Effects of Voluntary Mediation in the Neighbourhood: The Dutch Practice

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ABSTRACT. In this article, we will discuss an evaluation study of experiments in the Netherlands with community mediation. The experiments started in 1996, and the research was conducted between 1996 and 1999. The concept that arrived from San Francisco was adjusted to suit the Dutch context. The description of the practice of community mediation in the Netherlands is our next topic. After this description, an analysis of the research follows. The effects of community mediation or mediation in the Netherlands are analysed. In practice, different participants have different expectations of community mediation. The practice of five years of community mediation leads to recommendations as well as several critical comments. We end the article with a look at the future of community mediation in the Netherlands. *[Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <getinfo@haworthpressinc.com> Website: <http://www.HaworthPress. com> © 2002 by The Haworth Press, Inc. All rights reserved.]*

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INTRODUCTION

Being annoyed by smells, noises or behaviours of the neighbours is a common experience for many people. Neighbour problems are close to the senses: sounds, reeks, pets and insults coming from a neighbor can physically intrude on the sense of privacy and safety a person has. Research indicates that 28% of the citizens living in Dutch cities experience some form of nuisance from the neighbours and 6% have a dispute over this with the neighbours (Peper, Spierings, De Jong, Blad, Hogenhuis, & van Altena, 1999: 148). Neighbour disputes are often seen as 'home-garden-and-kitchen' conflicts, referring to the daily character and relatively small scope of many conflicts. In court, cases of this type are referred to as 'garbage cases,' implying that they are hard to solve or settle, involve minor financial stakes, etc. (Merry, 1997). Important however, is the observation that these so called 'life world conflicts' are not minor conflicts. From a social-psychological perspective, people find these types of conflict unpredictable, penetrating and often intolerable. It is very difficult to escape or ignore the intrusions. Most neighbours, on their own accord, are unsuccessful in making problems go away. Sometimes, moving out seems the only option left (Spierings, 1998).

Community mediation is a form of conflict resolution especially designed for community members to resolve their mutual conflicts in the local community. In 1996, experimental projects with community mediation were initiated in the Netherlands. On the conceptual level the San Francisco Community Boards (SFCB) have been the main source of inspiration for the projects in the Netherlands (Blad, 1996). Central in each community board in San Francisco is the 'dispute resolution panel' (Merry & Milner, 1993a). These panels consist of three to five trained individuals, volunteers living in the same community as the disputing parties. They organise meetings with disputants, referred to as the complainant and the respondent. The mediators in the panel have no contractual, legal or formal power or authority over the disputants or the dispute. Participation in a 'hearing' is voluntary for all parties. The aim of the dispute resolution panel is to bring people together, and to stimulate them to communicate openly about the differences between them. The panel does not offer solutions. Instead, the participants themselves actively try to solve their own problems. The SFCBs have always been

aimed at solving conflicts and at the same time try to re-establish durable relationships between conflicting citizens (Shonholtz, 1993).

TRANSLATING THE IDEA OF COMMUNITY MEDIATION

The concept of community boards has appeared in the Netherlands along two separate lines. In the city of Rotterdam, a housing association (Woonbron-Maasoevers) was looking for a solution for relational problems between tenants, including concerns about unsafety and nuisance behavior. In the city of Zwolle, the justice department was looking for ways to reduce caseloads, especially for misdemeanor cases. The Ministry of Justice and the Ministry of Internal Affairs became interested in the concept of the SFCB. They financed two projects, in the city of Zwolle (± 100,000 inhabitants), and later in the city of Gouda (± 80,000). The local councils in both cities invested in the project. In Rotterdam, the city and community councils together with two housing associations financed the three projects, situated in three communities in Rotterdam (counting 4,000 to 6,000 inhabitants). All these projects were monitored intensively over a four year period (1996-1999), financed by the Ministry of Justice and the Ministry of Internal Affairs.

The translation of the California concept of community boards to the Dutch situation was important from the start of the experiment. In order to give a clear picture of the place of community mediation in the Netherlands, we will summarise several important aspects of Dutch Society. Four developments in Dutch society should be mentioned.

An important characteristic of Dutch society is the active government involvement in society, directly and indirectly through a strong field of subsidised care, community organising, social assistance and other forms of social interventions. The experiments with community mediation in the Netherlands must be seen in the light of the strong professionalisation in social work. In contrast with the USA–with its strong tradition of community organising and self-help organisations run by volunteers, the Netherlands can be characterised as a strong corporate welfare state with a high level of social organisation by professionals (Esping-Andersen, 1990).

In the Netherlands, a high level of social services is combined with a strong civil society, based on social capital, trust, and social networks. On the theoretical level, Putnam has shown in his study in the south of Italy that a strong state needs strong institutions and strong 'civic traditions' (Putnam, 2000). In the Netherlands, public officials are recognis-

ing and using the social capacities of citizens in the informal social infrastructure. Since the sixties, the pillar system in the Netherlands with a relatively strong state and a flourishing network of active citizens has largely disappeared. Local, provincial and central governments have stimulated new forms of citizen participation ever since. In the last ten years, Dutch society can be described with the concept "Poldermodel," referring to a consensus model in which many different groups participate (Visser & Hemerijck, 1997). Recent research shows that the so called formal social infrastructure–meaning the quality and level of local social, cultural and educational services–is well balanced with the civic qualities and capabilities of Dutch citizens–meaning the informal social infrastructure (Duyvendak, Engbersen, Snel, & Spierings, 2001). The Dutch Cabinet Office recently published a statement about a continuing need to stimulate a good balance (Kabinetsreactie, 2001).

Dutch society is an open society. Since the fifties, the Dutch government has allowed many guest workers from Turkey and Morocco to relieve the labour shortage in the Netherlands. In the mid-seventies, the former Dutch colony Surinam gained independence, and many of the citizens of this new country came to the Netherlands. The same happened in the nineties with the island of Aruba in the Antilles. There are now four groups in the minority policy of the Dutch government: the Turkish, Moroccan, Surinamese and Antilles communities. While Dutch society is increasingly pluralistic because of this, the participation of these ethnic groups in the civil society remains relatively low.

An important characteristic of urban society in the Netherlands is the absence of a process of ghettoisation (Entzinger, 1991). This process has occurred in many American and European cities. Some neighbourhoods in the Netherlands tend to be poor and some estates are crime ridden. These areas however, can in no way be compared to the 'no-go' areas in other western civilisations (Dahrendorf, 1988).

In this context, the idea of improving social bonds between citizens has become a central aspect that community mediation in the Netherlands has to address. Not only because this is important from the perspective of integration, but also because there is a need for a social construction of a collective authority in a situation of social diversity. Importantly also, the experiments with community mediation that we will describe in more detail below are not specifically directed towards or introduced in multiple problem areas but towards/in the wider community. Research indicates no significant effect can be found between neighborhoods conflicts and social-economic status (SES), sex, age, family type, political preferences, income, and living expenses. When

we consider these variables as *structure variables* (dimensions of SES or class), we can conclude class has no explanatory value for understanding conflicts between neighbours (Peper et al., 1999). Research also indicates one important source for conflicts between neighbours to be miscommunication between people of ethnic origin. This seems especially true in neighbourhoods where many different cultures live together. The strengthening of interethnic relationships and also the participation of individuals from ethnic origin as volunteers in community mediation have been key issues from the start of the experiment.

In the Dutch context of community mediation, two choices are made. Solving conflicts by reaching agreement and by facilitating effective communications (through teaching new forms of communication) are seen as equally important targets in the experiments. Community mediation is not only focussed on settling disputes, but it is also concerned with re-establishing durable relationships between neighbours. This is best done, at least this is the idea, when people are asked to participate actively and voluntarily. People are encouraged to look for solutions themselves. There is no 'outside' authority that can speak a verdict, or choose a solution. This form of participation in the conflict by the important shareholders of the conflict can lead to individual *empowerment*, the idea that people feel that their actions 'make a difference.' This applies not only to the parties in conflict, but also to the mediators who help to settle the dispute. This form of facilitative mediation implies no third party view, the mediator merely facilitates the possibility for two parties to settle their dispute (Baruch Bush & Folger, 1994; Mackie, Miles, & Marsh, 1995; Boersma Zondervan, 2000 #422).[1]

COMMUNITY MEDIATION IN PRACTICE

Research

Starting the experiment with community mediation in practice took quite some time. Communities in the Netherlands do not have a strong history of mediation. Many Dutch people still have to learn about the concept.[2] In every community, a brief exploratory research was carried out to find out if the experiment would be supported locally. The results were encouraging.

Additionally, a review of the existing body of literature was made available to the interested citizens, professionals and public officials in the communities that were interested in the experiment. Sally Engle

Merry has compared the community boards in San Francisco with mediation in traditional societies known to anthropologists. In small scale societies harmonious relationships are important. People tend to know each other personally. The social structures are stronger than in modern societies. The community may apply strong social pressures in order to prevent conflicts from becoming manifest and getting out of hand. The community may act as a collective authority to force individuals and groups into compromise in conflict situations. According to Merry, modern urban society lacks this kind of natural authority. She maintains that community mediation should be (and has been) adapted to function in modern society.

Merry concludes that the community boards are an effective means of solving conflicts between citizens. However, mediation seems to be less effective in producing just settlement when the parties are unequal, for instance employer-employee, landlord-tenant, domestic violence between parents and children, etc. The basic problem with conflicts between unequal parties is, according to Merry, that mediation is primarily a system of trading concessions. In order to reach an agreement, mediators have to build on the concessions the weaker party is willing to make (Merry, 1997). It was decided that community mediation in the Netherlands would be used solely in social relations where the parties are basically equal (e.g., between neighbours).

The groundwork for training, information, networking, and finding cases in the community was done thoroughly. After finding suitable volunteers, the boards had to decide on intake procedures, privacy rules, registration, etc. At all the locations a professional was hired to help to start up local projects.[3] In Zwolle and Gouda the professional became affiliated with the local social services institution, and the professional input was meant to last. In Rotterdam, one was hoping that volunteers would eventually take over the role of the professional. The dynamics between professional and voluntary social action is being given much thought in all the locations. At present, a facilitating professional institution remains necessary.

Recruiting and Training

In Rotterdam, Zwolle, and Gouda volunteers perform the actual mediations. The volunteers are recruited from inside the three neighbourhoods in Rotterdam, and from all over the city in Zwolle and Gouda. Volunteers operate solely in their own community. Before one becomes a mediator, training by a professional mediator is required.

The mediators-to-be are trained in communication skills. The most important part of the training is to develop the skills to deal with communication barriers like *blaming* and *claiming reparation or restitution*. The mediators are trained in active listening, to ask questions, and to reformulate the stories of the conflicting parties in a positive way.

A difficult aspect of the training is the position of the mediator in the conflict. The mediator plays a specific role in the mediation process. He or she is not allowed to actively participate in bringing up solutions. Neither is a mediator allowed to direct the conflicting parties to a solution to the conflict. The mediator accepts the constructions of the reality of both the conflicting parties. He or she will not discuss the feelings, wishes or interests of the conflicting parties, but instead support them. The main purpose of the mediation session is to facilitate both parties in resolving their differences, by listening to the arguments, asking questions, and summarising and sometimes reformulating the stories. The role of the mediator in *community mediation* is therefore different from the role the mediator plays in *conciliation or arbitrage*. When mediation is evaluative the mediator actively introduces a third party view to assist to settle the dispute. The mediator in community mediation can be regarded as a facilitator or a panel chairman. In practice it took quite some time to teach the volunteers not to be directive in the mediation process in any way. Not every citizen can be expected to be a good community mediator.

A challenge for community mediation was trying to be successful in finding a representative community board in each neighbourhood. Critics doubted it was possible to find enough ethnic participation in the boards. In other resident-projects such as voluntary work, resident-boards, victim help, etc., this had not been accomplished before. In connection with community mediation this challenge was met. Through extensive communication, approaching self-help organisations, visiting schools, and meeting places, ethnic representation in the boards succeeded. Spokesmen of ethnic communities were approached and involved in recruiting members. Social workers were also involved. In the end, each community board in Rotterdam had several ethnic members.

Not only are most ethnic groups 'represented,' the projects also succeeded in interesting young and elderly people, men and women in equal numbers. Only then was noticed that several ethnic groups living in the Netherlands—people originating from Indonesia, Turkey, and Morocco—were already used to the concept of mediation. Many individuals from these and other ethnic groups have been actively taking part as volunteers in the experiments with community mediation. Thus, the

community boards became representative of the communities they were functioning in. In the cities of Zwolle and Gouda, however, one did not succeed in getting a representation of the important social categories living in the city.

Two Models of Community Mediation

The areas in which community mediation was introduced were relatively small—especially in Rotterdam—compared to San Francisco. An attempt was made to interest people from all major ethnic communities to participate as volunteers in the project. And specifically, new active volunteers were sought out to become mediators, people that were not already known to be active in all sorts of community work. Although the experiments in community mediation in the Netherlands have all been inspired by the SFCBs, the implementation process has taken on different forms. In the first years of its existence, two distinct models emerged: a *neighbourhood model*, and a *city model*.

The experiment in Rotterdam is most similar to the SFCBs, even on the conceptual level (Shonholtz, 1981). The 'boards' in Rotterdam are independent groups of volunteers, who are not directly associated with existing institutions in the community. The boards slowly broaden their working area, geographically, and with respect to their field of expertise (more different types of cases). The community boards in the neighbourhoods in Rotterdam only mediate in local cases; the neighbourhoods are approximately 4,000-6,000 households large. Local volunteers are mediating in conflicts between a local complainant (the first party) and a local respondent (the second party). The professionals facilitating the voluntary mediators operate independently and are not affiliated with an (local) organisation or institution. Each of them has an independent agency. The community boards in the neighbourhoods in Rotterdam decide on the operational questions, for instance which cases to mediate and which not, how to operate with regard to privacy rules, when to meet, etc. The community boards in the neighbourhoods in Rotterdam function on a short distance to the professionals in the field. They run into one another frequently and discuss situations informally. Rotterdam is referred to as the *neighbourhood model*.

Community mediation in Zwolle and Gouda is situated within the local social services foundations. The community mediators are recruited from all over the city, which provides for a large reservoir of volunteers. It appears that the level of education and income is somewhat higher than might be suspected from population statistics. Cases to be medi-

ated are drawn from all over the city. The coordinator of the city model is on the pay-sheet of the social services bureau in the city concerned. The coordinator distributes the cases, organises meetings, intake procedures, after care procedures, etc. The coordinator in both Zwolle and Gouda function on a relatively long distance to the professionals in the field. These two cities are representing the *city model*.[4] In Table 1 we will present an overview of the two models.

The two models vary on the scale of mediation, the representation, place in the social network, relation with the neighbourhood and the selection of cases. These models appeared out of the daily practice of community mediation in the local communities, and were not intended from the start.

Registration and Nature of Complaints

During the research period (1996-1999), there has been a steady increase in cases that have been mediated in the local community boards. We will discuss the results of the two models of community mediation. In the city model there were 268 cases registered, and in the neighbourhood model 94 cases.[5]

At the start of the experiments, institutions like the police, the housing associations, and social workers were asked to co-operate by directing suitable cases for mediation to the community boards. Table 2 shows the source of reference to the community mediation projects.

TABLE 1. Two Models of Community Mediation in the Netherlands

	City model	Neighbourhood model
Mediators	Volunteers city wide	Neighbourhood volunteers
Pre-education	None	None
Mediation course	Three day course	Three day course
Scale	The city	The neighbourhood
Representation	No issue	Representation of community
Place in social network	Central Office	Neighbourhood building
Professional support	Central coordinator	3 local, 1 central coordinator
Type of conflict	Horizontal neighbour conflicts	Horizontal neighbour conflicts
Selection of cases	From all over the city	Exclusively from neighbourhood
Relation with neighbourhood	Weak	Strong
Effectiveness	Moderate drop out rate	Low drop out rate

In spite of the fact community mediation was a new phenomenon, more than one-third of the registration came from the complainants themselves. Housing associations in the neighbourhood model in Rotterdam directed a lot of cases. As we said earlier, the housing officers have been involved in the project from the start. The amount of cases directed by the police is low in the neighbourhood model, compared to the city model.

Table 3 gives an overview of the types of conflicts. In some instances more than one source of the conflict was given. These were registered as multiple problems. Table 3 also shows the distribution of conflicts in the community boards in the Netherlands compared to the community boards in San Francisco. These data were taken from an evaluation project (Blad, 1996; Merry & Milner, 1993).

TABLE 2. Registration of Complaints

	City model (n = 268)	Neighbourhood model (n = 94)	Total (n = 362)
Self-registration*	34%	47%	37%
Housing associations	26%	38%	29%
Police	24%	4%	19%
Others	18%	11%	15%
Total	100%	100%	100%

* A part of the self-registrations are those people who are told by other institutions to voice a complaint about the neighbours to the community boards.

TABLE 3. Nature of the Complaints

	City model (n = 268)	Neighb. Model (n = 86)*	Total (n = 354)	SFCB (n = 2190)
1. Noise	40%	53%	44%	18%
2. Insults/harassment/gossip	10%	6%	9%	27%
3. Pet behaviour	9%	6%	8%	10%
4. Multiple problems	6%	14%	8%	-
5. Children/teenagers	6%	7%	6%	-
6. Garden/fence	6%	1%	5%	-
7. Litter/dirt	4%	1%	3%	6%
Other complaints	19%	12%	17%	39%
Total	100%	100%	100%	100%

* In 8 of the 94 cases the cause of the complaint is unknown.

Conflicts over noise are common complaints addressed by the community boards in the Netherlands. Compared to the San Francisco Community Boards (SFCB) the percentage of noise related complaints in the Netherlands is high. The other percentages are notably higher in the SFCB, especially insult/harassment/gossip. Both noise and insult/harassment/gossip show a significant difference in the amount of conflicts that have been mediated between the Dutch and the San Francisco community boards, suggesting a rougher type of conflict appears before the SFCB compared to the type of conflict in the Netherlands. It is difficult to draw a stronger conclusion, however, because the high percentage of other complaints which of course is caused by a different manner of categorisation.

The research gave a good indication of the first and second parties that appear in front of the dispute resolution panel. The data on this subject are not complete, however, but an interesting pattern could be discovered.[6] The first party is usually older than the second party. The first party is more often female. There is a tendency to complain more about residents with children than about residents without children. Furthermore, the first party is more often autochthonous. One-third of the complaints concern neighbours from ethnic origin. Most of the complaints are already registered with existing institutions like the police, housing associations or local government agencies. More than twice as many of the first parties are familiar with the existence of community mediation than of the second parties.

EFFECTS OF COMMUNITY MEDIATION

As was said before, community mediation in the Netherlands has several goals: solving conflicts between neighbours, empowering the mediated and the mediators, and re-establishing durable relations between neighbours in order to stimulate social cohesion in the neighbourhood. As stated above, in the Dutch experiments the most important goals are solving conflicts and when evaluating the experiments with community mediation these goals have to be taken into account. In this segment, we will first discuss some methodological problems of measuring effects. Then we will discuss the effects of the experiments of community mediation in the Netherlands.

The Problems of Measurement

Measuring the effects of experiments with community mediation is no easy task. At least, when we understand the idea of measuring as be-

ing able to tell exactly what the influence of community mediation is on people. There are several reasons, which account for this difficulty.

In the first place, what is expected from community mediation? The introduction of community mediation in the Netherlands was made possible and supported financially, or otherwise by a wide range of institutions; the ministry of Justice and the ministry of Internal Affairs, local housing associations, social service institutions, the police, the professionals already working in the community, the volunteers, and so on. Every aforementioned participant has certain expectations of the introduction of this new way of conflict solving in the daily lifeworld. These expectations can be categorized in the four different visions on community mediation.

Secondly, the direct outcome of the process of mediation itself is not always clear. Mediation is focussed on re-establishing the communication between quarrelling neighbours through the intervention of a third, neutral, party: the mediator. In this way, community mediation can empower people to regain control over their life (Baruch Bush & Folger, 1994). But, how can empowerment be measured? There is no scale to measure the exact amount of empowerment by people.

Third, the possible increase in social cohesion in the neighbourhood is even more difficult to measure. How to measure abstract concepts like social cohesion? After how many weeks, months or years do we need to measure? How can we single out the effects of mediation in regard to all other things that happen in neighbourhoods?

And finally, the effect or success of a policy instrument like community mediation is also strongly dependent on possible alternative policy instruments. In your own community, are there other ways to solve quarrels with a neighbour? Are there institutions that already take care of these kinds of conflicts? And can the effectiveness of these other institutions be measured and compared to community mediation?

The Effects of Community Mediation in the Netherlands

Precisely because of the many difficulties in measuring the effect of community mediation, we have chosen to combine several social scientific methods to address the problem from different angles: a multi-actor model.[7] During the experiments we collected quantitative data on the registration of cases, and, by participant observation, we followed the training and actual mediation in practice. By combining qualitative and quantitative techniques we do not pretend to solve all the method-

ological problems of measurement, but it does give the opportunity to offer a wider view on the possible effects of community mediation.

Considering the methodological difficulties in measuring effects, we have chosen to take the goals of community mediation as a starting point for measuring the effects. Hereby, we distinguish between (I) the effect of the intervention on solving conflicts, and (II) the effect this intervention has on the participants. The question of effect is always a question effect for who. To avoid the risk of only summing up the quantitative data, and thereby forgetting the subjective experience of the participants, we discuss the effects in relation to the participant actors: the participant effect on the actors will be analysed for four main actors: the mediated, the mediators, the institutions in the neighbourhood, and the refusers of mediation.

I. The Conflict Solving Effect

Community mediation is focussed on the restoration of communication between two conflicting neighbours. Naturally, such a process can take quite some time. We have divided the process of community mediation into four different phases. Whereby each phase works like a sieve.

    I.   *Registration*, where the first selection of cases takes place;
    II. *Intake of the first party* (the complainant), where the mediator decides if the case can be mediated and if the complainant wants his case to be mediated;
    III. *Intake of the second party*, where we find the same kind of selection as in phase II; and
    IV. *Mediation*, both parties want to talk and come to an agreement.

In practice we found a wide variety of possible outcomes during the process of mediation. Logically we can distinguish four possible outcomes:

    A. The conflict is solved through mediation;
    B. The conflict is solved without mediation;
    C. The case is referred to another institution; or
    D. The conflict is unresolved.

In Tables 4 and 5 we give an overview of the case histories by combining the process and the outcomes. If you read the table horizontally, you will see the outcomes per phase, as well as the dropout rate during each

TABLE 4. Case History at the City Model

(n = 268)	A. Solved by mediation	B. Solved without med.	C. Case referred to	D. Case not placeable	Total
Start			100%		
PHASE I	-	-	-	-	-
After phase I		12%	87%	1%	13%
PHASE II	-	-	-	-	-
After phase II	10%		57%	7%	13%
PHASE III		9%	4%	22%	35%
After phase III			22%	2%	22%
PHASE IV	-	-	-	-	-
Total	19%	19%	25%	37%	100%

TABLE 5. Case History at the Neighbourhood Model

(n = 94)	A. Solved by mediation	B. Solved without med.	C. Case referred to	D. Case not placeable	Total
Start			100%		
PHASE I	-	-	-	-	-
After phase I			21%	10%	31%
PHASE II			69%	1%	9%
After phase II		5%	1%		15%
PHASE III			54%		
After phase III	9%		37%	7%	17%
PHASE IV		9%		4%	
Total	33%	14%	23%	30%	100%

phase in the process. Vertically, you will see the possible outcomes related to the different phases. In other words, the rows are concerned with the *process of mediation*, while the columns are concerned with the *outcomes of mediation*. For instance, in the city model during the phase III (intake of the second party) 9% of the cases were solved without mediation, 4% of the cases were referred, and 22% of the cases were unplaceble. In phase III, 35% of the cases were processed; this leaves 22% of the total registered cases to go to phase IV.

When we compare both models, we notice several differences. First, the neighbourhood model shows a high dropout rate during phase 1, 31% of the cases are referred or seem to be unsuitable for mediation. In the city model this percentage is only 13. An explanation for this differ-

ence could be the fact that the city model is more distant to people, which may result in a first selection by the people and the referring institutions themselves. In the neighbourhood model the distance between people may be less, which makes it easier to approach community mediation with all kinds of problems. In this situation, the accessibility may be higher, meaning that the follow-up of cases (referrals to other institutions) is important. In the neighbourhood model this was done with great care, in order to avoid shopping behavior by the people concerned.

During phase II and III we see a reversal of this pattern. The dropout rate in the neighbourhood model is low (II-15%, III-17%), while this is higher in the city model (II-30%, III-35%). The conclusion is when one reaches phase II the neighbourhood model led more people towards mediation and agreement. This is probably due to the proximity of the social relations. It may be more difficult to leave the process when you know–although vaguely–the mediators.

What is the conflict solving effect of community mediation? Community mediation has three types of conflict solving effect. The primary effect is defined as an actual mediation plus agreement (A). The secondary effect (A + B) is defined as situation A plus those conflicts solved by the parties themselves after having contact with community mediation (B). The tertiary effect (A + B + C) is defined as situation A or B or the case is referred to another organisation (C).

In Table 6 we compare the conflict solving effects between the city and the neighbourhood model. The neighbourhood model seems to be more effective in settling disputes between neighbours than the city model. From all cases in the city model, 37% are unplaceable. What remains is 63% (19% + 19% + 25%) and this is what we call the tertiary effect (agreement, solved by participants themselves and referred to other agency). If we narrow this down to the secondary effect (problem solved with or without mediation), the percentage is 38% (19% + 19%). If we narrow this down to the primary effect (agreement through mediation), the percentage is 19%. From all cases in the neighbourhood model, 30% is unplaceable. What remains is 70% (33% + 14% + 23%); the tertiary effect (agreement, solved by participants themselves and referred to other agency). If we narrow this down to the secondary effect (agreement, solved with or without mediation), the percentage is 47% (33% + 14%). If we narrow this down to the primary effect (agreement through mediation), the percentage is 33%. The city model may have

TABLE 6. Conflict Solving Effects of Community Mediation

	City model (n = 268)	Neighbourhood model (n = 94)	Total (n = 362)
Primary effect (A)	19%	33%	22%
Secondary effect (A + B)	38%	47%	40%
Tertiary effect (A + B + C)	63%	70%	64%
No effect	37%	30%	36%

The three effects are cumulative, therefore, adding 'no effect' to the 'tertiary effect' gives 100%.

mediated fewer cases; this does only apply to the percentages. When we look at the actual amount of cases, the annual amount is higher. We summarize these findings in Table 6.

IIa. The Participant Effect: The Mediated

The experiences of the mediated are of central importance when discussing effects of community mediation. The whole idea of community mediation is based on the empowerment of people to tackle their own conflicts. Did mediation solve their conflict? Did they restore the communication with their neighbours? To get a view on the success of community mediation, we will discuss two aspects of mediation: the *durability of the agreements*, and the question if people *feel satisfied with the mediation*. We do not have quantitative material on the Dutch experiments, therefore we will first discuss the above mentioned aspects with data from studies from the United States. Next, we will focus on the Dutch situation, based on qualitative data.

The durability of the mediation is a reasonable measure for the success, i.e., the effect. Sally Merry and others examined this question in their evaluation research on the San Francisco Community Boards (Merry & Milner, 1993). Of the 150 cases where follow-up data was available, 79 percent of the complaining party (the first party) and 58 percent of the second party were satisfied with the agreement they made as a result of the mediation. Only 14 percent of the complaining party and 30 percent of the second party say the agreement did not last. The durability of voluntary agreements as a result of mediation seems high (Blad, 1996).

Directly linked to durability is the question of satisfaction. Not only is a lasting agreement sought, but also satisfaction with the agreement. To analyse this satisfaction, McGillis examined the satisfaction of peo-

ple with the process and the satisfaction with the result in the case of mediation, and in the case of formal law. This satisfaction is also termed 'quality of law' (McGillis, 1997). The general conclusion of his research is that people tend to be more satisfied with mediation than with going to court.[8] These results are in line with the findings in the SFCB evaluation study.

In the Netherlands, the nature of the cases brought to community mediation is comparable to the cases in the United States. Although we are not able to systematically compare court and mediation cases, based on interview with mediators and project leaders we can conclude the mediated are all positive about the mediation. Many of them found it a relief to talk to their neighbour via a neutral third party; the mediators. Their independence and para-professional appearance was evaluated positive by the mediated. Many of the mediated were happy they finally found someone to talk to about their conflict. This finding shows mediation can go further then the restoration of the communication.

In retrospect, a lot of the mediated are surprised about the talks during the actual mediation. They hardly believe they have not been able to talk to their neighbours for a long time. This does not mean they directly end up as friends, but at least they are now capable of communicating as neighbours. Many of the mediated subscribe this effect to the performance of the mediators. In some cases miscommunication can be resolved, and in other cases the mediated see their neighbours from a new perspective. Talking to your neighbour can remove cultural barriers, or it makes people understand other people's lifestyle. Like how important music can be for younger people, or the amount of sleep people working in nightshift need during daytime. Sometimes the project leader, as coach and coordinator of the mediators, plays an important role. This suggests the intended empowerment effect is not yet realised in full. If people would feel they have solved the problem themselves, the empowerment effect would be bigger.

Not all the mediated experience this in the same matter. Some people feel the mediator takes sides; others see the mediators divide their task.

There are two. One was on our side, but the other mediator was not. One of the mediators took the lead, while the other does not speak. He only listens, and sometimes he summarises our story.

Both mediators did not speak much. We had to do the talking. Although they did try to steer. For example: 'could you both present some suggestions how to solve your conflict.'

They were very peaceful. They made us feel comfortable, in a soft and quiet way. They also were not partial. They really weren't. They let us tell our stories one at the time. At first you think everything is black, but they made us to see things are also grey. They were peaceful. Although, they also were strict if you didn't let the other talk. There were two of them, and they complemented each other well. Community mediation is an important institution. They can bring people together again.

Most mediated are impressed by the mediators. They listen carefully, they take no sides, and they let all parties tell their story. Although some mediators find the whole writing down of the agreement a little overdone, this could help to motivate the mediated and to show them the agreements are worth something.

I was very pleased with the mediators. They let you tell your story, summarise it. At the end we made some agreements. The neighbours promised to walk in slippers instead of shoes now. If you have a conflict with your neighbours, it is difficult to solve that together. It is important there is a third party. I am very glad, because I had sleepless nights.

Not all the mediated understood the process of mediation entirely, as can be seen in some of the quotations. Many of the complainants see the problem mostly as the result of the behaviour of their neighbour. Expressions like 'I lived here for many years now, and I never had any problems,' are much ventilated.

The first contact on the phone [with a mediator] went very well. She understood my problem completely. I was very clear about my problem the first time [the intake], so I did not understand why I had to repeat it. I also did not understand why my neighbour had to tell his problems. That was not important.

We conclude that the empowerment effect is not fully reached yet. The intended effect of realizing durable relationships with the neighbours is supported by the qualitative data.

IIb. The Participant Effect: The Mediators

The mediators place the responsibility for the conflict solving explicitly in the hand of the conflicting parties. In this way community mediation is very different from most other interventions in society. Therefore, the goal is focussed on the restoration of communication, instead of purely solving a conflict. The mediators are supported in their task by the mediation method. This method also keeps the mediators outside the actual conflict. In this way they can fully concentrate on their role as process facilitators, instead of being drawn into the conflict by one or both of the neighbours. The conflicting parties have to establish their own solution. This must be based on voluntarily participation, informal consideration, with a minimum of bureaucracy, directed to solving the problem, and focussed on restoring the relation. During the selection process and the training of the mediators these aspects seem to cause most of the problems.

The relative small scale of the neighbourhood model, in comparison with the city model, has its effects on the mediators. In the neighbourhood model mediators see the community mediation project more as *their* project. They are 'their' community board, they feel responsible, and they appropriate the project. They are proud of the community board, and many of them have grown into the mediation practice. They operate more as a tight group, with a core of very active members. In the neighbourhood model it is also easier to get access to the conflicting parties, especially the second party. All this is less easy to realise in the city model, which does not mean the enthusiasm and devotion is less. The weaker bond with the neighbourhood is inherent in the choice for a city model.

We conclude that the mediators consider their social actions to be empowering for themselves and for the conflicting parties. They teach people how to communicate in conflict situations. They learn how to help themselves. Importantly also, they feel mediation has a lasting effect on relationships in the neighbourhood. The intended effect of realizing durable relationships with the neighbours is supported by the qualitative assessment provided by the mediators and the program managers.

IIc. The Participant Effect: The Institutions

The institutions most concerned with and committed to community mediation are the police, the housing associations, and the local government. To get an idea if community mediation has an effect for these institu-ment.

stitutions, we have interviewed professionals working in one of the three communities. All the spokesmen of these institutions state that community mediation offers a possibility for conflict solving on a scale which was not possible in the separate institutions. They point out the following goals, which they see as important for community mediation: solving neighbour conflicts before they escalate, increasing empowerment of citizens, promoting the quality of life and social cohesion in neighbourhoods. Although the police and the housing associations keep records of neighbour(hood) conflicts, we cannot use these to calculate the effect of the introduction of community mediation. The reason is community mediation is concerned with intervening in a conflict as soon as possible, while the police and the housing associations only register a conflict when it is escalating. Therefore, we asked our respondents if they had the idea that community mediation sorted effects.

Broadly speaking, all institutional participants had a positive attitude towards the idea of community mediation. None of the respondents expected any opposition of the existing institutions. Conflicts and irritations between neighbours are experienced as a social problem, and the respondents do see good opportunities for community mediation here. Everybody explicitly stated until now there is no specific institution that deals with quarrelling neighbours, especially not in the initial phases of conflict. Therefore, most respondents see community mediation as a 'gap in the market.' The positive attitude towards the experiments with community mediation can also be seen in the willingness to direct cases.

The police hope for an effect where they directly experience a reduction of cases around neighbour conflicts. From this perspective the police officials state more cases must be directed to the community boards. The respondents think with an extension of the project and more familiarity with the police and the citizens, the experiments could be more successful. At all the different police departments one should start to refer cases to community mediation.

The housing associations put most emphasis on solving conflicts between the neighbours. According to the housing associations in Rotterdam, community mediation is successful. The associations are satisfied with the way the cases are dealt with. In Rotterdam and Zwolle the associations are more satisfied than the associations in Gouda. The ties with the community mediation projects are not equally strong in the three cities. Not surprisingly, there was a greater confidence in the project where the ties were close. In Zwolle and Gouda community mediation is tied to the social service, and directly connected with integral projects aimed at reducing nuisance. In Rotterdam every neighbourhood had

formulated different priorities around the introduction of community mediation. Nevertheless, most respondents see more than enough possibilities to closely tie community mediation to other social services in the neighbourhood.

IId. The Participant Effect: The Refusers

We also analysed the reasons people gave to refuse to be part of a mediation session with the neighbours under the supervision of volunteers. We found two types of responses. A small percentage of the people try to resolve the conflict themselves after being advised by the mediators. And there are people who do not want to talk about the conflict, neither directly to the neighbour, nor under the supervision of volunteers. They give different reasons for this. For example: some people say they fear the neighbour, some say they judge the situation as being quiet now. Some people also say they have no confidence in talking with the neighbour under the supervision of volunteers and they prefer other channels (usually the police). And finally, some people maintain that they are not (part of) the problem, because the neighbour is causing all the distress.

Some people become aware by listening to the mediators that talking to the neighbours about the conflict may still be an option. The mediators explain how they operate.

The volunteers explained how important it is to talk together about the conflict instead of complaining to them. And to talk about other stuff also. To make an effort to try to understand each other. So I did. Things are a lot better now. We communicate. We talk to each other. I won't say it is quiet now. But I can handle it a lot better.

Other people do not have confidence in talking. Some want the community mediators to solve the problem, or at least help them solve the problem. Some of the second parties, who refuse to participate in a mediation session, do recognise the conflict and their role in it. They may try to work things out by themselves:

The lady from downstairs has been here a few times. I guess she is right. Our child is very loud and she goes to bed late. The houses around here are very noisy and she can hear him play. Our problem is that we own a restaurant and that we are almost always out at night. The babysitter takes him to bed. But he is making it hard on her. He does not sleep well. But we will talk to the babysitter

again and to the lady downstairs. I am glad you called. I can see how serious the problem is for her.

On first sight, there seems to be no real effect of community mediation for the refusers. At closer examination, refusing community mediation is mainly due to fear. To deal with this problem community mediation could work more closely with the police. Not only by getting cases referred, but also in referring cases back. Besides the problem of fear, a substantial amount of the refusers wanted to talk with their neighbours themselves. In all these cases community mediation has an indirect effect; people do seem to feel empowered to act themselves. Making people aware of the method of community mediation was enough to give those people the small push to deal with the problem themselves.

Visions on Community Mediation: The Effects

The different actors that play a role around the experiments with community mediation all embraced the initial idea positively. However, they all differ in their point of reference. Different actors practice different discourses around neighbour conflicts and mediation. We interviewed over 140 professionals working in the neighbourhoods where the experiments took place, at two different moments. First we interviewed 100 professionals before the experiments started. After two years we interviewed another 40 professionals to discuss the first results of the experiments. After analysing the half-structured interviews with the professionals, we identified four types of visions on community mediation:[9]

- an instrumental vision;
- a service vision;
- a formalistic vision; and
- a norm-forming vision.

These four visions are analytical constructs, and in reality most of the interviewed persons combine aspects of different visions The visions appeared to be common in specific social and institutional settings. We will view these visions in relation to the effects we discuss above.

In the *instrumental vision*, the police and justice department and other public officials see community mediation as an instrument for conflict resolution supplementing existing channels of conflict resolu-

tion. Low costs and effectiveness are important criteria in this vision. The instrumental vision was seen to be relatively common among policy makers, and politicians in the community. These people were mostly interested in the conflict solving effect of community mediation.

The second vision, the *service vision*, sees community mediation as a community service, provided by trained volunteers. People who ask for help in solving conflicts or discussing forms of nuisance ask a third party for help. The service vision maintains that people do not 'cause' problems 'on purpose.' Rather, they are not aware that their actions are offensive for other parties. Conflicts and irritations arise from differing interpretations of actions. Solutions for conflicts can be found by direct and private communications between neighbours, supported by a 'host' as the best way to eliminate miscommunications. The service vision was relatively common among the volunteers, the police and social welfare workers, e.g., persons that have a need-based view of people and society as a whole.

In the third vision, the *formalistic vision*, equal rights, equal treatment, and equal accessibility are important criteria. A situation where community mediation would function independently from existing organisations and institutions could mean a threat for its quality and authority. If legal and other procedures are not followed properly, community mediation could lead to escalation of neighbour conflicts instead of conciliation. Supporters of this view fear corruption, and abuse of power by the participants. It is inherent in this vision that community mediation has to be 'tested' by quality measures from other institutions. The formalistic vision was found among some police officials, public prosecutors and judges, lawyers and solicitors. The argument was also found among some of the refusers, who think they do not need anything else besides the law and the police as their enforcers.

A fourth vision, the *norm-forming vision*, sees community mediation as a way to establish and to reaffirm cultural expectations, values and norms that 'exist' in the community. Through open and public discussion citizens, neighbours, learn (again) to behave as expected by others and to communicate social constructions amongst one another. The norm-forming vision appeared to be common among community workers. This vision can also implicitly be found in the stories of the mediators and the mediated, especially when the parties were satisfied with the mediation.

We have found that the service providing vision, the relationship forming vision, and the conflict solving vision can in fact be translated

into effects and that these effects are indeed occurring in community mediation in the Netherlands. The formalistic vision, however, cannot be translated into an effect. It seems to function as a warning, as Merry has shown in her research. Merry states that access to community mediation in San Francisco may be unequal for groups of citizens, and power differences may have a corrupting effect on community mediation. A different research has to be carried out to give an answer to the question if this has occurred in the Netherlands also. We think, however, that both aspects have been adequately taken into account in the Dutch experiments (ensuring the community boards to be multi-ethnic and mediating solely between neighbours).

The Future of Community Mediation

In the past six years, community mediation is growing in the Netherlands. Since the experiments stopped at the end of 1999, we would like to pay attention to the future of community mediation in this last paragraph. We will address three aspects. First, we address the question if there is a need and niche for community mediation (in the Netherlands). Second, we pay attention to the variety of effects, and finally we will discuss if community mediation is the panacea for all neighbour(hood) problems.

Is There a Need and Niche for Community Mediation?

In practice people find their way to community mediation, and most of them are satisfied. From the start community mediation has been a legitimate instrument for a majority of people. The experiments in Rotterdam, Zwolle, and Gouda show there is a need and a niche for this kind of dispute resolution in daily life. There is a market for community mediation. Which market, however, is a subject of considerable debate. The Ministry of Justice, financing several projects, would like to see community mediation as a way to reduce court case loads, and as a way to intervene before conflicts escalate. The Ministry of Internal Affairs, and local councils (both responsible for the police force), view community mediation as a way to improve (feelings of) public safety. Finally, social services and housing associations define community mediation as a way to improve social cohesion, community building through em-

powerment and participation. Aside from the question of which market, the idea and practice of community mediation seems successful in the Netherlands. After the initial three cities, community mediation projects are developed, or in development, in at least fifteen other Dutch cities[10] as well as in Rotterdam where the initial project of three neighbourhoods has been expanding (Thiel, 2000).

A Variety of Effects

The multi-actor approach enabled us to focus on different kinds of effects. More so, to evaluate community mediation from different perspectives. Unfortunately, projects like community mediation are mostly only evaluated in terms of its conflict resolving effect, i.e. the instrumental effect. Especially policy makers and politicians are supporting these kinds of evaluation, because it seems to give a strong, measurable indicator for answering the question if it works or not.

Community Mediation the Panacea?

Community mediation is not only concerned with solving problems, but also with re-establishing durable relationships between neighbours. This form of participation can lead to 'empowerment'–the idea that people feel their actions 'make a difference'–not only of the conflicting parties involved but also of the volunteers that help to settle the dispute. Community mediation tries to be more responsive to local community needs and interests. If both the interests and the emotions of disputants can be addressed and reasonably satisfied,[11] one might assume that the non-legal agreement or contract would hold up without force of law or formal authority. However, community mediation is no panacea for every problem in the community. Instead, it is an addition to the existing and largely well functioning social services in the Netherlands. If one does not overestimate the possibilities of community mediation, it can be valued as a useful policy instrument to enhance the quality of life in neighbourhoods. When combined with the professional methods of social intervention, community mediation can disseminate a culture of "people-involved" conflict resolution.

NOTES

1. The concept of community mediation in the Netherlands can be described as a narrow concept of community mediation. It is unlike the Franco-European concept and practice of *médiation social* (as a form of social regulation between individual urban lifestyles, between cultural groups and between citizens and public services (Délégation Interministérielle à la Ville, 2001). Instead, it is more akin to the Anglo-Saxon concept and practice of mediation between individuals.

2. In the past five years, the idea of mediation is getting more and more attention in professional journals and newspapers in the Netherlands.

3. Here we see another difference with the United States. In the Netherlands it is common to have professionals working with volunteers, instead of only having volunteers (Adriaansens & Zijderveld, 1981).

4. Gorinchem (33,000 inhabitants) had adopted a third model. In Gorinchem there were a professional mediator and a contact officer working for the police department. Contact officers working for the housing associations redirect all the cases. Gorinchem can be referred to as a 'professional model.' In Gorinchem the experiment started at the end of 1997. The experiment only lasted one year, and was mainly initiated to solve already escalated conflicts between neighbours (Hogenhuis, Peper, & Jong, 1999).

5. The research material on the practice of neighbor mediation was collected in two ways. We used the unstandardised registrations and personal notes made by the managers in the three cities. We reviewed all case material intensively. We also used the standardised registration forms, which were developed by our team of researchers in co-operation with the managers. Unfortunately, these standardised forms were not filed systematically. In total, 159 cases were registered in Zwolle, 109 in Gouda, and 94 in Rotterdam.

6. The project-coordinators agreed they would keep the registration, unfortunately this was not done thoroughly.

7. The multi-actor model is based in RBA, or result-based accountability. This is a method of establishing goals and (measurable) outcomes in partnership with all the important shareholders (people and organisations) involved in a social intervention. One of the advantages is that multiple actors, instead of one more powerful actor, broadly define the results. RBA is often reached by shared responsibility between actors.

8. McGillis points to two restrictions of this material; not on every case the data is available, and there are probably also differences between who chooses mediation and people who choose to go to court.

9. An important part of this analysis was done by our friend and colleague Freek de Meere, who participated for six months in the research program.

10. These cities are: Almere, Amersfoort, Amsterdam, Bodegraven, Den Haag, Eindhoven, Heerveen, Hoogezand-Sappemeer, Leeuwarden, Leiden, NieuweKerk aan de IJssel, Reeuwijk, Sittard, Tilburg, Vlaardingen, IJsselstein, Zaanstad, Zoetermeer, Zutphen (http://www.burenbemiddeling.nl).

11. Merry makes an important remark by pointing to the implicit power differences between the conflicting parties. These differences are mostly not given attention in the mediation process (Merry, 1997).

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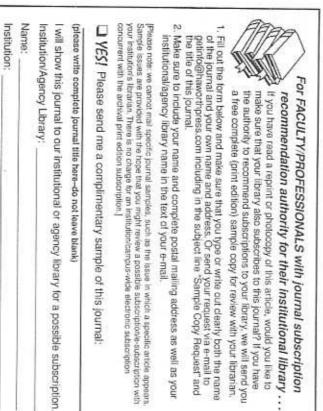
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