

Book Review

Shapira, O. (2018). *A theory of mediators' ethics: Foundation, rationale, and application*. Cambridge, UK: Cambridge University Press.

Reviewed by Peggy Proudfoot Harman, Ph.D., MSW
Marshall University Department of Social Work

Journal of Social Work Values and Ethics, Volume 16, Number 2 (2019)
Copyright 2019, ASWB

This text may be freely shared among individuals, but it may not be republished in any medium without express written consent from the authors and advance notification of ASWB.

Shapira provides an extensive overview of issues regarding the under-regulation of mediators performing in a variety of contexts, from courts to corporations. Readers are provided with a view into the world of professional mediation and quickly realize that there is little oversight of the conduct of mediators. According to Shapira, only “mediation programs and voluntary associations of mediators have developed codes of conduct for their members” (p. 7). Shapira points out that professional codes of conduct often do not provide ethical norms and guidelines and are in general, vaguely written. Other professional codes of conduct are not appropriate for mediators as the tasks of mediators is to promote mutual understanding, dialogue, and harmony which is very different from the goals of the legal or medical profession (p.7). Shapira looks at the moral duties of mediators and provides an overview of various perspectives and conceptual meanings, to include the study of ethics as a “discipline or study of morality” (p.3). Additionally, moral norms and ethics are discussed in detail, providing the reader with an understanding of how they apply to professional activities, expectations and behaviors.

Throughout 16 chapters and 3 parts, Shapira methodically develops a model of mediator ethics based on a professional ethics perspective (p. 81). Chapter 2 considers ethical relationships and begins with the creation of a general theory of professional that includes the ethical obligations of a variety of professions that occupy trust-based roles (p. 37). A proposed model of conduct for mediators is introduced (p. 151) as well as a standard of rights and responsibilities with regard to professional

behaviors and client rights (p. 159). Mediator competence (p. 163) is addressed in Chapter 5, providing an extensive overview of qualifications and skills required to engage in professional mediation. An overview of the standards of competence required by mediators provides the reader with an understanding of the knowledge and skills required by mediators to provide needed and competent mitigation.

The author applies the philosophical context of critical morality (p. 12) to his model development and explores all possible realms of ethical issues including conflicts of interest, impartiality, and confidentiality. Shapira discusses ethical issues in detail and establishes proposed standards in the development of the model of mediator ethics. Beginning with a “proposed standard of control of actual and potential conflicts of interest” (p. 204) as a guide for ethical behavior, Shapiro builds the model chapter by chapter, providing the foundation for each proposed standard leading to an integrated model. Ethical issues in the field of mediation are painstakingly presented prior to the explanation of the proposed standards. Shapira proposes standards for

- impartiality (p. 229);
- professional integrity (p. 252);
- respect and dignity (p. 263);
- confidentiality (p. 300);
- fairness (p. 310);
- advancement for the profession (p. 319);
- advertising and solicitation (p. 324);
- mediator fees (p.329); and
- obligations to employers and principals (p. 339).

Shapira provides case illustrations to demonstrate these proposed standards and the theory of mediator ethics” (p.364) highlighting five cases with discussions and a guide to the application of the “proposed standard of conduct for mediators” (p. 397-411).

Logically, Shapira ends the text with an explanation of the process of mediation using his proposed model as a guide. Shapira shows how the material presented can be utilized in ethical decision making and describes ethical decision making as a process that rests on external ethical standards that must be met to provide competent professional mediation (p. 343).

A Theory of Mediators' Ethics on the outset seems to be enormous and at times philosophically heavy and technical. With nearly 500 pages of information, the reader becomes increasingly aware that the field

of mediation worldwide is growing rapidly and ethical standards to guide professional practice are lagging. Shapira provides a very detailed overview of present guidelines and codes, highlighting the lack of specificity of the codes and the inability to enforce them (p. xxiii). Shapira provides an excellent alternative to the vaguely written codes by providing a model of mediator ethics which serves as a foundation and can be adjusted and adapted to current issues, providing a sound guide for mediators in all aspects of the profession.

This would be an excellent text for all mediators and students of mediation.