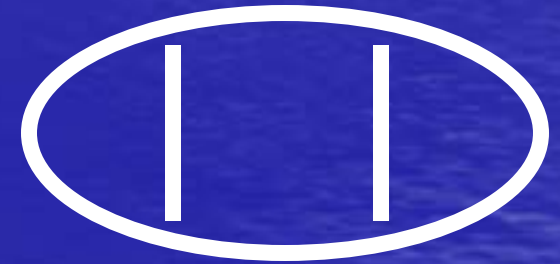
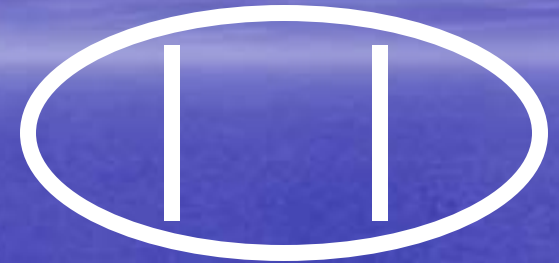


Peacemaking and the Law

Conflict Resolution and Mediation
Theories

Conflict Resolution

Claassen's 4-Way Model



Conflict Resolution

- Fisher, Ury & Goldberg
 - Power
 - Rights
 - Interests

Conflict Resolution

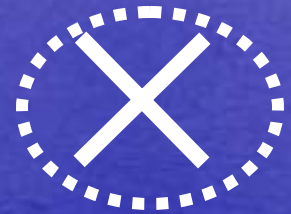
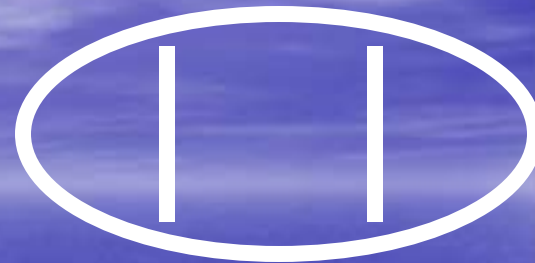
The Legal System



- Adversarial
- Formalized processes
- Requires professional representation
- Does not address all conflict goals
- Resolution by decision, not agreement

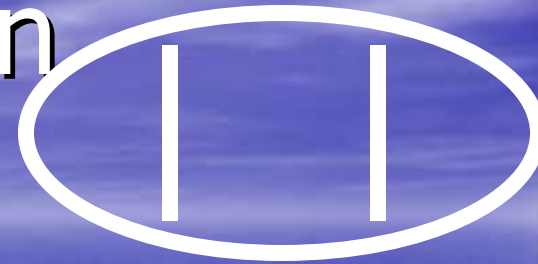
Conflict Resolution

Evaluative Mediation



- Facilitated negotiation
- Controlled by attorneys; parties are usually passive
- Mediator seeks concessions by devil's advocacy
- Does usually not address conflict dynamics

Conflict Resolution

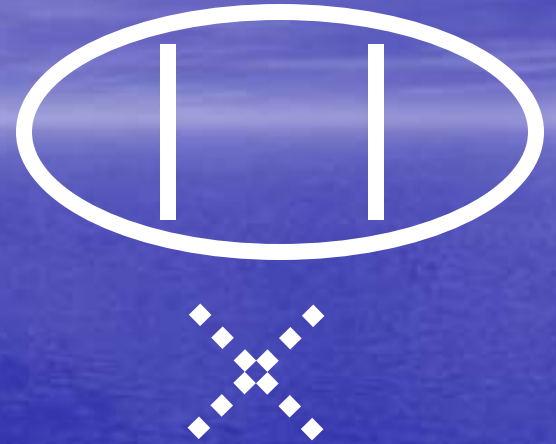


- *Transformative Mediation*

- Self reliance and self determination
- Acknowledgment of other perspectives
- Expression of concern for another, despite disagreement or diversity
- Individuals are allowed to reach into themselves and reach out to others.
- Human capacity for concern of others is realized.



Conflict Resolution



- Facilitative Mediation
 - Mediator is solely interested in process
 - Mediator professes no substantive knowledge
 - Mediator offers no opinions or solutions

Conflict Resolution

- *Process Choice*
 - *Transformative*
 - *Evaluative*
 - *Facilitative*

Conflict Resolution

- *Theory of Mediation*
 - The nature of the conflict dictates the mediation process to be used and the conflict's likely outcome.

Conflict Resolution

- *Theory of Mediation*
 - Theorem No. 1
 - As long as the conflict remains centered on content goals and has not escalated, evaluative mediation will tend to work.
 - Corollary: Evaluative mediation is not efficient or effective at high levels of conflict or when identity or relationship goals are in play.

Conflict Resolution

- *Theory of Mediation*

- Theorem No. 2
- As long as the conflict remains centered on identity or relationship goals or has escalated, transformative or facilitative processes are effective and efficient.
- Corollary: Transformative and facilitative processes are not efficient or effective at low levels of escalation or when content goals are solely in play (e.g. pure distributive bargaining situations)

Conflict Resolution

- *Theory of Mediation*

- Theorem No. 3
- Parties will be satisfied with their outcomes based on the nature of their conflict.
- Corollary No. 1: Outcomes based on settlements or mutual agreements will be satisfactory when the conflict is not escalated and is not driven by relationship or identity.
- Corollary No. 2: Outcomes based on transformative principles will be satisfactory when the conflict is escalated and is driven by relationship or identity goals.
- Corollary No. 3: Outcomes based on reconciliation will be satisfactory when the conflict is primarily driven by relationship and identity goals.