



Journal of Religion & Society

The Kripke Center

Volume 13 (2011)

Jesuit Values & Alternative Dispute Resolution

Parallels and Challenges to Alternative Dispute Resolution Scholarship and Education

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Abstract

Jesuit spiritual principles and practices offer both a challenge and an endorsement of essential principles of Peacebuilding and Alternative Dispute Resolution (ADR). This article examines the parallels between Jesuit values and the mission of ADR programs to educate conflict specialists and peacemakers, and discusses the challenges Ignatian spirituality sets to ADR scholarship at large and in Jesuit universities in particular. Specific consideration is given to the way that the Jesuit values support ADR scholarship, education, and practice, and pose challenges to the depth at which these are pursued in ADR scholarship in Jesuit Institutions.

Introduction

[1] The burgeoning field of Alternative Dispute Resolution (ADR) made its first steps about four decades ago with a quest to find alternatives, both more efficient and more collaborative, to the legal system and its adversarial mindset and mechanisms. Since then, due to the growing need to find new and productive ways to face the complex conflicts people and peoples are facing in our world, ADR has been establishing itself as a legitimate and distinct academic discipline that develops the proficiency of peaceful conflict resolution. With an interdisciplinary foundation, many universities offer graduate level programs in dispute resolution, among them Jesuit universities across the country.

[2] This article focuses on the research and teaching of ADR in relation to the mission of Ignatian higher education. It will draw parallels between central themes emphasized in the Ignatian tradition following St. Ignatius, the founder of the Jesuit order, and central themes advanced by ADR scholarship and education. It will also outline various challenges and lessons that ADR scholarship may draw from these parallels and suggest that further exploration of potential cross-fertilization between ADR scholarship and Jesuit values can serve both the ADR practice and the mission of Jesuit universities.

[3] The article relates to the more overarching and general themes of the Ignatian mission rather than more specific and concrete teachings, as those are more universal and more suitable for the task of synthesizing Jesuit values and the vision of the ADR field. It emphasizes seven points or themes that are relevant for the discussion of the parallels between Ignatian values and ADR. The seven points are: collaboration, holding tensions, thinking beyond one's self, discernment, educating the whole person, social responsiveness, and service. There are places where certain points overlap though the emphases are different and a distinct issue is dealt with in each of the points.

Collaboration

[4] There is an overarching theme that is central to both Jesuit values and ADR – the promotion of a spirit of collaboration. In both the Jesuit tradition and ADR scholarship a collaborative approach is emphasized as foundational, stressing the importance of inclusivity and human cooperation. The Jesuits' General Congregation 34, decree 13, articulates that "Jesuits are both 'men for others' and 'men with others.' This basic characteristic of our way of proceeding calls for an attitude and readiness to cooperate, to listen and to learn from others, to share our spiritual and apostolic inheritance. To be 'men with others' is a central aspect of our charism and deepens our identity" (McCarthy: #334). General Congregation 34 "encourages all Jesuits to move beyond prejudice and bias, be it historical, cultural, social or theological, in order to cooperate wholeheartedly with all men and women of good will in promoting peace, justice, harmony, human rights and respect for all of God's creation" (McCarthy: #129). In a presentation to Creighton faculty, John Schlegel, S.J., the President of Creighton University, offered hallmarks of Jesuit education that a Jesuit university should follow. Situating it as an overarching principle, Fr. Schlegel emphasized the importance of having a spirit of collaboration. With regard to the related topic of diversity, Fr. Schlegel asserts that the challenge of educators in a Jesuit university is to go beyond tolerance, stating that "tolerance is not enough" and that there is a need to teach students to welcome diversity, and to actively strive for ethnic and religious pluralism.

[5] These are also an overarching and formative principle of the ADR field; in the words of *Getting to Yes* (Fisher and Ury), a seminal book in the ADR field: the ADR field's mission is to help disputants and negotiators "change the game" of adversarial conflict interaction and help them shift from "adversarial" to "collaborative" or "integrative" modes of interaction (see also Fisher and Brown; Ury 2000).¹ The preliminary question with which the field of ADR is grappling is how to turn con-frontation (=fronting the other, standing in opposition to him), into co-operation (=operating through collaboration) (Ury 1993: ix). From

¹ This message is foundational in books written by Fisher and Ury and others in the field of ADR.

competing and disputing with a supposedly irreconcilable perspective held by the other, ADR aims at helping parties in a dispute transform that competitive mindset into cooperation, polarization into integration.

[6] The ADR field educates its students and disputants in alternative conflict resolution processes to seek for active reconciliation through overcoming polarizing mindsets and to embrace diversity, i.e. to become more open and attentive to other voices, and to approach other disputants with open heart and mind. A cornerstone of mediation, a central ADR practice, is to help find the path to reconciliation. Its goal is to help parties seek cooperation with the alleged “other.” As Carrie Menkel-Meadow, a leading ADR scholar, asserts:

mediation and various other forms of ADR practices are informed by some basic core values, accepted almost universally by different religious and spiritual disciplines. As a form of peacemaking, mediation with its emphasis on healing, human understanding, apology and acknowledgment of wrong, and anticipation of improved future relationships expresses human possibilities for transcendence in conflict resolution (1085).

Instead of excluding various voices or having to choose between them, conflict specialists strive to help parties in disputes develop what is conceptualized in ADR as “integrative negotiation,” which includes among other things empathetic listening and attentiveness to the concerns of the other, and to constructively manage their conflict toward solidarity. The next section will discuss the overcoming of the polarized mindset that creates dichotomies and distinctions that see the world in a non-complex manner.

Holding Tensions

[7] Holding tension is a foundational humanistic notion that can be found in secular contexts throughout history in the writings of many great thinkers.² In the ADR field, scholars aim at addressing not any specific tensions, but rather at helping people to be able to hold tensions and conflicts and manage them in a constructive manner. The founders of the “Transformative Approach” to mediation, for example, a transformative methodology of interpersonal conflicts, claim that “Individuals are seen as both separate and connected, both individuated and similar. They are being to some degree autonomous, self-aware, and self-interested but also to some degree connected, sensitive and responsive to others” (Bush and Folger 1994: 242).³

² For example Nietzsche’s description of the human nature as holding and managing the tension between the “apollonian” and “Dionysian” mental forces, or Erich Fromm’s view of human nature. Fromm, when describing what Humanistic Psychotherapy – of which he was one of the founders – is, asserts the following: “[Man] is part of nature, subject to her physical laws and unable to change them, yet he transcends the rest of nature. He is set apart while being a part. . . He is partly divine, partly animal; partly infinite, partly finite. The necessity to find ever-new solutions for the contradictions in the existence, to find ever-higher forms of unity with nature, his fellowmen and himself, is the source of all psychic forces which motivate man, of all his passions, affects and anxieties” (23).

³ The authors then go on to develop a mediation model that offers an understanding of how to allow room to both ends in interpersonal conflicts as a means to managing the conflict.

[8] One of the foundational teachings in ADR is that conflict should be seen not as a destructive force, but rather – if managed in a constructive manner – as an important component of human growth. Bernard Mayer, a leading voice in the ADR field, dedicated his latest book to the importance of emphasizing and teaching how to stay with conflict with courage, integrity, wisdom, and compassion, with the strength to neither solve it nor to avoid it.

[9] A strong sense of living with tensions can be outlined as central to moral and spiritual growth in Jesuit education, which aspires to reconcile two systems of education: the humanistic tradition of thought and the richness of the Enlightenment era, and the pursuit of religious truth through the study of theology (McCarthy: #408).⁴ These systems of thought were “both reconciliatory in their ultimate dynamism” (Traub 2008: 56) in the Jesuit education system, and it may be said that the education was about the creation of that “reconciliatory dynamism.”

[10] A strong sense of living with tensions can be outlined as central to moral and spiritual growth in Jesuit life. St. Ignatius followed Thomas Aquinas’s theology, emphasizing the reconciliation of nature and grace, Aristotelian science and the Bible, human culture and religion, “so that they are appreciated not in competition with each other but in cooperation” (Traub 2008: 49).

[11] In his keynote address at the conference on “Commitment to Justice in Jesuit Higher Education” at Santa Clara University on October 5, 2000, Hans-Peter Kolvenbach, S.J., the former Superior General of the Society of Jesus, criticized the “simple juxtaposition” of faith and justice. It “sometimes led to an ‘incomplete slanted and unbalanced reading’ of Decree 4, unilaterally emphasizing ‘one aspect of this mission to the detriment of the other,’ treating faith and justice as alternative or even rival tracks of ministry. Dogmatism or ideology sometimes led us to treat each other more as adversaries than as companions” (2000).

[12] In a similar vein, Fr. Schlegel identified *authenticity* as one of the hallmarks of Jesuit education, but he addressed authenticity in a special way, defining it as the ability to hold the tension between academy and religious authority, between innovation and critical thinking and the Catholic tradition. Seen in this light, authenticity emphasizes complexity and a “both/and” rather than an “either/or” approach.

[13] One of the fundamental goals in ADR education is to help students learn how to shift from an “either/or” perspective – a mindset that polarizes, fragments, and divides a complex human situation in a manner that creates “winners” and “losers,” “right” and “wrong” – to a more complex analysis of human interaction. As conflict specialists, they are to help disputants accordingly, as parties in a dispute tend in moments of tension and conflict to entrench in their one-sided, uncompromising view of complex human situations. Some ADR practitioners and educators incorporate systems theory and complex adaptive systems theory into the understanding of conflicting situations. “A complex system consists of a large number of relatively independent parts that are interconnected and interactive,” explain Peter Robinson, Arthur Pearlstein, and Bernard Mayer (346). “Such a system is adaptive if

⁴ “Both the noun ‘university’ and the adjective ‘Jesuit’ always remain fully honored,” as asserted in General Congregation 34.

the parts are agents that change their actions as a result of events occurring in the process of interaction” (Robinson et al.: 346). The authors further study the effect of the principles of complexity theory on human interaction in order to develop a better understanding of how to “create a nurturing environment that focuses on robust communications and open learning,” of holding the tensions despite the appearance of irreconcilably diverse views (Robinson et al.: 348).

[14] Teaching in the ADR field therefore resonates with the vision of Fr. Kolvenbach “of knowledge which, well aware of its limitations, is not satisfied with fragments but tries to integrate them into a true and wise synthesis about the real world” (2000). There is room for more emphasis in ADR education on helping students develop the capacity to hold tensions and conflicting existential tendencies in themselves and in the world. This would assist them in developing awareness of the possibility of “reconciliatory dynamism” and in further exploring their own authenticity as complex participants that incorporate or contain opposing tendencies and voices.

Thinking Beyond One’s Self

[15] A related point is the rethinking of the individualistic, separate, and bounded self. Richard Hauser, S.J., reflects on our understanding of the self and provides a perspective different from the popular conception. He begins by criticizing the common “western model of the self” (211), which he describes as individualistic, prizing independence and eschewing any dependence, perceiving the self to be the initiator of our good deeds. Christian spirituality, explains Fr. Hauser, counters this view by being not self-centered but other-centered, directed towards one’s love of God and one’s neighbor. Although not necessarily directing one’s attention toward God, a central theme in ADR theory and practice is finding ways to help people in negotiations and conflict situations shift from self-centered interests to an integrative mindset and a willingness to integrate the other’s needs into a larger view of the situation. It involves adopting a view greater than one’s own narrow perspective, consistent with openness and responsiveness to the other at the negotiation table.

[16] Moreover, an important theme in ADR scholarship is an emphasis on helping disputants transform their individualistic, separate, and independent sense of self to a more interdependent sense of self who find truth and integrity not in isolation but rather in relation with fellow humans (see Bush and Folger; Winslade and Monk; Bowling and Hoffman). In ADR teaching, students are helped to realize the many ways in which humans are dependent on each other for their success and fulfillment, how complex and multifaceted social ties are, and how socially-constructed our identity is. These teachings are consistent with Fr. Hauser’s general claim:

Our culture is self-centered and individualist, conditioning us to believe that happiness will be proportionate to fulfillment of individual – and usually materialistic – needs. It presents different ways of fulfilling needs – wealth, popularity, fame, power, pleasure – but all aim toward individual gratification. Influenced by culture we forget the gospel teaching that we exist as members of a world community (223).

“We must continuously challenge cultural assumptions,” asserts Fr. Hauser (223), and ADR scholarship, education, and practice aim at helping future peacemakers and conflict specialists question the one-dimensional perspective that equates an individual’s primary focus with his own interests and perceptions, neglecting a more holistic perspective on life’s situations. However, the challenge of ADR scholarship and education is twofold in a Jesuit University: to further develop the skills and techniques to help manage the complexities and disputes of modern life, but also to stand up for the task of increasing awareness of our interconnectivity as human beings rather than be tempted to find rest in the fulfillment of individual needs, whether materialistic or not.

[17] Pope John Paul II, when laying out the identity and mission of Catholic higher education, asserted that “Students are challenged to pursue an education that combines excellence in humanistic and cultural development with specialized professional training. Most especially, they are challenged to continue the search for truth and for meaning throughout their lives” (*Ex Corde Ecclesiae* #23). ADR educators should further develop the means to help educate their students to challenge cultural assumptions and to identify and help transform the social conditions that increase isolation, fragmentation, and alienation among human beings. They ought to make sure that conflict specialists strive to go beyond the resolution of disputes in a manner that merely scratches the surface of the described values, and which does not challenge disputants to cultivate awareness of deeper and more meaningful relatedness. They should persistently aspire to find new means to help people transform human suffering in light of burning disputes through spontaneously and fraternally relating to their fellow humans.

Discernment

[18] When caught in certain negative feelings, which lead to thoughts that are not constructive, we are taught by St. Ignatius to discern, to look deeply beyond the illusive negative thoughts. “In cases like these,” writes Dean Brackley, S.J., “how much do our feelings accurately reflect our situation? Can we trust them as a reliable guide for making decisions, especially since ideas-for-action frequently arise from such emotional states?” (45). Discernment, explains Fr. Hauser “is the art of listening to our inner selves and learning to recognize (discern) movements that arise from the Holy Spirit (our true selves) from those which do not” (207). The goal, he explains, is to discern movements arising from the good spirit, which Ignatius calls “consolation,” as opposed to movements arising from evil spirits, which he calls “desolation.”

[19] Transformation of the self via discernment in Ignatian spirituality means the transformation of evil intentions and deeds toward others. Brackley writes:

Like the writers of the New Testament, Ignatius presupposes that we live in a kind of double force-field. Human beings, their relationships, and their intuitions exhibit two kinds of tendencies: movement toward light (truth),

freedom, love, and life, and movement in the opposite direction toward darkness (lies), slavery, egoism, and death (46).⁵

In the field of ADR we speak of “negative conflict interaction” and “positive conflict interaction” (Bush and Folger 2005: 217). In many ADR classes, students are taught to help adversaries shift from negative or destructive to positive or constructive conflict interaction. In both scholarship and education, ADR scholars seek to help disputants acquire the skills and strength of spirit to become more aware of their reactions and responses to others in times of dispute and discomfort, to refrain from self-centeredness, and to shift from the movement toward entrenchment in one’s own positions and narrow view of the dispute to a collaborative mindset and genuine interest in relating to others’ needs and concerns. Students are trained to reverse the downward and destructive, alienating and demonizing negative conflict spiral, and to regenerate constructive conflict interaction. They are also taught how to serve others in need of such transformation in times of dispute.

[20] Ignatius’ rules of discernment are meant to help us recognize these subtle tendencies, toward the constructive (“life”) and toward the destructive (“death”), in ourselves and in daily life with others, and to help us respond to them. These rules are meant to help overcome the dwelling in one’s own pleasures and the delight of self-seeking and to help the spirit operate in an opposite direction, towards compassion and remorse (Brackley: 47). However, it seems that Ignatian rules of discernment, which aim at a similar goal as the conflict specialist who wishes to identify and transform distractive and negative conflict interactions, open new opportunities for conflict specialists, as “consolation releases new energies, widens our vision, and directs us beyond ourselves” (Brackley: 48). This shift and the widening of our vision require the involvement of both our mind and our heart, and of the whole person, as the next section reveals.

Educating the Whole Person

[21] The mission of Jesuit education since its earliest days is the “education of the whole person” (*cura personalis*). Ignatian pedagogy emphasizes that the “whole person – mind, heart and will – should enter the learning experience” (ICAJE: 254). It is “the help of souls” that Ignatius Loyola sought, but in a way new to the Catholic Church of his time. He emphasized the primacy of personal experience. It is the direct communication with God that each person undergoes, through the Spiritual Exercises, a four-part program of meditations, prayers, considerations, and contemplative practices designed by St. Ignatius, which allows one to develop faith and understanding. Ignatian pedagogy promotes a vision of the human being that, in addition to the intellectual dimension, includes “human, social, spiritual, and moral” (McCarthy: #414) dimensions and adheres to the way the spiritual director of

⁵ Later in the book Fr. Brackley elaborates on what he identifies after Nietzsche and Scheler as a malady for the human spirit rampant in modern society, the sentiment of “ressentiment.” “Ressentiment means resentment, yes, but with nuance. More precisely, resentment is the sublimated spirit of revenge, the masked and muted desire to prevail over one’s stronger rival . . . resentment is a reaction. In resentment – literally “re-feeling” – one feels the importance of frustrating encounters with one’s superior rival(s). . . Ressentiment leads sinners to debunk virtue and the losers to redefine winning. It doesn’t only affect the way people think. Above all, resentment modifies their spontaneous reaction (attraction, repugnance) to people, practices, and institutions that humiliate them” (115).

Ignatius' Spiritual Exercises facilitates or guides the process for the retreatant to have a direct encounter with God. The general and encompassing doctrine is instantiated in each person's direct experience and reflection, through which one becomes more attuned to one's unique particular circumstances and insights, and becomes better able to receive the love of God.

[22] In addition to offering the Spiritual Exercises, St. Ignatius envisioned Jesuits' ministry to be out in the community meeting people's physical and educational needs, in contrast with various other religious orders that served only spiritual needs by dissociating from the secular world. The Jesuits, according to that vision, were responsive to circumstances and needs without imposing a specific doctrine. That would at times include acceptance and tolerance towards people and cultures that did not necessarily embrace Jesuit values. Thus Jesuits learned to move beyond their "comfort zone" without trying to judge or change what they considered as "other." Part of the rapid expansion of the Jesuit order throughout the world in the sixteenth and seventeenth centuries had to do with its ability to meet new communities in their own unique circumstances, and to listen to the particular needs expressed by their people.

[23] The ADR field shares similar values. In fact, these are the basic qualities and underlying values of both the ADR practice and of its pedagogy: with regard to ADR practice – instead of following a set of governing rules and applying the general law to a particular case, ADR practitioners seek to help people in a dispute meet the particular circumstances and needs of their unique situation and to experience some relief from their pain and suffering. The emphasis is on facilitating each disputant's understanding of her particular situation on all levels – cognitive, emotional and motivational – and assisting her to make sense of it in terms relevant to her understanding of her life's situation. For example, when laying out the rationale of mediation, Folberg and Taylor write:

The ultimate authority in mediation belongs to the participants themselves, and they may fashion a unique solution that will work for them... They may, with the help of their mediator, consider a comprehensive mix of their needs, interests, and whatever else they deem relevant regardless of rules of evidence or strict adherence to substantive law. . . The adversarial process, with its dependence upon attorneys on behalf of the clients, tends to deny the parties the opportunity of taking control of their own situation and increases dependence on outside authority (10).

In ADR pedagogy, the education of the whole person is a foundational emphasis; each student's personal experience is stressed and much of the effort in the teaching is directed towards providing the students with opportunities to experience first-hand conflict interaction and to reflect upon their experiences. Thus, students master the skills by combining scholarly work with experiential learning that lead to personal insights, reflecting on the existential challenges they face on all levels – mind, heart and will – for becoming better negotiators and mediators.

Social Responsiveness

[24] The values and emphases that a Jesuit university should strive to implement and advance were the main concern of Fr. Kolvenbach's address to the International Meeting of

Jesuit Higher Education in May 2001. He stressed that “Jesuit education is eminently practical” (2001: #11) and that we ought to give students advantages for practical living. It involves questions of values, in particular the concern for the common good. The field of ADR and the courses taught under its umbrella are meant to help participants develop life skills to carry into their daily and professional lives – especially how to better negotiate and manage everyday interpersonal conflicts in a manner that promotes dialogue and collaboration rather than adversity and divisiveness. By learning about cultural oppression and dynamics of social conflicts, by dwelling on the concept of leadership in a diverse and fragmented world, and by cultivating an integral vision of integrative and inclusive personal, organizational, and social living, ADR students are equipped with the mindset and the skills to observe, analyze, and transform human alienation into solidarity. Nevertheless, as ADR students are not merely acquiring skills for their own self improvement but professional ability to further those skills among others, it is important to train them to become leaders in their own communities, equipped with both the vision and the skills to help transform adversity and polarization in their surroundings.

[25] Fr. Kolvenbach reminded us that the first Jesuit universities were born as a response to the changing society of the time (2001: #28). It is important to remind ADR students that as a social movement, as a profession, and as a discipline, ADR emerged four or so decades ago as a response to the needs of a society filled with interpersonal disputes, a society suffering from growing human alienation and increasing inability to manage diverse views and disagreements as fellow human beings. In the complex world in which we currently live, there is a growing need to realize our interdependence, to embrace an integrative approach that would help us manage our interpersonal and social life in a more humane way. There is a need to highlight the growing quest to manage human differences not by each person entrenching in one’s own perspective but rather through seeing the complex human situations as whole and valid. This requires recognition of our interconnectedness, interdependence, and ongoing cultivation of our ability to relate to our fellow humans accordingly. The continuous shift toward globalization and multi-culturalism faces us with new challenges that the field of ADR is trying to tackle. “Ignatius would be fascinated by the phenomenon of globalization,” writes Fr. Kolvenbach, “with its incredible opportunities and threats, and would not run from the challenges that it involves” (2001: #29). The critical analysis of globalization brings Fr. Kolvenbach to point out the fear that may be caused by – among other things – “dehumanization, individualism, lack of solidarity, social fragmentation.” It is these social fears that scholarship and education in the ADR field address, combining the more theoretical analysis with the more practical skills to help not only observe, but act in order to bring humans to a more integrative and dialogic interaction. As Menkel-Meadow writes:

We should acknowledge the interdependence of human beings in all places, including in the family, the workplace, the place of worship, the daily commute, or the gym. We need and depend on each other, and fundamental human “needs” as well as instrumental “interests” need to be recognized and reconciled... ADR or conflict resolution practices acknowledge a greater human variability of action than do the ritualized or overly stylized forms of litigation practice. This allows values other than

being “right” to be imagined and enacted. Portia’s plea for mercy or forgiveness, the granting of an apology and human acknowledgment of wrongfulness, if not legal fault or blame, all allow the fuller expression of a richer gamut of human actions, emotions, and feelings and we hope, a more humane set of responses (1083; on the promotion of solidarity and fraternity through mediation, see Kuttner).

ADR students develop the skills to act in a complex world and to embrace the “unique possibilities for the construction of a world more fraternal and solidarity,” states Fr. Kolvenbach when discussing the university’s role (2001: #32). He stresses that “never before have there been so many opportunities for communication” (2001: #32), as if describing the mission of the studies that the burgeoning field of ADR is offering.

Service

[26] There is a strong emphasis in Jesuit academic life on the mission of service, which builds on the social responsiveness theme and expresses its active aspects. As Traub emphasizes:

After Constantine’s conversion to Christianity (313) and Christianity’s establishment as the state religion, “religious life” developed further as a major movement away from the “world” and the worldliness of the Church. The monastic life of monks and nuns is a variation on this tradition. At the beginning of the modern Western world, various new religious orders sprang up (the largest being the Jesuits) that saw themselves not as fleeing from the world but as ‘apostles’ sent out into the world in service (2006: 13).

Pope John Paul II writes: “The basic mission of a University is a continuous quest for truth through its research, and the preservation and communication of knowledge for the good of society” (*Ex Corde Ecclesiae* #30). John Paul II continues to list “serious contemporary problems” in response to which a Catholic University “is called on to become an ever more effective instrument of cultural progress for individuals as well as for society” through research and social action: “the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing in the world’s resources, and a new economic and political order that will better serve the human community at a national and international level” (*Ex Corde Ecclesiae* #32). ADR scholarship, education, and practice address each and every one of the problems emphasized by John Paul II; they even include the protection of nature, as many of the processes designed by scholars in the field of ADR aim at addressing environmental issues and the promotion of collaboration regarding the environmental challenges we face as a civilization.

[27] Various Jesuit universities integrate ADR work with the university mission. The Werner Institute at Creighton University, for example, where I teach and work, provides a concrete example of service through which the “communication of knowledge for the good of society” is executed. It includes methodologies for enhancing collaboration between people, both on the inter-individual and social levels. On the more personal level, as aforementioned, individuals are educated to approach negotiations and inter-personal conflicts in a constructive manner. On a social and communal level, the knowledge is

communicated by working – through the Institute’s Public Issues Collaboration Program (PIC) – with community leaders and public officials, as well as with others who take part in social processes in Nebraska where decision making involving interests of many stakeholders is needed. We train them in consensus-building processes. As part of its service, the Institute also facilitates civic engagement processes, in a manner that brings all interested parties together to share their needs and concerns, and possibly reach a consensual resolution that integrates everyone’s interests, concerns, and constraints in the most encompassing way possible, rather than seeking only to maximize the advantage to itself regardless of the price other stakeholders have to pay.

[28] Service to the community is an important part of Jesuit academic ADR programs’ mission. The promotion of social dialogue which aims at moving beyond majority rule in search of consensual agreement is at the center of the Regis University’s Institute on the Common Good mission statement: “Dialogue. Discernment. Democratic Deliberation. Together, these are the concepts that form the foundation of the mission of the Institute on the Common Good.”⁶ The promotion of social dialogue is also very much in line with the Ignatian emphasis on communal discernment and the importance of decision making that goes beyond majority rule. In the preface to his book *Beyond Majority Rule*, Michael Sheeran, S.J., currently serving as the president of Regis University, writes the following:

The Jesuit order, of which the writer is a member, discovered in its earliest documents a forgotten decision making procedure called Communal Discernment. Members of the community were expected to share in decisions by praying about the issues the community faced, sharing with each other outcomes of the prayer, and moving through discussion and further prayer to virtually unanimous conclusions (xiii; see also how the Conflict and Dialogue Studies program matches the university’s mission).

A central book in the ADR field that teaches how to build consensus and speaks to the ideals of social order where deliberation is a central democratic quality, is called *Breaking Robert’s Rules* (Susskind and Cruikshank), in which the authors call for rethinking the extensive usage in modern times of General Robert’s rules of order for running meetings, which rely on majority vote for decision making instead of striving for collaboration and consensus via everybody’s sharing of their interests and concerns.

[29] Both the method of community discernment and the consensus-building methods advanced by the ADR field at large and through Jesuit Universities’ programs in communities throughout the U.S., such as the Werner Institute at Creighton University, the Institute for the Common Good and the Conflict and Dialogue Studies program at Regis

⁶ They add: “Dialogue is at the core of major social change. The Institute was founded on the conviction that key issues can be resolved and societal changes can occur if people speak with one another honestly and respectfully. Called transformational dialogue, for us it comes from roots deep within the philosophy of St. Ignatius of Loyola, founder of the Jesuits, of not just speaking but listening, and together bringing about change. We continue to build on these roots using some of the latest research in the emerging field of dialogue.”

University, the Marquette University Center for Peacemaking,⁷ the M.A. program in Conflict Resolution and The Berkley Center for Religion, Peace & World Affairs at Georgetown University, aim at creating meaningful communication and collaboration, or to use Jesuit vision and mission language – strive to advance beyond social fragmentation to build brotherhood and solidarity, and a sense of shared destiny and responsibility for the future of our communities. “We can be certain that, were he alive today,” writes Fr. Brackley, “Ignatius would develop the social significance of his insights” (7). It seems that the communication of the knowledge that spreads dialogue and collaboration, patience and sincere willingness to listen to others, and the resolution of conflicts through joint search for common ground and shared interests, can be seen as a central social significance of Ignatius’ insights in our times.

Concluding Remarks

[30] It seems that there are two different tones that can be traced with regard to the Ignatian values and the Jesuit mission: the one, more inclusive, speaks of universal values – such as striving for excellence, service to others, etc. – with which one can identify, whether a Jesuit or not. The other is more concrete, focusing on the cultivation of the belief in God and the implementation of values unique to the Jesuit order. It seems that Fr. Kolvenbach’s voice belongs to the more inclusive tone, claiming that “not all the lay persons will choose to commit themselves wholeheartedly to the Jesuit mission of the work. But the society expects of all, including people of other faiths, that they recognize and accept the values contained in the Ignatian spirituality” (2001: #47). If following the more universal and inclusive interpretation, I – a Jewish professor in a Jesuit University – feel more comfortable making this analogy between Ignatian values and the ADR education and scholarly work I am part of at the Werner Institute. “As Jesuit higher educators,” asserts Fr. Kolvenbach, “we embrace new ways of learning and being formed in the pursuit of adult solidarity” (2000: 10). With an inclusive and integrative approach, the synthesis of Jesuit values and ADR scholarship can allow new knowledge and methodologies to help achieve human solidarity, as the pursuit of adult solidarity is at the root of the pursuit for mechanisms of conflict management alternative to the adversarial approaches that people tend to adopt in the midst of conflict.

[31] In this article I have demonstrated how central values in the mission of a Jesuit university coincide with values and aspirations that lie at the foundations of the ADR movement as burgeoning in the last few decades. I showed how central themes are shared, such as a spirit of collaboration, holding tensions, thinking beyond one’s self, discernment, educating the whole person, social responsiveness, and service. It is my belief that shedding this light can help further nourish the clarification of the mission of the ADR field at large and ADR institutes within Jesuit universities in particular. It may also clarify how the work done in such institutes can be seen as residing within the Jesuit mission and how these

⁷ “The Marquette University Center for Peacemaking empowers the university and the wider community to explore together the necessary skills to become informed, spiritually-centered, nonviolent peacemakers. Rooted in the Ignatian charism, the center fosters an awakening to the holistic relationship of scholarship, spirituality, nonviolent living, and the active struggle for peace and justice.”

connections assist in developing methodologies to help educate and execute the mentioned themes.

[32] This article presents a preliminary observation of the parallels between Jesuit values and ADR. There is room for further exploration of these and other parallels that may exist, as well as a critical analysis that explores the disadvantages of making such parallels. In addition, there is room for exploring the potential contradictions between Jesuit values and ADR. It is my hope that this article would enrich the discussion about spiritual values at large and Jesuit values in particular in the context of the burgeoning field of ADR, serving an ongoing conversation among ADR scholars who teach in Jesuit universities, as well as cross-fertilization within Jesuit universities in which ADR programs exist. Within such universities there is room for further exploration of how the field of ADR contributes to the mission of the Jesuit University, and how collaboration between scholars in these universities can open new venues for research both in ADR and in other disciplines with an affinity for Jesuit values.

[33] ADR scholars and students may find it constructive to reflect on the spiritual bases of their practice, and to draw parallels between ADR themes and themes extracted from spiritual traditions. Personally, I find that a Jesuit university poses a challenge for ADR scholarship and teaching that aim at creating a better and more peaceful world, a challenge that calls for going beyond the pragmatic resolution of disputes, seeing the management of conflicts as a way of experiencing our reality more richly and of granting meaning to our lives as human beings. This challenge is well summarized in the introduction to *Ex Corde Ecclesiae*:

Without in any way neglecting the acquisition of useful knowledge, a Catholic University is distinguished by its free search for the whole truth about nature, man and God. The present age is in urgent need of this kind of disinterested service, namely of proclaiming the meaning of truth, that fundamental value without which freedom, justice and human dignity are extinguished (#4).

In our saturated lives efficiency is highly prized, resulting in seeing conflicts as burdens, and in favoring the avoidance of conflicts at any cost. Unfortunately our desire for efficiency often clouds our ability to see the opportunity for growth embedded in conflict. In such an overly pragmatic world, it seems that there is a significant tension between what *Ex Corde Ecclesiae* names “useful knowledge” and the search for “the whole truth about nature, man and God.” An effort should be made to bring the very same skill elaborated on earlier in this article – of integrative rather than an either/or perception – in order to find new and helpful integrations between the useful and the truthful in our lives and in our interpersonal relations, as, in the words of John Paul II, “what is at stake is the very meaning of scientific and technological research, of social life and of culture, but, on an even more profound level, what is at stake is the very meaning of the human person” (*Ex Corde Ecclesiae* #9).

[34] It is the duty and vocation of leaders in the field of ADR to keep developing scholarship and practices that go beyond the acquisition of the more narrowly-focused useful knowledge, and not shy away from aiming at unveiling the truth when helping disputants transform their conflicts to collaboration and solidarity. It is also their duty as educators to help students go beyond the search for useful knowledge, of acquiring practical tools for

solving disputes, and to reflect on their vocation and identity as peacemakers. John Paul Lederach, a leading scholar and practitioner in the ADR field, invites conflict specialists and peacemakers to suspend the need for tools, answers, and techniques. Instead, he calls conflict specialists to reflect on their vocation:

Though conflict resolution and peacebuilding have come into their own rights as professions and though I consider myself a professional working in these fields, I have always understood my entry and sustained work at the level of a vocation. Beyond profession, my concern has been to find and to follow a calling, a deeper voice. In the truest sense of the word, vocation is that which stirs inside, calling out to be heard, calling out to be followed. Vocation is not what I do. It finds its roots in who I am and a sense of purpose I have on earth (24).

It is not without reason that we find in ADR scholarship a substantial tendency to incorporate a spiritual vocation.⁸ Throughout history and in religious and spiritual writing there has been a major emphasis on the relation between fellow humans. Fr. Brackley asserts that the love of God is manifested through love for one's neighbor; Fr. Hauser presents the meeting point between man and God as the realm of grace; Dennis Hamm, S.J., concludes his essay "Rummaging for God: Praying Backwards through Your Day" by stating that "if we are to listen for the God who creates and sustains us, we need to take seriously and prayerfully the meeting between the creatures we are and all else that God holds lovingly in existence. That 'interface' is the felt experience of my day. It deserves prayerful attention. It is a big part of how we know and respond to God" (23).⁹ In Jewish tradition, Martin Buber, for example, a Jewish philosopher and spiritual writer, describes the meeting between man and man in dialogue as the earthly manifestation of the meeting between man and God.

[35] It is therefore only natural that substantial ADR scholarship is dedicated to describing the vocation of our field in terms common to religious scriptures: reconciliation between disputants, the forgiveness of one by another, the transformation of heart from being shut down to openness to others, etc. Vast research, this article included, is dedicated to cultivating in ADR students – the next generation of conflict specialists and peacemakers – both the skills and the zeal to serve their communities on the path toward social harmony and peaceful coexistence with hearts open to diversity and human solidarity. It seems that ADR education has the potential to play an important role in realizing the vision laid out by Fr. Kolvenbach, that the "complete person" will form "a competent, conscious person,

⁸ For a review of the literature, see Goldberg and Blancke, who write, "Whether the field is ready to bring God into the process, individual practitioners are, and many have been doing so for some time" (391).

⁹ Fr. Hamm speaks of the "examen," the examination or reflection which is highly emphasized in the Jesuit daily practice, reflecting on your day and your actions, in order to work on being conscious and examine where one can improve. In our pedagogy in ADR courses reflectivity is a central skill that we advocate for and train our students to use, i.e. to reflect upon one's actions in order to be more conscious of one's actions and beliefs and examine what one can do in order to improve one's ways of managing the daily interpersonal encounters.

capable of compassion and well educated in solidarity” (2001: #33). It is an important challenge for the ADR educator to connect with his own spirituality and sense of service so that even when not within a Christian framework or without using religious terms, he can teach his students to foster the love of God and a life of service.

Acknowledgements

This article was written following the *Faculty Mission and Identity Seminar on Higher Education VI*, a year-long seminar for faculty held throughout 2009 at Creighton University. The author wishes to thank the Faculty Mission and Identity Group at Creighton for organizing the seminar, Creighton University’s Academic Vice President and the Vice President of Health Sciences for sponsoring the seminar, Eileen Burke-Sullivan and Kirk Peck for their dedication in leading the seminar, Gregory Carlson, S.J. for his mentoring throughout the seminar and for his useful comments on earlier drafts of this article, Mary Lee Brock for commenting on earlier drafts, Joseph DeFeo from Fairfield University for his careful reading and insightful comments, and Christine Basque Malloy for her useful suggestions, editing and support.

Bibliography

Bowling, Daniel, and David Hoffman

- 2003 “Bringing Peace into the Room: The Personal Qualities of the Mediator and their Impact on the Mediation.” Pp. 13-49 in *Bringing Peace into the Room: The Personal Qualities of the Mediator and their Impact on the Mediation*. Edited by Daniel Bowling and David Hoffman. San-Francisco: Jossey Bass.

Brackley, Dean, S.J.

- 2004 *The Call to Discernment in Troubled Times: New Perspectives on the Transformative Wisdom of Ignatius Loyola*. New York: Crossroad.

Bush, Robert A. Baruch, and Joseph P. Folger

- 1994 *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*. San Francisco: Jossey Bass.
- 2005 *The Promise of Mediation: The Transformative Approach to Conflict*. New and Revised Edition. San-Francisco: Jossey-Bass.

Fisher, Roger, and Scott Brown

- 1988 *Getting Together: Building a Relationship That Gets to Yes*. New York: Penguin.

Fisher, Roger, and William Ury

- 1981 *Getting to Yes*. New York: Penguin.

Folberg, Jay, and Alison Taylor

- 1984 *Mediation: A Comprehensive Guide to Resolving Conflict Without Litigation*. San Francisco: Jossey-Bass.

Fromm, Erich

1986 *The Sane Society* [1956]. New York: Henry Holt.

Georgetown University

n.d. Berkley Center for Religion, Peace and World Affairs (website).
<http://berkeleycenter.georgetown.edu/home>.

n.d. Master of Arts Program in Conflict Resolution (website).
<http://conflictresolution.georgetown.edu>.

Goldberg, Rachel, and Brian Blancke

2011 "God In The Process: Is There a Place For Religion in Conflict Resolution."
Conflict Resolution Quarterly 28: 377-98.

Hamm, Dennis, S.J.

1994 "Rummaging for God: Praying Backward through Your Day." *America* 170,
17: 22-23.

Hauser, Richard, S.J.

1995 "An Approach to Christian Discernment." Pp. 207-27 in *Handbook of Spirituality for Ministers*. Edited by Robert J. Wicks. New Jersey: Paulist.

International Commission on the Apostolate of Jesuit Education (ICAJE)

2000 "Ignatian Pedagogy: A Practical Approach." Pp. 231-93 in *The Jesuit Ratio Studiorum, 400th Anniversary Perspectives*. Edited by Vincent J. Duminuco, S.J. New York: Fordham University Press.

John Paul II

1990 *Ex Corde Ecclesiae*. Available online at http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_en.html.

Kolvenbach, Peter-Hans, S.J.

2000 "The Service of Faith and the Promotion of Justice in American Jesuit Higher Education." Keynote address at Santa Clara University (California), October 6. Available online at http://www.sjweb.info/documents/phk/2000santa_clara_en.doc.

2001 "The Jesuit University in the Light Of the Ignatian Charism." Address to the International Meeting of Jesuit Higher Education, Rome (Monte Cucco), May 27. Available online at http://www.sjweb.info/documents/phk/university_en.doc.

Kuttner, Ran

2010 "Human, Not too Human: Why is Mediation a Profound Alternative to the Legal Proceedings." *Studies in Law, Politics and Society* 50: 139-68.

Lederach, John Paul

- 2005 *The Moral Imagination: The Art and Soul of Building Peace*. New York: Oxford University Press.

Marquette University

- n.d. Center for Peacemaking (website). <http://www.marquette.edu/peacemaking/index.shtml>.

Mayer, Bernard

- 2008 *Staying With Conflict*. San Francisco: Jossey Bass.

McCarthy, John L., S.J., editor

- 1995 *Documents of the Thirty-Fourth General Congregation of the Society of Jesus*. Saint Louis: Institute of Jesuit Sources.

Menkel-Meadow, Carrie

- 2001 "And Now A Word About Secular Humanism, Spirituality, and the Practice of Justice and Conflict Resolution." *Fordham Urban Law Journal* 28: 1073-87.

Regis University

- n.d. Conflict and Dialogue Studies (website). <http://www.regis.edu/regis.asp?sctn=rcrcu&p1=ap&p2=cad>.
- n.d. Institute on the Common Good. Mission Statement. <http://www.icgregis.org/index.cfm/id/16/Our-Mission>.

Robinson, Peter, Arthur Pearlstein, and Bernard Mayer

- 2005 "DyADS: Encouraging Dynamic Adaptive Dispute Systems in the Organized Workplace." *Harvard Negotiation Law Review* 10: 339-81.

Schlegel, John, S.J.

- 2009 "Jesuit Higher Education in the 21st Century: Challenges and Opportunities." Presentation to the 2009 Faculty Mission and Identity Seminar, January 22.

Sheeran, Michael, S.J.

- 1996 *Beyond Majority Rules*. Philadelphia: Religious Society of Friends.

Susskind, Laurence E., and Jeffrey L. Cruikshank

- 2006 *Breaking Robert's Rules: The New Way To Run Your Meeting, Build Consensus, and Get Results*. New York: Oxford University Press.

Traub, George W., S.J.

- 2006 *Do You Speak Ignatian?* Cincinnati: Xavier University Press.
- 2008 *A Jesuit Education Reader*. Chicago: Loyola University Press.

Ury, William

- 1993 *Getting Past No: Negotiating Your Way from Confrontation to Cooperation*. New York: Penguin.
- 2000 *The Third Side: Why We Fight and How We can Stop*. New York: Penguin.

Werner Institute

- n.d. Werner Institute for Negotiation and Dispute Resolution, Creighton University (website). <http://www.creighton.edu/werner/aboutus/thepersonaltouch/index.php>.

Winslade, John, and Gerald Monk

- 2000 *Narrative Mediation: A New Approach to Conflict Resolution*. San-Francisco: Jossey Bass.