

European Union Gemeinschaft-Gesellschaft Typology and the Implementation of Mediation in Northern and Southern Europe

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Abstract. *This article will try to explain why the mediation process works better in the Nordic countries than in the Southern part of Europe. The more specific question is why people in the Southern part of Europe, where the justice system does not work properly, do not turn to mediation as an alternative to the former. The issue will be analyzed from the perspective of the countries' values, of their culture, of the Gemeinschaft-Gesellschaft typology and the tradition that the countries have in using mediation.*

Keywords: *mediation, value, constraint, community, society, Gemeinschaft, Gesellschaft, tradition, culture, individualism, collectivism, power distance.*

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The question that this article will try to answer is a very interesting one. Usually, when a system does not work properly, people tend to search for an alternative that works. If this is true, then why, in states where the justice system is known to be flawed and even corrupt, mediation, a process that basically leaves the solution in the hands of the involved parties, does not work either? To answer this question, we will first take a look at values in general and how they influence the individual, even to the point of constraint. Then, we will look at two very interesting concepts, Gemeinschaft (community) and Gesellschaft (society) and see how mediation works in these types of countries. Also, we will take a look at the culture of the Northern and Southern states of Europe, us-

ing Geert Hofstede's model of analysis. Last but not least, we will see how mediation can be influenced by the tradition that it has in certain countries. The second part of the article is a short data analysis on several Northern and Southern states of Europe, with emphasis on values, citizen participation in civil life, religious characteristics and confidence in various systems, based on data from The European Value Survey.

Values as Constraints

Values are generally the main aspects that describe a society and that establish the rules, the „do's and don'ts", the idea of good and bad, of what is „normal" and accepted by the members of a certain group, country or society.

Values are culturally defined standards held by human individuals or groups about what is desirable, proper, beautiful, good or bad, that serve as broad guidelines for social life (Social Science Dictionary, 2013). Another definition gives us a more complex view on values: important and lasting beliefs or ideals, shared by the members of a culture about what is good or bad and desirable or undesirable.

Values have a major influence on a person's behavior and attitude and serve as broad guidelines in all situations. Some common business values are, for instance, fairness, innovation and community involvement (Business Dictionary, 2013). As we can see, values are of great importance in every area of human life and of society. Whether they are general societal values, or more specific ones, such as values in business, they play an important role in the way things work.

Also, the values of an organization, for instance, are the ones that give birth to its organizational culture and are also the most difficult – if not impossible, to change. Although not very obvious, in contrast to other aspects of culture such as buildings, uniforms and so on, values are the ones that every new member of an organization has to embrace in order to be accepted.

When speaking about values, Anthony Giddens offered, in his *Introductory Sociology* (1981) a very simple and yet important explanation on how society affects individual behavior. The idea is that what we are as individuals is decided by the particular society in which we live and also by the particular social groups to which we belong. This is so because the world around us channels our actions, constraining us to act in a particular way. As a result, regularities and patterns can be observed in the behavior of individuals. Very plainly put, for instance, if we wanted to leave a room, we could do so by the limited number of means available to us, meaning through the door or the windows; if they are locked, we could not leave. We have a limited choice of actions, settled by the constraints of our physical environment – in other words, norms.

Sociologists describe norms as informal understandings that govern society's behaviors, (Axelrod, 1984) while psychologists have adopted a more general definition, recognizing

that smaller group units, like a team or an office, may also endorse norms separately or in addition to cultural or societal expectations (Young, 2008). The psychological definition emphasizes the behavioral component of social norms, stating that norms have two dimensions: the extent to which behavior is exhibited and the extent to which the group approves of that behavior (Young 2008).

Norms running counter the behaviors of the predominant society or culture may be transmitted and maintained within small subgroups of society. For example, Crandall (1988) noted that certain groups (e.g., cheerleading squads, dance troupes, sports teams, and sororities) have a rate of bulimia, a publicly recognized life-threatening disease, which is much higher than society as a whole. Social norms have a way of maintaining order and organizing groups (Haung and Wu, 1994).

Even if most of the norms that we follow in our social lives are not legally enforced, they are rules nevertheless. For instance, if I had the money to buy a hundred Ferraris, I might not wish to do so because I might believe it to be wrong to buy an Italian car. In this case, it is not the law or any physical constraints that will stop me from doing something, but my own beliefs. So, my beliefs are a very powerful constraint on my own behavior and, bearing in mind that what we believe to be right and wrong is, to a large extent, learnt behavior, that we do not inherit such beliefs, it is obvious that the source of these beliefs has to be seen as a major constraint on, and determinant of, our behavior. Of course, this source is society and the particular social groups within it. Let us take a very simple example. In many societies, including ours, it is considered to be normal for a man to marry one woman. In other societies, normal for a man is to marry more than one woman. Both these rules are considered to be right by those following them; the conclusion can be that these rules are not „right” and „wrong” per se, but are simply different rules of extremely different societies (Giddens, 1981).

Normality (also known as normalcy) is the state of being normal. Behavior can be normal for an individual (intrapersonal normality) when it is consistent with the most common behavior for that person. Normal is also used to describe when someone’s behavior conforms to the most common behavior in society (known as conforming to the norm). The definition of normality may vary according to person, time, place and situation – it changes along with changing societal standards and norms. Normal behavior is often only recognized in contrast to abnormality. In its simplest form, normality is seen as good while abnormality is seen as bad (Bartlett, 2011).

The French sociologist Emile Durkheim indicated, in his *Rules of the Sociological Method*, that it was necessary for the sociological method to offer parameters to distinguish normality from pathology or abnormality. He suggested that behaviors or “social facts” which are present in the majority of cases are normal, and exceptions to that behavior indicate pathology (Durkheim, 1982). Durkheim’s model of normality further explained that the most frequent or general behaviors, and thus the most normal behaviors, will

persist through transition periods in society. Crime, for instance, exists under every society through every time period, and so, should be considered normal (Jones, 1986). There is a two-fold version of normality; behaviors considered normal on a societal level may still be considered pathological on an individual level. On the individual level, people who violate social norms, such as criminals, will invite a punishment from others in the society. In other words, normality is geographically and temporally defined.

Geert Hofstede, in *Culture's Consequences* (2001), explained the issue of values in a more detailed manner. He states that values are in a dichotomy, each has a plus and a minus pole. We have, for example, good versus evil, clean versus dirty, decent versus indecent, moral versus immoral and so on. Also, because our values are programmed early in our lives, they are non-rational (although we perceive them as being totally rational). Our values are mutually related and form value systems, but these systems are not necessarily in a state of harmony. Most people hold several conflicting values at the same time. The term value is used in all social sciences with different, although not completely unrelated, meanings. Christian, Judaic and Muslim biblical mythology puts the choice between good and evil at the beginning of human history (with Adam and Eve), thus indicating that we cannot escape from choices based on value judgments.

I chose to analyze the issue of values in this article because, as I said before, values have a major influence on a person's behavior and attitude. Additionally, values serve as guidelines in all situations of a person's life, whether we talk about personal relations or situations at the work place. Also, I believe there is a strong relationship between values and mediation. First of all, values affect the way in which people react to certain situations, such as conflicts, disputes or other conflict situations. Furthermore, values influence the way in which people solve their problems and find solutions to different situations. Last but not least, I consider that values influence the way in which people see the mediation process in general, considering that mediation is a voluntary process in which the parties basically get to an agreement by themselves, with only the assistance of a third neutral party. The recourse to and the success of mediation process is highly influenced by the attitude that the parties involved in the process have towards the process.

Community or Society

There are numerous definitions of these concepts, as there are a host of theories trying to explain how communities function, how are they structured, what are their roles etc.

Linked to the discussion about the importance and influence of values in a society are the two concepts, namely that of *Gemeinschaft* and *Gesellschaft*. *Gemeinschaft* und *Gesellschaft* (generally translated as "community" and "society") are categories which were employed by the German sociologist Ferdinand Tönnies in order to categorize social ties (now called social networks) into two dichotomous sociological types. The

dichotomy was proposed by Tönnies as a purely conceptual tool, built up logically, not as an ideal type. According to the dichotomy, social ties can be categorized, on one hand, either as belonging to personal social interactions, roles, values, and beliefs based on such interactions (*Gemeinschaft*, German, commonly translated as “community”), or as belonging to indirect interactions, impersonal roles, formal values, and beliefs based on such interactions (*Gesellschaft*, German, commonly translated as “society”) (Tönnies, 1887).

Individuals in *Gemeinschaft* (often translated as community) are guided by common mores or beliefs about the appropriate behavior and responsibility of members of the association, towards each other and towards the association at large; their ties are characterized by a moderate division of labor, strong personal relationships, strong families, and relatively simple social institutions. In such societies there is seldom a need to enforce indirect social control, due to a direct sense of loyalty an individual feels for *Gemeinschaft*. Tönnies saw the family as the most appropriate expression of *Gemeinschaft*; however, he expected that *Gemeinschaft* could be based on shared place and shared belief as well as kinship and he included globally dispersed religious communities as possible examples of *Gemeinschaft*. *Gemeinschaft* community implies ascribed status. You are given a status by birth. For example, an individual born to a farmer will come to occupy the parent’s role until death. In the rural, peasant societies that typify the *Gemeinschaft*, personal relationships are defined and regulated on the basis of traditional social rules. People have simple and direct face-to-face relations with each other that are determined by *Wesenwille* (natural will)—i.e., natural and spontaneously arising emotions and expressions of sentiment (Britannica Encyclopedia, 2013).

In contrast, *Gesellschaft* (often translated as society, civil society or association) describes associations in which, for the individual, the larger association never takes precedence over the individual’s self-interest and these associations lack the same level of shared mores. *Gesellschaft* is maintained through individuals acting in their own self-interest. A modern business is a good example of *Gesellschaft*: the workers, managers, and owners may have very little in terms of shared orientations or beliefs, they may not care deeply for the product they are making, but it is in all their self-interest to come to work to make money and, thus, the business continues. *Gesellschaft* society implies achieved status. You reach your status by education and work, for example, through the attainment of goals, or attendance at University.

Unlike *Gemeinschaften*, *Gesellschaften* emphasize secondary relationships rather than familial or community ties, and there is generally less individual loyalty to society. Social cohesion in *Gesellschaften* typically derives from a more elaborate division of labor. Such societies are considered more susceptible to class conflict, as well as to racial and ethnic conflicts.

The *Gesellschaft* is the creation of *Kürwille* (rational will) and is typified by modern, cosmopolitan societies with their government bureaucracies and large industrial organizations. In the *Gesellschaft*, rational self-interest and calculating conduct act to weaken the traditional bonds of family, kinship and religion that permeate the *Gemeinschaft's* structure. In the *Gesellschaft*, human relations are more impersonal and indirect, being rationally constructed in the interest of efficiency or other economic and political considerations (Britannica Encyclopedia, 2013).

From the point of view of Tönnies's theory, Nordic countries are rather a *Gemeinschaft* type of society: the role of communities is high, the society as a whole is trusted and social cohesion has very high levels. Proof: their welfare system and their social work and social protection policies.

At this point, there is a very important observation to be made. The purpose of this article is not to categorize Nordic countries as *Gemeinschaft* and Southern countries as *Gesellschaft*. Let's imagine these two ideal types on a continuum. If at the left extremity there are the *Gemeinschaft* type societies, the Nordic countries are situated somewhere in the center-left of the continuum. The same applies for *Gesellschaft*-type societies and Southern countries. In other words, *Gemeinschaft* and *Gesellschaft* are used here as conceptual tools. Another way to put it is that Nordic societies have more characteristics of *Gemeinschaft* than Southern societies. I am not saying that Southern countries have no characteristics of *Gemeinschaft*, just that the Nordic ones are more close to this type of society. This hypothesis is sustained also by Geert Hofstede's work on cultures, if we look at the five dimensions he analyzed and the results of his study (to be expanded further on).

Gemeinschaft and *Gesellschaft* are also linked to the discussion about values. It is fair to say that both concepts have, at their core, sets of well-defined values. For instance, *Gemeinschaft* is based on values such as family, social responsibility, equality, loyalty and so on. On the other hand, *Gesellschaft* is characterized by values such as individualism, rationality and efficiency. Of course, these values influence the way in which these communities and societies work. Basically, the difference between them, the typology was made taking into account the different values, beliefs and characteristics that were identified. Furthermore, it is time to link the two concepts, *Gemeinschaft* and *Gesellschaft*, to mediation. It is, of course, a matter of values. As we have seen before, values affect the way in which people react to conflict and mediation. Also, values are at the core of the concepts of *Gemeinschaft* and *Gesellschaft*. Taking this into account, it is evident that mediation works differently in *Gemeinschaft* and *Gesellschaft*. As we will see in the analysis, the values, beliefs and people's way of life in *Gemeinschaft*-type countries apparently affect the way in which mediation and other processes (such as civil service, the justice system, the health system) are perceived and work.

Is Mediation Influenced by Culture?

It is common knowledge that various countries have various cultural traits that can be used to describe what the literature calls “the national culture”. Out of all the theories that cover this topic, we selected Geert Hofstede’s model (Hofstede, 2005). But before presenting the model, it is useful to see the author’s opinion on values. He argues that values are held by individuals as well as by collectivities; culture presupposes a collectivity. A value is a broad tendency to prefer certain states of affairs over others. This definition is a simplified version of an anthropological definition by Kluckhohn (1951/1967): „A value is a conception, explicit or implicit, distinctive of an individual or characteristic of a group, of the desirable which influences the selection from available modes, means and ends of actions” (Hofstede, 2001).

Also, at this point it is very important to define mediation. Mediation is a dispute resolution process in which the parties involved in a conflict situation try to get to a mutually satisfying solution, assisted by a neutral and impartial third party. The whole process is based on trust and negotiation in good-will. These are the two most important “ingredients” that make a mediation process work and that contribute to its success. As we can see only from the definition above, the characteristics of mediation make it more suitable to Gemeinschaft-type societies. As we have seen above, these societies are determined by natural will, natural arising emotions and expression of feeling. Also, these societies put greater emphasis on community, on the well-being of the people that are part of this society. It is only normal that they prefer a mediation process before anything else, because they have the tendency to solve their problems in a satisfying manner for all parties involved. Furthermore, because of their characteristics, they will negotiate in good-will and trust each-other to find the best solution that is suitable for all parties. They will not follow only their own interest. This last aspect is a characteristic of Gesellschaft-type societies where efficiency, rational will, self-interest and calculated conduct are the leading aspects.

Returning to the model, the Dutch author considers that every national culture is structured along 5 dimensions (it should be noted here that this model is also used in analyzing the organizational culture but it was primarily designed to analyze the “host culture” – that is the culture of a society as a whole). The five dimensions proposed by Hofstede are: degree of risk avoidance, masculinity vs. femininity, long term vs. short term orientation, individualism vs. collectivism and distance to power.

The model is presented below, but for the purpose of this article, we will only analyze two of these dimensions in relation to mediation: individualism versus collectivism and power distance.

The five dimensions are described below.

Risk avoidance. This dimension refers to the way in which we perceive time, the value we place on the past, the present and the future. In accordance to that, we have two types of attitudes: *fatalistic* – the uncertainty of the future is part of life and we cannot influence it, it is a datum and has to be accepted as such; and *pragmatic* – the future can be influenced by our actions in the present, we can guard against its inherent uncertainty. According to our attitude toward uncertainty we have two types of societies. Those who are tolerant toward the risks brought by uncertainty and, as a consequence, accept the existence of things outside our control and those who are intolerant toward uncertainty and, as such, wish to maximize the level of control they exert over every domain of their own existence.

Masculinity vs. femininity. This dimension refers to different sets of values that structure the behavior of the social actors. Masculine societies tend to value hierarchical relations, material gains (money above all) and an indifferent attitude toward the other social actors. On the other hand, feminine societies focus on values like cooperation, environmental preservation, quality of life etc.

Long term vs. short term orientation. This dimension refers to the emphasis placed upon long term/short term goals. The short term orientation indicates a tendency toward consumption, “respect for tradition, preservation of “face” and fulfilling social obligations” (Hofstede and Hofstede, 2005). The long term orientation focuses on “perseverance, sustained efforts toward slow results, (...) concern with personal adaptability, willingness to subordinate oneself to a purpose (...)” (Hofstede, 2005).

Individualism vs. collectivism. This characteristic refers to the value that is attached to individual behavior. In a predominantly individualistic society connection between social actors are few and shallow, there is great freedom of choice in what concerns each individual’s goals and the way they go about attaining them. Self-interest is the norm and rule. On the other hand, in a predominantly collectivistic society individuals cooperate and their decisions and actions often are oriented by the greater good or community values. What counts is the common interest, the good of the group/community. Social/group values carry a lot of weight and the social structure is very important for the individual. Morals, ethics and common decency are key concepts in describing the socially accepted behavior. The relationship between the individual and the collectivity is intimately linked with societal norms, in the sense of value systems of major groups of population. It therefore affects both people’s mental programming and the structure and functioning of many institutions aside from the family. The central element in our mental programming involved in this case is the self-concept. A good example of individualist or collectivist self-concept is religious or ideological conversion. In Western societies, converting oneself is a highly individualist act; it is unlikely that the family of the converted will follow. On the other hand, history gives us a great

deal of examples of group conversions, as the history of great religions has been one of collective conversions (Hofstede, 2001).

This dimension of Hofstede's model can also be linked to the mediation process and the way it works in different types of countries. For instance, in a collectivistic society, in which people cooperate and take their decision together, mediation might have a greater rate of success. The fact that people consider the collective well-being as very important makes them more prone to being interested in a process that helps them to resolve their own problems, in a manner that satisfies each party. Moreover, the trust that members of such a community place in community/society offered services (such as mediation) is considerable; therefore the number of people who make use of these services is larger than in other social systems.

Power distance. This dimension refers to power distribution and usage. At societal level, "power distance" is about inequality (social, economic etc.) and the way it is addressed. Looking at this issue from a different perspective, we can say that it is about the distribution of resources. In societies that have great power distance, the way in which resources are distributed throughout the social system compounds inequality and social distance. In societies that have low power distance, the distribution of resources reduces inequality and social distance.

This theoretical model has been used for many research projects over the years and, in the following, we will present just one of them. According to Mary Jo Hatchet (Hatchet, 2006), countries can be grouped in regions, according to their national cultures. Table 1 presents only a part of this research, the part that is relevant for our topic.

Table 1. Culture of various regions, according to Hofstede's model (Hatch, 2006, p. 315)

Region/country	Individualism- Collectivism	Power Distance
Nordic	Collectivism	Low
Latin Europe	Medium/high individualism	High

Although Nordic countries might appear as the most individualized societies in the world, where family has been transformed into a social institution and in which people put a strong emphasis on individual self-realization and are more willing to accept the market economy both as consumers and producers (World Future Society, 2011), the data of the study shown above contradicts this first impression. Nordic countries are actually characterized by collectivism, as we will see from the data analysis part of the article.

As seen above, there are quite a few differences between Nordic and Latin countries. Summarizing, Nordic societies have a culture characterized by collectivism and low power distance. That means that social values are important, the accent is placed on cooperation and society as a whole is trusted by its members. More than that, Nordic

countries are *Gemeinschaft*, social systems where community is the fundamental fiber of the social structure and where the interface between individuals and communities is very active.

The research shows that Nordic countries are characterized by collectivism and low power distance and the Southern countries by individualism and high power distance. This only re-instates the idea that the Nordic countries are *Gemeinschaft* and the Southern ones are *Gesellschaft*. As we have seen before, *Gemeinschaft*-type countries are characterized by values such as family, social responsibility, equality, loyalty. These values are inherent to collectivistic societies. Also, the fact that *Gemeinschaft* citizens are highly involved in politics and decision-making processes (as we will see in the analysis part of the article) is a sign that they have low power distance. On the other hand, the main characteristic of *Gesellschaft*-type countries is individualism, characteristic that we also found in Hofstede's model. Also, *Gesellschaft*-type countries are more institutionalized, which is a sign of high power distance. In conclusion, there is a strong relation between the characteristics given by Hofstede's model and Tönnies's concepts of *Gemeinschaft* and *Gesellschaft*.

Tradition in Mediation

Concerning this topic, we are interested in how mediation is part of the social history of a particular country. Within the Nordic region, instances of mediation are present in all the sagas and stories of that region (Logan, 1990). The resort to a third party in order to resolve internal disputes was common practice for community-based social systems. Saying that what happened in the Viking era has a direct bearing on modern, present day societies is a little bit of a stretch but it proves that mediation-like processes were part of that region's history and might have influenced, however slightly, people's attitudes toward the social tools available for solving their own problems.

Two relevant examples of how tradition has influenced the use of mediation in Nordic versus Latin countries are Denmark and Italy.

In Denmark, King Christian V's Danish Law of 1683 was the first Danish law to make mediation optional in all civil cases. In 1795 mediation was mandated for all civil cases with the aim of encouraging citizens to be less quarrelsome. In spite of the legal nature of the regulation, mediation had to occur in a format and environment designed especially for mediation and not in any way attached to the courts. Furthermore, the mediators were not to be legal professionals. On the contrary, emphasis was placed on men's respectability in the community and their common sense. There was no salary for mediators as the role was considered both a public duty and a duty of honor. However, those who were particularly successful as mediators were granted 'majestic rewards' by the King (Vindeloiev, 2003). Here we can see yet again why we stated that the Nordic States are *Gemeinschaft*. The fact that being a mediator was a free endeavor and, most

importantly, was considered a duty of honor, shows us the emphasis that these societies put on the welfare of the community as a whole, and not on the individual.

On the other hand, Italy has a more recent history of mediation. The legal framework for mediation procedures in Italy consists of Law no. 69 /2009, which, through art. 60, recognized mediation in civil and commercial disputes and delegated power to the Italian government to issue a Legislative Decree on mediation to implement the provisions of Directive 2008/52/EC. Also, the Legislative Decree no. 28/2010 was enacted as a result of the delegation from Law 69/2009, Art. 60 and, while implementing Directive 2008/52/EC, incentivized mediation by creating financial incentives and enacting procedures for not only voluntary and judicial referral mediation, but also mandatory mediation in many civil and commercial cases. Basically, only after the European Union recommendation, Italy had a law on mediation and, although the judicial system does not work properly, people are not used to mediation and do not trust this process also because of the fact that they have no tradition of using it (Euro Net Mediation, 2013).

This is another explanation of why mediation works in the Nordic states, which have a long tradition in using various forms of mediation, and does not work properly in the Latin countries, for which mediation is a new process.

The following part of the article represents a short analysis of some aspects related to the issue in discussion. The data is taken from the European Values Survey from 2008. Some of the variables present in the database were recoded as following: the variable „North” represents the Nordic states and consist of Denmark, Finland, Norway, and Sweden; the variable „South” represents the Southern or Latin states and consists of Spain, Portugal, Malta, and Greece. We used compared means as our statistical tools, comparing the overall means for the two regions mentioned above. The European Values Survey has a persistent focus on a broad range of values. Questions with respect to family, work, religious, political, and societal values are highly present and helped with the purpose of this article.

Table 2. Political participation, North and South (European Values Survey, 2008)

QUESTION	MEAN	
	NORTH	SOUTH
How important are politics in your life?	2.64	2.87
How interested are you in politics?	2.45	2.79
How much confidence do you have in political parties?	2.83	3.05

The table above represents the view towards politics of the respondents to the survey, split in two categories: North and South. The answer scale is from 1 to 5, 1 representing „a great deal” and 5 “none/not at all”. As we can see from the table, the means calculated for each of the categories of countries are constantly different. For the Nordic citizens politics are more important than for their Southern counterparts. As expected, they are also more interested in politics than their Southern neighbors.

This is yet another proof that the Nordic countries are Gemeinschaft-type societies because the citizens from these countries are more involved in the aspects concerning their community, their country, politics being actually the first step in the decision making processes in a society. Also, this can be linked to the hypothesis that, as we said before, the Nordic states have a lower power-distance than the Southern ones. The fact that they are interested in politics and consider politics important, and also that they are able and allowed to participate in politics is proof enough that these states are characterized by low power distance.

Concerning the last question, confidence in political parties, again the Nordic respondents have greater confidence in their countries' political parties. This might be explained by the fact that their participation in the political life is greater and so they can influence the political decisions more easily because of the lower power-distance. This aspect also influences the process of mediation in these countries. It is fair to say that in a country where people are extremely involved in the well-being of their community, in the sense that they are interested and want to have an influence on the decisions taken, their confidence in the whole system will be higher. Evidently, their confidence in the mediation process, which is also a traditional dispute resolution method in the area, will be higher and this is a possible explanation of why the process works better in the Nordic states. Moreover, Nordic citizens trust that the social (political) system works and that what it offers to them (in terms of institutions, processes and structures) is efficient. Mediation is somewhat offered by the state, so the trust that is conferred to the state extends to the mediation process.

The fact that Nordic citizens are interested in politics is linked to mediation. Interest in politics usually means an interest in how things work in a certain country or society. Thus, if Nordic citizens are interested for things to work properly in their countries, they will enter mediation with the purpose of solving the problem. This is an explanation why mediation works in these countries. The interest of finding a mutually satisfying solution to a problem makes them to enter mediation with trust in the process and in each-other and to negotiate in good-will.

Table 3. Religious aspects, North and South (European Values Survey, 2008)

QUESTION	MEAN	
	NORTH	SOUTH
How much confidence do you have in church?	2.46	2.26
Does church answer to moral problems?	1.66	1.50
Do you have a duty towards society to have children?	3.89	2.85

Another relevant aspect to be analyzed in relation to the mediation process in North and South is religion. When asked how much confidence they have in church, the results indicate that the Northerners have less confidence in church than the citizens from the Southern part of Europe.

To be noted here that we are talking about two different churches, the Catholic Church and the Reformed Church. At their core, these two churches are very different in their approach towards their followers. In the Reformed Church, the participation of the followers is higher than in the Catholic Church (for example, anyone can be a priest in the Reformed Church). It can be said that the Reformed Church is a community-based religion because of the high participation of the followers in any aspect of the religious life. The Catholic Church has always been more institutionalized and closed-up. Also, the core philosophy of this church is that the right answers lie in God and the priest and the parishioners should follow what the priest, the representative of God on Earth, says. It is only normal that the citizens from these catholic countries have maybe the wrong attitude toward mediation, a process that basically means that you have to solve your own problems, with only the assistance of a third neutral party, that usually cannot give advice or solutions concerning the issue in dispute.

A strange thing here is that, although participation in the Reformed Church is higher than in the Catholic Church, still the Catholics have higher confidence in the church. A possible explanation for this is the next aspect analyzed – if the church answers to moral problems. The Southern respondents have a stronger belief that the church answers to moral problems than the Nordic ones. If we put these two aspects together, we can say that maybe Nordic citizens do not need their church to solve their problems and that the church has other important roles in the Nordic societies, such as moral support, advice and so on. Also concerning participation in church, we can easily say that the Reformed Church is characterized by low power distance because it allows high participation of its followers and, in contrast, the Catholic Church is characterized by high power distance (for example, only men can be priests, the decisions are made by the Pope and so on).

The second issue analyzed for the purpose of this article is the duty towards society to have children. The Southern respondents feel that they have a greater duty towards society to have children. The relevant word here is „duty“. As we said before, the Nordic societies are *Gemeinschaft*, which means that people are more involved in their community; they have strong personal and family relationships. Also, people in *Gemeinschaft* are regulated by common beliefs and have a very clear view of what their responsibility in the community is. The difference is, we believe, evident by now. The Nordic citizens might believe that they have a responsibility to have children, but not a duty. The sense of responsibility comes from an interior belief of what one is supposed to do in a society. A duty is something that is given to you by a superior, by a priest, by a pre-established set of rules, by religion. I think this is a very important difference between these two types of countries and it can also be linked to mediation. In *Gemeinschaft*, people know they have the responsibility to get along or, if not, to try and solve their own problems in a way that is best for all parties, specifically because of their emphasis on community.

In Southern societies (*Gesellschaft*), the solving of the problems usually comes from a third, superior party, which also decides for the actors involved. A relevant example for this is how the Pope of the Catholic Church decided at one point in history almost everything, from the crowning of catholic kings to the punishment of thieves.

In other words, participation in the life of one's community (for a *Gemeinschaft*-type society), including the religious communities, is voluntary, an expression of that person's will, it is not imposed or coerced. Meanwhile, in *Gesellschaft*-type societies, participation is perceived as a compulsory process. The individuals know that they are expected to be a part of the religious community and to obey its commands. The pressure of the social and religious norms is much greater than in community-based social systems, such as the Northern countries analyzed here.

As we have seen before, the Nordic states are characterized by low-power distance. This also affects the way in which the mediation process works in these countries. Low-power distance is an indicator of the fact that in these societies, citizens are more involved in the public life and are closer to the decision-making factors in their communities. So, they are used to be involved in the decision-making processes concerning problems that are of interest to them. Only natural, they will enter a mediation process and try to negotiate at their best, because they are used to making their own decisions. Also, a society characterized by low-power distance is less bureaucratic, the processes, procedures and actions are enforced differently and are even more informal. This means a difference in implementing mediation on the two types of societies.

Table 4: Confidence in the civil service, justice system and government (European Values Survey, 2008)

QUESTION	MEAN	
	NORTH	SOUTH
How much confidence do you have in civil service?	2.42	2.66
How much confidence do you have in the justice system?	2.00	2.61
How much confidence do you have in the government?	2.57	2.87

Also linked to mediation and why it works better in the Nordic states rather than in the Southern states is the confidence that citizens of these countries have in several systems, such as the justice system. Respondents from the Northern countries have greater confidence in the justice system. Again, this is in favor of the idea that the Nordic states are *Gemeinschaft*, where people are more involved in the problems of their community and so, the confidence in these types of systems is greater.

The confidence in the civil service is of real importance to the issue of mediation. The Nordic citizens have greater confidence in the civil service than the Southern citizens. Although mediation is mainly a private endeavor (it is not provided by the state), still, in some countries, it is seen as an annex to the justice system and mediators are perceived as civil servants (in some cases they actually are). The idea here is, of course,

that if people in a country have confidence in the civil service as a whole, they will also have confidence in a part of it (i.e. mediation) and this can be another explanation of why mediation works better in the Nordic states.

Last in this set of questions is confidence in the government. This goes hand in hand with confidence in politics, the justice system and civil service. Basically, it encompasses the three and enforces the already analyzed data. If we look at the data, the Northern respondents have greater confidence in their governments, a fact that resonates with them being collectivistic cultures. In this type of social system, common goals are important, the well-being of the community is paramount and great emphasis is placed upon cooperation and collaboration. As a consequence, governments are the perceived expression of the community's will – therefore, are trusted.

Table 5: Friends, job decisions (European Values Survey, 2008)

QUESTION	MEAN	
	NORTH	SOUTH
How free are you to make decisions at your job?	7.38	6.51
How important are friends and acquaintances in your life?	1.51	1.70

The first question in the Table 5 refers to the freedom of the work-place related decision-making process. The answer scale is from 1 to 10, 1 representing „not at all” and 10 „a great deal”. As we can see from data, the Northern employees consider that they have greater freedom to decide at their workplace. This aspect is very important in relation to Hofstede's model because it proves, once again, that Nordic countries are characterized by low power distance. The fact that the employees are allowed to make decisions at work is reflected, on a larger scale, on the whole country and means that, in a large proportion, people want and can participate in the decision making processes (see Table 2 – the involvement in politics). More than that, they can influence decisions. We consider that, in some way, if people from a country think and know that they can make their own calls, they also tend to solve their own problems. With the risk of repeating ourselves, mediation works better in the Nordic states also because of the culture of these states. They do not need someone to give them solutions; they want someone to help them find their own solutions.

Also linked to culture and values is the importance of friends and acquaintances. Here, the answers were on a scale from 1 to 5, 1 representing „very important” and 5 „not at all”. Although respondents from the Southern states believe that family is more important, Northerners place greater emphasis on friends and acquaintances. For instance, for an Italian family (extended family) it is one of the most important things in life. Meanwhile, for a Northerner friends are just important. In other words, for a Southern person, family comes first and community second, while for the Northerners there is no such difference or, at least, the two are considered to be of equal value. This conclu-

sion supports the hypothesis that Nordic societies are characterized by collectivism, where individuals cooperate and their decisions and actions often are oriented by the greater good or community values. In the Southern countries this cooperation is limited to family.

Conclusions

For starters, we must say that the purpose of this article is not to say that one of the types of social systems is better than others and also, the conclusion of this article does not disagree with Tönnies's theory. It simply aims at understanding why mediation works better in Gemeinschaft-type countries, without stating that one of the types is better than the other.

The conclusion, as the article, has several parts. First of all, it is important to note the link between Gemeinschaft, Gesellschaft and how mediation works. The question was why mediation works better in Gemeinschaft-type countries. There are several explanations. In these types of countries, participation in politics and confidence in systems such as the civil system, the justice system or the government is very high. This means that people are not just interested, but participate in the decision making processes in their community. In the same way, mediation being another service provided by the community, they are confident regarding this process, they trust mediation. Also, we have compared the two categories of states, Northern and Southern countries, and we have seen that the first category has implemented mediation since the 17th century. This is very important because people usually tend to trust a process that is already a tradition in their country.

As we have seen before, mediation is a dispute resolution process in which the parties involved in a conflict situation try to get to a mutually satisfying solution, assisted by a neutral and impartial third party. The whole process is based on trust and negotiation in good-will. These are the two most important „ingredients“ that make a mediation process work and that contribute to its success. As we can see only from the definition above, the characteristics of mediation make it more suitable to Gemeinschaft-type societies. As we have seen before, these societies are determined by natural will, naturally arising emotions and expression of feeling. Also, these societies put greater emphasis on community, on the well-being of the people that are part of this society. It is only normal that they enter a mediation process in the first place, because they have the tendency to solve their problems in a satisfying manner for all parties involved. Furthermore, because of their characteristics, they will negotiate in good-will and trust each-other to find the best solution that is suitable for all parties. They will not follow only their own interest. This last aspect is a characteristic of Gesellschaft-type societies where efficiency, rational will, self-interest and calculated conduct are the leading aspects. In Gesellschaft-type societies, the parties will follow their own interest

during mediation and negotiate towards maximizing their outcome. This is the link that we tried to create between the two ideal types of societies and how mediation works and is implemented.

Furthermore, we have considered relevant for this subject the religious aspects of the two types of countries. As we have seen, the Southerners tend to have greater trust in the church and also, to feel that the church answers to moral problems. Also, the Catholic Church is more institutionalized. On the other hand, the Northerners have a more flexible church, with higher participation of the followers. It is only natural that the citizens from these Catholic countries have maybe the wrong attitude toward mediation, a process that basically means that you have to solve your own problems, with only the assistance of a third neutral party, that usually cannot give advice or solutions concerning the issue in dispute.

These conclusions only tried to bring into attention the most important aspects that have been analyzed in this article. Each and every aspect of the analysis is important in painting a picture concerning mediation in the Northern and Southern countries of Europe and why the process works in some areas and not in others.

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