Mediation

A CURRENT REVIEW

JAMES A. WALL, Jr.
ANN LYNN
University of Missouri

This article reviews the mediation literature over the past decade. Initially the literature is organized and integrated in a framework that focuses on the mediator's decision to mediate, the choice of mediation techniques, the outcomes of mediation, and the determinants of these factors. Subsequently, the authors comment on the reviewed literature and offer suggestions for future research.

It comes from the Latin root "mediare"—to halve. In Chinese it means to step between two parties and solve their problem, and in Arabic it indicates manipulation. For Westerners "mediation" is a procedure that is used increasingly for conflict resolution. The mounting importance of this approach provided the motivation for a review and analysis of the mediation literature through 1980 (Wall 1981). Now it encourages us to map this literature over the past decade.

The 1981 article listed and categorized the techniques used by mediators. Also, it proposed that researchers investigate the effectiveness of mediation, specifically the impact of the individual techniques, the efficacy of combined techniques, and the contingent effectiveness of each technique or combination. Some researchers have followed this route. Others, along with practicing mediators, have expanded the perspective of mediation, demonstrating that it is a complex process with facets such as mediation determinants,

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disputants' and mediators' outcomes, and outcome determinants. In the current review we present an overview of this process, review current research in mediation, and again offer suggestions for future research.

Succinctly defined, mediation is third-party assistance to two or more interacting parties (Pruitt and Kressel 1989); the process is probably one of the oldest forms of conflict resolution. No doubt it predates recorded history, and in early times we find ample evidence of its usage. For instance, in China administrators during the Ming dynasty (1368-1644) actively encouraged village elders—*li-lao*—to solve petty disputes within the community (Cohen 1966).

Over the years mediation has been relied on increasingly. Recent decades have seen it practiced in labor-management negotiations, international relations, and community disputes (Kressel and Pruitt 1989; Hiltrop 1985; Mika 1987; Wall and Blum 1991). Now it is making strong inroads into almost all areas of conflict resolution: for example, into leader-subordinate relations, small claims cases, divorce negotiations (Haynes and Haynes 1989), sexual harassment cases (Gadlin 1991) landlord-tenant controversies, public policy disputes (Susskind 1985), consumer disputes (Orenstein and Grant 1989), even into criminal plea-bargaining and prisoners' complaints (Reynolds and Tonry 1981).

As Kressel and Pruitt (1989) note, mediation research has quite rapidly followed practice, with theoretical and empirical pieces coming in the areas of international (e.g., Hill 1982; Polley 1988; Princen 1987; Zartman and Touval 1985), labor-management (e.g., Kolb 1983), judicial (e.g., Wall and Rude 1991), mental institutions (e.g., Schwartz and Pinsker 1987), community (e.g., Chandler 1985; Cloke 1987; Strena and Westermark 1984), environmental (Buckle and Thomas-Buckle 1986), managerial (e.g., Karambayya and Brett 1989; Kolb and Sheppard 1985), public sector (e.g., Duryee 1985; Susskind and Ozawa 1983), marital (e.g., Folger and Bernard 1985; Grebe 1986; Haynes 1981; Merry and Rochbeau 1985; Roberts 1986), parent-child (e.g., Shaw 1985; Phear 1985) educational (e.g., Westbrook 1985), child-custody (e.g., Mastrofski 1990; Zarski, Knight, and Zarski 1985), and police (e.g., Palenski 1984) interactions.

This practice and study also has yielded numerous books and monographs (Amy 1987; Assefa 1987; Bercovitch 1984; Blades 1985; Carpenter and Kennedy 1988; Dingwall and Eekelaar 1987; Davis 1986; Folberg and Taylor 1984; Kagel and Kelly 1989; Lemmon 1985; McKinney, Kimsey, and Fuller 1988; Moore 1986; Necheles-Jansyn 1990; Simkin and Fidandis 1986; and Zack 1985) during the past decade.

MEDIATION FRAMEWORK

Although this literature is voluminous and diverse, it can be organized in a reasonable, concise manner (Figure 1). In our framework, the beginning point of the mediation process is an interaction between two or more parties. Typically, we think of the parties as disputants or negotiators, but they also may be individuals whose interaction could be improved by the mediator's intervention.

Under certain circumstances (Mediation Determinants), a third party (usually with less power than the disputants) decides to mediate (Arrow 1) the interaction. After he or she does so, the mediator chooses from a number of available techniques and strategies (Arrow 2). The choice is influenced in part by the mediator's past experience, instruction as a mediator, expectations about the probable success of different techniques, and so on (i.e., Technique Determinants).

Once applied, these techniques and strategies produce outcomes for the parties (e.g., settlement of the dispute, disputant satisfaction; Arrow 3a), and, as the figure indicates, the nature and extent of this influence is mitigated by factors (Outcome Determinants) such as the acceptability of the techniques, the intensity of the dispute, or the parties' commitment to mediation.

In turn, the parties' outcomes affect other facets. Quite important is the impact on the parties' interaction (Arrow 4; e.g., a settlement or improved communication reduces the level of the parties' dispute); also significant is the effect on the decision to mediate (Arrow 5; e.g., the more settlements mediators obtain, the more likely they are to mediate again) and on the techniques and strategies chosen by the mediator (Arrow 6). This last arrow indicates that a mediator is apt to choose tactics or strategies that have been successful in the past.

Arrow 3b represents a phenomenon often ignored by observers—that mediators' techniques and strategies have costs and payoffs to the mediator as well as to the disputants. (A labor mediator who has survived a few sleepless nights need not be reminded of the costs, and Jimmy Carter's Camp David mediations provide ample evidence of the benefits.) These mediator's outcomes in turn influence the mediator's decision to mediate (Arrow 7) and the choice of techniques and strategies (Arrow 8).

Having presented this framework, we now use it to organize and present the mediation literature from the past decade. Consider first the interaction (Figure 1) between the parties.

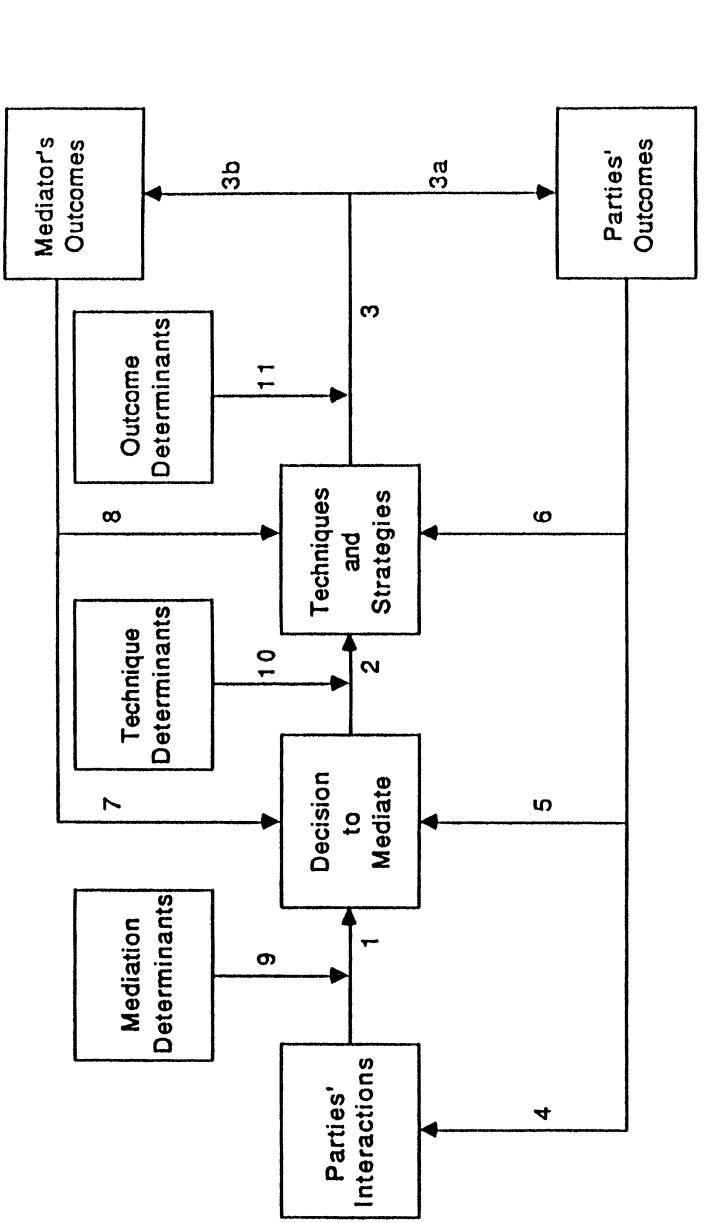

Figure 1: The Mediation Framework

PARTIES' INTERACTIONS

Whenever parties are disputing, negotiating, or interacting in some fashion, they may ask or allow a third party to assist them. They do so because they believe mediation will improve their relationship, assist in the negotiation, or better enable them to reach agreement.

As Heuer and Penrod (1986), Rubin (1980), and others (e.g., Pearson and Thoennes 1984; Pearson, Thoennes, and Vanderkooi 1982) point out, a number of conditions determine whether this assistance is sought. Rubin (1980), for example, notes when a conflict is of low intensity or is narrow in scope the parties feel they can manage nicely by themselves and do not seek assistance from a mediator. It also seems to us that extremely hostile parties would not request assistance because they prefer confrontation (or even war) to mediation. Or because of their hostile orientation, they do not recognize the mediation option. On the other hand, once the parties—even very hostile ones—have reached a hurting stalemate (Touval and Zartman 1989), they are apt to call for mediation.

At times, mediators are not called in by the parties themselves. Rather, the intervention is required by prior agreement or law (Murnighan 1986). Similarly, the structural context (i.e., standard operating procedure) frequently dictates that mediation is the next step in the dispute processing channel. Specifically, in labor-management grievance mediations, mediation is automatically scheduled between the grievance and the arbitration (Kolb 1989a).

MEDIATION DETERMINANTS

Under what circumstances does a third party answer the call and agree to mediate? One primary condition is whether the mediation has been structured into the parties' interaction. Mediators who are bound by agreement to assist or are "on call" do so as part of their job responsibility. Many such mediators are found in the ranks of the National Mediation Conciliation Service, alternative dispute resolution centers, community mediation centers, and many similar institutions.

Although prior agreements and job requirements dictate mediation by some third parties, others intervene because they feel their assistance will be useful to the parties (Rogers 1991) or because mediation offers an approach superior to the alternatives.

Some mediators assist because that is their profession; mediation provides remuneration, a reputation, and future business (Fisher 1986). As several authors (e.g., Smith 1985; Schmemann 1991; Schweizer 1991; Zartman and

Touval 1985) note, mediators also enter the dispute because it is to the benefit of their constituencies and allies. Other mediators—like Gorbachev in the 1991 U.S.-Iraqi dispute—are pressured by their constituency to resolve or defuse the potential conflict (Friedman and Tyler 1991).

This last observation reveals that mediation is not always disputant- or mediator-driven. Likewise, in labor relations and many civil court disputes, the parties must submit to mediation. And as Gulliver (1977) and Pruitt and his colleagues (Pruitt, Peirce, Czaja, and Keating 1991) point out, several societies force mediation on disputants to retain order in their community.

TECHNIQUES AND STRATEGIES

The literature from the past decade indicates that mediators apply about 100 techniques (Table 1) to the parties' relationship, to the parties themselves, and to the parties' relationship with others.

As noted earlier (Wall 1981) a mediator might actually take steps to set up the interaction (or negotiation) between the parties (Karim and Pegnetter 1983; Ury 1987) and then pressure them to accept mediation (Volpe and Bahn 1987). Having done so or having entered an ongoing negotiation, the mediator establishes and enforces a protocol for the negotiation and applies techniques that control the relationship—the perceptions as well as the communications (Karambayya and Brett 1989; Schwebel, Schwebel, and Schwebel 1985; Shapiro, Drieghe, and Brett 1985).

In coordination with techniques that alter the parties' perceptions and communications, the mediator manages their power—usually attempting to strike a power balance—and proposes or dictates specific agreement points (Conlon and Fasolo 1990). At times the mediator separates the parties (Bienenfeld 1985) and develops ways to expand the negotiation agenda such that negotiators will explore agreements that yield high benefits to both sides.

In addition to the above tactics, mediators can determine what points are negotiable (Mayer 1985), reframe the dispute (Sheppard, Blumenfeld-Jones, and Roth 1989; Mather and Ynguesson 1981), bring pressures to bear from other third parties, use personal power to exact an agreement and, in general, fine-tune various approaches to fit the particular negotiation (Carnevale and Pegnetter 1985; Gerhart and Drotning 1980; Hiltrop 1985).

Although researchers have recognized these techniques for many years, more recently they have developed taxonomies—strategies—for classifying the mediators' tactics. Some, such as that of Silbey and Merry (1986) and Zartman and Touval (1985), are judgmental and others (e.g., Wall and Rude 1985), empirically based. Probably the best known taxonomy is Kressel's

TABLE 1
Mediation Techniques and Strategies

Techniques
Clarify situation
Establish protocol
Make parties aware of relevant information
Delineate forthcoming agenda
Rehearse each party in appropriate behavior
Separate parties
Clarify what parties intend to communicate
Pick up hints of what each party might concede
Strike a power balance
Provide direction and act as a spokesman for weaker side
Tender agreement points to parties
Help a party undo a commitment
Contrive a "prominent" position
Arrange informal conferences
Reduce tension
Summarize the agreement
Guarantee compliance to an agreement
Reward parties' concessions
Act as sounding board for positions and tactics
Claim authorship for party's proposal
Obfuscate a party's position
Threaten to quit or to bring in an arbitrator
Convince a party that proposal is salable to constituents
Bring third-party ultimatums to the interaction/negotiation
Fend off outside intervention
Argue that his/her own constituent's demands are not salable
Exaggerate the costs of disagreement to his/her own constituency
Strategies
Reflexive
Substantive
Substantive pressing
Substantive suggesting
Substantive face saving
Assistance
Education
Third-party reliance

NOTE: The list of techniques is a sample of the techniques available to the mediator. For a complete list see Wall (1981).

(Kressel 1972; Kressel and Deutsch 1977), later revised by Kressel and Pruitt (1985, 1989). This scheme contains three basic types of tactics: reflexive, substantive, and contextual.

Reflexive tactics (e.g., developing rapport with the disputants) orient mediators to the dispute and set the stage for their later mediations. The substantive tactics (e.g., suggesting specific concessions) deal directly with the issues in dispute. And contextual tactics (e.g., pointing out the common interests of the disputants) are those that assist the parties in finding their own agreeable solution.

This original taxonomy was based on Kressel's interpretations of interviews with labor mediators and, for a number of years, lacked empirical verification. Recently Lim and Carnevale's 1990) as well as McLaughlin, Carnevale, and Lim's (1991) research provided support for this classification. The former work indicated that the substantive category should be divided into three groups: (1) substantive pressing: coercive tactics that move a party off a position; (2) substantive suggesting: ones that move a party into a new position; and (3) substantive face saving: ones retaining a positive image for a party. And the latter work (McLaughlin, Carnevale, and Lim 1991) yielded three dimensions: substantive reflexive, affective cognitive, and forcing facilitating.

In their study of Chinese community mediation, Wall and Blum (1991) developed a taxonomy of Chinese techniques. Like Kressel's scheme, it contained a substantive strategy. However, the main strategies found to be used by the Chinese—assistance, education, and reliance on external parties—had no counterparts in the Kressel typology.

TECHNIQUE DETERMINANTS

Given that mediators have about 100 techniques at their disposal and that they can apply them in various combinations, what governs the mediator's choice? That is, what are the Technique Determinants in Figure 1? In the next several pages we answer this query, grouping our responses under these headings: rules and standards, common ground and concern for parties' outcomes, dispute characteristics, mediator's training, mediation context, and mediator's ideology. In doing so, we present a number of normative, predictive, and descriptive answers to this question (e.g., Haynes 1986; Lesnick and Ehrman 1987; Potapchuk and Carlson 1987).

Rules and Standards

On the normative side, Susskind (1981) points out that labor mediators must abide by the rules established by the Federal Mediation and Conciliation Service or the American Arbitration Association. Baker-Jackson et al. (1985), as well as Rogers and McEwen (1989), Tyler (1987), and Cormick (1982),

point out some ethical standards for choosing the techniques. Likewise, Barsky (1983) proffers advice, holding that mediators should first identify the source of the conflict—either emotions or dysfunctional communication —and then follow through with techniques that address that source (i.e., disputants' needs). And Raiffa (1983) notes that mediators have an obligation to be as analytic as the dispute is complex.

Common Ground and Concern for Parties' Outcomes

Approaching technique selection from a predictive perspective, Carnevale (1985) presents a "strategic choice" model of mediator technique selections that relies on selection criteria of common ground between the disputants and the value the mediator places on the parties' attainment of their outcomes. In his model, Carnevale uses these factors to predict when mediators will use pressing, inaction, compensating, or integrating tactics.

Recently the model has received some verification. Using a laboratory version of an actual negotiation task from a securities firm, Carnevale and Henry (1989) tested 12 hypotheses derived from the model. Nine of these were supported, providing support for the model. Perhaps more important, the data support the general notion that mediators react contingently; that is, they survey the conflict as well as the setting and then select their techniques to fit the situation.

Dispute Characteristics

Such a contingency approach adheres to Lentz's (1986), Prein's (1984), and Haynes's (1985) calls for mediators to tailor their tactics to the dispute. It is also consistent with Shapiro, Drieghe, and Brett's (1985) study of five mediators who used a "contingency" approach in their mediations. These latter researchers find that mediators, drawing heavily on their past experiences, ask themselves, "What outcomes are possible in this dispute?" Having tentatively answered this question, mediators tend to select or anticipate one of these outcomes and select techniques that are apt to achieve that outcome.

Carnevale and Pegnetter's (1985) report provides additional contingencies. It reveals, for example, that mediators use humor to lighten the atmosphere whenever they detect hostility. If too many issues emerge, the mediators attempt to simplify the agenda, suggest trade-offs and hold long sessions that facilitate compromise. Or when the disputants/bargainers are found to lack experience, mediators are apt to choose techniques that educate them, perhaps by noting procedures that have been used in the past.

Culture

In addition to these factors several others influence the tactics and strategies that are employed. Culture is the strongest, most obvious, and perhaps most colorful. Because individuals interact, negotiate, and disagree differently, culture to culture (e.g., Sunoo 1990), it comes as little surprise that mediation also varies. Merry's (1989) descriptive report of mediation in the Sudan, Philippines, Afghanistan, and Mexico shows quite richly that mediators rely on techniques that traditionally have been employed and accepted in their society (e.g., mediators have the village exert pressure to settle). Likewise they rely on the power and prestige granted to them by their society. (For example, in China community mediators have high power and status because the country—with a Confucian tradition—values peacekeepers [Wall and Blum 1991].) And they mediate within the bounds maintained by their culture.

Mediator's Training

In addition to its direct impact, culture influences mediators' tactics via the training they receive. For example, in China mediators use tactics (e.g., highlighting the cost of the dispute to a third party) that emphasize restoring harmony in society (Laden 1988; Wall and Blum 1991). These techniques come from a society that long has embraced the Confucian ideal of societal harmony, and they are pressed on the mediators in their training. Specifically, the army—People's Liberation Army—trains the community mediators to emphasize social harmony. Consequently, Chinese mediators adopt this approach when encountering any dispute.

The effect of training is also seen in the United States (e.g., Girdner 1986; McGillicuddy, Welton, and Pruitt 1987). As McGillicuddy, Welton, and Pruitt (1987) note, the community mediators they studied had been trained to approach their disputes democratically—to emphasize disputant consensus. Consequently, they followed this approach even when given the power to be heavy-handed.

Mediation Context

Like culture and training, the mediation context is an important determinant of the techniques and strategies employed (Touval 1985). Kolb's (1983, 1989a, 1989b) descriptive works illustrate this influence quite nicely. In the second work, she points out significant differences in formal mediation

among fields such as public policy decision making, conflicts between intimates, commercial transactions, and conflicts in employment relationships.

Not only does the mediation context vary from field to field, but there is also significant variation within each field. As Brett and Goldberg (1983) and McGillicuddy, Welton, and Pruitt (1987) point out, mediators in the same field can take on different structural roles. They can have the responsibility of mediating first and then arbitrating a dispute. Or they can be required to mediate and subsequently allow a second party to arbitrate. The obvious result of the different structural roles is that the mediators generally will follow the rules. They will follow their mediation with arbitration or will not, as expected. But in addition, the expected arbitration (or its absence) affects the manner in which they mediate. As McGillicuddy, Welton, and Pruitt (1987) report, community mediators whose intervention was followed by another party's arbitration were less involved in the mediation, intervened less, and more quickly called off the mediation.

Mediator's Ideology

In addition to culture, training, and context, the mediator's ideology serves as a strong influence for tactic selection (Stein 1985). Kolb (1983, 1989b) notes that within the same role—be it labor mediator, formal organizational mediator, or informal mediator—mediators held very different opinions of their function and thereby the tactics they should employ. In the ranks of the formal organizational mediators, for instance, Kolb found some who felt their responsibility was to help people out of situations that caused problems; therefore, they used techniques that served this end. Others saw themselves merely as fact-finders and thereby used techniques that gleaned information.

Kolb's (1983, 1989b) observation is consistent with Wall and Rude's (1987) finding in judicial mediation. Some judges, especially those from the South and Midwest, held to the ideology that a judge's mediation role—in settling civil cases out of court—should be minimal; therefore they employed tactics less assertive than those used by judges favoring a strong mediation role.

To this point we have noted that mediators' reading of the conflict, the mediators' culture, their training, as well as the context and mediators' ideology, determine the techniques employed in mediation. There is also some evidence for a sex effect: men are more likely to use substantive/pressing tactics (Carnevale et al. 1989; Lim and Carnevale 1990). And there is initial evidence that time pressure as well as expectation of future relations have their effects (Carnevale and Conlon 1988; Lewicki and Sheppard 1985; Ross, Conlon, and Lind 1990).

PARTIES' OUTCOMES

So far we have examined the techniques available to mediators as well as the factors that determine the choice among them. Once mediation is undertaken, what is its effect? Kressel and Pruitt's (1989) answer to this question is quite thorough; therefore, we rely on it somewhat heavily in this section.

Settlement/Agreement

According to Kressel and Pruitt (1989), the effects of mediation (Arrow 3a) on the settlement of the dispute are somewhat ambiguous. They estimate the median settlement rate (across all mediation domains) is about 60%, with a range between 20% and 80% (Bercovitch 1989; Kressel 1985; Kressel and Pruitt 1985; Wagner 1990). Although this average is somewhat lower than one would like, we should bear in mind Schwebel, Schwebel, and Schwebel's (1985) proposition that mediation is as much a preventive measure as it is one of resolution. That is it prevents subsequent conflicts as it solves current ones.

Improved Current Relationship

As for the other mediation outcomes, Kressel and Pruitt (1989) point out that mediation tends to improve the current interaction between the disputants. They cite, for example, Kelly and Gigy's (1989) finding that many divorcing couples who did not reach a mediated settlement still valued the mediation process because it improved communication and reconciliation. This finding is corroborated by Shaw's (1985, 1986) reports from child-parent mediation in which she notes that communication between the child and parent typically improves as a result of mediation and that mediation in general improves the parent-child relationship.

These observations are consistent with Zarski, Knight, and Zarski's (1985) and Jaffee and Cameron's (1984) reports that mediated custodial resolutions place less stress on the parents and children. Even if they do not end in settlement, these mediations (as opposed to litigation) provide the parents with problem-solving skills that enable them to work toward acceptable custody arrangements.

Risken (1982) and Galanter (1985) provide further evidence for this argument. In brief, Risken (1982) contends that the mediation process is cheaper, faster, and more hospitable than adversarial processing. Echoing these points, Galanter (1985) adds that mediation tends to make attorneys more cooperative. It is perceived as fairer by the participants, and it gives the

disputants control over the case. Even when it fails to produce a settlement, it better prepares the case for court.

Compromise and Fairer Agreements

Given that mediation assists in settlement and improves the parties' current interaction, are there other—hopefully positive—effects? The answer is affirmative. Primary among these is the nature of the agreements. Kressel and Pruitt (1989) note that mediated agreements entail more compromise and fairness than adjudicated agreements. For example, in divorce mediation, Pearson and Thoennes (1989) find that mediation provided more joint (versus sole) custody agreements. This finding is consistent with that of Emery and Wyer (1987). Likewise McEwen and Maiman (1989) report their corroboration, noting that "lopsided" awards were given in nearly 50% of the adjudicated cases but in only 17% of the mediated ones.

Compliance

Another positive outcome is the rate of compliance with the mediated agreement. Kressel and Pruitt (1989) note the rate is generally high; from Roehl and Cook (1989) comes a report of 67% to 87% compliance with agreements in neighborhood mediation centers. McEwen and Maiman (1984, 1989) report higher compliance in mediated court cases (versus adjudicated cases). And Pearson and Thoennes (1989) find mediation is responsible for greater compliance in divorce cases.

Parties' Satisfaction

A final outcome deserving mention is the parties' satisfaction with the mediation process. Kressel and Pruitt (1989) report it is typically about 75%, even for disputants who fail to reach agreement (Kelly and Gigy 1989; Pearson and Thoennes 1989; Roehl and Cook 1989; Thoennes and Pearson 1985). A parallel finding is that mediation generally is more satisfying than adjudication (Emery and Wyer 1987; Emery, Matthews, and Wyer 1991; Pearson and Thoennes 1989; Roehl and Cook 1989) or arbitration (Brett and Goldberg 1983). For interested readers, Carnevale et al. (forthcoming) note about 20 additional outcomes from successful mediations. There is also evidence—from diverse cultures (Nader and Todd 1978)—that disputants tend to be satisfied with mediation because it is inexpensive, it takes into consideration all aspects of the dispute (e.g., a person's standing in society),

it keeps the power structure intact, it is understandable, and it is viewed as flexible.

We must bear in mind, however, that some parties do not appreciate the process. As Vidmar (1985) notes, many parties will settle when exposed to the mediator's tactics, but they resent having the agreement forced on them. This finding reflects Rubin's (1980) earlier report that many parties perceive third-party intervention as an unwelcome and unwanted intrusion. And it is consistent with (1) Karim and Pegnetter's (1983) finding that parties' satisfaction and mediation pressure are negatively correlated, (2) Gerhart and Drotning's (1980) report that some parties resent anything other than passive mediator behavior, and (3) Wall and Rude's (1991) finding that attorneys dislike assertive judicial mediation.

We also should note that mediation does not often create a fair world for the parties—one in which there is a balance of power and distributive justice for all. As Moore (1986) points out most mediators do not have authoritative, decision-making power; therefore, they cannot create a "kinder, gentler" world. And many mediators do not have this as their objective. As Kolb (1989a) points out, mediation often becomes the servant of the status quo; consequently, the "haves" often are permitted to come out ahead in mediated as well as in nonmediated civil cases (Galanter 1974).

A final note on the mediation effects: the above studies have looked at the effects of mediation (versus no mediation or adjudication) on settlement, relationships between the parties, rate of compliance, and so on. There are disturbingly few investigations of specific mediation techniques. We need more studies such as the one by Welton, Pruitt, and McGillicuddy (1988) that examines the effects of caucusing (private meetings between the mediator and the parties) in mediation versus joint sessions with the mediator. These authors report the parties in the caucus sessions were less hostile, provided more information, and offered more alternatives than did those in the joint sessions. Examining a different technique, Wall (1984) finds mediator proposals (versus no proposals) improve parties' payoffs, especially when few issues are under negotiation. And Conlon and Fasolo (1990) find the satisfaction of the parties is affected by the amount and fairness of the mediator's award.

OUTCOME DETERMINANTS

Given that mediators' tactics and strategies determine, in part, the settlement of the dispute, the nature of the agreement, the quality of disputant

communications, the rate of compliance and disputant satisfaction, the next—perhaps apparent—question is, what conditions mitigate (Arrow 11) these effects?

Stein (1985) points out the importance—and difficulty—of addressing this question. And Kressel and Pruitt's (1989) summary provides some concise answers. For the latter authors, the level of conflict, parties' motivation to reach agreement, their commitment to mediation, availability of resources, and type of issue are viewed as the major mitigating factors.

Level of Conflict

The strongest relationship seems to hold for the level of conflict: as this level increases, the likelihood of successful mediation decreases. Most of the studies supporting this proposition (Bercovitch 1989; Carnevale and Pegnetter 1985; Doyle and Caron 1979; Hiltrop 1989; Kelly and Gigy 1989; Kressel et al. 1980; Pearson and Thoennes 1989; Pruitt et al. 1989) examine the effect of this factor on the mediator's settlement of the dispute. These findings are consistent with Phear's (1985) report that the mediation centers he observed screened out violence cases (i.e., those they felt would not be assisted by mediation). Lim and Carnevale's (1990) recent research suggests that mediators might be able to offset the effect of high conflict by employing substantive pressing techniques. Their findings show that these tactics are positively related to settlement under high levels of conflict and are negatively related at low levels.

Parties' Motivations and Commitment

Another factor affecting the effectiveness of mediation efforts is the parties' motivation to negotiate and reach an agreement. In labor mediations (Carnevale and Pegnetter 1985; Hiltrop 1989) and community disputes (Kleiboer 1991), as well as in marital affairs (Kelly and Gigy 1989; Sprenkle and Storm 1983), research shows that mediation is more likely to produce settlement whenever the parties are highly motivated to negotiate (Brett and Goldberg 1983; Skratek 1990). Such a motivation might come from the parties' personal inclinations, from a strike deadline, or alternatively from a costly stalemate (Touval and Zartman 1989).

Like motivation to agree, the parties' commitment to the mediation process increases the effectiveness of the mediators' techniques. Hiltrop (1989) reports, for instance, that settlement is highest when mediation is

sought by both sides. Similarly Carnevale, Lim, and McLaughlin (1989) report that settlement is positively correlated with receptivity to mediation.

Consistent with the effects of motivation to reach agreement and commitment to the mediation process is the effect of the parties' relationship. In neighborhood small-claims mediation, Strena and Westermark (1984) observed that mediators were more successful with parties who had a close relationship—family, friends, or neighbors. Similar reports come from Chandler (1985) in social work mediation, from Albert and Howard (1985) in landlord-tenant mediation, and from Roehl and Cook's (1985) examination of mediation in a variety of disputes. The last authors, however, add a qualifier: the close relationship makes it easier for the mediator to strike an agreement, but chances are, the agreement will not hold.

Scarcity of Resources

Another factor affecting the success of mediation is the scarcity of resources. As Kressel and Pruitt (1989) point out, mediation is unlikely to bring about settlement when one or both sides have few resources. In labor mediations, the inability of management to increase wages (Carnevale and Pegnetter 1985; Kochan and Jick 1978) reduces mediation effectiveness. And in divorce mediation, low income or financial strain have the same effect (Pearson, Thoennes, and Vanderkooi 1982).

There are a couple of explanations for the scarcity effect. One, offered by Kressel and Pruitt (1989), is that resource scarcity reduces the number of mutually acceptable solutions. Consequently the parties, finding little common ground, hesitate to cooperate with the mediator in settling the dispute. A similar explanation can be drawn from March and Simon's (1958) work: Scarce resources tend to heighten the conflict between the parties. And as noted above, this increased conflict lessens the mediators' effectiveness.

Type of Issue

Returning to the outcome determinants, we find the type of issue also plays an important role. When mediating civil disputes, judges often say: "Don't talk to me about principles. Talk money. I can't trade principles." This comment nicely illustrates Kressel and Pruitt's (1989) assertion that issues of principles are quite difficult to mediate. Any mediation, be it in labor disputes (Hiltrop 1989), international conflict (Bercovitch 1989), community disputes (Pruitt et al. 1989) or environmental affairs (Bingham 1986), becomes difficult when the dispute is over principles or nondivisible issues.

Additional Factors

To the above factors—level of conflict, parties' motivation and commitment, level of resources, type of issue—we can add several others that determine the effectiveness of mediation. Currently there is some evidence that unequal power between the parties (Amy 1983; Bercovitch 1989) reduces the likelihood of a mediated settlement. Davis and Salem (1984), when discussing this point, add that one goal of mediation—as an ends as well as a means—is the management of power imbalances.

The level of internal discord within the constituencies of one or both parties (Bercovitch 1989) also seems to determine the mediator's effectiveness (i.e., high discord reduces effectiveness). Likewise there is evidence that parties' admission of some fault (Vidmar 1985), perceived mediator bias (Welton and Pruitt 1987), culture (Polley 1988), nature of the issues in dispute (Hiltrop 1985), type of conflict (Bercovitch 1991), speed of entry (Conlon and Fasolo 1990), the mediator's characteristics (Holzworth 1983) and aspirations of the parties determine, in part, the mediation effectiveness.

Also, quite important, any factor increasing the conflict level between the parties would reduce mediation success. These factors might include high constituent demands, constituent distrust of a party, parties with little negotiation experience, parties' goals of beating the other, a party's failure to reciprocate concessions, unrealistic time pressures, low verbal interaction, a history of disputant belligerency, a low probability of future encounters, and cultural norms about conflict and conflict resolution.

The preceding paragraph might seem to indicate that factors that facilitate (or hinder) mediation are the same as those that reduce conflict. There is a significant overlap, but the groupings should be considered rather distinct because the first category contains many factors (e.g., parties' commitment to mediation, equal power between the parties) not found in the second.

Also, factors in the second category, which raise conflict and reduce its resolution, will at times facilitate mediation. For example, high constituent demands can raise the conflict between two parties from a low level to one that (1) is very uncomfortable for the parties, (2) is so intense they cannot resolve it themselves, and (3) is expected to escalate quickly. In such a case the parties will be more apt to seek mediation and cooperate with the mediator.

LINK BETWEEN PARTIES' OUTCOMES AND PARTIES' INTERACTIONS

The link between the parties' outcomes and the parties' interaction (Arrow 4) has not spawned very much research, perhaps because the relationship is

rather evident. For instance, an agreement evidently alters the future relationship between the parties. In a dispute between two department heads, for example, the agreement could dictate the courses of action to be followed by each department. In a mediated divorce, it often sets up the termination of the relationship. For labor relations it can specifically dictate future actions. For a parent-child conflict, it perhaps improves the relationship. And for a mediated end to a war, it might structure the prisoner exchange.

The effects of other outcomes—improved communication and streamlining of issues—also have their effect, in that they assist the parties in the next round of interactions.

Surprisingly, however, mediation does not improve the postdispute climate between the parties (Kressel and Pruitt 1989). The evidence from community justice centers (Roehl and Cook 1989), divorce mediation programs (Pearson and Thoennes 1984), and international conflict (Touval and Zartman 1989) indicates that mediation seldom alters the long-run climate between the parties. Why not? It seems reasonable that settlement, improved communication, streamlining of issues, and rather high rates of compliance would pave the way for an improvement in the postdispute relationship. Why is this not the case?

Kressel and Pruitt (1989) feel mediation is often too brief to alter the climate; the problems attacked are too severe, and the mediation as well as the postmediation processes are so stressful and complex that they "swamp" the mediation benefits (Pearson and Thoennes 1989). From a slightly different perspective, it seems, too, that mediation is a weak elixir for improving a dispute hostile enough to merit intervention by a third party. Having parties interact over and settle issues—with the assistance of a third party—does not automatically make them fond of each other (or the mediator).

In spite of these findings, we feel the link between the mediation outcomes and the postdispute climate is currently an open issue and an important arena for future research. Investigations here will indicate if mediation—effective in the short run—is also effective for the long term.

MEDIATOR'S OUTCOMES

The mediator's outcomes and the link to the segments, Decision to Mediate (Arrow 7, Figure 1) and Techniques/Strategies (Arrow 8), highlight a point raised earlier. Mediators receive benefits and pay a price (Zetzel 1985) for their mediations. Yasser Arafat has found mediation brings recognition. Big Foot (the Sioux chief who tried to bring peace at Broken Knee [Brown 1970]) learned it also brings personal suffering. And environmental media-

tors may soon find themselves targeted for suits by the disputing parties (McCrory 1981; Stulberg 1981; Susskind 1981).

Like mediation, the specific techniques and strategies in the process have their costs and benefits. Consequently, it seems that mediators would choose techniques and strategies (Arrow 8) with the highest net outcomes (i.e., benefits minus costs) and decide to mediate interactions (Arrow 7) whenever they have been positively reinforced for doing so.

MEDIATION PROCESS

Although this review has focused on the segments of the mediation, we must bear in mind that mediation is a dynamic process, one that unfolds in stages. And there are likely to be many iterations through the process (from Arrows 1, 2, 3a, 4, and back again) in most mediations. The stages or phases have drawn the most attention. Ferrick (1986), in his thinkpiece, lays out 3 stages; Blades (1984) identifies 4; Folberg and Taylor (1984) find 7; and Moore (1986) ferrets out 12.

Although they examine mediation from slightly different perspectives, these scholars share common goals. They break mediation into steps so as to describe it and prescribe the timing of mediator intervention. Both Ferrick (1986) and Blades (1984) emphasize that mediators should intervene only when the parties are ready; they should not "muscle" the mediation. Pressing a similar point, Moore (1986) holds that five of his phases should take place before the parties are brought together.

Such dissections of the mediation process are probably of value to practicing mediators because they emphasize that mediation timing is as important as the techniques; however, these audits slightly advance our understanding and study of the process. None of the above stages or stage models have been empirically derived or validated. Also, each, with the possible exception of Blades's (1984) delineation, is a curious mix of descriptive stages (what happens in a mediation) and normative ones (steps mediators should take).

A second dynamic in the mediation process is the number of iterations. Logic and informal observations suggest that the process, like most others, improves with use. Although the mediation literature has not broached this topic, evidence from negotiation studies (e.g., Thompson 1990) suggests that practice does make perfect. Parties, as they bargain, gain general experience and become better at their task. Repeated bargaining also allows them to improve communications and perceptions (Cottam 1985; Donnellon and Gray 1989) or to patch up their misunderstandings. Likewise it allows parties

to search for integrative solutions, to adjust to each other's strategy or to glean information on each other's values (Korper, Druckman, and Broome 1986).

Analogously it seems that repeated mediation (i.e., multiple iterations through the cycle in Figure 1) would allow the mediator, as the parties, to gain general experience. In addition, repetition should improve the mediator's capability to sense when mediation is necessary, to communicate more lucidly, to understand the parties' perspectives, to offer acceptable compromises, and so on.

The downside of repeated use can be "chilling" and "narcotic" effects. With the chilling effect, some parties anticipate—or learn in previous mediations—they will receive higher outcomes from mediation than from their independent agreement. Therefore, instead of cooperating, they cling to their position or raise demands in hopes of tilting the mediation outcomes in their favor or in expecting the mediator will suggest, and perhaps bring pressure for, splitting the differences.

The narcotic effect occurs when third-party intervention increases the tendency for the parties to rely on it in the future. For various reasons, third party assistance becomes habit-forming. The chilling effect has been well-documented (e.g., Feuille 1975; Wheeler 1978) for conventional arbitration and the narcotic effect (e.g., Kochan and Baderschneider 1978; Chelius and Extejt 1985) for impasse-resolution procedures. Now, evidence is accumulating that these effects also can arise from the anticipated and repeated use of mediation (Harris and Carnevale 1990).

RECAPITULATION

In sum, we have relied on the conceptual framework in Figure 1 to organize and integrate the mediation literature over the past decade. For the reader's convenience we also, in Tables 1 and 2, list the major elements in this framework.

As we have seen, mediation begins as two or more parties ask or allow a third party to assist in their interaction. Under various circumstances (Mediation Determinants in Figure 1 and Table 2) a third party decides to mediate and, after considering several factors (Technique Determinants), chooses the techniques and strategies (Table 1) for the mediation.

Various factors (Outcome Determinants) determine the outcomes for the parties and the mediator. These outcomes, in turn, feed back to earlier segments. As for the parties' outcomes, they influence future parties' interactions, the mediator's future decision to mediate, and the choice of techniques

TABLE 2
Facets of the Mediation Framework

Mediation Determinants
- Previous agreement
- Job requirement
- Perception that mediation is useful or is preferable to dispute
- Expected benefits to mediator or mediator's constituents

Technique Determinants
- Formal rules
- Ethical specifications
- Source of conflict
- Difficulty of reaching agreement
- Mediator's reading of the conflict
  - Importance of parties' reaching their goals
  - Obtainable outcomes for parties
- Characteristics of dispute or interaction
- Culture
- Mediator's training
- Mediator's structural role
- Mediator's ideology
- Sex of mediator
- Time pressures

Parties' Outcomes
- Settlement/agreement
- Prevention of future disputes
- Improvement of current relationship
- Compromise from positions
- Fair agreements
- Compliance to agreement
- Parties' satisfaction

Outcome Determinants
- Level of conflict
- Parties' motivation to reach agreement
- Commitment to mediation process
- Parties' relationships
- Availability of resources
- Type of issue
- Relative power of parties
- Discord within parties' constituencies
- Admission of fault
- Speed of mediator's entry
- Mediators' characteristics
- Parties' aspirations
- Factors altering conflict level

TABLE 2 Continued

Mediator's Net Outcomes
Benefits from mediating (and any settlement)
Costs from mediating (and any settlement)
Benefits from each technique
Costs from each technique
Mediation Process
Mediation stages or steps
Speed of mediation
Frequency of use

and strategies. The mediator's net outcomes impact chiefly on the future decision to mediate and the choice of techniques and strategies.

CRITIQUE AND SUGGESTIONS FOR RESEARCH

In looking critically at this literature, we conclude that mediation has advanced significantly over the past decade. Practice has moved quickly, research has followed rather closely, and various publications (e.g., *Mediation Quarterly*, *Negotiation Journal*, and *Alternative Dispute Resolution [ADR] Report*) have channeled research findings back to practitioners.

This tandem advancement has benefited the field in two ways. First, the extensive practice of mediation has given researchers many opportunities to study various segments in the mediation process (e.g., Mediation Determinants, Mediator's Outcomes). Their findings now enable us to describe mediation in detail rather than to provide simple inventories of mediation techniques (Lewicki, Weiss, and Lewin 1991).

Second, the wide use of mediation (in fields such as international relations, leadership, community disagreements, judicial cases, etc.) has enabled and motivated researchers to study mediation in varied settings. As they have done so, investigators have been able to compare results from different fields. Some of these findings are corroborative—such as high rates of compliance with mediated agreements (Roehl and Cook 1985; McEwen and Maiman 1984). On the other hand, some of these do not square with each other (e.g., recall the differences in settlement rates [Kressel and Pruitt 1989]), spawning the conclusion that some results may be situation specific.

Although the practice-research orchestration has its payoffs, it concomitantly has generated a very complex literature. Different disciplines have

addressed divergent questions (Kolb and Rubin 1991), and the specificity of the variables under study is also quite different (e.g., one study examines the effect of separating parties—a specific technique—and another study looks at the impact of reducing tension—a very general one). Such complexity and diversity make comparisons among the studies and integration of findings rather tricky. Moreover, it forces us to consider any framework that integrates the literature as open for improvement.

We also find that very different methodologies have been used to study the various forms of mediation. Managerial/organizational mediation has been studied principally in the laboratory. The typical format here is for the subjects to receive background information and instructions as to their relationship (or dispute) with the other party. Subsequently, they interact face-to-face, with written notes, or via computer. Prior to and during these interactions, the mediator applies a selected variety of techniques.

Industrial relations studies have relied heavily on questionnaires completed by the negotiators and mediators. In these, the parties are asked to recall a recent mediation and answer specific questions concerning their own behavior, the actions of others, and the issues involved in the negotiation or dispute. International and environmental mediation researchers use case studies. And investigators typically use observations and questionnaires to study judicial and community mediations.

Each methodology brings its specific strengths and weaknesses. The laboratory studies give tight control but limited external validity. Of the criticisms leveled at laboratory studies (Gordon, Schmitt, and Schneider 1984), mediation researchers seem most vulnerable to the overextrapolation of their results. For example, Hiltrop and Rubin (1982), on the basis of one laboratory study, advise mediators on the strategies they should use.

The questionnaire and interview research yield higher external validity because the information comes from actual mediation participants. However, in these studies it is quite difficult to analytically separate the independent variables and their effects (e.g., it is difficult to distinguish the effects of the mediator's culture from the effects of his or her ideology).

In addition, such studies rely too heavily on the respondents' ability to recall past events. Also, these respondents, at times, are asked to report data they are not privy to.

THEORY BUILDING

As mediation practice and research have advanced, both have significantly surpassed theory building. To us it seems three routes are available for correcting this deficiency: one is general and the other two, context-specific.

General Theories

With the general approach, scholars can begin with a framework like the one presented in this article and develop theories they feel would apply across multiple contexts (e.g., across labor, family, and international mediations). Given the complexity of the mediation process, it would be difficult and probably erroneous to rely on this approach for development of a theory that explains all the empirical findings with a few fundamental psychological processes.

Rather, researchers would be better advised to develop a number of middle-range theories. These would focus on a segment of the framework and yield specific general hypotheses (ones that apply across many contexts) for each segment. As they build these theories, scholars could draw on observations from several mediation contexts, develop hypotheses and theories for these fields, and extrapolate these to additional contexts.

If scholars used the framework provided in this article (Figure 1), they would develop a general theory for each segment and relationship (e.g., mediation determinants, effects of parties' outcomes on decision to mediate). Consider as an example the Mediation Determinants segment of the model. Theory and hypotheses could be developed here by drawing on expectancy motivation theories (e.g., Vroom 1964). Specifically, it seems that third parties—in general—will mediate if their total expected outcomes are greater than those from engaging in alternative behaviors.

Turning to the effects of mediator's outcomes on the decision to mediate (Arrow 7 in Figure 1), we suggest a simple starting hypothesis: A mediator will continue to mediate as long as he or she is adequately reinforced for doing so.

Added to the above broad hypotheses are some intriguing nuances. One is that the payoffs for continuing to mediate can be substantially below those required to initiate mediation. Support for this hypothesis is two-fold: first, mediators probably will not be able to treat past involvement in the mediation as a sunk cost. Thereby, they will become more and more committed to the process. Secondly, the rewards for continuing mediation can be somewhat smaller because small rewards, if occurring in a variable ratio or random schedule (as in mediations), can strongly perpetuate behavior. The above suppositions, it seems, would hold across most contexts, be they international, labor-management, community, marital disputes, or others.

Context-Specific Theories

An alternative theory-building strategy is to develop and test ideas in different contexts. The logic underpinning this approach is that mediation is

practiced in different ways in different contexts (Kolb 1989a). This being the case, it seems reasonable to develop theories and test them within each context.

One approach here would be to divide the mediations according to the field of practice and to study the entire mediation process (e.g., all of the segments in Figure 1) for that field. That is, international negotiations could be lumped together for theory building; divorce mediations would be studied together, labor mediations would go into another group, and so on. After these groupings were established, researchers could examine the overall processes and outcomes for each group.

A more specific approach would be to identify exact factors in particular types of mediations; subsequently, in several studies researchers could investigate the effects of these factors. For example, researchers could repeatedly examine the effect of national sovereignty on international mediations or the effect of children (versus no children) on techniques employed in divorce mediations.

Extended-Context Theories

Researchers can also extend or modify the context-specific approach. Instead of grouping mediations strictly by lines of practice, researchers could first identify factors (e.g., power of the mediator) that have a significant impact on the nature and process of the mediation. Then they could group the mediations according to these factors instead of by areas of practice. Subsequently, theories can be developed for each group.

We proffer this approach because mediation in one field of practice frequently has more in common with mediation in another "practiced" field than it does with mediations in the same field. For example, a judge's pretrial mediation of a dispute between one plaintiff and one defendant is much akin to a manager's mediation of two subordinates' dispute. (In both situations, only two disputants are involved, and the mediator is powerful.) And this judicial mediation is quite different from a judge's mediation of a case between two major corporations.

If scholars followed such an approach, they, in the first step, could use some of the following factors for distinguishing among the various mediations:

1. Power of the mediator,
2. Number of parties in the dispute,
3. Existence of parties' constituents,
4. Complexity of the issue,
5. Importance of the issue to parties outside the mediation,

		MEDIATOR POWER	
		Weak mediator	Powerful mediator
Number of interacting parties	Two	U.S. community mediation Divorce mediation Landlord-tenant mediation	Judicial mediation Managerial mediation Small claims mediation Prisoners' complaints mediation Chinese Community mediation
	More than two	U.S. community mediation Labor-management mediation Environmental mediation International mediation	International mediation Judicial mediation

Figure 2: Contextual Categories for Mediations

6. Time frame of the mediation,
7. Structure of the mediation (is it embedded in other dispute resolution processes?), and
8. Time frame of an agreement.

Consider the first category, power of the mediator. Mediators with high power would include a judge in a civil suit, a manager helping with subordinates' disputes, a small-claims mediator, the "street committee" mediator in a Chinese community dispute, a village elder in a marriage disagreement, or Boris Yeltsin in the Nagorno-Karabakh dispute.

Once these initial groupings have been established, they can be crossed so as to develop finer contextual categories for theory building and testing. (For example, in Figure 2, we cross mediator power with number of interacting parties.) Once these groups are established, researchers, in turn, can then develop specific theories for each group. As an example, the powerful-mediator-two-party-negotiation sector of Figure 2 lends itself to the following hypotheses. Mediators in this context can be expected to enter the dispute rather quickly after detecting it and often will do so under their own volition. When mediating they are apt to use a limited number of assertive techniques and will have a high expectation for settlement.

As for the parties' outcomes in these mediations, we predict the parties will agree quite frequently and, for the most part, will comply with the agreements. Also, both parties will tend to be highly satisfied with the mediation procedure, but one of them may frequently be dissatisfied with the outcome.

With regards to the mediation cycle, it is reasonable to predict that the mediators in this context will continue mediating until they have an agreement. They are apt to engage in future mediations with these parties. And they seldom will modify their mediations to fit the situation.

Once hypotheses, such as these for the northeast quadrant of Figure 2, have been developed, researchers can test them and then focus on additional contexts. However, in some cases, theory builders can (and will) choose to focus on one mediation (e.g., the complex Middle East hostage negotiations) or on a restricted set of mediations that has a very unique context.

WHICH APPROACH?

In considering the theory-building approaches illustrated above, we find each has its benefits. General theory building (with a focus on the segments of the mediation process) is an efficient procedure that yields a broad base of knowledge. Here there is a research synergy, as findings in one context suggest hypotheses as to what can be found in another. Moreover, looking across various contexts emphasizes the different ways in which mediation can be studied, and it should motivate researchers to experiment with different methodologies in their own areas.

Context-specific and extended-context theory building (which examine the entire mediation process) yield richer theories that emphasize the variation in mediation and its setting. Here researchers can explore how the context impacts on the process and outcomes of mediation (Kolb 1989a), and they can determine how mediation varies in response to the disputes, settings, and parties. Finally, this approach is quite valuable to the practitioner because of its attention to detail and its focus on the overall process in a specific context.

Given the payoffs from each approach, it seems advisable for some researchers to advance along one axis and for others to follow alternate tacks. In this alliance, it is hoped the approaches will complement each other, yielding insights into the process and outcomes of mediation.

ADDITIONAL SUGGESTIONS

In addition to suggesting more emphasis on theory building, we propose less quibbling over the definition of mediation. We should bear in mind that mediation to a great extent is what a mediator does. Sheppard (1984), as well as Thibaut and Walker (1975), provide a fine starting definition for mediation: It is intervention by a third party who has control over the interaction of the parties but little control over the final outcomes.

However, if we find a strong mediator controlling the parties outcomes (e.g., by enforcing an agreement that terminates an international dispute), it seems pointless to debate whether that action is mediation. Rather, it is more fruitful to call this action "mediation" and classify it as an assertive technique by a powerful mediator.

In addition, we suggest that authors devote less effort and fewer pages to informal commentary. Of the articles published in the past decade, we found about 50% are based on the authors' ideas, opinions, and informal observations. Only half are data-based. This mix fosters our suggestion that scholars devote more of their energies to developing theories and collecting data to test them.

To the above suggestions we add two general prescriptions. The first is to study mediator teams. Most studies treat mediators as single parties. This approach does not always reflect reality because occasionally the mediation role is filled by a team composed of several individuals—with multiple motivations and reactions. Therefore we suggest studying mediation in this complexity. Researchers probably will find the mediation determinants, technique determinants, and outcome determinants, as well as the outcomes, have different effects on a mediation team than on a single individual. And the techniques (or strategies) used by a team probably will have different outcomes than those used by an individual mediator.

Our second prescription is to study mediation in foreign sites. Typically, as we practice and study mediation, we come to view it with a Western perspective and at times consider the Western mediation process to be universal. Specifically, we think of mediators as neutral parties who have limited power and who seldom become involved with enforcement of agreements. Also we perceive mediation to be an objective process in which individuals' rights are quite important.

By shifting to some international sites, researchers will broaden their perspectives. This approach also will allow them to investigate the situations under which our findings about mediation hold, the places and times in which they do not, and the circumstances under which moderate similarities (and differences) surface. Perhaps most important, researchers, by studying mediation in other cultures, may be able to suggest improvements in our mediation practices.

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