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# Transformative Approaches to Conflict

by

**Heidi Burgess and Guy Burgess**

with

**Tanya Glaser and Mariya Yevsyukova**

Created in conjunction with The Training Design Consultation Project, funded by the Surdna and Hewlett Foundations

**For More Information:** Contact: **Guy Burgess** or **Heidi Burgess**, Co-Directors, [Conflict Research Consortium](#), University of Colorado, Campus Box 327, Boulder, Colorado, 80309-0327, E-mail: [burgess@colorado.edu](mailto:burgess@colorado.edu) Phone: (303) 492-1635; Fax: (303)492-2154.

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## What this Website Is

This website is one of several created by the University of Colorado Conflict Research Consortium. This particular website has been created in conjunction with The Training Design Consultation Project, funded by the Surdna and Hewlett Foundations, and directed by Joe Folger and Baruch Bush. Folger and Bush are the authors of the pathbreaking book, the *Promise of Mediation* (Jossey-Bass, 1994). This book describes an alternative approach to mediation, which the authors refer to as "transformative mediation." Although this approach has long historical roots, its use in the mediation field has been largely abandoned in recent years, at least until publication of this book, which has sparked a great deal of renewed interest in the transformative approach, not just to mediation, but to conflict resolution in general.

In the Training Design Consultation Project, Folger and Bush have been working with mediators across the United States who have been piloting transformative mediation training programs. We at the Consortium wanted to participate in this project, but not being mediators ourselves, we suggested that we put up a website of materials related to transformative mediation and other transformative approaches to conflict. The intent was to supplement the material that could be presented in short (8 hour - 40 hour) training programs and to make information available to people who were curious about the topic, but did not want to take or have access to a training program. This website is the result.

It contains information about a variety of transformative approaches to conflict including transformative mediation, John Paul Lederach's conception of transformative peacemaking and conflict transformation, the analytical problem solving/human needs approach to conflict transformation, research on the transformation of conflicts from intractable to tractable (primarily done at Syracuse University), and other techniques for successfully dealing with intractable conflicts, particularly dialogue and constructive confrontation. Short descriptions of each of these approaches can be found in the materials below, as can abstracts of related academic books and articles and references (and links) to sources for additional information.

While the Training Design Consultation Project is now in its final stages, we plan to expand and update this website over time. We especially welcome comments, suggestions, and additional material from people who see it and use it. We hope to be able to include, for instance, a list of the people who currently offer transformative mediation and/or training. This, however, is not available currently.

If you are interested in learning more about this field, we urge you to read some of the related material, and then continue to check this website periodically for additions. Immediately below is the Table of Contents of this site. To skip that, and go directly to the first substantive page [\[click here\]](#).

To look at the other material available on the web from the Consortium [\[click here\]](#)

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## Main Consortium Web Site

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### Introduction

## Transformative Approaches to Conflict

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The terms "transformation" and "transformative conflict resolution" are used in many different ways. Almost all uses of the two terms, however, relate "transformation" to a fundamental change in attitude and/or behavior of individuals and/or the relationship between two or more disputing parties. While the change may be relatively minor or subtle, it goes beyond the immediate situation to alter the way in which the parties see themselves, the world, and especially, each other and how they treat each other over the long term. This contrasts with problem-solving conflict resolution which is used to resolve a specific short-term problem, while usually ignoring or avoiding long-term relationship issues.

Transformative conflict resolution takes many forms. One with increasing visibility and interest over the last several years is transformative mediation. Other approaches include conflict transformation, constructive confrontation, analytical problem solving, dialogue, and collaborative learning. This website explains these and related terms and processes, summarizes key publications in each of these areas, and provides access to additional resources on each of these topics.

### Transformative Mediation

**Transformative mediation**, for example, can be contrasted with problem solving mediation. While problem solving or settlement-oriented mediation focuses on finding a mutually agreeable settlement of an immediate dispute, transformative mediation, as described by Bush and Folger (1994), seeks to transform the disputing parties by empowering them to understand their own situation and needs, as well as encouraging them to recognize the situation and needs of their opponent(s). While such empowerment and recognition often lay the groundwork for a mutually- acceptable settlement, such an outcome is not the primary goal. Rather, the parties' empowerment and recognition are the main objectives of the transformative approach to mediation.

### Conflict Transformation

Lederach uses the term "**conflict transformation**" in a similar, though broader way. Like Bush and Folger, Lederach suggests that conflict professionals stop focusing on "resolution," because resolution often involves the continuation of injustice. He also rejects the notion of "conflict management" because it is too narrow. Management, he asserts, tends to focus on the technical and practical side of peacemaking, while ignoring the cultural and relational issues.

Lederach uses the term "conflict transformation" to describe his approach to peacebuilding. This approach focuses on the dialectic nature of conflict. It sees conflict as caused by--as well as causing--changes in relationships. In order to build peace, negative or destructive interaction patterns need to be transformed into positive or constructive relationships and interactions. This occurs through personal and systemic change that encourages and allows the parties to pursue truth, justice, and mercy simultaneously with peace. Like Bush and Folger, Lederach too focuses on the development of empowerment and mutual recognition, along with interdependence, justice, forgiveness, and reconciliation.

### Human Needs/Analytical Problem Solving

A related, yet still different image of conflict transformation comes from a group of theorists who stress the importance of fundamental **human needs** to the development and maintenance of protracted or deep-rooted conflict. When an individual or group is denied its fundamental need for identity, security, recognition, or equal participation within the society, say theorists such as John Burton, Herbert Kelman, and Jay Rothman, protracted conflict is inevitable. The only way to resolve such conflict is to identify the needs that are threatened or denied, and restructure relationships and/or the social system in a way that protects those needs for all individuals and groups. This is often attempted by holding what are called "**analytical problem solving** workshops" in which a panel of scholars facilitates private, unofficial analytical discussions about the nature of a particular difficult conflict. By helping the parties work together to frame the conflict in terms of needs, potential solutions to the impasse often become apparent when they were not so before. Most often, these solutions require significant changes in the social, economic, and/or political structures--thus, like Lederach, they see conflict transformation as requiring systemic as well as personal change.

### Dialogue

A growing number of conflict professionals have been utilizing **dialogue** to transform deep-rooted, value-based conflicts. With dialogue, small groups of people who hold opposing views on highly divisive and emotional public policy issues (such as abortion or gay rights) are brought together to have a "new kind of conversation." Unlike debate, which seeks to score points and to persuade, the goal of dialogue is mutual understanding and respect--essentially recognition in Bush and Folger's terms. This does not lead to a resolution of the conflict, but it can lead to a transformation in the way the conflict is pursued from one which is highly destructive and divisive to one which is constructive and leads to personal growth. Dialogue has also been used effectively to alter relationships in deep-rooted ethnic conflicts, such as that between the Palestinians and the Israelis.

### **Constructive Confrontation**

Another approach to transformation is what Burgess and Burgess call **constructive confrontation**. This approach to intractable conflict is primarily directed at public policy, intergroup, and international conflicts. It assumes that conflicts over high-stakes distributional questions, deep-rooted value issues, and domination issues are inevitable and ongoing. Although particular short-term disputes can be settled, the underlying long-term conflict will remain. Although these kinds of conflicts can seldom be completely resolved, they can be confronted in more or less constructive ways. Thus, constructive confrontation is a way of dealing with a conflict that seeks to transform the conflict process, which will then allow a transformation of relationships, and at times, the individuals and social structures as well.

### **Collaborative Learning**

Collaborative learning is a process developed by Steven Daniels, Gregg Walker, Matthew Carroll, and Keith Blatner to enhance the public policy decision making process, especially as it involves public participation. This approach utilizes ideas from soft systems methodology (a theory of learning) and alternative dispute resolution. The key ideas are that public participants and "experts" must work together to learn more about the system that they are all operating in together. As in other transformative processes, the goal of collaborative learning is not solving a particular problem, but improving a situation, which is framed as a set of interrelated systems. The goal of collaborative learning is to utilize improved communication and negotiation processes as a means through which learning--and then improvement of the situation--can occur.

## **For More Information**

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[\[Click here\]](#) for more information on transformative mediation

[\[Click here\]](#) for more information on conflict transformation and peacekeeping

[\[Click here\]](#) for more information on human needs and analytical problem solving

[\[Click here\]](#) for more information on dialogue

[\[Click here\]](#) for more information on constructive confrontation

[\[Click here\]](#) for more information about collaborative learning

[\[Click here\]](#) for a list of abstracted readings available on this website

[\[Click here\]](#) for a bibliography of readings on transformative conflict resolution

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# Transformative Mediation

Summary by Heidi Burgess

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NOTE: This component of the Consortium's web site describes transformative mediation as it is presented in Bush and Folger's book, *The Promise of Mediation*. Others advocate alternative approaches to mediation. We have not attempted to describe these alternative approaches or summarize the debate concerning which approaches are most applicable to specific situations. Our site does, however, include links to other sources of information about mediation and dispute resolution. See: [Conflict Resolution in the United States](#) and [General Conflict Resolution Theory](#).

## What It Is

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Though transformative mediation has roots that go back to the 1970s, the term and approach have been brought to the fore by the publication of Baruch Bush and Joe Folger's book *The Promise of Mediation* in 1994. This book contrasts two different approaches to mediation: problem-solving and transformative. The goal of problem solving mediation is generating a mutually acceptable settlement of the immediate dispute. Problem solving mediators are often highly directive in their attempts to reach this goal--they control not only the process, but also the substance of the discussion, focusing on areas of consensus and "resolvable" issues, while avoiding areas of disagreement where consensus is less likely. Although all decisions are, in theory, left in the hands of the disputants, problem solving mediators often play a large role in crafting settlement terms and obtaining the parties' agreement.

The transformative approach to mediation does not seek resolution of the immediate problem, but rather, seeks the empowerment and mutual recognition of the parties involved. Empowerment, according to Bush and Folger, means enabling the parties to define their own issues and to seek solutions on their own. Recognition means enabling the parties to see and understand the other person's point of view--to understand how they define the problem and why they seek the solution that they do. (Seeing and understanding, it should be noted, do not constitute agreement with those views.) Often, empowerment and recognition pave the way for a mutually agreeable settlement, but that is only a secondary effect. The primary goal of transformative mediation is to foster the parties' empowerment and recognition, thereby enabling them to approach their current problem, as well as later problems, with a stronger, yet more open view. This approach, according to Bush and Folger, avoids the problem of mediator directiveness which so often occurs in problem-solving mediation, putting responsibility for all outcomes squarely on the disputants.

*From here, you can scroll through all the information on transformative mediation, or you can click on particular items of interest in the list below.*

[\[click here\]](#) for more information on empowerment and recognition

[\[click here\]](#) for a comparison of transformative and problem solving mediation

[\[click here\]](#) for a list of Folger and Bush's ten "hallmarks" of transformative mediation

[\[click here\]](#) for a discussion of applications of transformative mediation

[\[click here\]](#) for information on how to find a transformative mediator

[\[click here\]](#) for information on how to find transformative mediation training

[\[click here\]](#) for abstracts of books and articles on transformative mediation and associated ideas

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## Key Concepts: Empowerment

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"Empowerment" is used by Bush and Folger in a way that differs from common usage. It does not mean power-balancing or redistribution, but rather, increasing the skills of *both* sides to make better decisions for themselves. Specifically, Bush and Folger use the term "empowerment" to mean "The restoration to individuals of a sense of their own value and strength and their own capacity to handle life's problems." (Folger and Bush, 1994, p. 2) In a latter publication, they further explain that through empowerment, disputants gain "greater clarity about their goals, resources, options, and preferences" and that they use this information to make their own "clear and deliberate decisions." (Folger and Bush, 1996, p. 264)

Clarity about goals means that parties will gain a better understanding of what they want and why, and that their goals are legitimate and should be considered seriously.

Clarity about resources means that the parties will better understand what resources are available to them and/or what resources they need to make an informed choice. In addition, parties need to learn that they hold something that is of value to the other party, that they can communicate effectively with the other party, and that they can utilize their resources to pursue their goal(s).

Clarity about options means that the parties become aware of the range of options available to them, they understand the relative costs and benefits of each option, and that they understand that the choice of options is theirs alone to make.

Clarity about preferences means that the parties will reflect and deliberate on their own, making a conscious decision about what they want to do, based on the strengths and weaknesses of both sides' arguments and the advantages and disadvantages of each option.

In addition to these forms of empowerment, Bush and Folger add skill-based empowerment to the list, meaning that parties are empowered when they improve their own skills in conflict resolution, or learn how to listen, communicate, analyze issues, evaluate alternatives and make decisions more effectively than they could before.

Empowerment occurs in transformative mediation when the mediator watches for opportunities to increase the parties' clarity about or skills in these areas, but does so in a way that the parties maintain control of both the process and the substance of the discussions. Unlike problem-solving mediators, transformative mediators are careful to take a secondary role, rather than a leading role in the process--they "follow the parties" around, and let the parties take the process where they want it to go. (See the discussion of "hallmarks" below.)

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## Recognition

By "recognition," Bush and Folger mean considering the perspective, views, and experiences of the other: recognition, they say, "means the evocation in individuals of acknowledgment and empathy for the situation and problems of others." (Bush and Folger, 1994, p. 2.) Thus recognition is something one gives, not just something one gets.

Given the importance of empowerment, however, transformative mediators allow the parties to choose how much they want to recognize the views of the opponent. They may do so to the point that complete reconciliation takes place, or they may do so to a much lesser extent, just momentarily being willing to "let go" of their interest in themselves and focus on the other person as a human being with their own legitimate situation and concerns.

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## Comparing Transformative to Problem Solving Mediation

There are many differences between transformative and problem solving mediation. The only similarity is that each uses a third party to assist the disputing parties to begin dealing with the dispute in a new way. What that "new way" is, however, differs considerably from one process to the other. Problem-solving or "settlement-oriented" mediation, which is by far the dominant approach in the field today, is just what the name implies--it is focused on solving a problem by obtaining a settlement.

The settlement-oriented mediator usually explains that this is the purpose at the outset and defines a process that will assist the parties to work toward that goal. All of the mediator's actions also are designed to facilitate that outcome. Emotions which might escalate anger and thus prevent a settlement are controlled. Issues that are non-negotiable are diverted, while parties are encouraged to focus on negotiable interests. Mediators tend to discourage a discussion of the past, as that often involves blame which can make progress more difficult. Rather, parties are encouraged to focus on what they want in the future, and develop ways in which their interests can be met

simultaneously.

Sometimes the settlement-oriented mediator acts more like an arbitrator than a transformative mediator, proposing a solution and working hard to "sell" it to the parties. (An arbitrator's decision is binding, he or she does not have to "sell" it. However, the settlement oriented mediator sometimes acts like an arbitrator when he or she takes the role of the "expert," and comes up with the settlement provisions for the parties.) Settlement-oriented mediators often try to keep the parties moving forward, encouraging them to move from one "stage" to the next as quickly as possible and using a deadline as an inducement to come to an agreement.

Transformative mediators work very differently. They explain in the opening statement that mediation provides a forum for the parties to talk about their problem with a neutral third party present. This can be helpful, it is explained, to clarify the nature of the problem from both parties' points of view and for developing a range of options available for dealing with the situation. This process should help the clients make better choices about how to proceed and may help them better understand the views of the other person. This understanding may enable the clients to reach a mutually satisfactory solution, or it may suggest other approaches for handling the situation. Thus settlement is presented as one, but clearly not the only possible successful outcome of mediation.

Usually, transformative mediators will then work with the parties to develop goals, groundrules, and a process they want to use. Mediators will make suggestions about process and ask questions (usually to encourage either empowerment or recognition of the other), but they will not direct the conversation, nor will they suggest options for settlement. This is the parties' job. Bush and Folger describe the mediator's job as "following the parties around," helping them clarify for themselves and for the other what their real concerns are and how they want to see them addressed. Sometimes, recognition by the other is all that is really needed to reach mutual satisfaction. Other times, parties must go beyond this to negotiate interests. Interest-based negotiation is, of course, allowed in a transformative process--but it usually shares center stage with the discussion of feelings and relationship issues.

The definition of success also differs in the two kinds of mediation. Typically, settlement-oriented mediation is not considered successful unless a settlement is reached. Transformative mediation, however, is successful if one or both parties becomes empowered to better handle their own situation and/or the parties better recognize the concerns and issues of the other side. Very often, the empowerment and recognition gained by the parties allows them to develop a mutually agreeable outcome. However, according to Bush and Folger, the opposite is not as often the case--the settlement-oriented mediation process does not lead to empowerment and recognition, as it tends to ignore the relationship issues in favor of the narrower and more concrete interests. A further comparison between the two processes is presented in the figure below.

### Comparison of Transformative and Problem Solving Mediation

Note: These are idealized descriptions. Actual mediators will hold these ideas and follow these actions to lesser or a greater degree.

	<b>Transformative Mediation</b>	<b>Problem Solving Mediation</b>
<b>Assumptions about conflict</b>	Conflict is an opportunity for moral growth and transformation	Conflict is a problem in need of a solution
<b>Ideal response to conflict</b>	Conflict tends to be a long term process	Conflict is a short term situation
<b>Goal of mediation</b>	Facilitate parties' empowerment and recognition of others	Take collaborative steps to solve identified problem; maximize joint gains
<b>Mediator role</b>	Parties' empowerment and recognition of others	Settlement of the dispute
<b>Mediator actions</b>	Secondary: parties are seen as experts, with motivation and capacity to solve own problems with minimum help	Mediator is expert, who directs problem solving process
	Mediator is responsive to parties	Mediator directs parties
	Mediator explains concept of mediation, but lets parties set goals, direct process, design ground rules. Makes it clear settlement is only one of a variety of possible outcomes.	Mediator explains goal is settlement, designs process to achieve settlement, sets ground rules. May consult parties about these issues, but mediator takes lead.
	Mediator "microfocuses" on parties' statements, lets them frame issues themselves	Mediator "categorizes" case, frames it for disputants
	Mediators allow parties to take discussions where they want them to go; encouraging discussion of all issues that are of importance to the parties, regardless of	Mediators direct the discussions, dropping issues which are not amenable to negotiation (for example, relational or identity issues) and focusing on areas "ripe"

	whether or not they are easily negotiable;	for resolution (usually negotiable interests).
	Mediators encourage mutual recognition of relational and identity issues as well as needs and interests	
	Mediators encourage an examination of the past as a way of encouraging recognition of the other	Mediators discourage discussion of the past, as it tends to lead to blaming behaviors, focus instead is on the present and future--how to solve the current problem.
	Emotions are seen as an integral part of the conflict process; mediators encourage their expression	Emotions are seen as extraneous to "real issues." Mediators try to avoid parties' emotional statements, or emotions are tightly controlled.
	Mediators encourage parties' deliberation of situation and analysis of options; parties' design settlement (if any) themselves and are free to pursue other options at any time	Mediators use their knowledge to develop options for settlement; can be quite directive about settlement terms
<b>Mediator focus</b>	Mediators focus on parties' interactions, looking for opportunities for empowerment and/or recognition of the other	Mediators focus on parties' situation and interests, looking for opportunities for joint gains and mutually satisfactory agreements
<b>Use of Time</b>	Time is open-ended; parties spend as much time on each activity as they want to. No pre-set "stages" as in problem solving mediation	Mediator sets time limits, encourages parties to move on or meet deadlines. Mediator moves parties from "stage" to "stage."
<b>Mediation: definition of success</b>	Any increase in parties' empowerment and/or recognition of the other--"small steps count"	Mutually agreeable settlement

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## Hallmarks of Transformative Mediation

The Summer 1996 issue of *Mediation Quarterly* was a special issue on transformative approaches to mediation. The lead article in that issue was written by Folger and Bush, as a follow-up to their 1994 book, *The Promise of Mediation* which brought the concept of transformative mediation to national attention. While the book began to describe what transformative mediation might look like in practice, the *Mediation Quarterly* article ("Transformative Mediation and Third-Party Intervention: Ten Hallmarks of a Transformative Approach to Practice" Volume 13, Number 4) goes further to list ten "hallmarks" that distinguish transformative mediation from other forms of intervention. This article is abstracted elsewhere in this website, but a quick list of Folger and Bush's hallmarks are found below.

[\[Click here\]](#) to see the abstract of the article which lists the hallmarks with a bit more detail.

### Summary of Folger's and Bush's ten hallmarks:

1. In the opening statement, the transformative mediator will explain the mediator's role and the objectives of mediation as being focused on empowerment and recognition.
2. The transformative mediator will leave responsibility for the outcomes with the parties.
3. A transformative mediator will not be judgmental about the parties' views and decisions.
4. Transformative mediators take an optimistic view of the parties' competence and motives.
5. Transformative mediators allow and are responsive to parties' expression of emotions.
6. Transformative mediators allow for and explore parties' uncertainty.
7. Transformative mediators remain focused on what is currently happening in the mediation setting.
8. Transformative mediators are responsive to parties' statements about past events.
9. Transformative mediators realize that conflict can be a long-term process and that mediation is one intervention in a longer sequence of conflict interactions.
10. Transformative mediators feel (and express) a sense of success when empowerment and recognition occur, even in small degrees. They do not see a lack of settlement as a "failure."

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## Applications of Transformative Mediation

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Transformative mediation is a new concept that has not been widely applied, although many mediators have been acting in this way, without having a name for it, for a long time. Since empowerment and recognition are things that happen to people, the transformative approach is most often thought of in terms of interpersonal conflicts--family conflicts, conflicts between neighbors, between co-workers, etc. However, Bush and Folger argue in the *Promise of Mediation*, that the approach is just as applicable in other kinds of settings as well. Legal mediation can be criticized for being more directive than most other forms of mediation, and would benefit greatly, they argue, from the adoption of a transformative approach, leaving directive intervention to the courts and judges. The same is true, they argue, for business mediation.

Mediation with organizations, rather than individuals becomes more complicated, although it is always individuals who represent the organizations at the table. However, problems can develop when the representatives are transformed by the mediation process, but their constituencies, who are not at the table are not. This creates what Burgess and Burgess (*Mediation Quarterly* 13:4) call the "scale up problem." Methods must be found to transfer this transformation to the constituencies if the effect is to have widespread significance at the organizational, public policy, or societal level.

Although few people have explored how this might be done, several experiments have been suggested and/or tried. Ones written up in the *Mediation Quarterly* special issue on transformative mediation (13:4) include the Burgesses' technique of "constructive confrontation," the Public Conversation Project's use of dialogue on public policy disputes, and Jay Rothman's approach of "reflexive dialogue" which he uses with people involved in societal level identity conflicts, such as the conflict between Israeli Jews and Palestinians. Also of interest is Frank Dukes' investigation of transformative public policy conflict resolution and John Paul Lederach's concept of conflict transformation in protracted and deep-rooted religious, ethnic and nationalistic conflicts. (Further summaries of all of these approaches can be found in the abstracts section of the website.)

[\[Click here\]](#) to go to the abstracts of these articles.

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## How to Find a Transformative Mediator

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We hope to be able to give a list of transformative mediators at this location in a few months; however, this list is not yet available.

Anyone seeking a mediator who uses a transformative approach should interview several mediators before selecting one. Questions which will help identify mediators who use this approach include the following:

1. Can you describe your approach to mediation? What do you see as your [i.e., the mediator's] role? What do you see as the parties' role? (*A transformative mediator will explain that the mediator's role is to help the parties understand their current situation and choose options that make the most sense for them. A transformative mediator will listen, ask questions, summarize (without changing meaning), help the parties identify and understand the issues in conflict, identify and assess options (including non-settlement options), but the transformative mediator will not propose settlement terms, draft agreements or make decisions for their clients.*)
2. What is the goal of mediation? In other words, what is the outcome you seek? (*A transformative mediator will stress the importance of empowerment and recognition. They may not use these words, but they will stress the importance of helping the parties understand and solve the problem themselves in a way that makes the most sense to them. They will also stress the importance of helping the parties better understand the views and experiences of the other disputant(s). They may mention that one possible outcome of mediation is settlement, but this will not be the only goal or even the primary outcome sought.*)
3. Do you have a standard process that you use? Can you describe it? (*Problem solving mediators usually follow a standard set of procedures that start with the mediator's opening statement and agreement on groundrules, opening statements by the parties, clarification of interests, identification of possible areas of agreement, developing and fine-tuning settlement terms, and finalization of the agreement. Transformative mediator's process tends to be much looser, as it is set by the parties and taken the direction the parties want to go. Transformative mediators will start the same way, with opening statements and discussions of groundrules (and often goals), but then the process becomes much more fluid as the parties explore issues of their own interest in their own ways.*)
4. Do you have standard groundrules that you ask the parties to follow? What are they? (*Most mediators will have some ground rules, such as not interrupting when someone is talking, but transformative mediators will indicate that the disputants play a significant role in developing the groundrules to be used.*)

5. How do you work with the parties to define the problem? To generate options? (*Listen to get an idea of the extent of the mediator's involvement in this process. Does the mediator define the problem for the parties and suggest options for resolution? (The problem-solving approach) Or do they listen and clarify as the parties do this themselves? (the transformative approach)*)
6. Do you suggest possible settlement terms? (*See number 5, above.*)
7. Who would you say is responsible for the outcome of mediation--you or the parties? (*The transformative mediator will say the disputants are responsible. The problem solving mediator will probably say that responsibility is shared between the mediator and the disputants. No mediator will guarantee a settlement in every case, but many problem solving mediators will mention that they get settlements in a large percentage of their cases--suggesting that this is, indeed the goal they seek and they see it as their responsibility to work toward that outcome.*)
8. How do you handle strong emotions in the mediation session? (*A transformative mediator will explain that emotions are just as important as the "facts," and thus emotions need to be expressed, understood, and dealt with directly. The problem solving mediator may talk about a controlled "venting" process when emotions are "released" in a controlled situation, and thereby diverted so that discussions can center on interests and resolution of more negotiable issues.*)
9. How do you handle power imbalances between the parties? (*Problem solving mediators may say that they work to equalize power because mediation works better when the power between the parties is close to equal. Transformative mediators will say that they work to empower both sides to understand the issues and options fully and to make decisions which best meet each person's own needs. A transformative mediator will not empower one side, but not the other.*)
10. Would you say you try to focus discussions more on the past or more on the future? Why? (*Problem solving mediators like to avoid discussions of the past, as they can lead to blaming which may not facilitate productive settlement negotiations. Transformative mediators are more comfortable with discussions of the past, and often encourage them, as they are necessary for each party to recognize the views, situation, and experiences of the other.*)

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## Getting Training in Transformative Mediation

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We hope to be able to list transformative mediation trainers here in the future; however, a list is not currently available.

When looking for mediation training, questions to ask to determine whether or not the training utilizes a transformative approach include the following.

What model of mediation do you teach? *The answer here should be "transformative," "relationship-centered," or "therapeutic" mediation. These approaches contrast with "problem-solving," "settlement-oriented," "bargaining," or "labor-management" mediation.*

What are the goals of mediation in this model? *Transformative training will emphasize relationship-building, empowerment, and recognition much more than obtaining a settlement.*

What skills do you try to teach? *Transformative training will teach participants how to structure a mediation in a way that is most likely to empower the parties and encourage mutual recognition; it will also teach participants how to recognize and exploit opportunities for empowerment and recognition when they occur.*

[\[click here\]](#) to go back to the list of transformative mediation topics

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**For More Information:** Contact: **Guy Burgess** or **Heidi Burgess**, Co-Directors, [Conflict Research Consortium](#), University of Colorado, Campus Box 327, Boulder, Colorado, 80309-0327, E-mail: [burgess@colorado.edu](mailto:burgess@colorado.edu) Phone: (303) 492-1635; Fax: (303)492-2154.

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# Conflict Transformation

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A number of conflict theorists and practitioners, including John Paul Lederach, advocate the pursuit of "conflict transformation," as opposed to "conflict resolution" or "conflict management." Conflict transformation is different from the other two, Lederach asserts, because it reflects a better understanding of the nature of conflict itself. "Conflict resolution" implies that conflict is bad--hence something that should be ended. It also assumes that conflict is a short term phenomenon that can be "resolved" permanently through mediation or other intervention processes. "Conflict management" correctly assumes that conflicts are long term processes that often cannot be quickly resolved, but the notion of "management" suggests that people can be directed or controlled as though they were physical objects. In addition, the notion of management suggests that the goal is the reduction or control of volatility more than dealing with the real source of the problem.

Conflict transformation, as described by Lederach, does not suggest that we simply eliminate or control conflict, but rather recognize and work with its "dialectic nature." By this he means that social conflict is naturally created by humans who are involved in relationships, yet once it occurs, it changes (i.e., transforms) those events, people, and relationships that created the initial conflict. Thus, the cause-and-effect relationship goes both ways--from the people and the relationships to the conflict and back to the people and relationships. In this sense, "conflict transformation" is a term that describes a natural occurrence. Conflicts change relationships in predictable ways, altering communication patters and patterns of social organization, altering images of the self and of the other.

Conflict transformation is also a prescriptive concept. It suggests that left alone, conflict can have destructive consequences. However, the consequences can be modified or transformed so that self-images, relationships, and social structures improve as a result of conflict instead of being harmed by it. Usually this involves transforming perceptions of issues, actions, and other people or groups. Since conflict usually transforms perceptions by accentuating the differences between people and positions, effective conflict transformation can work to improve mutual understanding. Even when people's interests, values, and needs are different, even non-reconcilable, progress has been made if each group gains a relatively accurate understanding of the other.

Transformation also involves transforming the way conflict is expressed. It may be expressed competitively, aggressively, or violently, or it may be expressed through nonviolent advocacy, conciliation, or attempted cooperation. Unlike many conflict theorists and activists, who perceive mediation and advocacy as being in opposition to each other, Lederach sees advocacy and mediation as being different stages of the conflict transformation process. Activism is important in early stages of a conflict to raise people's awareness of an issue. Thus activism uses nonviolent advocacy to escalate and confront the conflict. Once awareness and concern is generated, then mediation can be used to transform the expression of conflict from "mutually destructive modes toward dialogue and itnerdependence." (Lederach, 1989l p. 14)

Such transformation, Lederach suggests, must take place at both the personal and the systemic level. At the personal level, conflict transformation involves the pursuit of awareness, growth, and commitment to change which may occur through the recognition of fear, anger, grief, and bitterness. These emotions must be outwardly acknowledged and dealt with in order for effective conflict transformation to occur.

Peacemaking also involves systemic transformation--the process of increasing justice and equality in the social system as a whole. This may involve the elimination of oppression, improved sharing of resources, and the non-violent resolution of conflict between groups of people. Each of these actions reinforces the other. In other words, transformation of personal relationships facilitates the transformation of social systems and systemic changes facilitate personal transformation. Key to both kinds of transformation are truth, justice, and mercy, as well as empowerment and interdependence. These concepts are frequently seen to be in opposition to each other; however, they must come together for reconciliation or "peace" to occur, Lederach asserts.

[\[click here\]](#) for a discussion of the interplay between peace and justice

[\[click here\]](#) for a discussion of the interplay between peace, justice, truth, mercy, and reconciliation

[\[click here\]](#) for a discussion of how these four variables relate to Bush and Folger's empowerment and recognition.

[\[click here\]](#) for additional readings

## Peace and Justice

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Peace and justice are both very abstract terms that mean different things to different people. Some people think justice is primary and

peace is secondary. This is the view embodied in the frequently-heard phrase "if you want peace, fight for justice." Others think that peace (read "conflict resolution") will bring justice. This is the view held by many mediators who believe that consensus-based conflict resolution processes not only end conflicts (i.e., bring peace), but in so doing, render justice that is often more just than that delivered through adversarial, political, or legal systems.

This debate is reiterated in the oft-heard debate between activists and advocates on the one hand, and mediators on the other. Both see themselves as pursuing "justice," but advocates charge that mediators sacrifice justice for peace by down-playing social structural or justice issues, while mediators charge that advocates sacrifice peace for justice by intentionally escalating conflicts to win converts to their own cause.

This dichotomy is a false one, John Paul Lederach asserts. Drawing from diagram in *Making Peace* by Adam Curle, Lederach suggests that advocacy and activism is the approach of choice in situations where power is unbalanced and the awareness of the conflict is relatively low. Advocacy helps to raise awareness (on both sides) and to balance power. Once this is done, then mediators can take over to enable the parties to negotiate successfully to obtain both peace and justice simultaneously. ([See Lederach, 1989](#))

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## Peace, Justice, Truth, and Mercy

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Just as justice and peace are often seen as being in opposition to each other, so are justice and mercy. Justice, according to Lederach, involves "the pursuit of restoration, of rectifying wrongs, of creating right relationships based on equity and fairness. Pursuing justice involves advocacy for those harmed, for open acknowledgement of the wrongs committed, and for making things right. Mercy, on the other hand, involves compassion, forgiveness, and a new start. Mercy is oriented toward supporting persons who have committed injustices, encouraging them to change and move on." (Lederach 1995, p. 20).

Often it is assumed one does one or the other, but not both. Justice, it is often assumed, requires determining the truth and punishing the guilty party. Mercy, on the other hand, implies forgiveness. Thus, if one prosecutes and punishes the guilty, mercy at best can involve leniency in the sentence. Punishment, however, seldom results in either reconciliation or restitution. Thus, the resulting justice is illusory. The challenge, according to Lederach is "to pursue justice in ways that respect people, and [at the same time] to achieve restoration of relationships based on recognizing and amending injustices." (Lederach, 1995, p. 20.) Thus, Lederach argues that reconciliation involves the identification and acknowledgment of what happened (i.e. truth), an effort to right the wrongs that occurred (i.e., justice) and forgiveness for the perpetrators (mercy). The end result is not only reconciliation, but peace.

[\[Click here\]](#) to read a full-text article by John Paul Lederach on this topic

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## A Comparison of Lederach's "Conflict Transformation" with Bush and Folger's Transformative Mediation

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These two approaches to conflict resolution were developed independently for use in different contexts. Bush and Folger's transformative mediation was developed, at least initially, for interpersonal (often two-person) conflicts such as family conflicts or community conflicts. Most of Lederach's work has been at the intergroup and international level. He has spent his life trying to moderate and mediate highly intractable conflicts between warring ethnic groups. The relationships between these two approaches, however, is striking.

Lederach calls for the acknowledgment of harm (parallel to Bush and Folger's recognition) and for the empowerment of the disputants to make things right. Lederach defines empowerment as "overcoming the obstacles and making possible the movement from 'I cannot' to 'I can.'" This is very similar to Bush and Folger's conception of empowerment, as is Lederach's definition of transformation: "Transformative peacemaking, then, empowers individuals and nurtures mutuality and community." (Mutuality and community can be seen as parallel to mutual recognition.)

Another similarity is the primacy of process over outcome. Again quoting Lederach, "process matters more than outcome. . . .At times of heated conflict too little attention is paid to how the issues are to be approached, discussed, and decided. There is a push toward solution and outcome that skips the discipline of creating an adequate and clear process for achieving an acceptable result. Process, it is argued, is the key to the Kingdom." (Lederach, 1995, p. 22) This view very much parallels the notion of transformative mediation that problem-solving mediation is too focused on the outcome (i.e., settlement) and that a better approach focuses more on the process of dialogue itself (which transformative mediation does).

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Lederach, John Paul. *Preparing for Peace: Conflict Transformation Across Cultures*. Syracuse University Press, 1995.

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**For More Information:** Contact: **Guy Burgess** or **Heidi Burgess**, Co-Directors, [Conflict Research Consortium](http://www.conflictresearchconsortium.org), University of Colorado, Campus Box 327, Boulder, Colorado, 80309-0327, E-mail: [burgess@colorado.edu](mailto:burgess@colorado.edu) Phone: (303) 492-1635; Fax: (303)492-2154.

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# Analytical Problem Solving

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Analytical problem solving is a social-psychological approach to dealing with deep-rooted, protracted intergroup and international conflicts. Initially developed by Herbert Kelman and John Burton, this technique is based on the human needs theory of conflict, which says that most deep-rooted conflicts are caused by one or more person's or group's inability to obtain its fundamental human needs--for instance, identity, security, or recognition. [1] By identifying the underlying needs that are lacking, parties are often able to redefine the conflict in a way that facilitates joint problem solving and collaboration, when such was impossible before. (This is especially true when conflicts are defined in terms of mutually exclusive interests.) Unlike interests, needs are usually mutually-reinforcing, rather than mutually exclusive.

Although the term "problem solving" makes the approach sound similar to the settlement-oriented approach to mediation, the approach is actually more closely aligned with the transformative approach to conflict. For instance, a great deal of emphasis is put on identifying and examining each parties' perspective on the problem, including the parties' values, interests, prejudices, hopes, fears, and needs. As with transformative mediation, emotions are not avoided, but are dealt with directly. Much emphasis is put on mutual recognition of the needs of the other party and empowerment of the parties to approach their mutual problem in new ways.

Although the ultimate goal is resolving the conflict, in almost all of the cases in which this approach has been used, the workshops have focused on a much shorter-term goal of increasing mutual understanding and respect. Many workshops have been held, for instance, between Israelis and Palestinians. These workshops helped lay the groundwork for the Oslo accords, and have continued since Oslo in efforts to facilitate the agreement's implementation. However, in that situation, as most others like it, obtaining true resolution and a complete peace is a very slow process. Increasing mutual understanding and interpersonal (rather than intersocietal) trust is the short term goal which is being achieved by this workshop process.

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## Interests, Needs, and Values

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Interests, needs, and values are three concepts that underlie most conflicts, yet are often confused. The term "interests" is generally used to refer to the things people want in a conflict. They are often, though not necessarily, material. They are generally negotiable--people are willing to trade more or less of one interest for more or less of another. Yet conflicts are often defined in terms of incompatible interests. It is assumed that there is only so much of something (money, land, jobs, etc.) and the more one person or group gets, the less the other side gets. Thus, framing conflicts in terms of interests often yields a "zero sum" or "win-lose" situation.

Needs, on the other hand, are also things people want in a conflict. However, they are usually not material things, but intangible things such as security, identity, and recognition. According to John Burton, one of the leading human needs theorists, the "reflect universal motivations. They are an integral part of the human being." Needs differ from interests in several important ways. First, they are non-negotiable. People will not trade away their identity or their security. Identity and security are so fundamental, so necessary to all human satisfaction, that people will do almost anything, even things that violate fundamental norms, or diminish their ability to attain their interests, in an effort to obtain their fundamental needs. A second difference is that needs are usually not mutually exclusive. While interests may be structured in such a way that only one side can get what it wants, needs are usually mutually supporting. Insecurity tends to breed aggression against others; security allows one to leave others alone. Similarly, if one's own identity is secure, then there is no need to threaten another's sense of identity. If a group's identity is denied, however, it is likely to respond by asserting its identity against that of the opposing group(s).

Values are also fundamental beliefs that are non-negotiable. Values are the "ideas, habits, customs and beliefs that are a characteristic of particular social communities." (Burton, *Conflict: Resolution and Prevention*, p. 37.) Values determine how we understand the world and how we respond to it. As with needs, if one's values are questioned or threatened, one is likely to respond strongly to defend one's values.

Since values and needs are non-negotiable, these concepts are not dealt with as often in settlement-oriented forms of dispute resolution, which tend to focus much more on interests. Transformative forms of dispute resolution, however, tend to deal with values and needs much more extensively, believing that having an understanding of those issues must precede any work on interest negotiation.

[1] Here recognition generally refers to something one gets, but it links to Bush and Folger's definition of recognition because it cannot be received if it is not given.

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**For More Information:** Contact: **Guy Burgess** or **Heidi Burgess**, Co-Directors, [Conflict Research Consortium](#), University of Colorado, Campus Box 327, Boulder, Colorado, 80309-0327, E-mail: [burgess@colorado.edu](mailto:burgess@colorado.edu) Phone: (303) 492-1635; Fax: (303)492-2154.

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# Dialogue

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Dialogue is a form of conversation and a form of relating to people that differs from mediation, negotiation, and debate in that it seeks to inform and learn, but not persuade or resolve anything. This approach is often more successful in deep-rooted, value based conflicts where negotiation is impossible. Progress in such situations requires the breakdown of stereotypes, a willingness to listen and respect others' views, and a willingness to open oneself to new ideas. Dialogue allows this to happen, often before people are willing to sit down to discuss "resolution," "consensus," or areas of "common ground."

While dialogue has been in use in conflict situations (by the Quakers, for instance) for decades, it has become increasingly common in non-religious settings over the last ten years. The Public Conversations Project, one of the leaders in applying dialogue to public debates, describes dialogue as a conversation in which people "speak openly and listen respectfully and attentively. Dialogue excludes attack and defense and avoids derogatory attributions based on assumptions about the motives, meanings, or character of others. In dialogue, questions are sincere, stimulated by curiosity and interest. Answers often disclose what previously has been unspoken." (Chasin et al, 1996, p. 325.)

This can be contrasted with debate, which often becomes repetitive, entrenched, and rhetorical. Rather than opening people up to new ideas, debate tends to close them down--they get an "I already heard this a thousand times" attitude, and they just talk louder and argue harder about their own views, rather than being receptive to others'. The following table, taken from "From Diatribe to Dialogue on Divisive Public Issues: Approaches Drawn from Family Therapy," (Mediation Quarterly, Summer 1996) compares dialogue to debate, highlighting the key differences in each of several categories.

## Distinguishing Destructive Debate from Dialogue

### *Destructive Debate*

Pre-meeting communication between sponsors and participants is minimal and largely irrelevant to what follows.

Participants tend to be leaders known for propounding a carefully crafted position. The personas displayed in the debate are usually already familiar to the public. The behavior of the participants tends to conform to stereotypes.

The atmosphere is threatening; attacks and interruptions are expected by participants and are usually permitted by moderators.

Participants speak as representatives of groups.

Participants speak to their own constituents and, perhaps, to the undecided middle.

Differences within "sides" are denied or minimized.

Participants express unswerving commitment to a point of view, approach, or idea.

Participants listen in order to refute the other side's data and to expose faulty logic in their arguments. Questions are asked from a position of certainty. These questions are often rhetorical challenges or disguised statements.

Statements are predictable and offer little new information.

Success requires simple impassioned statements.

Debates operate within the constraints of the dominant public discourse. (The discourse defines the problem and the options for resolution. It assumes that fundamental needs and values are already clearly understood.)

### *Dialogue*

Pre-meeting contacts and preparation of participants are essential elements of the full process.

Those chosen to participate are not necessarily outspoken leaders. Whoever they are, they speak as individuals whose own unique experiences differ in some respect from others on their side. Their behavior is likely to vary in some degree and along some dimensions from stereotypical images others may hold of them.

The atmosphere is one of safety; facilitators propose, get agreement on, and enforce clear ground rules to enhance safety and promote respectful exchange.

Participants speak as individuals, from their own unique experience.

Participants speak to one another.

Differences among participants on the same side are revealed, as individual and personal foundations of beliefs and values are explored.

Participants express uncertainties, as well as deeply held beliefs.

Participants listen to understand and gain insight into the beliefs and concerns of the others. Questions are asked from a position of curiosity.

New information surfaces.

Success requires exploration of the complexities of the issue being discussed.

Participants are encouraged to question the dominant public discourse, that is, to express fundamental needs that may or may not be reflected in the discourse and to explore various options for problem definition and resolution. Participants may discover inadequacies in the usual language and concepts used in the public debate.

Table from Richard Chasin, Margaret Herzig, Sallyann Roth, Laura Chasin, Carol Becker, and Robert R. Stains, Jr. "From Diatribe to Dialogue on Divisive Public Issues: Approaches Drawn from Family Therapy". *Mediation Quarterly* 1996, v. 13 #4, p. 326.

Key elements of the PCP approach to dialogue are collaborating with participants, preventing re-enactment of the "old" ways of communicating and relating with the other side, and fostering a new way of communicating by imposing a strict (though negotiated) set of ground rules and a preformulated structure. Unlike transformative mediation, where the mediator "follows the parties around," the facilitators of dialogue definitely do the leading--by asking very carefully formulated questions which are answered in a predefined order. However, dialogue facilitators do not look for or highlight areas of common ground, nor do they push parties towards settlement. Rather, they structure the session in a way that encourages mutual recognition. In so doing, they are also likely to generate empowerment, though that is not a pre-defined goal as it is in transformative mediation. Nevertheless, the results of dialogue are usually extremely transformative, as people emerge from the process with a much deeper understanding of both their own views and the views of people on the other side. While this does not necessarily lead to settlement--in fact it seldom does in the protracted, deep-rooted public policy conflicts that the PCP generally deals with--it does initiate a new way of dealing with these conflicts that have the potential, over the long term, for transforming the public debate, not just the private dialogues of the immediate participants.

[\[Click here\]](#) for a summary of "From Diatribe to Dialogue on Divisive Public Issues: Approaches Drawn from Family Therapy," (Mediation Quarterly, Summer 1996)

[\[Click Here\]](#) for a full text paper describing the PCP's dialogue process.

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**For More Information:** Contact: **Guy Burgess** or **Heidi Burgess**, Co-Directors, [Conflict Research Consortium](#), University of Colorado, Campus Box 327, Boulder, Colorado, 80309-0327, E-mail: [burgess@colorado.edu](mailto:burgess@colorado.edu) Phone: (303) 492-1635; Fax: (303)492-2154.

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# Collaborative Learning

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Collaborative learning is a new approach to public participation designed especially for public policy conflicts. The approach draws on what is called soft systems methodology, a theory of learning, and alternative dispute resolution. By combining these two methods, collaborative learning encourages the public and experts to learn together about each other, the issues in dispute, and alternative approaches for dealing with those issues. Like other transformative approaches to conflict, collaborative learning stresses process more than outcome, and seeks to make incremental improvements to mutual understanding, rather than seeking final resolution of a conflict. Though it stresses different terms, collaborative learning essentially seeks empowerment of the parties by improving the parties' ability to communicate with each other effectively, to collect, analyze, and understand complex technical information, and to use that information to make sensible decisions. The process also encourages recognition as it encourages effective listening and dialogue among all parties to a public policy conflict.

[\[Click here\]](#) for more information on collaborative learning

**For More Information:** Contact: **Guy Burgess** or **Heidi Burgess**, Co-Directors, [Conflict Research Consortium](#), University of Colorado, Campus Box 327, Boulder, Colorado, 80309-0327, E-mail: [burgess@colorado.edu](mailto:burgess@colorado.edu) Phone: (303) 492-1635; Fax: (303)492-2154.

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# Constructive Confrontation

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Constructive confrontation is an approach to dealing with intractable conflicts that is being developed by Guy Burgess and Heidi Burgess. This approach is based on the assumption that while conflict is inevitable in all societies, the destructive nature of most conflicts is avoidable. By using constructive confrontation, disputants and third parties can transform destructive conflicts into constructive ones--ones which are not necessarily resolved, but ones which lead to a growing and strengthening of the parties and the relationship between them.

This approach to conflict has several key elements. First is that many conflicts neither can be, nor should be, resolved. This is similar to Bush and Folger's view that settlement should not be the goal of transformative processes. Rather, constructive confrontation provides disputants and third parties with a set of tools to confront (i.e, engage in) conflict in a way that generates more benefits than it does costs. Benefits include a better understanding of one's own interests, values, and needs, and how to pursue them (Bush and Folger's empowerment) as well as a clearer understanding, of the interests, values, and needs of the other side (Bush and Folger's recognition).

A second key element of constructive confrontation is a distinction between the core conflict and "conflict overlay" problems. The core conflict is made up of the fundamental interests, values, and or needs which are in opposition to each other. Lying over this core conflict are usually a set of "conflict overlays" or complicating factors, which often obscure the core and make it difficult to deal with effectively. These overlays typically include framing problems, misunderstandings, procedural problems, technical/factual problems, and escalation. Constructive confrontation requires that all of these overlays be identified and limited as much as possible, in order to enhance constructive confrontation of the core issues.

While this is a more structured approach to dealing with deep-rooted conflicts than is transformative mediation, it is similar in that it takes a very broad view of what such conflicts are "about" and what aspects of those conflicts need to be dealt with. Unlike settlement-oriented processes that narrow in on specific negotiable interests, constructive confrontation urges analysis and management of relationship issues, emotional issues, value- and need-based issues as well as the traditional interests dealt with by problem solving mediation.

A third key element of constructive confrontation is what the Burgesses call the "incremental approach." Taken from Lindblom's concepts of remediality and "muddling through," constructive confrontation assumes that most intractable problems do not have simple win-win solutions that will result in complete and final resolution. These conflicts are complex, multi-party, multi-issue situations where the best that can be achieved is an incremental improvement in the parties' abilities to meet their own needs and/or their understanding of the interests, needs, and values of the other side(s). This is done by working to correct misunderstandings, reframe conflicts in more productive ways, find and effectively utilize mutually credible technical information, correct procedural errors, and/or limit escalation. This, then allows the transformation of a conflict from one which is highly destructive, to one which is much more constructive.

A fourth key element of constructive confrontation is integration of power strategies into what the Paul Wehr and the Burgesses call the power strategy mix. Drawing from Kenneth Boulding's *Three Faces of Power*, constructive confrontation suggests utilizing a combination threat or force, negotiation, and integrative approaches, or what Boulding refers to as "love." While not commonly thought of as a source of power, both negotiation and integrative strategies improve one's ability to get one's interests and needs met (which is, in essence "power"). These strategies, when used in combination with a small amount of threat, are often far more successful in generating constructive change than are threat or force used alone. Used alone, threat-based strategies tend to cause escalation and backlash, not constructive change. Similarly, negotiation or integrative strategies often cannot be used alone either because the core aspect of the conflict is non-negotiable and the relationship between the parties is so weak that integrative strategies are considered or accepted. A combination of the three strategies, used sequentially or simultaneously can often lead to progress that one strategy alone could not.

For more information on this approach [\[click here\]](#)

**For More Information:** Contact: **Guy Burgess** or **Heidi Burgess**, Co-Directors, [Conflict Research Consortium](#), University of Colorado, Campus Box 327, Boulder, Colorado, 80309-0327, E-mail: [burgess@colorado.edu](mailto:burgess@colorado.edu) Phone: (303) 492-1635; Fax: (303)492-2154.

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