



The Journal of Mediation & Applied Conflict Analysis

Mediation through a cultural Lens: The work of the Traveller Mediation Service in context

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Introduction

The aim of this paper is to give an understanding of the work and methodology of the Traveller Mediation Service within the historical context of the Traveller community in Irish Society.

The paper seeks to offer a socio-cultural perspective on understanding conflict both within the Traveller community and in relationship to the wider community.

Historical context of Travellers in Ireland

Irish Travellers have been part of Irish society for many centuries. They have been identified as a people with a shared history, culture and tradition, including, historically, a nomadic way of life on the island of Ireland. The Traveller culture, like other cultures, is defined by a set of meanings, values and beliefs that characterise it as a particular community.

In terms of nomadism, as stated by Ligegeois and cited by McDonagh (2000) and Joyce (2018): “Travellers who are living in houses and not travelling remain nomadic; they are still Travelling people.” “Nomadism is more than just the act of Travelling; it is a mindset (Traveller Counselling Service, 2019).

A Historical Review (from the Houses of the Oireachtas Joint Committee on Justice, Defence and Equality Report on the Recognition of Traveller Ethnicity from April 2014) indicates how the State viewed the Traveller community in the 1960s:

The first major policy report in this State on Travellers was the Report of the Commission on Itinerancy (1963). The Commission was established in June 1960 and the publication of the report of the Commission three years later established policy relating to Travellers for the next twenty years.

The four terms of reference for the Commission were:

- (1) To enquire into the **problem arising** *from the presence in the country of itinerants in considerable numbers*
- (2) To examine the economic, educational, health and social **problems** inherent in their way of life*
- (3) To consider what steps might be taken:*
 - (a) to provide opportunities for a **better way of life** for itinerants;*
 - (b) to promote their **absorption** into the general community;*
 - (c) pending such absorption, to reduce to a minimum the disadvantage to themselves and to the community resulting from **their itinerant habits**.*

The Historical Review went on to say:

The language used in the terms of reference was instructive as to the State’s ideological approach to the Travelling community at that time. It is also instructive that no representatives of the Travelling community sat on the Commission (p9).

As part of the testimony to the Joint Committee in compiling the report, Brigid Quilligan, then Director of the Irish Travellers Movement stated in 2014:

“Through generations, where we were once a strong, proud people – and for some part still are – we have been devalued within society. Never before in my lifetime have I seen such hate as I have seen in the past five years. If one opens a newspaper or turns on the television, if one is in a shop or on a train, if one looks at Facebook, Twitter, thejournal.ie or anything at all, anti-Traveller sentiment is fired at one. As Travellers, we experience this in our daily lives and we try to set about changing that by making people aware of us and by working in partnership with people.”

“...we are speaking about people who have been on the island of Ireland for as long as anybody can record... We are talking about having our own history recorded, rather than a history that has been written for us, imposed upon us and dictated to us. We are talking about setting the record straight and supporting our people to stand tall and feel they are a valuable part of Irish society.” (p16)

The All Ireland Traveller Health Study (2011) estimated that 63% of the Irish Traveller population were under the age of 25 and 50% were under 17 years old. (O, Mahony 2017) found that 77% of Travellers were very dissatisfied with how their community was represented in the media.

Traveller Counselling Services explained in 2019 how the Traveller community continues to struggle against low life expectancy, high rates of infant mortality, poor health status, poor living conditions, high rates of unemployment and low levels of educational attainments. The Behaviour and Attitudes Survey of 2017 reflects on the high levels of concern among Travellers about the presence of mental health problems in their community.

A significant piece of legislation relevant to the Traveller community (The Housing [Miscellaneous] Provisions) Act) was passed in 2002. This Act enabled authorities to evict Travellers camped on private and public land. Travellers and others in this position were thus criminalised overnight even if they had nowhere else to go. According to the Irish Traveller Movement, there were over 1,000 Traveller families camping on public land, without basic amenities, when this Act was

introduced. ITM also states that the failure to deliver culturally appropriate accommodation has had a massive negative impact on Travellers health.

A national conference held in Dublin Castle in April 2019 on *Inter-family violence and its impact on Traveller Mental Health* provided a forum for the discussion of these issues. The aim of the conference partners (The Traveller Counselling Service, Exchange House, and the Traveller Mediation Service) was to present an understanding of the complexity of the issue of inter-family violence in the Traveller community.

Inter-family violence is a pervasive problem with far-reaching negative consequences for individual Travellers, their families and their extended families that has reverberations for the entire Traveller community. This complex issue is exacerbated by the poverty, exclusion, poor accommodation and many other factors including legislative change that curtails the expression of Traveller culture.

There are many adverse consequences for Travellers and their families who engage in inter-family violence including mental health difficulties, imprisonment, injury and, in some instances, death. Executive Summary of the Conference Report. (p2)

Chris McDonagh, in his presentation, explained that the psychological impact of conflict, yet another consequence of inter-family conflict, can last long after the physical wounds have healed.

“In fact, the psychological damage can be even more devastating than the physical. The lack of sleep, nightmares, anxiety, stress, grief, anger and fear. These are some of the impacts of both direct and threatened of violence.” (p13)

Frank Kavanagh, in his input at the conference, spoke of how the same patterns of events are replicated across the country, over and over again, with people turning to alcohol and drugs to deal with the stress, worry and the impact of inter-family violence, with constant fear of running into opposing family members, at schools, at the shops, at the post office or any number of situations that they find themselves in on a daily basis.

Frank also spoke about the real experiences of Travellers he worked with, citing one man whose small children were afraid to go to bed at night having witnessed the house being attacked by a group of men. These children are now afraid of the dark and afraid to go to sleep because of their nightmares. Frank concluded his presentation with a powerful quote, from a woman he had worked with:

“You would be better off dead than living like this, this is no life for anyone.” (Anon) (p15)

Highlighting the role that social media plays, Jane Mulcahy, in her conference presentation, spoke of the 1,587,945 views on a particular ‘call-out’ You Tube video, showing Travellers goading each other. According to Jane, these videos are not only inciting violence, they are correspondingly reinforcing negative stereotypes of Travellers.

Jane discussed the role of safety in terms of racism, explaining how, not feeling safe in wider society because of racism, has yet another adverse effect on the brain’s development. She went on to explain the four forms of racism that Travellers experience in Irish society:

- Personally mediated racism (the blatantly wrong person-to-person racism)
- Cultural racism (which group characteristics are valued? Who do we see as valuable or not valuable in the wider society?)
- Internalised racism (when we believe the things, mostly negative, that have been said about our own group)
- Institutionalised racism (formal and informal policies and practices that perpetuate inequity, such as discriminatory practices and policies and structures). (p18)

Thomas McCann opened his presentation by acknowledging the complexity of inter-family conflict.

“This is a complex and multi-faceted issue and there are no quick fixes or easy solutions.”

It will take time and we need the community fully on board.” (p19)

Internalised oppression

Thomas’s presentation continued with a focus on internalised oppression, and how the projected negative stereotypes about Travellers from the media, public figures and the State have been and continue to be a feature of the Traveller experience. Thomas explained how, having experienced such negative messaging from a very young age, Travellers come to internalise these messages, which can lead to feelings of shame related to their identity. Feelings of shame, Thomas explained, can lead to a wish, either conscious or unconscious, for revenge over the person or source of humiliation. Such ‘retaliatory rage’ is a common response to trauma (Neborsky, 2003). According to Thomas, in assessing those who have anger problems, shame is often a trigger for their violence and, according to Paulo Freire, internalised oppression leads to horizontal violence (2000). (Pps 19-20)

Horizontal hostility is a commonly cited pattern of internalised oppression.

Horizontal hostility can take many forms, including inter-group, intra-group violence, verbal abuse and name-calling. According to (Pharr 1996): “Groups are taught to believe that they are inferior, incapable and lack values for themselves and members of their group.”

There are also many other factors which can be said to contribute to increased tension and conflict within the Traveller community, such as poor housing and overcrowding on sites, forcing families who do not get on to live together. Other factors include bare knuckle boxing, drugs (both addiction and dealing), social media and the wider media.

“The growth in the use of social media has resulted in hate speech becoming an extremely serious issue.” (Irish Traveller movement, cited in Schweppe, Haynes and Carr, 2014). Social Media can have a serious negative impact on ethnic minorities such as the Traveller community. Sites can carry racist, inflammatory material that may be widely disseminated. Social media can also often serve to escalate disputes within the Traveller community.

“Conflict and violence destroy communities and can have a devastating impact on their mental health. One of the most significant, yet often hidden consequences of armed conflicts and other situations of violence is their impact on the mental health of the people affected.” Chris McDonagh (p12)

Traditionally in the Traveller community when there was conflict between two individuals or families, a respected elder would try and talk to each group before the conflict got out of hand. This person would be accepted by both families as an honest and fair man.

Different cultures typically have different means of dealing with conflicts. In some there is resort to violence, in some there is leadership arbitration, and in some there is resort to traditional or legal norms. (Burton, J) Traditional cultures deal with conflict in preferred patterns of mediation through third parties so that the resolution is achieved in indirect, lateral, and systemic ways. (Augsburger 192: 8)

The work and methodology of the Traveller Mediation Service

Within the context described above, the Traveller Mediation Service (TMS) works to mediate conflicts between Travellers, between Travellers and agencies, and between Travellers and the settled community. TMS accepts mediation case referrals from Travellers, communities, and agencies.

TMS engages with a wide range of stakeholders, including: Traveller families affected by conflict; local, regional and national Traveller Organisations; the Gardaí; the Irish Prison Service; local authorities, housing agencies, and others.

The Traveller Mediation Service is a partnership initiative, supported by Restorative Justice in the Community (RJC), funded by the Irish Government Department of Justice and Equality.

TMS (originally called MTCMI: Midlands Traveller Conflict Mediation Initiative) started in 2009 as a response to a serious conflict in a Midlands county. Funded by

the Department of Justice & Equality, two mediators were initially employed, both from the settled community.

TMS currently (2020) has a staff of four, including the Programme Coordinator, all of whom are qualified mediators and accredited trainers. Two full-time staff are from the Traveller community and two part-time from the settled community. TMS is based in Athlone, County Westmeath

TMS also has a panel of Traveller Mediators who assist with referrals and training on a contract basis.

TMS works to the following remit:

- To assist our clients and stakeholders to find ways to prevent, manage, and transform conflicts peacefully and effectively.
- To promote and deliver a number of training programmes in the area of conflict prevention and intervention.
- The service promotes and delivers conflict prevention and intervention skills training and capacity building to TMS stakeholders.

How the service works

- By proactively responding to, and working to resolve, conflicts using mediation and other conflict intervention strategies where appropriate.
- By engaging with, building and strengthening relationships with Traveller families, Traveller organisations, and with organisations in which Travellers participate.
- By interacting and engaging with all the relevant statutory agencies.
- By implementing conflict skills training through capacity building and training of Travellers and those working with them.
- By raising awareness, and promoting and disseminating TMS information to the wider community.

Insider mediators from the Traveller community

TMS insider mediators are members of the Traveller community. They are well equipped with inside knowledge, know the context and culture, know how to approach issues that relate to the history of the conflict, and how to bring in all the families involved. It is critical to the process that the mediator is seen as being fair and gains the trust of all involved. The mediator will facilitate the implementing of agreements and may remain involved with the families after the negotiations if needed.

Insider mediators are able to hear what is being said, as well as what may be left unsaid, and are able to synthesise complex information into forms that can be easily communicated between all parties. Traveller mediators often have direct experience of violence within family disputes and can draw on their strengths through their own cultural identity when they find themselves mediating these disputes.

TMS believes that, when mediating between Traveller families, it is important to understand conflict through a cultural lens, and to consider the importance and strengths of family and extended family ties. Family honour, especially for men in defending their surnames, is very important, so to back down from violent conflict with another family could be seen as a loss of face. Also, Traveller families will have a particular way of dealing with conflict, with rapid changes of roles occurring without warning. It is important to remember that conflict styles and communication can and will change within the families. The outcome of the mediation agreement is more likely to be verbal than written.

Ongoing conflicts when mismanaged can be stressful and can lead on to the damaging of relationships. They create acute anxiety, which has a very negative impact on people's mental health, especially in a community such as the Traveller community, with a particularly high rate of suicide.

“The Traveller Mediation Service offers Travellers a way to settle their differences in a peaceful and safe way and allows both sides to save face. Saving face is very important within our community, as people earn respect by saving face. We are a proud people, so this is really important to us.”

“Having Travellers working in the TMS supports the increasing numbers of self-referrals coming from Travellers because...Travellers have a better understanding of the history or sometimes the underlying

problems that non-Travellers might not consider relevant.” Frank Kavanagh (2019 Conference p14)

TMS mediators focus on the interests of both or of all the families involved in a dispute and are motivated by a desire for peace in the Traveller community and an end to the violence. With this comes the risk, particularly for the insider mediators, of encountering violence, as well as burnout, due to the high stress environments of the work. TMS generally tries to work in pairs where possible, and as a team.

Many within the Traveller community would be reluctant to open up to outsider mediators as they would feel that they would not understand what was happening in the dispute. TMS believes that, due to the complexity of many of the cases, there is a need to know the history of the dispute, the people involved and all their interests. Traveller mediators mediating disputes within the Traveller community are well placed to do this.

Working in pairs helps the mediators, particularly as in the community there is the potential danger of being biased as an insider mediator, where one mediator may be closer to one group than to the other group. Having outside mediators working alongside can also be helpful here.

Insider mediators play many roles that mediators from the outside cannot undertake, but the opposite is also true, and at times outsider mediators are required. TMS believes in the need for a mix of Traveller and settled mediators in the service.

TMS mediators will see families and individuals in locations they feel safe to meet. This could be a one-to-one mediation session away from their homes, or on the halting site where there may be five to 10 in a family or even up to 40 people ready to meet. Sometimes they may be angry or even getting ready to start trouble with other families that they are in dispute with. That is why TMS uses shuttle mediation to a great extent, as the numbers can start to get out of hand with more and more people wanting to tell their stories.

From anecdotal evidence and TMS experience, disputes over the last number of years within the community have worsened and become more violent, with increasing use of weapons, especially petrol-bombs and guns.

TMS Mediation case example between Traveller families

Mediation between Traveller families involves understanding that a minor incident can escalate rapidly, with other families getting drawn into the dispute, which can quickly result in a spiral of violence.

Description and background and history of one dispute

This mediation case involved multiple families, with each family bringing a different dynamic and with a different description of the conflict. Previously, the families had a good relationship with each other, but over recent years antagonism between the families had begun to grow.

The root cause appeared to be that one of the men received a prison sentence and blamed a member of the other family for his sentence. From then on, the relationships between these families began to deteriorate. Over time, members from each family started to use social media to call names and look for fights.

Rothman (1997: p23-24) describes antagonism consisting of at least four key processes:

- (1) Blaming the other side for the conflict
- (2) Polarising one side against the other
- (3) Attributing negative character and disposition to opponents
- (4) Projecting unacceptable traits from one's own side onto another side.

TMS mediation process in this case was as follows:

1. Contact with families

TMS were first contacted by phone by some members of the families who were involved in the dispute. TMS explained the service and the mediation process, and gave the parties time to think about whether they wished to engage in mediation.

2. Meeting the people involved

TMS mediators then arranged to meet the parties to assess the case in a location where they felt comfortable and safe. They met with each of the families separately for the first time, and it was unknown how many people would be present. This is often the way with TMS Traveller cases: it is an unknown whether there will be one man or woman or between 10 to 15 people waiting to tell their stories about the dispute. This process needs to include all parties involved in the dispute.

Most of these individuals meeting TMS had been directly involved, but other members of extended families were also present, even though not directly involved in the dispute. They became involved in the discussion, offered their views on the dispute, and explained who had been affected by it. As TMS mediators we also met other families who were related to both parties.

Unlike many forms of mediation, it is not possible in this environment to limit the process to just those directly involved.

Meetings generally took place on sites, or in the houses of the parties, rather than in TMS offices. This did incur some risk to the mediators but it has been found to be the most effective way of understanding the dispute and engaging with the parties.

Before we start analysing the conflict or dispute, deciding which tools to use and how we will approach the mediation, we asked all parties to step back and to consider engaging with the mediation process towards reaching a peace agreement.

3. Conflict assessment

From meeting all the families involved in the conflict, TMS drew up a plan to address and manage it. After listening to their accounts and concerns, TMS mediators carried out a strategic preliminary conflict assessment to decide whether or not to proceed with mediation of the conflict and what steps to undertake next. As mediators we needed to remain aware that families involved in conflict often hide their real motivations and needs at first, avoiding relating

the true causes of the conflict. A possible reason behind this is that they may try to gain some strategic advantage by hiding their real motives.

For whatever reason, it is important for mediators to focus on uncovering the real causes of the conflict. Depending on the seriousness of the dispute, the team decided which type of intervention would be most appropriate in this case.

4. Mediation

In the entry process, TMS used shuttle mediation as this gives all the families involved the time and space to explain their grievances and perceptions of the conflict. In this early stage of mediation both parties would only talk to the TMS mediators rather than each other as emotions were running very high and it would not be safe to bring them together. As insider mediators, we knew that these parties would not meet face to face because of legitimate fear based on the fact that trust had broken down and given the history of the conflict.

During this stage of the process, TMS mediators met separately with all parties involved, from different towns, to hear their viewpoints.

As mediators we would always be on our guard as sometimes when visiting families there still could be ongoing disputes and at any time there could be an attack on the family we are visiting.

We used different tools in this case as this dispute at the start had minor differences but escalated into a big dispute with more and more people getting involved, which made it even more difficult to de-escalate. The first tool used was conflict mapping.

Conflict Mapping

The reason for using this tool was to get a better understanding of the conflict. This entails hearing the stories of how the conflict began from the different families and individuals who are engaged in the conflict, the effects it had on them, and the overall layout of the conflict. Also, the mapping helped to understand the role of other (secondary parties) families and individuals who were not directly involved in the conflict, but whose lives would be impacted by its outcome. Doing the mapping clearly showed the relationship between the families

and clarified the distribution of power among the families. It also aided in seeing where allies or potential allies were within the conflict.

At the same time, it is important for mediators to remember that conflict will change over time and the results are only relevant for a limited time period, particularly as there was a lot of violence in this dispute.

Conflict tree

During these meetings we would also use the conflict tree. This tool is helpful when working with groups as it focuses on what are the core problems, the root causes, and the effects on the people who are in the dispute. In this case, it helped the mediators to better understand how this conflict came about between the two main families, how it became so violent at times, but also how other families then came involved. The conflict tree helped to identify the issues that each of the parties considered important.

Many Traveller families are large in size, both in terms of numbers of siblings as well as extended family members. This can mean that when disputes are violent, high numbers of people may become involved. This was the case in this example.

The Pyramid

As there were a lot of other parties involved in this case, we also used the pyramid tool. This allowed TMS to see who was involved and affected by this dispute. It also gave us more information and helped us to identify key members from all parties, especially third parties who were not involved in the conflict but had strong ties with each of the families. This showed that the third parties' only interest was in resolving the conflict; they were impartial and could intervene between the families to help them to reach a peace agreement.

In this case, as in other cases, TMS engaged other insiders (Travellers) who had credibility and connections with all the families involved in the dispute, to assist with the process.

BATNA/WATNA/MLATNA ANALYSIS

After months of shuttle mediation, we started to use the BATNA/WATNA/MLATNA ANALYSIS technique. This technique was introduced because both parties were

having difficulties in negotiation. By using this technique, the mediators were able to discuss the consequences of failing to reach an agreement and help them to see what the best, worst and most likely outcome would be if this dispute was not resolved through mediation.

5. Outcome

This mediation case went on for 14 months and had serious detrimental effects on the parties and their families. The dispute started with two families but then began to ripple out to affect extended families and friends. The conflict caused suffering for all involved, especially for the women and children who had witnessed some form of violence and had seen family members being hurt or even seriously injured. There had also been destruction of property, intimidation, stress, and some families had been forced to leave their homes.

Finally, after much shuttle mediation, all the parties agreed to end the conflict. Specifically, they agreed not to use social media against each other in the future. The main parties agreed 'to pass each other by' if they came into contact. Some of the parties also shook hands.

Since that time there have been no further conflicts or outbreaks of violence between these parties.

As TMS mediators, we were aware that some of these families would be at risk of post-traumatic stress disorder and vicarious trauma, and we signposted them in the right direction to other services. TMS mediators kept in contact with all parties after mediation had finished. This is important for building relationships, which will help prevent future outbreaks of violence.

It is important to state that violence is not part of Traveller culture. It is, however, true that Inter-family violence is a pervasive problem with far reaching negative consequences for individual Travellers, their families and their extended families. This has reverberations for the entire Traveller community, where backing down is seen as weakness, and a loss of honour.

Range of TMS case referrals

As well as Traveller and Traveller case referrals, TMS receives a significant number of case referrals from agencies and from members of the settled community. TMS has found that having staff from both the Traveller and settled community has worked effectively in resolving many of these cases. TMS works closely with the Gardai, County Councils, and many other agencies and groups in the management and resolution of TMS case referrals.

TMS panel of mediators/trainers

A panel of Traveller mediators and trainers was established in 2019 following the completion of the MII/Maynooth University accredited Mediation Training Programmes. The successful graduates formed the panel, and now assist TMS with mediation referrals, and deliver training as required on peer mediation, conflict management and cultural awareness in prisons and to community groups and agencies on a contractual basis with TMS/RJC. TMS uses the panel on a case by case basis, depending on the type and location of the case.

Other aspects of TMS work

Traveller Conflict and Mediation Training Programme

In 2017 TMS, in partnership with Kennedy Institute, Maynooth, and Kildare Wicklow Education and Training Board, co-ordinated the delivery of an accredited Traveller Conflict and Mediation Training Programme.

The programme delivered a culturally inclusive training programme on mediation and conflict to participant students, all of whom were Travellers

Three further Traveller mediation programmes have been run since that time.

Peer Mediation in Prisons Programme

In early 2017 TMS delivered a Peer Mediation Pilot Initiative in Castlerea Prison, training a group of prisoners as peer mediators. The Initiative was independently evaluated, and an Evaluation Report was published in May 2017.

Since then, TMS has been continuing to deliver Peer Mediation Programmes in Castlerea and also now in Loughan House, Cork, Midlands and Portlaoise Prisons.

TMS, in partnership with IPS and Maynooth University, successfully piloted a fully accredited Mediation Training Programme for Prisoners in January 2020.

Training and Capacity Building

Other training and capacity building is delivered at regular intervals by the TMS in Traveller organisations, in schools with Traveller populations and in other education, training and community settings, in response to needs and requests.

TMS also facilitates inter-agency community and Traveller workshops with the aim improving understanding and communication between all the stakeholders, including the facilitation of a number of Garda-Traveller Dialogue Days over the past 5 years.

TMS has been providing information training inputs to the IPS Prison officer recruits in Portlaoise training College through the months of 2019 to 2022 (8 per year).