The spirit of alternative dispute resolution

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Maybe we should speak up ... for what is deeply felt and might otherwise go unrecorded: all those unique and repeatable events, the little sacraments of daily existence.¹

Early Christian teachings berated human friendship as taking people away from their real task: their relationship with God. Thus grief for a lost friend became God’s punishment for human attachments, the earthly body something to be sacrificed and punished, and our purpose for living being to attain a place in the heavenly hereafter. These ideas place spirituality metaphorically in the heavens, transcending the everyday. While it is true that since the Enlightenment we have moved from a culture in which religious beliefs are replaced by scientific beliefs, the transcendent metaphor is alive and well. It is now found in abstract scientific theories and simplistic explanations about human life. These also transcend the experience of the everyday.

Does the spiritual transcend the everyday? Buddhism says that before spiritual enlightenment we chop wood and carry water ... and after enlightenment we chop wood and carry water. Perhaps this statement is asking people to open themselves and notice the spirit in the mundane — those myriad little events that make up our lives and loves (and work as ADR practitioners). The ‘ah-ha’ moment, when the hitherto unseen is seen; the spirit of resilience that holds one’s hand and steadies one in the ballgame of words thrown back and forward in an endless rally of accusations; the spirit of compassion that enters the room in the nick of time to help one over a moment of disbelief, injustice or outrage; the spirit of forgiveness that is always hovering in the wings waiting patiently to be welcomed; the sparkling moment when the tension is relieved.

What I am suggesting is a notion of the spiritual not as simply belonging to the heavens, or even to some deep well inside people. I am suggesting that the spirit is present in the ‘sacraments of daily existence’ — the events and connections of everyday life that are hidden in the abstractions and ideologies that are given such importance. In becoming aware of the everyday something else enters — an ‘other history’ as David Malouf calls it, another dimension, an awareness of the permeability of our skins, our membership of the planet and its beauties, our communal life, and our survival as dependant on one another.

ADR is an ally of the spirit in everyday life. A practitioner’s job is to pull down to earth the abstract ideologies that people use to justify their fights and to challenge the social stereotypes that isolate them, the legal practices that entrench the argument culture, and the models that promote the idea that ‘one size fits all’. To do its job ADR must subvert these things, uncovering the myriad small inconsequential events that led to the conflict, the feelings that cemented it, the loyalties at its roots and social forms that shape it, because we know that it is in this ‘other history’ that reconnecting is possible.

One example of this was a mediation I did many years ago that has stayed with me as a teaching for this idea. I was asked to help a young man and his mother who were engaged in an unresolvable and much worked over conflict. He identified as a gay man. His mother was a fundamentalist Christian and her identity was closely interwoven with her church community and had been for more than 30 years. She believed, following the ...
Some part of me had registered that this ‘proof’ of his sins when she mislaid them. A 
man’s sexual preference, conflict and separation was imminent.

The present situation had been triggered by the approach of the woman’s 70th 
birthday party. She had announced that she wanted no contact with her son’s 
partner and that the partner was not welcome in her house. Her son had had 
ought. He decided to take a stand and announced that if that was the case, 
neither of them would come to the house again and he would cease all contact with 
the family. This had caused much grief and an ongoing saga of accusation and 
counter-accusation. Finally, the young man decided to try mediating the impasse. 

He ushered his mother into the room and, after the mediator’s preliminaries, 
talked about his sexual preference, his love for his partner, his pain about not 
seeing his family and the political position he felt forced to take against entrenched 
homophobia. The first thing that his mother did was to tell me strongly what her beliefs 
were. She justified them with quotations from the Bible and articles from a 
newspaper. She had obviously thought about and prepared her case thoroughly. 
She finished by looking at her son and 
pronouncing him a sinner who would burn 
in hell if he did not change his ways. Her 
son was extremely distressed at this and 
was crying openly. The silence was 
deafening and the impasse defeating, the 
argument of the two ideological positions, 
their conflict. By not engaging in the 
reach a compromise (impossible in this 
situation), but one of ‘singing up’ the 
already existing ways that these two used 
to ‘manage’ their interaction in spite of 
their conflict. By not engaging in the 
argument of the two ideological positions, 
the spirit of their love and commitment to each other 
and the family. This 
provided them with a basis 
to re-connect, agree to 
disagree on some things 
and hold on to their love 
for each other, and keep 
their family life intact."

‘By not engaging in the 
argument of the two 
ideological positions, 
another spirit emerged — 
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and commitment to each other 
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and keep 
their family life intact.’
Ideologies are formed from beliefs. Beliefs are truth stories whether they are spiritual beliefs, political beliefs or scientific beliefs. Their presence needs to be acknowledged as they give rise to ideologies that shape and inform life, giving people guidelines about living together.

In other words, in the story above, other beliefs were also present; ones that created a space in their relationship for recognition of each ‘other’, beliefs that produced a sparkling moment of relationship as they looked at my reaction of disbelief (when they told me they worked together two days a week), and that created a counter narrative to the dominant beliefs which were tearing them apart.

This to me is the territory of spirituality:

> The movements of the heart and intimations of the close but inexpressible grandeur and terror of things, that is our other history, the one that goes on in a quiet way under the noise and chatter of events and is a major part of what happens each day in the life of the planet, and has from the very beginning. To find words for that; to make it glow with significance what is usually unseen, and unspoken: that when it occurs is what binds us all, since it immediately speaks out of the centre of each of us; giving shape to what we have experienced and did not till then have words for, though as soon as they are spoken, we know them as our own.

This, too, is the spirit of ADR.

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**Endnotes**