

ROBERT A. BARUCH BUSH AND JOSEPH P. FOLGER
THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT
THROUGH EMPOWERMENT AND RECOGNITION
San Francisco: Jossey-Bass, 1994

Reviewed by Kimberlee K. Kovach

As mediation has continued to gain popularity, the descriptions of the process have exponentially increased. The diverse and varied methods of approach to mediation cause us to ask the question, "What is mediation?" In *THE PROMISE OF MEDIATION*, Bush and Folger answer the question in such a way that drives to the very heart and purpose of mediation—to help people in dispute.

With the relatively recent emphasis placed on mediation by the legal community and the attendant manipulation of the process by lawyers and judges, *THE PROMISE OF MEDIATION* once again brings to the forefront the mediation process in terms of its potential to provide individuals assistance to move beyond the conflict they are involved in. During this time of mediation metamorphosis, Bush and Folger force us to consider another direction. The book's primary premise is that the current emphasis on mediation as a process to reduce conflict or solve problems is misplaced. Rather, the authors argue in detail, the real goal of mediation is to provide individuals in conflict the opportunity for transformation, through empowerment and recognition.

The authors begin by providing a rather provocative historical perspective of the mediation movement, which focuses on other theoretical views of the process. They first describe what they have determined to be the most common view, the problem-solving or satisfaction story of mediation. They conclude that while a problem-solving approach is beneficial, it may leave opportunities unfulfilled since mediation can provide more than problem solving. The authors, however, have misplaced criticism on the satisfaction story, overlooking another view of mediation, the settlement story. Bush and Folger fail to address the development of mediation use to settle lawsuits, broker settlements, and move court dockets, all of which occur without regard to satisfaction. The problem-solving approach often includes empowerment and recognition as key components, which the authors reluctantly admit in the final chapter. The second view of mediation discussed is the social justice view, where mediation serves to assist community organization by providing the means of focus and communication. Another view, perhaps the dark side of mediation, is the oppression story. While having minimal support, the focus is on how mediation, without procedural safeguards, can harm the parties, particularly those perceived as less powerful.

Acknowledging that the problem-solving method is, in fact, the dominant method, the authors espouse a new theory, or perhaps an adaptation of mediation, claiming that the elements of empowerment and recognition are the cornerstones of the process. The underlying basis for the transformational approach is a recognition of conflict as an opportunity to achieve the highest level of compassionate strength. The problem-solving view of mediation, which has an individualistic focus, is contrasted with the transformational approach and a relational orientation.

Bush and Folger, both of whom have extensive experience in the field, are able to bring to life the theories they espouse by providing a number of concrete examples for the reader. The authors demonstrate for the reader specific opportunities for use of the transformational approach, by including a number of mediation transcripts. Also included are practical illustrations which address common pitfalls encountered in implementing the transformational approach. The authors also make recommendations for teaching and training mediators from a transformational perspective.

I am philosophically aligned with the majority of the transformational approach and, therefore, am very pleased with this work which challenges many of the assumptions and definitions of mediation provided by those within our legal system. However, as a teacher and practitioner with over seventeen years in the field, I am forced to wonder if the parties are capable of understanding or have any interest in empowerment or transformation. While the authors briefly address this issue, much more analysis on this aspect is needed.

In summary, in *THE PROMISE OF MEDIATION*, Bush and Folger provide an extremely interesting approach to the mediations process for both the individual who is first introduced to mediation from a purist or traditional model, as well as those individuals who have come from a legal background. If an intent of this work is to provoke discussion about the potential of the mediation process, that goal no doubt has been reached. *THE PROMISE OF MEDIATION* is an important work which should be read and considered by anyone involved in the everchanging practice of mediation. No doubt the dialogue that this work has stimulated will continue.