Special Section: Celebrating Carrie Menkel-Meadow … The Researcher, the Lawyer, the Woman, the Brilliant Friend!, edited by Maria Federica Moscati, pages 151-346

Introduction: Talking to Carrie …

Carrie Menkel-Meadow
University of California, Irvine

Maria Federica Moscati
University of Sussex

This Special Section is dedicated to Carrie Menkel-Meadow (hereinafter, Carrie) , expert of dispute resolution, mediator, feminist, lawyer, teacher, mentor, sociologist, dancer, Pygmalion, and above all a brilliant friend!

When the idea of a Special Section came up, we envisaged it more as a gathering of human beings sharing the same values, talking to each other, rather than the usual academic special issue. Thus, those who contributed to the Special Section are Carrie's former students, colleagues, friends who, in their writing here, have shown their appreciation by engaging with her work, but also by sharing personal memories (including pictures) of their relationship with Carrie. In an era dominated by artificial intelligence (AI), we decided to let our positive emotions, relationships, ideas, and personal anecdotes speak about and show the transformative impact of Carrie's work on all of us, not only as teachers and researchers, but also as individuals.

As dialogue and direct communication are essential in Carrie's work, and similarly important is a feminist call for relational ways to share knowledge (Menkel-Meadow 2027 forthcoming; b hooks 1994), this celebration opens with an interview between Maria Federica Moscati (hereinafter Marica) and Carrie.[1]

Marica

Hello, Carrie. As I said last time, when I read all the papers for this Special Section dedicated to you, I visualized a big table, at dinner or at lunch, maybe in Italy with you, all of us and a lot of talking, laughs, love

[1] The conversation was recorded on Teams.

and so on. So, what you have created, Carrie is beyond academia. What comes out from the papers are the connections, the relations that you have beautifully created. A first question I have is: how do you apply what you have beautifully written on dispute resolution in your daily life?

Carrie

The most interesting part really is that my best student, unfortunately for me, is Roberto, my husband. Every time I try to have any kind of argument or disagreement, he says: are we looking at the underlying needs and interests and what can we possibly do to solve this problem?

So, I get it reflected back to me in my personal life, I would say, even more than in my current professional life. I mean, obviously, I used it as a mediator all of my career (over 40 years as a mediator) in trying to solve other people's problems. And I was for many years a strategic facilitator for law schools, so, I went into other law schools and facilitated dialogues. But, I would say that my current law school is very problematic, and I have not been able to use a lot of my writing and ideas there at all. In the current political climate, everyone is afraid to speak about anything controversial—that's very difficult for a mediator, teacher and facilitator!

However, two of my dear colleagues from Israel—you have them in this issue (pages 000-000)—Faina Milman-Sivan and Dana Feinreich-Giloh wrote an incredible article that has just been published in the *Journal of Legal Education* in the United States (2026). They created a conflict resolution clinic inside the University of Haifa after the Gaza war started because they were demonstrating how conflict resolution could work, even in very difficult circumstances. Haifa is the most integrated of the Israeli universities. They had a lot of Arab Israelis and there were protests and the university was going to discipline them. There have been several things in the last few years that have just been very touching to me, like this example: Faina and her colleague, Dana, wrote this article about how they took my ideas from when I taught at Haifa in 2007 and 2008. I've taught there several times, and I taught conflict resolution and mediation. They created a clinic for the law students to use ADR and mediation to resolve issues of freedom of speech and university discipline, which is an absolutely terrific model.

It was very moving to me because—as I wrote in the piece that I did for Naomi Creutzfeldt (Creutzfeldt & Ors forthcoming)—after I had a pretty good semester of teaching international dispute resolution, after the war, after the Gaza–Israeli War, I had a good experience in my own class at UC Irvine (UCI). There was a small seminar group, one Israeli-born

student and a couple of Arab–American students. And we just developed this enormous amount of trust. And the class was great. As a result of that class, I was invited to speak at a conference in the political science department at UCI about how I did that. And, as I started to talk, a very left, pro-Palestinian faculty member and a whole bunch of graduate students shouted me down and said: "You're complicit with the war if you're talking about this issue this way" [trying to have a conversation about it]. UCI was not a good model of good discussions in many places, including the law school at the present moment.

So I just need to tell you that I have tried every time I can to use what I write about in my classes, in my personal life, and in consulting for organizations, but it is not always possible. And so the Faina and Dana piece about Haifa University was just so moving to me because there they were in the war zone and they were more able to create a culture of the students trying to engage practically with conflict resolution than my own school [University of California], which claims to be a big proponent of open free speech. [The UC Berkeley Free-Speech movement in the early 1960s jump-started much of the student protest movements in the US—so a bit ironic now.]

So, I continue to do it in my own classes. But the key here is, as you said at the beginning, to establish trust and caring. And, I think, when students are in my class, they get that sense from me. And so, some of the students in my class said things in the class that they probably would not have done outside of the classroom because, after the Gaza War, the campuses were totally politicized. And so, as much as I would offer to facilitate dialogues about important things, most of the students weren't interested. So, to answer your question, I try in my own classes to create a safe place for problem solving and mediative approaches to things and to see, not just extremes, but that there are always other solutions. And, for the most part, I've been successful, but not at my own institution at the moment. It's a very polarized time in the United States, generally for politics, but after the Israel–Gaza war started, it was very bad.

I was a visiting scholar at Oxford during October 7th, and it was pretty bad there too. I mean, I actually asked if I could facilitate a dialogue with the graduate students in the socio-legal programme because I became very close friends with two PhD students or DPhil students—one was Iraqi growing up in Germany who became a British solicitor; and the other was Lebanese, grew up in the Netherlands. And we were three women and we had the most amazing relationship, all of us first generation from wherever we came from (me the daughter of Holocaust refugees in the US)

and they were trying to become academics, very progressive. And they were both from the Middle East. And they're much, much younger than I am. But across this generational thing, we've created this wonderful dialogue of gender and how we hoped to create peace in the world. And I said to the Director of the programme, we have a very good group of graduate students to have this discussion with, but that was ultimately discouraged. Some people thought it was too divisive and there was too much hostility going on in Oxford, which I later saw. The Oxford webpage kept shifting from, after October 7th, we condemn the killing and all the dead Israelis. And then over time while I was there, it got more and more pro-Palestinian (so did the BBC, where I had made friends with a former Middle East journalist, where we could discuss these issues in private). One of my colleagues also visiting at Oxford (not from UK, US, Israel or the Middle East, but from another place) actually filed formal complaints with the BBC about her perception of changed and more "biased" coverage. And so, it's a long way of saying that, whenever there are big issues in the world, I still try to use some of what I've written about, and it's gotten much harder, is what I would say. It's just become more difficult.

Marica

Thank you. You said it was a divisive issue, what you wanted to do, but isn't it at the core of the dispute resolution discourse and the work that we do, as teachers and researchers in dispute resolution, just to deal with things that are problematic, that create divisions, but then our aim is to build up trust? So, how will this trust be created now, how will it be kept in an era of AI, in a moment in which we don't trust each other anymore, and we doubt everyone?

Carrie

That's a huge question. In the paper I just did for Naomi's book, I said there were two problems for legal education (Creutzfeldt forthcoming). One was this: the curtailing of speech. Because both the left and the right in the United States are policing speech and nobody feels safe saying anything in this cancel culture. And the other is AI. I end my paper by saying I still believe in humanistic intelligence. I'm on the AI committee at our law school and I am the Luddite. If you read it, I wrote that at the end of that paper. Currently, the more elite universities in the United States, in law and humanities (for instance, Columbia University) are beginning to say "no electronics in the classroom", nothing. No laptops, no smartphones. I don't know how they're going to police it. And the idea is—I said it more simply—that they still think that to begin education you must use your

human brain, and you must be able to engage in critical reading of great literature. When I went to Columbia, only the men at Columbia University could take those two courses. I was at Barnard, the women's school, but I went and audited them. I sat in the back of the room, and one course is Contemporary Civilization and the other is Western Civilization. So, one is the history of the world, and the other is the literature of the world. And in my day, they were all DWEMS (dead white European males). And later I was part of the movement, as a professor, to broaden the canon of what was read. Now there are some women, like Emily Dickinson, and some writers of colour, like James Baldwin, from Harlem and Paris, and Toni Morrison and others. So, they broadened the canon. And I found it really amazing that it was Columbia that said no electronics in the classroom and no electronics will be used for evaluation. And Berkeley Law School did the same thing. They're not allowing AI or electronics in the first-year law programme for class and for evaluations. I'm on the committee at my own school. We haven't gone that far because I'm probably the outlier. I'm the oldest person on the committee. I think that we should do a similar thing because at least at the beginning of learning to be a professional, learning a discipline, it has to be both things in the brain—critical and independent thinking, as well as learning what is already known, as in AI.

And empathy, as you said, I'm about love and getting to know other people. And you can't do that through machines. So, I don't want to make too much of it, but it's one of the reasons I'm retiring. I did not become a law professor to teach people how to use machines to solve problems.

And some of my younger colleagues, that's what they want to do. They think it's important for modern legal education to teach our students how to effectively use AI. They're creating assignments where they give students some AI document and say: correct it based on what you know. There are all kinds of interesting experiments, fine, that's for them. I started and I'm ending in a period in which people are important to me … I always say I'm a P2P person. You know, people to people, not business to business.

Although I did a lot of commercial mediation in my day, I came into this to help people to care for each other and to make the world better. It's a big challenge. And I'm glad I'll be able to see this little last piece of it because our committee is going to draft some policy by the end of the year. And I'll be around for that.

But I guess what I will advocate for us is that I still think the professor should decide and not the whole school. You know, because I still prohibit

the use of AI in my classes. Not that they're not using it. I know that … I caught three students that turned in AI papers last term. So, yes, I think it's our big issue now—it's one that has many challenges—but that's one of the big ones right now.

Marica

That is one challenge for dispute resolution teachers. What do you think the other challenges that we, as dispute resolution teachers, are facing now?

Carrie

I would mention one challenge that both dispute resolution teachers and also dispute resolution practitioners are facing. I am friends with Colin Rule, who was the man who promoted and developed ODR in the United States and eBay and all that. And he's still pushing this—the use of online, computer/machine-assisted dispute resolution, and they all said during Covid that it was so great that Zoom, and I guess Microsoft Teams now, also have breakout rooms, right? So that you could do a lot of this work in separate rooms online. But, in my own experience—I've been mediating for 40 years—it's just not the same thing as people being in the room together. It not only affects teachers who have to deal with this: what are you teaching the students to do? To manage breakout rooms or to facilitate real communication between and among human beings? Are you teaching them to be online, or are you teaching them how to bring people together and try to solve their own problems in person?

And I do love Colin, but he's not a lawyer and I still think that matters for dispute resolution too—knowing the legal issues, as well as managing the solutions and the people. And I say that as someone who did a lot of corporate big business mediations too: those are also about relationships as well as legal issues.

And so, it's a challenge for those of us who are teaching. What are we teaching? Are we teaching the skills of facilitation and helping people communicate with each other? And having new legal ideas that don't exist yet? I mean, the trouble is—I say this a lot now—my big thing is: *AI doesn't know how to "think out of the bot"*.

I teach students how to think *out-of-the-box*. I do that little exercise with connecting the three rows of three dots with one continuous line —you need to think out of the box for that (Menkel-Meadow 2022: 25), but my latest line is, I don't want to teach people who don't know how to "think out of the bot". And that's why I say to Colin and the pro-AI people, data

mining is great for showing what all the settlements are and what like cases are like. But, if you're trying to create a specific, tailored solution for people, AI is not there yet. It might get there. Who knows? But it's not there yet. And it doesn't teach creativity. It really doesn't. And, the main thing is that it can't jump categories. So that's a challenge. That's one challenge.

And, I guess another interesting thing I would just say is that I noticed, just looking around, that we're back into a period where there's some hiring going on in the law schools in the United States. You know, there was a big collapse of hiring in law schools during Covid, but now, all of a sudden, every school's got two or three openings. And there was a very interesting statistic that was posted last week by Art Hinshaw on our ADR listserv. Only five per cent of openings in the United States for law professors even mention dispute resolution. Five per cent. I mean, that's tiny. And, when people come to me and say I'd like to do what you do, how do I get this job? I say, I wasn't hired in any of my jobs because I was only a dispute resolution person. I got hired because I taught civil procedure and because I taught legal ethics and professional responsibility. And employment law and also international law, later … Many things not just dispute resolution. And because I was a founder of clinical education, my first job was to do clinical education at the University of Pennsylvania. So, in the United States, there are probably only four or five schools that are so specialized that they would actually look for somebody in this field of ADR. So, the challenge is, in my view, and for everyone in our field … dispute resolution should be a mandatory subject for any lawyer. I mean, most of our students are never going to go to trial. Only two per cent of filed cases in the United States in the federal system go to court. And that's probably true for state courts too. So, when we teach mediation, negotiation and problem solving, they are the most important skills that lawyers can have.

And when students take my classes, they all say: this should be required, everybody should take it. But UC Irvine has the smallest programme in this of any of the schools I've taught at—UCLA, Georgetown, Harvard, Stanford etc. At Georgetown, when I was there, we built a much bigger programme with lots of people, both academics and practitioners teaching courses.

One challenge is that we think this is an important field, but, for whatever reasons, it's not a point of emphasis for teaching, and even for scholarship too. I could tell you, because I recommend them all the time, the top five intellectual dispute resolution people who are working on ideas in the

field. There are a lot of people teaching at the skill level, but what I worry about, a challenge for me, is how do we move the field forward and have new ideas? And there are only about four or five people that I read who I think are pushing the boundaries and getting us to think of new ideas—more outside of the United States—you, Naomi, Orna [Rabinovich-Einy], Nicolas [Parra-Herrera], those we invited to this symposium and others outside of the United States or outside of law schools … Some good work coming from business schools—Remi Smolinski (2025)—or diplomacy studies—Emmanuel Vivet (2019). Otherwise, everybody's just teaching the same old stuff. And it's not like there aren't intellectual critiques of *Getting to Yes* or problem solving—there are problems to be studied in our field!

An article was published in 2017 by two business professors at Wharton Business school at the University of Pennsylvania—Jennie Huang and Corinne Low (2017)—which is where Trump went to school. That's the business school at Penn, and Bob Meadow went there too. And they are business school professors, and they had been running simulations of students negotiating in the business school for years. And they wound up having what was a natural experiment, which they didn't plan. The students were doing simulations, and the professors were looking at gender effects. So, they had woman, woman, man, man and women–men teams of negotiators. I don't think they were doing non-binary stuff yet, but whatever. And they had them matched up. And they found that after the election, after the 2016 election, it was amazing! That the men in these simulations in class were getting more aggressive toward women. And, so the article I've cited it, if you'll find it, it's in the thing I wrote for Naomi's book. I put it in everything I write now. It's called "Trumping Norms" (Huang & Low 2017). And the question they asked was, how has the larger political culture affected everyday behaviour? Everything that I worked for for 40 years is being challenged. So, that's a really big challenge for the field, substantively, like intellectually, how do we fight it? And then how do we teach about it? What can change whole negotiation and dispute resolution cultures? Outside particular disputes or disciplines—the larger political culture or zeitgeist?

Marica

And also, as we said in our conversation a couple of weeks ago, there is the impact of climate change on how we react and how we perceive the wrongs. But you just said the word "creativity" which brings me to ask you a question about another part of your life: you and the arts.

Not only as a dancer, because you are a ballerina, but also you are actively supporting arts. And I don't think that the general public, the general readers of Carrie Menkel-Meadow in dispute resolution, know about what you and Bob are doing for theatre.

Carrie

Yeah. Oh, great. I love that. It's my new life. You know, I love, I have loved, my life as a law professor and a scholar. But this was really interesting. We've been supporting some smaller theatres in Los Angeles, just as theatre goers and small donors, for years. But I had a friend, a good friend at UCLA (Stella Ong) and her brother—they're Singaporean—Henry Ong who was a playwright. He died of cancer a few years ago. And we went to all of his plays. And his plays always took some theme from Asia. His first play was about Madame Mao. And then he wrote about Dr Noor, who was involved in the Killing Fields in Cambodia. He would take some figure in some part of Asia and wrap a whole play around it. Just about a little less than 10 years ago, I was literally in Singapore giving a big speech about mediation when my friend Stella called me and said Henry was doing a reading of a new play. So, Bob and I went and it was called *Ascent*, A-S-C-E-N-T, and it was about a Chinese physicist who went to the United States in the 1930s to study at MIT and then Caltech, and actually became one of the founders of, here in the United States, the Jet Propulsion Lab, which was the science behind rockets.

It was literally rocket science. And it was an amazing story. His family had been pro-nationalist China, not Maoist. And he became a very distinguished scholar and physicist and scientist, helped the US during World War II, got all these honours. And then, when the Red Scare of the 1950s happened, he was deported back to China.

So that in itself would have been an interesting play. But what then happened was, Mao is no dummy and he saw how much this man knew. So, Qian Xuesen, my Chinese isn't so good, Michael [Palmer] would correct it. You can ask Michael if he knows about this story … So, Qian Xuesen then became the head of China's rocket programme. And the great irony of this play, all true, beautifully crafted by Henry, is that this man then developed a rocket that the Chinese gave to Iraq that was used against the United States in the war against Saddam Hussein. So, I'm a peacenik, right? What is that in all of this? And the play is amazing, and we've now produced it. It was on stage in Los Angeles in the spring. The last scene has Qian Xuesan up in the sky. Originally, in production, the plan was to have him literally ascend, ascend like a rocket, and he speaks from

heaven. And he says: "I'm looking down on the world, and I see China, United States, they're all very little and they're all using these things against each other." So, it just has this wonderful message, and of course so ironic and so timely now. The play was written over ten years ago!

And, so then, we were in the process of trying to raise funds to produce it. And then Henry got very sick and died. And then there was Covid. And then, when all the immigration and deportation stuff started happening in the US, we decided that it would be, especially, with all the anti-Asian discrimination during Covid times in California, so important to present now. So, we're very proud of it. We went back to the original director, a young woman (Diana Wyenn) who we're now very good friends with, who did the reading, and Stella, Henry's sister, who's his literary executor. And we're very proud of it. It won a lot of local awards. And we're in the process of trying to see if we can move it to other locations. But it ran in Los Angeles in a small theatre that was wonderfully called Skylight. This theatre was called Skylight and it literally had a skylight at the top. So, we couldn't quite do the rising from the stage, but there was this skylight and it was extraordinary.

In between all of that, in 2023, when I was visiting at Oxford, we walked down the street the first week and I saw that the Oxford Playhouse was doing the play version of the movie, *I, Daniel Blake*. And I had been a huge fan of the movie. I had been showing the movie in class because *I, Daniel Blake*, directed and written by Ken Loach, was about navigating the welfare system and benefit system in England. And an unemployed, injured white man helps a younger minority woman who's actually more attuned to computers than he is. And it's about navigating the welfare state which is going online and not being very human. So, I love the movie. And so, we go to the play and I, in the middle of the intermission, I said, we need to produce this in Los Angeles. And lucky for me—you met him—our friend Stephen Grosz, a human rights lawyer in the UK, was Ken Loach's lawyer. So that day I wrote, we were going to see them anyway, I wrote Stephen and I said, could you see if Ken Loach would be willing to let us produce this in Los Angeles? So that's really when I say that's how my career started, because ultimately these two other things got produced before *Ascent*. *Ascent* took a long time to happen.

But what was extraordinary was that we mounted *I, Daniel Blake* within one year of my seeing it in Oxford. It was complicated, but it turned out ok. And it was right up my alley as a former poverty lawyer. I mean, that was everything I've worked on my whole life. Ken Loach immediately said yes, but the play was not written from the film screenplay. The play was

written by the man who was the actor in the film (Dave Johns). And he said yes. But his agent said that he could do better than a small little theatre in Los Angeles. And she tried to sell it to people in New York, so it took some time for us to get the permission.

And then finally we got it. *I, Daniel Blake*, was played in a theatre that we have been going to for years, in the fall of 2024, one year after we came back. And then that same theatre [The Fountain], the artistic director of that theatre, who we've known for 30 years, is a playwright [Stephen Sachs]. And he put together a play called *Fatherland*, which didn't need any permissions. It was based on the trial transcripts and all public statements of a young man in Texas who turned in his father to the FBI when that father went to the US Capitol and charged the Capitol on January 6th, 2021 and was part of the riots. It was very dramatic. And so, we produced that one too and it went to New York and was featured on national TV as well. And now Bob and I have formed a little company. You'll appreciate this; the name is Polyhume = political humanism.

And our idea about that is that when now people are sending us scripts—because we're getting a little bit of a reputation in Los Angeles—we're not just producing anything. It has to have a humanistic, some humanistic message. And, so far, the things have also had some important politics in it. We've done five plays. I won't bore you with all of them, but we've done five plays and we're in process on three more. This is going to be my post-retirement plan.

Because, as you know, as a former dancer, I'm a little too round and short for it now, but I still do it privately. And, you know this, I read and I've actually been doing a little fiction writing myself as well. I've always believed the arts are where you really reach people. And, as you said in our talk, I've not forgotten this, the arts can educate, but they also bring joy. And law doesn't bring a whole lot of joy. I mean, even when you win, when you win a case, you're winning and you go, "Yay, I've just won!" But somebody on the other side, even if they're a bad guy and done something wrong, they have lost something. It's not joyful to beat people up and win all the time. So, with this depressed state of the world, it's so wonderful to be in another discipline.

And, as you said, through sponsoring and helping others, now we have all these friends that are much younger than us, and they're struggling actors and directors and creatives in Los Angeles. And that's a tough place to do it, like London and New York, but Los Angeles is dominated by the big studios and big money. So, we're working in small community-

driven theatres and we have to raise money, and we have to figure out who our audience is.

And so it's kind of interesting to do that kind of creative work in the shadow of a lot of … garbage that's on TV and in the movies. But it's, you're smiling and that's just it. It's been doing *Ascent*, this play was one of the most joyful experiences of our life. And we became friends with these young actors and the director that we have, Diana: she's a choreographer too, and she works in opera with music direction, and she just did a big programme with Yo-Yo Ma. And just to watch her, this young creative person, she's been a real model as well. I wish I'd seen her earlier. Because she's a director she has to tell people what to do. And she does it in such a kind way—Diana, thank you for showing me that. She would say: "Could we maybe just try it this way and see how it works?" Which is what we mediators do? You know, "What if?" And I'd say, as a feminist, I think it's a very female way of being a director. She's just encouraging other people to be creative in such a kind way.

And in all my years of giving feedback to students, I've always told people: you have to start with the positive because they're not going to hear you if you just start criticizing them. But Diana has just been a model. I wish I had encountered her even earlier in my career … but the nice thing is, you keep learning from people all the time.

Marica

That is a privilege. I was thinking the other day about new beginnings that arts can give us; every time I enter a dance studio, I think that is a new beginning, that I can learn something new, it is a privilege. But don't you think that bringing arts into our law teaching, not necessarily focusing on subjects, but the way in which arts are taught, the beauty, the joy, the resilience for mistakes that they provide, is something that, in this historical moment, can support our law teaching and, more than that, the law learning for our students?

Carrie

Oh, boy, absolutely! It couldn't be more right. I mean, what's so interesting now is that at least for my students, who are diverse and also somewhat diverse class-wise, but there's a lot of upper middle-class kids. And certainly those in First Gen and Second Gen, they won't miss anything; they don't want to make mistakes. You know, I have a lot of First Gen students whose parents want them to be lawyers because it's

a lot of money and prestige, and so they don't want to make mistakes in school. So, you're absolutely right. And the other thing I'd say is that I did Pilates and step classes and aerobics all of my life after it became clear that a short person with a big chest wasn't going to be a ballet dancer. I've learned how to teach from my dance teachers because they correct your posture, and you do many repetitions, and you do it again, and you fall, and you have to get up. And, in the beginning, when I first started teaching, law students were much more willing to take risks and be critiqued, but that's another issue we have now, that they're so afraid of making mistakes.

Let me tell you another part of my life, which is that, this is also in the piece briefly that I gave to Naomi. In 1978, I was part of a group called the Project for the Study and Application of Humanistic Psychology and Law. That's a lot of words. But I spent time in a place called Esalen on the West Coast of California in Big Sur. It's beautiful. Its methods were a little bit like Tavistock in England. A lot of Gestalt therapy and dance therapy, you'll appreciate this. So, I took a couple of workshops with an amazing dance teacher. And what you did was you started the class by making, even if you weren't an artist, by making a picture of your own body and what was hurting you. This is probably pretty common now, but this is 1978. It wasn't a lot and people would do their backs or their heart or whatever.

And then we had a movement class for about 45 minutes. No words, just movement: some taught, constructed poses, but then a lot of free-form movement. And then after the class was over, you drew your body again. And, of course, for many people, there was some relief, whether it was temporary or not. But I learned so much. This woman was named Janet Lederman. I wrote about her earlier in my career. And she brought the physical into all teaching and therapy. And so it was ironic because I actually did this stuff when I was teaching at Penn, which was a very traditional Ivy League school. And then I moved to UCLA and I thought, California, it all comes from California. And I did movement exercises in my law school classes. But people just got really freaked out that Janet had some amazing exercises to help people see differently and to interact physically. One of the things was—and she did a lot of corporate consulting—Janet worked for Stanford Medical School. And there was one of thing she did that I never forgot. When you go into an organization, you could do this in a mediation where there's a lot of conflict. She took people's words away and she would say "Make a sculpture of your organization." And, of course, typically they would put the dean or the department chair on a chair higher than everybody else. And she would

say, “Okay, so now you’ve done the organizational chart, now I want you to make a configuration of people as you see the power or you see who’s making decisions.” And then she would have little variations on that. And it was just very dramatic and honest in those days. And I have a lot of exercises like that. And it was amazing teaching. And so it came from using other modalities of teaching. And you do it, and I do it. And when I first came out of this programme, people thought it was weird, but they also thought it was creative. And I was able to do it even in very conservative places. And I can’t imagine doing some of this now at UC Irvine, because the students there are so professionally oriented. If it’s not immediately relevant to their being a lawyer, they would ask: why am I making a sculpture with people? What does that have to do with being a lawyer? Well, it’s teaching about relationships and I love doing that stuff. And, since you’ve got me talking about it, the interesting question is when I go back and teach negotiation in a few weeks, whether I will use any of my producer-of-plays stuff in the classroom.

Marica

I think that you should because you had to do a lot of negotiation. And to put up a show, the actors, the dancers have to negotiate with the space, with the stage, with the barre, between them.

Carrie

Right, the set and all the artistic issues and judgments. Lots there.

Marica

And I think that there is a common interest there because all the actors, all the dancers, they share the common interest that the show must be great. It’s important also because arts are about bodies and sometimes, when we teach, students don’t realize that actually the law is about bodies. I love dance and I think that dance can help law students to interpret the law with a bit of more empathy and teach how to listen actively—the active listening so important in negotiation.

Carrie

Right. So here’s another example. One of the best conferences I went to when I was affiliated with the Programme on Negotiation at Harvard was with Michael Wheeler, with whom I co-edited a book on ethics (Menkel-Meadow & Wheeler 2004). We did a conference one weekend on jazz and

improvisation and negotiation. You may know that we had a special issue of the *Negotiation Journal*. And I was just explaining that to Bob that, in improv, and this is true in dance, and it's certainly true in jazz, in jazz, someone does a riff with an instrument, and then you're supposed to carry it further. And, in improv, we used to go to improv things in Los Angeles. It's the offer, you know. There's a prompt and then the actors do something, and then they go "And?", and then the next actor is supposed to pick it up. And the big thing in improv is you can't say "*but*". You have to take the "*and*" and move the piece forward. You can't stop it. And so I used to talk about that with *Getting to Yes* and negotiation. You have to hear, we said, actively have to hear, what the other side is offering you. And adversarial lawyers will say: no, I can't do that. Absolutely not. But that won't work. And what we get from improv and jazz is that you have to be present, you have to listen, and you're trying to move the music or the acting piece forward. And, right after that conference, I think I used it much more explicitly than I have recently. I think I'm losing the trail. But it's coming back from *Ascent*—the play.

But something else I just wanted to add to what you said. You're right, in a production, everybody wants it to succeed, as you know, if you've ever been in any performance. When I was younger, I was the dancer; I was always in the chorus in the back in *Oklahoma!* and all these shows that we did in my high school. But after a play is over, people, when it works well, they have formed a family and connections. And it is teamwork because everybody is succeeding. And the other place where that is true is medicine, when it works well.

My brother is a physician. When I became a clinical teacher—this is an amazing story; I don't know if I ever wrote about this—Robert and I went to my brother's hospital in New York City. He gave us white coats, and we did a 48-hour shift of being on duty with him. One interesting thing was we had the same white coats as doctors. Now we'll probably get in trouble because I'm not sure he had any permission to do this. But we had these white coats that said Dr Meadow and Dr Menkel-Meadow on them. And, of course, people looked at Bob, my husband, and thought he was the doctor. And, even though I was wearing a doctor's white coat, people thought I was the nurse. But I did it as a clinical teacher. I wanted to watch my brother teaching medical students. And what was going on was what we in law school call the Socratic method. You know, the student would have to present the symptoms and all of that. And then my brother would say: what are the differentials? What are you going to test for? And there'd be a group of four to five residents and interns, not a class of 100 students, which we had in law, all being humiliated by having to answer

those questions. But what got me was that they were all working towards the same goal, to try to treat and cure and help the patient. And so, I would give talks to clinical teachers and I would say, for a lot of advocacy in clinical, you're teaching students how to beat the other side. And, in medicine, it's teamwork, as in theatre.

So, what are the professions, and social work too, in which people in teams are trying to work on the same goal together? That's quite different from what lawyers do. And, I mean, other than the mediators and people who are trying to solve people's problems, you are trying to make a team out of the disputants and everyone else who's there. But it's very hard. And teamwork is not the cornerstone of being a lawyer. It should be, but it's not.

And so these other disciplines can be very, very, very helpful. And there's all these medical shows now on TV that we're watching again: *The Pitt (HBO 2025-2026)* is amazing. And it's all about that. I mean, there's conflict within, but the group clearly has this purpose of trying to do a good thing. And, watch the law shows: they don't do that.

Marica

Okay, talking about the group, I would like now to talk about something else, about groups working together and related to conflict. And this is something that I recently learned about you. So, sport … football—soccer in the US! And, in particular, I know that we share the same passion for Messi and Maradona.

Carrie

I see him. Lionel Messi, who has retired from international play. Yes. So, yes, there were a whole bunch of little conflicts during the World Cup recently, as you know, including a friend of mine who is English, who knows I've spent a lot of time in England, who was outraged that I was rooting for the so-called "cheaters" in Argentina. I think he forgot that I've lived in Argentina a lot. I've lived in Buenos Aires. I've taught there six times. And my best friend in Los Angeles is Argentine. She was a law professor for many years, and she introduced me to football. And I actually was in Buenos Aires for several of the World Cups, not the one where they won. We were in the States. But it's interesting because I've always been a critic of sports because it's a metaphor for winning and beating. And there's so many metaphors in law, eg "take them to the mat". That's wrestling and boxing and all of that and clobber them … I mean, it's just terrible. And yet people say it's nationalism, pride, you know.

I grew up in New York City. In my street, when I was there, there were the Dodgers, who are now in Los Angeles, but for New York, Bob Meadow was a New York Yankees fan. I was a Brooklyn Dodgers fan. I mean, people got into huge conflicts over their loyalties for teams. So, loyalty to a sport can be very important for building group loyalty, solidarity and consciousness and being proud. I mean, Argentina has a big pride problem for a lot of reasons we don't need to go into here, but you know, it's an incredibly beautiful place. It has many wonderful resources. It's had a dictatorship, and Messi helped unite a people that had a lot of struggles and, for me, Messi is football. And I found it very annoying that my English colleague criticized me for supporting a team when, as I said to you, I find English soccer culture very annoying, shall we say, because when I've lived in England, the stampedes that happen in stadiums and how people behave when they're drunk … I will say this from observations: I have not seen Argentines behave like that, other than a big to-do after the victory was over and they turned their backs on Spain, which was not a good thing to do. But, in general, Argentines behave better inside the stadium than many of the Brits that I've seen watching soccer. And they certainly behave better than the way some Americans behave in football, you know, our ugly football, which is even worse because it's more violent. So, it's a conundrum. It's a paradox because I loved it. I loved it this summer to have something to care about outside of myself and my other countries that you too, we are both multi-country-ish, multicultural, as are so many of my friends … And I just loved the loyalty to Messi, but it showed the ugliness that also happens with over-identification. And I remain quite angry at my friend for how he behaved. You know, sore losing on his part to call the Argentines cheaters (after the English lost). I mean, in my view, whether it was cheating or not, to the extent that I know anything about soccer, I watch the calls by the referees and they're all over the map. Some of them are very strict and some of them aren't, so I'm not about blaming the players a lot. They're all, you know, they all get ugly out there when they trip each other up and all that stuff, but … It's a real problem for conflict resolution because it helps form a solidarity of a group, which can be important. And in my view, it tends to produce too much false loyalty and conflict, and referees, like mediators, are all over the map with their "calls".

Marica

Football triggers conflicts as well as joy.

Carrie

Right, exactly. So, I can just say to you, you can put this in the transcript. I've always said that my whole career can be summed up in one word, "*and*" … right? So, sports is joy and conflict, and they both exist at the same time. And everybody comments, especially journalists. They always have to have one explanation for something. And these things exist paradoxically together. You know, that's life.

Marica

Yes! Once I met a child who is a peer mediator and he decided to train as peer mediator so he could, quote, he could help people at the stadium when they watch the football match.

Carrie

That's amazing. Oh, that's amazing! That's a fabulous story. Some years ago, there was a very controversial art exhibition in New York that came to Los Angeles. It was called "The Black Male". And it was all representations of black men. And, you know, they had paintings and sculptures of artists and writers. And then they had like one room that was just full of basketball trainers because black men were on all the basketball courts—another stereotype … And it was an incredible exhibition, and it got a lot of controversial critique. It was at the Whitney Museum in New York, and people thought it was amazing. And then it came to Los Angeles to one of the museums on the campus of UCLA. And I and the ombudsperson at UCLA with whom I had done a lot of work [Howard Gadlin] were asked to create something, some museums do this now, it was amazing. We created a space in the last room of the exhibition and we trained mediators. They had t-shirts that said: "Have a question? Come talk to me." And so, we created this discussion space at the end of the exhibition where people could sit and talk to each other about what they saw. And the idea was, it's an art exhibition and it's supposed to get you thinking, instead of getting angry and punching somebody out or writing a bad review. I'd say the best part actually was training the students to be the mediators, because the students all came in with very strong views about what they liked or didn't like, but they all loved being mediators. And we just thought it was a brilliant idea. And I saw it once or twice after that in other places, but it never became institutionalized in any way. But that would be great to think in a soccer stadium, a football stadium, you'd have the little ones, especially young kids, with t-shirts with "Getting upset? Come talk to me" or something like that.

Marica

And this is a typical Carrie Menkel-Meadow moment that when you think that she has said everything, then she comes up with another brilliant idea for all of us to pick up. So, my brilliant friend, *Grazie*!

Carrie

Yeah. But you are *my* brilliant friend, Marica! I just want to say, I can't thank you enough for doing this whole project. It's just been amazing. And I haven't seen all of them. A few people have shared the pieces, not everybody. But it's just very heartwarming. And I want to thank you, my brilliant friend, for putting all this together and bringing us all together.

I just want to say, I don't know if it's going to work, but there's this wonderful retreat centre here in Bassano del Grappa. And I just picked up the brochure. So, I have a former student who has just made a full professor. She's Italian, but she teaches in France. She's coming to visit me next weekend. And she said, why don't we all go to Sardinia together next summer and together? So, we're going to, I'm going to talk to her. I'm going to talk to her about getting a place for us to all to get together. And if not, we can do it here in Bassano. Bob says it's too hard to get here. Sardinia is actually easier. But this is a beautiful little retreat centre on the Fiume Brenta, which is lovely. I saw some kids there who are doing wellness and other retreat-like programmes. I'm just thinking I would get a small group of my brilliant friends, you and the people that have contributed to this special issue, mostly women, but we'll let a few Robertos and a couple of other guys in. You know, just to celebrate life and all of that.

So we'll see if we can make it work. Then we can really have the lunch or the dinner around a table with all of us. That would really be fun. Yeah.

Marica

I can visualize already even the fabric and the colours of the tablecloth of the table for our dinners and all of us chatting and eating!

This is a moment in which violence and division have been normalized. So, for me, it's about celebrating you, who have created so much love, connections and good knowledge, instilling in us that being kind, honestly kind, is a way to show that violence and division are exceptions. We all need to be brilliant friends, and we all need a brilliant friend … with some Bobs around there, of course!

Carrie

And together. Well, there's a few of them, right? A few good men, a few, yeah.

One more thing before you stop. I just, you know, it's been a very weird period here because first Dolly Parton died, and then Gloria Steinem died, and then one of Gloria Steinem's partners in creating *Ms* magazine, Robin Morgan, who was very big in international feminism, died. Gloria, she was a kind person. And when you read all of these obituaries, they always say she was there for everybody. And so, part of this for me is, as you say, our messages are gendered. I'm sorry, I've said that a lot in my life and I continue to say it. Women in general tend to be kinder, whether that's because they're going to be mothers or whatever, but they are. And it's important to have role models. And so, in her death, Dolly Parton was a different kind of feminist, but she spoke to everybody, and everybody loved her music. And I'm not a country music girl, but I became one listening because it's music, and it made me joyful. I love singing her songs. And so, as you say, this is a moment. And I think we are female brilliant friends in this whole group that you put together. Okay, Michael [Palmer] and Bob Meadow and Nicholas [Parra-Herrera]. Nicholas is a pretty good guy too—a new generation … and a few others I have happily known. But, we need to keep our voices up in this moment and think about those women that went before us and keep it going.

Marica

We can also add a link to a song of Dolly Parton that the readers can listen to while reading your special issue, Carrie.

Carrie

Yeah, so let me just say, of Dolly Parton songs, I still like "9 to 5" the best because it is about women working (and I was a labour lawyer for a while), but my really favourite song is "Both Sides Now", the Judy Collins version—the version of it I always told Bob I wanted at my funeral. "Both sides now, I've looked at life from both sides now, looked at clouds from both sides now, I've looked at love from both sides." It's a wonderful song. And I think Joni Mitchell wrote it (1966), but Judy Collins has the version that I like. So, if we can find that, it's also for mediators, right? I've looked at both sides now and it ends with, "and I really don't know-clouds, or life, or love at all" or any of these things because they're complicated and we still have to have curiosity about life, love and clouds. It's a wonderful song.

Marica

Carrie, maybe we should explain why we call each other "my brilliant friend". Do you remember our fieldwork in Naples (July 2018) for our idea to write together about Elena Ferrante's four novels and how her work speaks to dispute resolution? The drawing at the end of the interview can give some idea of what we were doing.[2]

Carrie

Of course I remember. You took Roberto and me to the parts of Naples where the stories take place (the TV version used a set somewhere else) and explained what life would have been like there in the period she was writing. We saw some of the actual buildings and people in the markets—and we talked about family conflicts, major political conflicts at the time, love and rivalries of women deep in friendship and love, labour, poverty, the role of political and organized (crime) power, education and women's power. Here is one quote of hers I have kept for our work (book, article, theatre piece?):

> Maybe now is the moment to bet on a female vision of power — one constructed and imposed with the force of our achievements in every field. For now our exceptionalism is the exceptionalism of minorities. Men can afford to grant us some recognition with good-humored condescension because there are still too few truly autonomous women who can't be made subservient, who can't be dismissed by the expression, "You're so good, you seem like a man." (Ferrante 2019).

In that article she talks about the power of storytelling, where women do have power to tell their stories, and those of others. You expressed the view that maybe the women in Ferrante's world (Naples) might actually be more (emotionally) violent than the men (who were quite physically abusive). We set off on a conversation about how friends, women, family, politicians, men, the Mafia, parents, children and romantic partners do or do not engage in dispute resolution and how they do it—with words, with tears, with absence, with fists, with letters, with writing and, of course, with talking and yelling too … and women construct their own power … There is a whole world in those books still filled with so many ideas for us to continue to talk about, my brilliant friend. May we continue the conversation …

[2] The drawing is based on a photograph that Bob took of Carrie and Marica in Naples doing their fieldwork. Carrie and Marica wish to thank the author of the drawing Franki Barber @franki_makes.

Marica

Of course we will! We could deliver a full course on dispute resolution based on Elena Ferrante's books. The *My Brilliant Friend* collection speaks to theory and practice of dispute resolution; from the social construction of conflicts to the perception of the injustice, to the variety of ways disputes and conflicts are resolved. And more about the different parties … yes women, but I am struck also by the narrative of children dealing with disputes in Ferrante's books! So, my brilliant friend, after this I will be in touch for our next project on Elena Ferrante!

Thank you Carrie! We now invite the reader to listen to your favourite songs while reading the papers in this Special Section!



About the authors

Carrie Menkel Meadow *is Distinguished and Chancellor's Professor of Law at University of California, Irvine, School of Law. See her* profile page *for details.*

Email: cmeadow@law.uci.edu.

Maria Federica Moscati *is Reader in Law and Society (Law) in the School of Law, Politics and Sociology at the University of Sussex, Brighton. See her* profile page *for details.*

Email: m.f.moscati@sussex.ac.uk.

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