

## **Estranged Relatives: Mediation and Nonviolent Direct Action A Conversation between Ched Myers and Elaine Enns**

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*The following conversation between Ched Myers, an activist theologian who is a practitioner of and advocate for engaged nonviolence, and Elaine Enns, a veteran mediator and restorative justice educator, trainer and organizer took place in December, 2002. Ched and Elaine are married and work together in Bartimaeus Cooperative Ministries in California.*

*Elaine:* Ched and I met at a peacemaking conference in 1997 where both of us were speaking. We sat in on each other's sessions, appreciated each other's work and began an interesting dialogue concerning how best to mitigate violence in our society. What we discovered was that our respective "worlds"—Ched's among activists and mine among mediators—tended to spin in different orbits. On the whole, those practicing nonviolent direct action and those doing victim-offender or other kinds of mediation rarely talk to each other. We are aware of each other's work, but tend to keep a wary—and not always respectful—distance from each other. While we share much of the same analysis around the epidemic of violence in our society, we each think that our nonviolent skills-set and to intervention is more important.

*Ched:* I think my experience is not untypical. Before meeting Elaine I'd worked for 25 years in the field of active nonviolence, involved in all kinds of different peace and justice campaigns, from disarmament to immigrant rights, from community organizing to international solidarity. I had collegial relationships with local, regional and national organizations; had worked with various forms of direct action, civil disobedience and public liturgy (marches, sit-ins, blockades, boycotts, trespass, war tax resistance, Sanctuary refugee smuggling, labor strikes, etc.); and taught and trained nonviolence. Yet in all this, I could count on one hand the times I had talked at length—much less collaborated with—someone in the mediation and conflict resolution field.

*Elaine:* The same was true for me. In completing an MA in Conflict Transformation I had studied Gandhi and King, but in over a decade of practicing mediation I had no working relationship with those doing direct action. I marvel at how insulated we were from the strength, perspective and insight of each other's work.

*Ched:* In my capacity as a program director for the American Friends Service Committee I certainly knew about Victim Offender Reconciliation Projects and Creative Conflict Resolution programs, and was aware that the field of peace studies was growing rapidly. But as an activist I was frankly suspicious that academic conflict studies was overly insular and theoretical, and that mediators tended to

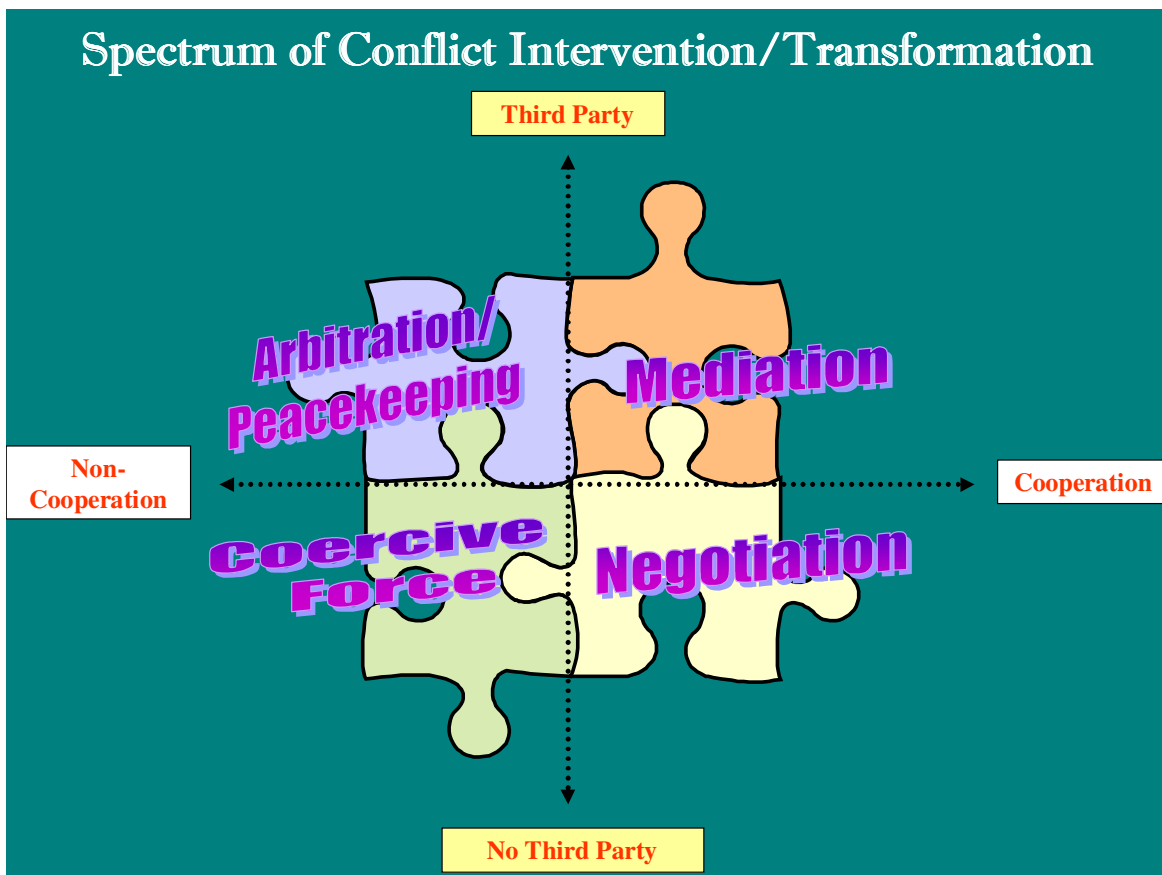
paper over issues in order to achieve resolution. I had learned from Gandhi that the first task of genuine nonviolence was to unmask injustice, which usually meant *creating* conflict, in which the truth would then be revealed. Yet I had never actually sat in on a mediation!

*Elaine:* I think some of your concerns are valid. In mediation culture, there is an emphasis on process and on not taking sides. This can be good, but can mediators really be equal advocates for both parties in a situation of clear oppression or injustice? We do not always include a contextual power analysis in our approach, and thus don't give adequate attention to inequities in the system within which the conflict is taking place. We have a tendency to focus on interpersonal dynamics to the exclusion of structural ones. This leads some practitioners to believe they "can mediate anything," an attitude that doesn't acknowledge how many conflicts are rooted in difficult underlying issues that are not simply adjudicated, such as racism or economic injustice. Also problematic is the fact that we often do not recognize that our practices of mediation often depend directly or indirectly on coercive power. We see this for example in VORP, which is predicated upon the sanctioning alternative of the criminal justice system, or in many misconduct cases in which the alternative to mediation is punishment.

*Ched:* On the activist side, we too often forget that dialogue is the beginning and ending point of nonviolent engagement. Direct action comes only when public conversation has broken down, such that one's legitimate demands are consistently ignored or silenced. Moreover, the goal of public action is to coerce one's adversary to come back to the table precisely so that differences can be *mediated*, power equalized and justice restored. One sees this classically in the nonviolent campaigns of the Civil Rights movement, the labor actions of the United Farm Workers, and Gandhi's independence struggle. And throughout the campaign public conversation is solicited; King's powerful public oratory, for example, was the dialogical counterpart to Freedom marches, bus boycotts or lunch counter sit-ins. Disruptive resistance to the "good order" of Jim Crow also required interpretive strategies intended to advance public dialogue so that old worldviews and social patterns could be transformed. Following Gandhi, King's vision of the "beloved community" insisted that the adversary ultimately had to be part of the solution. This goal is obviously shared by mediators. The problem is that activists often turn to street action before conversation has been attempted, and without a plan (or the skills!) for re-engaging that conversation when the time comes to transition to mediation/negotiation.

*Elaine:* So Ched and I came to feel that activists need to think more about how to get people to the table, and mediators need to wrestle with what you do when conversation breaks down or is impossible because of power imbalances. Our first opportunity to open up our conversation was at a workshop we did at a Christian Peacemaker Teams congress in the Fall of 1998, where we argued that the two traditions of nonviolent action and mediation, though "estranged," were in fact relatives.

*Ched*: Right. Both branches of peacemaking were inspired by and grew from the same tree—the great 20<sup>th</sup> century experiments in popular nonviolence (e.g. Gandhi and King) and international peacekeeping (e.g. the United Nations). But the approaches of nonviolent direct action and mediation/conflict resolution began diverging during the late 1960s, and their subsequent evolution we believe suffered because they forgot they needed each other’s skills, commitments and passions. So we are trying to discover a way to talk about them as part of a continuum of practices that are expressed in different contexts, and to this end have adapted a popular model of the “four ways” of conflict resolution (see **Figure 1**). The horizontal trajectory acknowledges that conflict resolution/violence reduction measures must be adapted to both cooperative and non-cooperative settings; the vertical trajectory distinguishes between approaches that use third party involvement and those that do not or cannot.



*Elaine*: The happiest scenario is where there is an agreement between the parties themselves to **negotiate** their differences—and of course the power to do so. This obviously assumes a relative equity and trust between the persons or groups (the lower right quadrant in the figure). Negotiating conflict and difference happens all the time in personal and social spheres, yet requires skill in articulating one’s own position, listening to the other’s, and finding common ground. Moving counterclockwise around the quadrants, the scenarios intensify when breakdowns of trust require third party involvement. Here the conflicted parties come to the table either voluntarily—the classic context of **mediation**—or are in some way

compelled to come (**arbitration**). The political equivalent of the civil process of arbitration would be a U.N. **peacekeeping force** intervening between two hostile groups—or ideally a nonviolent response team with the capacity to impede and halt hostilities (an emerging vision being worked on by groups such as Nonviolent Peaceforce).

*Ched:* In some ways the acid test of any peacemaking/violence reduction strategy, however, is what we do when power is way out of balance and there is no third party or international entity able or willing to intervene (bottom left quadrant). This is of course the case with many domestic and international conflicts, whether between Mayan Indians and Guatemalan militias; the Chinese government and democracy activists; Filipino peasants and transnational corporate logging operations; Christian gay-lesbian rights advocates and church authorities; or a battered woman and her husband. From precisely such difficult scenarios over the last century have arisen some creative and heroic experiments in “people power” that represents **nonviolent action** at its best.

*Elaine:* We must remember, though, that the point here is that all these methods are related, representing different tools in the conflict transformation knapsack. While it makes sense for different groups to specialize in these scenarios, we must improve our collaboration and communication across “sectors.” Indeed, it would be most helpful for all of us to have a working knowledge of each other’s skill sets. The “happy” circumstance of negotiation may break down. Mediators may encounter intractable structural issues of power imbalance. There may be no opportunity for arbitration or peacekeeping. This is why the core tool, particularly for those socially or politically marginalized, is always the empowering practice of nonviolent self-defense (**noncooperation**) or militant engagement (**resistance**). At the same time, the purpose of what Gandhi called “the most powerful force on earth” is always to slowly move back around the circle to a place where conflicting interests can be negotiated by self-determining yet interdependent groups peaceably and justly.

On conversation:

In our society there is too much public **debate** (a verb that tellingly stems from the French *debatre*, meaning “to batter”) and not enough **conversation**. Differences are real and important, of course, and a given point of view must be **argued** (from the Latin *arguere*, to make clear). The problem arises when our rhetoric deteriorates into reiterations of the same position without dialogue or listening (significantly, the frequentive form of *arguere* means to babble or chatter). What is needed instead is the discipline of **conversation** (from the Middle English *conversen* meaning to associate with; also from the Latin *conversus*, meaning to turn around). Conversation is a discourse that holds within it the possibility of mutual conversion.