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When should you hesitate to mediate?

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Educators in the United States today are encouraged to utilize mediation techniques in addressing student conflicts, particularly at the high school and middle school levels. Some teachers are incorporating conflict resolution and mediation and negotiation techniques into standard curriculum (Stevahn, 2004). Research has generally found a high level of satisfaction with Peer Mediation programs in school-based settings (Burrell, Zirbel & Allen, 2003). Programs which include teacher training have often emphasized the role that teachers can take in using mediation and negotiation between children who are in conflict (Rubin, 2004). There has been a definitive trend towards training students and teachers to use mediation as the best method to resolve conflict in schools (Casella, 2000).

The very real success of this trend, in general, discourages critical evaluation of the effectiveness of mediation and negotiation in different types of conflicts among students. However, researchers have discovered that several factors significantly inhibit the use of mediation in schools (Theberge & Karan, 2004). One such factor appears to be conflicts which involve bullying.

Mediation and negotiation generally assume that two children in conflict possess relatively equal power, but bullying episodes are defined by their imbalance of power (Olweus, 1991). Theberge and Karan note that “power imbalances inhibit the use of mediation” (p. 5, 2004). This power imbalance renders mediation and negotiation often inappropriate for both the bully and the target.

Many experts in this field have asserted that mediation is not the ideal approach to resolve a bullying situation (Delisio, 2004) since a bully may be adept at being charming or lying during a mediation (Adams, 2004). Rather than being candid and upfront, bullies may work hard outside of the mediation to attain their goal of dominance over the target (Adams, 2004).

From the victim’s point of view, their fear of retribution may make it impossible for them to participate fully, since mediation and negotiation requires both parties to assert their own needs and to be frank about their problems with the other party’s behavior. A useful analogy is the case of spousal abuse. Would we require a victim of domestic violence to report openly on a violent individual while still living with him or her? There is a general understanding that a victim who refuses to testify is behaving out of fear of retribution, not out of indifference to her condition. Similarly, requiring targets of bullies to “rat out” a bully in a mediation session while continuing to “live” with the bully on a daily basis in the same school is probably an unreasonable request. Part of the teacher training in the Massachusetts Aggression Reduction Center (Englander, 2004) involves raising awareness about why victims of bullies may dismiss,

minimally participate, or refuse to participate in mediation; they are not indifferent to their situation, but rather, targets may resist negotiations because they fear retribution and revenge too vividly.

Mediation and negotiation also do not help the child with stable aggressive tendencies – that is, such an approach does not help a bully, but rather, may compound their problems. Children who are stably aggressive have a marked tendency to regard themselves as either victims or as responding appropriately to nakedly hostile threats (Englander, 2003). This “aggressor-as-victim” style is the direct result of a cognitive tendency to misinterpret ambiguous events as hostile attacks (Dodge, 2003; Englander, 2003). Thus, rather than suffering from poor self-esteem, bullies tend to regard themselves as reacting appropriately (Johnson & Lewis, 1999).

They see mediation and negotiation as appeasement and tend not to take it seriously (Englander, 2004). The corrective goal should be, therefore, not to validate the bully’s perceptions but rather to challenge the validity of their responses. Jane Bluestein’s (2001) work on “emotional intelligence” suggests that bullies may use emotional information to facilitate their hypersensitivity to hostile cues in the environment, but that such tendencies can be “untaught.”

In summary, mediation may be inappropriate for a few reasons. First, it relies on candor and a willingness to acknowledge the other party’s point of view – something generally lacking in bullies (but not always; see below). Also, it often seeks to emphasize to each party the validity of the other point of view, when work on biased misperceptions and emotional intelligence suggests that bullies need to understand the biases inherent in their own points of view, rather than to have them validated.

Although many educators have long approached conflict in children through the use of mediation and negotiation, discipline through limit-setting may be the only effective means of encouraging children to cease bullying others. While aggressive children may (in part) behave that way because of past exposure to *inconsistent* discipline, research suggests that firm limit-setting is the primary means of changing aggressive behavior towards peers (Olweus Bullying Prevention Program, 2003).

One final, but important, caveat on using mediation and negotiation between bullies and targets. Some children who participate in bullying behaviors do so not as a primary instigator but as an “egger-on” or tangential support system for the bully himself. These children, referred to as “egggers” in the MARC literature (Englander, 2004) may be very responsive to both discipline and mediation, at least during elementary school years. They typically underestimate the destructiveness of their own behaviors, even when they themselves have been bullied (Englander, 2004). If a school is able to identify a child as an “egger” rather than as a full-fledged bully, negotiations, mediations, or apologies may be effective during the elementary school years.

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