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David Bryson

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Book review

Behind the wheel

David Bryson

Linda Fisher and Mieke Brandon
Mediating with Families
 Pearson Education Sydney 2002

There is a disconcerting robustness about Fisher and Brandon's description of family mediation as a journey whereby 'the mediator is the driver of the process, steering the car in which the parties are seated ... turning the steering wheel to keep the car on track ... continually monitoring the progress of the car, making adjustments as needed' (p 165). Carefully stowed in the boot are their 'mediator kits' containing the essential brown paper bag — a preventative measure in case a client starts to hyperventilate (p 212)!

Lest we start to wonder whether this jaunt in the family car is in fact a descent into the underworld, we are reassured that 'conflict is both healthy and functional' (p 4) and that notwithstanding that the mediator is the 'most powerful person' in a mediation (p 23), 'the final destination, of course, is where the parties decide they need to be' (p 165).

Mindset and courage

Family mediation is really not for the faint-hearted. Mediators who practice this craft are nothing short of awe-inspiring. Family mediation requires 'a particular mind-set' (p 214) and an extraordinary courage. To slip into the driver's seat, click-clack on the seat belt, adjust the rear vision mirror and turn over the engine is to embark on a journey into your *own* life of relationships with those nearest you — its joys and passions, achievements and disappointments, perhaps losses, and almost certainly grievances.

Is it possible to manage the inner dialogue while navigating the outer one? These authors clearly believe it is but warn those who would take to the road that it will demand much from them. Their message is 'practitioner, *know* thyself'. The call is to wrestle with self-knowledge and manage the blurring of oneself with the task of dispute resolution. How can this be done?

Being open

Firstly, the authors expect the family mediator to remain 'open and curious' about his or her pre-conceptions of the family, what is normal and what is not, and of the ability of family members to change (p 24). The family mediator must be aware of the emotions set off in themselves (p 43), either because of their own strongly held views, or because they are dealing with the same issues in their own family. Indeed, the latter situation — for example in a parent-adolescent dispute — may become so painful for the mediator that they may not be able to continue (p 82).

Multiple roles

Secondly, whether they like it or not, family mediators play many roles and wear many hats and they need to develop the capacity for making wise decisions on the run. Family mediators are role models to the parties, educators, and sources of information, as well as managers of the plethora of procedural, psychological and substantive issues in dispute. They juggle various contending interests — their own interests ('working congruently with your value base' p 23), the parties' interests ('the mediator's role is to be "on the side of" the whole family', p 81), legal and professional requirements (duty of care, p 163), and the interests of third parties (the mediator as 'child aware' or 'child inclusive', p 52).

In a noteworthy section, the authors contend that mediating family disputes demands that the practitioner become 'literate in ethical decision making', basing their choices in any unique situation on 'underpinning moral principles' (p 179):

- beneficence (what will achieve the greatest good?);
- non-maleficence (what will cause the least harm?);
- justice (what will be the fairest for all parties involved?);
- autonomy (what maximises the opportunities for informed choice?); and

- fidelity (what ensures the practitioners remain faithful to the trust placed in them by the client?).

Understanding complexities

Thirdly, the family mediator must be equipped for the task by understanding the complexities of family relationships and the issues arising from these relationships. This is a central purpose of the book (p xii) and one that is achieved comprehensively. The book is replete with insights into families in trouble: separating couples, established and new relationships in step-family and blended families, parent-adolescent and parent-older children, gay and lesbian relationships, adoption, and much more. More than just providing an objective roadmap, the authors generously share the wealth of their experience with us, leaving the reader more open and accepting of this phenomenon known as 'family' in all shapes and sizes. There is a deep respect in this book for the family in all its diversity.

Self-awareness

Fourthly, the family mediator must be consciously and self-reflectively aware of their own mediation style and approach. The authors believe that 'mediation concerns itself with the future, and with the past only insofar as it explains the present' (p 9) and describe various frameworks for developing a self-conscious and self-confident mediation 'style' or approach. Seen as a whole, the book contains a confusion of different frameworks, but in each one there is fresh insight. For example, it is hard to make conceptual links between the way the authors discuss the techniques and methods of family mediators: sometimes described in terms of the mediator's justice, transformative, narrative or self-determinative framework (Ch 2), and in a later chapter, the mediator's negotiative, mechanistic and therapeutic discursal (sic) practices (pp 129–31).

Fundamentally, the authors accentuate a problem solving methodology (with a twist of the transformative?) but do not

explain why that is their preference or what the advantages or disadvantages may be, for example, in dealing with parent-adolescent disputes (pp 84–85). The hint here is that there is a mystery to mediating family disputes and the way to gaining knowledge (insider knowledge) is through practice — a ‘Catch 22’.

Essence of the craft

The book’s structure separates two chapters (8 and 9) to describe in some detail the ‘practice considerations’ for mediating family disputes. These chapters contain the essence of the mediator’s craft and although many of the skills apply to other fields, the authors are convincing in the way they identify the values and knowledge that are uniquely required for dealing with families in dispute. The critical analysis of screening cases before deciding to mediate is given special and important prominence. Chapter 7, ‘Language and Culture’, emphasises these other key aspects to family disputes, thus adding further layers of complexity to mediation practice.

Fisher and Brandon describe the current Australian ‘L Plate’ and probationary requirements (p 214) before anyone can start on the journey of becoming a family mediator. They rightly argue the essential commitment for the practitioner is to avoid working in isolation from their colleagues, or failing to keep up-to-date with current research and information. The authors conclude the book by outlining a method of formal and informal professional supervision, *de rigeur* for the family mediator (as for any other mediator) (p 217 and following).

Contrasted with the other major Australian work published in 1996 by Haynes and Charlesworth — *The Fundamentals of Family Mediation* — this book has taken the practice of

mediating with families well beyond merely divorce mediation and into the homes of most of us at some stage in our lives. It leaves the reader with a ‘multi-directional’, ‘forwards and backwards’, non-systematic mediation approach (p 25) that inter-relates with the family as a system to guide its choice of framework or process. There is no easy formula: the practitioner as intervenor becomes part of the system under scrutiny.

Mediator vulnerability

However, if there is one thing missing it is a sense of mediator vulnerability in the process — a sense of the occasional hit and miss, the drift on soft verges, or the unexpected thump of a pothole or two. It is not always safe out there on the roads! This missing sense partly arises from the structure of the book, where the first six chapters fail to integrate mediation practice with information and insights into the varieties of family disputes — the integration is left to later chapters.

This editorial choice means that for a long time the book is tantalisingly vague about important issues that arise in the reader’s mind about how a mediator would deal with any issue. For example, in relation to a mediator making use of the genogram (p 31), being alert to possible ‘triangulations’ (p 35) or recognising strong emotions and handling them constructively (p 43), the authors are content to mention the points in passing without going in to the wheres and wherefores. This approach does not always answer the enquiries of the reader who may want issues addressed at the time of their emergence.

The authors stack a load of tools for running repairs — the appendices contain useful material about assessing family violence, sample agreements, mapping the conflict, intake prompts and a code of

professional conduct. Conversation on the way is littered with numerous anecdotal stories, highly relevant and apposite to the particular section of the text. ‘Hints for beginners’ are scattered across the pages, most of them useful but some bizarre — surely the authors do not use as a ‘rule of thumb’ one interpreter for each participant? (p 152). Diagrams are used judiciously and with good effect, such as that illustrating the separation process and the depiction of the invariably different stages of emotional reaction to loss (p 43). Checklists of issues for the mediator’s consideration in relation to a particular scenario or case study occur spasmodically and are most helpful when they appear, for example, when the authors are discussing parents and older children (p 97 and following), wills and estates or adoption disputes (p 113 and following). They could have been used more often.

As Professor Laurence Boule states in the foreword, this new Australian book on mediating family disputes will appeal to a broad range of mediation practitioners and allied professionals, advisers, referrers, administrators and policy makers. Linda Fisher and Mieke Brandon have made a significant contribution to the field by removing some of the terror from the journey into the complex and fraught world of disputing families.

Above all they have unstintingly shared their experience and reminded us again that the ‘single most important tool we have as mediators ... [is] ourselves’ (p 216). ●

David Bryson is a dispute resolution consultant at the Australian National Electricity Market and conciliator with the Workcover Service in Victoria. He can be contacted at dbrysonaus@hotmail.com.