

CMN 698 (03)
Seminar/Mediation/Spring 2008
MW 1:10-2:30
sheila.mcnamee@unh.edu

Prof. Sheila McNamee
Office hours: MW 4:30-6
or by appointment
Horton 111A, 862.3040

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 courts. 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 – that is, ways that celebrate diversity.

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
- to understand the processes by which meaning can be reconstructed
- to understand the distinction between “conflict resolution” and “transformative dialogue”

Required Readings

Several readings are posted on **Blackboard in the "Books" section**. In addition, you are required to purchase the following **three 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.

Stone, D., Patton, B., and Heen, S. (1999). *Difficult Conversations: How to Discuss What Matters Most*. New York: Viking.

Course Requirements

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 other students in class to design and facilitate two class discussions. Here your task is to take the material we are discussing in a given 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) the 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 group members -- for facilitating 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 an additional form of participation. **All postings must be available to the entire class by MIDNIGHT on SUNDAY of each week. This means that you must have completed the readings for the week by the time you post on Sundays.** 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 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 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, 1:10-2:30 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

1/23

Introduction

1/28

The Theoretical and Conceptual Orientation

1. Putnam, L. (2007). Exploring the Role of Communication in Transforming Conflict Situations
(Bb reading #1)
2. Gergen, K.J. (2007). Relativism, Religion, and Relational Being.
(Bb reading #2)

2/4

What difference does individualism versus a relational philosophy make?

3. Sampson, E.E.(1993). Chapter 1: The Context of Power
(Bb reading #3)
4. Sampson, E.E. (1993). Chapter 2: Conceptual Dilemmas
(Bb reading #4)
5. Sampson, E.E. (1993). Chapter 3: Possessive Individualism and the Self-contained Ideal
(Bb reading #5)

2/11

The Dialogic Distinction

6. Stewart, J. & Zediker, K. (2002). Dialogue as Tensional, Ethical Practice
(Bb reading #6)
7. Sampson, E.E. (1993). Chapter 7: Celebrating the Other: The Dialogic Turn
(Bb reading #7)
8. Stewart, J. (2002). Chapter 16: A Philosopher's Approach
(Bb reading #8)

2/18

Issues of Responsibility in Conflict and Dialogue

9. McNamee, S. and Gergen, K. (1999). Chapter 1: An Invitation to Relational Responsibility

(Bb reading #9)

10. McNamee, S. and Gergen, K. (1999). Chapter 2: Relational Responsibility in Practice

(Bb reading #10)

2/25 *Mediation as Dialogic, Transformative Practice*

11. Gergen, K.J., McNamee, S. and Barrett, F. (2001). Toward Transformative Dialogue

(Bb reading #11)

12. Bush and Folger (2005). Chapter 1 The Mediation Field: An Overview and Four Stories.

(Bb reading #12)

3/3 *A Transformative Illustration*

13. Pearce, K. (2007). CMM and The Evolution of Social Consciousness

(Bb reading #13)

3/5 *The Practic of Transformative Mediation*

Stone, D., Patton, B., and Heen, S. (1999). *Difficult Conversations*. Introduction through Chapter 12

(Book – Not on Blackboard)

3/10 *Narrative Mediation*

Winslade, J. and Monk, G. (2001). *Narrative Mediation*. Chapters 1-5

(Book – Not on Blackboard)

3/17 *Spring Break*

3/24 Winslade, J. and Monk, G. (2001). *Narrative Mediation*. Chapters 6-10

(Book – Not on Blackboard)

3/31 *The Public Conversations Project*

14. 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.

(Bb reading #14)

4/7

Appreciative Inquiry

15. Watkins, J. M. and Mohr, B. J. (2001). Chapter 1: The Case for a New Approach to Change.
(Bb reading #15)
16. Watkins, J. M. and Mohr, B. J. (2001). Chapter 2: Appreciative Inquiry: History, Theory, and Research
(Bb reading #16)

4/14

No Classes this week. I will be lecturing at Utrecht University.

4/21

Mediation: A Step Model

Domenici, K. and Littlejohn, S. W. (2001). *Mediation: Empowerment in Conflict Management*. Illinois: Waveland Press.
Chapters 1-3
(Book – Not on Blackboard)

4/28

Domenici, K. and Littlejohn, S. W. (2001). *Mediation: Empowerment in Conflict Management*. Illinois: Waveland Press.
Chapters 4-7
(Book – Not on Blackboard)

5/5

17. Bush, R.A. and Folger, J.P.(2001). Chapter 2: A Transformative View of Conflict and Mediation
(Bb reading #17)
18. Folger, J. P. and Bush, R. A. (2001). Chapter 2: Transformative Mediation and Third-Party Intervention: Ten Hallmarks of Transformative Mediation Practice
(Bb reading #18)

5/12

Course Summary

5/19

EXAM PERIOD WILL SERVE AS FINAL PAPER/PROJECT PRESENTATION AND DISCUSSION SESSION

MONDAY, MAY 19, 3:30-5:30

REFERENCES

- Bush, R. A. And Folger, J. P. (2005). *The Promise of Mediation*. San Francisco: Jossey Bass.
- Domenici, K. and Littlejohn, S. W. (2001). *Mediation: Empowerment in Conflict Management*. Illinois: Waveland Press.
- 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.
- Gergen, K.J. (2007). Relativism, Religion, and Relational Being. *Common Knowledge*, 13:2-3, pp 362-378.
- Gergen, K.J., McNamee, S., and Barrett, F.J. (2001). Toward transformative dialogue. *International Journal of Public Administration*, 24, 7/8, 679-707.
- McNamee, S. and Gergen, K.J. (1998). *Relational Responsibility: Resources for Sustainable Dialogue*. Thousand Oaks, California: Sage Publications.
- Pearce, K. (2007). CMM and the Evolution of Social Consciousness. Unpublished manuscript.
- Putnam, L. (2007). Exploring the Role of Communication in Transforming Conflict Situations. Unpublished manuscript.
- 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*, vol. 2: 41-48.
- Sampson, E. E. (1993). *Celebrating the Other*. Colorado: Westview Press.
- Stewart, J. & Zediker, K. (2002). Dialogue as Tensional, Ethical Practice. *Southern Communication Journal*, 65 (2/3), 224-242.
- Stewart, J. (2002). *Bridges not Walls*. New York: McGraw Hill, pp. 663-681.
- Stone, D., Patton, B., Heen, S. (1999). *Difficult Conversations: How to Discuss What Matters Most*. New York: Viking.
- Watkins, J. M. and Mohr, B. J. (2001). *Appreciative Inquiry*. San Francisco: Jossey Bass.
- Winslade, J. and Monk, G. (2001). *Narrative Mediation: A New Approach to Conflict Resolution*. San Francisco: Jossey Bass.