

Narrative mediation: Assisting in the renegotiation of discursive positions

by

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This paper describes how the practice of mediation might be pursued from a narrative perspective. In the process, it introduces an emphasis on the analysis of 'discursive positioning' which can be helpful in making sense of what happens in conflict situations, as well as being a useful conceptual tool in the practice of mediation.

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In conflict situations, people often find themselves in the middle of a relationship story that is not of their preference. Their relationship with other protagonists in this story may have developed a character of hostility and suspicion, if not outright aggression, that does not fit with their usual personal identity stories and can often only be explained with recourse to a blaming of the other.

Often, people find it difficult to separate themselves from such conflict stories without third party intervention. This is nothing new. It has been recognised in a variety of conflict resolution procedures in many cultural traditions. The practice of 'negotiation assistance' (Kruk 1997) by third parties has a longstanding informal history in many cultural contexts and has only become known as 'mediation' in recent years as it has developed into a professional specialisation in modern cultural contexts. The term 'mediation' has come to be used to describe the 'intervention of an acceptable third party who has limited or no authoritative decision-making power' (Moore 1996) in the resolution of a conflict.

Typically, mediation interventions are performed by people in a wide variety of professions such as lawyers, therapists, social workers, managers, clergy, and they are also practised informally in family and community relations by parents, teachers, cultural elders and friends.

In this article, I want to elaborate on some previous articulations (Winslade 2003; Winslade & Monk 2000; Winslade, Monk & Cotter 1999) of how the practice of mediation might be pursued from a narrative perspective, and to show how this might look through examining an example of a mediation conversation. In the process, I want to introduce an emphasis on the analysis of 'discursive positioning' which I have been finding useful in helping make sense of what happens in conflict situations as well as being a useful conceptual tool in the practice of mediation. In order to achieve this purpose, let me introduce the concept of discursive positioning first, before putting it to use in the explanation of a particular mediation conversation.

Discursive positioning

The concept of discursive positioning builds on Foucault's (1978, 1980) concept of subjective positioning, in which he argued for the pervasive influence of discourse in the production of subjective experience. Foucault, along with other poststructuralist writers, sought to decentre the position of 'man', and especially the individual, as the 'creative force of society and history' (Seidman 1994). Rather than thinking of persons as producing their lives out of either inner drives or core needs, or, for that matter, out of the determining influences of social structures, he proposed a view of personal subjectivity as constantly in process of negotiation with the discursive context in which we live. Human beings are, he argued, produced by practices of power in constitutive ways through discourse and they are also at the same time producers of discourse and frequently take up positions of resistance to the technologies of discursive power. Foucault's conceptualisation of discourse stressed its systematic functions (discourses are: *practices that systematically form the objects of which they speak* [1969, p.49]); its close links in the modern world with knowledge in the production of normalising practices; and its primarily productive or constitutive, rather than repressive, function.

While some have focused on the function of discourse along the lines Foucault suggested in terms of its pervasive social influence and its systematic regulation of people's lives, Bronwyn Davies and Rom Harré (1990) have suggested the value of thinking of these ideas at a more local level in terms of 'discursive positioning'. This elaboration of Foucault's ideas creates, I believe, some analytical and practical leverage in fields of therapy and mediation. It is a concept that points to the ways in which people take up positions in relation to discourse in the very moment of making an utterance in a conversation. At the same time, they offer the other person(s) they are addressing a position (or a choice of positions) from which to respond. In both cases, a speaker calls a particular version of the world into being through establishing a 'conceptual repertoire' and also a 'location for persons within the structure of rights for those who use that repertoire' (Davies & Harre 1990, p.43). From this location, a moral claim is made within a particular discourse and a concern legitimated, while the addressee is implicitly called into position in relation to this moral claim. In this way, a relation is established, even if only momentarily, and a perspective on the world is invoked. Two

different positions in this relation, that of the speaker and that of addressee, may offer the respective conversational partners differential entitlements to speak. For example, a speaker may take up a position of deference and call the other person into a position of superior knowledge and expertise, such that his utterances will have greater material effect. Or she may take up a position of exaggerated entitlement and call the other into a position of marginalisation such that his utterances will be of little account. The discursive positions taken up may be relatively stable and perdure through time or they may be more ephemeral and momentary. Hence the concept of positioning is more flexible than the concept of social role. Its flexibility makes it a useful analytical tool for showing how social relations are often subtly nuanced, fluid and contested in ways that the concept of role cannot easily convey.

As a theoretical tool, the concept of positioning makes more explicit the link between dominant discourses and particular localised exchanges of meaning between people. The advantage for psychology in general, and for mediation in particular, is that positioning theory (as it has been called by Harré & van Langenhøve 1999) enables a study of the detail of how discourse operates in the production of relationships and of personal subjective responses. Positioning theory makes cultural influences visible in discourse in the very moment of the establishment of their influence. It also makes visible the ways in which people resist and refuse dominant discourse in the detail of conversational exchange.

Any utterance in a conversation (such as those that take place in mediation) calls upon a discursive background in order to make sense. As it does so, perhaps outside of the conscious intention of the speaker, it is inserted into a social context made up of contested patterns of meaning. The meanings that are authorised with institutional legitimacy, or are accepted as just how things are, begin to serve a hegemonic function (see Laclau & Mouffe 2001) in relation to other possible meanings. They can even obscure the possibility that other meanings exist.

As people talk, they are constantly deploying meanings against this discursive background. In the process, they are inevitably taking up positions in relation to the background politics of meaning-making. The analysis of sexist language has provided many examples of how this works. As a speaker positions herself, she also calls others into particular positions, not just in obvious terms like agreement or disagreement, but also in much more subtle

ways as giving support to whole frameworks of meaning, perhaps through the choice of a single word rather than another word to describe something. For example, a mediator might say: 'We are here to settle a custody dispute', which calls up quite different discursive meanings than: 'We are here to discuss the care of your children'.

In relation to the politics of meaning, we all craft subject positions that form the basis of relating to others. Whatever discourse is dominant ensures that certain meanings (and subjective positions) will be privileged over others. It also establishes unequal conditions of possibility in social relations through the recognition and legitimation of some people's actions and not others. Some actions make sense within a particular discourse and some do not. Some positions are authorised and others are not.

As people speak, they position themselves not just in immediate relation to the other person(s) in the conversation, but also in relation to utterances in other conversations (Bakhtin 1984, 1986; Davies & Harré 1990). In the context of mediation, one party may be having an ongoing conversation with her or his lawyer about the subject matter of the dispute. Then, in the mediation conversation itself, this person may make an utterance that is both a response to the mediator's question and at the same time a response to his or her lawyer's advice.

I find the idea of discursive positioning a useful conceptual tool for hearing the things that people say to each other in conflict situations. Disputing parties, in the process of mediation conversations, establish discursive positions for which they seek legitimation. They also position the other party in the process. If someone says, for example: 'Look, I am just trying to be reasonable here', they might be seeking to establish a position within a discourse of rationality and at the same time perhaps to call the other party into position as unreasonable, irrational, or overly emotional in relation to the same discourse. Similarly, efforts to establish oneself as the 'victim' of the other person's actions calls the other into position as villain. Hearing these as examples of positioning and of position-calls helps me as a mediator to avoid getting caught in any particular interpretation of events and enables me also to ask questions that bring forth stories that do not feature a narrow range of positions.

Since mediation is clearly about the negotiation of meaning in conversation, and therefore in discourse, I would argue that positioning theory makes the concept of discourse available to the practice and the theory of mediation. Such

practice can be described in terms of the negotiation of more satisfying relational positions. Positioning can make visible the discursive influences at work within a relation. When discursive influences become more visible, they cannot continue to do their work in secret and people can make more informed choices about the positions they will choose to take up in relation to discourse.

In the analysis of interactions in a mediation, the roles of 'disputant' and 'mediator' are not sharp enough instruments on their own to enable meaning-making with regard to the conversational moves in a conflict resolution process. There is more variability in utterances than can be accounted for by these roles. Nor, in divorce mediation, is it enough to speak in a simple way about the roles of husband and wife if we want to appreciate exactly how gendered subjectivity is constructed or contradicted, taken-for-granted or challenged, accepted or reconfigured, in the moment of interaction. The same can be said for other roles that might become embroiled in conflict, such as landlord and tenant, parent and child, brother and sister, customer and small business owner, teacher and principal, manager and employee, or even colleague and friend. Positioning theory offers us a finely honed tool for analysing the moves in conversation out of which, in a discursive understanding, we make ourselves up as persons, always in relation to others.

Positioning theory also alerts us to more subtle nuances of contradiction and discontinuity (Davies & Harré 1990, 1999). The possibility of contradiction of discursive positioning is necessary for the possibility of change. If we could not at times refuse the positions we are offered, then we would be determined by the discursive worlds in which we live. We would have no room to make choices, to take stands, or to protest injustice. In other words, we need the possibility of contradiction in order to exercise agency.

Frequently, conflict might arise from the ways in which people are at least uneasy, and often downright unhappy, with the effects of how they are being positioned by the other party (or parties). Mediation conversations hold out the promise of repositioning in a relation or of making more room for another's position-taking. Dominating discourses, however, will continue to exert a strong pull on what is said in a conversation, and can discourage options for refusal or contradiction.

Let me now turn to an example of a mediation conversation and use it to comment on the negotiation of discursive positioning that is entailed herein.

Dennis and Mario are in a permanent and loving relationship. They are committed to each other and each has a satisfying and rewarding job. The only thing they want now is to parent a child together. Dennis's former partner, Marlene, agrees to conceive a baby with Dennis and to hand the baby over to Dennis and Mario when it is born. Although Dennis and Marlene had split up some years ago, they had maintained a supportive relationship and were good friends.

Baby Samuel is born and he is much loved by both his father and his mother. Marlene is so attached to Samuel after carrying him for nine months and giving birth to him that she is reluctant to give Samuel up. At first she stalls for time and then later admits that she has no intention of giving Samuel up to Dennis and Mario.

There were no contracts drawn up prior to the conception of Samuel. The whole arrangement was based on verbal agreements and trust. Neither wants to destroy the friendship but they both want Samuel. Dennis suggested mediation to Marlene in the hope that they would be able to establish at least a shared parenting arrangement. Marlene agreed and Mario supported the process.

Here are some excerpts from a role-played mediation conversation based on this scenario. While role-play is not completely isomorphic with so-called 'real life' conversations, I would argue that it is sufficient for the purpose of demonstrating how mediation conversations work. Moreover, it demonstrates how we all know enough of the dominant discourses at work in a social situation to be able, easily enough, to take up the conversation and position ourselves and each other in such discourse, even if we have never personally lived through such a situation. What follows are excerpts from a conversation involving Marlene and Dennis and a mediator (John). Mario was not involved in this conversation, mainly because an extra role player was not available at the time rather than for any other intent. I acknowledge that this conversation would have been enhanced by his presence and would prefer as a normal matter of course to include everyone involved in the process, even if this may sometimes need to be staged in several episodes.

John: I guess ... I'd be interested in ... in starting by asking each of you what your hope would be for what would come from this meeting?

Marlene: My hope is ... that my son Samuel ... have ... it's important to me that my son Samuel have a mother and stay with his mother ... a constant ... mother in his life ...

and ... I'm not trying to take Samuel away from his father ... however ...

John: So your hope [writing] is that Samuel ... have a constant ... mother in his life.

Marlene: Mhmm ... By constant I mean ... primary role in his life.

John: Primary role ... that's what constant would mean to you? (*Marlene:* Mhmm.) Okay ... anything else that would be your hope for this meeting?

Marlene: ... I think Dennis is a wonderful person and will be a wonderful fa... and is ... and is going to make a wonderful father and I'm not trying to take that away from him ... however I do want Dennis to understand that Samuel is ... half mine.

John: So you're wanting something for Dennis here as well ... (*Marlene:* Yes) right?

Marlene: Yes.

John: You're wanting some understandings here about ... Dennis's role in Samuel's life?

Marlene: Mhmm.

John: Is that right? Have I (*Marlene:* Yes.) caught that?

Marlene: Clarity as to what his role will be in Samuel's life.

John: Okay ... so clarity would be an important hope that you would get from this conversation ... that clarity would increase? (*Marlene:* Mhmm.) ... anything else? ... is that enough for the moment or ...?

Marlene: Yeah, my thoughts are real ... (grimaces).

John: Okay ... (turns to Dennis) What about you Dennis? What ... what would you hope would come from this meeting?

Dennis: Well ... in the beginning we had a ... a verbal agreement that she was going to be the catalyst to bringing Samuel into our lives ... me and Mario's lives ... and ... shortly after ... giving birth to Samuel ... the agreement ... there was no longer an agreement ... she wanted to keep the child ... and I had hoped that it would be my child and me and Mario would be the primary caregivers of Samuel (*John:* Okay) so today ...

John: What's your hope for today?

Dennis: I hope to ... kind of find my role.

John: Find my role.

Dennis: Find a role that works for myself ... Mario ... Marlene ...

John: And Mario is your partner?

Dennis: Yeah ... he's my partner.

John: ... Sorry... continue ... I interrupted you just to clarify that there.

Dennis: Oh yeah ... just ... like a role for myself, Mario and as well as Marlene ... that best ... that will provide the best for Samuel's life.

John: Okay ... So it's like a conversation you're hoping will be one that has this kind of discovery in it that you would find this ... this role and that you would work out what these roles are for each of you?

First, let me comment on my intentions in beginning the conversation in this way. It is common in a problem-solving approach (Fisher & Ury 1981; Moore 1996) for the first task of mediation to be about defining the problem that needs to be solved. In my own practice, I have found that this sometimes lends more weight to the problem than is necessary. It is established in the place of importance from the outset. My aim in mediation, rather than to solve a problem, is to help create the relational conditions in which an alternative story to the conflict story can flourish. Therefore, I often seek to open this story, and position people within it, from the very start. I make the assumption that people have agreed to a mediation process with some hope of something better than the conflict story. Even when they harbour serious doubts about the intentions of the other, they still have hope that the mediation process will bring about some relief from the discomfort of conflict. This hope can be the opening to a story of co-operation and respect. Therefore I often solicit its expression at the start of a mediation conversation.

Note too that I am not asking about each party's individual wants or needs. I am not just asking what each party hopes they will get *for themselves*. The question invites forward a hope for the relationship in the context of the mediation. In response to my question, Marlene and Dennis each expresses some hopes about what this conversation

might achieve. Since we are talking about hopes here, rather than about embodied realities, no commitment is being asked as yet of either party. However, each is invited from the start into a subjective position in the mediation conversation. Each also gets to hear the other express their best intentions from the start. These best intentions are likely to express the spirit of the participants' relational goals for the mediation. The tone of the conversation is set and any problems that later get defined can be understood as restraints on the materialisation of these hopes. Materialising these hopes becomes the prime focus of the conversation, rather than resolving the problem. My aim as a mediator is to help them position their relationship more in relation to these hopes than in relation to the problem. The problem becomes more of an annoying obstacle to the development of these hopes, rather than something to be resolved before hope can be expressed. This positioning move pre-figures the process of objectifying the problem in an externalising construction. It also amounts to a position-call from the mediator. I am calling them into positions in a particular story of this conversation. It is not a neutral position, since it clearly privileges story elements that accord with their hopeful intentions, rather than with their positions in a problem story.

Both Marlene and Dennis, however, do make reference to their positions in the conflict story. Marlene seeks to establish her position in a discourse of motherhood, although she stops short of a biological claim based on a natural rights discourse and instead positions herself in a modern legal description of 'primary parent' and 'constant mother figure'. Dennis, in contrast, positions himself in a different narrative. It is the story of the verbal agreement that they once made and which Marlene has now broken. He is hinting at a position of blame for Marlene as he positions himself as the wronged party, the one who is suffering because of a broken agreement. The difference between these two narratives, and the incompatible position-calls that they invoke, is the nub of the problem that we are negotiating. The challenge of mediation can be thought of as creating room for some repositioning to take place, so that the relationship story that goes forward can feature some themes that are currently being neglected.

Before such repositioning can happen, however, the stories of the two disputants need to be explored. I made a choice to explore with Marlene first the story of her experience of her pregnancy and giving birth and her developing relationship with Samuel, rather than starting with

Dennis's story of the agreement and how it was broken, because it seemed that Marlene's was the story that was least known and most likely to be subjugated. Mindful of Sara Cobb's warnings about the power of the first story in mediation (Cobb 1994), I also did not want her to have to proceed through the conversation from the delegitimate position of the one who 'broke the agreement'. I was also conscious that, since I was male, to do so could have positioned her as needing to defend herself against two males 'ganging up' against her. However, any such decision always carries with it risks of legitimating other aspects of discursive dominance. The discourses at play in this situation are complex. Discourses of gender relations intersect in intricate ways with discourses of heterosexual privilege. As a gay couple, Dennis and Mario have few legal options for child-rearing and this is a key aspect of the broader context of this conflict. Having made this choice of a starting point, it would be necessary to find other opportunities to develop the conversation to open up legitimate positions for Dennis and Mario in regard to the discourses of parenting.

For reasons of space, I shall not include the stories that they tell at this point, except to focus on one exchange that illustrates discursive positioning at work. In the extract above, Dennis uses the word 'catalyst' to refer to Marlene. In relation to this term, he constructs his position as one who has been 'betrayed'. This usage effectively calls her into a subjected position that has little agency. She is objectified and spoken of only in terms of her usefulness to Dennis and Mario and is accorded little room for subjective speaking. Marlene, however, does not accept this position-call and moves to reposition herself in relation to this usage. When I deliberately invite her to speak about how she is positioned, the subjected position is effectively deconstructed and she begins to speak subjectively.

John: Dennis used the word catalyst before ... like he described the original understanding as being that you would be like a catalyst for them ... for Dennis and Mario to have a child ... how did that fit with your understanding of what the agreement was to start with ... how does that word fit?

Marlene: Now I just think it's horrible but at the time ... I guess at the beginning I was wrapped up in my own career and I didn't even see a child in my future ... so I didn't mind ... I wasn't in a relationship and I saw how committed him and Mario were so I ... I didn't think there

would be any harm in allowing, you know, two great men to raise a child, so I don't want to describe myself as a catalyst but as ... the means to the end ... if I was able to provide them what they needed that they couldn't provide for themselves then at that time I didn't think it was a problem ... however ... it's all changed ... I didn't think it was going to change.

But that is not the end of the matter. When the conversation comes back to Dennis, he in turn has now been called into the position of responding to Marlene's challenge to the 'catalyst' discourse. He begins to reformulate his own position and to move away from the relational positioning constructed by his original statement.

Dennis: I used the term catalyst and it may sound cold but ... some time ago... I came to the realisation that ... the relationship Marlene and I had together was not working (*John:* Yes.) ... But I trusted her ... we spent a lot of time together ... eventually I ... I moved on ... I'm very happy in my relationship with Mario now ... I ... she is right when she says that we did have a strong friendship ... yes and I still value that friendship, that's why I went to her instead of a person I didn't know... I went to a person I did know and did trust and did believe in ...

So here we have a small example of the operation of power at a subtle, microscopic level through discursive positioning. The use of objectifying language sets up a power relation, which is then contested and a small shift of power takes place. It is an example of Foucault's argument that power is present at the local level in every exchange, rather than abiding in social structures. Such expressions of power are also fluid and contestable, as Marlene shows. She resists the operation of power on her and calls Dennis into position in a different relation. He responds by according her repositioning some validity by joining with it and speaking of her in much more respectful ways. It is through a series of such exchanges that a new relationship is constructed. My role as mediator in this context is to open up the possibilities for such repositioning to occur by simply asking Marlene the question that invites her to move out of the position of diminished agency and to comment on this position-call, thereby speaking from a subjective position.

This instance is a minor one in the course of this conversation, but it can be understood as one in a series of little negotiations over positioning that take place in the

course of the conversation. These, I hope, will add up to construct a story of a relational shift in the direction of their hoped-for goals. Now let me turn to an example of how externalising conversation (White & Epston 1990) enables a piece of repositioning to take place. To understand this excerpt it is important to know that Dennis and Marlene have both acknowledged that they have maintained a friendship over a number of years, despite having ended their former marriage relationship. I have enquired about this friendship and its significance for them. The story of this friendship is, however, under threat from the conflict story. I was working from the assumption that, for them to develop a more satisfying story of their relationship and to realise their stated hopes, it was more important to invite them to position themselves in this story of friendship rather than in the conflict story. Hence, I was deliberate about speaking in an externalising and objectifying way about the conflict story and its effects. At the same time I was asking them to take up a subjective position in the friendship story.

Dennis: ... you know I'm not going to physically take this child from her ... I do know there's an important bonding issue between them ... between Samuel and Marlene ... but ... I want the child with *me* ... that's it you know ... I'm his father ... Mario's in his life ... I want the child with me ... that was what we discussed ... and I guess also I'm building resentment ... there is a sense of resentment because I just feel like I've been thrown ... and now she's telling me that you know we've ... she's turning it upside down like I feel like I've been thrown ... now she wants ... you know the baby's been with her for four months ... all the time ... she's also taken a little time off ... her work is allowing her to be home so she's with the child a lot now and I'm only allowed to come and visit him and that is not what I assumed this was going to be, that's not what we discussed and that's not what I want, I don't wanta just go visit him ...

John: Okay, so resentment has entered into the picture, right?

Dennis: Yes.

John: And tell me about the effect of that ... like what effect has resentment had for you for the relationship.

Dennis: It's just ... I want ... I want action (*John:* Yeah.) I want the child ... I really don't want to hear what she has to say (*Marlene:* Exactly!) ... I really don't want to talk to

her now ... I want to take the child and start our lives and ... and move on.

John: So it's like resentment has really got in the way of you wanting to hear what she's got to say.

Dennis: Yes ... in essence.

John: And you were saying Marlene that you've tried to speak to him ...

Marlene: I've been telling him this for a while now but he doesn't want to hear it

John: Okay ... It's like ... because ... what you're saying is resentment has even stopped you hearing these things ... whatever she's got to say.

Dennis: Yes ... now it is ... (*John:* Right.) and I'm just ...

John: (interrupting) and it's taken ... I mean has it also had an effect on your relationship? I mean the friendship that you described ... it sounds like a remarkable friendship ... a wonderful friendship ... over many, many years and through some transitions and stuff like that ... is resentment somehow (*Dennis:* Yes.) undermining that?

Dennis: Yes I think it is.

John (to Marlene): Would you ... how would you say it? ... Would it be the same?

Marlene: I don't even see a friendship right now.

John: You don't even see one ... so resentment even blocks the ... even the vision of that ... and yet ... I mean ... I've heard you say that ... if ... in some way resentment was not to be there and maybe some other things that are in the way I don't know ... you would want to keep the friendship ... that you still value it.

Marlene: I guess that's why I have no feelings against him as a person ... he's a wonderful person ...

Contrary to conventional practices in some other approaches to mediation, I am not interested in asking Dennis to 'own' the resentment, or to 'express' it or 'vent' it. I do not regard the fulsome communication of such emotions to be critical to the resolution of this issue. Neither do I think that Marlene will benefit in any way from hearing the expression of Dennis's resentment directly rather than indirectly. She knows it well enough already anyway. Instead, I assume that

the resentment is a product of Dennis's position in a story that has captured his attention. This story has allocated him certain emotional responses and has also had an effect on Marlene. It has interfered with the expression of other emotions that fit better with the story of 'remarkable friendship'. Which set of emotions are true? My answer would be: in essence, neither, but in the process of social construction, either, depending on which story is authorised. Each expresses a position in a story. Whichever story gets emphasised will suppress the emotions that express the relational positions of the other story. Therefore, I consider that it is important in mediation to exercise choices, in line with the expressed hopes of the participants, to select stories for expression that prioritise the positions in a relation of co-operation and respect, or in this case, 'friendship'. The use of externalising constructions enables a subtle repositioning to take place. It is a repositioning both in the grammar of sentences uttered and in the grammar of relationship.

But the process of authorising stories is not just a matter of personal preference. Both a conflict story and a 'friendship' story sit within the context of a social world that specifies certain discourses of family as legitimate and normal and which polices deviations from such norms through the legal and administrative gaze of the family court, which extends into people's lives through processes of psychological assessment and social worker intervention. Within this discourse, neither Dennis's resentment, nor Marlene's agreement to have a baby for two gay men is likely to receive widespread endorsement. In order to create a path forward that could accommodate both of their hopes and intentions, it would be necessary for them to position themselves in a relational story that was not bound by discursive convention. In this conversation, the following exchange proved pivotal. It can be ready as a simple process of establishing clear communication between them. In the light of positioning theory, however, it is much more than that.

Marlene: ... I don't want to be ignored any more ... and I want you to start hearing me ... and you're not hearing me ... you're not hearing the fact that I didn't know that these nine months were going to change my life so much ... and I didn't know that the past four months were going to change my life even more so ... and I don't think you want to hear that, you don't want to hear the fact that there was an attachment made.

John: Can I just interrupt you for a second because you're, you're saying he doesn't want to hear that ... and he's sitting here listening to you say that and I'm wondering whether we can find out perhaps what he is hearing ... I mean because you're stating that he's not hearing and I'm wondering whether we can ask him ... is that okay?

Marlene: Mm.

John (to Dennis): Do you want to respond to that because ... Marlene's saying that the last few months have made a difference and ... you know I'm wondering as you spoke about before that you wanted to be ... you valued this friendship ... whether, you know, in the ... in the spirit of that friendship how do you hear what she's saying?

Dennis: ... I do understand that she's developed a bond ... an attachment ... that's wonderful.

John: That means something to you?

Dennis: Yes that means something to me.

John: Tell us, tell us what it means.

Dennis: It means that she's developed an attachment, she ... encompassing love and uh ...

John: Is that something you see as good for Samuel?

Dennis: Yes I do ... that's wonderful ... I think that's great ... um ...

John: Can you just pause there for a second ... (*Dennis:* Yeah.) you might want to think about what else you want to say.

Dennis: Yes I'm ... need to think about what ...

John (to Marlene): You were saying you don't think he's hearing that ... I mean you know he's saying something now ... what are you hearing him say right this minute?

Marlene: I hear him saying at this minute that he understands that I have a bond; I have developed a bond with the child.

John: Okay ... is that good for you to hear?

Marlene: ... Part of me doesn't think he realises how deep that bond is.

John: So ... you've got some reservations about whether ... (*Marlene:* Mmm.) ... yeah ... those reservations taken into account, is it still a good thing to hear?

Marlene: Mhmm.

John: Right ... what difference do you think it might make ... to hear that.

Marlene: In my decisions?

John: Well not in my decisions just in terms of your ... 'cause I mean before you were ... you expressed some strong concerns which I thought were really important about ... that he wasn't hearing what's important to you ... hasn't been hearing ... right? ... do you hear him starting to hear?

Marlene: Mhmm.

John: You've still got reservations I know, but you hear him starting to hear ... is that important for you that he does?

Marlene: Mhmm.

John: So I'm wondering what does that open up ... in terms of possibilities ... or ... conversation between you about these things ... if you can hear each other on these issues?

Marlene: For me it's important that he ... continues to hear my thoughts and understand my thoughts ... and understands my feelings ... and not so much take into account the original agreement (*John:* Okay.) 'cause since then things have changed.

John: Okay, and if he can do that ... what does that open up that you can offer back to him?

Marlene: Begin to work on something that will be beneficial for both he and I and Samuel.

There are several aspects of this exchange that I want to draw attention to. First, I was careful in asking Dennis to speak about how he was hearing Marlene to reference the 'spirit of friendship' that he had already spoken about as something that he valued. This was an effort to create the maximum possible opportunity for his response to be positioned in relation to the counter-story, rather than in relation to the conflict story.

Secondly, the influence of the conflict story can still be heard as this unique outcome is being constructed. Dennis struggles to say things that indicate that he is hearing Marlene (and at the same time granting credence to her position). No doubt he is feeling the internal tug of the conflict story as he speaks. Marlene also struggles to hear his words and give them credence. She has reservations about whether she can

trust his words. She is tempted to listen to the conflict story and to position his utterances as insignificant in relation to this story.

Thirdly, my own efforts at this delicate moment are purposefully directed. Some who have viewed this tape would even say I was being 'directive'. But my purpose is to take an active role here in the construction of a different set of discursive positions for both of them. By this time, I did believe that it was necessary, in order for them to be able to work together as parents, for Dennis to accept that things had changed for Marlene, not out of any manipulative intent, but as an outgrowth of the commitment she had made in the original agreement. I did also believe that it was necessary for them to reach an understanding that did not position Marlene as a wrongdoer, as having to eat humble pie, and as in Dennis's debt. Such a relation, I assumed, would not produce power between them in ways that would be in theirs or Samuel's best interests. Nor did I believe that it would be in the best interests of the relationship preferences that they had stated if Dennis was to continue to be positioned as 'not listening' by Marlene. Therefore, I was deliberate in asking a series of small questions, some of them closed questions, each of which was designed to invite them a small step further into the construction of a story of listening, understanding and appreciation of each other, and into wondering about the possible futures that such a story might have in store. I was active in the process of co-authoring this relational shift because without my involvement I believe it would be likely that the possibilities in this moment may well have been swamped by the conflict story. What Dennis and Marlene did achieve in this exchange was to take small steps in repositioning themselves and each other in a different story of relationship.

Fourthly, in this conversation, I believe that this is a moment of what Jerome Bruner (2002) has recently called *peripeteia* (after Aristotle), that is a moment which is pivotal in shifting the relational narrative away from what is 'expected' and onto a new course. What produces this shift? It is not just the clearing away of blocked communication and the saying of their true feelings as some would argue. Their feelings are only true within a story that validates them. It is the taking up of positions in a different place that shifts. When they do this it feels different and different emotional or relational expressions are possible.

The mediation task then became one of nurturing and feeding the fledgling counter-story until it was ready to fly. To do this it was necessary to continue to ask questions that

invited the ongoing negotiation of positions within this story. Here is one piece of the further elaboration of positioning in this conversation.

John (to *Marlene*): What ... do you see ... how do you see the relationship developing between Dennis and Samuel ... what do you notice that's happening?

Marlene: I don't know ... he looks sad whenever he's with Samuel because he can't have him ... (*John*: I see.) so I really don't know ... I know Samuel is happy to have two people ... two additional people ... who love him but *he* looks sad ... so I haven't been really able to see that bond ... I mean he's happy holding the child but ...

John: So sadness is almost interfering with the development of that relationship in the way that you would hope that it would develop ... is that right?

Marlene: Mhmm ... (inaudible)

John: If sadness wasn't there so much what would you be hoping to see developing in the relationship between Dennis and Samuel?

Marlene: That he's there ... that he helps Samuel develop and grow.

John: That he's there ... that he helps ... helps with what do you mean?

Marlene: With his development ... and his upbringing.

John: So you want him to have a big role ... right? ... not just a distant ... (*Marlene*: No.) family friend role.

Marlene: No ... he is Dad ... that's all I want.

John (to *Dennis*): Is that ... is what *Marlene*'s saying ... sounding like ... something closer to the role that you'd like to play?

Dennis: Yes ... I want to be there ... I want to be his father ... I want to do those things with him ... but I don't want to have to ... beg or ... get her approval ... you know it's my son and ... I want to be there.

John: So you want to ... sorry ... let me get this clear ... you want ... you don't want to beg ... you don't want to be asking *Marlene*'s permission to be his father (*Dennis*: Yeah ... exactly.) ... to be Samuel's father ... is that right? (*Dennis*: Mhmm.) ... So what would that be like ... can you ... can you help flesh that out a little bit?

Dennis: I would like to pick him up and take him and have him stay with me and do those types of things I don't want just to swing by and visit him for two hours and oh, he has to eat, and oh, he has to do something so now you guys have to leave, and ...

John: You want to not be a visitor ... is that right?

Dennis: Yeah ... not a visitor ... I want to be in his life.

John: You want to be ... (*Dennis*: daily life ...) responsible for him in some ways.

Dennis: Yes ... provide for him.

John: Provide for him.

Dennis: Do all the things Dad's do ... or loving parents do I should say.

John: Okay ... How's that description of the kind of role that ... Dennis would want to play as a father ... how's that sounding to you?

Marlene: That sounds fine and I never ... erased the role of him being a father ... I never erased the role of him having a major part of Samuel's life and raising Samuel with Mario ... I just ... I guess I have been trying to define my role now.

Marlene is prepared to take the lead in positioning *Dennis* in a story of his relationship with *Samuel*. Her offering to him of this position conveys a message that she supports and welcomes his active involvement as a parent. From this position, *Dennis* begins to articulate small details of his envisaged role as a parent. He is enthusiastic in his rejection of the discursive position of 'visitor' but there is still much that needs to be 'fleshed out'. As he starts to flesh it out, he struggles to describe what he envisages. In the process, he is pulled by dominant discourse into speaking of his role as a 'provider' but then a few seconds later departs from gender-specific parenting discourse by choosing the word 'loving parent' to describe himself rather than 'Dad'. In a small way, he is protesting the dominant discourse of family and establishing subtle positioning shifts in relation to this discourse in ways that open up space for himself and *Mario* to play a significant role in *Samuel*'s life. Whereas the mediation conversation shared here centres on the relationships between *Marlene*, *Dennis* and *Samuel*, there is, of course, a fourth person intimately involved in this

circumstance – Mario. Further conversations would be required from this point onwards to acknowledge Mario's experiences, hopes and responsibilities.

For now though, each of these pieces of conversation builds the growing story of co-operation between Dennis and Marlene. This story is developing into something that is by now reasonably robust even though nothing has been settled yet.

One further example of an exchange that builds the momentum of this story will suffice. This example features the offer of an apology that is aimed at repairing damage done by the conflict story.

Marlene: I am ... I am sorry that I hurt you ... because I've seen the sadness in your eyes (*John:* Yes.) ... and I don't want this to interfere in our friendship ... but I've been hurting also because you haven't seen my side ... and you haven't been able to recognise a mother and a child bonding because you were so stuck on well ... he's going to have me and Mario and that's it.

Dennis: Well along those lines, I mean this was like something we were doing ... you know and ... yes to make it more accommodating we're going to have to modify some stuff ... it's not the conventional family or what have you ...

John: When Marlene says that she feels sorry that she hurt you ... how does that affect you?

Dennis: I think she is ... I think that ... (*John:* You believe that?) after the eleven months she really is sorry because I think she really knows ... that she did something differently that wasn't supposed to happen and this is such an important ... it's a life it's not ...

John: Does it help you that she says that?

Dennis: Yes it does.

John: Is it helpful in the kind of partnership that you need to have to share parenting Samuel?

Dennis: Yes.

John: And does it help you that Dennis has heard what was important for you that you felt like he wasn't hearing for so long?

Marlene: Mhmm ... in a way ... I'm not trying to say ... the roles have reversed in the sense of I've changed my mind now ... whereas he changed his mind in the past on our

relationship ... now I'm changing my mind as far as ... I didn't realise what I was doing, what I was going through ... and it is very important that he now ... somewhat hears that ... or he now ... I don't know ... I still don't know as to what level he understands it ... really hears it ... but he has made ... he has acknowledged that he has heard it ... so that makes me feel ... back in the picture.

This unsolicited apology from Marlene is a unique outcome. Apologies do not fit with the development of a conflict story but with an emerging counter-story. The rest of this exchange amounts to an elaboration of the significance of the apology. My working assumption is that an apology is not the end of a story but the expression of a desire to reposition the relationship in a new chapter. In some discursive contexts, apologies are expected to be the last word in a conflict. In others, they are viewed suspiciously as empty words not to be trusted. I prefer to think of apologies as windows opening to a negotiation of repositioning. The new development may not always advance itself however. Questions need to be asked to elaborate its significance. What matters is not the words of the apology so much as the performance of meaning that follows those words. Repositioning opens up a change in narrative trajectory. As this trajectory is followed, new horizons come into view.

In this example, a parenting agreement has not yet been established. I have not concentrated on soliciting a shift in positioning through the negotiation of an agreement as some mediators do. Rather I have concentrated first on renegotiating positions in the story of relationship. From the place that Dennis and Marlene have reached at the end of this conversation, working out a parenting arrangement will be relatively straightforward. It is not that I am opposed to the drawing up of agreements. They are often necessary and helpful in firming up confidence that a fragile counter-story can have a chance of surviving. On this basis, negotiating agreements can work much more smoothly than would ever have been possible under the influence of the conflict story.

Narrative mediation therefore involves positioning parties in agentic places and deliberately calling them into stories of co-operation *before* (and also after) addressing substantive issues that need to be resolved. Once the disputants are positioned in a story of relationship that they value, and that features both parties in a respected agentic place, then the process of moving towards a resolution happens quickly and without a sense of grudging reluctance.

A narrative practice avoids over-emphasis on a settlement orientation (critiqued by Folger & Bush 1994) by first developing a story of relationship intentions, and then rooting them in a relational history, in order to produce a relational context that favours resolutions and agreements, rather than continues to constrain them. The relationship story does not so much follow from the agreement as precedes it, flows through the drawing up of agreements, and continues on after it. In other words, the respectful practice of valuing parties' best relational intentions, and avoiding positioning them in discourses of blame and pathology, leads to greater effectiveness in facilitating negotiation.

In one conversation, a background world of discourse does not change or dissolve. That would be too much to expect. But what can be achieved in mediation or in therapy, is the creation of opportunities for re-positioning to take place in relation to such background discourses. Such a vision holds in focus at the same time both a social and cultural purview and also the particular details of quite localised personal experience.

Note

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