

## Exploring Values-based Disputes

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I hope, this morning, to extend an old oral tradition of making, at least, "instructive mistakes," so that the sessions that follow can try to set things right. When I told my daughter that I wondered how I might add something of value for this audience of such thoughtful practitioners, from whom I've learned so much, and some of whom I've been fortunate enough to do "Studs Terkel-like Interviews" with—she didn't miss a beat: "Well, great," she said, "You can help them learn from each other's practice, each other's stories."

So here's the game plan. I'll begin by pointing quickly to several crucial themes that characterize values-based disputes—issues of history and identity, loss and grief, respect and recognition. Then, for the most part, I will explore with you the reflections of four practitioners, two providing glimpses of larger negotiation processes, two reflecting upon carefully organized deliberative retreats. I'll wrap up with a series of questions we should explore, if we're to understand better how to improve our public deliberations when value claims and differences come into play.

So, first, some themes: Values-based disputes—as I will explore them this morning—can require not only the familiar challenges of assessing interests, but special challenges of recognizing—and respecting—value systems or cultural histories, religious traditions or ethnic memberships—or all of these, as they help to define any particular dispute. Notice that we speak of satisfying interests or wants, but cherishing and honoring values. Not doing well where we have interests, we may feel regret. Sacrificing cherished values, though, we grieve and try to work through our losses. When an interest of ours takes a hit—our car becomes unreliable—we try to compensate; but when a cherished value takes a hit—our place of worship is attacked—we feel attacked, a part of our identity feels assaulted. So when disputes involve values, we should not be surprised that we often have to come to grips with questions of identity, as well as with interests.

In addition, too, appeals to values in a dispute seem more systemically ambiguous than appeals to interests do. Wanting control of acreage, for example, seems far more clear than characterizing the sacred nature of the land. That deeper ambiguity of value claims, we will see, has implications for the kinds of respect demanded of us—as facilitators and mediators and stakeholders too—and for the ways we might design processes of conversation and storytelling—processes of facilitated dialogue and mediated negotiation both—rather than engage in more familiar and seductive, but problematic, processes of moderated debate.

Now, to see how what these themes can mean in practice, let's turn to several reflections upon messy value and identity-based disputes.

So let me begin with the reflections of mediator-facilitator-consultant Wallace Warfield. Warfield tells us about work with a small city's officials, police department and black community representatives after a controversial arrest that involved police claims of 'interference with the

duties of an officer' and community claims of "excessive use of force." Warfield had been asked by the assistant city manager for help—as many of you might guess—in the form of a relatively quick fix. Discussing the longer and deeper facilitation that he ultimately designed and led, Warfield at one point tells us,

So let's come back to the original event: the Police Department wants the black community to isolate the event that took place—with the arrest and the disturbance—from the history. Of course, the police chief becomes increasingly frustrated because he says [to community representatives]: "Why are you calling me a racist? Why are you dredging up all this other stuff that happened ten or 15 years ago to deal with this situation?"

But in the minds of the black community, you can't separate out an event that happened to your cousin last year, to your uncle the year before, to your friend two years before that . . .

Yes, the political culture in the United States is an individualistic culture, but for people who have been disenfranchised as a group, they think about solutions as group solutions. So they articulate their values as a group value—not as an individual value—because the individualistic nature of the political culture of the United States has not worked for them—so that's how they articulate and frame their views. So you're talking about two groups of people who don't even talk in the same language.

He goes on:

This comes back to what I was saying about strict neutrality in mediation, which tries, artificially, to build parity between groups, where there is no parity—

or, in this particular instance, [it] would in all likelihood try to get the black community representatives also to focus on the event -- because by focusing on the event, you thereby fashion a resolution tailored to that particular event -- but not to the ambiguity of where they're speaking from.

[Then Warfield tells us,]

As an intervenor, I don't choose to do that any longer: I'm not going to play that kind of role.

And he says,

In these situations I find myself becoming the cultural role interpreter. I will tell stories, or use metaphors.

I find that whites in positions of influence and power will say to me: "Well, you're like us"—it's a benign co-optation: "You're more like us than you're like them."

And I say: "No, I'm not. Let me tell you stories about what happens to me, a so-called successful black man in America in [a year like this]."

We have just a snapshot here, but Warfield raises several significant themes we should consider. First, there's the classic question of problem boundaries—the question of one party's wanting to "isolate the event . . . from the history," and so the problem of recognizing or leaving aside, perhaps respecting or dismissing, "that history." Let's leave aside for the moment the presumptions that make it possible for a police chief, or other community leader, to ask in apparent surprise, "Why are you dredging up all this other stuff that happened ten or 15 years



ago to deal with this situation?" In a values-based dispute, it seems, 15 years ago can be like yesterday.

Second, Warfield suggests, not only may some parties identify as part of a salient "group" – racial, religious, and so on—but, as he says, "they articulate their values as a group value, not as an individual value, because [they find] the individualistic nature of the political culture . . . has not worked for them." So here, Warfield goes on suggest, the black community might wish to resist focusing "on the event – because," he says, by doing that, "you . . . fashion a resolution tailored to that . . . event—but **not** to the ambiguity of where they're speaking from."

Warfield's telling us that something quite significant would be missing in the eyes—and the hearts—of the black community—if a resolution simply focused on this discrete event: there's an "ambiguity" to recognize, he suggests, a lived, felt, multi-layered experience of multiple meanings, an inherited and still actively lived ambiguity of "where they're speaking from"—a history which makes an expressed claim to recognition and respect, which other parties and "third parties" too ignore at their own risk. Just think, for example, how easily a compliment from ten years ago can be forgotten, and how easily someone's humiliating remark from the same time can be remembered.

Third, Warfield points to the process design judgments that facilitators and mediators must make in such cases. The police chief and the city manager want to settle a dispute about an arrest; the black community sees the arrest as just one, however important, instance of a patterned history of indignities and humiliations, making the chief, some say, "a racist." How can the facilitator recommend a process and scope of discussion broad enough not to be seen as just doing the city's bidding and narrow enough to have a promise of achieving tangible results?

Last but not least here, Warfield tells us not just that in the face of such a dispute he doesn't find the strictly neutral mediator role helpful, that he's "not going to play that kind of role" any longer, but that he has come to "find [himself] becoming [a] cultural role interpreter": now facing parties with such disparate value and cultural orientations—that they're "two groups of people who don't even talk in the same language."

"I will tell stories, or use metaphors," he says, and then he immediately makes clear that he's not telling those stories or using metaphors for entertainment.

Told, he says, by "whites in positions of influence and power" that "You're more like us than you're like them," he replies, "No, I'm not. Let me tell you stories about what happens to me, a so-called successful black man in America in [a year like this]."

Now, in the face of such differences—of assumptions of "us" and "them," of event and history, of felt disenfranchisement and power, of some wanting to get on with business today and others wanting historical justice at last—why does Warfield turn to stories and metaphors? Certainly it seems, faced with the stunning presumptions of "You're more like us than you're like them," his stories might be pitched to help the parties see in new ways, to help the parties reframe understandings, to help the parties come to see one another's interests and values both in new ways, to help them to explore those palpable ambiguities of where they're both "speaking from."

### Without Stories, No Reconciliation

Let's now explore several of these themes as they arose across the country, 60 miles north of Seattle. With funding from the Ford and Northwest Area foundations, Shirley Solomon convened a four day retreat of Skagit County officials and Swinomish tribal leaders, along with,

as she put it, "several mayors, key policy staff people, executive directors from the port and public utility district, and other activists and community leaders"—all of whom were concerned with governance and value questions ranging from land-use planning through jurisdictional authority and sovereignty (Solomon in Forester and Weiser 1995).

Solomon saw not only conflicts of interest here but deep value differences too, as she put it, "essentially two worlds, two cultures." "We'd done a lot of convenings and gatherings," she tells us, "and by and large one always gets into "my view versus your view," and "my needs versus your needs," and so this time she hoped to convene a "talking circle," the "Skagit Fellowship Circle." She contrasted her view of public governance as usual with her hopes for the retreat in this way:

As a woman, I've had great resentment, over time, to the way in which conversation and dialogue has been just obliterated from the way in which we conduct our business. The whole relational aspect of our work has been neutered, just sterilized, I think. There's no opportunity to do anything other than [to] speak to the topic at hand. Our public engagement processes are just criminal in my mind. A public hearing, for instance, is just an abomination—[because] it requires people to indulge in hyperbole: You've got two minutes to speak, and you've got to be as rash as you possibly can in order to make a point. There's no [opportunity for] discourse.

That is what we were trying for in this fellowship circle: thoughtful discourse, where I had the opportunity to tell you something about me, the way I see the world, the way I think about things, and you not being in "rebut mode"—where you're sitting there poised to say, "Yes, but. . ." or poised to use what I am

saying as a way of making your own point better—but [instead] to really see my world, see things from the vantage point that is mine and mine alone.

Now, we will return to the seductive time and place of that "rebut mode," but Solomon suggests that when worlds and cultures collide, fabrics of values in addition to discrete interests, facilitators need of course to do far more than to set the stage for arguments, for my view versus yours, my needs versus your needs.

Solomon, like Warfield, sees that history matters here—and not simply as a record of events. She had asked guest speakers to present historical background material to inform the group's deliberations. She warns us that infinitely more than information's at stake here. She's inviting speakers, but she has one eye on fury and another on possibilities of reconciliation. She says,

It's very delicate because, again, you're dealing with a great power imbalance, great loss, great change, guilt, fury, lots of things. I mean there's a cauldron under this that you're trying to help release in a way that doesn't just blow you all to hell but starts the siphoning off of all this torture and pain.

One afternoon began with an archaeologist, who was then followed by a community college professor speaking about white settlement. Solomon continued,

From the way people asked questions, you could just see that [the archaeologist] was mesmerizing . . . [The professor] was just a little abrasive, so he was harder to deal with for the participants—but the story he told is a story that needs to be told: when white settlement occurred, the environment of Skagit County changed dramatically. There had been spruce marshes and cedar marshes, and all those ancient, ancient, ancient trees got cut down, and the area was drained



and diked, and it became farmland—that brought prosperity to those who moved in and usurped Indian land, and it brought extreme dislocation to those who were displaced.

That's a story that needs to be conveyed. It needs to come out—it's the history of the place—and it's in the recognition and the appreciation [of that], that reconciliation occurs. [And then she says,] Stories have to be told in order for reconciliation to happen.

Solomon appeals to history and stories, though, no more for an ideal of reconciliation than for the pressing practical reasons of not being blindsided. She says,

There's all this underlying [stuff] that just hasn't been adequately spoken to. . . and . . . if you don't take care of all this . . . , it comes up and catches you time and time again at times when you least expect it.

But this has consequences, of course—as Warfield recognized too—for the strategies of intervention she imagines:

[So] then, if we go through the political deal making that attends so much of the mediation that I have been exposed to, all you're doing is band-aiding the stuff again. It's a power play and you're herding and corralling and co-opting and doing all the stuff that I no longer want to be a part of. But the fellowship circle . . . is to me a way of attending to the needs of the future—perhaps by healing the wounds of the past and releasing all the energy that has gone to attending to individual pain or collective grief, or to power politics or to the Alinsky style of organizing—which I certainly have followed for much of my career.

Warfield warned us of the institutional pressures to get on with business, and he not only spoke of resisting those pressures but working with story and metaphor to enable new understandings and future action too. Solomon strikes similar chords; she no longer wants to ignore the "underlying stuff," to herd and corral and co-opt, and she too asks us to consider the revealing and respecting, healing and redemptive role that personal stories can play.

"What we were trying to do here was, again, [to deal with] "place," place as the common denominator, . . . We . . . asked people to bring a slide or two or . . . something that would speak to either, "This how I came to be in this place," or "What this place means to me."

[So up the slides went; we'd] just hold the slide and start asking questions: "What does this evoke? What is this of? Do you have any relationship to whatever's being portrayed there?"

That was just a tremendous session. We scheduled it for a couple of hours, and it just went on and on and on and on and was just wonderful—very painful, very funny, very revealing . . .

These stories, Solomon suggests, knitted together history and pain and personal experience in ways that seemed to alter the meaning of place—and the interdependence of all the residents of that place—for everyone present.

What you're hearing [in these stories, she went on,] is one person's experience. The setting and the forum are not designed to debate issues or to change opinions on things, but really just to get a feel and a sense for somebody else's experience. It's a gift. It's a window into somebody else's life, how they do things, what has happened to them, how they've processed it.

Everybody's not tracking in the same way, and reconciliation is something that takes a lifetime. What we were trying to do here was pierce the skin, the crust that holds everything at the status quo. It's like a pie really where you have to [break the crust to relieve the pressure]. Some steam comes [out] and so on and so forth, but you also want some left, so that there's some dynamic energy.

[But] now, what we are trying to do . . . is to find an overlap where we are identifying commonality, where {there are places that} there is an overlay of interests, and where we can start small: [to] do this “crawl, [then] walk before you run” routine—where you're developing some habits of working together in a different way, where you begin to see the opportunities that collaboration may offer.

So Solomon searches for an "overlay of interests," for beginning to see the opportunities of collaboration, but she warns us that if we don't attend to deeper, "underlying" issues of experience and worldview, we'll be continually blindsided.

Solomon pointed to what she might have done differently. She says,

In hindsight, I would have continued to staff it in a more substantive way, if I'd understood how fragile all this stuff was.

I think you've got to nurture and squire, and nurture and squire, maybe forever, you know? It's not that people are reluctant. It's that there are too many other things on the front of the plate. It's also atypical behavior; it's not institutionalized behavior this way. But no one is reluctant—it's just not their mode. [It was as if people felt,] “Create the setting, and I'll come”—that kind of thing.

Nurture and squire, as she puts it—and anticipate the forces that pull in other directions, the forces—some enabling, some obstructing—that shape place-making deliberations, our coming to see "our place" in fresh and new ways. Solomon lays down an institutional challenge. Clashes of worldview and value are not automatically irreconcilable: create the setting, she tells us, and people will come.

So, she's suggesting, we need to understand how our public processes can punish rather than encourage thoughtful deliberation. We need to protect time and space for stakeholders' stories that can be agonizing and angry, painful and revealing—possibly enabling movement toward healing and reconciliation too. We need to understand that speaking about place can be speaking about identity and interests and values all at once. So Solomon warns us of the temptations of the "rebut mode," and she asks us to imagine other discursive forms and processes like the fellowship circle that she's tried here.

#### Israelis and Palestinians and the Narrowing of Internal Debate

Now, I'd like to turn to pursue these themes, to a quite different context, one certainly characterized by deep historical and value differences. Let's move from Skagit County to the Middle East, from Shirley Solomon and before her, Wallace Warfield, to Dennis Ross, best known perhaps as President Clinton's Middle East envoy.

I had asked Ross how his work had changed over the years, particularly in regard to his side meetings with parties. He answered in a way that was unremarkable, but quite revealing too. He began,



The one-on-one relationships were not dramatically different—that I came to pretty naturally. From early on I began to develop these side relations, forged in very informal settings, [with both sides], pretty much wherever I was working.

What was instinctive for me was to realize that the formal part of negotiations or mediation is [just one] necessary part of [a larger process,] because there are certain times each side has to be able to put something on the record. They have to do it.

[That's] the formal part—because positions that are adopted are usually adopted as a result of a lot of pulling and hauling [by] whomever you're talking with in any mediation.

[So for example, when] the Palestinians came to a position, it came after a lot of internal debate. Or when we were negotiating with the Soviets, [their position] came after a lot of internal debate—much like some of our positions . . .

So those positions—since they went through a process—they had to be presented. If you tried to pre-empt [that]—or avoid [that]—you were building the need for them to do even more of it.

So you had to allow the formal part of this process. That was critical—[to say what the position, the outcome, was—not to air the laundry about what the debate was], and the position often was the lowest common denominator position.

What's most familiar here, of course, is the sense of formal and informal aspects of a negotiation process. Formally, "each side has to be able to put something on the record." Ross says, "They have to do it"—and his argument seems to have at least three parts: one concerns respect ("each side has to be able to put something on the record"); another concerns a kind of procedural

legitimacy ("since they went through a process"); and a third more pragmatically concerns escalation (doing "even more of it").

Because that "lowest common denominator position" reflects a hidden history "of a lot of pulling and hauling," Ross suggests that the result has been hard won, and that in itself deserves a degree of respect. He implies that ignoring that process might easily be taken as dismissive, though, and he's emphatic about the dangers of pre-empting or avoiding what the parties "had to present": you risked "building the need for them to do even more of it."

But none of this is as striking as the double vision that Ross suggests. Contrasting the generative but, again, hidden richness of each side's "internal debate" to their formally announced "lowest common denominator," Ross acknowledges clearly how much more concerns and interests and threatens and drives and animates the parties in that barely out of view "pulling and hauling"—in that "ambiguity of where they're speaking from," as Warfield had so precisely put it. Notice that the double vision here also calls for a demanding doubling of respect—one that mediators practice far more deliberately than many members of the general public may: Yes, I hear your emphatic position and respect it fully as the product of your own internal debate—**and**—not only that, I respect you enough, too, to care, and wonder, about the broader fabric of concerns and values, fears and threats, options and possibilities that might very well come to matter to you as well.

So Ross continues, less surprisingly than instructively:

So you don't fight that [position], but you also realize that you don't get anything done with that. So you have to create discussions away from the table. You have to create forums [or] settings that are informal—non-committal, exploratory. You have to do that—to get anywhere.

[So,] almost always, we would set up the meetings and then—let's say, with the two heads of delegation—I'd say, "Why don't we go off for a chat?"

So Ross says, you "don't fight"—but recognize and respect—the lowest common denominator, and still he says, "but you also realize that you don't get anything done with that"—there is, after all, a pragmatic agenda here about reaching negotiated agreements.

So the mediator's problem, Ross also suggests, following Warfield and Solomon, is creating new institutional spaces, new norms of conversation and interaction, that will help get things done, discussions "away from the table," forums or settings that are "non-committal" and "exploratory," he says, but all this taking place in the shadow of the formal process—and, as Carl Moore beautifully puts it—done to enlarge the shadow of the future too. Those shadows matter, of course, for these conversations could hardly be as "non-committal" or "exploratory" in the glare of the light of more formal sessions.

So we have the curious situation in which earlier internal debate narrows positions and hides important interests and values from view and yet demands a mediator's formal respect and recognition, even while the mediator knows, "You don't get anything done with that," with the rhetorical announcements of each side's common denominators.

Just this much might suggest that when espoused values conflict—the sanctity of the land, the quality of the environment—debating those values may be just the wrong thing to do—not nearly as helpful as trying to understand and acknowledge "where those values are coming from"—not contesting them as too vague, too ambiguous, too internally contradictory to be considered seriously, but exploring them precisely because of all that ambiguity.

So, Ross goes on,

This is where I learned, I think, over time—to do more preparation: I'd do more to prepare . . . in advance of [the] meeting— more preparation with the other guy, with one of their advisors, just the two of us.]

Increasingly the informal took on different forms. . .

. . . For example, [with] the Israeli/Syrian negotiations . . . at [the] Wye [Plantation in Maryland] . . . before we would start, the two heads of delegation and I would get together over the weekends. . . I'd bring them over to my house. We'd sit out on my deck, and we'd have conversations about what we'd try to get done.

One of the really tragic things about this [was that] when there [were] four bombs in nine days, we had just worked out, at my house, a breakthrough in security arrangements. It didn't come in the discussions down at Wye [he says].

I don't take this story to make a case for meeting with Israeli and Syrian negotiators on your deck on the weekends—but to highlight the several parallel conversations and processes possible within "the same" larger value-charged conflict and dispute. Ross takes pains, here, to contrast his low expectations of discovery and invention, exploration and interest-analysis in the formal process to what he could learn in less pre-scripted dialogues—in part because the formal process was so easily held hostage to what Solomon called the "rebut mode" of "my needs versus your needs."

So Warfield, then Solomon, then Ross all suggest that when we face value and identity based disputes, we need to mine stories not sharpen debates, we need soft structures and safe processes that will enable less posturing, more revelation, more surprise. We may need to recognize the winners of each party's previous "internal debate," but even more we need to listen



and learn about the values and interests behind those narrower common denominators. So, they all suggest too, we need to respect both what's so righteously said in the moment, even as we respect the stakeholders enough to know that they care about far more—they're interested in far more—than they've presented for each others' initial benefit.

### Surprise and Discovery

Consider finally, now, the kinds of discovery and surprise that these contested value and identity-dominated processes might produce. In Hawaii, Puanani Burgess had been asked for help: in the face of public acrimony, bitter distrust, and years or conflict between Native Hawai'ins, the staff of the Department of Hawai'in Homelands, and the Board Members of that Department: could she make enough peace so that these three entrenched and angry groups could do real land-use planning together?

After lengthy preparation and interviews with the stakeholders, Burgess convened a day-long retreat to see if deep hostility and suspicion could give way to future cooperation. In the morning, the twenty two participants—homesteaders, Department staff, and Board members—had not spoken about their issues; instead, in an exercise that Burgess calls, "Guts on the Table," in a ceremonially dignified, if not sanctified, process, they had spoken about the stories of their names and so their family roots, their communities and so their conceptions of place and identity, their gifts and capacities, and more.

In the early afternoon, then, the twenty-two drew maps for one another of the land they cared so much—and had differed so bitterly and publicly about. They were not drawing maps based on yesterday's assumptions; they now drew maps that incorporated what they had heard and learned from each other in the morning sessions.

The results, Burgess suggested, were quite striking. Some staff expressed surprise, for example, that the some of the Native Hawai'ins were willing to talk about what trees they might grow. Some of the Native Hawai'ins realized, for their parts, that the staff would consider allowing ranching in particular places—and so on. Burgess tells us:

But most of the insights were, “I’m so surprised—we have more agreement than I ever thought we had”—because before they always had been talking to their disagreements. They had always been talking through the things they didn’t like about what was said, and who said it . . .—all the things that you cannot ever take back and cure.

And so having gone around that, not having dealt directly with the issue at hand, we found all this agreement—because none of our processes dealt with, “What did [The Department] do, that you didn’t like, community?” and “[Department], what did the community do, that you didn’t like?”

There was none of that—none of those questions. Yet, at the end of the day people said, “I think that many of the issues have been resolved.”

Some said, “They may not have been resolved, but I think I can talk it over with you. I still may have a problem, but I think I may have a way to talk about it with you.”

I had asked her, "Was this what you had hoped for, for the retreat?" She said,

This was more than **I** thought would happen. This was more than **they** thought would happen. This was more than they **ever** thought would happen.

This dispute had pitted Department staff with general state mandates against residents intensely identified with their land. Burgess tells us not only that the process produced more than [the parties] "ever thought would happen," but that the process had helped them talk and listen differently than they always had before—not now "always talking to their disagreements"—but now "having gone around that," she says, "at the end of the day people said, 'I think that many of the issues have been resolved.'"

We have a tale of three institutional stories in Burgess's account—a tale that resonates with the insights of Warfield, Solomon and Ross as well. First, there's a history and legacy of value conflict in which the stakeholders have beaten each other up. Their disagreements take center stage; they have responded to and rebutted each other's claims. We can call this institutional form broadly, "debate," adversarial business as usual—disagreement, refutation, claim and counter-claim, and often escalation, not the least being the escalation of grudges and resentment.

Second, though, we hear each of these practitioners taking pains to create new institutional spaces, newly improvised processes of a second kind. Here we have seen appeals to ambiguity not as a muddy swamp but as a lush garden; we have appeals to history not as a mere backdrop but as a living fabric of commitments and fears, a living fabric of group members or believers seeking honor and respect; here stories reveal not quaint vignettes but humiliations and indignities, values and interests, facts and details that matter deeply to the parties. We can see these story-telling spaces as institutional spaces of "dialogue"—building perhaps on the work, for example, of the Public Conversations Project and Dan Yankelovich too—and we need to see such dialogues as expressing both meaning and significance, bridging epistemology and ethics,

articulating both "what they mean" and "what matters deeply to them," what they're claiming to be so and what they value as parts of their own identities.

Third, of course, these practitioners all warn us of the pitfalls of that rebuttal mode of debate. They point toward all we need to learn about Others through those improvised, perhaps indirect, processes of dialogue, and they teach us about what these non-rebutting dialogues might then make possible: mediated spaces of negotiation and consensus-building in which stakeholders 1) can move beyond their stereotypes and presumptions, 2) can recognize and respond to each others' values and interests both, and 3) can invent options for mutual gain—can explore the "what if we did...?" questions—questions that can only follow, though, once parties come to recognize and respect one another differently than they had before.

#### Conclusion: Further Questions

I've suggested, looking briefly through the reflections of these practitioners, that in a liberal political culture, thinly moderated debate so easily swamps and threatens to pre-empt attempts at public deliberation—pre-empting both facilitated dialogues and mediated negotiations and consensus-building too. Think, for example, how difficult it seems to be to explain to community members and public officials, too, the difference between mediated negotiations and moderated debates. When disputes heat up, when values and identities come into play, public officials may find moderated debate much easier to understand (and so mistakenly safer) than mediated, messier, multi-stakeholder negotiations.

If we're to do better work on value- and identity-based disputes, then, we will need to explore several questions about convening action-oriented democratic deliberations, about learning and inquiry in those deliberations, and about getting to, and assessing, outcomes in those deliberations. Just consider two questions about each.



About convening:

1. In value-based disputes, as the barriers to entry seem higher, when facilitators face stakeholders' skepticisms about "What's even discussable here?" and so skepticism about the prospect of even convening in the first place, how can facilitators convey the double truth that doctrinal disputes can continue even as practical cooperation can be possible? We might, that is, have deep disagreements about what the Bible requires of us, and we might nevertheless come to agree about where the stop signs should go.

2. How can the facilitators of value-based disputes cultivate socially shared norms of diplomatic recognition, norms of moral standing together? How can shared ground rules and meeting rituals, meals and joint inquiry build mutual recognition of one another's being rooted in their distinctive, particular histories?

About learning and inquiry:

3. How can we best learn about the complex histories of these disputes, including that "pulling and hauling," as Ross put it, on each side— histories hardly past and now having great significance for the parties today?

4. How can facilitators express respect not only for what's claimed and strongly felt but also for what's still possibly to be discovered and created? How can facilitators respect table-pounding now and simultaneously the stakeholders' real possibilities of learning, their caring for more than they can possibly say, their capacities to produce, as Burgess put it, "more than they ever thought would happen?"

About getting to, and assessing, outcomes:

5. How, in value-based disputes, might we pull away from debating values claims in the first place? How might facilitators of values- and identity-based disputes then disentangle dialogical conversations about deeply felt—if not always very expressible—value differences from more practical, mediated conversations and negotiations inventing interest-satisfying options for collaboration? Our political and academic institutions train and predispose us, though, to treat disputes as food for moderated debate; how instead can we encourage, model, and experiment with both dialogical and mutual gains-seeking alternatives?

Here, we might, once in a while, think more about how parties settle disputes in a string or jazz quartet—and less about how poker players play their hands. With no shortage of strong and deep feelings, when musicians differ about the almost inexpressible, they seem to argue less and play and listen more: "Let's try it this way," "What if we played it like this?" They seem to tell us: sketch and show more, rationalize and argue less.

6. Lastly, if we compensate for losses of interests, but grieve and work through losses of cherished values, how can we now extend Solomon's insight—echoing both Warfield's and Burgess's reflections—that "stories have to be told in order for reconciliation to happen"—and how do we then gauge success?

I suspect that if we wish to answer these questions, we will need to study dispute resolution practice in the face of values-based disputes quite a bit more closely than we have. Warfield, Solomon, Ross, and Burgess all suggest that a great deal can be done. Facilitators can respect and not be stopped cold by stakeholders' skepticisms about compromising or negotiating values. Those facilitators can hold open and create new possibilities of understanding and recognition, new possibilities of relationship and collaboration—and they can do this, in part, by cultivating the insight and revelation, the fresh vision and recognition that surprising stories can

bring into the world. Puanani Burgess put this capacity lucidly once when she remarked, "Humor and stories are the most critical parts of my practice. They allow people to go into deep water without being so scared. . . "

"Humor," she went on, "is a way of showing you can see deeply." That sense of humor, as Marianella Sclavi has taught us for some time, has very little to do with being funny and still less to do with jokes, but everything to do with the capacity for creative imagination and multiple vision: I see that you differ very deeply, perhaps even irreconcilably, on doctrine, yes, and—and— I see that you might also figure out together how—now—to treat each other with respect, how—now—to live on that piece of land in peace..

Thank you very much for your attention—and your thoughts.

Notes. Thanks for suggestions and comments from Bill Diepeveen, Kate Forester, David Laws, Catherine Morris, Marianella Sclavi, Larry Susskind....

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