# Mediation, Transformation and Consultation
## A Comparative Analysis of Conflict Resolution Models

Guy Sinclair
Auckland, Independent Scholar

Transformative models of mediation begin from a belief that mediation offers not merely an opportunity for conflicting parties to satisfactorily resolve their problems, but a medium through which transformation of individuals, and by extension society, can take place. While the precise nature of that transformation may not be agreed upon by all writers on the subject, nevertheless something more than mere "conflict resolution" is envisaged. Moral development, the awakening of latent capacities of self-awareness and compassion and the emergence of a society of peacemakers - all are goals which are either explicit or implicit in the various models of transformative mediation.

This paper begins by examining the best-known theory and model of transformative mediation - that proposed by Folger and Bush in their book, *The Promise of Mediation*[1] and related articles[2]. Specifically, we will analyse their philosophy of transformation, its implications for individuals as well as society, and the particular mediator practices they propose.

Critics of Bush and Folger's work have, among other things, expressed dissatisfaction with their sharply-drawn but simplistic taxonomy of mediation models, pointed out shortcomings in the political theory which underlies their mediation model, and suggested that they marginalize a number of relevant cultural practices. In addressing these criticisms, we will draw attention in particular to alternative models of transformative mediation such as those proposed and practiced by Mark Umbreit and various religious groups. We will suggest that any theory of transformative mediation must of necessity take into consideration the moral beliefs, faith and religious practices of diverse peoples, so that the reality of conflict in a pluralist society can be adequately addressed.

In the remainder of this paper, we turn to a model of communication drawn from the Baha'i Writings, and practiced in communities of that Faith all over the world. These teachings identify specific goals for transformation, including the spiritualization of individual lives and the appearance of unity

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[1] Bush RAB & Folger JP, *The Promise of Mediation* (1994) San Francisco, Jossey-Bass Publishers

[2] Folger JP & Bush RAB, "Ideology, Orientations to Conflict and Mediation Discourse" in Folger JP & Jones TS (eds) *New Directions in Mediation* (1994) London, Sage Publications Folger JP & Bush RAB, "Transformative Mediation and Third-Party Intervention: Ten Hallmarks of a Transformative Approach to Practice." *Mediation Quarterly* 13:4 (Summer 1996) pp. 263-78

in human society. One of the practical methods which, if implemented, will promote both individual and societal transformation is consultation. We suggest that this practise, while having much in common with the models of mediation proposed by Bush and Folger, Umbreit and others, offers additional insights into human reality and relationships.

## Bush and Folger's Model of Transformative Mediation

The name of transformative mediation is most commonly associated with the publications of Joseph Folger and Robert Bush. This section examines two broad aspects of their theory: the goals and the practices of transformative mediation.

## The Goal of Transformation

Underlying all models and practices of mediation, Bush and Folger argue, are certain basic assumptions about human nature[3] particular conceptions of conflict[4] and ideas of what constitutes a 'good' society[5]): ultimately, every mediation rests on an ideological foundation. They note a move away from the mediation movement's origins as an idealistic, non-institutional and informal dispute resolution process and towards a more institutional, formal practice which clearly exhibits a 'problem-solving' orientation to conflict. This orientation, argue Bush and Folger, reflects and is driven by an ideology of Individualism, which they define as a view of "the human world as made of radically individual beings, of equal worth but with different desires. . . whose nature is to seek satisfaction of those. . . desires"[6] Individualism dominates Western thought and culture, underlies its notions of democracy and motivates its political institutions. Unavoidably and almost unnoticed, Individualism shapes the goals and practices of mediation. As a result, mediators habitually employ "oppressive"[7] strategies - by making global assessments of parties' circumstances in terms of identifiable 'problems', disregarding aspects of the conflict (such as emotions and feelings) which cannot be treated as problems, and orienting their efforts towards facilitating acceptable settlements[8]

In contrast, Bush and Folger advocate a Relational framework which distinguishes itself from Individualism in that it "sees the world as containing *both* the plurality of individual selves and the (potential) unity made up of the network of their relationships"[9] Bush and Folger distinguish two human capabilities in particular which contribute to this latter aspect of the Relational ideology, and they call these "empowerment" and

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[3] Bush & Folger, *Promise*, 242
[4] Bush & Folger, *Ideology*, 8
[5] Bush & Folger, *Promise*, 236
[6] Bush & Folger, *Ideology*, 12-13
[7] Bush & Folger, *Ideology*, 14
[8] Bush & Folger, *Ideology*, 10-11
[9] Bush & Folger, *Promise*, 89-91.;Bush & Folger, *Ideology*, 20

"recognition". In brief, the empowerment entails greater awareness of one's own goals, options, abilities, resources and ability to make conscious decisions for one's self[10] Recognition, conversely, involves the exercise of a complementary appreciation of the other's situation: it is the realization of the capacity and will to consider, reflect on and acknowledge, in words and actions, that other's point of view

Bush and Folger argue that the development of these two capabilities of empowerment and recognition is what constitutes true moral growth - it is in fact the essence of individual transformation. Ideally, neither one of these aspects should be developed in isolation from the other. Together and integrated with each other, they constitute "compassionate strength", which the authors identify with the highest mode of human behaviour[11]

Moreover, Bush and Folger relate individual transformation to a larger goal: the transformation of society itself. Whereas other types of mediation seek to change the situations people find themselves in, transformative mediation[12]

> involves changing. . . people themselves, and thus the society as a whole. It aims at creating 'a better world,' not just in the sense of a more smoothly or fairly working version of what now exists but in the sense of a different kind of world altogether.

## The Practice of Mediation

To summarize Bush and Folger's thought, we may say that mediation practice reflects and proceeds from an orientation to conflict, which ultimately rests on an ideological foundation. The ideology which most completely and truly reflects the human world is called the Relational framework; the orientation which rests upon it believes that the purpose of conflict is individual transformation. What remains to be seen is the particular discursive practices which follow from such an orientation.

From a practice perspective, Bush and Folger assert that "third-party influence [is] inevitable"[13] the form which that influence takes is what distinguishes a transformative mediation from any other. Starting from the belief that people's concerns and conflicts represent "opportunities for human growth and transformation"[14], that is, for the exercise and development of empowerment and recognition, Bush and Folger propose a set of specific mediator moves which they argue will facilitate this process.

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[10] Bush & Folger, *Promise*, 85-87
[11] Bush & Folger, *Promise*, 230-233.
[12] Bush & Folger, *Promise*, 29
[13] Bush & Folger, *Ideology*, 6;
[14] Bush & Folger, *Ideology*, 15

Bush and Folger advocate a number of third-party interventions - the "hallmarks of transformative practice"[15] - which can be grouped under three headings. The first of these is the "micro assessment of parties moves"[16]. They suggest, for example, that parties should be encouraged to explore their feelings, as well as any confusion or uncertainty about what the conflict is about or what they want[17], since these are all opportunities for empowerment and recognition. Mediators are encouraged to see that "the action is in the room", that the here and now is what matters most and that a conflict unfolds in mediation; and this furthermore encourages discussions of the past as they affect the present[18] Moreover, mediators must consciously suspend judgment on the motives and intentions of the parties, being aware of their own relative ignorance of the 'full picture'[19] Bush and Folger suggest that a close and clear focus on the specific statements of parties will yield opportunities for transformation which a more future-oriented, global vision of the conflict will not: this means that the mediator will adopt a "responsive posture"[20]

The second "key element" of transformative mediation practice is "encouraging parties' deliberation and choice-making"[21] This is manifested in a variety of ways - in the mediator's opening statement, which will emphasis this as a goal of the mediation[22], as well as in particular instances when the mediator will call the parties' attention to an opportunity for empowerment or recognition and leave it to the parties to decide whether or not they will take it up[23] Finally, the third element of transformative mediation sees mediators encouraging parties to consider each others' perspectives[24] again this will appear as a goal in the opening statement, as well as being a constant feature of third party interventions throughout the mediation whenever emotions, confusion, disagreement occur.

Aside from these practical guidelines, Folger and Bush emphasize that transformative mediation must be the genuine outcome of a Relational ideology and approach to conflict. The mediator will therefore be consistently optimistic about the parties' motives, competence and ability to "deal with their own situation on their own terms"[25] Equally importantly, success, however small, must be registered in both the mediator's and the parties' minds, since this will encourage commitment to the process of transformation[26]

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[15] Folger & Bush, *Transformative Mediation*, 16
[16] Bush & Folger, *Ideology*, 17
[17] Folger & Bush, *Transformative Mediation*, 271-272
[18] Ibid, 273-274.
[19] Ibid 268-269
[20] Bush & Folger, *Promise*, 193
[21] Bush & Folger, *Ideology*, 17
[22] Folger & Bush, *Transformative Mediation*, 266
[23] Ibid 267-268
[24] Bush & Folger, *Ideology*, 18
[25] Folger & Bush, *Transformative Mediation*, 269.
[26] Folger & Bush, *Transformative Mediation*,275-276.

## Transformative Mediation: A Critical View

Transformative mediation, as presented by Bush and Folger, has been greeted with both excitement and dismay. This section summarizes and evaluates the main objections to their work, and considers some alternative visions of transformation in mediation by way of response.

### Criticism of Bush and Folger

Criticisms of Bush and Folger's model of transformative mediation address both the theory and practice of mediation. Dealing with the practical first, several critics have disputed Bush and Folger's view that the goal of transformation requires entirely eschewing the problem-solving aspect of mediation. Carrie Menkel-Meadow objects to "the kinds of simplistic taxonomies that academic critics ... love to create that simply do not ring true for many practitioners"[27]. Michael Williams concludes from his own experience that it is possible "for a skilled mediator to discuss the issues, try to find solutions to specific problems, and at the same time try to help his clients toward Transformation"[28] Alison Taylor, writing on neutrality, also suggests that while there are "two distinct ends of the ethical practice of mediation ... *strict neutrality* [and] *expanded neutrality*"[29], "[p]ractitioners are seldom unidimensional, and we need not make forced choices as if there were only two ways of mediating"[30] The extreme position adopted by Bush and Folger against a solution-oriented approach thus appears impractical and even dangerous from the perspective of practicing mediators.

These critics have also expressed alarm at the kinds of third-party interventions transformative mediation appears to require. Whereas Bush and Folger assume the inevitability of mediator participation in the unfolding conflict[31], and attempt to limit the directiveness of the mediator accordingly, some commentators find their suggested interventions just as oppressive as those in 'problem-solving' mediation - or more so. Menkel-Meadow finds Bush and Folger "remarkably judgmental and conclusionary about . . . other models of mediation"[32], although they "have created a model which simply relocates the directiveness of mediators"[33]. And Williams suggest that contractual and ethical principles require that

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[27] Menkel-Meadow C, "The Many Ways of Mediation: The Transformation of Traditions, Ideologies, Paradigms, and Practices." 1995 *Negotiation Journal* 217-242 11(3), pp. 232-233

[28] Williams M, "Can't I Get No Satisfaction? Thoughts on The Promise of Mediation." 1997 15 *Mediation Quarterly*, 150.

[29] Taylor A, "Concepts of Neutrality in Family Mediation: Contexts, Ethics, Influence, and Transformative Process." 1997 14 *Mediation Quarterly*, 226

[30] Ibid, p. 227.

[31] Sara Cobb, among others, agrees, cf. Cobb S, "A Narrative Perspective on Mediation" in Folger JP & Jones TS (eds) *New Directions in Mediation* (1994) London, Sage Publications, p.52

[32] Op. Cit. p.237

[33] Ibid: 238

mediators respect the parties' choice: "if clients seek a practical, down-to-earth agreement on specific issues, we should help them to attain it"[34].

Last among practical considerations is a question of proof: have Bush and Folger adequately demonstrated that transformative mediation works, even within its own terms of reference? Neal Milner answers in the negative, and finds the examples of transformative mediation in The Promise of Mediation unsatisfactory and disappointing[35]. Williams argues that a drive towards transformative mediation by the mediator is self-defeating in that it disempowers the parties[36]. Menkel-Meadow similarly asks how parties can be empowered when no solution to their problems is found[37], and finds it "astonishing" that Bush and Folger suggest that, in her own words, "people are easier to change than situations"[38]

Fewer critics address the theory behind transformative mediation; this is probably partly because the natural focus of practitioners is practice and partly because the goals of empowerment and recognition feature in many kinds of mediation, and the difference is to some extent one of degree. Nevertheless, there are some telling points made even here. Finding fault with the political analysis which underlies Bush and Folger's work, for example, Milner refutes their assertion that a Relational ideology is emergent; rather, he adduces evidence to demonstrate the continued vitality of Individualism[39].

More importantly, both Milner and Menkel-Meadow find Bush and Folger's vision culturally limited. Menkel-Meadow expresses this aptly:

> ... mediation is deeply contextual and, when situated in different environments and institutions, it will perform different social tasks. Bush and Folger attempt a meta-level explanation for mediation that simply will not work. Transformative mediation is a concept that is both vague and, at the same time, presumptuous; it is insensitive to social conditions and - dare I say? - too ethnocentric to reach all mediations.[40]

Milner is more particular about his criticism on this point. He begins by arguing that transformative mediation is as inextricably bound up in the North American mediation culture as the problem-solving approach it opposes[41] He notes, for example, that the mediator is assumed to be a

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[34] Op. Cit. p. 153
[35] Milner N, "Mediation and Political Theory: A Critique of Bush and Folger" *Law & Social Inquiry*, Vol. 21, No. 3 (Summer, 1996), p. 750
[36] Williams, op. cit., p.153; cf. Milner, op. cit., pp. 743-744
[37] Op. cit., p.238
[38] Ibid. p.235.
[39] Op. cit., pp.752-759.
[40] Op. cit., p.236
[41] Op. cit., p.744.

stranger to the parties. This is much less likely in other cultures, he states, where conflict resolution is also "often more fluid, less linear, less directly concerned with staying on point, and more likely to be handled by someone who is familiar to the conflicting parties"[42].

Moreover, Milner suggests that Bush and Folger have overlooked important evidence which would support the transformative vision's claims to universal application, but which would also make explicit its spiritual debt[43]. Intentional or not, it is true that the authors have neglected consideration of "some religiously based arguments for peacemaking that support the idea that joint work on a conflict heightens moral capacities and fosters both a sense of self and a regard for others"[44]. It is to these alternative models of transformative mediation that we now turn.

## Response: Alternative Visions of Transformative Mediation

Notwithstanding criticism of Bush and Folger's particular formulation of transformative mediation, the idea that conflict represents an opportunity for moral growth is popular and pervasive. It is not uncommon to find reference in mediation literature to concepts of empowerment, respect and faith in parties' ability to resolve their disputes[45]. Mediators such as Albie Davis refer to the "'transformative' power of mediation"[46]. Kolb and Kressel name a significant number of prominent mediators among those who "define their work in transformative terms"[47], where this means "empower[ing] community members, further[ing] the goal of citizen participation, and set[ting] standards for responding to the current world challenge of ethnic, tribal, and cultural disputes".[48]

Clearly, Bush and Folger do not have a monopoly on the definition of transformative mediation. We now consider some alternative visions which address some of the criticisms outlined above.

### Mark Umbreit's 'Humanistic' Mediation

Mark Umbreit begins his presentation of 'humanistic' mediation from a premise similar to Bush and Folger's - that mediation can offer something more than mere settlement:

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[42] Ibid: 745
[43] Ibid: 745, 748-749
[44] Ibid: 748
[45] Merry SE, "Albie M. Davis: Community Mediation as Community Organizing" in Kolb DM and Associates (eds) *When Talk Works: Profiles of Mediators* (1994) San Francisco, Jossey-Bass Publishers.pp. 246-247; cf. Forester J, "Lawrence Susskind: Activist Mediation and Public Disputes", in ibid., pp.329-331
[46] Cited in Merry, op cit., p.248
[47] Kolb DM and Kressel K, "The Realities of Making Talk Work" in Kolb DM and Associates (eds) *When Talk Works: Profiles of Mediators* (1994) San Francisco, Jossey-Bass Publishers, p.466
[48] Idem. It is worth noting here that Kolb and Kressel express skepticism about claims about the transformative power of mediation

> Mediation can move toward a higher level of practice which can intentionally and more consistently tap into its transformative and healing powers. These healing powers are intrinsic to the process of mediating conflict between individuals but need to be consciously drawn out and utilized.[49]

Umbreit sees potential in mediation for "a genuine transformative journey of peacemaking that is grounded in compassion, strength, and our common humanity"[50]. Here then is a model whose aspirations to universal application are explicit. Although Umbreit clearly excludes certain kinds of disputes from its ambit, he nevertheless considers the majority of conflicts to be susceptible to a process based on "an opening of the heart through genuine dialogue, empowerment, and a recognition of each party's humanity despite the conflict"[51] Umbreit's approach is distinct in grounding itself in both the insights of Western cultural models of mediation, as well as the "skills and . . . life perspective"[52] of non-Western, indigenous cultures (It is of interest here that Umbreit has been influenced by the New Zealand Family Group Conference model of restorative justice, among other things). He thus avoids the temptation to privilege any one form of mediation practice over another.

Indeed, Umbreit acknowledges a debt to Bush and Folger[53]. While he avoids specifically criticizing their contributions, however, he clearly moves beyond their model to present a less rigid yet practical model of mediation. Like them, he identifies power in the parties and sees value in feelings and emotions[54]. Rather than providing a detailed political framework for his model, he begins from a set of values which are fundamental to humanistic mediation: in fact, these values suggest a rich metaphysical tradition and belief system such as is found in many indigenous societies. They include, for example, a "belief in the connectedness of all things"; in "the desire of most people to live peacefully . . . to draw upon inner reservoirs of strength to overcome adversity . . . [and] to grow through life experiences"; and in "the inherent dignity and self-determination that arise from embracing conflict directly"[55]. Addressing the issue of third-party intervention, Umbreit acknowledges "the importance of the mediator's presence and connectedness with the involved parties". Umbreit thus embraces a "paradigm of healing" that rests on "a profound recognition of the precious gift of human existence, relationships, community, and the deeper spiritual

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[49] "A Humanistic Mediation Model: Moving to a Higher Plane." Internet web page: VOMA Quarterly Conference Review (Fall / Winter 1996)

[50] Umbreit MS, "Humanistic Mediation: A Transformative Journey of Peacemaking." *Mediation Quarterly*, [1997] 14 p. 202

[51] Ibid: 202

[52] Ibid: 202

[53] Ibid: 203

[54] Ibid: 208

[55] Ibid: 204-205

connectedness among all of us in our collective journey through this life, regardless of our many religious, cultural, political, and lifestyle differences"[56]

Flowing from this framework of 'healing', Umbreit suggests a number of practice implications; for the purposes of this essay, it will be necessary to mention only a few of these. Foremost among his suggestions are those which focus on the role of the mediator, and here Umbreit's model reveals its underlying spiritual concerns. He writes, for example, that

> ..[p]rior to initiating contact between people in conflict, the mediator(s) is encouraged to take a few moments of silence, through reflection, meditation, or prayer, to reflect on the deeper meaning of his or her peacemaking work and the needs of the people in conflict.[57]

This process of "centering" should continue throughout the mediation, reminding the mediator of the spiritual connectedness of all people[58]. The mediator concentrates her efforts on helping the parties to "understand and respect their differences and to arrive at a mutually acceptable way to deal with those differences"[59] (Idem), and will deliberately remove herself at times from the dialogue between the parties[60] (Idem). She will moreover take steps to "connect" with the parties. This in turn requires "congruence" on the part of the mediator, which is defined as "a condition of being emotionally honest with yourself in which there is consistency in your words, feelings, body and facial expressions, and your actions"[61]. Such an approach engenders a feeling of trust in the parties, which careful coaching on communication skills as well as a nondirective style of mediation reinforce[62]. Once again, Umbreit suggests that mediation can become a spiritual tool connecting people with themselves, with each other and with their beliefs[63]

## Summing Up: Religion and Transformation

In his critique of Bush and Folger, Neal Milner suggests that certain affinities exist between their work and the mediation practice of a number of religious groups. In particular, he mentions the Quakers and Mennonites as examples of traditions "so strong, so much on point, so thoroughly based on practice, and already so much a part of the secular mediation community . . .

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[56] Umbreit MS and Burns H, "Humanistic Mediation: Peacemaking Grounded in Core Social Work Values", Centre for Restorative Justice and Peacemaking, University of Minnesota, 15 May 2002, p. 3
[57] Umbreit, op. cit, 205-206
[58] Ibid: 206
[59] Idem
[60] Idem
[61] Ibid: 207
[62] Ibid: 208-209
[63] Idem.

that they [deserve] some attention"[64]. The Mennonite Conciliation Service, for example, describes its own activities as nurturing "the transformation of conflicts and the people involved in them by developing and promoting resources, providing referral and direct mediation and consultation services, holding training and educational events, and developing networks"[65] .

While noting that Bush and Folger have unhappily failed to note non-secular transformative mediation practices, Neal Milner suggests that this approach has certain advantages[66] He refers for example to the contentiousness of the religion and morality debate, and infers that they avoid such controversy in order to widen their audience base[67]. Nevertheless, he judges their omission of religiously-based arguments for transformative mediation a serious flaw, and we would have to agree.

On a global scale, moreover, there are even more compelling reasons to take into account religious models of mediation. If we are to take the 'peacemaking' claims of mediation seriously, it should be broadly applicable. Menkel-Meadow is correct in saying that "mediation is deeply contextual and, when situated in different environments and institutions, it will perform different social tasks", and she is right to fault Bush and Folger's model with being too restrictive and ethnocentric[68] Moreover, the religious controversy Milner cites is largely restricted to the American context: other societies, where the state-religion separation is less central to political concerns, would see this is a non-issue. On the contrary, the large majority of the world's peoples continue to regard some form of religion or spirituality as central to their existence. Surely a project such as Umbreit's, which seeks to wed secular concerns with religious beliefs in a common project of 'peacemaking', is worthy of effort. We would only add here that an even broader basis for mediation practices must be sought among all the major religious communities if we are to expect significant transformative effects to follow.

## The Baha'i Concept of Consultation

The Baha'i Faith is one such religious community in which conflict-resolution takes place within a context of individual and social transformation[69]. This practice, known as consultation, aims to address

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[64] Milner, op. cit., p. 749
[65] Mennonite Central Committee, "Mennonite Conciliation Service", *MCC Workbook* 1996, Peace and Justice.
[66] Milner, op.cit., p.748.
[67] Ibid: 749
[68] Menkel-Meadow, op. cit., p. 236
[69] "The Bahá'í community, comprising members of the Bahá'í Faith from all over the globe, now numbers some five million souls. They represent 2,112 ethnic and tribal groups and live in over 116,000 localities in 188 independent countries and 45 dependent territories or overseas departments. What was once regarded by some as an obscure, tiny sect is now recognized by the Encyclopedia Britannica as the second-most widely spread independent religion in the world, after Christianity." http://info.bahai.org/article-1-6-0-1.html [Last accessed March 25 2007]

conflicting perspectives within a framework of spiritual transformation. The fundamental principles of consultation were established by Baha'u'llah, the Prophet-Founder of the Baha'i Faith (1917-1892), and have since been elaborated, interpreted and elucidated by his eldest son `Abdu'l-Baha (1844-1921), his great-grandson Shoghi Effendi (1897-1957), and the Universal House of Justice, the Supreme Baha'i Institution (first elected 1963). The following description of consultation has been primarily drawn from these authoritative sources, although numerous references to the subject can be found in Baha'i literature of a secondary nature.[70]

## A Programme for Transformation

According to Baha'u'llah, the fundamental purpose of every Revelation from God has been "to effect a transformation in the whole character of mankind, a transformation that shall manifest itself both outwardly and inwardly, that shall affect both its inner life and external conditions"[71] Fundamental to Baha'u'llah's programme for the transformation of both individuals and societies is the recognition of the oneness of humanity - an acceptance of the principle of unity in diversity. While this principle implies, among other things, the unity of all races and peoples, the equality and complementarity of the sexes, and the abolition of all prejudices, Shoghi Effendi explains its deeper implications: "It implies an organic change in the structure of present-day society, a change such as the world has not yet experienced. . . It represents the consummation of human evolution. . ."[72]

The evolutionary transformation of individuals is inseparably related to that of society. The Baha'i teachings state that the human beings are fundamentally spiritual, but that this spirituality emerges as a result of effort and education. Baha'u'llah thus states: "Regard man as a mine rich in gems of inestimable value. Education can, alone, cause it to reveal its treasures"[73] If these 'treasures' are virtuous conduct and deeds, it is clear that such

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[70] See, for example, in the context of Baha'i family life (Jordan DC *et al*, *Marriage: A Fortress for Well-Being* (1988) Wilmette, Baha'i Publishing Trust, pp. 67-70), peace (Huddleston JS, *Achieving Peace by the Year 2000: A Twelve Point Proposal* (1988) London, Oneworld Publications, pp.75-76), world order (Bramson-Lerche L, "An Analysis of the Baha'i World Order Model" in Lerche C (ed) *Emergence: Dimensions of a New World Order* (1991) London, Baha'i Publishing Trust, pp. 41-43), social and economic development (Vick HH, *Social and Economic Development: A Baha'i Approach* (1989) Oxford, George Ronald, pp. 49-60) or psychology (Danesh H, *Unity: The Creative Foundation of Peace* (1986) Ottawa, Baha'i Studies Publications pp.116-118); or in general introductions to the Baha'i teachings (Momen M, *A Short Introduction to the Baha'i Faith* (1997) Oxford, Oneworld Publications, p.78; Esslemont JE, *Baha'u'llah and the New Era* (rev. 4th ed., 1974) London, Baha'i Publishing Trust, p.171; Huddleston J, *The Earth is But One Country* (2nd ed., 1980) London, Baha'i Publishing Trust, pp.. 99-102); or more generally, a compilation of extracts from the Baha'i writings on consultation has been published (The Universal House of Justice, "Consultation: A Compilation" in *The Compilation of Compilations Vol.1* (1991) Baha'i Publications Australia); as well as at least one major study of the subject (Kolstoe JE, *Consultation A Universal Lamp of Guidance* (1985) Oxford, George Ronald).
[71] Bahá'u'lláh, *The Book of Certitude,* 3d. ed. (Wilmette: Bahá'í Publishing Trust, 1982), pp. 240-241
[72] Shoghi Effendi, *Baha'i Administration: Selected Messages 1922-1932* (7th ed, 1974) Wilmette, Baha'i Publishing Trust, p..43.
[73] Baha'u'llah, Tablets of Baha'u'lah Revealed After the Kitab-i-Aqdas (1978) Wilmette, Baha'i Publishing Trust, p. 162)

education must take place in the real world of interaction in society. Therefore[74],

> Spirituality [is] a state, an inner condition, that should manifest itself in action, in everyday choices, in profound understanding human nature and in meaningful contributions to community life and society. . . every act [is] a means for the clarification and application of spiritual principles.

The Baha'i writings therefore supply principles which address both the individual and social reality of humanity, each of which is inextricably tied up in the development of the other. Moreover, a process of growth is conceived in which the Baha'i writings illuminate and in turn are illuminated by the experiences of the Baha'i commmunity: "many of the theoretical and practical tasks are left to be accomplished by the growing Baha'i community through a global and constant process of consultation and scholarly inquiry into social reality"[75]

These two processes of transformation - at micro and macro levels - meet in the practice of consultation.

## Consultation in Theory:Application and Purpose

The Baha'i writings on consultation emphasize its universal application. Whether in the work of Baha'i administration[76], commerce[77], family affairs[78], or purely personal matters[79], consultation is regarded as a "lamp of guidance which leadeth the way"[80]. Indeed, Shoghi Effendi called "the spirit of frank and loving consultation" the "keynote" of the Baha'i Faith[81] and the "bedrock of this unique Order"[82]. It is significant to note here that the Baha'i Faith has no clergy, and that the administration of its affairs is entirely conducted by elected councils at the local, national and international level. In this system, authority is thus vested solely in consultative bodies and individuals have no decision-making power.

The purpose of consultation is variously expressed as being the investigation of truth[83], to achieve "insight into things"[84] and to produce "the tranquillity and felicity of the people"[85]. Thus, although "right

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[74] Arbab F, *Lectures on Baha'i-Inspired Curricula* (1994) Florida, Palabra Publications, pp. 49-50
[75] Arbab F, "The Process of Social Transformation" in Eyford G (ed) *The Baha'i Faith and Marxism: Proceedings of a Conference held in January 1986* (1987) Ottawa, Association for Baha'i Studies, p. 11
[76] Shoghi Effendi in Universal House of Justice, op. cit., pp. 101-102
[77] `Abdu'l-Bahá, in ibid, pp.96-97
[78] Ibid, p.98
[79] Ibid, p.96
[80] Baha'u'llah in ibid, p.93
[81] Ibid, p. 101
[82] Ibid, p.103
[83] `Abdu'l-Bahá, in ibid, p.99
[84] Ibid., p.97
[85] Ibid., p. 96

solution[s]" are a clearly envisaged outcome of consultation[86], agreement is more important to the process than correctness[87]. Equal to, or perhaps more important than, its problem-solving function, consultation is praised for bestowing "greater awareness"[88], and producing "good and well-being"[89]; through consultation the "maturity of the gift of understanding is made manifest"[90].

**Procedure of Consultation**

As in both Umbreit's and Bush and Folger's models of mediation, the succesful practice of Baha'i consultation presupposes certain attitudes and beliefs. In particular, the Baha'i writings emphasize that the parties to consultation must make efforts to detach themselves from predetermined outcomes. The act of consultation is itself sacred and sanctified; by preparing for it through prayer and through concentrating their efforts to manifest spiritual qualities, dialogue is facilitated and confirmations from the spiritual realm are promised:

> The prime requisites for them that take counsel together are purity of motive, radiance of spirit, detachment from all else save God, attraction to His Divine Fragrances, humility. . . amongst His loved ones, patience and long-suffering. . . and servitude. . . Should they be graciously aided to acquire these attributes, victory from the unseen Kingdom of Baha [glory] shall be vouchsafed to them.[91]

An important aspect of consultation is the emphasis placed on the decision-making power of the collective or group. The group should welcome the views of all, including "the most lowly, untutored and inexperienced"[92]. Individuals are encouraged to express their opinions openly "without being afraid of displeasing or alienating"[93] anyone; differing viewpoints are encouraged, since "[t]hrough the clash of personal opinions. . . the spark of truth is often ignited"[94]. But this frankness must be tempered with "the utmost devotion, courtesy, dignity, care and moderation"[95]. Moreover, each should offer her opinion to the group as a gift, and "not insist. . . for stubbornness and persistence in one's views will lead ultimately to discord and wrangling and the truth will remain hidden"[96]. Thus the parties in consultation are called upon to focus on the issues, and not on personalities.

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[86] Ibid., p. 98
[87] Ibid., p. 96
[88] Bahá'u'lláh, in ibid, p.93
[89] Idem
[90] Idem
[91] 'Abdu'l-Bahá, *Selections from the Writings of 'Abdu'l-Bahá,* (1978) Haifa, Baha'i World Centre, p.87
[92] Shoghi Effendi in Universal House of Justice, op. cit., p.102
[93] Ibid., p.104
[94] Idem
[95] 'Abdu'l-Bahá, in ibid. p.95
[96] Idem

In certain kinds of consultation, a decision may be reached by vote, and unanimity is preferred, though not essential. The practice of Baha'i consultation therefore nurtures a new social outlook which emphasizes unity - albeit while preserving a diversity of viewpoints, opinions and approaches.

Consultation likewise affects individuals in a transformative manner. The Baha'i writings acknowledge the numerous complications and difficulties in frank consultation that arise out of the need to:

> …"reconcile the principles of mercy and justice, of freedom and submission, of the sanctity of the right of the individual and of self-surrender, of vigilance, discretion and prudence on the one hand and fellowship, candour and courage on the other."[97]

In a way, these are the real dilemmas facing every individual involved in conflict. The process of consultation thus requires a constant examination of one's motives and conscious adjustment of one's behaviour in conformity with principle. Whereas most models of mediation envisage the intervention of a third party, consultation assumes that each party is engaged in a personal process of reflection and self-examination in light of the Baha'i writings. Over time, this endeavour will gradually induce a spiritual transformation of character.

Finally, the Baha'i concept of consultation recognizes that a perfect decision may not be a practical possibility in every case[98], and that the act of consultation is not separable from the context of relationships and society as a whole. Therefore, the form of each consultation, the parties concerned, and the advice of experts are all matters in respect of which "rigidity should be avoided"[99].

## Consultation in Practice

To understand how consultation might apply to real situations, we take as an example from Columbia an initially small Baha'i community which experienced rapid and sudden growth in numbers in the 1970s. The authors of a study of this development write that reactions to the growth were mixed. Whereas some Baha'is were exhilarated by the sudden growth and wanted to 'push on', others felt that the expansion should be put on hold indefinitely until the new believers had been consolidated. There thus existed conflicting views of which the Baha'i principle of unity required a resolution. Nevertheless, the authors of the study do not indicate a pre-determined 'right' or 'wrong' answer: rather, they indicate that the solution was left to be 'discovered' through consultation:

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[97] Shoghi Effendi in ibid, p.101
[98] `Abdu'l-Baha, in ibid., p.96
[99] Universal House of Justice, in ibid., p. 109

Regular meetings of consultation were called to explore the diverse elements of a more unified vision of teaching. Every effort was made to prevent these consultations from being reduced to mere expression of differing opinions and tiring analysis of abstractions. The community was constantly reminded that it was viewing the very complex process of the growth of the Faith in an entire country, and that any one of them would only be able to see a few aspects of this process the lens of their own understanding and experience. But limited understanding could not persist in the form of personal opinions once the process had been viewed through different lenses; sooner or later, a new and more complete vision, to be shared by all, had to be formulated and adopted.[100]

Interpreted, this passage suggests that the process of consultation enabled all parties to transcend their individual perspectives; not one of the viewpoints was complete and correct. There is evidence here of effort to move beyond empty debate; of acknowledgment of the importance of bringing different understandings and experiences to shed light on the matter; and of the ultimate goal of achieving a new, more holistic vision. The authors suggest that: "As the believers in Columbia matured in their ability to consult, they began to advance rapidly towards the unity of thought and vision they so ardently desired"[101].

This narrative of events in Columbia further describes how this process of consultation was continued "in unshakable unity and with a spirit of utmost humility"[102], always aiming at "the objective analysis of possible courses of action and the evaluation of methods and results, all carried out in light of the Writings of the Faith" (Idem). In this manner the community, although consisting of diverse individuals with differing points of view, was able to reach a workable degree of unity on such matters as the role of the Baha'i 'teacher' in the expansion of the Faith[103], the content of the first message that was to be presented[104], and the structure and substance of educational programmes designed to deepen the knowledge of the new Baha'is[105].

Clearly this case-study has not provided analysis the particular 'moves' of third-party interveners, nor suggested practical steps to take in every situation. Indeed, the nature of consultation is such that it is adaptable to diverse situations. The detailing of such specifics would tend to establish a set of standard 'techniques', which would undermine the inherent flexibility of consultation - as well as, according to Umbreit, to 'humanistic'

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[100] Ruhi Institute, *Learning about Growth* (1991) Colombia, Palabra Publications, p.4
[101] Idem
[102] Ibid: 10
[103] ibid: 11-12
[104] Ibid: 15-16
[105] Ibid: 20-29

mediation[106]. Nor does the above narrative suggest that the same process would or does take place in the same way in every community. Clearly, cultural differences in and across individuals, institutions and communities necessitate a 'unity in diversity' of approaches to the application of the principles of consultation.

## Conclusions: Mediating Approaches to Transformation

This essay has surveyed two representative types of transformative mediation which have received some notice in the mediation community. The first - and by far the best-known - of these is the model discussed and advocated by Bush and Folger in their various publications. Central to their work is the idea that transformation of individuals can take place by developing their capacities for recognition and empowerment, and that mediation provides an excellent opportunity for this. Their work has received criticism, however, for its narrowness on two counts: on the one hand, practitioners argue that their model has limited application and disregards too many legitimate goals and practices in mediation; on the other hand, their political theory has been criticized as unsupported at best and culturally biased at worst. Despite this, we support their central intuition that mediation offers more than mere problem-solving.

Mark Umbreit's model of 'humanistic mediation' is less well-known - or less notorious. His important contribution is recognize that there are non-secular forces at play in communication, and especially in the conflict resolution practices of traditional and indigenous societies. His model therefore acknowledges the fundamental connectedness of all people, and assigns a more spiritual role to mediation practice.

Finally, the Baha'i practice of consultation goes one step further in affirming the spiritual realities affecting conflict resolution. Certainly, consultation may be criticized by some as too vague and insubstantial, unsupported by political or social theory and unsuited to, for example, American society, where faith is viewed with suspicion and ethnic and religious differences are highly politicized.

Nevertheless, the Baha'i framework certainly defines a goal for transformation that affirms the connectedness of all people without disregarding the importance of the individual, and which is less vague than others we have considered. Consultation provides a context and framework for the practical application of spiritual principles, and thus encourages the manifestation of virtuous behaviour by individuals and groups. Moreover, it establishes a process based on principle, is therefore not rigid and is widely applied in the Baha'i world. The fact that the same model *is* used in Baha'i communities in over 200 countries indicates this flexibility and may

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[106] Umbreit op.cit., p.202

give pause to consider what insights may be gained from a deeper investigation into its premises and application.

For mediation to remain a vital and expanding field , it will be necessary to conduct much more inquiry into the various extant models of communication that share with it either conceptual or practical affinities. In particular, mediation has often been thought of as a secular practice, and perhaps this is due to the origins of the modern mediation movement in North America in the 1960s and 1970s. Studies into the conflict resolution behaviour of Jewish, Buddhist, Hindu, Islamic and other religious groups would surely shed light on mediation practices. Certainly, a dialogue between all these groups and 'secular' mediation would be mutually illuminating. We hope that by comparing transformative mediation models with Baha'i consultation we have suggested how such a dialogue might begin.