
In Theory

A Theory Matrix for Mediators

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The author uses a behavioral perspective to survey theory that may be useful in mediation. He notes the lack of diffusion of knowledge of theory among practitioners and argues that mediators should pay more explicit attention to theory. He presents a matrix comprising the behavioral factors of perception, emotion, cognition, communication, and intervention at the micro, meso, and macro levels of conflict and uses this matrix to organize and review some mediation theories. Several types of intervention theory are identified: integrated, generic, dialectical, developmental, and dialogical. The article closes by posing some outstanding theoretical issues and questioning whether current mediator training programs are adequate to bridge the gap between theory and practice.

Key words: mediation, theory, behavior, perception, emotion, cognition, communication, intervention.

Introduction

Modern mediators have often acknowledged the importance of theory (Jackson 1952; Walton and McKersie 1965; Rubin and Brown 1975; Coogler 1978; Irving and Bohm 1981; Herrman et al. 2001). And many

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mediation scholars and educators have taken significant steps to encourage the development of theory in mediation and to bring it to the attention of practitioners. This journal, for instance, has included a section devoted to theory from its inception, while educational institutions, foundations, and associations have sponsored several theory-oriented initiatives (William and Flora Hewlett Association 2002; Convenor Conflict Management 2006a, 2006b; Association for Conflict Resolution 2008; Susskind and Susskind 2008). Despite these efforts, however, it seems that many mediators have had little exposure to theory (Schultz 1989; Macfarlane and Mayer 2005a, 2005b; Honeyman, Mcadoo, and Welsh 2006).

In this article, I survey and review some of the theory that is available to mediators to help fill gaps that have been identified in accessibility and diffusion of theory among practitioners (Bush and Bingham 2005). I will first consider the role and importance of theory for mediators then describe a matrix in which various theoretical approaches can be related to each other in order to make them more accessible and understandable to practitioners. A survey of this sort cannot include all contributions to theory that mediators may find useful, but it can offer a conceptual framework (the matrix) in which theory can be placed. Viewing such a matrix may encourage mediators to extend their knowledge in new areas, educators to include more theory in mediator training, and researchers to identify gaps in knowledge for investigation.

Why Theory?

Why is knowledge of theory important for mediators? I suggest four answers: first, acknowledging theory encourages its honest use; second, theory is inescapable in practice; third, certain theories are central to functioning as a mediator; and fourth, theory is useful in all aspects of mediation.

Honesty about Theory

Chris Argyris and Donald A. Schön (1974) drew attention to practitioners who go about their work according to tacit theories of action, or “theories-in-use,” that are incongruent with the theories they publicly endorse, their “espoused theories.” If mediators behave in a similar way to the practitioners studied by Argyris and Schön, there is reason for concern.¹ To avoid such incongruity between practice and principle, Argyris and Schön suggest that explicit attention to theory is necessary. If such examination reveals a gap between theory and practice, practitioners may then see the need to work toward a better implementation of the principles they profess.

Renewed attention to theory, I believe, will also advance the field of conflict resolution as a whole as the diversity of theoretical approaches that have developed over the past decades are acknowledged and debated (Della Noce 2002; Della Noce, Bush, and Folger 2002).

Faulty Theory

The second answer to the question, “Why theory?” builds on the first: if the implicit theory actually used by mediators is faulty, then that error can create a host of problems. We are creatures of theory fully as much as we are creatures of conflict and always operate with some form of “lay theory,” “implicit theory,” “naïve theory,” or “folk theory” (Antaki 1981; Furnham 1988; Levy, Chiu, and Hong 2006a, 2006b).

We expect, therefore that mediators will subscribe to a variety of personal theories that can affect their practices — perhaps without conscious awareness that they are doing so — especially if explicit discussion of theory is *not* a significant part of their training (Dweck and Ehrlinger 2006). Dean G. Pruitt (1986) called such guides to action used by mediators “maxims” and “aphorisms,” and recommended a more scientific approach.

Those who intervene in others’ lives through positions of power should take care not to act on questionable theories and assumptions. Feminist legal scholars, for example, have exposed the faulty reasoning associated with gender roles that has affected laws and legal institutions (Menkel-Meadow 1992). Today, many judges take courses to learn new theories that are more compatible with doing justice to both genders in the courtroom (Schafran 1993).² These efforts to reveal and critique theory, both implicit and explicit, have resulted in legal change and, one would hope, increased justice.

A similar attention to the theories of conflict that guide mediators should also bring beneficial results. For instance, research has called into question some of the common theories that mediators have held, including the obstructive role of emotions (Friedman et al. 2004; Dunn and Schweitzer 2005; Lewicki 2006) and the need to change attitudes in order to change behavior (Stacy, Bentler, and Flay 1994).

Informal theory is ubiquitous and influential (Dweck, Chiu, and Hong 1995). It should not be left implicit, unchallenged, and undeveloped so that hidden biases and prejudices are allowed to infect practice. Research has shown that gender and professional background can be predictors of mediators’ orientations to their work, including the preferred outcomes of mediation (Herrman et al. 2003). Public, debated theory is preferable to private, untested “lay theory” in the field of mediation.

Naïve Realism

The theory of “naïve realism” proposed by Lee Ross and Andrew Ward (1996) sheds light on many of the central problems of conflict resolution. According to this theory, first, each of us believes that what we make of the world is “real,” or true and objective. Second, we overlook the possibility that others derive a different meaning from the “same” situation or event. Third, if others do not appear to derive the same meaning as we have from

shared experiences, we tend to think there must be something wrong with them or faulty about their reasoning.

Ross and Ward (1996) have demonstrated that attempts to compare world views can lead to more entrenched suspicion of the other side and that perceived differences in values are often greater than they actually are. The importance of “naïve realism” and related theories for the work of mediators is, I believe, another reason why mediators should take theory seriously. Mediators, I argue, must start by questioning their own “naïve realism.”

Useful Theory

The value of theory to a practicing mediator is much debated. Theory as a guide for action presents general concepts, propositions, and relationships that must be adapted and applied to particular circumstances. Whether a mediator has the time and opportunity to analyze and categorize events as they occur in mediation in order to relate them to theory in real time is questioned by many. Intuitionists such as Greg Rooney (2007), for instance, advocate letting go of all analysis so that the mediator can simply “experience the experience” by “refraining from your memories, desires, and understanding” (244). According to this view, a mediator’s course of action will become apparent to her through immersion in the moment and without the need for theoretical guidance. However, if we accept the limitations of naïve realism, this is simply not possible, or at least not reasonable, to expect from a mediator — theory is not so easily escaped and will always help to form our view of the situation.

Peter J. D. Carnevale, Rodney G. Lim, and Mary E. McLaughlin (1989) have proposed three possible strategies for effective practice as a mediator that do not involve theory: trial and error, following procedure (sticking to predetermined steps), and using heuristics (abbreviated decision-making protocols). Most would agree that the first strategy is risky, while the second may be too rigid. Perhaps the third (heuristics) is a valuable alternative to theory?

Heuristic decision making has been praised by Herbert Simon (1982, 1992) who found it to be efficient in situations of complexity and limited information. On the other hand, Amos Tversky and Daniel Kahneman have demonstrated over many years how faulty heuristics can adversely affect decision making (Tversky and Kahneman 1974; Kahneman, Slovic, and Tversky 1982; Kahneman and Tversky 1992). Mistaken lay theories may operate as faulty heuristics that lead a mediator to engage in ineffective, or worse, counterproductive interventions.

But is it practically possible for mediators to engage with theory in the midst of the messy, confusing and complex dynamics of human conflict? Donald Schön (1983, 1987) found that the effectiveness of professionals is based on a capacity for the continuous cognitive “reflection in action” that