From Practice to Theory to Practice: A Brief Retrospective on the Transformative Mediation Model

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In 1994, Professors Robert Baruch Bush and Joseph Folger published *The Promise of Mediation*, offering an analysis of the relationship between mediation practice and broader social perspectives on conflict.[1] Their analysis grew out of observations of, and research on, mediators' practices.[2] What they added to existing practice was analytical clarity on two levels: first, they offered a framework that explained distinct approaches to mediation practice in ideological[3] and theoretical terms;[4] second, they articulated the how and why of transformative mediation practice.[5]

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[1] ROBERT A. BARUCH BUSH & JOSEPH P. FOLGER, THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT THROUGH EMPOWERMENT AND RECOGNITION (1994).

[2] *Id.* at 33–46, 55–77 (presenting empirical and anecdotal evidence of common patterns of mediation practice).

[3] Bush and Folger explained mediation practice, and especially the differences among various mediators' practices, in terms of the "ideologies" mediators privileged. *Id.* at 229–59; *see also* Joseph P. Folger & Robert A. Baruch Bush, *Ideology, Orientations to Conflict, and Mediation Discourse*, *in* NEW DIRECTIONS IN MEDIATION: COMMUNICATION RESEARCH AND PERSPECTIVES 3 (Joseph P. Folger & Tricia S. Jones eds., 1994). "Ideologies" are the socially constructed, socially shared, meaning systems that members of social groups use to view, organize, interpret, and judge their surrounding world. *See generally*, J.M. BALKIN, CULTURAL SOFTWARE: A THEORY OF IDEOLOGY (1998); TERRY EAGLETON, IDEOLOGY: AN INTRODUCTION (1991); JOHN B. THOMPSON, IDEOLOGY AND MODERN CULTURE (1990); TEUN A. VAN DIJK, IDEOLOGY: A MULTIDISCIPLINARY APPROACH (1998). Functionally, "ideologies allow people, as group members, to organize the multitude of social beliefs about what is the case, good or bad, right or wrong, *for them*, and to act accordingly." *Id.* at 8. Thus, ideologies always imply a preferred moral order. Bush's and Folger's argument that mediation practice could be

It is now ten years since the publication of *The Promise of Mediation*, and there is wide recognition in the field that the transformative model of practice, and the theory underlying it, represent an important and distinctive approach to conflict that has become a permanent part of the field. Many organizations and practitioners are committed to the transformative model,[6] major texts are considered incomplete without chapters devoted to it,[7] and the Association for Conflict Resolution established a "track" on the transformative approach for its 2003 annual conference.[8] In short, the transformative model has emerged as a key part of the field's conceptual and practical terrain, and its significance is likely to continue growing in coming years.

It seems appropriate to mark this anniversary by taking stock of how the theory and practice of the transformative model has developed in the last decade and how its unique ideological and theoretical perspective has influenced the field of mediation. I undertake at least a start on that considerable task with this brief retrospective in which I trace the evolution of the transformative domain of the mediation field. My goals are to offer sufficient historical context to provide insight on the powerful contribution of the transformative framework to the mediation field, and also to frame an introduction to several articles in this issue on the topic of mediator quality

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understood and explained by mediators' ideological commitments highlighted the value-based nature of mediation practice and challenged the field's underlying premise of mediator neutrality. *See generally* Dorothy J. Della Noce et al., *Clarifying the Theoretical Underpinnings of Mediation: Implications for Practice and Policy*, 3 PEPP. DISP. RESOL. L.J. 39 (2002).

[4] Della Noce et al., *supra* note 3, at 47 (observing that Bush and Folger "ground[ed] their analysis of mediation practice in clearly articulated theoretical models of both conflict in general and mediation in particular.").

[5] BUSH & FOLGER, *supra* note 1, at 191–226.

[6] The Institute for the Study of Conflict Transformation, Inc. at Hofstra University School of Law is the central organization that supports the development of transformative practice and practitioners. The Institute has established a network for community mediation centers that endorse the transformative approach to practice, provides support to organizations that wish to adopt transformative mediation for their in-house mediation programs (like the United States Postal Service and Raytheon Corporation), and provides rosters of certified mediators for organizations that request them. *See* http://www.transformativemediation.org (last visited Feb. 7, 2004).

[7] For example, MEDIATING FAMILY AND DIVORCE DISPUTES, (J. Folberg, et al. eds.) (forthcoming 2004), includes a chapter by Robert A. Baruch Bush and Sally Ganong Pope entitled *Transformative Mediation: Principles and Practice in Divorce Mediation.*

[8] The 2003 Annual Conference of the Association for Conflict Resolution (ACR) in Orlando, Florida included a "transformative track" organized by the Institute for the Study of Conflict Transformation and featured a workshop or presentation on transformative mediation in every series of workshops at the Conference.

assurance that suggest the continuing contributions this framework offers to the field as it enters its second decade.

I. FROM PRACTICE TO THEORY

In 1994, when the mediation movement in the United States was approximately twenty-five years old, there was still "no one accepted account of how the mediation movement evolved or what it represents."[9] In *The Promise of Mediation*, Professors Bush and Folger offered an analysis of "the diverse and pluralistic" mediation movement that was grounded in clearly articulated theoretical models of both conflict in general and mediation in particular.[10] Building on the growing body of research findings regarding mediators' practices,[11] their own experiences as mediators, and their insights as legal and communication scholars respectively, they provided a framework in which the variety of known contemporary mediation practices could be explained.[12] They suggested that mediation practice took different forms and had different social consequences depending upon the mediator's underlying ideologically-based view of conflict and how that view of conflict shaped the mediator's goals and practices.[13]

Bush and Folger argued that three models of practice shared the mediation field: problem-solving,[14] harmony,[15] and transformative.[16] They

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[9] BUSH & FOLGER, *supra* note 1, at 15.

[10] *Id.* at 25.

[11] *Id.* at 33–46, 55–77.

[12] *Id.* at 75–77, 104–08.

[13] *Id.* at 236–59.

[14] The following description of the problem-solving model is summarized from Della Noce et al., *supra* note 3, at 48–49. The problem-solving model, grounded in Individualist ideology, takes an essentially psychological/economic view of human conflict. According to this model, conflict represents a problem in solving the parties' incompatible needs and interests. Because a problem solved is a conflict resolved, the model presumes that a solution—typically represented by a tangible settlement agreement—is "what the parties want." Therefore, the mediator's goal is to generate an agreement that solves tangible problems on fair and realistic terms, and good mediator practice is a matter of issue identification, option creation, and effective persuasion to "close the deal." In this model there is heavy reliance on mediator initiative and direction because both are useful in generating settlement. The problem-solving framework is based on and reflects an Individualist ideology, in which human beings are assumed to be autonomous, self-contained, atomistic individuals, each motivated by the pursuit of satisfaction of his or her own separate self-interests. The problem-solving model, while seldom going by that precise name, and seldom acknowledging or exposing its ideological roots, is the dominant model in the mediation field. *See* BUSH AND FOLGER, *supra* note 1, at 55–77, 229–59 (elaborating on the problem-solving model and its ideological roots). Other scholars have also noted and explored the

psychological/economic basis of a problem-solving approach to conflict in general and to mediation practice in particular. *See e.g.*, Sara Cobb, *The Domestication of Violence in Mediation*, 31 LAW & SOC'Y REV. 397 (1997) [hereinafter Cobb, *Domestication of Violence*]; Sara Cobb & Janet Rifkin, *Practice and Paradox: Deconstructing Neutrality in Mediation*, 16 LAW & SOC. INQUIRY, 35 (1991); Dorothy J. Della Noce, *Seeing Theory in Practice: An Analysis of Empathy in Mediation*, 15 NEGOT. J. 271 (1999); and Sara Cobb, *Einsteinian Practice and Newtonian Discourse: An Ethical Crisis in Mediation*, 7 NEGOT. J. 87 (1991) (book review).

[15] The harmony model, based in Organic ideology, is not widely relied upon in contemporary Western society. BUSH & FOLGER, *supra* note 1, at 241. Nonetheless, examples of the harmony model can be found in the mediation literature. *See e.g.*, Philmer Bluehouse & James W. Zion, *Hozhooji Naat'aanii: The Navajo Justice and Harmony Ceremony*, 10 MEDIATION Q. 327 (1993); Diane LeResche, *Comparison of the American Mediation Process with a Korean-American Harmony Restoration Process*, 9 MEDIATION Q. 323 (1992).

[16] The following description of the transformative model is summarized from Della Noce et al., *supra* note 3, at 50–51. The transformative model, based in *Relational* ideology takes an essentially social/communicative view of human conflict. According to this model, a conflict represents first and foremost a crisis in some human interaction—an interactional crisis with a somewhat common and predictable character. Specifically, the occurrence of conflict tends to destabilize the parties' experience of both self and other, so that the parties interact in ways that are both more vulnerable and more self-absorbed than they did before the conflict. Further, these negative dynamics often feed into each other on all sides as the parties interact, in a vicious circle that intensifies each party's sense of weakness and self-absorption. As a result, the interaction between the parties quickly degenerates and assumes a mutually destructive, alienating, and dehumanizing character. For most people, according to transformative theory, being caught in this kind of destructive interaction is the most significant negative impact of conflict. However, the transformative model posits that, despite conflict's potentially destructive impacts on interaction, people have the capacity to change the quality of their interactions to reflect relative personal strength or self-confidence (the empowerment shift) and relative openness or responsiveness to the other (the recognition shift). Moreover, as these positive dynamics feed into each other, the interaction can regenerate and assume a constructive, connecting, and humanizing character. The model assumes that the transformation of the interaction itself is what matters most to parties in conflict—even more than settlement on favorable terms. Therefore, the model defines the mediator's goal as helping the parties to identify opportunities for empowerment and recognition shifts as they arise in the parties' conversation, to choose whether and how to act upon these opportunities, and thus to change their interaction from destructive to constructive. In transformative mediation, success is measured not by settlement per se, but by party shifts toward personal strength, interpersonal responsiveness, and constructive interaction. In various ways, effective practice is focused on supporting empowerment and recognition shifts by allowing and encouraging party deliberation and decisionmaking and inter-party perspective-taking. *See also* Robert A. Baruch Bush & Sally Ganong Pope, *Changing the Quality of Conflict Interaction: The Principles and Practices of Transformative Mediation*, 3 PEPP. DISP. RESOL. L.J. 67 (2002) (providing a concise explanation of the "what," "why," and "how" of transformative mediation practice).

argued that each model of mediation practice assumed a particular view of the nature of conflict, which in turn was built upon and reflected the underlying values and assumptions of a particular ideology.[17] Bush and Folger also claimed that a mediator's preferred framework for practice was less a matter of situational strategy or personal style than it was a matter of his or her fundamental ideological commitments.[18] The articulation of these different frameworks and the distinctions between them generated significant interest among scholars and practitioners,[19] as well as a flurry of critiques.[20]

The transformative framework is based on and reflects Relational ideology, in which human beings are assumed to be fundamentally social—formed in and through their relations with other human beings, essentially connected to others, and motivated by a desire for both personal autonomy and constructive social interaction. *See* BUSH & FOLGER, *supra* note 1, at 236–59. The roots of this view of conflict can be found in the postmodern social-constructionist literature of the social sciences, particularly in the discipline of communication science. *See, e.g.*, ALLEN D. GRIMSHAW, CONFLICT TALK (1990); Christina Kakava, *Discourse and Conflict*, *in* THE HANDBOOK OF DISCOURSE ANALYSIS 650 (Deborah Schiffrin et al. eds., 2001). Many scholars have noted that this social/communicative view of conflict fosters significantly different visions of the nature of conflict processes than does the psychological/economic view, and therefore significantly different approaches to conflict resolution and intervention. *See, e.g.*, Cobb, *Domestication of Violence*, *supra* note 14, at 428–37; Cobb & Rifkin, *supra* note 14, at 59–60; Linda L. Putnam, *Challenging the Assumptions of Traditional Approaches to Negotiation*, 10 NEGOT. J. 337 (1994); *see also* Barbara Gray, *The Gender-Based Foundations of Negotiation Theory*, *in* RESEARCH ON NEGOTIATIONS IN ORGANIZATIONS 3 (Roy J. Lewicki et al. eds., Vol. 4 1994); Deborah M. Kolb & Linda L. Putnam, *Through the Looking Glass: Negotiation Theory Refracted Through the Lens of Gender*, *in* WORKPLACE DISPUTE RESOLUTION: DIRECTIONS FOR THE TWENTY-FIRST CENTURY 231 (Sandra E. Gleason ed., 1997) (reaching a similar conclusion through a feminist-informed analysis).

[17] BUSH & FOLGER, *supra* note 1, at 229–59.

[18] *Id.* at 248–59.

[19] *See* DOROTHY J. DELLA NOCE, IDEOLOGICALLY BASED PATTERNS IN THE DISCOURSE OF MEDIATORS: A COMPARISON OF PROBLEM-SOLVING AND TRANSFORMATIVE PRACTICE 65–73 (2002) [hereinafter DELLA NOCE, PATTERNS] (reviewing the literature that has developed in response to Bush's & Folger's analysis of theoretical frameworks for the mediation field); *see also* DOROTHY J. DELLA NOCE, TRANSFORMATIVE MEDIATION: AN ANNOTATED BIBLIOGRAPHY OF INSTITUTE RESOURCES, *available at* http://www.transformativemediation.org/publications.htm#Bibliography (last visited Feb. 7, 2004) [hereinafter DELLA NOCE, ANNOTATED].

[20] *See* David A. Hoffman, *Confessions of a Problem-Solving Mediator*, 23 SPIDR NEWS 1 (1999); Carrie Menkel-Meadow, *The Many Ways of Mediation: The Transformation of Traditions, Ideologies, Paradigms, and Practices*, 11 NEGOT. J. 217 (1995); Neal Milner, *Mediation and Political Theory: A Critique of Bush and Folger*, 21 LAW & SOC. INQUIRY 737 (1996); Jeffrey Seul, *How Transformative is Transformative Mediation?: A Constructive-Developmental Assessment*, 15 OHIO ST. J. ON DISP. RESOL. 135 (1999); Michael Williams, *Can't I Get No Satisfaction? Thoughts on* The Promise of

II. FROM THEORY TO PRACTICE

Although Bush and Folger certainly can be credited with articulating the theoretical and ideological foundations of the mediation field, their analysis was offered primarily to frame their particular interest—articulating, justifying, and encouraging the transformative approach to practice. As they stated, "[it] makes sense to see transformation as the most important goal of mediation, both because of the nature of the goal itself and because of mediation's special capacity to achieve it."[21] When practitioners and scholars who resonated with the values underlying the transformative framework sought greater clarification about the realities and implications of this framework for their practices, Bush and Folger responded by initiating several major theory-to-practice ventures.

Bush and Folger began the Training Design Consultation (TDC) Project in 1996 with joint funding from The Surdna Foundation and The William and Flora Hewlett Foundation, as well as the collaboration of forty-one scholars and practitioners from the United States and Canada. The goal of this project was to support the development of new training resources for the field based on transformative theory. By the time of its completion in 1998, the TDC had supported the development of twenty-four pilot training

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Mediation, 15 MEDIATION Q. 143 (1997). While an in-depth review of these critiques is beyond the scope of this Article, Della Noce conducted a review and suggested that a number of themes can be identified in the arguments of critics of the transformative model. *See* DELLA NOCE, PATTERNS, *supra* note 19, at 65–69. First, critics generally call for empirical evidence of the distinctions in mediator practice and ideology that Bush and Folger drew. Critics find neither Bush's and Folger's case studies, nor their analysis of existing empirical and practice literature, persuasive. While they offer no analysis of the literature or empirical evidence to controvert Bush and Folger, they generally do draw upon their own experience and beliefs about how they practice to support their assertions that the two forms of practice are not entirely dissimilar. Second, critics reject the notion that problem-solving practice is inevitably directive practice. However, this rejection of Bush's and Folger's indictment of problem-solving practice must be viewed with some skepticism, because the critics who assert this position typically identify with the problem-solving framework, either explicitly and overtly, or implicitly through the way they define success in mediation and good mediation practice. Third, critics reject the claim that mediators cannot integrate the two models of practice and therefore must make value-based choices about which form of practice to enact. Again however, they offer no empirical evidence or contrary analysis of the literature, but draw instead upon their own experience to simply assert that they do integrate the two models. Finally, critics assert that if a choice between frameworks must be made, it is not the mediator who should make it, but the parties—an argument that reflects the field's fundamental value of party self-determination more than any theoretically or empirically grounded stand.

[21] BUSH & FOLGER, *supra* note 1, at 29.

projects, a wealth of new training materials, exercises and models, and new insights on the transformative model.[22]

Another initiative coincided with the TDC. One of the participants in the TDC, Cynthia Hallberlin (then Alternative Dispute Resolution Counsel for the United States Postal Service (USPS)), was responsible for the development of an Equal Employment Opportunity (EEO) mediation program for the USPS, the largest civilian employer in the United States.[23] She recognized the importance of aligning institutional goals and values with the goals and values of a specific theoretical framework for mediation; and because of the USPS interest in improving the quality of workplace conflict interaction, she selected the transformative framework.[24] For the first time, in the USPS REDRESS™ program, the mediation field witnessed a mediation program being built on a specific, articulated theoretical and ideological framework from the ground up.[25] Training programs and materials, trainer development programs, research protocols, and mediator evaluations were all created specifically to support the goals and values of the framework. Research has shown that the mediation program is successful on many different dimensions.[26]

Bush and Folger began a third initiative in 1998, again with joint funding from The William and Flora Hewlett Foundation and The Surdna Foundation. The goal of the Practice Enrichment Initiative (PEI) was to further develop and disseminate the transformative framework for those who were drawn to it and to preserve a genuine opportunity for practitioners to

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[22] Many of the insights, materials, and exercises from the TDC were eventually described in DESIGNING MEDIATION: APPROACHES TO TRAINING AND PRACTICE WITHIN A TRANSFORMATIVE FRAMEWORK (Joseph P. Folger & Robert A. Baruch Bush eds., 2001).

[23] *See generally* Cynthia J. Hallberlin, *Transforming Workplace Culture Through Mediation: Lessons Learned from Swimming Upstream*, 18 HOFSTRA LAB. & EMP. L.J. 375 (2001).

[24] *See generally* Lisa B. Bingham & Lisa M. Napoli, *Employment Dispute Resolution and Workplace Culture: Introduction to the REDRESS™ Program and Its Implementation*, *in* MEDIATION AT WORK: THE REPORT OF THE NATIONAL REDRESS™ EVALUATION PROJECT OF THE UNITED STATES POSTAL SERVICE 18 (2001); Robert A. Baruch Bush, *Handling Workplace Conflict: Why Transformative Mediation?* 18 HOFSTRA LAB. & EMP. L.J. 367 (2001); Hallberlin, *supra* note 23, at 375–83.

[25] Bush, *supra* note 24, at 367–70; Hallberlin, *supra* note 23, at 378 (citing the importance of the transformative framework for achieving USPS goals); DAVID B. LIPSKY ET AL., EMERGING SYSTEMS FOR MANAGING WORKPLACE CONFLICT 291–93 (2003).

[26] *See, e.g.*, James R. Antes et al., *Transforming Conflict Interactions in the Workplace: Documented Effects of the USPS REDRESS™ Program*, 18 HOFSTRA LAB. & EMP. L.J. 429 (2001); Hallberlin, *supra* note 23, at 378–82; MEDIATION AT WORK, *supra* note 24; *see also* LIPSKY ET AL., *supra* note 25, at 291–93.

engage in this form of practice. The PEI had three key dimensions: developing pictures of competent transformative practice using videos and transcripts, developing research methods to assess the progress of mediators building their competency in the transformative framework, and developing methods of analyzing mediation policy materials to determine underlying assumptions and their effects on practice. The PEI concluded in 2000. Among its many products were two university-sponsored symposia; new video, training, research, assessment, and policy resources; as well as numerous publications representing a solid body of literature supporting and clarifying the transformative framework.[27]

The desire to continue the work of the PEI ultimately led to the establishment of the Institute for the Study of Conflict Transformation (the "Institute"), affiliated with Hofstra University School of Law. The Institute functions as a "think tank," devoted to advancing the understanding of transformative mediation through research, policy analysis and consulting, and the development of resources for practitioners and program administrators.[28] In 2000, the Institute received a generous grant from The William and Flora Hewlett Foundation to support the Institute's administrative expenses. In addition to the leadership group of the Institute, there are now twenty-five Associates throughout the United States, Canada, and the United Kingdom affiliated with the Institute and committed to furthering its mission.[29]

Among the Institute's many activities are: (1) continuing support of the USPS REDRESS™ program by creating new training programs and materials, developing a corps of trainers, building internal USPS training capacity, developing original resources for the assessment of mediators, and building the internal USPS capacity for mediator assessment; (2) continuing contributions to the literature of the field through the publication of articles, symposia, monographs, and books, all of which develop and enhance the theory and practice of transformative conflict intervention and offer critical policy perspectives; (3) continuing contributions to the pedagogy of the field through the creation and delivery of important new educational methods and materials, including written and audiovisual resources, training manuals and

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[27] Robert A. Baruch Bush & Joseph P. Folger, *The Practice Enrichment Initiative 1998–2000 Final Report* (2001); *see also* DELLA NOCE, ANNOTATED, *supra* note 19 (containing annotated references throughout to publications produced as a result of the PEI).

[28] Information about the Institute, its mission, history, and current projects, can be found at http://www.transformativemediation.org (last visited Feb. 7, 2004).

[29] This team includes not only eminent practitioners and trainers, but also prominent scholars and researchers. Its members come from all sectors of the field, including community centers, government agencies, private practice, and academia.

methods for mediators and trainers, as well as academic courses in conflict theory and intervention presented at U.S. institutions and abroad; (4) continuing contributions to the research base of the field through unique, qualitative research studies on mediation and related processes; (5) continuing contributions to constructive dialogue in the field by organizing symposia that bring together hundreds of practitioners, administrators, theorists, and policymakers to explore critical issues in the field—including most recently, the issue of mediator quality assurance; and (6) continuing support of networking in the field by launching a web-based network to link and support community centers and agencies interested in helping each other explore and expand their use of the transformative approach.

III. LOOKING FORWARD

After the conclusion of the PEI, Institute members turned their attention toward summative assessment.[30] In the process, they brought together insights from the TDC and PEI projects, the USPS initiative, and their experiences with training and coaching. They also incorporated insights from research on the in-session practices of competent transformative mediators into the processes already under development.[31] In December 2002, members of the Institute convened a Symposium on the topic of mediator quality assurance at the University of Maryland School of Law, entitled "Assuring Mediator Quality: What are the Alternatives?" Over one hundred scholars and practitioners came together for two days to explore the subject of mediator quality assurance anew, with fresh insights from theory, practice, and research. Their perspective was unique, as all focused on what "quality assurance" meant from a particular theoretical framework for practice—the transformative approach. A collection of articles in this volume emerged from discussions at the Symposium.

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[30] *See generally* Dorothy J. Della Noce et al., *Identifying Competence in Transformative Mediators: An Approach Based in Theory, Practice, and Research*, 19 OHIO ST. J. ON DISP. RESOL. 1005 (2004) (explaining the concept of summative assessment).

[31] Institute members drew upon what might be called the "action research" conducted by members since the time of the PEI—insights from the analysis of videotapes and transcripts and from close coaching work with mediators on the nature and effects of their practices at a micro-level. They also drew upon discourse analytic research conducted by Della Noce, who compared the practices of competent problem-solving mediators with the practices of competent transformative mediators, and thereby isolated certain essential and unique practices of transformative mediators. *See* DELLA NOCE, PATTERNS, *supra* note 19, at 65–73; Della Noce et al., *supra* note 30.

In the first article, *One Size Does Not Fit All: A Pluralistic Approach to Mediator Performance Testing and Quality Assurance*, Professor Robert A. Baruch Bush examines the assumption, prevalent in many policy documents, that mediation is a monolithic practice and therefore susceptible to a monolithic approach to quality assurance. Professor Bush studies one important type of policy used to achieve mediator quality assurance—performance assessments—and shows that the fundamental premise underlying most of these policies is that mediation is "monolithic." That is, despite much discussion in the field about different "styles" and "models" of mediation, mediation is ultimately a "generic" process, and there is but one universal set of skills needed to practice mediation competently. Stated differently, all mediators must have the same skills to be judged competent as practitioners, no matter what model they employ. Bush argues that this fundamental premise is deeply flawed: he first demonstrates that the skills required by monolithic policies almost always privilege one model of practice over all others; he then argues that it is actually impossible for a single performance test to apply fairly to all models of practice because the skills required in one model are not only irrelevant, but counterproductive in other models. Bush concludes that performance tests, as well as other quality assurance policies, should be pluralistic rather than monolithic. Because there are indeed distinct models of mediation requiring distinct and different skills, different tests should be developed for different models of practice, and mediators should be tested specifically for the model or models of mediation they employ in their practices.

In *The Beaten Path to Mediator Quality Assurance: The Emerging Narrative of Consensus and Its Institutional Functions*, Professor Dorothy J. Della Noce examines how the monolithic assumptions Bush describes pervade not just the substantive content of standards, but also the political processes through which standards are crafted. She analyzes the pervasive use of "consensus" in developing mediator quality assurance standards. She then evaluates what consensus can and cannot tell us about mediator quality. She demonstrates how the consensus approach produces internally inconsistent standards, and thus, how it fails as a valid marker of quality. She proposes that consensus, if it does not serve as a valid marker of quality, must serve some other function in order for its pervasiveness to be explained. She examines the institutional functions of the consensus approach, highlighting how a focus on consensus is more oriented toward building a supportive constituency behind mediator quality assurance standards than it is toward creating objectively valid standards. At the same time, this use of consensus has a dark side because it overlooks contrary research findings and silences or co-opts minority voices in the field. Della Noce concludes with suggestions for valid alternatives to a consensus approach to mediator quality

assurance standards, including theory-specific and research-based approaches.

Both Bush and Della Noce conclude from their respective analyses that quality assurance efforts would be greatly enhanced by taking a pluralistic approach to defining quality—particularly an approach grounded in theory, practice, and research. In the final article in the collection, *Identifying Practice Competence in Transformative Mediators: An Interactive Rating Scale Assessment Model*, Dorothy J. Della Noce, James R. Antes, and Judith A. Saul present a groundbreaking summative assessment process that takes just such an approach. This article presents the rationale and the procedure for the Summative Assessment process, which is currently being used in the Institute's mediator certification program. This process is based in transformative mediation theory, current research, and insights from practice. The authors begin with a discussion of mediator competence as defined by transformative theory. The authors then describe, in detail, their theoretical framework, research evidence, and methodological approach. They present an overview of the Summative Assessment process itself as well as evidence of its validity and reliability from pilot testing. They conclude with suggestions for areas of continuing research.

The articles in this collection reflect a focus on quality assurance matters from the unique perspective of the transformative framework for mediation practice. This topic, in itself, is an original and valuable contribution to the literature. At the same time, the research, analyses, and experiences of the various authors offer new insights on the state of quality assurance efforts in the mediation field at large, as well as promising new directions for the future of those efforts. With the articles in this collection, transformative mediation steps into its second decade. The authors build on the work that has come before and continue their tradition of critically examining taken-for-granted assumptions underlying the mediation field and creating constructive alternatives to the status quo.