

Syllabus of the course [Global Perspectives on ADR](#) - Advanced Track

**Models for Change, Dialogue and Individual and Social Transformation in Conflict**

*Professors Bernie Mayer, Julie Macfarlane, Lela Love, and James Coben*

Monday, July 5, 2004

**9:00-12:15 Program overview; Models of democratic discourse, participation, and movements for social change; Models of collaborative problem-solving and decision-making**

The course objectives will be introduced and the schedule for the next two weeks will be presented, along with course assessment procedures. Participants will be asked to discuss the previous work and experience they bring to this course and the learning and skills they hope to achieve. This first day will set out and examine some of the fundamental questions that will be the focus of the first week of the course, including:

1. The relationship between conflict and social change;
2. The role of participatory democracy in social transition and change; and
3. Models of collaborative problem-solving including social activism, conflict analysis, conflict resolution and management and transformative perspectives

The next four days will examine a range of processes - developed using one or sometimes many of these ideas – which have been used within a wide range of political and social contexts. Some address the quality of public discourse and participation in public decision-making; others seek to restore relationships where societies have been traumatized by war and inter-group conflict. In each case, the design and implementation of dialogue processes has taken its shape from the cultural and historical context of conflict.

**12:15-1:30 LUNCH**

**1:30-2:10 The Shift from Communism Towards the Rule of Law in Central and Eastern Europe: a Role for Mediation** (*Professor Csilla Kollonay Lehoczky*)

**2:15-4:15 Library and Computer Lab Tours:**

Group A: Library (2:15-3:15); Computer Lab (3:15-3:45)

Group B: Computer Lab (2:15-2:45); Library (3:15-4:15)

**7:00 Welcoming Cocktail Party at Kerepesi Dorm**

■ Required Readings:

Lederach, J.P., *Preparing for Peace: Conflict Transformation Across Cultures* (Syracuse: Syracuse University Press, 1995), Course Reader pp. 1-16

Mayer, B., *Conflict Resolution and Society*, Chapter 5 in *Beyond Neutrality*:

Confronting The Crisis in Conflict Resolution (San Francisco: Jossey-Bass, 2004), Course Reader pp. 17-53

Dukes, E. F., *Public Conflict Resolution: A Transformative Approach* (1993) 9 *Negotiation Journal* 45-57, Course Reader pp. 55-61

■ Recommended Readings:

Lederach, J.P., *Preparing for Peace: Conflict Transformation Across Cultures* (Syracuse: Syracuse University Press, 1995), Course Reader pp. 63-67

Tuesday, July 6, 2004

**9:00–12:15 Processes to develop communication and dialogue in the face of "intractable" conflict**

This class will consider the challenges presented by deep-rooted conflict over moral and/or cultural norms. We shall examine:

1. Efforts to enable public discourse over contentious moral issues such as gay rights, race relations and abortion (for example the Public Conversations Project and the work of Search for Common Ground) ; and
2. Processes that aim to enable constructive communication between groups and communities divided along ethnic and cultural lines (for example Track 2 diplomacy, Problem-Solving Workshops)

What is the nature of conflict in these ideologically and morally charged circumstances? Can dialogue enable movement towards understanding and understanding, or a genuine enhancement of the quality of public discourse – or is the best we can hope for the containment of hateful rhetoric or even violence?

**12:15-1:30 LUNCH**

**1:30-2:10 Collaborative Processes in Eastern and Central Eastern European Countries** (*Professor Kinga Göncz*)

■ Required Readings:

Fisher, R., *Conflict Analysis Workshops : A Cyprus Example*, 9(2) *Interaction* (Summer 1997) 11, Course Reader pp. 69-71

LeBaron, M. & Carstarphen, N., *Negotiating Intractable Conflict : Ground Dialogue Process & Abortion*, 13(4) *Negotiation Journal* (1997) 341, Course Reader pp. 73-83

Mayer, B., Wildau, S., and Valchev, R., *Promoting Multi-Cultural Consensus Building in Bulgaria, Cultural Survival*, 1995, 19(3), Course Reader pp. 85-101

Rothman, J., *Prenegotiation in Nations: Peacebuilding in Jerusalem, Resolving Identity Based Conflict: in Nations, Organizations, and Communities* (San Francisco: Jossey-Bass, 1997), Course Reader pp. 103-115

Pearce, B. & Littlejohn, S., *Moral Conflict : When Social Worlds Collide* (Sage 1997), Course Reader pp. 117-166

*Constructive Conversations about Challenging Times: A Guide to Community Dialogue* (Public Conversations Project 2003), Course Reader pp. 167-191

Wednesday, July 7, 2004

**9:00–12:15 Processes to address public harms**

In this class we shall examine the psychological and practical needs for healing and reconstruction confronted by societies that have experienced traumatic extended conflicts. We shall examine processes that have developed to establish responsibility but also encourage reconciliation and moving forward - for example the Truth and Reconciliation Commission models in South Africa, Haiti, Guatemala, and Chile, and the reintroduction of traditional dispute resolution processes in Rwanda. To what extent can these processes repair the breakdown of community trust and enable closure? Besides processes designed to assign responsibility, what role can conflict resolution processes and principles play in reconstruction in societies where there has been a breakdown of civic order?

**12:15-1:30 LUNCH**

**1:30-2:10 Introduction to the Dynamics and Issues in Multi-Party, Multi-Ethnic Disputes** (*Professor Kinga Göncz*)

A case study focusing on managing diverse components of multi-party disputes, from pre-negotiation arrangements through post-settlement closure.

■ Required Readings:

Andries, O., *For All its Flaws: The TRC as a Peacebuilding Tool*, 6 Track Two December 1997, Course Reader pp. 193-197

Brooks, R. (ed.), *When Sorry Isn't Enough : The Controversy over Apologies and Human Reparation* (New York University Press 1999), Course Reader pp. 199-211

Hamber, B., *How Should We Remember? Issues to Consider when Establishing Commissions and Structures for Dealing with the Past*, presentation to the conference on Reconciliation Processes And Peace-Building Belfast, Northern Ireland. 9 June 1998 (INCORE paper), Course Reader pp. 213-230

Thursday, July 8, 2004

**9:00 – 1:10 Processes to involve stakeholders in public policy decision-making**

Governments are increasingly turning to public collaborative processes to build support for difficult decision-making and policy implementation. Collaborative processes are especially common in areas of environmental planning and resource management, and many of our examples will be drawn from this area. We shall also examine the process of "reg-neg" as a means of developing rules for governance in controversial public policy area.

## **2:30 TOUR OF PARLIAMENT**

### ■ Required Readings:

Cormick, G., Norman D., Emond, P., Sigurdson, S.G., and Stuart, B., *Building Consensus for a Sustainable Future: Putting Principles Into Practice* (Ottawa, ON: National Round Table on the Environment and Economy, 1997), Course Reader pp. 231-242

Susskind, L. and Field, P., *Dealing with an Angry Public: The Mutual Gains Approach to Resolving Disputes* (New York: Free Press, 1996), Course Reader pp. 243-267

### ■ Recommended Readings:

Fiorino, D., *Regulatory Negotiation as a Policy Process*, Public Administration Review 48 (1988), Course Reader pp. 269-277

Friday, July 9, 2004

## **9:00 – 1:10 Evaluation and critique**

Today we shall critically evaluate the dialogue processes and models we have examined over the past three days, asking:

1. What can these processes achieve?
2. What are the obstacles to their efficacy?
3. What are the chances of co-optation?
4. Can marginalized and disempowered groups truly participate in collaborative problem-solving and decision-making?

### ■ Required Readings:

Nader, L., *Controlling Processes in the Practice of Law: Hierarchy and Pacification in the Movement to Reform Dispute Ideology*, (1993) 9 (1) Ohio State Journal on Dispute Resolution 1, Course Reader pp. 279-282

Modavi, N., *Mediation of Environmental Conflicts in Hawaii: Win-Win or Co-optation?* 39(2) Sociological Perspectives (1996), Course Reader pp. 283-298

Ury, W.L., *The Third Side: Why We Fight and How We Can Stop* (New York: Penguin Putnam, Inc., 2000), Course Reader pp. 299-314

Sunday, July 11, 2004

**10:00–4:00 Boat Trip to Szentendre (Optional)**

Monday, July 12, 2004

**9:00–1:10**

This class will examine the roots of mediation as facilitated negotiation, examining both distributive ("value-claiming") and integrative ("value-creating") models of negotiation. We shall also explore the impact of gender and race on negotiation strategies and perceptual biases. Finally, we shall consider whether there are generic characteristics for "effective" negotiation that cross professional, disciplinary and cultural lines?

■ Required Readings:

Macfarlane, J. (ed), *Dispute Resolution : Readings and Case Studies* (Emond Montgomery 1998), Course Reader pp. 315-402

Tuesday, July 13, 2004

**9:00–1:10 Theories of conflict, power and impasse; communication theory and framing in mediation**

During this session, we will explore some of the key components of conflict that must be addressed in any successful effort to engage in conflict constructively. We shall specifically focus on conflict analysis, how power is expressed in conflict and how it can be addressed, the nature of impasse in negotiations, the dynamics of communication in conflict, and the way in which issues can be reframed at multiple levels to help people understand each other better and communicate more effectively.

**2:30 TOUR OF COURTS**

■ Required Readings:

Mayer, B., *The Dynamics of Conflict Resolution* (Jossey Bass 2000), Chapters 3, 6, and 8, Course Reader pp. 403-443

Krauss, R. & Morsella, E., *Communication and Conflict*, in Deutsch, M. & Coleman, P., *The Handbook of Conflict Resolution* (Jossey-Bass 2000), Course Reader pp. 445-457

Taylor, A. and Lang, M., *The Making of a Mediator* (Jossey-Bass 2000), Course Reader pp. 459-463

Wednesday, July 14, 2004

**2:15–6:25 Multi-party mediation in complex cases**

When multiple parties are involved in a mediation or resolution effort, the process becomes more complex. In this session we will consider how to conduct multi-party mediations. We will discuss the assessment and convening process, how multi-party sessions can be organized and conducted, group dynamics in mediation, consensus building processes, constituency negotiations, ratification procedures, and the relationship between multi-party mediation and public input procedures.

■ Required Reading:

Review Cormick, G., Norman, D., Emond, P., Sigurdson, S.G., and Stuart, B., *Building Consensus for a Sustainable Future: Putting Principles Into Practice* (Ottawa, ON: National Round Table on the Environment and Economy, 1997), Course Reader pp. 231-242, previously assigned for July 8<sup>th</sup> class

Bingham, Gail, *Resolving Environmental Disputes: A Decade of Experience* (Washington, District of Columbia: Conservation Foundation, 1985), Course Reader pp. 465-479

*Convening* (CDR Associates, 2003), Course Reader pp. 481-494

*Facilitated Decision-Making* (CDR Associates, 2003), Course Reader pp. 495-518

Thursday, July 15, 2004

**1:15-2:15 Working Lunch (optional):** informal discussion and advice regarding study and business-building opportunities in the field of conflict resolution

**2:15–6:25 Mediation and theories of justice; preparation for master class**

Critics of mediation claim that mediation sacrifices a just result - a result in keeping with accepted societal norms - for mere efficiency and expedience. Others claim that the mediator's introduction of legal (or other) norms into mediation compromises the parties' self-determination. This class will examine these and other questions, critiques and perspectives on justice in mediation. During the last class hour, we will turn our attention to advance preparation for the interactive "master class" to be held on Friday, July 16<sup>th</sup>.

■ Required Readings:

*Challenges to and Critiques of Non-Adjudicatory Processes*, Chapter 15 in Menkel-Meadow, C., Love, L., Schneider, A., Sternlight, J., *Dispute Processes And Conflict Resolution: Beyond The Adversary Model* (Aspen, 2004 Forthcoming), Course Reader pp. 519-564

Coben, J., *Gollum, Meet Smeagol: A Schizophrenic Ruminaton on Mediator Values Beyond Self Determination and Neutrality*, \_\_\_ *Cardozo Journal of Conflict Resolution* \_\_\_ (Spring 2004, forthcoming), Course Reader pp. 565-572

Friday, July 16, 2004

**10:30–12:30 In-class, written essay (open book)**

**2:15–6:25 Master Class**

Through theatrical narrative, video analyses and interactive roleplays, participants experiment with varying mediator interventions and assess their impact on party behavior and process goals.

■ Recommended Reading:

*Mediation: Skills and Practices for the Mediator*, Chapter 6 in Menkel-Meadow, C., Love, L., Schneider, A., Sternlight, J., *Dispute Processes And Conflict Resolution: Beyond The Adversary Model* (Aspen, 2004 Forthcoming), Course Reader, pp. 573-606

### **COMPLETION REQUIREMENTS AND GRADES:**

Class attendance is mandatory for all students.

For CEU students who are not taking the course for a grade, completion of the program requires submission of the in-class essay and active participation in the master class.

For students taking the course for a grade, grading will be based on the following:

20% Class attendance and participation (including master class)

80% In-class written essay