

Alternative dispute resolution

A History of Alternative Dispute Resolution: The Story of a Political, Social, and Cultural Movement. By Jerome T. Barrett and Joseph P. Barrett. San Francisco, Jossey-Bass, 2004, 336 pp., \$40/hardcover.

In this wide-ranging and lively book, author Jerome T. Barrett, assisted by his journalist son, Joseph P. Barrett, lays out the ancient roots and modern history of alternative dispute resolution (ADR), an approach to solving conflict that, Barrett argues, existed in various forms long before it was known by that name. Barrett's notion of ADR is very broad, encompassing negotiation, arbitration, mediation, factfinding, and consensus building in a wide range of disputes and conflicts. He defines its history as one of "unsung heroes who have struggled to find a level playing field that allows the weak and strong to address their differences based on rights and interests." His book seeks to provide understanding of how ADR came about and shed light on the obstacles it and its precursors faced. Barrett's hope is that the lessons of history will inform further development of this method of reducing strife and achieving fair results.

In the "ADR Timeline" at the front of the book, the first event listed was in 1800 B.C. when mediation and arbitration were used to settle disputes between kingdoms in the ancient Middle East. Chapter 1, "The Roots of ADR," provides more fascinating examples of ADR pre-

ursors among the Bushmen of the Kalihari Desert, the Hawaiian Islanders, the Yoruba of Nigeria and others; it describes roots in a wide range of religious faiths, beginning in the Biblical Wisdom of Solomon in 960 B.C. After surveying ancient to early-modern uses of ADR precursors around the world in business and land disputes and in international relations, Barrett brings the story to the shores of the United States in chapter 2, where the focus largely remains. Following an interesting discussion of dispute resolution from the Colonial to the Civil War eras, he homes in on the meat and potatoes of the history: resolution of labor-management disputes from the Industrial Revolution to modern times. The story broadens again, beginning in the 1960s, as ADR methods were applied to the black Civil Rights revolution, and later were extended to environmental problems, Native American issues, prisoners' rights, and, once again, foreign relations matters. The last third of the book concerns the modern institutionalization of ADR and concludes with a chapter on its status and prospects in the 21st century.

Barrett succeeds admirably in depicting the surprisingly deep and wide roots of ADR in world history. The writing is lively and clear—and a great deal of research has gone into the book, as documented in embedded references and an extensive bibliography. The author has also drawn on a lifetime of experience and research in the labor-management and ADR areas. The flaws are minor. At times the chronological narrative be-

comes disjointed: for example, after a chapter on diplomacy ending in 1919, the discussion shifts back to 17th century North America. The concept of ADR is occasionally stretched to accommodate historical events that seem questionable, such as Lee's surrender at Appomattox and the Treaty of Versailles ending World War I. Negotiating conclusions to conflicts in which millions died seems more like a failure than a triumph of dispute resolution. Barrett might more appropriately have cited the moment in Wagner's operatic cycle *Ring of the Nibelung* when Wotan, king of the gods, commands to some unruly deities, "Nichts durch Gewalt" ("[resolve] nothing through force"). Nevertheless, the author performs a valuable service by discussing in one place a wide range of resolutions and conclusions of disputes, whether they literally fit the ADR mold or not.

This popularly written book is a valuable contribution to the extensive literature on ADR which, until this point, did not include a history. Perhaps it will spark labor historians to delve in more detail into the roots of ADR. The book is recommended for practitioners and students of ADR and for all who are interested in learning about the centuries-long effort to lay aside weapons and other unfair advantages and resolve differences in a truly civilized manner.

—Judson MacLaury

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