



Introduction from Michael Lang

Guest Editor for 2015 issues

This special issue of the Journal is devoted to a selection of articles from a number of people who presented papers and workshops at the International Conference held at Maynooth University in September, 2014.

The overarching focus of the presentations was expressed in the conference title, *Creative Responses to Conflict through Mediation and Restorative Practice*. The exceptionally diverse mixture of professionals—presenters and participants—represented a wide range of practitioners, researchers and scholars in the field of conflict transformation. Workshops, presentations and lectures highlighted creative approaches being used in helping to manage and resolve seemingly intractable disputes, build sustainable relationships, move conflict intervention into new areas of practice, and promote competent and ethical practice. Presenters offered ideas that ranged from practice skills for family and commercial mediators to the use of music, drama, art and dance to enable those in conflict to gain fresh perspectives in the search for solutions to their disputes; from reports on research projects examining the applicability and benefits of conflict resolution approaches to reflections on the history and future of the field of conflict intervention; from peacemaking and restorative practices to novel uses of conflict intervention strategies in community policing and dealing with environmental disputes.

From this remarkable gathering, the journal editors solicited articles for this Special Issue of the Journal from a number of presenters whose talks and workshop presentations represented the variety of ideas and practices at the conference. As a result, we have this wonderful assortment of articles that illustrates the breadth and depth of the field of conflict intervention, including practitioners, researchers and academics.

I want to highlight an important theme in this issue, one that was not purposefully established, but that, like the conference presentations, reflects the vital nexus among theory, research and practice. These three elements form the foundation of our profession, mutually reinforcing one another through the exchange of ideas, analyses, experiences and information. For some time—and my experience spans four decades—much of the conversation among professionals in the field of conflict intervention (a term that is inclusive of practice and study such as, ADR, conflict resolution, conflict management, peacemaking or restorative practice) has focused on two elements of practice. Much of the writing, and most presentations at professional meetings address either the techniques, strategies and interventions used by practitioners or the growing array of conflict situations in which these approaches have been attempted. Less attention has been given to the other two foundational elements—theory and research. In this Special Issue, we are privileged to include articles that cross the boundaries of the three elements and in this way truly reflect the fullness of our profession. Through their articles, these authors



demonstrate the logical significance and practical relevance of each element to the other. We can understand the critical role of research in validating and confirming certain forms of dispute resolution practice. We see how values, beliefs and theories (ours and those of the parties) fundamentally influence our understanding of conflict and its impact, and in turn shape the methods we employ.

As well, taken as a whole, the collection reflects the breadth of the field of practice including: two party negotiations, multi-party dispute resolution processes, and mediation of environmental, family and workplace conflicts.

Let me briefly introduce the articles.

A question frequently asked is whether mediators should rely on their gut instincts to guide their interventions, or is practice defined by a logical and rational approach?

And, in debates over this question, one topic inevitably emerges: the role of intuition; dividing those convinced of its relevance and those who view intuition as insubstantial, unverifiable and ineffable.

Delma Sweeney provides a compelling basis for viewing intuition as an integral, substantive, reliable and effective part of mediation practice. Her article, *Relational Intuition and Suggested Indicators for Developing Mediator Capacity*, reaches this conclusion through a rigorous and multi- step research process. She explains the nature of intuition, describes its formation, and provides examples of its relevance and efficacy.

Making the case for collaboration between researchers and practitioners in *Workplace Mediation in Ireland: Bridging the Research-Practice Gap*, **Deirdre Curran** presents a clear portrait of the interdependence of these two disciplines. Those who regularly deal with and intervene in workplace conflicts continually collect data and knowledge through their experience, but lack the objectivity and focus to analyze and give meaning to these experiences. Researchers, who have both objectivity and analytical skills lack the rich source of data from actual conflict interventions. Working together, the researcher and the practitioner can produce an analysis that points to best practices, validating some approaches, pointing out limitations or deficiencies with others.

Through her writing and research, **Dale Bagshaw** has chronicled the development of mediation—particularly the impact of Western versions of dispute resolution on indigenous forms of dispute resolution. As well, when Western forms of dispute resolution are imported, often without consideration for the cultural norms and traditions of that country, the result is that local customs, rituals and values are discounted, overshadowed, even disdained. In her keynote address, *Mediation in the World Today: Opportunities and Challenges*, she returned to these themes. In the article based on her speech, she eloquently and forcefully asserts the imperative of cultural relevance in the design and delivery of conflict interventions.

We are treated, in *Cycles of Creativity: The Story of One Mediation Program*, to a fascinating, unique and personal look inside the founding and evolution of one of the first community-based dispute resolution



programs in the US. **Jennifer Beer's** reflections on her experiences with C4R, as it became known, is more than an historical account of the origins and development of this program as it grows, changes, matures, struggles and finds its path. Creativity is expressed not simply in the initial brilliant idea that leads to the creation of the mediation center, but is contained in and nurtures every state of development thereafter. Through the lens of the cycle of creativity, she traces the evolution of the organization.

The notion of self-determination holds a hallowed place among the guiding principles of mediation. What this means in practice is debated continually among practitioners. **Mary Condell** addresses this question, and in particular the mediator's responsibility to assess the parties' capacity to express self-determination in her article, *Capacity to Mediate and the Human Right to Self Determination: The Mediator's Responsibility!* In building the argument that the mediators have a distinct responsibility to protect, she reminds us of the principles expressed in the Universal Declaration of Human Rights—we are "...born free and equal in dignity and rights. ...endowed with reason and conscience..." To honor this, mediators must assess the parties' capacity, and design the mediation process to protect each party's dignity and the opportunity to participate in decisions that affect their lives.

At the heart of every conflict intervention is a process of negotiation, even though the shape and form of the process will look quite different in dealing with a commercial dispute, family conflict, workplace issue, or bringing an end to an armed struggle. **Margaret Considine** believes mediators and other intervenors in conflict situations should understand the principles of negotiation and the techniques generally used by participants. In, *Beyond Winning: Unlocking Entrenched Conflict Using the Principles and Practices of Negotiation in the Mediation Room*, she describes negotiation as a process that involves steps and stages, and explains how this knowledge allows practitioners to be adept and skillful in managing a conflict intervention process.

Few events have affected the citizens of the island of Ireland more profoundly than the Northern Ireland Troubles and the process that led to the Good Friday Agreement, ending armed combat in Northern Ireland. The cessation of hostilities came about through negotiations between the two sides—Loyalists and Republicans. Less well understood is the process of internal negotiations among the factions within the Loyalist camp. In *The Role of Intra-Group Consensus-Building in Disarming Militant Groups in Northern Ireland*, **Dr. Benedetta Berti, Ariel Heifetz Knobel, and Rev.**

Dr. Gary Mason, describe the internal dynamics among these factions and the consensus-building process that allowed them to coalesce around a set of principles and agreements. The story of this multi-party, multi-layered process contains lessons for conflict intervenors dealing with all manner of disputes.

As mediation is more widely recognized accepted and utilized, mediators and disputants test the limits of its applicability. Beginning with family conflicts, then extending to commercial and civil disputes, mediation has proven to be a reliable, effective and responsive approach to managing and resolving conflict. One arena in which mediation has not been fully incorporated is the range of environmental disputes. From disagreements over the siting of developments to boundary disputes between neighbors, such conflicts can, if not well managed, be disruptive forces in a community. In *Environmental Conflict: Is*



Mediation the Answer?, **John Deaton** explains how planning disputes have been handled, often poorly and with calamitous results. He then describes examples in which mediation has successfully helped to resolve conflicts resulting in reduced costs, provided more acceptable and innovative solutions and avoid damage to the fabric of the community.

Individually, these eight articles are brilliant and insightful, inspiring and informative, creative and forward-looking. Taken together, they represent the three elements of our profession: practice theory and research. And, like these articles that standing alone are profoundly interesting and useful, each of these three elements is significant and relevant on its own. Combined, however, they become a powerful and firm foundation for our field. Read each for its brilliant contribution to our learning. Consider them together, and you will understand how each of the three elements reinforce, invigorate, and resonate with one another.

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Michael D. Lang has been a mediator, trainer, and conflict management consultant for more than 35 years. As a mediator, he has provided services in the areas of workplace, organizational, divorce and family, congregational and public policy disputes. As an educator, Professor Lang has developed and presented mediation skills and practice training courses for court systems, government agencies, mediation centers, and professional associations. He has been a featured speaker at professional meetings throughout, Australia, Canada, Ireland, Trinidad and Tobago, the UK, and the U.S. As well, he has held a number of academic positions including as the founding Director of the Master of Arts Program in Conflict Resolution at Antioch University, and been a visiting faculty member at a number of universities and law schools. Active in professional activities, he has served on the boards of directors of local, regional, state and national professional organizations in the field of conflict resolution. He is a former president of the Academy of Family Mediators and served as a member of its board of directors. Professor Lang served as Editor-in-Chief of Mediation Quarterly (now Conflict Resolution Quarterly) from 1995-2001, and as a member of its editorial board from 1988-2007. He has authored numerous articles on mediation practice and is co-author of The Making of a Mediator: Developing Artistry in Practice, published in 2000 by Jossey Bass Publishers.