2014 OEAP Annual Resource Conference

Transformative Mediation
June 3, 2014

Joseph Folger, Ph.D.
Temple University/Institute for the Study of Conflict Transformation
www.transformativemediation.org

Why the Development of Transformative Mediation?

Preserving the Unique Qualities of Mediation:

1. **Party self-determination**
2. **The humanizing power of dialogue**

Conflict Intervention: taking the transformative approach

What is distinctive about the transformative approach – and why is there interest?

- **Aims at Conflict Transformation rather than Conflict Resolution**
- **Party-driven rather than Intervener-driven**

Conflict transformation,
not just resolution:

1. **Definitions:**
   - **Resolution (CR) = Agreement, ideally "wise" and "fair"**
   - **Transformation (CT) = Change in the parties' experience of self/other in conflict and change in quality of interaction**

Conflict transformation,
not just resolution:

2. **CR without CT:**
   - **Agreement, but no qualitative change in interaction**
   - **Unstable and vulnerable, lacks sustainability because of continued weakness/alienation on both sides**
   - **Unsatisfying because of continued experience of entrapment in destructive interaction**

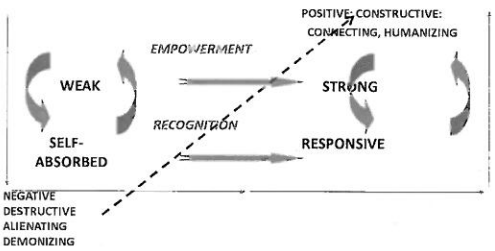
Conflict transformation,
not just resolution:

3. **Value of Conflict Transformation:**
   - As parties regain competence *and* connection, interaction improves, resolution of issues with sustainable outcomes is likely
   - CT increases sustainability *and* supports constructive interaction going forward

Underlying Theory of Conflict:

- Conflict is a crisis in human interaction
- Parties want help in overcoming this crisis and restoring constructive interaction
- Transformative theory takes an interactional and experiential view of conflict
  - based in social/cognitive psychology, communication/discourse studies, and dialogic moral theory

Conflict Transformation: Changing the Quality of Conflict Interaction



Transformative Practices

1. Identify specific conflict intervention practices that you rely upon that support conflict transformation. What do you do that supports the transformation of the parties' interaction?

2. What challenges do you face in sustaining a clear focus on the transformation of parties' interaction during mediation?

Implementation of Transformative Mediation

- United States Postal Service Redress Program:
  - Case closure rates and upstream effects
- Court Mediations:
  - divorce and custody, civil disputes, juvenile, elder and family, landlord-tenant, adult guardianship, small claims
- Healthcare Organizations:
  - employee disputes
- Multi-party conflicts in organizations and the pubic sector

Transformative Intervention: a definition

A third party works with parties in conflict to help them *change the quality of their conflict interaction* from negative and destructive to positive and constructive, as they discuss and explore various topics and possibilities for resolution.

Questions...