THE ROLE OF NARRATIVE IN DISPUTE RESOLUTION

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During a 1975 land claim hearing, a Native trapper from Northern Canada was asked to raise his right hand and to swear to "tell the whole truth and nothing but the truth." He replied, "I cannot do that but I will tell you what I know."

(Duryea and Potts, 1993)

1.0 INTRODUCTION

Narrative is both a mode of reasoning and a mode of representation. People can *perceive* the world narratively and people can *describe* the world narratively. According to Jerome Bruner (1996), narrative reasoning is one of the two basic and universal human cognition modes. The other mode is the logico-scientific. The logico-scientific mode looks for universal truth conditions, whereas the narrative mode looks for particular connections between events. Explanation in the narrative mode is contextually embedded, whereas the logico-scientific explanation is extracted from spatial and temporal events. Litigation is grounded in logico-scientific reasoning and uses narrative primarily as a means of reaching a logico-scientific conclusion. Alternative Dispute Resolution (ADR), on the other hand, may use logico-scientific reasoning in its exploration of events, but it relies primarily on narrative reasoning to arrive at a resolution to which all parties can agree.

This paper will look at the narrative mode and the way in which it is employed as a discourse style in dispute resolution settings (specifically mediation settings) as a way of conveying personal experience. Based on previous research in the area of narrative and on three case studies, the paper will analyze the components of narrative and how these components fit together to create an overall structure. The analysis, therefore, will be both formal and functional in that it will examine the potential patterns of narrative, isolating some of the structural units, and will also explore why narratives are such a common and natural form of expression and the value that they hold in dispute resolution.

2.0 NARRATIVE

There are many different approaches to resolving conflict, and each employs language differently. The style of discourse permitted or encouraged by a particular approach reflects the underlying beliefs and goals of those who use it. Methods like avoidance, violence or non-violent direct action make little to no use of language. On the other hand, litigation uses language to a great degree as both tool and weapon. It does not, however, value the narrative aspect of language to the same extent that dispute resolution methods like mediation, arbitration and negotiation do. Because there are varying definitions of what makes a narrative a narrative, we will first look at how I am defining 'narrative' here before moving on to look at how it is used.

2.1 What is narrative?

A *narrative*, in its most restrictive sense, refers only to verbally narrated texts. In its widest possible sense - and the sense I am using here - it is anything that tells or presents a story (e.g., ballads, poetry, fables, drawing, written text or oral discourse). In a mediation session a narrative will most likely take the form of an oral account of events. However, it could conceivably occur in other forms, such as a pictorial narrative if, for example, the mediator asks the disputants to draw their perspective of the events, or a disputant might choose to tell an analogous story or a cultural folktale. The frequency with which narrative occurs and the variety of forms it takes will be influenced by several factors including: the disputant's personal discourse style; the disputants' relationship; the particular conflict situation; the mediator; and the approach s/he follows.

2.2   The history of narrative research

Narrative has been approached from many angles. The term grew out of literary discussion and was first made into a formal study by Tzvetan Todorov in 1969. *Narratology* was defined as, "the theory of the structures of narrative. To investigate a structure, one dissects (segments, factors) an object into its component parts, and then goes on to describe the various relations that exist between these parts" (Todorov, 1969). Narratology examines recurrent elements, themes, and patterns to try to establish a set of universals that determine the makeup of a story. The ultimate goal of such analysis is to move from a taxonomy of elements to an understanding of how these elements are arranged in actual narratives.

More recently, it has received academic recognition as a crucial element of many other disciplines besides English literature. Clinical and counselling psychology research has looked at the role that narrative plays in client-therapist interaction (see for example, Dreier, 2000). Educators are interested in children's and adolescents' development and use of narrative (see for example, Denhiere, 1978). Narrative policy analysis has emerged in the field of political science (see for example, Roe, 1989). Sociologists and anthropologists have examined narrative use across classes and cultures (see for example, Hymes, 1981; Briggs, 1996). Of course, many of these disciplines overlap with the branch of linguistics known as discourse analysis, where narrative has been examined from psycholinguistic, sociolinguistic, anthropological and other perspectives. Linguistic investigation has ventured into a variety of situations including doctor-patient interactions (e.g., Eisenberg, 1981) and courtroom procedure (e.g., O'Barr & Conley, 1996; Loftus & Palmer, 1974). This foundation of narrative research provides a useful parallel for the present paper.

Unlike other areas of linguistics (e.g., phonology, syntax, semantics), there are no unified theories of narrative. Each researcher seems to conceptualize narrative in her/his own unique framework, using her/his own unique terms. Perhaps this is because this area does not lend itself well to scientific, structured accounts. Being so dynamic and malleable, it is hard to pin the narrative act down to any strict rules or patterns. Yet it is possible to document reoccurring patterns in a qualitative fashion in order to describe what a narrative *could* look like - as opposed to how it *should* look. This is precisely what this paper aims to do.

3.0   HOW NARRATIVE IS USED IN MEDIATION

Mediation has only become a formally accepted practice in North America over the last several decades; however, similar practices have been an integral part of other cultures for much longer. Research in the area is still in its formative stages. Narrative use in mediation has recently become a hot topic in the mediation literature (e.g., Duryea and Potts: 1993, Hale: 1998, Cobb: 1993) but, with notable exceptions, mediation discourse is a relatively neglected area in the field of linguistics. Because conflict and narrative have been treated in isolation by linguists, the knowledge on which I draw is a combined product of narrative research from the field of mediation and narrative studies done in linguistics and literature. This is then applied to my own observations of the recorded data.

3.1   Types of Mediation

Narrative is used in different ways depending on the type of mediation. Mediation which falls under the shadow of the law and is performed by lawyers tends not to focus so much on the narrative aspect of a disputant's discourse as on the facts the disputant conveys through discourse. Negotiation methods such as Fisher and Ury's (1981) *principled negotiation* are somewhat less restrictive regarding narrative freedom. As one moves towards more therapeutic mediation styles, such as *transformative mediation* (Bush and Folger:1994) and *restorative justice*, the constraints on narrative expression decrease. The mediation sessions from which I collected my data involve a mediation style closest to the transformative approach. Here the goal is to have disputants better understand each other's perspective so that they may rebuild, or at least restructure, damaged relationships. Often what happens is that underlying stories which harbour deep-rooted conflicts emerge out of the initiating conflict story.

3.2   Characteristics of Mediation Discourse (Compared with Adjudication)

In order to describe the discourse style of mediation it is helpful to situate it in a comparative context with litigation, or courtroom, discourse style with which most people are familiar. By comparing it with what it is not we can have a clearer idea of what it is.

Mediation	*Litigation*
➢ equality	➢ hierarchy
➢ mediator facilitated discourse	➢ lawyer controlled discourse
➢ parties encouraged to express them- selves naturally	➢ parties directed to follow specific discourse rules
➢ a naturally evolving discourse directed at establishing a mutually constructed truth	➢ a calculated discourse aimed at uncovering a factual truth
➢ creative ritual	➢ established ritual

3.3 Narrative theory

The mediation process itself has been described as essentially a storytelling process consisting of Plot, Character, and Theme (Cobb: 1993). What links these components together is the dynamic of the narrative. Stories best reflect reality when they are linked to other participants' stories and so the role of the mediator in such a model is to help the disputants to link their stories. This may require re-framing the story by identifying a common 'theme' for a new narrative that both parties can agree on. The critical factor is not the content of the story, but rather the process that the story ignites in both the teller and the listener. Rather than conceptualizing the story as a rational, linear progression, narrative approaches consider its multi-dimensional aspects. Characters in the story each possess an interior, a history, a unique perception of the chronology, and even a unique sense of the injury. Therefore, no two parties will possess identical stories.

To make sense out of sometimes conflicting and contradictory social experiences, narrative theory presents a two-level model: *story* and *discourse*. Story refers to content, discourse to the means by which that content is communicated. The surface story may be surprisingly similar for all parties: a house burglarized, property destroyed, items taken, anger felt. The deeper story, the discourse, will be unique to each person telling the story, depending upon the meaning of "house," "property," "anger," for each teller. Allowing the full story to be told, and engaging it fully by listening to each person's version, acknowledges that qualitative difference. Much of how people think about themselves is contained in their stories.

The creation of such accounts is motivated by people's needs for meaning. Baumeister and Newman (1994) have outlined the following needs which motivate people's stories:

1) the need to see events as causally linked
2) the need to affirm one's sense of moral right and wrong
3) the need for a belief in personal efficacy
4) the need to defuse potential threats to self-worth

Procedures that dictate our stories to us may not be as successful as those that allow us to write our own endings and, especially, to add our unique, personal contributions along the way. For example, in the aftermath of a home invasion, telling the story of the senseless destruction of a family heirloom may not "fit" a narrative dictated by the needs of a prosecutor or the rules of criminal procedure when presented in open court, but it may become vitally important as a means of reconstructing events on the victim's own terms.

3.3.1 Narrative as Discourse

Although narrative, as a source of entertainment or moral education, has an honourable history, it has depreciated as a form of knowledge in Western society, in contrast to other forms of discourse regarded as scholarly, scientific or technical. Bernstein (1971) presented the dichotomy of *elaborated* and *restricted* codes. The *elaborated* orientation is connected with such things as independence of context, objectification of experience, explicitness, and analysis of experience. *Restricted* orientation, on the other hand, is more implicit, context-dependent, and takes pre-established meaning for granted. According to Bernstein, coding orientation differences emphasize a distinction between middle-class (elaborated) and working class (restricted) speech, giving the former a clear social advantage. Following this reasoning, it is easy to see why certain forms of narrative would not be valued as an appropriate discourse style in objective, fact-driven situations such as legal disputes. However, narrative discourse allows for certain information to be conveyed or understood in a way which may not occur in legal discourse.

3.3.2 Attribution Bias Theory

Social conflicts always involve some misunderstanding. Disputants communicate by what they say (or do not say) and by how they behave toward one another. Most communicative interaction involves 'faulty' communication but conflict seems to increase it even more because the disputants are so focused on their own needs that they often will fail to read or will misread the other's cues.

As humans we have a natural instinct to impose order and control on our environment. Since people do not walk around with labels describing what they are doing and why, we must attribute meaning to others' actions in order to determine how those actions fit into our world. For example, if we come across someone who does not make eye contact when speaking, we may refer to our personal organization system of the world and assume that it means that this person is shifty and untrustworthy, however, this may not be the case at all. The sharing of narratives in the mediation session makes it more likely that biases will be detected and discussed.

4.0   THE CASE STUDIES

My data involves three mock mediation sessions that were taped in 1991 as part of a local television program[1] designed to educate the public about the mediation process. Because of confidentiality agreements between mediators and clients, observing or recording real mediation sessions is difficult. These mock sessions used real mediators and were based on real conflicts. The sessions were not scripted and so allow for a natural discourse development reflective of what one would find in an authentic mediation session.

The sessions were all co-mediated by one male and one female mediator. The program does not show all three sessions in their entirety because it is only a one-hour broadcast. Instead, it shows a lengthy excerpt (10 - 20 minutes) from each session which is sufficient to establish the context for the narratives. Each excerpt captures a different stage in the process, allowing for a variety of narrative goals (e.g., narratives that describe the conflict, narratives that describe underlying issues, and narratives aimed at resolution). Mediation sessions generally go through the following broad phases: (1) describing the conflict from both sides; (2) discussing the underlying issues and associated feelings of each party. At this point the parties are encouraged to develop an understanding of the other's perspective; and (3) problem solving. Although it would be ideal to be able to track the progress of the overall narrative construction, this provides enough detail to glean patterns in narrative formation. Session A provides by far the most interesting study of narrative as it captures the exchanging and understanding phase as well as the description phase of mediation. This is where narrative plays its most crucial role.

The following tables give a brief overview of each of the three sessions in order to provide a context and speaker profile.

Session A

Disputants	Relationship	Initiating Conflict	Underlying Issues	Stage of the Process
John - middle aged, Caucasian male Bob - middle aged, Caucasian male	neighbours	A tree planted by Bob on his property has grown to the point that it hangs over into John's property. It is shading John's garden and attracting wasps.	Bob had a close friendship with the previous neighbour and is disappointed that he doesn't have a similar relationship with John. John has the impression that Bob doesn't like him.	Mediators have already laid down the ground rules. The excerpt begins with disputants describing the conflict from each side. It ends just as they are about to begin problem solving.

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[1]*Perspectives* (1991), Roger's Cablevision.

Session B

Disputants	Relationship	Initiating Conflict	Underlying Issues	Stage of the Process
Marty - teenaged, Caucasian male Ingrid - middle aged, Caucasian female	son mother	Marty took the car without asking permission, causing Ingrid to miss an appointment. He has shown previous instances of lack of responsibility.	Marty wants more freedom but Ingrid feels he does not show enough responsibility for this. Ingrid feels taken for granted.	The issues have been laid out already and the disputants are now discussing how they feel about them. It ends just as they are about to begin problem solving.

Session C

Disputants	Relationship	Initiating Conflict	Underlying Issues	Stage of the Process
Helen - middle aged Caucasian female Mark -middle aged Caucasian male	client contractor	Helen hired Mark to replace her kitchen. Because of delays in the shipping of material, the tiling will not be completed on time. Helen thought the agreement was a contract but it was only an estimate.	Helen suspects that Mark is not an honest person.	The disputants have already discussed the issues and the connected feelings. Now they are working on creating a new agreement.

5.0   INTERTEXTUAL PATTERNS OF NARRATIVE

Using these case studies as illustrations, we will go on to look at some aspects of narrative structure. Roman Jakobson (1971 [1957]) pointed out the interesting fact that narrative discourse simultaneously represents *narrative event* (i.e., the actual storytelling situation) and *narrated event* (i.e., the actions being described). In terms of mediation, these two events would correspond to the *session* and the *conflict* respectively. In order to connect these events that are separated in time and/or space, one has to extract discourse from one setting and insert it into another. One way in which this is accomplished is through syntactic restructuring.

5.1   Syntactic aspects

Direct and indirect speech are an obvious way of bringing past events into present discourse. This occurs frequently in the case studies. When, for example, John says:

(1)   *Then he says he's gonna sue me...*

his use of indirect speech allows him to convey information as though it were fact and, furthermore, to bring this fact into the present situation by using the historical present. Direct quotations are also effective here. Narrators often change their voice characteristics when reporting emotionally charged speech, allowing the words to convey greater meaning; for example, by increasing volume and/or pitch. When John says the above quote, his pitch rises to reflect his shock at Bob's reaction.

Another way of linking narrative and narrated event is through tense/aspect categories. There is a large linguistic literature on the topic of the representation of time in language (e.g., Dowty, 1986; Ter Meulen, 1995; Croft, 1998; and Goldberg, 1999). Temporal representation involves a translation of words and sentences into a flow of events which parallels real life events. Listeners make use of what Dowty (1986) refers to as the *iconicity assumption*. That is, they assume that the order in which events are reported in language matches the chronological order in which they occurred. However, narrators often deviate from the chronological order of events for stylistic purposes. In these instances, the iconicity assumption is no longer valid and listeners must instead rely on language cues such as verb tense, time adverbs (e.g., soon) and time adverbials (e.g., an hour later) to determine the order of events.

Verb aspect is the language cue used to classify events with respect to duration and completion status. An event may convey a perfective aspect, meaning that it started and finished within the narrative timeline (e.g., *He ate the peas after much prodding.*); or it may convey an imperfective aspect if the event was not completed within the narrative timeline (e.g., *He was still eating the peas when we went to bed.*). Usually the perfective is used to denote telic situations (i.e., situations which have some natural endpoint), whereas the imperfective denotes atelic situations (i.e., situations with no certain endpoint). The narrator's choice of aspect can create the effect of either placing the listener(s) outside the situation (perfective) or placing them inside the situation (imperfective). It can also give the listener a sense for the time it takes to perceive the described event (Dowty, 1986), thereby creating a more vicarious experience for the listener. For example, (a) *he jumped on the bed* and (b) *he was jumping on the bed* illustrate two quite different experiences of duration. With (a) the narrator is able to convey the instantaneousness of what was perceived.

Tense and aspect also play a role in foregrounding and backgrounding particular items within events. One of the ways in which the narrator lets the listener know which information is most relevant in his/her story is through the choice of tense and aspect. Present-tense perfective verbs generally indicate foregrounded information while non-present-tense imperfective verbs indicate backgrounded information, though there are exceptions (see Fleischman, 1990). Briggs (1996) discusses how, in Warao disputes, the imperfective places actions in the background, while the perfective foregrounds actions. This allows for cause-and-effect explanations to be presented to the listeners. In Bob's statement:

(2) *He was out there chopping the tree to death and so I came out.*

the first statement is in the imperfective, thus setting the scene which caused Bob to come out. Bob's perfective phrase is then foregrounded and thus appears more salient.

Textual cohesion is created by linking indexical signs to temporal phrases. Bob's use of *so* in (2) conveys that the tree was chopped before he came out. It also reinforces the cause-and-effect perspective revealed through imperfective and perfective aspectual markers. Because the narrator provides temporal deictics (e.g., *when, next, later* etc.), he has more flexibility with the narrative tense. In an isolated utterance we require a direct relationship between tense and temporal reference in order to know where on the temporal axis to place the event. However, when the utterance is found within a discursive context we understand the time sequence relative to previous utterances.

The disputants frequently use a present tense (mostly simple, but sometimes continuous) in their narratives even though they are describing a past situation. For example, in John's opening narrative he uses present tenses to relate the events leading up to the conflict:

(3) *The fruit drops on the ground and, and it attracts the wasps a...and I, I got kids and they're playing out there all the time.*

He could have said:

(4) The *fruit was dropping on the ground and it was attracting the wasps and I've got kids and they play out there all the time.*

This aspectually motivated choice of tenses incorporates the listeners into the story, thereby linking narrative and narrated event. It creates a sense of habitualness in the actions. Hypothetical sentence (4) would be used if John wished to explain the circumstances as a cause-and-effect situation. It would need to be followed by a perfective statement indicating the effect it had on John. Instead, the present tense is used here in a series of parallel constructions intended to give a description of the state of events which, from context, the listeners understand to be temporally bound to a situation arising in the past.

Past tenses are often used in the sessions to emphasize critical actions. Set apart by a contrastive present tense background, John's tense shift to the past in (5) highlights what he sees as a salient event.

(5) *He jus' started laying into me cause I was cutting back the tree.*

Because they are used most often for effect, past tenses occur less frequently than the present.

5.1.1 Person

As one might expect in the telling of a personal narrative, narration occurs most naturally in the 1st person. For example,

(6a) *I think the bottom line is communication. Y'know, ever since he's moved in there we've never had, y'know, much... well, I don't know, maybe I'm just too used to Frank livin' next door.*

The account, then, comes across as a subjective, uni-dimensional one. The teller is focusing on the events purely as he sees them, ignoring other possible perspectives. This is a necessary part of sharing stories as it allows disputants to get their story out and at least feel listened to. Sometimes mediators will encourage the disputants to play with the person narration in order to help them see other perspectives. In Session A and B (and possibly in C, although it is not contained in the excerpt) the mediator asks the disputants to retell the most important parts of the other disputant's story. This pushes the teller to use a 3rd person narration:

(6b) *He's sayin', I guess, that uuhh, that he wants to at least be asked, or, or, let know about what's happening, y'know, in terms of if I'm gonna cut the tree or if I'm gonna do something with something that also affects him, then he wants to know about it and so...*

In doing so, the account takes on a more objective appearance, thereby impelling the teller to focus on other perspectives besides his own. The mediator may take this one step further by requesting that the teller relate this account directly to the other disputant, causing the focus to be on the 2nd person:

(6c) *... maybe I do stuff on my side of the line that, that affects you. And I know that you'd like to know about that.*

This is not so natural for the disputants and, particularly in Session B, they have to be reminded to speak directly to the other person rather than to the mediator. It is a useful technique in that it combines the emotional and subjective view with the impersonalized and objective one, resulting in a more empathetic and personal understanding. However, it is effective only when a disputant is retelling the other's story; focusing on the 2nd person when telling a story from one's own perspective results in a blaming account and often spurs on an angry reaction.

We see, then, that the person in which narration is expressed strongly influences how the disputants think about and understand the stories. A particular person-narration, taken at the appropriate time can have very positive effects in building a mutual story. Taken at the wrong time, however, it can be a setback.

6.0 THE ARCHITECTURE OF A NARRATIVE

Although it may at first appear as simple and straightforward, a narrative is actually a very complex structure. Labov and Waletzky (1967) gave the following basic paradigm of a fully formed oral narrative:

(7) 1. *Abstract:* What, in a nutshell, is this story about?
   2. *Orientation:* Who, when, where, what?
   3. *Complicating action:* Then what happened?
   4. *Evaluation:* So what? How is this interesting?
   5. *Result or resolution:* What finally happened?
   6. *Coda:* That's it. I've finished and am bringing us back to our present situation.

While this provides a neat framework for an 'ideal' oral narrative, most narratives occurring in daily speech are somewhat messier. Speakers are not always given uninterrupted storytelling status and so narratives tend to be fragmented with many digressions. In oral discourse like the kind found in mediation sessions, this kind of self-contained narrative is rare. In the case studies, only the opening narratives tend to resemble the model in (7) and even they have interruptions and digressions. In these narratives, the teller is given 'official' storytelling rights by the mediator, who asks her/him to describe the conflict. Although important points get raised in initial narrative and they are given in a sequential order, they do not tell the 'whole' story. These initial stories get built upon and expanded by both disputants throughout the session.

So, instead of neat, freestanding structures, what we find are smaller narratives serving as the building blocks for larger narrative structures. We can talk about narrative structure as being parallel in some ways to that of English syllabic structure[2]. This notion allows for more structural freedom than Labov and Waletzky's early model because we are dealing with a very basic structure whose precise content and shape can be determined by context. At its most basic then, a narrative will consist of an obligatory nucleus with an optional onset and coda:

(8)   n

(onset)   nucleus   (coda)
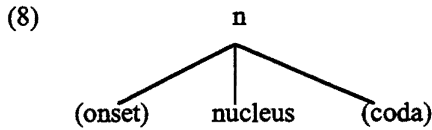
The onset and coda margins may be dropped either intentionally, to allow the interlocutor to continue the dialogue, or unintentionally by interrupting or being interrupted. This is common in the mini-narratives (n) that are used to build the meta-narrative (N). The only time an onset seems to be required is when it heads the initial narrative, as it provides an introduction to what will eventually become a meta-narrative. We see this in John's opening narrative:

(9)   **I guess... it all started...a few days back when, uh,** *y'know, there's this tree that overhangs our property.*
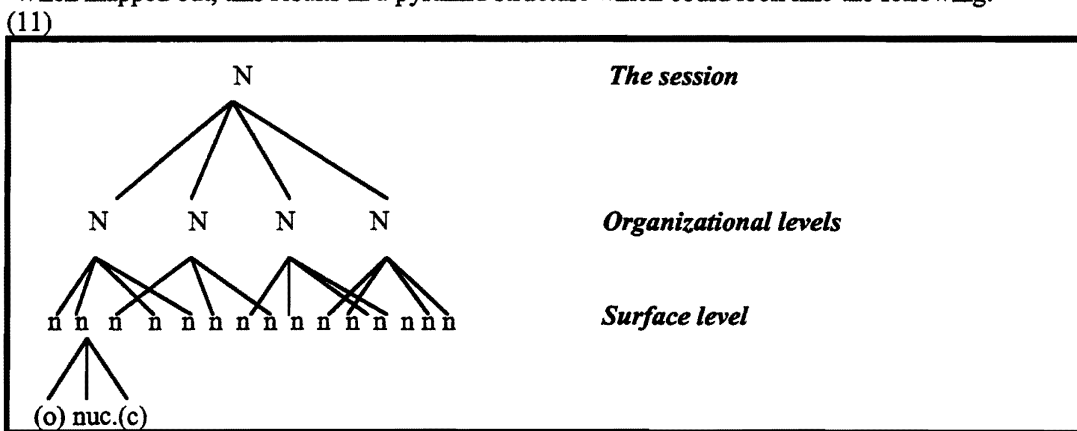
In bold we see the onset. This is followed by *y'know* which serves to draw the listeners into the story making them almost part of the events. From here, the narrative flows into the *orientation* stage where the setting is described. We will simply call this the nucleus, as not every narrative will have this orientation stage. John finishes his narrative off with:

(10) So that's I guess why I'm here.

Bob is then given a turn to relate his story which, in addition to describing his version of the events, tends to focus on 'correcting' aspects of John's story. This is also the case in the other two sessions. The disputant who is given the second turn does not simply tell his/her own story, but rather tries to link the story to the previous one.

Disputants take turns contributing to the meta-narrative. These contributions will not necessarily occur sequentially. As the session progresses, the disputants may be working on several meta-narratives at once. Although there is always some sort of logical link between the mini-narratives, the speakers may move back and forth between topics, working on alternate meta-narratives. Because of this multi-tasking, it may take the disputants the entire session to complete a narrative.

When mapped out, this results in a pyramid structure which could look like the following:
(11)

N   *The session*

N   N   N   N   *Organizational levels*

ñ ñ ñ ñ ñ ñ ñ ñ ñ ñ ñ ñ ñ ñ ñ ñ   *Surface level*

(o) nuc.(c)

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[2]Toolan (1988) proposes this idea and I have expanded on it here.

On the surface level of the discourse (i.e., what we actually hear), we have an exchange of mini-narratives contributed by each of the disputants. Each of these mini-narratives consists of a structure as illustrated in (8). Aspects of the microstructure, as discussed in section 4, will vary depending on the speaker's goal within the mini-narrative. There will also be interruptions by the mediator throughout the surface level (not depicted in 11). At a deeper level of processing, the surface level constituents will be organized into meta-narratives, each with a particular theme. The mediation session itself consists of a uniting of these meta-narratives. In this dialogue in Session C we can see how the participants work together to organize the mini-narratives they brought up earlier on in the session:

(12)

> M1:   Well, I'm just wondering which issue that you people would like to see, um, we take a look at first.
> Helen: For me, <u>timing</u>.
> Mark: Yeah, and <u>price</u>.
> M1:   How's that... Yeah? 'kay.
> Mark: That's O.K. 'cause it all comes in, y'know, the same heading, y'know, the timing and the price.
> M1:   'Kay.
> Mark: Pretty well.
> M2:   So they're tied together in your - both- in your, your mind. The timing and the price
> Mark: Well
> M2:   They . . . they're tied together.
> Mark: Yeah. As far as I'm concerned 'cause, y'know, I'm I'm... a certain type of
>   construction takes a certain amount of time. aaah. And a certain price. Same thing with
>   materials. Uegh. You've gotta have, y'know, if you know what you're, what you're getting. Aaah.
>   There's a certain shipping time involved. And, and there's a certain price involved
> M2:   Okay
> Mark: So, yeah, as far as I'm concerned the two are tied together.

The issues of 'timing' and 'price' which were previously raised as isolated issues are linked by Mark into one meta-narrative. This is an example of overt organization. Much of the meta-narrative organization is done at a subliminal level rather than through co-constructed discourse.

Van Dijk (1980) uses this kind of hierarchical model to conceptualize various forms of discourse. In his model, microstructures create macropropositions which are part of macrostructures. These macrostructures are organized by - and at the same time build - a superstructure. This superstructure is governed by *function*. Depending on the particular function of the discourse, certain constraints will be placed on the macrostructures.

Following Van Dijk's argument, the function of a mediation session, namely to resolve a problem, will determine the content of the meta-narratives. In the following dialogue from Session A, the disputants are trying to build a mutual story which will allow them to agree on what action to take in order to solve the problem. Bob insists on including the fact that it is the shadow from the tree, and not the tree itself, which hangs over John's garden as this will have consequences in the actual solving of the problem:

(13)

"The tree and the garden"

John: The tree overhangs our yard and it's shading my |garden.
Bob: |There's no garden there at all. There's just a lawn.
      ~~~~~~~~~~~~~ *mediator interrupts* ~~~~~~~~~~~~~

John: Like I was saying. It overhangs our property, shades my garden.

      ~~~~~~~~~~ *time elapsed, other topics discussed* ~~~~~~~~~

Bob: The tree, for one thing, it doesn't overhang into his garden ...

      ~~~~~~~~~~ *time elapsed, other topics discussed* ~~~~~~~~~

John: The garden is not right under the tree. Okay.| But
Bob: |Oh, good.|
John: |But the shade that that tree causes by those
      branches sticking overhead - it catches the garden. The garden is off to the back of that tree. The sun
      comes in - best sun of the day - comes through there. And those branches that were overhanging my
      property - they're the ones that were cutting the sun off|
Bob: |Did you not see me out there trimming it?
M2: Hold on. Hold on. At the moment we're trying to make sure that you've heard the original points that
      John brought up. And, uh, the question of the garden was the one that really stuck in
      your mind| |I would now|
Bob: |Okay | |Alright Oh, I remember another one that he brought up that I did
      clarify earlier on about the wasps.

By the end, Bob is satisfied with the revision and proposes another story on which he would like them to work.

7.0   WHY IS NARRATIVE EXPRESSION SO IMPORTANT?

As humans it is important for us to be able to tell our stories in order to make sense of the world around us and also so that others can better understand us. After traumatic events, retelling the story becomes part of the healing process. Research into victim-offender mediation programs consistently finds a generalized reduction in fear and anxiety among participating victims, both fear of being revictimized by the particular offender as well as more free floating anxiety (Umbreit, 1995). Victim-impact panel participants showed improved psychological functioning as a result of submitting impact statements to court (Davis and Smith, 1994).

The mediation sessions used for these case studies did not involve traumatic events; however, in these situations narrative played a crucial role in the problem-solving process. It allowed for an integration of an inner world of thought and feeling with an outer world of observable actions and states of affairs.

7.1   The next step

What is interesting in mediation is that when the participants in the session collaborate in building their stories, they are at the same time co-creating a memory which will serve for future stories of the same events in different settings. This can be studied in greater depth by looking at other types of dispute resolution discourse and comparing their effectiveness with narrative discourse approaches. According to van Dijk (1980), recall of discourse information diminishes after long periods. Information that has the highest structural value will be less likely to be forgotten because of its high position in the structure and its links to other knowledge. This information

will be stored in the long-term memory, either as episodic or semantic data. Although it is primarily meta-narratives that are recalled, surface structures and semantic details may sometimes also be recalled if they are salient to the listener. For example, one may remember that a speaker used a particularly striking word or phrase in a narrative in addition to recalling the gist of the meta-narrative. The actual process of creating narrative is, therefore, crucial in determining what information about an event gets recalled.

As mentioned in the introduction, narrative is used both for reasoning and for representation. What happens, then, when someone other than the narrator has control over shaping the narrative? This is often the case in courtrooms, where strict rules of relevancy and procedure dictate what gets said and how. People in marginalized groups are often prohibited from sharing their stories in the way that they want simply because these stories do not fit into the framework of the court's predetermined idea of relevancy. Research into the comparison of narrative use in courtroom and mediation settings is a future step which should be taken in looking at applications of narrative in dispute resolution.

8.0   CONCLUSION

Because stories do not just describe reality, but also create a social reality, it is important to look at more than just the formal features of narrative. We have seen that, in mediation settings, narratives do not follow predictable, unbroken patterns. Instead, they tend to consist of many small pieces which disputants and mediators piece together to form meta-narratives. These greater structures will serve as an important tool in finding a solution that both parties can agree on.

REFERENCES

Baumeister and Newman (1994). Self-regulation of Cognition Inference and Decision Processes. Personality and Social Psychology Bulletin 20, 3-19.

Bernstein, B. (1971). *Class, Codes and Control, Vol. 1: Theoretical Studies Towards a Sociology of Language.* London: Routledge & Kegan Paul.

Bernstein, B. (1973). *Class, Codes and Control, Vol. 2: Applied Studies Towards a Sociology of Language.* London: Routledge & Kegan Paul.

Briggs, C. (1996). Conflict, language ideologies, and privileged arenas of discursive authority in Warao dispute mediation. In Charles Briggs (ed.), *Disorderly Discourse: Narrative, Conflict and Inequality,* 204-242. New York: Oxford University Press.

Bruner, J. (1996). Group narrative as a cultural context of autobiography. In D. Rubin (ed.), *Remembering our Past: Studies in Autobiographical Memory.* Cambridge: Cambridge University Press.

Bush, R. and J. Folger (1994). *The Promise of Mediation.* San Francisco: Jossey-Bass.

Cobb, S. (1993). Empowerment and mediation: A narrative perspective. *Negotiation Journal* 9 (3), 245-255.

Coste, D. (1989). *Narrative as Communication.* Minneapolis: U of Minnesota Press.

Croft, W. (1998) The Structure of Events and the Structure of Language. In M. Tomasello (Ed.), *The New Psychology of Language,* 67-92. Mahway, NJ: Lawrence Erlbaum Associates.

Davis, G. and C. Smith (1994). Victim Impact Statements and Victim Satisfaction. *Journal of Criminal Justice,* 22, 1-12.

Denhière, G. (1978). *Le Rappel d'un Récit par des Enfants de 6 à 12 Ans.* Université de Paris VIII, Laboratoire de Psychologie.

van Dijk, T. A. (1980). *Macrostructures. An Interdisciplinary Study of Global Structures in Discourse, Interaction, and Cognition.* Hillside, NJ: Lawrence Erlbaum Associates, Inc.

Dreier, O. (2000). Psychotherapy in Clients' Trajectories across Contexts. In Mattingly & Garro (eds.), *Narrative and the Cultural Construction of Illness and Healing.* L.A.: University of California Press.

Dowty, D. R. (1986). The Effects of Aspectual Class on the Temporal Structure of Discourse: Semantics or Pragmatics? *Linguistics and Philosophy* 9, 37 – 61.

Duryea, M. and J. Potts (1993). Story and Legend: Powerful Tools for Conflict Resolution. *Mediation Quarterly* 10 (4), 387-395.

Eisenberg, L. (1981). The Physician as Interpreter: Ascribing Meaning to the Illness Experience. *Comprehensive Psychiatry* 22, 239-48.

Fairclough, N. (1995). *Critical Discourse Analysis: The Critical Study of Language.* New York: Longman.

Farb, Peter (1981). *Word Play: What Happens When People Talk.* New York: Knopf.

Fisher, R. and W. Ury (1981). *Getting to Yes. Negotiating Agreement without Giving In.* New York: Penquin Books.

Fleischman, S. (1990). *Tense and Narrativity.* Austin, TX: UT Press.

Goldberg, A. (1999). The Emergence of the Semantics of Argument Structure Constructions. In MacWhinney, B. (Ed.), *The Emergence of Language*, 197-212. Mahwah, NJ: Lawrence Erlbaum Associates.

Hale, K. (1998). The Language of Cooperation: Negotiation Frames. *Mediation Quarterly* 16 (2), 147-162.

Heider, F. (1958). *Psychology of Interpersonal Relations.* New York: Wiley.

Hymes, D. (1974). *Foundations of Sociolinguistics: An Ethnographic Approach.* Philadelphia: U of Pennsylvania Press.

-- (1981). *"In vain I tried to tell you": Essays in Native American Ethnopoetics.* Philadelphia: University of Pennsylvania Press.

Labov, W. & J. Waletzky (1967). Narrative Analysis. Oral Versions of Personal Experience. In J. Helm (ed.), *Essays on the Verbal and Visual Arts.* Seattle: University of Washington Press.

Loftus, E.F. & J.C. Palmer (1974). Reconstruction of Automobile Accident: An Example of the Interaction Between Language and Memory. *Journal of Verbal Learning and Verbal Behavior*, 13, 585-589.

Mandler, J. M. (1986). On the Comprehension of Temporal Order. *Language and Cognitive Processes*, 1, 309-320.

O'Barr, W. & J. Conley (1996). Ideological Dissonance in the American Legal System. In Charles Briggs (ed.), *Disorderly Discourse: Narrative, Conflict and Inequality.* New York: Oxford University Press.

Parker, I. (1992). *Discourse Dynamics. Critical Analysis for Social and Individual Psychology.* New York: Routledge.

Roe, E. (1989). Narrative Analysis for the Policy Analyst: A Case Study of the 1980-1982 Medfly Controversy in California. Journal of Policy Analysis and Management 8 (2), 251-273.

Roger's Cablevision (1991). *Perspectives.* (video)

Todorov, T. (1969). *Grammaire du Décameron*. Mouton: The Hague.

Toolan, M. (1988). *Narrative: A Critical Linguistic Introduction.* New York: Routledge.

Ter Meulen, A. G. B. (1995). *Representing Time in Natural Language: The Dynamic Interpretation of Tense and Aspect.* Cambridge, MA: MIT Press.

Umbreit, M. (1995). The Development and Impact of Victim-Offender Mediation in the U.S. *Mediation Quarterly*, 12(3), 263-276.

Werth, P. (1999). *Text Worlds: Representing Conceptual Space in Discourse.* New York: Longman.