PCMA

WORKING PAPER SERIES

RACIAL/ETHNIC/CULTURAL ISSUES

IN DISPUTE RESOLUTION

By Mark Chesler

**The Program on Conflict Management Alternatives
at The University of Michigan**

THE PROGRAM ON CONFLICT MANAGEMENT ALTERNATIVES

The Program on Conflict Management Alternatives was established in January, 1986 by a grant from the William and Flora Hewlett Foundation, and additional funds from the University of Michigan. These basic grants were renewed in July, 1988 and again in July, 1991. The Program supports an agenda of research, application, and theory development. PCMA also establishes links among other university research and teaching efforts relevant to conflict management alternatives, and maintains liaison and collaboration with similar efforts in other Universities and Practitioner agencies. The Program staffers own work focuses explicitly on the relationship between social justice and social conflict, specifically: (a) the use of innovative settlement procedures and roles for disputants and third parties; (b) the institutionalization of innovative mechanisms and the adoption of organizational and community structures that permanently alter the way conflicts are managed; and (c) the fundamental differences and inequalities between parties that often create conflict and threaten its stable resolution.

We examine these issues primarily in United States' settings, in conflicts arising within and between families, organizations and communities, and between different racial, gender, and economic constituencies. These specific efforts are supported by a variety of research and action grants/contracts with governmental agencies, foundations, and private and public organizations/agencies.

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Mark Chesler, Ph.D.
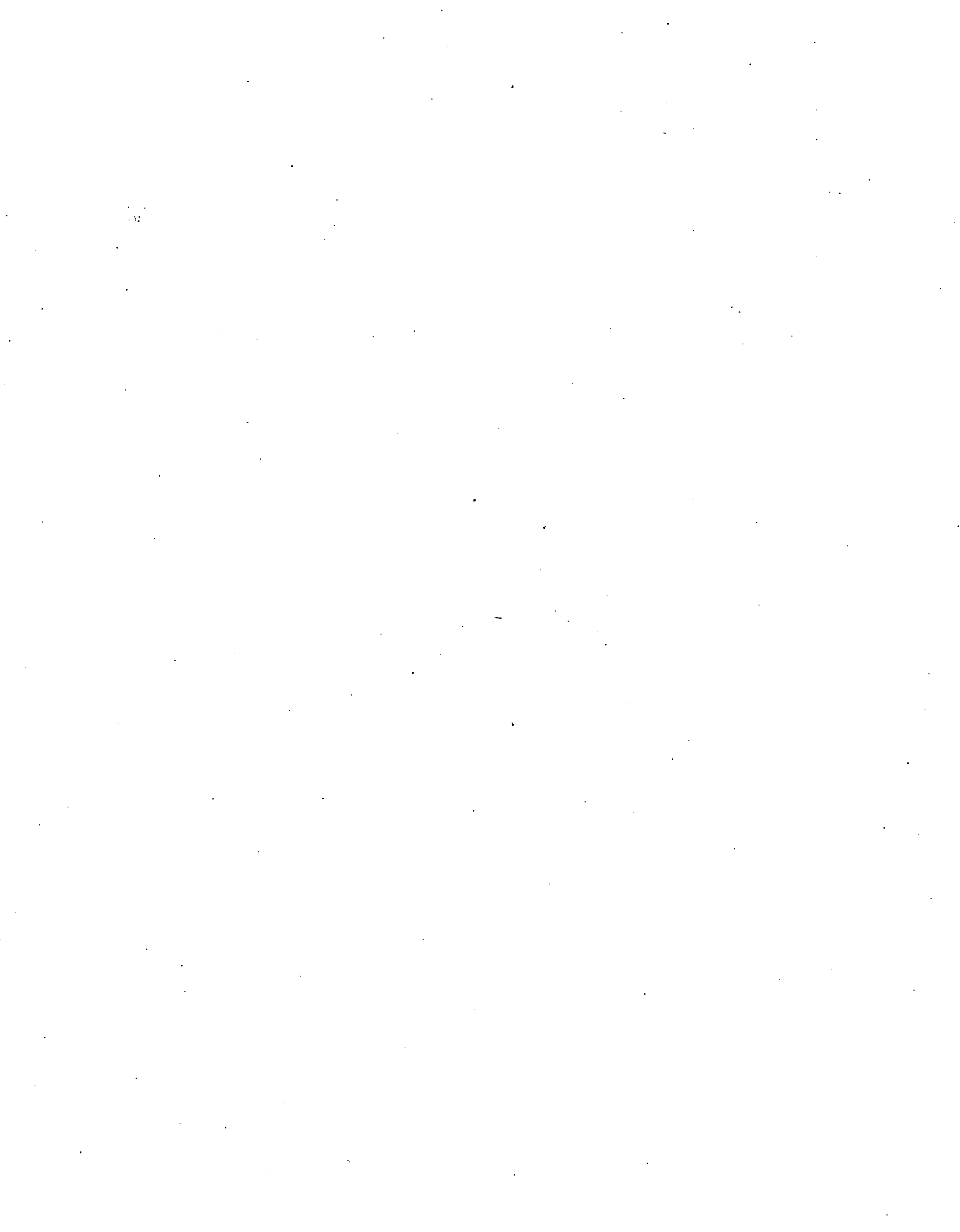
RACIAL/ETHNIC/CULTURAL ISSUES IN DISPUTE RESOLUTION*

Problems of racial and ethnic injustice and discrimination plague our society. They inevitably lead to generalized social conflict and to specific disputes: some covert and others overt, some suppressed and others surfaced, some heated and others calm, some focused on the core fabric of our society and others on peripheral issues, some focused on resources or interests and others on values or styles. The problems are myriad and deep, exist in every corner and segment of our society, and have resisted equitable and sustained remediation or resolution throughout our national history.

The theory and practice of "conflict resolution" (or more formally, dispute resolution) is as old and varied as conflicts themselves. What is relatively new is the creation of a "field" or "social movement" or "discipline" of dispute resolution (or alternative dispute resolution), and a class of professionals who practice this craft. As these actors and their ideas and techniques have taken hold, they have developed a culture and set of interests that impact on disputes and disputants, and that are impacted upon in return.

In this paper I reflect on some key aspects of the role of race/ethnicity/culture in social conflict and conflict resolution, and the role of conflict resolution techniques in racial/ethnic disputes. First, I discuss briefly what kind of a problem race is in our society, and second, what kind of a

practice dispute resolution is. Third, I pose what I think are
some key issues in the intersection of race/ethnicity/culture and
dispute resolution. Fourth, I suggest some guidelines and
strategies for doing conflict resolution work, especially within
a framework of social change and social justice. Finally, I
present some questions for further inquiry - for dialogue,
exchange and research.

I am a white, Jewish, middle-aged, progressive,
professional, located at a major research university. I am an
activist-researcher who has conducted research and interventions
in situations of race/ethnic conflict for much of my adult life.
Most of my work would not fall under the rubric of "alternative
dispute resolution"; it might best be labelled multi-party
consultation, collaborative problem-solving, (re)training of
white organizational elites, advocacy with low power groups, and
first party consultation. I have been less interested in problems
of agreement-making or dispute resolution, per se, than in the
creation of social change and movement toward social justice.
These agendas are not always (perhaps not even often) the same,
although perhaps we would like to think they are more often than
is true. I have a great deal of respect for some of the
activities of alternative dispute resolution practitioners, but
also considerable skepticism about their long-term utility for
achieving social change and social justice - and thus for the
sustained and equitable resolution of many racial conflicts. I do
not think that the only changes worth working for are radical and
transformational in nature; I am committed as well to reformist

efforts and to the process of working within the system to "nibble away" at oppressive social structures and practices. But I do think that change is the name of the game in conflict and dispute resolution. I know my statuses and experiences influence my perspective, and that my perspective influences my analyses...they may influence your reading of them as well. What follows is an much an outline of the issues I struggle with in my own practice/theory as it is an essay on racial/ethnic/cultural issues in dispute resolution.

What kind of a problem is racial/ethnic conflict?**

Different observers of racial and ethnic conflict in the United States propose different definitions of the problem. In my view, <u>historic discrimination and injustice, reproduced over generations, is at the root of most racial conflict</u>. The historic sources of this discrimination lie in the conquest and extermination of Native Americans, the purchase and enslavement of African-Americans, the conquest of the Southwestern and Caribbean lands of Latinos, the importation and indentured labor status of Asian-Americans, etc. Cultural assumptions and ideologies of white superiority and manifest destiny were invented and utilized to justify these actions. The continued cultural, economic and political domination of people of color by white people (and especially by their elite representatives) has created and sustained social conditions and personal mindsets (for everyone - whites and people of color) that determine contemporary race relations, including the constant existence of conflict.

Racial/ethnic conflict, then, is the natural outgrowth of historic and continuing institutional discrimination and injustice (not simply personal andor conscious prejudice or discriminatory behavior). Since race/ethnicity is highly correlated with socioeconomic status, racial conflicts also often are matters of economic class and power as well as culture. People of color have less institutional power than do white people, and their low power position is reflected in lesser personal and collective control of societal resources, lesser access to decision-making positions in the society, and lesser ability to influence and control their own life opportunities and those of their communities. It also is evident in differential life expectancies, infant mortality rates, wages and earnings, housing conditions, etc., between racial/ethnic groups (see, for example, Bean & Tienda, 1987; Jaynes & Williams, 1989).

This institutional injustice creates some particular grievances and disputes directly, sustains and escalates others, and permeates almost all interaction such that overt conflict is ever-likely in even the most genial and harmonious interracial relationships. As a result, matters of justice/injustice (both their meaning and their means of achievement) are directly or indirectly at the core of most racial conflicts. <u>Particular racial/ethnic disputes cannot be abstracted from these underlying conflicts and conditions of oppression</u>. As Marshall notes (1988, p. 39):

> This intimate connection between 'disputes' (as conceived by outsiders) and the general ongoing social process means that

they cannot simply be isolated as distinct and limited problems as the law tries to do, and as some dispute settlement schemes also attempt....disputes must be seen as interrelated in the present and as having histories of other altercations in the past....a dispute...must be recognized as but one phase of a continuous process in which the battleground shifts from place to place.

People of color have cultures that are in many ways different than the culture(s) of white people. Most often they are survivor-based cultures, with strong oral traditions, revered histories and symbolic representations (in song, story and poetry) of group identity and struggle. Given the intersection of power and culture, these differences are clearest in the contrast between the culture of lower class African-Americans, Latinos and Indians, and upper-middle class "anglo" whites, but they often cut across groups and classes (see Kochman, 1981 and his later mimeographed materials, for a lengthy discussion that tries to avoid over-stereotyping and essentialism). Many people have cross-cutting group memberships and loyalties, and thus stand at the junction between various cultures. However, the existing differences have profound impact on cross-cultural relationships, confusing and confounding the personal and collective interactions between people of color and whites.

The more powerful white community typically creates a heirarchy of desired cultural attributes, and translates differences into "better" and "worse", often portraying the cultures of lower class people of color as "primitive", "self-destructive", "dysfunctional", etc. This attempt at cultural domination may result in anger andor internalization of oppression by low power groups and distance, rejection, fear and

arrogance by high power groups. The preservation of and respect for various groups' cultures must therefore be a crucial element in the struggle for social justice, and thus in conflict resolution activities.

There also are major cultural and class differences and potential conflicts within and between racial/ethnic groups who typically are "lumped" (on racial or power grounds) into the category of "people of color" (Takaki, 1987). The same is true for apparently homogeneous groups of white or Anglo people. In school desegregation cases in Texas, California and Arizona, groups of African-Americans and Latinos came into heated conflict with one another; in Miami, groups of African-Americans and Cubans (as well as other Latino groups) have engaged in conflict with one another; in Los Angeles and New York City, groups of African-Americans and Asian-Americans have come into conflict with one another. Similarly, African-Americans, Latinos and Asian-Americans of different social classes or national backgrounds also have different cultures and may come into conflict with one another. To the extent that these groups engage in, or are manipulated into, conflict with one another, the most powerful and privileged forces in the society escape direct challenge. Recent work by Feagin (1991) clearly indicates that middle-class status does not make African-Americans immune from much of the oppression and discrimination typically assumed to occur only to lower class people of color.

Demographic projections of increasing population growth among groups of people of color suggest that concerns about

cultural identities and boundaries, and pressures for change in patterns of institutional discrimination, and thus conflict, will increase in time.

White people generally resist, sometimes consciously and sometimes not, knowledge of, or responsibility for, these realities: they/we avoid having their/our values, prejudices, self-esteem, sense of being fair-minded, resources or interests pressed, threatened or challenged by aggrieved people of color (see Ashmore & Delboca, 1976; Bobo, 1990; Chesler, 1976; Katz, 1978; McIntosh, 1989; Ross, 1990; Wellman, 1977 and others for discussions of the multiple sources of whites' racial attitudes and actions). They/we certainly resist the possibility of changes that threaten their/our privileged status.

This is the kind of conflict racial/ethnic conflict is: it has <u>historic as well as contemporary</u> roots; it <u>permeates all racial interactions</u> (interpersonal, organizational, institutional); it is about <u>questions of justice</u>; it is about <u>differences in institutional power</u>; it often involves <u>multiple cultural differences</u>; it is a <u>reaction to domination</u> (by both dominators and dominatees); it is a <u>source of power for change</u>; it <u>will increase</u>. No wonder it is so problemmatic - intellectually and practically.

What kind of a practice is ADR?

The creation of social change, and the quest for social justice, requires the generation and utilization of power and associated resources to challenge the status quo of institutionalized authority and privilege. Once challenging or contending parties have generated sufficient power, previously covert conflicts become overt and disputes are recognized. When recognized disputes reach an impasse, especially an impasse that threatens the interests of elites, requests for dispute resolution interventions may arise. In this regard, Crowfoot (1990), drawing on Cormick & Patten, suggests that the conditions for effective mediation/negotiation include parties who: have reached an impasse, have a relative balance of power, are willing to compromise, and have the ability to make and implement decisions reached. I return to discussions of these conditions later. However, if agitation, challenge, and dispute generation are crucial to gaining elite attention, creating an impasse, engaging parties in discussion, and achieving social justice, what is (and what is the role of) compromise or cooperation-oriented dispute resolution?

There are many definitions (all probably partly correct and useful) for this broad perspective on social conflict resolution. Some approaches focus on the creation or exchange of information and ideas, such as education, dialogue and discussion. Other approaches focus on altering the composition of decision-making bodies or decision-making processes, such as new forms of representation, consensus-making, collaborative problem-solving,

negotiations and voting. Still others focus on creating change in individuals or social systems, such as consciousness-raising, organizational development, community organizing, or public policy-making. All these and other forms of dispute resolution exist, and may be relevant in racial/ethnic disputes. And some, those of greatest concern to this meeting, are lumped under the <u>rubric of ADR; they typically are marked by a concern for professional intervention in a dispute by a neutral third party</u>, one utilizing resolution mechanisms such as guided bargaining, assisted negotiation, mediation, arbitration. Of course, the lines between dispute resolution and alternative dispute resolution are fuzzy, and one can use specific techniques quite interchangeably.

Various practitioners of dispute resolution conduct themselves in quite different ways, even when utilizing a common technique. Thus, it is problemmatic to argue the merits of any technique abstracted from the situation in which it is employed and the person who employs it. For instance, various conflict intervenors or resolvers differ on: whether to intervene prior to an escalated dispute or only when it is at an impasse; whether and how to balance parties' power in a settlement procedure; the meaning of being "neutral"; how concerned they are about the existence and impact of their own racial/ethnic privilege or bias; the utility of the "third party" role; whether it is adequate to settle a dispute without resolving underlying conflict; whether to build into a settlement procedures for

monitoring or guaranteeing implementation; how concerned to be about long-term social change; etc.

One overriding question is <u>whether the agreements that third party and neutral dispute resolution techniques accomplish really settle conflicts or whether they (deliberately or not) simply "cool-out" challenges and protest</u>. To state this question another way, do they contribute to social change efforts that alter the injustices that surfaced in the form of an overt dispute, or do they contribute merely to the apparent social peace (covert conflict) of repression and suppression? Marshall notes the two sides of this dilemma as follows (1988, p.33): "A superficial settlement may have short-term advantages for public peace, but not in the longer term...." and "...the settlement of superficial issues, and control of unconstructive emotions or violent tendencies, may be a necessary prelude to the identification of the real issues and to a productive course of conflict resolution." We all want to see conflicts and disputes settled, and the pain, hurt, anger and actual or potential violence of such situations ended, but at what cost, and with what long-term benefit?

The profession of dispute resolution experts, as other professions, has its own culture and self-interests. It is vital that these interests and normative styles/beliefs not determine the specific nature of dispute resolution processes or outcomes, and that local cultures and concerns direct both the nature of resolution tactics and specific agreements. Democratically-oriented social change, that is - movement toward social justice

— must come from the energy and power of oppressed people and their interactions or struggles with allies, advocates and (former or present) opponents. It cannot be designed or imposed by powerful groups of organizational or community elites, by intervenors and consultants, or by external change-agents. Such parties can, on occasion, facilitate necessary struggle and planning, and can help ensure that resolutions lead to liberation rather than pacification, to social change rather than social control, and to multiculturalism rather than monoculturalism.

Some connections between racial/ethnic conflict and ADR.

    1. What is a racial/ethnic conflict? One example of a racial conflict is a dispute between two parties, or sets of parties, where the parties simply "happen" to be of different races. For instance, Marshall & Adams suggest that the 1968 strike of Memphis Public Works Employees was "a labor dispute around which deeper racial issues converged (1971, p. 102)." In their view this was not originally a racial dispute, although it soon became such. I suggest that it was objectively and structurally a racial dispute (although not necessarily overtly or subjectively perceived as such) from the beginning, because of the racial character of the parties, and that the "deeper racial issues" were bound to emerge. In a society where the most menial forms of unionized labor, and much non-union labor, are over-represented by people of color, these dynamics are to be expected. Race often is a hidden element in disputes between groups of different culture, power or class. To not recognize this, or to deny it, leads to misdiagnosis and to monocultural practice.

Indeed, we have a national history of denying or driving racial disputes underground, of not seeing them as racial, and thus of preserving our image as a racially just (or somewhat just) people and society. Among the social mechanisms that have been used to accomplish this process of invisibility and mystification are: victim-blaming, internalization of oppression, slavery and genocide, segregation and separation, projection of denied impulses and feelings, allegations of genetic or cultural inferiority/superiority, denial of access to legal rights, benign neglect, exclusion from interaction, pronouncements on the illegitimacy of challenges, etc.

There also are conflicts in which racial and ethnic issues or racial treatment quite explicitly are the foci. Such is the case on many college campuses today, where students of color are grieving and protesting circumstances where they have been harassed or discriminated against because of their racial/ethnic identity or style (See, for example, Chesler & Crowfoot, 1990; Wilson & Carter, 1988).

In both sets of examples, ones with explicit or implicit racial/ethnic issues, current disputes are likely to be overlaid with feelings about the history of discrimination against "me and mine", with white resistance to such "irrelevant issues" and with linkage to broader and ongoing conflicts. Thus, in conflict resolution practice there is a need to go beyond case-by-case settlement of specific disputes, and to address the deeper institutional conflicts and injustices at stake.

2. <u>What is the impact of cultural differences on dispute resolution</u>? Goldstein (1987) suggests three general approaches to thinking about how to deal with the impact of cultural differences on community mediation: (1) ignore the role of culture, either by ignoring its importance in general, denying differences, or denying its impact on disputes and dispute resolution; (2) acknowledge the importance of culture by seeking to match mediators and disputants by their common culture; and (3) acknowledge the importance of cultural differences by using mediators who have multicultural skills and perspectives. Certainly the first option is unacceptable, and the following brief review of reseach and practical experience will bear this out. The second option is interesting, but makes a tenuous assumption about the essentialism of racial/ethnic/cultural membership; it also may be problemmatic if the disputing parties are of different cultures - which one is to be matched? The third option obviously is most attractive to me, and will be examined in more detail later.

Fortunately, we are beginning to see coherent research that helps us address these issues questions about the impact of culture on disputing. A first proposition is that people of different cultures and races often use different languages, or use common language in different ways. Thus, it may be hard for them to understand one another (Cheek, 1976; Marger, 1985; Takaki, 1987).

In addition, research indicates that <u>people of different cultures have systematically different styles of disputation and</u>

<u>of dispute resolution</u>. Although every culture or community must generate approved ways of handling disputes, the particular forms of disputing, and dispute resolution, are culture bound. Some third party intervenors have raised and acknowledged the important roles of race and class (and gender) differences in parties' conceptions of their interests and options in a dispute (see Goldstein, 1986; Merry, 1987; Weingarten & Douvan, 1985). Kochman (1981) argues that because different racial/ethnic/class groups have such markedly different cultural backgrounds, they bring to a dispute different values, styles of expression, conceptions of conflict, and therefore, different preferences for settlement outcomes and processes. For instance, compromise, cooperation, confrontation, bargaining, fighting, victory and even reasonable discourse have different meaning in different cultures (Nader & Todd, 1978; RESEARCHING DISPUTES ACROSS CULTURES AND INSTITUTIONS, 1990). Consider some examples:***

> When a manager from the dominant U.S. culture saw two Arab-American employees arguing, he figured he had better stay out of it. But the employees expected a third party intervention, or wasta in Arabic, and without one the incident blew up (Solomon, 1990).

> My penetrating eye contact isn't God's gift, or the 'right' way, it's just Anglo male Midwestern habit (Griggs, in Solomon, 1990).

> There is some evidence that when a decision is taken to have recourse to law that, whereas the middle class might be more willing to visit a solicitor, working class (at least white working class) members may be more likely to turn to the police and therefore to criminal law (Bottomley & Roche, 1988, p.98).

> Woofing is just an aggressive verbal style that blacks use and that whites have no understanding of (Kochman in Muwakkill, 19851).

Blacks tend to view struggle positively, as dynamic
opposition and a necessary element in generating 'truth' or
consensus - like a game of tug of war....Whites believe that
truth can be achieved only within a context of calm
deliberation...work hard to avoid emotionally charged
confrontations (Kochman, 1988).

The hard hitting, confrontational, 'no nonsense', impersonal
style of Western businesspeople seems rude to the Japansese.
Much of the etiquette of Japanese society stems from the
strict avoidance of any behavior that might unintentionally
be construed as rude, insulting, or emotionally wounding
(Zimmerman, 1985).

In the Aboriginal cultures, (conflict) is viewed in a
holistic fashion rather than our individual-based approach.
The community generally takes ownership for the conflict:
Western societies view conflict as between or among the
actual disputants. . . The Aboriginal view of conflict as
holistic and communication which may often encompass more
that the actual facts of an individual dispute, offers a
profound difference from our own manner of proceeding in a
mediation session (Lajeunesse, 1991, p. 15).

There are substantial differences about how people view
compromise by gender, race, and class, with women and
middle-class people particularly enthusiastic about
compromise (Merry, in What we know - and don't know - about
mediation, 1989, p. 10).

Filipinos' place a high value on good feelings and sacrifice
other values such as clear communications and achievement in
order to avoid confrontations (Guthrie, n.d.).

Whereas in the American context a central feature of some
forms of resolution (especially informal or non-court forms
like mediation, counseling) is a great deal of attention to
individual psychological states (a concern with catharsis,
people's feelings, etc.), in the Pacific islands this is far
less typical. Instead the focus is the social group -
maintaining or restoring group relations via repairing
individual relations, with the assumption that individuals'
feelings are secondary to group concerns and needs
(RESEARCHING DISPUTES ACROSS CULTURES AND INSTITUTIONS,
1990).

And as Nader & Todd report (1978, p.29):

Every disputing action has its ideological or cultural
component. Discovery of the cultural dimension...opens a
door to reveal how informants perceive the world, including

the way in which they see and evaluate the machinery for processing disputes and decide on their course of action.

Thus, not only are there cultural preferences for various forms or techniques of dispute resolution, but even in the operationalization of a given technique, such as mediation, there are substantial variations in degrees of verbalization, emotional expression, intimate disclosure and expectations for mediator behavior (Kolb & Rubin, 1989).

With specific regard to overt racial issues, Bobo (1990) and Blauner (1989), among others, report that African-Americans and whites ascribe different meanings to terms such as racial integration and black power, and have quite different perceptions of the extent of racial discrimination, reasons for racial injustice, and solutions to these problems. Thus, <u>racial and ethnic groups may differ on the goals as well as the means of dispute resolution.</u>

Given these important cultural differences, are their certain assumptions or biases built into common techniques of dispute resolution? As the Mennonite Central Committee notes, "Contemporary North American community conflict resolution services have not generally been designed with knowledge and consideration of the cultural frameworks of all members of the communities they serve (1990, p. 4)". White middle class (male) assumptions about how to meet and greet people, where to conduct discussions, how to manage time, whether to encourage personal emotional testimony and confessions, what consitutes expertise, and even how broadly the parties to a dispute are defined, all may require local adjustment. Lederach's (1990) notion of an

"elicitive" model of dispute resolution (rather than a prescriptive one) tries to overcome this problem by asking disputants to identify how conflicts are typically solved in their own cultures or communities, and then working with disputants to use this knowledge in constructing indigenously relevant procedures for settlement.

This discussion raises some important questions about the demographic and cultural characteristics of dispute resolution practitioners. In a recent issue of the DISPUTE RESOLUTION FORUM (How Community Justice Centers are Formed, 1988) 6 directors of Community Justice Centers acknowledge and regret a demographic bias of primarily white and (upper) middle class and highly educated mediators in their units. These biases suggest some limits to their empathic understanding of issues and people, and to their legitimacy, in racial/ethnic disputes. For instance, Blackwell & Haug emphasize the importance of Willoughby Abner's status as an African-American in his mediation of the 1969 strike of the Cleveland Water Works Employees: "A Black mediator can be of inestimable value in mediating racial disputes; however, this seems to be a function of the convegence of the man's (sic) ability, personalities involved, and the forces of social change which provide the context in which the dispute occurs (1971, p. 148)". The argument here is not that Abner's blackness was the only factor in his success, but that this "match" helped.

What are some other options? Sunoo (1990, p. 387) suggests that the intervenor "make every effort to learn about the cultural and social expectation of the people he or she will be

dealing with." In like vein; Kolb and Rubin review research
indicating that "Mediators in different cultures mediate
differently (1989, p. 3)", and conclude that "mediators have
social biases. . . that arise from the culture in which they
work, their professional background, the institutional location
of their practice, and the fields in which they work (p. 8)."
They also report research suggesting that "Mediators coordinate
the management of meaning between disputants who may be operating
out of different beliefs, values and communication systems (1989,
p. 4)" and therefore that "Appreciating our biases is important
(p. 8)." But how do we develop such appreciation, or such
multicultural competence and skill? How can mediators operate
successfully in intercultural situations unless they already are
multiculturally aware and able? Such general exhortations to
civility, sensitivity and common sense are not be enough to deal
with entrenched cultural blinders and separation. It takes a
special type of mediator, one well-versed in multicultural styles
and quite plural in her own attachments, to achieve this type of
awareness and to "coordinate" culturally different meaning
systems. We should consider the development of "multi-cultural
training programs" for intervenors, or the use of multicultural
teams of intervenors, with their potential for linking to and
combining diverse ideological and stylistic perspectives.

     3. <u>How does the different power of different racial/ethnic
groups influence dispute resolution</u>? The problem of dispute
resolution among parties of dramatically unequal power has been a
concern for many researchers and practitioners of conflict

resolution. Low power groups often must utilize disruptive and
challenging tactics to generate sufficient power to bring their
concerns to the attention of ruling groups, and to bring these
groups "to the table" (see, for example, Cormick, 1980; 1982;
Gamson, 1968). Even when pressed, many powerful organizational
managers and community elites resist entering into collaborative
problem-solving arenas where they may have to negotiate or
compromise with challenging groups. As Crowfoot argues (1980, p.
37), many public agencies and officials oppose the "challenge to
both their legal authority and their political control". Kolb
and Rubin agree with this analysis, suggesting that the research
indicates that "Managers do not generally choose to mediate if
there are other options available, in part because they are
reluctant to give up control over decisions for which they are
held accountable (1989, p. 6)." Thus, low power parties' ability
to generate collaborative dispute resolution processes is based
upon their prior ability to surface and involve large numbers of
people in "feeling", "acting on" and "generating" conflict. In
any particular dispute, of course, many different kinds of power
may be at work (office, expertise, mass energy, money, etc.), and
they each lead to the use of different tactics.

Several dispute resolution practitioners have suggested that
there is a <u>need to balance the power (or at least achieve
substantial interdependence and mutual vulnerability) among the
parties "at the table"</u>. As Crowfoot warns in the environmental
context, without power balancing a grassroots organization "can
easily get into negotiation/mediation with inadequate power and

subsequently have to make many concessions while failing to expand and strengthen the organization (1980, p. 39)." Thus, some intervenors have designed procedures that provide historically lower power parties with greater influence - special training in negotiating skills, shared resource pools, joint fact-finding, a fair process, etc. (e.g., Davis & Salem, 1984; Laue & Cormick, 1978; Susskind, 1985). However, such principles often cannot be translated into practice, because of intervenors' skills, parties' skills, or historic traditions and current circumstances of the dispute or of the parties' relationships with one another. And even when practiced, <u>power balancing efforts are temporary and fragile</u>, unless the agreement itself advances new power relationships among the parties. Such arrangements are not only hard to make, they are extremely hard to sustain outside or after mediation or bargaining sessions, and almost impossible to build into the ongoing life of organizations and communities (Susskind, 1984). As a result, power imbalance generally is the rule at the crucial and often-unresolved implementation stages of an agreement. When there is sustained power balancing, it generally is because the weaker party has managed to generate new power resources (or allies) prior to the bargaining or mediating sessions, rather than anything a third party has done at the table (Cormick, 1982).

How these issues affect the utility of third party intervention generally is much in debate (see the Cunningham, 1990, report from the PCMA-CCI Conference of Grass Roots Organizers and Conflict Intervenors). <u>Many grass roots activists</u>

<u>argue that they retain their power to command attention and
create change only before they get to the table</u>. Once at the
table, confrontation in the streets stops, and the coercive
pressure on elites to come to an agreement, or an agreement
favorable to low power groups, is lessened. Splain (1984)
suggests that for low power community groups negotiation is an
unlikely tool for winning contests, and should only be used to
concretize and legitimate gains already won, to gather
information, or to confound and confuse opponents. Elite
opponents, moreover, are most likely to use negotiations for
their own, similar, advantage. Thus, many grass roots activists
and organizers argue that mediation, negotiation and
collaborative problem solving are more likely to diminish
challenging groups' situational power than to balance or increase
it, and that they will not use these people or techniques. For
instance:

> The organizers felt that the use of 'disinterested' or
> 'neutral' third party mediators took away too much of the
> power that community groups worked so hard to obtain. Not
> only does the use of outside intervenors mean that the
> organization gives up power or control over the outcome, but
> also the power to advocate for itself (Cunningham et al.,
> 1990. p.13).

And as Crowfoot suggests, (1980, p. 37), "(Some) Hardline
environmentalists, for instance, would rather hold out for total
victory - blocking projects by direct action, litigation or
endless administrative appeals - than join a negotiating effort
if the best they can win is a scaled down version of a project or
facility they adamantly oppose."

But some grassroots organizations, in some situations, and many third party intervenors, suggest that even direct action groups sooner or later must abandon unilateral efforts and talk with their opponents. When a "deal" is imminent "deal-making" skills might be necessary (Cunningham, 1990). Whether or not third party neutrals are the best source for these skills is another question - and an important one.

This problem is exacerbated when the low power party is a racial/ethnic group or community. Some advocates of racial change argue, in fact, that professionally inspired conflict resolution efforts generally are (quite deliberate) attempts to control or coopt the pace and strength of protest and change efforts. As one example, Wilcox (1971) argues that protesting black groups historically have been coopted in conflict resolution efforts, and they may "do better" - in creating change - by refusing to participate in any such activities that they themselves cannot control. Some intervenors committed to racial and social justice also advise not intervening in such situations: both Cormick (1977) and Susskind (1981) indicate that they would not mediate situations where the power relationships are so unequal that a mutually acceptable (and controllable) agreement is unlikely to emerge, except by coercion. If they and otehr social justice-oriented intervenors would not mediate such situations, what would they do? What then is the role of intervenors? As I suggest later, one option is to intervene in non-neutral ways, in ways that quite directly try to equalize the situational power

among parties or that advocate clearly on behalf of a low power party.

4. How do issues of trust and legitimacy or bias affect conflict resolution in racial/ethnic disputes? In the context of interracial conflict and suspicion, people of color may, with good reason, distrust white groups' "good will" and their willingness to negotiate in good faith. For instance, Wilcox (1971) discusses apparently successful interracial negotiations in the case of IS 201 in New York City that were later invalidated and nullified by the superiors of the white negotiators. This nullification also cost the protesting groups enormous resources in terms of temporarily calling off protest activity and then needing to regenerate this thrust for change.

In addition, a number of major decisions designed to resolve racial disputes and injustice simply have not been implemented in ongoing change in the appropriate institutions. Examples are legion, but the ones I know best come from the history of school desegregation conflict (Chesler, Sanders & Kalmuss, 1988; Rodgers & Bullock, 1972). Judicial orders, non-adjudicated consent decrees, and informally negotiated desegregation plans were not implemented in good faith (nor with substantial skill) in many districts. Despite the claims of informal justice advocates, it seemed to matter little whether formal or informal, traditional or alternative, litigative-judicial or problem-solving dispute resolution procedures were employed.

Several scholars argue that ADR is attractive precisely because such informal procedures promise to yield quicker and

"better justice" (Abel, 1982; Galanter, 1985). Agreements freely made, quickly and inexpensively, with intervenor facilitation but without the adversarial trappings of lawyers, judges and formal rules, tend to place decisions in the hands of community and neighborhood parties themselves. This certainly is more participatory and democratic, more likely to lead to trustable outcomes. Critics, especially those in the "critical legal studies' movement", warn of the reverse, however: that elites' and managers' superior skills and resources in ADR processes and forums, and the (unconscious?) biases of relatively affluent and white mediators, will cause them to extend the state's (and therefore elites') control over poor people and people of color, while denying them their full rights (see especially, Abel, 1982; Edwards, 1986).

Other critics argue that racial bias and prejudice are more likely to surface in informal interactional arenas (Delgado, et al., 1985), such as alternative dispute resolution procedures. Thus, compared to the formal mechanism of the court, these procedures are more likely to be clouded by bias and are not to be trusted.

But one also must consider the institutionalized racial, class and cultural bias present in the formal resolution arena of the judiciary and in other branches of the state apparatus. If, as the critical legal studies' scholars suggest, the legal mechanisms of the state are primarily instruments of state and elite control of the populace, especially the actually or potentially unruly populace, they fall hardest on the weak and

disadvantaged classes - people of color, poor people, members of ethnic minorities, people with different sexual orientations, people with different cultural values, etc. Then the law acts to further codify and legitimate or justify economic, political and cultural dominance and oppression. With a federal judiciary (the most formal we have) overwhelmingly white (and male and upper-middle class and Protestant) the same problem of bias must exist in formal arenas of dispute resolution.

To the extent that many racial conflicts have, at their core, questions of "justice" and "rights", rather than "resources", advocates warn of the dangers of entering into negotiations (Edwards, 1986; Nader, 1984; Wilcox, 1971). These matters, it is suggested, are more appropriately dealt with in formal judicial hearings (subject, however, to the same problems as above). The delicacy of this problem is made clearer when we consider just what is a right (or what is justice)? Edwards focuses his discussion of rights on well-known and agreed upon constitutional prerogatives. Wilcox cuts a broader swath, however, arguing that the African-American community (for example) has the right to control what goes on in its own community. We will not find that right expressed in the Constitution or its Amendments, but it is a point worth noting, and a point generally taken for granted when white people think about their communities. Wilcox urges communities not to bargain away this fundamental right - and this fundamental concept of justice.

One result of Fisher & Ury's (1983) generally sage advice
may be to encourage conflict participants to convert their
protests over such broader conceptions of "rights" to "positions"
and "positions" to "interests", but for oppressed groups this may
often "give away" the game, and sacrifice principle for
agreement. NAACP and MALDEF attorneys faced this issue in
deciding whether to bargain or settle local school desegregation
cases on grounds that might be used in later court cases to
establish precedents ignoring or altering the basic rights'
issues involved in desegregation (Galanter, 1974).

What is the influence of dispute resolution on racial/ethnic
conflict?

    1. Alternative goals of dispute resolution. In racial
disputes, which are rooted in historic as well as current
inequality and injustice, the goals of dispute resolution
processes must include long-term change in social institutions
and arrangements - in organizational membership and rewards, in
procedures and outcomes of resource allocation, in new systems of
power and privilege, in (multi-)cultural symbols and guidelines,
and in general progress toward multiculturalism, anti-racism and
social justice - in the workplace, in the classroom, in the
community, in the polity and economy, etc. Agreement-making that
does not alter these underlying conditions of injustice, or build
in further efforts at social change, is likely to result in
exploitative outcomes and the reproduction of grievances and

further escalated conflict -- then refueled by past experiences
with unsuccessful or unjust resolutions.

Racial/ethnic disputes occurring within organizations often
call for different approaches than those used in conflictual
relations between semi-independent parties (Alderfer et al.,
1980; Alvarez & Lutterman, 1982; Brown, 1983; Kolb, 1990).
Within-organization conflict typically occurs among highly
interdependent parties and is bounded by their common existence
within a formal structure and culture (conditions mediators often
try to create among independent parties) and a clear,
hierarchical authority system. Moreover, intervention in these
settings often occurs prior to a heated impasse. At first glance
these characteristics might suggest that such disputes are easier
to resolve. However, if (as is usually the case) the very nature
of the organizational culture (white and male and affluent) and
power structure (white and male and affluent) is part of the
underlying conflict in the dispute, a long-term process of
organizational transformation is involved. Resolutions will
require a coherent vision of a multi-cultural organization and a
flatter and more representative power structure, as well as
skills in designing and implementing other organizational changes
(Chesler & Crowfoot, 1990; Jackson & Holvino, 1988).

We do not have good evidence that dispute resolution
procedures most often discussed in the context of the ADR
movement (guided negotiation, "impartial" third-party
intervention, mediation, arbitration) lead to such changes in
organizations and communities. Indeed, Milner & Merry (in

RESEARCHING DISPUTES...1990, p.5) report that: "...the critics are right in their view that ADR programs have promised more than they can deliver regarding the impact that these programs can have on social change."

Unfortunately, we do not even have good evidence that there is sustained intention to have such impact. For instance, in the same issue of the DISPUTE RESOLUTION FORUM (1988) referred to earlier, the 6 directors of Community Justice Centers were asked to discuss their Centers' successes. The criteria they articulated included caseload volume, court referrals, a secure funding base and agreement-making ability. No reference was made to the creation of institutional or community change, or to goals of increasing social equality and justice in their communities. It remains to be seen (and hopefully to be asked of these Directors) whether this omission represents a principled or a strategic stance. For instance, Community Justice Centers may studiously avoid "justice language" or challenging rhetoric in order to maintain what they feel are good working relations with local elites and federal funders (a strategic choice). Or, they may on principle (or lack of principle) simply not hold social justice goals and therefore not advocate for them. Either way, their choice of rhetoric often does influence agency policies and community hopes and expectations.

If progress toward social change and social justice requires agitation and challenge, including the surfacing or escalation of conflict, some efforts at conflict resolution may hinder these goals. Oppressed groups long have born the pain of violence and

suppressed conflict; their challenges place pressure, threat and perhaps pain onto oppressor groups. Thus it is not merely the case that dispute resolution is more complicated in disputes involving social justice concerns; it may be antithetical to progress. In this light, it is vital to <u>discriminate between intervention efforts that empower or liberate oppressed parties and those that (consciously or unconsciously) suppress broader conflicts and pacify or stifle the movement toward social change</u>.

2. <u>The meanings of "neutrality" in this context</u>. A cornerstone of the professional conflict resolution or alternative dispute resolution movement is the commitment to "neutral" intervention. But the cloak of neutrality in which most professional resolution is wrapped may be an illusory garment. In the context of a partisan social structure, <u>where there are major power and resource differentials, apparently neutral interventions are not likely to have neutral effects</u>. When such effects are ignored (deliberately or out of naivete, as matters of principle or of strategy) resolutions generally slide in the direction of benefit to the most powerful parties. This is why some practitioners argue that "power balancing", deliberate attempts to increase the advantages (or lessen the disadvantages) that low power parties have should be seen as the "truly" neutral behavior. In addition to power balancing activities, some intervenors argue that their mere presence helps to legitimate and empower weaker parties, especially if powerful groups have hed to resort to calling in a third party and to acknowledge that an important claim (or threat) exists.

A standard claim by many intervenors is that they are (and should be) neutral with respect to be the outcomes of dispute resolution, but partisan about the process (of power balancing, equal representation, dialogue, collaboration, fairplay, etc.). But this view assumes either a priority of means over ends, or a means/ends congruence that does not necessarily exist in real world politics. Where social struggles over exploitation and injustice are concerned, where social change goals are involved, personal valuation and partisanship is unavoidable - and important. After all, privilege is privilege, whether it is acknowledged and cherished or not. Where historic inequity and inequality are at stake, where "rights" are claimed to be in jeopardy, where racial oppression is part of the context, the symbols of neutrality are morally troubling. Neutrality in the face of such oppression amounts to moral anesthesia and political irresponsibility. It also is not likely to generate a trusting relationship with low power or oppressed groups. (Lederach, 1986; Lajeunesse, 1991).

What is the influence of culture and cultural differences on neutrality and neutral behavior? Do male and female mediators or intervenors operate differently? If yes (Kolb, 1990; Weingarten & Douvan, 1985), what does neutral mediation mean in a setting where gender issues are part of the dispute? Do African-American and Latino and Asian and white-anglo and etc., intervenors operate differently? If yes (Kochman, 1981; Kolb and Rubin, 1989; Merry, 1987), <u>what is the meaning and implication of neutrality in a setting where race/ethnicity is part of the dispute</u>? Or is

the white and male and relatively affluent (read also
professional and linear and rational) model of intervenor
behavior (as canonized by SPIDR) the only option? Is this style
neutral with regard to race/ethnicity/culture?

It is, of course, difficult to work across racial, ethnic
and class boundaries. Can we imagine white people conducting
first-party interventions that openly and vigorously advocate for
African-Americans and Latinos, wealthy consultants advocating for
poor people, privileged members of this society advocating for
the oppressed (see the discussions of 1st party roles in Chesler,
1989; Cunningham, 1990)? Of course we can, but we cannot take
such behavior for granted. Might they not, at one time or
another, fall into defending their own and their own group's
class interests and privileges? Of course they might. Worden et
al.(1976) suggest some protective devices for dealing with this
dilemma (e.g., multicultural teams of intervenors, etc.), but it
is a slippery slope that each of us must consider carefully, and
probably on which we must be monitored. Only truly
"disinterested third parties" (can we imagine that?) or frankly
exploitative practitioners (imagine that!) can ignore this
problem.

Some more positive options?

There are no easy or sure solutions to these problems -
either to the problems of racial/ethnic injustice and conflict or
to the problems of using dispute resolution techniques in
racial/ethnic conflicts. And although I am not very optimistic

about the possibilities of major positive change in American race/ethnic relations, I am committed to working on these issues. The struggle will continue to be long, hard, and full of uncertainty and risk. I suggest below some guidelines for those of us who might act or intervene in such situations, and some illustrations of roles and actions in which we might engage.

First, some guidelines...and they are for me guidelines rather than rigid rules. I struggle constantly, as do many others, to act consistently with these guidelines, and thus to avoid quick solutions that are regressive or pacificatory. The first principle is to recognize that <u>the basic thrust for change and justice often comes from the mobilized efforts of oppressed or low power groups, sometimes aided by allies within the elite</u>. Thus, in our roles for change we must connect (openly or not) and work with social movement organizations and pressure groups, groups that present new demands and opportunities to all parties. This is often very hard for those of us who nominally are part of the elite, or who cherish our apparently independent and non-aligned status. Second, I have argued that our national (and international) <u>history of institutional racism and racial/ethnic conflict undergirds and shapes all current disputes</u>. Thus, what is at stake in most racial/ethnic disputes is social change and social justice, and not only or even principally the resolution of specific disputes. The underlying racial conflicts must be dealt with, and hopefully dealt with in a way that leads to the design and implementation of long-term institutional change. Third, the effort to create change, and to facilitate or advocate

agreements that have major changes built into them, <u>requires pro-active behavior on the part of intervenors and powerful groups</u>. "Getting out in front" of an impasse is an essential element in developing trust with low power groups and in finding openings for collaboration in the midst of heavily adversarial interactions (although it also carries the danger of premature cooptation). Fourth, since I do not think neutrality is reasonable in a partisan social system, it is important to <u>identify the party or interest on whose behalf we are prepared to work</u>, to whom we are prepared to be accountable, and to develop and guide intervention tactics with that party. In this regard, I think that even those of use who consider ourselves "professional experts" in these processes can learn a lot from the "experiential wisdom" of front-line activists and practitioners. There is great danger in implementing interventions designed by "professional change agents" and imposed (however delicately) on local groups. Being responsive to the wisdom of lay peacemakers or grassroots activists carries a much greater potential for resolution processes that go beyond monocultural assumptions, respect distinctive cultural styles, "elicit" (Lederach, 1986) alternative models of dispute resolution, and lead to truly democratic change. Fifth, we, especially whites, must <u>take seriously the impact (on ourselves and others) of our racial and cultural identity, which includes recognition of our (often unmerited) power and privilege</u>. Indeed, acknowledging the blinders that most of us wear should lead to the use of multicultural teams of intervenors rather than solo practitioners

or monocultural partnerships. This is especially important if we expect to work with or on behalf of groups of people of color. The avoidance of a missionary or colonial stance requires clear divisions of labor or responsibility and shared power or control within the intervention team, as well as shared information, decision-making and accountability with the group with whom we are working. Of course, people seeking to be part of a multicultural team probably need substantial personal as well as team preparation. Sixth, it is important to keep in mind the utility of conflict as a power-generating tool for low power groups, to defer to these groups, and to avoid acts which may (unconsciously) coopt such movements. Finally, I recognize that not all disputes are occasions for intervention, collaboration or even resolution. And in contrast, I recognize that some disputes are so painful and destructive that they may have to be settled temporarily, even if such settlement does not embody or lead to social change outcomes.

If we are to assist the development of interracial collaboration and/or positive change, it is most likely to occur within the structure of these principles. Although I have been critical throughout this paper of some of the unexamined or monocultural assumptions embedded in third party roles, or of some of the ways in which such roles have been implemented, I am by no means opposed to them. Certainly there are honorable and effective third party roles and competent and trustable practitioners of them. However, the field of dispute resolution has focussed on, and I think cherished, third party roles to the

exclusion of some other important options. Therefore, most of the suggestions which follow involve action as a first party rather than a third party: that is, action on behalf of or allied with a low-power and justice-seeking party in a dispute rather than as an intermediary unallied with either party. I do not think such alliances negate "fairness" any more than I think neutrality guarantees it. Moreover, all these strategies attempt to use or work with conflict, rather than to suppress or eliminate it.

One strategy is to help a party develop the skills necessary to <u>conduct critical assessments and analyses of the issues and forces involved in a dispute</u> (see discussions of participatory-action-research or tactical research in Gaventa, 1989 and Greever, n.d.). Examples of such information generation might include: specification of the meaning of institutional racism as contrasted with individual racism; the potential for involving additional parties as allies or coalition partners; the resources available to opponents; the "levers for change" that may exist in a given organization or community setting; new strategies that challenging groups might employ; etc. Elite groups already have privileged access to such knowledge; it is important for low power parties to gain such information, and in a language and style that is useful to them. The democratization of such information and information-generating skills would do much to equalize resources in a dispute.

A second strategy is to work directly with <u>leaders and members of social change-oriented groups to enhance their skills</u>

in working effectively for change. Such activity might include
learning skills in: overcoming internalized oppression; planning
change; dealing with conflict; building and running
organizations; engaging in dialogue or debate; working in
multicultural settings; designing and implementing long-term
change; developing long-term collaborative relationships;
bargaining; making "deals"; exercising institutional power; etc.

A third strategy involves (re)educating members of powerful
groups (especially powerful white groups) to the broader issues
at stake in specific disputes, and to a greater consciousness of
their own privileges - and of the price paid for them. This is a
delicate agenda, because working closely with elites opens one to
adoption of their worldview. This danger can be ameliorated by
working in multicultural teams or by establishing clear lines of
trust and accountability with the parties to whom one is loyal.

A multicultural team of intervenors/advocates can work with
multiple parties, of different race/ethnicity, in complex
disputes. This is an especially useful strategy in organizational
and community disputes requiring long-term change among many
parties. Different people may be able to relate effectively to
different parties or constituencies, as long as they pay
substantial attention to the need for team coordination and
accountability to relevant parties. Obviously a multicultural
team involves more than token representation of members of
various racial/ethnic/cultural groups. It requires people who
can articulate their own culture forcefully, who can understand
empathically other cultures, and who can work effectively with

people (and intervenors) from other backgrounds. Such teamwork
requires substantial preparation and the development of
egalitarian and trusting relationships within the intervention
team prior to entry into a conflictual situation. If the
different styles and skills of intervention or dispute resolution
team members cannot be melded and utilized with mutual respect,
they will be a poor model of multicultural relationships for
others. In addition to people of different racial and ethnic
groups, such multicultural teams also may involve a mix of
professional and lay peacemakers or intervenors, thus to counter
the potential monoculturalism of dispute resolution professionals
and their culture.

Direct participation in, and assistance to, <u>organizing and
challenging efforts</u> is of course another strategy. There are many
ways to go about the process of organizing oppressed
constituencies, and Rothman (1968) and Checkoway (1991) delineate
some of the alternatives. Among the nation's premier organizers,
and trainers of organizers, were Saul Alinsky (1972) and Myles
Horton (1989). Horton suggests that a key differences between
himself and Alinsky was: "Saul says that organizing educates. I
said that education makes possible organization, but there's a
different interest, different emphasis (Bell, Gaventa & Peters,
1991, p. 115)." Horton notes further that in Alinsky-type power-
based organizing there is a definite and often limited goal to be
achieved, while in his educational efforts it is more important
to raise the consciousness of the people involved than to achieve
a specific objective (Freire, 1973). Moreover, the Highlander

model of folk education and social change consistently focuses on education occurring by the person or group engaged in struggle, rather than by external organizers or experts who may impose knowledge and tactics that ultimately can disempower an even "successful" organizing effort (Freire, 1970).

Finally, the establishment of <u>interracial and interethnic coalitions</u> can be a useful path to long-term collaboration. Such coalitions can occur within or among different groups of people of color, especially when natural allies have been separated by their own fears or the manipulative efforts of powerful groups. They may also occur between people of color and powerful white elites who are committed to change. Even in the midst of heated exchange intervenors can be helpful in broadening challenging parties' views of coalitions they can create with groups who have not been historic or natural allies. Ultimately, coalition development is based on (at least temporary) commonalities of interest and congruent action, not simply on good faith or interpersonal trust. Our own conduct as intervenors or facilitators in a racial/ethnic dispute often involves us in such coalitions, as does the creation of multicultural teams.

Do these strategies offer more hope for achieving social change and social justice than the (alternative) dispute resolution techniques discussed earlier? Quite frankly I do not know. To a certain extent this is an empirical question, and we need to retrieve the answers from those conflict strategists and community activists who have had relevant experience with multiple strategies. But to a certain extent these are value

questions, questions of our own priorities for justice and our own preferences for playing different roles in long-term racial/ethnic conflicts. To that extent, these are questions which no empirical evidence will settle.

A research agenda.

Stating a research agenda, the final retreat of the academic, does seem useful in restating my major questions and assertions. What do we most need, and most need to know? As we think about how to do research on these matters we should reconsider the principles raised throughout this paper. Retrieving information from "experiential experts", or conducting research with stakeholders, may be much more successful and appropriate than conducting research on them.

1. We need to know why the language of racial/ethnic justice (and social justice in general) is not at the core of dispute resolution discussions and practices.

2. We need to know what it is that dispute resolvers intend to do and actually do when they do resolution.

3. We need to know what racially/ethnically just and multi-cultural organizations and communities might look like; without vision we cannot direct practice.

4. We need to know what the conditions are for (relatively) equal power interaction in a resolution setting. How much of these conditions are interpersonal (at the table) and how much are group-based or collective (in the streets and community)?

5. We need to know how to help elites commit themselves to go beyond concern with the "cessation of hostilities" to the "peace of justice."

6. We need to know how African-American and Latino and ethnic minority, etc., conflict resolvers do their work. How do they deal with the problems of neutrality and group identification/advocacy in racial/ethnic disputes? Is there evidence regarding the problems and possibilities of multi-cultural intervention teams?

7. We need better data on how various kinds of racial/ethnic disputes are resolved (suppressed or empowered) now, and the extent to which oppressed groups are suppressed/pacified or empowered/liberated thereby.

8. We need better thinking, planning and experimenting with how (alternative) dispute resolution techniques can contribute to social justice outcomes.

9. We need to know more about the degree to which settlements are implemented, and the conditions under which implementation is likely to occur in good faith.

10. We need to know to what extent and why third party neutrals are overwhelmingly white. And what is being done about it? Is this a reflection of cultural differences, access to the profession, the underlying cultural value base of dispute resolution, discrimination and social control, etc.?

11. We need to know how local and lay "peacemakers" (those not part of the professionalized ADR cadre) intervene in racial/ethnic disputes.

12. We need to know whether and how skilled intervenors attempt to deal with social injustice before conflicts surface in the form of overt disputes and impasses.

13. We need to know more about how racial/ethnic disputes are resolved among highly interdependent parties within bounded and integrated organizations (including organizations established principally to bring about social change and social justice).

14. We need to know more about the relative utility of 1st party and 3rd party intevention roles in social-justice oriented dispute resolution.

15. We need to know when to use dispute resolution techniques, when to use alternative dispute resolution techniques, and when to stay out of a dispute.

16. And we need (at this and other meetings) to discover how to talk with one another, and with members of low power and oppressed groups, about these issues.

FOOTNOTES

*This paper was originally presented at the National Institute for Dispute Resolution's Workshop on Dispute Resolution and Race/Ethnicity and Culture (Washington, D.C. 2/18/91). It has been revised as a result of the helpful exchanges and discussion during the workshop. In constructing the original version, I appreciate the stimulation and suggestions of my colleagues in the Program on Conflict Management Alternatives, University of Michigan, especially Alex Alienikoff, James Crowfoot, Edith

Lewis, Betsy Lyons and Helen Weingarten. Although I take full
responsibility for this paper, the ideas expressed here are very
much a reflection of our collective discussions and practice.

** The appropriate names and labels used for
racial/ethnic/cultural groups are shifting and themselves matters
of dispute. I have tried not to use terms of color (expect for
the generic term "people of color"), and instead to refer to
geopolitical origins or current locations of groups.

***I cannot affirm all these examples from my personal experience
or research, but I believe the general point is sound. We all may
add to this list as a result of serious reflection on our own
styles (see, for instance, Katz, 1978, Kochman, 1981, or
McIntosh, 1989), or honest feedback and dialogue with colleagues
from other racial/ethnic groups.

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