

Is the dispute losing its negativism? New age cooperation through mediation

The book “Mediation to Foster European Wide Settlement of Disputes” reflects national and multinational developments in the field of mediation and can be praised for its versatility in the legal field.

As we talk of quality of justice, we do not consider it as resulting only from legislative or judicial representatives, but from the parties of the dispute themselves. They become socially responsible for reinstating justice and should be willing to maintain the peaceful status quo. Mediation comes here as a celebratory tool, used to encourage positive relations and is therefore in the interest of society too. It becomes a crucial task to develop and maintain the grounds for mediation and also encourage good practices in diverse fields and branches of Law.

The book discusses all of the abovementioned points as the authors analyse mediation from different national perspectives and reveal various niches where mediation is still young but, nevertheless, strong element of procedural Law.

The reader is professionally invited to start the book with a detailed and informative introduction. The outcomes of the Working group in the project, revealed in the introduction, assist in understanding the roots of the collaboration of the scholars and the purpose of the book.

Indeed, national reports provide us with significant cultural and legal developments of mediation in the Baltics as well as Italy and demonstrate general basis together with national peculiarities regarding mediation. Moreover, the EU perspective has also a relevant part in the book, from the very essence of fundamental right of access to justice to online mediation. Still, the book does not limit the topic to legal background and implementation, but also gives us a deeper insight towards interdisciplinary evaluation of mediation, such as the skills of a mediator, psychological aspects of mediation and so on.

As we may sometimes wonder, some problematic aspects may be indicated in the process of mediation. For example, one may say that we have limited resources to make mediation a default mean of legal procedures. Or, on the other hand, that certain kinds of procedures are easier to mediate than others. However, Law does not require perfection, it requires efficiency,

social dialogue and desire to improve. The concept of social architecture, used by one of the authors in the context of family mediation, could, in my opinion, be given a wider meaning, i.e. to name the future design of legal relations with the assistance of mediators.

The material of the book can be highly recommended to mediators, legal and non-legal scholars, practitioners, judges, students and everyone interested in mediation.

The authors of the book deserve all compliments for a significant compilation regarding mediation and are undoubtedly the driving force of this rising idea of legal cooperation.