Summary of the monograph "Amicable Dispute Resolution in the European Legal Tradition"

This book researches the amicable resolution of private disputes. Due to the fact that there is no other similar work on this topic in Russia or abroad, it is considered to be one-of-a-kind.

This book is cross-disciplinary but focuses on juridical analysis. The author relies on various Russian and foreign academic works, but at the same time the book is written in plain language and is interesting both to professionals and to a non-specialist audience. It is replete of numerous remarkable examples of private dispute settlement. The author broadly uses the comparative method and makes comparisons between mediation, arbitration and related procedures in different regions and time periods. The author shows the place and role of conciliation in various legal systems, their correlation with state justice and their effect on human and, in particular, European civilisation. The author formulates a universal legal principle which he defines as *favor conciliationis* or *favor paci*, namely the principle of the favourising of conciliation among disputing parties.

The geographical scope of the book covers mainly Europe, including not only the continent but the United Kingdom as well. The main goal of this book is the analysis of West European countries. Taking into consideration the unique character of the historical development of Russia in comparison with purely European states, the author excludes the Russian experience and focuses on other countries. Chronologically the scope of this book is broad to the utmost: the author investigates the development of out-of-court dispute resolution with, *inter alia*, the assistance of unbiased third parties from primitive society till the events of 2013 (the year of the completion of the monograph).

The first chapter has a methodological character. It determines and analyses the essential conceptions used in this book such as conciliation procedures, alternative and amicable dispute resolution. The author also gives a brief review and a critical analysis of preceding academic works on the history of conciliatory procedures and the contribution of different authors to the research of this topic.

The second chapter examines the origin and evolution of the idea of the amicable settlement of disputes and its application in primitive society in terms of present-day traditional societies all over the world. The author

believes that the ability to amicably settle disputes and differences once discerned humans from the natural world.

The third chapter primarily focuses on conciliatory procedures in Ancient Greece, including approaches to dispute resolution in Greek mythology, examination of literary works and speeches of Ancient Greek forensic orators. This chapter also features the contribution of the ancient philosophers to the ideology of amicable dispute settlement. The out-of-court dispute resolution of that epoch included both mediation and arbitration, and these methods were used during a single procedure. Such a procedure included "dialogue" and, in case of ineffectiveness, "crisis" (i.e. negotiations and arbitral award). The author draws attention to the traditional conciliatory function of arbitrators which is partially neglected nowadays.

The fourth chapter deals with the law and practice of amicable dispute resolution in ancient Rome. Even in the Archaic period conciliation of the parties was an exception to *lex talionis*. This chapter shows that the legal system of Ancient Rome promoted conciliation of the disputing parties and discouraged unjustified claims or trial. Thus, conciliatory procedures including mediation were one of its essential elements.

The fifth chapter includes the law and practice of out-of-court dispute resolution in Medieval Europe. At that time law stopped being the instrument of building consensus in society and, instead, aimed at retribution for offences to public order. At the same time during the Middle Ages an individual became the party to a dispute instead of social communities, as used to be the case in the antecedent period. This brought about the development of the modern concept and methodology of conciliatory procedures including mediation.

The subject of the sixth chapter is the role of conciliatory procedures in Industrial Age Europe. The state now occupied the leading role in private dispute resolution. Yet due to the increasing number and difficulty of such disputes state courts began to realise the necessity of promoting conciliation and encouraging the parties to enter into settlement agreements. Aggravation of social conditions and the need to harmonise the interests of different social groups gave amicable dispute resolution procedures the impulse to become professional and institutionalised by the XX century.

The seventh chapter demonstrates the progress of mediation and other conciliatory procedures in post-industrial society. This epoch's trend is the promotion of consensual dispute settlement as an important function of judicial bodies and dispute resolution institutions. This chapter analyses the

shift in the regulation of conciliatory procedures, as well as contradictions in such regulation and the conceptual change of the notion of mediation.

Finally, the book reveals tendencies and the prospects of the development of the regulation of conciliatory procedures. The author explains his understanding of the legal principle of *favor conciliationis* (the favourising of conciliation among disputing parties).