

Exploring Helpful Tensions between Divorce Mediators and Clients: A Relational Dialectical Analysis

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Addressing calls for more mediation process research, this qualitative study explored which contradictory tensions are in play in a helpful working relationship between mediators and their clients. Data were collected in semistructured interviews with divorce mediators (n = 12). Relational dialectical analysis detailed how divorce mediators varied practice styles along the central opposing pulls of client self-determination and professional control, neutrality and engagement, and efficiency and exploration. The findings counterbalance traditional hallmarks of mediation and highlight a range of dynamic truths in which mediators operate. Methodological limitations and implications for research and practice are discussed.

At the intersection of law and mental health practice, divorce mediation emerged during the 1960s and 1970s as a promising interdisciplinary improvement for dispute resolution (Emery 2012; Konrad 2001; Singer 2009). This promise was substantiated in several research reviews (Beck and Sales 2001; Emery, Sbarra, and Grover 2005; Kelly 1996, 2004; Saposnek 2004) as well as in a quantitative meta-analysis (Shaw 2010). More specifically, mediation was found to outperform traditional adversarial litigation on several outcome measures related to children's psychological needs, spousal relationships, and satisfaction with emotions, process, and outcome (Emery et al. 2005; Shaw 2010).

These outcome-based reviews also highlighted the paucity of and pressing need for empirical research on what actually takes place in the mediation

process. Indeed, just knowing that mediation is better than litigation does not tell us how mediation or mediators contributed to such beneficial outcomes. The lack of process research likely stems from process research, and, in particular, qualitative process research being more complex, time-consuming, and expensive to be carried out (Creswell 2009; Kelly 2004). In addition, practical and ethical considerations such as rigid procedural formalities, confidentiality, and privacy concerns often restricted a better understanding of what actually goes on during mediation (Beck and Sales 2001). Some initial process studies did move away from the traditional comparative outcome-based research designs and suggested that the working relationship between mediators and their clients is complex and interactive in nature (Gale et al. 2002; Picard 2004). The latter progression toward a more complex and multifaceted understanding of the mediation process is reflected in how researchers classify the role of the mediator during mediation.

From an Either-Or toward an And-And Understanding

In their review of mediation research, Wall and Dunne (2012) noted that mediators have around one hundred techniques and strategies they can make use of during mediation. However, these numerous techniques sometimes overlap and may hinder or confuse mediators in clearly describing their approach during mediation (Coleman et al. 2015). The initial mediation literature attempted to classify the mediator's role by using contrasting bipolar indicators. That is, mediators, for example, were either therapeutic or bargaining oriented (Silbey and Merry 1986), took on either an interventionist or a neutralist role (Cohen and Dattner 1995), followed either a transformative or problem-solving ideology (Bush and Folger 1994), and were either communication or settlement oriented (Kolb and Associates, 1994). Yet most influential for training and practice was Leonard Riskin's dichotomous positioning into facilitative versus evaluative mediators (Riskin 1994, 1996; Shestowsky 2004, 2008). Simply put, a facilitative mediator departs from the assumption that the conflicting parties can generate their own solutions through an exploration, identification, and integration of underlying interests. Ideally, the facilitative mediator fosters client self-determination while remaining neutral and focused on the process rather than content (Baitar et al. 2012; Charkoudian et al. 2009; Hensler 2000; Riskin 1994, 1996). By contrast, the evaluative mediator assumes that conflicting parties require a directive third party who reviews, makes suggestions, and provides advice on preferred solutions and their legal consequences (Della Noce 2009; Lowry 2004).

Although instructive, such binary representations were increasingly overly simple or even at odds with recent research findings. For example, a survey study of experienced trainers and practitioners of mediation identified mediators as having either a more pragmatic (i.e., directive and settlement oriented) or more socioemotional style (i.e., person centered, transformative, and humanism). Interestingly however, the majority of the surveyed mediators (54 percent) implied some form of style variation and displayed a mix of both pragmatic and socioemotional aspects in their practice (Picard 2004). In a similar vein, survey studies of law students (Goldfien and Robbennolt 2007) and practicing divorce professionals (Baitar, Buysse, Brondeel et al. 2013) empirically demonstrated that both facilitative interest-based and evaluative advisory styles are used during dispute resolution. Likewise, in a simulated role-play mediation study dealing with a conflict between law professor and student, Golann (2000) observed mediators to flexibly switch between evaluative and facilitative styles during one mediation session. Even more in depth, analyzing twenty simulated mediation sessions, Gale and his colleagues (2002) found that both mediation process and outcome were influenced by a continuous interplay of three factors: how the mediator (1) structures and organizes mediation sessions, (2) is sensitive to the emotional interactions between clients, and (3) pays attention to the practical details of what needs to be settled. Analyzing observational data of seventy actual mediation cases, Charkoudian and her team (2009) challenged the idea that mediators flexibly switch between directive and elicitive strategies during a single mediation. Yet combined with findings from a survey of 250 community mediators, discrepancies were implied between what mediators say they do and what actually takes place during mediation, suggesting the complexity of defining one's mediation approach.

Taken together, these findings seem to call for an "and-and" logic that goes beyond a classification of mediators' styles in contradictory poles on a singular dimension. Indeed, rather than the mutual exclusive either-or contradiction, the findings noted are in line with a more complex interactive (Gale et al. 2002) and integrative (Picard 2004) understanding of the mediator's role. Such an and-and logic and complexity are also central to the theory of relational dialectics (Baxter 1988, 2011). Indeed, a relational dialectical framework typically provides concepts that connect apparent oppositional processes such as facilitative and evaluative mediation styles. At the same time, a relational dialectical approach could provide a more dynamic alternative for static descriptions of what takes place during mediation. Hence, we argue that a relational dialectical theory is an

innovative approach to examine which processes take place and how they may change during mediation.

Relational Dialectical Theory

According to relational dialectical theory, a unity of complex interrelated and contradicting processes is inherent in relationships (Baxter and Montgomery 1996; Baxter et al. 2004; Kuczynski and De Mol 2015). Such contradictions or dialectics are individually experienced but are in play in the relationship between individuals—hence the term *relational dialectics*. This interplay of contradicting and continuously changing processes, these relational tensions, are not viewed as a problem that needs to be solved. Rather, Baxter argues that such tensions are vital in high-quality relationships. Moreover, no finalized or ideal end state is envisaged in managing dialectical tensions in relationships. In that sense, relational dialectics are distinguished from the thesis-antithesis-synthesis thinking of Hegelian-Marxist dialectics (Baxter 2011; Baxter and Montgomery 1996). Where Hegelian synthesis implies a lasting resolution of oppositions, Baxter draws on the tenets of Mikhail Bakhtin's dialogism that assumes an ongoing interplay of unity and difference between competing relational processes (Bakhtin 1986 in Baxter 2011). Bakhtin further criticizes Hegelian dialectics of being too abstract and distant from real experiences (Bakhtin 1986 in Baxter 2011). By contrast, relational dialectics are believed to offer natural and healthy opportunities for interpersonal dialogue (Baxter 2011) and are fundamental in building one's own identity (Baxter 1988).

The latter can be clarified by the example of the autonomy and connection dialectic in personal relationships. Baxter (1988) specifies that parties need to forgo some individual autonomy if the existence and development of a relationship is desired. Yet the negation here is that the individual identities will disappear in a context of too much connection, making any relationship impossible. At the same time, although the separation from others defines an individual's autonomy, the "connections with others are considered to be the 'stuff' of which identity is made" (Baxter 1988, 259). In other words, the paradox is that too much individual autonomy will destroy the individual identities. Thus, both autonomy and connection are essential for both relationships and identities.

This metatheory of contradictory processes has proven to be useful to research and understand interpersonal relations in various stages of relationship development and contexts. For example, relational dialectical processes have been examined in friendships, romantic relationships,

long-distance relationships, renewal of wedding vows, during divorce, and in postdivorce relationships between stepchildren and stepparents and between adult children and their nonresidential parents, to name a few (see also Baxter 2011 for an extensive discussion). Although still rather scarce, studies are increasingly applying relational dialectical theory to scrutinize working relationships in professional settings such as in teams and organizations (Harter 2004; Tracy 2004), small group leadership (Galanes 2009), and teaching and classroom processes (Natalle 2012). Yet a relational dialectical analysis of the working relationship between mediators and their clients is, to the best of our knowledge, nonexistent and could thus constitute a new professional area for relational dialectical inquiry.

Research Questions

In summary, the study of the mediation process is an important undertaking as scholars seek to document, understand, and further legitimate the complexities of this growing dispute resolution option. Not surprisingly, the call to increase research on the mediator's role and mediation processes has been echoed by several scholars (Beck, Sales, and Emery 2004; Char-koudian et al. 2009; Kelly 2004; Wall and Dunne 2012). Accordingly, a small but accumulating body of research shows that the client-professional working relationship is a vital building block for reaching satisfactory mediation outcomes (Baitar et al. 2012; Goldberg 2005; Poitras 2009). Other initial studies suggest that this working relationship is multifaceted and interactive in nature (Gale et al. 2002; Picard 2004). In light of the above, the purpose of this study is to undertake a preliminary examination of which interactive processes are involved in the mediation process. To this end, the following exploratory research question is posed: Which relational dialectical processes are in play in the professional working relationship between divorcing clients and the mediator? This research question is addressed in depth with interviews of divorce mediators. Thus, the focus is squarely put on the role of the mediator, with the intent of eliciting helpful insights on how mediation styles might change or vary during mediation.

Methods

We used in-depth interviews with a small convenience sample of twelve certified Flemish divorce mediators, of whom nine were women. Four mediators also were lawyers, but the majority of participants were nonlawyer mediators

with a background in social work ($n=2$), educational sciences ($n=2$), or mental health practice ($n=4$). On average, the participating mediators were forty-seven years old (SD, 2.82) with the youngest being forty-three years old and the oldest being fifty-seven. The mediators had an average professional experience rate of seventeen years (SD, 4.56) and were active in the Flemish provinces of Vlaams-Brabant, Ghent, Limburg, Brussels, and Antwerp.

Procedures

All participating mediators were recruited using online resources of renowned mediation providers. In an initial phone call, the research context of the study was clarified to prospective participants, which was followed up with an e-mail reiterating the inclusion criteria and practical interview arrangements. While two mediators preferred to be interviewed in an office at the university hospital, all other interviews took place in the home offices of the mediators themselves. The interviews lasted approximately an hour and a half and were conducted by a female and a male interviewer, each with a university degree in psychology. Each interviewer separately carried out six interviews using a common semistructured interview protocol that arose from the qualitative survey findings of a pilot study that focused on helpful and unhelpful experiences of divorcing individuals (Baitar, Buysse, De Mol et al. 2013).

At the onset of the interviews, each participant signed an informed-consent document ensuring voluntary participation and confidentiality, informing them that neither their names nor those of their clients would be used in the research. Also, the mediators were asked and gave permission to audiorecord the interviews. Subsequently, in line with the inclusion criteria, all mediators were invited to describe in detail and reflect on their most recent mediation case of a divorced couple with under-age children that resulted in a child-related divorce agreement. During the interview, mediators could make use of their personal notes and the case dossier to facilitate their recollection and storytelling. In addition, although there were some guiding questions in the interview protocol, interviewers had the freedom to pursue relevant content area as deemed appropriate to exploring relational dialectical processes and any related strategies.

Analysis

The interviews were transcribed verbatim, resulting in 398 double-spaced pages. All transcripts were loaded and coded line by line using Max QDA,

a qualitative software program that assists in the management of textual data. The coding of the data replicated the same two-phase approach to relational dialectical analysis as detailed by Baxter et al. (2004). First, meaningful recurring themes were interpretatively identified until no more new themes emerged (saturation). Next, it was determined which of the themes and subthemes were in competition, contradiction, or tension with each other in order to group them in relational dialectical pairs (Baxter et al. 2004). During this second step, special attention was paid to verbal markers suggesting competing discourses, such as *sometimes*, *some moments*, *than*, *but*, *and*, *however*, *a bit*, *also*, *like*, *somewhat*, *enough*, and *temporary* (Baxter 2011).

The two interviewers, still working independently, coded their own interviews. To enhance the trustworthiness of their findings, the interviewers discussed in several meetings with an auditor the trends emerging across interviews, as well as the interpretative differences and difficulties during coding (Elliott, Fischer, and Rennie 1999). The auditor also confirmed that in each transcript, evidence was found for at least one entire dialectic (both poles), as well as that evidence for each dialectic appeared in at least two transcripts. The quality of analysis was strengthened through responder validation and member checking strategies. All participants reviewed their own interview transcript, were debriefed about the main findings, and were given the opportunity to complement or add any additional perspectives (Creswell 2006).

Findings

The implemented qualitative analysis detailed three main relational dialectics: professional control and client self-determination, exploration and efficiency, and neutrality and engagement.

Self-Determination and Control

A dialectic of self-determination and control unpacked in several experienced contradictory processes: open up versus talking; inform, activate, and advise versus take over from clients; and include versus seclude children during mediation.

From the onset, all mediators invited their clients to clarify their thoughts and open up about their perceptions, intentions, needs, and wishes. At the same time, too much self-determination in opening up sometimes led to

endless reliving of the past or getting stuck at the same points. To deal with the tension between opening up versus restricting, mediators decided who was talking and when talking needed to be temporarily stopped to restrict offensive talk, disqualifying remarks, and other hindering deviations—for example, “Um, sometimes you also need to boycott that [insults about the past] yourself, and say, ‘We are going to stop with that now. It was important that it could be said, but now we will go further and talk about the children.’” Other strategies mediators used were introducing individual sessions or asking question after question. The latter strategy both limited unwanted talk and connected in depth with clients’ stories.

The collective setting up of the mediation protocol was also instructive. Although clients gave input for the guidelines, priorities, and goals, the protocol also served as a means for the mediator to limit and structure talk during mediation: “Yes, when the wife in this case started to be very insulting, then I did intervene and say that that is not what was agreed on.” When discussions were evaluated as legally impossible or surpassing the mediator’s expertise, the restrictive pole of the dialectic came in the forefront:

They also often mention this when they then say that we don’t need to discuss this [emotional blockages] here. And then I say, “We rather do, maybe we do. If this is so important for the both of you, then I think you need to discuss this. But if you get in an impasse, then I advise you to go to a therapist or a personal coach who can provide you with psychological support.” Sometimes I also say that.

The mediators did not want to overwhelm their clients with information they could not process yet. Moreover, the previous quotation also raises the issue of the proper degree of informing and providing advice to clients. Indeed, although most mediators showed distaste for the word *advice*, informing clients on specific proposals sometimes was closely connected to rendering judgments: “So, in that sense, I might have forced an unequal arrangement by in fact proposing something like that, because if that was not on the table, the mother would never have agreed with it. Never!” However, in seeking appropriate balance points between advising and informing, mediators did not want to rob clients of the chance to make it on their own or impose their own values on their clients. Rather, through careful questioning, framing, and reframing situations and motivations, mediators sought to help clients expand their narrow conflict stories:

Only providing ample information is not the same as stating what is the best option, um. But then say something—for example, “What are all the things you can do with a house?” You can keep it undivided. When do you need a declaration by the notary? When do you not? What is the consequence of that? What are the things that are attached to such a decision? And let’s imagine that you do that in that way. You then still need to make arrangements on who lives in that house. Who pays for what? And then I give them somewhat of a frame. . . . You have costs for living in the house, costs for owning the house. . . . You can do that in that way. You see, just to sketch out a frame. Without filling in.

Although the former is closely related to mediators’ expertise, mediators stimulate active reflection by clients and sometimes give them exercises to seek relevant information on their own concerning hypothetical situations or possible outcomes. Yet when information overload, rigid imbalances, or other negative effects on children arose, mediators temporarily took over from clients: “So I make them think with me in an active way. And that is for me an active participation. And when I feel they are getting stuck and they don’t know a solution, then I will start to say, ‘Look other people think about that.’”

AQ2

The dialectic of self-determination and control also reverberated with how children were involved in mediation. Although some mediators claimed never and others always to meet with children, a less black-and-white picture emerged when actual practices were described. Mediators encouraged parents to be transparent with their children about mediation, invited children to talk about what is important to them, and to give voice to and share information on any of their worries. Sometimes mediators represented and substituted for children in order to give voice to children’s needs without their having to be physically present.

At the same time, mediators recognized that children also need some sheltering from the divorce experience. Sometimes parents were too caught up with their own emotional turmoil to listen to what matters to their children, making a certain seclusion of children necessary. In that sense, concealing information from children also became relevant when there was a lack of safety and when discussions strictly dealt with practical issues or concerned the parental responsibility of making decisions:

But that is being discussed. What did you say to the children? How did they react? Do you think they have any questions? What are you going

to tell them, and when are you going to tell them? How are you going to do it? What are you going to give as a reason? So we certainly touch on those issues. And I try to take on the position of the children as much as possible. Of course, they are the parents, and they have superior knowledge of their children. But we focus on how they . . . in that situation with the children, how they are going to listen to what the children want. But that is a difference between taking the wishes of children into account and bringing them in a position of making decisions that actually should be made by the parents.

Efficiency and Exploration

The contradictory themes of delay versus quicken, work with the past versus the future, and being sensitive versus practical emerged as salient meanings within the dialectic of efficiency and exploration.

The mediators reported tensions between wanting to quickly settle and the necessity of delaying the process. At some moments, delaying was introduced to stimulate self-reflection, prevent clients from being overwhelmed by what is going on, liberate unbending thought patterns and standpoints, and clarify possible ramifications of proposals. Sometimes explicitly taking time to explore concerns and expectations was enough to reduce tensions between clients. Delay strategies included reiterating and summarizing what was said, as well as introducing waiting and trial periods even when clients prefer swiftness:

You sometimes feel that people are not open for that [exploration]. They want an agreement and see each other as little as possible, and at that moment, you need to pump the breaks because mediation is more than that. As a mediator, I am not here to put quickly something on paper, and this is something that is not known enough by people.

Yet mediators feel that they sometimes need to quicken the process by being a bit more assertive and using a little more pressure to progress toward tangible outcomes. The mediators quicken the process by setting up deadlines or changing the topic when they feel some issues are sufficiently discussed. Sometimes such pulls toward efficiency were motivated by external influences such as court deadlines and cost reduction: “At some point, you feel something like, ‘we can keep exploring endlessly,’ but at some moment we need to be more at the side of being efficient. We need to

make tough decisions.” Moreover, quickening sometimes required delaying in order to build up safety, trust, and common language between clients. Such slowing down of efficiency also benefited the mediators’ understanding of the dispute:

And indeed if you get some common language, you can say to the couple in an almost funny way, “That is your way of getting into the battle,” then you can cut some corners. That helps the efficiency, but you cannot go without exploration as people tend not to feel listened to and sometimes you don’t understand either.

The dialectic of delaying and quickening also resonated in the dialectical interplay of working with the past and keeping an orientation toward the future. The mediators did not avoid an exploration of clients’ relational past: “You talk about what has happened in that relationship. What had gone wrong? What was to some degree each one’s part in that?” Although sometimes generating new insights on what was holding clients back during dispute resolution, an exploration of the past sometimes activated an endless, and negative, reliving of previous disputes:

For that, we have those metaphors, that box of Pandora. With all that venting, picking up old grudges and always those disqualifying and hurtful remarks. In our hypothesis, that was escalating the conflict, and that we were here together to put an end to the conflicts. Additionally, we could do better than these hurtful repetitions, always repeating.

When the past rigidly kept affecting the contemporary actions and thoughts of clients during mediation, the mediators engaged in strategies that shifted the focus toward tangible and future oriented discussions:

Okay, this has happened in the past, and I heard the both of you also relay that is not okay for you. I think that it would be very important to look at the future. What is it that you need, and how do you view the future developments between the two of you? After that you can work in the direction of concrete settlements.

At the same time, slowing down and working with the past was essential to capture any important emotional dimensions influencing future agreements. The mediators further reported that not actively making room

for clients' emotions resulted or could result in emotions that repetitively returned and prevented or hindered any settlement attempts:

Because, there are mostly a lot of emotions in such a session. Um, yes, um, I think it went well. That is to say, also because we took the time needed. I think if we had just neglected it and just quickly went through it, we would have come across some serious problems when setting up the agreement.

However, although mediators encouraged open, honest, and sensitive discussion, they were careful and attentive not to stimulate unrealistic settlement demands. Rather, being sensitive during mediation was harnessed with more instrumental efforts to move emotional exploration toward practical settlements. Several strategies were used to limit emotional exploration, such as connecting and settling divergent storylines, stating the obvious in order to move to settling, and rephrasing emotions into practical terms:

The father was crying, and you're then present in a way that the mother wouldn't mock him. The father would feel a little bit respected and that you then try to help him to look from that emotion—something like alright, if the father feels really bad that because of that, she doesn't want to see me as a father, how can we then go from that emotion back to some kind of action?

Neutrality and Engagement

The analysis further revealed a dialectic of neutrality and engagement, comprising the opposing meaningful pulls of being distant from versus close to clients, giving collective versus personal attention, and restrain versus liberate to discuss.

The mediators viewed distance from their clients as an important ingredient to maintain their sense of neutrality as well as a precaution to losing him or her in the mediated dispute: "As a mediator, you always have to make sure that you maintain enough distance, and do not take what goes on with you to home." "Do not allow that you are dragged along with one of them. Or that it becomes the story of only one of them; always maintain both stories . . . but I did not find a way to reassure her without giving way to my position of neutrality." In addition, mediators seek ways to strike some sort

of balance between this neutral distancing and the need to engage, support, and empathize with their clients. Some mediators mention using imagination, structuring their approach in a step-by-step process and keeping their questions open-ended as helpful strategies when struggling to maintain distance and enough closeness and connectedness during mediation:

I really tried to continually be very much connected and authentic with each parent. It must be honest. I must be able to understand that the father sometimes brings the children too late. It should not disturb me . . . to the extent that I start to alienate more with mother's side. No, in that case I'm not doing a good job. You really need to have the feeling that you have a connection with both individuals.

To be engaged and neutral, mediators also attempted to collectively and equally divide their attention between both clients. Such collective attention allows mediators to understand the different conflict stories and look at them from different perspectives: "They both knew that at all times I was paying attention to the both of them." In addition, although mediators experienced their clients as very sensitive to perceived deviations in equal time and attention, mediators carefully approached each client as an individual who sometimes requires particular interventions: "That is, that balance is something we should really try to maintain. But sometimes the attention is more focused on one than on the other, but then that is something you need to keep a close eye on."

The pull toward personal attention typically surfaced when clients' emotions or lacking person-specific information hindered the mediation progress. Navigating this attention dialectic was sometimes facilitated by explicitly asking clients for permission to temporarily engage more deeply with a specific client. At other moments, mediators sought to be neutral and engaged by emphasizing that all discussions are shared and that relevant information is openly spoken to both clients:

So I want that, yes, that it is being discussed in this session. So that you can do everything . . . that the both of you can hear it. If not, there will be a tendency that one of them will think that you are partial, and in such case you cannot reach fine agreements.

The mediators said that their own speaking was sometimes necessary to prevent future disappointment with arrangements or when mediators

thought that feelings of guilt were clouding clients' judgments. Yet the mediators showed a tendency and intentions to speak only on process issues, not the content. At the same time, mediators had their own opinions and frustrations, which they sometimes kept unexpressed in order not to hinder their sense of neutrality or engagement during mediation:

Sometimes you really feel like saying to one or the other: "Please, people, do you have to be difficult about everything?" That you keep inside. That's my opinion with those kinds of interventions that you would like to straighten out or moralize a bit.

Discussion

This explorative study adds in several ways to the paucity of process research in mediation literature (Beck and Sales 2001; Charkoudian et al. 2009; Kelly 2004). For one, through an inductive examination of divorce mediators' experiences, the focus is squarely put on the often-overlooked role of the mediator (Baitar et al. 2012; Baitar, Buysse, Brondeel et al. 2013; Baitar, Buysse, De Mol et al. 2013; Bogoch 2008; Kelly 2004; Kressel et al. 2012). Second, the applied relational dialectical analysis generated an integrative and parsimonious process model that addresses recent calls for more coherence in mediation style research (Coleman et al. 2015) and offers an alternative to traditional mutual exclusive depictions of what takes place in the mediation process. Indeed, relational dialectical theory provided a useful lens to come closer to mediators' actual experiences of the interplay of complex processes during mediation. Specifically, this study advances control and self-determination, exploration and efficiency, and engagement and neutrality together with their various subdialectics as main relational dialectical ingredients of mediators' style variations.

The first dialectic, control and self-determination, counterbalances the one-sidedness of assertions that self-determination is the primary ethical principal in mediation (Shestowsky 2008) or that evaluation, advice, and pressure undermine self-determination (Della Noce 2009). In that sense, this dialectic does not attempt to give a fixed ruling on the ethical boundaries of informing and advising clients but highlights that both processes are relevant in mediation without one negating the other.

Similarly, this study did not decide on the ongoing dialogue in the literature concerning the merits of either including or excluding children

in mediation (McIntosh et al. 2008; Schoffer 2005). Rather, irrespective of the former, including and secluding children emerged together as possible helpful and hindering processes in mediation. Interestingly, recent comparative research did show that directly including children generated better mediation arrangements (McIntosh et al. 2008). As such, future dialectical research could investigate any subtle differences in how mediators include and seclude children during mediations with and without children's participation. On the whole, the finding that control and self-determination processes weigh on each other during mediation also connects with the earlier established concept of selective facilitation. That is, an observational study showed that mediators selectively encouraged client input and participation, as well as constrained and structured what was talked about (Greatbatch and Dingwall 1989).

The findings in this study also lend some support to outcome studies that assumed or established that mediation is an efficient process in terms of time, costs, and settlement rates (Emery, Sbarra, and Grover 2005; Kelly 2004), as well as to the cultivated reputation of mediation as offering a quick and future-focused solution (Bannink 2007).

The emergence in this study of the second dialectic, exploration and efficiency, suggests that slowing down efficiency and making room for emotional talk about the past are also helpful processes in mediation. The former is in line with procedural justice studies demonstrating that for clients, opportunities for self-expression and communication are more valued than efficiency, expediency, or finality of resolution in dispute resolution (Shestowsky 2008). In addition, recent mediation research has underscored that some emotional exploration is required to prevent stalling the mediation progress (Gale et al. 2002; Marcum, Perry, and Stoner 2012). Furthermore, this dialectic contributes to the research on the professional background of the mediator. That is, whereas several studies replicated that lawyer-mediators were more settlement oriented and mental health mediators are more emotion focused (Baitar, Buysse, Brondeel et al. 2013; Herrman et al. 2003; Kruk 1998), the efficiency versus exploration dialectic emphasizes the helpfulness and normality of both processes in mediation. At the same time, this dialectic implies that the pull toward efficiency is an important counterweight for any explorative efforts by the mediator. In this sense, Gale and colleagues (2002) cautioned that too much focus on emotions could hinder mediation and even turn mediation into an unrequested psychotherapy.

The third dialectic, engagement and neutrality, challenges the popular belief that mediation progress requires a strictly neutral third-party

professional (Mayer 2015). Specifically in order to establish helpful professional relationships, this dialectic puts forward that mediators need to relinquish or expand some of their neutrality in favor of developing committed connections with their clients. This finding connects diverse research findings arguing that too much neutrality diffuses the mediator at critical moments (Cobb and Rifkin 1991), diminishes client-self-determination (Douglas 2008), and enlarges the distance and differences with (Gale et al. 2002) and differences between clients (Mulcahy 2001).

At the same time, the engagement-neutrality dialectic integrates former findings with research showing that successful mediators go beyond neutrality and display the qualities of amiability, empathy, honesty, integrity, and expertise (Goldberg and Shaw 2007). In a similar fashion, the mediators' Rogerian qualities of empathy, unconditional regard, and authenticity were perceived by clients to increase the quality of their mediation agreements, as well as postdivorce well-being (Baitar et al. 2012). Notwithstanding the helpfulness of the mediators' pull toward engagement, this dialectic supports findings that the pull toward neutrality remains a defining feature of what makes up a mediator (Cohen, Dattner, and Luxemburg 1999) and an important element for developing trust in both clients (Poitras 2009).

Overall, the emergence of the three salient relational dialectics and their various subdialectics could explain the frequently reported inability of mediators to self-describe or label their mediation style (Charkoudian et al. 2009; Lang and Taylor 2000; Picard 2002; Raines, Pokhrel, and Poitras 2013). In addition, the integration of traditional hallmarks of mediation with professional control, engagement, and exploration may correspond to a shift from idealism to pragmatism in mediation practice. For instance, a more pragmatic approach could provide the mediator with more flexibility to assist client populations with numerous problems at the same time. Hence, the explicit adoption of relational dialectical and-and logic could provide us with a less ideals-oriented and more comprehensive outlook on stylistic mediation processes. However, the interpretations require further examination.

Methodological Limitations and Opportunities for Research

The mediation process is probably even more complex and layered than suggested by the findings in this study. The retrospective nature of the analyzed data increases the possibility of losing fine distinctions in participants' responding, as well as drawing out altered or incomplete memories.

Moreover, the self-reported nature of the data prevents bridging potential discrepancies between mediators' expressed attitudes and real-time observable mediation practices (Cresswell 2009; Kvale 1996). Thus far, mediation field research that responds to the previous limitations using observational methods is rare. This rarity is unfortunate given the importance of its value to provide insights on what from moment to moment actually takes place during mediation (Charkoudian et al. 2009; Kressel et al. 2012).

Another limitation deserving further research is the lack of clarity on how the discovered relational dialectics produce change at various points in the mediation process: from the initial problem definition to reaching outcomes. Hence, future studies could connect this study's findings with specific divorce-related outcomes, such as party satisfaction, quality of mediation agreement, and postdivorce well-being. Also, in line with dialectical analysts (Baxter 2011), new research could detail when a certain dialectical pull such as displaying neutrality is at the foreground (i.e., centripetal pulls) and when it will be at the margin (i.e., centrifugal pulls). For example, a hypothesis could be that an engagement pull is more central at the beginning of mediation when the mandate is to intervene and connections with clients need to be established. Conversely, a pull toward displaying neutrality may become more central later when a fair negotiation process needs to be maintained. Yet not each centripetal or centrifugal pull will be invariably present or felt to the same extent. As such, an interesting challenge for future research is to disentangle how such changes within the various revealed relational dialectics are shaped by individual characteristics of the mediator and the clients, relational characteristics between the clients, specific subject matter, dispute setting, and contextual factors of that setting.

Implications

Several implications of the findings in this study also merit discussion. The recognized dialectics support expanded interpretations of traditional mediation hallmarks such as fostering self-determination, increasing efficiency, and displaying neutrality. Each of these processes is a helpful as well as potentially dysfunctional element in mediation when any deviation from it is considered unacceptable. In a similar fashion, this study endorses creative efforts of going beyond ideals in mediation models (Mayer 2015). Rather than asking whether mediators should facilitate or evaluate (Baitar et al. 2012; Shestowsky 2008) or to evaluate or not to evaluate (Della Noce

2009), this study's findings invite mediators to embrace the complexity of the constantly changing processes in mediation. To this end, the research-based relational dialectical concepts can support mediators and supervisors in reflecting on style variation and seeking helpful ways to prevent impasses in mediation.

For instance, although trainers and supervisors can treat a facilitative interest-based practice approach as an educational starting point, they should prepare mediators to seek ways to complement its shortcomings. One specific way to do this is to guide mediators to expand their own definitions of what a mediator's role ought to be (Mayer 2015). Alternatively, mediators could be more intensively trained to flexibly complement facilitative stylistic processes with dialectical pulls toward taking over, providing advice, delaying, or working with the past, to name a few. To this end, trainers can use role plays, exercises, interactive activities, and case studies to encourage mediators to be open-minded about diverse mediation processes and recognize the possible helpfulness of dialectical pulls during mediation. In the same way, for some mediators, detecting one's own limiting biases through self-reflection may be a helpful strategy when working with specific populations (Heisterkamp 2006; Kressel 2014). Yet for others, self-reflection will take them only so far, at which point supervision with colleagues may be a good alternative to point out any biases preventing appropriate stylistic flexibility (Taylor 2002).

Also, the recognition of the helpfulness of contradictory pulls in mediation provides a more comprehensive outlook on the professional identity of the mediator. In particular, the impact on how the competency of mediators and the quality of dispute resolution processes are determined is perhaps the most manifest implication of this study. As opposed to codes of ethics or inflexible standards of mediation practice, the relational dialectical nature of mediation processes summons mediators and policymakers to put a greater weight on the mediators' ability to adapt mediation styles and processes (Coleman et al. 2015).

Yet important questions remain on what, if any, ethical boundaries there are between appropriate and inappropriate pulls toward professional control, exploration, or engagement during mediation. How can the mediator, for example, address both pulls of a dialectic without losing credibility in the process? That is, it could be argued that a possible danger of dialectics is the loss of contact by the mediator with one of the dialectical pulls, at which point a negative oppositional divide can emerge across dialectical pulls between the mediator and client. Hence, an ethical ground rule for

mediators could be to inform clients that relational dialectical processes are flexibly governing his or her behavior during mediation. The former may contribute to bridging the gap between theory and actual mediation practice. Overall, this article argues that style variation along the observed tension-filled processes provides mediators a credible and competent approach to preserve, improve, and thrive in a helpful working relationship.

References

- Baitar, R., A. Buysse, R. Brondeel, J. De Mol, and P. Rober. 2012. "Post-Divorce Wellbeing in Flanders: Quality of Arrangements and Facilitative Professionals Matter." *Journal of Family Studies* 18 (1): 62–75.
- . 2013. "Styles and Goals: Clarifying the Professional Identity of Divorce Mediation." *Conflict Resolution Quarterly* 31 (1): 57–78.
- Baitar, R., A. Buysse, J. De Mol, and P. Rober. 2013. "Professionele identiteiten van de bemiddelaar: faciliteren en relationele dialectiek. Onderzoek." *Systeemtheoretisch Bulletin* 31 (3): 379–99.
- Bannink, F. P. 2007. "Solution-focused Mediation: The Future with a Difference." *Conflict Resolution Quarterly* 25:163–83.
- Baxter, L. A. 1988. "A Dialectical Perspective on Communication Strategies in Relationship Development." In *Handbook of Personal Relationships*, edited by S. Duck, 257–73. London: Wiley.
- . 2011. *Voicing Relationships: A Dialogic Perspective*. Thousand Oaks, CA: Sage.
- Baxter L. A., D. O. Braithwaite, L. Bryant, and A. Wagner. 2004. "Stepchildren's Perceptions of the Contradictions in Communication with Stepparents." *Journal of Social and Personal Relationships* 21:447–67.
- Baxter, L. A., and B. M. Montgomery. 1996. *Relating: Dialogues and Dialectics*. New York: Guilford Press.
- Beck, C. J. A., and B. D. Sales. 2001. *Family Mediation: Facts, Myths and Future Prospects*. Washington, DC: American Psychological Association.
- Beck, C. J. A., B. D. Sales, and R. E. Emery. 2004. "The Impact of Research on Mediation Practice." In *Mediating Family and Divorce Disputes: Current Practices and Applications*, edited by J. Folberg, A. Milne, and P. Salem, 447–82. New York: Guilford Press.
- Bogoch, B. 2008. "Adversarial Agreements: The Attitudes of Israeli Family Lawyers to Litigation in Divorce Practice." *International Journal of Law, Crime and Justice* 36:85–105.
- Bush, R. A. B., and J. P. Folger. 1994. *The Promise of Mediation: Responding to Conflict through Empowerment and Recognition*. San Francisco: Jossey-Bass.
- Charkoudian, L., C. De Ritis, R. Buck, and C. L. Wilson. 2009. "Mediation by Any Other Name Would Smell as Sweet—or Would It? The Struggle to Define Mediation and Its Various Approaches." *Conflict Resolution Quarterly* 26 (3): 293–316.

- Cobb, S., and J. Rifkin. 1991. "Practice and Paradox: Deconstructing Neutrality in Mediation." *Law and Social Inquiry* 16 (1): 35–62.
- Cohen, O., and N. Dattner. 1995. "The Role of the Mediator in Family Mediation." *Conflict Resolution Quarterly* 13:125–30.
- Cohen, O., N. Dattner, and A. Luxemburg. 1999. "The Limits of the Mediator's Neutrality." *Mediation Quarterly* 16 (4): 341–48.
- Coleman, P. T., K. G. Kugler, K. Mazzaro, C. Gozzi, N. El Zokm, and K. Kressel. 2015. "Putting the Peaces Together: A Situated Model of Mediation." *International Journal of Conflict Management* 26 (2): 145–71.
- Creswell, J. 2006. *Qualitative Inquiry and Research Design: Choosing among Five Approaches*. Newbury Park, CA: Sage.
- . 2009. *Research Design: Quantitative, Qualitative and Mixed Methods Approaches*. Thousand Oaks, CA: Sage.
- Della Noce, D. J. 2009. "Evaluative Mediation: In Search of Practice Competencies." *Conflict Resolution Quarterly* 27:193–214.
- Douglas, S. 2008. "Neutrality in Mediation: Study of Mediator Perceptions." *Queensland University of Technology Law and Justice Journal* 8 (1): 139–57.
- Elliott, R., C. T. Fischer, and D. L. Rennie. 1999. "Evolving Guidelines for Publication of Qualitative Research Studies in Psychology and Related Fields." *British Journal of Clinical Psychology* 38:215–29.
- Emery, R. E. 2012. *Renegotiating Family Relationships*. New York: Guilford Press.
- Emery, R. E., D. Sbarra, and T. Grover. 2005. "Divorce Mediation: Research and Reflections." *Family Court Review* 43 (1): 22–37.
- Galanes, G. J. 2009. "Dialectical Tensions of Small Group Leadership." *Communication Studies* 60 (5): 409–25.
- Gale, J., R. L. Mowery, M. S. Herrman, and N. L. Hollett. 2002. "Considering Effective Divorce Mediation: Three Potential Factors." *Conflict Resolution Quarterly* 19 (4): 389–420.
- Golann, D. 2000. "Variations in Mediation: How—and Why—Legal Mediators Change Styles in the Course of a Case." *Journal of Dispute Resolution* 1:41–61.
- Goldberg, S. B. 2005. "The Secrets of Successful Mediators." *Negotiation Journal* 21 (3): 365–76.
- Goldberg, S. B., and M. L. Shaw. 2007. "The Secrets of Successful (and Unsuccessful) Mediators Continued: Studies Two and Three." *Negotiation Journal* 23 (4): 393–418.
- Goldfien, J. H., and J. K. Robbennolt. 2007. "What If the Lawyers Have Their Way? An Empirical Assessment of Conflict Strategies and Attitudes toward Mediation Styles." *Ohio State Journal on Dispute Resolution* 22 (2): 277–320.
- Greatbatch, D., and R. Dingwall. 1989. "Selective Facilitation: Some Preliminary Observations on a Strategy Used by Divorce Mediators." *Law and Society Review* 23:613–41.
- Harter, L. M. 2004. "Masculinity(s), the Agrarian Frontier Myth, and Cooperative Ways of Organizing: Contradictions and Tensions in the Experience and

- Enactment of Democracy." *Journal of Applied Communication Research* 32 (2): 89–118.
- Heisterkamp, B. L. 2006. "Taking the Footing of a Neutral Mediator." *Conflict Resolution Quarterly* 23 (3): 301–15.
- Hensler, D. R. 2000. "ADR Research at the Crossroads." *Journal of Dispute Resolution* 1:71–78.
- Herrman, M. S., N. L. Hollett, D. G. Eaker, and J. Gale. 2003. "Mediator Reflections on Practice: Connecting Select Demographics and Preferred Orientations." *Conflict Resolution Quarterly* 20 (4): 403–27.
- Kelly, J. B. 1996. "A Decade of Divorce Mediation Research: Some Answers and Questions." *Family and Conciliation Courts Review* 34 (3): 373–85.
- . 2004. "Family Mediation Research: Is There Empirical Support for the Field?" *Conflict Resolution Quarterly* 22 (1–2): 3–35.
- Kolb, H., and Associates. 1994. *When Talk Works: Profiles of Mediators*. San Francisco: Jossey-Bass.
- Konrad, S. C. 2001. "Interdisciplinary Collaboration between Mental Health Practitioners and Lawyers with Divorcing Families: Building Pathways for Communication and Practice." *Journal of Divorce & Remarriage* 35:147–67.
- Kressel, K. 2014. "The Mediation of Conflict: Context, Cognition, and Practice." In *The Handbook of Conflict Resolution: Theory and Practice*, edited by M. Deutsch, P. T. Coleman, and E. Marcus, 817–48. San Francisco: Jossey-Bass.
- Kressel, K., T. Henderson, W. Reich, and C. Cohen. 2012. "Multidimensional Analysis of Conflict Mediator Style." *Conflict Resolution Quarterly* 30 (2): 135–71.
- Kruk, E. 1998. "Practice Issues, Strategies, and Models: The Current State of the Art of Family Mediation." *Family and Conciliation Courts Review* 36 (2): 195–215.
- Kuczynski, L., and J. De Mol. 2015. "Dialectical Models of Socialization." In *Handbook of Child Psychology and Developmental Science*, edited by W. F. Overton and P. C. M. Molenaar, vol. 1, 323–68. Hoboken, NJ: Wiley.
- Kvale, S. 1996. *Interviews: An Introduction to Qualitative Research Interviewing*. London: Sage.
- Lang, M. D., and A. Taylor. 2000. *The Making of a Mediator: Developing Artistry in Practice*. San Francisco: Jossey-Bass.
- Lowry, R. L. 2004. "Evaluative Mediation." In *Divorce and Family Mediation: Models, Techniques, and Applications*, edited by J. Folberg, A. L. Milne, and P. Salem, 72–91. New York: Guilford Press.
- Marcum, T. M., S. J. Perry, and C. R. Stoner. 2012. "Reframing the Mediation Lens: The Call for a Situational Style of Mediation." *Southern Illinois Law Journal* 36:317–34.
- Mayer, B. 2015. *The Conflict Paradox: Seven Dilemmas at the Core of Disputes*. San Francisco: Jossey-Bass.
- McIntosh, J. E., Y. D. Wells, B. M. Smyth, and C. M. Long. 2008. "Child-Focused and Child-Inclusive Divorce Mediation: Comparative Outcomes

- from a Prospective Study of Post Separation Adjustment.” *Family Court Review* 46 (1): 105–24.
- Mulcahy, L. 2001. “The Possibility and Desirability of Mediator Neutrality: Towards an Ethic of Partiality.” *Social and Legal Studies* 10:505–27.
- Natalle, E. J. 2012. “An American Professor’s Perspective on the Dialectics of Teaching Interpersonal Communication in the Swedish Classroom.” *International Journal of Teaching and Learning in Higher Education* 24 (2): 168–79.
- Picard, C. A. 2002. “Common Language, Different Meaning: What Mediators Mean When They Talk about Their Work.” *Negotiation Journal* 18:251–69.
- . 2004. “Exploring an Integrative Framework for Understanding Mediation.” *Conflict Resolution Quarterly* 21 (3): 295–311.
- Poitras, J. 2009. “What Makes Parties Trust Mediators?” *Negotiation Journal* 25 (3): 307–25.
- Raines, S., S. K. Pokhrel, and J. Poitras. 2013. “Mediation as a Profession: Challenges That Professional Mediators Face.” *Conflict Resolution Quarterly* 31 (1): 79–97.
- Riskin, L. 1994. “Mediator Orientations, Strategies and Techniques.” *Alternatives to the High Cost of Litigation* 12 (9): 111–14.
- . 1996. “Understanding Mediators’ Orientations, Strategies, and Techniques: A Grid for the Perplexed.” *Harvard Negotiation Law Review* 1 (1): 7–52.
- Saposnek, D. T. 2004. “Commentary: The Future of the History of Family Mediation Research.” *Conflict Resolution Quarterly* 22 (1–2): 37–53.
- Schoffer, M. 2005. “Bringing Children to the Mediation Table: Defining a Child’s Best Interest in Divorce Mediation.” *Family Court Review* 43 (2): 323–38.
- Shaw, L. A. 2010. “Divorce Mediation Outcome Research: A Meta-Analysis.” *Conflict Resolution Quarterly* 27:447–67.
- Shestowsky, D. 2004. “Procedural Preferences in Alternative Dispute Resolution: A Closer, Modern Look at an Old Idea.” *Psychology, Public Policy and Law* 3:211–49.
- . 2008. “Disputants’ Preferences for Court-Connected Dispute Resolution Procedures: Why We Should Care and Why We Know So Little.” *Ohio State Journal on Dispute Resolution* 23:549–626.
- Silbey, S., and S. E. Merry. 1986. “Mediator Settlement Strategies.” *Law and Policy* 8:7–32.
- Singer, J. B. 2009. “Dispute Resolution and the Postdivorce Family: Implications of a Paradigm Shift.” *Family Court Review* 47 (3): 363–70.
- Taylor, A. 2002. *The Handbook of Family Dispute Resolution*. San Francisco: Jossey-Bass.
- Tracy, S. J. 2004. “Dialectic, Contradiction, or Double Blind? Analyzing and Theorizing Employee Reactions to Organizational Tension.” *Journal of Applied Communication Research* 32:119–46.
- Wall, J. A., and T. C. Dunne. 2012. “Mediation Research: A Current Review.” *Negotiation Journal* 28 (2): 217–44.

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QUERIES TO BE ANSWERED BY AUTHOR

IMPORTANT NOTE: Please mark your corrections and answers to these queries directly onto the proof at the relevant place. Do NOT mark your corrections on this query sheet.

Queries from the Copyeditor:

- AQ1 Sentence has been amended. Is it correct that both the male and the female interviewer had university degrees in psychology? If not, please reword.
- AQ2 Please check “Look other people think about that” here. Is this correct? Should it be “Let other people think about that”? Or “Look at how other people think about that”?
-