FROM CONFLICT RESOLUTION TO SOCIAL JUSTICE

THE WORK AND LEGACY OF WALLACE WARFIELD

EDITED BY ALICIA PFUND

From Conflict Resolution to Social Justice

From Conflict Resolution to Social Justice

The Work and Legacy of

Wallace Warfield

Edited by

ALICIA PFUND

Contents

Note from the Editor

This book contains a selection of Wallace Warfield's writings and statements on two subjects he was passionate about: the importance of the social context in conflicts (Part I), and the future and potential of the field of Conflict Resolution (Part II).

The chapters are "bookended" with a Foreword by Kevin Avruch and an Afterword by Sandra Cheldelin. Both were Wallace's good friends, colleagues, and close collaborators. The Foreword focuses on Wallace's background and how he developed his social thinking through his work experience. The Afterword describes a recent, complex project which ties together the concepts of both parts of the book. Both pieces illustrate how justice can be achieved through conflict resolution.

The Introduction contains excerpts from a long interview conducted in 1990. It details Wallace's earlier engagement in a federal agency that had just started conflict resolution work. It provides a sound introduction to his thinking and the grounds upon which he developed his outlook on the field.

Part I of the book highlights the importance of the social context in which conflicts take place, in particular issues of race, ethnicity and culture. It includes specific cases, presenting step-by-step methods of dealing with issues. This part also addresses theoretical issues and its relevance in policy-making. The last chapter of Part I contains Wallace's "ruminations" on the subjects covered so far.

Part II presents the other side of the coin: the role of conflict resolution in society, and its potential for the future, and how it could become key to building just societies. The last chapter, "Farewell, My Friends," reproduces Wallace's keynote speech at the 2009 Association for Conflict Resolution Conference. When he delivered that speech, neither he nor anyone else suspected that it was to be his farewell. In it, he outlined a road map for the future of the field, and a challenge to practitioners and students.

I believe that the content of this book will not be outdated anytime soon. The subjects that mattered so much to Wallace are becoming more and more relevant in today's world. World conflicts are less between countries and more within communities confronted with clashes of race, ethnicity, and culture, as well as issues related to class and economic deprivation.

Individuals who have been victimized by oppressors or oppressive systems are becoming aware of their rights, and dreaming of being part of more just societies. Globalization and the ease of communication in the electronic age are showing members of these societies the unfolding of structural changes—pacific or otherwise—taking place around the world.

Wallace passed away suddenly in August 2010, but has left his legacy behind in his work and in his writings. Even though he had retired from his professorship at George Mason University's Institute for Conflict Analysis and Resolution (ICAR) two months before his death, his spirit and mind were as alive and fired up as always. This book is a tribute to him, the person and the professional.

Alicia Pfund

Foreword

Kevin Avruch[1]

Wallace Warfield entered university life professionally relatively late, in his fifties, after more than thirty years in municipal and federal civil service. He had held the rank of assistant US Attorney General as acting head of the Community Relations Service (CRS) in the Department of Justice, a rank from which many are content to retire and consider themselves well accomplished. Wallace came to George Mason University in 1990 as part of the Conflict Clinic at The Institute for Conflict Analysis and Resolution (ICAR, now formally a School). In law or medical school parlance, his position would be considered a clinical one. But he had briefly encountered ICAR before this, when Professor Dennis Sandole asked him to guest lecture in one of his classes. Wallace was, as they say, a natural, and pretty soon the consultancy and project-based work he did for the Clinic was augmented by time in the classroom. When the Clinic folded it made sense for Wallace simply to transition into a full-time instructional faculty appointment. While teaching, he completed his Ph.D. in George Mason's School of Public Policy under the great American sociologist and political scientist Seymour Martin Lipset. With the Ph.D. now in hand he was able to join the medieval guild of the professoriate as a full member. We were lucky he did so. For the next two decades Wallace wrote and taught a variety of courses focused on different aspects of conflict resolution practice but also an introduction to the field encompassing research and theory—and, as always, ethics. Several generations of students took from Wallace's classroom what some considered the transformative experience of their education in the field. This is their possession, although thankfully many have gone on to share the fruits of this experience through their own teaching and practice. What Wallace wrote, on the other hand, can now be shared more widely as the twelve chapters of this book.

As Alicia Pfund, Wallace's editor, notes in her Note, the chapters fall roughly into two parts, reflecting his major and consistent concerns: the importance of social context in understanding conflict, and the future of the field of Conflict Resolution. But in another sense these concerns penetrate

all the chapters, and the chapters themselves circle and interweave around a larger set of themes that Wallace approaches from different angles conceptually and through different case studies empirically. These include race and the social costs of racial inequality, power and its maldistribution, the importance of community and identity, the limitations of neutrality and the ethics of reflective practice, and (on the margins of Grand Theory where Wallace treads lightly but with confidence) democracy and the meaning of social justice.

The other thing that shines through, tying all the chapters together, is the spirit of Wallace's biography, particularly his work with CRS. His case studies are drawn mainly from CRS interventions in the aftermath of racial violence through the long, hot summers of the 1960s and 1970s—and on into the 1980s (Miami, 1982) and 1990s (Los Angeles, 1992). But Black–White conflicts are not the whole story. As a "conciliator" in the CRS his own experience (or that of colleagues from whom he drew) also included Anglo–Native American conflict in the Pacific Northwest, or KKK–Vietnamese confrontations on the Gulf Coast. And true to the mission of CRS, this experience reflected an institutional concern with conflict mitigation or prevention, as much as it did peacemaking as "clean-up" in the aftermath of violence.[2]

Christopher Honeyman once remarked on the near-uniqueness of Wallace in our field. There are, he said, many scholars and researchers who "do" some practice "on the side," and a few practitioners who at some point in their career turn to teaching (as opposed to just "training"), often with real dedication and excellence. But very few have split a career almost neatly down the middle between work as an activist or mediator/conciliator with full-time research, writing, and teaching.[3] This foundation in practice is telling. It imbues Wallace's voice in these chapters with a sort of quiet, modest authority that stems from his long experience on the ground and in the field. This is authority of a rare sort, characterized not by the commanding prescriptions of a "third party intervener" (brandishing Federal credentials, at that) but by a sense of essential humility that comes from recognizing the complexities (moral as well as political) of deep-rooted conflicts, the not-so-hidden injuries (spiritual as well as material) to people they inevitably provoke, and the enormous burdens assumed by outsiders who materialize to intercede in other peoples' troubles.

Wallace conveys much of the complexity by having us look to the myriad social and cultural contexts in which conflicts are embedded. He critiques the "one size fits all classical model" of mediation on several grounds, including the once critical assumption of mediator neutrality, but mainly because it tends to mistakenly assimilate *conflict* to discrete *dispute*. Disputes are events isolated in time and social structure, requiring only a technical-rational, interest-based, and process-focused approach that leads ("trusting the

process," inexorably) toward a *settlement*. But disputes are rarely isolated. They are manifestations of dramas replete with *personae* that are nested in past and ongoing social relationships, ensconced in social structures and caught up in systems of (often unequal) exchange and dependency. At the broadest contextual level of "system," Wallace has this to say about an overriding concern of his life and work, American racism: "Racism is not a Black problem, or a White problem, but rather an interactive dynamic, woven onto a tapestry of history and events that envelop the two groups." It is, in other words, an American problem. But here, as always, Wallace seeks nuance and complexity. The conflictual part of the racial dynamic, he explains, "[i]s not all there is to the relationship between Blacks and Whites. Despite the rather Hobbesian view of race relations, Americans frequently overlook the fact that racial interaction in the United States (mainly with Blacks and Whites) is made up of consensus as well as conflict." This is not formal consensus reached at the level of political elites only. Wallace the fieldworker, the CRS conciliator working in the midst of communities in crisis with real persons and not with racial role-enactors, knows it goes deeper than this. As he put it, "Consensus refers to the kinds of agreements reached by ordinary people, wrought out of a daily pattern of coexistence … To those small, intimate interactions, invisible to social reporters, that represent the shared values of a civil society." Underlying these remarks is a profound "faith in human nature—that people ultimately come more out of a Lockeian perspective than a Hobbesian one." Believing this to be so, he added: "You have to find ways of tapping into that."

As a practical matter, this means the intervener approaches a conflict not as merely a dispute, a disembodied "case," but as a living, often very troubled community. The intervener is both a social geographer and an interpretive anthropologist. The geographer "maps" the conflict in ways the field has long recognized, parsing the "presenting issues," identifying stakeholders and other parties, and delineating the various roles they have assumed in the conflict. But Wallace goes further. First, he looks beyond the triggering event to the community, and then beyond the immediate community to assess both its boundaries and the potential linkages to forces outside the boundaries. For example, he looks not just to the role the Atlanta office of the NAACP played in conflicts with police and over bussing, but at the tension their positions on these matters created with the NAACP's national office. Second, he understands "stakeholders" not simply as actors playing roles that reflect their interests but as social persons who struggle to craft identities on the basis of core values and needs. These viewpoints mean the intervener is never simply a technician or "process-virtuoso" uncovering shared interests as shortcuts to resolution. Neoclassical economics aside, what constitutes persons goes deeper than interests. Here the task of interpretation comes. Echoing Clifford

Geertz (1973) on culture, Wallace sees the parties as persons suspended in "webs of significance," bearers of social meaning. Geertz alludes to the self-spun quality of the webs. Wallace, in contrast, recognizes the realities of power, inequality, and diminished life-chances, and thus understands that many people are literally "caught" in webs spun by others over which they have little or no control.

Wallace tells Julian Portilla (Introduction) of an intervention in upstate New York in a conflict between Indians and White property owners and local authorities over land ownership and tribal sovereignty claims. The conflict escalated, threatening violence, and CRS was called in. "In the first mediation session," Wallace recounts, "the White townspeople were trying to approach the issues from a very rational, interest-based level … The tribespeople in the negotiations were responding by telling stories. They would tell stories about the seven-nation confederation, about the fact there was a great law that was the basis for the United States Constitution, which was something that most of the Whites didn't know." The "negotiation" was failing, of course, since one group spoke from a basis in interests and the other "from a values-based standpoint." And now the interpretive anthropologist emerges. The intervener team stopped the process to hold separate caucuses. Wallace says:

> I sat down with the White negotiating team and I said: "Let me tell you what I hear them saying. They're saying you are getting impatient with storytelling, that you think it's a waste of time, but that they have to tell their stories because their storytelling is a part of them. You have lots of other things around on which to build your identity. Look at their reservation." Their reservation was the size of the parking lot area outside … "So where do they draw their identity from? From their history. So if you want this to be a successful negotiation, then you need to actually hear this." So they did. Now, this was a kind of cultural interpretation role that a third party plays between a values-based level of discourse and an interest-based level of discourse.

Complexity resurfaces. For even in deep-rooted conflicts over values or identity, interests matter—for Wallace a critical divergence from the narrative-über-alles school of mediation. He elaborates: "[U]ltimately, at some point, people have to come to a point of negotiations at an interest-based level … You may not be able to use it at the very beginning … you start with a values-based perspective … At some point, in the problem-solving transition, you get to the point of interest-based mediation or a classic form of interest-based negotiation." What Wallace means is that having convinced the Whites to listen and understand what the "stories" mean to the Indians, having for

the moment suppressed the potentially Hobbesian nature of Indian–White relations, and having restarted the negotiation on the basis of *some mutual recognition and (implicitly) some respect from the more powerful party toward the less powerful*, "issues" had to be addressed: Indian access through White-owned property to their fishing grounds, for example, or the condition in which the Indians left that property as they passed through. Without addressing these issues the initial relational gains at the level of identity and recognition would have been squandered, the dispute would relapse perhaps toward violence. Interests matter—but one needs to know when, in the process, they are evocable, that is to say, negotiable. To the metaphor of geographer and ethnographer is added that of archeologist. The mediator excavates from surface positions to interests, and then toward values, identity, and needs. But unlike the archeologist (that is, like the "analyst" of conflict's causes), who seeks to explicate, the *practitioner* needs to "refill" the hole, returning at some point to address the seemingly opposing but potentially shared interests that "presenting issues" always overlay.

More complexity to follow. Whites have "stories" too. They matter and also deserve recognition. This is one way Wallace importantly differentiates "neutrality" from "impartiality"—they are often conflated. Interveners delude themselves if they think they can be neutral, that the "the process" can insulate them. Nor, indeed, should they be neutral. Who can be "neutral" about Apartheid or genocide? Wallace never claimed neutrality and thought the whole idea rendered "classical mediation" irrelevant or worse. Besides, as he reminds us, when Wallace as an African American came to intervene in a minority citizen–police dispute, the "proverbial [White] police chief" was smart enough to know that "you weren't going to be neutral." But impartiality implies something else, "a sense of equidistance between the parties," and a willingness to engage the question the police chief might well ask: "Can you help us? Can you actually play a role and get us out of this messy situation we've found ourselves involved in, and can you be impartial enough to do that?" At the same time, impartiality orients one toward relating to the "low-power" group without paternalism. It means, for example, that "when the representatives of the negotiators on the low-power minority side began to screw up, that you would have the courage to tell them, 'Listen, you're not really negotiating in good faith. If you really want to get something out of this issue, then you need to sort of change your pattern of negotiation.'" That, Wallace explains, "is the essence of impartiality."

Geographer mapping the conflict and its contexts; ethnographer translating disparate meanings to the different parties; archeologist excavating interests, values, and needs; and, finally, *practitioner* bringing this all together in an intercession aimed at just resolution. Add to this the crucial element

of *self-analysis* that Wallace regards as the prerequisite for an intervention ("What can *I* bring to this conflict; how can I materially help; how might I make things worse?"), and we have here a near-complete *technic* of conflict intervention parsed modestly, as usual, within the example of a specific case.

I want to underline the idea of a *just* resolution. Like others in CRS, Wallace sometimes referred to the "Two Tap Roots and a Triggering Incident" conception of racial or ethnic conflicts. Tap Root One "is the general perception by low-power members of society that the system, as shaped by more powerful and dominant members, is inherently oppressive and discriminatory." This he connects to Galtung's (1969) idea of structural violence. Tap Root Two, resting on this foundation, refers to the "lack of confidence by low-power groups in the interests and capabilities of public and private institutions to provide adequate redress for their grievances." All that is needed is some sort of trigger—often a case of alleged police abuse—and the underlying latent conflict suddenly becomes a manifest dispute. Naturally enough, the third party is called in—at least by those in "high power" positions—to deal only with the dispute. Wallace never mistook the settlement of a dispute for the resolution of a conflict. Wallace thought that, for the intervener from a Tap Root perspective, the challenge is to avoid getting into a conciliation mode that reduces the practice to the treatment of symptoms.

Here Wallace engages one of the oldest and most frequent critiques of mediation and Alternative Dispute Resolution generally: that it functions mainly as a form of social control, designed as inferior "informal justice" to pacify potentially unruly racial, ethnic, gender, or class actors who threaten to seriously disrupt or challenge "the system."[4] Declaiming themselves to be the true defenders of social justice, the critics deride the mediators—or the conflict resolution practice generally—as at best "pragmatists" seeking the most efficient, cost-effective way to bring the noisome dispute to a close and get back to business as usual. Wallace recognizes that third parties (he refers particularly to the CRS type, with Civil Rights backgrounds and commitments) "often find themselves in paradoxical situations where they feel compelled to balance social justice inclinations to intervention pragmatism." By accepting paradox he refuses to cede ground to the "social justice" critics for two simple reasons. First, striving to attain social justice is at the core of Wallace's conception of his own role and the potential of conflict resolution as a practice. Second, he argues that the social justice absolutists simplify the world and mistakenly turn an admitted paradox into an implacable binary opposition.

In what many in the field regard as Wallace's most important contribution, presented here as Chapter 7 (written with Mara Schoeny), Wallace establishes the necessary connection between what he calls "system maintenance" and

social justice. The two are mutually dependent, inextricably entwined in a means-ends relationship, one in which procedural justice, championed by conflict resolution regimes and institutions that come to support them, is the eventual necessary guarantor of "substantive outcomes" around social justice. Working once again from particular cases—a racial-ethnic dispute in Brooklyn over the allocation of public housing, an Anglo–Indian dispute over fishing rights in the Pacific Northwest, the 1992 Los Angeles riots—and citing Hannah Arendt's (1970: 4) argument that given the unpredictability of ends, "the means used to achieve political goals are more often than not of greater relevance to the future world than the intended goals," Wallace shows that true conflict resolution "must not only help parties … reach a consensus on just ends, but serve as a means to get there as well." Without *just means* just ends will forever remain inchoate and out of reach: rhetorical or *theoretical* in the worst sense of that term. Thus, for Wallace, conflict resolution is a critical form of praxis—to be distinguished from revolutionary violence to be sure: the perhaps more fashionable sort of praxis to some, one that ties system maintenance to "social justice outcomes where the purpose of institutions is to create shared values and integrative opportunities within their environments." Establishing a regime of procedural justice, guaranteeing the "low-power" groups a voice in the disposition of critical issues, is cumulatively both educative of individuals and reformist of institutions. It is, in fact, central to Wallace's conception of civil society and democratic process. He has no illusions as to the swiftness or incipience of this transformative outcome. "The reflective practitioner," he writes, "understands intervention as a long-term and collaborative process where operating in the mode of a public steward, she or he seeks to bring together institutional actors, individuals, and groups to determine just outcomes and the processes used to get there." Nor does he think that social justice is an event-state to be finally achieved; even in the best of (democratic) polities we will always find ourselves to be "in transition."

* * *

In addition to the "big themes"—the importance of context, of community, and identity; attention to race, power, and ethical practice—there are to be found a number of other ideas engaged in these essays: dispute and conflict, interests and values/needs, neutrality and impartiality, system maintenance and system change. They are not quite antimonies. In each case Wallace is not so much interested in posing them in opposition, or of reducing one to the other, as in showing how, for example, when a dispute is contextualized or understood as "tap rooted" it reveals the deeper conflict; how

persons are not the sum of their bundled interests but are motivated by core values and needs—although interests matter! He argues that while third-party neutrality is a chimera, impartiality, a different thing, is a sine qua non of effective practice; and that social change toward social justice is not separable from the means utilized to achieve it, and these necessitate and depend largely upon the system already in place. Among these ideas perhaps the most striking is Wallace's discussion of the considerable and everyday consensus that complements the racial conflict most of us attend to. In several of the essays Wallace poses this (being a student of Seymour Martin Lipset) as a distinction between "Hobbes" and "Locke." In the Introduction, interviewer Julian Portilla asks him to reflect on the skills a CRS mediator needed to possess. Wallace answers first with a not-atypical skills-set, but soon turns from this to a reflection on the kind of *society* the mediator needs to imagine:

> Empathy, compassion, the ability to see the complexity of Civil Rights issues and to understand that they are not—no pun intended—black-and-white kinds of issues. They are very complex issues. Within that complexity, the realization that there is goodness in people on both the soft sides of an issue, and that people are essentially trying to live their lives in ways that are not threatening for them … And, a vision. I think if you have no vision, you can't ask good questions in a mediation process … You have to have a vision of a just society in order to be able to position yourself. At key times in that process someone has to say, "What kind of world do you want to live in?" If you aren't clear about that yourself, the parties will certainly discern that fairly quickly, and I think that you will not be effective. I think a Civil Rights mediator, perhaps more so than other kinds, requires a willingness to be an advocate for a certain kind of society that we live in. You have to speak to that. I don't think you could establish a position of neutrality about that. I think that would be heresy.

More than fifty years ago C. Wright Mills wrote that the "sociological imagination" required of social scientists is that they make the connection between "biography and history" or, more sociologically, that they uncover the ways in which "personal troubles are connected with public issues" (Mills 1959: 185). Wallace would put it differently: Our task is uncovering the conflict underlying the dispute. And then, as Mills also argued but less concretely than Wallace as to process, having made the connection, to do something about it. Mills, of course, was much less confident than Wallace of the "goodness" of individuals or the possibilities for a Lockeian society. As an African American and throughout his life, doubtless before work with street gangs in New

York's Spanish Harlem, Wallace recognized Hobbes: It was often right there in front of him. But in connecting his own biography to the larger stream of (Civil Rights) history, and in understanding the larger public issues that always lay behind the personal (or community) troubles he was called in to remediate, he strove to uncover and somehow to "activate" Locke. The essays in this book all bear witness to this simple fact. Whether acting as a third party or later in the classroom, Wallace Warfield was never a neutral in these matters, but a passionate and unconditional advocate.

References

Abel, R. (1982). *The Politics of Informal Justice*. Vols. 1 and 2. New York: Academic Press.

Arendt, H. (1970). *On Violence*. New York: Harcourt, Brace and Company.

Avruch, K. (2009). "What is Training All About?" *Negotiation Journal* 25(2):161–9.

Galanter, M. (1974). "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change." *Law and Society Review* 9:95–160.

Galtung, J. (1969). "Violence, Peace, and Peace Research." *Journal of Peace Research* 3:167–91.

Geertz, C. (1973). *The Interpretation of Cultures.* New York: Basic Books.

Grillo, T. (1991). "The Mediation Alternative: Process Dangers for Women." *Yale Law Review* 100:1545–610.

Levine, B. (2005). *Resolving Racial Conflict: The Community Relations Service and Civil Rights, 1964–1989*. Columbia, MO: University of Missouri Press.

Mills, C. W. (1959). *The Sociological Imagination*. New York: Oxford University Press.

Nader, L. (1991). "Harmony Models and the Construction of Law." In K. Avruch, P. W. Black, and J. Scimecca (eds), *Conflict Resolution: Cross-Cultural Perspectives*. New York: Greenwood Press.

Scimecca, J. (1991). "Conflict Resolution and a Critique of Alternative Dispute Resolution." In H. Pepinsky and R. Quinney (eds), *Criminology as Peacemaking*. Bloomington, IN: Indiana University Press.

Notes

1 Dr. Kevin Avruch is Henry Hart Rice Professor of Conflict Resolution and Professor of Anthropology in The School for Conflict Analysis and Resolution, George Mason University.

2 Beyond "peacemaking" through interventions, the goal of conflict prevention through training, capacity building, and other "proactive measures" are outlined in the mission statement of the CRS (see http://www.justice.gov/crs). See Levine (2005), a longtime insider, for the role of the CRS in addressing

racial conflict from its founding as part of the Civil Rights Act of 1964 through its activities into the late 1980s.

3   Honeyman's remarks can be found in a "mini-festschrift" that celebrated Wallace's retirement from active teaching; unfortunately it appeared after Wallace's death in August 2010 (see http://icar.gmu.edu/publication/10250). On the difference between teaching and training, see Avruch (2009).

4   See, for example, Abel (1982), Galanter (1974), Grillo (1991), Nader (1991), Scimecca (1991).

Introduction

Wallace Warfield and his Work

Excerpts from a 2003 interview[1]

[The original focus of this interview was Civil Rights mediation. These excerpts focus on Wallace's ideas and descriptions of his work, mainly at the *Community Relations Service* (CRS), as well as his subsequent work when he moved to George Mason University's Institute for Conflict Analysis and Resolution (ICAR). It excludes organizational information about CRS.]

Introduction

Question: How did you start your career?
Answer: I worked for an anti-poverty agency in New York, one of the first of the 26 "community corporations" as they were called, on the lower west side of New York. Before that, I worked with street gangs.

Question: Tell me a little bit about your poverty work. Working with poverty and with gangs.
Answer: Okay. I came in as the coordinator—this is kind of a paraphrasing of the title, but I was the coordinator of a block working group. The anti-poverty agency actually was an umbrella agency that passed funds through to smaller neighborhood groups, but reserved a certain amount of program activity unto itself. One of those activities was training and working with block workers, who were people that were hired from the community to do various kinds of work, like welfare rights organizing, and a lot of the elementary and secondary school education. The program put people to work, bringing community people into the school system so that they could have their voices heard about elementary school policy. So a lot of it was advocacy work. And then I later became the deputy director of the community corporation.

Question: Tell me more about the gang work.

Answer: Ah, the gang work. That was my first work coming out of college, out of undergrad school. I actually worked for an organization called the New York City Youth Board, which was then the seminal agency in the world, as far as the work being done with street gangs. It was built on the old kind of case worker model, except that we were called street club workers. We didn't like to consider ourselves case workers—that was kind of an anathema to us. I began by working with a gang on the upper west side of Manhattan, which is all a very chic area now, actually. What you did in those days, and the basis for the New York City Youth Board, was to prevent and mitigate gang fighting, because the gangs in those days were what were called fighting gangs. They fought over turf, as opposed to drug gangs or more entrepreneurial gangs. These were pretty much turf-oriented kinds of gangs. Most of the time was spent just sort of hanging out on the street corner with these kids, and trying to create these changes, individually or if you were lucky, with maybe four or five of them in your length of time there. So much of your time was spent working and counseling with these young people. Occasionally, you'd get yourself in the midst of a serious fight, but that didn't happen too often. The whole idea was to sort of change anti-social behavior into something that was more socially acceptable.

Work at the Community Relations Service (CRS)

Question: Good. So then what got you to CRS? When was that?

Answer: July 1968. There's actually a story about that. An old friend of mine by the name of Jim Norton used to work for the Community Relations Service. Jim was a New Yorker and a friend. In fact, Jim used to work for the New York City Youth Board, so we knew each other in those days. Jim was always traveling someplace, and he would come home from time to time. In those days, CRS did not have regional field offices; everyone worked out of Washington [DC]. Jim would come home and he would tell these incredible stories, stories that we always thought were apocryphal. He would tell stories about being one step ahead of the Ku Klux Klan in Alabama, and about the nation's Civil Rights movement … incredibly exciting work. I said, "God, that sounds really exciting!" and he said, "You know, you ought to come work for us." I said, "Well, I've got a good job, and I enjoy what I'm doing, working here in this community."

I'll never forget this—it was April of 1968, and I was running a meeting of parents in the community. Then this young Black kid burst into the meeting

breathlessly, to say that Dr. Martin Luther King had just been shot and killed. Two months later I was working for the Community Relations Service. It had just changed my life. A fellow by the name of Victor Risso and I opened the New York office. At this time, CRS was just beginning to spread out, because Congress and the White House were becoming increasingly concerned about the series of riots that were taking place after the death of Dr. King. They recognized the fact that service could not be provided much beyond the fire-engine model working out of Washington, DC. The logic was that being closer to the action with field offices would provide better access, and therefore better service. So, Vic and I opened up the New York regional office, which was supposed to respond to disputes and conflicts everywhere within what's now designated as Region 1, consisting of all of the New England region, Region 2, New York, New Jersey, and then also at that time Region 3, which included Pennsylvania, Delaware, Maryland, and Washington, DC, Puerto Rico and the Virgin Islands—they just sort of threw those last ones in as well, you know …

Question: What do you think are the most important skills for a Civil Rights mediator?

Answer: Empathy, compassion, the ability to see the complexity of Civil Rights issues, and to understand that they really are not—no pun intended—black-and-white kinds of issues. They are very complex issues. Within that complexity, the realization that there is goodness in people on both sides of an issue, and that people are essentially trying to live their lives in ways that are not threatening for them. I think these are some of the—if you want to call them skills or forms of insights—that I think a Civil Rights mediator has to have. And, a vision. I think if you have no vision, you can't ask good questions in a mediation process, or in a dispute-resolution process. You have to have a vision of a just society in order to be able to position yourself. At key times in that process, someone has to say, "What kind of world do you want to live in?" If you aren't clear about that yourself, the parties will certainly discern that fairly quickly, and I think that you will not be effective. I think Civil Rights mediation, perhaps more so than other kinds, requires a willingness to be an advocate for a certain kind of society that we live in. You have to speak to that. I don't think you could establish a position of neutrality about that. I think that would be heresy.

Question: After your work in the New York regional office, what was your next career move?

Answer: From 1979 until 1986 I came to Washington [DC] as Associate Director for Field Coordination, and in 1986 the Attorney General asked me

to take the position of the Acting Director of CRS, where I remained until 1988.

Work at the Administrative Conference of the United States (ACUS)

At that point I left CRS and joined the Administrative Conference of the United States (ACUS), which is no longer in existence. ACUS became interested in Conflict Resolution as a mechanism to make administrative disputes less litigious and less costly. I became involved in the very beginnings of the Regulatory Negotiation process, and also helped to write the first 1990 Omnibus Dispute Resolution Act. While this was happening, I was also doing these kinds of casual little moonlightings at this new program, then called the Center of Conflict Analysis and Resolution, at George Mason University. I found that I enjoyed teaching, and that I had something to offer.

Transitioning to George Mason University

Question: The first thing that I'm interested in talking about is what I see as the key theoretical question that got us [the Conflict Information Consortium at the University of Colorado] interested in this project. We have been quite influenced by the theory development that was going on here at George Mason and the whole human needs approach. Human needs theory suggests that conflicts about human needs, such as identity, cannot and should not be mediated because they're needs-based; they're not interests-based. However, CRS has been mediating racial conflicts (which are one kind of identity conflict) for years. So I was curious to have you reflect on that, and tell me what you think is different about what CRS does, and how it reflects on human needs theory.

Answer: Okay. Actually, this is in an article I wrote for the book, *Conflict Resolution: Theory and Practice.*[2] In that article, what I do is to take what was originally Jim Laue's theory, which is this notion that there is a hierarchy of conflict responses, and that the hierarchy begins with the notion that people approach a conflict from a positional standpoint. We all know this from Fisher and Ury. They tell us that their big breakthrough was teaching people to identify their interests, not just their positions. And that's where they stopped. But this is insufficient when it comes down to dealing with social conflicts that involve very complex social issues and values that lie beneath

the interests. Then, arguably, in a much more theoretical way, you could even say there are basic human needs. And so these are nonrational. The first two layers are affective and cognitive; the latter two layers are nonrational layers.

Needs-Based and Interests-Based Approaches

People can make rational decisions on both positions and interests; they can't do that on values and needs. But often these conflicts were approached, at least initially, with an interests-based approach, which is why intervention often was not successful. Not that the CRS people were doing it that way necessarily, but the concept of approaching these disputes was generally based on interests. So even before the intervention took place, at the point of negotiation, you would have a situation where the parties were focusing, unsuccessfully, on interests. In one case that I was involved in on an Indian reservation in upstate New York, there was a problem because the Indians claimed they actually owned the entire nearby town, and therefore everything in it. This claim was, as you can imagine, contested by the townspeople and the officials, who were mainly White. There was a series of conflicts that flowed from that initial causal factor there. They involved disputes over services and police response (i.e. did the police have the right to respond to a conflict on the reservation?). Then there was further factioning within the tribe itself. In the first mediation session that I was involved in, the discourse was such that the White townspeople were trying to approach the issues from a very rational, interest-based level. I mean, they'd start out oppositionally, but quickly would try to identify—at least from their point of view—what their interests were. The tribespeople in the negotiations were responding by telling stories. They would tell stories about the seven-nation confederation, and about the fact that there was a great law that was the basis for the United States Constitution, which was something that most of the Whites did not know. So you had, in fact, a discourse that was not meeting and not connecting. One group was speaking from an interests-based standpoint, while another group was speaking from a values-based standpoint.

My colleague and I quickly recognized that if it continued this way, this was going to break up and it was not going to be successful. So we stopped it and held separate caucuses. I sat down with the White negotiating team, and I said, "Let me tell you what I hear them saying. They're saying that you're getting very impatient with the storytelling, that you think it's a waste of time, but that they have to tell their stories, because their storytelling is a part of