Chapter One

How to Work with Conflict Stories: Nine Hallmarks of Narrative Mediation

This book is about taking stories seriously in the practice of mediation. Taking stories seriously, to us, means treating them as having the power to shape experiences, influence mind-sets, and construct relationships. It also means seeing them as having something of a life of their own, as embarking on a mission that sometimes seems to drag people along behind. It means inquiring into the work being done by such stories in conflict situations, particularly into whether the protagonists in a conflict are happy with the direction that a story is taking them and whether they would prefer to go somewhere else.

Even in these few words, we have departed from some other common ways in which people understand stories. From time to time you may hear people say, "Oh, that's just a story," in a way that disparages the truth value of what has been said. The implication is that the account given is not fully accurate or that it is a deliberate distortion or that it is not very objective and therefore not worth much. In some forms of professional practice, stories are regarded as suspect versions of the truth of what has happened, and the job of the professional is conceived of as penetrating beneath the surface to the underlying truth. From this perspective, mediators might hear the different versions of what disputants tell them as layers of camouflage that cover over the facts. If mediators can only see through the stories to those hidden facts then they will be in a better position to help

the parties deal with the substantive issues that divide them and move toward resolution.

It is not really surprising that this suspicious perspective is commonplace among professionals. It is, after all, the standard approach in most of social science to search for underlying patterns, foundational facts, or solid, verifiable, or even generalizable truths. Jerome Bruner (1986) refers to this as the *paradigmatic* approach. So when mediators undertake this search, they are doing what many others in many other branches of the human sciences have done.

Our concern is with the opportunity that might be missed in the process of quickly dismissing stories as unreliable. What might be missed is the work done by stories to *construct* realities, not just to *report* on them, apparently inaccurately. Rather than moving as quickly as one can away from stories and toward an emphasis on what is factual, objective, and patterned, we believe there is much to be gained by staying with the stories themselves, inquiring into the work that they do, and experimenting with how these stories might be reshaped in order to transform relationships.

In this first chapter we explain how we have been going about doing this kind of exploration. And we summarize what we see as the hallmarks of a narrative practice of mediation. We have written about narrative mediation before, and this book is intended to develop what we published eight years ago (Winslade & Monk, 2000). Since then we have tried out many ways of describing the practice of narrative mediation, seeking the way that will make it easier for practitioners to entertain embracing this practice. This chapter is in many ways a distillation of that experience.

Some years ago we read an article by Joseph P. Folger and Robert A. Baruch Bush (2001) on the hallmarks of a transformative perspective in mediation. We found this article helpful because it specified some ethical and theoretical commitments and also clearly pointed to some particular practices. Although we have many sympathies with what the transformative mediators are endeavoring to do, we also have some different emphases in our own work. This article sharpened our understanding of a transformative approach and made us notice places of difference in how we think about doing mediation. It also prompted us to

identify the hallmarks of a narrative approach to mediation and to consider how we might state these hallmarks in succinct and accessible ways. We are grateful to Folger and Bush for cuing us to follow this line of inquiry.

This chapter results from that inquiry. For those who have not read our previous book, this chapter will introduce you to a narrative perspective relatively quickly. For those who have read our previous book, this chapter distills that work into a briefer statement.

Here then are nine hallmarks of a narrative practice in mediation. We shall list them all together and then expand on each one in turn.

1. Assume that people live their lives through stories.
2. Avoid essentialist assumptions.
3. Engage in double listening.
4. Build an externalizing conversation.
5. View the problem story as a restraint.
6. Listen for discursive positioning.
7. Identify openings to an alternative story.
8. Re-author the relationship story.
9. Document progress.

The first two hallmarks are about the assumptions that a mediator brings with him or her into the room. They therefore involve some preparatory work, reading about the background to these ideas and thinking through the implications of these assumptions. The other seven hallmarks are practices built on the foundation of these assumptions. They involve practice and rehearsal to develop facility with their use.

Hallmark 1: Assume That People Live Their Lives Through Stories (Stories Matter)

This hallmark is about the adoption of the narrative perspective in mediation. Some people who have not come across narrative mediation before respond to the concept by assuming that its focus is on fostering the telling of stories, or on the analysis of stories or on the autobiographical impulse. There is nothing

wrong with these focal interests, but they are not what we mean by a narrative perspective. We are referring to the idea that narratives serve a shaping or constitutive purpose in people's lives.

What do we mean by a *narrative,* or *story*? In the first place, we are speaking about the stories that people tell themselves or tell each other. In many social interactions people respond to the presence of the other(s) by telling a story. "How was your day?" is usually followed by the telling of a story. "What have you been doing lately?" produces a different response but still a story. When a lawyer in a courtroom asks, "What did you see happen?" the witness tells a story in response. When a police officer says, "Is there any reason why I should not give you a speeding ticket?" the driver might construct a justificatory story. When a spouse asks, "Why are you so late?" the husband or wife so questioned is less likely to respond with a list of rationally enumerated reasons than with an explanatory story. As people tell stories they establish for themselves, as well as for others, a sense of continuity in life. Stories give people the reassuring sense that life is not just a series of events happening one after the other without rhyme or reason. In terms of individuals' sense of themselves, stories enable people to have a sense of coherence about who they are. However, as Sara Cobb (1993) has pointed out, some stories are more coherent accounts than others. Some retellings are more rehearsed than others. These differences can influence what happens to the stories that people tell in the context of mediation.

We are also using the word *story* to refer to the background stories with which each person's cultural world is redolent. People do not just make up from nothing the stories they tell each other. From the cultural world around them, they draw on a range of resources and borrow ready-made narrative elements, and then they fashion these elements into a format intended to meet a communicative purpose. These narrative elements include plot devices (such as a beginning in medias res; a sudden turn of events; an act of God, or deus ex machina; a complicating action; a related subplot; or an expected or unexpected denouement); story genres (such as comedy, tragedy, melodrama, soap opera, or slice-of-life story); characterizations (such as victim, villain, rescuer, saintly hero, objectified target, flawed genius, powerful controller, or disempowered recipient); contextual settings, each

with its typical conflict format (such as the workplace dispute, domestic dispute, community or neighborhood dispute, organizational dispute, commercial dispute, school conflict, or landlord-tenant dispute); and thematic driving forces (such as racism, sexism, homophobia, disability, power, recognition, authenticity, or employee rights).

As narrative mediators observe these narrative elements at work, they often hear the playing out of background cultural scripts of which the protagonists are not the original authors. Seyla Benhabib (2002) recommends, in fact, thinking of culture primarily in narrative terms. For example, if a person refers to a character such as the schoolyard bully, the controlling husband, the punitive boss, or the noisy neighbor, there are a number of stock story lines that will come easily to his or her mind. It is much easier for disputants to attempt to fit themselves and their fellow disputants into one of these well-known story lines than it is for them to make up a completely new plot. Apart from any other consideration, using stock narrative elements makes it easier to garner the recognition and support of third parties (friends, relatives, and even mediators).

Along with these background scripts come built-in assumptions about how the world is, how people should be, and how people should respond when the "rules" are broken. It is for these assumptions that we find it most useful to employ the terminology of discourse theory. The word *discourse* can be used in a variety of ways. We are using it to refer primarily to the conceptualizations of Michel Foucault (1972, 1978, 1980, 2000), who emphasized the function of discourse as repetitive practice out of which people form their understandings of the world they live in. These understandings then work in turn to inform the practices (both linguistic and behavioral) that people engage in. The motion of discourse is thus circular and works to seal off the possibility of thinking otherwise. Discourse is a function of the way that people use recursive patterns of language to embody social norms and to establish taken-for-granted understandings about how things are in the world. Discourses can be represented as statements of meaning about the ordinary and everyday aspects of life: eating fruit is good for you; it is polite to say thank you when offered something; family loyalty is of primary importance; it is

important to stand up for yourself when attacked; hard work brings rewards; infidelity ends a marriage; and so on. Behind each of these statements lies a story that people have heard repeated many times or that they can slot into when it applies to their life circumstances. Many of these pieces of discourse are not at all contentious, but some are strongly disputed: for example, a man should be the head of the household; white privilege is based on natural superiority; homosexuality is not natural; disabled persons should be grateful for the charity they receive. Each of these meanings serves an organizing function in a power relation. It sets up exchanges between people as individuals and as social groups. Notice how the word *natural* is used in some of these statements. This illustrates the way in which discourses work to make some assumptions appear to have such undisputed ordinariness that they can scarcely be questioned. They appear to be, and come to be treated as, part of the natural order of the universe.

Hallmark 2: Avoid Essentialist Understandings (It's Not All in the Natural Essence)

Essentialism is the habit of thought that invites people to always look for explanations in the intrinsic essence of things or of persons rather than in cultural influences like narratives. This has been a tradition of thought in Western culture since the time of the ancient Greeks. In recent times, however, it has come under constant critique, and alternative perspectives that are more dialogical, more relational, and more constructionist are being promoted.

Essentialist, or inside-out, approaches to conflict ascribe people's behavior to their nature, whether this nature is thought of as personality or as an internal state involving emotion, attitude, and mood. "He's an aggressive person!" "She's manipulative by nature"; "He's a victim type"; "Those two have a personality conflict"; "She is disturbed"; "He is ADHD." Rather than understanding people as motivated by internal states, instinctual drives, forces immanent in the core self, or personality, we prefer to start from a different psychology, one that is built on an outside-in approach. From this perspective, we can see people's interests, their emotions, their behaviors, and their interpretations as

produced within a cultural or discursive world of relations and then internalized.

Thinking this way leads to a study of how power operates through discourse to produce expectations of people's places in the world. It also leads to an understanding of narratives as setting up positions in a conflict, as constructing relations, as producing the feelings and emotions in these relations. This approach to emotional experience does not make a person's feelings any the less real or any the less painful, but it might alter how others conceptualize their responses. Rather than assuming that a person's feelings or thoughts are essential to *who he or she is,* one might think of them as essential to *a narrative in which the person is situated* and, therefore, when the story shifts, or the person's position within the story shifts, the emotions will follow.

There is a delicate distinction here that needs to be stated with care. We are not suggesting that people's strongly held feelings should be ignored. We agree with the emphasis in other approaches to mediation on empathetically acknowledging feelings and on encouraging disputing parties to recognize each other's perspectives. But at the same time we want to be careful in how we think about just what is being recognized or empathized with. It is a position in a narrative rather than an essence of who the person is. It is constructed more than natural. It is real in its effects but it may be subject to change. Any one individual may be part of more than one narrative, may shift tracks to another line, may become something other than "who he is" or "who she is." This leads us into the next hallmark, which is built on the rejection of the assumptions of essentialism. It is the beginning of a narrative practice in mediation.

Hallmark 3: Engage in Double Listening (There's Always More Than One Story)

Double listening starts from the assumption that people are always situated within multiple story lines. It is a recognition of the complexity of life. We do not have a bias in favor of *integrating* a person's multiple story lines into a singular or congruent whole, as some psychologies would argue one should. We do not believe that the integration of disparate narratives is a worthwhile goal

for social practice. It is sometimes assumed that integration is necessary to combat confusion. In practice, however, people are well used to shifting seamlessly from one narrative to another, as they go from home to school, from home to work, from the peer group to the family, or from one relationship to another. Far from being confusing, multiple narratives often give people a range of narrative options within which to situate themselves and from which to respond. They are a resource to be treasured, rather than a complication to be integrated away.

In mediation we are, on the one hand, particularly interested in the conflict-saturated relationship narrative in which people are often stuck. And we are, on the other hand, also interested in the alternative relationship story out of which people would prefer to relate to each other, if they could. We do not assume that the conflict story will lead us and the disputants through the narrow ravine of negotiation to arrive eventually at the peaceful plain of resolution and agreement. Rather, we assume that the two stories may continue to run parallel to some degree. In narrative mediation, we are first interested in inviting people to switch tracks to the path of the alternative story. This story might feature their preferred ways of interacting about their differences, their unexpressed hopes that brought them to mediation, themes of cooperation or understanding or respect. They may also involve actions that shift the power relations onto a more just footing, or intentions to make things better, even when one is unable to carry through on these intentions.

Double listening hears both of these stories. It does not acknowledge just the pain of the conflict story but also the hope of the other story that sits alongside. It allows mediators to acknowledge and recognize, at the same time, feelings of anger and pride, hope and despair, hurt and recognition. As we engage in double listening we hear certain aspects of what people say more richly. We listen for the pieces of information that are commonly glossed over, and we hear them as indications of the existence of another story, one that is currently lying subjugated. We hear the word *but* in the middle of a sentence as a hinge around which two stories are swinging. Take this utterance for example: "I was really angry at the time but I calmed down later." The remark is made up of two statements that may refer to two different positions in two

different stories of events: one in which outrage and strong feeling shape the response and one in which considered reflection takes the response in a different direction.

Double listening may also cue us to notice the contradictions between people's words and their nonverbal expressions. Think of the person who says yes to a proposal but the voice is hesitant and the expression on the face is strained. The nonverbals say no while the verbalization says yes. Which is correct? If we are double listening, they may both be correct and consistent responses, but each may have meaning within a different narrative.

Deconstruction

Once essentialism is eschewed then the meaning of what people say in a mediation does not have to be assumed to be obvious or single-storied. Following the deconstructive method of linguistic philosopher Jacques Derrida (1976), in narrative mediation we are often seeking to open up new meanings in the parties' utterances, in the hope that they can provide openings to new story lines. Derrida approaches deconstruction by identifying the negative as well as the positive meaning of any word or concept. A word is treated not as having intrinsic meaning in itself but as having meaning in the context of its relationship with other words, especially with its binary opposite. Each side of the binary relies to some extent on the other side to support its meaning. There is, for example, a binary relationship between concepts like aggression and passivity, love and hate, problem and solution, grievance and redress, remorse and forgiveness, employer and employee, landlord and tenant, and victim and villain. Derrida's deconstructive inquiry aims to release meanings from the rigidity of binary opposition and to search out surplus meanings that might give rise to new forms of living.

This idea is of importance to mediation because the practice of mediation has been built on a setup that assumes the two parties in a dispute are in some form of binary opposition. The very purpose of negotiation might be considered to be the development of surplus meaning, beyond the parties' encapsulated stories about the conflict. In the hustle and bustle of practice, however, mediators do not have the luxury of engaging in

the detailed philosophical inquiries that someone like Derrida develops. What they can do, though, is to maintain a stance of naïve inquiry that treats meanings as curios to be respectfully turned over and examined, rather than accepted at face value.

Michael White has developed Derrida's idea into a further version of double listening. This version attends to an "absent but implicit" story (2000, p. 153) and enables the mediator to hear the story that lies hidden or masked in the background of a conflict story. Every expression about an event can be seen to be built on a contrast with its opposite. If mediators engage in doubly listening to an expression of strong anger at being wronged, they can also hear in the background a statement of what the speaker values, believes in, hopes for, cherishes, or desires to protect. Double listening enables them to do more than acknowledge the experience of being angry and feeling wronged; it also opens up the possibility that they can listen to the story of what the speaker values and holds important.

Let us illustrate this idea with an example. Suppose someone says in a mediation, "I am upset about being spoken to in that way. It is offensive and wrong, and I am not going to sit and listen to it." We can hear the anger and outrage and can acknowledge it, as many mediators are taught to do, through reflection and paraphrase. But we can also hear something else. What is absent from the words but implicit in them is that this person is expressing a preference for the opposite to what has been happening. It may be a preference for more inclusive conversation, for an ethic of speaking that is not offensive, or for a valuing of relationship in a certain respectful mode. Double listening enables us to inquire into this implicit, preferred story of relationship, rather than stopping at acknowledging the anger and pain. We are often struck in mediations by the fact that on the one hand, people are sitting there talking about things they are upset and angry about, that they find really painful, and yet on the other hand, they are sitting there with some implicit hope that this will make a difference. The hope may not be expressed openly but it is implicit in their presence in the room. Mediators can give this story of hope for something better a chance if they first of all hear this absent but implicit hope and then begin to inquire into the story that it is a part of. This story may often be subordinate

to the story of the outrage and pain, but it perhaps speaks to the person's better intentions in relation to the other party. If given the chance for expression, these better intentions can give rise to a different story in the future.

Ury's Positive No as an Example of Double Listening

William Ury (2007) has recently pointed to a form of double listening. In his account of "the power of a positive no" in the process of negotiation, he advocates that when people want to say no, they should also identify the underlying principle of what they are saying yes to and couch the no in the context of that yes. As he puts it, "Saying No means, first of all, saying *Yes!* to yourself and protecting what is important to you" (p. 16). The resulting no is more respectful and less provocative than a no that does not contain an indication of what the negotiator is saying yes to. Not everyone, however, will be in the position to make such a positive no without some assistance. That is where mediators who engage in double listening can help. When they hear a person saying no, they can ask questions to bring forward the implicit yes statement that explains the value positions that are being protected.

Double listening, then, is a practice that consistently hears not just one story but at least two, and often more. It opens up complexity rather than closing it down. When mediators use it to draw out the differences between different stories, then they are in a position to invite people to make choices about which story they want to live from in this context. Making this choice is an exercise in agency and goes a long way toward forgoing positions of helplessness in mediation.

Here is a small example of double listening in action. It comes from a role-played mediation that addressed a conflict between two coworkers in a residential facility for adults with intellectual disabilities.

Lisa: I don't want to come off as overprotective or overbearing. I guess that's just my personality. I don't mean to be like that.

Mediator: So it's important to you not to come across as overprotective . . .

Lisa: Overprotective or overbearing to the residents, because they are over the age of eighteen and I do want them to develop life skills. It's just the way we do it.

Mediator: So am I right in understanding that one thing this conflict is doing is that it has you concerned about how you are coming across to Michelle and to the residents.

Lisa: Mmhmm, exactly.

Mediator: And maybe it's distorting, would that be fair, it's distorting how you come across.

Lisa: I think it is. It is distorting. I don't want her to think that.

The mediator's responses here do not hear just Lisa's sense of displeasure at how she is being represented as overprotective and overbearing by Michelle, her coworker, in the conflict. Nor do they discredit Michelle's experience of Lisa in those terms. Instead, Lisa's negative response to how she is represented is also heard in positive terms. The flip side of her rejection of being thought of as overprotective is that she cares about how she comes across in her relationship with Michelle. This is a positive concern, not just a negative expression of anger at what another disputant is saying. Such double listening also opens up grounds for an inquiry into what might be "distorted" by the conflict story, which might be a desire for a working relationship that embodies concern for the other rather than just anger at what the other has said. It is also noticeable that Lisa embraces this version of events with some enthusiasm. Double listening, in our view, often produces an experience of being heard to have and be respected for quite complex nuances of thought and emotion.

Hallmark 4: Build an Externalizing Conversation (The Person Is Not the Problem; The Problem Is the Problem)

In the stress of conflict situations, it is not uncommon for one party to develop a conviction that the other party is in fact the problem, that this person is by nature a bad person in some way. In private moments this first party might also harbor musings about himself. "Am I just too stubborn?" he might wonder.

Or he may feel a degree of ongoing guilt about things he has said or done in the heat of the conflict. The thought that therefore "I am a bad person" may persist. Such convictions are built on essentialist assumptions about the origins of conflict. These assumptions often establish a position from which it is not easy to negotiate in good faith. How can you do a deal with the devil? Or how can you trust your own devilish nature to do such a deal? As people tell conflict stories, they often reinforce their internalized convictions and sink further into them.

Externalizing conversations provide an antidote (White, 2007, p. 9) to these convictions by attributing the pain and suffering to the conflict itself, rather than to the nature of either of the parties. Building externalizing conversations is central to narrative practice. Externalizing is a mode of language use that shifts the relational ground between a person and a conflict. It invites people to see the conflict as a third party (one that has a life of its own) and as leading them along a path (willingly or unwillingly) that may or may not suit them. Externalizing creates a linguistic space in which people can notice the effects of the conflict itself, rather than its causes, and assess whether they like those effects or not. It assists people to step out of positions of blame or shame and enables them to save face by ascribing problems to the conflict itself, rather than to themselves or to the other party. Therefore externalizing language helps people separate from the conflict story and makes room for alternative stories to emerge. Here are some examples of externalizing questions that mediators might ask:

Examples of Questions Using Externalizing Language

- What might we call this thing that we're up against? Is it an argument? A dispute? A disagreement? A situation? Or what? What would you call it?
- How long has it been around? How has it grown in importance?
- What effect is it having on you?
- How does it get you to feel? To speak? To behave?
- How does it persuade you to think about the other person?
- What is it costing you?

- Does it follow you into all the domains of your life? Work, home, finances, friendships, customer relations, staff morale?
- If it was to keep on getting worse, where might it end up taking you?
- How much power does it have over you?
- Does it interfere with your best intentions? Your hopes for something else? Your preferences for how things could be different?

People often report that externalizing conversations open up new spaces in their thinking. Some report the effect as almost physically tangible. They can feel the weight of something experienced internally as oppressive and painful shifting as they respond. Others talk about the advantages of taking a different perspective from which the conflict itself does not feel so intense and that affords them some reflective space to consider anew what is important to them.

Mapping the Effects of a Conflict

As mediators learn to use externalizing conversations, they often feel awkward for a while, as if the words do not fit easily in their mouths. Some start to get the hang of it and enjoy the first few exhilarating moments of externalizing and then quickly run dry and wonder where to go next. One externalizing utterance does not, of course, make for a conversation. We therefore advise that it is useful to build on an initial foray into externalizing language by moving directly to the process of *mapping the effects* of the externalized problem. The parties may be invited to give the conflict a name, or a name may arise spontaneously out of the conversation. Or if no name seems to emerge, the conflict can be referred to simply as "it." Then the mediator can ask, "So what effect is *it* having on you and on your relationship?" The mediator needs to persist with this inquiry, so that enough of the effects of the conflict are mapped out and noticed.

The effects of the conflict story on the persons embroiled in it can be mapped across a range of domains. There will clearly be emotional effects, which most people can easily talk about, but it is a mistake in narrative mediation to stop with

the emotional effects. To do so risks isolating people in their individual emotional responses. There will also be relational effects, which will take different forms according to the context in which the conflict takes place. In family mediation the relational effects influence the communication patterns and trust displayed between family members or in the care of children. In organizations, relational effects may be manifest in the formation of cliques, in dysfunctional meetings that achieve little, in declining membership participation, in complaints from the general public, and so on. In businesses, relational effects may be experienced in problems between departments, in expressions of lowered employee morale, in increased customer dissatisfaction, or in decreased income through sales, and so on. In schools, relational effects may affect student learning opportunities. In hospitals, relational effects may affect the quality of patient care. Mapping the effects of a conflict benefits from being extended beyond the mind of the individual to what is happening in the context of the dispute. As a result, disputants get to experience their own feelings about the dispute as embedded in a wider context. People are commonly surprised by what emerges from this inquiry into a conflict story's effects and are galvanized into a determination to change things.

Example of an Externalizing Conversation

Here is an example of the development of an externalizing conversation; it also includes some mapping of the effects of the problem.

Mediator: I'm wondering if we can take your problem here and give it a name if that's OK. Can we call it something like "procedural situation"? Just to give it a name so that we all know what it's about. If you don't like that or have a better name then we can think of something else, is that OK?

Participant: "Registration problem" would work with me.

Mediator: OK, great. How has this registration problem made you feel and think in relation to yourself, home, and the university?

Participant: Well, it has made me think about how I approach issues that I have a problem with. I don't want to appear combative.

Mediator: So that's important to you and how you want people to see you at work?

Participant: Yes. I am not someone who goes out of her way to get into conflict and this thing makes me appear that way. Or at least I am concerned that it does. But I do also think I have a right to ask those questions and have them answered.

Mediator: Any other effects the registration problem is having, on you or on anyone else?

Participant: My husband is probably tired of me complaining about it at home and I think that within the university it creates a lot of tension between our Enrollment & Financial Aid Department and the program administrators.

Mediator: So, a lot of people are affected by this problem, in your mind. Where do you think this will lead? In other words, if nothing changes and the registration problem persists, what do you think this will do to you and the university and your family?

Participant: I don't think it will have a very big impact on my family but I think the university could have a lawsuit filed against it for breaching the law. It's not like we're some Joe Schmo university, it's a very reputable university and if people knew the practices that go on, they wouldn't see it as very reputable anymore.

Mediator: So this registration problem has affected your relationship with your coworkers, your boss, and at home in terms of your husband who has listened to you vent.

Hallmark 5: View the Problem Story as a Restraint (How Is the Problem Holding You Back?)

This hallmark is built on the idea that what people talk about and the way they talk about it construct the world that they live in. This is a basic assumption of social constructionism. In this sense

all talk is constructive. It sets the ground for people's experience. If people talk differently or talk about something different from their usual subjects, they will experience the world differently. It therefore matters very much what people say and how they speak.

If this is true, then consider the first thing that people in mediation often spend their energy talking about. Many approaches to mediation stipulate that the first task of mediation is to define the problem. In response many mediators spend due time asking the parties to define the problem and to expand upon their different perspectives on it. By the time this task has been completed the problem has not only been defined but has grown in proportion in people's minds. A pile of problem talk has been built up in the middle of the room, and for the rest of the conversation, it dominates what can be talked about. The more people focus on it, the more it grows in significance. In order to deal with the problem people have to climb the mountain of the problem to reach the downhill slope on the other side. The first part of the mediation conversation has, moreover, added height to the mountain that they have to climb.

Accessing a Story of Hope

An alternative approach is to resist the temptation to start by defining the problem. We have experimented sometimes with starting by inviting people to talk about the counterstory to the problem. Later we seek to build on and grow this counterstory into a fully fledged account of clients might go forward in life without the conflict being so dominant. At the start of the conversation, parties have already made a small commitment, however tentative, to this counterstory. They are in the room. They have come along to participate. To do so they must have some hope in mind for something useful to come of the mediation. We can therefore invite them to speak to this hope early on. "What is your hope for what might come from this meeting?" we might ask. Or, "How do you hope we might talk about things here today?" These questions invite people to speak from their most noble selves. Many will respond by speaking about a desire for respectful conversation or for an outcome that honors both

parties or some variation on such themes. Some will hear the question as asking them to speak about what Fisher and Ury (1981) have called their own positions with regard to outcome. That is, they will respond not so much from a position of inclusive hope as from a position of "what I want." In this case we might need to repeat the questions in slightly different words.

The effect of asking about people's hopes as the first topic of conversation in mediation is that people's best intentions, their noblest desires, and their ideal values (and not the most painful parts of the conflict) are placed in the forefront of attention. The intention is not to be Pollyannaish about the problem, to focus only on positive thinking or to avoid facing the conflict story, but simply to frame it differently. From this opening we can then move on to ask about the problems that seem to be standing in the way of people's hopes. The problem story then gets constructed as an obstacle to the forward movement of their most hopeful story, rather than as the mountain to be climbed before they even get to that cherished story. The forward momentum of a hopeful story is established early on, and the conflict story is constructed as a restraint that holds it back. Thinking of a conflict as a restraint is different from thinking of it as a mountain to climb. It orients the conversation differently, and we believe it opens up a different quality of talk that leads in different directions.

Example of Accessing a Story of Hope

Here is an example of a piece of conversation from early in a mediation built on the assumption that it is worth bringing out stories of hope before focusing on the problem story.

Mediator: As you came long here today, I'm imagining that you both had some hopes for the kind of conversation you might have. Do you have anything that you would like to put out about the kind of conversation that might be useful?

Michelle: I was hoping that I would be heard and I'd be given a chance and that Lisa would listen to the ideas that I'm trying to share.

Mediator: [*Noting down what she says*] So you'd be given a chance and you'd feel listened to.

Michelle: Mmhmm.

Lisa: I just hope that she understands that this is the way it's always been. I'm not picking on her. This is just the way I have always done it. I've been here twelve years and this is the way I like to work and I just want her to realize that I'm not picking on her. This is just the way that it has always been.

Mediator: OK. So for you what you would hope for would be that the conversation that we could have here would be one that increased that understanding. So what you're both expressing here is a desire for a conversation that involves hearing, listening, and understanding.

Lisa and Michelle: [*Together*] Right.

Mediator: Anything else that you would hope for?

Lisa: Maybe that we would come to some type of agreement.

Mediator: [*Noting this down*] Come to agreement.

Michelle: I was hoping that we would come to some agreement too.

Mediator: So we've got that as another hope for this conversation, that it would bring us to some kind of agreement. And in a minute I'll ask you, "About what?" But first is there anything else that you hope this conversation will feature?

Lisa: I'd like to resolve this issue and move on.

Mediator: [*Noting this down*] That you would resolve this issue and move on.

Lisa: Mmm.

Mediator: [*To Michelle*] Does that fit for you too?

Michelle: Yeah, I just want to have a pleasant work environment.

Mediator: [*Noting this down too*] A pleasant work environment. That's what you are hoping for. [*To Lisa*] How's that sound to you?

Lisa: It sounds OK.

Mediator: So you've got these ideas about what a good conversation would be about. That it would be about hearing, listening, understanding, reaching agreement, resolving issues, and establishing a pleasant working environment. But my understanding is that there have been some problems that have been getting in the way of these things. And I guess it would be a good time now to tell me and to tell each other just what have been the issues that have been getting in the way of the pleasant working environment.

In this exchange, hints of what the problem story is about are slipped into the participants' responses. But there is also remarkable agreement about what the participants want from the mediation. This is by no means a universal occurrence, but it is also not uncommon. If people come into a mediation feeling a degree of apprehension and tension, the positive emphasis of such an exchange can often help to ease this tension and to free up the conversation that follows. Having noted carefully the words that the participants have used in this exchange, the mediator is also able to return later to elements of this incipient alternative story and to revisit them as contrasting themes to the themes of the conflict story. For example: "You said earlier that you wanted to feel listened to and understood. Does what Michelle is saying now sound a bit more like that?" Or, "You said earlier that you were hoping for the reestablishment of a pleasant working environment from this conversation. Do you think that what Lisa is proposing now would help create that?"

Hallmark 6: Listen for Discursive Positioning (Words Can Break Your Bones Too)

The proverbial saying "Sticks and stones can break your bones but words can never hurt you" does not take account of the concept of discourse. Discourse theory demonstrates powerfully how the words people employ, or more accurately the discourses in which they engage, have very powerful material effects on their own and others' lives. Words do participate in the breaking of bones.

The alternative to an essentialist position is to think in terms of discourse. If conflicts do not originate out of persons' intrinsic nature, then they must come from what has been internalized into people through the course of living. In other words, they come from the cultural world, or the world inhabited by discourse. As people use discourse they construct utterances that draw on particular discourse patterns. The web of discourse usages that they draw on, even as they engage in conversations that perform a conflict, make up a worldview. This view of the world is a building block for the construction of personal identity and of relationships with others. Sometimes a single sentence, or even a single word, can call into being, if one slices all the way through the discourse in which it is situated, a world complete with story lines, identities, and relationships.

Discursive Positioning

The term that has been coined to describe this phenomenon is *discursive positioning*. Positioning theory (Davies & Harré, 1990; Harré & van Langenhøve, 1999) is the branch of general discourse theory that addresses this phenomenon. It is important to stipulate that the *positions* of discursive positioning are different from the positions discussed by Fisher and Ury (1981). Fisher and Ury are referring to the initial desired outcomes that parties bring into the mediation process and that are in contrast to their underlying interests. We are referring to something different when we speak of a person's discursive positioning. *Positioning* in our sense is a relational term. When individuals make an utterance, they call into place a form of relation through their very choice of words. They set things up in a certain way and thus implicitly call the other person(s) in the conversation into position in a relation of some kind. Conversations, including mediation conversations, can be seen as ongoing negotiations of these positions. The material out of which these positions are constructed is discourse. If the discourse out of which people are speaking is laced with, say, sexist or racist discourse, then the position that they will establish for themselves, and the position into which they call their interlocutor, will be constructed in this sexist or racist discourse. The other person may be implicitly called upon to support a sexist

position or may be called into an objectified position by racist discourse. In this way the parties in conversation move each other around. Each sets the conditions for her own and the other's speech. Each also limits the range of positions from which the other can speak.

Because we are interested in the relational conditions in which new stories can take root, we are particularly interested in the ways in which people position each other. Positioning theory promises to be a tool for making sense of how relationships are constructed and, therefore, of how changes to existing constructions can be made. It is a story-building tool.

In Chapters Two and Three we are going to explore the potential of discursive positioning much further than we did in our previous book on mediation, so we will not go much deeper into this subject here. But we shall give a couple of examples to illustrate the idea.

Imagine that someone says, in a mediation between neighbors, "I tried talking to him nicely about it but he wouldn't listen." How might we hear this statement in terms of discursive positioning?

Even without a great deal of context, we can hear how the speaker is seeking to establish a position with the mediator of rationality and culturally appropriate behavior, however this might be defined. In the relation between the two disputing parties, the speaker is intent on creating legitimacy for his own actions: I spoke "nicely," therefore I should be seen as a sane and reasonable person and my viewpoint should be given credence. It might even be understandable and legitimate in this context if I were to lose control in the next moment in the story because I am justified by my earlier efforts to be reasonable. In contrast, the other party to the dispute is positioned in a place of illegitimacy as the one who wouldn't listen, who does not respond to cool rational behavior, who is perhaps a little crazy, and who does not observe the normal rules of cultural exchange. If this person is to respond, he must now do so from the place in which he has been positioned as the irrational one. He may choose to take up this position and demonstrate irrational and emotional behavior, or he may refuse the position in which he has been placed and respond in a way that also claims for this moment

a rational and reasonable identity. He may dispute the "talking nicely" claim of the first speaker and reposition him as the crazy one from the start.

Being rational, speaking "nicely," keeping one's emotions under control, and disparaging others' behavior as crazy or inappropriate are not intrinsic aspects of any person. They can be defined very differently by different people. An individual's understanding of each of these ideas is produced in a cultural context. There is a long history in the discourse of Western cultures of privileging rational control over emotional expression, and that history lies in the background of this exchange. Without an implicit acceptance of this background discourse by all the parties to the conversation, the words used and the positioning work these words do would not make sense. There are also gendered expectations of the positions people establish in this exchange. Imagine if one or both of the participants were women. Expectations of what might be appropriate or normal behavior in a given situation might be different for women. Therefore there is a sense in which all of this background discourse is being called on in the instant that a person makes the statement, "I tried to speak nicely to him." A whole moral order is set in place in that moment.

In the course of a conversation there are many such instances of positioning. People establish a range of positions for themselves, calling on a range of discourses in the process. They also call each other into position in these discourses. There may be patterns that repeat themselves many times in the course of a mediation conversation, but there will also usually be variety within these patterns. By its very nature a discourse is established over the course of many conversations between many people in a particular cultural context. Therefore an established discourse cannot be changed as a result of one conversation. Positions, in contrast, are being shifted and negotiated all the time. In mediation, people can and do change their positions in relation to a discourse, and they change the ways in which they call each other into position. Hence, we are interested in describing what happens in mediation as, in many senses, a process of negotiation of discursive positions. We are not referring just to the negotiation that works out the final outcome of the mediation. We are

talking about the little, moment-by-moment negotiations over meaning. These we understand as negotiations over positioning, and believe that they contribute in important ways to the outcomes of mediation conversations.

Example of Discursive Positioning in a Conversation

Here is a section of a mediation conversation that illustrates the function of discursive positioning in the production of a conflict.

Michelle: The most recent example is a concert that I coordinated with the adults in the home. They're gonna perform for the community. A holiday concert. And she has a problem with that.

Mediator: So tell me about the concert a little bit. I'd like to understand what that's about.

Michelle: Well, when we went to the plaza, we found fliers about a concert and people from the community could sign up and they could play instruments and sing. It's just a holiday gathering for the community, and I thought it would be a really good way for the adults in our home to show their skills and just have a really good time like everyone else, and Lisa thinks that that's not a good idea.

Mediator: So what was your thinking behind this? Why did it appeal to you?

Michelle: Well, ever since I have been there, I've noticed that the adults in our home are segregated from the whole community. It's almost like we're trying to hide them from the community. And I just want to integrate them into everything. I don't know why we have to keep them separate. We should have them integrated into the parades and the concerts and they should be able to go on outings with the neighbors and the other young adults.

Mediator: So is that like a value that's important to you? About not hiding people with disabilities away. I'm interested in knowing your relationship with that value. It sounds important to you. Is it something you have always believed, or . . . ?

Michelle: I think it's something I've always believed. But through school, I just graduated in June, I read a lot of articles and books and it's just the perspective I agree with, that we should integrate people with disabilities with typical people and they shouldn't be sheltered away and hidden. I think it will help them to grow in their skills and reach their potential if we help them to be around other people. And she thinks there is something completely wrong with that.

Mediator: So, Lisa, I'm interested in how these issues have appeared to you?

Lisa: Well, she mentioned that the residents are being hidden. I wouldn't call it hidden or segregated from the community. I just want to protect them. You know, we are a family. And we go places together. I just want to see that we are a family and not possible dating material. We are a family and I just want to protect that.

Mediator: So does the word *family* suggest some values about how you go about your work that are important to you? Tell me about that.

Lisa: Yes, I value families and relationships. . . . And then this concert that she's coordinating. We hadn't talked about that. I hadn't officially approved it and I don't think the residents are capable to be out there in an environment where they would not feel safe.

Mediator: That's your concern. That they would not feel safe?

Lisa: Yes, and all the people coming and stopping to look. . . . I'm just not comfortable with her coming in and trying to make changes right from the start. I've been here long enough to know how I like things.

Lisa's final comment suggests that the dispute is partly a matter of a different sense of timing in relation to changes and new ideas. But it has developed in the context of some wider discursive debates about how people with disabilities are to be constructed in the world. References to concepts like segregation and integration allude to the use of human rights discourse in these debates. Michelle mentions the way that she has been influenced in her thinking by the reading of academic

literature on these subjects. Lisa has perhaps come from an older discourse tradition of constructing people with disabilities within a discourse of charity and protection. Neither of the disputants made up the terms of these discursive debates on her own. But they are both seeking to establish positions in their relationship on the basis of these discourses. Each also experiences being positioned by the other. It would hardly be sufficient to reference these positions back to their personal needs or interests or to their essential personalities without taking account of the larger cultural field of play in which they are participating. In this cultural field of play, dominant and alternative discourses of disability jostle for attention and shape the relations between people and shape too the utterances that people make in conversation. They play a role in the production of this conflict. They position Lisa and Michelle in different places in ways that neither individual is wholly responsible for creating (although each still does have choices about how she will take up positions in relation to these discourses).

Hallmark 7: Identify Openings to an Alternative Story (What Would You Prefer?)

After narrative mediators have mapped out the problem story and developed an externalizing conversation about it, they are interested in identifying an opening to a different relationship story. If they have been doing the double listening we described earlier, they might already have heard a number of possible openings to this alternative story. The story of a conflict is always only one possible story out of a range of stories that may be told about a relationship. Because most relationships are made up of hundreds and thousands of events, inevitably the parties will be able to marshal many events together to support a story of the relationship that presents the conflict in bright lights. Equally inevitably, however, other events will be left in the shadows simply because they do not fit with the brightly lit story of the conflict. There does not have to be any deception involved in the omission of these events. They are left out simply because it is necessary to select plot elements (out of the many possible events) and to string them together in order to form a coherent story.

Narrative mediation takes advantage of this phenomenon. The mediator can develop an alternative story by paying attention to the plot elements that are being left out of the conflict story and then seeking their reinclusion. In the shadows of a story of angry exchanges, there are often moments of reflection and remorse or of quiet calmness. In the shadows of a story of despair, there are moments of hope. In the shadows of a story of obstinacy, there are moments of willingness to negotiate. In the shadows of a story of the failure of empathy, there are moments of recognition. In the shadows of a story of ruthless competition, there are moments of cooperative teamwork. In the shadows of a story of denigration, there are instances of respect. The skill of the mediator lies in catching these moments and inquiring into them. This inquiry is not conducted in the spirit of seeking to reveal inconsistency, contradiction, or hypocrisy and then saying, "There, your story is not true!" It is conducted in the recognition that inconsistency and contradiction are to be expected and can be valuable resources for constructing narratives to fit the complexity of life.

In the gaps opened up by externalizing conversations, many openings can be found. These openings might be exceptions to the escalation of the conflict. They might be unheralded moments of cooperation or goodwill. They might be intentions to do better. They might be expressions of hope for peaceful relations. They are always present if mediators are alert to them, if they seek them out, if they join them together into a story line.

Starting Points for Opening an Alternative Story

Mediators who are alert to the opportunities that lie cast aside on the edges of the stories that disputing parties tell can find a number of possible starting points for opening an alternative story. We list some of them here.

1. Ask the parties if they like what the conflict is doing to them and if they would prefer something different. Although the answer to this question may seem obvious, having it stated out loud can make a difference. Very often people express preferences for greater peace and understanding and cooperation

and teamwork. A question like, "Can you help me understand more of the reasons for your preference for cooperation?" takes this inquiry further into a rich vein of story construction.

2. Hear the pieces of information often dropped into a conversation as asides and typically not treated as having much significance because they do not fit with the conflict story. These are potential plot elements for an alternative story of the relationship, but they are easily glossed over and currently remain unavailable because they have not been included in any story. Inquiring into these plot elements can rescue them from the oblivion that is the destiny of unstoried events: "Excuse me, but did I just hear you say that, despite all the tension between you both in the office, you actually worked on that project without difficulty. How did you do that? What vision of a possible relationship between you was implicit in that instance?" An inquiry may start here into the know-how and preferences the parties may have for cooperative relationship—a resource for dealing with the issues in dispute.
3. Build on the absent but implicit values that lie hidden behind the expressions of anger or outrage in the dispute, as discussed earlier. For example, a mediator who hears a complaint about the presence of injustice might inquire into either of the parties' interest in combating injustice in the world. Or a denial of an accusation of racism might contain within it an absent but implicit principled objection to the discourse of racism that might be explored. Exploring this objection as a positive value might open up a story of shared commitment between the parties to work against racism.
4. Ask directly for exceptions to the conflict story. For example, you can say: "I know you have been living under the cloud of resentment that has been settling around you over several months, but I am wondering if there have been times when this cloud has lifted, even for a brief time. Have there been any such moments? And how did you respond to each other at those times?"
5. Ask for examples of different behavior admired in others. This approach was documented in a recent book by Michael White (2004). White avowed that it was not a practice of

mediation per se, but we think it fits within the broader context of conflict resolution. In an account of a conversation with two gay men who were experiencing a high degree of conflict in a relationship, White described interviewing one of the men, while the other listened, about the relationship models he was drawing upon. Was there anyone he could think of in his background whom he admired for an ability to deal with conflict differently? The man thought of an uncle who was no longer alive. White then interviewed him for a few minutes about this uncle and what was special about him. How might this uncle have responded in the situations that his nephew was experiencing? What transpired was the opening of some new considerations for dealing with the current conflict.

6. Explore the intentions to act on an instinct that has never yet materialized in deed. All individuals have many more intentions in life than they manage to act on. In a conflict situation these may include a desire to reach out in understanding to the other person. The conflict story itself may often overwhelm this desire, and yet it exists as a possible response that might make a difference to the relational conditions in the mediation conversation. A mediator who gets a sense of the existence of such an intention may inquire into the imagined action that this intention would, if acted on, give rise to. Making this intention explicit and elaborating a description of it may make the expression of this understanding more likely to have some effect. Even the declaring of an intention without it being carried out can introduce a new plot element into a rigid story of oppositional and angry relationship.

There are potentially many more approaches to opening up an alternative story of relationship. Once openings are identified, the challenge is to grow these expressions into a viable story that has a chance to compete against the dominant, conflict-saturated story. The most useful tool the mediator has when these openings appear is the application of respectful curiosity. Being curious about the gaps or exceptions to the dominance of the conflict story can prise these exceptions loose from the grip of the conflict.

Example of Opening an Alternative Story in a Conversation

Here is a piece of conversation that exemplifies creating an opening to an alternative story.

Mediator: Do you have any sense of what would happen if this conflict were to keep on going and maybe get even worse?

Lisa: It would be very uncomfortable for myself and for the residents.

Michelle: It would be horrible because I really love my job and I want to stay there. I love the residents. I love what I do. And it would be horrible if I had to keep fighting or justifying why I want to integrate them into the community.

Mediator: And would it be sustainable for very long or not?

Michelle: If it keeps going, I don't know how I'd be able to stand it. And I don't want to leave.

Mediator: [*To Lisa*] Would it be similar for you?

Lisa: I think she has some great ideas and I don't want to see her go either.

Mediator: OK. You've both spoken about a number of the effects of this problem. You've spoken about how it affects you personally, how it's affecting others, how it could get worse and create an even more uncomfortable situation if you didn't deal with it. Is that fair enough [*both nod*]? I guess I'm hearing you both say, but I just want to check this. . . . Are you happy that it keeps going like this? I hear you both saying that you really want it to change and I just want to be sure about that.

Lisa: I do.

Michelle: Something has to change.

Lisa: I want to be able to work together. Not to be best friends but to be able to be civil and to work side by side.

This piece of conversation marks a move by both parties away from the conflict story. Both take up a position more against the conflict than against each other. In this exchange they are repositioning themselves in a shared preference for a better

working relationship. The mediator may think the answers to these questions are obvious by this stage. But the purpose of asking these disputants to evaluate their conflict and its effects is not so much to discover their inner experience as to construct it. They are being asked whether they are ready to take a stand here. The stand is in relation to the externalized problem. Do they want it, or would they prefer something different? Their responses constitute a step toward a different future. The detail of what this future might entail is not yet clear. But these two individuals are now relationally aligned where they can negotiate this detail while standing on the platform of a large slab of goodwill.

Hallmark 8: Re-Author the Relationship Story (Let's Build a Story of Cooperation)

There is an old English proverb that says, "One swallow does not a summer make." Equally, one exception does not make a viable story. A moment of difference needs to be built upon and connected with other moments of difference and with substantial themes if an alternative story is to be capable of sustaining a relational shift in the face of the conflict story. In order to enhance the likelihood that disputants can make this shift, a mediator can provide the scaffolding (Vygotsky, 1986) for the construction process. This involves asking a series of carefully constructed questions that invite parties to step forward into their own preferred story of relationship and to use that story as the foundation for the formulation of an agreement or resolution, if that is needed.

The goal of a narrative mediation process, however, is not necessarily the reaching of an agreement. We agree with Folger and Bush's (1994) critique of making reaching and signing off on an agreement the target of all mediation practice. This idea is too limiting and instrumental for the wide range of possible mediation outcomes. Folger and Bush (1994) argue for the achievement of greater empowerment and the development of heightened recognition (defined in specific ways) as the goals for mediation. Our emphasis is slightly different. Consistent with the narrative ideas we have been outlining, we think the goal of mediation needs to be constructed in terms of a story. A story is not a one-time event but something that moves through time.

Rather than trying to resolve the conflict to form a different basis for relationship, we favor re-authoring the relationship story to form a basis for people going forward from a conflict situation. In Wittgenstein's (1958) words, a mediation may be considered successful if people "know how to go on." The path forward may feature a range of possible outcomes. An agreement or written resolution may be one such outcome, but we would expect even the best possible agreement to fail if it is not incorporated into an ongoing story. For a start, any agreement is only as good as the actions taken to implement it. On other occasions, as Bush and Folger point out, mediation may lead to shifts in understanding between people that make the drawing up of an agreement redundant. Our focus is therefore on the creation of a sustainable, forward-moving narrative. One feature of stories is that they move through time according to a plot sequence. Therefore, if there is to be an agreement, we are interested in the relational story that might give rise to it and in the further elaboration of this story after the signing of an agreement. The agreement itself is thus contextualized differently from the way it is in a problem-solving mode.

So how does this story get built? In discussing Hallmark 7 we identified a number of possible points where mediators could open such a story. Having found one such opening, a mediator may then ask questions to establish further instances of exception to the dominance of the conflict story. For example, the mediator can ask, "Are there other occasions you can recall when you did not allow the cloud of resentment to dominate things?"

Once two or three instances of the alternative story have been found in the relationship history, they can be linked together as an alternative relational story. It can then be named for its preferred themes. It may be a story of cooperation or teamwork or of understanding, mutual respect, collaboration, or justice, and so on. This naming gives the story an identity, adds narrative coherence, and serves to summarize all the details together in a memorable chunk.

Construction of an Alternative Story Through Asking Questions

An important principle here is that the alternative story should be produced by the parties to the dispute, not out of a mediator's

brilliant insight. There is always a danger of imposition. Imposed stories violate the ethical principle of democratic sovereignty, and they are also less likely than others to work in practice. Relational practices that are not generated by the parties themselves may have a poor ecological fit in the living context of the persons affected by them, and the skills to implement them may not exist in the parties' repertoires. At the same time, mediators should not abandon all the influence possible in their role for fear of imposing something. They should instead restrict their role to that of asking questions and building the scaffolding that the parties can use to construct the relational structure they must later inhabit.

In order to strengthen the sense of a alternative story moving through time, a mediator can inquire into the history of the story of, say, cooperation.

For example, the mediator may ask, "How long has cooperation been part of your relationship? When has it been present in the past?"

The same inquiry can then be pushed into the future: "If you were to grow this story of cooperation that you both say you prefer into the future, how might it help you deal with these issues you have been struggling with?"

This ongoing inquiry supplies the alternative story with the movement through time that it needs if it is to compete with the conflict story. Once established, the spirit of this alternative story can be invoked to negotiate through issues that remain outstanding between the parties: "In the spirit of the teamwork we have been talking about, what suggestions do you have for making arrangements for the care of your children? What would you like to ask of or offer to each other?" When this question is asked in the context of a relational story that expresses preferred values for both parties, then the negotiation phase (if needed) can go much more smoothly.

Example of the Construction of an Alternative Story

Here is a piece of conversation that illustrates the development of an alternative story of relationship. It comes from a mediation between two sisters who are in a dispute over the terms of a will after their mother's death.

Mediator: I'm wondering if you want these things to continue and perhaps develop further, or whether you would perhaps prefer things to be in a different place?

Brenda: I'd much rather have a better relationship.

Gina: Mmmm.

Brenda: And to really use each other for support and really be like . . . like sisters I guess. Yeah.

Mediator: [*Noting down these words*] . . . have a better relationship . . . use each other for support . . . and what was that last thing?

Brenda: Act like sisters.

Mediator: [*Noting again*] . . . act like sisters. . . . What's the history of you supporting each other? You've described differences between you over the years but I'm just interested in the history of that?

Brenda: I think we've intended to be there for each other. You know, we've had intentions but I think we could do a lot better.

Mediator: So you would describe it as an intention that has sometimes not been carried as far as you would like it, preferably?

Brenda: Yeah.

Mediator: So has that intention ever been made manifest? Is there any way in which you have had a sense of offering your support to Gina or experiencing her offering support to you?

Brenda: Well, you know, I'll come over and I'll watch Joey or I'll hang out with Joey or she'll help every now and then with me getting into my photography and . . .

Mediator: Yeah? How has she done that?

Brenda: Well, she came with me when I was looking at different studios and spaces to rent. So she was actually there for that.

Mediator: OK and what did that mean to you?

Brenda: That it was actually important to her. You know, I'm not married and I don't have kids and still what I do is . . . you know . . . worthwhile. I guess she realized that it was important to me. Other people might not see that as important.

Mediator: OK. So that was somehow validating for you that she took seriously something that some other people may not have taken seriously and saw how important it was for you.
Brenda: Yeah.
Mediator: And does that qualify as acting like sisters?
Brenda: I guess so.
Mediator: It did at the time and that's what you would prefer to have more of?
Brenda: Yeah.

The conversation went on to document more of the history of "acting like sisters," now from Gina's point of view. This was a story of the sisters' relationship that had been somewhat neglected. It was not immediately obvious to either of them because of the influence of a dominant story of different lifestyles and of resentment between them that had reached boiling point over the disagreement about the will. As Brenda thinks about it, all she can recall at first are the "intentions" for something better. She has to work to reconstruct a memory of events that contradict the dominant story. When she does recover one such memory, the mediator asks questions to build meaning around this event. This needs to be repeated several times, perhaps, and to include both parties before it can constitute a viable story that can be lived out. When such a story has been established, it can serve as the basis for a negotiation over outstanding substantive issues that can be conducted in the spirit of "acting like sisters."

Hallmark 9: Document Progress (What's Written Down Lasts Longer)

A feature of narrative practice that Michael White and David Epston (1990) introduced into the family therapy field is the principle of creating written documents in order to extend the life of conversations. We think this principle is equally applicable to mediation practice. The basic idea is that writing things down gives them greater permanence for people, because conversations can easily fade in the memory over time. Given the modern cultural context, the written word also comes with greater

authority than the spoken word. Hence it is often valuable to document things that were said in conversation so that they can echo longer.

Recording More Than Agreement

It has long been the practice of mediators to create written records of the agreements that people reach (if they do so) at the end of mediations. We want to be clear that we are talking about more than that. Our interest here is to document the story of relationship that has been told. Written agreements may well be part of that story. But they are never the complete story. Writing a complete story would of course be impossible. But it is possible to write and send to the parties a document, often in letter form, that is private and personal and that articulates what has transpired in conversation. It is often useful to send such a letter between meetings if the mediation has adjourned and a subsequent meeting is to be held. In this situation the letter can serve to keep the conversation alive and available for further pondering before the next meeting.

In order to produce such a document it is necessary to take notes during the mediation itself. These notes should be records of what the parties actually said, rather than records of the mediator's thoughts about the parties and their utterances. Then the document created can contain, in quotation marks, the parties' actual words quoted back to them. Because it is important to reproduce the exact words, mediators will find it hard to rely on memory. Also, if mediators are taking notes of the significant things that the parties say, then they can be seen as scribes who are underlining the importance of each person's knowledge by having sufficient respect and care to write it down. It is important that the letter should as much as possible *not* be a record of the mediator's impressions, interpretations, insights, judgment calls, advice, or brilliant logic. This is not a place for the mediator to demonstrate his or her own virtuosity! It is a place for the reproduction of the parties' impressions, interpretations, insights, judgment calls, advice to themselves and to each other, or brilliant logic.

The form of the letter is also important. It should include the following:

- A description of the conflict story, carefully written in externalizing language
- Some recognition of the effects of the externalized problem
- The words the parties have used to describe their preferences for some alternative story of relationship
- A brief description of any significant developments in that alternative story
- Some questions for ongoing consideration.

Example of a Letter That Documents Progress

Here is an example of such a letter. It was written by a mediation student about a practice mediation session done in class. It serves as an excellent illustration of the genre of document we are talking about.

June 17
Dear Chad and Shelly,

By the time you read this, Chad, you will have graduated from high school. Congratulations! I met with you two to discuss the "loyalty thing" that arose when Chad wanted to have some sort of contact with his biological father, and wanted to be able to include him in some of Chad's big life events. Initially, this just seemed like there was a lot of hurt to be seen, embarrassment to be dealt with, fear of rejection and fear of the future, that sort of thing. It was as if Chad's growing up, moving on, was causing a lot of hurt and wonderment as to what might happen in the future.

Both of you were very firm about the fact that your relationship has always been good up till now, and that David was "cool" and "no problem." It seems like it was all good until this loyalty thing reared up with Chad's impending adulthood. This loyalty thing attacked your relationship, and you reported, and demonstrated (!) just how vicious this loyalty thing could be.

When it attacked, you noticed that it "made you think that the other person was just out to hurt you!" Most surprising! When you asked the very reasonable question of why Chad would want to jeopardize your very good relationship, and Shelly, you said he was "such a good boy," no one could come up with any answer! Perhaps that intention never existed in you, Chad. What would you say? It was just such an amazing moment; we all just sort of stared at each other, remember? The loyalty thing could not stand up to searching questions, could it!

So we discovered that there was a way to move into the future without the loyalty thing attacking. You agreed that it attacks more "when I am stressed," and you've both been stressed. When you took a look forward at the future, without the loyalty thing getting in the way, both of you identically saw "barbeques and grandchildren and lots of love." So it looks like good love behind, good love ahead! That was a big agreement for you; this new way of looking at life through what you described as "a very long lens"—so the bumps seem more manageable.

This may just be a bump in the road of growing and changing—you mentioned that this was a "long view" story. You were clear that there is plenty of love to go around in the long view story.

Some questions I have for you as you move forward into these turbulent times:

- When time is precious, how will you hold onto the "long view" story? What priorities does each of you have for that time?
- Where could Chad's biological father fit into that long view story? Who else might fit into that long view story? Shelly's parents? If I listened into a family holiday dinner a decade from now, who would be there? Who would stop by?
- What benefits can you see from living the long view story? Are those benefits worth having? Why?
- Are there moments when you can more easily see the long view story?

- How will you, Chad, and you, Shelly, personally benefit from the long view story?
- Who else in your lives will benefit from the long view story?

When I see you again next week I would like to ask you some more about these questions and probably some others. I am particularly interested in ideas we can generate about how to keep the long view story from being sidelined by the loyalty thing. I'm also interested in how we can deal with Chad's interest in his biological father from the perspective of the long view story rather than from the perspective of the loyalty thing.

I'd like to thank you for your courage and openness in exploring this bump in a wonderful family with me. Chad, all the best to you in your graduation, your marriage and your naval enlistment. Shelly, you spoke about how you know you have raised "a strong, smart young man," and of how proud you are of him. It's well deserved.

Best in the future to you all.

Respectfully and in appreciation of the long view,

Laurie Frazier