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Christian Büttner/Elke Kronenberger/Elisabeth Stahl

'Talk to *Them*? No Way!'

Models of Dispute Settlement in Multicultural Urban Societies

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Christian Büttner
Hessische Stiftung Friedens- und Konfliktforschung (HSFK)
Leimenrode 29
D-60322 Frankfurt
Tel.: +49 69 9591040
Fax: +49 69 558481
e-mail: hsfk@em.uni-frankfurt.de
WWW: http://www.rz.uni-frankfurt.de/hsfk

Elke Kronenberger, Elisabeth Stahl
Amt für multikulturelle Angelegenheiten der
Stadt Frankfurt am Main
D-60594 Frankfurt
Tel.: +49 69 21238765/38979
Fax: + 49 69 21237946/31685

Summary

The arrival of immigrants from the most diverse countries and cultural areas is gradually changing the face of Western-style urban societies. For administrative authorities in particular, immigration is continually creating new situations and problems for which, in many cases, no regulations exist. One particular case in which traditional local-government structures find themselves no longer able to respond is that of conflict in intercultural relations.

Traditional conflict resolution on the Western model is based on the notion of a set of democratic values and institutional structures that have grown up organically. Conflicts are conventionally tackled using formal measures based on regulatory or police law. When it comes to problems in intercultural co-existence, these kinds of methods do not always produce the desired result.

Models of mediation in which neutral third parties attempt to put the task of dealing with a conflict into the hands of those involved in it would seem, according to experiences in various American communities, to promise a way out of this dilemma. With them, it is possible to avoid traditional mediation and arbitration channels. Communities in numerous cities all over the world have already had positive experiences with 'community mediation' using methods of 'constructive conflict management' such as mediation and Harvard-style negotiation.

In Germany too, a number of experiments based on the 'mediation' model have now been initiated, at both local-community and personal level, as a means of dealing with conflict in schools and out on the streets. Attempts have even been made – albeit so far with only sporadic success – to apply the process to more complex conflicts relating to ecological problems.

The local-community dispute-settlement models developed in the USA formed the starting-point for an EU pilot project on 'Community Mediation' devised by the City of Frankfurt and directed by its Office for Multicultural Affairs. The preconditions, evolution, and current structure of the project are described in this report, and the scheme is illustrated with examples from practical mediation work in various districts of the city.

This scheme *cannot*, of course, be used for mediation in conflicts that have socio-structural bases, or relate to political or civil-law disputes, or in some way touch on situations involving criminal offences. The mediation procedure has shown itself to be one amongst several options for constructive conflict resolution. In addition to straightforward mediation work, there are a number of approaches to achieving a de-escalatory effect in conflictual processes. These range from acceptance of the co-disputants, for whom this is often the first experience of having their concerns taken seriously, down to basic, non-bureaucratic help with getting through the 'paper jungle'.

The Frankfurt experience indicates that the following preconditions are of crucial importance: when a local authority assumes responsibility for conflicts in line with to the 'community mediation' model, a relevant post must be created that is independent enough to be able to effect

mediation amongst citizens and also the traditional local-government bodies involved. There must be qualified personnel to act as moderators for the mediation – beginning with the provision of professional-standard training and continuing with organizational back-up during the mediation itself, up to the conclusion of the dispute. And finally, provision must be made for qualified supervision or inter-colleague consultation which will allow ongoing reflection on the mediation process and make the internal networking of all the staff involved in the mediation into a model for the networking of local resources with the city authorities and private initiatives.

Contents

1. Introduction

Because of migratory movements, changed family life-styles and relations, revolutions in the labour market brought about by economic and technological developments, and many other factors, traditional relations between citizens in modern cities are being transformed. A host of new life-styles and different social and cultural milieus (culturally determined styles of regulating public and private relations) have now evolved that differ markedly from the traditional districts and strata that existed in German cities until the 1970s: nowadays, there is an unprecedented variety of encounters between different ethnic groups and nationalities in a country which, though it does not regard itself 'officially' as an immigration country, none the less has to live with all the problems of one.

As notions of morality and law and order become more divergent, parental authority in the raising of children (through which basic competence in social relations is imparted), the authority of older people *vis-à-vis* the community, and the authority of institutions, are all losing their force. In this situation, conflicts are often perceived as more threatening than previously, and are no longer so easy to resolve.

The Example of Frankfurt

Trouble between Turks and Resettled Germans

Chief of police Wolfhard Hoffmann reported that since November, there had been 14 violent incidents between gangs of youths in the western districts of the city…Describing the attitude of young resettled Germans from Russia towards other ethnic groups, he said that, in contrast to Turkish youths, they owned a German passport but nevertheless felt disadvantaged in comparison with them. Many Russian Germans, he said, had had to leave their homeland with their parents – often against their will. Problems arose when these young people were unwilling to live with their parents. They then remained alone in the hostels – for periods of up to twelve months. (*Frankfurter Rundschau*, 10 May 1996)

Local environments are also changing: people no longer know their neighbours, and homogeneity in many areas of community life has broken down. When conflicts occur, people easily become suspects and enemies rather than partners – even within structures that are part of a democratic problem-solving process. There is an increasing mood of mistrust; accusations are made. Conflicts remain unresolved or intensify to the point of violence.

As a rule, parties to a conflict turn to public bodies (e.g. the Mayor's office or various municipal authorities), which are supposed to resolve the conflicts using the existing provisions, regulatory apparatus, and methods. But precisely these local-government institutions, which do not always change at the same pace as the social milieu over which they have ju-

risdiction, are often not adequately prepared to deal with this situation. Experience shows that the formal instruments and resources employed up to now often fail to 'engage'.

Because of this, in 1995 the City of Frankfurt launched a pilot scheme on 'Community Mediation', which is run by the Office for Multicultural Affairs (Amt für multikulturelle Angelegenheiten: AmkA), with assistance from the European Union. Its aim is to explore the possibilities and limits of local-community dispute-settlement, and the conditions required for it.[1] Frankfurt has an international population: the proportion of foreigners now stands at over 28 per cent, coming from over 70 nations. This fact, and the arrival of further members of various social and ethnic groups, creates conflicts stemming from problems of cultural adjustment, from dissension over the distribution of increasingly scarce resources (e.g. jobs), and from a lack of the necessary linguistic preconditions or inadequate information about the availability and limits of welfare provision.

As part of the pilot scheme, interested citizens of Frankfurt were recruited by AmkA and given training in conflict-mediation methods; the way was paved for co-operation between the various city authorities, within the framework of the mediation initiative; and an organizational model for community mediation was developed.

We begin by setting out some basic ideas on mediation in disputes between individuals and the community; we then document the methods and content of the mediation training and the organizational set-up for the Frankfurt community-mediation scheme, and give a few examples of actual mediation work. We conclude with a summary of the conditions, possibilities, and limits of organized local-government-based community mediation as derived from the experiences so far.

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[1] 'Mediation' means a process whereby the parties to a conflict can, with the help of a trained mediator, improve and make use of their ability to manage and resolve conflicts through communication and negotiation. More will be said about this in Ch. 2.

2. Conflict 'Culture'

Conflict and the Law

Conflict is an inevitable part of human existence: living in cultures that are exposed to constant changes such as multicultural interfusion, human beings have continually to rework the norms and regulations governing coexistence – either as part of the process of socialization or in social head-to-heads.

Conflict and violence are intimately connected: at least in the imagination, violence always features as a possible way out of a problem. At the same time, civilizatory processes have led to the destructive emotional elements in personal encounters moving increasingly into the background, in favour of a form of dispute-settlement in which the instrument of force as a means of coercion is handed over to a higher authority – namely, the police and the courts. These have the power to settle a conflict to the best of their knowledge of the relevant laws and agreements.

The instruments which Western societies use to settle conflicts have developed, in the course of a long historical process, into one of the cornerstones of occidental culture and democracy. The freedom of the individual, and his personal security, are guaranteed by the state and its monopoly on force. To be able to weigh up personal against community interests is as important an element here as is adjudication in conflicts between neighbours. The ability to balance the interests of individuals against those of society as a whole has thus become one of the fundamental values of democracy.

Although in Western-style democracies, the method of settling disputes in court and the roles played by the regulatory forces seem largely congruent, there are an extraordinary number of differences in the detail of the various national legal systems and in comparison with the notion of law in differently constituted countries. The way in which human relations are regulated and the nature of a society's legal system depend on historical and regional circumstances and developments. But because legal systems are also conveyed through values and attitudes, and in highly sophisticated preparatory practices during upbringing, widely differing notions of law in people of different nationalities can end up clashing without the divergences being consciously perceived.

This aspect of coexistence is important because both the *rapprochement* between different societies, and, above all, cultural overlaps within individual societies whose members come from very diverse cultures and nations, give rise to numerous problems. Thus, in everyday situations, the question may repeatedly arise of how and on what legal basis a dispute is perceived by the individual disputants, and what solutions are regarded as reasonable by

each party. It goes without saying that many a proposed solution that appears entirely reasonable in the one national context will prove incompatible with a solution from another.
The coming-together of people from diverse legal cultures also leads to entirely different conceptions of law clashing with one another within a democratically organized culture in which legal sovereignty resides. This also applies to measures taken by regulatory forces and authorities to which the enforcement of decisions is entrusted. Here too, it must be assumed that notions about regulatory measures may differ markedly amongst people from different cultures.

In many countries, the social integration of immigrants is made dependent upon whether they accept these (and other) norms and conventions of social co-existence. In most cases, there is a special (examination) ritual in which this assent can be (unequivocally?) articulated. None the less, the problem remains of how immigrants can absorb all those things which the children of the society in question begin to take in 'with their mother's milk' and assimilate, to a greater or – sometimes – a lesser extent, through decades of learning and practice: after all, even in the industrialized countries of the West, there is injustice and illegitimate force.

How much more complicated is the situation in the case of asylum, illegal entry, or temporary transit that turns into permanent residency? In the case of second-generation immigrants, at least, there is a chance of some absorption of the 'style' of social intercourse which the children of old-established inhabitants learn without much trouble via family and school. Yet we know how much the children of the second and even third generation of, for example, labour migrants, can be torn between the (legal) culture of their parents' generation and that of their new homeland. Whatever the efforts made by teachers, schools, and social workers, it remains the case that there is not only no systematic transition-route from a foreign culture to our own, but also no form of support for making that transition.

All this has considerable effects on the 'conflict culture'; and in a multicultural context, produces major points of irritation. Traditional national legal systems cannot offer guidance in multicultural affairs, because they do not give individuals sufficient opportunity to acquire the level of knowledge required. In addition, the 'outsiders' ought to be given a say in deciding how the legal system is to be adjusted to present conditions, and in creating intercultural dispute-settlement mechanisms.

Persons and Institutions

Because personal interests are always determined in part by people's social roles, not only disputants but also any third parties involved in a conflict will call on institutions that can act as regulatory systems for co-existence and as organizational frameworks with set tasks and goals. If, for example, a dispute can no longer be settled on a personal or internal fam-

ily basis, with the help of family members, recourse is almost always had to lawyers and courts, who, having more or less exhausted their resources, call, in their turn, on other third parties (such as experts and witnesses), in the hope of obtaining some 'wise' judicial ruling or some 'decree from on high'. This latter phenomenon is familiar from the educational domain, where disputes are mostly brought to an end by the decision of a third party – parents or teachers – and often over the heads of the disputants ('Just hurry up and stop squabbling!'). Extra-judicial instruments such as arbitration tribunals or mediation processes are also structured in this way: an independent third party considers the facts of the case and the legal position and passes a judgment – in contrast to what happens in the case of a settlement, which is negotiated by the two parties before a judge (Lappe 1993: 20 ff.).

Within such structures, judges are required to maintain their neutrality in relation to the disputants. As with an umpire in sport (was it a foul or wasn't it?), the prime concern is to establish whether or not there has been a violation of current law, rather than to weigh up the individual interests. Current law therefore does not always do justice to the situation, and favours one or other side, so that, at the end of a legal dispute, one always talks of 'winners' or 'losers'. In addition, extensive regulation of human relations reduces the decision-making leeway and thus inevitably bypasses many everyday situations ('which the legislator didn't think of'). This dilemma – of balancing uncertainty of the law against excessive standardization, and thus of having to choose between freedom in shaping relationships as against a restriction of relationship options – can easily lead to a feeling of injustice on both sides of a conflict.

Another aspect that is of relevance as far as preliminary considerations on conflict and mediation are concerned – especially in the area of community life – is the widespread notion that 'We've paid our taxes, and after all, the tax people always want their money straight away' so the authorities should provide help straight away in every case. Within the framework of traditional local-government administration, there is very little room to accommodate such notions, because the particular tasks of local-government institutions are relatively narrowly defined and any kind of networking is still only at a rudimentary stage.

But, as organized systems of working relations, local-government institutions also reproduce structures between people – for example, in their hierarchies. As constructs of social power with definite interests of their own, they can, in their internal working relations, be shaped by the entire spectrum of human feelings, including envy and jealousy; and they can easily develop a degree of independent momentum in relation to their own institutional requirements (see e.g. Dienel 1997: 37 ff.). Not only do clients need institutions; institutions need *their* clients in order to survive or expand. In extreme cases, they grab a dispute for themselves, or generate a new, more extensive one out of it and shift it to a different social locus. In terms of their defined tasks, which need not always tally with those of others, they are themselves always partial – even where their job actually requires them to be neutral. (Take, for example, the *Jugendgerichtshelfer* (social worker attached to the juvenile court):

because he has special knowledge of a young person's circumstances, he can end up in a dilemma as to who is 'really' to blame in the dispute over that young person' behaviour.) This fundamental problem of the neutrality of third parties in a dispute is perhaps connected to the difficulty which we may have experienced as a child caught between quarrelling parents – the difficulty of striking a balance between two powerful forces and at the same time oneself maintaining a third position. Childhood experiences can constitute a element of basic mistrust in parties to a dispute – mistrust that a third party will tend to side with one of the disputants against the other.

The Choice of Means

Typically, disputes are initially conducted verbally or in writing. If these methods do not result in a solution or settlement, strong emotions usually come into play – mainly fear of loss, or anger at the other party's resistance or 'outrageous' demands. The partners in the dispute then frequently consider each other no longer capable of coming to a solution; they take the dispute to the outside world and call in a third party or other parties.

Calling third parties, particularly courts, into a dispute seems for many people to be tantamount to an (explicit or implicit) admission of helplessness or mistrust *vis-à-vis* the 'partner' in the dispute. The role of the third or neutral party has therefore always been that of a bearer of hope. This also applies to the domain of family relations, in which the ability to conduct disputes is traditionally supposed to be learnt. Here too, a third party drawn from the family circle can become a bearer of hope in cases where the disputants' capacity to settle the dispute is no longer sufficient.

The 'might is right' principle still holds great sway in disputes. It is therefore frequently experiences with conflict culture that dictate a violent settlement to disputes. In the bringing-up of children, there have, unfortunately, been all too few successful attempts, either in the private or in the public sphere, to foster the individual's autonomy and ability to deal with conflict, or to develop a social feel for non-violent disputational processes. The notion prevails that the law of the mightier adult merely has to be learnt and practised systematically enough, if necessary with the aid of 'punishments', for it to establish itself in a person's character – irrespective of the fact that in our (adult) legal system, there is no 'naturally ordained' solution to legal problems, and decisions depend on how a legal principle is interpreted. And that interpretation may vary from one legal body to another (Lappe 1993: 2).

In addition to blatant violence, which may also adopt, for example, the 'might is right' disguise, methods frequently used in disputes include a whole range of options which aim to put the other side in a disadvantageous position by 'cunning and trickery' but whose intention is impossible to spot at first sight. It is in this context, for example, that the 'good guy–bad guy' strategy may be put to use: here, there are two negotiators for one side in a dis-

pute; the first is intransigent and 'nasty', the second nice and obliging, so that a position in a dispute is perceived as more acceptable than previously, even if it has essentially remained the same. Or else there is the 'all-night' strategy, which consists in wearing the adversary down by holding endless negotiating sessions. Apart from these methods – which are frequently employed in disputes – there are a host of others that can be used 'behind the adversary's back'. These range from bribing third parties to conducting smear campaigns. It goes without saying that these sorts of methods do not contribute to 'constructive conflict resolution'.[2] On the contrary: they lead to a hardening of positions and a feeling of injury, and they foster hostility. Yet they are directly connected with the development of moral values within a culture, and therefore cannot be considered apart from their 'breeding-ground'.

The families and educational institutions in which children and young people could be familiarized with these values and in which they had a practice-space where they could learn to assume responsibility and take the required steps, are – if the complaints that emanate on the one hand from families and on the other from educationists and teachers are to be believed – losing their formative influence. Regardless of which of the these two groups is right in its assessment of the situation, both work on the assumption that there has been a diminution in current educational possibilities; and the effects of this as regards the ability to deal with conflict are being specifically targeted – at least in individual educational institutions – through 'dispute-settlement programmes'.

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[2] Though it occurs frequently in descriptions of mediation models, the term 'constructive conflict resolution', like many other terms used in connection with mediation, is no more than a vague label for a highly complex process for which theory mostly offers no further elucidation. Similar vagueness occurs in the case of the basic terms 'conflict' and 'mediation'.

3. Dispute and Mediation

Models and Developments

In recent years in Germany, these deficiences have led to hopes being directed towards mediation processes. Up to now, it has been mainly in divorce disputes and state education that such processes have been seen as offering a chance of people learning, through mediation, to 'take matters into their own hands in a socially acceptable way'. In special training-courses in mediation, lawyers, social workers, and even children and young people learn how disputes may be conducted fairly with the help of a third party, and are trained and qualified in this latter role (see e.g. Faller/Kerntke/Wackmann 1996). The following is a typical advertisement-style presentation of the services of a divorce mediator:

I have thirteen years experience as a lawyer specializing in family law. For the last two years, I have also been engaged in mediation work in separation and divorce cases, having completed an additional two-year [government-approved] training-course …Working with you, the mediator will begin by agreeing rules for the mediation-process, identifying the contentious issues, and setting a timetable. He or she will guide and structure the negotiations and ensure that rules are adhered to and that both parties are properly equipped to take care of their own interests. The mediator is responsible for clarifying all facts and figures and for producing the necessary documents. He or she monitors the relevance of the negotiations and directs the attention of the parties to the here-and-now and the future. Your mediator's ultimate objective throughout is therefore to work out a durable separation or divorce agreement; he or she summarizes the points on which there is agreement, makes suggestions, and builds bridges. In no circumstances will the mediator take highly personal decisions on your behalf. And, most importantly, he or she will ensure that your children's welfare is given proper consideration throughout.
(http://home.t-online.de/home/becker-koeberer/mediat.htm)

This text makes reference to a method about which the only thing said is that it is possible to be trained in it. However, in proposing the services of an impartial third party, it comments that the interests of both parties will be considered – an improvement on the practice of calling in a lawyer with a view to a 'gloves-off' encounter.

The mediation process referred to here originated in the USA. It was developed there in the 1960s and 1970s and is now employed in many different areas of life. If one takes a closer look at the theoretical preconditions for the 'mediation method', or at what a mediator learns during his or her training and on what theories the content and methods of the training are based, one usually comes up with the following kinds of general principles and definitions relating to 'constructive conflict resolution':

1. Separate the people from the problem. Constructive conflict resolution means looking for a solution to the problem without attacking the person of the adversary.
2. Separate position from need. If the positions adopted at the start of a conflict are taken as a basis, it will not, as a rule, be possible to find a mutually agreeable solution. If, on the other hand, one takes a closer look at the underlying needs, it will be much easier to arrive at a solution – or at least a compromise.
3. Take account of the various levels of a conflict. Often what is at issue in conflicts is not the obvious object of dispute but something quite different – perhaps conflicts, misunderstandings, or power-struggles lying far back in the past and never resolved…
4. Maintain/restore communications. The more the conflict escalates, the less clear and often the more prejudice-laden communications become between the parties…
5. Seek new solutions. In many conflicts, the appropriate solution is not that proposed by the one party or the other, but an entirely different one (Kerntke/Faller/Wackmann 1996: 12; cf. Besemer 1994).

The training programmes following on from this consist of a mixture of methodological approaches drawn from group dynamics, group learning, and transactional analysis, together with borrowings from applied communications theory. But given the aim of providing professional training in constructive conflict resolution, the programmes are focused on specific conflict situations and geared to training for a particular role (as mediator). One cannot therefore expect to find a concept based on some underlying 'theory of mediation'; one has, rather, to assume a pragmatic scheme.

In mediation, the focus lies not on 'right' or 'wrong' solutions but on the problem-solving process itself. The object of mediation is not only to negotiate, but also to gather and structure information, identify interests, and clarify options. The concept of mediation also has 'reality tests' built into it – that is to say, feedback questions intended to ensure that the parties concerned are aiming at realistic solutions. Structuring communication through conflict analysis and systematic co-ordination of the conflictual dialogue is one of the interventionary tasks of mediation.

Whereas in Germany, the mediation method has only rarely been used outside the sphere of private – i.e. more personal-cum-family – dispute-settlement, to deal with public disputes,[3] in the USA, for example, it has been in common use for quite a long time and in many areas of community life. Thus there are a number of American cities in which youth violence, neighbourhood disputes, and conflicts with official bodies and authorities are sorted out with ethnic/nationality groups or interest groups before local dispute-settlement committees. In the following examples, we describe various areas of contention in which both lo-

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[3] We do not go into any detail here about established methods of dispute settlement in public conflicts (arbitration, petition, perpetrator–victim reconciliation, etc.); on this, see Lappe 1993), because up to now there have only been *plans* to establish links between the pilot scheme and these institutions.

cal-government departments and private initiatives offer mediatory dispute-settlement services.

The Example of San Francisco

A mediation programme was started in a school in San Francisco as early as the 1970s. In courses lasting several weeks, students were trained as dispute-settlers, as a way of countering the increasing violence. The programme was such a success that it was extended to neighbourhood disputes. The training programme covered: practice in maintaining neutrality in disputes; improving communication skills; integration into the network of social responsibility underpinning the school community.

The Example of Offenbach

A pilot-scheme on similar lines, in which school students are, again, trained in dispute-settlement and the prevention of violence, was started in Offenbach, the necessary skills being imparted in special training programmes. What the scheme aims to do is get violence replaced by methods of 'constructive conflict resolution' as a means of settling conflicts. The guiding notion is that children should be regarded not as problem-makers but as problem-solvers. Enhancing the capacity of children and young people to solve problems is therefore a core element of the programme.

Although it is easy to see that involving affected individuals in the prevention or settlement of conflicts is a feasible and sensible option, there is no indication here as to *how* this co-operation proceeds, or of what promotes and what hinders it. There is also a lack of examples that would help one envisage how these community innovations work in practice. Furthermore, because researchers are rarely involved in such initiatives, little can be said about the quality of the theoretical background.

The individual pragmatic experiences with 'new' dispute-settlement and prevention methods (or perhaps more so the hearsay about them) has encouraged many local communities to consider also using private mediation-services for conflicts with which lawyers and the courts are currently burdened – or overburdened – or which are so complex that the relevant litigation can only go a small part of the way to providing a solution. In the following example, we describe the mediation procedure and the basic preconditions to which the parties to a conflict assent in a mediation process. It is one of the few examples in which the procedure for easily definable conflicts is set out in a detailed, stage-by-stage fashion.

The Example of West Hollywood

The city of West Hollywood offers voluntary mediation in disputes between tenants and landlords. It is designed to be used in every conceivable sort of disagreement over property

and leases, as a way of avoiding long and costly litigation. The mediation is conducted by a person from the city's 'Rent Stabilization Department' who has completed an extensive training course and has experience in disputes between tenants and landlords. In this example, the mediator, acting as an independent third party, helps the argumentation along by bringing *all* the aspects of the dispute into the discussion, and by encouraging the disputants to seek a mutually satisfactory solution in an open and direct way. Mediation is expressly presented as a non-official procedure offering the advantage of a solution that is speedy and not overburdened with formal requirements (form-filling, waiting-times, etc.). The outcome is given concrete shape in an agreement that is binding on both sides; both parties to the conflict retain their full rights and have the option at any time to choose the traditional route to conflict settlement – for example, through the courts. (http://www.ci. west-hollywood.ca.us/rsd/mediate.html, 6.5.97)

In Germany, mediation procedures have now been available for some time in other areas besides that of private legal disputes such as divorce. On ecologically controversial issues as well, where up to now confrontational disagreements have traditionally been conducted through political channels or in open clashes between demonstrators and police, increasing use is being made of mediation-style procedures.

The Example of Bielefeld

'Detmolder Straße Round Table: The Environment and Urban Development Committee hereby resolves to set up a "Detmolder Straße" round table to be moderated from outside (mediation). The round table will draft a rough plan for Detmolder Straße designed to "improve road safety and reduce air and noise pollution. The round table will also produce recommendations for immediate measures to improve the situation. The round table should include local residents and users of Detmolder Straße…"' – whose interests (noise and smell versus freedom of movement) seem at first sight to be irreconcilable. (http://www.uni-bielefeld/iwt/vv/dt_kurz.htm, 22.7.97)

The Bielefeld mediation experiment is not yet over, but experiences with mediation in political disputes, as illustrated by ecological issues – mostly disputes about waste-disposal and land-reclamation policy (see Gaßner *et al.* 1992) – have so far not been particularly encouraging. In a survey of five sample cases, Holtkamp and Stach report only one instance in which negotiating outcomes based on mediation were, at least in part, successfully implemented. The procedures either go on for so long or else are so complex that the large number of parties involved generates ever-new problems and consequential disagreements (Holtkamp/Stach 1995: 57 ff.).

The nature of the controversies over ecological (and also peace-related) problems is determined by the theoretical-cum-ideological notions rooted in the environmental and peace movements. A dominant position here is occupied by 'non-violence', and the idea that the

interests of citizens' action-groups are ultimately not open to compromise (zero variant). Furthermore, the training methods and theoretical foundations for the chosen goals are only rarely subjected to any *empirical* test of reality, and often arouse in the opposing side an impression of great naïvety.

Just as, in the area of private conflicts, there are both private and public forms of assistance available to those attempting to achieve mutually agreeable settlements, so, in social conflicts, there are now private organizations offering assistance. The advantage of these kinds of services seems at first sight to be obvious: they are easier to check for neutrality than are those of mediation bodies which, because they are part of the local administration, may get involved in local political clashes of interest and thus easily fall under suspicion of partiality. This is an appropriate juncture at which to mention:

The Example of Lüneburg

The 'Mediationsstelle Brückenschlag' ('Bridge-Building Mediation Centre') has an office and consultation rooms in Lüneburg city centre. A total of twenty-two mediators have so far been trained, in a course extending over 80 hours. The mediators work in a voluntary capacity. Clients pay DM40 per disputant and session. It is intended that the Mediationsstelle should support itself through donations and its own earnings (e.g. from in-company courses and lectures at the University of Lüneburg). It is an independent body offering an alternative to the services of other conflict-resolution bodies. The funding approach is based on US models. Via its training activities, the centre exerts an influence on other institutions in the city. Its workers are currently training students at a Lüneburg *Realschule* (general secondary school) as mediators (on the lines of the San Francisco scheme). In this way, the centre is 'implanting' new projects at various points in the city, without there being any advance plan for creating an association or network.

Private offers to supply mediators for dispute-settlement or for training further groups of people have recently become more numerous in many Western countries. The 'market' in methods of dealing, in the broadest sense, with psycho-social problems has thus had yet another variant added to it. It is therefore all the more important that the quality of such offers be checked. Up to now, there have been no comparative scientific studies of mediation methods; nor have existing mediation concepts been systematically derived from scientific findings in social or personal psychology: 'Corresponding to the differences in institutional context, political culture, and driving social forces is a wide range of forms of mediation-in-practice, of fields of application, of groups of people active as mediators, of types of training for, and organizational networks of, such people, and of levels of parallel research and reflection' (Weidner 1997: 138). Given that, in addition – apart from a handful of studies in the USA, described in Besemer (1994: 51 ff.) – there is as yet no scientifically collected data on the successful use of mediation, and no explanation has been given of

how individual schemes tie into the theory, judgement of these kinds of offers must remain cautious.

A prime feature in all the examples seems to be that – compared with previous options for dispute settlement – something new is being promised, something more in the way of neutrality[4] than is offered by the traditional institutions that have dealt with disputes up to now. And common to all the programme structures is an attempt to achieve extra-judicial settlement using consensus methods. Whereas in the traditional forms of dispute settlement, professional competence was a function of knowledge of the law and logical and cogent argumentation, in mediation methods – if one looks more closely into the training schemes (as far as anything has been published on them) – it is competence in social and personal psychology that is required. The aim is to exhaust all the possibilities open to the disputants to settle their dispute themselves (Besemer 1994: 59 ff.). This in turn implies bolstering as much as possible their capacity to arrive at compromises. But compromises can only be struck by someone arguing from a position of strength (who is able to listen to the 'opponent's' arguments, be patient, come up with creative solutions, etc.). Ultimately, therefore, mediation seeks to make the disputants as strong as possible. Only when one is in a position of strength can one assent to binding rules for communication in the conflict process, and accept negotiating outcomes.

To Mediate or to Negotiate?

In recent years, mediation as a method of dispute settlement has been expanded to include the concept of successful negotiation as defined in the Harvard model (Fisher/Ury 1984). The idea here is that successful negotiation essentially depends on whether or not the disputants manage to relate their respective positions in such a way to each other that both of them 'win' (win–win solution) The job of the mediator is to enhance the disputants' negotiating skills and to sensitize them to solutions that bring both of them as many advantages as possible and only as many disadvantages as necessary. This creates situations in which everyone is a 'winner' (win–win' situations). The authoritarian/authoritative decision-making typical of 'win–lose' situations is replaced by the attempt to identify 'common ground' (Pedersen 1987).

The Harvard Negotiation Project (HNP) was part of the Harvard Law School's 'Program on Negotiation'. It developed programmes on the proper conduct of negotiations for, amongst others, lawyers, managers, diplomats, and school and college students. It was here too,

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[4] It should be mentioned in passing that mediator 'neutrality' in psycho-social processes is an ideal-typical construct and that mediation concepts from countries other than the Western industrialized states operate on the explicit assumption of partiality on the part of the mediator, or of his or her implication in the conflict, and that they do so for reasons of both credibility and trust (Jandt/Pedersen 1996).

within the framework of the HNP, that the 'one-text mediation procedure' was developed which was used by the United States in the Middle East peace negotiations at Camp David in 1978, for mediation between Egypt and Israel. (For a critical examination of this application, see Besemer 1994: 111 f.).

The method which the HNP uses is that of principled negotiation, which deals robustly with the substance of negotiations but gently with those conducting them. The following are the conditions for a fair and generally applicable method of negotiation:

1. People – The parties must separate people from problems.
2. Interests – What counts are the parties' interests, not their positions.
3. Options – Options that bring advantages for both sides must be developed before the decision is worked out.
4. Criteria – The parties must agree objective criteria according to which the outcome of the negotiations can be measured (Fisher/Ury 1988).

US American concepts of negotiation are shaped by the moral-cum-cultural values of American culture. The Harvard concept of successful negotiation, or other variants in which potential gains are set against potential losses in dispute-settlement procedures, would seem to indicate that – as in American social psychology – attitudes to conflictual interaction are shaped by basic notions reflecting a view of relations between people as being geared to capitalist/free market values (cost–benefit analyses; see e.g. Secord/Backman 1976) and by the idea that experts are needed (Fröchling 1997).

Given the complexity of the problems that arise in multicultural urban societies, the methods associated with mediation and successful negotiation represent only a handful of those that might be used. They require a setting that can be relatively clearly structured – in other words, advance concessions by the disputants that have first to be achieved. Thus, for example, neighbourhood mediation often only comes about after arduous efforts simply to get the warring partners round a table.

Community Mediation

'Community mediation', in the sense of a local-authority dispute-settlement programme in which citizens are recruited and trained to act as mediators in particular conflicts, has been used increasingly frequently in the USA – and in other countries (such as South Africa and the Netherlands) – since the 1970s. It has proved a particularly effective instrument in resolving conflicts at local-community level. The early identification and treatment of points of contention can render legal or police measures superfluous. It is hoped, in this way, that money will be saved and that lengthy litigation, hostile confrontations, and discriminatory actions will be avoided.

The aim of 'community mediation' is to preserve or establish social order in the city. This implies, amongst other things, developing methods which citizens can use to deal with each other in difficult social situations, and enabling institutions and individual citizens to go beyond formal regulatory instruments and deal constructively with conflict situations, including those of an intercultural nature. But it also implies preventive measures (e.g. awareness events), interventionist action (e.g. talking to residents), and, if necessary, repressive measures (e.g. calling in the police). In sum, the following aims can be identified:

Aims in regard to Prevention

1. Avoiding conflict between residents of the city by analysing potential areas of conflict (high-rise flats, particular neighbourhoods, social trouble-spots, youth groups, schools).
2. Reducing the necessary scale of action and the costs incurred by institutions in case of conflict by intervening at an early stage
3. Halting discrimination and the emergence of prejudice against various groups, institutions, and persons.
4. Eliminating deficiencies in social provision as far as this lies in the power of the relevant authority, e.g. by means of city-council resolutions.

Aims in regard to Intervention

1. Speedy analysis of the conflict based on collection of all available information.
2. Communication with all parties to the conflict.
3. Speedy treatment of emerging conflicts through systematic co-ordination amongst all those involved in the conflict, including political parties and the media.
4. Identification of peaceful and mutually acceptable solutions to the conflict with the parties concerned.
5. Confidence-building by interlinking potential helpers and institutions.

Compromises in regard to Repression

1. Use of formal, e.g. regulatory, instruments (introduction of parking-bans versus road-marking, erection of bollards).
2. Involvement of fire-services, administrative authorities, or the police in cases where public security is under threat or individuals are in danger (as opposed to measures, such as renovation, that have to be initiated by the property-owner).

4. Community Mediation in Frankfurt: Developing a Model

The Basic Concept

The EU pilot project on community mediation[5] was developed against the background of the conflicts reported to the AmkA and underwent repeated modifications during its two-year term, resulting in the version in which it exists today. In order to prepare the way for inter-authority co-operation within the city, and in order to attract suitable staff, the Office for Multicultural Affairs presented the basic idea for the project to potential partners in co-operation and other city authorities, the police, the newly recruited community mediators, an advisory committee, various political bodies, other important city institutions, and the public.

As part of this introductory phase, the project-workers – the 'nucleus' of the mediation work – carried out a detailed analysis of the conflicts that had been referred to the Office for Multicultural Affairs. They noted the time-frame of each conflict, its prior history, the interests of the main disputants, the point at which the Office had been brought in, the other parties concerned with the conflict (and the point at which they had been brought in/become involved), as well as the causes of the conflicts, as far as they were known at that time, and the course which the conflicts had followed up to then. They then worked out some initial ideas about how conflicts might be tackled or resolved, and calculated the amount and level of work that would be needed. On the basis of this analysis, the project-workers tried to establish in what type of conflict constellations it would make sense to use community mediators, and what tasks the mediators might assume.

Via the media and the Office's contacts with various associations, anti-racist groups, and private institutions, interested citizens were found who wanted to be involved in conflict resolution in neighbourhood and/or youth-related conflicts. The type of people sought were committed, open individuals of varying mother tongue, gender, and age, who were prepared to be employed as community mediators as well as engaging in their usual employment or other activities. Twenty-two people eventually underwent training to become community mediators.

Support from partners both inside and outside the city authorities was enlisted for the project. They collaborated with the Office in practical mediation work. Familiarizing the relevant people with the details of the pilot project involved an enormous amount of time and organization. A lot of individual meetings were needed in order to get the project integrated into a network of co-operative links.

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[5] The pilot project was conducted (between 1.12.95 and 1.12.97) as part of the 'Städteprojekt gegen Rassismus - Staatsbürgerliche Kultur und örtliche Demokratie', and was supported by the EU.

Training the Community Mediators

The training of the community mediators was conducted by a mediation trainer[6] who was recruited by the Office for Multicultural Affairs and who designed a training scheme specially tailored to the project. The first set of trainees was very diverse in terms not only of age and gender, but also of nationality and professional qualifications and experience. Because of this, a high degree of flexibility and commitment was demanded of the future mediators right from their period of training.

Initial Concept

An initial run of the training scheme, designed to be fitted into a week-long course, covered basic communication, familiarization with procedures in local-government departments, and an introduction to the rules and practice of mediation. Participants were given information about basic theoretical approaches to conflicts and conflictual processes – i.e. the different stages of escalation, the consequences of escalation, and the typical roles played in conflicts (persecutor–victim–rescuer dynamics; transactional analysis methods; see e.g. Stewart 1991, Henning/Pelz 1996). Basic techniques and individual stages in the mediation process were explained (from the start of mediation to the 'contract' stage; learning attitudes).

These theoretical elements were linked to practical exercises, including: preparatory exercises on the role-play method and a mediation role-play, i.e. practice in possible interventions; familiarization with background conditions; practical awareness of the skills required; assessment of individual difficulties (theory and method of role-play; see e.g. Shaftel 1973, Kochan 1981).

Another component of the course was training in communication. The participants were given a theoretical overview of communication processes, particularly in intercultural communication (Thomann/Schulz-von-Thun 1988, Watzlawik *et al.* 1996). Analysis of the aspects of conflict influenced by this feature led to a second mediation role-play.

Administration studies formed the third part of the training. This involved giving participants a close look at local-administration procedure (organizational aspects of the mediation process and framework conditions; von Schlippe/Schweitzer 1996).

The individual elements of the practical training course – e.g. the role-plays – were recorded on video. The factors that guided the process and provided a constant developmental pull were: the increasing responsibility of the participants for the learning and working

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[6] Dr Wilfried Kerntke, Offenbach. This section on training was discussed with, and approved by, Dr Kerntke.

process (group-dynamic approach to mediation; see e.g. Däumling *et al.* 1974); practising empathy with the help of special feedback exercises; and working together to resolve the conflicts that arose within the training group.

First Modification

This scheme was modified for the second group of trainees, the reason cited for the modification being that 'Since the project started, and since the first group of mediators began their work, it has become clear that mediation requires more than just ability and skill. The complexity of the problems involved in local-community conflicts also necessitates a more nuanced application of negotiating skills, moderation, and consultation[7]' (Wilfried Kerntke).

'Consultation', 'moderation, and 'negotiation' are clearly all components of mediation; but they are not generally taught and practised separately in mediation courses. Yet the practical experiences of the first group of trainees showed that it makes sense for negotiation and consultation to be practised separately, so that these aspects can be identified and brought into play as a recurrent element or subfeature of mediation, and also because they have to be applied separately.

For the second and third training sessions, many more educational specialists applied than for the first group. It was therefore possible to build on participants' prior experience in the domain of social problems.

Second Modification

When a second group of community mediators underwent training, a great deal of space was devoted to the 'consultation' and 'negotiation' aspects. In particular, it seemed appropriate to familiarize them with the idea of principled negotiation according to the Harvard concept. This resulted in the following modification to the components of the training programme. A theoretical contextualization around the theme of 'conflict' once again occupied centre-stage (conflictual processes, conflict escalation, bodies responsible for conflict-resolution). The participants learned the basic approach to a case of conflict management (principles of constructive conflict resolution, low-cost approaches to settlement) and the stereotypy of conflict behaviour (persecutor/victim/rescuer; Glasl 1990).

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[7] Without going into great detail here: 'consultation' means reducing the information gap between those seeking and those giving advice (see e.g. Hackney/Cormier 1982); 'moderation' means the technique used to support a group in a working or decision-making process (see e.g. Redlich 1997); and 'negotiation' means the process of balancing diverging interests.

Examples of intercultural neighbourhood conflicts from the participants' own experience served as the basis for a detailed conflict-analysis (cobweb analysis[8] as a simple model of conflict-analysis – also as the basic pattern for consultative structures, conflict issues).

The techniques used to improve participants' individual communication skills consisted of: empathy exercises, mirror exercises, simulated consultation sessions, exercises on principled negotiation according to the Harvard model (win–lose, lose–lose, and win–win solutions; Fisher/Ury 1984), and exercises in appreciating the positions and interests or needs of negotiating partners, including working out negotiating options.

Previous experiences with Frankfurt authorities in the context of typical community conflicts made it possible to give a detailed assessment of the possibilities of, and limits to, mediation, to reflect on when and where recourse to mediation was indicated, on the possible phases of mediation, and on the role of the mediator. Here again, role-plays served as a way of practising the individual components of mediation.

For the third course, the quest was no longer for the ideal form, but for the ideal degree of flexibility, allowing constant adjustment to the actual development of the project and to the participants in the group. The course components were no longer built up, one on the other, in stages and blocks; it was the actual course of events during mediation in major conflicts that provided the 'timetable'. Two examples were fully worked through and played out in this way, with parallel theoretical parts and back-up exercises.

Another new feature in the third course was that more space was allowed for examining participants' individual experience of the conflict. In the previous courses, time had seemed too short for this; but eventually it was realized that, as instruments of their own work, mediators ought to be aware of their own behaviour in conflict, and of its specific tendencies. Methodologically, this was achieved through sculpture-work and repeated periods of reflection afforded by the writing-up of individual 'course diaries' entirely under the participants' control.

Moderation, Supervision, and Consultation

After the first course, the community mediators were given their first assignments in neighbourhood, youth-related, and community conflicts. The role played by the Office for Multicultural Affairs in these assignments was more important than had originally been en-

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[8] 'Cobweb analysis' is a visual representation of a conflict used to examine the relations between those involved and the levels of action and layers of motives. The fact that the diagram is compiled jointly means that the end-result gives a comprehensive picture of the conflict; but the process of producing this kind of analysis also generates empathy – that is to say, stances and attitudes which can themselves then be effective in the process of mediation.

visaged in the plan for the project. The Office acted as a co-ordinator and mediator be-
tween the community mediators and the various official bodies. During this phase, the staff
provided by the Office for this work acted as 'moderators' and became an integral part of
the community mediation project. They were responsible for all the co-ordination and for
the contact with the Mayor's office and individual employees in the city authorities. The
cross-departmental co-operation, driven from within the Office for Multicultural Affairs,
therefore proved crucial, given that, in dealing with conflicts, there has to be a continual
'non-bureaucratic' fostering of co-operation between city authorities, without data-
protection regulations or other problems that can arise in co-operation between private
bodies and local-government authorities getting in the way.

There is regular, case-related supervision of the community mediators' assignments. The
moderators have separate supervision. There is also co-ordinated supervision for modera-
tors and mediators together.

The supervision is based on the concept of the psychodrama (Bosselmann *et al.* 1993), ex-
panded to include elements of family mediation. As well as reflecting on mediation and
moderation practice, the supervision aims to endow the supervisees with the capacity for
'co-vision' (inter-colleague consultation), and participants in the supervision were provided
with a manual on this (BAFM 1996).[9]

A consultative committee on the pilot project meets regularly to review progress, applica-
bility of the method, and effects, and to provide advice. The committee is made up of rep-
resentatives of various city authorities, the police, the Deutsche Bahn (German railways),
the HSFK, the Deutsche Paritätische Wohlfahrtsverband (an umbrella organization for in-
dependent charities), the Rhein-Main-Verkehrsverbund (local public transport organiza-
tion), the political parties, the local *Ausländervertretung,*, the DGB (Deutscher Gewerk-
schaftsbund: German Trade Union Federation), the Institut für Sozialarbeit (Institute for
Social Work), the Frankfurt Chamber of Commerce and Industry, and those responsible for
training the community mediators. In concert with the various partners involved, design
improvements in all areas are discussed and adjusted in line with actual requirements. The
consultative committee also acts as a disseminator at the expert level, ensuring the project
gets a firm footing in institutions and on the political stage.

The Mediation Process

The conflicts occurring in the different districts of Frankfurt, in blocks of flats, schools, or
tenement houses, are reported to the Office for Multicultural Affairs by various institutions

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[9] This section on supervision was discussed with, and approved by, Dagmar Schramm-Grüber,
Frankfurt.

or private individuals, and, within the Office, are, as far as possible, immediately passed to the two moderators. Thus notification may come, for example, from the Mayor's office, from the local councils in the different districts of Frankfurt, from officials of political parties, from various police departments, from city authorities, from private and public institutions, from free agents, schools, and housing associations, from private citizens, neighbours, and occupants. A distinction should be drawn here between trouble-spots and conflicts reported by police stations, the police youth or aliens' officer, or city institutions, and those notified to the Office by private individuals. As the Frankfurt community mediation service has become more and more well known, there has been a sharp rise in the number of conflicts reported.

Requests for mediation and assistance are now being made which cannot be satisfied within the framework of the mediation project. One therefore has to establish beforehand whether it makes sense to use the community mediators, and at the same time make use of all the advisory skills that can be called on in the Office as a whole to deal with the reported conflict, either by offering or by accessing other forms of resolution. The limits to community mediation lie in conflicts that point to the existence of socio-structural injustices or lead one to suspect that some criminal offence has been committed or touch on politically highly explosive circumstances.

The moderators always make a written record of the conflict and ask specific questions about various aspects of it, about how it developed, and about particular features of those involved in it. It is the moderators' job to give an initial assessment of the state of the conflict and of the seriousness of the report. A first consultation on the conflict takes place at this early stage. If sufficient information is available, and if other concerned bodies have been questioned about the conflict, an initial analysis of the conflict is produced (cobweb analysis).

When the analysis of the (surface) events is carried out, the general underlying social problems are always examined as well, to see whether and to what extent they might be tackled in concert with other city authorities (e.g. medical care for refugees, help in making social-security claims, assistance with matters relating to the law on residence, etc.). As far as remedying structural deficiencies is concerned, where possible, additional preventive measures are introduced.[10] A decision is then taken as to whether it makes sense to use community mediators in the particular conflict concerned. Afterwards, the persons and departments involved are informed of the prerequisites for the practical steps involved in community mediation.

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[10] Thus, following intervention by the Amka because of obvious deficiencies in health provision for Roma in transit in the city, a care and advice centre was set up in which a doctor with appropriate language-skills was available. Or again: a 'preparation for school' scheme was organized for educationally difficult children who were a source of constant disquiet to residents.

If there *is* then an intervention in a conflict, two community mediators suited to the particular conflict are selected. The criteria on which the choice is based are: language-skills (where necessary); intercultural competence; age; gender; and professional qualifications and experience. Another important aspect is proximity of a community mediator to the community with which he or she is dealing; besides saving time and money, this can also contribute to an understanding of the problems involved. Special aspects such as holiday dates and the probable length of the assignment also play a role in the selection of the mediators.
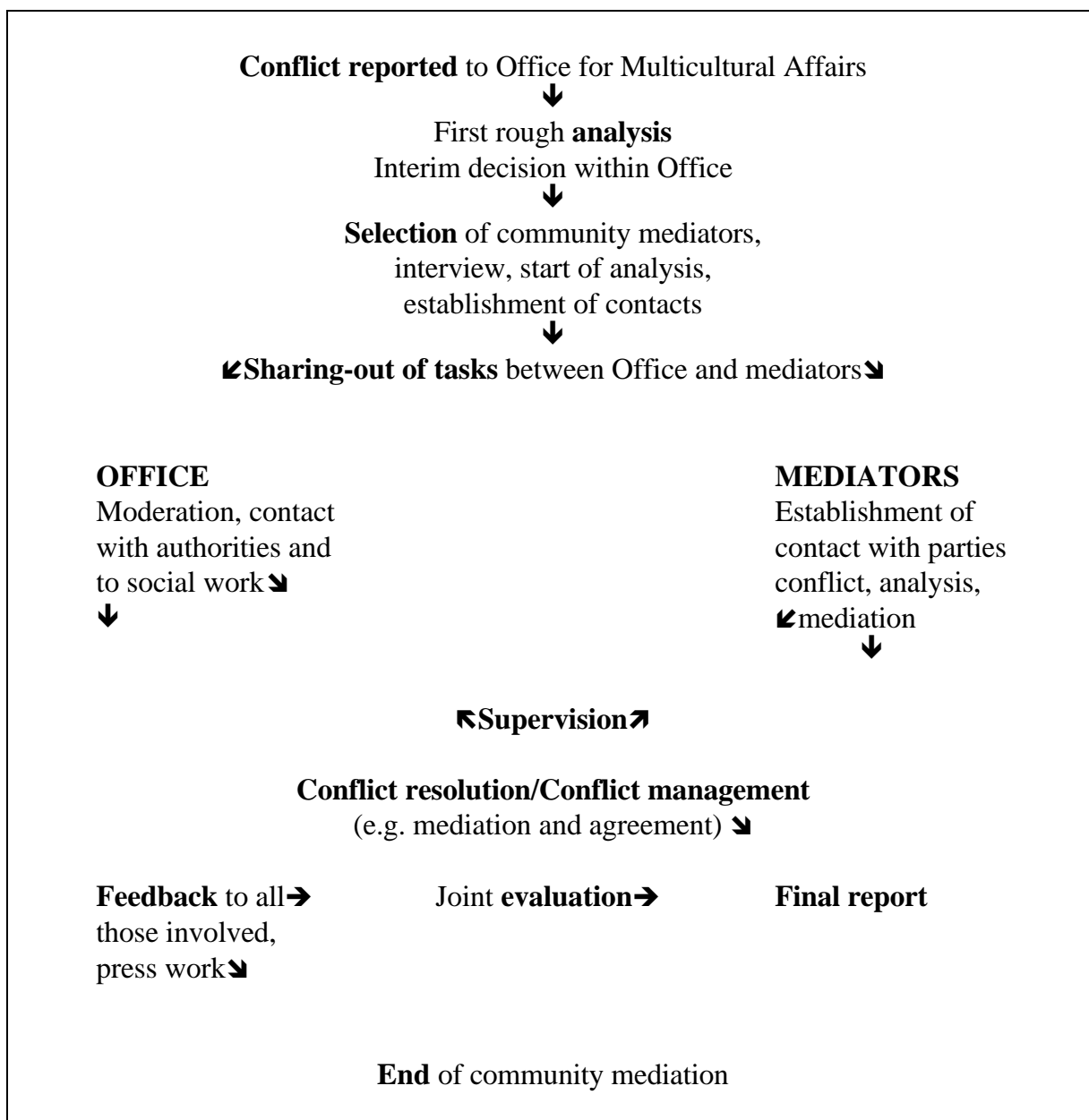
Once the mediators have been selected and have agreed to act, an assignment interview takes place between the moderators and the mediators. During this, the two community mediators establish whether they can envisage working together, and whether they feel they can take on the task of mediation in the conflict to be dealt with. When these aspects have been clarified, detailed information about the conflict is provided, enabling an initial assessment of the problems to be made and the mediators' concrete plan of action to be drawn up. Finally, the formalities (number of hours required for meetings with the parties to the conflict, contracts, and so on) are agreed.

The object in the first clarificatory interview on the reported conflict is to arrive at as realistic an assessment as possible of the conflict situation and to work with the affected parties to find pragmatic solutions. How much time is needed? What extra persons and resources have to be brought in? Which tasks ought to be taken on by the moderators within the framework of the conflict-interventions, and which not?

The constant exchange between the moderators and the chosen mediators, in the form of telephone conversations, detailed evaluation sessions, reports, and so on, acts as a back-up to the conflict and mediation work, and helps to monitor progress. There are constant checks to see whether input should be increased, or whether the measures should be scaled down or halted.

If necessary, the moderators get in touch with the authorities and institutions involved, in order to clarify a situation or initiate additional measures. But care is taken that the community mediators concentrate on their mediation work and delegate organizational tasks to the moderators. In the case-related supervision, the mediation process is monitored from the point of view not only of its organizational aspects (moderator supervision) but also of the relational problems on the ground (mediator supervision). The joint supervision brings the organizational and mediation-related aspects together.

Sequence of Events in Community Mediation:

Conflict reported to Office for Multicultural Affairs
↓
First rough **analysis**
Interim decision within Office
↓
Selection of community mediators,
interview, start of analysis,
establishment of contacts
↓
↙**Sharing-out of tasks** between Office and mediators↘

OFFICE	**MEDIATORS**
Moderation, contact with authorities and to social work↘	Establishment of contact with parties conflict, analysis, ↙mediation
↓	↓

↖**Supervision**↗

Conflict resolution/Conflict management
(e.g. mediation and agreement) ↘

Feedback to all➔ Joint **evaluation**➔ **Final report**
those involved,
press work↘

End of community mediation

In the individual conflicts, it has proved a good idea to have suitable neutral on-the-spot accommodation available, in which the conflict and mediation work can take place. This accommodation is sought out independently by the moderators, and appropriate agreements about its use are made with the relevant institutions (e.g. church parishes).

Where necessary, the moderators draft circulars for local residents, advising them that the community mediators are at work, giving consultation times, or notifying them that an assignment has ended. Similar action is taken when there are a large number of disputants who know nothing about each other or about the attempt at mediation. When an assignment is over, the departments and persons involved are advised of the outcome. The mediators keep a record of their work.

The criteria for the ending of an assignment arise out of the concrete mediation process. Depending on what measures are necessary, the community mediators either conduct a simple mediation in the form of talks with those involved, and help the disputants deal with the problems in a way that will empower them to help themselves; or else the mediation process leads on to a type of mediation in which the parties to the conflict discuss the disputed issues with one another at a 'round table', operating under guidance and with fixed rules. The mutually agreed outcome is then put down in writing and signed by all the parties. This outcome then also signals the end of the procedure.

Experience shows that mediation is regarded as especially successful if the former disputants identify individuals in their own circle who subsequently help solve problems without external help. Occasionally, community mediators offer regular consultation sessions with a view to fostering this process and to stabilizing the situation on the ground or providing back-up. Another possible outcome of the mediation work is the realization that mediation or other available methods are not the right instruments for tackling the conflict in question. In that case, other forms of peace-making disputation are sought – such as calling in other persons or institutions who it is hoped may be able to help.

The mediation work is rounded off with a final session with the mediators. After joint evaluation, a record is drawn up of the assignment. Follow-up treatment of the conflict, and any long-term tasks following on from the mediation, are dealt with by the moderators.

5. Community Mediation in Frankfurt: Experiences

'Street Life'

A typical conflict in a large town or city is that which occurs when entirely different life-styles – and the incompatible features associated with these – encounter one another. The difficulty then frequently arises of locating the right city authority to deal with the resultant problems. It is equally typical that in complex conflictual constellations several problem areas should exist in parallel, and that the links between them should only emerge in the course of the attempt to deal with the conflict. And finally, it is also typical that the 'stumbling-block' should lie with someone who is not visible at the outset – indeed, whose existence cannot even be guessed at because of the factual descriptions given by the disputants.

Very soon after the community mediators had begun a 'surgery' in the area of the town for which they were responsible, a complaint was brought to them about mobile homes that had been parked in front of some houses in one of the streets in the area. The people living in the mobile home – an extended family of foreigners – made noise late into the night, it was said, and rubbish was thrown out onto the street. One of the families in a house was said to have noisy guests. This family, it was claimed, also washed carpets in the garden and hung them out to dry on the fence, causing the latter to collapse under the weight.

This emergent conflict between large numbers of people is typical of a situation at the start of mediation: Who is involved in the conflict, and what is the nature of their involvement? Where should the first attempt at establishing relations be made? Who is involved 'from behind the net curtains'? What is the background to the conflict? Which intervention strategy should one opt for?

Noise, rubbish, and neglect of the street and of property opposite aroused a whole variety of very different reactions in neighbours and in people living further away in the area. They ranged from outrage ('I'm going to inform the Mayor') to indifference. Only sporadic use was made of the surgery put on by the community mediators. Each individual reaction of a resident had to be looked at in detail. Thus, interviews were conducted not only with the families in the house and the residents of the mobile home, but also with people living nearby and with property owners. On-site inspections had to be carried out in connection with the complaints, and there had to be co-ordination with the authorities to get the council jobs (e.g. special waste-removals) carried out.

The community mediators' attempts to get a handle on the conflict eventually led to the discovery that one of the families in the house was in a desperate situation: the wife and children were sick and had no support to fall back on, not even from immediate neighbours. Only the organization looking after the interests of the nationality group to which the fam-

ily belongs had said, prior to the intervention by the mediators, that it was willing to provide support; but for reasons that were incomprehensible to the mediators, that support had not materialized.

A lot of time and testing was required before the mediators won the family's trust and the recommendations about medical care and school attendance were taken up. The intensive concentration on the family's psychological/social state (which lay at the heart of the conflict) led to the situation's beginning to be defused.

In the reflection on how the intervention had proceeded, one thing that emerged as a particular hurdle in coping with these problems was the lack of co-operation with authorities, organizations, and private service-providers involved in the conflict. The mediators assumed a co-ordinating role here and were able to help lessen the tension right from the start. One major complaint that was repeatedly made to them concerned the unequal treatment which people in the area felt they received from politicians and the authorities in dealing with their problems. The discussions in and with the local council showed that the latter is a very important forum for conflict mediation, but one that is often overburdened by the those aspects of dissension that relate to local government as a whole. Although the local council can advance attempts to resolve conflict, it can also constitute a major obstacle to them in individual cases, because, as a political forum, it is influenced – and not only in neighbourhood conflicts – by the partiality and party-allegiances of its members.

Major problems also resulted from the fact that it was very difficult to establish a basis for co-operation with parties to a conflict who had special problems to bear in their everyday lives. Whereas in the case of German neighbours, the motives for action seemed at first sight quite clear (e.g. the different positions of landlords and tenants), not only was it difficult to identify the motives of migrants; huge efforts were required to establish the kind of trust with them that is needed if they are to be involved in solving their own problems.

In the end, anti-foreigner projections turned out to be the main cause of the conflict: after a time, it was revealed, through the woman for whom the mediators had shown particular concern, that the rubbish over which the conflict had erupted had been dumped on the street next to the mobile home at night by a motorist from a nearby town. Some people living in the area who had not figured in the situation up to then had witnessed the event and taken note of the number-plate!

'The Playground'

The second case also concerns a neighbourhood conflict that broke out in the public domain and involved a large number of people. The problem in this case was the fundamental

community-related one of different generations living together and of the need to work out compromises that do justice to their differing needs.

An elderly woman approached the Office for Multicultural Affairs for help. She lives on a largish estate in which the blocks of flats are relatively close to one another. The blocks are separated by lawned areas. Because there are older people and younger people with and without children living here, a whole series of conflicts had arisen. The elderly woman described how her neighbours' children played noisily from midday until late in the evening on the lawn – which has one or two pieces of play equipment on it for small children – completely ignoring the legally stipulated quiet times. The woman, and also – she claimed – other neighbours, were very disturbed by the children's noisy games.

At first, she said, she had tried to talk with the children, to get them to observe the quiet times. Then she had tried to talk to the children's parents. In both cases, she said, she had met with blunt rejection.

The analysis of the conflict revealed that the dispute with the parents (most of the families in the area were German) and children had been smouldering for over a year. The adults had now become so hostile to one another that they were exchanging insults and threatening each other with legal action. The elderly woman had already lodged several complaints with the owner, and the parents had responded by setting up an association against anti-child neighbours and had warned the owner that they would take the dispute to the press if he did not keep out of it. The elderly woman had also sought help from the local 'ombudsman' (*Schiedsmann*), but he had merely advised her to get a lawyer to act for her and/or to ask for a reduction in the rent.

In contrast to the first example, the intervention strategy used here was to get all those directly involved in the dispute round a table – in other words, to assume an active mediating role. The conflict seemed, at any rate, to be of intelligible proportions. After this initial contact, therefore – and before the mediators were brought in – the moderators in the Office for Multicultural Affairs spoke to all the people who were obviously involved in the conflict, in order to get a complete picture of the situation. The representative of the owner – a housing association – depicted the conflict as intractable. All the association's attempts to get the different parties to come to some settlement had led to nothing. All the parents in this area, it said, especially the family involved, were so infuriated that they refused all further talks.

The moderators now got in contact with two community mediators (one woman and one man), and it was agreed that the Office would send a letter to all the residents of the estate. The letter would advise them that two community mediators would shortly be available to help find a settlement to the conflict. Subsequently, one of the moderators in the Office got in contact with the owner, in order assess how far the housing association was willing to

co-operate. The association immediately made a room available in which the community mediators could do their work. Surgeries were organized there, and the residents were again advised of this.

The mediators' surgeries were attended by a large number of residents, even though the majority doubted that the attempted dispute-settlement could actually change anything. One of the families from the area complained to the Office that the mediators were biased. The family believed that the mediators could not understand their situation properly 'because they themselves had no children'.

The moderators in the Office had the task of checking the mediators to see whether this 'complaint' was true. At the same time, they had to avoid giving the impression that they were thereby casting doubt on the mediators' competence. There was, after all, the worry that, if they did so, individual residents would prefer to address themselves directly to the Office.

As the conflict progressed, the many individual interviews revealed new dimensions to the conflict. It emerged, for example, that young people also stayed out on the lawn until late in the evening, because there were no leisure facilities for them in the surrounding area. And for children too, there were no suitable amenities nearby. Lastly, it turned out that the conflict had an additional layer to it, in the form of the serious difficulties being experienced by one of the families involved (illness, unemployment, marital problems).

The intervention strategy of the regular presence of the mediators and the conduct of large numbers of individual interviews initially helped calm down the residents and thus defused the conflict. It was then possible to consider whether the original conflict could be settled by mediation-based intervention.

After further individual interviews and a longish period of preparation, the major parties to the conflict were ready to take part in a mediation procedure. In the first mediation meeting, possible points of agreement were discussed and agreed. During a second meeting, these points of agreement – fixed quiet times, the rules to be observed on the estate, general mutual consideration – were recorded in writing and signed by the parties to the conflict.

'The Family Quarrel'

In the following example, we describe an intercultural conflict between two families. The conflict appears very easily definable because it is confined to two families, is not conducted public, the person seeking help is the police aliens' officer, and the prior history is still 'live'.

Frau M. is German and married to an Italian restaurant-owner. She lives with her husband and two children (12 and 18) in a suburb of Frankfurt. For some time, she had been annoyed about some young men playing football outside her front door, because she thought their 'rough playing' was a danger to smaller children. She had spoken several times to the young men to try to get them to stop, addressing herself in the process to an eighteen-year-old Turkish man who lives with his parents and two siblings in the flat below her.

When the young men again started to play football, Frau M. lost her temper. In a very agitated state, she ran into the downstairs flat and demanded that the football be handed over, but the young Turkish man refused to give it to her. There was a tussle over the ball. At that moment, one of Frau M.'s daughters arrived on a visit with her Italian boy-friend. He intervened, threats turned to blows, and blood was spilled. Frau M. was hurt on the leg.

A few days later, the young Turkish man ordered something to eat in Herr M.'s restaurant. When the meal was ready, he cancelled the order and left the restaurant without paying. Both families have twelve-year-old daughters who are in the same class at school. On the way to school, the girls had a quarrel, during which one girl handed over some very expensive shoes to the other (because of some kind of threat?). Following this, Frau M. made charges of theft to the police. Herr M., who up to now had stayed out of the conflict, decided to talk to the Turkish father, Herr C. Frau C., for her part, was watching a group of Italian youths from the window in her flat and, concluding they had some connection with the M. family, fell into a panic. She ran into the kitchen and armed herself with a knife.

Following these scenes (which, after the Office for Multicultural Affairs had been brought in, did not seem to make sense in terms of the conflict analysis), the M. family called in the headmaster of the school. They wanted him to arrange for Semra to be expelled. The headmaster then called in the police aliens' officer, who had a talk with the M. family. During this talk, it became clear that the M. family was on the whole willing to take part in dispute-settlement talks with the C. family, whereupon the police aliens' officer informed the Office for Multicultural Affairs of the situation.

The appropriate intervention strategy here seemed to be to offer mediation. The Office for Multicultural Affairs appointed an Italian community mediator, who, together with the aliens' officer, a Turk, conducted interviews with all those involved. After preparatory individual interviews with the two families, there was a mediation discussion, which started off very argumentatively and noisily. The mediators had constantly to intervene to calm things down and finally suggested there be a break. During this break, the two families got together and talked uninhibitedly with each other for the first time.

In the course of the mediation discussion, Frau M. announced that she was withdrawing her charges against the C. family. Both parties expressed their regret to Herr M. about the incident in his restaurant. The two girls also began talking to each other again. The M.

family and C. family shook hands with one another and left the dispute-settlement session together. Then Frau M. stated that she had now got to know Frau C. and her family in a quite different way and suggested there be further private meetings between the families. There then ensued an invitation to tea from Frau C.

'The Dual-Nationality Couple'

This example also concerns an intercultural conflict between neighbours and the importance of the neutral third party in the dispute-settlement process. The special difficulty here lies in analysing conflicts in dual-nationality partnerships and in the mediators' capacity to understand.

A Frankfurt housing association had got to know of the community mediation project and made a written request to the Office for Multicultural Affairs to help settle a dispute. Two dual-nationality couples and their children were causing a lot of disturbance to the occupants not only by insulting each other and making noise, but also by physical attacks and quarrels with which no one had so far been able help. The housing association, which was keen to restore 'good relations', asked for suggestions as to how to identify the causes of the conflict, and requested that the Office assume responsibility for settling the dispute.

Since it was an easily definable conflict between partners that seemed to be involved, the Office responded by sending a letter to both parties offering them mediation. In the course of several telephone conversations, the moderators at the Office explained the procedure to both parties. The interlocutors in each case were the women of the family. The parties to the conflict eventually declared themselves ready to accept the offer of mediation. A decisive factor in their acceptance was the assurance that all parties to the conflict would be involved on an equal footing in the procedure.

Following this, one male and one female mediator were approached, both of whom had experience of dual-nationality partnerships. A first assignment-discussion took place in the Office, during which the course of the conflict up to that time – as far as it was known – was analysed, and goals and tasks were defined. First, individual interviews were to be conducted with the two parties to the conflict, because this is what they wanted. These talks have now led to agreement that there should be a joint session with all parties. The procedure continues.

'The Turks and the German Returnees'

What has become of the young people in Griesheim mentioned at the beginning of this report?

After a whole series of city representatives had joined in the discussion about the problems of the young people in Griesheim – probably as a result of the articles in the press – the various Griesheim-based institutions and associations involved in work with young people came together to form a joint initiative. With the support of the city parliament's youth department, a job-creation post for a social-worker was created. The job of the social worker was to set up social-education facilities for young people in Griesheim. The prime objective was, through social-work channels, to set in motion a process of integration of young people of differing origins, and to work with them in specific cases to develop models of constructive conflict-management.

In this example, the community mediation pilot project played only an indirect part: money for local conflict management could be made available, because in this case existing resources could be used sensibly and effectively or were supplied by other sources. Community mediation can, after all, ultimately also mean supporting initiatives and processes with financial subsidies, if such a course is shown to be sensible by the conflict analysis.

6. Conclusions

What, in summary, can be concluded as regards the possibilities offered by community mediation, based on the example of Frankfurt?

Local-Authority Responsibility

Local-authority-run community mediation on the 'Frankfurt model' was successfully initiated and organized from within a local-government department that fulfils an especially high number of the preconditions for the following crucial aspects of mediation in multicultural dispute-settlement: independence from traditional dispute-settlement routines and responsibility for problems of multicultural life – in other words, for both German and non-German citizens. Located as it is on the interface between public responsibility and the provision of mediation partly in areas of conflict in citizens' private lives, the practice of community mediation demands, above all, a capacity for organization in what, to begin with, are unknown relational and conflictual processes. What is most important in it is thus not a theoretical concept, on which choice of method is based (indication), but an approach geared to experience. This is hard to reconcile with local-government institutions accustomed to traditional routines.

Despite this, the name 'Office for Multicultural Affairs' at first produced a rather inhibiting association in the population (and elsewhere): because of the Office's history (it was set up in the first place primarily to provide support to foreign citizens), there was, and still is, a prejudice amongst the population that there is a bias towards 'foreigners' in dispute-settlement. The term 'multicultural' is misinterpreted in a specific way – namely, as indicative of partiality. Not least because of this, from the very start of its activity, the Office has always stressed, both in its public-relations work and in the various disputes into which it has been directly called, that it is responsible for Germans and non-Germans alike – for the peaceful co-existence of people from all cultures and nations, and for the restoration or preservation of peace on the everday scale.

The success of local-authority-run community mediation depends on its having a status that guarantees non-partisanship, social responsibility, and multiculturality, and at the same time has the constitutional bases of democratic urban life embodied in its intervention criteria. Such preconditions are very dependent on local-government decisions, which are mostly linked to ideological and party-political issues. Given that a local-authority 'office for multicultural affairs' is a rarity in European cities, the question of what other methods may be used to link community mediation into a local-authority area remains an open one.

But does a new body actually have to be created? Private initiatives (of the kind we mentioned earlier), at any rate also show that mediation between citizens is possible. But its

existence depends on private commitment, and it is not always clear whether this is quali-tatively well-grounded enough.

Assuming that a local council accepts responsibility for social harmony in its city, in con-ditions as they exist at present and using whatever mediation options are currently feasible, the only way in which it can guarantee to discharge this duty is by creating a suitably quali-fied official post (not dependent on private decisions and private initiative). At the same time, such a post could and should promote and exploit private initiatives and bodies. It should occupy a suitably high position in the administrative hierarchy, because only from a higher position will the relevant staff be able, where necessary, to conduct dialogues with management in other local-government departments, to set decisions in motion, and to ef-fect structural improvements. Since those working for local authorities are bound by obli-gations of confidentiality and by data-protection regulations, the conditions for neutrality and confidence-building are very favourable.

Open Questions

Although – or precisely because – the idea of community mediation was welcomed and supported by most local-authority departments in Frankfurt, the work which the community mediators have done up to now has pointed up some problems in regard to existing re-sources.

The readiness to use the local infrastructure as a basis for cross-departmental co-operation is rather lukewarm. It often has to contend with an administrative hierarchy that proves particularly disadvantageous where swift action is needed. In recent years, there have been increased efforts in Germany to marry up local-authority and private initiatives in crisis situations – for example, where there are problems with youth violence – and the processes of change signalled by this are affecting local-authority administration as a whole. Com-munity mediation could be an element in this process.

Community mediation is restricted not only by the formal and legal realities of the local-authority and private-law provisions governing relations between citizens and between citi-zens and the authorities; it is also restricted – and mainly so – by the prevailing political conditions. Straightforward solutions to conflict are often sacrificed to these conditions: the political and business situation is sometimes so complex that a seemingly straightforward conflict, were it to be dealt with logically, might cause a political scandal. What is more, many structures through which public, and even private, relations operate turn out to be ex-ceptionally inflexible, even where – for political reasons – they are presented as being par-ticularly flexible.

Particularly at times when resources are scarce and processes of impoverishment are at work, it becomes obvious to what extent conditions in a community are steered according to economic considerations. This relationship between power, politics, and property or economic conditions – which, of course, also exists in prosperous times – cannot be nullified by any dispute-settlement scheme, however well designed. And yet many problems on the ground – for example, between the propertied and the unpropertied – derive precisely from this relationship. Furthermore, relations between politicians, the authorities, organizations, and citizens are not as straightforward as many of the citizens involved in conflicts believe. Often it is only in the course of the attempts to settle a dispute that it becomes clear what the different parties' real interests are – if, that is, it is ever possible to gain access to all the facets of a conflict.

Need

Community mediation must be founded on the political resolve of the majority of members of a city parliament or local council; resources for it must be made available in the normal budget; and there must be a guarantee that it will be overseen by a local-authority department that is not involved in the city's normal service-provision. A complex service of this kind cannot be made available on a long-term basis without its being permanently rooted into the official apparatus. To this extent, then, all an experimental scheme can produce is, precisely, something experimental.

A willingness on the part of the authorities involved in the conflict to support the community mediators is a precondition for successful mediation, as is the willingness , within the authorities, to effect changes in the operating routines of their various departments as required by the mediation processes. In concrete terms, this can also mean saying goodbye to the traditional official hierarchy and changing over from a 'vertical' style of administration, in which decision-making processes run from top to bottom, to a horizontal style, in which responsibilities are organized in a decentralized way.

The quality of community mediation depends crucially on whether suitable workers can be found, who are prepared to venture on an experimental – in other words, experientially oriented – type of service-provision, rather than service-provision by the book. Given that conflicts run courses that are not clearly foreseeable, and that in most cases the outcome of an intervention is uncertain (albeit more or less probable), the attempt to effect a piece of crisis management jointly with all parties demands both a certain readiness to take risks and also the possession of the appropriate skills. The main question that needs to be clarified is what interests of their own the individual parties are pursuing, and how these affect the way the conflict proceeds in each case.

The institution of a training course leading to qualification as a community mediator should not blind one to the fact that the practical demands on mediators necessitate constant supervision and also back-up from the department responsible for community mediation. In this connection, one should also bear in mind which standard of quality and methodological approach are to be aimed at or are financially feasible for the different parts of community mediation (moderation, mediation, training, supervision) – measured against standards of professionalism as defined, for example, by professional bodies or training establishments.

One should bear in mind, not only in training, but also in relation to the political and practical realization of community mediation, which conflicts are not treatable with this scheme – either because they exceed the capacities of community mediators or else because the social set-up has generated conditions of living that must necessarily always lead to conflict. Last but not least, it must be made clear that community mediation does not provide definitive solutions but seeks instead to improve the ability of individual citizens, or sections of the public, to deal with conflict.

Finally: the dynamic between political declarations of intent concerning local-authority-led community mediation, individual requests for conflict resolution from citizens, and the development of realistic mediation measures by the appropriate officially appointed moderators should be carefully observed. The 'first port of call' for citizens with complaints, and the moderation of the mediation process, are perhaps the most sensitive points of contact in a community mediation model, and they merit the greatest attention.

Bibliography

BAFM (Bundesarbeitsgemeinschaft für Familienmediation): Infomappe BAFM, Marburg 1996

Besemer, C.: Mediation. Vermittlung in Konflikten, Karlsruhe 1994

Bosselmann, R./Lüffe-Leonhardt, E./Gellert, M. (Hg.): Variation des Psychodramas, Kiel 1993

Däumling, A. M./Fengler, J./Nellessen, L./Svensson, A.: Angewandte Gruppendynamik, Stuttgart 1974

Dienel, P. C.: Die Planungszelle. Eine Alternative zur Establishment-Demokratie, Opladen 1997

Faller, K./Kerntke, W./Wackmann, M.: Konflikte selber lösen. Mediation für Schule und Jugendarbeit, Mühlheim 1996

Fisher, R./Ury, W.: Das Harvard-Konzept. Sachgerecht verhandeln - erfolgreich verhandeln, Frankfurt 1988

Fisher, R./Brown, S.: Gute Beziehungen. Die Kunst der Konfliktvermeidung, Konfliktlösung und Kooperation, Frankfurt 1989

Fröchling, H.: Zur Rolle von Experten und medialer Öffentlichkeit bei der Einschätzung sozialer Konflikte, in: Feindt, P.H./Gessenharter, W/Birzer, M./Fröchling, H. (Hg.): Konfliktregelung in der offenen Bürgergesellschaft, Dettelbach 1996, S. 89-112

Gaßner, H./Holtnagel, B./Lahl, U.: Mediation. Verhandlungen als Mittel bei Umweltstreitigkeiten, Bonn 1992

Glasl, F.: Konfliktmanagement, Stuttgart 1990

Hackney, H./Cormier, S. L.: Beratungsstrategien, Beratungsziele, München 1982

Hennig, G./Pelz, G.: Transaktionsanalyse. Lehrbuch für Therapie und Beratung, Freiburg 1996

Holtkamp, L./Stach, B.: Friede, Freude, Eierkuchen. Mediationsverfahren in der Umweltpolitik, Marburg 1995

Jandt, F. E./Pedersen, P. (Hg.): Constructive conflict management. Asia-Pacific Cases, London 1996

Kochan, B. (Hg.): Rollenspiel als Methode sprachlichen und sozialen Lernens, Königstein 198

Lappe, F.: Recht ohne Richter. Gütliche Einigung und Schlichtung, Schiedsspruch und Schiedsgutachten, Rechtsbehelfe und nichtrichterliche Verfahren, München 1993

Pedersen, P.: Handbook Of Cross cultural counseling, New York 1987

Redlich, A.: Konfliktmoderation. Handlungsstrategien für alle, die mit Gruppen arbeiten, Hamburg 1997

Schlippe, A. von/Schweitzer, J.: Lehrbuch der systemischen Therapie und Beratung, Göttingen 1996

Secord, P. W./Backman, C. W.: Sozialpsychologie, Frankfurt 1976

Shaftel, F. R./Shaftel, G.: Rollenspiel als soziales Entscheidungstraining, München 1973

Stewart, I.: Transaktionsanalyse in der Beratung: Grundlagen und Praxis transaktionsanalytischer Beratungsarbeit, Neckarsulm 1991

Thomann, C./Schulz-von-Thun, F.: Klärungshilfe. Handbuch für Therapeuten, Gesprächshelfer und Moderatoren in schwierigen Gesprächen, Reinbek 1988

Watzlawick, P./Beavin, J. H. /Jackson, D. D.: Menschliche Kommunikation. Formen, Störungen, Paradoxien, München 1996

Weidner, H.: Umweltmediation: Entwicklungen und Erfahrungen im In- und Ausland, in: Feindt, P.H./Gessenharter, W/Birzer, M./Fröchling, H. (Hg.): Konfliktregelung in der offenen Bürgergesellschaft, Dettelbach 1996, S. 137-168