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**Interactive Construction of Dispute Narratives
in Mediated Conflict Talk**

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**Interactive Construction of Dispute Narratives
in Mediated Conflict Talk**

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Dedicated to the peacemakers

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Interactive Construction of Dispute Narratives in Mediated Conflict Talk

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In this dissertation, I provide a discourse and narrative analysis of actual conflict talk episodes from mediation sessions that took place in a university conflict resolution center. Specifically, qualitative analytical methods are applied to five videotaped actual mediation sessions to (1) identify examples of the adversarial narrative pattern, pervasive in the literature, and (2) closely analyze the discourse in the cases where a different narrative pattern emerges to understand how these differing patterns are interactively co-constructed by the disputants and mediators.

The literature in many fields contains research and theorizing on conflict, narrative, and numerous interaction variables in interpersonal conflict talk. However, the study of actual discourse within conflict events is relatively recent. Little empirical

research explicates the situated communicative practices and mechanisms by which interlocutors interactively and emergently construct, resist, reproduce, and transform dispute narratives to produce outcomes consonant with their interests. This study applies microanalytic discourse analysis and narrative theory to examine how dispute narratives are interactively created in conflict talk episodes through work at the utterance level, including the manner in which narratives can be intertextually transformed through the interaction process. The findings herein illuminate the emergent nature of dispute narratives and some of the communicative practices and mechanisms disputants and mediators use to construct them. This study contributes to an understanding of the role of narratives in conflict talk and how narratives can be interactively constructed, co-constructed, challenged, and transformed in the course of a conflict talk event.

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Chapter 1. Introduction

1.1 PROJECT OVERVIEW

This study examines how participants in mediated conflict talk episodes co-construct various dispute narratives through communicative practices at the level of the utterance. Specifically, this study analyzes five recorded mediation sessions to (1) identify examples of the bilateral adversarial narrative pattern and (2) analyze the discourse in the cases where a different narrative pattern emerges to understand how these differing patterns are interactively co-constructed by the disputants and mediators.

Research and theorizing on conflict has been extensive in many fields. For instance, societal confrontation and violence are studied by historians and social scientists. Psychologists consider intrapsychic and cognitive aspects of interpersonal conflict. Within sociology and sociolinguistics, conflict research ranges from macro approaches to societal and cultural conflict issues to phenomenology and the micro-analysis of conversation analysts. Management scientists examine group and organizational conflict processes while political scientists study relationships between conflict and political processes. However, the study of actual discourse within conflict events is relatively recent.

The literature in a variety of fields also contains studies of narratives in interaction and of numerous interaction variables in interpersonal conflict talk, e.g., communication styles, alliance formation, culture, gender, power, communicative competence, conflict initiation, conflict termination, and facework. Literary critics and linguists frequently consider narrative discourse as quasi-autonomous and at a critical

distance from social life (Briggs, 1996). Little empirical research explicates the situated communicative practices and mechanisms by which disputants interactively construct, co-construct, resist, and reproduce dispute narratives designed to produce outcomes consonant with their interests. This study applies microanalytic discourse analysis and narrative theory to examine how dispute narratives are interactively created, co-constructed, challenged, and transformed in conflict talk episodes through work at the utterance level.

Conflict represents one of the most critical issues in contemporary life, encompassing contexts as diverse as school violence, race, gender, and ethnic conflict, government disputes, and wars. More than any other factor, conflict has historically influenced geopolitical, cultural, and relational transformations. Thus, conflict is located as one of the 'grand narratives' of human history. Broadly defined, *conflict* refers to any instance where opposition to a desired path exists. Defined this way, conflict is a series of occlusions between desired paths and actual or potential obstacles.

Communicative practices, including those associated with conflict talk, develop within a complex web of socio-historical conditions. The language(s) spoken by a speech community, as well as the members' paralinguistic practices (e.g., gesture, style) and functional practices (e.g., politeness strategies) emerge as a result of the sociocultural factors operating upon and within the community over time. Thus, the location of the community vis-a-vis other speech communities and within a network of institutional power constructions is important.

However, the larger sociocultural context is not entirely deterministic. Communicative practices are situated -- constructed by and constructing the social environments in which they occur. Clearly, conflict talk occurs in a complex environment consisting of the dynamic interplay of salient fields (e.g., political or academic) and discourses available to the participants, the physical surroundings, and the immediate social interaction where people become environments for each other (McDermott, 1976). Communication can be seen as a form of social action (Searle, 1969), closely tied to both meaning and power relations (Giddens, 1993).

Conflict talk provides fertile ground to observe both easily apparent and more subtle communicative behaviors within such dynamic, co-constructed environments. Although the argument can be made that many statements spoken in the heat of a disagreement are not rational, generally disputants are motivated to effectively persuade, influence, manipulate, or coerce one another in order to satisfy their own perceived interests. Concurrently, and to the same purpose, the same disputants resist, challenge, accommodate, or acquiesce to moves made by one another.

An effective method of understanding the meaning(s) generated by disputants in conflict talk is to examine the stories each party tells. Members of social groups construct and reproduce stories that explain their experiences and also create realities around beliefs and wishes. Dennett (1990) defines human 'selves' as centers of narrative gravity, programmed to extrude narratives as easily and naturally as spiders spin webs. According to Nair (2003), each human life is constructed out of the stories it tells itself

and others around it. “It is this differentiated layering of multiple narratives that produces in human beings the illusory feeling that they are intentional agents ‘born with’ distinct selves” (p. 7). Socio-biologists speculate that stories function as ancient means of social grooming by which individual selves ratified their own existence in terms of their community and extended the community in themselves and others (Dunbar, 1996).

Improving our understanding of how dispute narratives are interactively constructed in conflict talk is of value on individual, community, societal, national, and global levels. For instance, U.S. society has been characterized as a competitive "argument culture" (Tannen, 1998). In fact, the conflict talk literature and the data in this study suggest that the interactive construction of adversarial narratives represents the most common conflict talk structure, at least in Western speech communities.

In its most common form, the adversarial narrative structure constructs disputants as members of various opposing sides and holding entrenched positions. Adversarial argument is viewed as the best or only means to attain desired ends in such an environment. According to Tannen (1998, p.3), the argument culture dictates that the best type of discussion is debate, the best news coverage is giving voice to spokespeople with the most polarized views on a topic as presenting "both sides", the best way to resolve conflict is to litigate in a higher authority process that pits parties against one another, and the best way to demonstrate intelligence is to criticize.

The types of dispute narratives constructed and locations where disputants interactively position themselves and others within them have important implications for

conflict outcomes. This study closely examines verbal and embodied communication at the level of the utterance, and then within the context of surrounding utterances and the interaction as a whole, to explicate the dispute narrative patterns constructed interactively by participants, including the manner in which narratives can be intertextually transformed through the interaction process. The context of mediated dispute resolution and the microanalytic discourse analysis employed allow the unpacking of the interaction to the degree necessary to closely examine the communicative practices and mechanisms participants use to construct and perform narratives. This study will contribute to an understanding of the role of narratives in conflict talk and how narratives are interactively constructed, co-constructed, challenged, and transformed in the course of a conflict episode.

1.2 CONSTRUCTION OF STORIES IN CONFLICT INTERACTIONS

Due to its subtlety when juxtaposed against the more dramatic aspects of conflict talk, it is likely that narrative construction at the utterance level tends to be overlooked by analysts, practitioners, and disputants. However, the impact of these interactive phenomena on conflict talk should not be underestimated.

Both narratives and conflict are ubiquitous and both have received much research attention. However, they have almost always been researched in relative isolation. When narratives are studied as part of conflict research, they are generally considered as data about conflicts rather than features of conflict interactions.

However, narration is not solely referential and narratives do more than make sense of conflict. Brenneis (1996) states that narratives are not “epiphenomenal reflexes of sociopolitical relations” but rather the means of carrying out action. Dispute narratives can constitute knowledge in that they create the narrated event. He cites Bauman (1986, p. 5) that “events are not the external raw materials out of which narratives are constructed, but rather the reverse. Events are abstractions from narratives.” Narratives are, among other things, meaning-making units of discourse.

Narrative events within a conflict episode engender and transform social experience (Brenneis, 1996). Within a conflict episode, disputants discursively present specific perspectives and interpretations of the events leading to the conflict, as well as of the ongoing interaction. Disputants dynamically construct and refine their stories, while simultaneously attempting to manage the narrative constructions of their counterpart(s), in order to achieve outcomes consistent with their interests.

Because this study is concerned with how these interpretations, or stories, are constructed in interaction, the truth value of the stories is not important. The “truths” of narrative accounts are not in their faithful representations of the world, but in the shifting connections they forge among past, present, and future (Reissman, 2004, p. 35). What is of interest are the communicative practices used by disputants and mediators to perform the work of developing accusations, defenses, rationales, and justifications (i.e., ‘plots’), (e.g., “I am entitled to the inheritance because I took care of Dad before he died”), character role categorization of self and others (“victim”, “villain”, “savior”, “underdog”,

etc.), and themes and values (e.g., "Even though you have been vindictive, I have always been kind to you.").

In this way, disputants interactively construct narratives that communicate opposing theories of responsibility (O'Barr & Conley, 1985; Cobb, 1994) explaining events or activities. This study is motivated by Bauman's (2000) view that interactants construct their identities vis-à-vis others through a rhetorical and interpretive process "...in which interactants make situationally motivated selections from socially constituted repertoires of identificational and affiliational resources and craft these semiotic resources into identity claims for presentation to others" (pg. 1). Nair (2003) views narrative as, among other things, an important instrument of self-protection, defining an individual's social territory and unique identity within a community.

The disputants and mediators in these data have choices about how they communicatively present themselves and their interpretation of the situation. Their choices and the manner in which they manage the ongoing interaction determines the types of stories that emerge, which stories endure, and whether those stories transform over the course of the mediation session.

1.3 PURPOSE OF THE STUDY

The purpose of this study is two-fold. First, five mediation cases are examined in their entirety to determine if they exhibit features of the bilateral adversarial narrative pattern, the predominant pattern discussed in the conflict talk literature. Second, the cases which do not conform to the bilateral adversarial narrative pattern are closely analyzed to

understand how alternative dispute narrative patterns are co-constructed within them. This study seeks to illuminate the emergent nature of dispute narratives and many of the communicative practices and mechanisms by which disputants and mediators interact to construct them.

1.3.1 The Bilateral Adversarial Narrative Pattern

The conflict talk literature focuses on a prevalent interaction pattern. In the literature, this pattern is referred to as competitive, adversarial, positional, etc. The first research question motivating this study is: Will application of discourse analysis and narrative theory to naturally-occurring mediated conflict talk reveal patterns different from the pattern prevalent in the conflict talk literature?

Briggs (1998) characterizes adversarial modes of conflict management in terms of rival narratives explaining how specific events occurred, through which each disputant attempts through linguistic and rhetorical work to present a more convincing and coherent explanation (p. 47). Following this vein, this study examines conflict processes in mediation settings through the lens of narrative theory and utilizes the label ‘adversarial narrative pattern’ when such rival narratives are observed. For simplification, when only one disputant constructs an adversarial narrative, the construction is referred to as a ‘unilateral adversarial narrative pattern’. Such a construct is not consistent with the type predominantly discussed in the literature which, for simplification purposes and with the knowledge that more than two disputants may be involved, is called the ‘bilateral adversarial narrative pattern’ in this study.

A reading of the literature indicates that the adversarial narrative pattern may be identified by three features, or criteria: increasingly entrenched positions, intractability, and elements of moral conflict. Further, the literature suggests that this pattern can often be identified within the opening statements made by disputants in mediation sessions. These statements, or initial narratives, follow an accusation/denial pattern performed in the first-pair-part and second-pair-part of the opening statement speech act (Cobb and Rifkin, 1991b).

Consequent to development of the first research question, presented above, this study examines the verbal and embodied texts of five mediated conflict talk sessions in their entirety to identify which of them represent the bilateral adversarial narrative pattern. The pattern requires that all disputants enact the three criteria. This study assumes that the pattern will endure for more than several moves and will either form the basis of the dispute interaction or continue to recur in moves by each disputant even when other types of interaction intervene. Because of the focus in the literature on opening statements in mediated conflict talk (e.g., Cobb and Rifkin, 1991a; Szmania, 2004), special attention is paid to opening statements and the manner in which they do or do not demonstrate the accusation/denial and counter-accusation pattern associated with the bilateral adversarial narrative pattern.

1.3.2 Alternative Dispute Narrative Patterns

The findings in this study support the implication in the conflict talk literature that the bilateral adversarial narrative model is ubiquitous. However, the pattern is not

represented in all mediated conflict talk interaction. In fact, the data in this study demonstrate interactions typifying constructs inconsistent with the bilateral adversarial narrative pattern. This unexpected finding framed the second research question motivating this study: What alternative narrative patterns do disputants construct, and what communicative practices and mechanisms do they use in interaction to do so?

1.4 ENVIRONMENT OF THE STUDY

Formal mediation provides a forum where naturally-occurring conflict talk data can be collected in a setting where the talk is not influenced by the potential consequences endemic to the public disputes which represent the majority of conflict talk research. Although the mediators arguably provide an audience which shapes the parties' behaviors, the knowledge that the conversations will be kept confidential and that the parties are not bound by their statements until a formal agreement is signed, allows these conversations to qualify as naturally occurring face-to-face conflict talk data.

Formal mediation provides the setting for collection of interpersonal conflict talk data occurring over several hours, allowing investigation of intricate narrative construction behaviors from the formal opening statement to resolution or termination of the session for some other reason. In mediation, a neutral third party or parties facilitate a negotiation in which disputants discuss their differences, identify areas of agreement, and test options with a possible outcome being mutual acceptable resolution (Dominici, 1996). Mediators attempt to provide the physical and communicative environment wherein the parties themselves resolve the dispute.

Skillful mediators facilitate interaction with an eye toward allowing concerns and interests to emerge and be addressed. Mediators may change the dynamics of conflict talk in several ways: by actively intervening to defuse verbal aggression and invoke rules of interaction; by controlling the interaction through the use of summaries, comments, questions, etc. in the interstitial spaces of the parties' talk; by transforming meaning-making frameworks to encourage disputants to reconceptualize the conflict in more productive ways; and by reminding the disputants of the costs and benefits associated with various potential outcomes.

A mediation event, as with many conflict talk episodes, does not come into existence fully grown; prior interactions serve as precursors to the interaction. Since the mediation sessions comprising the data in this study occurred strictly as a result of prior conflictual interactions, it stands to reason that the participants entered the mediation sessions with certain orientations, conceptions or 'stories' about the reasons for the conflict and the roles of the participants.

1.5 CONTRIBUTIONS TO COMMUNICATION STUDIES

This study contributes directly to the subfields of conflict talk and narrative. More specifically, this study adds to the knowledge of the adversarial model so prevalent in conflict talk, the emergent nature of stories within talk-in-interaction, and the communicative practices whereby participants in conflict talk episodes interactively construct alternatives to the adversarial narrative pattern.

Little empirical research adequately describes and explicates the manner in which interactants in conflict talk interactively use communicative practices to construct, co-construct, resist, and reproduce narratives in order to satisfy perceived interests. Although the relationships between language and storytelling and language and conflict have been explored in a variety of disciplines, the relationships between language, conflict, and narrative have only rarely been studied using a microanalytical approach examining naturally occurring data. The research on narrative in the communication studies literature focuses on either formal rhetorical settings or on everyday conversation. This study is unique in that the story-telling, while occurring within everyday conversation, also occurs within the confines of difficult conversation and the institutional framing of the mediation process.

Monologic narratives retrospectively describing a conflict through interviews or qualitative surveys (e.g., Labov, 1990), reveal a relatively static and individually biased perception of the situation. Such narratives yield valuable information about models people use to make meaning of conflict situations and identities, as well as insights leading to prescriptive recommendations. However, conflict talk arises and is manifested through intricate cooperative or coordinated behaviors. Unilogical descriptions of conflict episodes do not reveal how the perspectives of the various parties interact with one another and change over time, nor do they reveal the interactive mechanisms by which interactants perform the work of narrative construction on a moment-by-moment basis. Only empirical analysis of the verbal and embodied communication, within the contexts

of the relevant segment and entire episode, offers the analyst the opportunity to explore these phenomena.

On a practical level, interactive narrative construction is central to the dynamic negotiation of relationships and networks. At the intersection of conflict and narrative, the stability and best interests of an individual or group can be jeopardized, or the relationships between individuals or groups with opposing positions can be strengthened and outcomes crafted that support the interests of all. A deeper understanding of the processes of interactive narrative construction in conflict talk is therefore of great value to communication studies researchers and students, but also to scholars of conflict talk and narrative in other disciplines, conflict management practitioners, and anyone who has ever been involved in a dispute.

1.6 SCOPE AND LIMITATIONS OF STUDY

This study examines communicative practices in interaction, in this case communicative practices that can be (and are demonstrated to be) used in the interactive construction of dispute narratives within conflict talk. This is not a normative study; no claims will be made as to the efficacy of a particular behavior or strategy in achieving the upper hand in a negotiation, for example.

The findings in this study motivate a host of additional research questions. Given the fact that the adversarial narrative pattern is prevalent in these data and that resolution was reached in all of the cases, one of these questions became primary for me: How do disputants and mediators transform intrinsically intractable adversarial narrative patterns

to reach resolutions that are satisfactory to all disputants? The analysis in this study provides brief insights into the answer. However, the two guiding research questions presented above were developed based upon overriding interests and provide an appropriate scope for this study. While interesting and valuable, additional research questions such as the one above must be left to another study.

Due to the fact that these data are drawn from mediation sessions, which exist only because of disputes and in which the talk centers around (at least in the beginning) oppositional positions, it is not representative of everyday conversation. In fact, the argumentativeness of talk within mediation sessions in major part constitutes the mediation session as an institutional construct (Drew and Heritage, 1992). It is expected that the parties to the dispute will orient to one another's utterances in a disputatious way. However, the aim of this study is not to examine how arguments arise in everyday conversation.

The data, therefore, should not be considered representative of any class of person or behavior, nor are the findings generalizable to all circumstances. This research cannot be refitted into a popular book on how to do verbal battle (although verbal battle presents itself herein), or gender differences in argument style (although both difference and similarity exist), or how to mediate disputes (although the dedicated mediator can find information to expand his/her toolkit). For all intents, the data should be seen as exemplars of the type of interactions that can and often do occur within the wide sphere of informal conversation. The stories are unique, but the discourse can illuminate more

general concepts and behaviors, as well as master narratives and counter narratives operating within the speech community within which the participants are embedded.

1.7 CHAPTER OVERVIEW

In the chapters that follow, videotaped recordings and transcripts of five actual mediation sessions from a university conflict resolution center are analyzed. Chapter Two presents a summary of the literature addressing the research areas critical to this study: (a) conflict talk, (b) narrative in conflict interaction, and (c) mediation and the impact of mediators. Chapter Three presents a detailed description of the data and contextual factors and then describes the discourse analytic methods and procedures and narrative approach used in this study, as well as the reasons they are considered most appropriate to the research questions guiding the study.

Chapters Four and Five present analysis of the data. In Chapter Four, each of the five cases is examined for the presence of criteria identifying the adversarial narrative pattern. Although each case is analyzed in its entirety, focus is placed on opening statements and early narrative development. In many cases, speculation is presented regarding features associated with each case that may explain why it does or does not fit the prevalent model. Chapter Four closes by presenting a table categorizing each of the cases in terms of how it conforms or does not conform to the adversarial narrative pattern.

Chapter Five presents analyses of the two cases found in Chapter Four to not conform to the bilateral adversarial narrative model. Each of the two cases is

microanalyzed and segments demonstrating the co-construction of alternative patterns are featured and discussed in depth. Chapter Five details the verbal and embodied communicative practices used by both mediators and disputants in this process, and how those practices contribute to construction, co-construction, resistance, challenge, support, coercion, acquiescence, etc. of the alternative dispute narratives. Attention is paid to the manners in which disputants interactively construct theories of responsibility, self-identity and other-identity, and positioning with indexed sources of power and master narratives, as well as how well these alternative narratives meet the identified interests of the parties.

Finally, Chapter Six offers a summary of the findings and analysis and directions for further research and mediation practice.

Chapter 2. Review of the Literature

This chapter surveys the literature that informs my investigation of interactive construction of dispute narratives. This study is situated at the nexus of several distinct areas of research, and thus is informed by several disciplines and subdisciplines. As will be demonstrated in the chapters that follow, the dispute narratives examined in the data are not unilaterally presented by each disputant in the fashion of legal briefs or arguments. Rather, they emerge as all participants to the interaction engage in the “temporally unfolding, interactively sustained embodied course of activity” (Goodwin, 1996, p. 375). Viewing narrative as emergent within the interactive environment, and because of the interactive environment (‘narratives-in-interaction’), is a relatively recent but growing perspective on narrative. This study not only expands the body of evidence demonstrating the emergent nature of narrative-in-interaction. It also applies this perspective to narrative construction within naturalistic conflict talk.

Interactive dispute narrative construction in conflict talk is a complex, multi-faceted and multi-layered phenomenon. The complexity of the communicative practices observed in these data requires a thorough exploration of several distinct but sometimes interrelated areas of literature: (a) interpersonal conflict and conflict talk, (b) narrative in conflict interaction, and (c) mediation and the impact of mediators. Conflict talk as an explicit research concept is best understood as a manifestation of interpersonal conflict. Therefore, this chapter begins with a review of the literature on interpersonal conflict and then more specifically on conflict talk.

Because narrative and the processes of narrative construction are the foci of this study, a review of the literature on narrative theory, with a focus on the narratives-in-interaction perspective, provides the necessary framework for a descriptive as well as an explanatory analysis of the data. Finally, from a process perspective the conflict talk examined in these data occurs within the mediation process, the distinguishing features of which constrain and determine to some degree the storytelling trajectories. Thus, the literature on the mediation process is reviewed to provide an interpretive frame for the conflict talk in the data.

2.1 CONFLICT TALK

Multidisciplinarity is perhaps the single most defining feature of the interpersonal conflict literature. Aspects of interpersonal conflict are studied by communication scholars, sociologists, psychologists, political scientists, historians, anthropologists, management scientists, and cognitive scientists, to name just a few. This literature review summarizes the major strands of interpersonal conflict models and research findings relevant to this study and demonstrate their relationships to one another. In order to clearly position and justify the approach used in this study, the review describes several research traditions considered inappropriate or only ancillary to the approach adopted for this study.

Conflict talk is a pervasive but complex phenomenon and the literature on conflict talk is vast and multidisciplinary, with a wide variety of foci with regard to theory and method. As early as 1988, Brenneis identified over 200 publications in the disciplines of

discourse analysis, conversation analysis, sociolinguistics, and pragmatics alone addressing aspects of conflict talk (Brenneis, 1988). This is not surprising, given the ubiquity of conflict talk in social life.

The term ‘conflict’ is subject to some conflict of its own. Nelson (2001) notes how the term ‘conflict’ and related terms ‘competition’, ‘dispute’, ‘negotiation’, and ‘mediation’ are often erroneously used interchangeably in the literature, and considers the primary cause of confusion to be “failure to examine terms in specific contexts of use” (p. 17).

This study uses the term conflict talk as presented by Grimshaw (1990) to capture the notion that parties occupy alternative positions vis-à-vis the same issue or issues. These positions may be reconcilable or irreconcilable, and the discourse within the event(s) is not restricted to a particular speech act, turn sequence, or issue. The multidisciplinary nature of interpersonal conflict talk research has resulted in a multitude of terms, definitions, and concepts, indicating the difficulty in delineating between the various types of conflict discourse.

Grimshaw’s notion of ‘conflict talk’ may easily be confused with ‘quarrel’ (Antaki, 1994), ‘disagreement’ (Pomerantz, 1984), ‘dispute’ (Brenneis, 1988), or ‘adversative episode’ (Eisenberg & Garvey, 1981). One of the most common terms associated with conflict talk is ‘argument’. When other terms are used in the literature and convey the same meaning as Grimshaw, the terms are used interchangeably in this literature review. However, the same terms as used in other research traditions may be

assigned meanings somewhat different from ‘conflict talk’. Because presentation of some of the findings from these less relevant research traditions is deemed important to the understanding of conflict talk and the analysis in this study, this review sometimes uses terms such as ‘disagreement’ and ‘argument’ when they are used by the researchers to convey meanings at variance with the definition of conflict talk adopted for this study. When the meanings are significantly dissimilar, the differences are noted.

Although this study is concerned with interpersonal conflict, it should be noted that several somewhat controversial dichotomies exist in the literature. For instance, a distinction is sometimes made between interpersonal and organizational conflict studies, with organizational conflict occupying a subset of conflict literature and organizational conflict researchers concerned with issues of representation. Similarly, everyday argument is sometimes contrasted with institutional conflict. As noted by Kolb and Putnam (1992), such dichotomies are simplistic and debatable. For instance, the setting of the conflicts examined in this study is distinctly institutional, but the features of the talk itself cannot be defined as institutional or organizational.

2.1.1 Goals and Aims of Conflict Talk

A central, perhaps basic, question underlying investigation of conflict talk relates to motivation. Particularly within the interactive context of mediation examined in this study, all participants are invested in multiple ways in the outcome as well as the ongoing interaction. What is the relationship between individual goals and interactive construction of narratives? Why would an individual cooperate with a perceived enemy to co-

construct a narrative that satisfies the enemy's interests as well as the individual's own interest?

All social interaction, and communication in general, is goal-oriented (Berger, 1997, 2002; Daly & Wiemann, 1994; Dillard, 1997; Greene, 1997; Waldron, 1997). People think about their goals while interacting (Waldron, 1990) and their behaviors are influenced by their goals (Berger, 1997; Cody & McLaughlin, 1990; Wilson, 2002). Interlocutors detect the goals of others (Carberry, 1990; Schank & Abelson, 1977; Schmidt, 1976; Wilensky, 1983), an activity necessary to the achievement of their own goals (Berger, 2000; Bogdan, 1997; Wilensky, 1983) and related to perceptions of communication competence (Berger, 2003; Lakey & Canary, 2002).

With respect to the construction of narratives-in-interaction, the immediate nature of face-to-face interaction requires almost instantaneous evaluations of the contexts created by the strategies of our interlocutors and decisions regarding which strategies we ourselves will employ in response. Jacobs et al. (1991) correctly note that disputants are guided not so much by an explicit goal-achievement plan as by standing concerns. Instead of taking a cognitive approach to goals as things that drive action, goals can be conceptualized as social objects in conversation (Buttny & Cohen, 1991; Mills, 1940). Goals are not prepackaged and fulfilled through talk but rather emergent through talk, with varying degrees of transparency (Hopper & Drummond, 1990). Even when a specific goal for an encounter seems apparent, the encounter requires strategic moves, conflicts, and compromises at numerous levels, making goal expression dynamic and

goal identification challenging (Street & Cappella, 1985). Sanders refers to the relationship between goals and talk in interactions as “interactive, reciprocal, and perhaps cyclic...goals or plans may arise in medias res as a result of antecedent talk in the current interaction” (1991, p. 168).

Within a conflict exchange, participants may perform communicative actions with the intent of pursuing more than one goal simultaneously, and may interpret the actions of others as being oriented to multiple goals (Penman, 1991) or dialectical goals (Craig, 1986). Face concerns and goals permeate the background interpretive field, influencing communication about other types of goals (Jacobs et al., 1991). Brown and Levinson (1987) describe a situation where a speaker must be clear in order to achieve her goal but doing so will be face-threatening, whereas the goal of saving face will require sacrificing the clarity required to achieve the other goal. Gergen (1982) reminds us that communicative actions occur within broad structural and temporal contexts, and thus must be interpreted retrospectively and emergently considering the constantly changing context of the interactive process. O’Keefe (1991) draws on the work of Brown and Levinson (1987) to claim that not only do actors pursue multiple goals which are often in conflict, requiring prioritization, but that conceptions of rational message design differ as well.

2.1.2 Moral Conflict

As a subset of conflict talk, moral conflict occupies an important place in the interpersonal conflict literature. In this study, moral conflict represents one of three

criteria defining the adversarial narrative pattern. Consistent with its pervasiveness in interpersonal conflict, moral conflict and the related notions of (in)justice and responsibility/accountability appear frequently in the narratives analyzed in this study. Interpersonal conflict is often characterized by the dynamic interplay of multiple goals and interests between individuals, making it difficult for disputants and researcher to discern and address the cause(s) of the conflict. Disputes which begin as competition over perceived scarce resources frequently escalate into conflict about relational and identity goals, often involving character attack and blaming.

According to Plato, morality exists to control conflict. However, moral conflict represents a special, frequently intractable, type of conflict due to its deep embeddedness in the constructed social reality of the disputants. Social reality reflects a party's belief in the naturalness and rightness of their perception of the social world. It is the "taken for granted" reality, constituted and reified through familiar cultural scripts enacted and interacted on a regular basis in everyday life (Berger & Luckmann, 1966).

According to Littlejohn (1995), participants in moral conflicts are unable to agree upon a satisfactory set of standards by which to judge the quality of moral argument. They have very different assumptions about reality, knowledge, and conflict resolution. They do not share a common set of rules for judging a proof. They do not share a vision of credibility, authority, and belief (p. 104). Behaviors generally effective in conflict talk, such as explaining persuading, and compromising, instead tend to drive parties in moral conflict even further apart. Talk about moral conflict issues such as abortion, religion,

and politics, at both the individual and the societal level, escalate into increasingly polarized rhetoric and require specialized forms of conflict management communication.

In a distinction directly related to moral conflict, Wheaton (1974, as cited in Roloff and Soule, 2002) identified two types of conflict: principled and communal. Principled conflict “concerns disagreements about ideals and reflects value differences; communal conflict assumes that the disputants agree as to their values, but differ concerning how they should be acted upon” (p. 477). Research utilizing this dichotomy is limited due to the difficulty of making definitive inferences about causality.

2.1.3 Intractability

Along with moral conflict and entrenched positions, intractability is another feature of the adversarial narrative pattern. Burgess and Burgess (2003) propose that all interpersonal conflicts lie on a continuum ranging from those that are stubborn and seemingly impossible to resolve to those that are readily resolvable. As interpersonal conflicts escalate they tend to move toward the intractable end whereas those that are managed skillfully tend to move toward the tractable end of the continuum. Nevertheless, the authors claim that some features make interpersonal conflicts particularly difficult to handle, including: (a) those that have high-stakes, win-lose issues with no overlapping zone of possible agreement, (b) those that are doing substantial harm but the parties are unable to ‘get out’, (c) those that are perceived by the disputants as being intractable, regardless of their ability to be solved.

Intractable conflicts tend to be pursued in very destructive ways, as demonstrated by the level of violence often undertaken at both the local and international level in these cases. Intractable conflicts also generate fear, hatred, anger, and guilt that can linger even if the conflict is resolved. Paradoxically, intractable conflicts can cause the disputants to damage themselves even as they seek to damage the other.

Coleman (2000) broadly defines intractable conflicts as intense, tending to persist over time, focusing on fundamental needs or values, pervasive throughout the lives of the disputants, and produced primarily by three types of issues: irreconcilable moral difference, high-stakes distributional issues, and power relationships. Disputants tend to focus on identity rather than resource issues, and consider the issues as deeply rooted and historical. The core issues tend to expand into a web of interlocking issues and disagreements that are difficult to untease (Coleman, 2000).

While considering where a conflict may be situated on an intractability continuum can be helpful to the conflict management professional, characterizations of intractable conflicts are controversial. For instance, some claim a prolonged duration of conflict is a defining feature of intractable conflict (e.g., Coleman, 2000), while others state that that the level of damage, and not duration is the critical factor (e.g., Burgess & Burgess, 2003). Intractable conflict is viewed to be resistant to all efforts at conflict resolution, even by third party practitioners. However, when a conflict *is* resolved, by the disputants themselves or with the assistance of a third party, it is considered to have moved to

toward the tractable, resolvable end of the continuum. Thus, most conflicts can be defined as intractable until they are resolved, at which time they are no longer intractable.

2.1.4 Models of Conflict Talk

Interpersonal conflict and argument may be understood as the formal tradition of rhetorical construction of an argument demonstrating persuasive abilities, an approach focusing on a single speaker and logical reasoning. Alternatively, interpersonal conflict or argument can be studied as an interactive process between two or more parties. Schiffrin (1985) distinguishes between rhetorical and oppositional arguments, as those in which a “speaker presents an intact monologue supporting a disputable position [versus where] one or more speakers openly support disputed positions” (p. 37). However, as Schiffrin notes, even the lines between these distinctions may be blurred.

This study adopts the 'emergent' model of conflict talk (see discussion below). The contrasting legalistic model conceptualizes conflict talk as the attempt by speakers to use argumentative persuasion as skillfully as possible when articulating opinions and defending positions, whereas the emergent model conceptualizes conflict talk as an emergent interactional process (Hutchby, 2001), or the manner in which interlocutors ‘do being argumentative’ in the context of precedent utterances. The emergent model allows analysts to examine the complex layers of conflict talk. For instance, a party may be presented with a double-avoidance conflict when required to satisfy contradictory goals, for example, of being honest, yet not giving offence (Bavelas, 1985; Forgas, 1999a, 1999b). In another case, a party may, unbeknownst to others, entirely change his or her

mind in the midst of asserting a claim, due to hearing what they have said and observing the reactions of others (Empson, 1947).

2.1.4.1 Individual Traits, Style, and Gender

Conventional strains of interpersonal communication research tend to focus on identification of individual characteristics influencing the trajectories and outcomes of interpersonal conflict episodes. The individual characteristic models are prevalent in the interpersonal conflict literature and highly influential in the field of Communication Studies (Alberti & Emmons, 1974; Infante, 1987; Infante & Rancer, 1982; Kuhn and Poole, 2000; Poole & Roth, 1989a, 1989b; Sambamurthy & Poole, 1992).

The personality trait and the conflict styles approaches have been critiqued by many scholars (e.g., Conrad, 1991; Nicotera, 1994; Putnam & Poole, 1987; Stewart, 2000) for neglecting the effect of interaction on conflict behaviors and the dynamic enactment of various styles during a single conflict event. This study adopts an interactive, emergent model of conflict behaviors which allows a comprehensive analysis based on observation.

While much has been made of gender differences in conflict style and interpersonal communication, a review of gender differences in interpersonal conflict literature reveals a fragmented, stereotype-based, and inconsistent body of results.

2.1.4.2 The Speech Act Model

Aspects of speech act theory are used in this analysis, and interpersonal conflict can certainly be analyzed using a speech act framework. While valid, major application

of such a framework was considered limiting in this study. Aspects of the model considered relevant to this study are presented here.

Recognition of the differing types of conflict discourse leads to conceptualization from a speech act perspective. Conflict talk can be viewed as an illocutionary act, or illocutionary act complexes, with the perlocutionary outcome of ‘convincing’ (van Eemeren & Grootendorst, 1984). Van Eemeren and Houtlosser (1999) developed an argumentation theory based on speech act theory and aimed at describing what argumentative discourse would look like if its only purpose were to resolve differences. Swan and McCarthy (2003) contend that this approach to argumentation actually hinders our understanding of the manner in which arguments occur in the real world.

According to Swan and McCarthy,

The model ...makes a number of assumptions about people's orientations and goals in an argumentative interaction. It assumes that people are oriented toward resolving a difference of opinion and are committed to certain standards of reasonableness. Moreover, within the argumentative engagement, the arguer is seen to adapt rhetorical moves to comply with the audience's good sense and preferences. Such a model backgrounds the emotional, the sensual and ethical, and the perverse and playful aspects of argumentation (p. 298).

Although Van Eemeren and colleagues recognize other objectives of argument (e.g., flirtatious disagreement to provoke emotional engagement or deliberate strategies to annoy or anger another rather than work toward resolution), as well as the situatedness of

all argument, Swan and McCarthy (2003) state that these aspects of argument are backgrounded in favor of rational attempts to resolve differences. Jackson and Jacobs (1981) work within the speech act framework but suggest a model more focused on interaction, defining argument structurally, as an expansion of the disagreement speech act, and functionally, as a means of managing disagreement.

2.1.4.3 The Interaction Model

Although conflict has a long history of investigation in the social sciences, only recently has actual discourse within conflict episodes been examined. Naturally-occurring conflict conversations have been analyzed from various perspectives, including family talk (Schiffrin, 1990; Vuchinich, 1987, 1990), talk shows (Hutchby, 1992, 1996a, 1996b, 1999), and workplace and institutional settings (Maynard, 1985; O'Donnell, 1990; Philips, 1990). Wetherell (1998) states that participant orientation should have a far greater focus than it currently has within a conversation analytical perspective, which describes the mechanics of managing conversational turns. As do Laclau and Mouffe (1985), Wetherell claims that the "argumentative texture" within which the conversation takes place be considered, that analysts "trace through the argumentative threads displayed in participants' orientations and ...interrogate the content or the nature of members' methods for sense-making in more depth" (p. 404).

The complex nature of conflict talk requires a situated analysis that examines how people manage disagreement in the real world (see, e.g., Antaki, 1994). Swan and McCarthy (2003) state "...argumentation occurs within and serves various kinds of

interactional business and rhetorical aims besides that of resolving a difference of opinion." (pg. 318). Hutchby (2001) conceives of arguments as sequentially emergent phenomena that should be seen "...not as the rationalist pursuit of opposing viewpoints but as events unfolding in a real-time flow of turn-taking, in which adversary positions or 'lines' evolve in the light of utterances as they are emitted into the interactional space." (p. 124). It is thus the specific devices and strategies used in the ongoing management of the talk by the parties to the argument that are of interest.

2.1.5 Structures of Conflict Talk

Because this study adopts the perspective that narrative construction is emergent in the interaction, each conflict talk episode in the data is examined in its entirety. The individual and intertextual narratives emerge through dynamic, moment-to-moment, often concurrent, communicative moves by the parties, but are woven into an unfolding fabric with the opening statements as the initial threads and the signing of the final agreement or other closure as the final knot. Arguably, the fabric is inclusive of all interactions between the disputants prior to the mediation session, as such prior interactions directly contribute to the interactive environment for the mediation session. In many cases, interaction between the disputants will continue beyond the mediation session, with the mediation talk providing a context for such ongoing interaction. With this in mind, this study considers the mediation episode as the larger unit of study, and the moment-by-moment unfolding of the interaction as the threads of the narrative

construction. Thus, an understanding of the structure of conflict talk episodes informs this research.

As expressed by Brenneis (1996), “conflict is a process, not a state. Disputes have beginnings, middles, and, occasionally, ends, or at least resting places” (p. 43). While researchers debate specific features, a definitive model of a conflict episode emerges from the conflict literature, one which is supported by empirical studies.

A conflict episode is established by, in the simplest case, a statement followed by a counterstatement followed by a counterstatement (Maynard, 1985). Eisenberg and Garvey (1981) state that “an adversative episode is a sequence which begins with an opposition” (p. 150) and ends with the occurrence of resolution or dissipation of the conflict. Once established, the conflict episode continues to the next, and longer, phase, where the participants state their opposing views and clarify their perspectives of the issue in conflict (Gruber, 1998). Whether the distance in perspectives during this phase ultimately widens or narrows determines whether the conflict can resolve or remain blocked.

Maynard (1985) states that any action can be treated as arguable and opposed; arguments are defined by the interaction of an action unit and an additional action-opposition pair. Chains of these pairs become an argument sequence (Hutchby 1996a). Eisenberg and Garvey conceptualized this sequential emergence of responses to antecedent events (1981), which evolved into Maynard's (1985) term 'arguable actions'.

Coulter (1990) used the formulaic descriptor 'assertoric sequence' to identify the basic structural unit of arguments in everyday talk. The assertoric sequence is comprised of a declarative assertion, a counter-assertion, and then a backdown/reassertion/next assertion. Coulter claims this sequence is similar to the adjacency pair sequence. Hutchby (2001) characterized the assertoric sequence model as rigid in its claim that all arguable actions are assertoric and that the model is not supported by empirical findings in everyday talk. In response, Hutchby identified actions that allow a party to 'do being argumentative' in the context of precedent utterances, and stated that the 'argumentativeness' of utterance types define their meaning.

A common feature of conflict talk, including those occurring in mediation settings, is the manner in which the problems and proposals presented can become priming moves requiring remedial action from the opposing party in the form of accounts, denials, or other tactical responses (Jacobs et al., 1991). This process can chain out into argumentative digressions leading the parties far astray from the original issues. Such phenomena can only be understood retrospectively within the frameworks of the larger strategies influencing the entire communicative event and the local tactical moves controlling the direction of the talk. Jacobs et al. (1991) found that disputants frequently piggyback tactical moves such as insults, threats, complaints, accusations, and excuses on the presentation of, e.g., rationales and objections to proposals. Such moves often result in a chaining out in which the disputants trade moves at the tactical level, branching out into a digression seemingly only minimally related to the original issues presented.

2.1.5.1 Initiatory Structures

Oppositional exchanges can be performed through a number of speech acts expressing disagreement (Brenneis & Lein, 1977). The conversation analysis concept of preference is useful in understanding the interactive structure of a conflict episode initiation. Preferred and dispreferred courses of action occur in response to the first pair part of an adjacency pair (Pomerantz, 1984). Agreement is the preferred or ‘unmarked’ response in conversation, and use of disagreement marks disruption in the sequence. Dispreferred responses require work in turn construction and their effects are often mitigated by explanations, apologies, etc. However, Goodwin (1990) demonstrated that the children she studied did not orient to disagreement as a dispreferred second-pair response but instead directly challenged the previous turn.

Other studies of children as conflict talk participants demonstrate that they often do not use opportunities for resolution but instead perform acts that maintain the dispute (Corsaro & Rizzo, 1990; Genishi & di Paolo, 1982; Maynard, 1985). Schiffrin (1984) found a cultural preference in American-Jewish talk for using argument for interactional purposes rather than to resolve conflict. She presents four factors characterizing ‘sociable arguments’: disagreement is preferred even when the topic is not intrinsically disputable; unpredictable initiation and termination of argument frames; underlying cooperation covered by a performance of competition and threats; and a positive evaluation of disagreement by the participants. Hewitt, Duchan and Segal (1993) found arguments functioning in a similar manner among mentally retarded residents of a group home. However, Lee and Peck (1995) argue that Schiffrin’s four features are also found in

arguments that are not sociable and posit that the pleasure some participants exhibit may instead be attributed to the experience of power. Stein and Albrow (2001) concur, suggesting that power, control, and dominance may explain much of the seeming irrationality observed in conflict talk.

Confrontation is an important example of conflict talk initiation. Newell & Stutman (1988) define confrontation as an interactive episode initiated through a complaint by a speaker to a recipient who is perceived by the speaker as having violated a norm. The recipient may receive the complaint, ignore (reject) the complaint, challenge its legitimacy/accuracy, or countercomplain (Newell & Stutman, 1988). Little research has addressed how particular linguistic devices reduce the face-threatening aspect of confrontation (e.g., Roloff et al., 1998; Shapiro & Bies, 1994).

The concept of face was originally introduced by sociologist Erving Goffman. According to Goffman (1955: 213), the notion of face is the positive social value of self that interlocutors work at creating or maintaining. Face is now generally understood as the negotiated public image, mutually granted each other by participants in a communicative event (Scollon & Scollon, 1995), and it is located in the very flow of our daily communication.

The immediate nature of face-to-face interaction requires almost instantaneous evaluations of the contexts created by the strategies of other interlocutors and decisions regarding which strategies to employ in response. Not surprisingly, increased use of face-threatening acts are a major characteristic of conflict episodes (Muntigl and

Turnbull, 1998). According to Brown and Levinson (1987 [1978]), a party's failure to or choice to neglect the protection of the interlocutor's face threatens one's own face. Bayraktaroglu (1991) terms this situation a 'tainting' of the party's face. Parties might choose to do this if they believe they possess a vast superiority in power when compared to the interlocutor or in order to secure audience support for their position (Brown & Levinson, 1987 [1978]).

Roloff et al. (1998) adopt the perspective of Brown (1977) and Deutsch (1973) that when a claim of relative superiority is made by one party, the other party perceives an actual or potential face threat and responds competitively in order to restore his or her threatened image due to the fact that individuals need to be perceived as competent and strong. Subtle linguistic cues strengthen or mitigate the perception that the speaker is making the claim without sensitivity to the recipient's face concerns (Dillard et al., 1997; Vollbrecht et al., 1997).

2.1.5.2 Trajectories of Ongoing Conflict Talk

As the data in this study demonstrate, conflict talk episodes can advance in any number of directions and escalate and de-escalate in unpredictable ways, while maintaining the basic oppositional framework. Conflict talk is unlikely to follow a linear route but instead is likely to expand in focus, such that sometimes the original focus is neglected or forgotten, or change in focus (Coleman, 1957, cited in Grimshaw, 1990). The oppositional response that initiated the conflict episode, if treated by the listener as

such, becomes an arguable actionprovoking an additional oppositional response (Hutchby, 1996a).

Working within the conversation analysis framework, Kotthoff (1993) claims that systematic deviations from the preference pattern can lead to further or escalated disagreement, as the context specifications change and parties orient to further disagreement. This (re)orientation to further disagreement once the conflict episode has been established is displayed through a reduction of reluctance and mitigation markers, and "...it seems very important to contradict quickly and in a coherent manner" (p. 203).

In contrast, Dersley and Wootton (2000) note that Pomerantz's (1984) preference model describes 'first assessments' of utterances such as complaints but not necessarily to all types of such utterances. Turns within conflict talk do not appear to be predictable on the basis of preference patterns. For instance, Leung (2002) notes that some studies have found turns within conflict episodes that formulate disagreement in line with preference for agreement (e.g., the conflict talk data in Muntigl & Turnbull, 1998, and Dersley and Wootton, 2000, 2001; Lee & Peck, 1995) and variation in preference structure, including examples where disagreement seems allowable and unmitigated (Myers, 1998).

After examining 164 naturally-occurring three-turn argument exchanges, Muntigl and Turnbull (1998) propose that regularities in such exchanges can be explained by participants' attempts at facework.

Turn 1: Speaker A makes a claim

Turn 2: Speaker B disputes the claim

Turn 3: Speaker A supports turn 1 claim or disagrees with turn 2 statement

Interestingly, instead of turn 3 being primarily determined by turn 2, as would be expected if considered as a second pair part of an adjacency pair, the turn 2-turn 3 sequence regularities are determined by participants' face concerns. For instance, the greater damage to Speaker A done by Speaker B in turn 2, the greater likelihood that Speaker A in turn 3 will support the claim made in turn 1. However, these data involved non-antagonistic data (family conversations) and the authors posit that a different outcome could occur if Speaker A adopted a retaliation strategy in turn 3 that, together with the face damage effected in turn 2, would damage the relationship. Nevertheless, this study lends support to the premise that regularities in conflict talk structure are associated in many instances with regularities in the social structure of the participants.

2.1.5.3 Terminating Conflict Talk

Although each of the sessions examined in this study resulted in resolution, this is not necessarily always the case. Recent studies examining naturally occurring data reveal that resolution of the central issues of conflict talk is often not accomplished (Leung, 2002). Even in cases where resolution of the primary issue is not achieved, the participants must cooperate in some manner in order to bring the talk to an end. Vuchinich (1990) reports five types of termination based on observation of family dinnertime disputes: (a) submission – one party accepts another party's position, (b) third party intervention, (c) compromise – a concession is offered by a party and accepted, (d)

stand-off – no submission or compromise is reached, and (e) withdrawal – either from the conflict talk or the environment. Vuchinich found that the stand-off was the most common termination type, and proposed that this is the case because stand-offs allow closure without loss of face. However, Leung (2002) notes that other factors such as power may be more important in family disputes than face, especially given the evidence that the predominant form of third party intervention was by a parent.

Characterization of conflict as either functional or dysfunctional illustrates the complex, paradoxical nature of conflict. While particular expressions of conflict result in damage to relationships and other negative consequences, at other times conflict expression strengthens relationships and results in other positive outcomes. Conflicts may end in impasse, resolution, or face-saving standoffs that allow the participants to return to their activities (Goodwin, 1990; Vuchinich, 1990). In addition, conflicts can end in one or more parties literally or symbolically "walking out" on the other(s) (Dersley & Wootton, 2000).

2.1.6 Discursive Mechanisms and Strategies

As can be seen in the data studied here, parties in conflict talk perform complex discursive and interactional moves. Children gain command at a young age of quite complex strategies to use with others for negotiating meaning for various experiences. (Gergen and Gergen, 1993; Turiel, 1999). These strategies may include interpretive repertoires and discourses used to evaluate experiences and behaviors (Bruner, 1990; Potter and Wetherell, 1987).

Although interlocutors perform a wide array of moves, compilation of an exhaustive list of acts and discursive resources is problematic, if not impossible, due to the unique contextual environment of each interactive moment. For example, Ng's and Bradac's (1993) review of the linguistic and conversational tactics used to influence or mitigate influence was challenging because they found that the same tactics can be used to construct both power and solidarity. Some contexts allow a simultaneous interpretation (Tannen, 1993). This section highlights the resources and devices that are salient to this study.

2.1.6.1 Questioning

Strategic use of questioning can shift the focus of the talk. Gruber (2001, p. 1826) describes this move as one participant picking an element, other than the primary topical focus, of the previous turn. Since the asking of a question constrains the discourse options the recipient may access (Hutchby, 1996b), the onus is placed on the opponent as the initiator of topic shift. Gruber (2001) points out that this strategy qualifies neither as other-initiated repair (Schegloff et al., 1977) nor a formulation (Heritage and Watson, 1979). But its location as the second position in the pair relates it closely to the previous turn, making the new turn a 'questionable turn' (Gruber, 2001). An additional twist to this strategy is to present a closed question, requiring the recipient to answer 'yes' or 'no'.

Focus-shifting questions enable the producer to avoid introducing a new topic on the heels of another's turn, thus mitigating the risk incurred in changing the topic. Gruber

(2001) postulates, however, that production of a focus-shifting question exerts control over the other, thus constructing situational power for self. This tactic does not represent a deviation from normal speech principles (see above), but is an ‘unofficial’ use of questions. Questions normally (officially) function to initiate question-answer sequences; however, in this case they unofficially function to shift the focus.

The form and other contextual factors associated with questions can be powerful strategic tools when used by parties within conflict talk. For instance, causal questions presuppose parties’ knowledge about events (Graesser & Person, 1994) and questions designed to elicit more talk from the recipient contribute to the establishment of solidarity between the parties (Chodorow, 1974, in Holmes, 1995, p. 31). Questions can also make answers obligative (O’Halloran, 2005). One manner of generating relational asymmetries is to demand responses rather than simply invite them (Linell, 1990; O’Halloran, 2005).

2.1.6.2 Mitigation

Participants in conflict talk frequently use mitigation tactics such as hedges, shields, and approximators, often in the service of facework. Danet (1980) describes mitigation from a pragmatic discursive perspective as the use of “rhetorical devices, which soften the impact of some unpleasant aspect of an utterance on the speaker or the hearer” (p. 525) and Fraser (1980) as driven by fear of causing discomfort to oneself (self-serving) or by fear of causing discomfort to another (altruistic) (p. 345).

2.1.6.3 Metadiscourse

Metadiscourse actions can be used to monitor and adjust the speaker's discourse plan (Hayashi and Hayashi, 1992, cited in Hayashi, 1996). Metadiscourse actions include alignment (Stokes and Hewitt, 1976), used to “frame messages for purposes of clarifying, interpreting and managing conversational meaning and communicator role” (Ragan, 1983. 159). Hayashi identifies in his data many aligning actions which are sequentially organized redressive actions that “build up interaction structure bottom-up under the global constraint of a top-down script.” (1996, p. 249), including disclaimers, repetitions, and reformulations.

2.1.6.4 Accusations and Attributions

Accusations and attributions are tactics frequently observed in conflict talk. Often associated with confrontation, but also framed in very subtle ways within the ongoing interaction, accusations permit people to save personal face and attack the opponent's face by deflecting responsibility for a negative action to the opponent. When used to develop a theory of responsibility, the accusation may be accompanied by an attribution to explain the underlying reason for the act the opponent is accused of performing. West & Fenstermaker (2002) relate this strategy to the potential of having one's actions, circumstances, and descriptions characterized in relation to presumed membership in a particular group or descriptive category.

Disputants frequently use various types of power in accusatory moves. Power moves include intimidation (direct threats, innuendos), withholding cooperation (silence, avoidance), appeal to higher authorities who may act in the party's interests, personal

claims of expertise, or reference to the party's position within influential/powerful networks (not necessarily higher authority). The location of the parties, and the positioning of the conflict talk itself, within various institutional structures and historical contexts also provide a scaffolding of potential power relationships.

Criticism, a form of negative evaluation, is pervasive within conflict talk. The context to a large degree determines how criticism is expressed (Deutsch, 1961). For instance, factors determining the form criticism may take are the nature of the issue (Nomura & Barnlund, 1983), the topic (Diesel, 1996), and the relationship between the parties (Graziano et al., 1980). The history of the effects of similar criticism in the past, in addition to whether a continued relationship is desired and other historical difficulties within a relationship, determines how parties to interpersonal events modify their criticism (Tracy & Eisenberg, 1991). Nomura & Barnlund (1983) observed that parties respond with indirect, passive forms of criticism when feeling disappointed or in disagreement, and with direct criticism when fending off personal attacks.

2.1.6.5 Silence

As documented by conversation analysts, silences can impart great meaning and perform a great deal of tactical work within the context of conflict talk. Hall (1985) notes this in his claim that positively marked terms 'signify' through their relationship to what is absent, unmarked, the unspoken; meaning is relational within an ideological system of presences and absences. Bavelas (1991) notes that hesitating before speaking is a way of encoding reluctance. Silent responses can be highly complex (Gal, 1995; Lakoff, 1995)

and can be powerful or disempowering, depending upon context (Mendoza-Denton, 1995).

Manipulative silences are those that intentionally conceal important information from the listener, a practice Huckin (2002) considers to be the most powerful silences from an ideological perspective, the least linguistically constrained, and therefore the most difficult to identify and analyze.

From the perspective of conversation analysis, Schegloff (1991) observed within the Summons/Answer sequence in telephone conversations that if a party issues a summons that is responded to with silence, this sequence does not contain the necessary components for a continued interaction. From a gender study perspective, Gal (1995) claimed that silence can index the ways that women's 'talk', 'voice', and 'words' can be muted by institutional structure, power differentials, and practices of social scientists. To Gal, silence is both actual and symbolic.

2.1.6.6 Level of Directness

Indirect language is a pervasive practice exhibited in a wide array of forms in diverse settings, and motivated by a variety of social and psychological reasons (Channell, 1994). However, indirectness can likely be characterized by a general patterns across the many contexts in which it is found. According to Sharrock and Turner (1978), who studied phone calls to a city police station, when complaint topics were not directly relevant to police business, indicating a context of ambiguity, language used in those calls tended to be more indirect. Rummelhart (1983) found a similar result when

analyzing interview data of institutional residents, in that the level of indirectness in the responses was associated with their level of understanding of the context of the interaction. These findings in naturally occurring data are consistent with Goffman's (1967) description of the manner in which social actors adopt appropriate verbal and nonverbal behaviors ('lines') to manage face; the use of direct and indirect messages, including glossing over, redefining, and 'playing down' behaviors that threaten face.

2.1.6.7 Turn Management

Tactics related to taking and keeping the floor play an integral role in the ability of parties to conflict talk to construct and support their strategic 'lines' and cultural templates. Parties manage turn-taking in order to explain, account for, influence and persuade, challenge, and resist.

Turn-taking has been researched from various perspectives. Scholars have examined turn-taking and turn design in terms of how they establish systems of solidarity and deference (e.g., Brown and Levinson, 1987 [1978]; Holmes and Stubbe, 1997; Scollon and Scollon, 1995). O'Halloran (2005) notes that extended turns expressing autobiographical self-evaluation do not require the speaker to position herself in relation to previous turns, allowing a type of ambiguity in the interactive order, as compared to the use of adjacency pairs that set up trajectories for subsequent talk (Sacks, 1992; Schegloff and Sacks, 1974) that characterizes much mundane conversation. Relevant to mediated conflict talk, O'Halloran (2005) states that although a speaker's right to hold the floor involves asymmetry between speaker and listener (Linell, 1990), by precluding

the right to initiate adjacency responses, the speaker's directive role is reduced and the inferential role of the listener is enhanced, thus giving the listener greater autonomy.

A turn-taking device important within this study, interruption, is a highly contextually-based tactic and should be interpreted within the context in which it occurs. Opinions vary on what constitutes an interruption. Many researchers consider interruptions in every instance to be disruptive and/or a power strategy (e.g., Ferguson, 1977; Hawkins, 1991; Jacob, 1974). Some analysts consider any overlapping speech to be an interruption (Wiens et al., 1965). More fine-tuned approaches consider backchannel utterances, while certainly overlapping, not to be true interruptions because they are not used to gain the floor (Yngve, 1970). From a conversation analytic perspective, all interruptions are violations of the current speaker's right to the floor and disruptions to the flow of the conversation (Sacks, Schegloff, and Jefferson, 1974). Sacks (1974) distinguishes between mid-utterance overlaps, considered to be true interruption, and overlaps occurring where the end of the turn can be projected. Jefferson (1983, 1986) further distinguishes between a violative interruption and overlaps that are systematic and 'warranted'.

Others note that interruptions also connote cooperation, and distinguish between power and nonpower, confirming and disconfirming, and disruptive and supportive interruptions (Goldberg, 1990; Kennedy and Camden, 1983; Ng et al., 1995). For example, Goldberg (1990) claimed that power interruption is used to gain control of the process and/or content by gaining the floor. These types of interruptions are quite

different from those through which the speaker is encouraged to continue speaking and and solidarity is strengthened (Goldberg, 1990; Tannen 1981). Interruptions can also support or rescue the speaker (Ng et al., 1995).

Bilmes (1997), who defines an interruption as a violation, or attempt at violation, of the interrupted party's speaking rights, claims that interruptions are difficult to identify and should not be considered as a feature of the turn-taking system. Rather, interruptions can only be considered as such when participants give a sign that they recognize them. Stopping in mid-utterance is not in itself a valid criteria. Hutchby suggests that "analyzing the situation practices of doing 'interrupting', and of doing 'being interrupted',...allows us to see interruption as something other than a simple sub-class of speech overlap" (1992, pp. 344-345). Bilmes (1997) identifies an interruption from an analytical perspective to be an act that incorporates some feature constituting a display of interruptiveness; the speaker orients to interrupting the other. Examples include incorporating an apology ("I hate to interrupt, but...") and requesting permission to interrupt ("May I interrupt?"). From the perspective of analyzing the interruptee's orientation, interruption can be identified by the interruptee's direct claim of being interrupted, displays of interruption (verbal and nonverbal displays of annoyance, attempts to hold the floor), and ignoring the interruption attempt.

Li (2001) suggests that conversational interruptions may be a universal phenomenon, although styles of interruption may be culture-specific. Some researchers consider interruptions to be power strategies used disruptively in every instance where

they are found (e.g., Ferguson, 1977; Hawkins, 1991; Jacob, 1974; Li, 2001; Roger & Neshoever, 1987; Zimmerman & West, 1975). Sacks, Schegloff, and Jefferson (1974) concur by claiming that any interruption is a violation of the current speaker's right to the floor and a disruption to the flow of the conversation.

However, Goldberg (1990) notes distinctions between power and nonpower interruptions and claims that interlocutors use power interruption to take the floor and gain control of the process or content. Kennedy and Camden (1983) label these power and non-power types as confirming and disconfirming. Ng et al. (1995) used instead the terms disruptive and supportive interruptions, adding that some interruptions function to support or rescue the conversational partner. Non-power interruptions are those which encourage the speaker to continue. They facilitate the interactional process and strengthen mutual enthusiasm, interest, and solidarity (Goldberg, 1990; Tannen 1981). Ng et al. (1995) notes that some interruptions function to support or rescue the conversational partner. Kennedy and Camden (1983) identify an agreement interruption as one enabling the interrupter to demonstrate concurrence, compliance, understanding, or support.

2.2 NARRATIVE THEORY AND NARRATIVE ANALYSIS

2.2.1 History

Narrative theory developed in large part from the poststructuralism of the 1960s begun in France in the work of Foucault, Derrida, Lyotard, Deleuze, and Baudrillard (Peters 1996). Its philosophical position drew from the ideas of Nietzsche and Heidegger, and it challenged structuralism's scientism and presumptions about language, thought,

culture, and other aspects of understanding the human in society (Peters 1996, 1999). Poststructuralism shares with structuralism a critique of the humanist, Cartesian/Kantian subject as rational and autonomous; they share also the position that language and culture can be understood as linguistic and symbolic systems, shaped by ‘hidden’ structures or socio-historical forces governing and constraining behavior (Besley 2002, p. 130). Both traditions also draw heavily on the Russian formalists, Saussure, Jakobson, Freud, and Marx, and place a new focus on ‘perspectivism’ in interpretation (Besley, 2002, pp. 130-131). Other major influences upon poststructuralism are the works of anthropologists Gregory Bateson and Clifford Geertz, ethnographer Edward Bruner, and sociologist Erving Goffman (Bateson, 1972; Bruner, 1986; Geertz, 1973; Goffman, 1959).

2.2.2 Narrative Models

Most researchers who study narrative or use narrative analysis as a tool to study other things idealize narrative as a monologic activity involving a narrator and an audience. However, the data in this study demonstrate that narratives emerge within conversations as a joint communicative activity involving both direct and indirect participants. The emergent nature of narrative-in-talk has almost without exception not been addressed in conflict talk research.

Many types of narrative analysis exist, and each tends to define narrative differently. Labov’s classic work focuses on the structural features of narratives (Labov & Waletzky, 1967). Reissman’s (1993) definition, endorsed by R. Jones (2004),

considers narrative as consequentially ordered talk that primarily relays past events and is somewhat distinct from the surrounding talk.

Bruner (1986) distinguishes between ‘narrative’ and ‘paradigmatic’ (or logico-classificatory) ways of thinking. He argues that both modes of thinking are on par with one another. Herman reminds us that stories are found in every culture and subculture; narrative is a strategy for sense-making that stands in contrast to but is not inferior to, ‘scientific’ explanations categorizing various phenomena as instances of general covering laws (2003, p. 2).

Definitions of narrative differ, but most narrative scholars agree that stories contain a central problematic incident or ‘initiating event’ followed by various actions and reactions. The unfolding story, which narrates the resolution or nonresolution of the problem, consists of components that include setting, initiating event, internal response, consequence, and reactions (Ochs et al., 1996, p. 97) (see studies by Stein, 1979; Stein and Policastro, 1984; Trabasso et al., 1984). Clearly, a traditional dramaturgical model prevails in this approach, privileging textual themes over conversational details.

Within the past several decades, narrative scholars partitioned into definable groups. Most approach narratives as a genre with bounds that separate it from other conversation and other genres, allowing its analysis in isolation. This *contextualist* tradition, the beginnings of which can be traced to Saussure’s ‘linguistics of parole’, is exemplified by Labov and Waletzky’s groundbreaking essay (1967), which motivated much work and a variety of new sociolinguistic and pragmatic approaches to narrative,

both qualitative and quantitative (see Bamberg, 1997 for a review). In this approach, a teller performs a story for an audience of listeners. The other group draws upon Goffman's *interactionalist* model, viewing the sociocommunicative logic of narratives as built through joint elaboration of a participation framework (Bamberg, 2008; Goffman, 1981; Goodwin, 1990; Jones, 2004; Schiffrin, 1987). Within the framework, interlocutors employ various footings, positions, identities, etc., co-creating an emergent and situated narrative or set of interrelated narratives.

2.2.2.1 Performer & Audience

Most researchers take the position that narrative is unlike conversation in that it displays a structurally sequential ABCDEF pattern (Nair, 2003). From a conversation analysis perspective, Sacks (1992) demonstrated that the telling of stories is a highly systematic conversational phenomenon in which an audience, established by the storyteller, reacts in very specific ways. Within this frame, the storyteller holds center stage. Linde (1993) states that verbal stories are highly resistant to interruption; the environment assures that talk is almost always properly continuous.

Nair's question is thus highly appropriate: "How to fit the long, monologic, past-ist, narrator-centred and closed ABCDEF sequence of narrative into the short, dialogic, present-ist, deictically changing and open-ended ABABAB alternation of conversation? Solve this puzzle and some of those elusive constraints on communication...might begin to reveal themselves" (Nair, 2003: 6).

2.2.2.2 Emergence

For Nair, narrative requires at least two members of the human community and serves as an interlocking device for self-perpetuation. Narrative thus relies on the dialogic or polyphonic imagination, in the Bakhtinian sense. She promotes the idea of a co-authored narrative, communally authored and authorized by listeners who process tellers' *implicultural* meanings. "The 'paradox' of the narrative function of language is that it both promotes the illusion of separateness, and at the same time, implicates us in interdependence... The alternative to communal 'multiple authorship' is not single self-adducing 'multiple drafts', but the silence, or silencing, of the self" (Nair, 2003. P. 22).

The structure of the interaction in the data in this study bears a strong resemblance to Ochs' et al. (1986) description of the 'detective story'. The authors compare the data in their own study of dinnertime family conversations with the model of an authoritative teller with a perspective that is not questioned by the audience (see Lerner, 1987 and Mandelbaum, 1987a, 1987b for discussion). In contrast, in the detective story a single knowledgeable teller is not vested with the authority to define a narrative problem. Narratives are scrutinized in the telling by co-present participants who may or may not have information relevant to the story. In their data, families sometimes transformed narrative problems based on this co-construction, resulting in a paradigm shift. Within detective stories, at least two versions of the narrative problem develop, or emerge. New information volunteered by participants serves to reformulate the narrative problem and recontextualize the earlier story as only one version of events and not *the* story.

Other studies emphasize audience as co-author of the narrative, co-construction of stories, and the impact of the story recipients' participation in story-telling (e.g., Beran and Unoka, 2005; Duranti, 1986; Goodwin, 1986; Haviland, 1986; Jefferson, 1978; Lerner, 1987, Mandelbaum, 1987a, 1987b; Monzoni, 2005; Sacks, 1992). Others adopt a synthetic approach, incorporating both cognitive and sociological approaches to narrative (Ochs, et al., 1996). They claim that the components of narrative are constituted, ordered, and clarified through social collaboration and that co-narration is motivated by problem-solving (p. 98). This claim is consistent with Gumperz's (1982) concept of contextualization in which contexts are not pre-existent but rather created by the participants in the course of verbal interaction.

These various references to multiple authorship and interdependence make the case for the interactional construction of narratives. Nevertheless these researchers, like most narrative researchers, retain differentiation between narrator and listener as interactional units. Although the terms are used in the analysis for convenience, this study recognizes a need in future theory work to deconstruct the categories of 'teller', 'listener', 'narrator', 'audience'. Is it possible that narratives are interactionally constructed by the emergent polyvocality present in interaction? If narratives are community constructions then all participants, both direct and indirect, contribute to narrative building through participation in the moment-by-moment interaction.

The emergence model of narratives-in-interaction rejects the notion of a single speaker or author. Dispute narratives in particular feature an often disharmonious chorus

of contentious voices and stories representing a Bakhtinian multivocality. Within the emergent process, narratives may be co-generated, abandoned, privileged, rejected, resisted, colonized, or transformed. If we retain the notion of audience in this context, we must consider the audience as a complex entity, consisting of those co-present with the speaker and those not physically present but who may be affected by the telling or outcome and therefore represent ‘psychic’ constraints on the story. Even the teller is audience – observing and evaluating the ongoing story’s impact on the previously defined audience to ensure they are affected in the manner intended.

Wetherell and Potter (1992) refer to the notion of an ‘interpretative repertoire’ as an analytic tool to identify the systems of meaning or discourses; the terms, phrases and metaphors used by the parties identify the interpretive repertoires they are applying to make sense of a story. Parties do the tactical work at the local level of utterances, turns, sequences, and lines, in order to ‘tell a story’. When the interpretive repertoires used by each party contradict one another, insight can be gained into the dilemmatic aspects of different ways of understanding and representing the world (Billig et al., 1988).

Bamberg borrows from developmental (Bamberg, 2000; Catan, 1986; Riegal, 1975; Werner, 1957; Werner & Kaplan, 1984; Wertsch & Stone, 1978), conversation-analytic (Sacks, 1995; Schegloff, 1982; Sacks, Schegloff & Jefferson, 1974), and ‘communities of practice’ approaches (Eckert, 1989, 2002; Hanks, 1996; Wenger, 1998) to argue that social structures are the products or outcomes of individual actions in interaction. It is only within situations of social engagement that the sense of self and

other can be constructed. Macrosocial and microsocial worlds are thus linked through situated activity. Participants either align themselves or position themselves in opposition to master narratives. This emergence of self and other within stories-in-interaction closely resembles the developmental theorizing term ‘microgenesis’. (Bamberg, 2004, 2008). “This approach focuses the momentary history of human sense-making in the form of emergent processes... the interactive space between the participants...*is* the arena in which identities are micro-genetically performed and consolidated and where they can be micro-analytically accessed” (Bamberg, 2004; 67).

2.2.3 Positioning and Identity

Narratives can be viewed as embodying the themes of the cultural contexts within which they are developed. They are a primary vehicle through which we explore characterizations of ourselves and of others, and interpret and explain our actions in the light of those characterizations. When a story is identified as representative of a grouping of similar stories, the intertextual history of that group helps us make sense of the individual example (Winslade, Monk, & Cotter, 1998, p. 24).

Narratives, both those describing actual experience and those idealizing desired situations, can construct identity for the storytelling member and the group. Individuals construct self-identity by utilizing an organizing principle; specific perspectives and interpretations of various events and responses are selected or rejected to create and sustain a cohesive, consistent self-image over time. The selection process may be conceptualized as the development of a ‘lifescipt’ or ‘life story’ comprising plots (e.g., “I

am well-educated because I worked hard throughout my life to become so"), character role categorization of self and others ('victim', 'villain', 'savior', 'underdog', etc.), and themes and values (e.g., "I have always sought to maintain good relations with others"). Our existing lifescritps determine our interpretations of events and responses; interpretations must be adequately consonant with lifescritps to avoid cognitive dissonance. Reflexively, selected interpretations and perceptions shape and reinforce existing lifescritps.

Individuals construct different types of stories to make meaning of experiential episodes, and lifescritps tend to reflect the orientation toward a particular type. Narratives centered in logic or rationality (e.g., Bruner, 1986; Howard, 1989; Polkinghorne, 1988; Spence, 1982), depicting causal, scientific processes in the world, are highly valued in Western culture. However, symbolic anthropologists (e.g., Geertz, 1973; Turner, 1967) assert that narrative types based on non-rational perspectives (e.g., religion, folktale and fable) also inform our attempts to make meaning of our world. Particular narrative types may be associated with specific societal groups (e.g., according to gender or age; see Henkin, 1999, for one example). Mair (1988) conceptualizes stories as habitations that inform life, stating, "we are, each of us, locations where the stories of our place and time become partially tellable" (p. 127).

According to Davies and Harré (1990) transformation of the self and other(s) (positioning) can be performed through discursive strategies. For instance, Swan and McCarthy (2003) demonstrate how the cultural schema of suffering, in articles posted on

an internet site debating animal rights, "functions not only to problematize humans' use of animals but also creates a subject position for animals as suffering victims that is likely to evoke sympathy for their plight. Further, within this template, a subject position is made available for those who use animals as cruel or hurtful toward these animal victims" (p. 304). The researchers posit that the animal rights supporters strategically construct a 'discourse of oppression' in their texts that locates the subject animals in a framework of rights entitling them to fairness, whereas the anti-animal rights texts strategically locate the subjects within an entirely different framework that does not entitle them to such rights.

Truth, a criterion highly valued in most analytical endeavors, is not a critical criterion in narrative evaluation. Nair (2003) suggests that instead narratives are evaluated on a cline from "*most fragile* (implausible, boring and culturally alienated) to *most durable* (plausible, interesting and culturally salient)" (p. 9). Further, the success of narration depends not only on the teller's story-telling skill but also on whether the stories are considered suitable or unsuitable by the community, as evidenced by the Salmon Rushdie example along with many others (Nair, 2003, p. 15).

Paterniti (2000) studied the manner in which the narratives told by residents in a total care institution display who the residents believe themselves to be and define their expectations for interactional others. A number of studies (Blum-Kulka & Snow, 1992; Ochs & Taylor, 1995; Taylor, 1995) have examined children's everyday narratives within their families to identify their rights as speaker versus their rights as author. In Miller et

al.'s (1990) study, children could construct their identities as speaker, according to Goffman's distinction between speaker and author roles, whereas the caregivers intervened in their ability to interpret their experiences.

The literature in the field of environmental communication, and social movement narrative in general, provides a wealth of information about the manner in which particular discourses, developed through narrative, interpret, present, and frame group and individual experiences (e.g., Bryner, 1997; Cantrill & Oravec, 1996; Herndl & Brown, 1996, Muir & Veenendal, 1996; Waddell, 1996). For instance, Pezzullo (2001) demonstrates, in a study of narratives told by Warren County, North Carolina environmental activists, that the story told by the activists to challenge a polluting agency shifted from a 'story of origin' to establish institutional recognition to "a risky move from imaging what the State *ought to be* (i.e., environmentally just) to claiming the State *is already what it should be* (i.e., the type of government that merely needs to keep its word) (p. 17). Pezzullo also notes the importance of theorizing the manner in which 'critical interruptions' (acts of rhetorical invention) work to alter and frame the meanings of stories.

Another aspect is the question of who is entitled to tell the story and whose story is it anyway? Shuman (1986) observed that narrators not considered 'entitled' to tell a story faced trouble. Power and status within the community determine which groups and individuals own and can tell a story, and these entitlements can change over time.

Narratives have idiosyncratic lines of development and yet can be seen to embody the thematic influences of the cultural contexts from which they arise. Stories afford us opportunities to develop characterizations of ourselves and of others, and to cast our actions in the light of such characterizations. Moreover, any one story can be understood as being in the tradition of, or representative of, a genre of similar stories, the intertextual history of which helps us make sense of any one of its examples (Winslade, Monk, & Cotter, 1998, p. 24).

2.2.3.1 Master Narratives and Counter-Narratives

Not only must lifescritps display structural and thematic coherence, they must also resonate with the values inherent in the master narratives and counter narratives which organize local cultures. Within this broad coherence validation or rejection of the identities so created occurs. The ability to frame individual narratives within powerful narratives embues narrators with respective degrees of power within the local culture. Effective communication of self-identity vis-à-vis a specific event as symbolic of a venerated character type in the local myth system or in terms of the values defined by master narratives locates the individual in a more powerful position than that of the individual with less ability to construct powerful symbolic identities. Alternatively, powerful individuals customarily construct their opponents' identities to reflect negatively-valued narrative elements.

A given topic may have a large number of potential storylines associated with it, but not all have the same cultural status. Culturally powerful and normative narratives

evolve into dominant narratives, various referred to as culturally available narratives (Antaki, 1994), canonical narratives (Bruner, 1987, 1991), dominant discourses (Gee, 1992; Gergen, 1995), and master narratives (Jones, 2004; Mishler, 1995).

Master narratives provide people with a way to identify what they assume is a normative experience, so that storylines function as a blueprint for all stories (Andrews, 2004). According to Andrews, “Wittingly or unwittingly, we become the stories we know, and the master narrative is reproduced” (p. 1). Others, often people who perceive themselves as members of outgroups, develop counter narratives that challenge the authority of master narratives or dominant discourses. Although many researchers consider a tension to exist between the counter narratives and dominant master narratives, others suggest that the relationship is dilemmatic and interdependent, embracing multiple interpretations and perspectives (Murakami, 2004).

Nations and organizations perpetuate narratives imposing and shaping perceptions of history, community and family, individual identities, and modes of conduct. Narratives can also represent a powerful tool with which disempowered parties can challenge dominant cultures or, used strategically by dominant parties, to apply and reinforce beliefs and practices that privilege the dominant culture.

The poststructuralist literature addressing power in discourse explores discourses of power, oppression and resistance, and the meanings and impact of each (see, e.g., Deetz, 1993, Mumby 1993, 1997; Trethewey, 1997, Weedon, 1997), and how they can be identified in narratives. For instance, Townsley and Geist (2000) illustrate how

organizational responses to sexual harassment can enact discursive hegemony within the organization. Clair (1994, 1998) studied one narrative of sexual harassment to identify a discursive practice of resistance and oppression, focusing on the use of framing devices. Hawkins (1994) studied narratives of women in academe to explore hegemonic discourse in university settings, and Mumby (1998) studied power and the construction of masculinity in the workplace.

Narrative domination raises the question of narrative legitimation as political praxis (e.g., Mumby, 1987), the location of mediator neutrality (e.g., Feer, 1992; Rifkin, Millen, & Cobb, 1991), and the consideration of any type of positive relationship between domination and resolution within a mediation framework. However, all three serve to stabilize the sites that threaten the potential for resolution. Cobb (1994b) pp. 54-55) argues

Although closure is never complete, narratives generate closure by *stabilizing* sites in the narrative that threaten to alter the part/whole relations that comprise narrative coherence. . . . we can predict where the sites for contestation will appear: causality, role relations, and values (emphasis in the original) (p. 54-55).

She asserts that conflict stories (i.e., cultural schema) are recalcitrant to change because they are self-perpetuating; personal morality and lifescipt meanings are reinforced with each new telling of the story. However, narrative identities are "historically grounded but 'fictively' reinterpreted, constructed by an individual but constructed in interaction and

dialogue with other people” (Ezzy, 1998), and the recalcitrant conflict sites may be resolved through an interactive process of narrative construction.

2.2.4 Storytelling and Accountability

The dialectic of self-other identity construction characterizes and motivates conflict talk. In addition to positioning themselves in terms of powerful master or counter narratives, disputants construct opposing "theories of responsibility" (Cobb, 1994a; O'Barr & Conley, 1985) for particular events or activities through the operation of narrative presentation and interpretation. Parties attempt to narrate their stories within the frameworks of cultural myths that present their created identity in the best, and their formulation of the other party's identity in the worst, possible light. This process undermines the potential for resolution by (1) fortifying the perception of incompatible interests, (2) reinforcing the parties' moral positions and disregard of areas of common interest, and (3) invoking resistance to negative attribution directed at the self, thus contributing to conflict escalation and development of ancillary conflicts.

Accounts and explanations form the basis of 'theory of responsibility' construction and play a central role in conflict talk, particularly in more formalized settings, such as mediation or the courtroom. Accounts can be seen as serving a persuasive role, displaying for instance knowledge of ideal ways of behaving and reaching justifications for actions (Harre et al., 1985).

Conceptually, accounts are similar to, and sometimes interchangeable with, narratives. Developed during the 1970s, the research concept of accounts addressed

statements made by or stories told by interlocutors to one another to explain unanticipated or deviant behaviors (Lyman & Scott, 1970; Scott & Lyman, 1968). This early work on accounts developed from Goffman's (1959) work on the manner in which self presentation attends to self-protection, and Garfinkel's (1956) work on status degradation, and often overlapped with contemporaneous work on classical attribution theory and symbolic interactionism.

More recent work on accounts places less emphasis on disruption of social interaction and focuses more on the development of accounts in addition to the elements of accounts (Harvey et al., 1990a, 1990b; Maines, 1993; Surra et al., 1995). According to Orbuch (1997), accounts

(a) give individuals a greater sense of control and understanding of their environment, (b) allow individuals to cope with emotionally charged and stressful events, (c) produce some degree of closure, (d) provide a greater sense of hope and will for the future, and (e) establish order in daily relational experiences (p. 459).

Three issues must be considered when offering an account or explanation for an action: (i) which experiences are report-worthy, (ii) what interpretive frames or culturally relevant explanation should be used when accounting for self behavior and that of others, and (iii) what evaluative position can be taken in order to best align or distance the self from expected outcomes (Bruner, 1990; Walton and Brewer, 2001; Walton et al, 2002). According to Walton et al. (2002), when experiences or outcomes are unusual, the person

recounting the experience must offer an explanation. This very requirement of an explanation can be perceived as evidence that the accounting involves the breach of a cultural norm. Bruner states “to be worth telling, a tale must be about how an implicit canonical script has been breached, violated, or deviated from in a manner to do violence to ...[its] “legitimacy”” (1991: 11)

Parties in conflict tend to use avoidant or refutational tactics when confronted with unpleasant accusations or threatening information (Baumeister & Cairns, 1992; Frey, 1986; Wyer & Frey, 1983), and to minimize time spent talking about negative actions they have perpetrated (Gonzales et al., 1990; Schütz, 1993). Interestingly, accused parties tend to supply as many explanations and justifications as possible and/or portray their negative actions as unintentional (Baumeister et al., 1990, Schönbach, 1985) and may construct accounts of joint or mutual victimization in which they also experienced suffering (Baumeister, 1997). Parties who display relatively low self esteem tend to accept responsibility for wrongdoing more readily than those with higher self esteem (Blaine & Crocker, 1993). Parties who display higher self esteem tend to display a higher level of reluctance to admit a personal transgression (Baumeister et al., 1996).

Close examination of accounts can have far-reaching implications. For example, Coates and Wade (2004) claim that accounts are not objective, impartial descriptions of events, but rather should be conceived as representations of events with variable accuracy. In the example of a court case, the authors demonstrate that fundamental constructs such as the nature of the events (e.g., violent versus sexual), the cause of the

events (e.g., deliberate versus accidental), the character of the offender (e.g., good versus bad), and the character of the victim (e.g., passive versus active) are constituted through the account of the crime. Variation in the accounting of the same event requires different kinds of social action (Coates and Wade, 2004). For example, the following accounts of the same event -- ‘he kissed her’ and ‘he forced his mouth against hers’ -- suggest very different characterizations of the act and require extremely different responses (e.g., no intervention versus legal intervention).

The stories told by disputants tend to portray the teller as a victim and protagonist, and the other party as the victimizer and antagonist (Cobb, 1994a). Narratives lacking adequate internal coherence or cultural resonance are more likely to be marginalized and subsumed within more coherent, culturally resonant narratives (Cobb & Rifkin, 1991a). In addition, research has demonstrated that the first narrative told often colonizes subsequent narratives (Cobb & Rifkin, 1991b).

2.3 MEDIATION AND THE IMPACT OF MEDIATORS

Mediation as an alternative dispute resolution practice was first used in the West in order to avoid the recurrence of worldwide conflict following World Wars I and II. The practice was also applied to collective bargaining in labor-management disputes beginning in the 1920s, as well as to the civil rights and other popular empowerment movements of the 1960s. The growth of litigation cases overburdened the U.S. court system during the 1970s and onward, resulting in the establishment of both voluntary and mandatory, court-ordered mediation, associated mediation boards, and neighborhood

justice centers in many U.S. cities. Mediation as a conflict resolution process occupies a position of steadily increasing performance, as evidenced by the rapid growth of dispute resolution centers on college and university campuses.

Mediation differs from other forms of conflict resolution in, among other things, the role mediators play in the process. Whereas arbitrators, judges, and other figures endowed with institutional authority to resolve conflicts impose resolutions upon the parties, mediators create an environment wherein the parties themselves resolve the dispute. Although mediators have no formal power of enforcement, skillful mediators are able to facilitate interaction between the parties so that deeper identity and relational concerns, should they exist, may rise to the surface and be addressed as part of the wider conflict resolution process.

An important distinction exists between the ‘problem solving approach’ and the ‘transformative approach’ to mediation. The problem-solving approach practiced by most professional mediators focuses on obtaining a written settlement agreement through resolution of the content issues; relational and identity issues are rarely addressed. In contrast, transformative mediation-oriented practitioners consider conflict as first and foremost a potential occasion for growth in two critical and interrelated dimensions of human morality: (1) strengthening the self through realization of one’s inherent human capacity to resolve difficulties by engaging in conscious and deliberate reflection, choice, and action, and (2) reaching beyond the self to relate to others through realization and strengthening of one’s inherent human capacity to empathize with and express concern

and consideration for others, especially others whose situation is different from one's own (Bush & Folger, 1994, p. 81). Although a narrative approach can be used in the practice and analysis of both types of mediation, it is believed that this approach is particularly applicable to transformative mediation and offers the potential of enhancing the mediator's ability to implement empowerment and recognition goals.

Contrary to the mediation ideology of neutrality, mediators routinely privilege certain narratives in the mediation process through communicative and metacommunicative affiliation with one party's story, and reinforcement of discursive power of one myth to the detriment of the other (e.g., by allowing one party to elaborate his or her narrative at greater length). The telling and retelling of the story results in reification of causality and identity structures and elaboration of vertical narratives to reinforce meanings of individual lifescritps. In addition, the other party may be demoralized by (1) symbolic silencing, (2) a sense that mediators' attitudes are influenced by the other party's storytelling activity, (3) frustration due to perceived misrepresentation, (4) reduced confidence in the mediators' ability to control the process, and (5) internal undermining of personal meanings through repetition of the alter narrative.

Mediators change the dynamics of conflict talk in several ways (Burgess & Burgess, 1997). First, they actively intervene to defuse verbal aggression by defining and invoking rules of interaction. Second, mediators control the interaction in varying degrees by providing summaries, comments, questions, etc. in the interstitial spaces of

the parties' talk. Third, disputants may change the participant framework so that mediators become audience in order to achieve certain interactional goals not achievable within the audience structure. It may be that a mediator can observe a party's use of cognitive words and negative emotion words as a possible indication of whether that party is experiencing primarily avoidance affect or attempting to organize, make meaning, and attribute causality.

Greatbatch and Dingwall (1997) found that disputants, rather than third-party mediators, often initiated de-escalation using generic practices found in everyday conversation. Interestingly, disputants were observed to orient toward the mediator's role as neutral facilitator and do not attempt to 'win them over' or ask them for their view. In the same study, mediators helped de-escalate conflict talk in a number of ways, including seeking clarification, shifting topics, and negatively sanctioning parties, although they also often neglected opportunities to de-escalate the dispute.

It is important to note that mediation as a speech event bears similarities to other types of institutional talk. The courtroom discursive context is similar in many respects to that of mediation in that the participants frequently perceive, at least initially (in mediation), a context where they will be required to use competitive behaviors in an attempt to achieve their goals. In the courtroom, "the goals and plans of the speakers influence their argumentation strategies and their linguistic behavior" (Martinovski, 2006, p. 2084). A notable difference between the courtroom and the mediation session is

stronger performative nature of utterances in the courtroom, where they become part of a legal testimony, versus the flexibility afforded by the confidential nature of mediation.

Mediation also has similarities to all discourses of the type Edelsky calls collaborative ventures in which participants take part in a 'jointly-built one idea' (1981, p. 384). While they may be argumentative in nature, these types of conversations are characterized by topics belonging to both participants; that is, all participants share an interest in the topic and bring something related to the topic to the table. However, Jacobs et al. (1991) note that mediation often presents disputants with a double bind. On one hand, the mediation framework demands an effort to identify and solve problems, and consider proposals for a mutually acceptable agreement. However, mediation sessions frequently threaten to become remedial interchanges (Goffman, 1971; Morris & Hopper, 1980; Owen, 1983) because disputants bring conflicting understandings of what requires attention and what implications mediation may have for their moral identities (Jacobs et al., 1991).

Although a mediation session is formal in its structure and process, the conversations in which the participants engage within a mediation session are considered informal in that they are non-public, often non-structured, and confidential. The mediators provide an audience; however, the confidential nature of the mediation session influences the parties to engage in many, if not all, of the same behaviors they would employ in a non-mediated setting. This claim excludes violent behavior, from which the parties are protected in a mediation setting; however, it is assumed that the parties to the

sessions analyzed in this study have not engaged in violent behavior at other times in their conflicts unless it is explicitly indexed within the mediation talk.

Garcia (1991) presents evidence from conversation analysis work to suggest that the interactional structure and motivation of mediation is the primary factor in its conflict resolution success; mediation changes the interactional structure of ordinary conversation, specifically the participation framework and turn-taking system, inhibiting or preventing manifest argument between the disputants. She notes that in turn-taking is not predetermined in ordinary conversation, allowing a disputant to place disagreement sequentially and extend the conflict episode. In addition, in ordinary conversation as contrasted to mediation, denials are produced immediately as second parts to accusation, without a delay with which the accuser can mitigate or repair an accusation (p. 821).

Considering the central role of narrative in mediation, it is unfortunate that only preliminary work has been done to study these processes through close analysis of naturally-occurring interaction in a mediation context. Winslade et al. (1998) analyzed mediation transcripts to reveal mediation influence on narrative development. Shailor (1994) applied the Coordinated Management of Meaning (Pearce & Cronin, 1980) theory to specific case studies to explicate the hierarchical organization of various stories in mediation and the manner in which some narratives contextualize others.

Context and process have been examined in actual stories told by disputants and the ‘deep structure’ of mediation has been described as a function of rules of meanings and action (Littlejohn & Shailor, 1986). Cobb (1994b) notes that in a mediation,

“narratives are interactively developed, modified, and contested as disputants elaborate portions of their own and each other’s conflict stories” (p. 53).

2.3.1 Narrative Mediation

Although the mediators in this study do not employ a narrative mediation approach, the close examination of interaction and narrative requires a brief review of the narrative mediation literature. In a sense, the analysis adopts a focus that might be used by a narrative mediator.

In contrast to the problem-solving model of mediation, and bearing close similarities to the transformative model, narrative mediation focuses on increasing understanding between the parties and resolving relationship issues. The goals of narrative mediation are sometimes viewed as a hybrid between problem-solving approach solutions and settlements and transformative approach empowerment, recognition, and social justice (Bush and Folger, 1994). Face-to-face talk is encouraged and improving the disputants as people, as well as reaching settlement, is emphasized (Hansen, 2003).

Narrative mediation grew out of narrative family therapy developed by M. White and D. Epston in the 1980’s, which in turn developed from an interest in the manner in which post-modernism and social constructionism assists in understanding the subjective interpretation of ‘facts’ in therapy work. Narrative mediation models itself on postmodernist therapies which “attempt to privilege clients’ interpretations in the construction of meaning through a collaborative conversation” (Wylie and Pare, 2001, p.

2). The mediator using a narrative framework is generally not concerned with the truthfulness or credibility of a disputant's story.

Mediation is, at its core, a storytelling process. According to Harrington and Davis (in Cobb, 1994b), "It is widely accepted that mediation is a storytelling process...telling one's story in mediation serves simultaneously the ethical mandate, "participation", as well as the pragmatic mandate to move "from story to settlement" (p. 48). Cobb (1994b) claims that people think in terms of stories, themes, roles, and plots to create meaning for relevant people and events (p. 52).

A narrative approach to mediation employs Bakhtin's (1929/1973) polyphonic theory; each character is located independently, each has a different perspective of the event generating the story, and together they represent a 'plurality of consciousness'. Narrative mediators explore the sites where mediation narratives accompany and oppose each other and the manner in which several voices can merge into one composition.

In line with postmodernism and social constructionism, narrative mediators believe that people do not simply describe experiences through language; they also create experiences through language. Foucault demonstrates how the linguistic forms of dominant classes occupy the position of 'normalizing truths' in the manner they shape people's lives and relationships (Monk, 1996, p. 5). Narrative mediators orient to this reality and attempt to ensure that one party's story is not privileged over another. Critiques of narrative mediation, and postmodernist approaches in general, argue that disregard of a central 'truth' or 'truths' creates an environment of ethical relativism

where ‘anything goes’ and political, social, and cultural agency are dissipated (Wylie and Pare 2001, p. 1). This move from a ‘truth criterion’ can also be viewed as a strength of narrative mediation. “It deposits us on different (if no longer solid) ground, a ground that offers new possibilities for staging resistance to the damaging effects of social, cultural, and political and politically dominant narratives and for inviting subjects to write for themselves more empowering, less subjugated narratives” (Wylie and Pare, 2001, p. 12).

Narrative mediators listen to the stories presented and attempt to make links between the events and interests they hear described. “The adeptness of the mediator is required to tease out the beginnings of a more preferred narrative from amid the problem story” (Winslade and Monk, 2001, p. 85).

Theoretically, the practice of a narrative approach to mediation allows mediators to ensure that less powerful stories are told and to assist the disputants to weave a new story incorporating values meaningful to both parties. For example, a conflict story may be supplanted by a co-created story of respect and validation. Within the act of co-creation lies the potential of addressing underlying relational and identity issues. In addition, formerly intractable conflict sites can be addressed from within the new narrative as external mutual problems, devoid of theory of responsibility concerns.

2.4 SUMMARY OF LITERATURE REVIEW

As discussed in the opening to this literature review, a multidisciplinary approach and knowledge of several subject areas is mandatory to the satisfactory accomplishment of the goals of this study. The data represent examples of conflict talk, a specific type of

discourse located within the broader area of interpersonal conflict. The research focus on the interactive and emergent construction of dispute narratives in conflict talk requires knowledge of narrative theory as it relates to interaction and discourse analysis. Finally, the unique processual and interactive environment within which this conflict talk takes place requires an understanding of the mediation process, its various forms and philosophies, and the constraints it imposes and resourcefulness it allows. Taken together, these subject areas provide a rich background upon which the data can be examined.

Chapter 3. Data and Method

This chapter describes data collection and analysis methods and procedures. Summaries of the five stories analyzed are presented in the Appendix.

3.1 DATA COLLECTION

Cases selected for this study are part of a large corpus of videotaped mediation sessions of various types over a period of approximately ten years. The core data corpus for this study is comprised of (a) the audio/video recordings of five cases, recorded between 1995 and 2001, archived on DVD media, and (b) full transcripts of the five cases. The pertinent Institutional Review Board granted permission to videotape mediation sessions. Sessions conducted during this period were videotaped only when all participants were fully informed and provided written consent to do so. Roughly 1000 minutes of data were examined, with each case averaging three hours.

The five cases were selected from a much larger corpus of cases scheduled and organized by the conflict resolution center (CRC) of a large southwestern university. The CRC offers peer mediation, individual consultation, and team planning facilitation to students confidentially and free of charge. Services are also available to non-students, so long as at least one of the parties is a currently-enrolled student. Sessions are mediated by graduate and upper-division undergraduate students who have completed or are currently enrolled in a practicum in conflict mediation offered by the Department of Communication Studies. Although the mediators themselves were students, all sessions were supervised by the CRC director (who is also the course instructor) or assistant

director (who is also the course teaching assistant). Student mediators are assigned to cases according to some combination of skill level, demographic or other considerations (e.g., assignment of a female and a male mediator to cases involving heterosexual romantic relationships), and mediator availability.

Potential clients contact the CRC. A staff member then records intake data (e.g., parties' names, contact information, and a brief description of the dispute). Upon obtaining the individual's permission to do so, the staff member contacts the other party(ies) to the conflict and explores whether mediation is appropriate. If all parties agree to participate in mediation, the CRC schedules a three-hour session in a conference room on campus.

The cases analyzed herein were videotaped using either one or two broadcast-quality digital videocameras. The earlier cases utilized one videocamera and the more recent cases were captured on two videocameras. When two videocameras were used, they were employed simultaneously from differing angles in order to capture additional visual and aural features of the interactions. Videocameras were affixed to tripods in corners of the room prior to the entrance of the participants. Although participants had previously agreed to videotaping, mediators again explained the presence of the cameras and the levels of confidentiality. Either the mediation supervisor or an assistant operated the videocameras and exchanged digital tapes during the sessions. Except when the videocameras were adjusted and started, and when tapes were exchanged, no additional staff members entered the mediation room.

3.2 METHOD OF ANALYSIS

The five cases were selected because, although arguably representing only four types of disputes, they represent different types of relationships and differing narrative strategies. Table 1 presents a summary of the cases selected¹.

Table 1: Background Information About the Cases Selected for Analysis

Case Name ²	Type of Dispute	Participants
Dissertation Discord	Business relationship	April - international doctoral student Bob - former undergraduate student
Ballroom Blunder	Former Romantic Relationship	Ruth – undergraduate student Sam – graduate student
Departmental Disagreement	Colleagues/Formal Romantic Relationship	Nick – graduate student Amy – graduate student
Tenant Tensions	Landlord-Tenant	Mac – property manager Kim, Sue – former tenants
Disputed Damages	Former Roommates	Lara, Samantha – students

The recordings of each of the five cases were observed multiple times, and the transcriptions were analyzed in their entirety. For the sake of efficiency and ease of understanding, only the segments identified as examples of the research focus are

¹ Consideration was given as to whether to include resolution status, *i.e.*, whether the participants reached agreement, in the background information. While resolution status may be important in individual analyses, it is not a central research focus of this study and is therefore not included in Table 1 background information. Resolution status information is available in the Case Summaries provided in the Appendix.

² Names of participants have been changed to protect anonymity and confidentiality.

presented in this study. Readers wishing to obtain access to entire transcripts and/or recordings may contact the researcher directly.³

Transcripts for four of the cases were available at the start of the analysis. Two cases had been previously transcribed by the researcher and two cases had been transcribed by other students in the Communication Studies department for other research purposes. Segments of the fifth case were also available, but the case was transcribed in full as part of the analysis procedures. Due to their various origins and purposes, each of the transcripts employs a different level of detail, from basic text with only minimal transcription conventions to segments transcribed using the detailed standard conversation analysis conventions developed by Gail Jefferson (see Atkinson & Heritage, 1984). The segments identified as representing the phenomena of interest to this study were transcribed as part of the analytical procedures to include phonetic features of the utterances considered important to the analysis (e.g., intonation, vocalic lengthening, pauses, and embodied communicative moves).

The method adopted for this analysis follows Jones (2004), who advocates discourse analysis orienting to an emergent perspective. She attempts to identify how narratives are endogenously produced within the interaction (i.e., not pre-existent, but worked up and actively occasioned and mobilized) but draw upon extra-discursive cultural resources. Thus, she focuses on phenomena of interest to conversation analysts, such as turn-taking, membership categories, preferred and dis-preferred responses, and

³ Although the researcher will attempt to accommodate all requests, the data are protected by IRB requirements, written agreements with the participants, and the Center director.

participant orientations. Within participant orientations, she incorporates indexing of recognizable cultural storylines, or master and counter narratives. Thus, she attempts both a micro- and macro-analytical approach to her data.

The primary critique of this attempt to blend *emic* and *etic* analyses is its “risk of sacrificing analytic technicality for a more broad and loose paraphrasing of how “dominant cultural storylines” are signaled by certain keywords or phrases” (Korobov, 2004. p. 192). This is a valid critique, and I believe Jones weights her overall analysis toward a top-down, *etic* method insufficiently grounded in her data. Nevertheless, the literature demonstrates beyond doubt that humans situate their stories and position identities within the narrative web representing cultural knowledge. Analyst bias in applying *etic* frames of reference is culturally loaded and far more subjective than working with an *emic* approach that focuses “within the conceptual framework of those studied” (Silverman, 1993). This study follows Jones (2004) while making every effort to ground narrative analysis within the talk of the participants.

That being said, this study employs standard discourse analytical methods (DA). DA is practiced in many disciplines (communication studies, psychology, philosophy, literary studies, history, anthropology, linguistics, comparative literature, to name a few), with different meanings (e.g., a field, subfield, a social science method, a paradigm) and practices in each. The objects of discourse analytic study range from literary and rhetorical texts, to natural conversation, to films and advertisements. Critical Discourse Analysis (CDA) purports to go beyond describing discourse practices by exploring power

relations, ideology, bias, discrimination, etc., and their impact on interaction, implying a more normative orientation than DA.

Due to the multidisciplinary nature and variety of approaches to DA, this section describes the theoretical underpinnings and analytical method used herein. While running the risk of ‘trying to do too much and thus doing nothing’, this study adopts an interdisciplinary, integrative, relativistic DA perspective. The relativism and interdisciplinarianism in this analysis should not be considered to mean that ‘anything goes’, but rather be taken to mean that ‘nothing goes’ without interrogation and negotiation (Stainton-Rogers & Stainton-Rogers, 1997). This approach is deemed necessary in order to maintain the big picture scope required to consider potential interdependencies between the narratives and discrete discursive moves used in constructing those narratives.

Robin Lakoff (2001) argues for an inter-, cross-, multi-disciplinary DA by describing how a simple apology can be understood as a contribution to a larger discourse and viewed from formal and functional, cognitive and interactive, individual and group, intralanguage and societal perspectives, and from the perspectives of phonology, syntax, lexical semantics, speech act pragmatics, conversational analysis, narratology, and sociolinguistics, and in terms of the relationship between form and function (p. 201). Lakoff actually analyzes apologies and apologetic sequences from each of these perspectives to demonstrate the insights each can provide.

The DA method used in this study follows the tradition which privileges the social and linguistic over the psychological (Wetherell, 1995). This turn to language is evident in the DA practiced widely by ethnomethodologists, critical social psychologists, conversation analysts and discursive psychologists. This approach assumes a relativistic stance that incorporates notions of interpretive plurality and reflexivity of meaning-making practices. The DA approach used in this study has the following characteristics: it is data-driven, employs microanalysis of actual talk-in-interaction, conceives of context and meanings as socially constructed in talk, is descriptive and not normative, is behaviorally and not cognitively oriented, and is mindful of the various levels of social construction that may be occurring simultaneously. Although this study does not employ conversation analytic methods, it does adopt the fundamental assumption of conversation analysts that context is only salient as it is invoked in the interaction; thus, the relevance of larger institutional contexts, status, power, etc., are examined only if observably oriented to by at least one of the interactants. This is not a prescriptive study; no claims will be made as to the efficacy of a particular behavior or strategy in achieving the upper hand in a negotiation, for example.

In its attempt to better understand how discourse is linked to the interactive construction of narrative in conflict talk, this study is related to the analytical interests of argumentative discourse study (e.g., Agne & Tracy, 1998; Jacobs & Jackson, 1983; Van Eemeren et al., 1993) and Sanders' (1987) work on the cognitive foundations of calculated speech, both of which build upon speech act theory (Austin, 1962; Searle,

1969). Sanders' work is useful to this study in his emphasis on discursive goal pursuit and focus on the context created by sequential utterances. However, the forecasting objective of Sanders' work and the normative bent of argumentative discourse study do not make them suitable for the goals of this study.

Various approaches to the data were considered and rejected. Identification of utterances according to their illocutionary force is problematic due primarily to the requirements of exhaustivity such a taxonomy would require, and valid criticism due to problems inherent in applying various identification criteria (e.g., Taylor and Cameron, 1987). An intention-based approach was rejected because the analyst cannot observe or be certain of underlying intentions.

Each utterance was systematically annotated on the transcript with observations and questions about the text. After several pages of text were annotated, they were repeatedly examined again accompanied by viewing their video counterparts. Additional observations were made. After annotation of the entire session, narratives and related discursive strategies were coded and mapped with attention to their manifestations, transformations, and interrelationships. The example below demonstrates a segment of task with notes after several viewings. Analytical notes are bolded and italicized. The analysis notes become increasingly detailed, and refer to other sections of the transcript more often, with each examination.

Sample Segment with Analysis Notes

A: I mean ideally I'd like the kind of situation in which we were able to communicate the necessary, to a necessary extent, for instance, you know 'are you going to be photocopying that whole book, could I photocopy this page before you do that' you know, like small scale communication which is necessary between people in our department. **Task-oriented goal – small scale communication in the department.** I mean, I wouldn't have a problem if Nick said that to me, and I would hope he wouldn't have a problem if I said something like that to him. I don't imagine that either of us would ever want to carry on a conversation with the other, and I can't imagine that we'd ask questions at each other's presentations, unless, I mean, I think that would just be a bad idea because of problems, convictiveness either way, **Assumption/conjecture** but I think it would be good **Evaluation.**

N: Um, I'm sorry.

A: It's ok. **Apology and acceptance**

N: Um, I, never, never mind. **False start**

M1: Well, Nick, you did indicate in your caucus that you, if I'm getting this right, that you don't mind the small scale interaction, is that correct?

N: Um, no I don't, I just would like some. **Agreement**

M1: Would you like clarification?

N: I'd like clarification, I'd like a formal indication that something bad isn't going to happen to me if I say something to you. **His goal is clarification but, more so, formal indication that he can speak to her without negative consequences. "Something bad" implies ominous, unknown, serious injury.** And you, you're right, I don't have an enormous amount to say to you, but I feel threatened if any communication at all occurs. **Agreement. "An enormous amount to say" = irony? sarcasm?**

A: I mean, I'm not going to throw a restraining order on you unless you stalk me. **Confirmation – but based on assumption that the 'bad thing' is a restraining order. Use of 'throw' and 'order' are interesting from a narrative perspective. Relationship between throwing and stalking can be cause and effect?** If you start doing that again **Veiled accusation (first use of 'stalk') with otherwise seemingly unnecessary indexing of past behavior. Why?** I mean, I'm not...

N: See um, uh, you don't, you don't, you don't want me to respond directly to that do you? I mean I probably shouldn't.

Analysis note: figure out how to characterize the above. It may be a question used as bait. The preferred response is 'yes, respond' (otherwise she would be admitting error). Is it deniability of responsibility? He wants to accuse but not bald on record. Why? He continues to use the device for 2 more turns.

A: Maybe you should.

N: huh, will that help us here. Hmm? To decide what to do next.

A: I'm not doing anything but, you know, what I said...

N: No, I mean, here, today.

A: Do you think that you weren't stalking me? ***Question – is it phrased oddly to elicit a preferred response of 'no'? She forces the issue into the open by not responding to his question.***

After highly detailed observations are entered into the data, the entire annotated transcript was examined numerous times to identify areas of potential narrative emergence. Notes were made where such emergence was evident. The example of analysis below demonstrates the method whereby potential narrative elements are identified and analyzed.

Sample Segment Analyzed for Narrative Emergence

S: Yeah. We're also dance partners.

M1: Uh, okay.

S: We do ballroom dancing.

R: Oh, that's how we met.

M1: Oh, ballroom dancing. Okay.

S: And that's how we met and

M2: Okay.

S shifts to present by explaining that not only were they friends, then something more, but that they are also dance partners. He adds that they 'do ballroom dancing', to which R adds, almost as an afterthought, that this is how they met. After brief acknowledgment by M1, S echoes R's statement, framing his confirmation of how they met with two 'ands', unambiguous markers that he is within a narrative that already has a beginning and that he plans to continue. The ballroom dancing relationship seems to be very important within the conflict narrative. This is the first instance of both parties actively co-constructing a story and R's first unhesitant, unsolicited statement. Why does R insert "Oh, that's how we met"? One explanation may be that she positions the narrative to focus on the past to mitigate S's construction of their relationship as being 'partners' in the present. The mediators do not participate in this co-narrating event other than to briefly acknowledge hearing the statements. The mediators do not uptake this narrative and instead insert their own narrative at this point. Since the mediator narrative does get uptake, this seems like a nexus – a place of emergence of several narratives, each with different consequences.

Finally, the annotated transcript as a whole, along with the analyzed segments with emergent narratives, were considered in terms of overall narrative themes and development. Throughout this process, I attempted to maintain a reflective position and to identify biases and personal cognitive constructs through which I may be interpreting the data. While I am aware that that all qualitative analysis is affected by personal bias, I made every effort to question my insights and conclusions at every step of the analysis.

Chapter 4. Communicative Construction of Adversarial Narratives

4.1 OVERVIEW

Every conflict interaction is unique. Disputants enter the conversation with sets of goals, aspirations, histories, personality traits, relationships, face needs, styles, fears, skills, and expectations that are not only different from one another but also distinct from their own sets at past or future interactions. The interaction patterns are, for the most part, unpredictable as the disputants enter into an emergent chain of reactions and moves predicated to a large degree upon the moves that have gone before. The conflict talk may remain closely bonded to the initial narratives, spin off ancillary narratives, or take a new course altogether.

In the midst of the uncertainty of conflict interactions, however, a pattern tends to be prevalent, particularly within most Western cultural groups. Because the prevalent pattern is constructed through narrative-building communicative practices, particularly the building of theories of responsibility and self/other identity, the pattern is herein referred to as ‘adversarial narratives’. Although other patterns exist and some have been shown empirically to yield better outcomes, conflict talk using the adversarial narrative pattern is by far the most common.

In these data, most of the disputants, but not all, create an adversarial context through the accusatory nature of their initial stories and the requirement for denial, explanation, and/or justification accusations place upon their recipients. This pattern tends to be perpetuated in the interactive trajectories, even if the narratives evolve. However, factors such as the level of directness of the accusations, the sensitivity of the

issues addressed, culturally-determined manners of negotiating conflict, and conflict management skills of the disputants and mediators determine whether the accusation/justification pattern holds sway throughout the session, requiring the parties to become increasingly entrenched in their positions, or whether the narratives are manipulated in ways that allow alternatives to position entrenchment and adversarial moves and countermoves.

4.2 ADVERSARIAL NARRATIVE CRITERIA

The adversarial narrative pattern can be identified by the following features.

Entrenched and positional: In their initial narratives and/or as the conflict talk progresses, the disputants engage in accuse/attack, justify/defend/counterattack maneuvers that result in a spiraling escalation. As in warfare when soldiers are threatened or under attack, the parties defend their positions by entrenching themselves ever more deeply. Negotiating on the basis of entrenched positions – defending one's position while attacking that of the other – illustrates the competitive model found pervasively in the Western world.

Intractable: Adversarial narratives tend to be perceived as win-lose and intractable by the disputants, to have been pursued in destructive ways, and to have generated fear, anger, and/or guilt. The original issue(s) tend to have expanded into a complex web of interlocking ancillary issues. In their interaction, disputants tend to focus on identity issues and use aggressive and hostile discursive tactics.

Moral: The conflict has moved from competition over perceived scarce resources to include or focus entirely on conflict about relational and identity goals, often involving character attack and blaming. The disputants disagree about a satisfactory set of standards by which to judge their positions and the dispute becomes increasingly polarized.

In sum, the adversarial narrative pattern is characterized by the co-construction of entrenched positions, elements of intractability, and one or more features of moral conflict. Since the adversarial narrative model is common in these data and overridingly represented in the literature, each of the six cases is analyzed in this chapter to determine whether they follow the adversarial narrative pattern. This chapter also provides a backdrop against which the less understood processes are examined in the chapter that follows. Particular attention is paid to the initial narratives in response to Cobb and Rifkin's (1991a) claim that mediated conflict talk opening statements follow an accusation/denial pattern.

4.3 COMMUNICATIVE PRACTICES

Narrative theory claims that the stories people tell not only describe their reality, but also create social reality. The stories told in a mediation session, and the manner and context in which they are told, determine the outcome and the parties' orientation to that outcome. Given the primacy of storytelling within the mediation process, and the prevalence of the adversarial narrative structure, it seems obligatory to determine how such narratives are communicatively co-constructed by disputants and the influence of mediator communicative practices upon them.

Before examining the specific communicative practices within each of the cases, this section presents the two major communicative practices, initial accusation and defense/counter-accusation, used by disputants in the data to construct adversarial narratives. An overview is also provided of mediators' prevalent communicative practices as they relate to disputant narrative construction.

4.3.1 Initial Accusation

This section introduces the first feature of the typical adversarial narrative pattern. Cobb and Rifkin (1991b) examined 30 taped mediation sessions and observed that in every case the initial speaker attributed negative intent to the other party, stating or implying that the negative behavior of the other party was not accidental but rather full of bad intent. The researchers posit that the initial narrative presented by each disputant functions, in speech act terms, as an accusation, requiring a justification on the part of the accused.

Accusations elicit defensiveness and counter-accusations. One might ask why a disputant would begin the process with an attack display. In part, as claimed by Tannen (1998), disputants are socialized into an argument culture; the initial accusation is oftentimes the only tactic they know. In addition, disputants in a mediation session arrive with deeply-entrenched positions and self-justifying stories explaining the history of the dispute. This is because mediation is utilized only when the disputants have been unable to resolve the dispute on their own or with the help of other third parties. Mediation is usually considered the last attempt at resolution before adjudication, or more violent

measures. Disputants as a rule consider mediation to be a threatening and unpredictable process. It seems likely that disputants would not seek or agree to mediation unless they are strongly invested in their positions and a beneficial outcome.

Accusations are a frequently observed feature in conflict talk. An initial accusation allows the accuser to save personal face, set the stage by telling the initial story, and deflect or minimize their own role as they build a theory of responsibility. The initial accusation may be accompanied by an attribution explaining the motivation for the action of the accused. The accusation strategy may also be used to classify the accused's and the accuser's actions, circumstances, and presumed membership in a particular group or descriptive category (West & Fenstermaker, 2002).

Cobb (1993) warns that the first speaker is granted a powerful advantage in the ability to effectively frame the dispute. The responder (the accused) can choose to either submit to the framing, in which case his or her empowerment and participation is diminished, or attempt to invoke a different frame, in which case the speech may seem irrelevant and incoherent, again leading to a diminishment of participation. Cobb also claims that the attempt of the accused to deny or refute the accusation or negative attribution will simply tend to reinforce it.

4.3.2 Defense and Counter-Accusations

Like physical threats, verbal attacks trigger the 'fight-or-flight' reaction. Examination of the opening statements told by the second speakers in mediation sessions reveals findings consistent with the adversarial narrative pattern common to conflict talk

in general. The second storyteller defends against the theory of responsibility constructed by the first storyteller, using face-saving and face-attack measures.

The second speaker may explain, or provide a defense for the accusation and/or attribution leveled, and may counter-attack by constructing accusations against the first storyteller. The second speaker may characterize the response not as defensiveness but as righteous indignation. Defensive measures are generally demonstrated both verbally and nonverbally – through not only the words spoken but also through expression, gaze, posture, speech cadence, intonation, etc., as well as possible physiological reactions such as flushed face and shaking hands.

Often, at this second part of the speech act pair, the talk shifts either directly or indirectly from the issues presented initially as the cause of the conflict to secondary issues such as trust and character. The counter-accusation, initially the second-pair part of the adversarial dyad, becomes the first-pair part of a new accusation-defense dyad, as the first storyteller responds defensively to the story told by the second speaker. The ongoing spiral created by these narrative cycles results in increasingly entrenched positions embedded in increasingly complex webs of issues.

4.3.3 Mediator Communicative Practices

The mediation profession and practice was created in part to break the accusation-defense spiral. Mediators are trained to employ communicative practices that effectively manage the interaction, steering it into more constructive paths, to create an environment

within which the disputants feel safe and which facilitates the communication process, and to utilize practices such as confidentiality, neutrality and empowerment.

The general mediation literature reveals the disconnect that sometimes exists between mediator rhetoric and principles and actual mediator practice. For instance, as mentioned above, mediators inadvertently privilege the first storyteller, thereby disempowering the second speaker (Cobb, 1993). A number of researchers examine and at times critique the manner in which mediators enact neutrality (Cobb & Rifkin, 1991a, 1991b; Garcia, Vise, & Whitaker, 2002; Putnam, 1994; Rifkin, Cobb, & Millen, 1991).

The mediators at the CRC were trained in the facilitative style of mediation practice. They were encouraged to ‘control the process, not the outcome’, and only to offer advice on a very limited basis and in carefully prescribed ways, if at all. The mediators practiced skills designed to effect balance into every aspect of the process, from design of the environment, to the length of time each party speaks and engages in a caucus period, to balancing the length of time the mediator makes eye contact with each disputant. Confidentiality, neutrality, and facilitation were probably the key principles highlighted during the mediation training. However, the mediators were exposed to other mediation models (transformative, evaluative, therapeutic) and may have had exposure to the narrative mediation model, as well.

As part of the dictum to ‘control the process’, mediators began the session by describing how the process would proceed in general, and when it would end. They then asked each disputant what he or she “wished to be called”; without exception the

disputants invited the mediators to use their first names. The mediators then explained the ground rules, consisting of a requirement to not interrupt and to use only each others' names. The mediators assured the disputants that they could take notes while the other was talking and would have ample time to talk themselves.

As the sessions ensued, the most notable mediator communicative practices were related to controlling the process (disallowing interruptions, intervening when the conflict talk became unproductive, suggesting sub-processes such as brainstorming) and, on a more micro-level, controlling the interaction itself. The mediators were observed to summarize disputant statements or stories, sometimes using substitute language, reframing negative utterances or those which did not leave room for a productive response, and clarifying disputant statements and stories. Mediators also repeated positive statements made by disputants, preceding the repetition by phrases such as “[disputant A], did you hear [disputant B] say ____?”

4.4 ADVERSARIAL NARRATIVES IN THE CASES

With the adversarial narrative model and disputant and mediator communicative practices overviewed above, this section examines each of the five cases in the data set to determine whether and how the adversarial model operates. Without necessarily labeling it as such, the mediation and conflict talk literature document many examples and provide much analysis of the adversarial narrative. This project provides additional documentation of the adversarial narrative phenomenon but also, in the following

chapter, examines instances where disputants employ communicative practices to co-construct alternative types of dispute narratives.

The data corpus includes fine examples of the adversarial narrative pattern. It includes other patterns also, however. While bearing many similarities to contexts where disputants construct adversarial stories and entrenched positions, some cases in the data corpus are characterized by disputants who attempt to bridge conflicts, preserve or restore relationships, and craft collaborative solutions. These cases are motivated by fundamental disagreements as are the more adversarial contexts. However, the communicative practices employed tend not to follow the adversarial narrative accusation/justification pattern. Instead, the disputants perform such actions as attributing the problems to circumstances or misunderstandings rather than the other party's willful intent, using less hostile communication, and voicing appreciation of and, in some cases, praise for, the other(s).

4.4.1 Case 1: Dissertation Discord

Like most conflict narratives, *Dissertation Discord* depicts contrasting theories of responsibility by which the disputants attempt to persuade the audience, in this case the mediators and their supervisor, as well as one another. A range of persuasive strategies is used, from collaborative to overly coercive. The stories told by the disputants diverge from the initial issue of payment for services rendered to meanings assigned to status, ethnic origin, friendship, trust, and various forms of cultural capital.

In some ways, *Dissertation Discord* provides an example of the traditional adversarial narrative model. However, one of the disputants employs communicative practices characterized as cooperative or collaborative rather than hostile and intractable. Detailed analysis of this differing narrative construction style is provided in Chapter 5.

The two disputants in this case are April, a Taiwanese doctoral candidate in Advertising, and Bob, a part-time student who previously earned two bachelor's degrees, one of which was Radio-Television-Film. According to both, Bob responded to an ad April placed on a kiosk seeking a student to proofread her academic papers. When Bob accepted the task, April informed him that his first job would be performed on a trial basis, after which they would negotiate the hourly fee. April was unsatisfied with the quality of work on the first job and therefore offered Bob only a portion of the amount agreed upon. Bob was unable to resolve the issue with April and contacted the CRC.

April is offered the opportunity to tell the first story, when the mediator asks her "What would you like to see happen today?" April does not provide the initial accusation typically offered within the adversarial narrative model (see Chapter 5 for discussion).

April: It really depends on the story from Bob. I mean, obviously he thinks that I didn't pay him the amount of money that he deserves for his work to proofread my paper. And, uh uh, from my viewpoint, uh, I only have one point to make, that is I don't think that you

understand what is proofreading and uh there are some pretty standard symbols and marks to do the proofreading but I didn't find them. . . so that's why I feel that you didn't do what I asked. I do owe you an apology and I hope that today we can sort of work things out, that it depends upon Bob.

In contrast, Bob's story typifies the adversarial narrative model. Bob rummages through a bag at his feet rather than attend to April's opening statement. He then holds a piece of paper in the air before him, displaying it to April in what can easily be considered an aggressive gesture. He replies to the mediator's invitation to express what he would like to see happen today as follows. The utterances in bold font represent bald-on-record adversarial moves without hedging or other type of mitigation. In addition, Bob conveys by implicature throughout his turn that April, and not he, is responsible for the dispute.

Bob: April had said... over the phone, before I met her... that we could meet... I could pick-up her paperwork. Your paperwork, April. And we could discuss details... All you did was... you gave me the paperwork...and... d- do the best you can... May I remind you... from your ad... [unfolds

paper]... which says, in quote, "I am looking for someone who is a native English speaker to proofread my papers and dissertation..." in the first sentence, second sentence, "for more details please call", your number, "leave a message, or send me, send correction, or send an e-mail to:", and then your e-mail address. ...**the problem... that you have given me...** and that I see... in the first sentence... is... exactly what you have said, in quote, in quotes, "I am looking for someone who is a native English speaker." Which I am a native English speaker... "...to proofread my papers and dissertation." When I ... brought my proofreading to you with... my proofreading... enclosed with my initials, because I had, I noticed that there was other proofreading notation on the paper already... I made sure to encircle the proofreading mistakes that I saw... and the notation that I thought was appropriate...

without any written guidelines from you...
in first meeting... so that you would
know... specific... proofreading...
mistakes, errors, problems that I saw with
my notation and initials, so that you could
make that distinction... I don't know, I
hope I don't have to remind you again...
that I asked for, in the second meeting...
when I gave the paper back to you... I
asked, "Do you have anything in writing that
I can go by... to know what you are
specifically looking for." ...you said no.
...so, according to your advertisement...
and what you secondly said in the second...
meeting... you did not provide... me with
any written guidelines for proofreading.
You did not advertise... according to my...
proofreading guidelines. **...if you had
said, in quote... in your advertisement...
someone who is a native speaker... who is
also a Ph.D. level student, I would not have
applied...** And I do know of some Ph.D.

students... that maybe could use some extra... work... and I would have let them know... "Hey, there's, I've got an uh, I've seen an ad for someone to do some proofreading who is at a Ph.D. level. I have two bachelors degrees from UT., so I am not at a Ph.D. level. Your advertisement does not specify... to proofread at a Ph.D. level... it's, it does specify "native English speaker." That's... the problem in your advertisement. ...not specifying level... of proofreading. **If you had specified the level of proofreading... someone with a masters degree, someone with a Ph.D. degree, or someone who is working on their masters or Ph.D. degree, I would not have applied;** you would never have seen me. ...because of your ad... referring again to the first sentence, in quotes,... **you have made me look like the one who has made the mistake...** in not proofreading right... and you did not spe-, and the problem is, is

that in your advertisement you did not specify by qualification... the quality of proofreading. And I did ask you... "Can you give me something in writing?" You did not... give me anything in writing, and abruptly ended the conversation, I did shake hands with you, and said I'm sorry, and thank you. And because you failed... April, to understand... what the first sentence in quote says to any native English speaker... who does not have a Ph.D. or is not working on- ...who has a masters degree. And If they misread it and said, "Well, I thought that you said proofread." "Well, I want someone at the Ph.D. level." "Well, I'm at, I'm at, I'm at a, I'm at a masters level. Uh... would you like me to try?" Then you would know that there're working on their masters level, so you would, yes, have to... uh, go by their masters level... quality of proofreading. So, by your advertisement... **you have made the mistake...** and... I am

more than willing to give this two dollars back to you, and uh, ...say thank you for the proofreading uh, work and experience. I've learned something from it about how well I can do that kind of job... and I will be more careful the next time that I see an advertisement... for a job offer... I'll ask questions... on the, on the phone... so that I don't have to take a twenty mile... trip away from campus, and find out that I'm not qualified, when I can find out over the phone if I'm qualified or not. If their looking for someone with a bachelors degree, I've got two bachelors degrees. So, therefore I'm qualified to an extent, until there's a... an interview... by which we can establish... for the qualifications if necessary during that interview. But you did not give me, again, ...and I, this is the last time I'll repeat it, you did not give me any written guidelines for proofreading, which I asked for you for, in

the second meeting, and you did not specify any level of proofreading guidelines, in your advertisement. I'd rather give you back your ten dollars and say thank you for the lesson. You do owe me thirty-two dollars, but just to maintain... good diplomatic relations and friendship with you um, I'll um, I won't take the thirty-two dollars, I'd rather, I'd rather maintain good relations with you, but I would then be violating a standard of education that I have. Thank you.

Bob constructs an initial narrative typical of the initial accusation forming the first-pair part of an adversarial narrative. His move cannot be considered a response to her opening statement, as would be expected within the adversarial narrative model, because he embodied lack of attention to her statement and a high level of preparation of his own. It is unlikely that his opening statement was affected by hers, and therefore is not an example of disputant co-construction of any type of narrative at this early stage. Nevertheless, it is fine example of an initial accusation under the adversarial narrative model.

As their stories unfold, several things become clear. First, April and Bob shift in their antagonist and protagonist roles. Each recounts stories that function as subplots within the larger plot and represent two contrasting meanings for events that led to the current process, as well as two conflicting theories of responsibility about those events. The tensions intensify as April and Bob struggle to clarify to the other their interpretation of the events and their impact, with each seemingly becoming more entrenched in their respective positions with every effort to persuade and resist persuasion.

Nevertheless, this case does not typify the adversarial narrative pattern. The disputants are clearly in opposition to one another. The conflict talk also addresses moral issues not related to the original issue, such as ethnic/national identities and status and power. One of the disputants demonstrates positional entrenchment and employs hostile and antagonistic language and embodied actions. However, the other disputant displays an orientation to underlying interests rather than positions and seems determined not to use hostile language or negative attribution. As discussed in detail in Chapter 5, this case represents a unilateral adversarial narrative presented by one party, which is manipulated by the other party to co-create a new narrative.

Dissertation Discord does not begin with both disputants constructing adversarial narratives. From an intercultural communication perspective, it is possible to speculate that the Taiwanese doctoral student was performing communicative practices associated with both her national culture, which tends towards more cooperative, face-saving practices, and her advanced educational status. A rich field for future research is the

impact of variables such as national origin, gender, age, etc. upon communicative practices within conflict talk.

4.4.2 Case 2: Ballroom Blunder

Each of the five cases is unique in a number of respects, and Case 2 is no exception. Sam, a graduate student, had requested mediation when he was unable to resolve a personal relationship conflict with Ruth, an undergraduate. They were previously dance partners and remained officers in the university ballroom dance club, and had engaged in a sexual relationship some months prior. Sam felt that Ruth's boyfriend, who lived on the east coast, was limiting their ability to maintain a friendship.

This case is similar in some respects to Case 1 and does not exhibit the typical bilateral adversarial narrative pattern. One of the disputants constructs a narrative redolent with entrenched positions, intractability, and moral issues, the three criteria defining an adversarial narrative. However, unlike Case 1, the other disputant seems to prefer the 'flight' option in the 'fight-or-flight' instinct. Ruth communicates through her speech style, her utterances, and her embodied actions discomfort with the conflict talk and more of a willingness to acquiesce than to confront. Chapter 5 presents detailed analysis of the manner in which these two disputants, with the help of the mediators, co-construct a different narrative that serves the interests of both.

When invited to explain what she would like to see happen here today, Ruth replies:

Ruth: Mm. I'm not really sure. I just...like... I guess...an agreement on I don't know... I mean, we seem to have um gotten through like we seem to have like we get along now. Just, I don't know really (laughs). Like, um, before, I... I just wanted to maybe set guide like guidelines that are just like set down and certain and stuff, but that's about it.

Mediator: Okay. So, basically, you you wanna come up with some sort of agreement that has some guidelines in it?

Ruth: Yeah, I guess.

Mediator: Okay, can you expand on

Ruth: Like, um

Mediator: Maybe what those guidelines might be?

Ruth: Like being, like um, just...not really rules, but like something for the for our friendship just to be sure that what there's an understanding of.

Mediator: Okay, so guidelines for friendship?

Ruth: Yeah. Kind of.

Ruth's initial narrative, constructed with the assistance of mediator questions and prodding, implies that she and Sam had gotten through something and were getting along much better now. She uncertainly states that she would like an agreement but is reluctant to identify the terms. She relates that previously she thought she would like to establish guidelines for their friendship. Ruth's initial story does not present or imply accusation, nor does it explicitly position herself or Sam in terms of identity or intent. Frequent use of relational words such as 'we' and 'our' highlight the relational focus of her initial narrative.

When constructing his initial narrative, Sam, unlike Bob in Case 1, engages with the other parties. His narrative sounds less like a prepared legal statement and more like a story he might tell friends. Interestingly, he begins by questioning the mediators. Sam's utterances are consistent with the accusatory first-pair-part pattern of the adversarial narrative are bolded below.

Sam: How much of the background do you know? I
 mean, did

Mediator: About y'all's situation?

Sam: Yeah.

Mediator: We don't know anything.

Mediator: We don't know anything. This is our first
 time. We'll be asking questions.

Sam: Okay.

Mediator: Yeah, so this is all

Mediator: Yeah, this is all new, so we'll be asking
you questions

Sam: Okay, so that sorta, okay

Mediator: So that's yeah

Mediator: Yeah yeah.

Mediator: Alright, Sam, what would you like to see
happen here today?

Sam: Well, since the situation, that's a good
question because the situation is different
now than it was when I originally came. So,
when I originally came, she wasn't speaking
to me at all and I had no idea why. And,
this is my way to force that out. Um
basically, so that you do know, so that you
can understand what she's talking about
about guidelines for friendship is that, um,
we basically had an affair and her boyfriend
didn't like it and the only way that he's he
sorta will allow us to remain friends is if
we have certain guidelines that govern our
relationship and we've been do, the thing is

that we've been sorta doing that, maybe she feels differently, I don't know, but we've been sort of doing that now. I mean, I've been doing it more out of self preservation like um, just so that I don't sort of get too emotionally involved or something. Um, so I don't necessarily know that we have to have certain rules. Um, and I'm also not entirely convinced that anything that she suggests is entirely her own or suggested from him through her. Um, so I sort of have, I mean I sort of I know how we've been interacting for the last three weeks. So, if she comes up with something, I mean I will sort of. But, you know, if she comes up with something that's sort of odd with respect to how we've been behaving, I'll be like strongly suspicious that it might be his wish coming through her. Um

Sam inserts pauses and hedges (e.g., 'sort of', 'not entirely convinced') that mitigate the adversarial character of the claims in his initial narrative. When examined in light of the increasingly hostile and accusatory nature of his evolving narrative

throughout the case, Sam's initial narrative seems quite gentle. Detailed analysis of the communicative practices the disputants use to co-construct the dispute narrative is presented in Chapter 5.

4.4.3 Case 3: Departmental Disagreement

Nick and Amy, graduate students in the same academic department, were previously involved in a romantic relationship. The relationship ended, with anger, fear and hurt on both sides. During the subsequent months, the parties had done their best to avoid one another, but both complained that the other had 'stared' or 'glared' at him and her around the department. Nick requested mediation as a result of an incident in which he entered the departmental lounge and found Amy 'staring' at him. He described looking at her several times in anxiety, following which she approached him and told him to leave her alone.

This case is the most representative of joint construction of adversarial narratives within the data corpus. Both disputants' stories are characterized by increasingly entrenched positions, hostile language, intractability, and morality- and identity-based allegations. In this classic case of adversarial narratives, the parties do not reveal their positions in depth during the opening stories.

Nick: Um, well, there's been a great deal of
 tension between Amy and me. Um, I'd like to
 find out what she would like to do to reduce
 that tension. Um, I can say, that on my

part, I...I feel as though there are several threats hanging over my head, which -nervous laughter- causes the tension on my part, um, I'd like to see if those threats can be removed...and also,...I'd like to apologize to Amy, if.....that's something that I'm not only prepared to do, but would really like to do.

Amy: The situation between Nick and myself, we're in the same academic department, has become practically unworkable. As it is, there's so much hostility that it's almost impossible for us to pass each other in the corridor. And sometime in the future, we'll probably be in the same classes, its, I feel that it's essential that somehow the air get cleared a little bit more. So, I'm not quite sure if that can be done, or how that can be done, but that's what I'd like to see happen.

Neither initial statement features the three criteria characterizing adversarial narratives – entrenched positions, intractability, and moral conflict. However, all three features reveal themselves within a short time in the narratives of both disputants.

Nick reveals that a great deal of tension exists between them and he would like to remove the threats facing him and to apologize to Amy. Amy characterizes the situation as ‘practically unworkable’, ‘so much hostility’, ‘almost impossible’. Her stated goal is to ‘clear the air a little bit more’ since they will likely find themselves in the same classes in future. In this early stage, Amy avoids hostility and personal attack and uses the discursive tactic of referring to inanimate entities or abstract concepts (the situation, the hostility, the air) rather than to the parties themselves to construct a personal distance from the conflict – the parties are affected by it but not necessarily responsible or empowered to change it.

Nick describes confusion at the precipitating incident. He sought advice from a professor who knows them both. The professor suggested mediation. Nick constructs his position as having been the innocent recipient of hostile actions. Nick implies that the hostilities were initiated by Amy and he reacted by seeking mediation.

Nick: Um, I was having lunch one day and we have a lounge that anybody can use, students and professors, and um Amy came in to get some coffee or something. I’m not sure, from my point of view, she started just kind of

staring at me, and I wasn't sure what to do, and I looked back at her a couple of times. I was trying not to stare back at her, she just kind of walked up, and um bent over, and said quietly to me 'you really should leave me alone' or 'you really ought to leave me alone' and I was, and I wasn't even, there wasn't any particular thing that I thought that could refer to, so I spoke with a professor that we're both, that we both know, and asked if there was, if she had any suggestions that would help us get along better than that. It wasn't that we're not, that we weren't getting along, that's, that's not news, but I didn't even know why, if I'd done something that made her upset in particular...

In response to Nick's account, Amy employs sarcasm and indirect speech to attack his position. The portions of her statement characteristic of the adversarial narrative pattern are bolded.

Amy: **I find it hard to believe that you don't know why I was staring at you** that day. I

mean that's interesting, **that's a very interesting point to start the history** of this. It's essentially the history after it's basically all over. Uh, I mean **for starters, it ignores the fact that** we've been glaring at each other in the corridors for weeks before that and that **you were also glaring back at me,** and um, **that was the only time that I spoke to you,** but there have been several other visual interchanges of a similar nature. And I believe that you do know exactly what I meant when I said **that you ought to leave me alone.**

"I find it hard to believe..." is a negative evaluation with implied accusation, characteristic of the first-pair-part of the adversarial narrative pattern. In this case, the direct, bald-on-record accusation would be "You are lying; you do know why I was staring at you that day". "...that's a very interesting point to start the history...." is another example of indirect speech. She continues, using inflammatory language ('glaring', as opposed to Nick's characterization as 'staring'), leading up to a more direct accusation of "I believe that you do know exactly what I meant when I said that you

ought to leave me alone.” In direct opposition to Nick’s statement, Amy expresses the position that Nick, not she, initiated the hostilities.

While neither party presents theories of responsibility in their opening statements, and Nick expresses confusion, Amy sheds light on her theory. She claims that Nick’s description of the precipitating incident “...ignores the fact that we’ve been glaring at each other in the corridors for weeks before that and that you were also glaring back at me...”. Amy declares that both parties engaged in mutually hostile behavior for weeks. With increasing directness, Amy implies in this turn not only that Nick’s story is incomplete in its details, but that Nick is disingenuous in stating that he did not know why Amy told him he ought to leave her alone. Amy here constructs Nick as lying in order to avoid his share of responsibility for the conflict.

Amy’s embodied communication during Nick’s prior statement and her statement above conveys hostility and defensiveness, including rolling her eyes, turning her body away from Nick, shaking her head, and looking down with her hair falling in her face. Nick’s embodied communication during this early phase include looking down, shaking his head and sighing. He appears to be very uncomfortable and both appear to be under stress.

Nick responds to Amy’s attack with a classic second-pair-part of the adversarial narrative structure. He defensively reinforces his initial narrative, stating “I honestly don’t know what it was that day.” At Amy’s and the mediator’s invitation, he provides a

narrative of their relationship. Segments exhibiting the justification/counter-attack feature of the adversarial narrative second-pair-part are bolded.

Nick: Well, uh, the situation goes back to last year, last semester actually. We, Amy and I had been in a relationship, and, but, it ended, it had ended, um, I, um, I broke it off towards the beginning of the semester, and this all happened weeks after that, I think, at the beginning of it was, well, it was a long story, there's a long story between us, but I think the part of it we're here about today started in November, uh, there was a weekend, this was some weeks after we broke up, um.....**Amy had done some things which had really made me furious, and** um, I, um behaved very poorly. Um, I was furious for several days running, and I behaved inexcusably, and I attempted to contact Amy, I tried to speak with her a couple of times when she plainly didn't want to be spoken with. I left some...hostile...messages on her answering

machine, Amy, I, I'm...I'm very sorry, I, I don't, there was, I, there was no excuse at all for the way I behaved, I had some reasons to be angry, I think very angry, but there's no reason at all for what I did, I mean, I never want to have to act like that again, to anybody. Like, she made me understood, I did, I tried to apologize after that, and Amy made it clear that she did not want any kind contact with me, um so I sent, I actually sent her a letter saying that I would not contact her, I was not to approach her in person or telephone her, if we had anything to say, we'd do it in writing, and we, we really haven't had anything to say until discussing coming here.

Although "... there's a long story", Nick now selects an incident that occurred some weeks after they broke up as the beginning of the conflict period leading to the mediation. Nick begins to construct his theory of responsibility in this turn through a series of justifications, confessions, and implied accusations. On the surface level, Nick also assigns responsibility to both parties. Amy was responsible because she "...had done

some things which had really made me furious”, causing Nick to have “...some reasons to be angry...very angry”. Nick confesses that he “...behaved very poorly...was furious for several days running andbehaved inexcusably...”. He explains that he when she did not respond to his attempts to contact her, he left hostile messages on her answering machine. With this, Nick apologizes awkwardly to Amy, saying “Amy, I, I’m...I’m very sorry, I, I don’t, there was, I, there was no excuse at all for the way I behaved....I never want to have to act like that again, to anybody.” Nick then explains that since he sent her a letter stating he would not contact her except through writing when necessary, they have had no spoken contact until discussing the mediation.

Both parties use attack and defense tactics and hostile communication throughout the session; however, Amy is by far the most bald-on-record face-threatening and accusatory. Nick, who shows interest only in protecting his career and not in building a relationship, seems to employ a defense strategy to achieve protection based on his previous care for and concern about Amy. He indexes the deeper past relationship to obtain his goal of protection. Amy employs a strategy of focus on the fracture of the past relationship and her discomfort in the department to gain her goal of creating a space to rebuild relationship.

Examination of Nick’s discursive tactics reveals consistency with the template he began constructing with his introductory narrative. His confession of personal wrongdoing and proffered apology are an enactment of his stated goal of apologizing to Amy. However, he justifies his bad behavior by implying that he was driven to it by

things Amy had done. Nick claims he had reasons to be not just angry, but very angry, furious even. While acknowledging that he behaved inexcusably, Nick offers excuses. Amy did not respond to his attempts to speak with her and apologize to her.

Even as the mediators assist the parties to move closer to an agreement that will satisfy their underlying interests⁴, the parties continue to engage in adversarial narrative construction using accuse-defend-counterattack moves around their positions. Because this case most closely conforms to the adversarial narrative pattern, just a few of the many representative segments are presented below. Language reflecting the adversarial narrative criteria is bolded.

Sample 1

Nick: I'd like clarification, **I'd like a formal indication that something bad isn't going to happen to me if I say something to you.** And you, you're right, **I don't have an enormous amount to say to you,** but **I feel threatened if any communication at all occurs.**

Amy: I mean, **I'm not going to throw a restraining order on you unless you stalk me. If you start doing that again** I mean, I'm not...

⁴ Nick and Amy's interests are revealed to be different from their positions; Nick wishes primarily to protect his academic reputation whereas Amy wants to ensure civil and safe communication while maintaining an open door to a further improved relationship in future.

Nick: See um, uh, you don't, **you don't,**
you don't want me to respond directly to
that do you? I mean I probably shouldn't.

Amy: **Maybe you should.**

Nick: huh, will that help us here. Hmm? To
decide what to do next.

Amy: I'm not doing anything but, you know, what I
said...

Nick: No, I mean, here, today.

Amy: **Do you think that you weren't stalking me?**

Sample 2

Amy: Well, I mean, when my mentor talked to me,
I mean that was pretty much the impression
that I got was that he was feeling
threatened by me. And I know that the only
thing that seemed to make him stop this
behavior that I've defined as stalking was
when I told him that I'd told my mentor, and
he realized that some of the academics knew.
And my mentor used the phrase academic

suicide, and as far as I can see, **that's all that brought Nick to his senses.**

Nick: **Do you, do you want me to say something.**

Uhhh I uuhhh it's true I wrote, I wrote you a first letter saying that I wouldn't contact you. I also asked you in the first letter uhhh **I don't remember exactly what I said in the first letter but you said that was the option,** I, I also asked for you to acknowledge it, so that we have, there would be some kind of acknowledgement that I'd expressed my intention. **I didn't get anything from you - I mean, that's 9/10 of the reason that I showed up at your door that day to talk to you.** I wondered, I didn't know what, I wondered if you'd filed a complaint against me or something or, and I didn't, uhhh I tried to apologize to you that day, and I know it was close to the incident, it's too close, and it wasn't going to work to apologize I was trying, uhhh, gouhh

and there's nothing, there's nothing to be done now, but we haven't had much, we haven't had any contact aside from glares for some months now. I guess the question is how can we stop glaring at each other so much, what, what do you think?

Amy: I don't, I mean, **of course I find your presence extremely unpleasant**, but I don't feel personally threatened, I mean, I **usually leave the room when you enter now because I dislike being in the same room as you, not because I think you're going to kill me.**

Sample 3

Nick: Yeah, well, it **would extend us both being pretty bad** to the period after the relationship ended.

Amy: **But I didn't make threats against you like, I wasn't like making you fear for your physical safety, I wasn't, I repeatedly said**

that I just wanted nothing to do with you,
and I mean, that would have been the best.

Nick: No, Amy, what you did was you, what you did
was you lied to me, and what I did was I
threatened you. And the second of those,
yeah you, that probably is worse, but I, uh,

Amy: What did I lie to you about?

Nick: Do we, uhhh, is it gonna, is it gonna help
you if...

A: I think this is pathetic, I think-

Nick: Amy, Amy, if you want-

Amy: Excuse me I was talking

Nick: I'm sorry

Amy: You think that I lied to you and therefore
you think maybe what you did was a little
worse, it will just justify you doing it
again, you'll be like 'that horrible woman's
lied to me, I'm gonna leave some messages on
her answering machine, I'm gonna try to
scare her'.

Sample 4

Amy: I just think it's being pathetic.

Nick: Ok, I'm pathetic and part of my patheticness is that I'd like to see this written down. And I say I don't trust you, and you say I have no reason not to, ok, well, who cares what the reason is that I'd like to see it written down - maybe I'm just a meticulous record keeper, but that...

Amy: It's just like that pathetic letter you sent me, the typed one, where you tried to be quasi legal and it was just a

Nick: Well, hey, well excuse me like miss restraining order filing person

Sample 5

Amy: I mean, I guess that I would like it if we, if we stopped hating each other, but, as Nick pointed out...

Nick: You said you didn't want to know if I hated you or not.

Amy: I know you hate me. Ok, I don't know if you hate me, I get the feeling that you hate me.

And, I kinda thought I was alright with you, but then I've been sitting in this room with you and it gets more and more difficult. Um, I mean in some ways, um, everybody else around me, **everyone around me has been hearing me bitching about you for a long time like** - not [our colleagues], my friends - um and I've been taking it out on them, and **I think it would be better if you heard about it instead of them;** I mean, just because, it's nothing to do with them. And I thought, like in some ways I can see of you telling me what you think, just because if it got it out of your system, or whatever, then I hoped it would get it out of mine. And what you miss...

Nick: **I know, you just said that you hate me.**

Amy: **I might. I don't really know. Sometimes. I had this whole series of night mares with you in them.**

Nick: Ok.

Not every mediation session ends with a mutually agreed-upon settlement. In some cases, the hostility is too deep-seated, the issues too sensitive, the history too volatile or violent, or the mediators inadequately skilled to enable the parties to uncover underlying interests and move away from competitive positioning. In this case, the mediators were able to help the parties identify their underlying interests and construct an agreement to address them. Satisfying these interests was apparently more important to both parties than pursuing their positions. Interestingly, the parties did not ‘give up’ their positions in the process of reaching agreement. Rather, they neglected them in pursuit of an outcome more satisfying to both than their historical interactions around their positions had been.

4.4.4 Case 4: Tenant Tensions

This case provides another example of bilateral adversarial narratives. While both sides construct narratives characterized by entrenched positions, intractability, and moral features, this case is unique in one respect. Whereas the former tenants, Kim and Sue, utilize the accusation/defense/counter-accusation pattern in a manner that is easily recognizable, the landlord, Mac, employs communicative moves that attempt to disguise his narrative as another type. Their initial narratives and other relevant samples are examined below with regard to whether and how they exhibit the adversarial narrative pattern.

When invited by one of the mediators to “Go ahead and tell us a little about what’s going on”, Mac replies

Mac: Well, they are uh, Kim and Sue, and there were two other roommates, they are disputing the security deposit return that was given to them uh uh for their lease term from August of 96 to August of 1998. Apparently, I don't know if there is a misunderstanding, or apparently they feel that the 302 dollars that was deducted was unjust. That's that's that's that's pretty much what I got. Do you want me to present my case? The problem that I have here?

Notably, Mac begins his narrative by speaking for the tenants, presenting their position, rather than for himself. His orientation to the win/lose legal model is demonstrated through his indexing of justice and injustice (“...they feel that the 302 dollars that was deducted was unjust”) and use of ‘legal’ terms and phrases (‘disputing’, “Do you want me to present my case?”).

With the mediator’s permission, Mac continues his opening statement by suggesting they start with a letter he received. Kim interrupts him, asking if the tenants can talk first. At this point, the mediator performs the first of a number of moves that privilege Mac’s position. After Mac says, “That’s fine”, indicating the tenants could speak before he discussed the letter, the mediator turns to the tenants. “Alright, let’s hear

from you guys. What do you expect to happen?” In this context, where Mac has indexed the legal model and positioned himself as someone who will present his case and his problem to the mediators, reference to the tenants as ‘you guys’ is a disempowering communicate practice. Further, phrasing his question as “What do you expect to happen?” rather than the standard question of “What would you like to see happen?” frames their response as a demand rather than an interest that might be honored. The mediator thus reinforces the legal model indexed by Mac as opposed to the mediation model.

Mediator 1: Alright, let’s hear from you guys. What do you expect to happen?

Kim: Well, I don’t, we’re not disputing the lease. We had a first, we had an owner and he sold it right before he moved out. So we’re just disputing the amount of the deposit we got back. So it doesn’t have anything to do with the lease. I think we’re in agreement about that.

Mac: Well thuh-

Kim: -about the terms of the lease

Mac: Well thuh terms of the lease dictate some of the deductions that were made on the security deposit. So we are disputing the

amount of the security deposit refund that was given to you. I think it's also a dispute on the terms of the lease as a result, because any any deposit that was deducted was not deducted as a result of just thinking that it should be deducted. It was deducted as a direct result of the deductions that it says I can make. In regards to the lease agreement.

Mediator 2: [to Mac] So what specifically do you want to see happen today?

Mac: Well I mean well a just a just a clarification of the issues. I mean you know apparently there's some there's some confusion between us and them as far as what should be done, what should have been done, and what hasn't been done. And just more of a more of a clarification of issues.

Mediator 2: Okay about the _____ of the issues.

Mac: Yeah.

Mediator 2: You want to tell them, you know, how you feel about it, how much should be deducted, these kind of things-

Mac: -exactly, exactly. And just to you know, better face-to-face than letter writing back and forth.

Kim: Yeah.

Mac: Rather to sit here and this is, this is this is what's going on and this is why this was taken out.

Mediator 1: Okay, the same question to both of you, Sue and Kim. What would you like to see happen?

Kim: Well, I think that we would like um to see either documentation for the charges that were made or the money back. Cuz we're not sure where what it was based on and there were some double charges that we saw and that's what we would like.

Mediator 1: So you would like to see documentation. Okay? Um, first of all how much was the initial deposit for?

The former tenants respond to the request for their opening statement by clarifying that they are disputing the amount of the refund, not the terms of the lease. Mac counters by claiming that the terms of the lease are actually in dispute, since the lease dictated the deductions made from the security deposit. Mac's move is not only a clarification but a countermove to Kim's "I think we're in agreement about that." Mac's uninvited response places him in opposition to the tenants regarding the basic issues themselves. The adversarial narrative pattern begins to develop here as Mac increasingly entrenches himself in his position of 'rightness' and 'justice'.

Mac is further empowered when the second mediator gives him the floor once again and asks him what he would like to see happen – a second request for an opening statement. Mac responds by indicating that he wants a 'clarification of the confusion'. Consistent with the legal model Mac invoked with his opening statement, he now implies that rather than seek a solution addressing the interests of all parties, he wishes to use the session to defend his position. When asked what they would like to see happen, the tenants respond in a positional manner; they either want documentation or an adjustment of the refund.

As the conflict talk progresses, the two sides develop adversarial narratives in direct opposition to one another. Mac claims that the dispute is a result of a misunderstanding on the part of the former tenants, which he wishes to clarify. The dispute is based on the lease, to which he appeals and which he claims justifies his deductions to the refund. Mac claims that if the case went to court, any judge would rule

his charges reasonable. He would win in court because the lease would rule, but he prefers to mediate a resolution.

Kim and Sue develop an increasingly entrenched narrative in opposition to that constructed by Mac. They claim the dispute is not about the lease. They want to see documentation for every deduction. Mac is not fully cognizant of the situation, as he came in at the end after their former landlord sold the unit to Mac's boss. Further, Mac is unfair because the unit was difficult to clean and extraordinary circumstances occurred. Kim and Sue also appeal to justice and ethics, but claim that both principles operate in support of their position. Further, they also have confidence in the legal system but prefer to resolve the case through mediation. The disputants remain entrenched in their adversarial narratives. The case resolves in spite of the pattern, because the former tenants inject communicative practices indexing a powerful cultural myth that can operate within the adversarial narratives.

4.4.5 Case 5: Disputed Damages

Although not displaying the same level and duration of hostility present in *Departmental Disagreement*, this case is also typical of bilateral adversarial narrative construction. This may be because the primary issues seem to be restitution or reparation of damaged objects rather than a damaged relationship. While the parties do make reference to relational wrongs, these are primarily in reference to levels of responsibility and civility of interactions.

The former roommates, Lara and Samantha, sought mediation as a means to resolve issues created when property stored by Samantha for Lara was returned to Lara in damaged condition. Samantha and Lara tell different stories about what it will take to make things right with regard to these legs. In her initial narrative, Lara focuses on the specific problems and her position regarding each..

Lara: Ok, I guess last summer, not this last one but the previous one, I, Samantha and I lived together at the end of the summer, I was getting ready to move to Germany, I studied abroad for a year, and I lent some of my belongings to Samantha and, **with the understanding that they'd all be returned in good shape.** And when I got back from Germany, things had transpired before hand and Samantha and I were no longer friends and, when I got back, I think I did not show appreciation for her hanging on to all my stuff the entire year, which I should have, but I didn't. But some of my things were returned damaged. **My bike seat was returned completely ripped up and my desk was returned without legs. And a desk without**

legs is pretty ineffectual. And so we met together to get together to discuss replacing the stuff. Samantha offered to remake legs and that's fine, **except that if legs are being made, I want them remade the way they were before, before they were adjustable and had wheels on them. And if not, then I would want payment for the desk, which cost 80 dollars, and the bike seat also cost 25 dollars.** And that's about all.

In response to Lara's accusatory first-pair-part, Samantha's initial narrative follows the adversarial pattern; her story is a defense/counter-attack move that becomes the first-pair-part for the next interactive dyad. This two opening statements also function as a co-construction in that Samantha constructs her second-pair-part response based upon the narrative presented by Lara, down to her last utterance, "And that's pretty much it", which echoes Lara's final utterance, "And that's about all."

Samantha: Ok, well the same thing except for she lent me some stuff but then **she also asked me to just hold on to some other stuff that she didn't have room to keep. So there was some stuff of hers that I just kept in boxes, pretty much as storage for the entire time**

that she was gone, which was 15 months. And during that time, I moved 4 times, and it was really hard to keep up with because I don't have a lot of stuff and most of the stuff I had to worry about was hers. So I felt like I did her a big favor and she came back and as she said was unappreciative, and I didn't appreciate that. So I said, well I should be compensated in some way for the service that I did for you for 15 months. And so, I originally had offered to fix the desk, but since I felt that she was so rude to me, I revoked that offer and said I'm not gonna deal with you until you're nice to me. And I feel like she has gone on and made this a personal issue, that it's no longer about the desk. That it's about some personal thing that she wants to like get back at me for whatever. So I really consider this more of a personal issue than an issue about the desk and the bike. And, so I said repeatedly that if you're nice to

me and you deal with me in a respectable way
I will talk to you about the desk. But she
refused to do that, so that's why I came
here. And also the bike seat, when it was
turned over to me it was already ripped. So
I think that if it was ripped when I got it,
it was ripped when I gave it back, then I
have no obligation there. And that's pretty
much it.

In terms of the three criteria defining the adversarial narrative pattern, both disputants exhibit entrenched positions in their initial narratives. Samantha's narrative describes how her position has become increasingly entrenched prior to the mediation due to perceived rudeness on Lara's part. They both view the conflict as win-lose. The dispute has expanded from the original issue of damaged items into a web of other, escalating issues, including moral claims such as character flaws (rudeness, meanness, disrespect). Samantha claims that Lara is using the damaged items to "get back at me" for other, as yet unidentified, personal issues. Because Lara refused to "deal with me in a respectable way", Samantha sought mediation rather than agreeing to repair the desk.

The mediators quickly establish that the parties have common ground in the parties' agreement that the desk should be repaired. At this juncture, given the apparently low level of rancor between the parties in spite of their adversarial narratives, the

interaction could either take a collaborative or a competitive route. In fact, as the conflict talk about the desk legs unfolds we find similarities to Nick and Amy (*Departmental Disagreement*) in that the disputants maintain and at times escalate their entrenched positions even as the mediators move them toward an agreement satisfying for both.

In this case, the disputants follow the classic route of developing adversarial narratives in their opening statements. The mediators control the process in a manner that guides the disputants to examine their underlying interests, brainstorm possible solutions for each problem, and select the solution so generated that best meets their interests. Nevertheless, from time to time in the midst of constructive problem-solving, the disputants return to the adversarial narrative pattern before again pursuing collaborative problem-solving. Interestingly, in most of these cases, one disputant would advance an adversarial narrative but the other disputant would not respond by providing a defense/counter-attack second-pair-part. Several examples are presented below, with utterances demonstrating the adversarial narrative pattern in bold.

Sample 1

Lara: It was the back tire that blew and it was
 her boyfriend that replaced it because he
 was the one that was riding it. And that's
 exactly what I had in mind as far as
 returning it, you know, if something goes
 wrong fix it. And so I think, I don't know,

I just wanted to comment. And also, as far as being rude is concerned, since we've had any transactions, since we've been back, when I say like I've tried to have been as business like as possible, I think I've been extremely as good natured as I can about the entire ordeal because I can see no response from Samantha has been rather rude.

Sample 2

Samantha: I think that it's reasonable to make the desk usable, but I think it's petty to be concerned about adjusting it because as far as I'm concerned we can make it to whatever height she wants pretty easily. So it can be at the height that she wants. So I think having it be adjustable is a little, I don't know, extreme or.

Sample 3

Samantha: I just think that the reason she has been so rude, or so keeping on about this issue is a personal one and not because it's about the

desk. Because I don't think that anybody, under normal circumstances, would go to such extreme measures about the desk. Like she called me 3 times, 2 to 3 times every day and sent me emails and I didn't respond to them and she kept calling and I was like is this girl ever going to leave me alone.

Mediator: She called you from Germany?

Samantha: No, when she got back. And then she threatened me in fact twice. Once with I'm going to call your parents, and then I told her that I thought that that was a not useful thing to do because my parents would obviously be on my side and not hers. And then she also threatened to take me to court. So.

Brainstorming and mediator intervention result in an agreement with which both disputants seem quite satisfied. Lara makes numerous concessions that would have been untenable if she remained entrenched, whereas Samantha is not required to make any concessions beyond her initial move away from refusal to discuss the matter.

4.5 SUMMARY

Contrary to the pattern most commonly described in the literature, the five cases analyzed herein do not consistently display the interactive development of bilateral adversarial narratives. As documented in the table below, only three of the cases are model examples of the pattern, replete with the three criteria of entrenched positions, intractability, and elements of moral conflict on the part of all disputants. All three cases are resolved through mediation, albeit in different ways. In two of the cases, however, only one disputant constructs an adversarial narrative while the other either constructs a different type of narrative or allows a narrative to be constructed for her through acquiescence.

Table 2: Characterization of Cases in Terms of Adversarial Narrative Pattern

Case	Adversarial narratives	Features
Case 1: Dissertation Discord	Unilateral	One disputant consistently utilizes collaborative communicative practices. The other disputant consistently uses competitive communicative practices.
Case 2: Ballroom Blunder	Unilateral	One disputant follows adversarial narrative model. The other disputant demonstrates preference for flight/acquiescence.
Case 3: Department Disagreement	Yes	Mediation process dislodges disputants from entrenched positions.
Case 4: Tenant Tensions	Yes	Dispute resolved through integration of cultural myths.
Case 5: Disputed Damages	Yes	Mediation process dislodges disputants from entrenched positions.

The data analyzed in this study support the claim that the accusation/justification model described by Cobb and Rifkin (1991b) is the most common pattern of conflict talk, at least in speech communities in the Western world. However, the data also demonstrate two important findings. First, researchers should be aware that they may encounter other types of narrative construction patterns on the part of one or more of the disputants in a conflict talk episode. Second, even when one or more disputants construct an adversarial narrative through their communicative practices, the other disputant(s) and/or the mediators may employ communicative practices that undermine the adversarial nature of the narrative or build on features within that narrative to transform the adversarial narrative into an emergent, co-created, collaborative narrative, as discussed in the following chapter.

Chapter 5. Co-Construction of Alternative Dispute Narratives

5.1 OVERVIEW

As discussed in Chapter 4, adversarial narratives are characterized by increasingly entrenched positions, intractability, and elements of moral conflict. Taken as a whole, the cases in this study are consistent with the conflict talk literature in finding a preponderance of the adversarial narrative pattern within the conflict talk episodes. However, the data herein also demonstrate that other critical communicative strategies and practices are at work. Two of the five cases are characterized by unilateral rather than bilateral communicative construction of adversarial narratives.

This chapter describes how two of the five cases typify alternative dispute narrative patterns. Microanalytic discourse analysis and narrative theory reveal how alternative narratives are interactively created, co-constructed, challenged, and transformed at the level of utterances, through the communicative practices of both disputants and mediators.

5.2 CASE 1: DISSERTATION DISCORD

As discussed in Chapter 4, the disputants in *Dissertation Discord* develop conflicting theories of responsibility. *Dissertation Discord* provides an example of the functioning of a unilateral adversarial narrative. One of the disputants consistently employs communicative practices characterized by entrenchment, intractability, and elements of moral conflict, whereas the other employs communicative practices characterized as cooperative or collaborative rather than hostile and intractable. This

section analyzes the overall narratives developed by each and the manner in which they interactively co-construct an alternative narrative that meets the needs of both.

In her opening statement, April indicates that her goals are (1) to address Bob's concerns, (2) to clarify for Bob her expectations for proofreading and how he did not meet them, (3) to apologize to Bob for expressing anger, and (4) to “work things out”.

Notably, Bob expresses only one clear goal in his introductory statement – to maintain good relations with April. However, even that expression is contradicted in the comment that follows – “...but then I would be violating a standard of education that I have.” Using quasi-legal/academic language and phrasing, Bob constructs an accusation narrative that defends his own actions while squarely placing the responsibility for the problem in April’s court. For analytical purposes, the story of each disputant is considered below in isolation. This is done with full recognition that the interlocutors, which include the disputants and the mediators, all contribute to the construction of each narrative through communicate practices such as framing, denial, resistance, reinforcement, acceptance, and rejection.

5.2.1 April's Story

In her introductory statement, April describes her frustration and disappointment in her inability to utilize Bob's proofreading work and her position that partial payment of ten dollars was appropriate under these circumstances. Although she makes concessions based on Bob's positions during the course of the session, her initial position regarding

the value of the work performed and shared responsibility for the conflict remains unchanged.

Although April maintains her position regarding the initial issue throughout the session, her story does not typify the adversarial narrative pattern. She does not demonstrate increasing entrenchment. She indexes many other issues, such as friendship, culture, educational level, but not as additional conflict issues that build a web of intractability. Rather, her communication about these issues demonstrates efforts to build commonalities and potential areas of understanding and cooperation. In addition, April does not make attributions about Bob's character nor implications or accusations characteristic of moral conflict.

Following the opening statements, the mediators asked for further clarification from April and Bob. Two segments from this early interaction are presented below.

Segment 1

Mediator 2: Okay so when you asked for guidelines and she didn't have them you were going to go by the previous experience in proofreading. And your issue is=

April: I don't think that=

Mediator 2: =you

April: =I don't think that's the work that I
 was expecting. That he cannot fulfill

my request for the standard of a good proofread paper? So I I didn't take the paper but I would like to compensate something in order to thank you for your time and effort? So I pay Bob ten dollars instead of thirty two dollars that he has=

Bob: =I wanna maintain friendship. But there is a dollar and literature mistake that you have made. You do not understa- you actually admitted it but I don't know if you understand what you admitted hah. You admitted confusion and that yes that uh between here and here there is a conflict. So you've admitted it I don't know if you understand it and that's the problem your lack of understanding some uh some higher level English advertisement. I do have a degree in radio TV film so I do understand advertisements on a TV screen in a newspaper and put outside

on a kiosk. I understand the difference in educational level.

April: I think you're angry? And I'm sorry because if I create the you know you were so upset about the whole thing. I'm sorry. I was very upset myself too. Simply- not because of you. Simply just because I couldn't get something done that I wanted and I had been wasting my my [time so I

Bob: [um hum? Um hum?

April: Money is important but money is not that important. I really I really think it's it's a great opportunity that we can sit down here and understand each other. I didn't I I want to treat I want to be friendly with you to tell the truth I don't have a lot of lot of friends but this is not relevant to the case. Anyway I- the- I don't know, the main reason I'm here today. I don't want the ten dollars back. I'm not sure

if I have to give you more money? but the most important things that I would like to () I would like to talk to you again about this issue. I- I hope you understand my concern and I try my best to understand yours. If you think there's some mistake in my ads or in our conversations, thank you for pointing those mistakes out. That will be very valuable to me in the future. And um- that's all I want to say. You don't have to give the ten dollars back. I do understand that you put in lots of () in this stuff. I really really appreciate that. It's just that I don't have enough money to show my appreciation you know- I have my concerns too. That's all.

Segment 2

April: I did mention to you in our conversation that this is a trial job we would negotiate and talk about the price when you finish the job. Cuz obviously you forgot. But. Like I said I really want to sort this out today. I think we both should compromise. You know. Not just one of us should compromise. I think we both should compromise. It's hard to to to divide it how many percent of mistake I made or how many mistake you made. So let's take fifty fifty. You are saying you spent four hour on this project and and you should get thirty two dollars? I'm willing to pay you six dollars more which is sixteen dollars which cannot compare to what you've been putting but I think it's fair [to me

Bob: [okay

April: So what do you think.

Bob: Okay.

April: Do you think it's fair or not?

April discursively performs a number of self-constructed identity categories: (1) orientation to shared responsibility, (2) orientation to conflict resolution, (3) importance of personal humility and politeness conventions, (4) sensitivity to the limitations placed on her by language and culture differences, (5) importance of sympathy and empathy via taking the other's perspective, (6) a desire for others to understand her perspective, (7) value placed on learning and experience, (8) non-importance of educational level differences in this context, (9) importance of fairness, (10) an orientation to relationships, communication, and friendship, and (11) a sensitivity to emotional states.

From a narrative perspective, April's discursive performance of the values of fairness and mutual responsibility for the conflict represents an idealistic identity dominant in Western culture. For analysis purposes, this narrative identity, or master narrative, will be labeled *reasonable citizen*, a type embodying the principles of fair play, acceptance of responsibility for one's actions, and commitment to just resolution of conflicts on all levels. The reasonable citizen attempts to consider all perspectives and "give others their due", but stands firm when the principles of fairness and justice are threatened. Consonant with the reasonable citizen identity, April's utterances index (1) the value of performance and integrity over formal educational level, (2) the value of friendship, and (3) the high price to be paid for miscommunication and misunderstanding.

April's self-identity construct is powerful due to its internal coherence and the venerated position the underlying myth holds in Western society.

5.2.2 Bob's Story

Bob utilizes the classic adversarial narrative model from his opening statement onward. Although April makes the initial statement, Bob embodies lack of attention throughout her speech and does not refer to her statement in his own opening statement. Rather, his opening statement conforms to the accusatory first-pair-part of the adversarial narrative model. Further, Bob constructs increasing entrenchment of his initial positions and refers to ancillary issues that have become part of the conflict, including moral issues such as national and ethnic identity and differences in status and prestige. Whereas April's narrative indexes fairness as a performance of common interests and a move toward reconciliation, Bob's narrative indexes unfairness as an element of his identity attack against April, as discussed below. Bob narratively constructs an adverse relationship between the disputants, including a theory of responsibility that places him in the innocent victim role and April in the abuser role.

Bob's opening statement constructs the advertising ambiguity and inherent injustice of April's proofreading expectations. As the session progresses Bob's statements focus on a comparison of his social identity with that of April (their relational identity) and his expressed desire for April to understand how her behavior has damaged his face, as exemplified by the following segments.

Segment 1

Bob: In professional trade relations at a professional level my not accepting any compensation will impact on you the point of lack of specification.

April: What's-

Bob: Because I do not want you to think that a Ph.D. level or an international student category gives you an advantage over me and to not accept compensation strengthens tha- the impact of that lesson. So that uh- cuz I- you'll get too busy doing your paperwork and I'll get too busy on my invention for us to remember oh yeah we had a conflict but that's it that's passed. What does it mean. So for you to understand.

Segment 2

Bob: That's the problem your lack of understanding some uh some higher level English advertisement. I do have a degree in radio TV film so I do

understand advertisements on a TV
screen in a newspaper and put outside
on a kiosk. I understand the difference
in educational level.

Although the initial issue of payment for services surfaces later in the session as a source of conflict, Bob consistently emphasizes the value of his labor as symbolic of social standing and authority. Microanalysis of Bob's unfolding narrative reveals his performance of the following self-constructed identity categories: (1) attendance to self-image and politeness conventions, (2) orientation to his interlocutor's ethnicity and native language, (3) orientation to April's unilateral responsibility, (4) consideration of others, (5) value placed on learning and experience, (6) importance of educational level and qualifications, (7) magnanimity, (8) importance of guiding principles (integrity), (9) a desire to perform well, (10) a determination not to be taken advantage of, (11) possession of traits appreciated by others, and (12) and orientation to relationship and friendship.

Despite apparent commonalities with April's narrative, (e.g., attention to learning and experience, politeness, and friendship), analysis reveals that Bob constructs his identity within a very different cultural narrative. Bob consistently fails to accept any responsibility for the conflict, attributing unilateral responsibility to April.

Mediator 1: Each of you feels that the other is
partly responsible.

April: [to Bob] I think I think you think that
I'm fully responsible.

Bob: Yes maam.

Bob's repetition of his desire to have an impact on April's thinking and teach her that she cannot take advantage of others of lesser status is significant from a narrative perspective. Bob communicatively constructs his identity as that of a principled individual who will defend himself against perceived attacks on his integrity and self-respect. However, April's unyielding insistence that she did not receive an adequate work product is a defense of a specific principle (fair pay for fair work). Bob does not cite evidence of the manner in which April exploited his perceived lower status position. Despite April's insistence on fairness and that the quality of the work, not the educational level of the individual, was of value to her, Bob continued to frame the conflict as a class/ethnic struggle.

Segment 1

Bob: I wanted to have such a strong impact
on your thinking so that you won't use
the international student to take
advantage of me as a native.

I do- I can't [uh no- no no- wel- uh-
uh-

April: (laughing) [that's very ()
that's not very nice of you to say
that.

Bob: well- I have to. Uh I have to.

Segment 2

Bob: Because I do not want you to think that
a Ph.D. level or an international
student category gives you an advantage
over me and to not accept compensation
strengthens tha- the impact of that
lesson.

Bob communicatively performs magnanimity in his expression of a willingness to "forget" certain parts of the conflict ("I'll say it got solved because I forgot it."). However, these statements imply that he is reluctantly allowing his narrative to be engulfed in hers. This discursive action injects disequilibrium into the resolution process. The subconflict is not resolved at these points. Examination of other cases reveals that parties in conflict frequently enact this strategy. 'Intransigence performed as magnanimity' is an important topic for further research.

Bob's presentation of self-identity portrays a lifescipt narrative in which Bob is a disadvantaged member of society despite his vast knowledge and efforts to contribute. For structural reasons, and entirely independent of his own actions, society has cast him

as a social and intellectual misfit; thus he is continually taken advantage of by persons in higher-status, higher-power positions. Bob verbally expresses his ability to perform at a high level if others would provide him with the tools (information, instructions, etc.) that he needs.

Bob: you said I'm not qualified - well?
 then you have to help me get qualified
 heh heh

Because of the abuse he has suffered, society owes him (e.g. if April hires him, it is her responsibility to train him in proofreading). At times, society seems to be conspiring to undermine him in various ways. However, Bob displays a measure of ambivalence in positioning himself within this narrative. For instance, he employs two seemingly opposing strategies when presenting his educational level in relation to April's. On one hand, Bob constructs his lower educational achievement (bachelor level) as a defense in support of his claim of ambiguity in the advertisement, as discussed below. On the other hand, Bob frequently invokes his status as a well-educated "fellow student" to index solidarity and equality. Thus, Bob locates responsibility for the conflict in April's perception of the situation, while simultaneously resisting this theory of responsibility by constructing a self-identity of authority in several domains and equality with April in others.

Segment 1

Bob: and I do know some Ph.D. students that maybe could use some extra work and I would have let them know it is I've got uhn uhn uhn seen an ad for someone to do some proofreading who is at an Ph.D. level. I have two batchelor's from UT so I'm not at a Ph.D. level. Your advertisement does not specify to proofread at a Ph.D. level. It's it does specify native English speaker...

Segment 2

Bob: Okay now? There's a difference.

April: um hm?

Bob: I do not have a master's degree

April: um hm um hm I understand.

Bob: so by the standard or the level or the qualification

April: um hm um hm

Bob: of your having a master's degree and my not having

April: umh umh

Bob: a master's degree you have [()

April: [um hm

Bob: a level of education or an amount of
education that I do not have...

Segment 3

Bob: ...on this ad since you have said .hh
uh: I will pay?, and I just heard you
say but I can't pay. There is a time
conflict that I am having. I don't
know that this point that I'm about to
make is relevant but it tells you where
I am uh emotionally? uh: mentally? How
I feel and that is that I am currently
I have been up to today unemployed. I
am paying for my schooling out of my
own pocket so I am a poor student too.
It's too easy for students to want to
help out each other hh and not help out
each other without some legal or
personal problem getting in the way.

Bob's presentation of the conflict as framed by power and status differentials is indicated by his frequent indexing of differences between himself and April despite April's recurring protestations that educational degrees are not meaningful in proofreading work. Although Bob states several times that he would like to maintain a friendship with April (implying relational equality), he consistently indexes status differentials throughout the session.

Bob's story positions him at the margin between 'ingroup' and 'outgroup', "groups whose marginality defines the boundaries of the mainstream, whose voice and perspective – whose consciousness – has been suppressed, devalued, and abnormalized" (Delgado, 1995, p. 64), creating a counter reality or counter narrative told against April's narrative, which resonates more powerfully with western cultural master narratives.

5.2.3 Mediators as Audience

Bob utilizes the mediators' presence to effectively 'put on record' (see second interaction below) his perceived success in the conflict with April. For instance, in the two segments below, Bob's utterances, gaze, and gestures invited the "audience" to recognize April's acknowledgment of the legitimacy of his claims. In both segments, Bob acknowledged April's concessions and apologies and emphasized his "success" by thanking her while gazing at the mediators.

Segment 1

Bob: I cannot go by. April,

April: Um hum?

Bob: Someone's assumption about someone else something else or about me.

Mediator: So Bob you're wanting April to understand that uh someone could be confused by this ad?

Bob: (gazes at mediator) Yes.

April: (nodding) I understand completely.

Bob: (leans toward April) what do you understand.

April: That uh I cannot assume that someone who read my ads understand automatically what proofread refer to

Bob: [yes

Mediator: [or refers to you?

April: or refers to me

Bob: yes

April: that we I need to have a you know uh we need to define that word proofread before I give you the paper.

Bob: (leans toward April) And did you define for me.

April: (shakes head) I didn't

Bob: (sits back, gazes at mediator) Thank you.

Mediator 2: Oka[y

Bob: [and is that a conf- does that so is that a conflict

April: It is.

Bob: Thank you.

Segment 2

Bob: In the hallway between between during the break you came up to me and apologized to me for the way you acted at our second meeting. I accepted it and- but that was outside in the hallway. That hadn't gotten recorded. until now. and:

April: Yes I would like to say in this room that uh I owe you apology that uh the other day when we met I was s- so upset because you were late an- you know you didn't give me something that's useful for me so I was very upset so I

told you that I really don't want to
talk to you I apologize for that.

Bob: (gazes at mediators) Thank you.

Following the mediators' observation of these performances, Bob immediately shifts his focus from the points of conflict to their potential resolution. This process occurs several times during the session, emphasizing the critical role of the mediator as witness and thus co-participant in narrative construction.

5.2.4 Co-Construction of Intertextual Narrative

One aspect of the conflict concerns Bob's desire for April to admit confusion regarding her expectations and the perceptions of native English speakers reading her advertisement. April is reluctant to admit confusion. She cooperates with Bob to co-construct a discursive framework that satisfies his desire to attribute confusion while, at the same time, presents April as competent. As shown by the segments below, April accomplishes this feat by discursively maintaining a dialectical stance.

Bob: Do you understand the conflict that you
have presented.

April: I don't think so.
Yeah would you [()] please
elaborate.

Bob: [okay].

Bob: (clears throat) Didn't you say earlier.
In this meeting. That you're confused
about what you said, what you expected
and what you said in the advertisement.
Didn't you say something about that
you're confused.

April: Well I'm confused about uh what you
think.

Bob: (to mediators) If she can again say to
me what the confu- what the element of
confusion is

April: hh I feel this is a hh test

Mediator 1: [hah hah hah hah hah hah hhh hh

April: [hah hah hah hah hah hah Yes please go
ahead hah hah.

Bob: Can you tell me what the element of
confusion is.

April: I guess there are hh too hhh many
conflicts hhh so I don't remember I- I-

Bob: According to this ad what is the what
is the what is the confusion.

April: Ah we have a degree uh- we have we have
a misunderstanding of certain things

Mediator 1: So you're not saying that you're not
disagreeing that the confusion has lead
to this or the confusion of the ad led
to this point [or

April: [I I uh think the mistake
I still think this mistake was still
between you and me. I it it did not
happen before. But it will remind me
in the future if I put out the ads
again I will definitely describe about
the qualification of a proofreader.

Bob: If you do that in your ad then you will
not then you will not have a conflict.

April: I see

Bob: Because then you have communicated

April: Yes

Bob: You will have clarified

April: Yes

Bob: In writing

April: Yes

Bob: in your ad

April: um hum

Bob: your expectation

April: yes

Bob: and thus you have done away with the
word assume in what you personally
expect versus what you communicate.

Although April co-constructs with Bob a narrative legitimately justifying his faulty work (i.e., April was jointly responsible due to the potential expectations of those reading her ad), she protects her own face while doing so. Although she grants Bob the possibility that she was partly responsible for the conflict, she is quick to point out that she wrote the ad based on her past experience, in which the expectations and perceptions of proofreaders were in line with her own. Thus, she maintains that the misunderstanding was bounded by her relationship with Bob and did not extend to other native English speakers whom she has employed. In this manner, April verbally collaborates with Bob to narratively preserve his face while at the same time preserving her own.

This strategy both reinforces the uniqueness of April's experience with Bob and creates the discursive environment within which the participants can cooperatively construct Bob's identity as authority and instructor to April. Throughout the session, Bob employs communicative strategies attempting to place himself in a position of authority vis-à-vis April, whereas April emphasizes notions of friendship, collaboration, and

appreciation. In this manner, April discursively deconstructs the relational hierarchy perceived by Bob while maintaining her position on the content issues of the dispute. For instance, she apologizes several times to Bob for her behavior during their earlier encounter while embedding in the apology an account of the reasons for her behavior. She attributes her behavior to frustration at the situation rather than as caused by Bob himself.

The seemingly intractable sites in this case are those where Bob's adversarial narrative collides with April's developing narrative. This occurs in the areas of (1) attribution of responsibility for the conflict, (2) alter constructions of competency and authority, and (3) differing values placed on class and status differentials. Discourse analysis reveals that the conflict talk takes on a less strident, more constructive tone when (1) April co-constructs Bob's competency and her own contribution to the conflict, and (2) either party indexes friendship and good relations. The conflict makes a turn toward resolution when Bob suggests that April give him another chance in the future to proofread for her. The final written agreement addresses the parties' commitment to work together on the development of Bob's proofreading skills and the continuation of good relations between them.

The resolution of this case integrates and sublimates elements of both narratives to construct a rather tenuous intertextual narrative addressing the primary concerns of both parties. In requesting proofreading assistance and a second chance to proofread

April's papers, Bob validates her tenacious orientation to shared responsibility and fairness (i.e., he indirectly concedes the inadequacy of his work).

Bob: ...if you think that because of uhn uhn
say you get into a backlog of homework?
and you'd like to give me a try again?

April: hmm?

Bob: for another kind of job?

April: um hm?

Bob: maybe not proofreading or maybe
proofreading

April: um hm?

Bob: see I'm I'm giving it back to you and I
am saying you didn't give me a second
chance and now you're saying you'd like
to give me a second chance? Okay? Well?
Then if you'll give me some guidelines
to go by anything even if it's just one
uhn uhn just one item uhn I expect
proofreading at a certain level okay
well what is that certain what is that
certain level. Give me another writer
or previous writing that you've done or

someone else's grammatically correct
paper?

April: hm?

Bob: to go by

April: um hm?

Bob: and I'll have yours and that that other
author's paper .hh to go by? So that
you're telling me that by this other
author's paper you want corrections the
same way and I've got them together so
I have this guideline in writing to go
by if you if you come into that kind of
situation in the future for asking me
to help doing proofreading. And it's
only proofreading that I'm? referring
to...

April: So I'm sorry so? let me so so the
purpose of our meeting here today is to
clarify the misunderstanding? And would
you suggest anything that would you
know make both of use feel (.) [fair

Bob: [um?]

April: a[nd]

Bob: [um hm?]

April: more happier when we go out.

Bob: ah

April: I'm not sur[e w]hat can we do what

Bob: [uhn]

April: what do you suggest? You wanted a
 second chance?

In agreeing to this proposal, April reinforces Bob's discursive construction of competence by implying that she not only considers him capable of performing the work if provided guidance, but also that his intentions are honorable. The settlement is sealed with an agreement to maintain good relations, a value highlighted in both narratives.

5.2.5 Conclusion

This case provides an interesting example of the manner in which an intractable and multi-issue case can resolve through the collaborative co-construction of an intertextual narrative that satisfies the interests of both parties. This case contains two additional notable features. First, it does not fit the pattern of bilateral adversarial narratives; this case clearly represents the unilateral adversarial narrative pattern. Second, the primary contribution of the mediators in this case is as audience, and only secondarily as facilitators. The mediators 'control the process' through exerting their authority to control turn-taking so that neither of the disputants monopolizes the talk. Other mediator

skills designed to facilitate collaborative problem-solving (e.g., reframing, brainstorming, strategic questioning, active listening) are rarely in evidence. The mediators may have felt them unnecessary due to the collaborative work performed by April.

Brenneis (1996) stated

Narratives are used to stir up trouble, to further one's particular goals, and to help draw the dispute to a close. At each particular juncture, very different stories may be told, in very different ways and with very different implications. ...Attention to intertextuality to relations between the stories is essential (p. 43).

One conceptual framework for this case is to view the mediators and the mediation process as providing the safe environment and turn-taking potential that allowed April to reframe both narratives. Within the reframe, Bob, who originally forwarded an adversarial narrative "to stir up trouble" was able to accomplish his underlying interactive goals while saving face. The parties together constructed an intertextual collaborative narrative.

5.3 CASE 2: BALLROOM BLUNDER

Like *Dissertation Discord*, this case presents an example of unilateral adversarial narrative construction. One of the disputants constructs a narrative distinguished by consistently entrenched positions, increasingly hostile and competitive language, and elements of moral conflict. However, April in *Dissertation Discord* discursively rechannels the narrative of her hostile counterpart, whereas the *Ballroom Blunder* case displays construction of an asymmetrical power structure in which the other disputant

resists communicative engagement. Also unlike *Dissertation Discord*, the mediators in this case introduce narrative themes not present in the disputant narratives.

The section that follows presents analysis of the manner in which the adversarial narrative dominates the interaction through colonization of the interaction. Because the mediator communicative practices figure prominently in the narrative constructions in this case, a section is devoted to mediator construction of an alternative narrative. Finally, analysis of the manner in which narrative themes coalesce in this case demonstrates the interactive process whereby the parties reached mutually satisfactory resolution.

5.3.1 Adversarial Narrative Colonization Processes

By definition, adversarial narratives are framed by win/lose communicative goals. Disputants using an adversarial narrative strategy attempt to undermine other narratives through competitive communicative practices such as accusation, denial, attribution, persuasion, threat, and coercion to ensure the adversarial narrative prevails. This process may be framed as the colonization of competing narratives by the adversarial narrative, a process which may or may not be successful.

Identification of colonizing narratives does not dismiss the agency of the colonized party. In fact, numerous examples are found in the data in which the colonized party uses discursive moves to resist. The existence of resistance to some extent distinguishes this category of narrative interaction from the others; no attempts at collaborative blending of narratives or even respectful acknowledgement of the other's narrative occur in this scenario. Narrative colonization efforts are characterized by coercive tactics, insistence upon one's own interpretation of events and theory of

she's talking about about guidelines for friendship is that, um, we basically had an affair and her boyfriend didn't like it and the only way that he's he sorta will allow us to remain friends is if we have certain guidelines that govern our relationship and we've been d-, the thing is that we've been sorta doing that, maybe she feels differently, I don't know, but we've been sort of doing that now. I mean, I've been doing it sorta more out of self preservation like um, just so that I don't sort of get too emotionally involved or something. Um, so I don't necessarily know that we have to have certain rules. Um, and I'm also not entirely convinced that anything that she suggests is entirely her own or suggested from him through her. Um, so I sort of have, I mean I sort of I know how we've been

interacting for the last three weeks. So, if she comes up with something, I mean I will sort of. But, you know, if she comes up with something that's sort of odd with respect to how we've been behaving, I'll be like strongly suspicious that it might be his wish coming through her.

According to Sam, Ruth was not speaking to him at the time he requested mediation, and would not explain why. He requested mediation to "force that out", to find out why Ruth refused to speak to him. Sam expresses without hesitation that he and Ruth had had an affair, that her boyfriend is not happy about the situation, and that the only way her boyfriend will allow them to remain friends is to develop some guidelines.

During most of Sam's opening statement, Ruth looks downward with her arms close to her sides. Sam continues to explain that he is not sure whether her ideas about their relationship are her own or an echo of her boyfriend's thoughts. Although they had been interacting for three weeks, Sam asserts that he will be very suspicious if she "comes up with something odd", believing that whatever she comes up with may be from her boyfriend. Sam then claims he is "looking for something pure, not tainted from him". However, according to Sam, this is easier said than done.

for how she and Sam interact. Sam claims that he is not convinced that anything Ruth suggests is entirely her own. Sam expresses this in the present tense – “anything she suggests” – rather than indexing her past suggestions. Later the transcript reveals that Sam and Ruth’s recent interactions have included actual or expected behaviors as intimate as licking arms, and foot and head massages. The combination of these intimate behaviors and Sam’s confession that he has been following self-imposed rules out of “self preservation” so that he won’t “get too emotionally involved” indicates that he would like to reinstate a romantic relationship with Ruth. Sam narratively constructs the present circumstances as precarious for him, given his desire for a romantic relationship and his suspicion that Ruth’s positions are dictated by her boyfriend, even though he is persuaded that Ruth actually feels as he does.

Sam dominates the interaction through his turn-taking management and use of accusations and implications. In addition, Sam controls to a large extent the presentation of not only his own positions, interpretations, and perceptions, but those of Ruth also. Sam displays his orientation toward coercive tactics by his use of the term ‘force’ numerous times in the session, as listed below. Portions of the text are presented in bold font by the author for emphasis.

Example 1

Sam: So, when I originally came, she wasn’t
 speaking to me at all and I had no idea

why. And, this is my way to **force** that out.

Example 2

Sam: Because, you know, if I **force** somebody to sign something, that's artificial. You know, it's it's kind of like well what's, you know, if you're speaking to me just because you have to, what's the point?

Example 3

Sam: Well, whatever, but like, I mean, you know, we used to be really good friends and then you're not even going to sit next to me or you won't even dance with me, or something like - I just don't need that kind of stress. I'm just not gonna be in, I mean, it's just easier for me to be away from that organization then to be in it and be reminded of how sour this whole thing turned. And, so, that's basically what

I was being **forced** to do, was sort of make, a sort of either leave or get her to leave, and that was my, that's, my strategy was, was "look she should leave, you guys should make her leave because this is what she did".

Example 4

Sam: Yeah. Now that you mention it, I think this might be a large source of what she meant by 'I didn't really want to do something' but we did it anyway, which I never understood, how you could consent to something and then say you were **forced** into it, or that you didn't agree to it, um, but that might be part of it, if there were some sort of.

Example 5

Sam: Or that, and I know Ruth knows that, it's the feeling that I'm talking about because since **she left me no choice** and she wouldn't communicate with me

directly, I had to communicate indirectly and she was saying about how she was scared to check email because of what she might see and and so, I know she knows the feeling that I'm talking about.

Sam seems to consider behaviors exacted through force to be uncomfortable and untrustworthy. He has nevertheless selected mediation to force Ruth to explain her refusal to speak to him. Sam wishes to force Ruth's voice.

The communicative practice of attempting to force others to say or do things is closely accompanied by the issue of who speaks for whom. As discussed, one of Sam's major issues, related to his search for purity, is his position that Ruth's boyfriend is speaking through her and tainting their relationship. Although he indicates in his opening statement a strong desire to know Ruth's ideas, desires, and wishes for how they interact, he also persists in speaking for her, in essence presenting his interpretation of her ideas, desires, and wishes rather than seek those things from her.

Ruth is almost consistently ambiguous in her statements from the beginning to the end of the session. She appears reluctant to voice an opinion about anything. However, she offers several strong statements, albeit not phrased without hedging, that offer insights into her interests.

Mediator 2: When y'all were just friends?

Ruth: Yeah. I liked that and um ... like I understand what he's saying too so I don't know like what is I I didn't like aspects of things that were going on when when we started to like when we did stuff or after, he started to like I don't know how to explain. I don't know. Um, that's all. (laughs softly)

Mediator 2: So, do you um

Ruth: I mean, I'd want him to have my trust back I mean his trust for me back and stuff too.

Mediator 2: So you want it to go back to where it was

Ruth: Yeah.

Mediator 2: Before that

Ruth: Right.

Mediator 2: The summer thing happened.

Ruth: Uh hm.

Ruth liked the friendship with Sam before the sexual interlude, and did not like the relationship when it took on its sexual aspect. Sam responds to this:

Sam: I think something that's inhibiting that now, uh I mean I can't speak for her, but um I know that sort of as sort of disgusted as I am about the whole situation now, I'd be lying if I said I still didn't have feelings. Now, whether or not I wish I did is a different story. But, um, again, I don't want to speak for anybody else, but I think that somebody else might still have feelings too, and I think that's what's complicating part of this ... It's sort of - it was easy for us to be friends before because there sort of wasn't any non-platonic affection....Before.

Mediator 1: So, so you're sayin' before this summer and everything I'm sorry

Sam: No, that's alright.

Mediator 1: Um before this um, before this summer, y'all were just ih it was more of a platonic relationship and are you

asking are you are you sensing that perhaps Ruth still has non-platonic relation I mean feelings for you? Is that?

Sam: I certainly think so.

Mediator 1: You, so you feel something

Sam: And sort of I'd be lying if I said I didn't too.

Mediator 1: Okay, um well, Ruth, how would you like to respond to that?

Ruth: Well, I'm not sure so I don't- I think I don't, but ... I really like I really um I can't say I mean I wanna say

Sam: Scott recognizes it.

Ruth: Well, he no

Sam: That's the boyfriend.

Ruth: He said he and like when I was sticking up for him and like about doing sticking up for Sam about doing this mediation things like that he's like why are you so why do you want to be his friend so much you must love him

and well, I don't know if I I don't know if I romantically do. And how that's probably something that I need to figure out. ... And, but I still love my boyfriend too and

M1: mmhmm

Sam: Well, even if she's not sure I mean that still sort of proves that it's at a level that's different than just purely

Ruth has not mentioned romantic feelings for Sam, but she has stated that she did not like the sexual relationship. Despite his claim that he wishes to understand Ruth's ideas, desires, and wishes, Sam claims that Ruth's unadmitted romantic feelings complicate the situation so that it is difficult to regain the pre-affair friendship. Ruth responds to Sam's claim by becoming ambiguous once again, stating that she does not know how she feels about Sam. Ruth's convoluted phrasing appears to be saying something like "I wanna say...but I can't say...that I think I don't have feelings." In contrast, Ruth is unequivocally clear in stating that she loves her boyfriend.

Mediator 1: What, um, you say that, you know, you you have feelings for Sam. How are those different from those feelings that you have for your boyfriend? I

mean, you said that you love him as a, Sam, as a friend, that's what you were indicating to your boyfriend. Um, uh how is that different, you know, I mean, there seems to be some question in your mind. Is that something that you want to explore here or?

Ruth: Mm. Hm. I hadn't really thought about it....um could I, I should. Let me think about that more and

Mediator 2: Okay, we'll get back to that

Mediator 1: Okay, we can get back to that. Or, if it's not an issue for you and you don't want to talk about it, you can say that as well so.

Sam: Okay, well I can answer it for her. I mean, she's made the comment 'why can't I have both of you'.

Ruth: That was.

Sam: I mean it's uh it's I mean it's not as much that it's like split affection, I suppose it's like double affection, I

don't know, but. I think and I think I think Scott senses that. I think that's why he's so adamant that we have nothing to do with each other.

Although Ruth has not stated that she 'loves Sam as a friend', the mediator suggests to her that she has feelings of some type for Sam but is unclear about them. Ruth avoids the question but Sam interjects that he "can answer it for her". In light of Ruth's protestation to the contrary, and despite his stated desire to understand Ruth's 'untainted' opinions, Sam himself blatantly constructs Ruth's opinions and feelings, with a great deal of help from the mediators.

Later, Sam again speaks for Ruth. As the parties are on the verge of an agreement, and Ruth claims they have covered everything of importance to her, Sam interrupts the mediator to speak for Ruth one final time.

Sam: Ok, I'm just gonna come out and say it. I know there's something that bothered her, and I'm very surprised that it didn't come up.

Mediator 2: Ok, well let's talk about it

Sam: And that's the, the fact that I discussed it with other people

Ruth: Oh yeah

5.3.2 Introduction of Alternative Narrative by Mediators

The theme of ‘remaining friends’ appears consistently throughout this session and defines the final agreement to a greater degree than any other narrative theme. However, the disputants themselves never construct the ‘remaining friends’ theme in their own narratives. This case illustrates an unusual interactive process whereby the disputants develop specific narratives but allow those narratives to be displaced by an alternative narrative introduced by other parties, in this case the mediators.

This alternative narrative process differs from the narrative co-construction processes analyzed and discussed elsewhere in this chapter. In this example, disputants do not adopt or rechannel elements of the other disputant’s narrative. Neither do narrators employ coercion or exploit the weaknesses of others to ensure dominance of a particular narrative, as in the colonization process discussed in the previous section. Further, the parties do not express co-affirmation of a particular narrative and carry it forward together.

Instead, the disputants persist in their assertions and positions within their own narratives. However, the mediators introduce a narrative which provides an alternative explanation of the circumstances. This alternative narrative is repeated and reinforced by the mediators throughout the session. Because the alternative narrative does not directly conflict with the parties’ narratives, because it is repeatedly introduced as an explanation, and because the parties do not resist the alternative narrative, it eventually governs as the primary narrative under which the disputants’ narratives are subsumed.

Ruth does not mention a desire for friendship in her opening statement.

Mediator 2: Sam? Okay. Um, so we usually start with the respondent, um, Ruth. Also, let's see, before we start, we like to- we're gonna- it is see three fifteen right now. Um, at about five thirty, five forty-five, we're gonna stop and reevaluate at that that point and um if we haven't already come up with an agreement before then and see where we are. So um, we are going to be starting with Ruth. Ruth, um, I wanted- I will ask you first um what would you like to see happen here today?

Ruth: Mm. I'm not really sure. I just...like (pauses) I guess (pauses) an agreement on I don't know really 'cause (pauses). I mean, we seem to have um gotten through like we seem to have like we get along now. Just, I don't know really (laughs). Like, um, before, I (pauses) I just wanted to maybe set

guide like guidelines that are just like, like set down and certain and stuff, but that's about it.

Mediator 1: Okay. So, basically, you you wanna come up with some sort of agreement that has some guidelines in it?

Ruth: Yeah, I guess.

Mediator 1: Okay, can you expand on

Ruth: Like, um

Mediator 1: Maybe what those guidelines might be?
(clears throat)

Ruth: Like being, like um, just (pauses) not really rules, but like something for the for our friendship just to be sure that what there's an understanding of.

Mediator 1: Okay, so guidelines for friendship?

Ruth: Yeah.

Mediator 1: Okay.

Ruth: Kind of.

Mediator 2: Okay

Rather, she hesitantly constructs a scenario where things have changed since 'before' the sexual relationship and now she is not sure what she wants. However,

‘before’ she might have liked to set some ‘certain’ guidelines. It is not until after prompting for additional definition by the mediator that Ruth states she wants “...like something for the for our friendship just to be sure that what there’s an understanding of.”

Although indexing friendship, Ruth does not ask for a return to the prior friendship or, in fact, any type of friendship at all. She expresses a desire for behavioral parameters and a shared understanding of what their relationship is and will be. These guidelines do not refer to her behavior so much as to her wish to limit Sam in his behaviors toward her and affecting her. The mediator rephrases Ruth’s statement as wanting ‘guidelines for friendship’. While this rephrase captures Ruth’s wish for guidelines, its choice of only two words from the narrative – ‘guidelines’ and ‘friendship’ – reframes Ruth’s mediation goal, i.e., ‘to develop a positive friendship’, rather than address Ruth’s consistent narrative of needing a mutual understanding of the meaning of the relationship and a certainty about what constitutes acceptable behavior within the relationship.

From this point forward, this case illustrates an interesting example of two mediators implicitly agreeing on ‘what the story is here’, and ensuring that theme dominates the interaction, despite evidence that the parties have other stories, and contradicting their own mediator rhetoric of controlling the process but not the content of the event.

In one segment, the mediators request clarification about Ruth’s status with the current boyfriend and when the affair with Sam occurred.

Mediator 1: Okay, what's your relationship with,
are you friends? How is it are were
y'all friends or were you friends with
the boyfriend as well?

Again, the mediator's focus is on friendship, although both Ruth and Sam have provided the mediators with information that did not address friendship between them. After Sam responds that he was not aware of the boyfriend and knew Ruth for months before learning of the boyfriend, the mediator summarizes in this way.

Mediator 1: Okay. So, um, so y'all were just you,
Ruth, and you, Sam, were friends and it
just it moved on to something more than
platonic friendship?"

The parties agree and Sam provides further information that they are dance partners. Ruth orients to this statement and the two co-construct a short narrative about dancing and their relationship through it.

Sam: Yeah. We're also dance partners.

Mediator 1: Uh, okay.

Sam: We do ballroom dancing.

Ruth: Oh, that's how we met.

Mediator 1: Oh, ballroom dancing. Okay.

Sam: And that's how we met and

Mediator 2: Okay.

Sam shifts the focus to the present by explaining that not only were they friends, then something more, but that they are also dance partners. He adds that they ‘do ballroom dancing’, to which Ruth adds, almost as an afterthought, that this is how they met. After brief acknowledgment by the mediator, Sam echoes Ruth’s statement, framing his confirmation of how they met with two ‘ands’, unambiguous markers that he is within a narrative that already has a beginning and that he plans to continue. Clearly, the existence of the ballroom dancing relationship holds importance to both parties within the conflict narrative. This is the first instance of both parties actively co-constructing a story and Ruth’s first unhesitant, unsolicited statement. It is not clear why Ruth inserts “Oh, that’s how we met” although one explanation may be that she positions the narrative to focus on the past to mitigate Sam’s construction of their relationship as being ‘partners’ in the present.

Neither of the two mediators participate in this co-narrating event other than to briefly acknowledge hearing the statements (“Uh, okay.”; “Oh, ballroom dancing. Okay”; “Okay”.) Rather, one mediator interrupts Sam’s narrative midstream with:

Mediator 1: So, um, is it correct to to state that
 y’all want to be friends? Okay...uh,
 Ruth, can you give me an idea of what a
 friendship would be like with Sam for
 you?

This question entirely disregards the dance partner narrative and returns to the mediator-preferred story of friendship, despite the fact that Sam has not stated he wants a friendship and Ruth has stated only that she wants guidelines.

In another segment, the mediators construct the friendship theme in more detail by offering Ruth examples of what a friendship might look like. The mediator narrative constructs of friendship are highlighted in the segment below.

Mediator 1: So, um, is it correct to to state that
 y'all want to remain friends? okay ...
 Uh, Ruth, can you give me an idea of
 what a friendship would look like with
 Sam for you?

Ruth: Mm. Yeah. Um well just the way it's
 been going recently, I guess.

Mediator 1: Could you expand a little bit on that?

Ruth: I don't know. Um.

Mediator 1: What does that mean?

Ruth: Um

Mediator 1: **Do y'all go get something to drink?**

Ruth: Yeah. Like just stuff around campus and
 I go to his class sometimes... Um
 talking

Mediator 1: **Is that like hanging out?**

Ruth: Yeah.

Mediator 1: **Y'all are just hanging out.**

Ruth: Yeah

Mediator 1: ok

Ruth: mmm. And, I like it better that um like he used to pay for my stuff a lot and I used to want to pay for my own so now we've been paying for our own and I like that better. Um... and ... hm. I think that's

Mediator 1: Okay.

After the first mediator obtains Ruth's agreement to the mediators' somewhat imprecise picture of friendship as "just hanging out", the other mediator asks Sam what he would like to see happen with the friendship.

Sam: Well, I ... it see anymore see I don't know if it can ever get back to the way it was before things went farther than they should have. So, I don't know if there's anything to want, but we used to hang out all the time and, you know, we were really good friends and sort of could tell each other anything and, I'm

certainly, I'm sort of completely devoid of any trust for her now. And, um, I don't know if I can get that back and there's also this really strong issue of her boyfriend keeping saying things like "if you remain friends with him then I'm out forever" and that's putting a lot of stress on her and he even said well if I don't get what I want in mediation, then you and I are done and that puts a lot of stress on her and as long as and as long as, I mean, I can't the whole the whole reason she stopped speaking to me in the first place is because he gave her that option that if you even want to be friends with me you can't speak to him at all, so she said okay. So, she's already shown that she can cave to that once, so I don't and I'm not sort of, I mean, you sort of don't base a friendship on somebody you're afraid is

gonna turn on you. So um, ideally what I want is sort of the way it was before that, when I could count on her, but I don't know if that's even (pauses) possible.

Instead of orienting to the future as prompted by the mediator, Sam presents a narrative giving a few details of what the pre-romance friendship looked like (hang out all the time, really good friends, could tell each other anything), but focuses more on his lack of trust that they can be friends “the way it was before things went farther than they should have”. His narrative gives more details about his perception of the boyfriend’s influence on Ruth, returning to his theme of how Ruth has been tainted by the boyfriend’s wishes and is therefore no longer pure to Sam. The relationship Sam wants is not what they had before the romance but rather what they had before Ruth ‘caved’ to the boyfriend’s pressure, when Sam ‘could count on her’. However, he doesn’t think it likely that this is possible.

The mediator responds to Sam by summarizing the concerns about trust, his lack of faith that they can be the kind of friends he describes, and his concern that the boyfriend may impede the friendship. She adds

Mediator 1: I mean, if if Ruth wants to be friends with you, you feel a lot of concern for

Ruth, because the boyfriend may be a putting a lot of pressure on her.

Although Sam stated twice in his narrative that the boyfriend's actions are putting a lot of stress on Ruth, he frames these statements as proof that he cannot trust her, not that he is compassionate or concerned about her. Here is another example of the mediator constructing details of a friendship story that is not corroborated by the parties themselves.

In addition, Sam subtly but clearly provides evidence that the portion of the relationship he mourns, the 'purity', was not the period preceding the affair but rather the affair itself, as demonstrated in this interaction:

Sam: I think I'm just still mourning the loss of what we had.

Mediator 2: So you really enjoyed y'all's time y'all had?

Sam: Because before it got more than it should have, I mean, that just didn't happened overnight and out of nowhere. I mean, that was based on something. That was based on something that had been cultivating for months. Right, so there was a period of time when it wasn't actually dysfunctional. And

that's I sort of feel like that's been permanently lost. Like, I've taken all her gifts and I put them all away and I still I can't bring them back out because, like I have some tapes that she made, and I can't listen to them anymore because, you know, I could take 'em back out and get used to them and then this might happen again and I'm sort of not going to go through that again.

Later in the session, Ruth reveals that her boyfriend does not want her to be friends with Sam at all.

Ruth: He doesn't actu he doesn't want me to even be friends at all, like to even talk or anything at all. And he, I was like, I had to like like really say I'm I'm just gonna I have I can't just not be friends or anything with him, and so I sort had to convince him to let me come basically, or not let but like convince him that I would come...So. Ih

he I just don't think he he doesn't
really understand the way things are
and I don't think he has

Mediator 2: So, are you wanting though, even though
you don't really have your boyfriend's
approval for y'all to have a friendship
are you still wanting to work this out.

Ruth: Yeah.

Mediator 2: So y'all can have a friendship?

Ruth: Yeah.

Mediator 2: Okay, so y'all both that's that's
important to both y'all.

Again, the disputants have not stated how important friendship is to either of them. Sam maintains his story of trust, tainted purity, and need to force the truth out of Ruth. Ruth has just described her conflict with her boyfriend, but instead of volunteering a desire to maintain friendship with Sam, Ruth hesitantly constructs her situation as “I can't just not be friends or anything...”. This double negative construction does not carry the same meaning as “I will be friends with him” or “I want to be friends with him”. Given the evidence of Ruth's tendency to position herself in a subordinate – even a victim – identity, her expression of “can't not be friends” sounds more like a statement of environmental constraints upon her than initiation of an act of agency.

5.3.3 Narrative Coalescence

Whereas the two mediators collaborate, in the absence of sound evidence and even in the presence of some resistance, to construct the story of how Ruth and Sam want to be friends and place a high value on friendship, all four parties actively participate in constructing another theme related to the relationship – comfort. Ruth and Sam both describe on various occasions the dichotomy they experience between the comfort they felt ‘before’ and the discomfort they experience now.

The theme of comfort is first introduced by the first mediator when asking Sam what reinstated trust would look like to him.

Mediator 1: Sam, I'd like to get back to you a little bit and uh you were talking about how trust is a big issue for you, and so if you were to, you know, if the trust was reinstated with Ruth, what would that look like? How would you know you could trust her? How would you feel comfortable with her?

Sam: Well, well I'll tell you how I would know is that I wouldn't get nauseous every time I check email. That I wouldn't be getting sort of another oh I can't ever see you ever again and

ever and I can't explain why and I can't have anything to do with you ever again. I mean, there's always that risk now. Of every time I check email, that that is that something like that is going to come up. And, I mean, it'll diminish with time, but that's sort of. You know, I no longer have that sort of that anticipation for any communication from her. There's also some other stuff too like I feel like I can't call her. Um.

Sam answers the question with a list of negative behaviors he would like to avoid (e.g., not get nauseous when checking email, not be told she can never see him again but cannot explain why). However, after the mediator follows up by asking whether calling Ruth on the phone was an everyday part of the “hanging out kind of the stuff y’all did”, Sam answers her original question about comfort. Sam and the two mediators engage in a narrative construction about comfort in which the word is repeated seven times in nine turns (in bold for identification).

Mediator 1: Was calling her on the phone uh uh uh
kind of an everyday part of the hanging
out kind of the stuff y’all did?

Sam: No, but I felt **comfortable** doing it.
Like calling to say I was picking her
up on the way home from work or
something like that. I felt **comfortable**
doing that.

Mediator 2: Now you don't?

Sam: No.

Mediator 2: Feel **comfortable** doing that?

Sam: No.

Mediator 1: Would you like that reinstated, or?

Sam: Um, I'd like that **comfort** reinstated. I
mean, now that school's back in
session. I sort of, if I get off work
late I sort of don't really need to
pick up anybody anyway, but, I mean,
but I'd sort of like that **comfort**
reinstated.

Mediator 2: **Comfort**, okay, yeah.

Sam: Or that, and I know Ruth knows that,
it's the feeling that I'm talking about
because since she left me no choice and
she wouldn't communicate with me

directly, I had to communicate indirectly and she was saying about how she was scared to check email because of what she might see and and so, I know she knows the feeling that I'm talking about.

Mediator 1: mmhmm

Mediator 2: Okay. How, how do you feel about all this? I know that you're not feeling **comfortable** and and you're not you don't feel like there's trust there, but, I mean, how does it make you feel?

Shortly after, the second mediator asks Ruth what the friendship was like before the affair. Ruth echoes the comfort theme and defines what comfort meant to her.

Ruth: ...it was just there's this **comfort**, and there was...um, right, like he said, we could tell each other anything and, I don't know, I was like most of my friends like most people that I sort of consider friends, I don't have as much like it was like genuine enjoyment of

being around him and just like talking
exchanging things like that so.

Interesting, Sam constructs the comfort theme against the counter theme of the nausea he experienced on checking emails from Ruth. He enlists Ruth involuntarily in this dichotomy construction by stating:

Sam: ...I know Ruth knows that, it's the
feeling that I'm talking about because
since she left me no choice and she
couldn't communicate with me directly,
I had to communicate indirectly and she
was saying about how she was scared to
check email because of what she might
see and and so, I know she knows the
feeling that I'm talking about.

Even within the framework of a pervasive unilateral adversarial narrative pattern, the theme of 'comfort' and the comfort/discomfort dichotomy is revisited by mediators and disputants alike. Some examples are below.

Example 1

Mediator 2: Okay. How, how do you feel about all
this? I know that you're not feeling
comfortable and and you're not you

don't feel like there's trust there,
but, I mean, how does it make you feel?

Sam: I think I'm just still mourning the
loss of what we had.

Example 2

Mediator 2: Let's see, what else do you have, let's
see - oh yeah, and the physical
contact, um Ruth you had stated that
maybe, it does make you feel a little
uncomfortable having a boyfriend and,
when there's too much physical contact,
and you would like to leave it to just
a friendship, is this all correct? You
know, let me know if I'm, is this
correct?

Ruth: Yeah

Example 3

Ruth: Well, like today when you licked my
arm, I just don't feel comfortable with
that kind of thing. I really don't
though.

Sam: Ok, well then this is news to me, but
ok.

Example 4

Mediator 1: So, one of the things that Sam, you'd
like to hear is if she's not
comfortable is to say, to let you know
like in plain verbiage

Sam: In a plain, in a plain voice

Mediator 1: Like Scott please stop or

Sam: Sam please stop yeah

Mediator 1: I'm sorry, did I say that wrong, I'm
sorry

Sam: Sam please stop, yeah, exactly. But
not giggling, and not coy, and not
like, like, make sure that it's
unambiguous.

Mediator 2: So if it's making her feel
uncomfortable or if she doesn't like
it, for her to let you know

Sam: In a plain, yes

Mediator 2: in a voice that you can understand and
take serious that... How do you, how do
you feel about that, does that sound?

Ruth: That's good, Mmhm

Mediator 2: Ok, great.

Mediator 1: And you feel comfortable with that?

Ruth: MmHm

Example 5

Mediator 2: And so you'll let him know if he does
go a little too far, that makes you
feel uncomfortable, you will be - and
Sam, you had mentioned that um, by her
letting you know, you want her to be
more serious about it, so you can take,
know that she's not kidding that she is
serious.

5.3.4 Conclusion

At least three variables configured to undermine the ability of these disputants to reach a mutually-agreeable resolution. First, one of the disputants maintained an adversarial narrative characterized by increasingly entrenched positions, hostile language, accusations and implications, and attempted coercion. Second, the other disputant

displayed persistent reluctance to engage in problem-solving dialogue, preferring instead to avoid difficult conversation. She acquiesced and avoided whenever possible, using language replete with mitigation, hedging, and indirectness. Third, the mediators transgressed their rhetoric of ‘controlling the process not the outcome’, by superimposing a narrative of valued friendship on the disputants’ narrative of discomfort and distrust.

Nevertheless, Ruth and Sam reached an agreement.

Sam and Ruth restore friendship prior to summer. This includes Sam and Ruth will hang out, get a bite to eat after class, philosophical discussions, attend dance class. If something needs to be discussed, Sam and Ruth will agree to get together by either phone, email, and/or in person to discuss things. Once clear communication has been established, requestee agrees to back off. This includes conduct and discussion. Ruth and Sam will not discuss, in a public forum, things of a personal, sensitive nature.

The agreement reflects a narrative about friendship with subthemes of sharing experiences, trust, communication, respect, and discretion. As revealed in the microanalysis, the agreement does not fully address the narratives of either party. Sam’s adversarial narrative rolled back to reveal a wish to restore the romantic, sexual relationship and restore his trust in Ruth’s purity. Ruth’s narrative is evident in her opening statement and focused on protection of her personal space and dignity, a desire to place formal constraints on Sam when she felt unable to do so of her own accord.

Rather, the final agreement encapsulates the mediator narrative of restored friendship, along with its subtheme of 'hanging out'. Nevertheless, the agreement addresses enough of the disputant-constructed comfort/discomfort dichotomy to adequately satisfy the disputants. Sam did not regain the relationship he desired, nor did he hear Ruth reject Scott and confirm her love for Sam. But Sam did gain an assurance that he could continue to spend time with Ruth, a privilege he thought he had lost. Ruth did not gain the specific guidelines she sought. She did, however, get an agreement from Sam to refrain from involving others in their stories and a framework within which she might more effectively respond to incidents wherein Sam crosses her personal boundaries.

Ballroom Blunder is a complex case in which the disputant narratives lie just below the surface. The unexperienced student mediators were unable to identify the narratives and thus help the disputants co-generate a joint narrative that served both their needs. Nevertheless, the combination of the mediator-generated narrative of friendship, combined with the disputant-generated dichotomy of comfort/discomfort, provided a framework within which an adequate resolution could be crafted.

Chapter 6. Conclusion

Despite the ‘argument culture’ characterizing conflict talk and its documented costs and consequences (Tannen, 1998), microanalysis of instances of naturally-occurring conflict talk are rare. There are several reasons for this. First, naturally-occurring conflict interactions are rarely planned in advance; their emergent and unpredictable nature define conflict talk in part. Thus, conflict talk is difficult to record for purposes of microanalysis. Second, conflict talk almost always engages unpleasant or aggressive emotions; disputants are hesitant to make manifestations of these emotions transparent to researchers nor, understandably, do they wish to memorialize these interactions, which most of us would do somewhat differently in retrospect. As a result, naturally-occurring conflict talk from which to examine narratives-in-interaction is difficult to come by. The data in this study are thus highly valuable from a research perspective.

Most narrative researchers consider storytelling to be unlike everyday conversation in that the teller monologically performs narration, an audience exists as story recipient, and a linear sequential ABCDEF pattern structures the narration (Nair, 2003). According to this view, narratives are a discourse genre significantly different not just from conversation but also from other discourse genres. Conveniently, narratives can thus be examined in isolation. Further, although the narrator may improvise while telling the story, narrative construction is a highly systematic phenomenon (Sacks, 1992) resistant to interruption by an audience (Linde, 1993).

However, the narratives in this project do not exemplify this characterization, which may be more applicable to formalized speaking environments than to everyday conversational contexts. The narratives in the conflict talk data herein are best defined as emergent in talk-in-interaction; narrative construction is a joint communicative activity involving at least two, but often many more, participants. Even in those cases where a ‘disputant simply tells a story’ with distinct theory of responsibility development and identity positioning in relation to master narratives, never is this a monologic activity. The storytelling process is affected in numerous overt and subtle ways by, at the very least, observed audience reactions, conceptions of audience reactions, including non-present audience members, and changes in self-identity perceptions as the story unfolds. Within the ABABAB sequencing of conversation, as is the case in these data, a narrative can never be conceived as monologic since every utterance or embodied communicative act creates a context for the ongoing talk.

To summarize, three major orientations can be adopted when approaching data such as these from a narrative perspective:

- In Labovian fashion, the participants might be interviewed to obtain their stories about the event. This approach yields valuable information about the narrative models people use to make sense of conflict talk and identities. However, the perceptions would be relatively static and individually based.

- The stories told can be considered as just that – stories performed for an audience. Once the stories are identified, they can be compared side-by-side using, perhaps, grounded theory or another coding-based method to reveal dramaturgical categories and themes. Although examined in tandem, the stories are analyzed in isolation from the co-constructive interaction in which they emerged.
- The approach adopted in this study recognizes that although the participants enter the interaction with pre-existing stories and standing concerns, their interaction creates a constantly renewing communicative context within which narratives emerge. The classical dramaturgical categories are not appropriate within this analytical perspective – all participants are simultaneously performers and audience. Narratives are examined as co-constructed through situated communicative practices.

The challenge inherent in examining emergent narratives while remaining grounded in the talk data is to maintain the tension between close-in, detailed analysis of important moments in narrative development and recognition of the overall stories and effects upon them from macro-level contextual variables. In the course of working with this data, I recognized a plethora of interesting moments that I wanted to closely analyze to determine “what’s really going on here”. While recognizing that the seeds of potential emergent narratives often lie within such moments, my goal for this project was to pitch

the analysis in the middle ground, simultaneously working closely with the data and examining the scope of the narratives within each three-hour event.

6.1 SUMMARY OF FINDINGS

I have focused on the communicative co-construction of adversarial narratives and alternative dispute narrative patterns in mediated conflict talk episodes. In Chapter 4 I examined each of the five cases in my data corpus to determine whether they represented the competitive, positional conflict talk pattern which most conflict researchers identify with dispute interactions. I developed three criteria to identify this predominant pattern: increasingly entrenched positions, intracatability, and some element of moral conflict. Because I applied a narrative approach in addition to microanalytic discourse analysis, I labeled the predominant pattern the ‘adversarial narrative pattern’. I further segmented the characterization into the ‘bilateral adversarial narrative pattern’, in which all disputants displayed the three criteria, and the ‘unilateral adversarial narrative pattern’, in which at least one disputant performed communicative practices inconsistent with the three criteria. The terms ‘bilateral’ and ‘unilateral’ were selected because each of the cases in this study had only two disputants⁵. Although the terms may need revision when applied to larger groups, the criteria and analytical process are equally applicable in wider contexts.

⁵ The exception, *Tenant Tensions*, is comprised of two tenants and a landlord. However, the two tenants consistently put forward the same positions and utilize almost identical communicative practices, and so are considered as one for purposes of narrative pattern identification.

Close analysis of the five cases revealed that three are representative of the bilateral adversarial narrative pattern. While this represents a numerical majority, two of the cases vary significantly from the ‘classic’ pattern. This important finding indicates that while the adversarial narrative pattern may be the most commonly used in conflict talk, a number of other patterns may occur. As microgenesis occurs (Bamberg, 2008), and the self and other emerge within stories-in-interaction, it stands to reason that the evolving context co-created by the participants and their evolving perceptions of how to position themselves, not to mention individual orientations vis-à-vis conflict avoidance and engagement, negotiation skill levels, cultural and family background, and numerous other variables, affect the types of narratives and outcomes.

In Chapter Five, I presented analyses of the two cases found in Chapter Four to not conform to the expected bilateral adversarial narrative pattern. I attempted to leverage the robustness of microanalysis to reveal narrative construction through communicative practices at the utterance level while concurrently remaining aware of the ways in which participants oriented to theories of responsibility and positioned themselves and others in relation to master cultural narratives. At all times, the analysis remains grounded in the talk-in-interaction.

Both cases revealed one disputant to unambiguously display an adversarial orientation, enacting all three criteria⁶, while the other disputant revealed orientation to an alternative type of dispute narrative. In the first case, seemingly intractable sites

⁶ While in both cases the adversarial party is the male in a female-male dyad, assumptions about the relationship of this pattern to gender is inadvisable due to the small data set. In addition, five of the seven disputants examined in Chapter Four as displaying the adversarial narrative pattern are female.

developed where the adversarial narrative collided with the alternative narrative. Resolution occurred as the participants developed an intertextual narrative integrating and sublimating various elements of both narratives. In the second case, the alternative dispute narrative was constructed initially by the mediators. Uptake of the alternative narrative by the disputants allowed resolution that addressed their concerns adequately, if not completely.

This study reveals several critical aspects of conflict talk and narrative analysis. First, it is essential to consider conflict talk, and conversation in general, as situated activity in which meanings and identity are dynamically negotiated and co-constructed at the level of the utterance. Second, participants in conflict talk orient to various narratives to explain previous events and link them to potential future outcomes. Within the emergent process, narratives may be co-generated, abandoned, privileged, rejected, resisted, colonized, or transformed.

Third, the conflict talk participant framework consists of not only the disputants, but also mediators and indirect parties who are perceived to be affected by or affecting the outcome. Conflict talk consists of a chorus of voices and stories representing a Bakhtinian multivocality. The audience is a complex entity, consisting of those co-present with the speaker and those not physically present but who may be affected by the telling or outcome and therefore represent 'psychic' constraints on the story. Even the teller is audience – observing and evaluating the ongoing story's impact on the previously defined audience to ensure they are affected in the manner intended.

6.2 FUTURE RESEARCH DIRECTIONS

I was somewhat surprised to find cases diverging from the standard adversarial pattern, even though I have observed these and other patterns relatively frequently in my own mediation practice and human experiences in the world. In fact, I have observed alternative dispute narrative patterns at variance even with the alternatives documented in this study. This anecdotal evidence partners with the limitations of the small data set in this study to suggest that disputants may co-construct a range of dispute narratives uncharacteristic of the predominant adversarial model. Further research is needed to illuminate the types of narratives conflict talk participants construct and the communicative practices and mechanisms they use to do narrative labor at the level of the utterance.

While much discourse analytical research concerns itself with the relationships between talk-in-interaction and various cultural discourses and master narratives, particularly within the realm of critical discourse analysis, these relationships have not been adequately explored within interpersonal conflict talk. The findings at the interpersonal level may shed light on conflict relationships at the group, organizational, national, and international levels.

Beyond the descriptive bent, normative extension might begin to examine the effects of various narrative construction practices and patterns on the outcomes of conflict. Research clearly demonstrates that adversarial, competitive orientations to conflict rarely yield the level of outcomes possible when disputants collaborate to expand the realm of possible solutions and then distribute available resources in the most

effective manner. In spite of a preponderance of empirical evidence documenting the costs of adversarial conflict and supporting the superiority of a non-adversarial orientation to conflict, this study and the literature demonstrate that the adversarial pattern is pervasive. Research exploring the effectiveness of various types of narrative construction and associated communicative practices, participant frames, etc., could form the basis for developing, teaching, and practicing new skills sets for practitioners and anyone desiring better outcomes from conflict interactions.

Particularly in the *Emergence* section of this study, a case was made for further theorizing of notions associated with conflict talk and narrative analysis. Consistent with a postmodern approach, thought should be given to the impact within research of terms derived from the dramaturgical model. Within the frame of narrative analysis, the terms teller, listener, narrator, and audience support the non-emergent model of narrative prevalent in the literature. These terms, and others, should be deconstructed to determine their impact on thinking and analysis, and to consider whether another framework is more appropriate. In particular, the notion of audience as non-interacting story recipient should be questioned, given the evidence in this study and others cited in this project of robust audience participation in narrative construction.

6.3 IMPLICATIONS FOR MEDIATION PRACTICE

The insights gained in this study suggest that narrative approaches to mediation represent powerful tools for the practitioner. In addition, consideration of the participant framework created within a mediation event and, in particular, one's role and impact within that framework, assist the mediator to maintain neutrality and correct for unintended consequences such as privileging one story over another.

This study demonstrated several manners in which parties to conflict construct and/or deconstruct perceived imbalances, adopt new narratives, coalesce around narrative themes, and co-construct intertextual narratives satisfactory to the needs of all. Effective storytelling, in mediation contexts as in all other contexts, relies upon coherence and resonance. Resolution of specific problems and co-construction of a new narrative appear to occur simultaneously. The relationship between the two processes remains unclear and requires further research. It is clear, however, that expressed conflict, dispute resolution, and narrative co-construction and reinvention are closely interrelated.

While a narrative approach to mediation is preliminarily addressed in the literature, design and evaluation of specific mediator strategies remains inadequate. Many questions remain to be answered. To what extent and in what manner do mediators inadvertently control the content in their attempts to control the process? How can mediators empower disputants within a narrative framework? How should mediator co-participation in narrative construction be conceptualized and practiced? How does identification of underlying culturally-powerful or disempowered stories assist mediators

to balance power disequilibrium and move disputants toward resolution? Does early identification of an emergent narrative cause the mediator to presuppose disputant goals and interests? If dispute resolution pedagogy were to integrate a narrative perspective, how should narrative training articulate with current pedagogical and practice strategies, goals, and ideologies? Is a narrative approach constructive when disputants co-construct narratives that are not identified or do not resonate for the mediator?

A narrative approach to mediation offers promising potential as a tool for understanding conflict talk and effectively mediating disputes. Although narrative analysis of mediation interaction calls into question the role of neutrality in mediation ideology, a narrative approach to mediation may provide practitioners with a conceptual framework within which they can more effectively assist disputants in the creation of a single, polyvocalic narrative that constructively addresses all interests expressed.

Appendix

This section presents the ‘stories’ of each of the cases. While the reader may wish to examine each of the transcripts or recordings in full, a summary of the issues and mediation process is deemed sufficient to understand the detailed analyses. As with any narrative, the author’s perspective and ways of seeing and being in the world influence the manner in which the story is told. The following stories are not presented as factual, since facts are not the concern here. Rather, it is hoped that the stories convey enough verisimilitude to the actual situations to provide a useful backdrop against which to understand the analyses.

Case 1: Dissertation Discord

The story of Bob and April⁷ typifies the classical narrative of conflict and reconciliation. Like every story, *Dissertation Discord* portrays elements of ubiquitous and ancient themes in discursively unique ways. Like most conflict narratives, *Dissertation Discord* depicts contrasting theories of responsibility by which the disputants attempt to persuade the audience, in this case the mediators and their supervisor, as well as one another. A range of persuasive strategies are used, from collaborative to overly coercive. The story draws upon the meanings we assign to status, ethnic origin, friendship, trust, and various forms of cultural capital.

The two student mediators awaited the arrival of the conflicting parties. The mediators, seated at one side of a round table in a small room, seemed uncertain of themselves. However, as they conferred with their mediation supervisor, who would be observing the process, operating the video equipment, and supporting the students when necessary, their facial expressions and body gestures conveyed an eagerness and focus that complimented their uncertainty.

April entered the room, followed by Bob. At the mediator’s offer, they occupied the seats opposite those of the mediators – April, appearing slightly uncomfortable, sitting at the table to Bob’s right and facing the camera. Bob, while turned three-quarters

⁷ Not their real names.

away from the camera, immediately began sorting through papers in a bag he had placed on the floor.

The mediators opened the session by describing the mediation process and asking April and Bob to agree with the two rules: to use only given names and to not interrupt. The mediator assured them that they would ‘have more than enough time’ to tell their stories.

As their stories unfolded, several things became clear. First, the two primary characters, April and Bob, shifted in their antagonist and protagonist roles. Each recounted stories that functioned as subplots within the larger plot and represented two contrasting meanings for events that led to the current process, as well as two conflicting theories of responsibility about those events. The tension intensified as April and Bob struggled to clarify to the other their interpretation of the events and their impact, with each seemingly becoming more entrenched in their respective positions with every effort to persuade and resist persuasion.

In response to the mediator’s initial question, “What would you like to see happen today?” April replied, “It really depends on the story from Bob. I mean, obviously he thinks that I didn’t pay him the amount of money that he deserves for his work to proofread my paper.” She turns toward Bob and states, “And, uh uh, from my viewpoint, uh, I only have one point to make, that is I don’t think that you understand what is proofreading and uh there are some pretty standard symbols and marks to do the proofreading but I didn’t find them. . . so that’s why I feel that you didn’t do what I asked. I do owe you an apology and I hope that today we can sort of work things out, that it depends upon Bob.”

April, a Taiwanese doctoral candidate in Advertising, explained to the mediators that Bob responded to an ad she placed on a kiosk seeking a student to proofread her academic papers. As has been her practice when hiring proofreaders, she informed Bob that his first job would be performed on a trial basis, after which they would negotiate the hourly fee.

Bob, a part-time student, previously earned two bachelor’s degrees at the university, one of which was Radio-Television-Film. Since April was not willing to talk to him further at their final meeting, Bob contacted the CRC to schedule a mediation session with her.

During April’s opening statement, Bob rummaged in a bag he had placed at his feet. When asked by the mediators to state what he would like to see happen today, Bob raised and displayed to April a piece of paper. He replied to the mediator that he contacted the CRC in hopes of resolving his dispute with April concerning financial compensation for a proofreading task.

Bob did not answer the mediator’s question directly. While holding the paper aloft, he performed a monologue describing his position and perceived injustices, emphasizing the ambiguity of April’s expectations as stated in her advertisement. He indicated that, in the absence of standardized proofreading guidelines, April should not expect Ph.D.-level proofreading from a bachelor-level student. Bob also argued that

April's advertisement was misleading and therefore full payment for work rendered was appropriate. However, toward the end of this monologue, Bob stated, "I am more than willing to give this ten dollars back to you and uh say thank you for the proofreading uh work and experience."

Bob's initial statement described the advertising ambiguity and the inherent injustice of April's proofreading expectations. As the session progressed, Bob's statements increasingly compared his social identity with that of April and expressed his desire for April to understand how her behavior damaged him. To April's evident surprise, Bob told her, "In professional trade relations at a professional level, my not accepting any compensation will impact on you the point of lack of specification. Because I do not want you to think that a Ph.D. level or an international student category gives you an advantage over me and to not accept compensation strengthens the impact of that lesson. So that uh- cuz I- you'll get too busy doing your paperwork and I'll get too busy on my invention for us to remember oh yeah we had a conflict but that's it that's passed. What does it mean? So for you to...understand."

According to both parties, April provided Bob during their first meeting with a paper she had written. The paper contained notations by a dissertation committee member concerning the content, but not the grammar or spelling, of the paper. At that meeting, Bob asked April for proofreading guidelines, and was informed by April that she did not have such guidelines. April stated to the mediators that she has never been asked for guidelines by her proofreaders and assumed that, in effect, those responding to the flier would possess knowledge of standard proofreading practice and symbols. She did not consider it her responsibility to provide such information to her proofreaders.

April described to the mediators how Bob was one hour late to his follow-up meeting with her and provided no explanation for his tardiness. Upon examining the proofread paper during that meeting, April determined that Bob's work had not been performed according to standard proofreading practice and was not helpful to her. She expressed anger at the time she had wasted and gave Bob ten dollars for his effort rather than the thirty-two dollars that would normally have been his entitlement for four hours' work.

April described her frustration and disappointment in her inability to use Bob's proofreading work and her position that partial payment of ten dollars was appropriate under these circumstances. As the session progressed, April made concessions based on Bob's positions, but her initial position regarding the value of the work performed and shared responsibility for the conflict remained unchanged.

At a key point in the session, April made her first solid move toward a mutually agreeable solution as she said to Bob, "I did mention to you in our conversation that this is a trial job and we would negotiate and talk about the price when you finish the job. Cuz obviously you forgot. But like I said, I really want to sort this out today. I think we both should compromise. You know, not just one of us should compromise. I think we both should compromise. It's hard to... to... to... divide how many percent of mistake I made or how many mistake you made. So let's take fifty fifty. You are saying you spent four

hours on this project and you should get thirty two dollars? I'm willing to pay you six dollars more, which is sixteen dollars, which cannot compare to what you've been putting, but I think it's fair to me."

Bob seemed to express that he and April had similar values, particularly their mutual attention to learning and experience, politeness, and friendship. But Bob tells a story that is quite different from April's. Whereas April stressed joint accountability for the problem, Bob was intent on proving to April and the mediators that she has created the problem by herself through the mistakes she has made. At no time did Bob accept responsibility. When the mediator stated, "Each of you feels that the other is partly responsible," April told Bob "I think... I think you think that I'm fully responsible." Bob replied, "Yes ma'am."

Bob told April that he wanted to have an impact on her thinking and teach her that she cannot take advantage of others of lesser status. Similar to April, Bob projected himself as a principled individual who will defend himself against perceived attacks on his integrity and self-respect. When April insisted that she had not received an adequate work product, Bob responded by implying that she was attacking his principles. Despite April's insistence on fairness and that the quality of the work, not the educational level of the individual, was of value to her, Bob continued to frame the conflict as a class/ethnic struggle.

Bob was willing to magnanimously "forget" certain parts of the conflict ("I'll say it got solved because I forgot it."). In a classic 'intransigence hiding as magnanimity' move, "forgetting it" does not resolve the problem but does allow Bob to occupy the powerful, authoritative role.

Bob insisted that April should have provided him with proofreading guidelines if she expected a certain standard of work. He told her, "You said I'm not qualified? Well, then you have to help me get qualified heh heh." The way he told his story sounds like he sees, or at least wants others to see, himself as a disadvantaged member of society despite his vast knowledge and efforts to contribute. For structural reasons, and entirely independent of his own actions, society cast him as a social and intellectual misfit. He was continually taken advantage of by persons in higher-status, higher-power positions. Bob knew he could perform at a high level if others would provide him with the tools (information, instructions, etc.) that he needs.

Bob was ambivalent about his educational level and social status in relation to those of April. On one hand, Bob presented his lower educational achievement (bachelor level) as a defense in support of his claim of ambiguity in the advertisement. On the other hand, Bob frequently invoked his status as a well-educated "fellow student" to index solidarity and equality. At the same time he blamed the conflict on April's perception of the situation and her English skills, he implied equality with April in several areas and dominance in several others. Bob told April, "...and I do know some Ph.D. students that maybe could use some extra work, and I would have let them know it is ...I've got...uhh uhn uhn seen an ad for someone to do some proofreading who is at an Ph.D. level. I have two batchelor's from UT so I'm not at a Ph.D. level. Your advertisement does not specify

to proofread at a Ph.D. level. It's it does specify native English speaker...". Later he told her, "...since you have said hh uh 'I will pay', and I just heard you say 'but I can't pay'. There is a time conflict that I am having. I don't know that this point that I'm about to make is relevant but it tells you where I am uh emotionally, uh mentally. How I feel, and that is that I am currently, I have been up to today, unemployed. I am paying for my schooling out of my own pocket so I am a poor student too. It's too easy for students to want to help out each other and not help out each other without some legal or personal problem getting in the way."

April continued to protest that educational degrees are not meaningful in proofreading work, but Bob consistently implied that their difference in power and status is driving her to take advantage of him and undermine his dignity. At the same time, he told her several times that he would like to maintain a friendship (implying relational equality).

The mediators did not sit silently without a role throughout the session. Bob used the mediators' presence to "put on record" his perceived success in the conflict with April. He often indirectly (through his statements, gaze, expressions, and gestures) invited the mediators to recognize April's acknowledgment of the legitimacy of his claims. When April made concessions and apologies, Bob turned to the mediators and thanked April while keeping his gaze on his audience.

Bob seemed determined for April to admit confusion regarding her expectations and the perceptions of native English speakers reading her advertisement. April deftly presented herself as competent while satisfying Bob's wish for her to seem confused.

April worked with Bob to construct a legitimate justification for his faulty work. She claimed to be jointly responsible due to the potential expectations of those reading her ad, and she protected her own face while doing so. Although she granted Bob the possibility that she was partly responsible for the conflict, she was quick to point out that she wrote the ad based on her past experience, in which the expectations and perceptions of proofreaders were in line with her own. Thus, she maintained that the misunderstanding was bounded by her relationship with Bob and did not extend to other native English speakers whom she has employed. April verbally collaborated with Bob to preserve his face while at the same time preserving her own.

April seemed to reinforce the unique nature of her experience with Bob while, at the same time, creating an environment within which Bob was satisfied that he was seen, in some ways, as an authority and instructor to April. Throughout the session, Bob placed himself in a position of authority vis-à-vis April. April emphasized notions of friendship, collaboration, and appreciation. In this manner, April gently and consistently undermined the relational hierarchy presented by Bob while maintaining her position on the content issues of the dispute. April apologized several times to Bob for her behavior during their earlier encounter while embedding in the apology an account of the reasons for her behavior. She attributed her behavior to frustration at the situation rather than as caused by Bob himself.

The talk, particularly on Bob's side, became increasingly strident until the tension finally climaxed in an incident that appeared to have caused April to feel threatened physically. Bob stated with what sounded like a great deal of anger and frustration, "Early on you didn't...you uh...you said you didn't... you said something to the effect that you cannot pay me for something that you didn't get. Well then ten dollars isn't. If if ten dollars is all that uh uh my job was to you then there is a dollar, yes ma'am, there is a separate conflict that is even more important and that is uh that you're saying- uh I hear you saying April that I cannot pay for something I did not get. Well then [places ten dollar bill on April's lap] don't pay me. Do not pay me."

The tension appeared to subside only when one or more of these things happened: April co-constructed Bob's competency and her own contribution to the conflict, and/or April or Bob talked about friendship and good relations. The conflict finally made a turn toward resolution when Bob suggested that April give him another chance in the future to proofread for her. The final written agreement addressed the parties' commitment to work together on the development of Bob's proofreading skills and the continuation of good relations between them.

The resolution of this case integrated and sublimated elements of both narratives to construct a rather tenuous intertextual narrative addressing the primary concerns of both parties. In requesting proofreading assistance and a second chance to proofread April's papers, Bob validated her tenacious orientation to shared responsibility and fairness (*i.e.*, he indirectly conceded the inadequacy of his work). April reinforced Bob's discursive construction of competence by implying that she not only considered him capable of performing the work if provided guidance, but also that his intentions were honorable. The settlement was sealed with an agreement to maintain good relations, a value highlighted in both narratives.

Case 2: Ballroom Blunder

Sam and Ruth, two college students, sat opposite the two mediators. Ruth, with her straight posture, downward gaze, and expression of uncertainty, gave the impression of not entirely understanding why she was there. Sam also gazed downward and toyed with a pencil on the rectangular table at which they sat. Ruth, an attractive 20-year undergraduate, appeared much younger than Sam, a graduate student who taught a class at the university.

As Ruth and Sam listened quietly, the mediators tag-teamed explanation of the rules of the mediation process. When asked if he would like to be called 'Sam', Sam wondered aloud 'as opposed to what?' Sam would later also question why the mediators ask the respondent, rather than the person who contacted the mediation program, to make the initial opening statement. Ruth glanced at the mediators when they asked her, "Ruth, what would you like to see happen today?"

Ruth hesitated in her answer and demonstrated for the first time her painfully awkward and timid speech style, one that causes the listener to struggle to understand - not her words, but her meanings - and to wonder what underlies such a self-conscious and

fearful manner of speech. Ruth answered the mediator that she's not really sure, since "we seem to be able to get along now." As both parties leaned forward with their respective hands in their laps and eyes looking downward, Ruth continued to search for words. She stated that she would like to establish guidelines which, on further prompting from the mediator, were to guide her friendship with Sam, "to be sure there's an understanding".

Sam asked the mediators how much they knew of the background, to which they answered that they knew nothing. Sam quite forcibly, and far more articulately than Ruth, stated that the situation had changed since he came in to request the mediation session. At that time, he said, Ruth was not speaking to him and would not explain why. He requested mediation to "force that out", to find out why Ruth refused to speak to him. He then expressed without hesitation that he and Ruth had had an affair, that her boyfriend was not happy about the situation, and that the only way her boyfriend would allow them to remain friends was to lay down guidelines. "We basically had an affair and her boyfriend didn't like it," Sam claimed. "Maybe she feels differently but I've been sort of doing that just for self-preservation, so I don't get too emotionally involved or something."

During most of Sam's unrequested opening statement, Ruth looked downward with her arms close to her sides. Sam continued to explain that he was not sure whether her ideas about their relationship were her own or an echo of her boyfriend's thoughts. Although they had been interacting for three weeks, Sam asserted that he will be very suspicious if she 'comes up with something odd', believing that whatever she comes up with may be from her boyfriend. Sam then claimed he was 'looking for something pure, not tainted from him', although, according to Sam, this was easier said than done.

Sam and Ruth were both ballroom dance enthusiasts and had met through that shared interest the previous January. As officers of the university dance club and dance partners, they often came in contact and danced together. They developed a close friendship, which both claimed they wanted to regain. Things changed when their friendship transformed into a sexual relationship. Sam recalled the dates of the 'affair' exactly - July 3 through August 18 of the same year. Although Sam claimed to have been unaware of the boyfriend for months after meeting Ruth, he later explained that their early friendship evolved through discussions of problems Ruth had with her boyfriend.

The mediators asked Ruth if she was still with her boyfriend. She nodded and murmured "umm hmmm". Sam interrupted at that point to remind her and inform the mediators that over a period of two or three days she was not with her boyfriend.

Ruth was clearly reluctant to talk. When asked by the mediators to define the type of friendship she would like to regain with Sam, she answered with some prompting that friendship would include 'stuff around campus and visiting his class sometimes'. Sam taught a class at the university that Ruth, and others among Sam's friends, sometimes attended. Ruth agreed with the mediator who characterized this early friendship as 'hanging out'. She added that Sam often paid for her things during that time. She didn't

like it then and was now paying for her own items. However, she was never entirely clear about what her ideal friendship with Sam would look like.

Sam claimed he didn't know whether it was possible to return to the state of affairs before the affair. He defined that period as a time when they used to hang out all the time, were really good friends, would help each other with anything. Now, however, he was devoid of trust in her. "I don't know if I can get that back." His primary concerns appeared to be the reaction of her boyfriend, Scott. He turned to Ruth, repeating what Scott had told her. "If you're friends with him, I'm out forever. If I don't get what I want from mediation, you and I are done." Sam said that Ruth has shown she can cave to Scott's pressure. He should not consider building a friendship with someone who can turn on you. Since he could not count on her he didn't know if they were capable of regaining their friendship. Signing something at the end of the mediation process would be artificial. If Ruth was on speaking terms with him only because she had signed a paper, that friendship would not mean anything.

"Ruth, how do you feel about that?" one of the mediators asked. "I understand, but...I don't know what else to say on" The mediator asked her whether she was feeling pressure from *the boyfriend*, an interesting reference to an absent involved party which all three women would continue to use throughout the mediation. "Yeah, sorta," replied Ruth. "I'm getting tired of the whole thing bothering him so much so like... I don't know..."

Sam jumped in to explain that this is what he meant. 'Getting tired of it' can mean either 'I'm going to cave in to it' or 'I'm going to stand up to it'. Although Ruth tried to intervene and explain, Sam continued talking as if she was not present.

Finally, Ruth was able to state, "I'm doing what I want already... and ...he's not... the boyfriends isn't... well he's just going to have to deal with it."

Ruth agreed with the mediator that the friendship with Sam was important. In a revealing moment, she stated that the boyfriend didn't want her to be at the mediation – or to be friends with Sam or talk at all. "I had to convince him to let me come... not 'let' but convince that I would (laughs) come. He doesn't understand the way things are." Ruth asserted that she wants to work it out, even without the boyfriend's approval.

Sitting with crossed arms, Sam responded to the mediator's question about trust. He will know he can trust her when he no longer gets nauseous each time he checks his email. He no longer felt the anticipation he used to feel when he believed he would receive communication from her. He didn't feel that he could call her. He no longer felt comfort with her. He wanted to reinstate that comfort. "Ruth knows the feeling I'm talking about. She left me no choice. I couldn't communicate directly so I was forced to communicate indirectly. Through email. So I know she knows the feeling I'm talking about. She said she was scared to check email because of what she might see."

"I think I'm still mourning the loss of what we had," Sam continued. "What happened was based on something that had been cultivated for months. I feel that's been permanently lost. Like, I put all her gifs away and I can't take them back out. Like some

tapes she made I can't listen to anymore because I can take them back out and get used to them and then this could happen again. I'm not gonna go through this again."

When prompted by the mediator, Ruth inarticulately claimed to feel the same. Between many pauses and hesitations, she managed to state that she wanted the relationship back too, the way it was before. She liked it when they were friends, "and...um...like I understand him....so I don't know... like what is... like...I didn't like aspects of things that were going on when we started to...like...when we did stuff...or after he started to...like...I don't know... (laughs)...how to explain..I don't know...um that's all." She stopped talking abruptly as she wrapped her arms around the back of her chair and looked down. Ruth and Sam laughed. Ruth finished with a suspiciously Freudian-sounding statement. "I mean I don't want him to have my trust back ...I mean his trust for me back.."

Ruth described what she called their old friendship, preceding their sexual involvement, as being comfortable, offering the opportunity to tell each other anything. Ruth genuinely enjoyed being around him and talking with him.

Sam's turn was next. He didn't want to speak for her but believed something impeded their ability to regain that friendship. Although disgusted by the current situation, Sam still had feelings for Ruth. "Whether I wish I did is a different story." Although he wouldn't speak specifically for 'someone else', he thought 'someone else' might have feelings too, and that's what was complicating part of this. Ruth looked down with her arms still locked behind her chair and rocked nervously. "I certainly sense she has feelings for me," Sam added.

Ruth responded, "I'm not sure...like...I think I don't but (laughs)...I really don't...I really can't say...."

Sam threw his pencil on the table and sighed, interrupting her. "Scott recognizes it."

Ruth explained to the mediators, "I don't know if I romantically love him. That's probably something I need to figure out. But I still love my boyfriend too." Sam raised his head to state that even if she's not sure, that proves it's still at a level that's not purely platonic.

The mediator asked Ruth how her feelings for Sam are different than for her boyfriend. When she evaded the question, the mediator asked whether she would like to explore that issue in mediation, to which she replied that she hadn't really thought about it and would like to think more about it. Sam aggressively stated, "Okay, I can answer for her. She's made the comment "why can't I have both of you." It's like double affection. I think Scott senses that and that's why he's so adamant. You can't regulate how you feel, only conduct. The only thing that will get the friendship back is time. The only thing I can hope for is that we come to some kind of agreement about how we interact or treat each other."

The mediators declared it was time for a individual caucuses and asked the parties to leave the room until they asked them to return. During a private moment in the room,

one mediator observed that Ruth had feelings for both the Sam and the boyfriend. The other mediator replied that Sam is really hurt.

They invited Sam to meet with them privately and asked him if he would like to talk about anything else. Sam had nothing to add that he would not say in her presence. He then informed the mediators that she might complain that she 'didn't like some of the stuff we did'. Sam adamantly stated that people should not do it and then complain about it afterwards. "She says, oh you're so persuasive. But we both want to do it and we're both adults. If she was uncomfortable she should have said it at the time."

Sam learned about the boyfriend in April. Ruth and the boyfriend, who met over the internet, had not ever slept together ever and had not seen each other in months, as the boyfriend lived in Washington, D.C. Since Sam's relationships falling into these categories were not girlfriends, he concluded that Scott was not really Ruth's boyfriend. He thought it was not even an issue, although he knew she liked him a lot. "That's a high school friend." He added, "He makes tons of money but has no way of ever seeing her. I thought it was not an issue." The breakup clearly hurt Sam deeply. He emotionally described that period as almost like Ruth had died. It was worse than having a fight. "All her stuff is in my apartment."

Continuing his troubled soliloquy to explain that he was beginning to think that all girls give mixed messages. "I know what she wants. She wants to be in love with Scott and not with me but I really don't think that's the case. I question she's in love with him because if she really was she wouldn't have done what she did with me. I think she wants to be in love with him." Since they have been spending some time together during the past three weeks, "Every third sentence out of her mouth is 'these are against Scott's rules. He's not gonna like this'."

Sam's involvement in a long-distance engagement with a woman lasting five years, of which the last two were not that great, made him believe he could totally identify with every complaint Ruth had about Scott. The relationship began because he understood exactly what she was talking about, every little thing. In his own experiences, when he had tried to do something, the other person refused. When he said they had a problem, the other person said they did not have a problem. Sam and Ruth had become friends in the beginning because of his ability to understand. As the relationship developed, they found other areas of interest. Sam believed that Ruth was quite intellectual and saw himself as somewhat intellectual. He reluctantly noted that they didn't actually have many common interests but rather common philosophies on things. For instance, everything is interesting if you look at it deep enough.

The mediator asked Sam about Ruth's items at his house. He clarified that they were not important – some soap, her toothbrush. They were not an issue. "But I made her give me back the stuff I gave her – gifts. Obviously they don't mean anything to her."

Sam explained that Ruth had made audio tapes to help him with his insomnia. They were not really gifts and he did not have a problem with the two of them continuing to do things like this for one another, as long as the gifts remained platonic. Scott, and not Sam, had the problem with those things.

However, he wanted no further negative surprise emails. No bad news without the opportunity to discuss it. “I told her that was the only thing I was going to make her sign. I want a communication option.”

Sam confidently stated that he understands that Ruth is 20 and so will do whatever her boyfriend, although he himself could not understand that because he has never been that way. He understood that Scott would prefer Ruth not sleep at Sam’s place, but did not see why Scott should be bothered by their ‘fondling each other in public places’ where there’s no risk. “I think it would be a good idea not to have overnights so we won’t be tempted – to protect ourselves emotionally,” Sam explained. The mediators finalized the caucus by asking if Sam had said anything they should keep confidential. He said that he had not.

Ruth entered the room hesitantly for her caucus. She told the mediators that she didn’t think about it when Sam began to increasingly be attracted to her. She only questioned herself when he communicated his attraction, and she thought then that she might like him also. Still, everything would have been fine if Sam had not started liking her.

Although it was not only about the boyfriend, Ruth was concerned about how he might respond. He had already informed her that he might leave if she continued her friendship with Sam. However, Ruth perceived that, “He doesn’t live here and it’s not like he’s gonna see me every day.” Ruth believed it would be fine to hang out with Sam in public and have dinner, although spending the night with him would be too much. “Sometimes he does things that are more touchy than I prefer – in public.” She stated that touching as dance partners was acceptable but that some things are slightly less appropriate. “Like today he licked my arm and I just said “stop”.” Friendly hugs were acceptable.

Ruth thought the boyfriend will ‘sort of be okay’ with the agreement. She was surprised by Sam’s comments about gift giving because she didn’t think they gave more than platonic gifts previously.

Opening up in an unusual manner with the mediators, Ruth related the story of the breakup from her perspective, providing some new information. According to Ruth, the day following her breakup with the boyfriend, she and Sam discussed the matter. Sam told her she had made the best choice. However, Ruth continued to talk to the boyfriend and eventually ‘he got out of me’ the reason for her breakup – she broke up with him because “I didn’t want to tell him that I cheated on him.” Ruth thought breaking up without confessing would be less hurtful. However, once she confessed, they decided to work through it together. The boyfriend told her she had to decide who she wants in her life.

Earlier that day, she and Sam had agreed to have dinner together. It was a difficult decision and she told her boyfriend to give her time to think. He agreed she could have until the end of the day to decide. After spending time with her parents, who were in town briefly, Ruth decided it was more important to keep the boyfriend relationship since

they had been together a year and a half and she still loved him. She believed at that time she could break off completely with Sam, although “I always said I wouldn’t do that.”

Ruth believed her explanation to Sam in the email was adequate but found that Sam wanted more. “He called and I hung up on him. I had asked him not to call. He didn’t handle it very well,” she explained to the mediators. She realized later during a ballroom dance club that they could function better within the club if they could be friends. “I want to be friends. It was hard to break it. Hard for a few weeks not to be able to go to his class, to talk.”

Ruth seemed to see herself as poised between two difficult options. She didn’t want to break off the friendship with Sam again but she didn’t know what would happen when she told Scott that she and Sam are friends. “I don’t know what he’ll say or want in return.”

When the mediators asked her if she wanted to add anything further, she had nothing to say. However, she made it a point to state, albeit with great difficulty, that she felt guilt when they were “doing things” and that she wasn’t happy at that time and didn’t like the way Sam acted toward her. “I didn’t want to do things but I succumbed anyway so he didn’t feel bad about it because he never understood my relationship.”

The boyfriend preferred that Ruth not talk to Sam about him. Not a fun topic anyway, to Ruth’s way of thinking. “It’s probably a rule for me – if I have problems with th...my boyfriend. I don’t think Sam is trying to convince me to break up but I felt like he would just try to find more reasons I shouldn’t be with the boyfriend,” she concluded.

The mediators began the joint meeting by summarizing that friendship was very important to both Sam and Ruth – that they regain the feeling before the summer ‘fling’. As one of the mediators described it, “Y’all said y’all want to still be able to hang out, have dinner, hang out in public, but overnight is too much and should keep it to platonic friendship.” Sam interjected that it’s okay to have someone stay over at someone’s house and have it be platonic but this was probably not a good idea in their case.

One of the mediators said, “Ruth, you stated you thought it was better not to talk about problems with your boyfriend with Sam.” When she nodded, the mediator stated, “Ruth, you stated it makes you feel uncomfortable having a boyfriend when there’s too much physical contact.” The second mediator added that friendship hugs and dancing were acceptable but no surprise bad news email. “Seems like you have a lot of common things you both want. How does that sound to y’all? Is there anything we need to discuss?”

Sam again interjected. He had issues with two of the topics the mediators had introduced. First, he disagreed that she shouldn’t talk about problems with Scott, stating, “He doesn’t want her to talk about problems because he knows that I will point out the errors of his ways. I won’t sign anything like that.” He turned to Ruth and stated, “I’m not trying to minimize it, but I don’t understand you saying I don’t want to talk about it when it’s your vocal cords that are vibrating. It seems a shame to lose that, because that’s how it began.

Sam’s reaction to Ruth’s request to limit physical contact was forceful.

Sam: As far as no physical contact goes, if I'm doing something her limbs work so she can push me away. We've had a joking discussion about it but I'm not giving up foot massages. If her boyfriend doesn't like he doesn't have to like it but I don't really think....

R: That's not what I was talking about...

S: I don't really think... oh it's not?...what were you talking about?

R: Well, like today when you licked my arm, I just don't feel comfortable with that kind of thing. (breathy laugh). I really don't

S: Well, okay, then this is news to me but okay

R: But I said...s...

S: You didn't say stop. You said ...oh....sto....p. That's...A coy stop is much different.

R: (laughs) Okay well I'll be more clear next time.

S: Well please do.

Ruth continued to stiffly hold her hands in lap, clearly uncomfortable, partly turned toward Sam and looking downward. Sam again informed the mediators that Ruth sits in on a class he teaches and they have a dance class together. He saw his class as the least emotionally risky activity because a teacher is completely neutral from students.

As they reviewed the possible solutions, Sam said he's fine with the terms of the agreement, stating that everything he wanted is there. He tells Ruth to "say it",. She says she's fine with it too.

Sam then surprises the mediators by interjecting, "Okay I'm just gonna come out and say it. I know there's something that's bothered her and I'm very surprised it didn't come up. And that's the fact that I discussed it with other people."

R: Oh yeah

S: That we had in common. And if you're not gonna discuss it with me that's what's gonna happen. I'm sorta surprised that you didn't mention that.

R: Yeah. Well um he brought up to the club list and stuff and...well...like ...to try to get in contact with me I guess. And I didn't think that was a good of do....I jus...

S: Well I had to justify why one of us wouldn't be in the club. Because if she wasn't going to speak to me... just naturally everyone found out.

R: I just think that...you didn't have to do it...through...that way. And like you don't have to...I mean they don't have to know ... they didn't want to know everything ...they didn't want to know...what was up. Like we could have...

S: Well when people are accusing me of not talking it out, I think I'm the one entitled to say why I'm the one willing to talk it out

R: Why were they doing that though. You didn't talk to-I mean you just went straight there to the list.

S: And then I got something privately...like you need to talk it with her and I went well ...she's not talking to me.

Sam had emailed the fifteen club officers. He told the mediators he refuses to be in a club with somebody who is going to scowl at me. Ruth claimed she hadn't planned on doing that. But Sam reiterated that he doesn't need that kind of stress and is willing to

leave the organization rather than stay when it's soured. His strategy, however, was "You guys should make her leave."

Although it is different now, Sam is prepared for one of them to leave the club if it goes sour again. However, his explanation is somewhat contradictory. "I'll still be in the club but only go on nights when she's not there and I'll insist she not go on nights when I'm there. This is part of the communication option."

As she had done throughout the mediation session, Ruth continued to avoid eye contact with both Sam and the mediators. It seemed very important to Ruth to foreground the privacy issue in the agreement. She reiterated hesitantly that they shouldn't go to people they know mutually.

The mediation erupted yet again. Sam responded forcefully that "Let's just remember who didn't go to who, who hung up on who." Ruth repeats "I still doesn't think that was a good way to..." but Sam interrupted again to say "You're fine with that opinion, but I'm still waiting to know what the hell was the better way to do it."

Ruth looked nervous, at a loss. One of the mediators jumped in to say that they are working on a better way to handle it. Sam indexed the past again by telling Ruth that right now, while they're sitting in front of the camera, he wants to know since that was not an option what he was supposed to do. As he mentioned the camera, she glanced at him sideways with large eyes. She looked down and said "Well....I". He again interrupted her. She once again asserts that she explained the situation in the email and talked to him on the phone a couple of times

R: I thought it would be apparent that I wouldn't just be...just scowl at you...that I wouldn't do things like that like be rude and mean.

S: You still didn't explain what the transformation was. It took me three weeks to drag out of you and I was entitled to know.

R: Well- I was of the opinion that you don't have to explain everything if you think of something that's good for you then you shouldn't have to-

Ruth turned to Sam with a smile but her gaze immediately returned downward and her smile faded as he said the following.

S: 'Well I'm of the opinion that as long as you're living in society and you form relationships with other people you have a responsibility to act like a civilized member of society. And the thing is, you didn't act on your own. You let him act on you.

Ruth laughed nervously. As the mediators formulated a question about whether something needs to be included in the agreement about this, Sam interrupted with "that says Ruth doesn't get to decide for herself that a discussion isn't needed. If one of us thinks it's needed, then by definition it's needed."

One of the mediators asked if they should write that down. The other mediator stated that "y'all have a good list", and Ruth's eyes dropped. She looked stiff and nervous and shook her foot nervously. At the same time, Sam's right knee rested against the table like a barrier against the mediators and Ruth.

When the agreement was written, the mediators asked the parties how they felt about it. Sam's right knee dropped and his left knee went up to rest against the table edge,

appearing to symbolically open himself to Ruth and the mediators. Despite his earlier agreement, he said that he is less optimistic.

The mediators shortly thereafter were on the verge of writing the final agreement. Sam claimed he didn't want anything in writing that an adult would do. After some talk, he revealed that he didn't want 'no spending the night' in the agreement. As he explained this, Ruth appeared to pull even more into her shell and look more and more lost. The mediators did not ask Ruth how she felt about leaving out this piece that she had suggested earlier, and Ruth looked as if she was going to cry. Sam dropped his knee off the table altogether, and rocked his chair to face Ruth as she leaned over the table toward the mediators and the agreement.

The mediators then asked Ruth which term they would like to discuss first, and she shrugged. As they continue to develop the agreement, Sam added that he and Ruth should both be able to say they don't want to talk about something. That he didn't want a list of rules. The mediators, in what is now a pattern, deferred to him once again without checking with Ruth. One of the mediators revisited the issue again of including 'not spending the night' in the agreement. Sam replied by saying "Well. It's sort of...Ruth might disagree. It's sort of I will not sign it if it's on there because I refuse to have in writing for what an adult is capable of taking care of for themselves." The mediators deferred yet again.

At that point, the program director, who had been observing the session in a supervisory role, intervened. "It's okay not to have a written agreement, but maybe what you need to do is check out with Ruth how much Ruth wants things spelled out." The mediator then rephrased this item as "if something needs to be discussed, Sam and Ruth will agree to get together by phone, in person and/or email to discuss things and not to pressure or nag when explanation is given." Ruth immediately perked up and said yeah.

Sam jumped in with "Oh no it's so you want to be able to say something that's unclear and say well I explained it to you..."

Ruth laughed through this.

Sam launched into various examples of how Ruth gives unclear messages. In each example he touched her and she either backed away or put up her arm in front of her as if to ward him off. She disagreed, stating she doesn't do those things.

The supervisor intervened again to make the observation that sometimes people say no with a smile and that can be interpreted as yes. Sam agreed that could be a big part of the problem and Ruth agreed that she does this but doesn't know the solution. Sam forcefully claimed that he believes it's the responsibility of the speaker to make the message clear and not his responsibility to try to decode ambiguous messages. In the end, the mediators did not include in the agreement, and did not ask the parties, how they will define what means 'stop'.

As they discussed a minor issue that Ruth agreed to, Sam turned to her and said that since he's the much louder party he doesn't want to be told in two hours that he got everything he wanted.

Notably, Ruth finally stood up for herself when public discussion of private details was brought up. Sam said the issue should be subsumed under the discussion topic, but Ruth, when pushed by the mediators, indicated she wanted it included as a separate item. This appeared to be a very important issue for her. Sam agreed that although he had many friends in the club, he would not talk on the internet forum.

When the physical touching issue was brought up, again the mediators did not check it out with Ruth. The supervisor intervened again, reminding them to check with Ruth. As the two parties agreed that ‘conduct and discussion’ should be included in the agreement term stating that the parties should clearly state when the other is doing something objectionable and the other will ‘backoff’, Ruth mirrored Sam’s stance – arms crossed on the table in front of them and bodies turned one quarter toward one another.

Sam said the agreement is ‘sort of’ what he wanted. Since Scott was not in agreement, Sam had little faith in it. He believed that Ruth would abide by it, as would he, but it wouldn’t have quite the effect he’s hoping for because Ruth will be under pressure by Scott. Sam revealed to the mediators that he told Ruth privately that assumed she was going into this in good faith and not under duress. He offered a veiled threat. If it became clear that she would throw the friendship away anyway, “that would make this whole process for nothing and then I’m free to do what I want.” Ruth quietly responded by saying she understood this process to be a statement that she would not do that again, as one way of getting the trust back, of proving herself to him.

Sam proclaimed the agreement to be livable and reasonable and Ruth agreed.

As they signed the agreement, Sam asked the rationale for the respondent speaking first. The supervisor answered strategically that “Often the respondent feels dragged in and it establishes that rule that everyone gets a chance to talk.”

Case 3: Departmental Disagreement

As the assistant joked while arranging the recording equipment, Nick and Amy sat silent at the round table. Nick nervously fiddled with a pencil while Amy, turned at an angle away from Nick, rested her elbow on her knee and her chin in her palm. They listened intently as a mediator explained the rules and both shook their heads when asked if they had any questions.

A comparison of Nick and Amy’s responses to the mediator’s initial question “What would you like to see happen here today” is interesting. Nick responds:

N: Um, well, there’s been a great deal of tension between Amy and me. Um, I’d like to find out what she would like to do to reduce that tension. Um, I can say, that on my part, I...I feel as though there are several threats hanging over my head, which –nervous laughter- ** causes the tension on my part, um, I’d like to see if those threats can be removed....and also,...I’d like to apologize to Amy, if.....that’s something that I’m not only prepared to do, but would really like to do.

The mediator offers him the opportunity to apologize immediately but Nick defers, stating he would like to hear what Amy has to say.

When asked the same question, Amy answers:

A: The situation between Nick and myself, we're in the same academic department, has become practically unworkable. As it is, there's so much hostility that it's almost impossible for us to pass each other in the corridor. And sometime in the future, we'll probably be in the same classes, its, I feel that it's essential that somehow the air get cleared a little bit more. So, I'm not quite sure if that can be done, or how that can be done, but that's what I'd like to see happen.

Although they do not necessarily indicate his actual goals, Nick clearly states three goals: to learn what Amy wants to do to reduce the tension, to see if the threats over his head can be removed, and to apologize to Amy. Nick first characterizes the situation (a great deal of tension), then states his first goal – to learn what Amy would like to do to reduce the tension. Use of the phrase “to find out” along with an emphasis on Amy’s opinion indicates a collaborative bent. However, Nick did not say “to find out what she would like *us* to do to reduce the tension” but rather “...what *she* would like to do...”. This indirect desire for action on Amy’s part is consistent with his next statement that his tension is due to “...several threats hanging over my head...” and “...I’d like to see if those threats can be removed”. His first two goals can therefore be understood as one goal: to have Amy remove the threats. The reason for the third goal, to apologize to Amy, is not revealed in his introductory remark.

Amy’s introductory statement is quite different. Whereas Nick claims there has been a great deal of tension, Amy characterizes the situation as “practically unworkable”, “so much hostility”, “almost impossible”. Her stated goal is to ‘clear the air a little bit more’ since they will likely find themselves in the same classes in future. Amy does not know how the air can be cleared or even if that is possible.

In comparison to Nick, Amy presents a very bleak picture with little maneuverability. The best she can hope for is clearing the air a little bit more but, even though this is essential, she is not even certain if that can be done. Amy focuses on the future effect of the conflict. She does not refer to a self-oriented goal (e.g., Nick’s desire to remove threats to himself), or even a relational goal (e.g., the desire to apologize) but rather states a situational goal – to have the air clear enough that they can be in the same classes in future.

Amy does not present herself as submissive or victimized. Rather, she is an individual who finds herself in an unsatisfactory environment that could become even more unsatisfactory in future. She uses discursive tactic of referring to inanimate entities or abstract concepts (the situation, the hostility, the air) rather than to the parties themselves to construct a personal distance from the conflict – the parties are affected by it but not necessarily responsible or empowered to change it.

At the mediator’s request, Nick describes the situation in greater detail. He identifies the catalytic incident – the one “which got us here”. According to Nick, he entered the departmental lounge and found Amy staring at him. Not being sure how to respond, Nick looked at her several times while trying not to stare. Amy quietly told him

that he should leave her alone. Being confused by the incident, Nick sought advice from a professor who knows them both. The professor suggested mediation.

In response to Nick's account, Amy employs sarcasm and indirect speech. "I find it hard to believe..." is not only sarcastic but also a negative evaluation with implied accusation. In this case, the direct, bald-on-record accusation would be "You are lying; you do know why I was staring at you that day". "...that's a very interesting point to start the history..." is another example of indirect, sarcastic speech with the implication that Nick has a hidden agenda for starting the story with this incident. She continues, using inflammatory language ('glaring', as opposed to Nick's characterization as "staring"), leading up to a more direct accusation of "I believe that you do know exactly what I meant when I said that you ought to leave me alone."

Instead of responding to the mediator's prods regarding their past relationship, Nick responds to Amy's accusation by defending himself. "I honestly don't know what it was that day." At Amy's and the mediator's invitation, he provides a narrative of their relationship. Although "... there's a long story", Nick selects an incident that occurred some weeks after they broke up as the beginning of the conflict period leading to the mediation. Nick begins to construct his theory of responsibility in this turn through a series of explanations, confessions, and repetitions. On the surface level, Nick also assigns responsibility to both parties. Amy was responsible because she "...had done some things which had really made me furious", causing Nick to have "...some reasons to be angry...very angry". Nick confesses that he "...behaved very poorly...was furious for several days running andbehaved inexcusably...". He explains that he when she did not respond to his attempts to contact her, he left hostile messages on her answering machine. With this, Nick apologizes awkwardly to Amy, saying "Amy, I, I'm...I'm very sorry, I, I don't, there was, I, there was no excuse at all for the way I behaved...I never want to have to act like that again, to anybody." Nick then explains that since he sent her a letter stating he would not contact her except through writing when necessary, they have had no spoken contact until discussing the mediation.

After 19 minutes of interactions, the mediators suggested a caucus with each party. After conferring among themselves for several minutes, the mediators met privately with Amy and then with Nick. During her caucus, Amy described the difficulty of being in a department with "someone who hates you." She thought one of the reasons Nick had initiated mediation was so that he could apologize to her. She said the relationship had not been very serious, certainly not serious enough to warrant his behavior when it ended, and she was concerned that someone with that level of anger might not act appropriately in his future career as a college professor. She was not certain why he was furious with her and would be interested to learn.

Amy left the room and the mediators invited Nick in for his caucus. The mediators explained that Amy understood that Nick wished to apologize and she, in turn, wished to work on the glaring. The mediator asked Nick if glaring was still a main concern and whether he had any other concerns. He leaned forward and told them that that was about it. He explained that he had told her he would have no contact with her

and was trying to make good on that, but that she had been pushing it. He said he didn't trust Amy and felt she was baiting him. He was particularly concerned that if she made an allegation of harassment it would hurt him in the current academic environment.

When the parties returned to the room after the caucuses, the mediators summarized the issues as they understood them: (a) concern about the tension, threats, and glaring, (b) concern about long-term effects – Nick's concern about academic considerations if allegations are made and Amy's concern about future actions by Nick affecting others in academic settings. Both parties agreed with this assessment.

Nick expressed confusion about Amy's rules and boundaries. After telling him to have no contact with her whatsoever, she herself initiated contact. He stated that he wanted clarification about the type of interaction that is acceptable.

Amy's response, "...I'm not going to throw a restraining order on you unless you stalk me", exemplified their pattern of sidetracking from discussion about interests and possible solutions into perceived provocation and response. Nick's response of "...you don't want me to respond directly to that do you? I mean I probably shouldn't", lead to a tit-for-tat interaction covering disagreements about whether Nick was stalking Amy and how Nick is the one who now feels threatened. Amy assured Nick that she was not a threat because "if my intention had been to destroy your academic career, I would have [told the department professors] all about it."

A light note was injected when Nick claimed that one of his statements was not meant to be heard as an apology. "I mean, I'm sorry, an apology is a defense." Amy, laughing, replied, "It's true in Greek." Nick added, "The apology of Socrates is the speech making his defense, um. I meant that the other way around."

Amy proceeded to describe two instances in Nick's past when he allegedly threatened women and made them uncomfortable, acts which Amy contended displayed a pattern that Nick should attend to by meeting with a counselor. The parties went back and forth in a one upmanship display, each describing events that portrayed the other as unstable. Amy described the incident when Nick rolled on the floor of her apartment, crying, when she began seeing another man. Nick countered with a claim that Amy was cutting herself with knives on more than one occasion, an situation which caused "no end of worry" for Nick.

The pattern continued as Nick stated, "...what you did was you lied to me, and what I did was I threatened you. And the second of those, yeah, that probably is worse, but I, uh...". Amy then angrily demanded to know what she had lied about.

The mediators intervened throughout this interaction with attempts to control the process, mainly through restatements of concerns voiced by the parties. Through this process, the parties began to shape what they would like to include in the agreement. For instance, Amy described the type of interaction that should be outlined in the agreement. "...There will be times when we will need to communicate, and I would like to be able to ask you a question, get an answer, and not get a go away formula, not get glared at, and you can expect exactly the same from me, if you'll agree to that." However, Nick's

agreement and desire to have it written down, provoked a response from Amy that Nick's behavior was pathetic.

This pattern of constructive cooperation toward writing an agreement and instigation of disputatious interaction continued until the end of the session. At times laughter and joking was interjected into the tense interaction, and all four parties participated in the laughter. At one point, Nick apologized very specifically. "I'm sorry about what I said. I'm sorry for making you physically uncomfortable when I tried to talk with you. And I'm sorry, I'm especially sorry that you felt the need to...that you felt the need to, I don't know, avoid things." At the mediators' prompting, Amy accepted the apology and expressed the wish that they stop hating each other.

Following the apology, the interaction was less strident and more civil. Nick stated that he felt uncomfortable talking about their relationship and preferred to just reach an agreement laying out the terms of future interactions. Amy said, "Um, I mean, I'm not looking for Nick to say a certain thing. Perhaps you think I am, perhaps you think I want you to say, you know, 'three hours ago I hated you and now I don't hate you', whereas I don't expect anything like that at all. I mean, I guess in a part, it's just, it's all curiosity about what's going on inside Nick's head because I've never had a clue. I still don't. And it doesn't surprise me that he's not willing to talk about it now. We've had far more conducive times to talk about it." She offered to meet with him again in six months, assuming she had not accepted a university position, to talk about the relationship in more depth. Nick reluctantly agreed but stressed a preference for being civil in the immediate period.

With the mediators providing direction, the two parties then began the process of determining the wording for the agreement. At one point, when Amy attempted to reassure Nick by stating the mediation agreement was not a legally binding document, one of the mediators explained that the agreement would be a contract and therefore enforceable under contract laws. The interaction broke down a final time when Nick asked Amy why she was asking him he felt about her. Amy answered, "I came here to try and reach an agreement with you, and all you're doing is throwing this like, you have no reason not to trust me on this. And you're preventing the agreement from happening because you think that I engineered this whole thing with a gambit to, I don't know what – get you thrown out of graduate school when I could have done that long ago, throw a restraining order on you when I could have done that too? I think talking to you is just a waste of time. You don't hear anything. We've been talking for like three hours and you haven't heard a thing."

The trading of accusations continued for 14 more turns, until a mediator intervened. The parties then progressed toward an agreement until they all agreed to take a break. During the break, Nick and Amy had a private discussion in the outer hallway before rejoining the mediators. They apparently reached an understanding, as they remained civil and cooperative for the remainder of the session and reached an agreement.

Nick and Amy reached this agreement: “Amy and Nick agree not to behave in a harassing manner towards each other, including glaring. Harassing is defined as continuing to communicate or interact on a given occasion after the other party has requested that he or she desist. Either party may initiate communication in a civil manner in public spaces. Public spaces are defined as anything other than where the two parties reside. The telephone is not a public space. This agreement will be binding until both parties sign a superseding contract. Amy and Nick will not involve the professors in their interactions as long as this agreement is observed.”

Case 4: Tenant Tensions

The landlord, Mac, and two former tenants, Kim and Sue, sat around a round table across from the two mediators. The mediators described the process and the rules, to which the parties agreed. One of the mediators invited the landlord to “go ahead and tell us a little about what’s going on.” Mac then explained that Kim and Sue and two additional roommates were disputing the security deposit return for the two-year lease term in which they resided in an apartment now managed by Mac. He only knew that the tenants believed the \$302 deduction was ‘unjust’. He asked, “Do you want me to present my case? The problem that I have right here?”

The mediator agreed and Mac quickly referred to a letter he was holding. Kim interrupted to say, “Wait, can we talk first? Before we get into all that stuff? Because that’s exactly right on target.” Mac agreed.

At the mediator’s invitation, Kim explained that they were not disputing the lease. They had signed a lease with a previous owner who sold the property just before they moved out. They disputed the deposit refund, not the terms of the lease. Mac countered by explaining that the terms of the lease dictate some of the security deposit deductions.

In response to the question put by the mediator, “what would you like to see happen today?”, Mac replied that the tenants are somewhat confused and that he would like to clarify the issues for them. Mac thus clearly expresses a process goal (*i.e.*, that the issues be clarified through the process of dialogue and explication), in contrast to the tenants’ expressed content goal of obtaining a larger security deposit refund. Throughout the session, the parties appeal to differing standards in substantiating their case.

The mediator then asked Kim and Sue what they would like to see happen. Kim replied that they would like either see documentation for the charges or a refund of the money. She claimed that they are not clear upon what the deductions were based and noted some double charges.

When asked for documentation, Mac offered walkthrough notes made by him, the new property owner, the new occupant, and two other people trusted by the owner. They noted not only damage but also items that were not cleaned properly. He explained that the owner decided to most of the repair work herself, making documentation from vendors or providers unavailable. They based the calculation on their experience of the average cost to clean and paint an apartment.

Kim and Sue took some time to study the documentation. Mac inserted that they were not charged for all the items on the documentation, but that the actual charges were on the description of the security deposit charges given to them previously. He pointed out that "...half of that stuff on there we did not charge you for. Some of we discussed and some of it we just felt that you know..."

Sue stated that the situation was complicated by circumstances that Mac was not involved with because he "came in at the end". Sue explained, "So, it's a little bit hard. When we moved in in 1996 the landlord was extremely lenient. We didn't fill out any type of damage anything. And we had um all of his furniture in the apartment. It was furnished for us. So I think that one of the things that we're seeing, first of all, well, okay, let's start. They make ready cleaning. I don't know how the baseboards could have been dirty because I personally did all the baseboards myself. I personally, because I was the only one living there of the four of us. Well, Michelle was there too but she didn't really...I did all the cleaning myself. And I thought it was substantial. Um, it was very difficult to clean because we had made an agreement beforehand that that girl, I don't know what her name was [Kim inserted that her name was 'Anna'], that Anna could move her stuff in like three days before we moved out and not pay rent for those last three days. Which was fine with us. And....also we didn't know what to do with Randy Rock, who was our previous landlord. We didn't know what to do with his furniture. So....Amy's belongings and some furniture, like her couch, and a bunch of things were in the apartment, and all of Randy Rock's furniture, which pretty much furnished the whole apartment, were still in there. So it's very difficult to fully clean an apartment when there's the belongings of two people in there.

Sue continued, explaining that they had cleaned the kitchen and bathrooms as well as possible with the furniture present. She also disagreed with the charge for the carpet (it was a mess to begin with). Their washing machine overflowed three times. She also didn't understand the charge for keys because she thought the locks and keys would be changed anyway when they moved out.

Mac replied that although he agreed that the locks should be changed upon change of tenants, there was no legal requirement for the owner to do so. He pointed out that the lease required them to pay a charge to make new keys if keys were not returned.

Mac and Sue continued to disagree about the keys, Sue claiming that each tenant had only received two key. Mac claimed that they were originally provided four dwelling keys and one mailbox key, but he had only found one key that worked. Sue pressed Mac on which keys worked, stating that she had left all her keys. Mac fumbled a bit and apologized for his memory lapse but maintained that only one key worked the locks. Sue found it hard to believe that they had left keys that did not fit any lock in the apartment. Mac replied that he, the new owner, and the new tenant had all tried them. He stated that the new owner was in Thailand for some time but otherwise could corroborate. Whereas Mac provided what he believed to be sound evidence for the key replacement charge by stating that three people, including himself, tried the keys without success, the tenants

implied dissembling behavior ("I find that hard to believe [that the keys did not fit any lock in the apartment]").

When Sue requested a receipt for lock replacement, Mac replied that he would obtain one. Sue then questioned why they were charged both \$40 for lock replacement and \$10 for keys that would no longer be useable. Mac agreed to remove the \$10 key charge.

One of the mediators summed up the situation. "Okay. It seems that um the main dispute is between what was actually charged on to like the keys and there seems to be some other things in relationship as well. And um is it both your intentions to just to go through that entire list and talk about those and work them out. Is that what you'd like to do?" Mac and Sue agreed.

Mac then began to detail the status of the receipts for the items deducted from the security deposit. Receipts for the painting were unavailable since the owner did the painting herself. He insisted, however, that the painting charge is much lower than the charge by a professional. At Sue's request, Mac agreed to ask the owner to write an invoice.

Sue then brought up the make ready cleaning cost once again, in particular the difficult of cleaning with the furniture present. Mac insisted the furniture was theirs as part of the lease. Although Mac did not have an invoice and the owner was out of country, he made the argument that he had recently hired a make ready team who charged him \$150 for a kitchen and bathrooms only, whereas the charge to these tenants was only \$97. Kim insisted they had cleaned the apartment adequately and, in addition, had painted two rooms themselves. She suggested that they were assessed charges that an owner who was more familiar with the apartment might not have assessed.

Mac explained that in anticipation of these concerns he had hired a property manager in the area to review the file and inform him if he had overcharged. He claimed that the property manager had given him a letter stating her professional opinion that all the charges were supportable.

As the conversation progressed, the mediation supervisor suggested that the mediators ask the tenants about the condition of the apartment when they moved in. One of the mediators mentioned that they had not been required to complete a condition of premises form when they moved in. Sue ignored this interlude, returning to the issue of painting the rooms. She explained that they had painted the kitchen and living room because when they moved in the paint was "yellowish, manilly looking paint that's dirty." However, they were unable to paint one of the bedrooms because the built-in loft would have to be removed. Kelly and Sue suggested that Mac compare the condition of the bedrooms with that of the kitchen and living room, to which he responded that he must judge each room individually.

Mac then brought up the issue of the inventory condition form. "Uh...you're supposed to be provided and says here in the lease that you will be provided an inventory condition form...now whether you were or you weren't, I, you know, I'm sorry, I...I wasn't...I...I wasn't even involved in this deal before then. Uh, and the general purpose of

that form anyone who moves into my properties before they move in I make sure they have it.” Kim stated she was starting to realize it’s a good idea to have such a form. She suggested they call Randy Rock, the prior owner, and ask him to recreate the form based on his knowledge of the state of the apartment when they moved in. “Wouldn’t that be great?” she asked. Mac replied, “I can...that wou...that would help me nn...ninety nine point nine nine percent.”

As they continued to discuss invoices and charges, Kim commented that the new owners are “...sticking the last tenants with the bill. That’s what I feel like. I think that’s the whole problem here. We’re not arguing the fact that some things need to..well actually we are, but let’s just assume that we weren’t arguing the fact that some things needed to be fixed.”

The manager and tenants continued in this vein for quite some time, discussing and rehashing the same issues – the inventory form, the lease, the condition of various items in the apartment. Mac commented that he would ‘go to bat’ for the tenants. However, he stressed the distinction between his wish to work with them and his lack of authority to make final decisions. In reference to an inventory condition statement from Randy Rock, the previous owner, Mac stated, “I would...I would have to go to the owner. Because it’s not my money; it’s the owner’s money. And go to her and say listen. You know you know these girls were you know. We were not given all the information up front. In the in the..in the sale. As a result, you know, if this is you know, this is a statement from the other owner. What do you think” You know, uh, uh, and I’ll go to bat for them. You know?”

The mediators did not contribute much verbal interaction during the session, primarily functioning to restate comments from the disputants. The tenants consistently pressed Mac to provide invoices for all items. The talk took a bit of a twist when Kim voiced a desire for the new owner to admit that the charges were out of line. Overall, Mac framed himself as a generous, compassionate individual. He consistently appealed to legal, objective standards when presenting his case, implying that he was constrained by the authority of the lease signed by tenants. He stated at various stages that he would prevail in a court of law because his actions (and the owner’s) were justified by a contractual agreement and landlord-tenant laws. Mac thus foregrounded the rule of law and standard practice as having more sway in this case than his own compassionate predilections.

Although sharing some commonalities with Mac’s narrative, the tenants operated within an entirely different story type. Whereas Mac appealed to reason and legal and objective standards, Kim and Sue attempted to persuade by citing the complexity of the situation and the unique difficulties which challenged them at moveout. Their appeal was to common sense, fairness, and ethical rather than legal standards.

Kim and Sue denigrated Mac’s authority and expertise by framing him as the powerless middleman between them and an unfair landlord. They would have liked to have met with the landlord "cuz I know you're just the messenger." This action provoked the one instance of behavior inconsistent with Mike's constructed persona, although he

quickly recovered. He responded that he had the authority to make a decision "...and I will make the decision. After a- a- after I confer with the owner. Yes".

As the parties continued to discuss requirements for receipts and options for managing the situation, the mediators moved them towards a written agreement. Mac agreed to remove \$105 from the deducted funds, but the tenants requested him to remove the entire \$302. He countered with the explanation that as the owner's agent he was authorized to remove part of the funds but, based on the condition of the apartment, they should not expect to receive the entire \$302. He continued to stress that he was not required to consider these issues but wanted to help the tenants.

The tenants returned the security deposit refund check to Mac stating that he could replace it with a new check once the deductions were reduced or eliminated. They agreed that they would ask Randy Rock, the previous owner, to write a letter to Mac describing the move-in condition, and Mac would reconsider the charges and confer with the new owner based on the letter. After reaching agreement on the deadlines involved in collecting receipts, letters, and reviewing letters, Mac agreed that he would issue a new check and mail it to them. The tenants preferred that he contact them first to tell them the amount of the check.

A final disagreement occurred when Mac tried to give the tenants the original security deposit refund check. "Landlord tenant says I have to return the security deposit to you. Within thirty days. So...." Kim replied that they didn't accept that and as far as they were concerned, they had not been refunded. After listening to Mac explain the trouble keeping the check would cause for him, Kim and Sue agreed to accept the check. The three parties also agreed that each could keep the notes they had made during the session, which are normally destroyed to protect confidentiality.

All the parties seemed satisfied with the final agreement, which specified amounts of agreed-to adjustments, steps to be taken by each party to facilitate a re-appraisal of the security deposit deduction (which would be approved by the new owner), receipts to be provided by Mac to the tenants, the receipts to be provided to the tenants, and time frames for each. The parties agreed to seek mediation in future if they could not resolve the issue.

Case 5: Disputed Damages

The two former roommates, Lara and Samantha, sat across the round table from the two mediators. They listened attentively as the mediators explained the mediation process and the rules. Because Samantha had contacted the CRC to request mediation, the mediators followed standard practice and invited Lara to explain what she would like to see accomplished that day.

Lara explained that she and Samantha had lived together two summers prior while Lara was preparing to move to Germany for a one-year study abroad program. When Lara departed for Germany, she "lent some of my belongings to Samantha with the understanding that they'd all be returned in good shape." However, their friendship had terminated due to events while Lara was in Germany. Lara explained, "...when I got back

I think I did not show appreciation for her hanging on to all my stuff the entire year, which I should have, but I didn't. But some of my things were returned damaged. My bike seat was returned completely ripped up and my desk was returned without legs. And a desk without legs is pretty ineffectual.”\

Lara explained that she and Samantha had met to discuss options for remedying the situation. Samantha apparently offered to remake the desk legs, an offer that was acceptable to Lara so long as they were remade the way they were before, with adjustability and wheels. Otherwise, Lara stated, she wanted \$80 payment for the desk and \$25 for the bike seat.

Samantha then presented the circumstances from her perspective. “Well, the same thing except for she lent me some stuff but then she also asked me to just hold on to some other stuff that she didn't have room to keep. So there was some stuff of hers that I just kept in boxes, pretty much as storage for the entire time that she was gone, which was 15 months. And during that time I moved four times, and it was really hard to keep up with because I don't have a lot of stuff and most of the stuff I had to worry about was hers. So I felt like I did her a big favor and she came back and, as she said, was unappreciative, and I didn't appreciate that.” Instead of owing Lara money for the damaged items, Samantha felt she should be compensated for the service she provided in storing Lara's items for 15 months. Although she previously offered to fix the desk, Samantha rescinded that offer. “...I'm not gonna deal with you until you're nice to me....it's about some personal thing that she wants to like get back at me for whatever.” In addition to insisting on being treated respectfully before reaching agreement on the damage, Samantha contended that the bike seat was already ripped when Lara gave it to her.

When asked what specific outcomes they would like to see, Samantha replied, “Whatever, just have it resolved. I don't want to ever have to talk about this or deal with this ever again.” Lara replied, “\$150 dol..I mean \$105 dollars.”

Lara responded to Samantha's story, claiming that the time abroad was a bit short than 15 months. She said that her mother, who lived fairly close by, had been willing to pick up the stored items from Samantha if she had known they were a problem. In addition, Lara claimed not to be making this a personal thing. “I'm really out a desk and I'm really, I have a ripped bike seat. And the rip was not there. I do watch my bike and my bike was something that I was very specific about. She did ask to borrow the desk, I know she told me she'd use the desk, and she asked to use the bike, and the rip was not in the bike seat before I left.” Regarding the request to be nice, Lara stated, “As far as the rudeness issues are concerned, I think I've tried to be, not rude, but tried to have been more business-like just because I do want to get this over with, and it is an issue of the desk and the bike seat.” Samantha repeated that the bike seat was ripped when she received it. Samantha insisted, in addition, that Lara had not informed her that calling her mother was an option and would have certainly done so if she had known.

One of the mediators summarized what they heard so far. The disputants corrected the mediator's rendition, as well as one another's memory of the period, by clarifying that that Lara had sent several emails to Samantha. Samantha had responded

only once, and the issues under discussion had not arisen. After both agreed to the mediator's summary, Samantha asked to add a statement, explaining that she had replaced the front bike tire that had blown out after only several rides, and had replaced a bike lock lost during one of Samantha's moves with a higher quality lock. Samantha also claimed to have sent Lara an email explaining that the desk legs had fallen out of the pickup truck during a move, and expressing her regret and sense of responsibility.

Lara countered that it was the rear bike tire, not the front, that had been replaced, and it had been replaced by Samantha's boyfriend, who was riding the bike at the time. Lara felt that such behavior was not exemplary, but expected. Lara also claimed that whereas she herself had been businesslike and even good-natured since her return to the states, Samantha had been rather rude.

The mediator then focused on possible resolutions to the issue of the missing desk legs. The former roommates explored various options, from making new desk legs to replacing or reimbursing the price of the entire desk. Lara claimed to have learned from her stepfather, who bought the desk for her, that the desk is no longer manufactured. Before agreeing to a solution to the desk problem, one of the mediators asked about the issue of the bike seat. The mediator asked Lara her reaction to Samantha's action of replacing the bike tire. Lara reiterated her prior position that she would expect a repair or replacement of a tire damaged while in Samantha's possession. Lara thought the bike seat should have been treated in a similar fashion. The mediator questioned whether other items were involved, to which Samantha replied that she had stored Lara's sofa and lamp in addition to the desk and bicycle.

Samantha also divulged that Lara had left her the warranty papers for the bike, recalling that Lara had told her that if anything went wrong, they would fix it. Lara countered, "It wasn't that. It was if anything goes wrong with the bike fix it. These warranty papers should help if you want to have it aligned or anything. That's what the warranty papers covered."

The talk returned to possible solutions for addressing the missing desk legs. Samantha proposed making new legs from wood. Lara reminded them that she still required that the legs retain their prior adjustability and wheels, adding that she also expected the new legs to be sturdy. When asked by a mediator if wooden legs were adjustable, Lara replied that was possible by drilling a few holes. She used gestures to demonstrate what that would look like. "The way the desk is supported, it would look, well, ok, here's the desk and here's this thing that comes down, and the leg goes in up through here, and then it comes out like that and something like that and here are the wheels. But there are holes all along the metal container on the outside and it would involve drilling a few holes to make it adjustable and attaching wheels to make it have wheels on there."

Samantha explained that she did not envision the holes and the wheels "...because I mean obviously I don't have a drill. I don't have the tools required to make holes and wheels." She estimated that the legs would cost approximately \$10-\$15 to build. Her boyfriend had offered to help her do it. She thought Lara's request to make the desk

usable was reasonable, "...but I think it's petty to be concerned about adjusting it because as far as I'm concerned we can make it to whatever height she wants pretty easily."

Lara explained that the adjustable height was useful in allowing her to sit in different chairs or at different heights, and was something she had used in the past.

One mediator turned to the other and asked "Did you have something that you...?" The second mediator replied that they should continue with the desk issue first. The first mediator then suggested that disputants brainstorm possible solutions, "...everything it would be possible to do to resolve the desk issue without making any judgments, just everything you can think of that might possible resolve it, and then we can go back in and evaluate those and make sure they meet your needs in terms of you know what you need for a study desk and also agree with what you want in terms of keeping the cost down and not being as expensive as necessary." The mediator listed as several options the possibility of making wooden legs with no adjustments, or making wooden legs with adjustability and wheels, or replacing the desk outright. Lara added the option of refunding the original price of the desk, \$80. Samantha added the option of paying some portion of the \$80.

The former roommates then allowed the mediators to facilitate their conversation exploring the feasibility of each of the options. The discussion was quite businesslike for quite some time with repair appearing a feasible option. However, the question of contingency plans should repair not be feasible erupted into conflict talk about the value of the desk and what the damage represented. In contrast to Lara's earlier valuation of \$80, Samantha stated that \$20 seemed a fair price to help replace the desk, "...because then she is also returning me for my favor, if I don't pay her full price." Lara countered, "I feel that she agreed to take it without saying anything of it being a service or anything about her charging me for it. And I also think that if it was such an inconvenience that she could have notified me or my mother of it."

Both disputants then made a number of statements similar to those in their opening statements, adding the information that Lara had threatened Samantha when she returned from Germany, once to call Samantha's parents, and then to take her to court. One of the mediators asked if a personal matter was perhaps underlying that behavior. Lara responded that she had considered small claims court and had actually gone there to get the paperwork. However, the court had suggested mediation at about the same time that she received a call from CRC.

After more discussion, Lara apologized for the tone of voice that Samantha characterized as 'rude'. "I don't mean to come off that way. I'm just trying to, I don't know, get things settled." Samantha admitted that she had called Lara a bitch because of the way she was handling the situation. Lara stated that she was glad Samantha had brought their case to the CRC, as it was much better than going to court. The mediators observed that they felt that both disputants really wanted to work things out.

Next, a civil conversation ensued in which the former roommates provided explanations for their behaviors. With the mediators' prompting, they stated that they were pleased about the progress they were making. One of the mediator implied that they

might like to reach resolution on the desk issue. “What seems like a fair way to get it resolved? It sounds like you both want to get it resolved. You’re willing to pay something to get it resolved. You’re willing to give some things as well. So what would work?”

Lara stated she would contact her stepdad that day to get any information about the desk he might have. She would give that information to Samantha, along with the number printed on the back of the desk. Samantha would then try to locate legs to fit the desk. Lara agreed that if Samantha provided wheels, she was willing to have the wheels installed and holes drilled herself to make the legs adjustable.

The mediator then shifted the talk to the bike seat and asked the disputants to brainstorm possible solutions. Samantha offered to pay half the replacement cost of the damaged seat, which Lara agreed to immediately, stating she just wanted to resolve it quickly. Samantha offered to pay her immediately, and asked that these issues not be brought up again. “I think that once we resolve it that it should be finished.” Lara agreed.

The mediator asked and learned that they have mutual friends. Samantha stated that she had tried to keep it between the two of them, and preferred that Lara do the same. Lara agreed. After finalizing details of when information and desk parts would be delivered, the mediators drew up an agreement and the former roommates signed.

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Vita

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