Transformative Conflict Resolution

Mediation, Dialogue, Coaching, Management

Robin Brzobohatý

Martina Cirbusová

Joseph P. Folger

(Editors)

Author profiles

ROBIN BRZOBOHATÝ

Robin Brzobohatý, Ph.D., is a Czech transformative mediator, trainer, and scholar whose work spans practice, policy, and higher education. He is a Fellow of the Institute for the Study of Conflict Transformation and a Certified Transformative Mediator, and has taught transformative mediation with the ISCT since 2014. He currently serves as an assistant professor at the Silesian University in Opava, where he focuses on research and teaching in conflict resolution, and as a policy officer at the Czech Ministry of Justice working on the organization of mediation and mediator education.

From 2015 to 2020, he led the international family mediation program at the Office for International Legal Protection of Children and served as the Czech contact person for the European Parliament Mediator for International Parental Child Abduction. He has been an examiner for the state mediator certification under Czech Act 202/2012 since 2012 and has trained judges and legal professionals at the Judicial Academy. His teaching experience includes courses at Temple University (with Joseph P. Folger) and the International Summer School on Dispute Resolution at Humboldt University in Berlin. Brzobohatý mediates family disputes (including cross-border cases) in Mediation and Education centre in Brno and facilitates dialogue processes in Czech and English. He holds a Ph.D. in Legal Theory from Masaryk University.

MARTINA CIRBUSOVÁ

Martina Cirbusová, Ph.D. graduated from the Faculty of Law at Masaryk University Brno, Czech republic. Already as a doctoral student she was specializing in family law and the protection of children's rights. She is currently a head of Transformative Family Mediation Center in Brno, Czech Republic, where she leads a team of 20 mediators and works also as a mediator. Since April 2019, she has been a certified transformative mediator in ISCT and since 2025 has been recognized as an assessor for certification procedure in ISCT. In the Czech Republic and other countries, she works as a lecturer, facilitator, mediator and methodologist in many areas of interdisciplinary cooperation of subjects in family dispute resolution. As a mediation trainer she works mainly in the USA. She works as co-trainer in Divorce and Family Mediation Training and also in Basic Transformative Mediation Training in St. Paul, Minnesota, USA with Dan Simon. She is also a trainer for ISCT Virtual Institute. Since 2023 she is a fellow and board member of ISCT.

JOSEPH P. FOLGER

Joseph P. Folger, Ph.D., is a scholar-practitioner and longtime Temple University professor whose work helped shape the modern field of mediation. With Robert A. Baruch Bush, he co-originated the transformative model of mediation and co-authored the landmark The Promise of Mediation (1994; revised ed. 2004/2005). He co-founded and has led the Institute for the Study of Conflict Transformation, contributing to major initiatives, including the U.S. Postal Service's REDRESS program. His publications include the widely used text Working Through Conflict (with Marshall Scott Poole and Randall K. Stutman).

ROBERT A. BARUCH BUSH

Robert A. Baruch Bush, J.D., is the Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law at the Maurice A. Deane School of Law, Hofstra University. He is a co-originator of the transformative model of mediation and co-author (with Joseph P. Folger) of the field-defining book The Promise of Mediation (rev. ed. 2004/2005). He co-founded and has long led the Institute for the Study of Conflict Transformation (ISCT). Bush helped design the U.S. Postal Service's nationwide REDRESS program for workplace disputes and has authored widely cited scholarship on empowerment and recognition in conflict interaction. He holds a B.A. from Harvard University and a J.D. from Stanford Law School.

ERIK CLEVEN

Erik Cleven, Ph.D., is a professor in the Department of Politics at Saint Anselm College, Manchester, New Hampshire. He is a Fellow and former board member of the Institute for the Study of Conflict Transformation (ISCT). Together with colleagues at the ISCT he has helped develop Transformative Dialogue (TD) and with Judith A. Saul has offered training in TD in Kenya, Norway, Jordan, the Netherlands, and the United States. He has also helped develop an online, asynchronous course in TD through the ISCT. His recent research is on dialogue and has appeared in journals like Ethnopolitics and Conflict Resolution Quarterly. Most recently, with Judith A. Saul, he is co-editor of the book Transformative Dialogue: Co-creating Conversations in Communities and Organizations published in 2025 by Bloomsbury Publishing, formerly Rowman and Littlefield.

HANNAH DIAMOND

Hannah Diamond is a mediator, professor and mediation trainer based out of Brooklyn, NY. She is certified as a transformative mediator by the ISCT. She mediates for several courts in New York, as well as disputes between police officers and civilians. She is a Part 146 Approved Basic Mediation trainer in New York. She also teaches mediation at Hofstra Law School. She has a J.D from Harvard Law School and a BA from Oberlin College.

JUDITH A. SAUL

Judith A. Saul has over four decades of experience in mediation, facilitation and training. She is a Fellow and former Board member of the Institute for the Study of Conflict Transformation, and a Certified Transformative MediatorÓ. Judy founded and ran a community mediation center in Ithaca, NY for over 25 years where she designed and implemented basic and advanced training, coaching and assessment for mediators. She has extensive experience mediating interpersonal disputes, planning and facilitating organizational and community dialogues, and training and coaching mediators. With Institute colleagues, she developed Transformative Dialogue, applying the relational framework to dialogue processes occurring in communities in conflict, including those that have experienced ethnic and political conflict. Judy has trained nationally and internationally in Transformative Mediation and Transformative Dialogue.

SHARON PRESS

Sharon Press is Director of the Dispute Resolution Institute and the Robins Kaplan Distinguished Professor of Litigation Skills and International Dispute Resolution at Mitchell Hamline School of Law in St. Paul, MN. Press serves on the board of the Institute for the Study of Conflict Transformation. Press is a Florida Supreme Court certified county and family mediator and on

Minnesota's Rule 114 Roster of Civil Facilitative and Hybrid Neutrals. Prior to joining Mitchell Hamline Law, Press served as director of the Florida Dispute Resolution Center where she was responsible for the ADR programs for the Florida state court system during its formative years. Press is the recipient of numerous professional awards, including the Mary Parker Follett Award for Excellence and Innovation in Dispute Resolution presented by the Association for Conflict Resolution and CPR Institute for Dispute Resolution's Special Award for Distinguished Contributions to the Field and Future of Dispute Resolution. Press was the Association for Conflict Resolution's representative to the Drafting Committee for the Model Standards of Conduct for Mediators adopted by the AAA, ABA and ACR. She received her B.A. from The George Washington University School of Public and International Affairs and her J.D. from The George Washington University National Law Center

DAN SIMON

Dan Simon, MA, JD, practices and teaches transformative mediation in Saint Paul, Minnesota and Southern California. He's the co-author, with Tara West, of Self-Determination in Mediation: The art and science of mirrors and lights (Rowman & Littlefield, 2022). He's a Fellow and Board Member of the ISCT, is a certified transformative mediator, and assesses transformative mediators for certification. He has served on the Minnesota Supreme Court's ADR Ethics Board and as the chair of the Minnesota State Bar Association's ADR Section.

BASIA SOLARZ

Basia Solarz MAdED, PCC brings over 30 years' experience facilitating difficult conversations in educational, workplace, and community settings. She served as the Consultant for Communication & Conflict Competence for the award winning conflict resolution program at Nova Scotia Health, offering conflict coaching, mediation, and educational services. A Certified Transformative Mediator and Fellow of the Institute for the Study of Conflict Transformation, Basia is particularly interested in the moral-ethical dimensions of conflict as well as the intersection of adult learning and the transformative approach to working with conflict. She founded the ISCT Virtual Institute and is the convener of the TCC Lab, an exploratory project where she and her ISCT colleagues have been developing a deeper understanding of what it means to apply transformative principles and premises to the practice of conflict coaching. Basia is the founder and president of Braver Path Coaching, Consulting and Facilitation.

KLÁRA BROŽOVIČOVÁ

Mgr. et Mgr. Klára Brožovičová, Ph.D., is a Czech researcher and mediator based in Brno whose work bridges practice and scholarship. She holds double master's degrees (Mgr. et Mgr.) and a Ph.D. from Masaryk University. She is listed on the Czech Ministry of Justice roster of mediators.. Her mediation focuses on civil, commercial, labor, consumer, and public-element disputes, conducted in Czech and English. In academia, her work spans ethnology, sociology, gender and tradition including contributions around intercultural mediation or social exclusion.

PETER MILLER

Peter F. Miller is a highly experienced transformative mediator in private practice in the New York metropolitan area, active since 1986 and with more than 2,500 mediations—primarily in family and workplace matters, including cases for the USPS REDRESS program, the U.S. EEOC, and the New York

State Division of Human Rights. He has taught and mentored many mediators across the greater New York area and teaches mediation at Hofstra Law School with Robert A. Baruch Bush and colleagues. Miller directed Hofstra Law's Mediation Externship (2014–2017) and has served as an Adjunct Professor of Mediation at the Maurice A. Deane School of Law.

His publications include co-authoring "Hiding in Plain Sight: Mediation, Client-Centered Practice, and the Value of Human Agency" (with R.A.B. Bush) and the chapter "Transformative Mediation and Lawyers: Insights from Practice and Theory" in Transformative Mediation: A Sourcebook. He has also contributed to international training and dialogue programs, such as a 2021 University of Florence keynote on self-determination in mediation, and has been involved with New York's Restorative Justice Initiative.

JANET MUELLER

Janet Mueller, M.S., is a Certified Transformative Mediator™ and Fellow of the Institute for the Study of Conflict Transformation (ISCT). She has been a mediator and trainer with the Dayton Mediation Center since the 1990s—joining as an intern in 1995, hired in 1997—and today manages the Center's Police Complaint Support Program. She also serves ISCT as its part-time Administrative Coordinator and Authorized Mediation Trainer, supporting day-to-day operations and member programs.

A frequent trainer and workshop leader, Mueller co-delivers ISCT's Basic Transformative Mediation Training and leads offerings such as "Responding Effectively to Conflict," grounded in the relational worldview of transformative practice. Her writing includes essays reflecting on transformative practice in community and international settings. She holds an M.S. in Conflict Analysis and Resolution from Nova Southeastern University and a B.A. in Applied Conflict Management from Kent State University.

ANJA BEKINK

Anja Bekink is a Netherlands-based dispute resolution practitioner and trainer, and the Board President of the Institute for the Study of Conflict Transformation (ISCT). She is an ISCT-certified transformative mediator (since 2014), an Authorized Mediation Trainer, and an active leader in the Dutch transformative mediation community, including board service with Stichting Het Transformatieve Model.

Beyond her mediation practice, she works as an interim manager and project leader in hospitals and healthcare organizations, where she supports teams through conflict coaching and group facilitation. Her applied focus on organizational conflict includes co-authoring a chapter on using Transformative Dialogue in large healthcare settings in the 2025 volume Transformative Dialogue: Co-creating Conversations in Communities and Organizations. She is also a certified practitioner of the Jungian Type Index (JTI), which she integrates into team development and coaching.

CHERISE D. HAIRSTON

Cherise D. Hairston is Mediation Coordinator at the Dayton Mediation Center, a Transformative community mediation center in Dayton, Ohio, USA, where staff respond to over 6,000 conflict situations annually. With more than 28 years of experience, she specializes in organizational team development, leadership development coaching, conflict coaching, and conflict management training. A Certified

Transformative Mediator™ and Fellow with the Institute for the Study of Conflict Transformation, she holds doctoral coursework (ABD) in Conflict Analysis and Resolution from Nova Southeastern University, an M.A. from Antioch University, and a B.A. from Miami University (Ohio). Cherise teaches Coaching through Conflict as adjunct faculty at George Mason University's Carter School. Her honors include NAFCM's 2024 David Brandon Award (Local Winner) and the 2021 Miami Valley Unitarian Universalist Peace Hero Award. Publications include chapters in Transformative Dialogue (2025), Beyond Equity and Inclusion in Conflict Resolution (2022), and Transforming from the Inside Out: Stories and Reflections from Transformative Practitioners (2016).

Foreword

When we look back to November 2023, it feels almost unreal how it all began. At that time, together with our colleagues and under the auspices of Markéta Vaňková, the mayor of the city Brno, we hosted the international conference *Current Directions in Transformative Practice: Mediation, Coaching, Dialogue*. For two days, the halls of the New Town Hall in Brno were filled with voices of mediators, coaches, and dialogue facilitators from around the world. Experts from the USA, Canada, Norway, Germany, France, the Netherlands, Poland, Slovenia, the United Kingdom, Czech Republic, Slovakia and Serbia shared their wisdom, their doubts, and their hopes with transformative approach.

The atmosphere was both festive and deeply human. It was not only about lectures and workshops, though those were rich and inspiring; it was about people meeting, listening to one another, and creating the very space of dialogue that transformative practice itself embodies. Standing together at the closing of the conference, we both felt that this was not the end, but a beginning.

The idea of a book was born almost spontaneously — in a moment of enthusiasm and perhaps a little naivety. "Let's collect these contributions, add some reflections, and publish it within six months," we told ourselves with a smile. Six months seemed like plenty of time back then. How little we knew!

Soon after, we invited Joe Folger, one of the founding fathers of the transformative approach, to join us on this journey. His response was not only generous but also transformative in itself. Joe encouraged us to think bigger, to weave together not only the voices from the Brno conference but also additional theoretical insights and studies that would situate the event in the wider landscape of transformative practice.

That was the turning point. What had begun as a simple proceedings book grew into something much larger — a collaborative volume that both honors the conference and expands beyond it. Draft after draft, contribution after contribution, the manuscript swelled. What we once imagined as a slim publication quickly grew into a weighty tome, and with every new page we realized that the text was shaping us just as much as we were shaping it.

There were moments of doubt, when deadlines slipped further away, and our "six months" dream felt almost comical. And yet, there was also joy — in reading each new submission, in working side by side across continents and time zones, and in seeing the threads of transformative practice come together into a tapestry more colorful and complex than we could have imagined at the start.

Today, as we are finishing the book, we know that it is no longer just "our project." It belongs to everyone who spoke in Brno, to everyone who wrote a chapter, and to everyone who continues to live the values of recognition and empowerment in practice. It is, in the best sense of the word, a collective masterpiece — one that surprised us not only with its number of pages but also with the depth of thought and humanity it contains.

We offer it now with gratitude — to our colleagues, to the community of transformative practitioners worldwide, and above all to those who, in the midst of conflict and complexity, still believe in self-determination.

Martina Cirbusová & Robin Brzobohatý

Brno, Czech Republic, September 2025

Introduction

by Robert A. Baruch Bush, Founding President and Board Member, ISCT

It is a privilege and pleasure for me to offer an Introduction to this extraordinary volume of scholarship and commentary, which was produced in connection with the International Conference of the Institute for the Study of Conflict Transformation (ISCT), held in Brno, Czech Republic in 2024. As one of the "co-founders" (with Joseph Folger) of the Transformative model of conflict and intervention, I am tremendously gratified to see how the model has prospered greatly over the past three decades, and how the work being done today continues to strengthen and deepen its underlying ideas and concrete practices.

This volume presents over a dozen examples of how work done by transformative scholars and practitioners have contributed to the development of the model, in the realms of both theory and practice. Indeed, the work presented here includes profound scholarly and philosophical analysis, rigorous research, and straightforward guides to competent and ethical transformative practice. In the paragraphs below, I offer brief descriptions of the contents of the volume's chapters. The interested reader should certainly delve into those chapters themselves to fully appreciate what the authors have added to our knowledge and understanding of the transformative model. Here, then, a guide to the contents of this remarkable volume.

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1. Mueller and Bekink, Learning from the Past and Preparing for our Future: An Overview of the Formation and Growth of the Institute for the Study of Conflict Transformation and its Evolution to Today.

The volume begins, appropriately, with an overview and brief history of the development of the transformative model, beginning with the publication of *The Promise of Mediation* in 1995 and the founding of the ISCT in 1999. The work done by the "founders", including not only Folger and Bush but also their early partners Dorothy Della Noce and Sally Pope, grew steadily to include many other colleagues, as well as multiple projects such as the development of training materials for a major initiative in workplace mediation by the US Postal Service, which formed the basis for training resources still used today. This history, recounted by ISCT Chair Anja Bekink and ISCT Coordinator Janet Mueller, gives a clear idea of the steady and productive stream of work that has flowed from the Institute over these several decades.

Following this historical introduction, the volume launches directly into two profound and challenging philosophical explorations of one of the core concepts of the transformative model, known as "recognition". The model first articulated by Bush and Folger posited that two positive "shifts" in party interaction were central to the transformation of negative to positive conflict – empowerment and recognition, the strengthening of self and the opening of self to

other, both of which were undermined in negative conflict. However, most of the conceptual work done over the years has focused on the phenomenon of empowerment (and self-determination) rather than recognition. Now, in two separate chapters, Robin Brzobohatý and Erik Cleven both turn the focus to recognition.

2. Brzobohatý, Taking Recognition Seriously: Social Ontology of Transformative Practice.

Robin Brzobohatý looks deeply into multiple streams of European philosophy to explore how recognition of other has many dimensions and levels and is not simply a natural consequence of the strengthening of self, but rather a separate if connected expression of basic human personhood. As such, he argues, recognition can be the initiator in the move from negative to positive conflict. That is, recognition can lead to empowerment rather than vice versa. He shows how this understanding gives the recognition concept a power and significance that has not been fully acknowledged and thereby brings this concept into the foreground of transformative conflict theory. Further, based on this new treatment of the concept, he identifies concrete practices that can enhance interparty recognition. As with many of the core writings on the transformative model over the years, Brzobohatý fuses theory and practice in his chapter.

3. Cleven, Living in a Relational World: Dialogue as Response and Responsibility.

In his chapter, Erik Cleven also addresses the concept of recognition, but does so in relation to the related concept of dialogue. As one of the pioneers of what is called "transformative dialogue", Cleven shows how this approach to dialogue differs from others in its conceptualization of dialogue as the meeting of self and other without submergence of other in self. Drawing from the work of two renowned dialogic philosophers – Martin Buber and Emanuel Levinas – Cleven asserts that dialogue is not merely a tool or technique, but a fundamental outlook on the human world as "relational". In this he builds on the earlier work of Bush and Folger on the relational worldview as the basis of the transformative model. Cleven shows how the practice of dialogue (and facilitation) from this foundation differs greatly from the directive and controlling approach of most dialogue work in the field. Again, the chapter joins theory and practice together, offering deep conceptualization and practical guidance for dialogue facilitators.

Moving forward from these philosophical essays, the next several chapters of the book offer practical and concrete commentary and analysis of direct value to transformative practitioners, regarding how to support party self-determination, how to understand more fully the beliefs or premises underlying the transformative model, and how to refine and deepen the practice of core methods such as reflection, summary and check-in to support conflict transformation.

4. Simon, Self-Determination in Transformative Practice: The Art of Mirrors and Lights.

In this brief but rich chapter based on an award-winning book authored with his colleague Tara West, Dan Simon reminds us how the value of party self-determination is central to both the theory and practice of transformative conflict intervention. He not only references the core meaning of self-determination and its significance to parties but also illustrates with concrete and useful examples how mediators can steer clear of confusion as they practice supporting party decision-making. In this respect his chapter foreshadows later chapters in this volume addressing mediation ethics from the transformative model's viewpoint.

5. Saul, Transformative Premises 2.0.

The transformative model of intervention has, from the beginning, argued that the "what" and "how" of practice are based on and stem from the "why". That is, as often said, "premises drive practice". The core premises underlying the approach were articulated very early on in writings and training materials. However, as the approach has grown and expanded in application, there was a perceived need to clarify additional premises that were inherent in the approach, especially with regard to issues of power, identity and group affiliation – particularly in light of questions from new mediators about these issues. Judith Saul's chapter describes the careful process through which ISCT members worked to identify and articulate several "new" premises on which the model rests, all consistent with the original premises described earlier but adding new dimensions that make sense of how the model addresses issues such as power and identity. Saul's articulation and explanation of these premises is both clear and understandable and places the model on an even firmer foundation as a values-based and principled approach to conflict intervention. Transformative practitioners will find in this chapter meaningful new "ballast" to their practice.

The next three chapters examine how to refine and deepen the practice of core methods such as reflection, summary, and check-in to support conflict transformation. In that spirit, the chapter of Miller and Diamond deepens the practice of reflection. The following two chapters present in-depth research studies, focusing on two basic elements of transformative practice that have not previously been thoroughly studied – summarizing and checking-in. While these were both identified early on as core elements of practice, they were presented briefly, usually in training materials, without close study or analysis. For example, Dorothy Della Noce identified a method of summarizing that was included in training materials but it was not studied in depth. These two chapters add an in-depth treatment to both of these key elements of transformative practice.

6. Miller and Diamond, Capturing Behavior in Enhanced Reflection.

This chapter on the practice of "enhanced reflection" is a gem, both in theoretically explaining more fully how reflection works to support conflict transformation, and in giving concrete

advice on how to use it more effectively for parties' benefit. Originally, the understanding was that reflections should be simple "mirrors", staying close to the surface of the parties' comments and not delving into interpretation at all. But even early on, fine practitioners like Sally Pope would speak of "reflecting what wanted to be said", as implied by the parties' words and nonverbal signals. In this chapter, Peter Miller and Hannah Diamond – both of them highly experienced mediators and trainers – share what they have learned about the "paralinguistic" dimensions of communication that go beyond the specific words or even nonverbal signals that parties express. Based on this construct, they offer the concept of "enhanced reflection", describing its practice and showing elegantly how it works to give greater support to parties in conflict without intruding on their self-determination. They offer specific examples to show how the practice works and what its positive impacts are. The chapter is a truly significant contribution to the advancement of transformative practice.

7. Brzobohatý, Brožovičová, and Cirbusová, Navigating the Summaries in Transformative Mediation.

This chapter, like the later one reporting on Brzobohaty's study of mediator directive impulses, presents a careful and in-depth analysis of the way that summaries are constructed and used by transformative mediators. Robin and his colleagues use actual transcripts of two well-known transformative mediation videos, and apply a method taken from functional linguistics (or functional grammar) to identify what are called "themes" and "rhemes" in the summary excerpts they present. They show how the theme/rheme distinction is similar to the structure used to describe summaries in basic transformative training, but they use the distinction to show how summaries as used by transformative mediators actually vary in terms of their form, timing, and purpose – leading to many practical suggestions for transformative mediators. As the authors conclude, the kind of close analysis done in this study "better equips practitioners to uphold party self-determination in the moment-to-moment of mediation. The humble summary, when done well, exemplifies the transformative mediator's commitment to supporting and not steering the conversation."

8. Brzobohatý, Cirbusová, and Folger, The Check-In Technique in Transformative Practice.

Again in this chapter, Brzobohatý and his colleagues – including Joseph Folger, the "co-founder" of transformative mediation – subject a "simple" practice long taught in training to rigorous examination in order to better understand its workings and impact. First, they review and clarify just how check-ins create opportunities for empowerment and recognition shifts, with reference to the underlying values of self-determination and communication. They then develop a functional "typology" of check-ins, distinguishing between clarifying, process-oriented, agenda-setting, emotional/tension, and decision-point interventions. Each type is illustrated with transcript excerpts from complementary practice. They also discuss structural dimensions of check-ins (open- vs. focused-scope, primary vs. complementary, and open- vs.

closed-ended questions) that cut across the functional types and help practitioners fine-tune phrasing and timing. Finally, they analyze real-time practitioner dilemmas such as when to intervene, how to phrase options without leading, and how to respect party agency even under escalating tension. Using detailed case vignettes, the authors demonstrate the decision-making logic of check-ins in action. As with the volume's treatment of the basic methods of summary, reflection and avoiding directiveness, this chapter sheds new light on the "simple" check-in and gives mediators a fuller understanding of how to use it effectively.

The following three chapters turn to newly developing areas of application for transformative practice, extending the model's premises and methods beyond the mediation room to work with individuals, groups, teams, and organizations. They extend the approach in coaching, dialogue, and organizational settings. Together, they illustrate how the same ethic of self-determination and recognition can guide one-party work in a coaching context, show how those premises translate into multiparty dialogue, where participants co-create the process for addressing group and community conflict, and demonstrate how a transformative stance can inform leadership and management, embedding the approach in organizational culture and everyday operations. Taken together, these chapters sketch a widening field of practice while remaining grounded in the core values and disciplined non-directiveness of the transformative model.

9. Solarz and TCC Lab Members, Transformative Conflict Coaching: Notes from the Lab.

In this groundbreaking chapter, Basia Solarz and fellow members of a group called the Transformative Conflict Coaching (TCC) Lab bring the reader into a new realm of transformative practice. In their work, TCC Lab members have extended transformative practice into work with clients not in mediation itself, but in single-party meetings to help support parties gain strength and perspective for themselves as they address conflict and other challenges in their lives. Building on the original premises and practices of transformative mediation, TCC has shown that similar methods can be used in a transformative coaching process. This chapter describes the development of that work as well as its actual practice and suggests how the model can be extended still further into new areas. Of particular note is the way in which the authors emphasize how TCC helps clients restore a connection to their *moral-ethical* selves. Indeed the authors suggest that moral growth is the fundamental activity of TCC practice. This focus on the moral dimension of the transformative model is echoed in other chapters of the volume, including both theoretical and practical chapters.

10. Hairston, Introduction to Transformative Dialogue: Transformative Practice with Group, Community, and Organizational Conflicts.

Like the previous chapter, this essay by Cherise Hairston, a longtime member and Fellow of ISCT, describes the application of transformative principles to conflicts involving groups and

organizations rather than just individuals. This process, developed and put into practice by Hairston and other ISCT colleagues, is called Transformative Dialogue (TD). While its premises and practices are similar to those of transformative mediation, the application to multiparty conflict involves some new dimensions and concepts, and they are clearly explained in this useful introduction to the process. Most important of these concepts is the principle of co-creation, meaning that the dialogue process is developed by the participants themselves, who make all decisions about "who needs to talk to whom, about what, when and how". In addition to this general principle, Hairston lays out the practical steps by which these questions can be addressed by dialogue participants, beginning with one-on-one conversations and leading to the later stages of multiparty exchange. This chapter gives practical and concrete shape to the more philosophical treatment of dialogue in the earlier chapter by Cleven. At the same time, the author stresses the centrality of "moral grounding" to the dialogue facilitator's work, echoing the same theme as other chapters about the moral dimension of the approach.

11. Cirbusová, Transformative Management.

The chapter of Martina Cirbusová is a kind of tour-de-force explaining how the basic principles of the transformative approach – supporting party self-determination and communication, empowerment and recognition – can be woven through the entire work of an organization, including the values it stands for, the services it provides and the way it is itself organized and operated. The author is an ISCT board member and a director of The Mediation and Education Centre (MEDUC) in Brno, the city that hosted the conference reported on in this volume. She shows in this chapter how practices based on client (and provider) self-determination have been introduced into the reality of MEDUC's entire work. The Center's rules for delivering mediation and working with clients have been grounded in the principles of the transformative approach from the start, and transformative mediation has been the sole format of mediation provided here. MEDUC's focus is on family mediation, and it is one of the only mediation centers whose practice is child-inclusive, allowing families self-determination over that choice. However, Cirbusová explains, the very qualities that make transformative practice so valuable for families—deep presence, sustained empathy, and disciplined non-interference—also impose significant demands on those who provide it. Therefore MEDUC embodies the same ethic internally, so its mediators are themselves acknowledged, resourced, and given responsibility within the organization, with structured employee-care systems, regular team meetings, debriefings and reflective-practice routines. Cirbusová suggests that this type of care is one of the hallmarks of what she calls "transformative management", which manifests the same ethic of humility and non-interference that is basic to the transformative approach. For MEDUC, the transformative ethic means that it is profoundly important how we arrive at decisions: means are as morally significant as ends. This ethic of non-directiveness and humility informs leadership and management, emphasizing consent and dialogue, and minimizing coercive influence. In short, the chapter presents a clear and inspiring picture of how the values of the transformative approach can be applied at every level of the work of an organization.

The last two chapters of this volume focus on the ethics of transformative practice. Together, they delineate why ethical grounding is an integral part of work oriented toward self-determination and recognition, and how a values-based foundation translates into the everyday decision-making of interveners. These two chapters thus frame the techniques and applications of the preceding sections and remind us that, without a clear ethical basis, they lose their meaning and effect.

12. Press, Mediator Ethical Challenges: Transformative Responses

In this brief but very useful chapter, Sharon Press reviews the framework for addressing ethical dilemmas that was articulated by Baruch Bush in a study conducted many years ago. That study suggested that such dilemmas are best answered by reference to the "role concept" adopted by the mediator, and that for transformative mediators this role concept is neither "settler", "fixer" nor "protector" but "supporter" of party decision-making. Press gives examples of how clarity about that role can help transformative mediators respond to even difficult ethical challenges. She concludes the chapter with commentary on the general lack of clear ethical guidance in the mediation field and suggestions on what steps are needed to address that situation.

13. Brzobohatý, Navigating Directive Impulses in Transformative Mediation: Ethical Tensions and Mediator Reflexivity.

In this chapter, Robin Brzobohatý presents a more in-depth study of the kinds of dilemmas transformative interveners face in their efforts to navigate directive impulses. The study was based on a panel discussion at the Brno conference involving over a dozen participants, which Brzobohatý transcribed and analyzed using a qualitative reflexive thematic analysis. He identifies several different dilemma "themes", including those touching on party self-determination, mediator bias and self-absorption, power imbalances, systemic constraints, and others. In each case, Brzobohatý includes specific examples from the panelists' comments and connects each theme with relevant literature. His discussion of the findings offers powerful observations on how transformative interveners can and do navigate these ethical waters, suggesting that to do so requires intervenors to be both "humble and heroic". The chapter presents not only a rich research study, but an inspirational picture of ethical transformative practice as "a living, breathing practice that requires continuous personal growth and situational judgment".

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Obviously, this Introduction can only give short glimpses into the wealth of ideas, research findings, and inspiration contained in the chapters within. I hope these glimpses will encourage the reader to delve into these chapters and draw from their richness. For me, given my long association with the work of ISCT, preparing and presenting this Introduction has been a labor of love. When ISCT was founded 25 years ago, we were hopeful that its vision of conflict transformation would find a lasting place within the field. The chapters of this volume – and

the work of those who practice the model all over the world – are clear testimony that the original transformative vision has not only found its place but continued to grow and expand steadily. I deeply thank the Conference organizers for giving me this wonderful opportunity to introduce the work of the authors who documented this growth in the chapters they contributed to this volume.

Baruch Bush

Brooklyn, NY, September, 2025

Foundations and Philosophy

Learning from the Past and Preparing for our Future: An Overview of the Formation and Growth of the Institute for the Study of Conflict Transformation and it's Evolution to Today

Janet Mueller, Anja Bekink

When thinking about the Institute for the Study of Conflict Transformation and the Transformative Approach, one thing that captures the essence of both is the understanding that "purpose drives practice." Purpose drive practice guides our work as Transformative Mediators, Coaches and Dialogue Facilitators. Beyond that it also guides our work as an organization. The image of a tree growing from a seed, helps to visualize this concept. The tree, starting from a small seed, grows tall and green, with strong and intricate roots below the ground. The leaves and the trunk are the beauty people see, but that couldn't exist without what's underneath. In this essay, we will take a look back at our past, at the history of the Institute and the development of the transformative approach - exploring the roots that ground us and support the whole. Then we turn to look to the future, the new branches and leaves of our tree, and explore how we are preparing for what is next.

A New Idea and and New Connection

The publishing of the book "The Promise of Mediation" by Bush and Folger in 1994 is often seen as the beginning of the Transformative Approach. But before the book was written, independently Baruch and Joe were exploring ideas about mediation; what was possible beyond settlement, what was success, and the untapped potential of mediation.

Joe and Baruch connected and started to plan a research project on mediation and mediator directiveness. But soon realized what they were after was something bigger. They wanted to envision a positive alternative to current practice, an alternative that would not aim at settlement and justify mediator directiveness, but rather aim at empowerment and recognition and encourage mediator non-directiveness. And as this plan emerged, it became clear that simply writing another article or even a series of articles would not be enough to "change the field." They decided they needed to do something more powerful; they decided to write a book.

Joe and Baruch spent nearly five years writing "The Promise of Mediation," spending countless hours raising ideas, questioning each other and searching for a solid foundation that their ideas could rest on. In those discussions, they made the decision to write the book, not as an academic volume, but instead as a book for mediation practitioners and policymakers. This was a careful and deliberate choice to speak directly to the field, not filtered through scholarly literature. In addition to being written for the practitioner, this book went beyond practice to explore the theoretical and ideological foundation of this new approach to mediation. Bush and Folger discussed the values underlying practice, and explained the difference between the values of this new approach and those on which most mediation practice was based.

The Early days of the Promise

After the release of the Promise in 1994, Joe and Baruch traveled around the US, giving workshops and talks about the ideas in the "Promise of Mediation," helping people take what was on the written page and make it more tangible. As they did this, they made connections with people who wanted to explore more, and the leadership grew.

They met Dorothy Della Noce at a presentation to family mediators in Virginia. She was truly excited about the ideas in the book, and wanted to do more to spread the word. She became a truly valuable partner over the next several years. Shortly after, they got connected with Sally Ganong Pope, who was working at a mediation center in New York. She worked with Baruch to create some of the first attempts at training from this approach on avoiding directiveness and supporting communication. These four became the founding leadership team.

At every talk and presentation, they developed new ways to present practice from this new approach. From Joe's teaching at Antioch University's Conflict Resolution Program, the "Getting Clearer" exercise, which gives a personal experience of the concept of empowerment, was born. Joe and Baruch devised another key exercise, critical point, to help new mediators discuss the challenge of directiveness and try out non-directive moves. Variations of both these exercises are still used by trainers today.

In 1996, they were awarded a grant by the Hewlett Foundation to support the Training Design Consultation Project. Over 50 leading mediation trainers gathered in groups of 12- 15 at 2-day retreats to share the training ideas, like Critical Points and Getting Clearer, and brainstorm new ways to practice and teach this approach.. About 25 of those trainers continued the work, piloting transformative elements in their own mediation programs and sharing those back with the leadership team. The project generated new ideas and also built important new connections with trainers who became the first transformative practitioners.

And then a call came from Cindy Hallberlin at the United States Postal Service (USPS). She read "The Promise of Mediation", and decided this was what she was looking for – a new approach to address relationships and negative attitudes in the workplace, something more than putting band-aid on the problems. She decided to adopt the transformative approach to handle workplace conflicts for all USPS's over 800,000 employees creating the USPS REDRESS program.

This project came at the right time. The Training Design Collaborative project's years of experience laid the groundwork for the development of the 3-day mediator training program and the 80+ page training manual for the USPS. To train the needed 3,000 mediators around the country in the transformative approach, the leadership group of four, needed more trainers. So they designed a train-the-trainer program and trained more than 25 people to train new mediators.

Another key component of the training design efforts was a video demonstration. Sally Pope was the mediator for that first video "Sarah and Bernard." Sally was not only a great mediator, but brave enough to become the face of transformative mediation in front of a national audience. Since "a picture is worth a thousand words", seeing Sally's video really brought home to the trainees the sharp difference between the transformative model and conventional practice.

The Institute is Formed

With these two major projects and hopes for more, there was a need for a permanent home for this work. In 1999, Bush, Della Noce, Folger and Pope formed a nonprofit organization, the Institute for the Study of Conflict Transformation. As stated in the Articles of Incorporation, "The Institute will study and promote understanding of conflict intervention and communication from the transformative framework by: conducting research; developing and disseminating education and training materials and courses in a variety of media, including videos; publishing a newsletter, journal, books, papers or online publications; organizing and presenting educational conferences, workshops and seminars; and to develop a network of mediators, researchers, teachers and trainers who work and teach from the transformative framework and who are available to assist with the work of the Institute."

Board and Fellows

The organization was structured in a unique way, including both a Board of Directors and a group of Fellows. While some Fellows sat on the Board, their roles were distinct. The Board managed the non-profit; setting directions and priorities and ensuring fiscal responsibility. The Fellows efforts were focused on supporting the growth and development of the model, through writing, projects, and research.

Practice Enrichment Initiative (PEI)

One of the first projects of the ISCT was the Practice Enrichment Initiative. This grant funded initiative, involved three areas; developing "pictures of practice" to make transformative mediation practice more concrete; creating research-based assessment tools to measure whether training is effective and whether mediators use the model properly in practice; and examining how transformative mediation might be supported or restricted by public policy on mediation in general.

Publications

Work from the Practice Enrichment Initiative led to a variety of publications. including the production of ISCT's first instructional video -- the "Purple House Conversations". The video included not only a complete mediation session but also a commentary on the mediation explaining the mediator's moves and their effects on the parties throughout the session. In addition, several articles on topics including mediator assessment and policies behind mediator performance were published in major journals. Fellows also published articles independently on transformative mediation in both academic and practitioner journals as part of their commitment to furthering the transformative model.

Designing Mediation (2001), the ISCT's first self published book, documented the progress of the Training Design Project. It contains 13 chapters with insights about training mediators in the model, including how to understand and present core concepts of the model. This book became a guide book for many who were both learning this model and also learning how to teach it to others. (This book is now out of print.)

Symposia

Another area of work focused on spreading awareness and knowledge of the transformative framework. That work involved organizing a series of symposia, each focused on a specific topic. Six symposia were held in the first six years of the Institute's work, beginning in 1999. In each one, a limited number of 30-50 participants were invited to share in learning about and explore a topic together in a highly interactive 2-day program. The choice of doing relatively small symposia gatherings was deliberate, aiming to create more a meaningful exchange than a large conference typically allows. They were uniformly successful. Each was conducted at a different University, and articles based on each symposium were published, usually in special issues of major journals. The topics included: innovations in practice, workplace mediation, quality assurance, and family mediation, among others. They took place at Hamline University, Hofstra University, Pepperdine University, University of Maryland, South Texas College of Law and Temple University.

Research

In the area of conducting research to document the impact of the model, members of the research team conducted a qualitative study of transformative mediation effects in the USPS mediation program, which was published in a prominent journal. That same team also conducted a broader "best practices" study of the relationships between courts and court-connected mediation programs in the state of Florida, which was published in a major journal and often cited by other researchers.

Years of Growth and Expansion

From 2004 to 2014, the Institute and the model continued to grow and flourish, and moved into new territory in many ways.

Conferences

The first National Conference on Transformative Mediation was held in Philadelphia in 2004. The conference attracted a crowd of several hundred and was a great success. A key part of that success was the decision of the organization to hand pick presenters to give workshops on specific topics, this assured a depth and diversity in the program. This set the standard for future conferences in St. Paul, Minnesota in 2006 and Santa Barbara, California in 2008. All were successful not only substantively but financially, adding significant funds to Institute coffers even after covering all costs.

The Second Edition

Fellows and other leaders continued to offer publications on transformative mediation, as well as other areas of practice. The second edition of "The Promise of Mediation" was influenced in great measure by the work of the Institute. The book's clear statement of the theory of conflict transformation at the heart of the model was based on ideas articulated and refined in Institute

training and presentations, as was the final chapter's explanation of the values underlying the model. Though the new book was significantly different from the first edition, the publishers insisted on keeping the title and making it a second edition of the Promise of Mediation. While it wasn't a "how to" book, the use of the "Purple House" video as a case study gave a context for the transformative mediator's actions and moves and helped convey the key elements from the ISCT Mediation Training Manual.

The Sourcebook

A small group of Fellows conceived of the idea of a transformative mediation sourcebook that would bring together in one publication key resources on theory, practice, research and applications of the model, for a wide audience in the field. The goal was to put these resources in front of the widest audience of dispute resolution professionals. The ISCT decided to publish the book themselves, in partnership with the Association for Conflict Resolution(ACR.) ACR was open to supporting a book with alternative ideas about mediation, even if most of their members didn't subscribe to it.

The ISCT wanted the book to include contributions from many authors, so that the field could see that the transformative mediation movement was more than Bush and Folger. The Institutet solicited chapter proposals from transformative mediators, trainers, academics, and program administrators. They received many proposals and the drafts flowed in, some in good shape and some needing substantial editing. After editing and redrafting, the final text included 22 chapters: the first seven were written by Institute Founders and Fellows, and presented the core of transformative mediation theory and practice, as well as key research supporting both; the remaining 15 chapters were written by colleagues who'd joined the work of the Institute as trainers, mediators, etc., and they presented accounts illustrating the application of the model across many different contexts. So the product was a wonderful compendium of resources on the transformative model, written by a wide array of authors, beyond Bush and Folger.

New Pictures of Practice

In addition to the new books, the Institute produced videos showing pictures of practice. One video, "What the Parents Know" with Judy Saul as the mediator, shows a mediation between parents and includes the use of a separate session. "The Contractor's Contract" with Jody Miller as the mediator shows a commercial case where both parties are represented by attorneys and includes the pre-mediation conversations she has with both parties and their attorneys. Each video includes commentary so viewers can see behind the scenes and hear about why the mediator made the choices they did. Both are widely used in teaching new mediators.

Reaching Beyond Mediation to Dialogue

Another important project of this period was the Ethno-Political Consultation Project. As the ISCT made connections around the world, especially with those practitioners involved as intervenors in ethno-political conflicts, a growing interest emerged in exploring the transformative model's application in addressing these kinds of situations. In response to this interest, the ISCT devised the Ethno-Political Consultation Project that would bring

practitioners together for a retreat to share experiences and explore the possibilities of using transformative practices in this context.

The two EPC gatherings occurred in 2007, the first in Rome and the second in New York at Hofstra University, each attended by 7 EP conflict intervenors from Europe, Scandinavia, the Near East, Asia and the U.S., as well as Joe, Baruch, and Judy Saul from ISCT. The focus was on summarizing transformative practice, inviting discussion of the possibilities and challenges of using them in EP conflict, and then imagining their application in specific instances of EP conflict the participants were aware of. Erik Cleven wrote a white paper, "Ethno Political Consultation Project" discussing the application of the transformative model to ethno-political, intergroup conflict.

Reaching New Parts of the World

During this time, Joe Folger became the ambassador for the Institute around the world, bringing transformative mediation training to many places in Europe and South America. He traveled and trained in Britain, Denmark, Finland, Sweden, France, Germany, Italy, Portugal, Czech Republic, Slovenia, Spain, Brazil, The Netherlands, Belgium, Argentina and more. His training spread the use of the model and built new connections that would prove essential to the growth of the transformative community. With these new leaders wanting to spread transformative in their countries, efforts to translate both The Promise and the Sourcebook into multiple languages. Local leaders began to organize more training events as well as Conferences in Italy and Slovenia and the Netherlands.

Stepping into the Future

From 2014 -2020 The ISCT moved to a new home and deepened worldwide connections.

ISCT Home

Over the years the ISCT has been housed in various locations including at Hofstra University, University of North Dakota, and Montgomery County Pennsylvania. In 2014 the Institute moved to Dayton Mediation Center, in Dayton Ohio. With this move, Janet Mueller was hired as the Coordinator and Michelle Zaremba, Dayton Mediation Center Director, was added to the Management team. With this new location brought the support of this long standing community mediation center, including former Center Director and Fellow Thomas Wahlrab and Center Staff and Fellow, Cherise D. Hairston.

Growing Connections

With improvements in technology, we were able to change the way we meet as a Board, utilizing online video meeting applications which helped us expand our board internationally, adding members from Brazil, Italy, England and the Netherlands. This technology also opened up the door for offering training and workshops virtually. In 2016, we launched our first online offerings in our Virtual Institute. The Virtual Institute was created to be a place where we could build and deepen connections amongst transformative practitioners and those interested in

learning more about transformative processes using a virtual environment. Put started with a few offerings a year has grown to a robust training center for transformative practice.

Training and Process Development

The practice of transformative continued to grow beyond mediation. One area of growth has been in the self-management of conflict. This work explores how an individual can better understand themselves and the experience of conflict, so they can handle conflicts in their life with less reaction and more intentional response. A team of trainers created a training program called Responding Effectively to Conflict.

Another area beyond mediation is dialogue. Transformative Dialogue is a process in which a facilitator works with communities and groups in conflict to co-create a process that supports changes in the quality of people's interactions, increasing the amount of pro-social interaction. Pro-social interaction is when people Interact from a position of clarity and strength and are open/responsive/able to give recognition to others whether they agree or have deep disagreements. The ISCT provided training for Generations for Peace, an NGO based in Jordan, in Dayton, Ohio as part of the US Conference, and in the Netherlands. In 2018, the ISCT collaborated with Saint Anselm College to host a symposium on the dialogue process.

The 3rd new area of growth is in Transformative Conflict Coaching (TCC.) Transformative Conflict Coaching is partnering with clients in a supportive, capacity-building process that is premised on transformative insights and that helps them learn to respond to conflict with both strength and responsiveness. When preparing for mediation or dialogue process or when one person doesn't agree to mediation, often individual clients want to learn how to be more effective in navigating their conflict situation. A group of transformative practitioners, the TCC Lab, have been exploring and developing transformative conflict coaching

2016 U.S. Conference

In 2016 we hosted our first US conference in many years; held in Dayton with the support of the Dayton Mediation Center. Over 100 people from around the globe attended with more than 25 workshops offered, as well as engaging plenary sessions. The theme of the Conference was, New Horizons for Transformative Practice: Innovation beyond mediation. The pre-conference workshops and many of sessions explored ideas about Transformative Dialogue, Responding Effectively to Conflict and Conflict Coaching.

At this conference, we released our self-published book "Transforming Conflict from the Inside Out: Stories and Reflections from Transformative Practitioners," with 19 authors sharing their personal experience of conflict and how they used the transformative framework to respond rather than react.

This conference inspired us to continue our connections around the world. We began hosting regular international meetings with transformative practitioners sharing updates about their work locally and building relationships, forming our first working group.

Online Presence

With our growing International Community, we wanted to grow and improv our online presence. We did an overhaul of the ISCT website to be more user friendly and to show our international connections. We created a live draw short video explaining the basics of transformative mediation. And we edited and shared a lecture by Baruch Bush on the basic tenets of Transformative mediation, transformative 101.

Re-envisioning

In 2020 our board and fellows decided to engage in a re-envisioning process to get clearer on our goals for the future and vision as an organization.

The Process

In 2020, over the course of several months we created a vision for the future of the ISCT. We gathered input from board members, fellows, and others connected to the Institute through a series of interviews, focus groups and surveys. We asked about the organization's values, impact, gifts, and partnerships as well as ideas for the future. The leadership group took all of that input and used that information to shape a series of re-envisioning conversations. In our gatherings we took time to imagine and innovate - creating shared vision and designing strategic initiatives to build a bridge from the present to envisaged future.

Our Vision: Strengthening Identity, Governance, and Financial Sustainability

Over the past year, we have focused on two key strategic directions: **strengthening our identity and re-envisioning our organizational structure and governance** while also **becoming a financially robust organization**. These priorities have shaped our initiatives, guiding us toward an inclusive, transparent, and sustainable future.

Strengthening Our Identity and Governance

To build a stronger identity and improve governance, we have prioritized:

- **Creating a culture of belonging** by fostering inclusivity in all aspects of our work.
- **Ensuring a participatory and transparent organization** that encourages active engagement from members and stakeholders.
- **Building connections and increasing our international impact** through strategic partnerships and global outreach.

Key initiatives reflecting these commitments include:

- A **more inclusive and transparent organizational structure**, with new Fellows, a revised selection process, and expanded opportunities for member participation.
- The introduction of an **Inclusion Advocate System**, ensuring diverse voices are represented and heard.
- A **Comment, Compliment, and Complaint Response System**, fostering open communication and continuous improvement.
- The launch of a **scholarship program** and the **Dorothy Della Noce Prize for Writing**, both aimed at supporting and recognizing contributions to the field.
- **Writer and researcher support sessions**, strengthening academic and professional collaboration.
- A stronger **online presence**, with expanded LinkedIn engagement and the creation of a Wikipedia entry.
- The development of a **new database and website**, enhancing access to resources and engagement opportunities.
- The publication of **Joe Folger's novel, "Memoir of a Misfit Mediator,"** supported by a successful Kickstarter campaign.

Becoming a Financially Robust Organization

To ensure long-term sustainability, we have taken steps to:

- **Develop new funding streams**, diversifying financial support.
- **Create new products and services** to generate revenue and expand our reach.
- **Strengthen and broaden offerings through the Virtual Institute (VI)**, making learning and professional development more accessible.
- **Foster partnerships and collaborations** to enhance our global impact.

Fulfilling Our Vision: The Power of Collective Effort

Over the course of the past year, our commitment to these goals has been realized through **eight working groups**, comprising **28 dedicated members** who contributed a remarkable **900 hours** to transform this vision into actionable initiatives. Their dedication has been instrumental in bringing our strategic goals to life.

Key Projects for 2022-2023

To further our mission, we launched several initiatives, including:

- A **multilingual website**, expanding accessibility to global audiences.
- A **membership program** focused on welcoming new members, fostering engagement, and strengthening our community.
- **Diversity and belonging initiatives** incorporated into our Cafés, Virtual Institute, and membership benefits.
- **Research and writing efforts** aimed at dispelling myths and deepening knowledge within the field.

- **Stronger branding and outreach efforts**, increasing awareness of our work through social media and other channels.
- **Ongoing relationship-building** with practitioners in Kenya, Japan, and other regions.

Additionally, we have pursued **innovation and exploration** through:

- The development of **Dialogue Training** programs.
- Expansion of **Coaching Labs and Face Labs** to enhance skills and learning.
- New **Virtual Institute offerings** to reach a wider audience.

Building Connections & Internal Improvements

As we grow, we continue to strengthen our networks and refine our internal structure. Key initiatives include:

- The creation of **regional practitioner groups**, such as the **Canadian Practitioners Group** and **Pacific Rim & Japanese Practitioners Group**.
- The establishment of a **Trainer Roundtable Café** for ongoing dialogue and skill-sharing.
- **The SUNY Course on Transformative Mediation**, bringing our expertise into academic settings.
- **Internal governance improvements**, including by-laws revisions, enhanced feedback systems, and the addition of **new board members and Fellows**.

Our Greatest Asset: Our People

At the heart of our work is our **community**—the dedicated members, practitioners, researchers, and trainers who make everything possible. By strengthening our identity, governance, and financial stability, we are building a more inclusive, impactful, and sustainable organization for the future.

Together, we are shaping a stronger, more connected community, and we look forward to continuing this journey with all of you.

Taking Recognition Seriously: Social Ontology of Transformative Practice

Robin Brzobohatý

Introduction

The relationship between **conflict** and "**recognition**" constitutes one of the central themes of transformative approaches to mediation and other interventions (Bush & Folger, 2005). While the significance of recognition as an element of the dynamic triad **empowerment - recognition - transformation** is often highlighted in the literature, the conceptual and philosophical foundation of "recognition" frequently remains overlooked (cf. Ikäheimo & Laitinen, 2007). This chapter seeks to address this gap and offer a systematic account of the concept of recognition, rooted in its theoretical background in the works of Georg Wilhelm Friedrich Hegel, Johann Gottlieb Fichte, Axel Honneth, Heiki Ikäheimo, or Arto Laitinen - and framed within the practical context of transformative approach (Bush & Folger, 1994, 2005).

The first part of the chapter focuses on the methodological and theoretical background. I will be particularly emphasizing the importance of enriching transformative practice theory with a philosophically grounded concept of recognition. In this context, I introduce the central question:

How and why does a nuanced philosophical concept of recognition apply in conflict situations, and how can understanding it enhance transformative practice?

I will build on this aim by reviewing existing **theories of recognition** developed within the framework of social philosophy (Honneth, 1996; Ikäheimo, 2022d; Laitinen, 2002, 2011). Consequently, the second part of the chapter will systematically introduce various levels and forms of recognition (descriptive, institutional, and intersubjective) and illustrate how they intersect with key concepts of the transformative approach (Bush & Folger, 2005).

In the third part, I will conduct a detailed analysis of texts in the field of the transformative approach and compare them with philosophical sources. This analytical and comparative approach will help uncover how and why transformative theory implicitly engages with the concept of recognition and how a clear understanding of recognition might enhance it both methodologically and practically.

The fourth part of the chapter applies the findings to specific cases in **mediation** or **facilitation**, illustrating how an understanding of the different dimensions of recognition can foster mutual respect in practice and contribute to genuine change in **communication** between conflicting parties (Bush & Pope, 2002; Laitinen, 2002). In conclusion, this section demonstrates that the dialectic of empowerment and recognition (Bush & Folger, 2005) gains new depth through

philosophical anchoring, explaining why the transformative approach focuses on restoring human **dignity** and **autonomy**, setting it apart from other conflict resolution models.

This chapter provides a comprehensive and systematic perspective on understanding, organizing, and methodologically applying the concept of recognition in transformative practice. I believe this theoretical-practical connection clarifies why recognition is not just a gesture of goodwill, but a crucial element in fostering profound, ethically grounded shifts in mediation and other forms of conflict resolution.

1. Beyond Respect: Exploring the Complex Dimensions of Recognition in Transformative Practice

In the transformative conception of conflict resolution developed by Bush and Folger (1994, 2005), the concept of recognition plays an important role. At first glance, it may seem that to "recognize the other" is merely to show courtesy or nod to their arguments. However, a deeper examination of philosophical discussions (Habermas, 1993; Hegel et al., 1979; Honneth, 1996, 2020; Ikäheimo & Laitinen, 2007) reveals that recognition is a far more complex phenomenon, encompassing the fundamental human need to be acknowledged as a worthy being, as well as the social structures and institutions that shape our relationships with one another.

In the transformative theory of Bush & Folger (2005), '**recognition**' is a fundamental pillar alongside '**empowerment**'. In simple terms, the transformative approach to conflict resolution explores how participants gradually perceive themselves not only as individuals but also through the perspectives of others, which leads to **shifts** in their attitudes. The idea that such a "rebuilding" of interactions is difficult has been systematically examined by theorists acknowledged beyond the mediation field, particularly Heikki Ikäheimo (2022a, 2022b, 2022c, 2022d) and Arto Laitinen (2002, 2010, 2011).

These authors emphasize that 'recognition' encompasses multiple forms, dimensions, and levels:

- **Psychological** (internal self-esteem and willingness to perceive the other as a valuable being),
- **Intersubjective** (how others treat our status and rights in particular),
- **Institutional** (whether society formally grants me dignity and rights, such as legal personhood or civil rights).

This deepens the awareness that recognition is not a one-off act ("*Yes, I respect you*") but rather a complex web of attitudes, interactions, and rules where the individual and the "other" intersect to shape a shared reality (Ikäheimo, 2010, 2022d; Laitinen, 2002). In times of dispute or conflict, this network is often disrupted; hence, one of the goals of transformative practice is to restore the quality of the interaction so that both parties can experience genuine (and not merely formal) recognition (Bush & Folger, 2005).

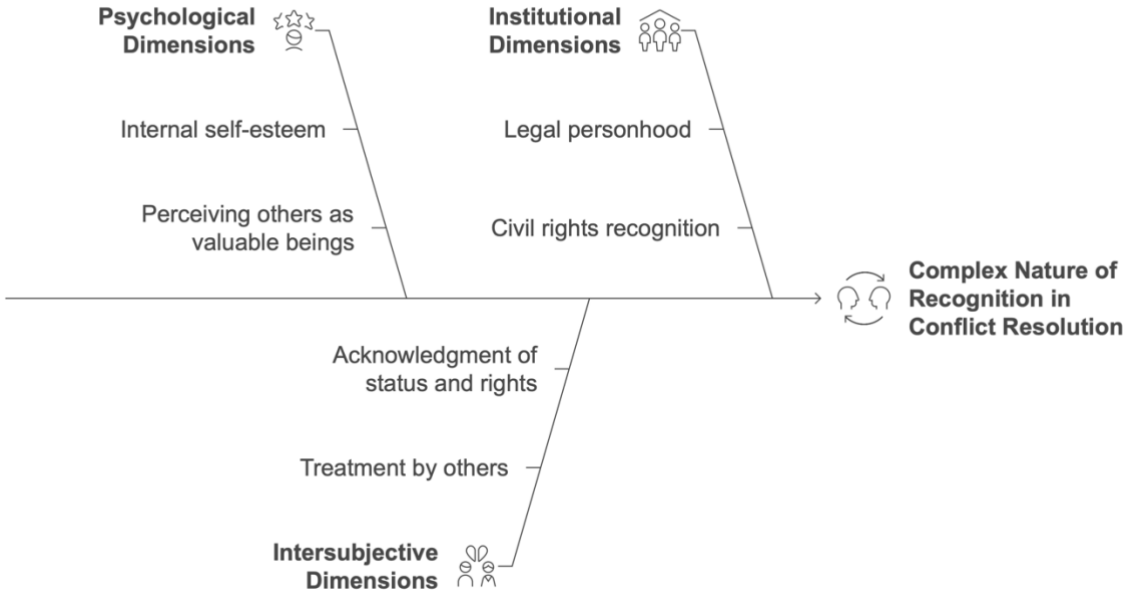

Figure 1: Dimensions of Recognition in Conflict Resolution

This section aims to highlight the **philosophical development** of the concept of recognition within the framework of Bush and Folger's theory. I will begin by introducing selected ideas of recognition articulated by Axel Honneth, Heiki Ikäheimo, and Arto Laitinen. Simultaneously, I will emphasize how they distinguish among different levels, functions, and degrees of reciprocity in recognition. Particularly, I will shed light on why even a transformative mediator, facilitator, or conflict coach should acknowledge that the "**recognition of the other**" is far from trivial and cannot be overlooked. This understanding will deepen insights into transformative theory, which seeks to restore the quality of interpersonal interaction not only by concentrating on agreement but, more crucially, through empowerment and recognition (Bush & Folger, 2005; Laitinen, 2011).

Recognition is never a one-way or purely declarative gesture. On the contrary, its core lies in **reciprocal attitudes** that grasp both the **psychological**, **social**, and **institutional** levels of human life (Ikäheimo, 2022d; Laitinen, 2002). From this perspective, it becomes clear that even in contentious or conflictual situations, there is more at stake than simply resolving a practical problem. Thus, transformative practice recognizes the profound potential when the parties "recognize" each other as persons, and this entails not only basic respect but often a new vision of what the other can contribute or truly needs (Bush & Folger, 2005). This is why it is essential to introduce the reader to the concept of recognition in detail and to demonstrate that behind the apparent "simplicity" (recognize/not recognize) lies a complex structure. In the following sections, I will discuss this structure and explain how the authors of the transformative approach engage with it.

2. The Concept of Recognition in Transformative Theory

Recognition in transformative theory, as presented by Bush & Folger, Folger & Bush, Della Noce, Bush & Pope, and others, is based on the assumption that conflict serves not only to find agreement but also to fundamentally transform the quality of the interaction between the parties (Bush & Folger, 1994, 2005; Bush & Pope, 2002; Della Noce, 1999; Folger & Bush, 1994). In this view, recognition is the moment when one party ceases to see the other merely as an object of strategic action and begins to reflect on its perspective and understand its situation. Simultaneously, this process is supported by the idea that people have a natural ability to shift from a protective stance to a more **open**, **empathic interaction** once they feel more confident in their own **goals** and **identity** (Della Noce, 1999). Therefore, the transformative approach contrasts with the more traditional problem-solving method. In the latter, empathy is often reduced to a tool for advancing one's own interests, while in a relational framework, it gains genuine moral value. In transformative theory, recognition is viewed as a voluntary step that occurs when one party in a conflict realizes that accepting the other party's perspective is not merely a transactional advantage but can lead to a profound transformation of negative emotions into **mutual respect** (Bush & Folger, 1994). Thus, alongside empowerment, recognition is one of the pillars that facilitate human growth and transformation in interactions. Once a person can more accurately define their own needs, they can also develop cognitive empathy and focus on the other, not only to negotiate better but to truly understand the reasons and goals that motivate the other person's actions (Della Noce, 1999; Bush & Pope, 2002). This shift in understanding conflict explains why transformation can extend beyond merely addressing tangible issues. The process of recognition enables an expanded perspective that incorporates human elements previously given minimal weight in the instrumental model. Therefore, Della Noce (1999) shows that **empathy**, conceived as authentic concern for the other, fosters a long-term transformation of communication patterns rather than just a short-term calming of heated conflicts. If parties reach this level, significant shifts in the quality of their interaction can take place, redistributing not only tangible goods but also strengthening their mutual trust.

Bush and Folger (1994) emphasized early on that the potential for conflict exists not only in achieving compromise but also in the capacity of parties to uncover deeper opportunities for cooperation after mediation concludes. Alongside empowerment, recognition serves as a key principle supporting this objective. This creates a framework in which conflict is viewed not merely as a source of harm but also as a significant opportunity for **human development** (Della Noce, 2003). Practices such as mediation, dialogue, and coaching, rooted in these principles, can effectively counter criticisms that depict these practices as inevitably coercive or manipulative (Hedeen, 2005; Herr, 2005; Semple, 2012).

In a transformative conception, each party is viewed as an entity capable of accepting or rejecting the other party's empathetic recognition without compromising their autonomy. If she chooses to embrace the other party's perspective, it is because she feels both strong and open enough to engage in dialogue. This voluntariness embodies an ethical dimension of recognition, returning the conversation to its potentially liberating function.

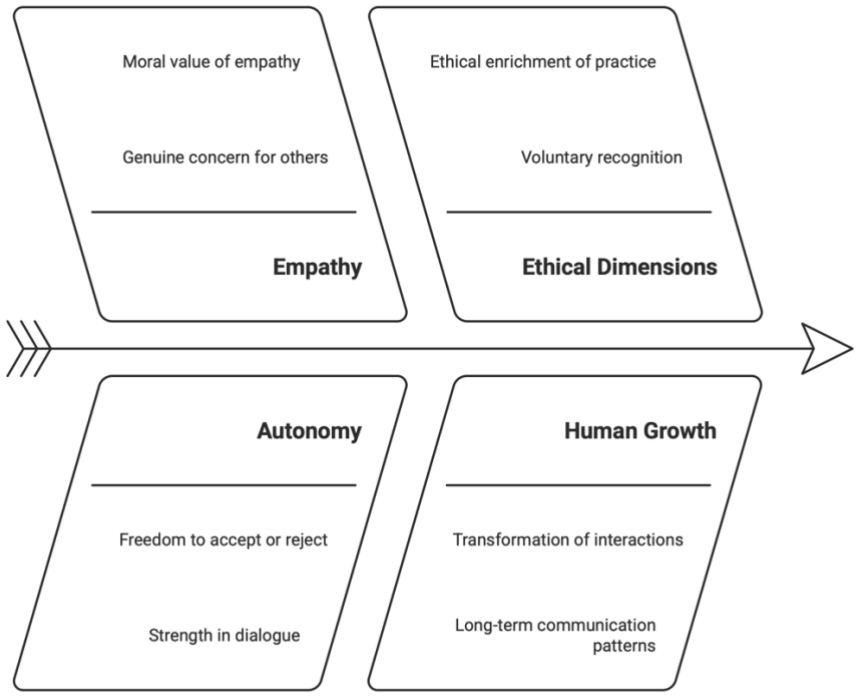

Figure 1: Understanding Recognition in Transformative Theory

2.1. A Connection Between Empowerment and Recognition

I have already suggested that the transformative approach is not merely about resolving a specific dispute but about 'transforming' the quality of the interaction between the parties (Bush & Folger, 1994). Even in the earliest foundational texts on the transformative understanding of conflict and conflict interventions, one can find the idea that there is a connection between the two dynamic phenomena at the core of this entire conception: empowerment and recognition.

While empowerment refers to enhancing the ability of parties in a conflict to articulate and promote their goals or wishes, recognition signifies a shift towards **perceiving** and **respecting** the other party. Bush and Folger (1994) point out that in the traditional approach to mediation, known as “problem-solving,” the focus is often on helping the parties clarify their interests. In contrast, the transformative model places the consideration of the 'other' at the center, representing an explicit move toward empathic or, at the very least, open insight into the goals and perspectives of the opposing party.

The concept of transformative practice suggests that empowerment and recognition are interrelated and can mutually reinforce each other (Bush & Pope, 2002). According to Della Noce (1999), one must first have a sufficient sense of confidence and clarity regarding one's own goals and limitations to be receptive to the other party's perspective. This "**self-confidence**" lies at the core of empowerment; only with it can authentic recognition take place.

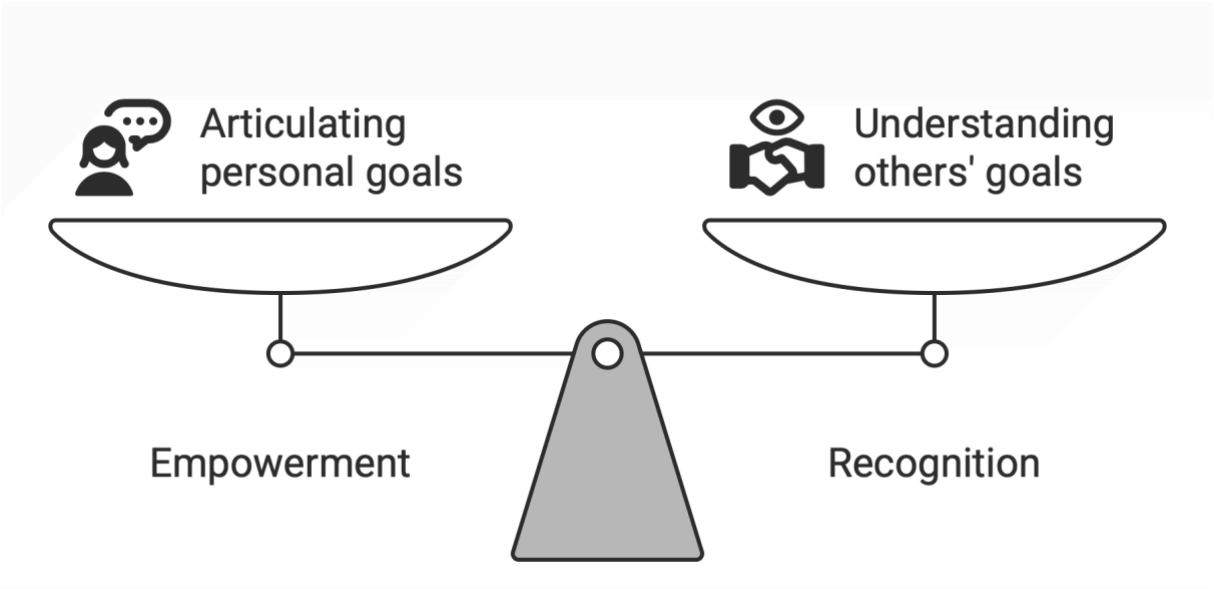

Figure 2: Balancing Empowerment and Recognition in Conflict Transformation

If a party feels insecure, it tends to act defensively. However, if a party becomes stronger - that is, empowered - there is an opportunity to shift the focus to the other party. In this regard, Bush and Folger (1994) discuss how a 'mature' or transformed perception of conflict always incorporates both elements. One not only knows what he or she wants but also considers the other's perspective without viewing it as a threat.

Della Noce (1999) clarifies that empowerment and recognition are not linear processes that occur in the specific order of "first empowerment, then recognition." Although it is often argued that empowerment is a prerequisite for recognition, even minor signs of recognition can contribute to empowering a party, as they perceive the other as responding in a supportive manner. This mutual empowerment (Bush & Pope, 2002) can be described as a **'virtuous circle'**: a small gesture of recognition can lead to greater self-confidence, which in turn fosters a willingness to empathize and engage in further forms of recognition.

The relationship between empowerment and recognition forms a fundamental axis of conflict transformation. Once participants develop both elements, a deeper transformation occurs not only in “what is being resolved” but also in “how it is being resolved.” This confidence in one's ability to make decisions and articulate needs (empowerment), coupled with genuine regard for others (recognition), enables parties to transcend the purely transactional level of conflict (Della Noce, 2003). While empowerment ensures that parties do not resign themselves and their interests, recognition allows them to escape isolated self-absorption. Together, this creates a condition in which conflict becomes an opportunity not only for seeking concrete agreement but also for fostering human relations and social consciousness.

3. The Concept of Recognition

Although transformative theory highlights two key dynamics - empowerment and recognition - much of the literature has concentrated on empowerment, while recognition has garnered less attention. This emphasis on empowerment can be attributed to its strong association with **self-determination**, a core principle of mediation (Bush, 2025; Coben, 2004; Welsh, 2017). Therefore, I will now shift my focus to the second pillar: **recognition**.

Because the English word "recognition" can be understood in various ways, it is important to clarify its main forms. In my examination of this concept, I found that authors such as Hegel, Rovane, Gilbert, Searle, Habermas, Scanlon, and Honneth each developed distinct perspectives on recognition (Gilbert, 2007; Habermas, 1993; Hegel et al., 1979; Honneth, 1996; Rovane, 2015; Scanlon, 2000; Searle, 2010).

Taxonomy of the Concept of Recognition

In the previous section, I outlined why engaging with the concept of recognition in transformative conflict resolution theory can be enriched by a broader philosophical view (Bush & Folger, 2005). I will now present a simple taxonomy that illustrates the different levels and meanings of "recognition." Some of these relate directly to how people treat each other during face-to-face interactions. This "**intersubjective**" level is at the heart of the transformative approach. Although other meanings exist - such as recognition in the sense of "identifying someone or something" - they are less relevant to interpersonal dynamics encounters.

Layers of Recognition: From "Recognizing" to "Forming a Personal Relation"

Scholars frequently discuss various layers or types of recognition (Ikäheimo, 2010, 2022d; Laitinen, 2002, 2010, 2011). Below are six categories that clarify how recognition supports transformative conflict theory and influences the way individuals in conflict relate to one another.

I. Descriptive (Identifying) Recognition

This first level involves recognizing or identifying someone or something, such as realizing, "*I recognize that the person across the street is my neighbor.*" Although this basic **awareness** is necessary for any interaction, it has a limited impact on the emotional or ethical quality of the interaction (Laitinen, 2010). The transformative approach is less concerned with whether the parties know each other's identities and more focused on how they perceive each other's dignity and perspective (Bush & Folger, 2005).

II. Recognition of Normative Content (Rules, Values, Reasons)

This level involves accepting a principle or rule as valid. For example, "*I recognize that this legal norm is binding*" or "*I recognize that helping others is morally good*." In the transformative approach, the focus is not on whether parties adhere to legal frameworks. Such concerns are more typical of an evaluative model of mediation (Brzobohatý, 2024; Folger, 2020). Instead, transformative mediation encourages parties to be open to values, such as

solidarity, that they have not previously considered. Even then, the primary focus remains on how people connect with each other rather than on whether they follow the rules (Ikäheimo, 2022d).

III. Institutional Recognition

This third level refers to accepting a specific status or role within an **institutional structure** - for instance, "*I recognize that you are my superior according to our company's hierarchy*." (Searle's "status function") (Laitinen, 2011). Although status positions can influence conflicts, transformative practitioners generally aim to assist participants in changing their interactions, rather than merely reinforcing existing power dynamics (Bush & Folger, 2005; Ikäheimo, 2010).

IV. Recognition as an Intersubjective Attitude Toward the Person

This level is central to the transformative model. It involves viewing the other as a whole person with dignity, needs, and the right to influence the quality of the interaction. In other words, "*I not only recognize you as a person, but I also respect your right to speak, and I care about what you express and feel.*" (Honneth, 1996; Ikäheimo, 2010). When individuals in conflict adopt this attitude, they begin to listen to one another and acknowledge each other's perspectives (Bush & Folger, 2005). This mutual recognition transforms the conflict by fostering **empathy** and **genuine connection**.

V. Multidimensional Forms of Relational (Intersubjective) Recognition

Building on the fourth level, this includes additional aspects such as love and care (an emotional dimension), respect and esteem (upholding each other's rights and dignity), and valuing contributions (appreciating each other's role in resolving conflicts or strengthening the community) (Honneth, 1995; Ikäheimo, 2022d). Transformative theory emphasizes that true recognition is not merely formal ("*I let you speak*") but also involves genuine concern for the other's well-being and appreciation for their contributions (Bush & Folger, 2005; Laitinen 2011).

VI. Reciprocal (Dialogical) Recognition vs. Unilateral Recognition

Here, the question is whether one person recognizes the other but does not receive the same in return ("*I respect you, but you ignore me*"), or whether both people recognize each other in a mutual, reflective manner (Laitinen, 2002). In transformative practice, an ultimate shift occurs when both parties accept each other's importance and voice. (Bush & Folger, 2005) While unilateral recognition can initiate a positive change in attitude, mutual recognition is often necessary for lasting change in the quality of interaction.

Table 1: Layers of Recognition

Level	Recognition Type	Description	Implications for Transformative Conflict Resolution
I	Descriptive (Identifying) Recognition	Basic awareness of someone or something (e.g., recognizing a neighbor). It involves identifying an individual without significant emotional or ethical impact.	Serves as a necessary starting point; however, it does not deeply affect the quality of interactions in conflict situations.
II	Recognition of Normative Content (Rules, Values, Reasons)	Acceptance of a principle or rule as valid (e.g., a legal norm or a moral value).	Encourages openness to values beyond established rules, shifting focus from mere compliance to connecting on a relational level.
III	Institutional Recognition	Acceptance of a specific status or role within an institutional framework (e.g., recognizing someone as a superior).	Acknowledges power dynamics and roles; transformative practice aims to change interaction patterns rather than simply reinforcing existing hierarchies.
IV	Intersubjective Attitude Toward the Person	Viewing the other as a whole person with inherent dignity, needs, and the right to contribute. This includes listening, empathy, and a genuine acknowledgment of the other's perspective.	Central to transformative practice; this attitude fosters empathy and genuine connection, transforming conflicts by recognizing mutual human value.
V	Multidimensional Relational (Intersubjective) Recognition	Builds on Level IV by integrating aspects such as love, care, respect, esteem, and appreciation for the other's contributions.	Moves beyond formal recognition to embody genuine concern for the other's well-being, essential for deep and lasting relational transformation.
VI	Reciprocal (Dialogical) Recognition vs. Unilateral Recognition	Examines whether recognition is mutual (both parties recognize each other) or one-sided (only one party acknowledges the other).	Mutual recognition is key for lasting change, as it ensures balanced, reflective interactions, while unilateral recognition may trigger initial change but is less stable.

These six levels indicate that intersubjective attitudes and actions, particularly levels 4 to 6, are essential for transformative conflict resolution. This is where the most significant change occurs, because participants:

- Recognize one another as individuals deserving of dignity and the right to make independent choices (respect, esteem).
- Value each other's perspectives and well-being.
- Acknowledge that everyone has something to contribute to the shared experience.

Although formal status (level 3) can be important in workplace or family conflicts, transformative practitioners understand that individuals can move beyond simply insisting on their formal positions. (Ikäheimo, 2010; Laitinen, 2011) Likewise, recognizing shared moral or legal principles (level 2) can occur when parties redefine or clarify the values they wish to uphold, such as open communication. However, according to Bush and Folger, the essence of transformation lies in the actual **interactions between specific individuals**, where shifts in self-awareness and mutual perception can change the entire atmosphere of the conflict. (Bush & Folger 2005)

Recognition is not merely a single act but rather a process that evolves from "*I know who you are*" to a deeper emotional or ethical perspective - "*I care about you and value your contribution.*" A transformative approach emphasizes each person's freedom to step out from behind their barriers, to genuinely "see" and hear one another, and to work toward a higher level of mutual recognition (Bush & Folger, 2005).

3.1. The Origin of the Concept of Recognition

Studying sources on transformative theory and practice reveals that understanding the origins of the concept of recognition in conflict resolution is a challenging task. This paradox is notable, as it has been one of the most scrutinized phenomena in **social philosophy** in recent decades (cf. Busch & Zurn, 2009; Cooke, 1997; Fraser, 2000; Fraser & Honneth, 2003; Habermas, 1993; Hobson, 2003; Honneth, 1996, 2020; Pippin, 1989; Smith & Deranty, 2012; Taylor, 1979, 1995; Thompson, 2006; Williams, 1997). Furthermore, the roots of reflection on recognition can be traced back to European philosophical discourse as early as the 18th century within the French, English, and German philosophical landscape.

In contemporary discourse, transformative mediation theory often distinguishes itself from other conceptualizations of conflict, particularly "problem-oriented" or "directive" models (Bush & Folger, 1994, 2005; Brzobohatý, 2024; Folger, 2020). One of its fundamental assumptions is that individuals in conflict do not merely seek the resolution of a superficial dispute but pursue a deeper **moral transformation** of their interactions, characterized as a renewal or a new quality of mutual recognition. However, in the Anglo-Saxon (Hume, Smith) and French (Rousseau, Sartre) traditions, the concept of recognition typically emerges within the context of psychological or social processes that have a somewhat different focus compared to the moral theory of conflict espoused by the transformative approach. Therefore, I now draw upon a recent analysis by Axel Honneth (2020) and his emphasis on the Kantian-Hegelian

lineage (Kant - Fichte - Hegel) to elucidate why this 'German' philosophical path of recognition provides a foundation better suited to the moral theory of conflict integral to transformative practice.

4. Moral conflict theory and the need for mutual recognition

The transformative approach perceives conflict primarily as a crisis in interpersonal interaction; that is, a condition in which the moral and communicative bond between the parties is broken (Bush & Folger, 1994, 2005). The idea is that in conflict, individuals lose both their sense of autonomy (empowerment) and their ability to view the other from a more human, holistic perspective (recognition). Transformative theory emphasizes that restoring these two components - **autonomous self-determination** and **openness to the other** - is a key goal of this approach (Bush & Pope, 2002). Recognition thus becomes fundamentally a moral category: it enables the parties not only to see each other as "equal human beings" but also to affirm that each possesses a legitimate right to make decisions regarding their own needs and interests.

A moral theory of conflict assumes that conflict is not merely psychological or strategic (i.e., not just about advancing goals) but fundamentally undermines interpersonal dignity and equality. The influence of the German philosophical tradition (Kant, Fichte, Hegel), which systematically interprets recognition as essential for developing autonomous yet mutually respectful actions, is quite evident here (Honneth, 2020).

Honneth (2020) points out that in French philosophy (e.g., Rousseau), recognition is often viewed negatively as a prerequisite for social acceptance that can lead to alienation from oneself. Rousseau's concept of *amour propre* illustrates the desire "to be valued by others," while highlighting the pathological consequences: the individual becomes estranged from his or her own authenticity under the pressure of the desire for recognition (Honneth, 2020). Similarly, in Sartre and Althusser, recognition appears more as an imposition of a role or status that can distort a person (Althusser et al., 2014; Sartre, 2006 in Honneth, 2020). While this perspective is valuable for exploring the dangers of manipulation and distortion in interactions, it cannot be utilized to develop a positive moral theory of conflict. Rather, the transformative approach focuses on restoring or deepening mutual human dignity, rather than merely exposing its illusiveness.

The British empirical or moral psychological tradition (Hume, Smith), in contrast, regards recognition primarily as a form of social control and sympathy; individuals conform to social standards to gain praise or avoid scorn (Hume & Mossner, 1985; Smith & Sen, 2009). These theories illustrate how norms or rules are internalized within a community (Smith's metaphor of the "neutral observer"). However, in contexts where I seek to emphasize mutual equality and moral empowerment, this perspective is lacking. The British view focuses on the pursuit of praise rather than the concept of collective and equal norm-making.

In the German (Kantian-Hegelian) tradition, I begin with the assumption that human beings are free and autonomous in the sense that they can act according to moral law or rational principles

(Kant, 2015). However, the development of this autonomy cannot occur in isolation. In his moral philosophy, Immanuel Kant established **respect** (Achtung) for others as a prerequisite for applying one's own moral law (Kant, 2015; Honneth, 2020). Thus, he is the first to demonstrate the moral obligation of recognition (respect for others as beings capable of reason), which aligns more closely with the needs of transformative theory (which emphasizes the restoration of moral interactions and shared responsibility) than with French or British lines of thought.

Transformative theory seeks for parties in conflict to recognize each other as free and equal actors, capable of (1) articulating their own goals and (2) listening to and valuing the needs of the other party (Bush & Folger, 1994, 2005). This perspective redefines **conflict** as a **collaborative moral effort** to repair and restructure the interactions (Della Noce, 1999). As Honneth (2020) argues, a similar emphasis in modern conflict theory aligns with the notion that recognition is not merely an emotional appeal for appreciation (as in French *amour propre*) nor simply a tool for socialization (English *sympathy*) but rather the foundation of a morally understood encounter. From the perspective of transformative theory, recognition must be viewed as a moral interaction that shapes our mutual freedom and is rooted in the principle of equal respect. As I will demonstrate below, this is where the contributions of Fichte and Hegel, building upon Kant, become relevant (Honneth, 2020). Recognition, in this context, is also not just a psychological reward but a prerequisite for the parties in conflict to acknowledge one another as creators of shared rules and values. Without this idea - that all parties recognize each other as equal and morally free - a transformative approach could not fully develop its moral theory of conflict and effectively work towards restoring mutual dignity.

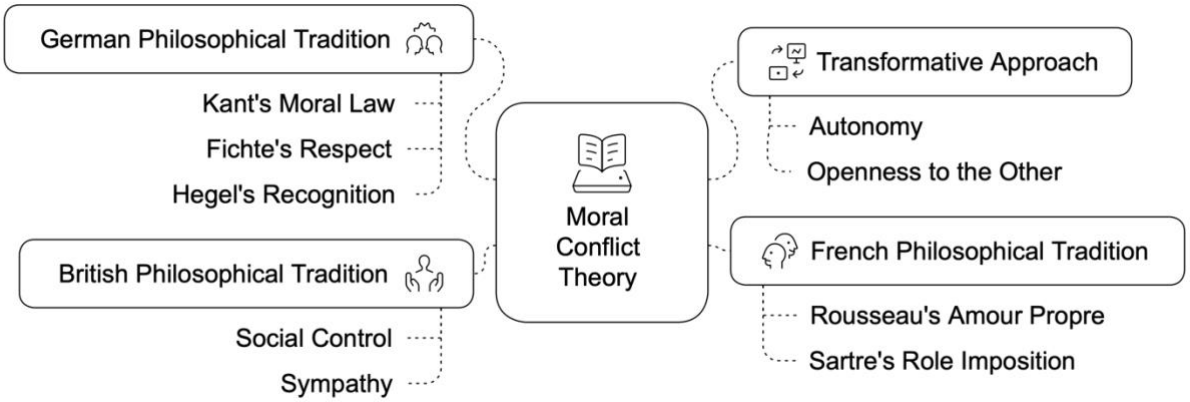

Figure 4: Moral Conflict Theories

5. Recognition in Fichte

I find the German philosopher Johann Gottlieb Fichte's idea particularly relevant here. He argues that recognition - being called to understand ourselves as free and rational beings - is essential for actually becoming free and rational (Ikäheimo, 2022b). According to Fichte, freedom (and therefore autonomy) cannot be gained simply by reflecting on ourselves. It

requires **interaction** with another free being who "summons" me (Aufforderung) and recognizes my capacity to act (Fichte in Ikäheimo, 2022b).

In the context of transformative theory, this insight indicates that individuals in conflict do not develop their self-concept in isolation; rather, it is shaped by their interactions. When one party experiences indifference, insults, or repeated attacks on their right to speak, they may ultimately feel "defeated" or "humiliated" and respond defensively or aggressively (Honneth, 2020). A transformative practitioner who sees the importance of recognition in Fichte's sense understands the need to create an environment where each person is seen and valued as a complete individual, rather than merely a "target" for the other side (Bush & Folger, 1994; Bush & Pope 2002).

Fichte's notion of "**summoning**" (Aufforderung) as a normative communicative act establishes a clear connection to the transformative approach (Ikäheimo, 2022b). He explains that individuals achieve freedom and autonomy, specifically through interactions with someone who "challenges" them to act freely (Ikäheimo, 2022b). In mediation, for instance, this can be observed in several situations ways:

1) **Establishing conditions for mutual "summoning."** The transformative mediator enables a setting where both parties recognize that they are not merely passive recipients of information or solutions. Instead, each side is "invited" to determine how to consider the other's viewpoint and respond to their needs and perspectives (Fichte in Ikäheimo, 2022b).
2) **Encouraging free decision-making.** Following Fichte's idea, summoning is not about forcing action; it is about providing the opportunity for free agency (Ikäheimo, 2022b). The mediator helps each party understand that they can choose to act or refrain from acting (Bush & Folger, 1994, 2005). Each individual begins to perceive themselves as genuinely capable of making choices.
3) **Fostering recognition and empowerment.** Once parties feel acknowledged as "free and capable beings" within the conversation, the cycle of weakness and self-absorption can start to transition into a cycle of "empowerment" and "recognition" (Bush & Pope, 2002; Honneth, 2020).

Fichte's concept of summoning someone as a free actor does not involve pressuring that person into a specific response. Instead, it offers them an opportunity to act (Ikäheimo, 2022b). This perspective aligns with the transformative approach, which respects each party's autonomy at all times (Bush, 2010; Bush & Folger, 1994, 2005, 2015; Simon & West, 2022). The mediator's role is to facilitate clearer and more respectful communication between the parties, enabling them to recognize their shared responsibility for the outcome of their negotiation rather than causing harm to one another.

5.1. An Illustrative Examples of Fichte's Recognition in Conflict

Recognition in the family context

Consider, for instance, a family dispute between a teenage child and a parent. The conflict may begin with the parent feeling powerless: the child does not follow the rules, lies, and avoids

responsibility. The child is frustrated because he or she feels that the parent is not listening properly and is being too authoritative. From Fichte's perspective, both parties fail to recognize one another. The parent does not recognize the child's potential for freedom ("You are not yet able to make decisions for yourself"), while the child does not recognize the legitimacy of the parent's authority ("You only order me around, but you don't understand me").

A transformative mediator, inspired by the concept of "summoning", seeks to restore the ability of both parties to perceive each other as acting freely (Fichte in Ikäheimo, 2022b; Bush & Pope, 2002). Through reflection and summarization, they encourage both parent and child to express themselves and to recognize that their perspectives are valid. In this manner, there is a summoning to responsibility: the parent begins to recognize that the child has the capacity to reflect on consequences, and the child, in turn, discovers that the parent is not merely a "directive figure" but also a receptive partner (cf. Honneth, 2020).

Recognition in a corporate/business context

A similar principle can be applied in the corporate context. An employee who proposes an innovation feels that management does not take him seriously, which leads to feelings of being unrecognized (cf. Fichte's emphasis on "understanding oneself as a free being" only through recognition by others: Ikäheimo, 2022b). Conversely, the supervisor may believe that the employee does not recognize broader constraints or financial limits.

The transformative mediator, aware of the Fichtean idea that the more freedom (even potential) the other is granted to act, the more he or she perceives themselves as a co-author of a possible solution, facilitates the discussion so that both supervisor and employee can hear each other as equals (Ikäheimo, 2022b; Bush & Folger, 1994). In this scenario, both the manager and the employee recognize that they have the agency to decide how to design a new project. This boosts motivation to pursue a realistic agreement, for instance.

Recognition in a community dispute

In a community where residents argue over shared spaces (e.g., noise, garden maintenance), one group may impose its views on the other, thereby denying it the "authorship" right to co-determine norms (Fichte in Ikäheimo, 2022b). Consequently, the other group feels like an object rather than an equal contributor.

Here, the transformative facilitator employs techniques that empower the parties to take an active voice (Cleven & Saul, 2024). Fichte's perspective posits that one actualizes freedom and rational action only when one is summoned and simultaneously recognizes others as rational. This understanding emphasizes the importance of continuously highlighting the space for all parties in dialogue to gradually assume the role of "co-creators of the rules" (Ikäheimo, 2022b). Once the "summoned" group feels that its contributions are valued, it gains confidence and becomes willing to change how it engages with others, potentially leading to an agreement.

5.2. Fichte's Summoning to Freedom as a Foundation for Recognition in Transformative Practice

Fichte's main idea is that recognition (Anerkennung) makes a person "real" by summoning (Aufforderung) them to act as a free and rational being. (Ikäheimo, 2022b) In transformative practice, this perspective is reflected in the emphasis on recognition and empowerment. (Bush & Folger, 1994; Honneth, 2020) A practitioner who understands this concept aims to help participants in conflict see each other as co-creators of a shared solution, rather than as passive objects. This happens when they renew:

- **Empowerment:** Each party rediscovers their ability to see options and make decisions.

- **Recognition:** Each party realizes the other also has freedom and reasons worthy of respect.

When both elements are present, the interaction can shift from defensiveness and blame to genuine attempts at understanding and acknowledging the other's voice. (Della Noce, 1999; Bush & Pope 2002)

5.3. Fichte's Interpretation of Recognition and Why It Matters

Fichte identifies two levels at which recognition can "oscillate." (Ikäheimo, 2022b)

i. **Theoretical vs. Practical:**
Merely knowing that another is a rational being differs from genuinely engaging in a manner that respects their reasoning and freedom. (Ikäheimo, 2022b)
ii. **Attitude vs. Treatment:**
Believing in another's equality on an internal level is not the same as acting in ways that genuinely grant them equality. (Ikäheimo, 2022b)

For a transformative practitioner, this has two main implications:

i. It is not enough to say, "Yes, I consider him a fellow human being with equal rights." This must also reflect in how I communicate - whether I listen, avoid ridicule, and respect his dignity.
ii. Even ceasing certain actions (for instance, not correcting or interrupting the other) can be a form of recognition if it stems from genuine respect. (Ikäheimo, 2022b)

5.4. Recognition as Co-Authorship

In a transformative practice setting, we often observe genuine recognition when parties adopt what can be called an "authorial approach" to crafting an agreement. They communicate - step by step - that they are willing to negotiate shared norms of interaction together. This fosters a relationship of "co-authorship," where both sides acknowledge that the terms of their coexistence arise from mutual co-creative effort rather than unilateral imposition. (Ikäheimo, 2022b)

Fichte's argument that human freedom and rationality become real only through another person's recognition offers valuable guidance for transformative work (Bush & Folger, 1994, 2005; Honneth, 2020; Ikäheimo, 2022b). In practice, this means the practitioner helps conflict parties rediscover and affirm their own **sense of agency** in each other. It goes beyond merely stating, "*You have something to say, too*." Instead, it requires genuine recognition - listening and responding in ways that demonstrate true engagement. Consequently, individuals can begin to let go of self-defeating or hostile strategies and become equal "co-authors" of potential agreements.

From a transformative perspective, Fichte's insight emphasizes that recognizing others as free and capable is essential for enhancing how people relate to one another. Only by "summoning" each other to responsible action can they transcend mere opposition and achieve a deeper transformation in their interactions.

Fichte emphasizes the "summons to freedom" and demonstrates that people can fully develop their autonomy only in relationships (Ikäheimo, 2022b). This concept, which posits that freedom and rationality are shaped through the recognition of the other person, paves the way for Hegel's notion, which extends beyond personal interaction to encompass social norms and institutions (Siep, 2010).

While Fichte emphasizes that one becomes a self-conscious agent through another person, Hegel argues that recognition must also encompass a broader institutional and social framework where individuals share rules, roles, and care for one another (Ikäheimo, 2022c). This shifts recognition from an individual's invocation of freedom to a larger system in which not only legal or role-based but also value and care bonds are formed between individuals (Siep, 2010).

6. Recognition in Hegel

I identify two main aspects of Hegel's view of recognition: a "**vertical**" dimension that refers to officially granted statuses, such as citizenship or legal marriage, and a "**horizontal**" dimension that focuses on how individuals perceive and acknowledge one another on a **person-to-person** level (Ikäheimo, 2022c). The horizontal dimension itself divides into two varieties. The first involves purely **interpersonal recognition**, encompassing love, respect, or esteem that isn't tied to formal institutions (Ikäheimo & Laitinen, 2007). The second variety of horizontal recognition is "norm-mediated," meaning that a person is recognized as having certain rights and duties. This norm-mediated version can occur through either official institutions or informal social practices (Ikäheimo, 2022c).

Purely Intersubjective Recognition

When Hegel discusses purely intersubjective recognition, he describes a process that exists solely between two (or more) individuals, without relying on established social norms or institutions (Ikäheimo, 2022c; Siep, 2010). Like Bush and Folger, Hegel approaches the social

world through a moral theory of conflict, distinguishing between the "realm of the spirit" and mere nature (Ikäheimo, 2022c; Siep, 2010). He elucidates that humans differ from animals in our ability to interpret and shape our world through collectively accepted norms - rules and obligations, as well as shared values and a concern for each other's well-being (Ikäheimo, 2022c). Thus, our relationships and interactions are not merely biological connections; they encompass both **axiological** (value-based) and **deontological** (rule-based) dimensions (Ikäheimo, 2022a; Laitinen, 2002; Ikäheimo & Laitinen, 2007).

The Deontological Dimension (Authority and Rules)

The deontological aspect of recognition involves living within a social and institutional framework, one that establishes **norms**, **rules,** and **roles** (Laitinen, 2002; Ikäheimo, 2022c). It also encompasses **authority, respect**, and sometimes entails "obedience" or acceptance of another's legitimate power (Ikäheimo & Laitinen, 2007). Recognizing someone in this manner means honoring their right to decide or lead, whether that authority arises from the law, a managerial role, or a social agreement. According to Hegel's famous "master and slave" scenario, rejecting all shared norms ("*No one can tell me what to do*!") would render any cooperative effort impossible (Siep, 2010; Laitinen, 2011).

In conflict situations, a person may crave acknowledgment of their authority or right to make decisions. For instance, at home: "*I have the right to decide what our children can and cannot do*," or in the workplace: "*I understand that, since you're the manager, you have the final say.*" In a transformative conflict setting, relational weakness can arise from uncertainty about one's authority; one might feel inferior if not recognized as having the legitimate power to set the terms of discussion (Ikäheimo, 2022a). Conversely, relational self-absorption occurs when someone demands deontological recognition only for themselves ("*I have the right to decide!*") while denying that the other side also deserves a say.

The axiological dimension (Values)

The axiological dimension of recognition emphasizes that people are not indifferent to one another and relates to **values**, **care**, **love**, and the degree to which I notice and consider the other person's **welfare** (see Ikäheimo, 2022c; Laitinen, 2011). It represents a form of recognition that expresses concern for the well-being of others. In interpersonal conflict, it reflects how genuinely interested I am in how the other feels, what they are experiencing, whether they are well or suffering, and whether I value their well-being or needs as highly as my own (Ikäheimo & Laitinen, 2007). When someone observes that a colleague is tired and offers to help, when a team leader considers a subordinate's personal situation, or when a parent cares for a child, each of these actions exemplifies axiological recognition (Laitinen, 2002). For Hegel, this aspect is crucial because it illustrates humanity as a community of beings who share certain values and support one another in them (Siep, 2010). Without this "care," interactions would deteriorate into a mere formal structure of "who commands whom" and would lose the profound meaning of human coexistence (Ikäheimo, 2010).

Thus, through the lens of transformative conflict theory, relational weakness can be observed as submission ("*Let the other person be comfortable, even if doing so suppresses my own needs*"), which can sometimes signify a lack of self-awareness or a desire to avoid conflict at the cost of self-sacrifice. Relational self-absorption, then, means, in axiological terms, "*I primarily care about my own well-being; your well-being comes second.*" This reflects a failure to regard the other person as an equal with inherent value, instead seeing them as a means to one's own ends (cf. Laitinen, 2002; Ikäheimo, 2022c).

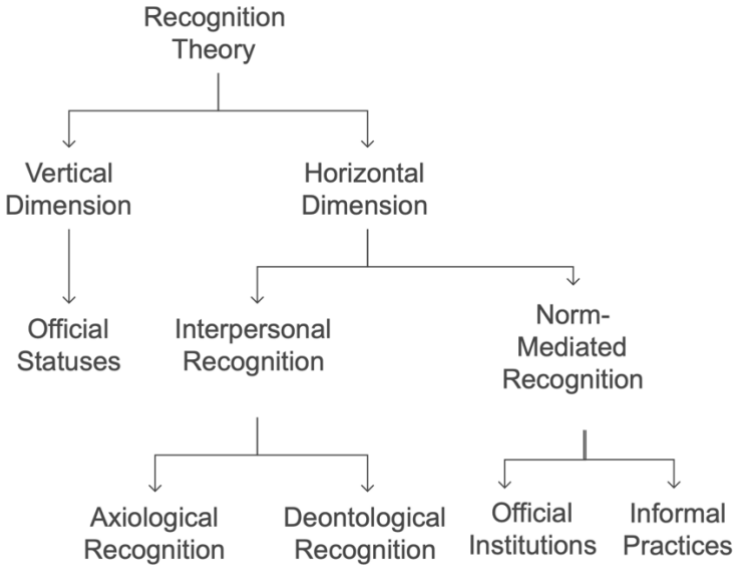

Figure 5: Hegel's Dimensions of Recognition

6.1. Implications for Transformative Practice

A transformative practitioner focuses on promoting shifts in the empowerment and recognition of the parties (Bush & Folger, 1994, 2005; Bush & Pope, 2002). If he or she recognizes that the conflict occurs on a deontological or axiological level, he or she can:

(a) Identify signs of weakness in both dimensions.
   a. Deontological weakness: the party fails to assert its legitimate claim or role. It may require greater confidence or for the other person to recognize his or her voice or authority (Bush & Folger, 1994, 2005).
   b. Axiological weakness: the party retreats and neglects itself because it does not regard its own interests as equally important (Bush & Pope, 2002).

(b) Identify instances of self-absorption in both dimensions
   a. Deontological self-absorption: the party aims to have the "last word" and disregards the other's claim to decision-making, as the manager downplays the employee's contribution (Bush & Folger, 1994; Folger & Bush, 1994).
   b. Axiological self-absorption: the party unilaterally pursues his or her own convenience or gain ("I don't care how you feel, as long as I get what I want") (Bush & Folger, 2005).

(c) To assist parties in understanding their actual needs (empowerment)
   a. The mediator can use reflection to clarify: "So, Paul, you are saying that you feel unrecognized in your position and that your opinion is not respected?" (deontological level) (Bush & Pope, 2002; Della Noce, 1999).

b. Or, “More and more often, Lucia, you express concern about whether Paul understands how much this hurts you and how crucial it is for you not to feel like you are merely a tool” (axiological level) (Bush & Folger, 1994, 2005).

(d) Encourage a move toward more “unconditional” recognition

a. Conditional recognition means, “It only makes sense to care about you to gain something,” or “I accept your authority only to avoid losing something.”
b. Unconditional recognition signifies a higher level of recognizing the other as important in his or her own right (Laitinen, 2011). The practitioner can check in by asking, “Are you interested in hearing more about the other party's perception of your true value, or is that not important right now, and do you prefer to continue the conversation in a different direction?” This question opens up space for genuine empathy and respect (Ikäheimo & Laitinen, 2007; Bush & Pope, 2002).

Table 2: Manifestations of weakness and self-absorption in relation to the dimensions of conflict

Dimension	Weakness (lack of empowerment)	Self-absorption (lack of recognition)
Deontological (rights, claims, roles)	Party fails to assert legitimate claim or role; lacks confidence or voice recognition	Party insists on having the “last word,” disregarding other’s claims and decision-making authority
Axiological (values, interests, importance)	Party neglects own interests, believing they aren’t equally important	Party pursues own gain or convenience, indifferent to the other’s feelings or interests

6.2. An Illustrative Examples of Hegel’s Interpersonal Recognition in Conflict

Family Cottage Dispute

Consider a disagreement between two siblings regarding the family cottage:

Deontological level: one sibling believes he holds the “primary right” to make decisions since he has invested more in the cottage and feels disrespected by the other as the “rightful owner.” The other sibling perceives that the older brother “outranks” him and denies him the opportunity to co-determine.

Axiological level: one sibling feels that the other does not respect the emotional significance of the cottage, which is tied to their childhood memories, while he himself views it purely from a financial perspective. The other sibling, in turn, perceives that “you are merely asserting your own sentiments, but you do not consider whether I have the funds for repairs or if I want to enjoy the cottage with my family.”

A transformative mediator can help each sibling recognize when they feel ignored (in a deontological or axiological sense) or when they are neglecting each other. Additionally, the mediator can encourage both siblings to establish their own discussion rules, allowing them to

share authority and relevant rights while also respecting their values and emotions. In this way, conflict can be transformed into a deeper understanding of one another (Honneth, 2020; Bush & Folger, 2005).

Workplace Dispute

In a similar vein, it is possible to envision applying Hegel's conceptualization of recognition to a workplace conflict involving a team leader, Karl, and his subordinate, Alice, who are caught in a prolonged dispute. Karl believes that Alice fails to meet deadlines and does not follow team rules (i.e., the deontological level), while Alice feels frustrated by Karl's disregard for her family circumstances and personal needs (i.e., the axiological level). The argument intensifies as both parties perceive that the second dimension remains unaddressed. Without recognizing both levels, the colleagues become adversaries (see Laitinen, 2011).

The mediator helps the parties understand why issues of authority and rules are so important to them (deontological dimension) and how essential it is for them to feel that the other party recognizes them as individuals with distinct values and needs (axiological dimension) (Ikäheimo & Laitinen, 2007; Bush & Pope, 2002).

6.3. Why the Axiological and Deontological Dimensions Matter in Transformative Practice

A transformative practitioner can identify where conflicts "break down" in the dialectical relationship (an interactional crisis) between self-absorption and recognition, offering assistance to the parties in restoring mutual understanding and clarifying the structures of agreement. This new arrangement can be both formally enforceable and meaningfully human (Bush & Folger, 1994, 2005).

Distinguishing between the value-caring (axiological) and norm-binding (deontological) dimensions of interpersonal interactions clarifies why attempts to change interaction or cooperation can fail if either dimension is overlooked (Ikäheimo, 2022c). The deontological dimension of recognition in a transformative approach emphasizes the existence of rules, norms, and authority: who is entitled to what? What about respect and authority? In contrast, the axiological dimension of recognition pertains to values, feelings, empathy, and how individuals wish each other well (Honneth, 2020). Both dimensions can be explored, for example, in summaries or through advanced reflection, as described by colleagues in this book (see also Bush & Pope, 2002; Della Noce, 1999).

In interpersonal conflicts, the two dimensions are often intertwined, and transformative practice can help parties recognize the type of recognition they seek from one another, as well as whether they lack recognition on all levels (Laitinen, 2011). Understanding when there is weakness or self-absorption in the deontological or axiological dimensions enables practitioners to be sensitive to the parties' perspectives and concerns, fostering empowerment and mutual

recognition. This allows for a shift in conflicting interactions toward deeper and less contingent recognition (Bush & Folger, 1994, 2005).

6.4. Constitutive and Responsive Conceptions of Recognition

Hegel introduces another perspective to transformative theory by distinguishing between **constitutive** and **responsive** conceptions of recognition (Ikäheimo, 2010). Rather than opposing views, these approaches complement one another. Hegel emphasizes that individuals continually form their identities in relation to others (Laitinen, 2002). This **constitutes** the core aspect of recognition: I define myself partly by how others accept or reject me in a given role. However, Hegel also insists that this process should not be merely mechanical or based on fear or utility. In **responsive** recognition, I value others for their inherent worth rather than as a means to an end. This "higher" recognition entails genuinely taking the other person seriously and acknowledging them as my equal (Honneth, 2020; Ikäheimo, 2010). I will explore both levels in greater detail.

6.4.1. The Constitutive Conception of Recognition

Hegel's key idea is that recognition (Anerkennung) does not merely "grant a title" to someone who is already a complete individual. Rather, recognition is a constitutive process: I shape my sense of self precisely through how others recognize or fail to recognize me (Laitinen, 2002; Ikäheimo, 2010, 2022c, 2022d). My identity and values develop based on whether others treat me as valuable or disregard me (Laitinen, 2002).

Thus, recognition is not merely a response to qualities that already exist ("You are a free being, and I acknowledge it"). It actively **creates statuses and roles** that would not otherwise emerge (Laitinen, 2002; Ikäheimo, 2010, 2022c, 2022d). For example, in Hegel's master–slave metaphor, a master who "recognizes" the slave, even if this begins as purely instrumental, helps define both the slave's role and the meaning of "authority" (Siep, 2010; Laitinen, 2011). As the two individuals interact, each gains a transformed sense of identity: the master may come to consider the slave's well-being, and the slave may become aware of his own worth. This process shapes the sense of "I" through ongoing exchanges of recognition. In transformative practice, this concept is crucial for understanding how relational weakness or self-absorption can emerge and subsequently change (Ikäheimo, 2010).

Hegel describes three idealized stages in which consciousness evolves from perceiving others as mere objects to recognizing them as full subjects who shape one's own inner experience or psychic constitution (Laitinen, 2002; Ikäheimo, 2010; Ikäheimo, 2022c; Ikäheimo, 2022d):

(A) Primitive Confrontation

People initially encounter each other as "desiring subjects" who may compete for resources or resist one another. This initial interaction remains a form of recognition, as each person realizes

that the other is alive and possesses independent interests (Laitinen, 2002). It “shocks” me out of the belief that I am the sole center of the world (Ikäheimo, 2010; Ikäheimo, 2022c).

(B) The Relationship of "Master and Slave"

This second stage involves recognizing each other in a more extended, yet still self-centered, manner. One assumes the role of “master” (authority), while the other takes on the role of “slave” (subordinate), based on their mutual perceptions: the master sees the slave as a servant, and the slave perceives the master as a figure whose orders must be obeyed (Siep, 2010; Laitinen, 2002, p. 468). Each partially acknowledges the other’s perspective but prioritizes personal gain—either power or survival (Ikäheimo, 2010; Ikäheimo, 2022c).

(C) Truly Personifying Recognition

At the highest stage, I recognize the other unconditionally, with both love (valuing their well-being – that is, axiological recognition) and respect (validating their independent authority - that is, deontic recognition) (Laitinen, 2002; Ikäheimo, 2010; Ikäheimo, 2022c). I no longer subordinate the other's perspective to my own but recognize them as an equal center (Ikäheimo, 2010; Ikäheimo, 2022c). Fundamentally, this also changes me: I treat others quite differently, which simultaneously transforms my inner psychological landscape. I am no longer merely a self-sufficient individual who manipulates or retreats; I have become a being open to “two perspectives” (Laitinen, 2002).

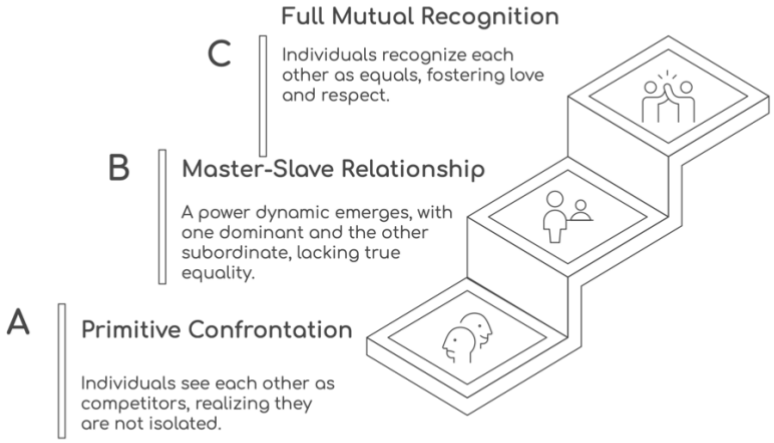

Figure 6: Journey to Mutual Recognition

By progressing through these stages, I undergo a **psychological transformation** from prioritizing immediate desires (stage A) or narrow self-interest (stage B) to a more genuine openness to another person’s viewpoint (stage C) (Ikäheimo, 2010; Ikäheimo, 2022c; Ikäheimo,

2022d). The term “constitutive” emphasizes that recognition actively shapes each individual’s status and **self-concept** (Laitinen, 2002; Ikäheimo, 2022c; Ikäheimo, 2022d). Our roles and identities are not fixed before the encounter; they emerge from how we perceive and acknowledge one another (Honneth, 2020; Laitinen, 2011).

For Hegel, this constitutive aspect carries significant philosophical and social implications (Siep, 2010). The notion that individuals “create” one another through recognition elucidates how human society - referred to by Hegel as the “realm of spirit” (Geist) - comes into existence (Laitinen, 2002; Ikäheimo, 2010; Ikäheimo, 2022c; Ikäheimo, 2022d). It transcends mere tolerance or utility, involving an active acceptance of others as independent **sources of meaning**. This enables human interaction to rise above basic biological needs, evolving into a genuinely moral and spiritual existence (Siep, 2010). Hegel essentially foresees a central idea that Bush and Folger later investigate: conflicts remain at an “animal” level unless we address each other’s deeper needs. Our capacity to view the world through a moral lens is what renders us fully human (Bush & Folger, 1994; Ikäheimo, 2010).

6.4.2. An Illustrative Example of Constitutive Conception of Recognition in Practice

A Disagreement Between Two Close Friends About Their Collaboration on a Joint Project

Consider two friends, John and Peter, who decide to collaborate on a project, such as creating a comic book or a blog. Initially, they appear to share the same motivation, vision, and desire to collaborate. However, over time, a dispute arises between them, centered on differing views regarding their roles and contributions. John feels he bears the primary creative burden; he believes he generates most of the ideas and needs Peter to recognize his authority in matters of content and style. Conversely, Peter believes he organizes the entire project, including agreements with the graphic designer and communication with external collaborators, and manages the administration, which John tends to underestimate and take for granted. This conflict can be interpreted through Hegel's constitutive conception of recognition: each friend seeks affirmation of their significance and authority while assigning the other a status that seems convenient or natural (Laitinen, 2002; Ikäheimo, 2010; Ikäheimo, 2022c).

In the initial stages, John and Peter may adopt a “primitive/natural” stance, in which each emphasizes his own key contributions to consciousness while acknowledging the other's complementary role. For example, John asserts, “You are merely the manager; I am the one who creates the entire concept. I can replace your work, but not myself.”

Peter replies, “Without my contacts and organization, you would have achieved nothing. Communicating with a graphic designer and meeting deadlines would have required a superhuman effort!”

Each acknowledges the other partially (they need each other), but mainly from an instrumental perspective: the other serves merely as a tool for achieving one's own goals. This creates an interaction reminiscent of Hegel's metaphor of master and slave: John sees himself as the

“creator” (master of ideas) and regards Peter as an executive force to control. Peter regards John as an “artist” who is skilled yet easily replaceable by someone else, considering himself a practical “organizer” (master of factual power).

Consequently, neither feels fully recognized as independent and worthy partners (Bush & Folger, 2005). Each scenario reduces their roles to limited dynamics (master/slave, creator/assistant) assigned by the other. Their self-concepts shift amid this conflict; John feels hurt for not being acknowledged as an artistic soul, while Peter experiences feelings of being slighted.

Constitutive Element: The Mutual Formation of Their Own Identities

The Hegelian “constitutive concept” is evident in the fact that John is not only the creator from the beginning; his perception of himself as the “chief creative” reinforces and reflects the notion that Peter, while relying on his ideas, does not grant him a privileged position in practice. John asserts an even stronger claim to creative absoluteness precisely because he feels undervalued.

Peter takes on the role of manager, considering himself the de facto “indispensable guarantor of functioning.” In a similar vein, John's lack of appreciation for Peter's work adds to this situation: the less recognition Peter receives, the more deeply he feels that the project would “fail” without him.

Thus, their self-concept (identity) is not fully internally fulfilled but is co-created by the tensions in which each tries to prompt the other to recognize their status. The result is a clear polarization: John emphasizes his “credo as an artist,” while Peter highlights his “immense organizational skill.”

The Path to “Fully Personifying” Recognition: Transformation Through Mutual Understanding

If John and Peter avoid the instrumental “I need you, but...” in the next conversation (e.g., in mediation), they can move to a higher level of recognition.

John discovers that Peter is not merely fulfilling official formalities; he is also creatively managing promotion, finances, and networking. John recognizes that this is not just a mechanical service but a genuine value that he cannot provide alone. He recognizes Peter as an indispensable partner with a distinct perspective.

Petr begins to realize that John contributes not only his visual and literary creativity to the project but also vital enthusiasm and artistic influence, without which the project would lack originality. He comprehends that this isn't about “who gets the credit”; rather, John's vision is an indispensable component. They view him as a free creative authority with equal rights to make decisions.

This fosters a more unconditional form of recognition: “I recognize you not out of necessity or fear, but because I see you as an equal bearer of value and authority.” Simultaneously, both individuals emerge enriched: John's self-esteem is rooted in a profound sense of appreciation, which Peter recognizes wholeheartedly. In turn, Peter develops a sense of significance that is not merely technical (“I can manage paperwork”) but is also recognized internally from John's perspective.

Hegel's constitutive conception is exemplified through John and Peter, as their self-perception and mutual roles do not develop in isolation; rather, they shape one another. In the conflict over who holds the “main merit,” both their differences - in establishing the roles of master/slave or creator/organizer - and the potential to reach a higher plane, where they both recognize themselves as full personalities, are actualized. This supports Hegel's thesis that individuals' identities are not merely given but are formed through interactions, particularly those intensified by conflict, which provide an opportunity to transition from instruments of self-interest to genuine respect and shared authority (Bush & Pope, 2002).

From the perspective of a transformative approach to conflict resolution, a new understanding of the relationship between empowerment and recognition emerges. From a specific viewpoint, it is indeed true that a certain degree of recognition is a necessary prerequisite for human empowerment (Della Noce, 1999, 2003). This claim does not undermine the assumption that humans possess certain capacities (rational, moral, etc.). However, it emphasizes that only social and dialogical affirmation can truly activate and advance these capacities. In other words, to genuinely feel and act as an autonomous and respected actor, I must experience a moment in which the other party seriously acknowledges my potential as a person. In this way, the transformative approach intersects with the idea that recognition represents a transition from potential to actual personhood. This transformation, occurring in the interactive environment of mediation or dialogue, is both a prerequisite and a consequence of the profound changes these practices facilitate in the realm of recognition.

6.4.3. A Responsive Conception of Recognition

I see another important perspective in Hegel’s work: recognition as a **response** to the concrete qualities or traits of another person. Recognition here is not just a label I assign to someone; it is an **inner reaction** that arises from what I notice in the other (Ikäheimo, 2010; Laitinen, 2002; Ikäheimo, 2022c; Ikäheimo, 2022d). This reaction can be triggered by the other person’s independence, vulnerability, or any other characteristic that I see as worthy of my attention.

a) In the most **primitive phase**, I respond solely to the fact that the other person is standing in my way. This initial “shock” signifies that I’ve come across someone who won’t simply yield to my desires. At this stage, recognition is purely causal: “I see you as an obstacle because you resist me” (Laitinen, 2002).
b) In the **master–slave** metaphor, I observe more intricate reactions. The slave obeys the master out of fear, which constitutes a “normative” response: the master’s commands appear threatening. Meanwhile, the master also relies on the slave and must ensure that

the slave's basic needs are met so he can continue working. However, both sides primarily act out of **self-interest** - the slave aims to survive, and the master seeks to have his work completed (Siep, 2010; Laitinen, 2002).

c) Only when I attain **full personifying recognition**, involving love and respect, do I respond to the other's needs or authority because I see them as inherently valuable, not merely beneficial to me. I might observe someone's vulnerability or autonomy and respond with genuine care or true respect for their right to make decisions. I do this not out of fear or calculation, but because the other's dignity compels me to respond (Laitinen, 2002; Ikäheimo, 2022c; Ikäheimo, 2022d).

In other words, "responsive" recognition means that there is always something in the other person - resistance, needs, or authority - that prompts me to acknowledge them. Over time, this can evolve from basic self-interest ("I see you as a threat or tool") to genuine empathy and respect ("I value you for who you are") (Honneth, 2020).

6.4.4. An Illustrative Example of the Responsive Conception of Recognition in Practice: The Conflict Between Local Residents and Ukrainian Refugees

Imagine a small village where several families fleeing the war arrive following the outbreak of conflict in Ukraine. Some long-time residents welcome them, while others respond with resentment, fearing the rising costs of village maintenance, shifts in local culture, and the general "arrival of foreigners." Consequently, a communal dispute arises between some of the older residents and the newcomers.

Phase One: The Initial Shock

The first phase of conflict interactions between long-time residents and refugees is characterized by initial "shock" and resistance (Laitinen, 2002). Many indigenous people, who have lived in the village for decades, view the newly arrived Ukrainians as intruders of their customs. Their initial sense of recognition resembles resentment, as they simply realize that a stranger is bothering or altering the dynamics of their village (e.g., dealing with accommodation issues, agendas at the authorities, etc.). Families from Ukraine feel unwelcome, despite the municipality officially providing assistance. Their initial reaction reflects a basic survival instinct - seeking shelter, work, and access to healthcare.

At this early stage, the two groups recognize each other only in passing: the old villagers realistically note the presence of foreigners who cannot be overlooked, and the Ukrainians recognize that the municipal authorities (mayor, councilors) hold the power to make decisions. However, it is merely a "shock," a mutual realization that the other side exists and poses some resistance or demands a response.

Phase Two: Instrumental or Conditional Recognition

In the further development of interactions that do not spiral into a destructive conflict, the interactions may become cautiously cooperative, though for strategic reasons. Thus, a relationship resembling “master and slave” in Hegel's metaphorical terms, driven by self-interest or concern, gradually develops. The natives may be cautiously respectful of the newcomers to avoid increasing social tension. “If we treat them badly, human rights organizations may oppose us, and the municipality will lose subsidies...” They can also assist Ukrainian families instrumentally, helping them find jobs and advising them about kindergartens for their children, mainly to ensure that the newcomers integrate smoothly and do not create problems. This concern stems from a desire for peace and prosperity for the locals.

Newcomers, on the other hand, recognize the authority of the mayor and the village councilors, fearing that without their assistance, they will not receive social benefits or housing. They adhere to local community norms and traditions mainly to avoid alienating their neighbors, but they do not regard this as 'legitimate' or 'nice'; instead, it is a strategic concession.

In this “middle” phase, both sides recognize each other reactively, primarily because it makes their lives easier. The natives do not feel genuine respect or cordial friendliness toward the refugees; instead, they adhere calculatingly to a certain standard of decency. Refugees must accept the natives' orders or recommendations to thrive in the local community, leading to fearful obedience.

Phase Three: Fully Responsive Recognition

In the fully “responsive” or altruistic level of recognition, the interactions between the two groups may eventually shift toward complete personifying recognition, which Hegel characterizes as love and respect. The indigenous people begin to appreciate Ukrainian families because they perceive in them genuine human stories and values. For instance, when they collaborate on a cultural event or assist in repairing a public space, human bonds form. They no longer recognize them merely “to keep the peace” but because the well-being of others holds intrinsic value. The refugees, in turn, come to realize that the locals possess traditions and a sense of belonging that they value. They begin to respect local authorities because they view them as legitimate (e.g., they understand that the mayor is genuinely seeking harmony in the village, not merely asserting his power). It is, therefore, not a matter of necessity but of respect for the distinct community.

At this stage, respect and care transcend self-interest; instead, a genuine attentiveness to the other as a person emerges. In its fully developed form, a community becomes a place where both groups share respect and consideration for each other's welfare, achieving this without mere calculation or coercion. This 'higher' stage exemplifies selfless appreciation, as I respond to the other not out of obligation but because their needs and perspective genuinely appeal to me (Laitinen, 2002; Ikäheimo, 2010).

6.4.5. How Can Understanding Responsive Recognition Benefit a Transformative Practitioner?

A transformative approach seeks to enhance the quality of interaction between parties by fostering empowerment and recognition (Bush & Folger, 1994, 2005; Bush & Pope, 2002; by analogy cf. Honneth, 2020). The concept of **responsive recognition** indicates that recognition does not emerge "out of thin air" but is a response to something substantial from the other party (Della Noce, 1999; Laitinen, 2002; Ikäheimo, 2010; Ikäheimo, 2022c; Ikäheimo, 2022d). This offers several important insights for mediators, facilitators, or coaches.

The responsive model of recognition enables transformative practitioners to identify signs of weakness and self-absorption, determining whether parties are responding primarily out of self-interest (e.g., to avoid conflict), fear, or if a deeper sense of empathy and mutual respect is emerging (Bush & Folger, 1994, 2005). This approach enables mediators and facilitators to more effectively assess whether the parties require assistance in shifting their empowerment or recognition, or if a shift has already occurred when one party genuinely begins to care about what is important to the other.

If a transformative practitioner assesses that he or she can support the parties in shifting their empowerment or recognition, he or she can offer, for example, a reflection that highlights moments when there is a hint of "**perceiving something in the other**" in the communication (Bush & Pope, 2002; Della Noce, 1999). The mediator or facilitator repeats the participants' words so that they can hear what they are saying and perhaps realize that they are discussing something that truly affects them regarding the other. Alternatively, a summary can be used to help the parties orient themselves to what has already been said on both sides, pointing out moments when the participants have touched on sensitive or valuable topics with each other. The check-in then provides participants the opportunity to recognize that, in light of their new understanding, they have the choice to change something themselves - for example, to consider what is important to the other or even to adjust their own position, just as they have the choice not to do so. In transformative terms, this is not pressure to solve but an opportunity to recognize that the action is in their hands (Bush & Folger, 1994, 2005; Bush & Pope, 2002).

When a transformative practitioner observes what triggers a response in another party, ranging from fear to genuine concern, they can assess in real time whether the participants' capacity for action increases (for example, by overcoming feelings of powerlessness and expressing their needs) as well as their sensitivity to the other party's perspective (Bush & Folger, 2005). This way, I can gauge whether the conversation is shifting from cautious or self-focused behavior toward a **genuine recognition** of the other's worth or if communication remains confined to purely strategic concessions.

Understanding responsive recognition provides mediators or facilitators with the opportunity to help parties shift from instrumental or cautious attitudes, where others are primarily viewed through the lens of self-interest, toward deeper recognition, acknowledging others as entities with their own meaning. This transformation **improves the quality of interactions** over time.

Individuals who genuinely respond to others, rather than merely tolerating or exploiting them, are better equipped to handle future challenges independently (Bush & Folger, 1994, 2005; Della Noce, 1999).

The ability of transformative practitioners to perceive varying levels of responsiveness between parties, combined with reflection, summary, and timely check-ins, enables these parties to recognize their hidden attitudes, fears, and hopes. This nurturing leads to both empowerment (as individuals become aware of their own agency and choices) and recognition (as they cultivate compassion for one another), which are central goals in transformative practice (Bush & Folger, 1994, 2005; Bush & Pope, 2002).

6.4.6. Employing the Responsive Recognition Model in Facilitated Dialogue

How can an understanding of the responsive concept of recognition translate into transformative dialogue within the community between indigenous people and newcomers from Ukraine? Imagine a facilitator entering a community where some long-standing villagers define themselves in opposition to the new Ukrainian families. The facilitator engages in a series of conversations with various groups and individuals, helping everyone clarify **who needs to communicate with whom and about what** (Cleven & Saul, 2024). Consequently, the facilitator recognizes in advance that the conflict centers around shared concerns and differing cultures, but it also represents a situation where there exists a gradual scale of recognition, from mere calculated consideration to a profound acceptance of the intrinsic worth of others (Ikäheimo, 2010; Ikäheimo, 2022c; Ikäheimo, 2022d). Reflection, summarization, and check-ins can help uncover the moments when a 'real encounter' and fuller recognition occur.

A transformative facilitator understands that the natives and Ukrainians may respond to each other conditionally (to avoid problems) or may begin to recognize the intrinsic dignity of the other party as well (Ikäheimo, 2010). When signs emerge in conversations indicating that someone feels genuine understanding or real respect, the facilitator can utilize:

(a) Reflection: “You, Francis, express how important it is for you that Ukrainian families have their basic needs met - yet at the same time, it seems a bit unusual for you. Is that right?”
This enables the old man to recognize that he is already integrating something he observes in the other party into his perspective and responding to it not just for his own benefit.

Or:

“Natasha, you mentioned that you felt comfortable at the end when the locals showed you around the nursery and assisted you with your shopping, but at the same time, you wonder if they were merely acting out of obligation, correct?” This highlights how these newcomers respond to what they perceive as either genuine or insincere concern.

(b) Summary: “Some of you mentioned helping new families mainly to avoid problems or a bad reputation for the village, while others have indicated that they see potential benefits. One participant even noted that a Ukrainian family bakes excellently and looks forward to contributing positively to their shared experience.” In this way, participants orient themselves to their attitudes and those of others, discerning whether someone is beginning to respond more fully to the quality of others (e.g., “It's fun to meet them at the playground”) or if only fear of consequences remains.

c) Check-in: Once the facilitator notices that some openness emerges in the discussion - where one party genuinely values the other rather than viewing them as a necessary evil - he or she offers a check-in, alerting the parties that they have the opportunity to decide how to address this change: “It seems that you are now actually describing a new possibility for joint action. Is it useful for you to discuss it further, or do you need to focus on something else for now?” This gives both old-timers and newcomers the freedom to choose whether they wish to explore this new, more responsive level. In doing so, the facilitator does not lead them to agree on specific actions but instead highlights the opportunity for them to shift their mutual recognition (Bush & Pope, 2002; Della Noce, 1999).

A **responsive** conception of recognition indicates that it is not merely formal. One party genuinely feels something for the other (e.g., gratitude, concern, admiration). A transformative practitioner who is mindful of this helps individuals cultivate these deeper expressions, thereby enhancing empowerment (individuals realize they can act on new perceptions and beliefs) and recognition (their ability to see and reflect upon what others truly are increases) (Bush & Folger, 1994; Bush & Pope, 2002). Although the transformative practitioner does not pose any substantive questions, he or she can name each shift or allow space for reflection, summary, and check-ins, enabling the parties to consciously integrate these insights into their actions.

The responsive model of recognition suggests that a person's inherent value provides a valid basis for treating them accordingly. In simpler terms, when we recognize value in someone or something, we have a prima facie reason to respect, protect, or appreciate it. Viewing a person as a person primarily relates to dignity; according to this 'value analysis', the mere fact that someone is a person compels us to acknowledge them as such through our actions and, when appropriate, through symbolic expressions.

Transformative theory emphasizes that this recognition is not only ethical but also has genuine **relational** effects (Folger & Bush, 1994; Bush & Folger, 1994). It is not simply the case that the other must be respected because they are a person (although this is a valid ethical reason). Recognition can also transform the interactions and perceptions of the parties involved in a conflict. This aligns the transformative approach with a more “complicated” model, where recognition is not merely a one-time event (responding to the value of the person) but acts as a dynamic element that encourages deeper changes in mutual interactions and perceptions of self and others.

Transformative theory highlights the significance of **transferring recognition**, both as a response to one's worth and through mutual action and communication. This transfer occurs through explicit words (symbolic recognition) or genuine respect during conflict resolution (practical recognition) (Bush & Folger, 2005; Bush & Pope, 2002). Here, the responsive and constitutive models intersect: while recognition depends on the pre-existing value of the other person, its relational effects can foster new commitments during mediation or dialogue, encouraging the parties to engage with greater empathy and responsibility. In this way, recognition evolves from being merely a response to value into a driving force that transforms conflict into more open and respectful communication.

7. What Fichte and Hegel's Different Views on Recognition Mean for Transformative Practice

There are significant differences between Fichte's and Hegel's approaches to recognition, and these differences have practical implications for the application of transformative conflict resolution. According to Fichte, recognition is like a **harmonious call to freedom** (Ikäheimo, 2022b; Honneth, 2020). This idea allows practitioners to focus on helping people recognize each other in a way that brings out their potential without necessarily provoking direct confrontation. It fits a rather "harmonious" model of conflict resolution that, while sharing similarities with transformative practice, does not match it exactly (Folger, 2008). Such an approach emphasizes placing the parties in a state of "summoning" each other to greater self-awareness and growth without the need to provoke direct conflict.

Conversely, Hegel's conception, which involves a dialogical and **agonistic struggle** for recognition, argues that conflict is a vital component in achieving deeper transformation. In this framework, parties must confront their differences and affirm their freedom and capacity to act through mutual confrontation. This suggests that the mediator or facilitator should not shy away from the presence of agonism or tension in transformative conflict resolution. Rather, they should utilize these dynamics to help the parties develop a new understanding of themselves and their interactions (Siep, 2010; Ikäheimo, 2010, 2022c, 2022d). In transformative practice, this indicates that the practitioner does not need to downplay the conflict but should harness its dynamics to encourage deeper understanding and mutual affirmation of autonomy.

The process of transformation involves not only consensus building but also a shift in perspective, where individuals learn to perceive themselves and others as complete subjects who challenge one another to embrace freedom.

A transformative practitioner, drawing on Hegel's dialogical conception, must be ready to view moments of conflict as opportunities for deeper mutual recognition (Laitinen, 2002). Thus, conflict is not inherently negative. Rather, it can serve as a catalyst that clarifies and strengthens the identity and freedom of both parties (Honneth, 2020; Bush & Folger, 1994; Bush & Pope, 2002). Conversely, relying exclusively on Fichte's harmonious perspective may lead to a form of mediation that fails to adequately acknowledge the inherent tensions and struggles for

recognition, which are often vital drivers of radical transformation in interpersonal interactions (Folger, 2008; Ikäheimo, 2022c, 2022d). This does not imply that Fichte's notion of recognition lacks value in transformative practice. Considering the absence of direct conflict among the people present in the room and the focus on recognition for personal development, his concept appears especially motivating for **transformative coaching**.

In contrast, Hegel's perspective serves as a reminder that tension itself can unveil new insights and encourage individuals toward greater autonomy and respect. Overall, these two views underscore the necessity for transformative practice to consider both the peaceful and more challenging facets of recognition (Ikäheimo, 2010; Ikäheimo, 2022c; Ikäheimo, 2022d). By allowing parties to confront one another and share power, I support a process that fulfills each individual's **sense of freedom and identity**. (Laitinen, 2002; Bush & Folger, 2005)

Figure 7: Fichte's and Hegel's Conceptions of Recognition for Transformative Practice

8. Recognition as a Fundamental Element of Transformative Theory and Practice - Final Thoughts

When transformative theory is grounded in a **moral theory** of conflict, an ethical dimension is always present, as ethics serves as a foundation for a theory of morality (Bush & Folger, 1994, 2005). Consequently, transformative theory is typically characterized by a qualitative, ethical conception of recognition that emphasizes interactional shifts and transformations (Laitinen, 2002; Della Noce, 1999). However, the importance of an **ontological understanding of recognition** cannot be overlooked, as it enables deeper comprehension of the moral argument and provides insight into how recognition contributes to our essence as moral beings (cf. Ikäheimo, 2022d; Bush & Pope, 2002).

At this point, one can appreciate the contributions of transformative theory, which sees weakness and self-absorption as opportunities (Bush & Folger, 1994, 2005). Here, the ontological and normative significance of recognition as a chance to achieve a balance between self and other is most evident (Ikäheimo, 2010; Laitinen, 2002).

8.1. The Relationship Between Empowerment and Recognition

In discussions about human growth, ethics, and conflict resolution, the terms “empowerment” and “recognition” often arise. Empowerment generally refers to gaining a stronger sense of personal agency, while recognition involves acknowledging someone else’s worth (Bush, 2025; Laitinen, 2002; Ikäheimo, 2022d). The transformative approach, as articulated by Folger and Bush, considers empowerment and recognition to be interconnected (Bush & Folger, 2005; Della Noce, 1999). During conflict, I observe that individuals only feel genuinely capable when they perceive that others regard them as competent. (Bush & Folger, 1994, 2005; Laitinen, 2002) Yet, recognition alone can seem hollow if a person cannot uphold their own dignity (Ikäheimo, 2010).

In this chapter, I have therefore focused on how empowerment and recognition co-create a fully realized personhood. In doing so, I draw on a multidimensional understanding of personhood that develops on several levels (Ikäheimo, 2022c). If any of these dimensions are neglected, a situation arises that can be described as **de-personification** - the reduction of the person to a mere “object” or incomplete entity (Laitinen, 2002; Ikäheimo, 2022d). In the context of transformative practice, I highlight the importance of fostering both empowerment and recognition in mediation, coaching, or dialogue across all three dimensions of the human personality.

To understand the interplay between empowerment and recognition, we must view personhood as a layered construct (Ikäheimo, 2010). Human identity does not manifest in just one 'surface' dimension; rather, it arises in various aspects that correspond to different forms of recognition.

1) **Dimension of Authority (Previously “Deontological”)**

Here, people need to feel that their views and roles are respected. Recognition signifies the psychological capacity of individuals to assert themselves as co-creators of norms and articulate moral demands (Laitinen, 2002; Ikäheimo, 2022c). On an intersubjective level, it is essential for each person to feel that their opinions and perspectives are respected and that they have the right to influence the creation of common rules (Ikäheimo, 2010). At the institutional level, any transformative practice constitutes a social institution, with recognition taking on an institutional form, specifically, as fundamental rights (notably the autonomy and dignity) that position individuals as equal partners (Siep, 2010). This goes beyond the mere interactional dimension of the participants in mediation or dialogue, as **recognition by transformative practitioners** is critical. By relinquishing any authority to establish goals or cooperative frameworks, transformative practitioners (including coaches) grant institutional recognition to their clients (Ikäheimo, 2022d). This is expressed either through a conditional hierarchical “attribution” of authority or through unconditional respect for their autonomy and moral equivalence (Laitinen, 2002). Within transformative practice, the authority dimension is characterized by each participant having a voice that is genuinely valued (Bush & Folger, 2005). The practitioner does not operate as an authority “from above” but instead serves as a guide to the process, enabling the parties to clarify for themselves what norms, rules, and frameworks they consider legitimate and why (Ikäheimo, 2010).

2) **Dimension of Value (Previously “Axiological”)**

People want to feel that they matter for who they are, not just for how they can benefit others. Recognition encompasses the psychological capacity within emotional and value dimensions, specifically **the ability to experience and express care and affection**, as well as to receive such care (Laitinen, 2002; Ikäheimo, 2022c). From an intersubjective perspective, every individual desires to be valued for their personal worth (Ikäheimo, 2010). The highest form of recognition manifests as unconditional care, where an individual's value is affirmed regardless of their usefulness to others (Laitinen, 2011).

At the institutional level, this aspect of recognition is once again evident in the actions of transformative practitioners as they engage with clients. By viewing clients as individuals whose perspectives, experiences, and needs are significant, regardless of how much this aids in reaching an agreement or resolution, practitioners foster **empowerment through recognition** (Bush & Folger, 2005). From the perspective of transformative theory, it is essential to understand that conflict encompasses not only "facts and rights," but also emotional and value dimensions. We recognize clients as individuals with unique perspectives and needs, helping them feel emotionally heard and respected (Ikäheimo, 2022d). Recognizing others as possessing intrinsic value can often alleviate tension and create space for a deeper understanding of the other party's motivations and concerns (Laitinen, 2002; Bush & Folger, 2005).

8.2. The Transformative Role of Empowerment and Recognition

In transformative practice, empowerment and recognition are viewed as two significant shifts that can help conflict participants reclaim their sense of dignity, control, and interpersonal connection (Bush & Folger, 2005; Laitinen, 2002). Importantly, empowerment and recognition are mutually constitutive; one cannot be achieved without the other if the outcome is genuinely lasting and meaningful (Bush & Pope, 2002; Ikäheimo, 2010; Ikäheimo, 2022c).

The Risks of Empowerment Without Recognition

Empowerment without recognition can easily devolve into **isolation** or **exploitation** (Ikäheimo, 2022d). Imagine a person who possesses sufficient authority to impose rules (authority dimension) but is not seen by others as intrinsically valuable (value dimension). In this scenario, an imbalance arises that may lead to arrogance, unchecked power, or alienation from others (Laitinen, 2002). In mediation, for instance, this is evident in situations where one party formally "wins" but lacks a genuine sense of appreciation from the other (Bush & Folger, 1994, 2005). Such an outcome does not truly resolve the conflict; it merely suppresses it superficially and can become a source of future disputes.

The Risks of Recognition Without Empowerment

Conversely, recognition without true empowerment leads to **passivity** and **subordination** (Ikäheimo, 2010). An individual whose contributions are valued but who lacks the ability to express his or her perspective, authority, or right to make decisions remains reliant on being

“granted status” (Laitinen, 2002). In mediation, this imbalance becomes clear when a party, despite receiving a gesture or apology, feels “understood” yet lacks any real ability to influence future arrangements. While recognition is satisfying, the absence of genuine influence can create a sense of “false peace” (Bush & Folger, 2005; Della Noce, 1999; Ikäheimo, 2022c).

The Dialectic Between Empowerment and Recognition

A transformative approach to conflict requires the **simultaneous growth of empowerment and recognition** (Bush & Folger, 2005; Bush & Pope, 2002). When a transformative practitioner’s actions are effective, parties begin to recognize not only their own rights and abilities to act but also the value of the other party and the potential for mutual benefit (Ikäheimo, 2011; Laitinen, 2002). Individuals who enter a conversation feeling marginalized or powerless often become empowered to express their needs and emotions as soon as they feel acknowledged (Bush & Folger, 2005). Consequently, their empowerment is legitimized and respected, which in turn enhances recognition of others (Della Noce, 1999; Ikäheimo, 2022d).

In a transformative conception, empowerment and recognition cannot be viewed in isolation. They must develop simultaneously and reinforce one another, enabling individuals in conflict (and beyond) to attain a fuller sense of **human dignity** and **connection** (Bush & Folger, 2005; Ikäheimo, 2010). Without recognition, empowerment easily degenerates into mere power over others; without empowerment, recognition becomes an empty form of dependence or subordination (Laitinen, 2002).

As a result, all practitioners' efforts in this approach concentrate on improving these two aspects across both dimensions of personality (Bush & Pope, 2002; Della Noce, 1999):

- Enhancing everyone’s sense of **authority** and **voice**.
- Enhancing everyone’s awareness of **each other’s value**.

When these two levels are harmoniously linked, conflict begins to transform from a dead end into a **catalyst for growth**, not only for the parties involved but also for the interactions and institutions within which the conflict occurs (Ikäheimo, 2022c; Siep, 2010). In this way, we reach a state where one is not merely a passive recipient of another's will or a temporary victor over an adversary but rather a fully realized individual who acts based on his or her own capacities and is respected and recognized by others in doing so (Laitinen, 2002; Ikäheimo, 2022d). This is precisely one of the key goals of transformative practice as an approach to conflict resolution and human relations development (Bush & Folger, 2005; Bush & Pope, 2002).

Conclusion

A transformative approach to conflict resolution demonstrates that recognition is not merely a formal gesture of respect or a strategic tool, but a dynamic process that fundamentally impacts the quality of interpersonal interactions. As the theoretical reflections of Hegel, Fichte, Honneth, Ikäheimo, and Laitinen illustrate, recognition is deeply embedded in the ontology of

social relations and plays a crucial role in how individuals shape their self-concept and their interactions with others.

From the perspective of transformative theory and practice, recognition serves as a crucial pillar that enables more than just external conflict resolution. The central concept is that, in addition to empowerment, recognition creates a framework that transforms human interaction not only in the quest for agreement but also, more importantly, in its moral and relational aspects. This highlights the transformation emphasized by Bush and Folger (1994, 2005).

The transformative approach assumes that individuals in conflict desire to be heard and recognized as dignified beings capable of contributing to a solution. Through various levels of recognition, from institutionalized statuses to the deepest intersubjective respect, the pathway opens for conflict to evolve from merely a struggle for resources into a space for mutual understanding and a reordering of the interactions.

Ideas and concepts from the traditions of Hegel and Fichte, such as the struggle for recognition and the pursuit of one's own freedom, illustrate that recognition is not merely a psychological need for humans. It also serves as a social and moral foundation that shapes our identity. A mediator or facilitator who understands this multilayered nature can work more sensitively with the areas and reasons why individuals lack recognition in conflicts, such as issues related to authority or care.

Empowerment is enhanced through a transformative approach, especially when individuals recognize that their voices hold significance and are acknowledged by others. This recognition "lifts" people from feelings of powerlessness or self-absorption, allowing them to become the authors of their own decisions while also being respected partners. It is vital to maintain this interconnectedness to ensure that mediation or facilitation does not devolve into a technical or manipulative process.

Several lessons for transformative practitioners emerge from this:

a) An approach focusing on the relational and moral aspects of conflict utilizes recognition as a genuine force facilitating transformation.
b) Reflection, summarization, and check-in techniques are then not mere "communication tools" but means of making visible and supporting the perception of the other as a being with its own meaning and legitimate perspective.
c) Understanding the philosophical roots of recognition - the struggle for recognition and the constitutive nature of interaction - helps avoid superficial "politeness" and grounds, for example, mediated conversations in genuine engagement with the ethical and ontological dimensions of conflict.

The essence of transformative theory lies not in retreating from conflict, but in harnessing its potential for mutual change. Recognition energizes both an individual's inner strength (empowerment) and their openness to others, gradually forming the foundation for new trust and a more responsible way of coexistence.

From the perspective of a transformative approach, recognition is essential. Without it, conflict communication would be confined to a mere dispute over self-interest. Recognition elevates the conflict to the realm of shared human dignity, creating space for genuine change in how we perceive ourselves, others, and the quality of our interactions.

The practical application of these ideas in mediation, facilitation, and coaching shows that achieving deep recognition and empowerment is not always a linear process. Although empowerment can often precede recognition of the other party, the reverse can also be true. Small steps towards recognition can build confidence and a willingness to act constructively. Thus, I can agree with Della Noce (1999), who speaks of a "virtuous circle" in which empowerment and recognition are mutually reinforcing, neither preceding the other.

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Living in a Relational World: Dialogue as Response and Responsibility[1]

Erik Cleven

Introduction

Perhaps the most common understanding of dialogue among scholars and practitioners sees dialogue as a particular way of communicating. In dialogue participants genuinely listen in order to understand one another or be changed by the process (Saunders 2011, p. 4). Dialogue is often contrasted with debate where the latter is a process where you try to win over your opponent; instead in dialogue the goal is not to win, but to understand (Bohm 2003, p. 22; Borhan 2023, p. 1; Chasin et al. 1996, p. 324; Dessel & Rogge 2008, p. 211; Schirch & Campt, 2007, p. 6 and 9; Seehausen &Thorsen 2024, p. 13). When evaluating the outcomes of dialogue processes, scholars have often focused on contact theory (Allport 1954), the idea that interaction with interlocutors who are different will reduce negative prejudices and attitudes about others (Dessel & Rogge 2008, p. 212; Cleven 2020, p. 128). This means that dialogue is often viewed as a tool or technique or as an event, or a series of events that one attends.

The goals of listening and understanding as well as reduced prejudices are good ones. When people are able to listen to one another it can be humanizing and can change us in positive ways. Understanding others is also an important aspect of good relationships. Nonetheless, the result of thinking about dialogue in this way can be limiting. It can result in facilitators taking control of the process and restraining the conversation in order to make sure that the type of speech allowed is consistent with their definition of dialogue or to lead participants through a predetermined process to reach a goal that the facilitators deem to be important (Bekkers 2025; Cleven 2025; Gergen, McNamee, and Barrett 2001, p. 700). Often it can result in participants themselves restraining their speech because they assume that that is what is expected of them. Some participants at a dialogue I facilitated a number of years ago said afterwards that they had not wanted to assert their views in the dialogue because they thought dialogue meant tolerating what the other person is saying and not arguing with or opposing their speech. This can lead dialogue to be a process of polite turn taking, without ever getting to what participants think is important to talk about.[2] Because people often think of dialogue in this way, they often question the value of dialogue for them and others as well.

In this chapter I argue that by asking the question of what a relational worldview is, and by going back to some key dialogue philosophers, it is possible to reach a different understanding of dialogue. First, rather than being a tool or technique, or an event that we invite people to, we can understand dialogue as a fundamental feature of the world. The world is dialogical or relational and dialogue precedes both my individual identity and my thinking about the world. Second, the most salient understanding of dialogue is that it occurs when human beings respond to one another. If I am only listening and not responding or giving something of myself, I am not really in dialogue, instead I am a spectator. It is when I listen *and* respond that I am truly engaged in dialogue. Dialogue is response. Third, response is closely connected to responsibility and my response is also a taking responsibility for my speech and for the person I am speaking with. Dialogue is answering for myself. In order to understand this, and what the implications for the practice of dialogue might be, we first need to ask what a relational worldview entails. From there we will look more closely at the work of two philosophers who were concerned with dialogue and show how this leads to a broadened understanding of dialogue.

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[1] This chapter is a reworking and further development of an address given at the conference "Current Directions in Transformative Practice: Mediation, Coaching, Dialogue" in Brno, Czech Republic, November 2, 2023.

[2] I am grateful to Susan Jordan for this insight.

What is a relational worldview?

Transformative practitioners often say that their practice builds on a relational worldview. What does this mean? In *The Promise of Mediation* Baruch Bush and Joe Folger talk about what they call "a *relational account of human nature and society*" and they claim that "dialogic moral philosophers" describe this as "the inherent moral nature of human beings" (Bush & Folger, 2005, p. 36, italics in original). They say that this consists of a "dual consciousness, of simultaneous separateness and connection" (Bush & Folger, 2005, p. 36). This manifests in human beings as a capacity for agency and autonomy as well as for connection and understanding, or as we often say, strength and responsiveness (Bush & Folger, 2005, p. 54). Dorothy Della-Noce, who was a prolific transformative scholar and practitioner, describes what she calls a relational ideology. She says, "Relational ideology…portrays human beings as fundamentally social, that is, formed in and through their relations with other human beings, essentially connected to others, constantly relating to others through dialogue, and motivated by a desire for quality interactions with others" (Della Noce, 1999, p. 276). Though a relational worldview is described as a foundation of transformative practice, more work has been done on the importance of agency and self-determination than on what a relational worldview entails (see e.g. Bush & Miller (2019); Simon and West (2022); Bush 2025).

Bush and Folger (2005, p. 36) do point us to "dialogic moral philosophers" in *The Promise of Mediation*, though they don't mention exactly who these philosophers are. One of the preeminent dialogic philosophers is Martin Buber who wrote the book *I and Thou* in 1923. This book is probably cited more than any other by people who are interested in the philosophy of dialogue. But there are other philosophers too whom one could identify as belonging to the same "family" of thinkers. These include thinkers like Emmanuel Levinas, Franz Rosenzweig, Gabriel Marcel, Ferdinand Ebner, and Eugene Rosenstock-Huessy, but also older thinkers like Wilhelm von Humboldt. (Levinas 1998, p. 137; Caspar 2017; Heinze 2011; Burkhardt 2018). In this chapter I will primarily focus on the work of Buber and Levinas and show how their work provides an understanding of the world as relational or as dialogical. This is quite different from standard understandings among dialogue practitioners or other practitioners of alternative dispute resolution. This will point us to an understanding of dialogue as a fundamental characteristic of the world we live in and has implications for how we think about dialogue as practitioners.

Most people would probably agree with the statements above by Bush and Folger and Della Noce that human beings are fundamentally social beings and that we are both separate and autonomous and connected to others, at least on the surface. But if a relational worldview means something more than just acknowledging that we have relationships to people, we may need to explore first what it might mean to understand the world individualistically.[3] Modern societies build on an individualistic understanding of human beings and by looking more closely at what that means, we can contrast what a relational or dialogical world might entail.

Individualism, Rationality and Modernity

One of the features that Levinas himself points to as being in opposition to a philosophy of dialogue is "the unity of the I" (Levinas 1998, p. 137).[4] Here the I is understood as a self-contained entity that exists prior to any interaction with another human being. To understand what this means we can think of Descartes who wanted to find a secure ground for knowing something certain about the world. Everything around him, he imagined, could be an illusion that was created by some evil genius, and could therefore not be counted on (Descartes 1986). The only thing he could be certain of was the fact that he was doubting. The fact that he was

[3] Some authors would contrast the relational or dialogical world not with the individualistic one, but with a monological world. See e.g. Bakhtin (1984, p. 7) or Nikulin (2010, p. 82). "Monologue, [as opposed to dialogue] does not address anyone" (Nikulin 2010, p. 82).

[4] I return to this below.

thinking, and had doubts, was the first source of certain knowledge (Descartes 1986). In this scenario the philosopher is a solitary thinker, not engaged with other human beings. They do not acknowledge their context or history, but instead exist only as a thinking subject in this moment. The thinking subject is adequate to herself and understands the world first and foremost through their own thinking and cognition, in other words through their own conceptualization and their own systems.

This solitary view of the human being is echoed in modern thinking about the political. In a thought experiment designed to explore the basis for legitimate government, the political philosopher Thomas Hobbes describes what he calls the state of nature. The state of nature is one where there is no state or government. People live on their own in a world where there are other people also living on their own. In this world, Hobbes says, people live in constant fear that their neighbor will attack them in order to take what they own or have produced. Hobbes uses this model of human society to argue that human beings need to give up some of their natural rights, for example some freedom, in return for protection from a sovereign who is given the power to enforce peace among people. Notice that in this description there are no relationships, whether familial or communal, other than between individuals who are potential adversaries (Hobbes, 1981 [1651]).

This account of human society is one based on rational self-interest. Human beings in Hobbes' state of nature do not exist in a community but are isolated, autonomous beings with predetermined interests and preferences. As Warner (2015, p. 15) shows, Hobbes rejected the idea of any ultimate or higher human good and was "adamant in his attempt to reduce political life, and human association more generally, down to egoistic calculations." Other people, in this view, are beings that I must fear and whom I need to negotiate with in a transactional manner in order to secure, not the common good, but my own good. And since no higher definition of the good exists, and similarly no higher will (for example a Divine will), then all that remains is the self-will of individuals which are in constant competition with one another. In such a world, relationships are a way to regulate potential threats or to satisfy an individual's needs.

A person in the world imagined by Descartes and Hobbes makes sense of the world and knows things through thinking about the world. She develops propositions about the world which can then be tested against empirical observations, but the knowledge produced is not social or dialogical in any real way. The focus is on understanding what things are and this in turn is thought to be unchanging. Each thing has its essence and the goal of knowledge is to find that essence of each thing. This requires conceptualization and categorization and my ideas of the world *are* the world for me. The highest value is placed on objective knowledge. In its most extreme form this thinking has led to the rational egoism of the Russian nihilists like Nikolai Chernyshevsky or the objectivist Ayn Rand (Weinacht 2021) where no good comes from altruism, but only from individuals acting from self-interest and ego.

Later this quest for objective knowledge was joined with the goal of creating a system of knowledge that could account for everything that existed. The German Idealists saw their task as creating a system that would account for everything in an objective manner. For Hegel this meant starting, not from the point of view of the human subject, but from an absolute standpoint outside the subject (Pollock 2009, p. 40). In this way the human being disappeared into the system which had its own goal (or telos), to be realized by history and where the individual's personality was subordinate. Since Hegel philosophers from Kierkegaard on have been attempting to defend the importance of the human being in the face of this system. For Kierkegaard, the I challenges the system (Levinas 2013, p. 40).

Ironically, while these ideas reinforce an individualism that leads to a focus on self-will, isolation, and individual rights and preferences, they also lead to a reality where the individual human being disappears in the system. They do not provide a basis for relationships and

community, nor do they acknowledge the reality of human development which happens in community and in relationship. These accounts together present an idea of the human being as basically solitary and self-sufficient. In this view my interactions with others are secondary and largely connected to satisfying my interests. Those interests are already given because my understanding of the world is a result of my own solitary thinking. I need to speak to others to negotiate safety, meet my needs, to transact business, or for my pleasure, but not for anything else. In Hobbes' state of nature there is no human community nor are there particular obligations to others and each person is completely free to do as they please until a sovereign has been empowered. But that sovereign too is empowered to regulate the interactions between solitary individuals who are free as long as they do not inhibit the freedom of others.

At this point you might be wondering why it is necessary to focus so much on philosophy and theory when most people do not read these philosophers or spend time thinking about these questions. After all, what do they have to do with our day to day lives in the 21st century, or for that matter with dialogue? Surely these thinkers are talking about thought experiments and in no way intended this to be taken so literally or to guide all walks of life? That is true, and our lives are of course not completely isolated or solitary. We are all part of families, networks, friendships and relationships that are not simply self-serving or transactional. But these ideas are nevertheless pervasive and widespread. As Alexis de Tocqueville wrote about the United States in the 1830s, "America is therefore the one country in the world where the precepts of Descartes are least studied and best followed" (Tocqueville 2000, p. 402).[5] Could Tocqueville see today's world he would likely say that about more countries than the United States. Whether we are aware of these precepts or not, they are integral to the world we live in and we act in accordance with many of them whether we know it or not.

Most of us take our own cognition as a starting point for understanding the world rather than understanding it dialogically. If this is hard to imagine we can think of the way people think of political opponents in a time of increased political polarization. I know both liberals and conservatives in the United States who think of people on the other side of the political spectrum as either stupid, crazy or ignorant. When we think in this way we are making cognitive judgements about people without – or before - actually speaking to them. We also think of people in terms of their identity, which are basically conceptualizations or ideas of who people are that do not necessarily take into account the actual human being, but instead abstracts to general categories like white or Black, or Hutu and Tutsi. We create theories which do not take into account one person's particular experience, but rather explains our social reality in the abstract and in general. I relate to people who are most like me because it is easier or more pleasurable. I have heard a number of people ask why they should talk to someone who is different from them, especially someone on the other side of the political divide. This is because people are guided more by their cognition of people in general than by interaction with people in particular.

The social sciences are based on similar assumptions and ideas of the self. Economics and some branches of political science take rational self-interest as their starting point in explaining political and economic life. These sciences seek general rules for human behavior that, ideally, would allow us not only to explain, but also to predict that behavior by knowing the value of a few variables – not by knowing the individual human being. Theories of rational choice see people's preferences as fixed and assume that rational actors will make choices that increase their utility, in other words the things they want. Models based on these assumptions have been useful in learning about politics, but recent research has shown that they fall short in significant ways. From a rational choice perspective voting is irrational because the costs outweigh the chance that your vote will make a decisive difference. So why people vote is a

[5] I am grateful to my colleague Professor Peter Josephson for making me aware of this point and for his insights on both Hobbes and Rousseau.

puzzle for rational choice theorists because these models do not take into account the fact that people may enjoy voting in and of itself or that they may vote because they are members of groups where norms may also guide behavior. These theorists also posit that people make their vote choices by comparing the positions of politicians to their own preferences and then choose the candidate most aligned with their policy preferences. More recent research shows that people do not decide who to vote for this way and actually know very little about politics and policy. Instead, the best predictor of people's vote choice is their social identity (Achen and Bartels 2016). It is our relations that determine who we are.

It is important to note first of all that the kind of thinking described above is specific to the modern period (after 1600) and that in the beginning Western philosophy was grounded in dialogue. As Nikulin (2010, p. 10) shows, dialogue played an important role in both the philosophy and literature of the ancient Greeks. And Socrates, like Jesus, never wrote a book. All their teachings were dialogical. Dialogue was also important to thinkers like Augustine. Lamb (2022, p. 42) describes Augustine's account of love as "relational" and "intersubjective" and writes, "if human beings are not independent sources of being and goodness but utterly dependent on God, they are not self-sufficient, and their neighbors are not theirs to dominate or possess." The Jewish tradition is also dialogical with the Talmud being a record of interpretations of interpretations of Torah that in turn are discussed and interpreted.[6]

Dialogue has also often involved dialectic, a complex term that basically refers to various methods of analysis that sometimes are part of the dialogue between interlocutors. But in Nikulin's (2010, p. 10) account, philosophy and dialectic has tried to free itself from its dialogical roots:

> In modern philosophy, however, dialogue is ousted by the advent of the Cartesian, self-centered, autonomous, and universal subject, who develops its dialectic of philosophical analysis as the method of correct reasoning … For this reason, today (which is but the lengthy day of modernity) we seem to be experiencing a crisis of dialogue due to the solitariness of a single, self-isolating autonomous subject. Such solitude is often just loneliness among other lonely subjects, all of whom strive for, yet cannot achieve, a simple conversation with the other, for which they substitute an anonymous exchange of "no one's" opinions.

Even in the modern period, however, many thinkers have criticized and opposed such individualism. One of strongest critics of Hobbes was Jean-Jacques Rousseau. He writes that people do not only have an instinct for self-preservation. In addition to this they have regard and feeling for others. He writes that Hobbes missed the principle that can moderate humans' self-love and their drive for self-preservation. This is, "an innate abhorrence to see beings suffer that resemble him," or pity as he puts it (Rousseau 2002, p. 106). We do have the ability to regard others as we regard ourselves. Importantly, Rousseau sees this pity as "anterior to reason" and, as Warner (2015, p. 26, italics in original) writes, "Rousseau claims [this] is the psychic basis for social virtues like 'generosity, clemency, and humanity,' adding that 'benevolence *and even friendship* are, rightly understood, the products of a constant pity fixed on a particular subject'."

In other words, Rousseau sees emotions and feelings for others as preceding reason. The world and other people first appear to us, then we think about the world and what it is. Rousseau

[6] Levinas was once asked in an interview whether he would accept the term messianic to describe the ethical relation to the Other. The question was asked in the context of talking about the possible end of the relationship of difference between humans, some end state, or end of history. Levinas replied, "Only if one understands messianic here according to the Talmudic maxim that 'the doctors of the law will never have peace, neither in this world nor in the next; they go from meeting to meeting, discussing always - for there is always more to be discussed.' I could not accept a form of messianism that would terminate the need for discussion, that would end our watchfulness." (Cohen 1986, 31)

was also more concerned with human development and the importance of education and upbringing, which in themselves imply a dependence on community and discourse (Rousseau 1979). There is a place for children in Rousseau's world, but not in Hobbes' state of nature. Nonetheless, as we turn to dialogical philosophers like Buber and Levinas we will see that their approaches represent more radical departures from the rational individualism of Hobbes and Descartes than does that of Rousseau.

A Relational World

When we reread Bush and Folger's (2005, p. 36) description of a "dual consciousness, of simultaneous separateness and connection" we might ask whether that corresponds to Rousseau's description of separate individual's who feel for one another and therefore are connected through relations of friendship or love, or whether it might mean something more. In the following I will argue that by building on the work of Martin Buber and Emmanuel Levinas we can reach a meaningful understanding of the world as relational and dialogical which goes beyond this and which more fully counters the main tenets of the individualist world outlined above. In an essay entitled "Dialogue: Self-Consciousness and the Proximity of the Neighbor" Emmanuel Levinas writes that,

> It is thus not out of the question, in our time, to speak of a philosophy of dialogue and oppose it to the philosophical tradition of the unity of the I or the system, and self-sufficiency, and immanence. The work of Martin Buber and Franz Rosenzweig in Germany, that of Gabriel Marcel in France, and their influence in the world – but also the many remarkable works signed by less illustrious names – justify this manner of speaking (Levinas 1998a, p. 137).

In the above discussion we have seen what the unity and self-sufficiency of the I entail. This is the solitary individual whose understanding of the world begins with thinking and cognition. Others are not necessary to this individual but rather are something encountered secondarily and with which the individual must negotiate in order to secure their own interests. These interests are given and fixed. Immanence is the ability to reason about the world without any interaction with it, in other words to find the sources of reasoning within. Descartes' thinking as well as Hegel's system are examples of immanence because their systems of thinking are developed from their own thinking.

From the above quote we have a clear idea of what a philosophy of dialogue is opposing, but can we say what it is affirming? In the following I will discuss the work of Martin Buber and Emmanuel Levinas in order to see what such a philosophy of dialogue might mean. This will bring us, I argue, to an understanding of the world as dialogical or relational that builds on five major points about human relationships and dialogue. First, it consists of an understanding of the "I" as not separate and self-sufficient, but constituted by the relationship to the other. The relation to others is prior to the being of the self. Second, our relations are not defined by thinking or cognition, but by language that constitutes and *is* a relation and that takes place in the present moment. Third, immanence is challenged by the transcendence of the other who cannot be thought by my systems of categories or conceptualizations. The transcendence of the other calls me to responsibility for the them. Therefore, fourth, the most salient understanding of dialogue is one of dialogue as response and an answering for myself in relation to the other. Finally, this requires my presence and participation in speaking with the other and responding.

Martin Buber challenged our understanding of both language and reality. In his book *I and Thou* Buber begins by introducing what he calls two primary words: *I-Thou* and *I-It*.[7]

[7] The use of I-Thou, rather than I-You is meant to signify an intimate or close relationship. In the original German I-Thou is Ich-du where "du" is the pronoun used to address a very close friend or family member. "Sie" is the formal used for all other relations. This corresponds to "vous" and "tu" in French. In English "you" was the formal form of address when these were still used, and "thou" was the familiar form, like the German "du."

Because human beings are capable of speaking these two primary words they in turn lead to what he calls a "twofold attitude" to the world (Buber 2010, p. 3). The primary words I-Thou and I-It are not word pairs nor do they signify something in the way that "table" signifies the table I am writing at. Instead, we cannot say "Thou" without also saying "I" and I-Thou does not signify what we are, but rather brings about a relation. When I say "Thou" I am implicitly also saying "I" and I am bringing about the relation, not just referring to it (Buber 2010, p. 3). For Buber the "I" is not a unified entity that exists prior to relationships with others. Rather, the I always exists in relation. Buber writes, "In the beginning is relation" (Buber 2010, p. 18), and he would say that there is no "I" prior to the relation.

In the *I-It* relation I relate to the world as to an object. I see things in terms of their function. The "it" has instrumental value to me. When I say "you" (or Thou) I am not relating to an object, but to another subject. Buber says that whoever says you "has no thing," but "takes his stand in relation" (Buber, 2010, p. 4). As he puts it, "The primary word I-Thou can only be spoken with the whole being. The primary word I-It can never be spoken with the whole being" (Buber, 2010, p. 3).

In a famous example Buber considers a tree. He says we can "look on it as a picture" or "perceive it as movement," we can "classify it as a species," we can see it only as an expression of some general abstract law, or quantify it as data, like a scientist would do (Buber 2010, p. 7). In all these cases the tree is my object. But, he continues that, "It can, however, also come about, if I have both will and grace, that in considering the tree I become bound up in relation to it. The tree is now no longer *It*" (Buber 2010, p. 7, italics in original).[8] We do not need to forget the other ways of knowing that he has enumerated, but in the latter case we meet *the tree itself*, not *our idea of the tree*.

Buber distinguishes between our experience of the world and what he calls meeting or encounter. When we experience the world we are extracting knowledge from things or we are experiencing emotions, thrills or pleasure. When we experience the world, Buber says we don't have a part in the world. We are not really participating. The world "permits itself to be experienced, but has no concern in the matter" (Buber 2010, p. 5). Experience belongs to the realm of I-It. Standing in relation with a Thou is not experience, but meeting and Buber (2010, p. 11) says, "All real living is meeting."

Buber makes clear that he does not mean that the I exists and then enters into relation with a Thou which then becomes I-Thou. Rather, the fact that we can conceive of the I as separate is secondary. The I-Thou precedes the notion of I and in order to think of the I as separate and isolated we need to separate it from the original I-Thou relation. The I of the I-It relation, however, arises because we put together the I and the It after the I has been separated from the I-Thou. He also shows us that our relations are not defined by our thinking or cognition. "The relation to the *Thou* is direct. No system of ideas, no foreknowledge, and no fancy intervene between *I* and *Thou*" (Buber 2010, p. 11, italics in original). When we enter the I-Thou relation we are not encountering our idea of someone, but the person themselves.

While there is little room for children in Hobbes' notion of the state of nature, Buber does discuss the development of the child, thus acknowledging again that we do not appear in the world as grown, solitary individuals, but rather come out of our mother's womb and are raised in relation to others from the very first moment. And rather than self-sufficiency, the child is characterized by complete dependence on others and utter vulnerability. In a tender passage in *I and Thou* Buber describes the small child's development:

> Little, disjointed, meaningless sounds still go out persistently into the void. But one day, unforeseen, they will have become conversation – does it matter that it is perhaps with

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We have long since abandoned these forms in English, and therefore the use of "I-Thou" to render an informal or intimate relationship requires explanation even to native English speakers.

[8] The American television sit-com "Will and Grace" is actually named after this passage in *I and Thou*.

> the simmering kettle? … It is simply not the case that the child first perceives an object, then, as it were, puts himself in relation with it. But the effort to establish relation comes first… (Buber 2010, p. 27).

It is the connection to those around her that make the child an I. The child has no consciousness of themselves as a separate individual as newborns, after all the child was part of its mother's body until it was born. The individual consciousness comes later as the child is called by name and seen by parents and others.

Buber does acknowledge that it "is the exalted melancholy of our fate, that every *Thou* in our world must become an *It*" (Buber 2010, p. 16, italics in original). In other words, while I can enter into direct relations with you I must also think of you as an It. For example, if I talk about you with someone else, then you are an object in our conversation because you are not the one I am speaking to; instead you are the one I am speaking about. We will return to this point below. This isn't necessarily a problem, as long as I am aware that the I-Thou is primary. If, as with the individualism described above I see the I as primary and others as objects or "Its" then problems arise because this would be fundamentally dehumanizing.

Like Buber, Emmanuel Levinas is concerned with the relation to the other. Before looking at his work it is worthwhile briefly considering his life and the inspiration for his work in philosophy. Levinas was born in Kaunas, Lithuania to an observant Jewish family. His father, Yekhiel, ran a stationer's shop and bookshop there. His mother, Dvora, taught him to love books and read Pushkin to him. He had two brothers, Boris and Aminadav. In 1923 he went to France to study philosophy and spent the rest of his life living in Paris. In 1940, as a non-commissioned officer in reserve he was sent to the front. June 18, 1940 he was taken prisoner and would spend the rest of the war, nearly five years, in captivity. But because of his French citizenship and his status as a POW he was protected by the Geneva Convention and survived, in spite of being Jewish. His wife and daughter also survived the war thanks to the help of friends, but his father, mother and two brothers in Lithuania were executed by machine-gun in Kaunas by the Nazis (Malka 2006).

For Levinas the Holocaust was an event that could occur because human beings could be seen as instrumental objects and his philosophy can be read as an attempt to focus on the responsibility we have for others. He saw the problem with Western philosophy as its focus on ontology and essence and that it relegated ethics to secondary status. We only consider ethics once we have determined who and what we are. Only then can I know what I owe you. But for Levinas ethics precedes ontology. Ethics is primary and my responsibility to the other comes before any consideration of what or who the other person is. Even before the war Levinas would write, "It is not this or that dogma of democracy, of parliamentarianism, of a dictatorial regime or a religious politics that is in question. It is the very humanity of the human being." (Levinas 1934, quoted in Malka 2006, p. 29). It is worth noting that Buber, also a Jew, had to flee Nazi Germany in 1938. Buber went to Israel where he became a professor at Hebrew University in Jerusalem.[9]

Levinas uses different language to talk about relation, but his ideas are closely related to Buber's. Rather than I and Thou, Levinas uses the language of the Same and the Other (Levinas 2013). Levinas uses this language because he wants to show that what I can think and know is not fundamentally different from me; he therefore designates this the Same. It originates in me and is part of a totality or a system that I can think. Violence is defined as the attempt to make the Other the same or to subsume the Other into a totality (Levinas 2013, 70). A totality is a system or a unit which can be viewed from the outside, or that comprises only what is present in the one person. If you are only an opposite of me, then you are part of a

[9] A number of the ideas in the following discussion of Levinas were first developed in a conference paper I gave at the Midwest Political Science Association in Chicago in 2022 but which have not been published until now. See Cleven (2022).

totality with me because the opposite is already contained in me and I wouldn't need to speak with you to know you because I could know you already by referring to my own reason. Just as Buber claimed that the I-Thou relation is not me experiencing *my idea* of the Other, but *the Other directly*, Levinas shows that the Other is completely other and cannot be thought. Levinas writes that the otherness of the Other is transcendence, not immanence. Transcendence is by definition that which cannot be made the same. To put this in ordinary language, transcendence is that which cannot be expressed using any of my categories of thinking and that can't be reduced to my ideas or conceptualizations. Levinas (2013, p. 40) writes that, "It is not I who resist the system, as Kierkegaard thought; it is the other."

The Other appears to me as a face. Face is defined as "the way in which the other presents himself, exceeding *the idea of the other in me*" (Levinas 2013, 50, italics in original). Levinas says that we may focus on a person's eye color, or their nose or chin or other features. But the face is "what cannot be reduced to that" (Levinas 1982, p. 86). That may seem strange, but if we think about taking away all the features of a person that we could describe there still remains the presence of the other person which is beyond description in the same way that Buber said we could experience the tree itself. There is something in you which is specifically you and which I cannot designate by any other designation than your name. It is more than just your identities or your experiences and more than your hair color or the shape of your nose. It is you yourself.

The contrast between speaking and not speaking is important in Levinas' philosophy. The face of the other is a living presence and one that speaks to us, addresses us. History does not speak, but is a system that I create that is fixed. Idols too do not speak. They are statues made of wood, stone or metal but they do not speak. The face of the Other is already communication for Levinas in that it is pure expression. The face of the Other calls me to responsibility, it addresses me and wants a response. It is the orphan, the widow and the stranger that we encounter so often in the Hebrew scriptures (e.g. Deuteronomy 16:11) and for whom I am responsible. The face appears to me, appeals to me, speaks with me, but cannot be made part of any totality. We are infinitely responsible for the other. Levinas goes so far as to say that we owe them "even the bread out of one's own mouth and the coat from one's shoulders" (Levinas, 2016, p. 55).

I believe that it is this responsibility that makes the world relational. It is not just that there are different people in the world, or that they relate to one another but that we are responsible for one another. Responsibility and obligation are absent from Hobbes' world where we do not owe anything to others, we must just fear them. Levinas shows us that we are not separate atomistic individuals who connect with others for our amusement or to satisfy our needs, or to defend ourselves against them, but because we are responsible for them. Levinas says we are not to fear others but to fear *for* them. In other words, because I am responsible for you I must fear for you lest something happen to you. We are not of course forced to take responsibility for others, but we are able to. As Martin Buber says, "It is not that you *are* to answer, but that you *are able*" (Buber, 2014, p. 35, italics in original). We can respond "Am I my brother's keeper?" (Genesis 4:9). Levinas would say, however, that we come into being already responsible for the other. It is obvious that the answer to Cain's question is "yes, you are your brother's keeper." Responsibility is not something that we have based on another person's role or their identity or relationship to us. It is fundamental and primary. Ethics precedes ontology.

Levinas defines the ethical relation as a relation where I am connected to an other without either of us being part of a totality and without either of us losing our individuality. This is very similar to what Bush and Folger (2005, p. 36) called "simultaneous separateness and connection." Levinas says that the ethical relation is accomplished through language. Language can connect us to others in a way that is ethical. He writes that through language a

relation is established that allows you to be connected to me but still transcendent – or unique and other (Levinas, 2013, p. 39). But, Levinas also warns that not every kind of discourse or speaking accomplishes this kind of relation. Forms of speaking breach the ethical relation when they seek to make the Other a part of a totality, that is to make the Other the same as me or to fit the other into my system of thinking or my categories of knowledge.

Based on this we might be tempted to define dialogue as a form of speaking together that avoids forms of speech like rhetoric. In fact, Levinas himself says that to renounce rhetoric is "to face the Other, in a veritable conversation" (Levinas, 2013, p. 70). In other words, true conversation is one that renounces rhetoric or attempts at defining the Other or persuading them of something or making them the same as us.[10] The problem is that Levinas says that rhetoric is part of every discourse. To put it another way, every conversation involves thematizing, conceptualizing, and categorizing and this is unavoidable. In other words, I can't speak without applying categories of knowledge and this is connected to the fact that I cannot express in words that which makes you you. As we saw above, Buber too says, "[It] is the exalted melancholy of our fate, that every *Thou* must become an *It*" (Buber, 2010, p. 16, italics in original). So it would seem as if Levinas, and perhaps Buber too, has led us down a dead end, promising us a form of dialogue that does not try to define others or put them in a box, so to speak, only to then tell us this is impossible.

The solution to this dilemma lies in our presence, and the presence of the Other, in our conversation. Levinas says that the presence of the Other is "a coinciding of the expressed with him who expresses" (Levinas, 2013, p. 66). In other words, you and what you are saying coincide as you are actively speaking. There are two things about presence that are essential here. First, the face of the Other. It is the presence of an other that after all exceeds my attempts to subsume them into a totality. The film *The Imitation Game* tells the story of the scientist Alan Turing who cracked Germany's code during World War II and played an important role in the defeat of the Nazis. The name of the film refers to a test that Turing devised to tell the difference between communication from a computer (i.e. artificial intelligence) and a person (Turing, 1950). Both the person and the computer had to be in another room and the person trying to tell the difference could only evaluate written responses to questions. Without getting into the discussion of whether machines have intelligence or not, notice that no one is talking about artificial transcendence. Only human beings are transcendent, not machines, and that is why the person and the machine need to be in a different room from the person receiving the messages. Otherwise there would be "a coinciding of the expressed with him who expresses," (Levinas, 2013, p. 66) in the case of the human and this would be the big difference between the human and the machine.

The second point about presence is that in the face to face, even though our speech may include rhetoric, or speech that includes categorizing, conceptualizing or thematizing, the presence of the other means that we are actively thematizing. The other person *thematizes* rather than *appearing as a theme*. In other words, if you tell me about a third person and say that she is a woman that grew up in Germany, then you are making that person a theme and you are categorizing her according to your system of thinking. But if that person is instead present with me, and actively telling me about how she grew up in Germany, she is not *being thematized*, she herself is *actively thematizing*. She is actively speaking and relating to me and we are both present to respond to one another. She is not objectified in the discourse of third parties where she herself is not present. Instead, she is actively participating and expressing herself to me.

Levinas says that thematizing is an act where the Other proposes a world to me, and he says that when the person I am speaking with is present they can "come to the assistance of [their] discourse" (Levinas, 2013, p. 96). In other words, they can explain, defend, modify,

[10] In fact, Levinas mentions rhetoric, psychagogy, pedagogy, and demagogy as other forms of speech that breach the ethical relation. See Levinas (2013, p. 70).

develop or change what they are saying as they speak. And, their presence demands a response from me. The point isn't that thematizing or conceptualizing is bad or unethical and that avoiding thematizing is good. Similarly, the point is not that I-Thou relations are good and I-It relations are bad.[11] We can't avoid thematizing if we are speaking. We have to speak of people in the third person when we are talking about them. The point is that the Other and I are both present in our conversation. Levinas says that the ethical relation is defined by excluding any expression or utterance that is not known to those in the relation (Levinas, 2013, p. 79). Our relation is ethical, even if we are thematizing, as long as we are present and speaking with one another, as long as we get to actively participate in the dialogue. We are present to "come to the assistance" of our discourse, and we are present to respond.

Dialogue as Response and Responsibility

From the above we could conclude that the most meaningful definition of *dialogue is a conversation between two or more people who are present to one another and who respond to one another*. This is quite different from the ideas of dialogue that were discussed in the introduction. If people listen politely and even seek to understand, but do not respond, it is not dialogue. Instead it is more like observation or experience, the way Buber uses the term. Instead, if dialogue is understood as response we have to bring our whole selves to the conversation and we have to decide how we are going to respond. It is interesting to note that response and responsibility share the same root word. In fact, responding to another person can also be understood as answering for oneself (Bakhtin, 1984, p. 54). In responding I am speaking to that which the other person has said, and I am taking responsibility for my speaking. I am basically answering the question "What do you have to say for yourself?" But I do so in the presence of another. This is very different than responding anonymously in the comments section on an online forum. In that situation there is no answering for oneself and there is no responsibility. In dialogue, understood as response, I must face the other person and answer. It also means that dialogue is not an isolated event which I perhaps attend once in my life. Instead, it is the most defining feature of human existence. As Dmitri Nikulin (2010, p. x) writes, "dialogue is not just a form of communication: dialogue constitutes the very conditio humana, because to be is to be in dialogue with one's dialogical partner(s)." Or as Dorothy Della Noce wrote, we are "constantly relating to others in dialogue" (Della Noce 1999, p. 276).

Understanding dialogue as response and seeing response as a first form of responsibility means that at critical moments we as human beings must decide whether to respond and how to respond to others. We are connected by responsibility and we have the agency to decide what to do. Remember Buber said, "It is not the you *are* to answer, but that you *are able*" (Buber, 2014, p. 35).

Implications for Transformative Practice

Transformative practice is based on the premise that people have the motivation and capacity to connect meaningfully with others and to make decisions about their situation. This is based on a relational worldview, a view of the world where human beings do not exist alone or in a vacuum, but are fundamentally social beings, connected to others and seeking connection with others. Transformative practice has so far been focused on intervention, i.e. on mediation, the organization and facilitation of dialogue, or on coaching. It has not focused much on what it means to relate to others or engage in dialogue with others as a participant. What I have described above is not the only way to understand what a relational worldview might mean. But I believe it is consistent with transformative practice as currently understood and opens up possibilities for thinking about how we interact with and relate to others.

In this understanding of dialogue when we mediate or facilitate handing decisions to the parties means giving them the ability to take responsibility. And the choice of whether or how

[11] Though Buber would say there is a problem if we only relate to the world as It (Buber 2010, p.34).

to respond is not made by a party alone, but in the context of their relationships. That is why transformative mediators generally do not relay messages to other parties, but want parties to talk to each other directly if they have something to convey.

Understanding dialogue as response also means that a *real* response is required. Not a polite response, a token response, or a generic response, but a genuine one – a personal one. We need to respond not to *a* person but to *this* person who is addressing us. That may require emotional engagement, a challenge to what someone is saying, or opposition to what is being said. Polite turn taking, or *just* listening is not adequate. But transformative practitioners have always been clear that people need to decide for themselves what kind of speech is appropriate for them and have always understood that they need to "go for the heat." That is because "the heat" is where real engagement is found and where the possibilities for transformation of people's relationships lie. This is also means that one-on-one conversations are important so potential participants understand that opposing or responding authentically is ok. We as facilitators do not expect them to just politely listen to anything others say (Cleven & Saul 2025, p. 17).

We can understand transformation of people's relationships in light of the understanding of the relational worldview described above. In fact, transformative practitioners already talk about empowerment and recognition shifts as a regaining of a fuller sense of self. But this does not happen in isolation, but in meaningful engagement with others where I respond. And remember, response can mean opposition.[12] The understanding of dialogue as response is consistent with transformative theory and practice. It also opens up possibilities for us when we engage with others directly, and not as interveners. This understanding of dialogue helps us see the person that approaches us, beyond any category of identity; their human identity if you will. This is a reminder of why another human being is of infinite value and importance. It does not, however, negate any of the other person's identities. Because dialogue understood as response involves genuinely responding to the Other, we need to listen to how they are expressing themselves, and that includes how they understand their identities. The transcendence described above is the starting point for justice. If we care about social justice certainly it is because each person has this inestimable worth and we are responsible.

This understanding of dialogue reminds us of the sources of moral growth and the foundations of our own humanity. It is through others that we become fully ourselves. If we truly engage with others, even those who are different than ourselves, we can't just brush people off or treat them with condescension or contempt. We need to do the work to formulate a proper response, even if that is one of opposition. If we are to be available to others then we need to practice humility and listening. We need to be open to being taught by the Other, but we also have to answer for ourselves.

None of this means that people *have* to engage with every other person. But what it does mean is that you need to decide who to engage with. It also shows that we are constantly engaged in dialogue every single day. I have dialogue with family members, colleagues and people I know through the Institute for the Study of Conflict Transformation and others all the time. Dialogue isn't just a rare activity that we engage in once in a great while. It is happening constantly and it is how I figure out what I think and what I know and who I am and who I want to be. These conversations challenge me and force me to answer for myself and to engage with responsibility. The dialogues that I have engaged in have made me a better person and shaped who I am.

[12] As Bush and Miller put it, "Sometimes the self needs to hold itself in opposition, even with the knowledge that it is powerless to alter an outcome" (p. 631).

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Self-Determination in Transformative Practice: The Art of Mirrors and Lights

Dan Simon

Introduction

This article is based on my presentation at the conference in Brno, Czech Republic on November 2, 2023. That presentation and this paper largely discuss *Self-Determination in Mediation: The Art and Science of Mirrors and Lights* (2022), by Tara West and myself.

In *Self-Determination in Mediation,* West and I examine party self-determination in mediation, why mediators often undermine it, and how mediators can maximize it. Bush and Folger articulated the importance of party self-determination in *The Promise of Mediation* (2005) where they describe it as necessary for empowerment and recognition shifts. As further support for that idea, we assert that "self-determination theory" (see Ryan & Deci, 2018) explains why parties are in distress when in destructive conflict and why they are motivated to move toward greater strength and responsiveness. We also describe how mediators are often motivated to move parties toward certain outcomes, such as settlement and reconciliation. Those motivations often lead mediators to disregard party self-determination. And finally, we acknowledge that even if mediators remain focused on supporting party self-determination, situations arise where it is unclear what party self-determination would mean. My presentation in Brno was intended for transformative mediators who had already gotten clear that party self-determination was their overriding value. The question for such mediators is how to deal with situations where it's not clear how to support party self-determination. I focused in Brno on several examples of those sorts of confusing situations.

While brief descriptions cannot capture the complexity of real life situations, these scenarios suggest that mediators often do well to remain focused on supporting the parties' choices as each moment unfolds, even if those choices may not lead to fairness, safety, or settlement. While other professionals, such as attorneys, judges and social workers have important roles in protecting parties and in advocating for justice, we suggest that the appropriate role for the mediator is to focus on the moment-to-moment choices that parties can make for themselves, including choices to seek protection and fairness with the help of other professionals, and even including choices that may appear inconsistent with their own self-determination.

Confusing Situations

How do you support self-determination when:

Adam and Anna are mediating a parenting dispute. You believe Adam is threatening Anna with physical violence. You talk to Anna privately and she insists that she wants to continue mediating.

This situation raises mediators' protective instincts. We'd like to protect Anna from violence; we'd like to protect her from arriving at an unfair agreement that results from the threats; and we may also be concerned about Adam's well-being, as we assume he must be in a desperate state, himself. And if we feel strongly enough, we can choose to take whatever actions we believe will help, even if those actions impose our will on the parties.

On the other hand, we might see this situation as one where party self-determination is especially important. We may assume that, to the extent Anna is in danger, it is especially important that her sense of agency be maximized, that she be supported in either asserting herself or not, based on her knowledge of what risks she faces, and based on her choices about what matters most to her. We might also assume that violence becomes less likely when the potential abuser feels greater agency, so continuing to help Adam be heard about his frustration and anger might reduce the risk to Anna. So even the threat of violence does not necessarily mean the mediator should deviate from pure support for party self-determination.

Johnny let's his lawyer speak for him throughout the mediation. Even when you ask Johnny if he'd like to say anything, he silently looks to the lawyer, who quickly responds.

Depending on our orientation as mediators, we might be entirely comfortable with Johnny's choice to let his lawyer speak for him, or we might be concerned that the lawyer is interfering with Johnny's self-determination. This scenario is just one example where other people, often people not present at the mediation, have significant influence on a party. Spouses, business partners, and employers, as well as lawyers, can and maybe should have an impact on parties. Party self-determination, therefore, can't possibly mean freedom from influence of others.

If our intention is to support party self-determination, the question of how much Johnny defers to his lawyer is one that Johnny needs to answer. Our role, therefore, as usual, is to remain attentive to Johnny, check in with him occasionally, and continue to communicate that he gets to decide what he does. We have to acknowledge that our interventions are not necessarily a remedy for lawyers who are too controlling. At the same time, our intervention will not force a party to speak up when he, for whatever perhaps sound reason, prefers not to. We suggest that the appropriate role for the mediator is to remain consistently attentive to Johnny (as well as to the other participants) and to continue to communicate that, as far as we're concerned, Johnny gets to decide what to do with respect to his lawyer, and with respect to everything else.

Father and son have been in mediation for a year. The one thing they agree on is that you (their mediator) are intelligent and fair. They ask you to arbitrate their dispute.

For some of us, there is a bright line between mediating and arbitrating, and we will not cross the line to arbitrating. We may see it as a matter of definition – mediation is not arbitration. Others of us might choose to arbitrate in this situation and even defend it as fulfilling the parties' self-determination, since they've requested it. At the moment we issue our decision, though, which will necessarily differ from at least one party's preferred outcome, it seems we are directly countering their self-determination. While a philosophical debate could be had about what party self-determination means in this scenario, we choose to continue to follow the parties' choice, including shining a light on their desire for us to arbitrate, but we probably

never get out ahead of the parties by arbitrating. Other alternatives, such as choosing someone else to arbitrate, remain open to the parties.

A clause in Bernice and Erik's divorce agreement requires two hours of mediation upon the request of either party. Bernice frequently requests mediation and Erik acquiesces. Bernice is extremely verbally harsh with Erik throughout the sessions. Erik tells you he feels coerced by Bernice's requests to mediate.

A basic part of how we support party self-determination in mediation is our commitment to the voluntariness of the process. Nonetheless, parties often feel pressured or even coerced to participate by other parties, by courts, by employers, or by others. As with the countless other factors that influence the parties, we mediators have little ability to intervene directly to change those dynamics. We interact with the parties, not with the other outside influencers. Any impact we have on the parties' self-determination with respect to outside players arises from our interaction with the party, not interference between the party and other players. We can't prevent Erik from from feeling coerced, but we can make sure that we, ourselves, don't push him in any direction.

Self-Determination Theory

In *Self-Determination in Mediation*, West and I describe Self-Determination Theory as articulated by Ryan and Deci (Ryan & Deci, 2018). The theory identifies three core human motivations: autonomy, relatedness and competence. These three motivators fit with the transformative theory of conflict, as articulated by Bush and Folger (Bush & Folger, 2005), in the following way. According to the transformative theory, the destructive conflict cycle is characterized by an experience of relative weakness and relative self-absorption. That destructive cycle therefore, is also characterized by the experience of a lack of autonomy, relatedness and competence. Because those needs are not being met, it follows that conflict participants are motivated to change their behavior and their situation in the direction of having their needs met. If they succeed in shifting their behavior toward an experience of greater autonomy, relatedness, and competence, they will have also shifted toward greater strength and responsiveness (which characterize the constructive conflict cycle, according to Bush and Folger). In other words, Self-Determination Theory supports the idea that people have the preference to act with strength and responsiveness and that the distressing nature of conflict arises from the challenge to those needs being met.

Transformative mediators assume that, because people in conflict are motivated to move toward greater strength and responsiveness, and that such movement must arise from the parties' own choices, the mediator's role is to support those efforts as the parties make them. West and I use the metaphor of mirrors and lights to illustrate the tools that transformative mediators use. We suggest that the mediator's efforts add opportunities for the parties to see themselves, their situation, and each other more clearly. That better view allows the parties to make choices that shift the interaction toward being more constructive.

Reflections hold up a mirror to a party immediately after they speak, allowing the speaking party and any others to look again, perhaps seeing more clearly. Summaries shine a light on the conversation, illuminating differences, commonalities, and other nuances, creating another

opportunity for the parties to make choices. Check-ins shine a light on the opportunity the parties have to make a choice about the process. The mediator's focused attention on all of the interaction provides an added sense for the parties that they are being supported, despite the anxiety and uncertainty they are likely experiencing.

Applying Mirrors and Lights to the Hypotheticals

The four examples at the start of this paper raised questions about how a mediator could support party self-determination under the circumstances. In all 4 examples, the parties' self-determination was being challenged. The challenges came from the other party, a party's own lawyer, the desire for an outside answer, or fear of legal repercussions. And yet, whenever a party is faced with making decisions, to some degree (though often less obviously than in these examples) there are constraints. Other people's reactions, the law, and other factors often seem to limit parties' choices. Since the mediator is not in a position to lessen these constraints, perhaps the only contribution (albeit a very important one) is to continue to illuminate the choices that the parties have.

The transformative approach to mediation includes a variety of methods intended to create opportunities for parties to make choices. West and I identify some additional strategies to maximize party choice. For example, sometimes making sure that parties have the chance to talk privately to the mediator may be helpful. In the case of physical threats from the other party, a mediator may choose to insist on talking privately to each party, to give them the space to make choices outside of the immediate influence of the other party. Another helpful strategy is to make clear, when appropriate, that we are limited in our ability to protect parties from each other and from other threats they face. That is, parties should be on notice that they are responsible for taking care of themselves in relation to these factors, including by seeking other helpers who can focus on values other than party self-determination.

Conclusion

Transformative mediators maximize the parties' experience of self-determination by abstaining from making choices on behalf of the parties and by illuminating the choices the parties are making and can make going forward. We are not in a position to eliminate constraints imposed by other parties, the law, or other aspects of the situation. We can only remain focused on providing maximum support for the parties as they choose how to respond to the constraints.

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TRANSFORMATIVE PREMISES 2.0
Judith A. Saul

Introduction

Premises are the foundation of Transformative practice. They orient practitioners, helping them determine how to intervene in an interaction in ways that support the voice and choice of those in conflict. They flow from the values first described in 1994 in *The Promise of Mediation* (Bush and Folger 1994). They were developed further in *Designing Mediation*, where several chapters refer to these premises and their centrality in the training of mediators (Folger and Bush 2001). These premises then evolved into a clearly articulated set of beliefs about people's motivation and capacity. In the intervening decades, transformative practice has grown, expanding beyond mediation to include dialogue, coaching and strategies for the self-management of conflict. This growth meant that Transformative practitioners were being faced with new challenges such as group identities and their relationship to conflict and this in turn led to questions about how Transformative practitioners handle these challenges. As the training in Transformative Dialogue developed, we realized that we had been relating topics like identity, culture, and power to the premises and that these insights should be clearly expressed in the premises. Before I articulate the changes that have been made, I want to tell you how they came to be.

In the spring of 2022 I had the privilege of spending a working weekend with 3 colleagues: Cherise Hariston, Susan Jordan and Erik Cleven. Another colleague, Jody Miller, was unable to join us but weighed in several times via phone. Our task was to design an on-line Transformative Dialogue training to be offered through the Institute for the Study of Conflict Transformation (ISCT). As we began to discuss this training, it became clear to us that we didn't want to have a section late in the agenda about the "tough stuff" – racism, sexism, power, trauma. Instead we wanted to present these topics up front for two reasons. First, they have a significant effect on interactions and these topics are the ones that most likely make facilitators think they need to be directive. Second, we wanted to be able to refer to them throughout the training. This put them close to the section on premises, which led us to consider the possibility of expanding our premises. We also realized that some of the things that were included in the Transformative Dialogue trainings were premises of our practice, especially in the context of ethnopolitical or other group conflict.

My goal is to share the result of that weekend: an expanded list of premises. Though developed for Transformative Dialogue, we realize that they are important for all forms of Transformative practice to the extent that identity or group belonging is an issue, and this is nearly always the case.

What Premises Are And Why They Matter?

Before I get into the substance of these new premises, I want to take a step back to talk about what premises are and why they matter.

Unlike many other approaches to conflict intervention, neither Transformative Mediation nor Transformative Dialogue has a template. There are no five or seven or even twelve steps to our processes. Instead our practice is guided by purpose and values. “Purpose drives practice” is one of our mantras. You’ve probably heard it more than once if you’ve taken any of our trainings. What does that mean? The diagram in Figure 1 is adapted from the mediation training manual.

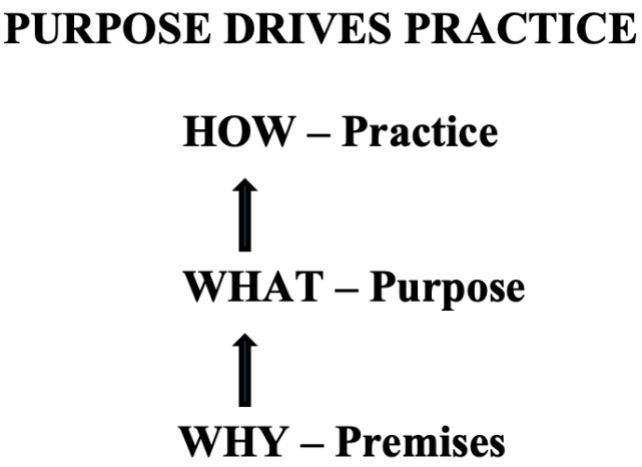

Figure 3: The relationship between premises, purpose and practice.

Many trainings begin with the HOW. Their focus is to teach the practical skills involved in mediation or dialogue. But what we do is different. Before we talk about the HOW, we talk about our purpose or goal, the WHAT. However even starting with WHAT is not going far enough – or perhaps deep enough. The critical question is WHY our goal is defined as it is. This brings us to our premises, our beliefs about human beings and the social world and about the capacity and motivation all humans share. Premises are the Why, the foundation for all transformative practice – the ground from which our practice grows. They are at the most fundamental level what drives and generates our practice as transformative practitioners and what guides our responses as interveners in concrete situations.

The four of us who gathered that weekend are all deeply grounded in the premises developed for the Transformative Mediation training by another group of four: Baruch Bush, Joe Folger, Dorothy Della Noce and Sally Pope, teachers and mentors whom we hold in great esteem.

Premises About People In Conflict

Let’s take a look at these original premises about people and conflict:

- Human beings are inherently social or connected beings, motivated primarily by a moral impulse to act with both strength and compassion -- to be neither victim nor victimizer, to interact humanely with each other -- in all their relations, including conflict.
- Human beings have inherent capacities for both self-determined choice and responsiveness to others, which enables them to achieve their desire for morally humane

conflict interaction. This is true even when they are confronted with adverse circumstances.

- Because what motivates and matters most to us as human beings is morally humane interaction with others, the most salient meaning of destructive conflict is a crisis in human interaction that tends to generate destructive behavior.
- Therefore, the most important product of conflict intervention is a change in the quality of the conflict interaction itself, from destructive to constructive, and from negative to positive, regardless of the specific substantive outcome.

These premises are beliefs about people's reality, about their motivation and their capacity to both make self-determined choices and connect with others. They are premises because they are generative of action and determine what transformative mediators and facilitators do at any point in a conflict intervention. I'm not going to spend a lot of time on these since my expectation and hope is that you know them well. Instead, I'll summarize their major points.

At the most basic level, we humans are social creatures, motivated to find balance between two sometimes competing parts of ourselves: our need for agency or autonomy and our need for relatedness or connection. Said differently, I want to be independent, to have what I want when I want it. But I am not fundamentally a solitary creature. I need you. And if it's all about me, I lose you. Aye, there's the rub! How do I balance my need to make my own choices and my need to connect with you?

As the first premise says, we're motivated to find that balance. We also have an inherent capacity to achieve it. However it's not a "once and done." Rather, throughout our lives we are balancing and rebalancing our connections to self and other as we manage our relationships, our priorities and the conflicts that inevitably occur. Those conflicts are one of the things that makes us lose our balance and throw us into a state of relative weakness and self-absorption. Interaction degenerates, often becoming negative and destructive, sometimes alienating, and at its worst dehumanizing.

But our motivation and capacity (and sometimes the assistance of a skilled mediator or facilitator) help us shift, allowing us to find our way back to strength and responsiveness. As we become calmer, we're better able to explain our thoughts and to hear what others are saying. This in turn leads to interaction that is positive, constructive, connecting and humanizing. Finding this place of balance, of compassionate strength, feeling okay about not just how I'm treated but how I'm treating you, matters more to us than getting an agreement or winning. These core beliefs about human motivation and capacity form our moral compass, guiding all that we do when we practice transformatively.

Premises About Power and Culture In Conflic

How useful these premises have been - to me and to the colleagues I gathered with that weekend.

With that grounding in the original premises, I now want to share the new premises we developed, why we included each and how they relate to what we do when we practice. The

four original premises on people's motivation and capacity in the face of conflict focus on the individual and on interaction. Our experiences working with group conflict in many settings ranging from community dialogue to ethnopolitical conflict led us to appreciate the importance of identity and the ways that individuals are part of groups as well.

Context affects people both as individuals and as members of groups. People are part of a family, a neighborhood, an organization, a workplace, a nation - particular contexts that shape identities and influence interactions in ways that are visible and acknowledged and in ways that may be less readily apparent. The relationships between people and groups can be characterized by equality and respect or hierarchy and even oppression. So the first change we made was to insert a new second premise and add a phrase to the end of what would now be the third premise.

Here's our new premise: "*Human beings' social connections are embedded in systems and relations of power and culture. These systems can give rise to human flourishing or oppression*." And we added a related phrase to the end of the next premise, noting that human's capacities for choice and responsiveness are true not just "when they are confronted with adverse circumstances" but also when they are "embedded in oppressive power relations." These additions acknowledge that every interaction happens within a cultural context and involves power dynamics. In addition, culture and power can support or oppress individuals and interactions.

This new premise and added phrase are important not just because of the centrality of context but also because they directly address a common critique of what we do. Perhaps like me you have been told that transformative practice is fine for some situations, but it can't deal with the tough stuff – situations that involve racism, inter-ethnic conflict or trauma, to name just a few. Many assert that in situations where there is unequal power or a culture that limits participation, mediators and facilitators must take control if a process is to be fair and effective.

But I ask you to take a moment to think about the conflicts you've observed. When is power and culture not a factor in interactions? When is power ever equal? Power imbalances may not always be extreme, cultural contexts may not always be oppressive, but power and culture are part of the dynamic of every interaction.

Power and culture affect dialogue as well. When organizing a dialogue, I'm sometimes told "in our culture, women won't participate," though it's most often not a woman who's telling me that. Or I hear: "how can we talk to them; they have all the power" referring to the structural power of managers in an organization; the abundant resources of some in a neighborhood or the regulations and laws created and enforced by government officials. Whether comments like these are made or not, power and culture are always operative when a group of people come together.

For many practitioners not grounded in transformative practice it is easy to jump to the conclusion that the facilitator needs to intervene in ways that balance power or speak for whatever group is being marginalized. This added premise acknowledges the realities of

oppression or the diminished power that people may face. Nonetheless it reaffirms the fundamental transformative premise that even in these adverse circumstances people have the capacity for self-determined choices and are motivated to connect meaningfully with others. This premise is generative of action in that it reminds us that even in the face of systemic oppression it is not our job as facilitators to supplant participants' decision-making about what they should do in their situation.

Given this reality, to say that Transformative practice cannot handle culture and power is essentially to say that Transformative practice is ineffective. Period. I couldn't disagree more. In contrast, many transformative practitioners share my experience that ours is the most effective way to support people in making the best decisions they can given the situation they face, even - or perhaps especially - when power differences are extreme or cultural systems limit options.

This new premise and phrase say loud and clear that we see culture and power. We acknowledge them as forces in all interactions, and we maintain that people have the capacity to shift from weakness and self-absorption to strength and responsiveness even when they are functioning within oppressive systems. These additions are an important indication to others that we understand that power and culture are real and affect interaction but that they are not a barrier to our nondirective transformative practice.

Table 1: Original Premises Expanded by the Power and Culture Concepts

Expanded Premises about People and Conflict:

- Human beings are inherently social or connected beings, motivated primarily by a moral impulse to act with both strength and compassion -- to be neither victim nor victimizer, to interact humanely with each other -- in all their relations, including conflict
- Human beings' social connections are embedded in systems and relations of power and culture. These systems can give rise to human flourishing or oppression.
- Human beings have inherent capacities for both self-determined choice and responsiveness to others, which enables them to achieve their desire for morally humane conflict interaction. This is true even when they are confronted with adverse circumstances and/or embedded in oppressive power relations.
- Because what motivates and matters most to us as human beings is morally humane interaction with others, the most salient meaning of destructive conflict is a crisis in human interaction that tends to generate destructive behavior
- Therefore, the most important product of conflict intervention is a change in the quality of the conflict interaction itself, from destructive to constructive, and from negative to positive, regardless of the specific substantive outcome.

So what does it mean for me as a practitioner that power, culture and systems of oppression are real? What, if anything, do I do differently?

I want to start with what I don't do. I do not attempt to become an expert in the cultures at play or to analyze the power dynamics. I do not become an advocate or a change agent, seeking to balance power or to rescue someone who is oppressed. While I may fight unequal power and systemic oppression in other places in my life, it is not something I do while I'm practicing Transformative Mediation, Dialogue or Coaching.

Instead, acknowledging the effect of power and culture reinforces the need for me to cultivate an attitude of humility and respect. I remember that I can't know whether or not a cooperative process like mediation or dialogue is best for someone and, similarly, I can't know that it is *not* best for someone. Nor can I determine whether any decision or agreement is appropriate for the person considering it. This new premise and phrase remind me not to assume or judge. It reminds me that even in situations of oppression or violence my job is not to supplant, but rather to support people as they gain clarity about their situation and make their own decisions. It's a reminder I need often as my tendency to see the world through my own lenses, to make assumptions and to value my own analysis is strong. And it reinforces one of our core principles: never substitute my judgment for the judgment of another.

Premises About Identities In Conflict

The next set of premises are about identity and conflict and were also developed based on our experiences. As we organized group dialogues, talking with people about conflicts in extended families, communities, organizations and political groups, potential participants were frequently labeled and categorized by identity: age, race, class, affiliation, even neighborhood or geography.
As facilitators we were sometimes asked to "balance" participation and recruit an equal number of people from specific identity categories. Other times we'd be told to skip or even exclude certain individuals or groups based on a particular identity characteristic. This impulse to categorize others is strong, especially in times of conflict.

As Transformative practitioners, we realized that it was critical to be clear about identity and the role it plays in interaction. So we developed five premises about people and identity.

Our first identity premise is: "*The core of human identity is a sense of our own individual agency and our inherent connection to others. Within that core, identities are relational. They are produced and change as we interact with others. People are naturally motivated to connect with others whether they share identities with them or not*."

Note that this premise connects identity to the relational worldview that is part of transformative theory, and it acknowledges people's motivation to connect with others in the context of different identities. Many people assume that people from different identities will be inherently antagonistic, especially in the context of ethnopolitical conflict, and to some extent in any group

conflict setting. This premise acknowledges that identities exist but also notes the way they are relationally grounded, stating that it is not difference per se that keeps people from real connection.

Most of us tend to think of identity as something that is fixed: *e.g. I am a woman.* But in fact, Identities are socially constructed. They are not fixed but shaped and changed through interaction.
What does it mean to say that my identity as a woman can change? I'm not talking about gender transition here. Instead, consider for a moment how I understand what it means to be a woman. My understanding comes from interacting with others and observing what they do. That happened first in my own family. Then, as my sphere of interaction broadened, my conception of what it means to be a woman expanded, contracted, perhaps expanded again - changing as I interacted with other people and groups. That's what it means to say that identities are relational.

In addition, this premise speaks to motivation. We are inclined to connect with others who share our identity, to claim membership in an identity group. That's probably not a surprise. But experience has shown us that we are also motivated to connect with those whose identities differ from ours. In fact, because of this tendency violence is often used to police boundaries between groups and to keep people from different groups separated. This was true of interethnic violence in Kosovo after the war there and of racial violence in the American South until quite recently. And there are many other examples of this as well.

The second identity premise reads: "*Human beings have many relational identities simultaneously, including religious, ethnic, political, and social, and have the capacity to choose which identities are important to them. Yet people are more than the sum of their identity categories. People's identity categories label what they are. Who they are can only be known by relating to them directly*."

Knowing something about one aspect of my identity does not define me. Yes, I'm a woman, in the many and perhaps unique ways I understand that. But that is only one part of my identity. Perhaps you've been in a training where you've been asked to do the flower exercise: to draw a flower where each petal is one part of your identity. I've done this frequently and am always impressed with the number of identities people come up with: six, ten, twelve or even more. There are so many parts to each of us.

But even if you know many of my identities, you cannot assume that you would know me. My particular combination of identities, the way I understand and live out each of those identities, the ways they interact in my personality and character are particular to me. Who I am transcends the categories that make up my identity. I am a unique individual whose whole is greater than the sum of its parts. So looking at my flower, you may be able to say *what* I am but you do not fully know *who* I am. And this is true for every person we encounter.

This premise guides me as a facilitator, reminding me that even though I may know some of a person's key identity categories, I still don't know them fully and I certainly don't know what is best for them. This premise reminds me that people are more than my ideas of them, whether

these be legitimate ideas or biases. It reinforces the importance of my remaining a nondirective supporter of people, not a fixer of people's problems or an advocate for their case.

The third identity premise states that: "*Each individual's understanding of a given identity is unique to them. This understanding is influenced by collective understandings of that identity. Institutions and cultural systems can constrain people's ability to define their identities for themselves and may try to force particular understandings of identity on people.*"

I think of this as the "Yes, but" premise. Yes, I get to define what it means for me to be a woman, and to decide how to give that identity expression, to return to that example. But there is much in our world that tries to take that right of self-definition away from me. Political, cultural and religious institutions vary widely in how they support or limit what a woman can do. So what it means to be a woman, or to claim any other identity, is based partly on what I choose and partly on the culture I'm part of and the systems I live within. Not everyone is free to choose their identity or how it is understood. This is true of transgender people today, whose identities are not recognized everywhere. It was also true in apartheid South Africa with its complex system of racial categories that were assigned by the state and affected what kinds of jobs a person could hold, where they could live, and what kind of education they could access.

The fourth and fifth identity premises bring us to conflict: "*In the face of destructive conflict, people often retreat to a narrow understanding of identity where a single identity takes precedence over the others, limiting a person's understanding of self and interactions with others*." And "*Even in these adverse circumstances, people have the capacity to regain a broader sense of self, to choose which of their identities to express and how to do so, and to connect with and fully recognize the humanity of others.*"

When one part of my identity is threatened, its importance grows. If an individual or group attacks women, I often respond with that identity front and center. In the heat of the moment, I feel little or no connection to those on the other side. I forget that I may share other parts of my identity with those who are threatening me. I see these others as "woman haters" and forget that we may all be co-workers or parents; that we may share religious, ethnic or political identities. This is one of the ways that weakness and self-absorption plays out around identity.

But, as the fifth and final identity premise reminds us, weakness and self-absorption are not fixed but temporary states of being. As people shift to strength and responsiveness, they begin to reach across divides. They remember their own complex identities and that their "enemies" are also complex, multi-faceted human beings. They begin to connect, acknowledging the parts of their identities they share with others – even those on the opposite side. And it's important to remember that this connection happens whether people are moving toward agreement or continuing to disagree.

Table 2: New Premises about Identity and Conflict

Premises about Identity and Conflict:

- The core of human identity is a sense of our own individual agency and our inherent connection to others. Within that core, identities are relational. They are produced and change as we interact with others. People are naturally motivated to connect with others whether they share identities with them or not.
- Human beings have many relational identities simultaneously, including religious, ethnic, political, and social, and have the capacity to choose which identities are important to them. Yet people are more than the sum of their identity categories. People's identity categories label what they are. Who they are can only be known by relating to them directly.
- Each individual's understanding of a given identity is unique to them. This understanding is influenced by collective understandings of that identity. Institutions and cultural systems can constrain people's ability to define their identities for themselves and may try to force particular understandings of identity on people.
- In the face of destructive conflict, people often retreat to a narrow understanding of identity where a single identity takes precedence over the others, limiting a person's understanding of self and interactions with others.
- Even in these adverse circumstances, people have the capacity to regain a broader sense of self, to choose which of their identities to express and how to do so, and to connect with and fully recognize the humanity of others.

So what do these five new premises about identity mean for me as a Transformative practitioner?

First and foremost, they reinforce the fact that I cannot ever fully know another. In fact, some days it feels like it's hard enough to know myself! They highlight the trap of making assumptions about another or judging them based on my very limited understanding of their identity. If I see a woman walk into a dialogue that is mostly men, it's easy to assume that she will need my support to speak up. Yet other parts of her identity may make her the most powerful person in the room.

Beyond this, any attempt to categorize a person limits their full humanity. Instead of categorizing another, I need to be open to each person's unique reality – not just "what" they are but "who" they are: a complex blend of identities and qualities that I can never know. This is what it means to be fully present for another: being open and free of assumptions and judgments.

Another trap is thinking that I can know what another will do or say based on the parts of their identities I'm aware of or even what they've said and done before. Instead I need to be ready

for the people I'm working with to change "before my eyes" as interactions with others lead them to a new understanding of themselves as well as each other. I need to accept and be comfortable with the reality that there's much I do not know, including the complexity of those I'm working with.
These new premises about identity remind me of the need to treat each person with respect, openness and humility and to do my best to be fully present without judgments or assumptions.

Premises About People in Groups
The last set of new premises is about people in groups, an area of particular interest to those of us facilitating dialogues.

The first premise about people in groups is about motivation: "*People are motivated to participate in groups to experience belonging and connectedness, to give voice to their unique experience, and to consider how the experience of others is similar to and different from their own.*"

Though you probably know a few people who avoid groups like the plague, most of the time most of us are interested in or at least willing to try participating in a group. Through group interaction, I get a chance to explore both the connections with and the tensions between myself and others – the people in my extended family, my co-workers, those in my community. As I interact with people similar to and different from me, I learn more about them and about myself.

The second premise in this section is about capacity: "*People are capable of making their own choices on whether and how to engage with groups and can balance their interactional needs with those of others.*"

As our dialogue training makes clear, organizing a dialogue is as much or more work than facilitating group interaction. A significant part of the organizing is educating people about how dialogue could be useful to them so they can make an informed decision about participating. This is especially important because Transformative Dialogue is very different from many other types of dialogue. One critical difference is that it's a co-created process. It's co-created because we respect the knowledge of those closest to the situation. We believe they have the capacity to not only decide whether or not to participate but also to determine what needs to be discussed, who needs to be involved and how the conversations should be structured.

This premise also acknowledges that people have the fundamental capacity to "take turns." Weakness and self-absorption may lead to some wild and crazy group interactions with people interrupting, shouting, and talking over each other. But as people shift and become stronger and more responsive, participants are better able to clearly articulate their own positions and listen more effectively to others – whether or not they agree.

The last premise about people in groups reads: "*Individuals are capable of learning about and productively deliberating with others on complex and problematic issues that affect their personal and group interests, even when working with people they differ significantly from or strongly disagree with.*"

Transformative Dialogue happens in many different contexts and is used to deal with a large range of relationships and issues. Some dialogues deal with technically or scientifically complex topics. Or they may be about long-standing grievances or systemic patterns that are resistant to change. Those involved may be in very different places in terms of how much they know about a particular topic. They may deeply disagree about whether change should happen and how it could be accomplished. In spite of these differences, dialogue helps people understand that they are in this together. Their capacity to learn from and with each other and to grapple with their differences gives them the best chance of coming up with a viable way forward. The give and take of group interaction is not always easy. But as shifts happen, people get a better sense of the situation for themselves and a fuller awareness of how others understand it.

It's important to remember that becoming strong and responsive does not equal reaching agreement. Nonetheless, strong and responsive people are in the best possible position to live with each other, whether they agree or disagree. I remember the first time I heard Baruch Bush say that strong and responsive people may not "get to yes" but they're better able to "live with no." This is one of the reasons that transformative dialogue is so valuable.

Table 3: New Premises about People in Groups

Premises about People in Groups:

- People are motivated to participate in groups to experience belonging and connectedness, to give voice to their unique experience, and to consider how the experience of others is similar to and different from their own.
- People are capable of making their own choices on whether and how to engage with groups and can balance their interactional needs with those of others.
- Individuals are capable of learning about and productively deliberating with others on complex and problematic issues that affect their personal and group interests, even when working with people they differ significantly from or strongly disagree with.

What do these premises about People in Groups mean for me as a Transformative practitioner?

I pay close attention to the line between educating people about what dialogue can accomplish and persuading them that participating is the right choice. Educating is appropriate. Applying pressure is not. I take no for an answer, respecting people's ability to figure out when and how much to participate. I invite people into decision-making about process as well as about content, not just during the initial stages of a transformative dialogue but throughout the process. I understand that honest and open communication within groups allows people to learn, grow and figure out what needs to change and how to make that change happen. And I understand that those participating are in the best position to figure out what will lead to that honest and open communication. I may make process suggestions and offer options, but I do this tentatively trying my best to never substitute my judgment for the judgment of a participant.

Conclusion

Our new premises expand those about people and conflict and add sections about people and identity and people in groups. The hope is that these new premises will be incorporated into training curricula related to transformative practice. That's because it is best if these foundational premises of our practice are not presented in isolation, simply as a list to be read. By introducing and discussing them in our training, we can do much more than reading through this list. For instance, ISCT's on-line dialogue curriculum includes sessions on "Race, Power and Systemic Oppression;" on "Identity and Conflict;" on "Culture and Transformative Practice" and on "Trauma-Informed Practice." Each session includes exercises and expanded discussion related to these premises. Each is contextualized with examples based on a trainer's understanding and personal experiences and on the things most relevant to the group being trained. All of these premises are interpreted and reinterpreted through the lenses we each bring to our practice.

Finally, I want to acknowledge that although these new premises were created by Erik, Cherise, Susan and me, they have been shared with and revised by many involved in the Institute. At two different meetings, the Fellows discussed these new premises in depth and made suggestions for revisions. They were also discussed by the ISCT Fellows Integrity Working Group and revised again. The premises presented here are the final version, reflecting all of this input. These premises have also been published in the edited volume *Transformative Dialogue: Co-Creating Conversations in Communities and Organizations* (Cleven and Saul 2025).

By stating clearly that power and culture play a part in every interaction, that identity is relational and multi-faceted, that people have both the capacity and motivation to interact in groups, we are acknowledging the complex reality within which transformative practitioners work. These new premises demonstrate that transformative practice is sophisticated and robust. They also clearly state and reaffirm that even in the face of complex realities transformative practitioners are firmly committed to non-directiveness and respect for people's agency and

self-determination. Those who claim that the transformative approach won't work in situations involving race, power imbalances, or cultural differences are wrong. These expanded premises acknowledge those complex situations while guiding us as practitioners to remain committed to important transformative principles. The mediation, dialogue and coaching we offer have value in all situations, even - and perhaps *especially* - those that involve high conflict, severe power differences, systemic oppression and those that follow outbreaks of violence.

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Appendix - PREMISES 2.0:

About People and Conflict:

- Human beings are inherently social or connected beings, motivated primarily by a moral impulse to act with both strength and compassion -- to be neither victim nor victimizer, to interact humanely with each other -- in all their relations, including conflict
- Human beings' social connections are embedded in systems and relations of power and culture. These systems can give rise to human flourishing or oppression.
- Human beings have inherent capacities for both self-determined choice and responsiveness to others, which enables them to achieve their desire for morally humane conflict interaction. This is true even when they are confronted with adverse circumstances and/or embedded in oppressive power relations.
- Because what motivates and matters most to us as human beings is morally humane interaction with others, the most salient meaning of destructive conflict is a crisis in human interaction that tends to generate destructive behavior
- Therefore, the most important product of conflict intervention is a change in the quality of the conflict interaction itself, from destructive to constructive, and from negative to positive, regardless of the specific substantive outcome.

About Identity and Conflict:

- The core of human identity is a sense of our own individual agency and our inherent connection to others. Within that core, identities are relational. They are produced and change as we interact with others. People are naturally motivated to connect with others whether they share identities with them or not.
- Human beings have many relational identities simultaneously, including religious, ethnic, political, and social, and have the capacity to choose which identities are important to them. Yet people are more than the sum of their identity categories. People's identity categories label what they are. Who they are can only be known by relating to them directly.
- Each individual's understanding of a given identity is unique to them. This understanding is influenced by collective understandings of that identity. Institutions and cultural systems can constrain people's ability to define their identities for themselves and may try to force particular understandings of identity on people.
- In the face of destructive conflict, people often retreat to a narrow understanding of identity where a single identity takes precedence over the others, limiting a person's understanding of self and interactions with others.
- Even in these adverse circumstances, people have the capacity to regain a broader sense of self, to choose which of their identities to express and how to do so, and to connect with and fully recognize the humanity of others.

About People in Groups:

- People are motivated to participate in groups to experience belonging and connectedness, to give voice to their unique experience, and to consider how the experience of others is similar to and different from their own.
- People are capable of making their own choices on whether and how to engage with groups and can balance their interactional needs with those of others.

- Individuals are capable of learning about and productively deliberating with others on complex and problematic issues that affect their personal and group interests, even when working with people they differ significantly from or strongly disagree with.

Techniques and Interventions

Capturing Behavior in Enhanced Reflection

Peter Miller
Hannah Diamond

I. Introduction:

Reflection is a mainstay of mediation, for transformative and non-transformative mediators (Bush & Folger, 2005, 2010b; Freda & Esposito, 2017; Garcia & Cleven, 2024; Moore, 2014). It has been considered vital in supporting parties' empowerment and recognition shifts (Bush & Folger, 2010a, 2010b).

Reflection, as it is written about and taught is a "human mirror" or "cctv camera." During reflection, a mediator is taught to stay as close to the party's language as possible, and attempt to capture "hot words" that parties use. Sometimes mediators are also encouraged to reflect parties' tones and physical behavior (Bush & Folger, 2010b). Mediation trainees are steered away from making inferences, naming emotions that parties haven't explicitly stated, and otherwise reflecting what hasn't been said.

However, in addition to classic or standard reflections there are also what the authors will refer to in this article as "enhanced reflections." Enhanced reflections capture disputants' behaviors, facial expression, gesture, posture and movements, as well as disputants' paralinguistic expression, pitch, tone volume. They may involve going "beneath" what is being said on the surface.

In the authors experience as mediators, and in their conversations with other mediators, it appears that many mediators use enhanced reflections as a part of their process. However there has been little analysis into the benefits and costs of using enhanced reflection, how it may support parties, and even how widespread its use is.

In this article, the authors try to address that gap by defining enhanced reflection, giving examples, analyzing its usefulness as an intervention, addressing the risks that may or may not be inherent to the intervention. Additionally, to gauge how common its use is, the authors surveyed 12 mediators about how they use enhanced reflection in their own practices.

But before moving forward it will be useful to review the intervention of reflection, how its use benefits parties, and how those benefits come to be.

II. Power of Reflection: How it is thought to benefit parties:

Reflection is a key tool for most mediators, across a variety of modalities. Though thought of differently, and used for different purposes it is widely considered to have tremendous benefits for the parties and mediators (Brandon & Stodulka, 2015; Bush & Folger, 2005; Moore, 2014). We have trained in transformative, facilitative and understanding mediation and in all three types of trainings, reflection was taught as a valuable skill.

Though reflection is done differently by different mediators, it is always a variation on one intervention. A mediator listens to a party speaks, and then speaking directly to a party they repeat what the party said, either directly or paraphrasing.

In transformative mediation, reflection is one of the core practices, and probably the intervention mediators reach for most often. Bush and Folger, the originators of transformative mediation describe reflection as the mediator simply saying what they hear the party saying, "using words close to the party's own language, even (or especially) when the language is strong, loud, negative or strongly expressive." (Bush & Folger, 2010b, p. 37) In reflecting, transformative mediators do not soften or reframe language, but reflect as a mirror.

Transformative mediators use reflection as a mainstay of practice because it can support party empowerment and recognition. Since supporting empowerment and recognition shifts underlies all mediator interventions, mediators frequently turn to reflections as a way to amplify the conversation for both parties. Transformative reflections allow parties to better hear their own thoughts, helping them become clearer and more decisive. This clarity allows parties to act with enhanced decisiveness and open doors in the conversation.

Other styles of mediators frequently turn to reflection as well. Facilitative mediators turn to reflection as well, although this reflection may contain an element of reframing (Stulberg, 1981). In the authors' conversations with facilitative mediators, all of them described reflection as being a regular and vital part of their practice. Mediators who practice using the understanding model default to a technique called looping which involves reflection as a component (Friedman & Himmelstein, 2009, pp. 107-113).

Whatever the purpose of reflection, it provides benefits for the parties, mediators and mediation overall. Reflection allows a mediator to walk alongside rather than wrest control from a party. This benefits mediators by helping them stay aware of the conversation, and what matters to parties. That in turn allows mediators to provide more opportunities to parties to open doors to where they want the process to go. This cements party agency by allowing them to expand on, explain or amend what they've said. Reflection allows parties to "listen and talk to [themselves]" thereby gaining clarity and confidence. Parties can evaluate for themselves if they are being clear, if they are expressing what they want to express, and how they might want to move forward (Bush & Pope, 2002).

Reflecting can also relieve the need by parties to focus on advocating for their perspectives and getting their points across. When parties strain less to give
legitimacy to their own perspectives, they can become more available to the perspectives of others, even as they compete.

It also allows the listening party to hear and understand something they might not have heard or understood the first time. When someone is in conflict, it is often difficult to truly listen to the person with whom you are in conflict. For some parties, it may be easier to listen when a neutral mediator reflects what's been said, than when their conflicting party speaks.

Depending on the mediator's modality, other benefits become more salient. Reflection and or looping can reassure parties that the mediator understands them. For many mediators, the largest benefit in reflection is that parties feel heard, something many people in conflict feel is lacking.

III. Mehrabian's study & its implication for mediation

The authors suspect that virtually all mediators have an awareness of the tensions that can exist at times between the words parties in mediation employ and the meaning those parties

project as they speak their words - - Sarcastic expression, with which speakers communicate meaning by using tone of voice and facial expression to deliberately abnegate their own words, is as a clear, obvious example of that sort of discordancy. Yet, there are many other instances, often less blatant, where meaning lies beyond the words a speaker has used. Some 10 or 12 years ago one of the authors became intrigued by what he called at the time *divergences* between the words parties employ and the meanings they express. Several signal moments in mediations he had recently conducted had been inaugurated by just such divergences between a party's verbiage and the meaning they communicated as they spoke. Those moments stayed active in the author's thinking because they affirmed his belief in mediation as a beneficial mode of conflict intervention predicated on parties' capacities to make extraordinary, even heroic strides, and to do so even as they disputed. And he remembered well his efforts to capture and reflect the meaning parties had expressed that lay beyond the words they had spoken, as well as the positive changes that parties had effectuated in the wake of those efforts.

Recently, in reviving and seeking to further his curiosity about divergences, the author encountered the work of a psychologist, Albert Mehrabian. In the mid-1960s Mehrabian was a young experimental psychologist at the University of California, Los Angeles. His trajectory into psychology had been atypical. Before pursuing studies in that field, he had acquired a PhD in engineering from Clark University. As a consequence of time spent in the hard sciences, physics, chemistry, etc., he had developed an ambition to introduce to the study of human behavior the ability to make the sort of precise, verifiable measurements that underpin the study of those hard disciplines (UCLA Department of Psychology, 2021). He came to think that studies of face-to-face human communication could yield opportunities for precise, empirically sound, quantitative results. The findings of the studies he then conducted have come to be known as *Mehrabian's Formula* (Mehrabian & Ferris, 1967; Mehrabian & Wiener, 1967). They can be summarized as follows: In face-to-face speech that is characterized by *significant emotional content*, 7% of meaning is expressed through words themselves, 38% of meaning is expressed *paralinguistically,* which is to say, the pitch, intonation and volume speakers employ in articulating the words, and 55% of meaning is expressed through behaviors: facial expression, gesture, posture, movement. Thus, in these moments, listeners derive meaning principally from what speakers *do, not from what they say.* Mehrabian uses the word *incongruences* to name the gaps between the words speakers employ and the meanings speakers project, which is both more precise and descriptively apt than the author's use of the word *divergences.* An account of Mehrabian's studies and his findings can be found in a book he published titled, *Silent Messages* (Mehrabian, 1981).

Mehrabian's Formula has been much overused. It has been applied to all verbal communication, when Mehrabian has been quite clear in restricting his findings to moments in which speakers' emotions are in play. The authors do not have sufficient knowledge to dispute the conclusions of those scholars who maintain that Mehrabian's studies were far too limited to justify the breadth or certainty of his findings. Yet, precise calculations aside, there can be little doubt that much of what we communicate is expressed through our actions and not our words. What for the authors is especially resonant, based on their own experiences as mediators, is Mehrabian's observation that such moments of incongruence [tend to] cluster at times of *significant emotional content.* These moments constitute vital junctures for both parties as they attempt to put forth and navigate their differences, and for mediators who serve them. Thus, Mehrabian's observation not only rings true, but also has meaningful application to the practice of mediation.

The study clarifies what many mediators – through experience – have suspected all along: the existence of a broad gap at times between the words disputants utter and the meanings they express. Years ago, an early mentor and colleague of one of the authors described her efforts to address that gap by remarking that in her reflections, she tries to capture parties' *"words in the air wanting to be said,"* which is to say, the unarticulated, but clearly present, aspects of their expression.

Even if not absolutely accurate, Mehrabian's statistics do illustrate the breadth of dichotomy that can exist between words and meaning. That dichotomy suggests an inadequacy in the reach and power of standard reflections at certain points in mediation, such as when parties' emotions take a forceful part in their interactions. The use of enhanced reflections – reflections that capture

parties' behaviors in words – is a means of bridging that dichotomy/gap. Yet, as the reader will see, there are risks inherent in the act of saying the unsaid in the reflections one offers to parties. However, there may be less audacious and risky means already at hand of at least narrowing the gap.

When mediators are trained in the transformative mode they are told to focus on the how of party talk as well as its contents. That is, to hear and recapitulate parties' paralinguistic expression in the reflections and summaries they do. But, based on their assessments of their own work and the observations of others, capturing and indicating parties' paralinguistic and affective expression seems to be an under-utilized skill across the spectrum of transformative practice. That deficiency, we believe, could be addressed by devoting more time and emphasis to the skill of being tonally and affectively true to parties when reflecting back to them words they have spoken.

IV. Enhanced Reflections

A. Definition of e*nhanced reflections:*

Spoken reflections that seek to recapitulate the full range of disputants' expression. They include language that captures disputants' behaviors, facial expression, gesture, posture and movements, as well as disputants' paralinguistic expression, pitch, intonation, volume. In some instances, enhanced reflections get beneath the behavior to include the meaning that is carried by behavioral expression. When mediators amplify parties' angry, forceful statements by supplementing their reflections with phrases such as, "and you're angry about that," or "and you have strong feelings about that," they are employing enhanced reflections at a basic level.

B. Do enhanced reflections increase speakers' comprehension or are they unnecessary?

When there are incongruences do standard reflections serve parties well or are the benefits that accrue to parties lost if reflections capture only what has been spoken and fail to capture meaning that lies beyond spoken words? Stated another way, if mediators reflect only speakers' words, and in doing so capture only fragments of meaning, are the remainders lost to speakers; or does hearing the fragment permit speakers to conjure the whole, and so have the full opportunity *to walk along side their thoughts* and refine them and so make decisions based on enhanced comprehension? The authors very much doubt there is a definitive and comprehensive answer to that question. In some instances, speakers

may be able to call forth the entirety of meaning from reflections that capture only fragments of their expression. However, based on several signal episodes in our practices, the authors firmly believe that there are instances, integral to people in dispute, where a failure to take reflection beyond spoken words would deprive speakers of the ability to fully *hear their thoughts* and so to act on the resultant sharpening of comprehension.

C. Are speakers' behavioral messages as consciously purposeful as spoken messages, and does that matter?

Mehrabian titled the published results of his studies, Silent Messages (Mehrabian, 1981). The inclusion of the word, messages is illustrative. He clearly maintains that, in emotive interactions, behavioral expression - what we do - carries comprehensible meaning from the speaker to their counterpart. But are such messages as consciously, purposefully intended as are those that are conveyed by words, since the latter demands at least some degree of craft and design? If the two modes of expression - behavioral and verbal - can in fact be driven by differing degrees of conscious intent, that distinction could have implications for mediators. Extending the scope of reflections beyond spoken words can make manifest thoughts or impressions that may not have fully cohered through the act of speaking. As we shall see, elevating the unsaid can be a powerful means of support to parties in making beneficial changes. It can enlighten their thinking and their interaction, sometimes in dramatic ways. Yet, it seems obvious that excavating and reporting material that lies beyond disputants' consciously intended remarks and may lie beneath their consciously held understanding of themselves and one another, can also be harmful to both parties and to mediators' enterprises.

D. Some examples of enhanced reflection:

A colleague of one of the authors was recently doing a workplace mediation between an employee and her manager. At one point the manager unfolded a long, detailed, and highly negative critique of the employee's performance. As she listened, the employee, while remaining mute, slowly and repeatedly shook her head from side to side. It seemed to the author's colleague that her movements had an apotropaic quality, as if she was attempting to ward off or assuage the force of her boss's words. Here, the colleague did not attempt to go beyond the employee's behavior to capture its meaning. He merely translated the behavior into words: "Even as you hear this you're reacting." The employee responded by saying, "It's very painful," and then described what made what she had heard so distressing.

Some years ago, one of the authors conducted a mediation in a rural setting between two residents who, although not near neighbors, were both property owners in the same town. During the author's introductory remarks, the woman (One disputant was a woman, the other a man of approximately the same age.) began to move about restlessly in her seat. At times she thrust herself forward and backwards or from side to side. While agitated, it seemed that she was exerting control over what must have been a strong urge to give vent to her feelings in an explosive way. For the author to have continued his description of mediation while ignoring the woman would have been unresponsive practice. Instead, he turned to the woman and attempted to capture her discordant behaviors (The impulse and the containment of the impulse) in words: "Just sitting with this requires discipline." The woman responded by saying, "You got that right"! She then launched into a description of what her male counterpart had done that so provoked her.

A couple mediating the terms of their separation and divorce with one of the authors found themselves, unexpectedly, at a critical point in the course of their mediation. The quality of their interactions, over several months to this point, had always been modulated and civil. Now they were discussing decision making regarding their eight-year-old daughter, an only child who principally resided with the mother. The father proposed that he be present going forward when the mother interviewed prospective babysitters – By way of explaining what drove him to make the proposal, the father told an affecting story about having recently been treated as an outsider to be guarded against, rather than a father with parental discretion, by a babysitter on an occasion when the mother was detained at her work.

Hearing this inflamed the mother. She said, "You know what, fuck you. I mean fuck you! You want to sit on my couch when I hire babysitters. I can't get into your home when I pick up our daughter! (The father was now residing with his new mate and her three daughters. They planned to wed once both their divorces were finalized. Earlier in the mediation the mother had described a state of icy tension between herself and this new woman in the father's life.) She told her husband that the woman kept her waiting outside the apartment while she prepared their daughter for the transition back to the mother's home. She wanted him to know how degrading and humiliating she found the experience of being parked and put on display in a public place while the new woman tended to her daughter. Yet, her anger was not directed at the woman. Nor, at that moment, was she the source of the mother's hurt. The mother's ire was aimed squarely at the father. She wanted him to understand that although *they* were separated, and *he* was now allied with someone else, he still owed her common decency; it was still his responsibility to see that she was treated respectfully. When she was treated poorly, he still needed to stand up on her behalf and make things right.

The mother elaborated this theme in an angry Jeremiad that lasted two or three minutes. Then as if surfacing from an altered state, she gazed at her husband for a few seconds before falling back in her chair and saying in a dispirited voice, "Oh fuck it. Let's move on." Her voice, her posture, and her affect were suffused with defeat, and it seemed, a sense of loss. The author, looking at both spouses said, "That's certainly a direction the two of you could choose to take." Then looking at the mother and addressing her by name he offered this reflection: "For you, something is being lost." It took the mother several seconds to respond. Her eyes widened and she emphatically uttered one word: "Yeah!" The force of her response seemed to be driven by a sort of recognition. It seemed as if she had found a name for the feeling that had so engulfed her.

Once again, now with increased intensity, she castigated her husband over his failure to address her degradation. This time she ended, not by falling back, but by terminating the mediation session: "This meeting is over! I'm out of here and you're out of here too," meaning "You're not sticking around for a conversation with the mediator."

When the couple returned to mediation several weeks later the husband opened the meeting by addressing his wife, "From now on you are welcome in our apartment."
The wife's response was unexpected: she replied, "Well, thank you. You know, something interesting happened when we were here last time. I walked all the way home. (A distance of 4 or 5 miles and not her usual means of getting around.) I was furious. I was furious at you. But I came to understand that when there is a gap between me and someone else, I try

to close the gap. If they don't reciprocate, I take that as a refutation of me. But she (referring to the other woman) may have an entirely different way of dealing with the situation. I realized that when I have a difference with someone, I impose my way of responding on them and don't leave space for them to respond in their own way. I think that accounts for some of the pressure I put on you during the marriage. . . . I can't tell you why exactly, but it just doesn't matter any more if I get into your apartment." And leaning forward she tapped him on the knee and said, "Let's move on."

Some years ago, one of the authors mediated a dispute between neighbors as a volunteer for a community mediation center in the New York City area. There were four participants other than the mediator: a middle-aged couple who owned their brownstone building, a woman in her thirties, who owned another residence situated on the same block, and a tenant of hers, a young man in his early twenties. The young man, tall and muscular, differed in his dress from the other participants. Their attire, though not formal, was appropriate for a business setting; he wore a sweatshirt, cutoff at his shoulders and a wool watch cap which covered his face above his eyes. The four participants were African – American or African – Caribbean. The author is Caucasian.

The younger woman opened the mediation by asking the older couple why she had been asked to come to mediation. The older man explained her presence. He had no difficulty with her, per se. His problem was with her tenant. She was present because one couldn't have a meaningful conversation with a tenant. Property owners are rooted. They have vested interests in the quality of their neighborhood. They are respectable people with whom one can have rational, thoughtful conversations. By contrast, tenants, who are not grounded or committed to the neighborhood, and who have not led the sort of disciplined lives that enable them to become property owners, do not have the sort of values that permit one to engage with them in serious, consequential ways. (Here, he shifted his gaze from the woman to the author.) And that, he said, was especially true of her tenant, whom he described as threatening and potentially violent. As he related it, his history with the younger man was limited to a single contentious episode on a recent occasion over a parking space. The householder said, he had requested mediation because the young man had asserted control over the parking space that day by acting in a menacing way, and ultimately by physically threatening him. He went on to describe the incident, and the young man's menace and threats at length. He concluded by saying that he was concerned for his safety going forward.

When offered opportunities to speak, none of the other people chose to do so. It seemed both women felt themselves to be adjunct to the conflict; the young man, who had remained slumped in his seat with his arms crossed throughout, also declined to speak, saying, "I'll just listen."

Given the floor, the older man, still exclusively addressing the mediator and referring to the younger man as *he* or *him,* elaborated his description of the younger man's behavior and his assessment of the younger man's menacing character. He again stressed his concern for his safety in the future. The author reflected the older man's narrative, and again checked in with the younger man as to whether he wished to speak or remain in a stance of listening. The younger man again said that he preferred to just listen. This cycle repeated itself several times. Throughout, the young man's posture and affect never changed. He remained slumped in his chair, his weight against the back of the chair, his arms crossed.

He did finally speak. In the wake of yet another negative critique by the older man, without changing his posture or affect, which seemed both sullen and defensive, he addressed the mediator: "He doesn't have to worry about me. It's not as if I'm holding on to this and am going to come at him one day." His voice was sour and seemed full of resentment. The author reflected his statement word for word but added what he had communicated through behavior and tone of voice: "Your saying, he doesn't have to worry about you. It's not as if you're holding on to this and are going to come at him one day. . . But you resent being described as dangerous."

In the wake of the author's statement the young man's bearing changed. He straightened his spine bringing himself upright so that his posture was erect. Then he leaned forward a bit as he again addressed the author, "Can I say something to you?" The author understood that the young man wanted to address him as person, not mediator, and had asked permission to do so. The author replied, "I'm here," meaning, "I'm present and available." The young man said, "When people like you look at me, they don't see me. *He's* (referring to the older man) doing that, but *he* ought to know better. So you got it exactly right. He doesn't have to worry about me, but it ain't like he and I are ever going to sit down and have coffee."

After several seconds, the older man ended the pause that followed by speaking *to* (rather than about) the young man for the first time: "Do you want to?" [get coffee] He continued, "If I have him - here he corrected himself and again spoke directly to the young man – if I have you wrong, I need to apologize. But in any case, I feel a need to talk."

The two men ended the mediation a few minutes later and left to get coffee in a nearby coffee house.

The older man's changed sense of the younger man fulfilled one of mediation's cardinal expectations: antagonists, even as they dispute, have the capacity to experience one another anew, and so to respond to one another in more humane ways. But to elicit such shifts in perception and experience one must be present. It seems that having his unspoken expression given voice paved the way for the young man to escape the carapace of defensiveness with which he had surrounded himself and, in the words of a colleague, *to bring himself forward.* Here, with dramatic impact.

E. Benefits parties can derive from enhanced reflections:

Enhanced reflections derive much of their power to assist disputants from the same source as do standard reflections (cf. Bush & Folger, 2010b; Cleven & Saul, 2024; Simon & West, 2022; Kimsey et al., 2005). They support increased clarity, and so they can open doors in parties' experience and their thinking. As do standard reflections, enhanced reflections achieve that support of speakers by giving them like opportunities to *walk alongside* their own thinking, and consequently *to see* their thoughts better. Enhanced clarity permits speakers to see and experience their thinking more fully, and so to make decisions and to act based on superior comprehension. And as do other reflections, enhanced reflections can open paths for speakers to assert themselves in purposeful ways when they have been daunted or inhibited.

The benefits of enhanced reflections extend to listening parties as well. They provide them space for *private, sequestered cognition,* in the same ways that standard reflections

do. Listeners can hear speakers' thoughts from a less provocative voice, that of their mediators, and can do so without pressure from the mediator or the speaker to formulate responses.

Thus, enhanced reflections *extend* the benefits reflections confer into moments of *"significant emotional content,"* in which meaning – as Mehrabian has demonstrated - is expressed, not through *saying*, but through *doing*. Disputants experience emotion and behave in emotional ways in moments of intensity. Their interactions (and their internal responses) are made intense when something that is vital to them, be it an issue, a stance, a perspective, or anything else, is at stake or is implicated in some way -- The authors, as do other mediators, believe that one of the things that makes conflict experientially harsh is that when in conflict one's very sense of oneself, one's identity, as it were, can be challenged and compromised.

This is all to say that moments in parties' interactions when their discourse is imbued with emotion matter greatly to parties and to their attempts to express and process their differences. Consequently, those moments should matter greatly to mediators as well. Enhanced reflections can be of crucial value because they give mediators an added ability to serve parties when something vital to the parties is on the line and, for them, chips are down.

And enhanced reflections, by their very nature, bring meaning into alignment with language. They remove incongruences by uniting speakers' meaning with spoken words; and in doing so, enhanced reflections promote a higher order of *knowing* by both speaking and listening parties that is sharper and more immediate because it is rooted in a *constructed* mode of communication.

F. Potential Hazards of Enhanced Reflections:

However, there are risks associated with incorporating parties' behaviors into reflections by representing those behaviors in words. For one, it is far easier for mediators to misconstrue parties' meaning when we take them past their spoken words by including what they have not said in the reflections we do. And just as good reflections have the power to open doors for parties, reflections that badly miss the mark can capture parties' focus, precipitate their engagement with distortions, and in doing so shut off avenues to refined insight. Inaccuracy is not without consequences.

Consider the following example:
One of the authors remembers well the grimace that momentarily contorted a party's face during a mediation conducted long ago. That party had described the episode of being summoned into his boss's office to be given a letter of warning, the first step in a process that could eventuate in his dismissal. As he described the incident, he seemed to shrink into his chair. His voice dropped and his speech became hesitant, his manner guarded, and seemingly fearful. It seemed evident that he was experiencing anew the immediate impact of the event, which had taken place several weeks prior to mediation. But, at no point in that lengthy description of the incident did he make mention of psychological or emotional impacts.

When the author reflected the party's description of the incident he ended his reflection with the phrase, "this was frightening." It was here that the party grimaced. That moment has stayed with the author. In thinking back on his intervention and its effect on the party, he has concluded that the adverse impact of that enhanced reflection did not result from inaccuracy -– it would have been easy for the party to verbally rebuff an inaccurate reflection rather than absorbing it without comment, which was the case. Rather, the reflection did capture the party's fear, but in doing so, it made manifest a vulnerability that he did not wish to expose. In sum, by going beneath the party's spoken words the author contravened the party's intentions and so his exercise of self-determination rather than supporting them.

But the consequences that can flow from inaccuracy may be mild in comparison with those that can result when mediators take parties past boundaries of expression that are set by their intentions. Parties may indicate a thought or a feeling through facial expression, gesture, or tone of voice without intending that what they have intimated become reified by the voice of their mediator. Reflections act as amplifiers. They make moments in parties' discourse more clear and more present. They are like skywriting.

Thus, the practice of recapitulating parties' behaviors as words can have the effect of exposing parties not only to their counterparts in conflict, but to *themselves.* By giving voice to sentiments parties may have expressed without full conscious intent, we can precipitate insights that those parties are not able to absorb and process without distress. Here, accuracy can act as a destructive laser.

There is yet another potential pitfall to incorporating behaviors into reflections having to do with *our* intentions as mediators. Good reflections are intended to foster and undergird acts of decision making by parties. Because sound decision making requires that the knowledge or understanding on which it is based ring true, reflections stress verisimilitude over any alterations or distortions to parties' expression, including changes that are designed to promote movement towards such goals as better communication or resolution (Bush & Folger, 2010a). In that sense, sound reflections are neither tactical nor strategic. They leave decisions that will influence the course of mediation solely at the discretion of parties and their exercise of agency. Maintaining a stance that at once supports party agency but abjures trying to steer the course its exercise sets is always challenging. But the ability to hold that stance is further tested when we transcend the boundaries set by parties' words, as we must when we recapitulate behaviors and take parties beyond thoughts they have actually voiced.

G. **Possible impairments from excluding behavior from reflections:**

The authors have described the benefits that accrue from the practice of capturing behaviors in reflections as expanding opportunities for parties to move forward, with better access to their own thinking and with better command of their abilities to assert themselves. And we have suggested that failure to capture and incorporate behaviors in reflections can deprive parties of these opportunities. However, the consequences to parties that result from employing reflections that fail to capture behavior may extend beyond mere loss of opportunity. When parties concentrate meaning in behavior, the words they employ are leeched of meaning. If those empty words become the totality of what is captured in our reflections meaning will not only be lost, it will often be rendered false as it is conveyed back to the speaker. Hence, when parties' interaction has entered moments of *significant emotional content,* reflecting their words alone can warp what they have expressed in the same way that meaning is twisted when we remake parties' language in the form of reframes to promote aims such as resolution or "better communication."

This is precisely the sort of distortion that would have resulted had the author who mediated the neighbors' case reflected only the young man's words when he first expressed himself. The reflection the young man was offered, which did fully capture his expression, was of service to him because it supported his ability to gather himself and exert agency. A reflection that employed only his words, and in doing so denied – indeed, flat out countered - the meaning he did manage to assert (albeit in a strangled way) would almost certainly have had the opposite effect, leaving him further embedded in sullenness and immobility.

The young man's statement marked his initial effort to actively inform the conversation after a protracted period of outward stasis. As such, it was a manifestation of significant movement by him, highly appropriate for reflection by his mediator. Because there were incongruences between what he said and what he expressed, in formulating a reflection, his mediator went past his spoken words in order to present him with a constructive opportunity rather than an impediment.

H. Some guides for mitigating risks

The four examples of enhanced reflections described earlier differ in their degrees of ambition.

The first reflection – *Even as you hear this you're reacting* – cites the woman's behavior as she listened but does not delve beneath her actions to touch on what might be causing those actions, nor does it touch on the felt impacts of those causes. And it cites her actions without attempting to identify or give a name to that behavior. It can be done without inference or interpretation on the part of the mediator.

The second reflection - *Just sitting with this requires discipline* – is both similar and distinct from the first. It too stays on the surface in that it attempts only to touch on and reflect behavior, not what may be driving it. But, unlike the first reflection, which merely notes the other woman's actions, this reflection identifies the sum of this woman's discordant actions by defining it as *discipline.* In effect, it gives a name to her behavior. Naming something that has not been articulated by a party requires the additional act of *interpretation* on the part of the mediator. Interpretation carries an element of risk to both

accuracy and regard for the boundaries of party intent. Yet here risk seems minimal because the woman's exertion of discipline is easily inferred from her actions.

Another example of behavior that can be readily interpreted and translated into words without much risk frequently occurs in mediation: *Hannah has been addressing Peter at length. At one point, while still speaking, she leans forward, and her voice intensifies. She points a finger and moves it up and down for emphasis as she speaks to Peter.*

Instead of merely reflecting Hannah's words our mediator could amplify and lend immediacy to her statement by inserting in their reflection a phrase that captures her actions and the intentions driving those actions: *And Hannah, you're really wanting Peter to get/see/know* followed by the reflection of her words.

The third and fourth reflections are riskier than the first two because both go beneath the surface of observable party behavior, in one case to capture what has been signaled by the behavior, and in the other to touch on and report what is causing the behavior.

The reflection of the wife's statement, ("Oh, fuck it, let's move on.") --------*, for you something is being lost,* is certainly informed by the wife's observable deflation. Yet the reflection does not cite that loss of forcefulness, nor does it attempt to describe it. Rather, it goes beneath observable behavior and aims to identify and name the felt experience of her transition from angry advocacy to resigned despair. So, this reflection seeks to touch the wife's inner state, which has been made manifest through her [change in] behavior. The reflection's very power is achieved by that depth. But doing it requires a greater degree of inference and interpretation on the part of the mediator. The greater reliance on inference creates a greater possibility of both inaccuracy and the transgression of the wife's intentionality. In sum, this reflection's power and the degree of risk invoked by doing it seem to be inextricably linked.

The fourth reflection . . . . *but you resent being described as dangerous* demands an even greater degree of inference by the mediator. As does the reflection of the wife, it goes beneath behavior to touch an inner state *(The experience of loss* or a proximate feeling in her case, *resentment* or a like feeling here*)* that has become manifest through behavior. But here reflection goes further still because it identifies and names what has *caused* the inner state of resentment – *being described as dangerous.* To name what was causal the author relied on *context* – although the older man had not used the word *dangerous,* his lengthy and repeated narrative concerning the young man described him in just that way, and it wasn't too great a stretch to assume that it was that persistent narrative to which the young man was reacting.

This last reflection also seemed to have a powerful and liberating effect, not so much as a supportive platform for greater clarity, but as an opening through which the young man martialed himself and moved forward with assurance and purpose. Nonetheless, naming context *(dangerous)* and then designating it as responsible for the young man's inner state *(resentfulness)* requires yet a greater degree of inference and interpretation by the mediator. Thus, as was the case with the wife, the degree of risk and the power of the reflection are commensurate, and both are tied to the reflections' attempts to name driving forces beneath parties' observable behaviors.

These examples of enhanced reflections suggest that there are identifiable gradations in the reach to which enhanced reflections may be applied. They range from (1) citing observable behaviors, *Even as you hear this you're reacting,* through (2) the naming of observable behaviors, *And Hannah, you want Peter to see,* and *Just sitting with this requires discipline* to (3) employing the skills of inference and interpretation to cite or to name internal forces that have been engaged and are driving observable behaviors, *For you, something is being lost, You resent being described as dangerous*. When enhanced reflections with this sort of deep aim are apt in that they do support parties' capacities to open doors in thinking and in acting, the shifts in perception and behavior that result can play out with dramatic and startling effects. Parties can make powerful use of these reflections. But applying inference and interpretation to the business of translating parties' behaviors into words attaches to that business a greater risk of doing harm to one's own enterprise certainly, but more consequently, to the solidity of the people we work with.

Mehrabian conducted his study and published his findings long before the advent of electronic communication. The authors' thinking on the subject of illuminating expression by capturing parties' behaviors in reflections is rooted in experience that, for the most part, preceded the phenomenon of electronic mediation.

In recent years the phrase face-to-face has acquired an elasticity of meaning so as to include interactions between people who are at once electronically in one another's presence yet physically remote. Of the four cases which the authors used to illustrate the use of enhanced reflections, only the first (employee listening to criticisms from her boss) took place in an electronic "setting." In that case, each of the two parties, as well as the mediator, were in separate locations, so no two people shared the same physical space.

Many people, both mediators and others who had broad occasion to work solely through electronic means during the pandemic, were startled when they renewed the practice of meeting with others in the same physical space. They found a vividness to the experience of interacting and a depth to their understanding of others that they realized had suffered during the long months of communicating exclusively by electronic means.

An acquaintance of one of the authors, who interviews prospective hires in an academic setting, likened the return to the traditional method of interviewing as "being handed a bouquet after being shown a picture of flowers." Mediators with whom the authors have spoken describe a like sense that the richness of interaction and their capacities to read it are dimmed when conducting electronic mediations.

The effects of remote direct communication through electronic media have not, to the authors' knowledge, been studied or assessed in anything like a systematic way, certainly not within the mediation field. Yet it must be assumed that physical separation has some impact on parties' impulses to express meaning through behavior and on the effects those silent messages have on others who are "present", including their mediators. However, to this point, the nature and degree of change that physical separation exerts on both parties' interactions and on mediators' ability to read and respond to those interactions is not known.

V. Distillation of our Findings: Informal survey of current state of use of enhanced reflection among mediators:

Through the course of our research, the authors spoke to twelve practicing mediators about how they use reflection. These mediators identified mostly as transformative or facilitative. A few eschewed any label, but said their practices incorporated, at minimum, aspects of transformative and facilitative mediation. The mediators were based in North America and Europe.

Every mediator we spoke to uses reflection as a fundamental part of their practice. One mediator described it as "the most important part of the process," while others said it was "at the forefront of what we do as mediators," and "fundamental." Several mediators shared that reflection was the most common intervention they used in mediation. Many of the mediators used reflection in response to similar triggers. The mediators discussed emotion, intensity of conversation, violent or heightened language, repetition and pauses as indications that a reflection may be warranted. All of the mediators said reflections gave parties a chance to be heard. Many also said it was an opportunity to provide clarity for the parties, and for them to feel more comfortable and open. Several mediators also gave reasons for reflections that had had to do with their own relationships with the parties. For one mediator, reflection is an opportunity to understand a party she might not have initially connected with. Similarly, another said it was a chance for rapport building. A few said it was a chance for parties to see that the mediator was listening and invested in the process.

While all mediators, regardless of approach, shared similar attitudes about the importance of reflection, and its role in supporting parties, there were some differences in what reflections should capture. Every mediator believed that reflection should capture parties' words. Some mediators said that a reflection should be a "play-by-play" of what was said, while others paraphrased. One mediator said she focused on getting the words that had the most "oomph."

In terms of reflecting beyond words or engaging in "advanced reflections," all mediators agreed that it was important to capture tone in a reflection. For some mediators that meant attempting to match parties' tones. Others wouldn't strive to match the parties, but attempt to "align with the tone" or intensify their own manner of speaking to reflect a party's tonal intensity.

The further reflection strayed from being a human mirror, the more disagreement there was among mediators in terms of appropriate usage. This split largely happened along modality lines. Although most mediators used expanded reflections with some regularity, the transformative mediators we spoke to were less likely to use it as a default and saw it as riskier. For example, most mediators felt comfortable including a surface level description of a behavior. One mediator gave as an example "You are wiggling." Several said they might comment on body language or point out gestures they see parties using. In addition to mentioning behavior and body movements, mediators might try to physically reflect what they see parties doing with their bodies. For example, one mediator said he might align his posture to match the posture of the speaking party.

However, there was some disagreement about whether mediators should "name" an emotion that hasn't been said. For example, if a party's words, body language, and tone all suggest anger or betrayal, but they don't say those words, a mediator who names the party as feeling betrayed as part of a reflection would be stepping farther than has been historically thought of as part of the process. Some mediators name emotion as a regular part of their reflecting. One facilitative mediator said she starts most reflections by labeling the emotions she's seen the parties express as a way to provide structure. Another agreed, saying that she

always names emotions unless there is a chance it will make a party feel vulnerable or exposed. One transformative mediator said it was crucial to name emotions, because emotions "hang out" in the room until they are named. Another noted that sometimes when an emotion isn't named, a party may not be heard. She recalled watching a mediator studiously reflect a party saying the same thing over and over again. Only when the mediator named an emotion that hadn't been said did the party feel heard and move on to other topics.

A few mediators said that they sometimes name emotion, but only in certain situations. One transformative mediator said that she names emotions when she senses it will provide clarity to the party speaking, but that she'll hesitate in situations where it seems as though the parties are unused to or unfamiliar with naming how they feel. Another mediator said that they would name the emotion in situations where a party's words and tone or body language don't match up, or if they saw that a party was continuing to feel unheard by a standard reflection and needed something deeper. The minority of mediators, all of whom were transformative, named emotions sparingly or not at all. One mediator explained that at times when they might be prompted to name an emotion that hasn't been said, they instead engage in a check-in. This allows them to acknowledge that there is some disconnect, while still letting the party decide what gets said.

When asked what triggered enhanced reflections, many mediators acknowledged that it was an intuitive process. They knew they used the intervention, but couldn't always parse when they used it. Similarly, while most agreed that enhanced reflection entails risks, none engaged in a risk analysis prior to offering an enhanced reflection.

The mediators were largely in agreement about the benefits of enhanced reflection. Many said that the benefits of reflection are augmented by an enhanced reflection. Enhanced reflections could potentially offer more opportunities for clarity and further support parties in opening doors. Some mediators went further to say that a standard reflection that doesn't include aspects of what's been unsaid, does not fully fulfill the role of a reflection.

The mediators were less aligned on the inherent riskiness of enhanced reflection. Some felt there was very little risk. One facilitative mediator said that if she makes an inference and gets it right, then the party feels heard and is stronger. If she gets it wrong, there is the opportunity for the party to correct and clarify. She feels that if she inferred something, it is very possible that the other party did too, so it is important to give that opportunity for the reflected party to have the chance to affirm or clarify. Another mediator said she sees no risk to using enhanced reflections, because as long as a mediator reflects in a way that indicates a lack of judgement or certainty, a party will feel okay either acknowledging or correcting the mediator.

Other mediators saw a risk of "smoking a party out" when using an enhanced reflection, naming an emotion, or inferring something that wasn't directly said. One mediator thought that using enhanced reflections could cause parties to get confused and sidetracked from what they themselves want to talk about, which could minimize self-determination. A few mediators said they wouldn't use an enhanced reflection when they sensed that using one might leave a party more vulnerable than they intended.

Some mediators, largely transformative, expressed concern with overstepping their training and understanding. Since mediators are largely not trained mental health professors, or psychological experts, they worried about the porous border between mediation and therapy. One mediator expressed that naming and inferring emotions, and gauging whether

an enhanced reflection will leave someone too vulnerable, are too close as interventions to psychological inquiry.

One mediator pointed out that all interventions have risks, and the risks that a mediator worries about elsewhere in the mediation- that a party will walk out, that the mediator will appear or actually be biased, are all risks when it comes to enhanced reflection as well. "That's not a reason not to do it though," they concluded. Other mediators agreed. Most of the ones who expressed risks, felt that it was worth it to engage in enhanced reflections anyway. Several mediators indicated that they didn't do any kind of risk analysis when deciding whether to do an enhanced reflection. Rather they used an intuitive sense.

VI. Conclusion

Enhanced reflections capture a wide spectrum of mediator interventions. An enhanced reflection can be as surface level as addressing a behavior or as "deep" as inferring an unsaid want or emotional state.

The authors' experiences in the field and interviews for this article support the assertion that mediators, both facilitative and transformative, use enhanced reflection with some regularity. All mediators we spoke to reflect tone as a normal part of their practice and the vast majority also reflect behavior. Most of the mediators also name emotion routinely during reflections.

Despite possible shortcomings in Mehrabian's work, there can be little doubt that much of what we communicate to one another is conveyed through means beyond the words we use, namely quality of voice, facial expression, and gesture; and the gap between words and meaning becomes significantly accentuated when we are experiencing and expressing emotion. Expanding reflections to capture and report parties' behaviors can be a powerful and salutary addition to the repertoire of interventions. Its use enables mediators to better extend opportunities for enhanced clarity and connection with purpose to parties. That is particularly so when parties enter turbulent moments as they grapple with differences and choices. The benefits to parties at those times may be especially consequential because it seems likely that, in many instances, parties are less consciously aware of what they express through behavior than that which they express through words.

Yet, it seems that the inhibitions of some of the transformative practitioners we spoke to regarding the use of enhanced reflections are not groundless. Used audaciously, these reflections achieve their power by making manifest cognitive and emotional forces parties have not themselves voiced. Even when the reflection is accurate, that power carries a transgressive potential to expose and to undermine parties by taking them past where they wish to be. Thus, in moments they are tempted to amplify parties' communications by incorporating behaviors into reflections, mediators should have a cautionary voice in their own consciousness, mindful of the potential to do harm.

Enhanced reflection is widely used, and yet rarely addressed in mediation training, academic writing, and informal conversations in the field. Is it a completely new intervention, or a type of reflection that is widely practiced even if not discussed. Given its complexity and potential to benefit and harm the process, the way we as mediators treat enhanced reflection needs to change. Enhanced reflection should be treated the same as other interventions like standard reflections and summaries. Mediators should consider the

"why" and consider their ultimate goal before offering an enhanced reflection. For a transformative mediator that may mean analyzing whether an enhanced reflection would support party self-determination. For all mediators it would involve weighing the risk.

This necessarily entails that mediation trainings incorporate enhanced reflection. The authors both agree that enhanced reflection is too difficult and nebulous for beginning mediators. However, enhanced mediation can be a part of advanced trainings and apprenticeships where trainees are more comfortable with standard reflections and the mediation process overall.

For already practicing mediators, there needs to be more discussion about the role of enhanced reflection. Mediators should share their own experiences and best practices when it comes to the benefits and pitfalls of enhanced reflection.

With full understanding of the intervention Many mediators may, as a considered decision, choose to not employ enhanced reflections in their work. Others may choose to limit risk by limiting the scope to which they apply enhanced reflections. That is to say, by citing behaviors, but not attempting to name a thought or feeling that is causing a behavior. Still others may wish to explore - with hope, in thoughtful and considered ways - the full potential of enhanced reflections to serve parties.

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Navigating the Summaries in Transformative Mediation

Robin Brzobohatý, Klára Brožovičová, Martina Cirbusová

Introduction

The summary has a unique position among other interventions in transformative mediation. In contrast to a reflection, it is focused on both parties and requires the mediator to employ seemingly unusual principles for transformative practice - it requires them to change and shape particular segments of the conversation in order to make it more transparent and more visible to the parties what they are discussing. Consequently, the mediator makes the thematic structure more transparent for the parties. However, making something more transparent means simplifying it to a certain extent (e.g., in terms of thematic richness) or rearranging it (some topics are "logically" linked to each other, although they appear in different places in the conversation). The mediator's job is not just a mechanical repetition of the topics mentioned above. His essential task is to identify the keywords that the parties use and consider important in the interview. The essential skill of a mediator is to identify key themes and to name them.

The purpose of summarizing in mediation is to be a thematic replay of the "subjects of discussion" that have emerged and to help parties be more oriented in the dispute. The mediator's first task is therefore to familiarize themselves with what constitutes the Theme in the conversation between the parties. To this end, we are exploring the potential of using the Functional Linguistic Lens, which provides mediators with an analytical tool that distinguishes between Theme (what is being discussed) and Rheme (what is being said about it).

We used two audio-visual recordings, "What the parents know" and "Contractors´ contract," for the analysis. For qualitative analysis, Atlas.ti software was used to analyze textual and other "soft" data. The aim was to create visual insights into the use of individual keywords and their identification in the text. For this purpose, examples of mediation have been overwritten, and text versions of mediation have been created from the videotapes. As a tool for the analysis, we choose the encoding (identifying) keywords and topics. As a result of our research, we discovered four different but mutually combinable types of summary intervention, along with some patterns in the grouping of particular issues into thematic families. The analysis further illuminates practical challenges in forming summaries and introduces a “2WH” (Why/When/How) framework to understand *why* mediators summarize (e.g. to foster empowerment and recognition), *when* they choose to intervene with a summary, and *how* summaries can be constructively structured. These insights enhance both conceptual clarity and practical guidance for transformative mediation practitioners and scholars.

Definition of the Summary

Transformative mediation scholarship emphasizes that summaries are a key means for mediators to support parties during difficult conversations. Summarizing is distinct from simple reflection: whereas reflections typically mirror each party’s statement back to that party, summaries are *addressed to both parties* and encapsulate larger “chunks” of the dialogue (Bush & Folger, 2005, 2010b; ISCT, 2010; Kimsey et al., 2005). Once the parties start talking directly with each other, a summary often becomes a preferable response over individual reflections,

especially after a long exchange or at a natural break point when parties seem unsure where to go next (Bush & Folger, 2010b). A well-timed summary provides a joint review of what the parties have been discussing and what each has been saying, helping them remember the ground covered and make more informed choices about what to address moving forward.

In the transformative framework, summaries relate to the goals of **empowerment** and **recognition**. A skillful summary can clarify the "fog of details" in the conflict conversation, enabling parties to see a larger, coherent picture and thus make empowered choices. At the same time, by highlighting differences in how each party views the situation, summaries create opportunities for parties to appreciate each other's perspectives – a catalyst for recognition shifts (ISCT, 2010). In fact, a summary is considered a useful tool for fostering empowerment and recognition when it underscores the differences between the parties and the choices those differences entail (Bush & Folger, 2010a, 2010b). Unlike a "serial" reflection that merely reiterates each side's statements in sequence (we will describe serial reflection in more detail later in the section Identification of the summaries), a summary distills a unifying thematic essence from the dialogue; it does not drop any issues (even intangible ones) or soften what was said, and it avoids inserting the mediator's own agenda. A proper summary includes the content of the parties. The mediator does not selectively omit or alter issues and is *transparent* in their delivery, often prefacing it with a meta-comment indicating that the mediator is about to summarize (Bush & Folger, 2010b; ISCT, 2010).

2WH approach for correct summarizing

The mediator's task during summary is to extract and articulate the core *theme* of the parties' messages (the higher-order topic that each party is addressing) while stripping away the excess rheme (the illustrative details or narrative specifics). By identifying the topical essence behind the parties' words, the mediator can name shared or related issues that might be buried in lengthy exchanges. The most common question novice mediators ask is precisely how to perform this distillation: "How should I know what is important – what is the 'topic behind' what each party is saying – and how do I name it?" Many beginner mediators report feeling "lost" during complex discussions and worry about how to **give structure** to their summaries so that they help parties orient themselves rather than causing more confusion. They also struggle with decisions like *when* is the "right time" to summarize, *where to start* the recap, whether it must cover topics chronologically, and whether to include topics on which parties already agree. In practice, mediators describe numerous challenges in making a good summary: for example, deciding whether to summarize one topic or multiple topics ("one topic summary" vs. "global summary"), being precise and to-the-point without losing important content, finding the underlying "topic behind" the details, and knowing what to do if a party interrupts before the summary is finished. These varied challenges highlight that summarizing is a complex, active intervention. Offering a good summary can be difficult, as the mediator must recall and describe the entire range of ground covered.

To address these difficulties, two of the authors of this chapter (Brzobohatý and Cirbusová) have proposed a practical decision-making tool known as the **"2WH" approach**, which centers on three fundamental questions: **Why, When, and How** to summarize. In essence, *Why* pertains to the mediator's purpose in summarizing (e.g., to support empowerment by clarifying the conversation or to encourage recognition by illuminating differing viewpoints) (ISCT, 2010, p. 50). *When* pertains to the timing. Mediators are advised to summarize at junctures such as when parties seem stuck, when numerous topics have accumulated on the table, when the discussion is looping repetitively, or when reaching a natural break or the end of a session. Our analysis

(later in this article) will show that another reliable cue for "when" to summarize is the appearance of either explicit agreement or clear disagreement between the parties on an issue. *How* refers to the manner of building the summary. Effective summaries are typically **organized by themes** rather than chronologically, begin with a transparent **metacomment** (e.g. the mediator saying "Let me summarize what we've covered…" to signal the shift), and are delivered in an even-handed tone that includes all sides without adding mediator judgment. A technique taught to mediators is to visualize "**bubbles with legs.**" Each main theme of the conversation can be thought of as a central bubble, and the specific points or subtopics raised by parties are the legs attached to that bubble. This metaphor underscores that a summary should identify a unifying topic (the bubble) and connect all relevant sub-issues or perspectives (the legs) under that topic, thus providing structure. In transformative practice, the mediator also **returns control to the parties** after summarizing, typically by asking an open-ended check-in question, such as "Where would you like to go from here?" rather than imposing a next agenda (Bush & Folger, 2010b; Kimsey et al., 2005).

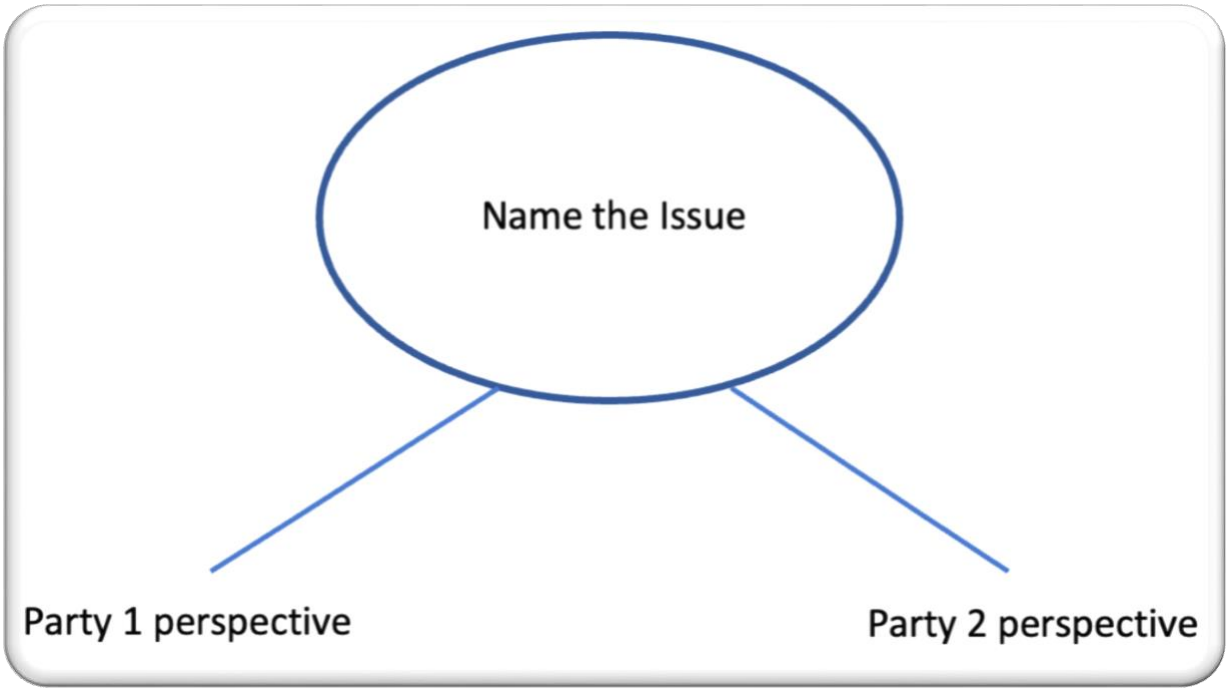

Figure 4: Bubble with legs

Functional linguistic lens

Summarizing has been officially defined as the mediator "*condensing a series of things the parties have said or events that have happened into essential points"* (ISCT, 2010, p. 42). The challenge for the mediator is determining what is "essential." A helpful lens comes from functional linguistics, specifically the concepts of Theme and Rheme. In functional grammar, any clause can be analyzed in terms of its Theme (what the clause is about) and its Rheme (what the speaker says about that Theme). In the Prague School tradition, the Theme serves as the point of departure or foundation of the message, orienting the listener to the topic, while the Rheme provides the new information or details about that topic (Daneš, 1974; Halliday & Matthiessen, 2004). In other words, the Theme is essentially the topical subject matter of an utterance, and the Rheme is the commentary or descriptive content added about that subject.

In English, typically, the Theme appears at the beginning of a clause and often contains given or previously known information, setting up a framework for interpreting the Rheme that follows (Fries, 2002; Halliday & Matthiessen, 2004). Although English is canonically an S-V-O language (Subject–Verb–Object), so the Theme is most often realized by the nominal Subject in clause-initial position, this pattern is far from universal (Dryer & Martin Haspelmath, 2013). German shifts the finite verb to the second slot in main clauses and pushes it to the end in subordinates (Haider, 2010); French keeps a rigid S-V-O order but rarely drops subjects (Rowlett, 2007); Czech exploits rich case morphology to scramble constituents for pragmatic effect (Sgall et al., 1986); and pro-drop Romance languages such as Italian and Spanish allow Subject omission and flexible re-ordering for focus (Ledgeway, 2012). Consequently, the Theme–Rheme distinction maps neatly onto surface position only in some languages. Readers, therefore, need to consult the functional grammar of each language before assuming that "Theme first, Rheme second" will hold, or that Theme is necessarily identical with the grammatical Subject.

Linguist František Daneš (1974) further noted that Themes can be linked across successive sentences in patterns of *thematic progression*, creating a coherent flow of topics through a discourse (see also Downing Rothwell, 2001). By providing this structure of Theme–Rheme within and across statements, language offers a built-in mechanism for organizing information. Mediators can utilize such mechanisms when formulating summaries.

Applying the Theme–Rheme lens to mediation dialogue, the mediator's challenge of deciding "what is essential" (ISCT, 2010) can be reframed as identifying the *Theme* underlying each party's remarks and separating it from the ancillary *Rheme* details. Each time a party speaks at length, they typically introduce one or more Themes (key issues or topics they are focusing on) and elaborate on them with Rheme information (specific examples, explanations, feelings, etc.). For a mediator engaged in summarizing, the task is to extract and articulate these core Themes, the higher-order topics that each party is really talking about, while stripping away the excess Rheme, i.e. the illustrative details or narrative specifics that, while important to the speaker, may not be necessary for an overview (cf. Halliday & Matthiessen, 2004, p.64). In practical terms, this means listening to a sometimes lengthy or emotional exchange and homing in on the "topic behind" each party's statements. For example, one parent in a mediation might give a long account of an incident at home (Rheme), but the underlying Theme could be *trust* or *parental responsibility*. Similarly, the other parent might share a detailed story about missed communications (Rheme), pointing to a Theme of *feeling left out of decision-making*. The mediator's summary would name those Themes – trust, responsibility, inclusion in decisions – without recounting every detail of the incidents described. By doing so, the mediator condenses the content into essential points that both parties recognize as what they *meant* to talk about, even if they used different stories or words to convey it.

To say that searching for Theme means recognizing "what they meant to talk about" may seem to contradict the requirements of the transformative approach. For example, the training manual urges that "Summary [...] should use parties' language where possible, and subjects should not be omitted, edited, or prioritized for the parties." (ISCT, 2010, p. 48) On the other hand, however, it clearly recognizes that the summary "is not a literal 'reflection' of everything said" and should "help the parties to 'part the fog' of details and see the 'big picture' of their conflict conversation." (ISCT, 2010, pp. 48, 50). It is thus clear that during the summarizing process, the mediator must intervene in the content of the conversation and decide which parts of the communication are key for the parties based on the context of the conversation so far. Bush & Folger (2010b, p. 37) refer to this as Profound Listening, which is a type of listening that has

"no other goal in mind except to hear what is being said and to be fully present to the person speaking." We believe that hearing what is being said in the context of summarizing a longer section of conversation means, among other things, trying to identify the Theme. This claim is supported by the example used by Bush and Folger (2010b, pp. 41-43) when they demonstrate a summary of the conversation between Williams and Harris about the Grand Street store. There are two themes formulated by the mediator in the summary: "the importance of what each of you has put into the business" and "how to see it today, especially the home store on Grant Street, and what it represents to you." Using the metaphor of a bubble with legs, the mediator clearly used his own formulation of Theme as the bubble, while Rheme was partially used to formulate its legs. If mediators and other transformative practitioners strictly adhered to the rule that they must not alter the conversation when summarizing, they would often be unable to use the summary at all, because the parties often do not use the same words and terms, even though it is clear from the context of the conversation that they are talking about the same thing. The task of the transformative practitioner in summarizing must therefore often be the ability to listen profoundly to both sides and then offer a comprehensible overview of their conversation, despite their different vocabulary or conceptualization. Similarly, it is necessary to deal with the criticism that it is not possible to focus on finding a Theme when summarizing, because the transformative practitioner's attention must be focused on the interactions, not the content of the conversation - "listening to how the parties are talking rather than to what they are talking about" (Bush & Folger, 2010b, p. 37). This is a certain paradox of transformative theory, because it is based on the axiom that the process cannot be separated from the result, which is a criticism of the widespread belief among facilitative mediators that they are responsible for the process, while the parties are responsible for the result. Bush and Folger thus opposed mediators' exclusive focus on problem solving instead of paying attention to interaction, which often led to the modification of the parties' statements through neutralization or reframing. However, paying attention to what the parties are talking about is not the same as focusing on the problem, and searching for a theme is not the same type of intervention as reframing. The aforementioned axiom of transformative theory inevitably applies in its mirror consequences as well. It is impossible to focus on the crisis of interaction without paying attention to how this crisis manifests itself in the substance of the conversation—that is, in what words the parties use, how they use them, and in what context. For the sake of completeness (even though we can't develop this idea further in this chapter), let us add that we are building this claim on Charles Taylor's concept of constitutive theory of language, which is based on the belief that human life is defined and formed by language and in language (Taylor, 2016).

Viewing summarization through this Theme–Rheme framework clarifies why summarizing is such a vital skill in transformative mediation. It directly addresses the common question from novice mediators: *"How do I know what is important – what is the 'topic behind' what each party is saying – and how do I name it?"*. Functional grammar offers a concrete criterion: the *Theme* of each utterance *is* the "topic behind" the words (Daneš, 1974). Thus, if a mediator can discern the Theme that a party is emphasizing (even if embedded in a lot of Rheme detail), that Theme can be lifted into the summary as an essential point. This approach provides a systematic method for determining what to include in a summary. By contrast, the myriad Rheme details, while they give color and context to the conversation, are usually not necessary to repeat in a summary unless they are critical for understanding the Theme. Indeed, our analysis showed that experienced mediators intuitively do this filtering. They listen for recurring key words or emphatic points (which signal potential Themes) and then later encapsulate those as the focal issues, using some of the minute specifics to describe parties' perspectives on the Theme. In essence, the mediator acts almost like a linguist conducting on-the-spot discourse analysis, identifying the *thematic essence* of what each person has said. This technique helps prevent the

summary from becoming just a lengthy restatement; instead, it becomes a clear map of the main issues in play.

Another advantage of thinking in terms of Theme and Rheme is that it helps the mediator organize and cluster related issues during a summary. Parties in conflict often bring up the same Theme multiple times, from different angles and with different details, over the course of a session. For instance, *"She never consulted me about the contract"* might surface early on, and later one might hear *"I felt completely in the dark when decisions were made."* On the surface, these comments involve different stories, but they share a common Theme – say, *lack of communication* or *exclusion from decision-making*. Functional grammar's notion of *thematic progression* (Daneš, 1974) highlights that a single Theme can thread through a conversation even when broken up by other talk. A skilled mediator will recognize such a thread and use a summary to tie together those dispersed Rheme segments under one unifying Theme. In the example above, the mediator might summarize, *"A key issue I'm hearing is that both of you are concerned about communication – you, Lucy, feel decisions haven't been adequately discussed together, and you, John, didn't realize that was happening."* Here, *communication* is explicitly named as the Theme, and the mediator briefly acknowledges each side's perspective on it. By clustering scattered contributions into one thematic category, the summary makes the conversation's structure more transparent. This practice aligns with Friese's (2012) observation in discourse analysis: coding and grouping by themes reveal connections that may not be apparent in the raw chronological transcript, but become clear when viewed through a thematic lens. In mediation, the summary performs this thematizing function in real-time – it consolidates related points so that the parties can see the "bigger picture" of their discussion.

Using Theme–Rheme as an analytic lens underscores why summaries are so empowering for parties. As discourse analyst Fries (2002) noted, the Theme of a clause provides a framework for interpreting the Rheme. It helps listeners know how to understand the message that follows. Likewise, in a mediation summary, when the mediator articulates the Themes of what has been said, it provides the parties with a clearer framework to understand and reflect on all the details they themselves have exchanged. This thematic clarity cuts through what the theory calls "the fog of details" in a conflict conversation (ISCT, 2010, p. 50). By parting that fog and revealing the underlying thematic structure, summaries enable parties to see a coherent narrative in what might have felt like a chaotic discussion. Each party can more easily recognize *"Ah, this is the core of what I've been trying to say, and I hear that it's also what my counterpart has been talking about (even if we have different viewpoints on it)."* In transformative mediation terms, this is the empowerment function of summarizing – it helps participants gain clarity about their own and each other's perspectives, thus equipping them to make informed choices about what to address next (Bush & Folger, 2005; Bush & Folger, 2010b). There is also a recognition dimension: by extracting the Theme and juxtaposing both parties' contributions to that Theme, the mediator highlights how each party is engaging with the same topic, which can prompt acknowledgment of the other's perspective. In our data, we observed that summaries often immediately preceded subtle shifts in the conversation – after a well-formed summary, parties would sometimes nod, correct the mediator (showing they were actively processing the formulation), or add something new. These responses indicate that the summary succeeded in sharpening their awareness of the thematic landscape of the conflict.

We can conclude that functional grammar's Theme–Rheme construct offers a framework for mediators when summarizing. It reminds the practitioner to look for the *essence* (Theme) in each party's narrative and to use that as the building block of the summary, rather than getting lost in a sea of details. It also encourages the mediator to maintain coherence by linking related

statements under overarching Themes, much as a well-structured text maintains a line of thought. By anchoring summaries in the participants' own Themes (using their key words where possible) and avoiding the addition of any mediator-imposed agenda, the summary remains party-centered and transparent. The analysis presented in this study demonstrates that even without consciously using linguistic terminology, experienced mediators naturally tend to follow Theme–Rheme principles: they condense sprawling dialogue into thematic highlights and thereby make the conversation more navigable for the parties. For mediation trainers and practitioners, being explicitly aware of this linguistic strategy can be valuable. It offers a clear answer to what it means to capture the "important points" – essentially, it means capturing the Themes. The mediator who masters this skill is able to honor everything the parties have shared (since no major Theme is dropped or overlooked), while simultaneously simplifying and organizing the material in a way that the parties find digestible. This delicate balance of fidelity and brevity is the hallmark of an effective summary, and the Theme–Rheme framework helps illuminate how mediators achieve it.

Methodology of the research

The aim of this qualitative analysis was to elucidate how the summary mechanism in the mediation process works in practice. Following the logic of multiple qualitative case study design (Crowe et al., 2011; Yin, 2018), we deliberately selected two audio-visual recordings, *"What the parents know"* (Case A) and *"Contractors' contract"* (Case B), to enable both within-case depth and cross-case pattern comparison. These two cases were intentionally chosen for their contrasting contexts: Case A involves a family dispute (a conversation between two parents), whereas Case B involves a business dispute between partners with attorneys present (a four-party interaction). The cases thus differ in content, conversational structure, and the number of participants, factors that, in turn, influence the dynamics and course of the mediation. All conversations were transcribed verbatim with meticulous detail, preserving the original spoken form, including noting any instances of simultaneous speech. The transcription retained every detail of language and interaction order, respecting the natural dynamic of each conversation (Hepburn & Bolden, 2012; Kowal & O'Connell, 2014). Although we focused on content (what was said), having such detailed transcripts allowed us to consider context and interactional nuance in our analysis.

For qualitative analysis, Atlas.ti software, a proven tool for analyzing qualitative data, was used, particularly in the form of a text with the capability to integrate audio/video recordings. This qualitative analysis tool provides researchers with the opportunity to gain a comprehensive understanding of a substantial amount of text-based materials and identify contexts that may not be apparent when reading individual texts. Atlas.ti offers a large variety of text analysis options, the most important tool for us to encode (to tag) keywords and topics. We used the memos as a side analytical tool. The result of the analysis should be clarification and visualization of the mechanism, such as the summary used during the mediation. The third useful tool was the network view, which we applied as the next encoding procedure.

Susanne Friese (2012, p. 63) mentions the advantages of coding in Atlas.ti. Although there are options for different ways, the same results are always obtained. At the beginning, we used mostly in-vivo coding. Our coding strategy followed Saldaña's (2016) model of first-cycle in vivo coding to capture raw language, followed by higher-order pattern coding to group related issues into themes. This approach is designed to maintain fidelity to participants' vocabulary while organizing analytic categories. That technically means the text quote is currently used as the code itself and serves to collect the first support point counts in the initial steps of the

analysis (Friese, 2012, p. 73). We also explored the possibility of automatic coding, which we primarily used for keywords and their synonyms, and tracked accordingly. This procedure was automatically applied by the program itself in the initial phase of the analysis, and then we chose the method of continuous reading and identification of key topics by an analyst. The network view in ATLAS. This allowed us to map connections between mediator summary turns and preceding speech segments, making visible the sourcing of summary content across the session, which aligns with Friese's Noticing-Collecting-Thinking model (Friese, 2012).

We began the analysis with several working assumptions (A1–A4) that guided our inquiry:

A1: The Summary relies on the keywords
A2: The Mediator links separated issues into the clusters
A3: Timing – summary comes after the occurrence of the key words cross the „critical limit"
A4: There are different types of summaries

The four guiding analytical assumptions (A1–A4) functioned analogously to an analytical framework, providing a basis for purposive attention during initial coding and pattern-selection reasoning in qualitative research (Crowe et al., 2011). The analysis proceeded in **four ordered steps**:

1. step: to identify the summary
2. step: to identify particular issues
3. step: to identify the "sources" of the summary
4. step: to different types of summaries

In step 1: Identify all summary instances, we combed through each transcript to locate every segment where the mediator was offering a summary. We operationalized *summary* as any part of the mediator's speech that addressed both parties and condensed what had been discussed, incorporating elements from each party's prior statements (Bush & Folger, 2010b; ISCT, 2010). In other words, if the mediator was paraphrasing or recapitulating multiple earlier statements from both sides in a single turn of talk, we marked that as a summary intervention. We distinguished summaries from other interventions like reflections or check-in. In practice, this identification was straightforward: both mediators in our cases used summaries in a highly recognizable way. Each summary was a clear, deliberate intervention. By the end of this step, we had identified 9 unique summary interventions in Case A and 12 in Case B.

During step 2 (Identify particular issues within each summary), with all summaries marked, we examined each one to determine what specific issues or topics the mediator included in it. We realized that some summary interventions covered only a single issue, while others encompassed multiple distinct issues. We initially attempted to use keywords to delineate issues, but this proved imprecise (e.g., the same keyword could be used in different contexts). Instead, we manually identified and coded the topics mentioned in each summary by carefully reading the surrounding conversation. We compiled overview tables for each case, listing every summary and the issues it contained, as well as whether those issues had appeared in the discussion *before* that summary (and how often) or only *after* it. This step yielded a clearer picture of the density of each summary. In Case A, for example, 5 out of 9 summaries contained

multiple issues, whereas 4 were single-issue summaries. In Case B, 4 out of 12 were multi-issue summaries, and 8 were single-issue summaries.

Using the tables from Step 2, in Step 3 (Identify the "sources" of each summary), we mapped out which prior segments of the conversation fed into each summary. This meant tracing each issue mentioned in a summary back to where that issue had been discussed by the parties. By coding and linking those prior text quotes (from the parties' speech) to the mediator's summary utterance in ATLAS.ti, we could visualize in a network how each summary drew upon previous conversation pieces. This helped reveal the mediator's strategy: whether the summary was mainly built from *immediately preceding* statements (local context) or whether it integrated issues that had come up much earlier as well (global context). The network view diagrams made it easy to see these connections; for example, one summary might connect to five earlier statements scattered throughout the session, indicating a broad synthesis.

In Step 4 (Classify different types of summaries), we analyzed patterns across all summaries to see how they differed in form and function, aiming to construct a typology of summary interventions. We considered dimensions such as: Does the summary cover one issue or many? Does the mediator merely *name* the issues or also *describe* each side's position on them? Is the summary prompted by a clear party agreement or disagreement? Does it encapsulate just the recent discussion or the entire conversation so far? These questions led us to identify several categorical distinctions, which we will elaborate in the Results. In essence, by tracking when and how issues appeared in relation to summaries, we could discern if the mediator was giving an "actual" or "particular" summary of the latest segment or a "comprehensive" summary of the dialogue up to that point.

Identification of the summaries

As mentioned earlier, the summary is one of the transformative mediator's unique interventions. In contrast to a reflection, which is directed at one speaker at a time, a summary is *simultaneously* focused on both parties and involves reorganizing the content of the conversation (ISCT, 2010, p. 50). Summaries in our data were clearly identifiable: we found no difficulty demarcating them in the transcripts. We defined summaries as those parts of the mediator's speech that were addressed to everyone (both parties) and that included segments from each party's previous remarks. Both mediators used summaries in a recognizable manner and did not mix summarizing with any other intervention (such as giving advice or asking questions) in the same turn. Each summary stood out as an intentional moment where the mediator paused the free-flowing exchange and provided a thematic recap.

It is worth emphasizing how a summary differs from what one might call a "serial reflection." A *serial reflection* would be if the mediator simply reflected each party's statement one after the other – e.g., "(To A) You're saying you felt left out, (to B) and you're saying you were unaware of the issue." Such an approach, without integration, tends to produce a string of details without a unifying theme (Bush & Folger, 2010b; ISCT, 2010; Kimsey et al., 2005). It lacks structure and does little to orient the parties. In fact, it can leave them as confused as before, constituting a potential disempowering effect (Bush & Folger, 2005, 2010a). In our cases, however, the mediators' summaries were not mere serial repetitions. Each summary intervention actively unified the content: the mediator selected what was essential, framed it under a coherent theme, and presented it back to the parties as a single package. This aligns with the transformative ideal that summaries should *clarify* the fog of details rather than simply recite them. Our identification process confirmed that the mediators were indeed doing

summaries (not just reflections) because they condensed and synthesized the conversation segments, which is the hallmark of summarizing (ISCT, 2010).

After identifying all summary instances, we counted a total of 9 summaries in Case A and 12 summaries in Case B across the full sessions. These summaries then became the focus of deeper analysis in subsequent steps.

Identification of particular issues

When a summary was identified, we next examined its *internal composition*: what issues did the mediator include in that summary? We noticed an interesting variability. Some summaries encapsulated only a single issue, essentially zooming in on one topic that had been discussed. Other summaries encompassed multiple issues, stringing together two, three, or more distinct topics from the conversation. Through detailed examination, we found that in Case A, 5 summaries were single-issue and 4 were multiple-issue; in Case B, 8 were single-issue and 4 were multiple-issue . This was a somewhat unexpected observation. We often think of summaries as especially useful when the discussion has become very complex or rich with multiple issues, under the assumption that the more issues flying around, the more valuable a summary is to clarify things . Indeed, one might presume that if only one issue had been discussed, a summary might be redundant. Yet here we see that mediators often summarize even when only a single substantive issue was on the table. This suggests that summaries serve a function beyond just bundling topics. Even a single topic can be "summarized," perhaps to reflect back the state of that issue or the parties' positions on it.

Upon closer examination, we observed a pattern: the timing of the summary in the mediation seemed to influence whether it was multi-issue or single-issue, as well as the level of detail the mediator included about each party's stance. Summaries delivered early in the mediation (say, within the first third of the session) or relatively soon after the conversation on a topic began tended to be more elaborate. In these cases, mediators often gave what we term a descriptive summary. They not only named the issue but also included a brief description of each party's perspective or position on that issue. This was true for both single-issue and multiple-issue summaries at early stages. For example, in Case B, the second summary (around 6:32 minutes in) dealt with one issue, but the mediator described that issue in terms of what each party had expressed (we labeled this a *descriptive single-issue summary*, see Figure 2). In Case A, the first summary (at 14:05) covered several issues, and the mediator likewise described each one with reference to the parties' viewpoints (*descriptive multiple-issue summary*, see Figure 3).

M: so right, right from the very beginning I'm hearing a little bit of some, some differences in the way you're choosing to have this conversation. There's some differences about whether or not this case is going to settle and what's going to happen in this mediation session to support that. Ugh Mr. Haskins I hear you saying that since Ms. McFarland started the lawsuit, that's why you're here today those are the things that your are going to focus on and that's what really matters in the way that this mediation takes place. And Ms. McFarland you're saying in order for this to get to settlement or to get anywhere for you at all you, you really have to hear from Thom directly. That's why you're here today. You want to have that conversation directly with him.

Figure 5: Descriptive-single issue summary (Case B)

Judy: So you see this… what's going on with your daughter Kim in really different ways, and that's one thing you've been talking about out here. Jeff, you feel like Shirley's got her head in sand, and she'd better pull it out of the sand. You see, you experience Kimmy's as being in a shell, your sense is that she is withdrawn, you used to talk with her for long time and it doesn't happen anymore. And Shirley, you see this just as part of normal growing up, and her becoming a woman, and she's changing, yes, but for you there's not a, it doesn't create concern, and then it's one disagreement how you even interpret what's going on with Kim. Another disagreement seems to be about how you should respond and… Shirley, you're concerned that if, in fact, you start to talk to her about taking her somewhere, it's going to make things worse. And Jeff, you're at least hinting that perhaps she may need some assistance, maybe in fact, she's depressed. So that's pretty different….

Figure 6: Descriptive-multiple issue summary (Case A)

As the mediations progressed, we saw a shift in style. Summaries that occurred later in the conversation, especially those summarizing a cluster of issues after a long discussion, became more terse regarding party positions. In these instances, the mediator would often simply name the issues of disagreement without restating what each party had said about them. We refer to this style as a denominative summary – the mediator *denominates* (labels) the issues but does not elaborate on each side's view (Figure 4).

Judy: Let me check in, you've been talking for a while now, and there are clearly some… lots of differences, not some… Lots of differences in the way you understand what you see going on with your children, and the way you interpret what's going on, what you think you should do in response to what's going on. Jeff, you said quite a bit; Shirley you've certainly been a participant there, you have in fact quieted down. I don't… I mean, where do you want to go with this? Would it be helpful to talk one on one, privately with me, do you want to… let's take a break?

Figure 7: Denominative-multiple issue summary (fifth summary from the Case A)

This approach essentially flags the points of contention (or occasionally points of agreement) but assumes the parties remember the details of their positions, so the mediator doesn't repeat them. Notably, we observed some *mixed approaches* as well: in a few cases, the mediator described positions for one particularly significant or new issue in the summary, but for other issues in the same summary, they simply listed them as disagreements without providing details. We term these hybrids "semi-descriptive/denominative summaries" (Figure 5).

M: so again. So again. There's a lot, there's some differences about who's having this conversation and what it's going to be about. And one of the things that I'm hearing you say is that there has been harm on both, that's one of the topics. And Mr. Haskins you're saying your clients been harmed. His reputation, there's libellants and that's why you say you're here today. And Thom you're nodding at that. And Ms. Gill you're saying they don't have a corner on harm. Your client also experienced something.

Figure 8: Semi-descriptive/denominative summary (fourth summary from the Case B)

In our data, the mediator in Case B used the semi-descriptive approach consistently for a series of summaries (numbers 4–7), always describing the *last* issue in detail but merely naming the earlier ones. On the other hand, the mediator in Case A used it more sparingly and even varied the order of descriptive vs. denominative content within a summary. Both mediators seemed to resort to this hybrid approach when one of the issues had been discussed repeatedly without new developments – essentially, when an issue was resurfacing without progress. In such cases,

elaborating on that issue again would waste time, so they only briefly acknowledge it in the summary (denominative), while saving a detailed description for the newest or still-evolving issue.

From these observations, we derive an initial typology: there are at least **three modalities** for how summaries present issues – **descriptive**, **denominative**, and a **semi-descriptive (mixed)** mode. Furthermore, summaries can be categorized by **scope** – covering one issue vs. many. Our preliminary analysis suggests that *single-issue* and *multiple-issue* summaries can each be done in a descriptive or denominative way (yielding multiple possible combinations), but the **mixed semi-descriptive form** inherently requires multiple issues (since it involves describing one issue and just naming others). We will revisit these types later with a more comprehensive typology. For now, this highlights that mediators adjust *how much detail* to include in a summary based on context, and that a summary with only one issue can still be quite detailed or very brief.

Grouping of the issues

One of our starting assumptions (A2) was that mediators do not simply follow the chronological sequence of topics when summarizing, but rather merge related issues into thematic clusters, thus essentially forming thematic families. The analysis confirmed this assumption. We observed that mediators would take issues that might have arisen at different moments in the conversation and group them together in the summary under a broader theme. Because we had coded each distinct issue and visualized their occurrences, we could actually see links forming among issues. In Case A, our network diagrams and subsequent visualizations showed clear connections between certain issues: some topics consistently co-occurred or were addressed as a set, despite appearing in the dialogue at different times (see Figure 6).

From a practitioner's perspective, this thematic clustering can be understood through the "bubbles with legs" metaphor introduced earlier. In our findings, mediators indeed appeared to identify a central theme (the "bubble") and attach various related sub-issues (the "legs") to it when composing their summaries. For instance, a discussion that touched on "…how to move forward with this…" at one point and later on "…what you think you should do in response…" might be summarized under a theme like "How to respond," even if those two points were separated by other talk in between.

Sequence of the topics	Sentence	Page	Time
1.	What is going on with ...	6	00:14:05
5.	... way you understand what's going on with your children right now	20	00:32:00
7.	... way you understand what you see going on with your children	22	00:34:30
10.	... Shirley knows some things she's not going to tell you...	39	00:56:08
2.	... your response to the problem	10	00:18:15
6.	... how to move forward with this	21	00:32:00
9.	... what you think you should do in response	22	00:34:30
11.	... Jeff's gotta talk to the kids	39	00:56:08
12.	... who should ask about this	42	00:59:34
13.	... agreeing to each talk with the kids	44	1:02:00
14.	... you'll talk to them first, Shirley nd then Jeff	46	1:03:25
3.	... The way you are interpreting your children's behaviour	10	00:18:15
8.	... the way you interpret what's going on	22	00:34:30
4.	... motivation to come to this mediation	14	00:25:03

Figure 9: Working table of the thematic clusters from Case A

The relation between particular issues was often not explicitly stated by the parties, but the mediator discerned it by context and logical linkage (e.g., multiple examples of a broader problem). Our qualitative coding made such groupings visible: even if *dozens of minutes separated* two mentions of a concept, mediators would recall the earlier mention and bundle it with the later one in a summary. This confirms that mediators are actively imposing structure by linking concepts that make sense together, rather than just summarizing the last few minutes in isolation. In our visualization (Figure 6, Case A), we demonstrated a "working table" of thematic clusters where issues. Even though each of those issues arose separately in the conversation, the mediator's summaries combined them, making the thematic family explicit to the parties.

Because of this clustering behavior, we created a timeline visualization for each case, marking where each issue was mentioned and color-coding or labeling issues by their thematic family (Figure 7 for Case A). This allowed us to see the distribution of issues over time and how summaries intersected with them.

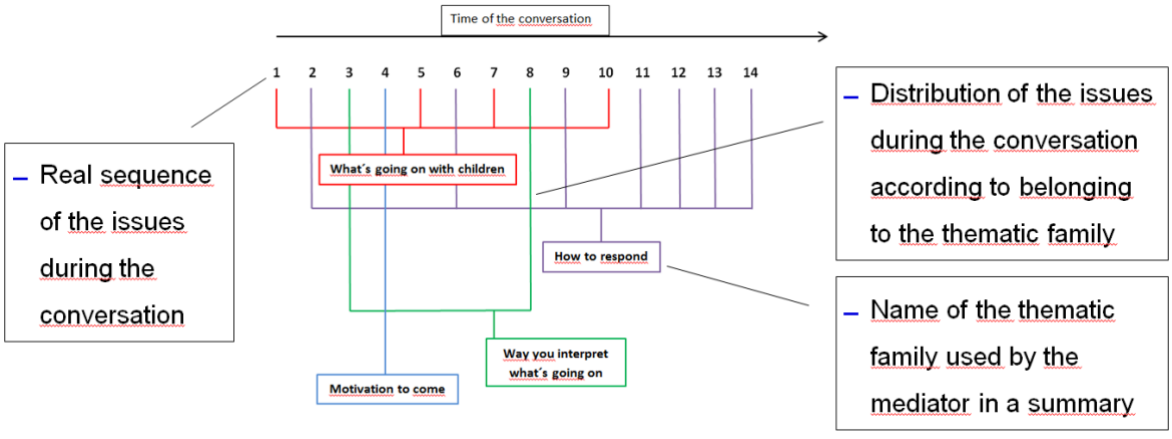

Figure 10: Visualization of the distribution of the issues with respect to the belonging to the thematic family (Case A)

One striking and somewhat unexpected finding from this visualization was evidence supporting the empowerment effect of summaries. As all transformative mediators learned, summary supports the empowerment shifts by "*helping the parties to "part the fog" of details and see the "big picture" of their conflict conversation, without confusion*" (ISCT, 2010: 50). Specifically, as summaries continued and issues were thematically organized, we saw the parties move from a more meta-conversation about the process (early on, often clarifying how to discuss or what to discuss) into a more concrete conversation about the substantive problem, and eventually toward a focus on possible solutions.

In Case B, for instance, early summaries dealt with clarifying how the conversation would proceed (setting conditions for discussion), then later summaries highlighted the mutual harm and factual issues at stake, and the final summaries dealt with solution ideas . This trajectory, visualized in Figure 8 (Case B), illustrates how continual summarizing helped "part the fog" and guided the parties from an unclear tangle of concerns to a more structured understanding of their conflict, which is exactly the empowerment dynamic described in transformative theory (Bush & Berstein, 2022; Bush & Folger, 2005, 2010a; Bush & Pope, 2002).

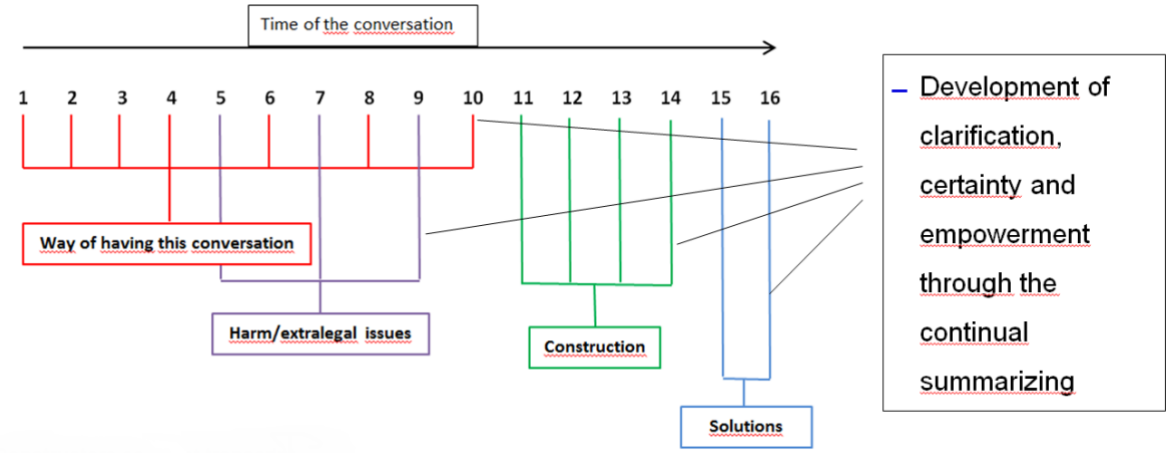

Figure 11: Visualization of the empowering effect of the summary (Case B)

We observed a similar effect in Case A, although that conversation was initially more disorganized (see Figure 9). By examining the thematic segmentation, we could see that even in Case A, there was an underlying structure to the conversation that the summaries progressively revealed. For example, one major thematic family in Case A, which we labeled "How to respond," actually consisted of two branches of discussion: one branch where parties expressed *uncertainty* ("I don't know how to respond") and another where parties offered *possible ways to respond* (ideas for solutions). These might have appeared in bits and pieces throughout the session, but by the end, the mediator's summaries helped the parties see these two branches clearly. One branch reflects that they had been stuck, and another reflects emerging clarity or solution-thinking. We depicted this with a "two-branch" diagram (compare the difference between Figure 7 and Figure 9) to show the substructure within a single thematic family. The thematic grouping in summaries not only clusters issues but can subtly reshape the conversation, steering it from disorganized detail-sharing to a more organized exploration of differences and potential avenues forward. This is a tangible manifestation of the summary's empowering role: it organizes content in a way that parties can now grapple with more meaningfully (Bush & Folger, 2010a, 2010b; ISCT, 2010).

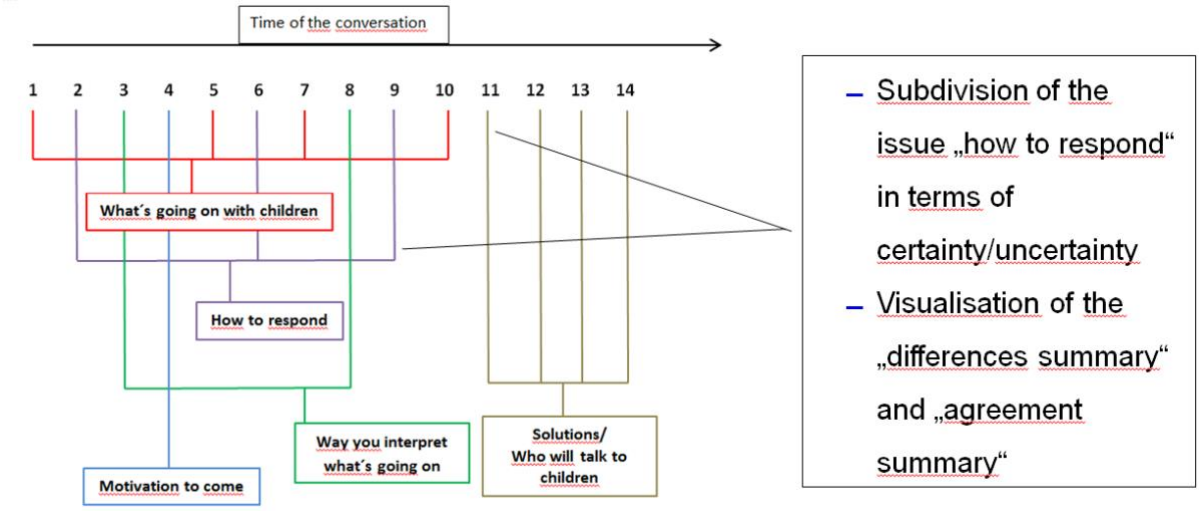

Figure 12: Visualization of two branches of the thematic family "How to respond" (Case A)

Timing of the summary

Two of our initial hypotheses dealt with when mediators choose to summarize (A1: based on keywords; A3: after a "critical mass" of key words). Our findings only partly supported those ideas. We did note that the repetition or accumulation of certain keywords helped orient the mediator to what topics were emerging – for instance, if a particular word (like "harm" or "talking") kept cropping up, the mediator was likely to pick that up as an issue to name. In this sense, the recurrence of key words was *necessary* to some extent: the mediator needed to hear an issue emphasized enough to feel confident it was important (see Figure 10).

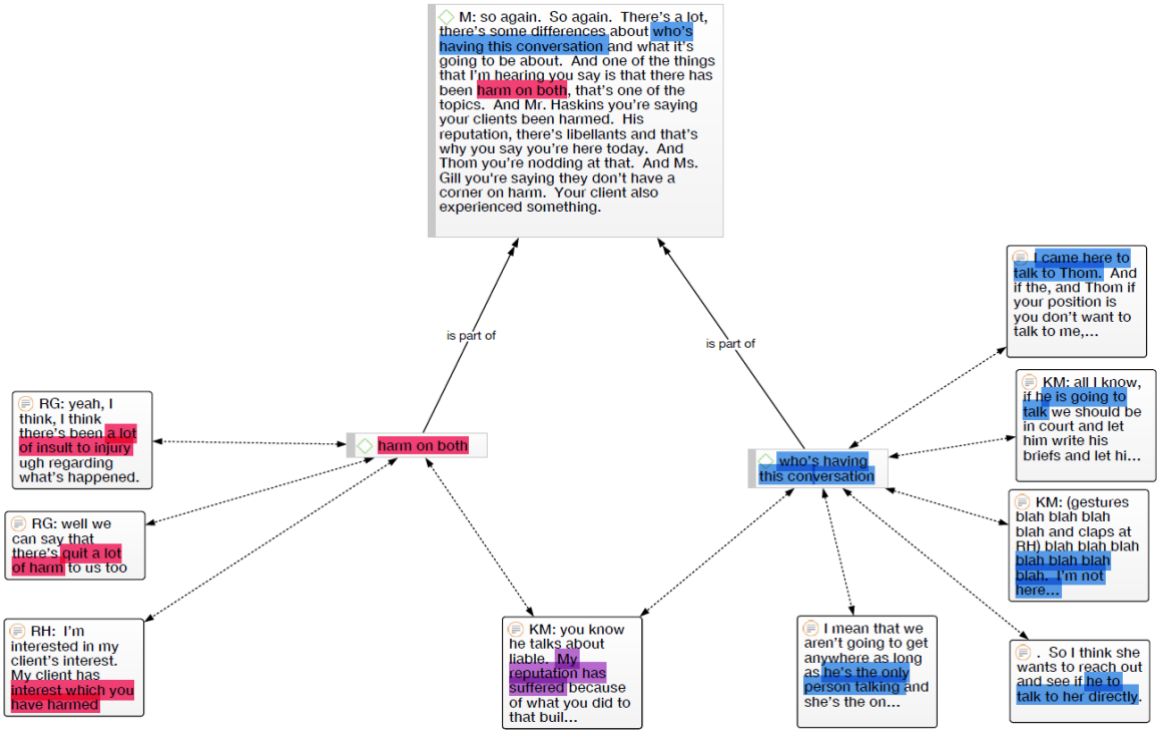

Figure 13: Visualization of how the keywords influence the summary

However, keyword frequency alone did not dictate when a summary occurred. We discovered little to no consistent correlation between the *quantity* of keyword usage and the exact moment the mediator intervened with a summary. In other words, mediators did not simply count mentions until a threshold was passed. Instead, a different pattern emerged: the presence of a clear **turning point** in the interaction, notably, an **expressed agreement or disagreement** between the parties, was a much more salient trigger for a summary. We observed that almost every time the parties either (a) arrived at a moment of agreement/common ground on something, or (b) hit a point of obvious difference/conflict, the mediator would follow up shortly with a summary intervention.

This makes intuitive sense. If parties suddenly agree, a summary can reinforce and clarify that common understanding. If they starkly disagree, a summary can highlight the divergence and frame the choice they face in addressing it. We termed these, respectively, **"agreement summaries"** and **"difference summaries**." In fact, by coding the conversation, we confirmed a strong temporal correlation between moments of convergence/divergence and the mediator launching into a summary. This finding refines our understanding of timing. Rather than a mechanistic "word count" trigger, it appears mediators are attuned to *qualitative* shifts in the dialogue – moments when the interaction either aligns or splits – as cues to summarize. This aligns with transformative practice principles, where recognizing party shifts is key (Bush & Folger, 2005, 2010a; Bush & Pope, 2002; Della Noce, 2010). It also resonates with Folger and Bush's observation that highlighting differences via summary is empowering because it lays out the choices to be made (Bush & Folger, 2010b).

We also noted that not every summary neatly fell into an agreement or difference context; sometimes, a mediator summarized after a dense discussion where neither a clear agreement nor a sharp disagreement had occurred. In these cases, the summary served more to recap a complex segment and check in with parties (e.g., when parties seemed lost or conversation had circled without resolution, even if no explicit conflict or accord was stated). Training guidance suggests that a summary makes sense even if it is impossible to frame it as a dichotomy of agreement versus disagreement. Our data concur that while agreements or disagreements often *prompt* summaries, mediators can also proactively summarize simply to organize a long discussion. Still, the agreement/disagreement cue was prominent enough that we consider it a significant empirical trigger for summaries in these cases.

Different types of summaries

By the end of our analysis, we identified several dimensions along which summaries can vary. We have already discussed: (1) Issue scope (single vs. multiple issue), (2) Descriptive load (descriptive vs. denominative vs. mixed), and (3) Interaction trigger (agreement vs. difference context). A fourth dimension became evident from looking at the content coverage of summaries: some summaries were "actual" or "particular" summaries of the recent talk, whereas others were more "comprehensive", encompassing everything discussed so far. We touched on this earlier in terms of local (immediately preceding) vs. more far-reaching content. We define a comprehensive summary as one in which the mediator names *all* the issues that have been covered up to that point in the mediation. By definition, a comprehensive summary will involve multiple issues (since by that point, many topics have been discussed). However, a multi-issue summary is not always comprehensive – it might only include a subset of topics. In our cases, a typical placement for a *comprehensive summary* was at the very end of a session (especially if another session is anticipated), to give the parties a comprehensive overview of

what has been discussed and possibly to aid in creating a written report (if applicable) or simply to remind them of progress. For example, the summary corresponding to Figure 4 (Case A) was both a multiple-issue summary and a comprehensive summary, as it covered all thematic families identified up to that time.

In contrast, an "actual or particular summary" is one that summarizes only the immediate past segment of the conversation, typically a single issue that was just explored. An actual summary in our data was always a single-issue summary and usually descriptive (because if you're summarizing just-concluded remarks on one issue, you tend to include what each party said about it). We observed that mediators would use an actual summary right after, say, a back-and-forth on one topic to ensure both parties are on the same page, almost like closing that mini-discussion before moving on. A comprehensive summary, on the other hand, may occur if time is nearly up and the parties are considering either terminating the mediation or continuing it at another time.

Pulling together the findings above, we can articulate a multi-dimensional typology of summary types. The data revealed several intersecting dichotomies and triads of characteristics. The main types (not mutually exclusive) we identified are:

- Multiple-issue vs. Single-issue summaries: Does the summary encompass several issues or just one? This affects its length and possibly its timing (multi-issue often later or at transitions; single-issue often for immediate reinforcement).
- Descriptive vs. Denominative vs. Semi-descriptive (Hybrid) summaries: Does the summary describe each issue with party perspectives (descriptive), simply name issues of disagreement (denominative), or combine the two (describe one/new issue and name the rest)? This relates to the level of detail and repetition the mediator provides.
- Difference vs. Agreement summaries: Is the summary prompted by noting a difference between parties or an agreement? This is about the interactional *trigger* and the likely framing – emphasizing choices in the face of difference, or consolidating common ground in the face of agreement.
- Particular vs. Comprehensive summaries: Does the summary cover only the recent conversation or serve as an overview of everything so far?

These dimensions can be combined in various ways. For instance, one could have a "difference-triggered, descriptive, multiple-issue, comprehensive summary" at the end of a session if the mediator reviews all unresolved issues (naming each and recounting perspectives because it's the first session's end, and the trigger was that the parties recognized they disagree on all those issues). Alternatively, one could have an "agreement-triggered, denominative, single-issue, actual summary," where the mediator briefly acknowledges a single point of agreement that has just emerged, simply to highlight it and move on. Not every combination is likely or possible. For example, a semi-descriptive summary logically requires multiple issues, as noted, and a particular summary by definition most likely wouldn't be a multiple-issue summary. But thinking in terms of these attributes helps clarify what the mediator is doing with any given summary.

The richness of these findings goes beyond our initial assumptions. We expected to find different "types" of summaries (A4), and indeed, we have delineated a layered set of types. We also expected keyword frequency to matter (A1) and timing to have a threshold (A3), which turned out to be less straightforward. Instead, *qualitative cues* (agreements/disagreements) dominated timing decisions, and keyword recurrence was helpful but not sufficient. We

confirmed that mediators cluster issues (A2) and identified how this clustering influences both the structure (*how*) and the purpose (*why*) of summarizing. These results contribute to a more nuanced understanding of the summary as a multifunctional tool in transformative mediation.

Discussion and Conclusion

Returning to our original working assumptions, we can now refine our understanding of *when* and *how* transformative mediators employ summaries. The recurrence of key words (Assumption A1) indeed appears necessary but not sufficient. Mediators did notice repeated terms as signposts of emerging themes, but they typically waited for a moment of interactional significance (convergence or divergence between parties) to maximize a summary's impact. Thematic clustering (A2) was strongly confirmed: mediators routinely integrated non-adjacent issues under higher-order labels in their summaries, thereby supporting the parties' sense-making by linking related points, a practice consistent with transformative theory's focus on meaning-making (Bush & Folger, 2005, 2010a; Bush & Pope, 2002). The hypothesized "critical threshold" of keyword occurrences (A3) was not **fully confirmed** in a quantitative sense. Rather, the mediator's decision to summarize was tied more to qualitative shifts – the presence of clear agreement or, more often, a clear difference - as a trigger signal. Finally, A4 was **supported**: our analysis yielded a layered typology of summaries, indicating that mediators adapt their summarizing along multiple dimensions (structure/detail, trigger, scope) to fit the needs of the moment.

Applying the Theme–Rheme lens also explains some of the styles of summaries we identified in our study. We found that some summaries were highly descriptive, including a brief account of what each party said about a given issue, while others were more denominative, merely naming the issues without elaboration. In functional grammar terms, a descriptive summary incorporates a bit of Rheme along with the Theme. The mediator not only names the thematic issue but also mentions what each party's Rheme was regarding that issue. By contrast, a denominative summary is almost purely thematic – the mediator simply labels the Themes that have emerged, assuming that the parties already recall the Rheme specifics discussed. This tends to occur later in the mediation or when revisiting a Theme that has been talked out: the mediator doesn't need to repeat the details (Rheme) since they've been heard before, and doing so could be tedious or even disempowering. Our observations of mixed or hybrid summaries (semi-descriptive forms) further support this view. In those cases, the mediator provided Rheme detail for new or particularly salient Themes in the summary, but only named the other Themes that had been thoroughly discussed earlier. In effect, the summary dynamically balanced Theme and Rheme: it *described* the fresh issue (Theme + Rheme) and *denominated* the rest (Theme-only). From a functional grammar perspective, this is a savvy use of the Theme–Rheme distinction. It provides new information where necessary, and otherwise reinforces the thematic framework without redundancy. It demonstrates the mediator's sensitivity to the information status: what is *new* versus what has already been *given* in the conversation (Fries, 2002). New developments get more Rheme in the summary; established topics can be flagged by Theme alone.

Why, When, and How: Revisiting the 2WH Framework

The empirical findings of this study can be viewed through the lens of the **"Why/When/How" (2WH) framework** introduced earlier. Our data-driven insights both affirm and deepen the guidance captured in this framework:

WHY summarize? From a transformative mediation perspective, the *why* is fundamentally about supporting empowerment and recognition for the parties (Bush & Folger, 2005, 2010b, 2010a; Bush & Pope, 2002). Our results illustrate this in action. We saw that mediators used summaries to help parties gain clarity (*empowerment*), for example, by structuring chaotic discussions into themes, thereby allowing parties to see the "big picture" of their conflict without getting lost in minutiae. This is exactly what "helping the parties to part the fog of details" is described as in the ISTC's training guidelines (ISCT, 2010, p. 48). We also observed summaries being used to highlight where the parties see things differently (*recognition-opportunity*). Every difference summary essentially says, "You two are looking at this issue in different ways", giving each a chance to appreciate the other's perspective, even if they disagree with it. In our cases, moments of summary often preceded or followed subtle shifts: after a summary, parties sometimes corrected or added to it, which is a form of them acknowledging each other's concerns (recognition) or clarifying their own (empowerment). Thus, the *why* of summarizing – to empower and foster recognition – was evidenced by the outcomes and party responses we saw, lending empirical support to Folger and Bush's (2010b) assertion that summaries are powerful when they illuminate choices rooted in party differences.

WHEN to summarize? The transformative theory suggests summarizing when parties seem stuck, lost, repetitive, or at natural breaks and transitions (Bush & Folger, 2010b; ISCT, 2010). Our findings refine this timing rule. We noted that mediators often chose moments of *interactional significance* – most prominently, right after a clear disagreement or agreement surfaced – as prime opportunities to summarize. This doesn't contradict the practical advice, but adds nuance. A sense of being "stuck" can manifest as overt repetition or circling, or it can manifest as the parties talking past each other until a clash in views becomes evident (the "difference" cue). In our data, summaries frequently followed a build-up to either a mini-impasse or a point of alignment. Additionally, the end of a session (a transition) was indeed marked by a comprehensive summary in our cases, supporting the idea that it's useful to summarize before closing or pausing the mediation. What about summarizing too early or too often? We did not see mediators summarizing after every topic. They exercised restraint, waiting until a summary would clearly serve a purpose (clarifying multiple tangled issues, or capturing a turning point). This suggests that the timing is a strategic choice. Mediators strike a balance between letting the conversation flow and intervening to reorient at key junctures. To answer *when*, our evidence suggests that it occurs when the parties reach a discernible crossroad (whether in conflict or resolution of a sub-issue), or when the agenda needs consolidation (e.g., before adjourning).

HOW to summarize effectively? Our analysis offers insight into *how*, aligning with and extending practice recommendations. First, we observed that mediators organized summaries by theme, rather than by person or in chronological order of statements, confirming the advice to structure summaries thematically (ISCT, 2010, p. 49). Second, mediators often began with a meta-comment (explicitly or implicitly). For instance, they would pause and say something akin to, "Let's see where you are…" or "So, up to now, you've talked about…" as a prelude. This mirrors the guidance to be transparent about giving a summary (Bush & Folger, 2010b; ISCT, 2010). Third, we saw the inclusion of all relevant issues. Even if an issue was minor or uncomfortable, it would find its way into the summary if it had been raised, which is critical to avoid parties feeling that the mediator is steering or ignoring certain things. Fourth, in terms of tone and impartiality, our mediators delivered summaries in a neutral, matter-of-fact manner, almost like a reporter, which is how they ensure they're not perceived as giving a lecture or adding an agenda (Bush & Folger, 2010b). One aspect of *how* that stands out is how mediators dealt with multiple issues: they frequently enumerated them or signposted them ("First, you

discussed A, then B, and also C…"), which helps parties follow the structure. This sequential listing within a thematic cluster prevented confusion when a lot had been covered. Finally, after summarizing, the mediator would return control to the parties, typically by asking an open-ended question or simply looking expectantly at them for their response (ISCT, 2010). We noted that whenever a summary concluded, the mediator's next move was not to propose a solution or new topic, but to invite the parties to react or decide what to discuss next. This practice reinforces self-determination, ensuring the summary serves the parties' needs rather than the mediator's agenda.

By connecting these findings back to the 2WH questions, we bridge the gap between scholarly insight and practical guidance, offering a more evidence-based set of answers to those fundamental questions.

Relationship to Prior Literature

Transformative mediation scholarship has highlighted summaries as empowerment-oriented interventions (Bush & Folger, 2020; ISCT, 2012), yet it has offered limited empirical detail on their micro-constructive processes. Our data demonstrate that mediators modulate summaries along multiple dimensions to match interactional needs (Della Noce, 2010). The discovery that difference-triggered summaries are as common as agreement-triggered ones nuances claims that summaries primarily consolidate common ground (Moore, 2014).

In transformative practice, highlighting difference is not negative; it is a step toward empowerment and recognition by making choices explicit (Bush & Berstein, 2022; Bush & Folger, 2005, 2010b, 2010a). Our study empirically substantiates that notion: mediators responded to differences as a signal to summarize, thereby helping parties *see* their divergence clearly and decide how to address it. This aligns with the insight that summarizing differences can be a powerful support for party shifts, and it extends it by showing this is a consistent pattern, not just an anecdotal recommendation (Bush & Folger, 2010b; ISCT, 2010).

Another theoretical linkage is to the concept of formulations in mediation. What we call summary bears resemblance to what some conversation analysts refer to as a mediator's *formulation* of what has been discussed (putting it in new words to clarify or move forward) (Helmer, 2021). Prior studies note that such interventions carry the mediator's interpretive imprint (Gray, 2017; Schön, 2017; Stokoe & Sikveland, 2016; Izumi, 2010). Our typology and observations provide a structured way to understand those imprints. For instance, choosing a descriptive vs. denominative form is a deliberate decision on *how much* of the parties' wording to carry through versus abstract. This connects to broader discussions in mediation literature about mediator neutrality and influence: even though transformative mediators avoid adding content, the act of summarizing inherently involves *selectivity and emphasis*. By mapping what mediators tend to include or omit (e.g., omitting details as sessions progress, emphasizing disagreements), we give insight into how transformative mediators navigate the tension between non-directiveness and providing helpful structure.

Practical Implications

For practitioners, the taxonomy and insights presented here offer a diagnostic repertoire for enhancing summary interventions in transformative mediation:

- Use descriptive single-issue summaries early in a mediation to clarify focal concerns. When an important topic has just emerged and been discussed by both parties, offering a brief recap that includes each party's perspective on that issue can help ensure clarity and deliberation.
- Deploy hybrid (semi-descriptive) multiple-issue summaries when the discussion becomes dense or repetitive. By describing the newest or most salient issue in detail and simply naming the others, mediators can strike a balance between thoroughness and efficiency, keeping the summary concise yet meaningful as the conversation progresses.
- Reserve comprehensive summaries for transitions between sessions or major agenda shifts. A comprehensive recap of all topics covered thus far is especially useful at the end of a session (particularly if an agreement hasn't been reached and mediation will continue later). This helps parties consolidate what's been accomplished and primes them to resume with a clear overview of outstanding issues.
- Attend to moments of explicit convergence or divergence as natural cues to summarize, rather than relying on a count of repeated words. When parties suddenly agree on a point or starkly disagree, take that as a signal to step in with a summary that highlights the agreement or difference and frames the choice or understanding that comes with it. This ensures the summary is timed to have the most impact in supporting empowerment or recognition.
- Preferably, the summary should be prefaced with a transparent "meta-comment" and return the focus to the parties afterward. Before launching into a summary, briefly signal your intention (e.g., "Let me summarize where we are so far…"). This alert helps parties shift their attention to listening. Deliver the summary without adding new ideas or judgments, then invite the parties to respond or choose the next direction (e.g., "Did I get that right?" or "What would you like to discuss next?"). This approach maintains a non-directive summary and ensures that control over the topic transitions remains with the parties.

Limitations and Future Research

This exploratory study is based on only two cases, both featuring experienced transformative mediators; thus, the generalizability of our findings to other mediation contexts (e.g., different mediator experience levels, different cultures, or other mediation models) is limited. Future research should expand the corpus by analyzing more cases across various dispute types to determine if the summary typology holds broadly. Comparative studies could test whether the patterns we observed (such as the triggers for summaries or the descriptive versus denominative styles) appear in facilitative or evaluative mediation settings, or whether they are unique to transformative practice. Another avenue is to incorporate quantitative measures, such as tracking whether using certain types of summaries correlates with outcomes, such as party empowerment scores or satisfaction ratings. Additionally, cross-cultural research might explore if themes are identified similarly by mediators in different languages or cultural contexts (does the theme–rheme distinction present differently in languages where the structure is not subject-verb-object, for example?). We also had to exclude several intriguing observations due to scope limitations. For instance, we noticed some regularities in how summaries were distributed over time (e.g., mediators might summarize at roughly equal intervals, or there might be a flurry of summaries during a particularly complicated segment). These temporal patterns and their effects on the conversation would be a valuable subject for further analysis. Another question is how parties *respond* to different types of summaries – do certain forms of summary prompt more clarification, or more acknowledgments from parties? We plan to report on these interactional outcomes of summaries in a subsequent publication.

Despite these limitations, we view this study as a fresh attempt to shift the focus of transformative mediation research. Rather than merely defending the transformative approach in abstract terms of principles and values, we delve into its *micro-mechanisms*, examining what actually happens in a mediator's interventions. We believe the transformative approach is robust and mature enough to benefit from this kind of introspective research into its own practices, without fear of undermining its core values. On the contrary, such an examination ultimately serves those values: by understanding how an intervention like summarizing operates, we better equip practitioners to uphold party self-determination (one of the most treasured values of democratic conflict resolution) in the moment-to-moment of mediation.

Conclusion

By moving beyond a principled defense of transformative mediation and scrutinizing its on-the-ground techniques, this study highlights the sophistication with which mediators craft summaries to support party self-determination and recognition. We found that summaries in transformative mediation are not monolithic; they vary in scope, content, and timing in response to the needs of the conversation. The proposed multidimensional typology of summaries invites further empirical testing, but it already offers practical value. Awareness of summary "types" can help mediators be more deliberate in their choices, for example, recognizing when a denominative summary might suffice versus when a descriptive summary is needed, or being mindful of using summaries to mark agreements as well as disagreements. Incorporating frameworks like the 2WH approach into mediator training, grounded in the evidence we provide, can bridge the gap between theory and practice. We hope this work spurs continued inquiry into mediation's micro-dynamics and encourages practitioners to reflect on their own summarizing habits. Fine-tuning such skills not only enhances mediator effectiveness but, most importantly, empowers parties, helping them gain clarity, recognize each other's perspectives, and move through conflict on their own terms. The humble summary, when done well, exemplifies the transformative mediator's commitment to supporting and not steering the conversation.

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The Check-In Technique in Transformative Practice

Robin Brzobohatý, Martina Cirbusová, Joseph P. Folger

Introduction

Transformative practice is a conflict intervention approach defined by its commitment to party self-determination and the facilitation of interpersonal **empowerment** and **recognition** shifts (Bush & Folger, 2005). In this model, practitioners do not guide parties toward settlement or specific outcomes, but rather support the parties in *deciding for themselves* how to engage in the conversation. A core practical method that exemplifies this commitment is the "check-in" technique. A check-in is when the practitioner explicitly asks the parties what *they* want to do at a given juncture. This way, he/she/* hands the decision-making back to the parties. As one set of practitioners puts it, "*There are lots of decisions being made during a conflict. The practitioner can help the parties by noticing the decision points and asking the parties what they want to do. This is the essence of 'checking in'.*" (Kimsey et al., 2005, p. 147).

This chapter offers an expanded, systematic treatment of the check-in technique. After grounding the intervention in transformative theory's account of conflict as a crisis of weakened agency and heightened self-absorption, the discussion follows in four major moves. First, we clarify how check-ins create opportunities for empowerment and recognition shifts. In this, we draw on recent practice-based literature. Second, we develop a ***functional dimension*** **of check-ins**. We distinguish clarifying, process-oriented, agenda-setting, emotional/tension, and decision-point interventions. Third, we introduce three ***structural dimensions*** (open- vs. focused-scope, primary vs. complementary, and open- vs. closed-ended questions) that cut across those functional types and help practitioners fine-tune phrasing and timing. Fourth, we analyze real-time practitioner dilemmas. That means particularly when to intervene, how to phrase options without leading, and how to respect party agency even under escalating tension. Using detailed case vignettes, we demonstrate the decision-making logic in action.

The chapter then widens its lens to examine the **phenomenological, ethical, and agential significance** of checking-in. We argue that repeated, well-timed check-ins do more than manage the process. They restore participants' felt sense of authorship over their conflict, embody an ethic of humility and respect, and contribute to a broader social good by foregrounding human agency.

1. Freedom, Choice and Self-Determination: The Transformative Framework

Any discussion of the check-in technique must begin with the theoretical and **epistemological grounding** provided by transformative conflict theory. Bush and Folger's transformative

framework posits that *conflict is a crisis in human interaction*. In the heat of conflict, individuals tend to experience a diminished sense of their own strength and clarity (they feel disempowered or "weak") and simultaneously become **self-absorbed**, less able to consider the other's perspective. This dual dynamic of *relative weakness* and *relative self-absorption* often leads to a downward spiral of communication, a negative, destructive pattern that Bush and Folger describe as alienating and dehumanizing (Bush & Folger, 1994, 2005; Folger et al., 2010; Folger & Bush, 1994). Transformative theory, however, also recognizes that conflict is dynamic rather than static. Even without third-party intervention, parties can and do undergo meaningful shifts. *"Conflict is not static. It is an emergent, dynamic phenomenon, in which parties can – and do – move and shift in remarkable ways…"* (Bush & Folger, 2005, p. 55). Specifically, parties have the capacity to move "*out of weakness, becoming calmer, clearer, more confident, more articulate, and more decisive*", and to move "*away from self-absorption, becoming more attentive, open, trusting, and understanding of the other*" (Bush & Folger, 2005, p. 55). In transformative theory, these positive movements are termed empowerment shifts (the shift from weakness toward strength) and recognition shifts (the shift from self-absorption toward responsiveness to the other) (Bush & Pope, 2002; Cleven & Saul, 2021; Simon & West, 2022). These shifts are incremental changes in the parties' internal states and attitudes that can gradually reverse the negative conflict cycle. As Bush and Folger explain, empowerment and recognition shifts feed each other in a **"virtuous circle"**. As one becomes clearer and confident, one can be more open to the other's perspective. And as one becomes more open and understanding, one's own sense of strength is reinforced. Over time, this virtuous circle can transform the interaction from destructive to constructive, even if the substantive disagreement remains (Bush & Folger, 1994, 2005; Folger et al., 2010).

Within this theoretical lens, the role of the practitioner is to support, rather than interfere with, the parties' capacity for these shifts. Bush and Folger (2005) emphasize that *party self-determination* and *agency* are central values in mediation. The parties should be the ones to determine the course of their conversation and outcome, as it is *their* conflict and *their* interaction that is at stake. Transformative practitioners seek to restore parties' sense of agency and choice that conflict has compromised (Bush & Miller, 2020). This means the practitioner works *with* the parties' emergent process rather than steering it. All interventions by the practitioner are guided by the purpose of creating opportunities for empowerment (strengthening the parties' clarity, decision-making, and sense of control) and recognition (encouraging attention to and understanding of each other) (Bush & Folger, 2010a). In transformative mediation training, a mantra often heard is *"purpose drives practice"* – practitioners shouldn't intervene out of habit or personal desire to fix the conflict, but only in service of the core transformative purpose (supporting empowerment and recognition). This way, transformative practitioners take self-determination seriously, not just as a formal right but as a lived reality in the mediation room (Bush, 1989; Bush, 2010; Bush & Folger, 2015).

Important in understanding the *check-in* technique is the distinction between "**freedom**" and "**choice**," and how each relates to **self-determination**. Self-determination in transformative practice is more nuanced than the simple availability of options. It is both *more* and *less* than freedom in the conventional sense. Philosophers have long noted that genuine autonomy requires more than an open menu of options. It demands a psychological capacity of

intentionality, awareness, and congruence with one's deeper values (Simon & West, 2022). Gary Watson (1975) argued that autonomy consists in acting in accordance with one's "values" or evaluative judgments rather than merely yielding to first-order appetites. On this view, self-determined action requires a degree of **self-awareness** and **coherence** between one's choice and one's authentic preferences or values. John Christman emphasizes that autonomy is essentially the capacity to act and choose on the basis of factors that are truly one's own, which entails a level of critical reflection and *internal* independence (Christman, 2020). In short, self-determination is *more* than sheer freedom of choice. It involves an inner endorsement, a sense of authorship over one's decisions. A person who simply reacts or chooses under coercion, manipulation, or unexamined impulse may have options in a formal sense, but is not self-determining in the fullest sense (Frankfurt, 1971; Watson, 1975). Thus, transformative practitioners "checking in" with parties are not just handing over choices. They are inviting a moment of reflexivity and intentionality, asking the parties to exercise their will in an authentic, deliberate way. Each check-in, in effect, encourages parties to align their decisions with their genuine needs and intentions, a process of **intentional choice** that underlies true self-determination. This highlights how self-determination requires more than freedom as absence of interference. Self-determination requires the presence of an engaged, reflective self.

At the same time, self-determination can also be understood as *less* than absolute freedom, in that it does not require a complete lack of constraints or an infinite array of choices. Decisions need not be completely unrestricted to count as self-determined. An agent can exercise autonomy even within a limited or structured range of options. Ian Carter (2004) draws a useful distinction here between overall "*freedom*" and "*freedom of choice*." He shows that one can enjoy an increase in available actions (more freedom in a broad sense) without any increase in the number of meaningful choices one can reasonably select from – and vice versa (Carter, 2004). In other words, simply having more options does not necessarily enhance one's freedom *of choice* if those options are not relevant or distinct for the decision-maker. What matters for self-determination is having *enough* options that align with one's purposes, and the ability to choose among them based on one's own reasoning. The presence of some external restrictions or a finite set of choices doesn't negate autonomy so long as the person can still intentionally choose within those parameters.

We have to point out that autonomy does not vanish simply because a choice might be deemed suboptimal by others, or because the range of choice is constrained. One retains *self-determination* – the authority to direct one's life – even when operating under various limitations, as long as one is the one genuinely directing one's decisions (Feinberg & Feinberg, 1989). This perspective aligns with Tom O'Shea's (2011) discussion on autonomy. He notes a tension between viewing autonomy as freedom of choice (allowing individuals to decide for themselves what is valuable) versus imposing a threshold of rationality or value that must be met for a choice to "count" as autonomous. Transformative practice decidedly leans toward the former. We see respecting parties' own determination of what matters more valuable than setting substantive conditions on their choices. In mediation, as long as parties are capable of making decisions (i.e. not incapacitated), the assumption is that any choice that comes from them, even one others might find unwise, deserves support rather than override. Consistently checking in on parties' preferences is a way of operationalizing this principle. It conveys that *within the broad limits of the process and basic safety*, the parties' self-determination is paramount and will be honored even if their decisions aren't "optimal" by some external standard. We can conclude that the *check-in* underscores that autonomy is about *who* decides, not necessarily *what* is decided or how unconstrained the context is. The presence of some restrictions or guidance (such as the structure of a mediation session, or the reality of

legal/social constraints) does not extinguish self-determination so long as the individuals involved are freely and knowingly choosing their path within those bounds.

Empirical research in psychology strongly supports our understanding of freedom and choice. Contemporary studies have challenged the simplistic assumption that more choice always means more autonomy or satisfaction.

Sheena Iyengar and Mark Lepper's (1999) finding illustrates that the *experience* of self-determination is not solely about the formal act of choosing, but about the meaning and context of that choice. Hazel Markus and Barry Schwartz (2010) echo this point in their review of freedom, choice, and well-being across cultures. They note that Americans live in a context that lionizes personal freedom and choice. Part of this conception is an assumption that the more choice people have, the more autonomy and well-being they enjoy. Yet Markus and Schwartz (2010) caution that such assumptions are culturally specific and not universally valid. "*The meaning and significance of choice are cultural constructions,*" they write, and in many non-Western cultures (and even among working-class Westerners), freedom and choice "*do not have the meaning or importance they do for* [upper-middle-class] *university-educated* [Western] *people*" (Markus & Schwartz, 2010, p. 344). Even when choice can foster a sense of freedom, more choice is not always better. An excess of options can produce *paralysis, anxiety, or dissatisfaction* – what is called the **paradox of choice**. As Markus and Schwartz (2010) observe, too many choices can lead to "*paralyzing uncertainty, depression, and selfishness*" (p. 345), potentially undermining well-being. Thus, the blanket equation of choice with autonomy is too simplistic. Beyond a certain point, piling on more options can reduce one's *effective* agency (by overwhelming the decision-maker or heightening regret), and the value of choice itself is interpreted through a cultural lens. We can say that regarding self-determination quality trumps quantity. What enables people to feel autonomous is not infinite freedom from constraints, but the sense that they are authors of a meaningful decision. A modest range of choices, or even a single choice that one feels *ownership* over, can suffice for self-determination. On the other hand, a surfeit of choices or choices made in a void of social context might not enhance agency at all. This empirical insight reinforces the transformative practice insight. The goal is not to give parties endless options for the sake of it, but to ensure they *experience* themselves as choosing agents. Even the presence of guiding structure or limited options can support autonomy, so long as the individuals see the decision as theirs. As Bush and Folger's transformative framework contends, empowerment (and thus agency) is often about restoring parties' sense of efficacy and authorship, not about the literal number of choices on the table (2005).

In the *check-in* context, these ideas underscore why the technique is so powerful despite its simplicity. The mediator's question – *"What do you want to do next?"* or *"How would you like to proceed?"* – is not about granting unlimited freedom, but about highlighting the parties' **authorship** of their next steps. It operationalizes the insight that self-determination thrives when people perceive that *they* are making the choice, however constrained the situation might objectively be. Even small choices, like deciding whether to continue a session or what topic to address first, can carry significant agential weight. Recent work by Bush and Berstein (2022) emphasizes noticing and supporting these "small steps" of party choice as critical moments of self-determination in mediation. They argue that when mediators consciously orient to party decision-making, even in minute process choices, it reinforces the parties' ownership of the process and guards against the mediator inadvertently usurping control (Bush & Berstein, 2022). In practice, this means that a check-in *fosters relational autonomy*: the parties are exercising agency, but in a dialogical, supported manner. The mediator's gentle prompt does

impose a structure (the conversation pauses for a question), yet it is precisely within that structure that the parties find the space to determine what happens. This reflects a relational view of autonomy (cf. Christman, 2020; O'Shea, 2011) – autonomy achieved in connection with others. The parties are not isolated individuals making choices in a vacuum. The mediator's presence and the conflict context are real constraints, but through the *check-in* these constraints become the stage on which the parties can act out their freedom. The check-in question often *creates* an opportunity for choice where parties didn't realize they had one, interrupting any felt inevitability in the conflict. By explicitly inviting each party's preference ("*Do you want to keep talking about X or move to Y, or do something else?*"), the practitioner is telling them *"You have a say in what happens next"*. This can be revelatory for people mired in conflict who have come to feel carried along by events or by the other side's demands. It's here that the earlier distinction between freedom and self-determination becomes practically important. The parties may not have the freedom to end the conflict instantly or to get everything they want (there are external limits in play), but through *check-ins* they regain self-determination regarding *how* to engage with the situation. They experience what Bush and Folger call a renewed "sense of agency" or authorship in the interaction (Bush & Folger, 2005). Each check-in can be seen as a **micro-exercise in autonomy** – a chance for parties to recognize that *they* are in the driver's seat of the process (Bush & Miller, 2020). Over the course of a dialogue, these moments accumulate into a genuine empowerment shift. Participants leave with a felt sense of self-determination, having made numerous choices along the way about the process and content of their discussion. This sense is achieved without granting unlimited freedom (the mediation session still ends after two or three hours), highlighting again that autonomy is compatible with, and often enhanced by, a supportive framework of dialogue. The *freedom* that check-in promotes is the freedom *to be self-determining* within a relationship and context. By exploring the distinction between freedom and choice, we can see that the transformative check-in technique honors relational self-determination. It recognizes that while parties may not be free of all constraints, they can still exercise meaningful choice and regain authorship of their conflict experience. However limited or guided the situation, the parties' decisions remain their own. It is that ownership, more than any abstract ideal of freedom, that the check-in seeks to restore and protect.

2. Defining the Check-In Technique and Its Purpose

In the simplest terms, a check-in is a question posed by the practitioner that puts a decision back to the parties regarding how the conversation will proceed. It is often described as a question that makes participants aware of available choices and allows them to make decisions (Simon & West, 2022; Bush & Folger, 2010b; Bush & Folger, 2005). Unlike facilitative mediator-led questions that probe for more information or feelings, a check-in typically focuses on the process or direction of the mediation itself. For example, *"Is that what you want to do now?"* or *"How would you like to proceed?"*. Della Noce and colleagues note that while transformative practitioners generally favor open-ended questions for exploring parties' substantive perspectives, *"'checking in' is a particular use of a closed-ended question"* – one that *"focuses on a decision about the mediation conversation itself"* (Kimsey et al, 2005, p. 145). In other words, a check-in often invites a yes/no or a choice among explicit options regarding *the next step* in the process (rather than investigating the content of the conflict). For instance, after reflecting one party's statement, a practitioner might ask: *"Did I capture everything you*

meant?" A yes/no check-in gives the party control to affirm or correct the practitioner's summary. Or, at a juncture where multiple topics are on the table, the practitioner might ask: *"Do you feel ready to talk about property division, or would you rather continue with the parenting plan?"*.

Two features make the check-in distinct from more directive facilitation questions. First, a check-in question is firmly rooted in the context of what has just transpired, rather than coming from the practitioner's agenda. It "follows" the conversation instead of leading it (Bush & Folger, 2005; Folger et al., 2010). The practitioner uses what the parties have said or done as the basis to ask, "*What next?*" For example, *"You've been talking about Issue X for a while and [Party B] hasn't had a chance to respond. Do you want to keep talking about X, or pause and hear from B?"* This check-in builds on the observable context (one party dominating the Issue X discussion) and returns the decision to the parties on whether to change that dynamic. Because it is grounded in the parties' own interaction, a check-in serves as a bridge between past choices and subsequent ones (Bush & Pope, 2002). It links *what has happened so far* with *what could happen next*, making that link an explicit choice for the participants.

Second, the practitioner's intention in a check-in is to leave the decision entirely in the hands of the parties. The phrasing and tone of a check-in are designed to be *neutral and non-leading*. The practitioner is not covertly hoping for a particular answer. In fact, any answer (including *no answer at all*) is acceptable. Some authors stress that *"a transformative practitioner is not invested in the questions s/he asks. If a speaker chooses not to answer a question, the practitioner follows the speaker wherever s/he goes."* (Kimsey et al., 2005, p. 145). This underscores that check-ins are offered, not imposed. The practitioner does not seek or require a specific answer. The parties might respond by making a choice, discussing their options with each other, or even effectively ignoring the question and continuing their discussion, all of which are acceptable outcomes. The check-in is successful if it simply creates a space for the parties to *consider* their options; whether and how they articulate a decision is up to them. Susan Jordan, a transformative practitioner and trainer, emphasizes that the practitioner should present any options tentatively, often describing multiple alternatives rather than a single direction (Jordan, 2022). For example, a practitioner might say, *"Is the way the conversation is going working for both of you, or would you like to change something?"* This way, the practitioner is explicitly leaving it open for the parties to either stay on course or alter course, as they prefer. The tone of a check-in is curious and collegial, not commanding. It is literally a *check-in* – as if the practitioner were asking, *"How are you with this? Are we okay to keep going this way, or do you want to do something different?"* – as a facilitator *partner* rather than an authority.

The opposite of a non-directive check-in would be a directive question or instruction, which *funnels* the parties toward a certain action. Consider the following: *"We've spent enough time on the past; let's move on to discussing solutions."* That statement (or a question like, *"Don't you think we should focus on solutions now?"*) carries the practitioner's agenda and exerts control. Transformative practice avoids such moves. The check-in alternative would be: *"You've talked a lot about past issues and also touched on some possible solutions. What would you prefer to talk about now – go back to discussing the past, focus on current challenges, or*

perhaps something else?". This latter formulation demonstrates how a practitioner can offer choices in an even-handed way. The practitioner can return to the earlier topic, turn to a new topic, or identify another concern altogether – all framed as equally valid. By contrast, we can give examples of what not to do, labeled as *controlling process*: e.g., *"You both lost me now; I assumed you wanted to talk about maintaining the common areas of the house. Do you want to come back to that?"* or *"You seem stuck; shall I propose a plan to help?"*. These directive interventions reflect practitioner judgments (that parties *shall* speak about something else, or that the parties *need* the practitioner's plan) and thus run counter to the transformative ethos. In a transformative check-in, instead of *"Do you want to come back to that?"*, the practitioner would ask both parties something like: *"Is it okay for you that you've moved from talking about maintaining common areas to keeping the peace at night, or would you like it differently?"*. This way the practitioner does alert the parties about the topic shift but crucially leaves it to them to decide whether it's a problem and how to address it.

A check-in is defined by its **contextual nature**, **decision-focus**, and **non-directive delivery**. It follows the parties' conversation, **highlights a decision point**, and **hands the decision to the parties**. The practitioner's *intention* in using a check-in is pure: to support the parties' self-determination, not to advance any particular topic or outcome. A helpful internal question for the practitioner is: *"What is my purpose in asking this now?"* If the honest answer is *"to steer them"* or *"because I feel uneasy"*, then it's not a true transformative check-in and should probably be refrained. But if the purpose is *"to make sure they know it's their choice where to go next"*, then a check-in is likely appropriate. The **goals** of check-in align with fostering empowerment and recognition. In the transformative framework, every practitioner intervention must serve those goals or it is not warranted. For this reason, we will now turn to examine how check-ins specifically advance **empowerment** and **recognition**.

3. How Check-Ins Foster Empowerment and Recognition

Bush and Folger's (2005) transformative model is often summarized as oriented toward "empowerment and recognition". Check-ins are one of the clearest embodiments of these priorities in action. The check-in technique creates opportunities for participants to experience empowerment (greater clarity, decision-making ability, and control) and to engage in recognition (understanding and acknowledging the other's perspective) within the mediation process itself. Let us explore each of these in turn.

Empowerment in transformative practice refers to the restoration of individuals' sense of their own strength, choice, and capacity. One way that check-ins support empowerment is by giving parties a chance to correct or clarify things in the conversation. Often, a practitioner will follow a reflection or summary with a quick check-in like *"Is that right?"* or *"Did I miss anything?"* (Kimsey et al., 2005). If the party responds, *"Yes, that's right,"* they have affirmed their viewpoint with confidence. If they respond, *"No, that's not what I meant – let me explain,"* they are actively asserting their voice to fix the record. In both cases, as Moen et al. (2001)

observe, the speaker is gaining clarity and strength from the exercise. The simple act of being asked *whether the practitioner got it right* signals to the party that *they* are the authority over their own experience. It reinforces that the practitioner is not the one defining their story but *they are*. This can be a small but meaningful empowerment moment. The party realizes they can *speak up to correct even the practitioner*, an authority figure, which translates into a greater sense of agency. Della Noce note that check-ins allow a party to *"regain a sense of control and agency"* by correcting a reflection or summary (Kimsey et al., 2005, p. 145). The party experiences that their clarification matters and will be respected, which can bolster their confidence moving forward.

Beyond corrections, check-ins highlight decision moments in the process, giving parties explicit permission to make choices. This is empowering because conflict often makes people feel carried along by events or by others' demands. The check-in pauses that feeling of helpless momentum and says, in effect, *"You have a say in what happens next."* For example, if a mediation session has gone on for a while and the energy seems low, a practitioner might check in: *"We've been at this for two hours now. Do you want to continue for a bit longer, or would it be better to take a break (or even stop for today)?"*. Posing that question empowers the parties to consider their limits and needs, rather than pushing on or ending because the practitioner decides so. Even if one party says, *"I'm okay to continue if you are,"* and they proceed, the crucial point is that it was their choice. Every time parties make such a process decision, however small, they exercise their agency, the very capacity that tends to be eroded in destructive conflict. Repeatedly exercising choice in the mediation has a cumulative empowerment effect. Parties begin to see themselves as active agents in dealing with the conflict, not just passive subjects. Bush and Miller emphasize that recapturing *"the sense of agency and self-determination that conflict has compromised"* is a key part of empowerment (Bush & Miller, 2020, pp. 595-596).

Check-ins can also prompt empowerment in the form of increased clarity and decision-making within the content of the dispute. For instance, consider a scenario where a party is confused about what they want. The practitioner might observe this and check in: *"You seem unsure about how to move forward on this issue. Do you want to take some time to think, or talk through the options here, or maybe shift to another topic for now?"*. By asking this, the practitioner helps the unsure party step back and make a conscious decision. Perhaps the party will say, *"Actually, yes, I'd like to discuss Option A a bit more because I'm not clear on it."* That moment of articulating what they need (time, information, etc.) is empowering. The party moves from confusion toward clarity. Susan Jordan notes that check-ins often lead to "*increased clarity, decision making*" for participants (Jordan, 2022, 00:04:49 – 00:04:52). Similarly, if a party has a chance to say *"I need a break"* or *"I don't want to talk about that right now"* in response to a check-in, that is a direct exercise of autonomy about their own limits. Over the course of a mediation, these small acts of self-determination can accumulate into a significantly greater sense of empowerment for each participant. They leave feeling, *"I navigated that conversation myself"*, rather than *"the practitioner handled everything."*

Now turning to **recognition**, in the transformative sense this means expanding one's willingness or ability to acknowledge the other person's situation, perspectives, or needs. Check-ins contribute to recognition primarily by making each party's choices and priorities visible to the other (Bush & Folger, 2005; Kimsey et al., 2005; Moen et al., 2001). In a conflict, parties are often so absorbed in their own narrative that they fail to notice the choices the other is making (or trying to make). A well-crafted check-in brings those choices naturally to the forefront. For example, the practitioner says to both parties: *"There is a difference in how each of you is participating in the conversation. Dan, you're actively sharing your perspective and expressing what you see as the issue. Carol, you've been mostly listening and only occasionally speaking up. I want to check in with you - does the way the conversation is unfolding feel okay for both of you, or do you need any changes?"*. This check-in not only empowers Carol to decide if she wants a change but also serves a recognition function. Dan is made aware that Carol has been largely silent and might have a problem with the current dynamic. If Dan had been too caught up in talking, he might not have realized that Carol had something to say. The check-in's mirror of the interaction gives each a glimpse of the other's experience (Dan sees Carol's silence; Carol hears that Dan has been focused on presenting his perspective). Whatever they choose to do with that information is up to them, but recognition is now possible. In this example, Dan might recognize "*Oh, maybe Carol hasn't felt able to speak; perhaps I should pause*," or Carol might recognize "*Dan isn't intentionally silencing me; the practitioner noticed I was quiet, which means I can choose to speak if I want*." In either case, mutual awareness is heightened.

Another way check-ins promote recognition is by highlighting that people might have different preferences or comfort levels, and that those differences can be acknowledged. For instance, if a practitioner observes that one party is becoming emotional while the other seems impatient, a check-in could be: *"I notice one of you is getting very upset at the moment, and the other is waiting quietly. Do you want to take a moment to address what's happening, or would you prefer to keep going?"*. This invites each to see the other's state. The upset person hears that the other is still engaged (just quiet). The quiet person hears that the other is in distress. It implicitly asks them to take each other's state into account in deciding the next step. The act of jointly deciding how to proceed can itself be a recognition exercise: each has to consider *"Am I okay continuing, and is my counterpart okay?"*. If they choose to take a break, it might be out of recognition that "*you need a breather*". If they continue, it might be with a shared understanding that "*we're both okay to continue*." Either way, they have checked in with each other's needs via the practitioner's question.

Check-ins also often surface the different priorities or topics each party wants to focus on, which is a form of recognition. When a practitioner summarizes a list of issues and then checks in – *"Are those the main issues you each want to tackle, or are there other things?"* – the parties will hear not only their own concerns reflected but also the other's concerns. For example, suppose Party 1 has been talking about financial compensation and Party 2 has been talking about an apology. A practitioner summary might outline both themes, then ask, *"Do these cover what each of you wants to address, or do you want to add or change anything?"*. In answering, each party becomes aware of what matters to the other. Party 1 hears that apology is on the list;

Party 2 hears that money is the issue. If both say, *"Yes, those are the main issues,"* they are implicitly recognizing the legitimacy of each other's topics, at least to the extent of agreeing that those are the agenda. Even if they don't agree on substance, they have acknowledged what the other wants to discuss. Della Noce note that check-in *"can support recognition shifts by highlighting for the parties the differences in how they see things, so they have the opportunity to appreciate the other's 'different reality'"* (Kimsey et al., 2005, p. 147). The check-in then explicitly asks them to appreciate and choose which topic to handle next. This process can lead to statements like, *"I know you really want to talk about the apology, and we will, but can we first sort out the financial piece?"* Such a sentence is a clear recognition that the other's concern is valid, even as one prioritizes differently. Without the check-in, parties might compete or talk past each other, but with the check-in, they must reckon with both perspectives.

Finally, check-ins can engender recognition of shared responsibility in the process. When a practitioner checks in about the process itself (e.g., "*We have 50 minutes left. How do you want to use them?*"), it casts the issue as a mutual problem for the parties to solve together. In the time management scenario, for instance, a practitioner might say: "*We have 50* minutes *remaining. It seems like there are still a few things on the table. Do you want to focus on just one issue and go deeper, try to touch on everything briefly, or use the time to clarify what you might want to work on outside of this space?*" By addressing both parties and offering options (focus deeply, go broad, or reflect), the mediator invites each to consider the other's priorities and needs. One party might hear that the other wants more depth on a specific topic; the other might hear that there is limited time and a need to be strategic. If they decide together how to use the time, that decision becomes a moment of mutual understanding—perhaps one person recognizes the value of staying focused, while the other sees the benefit of covering more ground. If they agree to reflect instead, both are acknowledging the limits of the session and the possibility of continued work. In either outcome, each has had to consider the other's position during the joint decision. Check-ins thus create moments of collaboration in deciding the process, which can gently foster empathy or at least acknowledgment.

Empowerment and recognition are interwoven outcomes of effective check-ins. Empowerment is supported as parties clarify their own views, make choices, and experience agency. Recognition is supported as parties become aware of and responsive to the other's choices and perspectives. In transformative practice, both of these dimensions are considered success. A check-in that leads one party to articulate a preference (empowerment) and the other to realize that preference (recognition) is aligned with the model's goals. Even a check-in that only yields empowerment (say, a party says "*No, that's not right, what I meant was…*" and clarifies their point) is valuable, and one that yields only recognition (parties carry on but now each knows the other is fine with it) is also valuable. In practice, many check-ins do a bit of both. This is why transformative practitioners view checking-in as one of the core skills that concretely realize the model's transformative potential during the sessions.

4. Typologies of Check-In Interventions

There is no doubt that all check-ins share the fundamental qualities described above. At the same time, we need to acknowledge that they can vary in their **immediate purpose and form** depending on the context. Experienced practitioners recognize a variety of situations in which a check-in may be used. In transformative practice, several types of check-in interventions can be discerned. This chapter outlines two complementary ways to categorize check-ins: first, according to their **functional purpose** in the flow of conversation (e.g., clarifying, managing process, handling emotion), and second, according to their **structural dimensions** - how the question is framed and positioned (e.g., open vs. closed, primary vs. complementary). Together, these typologies provide practitioners with a nuanced map for navigating and refining their use of this core transformative tool.

4.1. Functional Dimensions of Check-Ins

In this section, we outline key functional typologies of check-ins, such as *clarifying*, *process-oriented*, *topic-oriented*, *emotional* or *decision-point oriented* check-ins, explaining each and providing examples. These categories often overlap (for instance, a check-in can be both process-oriented and situation-oriented), but they help in understanding the range of practitioner responses under the umbrella of "checking in."

1. Clarifying/Confirming Check-Ins occur in the immediate context of a *reflection* or *summary* by the practitioner. After the practitioner summarizes what has been said, they check-in to verify accuracy and completeness. The primary goal here is **clarification** – making sure the practitioner (and both parties) correctly understand what the speaker intended. It is essentially a *complement* to a practitioner intervention to give the party control over that intervention's final form. For example, the practitioner might say: *"So, David, you're frustrated because you feel the service providers are giving you the run-around and not straight answers. Is that right, or is there something missing?"*. This check-in invites the speaker to confirm (*"Yes, that's it."*) or to add/correct (*"Well, I'm frustrated and disappointed, it's not just about answers…"*). A similar clarifying check-in might follow a denominated-type summary: *"I've heard a few key issues from both of you: A wants reliability in scheduling, B is concerned about fairness in chores, and both mentioned respect in communication. Are these the main issues you want to discuss, or are there others?"* Clarifying check-ins support empowerment by letting parties *own their narrative* (they get to say if the summary is right or add what's missing) and support recognition by making sure each party hears the other's issues as that party sees them, not filtered through practitioner assumptions. In our example, Party B hears exactly how Party A frames *their* issues, and vice versa, then each can agree or modify. These check-ins are typically **short, closed questions** (yes/no or a choice to add more) and often include an **option to elaborate** ("[…] *or is there something more you want to say about that?*"). They ensure the conversation's foundation is accurately laid out according to the parties.

2. Process-Oriented Check-Ins address *how* the conversation is unfolding, especially the **patterns of interaction** between the parties. The practitioner uses them after making an **observation** about the dynamics in the room.

Common triggers for process check-ins include one party dominating and the other staying silent, both parties speaking at once or talking over each other, an escalating cycle of interruption, or general signs that the agreed process (like the guidelines for the conversation) is not being followed. The purpose is to help the parties decide *how they want to handle their interaction*.

For example, after some time, the conversation seems to have stalled, with both parties sitting in silence. A process check-in for this might be: "*It seems like things have gotten quiet for a bit. Do you want to pause and think individually for a moment, talk about what's making this part hard to discuss, or move on to something else for now?*" Here, the practitioner neutrally describes what is happening (a lull in the conversation) and gives both parties the agency to adjust the process or continue as they are. Another example is when multiple people are talking and not listening. The practitioner might observe, *"It sounds like everyone's talking at once and it's hard to hear each other."* Then check in: *"What do you want to do? Do you want to keep going like this, or take turns, or maybe write things down so everyone can follow?"*. The options presented (continue as is, take turns, use writing) are all process adjustments that the group itself can choose.

Similarly, if there were ground rules agreed, a check-in might address their breach: *"You agreed not to use personal insults, but I've heard a couple from each side. Do you want to stick to that rule? If so, how will you do that? Or do you prefer to drop that rule?"*. Process check-ins like this make the *process itself* an object of joint decision. The parties step out of content for a moment and decide *how* they will talk. This is powerful for both empowerment (they literally design their process) and recognition (they must accommodate each other's process expectations and concerns). It's worth noting that if nobody is bothered by the process, a transformative practitioner might *not* intervene at all. For instance, if parties agreed to no interrupting but both are freely interrupting and neither appears upset by it, the practitioner might decide there's no need to check in. Process check-ins are thus used when the practitioner perceives a potential issue in the interaction that at least one party seems to signal concern about. You might think of this as a *"reflective"* check-in, in the sense that the practitioner is reflecting the interaction pattern (holding up a mirror) and then checking in.

3. Topic/Agenda Management Check-Ins focus on *what subject matter to discuss* or the *prioritization of topics*. In mediation or dialogue, particularly in complex disputes, numerous issues may arise. Rather than the practitioner deciding the agenda, the transformative approach involves using check-ins to allow parties to choose their own agenda and sequence. A common scenario is that both parties have raised multiple issues. The practitioner might summarize: *"You've mentioned a few different things so far – [Issue A], [Issue B], and [Issue C]. Is there anything else that feels important to include, or does that reflect the main concerns you want to talk about?"* (a clarifying part.) *"And if those are the key points, what would you prefer to begin with or focus on next?"*(this second part is not mandatory; it might follow, if parties during the clarifying part confirm that issues A, B, and C are the main concerns). This check-in explicitly hands over agenda-setting. The parties might say "*let's start with Issue A*" or one might say "*actually Issue C is most urgent for me.*" Either way, *they* decide the order and emphasis. Another variant is when parties disagree on what the mediation or dialogue should even focus on. For example, one wants to talk about a relationship issue, the other only wants

to talk about money. The practitioner might check in on that at meta-level: *"Right from the start, it seems you've had a core difference in what you see as the focus of this conversation - one of you emphasizing personal matters, the other highlighting financial concerns. Is there something that might help you figure out how to move forward with that? Or would it be better to leave that question open for now and revisit it later?"*. This example shows the practitioner acknowledging an agenda impasse and inviting the parties either to find a way to agree on an agenda or to table that decision. The sentence "*to leave that question open for now*" is even an acceptable answer. It means they might continue discussing the agenda or address both topics simultaneously.

Topic management check-ins ensure that the conversation follows the parties' priorities. They support empowerment by letting parties *steer the substantive focus* ("What do *you* want to tackle next?") and support recognition as each party hears what the other considers important. Frequently, such check-ins also include options that reference what *both* have said. For instance: *"We can continue with what you were discussing, or switch to the other issue that was mentioned, or of course if there's another topic we haven't mentioned, that's also open."* This way, each party's priority is named as an option, subtly encouraging each to recognize the other's priority as legitimate and on the table.

In cases where the same points are being repeated without new insight or direction, a topic-shift check-in might be: *"It sounds like we're circling the same ground a bit. Would you like to keep exploring it this way, try looking at it from a different angle, or maybe shift to a new topic and return to this one later?"*. When parties express that the conversation feels like it's "going nowhere," practitioners can offer a range of responses that support shared decision-making and help reorient the process. These include inviting the parties to brainstorm other ways to make the conversation feel more useful, suggesting a shift to a different topic with the possibility of returning later, or continuing the current discussion with awareness that it may still yield value. Other options include taking time to reflect, scheduling a complementary session, or recognizing that ending the conversation altogether is also a valid choice. All of these are topic-management or agenda-level choices, and presenting them all signals that it's *acceptable to the practitioner,* regardless of which path they choose.

4. Emotional/Tension Check-Ins are used when there is a notable **emotional dynamic** or **"situation" unfolding** that may need to be addressed for the conversation to remain constructive. Transformative practitioners do not aim to soothe or counsel emotions away, but they are attentive to *signals of distress or discomfort* that might indicate a **choice point** for the parties: Do they want to continue confronting the emotional difficulty, or handle it in some way? For instance, if the tone in the room has grown tense, for example, voices have become sharper or body language more closed off, a practitioner might say something like: *"It feels like things have gotten a bit tense. Would it help to pause for a moment, talk about what's coming up for each of you, or keep going as you are?"* This kind of check-in acknowledges the shift in emotional atmosphere without labeling it as a problem, and offers the parties agency in deciding how (or whether) to address it. The practitioner isn't *telling* them to calm down or *forcing* a pause. Quite contrary, they give the emotional party (and the other party) the *choice* of how to deal with the emotional spike. If both parties are heated and the exchange is spiraling, a similar check-in might be directed to both: *"It sounds like things have gotten very intense and that might be making it hard to focus. What do you want to do? Keep going like this, or take a breather, or maybe talk one at a time?"*.

Emotional/tension check-ins are delicate. They require the practitioner to name what is observed (e.g. tears, anger, body language) in a way that is not judgmental, and then to offer supportive choices. When done well, they empower parties (especially the more emotional party) not to feel trapped. They can take a break or ask for a change. At the same time, they encourage recognition, as the other party sees the practitioner pause for the emotion (signaling "this is something real happening to your counterpart"). Sometimes, the mere act of checking in on an emotional spike can lead to recognition. For example, a party might say, *"I don't want a break; I want to keep talking because this is important."* And the other might recognize the first party's determination or pain in that statement. Or vice versa: a party might say, *"Yes, I need a moment,"* and the other might nod and be patient, recognizing that need. Emotions in conflict are closely tied to the feelings of weakness (fear, hurt) and self-absorption (anger, frustration). By checking in at emotional junctures, the practitioner gives parties a chance to transform those feelings into deliberate action (take care of self = empowerment; notice other's pain = recognition). These check-ins overlap with Situation-oriented check-ins (since emotion stems from situation) but are singled out because they deal with **phenomenological situations** – the lived emotional experience in the room.

5. Decision-Point/Situation-Oriented Check-Ins refers to moments when parties face a **substantive decision** or **impasse in the content of their conflict**, and the practitioner checks in to help them navigate how to approach that decision *within the mediation or another session*. For instance, if parties say, "*We can't really decide X until we get input from [a third person] or more data*," the practitioner might check in about what they want to do given that limitation. The practitioner can respond with a check-in on options: *"You've mentioned you might need outside information to decide this. Do you want to talk to other people (to get that information)? Or end the session now so you can do some research and come back later? Or are you comfortable going ahead with what you know now?"*. This presents multiple paths: seeking external input, adjourning to gather information, or proceeding despite uncertainty – all valid choices for the parties to consider.

Another substantive decision example is when one party is undecided between options. For example, one party hesitates between agreeing to sell a jointly owned apartment now or waiting until the housing market improves, considering both the benefits and risks. A possible check-in for that might be: *"It sounds like you're weighing two real possibilities – selling now or waiting – and each has its upsides and downsides for you. Is there anything in this conversation that could help you make that decision? Or would you rather give it some time and think it through? Maybe talk it over with someone else? Or is there another way that might help you get clearer?"*

This rich check-in does several things: it reflects the party's dilemma (showing understanding), it suggests the conversation itself might be a resource (inviting them to use the mediation for clarity if they want), it gives the option to take time (delay decision), to seek outside counsel, or any other idea they have. But, it doesn't try to solve the dilemma or push a particular route. It empowers the indecisive party to choose a way forward that suits them, and it includes the recognition element that the other party is hearing this struggle articulated and the options

considered. In practice, the other party might chime in. For example, "*I'm okay if you need more time to think, that's fine*," which is a recognition of the first party's need. Or the party might say, "*No, let's talk it through now*," and the other will then engage in that conversation, recognizing that this is the chosen path. In either case, the decision on how to handle an impasse is made by the party (or jointly by both) rather than the practitioner.

Another simple example might be near the end of a session, parties might be unsure whether to formalize an agreement or just leave it informal. A practitioner can check in: *"Would you prefer to put some of your understandings in writing, or are you more comfortable keeping them as a verbal agreement for now?"* This type of check-in again ties back to ensuring party control over outcomes. Even the decision "*do we have an agreement or not*" is ultimately up to them, and a transformative practitioner will check in about it rather than assume they must reach a written deal.

4.2.Structural Dimensions of Check-Ins

Although check-in may appear to be a single, straightforward technique, practitioners quickly discover that it takes many forms, depending on the context, purpose, and phrasing.

In addition to the functional types above, check-in questions can be understood along several structural dimensions. These dimensions describe *how* the practitioner's question is framed and how it fits into the flow of conversation, regardless of the specific issue it addresses. They cut across the categories of check-in types. In other words, any given check-in (clarifying, process, topic, emotional, substantive) can be formulated in different ways along these spectra. Recognizing these dimensions adds nuance to our typology, helping transformative practitioners be intentional about their phrasing and timing, ensuring the intervention remains consistent with transformative principles. Below, we outline three key dimensions: *Open-Scope vs. Focused-Scope*, *Primary vs. Complementary*, and *Open-Ended vs. Closed-Ended*. Each represents a continuum rather than an absolute dichotomy, and a particular check-in might fall somewhere in between depending on context. For clarity, we describe them as polar categories that highlight the contrast.

Open-Scope vs. Focused-Scope Check-Ins

This dimension refers to the **breadth of the invitation** that the practitioner's question offers. It is basically about the **directional focus** of a check-in – whether it opens the conversation up to explore broader possibilities (*divergent*) or narrows the conversation down towards a particular path or decision (*convergent*). Both are done by asking the parties, but the framing differs. An open-scope check-in is broad and expansive. It allows the conversation to branch out or shift direction based on the parties' preferences and decisions. It does not limit the subject matter of the response. In contrast, a focused-scope check-in is narrow and pointed. It targets a specific detail or decision and keeps the conversation within a particular scope.

Open-scope check-ins are like using a *compass*: they open up space for further thinking without highlighting specific options. It helps parties determine the direction in an open-ended way, inviting them to consider a range of next steps or even pause to reflect. An open-scope check-in does not pre-define the possible answers. It's the broad "*Where do we go from here?*" type of question. These questions often arise at transition moments or when new issues are being solicited. For example, *"What would each of you like to discuss next?"* at the start of a session or after resolving one issue is an open-scope inquiry. It puts no parameters on the content, leaving it entirely to the parties to choose any topic. Similarly, a content-complementary question like *"Is there anything else either of you wanted to say about that?"* opens the floor for further discussion on potentially any aspect related to the last exchange. It's characterized by open-ended wording that does not limit the parties. They allow literally any answer – the parties might introduce a new topic, go back to something, or say they're not sure. The metaphor of a compass suggests that the mediator is helping the parties orient themselves, but not steering them. The parties themselves must choose their bearing. Open-scope check-ins can spur creativity and party leadership, as the parties may take the conversation in an unforeseen direction that they find meaningful. It aligns strongly with empowerment (broad autonomy) and can also lead to recognition if, for instance, one party says, "*Actually, I want to hear what you think about all this now*," which sometimes happens when given open space. The advantage of open-scope check-ins is that they invite broader participation and new information, supporting parties in voicing concerns that the practitioner might not even be aware of. It resonates strongly with non-directiveness, since the practitioner imposes virtually no frame on the response.

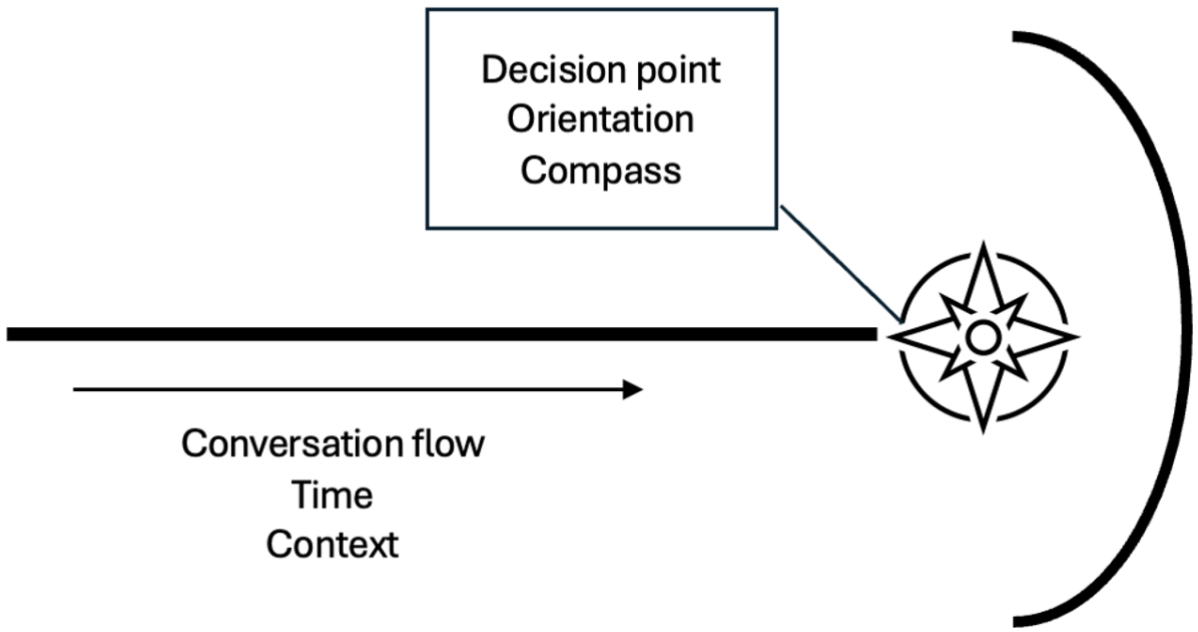

Figure 14: Open-scope check-in scheme

Focused-scope check-ins, on the other hand, are used when precision or clarity on a particular point is needed. Focused-scope check-in is more **structured**. It often involves referencing a

specific element from what was said or a particular decision to be made. For instance, *"You just mentioned the budget meeting, Paul – are you talking about the meeting last June?"* in order to help parties get clearer about what the conversation is about. Or in an agenda context, *"Do you want to continue talking about the budget now, or switch to the schedule issue?"* is still a check-in but it confines the scope to two identified topics. The metaphor of a bifurcation point (fork in the road) applies here. It's a decision between two or a few known alternatives. For example, at the end of a session, a mediator might ask: *"Do you think the conversation has gone as far as it can today? Do you want to call it a day, or take a short break and then continue?"* This check-in explicitly presents two options (stop now vs. take a break and continue) that are sensible in the context. The parties are asked to choose a direction. Another example: if parties have identified two issues but can't decide which to tackle first, a focused-scope check-in could be: *"Would you like to focus on Issue A next, or would you prefer to talk about Issue B first?"* The practitioner here is enumerating obvious choices that need a decision. The reason why we use focused-scope check-ins is clear. Sometimes, parties find it easier to choose from given options than to create new ones from scratch. It can provide clarity if an open question might be too vague. As long as the options truly come from the parties' prior discussion – from the content the parties have discussed so far, or from the procedural moment of the mediation (and not out of the blue from the mediator) - this remains party-driven. It effectively summarizes the fork they've reached, then empowers them to choose which road to take. Focused-scope questions reduce ambiguity and help the parties concentrate on one thing at a time when that is needed. This can prevent overwhelming the parties with too many considerations at once, and can also ensure that a particular decision doesn't get lost in a broad discussion.

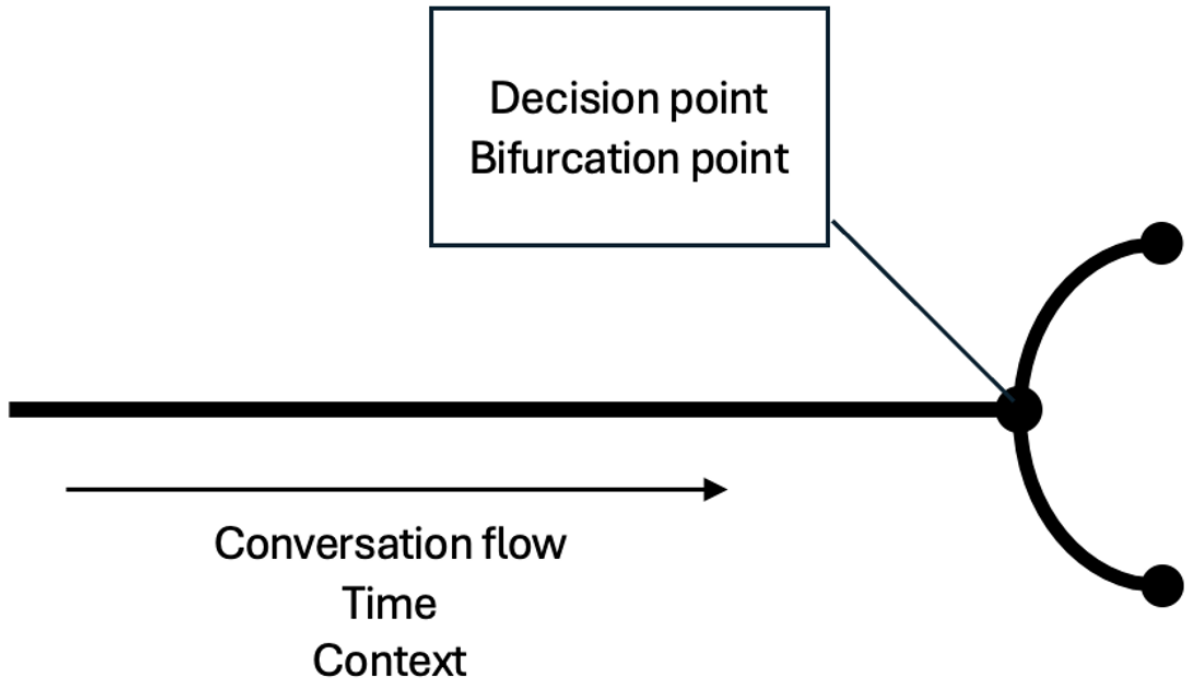

Figure 15: Focused-scope check-in scheme

So **how to choose the scope?** A skilled transformative practitioner chooses open vs. focused scope in alignment with the parties' needs of the moment. If parties seem stuck or unsure where to go next, an open-scope check-in can gently prompt them to consider any direction that feels right (maximizing empowerment). If parties have introduced a lot of content and there's confusion, a more focused check-in can help clarify one item at a time (providing recognition of specifics). It's worth noting that even a focused-scope check-in remains non-directive as long as the *focus itself originates from the parties' dialogue*. The practitioner is essentially taking one thread that the parties put on the table and checking in about that thread specifically. Both scopes must be used carefully: a too-early focused-scope check-in could inadvertently limit options (so practitioners should ensure any options stated are ones the parties have raised or are "obvious" from context). A too-vague open-scope check-in might confuse parties who feel lost, in which case offering some structure (like re-stating the known choices) can help.

Both open-scope and focused-scope check-ins ultimately serve empowerment. Open-scope check-ins maximize freedom and choice (which can be very empowering but occasionally overwhelming), whereas focused-scope check-ins provide a bit more guidance while still handing the decision to the parties (empowering them to choose among known options). Even a focused-scope check-in must genuinely treat all options (including perhaps doing nothing different) as legitimate. The practitioner's neutrality in presenting the fork in the road is key so that parties don't feel one option is favored.

Both *open-scope vs. focused-scope* reflect how broad or narrow the practitioner's question is, influencing whether it opens up the conversation or narrows it down to a point. Transformative practice often involves a fluid mix of both: knowing when to help broaden the discussion to ensure inclusivity of all issues, and when to help focus it to ensure clarity on decisions.

Primary vs. Complementary Check-Ins

This dimension concerns the source or trigger of the check-in intervention in the flow of conversation. A **primary check-in** is one where the check-in *itself* is the primary intervention, and any reflection or summary before it is just a lead-in or setup. In contrast, a **complementary check-in** means the main intervention was something else (usually a reflection or summary), and the check-in question is secondary, often merely to confirm or gauge the parties' response to that reflection/summary.

Primary Check-Ins occur when the practitioner provides a minimal reflection or context, then poses the check-in question, which carries the weight of the intervention. For example, the mediator might summarize briefly: *"So, you've discussed a few options for the children's schedule and haven't found one that works yet."* Then immediately follow with a check-in like: *"What would you like to do at this point? Would it be helpful to brainstorm some new options, or do you want to keep talking through the current ones?"*. Here, the check-in question is the main thing. It's asking the parties to make a decision on how to move forward. The prior summary is just there to acknowledge context. Another example is when a practitioner senses a lull or confusion: *"Would it make sense to summarize what's been said so far, or do you want*

to continue with more details?" Here, the practitioner is initiating a check-in to find direction after a pause. Primary check-ins can also be about process, like *"We have about 30 minutes left; how would you like to use that time?"* This is initiated by the practitioner's time-keeping role, yet it hands the decision to the parties.

The practitioner's intent is focused on the *question*, helping the parties to explicitly choose next steps. Primary check-ins are common when a clear decision point has been reached, and the practitioner helps to shine a light on it. The advantage is that it strongly reinforces party deliberation. The practitioner essentially says, "*Here's the situation (in brief), now it's up to you – what do you want to do?*"

Complementary Check-Ins are by far the most common in transformative practice, aligning with the general principle of following the parties' lead. In a complementary check-in, the practitioner's main focus is on something like a reflection or summary, and the check-in is almost an afterthought to ensure the parties are on board or to invite minor clarification. For example, the practitioner might deliver a lengthy reflection of what one party just expressed, capturing their feelings and perspective. After the reflection, the practitioner might add a quick check-in like, *"Is that right?"* or *"Is that how you see it, or is there anything you'd like to add or correct?"*. Here, the primary intervention was the reflection. The check-in ("*Is that it right?*") is subordinate – it serves to verify the reflection's accuracy or usefulness. Another instance: the practitioner summarizes a list of issues the parties have mentioned so far (primary act), then checks in: *"Does that list sound complete, or is there something missing?"*. The check-in is secondary, aiming to ensure the parties feel the summary is accurate and to give them control to adjust it as needed. In the presentation's terms, the check-in in subordinate mode is usually to "verify [the] previous intervention". It's a way of still giving the parties a say (empowerment) about the practitioner's intervention. In each of these cases, the practitioner's question is anchored to the party's last contribution. Complementary check-ins tend to feel very natural and non-intrusive to the parties, because the practitioner is essentially reflecting the conversation back to them in question form.

Let's provide some more examples to contrast:

Primary check-in example: Practitioner: "Y*ou've gone back and forth several times on how to divide up the school week and seem stuck. Would it be helpful to think about other options, perhaps by looking at what professionals recommend or what others do or make a phone call or is there anything else that might help you to get clearer?*". In this real example, the practitioner did a short reflection ("*you seem stuck on dividing the school week*") and then the core intervention is the check-in question offering an option to consider new ideas. The check-in is primary; the reflection only sets the stage. The practitioner's main aim here is to get the parties to decide whether to brainstorm alternatives using external suggestions or other sources.

Complementary check-in example: Practitioner: "*So as far as the use of the garden is concerned, Mark, your view is that you would like to buy it and keep it as a private space, so the question for you is the price, whereas your view, Elisabeth, is that the garden should remain*

communal and you should work out a way of sharing it. Is that right?" The question "*Is that right?*" is a check-in, but it's clearly in service of the summary. The practitioner's primary act was to put back on the table what was said, and now is just checking back with the parties to see if the summary is accurate. If the parties say "*Yes, that's right*" or "*Actually, it was more in December*," either way, the practitioner has engaged them in confirming the summary.

Understanding this dimension is important because it highlights a potential pitfall. If a practitioner uses too many primary-led check-ins, they might inadvertently start to drive the process (even with good intentions), whereas relying mostly on complementary check-ins keeps the practitioner squarely in a responsive mode. Check-ins often do not occur in isolation. They can be embedded in a complex intervention. Skilled practitioners may blend techniques. For instance, a facilitator might reflect *and* check-in in one turn of speaking. Understanding the distinction between primary and complementary check-ins helps practitioners be mindful of their intention. If the goal is to prompt a decision by the parties, ensure the check-in question is emphasized (dominant). If the goal is mainly to reflect and the question is just making sure the party feels heard correctly, then the complementary check-in should be kept subordinate (and not a heavy-handed question). Being aware of this prevents a practitioner from unintentionally diluting a reflection with an unnecessarily big question, or vice versa.

Transformative mediation literature emphasizes minimal intervention – ideally, the practitioner intervenes *only when needed* and in ways that stay within the frame of the parties' conversation (Bush & Folger, 2005, 2010b). Thus, complementary check-ins are generally the default. They ensure the practitioner's actions are rooted in the parties' own words and signals. However, there are appropriate times for primary-led check-ins, as noted: starting discussions, handling logistics (time, breaks), or surfacing an unspoken issue like palpable tension. Even then, a primary-led question should be open and neutral, giving parties an easy opportunity to say no or redirect. Both types, primary vs. complementary, describe whether the check-in initiates a new direction or follows an existing one. Both types also maintain two-way communication between the practitioner and the party. Even when a practitioner offers a summary, a quick check-in (even a nod of confirmation as a form of check-in) turns it into a dialogue. This fosters an atmosphere of collaboration rather than a practitioner-dominated approach.

Open-Ended vs. Closed-Ended Check-Ins

The final dimension is the **linguistic form** of the check-in question: whether it is phrased as an open-ended question or a closed-ended question. An open-ended check-in is phrased to invite a free-form response, without suggesting a particular answer. It often begins with words like "how," "what," or "could," and it cannot be answered with a simple "yes" or "no." A closed-ended check-in, by contrast, is phrased to elicit a specific, limited response – typically "yes/no" or a choice among defined options. Both forms have their place in mediation, dialogue, or coaching. This dimension is distinct from the content scope. Even a narrowly focused question can be open-ended (e.g. "*What do you mean by X?*" asks for explanation of X), and a broad-scope question can be closed-ended (e.g. "*Do you want to discuss something else now?*" is

yes/no but potentially opens a new topic). Thus, "open vs. closed" refers purely to the question format and the expected form of answer.

Open-Ended Check-Ins are powerful questions in transformative practice because they give maximum latitude to the parties in how to respond. They encourage parties to express themselves more fully and share their perspective in their own words. For example: *"How do you see the situation at this point?"*, *"What would you like to do next?"*, or *"Could you tell me more about what you're hoping to achieve today?"* Each of these prompts the party to reflect and then articulate whatever they find relevant. In the context of the types we outlined, many clarifying and emotional check-ins are open-ended. For instance, in an emotional moment, asking *"How are you feeling about continuing this conversation?"* invites the party to describe their comfort or discomfort in their own terms. The transformative practitioner often leans toward open-ended phrasing, especially when the aim is to empower parties to define issues or options in an unrestricted way. Open-ended check-ins tend to foster deeper dialogue and self-reflection; they signal that the practitioner has no fixed agenda for the answer. This supports the parties' sense of ownership of both process and content.

Closed-Ended Check-Ins are closed-ended questions that seek a concise confirmation or choice. They are useful when a specific decision or verification is needed quickly and clearly. Many confirming check-ins use a closed form: e.g., *"Is that right?"* or *"Are you saying you agree with that proposal?"* These invite a yes/no answer that verifies understanding or stance. Process and substantive decision check-ins also often use closed or either/or formats because they present discrete options: *"Would you prefer to keep talking about this separately, or bring it up in front of your supervisor?"*, or *"You have two topics left – finances and scheduling – do you want to tackle both today?"* A practitioner might even ask a pure yes/no question like, *"Shall we take a break now?"* if it seems very likely needed, though even here, phrasing it as *"Would you like to take a break or shall we continue?"* keeps the decision explicitly with the parties.

However, closed-ended questions can also be leading if not handled carefully. The practitioner must ensure they are not biased or suggestive of the practitioner's own preference. The example *"Would you like to have it written down?"* implies that the practitioner is offering the idea of writing an agreement; depending on the context, this might be something the parties were considering, or it might introduce a new notion (which might be seen as being practitioner-driven). So, practitioners should generally use closed-ended check-ins primarily when the option being offered clearly stems from the parties' conversation or an established need (like clarifying a yes/no on something the party hinted at).

The strength of closed-ended check-ins lies in their clarity and efficiency: they quickly confirm specific points, which can be critical to avoiding misunderstandings or to moving forward once parties have implicitly signaled something. However, if overused, closed questions can make the conversation feel like an interrogation or limit parties to a limited set of answers. The practitioner should ensure that whenever a closed question is asked, it genuinely reflects the

parties' established options or serves as a simple reality check, rather than the practitioner's imposed framework.

Let's consider the difference between*: 'Where would you like to go from here?' vs. 'Would you like to have it written down?'*. This highlights how the first question is open and leaves the direction entirely to the parties, whereas the second immediately brings up one specific path (writing it down) and asks for approval or rejection. The difference in these formulations is crucial. The open version upholds neutrality and broad choice, while the closed version narrows the focus. Each has pros and cons. **Open-ended check-ins** can sometimes result in parties being unsure how to answer ("*I don't know, what do you think we should do?*"). In such cases, the practitioner might follow up with a more specific question or offer a couple of choices (shifting to a more closed format) if truly necessary *and* if those choices are derived from an earlier discussion. **Closed-ended check-ins** can facilitate decision-making if the parties are already focused on a particular question. But they risk limiting the parties' imagination. They also might bias the outcome; for example, asking "*Would you like to do X?*" may subconsciously plant the idea that X is a good or expected thing to do. Thus, a practitioner should consider whether the closed question could be leading. If so, rephrasing it in an open format (such as "*What would be most helpful for you now?*" instead of "*Would writing this down be helpful?*") might be preferable. Closed-ended check-ins should be employed in a *transformative-consistent way*, meaning they should clearly emanate from the parties' conversation and still leave the final say with the parties. If done correctly, even a closed check-in still supports empowerment (a party can say yes or no freely) and possibly recognition (for instance, if one party needs to ensure the other is okay with writing things down, etc., asking in front of both parties can show consideration for each other's preferences).

In practice, practitioners often blend open and closed formats even within a single intervention. For example, an agenda check-in might start open-ended, *"What issues do you still need to cover?"* and then follow up with a closed confirmation, *"So the two main issues are X and Y, correct?"* This combination allows parties to express themselves freely and then to solidify mutual understanding with a clear yes/no. The open-ended vs. closed-ended dimension is fundamentally about language structure, and a transformative practitioner strives to use it intentionally: open questions to empower and explore, closed questions to confirm and clarify. By being conscious of this dimension, practitioners ensure they are not unconsciously leading the parties. Even a closed question in transformative mediation is framed as a genuine check on the parties' wishes or understanding, not as a pressure to agree. In summary, mastering both open and closed-ended check-ins – and knowing when each style serves the conversation – is a key part of the practitioner's skill set within the transformative approach.

These typologies are not rigid compartments. In practice, a single check-in can serve multiple purposes. For instance, a practitioner's check-in might simultaneously clarify content *and* manage the agenda (e.g., verifying the list of topics and asking which to tackle first). Or an emotional check-in might also be considered a process check-in (since high emotion is affecting the process). The important takeaway is that check-ins are versatile tools. Transformative practitioners use them in response to different kinds of "dilemmas" or decision points that arise:

factual clarification dilemmas, process management dilemmas, agenda-setting dilemmas, emotional moments, and substantive impasses. In each case, the practitioner's move is to frame a question back to the parties rather than making a unilateral decision.

By having a repertoire of check-in types, practitioners can remain responsive to whatever is happening. As Jordan notes, *"whenever I start to feel I need to have an answer or something's happening that I didn't anticipate, I remember I don't have to worry – I can just name what's happening and give it back to the group"* (Jordan, 2022, 00:00:46 – 00:01:02). This mindset underlies all types of check-ins: the practitioner *names* (reflects) the issue and then gives it back (checks in). It provides a sense of safety for the practitioner in the face of unpredictability, and more importantly, it consistently reinforces to the parties that *they* are in control of their conversation. In the next section, we delve deeper into how practitioners decide when and how to use these interventions, as well as some of the challenges or practitioner dilemmas that arise in real-time.

Tables 1 and 2 below summarize both typologies of check-in interventions, with their typical context and an example of each:

Table 4: Functional Check-In Types

Functional check-in type	Immediate purpose	Typical context	Illustrative practitioner prompt	Usual question form & notes	Key empowerment / recognition effect
Clarifying / Confirming	Verify accuracy of a reflection or summary	Right after mediator restates a party's words	"So you're frustrated with the run-around—did I capture that, or is something missing?"	Closed **yes/no** + option to elaborate; *complementary*, *focused-scope*	Parties own their narrative; each hears the other's issues as stated by that party
Process-Oriented	Let parties decide how to manage the interaction	Interruptions, silence, rule breach, escalating pattern	"It sounds like you're talking over each other. Keep going, take turns, or write things down?"	Usually lists 2-3 options; often *primary*; scope varies	Parties co-design the process and acknowledge each other's process needs
Topic / Agenda Management	Hand control of subject order & priorities	Many issues, looping, agenda dispute	"We've named A, B, C. Anything to add? Where would you like to start?"	Opens first, then may narrow; mix of open and option-based	Parties steer substance; each recognizes the other's priorities
Emotional / Tension	Surface and give choice about handling strong emotion	Noticeable anger, tears, tension spike	"It feels tense. Pause, talk about it, or keep going as you are?"	Descriptive lead-in + options; *primary*; focused on moment	Emotion-bearing party isn't trapped; counterpart sees and can respond to the emotion
Decision-Point	Help parties choose a path when a concrete fork appears	Need outside info, two clear options, end-of-session choice	"You may need data to decide. Pause to research, carry on now, or something else?"	Presents discrete options; *primary*, *focused-scope*	Parties make their own way through an impasse; dilemma made explicit for both

Table 5: Structural Check-In Types

Structural type	Core aim of the phrasing	When it's especially useful	Prompt pattern (examples)	Expands or narrows choice?	Watch-outs if over- or mis-used
Open-Scope	Throw the conversation wide open; invite any direction	Transitional moments, parties seem unsure where to go	"Where would you like to go from here?"	**Expands** – divergent	Too vague if parties feel lost
Focused-Scope	Zero in on a specific decision or detail	A clear fork or need for precision	"Talk about Budget A or Scheduling B next?"	**Narrows** to named choices	Can limit imagination if mediator supplies options not rooted in party talk
Primary	Use the question itself as the main intervention to spotlight a choice point	Lulls, time checks, unspoken tension	"We have 30 min left—how would you like to use it?"	Either expands or narrows (depends on wording)	Over-use can feel mediator-driven
Complementary	Merely confirm or fine-tune a preceding reflection/summary	Routine after most reflections	"Did I get that right?"	Usually narrow; quick	If skipped, mediator's summary may feel one-sided
Open-Ended	Invite a free-form answer in the party's own words	Exploration, emotion, story gathering	"How do you see the situation now?"	Expands	Parties may ask mediator to decide if they feel overwhelmed
Closed-Ended	Get a clear yes/no or pick from stated options	Verification, quick decisions, time-saving	"Shall we take a break now?" / "Option X or Y?"	Narrows	Can become leading or feel like interrogation if over-used

5. Practitioner Dilemmas and Real-Time Decision-Making in Check-Ins

Executing check-ins in the fluid environment of a live mediation requires attentiveness and judgment. Practitioners often face dilemmas in real time: *Should I check in now or let them continue?*, *How do I phrase this check-in to avoid leading?*, *Am I intervening because I'm uncomfortable, or because they need it?* This section examines common decision points for practitioners regarding check-ins and discusses how transformative practitioners navigate these choices. We will integrate analysis of selected examples to illustrate these practitioner decision-making moments.

One fundamental principle that guides practitioners is to **rely on party signals rather than practitioner impulses**. Transformative practitioners are trained to look for signals from participants about what they need, rather than acting on their own feelings of discomfort or assumptions about what's best (Bush & Folger, 2005, 2010a; Kimsey et al., 2005). This can be challenging, as practitioners are human and will notice many things that *they* might perceive as problems – e.g. long silence, raised voices, tangential topics. The dilemma is: *Is this something the parties actually need addressed, or is it just bothering me?* A useful checkpoint, as Susan Jordan describes, is for the practitioner to "*check myself first – my intention – and ask: Am I bothered by that* […] *or are they?*" (Jordan, 2022, 00:10:49 – 00:10:56). Jordan refers here to Core Activity 2 – Monitor Yourself: "*After identifying an opportunity for empowerment or recognition, the mediator thinks before responding, in order to monitor his or her motivations to intervene and maintain exclusively supportive intentions*." (ISCT, 2010, p. 34) Only if at least one party is clearly signaling (through words, tone, body language, etc.) that an intervention might be needed does the practitioner proceed to check-in. For example, consider ground rules: if parties set a rule and then break it, a novice practitioner might immediately feel obligated to enforce it. But a transformative practitioner holds back unless someone shows it's a problem. Consider the situation where participants often **don't follow the agreed rules**, but there are no signals that this is a problem for them, so the guidance is "No intervention". If, however, one party *does* say it's a problem (e.g. *"Hey, we said no interrupting and he's interrupting me"*), giving a clear signal of dissatisfaction, so the practitioner intervenes with a check-in about the rules. Example given by Łukasz Kwiatkowski (2024) in his check-in workshops: *„You agreed rules for your conversation at the beginning, and it looks like you have different approaches to following them. You A sometimes follow them and sometimes don't, and it concerns you B, every time A doesn't follow them. What do you want to do about it? Do you want to discuss them again and possibly change something, maybe reaffirm their validity, or maybe you don't need them anymore?"*

This pair of scenarios highlights a key practitioner decision: the practitioner must discern the presence of a signal from the parties. If none, even a seemingly "good" check-in could be

experienced as intrusive or puzzling. If yes, the check-in will be a welcome opportunity for the parties.

Another classic dilemma is how to handle one party's **silence** or minimal participation. Silence in conversation can mean many things: acquiescence, internal processing, discomfort, intimidation, or simply that the person has nothing to add at that moment. The practitioner might worry that the silent party is not getting their needs met, but from a transformative stance, one shouldn't jump to intervene unless there's some indication the silence is problematic *to the parties*. A common approach is to do a general check-in that includes both parties, rather than putting the silent person on the spot. For instance, in the earlier example where one person speak at length on some topic and the other stay silent, the practitioner's non-directive check-in may addressed to *both*: *"Is the way the conversation is going (with one doing the talking and one not) okay for both of you, or would you like to change something?"*. This way, the silent person is given an opening to speak up if they want, but they are not singled out with a pointed question like *"And what do YOU think, B?"*, which could feel accusatory or pressuring. The practitioner faces a micro-dilemma in phrasing: do I indirectly invite B to speak, or directly ask B for input? The transformative best practice leans toward the indirect, mutual invitation, as shown in the example. By saying "both of you," the practitioner ensures the decision is framed as a joint matter. If B truly is fine being silent, B can say: "It's okay, I'm listening." If B was uncomfortable, B now has the practitioner's implicit permission to request a change (e.g., *"Well actually, I do have some things to say…"*). Meanwhile, A also hears that silence is not necessarily consent – it prompts A to check if B is really okay with how things are going. This can spur A's recognition of B's situation.

Let's analyze a brief excerpt to illustrate this silent-party scenario:

Mediator:
"*You've been approaching the ISCT's schedule in different ways. Janet, you've shared several ideas and suggestions, and Lydia, you haven't said much yet. Is this pace and balance in how the conversation is going okay with both of you, or is there anything you'd like to adjust?*"

Lydia:
"*Sure. I've been listening, but I also have some preferences. I was waiting to see what Janet would suggest, but I'd like to talk through my thoughts, especially about the summer plans.*"

Janet:
"*Oh - I didn't know you had something in mind already. Thanks for saying that. Yeah, go ahead - I'd really like to hear.*"

In this hypothetical continuation, we see that the mediator's check-in unlocked Lydia's voice without ever forcing it – Lydia felt "invited" rather than pressured, which is an empowerment shift

for Lydia. At the same time, Janet recognized that Lydia had actually been holding back, a small shift in recognition for Janet. The practitioner had to judge that a gentle process check-in was appropriate. Lydia's body language (perhaps looking like she wanted to speak, or on the verge of talking but not breaking in) was a signal that prompted the practitioner to act. If Lydia had appeared completely content and relaxed, the mediator might have held off longer.

Another practitioner challenge is managing **escalating negative cycles**. Transformative practitioners allow conflict to be expressed – even if conversation gets heated or angry, they don't automatically shut it down because that expression can be part of the parties working through it. However, they remain alert to weakness and self-absorption cues that indicate the parties are spiraling in a way that they might find unconstructive (e.g., they start repeating themselves, showing confusion, or expressing hopelessness). Suppose both parties are arguing fiercely and talking over each other. A practitioner might initially let it go to see if it settles, but if it continues and neither is really hearing the other, the practitioner faces a decision: intervene or not? If the parties seem *frustrated that it's going nowhere*, that's a cue for a check-in. Consider the following scenario.

Two siblings, Christian and Anja, are in a mediation about roles and responsibilities in a business they co-inherited. They've started blaming each other, raising voices, interrupting, and ignoring practitioner reflections. Attempts to summarize have been drowned out. Their tone is sharp, and their body language is tense and closed.

Practitioner:
"*It seems like the conversation is getting more difficult and pretty intense. Would it make sense to keep going like this, or take a break, or maybe even stop for today and think about next steps?*"

Anja:
"*I don't know. I'm tired of this. We're not getting anywhere.*"

Christian:
"*Yeah. But I also don't want to walk out again - we've done that too many times.*"

Practitioner:
"*Would either of you want to take a short pause and come back to see if things feel different? Or if you prefer to stop completely for now, that's absolutely up to you.*"

During basic training, many practitioners were taught to **suggest options** for people spiraling into weakness/self-absorption, such as *taking a break, continuing as is, ending the mediation, holding separate sessions, or any other ideas the parties may have*. Presenting even the option to end the mediation is significant: it shows the practitioner is not attached to forcing them to continue in a miserable pattern, and it reminds them *they have the power to stop*. Ethically, this respects their

self-determination; practically, it might jolt them into deciding *together* if they want to salvage the conversation. Some practitioners fear that suggesting "*end the mediation*" will encourage the parties to quit. But in transformative practice, it's considered *their right to quit* if they choose. Continuing only has value if they themselves decide it does. In many cases, paradoxically, giving people the real option to exit makes them feel less trapped and thus more willing to continue, because they know they are staying by choice, not coercion.

A nuanced dilemma arises when the practitioner perceives a problematic **interaction pattern** that the parties themselves have not verbalized or perhaps even noticed. One party keeps making a point, while the other keeps ignoring that point and changing the subject. Each time this happens, they argue heatedly, yet neither has explicitly pointed out this pattern. The practitioner identifies a cycle (or pattern) in their interaction that is causing repeated flare-ups. Now, should the practitioner bring this to the parties' attention? Transformative practitioners are cautious about imposing their interpretation, so as not to move into a more directive, analytic role. But if the pattern is clearly fueling the conflict and the parties seem caught in it, an observation + check-in can be a powerful intervention.

Consider the following example: two project leaders in a cross-departmental conflict at work. They are supposed to coordinate on a shared initiative. Throughout the conversation, Marko tries to raise concerns about unrealistic timelines. Each time, Cherise shifts the focus to staffing or budget constraints. After a few such turns, the conversation escalates into mutual frustration, accusations, defensiveness, and raised voices.

Practitioner:
"*I'm noticing a pattern: Marko, when you bring up concerns about timing, Cherise, you tend to shift to the issue of resources or staffing, and then the conversation seems to get more heated. Would it be helpful to talk about how this pattern is affecting the conversation, or would you rather continue with the specific issues, or maybe take a moment to think about what you want to focus on?*"

Cherise:
"*Huh. I guess I have been dodging the timing part - I just feel overwhelmed.*"

Marko:
"*And I thought you were just ignoring it. Yeah, I think we need to pause and talk about why this keeps happening.*"

This is a fairly direct reflection of an interaction pattern, one that the parties themselves had *not* articulated. The practitioner's dilemma is balancing bringing insight vs. staying neutral. The

solution here is that the practitioner presents it *hypothetically and choicefully*: "*Do you want to talk about this pattern or continue as you have been, or do something else?*" By doing so, the practitioner avoids *insisting* that the pattern must be dealt with. It may be news to the parties, or it may not resonate with them, and they are free to disregard it. In transformative practice, it's permissible for the practitioner to notice and name a pattern as long as it's done tentatively and followed by a genuine check-in (Bush & Folger, 2005; Della Noce, 2010). If the parties truly hadn't noticed, hearing it could trigger recognition ("*Oh, we do that!*") and empowerment ("*We can choose to change that pattern if we want*"). If they don't think it's relevant or aren't ready to face it, they can choose to continue as before, and the practitioner will respect that. The risk a practitioner wants to avoid is phrasing it in a way that *demands* they address it (which would be leading). That's why adding the option "…*or continue to discuss specific topics as you were*" in the example is crucial. It legitimizes the status quo as one valid choice.

Another practice dilemma is phrasing the **scope of options** in a check-in. A practitioner at a decision point often has to decide: do I list specific options, or ask an open "what do you want to do?" Generally, listing a few options can be helpful as long as they are the options the parties themselves have implied or would naturally consider, and as long as they are presented even-handedly. For instance, if a couple in mediation has generated two possible plans to discuss, the mediator might check in, *"Do you want to talk about Plan A next, or Plan B, or go in a different direction?"* Listing A and B (which came from them) plus the open-ended "*or something else*" covers the bases. However, listing options runs the risk of *accidentally omitting* an option the parties might want. Therefore, many practitioners will include a catch-all like "*or something else*" or "*or any other idea you have*". They also try to include at least one option to *do nothing different* (continue, or leave things as-is), so the parties don't feel the practitioner is pushing for change.

We can demonstrate how different phrasings of a check-in can tilt the focus. Imagine a divorcing couple dividing shared belongings and financial responsibilities. They are quietly, methodically going through a list: the car, the sofa, the bills. Every few minutes, the woman wipes away tears and softly says, "Sorry, I'm okay." The man occasionally sighs and looks out the window. Neither interrupts the task. There is clear emotional weight in the room, but neither addresses it directly. They continue to work through the list. Mediator can check-in with them: „*Is there anything that could help you talk about what you are struggling with?*" This option is too narrow in its framing. The question assumes that the parties *should* discuss their emotional struggles. This subtly positions their silence as a problem to be solved, which can feel intrusive or even directive. It assumes that talking about the struggle is inherently better than not doing so. Moreover, it fails to acknowledge that continuing as they are - working through the agreement in silence - is a valid choice. In transformative practice, legitimizing the current course of action is essential, as it respects the parties' autonomy and timing. Another option for a mediator is to check-in like this: "*You're continuing the conversation, even though it seems challenging. Is there anything that might make it a bit easier for you as you go on?*" This option is too vague and risks minimizing the depth of what's happening. The phrasing: "*It seems challenging. Is there anything that might*

make it a bit easier for you as you go on?" softens the emotional tension to the point where it may gloss over the lived reality of the moment. Instead of naming the palpable emotional undercurrent, it redirects the focus toward comfort, which may not be the parties' primary concern. It also offers only one direction: making the conversation more comfortable. But what if the discomfort is deliberate, or silence is a form of coping or control? In this way, this check-in potentially bypasses the emotional truth rather than respectfully holding space for it. The best version would be: "*You've been going through one agreement point after another, and at the same time, there's a noticeable tension. Both of you seem to be carrying something difficult that hasn't been voiced. Would you like to talk about anything beyond the agreement points, keep going the way you have been, or is there perhaps something else that might support the conversation right now?*"

This variant is the Goldilocks: it explicitly mentioned *the option to continue as they have been,* and the option to discuss the underlying issue *and* that something else could be done. From a practitioner's viewpoint, the last check-in is the most aligned with transformative principles because it maximizes the sense of freedom (one choice is to stay on the same path) while also giving permission to address the issue if desired. The practitioner's dilemma in practice is that one cannot always script these options perfectly in advance. It takes presence of mind to offer a balanced menu in the moment.

Practitioners also grapple with **when not to check in**. Silence from the practitioner can be fine, especially if the parties are engaging directly. Even in difficult situations, the practitioner might intentionally step back to see if the parties resolve it themselves or ask for help. Check-ins should not come so frequently that the parties feel constantly interrupted or as if the practitioner is micromanaging their every move. The art is to intervene just enough to keep the parties aware of their agency, but not so much that the conversation loses its natural flow. Susan Jordan advises that check-ins are not random; they are done *"at a time where we're noticing some disempowerment or self-absorption in the room"* (Jordan, 2022, 00:06:39 – 00:06:47). For example, if people are shutting down, not listening to one another, talking over one another – classic signs of weakness or self-absorption. But if people are actively exchanging and seem to be okay (even if the practitioner feels the content is "negative"), the practitioner might hold off. A novice practitioner might over-check-in out of a desire to be seen as doing something; an experienced practitioner has comfort with allowing productive struggle.

A rarely mentioned insight is that **check-ins also benefit the practitioner** – they reduce the pressure on the practitioner to come up with solutions. As Jordan shares, check-ins *"provide a sense of safety for me as a facilitator in the face of the complexity and unpredictability of humans and groups… whenever I start to feel I need to have an answer* […]*, I remember I can just name what's happening and give it back"* (Jordan, 2022, 00:00:34 – 00:01:02). This is important: the practitioner's ability to manage their own anxiety or ego is part of ethical practice. By checking in, practitioners avoid the pitfall of taking on the parties' problem as if it's theirs to solve. The dilemma of "Should I solve this for them?" is answered by the check-in: "No, I should ask *them* how they want to solve it."

The real-time practice of check-in involves continuously reading the room for signals, deciding if an intervention is needed, and if so, formulating a neutral, choice-rich question that aligns with the parties' needs at that moment. Practitioners must guard against their own biases and impatience, exercise restraint when appropriate, and be ready to step in when parties show signs of disempowerment or deadlock. The practitioner's internal compass is always set to *"support empowerment and recognition right now"*. If a check-in will do that, it's probably the right move; if it won't, better to wait or do something else (like a reflection instead). Through skillful checking-in, practitioners help participants navigate even the trickiest moments while maintaining ownership of the process firmly with the parties.

6. Phenomenological, Ethical, and Agential Dimensions of Check-In

Beyond its immediate practical effects, the check-in technique carries deeper implications for the transformative processes, touching on the phenomenology of the parties' experience, the ethical orientation of the practitioner's practice, and the broader concept of human agency. In this final section, we reflect on these dimensions to understand why the seemingly simple act of asking the parties *"What do you want to do?"* can be profoundly meaningful in transformative practice.

Speaking about **the phenomenological dimension,** the term "phenomenological" here refers to the participants' *felt experience* – the subjective "*what it is like*" to be in the mediation. The **phenomenology of agency** is particularly relevant: what it feels like for a person to experience themselves as an active agent versus a passive pawn. Philosopher Terry Horgan describes the phenomenology of agency as the sense of *"experiencing oneself as an agent"*, as opposed to feeling like events are just happening to you (Horgan, 2015). In conflict, people often feel a loss of this sense of agency; things feel out of control, or one feels compelled by anger or fear rather than deliberate choice. A transformative practice aims to change that internal experience. The check-in contributes directly to this by placing the parties in the position of decision-makers. Each time a practitioner checks in, the parties have a moment of *freely choosing* whether to continue talking, correct something, pause, or change topics. These are small acts, but phenomenologically they reinforce an internal narrative: *"I am directing my own path in this conversation."* Over time, this can restore participants' confidence in *their ability to act* (agency) rather than just react. It's akin to the contrast Horgan makes: it is the difference between *deliberately raising one's hand* versus feeling like one's hand was raised by someone else or by accident (Horgan, 2015). In mediation, a participant might compare: under a directive practitioner, they may feel like *"the practitioner moved us from topic to topic"*, whereas under transformative mediation with frequent check-ins, they might feel *"we chose what to talk about and how to handle things."* The latter

experience is one of ownership and likely comes with a greater sense of satisfaction or authenticity, even if the conflict itself is hard.

Phenomenologically, check-ins can also create a sense of safety and openness in the process. When participants know that the practitioner will not force anything on them but will ask their consent/direction at points, they tend to relax into a more communicative state. They don't have to be on guard against the process itself, so they can focus on the substance of what they want to say and hear. The *"what-it's-like"* of a mediation with check-ins might be described by parties as, *"It felt like we were in control; the mediator was there but not controlling us. I felt heard not just by the other person but by the mediator, who kept checking if we were okay with how things were going."* This can be both empowering and humanizing. Many disputants come from experiences (involving legal processes, bureaucratic agencies, and even prior mediations) where they felt like objects or children being told what to do. In a transformative session, the phenomenology is radically different: the parties are treated as responsible decision-makers at every turn. This respects their dignity and can reduce the alienation often felt in conflict. Even if outcomes are not achieved, parties often value having *had control* in the process, which is a key part of the *promise of mediation* from a transformative perspective (Bush & Miller, 2020).

The use of check-in is closely tied to the practitioner's **ethical stance** regarding self-determination and neutrality. Mediation ethics generally uphold the principle of party self-determination as a core tenet. The transformative approach takes this to a high level of purity. By continuously checking in, the practitioner demonstrates transparent self-determination, rather than merely paying lip service to it. Robert A. Baruch Bush argued that practitioners should favor an empowerment-and-recognition orientation rather than an efficiency or settlement orientation (Bush, 1989). Implicit in that argument is an ethical claim: it is *better* or *more humane* to prioritize party empowerment (agency) than to impose outcomes, even if the latter might seem efficient. The check-in is an ethical tool in that sense because it operationalizes a respect for the parties' rights to make their own choices at every step.

Ethically, check-ins help avoid practitioner coercion or manipulation. They create a kind of informed consent throughout the process. For example, if a practitioner were to shift topics without asking, a party might feel coerced or that their important issue was dropped. But if the practitioner checks in and the party agrees to shift, that party has consented to the move. Similarly, ethically fraught moments, such as deciding whether to continue a mediation that is going poorly, are left for the parties to address. This aligns with the idea that practitioners should not have a stake in the content or outcome. It also ensures that any decision (even to stop mediating) is coming from the parties' volition, not because the practitioner subtly or overtly pushed it. Bush and Miller (2020) talk about the "invisibility of agency" – how some practitioners undervalue empowerment because it's less visible than a dramatic moment of apology. By explicitly valuing agency (through practices like check-in), transformative practitioners make party agency *visible and central*, which is an ethical choice. They measure their success not by whether a settlement was reached or how

amicable the parties became, but by whether the parties *"were offered, and then took, the opportunity… to recapture their sense of agency"* (Bush & Miller, 2020, p. 610). Consistently using check-ins is one way a practitioner demonstrates their commitment to this ethical standard.

There is also an **ethical humility** in the check-in practice. The practitioner is acknowledging, "*I do not know what is best for you; only you do.*" This humility is ethical in that it resists the practitioner's potential power. Practitioners hold procedural power (and sometimes moral authority in the eyes of the parties). Using that power only to turn power back over to the parties (through a question) is an ethical restraint. It guards against the practitioner's bias or values influencing the process. For instance, a practitioner might personally think, *"Talking about the past is not productive; they should move on."* But ethically, imposing that view would violate the parties' autonomy. The practitioner instead might check in: *"You've spent a lot of time on past issues, and the conversation got heated, and you also touched on possible solutions. What do you feel would be most useful to talk about now – go back to those past issues, focus on current/future solutions, or something else?"* In doing so, the practitioner does not act on their own value judgment (that the past is not useful) – they give the choice to the parties. If the parties say, "*We need to talk more about the past*," the practitioner will support that, even if the practitioner personally doubts it'll help. This is ethical fidelity to the parties' process. In essence, check-ins help practitioners avoid subtly controlling the mediation based on their own comfort, theories, or even subtly favoring one party's preferences. Each check-in is an opportunity for self-correction for the practitioner as well. By asking instead of telling, the practitioner checks their own intention (as Jordan said, ensuring it's not their agenda (Jordan, 2022)) and hands over any inadvertent power back to the parties.

Finally, the concept of **agency** – the capacity of individuals to act independently and make their own free choices – is at the heart of transformative practice's value system. Bush and Miller argue that *human agency itself* is of paramount value, and that mediation is important because it can restore and highlight that agency. In conflict, people often feel their agency has been undermined (by the other party, by circumstances, or by their own emotional turmoil) (Bush & Miller, 2020). The transformative practitioner's *primary* task is to help people regain that agency - *empowerment first*, as Bush & Folger often insist (Bush & Folger, 1994, 2005, 2015, 2010b). Check-in is arguably the purest expression of supporting agency: it's literally asking people to exercise their will. Over and over, check-ins reinforce that *"It's up to you."* This has a cumulative effect of agency restoration. Even if the conflict is not resolved, the parties may leave with a stronger sense of self-determination: they have made decisions throughout the process (what to talk about, how to talk, whether to continue or not, etc.). In a world where conflicts often lead to others (courts, authorities) taking control, transformative practice provides a starkly different experience, centered on the parties' own agency.

Bush and Miller (2020) lament that even transformative practitioners sometimes overlook the importance of valuing these empowerment aspects, focusing more on whether parties showed

recognition (empathy) because recognition can be more outwardly noticeable. The authors highlight that increasing human agency is a social good in itself. One could say that each check-in is a mini-activation of human agency. It reminds both participants that they are not just in a conflict; they are persons who can choose how to engage in that conflict. This has potential ripple effects beyond the mediation session. It can encourage parties to take initiative in their lives or conflicts in constructive ways (e.g., asking the other person directly: "*How do you want to handle this?*" in future disagreements, modeling the practitioner's approach). Thus, check-ins contribute to what one might call the democratization of conflict resolution – empowering people to be agents in resolving their own issues, rather than deferring to authorities.

We can also consider the **ethical-agential** dimension. By focusing on agency, transformative practitioners articulate an ethical vision of people as capable and responsible. There is almost a *philosophical anthropology* here: a belief in the *competence and autonomy of individuals* (Bush & Folger, 1994, 2005). This contrasts with paternalistic views where an expert must fix problems (Folger, 2020; Brzobohatý, 2024). The repeated use of check-ins conveys to the parties: *"You are capable of making decisions about your conflict. I trust you to do so."* In some cases, this might be the first time anyone has conveyed that trust to them during the conflict. It can be empowering and also puts the responsibility where it belongs. Bush and Miller (2020, p. 610) note their deep commitment to the value of human agency and suggest that practitioners should recognize that agency is the real value mediation can bring, beyond just settlement or even mutual understanding. The check-in is a humble intervention, but when viewed through this lens, it is almost a moral act: it affirms the parties' free will and capacity even when they themselves might doubt it.

In terms of phenomenology combined with agency, one might say check-in allows parties to *experience* their agency *in the moment*. Not just in outcome (like "*we reached an agreement on our own terms*"), but throughout the process. This is akin to practicing a skill – by exercising choice repeatedly, parties strengthen their sense of being able to do so. The practitioner essentially coaches them in taking the reins, by offering the reins to them at every opportunity. Over the course of a mediation, dialogue or coaching, parties might go from initially deferring ("*I don't know, what do you think we should do?*") to actively leading ("*Actually, let's talk about issue X now, it's important to me*"). This transformation is the hallmark of empowerment.

Conclusion

The check-in technique, as explored in this chapter, epitomizes the transformative practice in both theory and action. Grounded in an understanding of conflict as a *crisis of interaction* and guided by the values of empowerment and recognition (Bush & Folger, 1994, 2005), the check-in is the practitioner's way of keeping the process always tethered to party self-determination. We saw that a check-in is not just a casual question, but a methodical intervention that follows the parties' conversation and opens space for them to decide the next steps. It translates the abstract principle

of self-determination into the concrete moment-by-moment conduct. By asking instead of telling, the practitioner highlights choice and invites agency, thereby fostering empowerment (as parties clarify and choose) and recognition (as they become aware of each other's choices and needs).

We identified various functional typologies of check-ins – clarifying, process, agenda, emotional, and decision-point – demonstrating that check-ins can be adapted to different contexts, from verifying a single statement to navigating a heated exchange or an agenda deadlock. We also identified several structural dimensions of check-ins – Open- or Focused-Scope, Primary or Complementary, Open- or Closed-Ended - helping practitioners to structure any particular check-in and make it fit into the context of the conversation. Through examples and scenarios, we illustrated how a practitioner might apply check-ins and the kinds of responses and shifts they can stimulate. In analyzing those examples, we underscored the importance of practitioner tact and timing: the practitioner must remain attuned to signals from the parties, intervene only when it serves the parties' purposes (not the practitioner's own comfort), and phrase interventions in a truly open and non-coercive manner. We delved into the practitioner's perspective, recognizing common dilemmas such as whether to intervene on silence, how to handle escalating conflict, or how to phrase options without leading. The resolution of these dilemmas lies in the practitioner's disciplined adherence to the transformative purpose: if an intervention will serve party empowerment/recognition, do it (and do it in an empowering, recognizing manner); if it will not, refrain. The check-in was shown to be a reliable compass for practitioners in doubt – a way to *"give it back to the parties"* whenever the practitioner is unsure.

Ultimately, we examined how check-ins resonate on a deeper level. The phenomenological dimension revealed that check-ins alter the participants' lived experience, giving them a taste of agency and control in what might otherwise feel like an overwhelming situation. The ethical dimension highlighted that check-ins embody respect for autonomy and fairness, ensuring that practitioners do not overstep and that parties consent to the process at every turn. The agential dimension connected check-ins to the fundamental value of human agency, illustrating that transformative practice, at its best, is not just about resolving a particular dispute, but about empowering individuals to reclaim their capacity to make choices (which has inherent personal and social value).

In a transformative mediation, dialogue, or coaching session, one might observe a pattern. The practitioner reflects or summarizes, then checks in. The parties talk and may get tangled; the practitioner observes and checks in. A long discussion ensues, and eventually, the practitioner checks in about time or next steps. Through this rhythm, the conversation remains the parties' own. The practitioner's voice is present, but it's a voice reminding them of their voice. In doing so, the practitioner helps transform the quality of the conflict interaction from one where the conflict *drives* the parties (in a cycle of reactivity) to one where the parties *drive* the conflict (making conscious choices about how to engage). This is the essence of transformation in this context: from feeling stuck and powerless to feeling active and capable, and from mutual misrecognition to

mutual awareness. The check-in, although just one of the core skills, is particularly pivotal because it involves decisions, and decisions are the turning points of interaction.

The check-in technique exemplifies how theoretical ideals are implemented through concrete moves in transformative practice. One must learn to phrase neutral questions, identify opportune moments, and trust the parties. But when done skillfully, check-ins can change the course of a conversation: empowering participants to say *"Stop, I need a break,"* or *"Let's talk about what matters most,"* or even *"We've had enough for today,"* can make the difference between a process that is alienating and one that is affirming. The chapter has shown that check-ins are much more than procedural formalities; they are small moments of potential shift. Cumulatively, these moments can help parties move from confusion to clarity and from isolation to understanding, fulfilling, in practice, the transformative promise of mediation to *"change the quality of conflict interaction"* by empowering parties and encouraging recognition (Bush & Folger, 2005). And they do so in a manner that honors the parties' freedom and humanity. The transformative practitioner's consistent use of check-in is a testament to a profound professional commitment: *a commitment to returning the conflict to those who own it, convinced that within them lies the power to shape its outcome and, in the process, to grow*.

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Areas of Practice

Transformative Conflict Coaching: Notes from the Lab

Basia Solarz (with support of Alžběta Kubišová, Cherise Hairston, Christian Hartwig, Christian Petschke, Hélène Rouleau, Jakub Rubeš, Kristy Paranica, Łukasz Kwiatkowski, Mia Bowers, Olivier Chambert-Loir).

In February, 2022, an international group of transformative practitioners gathered for the first Transformative Conflict Coaching (TCC) Lab. In the two years since, this group has been sharing coaching experiences, creating learning tools and activities, and exploring what it means to apply transformative premises and principles to the work of supporting individuals through the conflicts they face.

In this paper, we introduce the reader to our current understanding of this practice and share its history and development. Using a case study, we illustrate how transformative theory and insights together serve as the foundation for TCC and, much as Bush and Folger (1994) did in the field of mediation, make the case for practicing from a theoretical framework to help practitioners "fulfill the promise" of conflict coaching. We describe how transformative conflict coaches practice, starting with Della Noce and Julien's (2011) non-linear process of moving through "four core spheres of activity." We consider how the non-directive approach of transformative conflict coaching helps clients to restore a connection to their moral-ethical selves, providing valuable insight and guidance for their actions going forward, a dialogical process that Lange and Solarz (2014) call *restorative-transformative learning.* We propose that moral growth is the fundamental activity of TCC practice. We conclude with topics for continuing and future research.

Introduction to Transformative Conflict Coaching

Individual support for handling conflict is not a new phenomenon. Mediators who talk with clients prior to mediation have noted that although the primary purpose of these conversations is to answer questions and concerns about the mediation process, screen for safety, and handle practicalities, participants frequently have a basic need to feel heard, understood and supported. Mediators may or may not be able to provide coaching in pre-mediation conversations but even when they do, it is often considered secondary to discussing practical concerns and sharing information about the upcoming mediation session.

During mediation, parties sometimes request to meet separately with the mediator. Given that the purpose of mediation is to support a conversation between parties, separate conversations between the mediator and one party tend to be brief and focused on sorting through specific pressing concerns affecting the mediation; for example, the party might find themselves in a dilemma of some kind or feel undecided about broaching a sensitive topic. They want time and space away from the conversation with the other party to sort through the issue and decide how to proceed. In this context, the mediator will not engage in a conversation that is exploratory or learning-focused in nature since the expectation is to return to the conversation between the parties relatively quickly.

Coaching as a distinct service that can take place as a part of an overall conflict resolution process that may or may not include a facilitated conversation. In fact, more people are turning to conflict

coaching when the other person refuses to participate in mediation. Others approach conflict coaching without even considering mediation because they prefer to develop skills and strategies that will enable them to deal with the situation themselves. They do so either because they are currently struggling to handle a specific conflict or they are generally dissatisfied with how they manage the conflicts in their life overall; many times, it is a combination of both. Whatever the inspiration might be, coaching clients frequently express interest in finding a way through conflict that will be more effective and perhaps even more personally meaningful than before. This **explicit desire for learning** on the part of the client distinguishes the purpose of conflict coaching from mediation, dialogue and other conflict interventions.

Coaching is defined by the International Coaching Federation as "partnering with clients in a thought-provoking and creative process that inspires them to maximize their personal and professional potential." (International Coaching Federation, n.d.). While conflict coaching narrows the field of exploration to the experience of conflict, Transformative Conflict Coaching (TCC) further relies on transformative insights (Bush & Folger, 2016) to guide practice, "helping clients build the personal resources to deal effectively with conflict …to improve one's own ability to express and assert oneself as well as a desire to improve the way one relates to others" (Della Noce & Julien, 2011). **Transformative Conflict Coaching, then, is partnering with clients in a supportive, capacity-building process (Paranica, 2010) that is premised on transformative insights and that helps them learn to respond to conflict with both strength and responsiveness.**

History and development of TCC

Although many transformative practitioners have undoubtedly engaged in informal conflict coaching since the early days of transformative mediation, TCC as a distinct and emerging practice was first articulated in publications and trainings offered in the 2010s by practitioners including Kristine Paranica, Thomas J. Fuchs, and Sarah B. Prom at the University of North Dakota Conflict Resolution Center (2008), Dorothy Della Noce and Kay Julien (2011), Basia Solarz (2013, 2014, 2015, 2016, 2017, 2019) and Angie Gaspar (2015, 2019).

As well, transformative practitioners have developed robust coaching programs to expand the range of services offered in a variety of contexts including: Cherise Hairston and Mia Bowers working in community mediation centers (Dayton Mediation Center, Dayton, OH and Community Mediation Center of Saint Mary's County, Leonardtown, MD, USA, respectively); Alžběta Kubišová and Jakub Rubeš working with families in conflict situations (Mediation and Education Center, Brno, The Czech Republic); Angie Gaspar and Basia Solarz working in healthcare settings (Imperial College Trust, London, UK and Nova Scotia Health, Canada, respectively); Kristine Paranica serving as an Ombuds for North Dakota State University (Fargo, ND, USA); Olivier Chambert-Loir offering services to NGOs, public service organizations and for-profit organizations (Sensei and Omeo, France); Christian Hartwig working with individuals, public service organizations and NGOs in Germany (ASSKomm and Institut B3 - coaching service for communal prevention, Transformative Mediation Expert Group of the Bundesverband Mediation

e.V., Germany); Christian Petschke working with individuals and small groups primarily in a business context (Transformative Mediation Expert Group of the Bundesverband Mediation e.V., Germany); Łukasz Kwiatkowski working with individuals, families and organisations (Pelikan Association, Centre for Dialogue and Conflict Transformation, Poland).

The promise of conflict coaching

Bush and Folgers' seminal work, *The Promise of Mediation* was met with both enthusiasm as well as consternation at the time of its publication in 1994. The authors dared to "say the quiet part out loud" about the field at the time of its publication; namely, that the practice of mediation had failed to make good on its promise of supporting participants to engage in effective dialogue and co-create their own solutions to a conflict. Mediators, they observed, had become increasingly directive and prioritized "problem-solving," diminishing whatever self-determination the participants might have exercised. Bush and Folger presented their transformative theory of conflict and demonstrated how theoretical premises about human nature and conflict inform the purpose of mediation and how well-defined purpose, in its turn, guides practice. Mediators, then, grounded in theory, clear-eyed of purpose, and practicing with an unwavering commitment to people's self-determination could support people to transform the quality of their conflict interactions and finally realize the promise of mediation.

The field of coaching is similarly challenged at times by a discrepancy between its aspirations and practice. At its best, coaching is meant to be a partnership between coach and client, one that helps clients to "maximize their personal and professional potential" (International Coaching Federation, n.d.) and considers the client to be internally resourceful and the expert in their own life. Nonetheless, some coaches using approaches such as *solution-focused coaching* focus on problem-solving rather than engaging with clients to explore their situation so they might determine for themselves what matters most to them and make decisions as to how they might respond. Other coaches combine the roles of coach and consultant to offer "coachsulting," providing advice or guidance that clients may or may not have requested. As Reynolds (2020) points out, other coaches may believe that "the opposite of giving advice is … asking questions. Yet even questions can be tainted by opinions and biases, leading clients to the coach's way of thinking " (p.40). All of these directive approaches risk diminishing the client's self-determination about content, process, and pace, eroding the intended partnership between coach and client and disempowering the client in the process.

The members of the TCC lab maintain that transformative premises, principles, and practice align with and support coaching best practice. In particular, coaches trust in the client's internal resourcefulness as well as their capacity for learning and growth and for this reason, honor their choices about what is discussed in coaching and how the process unfolds. In other words, both

transformative premises and coaching best practices center people's self-determination and produce similar outcomes.

TABLE 1

Comparison between the transformative model and coaching principles and practices

	Transformative Premises & Practices	**Coaching Principles and Practices**
Beliefs about Human Nature	People have both the motivation and capacity to act with strength and connection.	Every client is creative, resourceful and whole and is the expert of their life; thus, they are capable, responsible and accountable.
Role of the Practitioner	Transformative practitioners honor people's self-determination by supporting opportunities for decision-making about such things as content, process, pace.	Client and coach "design the alliance" together, making decisions about outcomes, action steps (content), how and for how long the coach and client will work together (process, pace).
Outcomes for participants	Feeling heard; increased clarity; perspective-taking; identification of next steps; and/or making decisions; reconnecting with personal strength & responsiveness.	Feeling heard; increased clarity; perspective-taking; identification of next steps; and/or making decisions; reconnecting with personal strength & responsiveness.

Note. Reprinted from Solarz B. J. & Gaspar A. (2019) Three insights, two programs, one theory: Transformative practices as opportunities for moral growth in the healthcare workplace. *Conflict Resolution Quarterly*, *37(1), 67-78*. doi.org/10.1002/crq.21263. Copyright 2019 by Wiley.

Foundations of TCC

Bush and Folger's transformative theory serves as the foundation of all transformative practices (Bush & Folger, 1994, 2005). Folger later distilled key aspects of the theory into three transformative insights (Bush & Folger, 2016) that could be used by individuals to manage their own conflicts; these are especially pertinent to the individual learning process that takes place in

conflict coaching. Transformative theory, together with these three insights, inform and guide the practice of TCC.

First, transformative theory offers an understanding of the experience of conflict, especially the relationship between its internally destabilizing effects and the external crisis it engenders in human interaction. Specifically, conflict renders people confused, insecure, anxious and angry. This relatively weak internal state then leads to feelings of suspicion, distrust, and "stuckness" or self-absorption in one's own perspective so that it becomes increasingly difficult to take the perspective of others. The dynamic interplay between people's relatively weak and self-absorbed internal state leads to a degeneration of the interactions between themselves and others, escalating the conflict.

A unique contribution of transformative theory is its recognition that people caught in this destructive cycle are distressed, not only by the specific situational challenges of the conflict itself, but by the ways in which it "compromises their essential human moral identity." (Solarz & Gaspar, 2019, p.1).

Bush and Folger (2005) explain:

> [What] people find most significant about conflict is…that it leads them to behave, toward themselves and others, in ways that they find uncomfortable and even repellant. More specifically, it alienates them from their own sense of strength and sense of connection to others and disrupts and undermines the interaction between them as human beings. (p. 45)

They continue:

> Some thinkers, including communitarian scholars, describe this quality as the inherent social nature of human beings. Others, including feminist and *dialogic* moral philosophers, describe it as the inherent moral nature of human beings—with the term *moral* connoting sensitivity to the claims of both self and other...In this light, the benefit of conflict transformation responds to the parties' inherent sense of *social or moral connection*, a basic part of their nature as human beings..." (pp. 35-36, italics authors' emphasis)

The dissatisfaction people feel toward their own thoughts, feelings, and behaviours in conflict situations and the desire to more skillfully engage with others in these circumstances are often what motivate them to seek support from conflict coaching. This was true for Mr. A, a coaching client whose case we share to illustrate how transformative conflict theory and insights inform coaching practice. As is often the case in TCC, exploration of the transformative insights was a non-linear activity and an implicit, rather than explicit, process from the client's perspective. The coach attended to opportunities to support empowerment and recognition throughout, noting how Mr. A realized each of the insights and adjusted coaching interventions accordingly.

Mr. A has asked for conflict coaching to figure out how he might handle joint meetings and mediation sessions with his wife regarding their children that are held in the presence of a social worker, mediator, and/or judge, especially when his wife gives false information.

The **first transformative insight** states, "**Awareness of the incapacitating effects of weakness and self-absorption is the first step to responding rather than reacting to conflict**." Through dialogue with the TCC coach who is attending to opportunities for empowerment and recognition, clients become more aware of whatever occurs in conflict that prompts them to react from weakness and self-absorption. They can identify what it is about this experience they find "uncomfortable and even repellant" and consider more satisfying ways of thinking, feeling and behaving toward themselves and others.

In coaching, Mr. A realizes that during joint meetings with his wife he becomes defensive, trying to argue why his wife's messages are not true (self-absorption): "I keep defending myself, it's exhausting." He also doesn't know how to proceed. He's confused and worried about not defending himself. When he's thrown out of the meeting beforehand, he expresses his experience of weakness saying, "I feel guilty, even though I'm in the right."

Mr. A discovers that this attitude towards the meetings does not work at all because it creates a deepening spiral of weakness and self-absorption: The more he defends himself, the more he questions his own actions; the more insecure he feels, the more prone he is to becoming defensive. But above all, he realizes that his approach is completely dysfunctional when dealing with his wife in front of the authorities; the destructive interactions between him and his wife are on full display and the conflict escalates.

Mr. A is able to realize that in these situations, weakness and self-absorption have an incapacitating effect on his behavior. He wants to find a more effective way to express and assert himself during these important meetings.

Transformative theory recognizes that people have both the motivation and capacity to act from personal strength as well as responsiveness to others. The **second transformative insight** presents an opportunity to enact this, suggesting that "**We can choose to respond to conflict by drawing from our innate strength and connection to others—our moral grounding**. **This is "compassionate strength.** " It highlights how we might consciously set our intention to act in alignment with our values, even when it is challenging to do so.

While most forms of conflict coaching view conflict as an opportunity for personal growth and learning, TCC goes a step further in asserting that conflict presents valuable opportunities to restore a connection to and further develop one's moral-ethical identity, a process that Lange and Solarz (2014) call *restorative learning*. However painful it might be, conflict lays bare what matters most to people, making explicit what they value in terms of their own thoughts, feelings, and behaviors. It often requires them to grapple with the question of what it means to be a decent

human being in the midst of adverse circumstances. As one client shared, “I’m here because I hate who I’ve become. I want to learn how to be my best, even when things are at their worst—*especially* when things are at their worst.”

Lange (2004) describes restorative learning as a “return to [one’s] inner compass” (p. 130). In the case of conflict, it is the personal moral-ethical grounding, the “innate strength and responsiveness” of the second transformative insight, that becomes salient for clients to return to and explore. This exploration occurs through dialogue, forming a vital part of transformative conflict coaching and acting as the medium of restorative learning in that context. Pitkin’s observations point to the restorative learning inherent in such activity, explaining that the focus of such conversation is

> “... on action, and on action gone wrong. It has to do with assessment and repair of human relationships when these have been strained or damaged by the unforeseen results of some action.’ [As such, this kind of dialogue serves as] ‘...a door through which someone, alienated or in danger of alienation through his action, can return” (Pitkin, 1972, pp. 149, 151-152).

The dialogical activity of transformative conflict coaching provides a pathway for clients to find their way back from disempowerment and disconnection to their moral-ethical selves. It is important to note here that TCC does not promote a specific moral or ethical perspective; rather, it strengthens clients’ ability to recognize their own personally defined moral values and beliefs and invites them to explore these in dialogue with the coach. As a result, clients naturally begin to shift their attention away from “What is the matter with me (or them, or us)?” and begin to talk about “What matters to me (or them, or us)?” Once the client restores a connection to what is most meaningful and important to them, they are often better able to see how they might enact different choices and transform their situation, an activity known in the field of adult education as *transformative learning* (Mezirow, 2012).

In coaching, Mr. A. makes a decision about how to handle his wife’s untruthfulness during joint meetings. He decides that it is important to respond rather than react defensively to her behaviour. He creates strategies to help himself do this, drawing from the inner strength that he was able to contact through the empowerment shifts he experienced in coaching. With a stronger sense of personal strength, he is able to recognize his wife’s perspective and experience, identifying possible reasons for her actions. He decides to concentrate on changing his behaviour and develops specific strategies so that he can act from strength and responsiveness.

- "Prepare in advance. Expect that my wife will be unpleasant.”
- "Stay connected with my inner world. Ground myself in reconciliation and lightness instead of guilt. Remember that life goes on."
- "Accept how that situation feels. Remember that feelings change - those feelings will go away again."
- "Do not deviate from my standards and [assert] what’s important to me – my upbringing, functioning, needs."

- "Tell her what I want. Full stop."

Transformative conflict theory identifies successful conflict transformation as helping people "to conduct conflict itself in a different way" (Bush & Folger, 2005, p. 79). In the words of the **third transformative insight**, **"Achieving the balance of strength and responsiveness is success, no matter what the outcome may be**." Redefining success in this way turns out to be a pivotal act for coaching clients. Once this has occurred, they are less troubled by the conflict yet far better equipped to engage with it.

In the subsequent coaching session, Mr. A. shares the incomprehensible relief that came from having acted with strength and responsiveness during a recent joint meeting: "It's a paradox…incomprehensible. I make less effort, I don't explain, and yet it often works." He wants to keep this positive trend going. He decides on the following actions, expressing a desire to balance both strength and responsiveness:

- "More energy to myself than to the other."
- "Be fair, not only to my wife, but also to myself."

Through coaching, Mr. A shifted from reacting out of guilt and self-defensiveness (weakness and self-absorption) to offering brief responses that aligned with his personal values and acting with a spirit of reconciliation towards his wife (strength and responsiveness). Although he continues to face difficult situations related to the divorce and child custody arrangements, he is now better able to stand up for himself, both in joint meetings as well as at home. For him, balancing strength and responsiveness has been paradoxically successful. He is "trying less and yet it works".

Acting from a place where they feel (re)connected with their moral-ethical self is personally meaningful to clients and often elicits a different response from others, improving the interactions between them. This effect was noted in a quantitative research study of transformative conflict coaching in a workplace setting conducted by Gilin Oore et al. (2017). The authors observed that:

This is the first evidence that conflict coaching may have the potential to improve relationship quality and acceptance (Bush & Folger, 2005), and subsequently increase employee on-task focus and job performance. It is fairly common for mediation to stall because the other party is unwilling or unable to approach a joint conflict resolution process together. It is an empowering possibility that conflict coaching can allow individuals with unresponsive conflict counterparts to nonetheless move ahead with reframing the relationship involved.

How TCC coaches practice

Transformative conflict coaches use a variety of exploratory methods to help clients gain clarity about how they experience conflict, deepen their understanding of conflict dynamics from a

transformative perspective, identify what matters most to them, and make decisions about how they want to express their own humanity and personal values in response to the conflict situation. As they explore the first two transformative insights and restore a connection to their "inner compass," clients are better able to identify individual goals and strategies that will help them to assert their own perspectives, needs, and concerns while taking into account those of others. This helps them to better integrate strength and responsiveness as articulated in the third insight.

TCC coaches may ask a new client what they would like from conflict coaching and perhaps engage in a discussion about possible focus areas for coaching. At the same time, those of us in the TCC lab notice that in practice, we are less concerned about having clients establish specific goals during the initial conversation(s) as these are often influenced by their disempowered and disconnected state. A client who initially states that their goal is to have their ex-partner apologize to them may later recognize that another person's behaviour is outside of their control. Instead, as they reconnect with their moral-ethical grounding, they may decide that a more meaningful goal is to act as a role model when they disagree with their ex-partner in the presence of their children.

Because transformative premises are centred on people's self-determination, transformative practice is non-directive and transformative practitioners closely follow the participants. Della Noce (2000) took this view of transformative mediation observing that, rather than progressing through predictable stages in linear fashion, "Parties [in a transformative mediation] typically shape and move through five core spheres of activity . . . if the mediator attends to opportunities for empowerment and recognition . . . no particular order prevails . . . the mediator and the parties together shape the process through their conversational interaction (pp. 81-82).
Della Noce and Julien (2011) carry forward this notion of fluidly moving through "spheres of activity" in their presentation of "conflict transformation coaching." They articulate the practice as a co-creative process between client and coach moving through four spheres of activity in service of the client's empowerment and recognition; namely, building a relational context; exploring the situation; gaining insight; and envisioning action (see Figure 1).

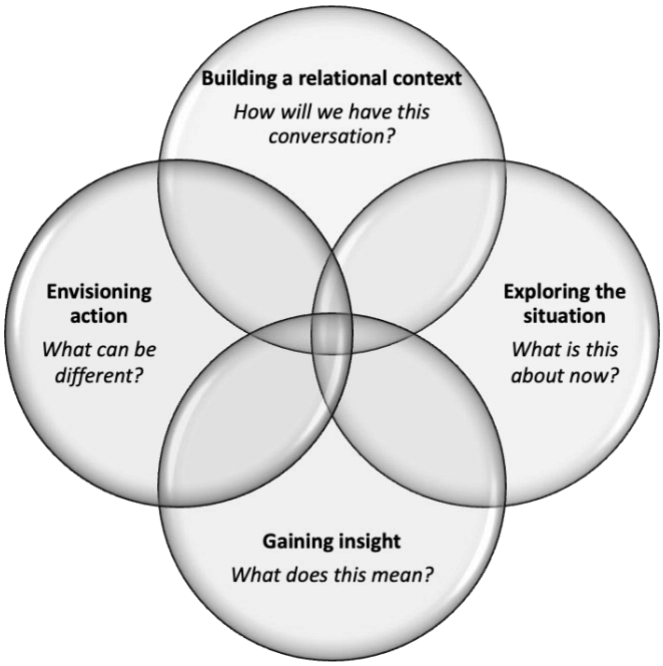

Figure 1. Four Spheres of Activity in Transformative Conflict Coaching (adapted fromDella Noce & Julien, 2011)

In the TCC Lab, we closely examine the dynamics between coaches and clients as they navigate through various spheres of activity. These spheres, as articulated by Della Noce and Julien, serve as fundamental waypoints in the coaching process, guiding both coach and client through a journey of exploration, reflection, and understanding.

Through our observations, it becomes evident that the coach's role is not to impose goals or actions on the client but rather to facilitate a journey of self-discovery and growth. As Jakub Rubeš emphasizes, the focus lies on deeply understanding the client's perspective and helping them uncover coherent insights within their narrative. Our findings underscore the non-linear nature of this process, where movement through the four activities may not follow a predictable path; instead, it reflects the client's evolving understanding and engagement with their own experiences and dilemmas. Clients may explore their situation and gain insight, then return to further explore their situation or uncover deeper insights. In this way, the process may be likened to a spiral with a sense of non-sequential movement and deepening that this metaphor suggests.

Crucially, we've recognized that at the core of TCC lies a profound journey of moral growth. This journey permeates all aspects of the coaching process, from building a co-creative atmosphere to reflecting on learning within the session. Each activity contributes to this overarching goal, ultimately positioning the client to realize transformative insights in themselves and their circumstances (see Figure 2).

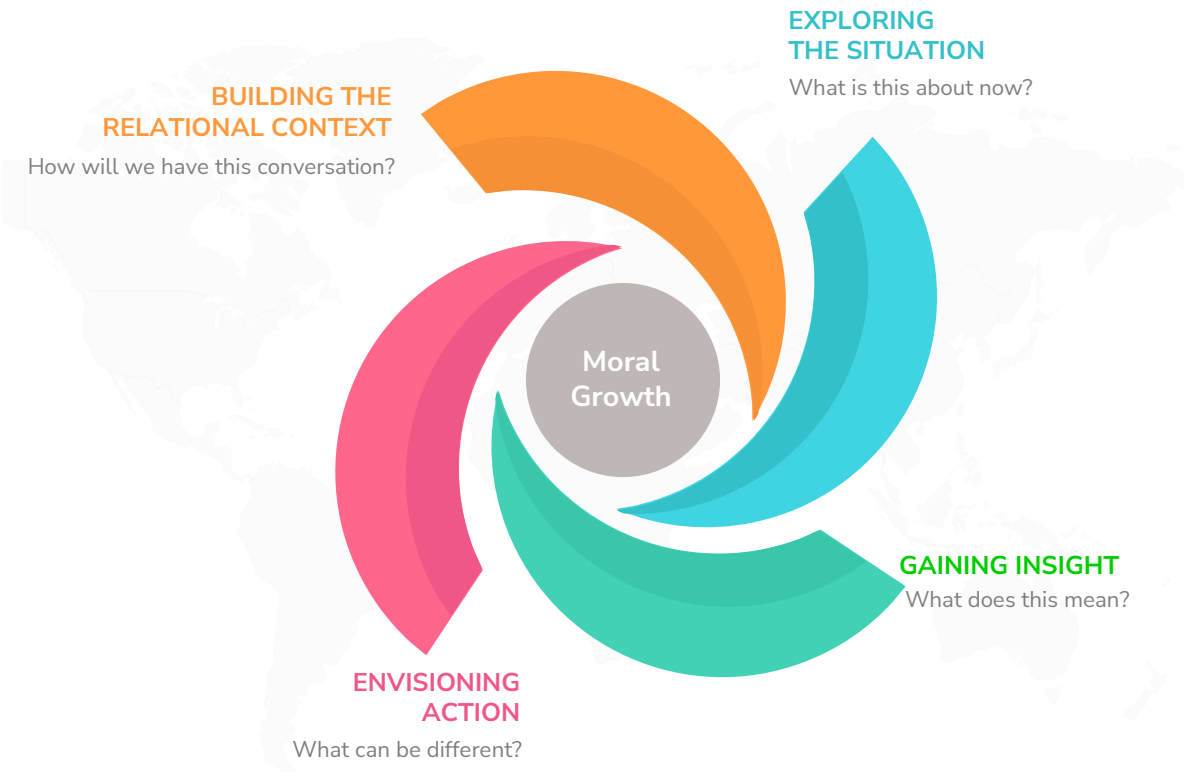

Figure 2. **Transformative Conflict Coaching Spiral**

This figure depicts the centrality of moral growth resulting from engagement with the four activities of Transformative Conflict Coaching. Clients are supported to engage with each activity for as long and as often as they feel is necessary.

Through our work in the TCC Lab, we continue to witness the profound impact of this approach on individuals' lives. It is not merely about achieving external outcomes but about fostering deeper self-awareness and moral-ethical development. The emergence of goals and actions often occurs organically as a result of this transformative journey, highlighting the intrinsic link between personal growth and tangible outcomes.
In essence, our observations reaffirm that TCC is not just a coaching methodology—it's a profound voyage of self-discovery and moral-ethical development, where each interaction contributes to the client's journey towards greater empowerment and recognition.

An Empowered Partnership: Building a Relational Context

Della Noce and Julian (2011) suggest that coaching can refer both to the coaching relationship as well as the practice of coaching. The development of an effective coaching relationship occurs in the sphere of activity they refer to as "Building the relational context." Here, coach and client develop an empowered partnership that, in the words of Parker Palmer (1998)., is "hospitable yet

charged." Drawing from their own compassionate strength, the transformative conflict coach respects that the client is the expert of their own life and offers them unconditional positive regard as they share the challenges and upset of conflict. This helps the client feel accepted and safe, which in turn, makes it possible for them to be more accepting of themselves and responsive to others.

The TCC coach centers the client's "voice and choice" throughout the coaching process by providing frequent opportunities for the client to make decisions about the content of coaching as well as the process itself, from co-designing the coaching relationship ("How will we have this conversation?") to concluding the coaching engagement and everything in between. This strengthens the coaching relationship and fosters a learning environment that is both empathetic and empowered, one that is co-created through the dynamic relationship between the transformative conflict coach and client.

Coaching presence and listening are fundamental to the coaching relationship. Although they are commenting on their own psychological model, the description of presence and listening offered by Hermans & Hermans-Konopka in *Dialogical Self Theory* (2010) captures well the quality of presence and listening that support an empowered coaching relationship:

> Some people give you the feeling that they are open to what you have to tell. You notice that they listen quietly and do not interrupt; they ask open questions that may give you new perspectives, and sometimes reveal something about themselves that invites you to think more creatively about yourself; they do not judge, do not give unsolicited advice, do not provide quick interpretations and do not force you to fit with their system of reference. Such a dialogical exchange takes place not only at the verbal but also at the non-verbal level. Some people are able to listen in such a way that, when you tell them something, your words "come back" as different from the way you sent them out, even when the other person doesn't say a word. (pp. 333-334)

Conflict coaches with previous transformative training benefit from the focus on supporting people's self-determination and using a non-directive approach as they seek to foster this kind of empowered coaching relationship. This is often described as "following, not leading." Managing directive impulses to support self-determination is foundational to both the coaching relationship and process.

From "What's the matter?" to "What matters?": Exploring the Situation and Gaining Insight

The transformative conflict coach can offer empathy about the experience of the conflict state, reflecting how painful and troubling it is to feel emotions like frustration, anger, anxiety, distress; while taking care not to reinforce the client's conflict story and deepen the conflict state in the process. This is often the first step to supporting a shift from "What's the matter with me (or 'them' or 'us')?" to "What matters to me (or 'them' or 'us')?" To put it in transformative terms, this is the

beginning of the movement away from weakness and self-absorption towards internal strength (empowerment) and responsiveness to others (recognition). As clients begin to reconnect with what is important to them, what really matters, they engage in restorative learning.

The coach also has confidence in the client's innate resourcefulness and ability to act from their moral-ethical grounding and enact their "best self." From this belief, the coach invites the client to engage with the other core spheres of activity. Importantly, the coach does so with attention to how and when empowerment and recognition shifts are taking place. If the coach suggests that the client take the perspective of the other person before such shifts occur, they risk forcing the client to recognize the experience of others before feeling fully understood about their own. *Forcing recognition* impairs the rapport between client and coach because it leaves the client feeling judged by the coach rather than supported.

The coach is also aware that such movement is not linear. Clients can make an empowerment shift in one moment and return to weakness and self-absorption in the next. The coach follows the client through the four core spheres of activity, knowing that the "hospitable yet charged" nature of the coaching relationship will create the environment in which clients will learn and grow as they are able, when they are able.

How does the transformative conflict coach support movement towards empowerment and recognition? Certainly, those who have training in transformative mediation will make use of familiar interventions from that work. As in mediation, the transformative conflict coach uses these interventions to create the conditions wherein a client can begin to shift away from weakness and self-absorption towards their innate strength and responsiveness to others. These interventions include reflections, summaries, intentional silence, and check-in questions.

However, empowerment and recognition shifts support different purposes depending on the practice context. Transformative mediators use these interventions to help participants transform the quality of their conflict interaction. The TCC coach uses these interventions to support the client's restorative and transformative learning, a process of "transforming conflict from the inside out" (Bush & Folger, 2016). The explicit learning purpose of TCC informs how coaches use transformative interventions:

Intentional Silence: The coach refrains from speaking for any number of reasons, including the fact that it offers the client time and space to think without interruption. Also, the coach may recognize that the client has just said or discovered something important and time is needed for it to fully "land." Importantly, the coach's intentional silence can communicate a depth of presence and attention that is all too rare in the client's life. Although many clients turn to people they trust in times of conflict, they often receive love, suggestions, and unsolicited advice. In contrast, the TCC coach assumes an empathic and expansive listening position (Treasure, 2017) which supports the client to engage in an intrapersonal dialogue between the parts of themselves that are destabilized by the conflict and the parts that are strong and responsive.

Example:

The client pauses after discussing a difficult conversation with a colleague, their emotions still visibly stirred. The coach remains silent, offering space for the client to reflect, maintaining attentive eye contact and a calm presence. After a few moments, the client takes a deep breath and says, “You know… maybe I’ve been too focused on being right, instead of understanding what they’re really saying.”

Reflections: The coach serves as a mirror and offers back to the client the essence of what they’ve expressed by using the client’s key words or phrases, identifying the emotion involved if the client has named it (or suggesting it tentatively if the client has not), and matching the energy with which the client has said it. Reflections give clients time and space to hear themselves. Clients may then confirm what they said, elaborate further or correct or refine their message. Altogether, reflections help clients to gain and discover greater clarity.

However, we note here for the benefit of transformative mediators that the number and frequency of reflections in coaching tend to be fewer than are generally found in mediation. This is for two reasons: First in mediation, reflections are offered to two or more participants to benefit both the speaker and the listener(s); in coaching, there is a single participant and this, coupled with intentional silence, naturally reduces the number of reflections. Second, when offered too frequently, numerous reflections interrupt the client’s internal deliberation. To reduce this risk, TCC coaches may sometimes offer *silent reflections* by mirroring the client’s non-verbal communication and their energy as a way to support without interrupting the client’s reflection.

Example:

Client**:** "I've been wanting to get the courage up to have a conversation with my supervisor about a raise. After our last session, I realized I've not been feeling confident about why I think I deserve a raise. I've started doubting myself. After our session, I reviewed my accomplishments over the last three years from my performance reviews. I realized I have no reason to doubt myself and actually have a deeper sense of confidence in myself but I'm not sure how to start or have the conversation with her."

Coach**:** "You are feeling much more confident about having the conversation with your supervisor after reviewing your accomplishments. And now you realize there's no reason to doubt yourself.”

Summaries: As in mediation, the coach identifies a topic or topics that the client has raised and points out the similarities and differences between two or more perspectives related to that topic. In mediation, such summaries are interpersonal in nature, focusing on the perspectives held by two or more participants who are present for the conversation. Summaries give meditation participants a bird’s eye view of their conversation that clarifies where they have been and invites them to consciously decide together where they will go next.

In coaching, summaries may also be interpersonal in nature when they include the client's perspective as well as that of another person, as the client understands it. Summaries offered in TCC may also clarify varying *intrapersonal* perspectives held by the client themselves; for example, how they understand things when they find themselves "at their worst" versus when they manage to be "at their best" or the different interpretations they have made of the other person's behaviour since the start of the session or various options they may be considering.

Example - Interpersonal:

> Coach: "You and your husband don't see these frequent arguments in front of your children the same way: For you, it's very upsetting for them because they don't understand what's happening; they feel sad and scared. But for him, it's not a big deal. He says they're used to it, that it teaches them about life, and that it might even be entertaining for them."

Example - Intrapersonal:

> Coach: "To resolve this situation, you've considered several different proposals you might make to him. One is setting aside time to talk about things over drinks and what you like about this option is that it's informal, friendlier, and less threatening. Another option would be seeing a therapist together and your sense is that including someone else who has training and experience could help you get to a better place with each other sooner rather than later. Another idea is writing each other letters to express your concerns and expectations. The appeal for you with this approach is that you will have the time and space to really think things through and present your perspective clearly."

Check-In Questions: The coach checks in with client by making an observation about something the client has expressed or the coaching process itself and asking the client how they might like to proceed. In TCC, check-in questions offer clients opportunities to make decisions about any of the four activities. They can make decisions about how to build the relational context, giving voice to what they might want or need from the coaching relationship or the coaching process. They can decide if they wish to use a learning tool or activity to explore their situation and gain insight about it. If they envision a new action during the coaching session, they might decide which action, if any, they will take. Providing opportunities like these for client decision-making helps the transformative conflict coach to follow, rather than lead, the client and to realize their commitment to client self-determination throughout the coaching experience.

Example:

> Coach: "I've just explained the coaching process and how our conversations could take place. Does this sound like an approach that will work for you or are there things you'd like me to clarify or anything we could change to make this feel more comfortable?"

Because coaching is primarily focused on learning, coaches can offer clients learning tools and exercises that holistically engage the client. These can include embodiment activities, the use of

metaphor, guided imagery exercises, photo-elicitation, coaching cards, and other physical materials. When the coach and client begin to work together, it can be helpful to talk about the client's preferred ways of learning. What works for one client will not necessarily work for another.

For example, a coach was working with a client who was talking about how she reacted to conflict with obvious anger and hostility toward her colleagues and how she feared losing her job as a result. When asked how her reaction might be depicted on the cover of a book about the conflict, she said, "It would be a picture of a house on fire." She drew this and shared it with her coach. "What's the picture of how you want to respond to conflict instead?" "I'd like it to be a calm and peaceful meadow with a gentle breeze blowing through it." This elicited a shared laugh between coach and client because very few people feel peaceful and breezy in times of conflict; nonetheless, the point was made: less anger, more peace. "House on fire," and "peaceful meadow" became shorthand during coaching with this client to denote being reactive and lost in emotion and her desired alternative of being more aware and responsive. In dialogue with the coach, she identified why it was important for her to show up as a "meadow" instead of a "house on fire." She put a picture of a meadow on her computer monitor to remind her of commitment to stop hurting herself and others and to be bigger than the circumstances that usually provoked her anger - big, like a meadow.

However, another client was baffled by the request for a metaphor to describe his experience of conflict. He was more practical and pragmatic and found it easier to identify someone in his life whose handling of conflict he admired. He found this so helpful that he started to ask himself in the midst of a potential conflict, "What would [that person] do in this situation?" It was a particularly proud moment for him when he reported that his new behavioural choices were getting noticed by his colleagues, who were now asking him for guidance about how to handle conflict.

When asking a client if they would be interested or find it helpful to explore a topic using a learning tool or activity, the TCC coach is careful to frame it in decision-making terms and is transparent about the purpose. Clients are invited to ask questions about what's involved, decide whether they wish to engage in the activity or not, and are assured that they can stop the activity at any time for any reason.

Example:

Coach: "You mentioned that you'd like to put yourself in their shoes but find it difficult. Would you like to pause and focus on this for a moment? (*Waits for client's answer.)* I'm aware of a guided role-play exercise that could help you do this. Would you like me to tell you more about it so you can decide if you'd like to try it?"

Envisioning Action

As coaching clients are supported to engage in restorative learning they become better able to identify what they might do differently. The core sphere of activity where clients do this is the place where transformative learning occurs. Actions identified here come from insight and perhaps even a paradigmatic shift. However, just as empowerment needs to precede recognition, restoring a connection to one's personal moral grounding by deepening one's understanding of a situation

and gaining insight seems to make a qualitative difference in what clients envision as possible new choices they might make. This can only happen when coaches "coach the person," as transformative conflict coaches are committed to doing.

This is not always the case. Those coaches who instead "coach the problem" see their job as getting the client to clearly define a problem and then generate solutions. The client is then directed to select one, trial it and finally evaluate the outcome. Often, coaches do this because they want the client to resolve the conflict as soon as possible or they hope to rescue them–or even themselves–from the distress associated with the conflict state. However, this approach bypasses restorative learning and we contend that however well-intended this might be, it is nonetheless misguided and ultimately, counterproductive to the client's learning.

For TCC coaches, it is imperative to "follow, not lead" the client throughout the session and remain fully present with them in the here and now. This includes accepting the possibility that the activity of *envisioning action* may not necessarily occur during the coaching session itself. We have observed that in these cases, clients sometimes come to a subsequent session and share that, as a result of the insights they gained during coaching, they were able to identify and enact a new action between sessions. This confirms our commitment to the transformative premise that asserts that clients fundamentally have what they need to relate to the conflicts they face.

As the TCC coach closely follows a client moving through these four core spheres of activity and supports opportunities for their empowerment and recognition, they support the client's restorative-transformative learning. Dialogically restoring awareness of the client's personal moral-ethical grounding and deepening their capacity to act in greater alignment with it lies at the heart of TCC.

Reflective Practice

The practice of TCC does not refer only to time spent with clients in coaching sessions. In order to practice effectively and responsibly, TCC coaches also need to devote time to reflective practice.

Reflective practice was introduced by Schön in 1983, first as a way to direct and develop practice in nurse education and education, then expanded to include fields such as social work, and eventually management and organization theory (Thompson & Pascal, 2012, pp. 312). Schön (1983) identified several elements of reflective practice, including *reflection-in-action,* and *reflection-on-action:*

Reflection-in-action "… is sometimes described as 'thinking on our feet'. It involves looking to our experiences, connecting with our feelings, and attending to our theories in use ... .The act of reflecting-on-action enables us to spend time exploring why we acted as we did, what was happening in a group and so on. In so doing we develop sets of questions and ideas about our activities and practice. The notion of repertoire is a key aspect of this approach. Practitioners build up a collection of images, ideas, examples and actions that they can draw upon. It entails building

new understandings to inform our actions in the situation that is unfolding." (Smith, 2011, The reflective practitioner section, paras. 2, 5 & 6).

However, Thompson and Pascal (2012) note that many practitioners hold an anaemic understanding of reflective practice, believing it simply means "having paused for thought from time to time—with no indication of analysis, no links to an underlying professional knowledge base and no hint of being able to draw out learning or new knowledge from the experience" (p. 311). As a corrective to this literal interpretation, they suggest that practitioners be more rigorous about including theory in their reflection to better inform practice. TCC coaches have the benefit of Bush and Folger's transformative theory of conflict to guide their reflective practice and support them in developing a robust coaching practice.

The following account demonstrates how a TCC coach used transformative theory to engage in reflective practice in order to analyze and improve her work:

I just had a wonderful coaching experience recently. I was losing trust in one of my clients and doubted she could find her way through a highly complicated and difficult family situation. I thought she was really lost. As a result, I was becoming more and more directive in the coaching process. I was "forcing her" to be more effective by summarizing the topics she started but did not finish and repeatedly checking in with her about what she wanted to focus on in the remaining time. I can see now that I was forcing her empowerment.

I did a lot of reflective practice following this session, including during a debrief with a peer. I decided then that if I wasn't willing to renew my trust in the client's capacity, I would have to remove myself from acting as the coach for this client.

In the coaching session that followed, I changed my approach. I backed off. I followed the client very slowly. I was intentionally silent, which took me to the borderline of my comfortability (hiding my self-view on Zoom helped me). I tried to trust her.

I was shocked by how she responded to the silence. Her mind was getting clearer and clearer. She was also able to link the topics together. There was no need to do a summary and check-in and "force" her to choose the topic she wanted to discuss next. This time, not only did she link the topics together on her own, she learned from actions she took in other areas of her life and applied this learning to the current situation. My trust in the client was renewed.

Through reflective practice, I have come to understand that the imperative of trusting a client's capacity places great demands on the coach, especially because we do not follow a fixed structure in TCC and we are not viewing ourselves as being in control of the process.

In this account of reflective practice, the TCC coach debriefed with a peer and recognized how demanding it can be to commit fully to trusting a person's innate motivation and capacity to act from strength and responsiveness. This kind of peer reflective practice where coaches come together to engage in reflection-on-action can be highly beneficial. Shared reflection, whether with a partner or in a group, often increases discovery and deepens insight. In this case, further reflective practice with peers could help them to identify what happens in coaching that prompts them to act

on their directive impulses. This coach's renewed commitment to trusting her client's capacity also inspired her peers to manage their own directive impulses.

We see strong parallels between the movement through the core spheres of activity in coaching and the process of reflective practice. In the example above, the coach explored the situation and shared what happened with a peer. She examined her interventions and noted their impact, gaining insight about where her practice aligned and digressed from transformative theory and premises. She identified what she could do differently, recommitting to trusting the client by being far more spacious and non-directive in her approach.

We are working in the TCC Lab to develop reflective practice tools that will help TCC coaches identify those aspects of transformative theory they are understanding more deeply and name what they will do differently to strengthen their practice going forward. These include materials coaches can use in the context of individual reflective practice, peer reflective practice debriefs, and small group reflective practice. Currently, we are piloting the use of a "debrief tool" to assess recorded TCC coaching sessions for individual and small group reflective practice.

Topics for continuing and future research

For transformative practitioners, "purpose drives practice." The feature of TCC that distinguishes its purpose from those of other transformative practices is the client's desire to improve their relationship to conflict and to develop new and better ways of handling it. While learning may spontaneously occur in the course of transformative mediation and dialogue, it is more often implicit and a by-product of these processes rather than a stated desired outcome on the part of the participants. For this reason, we are exploring in the TCC Lab how the purpose of transformative coaching might compel its practice to differ from transformative mediation and dialogue; especially, whether the interventions from transformative mediation are always sufficient to fully realize the learning purpose of TCC.

A significant area of investigation in the lab is the use of questions that are structured differently from check-in questions. Currently, we are considering if and how questions that are styled differently could and should be used transformatively in transformative conflict coaching.

In her book on the coaching practice of *reflective inquiry*, Marcia Reynolds (2020) makes the distinction between questions that hinder and those that help. At their worst, coaches ask questions that are directive and biased, particularly if they are focused on problem-solving. Some coaches equate coaching with asking questions, and in their quest for the perfect stand-alone question, they are unable to be fully present to their clients.

At their best, coaches understand that "coaching is a process of inquiry" that leads to discovery, insight, and learning, a sentiment we share with Reynolds. By "coaching the person, not the problem (Reynolds, 2020), they ask questions that help clients to see their situation with fresh eyes and explore possibilities they would otherwise not discover much less consider. Such questions are spontaneous and anchored in what the client has expressed:

The use of *reflective statements,* such as summarizing, encapsulating, and sharing observed emotional shifts…can be more powerful than seeking the magical question. Hearing someone

restate your words can be shocking, especially if you have been saying the same words for years. Having someone share the emotions you attach to different ideas and hold out the contradictions in your statements for you to witness can break down defenses of ancient beliefs more effectively than a provocative question.

Adding reflective statements to questions makes coaching feel more natural and effortless. When the coach first reflects words and expressions and then asks a question, the question is more likely to arise out of curiosity (Reynolds, 2020, pp. 39-41).

Transformative practitioners will recognize this approach and its positive effects. Offering a reflection, summary, or intentional silence, followed by a check-in question, is a familiar sequence and clients often find this helpfully clarifying. However, Reynolds does not restrict questions to those with the check-in structure. What matters in reflective inquiry is that a question prompts deeper exploration and "opens…the client's mind. As long as the question follows the conversation, it shouldn't matter how it is structured" (Reynolds, 2020, p.43).

Julien concurs and adds that more important than the structure of a question, or any coaching skill for that matter, is the transformative conflict coach's intention and impact in using it.

Core skills of good communication are used, but the transformative art is in the application of these skills. How the skills are employed determines if the coach is supporting empowerment and recognition. For example, a summary can be used to open a conversation or to close it; a question can be used to encourage exploration or to change the topic. As skills are applied, the coach must self-monitor for the effect of the move on the unfolding conversation. (Julien, 2011, p.3)

Noble's research (2023) into how clients experience common coaching techniques including paraphrasing, reframing, and summarizing, underscores this point. The year-long study involving 50 clients was conducted to inform the development of an evidence-based approach to conflict coaching. Although we might assume that not all of the coaches in the study (if any) worked from a transformative orientation, the results nonetheless invite us to examine our assumptions that the use of transformative mediation interventions will necessarily hold the same or as much value for coaching clients, especially in terms of optimizing their learning:

> The common reasons research subjects gave for disliking paraphrasing and summarizing were that their usage "took up THEIR airtime," that they were "distracting" and "interrupted their train of thought."....Many found the use of these skills "unnecessarily repetitive" and even "annoying." Similar words (like "annoying") came up especially when coaches shared their assumptions/intuition about what they perceive is going on for them (the research subjects) – *and their perceptions were not accurate* [emphasis added].
>
> Many other people described hearing what they just said being repeated – in the form of a summary or paraphrase – as "redundant" and "time-wasting."... Commonly expressed statements were also to the effect, "I don't need to hear back what I just said." (Noble, 2023)

We are encouraged by Della Noce and Julien's guidance to be less guided by whether or not an intervention is transformative on its face and to place our attention instead on how our interventions, as well as learning tools and activities, might be used transformatively to fully

realize the supportive, capacity-building purpose of transformative conflict coaching. We are currently experimenting with this in the TCC Lab with regard to the use of various kinds of questions, observing the effects on client shifting and learning, by asking only check-in style questions and comparing this to the effects that come from asking questions of varying formats along the lines of reflective inquiry. As the account of reflective practice shared earlier illustrates, we can also examine if and how our familiar transformative interventions are being used in directive ways.

Reflective practice helps us understand not only what happened, but why it matters and importantly, how we might refine our practice going forward. What we are currently developing in the TCC lab are tools that will help us to engage in reflective practice in a systematic way, to support both individual coach development and to contribute to a broader, more collective understanding of what constitutes a robust and ethical practice of transformative conflict coaching. In addition to these topics, we are exploring how best to share what we are discovering and learning in the lab with others who have an interest in TCC. We envision developing a training program and hosting peer reflective practice groups to continue the learning and discovery.

As we see it, TCC has much to offer the broader field of transformative practice comprising mediation, dialogue, team development, and the self-management of conflict. TCC is a powerful process for learning about constructive conflict engagement in a variety of situations and contexts. We are inspired as we witness clients experiencing the restorative and transformative capacities of finding their voice, asserting their agency, learning new ways of responding, and making choices that feel right to them. It is this promise of Transformative Conflict Coaching that we look forward to realizing, developing, and sharing with others.

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Introduction to Transformative Dialogue: Transformative Practice with Group, Community, and Organizational Conflicts

Cherise D. Hairston, ISCT Fellow, Certified Transformative Mediator™

What is Transformative Dialogue?

Transformative Dialogue builds on the principles and premises of Transformative Mediation and can be defined as a dialogue where the participants make the decisions about the process, content, participation and outcomes of dialogue (Saul and Cleven, forthcoming). Transformative dialogue's definition arises out of an evolution of thinking and practice experiences by TD scholars and practitioners. TD facilitators define TD as:

> *a process in which a facilitator works with **people in communities** to support them in **gaining clarity and making decisions** as they **co-create a process** that **supports changes in the quality of people's interactions, increasing the amount of pro-social interaction**. This is done in a way that supports but never supplants people's ability to make decisions about their own situation. By pro-social interaction we mean that regardless of how often or seldom they interact, people interact from a position of clarity and strength, and are open to and able to acknowledge others as human whether they agree with them or have deep disagreements. This does not necessarily mean agreement, reconciliation, or friendship, though all of these are possible. In Levinas' language, it means accepting the radical difference between self and Other (Cleven & Saul, 2021, p. 119, emphasis author's)*

There are several key elements of the definition that signal the purpose that drives the process and the practices, that is, interventions facilitators use to support participants during group interactions and individually. First, TD is a process for people who gather in groups whether that be in a variety of ways in communities and organizations. Communities can take many forms, including people in groups such as a parent-teacher group, or even groups that organize around a particular hobby, social or political cause. Group conflict is viewed as relational and complex. This means that people seek ways to balance their self-interests with the interests of others they are interacting with which can help them better understand and respond to others, whether they agree or disagree with each other's perspectives. Because conflict is relational and impacts interaction, individuals can be anywhere along a continuum of weakness, self-absorption to strength, and responsiveness as their internal state can change at any moment based on external factors and internal responses as they interact in a group context responsiveness (ISCT Transformative Training Manual, 2022). Groups can also be anywhere on a continuum and experience paralysis and polarization to engaged and connected. What makes multi-party conflict situations complex is how people's social identities become narrowed because of conflict and how people's deeply held differences and divisions around those social identities become a prominent dynamic the TD facilitator attends to and intervenes in that that may be different from interpersonal conflict situations. As the TD facilitator supports conversations in the dialogue process, constructive shifts in group dynamics can occur. This is what is meant by "pro-social." Throughout all components of the TD process, which will be discussed later, the TD facilitator works to ensure that all decisions, even whether to participate and what to talk about, remain in the participants hands. What makes TD "transformative," then, is who is making decisions (Cleven, 2011). Cleven and Saul (2021, p. 112) suggest that what is most helpful for people experiencing group conflict,

whether in communities or post conflict settings, is what is important is to support them in getting clear and making the "the best possible decisions about their situation, and to change interactions with others from negative and destructive, to positive and constructive." "Co-creation" is at the heart of TD and grows out of transformative approach to honoring human agency and self-determination that is enacted through a supportive and non-directive approach to group facilitation.

TD facilitators offer an optimistic view of what is possible even when people are disconnected and disengaged from one another. Transformative dialogue contrasts itself from conventional dialogue approaches that are designed, structured, and regulated by facilitators who use their particular approach to conflict intervention. They may be guided by their particular method of analyzing and assessing conflict to determine how they will structure the dialogue (Cleven, 2011; Cleven, 2020; Cleven & Saul, 2021). Transformative dialogue provides willing participants a way to discuss what matters to them in whatever way they choose. The TD process supports participants' efforts, both individually and as a group) to make sense of what is happening for themselves first by speaking to what concerns they have about the conflict situation. This evolving clarity, supported by the facilitator, helps them better able to listen to and try to understand where others who have different viewpoints are coming from without necessarily having to agree with them. TD facilitators offer a distinct approach to group and community conflict that allows these changes in group interaction to occur over time as groups interact in various formats or people belonging to the group meeting individually with the TD facilitator. TD is a relational approach to group and community conflict, sometimes called "multi-party conflict" (Saul & Sears, 2010), that may involve people in groups, organizations, and living at the local levels of community. TD can help people change the way they interact with each other, helping them shift from negative and destructive group interaction that propels them into states of paralysis and polarization to states of positive and constructive engagement and connection with each other, despite whether or not they find solutions. This return to or increase in positive and constructive group interaction and individual strength and responsiveness is a measurable indicator of a success dialogue engagement. Thus, dialogue understood relationally means that the TD process can be a mechanism in which participants can and do develop new understandings about themselves as they talk and interact with each other. This is helpful because participants in the TD process may find themselves contending with topics and emotions that are challenging to manage personally. People may have suspicions and even fears of those with differing perspectives. As we discuss in our formal training for facilitators, *Transformative Dialogue: Co-creating and Facilitating Conversations* (ISCT, 2022), the TD process creates a space for people to interact with each other and find their own voice and listen and respond to others in the process. Additionally, TD facilitators help people, individually and during group interaction consider and explore new information and ideas, and, if they desire, solve their pressing problems that generated differences and conflict, and even build relationships with each other in and beyond the process once completed. Therefore, the TD process provides participants with a range of ways to talk about the challenging issues they face with each other. Communication by participants in a TD process can include many ways of talking including listening, remaining silent, arguing, bargaining, or negotiating. Given the reality and need for dialogue that continues to be identified in the conflict resolution literature (Hammack & Pilecki, 2015; Silket & Epps, 2022; Thomas, McGarty, & Mavor, 2016; Tint, Chirimwami, & Sarkis, 2014), TD offers an option for people living with conflict.

Purpose and Goals

The purpose of TD is to help groups enhance communication and change how they interact by supporting opportunities for empowerment and recognition shifts that support increases in prosocial interaction. This purpose helps support participants, both individually and as a group, "in making self-determined choices about their interactions or the issues being discussed" (Garcia & Cleven, 2024, p. 93). Ultimately, the goal of the process is captured in the definition of TD, which is working with participants to design how they want to interact with each other regarding their conflict or situation by exploring the central questions of *"who needs to talk to whom about what?"* (Cleven, 2011). As Cleven suggests, the facilitators work is to provide "a process where participants can use their own language and own framework of understanding in the ways that they want without having to conform to the language of international third-party intervenors." (Cleven, 2011, p. 5). Having a clear purpose and goals allows the TD facilitators to enact a variety of roles when working with groups.

Premises, Principles, and Practices

TD is shaped by transformative conflict theory and maintaining a "purpose to practice" connection is critical in the TD process is the theoretical basis for practice (Cleven & Saul, 2021, pp. 115-116; Cleven, Bush & Saul, 2018, pp. 58-60). This theoretical foundation is supported by a set of premises, principles, and practices that help the TD facilitator practice with integrity and remain morally grounded in the purpose and goals of the process. Each of these will be discussed next.

Premises

Premises are the beliefs and underlying assumptions that the TD facilitator holds. These premises help guide practice. There are three sets of premises that help the TD practice within the transformative framework and be morally grounded when working with individuals and groups experiencing conflict. There are three sets premises that guide the TD facilitator as defined by Cleven and Saul (forthcoming) which are related to: people and conflict, identity and conflict, and people in group. The premises are shared here:

<u>People and Conflict</u>

- Human beings are inherently both individual or autonomous and social or connected beings. They are motivated primarily by a moral impulse to act with both strength of self and compassion for others, with agency and empathy. In all their relations, including conflict, they are motivated to be neither victim nor victimizer but to interact humanely with each other.
- Human beings' social connections are embedded in systems and relations of power and culture. These systems can give rise to human flourishing or oppression.
- Human beings have inherent *capacities* for both self-determined choice and responsiveness to others, which enables them to achieve their desire for morally humane conflict interaction. This is true even when they are confronted with adverse circumstances or embedded in oppressive power relations.
- Because what motivates and matters most to us as human beings are morally humane interaction with others, the most salient meaning of destructive conflict is a *crisis in human interaction* that tends to generate destructive behavior.
- Therefore, the most important *product of conflict intervention* is a change in the quality of the conflict interaction itself, from destructive to constructive, and from negative to positive, regardless of the specific substantive outcome.

Identity and Conflict

- The core of human identity is a sense of our own individual agency and our inherent connection to others. Within that core, identities are relational. They are produced and change as we interact with others. People are naturally motivated to connect with others whether they share identities with them or not.
- Human beings have many relational identities simultaneously, including religious, ethnic, political, and social and have the capacity to choose which identities are important to them. Yet, people are more than the sum of their identity categories. People's identity categories label what they are. Who they are can only be known by relating to them directly. Each individual's understanding of a given identity is unique to them. This understanding is influenced by collective understandings of that identity. Institutions and cultural systems can constrain people's ability to define their identities for themselves and may try to force particular understandings of identity on people.
- In the face of destructive conflict, people often retreat to a narrow understanding of identity where a single identity takes precedence over the others, limiting a person's understanding of self and their interactions with others.
- Even in these adverse circumstances, people have the capacity to regain a broader sense of self, to choose which of their identities to express and how to do so, and to connect with and fully recognize the humanity of others.

The premises around identity and conflict are reflective of an extensive body of conflict resolution literature and research (e.g., (Brewer, 2011; Cook-Huffman, 2009; Rothman, 1997). And identity is another significant area explored in the TD training as it is rooted in people's common human identity (Cleven, Bush, & Saul, 2018, p. 56).

People in Groups

- People are motivated to participate in groups to experience belonging and connectedness, to give voice to their unique experience, and to consider how the experience of others is similar to and different from their own.
- People are capable of making their own choices on whether and how to engage with groups and can balance their interactional needs with those of others.
- Individuals are capable of learning about and productively deliberating with others on complex and problematic issues that affect their personal and group interests, even when working with people they differ significantly from or strongly disagree with.

Principles

Principles used here function as a set of values that TD facilitators develop a commitment to maintaining the appropriate intent of the process and their role partner to participants. These sets of principles build upon the premises discussed above and support the facilitator's moral grounding and consistently practice within the transformative framework. The first of these principles is trust. Transformative facilitators trust that people know what they need to talk about, who they need to talk with, and how they want to talk. The facilitator supports participants' choices including whether or not to participate in dialogue. The second principle is respect. Each participant has a unique reality that shapes who they are. The facilitator respects the expression of that uniqueness and each individual's human agency.

The third principle is responsiveness The facilitator follows the parties, their goals, and how they choose to engage with each other. A transformative facilitator is responsive to the needs

expressed by participants and they support people and help them to co-create a process that will work for them. This requires a high level of attention, the fourth principle. The facilitator is prepared for the intense work of attending to the moment-to-moment interactions between participants and the many opportunities for empowerment and recognition shifts that arise in their conversations in all the components of the process but especially within small and large group facilitated discussions. Transformative facilitators need to exhibit a high level of equanimity, the fifth principle. The facilitator works to stay aware and morally grounded of impulses toward directiveness or bias and learning to be comfortable with conflict and strong emotions, and negative patterns of interaction.

The sixth principle is patience. Transformative facilitators remain patient with the pace and process of participants' interactions, staying with them, especially when they are grappling with hard topics and their own weakness and self-absorption. *Humility*. Facilitators value supporting participants' understanding and knowledge of their situation. In fact, a Transformative facilitator holds the value "participants know best" and learns to be comfortable with a limited knowledge of the situation. Trusting the participants know what is best for them, the facilitator also knows they are the ones that must live with any decisions they make. Finally, transparency is an important principle for Transformative facilitators. This means working to be open with participants and sharing any process decisions and the reasoning behind decisions the facilitator is making.

Practices

The core practices or skills of a transformative practitioner have been discussed in previous literature (Bush & Folger, 2010b; Simon & West,2022). The TD core practices skills are similar. The TD facilitator supports people in the process of making decisions about participation in all the components (e.g., 1-on-1 meetings, small and large group discussions, planning, etc., see discussion below) using the essential skills of TM (Bush & Folger, 2010b). As Garcia and Cleven (2024, p. 94) write: "Taken together, the transformative skills are designed to support participants in making positive interactional shifts." This means, participants, regardless of component of the TD process, the use of TM/D skills, helps participants hear themselves and each other (see Garcia & Cleven, 2024, p. 94). There are several core skills: reflecting, summarizing, checking in about the process, and staying out. Reflections mirror back to the speaker what has just been said. The facilitator stays close to the language used by the speaker and is inclusive what has been shared. Reflections are useful when working with groups of all sizes because it allows participants to hear themselves and each other. Facilitators must pay attention to interactional dynamics, being mindful not to interrupt the flow of the participants' conversation. The facilitator also works with expressions of strong emotions, expressions of confusion or not understanding what is being said, and when significant new information or options are being discussed, for example. *Summaries* involve capturing what has been discussed during a period of conversation. It is a thematic replay of what has been discussed to help the group track topics, agreements, and disagreements, for example. Summaries can also be used at the beginning or end of a session to note agreed upon next steps. *Check-ins about Process*. Check-ins allow participants to shape their meeting's structure and flow with the facilitator, including topics such as decision points about content discussed, any part of the process, and behavior that is occurring. The facilitator notes any decisions made and supports participants to explore what they would like to do. *Staying Out*. At times, participants' interactions may be challenging but seem productive. The facilitator can make the decision to stay silent and, even when conflict is developing, the facilitator can also stay out to allow conflict to develop. The TD facilitator must learn other skills such as *attending* which is

paying close attention to a person when they are speaking and *listening* deeply and closely to what the person is saying.

Practicing with Integrity

What is required for effective transformative dialogue practice? A grounding in the transformative framework and developing awareness and ability to manage one's own internal states when working with groups in conflict. Additionally, the TD facilitator must believe and act from the premises that people have compassionate strength, an inherent capacity and motivation to balance their personal concerns with the concerns of others.

The Facilitator's Orientation

As part of the TD facilitators developmental journey, they learn to develop an orientation or "inner guidance system" or "inner compass" that guides the many intervention choices they are faced with. The TD facilitator must learn to monitor their own directive impulses and biases and remember their purpose. This act of "balancing" of self and other when working with groups is at the heart of what it means to be engaged in the process of moral choice or compassionate strength, both for the participants and the facilitator. To develop in this work, TD facilitators internalize three insights about conflict (Solarz & Gasper, 2019) which include: self-awareness as the foundation of one's ability to respond rather than react to conflict, even in the face of destabilizing conflict, we are not victims or helpless. When we become aware of our own states of weakness and self-absorption, we are better able to tap back into our internal resources and make a reflective and informed choice about what we want to do. This supports us to make decisions from a place of strength and responsiveness, that is, from a place of compassionate strength. From choice is good, no matter the outcome.

Moral Grounding Matters

Working with groups in conflict is intense and challenging work that we must come to from a place of strength and responsiveness. Moral grounding helps us work from transformative values that we believe in and are committed to honoring participants human agency, autonomy, self-determination, and co-creating a participant-driven process. It also means that we work to learn about and overcome our own implicit biases when we become aware of them while also controlling any directive impulses. In the multiple roles we play in the process, we make many intervention decisions and have influence on the conflict dynamics. Our moral grounding helps us make those choices grounded in the premises and purposes of the process that support participants' decision-making in all aspects of the process. This is what is meant by maintaining an ethical relationship to participants in our group work (Cleven & Saul, 2021, pp. 116-118). Centering the purpose of supporting participant decision making at every stage of the process must be practiced and exercised the way muscles must be trained. Developing facilitator "muscles" takes time and experience. Working with groups in conflict is challenging and complex work. Moral grounding is the standard upon which we base our work, and it helps us maintain our own balance amid participants' conflict while also not privileging any contributions of one individual or group over the other.

Facilitator Roles

In working with both individuals and members of groups as part of a group, community, or organizational conflict situation, the TD facilitator plays multiple roles beyond what is

commonly thought of as the work of group facilitation. These roles support the possibility of dialogue as the TD facilitator engages with people to help them co-create their process. These roles include:

Community Presence. The TD facilitators work to establish a presence in the community, or, may already have one established. This means being in the community, interacting with prospective participants, listening to them, and helping them understand what the facilitator can offer. These interactions are informal and designed to connect and build relationships. These "transformative conversations" (Cleven & Saul, 2021, p. 120) are vital to informing people about the TD process, its benefits and risks, and possible outcomes.

Educator. The facilitator engages in transformative conversations to help inform people about the TD process including its benefits, risks, and possible outcomes. Most people have not been involved in a facilitated dialogue process making these kinds of educational conversations important.

Convenor/host of group discussions. In the role of the convenor/host, the facilitator can bring people together in small or large group meetings. The facilitator may also identify and invite the appropriate community stakeholder who has standing and means to do so including arranging a space, providing refreshments, and marketing the meeting(s).

Process Resource Person. In this role, the facilitator may offer suggestions for various ways groups can decide to engage with each other that support empowerment and recognition shifts and improvements in interaction.

Facilitator of Group Discussions. There may be a need to hold meetings including The TD small intragroup meetings and large intergroup discussions. In each of those types of meetings, the TD facilitator will use facilitation skills to support participants in having important conversations.

Process Guide. The facilitator supports group conversations by keeping track of the larger process and as necessary reminding participants of special factors such as externally imposed boundaries and constraints.

Content Manager. In this role, the facilitator may act as a content manager to help participants keep track of what is discussed in various discussion forums.

Coach. The TD facilitator may work with individuals or small groups and support people in thinking through the benefits and risks of engaging with others. These transformative conversations can *"...support parties in reclaiming their capacity for moral choice, in deciding on how to see themselves and on how and whether to recognize the other's perspective" (Cleven, Bush, & Saul, 2018, p. 58), much like what can happen in transformative conflict coaching (Solarz & Gasper, 2019).*

Mediator. Interpersonal conflicts may occur simultaneously within the larger group/multi-party conflict. The TD facilitator, typically already trained in TM, may act as a mediator for dialogue participants.

Overview of the Process Components

The TD process is guided by the TD facilitator who is at the center of the process but does not control, direct, or pre-design the process. In this overview, the various components of the process will be reviewed: engaging with the community and establishing a presence including initial contacts or inquiry, one-on-one meetings, holding meetings including small and large group meetings, monitoring throughout the process, and evaluation.

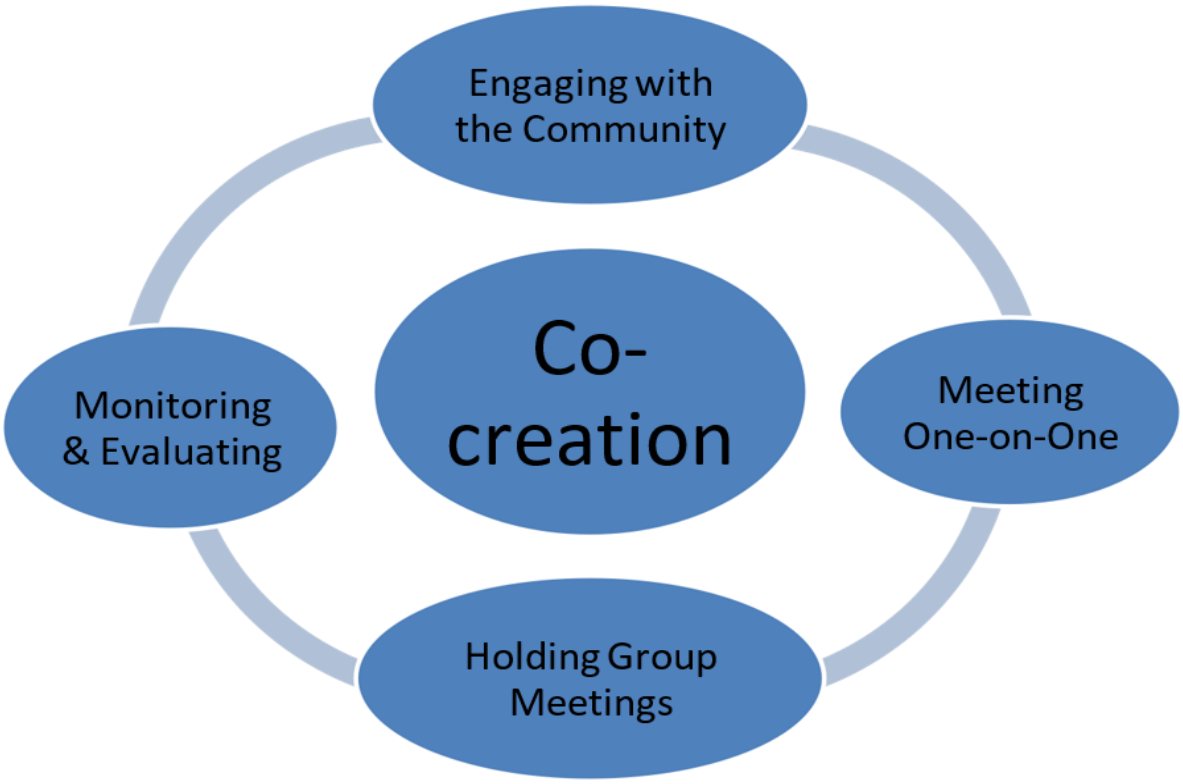

Figure 1: The Proces of Group Dialogue

Engaging with the Community

A TD process can begin in a variety of ways. In some conflict contexts, the TD facilitator is not known by community members and must begin establishing a presence and building relationships so that potential participants may get to know the facilitator. The TD facilitator may identify and work through existing networks to make themselves known and begin getting a general sense of the conflict situation effecting community members. This component helps prospective participants understand that dialogue might be a resource that is helpful to their situation. Often communities experiencing conflict that has not been engaged constructively may feel hopeless and helpless about the situation. A TD facilitator can, within this component, educate about the possibility of dialogue and what it might accomplish and its benefits and risks.

Holding One-on-One Meetings

Meeting and holding one-on-one meetings are vital to the TD process (Cleven & Saul, 2021, pp. 10-11) The TD facilitator may work to establish a presence in the community so they may become known to prospective participants. Holding one-on-one meetings may also occur because an individual or members of a group may contact the facilitator to find out about services and inquire about services. This can be thought of as a "first contact" and is typically how a dialogue might be initiated (Hairston, forthcoming). Some communities have conflict-based organizations, community mediation centers or non-governmental organization (NGO) that provide a range of conflict intervention services, including dialogue services. Community members may know about these organizations and seek out the service via an internet search or by be referred to the organization. In this scenario, an individual or a members of a group may contact

the organization directly and the TD facilitator may talk to them via telephone or schedule an in-person meeting. In this initial contact and when holding other one-on-one meetings, the TD facilitator engages in "transformative conversations" using their core transformative skills (i.e., close listening, reflecting, etc.). This helps prospective participants to gain greater clarity to help them make sense of their situation. As a result of this initial inquiry to explore services, the TD facilitator may check-in at the end of the conversation to ask, "what's next?" in terms of what might be helpful including following up for further conversation. Here, the individual or group may say they need to think about the information shared. Additionally, one-on-one meetings allow the facilitator to have transformative conversations through which they can learn about the individual's interests and concerns, identify who else to talk with about the possibility of dialogue, and education prospective participants about transformative dialogue.

Holding Small and Large Group Meetings

Group meetings may be offered in a variety of sizes, small and large group discussions. *In small group meetings*, the TD facilitator meets with group members to have transformative conversations that allow those with similar interests and concerns to talk among themselves, identify internal differences, and consider how they want to interact with others. Here, the TD facilitator is using their facilitation and core transformative skills (i.e., attending, reflecting, check-ins, summaries) to support individual and groups conversations. *In large group meetings*, a larger number of people may decide to come together to talk with one another using TD because of their multiple and differing perspectives. In these intergroup meetings the TD facilitator attends empowerment and recognition opportunities that enhance communication, open their narrowed sense of identity, such as "us versus them" mentalities. The TD facilitator, in both small and large group discussions, utilize their facilitation and core skills to support individual and group empowerment opportunities, voluntary decision-making, figuring out what to do in terms of who to talk to about what and how, and to enhance decision-making about their process. The facilitator works with recognition opportunities that supports participants' inter-personal perspective taking, consideration of different perspectives and opinions individually and as a member of the group. The TD facilitator also works with opportunities to support participants' ability to realize their other identities that may have narrowed because of polarized interaction.

Monitoring and Evaluating the Process

Because the purpose of TD is to support enhancement of communication and help participants change their interaction resulting in increases in prosocial interaction, it is important for the TD facilitator to engage in monitoring and evaluation throughout the process (Cleven, 2013). Monitoring helps to define and track changes at the intra-personal level, in relationships at the intra-personal level, in relationships and social interaction, and at the level of group and community. These indicators can include expressions of accepting differences, sharing a wider range of perspectives, a greater ease in group interaction, even laughter, and speaking to new connections with those who prior to the process would not engage with each other. Evaluation of the overall process seeks to identify any indicators of increases in prosocial behavior because of the process and document any concrete agreements that result from improved interaction.

How Transformative Dialogues are Started

Part of the role of the TD facilitator is to engage with the community and begin establishing a presence so that people in the community can begin to learn who the facilitator is and what they

have to offer. Depending on one's practice context (i.e., community mediation center, NGO working in post-conflict settings, solo facilitator practitioner), how a TD process gets started will vary. Typically however, as the facilitator works to make their presence known, prospective participants may feel comfortable reaching out directly to them to explore the possibility of dialogue.

Co-Creating the Process with Groups and Communities

The principle of "co-creation" is at the heart of the TD process. It happens through "transformative conversations" (Cleven & Saul, 2021, p.120). The TD facilitator follows the parties, managing the tension between following, guiding, and leading, to help them determine the shape of their process and allowing the process to "unfold organically" (Cleven, 2011, p. 13). Co-creation also means that the TD practitioner supports prospective TD participants to make decisions about the central question of *"who needs to talk to whom, about what, and how"* (Cleven, 2011, author's italics). This question helps participants to think about: (1) who they need/want to talk to, 2) what they want to talk about, and (3) how best to have the conversation. The TD facilitator follows the participants as they explore the answers to these questions. Cleven describes this following the participants as allowing the design of their process as "unfold[ing] organically" and going in whatever direction participants take it (Cleven, 2011, p. 13). Co-creation happens from the very start of the process and can mean starting with any component (i.e., engaging with the community, establishing a presence, one-on-one meetings, or small and large group discussions) and continues throughout the process. The TD facilitator may act in several roles because co-creation helps participants get clear, including educator and coach. As co-creation happens, the process evolves as participants' understandings of their situation, themselves and other participants changes over time. The use of transformative core skills supports participants thinking, reflection, decision-making and perspective-taking. While the process is organic and may seem unstructured, even chaotic, the TD facilitator is guided by clear premises and principles that respect participant's agency and autonomy. Co-creation is ongoing and happens throughout the entire process and within any of the singular components. As the TD facilitator follows the participants, they are supported to make their own decisions about content, participation, and structure. As result, participants may gain new information and change their minds and the TD facilitator follows them, not holding to any preconceived idea about what should happen next. TD facilitators stay open, responsive, and flexible to these evolutions and committed to the principle of co-creation throughout the process. By acting in this way and staying morally grounded in the ethical relationship to the participants, this helps participants articulate what is important to them and design a process that meets their needs. Several principles clarify the principle of co-creation: (1) co-creation is at the center of the process and is supported through the interaction between TD practitioner and participant(s); (2) co-creation is emergent, non-linear, on-going throughout process; (3) co-creation can start with any TD component and cycle through more than once, and (4) co-creation is central to the facilitator's ethical relationship with participants.

Returning to the theoretical lineage of TD, Folger and Bush (2010, p. 419) described an element of the concept of "co-creation" suggesting that conflict intervention processes should be shaped by a "bottom-up, party-driven" approach rather than a "top-down, intervener driven approach." In their research, Folger and Bush discussed the shortcomings of approaches that removed participant decision-making replaced by the conflict intervenors describing this as "a top-down approach" that may be "…effective in stopping violence and ending wars in some cases, but they are often recognized as being limited in restoring relational connection and long-term stability

in intractable conflicts." (Folger & Bush, 2010, p. 420). Saul & Sears (2010, p. 415) also suggested in their early theorizing that co-creation meant supporting participants to move "toward whatever outcome makes sense to them." The transformative facilitator could provide support by owning the responsibility by offering a "process resources that could add value to a group's conversation…[and a] commitment to effectively managing the group's moment-to-moment interactions." (Saul & Sears, 2010, p. 415). As well, Cleven (2011, p. 13) used such descriptors as "follow the parties" working to listen to their needs and concerns and allowing the design of a process that would "[unfold] organically." Because TD conversations "unfolds and goes in the direction the participants take it with the…facilitator supporting the participants through reflections, summaries and process questions" (Cleven, 2011, p. 13). The TD process emphasizes honoring and maintaining a commitment to participants' "voice, influence and decision-making" (Folger & Bush, 2010, p. 419).

Attending to Four Levels of Group Conflict Dynamics

In TM, the practitioner focuses on what is happening "in the room" between the parties. Similarly, the TD practitioner has this same focus, however, in a group conflict dynamic the TD facilitator must blend a micro-focus on interaction between the parties while also attending to four interacting levels of group conflict: (1) personal/internal, (2) interpersonal, (3) intra-identity group, and (4) inter-identity group (Cleven, 2011, p. 13). In group conflicts conflict is experienced individually and personally and as part of the group (Cleven, 2011, p. 6). Conflict experienced at the group and community levels still produces the individual experience of weakness and self-absorption. However, at the group level, both intra-group and inter-group, in addition to individual experiences of weakness, the group becomes *paralyzed*, where one's sense of identity narrows from multiple identities to the most salient identity. This results in a sense of being forced to choose one identity over others. Fear and suspicion of others is present, and dehumanization of others can fuel division and violence. Individuals experience self-absorption in conflict as well. In a group conflict, the group becomes polarized against the other group(s), typically dividing into "camps." Thus, the TD facilitator must pay attention to these varying levels of group interaction. For example, during small and large group conversations, weakness and self-absorption are often expressed in terms of identity: people take positions and stick to them (i.e., "We immigrants need full citizenship and that is the only thing worth talking about"; or participants can emphasize their unique victimization and make generalizations (i.e., "Immigrants are taking our gobs and they always do that."). Working with individual sense of self of weakness and self-absorption, and group sense of paralysis and polarization, TD facilitator, using core transformative skills (Bush, 2010; Garcia & Cleven, 2024) can support participants' individual shifts to strength and responsiveness and the group's shifts to becoming engaged and connected. This shift, in varying degrees, to greater engagement and connectedness are reflected in constructive changes in the quality of group interaction where participants have access to broadened and freely-chosen identities, trust of others develops, participants have access to greater awareness of their and others shared humanity, and groups and communities work more effectively at becoming integrated, non-violent communities through their own efforts that emerge in their conversations with one another.

Group and Community Conflict and Societal and Structural Factors

Engaging with communities and developing relationships within a conflict setting to explore conflict intervention needs is one of the roles of the TD facilitator. It makes our listening one of our core skills. It also means that context matters, that is, an understanding of the broader

context in which the conflict is embedded as these factors often present in group interaction, if not viewed as a cause of group conflict. People in groups and communities all have unique realities. It becomes important to listen closely to what is shared to have a sense of what is important and most effecting about the conflict situation (rather than any a posteriori assumptions) (Cleven & Saul, 2021, pp. 119-121). about our role in social justice matters. Cleven also states clearly that the role of the TD facilitator is not to advocate for any particular issue or interest, which is the work of the participants (Cleven, 2011, p. 15). This echoes Bush and Folger's (2012, p. 39-44) cautions in social justice matters that any subversion of the principles of participant self-determination and participant decision-making creates its own form of injustice. In the TD training, trainees are grounded in an understanding of the complexity of group conflict, reflected in understanding the context in which the conflict situation is embedded and the structural and societal factors unique to the setting. Cleven (2011) noted criticism of transformative framework citing claims of the framework's lack of cultural sensitivity. suggesting that the transformative framework reflects the context in which it was developed, the United States. However, Cleven suggests that because TD facilitators "do not bring along any pre-conceived framework for peacebuilding or a set of concepts or terms that participants must use as a starting point for their discussions, but instead allow participants to talk about what they want in terms that they want to use"—this makes it "as culturally sensitive as possible." (Cleven, 2011, p. 14). Della Noce (2010), writing in the context of interpersonal conflicts, noted that the communication perspective on conflict, particularly the principle of "context" suggested that it is "…critical to understanding how people construct and interpret meaning" (Della Noce, 2010, p. 147). Thus, the context in which the multi-party conflict situation is embedded means that as the TD facilitator must be cognizant of these elements when they begin working to establish a presence in a conflict setting by talking with people in one-on-one meetings with prospective participants to begin to educating them about the process (Cleven & Saul, 2021, p. 120). Della Noce proposed:

> an overemphasis on micro-analysis [could] divert one's attention from the overall context…From a communication perspective, context includes not just the macro level of social structures, institutions, and environment, but also the developing "local" interactional context as it is created by an accumulation of ongoing construction of moves and counter-moves. (Della Noce, 2010, p. 147).

Understanding context has been key to TD practice and understanding structural and societal factors often are driving forces that fuel group and community conflict, even in organizations. In the TD training, we spend time discussing several issues including systemic oppression, power, race, racism, culture, trauma, and implicit bias as part of participants social identities as well as the facilitators. Awareness of these factors helps the TD facilitator work effectively with these dynamics as they arise, and they may also inform what participants bring in one-on-one and well as group meetings.

Developing a Transformative Dialogue Practice

Learning to apply the transformative framework to group, community, and organizational conflict means developing competency in transformative practice but also the added complexities of group conflict. The development journey typically begins with basic TM training and Responding Effectively to Conflict training offered by ISCT. This is an important foundation. It does help to have experience working with groups, however, moral grounding in the transformative framework is critical. ISCT offers TD training and practitioners or those new to

group work are encouraged to take the training to build upon the TM foundation. A small but growing community of practice for TD is growing in the ISCT community and more are welcome. The author has been actively involved with this community since 2018 and a transformative practitioner since 2000. It is within the TD community that I have learned so much about using the transformative framework to work with groups. I am indebted to those ISCT TD practitioners devoted to promoting understanding and use of TD. We, Judy Saul, Erik Cleven, Susan Jordan, Jody Miller, Mia Bowers, Shari Tardio, Vicki and Dusty Rhoads, Vesna Matović, Olivier Chambert-Loir, and others.

Conclusion

The aim of this paper was to introduce readers to the transformative process called Transformative Dialogue and explore the "nuts and bolts" of the process including its definition, purpose, goals, components, and roles the TD facilitator enacts when working with groups to help them co-create *their* conversations. TD has unique and defining features that differentiate it from transformative mediation and transformative conflict coaching, however, with all of these transformative practices, there is a connecting thread, transformative conflict theory and its relational approach to understanding the experience of conflict for people and how best to support people to overcome the destabilizing and debilitating effects of conflict, for which they have the capacity and motivation to do so. TD grows out definitive theoretical and practice lineage and is enriched by it and grounded solidly in it. TD facilitators, many of them whose origin story starts with learning TM and with years of practice experience, confidently apply the framework to group, community, and organizational conflict and stay engaged in reflective practice with each other. Indeed, our community of practitioners are passionate about collaborating with people belonging to groups. We aim to keep growing our literature, sharing our practice experiences, and supporting monitoring and evaluation, and empirical research. We are also excited about our forthcoming book, edited by Erik Cleven and Judy Saul, *Transformative Dialogue: Co-creating Conversations in Communities and Organizations*. We hope you join us in celebrating this accomplishment, reading the book, and then joining with us to explore the possibilities and promise of transformative dialogue.

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The Transformative Approach in Practice: The MEDUC Model for Family Mediation, Coaching and Management

Martina Cirbusová

The transformative approach to conflict resolution has gained significant traction in the Czech Republic and globally, particularly in connection with mediation, self-management, coaching, and dialogue. The Mediation and Education Centre in Brno (MEDUC), one of the organizational units of the Center for Social Services, a contributory organization of the City of Brno, exemplifies how conflict resolution methods based on client self-determination have been introduced into practice. Founded in 2018 with the goal of providing mediation in family cases, MEDUC's rules for delivering mediation and working with clients have been grounded in the principles of the transformative approach from the start. All mediators at MEDUC were trained in the transformative approach, and transformative mediation has been the sole format of mediation provided here.

After more than five years of operation, MEDUC can now reflect not only on its results in providing mediation, coaching but uniquely, what can be termed "transformative management." The aim of this paper is to present the services offered by MEDUC, their unique characteristics, and their function as part of a municipal organization. Further, it seeks to introduce the concept of transformative management in the administration of these services, both externally and internally. The transformative management concept presented here is not a description of a comprehensive methodology but a pilot-tested practice that offers an opportunity to reflect on how the transformative approach can influence the functioning of an entire organization. The article presents only a depiction of the initial premises of transformative management, which is currently the subject of study and detailed analysis by the author of the article.

To present MEDUC fully, it is not enough to state that it is a transformative family center. The overall context of MEDUC's functioning is defined by numerous interconnected specifics that shape and influence its operations.

1. Service Fully Funded by Public Resources

One of the most distinctive and rare aspects of MEDUC, especially compared to international practice, is its source of financing. All the services offered by MEDUC, as well as the operation of the center itself, are entirely funded by public resources. For its first two years MEDUC was financed by a project of the European Structural Funds. Its first two years of existence were financially (and essentially existentially) defined by the conditions of this project. After two years, the City of Brno assumed full financial responsibility, and to this day, it funds all services provided by MEDUC, including mediation, coaching, and education.

Beyond demonstrating the necessity its services in the region, MEDUC must annually contend with the pressures associated with public funding. This pressure often arises from expectations tied to how services are defined in relation to the needs of other public institutions. To carry out its mission, MEDUC has had to collaborate with other entities within the family law system, such as courts, child welfare authorities, lawyers, and psychologists.

Its connection to the judicial system, where most mediation is provided by facilitatively or evaluatively oriented mediators, has posed the greatest challenge for MEDUC in balancing demand and supply. The judicial system prefers directive approaches to conflict resolution, which is very different from the transformative approach of MEDUC. This challenge is compounded by the fact that MEDUC is publicly funded, making it easier for public institutions to exert pressure on the organization to provide services tailored to their specific needs. When MEDUC decided to position itself as a transformative center, it had to defend its rationale for applying this approach. A frequent challenge faced by the newly established center was its "distinctiveness"—how to define a non-directive approach in an environment predominantly built on directive values, such as protection, the best interest of the child, and public order. Showing that client expectations fit the services offered, distinguishing the transformative approach from other methodologies, and differentiating MEDUC's services from others in the region, all under the constraints of public funding, have presented significant challenges then and now. Consequently, MEDUC repeatedly receives demands from public institutions for "customized" services. Courts, for instance, may request the lifting of confidentiality requirements, child welfare authorities may demand flexible scheduling, and attorneys may expect more directive guidance of clients and unequivocal pressure toward agreements.

MEDUC must consistently emphasize that its source of financing cannot be exploited by public institutions to obtain preferential, special, or more directive services, as this would contravene the fundamental principles of equality, transparency, and fairness that underpin public funding (Vodáková, 2013; Ochrana, Pavel, Vítek, 2010). These resources are intended to ensure equal access to services for all citizens and organizations, regardless of their status or influence. Allowing public institutions to leverage their position to pursue unauthorized demands would erode public trust in the impartiality and fairness of the services provided (Vodáková, 2013). Such practices could also limit service availability for other clients who might be disadvantaged due to MEDUC's finite capacity. Moreover, this could damage the reputation of the MEDUC as a neutral and fair intermediary, uninfluenced by power dynamics. In the long term, granting special privileges to certain institutions would undermine the foundational ethical principles of mediation (because it was established as a mediation center), which rely on neutrality, independence, and equality.

To avoid the pressures associated with unwarranted expectations from public institutions, MEDUC has had clear guidelines and operational rules in place from the outset. These principles transparently and explicitly state that services are provided based on need, not the status of the applicant. MEDUC regularly informs the public about its operations and ensures that decisions on service provision are made based on fair criteria. Open communication with public institutions is equally important, stressing MEDUC's operational limits and rules, including the fact that public funding does not grant any advantages or privileges. Building and consistently applying these principles helps MEDUC resist pressure to provide special services and ensures its activities align with the values of equality and fairness.

Transformative management insight:
For conflicts that have arisen in this area in the past, MEDUC has sought to apply one of the principles of transformative management: open communication and conflict resolution (see principle h) bellow). Through open communication with stakeholders, MEDUC's leadership has consistently managed to establish rules for the organization's future operations. Problems that could have escalated into existential crises became opportunities for growth.

2. Transformative Family Center

Another distinguishing feature of MEDUC is its exclusive focus on conflicts occurring within family relationships. From its inception, MEDUC was designed as a family center that perceives family in a broader context, offering its services in situations such as intergenerational conflicts, sibling disputes, and disagreements between foster and biological families. However, most of the cases MEDUC has handled from the start have involved family breakdowns, specifically arrangements for the care of children during or after parental separation or divorce.

Family mediation, whether in a narrow or broad context, has unique characteristics that set it apart from other types of mediation (Brzobohatý, 2024; Brzobohatý & Cirbusova, 2020). Primarily, it addresses conflicts between family members, which are influenced by emotional bonds, personal histories, and the dynamics of often long-standing and complex relationships. Mediators must manage intense emotions such as anger, disappointment, sadness, or feelings of betrayal, which can hinder rational communication. Handling these emotions is crucial because family conflicts often touch on fundamental values and sensitive topics like parenting, child custody, divorce, or property settlement.

As mentioned, MEDUC was created to be a transformative center. Transformative mediation focuses on empowering the parties and helping them recognize each other. Unlike traditional

approaches that primarily aim to reach a specific agreement, transformative mediation emphasizes restoring constructive communication between parties. (Folger et al., 2010) This approach is particularly suitable for family conflicts due to its capacity to foster deeper understanding, improve relationships, and contribute to long-term, sustainable conflict resolution. (Bush& Folger, 2004)

The distinctiveness of transformative family mediation stems from several key elements. First, it views conflict as an opportunity for growth and change, not merely as a problem to be resolved. In family disputes, which often involve deep emotional wounds and longstanding tensions, transformative mediation provides a space where parties can not only discuss practical matters but also process their feelings and frustrations. The mediator in this process acts not as an expert offering solution but as a guide who supports the parties in finding their paths to understanding and agreement (Folger et al., 2010).

Secondly, transformative mediation emphasizes improving communication between the parties. Family disputes are often marked by broken communication, misunderstandings, and mistrust. The transformative approach seeks to restore the ability of the parties to listen to each other, express their needs, and respond to the needs of the other party. This is especially critical in family conflicts, where parties often maintain long-term contact, such as in shared parenting arrangements. Improved communication not only increases the chances of reaching an agreement but also helps parties collaborate more effectively in the future (Folger et al., 2010).

Thirdly, transformative mediation focuses on recognizing the perspectives and emotions of all participants. In family disputes, it is common for parties to feel overlooked, misunderstood, or undervalued. Transformative mediation creates a space where these feelings can be expressed and validated. Acknowledging the emotions and perspectives of the other party can lead to renewed empathy and strengthened mutual respect, which are crucial for long-term conflict resolution (Folger et al., 2010).

The transformative approach is also suitable for family conflicts because it respects the autonomy of the parties involved. Unlike directive approaches, where the mediator actively proposes solutions, transformative mediation leaves responsibility for the outcome entirely with the parties. This approach bolsters their confidence and sense of control over the situation, which is especially important in conflicts where one or both parties may feel vulnerable or powerless (Folger et al., 2010).

Furthermore, transformative mediation is ideal for family disputes due to its flexibility. Family conflicts often have a complex nature, involving emotional, relational, and practical aspects. The transformative approach allows parties to proceed at their own pace and focus on the issues most important to them. As a result, mediation can provide not only practical agreements but also a

profound shift in how the conflict is perceived and how relationships are approached (Bush & Folger, 2004).

However, the very qualities that make transformative practice so valuable for families—deep presence, sustained empathy, and disciplined non-interference—also impose significant demands on those who provide it. In other words, MEDUC cannot champion empowerment at the client level unless it first embodies the same ethic internally. If mediators are to assist parents in listening, recognizing, and taking responsibility, they themselves must feel acknowledged, resourced, and responsible within the organization. For this reason, the next section shifts focus from the families in the mediation room to the professionals who sit beside them, illustrating how MEDUC's commitment to transformative principles is reflected in the way it cares for its own staff.

Because family-mediation work is uniquely intense, MEDUC makes employee care a strategic priority. Family disputes are typically more emotionally charged than commercial or workplace conflicts: they cut across intimate relationships—spouses, parents and children, siblings—and are often complicated by power imbalances, hidden agendas, past grievances, or painful issues such as divorce, child-custody, inheritance, and domestic violence. Mediators must stay calm, neutral, and exquisitely sensitive even when parties are highly emotional or aggressive, and they cannot simply "close the case," since the participants remain inter-connected—most obviously through their ongoing responsibilities toward children. Constant exposure to such high-stakes stories can exact a heavy psychological toll: mediators risk burnout from sustained empathy, emotional exhaustion, and even secondary trauma. The challenge is amplified by the fact that they rarely receive clear feedback on the long-term impact of their interventions, leaving them uncertain about the effectiveness of their work and more vulnerable to discouragement. For all these reasons, MEDUC invests heavily in structured employee-care systems—external supervision, intervision sessions, regular team meetings, debriefing sessions, and the reflective-practice routines described below—so that practitioners can process their experiences, protect their well-being, and keep delivering high-quality support to families in crisis.

This type of care is one of the hallmarks of transformative management, which manifests itself in an ethic of humility and non-Interference. Folger, Bush and others have described the stance of the transformative mediator as embodying an "ethic of humility" – recognizing the limits of one's right to intervene in others' lives and the wisdom of letting people find their own solutions (Bush & Miller, 2020; Bush & Pope, 2002; Folger & Bush, 1994; Press, 2025). This humility is ethical in that it resists the lure of paternalism or expert control. A leader guided by this ethic will be cautious about imposing their own judgments, even if they believe they "know best," because doing so could undermine the others' dignity or ownership of the issue. Instead, they trust in the people involved to handle matters if given support. This approach aligns with ethical principles of beneficence (doing good by empowering others) and non-maleficence (avoiding the harm of coercion). The transformative ethic suggests that it is profoundly important how we arrive at decisions: means are as morally significant as ends. Achieving a "good" result by overriding

someone's autonomy is ethically suspect in this view, whereas a modest result that people freely choose and take responsibility for can be seen as more genuinely good. This ethic of non-directiveness and humility can thus inform leadership codes of conduct, emphasizing consent, dialogue, and minimizing coercive influence.

Transformative practice also implies an ethical orientation toward shared responsibility and empowerment rather than control (Cleven & Saul, 2021; Hairston, 2025; Saul & Sears, 2010). When mediators encourage parties to recognize each other and to take responsibility for their interaction, they are fostering an ethic of mutual responsibility. In organizational ethics, this could translate to encouraging stakeholders to engage with each other directly and take joint ownership of issues, instead of relying on authorities to dictate terms. This respects the mediator's autonomy can also calls upon their sense of responsibility to each other. Transformative theory would add that such processes should remain voluntary and support individuals' empowerment rather than enforce community will in a top-down way. The idea is to maximize everyone's ability to choose responsibility and empathy, not to coerce virtue.

Investing in structured employee-care systems is far more than a wellness initiative at MEDUC; it is a concrete expression of the transformative ethic of humility and non-interference. When mediators benefit from regular supervision, intervision settings, debriefing sessions and other reflective-practice routines, they develop the emotional steadiness needed to resist the temptation of "expert control" and to respect each party's autonomy. By contrast, when such support is lacking, burnout and secondary trauma can erode that steadiness, making practitioners more likely to drift into directive or paternalistic behavior that contradicts transformative principles. Employee-care protocols therefore serve a dual purpose: they safeguard staff well-being, and they protect the ethical quality of the mediation itself.

Transformative management insight:

The close fit between MEDUC's support framework and transformative management signals that any organization committed to empowerment should regard staff care as an ethical obligation rather than an optional perk. Reflective practice helps mediators notice their own impulses to intervene, reinforcing humility while preserving the resilience required to remain non-directive under pressure. Peer review and external supervision further operationalize the transformative ideal of shared responsibility: mediators hold one another accountable in the same spirit of mutual recognition they cultivate in clients. Because family cases seldom end cleanly (participants remain linked through ongoing responsibilities) the mediators who guide them need durable coping resources. Those resources, in turn, give practitioners the patience and confidence to let families craft their own solutions.

3. Child-Inclusive Mediation Center

From its inception, MEDUC has emphasized the inclusion of children in the mediation process. Profiling itself as a "child-inclusive" center, MEDUC allows children over the age of six to participate in mediation in a manner built on principles of participation and protection. Alongside mediators, MEDUC employs "child specialists" whose role is to act as intermediaries in incorporating children's voices into mediation (referred to as CIM, or Child-Inclusive Mediation). MEDUC's practice is based on the Child Inclusive Mediation and Counseling methodology developed by Australian professor Jennifer McIntosh, adapted to align with the transformative approach (Brzobohatý, 2024). MEDUC is among the first mediation centers worldwide to successfully combine the transformative approach with CIM principles.

While including children in various processes is not unique globally, MEDUC stands out due to its evidence-based approach. This methodology emphasizes decisions grounded in scientific evidence, systematic research, and verified data. It integrates key elements, such as reliance on a solid evidence base, utilizing data from scientific studies, high-quality research, and relevant professional sources. These sources must be up-to-date, reliable, and critically evaluated. At the same time, the approach values professional experience, combining mediators' expertise with scientific knowledge to address individual situations and needs (McIntosh, 2007).

In practice, CIM at MEDUC provides parents with an opportunity to consider their child's perspective in their decision-making (Brzobohatý, 2024). This process does not shift the burden of decision-making onto the children. Instead, parents retain full responsibility for decisions, but those decisions can be better informed by the child's input. If parents agree to include their child in the mediation process, a child specialist first meets with the parents to explain how the inclusion process works. The goal of this meeting is to clarify the specifics of CIM and distinguish it from other services, such as family therapy. Additionally, the child specialist uses this opportunity to learn more about the child, enabling a personalized approach during the meeting.

Code of ethics and good practice in MEDUC refers to the next step, in which parent/s brings the child to meet with the child specialist (MEDUC, 2023). Parents do not participate in this meeting. The conversation between the child and the specialist is transparent from the beginning, including the purpose of the meeting, how information will be handled, and whether the child wishes to participate. Respect for the child's autonomy is paramount; if a child does not wish to participate, discuss certain matters, or share specific information, these preferences are fully respected. The discussion revolves around the central question: "What's it like to be this particular child in this particular situation?". The child specialist uses various tools, such as emotion cards, stones, houses, or drawings, to facilitate the conversation. The child can discuss their feelings about their parents, the conflict, and any wishes or needs they might have. Throughout the meeting, the child specialist confirms what information the child is comfortable sharing and how it should be

conveyed to the parents. The child can choose to share the information personally or have the child specialist communicate on their behalf (Brzobohatý, 2021).

Process Overview for CIM at MEDUC (MEDUC, 2023)**:**

1. **Pre-Mediation Interview:** Each parent participates in a pre-mediation interview at MEDUC. The purpose is to prepare for mediation, explain the mediation service, outline the roles of mediators, and introduce the option of including children in the mediation process. During this session, the entire CIM model is presented, along with a discussion of the benefits and methods of involving children. Parents are not required to decide about their child's inclusion at this stage.
2. **First Mediation Session:** Regardless of the parents' decision about involving their child, the first mediation session takes place without children or child specialists. This session provides parents their first experience of mediation, allowing them to familiarize themselves with the process. For mediators, it offers an opportunity to observe the parents' interactions and the intensity of their conflict. If the conflict poses a potential risk to the child, mediators can inform the child specialist that direct involvement of the child may not be appropriate (in such cases, the child specialist alone conveys the child's voice). This is rare, however. Parents may decide to involve their child at this stage or any point afterward.
3. **Contact with the Child Specialist:** Each parent separately meets with the child specialist, who introduces themselves and reintroduces CIM. The specialist also gathers initial information about the child, including the parents' expectations and perceptions. This information helps the specialist build rapport with the child during their session.
4. **Meeting Between the Child Specialist and the Child:** The child meets with the child specialist in person. The duration, methods, and nature of the session depend on the child's age and abilities. The discussion focuses on understanding the child's experience, emotions, and any aspects they wish their parents to consider during mediation. As noted earlier, the child specialist handles all information with sensitivity and respect for the child's choices, ensuring the child maintains control over what is shared and with whom.
5. **Second/Additional Mediation Session(s):** During subsequent mediation sessions, the child specialist conveys feedback from their meeting with the child (possibly in the child's presence). All information shared with the parents is pre-approved by the child. The child specialist represents the child without interpreting their input but delivers it as agreed with the child. While there are parallels with child advocacy, the child specialist's goal is not to secure an advantage for the child but to help parents consider the child's perspective during mediation. The specialist's role is distinct from that of a mediator.

CIM, as implemented at MEDUC, embodies key values of participation, protection, and recognition of children as independent actors in family processes. This approach ensures that children's voices are heard and respected without burdening them with decision-making responsibilities. Including children enhances understanding of their needs and perspectives, which

can significantly improve the quality and sustainability of parental decisions made during mediation.

Participation provides children with the opportunity to express their views on the family's situation, reinforcing their sense of involvement in important decisions affecting their lives. Protection is ensured by shielding children from direct exposure to conflict and the weight of decision-making. Child specialists guarantee that all information shared by the child is processed sensitively, respecting their wishes and developmental stage (Brzobohatý & Cirbusova, 2020).

The advantages of involving children in mediation are numerous. One key benefit is that parents gain a deeper understanding of how their conflict affects the child, fostering greater empathy and a better ability to make decisions that consider the family's collective needs. Additionally, children have a safe space to express their feelings and thoughts, contributing to emotional relief and strengthened trust in their parents. Mediation that incorporates the child's voice is also more effective in achieving long-term solutions, as it reflects the perspectives of all key family members (Brzobohatý & Bouša, 2010).

CIM at MEDUC is rooted in recognizing the autonomy of every individual, including children, and fostering dialogue and understanding between all parties. Children are treated as equal participants whose experiences and perspectives carry as much weight as those of adults. This approach aligns with children's rights as enshrined in international conventions, such as the UN Convention on the Rights of the Child (*OHCHR*, 1989) which include the right to express their opinions, the right to protection, and the right to be heard.

Even though the issue of participation rights is regulated to a certain extent as a matter of fact and without question marks, especially thanks to international conventions, it has not been easy to enforce and implement the CIM in practice. MEDUC has gone through quite a long evolution in setting up this practice, even considering and implementing two levels of work with children in the early days - child focused and child inclusive. CF, an approach that directs the attention of parents specifically to the needs and interests of children, but without knowledge of the experiences of the specific children of those parents. CI, or an approach that is primarily exposed to the active involvement of the parents' specific children in the mediation.

MEDUC's evidence-based approach further enhances the quality and credibility of CIM. By integrating scientific insights with professional practice, the CIM process is systematically designed to incorporate the best available evidence on effectively and sensitively engaging children in mediation. The result is an approach that respects children's rights while maximizing mediation's potential as a tool for long-term improvement in family relationships.

Creating a practice that, within the system of a non-directive approach, is fundamentally directive (based on the original CIMC method by Professor McIntosh) was a challenge that MEDUC had to

address. At the same time, thanks to the introduction of this practice at the Office for International Legal Protection of Children, where these foundations were piloted under the leadership of dr. Brzobohatý, the starting point was somewhat easier (Brzobohatý & Bouša, 2010).

The CIM practice also poses challenges from the perspective of transformative management, particularly in determining to what extent MEDUC is prepared to make this practice mandatory rather than optional, as it is currently. Additionally, MEDUC must consider whether it is ready to establish communication channels for children, enabling them to reach out directly in case of need (e.g., in matters of alternative family care) or how to involve young adults in mediation, especially if they want to have a mediation directly with one parent (parent-child mediation).

One of the biggest upcoming challenges for MEDUC will be the separation of CIM from mediations between young adults and their parents. All these challenges will need to be addressed and resolved in alignment with the principles of transformative management, as outlined below.

Transformative management insight:

Guided by transformative management, MEDUC approaches each policy choice as a co-creative task: decisions emerge from the participatory discussions detailed below in the section 7 paragraph c) on collective decision-making processes, and they sit within the ethos of shared stewardship over MEDUC's long term direction that is outlined later when we discuss responsibility for the organization's future in section 7 paragraph f). In practice, this means authority is exercised through dialogue and joint ownership rather than by executive decree. Critical decisions in MEDUC are more and more often made through participatory discussions, allowing every team member to contribute. Transformative values lead MEDUC to adopt more egalitarian and inclusive structures. When hierarchies may be flattened to some degree, or at least hierarchy becomes less of a barrier to communication, MEDUC's case highlights how a flat organizational structure and openness to input distinguished it from traditional management. In practical terms, this means creating cross functional teams that have autonomy, establishing forums where any employee can raise ideas or concerns, and rotating facilitation roles in meetings to share power. The result is that decision making power is more distributed, and people at the "bottom" feel less alienated or controlled by those at the "top". Indeed, MEDUC is still on its way to exploring how to make it through participatory discussions involving the whole team, rather than managers deciding in isolation. This inclusive approach not only yields well rounded decisions but also strengthens employees' sense of belonging and commitment. Everyone has a stake, so everyone cares about implementing the outcome – this is the collective empowerment that arises when recognition (everyone's perspective counts) and empowerment (everyone has agency in decisions) intersect. Furthermore, such inclusive practices are key in diverse or intercultural organizational contexts, as they ensure minority voices are heard and respected, preventing the kind of marginalization that can fester into conflict. In short, organizational structures

and processes that embody transformative values – through transparency, inclusion, and shared leadership – lay a foundation for a culture where autonomy and mutual respect flourish by design.

4. A Service Built on Reflective Practice Principles

Michael D. Lang, U.S. mediator, trainer and author who has spent more than three decades teaching reflective practice to conflict-resolution professionals, defines reflective practice as a deliberate, structured examination of one's professional actions and the beliefs, feelings and values that shape them. According to Lang's theory, the discipline operates in three temporal windows: reflection-before-action, reflection-in-action and reflection-on-action. In the preparatory phase practitioners map the case, surface assumptions and set learning intentions. While the session unfolds, they pause momentarily to notice what is happening inside themselves and in the room, adjusting interventions in real time. Afterwards they reconstruct the episode in detail, identify dilemmas and harvest lessons to test in future work (Lang, 2019).

Reflective practice at MEDUC, based on Langs work, is a structured process in which all staff members—mediators, child specialists, coaches, and others—consciously analyze their work and experiences. This approach involves regular self-reflection, examining one's actions, decision-making processes, and communication strategies used during mediation or coaching. It serves as a crucial tool for continuous professional development and ensures the quality of services provided at MEDUC. The primary goal of reflective practice established in MEDUC is to learn from every experience and apply these insights to improve future client work. This approach not only enhances the quality of MEDUC's services but also helps staff maintain neutrality by better understanding their reactions and biases that could influence service delivery.

Reflective practice also equips staff to handle challenging situations and prepare for similar challenges in the future. Through regular reflection, mediators can analyze how they managed difficult moments and refine their responses to emotionally charged situations. This approach contributes to burnout prevention by enabling mediators to recognize signs of stress or overload and find strategies to maintain emotional balance.

Reflective practice is implemented at MEDUC in various ways. One of the primary elements is **self-reflection**, where employees pose questions about their behavior and its impact, such as how they acted in a specific situation, what motivated certain decisions, and how their behavior affected mediation or coaching participants (Lang, 2019). This process allows staff to consciously analyze the progression of mediation and identify areas for improvement in their approach or techniques. Reflective practice also involves examining personal biases, emotions, and automatic responses that could influence their work. By identifying potential weaknesses, mediators can

focus on making necessary corrections. This system of self-reflection is, however, highly individual. There is no specific time allocated for it; rather, it represents a way of thinking among mediators than a methodically defined procedure or a universally applied process among all practitioners. Some mediators naturally gravitate toward it, while others require a conversation guided by a third party, known as a *debriefer* (see below).

Some staff members set aside time after each mediation or coaching session to reflect on what worked well and what could be improved. They often maintain **journals** as tools for recording insights, experiences, and lessons learned from individual sessions. This practice is voluntary and individual, serving as a personal form of self-reflection for some employees. For those who engage in it regularly, journaling has become an integral part of their work routine. Insights from these journals inspire professional articles, conference presentations, discussion topics for staff meetings, or even subjects for supervisory sessions (Lang, 2019).

Another structured form of reflective practice at MEDUC is **debriefing**, which is a mandatory component of mediation and coaching services. Employees cannot opt out of this process; it is a requirement after completing client services. Debriefing sessions provide a platform to share experiences and gain new perspectives under the guidance of a mentor who was not involved in the specific mediation or coaching. After each session all professionals—including child specialists and interns—participate in discussions with a debriefer who helps them reflect on the process. These discussions focus on the procedure rather than the content of the mediation. The debriefer asks about critical moments during the service, highlights what went well, and identifies areas for improvement (*MEDUC*, 2023). Essentially, it comes down to:

1. What moments during the mediation were the most surprising for you?
    - Focus on unexpected situations and reactions that emerged during the mediation.
2. How did your strategy evolve throughout the mediation?
    - Encourage reflection on shifts in approach and the reasons behind them.
3. Which of your interventions do you consider as supportive or non-supportive, and why?
    - Help identify successful techniques and understand why they worked.
4. Were there any situations where you were unsure how to intervene? How did you respond?
    - Explore moments of uncertainty and how the mediator managed them.
5. How did you perceive the collaboration with your co-mediator?
    - Create space for reflecting on team dynamics and mutual support.
6. What new insights did you gain from this mediation?
    - Support the identification of new learning and development of skills.
7. If you were to conduct the mediation again, what would you do differently?
    - Enable planning for future improvements based on the experience gained.

In mediations where two mediators collaborate, the mentor also explores their mutual experience, encouraging them to share what they appreciated about each other and to address any questions or feedback. These conversations help staff gain insight into their work, analyze decisive moments, realign for future collaborations, and identify key points for client work. Mentors use these

debriefings to identify recurring themes within the team, gather input for professional meetings, or recommend topics for supervisory analysis.

Reflective practice is vital for professionals at MEDUC because it enables them to learn from every experience and continuously improve their ability to assist others in conflict resolution. This process fosters professional growth while promoting mental well-being and resilience against the demanding aspects of working at MEDUC.

Transformative management insight:
By systematically reflecting on their work, staff members enhance their effectiveness in dealing with complex interpersonal conflicts. This not only improves the overall quality of services but also strengthens their capacity to provide neutral, empathetic, and effective mediation or coaching. Moreover, reflective practice creates a supportive and collaborative environment, ensuring that MEDUC remains a center of excellence in conflict resolution. By systematically reflecting, they become more mindful and can course
correct toward a more transformative style. Peer support groups for leaders can serve to reinforce the values; colleagues can share successes and challenges in applying empowerment/recognition, learning from each other. This communal learning itself builds empathy among practitioners and a stronger commitment to the approach. The transformative framework suggests that empathy is not just an innate trait but a conscious choice to recognize the other (Brzobohatý, 2025). Knowing this, training can emphasize that even when one doesn't initially feel empathy, one can choose recognitive actions (like listening and acknowledging) that often lead to genuine empathy as understanding grows (Brzobohatý, 2025; Della Noce, 1999). Over time, making these actions habitual can cultivate a more empathic personality.

5. Coaching Laboratory Workplace

In 2022, when the U.S. Institute for the Study of Conflict Transformation began developing the concept of Transformative Coaching (TC) and established the Transformative Coaching Laboratory, MEDUC applied to serve as a practice site for implementing the research findings. By 2023, MEDUC had established itself as a center offering clients individual Transformative Coaching sessions in addition to mediation. The staff who engaged in coaching were under continuous guidance and supervision from an international laboratory chairman Basia Solarz (for details see chapter of Basia Solarz in this book). This practice was regularly reviewed, with team members conducting follow-up meetings with MEDUC mentors to clarify the service delivery process and define TC principles, which the coaches then integrated into the laboratory and further developed the model.

Till October 2023, MEDUC piloted 54 family-focused coaching sessions led by two coaches. This positioned MEDUC as a pioneering practice site, applying theoretical aspects of TC from the laboratory to practical work at MEDUC. Experiences gained from client work were then fed back into the laboratory, allowing professionals worldwide to analyze specific aspects of the coaching sessions and solidify the principles and foundations of TC.

Today, family coaching is a permanent service offering at MEDUC (125 coaching sessions in 2024 and 40 till July 2025) and continues to contribute to the development of TC both practically and methodologically. MEDUC staff are working on drafting a methodology for family coaching and preparing training programs for TC. Given that the demand for family coaching exceeds supply, MEDUC plans to hire additional transformative coaches in the coming years to meet the growing need.

Framework for Transformative Coaching

Since 2023, MEDUC has adhered to three key frameworks for TC (*MEDUC*, 2023):

1. **Service defined as coaching**
2. **Service delivered in a family context**
3. **Service grounded in a transformative approach**

From the outset, MEDUC actively worked to define the service as "family transformative coaching," which presented challenges across all dimensions. Coaching is a highly sought-after and costly service in the Czech Republic. The revelation that such a service was being offered free of charge inevitably attracted attention. Differentiating family coaching from established family counseling services, such as those provided by marriage and family counseling centers, became a new challenge. Clients often arrived with misplaced expectations, which needed to be reframed within the context of MEDUC's definition of the service.

The greatest challenge, however, was delineating coaching rooted in transformative principles, which inherently focus on the quality of interactions between conflicting parties. When coaching is defined as an individual service, it was evident that the challenges faced by the coaching laboratory would also impact MEDUC's service portfolio. The service had to be described in a way that was clear to users, as well as to stakeholders such as funders and other system entities (e.g., courts, child welfare agencies, or attorneys) that might recommend the service to clients.

Primarily, the service was designed for parents who either had no “partner” to enter mediation with or “lost that partner” during the mediation process. In other words, MEDUC responded to the needs of parents who were unable to motivate the other party in the conflict to engage in mediation, as well as parents who, while mediation was under way, lost their “communication partner” because that person decided not to continue—or was, at that moment, unable to continue—in mediation.

Currently, coaching at MEDUC is defined as a confidential conversation in which the coach creates conditions for the client's personal growth in addressing family conflicts. The purpose of TC is to support clients in formulating and achieving their individual goals, plans, and strategies, enabling them to advocate for themselves while considering the situation of others and the principles of Shared Parenting. Coaches do not provide advice, recommendations, ready-made solutions, or their professional opinions. They do not predict future outcomes but instead base their work on transformative conflict resolution principles and the Code of Ethics and Good Practice for Coaching at MEDUC (*MEDUC*, 2023).

Key Principles of Ethical and Good Practice in Coaching at MEDUC

Coaches embody professionalism, adhering to legal and ethical standards while continually enhancing their qualifications and skills. Participation in coaching is entirely voluntary, with clients free to withdraw at any time. Coaches ensure clients fully understand the coaching process through informed consent and provide a client-centered, decision-making environment that fosters self-determination. Confidentiality is paramount, with all client information safeguarded unless disclosure is legally required or agreed upon. Safety is a priority, with coaches recognizing and addressing potential risks like domestic violence. The best interests of children and shared parenting principles guide parenting-related coaching, while broader stakeholder interests may also be considered.

A non-expert approach is maintained, empowering clients to make informed decisions without direct advice or solutions. Cultural and religious sensitivities are respected, and diversity is acknowledged in coaching practices. Coaches maintain exclusivity, avoiding conflicts by refraining from offering other professional services to the same client. Professional self-care is emphasized, with coaches engaging in supervision, intervision sessions, and ongoing development. Services are fully funded by MEDUC, ensuring no additional fees are charged. Neutrality is upheld, and conflicts of interest are disclosed, with appropriate action taken to preserve trust and impartiality.

This framework ensures that TC at MEDUC remains ethical, client-focused, and aligned with the transformative principles of conflict resolution. It continues to grow as a critical service, bridging theoretical knowledge and practical application in the context of family conflicts.

Transformative management insight

From the perspective of transformative management, not only is the functioning of this service interesting, but so is its origin. The entire service was established based on the initiative of an employee who expressed interest in implementing this practice. The change, therefore, did not come from the top down but from the bottom up (See principle f) bellow). The recognition dimension in this specific area means that leader actively appreciate and validate the perspectives and experiences of team members. In practice, this could be as

simple as empathetic listening, acknowledging concerns, and crediting contributions during meetings. At a deeper level, it means viewing each person human being with inherent dignity and something to offer. Transformative management at this moment helped encourage perspective taking and empathy as core skills. Because transformative leaders trust in their team's abilities and goodwill, they often utilize collective or participatory decision-making processes. Critical decisions are made through discussions that include the whole team, giving everyone a chance to influence outcomes. This strategy reflects the empowerment value – people have agency in decisions that affect them – and it builds voluntary cooperation as people more readily commit to decisions, they helped shape. MEDUC's management highlights how open dialogue and shared decision-making can replace hierarchical directives (Saul & Sears, 2010). Such participatory processes tap into voluntary cooperation: team members choose to align with decisions because they had voice and ownership. In transformative terms, this is analogous to parties in mediation voluntarily reaching a mutual understanding after each has been heard. The leader's role is to facilitate the process (much like a mediator convening and clarifying), but the content and final choices arise from the collective. This not only produces better informed decisions but also empowers the group, increasing commitment and morale.

6. Incubator for Future Transformative Practitioners

MEDUC, as a workplace "incubator for future transformative practitioners," provides a dynamic and inspiring environment where aspiring mediators and coaches can develop their skills, gain practical experience, and build professional competence under the guidance of experienced mentors. It is a space where theory meets practice, combining educational and practical aspects to foster the growth of skilled professionals ready to work effectively within or beyond MEDUC.

As an incubator, MEDUC maintains strong connections with transformative approach educators in the Czech Republic, such as those providing basic training through educators in this field (see https://brainplay.cz or https://www.itkcz.cz) . Upon completing this foundational training, individuals interested in the field can seamlessly transition into practice at MEDUC. This connection allows them to apply theoretical knowledge in real-life scenarios and further develop the transformative approach under expert mentorship. As a result, many interns at MEDUC are inspired by their experience to enroll in mediation training programs, with several later returning as qualified practitioners ready to work at the center. In practice, MEDUC supports a diverse range of working arrangements, including for parents on maternity leave, university students, or mediators primarily employed in other sectors. These small-scale work models benefit both employees and the organization: they enable individuals to balance personal and professional life while allowing MEDUC to continually train and develop new staff. These professionals can either make MEDUC their primary workplace or move on, equipped with valuable experience and knowledge necessary for effective transformative practice.

Mentoring and supervision are essential elements of the MEDUC environment. Seasoned mediators provide feedback, assist in case analysis, and support professional development. Interns and new staff engage in real mediation processes—either as observers or independently under guidance—and participate in simulated mediation scenarios, process analysis, and feedback sessions. Regular training workshops and seminars led by MEDUC mentors provide further opportunities for learning. These gatherings are grounded in reflective practice: mentors identify current challenges through debriefings and bring relevant topics—such as verifying agreements, drafting mediation agreements in a transformative setting, or handling third-party mandates—into collective discussion.

A core feature of the incubator is its emphasis on safe learning. MEDUC fosters an environment where future mediators can work without fear of failure, receiving systematic support for skill development. From the beginning, each new colleague is assigned a mentor with whom they go through their first five mediations. After each session, progress is discussed, and skills are gradually built through constructive reflection and support. New colleagues are never treated as weak or incapable but are seen as individuals with developing potential. They are not exposed to criticism or judgment; instead, their existing knowledge and skills are acknowledged, building their confidence and stability.

The focus at MEDUC also extends to the personal development of mediators, such as managing stress, cultivating empathy, and maintaining neutrality. Beyond education and practice, MEDUC creates space for research and innovation, where future practitioners can explore new methods, analyze trends in conflict resolution, and contribute to the advancement of the field. This process nurtures critical thinking and elevates mediation as a profession.

MEDUC is thus more than just a place to gain experience—it is a comprehensive platform for education, growth, and connection with a professional community. Especially for those at the beginning of their careers, when uncertainty and fear are most present, MEDUC offers meaningful support. It creates a stable, supportive environment where new mediators are never alone. They can rely not only on helpful colleagues but also on an organization that believes in their potential and is committed to helping them thrive.

Transformative management insight

As transformative leader actively respects individual autonomy and input, at MEDUC, new employees are recruited not only for technical skills but for their comfort with a non-directive approach and autonomy principles. The hiring process emphasizes dialogue and shared values, ensuring that incoming team members expect a workplace where shared responsibility and co-creation are the norm. This sets the tone that each person's voice matters. In daily leadership, this respect manifests as consulting team members on decisions, giving them discretion in how to meet objectives, and inviting initiative from all levels. It is the empowerment principle at work: people are given the freedom and support to exercise their judgment, rather than being micromanaged (see principle a) below)

7. Workplace Based on the Transformative Management Concept

Five years of MEDUC's operations have raised not only external questions but also challenges related to team leadership and the internal workplace culture. The team, primarily composed of professionals dedicated to non-directive approaches and the recognition of individual autonomy, creates an environment where relationships and mutual interaction are the central focus. To create such a team, however, it took a few years of practice and reflecting the principles of a transformative approach not only toward clients but also toward the organization. The transformative approach taught us to focus on empowering individuals and fostering mutual recognition during collaborative processes. By addressing underlying relational dynamics, it helps us to foster understanding and collaboration that extend beyond the immediate conflict. From the perspective of the management of MEDUC, the main focus was on developing better communication skills, building empathy, and strengthening relationships.

Today we can say that the team is made up of individuals, largely resistant to traditional hierarchical leadership, due to their preference for guiding rather than commanding. This team established an environment where classic managerial approaches were clearly unsuitable. From the outset, efforts were made to suppress traditional leadership elements rooted in authority or power.

Although it was initially unclear what specific leadership style was being implemented, it is now evident that MEDUC successfully integrated transformative principles into its management practices. This has led to the development of transformative management or leadership. The following section outlines the foundational elements of this approach and illustrates key differences from traditional team leadership, using concrete examples. It should be noted, however, that this model is still evolving, and its foundational premises are being created and analyzed. Therefore, the aim is not to offer a fully developed theoretical framework but to describe ongoing practices and stimulate professional dialogue on the topic.

Foundational Assumptions Across Contexts

When transformative principles are embraced at the organizational level, the result is a workplace culture that prioritizes autonomy, agency, and mutual respect. Such a culture doesn’t arise by accident; it is cultivated through policies and everyday practices that reflect empowerment and recognition values. The MEDUC case again offers insights into how this looks in practice, and these insights can guide any organization aiming to be more participatory and human centered.

Transformative theory rests on foundational assumptions about human motivation and social interaction that are not limited to mediation – they hold true in leadership, community engagement, intercultural dialogue, and beyond. As articulated by Bush, Folger, and colleagues, these premises

are essentially beliefs about people's nature and what drives constructive or destructive interactions (Bush & Pope, 2002; Saul, 2025). They form the why behind transformative practices, guiding practitioners in any setting.

Key assumptions include:

Balance of Autonomy and Connection: Human beings constantly seek a balance between agency (autonomy) and connection (relatedness) (Brzobohatý, 2025; Solarz & Gaspar, 2019). We are not purely self-interested or purely collectivist – we have dual needs to assert our own will and to belong or relate to others. This assumption is evident in many contexts: for example, employees desire freedom in how they work (autonomy) but also want to feel part of a team (connection); community members want their voices heard (agency) while also finding common ground with neighbors (connection). Transformative theory assumes this tension is universal. It guides practice by suggesting that interventions should not force a choice between the two needs, but rather help people regain equilibrium – enabling both independent choice and empathetic understanding (R. A. B. Bush & Folger, 1994, 2005; Della Noce, 2010; Folger & Bush, 1994).

Universal Motivation for "Humane" Interaction: A closely related premise is that people are fundamentally motivated by a desire for morally humane interaction (Bush & Folger, 1994; Bush & Pope, 2002). Even when substantive goals (like winning an argument or securing a benefit) loom large, individuals deeply care about how they are treated and how they treat others. This is a powerful assumption across cultures and contexts: it posits that beneath conflicts over resources or ideas lies a common wish for respect and human dignity. Accordingly, transformative practitioners assume that improving the tone of interaction (making it more respectful, fair, and humanizing) will tap into what "matters most" for people, often unlocking cooperation or insight that seemed impossible in a hostile atmosphere (Della Noce, 1999; Bush & Pope, 2002, Brzobohatý, 2025). A leader operating with this premise will pay attention not just to outcomes but to process and relationship quality, knowing that people's motivation and satisfaction hinge on feeling heard and valued.

Conflict Interaction is Dynamic and Transformable: Another assumption is that conflict (or any strained interaction) is dynamic rather than static – people can and do shift their stance when conditions change or when they find new clarity (Brzobohatý et al., 2025; R. A. B. Bush & Folger, 2005). Even without third-party intervention, parties in conflict can undergo meaningful shifts from weakness to strength or from self-absorption to attentiveness. This faith in the potential for change underlies transformative practice in all contexts: it means a leader should remain alert to small positive shifts (a moment of understanding, a tentative suggestion) and support them. It also means never writing people off as intransigent; given empowerment and recognition, even polarized or stuck groups can move toward engagement and connection (Hairston, 2025). In community or management work, this translates to patience and creating space for evolution in attitudes, rather than forcing immediate resolution.

Self-Determination and Voluntariness: A foundational assumption of transformative practice is that lasting change and genuine cooperation arise from free choice, not coercion. All parties must remain free to make their own decisions about process and outcome; the role of a third party is to support and clarify those decisions, never to impose (Brzobohatý et al., 2025; R. A. B. Bush & Folger, 2005; R. A. B. Bush & Miller, 2020; Simon & West, 2022). This premise is as relevant to a manager or community organizer as it is to a mediator. It reflects a universal truth: people respond better, learn more, and commit more fully when they have agency. Thus, in any context, a transformative-oriented practitioner assumes that protecting participants' self-determination – be it employees' ownership of a project plan or citizens' choice to participate in a dialogue – is essential for authentic engagement. The practice guided by this belief will maximize opportunities for participants to exercise choice (for example, co-designing a meeting agenda or opting in/out of a community initiative) and will refrain from manipulative tactics (Hairston, 2025; Simon & West, 2022). As a result, participants are more likely to feel responsible and invested, rather than resistant.

These foundational assumptions act as a compass that can guide practice universally. Whether one is mediating a family dispute, facilitating a cross-cultural dialogue, or leading a team through change, the same human dynamics are at play. By assuming people want both autonomy and understanding, have the capacity for growth, and thrive when they freely choose their path, a practitioner can orient their methods to unleash these positive forces. In essence, trust in human competence and goodness underlies transformative practice, making it a hopeful and applicable approach across many domains of social interaction (Saul, 2025).

Fostering MEDUC Culture of Autonomy and Mutual Respect

In a transformative organization, **autonomy** is treated as a guiding norm – employees at all levels are entrusted with meaningful choices in their work. This can include flexible work arrangements, collaborative goal setting, and encouraging individuals to find their own methods for problem-solving. MEDUC's transformative management explicitly rejects rigid top-down control; instead, it redefines workplace norms to prioritize flexibility and individual needs. For example, MEDUC adapts work schedules and processes to fit the team's dynamics rather than forcing everyone into the same mold. This flexibility signals trust: people are seen as capable of self-management. Autonomy is further reinforced by transparency – leadership shares information openly (e.g., about external constraints or organizational challenges) and involves staff in figuring out responses. When people have the information and freedom to act, their sense of agency grows. Over time, an empowered workforce tends to show higher motivation and initiative, as individuals feel a personal responsibility for the organization's success (they are authors, not just followers, of the work). This aligns with research on self-determination, which finds that satisfying the need for autonomy boosts intrinsic motivation and engagement (Bush & Miller, 2020; Simon & West, 2022). In essence, a transformative culture harnesses the human desire for self-direction by embedding autonomy into the organizational DNA.

Mutual respect is the social fabric of a transformative organization. Practically, this means communication is handled with care and empathy at all levels. Day-to-day interactions – from team meetings to performance reviews – are opportunities to practice recognition. For instance, meetings might start with a round where each member's perspectives or concerns are heard (echoing the mediator's practice of ensuring each party is acknowledged). Decision-making might explicitly include a "check-in" with the team: asking if everyone feels ready to move forward or if more discussion is needed, thereby returning a sense of authorship and choice to the group (Brzobohatý et al., 2025). Even in conflict or feedback situations, a transformative culture stresses listening and understanding first, before judging. One tangible practice is adopting an intersubjective attitude in all interactions – viewing each colleague as a whole person with dignity, legitimate needs, and the right to contribute (Brzobohatý, 2025). This attitude includes active listening, empathy, and genuine acknowledgment of the other's perspective. For example, a manager might respond to a conflict between team members by facilitating a dialogue where each explains their viewpoint, rather than issuing immediate discipline. By doing so, the organization handles internal conflicts with the same transformative lens: as opportunities for increased understanding and relationship-strengthening, not just problems to be suppressed. Such practices convey respect and value for each person, fulfilling the recognition need for being "seen" and appreciated. Over time, this can lead to a strong sense of community and trust within the organization, as employees experience an environment where respect is the norm and everyone's contribution matters. This cultural shift is self-reinforcing: when people feel respected and empowered, they are likely to treat others, similarly, leading to a virtuous cycle of trust and respect.

By fostering autonomy and respect in these ways, organizations effectively become microcosms of transformative practice. The payoff includes higher morale, increased innovation, and more resilient handling of internal conflicts or external pressures. For example, instead of crises causing breakdowns or authoritarian clampdowns, a transformative culture might respond with a team meeting to openly discuss the issue, brainstorming solutions collectively (as MEDUC did by turning potential crises into "opportunities for growth" through open communication). Employees in such environments often report feeling valued and empowered, leading to greater loyalty and discretionary effort. Moreover, an organization known for its respectful, empowering culture sends a message to clients, partners, and the community that it operates by principled, human-centric values – which can enhance its reputation and social impact. In summary, transformative practice at the organizational level creates a culture of agency, trust, and respect, demonstrating that the approach can transform not only conflicts but also the everyday working lives and relationships of people in groups.

Together, these practices show how empowerment and recognition values translate into concrete leadership behaviors and organizational policies. A transformative leader maximizes others' agency (empowerment) by delegating authority, inviting initiative, and abstaining from unilateral decisions whenever possible (Bush, 2025; Bush, 2010; Bush & Folger, 2015; Bush & Miller, 2020). At the same time, they cultivate a culture of empathy and respect (recognition) by modeling

attentive listening, encouraging peer support, and affirming the worth of each member's input. This approach can transform an organization's climate: instead of hierarchy and fear, there emerges a sense of autonomy, mutual respect, and shared purpose, analogous to the positive shift in interaction sought in transformative mediation. Studies of the transformative approach note that restoring constructive communication and mutual understanding is more sustainable than imposing solutions – when applied to management, this suggests teams led in a transformative manner will likely be more resilient, creative, and internally motivated. In essence, the leader becomes a facilitator of the group's empowerment and a catalyst for a recognitive work culture, illustrating the wide applicability of Bush and Folger's ideals beyond the mediation table.

Transformative Strategies for Group Facilitation and Communication in MEDUC

Many techniques and strategies developed in transformative mediation or dialogue can be adapted to facilitate group processes in non-conflict contexts such as strategic planning sessions, team-building workshops, or community meetings. These strategies revolve around the same idea of being non-directive and participant-centered, which helps manage group dynamics in a way that empowers participants and improves the interaction quality, even if the context is not a formal conflict. Transformative Dialogue (TD) – an application of transformative principles to group and community settings – explicitly uses mediation-derived methods to help groups engage constructively on issues that matter to them (Hairston, 2025; Saul & Sears, 2010).

Key aspects of this facilitative approach include:

- **Co-Creation of Process:** In transformative dialogue and similar processes, the participants are engaged from the outset in co-designing "who needs to talk to whom, about what, and how" (Cleven & Saul, 2021; Hairston, 2025; Saul & Sears, 2010). This means that rather than a leader imposing a pre-set agenda or structure, the group members themselves decide on the discussion topics, invitees, ground rules, and goals of their conversation. Co-creating the process is analogous to the transformative mediator's habit of "checking in" with parties about next steps – it hands decision-making back to the participants at every juncture (Brzobohatý et al., 2025). This strategy not only respects their agency (empowerment) but also ensures the process is culturally and contextually appropriate. For example, in a strategic planning retreat, a leader might begin by asking the team what outcomes they hope for and how they want to structure the discussion (rather than unilaterally using a standard corporate agenda). This inclusive design phase empowers the group and tailors the process to their needs, yielding greater buy-in. As Hairston notes, TD practitioners let participants decide every aspect of their participation, affirming their self-determination instead of imposing a "pre-packaged dialogue process" (Hairston, 2025). The outcome is a process the group feels ownership of, which leads to higher engagement and trust in the leader's neutrality.

- **Non-Directive Facilitation Techniques**: During the group session itself, a transformative-oriented leader will employ techniques like those of a transformative mediator: active listening, reflecting, summarizing, and especially "checking in" with the group for direction. Non-directiveness means the leader does not evaluate ideas, push the group toward a specific conclusion, or speak as an authority on the issues. Instead, they focus on supporting clarity and understanding among participants. For instance, they may reflect a participant's statement ("So, you're feeling that the timeline is too tight for comfort, is that right?") so that the speaker feels heard and others can fully grasp the point. They might summarize divergent viewpoints neutrally to illuminate choices ("We've heard two different priorities: one is meeting the deadline, another is maintaining quality; how do we want to approach this as a team?"). Crucially, at key junctures the leader will "check in" with the group: explicitly ask what the group wants to do next (Brzobohatý et al., 2025). This could be asking if they want a break, or whether they want to delve deeper into a contentious topic or move on. The check-in technique, as described in transformative mediation literature, is a direct transfer to group work – it hands the decision back to the group at every decision point, reinforcing their agency and voluntary participation (Kimsey et al., 2005). Research indicates that well-timed check-ins do more than manage process; they restore participants' sense of authorship over the discussion and embody an ethic of respect for their autonomy (Bush & Berstein, 2022; Bush & Folger, 2004; Simon & West, 2022). In a non-conflict context like a community forum, this might look like periodically asking, "Does everyone feel we are addressing the questions that are most important to you? Is there anything you'd like to change about our approach right now?" By doing so, the leader ensures the group remains at the helm of the conversation.
- **Focus on Interaction Quality ("Pro-Social" Shifts)**: Transformative facilitation pays close attention to the quality of interaction among participants, not just the task at hand. Even outside of conflict, groups can exhibit dynamics of weakness and self-absorption (for example, silence or confusion can signal weakness, while talking past each other or entrenching in positions can signal self-absorption at a group level). A transformative leader monitors these dynamics and aims to foster shifts toward strength and responsiveness: e.g., helping quiet members find their voice, or helping adversarial subgroups move toward understanding each other. The concept of "pro-social interaction" in TD refers to people interacting from a position of clarity and strength (empowerment) and acknowledging others as human in spite of disagreements (recognition) (Cleven et al., 2018; Cleven & Saul, 2021; Hairston, 2025). In practical terms, if a team development workshop starts to reveal tension or confusion, the leader might slow down the process to allow individuals to express their thoughts more clearly (supporting empowerment) and encourage paraphrasing or perspective-taking to improve mutual acknowledgement (supporting recognition). The goal is not necessarily consensus, but a more constructive, humanizing dialogue where even disagreements are expressed with understanding. For example, in a participatory budget meeting a transformative leader would ensure that all have the chance to articulate their needs (empowerment) and that they also hear and reflect on the needs of others (recognition). By doing so, the leader helps the group avoid a polarized deadlock and instead move toward a more nuanced, respectful exchange. This focus on interaction quality often leads to more sustainable and creative outcomes, since participants are not coerced into a decision but arrive at it through improved mutual

understanding (Brzobohatý, 2025; Cleven et al., 2018; Cleven & Saul, 2021; Hairston, 2025; Saul & Sears, 2010).

- **Applicability to Various Group Contexts**: Transformative-style group facilitation has been used in a variety of contexts – from organizational strategic planning and team-building to community dialogues on polarizing issues (Cleven et al., 2018; Hairston, 2025). The common denominator is that the leader's purpose is to help the group have the conversation they need to have, in the best possible way, rather than to drive them to a particular result. For instance, in participatory management within a company, a leader might guide a group of employees and managers through developing a new policy. Using transformative principles, the leader would encourage the managers to listen to employees' on-the-ground experiences (recognition) and empower employees to influence policy decisions, perhaps through a series of dialogues or feedback rounds. Similarly, in intercultural dialogue, leaders would be keenly aware of identity-related concerns and power imbalances; transformative premises about identity and power have been expanded precisely to guide such work (Saul, 2025; Saul & Sears, 2010). In these settings, transformative leaders explicitly acknowledge factors like race, culture, or trauma not by becoming directive, but by ensuring those issues are voluntarily brought in by participants and handled with empathy. The expanded premises for group practice highlight that leaders should maintain their non-directive stance even in the face of "tough stuff" (racism, sexism, etc.), because participants still have agency and capacity to address these when given supportive space (Saul, 2025). In essence, transformative strategies can manage any group process where the quality of interaction will affect the outcome – which is virtually all collaborative endeavors.

By applying these aspects of transformative approach (co-creation of process, non-directive techniques like reflections and check-ins, and an emphasis on interaction quality), leader in non-conflict contexts can manage group processes in a way that maximizes engagement, voluntary collaboration, and collective ownership of outcomes. Participants often report feeling more satisfied with both the process and the results because they have been active protagonists rather than passive recipients of a pre-planned facilitation. This approach can transform routine meetings or planning sessions into opportunities for relationship-building and empowerment. As Cleven and colleagues note, what is most helpful for people in group conflict or decision-making is supporting them in getting clear and making the best possible decisions about their situation, and in changing negative or disconnected interactions into positive, constructive ones (Cleven & Saul, 2021; Hairston, 2025). That sentiment applies equally to groups that may not label their issue as "conflict" but still benefit from a transformative, facilitative process to address complex issues together.

Practical key Components of Transformative Management at MEDUC

a) Recruitment of New Employees

Recruitment under transformative management focuses not only on qualifications but also on value alignment and attitudes toward work. MEDUC emphasizes finding individuals who understand non-directive approaches and respect autonomy principles. The hiring process prioritizes dialogue,

assessing candidates' willingness to co-create the organizational environment rather than merely contribute their skills. Transparency about MEDUC's ethos—as a workplace of shared responsibility, co-creative processes, and open dialogue—is integral to this process. This contrasts with traditional recruitment methods, which often emphasize technical skills, structured interviews, and rigid evaluation criteria. In MEDUC, the process is reversed, focusing on values and interpersonal dynamics over hard skills.

In practice:

During a personal interview with a candidate for a mediator position at MEDUC, most of the interview is devoted to questions about the mediator's internal values. The meeting is conducted as a conversation, not as an interrogation, and the aim is to learn more about how the candidate thinks about his/her functioning in MEDUC on two levels. First, in relation to clients - I ask about how they perceive conflict, how they perceive their role, whether they see potential for growth in conflict conversations or whether they see conflict more as a negative issue to be avoided. On a second level, I talk to the candidate about his functioning in the team. I show him the MEDUC environment (office), I ask if he can imagine working in an open office, if he needs a workstation to do his job, or if he is comfortable functioning in a shared environment. I ask whether he expects firm methodical guidance, clear assignment of tasks, deadlines for their completion, or is open to collaborate on these questions as well as on the creation of the company culture. I explain the basic principles of transformative management and try to emphasize what can and cannot be expected, so that the job candidate has the freedom to decide whether he wants to work in such an environment.

b) Managing in a Power-Driven Environment

Operating in a context of frequent power imbalances (e.g., relationships with external partners, institutions, or funders), transformative management mitigates these pressures by fostering internal balance, support, and trust. Leaders act as coordinators and managers, ensuring transparency and accountability while respecting everyone's needs. Unlike traditional management, often characterized by hierarchical structures and the imposition of external pressures onto teams, MEDUC's approach emphasizes respect, a flat organizational structure, and openness to employee input.

In practice:

While working with a local government that insists on rigid reporting guidelines, MEDUC leadership facilitates an internal discussion with the team to balance external demands and internal values. They openly share the requirements and encourage input on how to meet expectations without compromising their collaborative work environment, ensuring both transparency and respect for employees' autonomy.

c) Decision-Making Processes

In MEDUC, decision-making is a collective process. Critical decisions are made through participatory discussions, allowing every team member to contribute. This approach fosters a sense

of belonging and ensures well-thought-out outcomes that consider diverse perspectives. In traditional models, decision-making is often centralized, with managers consulting a select few and informing the team afterward. MEDUC, however, prioritizes open dialogue and shared decision-making.

In practice:

When planning a new shift planning system at work, MEDUC holds a team meeting where everyone—regardless of their role—can contribute ideas. After discussing different approaches and potential challenges, the team collectively decides on the program structure. This inclusive process ensures the final decision reflects diverse perspectives and fosters team ownership.

d) Redefining Workplace Norms

Transformative management redefines workplace norms to prioritize flexibility and respect for individual needs. Unlike rigid traditional norms regarding work hours, communication methods, and hierarchical rules, MEDUC adapts its processes to fit the team's dynamics. This includes flexible schedules, tailored support for employees (e.g., mothers on maternity leave), and customized internal processes.

In practice:

When I was first approached by a colleague on maternity leave who said she was thinking of gradually returning to work but couldn't afford to work more hours a week because of the baby, we had a conversation about the possibilities of doing so. A gradual return to work is beneficial for both the employee and MEDUC. We agreed that she would return to work for 4 hours a week, and we will continually reflect on how she is managing to balance her work and personal life. With this time commitment, this means one mediation per week, which will allow her to gradually return to work while providing for the baby. Since then, more than five colleagues have undergone a gradual return to work, some of them repeatedly. In all cases, there has been a gradual increase in hours and a fitting in of time that has been respectful of the colleague's new life stage.

e) Professional Development

In traditional approaches, training is often top-down and mandatory, with limited employee input. Transformative management at MEDUC views professional growth as a shared responsibility. Employees are encouraged to pursue learning through workshops, conferences, supervision, and article writing, with knowledge shared within the team to enrich collective expertise. Employees set personal development goals, actively seeking growth opportunities.

In practice:

When a fellow mediator came to me with the idea that she would be interested in providing divorce education as well, we had a conversation about what it would mean for her not only in terms of the time commitment but especially in terms of the need for further education in this area. We agreed that she would devote some of her time to self-study, and I would arrange for her to be trained in this area so that she could start educating within six months. If a staff member expresses an interest in a new area of their work, it is the manager's job to listen to them, to allow them to

reflect on their potential from all angles and, if possible, to support them in their development. Employee education is in MEDUC not only about fulfilling a duty, but about fulfilling their potential.

f) Shared Responsibility for Organizational Future

The future of MEDUC is a shared responsibility, involving strategic planning and shaping the organization's direction collaboratively. Transformative management believes that shared accountability fosters greater engagement and motivation compared to traditional approaches, where strategic decisions are often the sole purview of leadership.

In practice:

Ideas for the future development of MEDUC are discussed on different platforms - whether it is regular meetings, supervisions or retreats. At the same time, every staff member knows that if they have any idea for the development of MEDUC, they don't have to wait for any formalized opportunity, they can approach the MEDUC management at any time with an idea. This is how the education and coaching service came into existence. When colleagues wanted to develop a new service, my role as a leader was to enable them to discuss it, to support their creative efforts, to ensure that there was enough funding so that the new service could be introduced, and to accompany them in introducing the new service. Both education and coaching were ideas that came from the staff, not from management.

g) Ending Collaborations

Terminating collaborations at MEDUC is a transparent, respectful process. Unlike traditional organizations, where terminations are formal and unilateral, MEDUC ensures open communication, reflection on reasons, and support during transitions. This approach frames endings as growth opportunities, whether for career changes or organizational restructuring.

In practice:

When a team member decides to leave MEDUC for a new career opportunity, the leadership organizes an in-person exit meeting to discuss their experience in MEDUC. They celebrate the employee's contributions and offer support in the employee's future career. The transparent and respectful process leaves the door open for future collaboration and allows the leaving employee to contact MEDUC for help and/or mentoring at any time. The feedback from the leaving employee thus allows management to consciously reflect on the way MEDUC is managed and to evaluate transformative management as a pilot method.

h) Conflict Resolution (Internal and External)

Conflicts are seen as opportunities for growth rather than problems to be resolved authoritatively. Internal conflicts are addressed through discussions, giving all team members a voice in seeking shared solutions. MEDUC also applies transformative principles in external relationships, emphasizing open dialogue and mutual respect.

In practice:

When two team members disagreed on how to structure one of our services they asked for help at the outset of the emerging disagreements. Instead of imposing a solution from the manager perspective I facilitated a meeting where both colleagues could share their perspectives. Through open discussion, they identified a compromise that worked for both, reinforcing mutual respect and teamwork. Finding solutions through dialogue rather than from management decisions is very common. For external conflicts, such as a misunderstanding with a partner organization, MEDUC prioritizes as well open dialogue to resolve issues constructively.

Transformative management at MEDUC exemplifies an approach rooted in respect, dialogue, and shared responsibility. It reimagines traditional structures, fostering an inclusive, adaptive, and empowering organizational culture. While still evolving, this approach offers a promising model for managing teams in ways that align with transformative principles, encouraging both individual and collective growth.

Conclusion

The Mediation and Education Centre in Brno (MEDUC) has faced significant challenges in maintaining and expanding its transformative approach in a complex and often rigid public sector environment. One of the primary difficulties lies in navigating the pressures associated with public funding. While MEDUC's services are fully funded by public resources, this creates vulnerabilities to external demands from public institutions, such as courts and child welfare authorities, which often push for more directive approaches that conflict with MEDUC's non-directive, client-centered values. These pressures threaten the core principles of equality, neutrality, and fairness that underpin MEDUC's work.

Additionally, the center's focus on transformative mediation distinguishes it from more conventional methodologies, requiring consistent effort to defend and explain its approach in a system predominantly aligned with directive practices. This distinctiveness has made it challenging to gain acceptance and establish partnerships, as public institutions sometimes expect customized services that compromise the center's principles.

The emotionally charged nature of family conflicts handled by MEDUC adds another layer of complexity. Mediators face significant risks of burnout and secondary trauma due to the intensity of the cases they handle, particularly those involving longstanding emotional grievances or power imbalances. Without sufficient support structures like regular supervision and reflective practices, this could undermine staff well-being and, in turn, service quality.
Expanding these services further depends on addressing these challenges effectively. Maintaining organizational autonomy, ensuring sufficient care for staff, and continuing to educate stakeholders on the value of the transformative approach are critical to sustaining and scaling MEDUC's innovative work.

Over the course of its five years of existence, MEDUC has established itself not only as a center providing mediation and coaching in a family context but also as a pioneer in applying transformative principles to internal management and overall organizational operations.

Transformative management, as developed and implemented at MEDUC, represents an innovative approach to team leadership that emphasizes autonomy, collaboration, and long-term growth. While not yet methodologically anchored, this approach is continuously evolving and improving. Its practical aspects already offer valuable inspiration for further discussion and development in team and organizational leadership.

Transformative management at MEDUC demonstrates that even in the public sector, it is possible to lead a team based on the principles of participation, equality, and shared responsibility. This approach provides more than just a theoretical framework; it presents a concrete practice that illustrates how to maintain organizational autonomy and integrity in the demanding power dynamics of public funding.

Through transparent communication, open decision-making processes, and a strong emphasis on the professional development of all employees, MEDUC has created a work environment that fosters innovation and resilience against external pressures. The transformative approach represents not only a method of work but also a value system that prioritizes respect, empathy, and the sustainable development of relationships. It transcends the boundaries of one-time conflict resolution, contributing to deeper understanding, improved interpersonal interactions, and the establishment of better conditions for future collaboration.

By applying transformative principles to its management practices, MEDUC exemplifies how these principles can inspire not only mediation and coaching but also the governance of organizations. As a model case, MEDUC contributes to the professional discourse on integrating innovative approaches into the public sector and demonstrates how such methods can provide value to society. This conclusion not only reflects on the current state of transformative practice but also paves the way for its further development in the Czech Republic and internationally.

Beyond the challenges MEDUC faces in providing its services, it also confronts the significant task of conducting a deeper analysis of transformative management and defining its principles in a clear and comprehensible manner. The MEDUC team needs to explore more thoroughly how transformative management addresses universal experiences in interpersonal interactions—specifically, how empowerment and recognition manifest in such situations.
How does the relational approach, which is not focused on reaching agreements, influence management practices? How can challenges be reframed as opportunities for growth? How does transformative management emphasize recognizing emotions and frustrations? How does it reflect the importance of acknowledging others, even the most challenging clients? How does it

demonstrate respect for the autonomy of parties, as well as mediators? And how does this support mediators in gaining confidence and clarity in their practice?

These questions are critical for MEDUC to address in its efforts to refine and articulate the transformative management approach.

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Mediator Ethical Challenges: Transformative Responses

Sharon Press[13]

What follows is a written (and somewhat expanded) version of the presentation I was fortunate to have been invited to make at the Institute for the Study of Conflict Transformation Conference held in 2023 in Brno.

I have spent a great deal of time thinking about and working on ethical issues in mediation. I began my career working in a New York City public high school as the coordinator of a peer mediation program. From there, I became the Director of the Florida Dispute Resolution Center where I was responsible for providing oversight of the Florida state court ADR programs. In that capacity, I worked with the Florida Supreme Court Committees that were responsible for drafting not only rules and procedures for court-connected mediation and mediators, but also the standards of conduct to which mediators were required to adhere. I also provided staff support to the Mediator Qualifications Board, which handled grievances filed against certified and court-appointed mediators, and the Mediator Ethics Advisory Committee, which provided advisory ethical opinions to mediators subject to the Florida Rules for Certified and Court-Appointed Mediators (ethical standards). During this time, I also served as one of the representatives from the Association for Conflict Resolution to the drafting committee for the Model Standards of Conduct for Mediators which has been adopted by the American Arbitration Association, the American Bar Association, the Association for Conflict Resolution, and many other states and institutions. While I am now a Professor of Law and serve as the Director of the Dispute Resolution Institute at Mitchell Hamline School of Law, it was through those earlier experiences, in New York and Florida, that I developed my interest in mediator ethics.

In 1992, Robert A. Baruch Bush, one of the co-authors of THE PROMISE OF MEDIATION,[14] completed a research project in Florida for the National Institute for Dispute Resolution entitled *The Dilemmas of Mediation Practice: A Study of Ethical Dilemmas and Policy Implications.*[15] This work was very influential in developing my thinking about ethical issues.

In order to discuss ethical challenges or dilemmas, one must first determine what we mean by an ethical challenge or dilemma. In the 1992 study, Bush defined the "ethical dilemma" as "a situation in which you felt some serious concern about whether it was proper for you as a mediator to take a certain course of action, i.e., where you were unsure what was the right and proper things for you as a mediator to do."[16] In response to this prompt, Bush collected a range of dilemmas as defined by mediators in practice. He also underscored that the responses followed a pattern. Namely, the mediators "pointed out the possible responses to the situation, and then explained how each

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[13] Professor of Lw and Director of the Dispute Resolution Institute, Mitchell Hamline School of Law; Board Member, Institute for the Study of Conflict Transformation

[14] Bush, R.A. B., & Folger, J.P. (2004) The promise of mediation. Jossey Bass.

[15] Bush, R.A.B. (1992) The dilemmas of mediation practice: a study of ethical dilemmas and policy implications. National Institute for Dispute Resolution (NIDR).

[16] *Id.* page 6.

response would preserve some important value but undermine another. In other words, they emphasized the fact that there was an inevitable value conflict in any response to the situation and defined the dilemmas in terms of the particular values in conflict."[17] I have come to understand this as, by definition, an ethical dilemma is a clash of competing values. If there weren't two (or more) values in conflict, mediators would not have a dilemma as to which course of action to take. It would be clear. A dilemma arises when there are competing values, *both* of which are important, and the mediator must decide which one to honor or follow.

The types of dilemmas Bush identified included: keeping within the limits of competency; preserving impartiality; maintaining confidentiality; ensuring informed consent; preserving self-determination (maintaining nondirectiveness); separating mediation from counseling and legal advice; avoiding party exposure to harm as a result of mediation; preventing party abuse of the mediation process; and handling conflicts of interest.[18] While these values pertain to all mediators, whether they create a dilemma for the mediator will depend on the mediator's role morality – how mediators understands their role in the process.

Recognizing that we are talking about core values of mediation, the next question is where do we look for guidance about the core values and which take precedence? A common answer is to look at ethical codes or standards of conduct. This also includes statutes, rules and procedural requirements that govern mediation programs. I would include in this bucket ethics hotlines or systems established to request advisory ethics opinions. The problem with these sources is that they basically set the floor below which a practitioner cannot go without running afoul of ethical behavior. For most of us, we don't choose to be on the floor or even close to the line for ethical behavior. Most of us set higher aspirations for ourselves and so it is important to also consider best practices when we are trying to assess appropriate actions to take. I would also add that standards of conduct are helpful in setting the parameters of what is absolutely ok (ethical) and what is definitely not ethical. The gray area between, the more interesting and more challenging situations, are not generally resolved by reviewing ethical standards, rules or statutes.

Another place we often look to is our own sense of morality -- what we each think is right and wrong. I often think of this as the "gut check." We often know we are facing an ethical issue because we feel it in our guts. We feel unsettled. When conducting training in mediator ethics, I always encourage mediators to pay attention to those feelings because it is a signal for us to take a pause and perhaps a step back to consider what is going on and what the best approach would be for moving forward. If something doesn't "feel" right, it often suggests that we consider a different course of action.

This leads to the final suggestion I have regarding where to look for guidance when confronted with an ethical dilemma, namely role morality. Once again, I lean heavily on Baruch Bush's work in this area.[19] The basic concept of role morality is that the way we, as mediators, understand

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[17] *Id.* page 7.

[18] *Id.* page 9.

[19] For a more extensive description see, Bush, R. (2019)., A Pluralistic Approach to Mediation Ethics: Delivering on Mediation's Different Promises. *Ohio State Journal on Dispute Resolution, 34,* 459-536.

whether some issue is or is not an ethical issue is dependent on how we understand our role as mediators – our role conception. When I first heard Professor Bush describe the different roles that mediators might define for themselves, he identified five:

- Settler of cases;
- Fixer of problems;
- Protector of the participants;
- Reconciler;
- Provider of opportunity for participants to exercise empowerment[20]

The difference between the "settler" and "fixer" conception is that the settler sees their role as getting settlements – hard stop. It matters not whether the settlement is "good" or "effective." The only thing that matters is that the parties sign an agreement at the end of the mediation. Fixers, on the other hand, are concerned about the content of the agreement. They are not interested in "any" agreement, they want to see the mediation end with the "right" agreement according to the mediator.[21]

"Protectors" conceive of their role in the mediation as making sure that no one gets hurt as a result of the mediation or as part of what happens during the mediation. "Reconcilers" are concerned about the result of the mediation and see their role as facilitating understanding between the parties such that they are re-connected to each other. If this does not happen, even if there was an agreement, mediators who identify with the reconciler role conception will be unsatisfied with the mediation.

The last group, those who see their role as providing opportunities for empowerment, is how most (all?) transformative mediators describe their role conception or role morality.

When I conduct training, after describing these different role conceptions, I ask participants to identify which best describes their own role morality. A common response is "why do I have to choose just one" or "I find myself identifying will all (or several) of these." This may be true in the abstract, but I am persuaded by Professor Bush, and my own experience, that when confronted with an ethical dilemma, only one of these role conceptions can take precedence in determining how to resolve the ethical issue.

Before looking at how these differences may play out in a specific scenario, I will provide some examples of how the values connect to the role conceptions other than "providing opportunities for empowerment since centering empowerment and recognition are well understood by transformative mediators.

Settlers and fixers are less concerned with the value of "preserving self-determination/maintaining nondirectiveness" than the value of "ensuring informed consent" when "the mediator sees the

[20] Initially, Professor Bush identified this conception as "empower-er" but over time became clearer that mediators could not and should not consider themselves as empowering someone else. True empowerment is when someone experiences that shift for themselves.

[21] Based on the research Professor Bush conducted, fixers were often former judges who were used to making decisions for people, while settlers tended to be former (or concurrent) litigators who saw mediation as an efficiency tool to get to settlement.

possibility of a settlement if s/he can only overcome the resistance of a recalcitrant party"[22] or "one of the parties is ignorant of a legal rule that would operate in his favor, and which the mediator knows of."[23] This is particularly true when "the mediator thinks she can see a good or ideal solution that the parties haven't seen but will find acceptable."[24]

Protectors and reconcilers , on the other hand, will be much more concerned with "avoiding party exposure to harm as a result of mediation" than "preserving self-determination/maintaining nondirectiveness." Specifically, protectors worry that mediation may "leave the parties in greater distress, discord, and even danger than if no mediation had taken place at all."[25] Reconcilers worry that "the agreement will not really solve the problem… [and] will create a false sense of resolution, and this will discourage a party from taking other important measures and leave him vulnerable."[26] Bush points out that the tension between the value of self-determination and the value of protection in the following way, "[m]ediators are very concerned about controlling [the] potential for abuse, but it is not always easy to do so without becoming policemen over the parties and intruding on their autonomy."[27]

Now let's look at an example. Imagine that a particular mediation has been going on for several hours when one of the participants breaks down in tears. Through the sobs, the participant states, "I don't care anymore. I just want this to be over. Write up what they want, I'll sign anything."

If the mediator's role conception is "settler," the only concern the mediator may have is that the participant's tears will smudge the written agreement when they sign. The settler mediator would not identify this as an ethical dilemma because the participant stated, "I will sign." The "fixer" also likely won't be concerned, especially if the agreement tracks what the mediator thinks is the "right" agreement. In contrast, the "protector" is likely to be very troubled by this turn of events and will probably see it as their role to end the mediation because clearly, someone is getting hurt by the process. The "reconciler" will also be concerned about this mediation because even if the participants sign an agreement, their relationship has not been repaired and they clearly are not reconciled in any way.

That leaves the "empower-er" or the mediator who conceives of their role as one which focuses on empowerment and recognition and lifting up the participants' ability to exercise self-determination. This is not a dilemma for this mediator because it is just one more example of what happens when a person is in conflict – they feel weak and self-absorbed – and in that moment, the mediator can be of assistance by using reflecting and summarizing skills of a transformative mediator to continue to allow the participants to sort out for themselves (exercise self-determination) how they want to move forward which may be continuing with the mediation process then or at some future time, or ending the mediation with or without an agreement.

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[22] *Supra* n. 3 at 13.
[23] *Id.* at 15.
[24] *Id*. at 16.
[25] *Id.* at 23.
[26] *Id.* at 24.
[27] *Id.* at 24.

The point is that how you define the mediator's role, the role morality, will dictate whether you experience a situation as an ethical dilemma and importantly, what you will do in that situation.

Two further points as to why I feel that this way of thinking about mediator ethics is so valuable. First, ethical dilemmas arise in practice while you are mediating. That may be obvious, but the implication of this is that mediators don't have time to consult a colleague or check the ethical standards of conduct. The mediator must determine a course of action in the moment. While it is impossible to imagine every possible scenario you might encounter as a mediator, if you are clear about your role conception, you will be better able to respond appropriately in the moment.

The second point is that even if you were to have the time to consult ethical standards for mediators, you would be disappointed in two ways. First, most (if not all) ethical standards are written either too generically or at too high a level of abstraction to provide helpful guidance in a specific situation. The second reason is that most ethical standards for mediators suggest that a mediator honors both competing values, for example, "party self-determination" and *also* protection of the parties. The standards sometimes also suggest that a mediator is ethically responsible for settlement or reconciliation. Thus, even a careful consultation of the ethical standards may cause a mediator to remain confused as to which value takes precedence in a specific situation.

Notwithstanding the challenges with the current standards of conduct for mediators, it is useful for mediators to be familiar with the contents of the standards. Having reviewed dozens of standards of conducts for mediators, I can confidently share that the following is a list of typical provisions:

- Impartiality. Impartiality is generally related to "freedom from bias or prejudice"[28] on the part of the mediator and often requires a mediator to decline to mediate when they recognize in advance that they would be unable to conduct the mediation in an impartial manner and to withdraw from a mediation if they can no longer conduct the mediation in an impartial manner. The European Code frames this requirement as a commitment by a mediator to "serve all parties equally."[29]

- Conflicts of Interest. Conflicts of interest are related to impartiality and occur when some aspect of the situation to be mediated (including the people involved) raises a question for the mediator regarding their impartiality. These sections often permit a mediator to continue after disclosure and consent by the parties. Some standards prohibit a mediator from continuing even with consent if the conflict of interest could "reasonably be viewed as undermining the integrity of the mediation…"[30]

[28] Standard II A, Model Standards of Conduct for Mediators. American Arbitration Association, American Bar Association, and Association for Conflict Resolution. (2005), hereinafter, Model Standards.

[29] Standard 2.2 European Code of Conduct for Mediators https://e-justice.europa.eu/fileDownload.do?id=c0ec51ee-bf0f-4b6b-8cc9-01b305b90d68 , hereinafter, European Code.

[30] Standard III, Model Standards, *infra* note 9; *see also* Standard 2.1 Independence, European Code, *id*.

- Competence. This standard typically relates to the "competence" of the mediator, not the participants.[31]
- Confidentiality. Generally, a mediator is expected to keep information "obtained by a mediator"[32] or "arising out of or in connection with a mediation"[33] confidential subject to applicable laws[34] or public policy grounds.[35]
- Quality of Process. In the United States, "Quality of Process" can include such items as mediator's responsibility to conduct a mediation that "promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, party competency and mutual respect among all participants;"[36] how to handle situations of domestic violence or other conduct that "jeopardizes [a mediator] conducting a mediation consistent with these Standards…"[37]
- Advertising, Solicitation and Promotion. Typically, mediators are to be "truthful and not misleading" when advertising or soliciting for mediation opportunities.[38] In Europe, the ethical standards for mediator refer to this obligation as promotion of their practice in a "professional, truthful and dignified way."[39]
- Fees and Other Charges. Typically, mediators have wide latitude to set fees so long as the fees are communicated fully and honestly in advance of the mediation. In the United States, mediators "shall not charge fees in a manner that impairs a mediator's impartiality."[40]
- Advancement of the Profession. Many standards of conduct in the United States include an aspirational provision that mediators should "act in a manner that advances the practice of mediation."[41] Examples for how to do so include, fostering diversity, striving to make

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[31] The European Code includes two related standards 1.1 Competence and 1.2 Appointment. Standard 1.1 requires a mediator to "be competent and knowledgeable in the process of mediation. Relevant factors include proper training and continuous updating of their education and practice in mediation skills, having regard to any relevant standards or accreditation schemes." Standard 1.2 includes the following language: "Mediators must verify that they have the appropriate background and competence to conduct mediation in a given case before accepting the appointment. Upon request, they must disclose information concerning their background and experience to the parties." *Infra,* note 10.

[32] Standard V, Model Standards. *Infra,* note 9.

[33] Standard 4, European Code. *Infra,* note 10.

[34] Both Model Standards (Standard V) and European Code (Standard 4) contain this provision. *Infra* notes 9 and 10.

[35] Standard 4, European Code. *Infra* note 10.

[36] Standard VI A, Model Standards. *Infra* note 9.

[37] Standards VI C, Model Standards. *Id.*

[38] Standard VII, Model Standards. *Id.*

[39] Standard 1.4 Promotion of mediators' services, European Code. *Infra* note 10.

[40] Standard VIII, Model Standards. Mediators are permitted to accept "unequal fee payments from the parties" but are admonished from entering into a fee arrangement which is "contingent upon the result of the mediation or amount of the settlement." Standard VIII B.1, Model Standards. *Infra* note 9.

[41] Standards IX, Model Standards. *Id.*

mediation accessible to all, participating in research, and assisting new mediators.[42] The European Code does not have a similar provision.

- Self-Determination. In the United States, these provisions often contain some reference to the centrality of party self-determination to the process of mediation along with a recognition that this self-determination is related to voluntariness by the participants and lack of coercion by the mediator.[43] Interestingly, the European Code of Conduct for Mediators does not contain a provision titled "self-determination." There is a provision that addresses the voluntary nature of mediation stating that "[t]he parties may withdraw from the mediation at any time without giving any justification."[44]

I ended my presentation in Brno with some observations which I include here.

First, having taught the "ethics" portion in a number of mediation training sessions, I have concluded that the discussion is different in a mediation training taught from the transformative perspective than the discussion of new mediators from other mediator perspectives.[45] Because of the centrality of self-determination as the guiding principle, transformative mediators don't tend to struggle with as many dilemmas as other mediators. For me, this really drives home the point that role morality matters. The clearer one is in our understanding of the role of the mediator, the easier it is to navigate issues that arise because it becomes obvious which value takes precedence. The ethical dilemma problem is most prevalent when mediators believe that they can "do it all." That it is possible for a mediator to honor party self-determination, protect parties from their "bad" decisions, and focus on settling cases.

The first point of reflection leads directly to my second point which is that as a "field," we have done an exceptionally poor job of providing clarity as to what mediation is and what it is not. This is not a criticism of the transformative movement. On the contrary, the clarity in which the transformative movement speaks about the role of the mediator and the contour of mediation is inspirational. My criticism is directed at professional associations for mediators which have been afraid to suggest that there are some practices which are called mediation but do not conform to the basic tenants of mediation. Specifically, I am referencing processes where the mediator is evaluative or directive in a manner that undermines party self-determination. It is not appropriate for this paper to explore the reasons why this has happened, it is sufficient to just recognize this is the situation. This lack of clarity is problematic for mediators and also for the consuming public. If we, as the providers of mediation services, are unable to provide clarity as to what mediation is (and is not), how can we expect the public to be able to do so. Again, this could be the subject of a separate article. For now, I will just note that this lack of clarity around role morality makes it challenging for mediators to know what to do in the moment when an ethical issue arises.

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[42] Standard IX. A. 1 – 5, Model Standards. *Id.*

[43] Standard I, Model Standards, "A mediator shall conduct a mediation based on the principle of party self-determination. Self-determination is the act of coming to a voluntary, uncoerced decision in which each party makes free and informed choices as to process and outcome. *Id.*

[44] 3.3 The end of the process, European Code. *Infra* note 10.

[45] While I have not participated in basic ethics training for evaluative mediators, I have conducted continuing education programs for mediators from a range of perspectives.

In addition, as mentioned above, the ethical standards are far too abstract to create clarity. A good example of this is the ethical standards which I am obligated to adhere to in the state of Minnesota (where I live).[46] The ethical standards in Minnesota apply to "neutrals" in all of the Alternative Dispute Resolution processes recognized in the state.[47] These processes are grouped into adjudicative processes (arbitration, consensual special magistrate, and summary jury trial),[48] evaluative processes (early neutral evaluation (ENE), non-binding advisory opinion and Neutral fact-finding),[49] facilitative processes (mediation),[50] and hybrid processes (mini-trial, med-arb, arb-med, and "other").[51] As you can imagine, in order for the ethical standards to apply to all of these different types of processes, they have to be written at a pretty high level of abstraction and for me, this makes them not particularly helpful or instructive. Take any particular standard and ask yourself, does it mean the same thing in arbitration as it does in mediation?

Finally, an area of personal interest. Over the last couple of years, I have been working with Ellen Deason[52] and Isabelle Gunning[53] interrogating the origins of the ethical standard of "impartiality" and "neutrality." Most practitioners agree that "neutrality" is a fundamental or foundational concept of mediation. And yet, most ethical standards do not mention "neutrality." The requirement is for "impartiality." And, if you were to ask mediators if those are the same or different concepts, a majority report that they are different but, when asked to describe the difference, there is absolutely no consensus. This is true whether you ask practitioners or academics – the definitions and description of the differences are wildly inconsistent.[54]

There is another reason for my interest. Since co-authoring (with Ellen Deason) the article *Mediation: Embedded Assumptions of Whiteness?*[55] I have continued to think about mediator neutrality and impartiality because of it's potential to contribute to "white silence" in the face of racism.[56] I have been particularly interested in how different cultures understand the role of the mediator as it relates to impartiality and neutrality. In many cultures, it would be highly unlikely that people who were in a dispute would go to a "stranger." In fact, the "mediator" would more likely be a person who had some relationship with the people in distress. Someone who was trusted. For me, it raises the issue as to why do we care about impartiality. Is it a substitute for trust? Or something else? As I reflect on this question for myself, I find myself continuing to come back to the concept of self-determination. Specifically, my concern is that a mediator may try to substitute

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[46] Rule 114.13, Code of Ethics for Court-Annexed ADR Neutrals, Minnesota Court General Rules of Practice, https://www.revisor.mn.gov/court_rules/gp/id/114/ Hereinafter, Minnesota ADR Rules.

[47] Rule 114, Alternative Dispute Resolution, Minnesota ADR Rules. *Id.*

[48] Rule 114.02(a), Minnesota Court Rules. *Id.*

[49] Rule 114.02(b), Minnesota Court Rules. *Id.*

[50] Rule 114.02(c), Minnesota Court Rules, *Id.* Mediation is the only facilitative process listed.

[51] Rule 114.02(d), Minnesota Court Rules. *Id.*

[52] https://moritzlaw.osu.edu/ellen-e-deason

[53] https://www.swlaw.edu/faculty/full-time/isabelle-gunning

[54] I am working on a piece that further explores this so I am just raising this issue here and not fully exploring it.

[55] Press, Sharon and Deason, Ellen, *Mediation: Embedded Assumptions of Whiteness?*, 22 Cardozo J. of Conflict Resolution 453 (2021).

[56] *See* section IV.C. pages 473-477, *Id.*

their judgment for that of the participants in the mediation or to "put their finger on the scale" to change the outcome. These concerns circle back to interfering with party self-determination. If that is the ultimate interest, might there be a different way of describing the foundational concept and defining the ethical standard?

The research we have done to date suggests that the ethical provision of impartiality came from the field of arbitration. Since arbitration is an adjudicatory or decision-making process, I deduce this provision had to do with making a just (and "fair") decision based on the facts (and law) of the situation – not some sense of favoring one side over the other. In the context of mediation, there is universal agreement that the mediator does not make the decision. Decision-making authority rests with the participants. So, what does this mean for the concept of impartiality? I certainly don't expect the mediator to be the guardian of "fairness" of the outcome because I firmly believe that mediator humility is central. As a mediator, there is so much we don't know and so much that the people in dispute do know about their situation, their relationship and ultimately what makes sense to them to do in the given situation.

At this point, I am still contemplating and don't have a clear answer. It is one of the things that I love about mediation. This is a dynamic field. No two situations are the same and context always matters.

It has been an honor to serve on the Board of the Institute for the Study of Conflict Transformation and to present at the conference in Brno. I look forward to continued conversation about mediation and to becoming clearer about these important topics. Many thanks to Martina and Robin for bringing us together for this extraordinary event.

Navigating Directive Impulses in Transformative Mediation: Ethical Tensions and Mediator Reflexivity

Robin Brzobohatý

Introduction

Transformative practice, rooted in the relational values of party self-determination and mutual recognition, is committed to supporting the parties' capacity to define and direct their own conflict narratives. In this model, the mediator's role is deliberately non-directive. Interventions are restrained and guided by the overarching goal of supporting party agency and responsiveness. As Bush (2019, p. 474) explains, the transformative mediator "*supports the parties' choices, rather than to direct them in any way*," never supplanting party decision-making even in the name of fairness. The mediator becomes a participant in, but not controller of, the conversation, upholding empowerment and recognition as core practices (Bush & Folger, 2005).

Transformative practitioners often encounter moments of internal tension, which we refer to as directive impulses. These are feelings of being compelled to intervene, guide, or redirect the conversation. Such impulses may arise when a party is crying or shouting, when one side seems unjustly treated, or when the discussion stalls. These situations test the boundaries of neutrality and non-intervention. The dissonance between ethical ideals and practical realities can cause significant stress for mediators. As Field (2011, p. 9) notes, there is often a gap between "*the ethical theory of mediation and the reality of its practice*." This gap not only creates professional stress but also raises questions about the legitimacy of the process. Classic debates in mediation ethics have long addressed this tension. For example, Riskin's grid of mediator orientations and other models highlight the spectrum from facilitative (non-directive) to evaluative (directive) intervention (Folger, 2020; Riskin, 1996; Brzobohatý, 2024; Menkel-Meadow, 1995). While transformative mediation is firmly based on a non-directive approach, practitioners' real-life experiences suggest a more complex reality. Even transformative mediators sometimes feel the urge to "do something" when conflict dynamics threaten party well-being or fairness.

This chapter explores these directive impulses of professionals in transformative practice, using a qualitative analysis of an expert panel session as the primary empirical source. The aim is to understand how experienced transformative practitioners perceive and manage their impulses to become directive, and what this reveals about mediation ethics in practice. Key ethical questions drive this inquiry: *Are directive impulses inherently problematic in transformative mediation? Or can they be ethically managed and harnessed as signals for mediator self-reflection and reflective practice?* These questions are particularly relevant in certain situations. These include complex, high-stakes settings where power disparities, institutional constraints, or intense emotions heighten the ethical stakes of intervention. Astor (2007, p. 221) have noted that mediators face a conundrum - they "cannot 'do' neutrality, nor can they do without it," because neutrality is both central to mediation's legitimacy and practically impossible to fully maintain. Feminist and critical perspectives have demonstrated that strict neutrality is often a myth (Astor, 2007; Douglas & Field,

2006; Field, 2011). It is demonstrably absent in mediation practice and can conceal underlying power operations. This internal contradiction leaves mediators in a state of *"constant destabilizing internal dissent"*, as Astor puts it (Astor, 2007, p. 221). My exploration takes these theoretical tensions into the real world of transformative practitioners' reflections, providing an empirical window into how mediators and facilitators across cultures navigate the line between non-directiveness and ethical responsibility.

This chapter emerges from a panel session titled *Directive Impulses in Transformative Practice*, held in November 2023 at the international conference ***Current Directions in Transformative Practice*** in Brno, Czech Republic. The session brought together a diverse group of transformative practitioners - **Judy Saul** (USA), **Basia Solarz** (Canada), **Peter Miller** (USA), **Christian Hartwig** (Germany), **Sharon Press** (USA), **Marko Iršič** (Slovenia), and **Łukasz Kwiatkowski** (Poland), who shared reflections from their respective cultural, institutional, and practical contexts. As the reader will see, they didn't leave abandoned. Other participants entered the discussion. Among others **Mia Bowers** (USA), **Carol Bloom** (USA), **Cherise Hairston** (USA), **Jody Miller** (USA), **Janet Mueller** (USA) or **Hélène Rouleau** (Canada). The discussion centered on the ethically charged question of how professionals working within a transformative framework navigate the **inner tension** between maintaining a non-directive stance and the impulse to guide, protect, or correct. Throughout this chapter, I refer to the panelists by their first names: Judy, Basia, Sharon, Peter, Christian, Marko, Łukasz, or Mia, Carol, Cherise, Jody, Janet and Hélène. It is, I believe, in line with the dialogic spirit of the session. This stylistic choice also honors the format of the original conversation, where participants addressed one another informally and personally.

The panel conversation on directive impulses spanned roughly ninety minutes, generating far more insight than a single chapter can reasonably reproduce. Only a subset of remarks could be quoted here as illustrative examples, and some panelists' contributions, though not cited verbatim, were important. Their questions, affirmations, and counterpoints catalyzed the reflections of colleagues whose words do appear in the text, shaping the thematic contours of the entire discussion. In that sense, every panelist's participation serves as an indispensable inspiration for the analysis that follows. Readers who wish to hear the full exchange are encouraged to view the complete recording, available on the Institute for the Study of Conflict Transformation (ISCT) YouTube channel.

This setting provided an opportunity to hear practitioners reflect on their inner ethical struggles, emotional responses, and decision-making processes when confronting directive impulses. By examining their stories and strategies, we can situate their experiences within broader mediation ethics debates. I deliberately chose to draw on scholarly perspectives from scholars who, in many cases, are not primarily identified with the transformative tradition and hail from jurisdictions outside the United States. Transformative mediation discourse has long been shaped by a relatively small circle of U.S.-based theorists (most notably Bush and Folger, Della Noce). Their work remains foundational, but that concentration can unintentionally narrow the horizons of ethical debate. By foregrounding insights from writers such as Rachael Field (Australia), Hilary Astor (Australia), Nigel DeSouza (Canada), Susan Douglas (Australia), and Jonathan Hyman (United States but writing from a moral-psychology perspective beyond transformative circles), I aim to open transformative theory to a wider professional conversation. Drawing on contextual ethics, relational critiques of neutrality, therapeutic jurisprudence, and moral-foundations theory invites

fresh angles on familiar dilemmas, while also placing transformative practice in dialogue with cognate approaches across cultural and legal settings. This intentional cross-pollination is meant to "level" our own habitual impulses, unsettle settled assumptions, and generate new perspectives for dialogue. This way, I believe, is possible to enrich both the transformative field and the broader mediation ethics discourse. In doing so, I aim to bridge the gap between abstract ethical principles and the contextual, nuanced reality of mediator practice. I do acknowledge that strict rules like absolute impartiality may be "unrealistic and unreliable" in guiding real decisions (Field, 2017, p. 303). Instead, I adhere to more contextual ethics of mediation, one that upholds party self-determination as a guiding star but allows mediators to engage with the relational and situational complexity of each case. This chapter's findings contribute to that evolving conversation by illuminating how transformative mediators themselves interpret and enact their ethical commitments when they feel the pull to direct.

In the sections that follow, I first outline the methodology of my qualitative, reflexive thematic analysis. Then I present the findings organized by the major themes that emerged from the panel transcript, following the structure of the thematic analysis. Seven interrelated themes will be discussed: (1) the **core ethical tension** between directive impulses and party self-determination; (2) mediator **bias and self-absorption** as sources of directive impulses; (3) **power imbalances and systemic constraints** prompting intervention; (4) the **timing and framing** of mediator interventions; (5) **self-regulation and withdrawal** as an ethical action; (6) **voice and choice** as the mediator's guiding compass; and (7) navigating the **systemic context** and institutional power. Throughout, verbatim quotes from the panel illustrate each theme. I then move on to a **discussion** that situates these findings within the broader ethical debates in mediation, highlighting points of consonance or tension. In particular, I consider how these practitioners' insights echo or challenge prevailing notions of neutrality, impartiality, cultural norms, and mediator responsibility.

Methodology

This study employed a qualitative reflexive thematic analysis to examine the full transcript of the panel session. Reflexive thematic analysis (RTA), as developed by Braun and Clarke (2006, 2019), is an interpretive approach for identifying and analyzing patterns (themes) across a dataset. It is well-suited for capturing both semantic content (what is explicitly said) and latent meanings (underlying ideas or tensions) in narrative data. Unlike codebook or positivist thematic approaches, RTA emphasizes the researcher's active role in theme development and the importance of context and researcher reflexivity (Braun & and Clarke, 2019; Byrne, 2022). I chose this approach to honor the complexity of the panel discussion and to allow deeper ethical nuances to emerge rather than forcing data into pre-existing categories.

The data consisted of a 90-minute recorded panel discussion transcribed verbatim. The panel featured eight experienced transformative practitioners (identified here by first name: e.g., Basia, Judy, Sharon, etc.) discussing real cases and personal experiences. The participants hailed from different cultural contexts (North America, various European countries), which added a cross-cultural dimension to the data. The transcript was treated as a single data corpus rather than fragmented by speaker. That is in line with qualitative principles that emphasize maintaining

contextual continuity across contributions (Nowell et al., 2017). This means I analyzed the flow of conversation and how panelists built on or contrasted with each other's points.

Following Braun and Clarke's methodology, I undertook the six phases of thematic analysis (Braun & and Clarke, 2006; Clarke & Braun, 2014). In **Phase 1 (familiarization)**, the researchers immersed themselves in the data by reading the entire transcript multiple times and listening to the original recording. This familiarization included noting initial impressions and emotional tones. For example, I noted points in the discussion where multiple mediators voiced agreement (e.g., humming in assent) or where the mood shifted to laughter or seriousness. I also documented my own reactions and questions to track how my understanding evolved (Byrne, 2022). In **Phase 2 (generating initial codes)**, I systematically worked through the transcript to highlight segments of interest and assign *codes*. Codes are succinct labels capturing the essence of each segment relevant to my research questions. Coding was done manually and iteratively: for instance, an early code called "feeling need to protect party" was applied to several different stories, as was a code "stepping back/self-restraint." I approached coding with a reflexive mindset. That means I did not use a pre-set codebook but allowed my understanding of codes to evolve as I read more of the data and reflected on it (Braun & and Clarke, 2019). I paid attention to both what mediators *said* (explicit remarks like "I felt I had to do something") and what this *meant* in context (e.g., an implicit theme of feeling responsible for fairness).

In **Phase 3 (searching for themes)**, I began collating codes into larger candidate themes. For example, codes related to mediators' emotional reactions (feeling angry, anxious, sympathetic) and codes about bias were grouped into a potential theme about the mediator's "self" influencing impulses. I used tables to cluster related codes, always returning to the raw quotes to ensure coherence. **Phase 4 (reviewing themes)** involved refining these candidate themes against the data. I checked that each theme was supported by sufficient data and that the themes were distinct. At times, this led to re-organizing. For instance, I initially had one broad theme on "Ethical challenges of neutrality" that was too vague; it was refined into more specific themes like *power imbalances* and *systemic constraints* versus *internal biases*. I also identified relationships between themes, deciding on a logical ordering (from the internal, personal level to the external, systemic level, for example). In **Phase 5 (defining and naming themes)**, I wrote detailed theme definitions and decided on illustrative quotes. Braun and Clarke (2022) emphasize that themes are analytic outputs, not just summaries of data. Using this approach, I sought to articulate **the central organizing concept** of each theme. For example, the theme I call *"Intervening Against Injustice"* centers on the concept of the mediator as responding to power imbalance. I ensured my name or label reflected that ethos. Finally, **Phase 6 (producing the report)** is reflected in this chapter. I combine narrative analysis with selected quotes to present each theme with academic rigor and illustrative richness.

An RTA assumes that the researchers' own backgrounds and assumptions shape the analytic process. I approached the data from a social constructionist–interpretivist paradigm (Lincoln & Guba, 1985; Pervin & Mokhtar, 2022). This means I view the mediators' accounts not as objective facts to be measured, but as *constructions of meaning* situated in particular contexts. My goal was not to produce a single "objective" truth but to develop a rich, credible interpretation of how directive impulses function in transformative practice. To support trustworthiness, I employed several strategies: (a) **Prolonged engagement with the data** (through repeated readings and

iterative coding) to ensure I wasn't jumping to conclusions; (b) **Triangulation of perspectives** within the panel – since multiple practitioners discussed similar scenarios, I looked for both convergence and divergence in their views to form robust themes; (c) **Preserving original language** of the panelists – all quotes are presented verbatim (with only minimal ellipses for conciseness). I avoided paraphrasing the quotes in my analysis write-up so as not to dilute the speaker's intended meaning. My use of the literature in the Discussion section serves as a form of theoretical triangulation, checking whether my findings align with or contradict established concepts in mediation ethics.

Findings: Thematic Analysis of Directive Impulses in Practice

Through the RTA, **seven interrelated themes** emerged, capturing how transformative practitioners experience and respond to directive impulses. These themes range from the inner ethical dilemmas mediators face, to the strategies they use in timing their interventions, to the broader systemic contexts that shape their choices. The themes are presented below in a logical progression. I begin with the fundamental **ethical tension between directive action and party self-determination**, which underpins all other themes. I then examine how mediators' own biases and emotions can generate impulses (**Theme 2**), and how **power imbalances or systemic pressures** can externally provoke a need to intervene (**Theme 3**). Next, I explore mediators' careful attention to **timing and framing of interventions** (**Theme 4**) and, conversely, the discipline of **self-regulation and even withdrawal** when necessary (**Theme 5**). The later themes broaden the lens: **Theme 6** discusses how *voice and choice* (the core values of transformative mediation) serve as an internal ethical compass for mediators, and **Theme 7** addresses the challenges of navigating within **institutional and systemic constraints**. Each theme is illustrated with direct quotes from the panelists. For clarity, I attribute each quote with the speaker's name from the panel.

Theme 1: Ethical Tension Between Directive Impulses and Party Self-Determination

Definition of Theme

This theme captures the central ethical dilemma transformative mediators grapple with: the internal impulse to take directive action versus the commitment to support party self-determination. It reflects the ongoing balancing act mediators perform when they *feel they "should do something"* in a difficult moment, yet worry that doing so might undermine the parties' autonomy. Across the panel, practitioners described scenarios that triggered an urge to intervene, such as intense emotional outbursts, perceived injustice or bullying, or power imbalances in the room. They also question whether acting on that urge would violate the transformative principle that parties are in charge of their process. This theme surfaces the mediators' ethical dilemma: weighing the potential benefit of intervening (e.g., ensuring safety, clarity, or fairness) against the potential cost (imposing their own judgment or agenda on the parties). It's about constantly interrogating not just *"what"* and *"how"* to intervene, but "why" – *Is my intervention truly serving the parties' process, or is it serving my own discomfort or bias?*.

Illustrative Reflections

Many panelists addressed this tension directly. For example, *Basia* confessed that when she feels a directive impulse, *"it's really believing that perhaps I have the better idea or I know what needs to be done. But even underneath that is some lack of confidence in the innate capacity of people... So it's losing touch with that basic trust of... their capacity and their motivation."* In this remark, Basia recognizes that her urge to direct stems from a momentary lapse in faith in the parties. She links her impulse to a subtle arrogance ("I have the better idea") and to a doubt in the parties' abilities. This insight reflects a profound ethical self-awareness: the mediator's internal state (confidence vs. doubt in the parties) directly affects the ethical stance. Basia's comment implies that staying true to transformative practice requires *maintaining trust* in the parties' competence, even when the mediator feels anxious about the direction of the session.

Similarly, *Judy* shared a "red flag" moment for her: *"As soon as I find myself thinking, how do I get him to stop shouting?... Then there's some part of me that realizes, uh oh... better take a breath here."* Judy's narrative illustrates an impulse arising in real time (the desire to stop a participant from shouting, which is a directive impulse to control behavior). Her ethical training kicks in as an *inner voice* telling her to pause ("take a breath"). That pause serves as a micro-ethical decision point where she can refrain from an unreflective reaction. Judy's story highlights the importance of self-monitoring (catching oneself in the thought "*how do I get him to…*"). It is also a reminder for practitioners that using simple techniques (a literal breath) restores their commitment to non-directiveness. It shows that *recognizing the impulse* is half the battle; once recognized, they can choose not to follow it.

Sharon vividly described feeling *"on the horns of a dilemma… that there are ethical issues on both sides pulling at me, and that I feel like I need to do something."* This metaphor of being on the horns of a dilemma captures the sharp, painful nature of the choice: do nothing and possibly allow harm or unfairness, or do something and possibly compromise neutrality? Sharon acknowledges *both sides have ethical pull*. One horn is the value of party self-determination (don't interfere), the other horn is the value of protection or fairness (do something to help). Her honest statement "*I feel like I need to do something*" emphasizes how visceral and urgent the impulse can feel, even as her ethical reasoning is split. She labels both inaction and action as having "ethical issues," refuting any simplistic view that non-intervention is always ethically safe or that intervention is always ethically suspect. Transformative practitioners thus occupy a space of ethical ambiguity where either choice can be questioned.

The panelists agreed that simply having a directive impulse is not *inherently* unethical. What matters is how they evaluate and respond to it. In other words, the presence of an impulse serves as a signal for mediator self-reflection rather than an automatic trigger for action. As *Janet* put it later on: *"My directness is directly related to my own weakness and self-absorption... I get unclear, I get defensive... but that awareness helps me in those moments... to let go."*(This quote will be discussed more in Theme 2, but it's relevant here in showing the link between awareness and the choice to "let go" of the impulse.)

Synthesis with Literature

The tension described in Theme 1 resonates with mediation ethics scholarship. Douglas (2012, p. 26), for instance, found in empirical research that mediators often feel *"uncomfortable in limiting*

their interventions to process when an imbalance of power was evident," expressing *"doubt and dissatisfaction"* with a strict directive to remain hands-off in the face of obvious unfairness. This aligns with Sharon's "horns of a dilemma" – mediators feel ethically torn. Moore's classic observation summarizes it: *"The mediator... is ethically barred from direct advocacy for the weaker party, yet is also ethically obligated to assist the parties in reaching a relatively fair, acceptable, and durable agreement"*(Moore, 2014, p. 368). Our panelists' reflections confirm this double bind. They do not take their directive urges at face value, but neither can they fully ignore them, because doing nothing can also carry ethical consequences (e.g., allowing a process that one party experiences as oppressive). Field's notion of **contextual ethics** is relevant here. She argues that mediation ethics must move beyond abstract rules (like "always be neutral") to consider the relational context (Field, 2011). The mediators in the panel session are effectively engaging in contextual ethics on the fly. They ask: *in this context, would doing something or doing nothing better uphold the parties' true self-determination?*

Hillary Astor's critique also comes to mind: neutrality's contradictions mean mediators "*cannot do neutrality, nor can they do without it*" (Astor, 2007, p. 221). Theme 1 is the lived experience of that paradox. The panelists are striving to "do neutrality," but are confronted with moments where neutrality feels like complicity. The mere fact that they have these impulses (and sometimes act on them, as later themes will show) supports Astor's point that true neutrality is demonstrably absent in mediation practice. The transformative ethos provides practitioners with a strong counter-weight: an almost principled hesitation, a voice reminding them of the long-term value of non-directiveness.

Theme 1 thus establishes the foundational ethical balancing act in transformative practice. It underscores that ethical practice is not a fixed point but a *dynamic navigation* between competing values. Transformative mediators continuously ask themselves: *Will this intervention support or undermine party empowerment?* This question becomes the yardstick for judging each impulse. The following themes delve into specific sources of directive impulses and specific strategies mediators use to manage them, but this first theme remains as a backdrop: the ever-present tension that underlies every moment of choice in the mediation.

Theme 2: Bias and Self-Absorption as Sources of Directive Impulses

Definition of Theme

Theme 2 examines how a mediator's own internal state, such as personal biases, emotions, ego, and triggers, can generate directive impulses. The panelists were clear that often the urge to intervene does *not* come from the parties' interactions, but from the mediator's own emotional reactions. In other words, sometimes mediators feel compelled to direct because *they* are uncomfortable, angry, scared, or overly sympathetic, rather than because the parties truly require intervention. This theme highlights a latent ethical hazard, which is self-absorption. When mediators get caught in their own feelings or judgments, they risk losing sight of the parties' autonomy and inadvertently make interventions that serve the mediator's emotional needs (e.g., to regain a sense of control or to alleviate empathic distress) instead of the parties' process. Key to this theme is the role of self-awareness. Recognizing one's biases and emotional reactions is crucial to preventing those internal states from dictating one's actions. Panelists stressed that being

unaware of one's own bias is what makes directive impulses dangerous. Conversely, humility about one's fallibility can protect against unethical directing. Ethical integrity is often tested not by the conflict in front of us, but by the mediator's inner terrain.

Illustrative Reflections

Many of the discussion's most reflective moments centered on mediators admitting their own mistakes or vulnerabilities. *Cherise* recounted a past case: *"I was totally biased toward the... young lady that was hit and I made... I felt [I was] directing because I didn't do any reflection with the young lady that was crying... And that was terrible. And this is many years ago, and I feel bad about that."* Here, Cherise confesses that her sympathy for a vulnerable party led her to intervene on that party's behalf without proper reflection. She uses strong language ("*totally biased,*" "*that was terrible*") indicating that in hindsight she recognizes how her personal alignment with one side caused her to lose neutrality. Cherise also pinpoints lack of reflection in the moment as the culprit. She "*didn't do any reflection*" and thus acted on bias. This admission underscores how a mediator's good intentions (caring for a hurt party) can slide into *advocacy or partiality* if not checked by self-reflection. Her enduring remorse ("*many years ago, and I feel bad*") speaks to the ethical weight mediators carry when they feel they have failed their ideals. It also highlights the learning process: such experiences prompt mediators to be more vigilant of their biases in the future.

Janet offered a more general self-analysis of how her emotional reactivity correlates with directiveness: *"My directness is directly related to my own weakness and self-absorption. When my buttons are pushed in the room – I get unclear, I get defensive, I get suspicious – then my judgment comes out of me more strongly."* This quote is a powerful piece of reflexivity. Janet links her moments of directive behavior to her personal emotional state, labeling it "*weakness and self-absorption*." She describes getting "*unclear*" (losing clarity of purpose) and "*defensive*" and "*suspicious*" when triggered. In those states, her judgment (as in judgmental attitude or desire to judge the situation) "*comes out... more strongly*," leading to directiveness. This is practically a checklist of mediator internal warning signs: defensiveness, loss of clarity, suspicion. If she feels those, she knows she's at risk of imposing herself. The honesty in words like "self-absorption" is noteworthy. It suggests that mediators must confront the ego dimension: wanting to *be right*, to *solve*, or to *have one's way* can lurk even in well-meaning practitioners. Janet's solution implied in her statement is that *awareness* of this linkage "*helps me… to let go*" (from her other quote in Theme 1).

Another panelist, *Basia*, contributed a related insight: *"...perhaps I have the better idea... some lack of confidence in the innate capacity of people... losing touch with that basic trust of... their capacity and their motivation."* (This was also cited under Theme 1.) Basia directly ties a directive impulse ("*I have the better idea*") to a lack of trust in the parties. This highlights a subtle bias: the assumption that the mediator knows better. Transformative mediators are trained to reject this assumption, but under stress or doubt it can creep back in. Basia frames it as "*losing touch*" with trust, implying trust is the default ethos that one must hold onto. When trust falters, the mediator's *ego* ("*I know what needs to be done*") fills the void, and directiveness follows.

Mediator biases can take many forms: bias toward a person (as with Cherise favoring the crying victim), bias toward one's own solution (Basia's "better idea"), or bias in the form of emotional investment and ego (Janet's self-confessed weakness). Each form can be a source of impulses that, if unchecked, lead away from true party-driven process.

Synthesis with Literature

The panelists recommended developing habits to combat this. One recurring strategy was cultivating a sort of inner dialogue or mindfulness. For instance, Judy's "*uh oh, take a breath*" (from Theme 1) is one example of catching oneself. I later suggested a mental self-questioning: *"...monitor yourself. Why am I going to intervene? What is the reason? What is the impulse? Is it because I see some opportunity, or something else?"*. By asking these questions internally, mediators can discern if the impulse is grounded in the parties' interactions ("*some opportunity*" for them) or "*something else*" (perhaps *my* frustration or desire for progress). This reflective practice aligns with recommendations by ethics scholars for mediator reflexivity. Astor (2007) argues that mediators should *acknowledge their own perspectives*, including cultural, personal, and professional influences, and actively understand their impact on practice. Rather than pretending to have no biases, mediators improve practice by recognizing those biases and managing them. One approach Astor notes is borrowed from cross-cultural mediation. Mediators working across cultures often engage in "conscientization," a process of building awareness of self-in-context. This is precisely what our panel describes doing in the heat of mediation: building awareness of *"what part of me"* is being activated.

The mediators' experiences also echo **Moral Foundations Theory** considerations (Hyman, 2015). Hyman suggests that mediators (being human) have intuitive moral reactions – e.g., seeing harm can trigger a *care/harm* response, seeing cheating triggers a *fairness* concern. These automatic moral judgments can fuel bias. For example, Cherise siding with the injured young woman might be seen as her *care foundation* overwhelming neutrality. Hyman asks whether mediators should be aware of and manage these intuitive moral judgments. Panelists indicate that yes, practitioners must become aware of their moral intuitions ("that's unfair!", "this party is vulnerable!") as potential bias. The key is not that mediators suppress all moral intuition, but that they recognize it as *their* perception, not an objective mandate to act.

All the responses subsumed within this theme provide us with a clear message: ethical mediation begins with self-awareness. Directive impulses often serve as a mirror reflecting the mediator's own unresolved emotions or biases in the moment. Ethical transformative practice, therefore, requires mediators to cultivate *humility* and *emotional regulation*. They must, in Janet's terms, own up to their "*weakness*" and not let it drive the process. This theme reinforces the importance of continuous self-scrutiny. It also sets the stage for the next theme: sometimes the impulse to direct comes not from within the mediator alone, but from the external power dynamics or systems surrounding the mediation.

Theme 3: Power Imbalances and Systemic Constraints Prompting Directive Impulses

Definition of Theme

Theme 3 shifts the focus from the mediator's internal triggers to external factors in the conflict context that can provoke a directive response. It explores how mediators grapple with impulses to intervene when they perceive significant power imbalances between the parties or systemic constraints that undermine a fair process. These situations include, for example, a dynamic where one party dominates the conversation, or cases where institutional actors (like lawyers, agencies, or organizational hierarchies) impose pressures on the mediation. In transformative practice, the ideal of party empowerment can clash with a reality where one party's voice is effectively stifled by power differences or procedural inequalities. Mediators then face an ethical question: *Should I step in to rebalance the interaction or address the injustice, even if that means being somewhat directive?* Unlike Theme 2's internally driven impulses, the impulses here are motivated by concern for the parties' equity and the integrity of the process. Panelists described these impulses as ethically charged in a different way. They see them not arising from personal ego, but from a *moral obligation to prevent harm or exploitation within the mediation*. However, such action can still conflict with neutrality, creating a nuanced distinction: when does a directive action stop being a violation of impartiality and start being a necessary "defensive move" to protect self-determination? The theme underscores that directive action, if rooted in defending party autonomy against structural or power-based threats, may be ethically justifiable – or even required – within a transformative framework, provided it is done transparently and cautiously.

Illustrative Reflections

The panelists recounted instances where they felt they had to intervene due to power dynamics. *Carol* shared a case involving a government agency: *"...the attorney for the Transportation Security Administration (TSA) was present in a very authoritarian... role. And it really cast an imbalanced nature to the interaction... I felt complicit in continuing a kind of pretend voice and choice... My choice was to not take those cases anymore."* Carol describes a situation with a TSA attorney dominating, which is a clear structural power presence. She uses strong words: the process had a "*pretend voice and choice*," implying that any appearance of party empowerment was illusory under that power imbalance. Feeling "*complicit*" suggests she felt that by mediating under those conditions without intervening, she was perpetuating a facade of fairness. Carol's ethical solution was ultimately to withdraw her services from such cases ("*not take those cases anymore*"), an extreme form of intervention, essentially an exit, which we will see more of in Theme 7 (systemic constraints) and Theme 5 (withdrawal as ethical action). Her account highlights that sometimes the entire context is so power-laden that a mediator judges authentic self-determination impossible. The mediator's ethical action might then be to refuse to partake in a sham process. This is a strong stance, reflecting an ethic of refusing complicity in oppression.

Sharon provided another example, possibly from a human rights mediation context: *"...there were that many of them... the police chief, the police officer, the attorney for the city... And she didn't actually understand the impact of how the two cases might be tied together... I began to get very concerned around that."* Sharon paints a picture of one side of a mediation table filled with powerful figures (multiple representatives of law enforcement and city government) versus an individual on the other side ("she" who doesn't understand the connection between cases). This is a multi-party power imbalance scenario. Sharon "*began to get very concerned*" which likely spurred an impulse to do something to level the field or ensure the lone party was not bulldozed. Her concern suggests an ethical duty she felt to address the information asymmetry (the person not

understanding the linkage of cases) and the sheer imbalance in representation. While Sharon's quote stops at expressing concern, it implies she would consider intervening (perhaps by educating the party or pausing the process). This demonstrates how contextual knowledge (she sees a problem the party doesn't), combined with power disparity, triggers the mediator's protective instinct.

Jody took a broad view: *"...we are working within systems that have impacts, real life impacts for people... it's not just about our theory... We have to think through how this process works with that system and what, if anything, we need to do to not further harm..."* Jody explicitly acknowledges that transformative practitioners cannot be blind to systemic context ("*not about our theory or understanding that*"). This is a subtle critique. Transformative theory might emphasize empowerment and recognition in the room, but Jody reminds us that outside realities (legal consequences, organizational decisions) flow from the mediation. The phrase "*not further harm*" echoes the medical ethic of *non-maleficence* (Bronzino, 1992; Bufacchi, 2020; John & Wu, 2022). She implies mediators might need to take action (or at least consciously evaluate the need for action) to ensure the mediation process itself does not inadvertently cause harm by, say, rubber-stamping an unjust status quo or pressuring a vulnerable party to agree. Jody's perspective is that ethical transformative practice includes a systemic literacy. That include understanding how the mediated outcome or process will interface with external systems, and taking responsibility to ensure the mediation isn't a tool of oppression. What remains unclear is whether it could include interventions like ensuring informed consent, bringing in missing information, or adjusting the process format.

Judy added a normative statement: *"...we as practitioners have to be careful that our processes are not used to further oppress... If it's used to exploit people then it's not [true dialogue]... A minimum is that people need full understanding of what they're getting into..."* Here, Judy is essentially drawing an ethical red line. Mediation or dialogue, if used as a cover for exploitation (for example, powerful entities forcing vulnerable parties into "agreements" to waive rights), is no longer genuine dialogue or ethical mediation. She insists on at least ensuring informed consent and understanding as a practitioner's responsibility. This often means the practitioner might have to step out of a pure facilitative role momentarily to *explain* or *clarify* the implications to a party (ensuring they understand their choices, rights, etc.). While such an explanation is a form of directive input (adding content to the discussion), Judy frames it as ethically necessary to prevent oppression. This aligns with professional standards that often require practitioners to ensure parties are informed (e.g., about their right to consult lawyers, about the nature of an agreement). It's a reminder that neutrality does not mean silence in the face of ignorance. Transformative practitioners, while not giving advice, should still not allow a party to proceed under serious misunderstandings.

It looks like panelists suggest that transformative practitioners sometimes need to *bend non-directiveness* in service of higher ethical principles like fairness, justice, and autonomy. They reframed directive actions not as breaches of neutrality but as defensive moves to preserve the possibility of self-determination. For example, Peter (whose quote appears later) argued that if someone's ability to exert self-determination has been "*robbed*" by circumstances, a mediator stepping in could actually be *supporting* self-determination rather than removing it.

Synthesis with Literature

The panel's stance resonates with critiques from critical and feminist mediation scholars. Richard Abel and Carrie Menkel-Meadow have warned that mediation in certain contexts can "co-opt resistance" and serve as a tool of social control, especially if neutrally applied without regard to power disparities (Abel, 1982; Menkel-Meadow, 2018). Our findings show that transformative practitioners are aware of this risk and are actively trying to avoid being passive instruments of oppression. In fact, one could view Carol's refusal to mediate the TSA cases as an act of resistance to co-optation: she chose not to lend legitimacy to a procedurally unfair setup, echoing Menkel-Meadow's concern that without attention to context, ADR might simply entrench power (Menkel-Meadow, 2018).

Susan Douglas (2012, p. 38) analyzed how different mediation models address (or fail to address) substantive fairness. She notes that problem-solving mediation relies on procedural fairness and party consent to assume justice is done, but that power imbalances can yield "*outcomes that are not substantively fair though consented to*". Transformative mediation, while valuing empowerment, does "*not provide a practical answer to imbalances of power between parties,*" Douglas argues. Our practitioners seem to be crafting their own practical answers: sometimes intervene (Theme 3), sometimes withdraw, sometimes increase transparency (both Theme 7), all in efforts to address those imbalances. This indicates an evolution of transformative practice. Practitioners are integrating a critical ethics lens into their work, even if the model's pure theory didn't spell out those moves.

Judy's emphasis on informed consent and not allowing exploitation also aligns with Field's contextual ethics approach, which puts party self-determination at the center but recognizes the need for mediators to ensure the conditions for genuine self-determination are met. Rachael Field calls for an ethical paradigm where mediators attend to power relationships and context to support self-determination in a meaningful way (Field, 2017). The panel's discussions on power imbalances are a concrete manifestation of that paradigm: they are not abandoning self-determination; they are guarding it more *actively*.

Practitioners also see cross-cultural dimensions. Power issues may be more pronounced or interpreted differently across cultures. For instance, *Hélène* (from Canada) mentioned a saying, *"violence is a lack of words,"* to interpret aggressive behavior as a wordless cry for help. *Łukasz* (from Poland) noted that a dominating party might unconsciously be asking for help through their dominance. These insights suggest culturally informed ways of reading power dynamics: what appears as aggression could be a request for intervention ("help me"). Such perspectives allowed these mediators to justify stepping in "to help the parties" find balance. Thus, cross-cultural experience can sensitize mediators to different expressions of power or anger, influencing when and how they intervene.

To conclude this part, I can say mediators do not operate in a social vacuum. Theme 3 shows that when external power dynamics threaten the core promise of mediation (voluntary, informed, uncoerced participation), even transformative practitioners feel ethically impelled to act. They might directly intervene to support self-determination (e.g., by helping the quieter party gain voice – more on this in Theme 4), or they might intervene in the process by halting or exiting. They

reframe such interventions as being in line with transformative values because they protect the authenticity of the parties' decision-making. This challenges a simplistic view of neutrality. It suggests that non-intervention is not always neutral. Sometimes non-intervention allows external power to dictate outcomes, which is itself a bias (a bias toward the status quo). That implies neutrality might need to be rethought to include attention to power relationships. The transformative practitioners in this panel are, in effect, expanding their ethical understanding to reconcile empowerment with fairness, showing that supporting self-determination might sometimes mean intervening against imbalances.

Theme 4: Timing and Framing of Interventions – The Art of Staying Non-Directive

Definition of Theme

Theme 4 delves into *how* mediators intervene when they do decide some action is needed, emphasizing the timing and framing of those interventions to maintain alignment with transformative values. The panelists made it clear that deciding to intervene is not a binary direct-or-not scenario. *How and when* one intervenes can be the difference between an ethical, empowering move and a disempowering one. This theme highlights techniques and mindsets that enable practitioners to be helpful to the parties in setting a direction while *remaining non-directive in spirit* themselves. Key concepts include waiting for natural pauses or "chapters" in the conversation to intervene (so as not to interrupt the parties' flow), using tentative language and offering suggestions as invitations rather than instructions, and reflecting process (what is happening between the parties) instead of imposing content or solutions. The practitioners treat timing as a *moral skill*. A well-timed intervention feels supportive, whereas a poorly timed one feels controlling. Similarly, the way you frame something, whether you pose it as a question ("*How is this working for you?*") versus a directive ("*I need you to stop and listen*"), determines whether the parties still feel they own the process. The theme affirms that non-directiveness is not the same as inaction or silence. Transformative practitioners are very much *active*, but their activity is in service of fostering dialogue rather than leading it. They use presence, timing, and careful wording. As *Marko* summarized, the mediator's job is *"finding the right time and the right space to intervene. Not to direct, but to support the parties."*.

Illustrative Reflections

The panelists offered concrete examples of interventions that they felt upheld party autonomy. *Christian* explained a key lesson he learned: *"You don't just come in and interrupt their thought. You look for the patterns... [People] talk in chapters and that's where you come in."* Christian's statement describes the discipline of waiting for a chapter break. Rather than interjecting at the height of a party's emotional or narrative arc (which could hijack their momentum and feel like the mediator wresting control), Christian listens for a *conclusion of a thought or a natural lull* – a "chapter" – and uses that as an entry point. By identifying conversation patterns and pauses, the practitioner's intervention can feel like it fits the parties' narrative structure, rather than cutting across it. This approach requires patience and deep listening. It's also about timing that's ethically attuned. It shows respect for the party's speaking and indicates the practitioner values what each party is expressing fully before stepping in. It aligns with Bush & Folger's (2005) instruction that

mediators should not impose structure but follow the parties. In practical terms, "talking in chapters" is a metaphor for how parties organically structure their conversation, and the mediator synchronizes with that.

Judy gave an example of how she might frame an intervention after noticing an imbalance in participation: *"I notice for the last 10 or 15 minutes you, Joe, have been talking a lot... and you, Bob, haven't said much of anything... How's this working for you? Is there anything you want to change here or keep going like this?"* This is a process reflection combined with a check-in question. Judy's phrasing is exemplary in its tentativeness and neutrality. She states an observation ("*you've been talking a lot and you haven't said much*") which is a fact-based description of the dynamic, not a judgment. Then she asks the parties how they feel about it and if *they* want to change it. By doing so, she places the control back in their hands. Importantly, she doesn't say, "*Bob, maybe you should speak up*," which would be directive. Nor does she say, "*Joe, you need to let Bob talk*," which would assign blame. Instead, "*How's this working for you?*" invites each to reflect on whether the dynamic is comfortable for them. It's possible Joe might say, "*I'm fine with it, I have more to say*," and Bob might say, "*I'm okay listening for now*." In that case, Judy would presumably "keep going like this" as per their choice. Or Bob might admit he feels left out, giving Judy the opening to support him in a change. Either way, the *decision to change or not is made by the parties*, not the practitioner. This example demonstrates how framing a question is a powerful tool. The practitioner introduces awareness into the room about the process without taking over the process.

Peter described a more assertive scenario but carefully justified: *"Standing up and leaning over somebody and screaming is not in itself a reason for me to come in. It's based on the other person's reaction... So I need to get into the conversation in order to check in... I'm usurping space... but it's to restore agency."* Peter notes that even dramatic behavior ("*leaning over and screaming*") doesn't automatically compel his intervention. He watches the effect on the other party. If the other party seems intimidated or silenced, then he feels he *"needs to get into the conversation to check in"*. What's instructive is that Peter openly acknowledges usurping space when he intervenes. He is self-aware that yes, he is taking the floor (which normally belongs to the parties), but he frames the purpose as *"to restore agency"* to the party who might have been overwhelmed. This is a clear example of justifying an intervention by intent and framing. He may indeed interrupt (perhaps saying, "*I'm going to pause here for a moment…*" or physically interjecting), which is a directive act. But because he does it in response to a perceived loss of agency (relational weakness) by one party, and presumably then gives the floor to that party or offers them support, he views it as consistent with transformative goals. The sequence matters: he didn't intervene *to stop the yelling person because the yelling violates a civility rule* (that would be mediator-imposed content regulation). He intervened because the target of the yelling might be losing their voice. And even then, he likely "checks in" by asking the quieter person if they want a break or how they are doing, etc., rather than scolding the yeller. That way the focus is on supporting the quiet party rather than controlling the loud one. This nuance is how practitioners maintain ethical coherence in action.

Łukasz also shared a technique bridging beyond words: *"...sometimes it's helpful to pay equal attention to what is expressed beyond words... I try to reflect the silence or body language... It was empowering... also stopping the party who was speaking."* Łukasz here notes that non-verbal cues can be an opening for mediator intervention. He might say something like, "*I notice a lot of*

silence just now" or "*I see some strong emotions in your face as you hear this.*" By reflecting what's not being said, he addresses those who are not speaking. He mentions that doing so was empowering *and* it also had the effect of "stopping the party who was speaking." Importantly, he doesn't stop the talker by command, but by drawing attention to the silent other, which naturally causes the talker to pause. At the same time, it is the way how to support recognition shifts between parties. This subtle approach respects both parties. It doesn't shame the talkative person, it just gently shifts focus. And it validates the quiet person's presence. Łukasz found this effective precisely because it was *not* a direct "Stop talking now," but a reflective invitation that adjusted the flow.

Overall, the panelists converged on best practices: wait for the right moment, intervene with humility and tentativeness, frame observations neutrally, ask questions that give choice, and focus on process rather than content solutions. They repeatedly used words like "check in," "invite," "suggest," and emphasized accepting "no" for an answer. Judy put it succinctly elsewhere: *"We make it tentatively and we accept no for an answer."*. This motto encapsulates the ethos of transformative intervention: any move the mediator makes is an offer, not a mandate. If parties decline the offer (e.g., decline a suggested break, or don't pick up on a reflection), the mediator lets it go.

Synthesis with Literature

Timing and framing are not just techniques; they are how mediators operationalize respect. A poorly timed interruption can disempower (by cutting someone off mid-empowerment), whereas a well-timed one can enhance empowerment (by capping a heated exchange at a natural break to allow reflection). Framing influences perception: checking the possibility presented as a polite question can be perceived as support rather than pressure. This topic reveals a deep appreciation of attention to interaction as ethical behavior on the part of professionals. They devote *effort to the course of conversation or mutual interaction* so that it remains in the hands of the parties and potentially changes its quality for the better.

From a theoretical standpoint, this resonates with Bush & Folger's notion that the *micro-skill* of a transformative practitioner is often in their careful language choices and timing. For instance, using summary and reflection instead of questions that lead or suggest solutions (Bush & Folger, 1994, 2005; Bush & Pope, 2002). *Marko* explicitly said he liked the "chapters" metaphor and reiterated the importance of "*being sensible to the process, finding the right time and space... Not to direct, but to support the parties*.". This essentially endorses the approach outlined above. Marko's comment reinforces that even for practitioners from diverse backgrounds, the principle is universal in transformative practice: interventions must be interaction-sensitive.

We might view these practices through the lens of procedural fairness too. Douglas (2017) noted that problem-solving mediators emphasize procedural fairness (giving each party chance to speak, etc.), whereas transformative mediators historically emphasize empowerment/recognition and are less inclined to enforce equal airtime. Yet, here we see transformative practitioners indirectly *attending to procedural fairness* (e.g., Judy ensuring both parties have spoken). The difference is that they do it in a way that solicits the parties' own preferences rather than imposing a strict equal-time rule. This is a nuanced melding of procedural fairness with party self-

determination. The practitioner brings attention to the imbalance (if it influences the quality of interaction) but then defers to the parties' wishes on how to address it.

Transformative practitioners are *active facilitators*, not passive observers. They intervene, but artfully, by synchronizing with the conversation's rhythm and by framing their interventions as collaborative invitations. This ensures that even when practitioners take an active role, the parties retain ownership of the process. The result, as Marko said, is that non-directiveness is not passivity. It's a deliberate practice of timing and attunement. Mastery of this "art of intervention" allows practitioners to handle difficult moments (like intense conflict, silence, or dominance) without betraying the core ethic of party empowerment. It is an essential part of addressing directive impulses. Practitioners channel the impulse into a minimal intervention at just the right moment, often quelling the urge to do something more heavy-handed.

Theme 5: Self-Regulation and Withdrawal as Ethical Action

Definition of Theme

Theme 5 highlights the idea that sometimes the most ethically appropriate "action" a practitioner can take in response to a directive impulse is to not act further, or even to step away. In transformative practice, the practitioner's *self-regulation* – their ability to monitor and manage their own emotional state and biases – is portrayed as a core ethical tool. It is about moments when practitioners realize that their presence or potential intervention might do more harm than good, leading them to pause, defer to the parties, or withdraw from the mediation entirely. It is about knowing one's limits and recognizing when the mediator's neutrality or effectiveness has been compromised (by internal judgment, fatigue, fear, etc.). In such moments, deliberately choosing inaction or termination is framed as an ethical decision, not a failure. The panelists implied that part of being an ethical practitioner is having the *courage to "know when not to act"*. This can manifest as calling for a break, ending a session early, or even referring the case elsewhere if one cannot continue impartially. It underscores that practitioner presence is not automatically beneficial. If the mediator cannot show up with the right mindset, stepping back protects the parties. Restraint and occasional removal of oneself are active elements of ethical practice, equal in importance to the acts of intervention described in previous themes.

Illustrative Reflections

Several practitioners described scenarios of self-regulation and withdrawal:

Mia recounted a scenario of reaching her limit: *"...I realized that I was no longer helpful... I was in a place of judgment... I needed to end the session for everybody involved. We shouldn't push through when we're recognizing that there's problems."* Mia's statement is a clear example of mediator self-awareness leading to withdrawal. She noticed she had shifted into a "place of judgment" – likely meaning she found herself judging one or both parties or the situation, which threatened her impartiality and supportive stance. Recognizing this, she concluded she was "*no longer helpful*." Rather than continue a mediation where she might unconsciously steer or snap due to that judgment, she made the decision to *end the session*. This is a protective measure. It shields the parties from a mediator who is not at her best, and it gives her a chance to regroup (or

potentially suggest a different mediator if the bias can't be overcome). Her advice "*we shouldn't push through when… there's problems*" suggests an ethic of *not forcing mediation to continue* just for the sake of completion. The well-being of the process and participants takes precedence over reaching an agreement that day. This is notable because many mediations, especially in court contexts, have pressure to reach resolution quickly. Mia's approach is to resist that pressure if ethical quality is compromised. Ending a session can be framed positively as *pausing to maintain integrity*, not as giving up.

Judy likewise mentioned limits on when she will mediate: *"...I won't do it… if the parameters aren't right... If it's used to exploit people then it's not dialogue... and I won't do it."* Judy's stance is that she will refuse or withdraw from facilitations that are set up in a way she deems unethical (echoing her earlier quote in Theme 3 about not furthering oppression). By "parameters," she might mean power imbalance, or the contextual setup (for instance, if the meeting is intended to cool down people, etc.). If such foundational issues aren't resolved, she opts not to proceed. This is a form of ethical gatekeeping. Judy is effectively saying that the mediator or facilitator has a responsibility to ensure a fair context. If she cannot ensure it, the ethical choice is not to mediate or facilitate under those conditions. This aligns with professional ethics, which state that mediators should decline cases where they cannot remain impartial or where mediation would be inappropriate due to capacity or safety concerns. It's also reminiscent of Astor's recommendation for mediators to have a new approach that acknowledges they can't be neutral and might have to deal with power (Astor, 2007). One way to "deal with power" is sometimes to decline a case that is too power-imbalanced if it cannot be remedied.

Janet talked about *awareness helping her "let go"* in moments of directiveness (as noted in Theme 2). This letting go can be interpreted as letting go of control, which often means remaining silent or stepping back instead of intervening. For example, if she notices her "*judgment coming out*", she might intentionally hold back any comment she was about to make. This is subtle self-regulation: choosing *inaction* in the moment. It's harder to quote directly because it's the absence of a quote but Janet's reflection earlier that awareness "*helps me… move through that and let go*" implies an internal process where she releases the impulse and refrains from acting on it.

Cherise also hinted at self-monitoring. After her story of a biased intervention, she said monitoring biases is crucial. So presumably, now she would *stop herself* if she noticed similar favoritism arising, rather than act on it.

Another aspect under this theme is post-session reflection. *Mia* noted: "*It's easy to think about it after the fact: oh, maybe I shouldn't have done this... but we also need to notice in the moment.*". This speaks to the interplay of reflection and self-regulation. Practitioners often realize after a session that a certain action was misjudged. Those learnings feed into better self-regulation next time, "in the moment." Continual growth in self-awareness is implied.

Synthesis with Literature

Why is withdrawal or non-action considered ethical action? Because it prioritizes the parties' needs and the process integrity over the mediator's ego or external pressures. In transformative practice, especially if the practitioner cannot uphold the model's principles, stepping out is more

faithful to the model than continuing in a distorted way. It also resonates with the value of humility, acknowledging one's limits.

This theme is supported by ethical standards, which often counsel mediators to suspend or terminate mediation if they feel the process is no longer productive or safe or if they are not impartial. For example, many mediation codes say that if a mediator feels unable to remain impartial, they must withdraw. Our panelists' experiences flesh out that scenario in human terms – feeling judgment or discomfort is a sign.

Additionally, burnout and emotional exhaustion were hinted as reasons to possibly step back. One can imagine emotional exhaustion in a general sense that one's presence is compromised by it. Practitioners recognized they are human. If they are too drained or triggered, they cannot provide the ethical presence required. Thus, a break or handing the case to someone else can be an ethical decision.

We can draw a line to Bush and Folger's teachings (1994, 2005). They emphasize the importance of the mediator's *personal capacity* to stay in the transformative frame. If a mediator is pulled out of that frame (by bias, etc.), the mediation risks reverting to a different model (directive or evaluative). So, one could say that a mediator ending a session when they can't stay true to the transformative approach is actually upholding the fidelity of the model. Bush & Folger might add that, ideally, practitioners cultivate a stance to handle these feelings, but in reality, stepping away when needed is wiser than muddling through in a non-transformative way.

Theme 5 reframes non-intervention as an active ethical choice. It complements earlier themes. Where Themes 3 and 4 showed practitioners intervening to address issues, Theme 5 reminds that sometimes the best intervention is no intervention at all or a strategic retreat. Ethical practice involves *protecting the space* for party self-determination, and sometimes the mediator's presence might be what threatens that space (if they're biased or the context is wrong). Thus, the wise practitioner is prepared to remove themselves or temporarily exit to ensure the parties' process remains their own. We can say that *ethical practice is as much about knowing when **not** to act as it is about intervening well*.

Theme 6: Voice and Choice as Mediator Orientation and Ethical Compass

Definition of Theme

Theme 6 centers on the foundational transformative principles of voice and choice. What is meant by that is that each party has the ability to express themselves and make decisions. These principles serve as the practitioner's guiding ethical compass in moments of uncertainty. The practitioners repeatedly indicated that when they are unsure about an intervention, they return to a simple question: *"Will this support or restrict the parties' voice and choice?"* If an action (or inaction) will expand the parties' opportunity to speak, be heard, or decide for themselves, it is likely in line with transformative ethics If it will diminish those opportunities, it's likely problematic. This theme underlines that *party empowerment (voice) and self-determination (choice) are not just goals, but active criteria* mediators use to measure the rightness of their moves. Voice and choice

thus function as a North Star: an "ethical anchor" that keeps practitioners oriented amid the push and pull of impulses.

Moreover, Theme 6 differentiates between influence versus imposition. Practitioners acknowledge they inevitably have some influence by being in the room, but they strive to ensure any influence *expands* the parties' range of options rather than narrows it. In practice, this means mediators intervene (or refrain) with the explicit intent to bolster the parties' ability to articulate their perspectives and decide their outcomes. The theme also implies a certain trust in the process: giving primacy to voice and choice means practitioners resist the temptation to steer towards what *they* think is a better outcome (even if that temptation is in the name of fairness or efficiency). Instead, they trust that maximizing the parties' own agency is the ethical course and often yields the most legitimate outcome for the parties.

Illustrative Reflections

The panelists explicitly invoked "voice and choice" as their purpose:

Judy declared, *"My direction is to support people in voice and choice. That's what I'm always doing... that's where our purpose and our premises come in so strongly."* This statement is basically a mission summary of a transformative practitioner. Judy uses the word "direction" interestingly, implying the only direction she takes or gives is towards empowering the parties. By emphasizing "*always*," she signals that every intervention or non-intervention is filtered through this lens. It ties the day-to-day choices back to the fundamental purpose and premises of transformative practice (which are empowerment and recognition). In effect, it's a mantra: when in doubt, ask yourself if what you're about to do supports voice and choice. If yes, proceed, if not, reconsider. Judy's strong alignment here suggests that this principle can override other considerations. For example, even if she personally feels discomfort with what the parties decide, she upholds their choice as paramount.

Basia contributed an example about decision-making: *"...it's a question of who decides what the impact should be. And I firmly believe it's the parties... they have the right to change their mind..."* Basia is touching on a scenario where maybe the mediator or someone else might think a certain solution or consequence is needed ("the impact"), but she asserts ownership of decisions lies with the parties. Even if parties contradict themselves or change direction (which can be frustrating to a practitioner or external stakeholders), Basia defends that as their right. This underscores choice. Not only the initial decisions, but also the evolving nature of choice as parties gain clarity. She signals comfort with non-linearity. Parties might say one thing and later change, and that's fine because it's *their process*. For a practitioner guided by voice/choice, consistency or logical progression is less important than the authenticity of the decision at each point. Basia's perspective likely helps her resist stepping in to "remind" a party of their earlier stance or push them to stick to it. Instead, she'd support the change of mind as part of their self-determination.

Peter echoed a justification used earlier: *"...if somebody has been robbed of the ability to exert self-determination, then I think I'm more supporting self-determination [by intervening] than removing it."* This was referenced before under Theme 3, but it's very pertinent here. Peter explicitly couches an intervention (which might seem to take control) as actually supporting

choice. His use of "*robbed of the ability*" suggests scenarios like intimidation or severe power imbalance. In those cases, by stepping in, he believes he's actually *increasing* that party's voice or choice. This is the ethical litmus test for him. He's measuring his act by *does it add to their self-determination?* If yes, it passes muster. If an intervention would substitute his judgment for theirs, it would fail the test. Peter's clarity on this highlights how deeply ingrained the concept of self-determination is. It can even turn an apparently directive act into a servant of party autonomy if done carefully.

I myself introduced a triggering scenario: *"...you are witnessing the interaction where one... occupies all the time... and that's when my directive impulse starts to pop up... because this is not the conversation [we aim for]."* My reason for an impulse to intervene when one person hogs the floor is that it violates the principle of recognition in dialogue ("*this is not the conversation*" implies it's not truly mutual or dialogic). So my ethical compass triggers me to want to adjust that. Therefore, even the emergence of an impulse is interpreted through the lens of voice and choice.

Christian and *Hélène* also alluded to helping parties go through difficult expressions to eventually regain their voice. Hélène speaks about ugliness and transcending it, implying letting parties fully voice even anger or "ugly" feelings as part of finding their voice. She said: *"...maybe I have to see my role as helping them go through this ugliness to eventually transcend that..."*. That means she tolerates intense or unpleasant conflict talk because ultimately it might lead to a deeper, self-determined resolution. That is another aspect of supporting the voice. Not shutting down "ugly" expressions (like blame or venting) prematurely, because they might need to voice those to move on. Many facilitative mediators might hurry to tone down negative emotions to reach a settlement, but transformative mediators, guided by voice, allow it, intervening only to ensure it's productive, not destructive (and even "productive" is defined loosely as in, as long as parties are engaged and not physically unsafe).

Synthesis with Literature

The voice and choice principle is akin to a moral algorithm for transformative practitioners. It simplifies decision-making to a key point: *does it expand or contract party empowerment?* If practitioners keep that question central, it provides consistency to their actions. It is reflected in many training materials as well. For example, mediators are taught to avoid "we" statements ("Let's find a solution") because it usurps the parties' ownership. Instead, saying "What solutions do you want to explore?" keeps ownership with them. One of Bush and Folger's hallmarks is precisely to not use "we" but "you" to remind parties they are the deciders (Bush & Folger, 2005). This is exactly an application of voice/choice ethic.

In the literature, many have pointed out that different models have different definitions of mediator role: facilitative mediators aim for fairness and efficient settlement, transformative aim for empowerment and recognition (Brzobohatý, 2024; Bush, 2019; Folger, 2020; Menkel-Meadow, 1995). Theme 6 reaffirms that ethic explicitly: empowerment and self-determination (voice and choice) is the *metric of success* in transformative practice, more so than settlement.

Rachael Field's work on self-determination as foundational also resonates. She argues for an ethical paradigm where party self-determination is the paramount guiding principle across models

(Field, 2017). That is exactly what these mediators practice. They effectively say, "*if neutrality or other ethics conflict with self-determination, self-determination wins*." For example, intervening to address imbalance might violate strict neutrality, but they do it because it upholds the deeper principle of voice/choice.

By framing voice and choice as the internal compass, mediators also keep themselves in check. It's a defense against those biases and impulses from Theme 2. If a mediator had an impulse to direct because of personal discomfort, asking "*is this about their voice or my comfort?*" likely shows it's the latter, hence unethical to act on. It's a self-accountability question.

Theme 6 affirms the primacy of party empowerment as the measure of ethical action. It provides a unifying thread: whether dealing with bias, power, or any intervention, the practitioners cross-check it against the question of party voice and decision-making. This ensures consistency and fidelity to the transformative framework. Voice and choice are not just abstract ideals; the panel shows they are live tools, invoked in their thought process and conversation, guiding everyday practice.

Theme 7: Navigating Systemic Constraints and Institutional Power

Definition of Theme

Theme 7 expands the scope beyond the particular session itself, examining how transformative practitioners deal with systemic and institutional contexts that can shape or limit the transformative process. It addresses situations where the session is embedded in a larger system, be it legal, organizational, or cultural, that imposes certain constraints or power dynamics. Examples include court-connected mediations with pre-set rules, workplace mediations under company policies, or community mediations involving government programs. These contexts can present ethical tensions. A practitioner might find that the way a case is referred or the expectations of an institution conflict with the transformative approach of party empowerment. Theme 7 captures how mediators respond to such dilemmas. Panelists described strategies like refusing cases that are too co-opted by systemic agendas, reshaping the process transparently to fit transformative values, or speaking up about limitations so parties are not misled (informed consent at a broader level). Essentially, this theme is about practitioners being aware that mediation or dialogue doesn't occur in a vacuum and feeling a degree of responsibility for how the mediation/dialogue is used within those systems. It underscores a shift from focusing solely on individual party dynamics to also considering the ethics of the practitioner's role within larger social structures. The practitioners ask: *Is this process truly serving the parties, or is it serving someone else's institutional interest?* And if the latter, how can the practitioner ethically respond? By saying no, by adjusting the process, or by ensuring transparency so parties understand the context. This theme is somewhat a macro-level complement to Theme 3. While Theme 3 dealt with power imbalances in the room, Theme 7 deals with power structures outside the room that seep in.

Illustrative Reflections

Panelists discussed several relevant points:

Carol's TSA case again: *"...I felt complicit in continuing a kind of pretend voice and choice... My choice was to not take those cases anymore."* This was already mentioned, but here it illustrates refusal due to institutional context. The TSA mediation likely had the structure of a mandatory or bureaucratic process where an agency (TSA) was using mediation, perhaps to check a box. Carol perceived that voice/choice were only "pretend" in that structure, likely because the TSA held all the cards, or because outcomes were predetermined or limited. She used the language of *complicity*, which is strong: to continue mediating in that setup would make her an accessory to disempowerment. So she exercised an option often not talked about in mediation training: *case refusal or termination on ethical grounds*. This is an important stance. Practitioners are sometimes pressured to mediate/facilitate cases referred by courts or agencies. Carol shows that one can draw a line if the system is fundamentally undermining the mediation's integrity. Her action also has an implicit protest element. By refusing, she sends a message that the process, as structured, is unacceptable. If more mediators did that, institutions might be forced to adjust practices (e.g., not have the authoritarian attorney present or change how they use mediation).

Let's look at Sharon's interpreter story. She mentioned *"the interpreter had a hard stop... and I was quite relieved... I didn't know what I was going to do. I was feeling extraordinarily uncomfortable with a lack of information, power imbalance, systemic issues going on..."*. Sharon describes a scenario where systemic issues (multiple agencies involved, linked cases, etc.) made the mediation extremely complicated and ethically uncomfortable for her. The interpreter's need to leave ("hard stop") essentially forced the session to end. That is an external factor that gave her an "out." She even says she was relieved by it, implying she might have been considering ending it due to those discomforts. She cites "*lack of information*", "*power imbalance*" (tie to theme 3) and "*systemic issues*" (like cases tied together by bureaucracy). This shows how sometimes practitioners find themselves in over-constrained situations. Sharon's relief hints that practitioners sometimes feel trapped between wanting to serve the parties and an institutional momentum pushing things forward. A forced break or termination can be a relief because it frees them to regroup and possibly address those systemic issues (or get more info, etc.) before resuming. Sharon's candid admission of not knowing what to do underscores the complexity of systemic entanglements – they can overwhelm even an experienced mediator.

Jody's earlier quote fits here too: *"...most of us are working within systems... We have to think through how this process works with that system and what, if anything, we need to do to not further harm."* Jody explicitly calls practitioners to be systemically literate and critical. She acknowledges that none of us practice in a pure environment; whether it's court programs, community mediation centers, or organizational contexts, there are system goals and constraints at play (like timelines, outcomes expected, funding sources, etc.). Jody argues for conscious thought about how our process interacts with those external factors, and what practitioners might *need to do* (there's the proactive stance) to ensure the session isn't used in a harmful way. "Not further harm" echoes earlier points but in systemic terms – e.g., not letting an employer use mediation just to identify whistleblowers, or not letting a school use mediation to silence complaints without real change, etc. This might involve, for example, mediators insisting on certain ground rules or confidentiality protections, or refusing to provide outcome details to referrers, etc. Jody's perspective is very much that mediators must hold ethical guardrails even against institutional pressures.

Judy's emphasis: *"...at a minimum people need a full understanding of what they're getting into... Otherwise, I won't do it."* Judy here emphasizes informed consent in systemic context. If the system or program doesn't let practitioners ensure parties truly understand the nature of the process, their rights, the consequences, etc., then it's ethically untenable. For instance, if a court orders mediation but doesn't clarify that parties can still go to trial if not satisfied, a mediator like Judy would ensure parties know that, or else she'd refuse to mediate. This is about transparency, one of the subthemes of this analysis. Judy essentially is saying she demands transparency from the system, or she will create it by informing parties. If that's not allowed, she steps out. This is crucial because many institutional mediation programs gloss over details to move cases along. Judy resists that in favor of ethical clarity.

My own insight in the discussion was: *"...it's not just about the voice and choice in the room... it's how our service is used... if it's misused from the beginning, it's our role to say no."* I broaden the view to how mediation service is used by systems. This is an explicit ethical stance that mediators have a duty not only to facilitate well *in the room*, but to consider *the purpose for which the mediation was convened*. If a company is using mediation just to delay a lawsuit or to tick a box, that's a misuse. My opinion is, if it's "misused from the beginning," mediators should decline ("say no"). This aligns with Carol and Judy's approach. It shows an ethical responsibility to the integrity of mediation itself – not letting it become a tool that actually undermines justice or self-determination beyond just this case. This is a bold ethical position, putting principle above convenience or even personal livelihood, since saying no to cases can have financial or career consequences. But it reflects commitment to transformative values beyond individual mediations, advocating for the *appropriate use of mediation as a process*.

Synthesis with Literature

Theme 7 is strongly connected to critiques of "mandated mediation" or "ADR's dark side" in literature. For example, scholars like *Bush (2019)* in his pluralistic ethics piece emphasize that different models serve different promises and that it's unethical to hold one model (like transformative) to the goals of another (like settlement efficiency). Our mediators are basically insisting on model integrity. They won't let transformative mediation serve an incompatible goal. If an institution expects them to be evaluative or to guarantee a settlement, that violates their model's promise, so they resist. Astor mentions mediators should remain independent of government influence as part of neutrality reimagined (Astor, 2007). This fits with refusing to be an agent of an institution's agenda – maintaining a degree of independence to say, "No, I won't just do whatever the referring agency wants if it's against party empowerment." *Field's contextual ethics (2017)* encourages mediators to adapt their ethical approach to different contexts, but always to ensure party self-determination remains central. The panel's call for transparency and saying no to misuse is directly in line with upholding self-determination across contexts.

Transformative practitioners do not check their ethical compass at the door of institutional contexts. They actively navigate, and if needed, challenge, the systemic conditions under which they practice. They ensure that even in institutional settings, the core values of transformative practice are not hollowed out. This might mean *pushing back against institutions*, *educating parties about the limits of the process*, or *walking away from cases* that violate the spirit of genuine dialogue. Theme 7 highlights practitioner agency in a bigger social system. Practitioners are not

just passive implementers of ADR programs. They are ethical actors who can influence how those programs operate by what they accept or reject.

Discussion

The foregoing seven themes together sketch a nuanced picture of how transformative practitioners experience and navigate directive impulses. These findings reveal an interplay of internal practitioner reflexivity, moment-to-moment ethical choices, and structural awareness that goes far beyond the simplistic notion of a practitioner being either "directive" or "not directive." Instead, practitioners portray their work as a constant ethical navigation, a dynamic balancing of values in real time.

Transformative ethics as constant navigation means, as our panelists confirmed, a recurring tension. The practitioner's drive to intervene vs. their commitment to empower parties (Theme 1). This fundamental tension aligns with what mediation scholars have long observed – that neutrality and intervention often pull practitioners in opposite directions, creating what Douglas (2012) called an internal *"dissonance"* in practice. Importantly, the panelists did not conclude that having directive impulses is inherently unethical. Echoing Field (2011) and others, they recognize that practitioners are human and that the ideal of perfect neutrality is practically unattainable. The true ethical question is not "*Do I ever feel an impulse to direct?*" but rather "*How do I respond when I feel that impulse?*". In other words, it's the *origin, timing, and purpose* of the impulse – and the practitioner's management of it – that determines alignment with transformative principles. An impulse arising from personal bias (Theme 2) might be a red flag to step back, whereas an impulse arising from a genuine concern for a party's silenced voice (Theme 3) might, after careful reflection, be worth acting on in a careful manner.

This perspective resonates with the view of transformative practice as *deeply intentional and disciplined* rather than simply passive. Bush and Folger (2005) have emphasized that transformative mediators are not just doing nothing; they are actively holding an intentional space. Our findings flesh that out. Practitioners must consistently monitor the ethical "why" behind each move. Especially when an impulse is fueled by personal emotion or identification with a party, practitioners check themselves: *Will acting now serve the parties' process, or is it serving my emotional regulation?* If the latter, they strive to restrain. This confirms Kressel's research which found experienced mediators engage in internal deliberation about their motives during sessions, a mark of expertise and ethical maturity (Kressel, 2013).

The panel also provided compelling scenarios about directive action in contexts of power and safety, where intervention was deemed ethically necessary, particularly around power imbalances or threats to a party's psychological safety (Theme 3). In these cases, they reframed directive moves not as abandoning neutrality but as *"defensive moves in service of restoring self-determination."* Our mediators' actions, like Carol refusing co-opted cases, or Judy insisting on informed consent, are concrete examples of *ethical resistance*. They show practitioners ensuring the process is not used to legitimize unfair power dynamics. This nuanced view actually broadens the definition of neutrality. Neutrality is not always doing nothing; sometimes it means *neutralizing external power* to give space for genuine dialogue.

When practitioners did intervene in these high-stakes contexts, they did so *deliberately and tentatively* (Theme 4). They emphasized timing ("*waiting for chapters*") and framing ("checking in" vs. instructing) to ensure they maintained party ownership. This reflects an understanding that *how* one intervenes can preserve neutrality in effect, if not in form. By using "invitational" language and being open to a party saying, "*No, I don't want to change course*," practitioners kept power in the parties' hands even as they took the temporary reins to steer away from a cliff. This balancing is supported by Field's (2017) notion of contextual ethics – adjusting the practitioner's actions to context while still upholding the central tenet of self-determination.

Another striking thread through all themes was the importance of self-regulation and inner discipline (Theme 5). The panel cast the mediator's capacity for self-awareness, emotional regulation, and humility as the most critical component of ethical practice. In other words, we can summarize that the core ethical tool of the transformative practitioner is not a technique, but the practitioner's capacity for self-regulation. This means practitioners must know when their internal state is compromised (e.g., feeling biased, exhausted, or judgmental) and have the courage to *pause or withdraw* rather than press on unethically. It is in line with professional standards that advise suspending mediation if impartiality is lost. But beyond such guidelines, my findings show an even more granular practice. Practitioner s constantly scanning themselves and making micro-adjustments (like breathing, silently reminding themselves of voice/choice, etc.). In doing so, they enact what Astor (2007) and others call reflexivity – acknowledging one's situatedness and managing it responsibly.

The panelists' emphasis on presence and internal monitoring also intersects with mindfulness practices increasingly recognized in the field (Hyman, 2015; Riskin, 2004; Riskin & Wohl, 2015). Hyman (2015), for example, discussed whether mediators should attend to intuitive moral judgments. Our panelists would answer yes, through mindful self-observation they *notice* those judgments and then decide intentionally whether to act. One could say the practitioners are exercising a form of "moral mindfulness," being aware of their own moral responses (e.g., outrage at perceived unfairness) and choosing their intervention not impulsively but reflectively. This corresponds with the notion that ethical integrity is often tested by the practitioner's inner terrain, not just external dilemmas, which this data strongly supports.

Throughout all the themes, the principles of party voice and choice (Theme 6) appeared as the through-line, a litmus test, guiding decision-making. This is consistent with the transformative framework's foundational ethics (Bush & Folger, 1994; 2005). The panel's consistent return to "*does this expand or contract the parties' agency?*" provides a simple yet profound ethical litmus test. It is worth noting how this principle helped resolve other tensions. For instance, it helped practitioners decide in Theme 3 whether an imbalance warranted intervention (would intervening give the quieter party more voice? If yes, it aligns with empowerment) or in Theme 4 how to frame an intervention (frame it to give choice, e.g., asking if they want to do something differently). It also helped them guard against their biases. If an impulse was more about the mediator's own preference, it likely didn't clearly serve the parties' voice/choice and thus would be checked. As a result, party self-determination remained the "North Star" in complex situations, reflecting what Field (2017) advocated: that any ethical paradigm for mediation should use self-determination as the key guiding principle.

Implications for Practice

The insights from this analysis carry several implications for transformative practice, training, and ethics:

1. **Training in Reflexivity:** Practitioner training programs should explicitly teach and cultivate the skills of internal monitoring, managing biases, and maintaining presence. This could involve exercises in self-awareness, role-plays with deliberate bias triggers followed by reflection, and perhaps mindfulness practices. Given the panelists' consensus that these skills are as critical as any technique, training that neglects them leaves practitioners ill-prepared for the real ethical challenges of practice.
2. **Ethical Guidelines and Supervision:** The findings suggest that ethical guidelines for practitioners could better acknowledge the gray areas and emphasize context-based judgment. For example, codes could encourage practitioners to prioritize party self-determination even if it requires deviating from strict neutrality (with transparency). Ongoing supervision or peer consultation could help practitioners navigate tough cases, creating a culture where mediators discuss impulses and doubts rather than hide them in fear of seeming unprofessional. Our panelists' openness about mistakes and regrets (Cherise's admission, etc.) highlights the value of reflective learning (Lang, 2024). This aligns with calls in the literature for practitioner **supervision and continuing education** focusing on ethics in practice (Astor, 2007; Bowling & Hoffman, 2003).
3. **Contextual Adaptability:** Practitioners in various settings (family, community, court, international) can draw from these themes to adapt ethically. For instance, a community mediator who senses a party doesn't actually have a choice about being there (maybe referred by a landlord or boss) might channel Theme 7 and ensure the party knows mediation is voluntary and they can leave, essentially restoring their choice in a system that might have obscured it. In doing so, the mediator might risk displeasing the referring agency, but as our panelists demonstrate, ethical courage sometimes requires prioritizing the party's autonomy over institutional relationships.
4. **Mediator Well-Being:** Theme 5's notion of withdrawal and self-care implies practitioners also need to take care of their own emotional well-being to practice ethically. Burnout or compassion fatigue can reduce one's ability to be present and non-directive. Thus, supporting practitioners' well-being (through workload management, debriefing difficult cases, etc.) is indirectly an ethical imperative for organizations employing mediators, facilitators, or coaches.

Conclusion and Implications for Transformative Practice

The model of practice that emerges from these findings is one of a highly reflective, ethically engaged mediator who is neither a passive neutral nor a directive manager, but something of a conflict process steward. This steward role involves cultivating a particular quality of presence, safeguarding the conditions for dialogue, and intervening only in ways that reinforce (rather than replace) the parties' own agency.

For transformative mediation as a field, these insights reinforce the model's distinct identity and its challenges. They demonstrate that transformative mediation demands a high level of mediator

self-discipline and ethical clarity, arguably more so than some other models where mediators have more leeway to guide content. It shows the model can handle tough situations, contrary to some critiques that transformative mediators might be paralyzed by non-directiveness, but it handles them through a different logic: by double-down on process ethics rather than by covertly switching to evaluative tactics.

The chapter's findings offer reassurance that transformative practitioners worldwide share common strategies for ethical dilemmas, suggesting that the model's training and community have inculcated certain norms (e.g., *when in doubt, empower*). At the same time, it highlights areas where transformative mediation interfaces with external systems need careful management (e.g., court referrals).

Conclusion

This chapter set out to rigorously explore the directive impulses of professionals in transformative practice, using qualitative analysis of a rich panel discussion as the primary lens. Through seven thematic explorations, I uncovered how these practitioners wrestle with internal and external pressures to direct, and how they deliberately harness ethical principles to respond in ways that uphold the transformative framework. They revealed a practice that is highly reflexive. Practitioners continuously check their motives, monitor the impact of context, and align their actions with the party voice and choice.

In doing so, the chapter illuminates the often invisible "inner work" of practitioners, the silent decisions and adjustments. We saw that ethical tensions are not abstract for these practitioners. They arise in visceral moments, and each must be met with conscious, principled choice. By treating each dilemma as an opportunity for self-reflection and recommitment to values, practitioners can navigate even high-stakes situations without betraying the core of party empowerment.

The chapter also situated these findings within broader debates on mediation ethics. It affirmed critiques that pure neutrality is illusory, yet offered evidence that practitioners can achieve *practical impartiality* by focusing on empowerment rather than detachment. It supported calls for a contextual, pluralistic ethics, one that allows practitioners to respond to power dynamics and systemic factors responsibly, rather than clinging to a one-size-fits-all posture of non-intervention. What emerged is an ethical model where non-directiveness is dynamic and contingent, always measured against the effect on the parties rather than a rigid abstinence from action.

The implications for practice are significant. For practitioners, the chapter offers concrete strategies to maintain ethical practice: use inner dialogue as a compass, don't shy away from intervening when it genuinely serves party autonomy, but do so with timing and tone that keep power with the parties. For transformative programs and referring institutions, the findings gently warn against co-opting mediation for appearances. If the process is not truly oriented to party empowerment, transformative practitioners may rightfully push back or bow out. For the development of professional ethics codes and training, the chapter emphasizes the need to

incorporate modules on mediator reflexivity, bias awareness, and handling systemic influences, aspects that are often overlooked in favor of communication techniques.

Ultimately, this chapter contributes a theoretically rich and empirically grounded framework for understanding directive impulses in transformative practice. It paints an image of the practitioner not as an all-powerful director nor as a hands-off bystander, but as a dedicated navigator steering through ethical cross-currents. The practitioner's role emerges as *at once humble and heroic* (as Baruch Bush would say): humble in yielding to the parties' voices, yet heroic in the courage to confront one's own impulses and the fortitude to stand against pressures that threaten the ethos of empowerment.

The experiences of these practitioners affirm that ethical transformative practice is a living, breathing practice, one that requires continuous personal growth and situational judgment. Their collective wisdom suggests that when practitioners cultivate self-awareness, embrace ethical complexity, and keep the focus on empowering parties, they can manage directive impulses in a manner that not only avoids harm but actively contributes to the transformative potential of any practice. This alignment of practice with principle ensures that even as practitioners intervene, step back, or struggle internally, they do so in service of the parties' own journey, which is, in the end, the heart of the transformative practice promise.

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