

Bernie Mayer - Keynote Address

Staying With Conflict: The Challenge of Engagement in the Face of Enduring Disputes

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BERNIE MAYER: Hello everyone. It's really nice to be here, and I'm delighted to have been invited by Phil and by the CADRE staff to be with you here today. You know, I do have some background in special education. I was a parent of a child in special education for his entire childhood. Well, from elementary school through high school. My background before I got into this business was primarily in child welfare and mediation. And in the process, I worked with quite a few children and families in the special education world. And I've been, over the years that I've been involved with the conflict intervention field, I've worked with many different special education programs with conflicts in schools, between parents and schools, and I've also done quite a bit of work in the whole area of child protection, which I feel has a lot of the same dynamic problems of how parents tend to be disempowered and also a lot of the kids we deal with are also in special education there. But I don't come here today to talk to you as a -- because I'm not, as an expert in special education. I believe the ideas that I want to talk about, about how we deal with what I would call enduring conflict, are very relevant to special education. But I think they're very relevant to our lives and our community and our world much more generally. And so I want to look at the larger issue and then hopefully we will also look at what it -- how it relates to your very specific world. But first, I want to say no one has ever accused me of being debonair in my entire life, so you're way ahead of me on that. If you have one person -- in fact, I have a whole family of people who spend quite a bit of time telling me just how not debonair I am. And then -- and when Phil wrote in one of your emails, I don't know if it went to everybody or just presenters, maybe it was just to me, that said the attire here was business casual, I think he said, I realize what a culturally specific term that is. In Australia, they talk about smart casual and I never knew what the heck that meant. And I can guarantee you that in Boulder, Colorado, business casual means something very, very different than in New York City. So you mentioned John Paul, who's my colleague at the Kroc Institute of International Peace Studies at Notre Dame and who -- also he and I were graduate students together. And I've taken mediation courses from him, and he's taken them from me. So it seems appropriate to start with a quote from him which I think frames, in many ways, what is -- what it is that we're really trying to do here. I believe one of the major problems

we face in our world is that we want short-term solutions for what are essentially long-term problems. And I think this presents some very particular problems and challenges for those of us in the dispute intervention field because we are a short-term -- most of our work, not all of it, but most of our work does occur in a short-term model. But we are not dealing with issues or problems that you can resolve once and launch off into the future being very, very pleased with the fact that we can now put a notch in our belt because we got a mediated agreement and life will go on in a wonderful way for everyone. This is particularly true I think in special education, and this is something I know from my own personal experience. The issues that parents and educators face in special education are issues that will go on year after year after year. And you may get some resolution, do important elements of the problem one year, but in one way or another they are an issue that parents and educators and other service providers and other family members face, and the kids face, their entire childhood and beyond. And yet, we have a short-term model, and that's not a bad thing. It's not a problem that we tend to have a short-term model as mediators, for example, but it is a problem if we don't understand the dilemma it faces and if our whole mode of intervention and way of thinking about things becomes framed as, "Let's get a resolution and we're going to fix things and we can get out of here." Now we're not alone in this. We see this throughout society. We see this -- and that actually should -- this says, "I admire Nesby because his agendas are never hidden." I'm not quite sure how this fits into the speech here, but I put it in anyhow. You know, we're not alone in this. We are totally -- we are totally acting in a way that is consonant with one goes on in our society more generally. When we look at the debate about the national debt, when we look at unemployment, when we look at issues about what we're going to do about the -- about nuclear weapons proliferation, about global climate change, about the Middle East, all of these, I think if you think about them, are issues that will be around for quite a long while. And yet we are arguing about what to do about them almost always as if it's an immediate intervention, an immediate problem we need to face. I saw a couple of nights ago a movie which I'm sure many of you have seen, but if you haven't, you should see, Temple Grandin. And for those of you who don't know about it, Temple Grandin is a professor of I guess animal husbandry at Colorado State University who has had a major impact on the way cattle in particular, but not just cattle, are treated throughout North America. And she's autistic. And the movie is about her life, and she's written a number of books and it's very inspiring. But the point in the movie that really brought tears to my eyes was towards the end when she finally finds her voice and speaks to a conference like this of people dealing with autistic kids. And she says at that moment what she's been through, and somebody turns

around her and says, "Well, how were you cured?" And she says, "Well, no, I wasn't cured. I'm still autistic, I will always be autistic. This is who I am." And for me, that's, in a way, what this is all about. What I want to talk about is all about is the most important conflicts in our lives, the most significant issues that we face as individuals, as organizations, as communities, as societies are not the ones that will readily go away. They will be around. They will be around with us for a long time. And so the issue that we face is how do we help not just with the immediate challenge, but with the ongoing challenge of what I call staying with a conflict? And how do we deal with I would call the enduring face of conflict? So I'll talk a little bit more about this, but I'd like to -- in the next period of time, I'd like to break this concept apart. I'd like to talk about why do conflicts endure, what is the nature of that, and I'd like to talk about, well, what is it we can do to deal with these, the enduring element of these conflicts, especially given the fact that we operate within a short-term model of intervention? So I am sure these three kinds of issues, all of which I've dealt with, are familiar to you all in one way or another. As I was writing the book *Staying with Conflict*, my wife was actually -- who's a mediator, was actually doing quite a bit of special ed mediation in Ontario at that time. And we talked a lot about how each of these kinds of issues came up. And she was particularly dealing with quite a few mediations about -- dealing with what we need to -- what schools needed to provide for special services for autistic kids, which I'm sure many of you deal with. And part of the problem, of course, is there's a proliferation in diagnosis of autism in the last number of years. And of course, we don't really know exactly what to do, as with many other -- a deep dirty secret. My background originally is social work, but are a lot of us in the child welfare field, the social work field had is we had to act with certainty as if we knew what would be the best plans, and we often didn't. So this -- these are some examples of conflicts within the purview of what you do, but you could think about other kinds of conflicts as well. Dysfunctional business partners. Because I primarily work in academic settings right now, I seem to be mediating a lot of academic disputes. And I will tell you, faculty department disputes are among the most long-term and severe and dysfunctional, I would say. My brother recently retired as a sociology professor at the University of Colorado after 40 years, and he -- I can tell you disputes that he described when he first joined the department that were still going on when he left, and there was not -- the only person in common, and he had nothing to do with some of these, was him. Started out as the youngest person in the department, ended up as the oldest. And you could look at some of the rest of these as well. I will talk about a couple of these specifically in more detail in a little while as I try to unpack this, but these are all examples of problems that are most likely

not going to go away with a -- no matter how well-constructed a dispute intervention process we come up with. So then that raises a question about, well, what can we do? And I think that the simple answer to that question is that we can help people engage in these conflicts more productively, and we'll talk a little bit more what I mean. So I think that our field is dominated by three primary models of intervention and of what the goal of intervention can be. Now you can come up with others. These are not -- this is not an exhaustive list, but these seem to me to be three of the most important models that we face. Each of them has integrity, each of them brings something to the table that's very, very important, but each of them also has limitations. And we need all three approaches, I think. The first model is the one that is dominant in our field, the resolution model. It is -- the name of this organization has resolution in it. The name of our major national professional organizations, the Association of Dispute Resolution, Dispute Resolution Section of the American Bar Association, and quite a few others involve this, at least reference to this model. Now one of the problems with resolution is it means many different things to people, but most -- the most widespread understanding of it among professionals in our field is to equate resolution with agreement on outcomes. You can define resolution differently, but that is mostly how we understand it. And the big advantage of this model is that it reflects on what most people come to us for. Most people come to us because they want something dealt with. They want something resolved. They want an agreement. Another big advantage of this model is far more easy to use this as a basis on which you build a business and market yourself and present yourself to the public than, you know, the other two models. Most people do not want to go to mediators because they're asking for transformation of one kind or another or change. In fact, one of the real interesting ways in which mediation has been a really strong presence, one of the things that's made it a strong presence, is that it's not therapy, even though sometimes it's therapeutic. Because, for example, any of you who've dealt with parent-teen mediation, one of the things that really I think teenagers are more open to mediation sometimes because the whole way we approach is we're not trying to change you. We're not trying to engage you in that kind of process. And so those are some real strengths of the resolution model, although it is not necessarily the easiest sell in other respects because of -- and that's one of the problems with it. Because many people who are involved in long-term conflict, in conflicts that will go on quite a while, think we're trying to sell them a bill of goods if we say we're going to help them resolve their issues. Because if the fact of the matter is that many conflicts that people know that there's -- the conflicts they're involved with are not about to go away. And sometimes I think we actually lose credibility by saying -- when we go in

and say, "We're here to help you resolve a conflict." More often if we don't lose credibility, what we do do and what is a problem with the resolution model is that it narrows our focus to what is resolvable. That's sometimes fine. Sometimes that's exactly what we should be doing. But sometimes that takes us away from what's really important. So I go into -- take a workplace example, I go into a workplace and I see that there's a number of grievances about overtime. And so I'm going to mediate those grievances, and I will get a resolution to if -- I won't get it, they'll get it, but I'll help them. That's my purpose, my focus. Problem is, if there really are a lot of grievances about overtime, it's probably symptomatic, is it not? It's probably symptomatic of something much deeper. And the fact of the matter is we often, even without thinking about it, just define the issues there and focus straight on what can even -- what we can even imagine a resolution to because a lot of the deeper issues of trust, of philosophy, of values are not something that people can imagine a resolution to. So that's some of the pros and cons of the resolution model. The second major model is a transformation model, and you've -- I'd gather you've talked about that at previous symposiums if you've had Baruch Bush here. Bush and Folger are the proponents of the most known transformation model, but John Paul Lederach also takes a transformative approach to conflict, only he's not talking about transforming people, he's talking about transforming conflicts. And in both of those models, a real -- the real strength and the real value, I think, of the transformative approach is it's been an important, important counterweight to the mediation model that sort of is so focused on outcome that it can become very power-based and very directive and can run over the potential that people can have in mediation and other dispute intervention procedures to deal with the deeper, more underlying issues that we do have the capacity to help people deal with. And so I think that's a real strength of those models and a real service they've provided to the field. Another real strength, I think, of a transformation approach, particularly as Bush and Folger have described in many of their writings, is some of their tactical approaches they suggest are excellent and they really provide a whole new set of tactics and of intervention techniques. And they challenge some of our intervention techniques that many of us, me included, almost take for granted, such as the whole use of reframing, which they suggest we really think about very deeply. On the other hand, as there is with each of these three models, there's a real limit to the transformation approach too. One is what I already said. Most people do not go to the mediator or to intervention procedures to have a transformative experience. And if that really is our goal, we are imposing an agenda on people. And I think we have to be very, very careful of that, and I think that in itself can be very dangerous. Secondly, and this is where many of my friends who are transformative

mediators and I might lock horns a little, and maybe I will with some of you too, I think there's a fundamental philosophical problem in that the transformation is seen as a whole fundamental philosophy of intervention. Whereas I think, in fact, many people end up using other models, say a more facilitative approach, in fact are very open to the potential people might have for empowerment and recognition and to engage in transformative -- and to push the transformative moment when it occurs. And so I think sometimes there is you're either with us or you're not with us kind of philosophy that sometimes has come from that. And I think that can be a problem as well. And finally, there's the engagement approach, which I've been most associated with in recent years myself, which has -- suggests that our purpose starts out with helping people engage with a difficult issue in as constructive a way as possible. And that will take them where it takes them. It may take them to a resolution. It may take them to transformation. It may take them to dialogue. It may take them to learning new skills. It may take them to setting up procedures for ongoing interactions. But it doesn't assume that in the -- as we enter into a process, that either of these others is what's going to happen. It just assumes that we're there to help people engage with an issue that they're having trouble engaging with in a constructive way. So to me, the value of this approach is that it really reflects in a most fundamental way what we really ought to be all about, whether we're dealing with short-term intervention or a long-term intervention. We ought to be about -- that ought to be the fundamental way in which we think about what we're doing. But there are shortcomings to this approach too. For one thing, it's really kind of an awkward word. So if somebody could come up with a better word than engagement, let me know. It tends to make people think they're about to get married or something. Another thing is if you think it's hard to describe what your job is if you're work is in the field of conflict resolution, try describing what your job is if you work in the field of conflict engagement. I really did once have this experience going up a ski lift, a four person ski lift, in Breckenridge, Colorado. And the person next to me was a friend of mine who was a therapist, and then there was somebody else on the ski lift we didn't know who was very talkative and wanted to know all of what we did and asked my friend what she did, and she said, "Well, I'm a family therapist." And this person tried to then start to tell her about all her problems in life. And then she turned to me and she said, "What do you do?" And I said, "Oh my god, what am I going to answer now?" So I said I sold Winnebagos. I did, I thought my friend was going to drop off the chairlift. She then asked me, "Well, all right. That sounds really interesting." I realized, "You know, I don't know the first thing about Winnebagos." I couldn't name one model of one, so I changed the subject as quickly as I could. But I do think that's actually --

the abstractness of the concept is really -- is a problem. As accurate as it might be, sometimes people need something a little bit more concrete. So what I think we need to try to do, because I do think this potentially is the most honest and accurate statement of what we are, we have to try to, as we used to say in the '60s, concretize a dialectic. We need to figure out a way of trying to figure out exactly what this means. So let me try to -- let me try to do that. So one way I've thought about this is that I believe that there are six faces or aspects of conflict. And these are almost -- at least several of these are almost always present in the situations we deal with. They are not always all present, but in most of the situations, and certainly that's true in special education, many of them are present. And maybe the most fundamental decision that we make in life but also in our work is when -- are the ones that we don't realize we're making. And in this case, I think maybe the most -- one of the most fundamental decisions we make is which of these faces we're going to deal with. We have, by the questions we ask, by how we present an issue, by who we ask into the room, by how we set up our processes, we in fact make decisions about this all the time. And we have to. We can't deal with everything, but we ought to be at least conscious of what we're doing. So let me just for a moment talk about these six faces of these conflicts. One is latent, that element in a conflict situation where conflict has not yet arisen but it's certainly potential. And I am sure, in almost every -- excuse me, in almost every mediation you do, you could sit back and say, "I can see conflicts coming down the road. I can see issues that if we don't deal with now can come back and bite us. And yet, I can't -- we can't deal with everything." And yet -- so you have to ask yourself, "Which of these issues ought we to be raising or encouraging people to raise or setting up a process that it be raised? And which do we really not have the capacity, the time, or the mandate to raise?" I think in many, many schools that I've worked with over the years, one example of a latent issue if you want to think of it that way is race relations, where you -- we see underlying tensions and the question is do we -- however you want to call it, name that elephant, raise that issue, get into that? And while you can't get into everything, if you always avoid the deeper issues, if you systematically avoid the deeper issues, then you systematically set the stage for more difficult problems happening later on. I worked as many years as a divorce, among other kinds of mediation, doing divorce mediation in a town not unlike Eugene in this respect, in Boulder. It was a university town. And the element -- the nature of doing mediation in a divorce mediation in a university town was a certain percentage that people you -- where you were working out parenting plans, you knew that eventually one of the parents was going to have to move when they got their degree or when they didn't get tenure or whatever happened. That one of them

was going to have to move. And the question always was, to what extent do we take that issue on now? And you can see the arguments that on the one hand, if you don't take it on, it is eventually going to be a problem, maybe this is the best time to deal with it. On the other hand, maybe this is the worst time to deal with it. And so that's -- those are examples of latent conflicts. And I invite -- I would invite each of you to think for a few minutes about what are the latent conflicts you see in your organization? In your community? Or in your schools? Or in your lives? And I think while we can't take them all on, I think we err on the side of not dealing with them enough, of not talking enough about those issues that -- you know, this in some ways, this is just prevention. This is just a good model for prevention. But you know, but that's a key part of what I think we need to be thinking about. Now I can tell I had been meaning to change this slide in this respect. I think trivial is probably the wrong word. I should probably use the word low-impact because trivial sounds pejorative. And what I mean is that element of a conflict which is, in and of itself, low-impact. In a divorce mediation, it might be who gets the kids for Christmas night and who gets them for Christmas day. And there's not a mediator, a family mediator in the United States, who hasn't dealt with that issue at some point. Now maybe it's not low-impact, maybe it's enormously impact -- has an enormous impact on people. But often it is low-impact. Who gets the corner office? Who gets which parking space in the workplace? Who gets to go to a conference in Eugene, Oregon, and who has to stay back at the office? You know, maybe you'll meet your life partner at this conference, so maybe it'll be a lot of impact. Probably not. I met my wife at a professional conference. I mean, but at any rate, the issue we often face is, do we stay with the low-impact element? Or do we not because all low-impact -- almost all low-impact conflicts are conflicts because they're representative conflicts as well? Just see two down the list here. That they represent other issues. So what does that Christmas represent for people? You know, what does particular room assignments or teachers represent to them? I once was asked to mediate a dispute, to deal with a dispute in the workplace of a municipal agency. This was a financial team of a municipal agency where there was six or seven people who were basically accountants who worked for the agency who had a history of a lot of conflict, I was told. So I was asked to work with them, and I did some interviews, but then I took them away for a day retreat. And when I sort of pushed them about what was really kind of generating some of the feelings they were having, they all talked about how they said good morning to each other. Well, I say good morning and you don't even respond. Well, that's because if I respond, you then go into your office, close the door, and that's the last you'll speak to me the whole day, so what's the point? As I was sitting there thinking, "Am I going to spend a

day teaching these people how to say good morning to each other?" You know, something on the order of everything you need to know in life, you should have learned in kindergarten or whatever. But you know, that's -- so of course I pushed, and of course it represented much deeper issues as I'm well - - I'm sure you can imagine what it represented. But I often think we have that issue. Do we deal with -- people come to us with a low-impact issue, how much do we deal with what it represents? And how much do we just say, you know, let's take what people give us. And mostly, if we ask enough questions, if we're really curious about why things are really important with people, if we open up the door, we'll find representative elements. But there are just an awful lot of examples in which we just don't go there, we stay there. And again, sometimes that's a legitimate decision to make as long as we know we're making it. Let me switch the next two, so let's talk about representative conflict for a moment. Every conflict represents everything else, so if you are dealing with how people say good morning to each other, eventually you're dealing with the Middle East. I don't know how, but you are. It is six degrees of separation or something on that order. But everything does represent everything else, and one of the questions we often have to make is where do we cut off the representative elements of stuff? So I'm -- you know, if I were to ask you, well, most of the conflicts you deal with about, let's say, the kind of services a child receives and the kind of responses made to the kind of discipline that are used in classroom situations, they may be important of themselves, but what do they represent? What else do they represent? And obviously what they represent can go very deep. And where do you cut that off? And so I think that's a challenge we all face. And it's related to latent issues, it's related to these all are all interrelated, but it's one of the strategic challenges we make in dealing with both the individual cases we are intervening in and the larger system as how we set up the larger system. So and to use another example from a very different kind of conflict, imagine dealing with a medical malpractice of some kind or another. Now what tends to happen in medical practice is that if somebody feels an injury has occurred to them that was a fault of the system or of a practitioner in some way and they go to a lawyer, the lawyer by training and also to some extent by obligation will start thinking about, "Well, what element of this can I create a legal case around?" That also happens if somebody feels they're treated very badly in the workplace and they complain about it to their union, unionized shop to the union representative, or they go to somebody who's a -- represents people in workplace disputes. And again, people start thinking about, "What can I make a case about?" And as people begin thinking about that, the issue becomes narrow and narrower. So in medical malpractice, what tends to happen is it becomes monetized. How much money are you going

to get? How much money do you want? What needs do you have? Whereas, you know, we know from many studies that what people really want -- they might want money, but what else do they want? They want at least two other things. Repeatedly this is what people say. They want acknowledgment, which usually means an apology of some kind. But even if it's not exactly apology, an acknowledgment that injury occurred and that should not have occurred. And people wanted an apology or an acknowledgment of a kind other than saying, "I'm sorry if you felt you didn't get good treatment," which is a lot of times what people -- the best people get. No, they want more than that. They want serious acknowledgment that there's a problem in the system or in the care they received. And they want a sense that something's going to change in the future so that people do not feel like the injury was for naught, that it had some larger meaning. And we see this over and over again, and yet the system of resolving these things almost always narrows it down to money, which is also part of it. I'm not trying to say that's not important to people as well in many circumstances. So the representative face of conflict is almost always present. Then I have what -- we have what I have called transient conflict, and that is the element of conflict that, by nature of it, can be resolved. Even if it's not going to be resolved, it can be. How a house is going to -- who's going to get -- how assets are going to get divided in a divorce? What is going to be done about the overtime grievance in a workplace? How -- what is the specific services are child's going to get during the next year? How is a disciplinary action going to be ended? And that's the world that we mostly live in. We mostly live in the world in which we will try to focus on what can be solved. Sometimes that's very important and there's nothing wrong with that, again, I should repeat, but we often go there without thinking about that. So you know, to move from the very local to the very global, I think one of the problems in how we approach the Middle East is that we keep on looking for a resolution that is transient in nature, stubborn really, but what's going to be the status of Jerusalem? What are we going to do about the right of return for refugees? What are going to do to try to safeguard the security of all peoples involved in the Middle East? Those are things that we can think of an agreement about. I think it's a -- but I think, in fact, that's led us down a lot of mistaken paths in our policy. Our being the world, if you want. I'm not specifically talking about the United States or special ed mediators for that matter. But I think that has really led us down some blind alleys, if you will, that have meant that we focus so much on specific agreements that we haven't looked at what we can do to change the underlying dynamic of the communication patterns, for example. That we have stubborn conflicts, and those are transient conflicts, but they're like the Middle East, they're like Jerusalem. They're very difficult. They're the

ones that, in principle, could be solved by an agreement, but it's very hard to solve with an agreement. What we're going to do immediately about our debt ceiling, the thing we had over the summer, was pretty stubborn. I always think from an environmental point of view, whenever somebody says, "I would like you to mediate whether we're going to build a dam or not." I always want to run the other way because those are always hard because it's very hard to build half a dam, and so I'll be damned if I want to do that. So, but that's what I mean by stubborn. They appear to be enduring, but that element of a conflict that may be very, very difficult, but in and of itself you can at least imagine a resolution to. So whenever I get depressed about the Middle East or climate change or politics in Washington, I like to think of places like Northern Ireland, where there is much more hopeful things that have been happening and elsewhere in the world too. There's some hope, for example, that in Nepal that there's been a similarly very bitter dispute that seems to be winding into a new place. So in Northern Ireland, the issue of coming up with an agreement about power sharing, coming up with agreement to do away with the arms caches that were so prevalent there in a responsible way. And coming up with an agreement to -- about what was going to be done about the many people who were imprisoned for having committed horrendously violent acts. Those were stubborn disputes, but they could be resolved. The real test of whether things will progress in Ireland, and we're certainly not out of the woods there, are what will be happening in places like South Africa or Nepal or a number of other places in the world we can look at, whether there's some hope that these are moving in the right direction is once those agreements are in place, now what do we do with the enduring face? And the enduring face is the final face. And that is an element of conflict that you can't imagine an agreement for. That you can imagine agreements that deal with elements of, but there isn't -- you know, even if I could impose an agreement on the world, I could not tell you what we need to agree to to deal with climate change. Global climate change, global warming is an issue that our grandchildren will be dealing with. We can make progress, we need to make progress, but it's an enduring dispute. Dealing with the tension between the needs of special education and the needs of general education, you will find this in schools as long as you work in schools. I suspect you'll find disputes between custodial staff and teaching staff in schools as long as you're around too, but I don't know how much you deal with that. I've had some interesting ones in that area. You know, in our history as a nation, there's certain you can call them almost iconic conflicts that define who we are and that have different manifestations, but have had different manifestations throughout our history. One, of course, is the conflict between the power of the center of the federal government and the power of the locality. I

mean, this was a major issue that was fought over when we had our constitutional convention and it's still a major issue we see fought over today, some of the disputes in our politics today are. But probably the most important iconic conflict, if you want to call that, that has defined who we are as a people has been race. And you know, if somebody wants to tell me what is an agreement that's going to end all racial conflict, let me know what it is. It is built into who we are as a people in some respects. We've made lots of progress. Good thing we don't have slavery anymore. We've made lots of progress. However, we are way too quick to declare the battle won on issues like that. So that's what I mean by enduring conflicts. And why are conflicts enduring? Well, what is -- genetically, they're deeply rooted. They're rooted in who we are. They're rooted in the system, the structure, the way we've constructed our institutions, the fundamental economic engine that drives us. In our history, they go way back often. They're identity-based. They have something to do with our sense of who we are. They're driven by deep values. They're, as I mentioned before, they're embedded in structure and they are in the structure of our institutions, in the structure of our laws, in the structure of our own ideologies, the way in which we describe how we understand the world. And they're very systemic and complex. That the way people -- enduring conflict doesn't mean everlasting conflict. It doesn't mean eternal conflict. We do get past some of this. For many, many years, I would say the conflict, for example, in the part of the world I lived in for four years between ranchers and sheep herders was a very, very deep, long-lasting conflict. It is not a conflict anymore. But it's not because they ever sat down and mediated an agreement and resolved it. They may have dealt with local issues that way that may have helped a lot, but in fact what they did was the world moved on. The structure changed, the economics changed, the identity changed, although I suspect you can still find ranchers and sheep herders who don't like each other. But it's still a -- it's not the kind of conflict it was. You know, certainly racial conflict in our country has changed deeply, but look at the poverty statistics, at the statistics about who's incarcerated, about where unemployment is rampant, and you'll see that it may have changed, but it's not over. So these are why conflicts endure. And I think sometimes the very deepness of, the very essentially fundamental nature of these conflicts can make us shy away from them, but we do a disservice to our clients if we do. Now you can ask, in special ed, how does this all play out? How is it embedded in structure? I actually would like you to ask yourselves that. How is it based on the system of education in our country and our fundamental ways of thinking about the world? How is it value-driven? How is it based on identity? And to what extent ought we to be doing something about it or not? But because these are deep, because we often feel, "How can we deal with

this? Let's just help people be concrete, let's come up with specific agreements, let's try to deal with the things they can agree on. That's how we can help people." And that may be right. We often feel like we don't want to touch this stuff, but yet it's there. And if we don't ever deal with it, we're ignoring something very important. So what can we do? And let me get at this in a couple of different ways. Let me first talk about the dilemmas of enduring conflict from global warming to warring parents. I think this is -- it's by understanding these dilemmas that we are sometimes given the clue for what to do about them. One is that no comprehensive -- I never understand how to capitalize PowerPoint, but anyhow, that no comprehensive -- I should go back to grade school, I know. No comprehensive solution will solve the problem, but the problem must be addressed. Again, this could be the Middle East. This could be many -- as we're struck with the dilemma that we got to address a problem, but there's no complete fix to it. We have to go forward with coming up with ways of dealing with a problem even though the problem will continue. And we are not very good at that. That takes a kind of cognitive and emotional maturity, you know, that it's hard to deal with. Another is struggle is necessary. Cooperation is essential. Do we really believe that? Do you really believe that it's important that all voices to an issue ought to be really present, even the ones you profoundly disagree with? How about do you believe that voices ought to be at the table that say global -- climate change is not really a problem? Or how about the fact that it's not even really happening? Maybe some of you believe that. I don't. But do we really believe those voices ought to be in the table? Well, I do because they bring something important both in terms of the people who are out there whose involvement in where we go down into the future needs to be solicited and encouraged and because if maybe the most extreme views of it don't bring a whole lot, a lot of the -- of ideas towards the solution, a broad section of the views really do. There is nobody now who knows, for example, what we could really do about it. Should there be carbon trading? Should there be a carbon tax? You know, should we just let it happen and let our population -- our people deal with it? I think we need cooperation to come up with implementable agreements and steps forward. On the other hand, we need struggle. And I think this is true in what you deal with too. You need different points of view, I think, even ones that you don't like, especially ones you don't want. I think decisions must be made in conditions of uncertainty. When I worked in child welfare, I ran for a number of years a residential treatment center for kids. And I remember a number of times having to go to court or having people who I supervised having to go to court and testify whether it was safe for kids to go home or not. Now I guarantee you if I ever said I was totally sure, I was not telling the complete truth. But you don't go to court and say, "Well, I'm not

really sure. Maybe, but maybe not." You go there and you say what you think the best you can, and you have to act with a certain amount of certainty in those conditions, but we're dealing with profound uncertainty. Anybody who's ever done custody evaluation faces the same thing. You still have to make decisions. I have a son who is a meteorologist. He's in charge of avalanche forecasting for the state of Colorado. That's a little off from global warming, but that's his professional training. He's the one I was telling you about. And he has made -- very eloquently said to me how bad science and politics are as partners because science is in the position talking about uncertainties and politics requires certainty. And I think the dilemma that that faces us in many conflicts is you can't wait for certainty to make decisions because it'll be too late then. And that's true for kids. That's true for many, many circumstances in life. So the final -- that leads to the final dilemma is we need to find the strength and the energy to live with ambiguity, but find the energy that derives from clarity. If the only way you have the energy to go forward with all the spirit and all the energy and all the commitments and all the willingness to deal with the pain that comes from dealing with difficult issues is to have complete certainty, then you have to become an ideologue. So I think that's a dilemma, that's a challenge we face. What can we do about it? So I think there are six steps or six approaches. I don't know why I keep on coming up with sixes in this thing, but I do, to staying with conflict, at least as I see it. And these are the six things that I think we all can do something about in all our work. The first is dealing with how you focus on engagement and confront avoidance. I believe that the biggest issue we often face in helping people deal with the need to find a way to stay with the enduring element of conflict to deal with this is they want to avoid it, want to deny that it exists. And I don't blame them. I want to do it too in my life. There are a lot of conflicts in my life I would like to avoid and, of course, we should avoid conflicts in life. I don't -- I know a lot of us in our field say conflict avoidance is the biggest problem and I think it often is, but I sometimes think a good sitcom would be a character who confronts every single conflict. You know, just imagine what that would be like, or don't. At any rate, so I think that we need to help people focus on engaging in a conflict to the extent that they're ready and able to and that we can help them with. Now in order to do this, we have to understand that conflict avoidance is not a straightforward phenomenon. And I think people avoid conflict in many, many different ways. One way, of course, is the way we usually think about it, is say, "Oh, this will all go away," or, "It's not a problem. There's no conflict." Or like my parents when I was a kid and they were fighting, I said, "What are you fighting about?" They said, "We're not fighting, we're just having a discussion." And you know, or the person who will not deal with a problem, hoping it'll just go away,

the manager who never deals with a problem in the workplace because they just want it to go away. Well, that's certainly one kind of avoidance. But there are three other kinds that I think are related, and they're very important for us to be aware of. One is that we tend to frame issues in terms of what can be solved, and that often excludes a big part of the problem, of conflict. The second is we avoid conflict by premature problem-solving. We solve the wrong issue. And it's like, "Okay, you know, this is how I'll say good morning to you, this is how you say good morning to me. Now can we get out of the room?" One version or another, I think we've often seen premature problem-solving. And I think you have to watch out -- I think it's one of the biggest ones mediators have to watch out for. We want to get agreements. Have we gotten them too quickly and too easily? And the other is by escalation. I think frequently what appears like engaging in a conflict is actually a form of avoidance. I think a lot of conflict escalation can be seen as avoiding the issue. I think that's an awful lot of what's happening in our national politics right now, that a lot of issues are getting escalated, but they're not getting engaged with. And I certainly think that's what's happening in the Middle East too. But I think sometimes an administrator or a teacher or parents will get very angry and very upset and storm out of the room. The best way we can understand that behavior is avoidance because that -- sometimes it's just too hard to engage with the painful issues that are there. So that's one of the challenges. That's one of the steps is to help people engage. And that requires that we frame not only the immediate issue, but we frame it for the longer-term too. So in the session I'll do later, I'll talk a little bit more about communication, but that's one of the key things is how do you frame an issue so you don't lose the immediate potential for what progress could be made, but you don't pretend that's it. You also frame it so the longer-term issue is part of it. Another is to establish durable patterns of communication. And what I mean by that is it's not just how people communicate in the present, but how do you find channels of communication that are multiple patterns of communication, ways of communicating that are multifaceted and that will -- are robust, that will last over time because I think that's a key thing to helping people engage in the enduring element of conflict. And you know, I just -- because of a course I taught, last week I showed a movie, a movie many of you have probably seen called Thirteen Days about the worst conflict, thank you, we've ever had in our lives and the most dangerous moments our species has faced, namely the Cuban Missile Crisis. And one of the things that came out of that crisis was we realized we had to have more channels of communicating with the Russians. Even as the Cold War escalated, we established a number of other -- a number of diplomatic channels. We established the so-called hotline. We established a number of ways to keep

communicating even when we were -- even when we were not -- when the Cold War was at its worst in some ways. If I look to the Middle East right now, one of the things that really is really concerning is how patterns of communication have narrowed. And so we need to -- we need to look at how we can help there not so much figuring out what the outcome is, but establish more and more means of people talking to each other. That's a lot of what worked in Northern Ireland. We need to help people use power with a long-term focus. When people finally feel they need to use power, they need to escalate, which sometimes people have to do in conflict, they often act as if the next act is the whole story. We have to help people use their power effectively, but with a long-term focus. And we have to have people think about power in a reciprocal way. In other words, we need to help people think about how they use their power in a way to encourage other people to use their power responsibly. We do have to find agreements where appropriate, but we have to keep them in perspective. And that means when we deal with helping people engage in a long-term conflict -- a lot of the ways we do it is a lot of interim agreements, a lot of agreements that'll have to be made year after year, but it has to be seen as part of a process of helping people engage over time and not selling people on the idea that this is it. And I find this over and over again that if we understand that part of what agreements are all about is establishing the platform for ongoing conflict, that actually helps. And we have to find ways of helping sustain people through conflict. How can you help parents face 15 years or more of dealing with a special education system? What are the forms of sustenance that we can help provide? Again, to go back to Northern Ireland for one moment, perhaps the most important efforts that were made by peacemakers in the North America to help the conflict in Northern Ireland wasn't our mediation or our great ideas about what the outcomes might be, but that we periodically took some of the potential peacemakers from Northern Ireland and some of the activists who were ready to start negotiating away. We got them out of it. And sometimes it was in the guise of training, sometimes it was a guise of dialogue groups, but a lot of times it was about helping them simply recuperate their energies and feel they were not alone. And I know that many mediators who have wanted to help, like Mediators without Borders who have wanted to help in many parts of the world like the Middle East. I think the best thing we can do, and I've talked -- we've talked a lot about this, is how do we provide support and sustenance to the beleaguered peacemakers in those parts of the world? So I invite you to think about how that might work in your circumstance. So what I'm really suggesting is that we need to begin to change our narrative from prevention management and resolution to anticipation, support, and engagement. And I think we can do this every day of our working lives, at least in our

consciousness. So we ask a different question. "What can we do to resolve or de-escalate this conflict?" becomes, "How can we help people prepare to engage with this issue over time?" So I'm going to just -- because some of this is for later. I just want to end by looking at a couple of iconic conflicts of our time. We recognize this? Has anybody seen the episode of The Office called Conflict Resolution? If not, you should watch it. It's a riot. Not because it has anything edifying, but there is this one part where he goes up the -- where the head guy, what's his name, Steve Carell holds up the mediator's handbook and proceeds to show exactly how not to mediate. So that's my suggestion for how we think about what we're doing. And in the spirit perhaps of there is no such -- nothing so practical as a good theory, I believe this is very practical stuff that we can engage in and we can think about every day of our lives. I do not think this means completely changing our practice. I do think it means changing our consciousness somewhat. And I do think it ultimately is what we have to do if we're really going to help families and parents and teachers and administrators and other professionals and other support people go through what is almost inevitably a long-term process of advocating for children in an effective way and advocating them often when they're adults as well. So what I'd like to do is invite you to have reactions and questions and challenges and engage with me in enduring conflict about this, if you will.