

What Mediation Is

~~Mediation as a Problem of Study in~~
with examples from politics
~~and literature~~

It is a striking fact, ~~amply documented, I believe, by~~
~~the speakers of last Wednesday,~~ that the heart of the problem of
mediation is a ~~great~~ paradox. This paradox may be stated as
follows: If men are best suited for mediation, they do not
mediate - they arbitrate, adjudicate, or settle matters by
plurality or majority vote. But if men are badly equipped for
mediation, that is, in a situation approaching irresponsible
conflict, then they mediate. Of course, mediation may be found in
every political conflict, even in war. The international Red Cross
mediates many a battlefield situation by easing the anxieties and
consequent retaliations of one side against the other through
assurances concerning the other's observance of the so-called
Laws of War. The ancient Greek City-states had no red cross but
they shared gods, and Aristophanes could pray: "Put an end to
the whispers of cunning suspicion, and mingle all Greece in a cup
of good fellowship. Teach us at last to forgive one another,
forgetting the past." (I suggest that as a motto for ~~the~~
Federal Conciliation Service.)
~~new organization of arbitrators.~~

It may be more useful, however, to consider mediation ^{not} as it is
strewn throughout many situations but as a pure construct. Then, if
we are not ^{to} beg many questions, assume or exclude many things we do
not wish to assume or exclude, we would posit this type case:

Two parties, differing on something but consciously or
unconsciously sharing other things, are in communication
with each other in the presence of a third party who is
somehow involved and interested in their coming to a
settlement of differences.

These are the bare bones of mediation.

What limits, bounds and dimensions may we place on this idea of mediation in order to be aware of the major factors in any particular mediative situation? That is our major task. Logically, it may begin anywhere, but since our subject is focussed on the third party, the mediator, I will use his position as the starting point.

I. The Mediator has a policy (even the absence of one being considered here as a policy)

a. This policy may be his own

If so, the study of his personality acquires a disproportionate interest. Especially important is how he rationalizes his policy in terms of the public interest.

Generally, his policy will be directed at
 controlling both groups
 controlling one group
 appeasing both groups
 allowing conflict to continue

b. His policy may not be his own, but he may be appointive;

Then the conditions of appointment will determine directly or indirectly to some extent the policy he will tend to seek. But being under some directive, here too he will seek to control both groups, control one, appease both or allow the conflict to continue.

II. In the pursuit of whatsoever policy he may have in mind, the Mediator must take account of the parties.

He must ask:

a. What are their policies? In doing this he will recapitulate what we have already done in relation to his own position.

b. Who are they? What is their relation to their group?

They may be principals.

They may be agents, plenipotentiary or instructed.

They may be representatives, directly or indirectly elected.

III. The Mediator must then look to public opinion.

a. Is there a public? Is there one public? How many publics are there?

b. What does public opinion, at the peaks of its numerical, intensity, and force dimensions, declare to be an allowable solution?

IV. The Mediator must then project the effects or reactions of the parties and public to a series of alternate resolutions of the mediated conflict.

V. Considering then - his policy; the parties; the public; and the reactive consequences of alternative behaviors; he must calculate his methods. (One should note that inevitably the means-end puzzle will enter here as it does everywhere in political decision-making: We may quote Max Weber here "No ethics in the world can dodge the fact that in numerous instances the attainment of 'good' ends is bound to the fact that one must be willing to pay the price of using morally dubious means or at least dangerous ones - and facing the possibility of even the probability of evil ramifications."

His general methods may be:

- a. Non-directive: (something that was part of the political art long before it became a school of ~~political science~~ ^{psychology} of some psychologists)
- b. Educative: slow, it is true, as Mr. Lough and others indicated, but rapid sometimes when the education consists of a reconstruction of the elements in the situation.
- c. Minatory: the painting of a black future.
- d. Charismatic: the ascription of some magical or miraculous ability to his formula of solution.

VI. We may mention finally that the Post-Mediative Conduct of the three parties ought to be always studied. Since a mediative decision is scarcely stronger than a treaty or executive agreement, ^{and the parties carry out the decisions themselves} its immediate ~~post events are~~ ^{careless} almost an essential part of the mediation.

Examples of Political Mediations

I have chosen one principal political example of mediation and will relate it to the framework of analysis. Finally, I can suggest other pertinent instances and situations in politics where mediation plays a major role. The example here selected is the mediation of President Theodore Roosevelt in the Russo-Japanese War of 1905. The Mediation began with a note from Japan to Roosevelt on May 31 and ended with a final agreement between the Japanese and Russians on August 29. Tyler Dennett has given a remarkable summary of events and policies and has published many of the materials.

I. As to the policy of the mediator

1. Roosevelt's policy was his own. He was his own secretary of state and used informal means of getting information rather than the State Department. He wanted to keep Europe out of Asia, despised the Russian elite, admired ~~the~~ ^{during the mediation} Japan's precocity as an industrial nation, and wrote:

"I believe ~~not~~ that our future history will be more determined by our position on the Pacific facing China, than by our position on the Atlantic facing Europe". He was concerned with maintaining a balance of power in Europe, which would fail if Russia, the ally of France, collapsed, and in pursuing an active policy for the United States in world affairs. He had no humanitarian motives for stopping the war. He entered the mediative role cautiously, but then with his reputation at stake and in his characteristic aggressive fashion, sought to control both parties within the limits of his position. He ~~was~~ ^{had been} recently elected for a four year term and was confident of his own powers as ^a duly-elected president.

II. As to the parties:

Their own policies: The Russians felt their losses severely in the great battles on land and sea. At home revolution threatened. Russia wanted to keep Manchuria, did not want to pay an indemnity to Japan, and hoped for future victories. Neither at home nor at the front did the Russian leaders have a clear picture of what was occurring and what was the state of their weakness, economic and military.

The Japanese were elated by their victories but were pressed by economic weakness. They wanted a free hand in Korea and roughly equal rights with Russia in Manchuria and China.

The position of the ~~mediative~~ Russo-Japanese Representatives

The Russian representatives were more stiff-necked than the Japanese. Russia wished to make no concessions of territory and pay no indemnity. The Tsar instructed his agents on these points. The Russian ^{empire} bureaucracy was even stiffer than the Tsar and tried to block communications between Roosevelt and the Tsar.

The Japanese representatives, Komura and Takihira, came as plenipotentiaries from a country that was split into a war and peace faction.

III. Public Opinion did play a role. There was hardly a single world public to conjecture with, although Roosevelt sent this message to the Emperor of Japan:

"The civilized world looks to her to make the nations believe in her; let her show her leadership in matters ethical no less than in matters military."

This opinion area was most poorly defined and Russia even more than Japan was foreign to it. But there were several influential opinion groups. Among them were the two Japanese factions, the militarists and the peacemakers. The Japanese public was highly excited by the whole war and was elated and demanding. The Russian bureaucracy and court were isolated from the Russian masses and believed obstinately in their staying capacities. The Russian people were showing signs of critical restlessness having to do ~~with~~ only partially with the war and more importantly with internal conditions. The American public was humanitarian and the American press created a definite "peace-provoking" impression on the conflicting parties at Portsmouth.

V. The Mediator and both parties can be shown, though not in the brief time allowed us here, to have made numerous projections of the reactive possibilities of their constituent bodies. One of Roosevelt's major contributions was in this area, partly, I am sure because of his own feeling that he had a great deal at stake. Throughout, the negotiators kept asking themselves and confidantes: What will happen if I allow this? What will the militarists do? What does the Kaiser think? Etc.

VI. Roosevelt was not at Portsmouth but at Oyster Bay most of the time. He played his song from the wings of the stage, but that it haunted the participants is indubitable. He communicated with the participants and their home superiors many times, drawing a picture of their futures without peace, ~~that was exceedingly discomfiting~~. He did, it seems, achieve a reconstruction of the situation to some extent, and both parties left the conference with a somewhat different picture of the situation than that with which they first engaged in it.

VII. Finally, the Russian representatives, rather stupidly gloated publicly over their success in not having to pay indemnity nor concede all of Sakhalin Island. The press considered the result a Russian diplomatic triumph. The Japanese representatives were silent, lending credence to the general impression. In Japan riots broke out protesting the agreement. Roosevelt's picture was turned to the wall. His charisma had failed them. Roosevelt wrote on September 6 that the Japanese were not "wise in letting everybody talk as if they had got the worst of it." Japan lost the last battle of popular belief.

Such is a brief sketch of perhaps the most important mediation of modern times. The outline could be filled in much more precisely by lengthier analysis of the documents, content analysis of the press, and psychological studies of the participants.

Properly drawn up, this case history of ~~an~~ mediation could be then compared with others that occur in the political process. The following would be examples of them:

1. The role of the politician, especially local ones on the ward and precinct level as mediators. Merriam and Gosnell consider this one of the most significant functions of the political party. They fill the gap between the rigidity of the law and the incoherent, individual needs of the voter. The businessman fears discrimination by an agency and uses the politician as a go-between; the immigrant shields himself from the implacable court and yet observes the law by using the precinct captain.

One of the tunes the early Italian Fascist played on was the corrupt intervention ~~between~~ of the democratic politicians in affairs between the individual and the officials. Lasswell and Sereno, in a brilliant study, showed that the theoretical abolition of this role was followed by the development of an occupation of "fixers" with a habitat, a regularized function and recognized personnel.

2. The politician is not only a mediator for individual conflicts but also for group conflicts in the general legislative process. T.V.Smith has best developed this aspect of the legislative process. He once declared that "we will not be far wrong if we search for most of the remediable ills of our legislatures in the covert businessmen and covert warriors who have crept into our fold." His point is exactly stated elsewhere: "The moral function of the legislator is to preserve the peace by constructing a justice against the joint recalcitrance of equally good citizens."

3. The various kinds of election systems play an important part in determining whether the resulting legislative or governing situation will be suffused by mediative or conflict conditions. The most serious accusation that may be levelled against the proportional representation of constituencies is that representatives chosen under it owe their success to their belligerent attitudes rather than their mediative attitudes, thus disqualifying themselves for assuming the important role which T.V.Smith describes. Again, in selecting interest representatives to advise with the government, is ~~it~~ the government going to be best able to exercise a mediative function if they are elected by the mass constituencies of e.g. labor and management, or ~~by~~ indirectly by ad hoc groups or appointed with some representative criterion by the government?

These are some of the cases suggested to a political scientist by the term "mediation".

