The epistemologies of mediation: Is mediator passiveness a decolonising strategy?

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Abstract (English)

The social theoretical demand for the decolonisation of fields of knowledge and action suggests that such a transformation is possible in a unidirectional way. However, the initial states of these fields often turn out to be highly complex and multi-layered. This article takes the example of the professional orientations of conflict mediators to show how philosophical and ethical maxims, pedagogical concepts, orientation towards professional economics, involvement in professional discourses as well as personal world views fuse to work strategies that, in the end, are difficult to classify and evaluate against the background of de-colonial goals. While the textbook literature generally assumes that professionalised social activities are tied back to social-theoretical epistemological concepts, the literature on mediation reveals a break: As a result, action practice is often detached from epistemological theoretical foundations. Instead, styles and best-practice models from practice are reconstructed, showing parallels to the social theoretical foundations but no longer explicitly linking to them. These considerations lead to the conclusion that demands for decolonisation should start with more particular and specific aspects of action to avoid being thwarted by the complexity found. Conversely, mediators could gain additional ethical clarity if the epistemological complexities outlined here were more explicitly addressed in mediation training.

Keywords: Mediation, epistemology, mediator passiveness, decolonisation, mediator styles

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1. Introduction

„For me personally, [mediation means; added by the authors] supporting others in resolving a conflict. Maybe it will work out, maybe it won't; and the best part about this is that you yourself are not involved in this conflict, so you can just sit back, cross your arms and watch how someone else solves a conflict and you can contribute to this, you know? And that's what I find so relieving, because you're not involved in the emotional process yourself. You can take a relaxed look at what the two or three or four who are sitting at the table now are doing, and how can you best support them? That's the great thing about mediation, that you're not in the conflict yourself, but that you can somehow contribute and do something useful." (Interview with Mediator09, December 21st, 2022, 00:01:00; original recording in German language; translated by the authors).

The dialogue-based method of conflict mediation, that evolved in the 1970s from the *Alternative Dispute Resolution* (ADR) movement in the USA (Menkel-Meadow 2015:218), also appeared to be particularly effective in supporting the objectives of multiculturalism in the 1990s, write Michelle Lebaron, Erin McCandless and Stephen Garon (1998:1) in updating their first literature review of research on the relationship between mediated conflict resolution and culture (LeBaron Duryea 1992). Even in this first revision after only six years, the authors' initial view at the time appeared culturalist and naïve because it had not taken into account the constructional character of culture and the ensuing use of the term as an instrument to legitimise and veil social power imbalances (LeBaron / McCandless / Garon 1998:1).

At that time, mediation was considered particularly suitable for use in multicultural contexts because the procedure appeared to be so flexible and easy to customise ("procedural flexibility"; Boulle and Rycroft (1997:32–39), quoted from Jobodwana (1997:567)).

Moreover, even recently, Alexia Georgakopoulos, in the introduction to her *Mediation Handbook* published with Routledge, joins this legitimation qua flexibility as she writes:

"The idea of one size fits all will never be reflective of the practice of mediation, but rather mediation will expand with the ebb and flow of conflict that will differ across issues, people, and settings" (Georgakopoulos 2017:3).

This *additive* conception of the term intercultural mediation (Busch 2005:317), where the original idea of mediation is only modified by adding culture as a factor, frequently serves as a (hypothetical) baseline that authors on intercultural mediation may dismiss as simplistic and then create new models. The consequence of this is that the idea of mediation reasserts its universal cultural applicability even more often than not: instead of being confronted with limitations due to cultural differences, the models have been further extended (Busch 2016:203).

If we consider intercultural mediation from this theoretical point of view, we could also conclude that it will also be feasible to adjust the conceptual approach to other and future challenges. This raises the question of the epistemological foundations of the discourse on mediation: What are key basic assumptions about interpersonal conflict, about how to deal with it in a preferable way, about what exactly needs to be done to achieve this and—above all—about how researchers or participant observers will be able to identify this phenomenon.

On the one hand, this question builds on the (maybe even traditional scientific) belief that research, teaching and practice of conflict mediation relate back to distinctly discernible epistemological assumptions and foundations. On the other hand, the claimed enormous flexibility of the idea of mediation may suggest that its epistemological foundation will also be either very flexible, vague, poorly developed or possibly even non-existent or at least discontinuous. This would imply a lack of a direct connection between mediation's epistemological foundations and its practice. Therefore, the instructional resources on mediation that continue to build on these assumptions would need substantial revision. This article will explore these epistemological foundations. This paper will review these epistemological aspects analysing an actual case example through the lens of the recent cultural-political orientation of decolonisation, an approach to social fields of action in general as well as to intercultural fields of action – and thus also to intercultural mediation.

2. What does decolonisation mean for mediation?

Most recently, the field of intercultural communication faces an ethical imperative from postcolonial theory to decolonise its own understanding of the subject matter and the methods used for its study. Decolonisation (Smith 2022) refers to the assumption that knowledge about the world and the ways of accessing this world have been defined and imposed by Western cultural beliefs as part of a colonial power imbalance (Said 1978; Bhabha 1994) in which alternative ways of accessing the world can no longer be imagined, let alone practised. For this reason, key areas for this structural transformation in the interest of global social justice appear to be the sciences in their role as knowledge creators, the fields of education and training, as well as agents of social change in general. Provided that these key sectors persevere with the hitherto global hegemonic and colonial claim of western knowledge to sole representation, they will exert *epistemic violence* (Spivak 1988:280), or even *epistemicide* (Santos 2014), over alternative forms of knowledge. So far, research on intercultural communication has paid little attention to this problem, although it should actually be one of its core areas, Ladegaard and Phipps (2020) attest. Instead, MacDonald and O'Regan (2013) observe that the field still adheres to the principle of intercultural understanding as its primary goal. To avoid epistemic violence in research, especially post-qualitative approaches (Jackson / Mazzei 2009) that want to avoid research

interpretations as a matter of principle are a good choice (Marker 2003). Instead, researchers should above all reflect on their own positionalities (Davis / Walsh 2020), make their partners heard in an unequal world of centres and peripheries, and give them a voice (Lincoln / Lynham / Guba 2017:215).

The metaphor often quoted in this field in the title of Audre Lorde's short essay "The master's tools will never dismantle the master's house" (Lorde 2007) illustrates how challenging these aims will be, considering the structural constraints. Giuliana Ferri (2022) recently applied this metaphor for the field of intercultural communication and concluded that it would mean and require a complete and fundamental reorientation of the entire discipline.

Conflict research shows a similar apathy in this regard, Polly O. Walker (2004) complains; and when it comes to the process of conflict mediation, Volpe and Johnson (2023), as well as Yokotsuka (2023), note that those interested in the profession of a mediator should not have to face too many worries about their financial prospects – insecure entrance conditions to the mediator labour market reinforce a system of social exclusiveness that is detrimental to objectives of social justice.

Beyond this, this article will critically examine the mediation process itself. There is another central principle of the mediation process, which is commonly seen as undermining power imbalances (Boulle / Alexander 2012:299–304), an approach similar at least to that of the decolonisation movement outlined above. In the opening statement of this article, a professional mediator outlines her perception of the mediation process in the context of an interview, which will be reported here. This attitude of leaning back in mediation could give rise to the hope that the mediation process could again, at least in part, have the potential to support the current ethical orientations of intercultural research.

3. What is mediation?

This article examines research data collected in the context of a Europe-wide pilot project on cross-national mediation training. Co-funded by the Erasmus+ programme of the European Union from 2020 to 2023, training institutes from seven countries have jointly developed and implemented mediation training under the project name *In-Medias. European Mediation Network* (cf. https://in-medias.eu/). In this context, guided interviews were conducted in winter 2019/2020 with 21 mediators both within and outside the project from Austria, Bulgaria, Cyprus, Georgia, Germany, Hungary, Ireland, Lithuania, the Netherlands, Poland, Portugal, and Spain. Some first research results from this inquiry have been published in Busch, Franco and Hartmann-Piraudeau (2023). Mediators, on the one hand, were interviewed about their evaluation of the structural context of mediation in their respective countries and their attitudes, perceptions, experiences and orientations about mediation as a profession.

Conflict mediators participating in this project share several common characteristics: they offer and conduct conflict mediation, they have usually been specially trained to do so, and in most cases, they are paid for their services. By contrast, Pruitt and Kressel (1989) begin with a comprehensive definition of mediation, one that once again emphasises the versatility and flexibility of the method:

"Mediation is a third-party assistance to people who are trying to reach agreement in a controversy. There are hundreds of things a mediator can do to help, ranging from simply being present at a joint discussion to thinking up new ideas and arguing for them vigorously."
(Pruitt and Kressel 1989:2).

Menkel-Meadow (2015:189) also defines mediation as broadly as possible but also stresses its *facilitative* aspect. Mediators do not interfere in the content to be dealt with in the conflict; they only ease the parties' discussion of their own

conflict. Literature on mediation usually points out that such triadic conflict management procedures have always existed in many parts of the world but that the procedure was virtually rediscovered in the 1960s as a simple, quick and cost-efficient alternative to court proceedings, while at the same time being embedded in a specific structural and ethical framework. One of the concerns of the US *Alternative Dispute Resolution* (ADR) movement of the 1960s and 1970s was initially based on the insight that there can be many different conflict situations in societies, necessitating the provision of many different conflict management procedures instead of only one. Menkel-Meadow's reference to the principle of "process pluralism" (2015:218) confirms even more the procedural flexibility discussed at the beginning of this article.

4. Results: A preference for passive mediator strategies

The distinction between *active* vs. passive attitudes and strategies of mediators in mediation talks emerged as a key category from the interview footage discussed in this paper. In many cases, the participants mapped their work according to this parameter, with a passive mediation style usually considered preferable. The following sections will present some excerpts from the interviews as examples that express either an active or a passive orientation in mediation. Just because the mediators have a negative view of active orientations in mediation, such orientations can even be used for cultural stereotyping and distinctions. For example, Asian mediators are said to have a dominant style in the example below. This also means, conversely, that a dominant mediation style is something that tends to be attributed to foreign cultures. Other cultures here serve as a mirror for projecting negative dissociations from the self onto them:

„I almost fell off my chair last fall during the Hong Kong Mediation Competition in the sense that I had such a blind spot on how they are conducting mediations in the East [...]. Although my experience [...] might be tilted because I was so surprised how differently that they were approaching it, that I might exaggerate in the upcoming minutes. But to me, at a certain point, I perceived it as their mediators are way more in the role of them being the boss of the conflict. Although it was still a mood, but there were [...] four cases and I've seen it with other Asian teams as well that they have more like a habit or culture or [...] a matter of conduct in which the mediator is telling the parties not only what they should do, but for example also what they should reveal or what's the next step in the process is going to be [...]" (interview with Mediator05, 2021, January 22nd, 00:17:08-00:18:49).

Some mediators also report that they find it challenging to take on a more passive role in mediation. Their active involvement in the discussion process is more assertive and dominant when one or more conflicting parties show relatively passive and reserved behaviour. In this example, the mediator notices that she is effectively conducting the mediation by herself and that the parties do not participate in the process properly any longer:

„And passivity is not my natural bedfellow, so I don't value it in myself. So if I go to any any point in a mediation where I haven't succeeded, it's because I've over cooked. And the person is passive I've [...] really struggled with that, but [...] I've had to learn to really do the opposite." (Interview with Mediator03, 2021, February 16, 00:51:55-00:52:29).

Also, the quote from an interviewed mediator at the beginning of this article characteristically illustrates a passive mediator attitude. Being a passive mediator during the process primarily makes her feel more comfortable in her role.

For some mediators, the ideal outcome is achieved when the parties to the conflict forget the presence of the mediator – or at least the mediator feels so:

„How do I measure if my mediation was successful or not? That might be part of the question that you're asking if the parties [...] forget about me two minutes after the mediation, my mission has been accomplished. If I am able to help without them realising that I help them. [...] As long as they're happy with the agreement that they reached themselves and they forget about me, that means that I did a pretty good job. And that's what I like about mediation is going into the very core of somebody's problems. Right and then leaving and getting out of there as easily as I came in and then having nothing else to do with it in the in the future and having them not feel like I've intruded into their personal, their professional or life or their problems." (interview with Mediator07, 2020, December 22, 01:00:22-01:01:46).

The preceding quote suggests that the parties to the conflict might no longer be aware of what is happening in the process. The mediator is there, but the parties do not know whether and how he or she intervenes. This raises the critical question of whether such a lack of transparency does not ultimately diminish the parties' autonomy in the conflict.

5. The ethic dimension of mediation

Looking all the way back, Greg Bond (2023:23) highlights the fact that since the 1980s, mediation of US origin, once a fairly open approach, received much formalisation due to Roger Fisher's and William Ury's (1981) classic book Getting to Yes, structuring and standardising essential elements of Western mediation to the present day. Since then, mediation of Western provenance has been characterised by the notion that mediation talks are structured along a linear and consecutive phases model. Despite this closeness to rationalist negotiation theory, Druckman and Wall argue that the very triadic nature of mediation, where a third party is involved in providing support, is the first step that necessarily leads mediation out of the pure rationalist scheme and gives it a clear ethical orientation. This manifests in mediators pursuing a clear goal in that they want to turn the interaction into something that the participants perceive as helpful (Druckman / Wall 2017:1910).

Moreover, for values-based conflict management, Fisher and Ury's negotiation model also laid a new foundation for further codifying mediation. For instance, Fisher and Ury argued for fundamental principles that negotiators should follow to reach a positive outcome. One of the best-known of these principles, for example, aims at keeping people and things separate in a negotiation—an approach that reflects the project's rationalist orientation. This principled model was widely adopted as mediation became increasingly codified in the Western world, and – as Bond describes, mediators' work is still often explained and perceived today as being based on a set of basic principles. For its import from Fisher and Ury's approach to guiding negotiation talks, Bond refers to this system as the "principled negotiation model" (Bond 2023:23). In retrospect, these principles are usually presented as a single list in textbooks, such as Boulle and Rycroft (1997:32–39), from which Jobodwana (1997:567) summarises:

"The value claims of mediation are: procedural flexibility; informality; party participation; norm creating; person centred (mediation allows for individualised settlements based on the parties' subjective preferences); relational; future focus; and privacy and confidentiality" (Jobodwana 1997:567).

In Europe, the history and evolution of mediation are usually described in terms of its origins in the USA. That said, the basic principles of mediation do indeed hold up across cultures because mediators also follow these principles in their local cultures. In this respect, Friedman (1992), for example, had spoken of a veritable "culture of mediation". Still, Bonafé-Schmitt et al. (1999) expect dif-

ferences between mediation practice in the USA and Europe because mediation in the USA complements the local case law system, while in Europe, mediation has to find its role within codified law. Bonafé-Schmitt et al. (1999:18) thus speak of a *Latin model* which would oppose an Anglo-Saxon model of mediation ("un 'modèle latin' qui s'opposerait à un 'modèle anglo-saxon' de mediation").

6. Deducing orientations for mediation: Imported epistemologies

The following sections present some traditions of thought with ethical contexts that can be presumed to have influenced mediations in their current ethical orientation and orientation. These reconstructions are often speculative, and they operate based on fits and parallels that seem plausible. This approach is comparable in quality to the reconstructive concepts circulating in the mediation literature.

6.1 Mediation as a form of working with clients

Professional work with clients can be labelled with different terms. *Counselling* refers to psychological guidance up to and including psychotherapy; *consulting* is understood as management assistance based on economics, and *advising* refers to those areas where people provide each other with factual information and instructions. Working with clients is therefore so diverse it is easier to define the term from the point of view of a client who, at the beginning, may not know exactly what to expect.

Most international literature takes both research and the development of new concepts for counselling for granted in the field of psychology work. The German discipline of educational research, as opposed to this, seems to represent a unique path, and it claims research and the development of concepts for working with clients as a genuine field of engagement. Katharina Gröning (2011), an academic in education, provides a good summary of this German-language branch in her study book *Pädagogische Beratung* (Educational Guidance). Gröning explicitly emphasises the claim of German-language pedagogy to be the tone-setting discipline for the field of counselling, or conversely, to understand counselling as a genuine part of pedagogy. Some schools of mediation reflect pedagogical objectives as well. In particular, transformative mediation (Bush / Folger 1994) is similarly concerned with (re)empowering conflict parties to enable them to manage their conflicts both in the given situation as well as in future problem situations.

Above all, the interweaving of psychology, pedagogy and counselling practice points to a connection between training and professional practice that does exist in general. Thus, it can be assumed that trainees in pedagogy, counselling and mediation will adopt the training contents in their later professional work, the didactic methods with which these contents were taught, and the corresponding pedagogical self-concepts. This is a proper navigational mechanism, but it is becoming a challenge with the increasing shift to online education (Hartmann-Piraudeau 2022). Trained mediators are then all the more dependent on developing their own mediation style later on.

In German-speaking contexts, authors on mediation also tie in with this discourse on counselling from pedagogy and locate mediation as a form of counselling. Birgit Keydel, a mediator, for example, sees different fields of work in the vicinity of mediation all as elements of a landscape of counselling, such as, in addition to mediation, moderation, organisational development, team development, expert counselling, and coaching (Keydel 2018:100). Mediators also feel this conceptual proximity. For Gabriele Pinkl, dialogue techniques in mediation are basically counselling techniques (Pinkl 2018:115).

Despite these classifications of mediation as a form of counselling, the discourse also shows emancipatory movements of mediation orientations vis-à-vis this classical counselling paradigm. Thus, mediation discourse emancipates considerably from goals of understanding, solution orientation and fact orientation, which are still advocated in pedagogical coun-

selling (Nittel 2009:11–12). Conversely, of course, the model of mediation and its concepts can also provide helpful orientation in the design of education and training formats. For example, Fatima Pereira (2019) explores this potential for teacher education.

6.2. Epistemologies in research and work with clients

The previous sections found that the contents overlap in the interplay of training, research and practice and that contents are transferred between the areas, too. The methods with which these contents are dealt with are also transferred, or the actors who come into contact with the different fields and are socialised in them probably transfer contents and methods to a large extent, even unconsciously, between the fields. In addition to counselling practice, qualitative social research appears to be another field that not only passes on methods and techniques to clinical psychology but also provides a quarry of methods and strategies for counselling and mediation.

Some mediation sources even explicitly confirm this; other connections are apparent but are by no means always clearly stated. The following sections will, on the one hand, collect, refer to and classify such voices from the literature on mediation and, on the other hand, openly compare basic understandings of social research with those of mediation.

Philosophy of education, in particular, has always been genuinely concerned with the question of what relationships exist between research and didactic methods and how these influence each other (Curren 2017:1864). It is precisely the "epistemology of education", the epistemological question of access to the world in educational contexts, that has opened up considerably to such an application orientation, as Lani Watson (2016) confirms in the journal *Philosophy Compass*. Marek Tesar (2021), in an article in the journal *Qualitative Inquiry*, explores the connections between philosophy, on the one hand, in its translation into both empirical research methods and didactic methods of teaching. According to Tesar, such a transfer takes place permanently, and, in the end, it would even be impossible to imagine methods otherwise. Thus, Tesar (2021:545) begins with Socrates, who already saw education as inseparable from philosophy and politics. Also, contemporary philosophical approaches share some common ground regarding their links to education and pedagogy. Most of them refer back to Kant and the Enlightenment, through which philosophy adopted a humanistic worldview (Tesar 2021:547), which in turn fuelled the motivation for education.

Counselling concepts therefore often seek and recommend a connection to research methods because both approaches revolve around (new) approaches to the world. Vacc and Loesch (1984) advocate that counsellors should in particular study qualitative research methods to be able to provide sound counselling.

The following sections refer to and classify some epistemological paradigms from social research that can be found in the literature, at least in a few sporadic references and links between theory and fields of application in counselling.

However, Brubaker et al. (2010) see certain limits when decolonising counselling activities due to the diversity and arbitrariness of epistemological approaches found here. In fact, the demand does not meet a homogeneous field enough to be transformed as a whole.

6.2.1 Phenomenology

Phenomenology's social science epistemology is one of the most frequently referenced paradigms in the literature around pedagogic counselling approaches. What is particularly relevant and characteristic of this approach for a concept of counselling is its specific ambition to describe the possibility and the nature of interpersonal understanding. However, this article critically examined the claim to understanding in counselling regarding the goals of decolonisation.

In contrast, the proponents of phenomenological approaches regard understanding on the part of the counsellor vis-à-vis his clients as essential with no substitute for presumed structuring tech-

niques. Katharina Gröning, for example, criticises some of the newer forms of counselling, such as neuro-linguistic programming or systemic counselling. Here, Gröning maintains that the main reason why these forms have recently become more popular is that they are convenient: They make us believe in the possibility of counselling without the need to understand (Gröning 2011:19).

Viewed in this light, the Western-style mediation approach, with its explicit, sequential logic based on prefabricated procedural principles, would also have to be seen as a mechanistic substitute for interpersonal understanding. From the perspective of pedagogy, Uhlendorff (2012:710) even acknowledges that speeding up and making the method easier for counsellors is quite simply necessary in practice due to the lack of time and the complexity of the cases. Moreover, considering the possibility of avoiding the perils of epistemic violence by this means, this mode might even endow mediation with decolonising overtones.

Wendt (2020) highlights that the phenomenological approaches vary, resulting in at least a wide range of references in counselling practice. Phenomenology's concept of lifeworld implies that all collected data is always embedded in contexts, and researchers should focus more on this context instead of linking back to theory too much. Also, they should keep in mind that they are also part of this lifeworld and will not be able to transcend it. When correctly understanding a client or respondent, phenomenology will always insist on grounding the patient or respondent in their lifeworld. So, for instance, if a respondent makes general statements, the interviewer should ask them to substantiate them by giving specific examples (Wertz 2005:171).

6.2.2 Constructivism

Wilkinson and Hanna (2016) and Wilkinson, Shank and Hanna (2019), amongst others, recommend not to base pedagogical counselling on constructivist paradigms. Furthermore, the constructivism insights may be quite informative for counsellors. The authors elaborate on how the clients and the counsellors listening to them construct their own worlds from what they perceive and what is communicated to them. However, the authors fear that this will give trainees the false impression of a more or less arbitrary anything-goes understanding of how people conceive these worlds. This arbitrariness arises from an overly strong focus of constructivist approaches on the synchronous coherence of constructs as a prerequisite for conclusiveness and coherence. Instead, the relevance of diachronic processes of worldview formation is almost denied. In the case of counselling, however, it is about human individuals whose current world views will build on their memories, experiences and socialisations. Therapists should therefore learn to reflect on why and how a person perceives and interprets their world. This is the only way they could next manage to exclude the particularity of their own perceptions and instead be open to the perceptions of their clients - the perceptions of whom, of course, will also need to be viewed in the same light. On the other hand, Lee, Neimeyer and Rice (2013:329) found evidence that counsellors' constructivist worldviews may more lead to a wait-and-see attitude and may be perceived as more passive.

6.2.3 Systems theory

Aside from approaches based on phenomenology to describe counselling, the literature classifies systemic counselling as a genre in its own right. Rainer Zech, an expert in organisational pedagogy, provides a respective definition of counselling:

"Counselling is a process of system building where two systems meet and jointly form a third system: a client meets a counsellor and both together make up their counselling as a system" (Zech 2010, 16; translated from German by the authors).

According to Zech, a systemic understanding of counselling will need to acknowledge that mutual interpersonal understanding in the hermeneutic sense

cannot exist. This also means that didactic interventions cannot rely on any form of unmediated influence. Accordingly, counselling could only ever support clients in changing themselves – a view that would at least not contradict the demands of decolonisation for the self-empowerment of the subaltern. From a systems theory point of view, the mode of operation or the effects of counselling – and probably also mediation – would mainly consist in purposefully disrupting a given system and thereby encouraging some readiness to change, of whatever kind (Schirmer and Michailakis 2019).

6.3 Epistemologies of mediators' worldviews

The previous sections have contextualised conflict mediation as a form of counselling activity. Moreover, academic framings for counselling practice emerged not only from psychology, which specialises in dealing with crises but also from education research. This academic framing of counselling and pedagogic practice mainly encourages reflecting and systematising a variety of epistemological approaches to the world.

The preceding section also showed that literally, any epistemological paradigm might provide insights into education and counselling processes. However, a detailed account of what actually happens in education, counselling and mediation processes, or what professional actors in these fields should ultimately orient themselves to, is still lacking. Instead, many approaches and a great deal of arbitrariness in these approaches continue to prevail.

The counselling field alone comprises more than 500 different approaches today, Wilkinson and Hanna (2016:8) say. The basic credo is that one approach is not fundamentally better than the other. Instead, prospective therapists are encouraged to find out which approaches best fit their own personalities and experiences of the world. For Wilkinson and Hanna, such a constructivist view would be too arbitrary because the available models have very different qualities. That said, in the research literature, this apparent arbitrariness results in the reconstruction of a connection between the personal attitudes of counsellors and the methods and styles they prefer. How counselling is carried out in practice thus depends essentially on the primary state of mind of the counsellor (Arnold 2009:200). From this, Schehr and Milovanovic (1999) conclude that counsellors' background in the social sciences could be a fundamental prerequisite for being able to distance themselves from their own world views and reflect on them more systematically. Pignault, Meyers and Houssemand (2017), scholars in education, have explored this very connection empirically, using mediation as an example, and consider the disconnect between theory and practice discussed here to be a phenomenon that is generally widespread in professional fields. As a rule, professionals are doing their work well and correctly, but in the end, they can seldom substantiate what theories these qualities are rooted in. Along with the gap between epistemology and practice, namely between the didactic transmission of the approaches and their practical implementation, Pignault et al. see another such gap within this latter area: While textbooks on mediation most often see mediation as having the ultimate goal of finding positive and constructive solutions to conflicts, mediators tend to focus on the constructive design of the process in mediation.

In an article entitled "How our worldviews shape our practice" in the journal *Conflict Resolution Quarterly*, Rachel Goldberg (2009) showed, based on interviews with mediators, that their orientations in mediation were much more attributable to their worldviews than to academic preferences or cultural socialisation. By worldviews, Goldberg means particular understandings and interpretations of the world resulting from mediators' social positions in society. Depending on the biographical socialisation of mediators in hegemonic or subaltern social groups, they will develop very different views of the world and, on this basis, come to different understandings of social justice.

Suppose we combine the observations of Pignault et al. (2017) with those of Bonafé-Schmitt et al. (1999) on the structural-contextual specifics of "Latin" mediation in Europe. In that case, we might further hypothesise that it is precisely for this reason that European mediators attach more importance to the process rather than solutions. They find themselves embedded in a codified legal system and will feel the need to provide a counterpoint and emancipation from the dominant system of jurisprudence – an effort of emancipation that may seem less urgent and necessary for US mediators in a case law that focuses more on the situation anyway.

6.3.1. Modern vs. post-modern epistemologies

James T. Hansen (2006), a US-American counselling researcher, has investigated the role of counsellors' post-modern worldviews when working with clients. He also assumes that different worldviews and epistemologies play a role as early as in the trainings for therapeutic counsellors and that they impact their later practice. The traditional approach to education followed the spirit of a modernist epistemology, which meant that its primary goal was transmitting knowledge. Professional counsellors here were also expected to find out precisely what their clients were concerned about in their specific cases.

Against that, Hansen explains that a post-modern worldview first presupposes that there are different truths and that theories, once applied or accepted, will largely determine what people perceive and acknowledge until the very end of a cognitive process – and this effect also applies to counselling. Counsellors aware of postmodernism should also be aware of this effect. Such a post-modern attitude in counselling should be anti-essentialist, and counsellors would recognise that they will never be able to comprehend their clients fully, but that they will only ever perceive and interpret them (Hansen 2006:292).

This is also the background against which, for example, the supposed superiority of Western scientific theories can no longer be substantiated at all. It is a narrative as any other that has anything to do with supposed reality (Hansen 2006:293). This attitude comes close to the orientation towards decolonisation discussed in the article. Basically, this attitude relativises the one-dimensional or teleological idea of counselling as a permanent improvement process. Clients will not dispose of supposedly better knowledge after counselling. Clients will not dispose of any supposedly better knowledge after counselling. In contrast, at best, they will have learned about their lives from other perspectives, which are neither more valid nor correct. This perspective also relativises the different claims to quality of different approaches to working with clients.

If we compare these requirements with the established principles of Western-style mediation mentioned at the beginning, mediation and its understanding of conflict seem to be genuinely post-modern products. Accordingly, it is assumed that there are different and equally valid perceptions of reality in the conflict. Mediators should be aware of this and help their clients to do the same. Clients here are taught an essential philosophical attitude of post-modernism.

6.3.2 Pragmatism counters relativism

Alongside this broad orientation, allowing for various views and attitudes, Hansen (2006) suggests that some minor fine-tuning of counsellors' worldviews may be helpful. For instance, positions that are relativistic in a radical sense would mean that actors would no longer be able to act at all. In this case, a dash of pragmatism will help counsellors, Hansen (2006:294) adds. This school of social theory encourages people to adopt a theory that applies best to a given situation and allows for the most helpful conclusions and perspectives – rather than one that might be the most consistent internally. This helps to avoid the extreme

poles of relativism, and counsellors may always apply the (counselling) theory that seems most appropriate from their point of view. Therefore, Hansen uses the term neo-pragmatism when it comes to counselling. Again, this attitude can be found among the basic principles of mediation, defining the method as particularly flexible and customisable to any given situation. Among other things, the perceived attractiveness of the method for intercultural contexts is based on this flexibility.

6.4 *Social Justice* in the philosophy of education and counselling

For a long time, the question of what science and education should provide and what they should be geared towards was traditionally split into two parts. Philosophy has been searching for truths from antiquity, and other more partial and thus more application-oriented disciplines later on were more concerned with the search for valuable and viable knowledge (Moisio / Kauppinen 2020). According to Moisio and Kauppinen (2020,:241), Martha Nussbaum (2010, 2) was the first to argue that this de facto economistic orientation must be countered by an attitude whose ethical orientation may lie outside philosophy but which is fundamentally considered more socially desirable. To this end, Nussbaum articulates the objectives of "democratic and global citizenship" (Moisio / Kauppinen 2020:2241), which in turn gave rise to new goals for education. Nussbaum thus laid a foundation for critical thinking as well as a preoccupation, if possible, with the foreign, recognition of diversity and sympathy towards this diversity as new ethical orientations also on an epistemological level. It is only against this background that practices such as mediation and its dissemination, as well as the acceptance of its teachability through training, become meaningful.

6.5 Short circuits between theory and practice in counselling

The previous sections have substantiated the hypotheses from the literature that epistemologies of scientific research, didactics for teaching practical knowledge and the actual practice of counselling and mediation influence and inspire each other. Regarding the question about the need for vs any already existing decolonisation of mediation methods, insights into the complexity of these reciprocal linkages are all the more clarifying. Often these linkages do not feature clearly in the literature, authors may not even be aware of them, and in the end, they might not be relevant and interesting for all publications. Conversely, there are also forms and cases of explicit reference in the literature, especially when it comes to underscoring that practical methods are grounded in theory and presumably validated. Connections made in this way are often under-sophisticated; they skip intermediate steps, occasionally only read about the originals from secondary sources and may even be incorrect. These strategies may sometimes make the desired scholarliness more questionable (Tesar 2021:545).

7. Inductive explorations for ethical orientations in mediation

This article started from the basic assumption that there are numerous connections between social research and the theory of science on the one hand and mediation practice on the other. However, these are often not manifest, or their reciprocal linkage does not fit together seamlessly. Even despite intellectual proximity, there is often a disconnect between theory and practice. The literature also approaches this gap in an inductive approach and tries to find orientations and patterns in mediatorial action. These classifications can in turn show parallels to social theoretical approaches, but they do not explicitly reference them. The following section will also briefly explore this field.

7.1 Ideologies in mediation

In contrast to deriving a deductive foundation for mediation work from social theory, many studies see mediation orientations as being based on ideologies that mediators adhere to, sometimes unconsciously. However, this tends to make it more challenging to link them directly to social justice issues. Adler, Lovaas and Milner (1988:318), for example, define the concept of ideology in its use in the discourse of mediation research as the orientation of mediation work towards a production of social ideals. Such ideological evaluations of epistemological foundations can be precise about mediation practice and would possibly not be part of general social theories in such a form. For Adler, Lovaas and Milner (1988:320), among them is the assumption that conflicts are a natural part of social life but that some of them can lead to harmful effects unless they are dealt with in a controlled and systematic way. The ideological goals of mediation also include the prevention of social alienation and the strengthening of society's own and independent conflict competence (Adler / Lovaas / Milner 1988:321).

7.2 Mediator styles

More practical than ideologies, but still on the level of general and superordinate orientations, is the inductive search for and differentiation of *mediator styles*. Druckman and Wall (2017:1914) see an initial foundation for the concept of mediator styles with Kressel and Pruitt (1989), who distinguished between a reflexive, a substantiating and a contextual style. Accordingly, when identifying these styles, it is not assumed that they are linked to superordinate theories. Instead, the purpose of the assessment is explicitly to identify patterns in practice. This immediate relevance to practice makes mediator styles particularly useful for mediation in training because they can provide both mediators and their clients with orientation in complex situations in the context of mediation, Kressel et al. (2012) write.

Moreover, mediatorial styles precisely reflect what clients see in mediation and not what may be prescribed in textbooks (2012:138) – again, the authors see a clear break between theory and practice. Salmon et al. (2013) distinguish two styles that are more likely to be classified as active, i. e. formulative and manipulative, but beyond this, the axis of passive vs active mediation can be found in many other styles. For example, Druckman and Wall (2017:1914) report on distinctions of styles as "communication-facilitation, procedural, and directive" in Bercovitch and Houston (2000), and they note that Kleiboer (1996) has lined up a whole range of different mediation styles on a scale from passive to active orientations. Wood (2004:443) interviewed mediators about their assessments of different styles and found out that mediators who advocated a democratic orientation usually also advocated an exceptionally high process orientation and accordingly steered clear of the process to a relatively large extent. Wood terms this "a somewhat laid-back approach" (Wood 2004:443) – a wording that shows certain proximity to the attitude expressed in the opening quotation of this article. According to Wood, such a democratic style gives much less consideration to clients' emotions compared to, for example, a counselling style. Such an orientation can also be found repeatedly in the empirical data of this article, which in turn distinguishes the mediators interviewed here from a counselling profile: "I don't consider myself a touchy feely mediator" (Mediator07, 2020, 00:21:44), resp.:

"I always have the impression that it's perhaps too emotional, and when you talk about children or that, that's not my thing, I don't think I'm good at that either, so I never do it" (Mediator09, 2020, 00:10.49; original translated from German by the authors).

7.3 Current research on mediator passiveness vs activeness

According to Druckman and Wall (2017:1911), research as early as the 1960s confirmed that the mere presence of mediators generally leads to more rational and, thus, more cooperative

behaviour on the part of the parties in a negotiation. Wood (2004:448) reports a whole tradition of research that distinguishes between passive and active styles in mediation, sometimes labelling them differently, if at all. For example, as early as Gulliver (1979), there was a range between a "passive role to an active problem-solver role" (Wood 2004:448). Silbey and Merry (1986) distinguished between a "bargaining" and a "therapeutic" style, whereas Kolb (1983) spoke of a "dealmaker" and an "orchestrator" (all quoted after Wood 2004).

8. Discussion and Outlook

This article began by raising the question of how far the method of conflict mediation is either aligned sufficiently or flexible enough to respond to more recent demands from social theory and postcolonialism for the decolonisation of forms of social action. When addressing this question, we deliberately left aside the structural framing conditions of mediation and took a closer look at the central epistemological basic assumptions of the method.

Literature on decolonisation provides actors with clear instructions for action, as illustrated, for example, in Audre Lorde's metaphor (2007), "The master's tools will never dismantle the master's house." Accordingly, actors must be open to new methods of knowing and not use their old, traditional methods. Although proponents of this orientation acknowledge that it has a utopian moment (Mignolo 2012), this approach nonetheless clarifies what to reject and what to encourage. When it comes to more practical questions, however, actors tend to be left alone, or the assumption seems to be made that they already know how to evaluate and classify their environment. The conversation-based counselling method of conflict mediation essentially aims to change clients' worldviews both in situational and, if necessary, global terms. If these activities are to be placed in the context of decolonisation, actors will need a respective reflective and conscious knowledge of these activities. Only if the actors know which traditions and justifications lead to their current attitudes will they be able to adjust their own ethical compass accordingly.

Taking the example of the Western-style facilitative conflict mediation method, this paper has tried to connect current professional practices of action and their epistemological foundations. Based on our current interviews with practising mediators, we started from their actual practices and their actual self-images as the most essential and, above all, most effective basis for action. One example identified is the discourse on the appropriateness of a passive attitude on the part of mediators in mediation.

This observation was used as a starting point to explore epistemological foundations: Mediation was classified as a form of counselling activity and embedded in socio-educational contexts. This could be done in particular detail by looking at the German-language discourse on counselling in social work, which represents a unique path from an international perspective.

Here, the philosophy of education regards itself as the primary authority for all pedagogical orientations and fields of activity. Furthermore, it considers almost any epistemological paradigm in the social sciences relevant and fruitful for deriving knowledge about educational processes. Another step was to show that counsellors and mediators each form individual worldviews for themselves, which are geared to and integrate different epistemological perspectives. This results in a pragmatist professional practice where epistemologies, world views and personality of mediators in conjunction with the caseload should, at best, create a constructive interplay with many cross-connections.

Moreover, this research shows that the awareness of such linkages in mediation practice is not exceptionally high or that these linkages seem to have little relevance for mediation practice. Instead, practical orientation is provided by inductive and reconstructive empirical research that attempts to identify different attitudes, ideologies and styles from within mediation practice. Although these orientations indeed show paral-

lels to the epistemological approaches of social theory, they are hardly ever brought into connection with them in the literature, or this connection hardly plays a role in ratifying the newly formulated models. Likewise, mediator passiveness identified at the beginning of this article is classified here but is no longer in line with any social theory orientations. This creates a world of mediatorial models that often reference each other and – concerning the evident practice – reciprocally give coherence to each other. While these models build on ethical, well-considered orientations, they can no longer be linked back to models from social theory and can, therefore, hardly be put into words in a meaningful way.

The hypothesis that Brubaker et al. (2010) have already put forward about the demobilisation of the field through its complexity is confirmed here regarding calls for decolonisation. The actors addressed will probably find it difficult to classify how to evaluate what professional strategies in this new light due to the complexity, the disconnectedness and the fragility of their epistemological foundations. What remains, therefore, is a throwback to the pragmatist attitudes already discussed above when making decisions in professional practice.

In order to further professionalise mediatorial action in the future and to enable clear answers and conclusions for action about new demands such as decolonisation, the epistemological contexts outlined here will need to be reflected, clarified and organised more thoroughly in research as well as in training and practice.

Regarding research on the chances for decolonising social fields of action in the sense of postcolonial thinking, the epistemological complexities and fractures of the fields that are to be transformed, as exemplified here, should be taken into account. The study presented here can only serve a preliminary and incomplete purpose, and reducing the complexity claimed here to a few pages of contributions would ultimately contradict the very argumentation outlined here. The literature offers many more sketches of epistemologies, practices and their interrelationships, most of which can be acknowledged here but cannot be considered anywhere near exhaustive.

9. References

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