

“It’s In Our Hands”

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Plenary Address
30th Anniversary Celebration and 2017 Annual Conference
Center for Dispute Resolution
Greenbelt, Maryland

Friday June 16, 2017

I was invited to speak to you today about arbitration, mediation, and our shared passion for alternative dispute resolution.

But the tragic shooting at a Republican charity baseball practice two days ago, and the climate that may have contributed to this horrific act of violence, are too intertwined with our destiny to overlook.

We are professional problem-solvers. We should recognize the severity of the problems our country faces at this critical moment. We should understand the urgent need for a new paradigm, a dramatic shift, in our national dialogue.

And we should understand some of the reasons for this, because they extend well beyond this most recent tragedy.

Most important, we should understand what is at stake.

No matter where you are on the long arc of our political spectrum, you have a responsibility to recognize and do something about this. Our nation is in deep conflict. Its welfare starts with each of us.

So we might begin by looking within and recognizing an undeniable truth: each of us is also in conflict. In fact, we are in constant conflict.

We are good, we are bad; we are brave, we are afraid; we are selfish, we are compassionate; we are confident, we are insecure; we are angry, we are serene.

We are human.

Ideally, we try to reach a plateau of conflict resolution, and we train ourselves to stay there. This not only makes us happy; it makes us better people. We come to appreciate the impact our behavior might have on others, and we don’t want to hurt anyone. When we are in balance, we are at our best; when we are at our best, we might contribute something meaningful.

We get there through different means.

Some of us are influenced by music. Others are inspired by the ennobling message of a soaring oratory. And some might take direction from religious guidance that nurtures the conscience.

But there is a language component to all of this and to most of what we do.

The beauty of language, whether expressed in the transformative art of Miles Davis, the moral suasion of Dr. King or the enlightened mysticism of Martin Buber, is often revealed in its simplicity.

“Kind of Blue”.

“I Have a Dream”.

“I and Thou”.

Each captures a profound “language theme”. And sometimes that’s all it takes to provoke radical change in an individual or a society.

Creative eloquence doesn’t need more than two words to inspire. “Me, We” by Muhammad Ali is the shortest poem in the English language, and its message of humility would’ve been buried by one more syllable.

But at our best, perhaps just one word, the most important word we know, should give us all the insight we need. The ancient Greeks called it “Agape”. We call it “Love”.

Last week I happened to read Toni Morrison’s Nobel Laureate lecture, “*The Bird Is in Your Hands*”.

Morrison describes an encounter between an old, blind woman who is the daughter of slaves, and some young people bent on disproving the wisdom for which she has become renowned.

They stand before her and one of them says, “I have a bird in my hand. Tell me whether it is alive or dead.” She doesn’t know the answer, and she knows nothing about the young people. All she knows is their intent, which is to shame her. They start to laugh when she doesn’t answer. But after a long pause, she speaks:

“I don’t know,” she says. “I don’t know whether the bird you’re holding is dead or alive. But what I do know is that it is in your hands. It is in your hands.”

The old woman is telling them that if it is dead, they either found it that way or they killed it. If it is alive, they can still kill it. Or they can allow it to live. Either way, it’s their decision. It’s in their hands.

The bird becomes the woman’s language, and language is an act that has consequences. It is susceptible to misuse, abuse and even death if not used with conscience and care and esteem. It must have meaning and accountability and potential to remain viable and alive.

“[T]he young visitors are reprimanded,” Morrison writes, “told they are responsible not only for the act of mockery but also for the small bundle of life sacrificed to achieve its aims. The blind woman shifts attention away from assertions of power to the instrument through which that power is exercised.”

Like the improvisational textures of “Kind of Blue”, the noble vision of “I Have a Dream”, and the spiritual aesthetic of “I and Thou”, Morrison takes oral literature and applies legends and myths to celebrate our potential. But she does this while reminding us that the triumph of language and culture, the very symbols of a nation, is always in our hands.

And so is the triumph of the nation itself. As Frantz Fanon described in “*The Wretched of the Earth*”, the language of division and oppression is always heard differently by the marginalized and the oppressed. But their responses to it often recalibrate our conscience.

Since the Founding, lawyers have helped shape our national character. A government of laws, the very foundation of our democracy, is more than a lofty ideal; it is the essential trait of a free society that aspires to be just.

We have committed ourselves to upholding these principles, democracy and justice, through our work, our struggle, and our collective effort to make a difference. It is an honorable endeavor. But it is under assault. Honor itself is under assault. The truth is under assault. Fundamental decency is under assault.

The most prominent embodiment of this attack has been the President of the United States, Donald J. Trump. But as we learned again just two days ago, a culture of hate can inspire citizens from every corner to act irrationally by driving passion beyond reason, with deadly consequences.

The true greatness of our nation is its tolerance: tolerance of different views and ideologies and races and ethnicities. We have paid for this in blood, and we will again if we must. Our tolerance is the measure of our patriotism, and our patriotism impels us to accept the leadership of elected and appointed individuals with whom we might vehemently disagree. We do this because our history suggests that presidents and their parties have traditionally sought to appeal to the good and charitable features of our national identity. This collaborative effort is the hallmark of our constitutional democracy, and the key to its survival.

But this is different.

Our current president has liberated some of the darker impulses that lurk in many of us but are kept under control by higher aspirations, like civility and common decency. He has masterfully exploited the internal conflict. He has made the expression of our “bad side” a feature of daily life by willfully, sometimes proudly, undermining the values that define us as a nation.

All of this has been manifest in the new language we are constantly subjected to by the president and his acolytes: the aggressive lies, the massive distortions, the dehumanizing caricatures of those perceived as “other”.

Imagine the message this sends to our children, or to someone predisposed to take some demented action: “If the president can lie, why can’t I?” “If the president can demean and belittle and disrespect, why can’t I?”

And now, it has reached its inevitable crescendo.

But this is not normal. This is the mockery of the old, blind woman.

Morrison’s bird is nothing less than our country’s future. And the perpetrators must be reminded, again and again until they understand, that “they are responsible not only for the act of mockery but also for the small bundle of life sacrificed to achieve its aims.”

That life is all we have. If we are to bequeath it to our children, we must not stand silent.

But what language themes can we adopt? What messages might we send to help them turn from demonizing their opponents to celebrating all of us and our collective potential? How might we, individually and together, reach that plateau of resolution?

Perhaps we might begin with honesty.

If I could write a song like Miles Davis, I’d hope its notes, its language theme, would impart “truth”, because that’s the sacred compact we all deserve and should demand of ourselves, one another, and our elected officials.

Truth has become the victim of our national divide. It’s become lost in our heated political rhetoric, and in our president’s disregard for its meaning. We wouldn’t allow this in our homes, we wouldn’t allow it at work, and we cannot allow it to continue in our national leadership.

We’ll always have our differences. But dishonesty first sows and then seizes upon fear. It divides us in perilous ways. The operative elements are code words and rallying cries rooted in ignorance and lies. Political leaders and legislatures have capitalized on this fear and will continue to do so if we allow them.

We must address this, as Dr. King did in Birmingham over half a century ago, by adopting a universal truth: whether you are gay, straight, black, white, liberal, conservative, old or young, “[W]e are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly . . . Injustice anywhere is a threat to justice everywhere.”

Raise your hand. Use your voice. Use your vote. Speak truth to power. Protest against injustice and against the language of intolerance. Do this now, before lies become so normal we’ve forgotten how dangerous they are, and who we are.

Perhaps we might also celebrate our diversity.

If I could write a speech like Dr. King, I’d hope its words, its language theme, might impart “diversity”, because that’s our true strength, our intrinsic treasure, and we must nurture it as the very core of our identity.

The language of diversity reflects the cultural evolution of our society. Sometimes it's a silent language, as when a young girl sees a woman at the helm and says, "I can do that, too." Or when a transgender boy feels free to be who he truly is, without boundaries or barriers; free to join everyone else on the plateau and make his meaningful contribution.

Or when a little black boy visits the Oval Office and is so struck by the image before him that he asks the President if he can touch his hair to see if it really is like his own, and the President gracefully bows, knowing the power of this simple gesture.

The language of diversity is often understood through its imagery. But we have to actively promote it by first recognizing the value of every human life. Every human life should be allowed to flourish to its greatest potential, against any odds, because those are our values, and because we are enriched individually and as a society.

But the message we have been hearing does not respect pluralism, does not celebrate our diversity, and in many ways reverts harshly to a time of even less inclusion. The language of this Administration, articulated in its policies, its words, its actions and its make-up, is the rhetoric of exclusion. It is out of step with the greatness it says it wants to achieve.

So again, raise your hand. Use your voice. Use your vote. Speak truth to power. We are a nation of whites and blacks, Christians and Jews; we are Muslims and Sikhs; we are persons with and without disabilities; we cover the vast landscape of humanity. Send the message that religious freedom means religious tolerance, and true equality embraces multiculturalism.

The diversity we celebrate is the result of a moral struggle, sometimes against ourselves. Our dignity and self-worth, and our belief in principles of freedom and equality, require that we stand together to further that endeavor.

And finally, perhaps we might also celebrate our common decency, our civility, our compassion, our capacity for forgiveness, and our fundamental goodness.

If I could write a spiritual piece like Martin Buber, I'd hope its message, its language theme, might impart "grace", because that's our salvation.

Grace is the highest plateau.

Grace recognizes that we are human, and we will never achieve perfect harmony within ourselves or with one another. But we will also never stop trying to become better.

Grace is the goodwill that we see in one another even as we disagree. It's the language of common ground. It's the place where we are looking for our similarities instead of emphasizing our differences.

Grace is where we truly see a piece of ourselves in everyone else.

Grace is "Agape". It is the "I and Thou".

Can you see the reflection of grace in your encounters throughout your community and your country; in your home and at work?

Can you see it in your opponents?

And if you can just try to do this – just try, is it too much to ask that our elected officials make the same effort? I don't think so.

There is value and meaning in our language, whether it's the language of politics or the language of mediation and arbitration, or the language we use within ourselves or with one another. The question is, how will you use it?

I believe we are only limited by our imagination, by our sense of justice, and by our goodwill in how we resolve disputes without courts, including the conflict we are saddled with today. We should settle for nothing less than our very best, and hope that others might do the same.

These are some of my antidotes to the language of division that has brought us to this moment. In the wake of this tragic week, we should all reflect upon where we are and how we got here. We should do what we can to encourage a new direction, and a new decency befitting the greatest country on earth.

But in the end, it's in your hands.

It's in your hands. It's in my hands. It's in our hands.