Self-reflexivity and the reflective question: broadening perspectives in mediation

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Most Western dispute resolution research, theory and practices are based on modernist ways of thinking, which value scientific explanations, objectivity, rationality and neutrality and the search for 'facts' or universal 'truths'. These theories generally only accept knowledge that can be seen through evidence and promote essentialism (categorising or labelling) and dualistic thinking (right/wrong, either/or). They ignore complexity and promote simplistic ways of viewing conflict and related concepts such as 'power', 'neutrality' and 'identity'. They privilege the mediator as 'expert', promote adversarial ways of thinking about conflict and favour structured, solution-oriented approaches (such as problem-solving) to its resolution. They ignore other factors, such as the power of language to define people's identities, realities and meaning—without language we have no thought.

Postmodernist theories and ideas, such as *social constructivism*,[2] offer a more complex understanding of post-industrial society and conflict than modernist ideas and value conflict, complexity, diversity and the co-existence of multiple 'truths' and identities.

> Constructivism *is the belief that we cannot know an objective reality apart from our views of it…* Social constructivism … *stresses the social aspects of knowing and the influence of cultural, historical, political and economic conditions.*[3] (emphasis original)

Stories about conflict that people bring to mediation are seen as constructions in language that shape experience.[4] People view things from a particular cultural position; perspectives are particular social or cultural views of reality that serve certain interests. Conflicts arise over whose meanings get to be privileged. People's needs and interests, therefore, are not 'essential', they are constructed in discourses that both emerge out of and shape social processes.

Constructivists assume that people's lives and identities are shaped by the meaning they give to their experiences, which is in turn shaped by and reflected in dominant 'normalising' discourses and cultural practices in society, and their historical position in the social structure. From this philosophical perspective, the mediator is more concerned about how clients' world-views, or constructions of the conflict or events, are getting in the way of an effective solution.

Constructivists argue that there is not one truth or reality, but multiple ways of looking at similar issues within different contexts. Socially agreed upon ways of talking about things (dominant discourses) construct people's reality and their interpretation of experiences. These discourses,

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2   K Gergen, 'The social constructivist movement in modern psychology' (1985) 40 *American Psychologist*, 266–275.

3   RG Dean, 'Teaching a constructivist approach to clinical practice' in J Laird (ed.) *Revisioning Social Work Education: A Social Constructionist Approach* (New York: Haworth Press, 1993), 57–58.

4   J Winslade and G Monk, *Narrative Mediation. A New Approach to Conflict Resolution* (San Francisco: Jossey-Bass, 2000).

however, can be deconstructed and thereby lose their power. People experiencing a similar event can define themselves as *victims* of terrible injustice, *strong* in the face of injustice, or as being primarily *unaffected* by the event. These constructions will be influenced by the cultural context and factors such as age, gender, ethnicity, class, social status, sexuality, ability and so forth. For example, 'macho' males will be less likely to describe themselves as 'victims' or as 'being fearful', as it goes against the dominant social constructions of masculinity. In addition, some people's versions of reality are privileged in certain contexts (such as young, white, Western male) and others are marginalised (such as children, elderly or indigenous people) or silenced (such as refugees).

Modernist mediators can fall into the trap of categorising and labelling their clients (for example as 'abnormal' or 'dysfunctional') and their problems in ways that reify and reinforce the power and knowledge of the mediator. From a postmodernist perspective, however, the mediator accepts that there is no 'normal' way of being, whilst recognising that some dangerous ways of being are unacceptable or illegal. It is assumed that if people's experiences and behaviours are accepted or 'normalised' by the mediator they will be less likely to take a defensive stance and will be more receptive to exploring new ways of being or behaving.

Self-reflexivity

Constructivist ideas suggest that it is impossible for a mediator to be neutral, which requires the mediator to take a *reflexive* approach to practice.[5] Self-reflexivity recognises that our practices are culturally specific,[6] not neutral, and involves the mediator 'being explicit about the operation of power'[7] and mindful of their power position in the mediation process. The reflexive mediator assumes a non-hierarchical position ('bottom up' rather than 'top down') and works collaboratively with clients in a more collegial, partnership role, sometimes described as engaging in *conversation* rather than as intervention. It is the *participants'* knowledge that is privileged, and the participants who supply the interpretive context for determining the meanings of events. The mediator is primarily interested in their different world views, as expressed through their stories about the conflict, and assists them to open up to alternative views or stories that might be more useful to their situation and to the resolution of the conflict.[8]

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5   K Gergen and M Gergen, *Research and Reflexivity* (London: SAGE Publications, 1991); A Jones, 'Writing feminist Educational Research: Am 'I' in the Text?' in S Middleton and A Jones (eds.), *Women and Education in Aotearoa 2* (Wellington, NZ: Bridgit Williams Books Ltd, 1992) 18–32; N Mauthner and A Doucet, 'Reflections on a Voice-centred Relational Method: Analysing Maternal and Domestic Voices' in J Ribbens and R Edwards (eds.), *Feminist Dilemmas in Qualitative Research: Public Knowledge and Private Lives* (London: SAGE Publications, 1998) 119–146; E Probyn, *Sexing the Self: Gendered Positions in Cultural Studies* (London: Routledge, 1993); F Steier, 'Research as Self-Reflexivity, Self-Reflexivity as Social Process' in F Steier (ed.), *Research and Reflexivity* (London: SAGE Publications, 1991) 1–11.

6   N Fraser and LJ Nicholson (eds.), *Feminism/Postmodernism* (New York, London: Routledge, 1990).

7   J Ribbens, 'Interviewing: an "unnatural situation"?' (1989) 12(6) *Women's Studies International Forum*, 162.

8   J Winslade and G Monk, *Narrative Mediation. A New Approach to Conflict Resolution* (San Francisco: Jossey-Bass, 2000).

The concept of *reflexivity* is stressed in feminist research. It is based on the idea that 'worlds are constructed, or even autonomously invented, by "scientific" inquirers who are simultaneously participants in their worlds'[9] and recognises that knowledge is embedded in the constructing process. Steier variously describes *self-reflexivity* as: 'turning-back of one's experience upon oneself'[10] and 'being conscious of ourselves as we see ourselves'.[11]

The notion of reflective thought is different but related to the concept of reflexivity. It was first introduced by John Dewey nearly 100 years ago and involves reviewing our attitudes and behaviours in ways that help us identify underlying assumptions, without necessarily challenging their ideological bases or taking power positions into account. We can look for alternative meanings behind each assumption while there is no fundamental challenge to their validity. *Critical reflection*, or *reflexivity*, goes beyond identifying assumptions to examining the 'dominant ideology and the power relations this ideology justifies …how it is embedded in the inclinations, biases, hunches, and apparently intuitive ways of experiencing reality that we think are unique to us'.[12] An ideology can appear to be benevolent or moral in intent but can have hidden, unanticipated, harmful long-term effects, as can be witnessed in the aftermath of the removal of indigenous children from their families in the last century.

Brookfield warns, however, that being critical thinkers may increase our self-awareness and inform our decision-making, but it doesn't always result in comfortable conclusions and involves feedback from others:

> *A critically reflective stance towards our practice is healthily ironic, a necessary hedge against an overconfident belief that we have captured the one universal truth about good practice …we must consistently involve others – particularly learners and colleagues – as commentators on our efforts … we depend on these people to keep us honest.*[13]

Reflective learners or practitioners take time-out to critique their value assumptions and habitual behaviours, and are receptive to feedback from others. *Reflexivity* takes this further—it is generally assumed to mean 'reflecting upon and understanding our own personal, political and intellectual autobiographies' and making explicit where we are in relation to our clients.[14] Reflexivity is required both within the practitioner-client interaction, and in the production of accounts and interpretations of the interaction.[15] In self-reflexivity the influences of characteristics such as gender, race, class, age, ability and sexuality on the relationship between professional and client are critically examined.

Alldred stressed that reflexivity in research should involve 'critical scrutiny ...that acknowledges that the analysis is an artefact, produced in a particular moment by a person occupying

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9   Steier, above n 5, 1.

10   Ibid. 2.

11   Ibid. 5.

12   SD Brookfield, 'The concept of critically reflective practice' in AW Wilson and E Hayes (eds.), *Handbook of adult and continuing education* (San Francisco: Jossey-Bass, 2000) 38.

13   Ibid. 46, 47.

14   Mauthner and Doucet, above n 5, 121.

15   Probyn, above n 5.

particular subject positions, and within the particular power relations described'.[16] Poststructuralists acknowledge that all knowledge is situated, which means, among other things, that the mediator is directly implicated in the knowledge that he or she produces, such as in the way a mediation is conducted and the agreements are shaped.[17] Mediators, therefore, cannot describe themselves as being 'neutral' or 'objective'. Instead they are conscious that their personal and professional experiences, beliefs, values and assumptions, personality, ethnicity, sex, class, age and so forth shape the way they view conflict, approach conflict, and interpret or privilege the various accounts of conflict provided by the participants. The following factors all situate knowledge in a particular way:

- the way the participants are invited to participate in mediation;
- the information they are given prior to the mediation;
- the cultural characteristics of the mediator(s);
- the context, timing and location of the mediation;
- the particular aspects of the conflict focussed on or given priority to;
- the types of questions asked, plus who is asked, when and how; and
- the interpretations that the mediators make of the answers.

In addition, the participants' personalities, culture, health, experiences and perceptions also shape the meaning given to questions and events, and influence the knowledge that is produced.[18]

Postmodernist mediators emphasise the importance of self-reflexivity in their practice. Reflexivity demands awareness and control of one's own professional, personal and cultural biases in order to understand the standpoint of the 'other'. Reflexive practitioners will have the courage to take time out to develop their self-awareness. They will be more able to connect their personal self with their professional self and to:

- consciously engage in a *continual* process of self-reflection, asking the critical 'why' questions;
- use an 'inside-out' approach to professional development, which involves interrogating, revising, confirming and consolidating various aspects of their own extensive practical knowledge before they place any reliance on experts;[19]
- rely on client feedback to test their observations, perceptions and formulations of the experiences, beliefs and needs of their clients;
- be willing to see perspectives other than their own;
- be open to new information about their practices;
- be open to new strategies and techniques as life-long learners; and
- acknowledge that both they and their clients have expertise to bring to bear on the conflict situation.

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16   P Alldred, 'Ethnography and Discourse Analysis: Dilemmas in Representing the Voices of Children' in J Ribbens and R Edwards (eds.), *Feminist Dilemmas in Qualitative Research: Public Knowledge and Private Living* (London: SAGE Publications, 1998) 147.

17   DJ Haraway, 'Situated knowledges: The science question in feminism and the privilege of partial perspective' (1988) 14 *Feminist Studies*, 575–599.

18   Ibid.

19   DE Hunt, *Beginning with ourselves: In practice, theory and human affairs* (Cambridge, MA: Brookline Books/OISE Press, 1987) 33.

Hunt notes that practitioners using 'outside-in' thinking rely on the prescriptions of others to guide their thinking and practices.[20] They rely on prescriptive answers to the 'how' and 'when' questions and put little emphasis on asking the critical 'why' questions.

Reflective questioning

So far I have placed importance on the *mediator* being self-reflexive. However, in education it is well known that critical reflection and contextual awareness enhances learner-centred approaches to teaching and learning. Techniques such as reflective questioning, when used in mediation, enhance the conflict literacy of the participants, widen the context, and privilege *their* knowledge, not the knowledge of the mediator. In other words, reflective techniques offer strategies to assist mediators to 'empower' the participants to make their own decisions and assist them to resolve their own conflicts in the future. For this reason I have found reflective questions to be among the most powerful tools in mediation teaching and practice. Reflective questions can assist parties to surface some of their culturally embedded ideas around social constructs that impede the successful resolution of a conflict, such as constructs of femininity or leadership, for example by asking: '*what has led you to believe that women cannot be effective leaders?*'

Reflective questions provoke insights that can change attitudes and behaviour and expand people's views of the world. They encourage the client, not the mediator, to do the 'thinking work' in mediation sessions. However, for reflective questions to be effective they should be:

• specific;
• cast in simple, positive language;
• active, not passive;
• curious, exploratory;
• respectful, without implying judgment, blame or creating defensiveness;
• open; and
• mutual—the same question should be asked of each participant

Reflective questions can be used at all stages of the mediation process for a number of purposes:

• To assist people to reconsider or modify views, attitudes or positions – e.g. *how is it that you think that you can't resolve this issue when you been able to resolve other issues in the past?*
• To externalise problems – e.g. *how has this conflict been allowed to escalate like this when you've been such good colleagues?*
• To stimulate insight – e.g. *what did you hear Bill say and what did it mean to you?*
• To anticipate change – e.g. *what would have to happen over the next month for you to reconsider your position?*
• To frame issues in a way that promotes cooperation – e.g. *how can you both cooperate as parents so that John [their son] can get what he is entitled to, the best of each of you?*
• To stimulate new ideas, attitudes, behaviours and/or options – e.g. *what do you think you can do differently to assist Jane to agree with what you want?*

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20   Ibid.

- To stimulate empathy (in a separate session) – e.g. *if you were to imagine what it would be like to be in his shoes, how would you respond?*
- To stimulate people to expect positive outcomes – e.g. *if you did get what you want, what would it be like?*
- To assist people to focus on the future – e.g. *if you could move forward a year and things could be the way you want them to be, how would things be different?*
- To highlight exceptions to the pattern of conflict – e.g. *it seems that you have successfully resolved conflicts in the past – what did you do then that might be useful now?*

Dr John Haynes (often described as the 'grandfather' of modern mediation), in a series of mediation tapes we made just before he died, illustrated how variations on the following two sets of reflective questions can be used by the mediator at various stages in the mediation process to put dissonance into participants' thinking, shift them from their positions and inject the notion of change. These questions also encourage empathy—each person has to consider the other in answering. For example in a dispute between Bill and Jane, the mediator could ask the parties two sets of reflective questions in turn, using the following sequence (note that one starts first with the first question, and the other starts first with the second):

1. *Bill, what are you prepared to do differently to assist Jane to agree to what you want?*
2. *Jane, what are you prepared to do differently to assist Bill to agree to what you want?*
3. *Jane, what can Bill do differently to assist you to agree to what he wants?*
4. *Bill, what can Jane do differently to assist you to agree to what she wants?*

These questions are particularly useful when generating options. They can be given to participants as homework, along with a conflict map (see Appendix 1).

There are many other techniques, such as *reframing* and *metaphors* that can assist participants to reflect on their experiences and situations in ways that produce new understandings and insights. Learning and insight can be developed through images embedded in stories. 'The essence of metaphor is understanding and experiencing one kind of thing in terms of another.'[21] Metaphors can help to encapsulate a very complex situation, turn an abstract concept into a more concrete idea, or represent another complex concept. Haughey, for example, cites a response to the use of the metaphors of paddling (in part looking forward) and rowing (looking backward) a canoe.

The paddler seems to focus on the currents around the canoe, whereas the rower focuses on the rowing. I saw how we can be so caught up in our own work that other ways of seeing are lost to us. Like the rower, we focus on the rowing more often than the goal.[22]

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21   G Lakoff and M Johnson, *Metaphors we live by* (Chicago: University of Chicago Press, 1980) 5.

22   M Haughey, (2001). 'Using learning technologies: An introduction' in EJ Burge and M Haughey (eds.), *Using learning technologies: International perspectives on practice* (London: Routledge Farmer, 2001) 5.

Training/coaching mediators to be reflexive

So far I have been describing the difference between prescriptive and elicitive or reflective approaches to mediation. Lang and Taylor highlight the difference between these approaches in mediator training.[23] With the reflective or elicitive approaches the trainer is a catalyst for the mediator trainee's learning and nurtures exploration and discovery through reflection. This approach is interactive. For example, in the mediation training programs I run at the University of South Australia, the coaches ask two reflective questions, immediately after the trainees play the role of mediator in a role play, that encourage them to identify their strengths and points of learning:

•   *What did you do that was successful?*
•   *In hindsight, what would you have liked to have done differently?*

The coach also encourages trainees to identify the reasoning behind their strategies and to consider the impact of their specific interventions on the disputants, for example by asking reflective questions such as:

•   *What did you learn from the exchanges between X and Y that followed your intervention?*
•   *What did you hope that your question would produce?*

Effective coaches or trainers refrain from criticising, analysing and providing answers. They avoid fault-finding and/or approval. The goals of their reflective questions are to:

•   encourage and assist the trainee mediator to reflect on experience through a process of exploration and inquiry;
•   support the trainee in discovering new ways of thinking or doing;
•   engage the trainee in identifying new knowledge; and
•   help the trainee to learn the process and value of reflection.[24]

In summary, *reflective* approaches are very different to *prescriptive* approaches to intervention and mediator training. In prescriptive approaches, the 'expert' mediator, or the 'expert' trainer directs the process, and the participants or the trainee mediators are seen as passive receptacles for learning. Reflective approaches, on the other hand, are more likely to empower clients and trainees to examine and expand their world-views and learn from their experience.

Finally, there are many tools that practitioners can use to engage in self-reflexive learning or practice and to promote self-reflection in their clients. For example, *learning journals* are useful to help mediators or trainees to develop a habit of reflection and the discipline of critical analysis.[25] They are a useful way of systematically recording the mediator's thoughts, impressions, concerns, questions and reflections. They may also be useful for participants in mediation as a way of recording their responses to reflective questions between session.

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23   M Lang and A Taylor, *The Making of a Mediator: Developing Artistry in Practice* (San Francisco: Jossey-Bass, 2000).
24   Ibid.
25   Ibid.

Appendix 1: Mapping the Conflict

(NB: These questions can be changed or adapted to suit different circumstances)

My perspectives	Their Perspectives
1. How do I see/describe the conflict?	1. How do they see the conflict?
2 What would I like to get from this mediation?	2. What is their solution?
3. What needs or interests of mine are involved?	3. What needs or interests of theirs are involved?
4. What major values of mine are involved here (e.g. strongly held beliefs?)	4. What major values of theirs are involved here (e.g. strongly held beliefs)?
5. What are my goals and priorities?	5. What are their goals and priorities?
6. What fears of mine need to be overcome?	6. What fears of theirs need to be overcome?
7. How is the conflict interfering with my attitudes or behaviour toward them?	7. How is the conflict interfering with their attitudes or behaviour toward me?
8. How do I see them? Am I stereotyping them a little or a lot?	8. How do they see me? Are they stereotyping me a little or a lot?
9. Can I write something that will help me understand them better?	9. What can I do to change their view of me?
10. What have I done in the past to resolve conflicts well?	10. What have they done in the past to resolve conflicts well?
11. How would I like things to be different a year from now?	11. Would talking about this with them hinder or help?
12. Am I willing to broaden my options and discuss solutions with them?	12. How can I assist them to broaden their options and discuss solutions with me?
13. What am I prepared to do differently to assist them to agree to what I want?	13. What can they do differently to assist me to agree with what they want?