

Experimenting with Conflicts Constructively

In Search of Identity for the Field of Conflict Resolution

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Abstract

The field of conflict resolution has developed enough to become diverse and rich with perspectives, yet the common ground between those perspectives – a permanent core essence – has not yet been defined. The use of identity theory, specifically intergroup identity theory, may be the most effective method to understand the field's foundations. In this article, six possible group identity claims – or grand narratives – are offered. Together, they may form a foundational code for the field, which may be examined and proved in context. Defining the profession of conflict resolution also requires engagement and dialogue with other related professions. In addition to mapping the six grand narratives, this article will suggest how these narratives can at times generate differences with other academic disciplines that deal with conflicts.

Keywords: conflict resolution, identity, group identity, constructive engagement, narratives.

1. Introduction: An Identity Formula

What is the identity that 'we' – in the conflict-resolution community – share? What defines us as a distinct group in comparison with other academic disciplines and researchers? This article articulates common principles that I find recurring within the conflict-resolution field and posits the art of dispute resolution as an experimental constructive methodology for engaging conflicts while incorporating various critical theoretical developments in the last decades.

In a previous article, we defined identity as *a self-perception filled by a cultural formula* (Rothman and Alberstein, 2013). According to this definition, identity can most usefully be described by and conceptually organized into three main categories: Individual Identity ("I am because I am"), Group ("I am because We are") and Intergroup ("I am because We Are Linked with Each Other as Both Individuals and Groups"). What is the meaning of such a definition when it comes to a group of professionals and scholars who deal with conflict in certain manners that they find similar? How can we define the identity of a field that has already grown enough in order to become diverse and rich with perspectives, yet in which no

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common ground exists from which a permanent core essence is revealed? My assumption is that defining the identity of our field in a diverse way, based on the intergroup level, is the most comprehensive scheme to understand its foundations. This is similar to the way identity conflicts are dealt with. Thus, I will shortly articulate six possible group identity claims – or grand narratives – which recur in our field and provide a solid foundation for its multiple identities. The six claims are shared by professionals in our field, though emphases may differ. Each claim manifests a unique philosophical perspective as well as a practical perspective. Here the effort will be to describe the narratives in an abstract manner, as a foundational code that should be examined and proved in context.

The accumulation of common narratives reflects my ‘reading’ of the field for the last two decades. Shared by the numerous dispute-resolution approaches that have evolved, these narratives can already be found – at least in a raw version – in *Getting To Yes* (Fisher and Ury, 1981), the famous canon of the field.

Each one of these narratives can be experienced by people as their conflict-resolution identity, which defines them in contrast to others who do not incorporate this narrative. The combination of the narratives is related to a group multiple identity that has emerged and developed in the previous decades, and which has become, in my view, a professional identity of conflict-resolution experts.

Defining the profession of conflict resolution also requires engagement and dialogue with other related professions. In addition to mapping the six grand narratives, this article will examine the difference such narratives produce compared with those of other academic disciplines that deal with conflicts.

As we claim in the context of identity conflicts in general, constructing a salient feature of identity facilitates engagement with other parties, and, in our case, other professions and disciplines. For the sake of engaging with other professions and related fields of study, a salient feature of the field will be finally singled out here: constructive experimentation with conflicts.

2. Grand Narratives of Conflict Engagement

2.1 *Process Emphasis*

In philosophy, the idea of process as overcoming substantive arguments is a familiar solution to old metaphysical problems. Within the American philosophy of pragmatism, this tendency is mostly celebrated when, instead of determining between dichotomies such as mind and body, experience and reason, or being and not being, there is a constant shift toward ‘becoming’ and a use of a process that is supposed to embrace paradoxes by containing oppositional logics of the previous discourse within the new regime (Dickstein, 1998; Festenstein, 1997; Menand, 1997).

The use of process to soften dichotomies can be found in the writings of William James, in the early twentieth century:

“Pragmatism is ‘a happy harmoniser’ ... a mediator and reconciler ... she ‘unstiffens’ our theories. She has in fact no prejudices whatever, no obstructive

dogmas, no rigid canons of what shall count as proof. She is completely genial. She will entertain any hypothesis, she will consider any evidence.” (James, 1907)

Similarly, the ADR movement has a primary interest in developing structured processes to deal with legal disputes and conflicts in general. A professional ADR practitioner is familiar with a variety of processes and is trained to evaluate their relative strengths and weaknesses in a specific conflict situation, while fitting the forum to the fuss (Sander and Goldberg, 1994). An important pillar of ADR is the idea that process matters and that the most violent and complex conflict can be avoided or constructively managed through skillful process management. The initial sequence in constructing the pragmatic problem-solving model of mediation, which is the predominant mediation style within ADR practice, is overcoming the dichotomy between hard and soft negotiation through process mindfulness (Fisher and Ury, 1981).

Under the pragmatic perception of mediation, the initial incentive for developing a new style of negotiation relates to entering a second-order negotiation over the process itself:

The second negotiation concerns how you will negotiate the substantive question: by soft positional bargaining, by hard positional bargaining, or by some other method. This second negotiation is a game about a game: a “meta game”. (Fisher and Ury, 1981)

The focus on the second negotiation and the interest in the ‘how’ instead of the ‘what’ provides a detour from what is usually considered the essence of negotiation – the tangibles or the substantive interests that are at stake. The dynamic process of problem solving is sometimes also evaluated through ‘action research’, which emphasizes the constant movement of the reality of conflicts (Argyris, Putnam, and McLain Smith, 1985).

Most of the professionals in conflict resolution perceive themselves as process experts and many times combine process emphasis even when defining success (Rothman, 1999). Pursuing a conflict-engagement intervention, which may transform and change during intervention and thus will require extra awareness of the process, is an ongoing project which cannot be evaluated in static terms.

In terms of intercultural concepts, what conflict-resolution models offer is a structured method to conduct a ‘high-context’ interaction, in which speaking directly about what we would like to get from the other side is considered premature and many times destructive for conflict dynamics. In non-Western cultures, the reference to context and less to verbal exchanges may be considered as a kind of process emphasis – a way to defer direct bargaining on the tangibles in dispute and instead to emphasize small talks, courtesy rules and active listening.

2.2 *Constructive Orientation*

Most dispute-resolution models espouse a constructivist and optimistic consciousness with an orientation toward the future. Their choice to reject the more pessimistic, descriptive perspective on their field of intervention is an ideological preference which is not justified by objective criteria or by pure reason. Fisher

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himself emphasizes this prescriptive view when he admits that he is more concerned with “what intelligent people ought to do” than with “the way the world is.” He states,

Getting to Yes blurs a desirable distinction between descriptive analysis and prescriptive advice. (White, 1984)

In fact, he claims that he borrowed this orientation from legal advocacy: just as a lawyer arguing a case, the pragmatic mediator promotes a constructive approach to conflict resolution without considering the other possible dynamics (Fisher, Kopelman, and Schneider, 1994).

The optimistic choice to assume that constructive engagement is always possible is a common denominator among dispute-resolution people, and many of them are characterized as carrying this gaze unconditionally in each conflict situation. They meet reality – optimistically. Whether it is the call for win-win solutions and the choice of the collaborative strategy, the preference for a ‘culture of hope’, or the engagement in a moral dialogue with a counter identity, in dispute resolution happy endings are at least a horizon, if not actual goals.

Even if parties fail to collaborate, show anger or fear, or insist on hard bargaining, conflict-resolution people will typically perceive them as having temporary relapses and as being capable with the right guidance to develop a collaborative engagement. Conflict, in this context, is many times perceived as an opportunity for change and learning, sometimes even for moral growth. Its constructive elements are highly emphasized.

Describing the hallmarks of transformative mediation, Folger and Bush (1996) emphasize the importance of optimism:

HALLMARK 4. ‘The parties have what it takes’: Taking an optimistic view of parties’ competence and motives.

....Third parties who successfully implement a transformative approach are consistently positive in their view of the disputants’ fundamental competence, their ability to deal with their own situation on their own terms. Likewise, the third parties take a positive view of the disputants’ motives, of the good faith and decency that underlie their behavior in the conflict situation, whatever the appearances may be. In short, taking an optimistic view of the parties’ competence and motives is a hallmark of transformative practice.

Collaborative, constructive, future-oriented interventions may include win-win solutions, transformation and empowerment, resolution and dialogue, amendment and reconciliation, co-authoring and reframing. These are at the core of alternative dispute resolution thought and position constructive experimentation with conflict (a combination of the two first narratives – emphasis on process and constructive orientation) as a salient feature of the field.

2.3 Management, Hybridization and Contingency Approach

Robert Axelrod's idea of 'tit for tat' as a preferred strategy for a recurring prisoner dilemma can provide the first insight into the hybridization principle (Axelrod, 1984). Axelrod shows that breaking a big conflict into small encounters in which rewarding collaborative behavior is possible provides opportunities for mutual gain. He proves that moderate optimism is actually rational when repeated negotiations are at stake. Most conflict-resolution scholars work with this idea, and sometimes it is manifested by notions of management and functional classifications.

Conflict-resolution models have unique ways of promoting their constructivist processes, and a main characteristic of their transformative practice is the deconstruction of the superficial picture of the reality in which they intervene. There is usually the possibility to divide the relevant problem into diverse sub-problems, and through this hybridization the transformation process can be realized. Transforming an 'all-or-nothing' conflict picture, or a 'win-lose' one, into a multiple array of problems that are partly resolvable and manageable, can change the quality of intervention and may contribute to a more effective practice. As Roger Fisher puts it,

The danger inherent in big disputes and the difficulty of settling them suggests that, rather than spend our time looking for peaceful ways for resolving big issues, we might better explore the possibility of turning big issues—even issues like Hitler and Communism—into little ones.... Viewed from this perspective, adjudication appears not as a process for settling big conflicts, but rather as one that is valuable because it tends to fragment conflict situations by cutting off and serving up for decision one small issue at a time. (Fisher, 1964)

The idea of breaking the conflict into small manageable units and setting them in the optimal order within the intervention session is accompanied by the managing principle of 'fitting the forum to the fuss', which assumes a sophisticated contingency model capable of finding the right procedure for the specific case. In ADR, for example, designing systems to process and prevent conflicts (DSD) (Ury, Brett and Goldberg, 1988) is an important ADR subfield. It also includes devising multi-door systems of dispute processing that deal both with preventing and resolving disputes by elaborate process choice mechanisms. People who deal with conflicts in our field usually perceive their role as setting the agenda, sorting out the cases, and conducting the most effective management that will provide optimal conflict engagement.

2.4 A Search for a Hidden Layer and Deconstruction

Since its origin, the study of conflict resolution has promoted an anti-foundational perception of conflict, which calls for avoiding the surface of antagonistic claims through the focus on an underlying layer of the conflict. The hidden layer has been central to any dispute-resolution intervention and whether it was defined as economic interests, emotional subtext or biological needs, the message

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of each school of conflict resolution was that working with the underlying phase is much more productive and constructive than staying with the surface level of conflict.

Dealing with the underlying level is sometimes carried through asking “why?” (Rothman, Friedman and Withers, 2006). In contrast to the managerial principle, which aspires to break the conflict into many small ones without essentializing its core, this principle assumes that there is an implicit essence to each conflict and that focusing on it will help to overcome and transform the surface of antagonism. This underlying level can be needs, interests, emotions, relationship, entitlements, narratives, ideologies or identity perceptions.

In ADR, for example, at the core of the mediation process, which is central to ADR practice, stands the idea that there is an underlying phase of conflicts disguised by the surface of contradicting positional claims. Moving from the superficial misleading surface of the conflict, which usually entails positions, to the ‘real’ underlying substance of needs and interests, enables a ‘win-win’ unique mediation outcome that transcends distribution and competition.

The basic problem in a negotiation lies not in conflicting positions, but in the conflicts between each side’s needs, desires, concerns and fears.... Interests motivate people; they are the silent movers behind the hubbub of positions. (Fisher and Ury, 1981)

Transformative mediation, which developed in the 1990s, depicts the relationship as the underlying level (Bush and Folger, 1994). ARIA intervention posits social identities (Rothman, 1997). Narrative mediation discusses exaggerated perceptions of entitlements as colliding underneath the surface of conflict (Winslade and Monk, 2000), and some writers discuss narratives and ideological motives (Cobb, 1997). People in our field will always doubt a conflict’s surface, search for deeper motives and focus on aspects that are not perceived as intuitive for those who see mainly its external appearance.

2.5 Perception of Self in Relationship

Dispute-resolution people share a reconstructed perception of the human subject, and they strive to enrich and transform the common individualistic consciousness through the emphasis on the relational aspect of conflict interactions. The acknowledgement of emotions as a significant element in human dispute is an innovation that aims to produce a new conflict self, which is less individualistic, less separated and more caring and empathic. Such a perception is reflected already in the writing of Mary Parker Follet, one of the founders of our field:

The conception of circular behavior throws much light on conflict, for I now realize I can never fight you, I am always fighting you plus me. I have put it this way: that response is always to a relation. I respond, not only to you, but to the relation between you and me....

I never react to you, but to you-plus-me; or to be more accurate, it is I-plus-you reacting to you-plus-me.... That is in the very process of meeting

we become something different.... Through circular response we are creating each other all the time. (Kolb, 1995)

The idea that through circular behavior we create and re-create each other through the conflict-intervention stages is radical. It means that a central quality of this new discourse is to transform conflictual encounters through blurring the boundaries of the parties and working with the complexity of their self in relationship.

ADR practice has growing interest in emotions and presents them as integral parts of the conflict picture (Shapiro, 2002). Following developing research on the importance of emotions as sources of information and as having a rational level, which is given to understanding, mediation studies have increased the focus on emotions and provide explicit manuals to handle them and understand their role within a conflict. This is a development in light of the well-known principle of 'separating the people from the problem', which is central to interest-based mediation practice and encourages depersonalization and externalization of the conflict (Fisher and Ury, 1981). Active listening is sometimes presented as the tool of promoting this goal. In recent writing, emotions are presented as crucial and as based on what Shapiro defines as 'concerns' (Shapiro, 2002).

More recent models of mediation and intervention work with emotions and relationship not only as an important aspect that should be managed separately, but also as a core experience of the conflict. Bush and Folger in their transformative model discuss the hallmark 'there are facts in the feelings', explaining that emotions can be a rich resource of information and that focusing on them is central to mediation practice (Folger and Bush, 2001). They also discuss, in their first edition, the relational ethics of Carol Gilligan as a theoretical foundation of their model (Gilligan, 1982). They depict it as transcending the choice between individualism and collectivism through the concept of 'self in relationship'. 'Ethics of care' become the foundation of transformative mediation, and the feminine notion of selfhood they promote challenges our liberal individualism. Narrative mediation supports this principle by emphasizing the relational context of the mediation conversation. In the ARIA model of intervention, the boundaries of self and other become blurred in the stage called resonance, where parties move from the stage of antagonism and oppositional argument into a stage where they reflect more deeply about why they care and find how their narrative echoes in the other's perception. In addition, new perspectives on neuro-science and conflict resolution re-emphasize the centrality of emotions for the understanding of the dynamics of conflicts and ways to intervene in them (Lack and Bogacz, 2012).

In sum, dispute-resolution people work with the idea of connectedness and of interdependence as changing and transforming the individualistic setting and of relational epistemology as inspiring their morality and ethics.

2.6 Bottom-up Development

Dispute-resolution movements share a 'grass roots' emphasis of working from the bottom up without knowing yet the complete plan or the preferred outcome that should be achieved. Dispute-resolution people many times work with non-

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governmental organizations, community representatives and local leadership to promote their goals. The emphasis on empowerment through encouraging pluralistic perceptions and trying to integrate diverse perspective into a more effective practice is what unites these movements and differentiates them from more top-down projects of reform and transformation. A famous ‘father’ of modern mediation, Lon Fuller, presented its anti-authoritarian quality by declaring:

The central quality of mediation [is] its capacity to reorient the parties toward each other, not by imposing rules on them, but by helping them to achieve a new and shared perception of their relationship, a perception that will redirect their attitudes and dispositions toward one another. This quality of mediation becomes most visible when the proper function of the mediator turns out to be, not that of inducing the parties to accept formal rules for the governance of their future relations but of helping them to free themselves from the encumbrance of rules and of accepting, instead, a relationship of mutual respect, trust and understanding that will enable them to meet shared contingencies without the aid of formal prescriptions. (Fuller, 1971)

The non-authoritative quality of mediation as described by Fuller is related to the development of a regime without rules, based on relationship and mutual respect. Formal prescriptions, including legal rules, become marginal within the common search for understanding and working guidelines, which can be revised and replaced when there is a need from the ground to do so. Working with the parties and helping them to craft their own rules is an important role of mediators, and designing systems of dispute resolution is also done following a deep inquiry into the interests of the various stakeholders of organizations (Schneider, 2000).

Some of the roots of the ADR movement are community centers that developed in neighborhoods, in order to promote access to justice and to empower the local population through the teaching of dispute-resolution skills. ADR philosophy encourages the sides of a conflict to be in charge and to serve as the primary sources of resolution. Autonomy and informed consent are the core values of mediation (Nolan-Haley, 1999), and process choice and empowerment are foundational principles for ADR practice. The idea of merging theory with practice and the aspiration to learn new theories and abstractions through new engagement is another reflection of this principle of a deep connection to unfolding reality.

Dispute-resolution people defer judgment, encourage reflexivity and aspire to remain curious and open when approaching any conflict, even ones perceived as intractable.

3. Defining the Identity of the Field: Discussion

Reviewing the grand narratives as discussed above reveals a recurring theme that I find unique for dispute-resolution studies and practice in general. The choice to focus on the process instead of substance, to look into the future constructively and to devise a managing plan that is specific and built to acknowledge the com-

plexity of the situation; the work with a layer under the surface that usually carries some circular logic and is not given to sharp distribution; the focus on emotions and relationship; the bottom-up work – all these modes of action that are common to dispute-resolution movements, and vary in the relative importance ascribed to them in each model – disclose a salient sensitivity of conflict-resolution people: They go back to the particular, and they experiment and engage constructively while using various modes of transformation. The methods are not fixed, the norms are not set in advance, the parties are not separated and the substance of the dispute is not clearly defined. With all these open-ended assumptions, conflict-resolution experts go to the public, to the students, to educate them about this utopic idea of experimentation with conflicts.

So what is the identity that we – the conflict-resolution people – share? When trying to extract a salient feature of our identity, it seems that the idea of experimenting with conflicts constructively captures most of the grand narratives and goes back to the process idea, which is salient in the foundation of the movement. This self-perception that is filled with a cultural formula unfolds and appears in various dispute-resolution models and in alternative movements in law as well. As true believers in constructive conflict, we develop a philosophy of peace and of reconstruction. Understanding our grand narratives of reconstruction may help to develop our field, to build it, and to articulate its boundaries more successfully.

4. Implications for Relationship with Other Fields

The understanding that we all more or less share the reconstructive narratives above explains some of the divides with people who are external to our field. Many academic inquiries deal with conflicts, discussing their historical, legal, sociological or political aspects, but only inquiries that refer in a significant way to the core narratives of conflict resolution may be considered as part of the emerging discipline. Arguments about success and failure of conflict-resolution interventions cannot be fully understood without reference to the internal measures that the basic narratives provide. Resistance to conflict resolution from a political or an ideological perspective (*i.e.*, Fiss, 1984) can be answered many times by re-emphasizing the internal values of the field by going back to our identity components.

The delineation of our core identity serves not only to understand the differences we have with other fields but also to uncover points of connectedness. Further research on each narrative discussed above may borrow from relevant disciplines that inspire its development. For example, the emphasis on process as a solution to some philosophical doubts is very common in other disciplines and may be studied comparatively (*i.e.*, Alberstein, 2002). The interest in constructive engagement may be studied while referring to positive psychology and other constructive professional formulae in the last decades. The focus on needs or interests may be understood in reference to natural law theory, needs theory and literary deconstruction. The managerial aspects of the hybridization principle should be studied more systematically through reference to organizational and business

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studies. Aspects of emotions and relationship should be enriched by reference to new inquiries in social psychology, social work and neuroscience. Bottom-up developments may be compared to new models of new governance and other popular sequences in current academic culture. All of these studies may enrich our understanding of the field as having a unique identity. They may have an influence on a more coherent development of the field and help it become more robust and clearly defined.

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