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Partnerships and Faciliation: Mediators Develop New Skills for Complex Cases

Lela P. Love

Benjamin N. Cardozo School of Law, love@yu.edu

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From the Chair By Lela P. Love

We have recently witnessed the inauguration of the first African-American president of the United States. Barack Obama's history and skin color are a tribute to diversity. His being president changes the face of race relations; it offers the promise of further progress in righting the wrongs of the past. Apologies can build bridges after wrongs are done. Apology alone, however, pales in comparison to the historical reality of the American people granting the full measure of dignity and power that the office of president of the United States affords to a black man. So, a new chapter in history begins. But there is still work to be done.

The Section of Dispute Resolution is publishing a curriculum for youth, called *Words Work*, to help generate understanding among diverse peoples. This project, led and supported by the JAMS Foundation, will soon result in worldwide distribution of tools to help bridge cultural divides. One of the lessons starts with the telling of a tragic but all-too-familiar story from two points of view:

The People watched as three huge sail canoes approached . . . the Ancestors returning to the People from over the Great Sea. . . . They began the preparations for the great feast to welcome the visitors. . . . [T]he People got a shock [because] [t]he skin of the visitors was light-colored, almost as pale as a corpse. The[y] had naturally assumed that everyone in the World had dark-colored skin. . . . Some of the visitors carried strange sticks that shone brightly in the sun. . . . The Chief of the People stepped forward to welcome the visitors, offering his spear as a gift, as was the custom among the People. One of the visitors pointed his stick at the Chief. Suddenly, there was a loud noise like a clap of thunder and the Chief fell to the ground.

After many months at sea the crew sighted land at last. The fabulous treasures of the Indies were finally to be theirs. . . . Excitedly they boarded the landing boats and set out for shore. As they approached the shore they saw a small group of dark-skinned people watching them from the beach. Some of the crew had heard tales of people with dark skins, some had seen dark people of the African continent, but none had actually seen people like these. The crew noticed they carried only spears . . . and would be no match for guns if there was trouble. . . . One of the "Indians" came toward the captain with a spear. A crewman quickly aimed his gun and shot the savage.

Lela P. Love, professor of law at Benjamin N. Cardozo School of Law, where she directs the Kukin Program for Conflict Resolution, is a practicing mediator in New York City. She can be reached at love@yu.edu.

Among the lessons of this story are the dangers and difficulties that diversity can present: the misunderstandings that are possible, the radical difference in the telling of stories that cultural perspective can bring, and the tendency of those with superior power to take advantage of people who are "different."

My own father was born in 1896 in Cambridge, Massachusetts, the son of a Harvard professor and North Carolinian parents. His grandmother, who lived with his family, grew up in the era of slavery and became prominent after the Civil War, helping reopen the University of North Carolina after carpetbaggers kept it shut down. Her brother, Samuel Field Phillips, was the solicitor general of the United States. In 1896, he unsuccessfully fought the separate-but-equal doctrine in *Plessy v. Ferguson*, and consequently, because of the position he took, was ostracized in North Carolina. My father played a supportive role in resolving the 1960 sit-ins in Greensboro as a businessman who was for integration. And my sister was mentored by the legendary and beloved African-American historian John Hope Franklin in developing her book *One Blood*. The history of many American families, like mine, is interlaced with race.

I remember listening to John Kennedy's speech at the Berlin wall. He said "Ich bin ein Berliner," an inspiring tribute to the unity of peoples in the face of walls and divides. I learned later that Kennedy misspoke. The phrase meant in local parlance, "I too am a small jelly donut." For years I used that as an example of the added difficulty of accurate communication in crosscultural situations. While teaching in Berlin a few years ago, I used that example, and it didn't get the reception of being apt. I asked whether I had got it wrong, but the German students said, "No, your translation is correct, but we loved Kennedy and we knew what he meant." Now the example means to me that affection, regard, and caring can bridge divides.

The hurt and hatred in Bosnia or Rwanda or Palestine or in tragic historical phenomena such as the Holocaust—where skin color or culture or religion turn innocent people into targets of mass genocide—make the thought of dispute resolution in those contexts seem overwhelming. Bridging racial and cultural divides is not easy. The purpose of the Section of Dispute Resolution is to find more and better ways to resolve disputes of all kinds—be they international, commercial, familial, or racial. Now we have a mantra from someone who has made a great leap forward for mankind: "Yes We Can!" ♦