

CMN 698 (03)
Seminar/Mediation
MW 9:10-10:30
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Office hours: MW 3:30-5
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Introduction

In attempts to lighten the court load, the judicial system has been exploring alternative dispute resolution processes in many areas of conflict. Some view these alternatives (often referred to as mediation, negotiation, and bargaining) as “stop gap procedures” in the lengthy and costly legal process. Others, including those whose work we will be reading and discussing this semester, see ADR (alternative dispute resolution) as much more than a method to lighten the load of the court. For us, ADR in general and mediation in particular is not simply an optional technique for resolving conflict. Mediation is a *process* whereby participants with incommensurate beliefs and values engage in a *collaborative* process of reconstructing meaning. Mediation, as we define it, is not focused on finding the “right” solution; nor is it focused on reaching consensus. Rather, mediation is a process of co-constructing a livable future collaboratively.

This course will explore different theories and models of mediation as they inform the broader topic of conflict resolution. Emphasis will be on models that examine relational processes as opposed to models that focus on individual needs and traits with the aim of reaching a settlement or consensus. Emphasis will also be on interactive processes through which mediation is achieved, which requires a shift in philosophical stance more than a development of any particular set of skills or techniques. The role of the mediator will be closely scrutinized and critically challenged throughout the semester. Is the mediator an “expert” who works his or her skills and techniques on disputing parties? Or, is the mediator a relational partner with disputing parties, working collaboratively to construct alternative modes of meaning making? We will adopt the latter of these two images of the mediator. To do so will require first an understanding of the process of communication, where communication is not viewed as the transmission of meaning or information from one person to another. For us, communication is central to the creation of beliefs, values, and meaning. Therefore, understanding conflict between people, communities, groups, or nations requires an exploration of the processes of communication that contribute to the creation of disparate realities. Seeking resolution, we shall see, requires examination of relational processes as opposed to examination of individual beliefs and values. In this course we will explore – through a wide variety of readings, discussions, and activities – how our traditional notions of language and social activity (e.g., communication) position us in ways that divide or exaggerate differences rather than in a manner that works toward building ways of going on together.

Course Objectives

- to understand communication as a relational process of meaning making
- to understand conflict as a natural part of social life

- to understand conflict as an opportunity for growth and transformation
- to critically examine the role of the mediator in the mediation process
- to demonstrate the ability to engage in transformative mediation
- to value multiple perspectives – even when it is difficult – by avoiding the desire to solve a problem and to judge or evaluate, and instead, work to create the conditions where a different conversation can take place

Required Readings

Several readings are posted on **Blackboard in the "Books" section**. In addition, you are required to purchase the following **two books which are available at Durham Book Exchange**:

Domenici, K. and Littlejohn, S. W. (2001). *Mediation: Empowerment in Conflict Management*. Illinois: Waveland press.

Winslade, J. and Monk, G. (2001). *Narrative Mediation: A New Approach to Conflict Resolution*. San Francisco: Jossey Bass.

Course Requirements

Note: We will develop a set of ground rules for operating as a class this semester. These ground rules will assist us in creating the kind of classroom environment that invites lively discussion and active participation while insuring confidentiality and a safe context for sensitive conversations.

20% -- Participation: Since this is a course that engages both theory and practice, your attendance and the quality of your participation are essential. On each day of class, I will evaluate your participation in terms of three criteria:

- *Focus:* How present are you during the class session? To what degree do you help us focus on class activities by paying attention, maintaining your energy, staying engaged, and refraining from distractions?
- *Contribution:* Do you make appropriate contributions to class activities? To what degree do you share something of yourself in dialogue and/or practice? Are you willing to help out or take initiative?
- *Coordination:* How well do you adhere to our classroom culture? In discussion, do you listen well to others? In activities, are you alert and responsive to others?

There will be several aspects of your participation grade. The following three must be outstanding to receive a grade of "A."

- **Facilitation of two class discussions:** As described above, you will work with one or two other students in class to design and facilitate two class discussions. Here your task is to take the material we are discussing that week and provide an opportunity for the class to put the ideas into practice, to engage in extended

dialogue about the ideas, and to participate in a range of activities that help clarify the reading material. Real or simulated conflicts are certainly appropriate -- yet, if this is what we do every Wednesday (the days on which students will be facilitating the class) to redundancy will bore us all. Thus, your grade will reflect your creativity and novelty in generating a lively class discussion. You will be responsible -- with your other group members -- to facilitate activities in discussions for the full class on Wednesdays.

- **Blackboard Postings:** Your weekly postings on blackboard and the level and quality of your responses to other students' postings will also be assessed as your participation. **All postings must be available to the entire class by MIDNIGHT on SUNDAY of each week.** Responses to others' postings may be posted at any time.
- **Daily Class Participation:** Again, your daily focus, coordination, and contributions will be assessed.

50% -- Response Papers (2 @ 25% each): Each of you will write two response papers. You should think of these as "critical analysis papers," as "position papers," or as "essays." These papers should be 5-10 pages in length and serve as a complete demonstration of your ability to *introduce and explain, critically assess and apply* the theories, models and philosophical perspective we are discussing in class. I ask that you carefully consider the material we are discussing and write about your considerations *thoughtfully and intelligently*. In order to do this, you will also find it necessary to provide an overview of the material which you are discussing. These papers are NOT summaries or book reports. The papers must be able to stand on their own and be coherent to someone unfamiliar with this material. In other words, do not jump right in and talk about what a relational or constructionist approach to communication has to do with mediation. You need to fully introduce your reader to these concepts, describing them, explaining them, and illustrating them. I will provide a schedule indicating the due dates for each of your reflection papers. Please feel free in these papers to draw on personal illustrations or to offer "cases" for analysis that are drawn from your own network of relations.

30% -- Final Project: You may work alone or with others to design and facilitate a relationally-based mediation for some group or couple who are engaged in conflict and are seeking some sort of resolution. We will discuss this project collectively. Yet, by mid-semester, you must have a group/couple/topic that you have selected to work with, partners in class - if you choose to work with others, and a schedule for executing your mediation. At the end of the semester, you will present a summary of your work to class and will write (individually) a paper that coherently introduces the conceptual and theoretical material of the class by a presenting your mediation as a case study.

Class Policies and Rules

I find that it is useful for you to know, right from the beginning, what my expectations are for each of you concerning a number of issues:

Email: Please feel free to email me. I am happy to discuss course material via email with you if a question emerges. Use Blackboard if you would like to invite the entire class in on a discussion. In addition, you may feel free to email me questions about assignments, papers, readings, etc. You may also email me to arrange a meeting outside of class. However, **do not email your papers to me.**

Voicemail: Leaving me voicemail messages is also fine. I will return any phone calls as soon as I can.

Class Absences: Sometimes each of us become ill or has some other pressing, personal situation that prevents us from attending class. I want you to know right away that I expect each and every one of you to be present at **each** class. Doctor's appointments during class time are unacceptable. You have a commitment to your classes and thus it is your responsibility to schedule doctor's appointments during the "free" times in your day/week. (For this semester, 9:10-10:30 on Mondays and Wednesdays is not free time.) The same is the case for interviews, special study sessions, and so forth. I want you to fully understand that attendance in class is not an option. It is a requirement, as is your full participation. Yet, there might be a time when you really must miss class. When you must miss class, I expect you to talk with me *before* the class that will be missed. In cases where this is not possible, I will expect extraordinary circumstances to prevail and for you to be able to document these circumstances. Your final grade in this course will reflect your presence in class.

Deadlines: Papers and other assignments are due on the day indicated. I do not expect late submissions.

Academic honesty: The University has very clear guidelines concerning academic honest. These guidelines address issues of plagiarism, out-of-class work, exams, misrepresentation of work, and other pertinent issues. Please make yourselves familiar with these policies. No exceptions will be made for breaches of the University's Academic Honest policy.

Disabilities: If you are a student with a documented disability who will require accommodations in this course, please register with the Access Office in the Memorial Union Building, Room 118 (862.2607) for assistance in developing a plan to address your academic needs. Students who are already registered with the Access Office and wish to receive accommodations in this course are strongly encouraged to share their Accommodation Letter with me in a timely manner.

Tardiness and Cell Phones: I expect you to come to class on time and stay until class is over. Turn off your telephones and use the rest rooms before you come to class. Being fully present and on time will reflect significantly in your final grade.

Websites

Sampling of useful websites (there are many, many more as well):

<http://www.transformativemediation.org/>

<http://www.publicconversations.org>

<http://www.publicdialogue.org>

<http://www.taosinstitute.org>

<http://www.voicedialogue.com>

Schedule

1/17 **I. Introduction**

1/22 **II. Conflict and Conflict Management**

Reading 1: Domenici, K. and Littlejohn, S. W. (2001). *Mediation: Empowerment in Conflict Management*. Illinois: Waveland press.

Chapter 1: Conflict Management

Reading 2: Bush, R. A. And Folger, J. P. (2005). *The Promise of Mediation*. San Francisco: Jossey Bass.

Chapter 1: The Mediation Field: An Overview and Four Stories.

1/29 **III. Approaches to Conflict**

The Public Conversations Project

Reading 3: Roth, S., Chasin, L., Chasin, R., Becker, C., Herzig, M. (1992). From Debate to Dialogue: A Facilitating Role for Family Therapists in the Public Forum. *Dulwich Centre Newsletter*, Australia, vol. 2: 41-48.

via: http://www.publicconversations.org/pcp/resources/resource_detail.asp?ref_id=87
(posted in books section of blackboard).

Appreciative Inquiry

Watkins, J. M. and Mohr, B. J. (2001). *Appreciative Inquiry*. San Francisco: Jossey Bass.

- Reading 4:** Chapter 1: The Case for a New Approach to Change.
Reading 5: Chapter 2: Appreciative Inquiry: History, Theory, and Research

2/5 *IV. Theory: what difference does individualism versus a relational philosophy make?*

Sampson, E.E. (1993). *Celebrating the Other*. Colorado: Westview Press.

- Reading 6:** Chapter 1: The Context of Power
Reading 7: Chapter 2: Conceptual Dilemmas
Reading 8: Chapter 3: Possessive Individualism and the Self-contained Ideal

2/12 *V. The Dialogic Distinction*

Reading 9: Stewart, J. & Zediker, K. (2002). Dialogue as Tensional, Ethical Practice. *Southern Communication Journal*, 65 (2/3), 224-242.

2/19 **Reading 10:** Stewart, J. (2002). *Bridges not Walls*. New York: McGraw Hill, pp. 663-681.

Chapter 16: A Philosopher's Approach

Sampson, E. E. (1993). *Celebrating the Other*. Colorado: Westview Press.

Reading 11: Chapter 7: Celebrating the Other: The Dialogic Turn

2/26 McNamee, S. and Gergen, K.J. (1998). *Relational Responsibility: Resources for Sustainable Dialogue*. Thousand Oaks, California: Sage Publications.

- Reading 12:** Chapter 1: An Invitation to Relational Responsibility
Reading 13: Chapter 2: Relational Responsibility in Practice

3/5 **Reading 14:** Gergen, K.J., McNamee, S. and Barrett, F. (2001). Toward transformative dialogue. *International Journal of Public Administration*, 24, 7/8, 679-707.

Spring Break

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VI. Mediation as Dialogic, Transformative Practice

Domenici, K. and Littlejohn, S. W. (2001). *Mediation: Empowerment in Conflict Management*. Illinois: Waveland press.

Reading 15: Chapter 2: Mediation: An Overview

Reading 16: Chapter 3: A Mediation System.

Reading 17: Chapter 4: Basic Skills.

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Reading 18: Chapter 5: Enhancing Skills and Building Capacity.

Reading 19: Chapter 6: Special Concerns.

Reading 20: Chapter 7: War and Dance.

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Winslade, J. and Monk, G. (2001). *Narrative Mediation: A New Approach to Conflict Resolution*. San Francisco: Jossey Bass.

Reading 21: Chapter 1: Narrative Mediation: What Is It?

Reading 22: Chapter 2: Theoretical and Philosophical Issues in Narrative Mediation.

Reading 23: Chapter 3: A Narrative Model of Mediation.

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Reading 24: Chapter 4: Entitlement.

Reading 25: Chapter 5: The Relational Context of Narrative Mediation.

Reading 26: Chapter 6: Disarming the Conflict

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Reading 27: Chapter 7: Opening Space

Reading 28: Chapter 8: Building Momentum.

Reading 29: Chapter 9: Getting Unstuck.

Reading 30: Chapter 10: Documenting Progress.

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Bush, R. A. And Folger, J. P. (2005). *The Promise of Mediation*. San Francisco: Jossey Bass.

Reading 31: Chapter 2: A Transformative View of Conflict and Mediation.

Folger, J. P. and Bush, R. A. (2001). *Designing Mediation: Approaches to Training and Practice within a Transformative Framework*. New York: Institute for the Study of Conflict Transformation.

Reading 32: Chapter 2: Transformative Mediation and Third-Party Intervention: Ten Hallmarks of Transformative Mediation Practice

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Course Summary