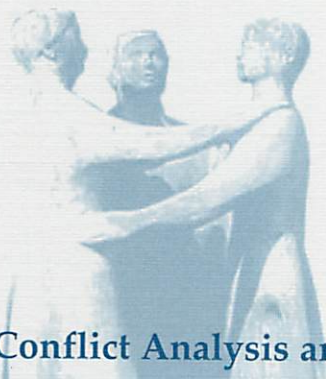# Witnessing in Mediation: Toward an Aesthetic Ethics of Practice

by
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2004

Institute for Conflict Analysis and Resolution

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About the Author

Sara Cobb is director of the Institute for Conflict Analysis and Resolution (ICAR) at George Mason University. As ICAR provides graduate degrees in conflict resolution, Cobb works to support both the production of original research and the integration between theory and practice. As a faculty member, she teaches theory, research, and practice-based courses on negotiation and the transformation of disputes. In her role as director, she provides liaison between ICAR and other private sector agencies and corporations, at national and international levels.

Cobb has a PhD in communication from the University of Massachusetts, Amherst. Through her research, she has specialized in the analysis of conflict narratives and has contributed to the critique of "neutrality" in conflict resolution processes. Cobb has published widely in communication studies and legal studies, supported by grants from the Ford Foundation and the UN High Commission on Refugees. She has held both administrative and academic positions at a variety of research institutions, including Harvard Law School, University of California, Santa Barbara, and the University of Connecticut. She has consulted to a host of family-owned businesses in North and South America as well as to public and private organizations, including the UN High Commission on Refugees, La Caxia Bank, and Exxon, to name a few. She has conducted training for the American Bar Association, Fox Learning Academy and a number of universities in Europe and Latin America. The blend of academic research, program development, and practice enables Cobb to offer both systematic critique of traditional methods for conflict intervention as well as new methods for intervention that focus on the transformation of narratives in conflict processes.

This is her first contribution to the ICAR Working Paper series.

About the Institute

The Institute for Conflict Analysis and Resolution (ICAR) at George Mason University in Fairfax, Virginia, has as its principal mission to advance the understanding and resolution of significant and persistent conflicts among individuals, communities, identity groups, and nations.

In the fulfillment of its mission, the Institute conducts a wide range of programs and outreach. Among these are graduate programs offering master of science and doctoral degrees in conflict analysis and resolution, clinical consultancy services offered by individual members of the faculty, and public programs and education that include the annual Vernon M. and Minnie I. Lynch Lecture Series.

ICAR's major research interests cluster into four overall themes: globalization and conflict, religion and conflict, reflective practice, and change and conflict. The Institute's Applied Practice and Theory (APT) program develops teams of faculty, students, and allied practitioners to analyze and address topics such as conflict in schools and other community institutions, crime and violence, jurisdictional conflicts between local agencies of government, and international conflicts.

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Foreword

Mediation, which lies at the conceptual heart of the congeries of practices that came to be called ADR, always promised a lot. It promised a humane alternative to relationship-destroying adversarial procedure, a way for parties "to own" their dispute and its resolution, and to craft (with the help of a neutral, impartial, and processually virtuosic third party) an agreement that preserved relationships, transcended split-the-difference compromises, and sustained itself. And yet, from its inception, mediation was never entirely free from the vapors of ethical skepticism.

If mediation theory and practice can be said to have developed through stages, so, too, have its critics, focusing in turn upon different sources of potential harm for the primary participants, the disputants. Among the first generation of critics were those like Professor Owen Fiss, cited at the outset of Sara Cobb's provocative essay, who worried that mediation would subvert the potential of courtroom jurisprudence to construct publicly enforceable legal precedence and "bring a recalcitrant reality closer to our ideals." Similar concerns were voiced by such critics as Laura Nader, who questioned whether ADR would effectively limit the access to law (and justice) by poor people and the generally disenfranchised.

One can think of these as among the "macro-level"—almost "public policy" level—critiques of mediation, conceiving of it as a rapidly routinizing and institutionalized practice, colonized by court-certified paraprofessionals, particularly in lower-court affiliated settings characterized by "volunteeristic" participant referrals. As research on the dynamics of the mediation process continued and was refined, so, too, did the misgivings of ethical critics. A second generation of mediation advocates and practitioners, exemplified by Bush and Folger in their book, *The Promise of Mediation* (1994), responded to critics who questioned the unintended effects of mediation by promising fully transformative outcomes for contested social relationships based upon the ultimately Kantian ethical imperatives of *recognition* and *respect*. Here, they maintained, lay the basis for a mediator's ethics: *vigilance*, in large part over the mediator's impartiality.

Sara Cobb enters the fray as critics of mediation begin to focus upon its micro-level, essentially sociolinguistic, underpinnings. This research investigates *why* and *how* mediation works—focusing on what is going on in the enclosed space of the mediation chamber to produce the sorts of "settlements" and written agreements that are totemistically counted and compiled as proof (mainly to head judges) of mediation's cost-effectiveness and success.

Such critics—Trina Grillo, John Conley, and William O'Barr, among others—have concentrated on the discursive dynamics of the mediation session, especially the role played by mediators, in order to assess its effects, intended and not so intended, on the parties. As well, being heirs (however indifferently acknowledged) of Foucault, Bourdieu, and Giddens, these critics never lose sight of power, hierarchy, and dominance as these constitute the societal (macro-level) outcomes of micro-level discursive processes. Indeed, in the end, this is what connects such "discourse" critics to Fiss and Nader, those concerned primarily with "public policy."

In the paper that follows, Sara Cobb brings the conceptual resources offered by discourse analysis and narrative theory as a basis for a non-reductive, non-psychologistic, conception of mediation's ethical practice. She wants to move beyond Bush and Folger to develop an ethics that arises out of the narrative processes of mediation itself: to move beyond the interiorized monologues of identity talk to the intensely interactive conversations between Self and Other (and the mediator as a crucial other Other), as they mutually (often enough, antagonistically) construct their stories of wounds, hurt, and remedy.

Ultimately, to privilege *narrative* as a tool is to invite an ethics of aesthetics over one of evidence and facticity, the more typical metrics of the courtroom and legal proceedings. And Cobb recognizes the basic problem here, as she writes, "Herein lies the rub, the ethical or normative theory does not address the criteria by which we would assess narrative evolution." In that case, what can constitute this ethics of narrative in place of the more familiar ethics of evidentiary and factistic legal—or even affectively transformative—mediation discourse? Can it be correspondential truth? The parties' unconditional satisfaction as recorded on exit surveys? No, Cobb argues, but suggests something else: narrative "coherence," perhaps; or a Self/Other radicalized alterity. More than anything in such endeavors as these, the mediator must forego any pretensions to Olympian impartiality—since mediators, now understood as (co)makers of stories, can neither support nor sustain this.

Cobb does not answer these questions conclusively in the paper that follows: she raises them. But part of the long-standing "ethic of ICAR" has been to engage reflective practitioners to question critically the boundaries of their practice, ethics most certainly included, as comfortably understood. And in this, Sara Cobb certainly succeeds.

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Introduction

(We can) (r)ethink emancipation in terms of an aesthetic ethics where the individual has the capacity to reinvent her or his mode of being, to enact... a form of transfiguration wherein the individual sees her/himself as a work of art. (Jabri, p.592).

Perhaps Professor Fiss was right — mediation provides a venue for parties to escape the normative space of law, where judgment, through the process of litigation, can "bring a recalcitrant reality closer to our chosen ideals" (Fiss, 1984, p.1089). Perhaps, mediation, by fostering headlong (if not headstrong) moves to settlement, withers normative assessment and even ethics, before it has a chance to grow toward the public sphere where it can "right" injustice. Perhaps the "disparities in resources" that preoccupy Professor Fiss can only be recognized and redressed in formal legal settings, and, therefore, mediation functions like the perfect (bio)culture where the fungus of power imbalances, flourishes, and colonizes relationships. As a mediator, Owen Fiss continues to prick my conscience; he sits, like a harpie, looking over my shoulder as I practice — for his admonitions, prescient in 1984 when he wrote "Against Settlement," call us, within the field of mediation, to reflection on the normative frameworks by which we can evaluate mediation practice. For certainly, the instrumental (and technical) "promise" of ADR has not provided the field of mediation with anything other than a pragmatic moral frame, that when challenged, as it has been by Fiss, deflates.

But since Fiss wrote this admonition, there have been normative developments in mediation. Perhaps most notably, Bush and Folger, in their book **The Promise of Mediation** (1994), offer an alternative to the settlement ethos — a focus on the transformation of relationships through the fostering of respect and recognition. While this book was groundbreaking in that it did offer an alternative ethics for practice, it draws on psychological theory to explain the production of respect and recognition. The result is, in my view, that while they point us in a good direction and away from settlement, the new normative theory inevitably falls back into a version of Rousseauian romanticism, for psychology, anchored firmly in the Enlightment, seeks to describe relationships in terms of intrapsychic

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phenomena like respect and recognition. These are internal traits/ conditions that are better understood as the outcome of interaction, but without attention to the nature of that interaction itself as a normative process, we are left with intuitions to ground ethical practice. Otherwise, our normative theory describes the normative end state without helping us to understand the pragmatics of the conversations that lead to this outcome. And without a process-based description of ethics, our normative theory must rely on the process of mediation itself — on the presumption that the structure of the process will lead inevitably to respect and recognition.

This paper attempts to provide a normative basis for mediation that will hopefully complicate our ethical understanding of this practice. Specifically, I will elaborate a critique of "recognition," following Oliver (2000), which will allow me to build on the "relational transformation" ethic at the base of the transformative model of mediation, advanced by Bush and Folger. Drawing on Oliver, I will argue that recognition is a concept, anchored in the Enlightment, that paradoxically reduces rather than enables us to be present to Others, by requiring their strangeness/difference in order to constitute ourselves as whole.

In place of this concept, I will offer the process of "witnessing" as a discursive process whereby we constitute the subjectivity of the other and ourselves in the process. Further, drawing on Foucault (1980) and Jabri (1998), I will argue that the ethics of witnessing is not pragmatic in nature, but rather aesthetic, for it is the aesthetic that allows for the creation of a normative model for assessing narrative practice. Finally, drawing on Appreciative Inquiry and the literature on circular questions, I will provide a description of this aesthetic ethics in terms of practice in discourse, suggesting that the mode of inquiry fostered by the mediator is ethical if/when it destabilizes existing narrative and opens up uncertainty, while, at the same time, inviting elaboration of reversals in narrative trajectories. Ultimately, my aim is to elaborate a normative theory for mediation that is anchored in the practice of witnessing and suggestive of an aesthetic of narrative. While this will not dispel the spectre of the critique that Fiss invoked, it may provide some incantations that can be

used to shift the grounds on which the discussion takes place, contributing both to our collective reflection and to our ethics of practice.

The Paradox of "Recognition" as an Ethics of Mediation

Conflict resolution theory in general, and mediation theory more specifically, is premised on the notion that conflicts abate and solutions are created as parties come to "recognize" the other, not only in the sense that they *know* the other, but also in the sense that they actively signal that knowledge, letting the Other know, in the process, that they have been seen/heard. However, as Oliver ("Beyond Recognition") points out, "recognition" is a Hegelian notion that has buried within it a notion of human relationship that downloads a problematic and paradoxical ethic for mediation:

(Recognition)...theories describe how we see ourselves in our likeness as the same or in opposition to what is (or those who are) different from ourselves. Relations with others are described as struggles for recognition. But if we start from the assumption that relations are essentially antagonistic struggles for recognition, then it is no wonder how contemporary theorists spend so much energy trying to imagine how these struggles can lead to compassionate personal relations, ethical social relations, or democratic political relations. From the assumption that human relations are essentially warlike, how can we imagine them as peaceful? (Oliver, 2000, p. 31)

She challenges the notion that "subjectivity is the result of hostile conflict" (p.31), and rejects the associated theories of identity that construct subjectivity as pre-formed, prior to engagement, to conversation. Further, she critiques Taylor's notion that recognition is "conferred" upon the Other by a judging subject who has found "worth" in the Other. This evaluation is an intellectual activity for Taylor, and leads toward what Oliver calls "a market exchange (where) we give recognition in exchange for something valuable to us" (Oliver, 2000, p.33). Taylor not only assumes pre-formed subjects, but also presumes, in the midst of intersubjective processes, that judgment about the value of the Other is not itself contaminated by the process of intersubjective engagement and all the power relations that are

enacted in that meeting. Indeed, the intersubjective space will mirror and re-create the structure of social relations that contributes to marginalize some Others, as well as some experiences. Thus intersubjectivity, as Taylor has framed it, will not automatically produce either a normative framework for valuing the Other, nor can we count on it to produce transformation of the relationships of those involved. As long as the value of the Other arises (or not) from intellectual judgment (the assessment of the Other's value), subjects are doomed to reproduce power and cultural relations that keep the invisible invisible, naturalizing the already known. This is not a basis for transformative relationships, and it provides an inadequate basis for the normative frame advanced by Bush and Folger (1994).

Oliver's solution builds on the work of Judith Butler, who presumes that intersubjective spaces are spaces of performance where subjectivity relies on the processes of exclusion and foreclosure to navigate not only relations with Other, but relations with self as well. Once again, as Oliver makes clear, we need a theory of subjectivity that would not lead, deterministically, to suppression and denial of the Other as a way of constituting the existence of the self. So while Butler has helped us focus on the process by which subjectivity emerges, that process is one where oppression and exclusion of the Other within the subject and by the subject can only reproduce the fear and hatred (of self and other): "Butler's theory can never take us out of an 'us versus them' notion of the relation between self and others wherein we merely repeat original trauma suffered at the hands of others and react with rage directed at ourselves and others" (p.39). So while Butler does enable us to see that subjects are formed through performance in intersubjective space/processes, she does not help us create an ethic for conversation or conflict mediation that can escape the violence she equates with the birth of subjectivity itself.

Since it is the subjects themselves that provide (or not) expanded or contracted (expanding or contracting) systems for exclusion, subjectivity itself must be the location for transformation, for evolution. Once the problem is traced to subjectivity, we are forced (in my view) to retreat to a solution that resides within individuals, and, sure enough, Oliver offers us the notion of "vigilance" as the antidote to Butler's condition for exclusion for subjectivity and intersubjectivity. She argues for "vigilance in elaboration,

analyzing and interpreting the process through which we become who *we* are, the process through which *we* become subjects and othereds, vigilance in interpreting the dialogic nature of the self and our investment in others" (p. 39). Somehow, if we try really hard, (vigilance), or we are careful, watchful, we can escape the centrifugal force of solipsism whereby we use the dialogic condition we live within to reproduce the patterns of exclusion core to the reproduction of self and other. In my view, we cannot build an ethics for mediation practice on vigilance. If the condition for subjectivity, the domain for its creation is *intersubjectivity* and *dialogue*, then we must design an ethical practice which exists in *that* relational space, and attends not to intrapsychic or psychodynamic processes, but to the conditions which regulate the conversation within that relational space. In the section that follows, I will argue that whereas "recognition" cannot provide the basis for a normative theory of mediation practice, "witnessing" can, for it enables a focus on the discourse, on the conversational process which is the domain where relationships are constituted and transformed. While "recognition" is a concept that refers to internal cognitive activity of a subject, witnessing is a verb, it is a practice in interaction that refers back not to individuals, but to the interaction itself.

Witnessing: An Ethics for Transformative Practice

People come to mediation for a remedy, not for a solution, as Fiss (1984) has suggested. They come not just to settle the dispute, but to tell their story, to be heard, to relate their suffering and address the injustice. Mediation is potentially remedial, not only for the problem, but for the relationship between parties and the social order itself. The victim story that invariably initiates a mediation session (on both or multiple sides of the conflict) derives its strength and trajectory, its sticking power, from the wounds that are named, and the weapons that are associated. Conflicts have, at their base, a story of suffering that, when allowed to appear, re-centers attention to the pain, the exclusion, the violence of the actions of the Other(s). As victim stories are always a story of suffering, they also function as a cry of injustice and a call for remediation.

This view of mediation as a set of stories of suffering deepens our view of the phenomenon of mediation itself; mediation, like all other

"conversations," including those in formal legal settings, is a process in which a world of meaning and a set of associated relationships are brought forth through and in the storytelling process. To the extent that any setting or conversation is emancipatory, it is so as a function of that storytelling process. This process can contribute to new knowledge of self, new patterns of interaction with other, as well as new institutionalized "insertions" for self and other in the social and political orders. The stories inhabited and launched from a mediation session (or from any settings where suffering is elaborated) have the potential to make the familiar strange and the strange familiar, as people begin to elaborate different stories about self and other. Stories of violence and violation are, as Girard (1977) has noted, places where the story of victimization, its origin, are constituted. And in this process, both symbolically and literally, people gather to make sense of who did what to whom and why. While he postulates that we are drawn, by desire toward the victim, at the very moment when we exclude (or make abject) the victim, I prefer to bypass the explanation for why we gather around the victim, and simply try to understand what happens as victims appear — how do they appear? How does the moral system, which subsequently emerges to judge and account for the violence, emerge, and how does it seed other social settings? How does this process give rise to both community and to law itself, as Girard claims it does? In other words, I prefer to focus on the pragmatics of the *how* of victim stories, so that we may track their role in the production of social change, as well enable their transformation. In this way, I hope to connect the process of witnessing with the narrative processes that are critical to telling victim stories.

Stories of Suffering

Scarry (The Body in Pain, 1985) has noted that pain, precisely because it resists language (people find it difficult to put pain into language), often shows up in the form of a story about wounds and weapons. Her description of the way that the tortured locate their attention/description on the weapon used to inflict pain and on the resulting wounds is instructive, for it provides mediators with a method for listening for pain. Suffering is a story about some unnatural event, some aberration, caused by accident or

intention, by nature or by person, which leads to the creation of wounds. Those "wounds" may be storied as financial loss, or pending separation from children via divorce, or environmental degradation, etc.; the narrative form links the wounds (outcomes) to the weapons (cause) via the actions of the Other. While oncologist's offices may be places where the weapon is not a person, but rather a tumor, mediation settings are places where each party accuses the Other(s) as having caused the pain, as having inflicted the wounds. Scarry refers to this language of pain, this construction of wounds caused by weapons, as the "language of agency" and indeed, agency is all too often located *only* outside the speaker, in the Other. This is particularly the case in conflict scenarios, where each party struggles to establish and maintain the role of victim for self, and the role of the victimizer for the Other(s); plot sequences are most often very linear, in that they relate a set of events that lead to outcomes without connecting their own actions to the production of those outcomes. In this way, stories of suffering rely on linear, as opposed to circular, plots. The moral themes mobilized to judge the Other's actions are simultaneously used to position the speaker as moral, as good. From this perspective, stories of suffering should not be seen as historical accounts of action, but as political accounts that mobilize an ethics for evaluating action. But even this political view of stories of suffering is a rather instrumental view of narrative, and presupposes a non-problematic relationship between narrative and pain, between the experience of violation and the account of it.

This view of suffering (as political narrative) is very different from the perspective of those that focus on trauma, in that the latter presumes that the storyteller may be unable to narrate the events because a) they resist explanation — normal narrative logic cannot contain or tame extreme violence (Langer, 1991); or b) they are psychologically unable to get the story out, because they have repressed it, because it remains bigger than the self (Felman and Laub, 1992). There is a very clear sense in this body of research, for example from Holocaust testimonies, that narrative cannot come into being because, paradoxically, it cannot reveal or materialize the astonishment, the silence, the inversion, that accompanies violence. For this reason, Oliver (2000), following Felman and Laub (1992), argues that it is the process of giving testimony, which refers, in turn, to the

presentation of personal knowledge, belief, or experience, that allows people to develop some relationship with the violence, such that they can tame it through storytelling and analysis. And it is in and through the telling that persons are presumed to return from violence, to recover, to heal (Herman, 1997). I would suggest that this therapeutic perspective obfuscates our understanding, because it presumes that the problem around narrating violence lies in the psychological effects of violence, rather than in the problematic and paradoxical relationship between violence and language itself.

Building on the latter theory, following Scarry, it is possible to see what is truly unique about testimony. Its uniqueness is totally related to the fact that no other person can give testimony for someone else:

What does testimony mean, if it is the uniqueness of the performance *of a story that is constituted by the fact that, like an oath, it cannot be carried out by anyone else? (Felman and Laub, 1992, p.205-206).*

Oliver notes that it is the performance of testimony, as the act of bringing the extraordinary into language, that makes it unique, remarkable. What makes testimony remarkable is *not* the nature of the events that are related, despite the fact that they may be extraordinary, but rather the performance itself, the act, the process of bringing the "silences and blindnesses, inherent in the event" forth. And given that it is impossible to bring forth silence/blindness, the act of giving testimony is the act of making this impossibility visible, of bringing it to language, even as it resists language. There is much that cannot be said, and much that will resist language, either because of the terrible nature of those events (Langer, 1991), or, as Butler has noted, because of the condition of language itself — the referent is never the thing to which it refers — the signifier is never the signified, the map is not the territory. Oliver asks why it is necessary to witness the impossibility of giving testimony, of being the witness, and responds to her own question by arguing that we need to "listen to the performance beyond meaning..."(p.39), for any effort to testify is an effort to repeat what cannot be either repeated or represented. Thus the performance is less about the events referred to, and more about the speaker, the teller, for it is in the nature of what they make abject, what they exclude, what they leave unspoken, what they formulate as

Other, that we can know them. By witnessing them, at the limits of subjectivity, at the edge of identity – there, where they struggle to make reality intelligible – it is there that we can see who they are, in our eyes, and there that they can know themselves. So it is in there, in the place where people frame their suffering, where they struggle to tame experience, that there needs to be a witness. The act of bearing witness, as people testify to their experience, opens up the space where storytellers can attend to their dependence on the (excluded) Other, a space where they can re-inscribe themselves, in performance, via elaboration with Others. This is a transformative space, precisely because the performance is always at the margins of the ordinary, the mundane, and the expected.

Interpretation configures and reconfigures the ways in which we conceive of ourselves and others, and thereby adds transformative power to the mobility of meaning... (Oliver, 2000, p.38).

From this perspective, stories of victimization, of suffering, because they emerge at the juncture where the (foreclosed, excluded) Other makes itself visible as "the secret heart that beats in the subject" (Oliver, p.37), are precisely the place where transformation is most possible, because the repetition involved, re-signification, stretches the limits of discourse, of language, and of experience of self-Other. But, this space is critical to personal, relational and social transformation because it is a liminal space where meaning is easily unhinged, where boundaries between self/Other and between past and future function as thresholds for becoming, for evolution.

Stories of suffering are also quite resistant to transformation because the liminal (becoming) nature of them has been significantly reduced through re-telling and rehearsal. As people tell the story to friends, family, co-workers, neighbors, it gathers certainty, and creates for itself the status of "fact." If this is the case, it is simply not enough to witness stories of suffering in a passive mode, but rather in an extremely active one, not because listening is "active" (in fact I would argue that active listening is an extremely passive mode which functions to reduce the transformative power of language), but because witnessing suffering requires a mode of inquiry that can call the storyteller back to the liminal place where

testimony makes a renewed effort to map the world, and in the process re-makes that world anew. What kind of listening, what mode of inquiry could support transformation? As Oliver asks, "What is it that makes repetition (re-signification) transformative?" (p.38) How would practitioners know the difference between a transformative process of storytelling, and one that simply reconstitutes the foreclosures (expulsion of the Other) that have become not only familiar, but all too necessary for the production of the legitimate self, in contract to the delegitimate (immoral) Other? "Vigilance" is not an instruction that yields insight into transformative practice; rather, I shall argue that witnessing is the process of elaborating stories of suffering in ways that open them to a new aesthetic, one that leads to the emancipation of the teller, and the witness.

And, indeed, witnesses do need to be emancipated through language, either because they have no story and they must claim experience through storying it, or, at the other end of the spectrum, they are totally captured and seduced by a story that has been told and retold such that the narrative provides the guide rails they use to move through their life. In courtrooms, witnesses are rehearsed so that their testimony loses all relation to their experience of violence. Even so, there are some places, like the testimony of victims to the Truth and Reconciliation Commission, where the experience exceeds language — the Other appears so unknow-able, beyond foreign, as we watch the storytellers struggle to constitute themselves as persons. In other places, like therapy sessions, the resignifi-cation process that people do is often new, fresh, poorly organized, untamed, and even rowdy. Play with language itself is not uncommon, as storytellers experiment with the expulsion/rejection of self and Other. In mediation, however, there is very little freshness; storytellers are not at the edge of language, but instead deeply anchored in their description of their suffering.

When parties in conflict recount their suffering, as I noted earlier, they invariably formulate their legitimacy on the delegitimacy of the Other; they accomplish this performance by producing linear rather than recursive plot lines, by framing themselves as victims of the Other(s), and by laying a moral foundation, a set of themes that march in step with their own actions, while disqualifying the actions (and the being) of the Other. Thus the narrative system of a story of suffering truncates "reality" not because

the story is incomplete (as if completeness or accuracy could provide an aesthetic frame for evaluating stories), but because it reproduces violence and conflict and does not yield new ways of knowing the world. An aesthetic of narrative would provide a theory for assessing stories by what they create as they are performed, by what they tolerate in terms of alteration, by the way they invite uncertainty, rather than foreclosure. To function in this way, narrative must be performed at the limits of testimony. Thus, bearing witness is the process of pushing narratives toward that edge where meaning is born, where new ways of knowing self and other are called forth. It is in the context and the process of *performing* subjectivity that a new relationship between self/Other can be brought into being. And it is in this context that narrative has the possibility to emancipate, destabilizing the "technologies of the self" in the context of the practice of witnessing where narratives are opened to new meaning that, in turn, enacts new relationships.

Towards an Aesthetic Ethics for Narrative Elaboration

We are the stories we tell. The nature of the stories we tell is structured by the context, by our history, by interaction with others, so that discourse functions to discipline and to regulate the nature of who we can be, at any given time. Mediation is no exception. Having rehearsed their story, people come to mediation sessions telling a story that positions them as legitimate and gives warrant for their request/demand. And mediators "govern" the nature of the stories told, allowing participants to foreclose or exclude the Other by delegitimizing them. Mediators treat stories as though they were a) tools for closing the gap between the real and the imagined, so they ask questions designed to increase the narrative's ability to represent reality; and/or b) sacred accounts that represent internal states, so they cannot be altered without violating the sanctity of the person telling the story. In both cases, mediators presume that the story represents, rather than constructs reality. Mediation as a practice inherited its narrative theory from formal legal processes, where testimony is a representation of history and, thus, accuracy is the focus. However, cut from its legal moorings, mediation has long presumed that narrators have the right to tell any story they choose — the accent is on the ownership of the story. Anchored by

the way in which a given story represents reality, mediators contribute to
the gravity of that story as they work to protect the narrative from muta-
tion, particularly from any mutation they themselves would foster. In fact,
the ethics of mediation itself mandates "impartiality"; thus the field would
differentiate between questions that enhance the way the story represents
reality, by asking questions that increase its capacity to map historical
events. However, mediators are prohibited by their ethics from participating
in the design of the narrative, from shaping its content, its morality, or
altering the subjectivity of the storyteller. However, as Foucault and others
have noted, each narrative and each narrative genre, functions to limit the
nature of the subjectivity that can be enacted — our stories capture us.
Emancipation would require alterations in the way the story is told, as well
as in the content of the story itself. Yet mediators are not trained to ask
questions that destabilize and reformulate the nature of the stories told. As
a result, all too often, mediators pour concrete over the symbolic paths that
people walk, precisely because they do not challenge and destabilize narra-
tives.

Effectively they contribute to anchor and re-anchor the self/other relation-
ship that enacts and perpetuates the conflict. Despite this enforced disat-
tention to narrative, mediators manage with regularity to alter narrative
below the level of their own radar regarding their own participation. Parties
report alterations in their relationships with self, they report a sense of
being respected by the Other, they report relief over having the problem
resolved. All of these changes require shifts in the nature of the story being
told, but evaluation research in mediation has yet to track these changes
with any regularity. And without tracking these alterations, mediators
remain (comfortably) blind to the difference they make, to their impact on
the story. Thus they remain unable to account for their participation.

Should they begin to track their participation in terms of the way they
contribute to opening new narratives, they would be unable to evaluate
their participation ethically, as the field of mediation does not have ethical
guidelines for narrative evolution or transformation. And thus mediators are
constrained by the limits of their ethical code from witnessing narrative in
a way that transforms meaning and relationships. But the limits of the
ethical code are only a small problem — the bigger problem is that there is

no normative theory in narrative that could be used as a basis for ethical practice. As discussed earlier, this is related in turn to the way testimony is understood as a representation of historical fact, rather than the act of bearing witness to that which is not visible or recognizable to others precisely because it reports a unique and personally specific knowledge that by definition is not general knowledge.

What are the ethics of witnessing? How can mediators participate in the creation of this unique personal knowledge in a manner that opens parties to new ways of being, to new and transformed relationships? What is a normative frame that we could use to make sense of our role as participants in the evolution of narrative? How would we know if narratives were evolving in a good direction? How would we know if the trajectory of change was ethical?

"Transfiguration " as Destabilized Foreclosure or How Subjectivity is Changed by Reducing Narrative Reliance on the Rejection/Disqualification of the Other

We know from the research on narrative *that* intervention in narrative alters its trajectory and associated patterns of interaction. However, none of this research details an ethical framework that practitioners could use to guide their practice in narrative transformation, other than a broad and general commitment to emancipation (in White and Epston's (1990) case, escaping the disciplinary power of dominant discourses, and in Mattingly's (1998) case, escaping the stories of incompetence to stories of competence and personal agency). Perhaps our focus should be not on the outcome but the journey (as the email epitaphs of my students often remind me); this would draw attention to the directionality of the evolution of the narrative, rather than its "transformation," which implies a second-order change. Instead, I would like to advance the notion that the ethical framework would be one that would track/attend to the *trajectory* of the evolution, not its outcome. Pragmatics is not enough; functionalist criteria beg the question — it is not that change occurs but the quality of the change that matters. Furthermore, we need a method for assessing the quality of the stories under construction.

Assessment of the quality of narratives requires aesthetics — a framework for valuing some narratives over others. Kristeva (Strangers to Ourselves, 1991) has noted that learning/growth or evolution requires "working through" (Oliver's term, borrowed from Butler is Bodies that Matter) the way that our legitimacy all too often requires the exclusion/foreclosure of the Other. And this perpetuates conflict and violence. However, in this wish, this hope, this implied ethic, there is reliance on the connection between understanding and transformation, as if knowing more about our narrative (conditions) would actually enable changes in ethical directions. This is not necessarily the case at all. People can transfigure subjectivity (theirs and others) without working through, as in coming to understand, the past. However, I would argue that alterations in subjectivity do require shifts in the stories themselves, regardless of whether or not people under-stand (stand under) the functional processes related to their stories. Thus, I would again argue that a normative framework for mediation is equivalent to a normative theory for evaluating narrative, not a theory for evaluating attitude shifts or increased learning.

However, there is no respite in the literature on aesthetics of language/ narrative; within literary criticism, there is much written on coherence, completeness, or even the presence of self-awareness in the narrative. Yet all these criteria are static, in that they speak to structural/functional features of narrative without connecting those features to a theory of ethical practice. Herein lies the rub: the ethical or normative theory does not address the criteria by which we would assess narrative evolution, other than a pragmatic or functionalist perspective; on the other hand, literary criticism does not offer insight into ethical practice as it might pertain to the evolution of narrative.

Vivienne Jabri (1998), in her excellent article, "Restyling the Subject of Responsibility in International Relations," offers a suggestion: "...to rethink emancipation in terms of an aesthetic ethics, where the individual has the capacity to re-invent her or his mode of being, to enact...a form of transfiguration wherein the individual sees her/himself as a work of art" (p.592). "Having the capacity" requires being positioned in the discourse, in the narratives that are launched by self and Other, such that evolution is possible. This "positioning" is, in turn, a function of the way people story

self in relation to Other, so the concrete features of the stories that are told about self and Other constitute the self and Other. The way this is done with most frequency reconstitutes stories where speakers build their subjectivity upon the exclusion of the Other. In order to make this transfiguration happen, the conflict story must be evolved in the direction of NOT excluding the Other. Here are the implications for narrative form of this aesthetic ethics:

a) Character roles would need to not only detail the actions of the Other, (which produces a linear plot) but they would also need to constitute the actions of the Other as caused by the actions of self, constituting a circular logic that begins to move in the direction of internalized (mutual) responsibility;

b) Narratives which are temporally simple would need to move in the direction of temporal complexity, so that the past, present and the future are not only connected, but are filled out through the addition of events.

c) As the speaker often tells a story revolving around the self/Other relation, an aesthetic of ethics would imply that speakers include additional characters in the drama, reducing the polarization between speaker/Other; more characters reduce the possibility that causality can be stabilized (blame can be laid).

d) As speakers attribute positive intention to their actions and negative intentions to Other, this aesthetic practice would need to move in the direction of positively connoting the actions of the Other(s).

To summarize, the above is a list of guidelines, grounded in narrative theory, that would enable speakers to re-constitute their subjectivity in new ways, and, in the process, discover themselves "as a work of art" not because they are inherently beautiful, but because narrative evolution, in the direction of the changes noted above, allows them to recast themselves on the stage of their own life, reclaiming the space that was occupied by the excluded Other. The main feature of this practice of aesthetic ethics is de-stabilization; mediators or third parties do not need to provide the new subjectivity for people — they can do it by themselves, but they must have

help destabilizing the narrative structures (plots, characters, moral frames) that contribute to maintain their exclusion of the Other.

The Nature of Inquiry in Aesthetic Ethics

If, as I have suggested, the aesthetic ethics of mediation (or indeed of all narrative practice?) is a function of narrative *trajectories*, directions of change, movement toward transfiguration, the process launching these trajectories is crucial to this ethics. The first phase of this launching would necessarily be destabilizing the existing narrative, and indeed, Jabri (1998) writes:

"Aesthetic practice enables a creativity that disrupts given identities and proscribed codes (p.607).... There is no room in this form of ethicality for an unquestioned subjectivity or a singular way of being and doing. For such would be a practice of certainty and, therefore, of suppression and exclusion. (p.609)

There is, in Jabri's model, a connection between uncertainty and ethics. While total uncertainty is pathological, the routine practice of destabiliza-tion through new lines of inquiry challenges the power of a given narrative to hold captive its speaker. Thus, when mediators ask destabilizing questions in tandem with questions that affirm the self, the result is, in my experience, not only the new trajectories (movement) in the narrative, but movement that begins to affirm the self AND the Other at the same time.

Appreciative Inquiry is a method for asking a series of questions that a) posit positive intention for speaker and Other; b) complicate plots by accenting the positive dimensions of a negative experience; c) compare and contrast temporal frames/instances from the past, present and future, which provide exemplars to follow though difficult times; d) enable reflec-tion on moral themes around which to anchor life/practice. Appreciative Inquiry builds context for the actions of characters within a drama, and while actions can be framed as bad/problematic, it is difficult to maintain a narrative trajectory that disqualifies the Other. And simultaneously, just the act of asking the kinds of questions that do not automatically reproduce the existing conflict narrative creates instability and uncertainty – conditions that ripen the possibility of transfiguration.

Another kind of questioning that tips narrative toward instability and complexity is called "circular questions." These questions ask speakers to create comparisons that yield new dimensions of difference, so that, rather than reducing difference, they increase it. These questions can request/ construct comparisons over time (Time 1 and Time 2) (Can you think of a time when this problem was not so visible and how was that time different from now?) or they can create comparisons between traits (Who in your group is the saddest, in your view), or, even more complicated, they call for comparisons while asking people to speak from the perspective of the Other (If I were to ask your co-worker who in your group is the saddest, what might she say?). These questions function very differently because they yield relational information that can be used by speakers to unmake and remake their stories of self and Other.

Conclusion

Going back to Fiss's complaints/warnings about settlement, in my view aesthetic ethics and attention to transformation in mediation begin to address one of his most important critiques, which refers to the way in which mediation reduces the power of law and the state to "bring a recalcitrant reality closer to our ideals" (p.1089). He is, I think, concerned about the absence of a normative frame for evaluation/judging that would lead to social change. Yet, within an aesthetic ethics, the state is not the location for agency leading toward justice; instead, the relationships between individuals are the container for transfiguration of self, Other, and the larger social order:

There is a recognition...that the struggles which relate to lifestyle, the decisions made by individuals in their daily practices, feed into the gradual transformation of the discourses and institutional continuities which surround the individual (Jabri, p.597).

She goes on to note that the "re-invention of the lifeworld (is)...made possible through a form of "poetic ingenuity" (Jabri p.601). This "ingenuity" is present in mediation to the extent that parties can re-invent their life-world; and because conflict stories have a gravitational pull that keeps storytellers in their grip, without this "ingenuity" (good questions that

enact an aesthetic ethics), parties are indeed unable to remake their worlds, independent of whether or not they can actually reach settlement. I conclude this paper in agreement with Fiss's critique of settlement. Conflicts should be addressed in ways that move us toward (if not ideals) the evolution of our stories about self and other. Like Fiss, I would argue that much of mediation either does not do that (even when the intent is transformation of the relationship), or will not do that, out of some primordial committment to impartiality or neutrality. Like Fiss, I would hope that our conflict resolution practices, whether they are in the court or not, materialize an ethics at the core of our practice that is both recognizable and desirable.

Bibliography

Birke, Richard. 2000. "Evaluation and facilitation: moving past either/or," in **Journal of Dispute Resolution** 2000(2), 309-19.

Bush, Robert and Folger, Joseph. 1994. **The promise of mediation: responding to conflict through empowerment and recognition.** San Francisco: Jossey-Bass.

Chatman, Seymour. 1978. **Story and discourse: narrative structure in fiction and film.** Ithaca: Cornell University Press.

Cobb, Sara. 1997. "The public spectacle of private pain: the social construction of violence and community," in **Human Systems: The Journal of Systemic Consultation and Management** 8(3-4), 251-275.

Cobb, Sara. 1997. "The domestication of violence in mediation," in **Law & Society Review** 31(3), 397-440.

Cobb, Sara and Rifkin, Janet. 1991. "Practice and paradox: deconstructing neutrality in mediation," in **Law & Social Inquiry** 16, 35-62.

Cooperrider, David and Dutton, Jane, editors. 1999. **Organizational dimensions of global change: no limits to cooperation.** Thousand Oaks, Calif.: Sage Publications.

Cooperrider, David; Barrett, Frank. 1990. "Generative metaphor intervention: a new approach for working with systems divided by conflict and caught in defensive perception," in **Journal of Applied Behavioral Science** 26(2), 219-240.

Emery, Robert; Matthews, Sheila; Kirzmann, Katherine. 1994. "Child custody mediation and litigation: Parents' satisfaction and functioning one year after settlement," in **Journal of Consulting and Clinical Psychology** 62(1), 124.

Felman, Shoshana, and Laub, Dori. 1992. **Testimony: crises of witnessing in literature, psychoanalysis, and history.** New York: Routledge.

Fiss, Owen. 1984. "Against Settlement," in **Yale Law Journal,** 93,1073-1090.

Foucault, Michel. 1998. **The history of sexuality.** Translated by Robert Hurley. New York: Vintage Books.

Genette, Gerard. 1999. **The aesthetic relation.** Translated by G. M. Goshgarian. Ithaca: Cornell University Press.

Girard, Rene. 1977. **Violence and the sacred.** Translated by Patrick Gregory. Baltimore: Johns Hopkins University Press.

Habermas, Jurgen. 1984. **The Theory of Communicative Action: Lifeworld and System: A Critique of Functionalist Reason.** Translated by Thomas McCarthy. Boston: Beacon Press.

Harre, Rom and van Lagenhove, Luk. 1999. **Positioning theory: moral contexts of intentional action.** Malden, Mass.: Blackwell.

Herman, Judith. 1997. **Trauma and Recovery.** New York: Basic Books.

Huspek, Michael and Radford, Gary, editors. 1997. **Transgressing discourses: communication and the voice of the other.** Albany: State University of New York Press.

Jabri, Vivienne. 1998. "Restyling the Subject of Responsibility in International Relations," in **Millennium: Journal of International Studies,** 27(3), 591-611.

Jones, Tricia S. 1999. "Agreement, maintenance, satisfaction and relitigation in mediated and non-mediated custody cases: A research note," in **Journal of Divorce & Remarriage,** 32(1/2), 17.

Kristeva, Julia. 1977. **Desire in language: a semiotic approach to litera-ture and art.** Translated by Thomas Gora, Alice Jardine, and Leon Roudiez. New York: Columbia University Press.

Kristeva, Julia. 1991. **Strangers to ourselves.** Translated by Leon S. Roudiez. New York: Columbia University Press.

Langer, Lawrence. 1991. **Holocaust Testimonies: the ruins of memory.** New Haven: Yale Unviersity Press.

Lin, Xiaohua. 1998. "Sustaining satisfactory joint venture relationships: The role of conflict resolution strategy," in **Journal of International Business Studies,** 29(1), 179-197.

Mattingly, Cheryl. 1998. **Healing Dramas and Clinical Plots: The Narrative Structure of Experience.** New York: Cambridge University Press.

Moore, Christopher W. 1996. **The mediation process: practical strategies for resolving conflict.** San Francisco: Jossey-Bass.

Oliver, Kelly. 2000. "Beyond Recognition: Witnessing Ethics," in **Philosophy Today,** 44(1), 31-44.

Rifkin, Janet, Cobb, Sara and Millen, Jonathan. 1991. "Toward a New Discourse for Mediation: A Critique of Neutrality," in **Mediation Quarterly,** 9(2), 151-164.

Scarry, Elaine. 1985. **The Body in Pain. The Making and Unmaking of the World.** New York: Oxford University Press.

Singer, Linda R. 1990. **Settling Disputes: Conflict Resolution in Business, Families, and the Legal System.** Boulder, Colorado: Westview Press.

Sluzki, Carlos. 1992. "Transformations: a blueprint for narrative change in therapy," in **Family Process,** 31(3), 55-71.

Srivastva, Suresh and Cooperrider, David. 1990. **Appreciative management and leadership: the power of positive thought and action in organizations.** San Francisco: Jossey-Bass.

Stone, Douglas; Patton, Bruce; Heen, Sheila. 1999. **Difficult conversations: How to discuss what matters most.** New York: Viking.

Sullivan, Bryce. 1997. "Parties' evaluations of their relationships with their mediators and accomplishments in a court-connected mediation program," in **Family and Conciliation Courts Review,** 35(4), 405-418.

Susskind, Lawrence; McKearnan, Sarah; and Thomas-Larmer, Jennifer. 1999. **The consensus-building handbook.** Thousand Oaks, Calif.: Sage Publications.

Taylor, Charles. 1971. "Interpretation and the Sciences of Man," in **Review of Metaphysics,** 25, 3-34, 45-51.

Thoennes, Nancy. 1997. "An evaluation of child protection mediation in five California courts," in **Family and Conciliation Courts Review,** 35(2), 184-95.

Tomm, K. 1987. "Interventive Inteviewing: Part 11. Reflexive questions as a means to enable self-healing," in **Family Process,** 26, 167-183.

White, Michael, and Epston, David. 1990. **Narrative means to therapeutic ends.** New York: Norton.

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