

Mediators' Network Newsletter
30 July 2004

We welcome those who have just joined the Mediators' Network since our last few courses. As members, you receive our quarterly Mediators' Network email newsletter highlight mediation issues, programme updates, book reviews, and opportunities. This issue will address the topic of Transformative Mediation – A commentary on Bush and Folger's transformative practice.

Please let us know if there are issues that you would like us to address, or contributions you would like to offer. We hope that this will be a helpful supplement to Mediators' Network days, and a way of exploring issues around conflict in the church.

Blessings in Christ

Charletta Erb

I swear I will not dishonour my soul with hatred, but offer myself humbly as a guardian of nature, as a healer of misery, as a messenger of wonder, as an architect of peace...
– Diane Ackerman

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Transformative Mediation – Commentary on Bush and Folger's philosophy of mediation that advocates transformation of people's relationships in conflict rather than just resolving problems or changing process

*NOTE FOR NEW MEMBERS – If you are interested in receiving the first issue of this email newsletter which began last quarter, reply to this email with a note to request it. The last issue included a feature article on *Christians and Anger* with reflections on a seminar offered at the London Mennonite Centre considering how anger can be used for good.

Programme Updates

Mediators' Network Day Fee Change

Following discussion with the Bridge Builders' Advisory Group, we have decided to increase the price for Network Days to £15 for Mediators' Network members and £35 for non-members from January 2005. The price has been £10 since the Network started in 1996/97. Unfortunately we have been making a loss on the Network Days in Leeds and Bristol. While the Days are not intended to be profit-making, they do need to cover the costs. Please let us know if you have concerns about this.

**Note that the MN day fee will not change until 2005.*

Diary dates:

Mediators' Network Days in 2004

In **London**, at LMC, 9:45-4:15: **9 September**

In **Leeds**, 9:30-4:15: **16 September**

In **Bristol**, 9:30-4:15: **30 September**

Mediators' Network Days in 2005

In **London**, 9:45-4:15 **27 Jan** and **5 May** at the London Mennonite Centre

In **Leeds**, 9:30-4:15: **13 Jan** and **19 May** at South Parade Baptist Church in Leeds

In **Bristol**, 9:30-4:15: **3 Feb** and **7 June** at St Michael's, Stoke Gifford in Bristol or at Coventry Cathedral

Forthcoming training courses

11-15 October 2004: Mediation and facilitation skills training at **Coventry** Cathedral.

18-22 April 2005: Mediation and facilitation skills training with Kirsten Zerger at **LMC**

24-27 May 2005: Family emotional process for church leaders with Richard Blackburn at **LMC**

4-8 July 2005: Congregational conflict consulting with Dave Brubaker at **LMC**.*

*Provisional date – may possibly run a week earlier – confirmation in September

If you would like to book for an event, please contact Charletta Erb charlettaerb@menno.org.uk

Charletta Erb to extend service with Bridge Builders

In January 2004 Charletta arrived as a mission intern to serve with Bridge Builders. Having served for half a year, she is happy to extend her commitment until the summer of 2006. She has found this a wonderful experience so far, giving her the chance to continue learning about conflict by teaching, practicing mediation skills, and helping with the work of Bridge Builders.

Transformative Mediation: Bush and Folger's Approach

Commentary by Charletta Erb

While attending Mediation UK's southern conference in February, I participated in an extended workshop on Transformative Mediation, which was led by Patricia Gonsalves, Lou Ann Lucke, and Donna Turner Hudson of Greenwich Mediation Centre. The workshop examined Transformative Mediation, a philosophy of mediation that advocates transformation of people's relationships in conflict rather than just resolving problems or changing process.

Gonsalves, Lucke, and Hudson suggested that Transformative Mediation is quite distinct from conventional mediation. Some participants in the workshop questioned the philosophy and its distinctiveness ... some left. A few believed that many mediators are already practicing transformative principles such as empowerment of parties and assisting in recognition of the other. Along these lines, we engaged in the challenge of examining our underlying assumptions about mediation. In this analysis, I will summarise the assumptions of Transformative Mediation, and articulate points of agreement and tension.

Foundational Concepts

Transformative Mediation (TM) is a model of mediation that emphasises changed relationships. Peoples' conflicts are seen as opportunities to learn from conflict, to change, and to learn a new way of relating to each other as they are empowered, that is, enabled to define their own outcomes to the conflict. TM is more focused on transforming interactions, than on solving issues. This can be summed up in a quote referred to in the workshop, "It's not the fence; it's the fencing." That is, people in conflict mistakenly focus on issues, when the underlying problem has more to do with the stance we take toward each other in face of crisis.

Given the participants' questions about the distinctiveness of TM, one of the presenters offered the explanation, "The difference may not lie so much in the practice as the concept. It has to do with what the mediator believes about conflict."

These conceptual beliefs about conflict are introduced in the TM bible, *The Promise of Mediation*, by Bush and Folger, pioneers of Transformative Mediation. In the final chapters of their book, they introduce

a worldview, the relational framework. The golden rule of this worldview is to balance strength of self and relation to other. Carolyn Schrock-Shenk, a Mennonite and author of *Making Peace with Conflict*, believes that this can just as well be understood through the golden rule from Jesus, "Love your neighbour as yourself."

Greenwich Mediation 2002 Annual Report outlines basic premises of TM, emphasising an optimistic view of human nature: upon which the relational framework is built:

- Each person's life experience gives them a unique outlook on the world.
- People are capable of looking beyond themselves.
- People want both to establish their own identity and to be open to others.

When these values - strong self and openness to others - are not in balance, interactions deteriorate as people feel insecure and self-focused, and unable to understand the other person's perspective. The solution to this classic dilemma, according to TM, is that conflicting parties also have an innate capacity to work out the restoration of balance themselves. The benefit of having transformative mediators is to support empowerment and recognition as a natural restoration unravels while parties face each other in the midst of conflict.

Practical Application

Since the concept behind the practice is so important what difference does it make in practical application? The Greenwich Mediation Report translates the relational worldview to action by understanding the need for a mediator's supporting role. "*Supporting* people as they regain their sense of strength and perspective may not be easy, pretty, neat, or quick. It requires patience, effort and commitment. It also requires a belief in their ability to work through conflict. Mediation provides opportunities to *support* people as they engage in this important work and learn more about themselves and others." In practice, TM is about support rather than the traditional stance of guidance and direction.

According to Gonsalves, Lucke, and Hudson the shift to support affects mediation practices dramatically, leading to a more hands off approach. They see conventional practices like the establishment of ground rules as potentially bossy, insensitive to cultural and personality based communication styles. The enforcement of ground rules implies that the parties do not really know what they are doing. In a similar way, reframing and paraphrasing should not be forced; the parties can do that for themselves if they are comfortable with that.

"We are more reliant on the parties' potential to work through conflict. Less help is given. We offer support through listening, not fixing, not setting a process agenda. This may mean that the mediator sits through a slugging match. But some messy interactions can end up communicating more meaningfully," said a presenter. Furthermore, if abuse occurs, the mediator cannot stop it; they can only support and empower the parties.

Gonsalves, Lucke, and Hudson suggested another core break from convention was TM's focus on process more than outcomes, emphasised by interest-based mediation. Transformative mediators see that relationship itself is more important than the content of the conflict. As a different way of relating unravels, the parties naturally shift to problem-solving as the result of a changed relationship, rather than the cause of it. They believe that shifting the focus onto problem-solving takes away the rightful choice of the parties to arrive at problem-solving in their own time.

Analysis

Having outlined these differences in the practices of TM, it must be asked, are these mediators taking it too far? I offer several points of agreement and tension as I wrestle with the challenges posed by TM.

The principled design of TM based programmes in the examples given by the presenters is admirable. As they suggested, we should be challenging ourselves to look at the beliefs behind our process. During the workshop, the question of beliefs behind ground rules was raised in particular. Gonsalves, Lucke, and Hudson pointed out that idea of enforcing ground rules carries class and culturally based assumptions. Ground rules should adjust according to the needs of the parties of a conflict.

I agree that it is essential to realise when cultural differences grate on the standard ground rules. Parties should be enabled to communicate in their own ways. Taking that into account, mediators do need to be clear about process, ground rules, and what to expect so that parties are reassured. The mediator must create an atmosphere of safety and trust by enforcing ground rules to which parties have agreed, and intervening when abusive communications occur. Conventional mediation can offer space for adjustment of unwelcome ground rules particularly at the point of introduction of ground rules, and in later opportunities for reassessment.

I also agree with the presenters that we need to watch our attitudes in guiding a mediation process, to ensure that we are realistic about the role of mediator in a conflict. It is not the mediator's job to fix the conflict, to solve the problems, or to be the saviour. Rather, we are vessels for co-creating with the parties a more constructive way of relating. The conflict is theirs and the opportunity to learn through it can be best enabled by helping them gain strength in communicating for themselves.

TM reminds us of some of the weaknesses of conventional mediation. If we are not careful, the desire to help, can overflow into a controlling, forcing style of mediation, suggesting the mediator knows best. I agree that this is inappropriate, for it robs the participants of the potential for learning and empowerment in the conflict. It can also discredit the mediation process as a forced encounter that makes parties vulnerable to change before they are ready. The mediator should instead be open, and recognise the positive communications between the parties which can be encouraged.

All this said, I don't believe the need for a hands-on approach to mediation should be easily cast aside. Gonsalves, Lucke, and Hudson suggested that mediators should not intervene when negative communication occurs. From their perspective, intervention robs the parties of their right to work it out for themselves. It disregards the familiar forms of communication that may be more comfortable in their context. Yet, I believe too little intervention can also be dangerous. The version of TM presented in this workshop assumed that parties in conflict will quite naturally arrive at a point of better communication if the opportunity is created. In my opinion, this understanding is idealistic and, if taken to its extreme, can lead to so little intervention that the parties are made to be unnecessarily vulnerable, and the encounter may escalate rather than reduce tension.

The contrast that Gonsalves, Lucke, and Hudson set between TM and standard mediation was, in my opinion, overdone. Mediation has evolved. Gonsalves, Lucke, and Hudson may have experienced the evolution in a more dramatic transformation, leading them to see TM as entirely distinct and incompatible with other forms of mediation. However, TM has influenced the mainstream's constantly evolving mediation practices with concepts like empowerment and recognition. I would like to see these presenters offer their challenges as applicable to all branches of mediation without the requisite of complete conversion to transformative mediation. We members in the conflict field can model open dialogue on this issue.

Finally, we have much to learn from the challenge of Transformative Mediation, but it should not be taken as a complete gospel of mediation. Mediators must develop a transformative understanding of conflict which puts first the needs of those in the midst of a storm. At the same time, I believe we must also be clear about guidelines and safety, taking a stance of clear leadership to help facilitate constructive communication.

Resources

Robert A. Baruch Bush and Joseph P. Folger in [The Promise of Mediation: Responding to Conflict through Empowerment and Recognition](#) (Jossey-Bass, 1994).

Institute for the Study of Conflict Transformation, Inc. (6 April 2004).
<http://www.transformativemediation.org/transformative.htm>

Transformative Mediation Commentary Notes

Workshop at Mediation UK Southern Conference 2004

Presenters: Patricia Gonsalves, Lou Ann Lucke, and Donna Turner Hudson, Greenwich Mediation, London

Highlights from Greenwich Mediation's Annual Report for 2002

Larry Dunn. "Anabaptist Peacemaking and Conflict Transformation." Carolyn Schrock-Shenk and Lawrence Ressler (eds.) Making Peace with Conflict: Practical Skills for Conflict Transformation. (Herald Press, 1999).

Carolyn Schrock-Shenk (ed.) Mediation and Facilitation Training Manual. (Mennonite Conciliation Service, 2000).