivals who lived for a period of three to six months in the communal housing. This transitional period was often difficult for the new arrivals who had to adapt to the Swiss political asylum system and culture.

A family from ex-Yugoslavia arrived at the communal housing center. The couple had marital difficulties. The administrator had begun counseling the family. The proximity of the administrator and the family served to escalate the conflict. The husband became suicidal and tried to jump off the balcony. Instead of seeking outside resources to help this family while maintaining a professional distance, the administrator became intimately involved. This

relational situation only made matters worse. When the man was interned at the psychiatric hospital, I was finally allowed to provide mediation services to the man and his family.

The administrator had an all-powerful position in this situation, providing food, shelter, access to care, and using her authority to enter into a privileged and intimate relationship. She used her position of authority in a manner that allowed her to develop a therapeutic relationship, gaining information about the private dimension of this couple, without regard for professional skills or ethics. The head of the social workers was involved in a curious way that supported her assuming a professional role for which she was not trained. This form of collusion was common in the service. Alliances were created with the goal of wielding power within the organization. The administrator did not guarantee the confidential space that would have allowed the couple to work out their difficulties. She was in fact a part of the relationship. The couple's relational problems were mixed with the relational problems with the administrator who organized the move from communal housing into an apartment. These questions pertaining to entitlement were frustrating the family. They felt that they had the right to individual housing in a specific time frame. They were impatient and wanted to move out of communal housing as soon as possible.

When the husband met with me at the psychiatric hospital he was able to share his concerns and to work out a reinsertion project. I helped clarify how he could leave the hospital and come back home to his family. It was necessary to set up the outpatient care. The first step was to meet with the psychiatrist and clarify the manner in which the social services were going to prepare the family's move into an apartment. This dialogue provided the possibility for the social services and the psychiatrists working at the hospital to collaborate for an optimal reinsertion. I was able to coordinate the interventions of the social worker in the area where the family would reside and explain about the schooling for the children. In this way the man was reassured about his new situation. His desperate act of jumping off the balcony was a way to express his feelings of entitlement. He felt he should have been able to move out of the communal housing and into an individual apartment immediately.

It was also arranged that he participate in an occupational workshop so that he would be in an environment that could support him if his suicidal tendencies were to re-emerge. Instead of being alone at home thinking of his problems, he was working with other men in a structured daily routine. This also gave the couple some space. Instead being alone together all day, they

each had time to themselves. All the participants in the network approved this interdisciplinary approach. Each professional assured his or her part of the program. There was a continuity in the healthcare that the man was receiving. Hopefully this would assure an understanding of his situation and a quality follow-up after his hospitalization.

Following the husband's return to the communal housing and before the move, the wife came to my office. She had sought my help after speaking with the cultural mediator who often worked with me and who was also the night watchman at the communal housing center. She was so distraught that after speaking of her anxieties and fears, she vomited. She was so overtaken by emotion that she couldn't even get up and go to the toilet. Now that her husband was doing better, there was a place for her to express her dis-ease.

I coordinated a visit to the doctor in her area. I took her to the occupational workshop where her husband was waiting for her. Then I took them to the train station so that they could go together to the doctor. On the phone, I explained the situation to the doctor so he would be sensitive to the couple's social context. It is evident that the psychosomatic and sociosomatic aspects of illness were extremely pertinent in this conflict narrative. However, the root causes of the conflict can also be traced to the power relations within the social services that allowed the administrator to take on a professional role that she was not qualified to assume. Her all-powerful role contributed to the escalation of the conflict. Instead of looking for a third party to open up a space for dialogue, she maintained her authoritarian position, causing an explosive and desperate attempt to resolve the conflict through attempted suicide. The head of the social services colluded with the administrator, allowing her to continue in a role that aggravated the situation. Instead of using other resources of the service, their conflict management choice failed and could possibly have resulted in the man's death.

Entitlement was often the basis of conflict dramas. Perceptions of entitlement were acted out in conflicts when new arrivals felt they were entitled to better food or food that respected their cultural differences. There were other situations where political asylum seekers believed that they were entitled to bigger apartments or a move from the communal housing before the initial three-month period that was normally enforced. Still others had conflicts fuelled by budget disputes where they believed that they were entitled to more money. There were cases when perceptions of entitlement were expressed in hunger strikes. I illustrate how entitlement

is an important element in the theoretical conception of mediation and conflict resolution. Winslade and Monk examine the effects of entitlement as it relates to the creation of conflict.

We demonstrate how narrative mediation can be used to deconstruct entitlement in an attempt to assist people to build more equitable relations when conflict is being addressed.

Patterns of entitlement emerge from within a complex network of power relations and societal narratives. ... When one party experiences a discrepancy between what he or she believes is deserved (based on a notion of entitlement) and the favours he or she actually received, a strong negative response may be produced.²¹⁴

One of my first cases involved an African woman who had a young daughter. She had a relationship with the administration that was full of conflict. She did not like her apartment and refused to adhere to the administration's requests obliging her to clean her home. She was at odds with all the social workers, and would often rant and rave in such a manner that the police had to intervene. Once, she caused an uproar in the line while she was waiting for her monthly money. The police had to intervene, handcuffing her to the ground. As she had just had an operation, this physical treatment complicated the police intervention. The physical force used to handcuff her could have possibly caused complications. The week before this incident, when the police were called to apprehend the seemingly hysterical woman, she had been stalking another political asylum seeker with a knife. The woman was so scared that she couldn't leave her residence. The social workers had felt so threatened by this woman's actions and remarks that it was necessary to organize a debriefing session.

The director of the social services had called me to take care of this situation. I followed up by contacting the head of the social services and the psychologist and psychiatrist whom I had met at the supervision. I organized a meeting of employees traumatized by this event in the hopes that a debriefing session would create a safe space for my colleagues to express their anxieties and figure out how to go on. By organizing the meeting, and assuring the coordination of the measures that were to be decided by the group, I felt I was correctly assuming my role as mediator. At any rate, I was following my boss's orders by handling this situation as he had asked me to do.

²¹⁴ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Fransisco, P. 95.

I was surprised when the psychologist arrived at the meeting and in front of my colleagues who were seeking reassurance, began by telling me that I had been asked to not participate in the group meeting, referring to the supervision. I assured him that I was doing as my superior had asked—to take charge of this situation. The head of the social workers nodded his head in agreement. The psychologist decided not to question my boss's decision and focused on the debriefing session. I was again surprised that a professional would play such power games in front of a group of people who had been traumatized and were seeking reassurance and security. It also surprised me that this psychologist, who was responsible for a clinic in the area, would address this professional conflict in front of clients in such a manner. It seemed to be insensitive to the people who were seeking help. It was clear that the professional network hadn't accepted my role as mediator.

The debriefing session provided a space to discuss what had happened and to speak about the many attacks that the administration had been subjected to in the past years. A young social worker who was placed in an internship decided not to return to the job. Other colleagues spoke of their state of burnout. In that session a decision was made to transfer the African woman to another administration, as the administrator and social worker felt that they could no longer manage a relationship with her that had become so violent and problematic.

I suggested that we try to initiate a mediation process for the transfer and reintegration of Mme K. in her new region. My proposal for managing the conflict was discussed in the supervision session with the psychologist, psychiatrist, administrators and social workers. They decided against my decision. They felt that if she were given a chance to explain herself in mediation she would be receiving favored treatment which would reinforce her disobedience and her violent conduct. I was again dismayed that I could not participate in a session where decisions were being made about mediation. I was not allowed to explain my reasoning. I felt that this was unfair and demonstrated a lack of democratic practice in the professional network. It was a learning situation. The expert psychiatrist and psychologist wanted to remain in control of their expert positions and their models of practice. The mediation process seemed to threaten them. They didn't want to innovate or have their practice questioned. Egalitarian dialogue seemed to be too risky to be tried.

Nevertheless, I was able to convince my boss to try mediation. I was convinced it was possible to disarm the conflict by allowing Mme. K to express herself in the mediation

process in the presence of the head of the social workers, her new social worker, and new administrator. Mediation could provide a dialogical space where she could learn to use words to express herself nonviolently. Her outbursts could possibly be transformed in a new configuration where the rules and policies could be communicated, as well as the expectations that the social worker and administrator had concerning their relationship. Mme. K participated in the mediation with her companion who was the father of her child. She agreed to respect the rules and regulations of the new administration. She also agreed to use mediation to resolve conflict instead of violence. The mediation process allowed her to understand the limits of the system and to transform her behavior. She learned to express her conflict differently. She progressively integrated into her new area without the tensions that had dominated her relationships in her previous area. As she felt respected and considered in her requests during the mediation sessions she was able to evolve in her relational patterns.

It seemed that the group or “tribal approach” to conflict management provided a secure social circle. Within that circle her hysterical and violent behavior was transformed. Her situation was similar to Mme. B’s. Both of these African women were single mothers raising their children on their own. Without the larger family circle they were unable to find their right place. Could the mediation process have recreated a circle of relationships that provided a secure structure? Mme. B and Mme. K were always respectful to me. I often saw them in town and spoke with them and admired their children. I felt that recognizing them as good mothers reinforced their ability to become good mothers. A professional’s ability to see the good in someone could possibly contribute to the transformational process.

I was twice confronted with hunger strikes. The first situation concerned a young Iraqi man. I speak of his case in the chapter on Power. He believed that he was entitled to a decision from the Swiss government concerning his request for political asylum. He considered it unjust to have to wait for such a long time without a decision. He found it unbearable to be regarded as a political asylum seeker. He felt that the Swiss citizens in his area looked on him with disrespect. The Swiss-German part of the canton seemed to harbor negative connotations associated with the people in the communal housing where he lived. He felt their humiliating stares when he walked the streets. Winslade and Monk explain, “Patterns of entitlement often form around specific groups or identities in a community. Societal discourse constructs patterns of entitlement that privilege the concerns of one individual or group of people over those of another. From this perspective, conflict can be understood as a clash of entitlements

that occurs between individuals or groups in overt or covert ways on a day-to-day basis.” The political asylum seekers developed a form of status entitlement that differs from race entitlement. They considered that their specific discrimination came from the treatment of the canton’s social and healthcare services and Swiss procedures regarding political asylum. It wasn’t just because they came from a different racial background that they felt discriminated against.

There was a specific societal discourse that developed within this context. The young Iraqi man, described in the chapter on “Power,” participated in a series of mediation sessions with a translator or cultural mediator. He was from a Kurdish family of prominent politicians, writers and artists. His identity as an unrecognized political asylum seeker who may never gain refugee status was too painful to bear. He chose to return to Iraq. He had personal agency. In this situation he could chose to risk his life by returning to Iraq. Winslade and Monk speak of agency: “Arising out of the social constructionist literature, agency is the act of diminishing the extent to which the discursive context can capture and control a person’s activities.”²¹⁵ I received copies of books that he had written and dedicated to me following his return to Iraq. Possibly, the mediation sessions allowed him to reclaim his identity as an honorable man and writer.

Another case demonstrating agency lasted over a period of four years. I was often involved with a young African woman from the Congo. I describe one phase of the mediations in the text on Ritual where I describe tribal mediation. I began using this configuration while working with M. and her family. As her adolescence progressed, so did her conflict dramas. After the conflict dramas that took place in her family, I was asked to meet with her teachers who were concerned with her behavior. Months later, M. was pregnant at 17 years old by a young Frenchman living and working in the region. We used the mediation process in an interdisciplinary space including the family planning counsellor, the social worker, the child protection agency, and the obstetrician. As she was a minor, there was a risk that she would not be able to keep custody of her child.

She often fought with her boyfriend and the police had to intervene on several occasions. The neighbors complained of the noise, and there was a risk that the conflict would escalate into

²¹⁵ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Fransisco, P.100.

domestic violence. Her boyfriend was able to find a job that allowed him to support her and the child. However, the social worker needed to work out the budget with the young couple. The lives of political asylum seekers must always be coordinated with the social services that provide their care.

I suggested that M. go to a psychologist to work on some of her issues in a private therapeutic space. I hoped that she could find some stability. I saw therapy as a preventative means, assuring that she would be able to demonstrate that she was capable of being a responsible parent. I tried to work at weaving a protective net around the young woman. I could feel the tensions in the system that could easily take her baby away since she was a minor. As soon as the system has a critical eye on a situation, it is difficult to turn around official decisions about custody. The conflict could easily escalate within M.'s family if they felt that the white people were taking away another black baby.

When the social worker, family planning counsellor, and I met with the obstetrician, he was a bit taken back by our interdisciplinary approach. He felt we were interfering in M.'s life. He neither appreciated nor understood our network approach as he was used to managing situations on his own. This misunderstanding of our intentions was unfortunate. However, we continued to collaborate. M. gave birth to her daughter and has been able to raise her with her boyfriend. We continued mediation sessions after the birth of the baby with her boyfriend to try to work through certain complex family conflicts. Their relationship has continued to be challenging. However, they did manage to stay together and make a home for their child.

In the last mediation session with the other professionals before M. arrived, I warned our professional network that the social services system's standard procedure would be to take the child away. It would require a lot of reflexivity to resist this relational pattern that the state had with minorities and political asylum seekers. I defended M.'s right to raise her child and our obligation to reinforce the situation positively to make that be possible. This was just before I left my position. I spoke from the place of a narrative mediator. Winslade and Monk explain how narrative mediators are not neutral.

The mediator in this situation is hardly neutral. One of the strong threads in this book is our emphasis on how the mediator's own discursive position has a bearing on the mediation process. Narrative mediators may state openly their opposition to violence, racism, and sexism. They may open to question what is the norm

because the norm is a cultural product that privileges some groups of people. To be neutral and not challenge the norm may serve to support privilege. This is a difficult approach in comparison to traditional methods of mediation that emphasize the importance of mediator neutrality.²¹⁶

Because I was working in an intercultural setting with a marginalized group of people, I was constantly questioning the norm. Winslade and Monk explain how mediators must understand the background issues that shape conflict. “A mediator must be familiar with the discursive patterns that accompany the kinds of injustices that are contributing to the conflict.”²¹⁷

Marginalized groups face many forms of injustice. Without knowledge of the context, it is difficult to make sense of the framework that gives rise to the discursive patterns.

Deconstructing these patterns requires inquiry and discursive listening.

Roland Littlewood is a British psychiatrist who has written about intercultural psychiatry in Britain. He discusses the effects of immigration and racism:

There have been various debates in the literature and in the media on the issue of “misdiagnosis” of mental illness. These are not of primary concern here, except to emphasise that what many professionals, doctors and social workers take as “unintelligible” and thus “insane” may, at another level of understanding, be seen as legitimate and coherent human responses to disadvantage and racism Littlewood 1993b).²¹⁸

To recognize this is not to see black Britons as helpless pawns, controlled by others, but to recognize that their lives are lived through and against such overarching structures: the experience of being perceived and classified by a set of assumptions and institutions which serve the interest of the dominant group (Littlewood, 1980). ... How helpful have the mental health and social services been in dealing with intercultural malaise? Professional interest has tended to focus on severe mental illness rather than on “psychopathology” in a wider sense—that is on problems of identity, adjustment, achievement, self actualisation, personal loss, conflict and resistance.²¹⁹

The effects of disadvantage and racism contribute to “psychopathology.” The “conflict narratives” suggest that the dominant systems’ configuration of the social and healthcare

²¹⁶ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Francisco, P.101.

²¹⁷ Winslade, John, Monk, Gerald. (2000), *Narrative Mediation*, Jossey Bass Publishers, San Francisco, P.106.

²¹⁸ Kareem, J., Littlewood, R. (eds.) (1992), *Inter-cultural Therapy: Themes, Interpretations, Practice*, Oxford Blackwell Science Ltd.

²¹⁹ Footnote needed

network may also contribute to the social construction of illness and conflict. The dominant system's perceptions also contribute to the discourses used to describe the pathologies of migrants and minorities. By providing an interdisciplinary space, such as the mediation service, it may be possible to deconstruct dominant assumptions by co-constructing meaning in a process that gives a legitimate place for the migrants and minorities' discourse.

Interdisciplinary Space

The "conflict narratives" tell intercultural stories. The narrative model in mediation provides a pertinent theoretical framework. However, the interdisciplinary space that was created to permit the co-construction of meaning among the participants in the mediation process goes beyond the work of Winslade and Monk. One of the unique aspects of the mediation service for political asylum seekers was its legitimate space in the social and healthcare networks. It is a challenge working together in networks. These case studies show how it was important to arbitrate the meeting space even before beginning the mediation. Creating an interdisciplinary space in this context was possible; however, it was never an easy task. All professionals in the mediation sessions had to learn to work together and participate in the process. Though there were never any rules or policies defining how we would work together, there was an informal protocol that accepted mediation for certain types of conflicts. At times mediation was contested as the proper choice for managing a situation. In some cases, mediation was a last resort after other attempts to resolve the situation had proven ineffective. This experimental space proved to be a lively theater for conflict dramas and the playing out of power relations within this intercultural and administrative context.

The Computer Program's Storying of the 'Conflict Narratives'

The computer program known as LORA, at the social services department, was created to register all aspects of the social and medical services offered to the political asylum seeker. Not only was there information concerning their identities and official documents, but any employee could access the social workers' and administrator's comments concerning the political asylum seeker's case. I was allowed to copy the registers of most of the political asylum seekers who participated in mediation. Their stories are told not only through the interviews and the "conflict narratives" from the mediator's lens, but also from the lens of the

social workers and administrators who logged in every time they had a conversation or a meeting with a political asylum seeker or family. As previously discussed, the computer program was designed to let me enter information that other professionals could not access.

This register provides a historical reference for the case studies presented in this paper, as all the appointments and situations were logged in. It is another storyline that provides the discourse of the social workers and administrators. Their words tell even another aspect of the story. As they log in over the four-year period, it is interesting to read their descriptions and quotes from conversations they had had and decisions they had made. Appointments with the various professionals are also in the register. This material provides a basis to follow the “social mapping” of the case studies. The interdisciplinary nature of these situations becomes clear from consulting the register. Mediation was only one of the resources used in these situations. The mediator was never alone in providing resources and services.

It is because of the status of political asylum seekers that the law permits such private information to be consulted by such a large number of employees. In the future there will be electronic cards (credit card sized) with a microchip containing all the information pertaining to a person’s healthcare. This was discussed by our service in an attempt to be more efficient in providing healthcare. The Swiss population will soon test this kind of “healthcard.” This of course brings up the question of confidentiality in the network.

Is it ethical to be able to keep files of people in this manner just because of their judicial status? How do these stories told in the register affect the way political asylum seekers are taken care of by the professionals working for the social services? In what way do these “computer narratives” affect the co-construction of meaning in the cases involving mediation? This is an interesting dimension of discourse that obviously affects the case studies and general meaning-making process.

To exemplify the LORA computer program’s influence on the network, I illustrate a case study concerning a young family from Macedonia and its relationship with the administration. Mr. and Mrs. T. had two young children. They were referred to mediation because domestic violence was suspected. The violence concerned both the wife and the children.

Mr. T would fight with his wife and then he would go to the head of the administration seeking forgiveness for losing his temper and hitting his wife. He had sought medical treatment; however, he didn't show up for his medical appointments. The neighbors had informed the social workers of fighting and noises that seemed to indicate that Mr. T beat his young children. Mrs. T would often come to the cafeteria at the communal housing center near her asking for food. Even though she received a monthly allowance to buy food and make her own meals in the family apartment, she explained that her husband would take all her money to gamble.

These episodes in the couple's life were all recorded in the LORA computer. When I was asked to receive the couple in mediation, I asked a male cultural mediator to be present to translate our sessions. Mr. T explained that he was extremely nervous and that his anxiety became uncontrollable, ending in violence toward his wife. He spoke of memory problems and digestive problems. His wife explained that she believed her husband was mentally ill. She explained his abnormal behaviour in detail and added that there were mental health problems in the family.

Mr. T said that he had served in the military during the war in ex-Yugoslavia and that he couldn't return. He was afraid of reprisals and also of poverty. The lack of jobs and the means of providing for his family were major concerns. There was also the constant pressure from the office handling their political asylum case to leave the country. They had been given a date by the canton's government concerning their forced departure.

The family was in crisis. However, the wife did not want to go to the victim's aid office to seek protection from the violence. I met with her alone without her husband and tried to better understand her needs and her fears. Her most important demand was to seek medical help for her husband. I warned her that she was responsible for protecting her children from violence and that if her husband was beating her children and she did not alert the authorities, she could risk losing custody of her children.

Mr. T was manipulating the professional network in a perverse way. After he beat his wife, he would go to the head of the social worker's office and confess. He would not show up to his appointments with the psychiatrist and continued to use the family's money for gambling. At one point I read in the computer program that the administrator at the communal housing

area's comments concerning his last meeting with Mr. T. It was written that Mr. T had come to see him in his office and that he had threatened to kill his wife and children. None of the professionals in the network were consulted or informed. There was only the computer entry.

The administrator had followed the protocol of registering his meeting with Mr. T. But writing a computer entry in no way protected Mrs. T and her children from a violent act. The complexity of the situation seemed to me to require a new approach. I proposed that our office organize a work session with the office for victims of violence to work on cases such as this, and to try to define a protocol concerning complex interdisciplinary situations.

Social workers, administrators, the head of the social worker's and the mediator all participated in a workshop with the social worker in charge of the office for victims of violence. I had asked for the opinion of the judge concerning knowledge of violence and state employees' responsibility for reporting this knowledge. We worked on several case studies, trying to better understand how we could cooperate efficiently within the context of the law. What kind of interdisciplinary cooperation could prevent violence in these complex cases that involved many different professionals and services? How could we tighten our communication and efforts around individuals such as Mr. T. so that he could not manipulate the system? How were we enabling him to get away with domestic violence? There were no precise conclusions drawn, but the dialogue that emerged allowed us to develop a more interdisciplinary approach to complex situations. The children's rights were the highest priority. How could we best protect the children from violence?

This case study shows how the protocol concerning computer entries can make a difference in the way a case is handled. By simply writing and entering data into the computer, the administrator believed he was doing his job. He didn't think he needed to inform the other professionals of the risk of danger. Informing the computer does not ensure correct action will be taken. Failing to report Mr. T's threats of violence to his superior or the psychiatrist could have ended in tragedy. As new technologies are integrated into the communication process their influence on the system must be continually analyzed. The social construction of meaning involves the technological forms of communication as well as the human forms of communication. The conscious use of our communication networks adds to the quality of our joint conversations.

How Mediation Can Generate Collaborative Practice

The mediation office initiated an interdisciplinary approach to conflict resolution that went beyond individual situations. The mediator in this case analyzed the system and attempted to mediate on an organizational and structural level by creating a space for analyzing our case studies with other concerned services. The goal was to improve joint collaboration. The mediation office organized a similar workshop with a midwife trained in intercultural relations, and with the education department and their special education teacher responsible for integrating foreign children into the school system. By working together we were able to develop strategies of collaboration that prevented conflicts. The origins of conflict may oftentimes have their roots in the system itself. These examples show how an interdisciplinary approach prevents certain conflicts by resolving organizational and structural dysfunction. The participatory nature of mediation provides a space for interdisciplinary collaboration and conflict prevention.

Another example of organizational participative process included the leaders of the ethnic communities. The mediation office initiated a brainstorming meeting that included the intercultural mediators from the ethnic communities, as well as the administrators and social workers. Three work groups were formed by mixing the three categories of participants. The goal of the workshop was to imagine how to improve the services offered in social and healthcare and continuing education. This meeting space allowed the intercultural mediators to share their concerns and experiences and also to propose solutions to some of the problems they had identified in the system. The workshop was the first to ask the political asylum seekers to participate. This approach sought to integrate all the participants in the process of organizational transformation. Instead of the professionals inventing a new program and presenting it to the political asylum seekers, this participative approach included the leaders in the ethnic communities and their resources from the beginning. Though the workshop was productive, it was difficult to persuade the director at the social services office to continue the process. Participative processes may threaten traditional power relations.

Gregory Bateson's work provides a theoretical foundation illustrating how the epistemology of system pathologies can be applied to organizations. As mediator I extended my role to that of "ombudsman" by considering organizational and structural conflict to be part of my mandate. I could see the link between individual conflicts and patterns of pathology within the

larger institutional context. Bateson's book *Steps to an Ecology of Mind*,²²⁰ has greatly influenced postmodern thinking. Mary Catherine Bateson explains, "Dipping back into *Steps* today, however, I find the threads of connection to my own more recent work revealed and clarified. The importance of diversity in maintaining flexibility (and resilience), the search for basic continuities that support adaptation, including learning how to learn from change and cultural disparity, these are themes that come directly out of Gregory's work. Another is the importance of story as a form of thought."²²¹

My interdisciplinary approach finds its roots in Bateson's systemic thinking. The interdisciplinary space that was co-constructed in the social services' mediation service allowed for the epistemology of conflicts within the larger system. By creating a space where there was a global vision, it was possible to deconstruct conflict using an epistemological approach. It was possible to disarm structural and organizational conflict by collectively addressing patterns of pathology inherent in the system. The epistemology of systemic conflicts was largely done by using the narrative method. I listened to the stories that were shared with me and I invited people into the circle to hear those stories. Together, we collectively addressed the stories that were told and that were part of the larger social organization.

When I began my work as a social services mediator, I started by interviewing the administrators and the social workers to see what kinds of conflicts they faced day-to-day. One administrator explained how the majority of the conflicts in the past revolved around the health of the political asylum seekers. As the policies evolved, political asylum seekers were allowed to work and the conflicts changed. More conflicts seemed to be about the budget and how the administration calculated the welfare money allotted to each family and their paychecks received from their employment. These calculations were complex and have continued to be an object of contention in the national political arena.

Another example of patterns of pathology would be how one member of the family would often become ill to save the family from being deported. The legal decisions were often based on medical certificates. In family therapy this kind of phenomena is recognized. However, the

²²⁰ Bateson, Gregory.(2000), "Steps to an Ecology of Mind", University of Chicago Press.

²²¹ Bateson, Gregory,(2000), "Steps to an Ecology of Mind", University of Chicago Press. P.foreword xii.

specific system governing political asylum seemed to accentuate the phenomena of the designated sick person among this subgroup. Recognizing these patterns of pathologies added to the meaning-making in the dialogical and relational processes in the mediation sessions. Harlene Anderson writes about the evolution of family therapy in her article, “Becoming a Postmodern Collaborative Therapist, A Clinical and Theoretical Journey.” Her work as a family therapist was greatly influenced by Bateson and the Palo Alto Group in the first part of her career. However, as she evolved as a therapist, she began integrating social constructionist theories. She explains,

This conception of a mutual evolutionary process combined with later developments in our conceptualization of language eventually enabled us to move entirely from the mechanic-like cybernetic, onion-like social system, and pyramid-like reality metaphors to conceptualizing human systems as linguistic systems—fluid, evolving communicating systems that exist in language. These views allowed an understanding of therapy as a shift away from thinking of a system as a collective, contained entity that acts, feels, thinks, and believes toward a system as people who coalesce around a particular relevance. When the relevance for coalescing dis-solves the system dissolves. We referred to these systems as problem-determined systems (Anderson, Goolishian & Windeman, 1986) and problem-organizing, problem-dis-solving systems (Goolishian & Anderson, 1987, Anderson & Goolishian, 1988).²²²

Harlene Anderson’s family therapy approach led her to investigate generative processes and relational theories of meaning as Gergen suggests. “Through learning and speaking the client’s languages ‘interventions’ emerged within the conversations of mutual inquiry and were therefore tailored to the particular client and their situation. So, what we had been thinking of as interventions were no longer such, but simply a product of the conversation.”²²³ This description of family therapy allows us to understand the profound shift that family therapy has undergone. Bateson and the Palo Alto Group that emphasized a mechanistic systems approach was one phase in an evolving practice. Anderson’s family therapy shifted to conversations that used the client’s language. This interest in language led Anderson and her colleagues to investigate the realm of philosophy and cultural anthropology. She maintains that, “The intent of any therapist language (verbal and non verbal) is to facilitate generativity:

²²²Anderson, Harlene, *Becoming a Postmodern Collaborative Therapist, A Clinical and Theoretical Journey*. TAOS Institute manuscript site.

²²³Anderson, Harlene, *Becoming a Postmodern Collaborative Therapist, A Clinical and Theoretical Journey*. TAOS Institute manuscript site.

Possibilities for new meanings, narratives, new self-identities, new agency, and new actions for client and therapist.”²²⁴

The “conflict narratives” were performed in an interdisciplinary space that integrated the multiple languages that were used by the participants. It is possible that this social space for conflict resolution generated new meanings by allowing the language used to describe the conflict to be transformed. The interdisciplinary space that the mediation service provided me contributed to the generative potential of the conversations. The practice of mediation is continually evolving, much like family therapy. The experience of family therapists and the evolution of their practice may be helpful to understand the changes taking place in mediation. The emergence of the Narrative Model in mediation reflects the evolutionary nature of practice. It is possible that family therapy has influenced practice and theory in mediation.

David Paré writes about the shifting paradigm of family therapy speaking of the family as an interpretive community, or storying cultures. Paré explains, “Social constructionism is primarily concerned with the process whereby meaning is arrived at communally. It emphasizes neither the biology of the observer nor the ontology of the observed world, focusing instead on knowledge as a function of communal textual interpretation.”²²⁵

Paré’s article allows us to see the shift in the family therapy paradigm that has taken place and the influence social constructionism has had on family therapy practices. The majority of the “conflict narratives” involved families. Social constructionism places great importance on relations and interpretations. Paré says that our stories are constitutive. “To tell a story is to construct one’s life.”²²⁶

Paré integrates notions of culture in his writing. Culture and status are important dimensions in the “conflict narratives.”

²²⁴ Anderson, Harlene, *Becoming a Postmodern Collaborative Therapist, A Clinical and Theoretical Journey*. TAOS Institute manuscript site.

²²⁵ Paré, D.A. (1995), *Of families and other cultures: The shifting paradigm of family therapy*. *Family Process* 34(1), Pp.1-19.

²²⁶ Paré, D.A. (1995), *Of families and other cultures: The shifting paradigm of family therapy*. *Family Process* 34(1), Pp.1-19.

The notions of power, violence, domination, and oppression, which are either ignored or contentiously represented in the systemic family metaphor, are inevitably built into cultural metaphors. Each family member can be viewed as a more or less disenfranchised subculture of the family itself, in the same way that families may be considered relative to the wider society. The emphasis here is on the process whereby normative prescriptions of one cultural group may act to constrain the freedom of its members—whether they are individuals or subgroups. Drawing on Foucault’s critique, Madigan (1992) writes: “The cost to (people) for accepting society’s cultural story of them is often subjugation, restraint, and oppression of all alternative descriptions of themselves they may have entertained” (p.274). The power of families in society, or individuals in families, can be gauged by the degree of legitimacy accorded to their stories.²²⁷

Clearly these “conflict narratives” take on importance when we consider how the dominant Swiss culture leaves little space for political asylum seekers to tell their own stories. In this way, the dominant culture’s descriptions of political asylum seekers become an oppressive force that has a constitutive power. The interdisciplinary spaces created for the co-construction of meaning are spaces where the “multiverse” that Paré speaks of was able to emerge. “Multiverse” may be similar to the diversity that Bateson described, a diversity that favors flexibility and resilience within a given system. Mediation may then be understood as a transformative practice that allows “multiverse” to emerge.

Mediation’s Influence on Collaborative and Transformative Leadership Processes

The mediator’s role can be seen as the role of a leader in the social services. When the direction created the mediation service they were giving a legitimate space for this form of conflict resolution. Dian Marie Hosking explains leadership processes that “construct and legitimate the principle of open, multi-logical collaborative ways of relating.”²²⁸ Creating spaces for collaborative ways of relating became part of the mediator’s leadership role. This form of leadership was collaborative. Decisions were made together in dialogical processes of meaning-making between the different discourses, professions, institutions, cultures, and individual representations. This process gave rise to new possibilities to action.

²²⁷ Paré, D.A. (1995), Of families and other cultures: The shifting paradigm of family therapy. *Family Process* 34 (1). Pp.1-19.

²²⁸ Shalimir B., Pillai, M. Bligh & M. Uhl-Bien. (Eds.) (2006), *Follower-centered perspective on leadership: A tribute to the memory of James R. Meindl*. Information Age Publishing. *Not Leaders, Not Follower: A Postmodern Discourse Of Leadership Processes*. Dian Marie Hosking.

Hosking explains, “It is in these relational processes that the construction and reconstruction of self and other and relations goes on, so to speak. In other words, the relational realities of persons and worlds emerge in processes, and they are always emerging.”²²⁹

The interdisciplinary spaces that emerged between the social services and their partners drew their legitimacy from the mediation service. This exemplifies how the integration of mediation within an organization can ultimately influence leadership practices. Mediation may facilitate the emergence of “multiverse.” Practices that generate plural forms of understanding and meanings as opposed to singular forms may enhance conflict resolution. Recognizing the importance of mediation as a catalyst for interdisciplinary approaches in institutions allows us to think differently about organizations and group behavior. What forms of leadership support transformative practices? And what kinds of practices give rise to participative leadership?

Jack Wood and Gianpiero Petriglieri describe how group behavior in organizations often results either in the naming of a “scapegoat” or the emergence of the “oracle.” They describe dialogical tensions in groups and how they may be transformed. “Jung’s transcendent function describes a triangular dynamic wherein the symbol bridges the schism between conscious and unconscious domains. It seems to us that Jung’s accent is less on tripartite structure than it is on a tripartite process that offers the possibility of transcendence—of rising above a simple duality and potentially creating something at least partially new.”²³⁰ Wood and Petriglieri believe that therapists and consultants must embody the third mediating element serving as a bridge between conscious and unconscious domains. It is this process that allows for the mediation of the dialectical tensions. They describe the role of the therapist or consultant as that of a midwife, as Socrates played in Plato’s dialogues.²³¹

They refer to archaic tendencies in group behavior. The scapegoat theory put forth in René Girard’s book, *La Violence et le Sacré*²³² further develops the analysis of group behavior that

²²⁹ Holstein, J. & Gubrium, J. Eds. (2007), *Handbook of Constructionist Research*. : N.Y. Guilford Publications. Can Constructionism be critical? Dian Marie Hosking.

²³⁰ Wood, Jack & Petriglieri, Gianpiero (2005), *Transcending Polarization: Beyond Binary Thinking*. *Transactional Analysis Journal*, Vol. 35, No. 1. P. 37.

²³¹ Wood, Jack & Petriglieri, Gianpiero (2005), *Transcending Polarization: Beyond Binary Thinking*. *Transactional Analysis Journal*, Vol. 35, No. 1. P. 37.

²³² Girard, René.(1972), *La Violence et le sacré*. Grasset.

leads to a form of sacrifice in an attempt to reduce the relational tensions. René Girard describes these social processes at length. His theories are pertinent when analyzing the role of the mediator in the institutional context. How can the mediator transform the tensions inherent in conflict without becoming the scapegoat? How can the mediator avoid embodying the symbolic subject/object to be sacrificed by the group? What kinds of generative practices can prevent this kind of group behavior phenomena? Is “multiverse” the result of dialectical transformation? As “multiverse” is neither the scapegoat nor the oracle but a group voice, is it a third avenue allowing the group to carry the new tune?

I have witnessed two cases involving intercultural mediators who became associated with the marginal groups that they were originally hired to integrate into the schools and community. These two mediators became the scapegoat. Their stories elicited in me a deep search for insight into the mechanisms of this kind of scapegoat process. Both of them had to leave their positions. I worked with them during my Master’s Degree in Mediation action-research project. When I was later hired by the social services I was aware of the risk of becoming associated with the group I was hired to serve and how I could also become the scapegoat for the institution. The director’s decision to close the mediation service may be yet another example of how the mediator can become the scapegoat. When the mediator is “sacrificed” the group tensions subside for a time until new organizational and institutional conflicts arise.

Wood and Petriglieri speak of the consultant’s ability to “metabolize” the energy of the group. They explain the origins of “projective identification” and how consultants can be manipulated into a group’s drama. They explain, “The consultant consequently becomes the embodiment of what the group is tempting to reject—and at the same time the personification of what it eventually needs to examine and integrate.”²³³ They go on to describe a form of conversation that ensues between the consultant and the group. “This conversation adds a new dimension to the discussion as it speaks of the unconscious level. The “consultant-as-scapegoat” is then transformed into the “consultant-as-oracle” who articulates the unconscious thoughts and feelings that the group cannot yet allow into consciousness and put into words. Like a medium, the consultant allows a group to make contact and have a conversation with its own unconscious domain and find out what it is up to. Unfortunately,

²³³ Petriglieri, Gianpiero & Wood, Jack. (2003), *The Invisible Revealed: Collusion as an Entry to the Group Unconscious*. *Transactional Analysis Journal*, Vol. 33, No. 4, October. P.335.

this does not always happen. When the group's projected emotions overcome the consultant's capacity to contain them—because of their intensity or because they catalyze the consultant's particularly sensitive psychological spots—the consultant's ability to accept the material, to entertain and integrate it, and to reflect it in a way that is acceptable to the group is temporarily impaired. A collusive relationship results."²³⁴

Consultants and mediators act as mediums metabolizing group energy. Their work is complex and collusion is often a risk when entering into a new group or institution. Bringing information forward in a constructive and conscious way is not an easy task.

Wood and Petriglieri go on to say that, "Using one's whole self as an instrument as described in this paper requires 'a special commitment to introspection and personal scrutiny.' (Smith, 1995, p. 277)."²³⁵

The consultant's role has many parallels with the role of the mediator in the institution. The mediator constantly reveals the organizations conflicts through the individual conflicts that are brought into mediation, and through the structural and organizational patterns of dysfunctions that are often revealed. My observations of the two mediation projects in Valais documented in my action-research thesis support the difficulty mediators have avoiding collusion. In the two mediation projects initiated in 1998 in the school in Conthey and city of Sion, both mediators were eventually removed from their functions. My function as mediator for the political asylum seekers also came to an end. These "conflict dramas" illustrate how mediators can become associated with deep unconscious emotions in the groups they are serving. Wood and Petriglieri say, "Working with groups and organizations requires the capacity to be pulled into the group's psyche and to reemerge with a deep understanding of the struggles our clients face—and we with them."²³⁶

²³⁴ Petriglieri, Gianpiero & Wood, Jack. (2003), *The Invisible Revealed: Collusion as an Entry to the Group Unconscious*. *Transactional Analysis Journal*, Vol. 33, No. 4, October. P.335.

²³⁵ Petriglieri, Gianpiero & Wood, Jack. (2003), *The Invisible Revealed: Collusion as an Entry to the Group Unconscious*. *Transactional Analysis Journal*, Vol. 33, No. 4, October. P.342.

²³⁶ Petriglieri, Gianpiero & Wood, Jack. (2003), *The Invisible Revealed: Collusion as an Entry to the Group Unconscious*. *Transactional Analysis Journal*, Vol. 33, No. 4, October. P.342.

Being a fellow with the Swiss Postgraduate Studies in Anthropology allowed me to process a lot of the unconscious material related to the collective psyche concerning the social services and the political asylum seekers. I used the academic space to deconstruct the complex case studies, looking for deeper meaning and understanding. This thesis is part of the process of reemerging from the group psyche and becoming the oracle. Telling this story is part of the meaning-making process. Perhaps this phase of my work as mediator will relieve the tensions within this specific context by working through the mediation experience and honoring the “conflict narratives.” I am aware that I was an integral part of the experience. My own personal story and sensitive psychological issues, or “hot spots,” influenced the role of the mediator. This research is more than social action. It is also an attempt to complete the mediation by rendering this narrative to the academic world. Knowledge is sustained by social process.

It is through the daily interactions between people in the course of social life that our visions of knowledge become fabricated. ... Knowledge and social action go together. ... But each different social construction also brings with it, or invites, a different kind of action from human beings. Descriptions or constructions of the world therefore sustain some patterns of social action and exclude others. Our construction of the world are therefore bound up with power relations because they have implication for what it is permissible for different people to do and for how they may trust others.²³⁷

Fabricating knowledge is a complex process. In *The Construction of Social Reality*, John Searle explains the invisible structure of social reality, “The complex ontology seems simple; the simple ontology seems difficult. This is because social reality is created by us for our purpose and seems as readily intelligible to us as those purposes themselves.”²³⁸ What are the seemingly invisible blueprints behind social constructions? What is the purpose of this knowledge creation? How can knowledge serve the moral project? Mediation is a social process. What kind of social reality does mediation create when it is introduced into a specific institutional context? Does mediation generate informed social action? How does the mediator influence the generation of knowledge within the organization? All these questions are pertinent, and the response is complex.

²³⁷ Burr, Vivien. (1995), *Social Constructionism*, Routledge, P.5.

²³⁸ Searle, John R. (1995), *The Construction of Social Reality*. Penguin Books. P. 4.

Ralph Stacey researches complexity in organizations. His research has led to this understanding,

If patterns of human interaction produce nothing but further patterns of human interaction, in the creation of which we are all participating, then, there is no detached way of understanding organizations from the position of objective observer. Instead, organizations have to be understood in terms of one's own personal experience of participating with others in the co-construction of the patterns of interaction that are the organization. The student's research is, therefore, their narration of current events they are involved in together with their reflection of themes of particular importance emerging in the stories of their own experience of participation with others to create the patterns of interaction that are the organization. The research stance is, then, one of detached involvement.²³⁹

Stacey brings to the forefront a discussion on the methodological stance of the objective observer. The posture is more of a participating observer. New patterns of interaction were created when mediation was introduced into the social services for conflict resolution. This research methodology relies on the detached involvement of the mediator/researcher making-meaning of the experience.

In another book, *Strategic Management and Organizational Dynamics*, Stacey explains how global patterns affect organizations.

The theme has to do with how widespread or global patterns, such as government policies and corporate ways of doing things, are iterated, and so repeatedly emerge and potentially evolve, in the local interactions between people. Usually, government and corporate policies, as well as, national and organizational cultures, are felt and understood as forces arising outside of local interaction, often in a constraining even oppressive manner. These outside forces are taken as powerful, stable givens arising outside of our own direct experiences and beyond our influences with which we must comply.²⁴⁰

The social services in Valais are a local "cantonal" organization that was affected by national policy. The influence of the right wing political party affected the local restructuring of the social services. Though the head of the department was surely able to make choices in the restructuring process, the national political policies directly affected the local policy. The

²³⁹ Stacey Ralph. (2005), *A Complexity Perspective on Researching Organizations (Complexity s the Experience of Organizing)*.Routledge.. p.5.

²⁴⁰ Stacey, Ralph Ed. (2005), *Experiencing Emergence in Organizations, Local Interaction and the Emergence of Global Pattern*. Routledge. P.1.

local organization complied with the national policy. The head of the department was influenced by global patterns concerning political asylum.

Stacey further explains, “Human beings live in communities and whatever they do is a joint performance conducted by them in communities of practice.”²⁴¹ Conflict dramas are joint performances. These performances include many dimensions and can arise from global forces that constrain local interactions.

Governance, Education and Mediation: Concepts and Case Studies Concerning Mediation in Schools and Higher Learning Institutions

Two Kinds of Intelligence, a poem written by Rumi at the beginning of the twelfth century in Turkey.

*There are two kinds of intelligence: one acquired,
As a child in school memorizes facts and concepts
From books and from what the teacher says, collecting
information from the traditional sciences as well as from the new sciences.
With such intelligence you rise in the world. You get ranked
Ahead or behind others in regard to your competence in
retaining information. You stroll with this intelligence in and out
of fields of knowledge, getting always more marks on your preserving
tablets.*

*There is another kind of tablet, one already completed and preserved inside you.
A spring overflowing its springbox. A freshness in the center of the chest.
This other intelligence does not turn yellow or stagnate. It's fluid, and it doesn't move from
outside to inside through the conduits of plumbing-learning.
This second knowing is a fountainhead from within you, moving out.*²⁴²

Ruzmi

²⁴¹ Stacey, Ralph. (1993), Strategic Management and Organizational Dynamics, The Challenge of Complexity. Pearson Education Limited 5th edition 2007. P.1.

²⁴² Barks, Coleman, Moyne, John. (1995), The Essential Rumi. Harper San Fransisco.

Modern governance depends on mediation and educational methods that develop skills that allow citizens to enter into the democratic process. Participatory processes, in part, assure today's modern democracies. Pedagogy and research concerning the educational sciences underscore the importance of learning processes and learning within a social environment. To fully understand these implications for mediation practices within schools and colleges, it is necessary to look at educational theory. This theoretical and cultural framework has partly contributed to the emergence of different forms of mediation. Modern democracies depend on the practice of participatory models for conflict management and governance. Current teaching practices use cooperative learning methods, developing the skills necessary for participating in mediations. It is therefore apparent that learning methods carry with them social and political values. Democratic citizens living in an age of globalization need mediation skills to actively participate in society and democratic political institutions. The social contract requires both knowledge and a shared political vision.

In the fall of 2007, I developed a concept for the Teacher's College in Valais, Switzerland.²⁴³ The research needed to formulate the concept allowed me to consider how mediation can be legitimately taught and practiced in schools today. There are many different understandings of the role of mediators in schools, depending on the school system's tradition and training program. After developing a concept for the teacher's college, I was asked to teach mediation to teachers at the teacher's college in Lausanne, Switzerland. My Master's Degree topic was concerned with intercultural mediation in the Valais' schools.²⁴⁴ My latest research has allowed me to look at mediation in schools as a fundamental learning process. It seems to be more effectively practiced when it is integrated using a systemic approach in learning organizations. Using Bronfenbrenner's ecological and systemic theory of education, implementing mediation in schools may be seen as a large community, social, and political project. Educational practices might therefore be seen as linked with professional and institutional practices and even possibly with ambitious political agendas like the European Union.

²⁴³ Concept de Médiation Scolaire. Annexe 3.

²⁴⁴ Nendaz, Philippe, Riva, Susie, 1999, "Quelques pas vers une culture de médiation dans les écoles et en dehors de l'école. Institut Universitaire Kürt Bösch, Bramois, Switzerland. Sous la direction de Laura Cardia-Voneche et Simon Roberts.

After developing the school mediation concept for the teacher's college, I went on to work at the nurses, social workers, and physical therapists college that has recently merged to become one college institution combining the three academic disciplines. During the spring of 2008, I used appreciative inquiry as a tool for organizational change. I saw this opportunity as a way to transform my mediation practice by integrating appreciative inquiry methodology in a new form of intercultural mediation. In this case study, the intercultural dimension stemmed from the different disciplines' educational cultures. Over the past five years, three colleges have been in the process of merging into one institution. The interviews I conducted with ten key people in the social and healthcare network provided me with an innovative case study and possibly a new approach to intercultural mediation within organizations and institutions.

The United Nations and UNESCO influence students around the world. The Sintra Plan of Action that was written in 1996 starts by saying,

We dedicate our work to the promotion of a movement away from the culture of war and violence –which has dominated past history-to a culture of peace and non-violence characterized by values, attitudes, and behaviour which privilege the non-violent solution of conflict, respect for human rights, democracy, intercultural understanding, tolerance and solidarity. A culture of peace calls for non-violent relations not only between states, but also between individuals, social groups the state and its citizens and humans and the environment.²⁴⁵

At the heart of this international curriculum there is a Culture of Peace and the practice of mediation.

The European Council has made social cohesion a priority, and recommends mediation as a tool for achieving a cohesive European Culture.²⁴⁶ Despite Europe's long history of war and destruction, the new EU finds hope for the future in a unified Europe. That political vision depends on a new form of governance and an educational system that promotes intercultural mediation as a core subject.²⁴⁷ The Methodological Guide that has been edited by the Council of Europe is concerned with vulnerable social groups and their ability to exercise their rights

²⁴⁵ Sintra Plan of Action: UNESCO Education, <http://portal.unesco.org/education>

²⁴⁶ Concerted development of social cohesion indicators, Methodological Guide, Edited by Council of Europe Publishing, August 2005, ISBN 92-871-5742-1.P. 147-152.

²⁴⁷ Zarate, Genevieve, Gahard-Radenkovic, Alini, Lussier, Denise, Penz, Hermine. (2003), *Médiation Culturelle et didactique des langues*. Centre Européen pour les langues vivantes, Edition du Conseil de l'Europe.

as citizens. One of the goals of the methodological guide is to draw up a strategy for action. The chapter devoted to social cohesion measures concerning education lists specific indicators, such as programs for the prevention of violence and racism in schools and access to mediators in schools.²⁴⁸ Global education is also stressed allowing for students to become active democratic citizens. Participating in modern democracies requires knowledge of the political institutions as well as skills to participate within the system. Europe's success rests on its ability to integrate all its citizens into democratic processes. Research has been conducted that promotes cultural mediation in the second language classes. As students learn a second language, they participate in language exchanges and the discovery of another culture. The representations that are constructed concerning the "Other" are an important part of the learning process. There is also the aspect of hospitality. It is in receiving exchange students and travelling to new countries that adaptive skills are cultivated on a practical level. European curriculum strongly suggests the integration of cultural mediation in the second-language classes.²⁴⁹

The life story of Albert Einstein stands before us as a symbolic story, representing many of the themes that have preoccupied the hearts and minds of world citizens during the last century. His life truly bridges religion, science, and social justice. In *Time* magazine's December 31, 1999 issue entitled "Person of the Century," Albert Einstein is featured on the front cover.

Walter Isaacson explains "Who Mattered and Why" in his article for *Time* that there were three major themes that seemed to emerge in the twentieth century: "The struggle between totalitarianism and democracy, the ability of courageous individuals to resist authority in order to secure their civil rights, and the explosion of scientific knowledge that unveiled the mysteries of the universe and helped secure the triumph of freedom by unleashing the power of free minds and free markets."²⁵⁰

²⁴⁸ Concerted development of social cohesion indicators, Methodological Guide, Edited by Council of Europe Publishing, August 2005, ISBN 92-871-5742-1.

²⁴⁹ Zarate, Geneviève, Gahard-Radenkovic, Alini, Lussier, Denise, Penz, Hermine. (2003), *Médiation Culturelle et didactique des langues*. Centre Européen pour les langues vivantes, Edition du Conseil de l'Europe.

²⁵⁰ Isaacson, Walter, "Who Mattered and Why", *Time Magazine*, December 1999.

Einstein was a student whose intelligence was different than that of the other children around him. He didn't fit the mold. His teachers and the educational institutions of the time considered him as a child with learning disabilities. And yet it is his uniqueness that has brought humanity one of the greatest gifts of the twentieth century.

Einstein also represents the values of social justice in face of racism. As he was a political refugee fleeing Germany, he knew what it was to be confronted with ideologies espousing fascism and the hatred and evil cultivated under Hitler's Nazi regime. He luckily escaped Hitler's Germany and was given a new home in the United States.

In his life we find the rich symbolic narrative of the child whose differences excluded and labelled him by the conventional educational system, but whose rare genius gave rise to scientific discoveries and technological realizations that transformed postmodern society. He is also the Jew who experienced a powerful form of racism that killed millions. And yet, his life was spared. Moreover, Einstein was the political refugee forced to leave a homeland engaged in bloody war: the foreigner who made a new life for himself in a country offering political asylum. Einstein was confronted with many forms of social injustice. He could have been socially marginalized or even killed.

But this great scientist triumphed and was able to give his gift to the world because democracy triumphed and human rights triumphed. It was on the foundation of these political and social advancements that the designs of Einstein's scientific and technological discoveries rested. His life and the fruits of his research were in fact contingent on humanity's ability to uphold democratic values and basic human freedoms. Einstein's visions were painted on a canvas of social progress: inclusion within the academic institutions, the acceptance of religious differences, and political asylum. His life story is in an important narrative that witnesses the progress that modern democratic society has made and the gifts that grow from freedom.

Whose gifts are waiting to be brought forth today? Whose genius has the answer to a global problem? And will that gift be able to be given? Has humanity held its promise to respect and defend human rights? If we look at Einstein's life from this perspective, his life's narrative suggests the gifts of genius are dependent upon humanity's ability to uphold basic human rights. In this respect scientific advancements may be in direct relation to humanity's social

advancements. Innovative teaching methods, cooperative and collaborative skills, and global democracy may be required to allow for scientific discoveries to emerge and be implemented. The relational reality of human progress cannot be underestimated. Gergen cites that, “Vygotsky’s(1986) view that higher order psychological processes are reflections of social process.”²⁵¹ In another of Gergen’s articles, “From Mind to Relationship: The Emerging Challenge,” he explains,

Partly owing to the profound technological transformations of the past century, we are brought together with increasing numbers of people, from differing locales, for differing purposes. Everywhere there is a need for collaboration, teamwork, networks, and negotiation. Continuous adjustments to a continuously changing sea of meaning and material are required. In the organizational sphere, for example, this reliance on relationship is reflected in moves from hierarchical to flattened structures and increased reliance on cross-functional teams for vital decisions. The shift toward collaborative construction is pivotal to the dramatic billowing of virtual organizations and international voluntary movements (NGO’s). And it is on just such capacities for coordinated relationship that ecumenical movements, geo-political organizations (such as the European Community), and scientific research teams depend. Relational deliberation in education is essential if schools and universities are to be adequate to the profound transformations in the world more generally.²⁵²

Robert Muller served at the United Nations during a long career where he occupied many key positions. In his book, *New Genesis*, he wrote a chapter entitled “To Reach Peace, Teach Peace.” He is a strong advocate of education for attaining peace. He writes,

We must believe in peace, human ascent and justice. As for all things on this earth, a period of preparation, of take-off is needed. This is typically the case for economic development, and the same is true for peace, disarmament, and worldwide cooperation. The beginnings are slow, but suddenly a progress which seemed so difficult, nay impossible, begins to gain momentum. Proper global education is an essential factor towards such progress and it should include teaching the children about the instruments of peace and the first universal organization ever on this planet: the United Nations and its family agencies.²⁵³

²⁵¹ Gergen, Kenneth J., Gergen, Mary M., Barrett, Frank J. (2007), *Dialogue: Life and Death of Organization*, in the *Handbook of Organizational Discourse*. D. Grant, C. Hardy, C. Osrick, N. Phillips, and L Putnam. (Eds). Thousand Oaks, CA: Sage. P. 3 of internet article.

²⁵² Gergen, Kenneth. (2001), *From Mind to Relationship: The Emerging Challenge*, Preliminary draft for Education Canada, Special edition on *The Shape of the Future*, Spring, 2001, v. 41, 8-12. P. 2 in draft.

²⁵³ Muller, Robert. (1984), *New Genesis*, Image Books, A Division Of Doubleday & Company, INC., Garden City, New York. P. 90.

It is important to understand the relationship between education and the sustainability of democratic political institutions.

Professor Fernando Reimers is the Ford Foundation Professor of International Education at the Harvard Graduate School of Education, where he directs the International Education Policy Program and the Office of Global Education. His article, “Citizenship, Identity and Education, Examining the Public Purposes of Schools in an Age of Globalization,” states,

Educational institutions exist to achieve public purposes. One of those purposes is to develop citizenship. In the twenty-first century citizenship includes global citizenship. In an era of globalization effective citizenship includes the knowledge, ability and disposition to engage peacefully and constructively across cultural differences for purposes of addressing personal and collective needs and of achieving sustainable human-environmental interaction, this requires internalizing Global Values. A universal commitment to global values, including to universal human rights and tolerance will be essential to prevent the civilizational conflict predicted by Samuel Huntington.²⁵⁴

Professor Reimers led a conference at the University of Geneva in November 2007. During his presentation, he spoke of the importance of teaching the new immigrant children the knowledge required to become active, democratic citizens. He explained that the risk is that the large numbers of immigrants entering the United States and Europe will be barred from joining the social contract of the democratic state. There is a tendency to focus on core subjects (reading, writing, mathematics, science) and he is concerned that neglecting civic and government classes will weaken our democratic societies. Often these classes are only offered in the later years when the majority of immigrants will have left the educational system for work or apprenticeships.

He explains how purposes and pedagogies are intertwined. Our social values are interwoven into the new pedagogies that value cooperation. Johnson and Johnson have written extensively on Cooperative Learning.²⁵⁵ Their teaching methods have had a large effect on culture in classrooms. Exercises were conceived that valued cooperative skills and the attainment of answers and results through group work. However Reimer goes even further by

²⁵⁴ Reimers, Fernando. (September 2006), *Prospects*, vol. XXXVI, no. 3. Citizenship, Identity and Education, Examining the Public Purposes of Schools in an Age of Globalization. P.1.

²⁵⁵ Johnson, David W., Johnson, Roger T., Houbec, Edythe J. (1994), *Cooperative Learning in the Classroom*. Association for Supervision and Curriculum Development.

associating pedagogy with globalization and describes the teacher's role as a "mediator."

Reimer explains,

I define teaching quality as this dual concern with purposes and pedagogies that expand the freedoms of students. Quality teaching is thus the teacher mediated process that assists students in effectively gaining the knowledge, skills, capabilities and moral dispositions that are of value in expanding their freedoms. Because freedom is interdependent with justice and respecting the freedoms of others, quality teaching needs also to include civic instruction in the "Common Values" that can best balance individual and collective rights.²⁵⁶

Reimers is aware that there are factors beyond education that create conflict and war. He recognizes the political, social, and economic roots of international conflicts. Still, he emphasizes the important role that teachers play in mediating knowledge. Teachers help students to make sense of the events that are influencing their lives. This meaning-making process is at the core of a new process-oriented pedagogy.

We could argue that global and international conflicts have origins in conditions that are independent of individuals and independent of the action of educators, that objective situations of historical conflict, of present real differences in interests or of national and international politics cause global conflict instability or genocide. While I accept the importance of such sociological, economic or political analysis, and the need for more effective ways to create the lasting conditions for global peace at those levels, the forces at those levels are still mediated by how individuals make sense of those events, of cultural differences and of history and by how individuals choose to respond to those conditions. Educators can help their students develop the capabilities to make sense of those conditions in ways that lead to productive and peaceful cross-cultural dialogue and conflict resolution.²⁵⁷

An example of a curriculum teaching global education and the peaceful resolution of conflict is the Living Values pedagogy.²⁵⁸ Living Values is available for free on the Internet and is supported by UNESCO. The Living Values' curriculum is an example of a global education project that links teachers and children across continents. Living Values introduces peer mediation as part of its curriculum. But before discussing nonviolent conflict resolution, the

²⁵⁶ Reimers, Fernando. (September 2006), *Prospects*, vol. XXXVI, no. 3. Citizenship, Identity and Education, Examining the Public Purposes of Schools in an Age of Globalization. P.12.

²⁵⁷ Reimers, Fernando. (September 2006), *Prospects*, vol. XXXVI, no. 3. Citizenship, Identity and Education, Examining the Public Purposes of Schools in an Age of Globalization. P.13.

²⁵⁸ Living Values: An Educational Program, Inc., livingvalues.net, Copyright, 2000 Health Communications, Inc. All rights reserved

program develops basic universal values. Only when these basic values are recognized and honored can children and adults enter into respectful relationships.

International pedagogy is important for the teaching of basic universal values. Globalization affects the entire planet, and universal values can serve to bind people from all over the world through the recognition and respect of shared values. The international research that produces this kind of curriculum depends on a collaborative approach. In “International Research Collaboration: Building Teams and Managing Conflict,” the authors write, “International research collaboration is a crucial, complex, and fragile process; effective strategies are needed to manage the inevitable conflicts that arise. Valuing diversity and developing cooperative goals, engaging in self-reflection and reflexivity, promoting collaborative dialogue, taking time and developing trust are discussed as strategies to support a fuller international engagement.”²⁵⁹

Innovative international curriculum evolves from research processes that are respectful of the values inherent within their teachings. Collaborative research depends upon collaborative practice. Teachers and researchers involved with mediation trainings cannot only teach reflexive practice and theories pertaining to conflict resolution and mediation. They must practice the teachings by integrating these collaborative approaches. The American Indians have a good way of expressing this idea: They say that you must “walk your talk.” Moreover, institutions teaching teachers and mediators must transform their governance policies. They do this by recognizing mediation practice, and giving mediation and nonviolent conflict resolution a legitimate place in the institution’s conflict and decision-making processes. Simply teaching mediation without transforming the institution leads to double-bind situations, “learn mediation but our important decisions are made using an adversarial approach to conflict.” This form of communication can only lead to institutional and social dysfunction. Learning institutions have the responsibility to model the values they are promoting in their courses. The United States Institute of Peace Education Program has written a curriculum development guide for colleges and universities.²⁶⁰ The curriculum development guide responds to the needs of institutions that are asking where they should

²⁵⁹ Bagshaw, Dale, Lepp, Margret, Zorn, Cecelia R. (2007), *International Research Collaboration: Building Teams and Managing Conflicts*, *Conflict Resolution Quarterly*, Volume 24, No. 4, Summer 2007. P. 433.

²⁶⁰ United States Institute of Peace Education Program, *Building Global Peace, Conflict, and Security Curricula at Undergraduate Institutions*, January 2007, www.usip.org.

start. One of its main goals is to be a resource to the universities and colleges that want to implement its curriculum and projects. Though curriculum is important, there is also the model of the institution that highly influences students and faculty's management of conflict.

Learning organizations, including the idea of learning schools, is a concept that emerged from Schön's work on reflexivity and was then developed by Peter Senge.²⁶¹ Senge's theories exemplify the importance of institutional reflexivity. If students are taught to be reflexive through new curriculum methods, it seems only logical that the researchers developing these new curriculum methods would use collaborative practice to develop the methods. And by applying a systemic regard, it becomes apparent that it is equally important to consider how the institution using these methods models reflexivity on an organizational and administrative level. From a systemic perspective the reflexive model needs to be congruent or else it becomes a paradox. Research, teaching methods, curriculum, evaluations and institutional organization need to be aligned by the framework of values that they seek to espouse.

As I was hired to create a concept for school mediation at the teacher's college, I inquired into the prominent educational theories that have influenced teaching methods and school culture. It became clear to me that mediation is a process inherent in progressive teaching methods, learning processes, and schools. There is not one form of mediation in schools; there are in fact many mediations taking place on many different levels in schools. It is too limited to define school mediation with the traditional model that uses a neutral third party or mediator who resolves conflict in the school systems. The skills used in mediation are the fundamental skills in learning environments that use project-oriented learning processes. Mediation practice and progressive learning environments base their theories on the same principles and research.

It is clear in the literature coming from UNESCO that nonviolent conflict resolution is an integral part of its suggested global curriculum. It is openly stated in the European Council's recommendations for actions that mediation is a prescribed method for attaining this cohesion. Global education bases its principles and theories on learning environments and teaching methods that include mediation and the development of skills required for preparing students to participate in the learning environment and to make meaning of their lives. Meaning-

²⁶¹ Senge, P. M. (1990), *The Fifth Discipline*. The art and practice of the learning organization, London: Random House.

making processes are at the core of the innovative pedagogies. This is because modern democracies depend on their citizens' abilities to participate in their institutions. Citizens must have the skills to resolve conflict. Conflict resolution skills will enable citizens to find solutions to the global challenges that are confronting the world.

The meaning-making process is at the center of educational theories. This process is also central in the practice of mediation. I demonstrate this by discussing some important theories that have influenced educational methods. Further, I show how this research has simultaneously provided a theoretical blueprint for the emergence of mediation processes within postmodern society. The new scientific paradigms that have transformed our understanding of reality have also transformed our practices.

I discuss some of the most important theories and authors that have inspired me. Their work shows the development of important new ideas pertaining to the meaning-making process. As the meaning-making process is an important theme running through the social sciences, these theories and concepts have influenced both mediation and education. These theoretical origins appear to be connected to a paradigm shift that affects all sciences.

At the CERN in Geneva the European scientists are currently working on a large particle physics experiment. They are breaking down subatomic matter, searching for the origins of the universe. In a similar way, I engage in a breaking-down process that reveals the common "particles" of the mediation and learning processes that I identify and label. The configurations that emerge, using the basic elements in the meaning-making process, give shape to "landscapes of meaning," a term used in Jerome Bruner's writings.²⁶² "Landscapes of meaning" may be another way of speaking of paradigms. There are multi-levels of landscapes and paradigms.

When I cook in my kitchen in Switzerland, I see myself as connected to generations of women who have made apple pie from the same recipe. I often feel as one with those pioneer women who came before me and I associate myself with their values and their landscapes. When I cook, I am often far away in the landscape of the Nebraska prairies, in a farm kitchen, with a white apron. But if someone is observing me, they don't see these inner landscapes.

²⁶² Bruner, Jerome. (1986), *Actual minds, possible worlds*. Cambridge, MA: Harvard University Press

Similarly, when I try to grasp how the universe functions, I refer to concepts that I have read about in theoretical physics and I remember the explanations of my grand-parents or parents. These scenic backdrops constantly accompany me, along with others, as I try to make meaning of my life. In John Brockman's *The Third Culture*, he writes, "The third culture consists of those scientists and other thinkers in the empirical world who, through their work and expository writing, are taking the place of the traditional intellectual in rendering visible the deeper meanings of our lives, redefining who and what we are."²⁶³

This quote exemplifies how science is part of the meaning-making process and how scientific research has consequently influenced the emerging paradigms. Our understanding of our lives is constantly transformed by new research communicated to us by the press and in more formal learning environments. As we integrate this new knowledge into our landscapes of meaning, we act differently. Many of our practices are being transformed by research. Theories are being applied in practice and research studies allow these theories to be tested. Cognitive psychology and the neurosciences have greatly influenced the ways in which we understand ourselves and the way we learn. Consequently, classroom teaching methods have been transformed to integrate these discoveries.

Role-playing is one of the main teaching methods used to train mediators. While students act out conflicts by playing the roles of the characters involved in the plots, as well as the role of the mediator, they learn through the performative experience. They identify with the different viewpoints of the characters they portray. The performative dimension of the role-playing enhances their reflexive development. It seems that the practice of theater and role-playing have a positive effect on cognitive development.²⁶⁴

Albert Bandura's work in psychology has greatly contributed to the social sciences. He is known for his Social Cognitive Theory and his work in Self-Efficacy. His speech at the Everett Rogers Social Change Colloquium in December 2007 discussed social diffusional

²⁶³ Brockman, John. (1995), *The Third Culture*. A Touchstone Book published by Simon and Schuster. New York P. 17.

²⁶⁴ Buysse, Alexandre. (2007), *Le théâtre: au delà du jeu, Une exploration de la forme théâtrale comme médiation de l'apprentissage autorégulé*. Cahiers de la section des sciences de l'éducation, Université de Genève, faculté de psychologie et des sciences de l'éducation, no. 114. Novembre 2007.

models and how entertainment is using serial dramas to promote positive behavioral change in societies in Asia, Latin America, and Africa.

This example is pertinent because Bandura's theories are applied to specific social projects addressing gender issues and overpopulation. Communication technologies broadcast these serial dramas into the countries where the culturally sensitive plot was designed to have an impact on social change. Social scientists have then monitored behavioral changes during and after the serial dramas. The statistics show that the serial dramas have an important effect on behavior. These serial dramas are used to educate women about their rights and birth control, promoting education and equality for women. They have also been used to change sexual practices to avoid AIDS.

Bandura's work is an example of how theories can be put to practice, affecting behaviour and promoting positive social change. In the context of this dissertation, Bandura's work is pertinent because it uses narrative models for social change. Bandura's theories concerning modelling and self-efficacy have led to the understanding that people learn in social environments.

My understanding of mediation has evolved through a dialectical process. From a historical continuum perspective, scientific research, theories, and philosophies have influenced my understanding of the world. To illustrate this I mention a few social scientists who have had a direct influence on my practice. Gregory Bateson's work contributed to my understanding of system's theory. At about the same time, Victor Turner documented the conflict dramas in Africa. He described conflict as social drama. Building on knowledge in anthropology, and Foucault's analysis of power relations, an innovative therapist from Australia, Michael White, developed Narrative Therapy. White's approach inspired Winslade and Monk in New Zealand to extend the narrative approach in therapy, creating Narrative Counseling in Schools²⁶⁵ and the Narrative Model in Mediation. With the erosion of local knowledge, common sense approaches seem to be ignored for more professional approaches. Monk and Winslade distinguish narrative counseling from other forms of counseling.

²⁶⁵ Monk, Gerald D., Winslade, John M. (2007), *Narrative Counseling in Schools*. Corin Press, A Sage Publication Company, Thousand Oaks, California.

A narrative counselor seeks to obviate this trend by deliberately searching out local knowledge in the resolution of problems. This search assumes that the solution to any problem already exists in the knowledge of the client and the client's community. The counselor's job is to bring this knowledge out of the shadows and build opportunities for it to be performed. The problem is often not that people do not know how to solve a problem but that knowledge of how to solve it is being suppressed, perhaps by the deficit-based description of the problem itself.²⁶⁶

It is interesting to note that Bandura's work, using serial dramas, successfully integrates these theories and practices with his own work in self-efficacy. Bandura has used narrative models to educate adult populations with the goal of promoting positive social change in response to global problems like overpopulation and the spreading of AIDS.²⁶⁷ His approach matches that of Winslade and Monk who work to bring out local knowledge from the communities by supporting and accompanying the people that they are working with. In this example, theories in cognitive psychology, narrative therapy, pedagogy, communication, and conflict resolution are used in an interdisciplinary approach to social change. Bandura and the social scientists working with him are using applied science.

Bandura's original theories gave rise to an important paradigm change. His theories modified our understanding of learning processes. He demonstrated the importance of social learning as a fundamental element in the development of his social cognitive theory. How do we learn? How do we learn to change? These questions and Bandura's responses have greatly influenced education and mediation. The success of Bandura's serial dramas could suggest that narrative models are highly successful methods for transforming behavior. This confirmation could reinforce the emerging narrative models in mediation by affirming the efficiency of narrative approaches.

Important figures who have contributed to a paradigm change concerning transformational processes in education and mediation are Buber, Turner, Vygostky, Feureinstien, Bandura, Schön, Bronfenbrenner, Noddings, Gardner, and Goleman. The theoretical works that came from these individuals have given a scientific foundation supporting a new vision in the social sciences. These social scientists developed important theories that not only change

²⁶⁶ Monk, Gerald D., Winslade, John M. (2007), *Narrative Counseling in Schools*. Corin Press, A Sage Publication Company, Thousand Oaks, California. P. 83.

²⁶⁷ Bandura, Albert, (In Press) *An Agentic Perspective on Positive Psychology*. In S.J. Lopez (Ed.) *Positive psychology: Expecting the best in people* (Vol. 1). New York: Praeger.

educational methods, but are, as I demonstrate, partly responsible for the emergence of mediation as a social practice.

- Buber stressed the importance of the encounter. He believed we can only evolve within relationships.
- Turner described the conflict dramas in his anthropological work in Africa and the Nuru Tribe. His work allows us to consider the performative dimension of human interaction.
- Vygotsky's cognitive approach emphasizes social interactions and shared problem-solving experiences. His theories support the idea that every human child develops in the context of culture.
- Feurenstein developed mediated learning. His methods focus on learning how to learn.
- Bandura stressed how we learn within a social environment.
- Schön wrote extensively on reflexivity and reflexive institutions.
- Bronfenbrenner developed the ecological and systemic approach to education that places the child at the center surrounded by family and community. His vision asserts that a child's ability to learn stems from the resources available in his or her surrounding environment.
- Noddings is known for writing about the ability to care. She explains that caring is a skill that is developed within the family. She writes extensively on how mothers teach children to care at home, recognizing the importance of skills that are not learned in the professional and institutional environment.
- Gardner is known for his theory of multiple intelligences. This theory recognizes a wider spectrum of intelligences than was traditionally acknowledged.
- Goleman is known for his work defining emotional intelligence and recently spiritual intelligence. He explains that today's discoveries are the result of teamwork that requires the application of emotional intelligence in groups and their ability to cooperate.

These social scientists have spent their lives focusing on skill development and recognizing forms of intelligence, and studying learning processes that were not previously valued, were overlooked, or not at all uncovered in previous evaluations of intelligence.²⁶⁸ Looking through the lens of these social scientists fundamentally changes the “landscape of meaning.” This

²⁶⁸ Gould, Stephan Jay. (1984), *The Mismeasure of Man*. Penguin Books

new theoretical paradigm in education and problem solving has important implications for practice.

Instead of limiting the recognition of mediation in schools to one form of mediation, I find it more constructive to broaden the recognition of mediation, to include forms of mediation often overlooked but commonly practiced in schools. For example, I see teachers as mediators of knowledge. They are constantly mediating between students and subject matter. Then there is the school level. Schools are involved in joint projects that include all grade levels, administrators, and directors. These school projects arise within a specific context and can only be understood from a systemic approach. Often school mediators are facilitators working to bring students and faculty together in larger school projects that extend into the community. Peer mediation projects exist in many schools around the world allowing chosen students to first learn mediation skills and then to practice it at school. They work with trained faculty; however, the focus is on the student's ability to resolve conflict and not the teacher's role as mediator. There are teachers who are trained as mediators and who play the role of listener, counselling and linking the student to existing resources in the social and health network. In some school districts there are mediators who serve the role of interpreters and mentors, facilitating the integration process for immigrants. There is also a dimension of mediation in all teacher, parent, and student relations during conferences that are designed to facilitate constructive communication. And, finally, there are object mediators such as books, blackboards, new technologies, and special places—museums, for example—that facilitate the learning process.²⁶⁹

Relational Paradigms

Previously I presented Einstein's life narrative as a metaphor. Professor Lee Smolin, a theoretical physicist explains the importance of Einstein's theories and how they created a fundamental paradigm shift.

Indeed, for me the most important idea behind the developments of twentieth-century physics and cosmology is that things don't have intrinsic properties at the

²⁶⁹ Niels Albertsen and Bülent Diken and Carstem Bagge Laustsen, 'Artworks' Networks-Field, System, or Mediators?', published by the Department of Sociology, Lancaster University, Lancaster LA1 4YL, UK at <http://comp.lancs.acuk/sociology/soc105bd.html>.

fundamental level; all properties are about relations between things. This idea is the basic idea behind Einstein's general theory of relativity, but it has a longer history; it goes back at least to the seventeenth-century philosopher Leibniz, who opposed Newton's ideas of space and time because Newton took space and time to exist absolutely, while Leibniz wanted to understand them as arising only as aspects of the relations among things. For me this fight between those who want the world to be made out of relations is a key theme in the story of the development of modern physics. Moreover, I'm partial. I think Leibniz and the relationalists were right, and that what's happening now in science can be understood as their triumph.²⁷⁰

This relational view of science can be seen as an important paradigm that has subsequently influenced mediation theory and practice. One definition of mediation in the *American Heritage Dictionary* is, "to be in the middle." This "being in the middle" is similar to the term "linkedness." There is a kind of invisible glue that serves to bond individuals, communities, and even nations. Would Einstein add the universe? It is a social, connective tissue that holds us all together. When social bonds are broken, mediation can serve to re-link people. The process of mediation is also an educational process. It teaches the participants the skills of listening, dialogue, respect for others and problem solving. Simply participating in a mediation session has the potential of transforming the relationship of the parties involved. And it may be that participating in mediation processes develops our cognitive skills.

Making a link between education and mediation becomes relevant when we take a systemic approach to evolution. Darwin's evolutionary theories were based on the idea of the survival of the fittest. Other scientists have challenged this more competitive vision of evolution. Lynn Margulis is a biologist. Her work concerns "sybiogenesis." She explains, "Symbiosis is a physical association between organisms, the living together of organisms of different species in the same place at the same time ... The importance of sybiogenesis as a major source of evolutionary change is what is debated. I contend that sybiogenesis is the result of long-term living together—staying together, especially involving microbes—and that it's the major evolutionary innovator in all lineages of larger nonbacterial organisms."²⁷¹ Sybiogenesis suggests that cooperation is an intricate and fundamental part of the evolutionary process. Margulis is associated with James Lovelock and the Gaia hypothesis. The Gaia hypothesis sees the earth as an organism. Margulis prefers to consider Gaia as an ecosystem. When we

²⁷⁰ Brockman, John. (1995), *The Third Culture*, A Touchstone Book Published by Simon and Schuster, New York, NY. P. 291.

²⁷¹ Brockman, John. (1995), *The Third Culture*, A Touchstone Book Published by Simon and Schuster, New York, NY. P. 135.

define our reality in a relational perspective we begin to see the importance of cooperative relations. When cooperation becomes a recognized social value, mediation becomes a legitimate practice. The relational scientific worldview is an important philosophical stance constituting the legitimacy of a culture of cooperation and therefore the practice of mediation.

I recently visited a factory that makes insulation. The tour guide explained the procedures used to produce insulation from a form of wool made from recycled glass. In one of the exhibition rooms there were cases showing the different materials that represented the phases of the production process. The first display case showed the base substances used to make glass. The second phase contained glass in its brut form. The third case exhibited the fluffy white wool that the factory made from recycled glass. And the last show case displayed the insulation product that has become an import innovation for reducing energy consumption in homes.

I found this display to be a helpful model for me to explain the mediation process. This visual metaphor of the insulation factory showed a production process. The first show case showed the basic components. My attempt to deconstruct the mediation process inspired by Derrida's approach seemed to be well depicted by the basic components in the first showcase. Just as glass is made from basic elements, mediation can also be analyzed by breaking it down to core components to be scrutinized through academic analysis. The anthropological approach that characterizes the first part of this thesis is just that, a showcase that attempts to expose and analyze various core elements in the mediation process. Space, ritual, kinship, rights, social activism, belief, trust, and power are fundamental concepts present in mediation practice.

These fundamental concepts are separate ingredients that when mixed together can "make" mediation. And this is an ancient technique, just as in the glass-making procedures. The Egyptians were making glass a long time ago. Knowledge of glass making has been passed down to the Venetians who were the master glass-makers and then to the French. Through this glass metaphor, I see mediation as a fabrication that is an ancient practice that has been passed down through the centuries across different civilizations.

As society evolves there are new needs to be met. The third production phase in glass insulation demonstrates the transformative process that emerges from new needs that society

identifies. The Swiss engineers found a way to transform glass into a fluffy white “glass wool” substance to insulate homes. The Swiss engineers used a heating process that wove fine strands of glass into this new form of wool.

In a similar way, mediation is transformed into new forms of practice adapted to society’s current needs. Mediation, like glass, can be finely woven into new social and relational processes that take on new forms that can be specifically applied to current social needs. Mediation is a “substance” that can be transformed into new social practices guided by practical needs. The emergence of mediation in various fields is a natural evolution allowing an ancient form of practice to be adapted to postmodern social institutions. These new configurations are new performances. Mediation has evolved over time as a meaning-making process. Mediation can be understood as a practice allowing new worlds to emerge from the meaning-making process. And just like the Venetian glassmaker that blows into the molten-hot glass to create new objects, the mediator is the vector that blows into a specific social performance creating space for words to be spoken and new worlds to be made.

There is a higher logic that links these phases together and transforms the basic elements into different forms and products depending on need. Today’s need for insulation elicited the transformation of recycled glass into insulation. Mediation’s basic elements were identified in the deconstruction phase of this paper. As Derrida suggests, analytical deconstruction allows one to better apprehend the basic components active in the meaning-making process. The relational perspective permits us to understand how the parts come together in a world of meaning, transforming, evolving, and creating new spheres of meaning. Gergen and McNamee in *Relational Responsibility*²⁷² develop the importance of relational responsibility. McNamee and Hosking develop the relational approach, focusing on organizations in their book, *The Social Construction of the Organisation*.²⁷³ This thesis has stretched beyond the organization in an attempt to link larger global relational processes influencing specific intercultural mediation case studies.

²⁷² Gergen, Kenneth, McNamee, Sheila. (1999), *Relational Responsibility*, Resources for Sustainable Dialogue. Sage Publications.

²⁷³ Hosking, Dian Marie, McNamee, Sheila, (Eds.). (2006), *The Social Construction of Organization*. Liber and Copenhagen Business School Press.

Pearce speaks of transformative learning and transformative practice in *Making Social Worlds, A Communication Perspective*.²⁷⁴ An alchemical transformation is needed in each stage of the larger transformational process, just as heat melts the glass to be transformed into a new substance that is knitted together to create “glass wool,” the basic component of insulation.

Within delimited social spaces that legitimate mediation, the basic elements are activated, elucidating the performative dimension of social transformation. When a political asylum seeker finds a way to go on, that life path influences the larger social system. Mediation takes place within a larger relational space that continues to grow and expand in a meaning-making process that might be described as planetary. Mediation is in this sense a generative practice. Mediation generates relational transformation and the making of new worlds. My research suggests that the transformational process occurs on multiple levels. There is inner-space and outer-space. Transmutation may occur on multiple levels allowing for both individual and social transformation. “The transmutation of genetically stored memories of frustrated needs and conflict behaviours in each and every cell of the human body is a long and arduous task, but the rewards will be immense for those micronauts willing to transform their inner space and, radically change themselves and their societies.”²⁷⁵ Salla suggests in his article that there is an alchemical transformation that takes place when individuals work on clearing their negative conflict dramas. He draws on Candice Pert’s work that explains how emotions are stored in the body’s cells.²⁷⁶ Salla describes the multiple layers of alchemical transformation that are involved in conflict resolution processes that affect individual and collective lives. Pert’s work explains the addictive emotional patterns that can be present in cells. Transmutation may only be possible when these different levels are integrated into the transformational process. Mediation is a form of generative practice facilitating this multi-level change.

²⁷⁴ Pearce, Barnett, W. (2007), *Making Social Worlds, A Communication Perspective*, Blackwell Publishing.

²⁷⁵ Salla, Michael, E. (2000), *Conflict Resolution, Genetics, and Alchemy-The Evolution of Conflict Transmutation*. *The Online Journal of Peace and conflict Resolution*. Issue 3.3/ June 2000.

²⁷⁶ Pert, Candice B. (1997), *Molecules of Emotion: The Science Behind Mind-Body Medicine*. Touchstone, New York, NY.

An Intercultural Mediation Case Study in a Higher Learning Organisation in Valais

My internship at the College of Applied Sciences for nurses, social workers, and physical therapists in Valais turned into an invitation to transform traditional mediation practice into an improvisational performance of intercultural mediation among many disciplines and educational traditions. The director asked me to conduct a series of ten interviews with the head of each faculty as well as important actors within the regional social and health network. The practical goal of this work was to obtain written statements from each interviewee that described their appreciation of a special events day that was organized to bring together the college faculty, professionals in the various fields, and political representatives. From these interviews a synthesis was to be used as the basis of a pamphlet defining the school's new identity after the merging of three faculties into one college and its future goals.

Over a month, I interviewed ten people. I spent around twenty-five hours in individual interviews that lasted from one to three hours, depending on the conversations that developed. At the beginning of each interview I explained that I would be using this interview for two purposes. The first purpose was the realization of a written publication. The second purpose was to use the interviews in the spirit of appreciative inquiry, generating organizational transformation.²⁷⁷

I saw the organization of the special events day as part of a performative process transforming the identity of the institution. The special event was one part of an ongoing process and not just a single event. During that day, new conversations were stimulated and it seemed important to continue the dialogue. The co-construction of the new institutional identity was facilitated by the special event offering workshops and key speakers. However, the co-construction of the institutional identity had to be continued in other performative contexts. In *Making Social Worlds*,²⁷⁸ Pearce underscores the importance of communication patterns and how specific bifurcation points in conversations can shape future actions. He explains, “‘Speech acts’ is one way of naming those moments when coordination and meaning making/management come together.”

²⁷⁷ Cooperrider, David L., Whitney, Diana, *A Positive Revolution in Change: Appreciative Inquiry*. TAOS Institute manuscripts online.

²⁷⁸ Pearce, Barnett. (2007), *Making Social Worlds A Communication Perspective*. Malden, MA, Blackwell Publishing.

During the past five years, a transition period allowed the three colleges to come together with a research institute that combined the social and healthcare fields. This interdisciplinary approach was a challenge, as it meant that different educational cultures and practices would have to integrate their different teaching methods and curriculum. Another aspect of this canton's college was the bilingual dimension. The Valais has a French-speaking majority and a German-speaking minority. The goal of the college has been to offer programs in both French and German. However, professional traditions specific to each language continue to exist, adding yet another intercultural dimension to the institution. The faculty heads of each program were challenged to provide a quality education while respecting the different cultural approaches that were inherent in each discipline and culture.

Because these colleges are applied sciences that closely collaborate with the professional organizations that offer internships, the regional aspect of the trainings was also an important element. These regional professional contacts are important partners in the educational curriculum. Not only was it necessary to reinforce the contacts with the partners in the professional fields, but also with the research institute. Many of the nursing, social work, and physical therapy students are employed in the region's medical and social institutions, contributing to the quality of the region's services. As the canton's government is also an active partner in the construction of local social and health policies, the political dimension of the college's partnership stands out as another important aspect of its identity. Also, the question of what kind of research and what focus the research institute should adopt within this specific context often arose during the conversations. The research institute's orientation and the culture of applied and fundamental research as opposed to the culture of action-research became yet another dimension of this intercultural mediation case study.

At the beginning of each interview I explained the theories of appreciative inquiry and how this method affirmed that dialogue could create coherence, which could, in turn, generate new coordinations within the organizational network. I had read extensively about appreciative inquiry and had just participated in a workshop at the Utrecht School of Governance with

Sheila McNamee and Dian Marie Hosking where the two professors had covered practices in organizational transformation.²⁷⁹

During the interviews one interviewee explained how two co-mediators had been asked to come to the college to facilitate a conflict. She laughed explaining how one mediator left crying and never came back after her experience at the institution. I found this story interesting. It made me think that maybe traditional styles of mediation were not always well adapted for organizational work. I saw the interviews that I was conducting as an opportunity to generate constructive solutions by creating a space for quality conversations.

During the interviews I explained why I had come to meet with them and a little bit about appreciative inquiry. They, in turn, offered highly insightful comments pertaining to their vision of the institution's functioning and future. They were all committed to the success of the institution. They spoke of difficulties, but as they spoke they oriented their testimony toward insights and realizations that allowed them to be more clear about possible constructive solutions. In many of the interviews I simply asked one open question and then remained an active listener writing their responses on my notepaper. In other interviews I was a part of the conversation; questions arose as the dialogue evolved. The interviewees knew that I was taking notes and were informed that their insights were being analyzed and taken into account by the institution's director who had asked me to do the interviews. This context possibly accentuated the pertinence of the conversations. Anderson and Burney explain in their article entitled, "Collaborative Inquiry: A Postmodern Approach to Organizational Consultation," that,

The shared inquiry is fluid and it encourages new ideas and viewpoints to be advanced in the conversation. Client and consultant, and client system members, become conversational partners in the telling, inquiring, interpreting, and shaping of the narratives...Transformation occurs within such a collaborative process as the participants generate and explore multiple descriptions, stories, and perspectives. That is, through dialogue, through the evolution of shifting, clarifying, and expanding meanings and understandings, and as a natural consequence of it, new narratives and new possibilities emerge. We think of this

²⁷⁹ Hosking, Dian Marie, McNamee, Sheila, (Eds.). (2006), *The Social Construction of Organization*. Liber and Copenhagen Business School Press.

newness as self-agency: the ability to act, or to feel that we are capable of acting, to handle our dilemmas in a competent and autonomous manner.²⁸⁰

This interview format allowed each participant ample time to express themselves. If they had been sitting around a table together in a meeting there would never have been the time to develop their ideas in the same way. Nor would the organization be able to allow for 25 hours of joint conversations. In the same way, the director didn't have the time to meet with all faculty members and social and health department directors to listen to their appreciations of the special events day. By using me as an "ear" for the institution, recording, analyzing, and giving an integrated feedback of their conversations, I was creating a greater space for dialogue within the institutional network.

By eliciting dialogue the facilitator creates a new form of speaking. As opposed to debating or defending positions, a common communication form in formal and informal meetings, dialogue seems to generate a higher form of coherence for the person who is allowed to speak without being interrupted and without having to formulate ideas in a defensive way. In Deborah Tannen's book, *The Argument Culture*, she explains how the roots of the adversarial approach to knowledge come from the Western tradition's culture of debate. She writes, "Whatever the causes of the argument culture-and the many causes I have mentioned are surely not the only ones-the most grievous cost is the price paid in human spirit: Contentious public discourse becomes a model for behaviour and sets the tone for how individuals experience their relationships to other people and to the society we live in."²⁸¹

At the beginning of my internship the director invited me to a meeting with the heads of each faculty and the director of the research institute. During that meeting I could sense the different power relations and become aware of the institution's major issues through the way each faculty positioned his or her arguments around the table. It was an example of the Western culture of debate and arguing one's position. Dialogue cannot easily be fostered in settings where people must defend their budget and their interests among competing group members. Tannen develops this in her book. She suggests different ways that we can move from debate to dialogue. In her conclusion she writes,

²⁸⁰ Anderson, Harlene, Burney, Paul, Collaborative Inquiry: A Postmodern Approach to Organizational Consultation. TAOS Institute manuscript site.

²⁸¹ Tannen, Deborah. (1998), *The Argument Culture*, changing the way we argue. Virago Press. P. 288.

In moving away from the narrow view of debate, we need not give up conflict and criticism all together. Quite the contrary, we can develop more varied-and more constructive –ways of expressing opposition and negotiating disagreement.

We need to use our imaginations and ingenuity to find different ways to seek truth and gain knowledge, and add them to our arsenal-or, should I say stew. It will take creativity to find ways to blunt the most dangerous blades of the argument culture. It's a challenge we must undertake, because our public and private lives are at stake.²⁸²

As my research was fundamentally about an interdisciplinary approach to conflict within the social and healthcare network, this organizational mediation took on even greater meaning for my thesis. Winslade and Monk describe the need for conflict resolution skills in healthcare,

In 1999, apprised of the need for high quality education in the new skill sets needed in the current health care environment in the interest of safe patient care, the Accreditation Council for Graduate Medical Education (ACGME) began explicitly directing medical residents to develop communication, networking, team-building, and conflict resolution competencies. Medical residents must demonstrate effective communication and caring, respectful behaviours in their interactions with patients and their families. They are required to work collaboratively with professionals from other disciplines, use effective listening skills, and elicit information using effective nonverbal, explanatory, questioning, and writing skills. Despite the recognition of the importance of these competencies, there are enormous challenges to be met in their implementation.²⁸³

My work as an organizational mediator or facilitator through these interviews could possibly reinforce the college's interdisciplinary orientation. It could also reinforce the institution's recognition of the growing importance of conflict resolution within this specific domain. My case studies attest to the importance of an interdisciplinary approach. This institute was working to integrate these social and healthcare practices within one institution that could generate a more holistic approach to social work and healthcare by reinforcing the bonds among the faculty, the professional institutions and the research institute's orientation, and the students. This approach differs from a traditional problem-solving approach.

²⁸² Tannen, Deborah. (1998), *The Argument Culture, changing the way we argue*. Virago Press. P. 298.

²⁸³ Winslade, John, Monk, Gerald. (2008), *Practicing Narrative Mediation, Loosening the Grip of Conflict*. Jossey-Bass. P. 245.

After completing the interviews, I gave the final written statements to my colleague in charge of coordinating the publication. I gave an oral feedback during two debriefing sessions with the director and the special event's coordinator. I explained that the interviews were confidential, however I could use the interviews to present a summary of the topics that were discussed and the major themes that arose during the conversations. I proposed an oral presentation with all the participants to provide a conversational space where the dialogues could come together in a new "plurivocale" form. I suggested that a second dialogical space, following the special events day, would reinforce the transformative process already underway. As the individual faculty members meet and converse, new possibilities and coordinations may emerge. In this way dialogue serves to generate new approaches to institutional and organizational conflicts.

In Ralph Stacey's book, *Experiencing Emergence in Organizations*, Richard Williams touches on the figuration of identity in educational organizations.

What I am describing here are processes that are both social and cognitive. There is a process of differentiation taking place that is social. This process explains why we are here: it is to do with our jobs and their contemporary relevance to the power relations that pertain to the administration of public education. At the same time, however, we noticed aspects of each other that in this specific context gave particular meaning to our being together. Our identities, limited in their character to our recognition of each other as senior officers, principals, CEOs, an executive director, meant that a particular kind of conversation could take place between us and one that we would not conduct with a different constituency.²⁸⁴

In this sense, it is important to be together to define organizational identity. The special event's day brought together many of the institutions partners. Organizational identity is constituted from both individual identity and power relations while people are interacting in a specific social space. It is therefore necessary to offer meetings when partners can socially interact and demonstrate their identity in relation to their responsibility in the organization. In this case study there was a major transition with the merging of the different faculties. It was necessary to create a new organizational space and allow for the different faculties and institutions connected to the organization to reflect on their conversations and interactions, allowing them to develop new effective coordinations.

²⁸⁴ Stacey, Ralph, Ed. (2005), *Experiencing Emergence in Organizations*, Local interaction and the emergence of global pattern. Routledge. P. 138.

When the partners, faculty, institutional director and political representatives were all together, they could participate in the larger social drama, performing within the new space that was created. Each person used their own personal style to incarnate their way of interpreting their role. In this setting speech and workshop styles as well as clothing and other props were used to show how each person played their institutional role. The power relations within the organization and network manifested in various ways. The choice of key speakers, the workshop heads, the posters that were hung in the lobby, all demonstrated how power was expressed. For instance, posters showing research projects demonstrated the power to obtain research mandates. Each faculty had an individual performance with its partners in their own workshops. This space provided a way to reinforce their ties with the directors of institutions and professionals in the field, and hear the practical concerns and needs in the professional realm.

In the interviews I conducted, people spoke of their reactions to the political officials' speeches. Though the director was honoured that two important politicians would be present at the special event, some faculty members felt that the content of the public speeches were representative of the lack of communication and understanding that separates the institution from the political leaders. These kinds of insights could only happen by eliciting a "joint action." Once the stage was set, the actors could play their parts and construct new relations within the network. They were also able to reflect on the day and the way the day was planned, gaining more understanding of the institution and its functioning. The events also allowed a feedback from the partners. This was crucial for the institution to redefine its relationships with its partners. Several faculties were able to schedule other meetings with partners to continue the conversation.

The workshop styles and even the title and organization of the event seemed to be a more representative of French-speaking culture. The German-speaking faculty would have preferred a more festive day, celebrating their five years of hard work integrating their college courses into the federal bachelor's degree. The title of the special events day was "Les Etats-Generaux," representing a French cultural approach. It is a more formal and serious approach with lectures and workshops, which was the director's preference, as opposed to a broader cultural celebration with music and dancing and more informal meetings and conversations. This aspect demonstrates that expectations arise from cultural traditions. This intercultural aspect remains an important dimension in the integration phase. The new institutional identity

is co-constructed from its German and French partners. It was also interesting to note that the administrative employees who were not teachers or researchers were not included in the special events day. This created a negative reaction among the employees, and the director then organized a picnic to include all the employees. However, the picnic was not well attended.

A major concern expressed in the interviews I conducted was the paradox between course content and institutional practice. There were often teaching principles that they were unable to practice in their daily work environment. They had difficulties using the collaborative management and communication techniques they were teaching within their own organization. This was a factor of unhealthy stress. As these faculty members were all social and healthcare experts, it was a great disappointment that the institution itself lacked an internal plan promoting wellness within the organization. One faculty member was chosen to create a wellness concept. As her concept was in the beginning stages, I spoke to her about the interviews I had conducted as a first step to a participative process to create an institutional model for wellness. A recent article in the *Human Rights Quarterly* entitled “Development as Health: Employing the Collective Right to Development to Achieve the Goals of the Individual Right to Health,” seemed to legitimate the employees’ and students’ right to a healthy environment.

Under these theories correlating health and disease with social circumstances, the ecological model for public health has sought to create structural interventions to correct for deficiencies in underlying social determinants of health.

This ecological model, gaining widespread acceptance in the public health community, has become the focus of those seeking to improve health indicators through economic development, emphasizing the reduction of social inequalities rather than the provision of individual health services. By focusing on structural etiologies, often referred to as “structural violence,” it becomes clear that “public health cannot be separated from its larger socioeconomic context.” Through disparities in resources, power and prestige, the impoverished, often excluded from underlying determinants of population health and ineffectual in altering their life circumstances, find themselves incapable of determining their own health status.²⁸⁵

²⁸⁵ Meier, Benjamin Mason, Fox, Ashley M.(May 2008), Development as Health: Employing the Collective Right to Development to Achieve the goals of the Individual Right of Health. *Human Rights Quarterly* Volume 30 Number 2, John Hopkins University Press.

This article supports the collective right to achieve progressive healthcare policies. In this sense, the collective right of employees to health within specific social, organizational, and economic contexts can possibly be legitimized through collective processes. Employees in organizations may achieve individual health more efficiently through collective internal processes that defend their rights to healthy work environments. One important aspect of this process would seem to be sensitizing directors about the effects of governance on individual health.

Double-bind situations often lead to burn-out. The head of the nursing faculty was quite aware of this and concerned for her faculty members. She believed that fairness and justice were important principles to be respected within the institutional and organizational functioning. For her, the lack of a legitimate space to resolve conflicts was an important factor contributing to burn-out, accidents, and illness within the institution. Her interview focused on this lack of justice but others also mentioned the lack of confidence. Several faculty heads believed that many of the issues that were causing dysfunction were problems of governance.

When I gave my oral feedback to the director who is herself a trained nurse, she appeared to listen and find my synthesis pertinent. However, I was later told that she spoke in a meeting in front of all the faculty heads saying that I had not finished my mandate, that she would not be able to use my interviews, and that I had not followed her instructions. This was surprising for me. I reacted by contacting a work partner who had the written interviews in his possession and asked if he had shared them with the director who had only had an oral feedback. It turned out that he had not sent them on to the director. He informed the director that I had heard that the director wasn't satisfied with my work and the outcome of the interviews. I reaffirmed my openness to continue working with the institution and to keep working with the director to satisfactorily complete the mandate. However, I found it interesting that the director had negated my work in front the interviewees and by doing so sent out a message to the faculty that she wasn't able to hear and integrate the content of the interviews.

Indeed, there was a problem of governance underlying the confidence issues that had been brought up in the interviews. It was interesting for me that twenty-five hours of quality conversations, that the director asked me to conduct and consequently informed her colleagues that I would be contacting them, were now being dismissed by the same director. What group dynamics were causing these reactions? What relational patterns were

manifesting and how could I use this situation to serve the interest of the faculty who had so openly confided in me. How could these institutional narratives be honored within this context?

Not only had I fulfilled my mandate that had been stipulated in a written e-mail message from the director, but I offered my qualifications to the institution by adapting my skills as a mediator to the context and needs of the organization. The faculty members and other important people in the social and healthcare network were enthusiastic and participated willingly in the interviews. They were happy to speak about the organization and the future of social work and healthcare in our canton. It is unfortunate that the director was unwilling to honor their reflections by giving the interviews the attention that they merited.

To avoid the outcome of this particular case study, I would insist upon a written agreement that identifies the phases in the process following the interviews the next time I attempt this kind of Appreciative Inquiry. In this way, I would be able to assure that the content of the interviews would be respected. The disappointment of interview participants could possibly have been alleviated by clarifying the Appreciative Inquiry process. It is important that top management engage in the full process of Appreciative Inquiry interviews.

Ski Tribes

Learning organizations are important models in higher education where practices are modeled within the institution. Building on the concept of the learning organization or learning schools, Jean Lave and Etienne Wenger have developed theories concerning communities of practice.²⁸⁶ They demonstrate that learning is social, and is a part of our daily life experience. Collective learning results in practices that reflect our social enterprises and relations. I now share a case study from my private life. My entire family has been a part of a learning community that revolves around the practice of skiing.

In La Tzoumaz, Switzerland, an alpine ski resort where I live with my family, my husband is the director of the local Swiss Ski School. He has been director since 1986. He was a ski racer on the Swiss Ski Team. He specialized in the downhill and giant slalom races. He grew up in

²⁸⁶ Lave, Jean, and Wenger, Etienne. (1991), *Situated Learning. Legitimate peripheral participation*. Cambridge: University of Cambridge Press.

a world of competition. However, he has attempted to change the focus from competition to learning in his ski school. He has achieved this by organizing a special ski school class that takes place almost every weekend for the children who come to their vacation chalets. Traditionally ski school classes are offered over the week that a family might be on vacation. His innovative class stresses learning to ski, to snowboard, and to be comfortable and have fun on short skis. He also organizes a special day for telemark skiing.

Over the years the children who were first a part of this seasonal class became good skiers and were then employed as ski instructors on the weekends for the younger children. In this way relations were formed among the children, and the older children modelled the importance of being good teachers and mentors on the ski slopes. As the children were involved in full-day ski classes, the parents had more free time. One of the results has been that the parents have become good friends and often organize adult ski trips while the children are under the care of the ski school instructors. A special day for the mothers has now become a tradition.

The group is intercultural. The parents are from all over Switzerland and many families are of different nationalities, working for large international corporations. This context has generated a learning community around skiing. The focus of the learning community is to be good skiers and to have fun on the mountain, while enjoying the outdoors. The families who have chalets in La Tzoumaz have made a specific choice investing in winter sports. These activities bond them together through skiing. In this way skiing, a practice, serves as a mediator among the children and families. It links the community together in a lifestyle that has emerged from skiing on the mountain and spending weekends and winter vacations in the Swiss Alps.

As the ski school underscores the importance of learning skills and having fun, a new form of community has emerged. This specific community doesn't make competition and winning the central value. There is one race day that is organized so the children can compete in a popular race and have the experience of skiing in a racecourse. This small community of practice demonstrates how human beings can generate new cooperative forms of relating. Lave and

Wenger have situated learning within the relationships among people. They look at what social engagements provide the proper context for learning to take place.²⁸⁷

Skiing had a profound impact on land use in our region after World War II. The president of our village recently accepted to meet with me concerning his projects involving the development of our ski resort. He spoke of his frustrations trying to find solutions to increasingly complex challenges. He confided that it was difficult to manage the development of the ski resort and that there were tensions in the community with the townspeople living in the plains region of our commune who felt he spent too much time with the concerns affecting the mountain region.

Not only are there voting citizens that are part of our town, but there are more and more Swiss people who own property but cannot vote in town elections. And foreign homeowners cannot vote in Switzerland and cannot vote in the town. However, they have invested large sums of money in their vacation properties. This situation poses a unique challenge for democratic participation and governance. Skiing has not only influenced relations through the practice of the sport itself, skiing has transformed the land use of the mountains with lift systems that transport the skiers but also housing and hotel projects that lodge the skiers on vacation. This transformation of the natural and political landscape has come from the growing popularity of skiing and winter sports.

One interesting result of the new foreign property owners is the emergence of small European communities in the Alps that have come together around the practice of skiing. These new “ski tribes” share the mountain and the love of the natural environment. They pay a lot of money for special ski school classes so that they and their children can learn to ski and improve their ability to ski.

These new European communities that are forming around skiing are a form of learning communities. They are also eliciting new forms of governance and dialogical processes that may possibly integrate the voices of these foreign owners into the co-creation of the new communities and worlds that are emerging around skiing.

²⁸⁷ Lave, Jean, and Wenger, Etienne. (1991), *Situated Learning. Legitimate peripheral participation*. Cambridge: University of Cambridge Press. Footnote needed

I suggested to the president of our town that he initiate a dialogical process starting with the town citizens living in the ski resort and growing to include the other groups including the foreign property owners. I explained that his recognition of their resources and the inclusion of their expertise in the problem-solving process could possibly open up new possibilities for development that a more traditional hierarchical leadership could not produce. He listened and is in the process of consulting with town members.

This case study illustrates how learning communities can affect governance. In this situation, small European communities are being created around skiing. It is a unique social construction that is bringing forth a new world. Pearce explains the coordinated management of meaning in his book “Making Social Worlds”. He writes, “ The evolution of better social worlds involves a reciprocal pattern, in which participation in better relationships and engagement with more highly evolved consciousness enables us to perceive critical moments in our meaning-making and in our coordination. And good choices in these critical moments stimulate the further evolution of our relationships and selves.”²⁸⁸ The new communities that are emerging are ski tribes that value winter sports, nature, and the enriched relationships that gather around skiing. As these communities evolve they will be forced to address political representation and governance. They will have to discover new ways to go on together in their communal living. These new communities are shaping Europe’s future in places where one hasn’t necessarily been looking for social change.

Shotter explains how we are, “intertwined in chiasmic relations with one another, in which we are shaped just as much, if not more, by events in the world around us, as the world by us.”²⁸⁹ He brings our attention to the “spontaneous, living, bodily, expressive and responsive activity”²⁹⁰ and this chiasmic structuring of our meetings. This example of ski tribes, coordinating joint actions around the practice of skiing, offers an illustration of bodily coordinations that shape the natural environment and are in turn shaped by the new forms of emergent activities that are themselves shaping new worlds.

²⁸⁸ Pearce, Barnett- (2007), *Making Social Worlds A Communication Perspective*, Blackwell Publishing Malden, MA. P. 220.

²⁸⁹ Shotter, John. (2008), *Conversational Realities Revisited: Life, Language, Body and World*, A TAOS Institute Publication. P. 73

²⁹⁰ Shotter, John. (2008), *Conversational Realities Revisited: Life, Language, Body and World*, A TAOS Institute Publication. P. 74

In the past we have organized the nation state around national identity linked with political and economic systems. However, this is only one form of social organization possible. When people organize social life around Winter Sports, new configurations emerge. We have created social and healthcare networks around medical practices like psychiatry. Psychology has greatly influenced the way we address mental health and wellness. These disciplines have greatly defined what practices are recognized and legitimate, promoting health and wellbeing. Are these systems serving us? Or are they constraining us? What other options do we have?

Another way to promote wellness may be to focus on activities that allow for more space to play and be physically active. This case study shows how paradigm changes can make new social worlds. Evolution can be seen as a relational and collaborative process that coordinates “joint actions”.

Conclusion

Though Derrida’s deconstructionist approach is useful, it in itself does not suffice in practice-oriented research. To understand the transformational processes inherent in mediation, encouraging individuals and systems to change, social constructionist theory is better positioned, providing a more pertinent theoretical and reflexive framework. The philosophical stance that Social Constructionism espouses allows the Conflict Narratives to be told in this academic setting. By choosing the narrative model in mediation conflict resolution and intercultural mediation became process oriented. Social Constructionism and the narrative model provide a theoretical framework allowing the case studies to be understood and higher consciousness to emerge. First, because Social Constructionism recognizes the research methods that have been used in this thesis. Secondly, because Social Constructionism has generated new models of practice such as the Narrative Model in mediation. And thirdly, because Social Constructionism is concerned with collaborative practices, conscious of dominant discourses that often oppress minority groups.

Key concepts in Anthropology provide an understanding of how conflict and illness are socially constructed. Theories about space, kinship, ritual, rights and social activism, belief, trust, and power are all basic elements structuring the Conflict Narratives. The intercultural case studies in mediation demonstrate how conflict is socially constructed. By interpreting

these case studies within the narrative model of mediation, I affirm the philosophical stance that distinguishes this model of practice from other models. The narrative model of mediation integrates anthropology. It uses a dialogical and relational approach by creating a story of the conflict dramas. The narrative approach questions mediation as a neutral practice and offers a form of “witness” that challenges the expert posture of other mediation models.

The case studies attest to an emergent collaborative practice that evolves from the conversations in the mediation space. This process-oriented approach seems to elicit the integration of new voices expanding the circle of participation within the mediations themselves. It would appear that the narrative approach facilitates collaborative practice. Many of the mediations that have been transcribed in this text generated new mediations that integrated more voices, professionals, and institutions. This allowed for new meanings to be co-constructed and new worlds and futures to be shaped. Not only did this approach create a space where the political asylum seeker’s understanding of conflict was allowed to be voiced. But the collaborative approach transformed the way that the social and healthcare network dealt with conflict. The networks were indeed transformed by mediation. Mediation initiated an interdisciplinary approach to conflict resolution.

This interpretation clearly portrays mediation as an engaged practice that cannot be defined as neutral.²⁹¹ Though these mediation case studies are based on the recognition of international human rights that are guaranteed by the Swiss Democratic political institutions, the practice of mediation is an expression of a postmodern form of governance. When postmodern democracies choose mediation as a form of governance, as the European Community has stated in its insistence on social cohesion, the strong connection between governance and education becomes even more pronounced.

The learning communities that practice mediation in organizations, institutions, judicial systems, and international political arenas are shaping our future world through a dialogical and relational approach to conflict resolution. To quote Edward E. Sampson,

²⁹¹ Cobb, S. (1994), A Narrative Perspective on Mediation. In J.P. Folger & T.S. Jones (eds.). *New Directions in Mediation: Communication Research and perspectives*. Sage, Thousand Oaks, pp. 48-66.

Human freedom involves the rights of individuals collectively to determine their mutual fates. Since who and what I am are joined with you, to define all that is central about my life in terms oppositional to you, creating a situation of individual versus other, is to deny your importance to me and mine to you. What we need therefore, is to build our meaning of freedom around collective units, individual-and-other. We share collective responsibility for one another; neither of us can be us alone. We are both free, then, only in so far as we can work collaboratively to define who and what we are and who and what we will be. Not surprisingly, all monological accounts warp this meaning and undermine the very freedoms they promise. I cannot be free. Only we can be free.²⁹²

As the narrative mediation model is a dialogical approach to conflict resolution, it can be seen as a practice upholding modern democracies and supporting diversity by challenging the “monologue.” “A genuinely democratic society is one in which both experts and nonexperts alike contribute to the understanding-in this case, understandings about human nature- that are eventually settled on, at least until additional dialogical partners enter the scene to take us on yet another voyage of mutual adventure and discovery.”²⁹³ Again, the narrative model’s philosophical stance that challenges expert discourses preferring conversations, would seem to best serve conflict resolution in intercultural contexts where marginalized status groups’ identities are being dominated by power relations that often seek to stifle their voices.

To reiterate, the case studies presented in this thesis show that mediation is not neutral. The mediator’s role in these case studies was that of an active transformer of narrative. The mediation space at the social services was itself a form of social activism. It defended creation of a legitimate space within the administration to hear the voices of the asylum seekers, allowing them to participate in the meaning-making process.

From the mediation spaces generated, interdisciplinary and collaborative practice often emerged. The joint actions that characterized these conflict dramas were performative, relational, and dialogical in nature. The moral project was in this sense sustained and reinforced by integrating many diverse voices within the conflict resolution process. This process-oriented model of mediation allowed solutions to emerge without specifically focusing on problem-solving. The creation of the mediation service generated a process of reflexive cooperation. “The community of practice should be vitally enriched, with current

²⁹² Sampson, Edward E. (2008), *Celebrating the Other, A Dialogical Account of Human Nature*. A TAOS Institute Publication. P. 168.

²⁹³ Sampson, Edward E. (2008), *Celebrating the Other, A Dialogical Account of Human Nature*. A TAOS Institute Publication. P. 187.

schisms and conflict giving way to mutual and respectful collaboration. Here reflexive cooperation joins hands with existing ideas of the shared power of definition, tolerance for incommensurate ideas, solidarity or multi-partiality, constructive feed-back, and curiosity. We understand these terms as building blocks towards more inclusive futures.”²⁹⁴

It is more easily understood that the mediator’s role is challenged within the social and healthcare network when mediation and the mediator are not perceived to be neutral. In fact, the practice of mediation within the network can be seen to challenge expert positions and monologues, and in this way can be interpreted as a threat to dominant discourses and oppressive political systems. These systems seek to singularly and monologically define conflict outcomes.

Mediation as a practice has the potential of directly influencing power relations within networks. It is, therefore, a practice often legitimated by the governing body, be it in political or institutional settings. Mediation needs a social space to exist. A governing body often determines which professionals get to “ask the question” or determine who is qualified to practice within the network. Therefore, the governing body permits the mediator to “ask the question.” However, if the mediator is given the right to ask a question within the system, there is the potential that the mediator can consolidate his or her own legitimacy. This was shown in the case study on the accident site while working with the Indian tourists and the canton’s police.

Not only can mediation influence power relations, but the state often uses mediation to govern. Foucault called this “biopower,” the control of both populations and individuals.²⁹⁵ Mediation can therefore be seen as an extension of the state’s power concerning conflict resolution. Foucault steers us toward a reflection on the right way to govern ourselves and others.²⁹⁶ Through the case studies involving intercultural mediations with political asylum seekers and in other cases with the canton’s police, we enter into the domain of public policy.

²⁹⁴ Gergen, Kenneth. (2006), *Therapeutic Realities: collaboration, Oppression And Relational Flow*, A TAOS Institute Publication.P.184.

²⁹⁵ Holstein, James, Gubrium, F. Jabber, Edited by, *Handbook of Constructionist Research*. Miller, Leslie, “Foucauldian Constructionism”, p. 262 (2008) Guilford Press, New York.

²⁹⁶ Holstein, James, Gubrium, F. Jabber, Edited by, *Handbook of Constructionist Research*. Miller, Leslie, “Foucauldian Constructionism”, p. 268 (2008) Guilford Press, New York.

Public policy has a powerful agency to construct groups and influence identity.²⁹⁷ There is a definite tension between the power relations that define policies that influence the practice of mediation and the narrative model of mediation that seeks to offer an ethical social space to practice conflict transformation. This tension can be perceived in the descriptions of group and organizational dynamics in the social services and in the greater social and healthcare network. Sara Cobb addresses ethics, “I am arguing for ironic performance as an ethic for addressing “evil” (no matter its local social coconstruction) in a way that provides understanding of its origins, increasing rather than reducing personal and societal responsibility. From this perspective ironic performance in negotiation and conflict resolution has the potential to create the conditions for the reduction of violence over time at a global institutional level.”²⁹⁸

Learning to “do” democracy is an ongoing process. Our world population is interconnected by new technologies that transform our relations. Dialogical processes such as mediation allow us to try to live together by providing collaborative dialogical spaces. The narrative model in mediation seems to uphold the moral project by recognizing key concepts in anthropology that address questions, such as the importance of power relations in conflict resolution. Narrative mediators take nonneutral positions concerning social justice and the marginalization of minority voices. In this way, the mediation service sought to expand its domain by reaching out to female political asylum seekers during the information and prevention sessions. As these women met with barriers inhibiting them from participating in the welcome session, new dialogue spaces were created to include the marginalized women within the dialogical process.

Gergen addresses this by saying,

From a theoretical and practical standpoint such issues are of pivotal importance. Constructionist theory emphasizes the importance of the co-construction of realities, rationalities and values. When there is an unequal distribution of power, such that certain participants have little voice in the construction process the stage is set for resentment and conflict. This is but one of many viable explanations for

²⁹⁷ Holstein, James, Gubrium, F. Jabber, Edited by, Handbook of Constructionist Research. Schneider, Anne L., Ingram, Helen, “Social Constructions in the Study of Public Policy” p. 206., “Foucauldian Constructionism”, (2008) Guilford Press, New York.

²⁹⁸ Cobb, Sara. (2006), A Developmental Approach to Turning Points: “Irony” as an Ethics for Negotiation Pragmatics. Harvard Negotiation Law Review, Vol. 11:47. P. 196.

what today are commonly called “psychosomatic” and “psychosocial” problems. Those denied voice may be mobilized to create alternative realities, to resist what appears as the arbitrary and misguided world of the superior, and subtly set out to undermine the dominant discourse. Under conditions of unequal power, then, how can parties be brought to synchrony?²⁹⁹

Victor Turner’s description of “sociocultural dramas” illustrates the performative nature of mediation and especially in the crisis situations that I was asked to participate in as mediator.

Barbara Myerhoff, Turner’s colleague and fellow anthropologist, describes sociocultural dramas:

The drama begins when a threat to collective life is perceived. Often this happens when someone in the group violates an important rule or custom. The mechanisms that operate to contain or dispel conflict fail and the difficulty spreads, drawing in more and more members until it constitutes a genuine crisis. Some mending, some action that redresses order and redresses the violation is called for and this occurs. ... The last part, the conclusion, achieves an equilibrium and often is accompanied by a realignment of social relationship where dissident factions or individuals are reintegrated into the group. This final stage of the sequence is often accomplished through symbolic displays of unity or ritual performance that affirm members’ widest or most basic beliefs. ... [These events are] definitional-ceremonies, performances of identity, sanctified to the level of myth. (Myerhoff 1978, pp. 31-32)³⁰⁰

The simple presence of the mediator in complex conflicts did appear to allow for conflict transformation. Within the “sacred space” that was created to perform mediation there were many “encounters.” When humans “encounter” each other, when they “behold” each other, and when the professional adopts a posture or stance of “witness,”³⁰¹ then a vertical dimension or a dimension seeking to honor higher purpose, is allowed to enter into the space. I suggest that when hierarchical expert positions are collapsed, more egalitarian encounters of a horizontal nature are generated. This presence may be understood as “witness.” This “witness” elicits a vertical energy to enter into the mediation space, allowing hope of a positive desired outcome to emerge for the parties concerned. The mediator creates a liminal space where the secular ritual of mediation can be performed. Process-oriented mediation

²⁹⁹ Gergen, Kenneth. (2006), *Therapeutic Realities: collaboration, Oppression And Relational Flow*, A TAOS Institute Publication.P. 180.

³⁰⁰ Buckley, Elisabeth, Philip, Decter. (2006), *From Isolation to community: collaborating with children and families in times of crisis*. The International Journal of Narrative Therapy and Community Work, 2006 No. 2 www.dulwichcentre.com.au

³⁰¹ Anderson, Harlene. (1997), *Conversation, Language, And Possibilities*, A Postmodern Approach to Therapy, Basic Books.

focuses on guaranteeing the space and the dialogical process. However, the quality of the the mediator who witnesses the conflict dramas may influence the emergence of positive desired outcomes. The host-guest metaphor that has been introduced in narrative therapy transforms the professional position of expert, possibly offering new forms of therapeutic relations to emerge.³⁰²

Buber's philosophical anthropology allows one to move away from the psychoanalytical tradition into the "I and thou"³⁰³ relationship. In a poetical language Buber describes how relation is reciprocity. It is in relational encounters that we act on each other.

Love is a cosmic force. For those who stand in it and behold in it, men emerge from their entanglement in busy-ness; and the good and the evil, the clever and the foolish, the beautiful and the ugly, one after another become actual and a You for them; that is, liberated, emerging into a unique confrontation. Exclusiveness comes into being miraculously again and again—and now one can act, help, heal, educate, raise, redeem. Love is responsibility of an I for a You: in this consists what cannot consist in any feeling—the equality of all lovers, from the smallest to the greatest and from the blissfully secure whose life is circumscribed by the life of one beloved human being to him that is nailed his life long to the cross of the world, capable of what is immense and bold enough to risk it: to love *man*.³⁰⁴

He stresses the importance of the space that is "in between" man and man; an encounter. What is man? This question is therefore answered by Buber in relational terms.

In this sense mediation and its definition "being in between," correspond to Buber's understanding espoused in what he calls philosophical anthropology. It is possible that mediation has emerged as an important practice today because it has focused on this relational space in the encounter. Mediation creates a space where the "I-thou" relationship can be performed. It is in this life of dialogue that we encounter who man or woman is.

And it is in hallowing the encounters that we are able to perform transformative mediation, in the context of the "I-thou" relations where the equal nature of our relationships prevail. Buber describes this sphere: "'Between' is not an auxiliary construction, but the real place and

³⁰² Aman, Jodi. (2006), Therapist as Host: Making my guests feel welcome. The International Journal of Narrative Therapy and Community Work. 2006 No. 3 www.dulwichcentre.com.au

³⁰³ Buber, Martin. (1970), I and Thou. A Touchstone Book Published by Simon and Schuster. P.66.

³⁰⁴ Buber, Martin (1970), I and Thou. A Touchstone Book Published by Simon and Schuster.

bearer of what happens between men; it has received no specific attention because, in distinction from the individual soul and its context, it does not exhibit a smooth continuity, but is ever and again re-constituted in accordance with men's meetings with one another; hence what is experience has been annexed naturally to the continuous elements, the soul and its world."³⁰⁵ Buber's words translate his understanding of relational responsibility.

I put great attention into decorating the mediation service, making it inviting, comfortable, and light-filled. I served coffee, tea, and on one occasion even had special fruit cocktails prepared. I always dressed as if I was going to be meeting with someone important or, simply receiving a special guest. I believe the host-guest metaphor contributed to the success of the mediation event at the canton's art museum with the asylum seekers. The newspaper article that covered the story quoted me speaking of how we were welcoming the political asylum seekers so they would feel at home in this cultural setting where they didn't habitually go. When I received Cheri Booth Blair with the president of our canton's government, my skills as a hostess, welcoming her and her team counted as much as my ability to translate between French and English. And finally, when I was on the soccer field with the Indian tourists who had stayed on to look after their people's bodies, I sensed the moment that is referred to as "cocooning." I invited them all into the café that was on the grounds and ordered hot tea, placing warm blankets on their shoulders as the sun went down and the mountain air became cool. Again, I, the hostess, was responsible for their well-being. And it is in this simple metaphor that we can see and understand, from another vantage point, the importance of relational responsibility.

This metaphor can be traced back to Kant's essay in 1795 called "Towards a Perpetual Peace." Professor Seyla Benhabib explains Kant's position:

He also says in the third definitive article of Perpetual Peace that there is one right that belongs to a human being, as a human being in the world community, and that is the right to hospitality. That is, if someone comes on your shores through need, or for commerce or barter, and if their purposes are peaceful, you cannot deny them access. You cannot deny universal hospitality, particularly if it will mean their destruction.

³⁰⁵ Buber, Martin. (2002), *Between Man and Man*, First published in 1947. Routledge Classics. P. 241.

So the right to universal hospitality, that is, the right of human beings to seek contact with one another, to seek access to each other's land, to seek access to resources is a fundamental human right. It needs to be regulated, and there is a certain margin as to how much, for example, you owe to the stranger who comes up on your land. What kind of obligations do you owe to this stranger? Kant's own formulation is a right of long-term stay. The host can determine that. I would argue that the human right of visitation is more extensive than Kant makes it out to be, and that nations have stronger obligations to exiles and refugees which are different than the obligation to immigrants. But this is a fascinating beginning point for thinking about this.³⁰⁶

The host-guest metaphor not only has a therapeutic dimension, but Kant's essay demonstrates that this is a metaphor that has historically influenced nation's policies toward refugees and political asylum seekers. The principles that Kant articulates for nations seeking to foster perpetual peace includes the regulations of relations with those seeking refuge. Kant's principles laid the groundwork for the further development of human rights and the Geneva Convention on the Status of Refugees elaborated in 1951 and in protocol added in the 60s.

After having reconstructed these "conflict narratives," it is interesting to note the last two case studies go beyond the traditional role of mediator. When the deconstruction phase has allowed for a reconstruction to emerge, the traditional role of "mediator" can be challenged. One does not need to depend on traditional role models to achieve transformation in settings that may require a more unique form of intervention to achieve the organization's goals. When we are sensitive to the organization's needs, we can transform our professional identities and make them more responsive to the actual context. The ability of the practitioner to improvise in bringing practice closer to contextual needs is therefore essential if practices such as mediation value innovation. Appreciative Inquiry may be a much more adapted approach for organizational transformation than mediation in certain contexts.

And finally, the example of ski tribes demonstrates how learning communities may be generated through forms of practice that are not therapeutic in nature, but that nevertheless generate new relational coordinations. Mediation and family therapy can be appropriate in some settings. However, families that ski together may use the practice of skiing to achieve therapeutic ends. Families that ski together may be actively reinforcing their relationships.

³⁰⁶ Seyla Behnabib Interview: Conversations with History: Institute of International Studies, UC Berkeley. The Enduring Ideals of Kant. March 18, 2004.<http://globetrotter.berkeley.edu/people4/Behnabib/behnabib-con5.html>.

Furthermore, this example shows that learning communities have the potential to generate new cultures. The ski tribes in La Tzoumaz demonstrate how small European communities are forming around skiing. Skiing can, therefore, be seen as another way to strengthen social cohesion.

Michael White believed that “katharsis” is an important category in outsider witness inquiry. He saw katharsis as “a phenomena that one experiences in response to witnessing powerful expressions of life’s dramas.”³⁰⁷ He continues to describe the importance of katharsis in outsider witness practices by saying,

I believe that the employment of this concept of katharsis is very much in accord with the priority that is given in outsider witness practices to the description of the particularities of the expressions of the people whose lives are at the center of these definitional ceremonies. This is because the phenomenon of katharsis relates to specific expressions of life that strike a chord for us, that we are drawn to, that most capture our imagination, that fire our curiosity, and that provoke our fascination.

The katharsis concept fosters inquiry into the identification of the ways in which one has been transported by the stories of the people whose lives are at the center of the definitional ceremony. And it encourages the acknowledgment of this—acknowledgment of the way that these stories have taken us to places that we could not have predicted. It helps us to find appropriate ways of acknowledging that these powerful expressions of life have shaped our own lives and that we have become someone other than who we would have been if we had not been present to witness these expressions. These acknowledgments are made even more powerful by their grounding in the specifics of their influence—they are not grand or ingratiating.³⁰⁸

I witnessed the Conflict Narratives as a mediator. I have sought to re-tell these stories or conflict dramas in this thesis, as an attempt to honor these life stories. These stories have shaped my life and they have the potential to shape our way of considering mediation. These stories have transported me and taken me to places that I could not have predicted. I would like to acknowledge all the people that have been a part of the conflict dramas that I have witnessed. May this thesis honor their lives and in retelling their stories, may the academic community and practice be enriched.

³⁰⁷ White, Michael. (2007), *Maps of Narrative Practice*, A Norton Professional Book, New York, New York. P. 194.

³⁰⁸ White, Michael. (2007), *Maps of Narrative Practice*, A Norton Professional Book, New York, New York. P. 195.

The first part of this thesis uses deconstruction to analyze the mediation process and case studies. Deconstruction allows for a form of reflexivity reinforcing transparent practices of accountability.

An ethical perspective also requires a clear focus on the production of greater social justice. Jaques Derrida (1994) has offered a tantalizing definition of such a focus. He refers to justice as something that cannot be deconstructed and defines it as the affirming of the other: “If anything is undeconstructible, it is justice. The law is deconstructible, fortunately: it is infinitely perfectible. I am tempted to regard justice as the best word, today, for what refused to yield to deconstruction, that is to say for what sets deconstruction in motion, what justifies it. It is an affirmative experience of the coming of the other as other” (p. 36)...Mediators might also borrow from Derrida the idea that deconstruction aims at the creation of an improved democracy. Derrida spoke often of *démocratie à l’avenir*, usually translated into English as “democracy to come”. What is lost in the translation is the play in French on the double meaning of *l’avenir*, which can refer to what is always arriving as well as to the future. Narrative mediation is an effort to create a vision of a future in which democracy is improved through professional practice. We do not refer here to democracy in terms of electoral representation, of course, but in terms of the creation of greater freedom for people to have a say in the creation of their own lives. At its best that is what mediation is about. It is about releasing the potential for cooperation and for peace. It is about valuing what people can do together rather than on their own. It is therefore about creating relational formats that are sustainable and satisfying and that can stand up to the common assumption that destructive conflict is inevitable.³⁰⁹

Mediation can in this way be seen as a practice upholding the future of democracy.

Democratic governance integrates the practice of mediation into educational practice, institutions, and administrations, and into the judicial system itself. The practice of mediation must, therefore, be analyzed and deconstructed so as to ensure its ethical practice. As the Narrative Model in Mediation recognizes the importance of power relations in its fundamental approach to conflict resolution, it stands as a model that may be the best positioned to address intercultural mediation. Charles Taylor addresses the challenges of the multi-cultural and postmodern state suggesting that participative government is based on the practice of dialogue, as opposed to a law- and rights-based government upheld by the judicial system.³¹⁰

³⁰⁹ Winslade, John, Monk, Gerald. (2008), *Practicing Narrative Mediation, Loosening the Grip of Conflict*. Jossey-Bass. P. 286.

³¹⁰ Dufresne, Jaques, (2007) Charles Taylor ou la passion du juste milieu, dossier Charles Taylor, L’Encyclopédie de L’Agora.http://agora.qc.ca/reftext.nsf/Documents/Charles_Taylor_--Charles_Taylor-ou-la-pass.

These intercultural mediation case studies narrate the story of dialogical practice as it was improvised in these specific conflict dramas. As new situations arise out of intercultural encounters, practice will surely be transformed. The narrative approach to mediation allows for the story of mediation to be told in new and meaningful ways.

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Annexes:

Annexe 1.

Note à l'ensemble du personnel de l'Office de l'Aide Sociale

Concernee: Médiation rôle et fonction

Nous tenons par cette note à vous transmettre d'une part, **une vision** de la médiation qui nous paraît intéressante dans sa définition générale ainsi que dans son greffage dans notre milieu professionnel et d'autre part, **notre vision** du champ d'action de la médiation au sein de notre Office et sous quelle forme.

La définition générale proposée ci-dessous est tirée d'un document intitulé :

Procédure administrative et médiation

Inscription d'un modèle procédural dans un contexte en mutation

L'auteur étant: Christine GUY-ECABERT / éd. Schulthess 2002 (p.17-18)

Définition générale:

« La médiation se définit dans son sens le plus global comme un processus par lequel un tiers indépendant et impartial, sans pouvoir de décision , s'efforce d'aider les partis à construire ou à gérer leurs relations sociales. »

Les définitions de la médiation données dans la littérature juridique ou sociologique ne diffèrent guère que sur des détails de cette description très générale.

- GUILLAUME-HOFFNUNG définit la médiation dans un sens particulièrement large comme *un mode de construction et de gestion de la vie sociale grâce à l'entremise d'un tiers, neutre, indépendant, sans autre pouvoir que l'autorité que lui reconnaissent les parties qui l'auront choisi ou reconnu librement.*
- Selon le Glossaire juridique concernant les termes du ministère de la justice en France, il s'agit d'un *processus de dialogue en vue de la résolution d'un conflit dans lequel une tierce personne (le médiateur), sollicitée par les parties en conflit, intervient pour les aider à trouver un règlement amiable satisfaisant. Le médiateur n'a pas pour fonction de définir un gagnant ou un perdant, mais de faciliter le dialogue.*
- BEIDENBACH considère la médiation comme *die Einschaltung eines (meist) neutralen und unparteiischen Dritten im Konflikt, der die Parteien bei ihren*

Verhandlungs und Lösungsversuchen unterstützt, jedoch über keine eigene (konflikt) Entscheidungskompetenz verfügt.

Dans un sens étroit (celui auquel on recourra le plus fréquemment), la médiation est donc un processus complémentaire et consensuel de règlement des conflits par lequel un tiers dépendant et impartial, sans pouvoir de décision, aide les personnes en médiation à communiquer et à trouver une solution au différend qui les oppose.

La médiation est un processus, non pas une procédure. Il serait encore pire de l'instrumentaliser en la réduisant à une technique. Le terme de processus est neutre. Il fait référence à ce qui est fait, tandis que la procédure qualifie ce qui doit être fait ».

En fonction de cette définition générale de la médiation et en fonction de la vision de notre Office, nous vous énumérons les champs d'action au travers desquels « la médiation » en tant qu'outil « facilitateur » d'un processus complémentaire et consensuel de règlement de conflits sera appelée à intervenir en collaboration avec l'OAS et les différentes administrations des foyers.

Médiation:

- entre le foyer et le requérant
- entre une personne extérieure du foyer, un requérant et le foyer
- entre une institution partenaire et le foyer
- entre une institution partenaire, le requérant et le foyer
- entre le requérant, sa famille et le foyer
 - entre requérants
 - entre collaborateurs dont la procédure doit être à déterminer

Il est primordial de spécifier ici qu'aucune intervention ne sera entamée sans l'avis et l'accord des parties concernées.

Toutes les interventions en rapport avec les champs d'application cités ci-dessus devront faire l'objet d'un rapport auprès de l'administration du foyer concerné ainsi que de l'OAS.

Groupes de travail :

En parallèle à la fonction de médiation, la personne référante dans ce domaine sera appelée sur demande de l'OAS à participer à différents groupes de travail au sein ou à l'extérieur de l'Office. Ces groupes de travail sont destinés à :

- analyser la situation actuelle des requérants dans différents domaines
- déterminer les besoins et attentes
- proposer des champs d'action
- étudier la faisabilité des propositions
- réaliser les projets retenus
- observer les résultats
- informer l'OAS et les collaborateurs
- redéfinir au besoin la ou les procédure(s) d'intervention

Pour l'instant, les secteurs de la santé, de la scolarité et du premier accueil ont été retenus. Une collaboration avec le centre du Botza existe aussi dans le domaine de l'interprétariat en vue de créer un programme d'occupation interne à notre Office dans ce domaine.

En conclusion, nous tenons à préciser que le rôle de la médiation au travers de l'Office ne doit pas être perçu comme un élément générateur de confusion de compétence mais plutôt comme celui d'un apport neutre, dans une réflexion commune visant à optimiser nos prestations professionnelles.

Meilleures salutations.

**SERVICE DE L'ACTION SOCIALE :
OFFICE DE L'AIDE SOCIALE**

E. BLANC

Annexe 2.

Médiation

Organization/Champs d'action

Le secteur médiation a pour objectif prioritaire la résolution des conflits entre les RA/AP et les différents intervenants du domaine de l'asile. Il offre un espace de dialogue sous forme de consultations individuelles. Il s'inscrit dans une philosophie de collaboration interdisciplinaire et favorise le travail en réseau pour la résolution des conflits dans un contexte bien délimité.

La médiation constitue par ailleurs une ressource pour les conflits familiaux des RA/AP qui sont fragilisés par les traumatismes, la précarité de leur statut, ainsi que le changement culturel et organisationnel du pays d'accueil.

Bilan

La création d'un espace médiation a permis un changement dans l'approche des conflits ou des requêtes individuelles. Les demandes, les revendications parfois exprimées sous forme de chantage, d'incivilités ou de comportements violents, directement portées à l'administration, trouvent à présent leur place dans un lieu neutre. Ce changement de procédure a permis de dégager les collaborateurs et les RA/AP d'une charge émotionnelle très forte.

Les ressources de la médiation ont été principalement utilisées suite à des comportements violents, des agressions, des conflits familiaux, des maltraitements d'enfant ou des situations de détresse. Des interventions ont été également sollicitées par les partenaires de la santé, du milieu carcéral et des entités communautaires.

La médiation s'est développée également dans les espaces de dialogues en contact direct avec les RA/AP soit dans le contexte du premier accueil soit dans les rencontres « Espaces Femmes »

Statistiques : peu parlant dans le cas de la médiation

Ex. de situations de médiation

- violence conjugale
- conflit de voisinage
- relation patients médecins, etc...

Stratégie

- **Proposer à tous les partenaires l'accès à la médiation pour la résolution des conflits.**
- **Développer les processus de travail en réseau impliquant les différents partenaires de l'asile.**
- **Déterminer les besoins et attentes des requérants d'asile dans différents domaines, proposer des champs d'action et réaliser les projets retenus.**

Annexe 3.

Sion, le 9 octobre 2002

Concept de Médiation pour la HEP-VS

Le 20 Septembre 2007

Susie Riva

Introduction

La médiation existe dans les écoles Valaisannes depuis plus de 25 ans. En 1998 de grands travaux de recherche ont été entrepris pour évaluer l'efficacité de la médiation scolaire en Suisse Romande et au Tessin³¹¹. Ces recherches ont été accompagnées par des principes fondateurs et une charte.³¹² Un rapport d'évaluation du projet intercantonal « Développer une culture de la médiation dans l'école » a été réalisé dans le cadre du programme « Ecole et Santé » conduit par l'Office fédéral de la santé publique(OFSP) et la conférence des directeurs cantonaux de l'instruction publique(CDIP) en 2003.³¹³

La HEP-VS a pour mission de former les enseignants et, à ce titre, élabore un concept de formation en médiation destiné aux enseignants. Les recherches et les rapports qui viennent d'être susmentionnés ont démontré l'importance de créer une culture de médiation. Dès lors, il nous semble primordial d'inclure une sensibilisation, des applications et des pratiques de médiation dans le champ scolaire par le biais de formations proposées à la HEP-VS.

Le groupe de travail « Formation continue et complémentaire » de la HEP-VS mentionne en février 1999, sous le point 8 page 20 : « la formation des médiateurs dépendra désormais de la HEP en partenariat, en collaboration ou en appui administratif avec les organes demandeurs de formation ». La HEP-VS fait référence aux directives sur la formation continue et complémentaire pour réaliser son mandat à travers la mise en place de formations comme la formation à la médiation qui donne **un statut particulier à l'école comme médiateur**. La personne qui aura suivie une formation spécifique à la médiation sera reconnue comme médiateur dans son établissement scolaire.

La HEP-VS a la volonté de mandater une personne compétente pour mettre sur pied des formations à la médiation.

³¹¹ Narring, Françoise, MD MSc et Michaud, Pierre-André MD, Groupe de recherche sur la santé des adolescents, Institut Universitaire de Médecine Sociale et Préventive, Lausanne, Suisse. ETUDE SUR LES ATTENTES DES ELEVES PAR RAPPORT AU MEDIATEUR SCOLAIRE.09.09.98.

³¹² Principes fondateurs utiles pour la constitution d'une charte de la médiation scolaire en Suisse romande et au Tessin. Ces principes sont issus des exposés et des débats qui se sont déroulés à Jongny les 6-10 Juillet 1998 dans le cadre de l'Université d'été des médiateurs scolaires.

³¹³ Zanetta Leuenberger, Sylvie, Rapport final d'évaluation du projet intercantonal « Développer une culture de la médiation dans l'école ». Institut de recherche et de documentation pédagogique. Septembre 2003.

La Médiation : un processus éducatif et préventif pour renforcer le lien social et favoriser le vivre ensemble.

La cohésion sociale est une priorité Européenne.³¹⁴ Des actions possibles qui permettent de renforcer la cohésion sociale au niveau de l'éducation sont proposées dans le document : « Guide méthodologique pour l'élaboration concertée des indicateurs de la cohésion sociale ». L'accès à la médiation et au développement des processus d'apprentissages cognitifs, renforçant les compétences émotionnelles et relationnelles, fait partie des actions encouragées au plan Européen. Il est impératif d'encourager des processus participatifs dans l'école pour assurer la cohésion sociale Européenne. La prévention de la violence est au sein des préoccupations sécuritaires. La sécurité Européenne dépend de la capacité des Européens de co-construire une vision politique et ce processus de co-construction de sens est le capital social d'un apprentissage collectif et dynamique.

La formation des enseignants, ainsi que la formation des élèves, dans une vision systémique incluant la famille et la communauté, permettent à une culture de coopération de prendre racine.³¹⁵ Une politique de l'éducation respectueuse du cadre Européen doit activement cultiver des espaces de dialogue et des projets pédagogiques qui reconnaissent l'importance des compétences émotionnelles, relationnelles et communicationnelles.

Mettre en évidence le mot-clé « **faire le lien** » dans le concept de médiation, permet une politique de l'éducation qui renforce activement le lien social dans des projets de médiation en milieu scolaire. Un projet de recherche-action créant des espaces interdisciplinaires pour co-construire un sens et faciliter la gestion de conflits répond aux critères du Conseil d'Europe quant à sa stratégie de promouvoir la cohésion sociale dans une société moderne où il s'agit de faire face à la diversité et à la complexité.

« La mondialisation culturelle appelle les aires géoculturelles à s'instituer, non pas en identités-résistances mais comme des identités-projets, capables d'agir comme moteur de la reconfiguration du monde pluriel et de conjuguer des appartenances et des engagements multiples dans l'architecture enchevêtrée de la gouvernance mondiale. »³¹⁶

Pour mieux comprendre la délinquance, il est intéressant de retourner à l'étymologie du mot : à savoir, lier, l'action de lier et délier, l'action de délier ou défaire le lien.³¹⁷ Quand le lien social est rompu, il y a délinquance. La prévention de la délinquance peut ainsi être comprise dans l'action de renforcer les liens dans le tissu social. La médiation lorsqu'elle est définie par « **faire le lien** », peut alors être comprise comme un processus social qui renforce le lien social.

Espace Pédagogique

³¹⁴ Guide méthodologique pour l'élaboration concertée des indicateurs de la cohésion sociale. ISBN 92-871-5737-5.

³¹⁵ Blueprints for Violence Prevention,(1998). Institute of Behavioral Study and Prevention of Violence, University of Colorado, Boulder.

³¹⁶ Farchy, Jean et Tardif, Joëlle,(2006). Les enjeux de la mondialisation culturelle. Editions Hors Commerce.

³¹⁷ Définition de Johan Decklerck and Anouk Depuydt, lors des cours du Master Européen en Médiation à IUKB, 1998-2000.

Pour développer une culture de médiation dans les établissements scolaires il nous paraît logique d'avoir un espace pédagogique où la médiation est traitée dans les différents niveaux de formation à la HEP-VS. Cet espace pédagogique est nécessaire pour partager des valeurs communes et pour co-construire une culture de médiation à travers des acquis de compétences permettant une meilleure compréhension de la médiation et une meilleure utilisation des ressources à disposition. Nous estimons que cet espace pédagogique permettrait de renforcer le réseau entre les divers partenaires de l'école et favoriserait une approche interdisciplinaire dans la gestion de conflits ou lors de l'émergence de certains conflits.

« L'école...en tant qu'organisation apprenante, (elle) est un modèle pour une société apprenante...N'oublions pas: les écoles se perçoivent comme des modèles *d'organisations apprenantes*, où les enseignants et les élèves découvrent ensemble des connaissances nouvelles, réfléchissent à leurs processus d'apprentissage et rendent leurs découvertes accessibles aux autres. Les enseignants, dans l'aménagement d'environnements d'apprentissage avec d'autres professionnels, se perçoivent également comme apprenants. »³¹⁸ Les lignes directrices ont déjà été tracées par la Task force (CDIP) en 2003. Néanmoins, il nous reste le grand travail de mettre en place les dispositifs sur le terrain.

Notre HEP-VS s'inscrit dans une tradition. Les références telles que l'UNESCO, l'Association Mondiale pour l'Ecole Instrument de Paix, ou Education et Développement donnent un cadre référentiel de valeurs fondamentales pour notre école. La gestion non-violente des conflits est au sein de nos préoccupations.³¹⁹ La médiation est aussi liée avec l'approche pédagogique.

« Mais l'originalité de la médiation tient à l'assurance que la personne, d'une part, est éduicable et, d'autre part, l'est suffisamment pour découvrir elle-même les solutions les plus adéquates. C'est peut-être le type d'expériences de médiation le plus explicitement ancré dans une philosophie de l'éducabilité...Les expériences de la médiation interpersonnelle ont paru être le moyen de résoudre une grande partie de ces différents problèmes : en réglant les conflits déclarés et donc en limitant la violence quotidienne dans les établissements, en redonnant aux enfants des bases de compréhension de leur place et de la place des autres, et une échelle de valeurs indispensable à la vie sociale partagée. »³²⁰

Si la résolution non-violente des conflits et la médiation sont au sein des valeurs de l'UNESCO, la médiation fait aussi partie intégrante des pratiques dans l'éducation cognitive.

« La médiation, ici est une « action intentionnelle et explicite de l'enseignant consistant à favoriser l'appropriation des savoirs scolaires par les apprenants, et devant permettre à l'enfant de trouver du sens, de construire du sens dans ses différents mondes : l'environnement social, l'institution scolaire et l'univers des savoirs...ceci identification faite des obstacles naturels entravant le cheminement de tout apprenant vers la connaissance ». »³²¹

³¹⁸ Bucher, Beat, Nicolet, Michel,(2003) Profession enseignante-lignes directrices, Thèses émises par la Task force « Perspectives professionnelles dans l'enseignement » de la Conférence suisse des directeurs cantonaux de l'instruction publique (CDIP) p. 17.

³¹⁹ Muller, Jean-Marie, De la non-violence en éducation, UNESCO 2002.

³²⁰ P. 89, Cardinet, Annie, Ecole et Médiation. Trajets Editions Erès, 2000.

³²¹ P. 136 Cardinet, Annie, Ecole et Médiations. Trajets Editions Erès, 2000.

Nous sommes de l'avis que les médiations à l'école sont multiples. Nous voulons faire sortir l'importance des médiations à l'école dans notre approche pédagogique avec un programme de formation de base et de formation continue qui rend plus visible les différentes médiations existantes à l'école. Cette approche cherche à formaliser les pratiques déjà présentes par une cohérence pédagogique reliant les différentes formes de médiations dans un support didactique plus explicite. Un Master en Médiation respectant les nouveaux critères des HES est visé à long terme avec les partenaires cantonaux comme l'IUKB. Notre concept tente de renforcer la congruence systémique entre les théories de la gestion des conflits et les pratiques de la médiation dans les divers espaces de l'école valaisanne.

Il est aussi important de créer un espace d'apprentissage à la HEP-VS où la médiation puisse être intégrée dans le processus de résolution de conflits dans l'institution même. L'environnement est formateur. Nous pensons que la HEP-VS doit incarner une culture vivante de la médiation sur plusieurs plans.

L'UNESCO souligne l'importance de mettre l'étudiant comme acteur principal dans l'établissement d'une culture de paix et de non-violence. Pour cette raison, l'objectif principal de l'école n'est pas seulement de renforcer les buts traditionnels de l'acquisition spécifique du savoir mais aussi de développer et de vivre des relations sociales qui caractérisent une culture de coopération et de paix. A vrai dire, les recherches démontrent qu'un étudiant apprend mieux dans un contexte et un environnement coopératifs. Ceci demande que le processus éducatif n'implique pas seulement les étudiants et enseignants, mais également les parents et la communauté environnante dans une démarche commune et partagée. Ce processus doit être renforcé sur tous les niveaux, depuis la classe jusqu'au niveau de la politique de l'éducation, dans une démarche continue de réflexion et de réforme. La reconnaissance de l'interdépendance de l'école et de la communauté est à la base de ce projet.³²²

Les Médiations à L'Ecole :

- Médiateur du savoir-dimension pédagogique
- Médiation dans les projets d'établissements
- Médiation par les pairs
- Médiation conseil et écoute, par un médiateur avec une formation spécifique et un statut reconnu par l'institution
- Médiation interculturelle, didactique des langues
- Médiation interculturelle, interprète
- Mentors pour les familles étrangères
- Espace de médiation dans les lieux et dans les processus de la gestion des conflits à la HEP-VS
- Médiateur objet : livre, tableau, nouvelles technologies, lieux, principalement en lien avec les musées cantonaux
- Médiation entre parents et élèves, enseignants et parents

Les Pédagogies Innovantes en lien avec La Médiation :

- Pédagogies multiculturelles
- L'Intelligence Emotionnelle de Daniel Goleman

³²² Sintra Plan of Action, International Forum on Education for Non-Violence, UNESCO Interregional Project for Culture of Peace and Non-Violence in Educational Institutions. Sintra, Portugal, 22 May 1996-Guidelines for a Plan of Action.

- La reconnaissance des intelligences multiples de travaux de Howard Gardner.
- Pédagogie des projets interdisciplinaires
- Projets de « mentor » entre élèves
- Pédagogie cognitive, Bandura, Vygotsky, Feuerstein
- Inclusion de la différence vs. Exclusion
- Réflexivité, Schön
- La Culture de l'École, Jérôme Bruner
- « Care », Nel Noddings
- Dialogue, Bohm, Buber, Friere, Habermas
- Social Construction Theory, Kenneth Gergen
- Ecological Systems Theory, Bronfenbrenner
- L'organisation apprenante, Peter Senge, Schools that Learn (2000)

Les théories de l'éducation et les recherches proposent un nouveau paradigme dans lequel les relations sociales ainsi que l'intelligence émotionnelle deviennent des aspects clés du processus d'apprentissage. Feuerstein parle même d'apprentissage médiatisé.

Aujourd'hui, nous sommes appelés à voir l'institution de l'école dans une perspective holistique. A savoir, intégrer une vision systémique et écologique qui englobe les divers espaces de vie interdépendante et dynamique. Il s'agit, également, de créer une nouvelle carte cognitive qui prenne en compte les nombreuses connaissances et les divers processus d'apprentissage. Notre compréhension des processus cognitifs est donc reconfigurée. Il n'est, dès lors, plus possible de séparer l'instruction de l'éducation. Les nouvelles pédagogies l'ont d'ailleurs bien compris puisqu'elles relient profondément ces deux concepts. Les valeurs d'une société fondée sur la coopération sont déjà présentes dans certaines méthodes d'enseignement et dans les règles de « vivre ensemble » de certains établissements scolaires. Dans ce monde qui change aussi vite, la manière même d'appréhender le savoir est aussi transformée. Mémoriser, par exemple, n'a pas la même utilité qu'auparavant. Aujourd'hui, il s'agit de travailler dans des projets interdisciplinaires pour co-construire un sens. Dans cette configuration, il s'agit de développer et d'intégrer des compétences émotionnelles, relationnelles et communicationnelles également.

Il y a de multiples intelligences. Toutes ces intelligences ont besoin d'être reconnues pour valoriser les étudiants en formation dans les écoles. La diversité des talents et les intelligences est la force de notre société.

Il est possible de modifier les relations et la communication entre les êtres humains en donnant une légitimité à la médiation pour la gestion des conflits, mais dans une perspective de « faire le lien ». Le médiateur crée, dès lors, un espace où le dialogue peut vivre. Il crée un espace de paroles où le discours et les paroles de toutes les personnes impliquées sont prises en compte et valorisées. Ce processus participatif développe la multi-perspectivité et favorise une compréhension mutuelle. L'efficacité se trouve dans la dimension participative où la recherche de solutions entre les divers partenaires est responsabilisée. L'accent est mis sur l'apprentissage du processus participatif où l'apprentissage se fait en parlant et en vivant avec l'Autre.

Aujourd'hui il est important d'apprendre à apprendre. Imposer des solutions ne correspond souvent pas aux besoins des personnes et elles ne sont souvent ni appliquées, ni mises en œuvre. La créativité et la recherche de sens doivent être suscitées pour faire participer la personne. Ce processus d'accompagnement que le médiateur met en place pour la gestion de

conflits est semblable aux processus pédagogiques novateurs du siècle passé dans lesquels les capacités cognitives étaient stimulées par la mise en place d'un contexte relationnel et communicationnel. « Selon cette conception de la communication, la manière de configurer le sens d'une situation se transforme. Le sens se coconstruit en situation et en action. Le modèle de pertinence normative n'est plus posé a priori. Il s'agit de susciter, de pluraliser la participation des protagonistes et de faire appel à leurs compétences cognitives et réflexives. »³²³

La médiation est un processus de gestion de conflits éducatifs. Il est important de revaloriser le travail des médiateurs scolaires et les espaces de dialogues dans les établissements dans une approche systémique qui mette en lien les partenaires de l'école, les professionnelles, les familles et les élèves. Une culture de médiation peut se mettre en place au travers de formations et d'expériences concrètes partagées en société. La politique du DECS aurait l'opportunité, par ce biais, d'intensifier une culture de coopération qui reste la clé de la prévention à la violence. Les médiations à l'école sont multiples, néanmoins, pour qu'elles puissent développer leur plein potentiel, elles ont besoin d'être valorisées et reconnues au niveau politique également. Une reclarification de leur rôle leur offrirait également une légitimité dont elles ont principalement besoin.

Des Projets Pédagogiques 2007-2008

Créer un groupe de travail avec des enseignants et des étudiants de la HEP-VS qui puisse se mettre en contact avec les cycles et d'autres écoles valaisannes pour présenter une offre de sensibilisation aux droits de l'homme avec le support de courts métrages qui furent présentés au festival du film à Locarno dans la catégorie « Droits et Libertés, **tous courts** ». Il s'agit de six courts métrages autour des droits de l'homme où des réalisateurs suisses ont mis en image un article de leur choix.

Créer un processus participatif : l'apprentissage à la démocratie s'apprend à travers la participation dans la recherche de solutions pour des problématiques complexes. Il s'agirait de créer un groupe de travail pour la prévention de l'émergence des conflits ou la gestion de conflits au sein de la HEP-VS qui serait composé de représentants de la direction, de professeurs et d'étudiants. Ex. : changement de l'horaire de train-quels solutions?

Visiter Reggio Emilia en Italie pour un échange avec des pédagogies innovantes de la petite enfance mises en avant dans ce centre mondialement connu.

Créer des liens : Une manière de mettre en place un projet concret autour de la médiation, dans son approche de « créer des liens », serait, par exemple, d'aménager les jardins extérieurs ou d'améliorer l'espace et l'accueil dans les locaux à l'intérieur. Johan Decklerck et Anouk Depuydt ont fait une recherche-action dans des écoles en Belgique.³²⁴ Les exercices qu'ils proposent sont basés sur les actes primordiaux qui définissent notre humanité. Par exemple, les enfants font des repas ensemble avec des produits sains. Une classe va créer un jardin sur les lieux de l'établissement scolaire et

³²³ P. 141. Lebrun, Jean-Pierre, Volckrick, Elisabeth, (2005). Avons-nous encore besoin d'un tiers ? Humus, èrès.

³²⁴ Riva, Susie, (2000). Promoting a Culture of Peace and Permanence, Master Européen en Médiation, IUKB.

s'en occuper ensemble. Une autre approche est d'aider un camarade dans l'apprentissage (tutorat). Leur projet de prévention est fondé sur l'acte de « faire le lien ».

Le processus participatif peut être vécu à travers la mise en place d'un groupe qui représente les professeurs, les étudiants et l'administration. Un facilitateur ou médiateur est gardien du processus et prend en charge avec le groupe, l'aménagement d'espaces conviviales à l'intérieur et l'extérieur de La HEP-VS :

Concept de Formation

Le Bachelor devrait contenir une sensibilisation à la médiation pour co-construire un sens et une compréhension commune de la médiation qui soit partagée entre les enseignants, les pédagogues et les responsables de la politique de l'éducation. Les médiations à l'école doivent être identifiées et explicitées. Des méthodologies utilisées dans les projets pédagogiques ainsi que les valeurs véhiculées par l'UNESCO ou d'autres partenaires de l'école devraient être intégrées. Et l'expérience de vivre dans une culture de la médiation au sein de l'établissement de la HEP-VS devrait contribuer à la formation des enseignants.

Une Formation Continue en médiation qui forme des enseignants à la pratique de la médiation pourrait être organisée à la HEP-VS pour unifier la formation dans notre institution. De cette manière une meilleure cohérence pourrait être établie entre la pratique dans les établissements et la formation. Le suivi et la supervision des médiateurs pourraient être aussi facilités par un groupe de formateurs présents dans l'équipe pédagogique à la HEP-VS.

Un Master en Médiation de la HEP-VS selon les nouveaux critères pourrait être mis à l'étude avec la collaboration des partenaires comme le Service de la Jeunesse sous Mr Schnyder et le Centre de Recherche en Médiation à l'IUKB.

Conclusion : « *Les recherches récentes tendent à montrer que les projets globaux ou tous les acteurs sont impliqués et éduqués aux concepts de médiation sont les plus efficaces. Ceci inclut l'ensemble de la communauté éducative, l'ensemble des élèves ainsi que leurs parents.* »³²⁵

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