

Conflict 636

THIRD PARTY ROLES, RESOURCES, AND ETHICS

Semester: Fall 1995

Class Time: Wednesday 7:20-10:00 p.m.

Location: Thompson 211

Instructor: Juliana E. Birkhoff

COURSE DESCRIPTION

An analysis and critique of the nature and purposes of third party behaviour in conflicts. The course will be interactive, combining lectures, discussions, and short exercises.

COURSE GOALS

There are two different sets of goals for this class. The first set of goals is substantive. The course uses contrasting theoretical perspectives and case histories to understand:

1. the various means of constructing and deconstructing the role of the third party;
2. the interactional relationship between the third party, the forum, and the conflict;
3. ethical issues in third party activities;
4. issues in evaluating third party activity.

The second goal is to give students opportunities to develop critical thinking and writing skills. Throughout the class we will focus on how to:

1. uncover unstated assumptions;
2. find relationships and see patterns;
3. organize and classify information;
4. make meaning and draw conclusions from a wide variety of information;
5. evaluate (creatively, reflectively and critically) various analytical frameworks, models and theories;
6. in writing, clearly communicate your evaluations, criticisms and analyses.

COURSE REQUIREMENTS

1. Students should attend regularly, read assignments before class, and participate in class discussion and exercises. (10%)

Institute for Conflict Analysis and Resolution, George Mason University, Fairfax, VA
Syllabus for CONF 636 - Third Party Roles, Resources and Ethics

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2. Three short, analytical critiques of readings and class sessions are due in class on October 12, November 2, and November 16 . **These are not logs, journals or opinion pieces.** The papers should reflect careful consideration of analytical frameworks, critical issues from class or analyses of issues raised in class or your reading. (2,150 -2,500 words) (15% each)

3. A proposal (800-850 words) for the final paper is due on October 19.

4. The final paper must offer an analysis of the role of the third party or parties in a particular dispute in light of the frameworks developed in this course. The paper should include:

a) A data-based description of the conflict, this could be based on original data collection or on library research;

b) A description of the third party's characteristics, entry, relationship to the parties, formal and informal roles, intervention moves, and disengagement, and;

c) A discussion of the ethical implications.

Due December 14, by 6:00 p.m. in instructor's hands or ICAR mail box. For every hour after 6:00 pm that the paper is late the instructor will deduct 1 point from the final grade. **Incomplete grades will not be granted except in cases of serious personal or immediate family illness.** (7,000 - 7,500 words) (45%)

EXPECTATIONS

As is the case with all ICAR courses, attendance at class sessions is required and excessive absence may result in you're failing. Please consult with the class instructor in the event of your having to be absent from the class more than once.

There is a great deal of reading for this course. This is required, keeping up with reading assignments is a must for discussion. Students should come to class prepared to discuss the reading, which means being prepared to question the authors, the instructor and each other.

Graduate level writing skills are expected from all students. Written assignments (critiques and final papers) should be typed (double spaced, 1 inch margins top, bottom, sides, 10 or 12 point type). Written assignments should use appropriate sub-headings, clear references, and notes on sources (footnotes or citations). Pick a style from a style manual and stick to it.

REQUIRED READINGS

Kolb, Deborah M, ed.; When Talk Works: Profiles of Mediators [San Francisco, CA, Jossey Bass Publishers, 1994]

ARTICLES ON RESERVE IN FENWICK LIBRARY:

"Section I: Ethical Standards of Professional Conduct for Members of the Society of Professionals in Dispute Resolution", Society of Professionals in Dispute Resolution, Washington, D.C.

"Ensuring Competence and Quality in Dispute Resolution Practice", Report No. 2 of the SPIDR Commission on Qualifications, Society of Professionals in Dispute Resolution, Washington, DC, 1995.

Adler, Peter, Lovaas, Karen and Milner, Neil; "The Ideologies of Mediation: The Movement's Own Story" [PCR Working Paper, 1987]

Bercovitch, Jacob; "The Nature of Conflict" in Social Conflicts and Third Parties: Strategies of Conflict Resolution [Westview Press, 1984]

Cobb, Sara; "Empowerment and Mediation: A Narrative Perspective" in Negotiation Journal, Vol. 9, No. 3, pp. 203-288

Cobb, Sara and Rifkin, Janet; "Practice and Paradox: Deconstructing Neutrality in Mediation" in Law and Social Inquiry [American Bar Foundation, 1991]

Fisher, Ronald J. and Keashly, Loreleigh., "The Potential Complementarity of Mediation and Consultation within a Contingency Model of Third Party Intervention" in Journal of Peace Research, Vol. 28, No. 1, 1991 pp.29-42

Honeyman, Christopher; "On Evaluating Mediator's in Negotiation Journal, January 1990

Honoroff, Brad, Matz, David, and O'Connor, David; "Putting Mediation Skills to the Test" in Negotiation Journal 6, 1, January 1990, pp. 37-46.

Keashly, Loreleigh and Fisher, Ronald J.; "Toward a Taxonomy of Third Party Intervention in Intergroup Conflict: A comparative Review of Mediation and Consultation" [Dept. of Psychology, University of Saskatchewan]

Kolb, Deborah and Rubin, Jeffrey Z.; "Mediation Through a Disciplinary Kaleidoscope" in DR Forum, October 1989

Laue, James, Burde, Sharon, Potapchuk, William and Salkoff, Miranda; "Getting to the Table: Three Paths" in Mediation Quarterly, No. 20 [San Francisco: Jossey-Bass, Summer 1988]

Laue, James and Cormick, Gerald; "The Ethics of Intervention in Community Disputes" in The Ethics of Social Intervention [Washington, DC: Halsted Press, 1978]

Luban, David; "The Quality of Justice" [University of Maryland, Center for Philosophy and Public Policy, June 1988]

Mather, Lynn and Yngvesson, Barbara; "language, Audience, and the Transformation of Disputes" in Law & Society Review, Vol. 15, No. 3-4 (1980-81)

Missouri Journal of Dispute Resolution, Volume 94, #1, 1994.

Mitchell, Christopher; "The Processes and Stages of Mediation: Two Sudanese Cases" in Making War and Waging Peace: Foreign Intervention in Africa, 1993, United States Institute for Peace Press, Washington, DC

Negotiation Journal, Volume 9, #4, 1993.

Potapchuk, William and Carlson, Christine, "Using Conflict Analysis to Determine Intervention Techniques" in Mediation Quarterly, No. 16 [San Francisco: Jossey-Bass, 1987]

Potapchuk, William R.; The Third Party Role: A Comparative Examination of Burton, Curle and Laue, 1990

Sheppard, Blair H.; "Third Party Conflict Intervention: A Procedural Framework" in Research in Organizational Behavior, Vol. 6, [JAI Press, 1984] pp. 141-190

Silbey, Susan S.; "Mediation Mythology" in Negotiation Journal, October 1993

Silbey, Susan and Engle-Merry, Sally; "Mediator Settlement Strategies" in Law & Policy, Vol. 8, No. 1, January 1986

Stulberg, Joseph B.; "The Theory and Practice of Mediation: A Reply to Professor Susskind" in Vermont Law Review, Vol. 6, No. 1, Spring 1981

Susskind, Lawrence; "Environmental Mediation and the Accountability Problem" in Vermont Law Review, Vol. 6, No. 1, Spring 1981

Wall, J.A. and A. Lynn; "Mediation: A Current Review", Journal of Conflict Resolution, Vol. 37, No. 1, March 1993, pp. 160- 194.

Wehr, Paul and Lederach, John Paul; "Mediating Conflict in Central America" in Journal of Peace Research, Vol. 28, No. 1, 1991, pp. 85-98

Williams, Preston N.; "Comments On 'The Ethics of Intervention in Community Disputes'" in The Ethics of Social Intervention [Washington, DC: Halsted Press, 1978]

COURSE SYLLABUS

WEEK 1 Introductions, Expectations, Syllabus Review and viewing of videos of third parties in action.
8/30

WEEK 2 What is Intervention?
9/6

READ: Laue, J. and Cormick, G.; "The Ethics of Intervention in Community Disputes" in The Ethics of Social Intervention [Washington, DC: Halsted Press, 1978]
Williams, P.N.; "Comments On 'The Ethics of Intervention in Community Disputes' " in The Ethics of Social Intervention [Washington, DC: Halsted Press, 1978]
Mather, L. and Yngvesson, B.; "Language, Audience, and the Transformation of Disputes" in Law & Society Review, Vol. 15, No. 3-4 (1980-81)
Bercovitch, J.; "The Nature of Conflict" in Social Conflicts and Third Parties: Strategies of Conflict Resolution [Westview Press, 1984]

WEEK 3 What Does a Third Party Do? Part I
9/13

READ: Silbey, S. and Engle-Merry, S.; "Mediator Settlement Strategies" in Law & Policy, Vol. 8, No. 1, January 1986
When Talk Works, pp. 1- 104

WEEK 4 What Does a Third Party Do? Part II
9/20

READ: Susskind, L.; "Environmental Mediation and the Accountability Problem" in Vermont Law Review, 6, 1, Spring 1981, pp. 1-47
Stulberg, J. B.; "The Theory and Practice of Mediation: A Reply to Professor Susskind" in Vermont Law Review, 7,1, Spring 1982, pp. 85-117
When Talk Works, pp. 105-148

WEEK 5 What Does a Third Party Do? Part III
9/27

READ: Wehr, P. and Lederach, J. P.; "Mediating Conflict in Central America" in Journal of Peace Research, 28, 1, 1991, pp. 85-98
Mitchell, C.; "The Processes and Stages of Mediation: Two Sudanese Cases" in Making War and Waging Peace: Foreign Intervention in Africa, 1993, United States Institute for Peace Press, Washington, DC
When Talk Works, pp. 191-244, 395-426

WEEK 6 A Taxonomy of Third Party Roles
10/4

READ: Keashly, L. and Fisher, R.J.; "Toward a Taxonomy of Third Party Intervention in Intergroup Conflict: A Comparative Review of Mediation and Consultation", mimeo
Potapchuk, W.R.; Third Party Role: A Comparative Examination of Burton. Curle. and Laue, mimeo
When Talk Works, pp. 427-458

WEEK 7 Building Our Own Taxonomy
10/11

READ: Kolb, D.M. and Rubin, J.Z.; "Mediation Through a Disciplinary Kaleidoscope: A Summary of Empirical Research" in Forum, October 1989, pp. 3-8.
Wall, J.A. and A. Lynn; "Mediation: A Current Review", Journal of Conflict Resolution, Vol. 37, No. 1, March 1993, pp. 160-194.

First Critical Paper Due

WEEK 8 Discourse and the Third Party: Video Politics of Discourse in Mediation, Dr. Cobb Lecture on Neutrality at Harvard University

10/18

READ: Cobb, S.; "Empowerment and Mediation: A Narrative Perspective" in Negotiation Journal, Vol. 9, No. 3, pp. 203-288
Cobb, S. and Rifkin, J.; "Practice and Paradox: Deconstructing Neutrality in Mediation" in Law and Social Inquiry [American Bar Foundation, 1991]

WEEK 9 Ideology and Outcome Orientation in the Construction of Third Party Role

10/25

READ: Adler, P., Lovaas, K., and Milner, N.; The Ideologies of Mediation: The Movement's Own Story [Manoa: University of Hawaii, Program on Conflict Resolution]
Silbey, Susan S.; "Mediation Mythology" in Negotiation Journal, October 1993
When Talk Works, pp. 245-278, 359-374

WEEK 10 Ethical Issues

11/1

READ: SPIDR Ethical Standards
Luban, D.; The Quality of Justice [Madison, WI: University of Wisconsin Dispute Processing Research Program, June 1988]
Missouri Journal of Dispute Resolution, Volume 94, #1, 1994.

Second Critical Paper Due

WEEK 11 Qualifications and Evaluating Quality

11/8

READ: Honeyman, C.; "On Evaluating Mediators" in Negotiation Journal, 6, 1, January 1990, pp. 23-36
Honoroff, B., Matz, D., and O'Connor, D.; "Putting Mediation Skills to the Test" in Negotiation Journal 6, 1, January 1990, pp. 37-46.
Negotiation Journal, Volume 9, #4, 1993.
"Ensuring Competence and Quality in Dispute Resolution Practice", Report No. 2 of the SPIDR Commission on Qualifications, Society of Professionals in Dispute Resolution, Washington, DC, 1995.

WEEK 12 Third Party Role in Forum Construction

11/15

READ: Laue, J.H., Burde, S., Potapchuk, W., and Salkoff, M.; "Getting to the Table; Three Paths" in Mediation Quarterly, 20, Summer 1988, pp. 7-21
Potapchuk, W.R. "Getting to the Table in Public Disputes" (Excerpt from a training manual) When Talk Works, pp. 309-358, 375-394

Third Critical Paper Due

WEEK 13 No Class
11/22

WEEK 14 Contingency Theory in Third Party Activity
11/29

READ: Sheppard, B.H.; Third Party Conflict Intervention: A Procedural Framework" in Research in Organizational Behavior, 6, pp. 141-190
Potapchuk, W.R. and Carlson, C.; "Using Conflict Analysis to Determine Intervention Techniques," in Mediation Quarterly, 16, Summer 1987, pp. 31-43
Fisher, R.J. and Keashly, L.; "The Potential Complementarity of Mediation and Consultation Within a Contingency Model of Third Party Intervention" in Journal of Peace Research, 28, 1 1991, pp. 29-42

WEEK 15 Guest Speaker
12/6

READ: Making Talk Work, pp. 459-494

WEEK 16
12/14 EXAM WEEK - NO CLASS: FINAL PAPER IN LIEU OF EXAM, DUE AT 6:00 PM