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Sommario/riassunto

Underpinned by a hybrid methodology (ranging from social sciences to human sciences), this book parses mediation in four perspectives, which stands as an unparalleled methodological approach so far. Mediation has long been tethered to piecemeal and haphazard approaches, which have flatly failed to capture the gist of the uniqueness of this (often) poorly latched on (and poorly understood) dispute resolution mechanism. This book argues that, in order to fully grasp the richness of such dispute resolution mechanism, mediation must be parsed in four tiers. The first tier is the social dynamics of mediation. The second tier is the cultural dynamics of mediation. The third tier is the legal dynamics of mediation. The fourth tier is the cross-border and cross-cultural dynamics of mediation. Taken together, the four tiers that premise the four-tiered model of mediation seek to unlock the finding in view of which law and social reality are tightly interlocked. In this vein, it is the underlying social reality of a given jurisdiction that should dictate the design of a pre-suit court-connected mandatory mediation with an easy opt-out, a central claim of both social dynamics of mediation (the first tier of the four-tiered model of mediation) and legal dynamics of mediation (the third tier of the four-tiered model of mediation). .