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A Response to Gaynier's "Transformative Mediation: In Search of a Theory of Practice"

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In her article "Transformative Mediation: In Search of a Theory of Practice," Gaynier (2005) suggests that transformative practice could turn to concepts and processes from Gestalt therapy to achieve its stated objectives as an approach to conflict intervention. This suggestion is potentially useful. It is consistent with the link we have drawn between some forms of therapeutic intervention and transformative mediation (Bush and Folger, 2005). It is also consistent with a view we have taken that there is no single way to achieve the objectives of the work done within a transformative framework: "There are many possible ways that the specific elements of training can be designed and still be consistent with the underlying goals and accomplishments of transformative practice" (Folger and Bush, 2001, p. 182). What is needed is clear articulation of how the Gestalt framework might help in implementing a transformative approach to conflict intervention. Only with further articulation can there be thorough discussion of whether and how concepts from this framework are aligned with the transformative model (Gaynier, 2003).

This agreement with the call for exploration of Gestalt therapy is tempered by the strong exception we take to one important premise of the article. Gaynier claims that a framework of transformative practice needs to be built and articulated in a way that is free from any "moral imperative." In essence, she is critical of our original articulation of the model on explicitly value-based grounds and believes that Gestalt therapy offers a value-free basis for transformative practice. We disagree wholeheartedly with this stance, for two primary reasons.

First, we believe that an explicitly value-based approach to practice has helped practitioners understand their work and its purpose in ways that a purely "conceptual" understanding cannot. In writing the first edition of *The Promise of Mediation*, we felt it was essential to discuss and clarify the

underlying ideological assumptions—the value premises—of this model of practice and to contrast them with those of prevailing models. We see this value-based approach as essential in clarifying the purpose behind practice in any model. It enables practitioners to understand that mediation techniques or strategies are always tied to underlying purpose, and to grapple with the important questions about what mediation is trying to achieve. This approach to articulating the model is essential in grounding an understanding of the *why* behind the *what* of practice (Charbonneau, 2001). Ideological clarity is necessary for theoretical choice. We would encourage more discussion of the ideological premises of various forms of practice.

Second, the critique of the moral imperative behind the transformative model is inconsistent with what is known generally about the link between ideology and theory. It has long been established that social science theory is never value-free, although in many instances underlying values and objectives are not discussed or even explicitly acknowledged (Simons, 1990; van Dijk, 1998). Although Gaynier does not examine the ideological assumptions that underlie the Gestalt framework, they nonetheless exist. Rather than seeing Gestalt theory as value-free, we believe the moral imperative implicit in the Gestalt model itself can and should be articulated and examined as much as those that underlie the transformative, problem-solving, and other frameworks of practice. The value-free position is troublesome because it masks the ideological choices practitioners make when they conduct their work. It is misleading to believe that one can adopt the transformative model via Gestalt theory but not acknowledge that this approach also carries ideological choices about the premises of practice.

The appeal to articulate the transformative framework on neutral conceptual grounds reminds us of the prescient comment that Jeff Rubin offered in the preface to the first edition of *The Promise of Mediation*. Rubin predicted, “The fact that Bush and Folger are so frankly ideological and value-driven in their analysis will also disturb those readers who wish for a value-neutral appraisal of the mediation industry” (Bush and Folger, 1994, p. xii). Rubin knew that moving discussion of practice to the level of underlying value premises would be challenging for many. He predicted that such articulation would be controversial for a field that wanted to see itself as ideologically neutral.

In addition to this fundamental disagreement about value-based theory, we want to correct several important errors and misrepresentations in the

article about the transformative framework and the work that supports it. First, Gaynier claims that "in the almost ten years since publication of *The Promise of Mediation* we have not seen a rigorous research response, and without such assessment at the empirical level it is difficult to measure the effects of the transformative approach on practice" (p. 397). This is an inaccurate statement. Adoption of the transformative framework in the U.S. Postal Service program means that the transformative model of practice has been studied more than any other approach to practice in the last ten years. Rigorous empirical research on the practice and effects of transformative mediation in this organization has been conducted by Lisa Bingham and her colleagues since adoption of the transformative model (Bingham, 1997; Bingham, 2003; Bingham and Nabatchi, 2001). It might be possible to find this research program problematic or deficient but it is incorrect to suggest that the model has not been studied as extensively as it has been implemented.

Second, it is inaccurate to state that REDRESS studies have not yet addressed whether transformative mediation actually resulted in the stated goal of an improved workplace culture at the Postal Service. Bingham's work (2003, 2004) has begun to map some of the impact that mediation has on culture change within the organization. Clearly, more studies of this type are needed to explore the upstream effects that the program leadership sought, but research has included studies that document broader impact of the mediation program.

Third, the claim that a study conducted by Antes, Folger, and Della Noce (2001) was based on "second hand reporting by REDRESS observers" is not factual. The primary data in this study came from mediators of REDRESS cases themselves. Forty-five mediators from a range of geographical locations participated in this focus group study, and they reported case examples of mediations which they themselves conducted. REDRESS observers who were present in these cases also commented on them. Confidentiality restrictions did prevent the possibility of interviewing disputants in this study. However, the mediators' and observers' reports are clearly not "second hand reports." Moreover, this methodological approach is consistent with other well-known interview studies that capture qualitative nuances of the mediation process and its effects (Kolb, 1994).

Finally, in commenting on the focus of transformative practice, Gaynier states that "it is not enough to limit mediator behavior for fear of mediator bias, which is what Bush and Folger are increasingly doing" (p. 406). The claim that transformative practice only "limits" mediator

behavior is seriously misleading. The methodology employed in training and assessing the transformative model provides detailed, proactive strategies and approaches for enacting practice that are rooted in the core conceptual framework of the model. The standard training material for transformative mediation specifies these behaviors, as do many detailed accounts of the mediator's role and interventions that have been published since the first edition of *The Promise of Mediation* (see Folger and Bush, 2001, for detailed descriptions of training methodology; Della Noce, Antes, and Saul, 2004, for discussion of behavioral indices in assessment of transformative practice; Della Noce, 2002, for documentation of the differences between the intervention strategies of transformative and problem-solving practice; Bush and Pope, 2002, for specific transformative mediation practices; and Bush and Folger, 2005, for an extended case study of mediator interventions). All of this work identifies and describes specific, proactive practices and interventions of transformative mediators and disproves the claim that transformative practice is primarily about avoiding mediator bias.

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