

# **PEACEMAKING AND CONFLICT RESOLUTION:**

## **From Kindergarten to the Middle East**

Forrest S. Mosten

### **INNAGURAL LECTURE: FORREST S. MOSTEN ANNUAL LECTURE ON PEACEMAKING AND CONFLICT RESOLUTION**

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# Peacemaking: From Kindergarten to The Middle East

Forrest S. Mosten

**“If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children.”**

**Mahatma Ghandi**

It seems like yesterday when my parents and my sister Margo, who has flown out from Missouri to be here, drove me out from Los Angeles to Riverside and dropped me at Linden Hall for my first day at UCR; **2** a day that changed my life forever.

Returning to UCR today and having this conversation with you all about peacemaking is a dream come true.

Peacemaking is my life’s work. I earn a living as a mediator and a collaborative lawyer working with families. I never go to court.

There are **2** people in my office – me and my conflict resolution assistant.

**3** My office suite has a conference room, my working office with a round table that has no sides, and a client library to educate clients about how to take control over their own lives. No one is born a client—it is not a genetic condition. If people are going to make informed decisions, they need information from books, DVD, and websites to give them information.<sup>1</sup>

What I do in my office all day is meet with people to help resolve their conflicts and talk on the phone with them, individually and in groups, I build agreements with their lawyers, accountants, extended family members, and their therapists; I write up the progress notes of their mediations and draft their final agreements.

**4** I consider myself fortunate, because at 61 years old, I still love running to the office each day. I get to solve challenging problems, grapple with intellectually stimulating issues, have supportive and kind colleagues, and most importantly, I get a chance to make a difference in people’s lives. I have control over my time, I never have to go to court, and if my health holds up, I cannot imagine ever retiring.

This very satisfying career did not come easily; as many of you well know, I went through years of searching and struggle until I found my life’s work.<sup>2</sup> I don’t go to court, because I believe adversary jousting is a pernicious and destructive process, **5** I have a bedrock belief that most disputes can be resolved by the parties themselves – who have the answers within them.

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<sup>1</sup> <http://www.mostenmediation.com/legal/library.html>

<sup>2</sup> See Forrest S. Mosten, *Mediation Career Guide* (Jossey Bass, 2001)

6 You do not have to be trained as lawyer or be in private practice to be a mediator --- throughout our country, there are mediators<sup>3</sup> in courts, community mediation centers, fortune 500 companies, and ombudspersons in universities and government.<sup>4</sup>

Mediators are often initially trained as therapists, accountants, stockbrokers, realtors, clergy, teachers, prisoners, high school students, and as government employees,

No license or any special education is required to mediate---every day, parents mediate with their squabbling children, bosses mediate between their employees' gripes, and people who mediate with their neighbors about whether tree branches can be cut down, or the noise level of a Saturday night party. In my UCLA law school mediation class, the students' first assignment is to report a conflict in their own lives and how mediation is involved. If you were to do this assignment, just think about the issues you have with your roommates, parents, professors, employers, e-bay, or your car mechanic. Conflict is everywhere and it gets handled informally as well as through the court system.

While anyone can be a mediator, our society has developed an elaborate self regulating mediation profession. After this lecture, or maybe right now with your blackberry, 7 you can log on to mediate.com—a virtual shopping center for mediators and mediation products such as training courses, codes of ethics, court cases and legislation about mediation, books, professional organizations, and networking opportunities.

Speaking of books, when I wrote my first book in 1995<sup>5</sup>, there were about 700 books about conflict resolution. If you go to Amazon today and write in mediation, you will find over 2500 books on the market.<sup>6</sup>

Why is mediation such a growing profession? There are several possible explanations:

Lawyers and the legal system is not meeting the needs of the public **8-17**. Although law is a service industry, clients, the consumers of legal services have the following reactions to lawyers and the legal system:

Impersonal

Unsympathetic

Unresponsive

Overwhelmed

Costly

Long

Inneficient

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<sup>4</sup> See Forrest S. Mosten, "Institutionalization of Mediation", *Family Court Review*, April 2004

<sup>5</sup> Forrest S. Mosten, *The Complete Guide to Mediation*, (American Bar Association, 1997)

<sup>6</sup> [http://www.amazon.com/s/ref=nb\\_ss\\_b?url=search-alias%3Dstripbooks&field-keywords=Mediation](http://www.amazon.com/s/ref=nb_ss_b?url=search-alias%3Dstripbooks&field-keywords=Mediation)

## Adversarial

There are many reasons clients like mediation. Some of these reasons are the following<sup>7</sup>:

- Empowering
- Private
- Control
- Creative
- Helps relationships
- Fast
- More affordable

## 18

While the court system is a far better option than violent self-help, and mediation is a far better option than the court system, mediation is only the first step---mediation attempts to put a tourniquet on the open wound of a dispute that has ripened, peace building is a more comprehensive and groundbreaking approach to changing the fundamental way we deal with the each other and the problems on our planet.

As Louise Diamond says in the Peace Book 8:

“Peace is more than the absence of war, violence or conflict, peace is about the quality of our connections and relationships, with ourselves, with others and with our communities.

Peace with ourselves is a sense of being part of something larger than ourselves, hopefully leading to balance and a sense of well being so that we can make better choices and maximize opportunities in our lives.

Peace with others is our shared humanness leading to resolution, forgiveness, and reconciliation.

Peace in our communities leads to respect for our multiple differences, which leads to better understanding, trust and co-existence.”

**20** Can you imagine a world where children practice playground diplomacy, **21**settling their arguments without fighting or guns and having an anti-bullying policy?

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<sup>7</sup> See generally, Connie J.A. Beck and Bruce D. Sales: *Family Mediation: Facts, Myths, and Future Prospects* (American Psychological Association, 2001)

<sup>8</sup> The following section contains concepts are credited to Louise Diamond, *The Peace Book* (The Peace Company, Bristol, Vermont, 2001). Some are direct quotes and some are my own interpretation of Diamond's work.

**22** Can you imagine a world where rival gang leaders use a community based police officer to mediate a peace treaty and then the former gangs work with local businesses to create jobs for high school drop-outs?

**23** Can you imagine a world where poor victims of hurricane Katrina are being trained as peer mediators and negotiating with huge insurance companies and landlords?

**24** Can you imagine a world where lawyers pledge to work collaboratively and respectfully with each other and toward the other side of a dispute and refuse to take fees to go to court if the matter does not settle?

**25** Can you imagine a world where political and religious leaders make public apologies for past oppression and torture of racial or ethnic groups and ask for forgiveness at the highest level of government and on nationwide TV?

**26** Can you imagine a world where the US has a cabinet-level department of peace and funds a national peacemaking museum on the mall in Washington DC?

**27** Can you imagine a world where a University of California located in Riverside California has established a permanent program to fund student interns to learn about peacemaking and is considering a minor degree in peace studies and conflict resolution?

? It may be difficult to believe, but every one of these dreams is a reality today. . Peacebuilders, Heidi and Guy Burgess have created a vision for the treatment of conflict in our world.<sup>9</sup>

Play 4 minute slide show – **28-68**

**69** So where do we begin? Wangari Maathai from Kenya has some insight. <sup>10</sup>

*“It doesn’t start with big things; start with small things, start with our children”*

*“If you send children to school hungry and ill-equipped and tired, you are sending them as fodder to respond negatively to a stressful environment”<sup>11</sup>*

**70** Let’s look at what is going on in kindergarten and how some of these kindergarten lessons can be applied by to the Middle East and other world hot spots:

Every politician kisses babies and talks about how her or his policies will affect our children and future generations. How can we teach our kindergarteners so that they can be our future peace builders?<sup>11</sup>

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<sup>9</sup> This slide show was shown with permission from Guy and Heidi Burgess and can be found at [www.beyondintractability.org](http://www.beyondintractability.org)

<sup>10</sup> For Wangari Maathai’s Nobel Lecture, See [http://nobelprize.org/nobel\\_prizes/peace/laureates/2004/maathai-lecture-text.html](http://nobelprize.org/nobel_prizes/peace/laureates/2004/maathai-lecture-text.html)

<sup>11</sup> The following section on Kindergarten is based on “Peace for Our Children, a chapter in Louise Diamond, The Peace Book, ibid., pp 27-41

In my view, **71**the greatest gift that we as citizens can give our children, is a culture of peace. We can work with our leaders to make peace education the first priority in our schools, on par with reading and math. Just like children learn from seeing their parents read and count, **12**if they see violence and learn violence from the media, they will learn about violence. If they see peace, they might act cooperatively.

I say “might” because our children face a culture and history of violence and competition. To overcome this dominant culture that has been in place for centuries, we need to support our teachers to help our children be different and to expend the resources to give our children peaceful values, skills, and behaviors. In kindergartens all around the globe, there are concrete steps which are being implemented to change the way our children interact with each other; lessons these children will carry into their adult lives.

- Children are being taught the problems of war and violence, what peace is, and why it is important in their lives; **72**

Children are being taught that peaceful behaviors will be acknowledged and rewarded—and that such positive behavior may be more important than **13** getting good grades or even winning at sports;

- Children are being taught to listen actively to what other children are saying and to manage **73** their violent feelings, and to put labels on their feelings, and to think of options to channel their aggression, and to discourage blaming grudges, disrespect; there are even anti-bullying campaigns-

Within the classroom, children are being taught to set up a peace corner where they can go for personal renewal, bring a dispute to be settled, or discuss how to make peace work better in the class

Children are being encouraged to set up their own guidelines for their peace corner—how to get there, how many children can be there, how to start conversations and how to feel better once there.

**74** Children are taken on fieldtrips to places of peace, to learn about peacemakers—next time you are in la, visit the Museum of Tolerance<sup>14</sup> and you will get the idea.

Kindergarten teachers are trained to listen, really to listen to children when they are speaking, to make it clear that listening does not mean agreement, and to let the children know that they have been heard by reflecting back and memorializing their thoughts

Kindergarten children are explicitly invited to be part of a dialogue, regardless of the reasonableness of their positions.

Teachers explicitly encourage the children to have real power over their learning and to create rituals for constructive planning and managing differences.

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<sup>13</sup> <http://www.museumoftolerance.com/site/c.juLVJ8MRkH/b.1580483/k.BE32/Home.htm>

**75** So, if this works in kindergarten (put up summary of kindergarten points):

Kindergarten lessons for the Middle East:

- Peace top priority
- Courage to be different
- Listening beyond positions
- Reflect understanding
- Tools to manage violence
- Peace corner
- Invite in for dialogue
- Power over lives
- Rituals for planning and managing differences

Is it possible that we can take these guidelines and apply them to the most difficult of conflicts? For instance, could this strategy be applied to the Middle East?

**76** In Israel, there is a village called Neve Shalom/Wahat al Salam—Oasis of Peace<sup>15</sup> –

*A village, jointly established by Jewish and Palestinian Arab citizens of Israel, that is engaged in educational work for peace, equality and understanding between the two peoples.*

This diverse village has a school system based on the following principles:

- Equal participation by Jews and Palestinians in the administration and teaching.
- Use of both Hebrew and Arabic in teaching all of the children.
- Nurturing each child's identity by imparting knowledge of his/her culture and tradition while inculcating respectful familiarity with the culture and tradition of the other people.

**78** Seeds of Peace 16 is dedicated to empowering young leaders from regions of conflict with the leadership skills required to advance reconciliation and coexistence.

Over the last decade, Seeds of Peace has intensified its impact, dramatically increasing the number of participants, represented nations and programs.

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<sup>15</sup> <http://nswas.org/>

From 46 Israeli, Palestinian and Egyptian teenagers in 1993, the organization still focuses on the Middle East but has expanded its programming to include young leaders from South Asia, Cyprus and the Balkans. Its leadership network now encompasses nearly 4,000 young people from several major conflict regions. Currently, the organization is actively working in the Middle East and South Asia

### **79 Playing for Peace**<sup>16</sup>

Uses the game of basketball to unite and educate children and their communities.”

#### **Peace Players International has four main objectives:**

1. Bridge social divides
2. Develop future leaders
3. Educate children to lead healthy, constructive lives
4. Build community involvement to ensure long-term sustainability

**80** another project based on giving and social responsibility is Heifer.com. which has the following goals:

- **Passing on the gift**  
Accountability  
Sharing and caring  
Sustainability and self-reliance  
Improved animal management  
Nutrition and income  
Gender and family focus

In this program, a heifer is given to a village and when a new heifers are born, a baby heifer is given to another village so that the gift never stops giving.<sup>17</sup>

Using these lessons from kindergarten, let’s spend a few minutes with your ideas how they could be applied in the Middle East:

#### **After 5 minutes discussion by the audience:**

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<sup>16</sup> [www.playingforpeace.org](http://www.playingforpeace.org)

<sup>17</sup> [www.Heifer.org](http://www.Heifer.org)

A few minutes ago, I asked some questions about how peacemaking might be implemented in the future. Here is what is happening today.

**81** Would Tobi Inlender, Executive Directors of Dispute Resolution Services of the Los Angeles County Bar (DRS) <sup>18</sup> please stand up

- ***A nonprofit corporation of the Los Angeles County Bar Association committed to promoting and providing accessible and effective conflict resolution services.***
- ***Provider of mediation and conflict resolution services in Los Angeles County, as well as an advocate of community efforts to foster non-violent, peaceful resolutions to interpersonal conflicts.***

In schools throughout southern California, the world's largest community mediation organization, DRS operates a school peer mediation program where children learn conflict resolution skills and become student mediators. DRS also trains citizens in the community to be mediators for disputes on their blocks, in their churches, and for consumer and landlord tenant complaints.

In Inglewood California at the Centinela Youth Services Project<sup>19</sup>, instead of sending teenagers convicted of petty theft to California Youth Authority where they can really learn to be lifelong criminals, a restorative justice program has storekeepers and youth offender meet with a mediator to better understand each other and agree on a proper punishment or reimbursement. There have been many success stories of teens who have later worked for victim who helps the teen with educational and career needs.

**82**would Laurel Kaufer please stand?

***On august 29, 2005, as entire communities along America's gulf coast were brought to ruin through the unfathomable and unrelenting force of mother nature, we were all confronted with the fragility of life and reminded to take stock of our priorities.***

***As hurricane Katrina peeled away the roofs and walls of her victim's homes and businesses, she also broke down the barriers that divided them, and for a short but exquisite time, all men and women sharing in this experience were equal.***

***the world watched as ordinary people became extraordinary in their efforts to save their friends, neighbors and even strangers. The Mississippi Mediation Project was conceived to sustain this spirit of humanity and community.***

***Laurel Kaufer, MMP FOUNDER/PRESIDENT***

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<sup>18</sup> <http://www.lacba.org/showpage.cfm?pageid=23>

<sup>19</sup> <http://www.volunteermatch.org/search/org12738.jsp>

Due to laurel's visionary work after Katrina, the hurricane victims have set up a Mississippi mediation project<sup>20</sup> to not only train other victims to mediate but also set up a traveling library of peace materials.

## A Collaborative Approach to Life's Challenges

- ▶ Discover the benefits of collaborative solutions for marriage dissolution, child custody, parenting issues and more.
- ▶ Learn how collaborative practice offers guidance, information, and respectful problem solving.
- ▶ Understand how to better manage the effect of divorce on your children.
- ▶ Locate legal, financial, and emotional support resources for collaborative family and civil disputes. <sup>21</sup>

**83** Ron Ousky would you please stand? Divorce is often the most destructive time in a family, especially for the children. Following the growth of mediation, lawyers all over the world have been trained in collaborative negotiation techniques and abide by a simple disqualification agreement signed by their clients: if the case does not settle, both of the collaborative attorneys will be disqualified from going to court removing any motivation for the lawyers to prematurely end negotiations and go to court. The lawyers also pledge to work collaboratively with an interdisciplinary team of therapists and financial professionals to holistically help the parents and the children through this perilous time of family transition. Collaborative lawyering also encourages lawyers to be peacemakers and act congruently with the helping part of our personalities. Ron, the president of the international academy of collaborative professionals just returned from Ireland and has flown out from his home in Minnesota to demonstrate his commitment and that of IACP to the work that UCR is doing.

**84** I mentioned the dream of forgiveness of past abuses. Nobel peace laureate Nelson Mandela established the Truth and Reconciliation Commission in South Africa to give forgiveness and amnesty to those leaders of the apartheid regime who were willing to confess their abuses, apologize and ask for forgiveness. **85** In Northern Ireland, through 2 years of mediation efforts,

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<sup>20</sup> <http://www.mississippimmediationproject.org/>

<sup>21</sup> [www.collaborativepractice.com](http://www.collaborativepractice.com); See also, Forrest S. Mosten, "Collaborative Law: An Unbundled Approach to Informed Client Decision Making," Journal of Conflict Resolution, June 2008.

senator George Mitchell helped bring about a peace plan to end hundreds of years of bloodshed over two years which he described as 500 days of failure and one day of success.<sup>22</sup>

And it may seem like a dream, but there are forces working toward institutionalizing peacemaking into our national institutions: two efforts that are ongoing within the federal government are the visions for a cabinet level department of peace and a national peacemaker museum.

During the Clinton administration, attorney general Janet Reno established a dispute resolution program within the department of justice that attempted to institute mediation as a first step in all disputes involving the justice department. Unfortunately, in the last 8 years this program has been dismantled by the bush administration and its 3 attorneys general.<sup>23</sup>

**86** The United States government actually has the largest mediation program in the world.

*"The mediator was the key in this problem; she made me feel very comfortable and the way she dealt with the whole situation made me feel that the whole process was going to be fair."*  
Aybet Carabe - mail processor

*"Management is realizing that their best resources are their people and people are realizing that they have a good job working for the post office."*  
Pam Zuczek - EEO ADR coordinator - NY metro area24

In order to combat repeated violence by post office workers---usually against their supervisors and co-workers, for over 10 years the US postal service redress program has had a major impact in reducing tensions in the workplace. Using a methodology called transformative mediation<sup>25</sup>, the government provides facilitators between workers and their supervisors whose mission is not to settle lawsuits but rather to lessen tensions and improve communication. **87**

In both the 2004 and 2008<sup>26</sup> presidential elections, representative Dennis Kucinich has made legislative efforts to establish a US dept of peace a key part of his presidential platform. Throughout this country, there are grassroots efforts to make this idea a reality.<sup>27</sup> **88 -- 89**

The peacemaker museum is in full swing. USIP<sup>28</sup> just broke ground this week and UCR has established a task force on which Dr. O'Conner and I serve.

The dream to have a peace studies and conflict resolution program here at UCR has been in incubating for quite a while and is truly being born tonight. Let's just spend a few minutes talking about the people and dreams that are the product of this community.

The university has stepped up and declared that peace and conflict resolution are central to its policy. The chancellor has appointed a vice chancellor for conflict resolution, Dr. Yolanda

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<sup>22</sup> Keynote Address of George Mitchell at Annual Meeting of Association of Conflict Resolution, Orlando Florida

<sup>23</sup> See Jeffrey Senger, *Federal Dispute Resolution* (Jossey Bass, 2003)

<sup>24</sup> <http://www.usps.com/redress/>

<sup>25</sup> See Robert Bush and Joseph Folger, *The Promise of Mediation* (Jossey Bass, 2005)

<sup>26</sup> <http://kucinich.house.gov>. Department of Peace and Nonviolence Act (Introduced in House)[[H.R.808.IH](#)]

<sup>27</sup> <http://kucinich.house.gov/>

<sup>28</sup> <http://www.usip.org/building/>

Moses. Having access to the highest levels of this campus, Dr Moses has the ability and will to set both a tone and policies to assure that conflict on this campus is minimized and when disputes occur, they are handled in the least adversarial and most harmonious manner possible to stop any bleeding and permit healing to occur as fast as possible. Today at lunch, we even discussed the possibility of a campus wide conflict resolution impact policy which could affect application criteria for students, employment criteria for faculty and staff, the allocation of space, and other aspects of the university.

Dr. June O'Connor has already laid the foundation to get faculty and student support for an eventual minor in peace studies which would have an interdisciplinary inter-department commitment. Departments of women studies, history, religious studies, sociology, anthropology, education, political science, and even physical education will offer current and new courses that can be part of a minor. Some goals that might be explored from an interdisciplinary perspective include:

- Promote the knowledge, skills, , attitudes , and values needed to bring about behavior changes that will enable children, youth, and adults to prevent conflict and violence, both overt and structural;
- Resolve conflict peacefully;
- Create the conditions conducive to peace, whether at an intrapersonal, intergroup, national, or international level.

If this is the type of conversation that would go **90** could this field of study have concrete career options as well?

Clearly, going to law school or teaching on any level from kindergarten to grad school come to mind. Perhaps, a UCR peace studies graduate would become secretary of state or even president--now that is quite a dream. Here are some positions that were advertized within the last 7 days<sup>29</sup> **91**

World Bank  
United Nations  
Colleges  
Special education  
Families  
Business  
Non-profits

- World bank manager, mediation services
- Equal employment opportunity specialist department: of defense
- Early recovery advisor, in  
Post conflict situations—un development programme
- Manager, program & training in restorative justice and family group, american humane division, Denver

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<sup>29</sup> Deborah Laufer [list@adrnetwork.org], April 29, 2008

- Assistant dean of mediation—Woodbury college, VT; coordinator of student organization and leadership, Bowling Green State University, Ohio
- Conflict management specialist homeland security, transportation
- Resolution specialist, special education reform team  
Office of Special Education

There are so many more opportunities to work toward peace. Just one important project is Mediators Beyond Borders that sends trained throughout the world to help people in need work toward reconciliation.<sup>30</sup>

As we conclude today, let's think of the following<sup>31</sup>

**92**

*“The world is crying for us now.  
We may no longer be silent and still.  
We must enliven what we know  
And turn it to action. “for the love of peace.”*

**93 – UCR**

In 10 years that follow

In terms of peace studies minor graduates,

Hopefully UCR will 10 more lectures, many interns and scholars in residence, and an established commitment for peace and conflict resolution on this campus.

And, I look forward to living out these dreams with all of you.

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<sup>30</sup> <http://www.mediatorswithoutborders.org/>

<sup>31</sup> <http://www.louisediamond.com/>