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Discovering Our Field in Our Stories

By Howard Gadlin and Nancy A. Welsh



It's the people who make a field.

This book draws on the thought-provoking, diverse, delightful, sometimes painful, and ultimately beautiful personal histories of some of the thinkers, inventors, influencers, reformers, disrupters, and transformers who have created—and continue to create—the field of conflict resolution. The authors of the essays in this book play a variety of roles: mediator, facilitator, arbitrator, ombuds, academic, system designer, entrepreneur, leader of public or private conflict resolution organization, researcher, advocate for conflict resolution, critic of conflict resolution. They represent the various waves of people who have populated our field, the founders, the institutionalizers, and the leaders of change.

In his chapter, Peter Adler writes, “Stories are ancient and enduring avenues of human exchange and one of the ways we make discoveries. Stories create hypotheses, explain things, and sometimes connect us to each other and older enduring narratives.” And so it is with the histories in this book. The narratives of our contributors allow us to understand the conflict resolution field’s real, on-the-ground reason for being, the beating heart underlying its principles. We are not necessarily talking about the prin-

ciples captured in textbooks or ethics codes; we're thinking of the values, aspirations, and characteristics that have inspired people to become involved with the field, stay with it, and even wrestle with it.

We think this book and its personal histories come at an important time, one when the field of conflict resolution is at an inflection point. Conflict resolution is now a recognized discipline, widely institutionalized in law and graduate schools, often introduced to students as early as elementary school, frequently used to resolve legal and other disputes, and regularly enforced by our courts. The founders of the field, people such as Frank Sander, Margaret Shaw, and Roger Fisher, have left this earthly world behind, and other pioneers have retired or are close to retiring.

A next generation awaits, with many who are eager to shape the field's evolution. Our people and communities face new challenges, new causes for conflict, and new reasons to reach resolution of—or at least manage—those conflicts. Technology is an exciting and ubiquitous part of our lives. So this seems an especially opportune time for people who have played key roles in conflict resolution to reflect upon the experiences, goals, mentors, colleagues, and institutions that have informed their careers and guided their contributions.

The approach of this book is unusual for at least two reasons. First, as many of us who have talked with colleagues know, when neutrals describe their work, they generally begin with the stories that parties tell: what fix the parties are in, how they relate to others around them, what brought them to conflict resolution, and what breakthroughs or interventions led to the resolution of their disputes. Neutrals rarely scrutinize their own lives and influences to probe for the underlying values and meaning they convey. Writing for this book required all the

contributors—the neutrals, the entrepreneurs, and the academics—to reflect deeply on these matters. This book’s approach is also unusual because although we urged each writer to address some core questions and ideas, we gave them free rein to decide what to say and how to say it. The result is a collection of the principles and aspirations that have *actually* guided people within our field, not those that have been *said* to do so. Twenty-three individuals, each in his or her own voice and own way, have all tried to make sense of who they are, what they do, and how and why they do it.

We are indebted, first and foremost, to our contributors, those who have made this book so much more than just curated CVs. They are accomplished and self-reflective individuals, people open to locating their thinking, actions, and choices in the context of their historical epoch as well as their cultural, social, and even familial context.

We find great variety, insight, and wisdom in these 23 stories, but we also acknowledge that no one collection of essays can really do justice to the rich complexity of the conflict resolution field and the diverse experiences of those in it. We are also indebted to those whose stories are not included. Many whose work we respect, who are extremely accomplished and thoughtful, and who easily meet our criteria for inclusion are not represented in this volume. Some declined to participate, perhaps out of modesty or lack of time. Others, including many people from different generations and different areas of conflict resolution, were simply beyond the scope of what was possible for this one volume.

Developing Evolution of a Field

People who work in the world of conflict resolution know that each person’s story is a way of presenting herself or himself, emphasizing some things, minimizing others, and

even omitting aspects of the story that they feel are unimportant or irrelevant or embarrassing. And we know how important it is to build trust and make people comfortable enough to reveal more than what is in their initial telling.

With this in mind, we asked each author to tell their story in their own words but to consider certain questions about their careers, their practice, and the general field of conflict resolution and address these directly or indirectly.¹ We asked our authors to discuss their personal and professional development in a way that revealed what first attracted them to conflict resolution, what pleasures and satisfactions this focus provided and continues to provide, what values and passions it addresses, and how their lives have been transformed by their profession—or not.

We were quickly reminded of something we should have known from our experiences as mediators: questions can get in the way of the storytelling. We were happy to see that the authors did not allow our questions to structure their stories. Instead they scrutinized their lives and influences to probe for the underlying values and meanings.

We encountered some challenges in finding a publisher (some, both trade and academic, rejected the idea flat out, saying, in essence, “there is no market for autobiography”), but we were pleased to find an enthusiastic partner in DRI Press. In addition to producing a print version of the book, DRI Press will make individual chapters available online, at no cost, through its website, https://open.mitchellhamline.edu/dri_press/. We hope that anyone interested in conflict resolution—teacher, student, would-be neutral, idealist committed to the social good—will download these chapters (with appropriate attribution, of course) and distribute them widely. Working with DRI director and professor of law Sharon Press and DRI staff Debra Berghoff and Kitty Atkins has been a joy. We have also benefitted tremendously from the assistance of our gifted copyeditor,

Louisa Williams. We thank Jonah Fritz for his excellent research assistance, particularly with the endnotes and references for these chapters.

While we are acknowledging important contributions to this book, we thank our spouses—Brenda Hanning (for Howard) and Eric Munck (for Nancy). This book would never have happened without their encouragement, support, advice, and careful proofreading.

Organization of the Book

We have noticed that the cover for *Evolution of a Field* bears some resemblance to a Rorschach test. That's appropriate because there are so many different ways to "see" our field. We discussed organizing this book by subject matter (employment/labor, construction, international affairs, etc.) or by area (mediation, arbitration, ombuds, system design, etc.) but ultimately decided to rely on our authors' voices, their narratives, to determine the book's structure. Principles may anchor a field theoretically, but it's the people who actually bring it to life.

So what did we find most significant in attracting, guiding, and sustaining these people in the field of conflict resolution? Not neutrality or confidentiality or self-determination or efficiency—even though these often show up. The attraction to the conflict resolution field is connected to something much more personal.

Repeatedly, our authors wrote about how their engagement in our field was meaningful for them. Across the chapters, four themes emerged, some explicit, others more implicit, and we followed these in organizing the book. Of course, many of our authors referenced multiple themes, sometimes all of them. Here, though, we locate our authors within the themes that stood out most vividly for us when we read and discussed their chapters.

- *Conflict Resolution as (Noble) Craft to End Discord*—Peter S. Adler, Howard Bellman
- *Conflict Resolution as Forum for Voice and Connection*—Lela Porter Love, Ian Macduff, Lucy Moore, Geetha Ravindra, Nancy A. Welsh
- *Conflict Resolution as Creative Exercise*—Johnston Barkat, Chris Honeyman, Colin Rule, Andrea Kupfer Schneider, Thomas J. Stipanowich
- *Conflict Resolution as Bridge to a Socially Just, Democratic, and Inclusive Community*—Lisa Blomgren Amsler, Jacqueline N. Font-Guzmán, Howard Gadlin, David Hoffman, Carol Izumi, Marvin E. Johnson, Homer C. La Rue, Bernie Mayer, Carrie Menkel-Meadow, Christopher W. Moore, Ellen Waldman

One theme missing from this organizational scheme is the importance of other people. Professors and trainers played key roles for many of our authors in introducing them to the field and particular roles within it. Certain names appeared repeatedly, including Frank Sander, Gary Friedman, Josh Stulberg, Len Riskin, Linda Singer, and Michael Lewis. Many of our authors paid homage to mentors who guided them at crucial personal or career choice points or provided ongoing support throughout stages of their lives. Several authors, we note, commented on the camaraderie, the sense of community they had experienced with fellow professionals and their gratitude for colleagues' willingness to share ideas and resources, even with those who might be competitors for cases, facilitations, trainings, or speaking engagements.

Alternative Frames for *Evolution of a Field*

We considered several perspectives in organizing this book, and because this seems appropriate for a field often labeled as “alternative” and because we think they might

be instructive for readers, we include a few here. At the end of the book, we have provided a list of these alternative frames with the chapters that particularly fit within them.

ADR processes. The field of conflict resolution encompasses a diverse variety of processes—i.e., negotiation, mediation, public policy facilitation, arbitration, ombuds, conflict coaching, online dispute resolution, and more. These processes also are used in a wide variety of substantive areas. Our authors vary in their primary focus.

Career development. We think that many people interested in working as professional neutrals or academics or administrators in conflict resolution today will find value in the stories of these individuals, each of whom has built a career around one or more processes.

Culture. As revealed by their narratives, our authors' racial, ethnic, religious, and socioeconomic cultures influenced their identities and their choices as they decided to enter and remain in the field of conflict resolution. Some of our authors were born in foreign lands or were the children of immigrants to the United States, and they write thoughtfully about the complexities of growing up negotiating between two cultures. Those who are members of minority groups who were born in the United States describe a bicultural life shaped partly by racism. Several histories in this book also recount how immersion in a foreign culture changed the authors, made them more curious, more appreciative of ambiguity and paradox, and more appreciative of the need to begin any conflict resolution process by focusing on the people before the problem.

Gateways to the field. Like many people in this relatively young field, almost all our authors were originally educated or grounded in other disciplines: law, psychology, labor-management, social activism, community organizing, even literature. Our contributors write about how they wound up doing the work that they do: the inspirations and

roadblocks they encountered; the opportunities they created or discovered; other people who helped them along the way; how they made their choices; how they managed disconnects between their values and career choices; and ultimately how they came to build a career around conflict resolution.

Generations. The autobiographical narratives in this book provide a sort of kaleidoscopic history of the growth of our field from the perspectives of several often-overlapping generations: those who first gained their footing in the world of labor-management; the visionaries who introduced mediation into the community, family, and public policy contexts; the early pioneers who worked to make conflict resolution processes an integral part of the courts and other institutions; the leaders who envisioned and nurtured professional associations; and our new pioneers, who are developing innovative processes to continue the field's evolution.

Institutional contexts for conflict resolution. Conflict resolution processes often exist within institutions. Although these processes can result in outcomes that will influence the institution, more often the reverse is true. Several of our authors focus primarily on this relationship between conflict resolution processes and the institutions that house them, including the courts, the National Institutes of Health, the International Monetary Fund, and corporations.

Why the Field of Conflict Resolution?

Before we close, we return to the inspiring themes that we chose to organize this book.

Many of our authors wrote movingly about how their own history helped explain their focus on providing others with the opportunity to express themselves authentically and personally. These authors also often emphasized the

importance of ensuring not just the opportunity to speak but also a forum in which all can be respected and heard. Many authors also wrote about the goal and wonderful gift of enabling human connection on an individual and community level. These two dimensions of what neutrals offer their clients—voice and connection—are also aspects of what the work seems to give to the conflict resolvers themselves. Demographics, though, may play a role: the women more frequently mentioned that what they valued most about doing this work was finding their own voices and helping others do so. The men more frequently referred to the way this work allowed them to engage and connect with others. Our authors of color emphasized the value not just of individual connection but of creating an authentic and inclusive community. All the chapters include direct or indirect acknowledgement of the importance of being part of a profession that is also a community.

Some of our authors were quite humble about their contributions to our field, observing that they felt honored simply to help people bring their disabling conflicts to an end and move on. There is nobility in this apparently straightforward, but actually very difficult, task. Somewhat surprising to us, several of our authors focused on the opportunity that the field of conflict resolution provided to permit them and others—disputing parties, government officials, colleagues, researchers—to indulge their curiosity and be creative in terms of process, solutions, organization-building, and research. Finally, several of our authors described how their work as neutrals complemented their work as activists for social justice, democracy, and inclusion. Indeed, some described the neutral's role as one that had the potential, under certain circumstances, to be more effective and more responsive to individual needs than that of the social activist.

For the authors in this book, as expressed by Howard Bellman, their work is very much “a way of life, not just making a living.” The people in this book identify with the goals and aspirations of the field of conflict resolution. They are driven to leave the world better than they found it. What is also striking, though, is that while our authors have retained their idealism, their voices are wise, tempered by experience and acknowledging both the complexity of human beings and institutions and our own inability to know whether our good intentions will translate inevitably into good results. Some, for example, point to all the field’s successes in terms of the institutionalization of processes in the courts, in contracts, in private companies, in public agencies—but caution that such successes can invite complacency, routinization, commercialization, and even exploitation.

The next generation cannot and should not just follow. They will need to question, disrupt, improve, and create. They will need to lead.

A Final Note

We began this project just before the world changed. Today, we are bombarded with news of COVID-19 and its spread as well as the challenges of making decisions about the length and extent of quarantining, isolating, and social distancing.

The explosion of the pandemic and the requirements for social isolation have had direct impacts on the field of conflict resolution. Mediators, arbitrators, facilitators, trainers, and educators who once assumed that in-person encounters were an essential aspect of their work (including many contributors to this book who note the value of face-to-face, in-person contact) now find themselves adapting, harnessing the capabilities of new (and sometimes not-so-new) technologies. Online dispute resolution,

or ODR, is on everyone's lips, and every feature of every conflict resolution process is being reconceptualized to incorporate technology. This includes learning and creating new ways to connect, to provide voice, to create a sense of community.

During this time, the deaths of George Floyd and so many other African American victims of police brutality also have clearly shown that we have much work to do in addressing racial inequality in every context, including the field of conflict resolution. Some of our authors are leaders in identifying bias in the training, recruiting, mentoring, and selection of neutrals, and they describe their work with major conflict resolution organizations to ensure that these organizations are sufficiently inclusive as well as initiatives to increase the selection of diverse neutrals and open students' eyes to the evidence and aftereffects of racial injustice. Even some core concepts—such as neutrality, confidentiality, and self-determination—are being scrutinized to see whether they inadvertently contribute to the perpetuation of the very social ills with which we are concerned. As some of our authors note, for example, unquestioning loyalty to the concept of neutrality may actually serve the interests of the already privileged—and disserve those who need to be heard and get information to make good decisions.²

This has been and probably will continue to be a challenging and exhausting time. At some points during the pandemic, we, like so many others we know, have been tempted to avoid the latest news. But then we turned to the chapter drafts and revisions from our contributors, and we found ourselves energized by the inspiring and ultimately hopeful personal histories contained there. We found reminders that social and political unrest are not new—and that, unfortunately, neither are racism and exclusion.

Don't we often tell the parties in our mediations and the students in our classes that conflict is neither good nor bad but inevitable—and that what actually matters is what we do in response to it?

Our contributors' personal histories underscore this truth. Some authors and their families were scarred by the horrors of the Holocaust. Others and their loved ones endured discrimination and even internment, and still others acknowledge the impact of conflict within their families. Many recall their feelings of alienation and disillusionment in response to the Vietnam War, their consequent participation in student protests, and the pain—but also the determined hopefulness—of the civil rights movement. Even Watergate and its aftermath make an appearance in these pages. These personal essays describe turbulent, troubled times, much like today, and we take heart from knowing that those times molded many of the people who are now stalwarts in the conflict resolution field.

We have felt privileged to read the narratives in this book and to work with their authors. We have been delighted by the alternate passions (jazz, tango, literature, architecture, and more) infusing these chapters. We hope that you, the reader, feel a similar gratitude for the stories here and for the authors who have shared them. Perhaps you will be inspired to do as they have: work to achieve voice, connection, understanding of differences, creative solutions, and ultimately a better world.

Howard Gadlin and Nancy Welsh

October 28, 2020

Notes

¹ We asked our authors to consider the following questions:

ABOUT YOU

History

- 1) How and when did you become involved with mediation or conflict resolution?
- 2) Why did you become involved with mediation or conflict resolution? In responding, think beyond the circumstances and consider your own psychological and social makeup, as well as the state of your community, country and the world at that time.

Your Practice/Career

- 3) Please describe your practice/career. What inspirations and roadblocks did you encounter? How were opportunities created or discovered? How did you make the choices that you made?
- 4) Did you hope that you would build a career around mediation or conflict resolution?

Reflections on Your Practice

- 5) Are there types of conflict situations you especially enjoy engaging in? What is it about those cases or about you that attracts you to these types of conflicts?
- 6) What types of issues or disputants are most challenging for you? Why and how do you handle those?
- 7) What personal satisfactions have you achieved through doing this work?
- 8) How do you handle the tension between your own personal beliefs, politics, and values and your role in mediation or conflict resolution?
- 9) Are there ways in which your role and experience as a mediator/facilitator/neutral has changed the way you conduct yourself in personal relationships? Professional activities? As a political being?

ABOUT YOUR VIEW OF THE PLACE OF MEDIATION AND CONFLICT RESOLUTION

- 10) What do you see as the limits of mediation or conflict resolution? Are there types of cases or issues you believe ought not be brought to mediation or conflict resolution?
- 11) Do you see mediation/conflict resolution as a force for social change? Do you see mediation/conflict resolution as having been co-opted by institutions within the larger society?

- 12) What do you believe/hope should be the agenda for the future use/institutionalization of mediation and conflict resolution?

ABOUT YOUR VIEW OF THE TENETS OF MEDIATION AND CONFLICT RESOLUTION

- 13) How have your experiences as a mediator/facilitator/neutral changed or influenced your understanding of the core tenets of mediation and conflict resolution – e.g., neutrality, self-determination, procedural fairness, and confidentiality? Do you see these as core tenets? Are there other tenets you believe ought to be given core status?
- 14) Which of these tenets is the biggest challenge for you to honor? Why?

² We realized that we had to revisit the rules of grammar as we thought about how to communicate the diversity of the world in which we live. Earlier this year, *The New York Times* and many other media announced that they would capitalize Black whenever referring to race. There was never any question that this would also be our choice for the book. But what about other color-based racial identifiers? We became aware that White has long been capitalized by hate groups, but we also learned that the National Association of Black Journalists recommended capitalization whenever color was used to describe race. We allowed our authors to make their own choices, but as our default, we chose to follow the lead of the National Association of Black Journalists and capitalize all color-based racial identifiers.