

AMERICAN CONFLICT RESOLUTION NETWORKS: AN OVERVIEW

BY PAUL WAHRHAFTIG

Those envisioning building a European conflict resolution network might look to the American experience. The United States does not provide a model, but the experience highlights key issues in organizing resource networks covering broad geographical and interest areas. As a result of unique American circumstances, America has no single resource center for the field. Instead there is an overlapping collection of agencies and conferences. Further, there is a network of university based conflict resolution research centers. They are not covered in this paper since it focuses on practitioner oriented resources.

Background

To understand why American conflict resolvers developed these overlapping structures, we must reflect on some aspects of American life. Geographically, the USA is as large as Europe. It consists of 3 time zones, and it takes 4 1/2 hours to fly from coast to coast, if the airlines run on time. For the most part it is knit by a common language that, for some reason, is called English.

Politically there is the national or "federal" government. Then, there are 50 states, each with legislatures, executives and judiciary. States are broken down into counties that have their own governing structures. There may be as many as 60 counties within a single state. Within counties there may be some city governments - each with its own governing structure. Each level of government has some policing, judicial, administrative and legislative powers. New ideas or initiatives may arise at any level of these governmental structures.

Outside the governmental structure, America has a strong tradition of independent charitable or self help groups. Citizens band together into organizations to address virtually any issue or problem known to humankind. Often these organizations operate independent of government funding since they are backed by a strong tradition of private philanthropy.

New ideas may emerge at any level of government or from the independent structure of charitable volunteer organizations. We often call these the public and private sectors. Often ideas are tested in the private sector and later adopted by the public one. There are community mediation programs that were started by private agencies that eventually achieved public funding. Some, such as the Community Dispute Resolution program of the Institute on Mediation and Conflict Resolution in New York City virtually has become an agency of City government. Sometimes it goes the other way.

The American conflict resolution movement grew out of this diverse and fertile breeding ground. The very first programs mediating everyday neighborhood disputes were sponsored by:

- a city prosecuting attorney's office (Columbus Ohio Night Prosecutor Program),
- a large national private sector agency which specialized in labor and commercial dispute resolution (American Arbitration Association)

AAAA Program, Rochester New York)

- a small self-help volunteer program in an impoverished African-American community, (Community Assistance Program, Chester, Pennsylvania.)
- and at the same time the then Chief Justice of the United States Supreme Court strongly advocated the same idea, which he called Alternative Dispute Resolution.¹

It is hardly surprising that diverse programs resulted. A conflict resolution program designed by white lawyers in Rochester would look different than one created by impoverished African-American workers in Chester. Add the broad diversity types of conflict resolution practiced: community, family, business, environment, public policy, etc. and the scene becomes complex.

To analyze the diversity, first we will look at the division between the "old" and "new" conflict resolution movements. The old movement included labor mediation, arbitration and fact finding which dates back to the turn of the century. In the commercial (business) sector arbitration had been well established by the time I studied it in law school in the late 1950s. The "new" conflict resolution movement adapted the language and some of the techniques of the "old" to apply to new sectors: neighborhood squabbles, family conflicts, divorces, schools, universities, environmental international and public policy conflicts.

The "old" vs. "new" tension is fundamental. It is reflected in the national conflict resolution organizations. Only the Society of Professionals in Dispute Resolution (SPIDR) has any significant cross-over. As a consequence, for years, SPIDR has struggled to find a delicate balance of the interests its founding members, mostly labor mediators, and "new" members.

Second, motivation for involvement in the field is another level of diversity. Many became involved or started programs because they saw an inefficient resource allocation in the existing institutions. Courts were overwhelmed with cases which could be settled better in an informal setting. Others saw an opportunity to develop a new profession. For example, the Academy of Family Mediators consists primarily of people in private practice mediating divorces and other family issues. Finally, many became involved out of a sense of wanting to spread peacemaking skills and to empower the private sector community.

It should be noted that the field emerged soon after the dislocations of the American Civil Rights movement, and the divisive Viet Nam War. Many Americans, particularly among the Left had developed a healthy skepticism

1. For more on the history of the American conflict resolution movement read, Paul Wahrhaftig, "An Overview of Community-Oriented Citizen Dispute Resolution Programs in the United States," in *The Politics of Informal Justice*, Vol I., Richard Abel Ed, Academic Press (1982).

about the trustworthiness of government institutions. Instead, they focused more on "people power" forms of organizing. For many, conflict resolution fits that framework.

In short, "the field" reflects the patchwork of American life. People invented and developed the concepts of conflict resolution at many levels of society, from many conceptual frameworks, and often in isolation from each other. They quickly reached out to form supportive networks to meet their needs to share ideas, learn and to develop the field. A hodgepodge of national organizations grew each with a slightly different vision of the field.

Networking Organizations

Labor¹

The traditional labor dispute resolution organizations, such as the National Academy of Arbitrators (NAA) and the Association of Labor Relations Agencies (ALRA), historically operated in an isolated environment within which everyone knew one another. They spoke the same language, and felt comfortable. Their paths did not immediately cross the paths of those in the "new" movement. The Society of Professionals in Dispute Resolution (SPIDR) was an exception in that its labor arbitrator and mediator founders specifically decided to make membership available to all types of dispute resolvers.

The interests of the labor organizations were clearly and narrowly defined to deal with disputes between unions and companies. Labor arbitrators earned a good living being hired by unions and companies to decide the merits of grievances and terms of labor agreements. Labor mediators usually worked for the Federal or state government agencies, and were responsible for helping the parties to reach agreements, preferably before a strike or lockout.

The growth in the "new" movement was viewed as threatening by some of the established labor arbitrators and mediators. Unlike most of the "new fields" where the parties cannot or are not accustomed to paying, it is possible to earn a living as a labor dispute resolver. Some "new" interveners looked to the labor sector as a place to use these skills to earn a living. This was viewed as presumptuous by labor practitioners, many of whom entered arbitration or mediation as a second career, after a lifetime of experience in industrial relations.

There were some cases, mediators who had no background in industrial relations, interjected themselves into labor disputes in an attempt to "get work." The resulting problems in the parties' relationships would then be left to the experienced labor practitioners to straighten out. These experiences, while not many, fed the negative view many of the "old guard" in the labor organizations had of the "new" movement. This negative and insular attitude has only recently begun to break down, as more work has

1. I am in debt to Elizabeth Neumeier, President of the Society of Professionals in Dispute Resolution for this analysis of Labor Sector networking.

become available in the "new" areas, people have gained experience and an appreciation for the different skills required to work in different sectors, and as labor practitioners have themselves begun to practice in "non-labor" areas.
New Professionals

A cluster of support organizations grew to work with the emerging new professionals in the field. Some of these were existing organizations that expanded or adapted to encompass the new conflict resolution field:

Society of Professionals in Dispute Resolution
American Arbitration Association (commercial disputes)
American Bar Association (attorneys)
Association of Family and Conciliation Courts
Better Business Bureau

Only one was established anew, The Academy of Family Mediators

Community and Peacemaking

A cluster of support networks developed for community empowerment or peacemaking programs. They include

Conflict Resolution Center International
(formerly the Grassroots Citizen Dispute Resolution Clearinghouse)
National Conference on Peacemaking and Conflict Resolution
National Association for Community Justice (now defunct)
National Association of Mediation in Education
Association of Campus Mediation Programs
Consortium on Peace Research Education and Development
Educators for Social Responsibility
Children's Creative Response to Conflict
Victim Offender Mediation - USA

To add to the confusion many of these organizations, while rooted in one category, do welcome and invite participation by other sectors of the movement. There is one national organization that does not fit the conceptual scheme of the paper. The National Institute for Dispute Resolution (NIDR) provides funding, coordinates research, and has promoted the practice of dispute resolution in major social institutions. It has promoted establishing State offices of dispute resolution and has been instrumental in building conflict resolution into higher education. It is unique because it was established by a consortium of funders to channel their interests in the field. It was less a product of practitioners reaching out to each other for support.

Further, there is the geographical complexity. All of these organizations seek to operate on the national level. There are also associations of conflict resolvers in many states. Each of these organizations is different and reflect in a microcosm many of the issues that are involved in examining the national picture. To simplify this presentation I have ignored the close organizational ties that are being forged between the national conflict resolution organizations in the United States and Canada.

Style and Activities

All the organizations share some basic functions.

- Each encourages information sharing so members or participants can learn from each other;
- Each holds an annual conference (except the Conflict Resolution Center International which works with the other organizations' conferences.)
- Each publishes materials, at least a newsletter, to keep their broad constituency informed.
- Each will respond to inquiries, giving out information and advice from their office staff;
- Each maintains a mailing list. Most publish the list annually as a directory for its segment of the field.¹

It is difficult to develop a national resource center on the scale needed to be effective. The problem was particularly well illustrated in the abortive attempt to develop a National Association for Community Justice. This project would have been a national resource center for volunteer based neighborhood mediation programs. Typically these programs are high on voluntary commitment and low on finances. Participants tend to be distrustful of hierarchy and insistent on having a say in decision making. Even though this network was able to attract significant foundation support it floundered partially because of the difficulty of maintaining adequate communications. Its Board could only meet once or twice a year. Between long distance telephone calls and yearly letters to the membership provided inadequate ties to build an organization.

That was the 1970s. Now in the 1990s we have ConflictNet - a satellite linked computer system that enables conflict resolvers around the country, and around the world, to communicate quickly and easily. Increasingly the national organizations are using ConflictNet to keep their boards, task forces, and membership in daily inexpensive communication. Perhaps a low budget national association of community programs could survive today with these improved electronic links.

Despite their commonalities, there are significant differences among the organizations. These variations reflect their unique interests.

1. One obvious problem with these multiple lists or directories is there is no one central place potential users of conflict resolution can contact to find an intervener. The Conflict Resolution Center International began work this year to establish what will become the first inclusive national computerized database directory.

Professional Cluster

The professional organizations tend to promote the professional status of the conflict resolution field. They focus their attention on issues like quality control, qualification, certification, standards, and accountability. They tend to be more highly structured. Their offices are usually free standing at a separate distinct address. Their membership is well defined. Those who wish to join at some sort of practitioner level must demonstrate a minimum level of competence or experience in the field. Since many of their members try to earn a living in the field, these organizations can derive a large part of their financial support from dues and conference fees.

Their governing structures are well defined. They usually have highly developed boards of directors, officers, and clear election procedures.

Community - Peace Cluster

The community and peace organizations' basic interest is in spreading conflict resolution skills as widely as possible. Their newsletters generally highlight new programs, new ways of training, new ways of finding support for programs.

Their structure is loose. The extreme example is the National Conference on Peacemaking and Conflict Resolution (NCPCR) which prides itself on being a "non-organization." Its main function is to hold a national conference every two years. People attend, but do not belong. There are no members. In the early years, beginning in 1981 it, like this European conference, was the product of a small cadre of dedicated people led by one professor who was on the faculty of Georgia State University. Gradually a board evolved and only became truly functional in 1989. Since there is no membership, the board elects new members after each conference. It uses informal procedures, conversations in the lobby, to try to recruit new members.

Other Community-peace oriented organizations tend to have memberships. However membership is informal. The requirements usually are to pay dues and, sometimes, to express allegiance to the principles of the organization. Since members are more likely to be volunteers, dues and conference fees are low. That leaves the organizations dependent on support from charitable foundations and using donated space for their headquarters. These organizations tend to operate on lower budgets and have their main offices located in space donated by another institution. NCPCR, and National Association for Mediation in Education, for instance, are housed in universities. The Conflict Resolution Center International is quartered in a city library.

Tensions

Carl Jung once said that conflict, like fire, has two aspects: light and heat. Diversity does also.

A source of heat among American networks is competing visions of the nature of the field. There is competition over what is the appropriate direction. For instance, one area of debate in the 1970s and early 1980s was over certification and establishing standards. The professional associations argued that the profession would be enhanced if there were clear definitions of, for instance, what a mediator is and what one does. The public, for its protection, is entitled to clear direction in those areas. Further, practitioners need to protect the integrity of the new processes.

Community and Peacemaking groups were concerned that attempts to define the field were misdirected. Standards, credentials, and the like are a means of closing a field - keeping the knowledge to the chosen few. This contradicts the vision of spreading the skills as broadly as possible.

Gradually, the two clusters have moved closer together on these issues. Two forces are at work. First is that the field is achieving increased support from government and courts. That brings a demand that there be clear definitions of mediation qualification and processes in statutes and court rules. The conflict resolvers agree that it is better to develop these definitions themselves than for legislators and attorneys to do it.

Another trend as the field has matured is a blurring of the lines between community and professionals. For instance, in the early 1980s the Academy of Family Mediators adopted strict membership criteria as a first step towards defining divorce mediators. APM required mediators to have an advanced academic degree in either law or mental health. By the late 1980s the Academy dropped the academic requirement. One reason is that their membership had changed. They are active in both a professional and community/peacemaking capacity. Many professional family mediators also do volunteer mediation in their community mediation program. They saw the effectiveness of "non-degreed" mediators. They have become a part of the peacemaking approach.

Opportunities

Diversity creates opportunity. If all the conflict resolution networks can work together, they can mobilize an extremely broad slice of American life. This is a network that includes lawyers, housewives, community organizers, peace activists, businesspeople, government and court officials.

Recently, for the first time National Conference on Peacemaking and Conflict Resolution brought the organizations together to harness this potential. The first Consultation of Dispute Resolution organizations was held in San Francisco last December. That meeting brought together a staff and board representative from each of the networking organizations. Their agenda was simply to look at:

- 1) Ways in which the organizations could work together to avoid duplication and work more efficiently.
- 2) Ways in which the organizations can work together to promote a common agenda.

Ideas that are being explored in the efficiency realm include:

- A task force to promote better communications using electronic technology. One focus here is new and more creative ways of using ConflictNet.

The task force is to look into ways that the organizations' mailing lists can be made available to each other.

A simple first step towards working together was to share basic information about each network. Attached to this paper are the short statements each agency submitted at that meeting.

Common agenda ideas.

One commonality of professional and community/peace proponents is that they both need to develop better public acceptance of the field. Therefore, the consultation's initial project is to explore establishing a National Conflict Resolution Day. Under this unifying idea of trying to get the President or congress to declare a conflict resolution day there is plenty of room for diverse approaches to building public support that fit each network's own views.

CONCLUSION

The overlapping, multi-tiered structure of American conflict resolution resource centers is a reflection of the size and diversity of the nation. While some argue that it is time to unify and streamline this chaotic structure, others argue that it is important not to. The field is new, and the diversity makes it possible for new ideas to develop at many levels and rise to national prominence. In working out the tensions among these perspectives, practitioners can model collaboration and negotiation and gain an understanding, from the perspective of the parties, of how difficult the work is. End

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Paul Wahrhaftig is President of the Conflict Resolution Center International, a world-wide resource center for people working to resolve neighborhood, racial, ethnic, religious and business conflicts.

A P P E N D I X
SOME AMERICAN CONFLICT RESOLUTION NETWORKS

Here are listings of some of the agencies mentioned in this text. Note the numbers following the address are, in order, telephone, fax, computer address.

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