1-1-2013

Managing Inner and Outer Conflict: Selves, Subpersonalities, and Internal Family Systems

Leonard L. Riskin
University of Florida Levin College of Law, RiskinL@law.ufl.edu

Managing Inner and Outer Conflict: Selves, Subpersonalities, and Internal Family Systems

Leonard L. Riskin*

ABSTRACT

This Article describes potential benefits of considering certain processes within an individual that take place in connection

---

with external conflict as if they might be negotiations or other processes that are routinely used to address external disputes, such as mediation or adjudication. In order to think about internal processes in this way, it is necessary to employ a model of the mind that includes entities capable of engaging in such processes. The Internal Family Systems (IFS) model, developed by Richard C. Schwartz, works well for this purpose. The IFS model is grounded on the construct that the mind is composed of two kinds of entities that interact systematically: "Parts" of the personality (or "Subpersonalities") and the Self. The Article integrates the IFS model with conflict resolution theory and practice. It proposes a combined perspective, which it argues can give us access to certain internal processes and help us:

> Understand certain potentially conscious internal processes and their relationship to external conflict;
>
> Assess such processes; and
>
> Manage (and hopefully improve) such processes, which should lead to more appropriate external conflict-related behavior and to less suffering in connection with conflict.

CONTENTS

Do I contradict myself?
Very well then I contradict myself,
(I am large, I contain multitudes.)
Walt Whitman, Song of Myself[1]

I. INTRODUCTION

In the early 1990s, I participated in two negotiations about which I have long felt guilty and ashamed. The first, in Luxor, Egypt in 1992, arose in the midst of a vacation with my wife and 12-year-old son. I engaged in hard bargaining with a carriage driver who told me

---

1. LEAVES OF GRASS 22, 72 (Bantam Books 1983) (1892).

he struggled to support his wife and six children. A menacing presence, I thought, he threatened me subtly and then blatantly cheated me out of almost five dollars. As a result, I dropped into an anger-and-desire-for-revenge-infused funk that ruined the last evening in Egypt for my wife and son, and of course, for me.

A year later, I found myself in Manila, after co-conducting a mediation training program for the Philippine Bar Association, for which I received ample compensation. Once again, I engaged in adversarial negotiation—this time over the price of a blanket and a table runner—with a lovely woman who worked in a theme park. I saved about two dollars. Later, I learned that the woman had been on the verge of losing her store, as she had made no sales for two weeks. She thought that God had sent my colleagues and me to save her business and her children.

I wrote an essay about these two negotiations, in which I concluded that my need for self-esteem had gotten in the way of appropriate negotiation behavior, and then solicited comments on the manuscript. "I don't think you should publish this," a close friend said emphatically. "It makes you look like *such a jerk*!" I published it nonetheless.[2] And for nearly 20 years, I have suffered intermittent pangs of guilt about my behavior in these negotiations—and the suspicion that I really *was* a jerk, a hypothesis for which I have accumulated other anecdotal evidence.[3]

Luckily, I have recently discovered a new way to understand these negotiations and myself, a perspective that can help me reduce my sense of guilt—or transcend it—and might offer additional insights, strategies, and techniques for people who study and deal with conflict. My journey of discovery began with an invitation to deliver a presentation at a symposium entitled "The Negotiation Within," sponsored by the *Harvard Negotiation Law Review* in February 2010.

---

2. Leonard L. Riskin, *Negotiation and Self-Esteem*, in ELEVENTH ANNUAL CARL A. WARNS JR. LABOR AND EMPLOYMENT LAW INSTITUTE: ISSUES AND ETHICS OF THE 1990s 85 (William F. Dolson & Janice M. Theriot eds., 1999).

3. *See, e.g.*, Leonard L. Riskin, *Andrew in Monet's Garden*, WASH. POST, Oct. 6, 1996, at E1 (excessive preoccupation with comfort); Leonard L. Riskin, *About Men; Unsportsmanlike Conduct*, N. Y. TIMES MAG., Jan. 22, 1989, at 14-16 (self-righteous unwillingness to follow sports); Leonard L. Riskin, Unpaginated Special Insert, *Father Time*, CHILD MAG., May 1993 (preoccupation with time); Leonard L. Riskin, *A Couple Abroad: Tomayto vs. Tomahto,* , NEWSDAY, Travel Section, Dec. 27, 1992, at 10 (preoccupation with money) [hereinafter Riskin, *A Couple Abroad*]; Leonard L. Riskin, *Obey the Rule: Just Say No, No, No!*, CHI. TRIBUNE, July 25, 1992, at 19 (preoccupation with, and narrow view of, manners); Leonard L. Riskin, *The Cat in the Hat*, ATLANTIC MONTHLY, July 1995, at 30 (willingness to embarrass my adolescent son in order to keep my head warm and maintain my sense of style).

I decided to explore the value of considering certain potentially conscious processes *within an individual* that take place in connection with conflict, as if they might be or should be negotiations or other dispute resolution processes (such as mediation and adjudication) that are commonly used in connection with conflicts *between or among* individuals or organizations. As you might suspect, I conclude that the answer is "Yes"—for some people in some circumstances.

The rest of this Article explains and qualifies that conclusion. Here, in brief, are the major points:

Thinking about internal processes as if they could be negotiations, mediations or adjudications requires a model of the mind, or self or psyche, that includes entities that could theoretically participate in such processes.

I find one approach particularly useful for this inquiry—the Internal Family Systems (IFS) model developed by psychologist Richard C. Schwartz and others. IFS views the mind as if it were composed of two kinds of entities, which interact as a system: Parts of the personality (or Subpersonalities) and a Self, which some would consider a person's true self.[4]

In some circumstances, viewing internal conflict-related processes as if they might be negotiations *and* using the IFS or a similar model of the mind, can help us gain awareness of—or access to—such internal processes, thereby enabling us to:

Understand such internal processes and their relationship to external conflict;

Assess such processes; and

Manage (and hopefully improve) these processes, which should lead to more appropriate external conflict-related behavior and less internal suffering.

I believe that the perspective or system I am proposing *might* serve such purposes in a wide range of situations, from complex to simple. It could, for instance, help us understand why, in 2008, heads of major investment banks failed to anticipate or recognize the near-collapse of the global financial system or the possibility that the federal government might allow them to fail.[5] It might shed similar light on why a defense lawyer in a medical malpractice claim did not feel or express empathy for parents whose child was born so damaged

---

4. *See infra* Section II.B.2.

5. *See* ANDREW ROSS SORKIN, TOO BIG TO FAIL: THE INSIDE STORY OF HOW WALL STREET AND WASHINGTON FOUGHT TO SAVE THE FINANCIAL SYSTEM FROM CRISIS—AND THEMSELVES *passim* (2009) (describing extreme confidence of certain Wall Street executives).

that he was never able to move—even though such an expression might have led to a lower settlement payment.[6] It might explain in part why lawyers, or clients, sometimes become so attached to the righteousness of their claim (and so blind to the other side's perspective) that their demands—and the manner in which they are presented—prompt the other side to terminate negotiations.[7] And it might help participants in such difficult situations to assess and improve their internal and external processes.

The very complexity of such situations, however, renders them unsuitable for the kind of preliminary inquiry that I mean to present in this Article. For that reason, and because I have better access to my own internal life than that of others, I will demonstrate how the new integrated perspective could apply using two simple negotiation situations in which I participated while I was, ostensibly, a tourist.

Section I considers what "The Negotiation Within" (TNW) could mean and presents a widespread problem that we might address by combining ideas from conflict resolution with the IFS model. Section II briefly surveys the idea of multiplicity, as it has arisen in many fields, as a way to understand an individual's self, personality, mind, or psyche; it then describes the Internal Family Systems model of the mind. Section III presents the Luxor carriage negotiation and explains how we might understand, assess, and improve that negotiation using established ideas about conflict resolution. Section IV presents the essence of this Article: It introduces a perspective that combines conflict resolution theory and practice with the Internal Family Systems model of the mind, and then shows how this amalgamation could help us—in a fresh way—understand, assess and improve the Luxor and, more briefly, the Manila, Philippines table runner negotiations. Section V shows how this integrated perspective can help us understand, assess and improve internal conflict-related processes in other contexts. Section VI contains the summary and conclusion.

---

6. *See* Leonard L. Riskin, *Teaching and Learning from the Mediations in Barry Werth's Damages*, 1 J. DISP. RESOL. 119, 142 (2004) (exploring why the defense lawyer decided against expressing empathy or revealing the similarity of his own experience to that of the plaintiffs).

7. *See, e.g.*, JONATHAN HARR, A CIVIL ACTION 273-80 (1995) (describing the manner in which plaintiffs' lawyers decided upon the amount of their demand and presented it to defense lawyers, and the defense lawyers' response).

II. MEANINGS OF THE "THE NEGOTIATION WITHIN" (TNW)

In this Article, I use "negotiation" in the technical sense in which it is employed most often in the conflict resolution field: a process through which two or more parties interact to try to make a decision or reach an agreement about addressing a dispute or planning a transaction, event, or project.[8] Under this definition of negotiation, we negotiate—or *could* negotiate—constantly, not only to end armed conflict, to draft and try to pass legislation, to settle cases in litigation, and to structure transactions, but also to plan our family picnic or a trip to Las Vegas for a Jimmy Buffett concert, or to order dinner for ten in a Chinese restaurant. In other words, negotiation is always an option—at least theoretically—in decision-making with other people.

Simply looking at a situation through a negotiation frame gives insights that could change how we deal with it. As an extreme example, consider a cartoon that shows a man walking out of a "Negotiation Workshop." A masked bandit points a gun at him and says, "Your money or your life." The negotiation neophyte replies, "How about half my money and a small flesh wound?" In a more serious vein, Linda Babcock studied the starting salaries of M.B.A. students from Carnegie-Mellon University. Men's starting salaries were significantly higher on average, in part, because after receiving a job offer, the women tended to accept while the men tended to ask for

---

8. Russell Korobkin defines negotiation as "an interactive communication process by which two or more parties who lack identical interests attempt to coordinate their behaviors or allocate scarce resources in a way that will make them both better off than they could be if they were to act alone." RUSSELL KOROBKIN, NEGOTIATION THEORY AND STRATEGY 1 (2d ed. 2009). My co-authors and I call it "an interpersonal process through which we make arrangements with others to resolve disputes or plan transactions, often by reconciling conflicting interests. It involves communication—through the use of words or actions—of demands, wishes, and perspectives." LEONARD L. RISKIN ET AL., DISPUTE RESOLUTION AND LAWYERS 168 (4th ed. 2009) [hereinafter RISKIN ET AL., DRL4]. Richard Shell describes a four-step behavior process, which he illustrates with an example of drivers who reach an intersection with a four-way stop at the same time. *See* G. RICHARD SHELL, BARGAINING FOR ADVANTAGE: NEGOTIATION STRATEGIES FOR REASONABLE PEOPLE 119 (2d ed. 2006).

In this Article, I am using the term more literally than figuratively. Similarly, when I refer, below, to "internal mediation" and "adjudication," I also use the terms literally. The distinction is important, as we learn from the writer Calvin Trillin's explanation that the title of his speech—"Midwestern Jews: Making Chopped Liver with Miracle Whip"—was not a metaphor but a recipe. CALVIN TRILLIN, MESSAGES FROM MY FATHER 102 (1997). Of course, the title of Trillin's talk could serve as metaphor *or* a recipe, depending on one's purpose—and so could "The Negotiation Within."

more, i.e., tried to negotiate before accepting.[9] I suggest that one explanation is that most of the women simply did not see a job offer as the first move in a negotiation, even though their advisors had urged them to ask for more.

We also can consider tactics in litigation as if they were part of a negotiation.[10] Even though the vast bulk of cases in the litigation process actually settle without any authoritative disposition by a judge,[11] sometimes lawyers who are heavily involved in preparing for litigation have difficulty embracing a negotiation or settlement perspective because they over-identify with the merits of their legal case. This explains why some large law firms, in certain cases, appoint a separate team, called "Settlement Counsel," to work on negotiating a settlement while another team prepares for trial,[12] and, in part, why courts establish or support processes—such as mediation,[13] neutral evaluation,[14] summary jury trials,[15] and "judge-directed negotiation"[16]—that are meant to facilitate negotiated settlement.[17]

---

9. *See* LINDA BABCOCK & SARAH LASCHEVER, WOMEN DON'T ASK: NEGOTIATION AND THE GENDER DIVIDE 1-2 (2003). Of course there are other possible explanations for such disparities. *See* Carol M. Rose, *Bargaining and Gender*, 18 HARV. J.L. & PUB. POL'Y 547, 549 ("Women's actual taste for cooperation—if such a taste exists—is much less important than something else: people think women are likely to be cooperative types.").

10. *See* Gary Goodpaster, *Lawsuits as Negotiations*, 8 NEGOTIATION J. 221, 230-31 (1992). Marc Galanter uses the term "litigotiation" to mean "the strategic pursuit of a settlement through mobilizing the court process." Marc Galanter, *Worlds of Deals: Using Negotiation to Teach About Legal Process*, 34 J. LEGAL EDUC. 268, 268 (1984).

11. *See generally* Marc Galanter & Mia Cahill, *Most Cases Settle: Judicial Promotion and Regulation of Settlements*, 46 STAN. L. REV. 6 (1994).

12. *See generally* William F. Coyne, Jr., *The Case for Settlement Counsel*, 14 OHIO ST. J. ON DISP. RESOL. 367 (1999); James E. McGuire, *Why Litigators Should Use Settlement Counsel*, 18 ALTERNATIVES TO HIGH COST LITIG. 107 (2000).

13. *See* Leonard L. Riskin & Nancy A. Welsh, *Is That All There Is?: "The Problem" in Court-Oriented Mediation*, 15 GEO. MASON L. REV. 863, 863-932 (2008) (surveying and critiquing "court-oriented" mediation as practiced).

14. *See* Joshua D. Rosenberg & H. Jay Folberg, *Alternative Dispute Resolution: An Empirical Analysis*, 46 STAN. L. REV. 1487, 1487 (1994).

15. *See* Dorothy Wright Nelson, *ADR in the Federal Courts—Judge's Perspective: Issues and Challenges Facing Judges, Lawyers, Court Administrators, and the Public*, 17 OHIO ST. J. DISP. RESOL. 1, 6 (2001).

16. *See* William Glaberson, *To Curb Malpractice Costs, Judges Jump In Early*, N.Y. TIMES, June 12, 2011, *available at* http://www.nytimes.com/2011/06/13/nyregion/to-curb-malpractice-costs-judges-jump-in-early.html?pagewanted=all (describing the "judge-directed negotiation" program for medical malpractice cases operated by Justice Douglas E. McKeon in Bronx, New York).

17. *See* RISKIN, ET AL., DRL4, *supra* note 8, at 13-19 (describing a range of dispute resolution processes).

The prism of "negotiation" also can help us better understand and conduct many other activities, ranging from war[18] to dealings between television writers and network censors.[19] Can it also help us understand *internal* conflict-related processes, and perhaps improve them?

In addressing this question we face one preliminary conceptual problem: In *external* negotiations, mediations and adjudications, i.e., those that take place between or among individuals or organizations, it is ordinarily easy to identify the participants.[20] But if we wish to imagine such processes operating *within* an individual human being, identifying the negotiation participants is not so simple. Who or what is negotiating with whom or what? In order to answer that question, we need a theory of the mind or personality that includes elements that theoretically could participate in a negotiation.

Pablo Neruda's poem, *We Are Many*, seems to rest implicitly on one such theory, and it introduces a dilemma that will occupy a lot of space in this Article:

> Of the many men who I am, who we are,
> I cannot settle on a single one.
> They disappear among my clothes,
> They've left for another city.
> When everything seems to be set

---

18. Strategies and tactics in war can be seen in a negotiation frame. As I was writing this, for instance, American officials spoke about shifting the U.S. strategy in Afghanistan, from protecting the Afghan people, winning their loyalty and installing an effective government, to killing Taliban leaders in order to coax the Taliban to negotiate. *See* Helene Cooper & Mark Handler, *Afghan Strategy has Fresh Focus, Targeted Killing*, N.Y. TIMES, Aug. 1, 2010, at A1.

19. Network television screenwriters who want to get an arguably obscene word or phrase past the censors deliberately insert even more objectionable language to prompt a negotiation, and "anchor" it. *See* Tad Friend, *You Can't Say That*, THE NEW YORKER, Nov. 19, 2001, 44, 48-49; Dan Orr & Chris Guthrie, *Anchoring, Information Expertise, and Negotiation: New Insights from Meta-Analysis*, 21 OHIO ST. J. ON DISP. RESOL. 597, 597-98, 621-22 (2006). The same is true of fund-raisers who ask for $1,000, hoping to get $100. *See* ROBERT B. CIALDINI, INFLUENCE: SCIENCE AND PRACTICE 36-39 (4th ed. 2001).

20. I say "ordinarily" because there are many situations in which it is not easy to identify the real parties in interest; e.g., agents often negotiate on behalf of undisclosed principals. *See* ROBERT H. MNOOKIN & LAWRENCE E. SUSSKIND, NEGOTIATING ON BEHALF OF OTHERS: ADVICE TO LAWYERS, BUSINESS EXECUTIVES, SPORTS AGENTS, DIPLOMATS, POLITICIANS AND EVERYBODY ELSE 87-91 (1999). But, at least in principle, we can understand the nature of the parties in external negotiations. Likewise, in dispute resolution processes involving parties composed of factions or units—e.g., political parties or movements, labor unions, industry or trade associations—it is feasible to identify such entities (*see* Jonathan Cohen, *The Negotiation Within: Outer Ideas on Inner Conflicts*, HARV. NEGOT. L. REV. ONLINE (June 14, 2011), at 1, http://www.hnlr.org/2010/03/outer-ideas-on-inner-dialogues/), or even to create them.

to show me off as intelligent,
the fool I always keep hidden
takes over all that I say.
At other times, I'm asleep
among distinguished people,
and when I look for my brave self,
a coward unknown to me
rushes to cover my skeleton
with a thousand fine excuses.
When a decent house catches fire,
Instead of the fireman I summon,
an arsonist bursts on the scene,
and that's me. What can I do?
What can I do to distinguish myself?
How can I pull myself together?
***
But when I call for a hero,
out comes my lazy old self;
and so I never know who I am,
nor how many I am or will be.
I'd love to be able to touch a bell
And summon the real me,
Because if I really need myself,
I mustn't disappear.
***
While I am writing, I'm far away;
and when I come back, I've gone.
I would like to know if others
go through the same things that I do,
have as many selves as I have,
and see themselves similarly;
and when I have exhausted this problem,
I'm going to study so hard
That when I explain myself,
I'll be talking about geography.[21]

Neruda highlights his frustration with three challenges:
1) There are multiple versions or regions of his self that can take control of him.
2) He cannot summon the version of his self that he wants to be present—or in charge—at a given moment or in a given situation.

---

21. Pablo Neruda, *We are Many, in* EXTRAVAGANZA (Alastair Reid, trans., 2001), *reprinted in* KARL E. WEICK, SENSEMAKING IN ORGANIZATIONS 18-20 (1995) [with permission of Farrar, Straus & Giroux].

3) He wants to stick with his real self and is afraid of losing it.

Can Neruda's dilemma offer insight into my behavior during the negotiations I described at the beginning of this Article? Can the idea of a "Negotiation Within" help us understand Neruda's dilemma?

In order to look at conflict-related processes that take place inside an individual as if they might be negotiations or other conflict resolution processes, we need two things. First, we need a new phrase to describe this focus, along with a new acronym. "The Negotiation Within" is not sufficiently broad or precise for my purposes. I wish to include other peaceful methods that are commonly used to address external conflict, such as mediation[22] and adjudication.[23] Most of a person's decision-making takes place beneath her or his conscious awareness,[24] and for present purposes, I wish to attend more heavily to processes that are potentially amenable to conscious observation, and perhaps, control. For these reasons, I replace "The Negotiation Within" with "Conscious Internal Negotiation, Mediation or Adjudication" or "CINeMA." Second, we need a model of the personality or mind or self that contains units that could participate in such processes. For this purpose, I propose using the Internal Family Systems Model (IFS), which I explain in Subsection III.B.2.

III. MULTIPLICITY OF SELVES, MINDS OR PERSONALITIES

A wide variety of models of the self or personality include some concept of multiplicity. Subsection A briefly surveys some of these

---

22. "Mediation is an informal process in which an impartial third-party helps others resolve a dispute or plan a transaction but does not impose a solution. In other words, mediation is facilitated negotiation." RISKIN ET AL., DRL4, *supra* note 8, at 16. For more information on mediation, see *id.* at 309-78.

23. In adjudication, the third party has authority to impose a solution on the parties, who ordinarily present evidence and arguments. In the U.S., adjudication is the centerpiece of judicial proceedings, certain administrative agency proceedings, and arbitration. *See id.* at 15-16. For more information on arbitration, see *id.* at 553-63.

24. *See, e.g.*, DAVID EAGLEMAN, INCOGNITO: THE SECRET LIVES OF THE BRAIN 200 (2011) ("Knowing yourself now requires the understanding that the conscious you occupies only a small room in the mansion of the brain, and that it has little control over the reality constructed for you."). *See generally* MICHAEL S. GAZZANIGA, WHO'S IN CHARGE? FREE WILL AND THE SCIENCE OF THE BRAIN (2011) (examining the issue of free will versus determinism from the perspective of brain science). Recently, the idea that parasites can significantly modify brain structure and function in rats, cats, and perhaps in humans as well has gained recognition from established brain scientists. *See* Kathleen McAuliffe, *How Your Cat is Making You Crazy*, ATLANTIC MONTHLY, Mar. 2012, *available at* http://www.theatlantic.com/magazine/archive/2012/03/how-your-cat-is-making-you-crazy/308873/#.

models, from a range of fields. Subsection B describes the model that
I have found most useful—Internal Family Systems. Before identify-
ing these models, I must make clear that I do not believe that any one
of them is correct—or incorrect. They are metaphors, which are more
or less helpful for particular purposes.[25]

A. *A Brief Survey*

The idea that a person might have more than one self—or per-
sonality or mind state or internal force—is deeply ingrained in com-
mon parlance and everyday life.[26] A friend of mine who usually is
quite polite, for instance, once walked out in the middle of a dinner
party, using an obviously fabricated excuse because, as he told me
later, he "just couldn't bear to be with those people any longer." The
next day, he apologized to the hosts: "I wasn't myself—I just don't
know what got into me."[27] People have always, in some sense, cre-
ated separate personalities or selves or parts for particular purposes.
We all tend to behave differently in the workplace, than when we are
having Thanksgiving dinner with our in-laws, attending our high
school reunion, watching a football game in a bar, or coaching a Little

---

25. All models distort reality and are therefore, as statistics professor George Box
put it, "wrong"; nonetheless, "some are useful." G.E.P. Box, *Robustness in the Strat-
egy of Scientific Model Building*, in ROBUSTNESS IN STATISTICS 201, 201 (Robert L.
Launer & Carham N. Wilkinson eds., 1979). *See also* Amartya Sen, *Rational Fools: A
Critique of the Behavioral Foundations of Economic Theory*, 6 PHIL. & PUB. AFF. 317,
325, 342-44 (1977) (questioning the bases for and acceptance of the rational actor
model in economics ("If [the economic man] shines at all, he shines in comparison . . .
[to] the rational fool." *Id.* at 344.))

   Professor Emanuel Derman (formerly a quant and managing director of Goldman
Sachs) distinguishes "three ways of understanding the world": theories, models and
intuition.

   Theories are attempts to discover the principles that drive the world; they need
confirmation. . . . Theories describe and deal with the world on its own terms and
must stand on their own two feet. *Models* stand on someone else's feet. They are meta-
phors that compare the object of their attention to something else that it resembles.
Resemblance is always partial, and so models necessarily simplify things and reduce
the dimensions of the world. . . . In a nutshell, theories tell you what something is;
models tell you merely what something is like. Intuition is more comprehensive. It
unifies the subject with the object, the understander with the understood, the archer
with the bow. EMANUEL DERMAN, MODELS. BEHAVING. BADLY.: WHY CONFUSING ILLU-
SION WITH REALITY CAN LEAD TO DISASTER, ON WALL STREET AND IN LIFE 6 (2011)
(emphasis in original).

26. *See* JOHN ROWAN, SUBPERSONALITIES: THE PEOPLE INSIDE US 26-45 (1990)
[hereinafter ROWAN, PEOPLE INSIDE US] (surveying idea of multiplicity of personality
from many areas of human endeavor).

27. The hosts accepted his apology but did not invite him back.

League team.[28] And in this age of social media, we often deliberately create and sustain more elaborate online identities.[29]

The idea of multiplicity of selves finds expression in poetry,[30] literature,[31] philosophy,[32] neuroscience,[33] economics, psychology,

---

28. Many writers have noted the frequent disparity between one's private and public personas. *See, e.g.*, BRUCE ALLEN MURPHY, WILD BILL: THE LEGEND AND LIFE OF WILLIAM O. DOUGLAS (2003) (discussing the differences between William O. Douglas' private life and public persona); Richard A. Posner, *Review of Bruce Allen Murphy, Wild Bill: The Legend and Life of William O. Douglas*, THE NEW REPUBLIC, Feb. 24, 2003, *available at* http://www.newrepublic.com/article/the-anti-hero#. The Washington Post has published a series of columns under the heading *"What's in a Name?"* that demonstrate this phenomenon. *See, e.g.*, Nicholas Wapshott, *Was Keynes a Keynesian? In Theory*, WASH. POST, *available at* http://www.washingtonpost.com/wp-srv/special/opinions/outlook/whats-in-a-name/keynes.html (last visited Oct. 18, 2011); Miles Unger, *Was Machiavelli a Machiavellian? Honestly, No.*, WASH. POST, *available at* http://www.washingtonpost.com/wp-srv/special/opinions/outlook/whats-in-a-name/machiavelli.html (last visited Oct. 18, 2011).

29. Some commentators have wondered about the relationship between these online selves and one's true self. Peggy Orenstein, for instance, asks whether the "Twitter Self" that she creates also affects who she really is. Peggy Orenstein, *I Tweet, Therefore I Am*, N.Y. TIMES MAG., Aug. 1, 2010, 11, 12 (suggesting that Twitter and other social media are "blurring the lines not only between public and private but also between the authentic and contrived self").

30. *See, e.g.*, Neruda, *We are Many*, *supra* note 21; Jeni Couzyn, *House of Changes*, in LIFE BY DROWNING: SELECTED POEMS 92 (1985), *reprinted in* ROWAN, PEOPLE INSIDE US, *supra* note 26, at v ("My body is a wide house/a commune/of bickering women, hearing/their own breathing/denying each other.").

31. *E.g.*, JOHANN WOLFGANG VON GOETH, FAUST 31 (W. W. Norton & Company 2d ed. 2000) (1808) ("Two souls, alas, do dwell within his breast; the one is ever parting from the other."). Bismarck expanded on the idea, asserting that "Faust complains about having two souls in his breast, but I harbor a whole crowd of them and they quarrel. It is like being in a republic." Otto Pflanze, *Toward a Psychoanalytic Interpretation of Bismarck*, 77 AM. HIST. REV. 419, 432. *See* JOHN ROWAN, DISCOVER YOUR SUBPERSONALITIES: OUR INNER WORLD AND THE PEOPLE IN IT 104-09 (1993) [hereinafter ROWAN, DISCOVER] (focusing especially on Hermann Hesse's Steppenwolf).

32. In *The Republic*, Plato describes three parts of the psyche: the "rational," "appetitive," and "spirited." PLATO, THE REPUBLIC OF PLATO, Book IV *passim* (Allan Bloom ed. & trans., 2d ed., 1991) (380 B.C.E.). In *Phaedrus*, he used the image of a charioteer and two horses, one of which is honorable, temperate and modest, while the other is insolent, proud and impulsive. PLATO, PHAEDRUS 41 (2009) (370 B.C.E.). David Hume, the 18th century Scottish philosopher, said, "I cannot compare the soul to anything more than a commonwealth or republic, in which several members are united by the reciprocal ties of government and subordination." DAVID HUME, A TREATISE OF HUMAN NATURE 193 (Nabu Press 2010) (1739).

33. Neuroscientist David Eagleman uses a number of metaphors to convey the idea of multiplicity of mind, including: "battle," "conversation," "vote," "courtroom trial," "consensus building," "team of rivals." EAGLEMAN, *supra* note 24, at 104-09. According to Eagleman, "you are made up of a parliament of pieces and parts and subsystems." *Id.* at 109. There surely are neurological correlates to the Parts and the experience of Self. *See* James H. Austin, ZEN-BRAIN REFLECTIONS 11-13 (2006); interview with James A. Austin, M.D., Professor of Neurology (by courtesy), University of Florida College of Medicine, in Gainesville, Fl. (Jan. 10, 2011). For the view that

and other realms.[34] Because economics currently enjoys great influence in the legal academy, I wish to give some examples of the multiple selves' idea in that field.

Quite a few economists have embraced—or at least discussed—versions of the multiple selves idea. Adam Smith, for instance, talked about resolving conflict between "two selves"—one governed by "the passions" and the other an "impartial spectator."[35] Thomas Shelling said, "maybe it isn't only the family that, on a close look, fails to behave like a single-minded individual because it isn't one. Maybe the ordinary man or woman also doesn't behave like a single minded individual because he or she isn't one."[36] Among economists, the idea of inter-temporal selves has garnered a good deal of attention and led to discussions of how one's "present self" can "bind" a "future self" by eliminating or reducing temptations or the possibility of indulging in them.[37] Max Bazerman and his colleagues have

recent developments in neuroscience support fundamental ideas of psychosynthesis, which is very similar to IFS, see Piero Ferucci, *Psychosynthesis in the Light of Neuroscience*, PSYCHOSYNTHESIS Q., Sept. 2012, at 3, *available at* http://aap-psychosynthesis. org/wp-content/uploads/Psychosynthesis-Quarterly-September-2012-1.pdf.

34.   *See, e.g.,* jon a. powell, *The Multiple Self: Exploring Between and Beyond Modernity and Postmodernity*, 81 MINN. L. REV. 1481, 1482 (1997) (discussion of the idea of multiple-selves and postmodernity, partly in the context of treatment of minority group members). For overviews of historical and contemporary uses of the idea of multiplicity, *see* RITA CARTER, MULTIPLICITY: THE NEW SCIENCE OF PERSONALITY, IDENTITY, AND THE SELF (2008); ROWAN, PEOPLE INSIDE US, *supra* note 26, at 5-45, 61-115.

35.   ADAM SMITH, A THEORY OF MORAL SENTIMENTS 161-65 (Dugard Stewart ed., Henry G. Bohn 1853) (1759).

36.   Thomas C. Schelling, *The Intimate Contest for Self-Command*, 60 PUB. INT. 94, 96 (1980).

37.   *See generally* JON ELSTER, THE MULTIPLE SELF (1986) (including chapters by a variety of authors that deal with a range of conceptions of multiple selves); ULYSSES AND THE SIRENS: STUDIES IN RATIONALITY AND IRRATIONALITY (Jon Elster ed., 1979) (describing Ulysses' method of binding his future self against temptation by the sirens and comparing other methods of self control with it). Some economists have recognized the existence and possible interaction among contemporaneous multiple selves. Some see these selves as part of a hierarchy, and others see them as equals. Economist Jon Elster advises against taking "the notions of 'several selves' very literally . . . . except in cases of severe pathology." ELSTER, *supra* note 37, at 30. "Yet," he says, "some of the motivational conflicts are so deep-seated and permanent that the language of a divided self almost irresistibly forces itself on us. Although only one *person* is in charge, he is challenged by semi-autonomous strivings that confront him as 'alien powers.'" *Id.* at 31.

The idea of multiple selves, however, seems inconsistent with a foundational concept in neoclassical economics: *Homo economicus*, a unitary model, under which an individual (which includes actual persons as well as organizations and families) is fully identified with its stable preferences, and cannot, in theory, "exist" without them. Economist John Davis believes, for instance, that the idea of multiple selves undermines the assumption of stability of preferences and thus presents a "problem"

described the difference between the "want self" and the "should self,"[38] and, because of the power of the "want self," suggest dealing with internal conflict through a negotiation framework.[39]

B. *Psychology and the Internal Family Systems (IFS) Model*

As I have suggested above, in order to look at conflict-related processes that take place inside an individual as if they could be negotiations or other processes commonly used in dealing with external

---

or a challenge to the use of the *Homo economicus* model. *See* JOHN DAVIS, THE THE-ORY OF THE INDIVIDUAL IN ECONOMICS 77-79 (2003). Economist Amartya Sen has written about the roles of "discovery" and "reason and choice" in relation to people's many identities. AMARTYA SEN, REASON BEFORE IDENTITY: THE ROMANES LECTURE FOR 1998, *passim* (Oxford University Press 1999). He also has tried to resist what Albert Hirschman has identified as the tendency in economic thought toward "the progressive impoverishment of the prevailing concept of human nature." Amartya Sen, *Rationality, Interest, and Identity, in* DEVELOPMENT, DEMOCRACY, AND THE ART OF TRESPASSING 343, 344 (Alexandra Foxley et al. eds., 1986); *see also* ALBERT O. HIRSCH-MAN, ESSAYS IN TRESPASSING: ECONOMICS TO POLITICS AND BEYOND 288 (1981).

38.   Max H. Bazerman et al., *Negotiating with Yourself and Losing: Making Decisions with Competing Internal Preferences,* 23 ACAD. OF MGM'T REV. 225, 226 (1998) [hereinafter Bazerman].

In a comment discussing Bazerman, *supra,* Paul Raimond notes the literature dealing with subpersonalities, observing that under such approaches a person can have many selves and, further, that these ideas "can play havoc with market research" but also can improve management and "sensemaking" (referring to KARL WEICK, SENSEMAKING IN ORGANIZATIONS (1995)). Paul Raimond, *"Negotiating with Yourself and Losing": Further Reflections,* 24 ACAD. OF MGM'T REV. 387, 387-88 (1999). Raimond also notes that organizations have internal conflict that is similar to the internal conflict involving subpersonalities. *Id.* Naomi Mandel has reviewed the literature on the effects of "priming" in bringing out different versions of the Self, distinguishing between the "interdependent" and the "independent" self in the context of risk-taking in social and financial contexts. Naomi Mandel, *Shifting Selves and Decision-Making: The Effects of Self-Construal Priming on Consumer Risk-Taking,* J. CONSUMER RES. 30, 31 (2003).

Thomas Schelling, on the other hand, has suggested that the lack of an "internal mediator" makes intrapersonal negotiation unworkable:

> If we accept the idea of two selves of which usually only one is in charge at a time, or two value systems that are alternate rather than subject to simultaneous and integrated scrutiny, "rational decision" has to be replaced with something like collective choice. Two or more selves that alternately occupy the same individual, that have different goals and tastes, even if each self has some positive regard for the other (or one feels positively and the other does not reciprocate), have to be construed as engaged not in joint optimization but in a strategic game. There is no agreed weighting system for taking the alternate preferences simultaneously into account. And even the possibility of bargains and compromises is limited, if not precluded, by the absence of an internal mediator. It is hard for the different selves to negotiate if they cannot be simultaneously present. Not impossible, perhaps, but hard.

THOMAS C. SCHELLING, CHOICE AND CONSEQUENCE 93-94 (1984).

39.   Bazerman et al., *supra* note 38, at 236-37.

conflict, we need to employ a model of the mind or self or psyche that contains units that could engage in such processes. Because some of these processes require a third party, such as a mediator, adjudicator, or leader, the model also must include an entity that could perform such functions. I have found the Internal Family Systems (IFS)[40] model meets these requirements and seems especially helpful for conceptualizing and working with the idea of Conscious Internal Negotiation, Mediation, or Adjudication (CINeMA).

1. *IFS: Background, Context and General Nature*

Before explaining IFS, however, I wish to put it, and the claims I make about it, into context. The IFS model of the mind is a construct, a metaphor. For that reason, it is neither true nor false; rather, like any other model, it is more or less useful. As Emanuel Derman put it, "theories tell you what something is; models tell you merely what something is like."[41] This model was developed as part of Internal Family Systems Therapy. Many people find great utility in the IFS model of the mind and some of the strategies and techniques associated with IFS therapy.

The IFS models (of the mind and psychotherapy) have many ancestors, cousins, and more distant relatives in psychology, which has provided a large and sophisticated array of models that conceptualize units of the self or personality that might, theoretically, be capable of negotiation-like interactions.[42] Here is a tiny sample, in roughly chronological order: Freud's psychoanalytic model of the mind describes conflict between the Id (which consists of basic drives of hostility, aggression and sex) and the Superego (the strict, internalized conscience); the Ego mediates such conflicts.[43] Carl Jung described "human figures" that appear in one's dreams, such as "the *shadow*, the *wise old man*, the *child* (including the child hero), the *mother*

---

40. *See generally* RICHARD C. SCHWARTZ, INTERNAL FAMILY SYSTEMS THERAPY (1995) [hereinafter SCHWARTZ, IFS THERAPY]; RICHARD C. SCHWARTZ ET AL., INTRODUCTION TO THE INTERNAL FAMILY SYSTEMS MODEL (2001) [hereinafter SCHWARTZ, INTRODUCTION TO IFS]; RICHARD C. SCHWARTZ, YOU ARE THE ONE YOU'VE BEEN WAITING FOR: BRINGING COURAGEOUS LOVE TO INTIMATE RELATIONSHIPS (2008) [hereinafter SCHWARTZ, YOU ARE THE ONE]; JAY EARLEY, SELF-THERAPY (2009); TOM HOLMES, PARTS WORK: AN ILLUSTRATED GUIDE TO YOUR INNER LIFE (2007).

41. *See* DERMAN, *supra* note 25, at 6.

42. For an overview of approaches to psychotherapy that embrace multiplicity, see ROWAN, PEOPLE INSIDE US, *supra* note 26, at 5-191.

43. *See* SIGMUND FREUD, THE COMPLETE INTRODUCTORY LECTURES ON PSYCHOANALYSIS 521-44 (James Strachey ed. & trans., 1966).

('Primordial Mother' and 'Earth Mother')."[44] In Perls's Gestalt ther-
apy, the "open chair" technique is a way of working with multiplicity;
the therapist leads the patient to change seats in order to play differ-
ent parts of himself or herself. "You invent a script or dialogue be-
tween two opponents. This is part of integrating the fragmented
parts of your personality, and these usually go in opposites—for in-
stance, top dog and underdog."[45] It would not be much of a stretch to
suggest that Cognitive-Behavioral Therapy—as elaborated in the
work of Albert Ellis and Aaron Beck—implies conflict between or
among various cognitions in one's mind, and that therapy entails
combatting negative schemas and thought with healthier, more adap-
tive ones. Thus, we could say that it deals with multiple cognitive
parts of the self.[46] Psychologist Steven Pinker refers to "Inner De-
mons"[47] and "Better Angels of Our Nature."[48] Tsultrim Allione, a
psychotherapist and Buddhist teacher, draws on an ancient Tibetan
Buddhist practice to suggest that we think of anger, hatred, and simi-
lar emotions as if they were demons, and then "feeding" them by pay-
ing attention to them, and "perhaps even turn them into allies—
untapped sources of support and protection."[49]

Psychologist Daniel Kahneman uses two two-part constructs in
explaining decision-making. The first is a pair of "fictitious charac-
ters" he calls System 1 (fast, intuitive) thinking and System 2 (slow,
effortful) thinking.[50] The second is the notion of two selves: the "re-
membering self" and the "experiencing self."[51] I shall return to
Kahneman's work in Section IV, *infra*.

Internal Family Systems Therapy is one of the primary contem-
porary models of marital and family therapy,[52] and is taught in many

---

44. C.G. JUNG, THE ARCHETYPES AND THE COLLECTIVE UNCONSCIOUS 183
(Princeton University Press 2d ed. 1969) (1959) (emphasis in original).

45. FREDERICK S. PERLS, GESTALT THERAPY VERBATIM 78 (1969).

46. *See* Aaron Beck, *The Past and the Future of Cognitive Therapy*, 4 J. PSYCHO-
THERAPY PRAC. & RES. 276, 276–284 (1997); ALBERT ELLIS, OVERCOMING RESISTANCE:
A RATIONAL EMOTIVE BEHAVIOR THERAPY INTEGRATED APPROACH 9 (2002). I am in-
debted to Daniel Shapiro for this insight.

47. STEVEN PINKER, THE BETTER ANGELS OF OUR NATURE: WHY VIOLENCE HAS
DECLINED 482-570 (2011).

48. *Id.* at 571-670.

49. TSULTRIM ALLIONE, FEEDING YOUR DEMONS: ANCIENT WISDOM FOR RESOLVING
INNER CONFLICT 24 (2008).

50. *See* DANIEL KAHNEMAN, THINKING, FAST AND SLOW 28-29 (2011).

51. *Id.* at 377-407.

52. *See* email from Richard C. Schwartz, Founding Developer, Center for Self-
Leadership, to author (Nov. 1, 2011) (on file with author).

marital and family therapy graduate programs; thousands of practicing therapists have been trained in the model.[53] In addition, recently a number of projects have integrated IFS with established practices in other arenas, such as medicine and health care (e.g., medical decision-making,[54] managing arthritis,[55] administering medication,[56] managing pain,[57] breath-work[58]), elementary education,[59] corrections,[60] organizational change consultation,[61] working with members of ethnic groups that are in conflict,[62] and addressing controversial

---

53. Email from Jon Schwartz, Executive Director, Center for Self-Leadership, to author (Nov. 1, 2011) (on file with author).

54. John Livingstone, M.D., and Joanne Gaffney have developed a strategy for teaching health care professionals to use IFS in dealing with patients, particularly to help them make difficult health care and health behavior decisions. This effort is grounded on a model that includes working with the patients' Parts. *See* John B. Livingstone & Joanne Gaffney, *IFS and Health Coaching: A New Model of Behavior Change and Medical Decision Making, in* INTERNAL FAMILY SYSTEMS THERAPY: NEW DIMENSIONS 143 (Martha Sweezy & Ellen L. Ziskind eds., 2013) [hereinafter, Sweezy & Ziskind].

55. Nancy Shadick of Brigham and Women's Hospital conducted a randomized controlled trial of a study to test the impact on patients suffering from rheumatoid arthritis of a psychotherapeutic intervention based on IFS and mindfulness. The study is currently under review for publication. Email from Nancy Shadick, Clinical Researcher, Brigham and Women's Hospital, to author (Feb. 14, 2011) (on file with author). According to a published abstract, the researchers concluded that the intervention "significantly improves disease activity and physical function in RA [Rheumatoid Arthritis] patients within 3 months. Individuals with prior depression benefitted psychologically as well." Nancy A. Shadick et al., Abstract, *The Living Well with RA Program: A Randomized Controlled Trial of a Psychotherapeutic Intervention to Reduce Rheumatiod Arthrits (RA) Disease Activity*, Presented at the 31st Annual Meeting of the Society of Behavioral Medicine (April 10, 2010).

56. *See* Frank Guastella Anderson, *"Who's Taking What?: Connecting Neuroscience, Psychopharmacology and Internal Family Systems for Trauma in* Sweezy & Ziskind, *supra* note 54, at 107.

57. *See* Nancy Sowell, *The Internal Family System and Adult Health: Changing the Course of Chronic Illness*, in Sweezy & Ziskind, *supra* note 54, at 127.

58. Ted Riskin has integrated IFS and breathwork. *See generally* Ted Riskin, *A Part of Me Did Not Want to Write this Article*, 23 THE INNER DOOR 1 (2011).

59. Gail Tomala has introduced IFS at the CCSU-Naylor Leadership Academy, a pre-K-8 elementary school in Hartford, Connecticut—to students, parents, teachers, and staff. Gail Tomala, M.A., Ph.D., Presentations at Internal Family Systems Conferences (Oct. 15, 2011 & Oct. 5, 2012).

60. Steven Spitzer, a sociology professor at Suffolk University, works with incarcerated men through the Jericho Circle Project, in which he employs IFS concepts. Steven Spitzer, Presentation at Internal Family Systems Conference (Oct. 13, 2011). For information on the Jericho Circle Project, *see* http://jerichocircle.org/inside/about/about-steve-spitzer/.

61. Bruce Anspach and Catherine Kelly use IFS in organizational consultation. Bruce Anspach and Catherine Kelly, Presentations at Internal Family Systems Conferences (Oct. 15, 2011, Boston, MA & Oct. 5, 2012, Providence, R.I.).

62. Beyond Words, an Israeli organization devoted to building peace through the empowerment of women, uses IFS and has offered IFS training to a group of Arab and

public issues.[63] In the same spirit, I will suggest *infra* that we can benefit from integrating IFS with conflict resolution theory and practices.[64]

So much for putting the IFS model in context. What is it?

2. *IFS: The Components and their Interactions*

The IFS model conceives of the mind or the psyche *as if* it were composed of two distinctive kinds of entities that interact as a system: "Parts" of the personality (or "Subpersonalities)" and the "Self."[65] (Please note that one does not have to accept this, or any

---

Jewish women. Nitsan Gordon-Giles, Founder and Director, Beyond Words, Presentations at Internal Family Systems Conference (Oct. 13, 15, 2011). For information on Beyond Words, *see* http://www.beyondwords.org.il/.

63. The Center for Self-Leadership, which is the principal organization promoting IFS, is in collaboration with Search for Common Ground, which is devoted to facilitating dialogue around issues that many see as intractable. Corky Becker & Robert R. Stains, Jr., Faculty Members of the Family Institute of Cambridge, Presentations at Internal Family Systems Conference (Oct. 13, 2011 & Oct. 5, 2012).

64. *See infra* Section IV.

65. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 27-60.

Henceforth, I will capitalize terms of art, such as the "Self," "Parts," and "Subpersonalities," from IFS or related approaches.

Although Schwartz was influenced by a number of models of the mind and approaches to psychotherapy (*id.* at 1-7) his model most closely resembles the structure employed in Psychosynthesis—a method of psychotherapy developed by the Italian psychoanalyst Roberto Assagioli, which is grounded on the idea that the psyche is composed of the Self and various Subpersonalities. The first large-scale dissemination of Assagioli's model of the mind came in 1965, with the publication of his book, *Psychosynthesis. See generally* ROBERTO ASSAGIOLI, PSYCHOSYNTHESIS: A MANUAL OF PRINCIPLES AND TECHNIQUES (1965). Assagioli relied on the work of psychiatrists and psychologists who preceded him in recognizing this basic idea, and he referred to William James's use of the term "various selves." *See id.* at 7. Assagioli associated subpersonalities with the various roles one plays, or wishes to play, in life—e.g., in social, religious, political, or professional groups:

> Ordinary people shift from one to the other without clear awareness, and only a thin thread of memory connects them, but for all practical purposes they are different beings—they act differently, and they show very different traits. Therefore, one should become clearly aware of these sub-personalities because this evokes a measure of understanding of the meaning of psychosynthesis and how it is possible to synthesize these supersonalities into an organic whole without repressing any of the useful traits.

Id. at 67. For more about psychosynthesis, *see generally* MOLLY YOUNG BROWN, THE UNFOLDING SELF: THE PRACTICE OF PSYCHOSYNTHESIS (2004) (focusing on psychoanalysis as applied to the individual like counseling or coach).

Others have previously introduced psychosynthesis in connection with legal education and conflict resolution. Psychosynthesis formed a central part of the Project for the Study and Application of Humanistic Education in Law, which was based at Columbia University Law School and directed by Jack Himmelstein, under a grant from the National Institute of Mental Health. Through this project, Himmelstein and Gary Friedman conducted training programs for about one hundred law professors between

other concept of the self in order to work with or understand the IFS system, or to continue reading this Article).

Before Schwartz developed IFS, he studied and practiced Family Systems Therapy, which is based on the idea that individuals are constrained by their *external* family systems, and, accordingly, that a therapist must work with such systems.[66] In developing IFS, he integrated family systems therapy with the Self-Parts model.[67]

1978 and 1983. Telephone Interview with Jack Himmelstein, Co-Director, Center for Understanding in Conflict (Aug. 23, 2012). I was personally involved in several of these programs as a participant or as an intern/staff member.

Friedman and Himmelstein also included psychosynthesis in their mediation training programs, which began in about 1982 and have been conducted in the U.S., Europe, and Israel. Although they no longer explicitly discuss psychosynthesis in their trainings, it still forms the background of the way they think and teach about conflict resolution, and they frequently refer to a person's parts and seek a connection to "something deeper and stronger than parts." Interview with Gary J. Friedman, Co-Director, Center for Understanding in Law, in Berkeley, Cal. (Oct. 31, 2010). For an explication of their Understanding-Based Mediation model, see GARY J. FRIEDMAN & JACK HIMMELSTEIN, CHALLENGING CONFLICT: MEDIATION THROUGH UNDERSTANDING xxv (2009). For Himmelstein's explanation of psychosynthesis and its significance to his work, *see* Jack Himmelstein, *Reassessing Law Schooling: An Inquiry into the Application of Humanistic Educational Psychology to the Teaching of Law*, 53 N.Y.U. L. REV. 514, 546 (1978).

IFS also resembles some of the work of John Rowan. *See* ROWAN, DISCOVER, *supra* note 31. But Schwartz learned much about Parts from his clients' descriptions of what they encountered during psychotherapy with him. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 2-3.

66.   SCHWARTZ, IFS THERAPY, *supra* note 40, at 5-8. *See generally* MICHAEL NICHOLS, FAMILY THERAPY: CONCEPTS AND METHODS (10th ed. 2010).

67.   In this Article, I rely most heavily on Schwartz's IFS framework, but I also draw on other similar and related work.

I do not claim that IFS is superior to every other model of the psyche that we might use to understand the "negotiation" within or that we might integrate with conflict theory or the practice of managing conflict. I do, however, see substantial advantages in IFS over most other models with which I am familiar. First, IFS views the Parts as if they were people, not just mental states, perspectives, voices, messages, forces, goals or behaviors. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 35. Like people, they have positions, interests, needs, goals, perspectives, beliefs, and habits. And, like people, they can learn and change. They can engage in negotiation and other forms of cooperation, collaboration, or competition with other Parts and with the Self, and IFS directly addresses such interactions. Second, in contrast to most other models, IFS looks not just at individual Parts, but also at the system in which the Parts relate to one another. This allows for substantial system-wide change. Third, IFS looks at internal and external systems through the same prism, and at the interactions between the internal and external systems. In addition, IFS gives a central role to the Self, along with the aspiration for Self-Leadership and the tools to achieve it. *Id.* at 8-26.

In this Article, I rely principally on the IFS system as described by its developer, Richard C. Schwartz, because I find it very useful, and because I think my presentation will be clearer if I stick with one system. However, I hasten to add a few caveats:

a. *The Parts (or Subpersonalities)*

In Schwartz's view, Parts, which he uses synonymously with Subpersonalities, "are best considered internal people of different ages, talents and temperaments."[68] John Rowan defines Subpersonalities similarly as "[s]emi-permanent and semi-autonomous regions of the personality capable of acting as a person."[69] So, a person reading this Article might have Parts that one could designate, e.g., as "Law Student," "Professional," "Inner-Critic," "Scared Child," "Generous Benefactor," "Greedy Glutton," "Rebellious (or Obedient) Child," and the like.[70]

All Parts have positive intentions for the person. They develop characteristics—attitudes, beliefs, goals, aversions, positions, even an age—from experience; thus, they have many qualities of an individual person. Sometimes, however, they acquire habits and perspectives, goals and aversions that, in certain circumstances, will not actually serve these positive intentions, as I shall illustrate below. Parts can become extreme and polarize with one another. When the polarization becomes so strong that two or more parts cannot be active simultaneously in a person's consciousness, the person can experience an associative disorder, such as multiple personality

---

First, Schwartz developed IFS primarily for use in psychotherapy. For our purposes—developing a useful synthesis [?] between IFS and conflict resolution theories, strategies and techniques—a modified version of IFS might be more suitable. *See* David A. Hoffman, *Mediation, Multiple Minds, and Managing the Negotiation Within*, 16 HARV. NEGOT. L. REV. 297, 317-19 (2011) (suggesting "a more limited model for mediation"). Second, other psychologists have proffered similar systems or have described IFS in terms that vary slightly from Schwartz's understanding. Third, Schwartz's understanding and the understandings of others continue to evolve. And finally, fourth, it may be useful to borrow aspects of other systems, or invent or offer new ways to work with the IFS system that Schwartz has developed.

68. SCHWARTZ, IFS THERAPY, *supra* note 40, at 232.

69. ROWAN, DISCOVER, *supra* note 31, at 79 (emphasis original).

70. John Rowan provides the following list of common types: The Protector/Controller; the Critic; the Pusher; the Perfectionist; the Central Organizing Subpersonality; the Inner Child (which can include, inter alia, the "Good, Socialized Adapted Child"; the Little Professor; the Natural Child); the Nurturing Parent; the Power Brokers; and the Shadow ("what we would least like to be like"). ROWAN, PEOPLE INSIDE Us, *supra* note 26, at 6-10. Rowan also lists some more specific Subpersonalities that his clients have identified: "the Hag, the Mystic, the Materialist, the Idealist, the Pillar of Strength, the Sneak, the Religious Fanatic, the Sensitive Listener, the Crusader, the Doubter, the Grabbie, the Frightened Child, The Poisoner, The Struggler, The Tester, The Shining Light, the Bitch Goddess, the Great High Gluck and the Dummy." ROWAN, DISCOVER, *supra* note 31, at 6.

disorder—a recognized mental illness[71] and possible defense to criminal liability[72]—and a topic beyond the scope of this Article.

Schwartz divides Parts into two broad categories: Protectors and Exiles. For some purposes, he further divides Protectors into "Managers" and "Firefighters." A principal job of the Managers is to protect the stories we maintain about our identities[73]—e.g., "I am always kind"; "I am a really good painter"; "I am an anxious, insecure person"; "I am a loser"; "I am working my way up in the world."[74] Schwartz explains:

> Managers are the Parts that monitor how you're coming across to parents, bosses, and others you depend on. They scan for cracks in your masks of invulnerability, friendliness, and perfection, and compare you unfavorably to cultural icons or to the Joneses next door or in the next office. Managers interpret the world to you and create the narratives you live by. They are the authors and enforcers of the story you have about yourself that is called your identity. . . .[T]hat is, a habitually nice person exiles angry Parts, a hard worker doesn't give much time to playful or intimacy-loving Parts, and a stronger person keeps vulnerable Parts hidden. Managers create negative narratives for similarly protective reasons. If you believe you're basically unlovable or a loser, you won't take many risks and won't be disappointed. Likewise, they can control you with the stories they tell you about the outside world, such as "mean people are dangerous" or "life isn't supposed to be fun." Mangers are your reality makers. It's likely that you are so identified with some Managers that that you've lived your entire life without questioning these stories about yourself and the world.
>
> Many of the stories Managers tell us about ourselves come from our family and culture. Managers are the internalizers of our system—they open the door of our psyche and welcome in the values that surround us. They believe our survival depends on the mercy of the outside world, so they take on the voices of authority in an effort to get us to behave appropriately. For example, if you were to focus on your inner critic, you might find that it carries the voice, image, or words of one of your parents berating you for not trying hard enough or looking right. This Part also evaluates you based on cultural standards of beauty

---

71. AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 299 (4th ed. 2000).

72. *See* Jeff Smythe, *Uninvited Guests Crash a Party for One*, 6 J.L. SOC'Y 179 *passim* (2005).

73. *See* SCHWARTZ, INTRODUCTION TO IFS, *supra* note 40, at 111.

74. SCHWARTZ, INTRODUCTION TO IFS, *supra* note 40, at 127-28.

and achievement, and constantly points out areas in which you don't measure up. In this way, your Managers suck in the emotions and beliefs of significant others and the culture at large. They are what some psychotherapies call your "false self" and what some spiritual traditions refer to as your "ego that keeps you attached to the world."[75]

Parts become Exiles because Protectors exile them, i.e., try to limit their influence, power, and awareness. Protectors do so for two reasons: first, to protect the Exile from whatever the Exile most fears (and which might prompt it to assert control); and second, to protect the person from the risks the Protector believes would result from the Exile exerting control. So, for instance, a Part might develop into a Scared Child Exile in response to multiple experiences of abandonment or other traumatic events. A Protector Part might try to protect the Scared Child, by limiting the extent to which the person seeks to find a challenging job or to form new personal relationships. The Protector Part might also seek to protect the person from the Scared Child Exile out of concern that the Scared Child might, for instance, induce panic during job interviews. The characteristics of Parts develop in order to cope with difficult experiences or situations, and some such coping mechanisms might make less sense as the person gets older and circumstances change.

Managers tend to intervene *before* the Exile is aroused. Firefighters, on the other hand, tend to intervene *after* the Exile is aroused, and, for that reason, their actions are more extreme, e.g., fostering self-abusive behavior.[76] If a healthy Manager is concerned about an Exile with a desperate fear of rejection, it might direct the person to prepare extra hard for a job interview. A Firefighter, however, tries to protect or restrain the Exile at almost any cost, after it is aroused. So, a Firefighter might press the person to sneak out of a challenging social situation or escape by drinking, or to develop a psychosomatic illness on the way to a job interview. Sometimes, however, Managers also can induce behavior some would consider extreme and dysfunctional. For instance, a Manager might foster patterns of excessive work that could damage one's health or a tendency to avoid seeking promotions or additional responsibilities.

Each Part has distinctive perspectives and functions, usually associated with a specific role or need. One or more Parts can take over at a particular time, often without our awareness or consent—the

---

75. *Id.*

76. Email from Richard C. Schwartz to author (Aug. 6, 2011) (on file with author).

phenomenon that Pablo Neruda described.[77] Thus, for instance, your Trial Lawyer Part might be in charge in a court or classroom. And that might be totally appropriate—until the person sitting next to you passes out. Then a compassionate, caretaker Part is most needed. And when you go home to your actual four-year-old child, who needs comforting after a rough day at preschool, the last Part of you that the child needs is the Trial Lawyer. (One's internal four-year old child also needs comforting frequently.) The Caring Parent Part needs to be in charge. If the professional Part is still on duty, "you" (through it) could perceive a conflict between the child's needs and your own, and you might not give your child the attention and affection it needs. Similarly, when you are negotiating with a Subaru dealer for a new Outback, it *may* be appropriate to have an assertive Part in charge, which (or who) would work hard to get the lowest possible price. But if you are negotiating with your fiancé over how much to spend for wedding invitations, another Part might be more suitable.[78]

One more important idea about Parts: Like people, they can learn, grow, and change, and they all want useful roles.[79]

FIGURE 1.
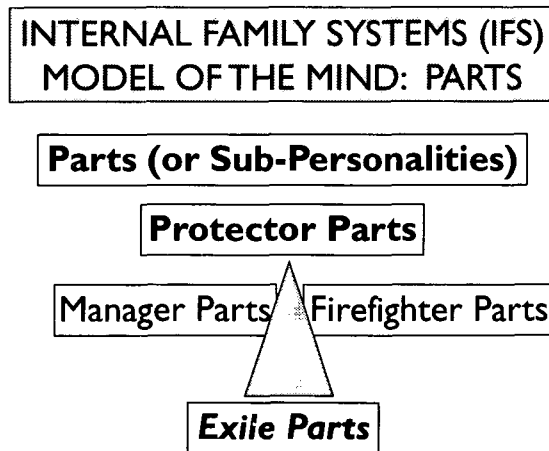
INTERNAL FAMILY SYSTEMS (IFS) MODEL OF THE MIND: PARTS

Parts (or Sub-Personalities)

Protector Parts

Manager Parts **Firefighter Parts**

Exile Parts

The shaded triangle indicates that the Protector Parts are protecting the Exile Parts and keeping them exiled.

---

77. *See* Neruda, *supra* note 21.

78. *See Seinfeld: The Invitations* (NBC television broadcast May 16, 1996) (episode in which the George Costanza character insists on the least expensive wedding invitations. His fiancée, whose family is extremely wealthy, licks the envelopes and dies as a result of ingesting the poisonous glue).

79. *See generally*, SCHWARTZ, IFS THERAPY, *supra* note 40.

b. *The Self and Its Relationship with the Parts*

I hope it is now clear that, in the IFS model, the Parts are "partial" (my term, not Schwartz's) in two senses of the word. First, they are incomplete in that they have limited and sometimes out-of-date information. Second, they have and stand for certain perspectives, goals and positions that developed in specific circumstances and may be less effective or appropriate in other circumstances.

The Self is of a wholly different nature. It is characterized by "compassion, calmness, clarity, curiosity, confidence, courage, creativity and connectedness."[80] It "comes fully equipped to lead and does not have to develop through stages."[81] Schwartz would say it is the "true self" for which Pablo Neruda yearns (as do some of the rest of us). It is a center of awareness, which—if sufficiently embodied—can observe the Parts and seek to help the Parts work together for their own good, as well as the welfare of the person and others. I would call it "omni-partial"[82] or perhaps "trans-partial."

Parts can conflict with each other, just as individual people do; similarly, they can negotiate. Sometimes they need help from a third Party, such as a mediator, a judge or a leader. The Self can provide such services or, if not enough of the Self is "present," a psychotherapist could do so. Schwartz sees such negotiation and mediation-like processes as elements of the Self's leadership role.[83]

---

80. SCHWARTZ, INTRODUCTION TO IFS, *supra* note 40, at 44-58. Schwartz attributes other positive qualities to the Self: "joy, humor, forgiveness, and gratitude." *Id.* at 48. In contrast, when "the Self is buried beneath the noise and emotion," the person is "closed, confused, clouded" and the like. *Id.* I believe that "being in Self" is almost synonymous, or at least overlaps, with the idea of mindfulness. For support for this idea, see, TOM HOLMES ET AL., PARTS WORK: AN ILLUSTRATED GUIDE TO YOUR INNER LIFE 23-26 (2007); SCHWARTZ, IFS THERAPY, *supra* note 40, at 37.

81. SCHWARTZ, IFS Therapy, *supra* note 40, at 58.

82. Mediator Ken Cloke has referred to the mediator's role as "omni-partial." *See* KENNETH CLOKE, MEDIATING DANGEROUSLY: THE FRONTIERS OF CONFLICT RESOLUTION 13 (2001). John Sturrock has used the term "multi-partial." John Sturrock, *Making the Best of Mediation: From Breakfast to Bedrooms and Beyond*, MEDIATE.COM (Feb. 10, 2010), *available at* http://www.mediate.com//articles/sturrockJ10.cfm. Ronald Michael Green has developed a method through which managers can make ethical decisions, which he calls "NORM (Neutral, Omnipartial Rule-Making)." *See* RONALD MICHAEL GREEN, THE ETHICAL MANAGER: A NEW METHOD FOR BUSINESS ETHICS 87 (1993).

83. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 40-41.

FIGURE 2.
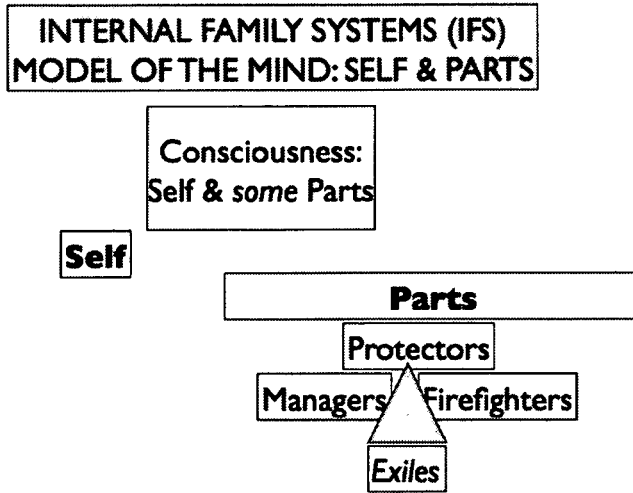
INTERNAL FAMILY SYSTEMS (IFS)
MODEL OF THE MIND: SELF & PARTS

Consciousness:
Self & *some* Parts

Self

Parts

Protectors

Managers   Firefighters

Exiles

The shaded triangle indicates that the Protector Parts are protecting the Exile Parts and keeping them exiled.

The Self has the *capacity* to know which Part or Parts are in control, or wish to be in control, at a given time and—at least in theory, although not at every moment—to influence which Part or Parts will exert control.[84] Sometimes a Part can take over without consent or awareness of the Self. Richard Schwartz writes:

> What about the Part of you that gets extremely defensive when you argue with your intimate partner? In the middle of the fight, you suddenly become that Part—seeing your partner through its eyes; taking on its distorted, black/white, blame/guilt perspective; stubbornly refusing to give an inch; and saying nasty things. Later you realize that you were out of line and wonder, "Who was it that took over me?" How do you feel toward that inner defender? If you're like most people, you don't like some aspects of it, but you feel so vulnerable during a fight that you rely on it for protection. You let it take over because you believe that without it your partner will blow you away. Your anger becomes like a tough bodyguard you like having around but wouldn't invite to dinner.[85]

---

84. The Self has some qualities of a continuum. To use the language of physics, it has "wave-like" and "particle-like" aspects. The wave-like qualities include pure awareness. The particle-like qualities include its ability to interact with Parts. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 38.

85. SCHWARTZ, INTRODUCTION TO IFS, *supra* note 40, at 7.

At any given time, leadership can come from the Self, from one or more of the Parts, or from the Self *and* a Part or Parts with which the Self is "blended."[86] Jay Earley has said the entity or entities that are in charge occupy the "seat of consciousness."[87] The essential goal of IFS therapy is Self-Leadership.

When the Self is in charge, the person sees the world through the perspective of the Self. The Self is then in a position to exercise influence over the behavior of the Parts.[88] This should produce harmony among the Parts, foster appropriate behavior, and reduce suffering.[89] Likewise, when a Part is in charge, the person sees the world through the perspectives of that Part.[90] To borrow the thoughts of novelist Anais Nin's character, Lillian, "We do not see things as they are. We see things as we are."[91] Thus, when a generous, compassionate Part (or the Self) is in charge, and we happen to be attending a reception at a conference, we might notice people who seem bashful and uncomfortable, feel empathy, and try to make contact. But if a self-centered Part is in command, we might seek out those we thought might help us, say, in getting a job or tickets to the Madonna concert. When the Self and both these Parts are active and influential, we might notice—and seek contact with—both kinds of guests.

The IFS model of therapy includes a number of methods by which the Self—or a psychotherapist on behalf of the Self—can work with Parts to promote, develop, or sustain Self-Leadership. To simplify an often-complex process, these steps include: becoming aware of the Parts; helping the Parts "depolarize"; separating (or "unblending") the Self from the Parts; "releasing constraints" on individual

---

86. SCHWARTZ, IFS THERAPY, *supra* note 40, at 57.

87. EARLEY, *supra* note 40, at 72-73.

88. I would *like* to say, in response to Neruda's plea (*supra* text accompanying note 21) that the Self has the capacity to decide which Parts will come forward and when. But that is not "entirely true," in Richard Schwartz's view: "[I]f a highly burdened part feels the need to hijack, there's little the Self can do. . . When the part recedes, Self can help it heal. . .." Email from Richard Schwartz to author (Aug. 6, 2011) (on file with author).

89. Psychologist Robert Ornstein has a similar perspective, but he says there is "[n]o true self." *See* ROBERT ORNSTEIN, THE EVOLUTION OF CONSCIOUSNESS 152 (1992). And he has a much more limited conception of the multiple units of the mind. He refers to these units as a "squadron of simpletons" *Id.* at 145 (*passim*). And he believes that a goal of consciousness, or "conscious evolution," is to be aware of these simpletons, *id.* at 267, and get the most appropriate one in charge at a given time, *id.* at 239. Most of the time, though, the simpletons are in charge. *Id.*

90. EARLEY, *supra* note 40, at 73-92.

91. *See* ANAIS NIN, SEDUCTION OF THE MINOTAUR 124 (1961)

Parts; "harmonizing the internal family"; and working with pairs of polarized Parts and with all Parts together.[92]

Schwartz also has recommended a series of brief techniques for Self-Leadership in daily relationships that may have special relevance to external conflict-related work, and which I discuss *infra*.[93]

IV. UNDERSTANDING, ASSESSING, AND MANAGING/IMPROVING CONFLICT-RELATED BEHAVIOR THROUGH ESTABLISHED MODELS OF NEGOTIATION

In recent decades academics and practitioners have developed and tested a large variety of ideas about how to handle conflict. Had I employed some of these ideas in connection with the Luxor and Manila negotiations that I describe in the beginning of this Article, they could have helped me understand and perform much better in these situations, which could have led to better processes and outcomes. I will illustrate this, in Subsection A, by reviewing the Luxor negotiation using three well-known systems of negotiation, or for dealing with conflict. Then, in Subsection B, I introduce a new perspective, which integrates conflict resolution theory and practice with IFS, and consider the Luxor negotiation through that lens.

Before launching this Section, however, I need to point out certain limitations in all of my explanations of negotiations in this Article. Many of my recollections and reconstructions of events that took place about twenty years ago are unreliable. This is particularly true with respect to what went on in my own mind—especially when I am using concepts of which I was unaware at the time of these incidents. The unreliability is heightened when I try to reconstruct or imagine what went on within other people who were involved in these negotiations. In this realm, I am surely speculating. On the other hand, we always have theories, beliefs or assumptions—conscious or subconscious—about what is going on inside another person that explains their behavior, and these can affect how we deal with such behavior.

---

92. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 225-30. Schwartz's Summary Outline for Working with Individuals suggests the following steps in group decision making (which would come after a good deal of work on the steps describe in the text.):
    1. As decisions emerge in the person's life, Self assembles parts for internal board meetings in which the group discusses the decision.
    2. Self listens to this discussion and then makes the decision.
    3. Self takes care of those parts that lost out in the decision, and tries to maintain balance such that no part or group of parts always loses.
Id.
93. *See infra* notes 156-57, 161 and accompanying text.

The benefit of deliberately employing models of conflict and conflict resolution—or of the mind—is that they provide structures for understanding and modifying both internal and external behavior in relation to conflict. To the extent we remember that there are multiple models or constructs for understanding conflict-related behavior, thoughts, and emotions, we have a better chance of being aware of the model or lens or perspective through which we are viewing a particular situation. This should give us reason to appreciate the uncertainty that is inherent in any of our understandings, and that we should consider deliberately viewing things in other ways.

A.   *Hiring a Carriage in Luxor, Egypt (1992)*

On the last night of our vacation in Egypt my wife, Casey, our son, Andrew (age 12), and I begin a one-mile stroll along the Corniche, a broad boulevard bordering the Nile, to La Mama Pizzeria at the Isis Hotel. Andrew campaigns to take a horse-drawn carriage. Although I prefer to walk—and to save money—I agree to the carriage ride and begin a difficult negotiation, over the fare, with one of the dozens of carriage drivers serving the tourists. We are at a stalemate, when another carriage driver pulls up and offers what I think is a bargain rate: ten Egyptian Pounds (E£), about three dollars, half as much as the first driver demanded. I assume they are in collusion, but I accept, and climb into the front seat, while Casey and Andrew, embarrassed, jump into the back. The driver (I will call him Mr. Hassan) compliments me on my family and says he must work *very* hard to provide for his wife and six children.

Then, in a series of steps, he blatantly cheats me on the fare. Once we are under way, he says the fare is 10 E£ *per person.* I get very angry and insist on a *total* of 10 E£. He *seems* to agree. But when we arrive, I discover that I have only a 20 E£ note. I ask him if he has change. I *think* he says yes. So I hand it to him; within seconds, he displays a 50 Piaster note (which resembles the 20 E£ note but is worth just pennies), protesting that I had given him only that. I know, at least I am pretty sure, he is trying to cheat me; I had succumbed to a similar scheme in Morocco fifteen years earlier. But I think he is getting angry. I am on his turf, and now I am scared about what may happen to me in this situation. Finally, Casey produces a 20 E£ note, which I hand up to him. And he gives me change! But then, in a sparkling demonstration of *chutzpah*, he extends his hand and asks for *baksheesh*, a tip. And somehow—perhaps because fear, confusion, and embarrassment have supplanted my anger—I comply.

As we walk into the pizzeria, my anger resumes its place of prominence. I fume throughout the dinner and plot to get revenge on Mr. Hassan—or at least to right the imbalance between us. After ruining dinner, I insist that we patrol the Corniche, to find and confront Mr. Hassan. When I locate him, he has a sidekick, another carriage driver, riding with him—doubtless for protection; we exchange long glares, suffused with meaning, I imagine, across the Corniche. Yet I feel a bit like the proverbial dog chasing a car, who had never considered what he would do if he caught it. Eventually, I decide that we have reached an impasse; Casey, Andrew, and I return to the Marriott to sleep before our early morning flight to Paris, where prices were quite high, and where I would encounter similar, but milder, challenges.[94]

B. *Understanding, Assessing, and Managing/Improving the Luxor Carriage Negotiation Using a Unitary Model of the Self and Established Approaches to Negotiation*

This Subsection analyzes the Luxor negotiation using a unitary model of the Self and three widely used frameworks for negotiation: basic negotiation theory, the Three Conversations model, and the Core Concerns model. The Three Conversations and Core Concerns models had not been published at the time of the Luxor carriage negotiation. The constructs they employ and the phenomena they describe, however, provide deeper insights about—or at least other ways of understanding—what happened and why. These models also offer strategies and techniques that might have enabled me to negotiate with more knowledge and wisdom and to better use basic negotiation theory.

1. *Basic Negotiation Theory*

Most writers on negotiation describe two basic approaches, which I will call position-based and interest-based, though other labels are widely used.[95] Position-based negotiation, not surprisingly, focuses on positions (what a person says they want or are entitled to), and assumes that the goal of the negotiation is to divide a fixed resource—such as a silo of corn, or a pot of money or egg drop soup;

---

94. *See* Riskin, *A Couple Abroad*, *supra* note 3, at 2.
95. Other labels that carry the same or similar meanings include adversarial and problem-solving; value-claiming and value-creating; competitive and collaborative; and distributive and integrative. *See* RISKIN ET AL., DRL4, *supra* note 8, at 178-80.

thus, whatever one party gains, other parties must lose. The interest-based approaches emphasize interests or needs (the goals or motives behind the positions asserted.) In a "legal" dispute over a claim of damages for a breach of contract, parties might have interests that would not be optimally served by an agreement to simply compromise on the amount of damages. These might include, e.g., interests in a good working relationship or reputation, in a steady supply of the product or service that was the subject of the contract, of feeling like a good person, of having adequate short-term cash to meet expenses. If such interests can be made relevant, there are opportunities to generate options, enlarge the available resources, perhaps to find an outcome that better serves the parties.[96] Of course, real life is complicated, and there is often a tension between adversarial and problem-solving approaches, as each has the potential to interfere with the other[97]—and, in my experience, most negotiations include both approaches.

Plainly, Mr. Hassan and I engaged in positional negotiation, asserting and soliciting positions in the form of prices. As I look back on this, I believe that I was not thinking about Mr. Hassan's interests or those of his family, or of Casey and Andrew's interests in having a nice evening and avoiding unpleasantness. I was, however, trying to foster some of my own interests. Strange and embarrassing as this seems today, I actually *did* care about saving money. But I focused equally on goals that I could promote only indirectly, as secondary benefits of the negotiation: enhancing or protecting my self-esteem and teaching Andrew negotiation survival skills. Mr. Hassan's behavior threatened my sense of competence and my self-esteem as a sophisticated negotiator (and even, perhaps, as a man). Although I generally applaud interest-based negotiation, I probably believed that, in this context, my self-esteem as a negotiator depended primarily upon my ability to demonstrate skill in positional negotiation. I thought that I would get or regain self-esteem in part by looking at myself through the eyes of Mr. Hassan, Casey, and Andrew—after I had dazzled them with my skill in negotiating a low fare. Of course, my strategy and tactics wholly failed to achieve these goals; yet, for

---

96. *See* Carrie J. Menkel-Meadow, *Toward Another View of Legal Negotiation: The Structure of Problem Solving*, 32 U.C.L.A. L. REV. 754, 799 (1984).

97. *See* ROBERT H. MNOOKIN ET AL., BEYOND WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES 204-10 (Belknap Press of Harvard University Press 2004).

reasons elaborated below,[98] I never consciously considered the idea of engaging in negotiation that included certain interests.

The most popular explication of the interest-based approach appears in *Getting to Yes: Negotiating Agreement without Giving In* (where it is called "principled negotiation").[99] The method consists of four elements. It suggests that you "separate the people from the problem" and "be soft on the people and hard on the problem"; "focus on interests, not positions"; "invent options for mutual gain"; and "insist on objective criteria."[100]

I certainly did not employ any of these elements. I did not separate people from problems, nor was I soft on any of us. I believe I did not treat Mr. Hassan kindly, in part because I disliked him and his behavior. But if I had focused on certain interests, I might have been able to treat all concerned better. I might have realized, for instance, that I had additional interests to foster, including Casey and Andrew's hopes for having a pleasant evening. I might have even considered Mr. Hassan's interest in providing for his family, which meant earning a reasonable amount from his work. It would have been helpful for me to recognize that I was trying to foster my own interests in educating Andrew about negotiation and in self-esteem (which I thought depended upon what I thought others thought of me).

The circumstances would not have allowed for any extensive process of generating options. Yet, what if I had considered the availability of other ways to foster the interests at stake. Here are some possibilities:

I might have told Mr. Hassan that I knew he was trying to cheat me, but that I wanted to help him take care of his family, and so I would pay what he asked.

I might have paid Mr. Hassan more than he asked.

I might have paid him only the amount on which I thought we had agreed, and then given him a very large tip and said it was for his children.

Any of these options would have fostered my interest in securing the esteem of Mr. Hassan, Casey, and Andrew. They might have produced a sense of self-satisfaction. It is possible that Mr. Hassan

---

98. *See infra* Section IV.A.

99. ROGER FISHER, ET AL., GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN 11-12 (2d ed., 1991).

100. *See generally id.*

would have wanted to reciprocate. Perhaps he would have offered to take us on a more specialized tour of Luxor, after dinner.[101]

The principal reason that I was unable to behave in a more interest-based fashion is that I felt too angry, agitated, and insecure.

2. *The Three Conversations Model*

The book *Difficult Conversations,* by Doug Stone, Bruce Patton and Sheila Heen, centers on the idea that it can be helpful to view every difficult conversation as if it were composed of three conversations: "The What Happened? Conversation"; "the Identity Conversation"; and "the "Feelings Conversation."[102] Through this lens, we get a different understanding of the parties in a negotiation.

"The What Happened? Conversation" deals with the parties' understanding and interpretation of what took place.[103]

My internal What Happened? Conversation *might* have sounded something like this:

> This man is deliberately cheating me, using lies, sleight-of-hand, and intimidation. This proves he is a bad person. I bargain only because it is the custom here, and I have to stop him from cheating me. I've been spending a fortune on this trip; I can't just pay everyone whatever they ask. Even if he is poor and needs the money, he *shouldn't cheat* me. It is okay to negotiate, but once they reach an agreement, people should stick to it.

Mr. Hassan's internal What Happened? Conversation. This requires a huge dose of speculation on my part, as well as very cultural assumptions, but Mr. Hassan's What Happened? Conversation *might* have gone something like this:

> This rich American is selfish and rude. He has money, but he is unwilling to pay a fair price, so, in order to support my family, I have to trick him into behaving properly. I use such tactics regularly, as do *all* the other drivers; this is the only way I can survive. It is okay to trick a customer who is unwilling to pay a fair price. Most of our customers like to haggle.

---

101. I believe it would have been impossible to use the final element in the Getting to Yes system—objective criteria. In retrospect, I believe that virtually every carriage-ride fee was negotiated, unless the passenger accepted the driver's request.

102. DOUG STONE ET AL., DIFFICULT CONVERSATIONS (1999) [hereinafter STONE ET AL.].

103. *Id.* at 9-12, 26-82.

The Identity Conversation also involves interpretation. It is a conversation we have with ourselves about what the events in question say about us.[104]

My Identity Conversation *might* have gone something like this:

> This man does not respect me. He does not realize who and what I am—a distinguished expert on negotiation, a sophisticated traveller, a man of the world. How *dare* he treat *me* like that?![105] On the other hand, maybe I am not as good a negotiator as I thought. Casey and Andrew now will think less of me as an expert negotiator-man-of-the-world, or even as a person. Maybe I am not such a good father, if I cannot show my son how to negotiate in such a situation. I cannot even teach him how to avoid getting cheated. My Uncle Max would have dealt with Hassan much more effectively, as would have any number of negotiation teachers or car salespeople.

Mr. Hassan's Identity Conversation *might* have run along these lines:

> This man does not respect me. He does not realize who I am—a hardworking father and family man, working day and night to feed my family. It crushes me to have to negotiate every day with these rich Americans who think they can come in and control my world. At least I can hold my own at bargaining . . . and show him that on these streets, I'm the boss.

The Feelings Conversation concerns the emotions attached to the events in question—or to one's interpretation of these events through the "What Happened? Conversation" and the "Identity Conversation."[106]

My Feelings Conversation:

In Luxor, my "What Happened?" and "Identity" conversations combined to produce a very negative emotional conversation, including anger, frustration, embarrassment, sadness, fear, and perhaps even a smattering of hatred. The amalgamation of these three internal conversations limited my vision of how to proceed, contributing to my

---

104. *Id.* at 110-13. If our identity feels severely threatened, we may have an "identity quake," the result of really grappling with questions such as: "Am I Competent?" "Am I a good person?" "Am I worthy of love?" *Id.* at 112. A good deal of conflict arises from perceived threats to identity. *See, e.g.,* JAY ROTHMAN, RESOLVING IDENTITY-BASED CONFLICT IN NATIONS, ORGANIZATIONS AND COMMUNITIES 1-20 (1997). *See generally* VAMIK VOLKAN, BLOOD LINES: FROM ETHNIC PRIDE TO ETHNIC TERRORISM (1997) [hereinafter BLOOD LINES]; VAMIK VOLKAN, KILLING IN THE NAME OF IDENTITY: A STUDY OF BLOODY CONFLICTS (2006) [hereinafter BLOODY CONFLICTS].

105. *See* STONE ET AL., *supra* note 102, at 14-16, 111-28.

106. *Id.* at 12-14, 85-108.

inability to see Mr. Hassan's interests or those of Casey and Andrew, and pushed me toward engaging in adversarial negotiation.

Mr. Hassan's Feelings Conversation:

I assume, without much confidence, that Mr. Hassan also felt some anger, or at least annoyance, and perhaps some of the other emotions that I experienced. It is possible that he experienced a bit of fear that I might retaliate in some way, but I doubt that—because I was on his turf. And it is equally possible that Mr. Hassan might have experienced some fun or playfulness. I have heard from reliable sources, well after the fact, that behavior of this nature is quite common, perhaps normal, among many carriage and taxi drivers in parts of Egypt.

I realize that it is more than possible that Mr. Hassan lacked the time or energy or inclination to care about these internal conversations. He had to earn a living, and I have the extreme luxury of being paid to spend a lot of time obsessing about such matters.

Had I been aware that all this might have been going on, I might have been able to separate myself from it and thereby achieved more flexibility. Had I been aware that I was experiencing an "identity quake"; that I was captured by anger and fear; that I was interpreting the situation through a self-centered and culturally-limited perspective (one which defied many principles that I had articulated in my teaching and writing)—had I known all these things, then I might have been able to achieve some distance from these phenomena and develop more clarity of mind.

3. *The Core Concerns Model*

The Core Concerns construct provides another systematic way to understand and address conflict and conflict related behavior that might have helped me perform better. Developed by Roger Fisher and Daniel Shapiro in *Beyond Reason: Using Emotions as You Negotiate*, this construct posits that everyone, in every culture, has five "core concerns" that affect emotions in negotiation and other settings: Appreciation, Autonomy, Affiliation, Status, and Role.[107] Some core concerns are more important than others, depending upon the individual, the culture, and the specific situation. But everyone, in every culture—in some circumstances at least—wants to feel appreciated, to have autonomy, to affiliate with others, to have others recognize

---

107. *See generally* ROGER FISHER & DANIEL SHAPIRO, BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE (2005). Core concerns are "human wants that are important to almost everyone in virtually every negotiation." *Id.* at 15.

their status, and to have a fulfilling role. When any of these core concerns are important to a person, and are not satisfied, the person will experience negative emotions; if these concerns are satisfied, the person will experience positive emotions.[108] Positive emotions enhance the likelihood of interest-based negotiation and one's ability to do it well.[109] Negative emotions tend to foster a narrow vision and a more adversarial, self-centered, and less-creative approach to negotiation.[110]

In Luxor, at least three of my core concerns—appreciation, affiliation, and status—were negatively affected by the interaction with Mr. Hassan. I have some sense of how such concerns might have been impacted and describe these below. As to Mr. Hassan's core concerns, my comments below are almost sheer speculation. But I might have negotiated better had I simply considered the idea that his core concerns were negatively affected by my behavior.

Appreciation: My Core Concern for Appreciation might have expressed itself as follows:

In my internal voice:

This guy does not appreciate who I am. I am an expert on negotiation. I've been all over the world. I can handle myself. No one dupes me. Casey and Andrew don't appreciate me, or my behavior, either. I am just trying to teach Andrew how to take care of himself, so he can get by in the world. They really don't understand my need to get even with this guy. They think that *I* ruined the evening, but it was *his* fault. Also, I am trying to conserve our family resources, and Casey and Andrew don't seem to appreciate that at all. This driver doesn't understand that I need money, too. I am spending a fortune on this vacation! Things are tight for me, too.[111]

Mr. Hassan's Appreciation Core Concern based on my speculation.

In his internal voice:

This rich American does not understand the desperation of my family. I have six children and can barely keep them fed with the money I earn. I drive this carriage sixteen hours every day, and I compete with many other carriage drivers. Some days I

---

108. *Id.* at 17-21.
109. *Id.* at 7.
110. *Id.* at 8.
111. I am aware that this overlaps with my Identity conversation. *See supra* text accompanying notes 107-108. Many people who have high incomes—e.g., in the top 1% in the U.S.—think they are poor. *See On Being Poor*, FRINGE THOUGHTS BLOG, *available at* http://www.fringethoughts.org/?p=154 (last visited Sept. 11, 2011).

earn almost nothing. My family never goes to a restaurant or inside the Isis Hotel.

Affiliation

My affiliation concern might have found an expression such as the following:

> This guy is trying to build affiliation with me by pointing out that we are both husbands and fathers. But he is doing that *solely* to manipulate me. And I don't want to have anything to do with him. If I really got to know him, I might want to give him everything he asks for and more, because he has such a difficult life (assuming he is telling me the truth). That would cost me a lot of money that I can't afford—or don't want—to spend.[112] I am a bit worried about my affiliation with Casey and Andrew, however. They might be starting to think I am a jerk.

Mr. Hassan's affiliation concern:

At the time, I assumed that Mr. Hassan had no *real* interest in building an affiliation with me—even though he clearly tried to do so. It is more than possible, however, that he did care about having some meaningful connection, at least briefly, with me or other customers.

Status

My status concern:

This concern overlapped with my appreciation concern. I probably wanted recognition of my high general status and of my particular status as a negotiation expert and sophisticated man of the world who would not be cheated.

Mr. Hassan's status concern:

It is not clear to me that Mr. Hassan experienced status concern, though he may have wanted recognition of his particular status as an expert on Luxor, or parts of it, and of the customs associated with carriage rides.

It is possible that we both had autonomy and role concerns.

Had I been aware of some of these concerns, and of the core concerns construct, what might have happened?

I might have understood Mr. Hassan's behavior in a more sophisticated way, based less on his behavior and more on his motivations and emotions; this would have made it harder for me to dislike him and easier for me to care about his core concerns.

---

112.   This may express more of an Autonomy concern than an Affiliation concern. *See* FISHER & SHAPIRO, *supra* note 107, at 72-89 (discussing autonomy).

I might have been able to promote the development of positive emotions in each of us by following Fisher and Shapiro's prescriptive advice: "Express appreciation," "build affiliation," "respect autonomy," "acknowledge status," and "choose a fulfilling role."[113]

The positive emotions might have made it more likely that either or both of us would have paid more attention to the interests of all concerned.

I might have been able to suspend or de-prioritize some of my core concerns. For example, I might have decided to ignore my concern about appreciation or status—or recognize that there were other ways to satisfy them.

So, the Three Conversations and Core Concerns models might (individually or together) have helped me perform better and perhaps used interest-based elements of negotiation. (I do not mean to suggest that I should have used all three of these models. The three-conversations and core concerns models, in particular, cover much of the same ground. Had I used either of them, along with elements of interest-based negotiation, we might have had a much better process and outcome.) On the other hand, I probably was too angry, fearful, and agitated to use them.

C. *Fast and Slow Thinking*

Psychologist Daniel Kahneman recently introduced a model of the mind that provides another angle of insight into what happened in Luxor.[114] In the context of decision-making under conditions of uncertainty, he describes two forms of thinking: fast and slow, which, for convenience, he calls System 1 and System 2. System 1 thinking is intuitive and automatic. System 2 is deliberate and effortful. It has ultimate control over decision-making, but usually defers—out of "laziness" to the recommendations or proposals that come from System 1.[115] For this reason, System 1 thinking essentially makes most of our decisions. And most of the System 1 decisions are useful and helpful. The problem is that System 1 thinking is especially susceptible to a number heuristics, illusions, and biases—among the most notable of which is the phenomenon that Kahneman calls WYSIATI ("what you see is all there is"), an example of the availability bias—any of which can lead to errors.[116]

---

113. *Id.* at 25, 52, 72, 94, 115.
114. *See generally* KAHNEMAN, *supra* note 50.
115. *Id.* at 20-30.
116. *Id.* at 85-88.

In the Luxor carriage negotiation almost all of my decisions resulted from System 1 thinking. They were fast and intuitive. System 2 accepted the recommendations of System 1. "There is no simple way," says Kahneman, "for System 2 to distinguish between a skilled and a heuristic response. Its only recourse is to slow down and attempt to construct an answer on its own, which it is reluctant to do because it is indolent."[117] Had I been able to slow down and deploy System 2 thinking, I could have at least considered, and possibly served, relevant interests of all concerned. However, I believe that anger and fear were too strong in me to allow for System 2 thinking.[118]

V. UNDERSTANDING, ASSESSING, AND MANAGING/IMPROVING INTERNAL (AND THEN EXTERNAL) CONFLICT-RELATED PROCESSES USING A MULTIPLICITY OF PERSONALITY MODEL: THE CINeMA-IFS PERSPECTIVE

This Section introduces a new perspective or model that integrates the idea of Conscious Internal Negotiation, Mediation, or Adjudication (CINeMA) with Internal Family Systems (IFS). It views internal conflict-related processes *as if* they were conducted by units of the mind as conceived by IFS (i.e., the Self and Parts) and *as if* they *might have been* conscious internal dispute resolution processes.[119] It also connects these internal processes to external conflict-related processes.

The CINeMA-IFS construct can help one perform three tasks in relation to internal conflict-related processes: Understanding, Assessing, and Managing/Improving them. And each of these tasks can be useful in connection with three general functions in relation to internal and external conflict: Preparing, Addressing (including

---

117. *Id.* at 416-17.

118. I have previously described how mindfulness can help a person deal effectively with negotiation situations involving high levels of emotion. *See* Leonard L. Riskin, *Annual Saltman Lecture: Further Beyond Reason: Mindfulness, Emotions, and the Core Concerns in Negotiation*, 10 NEV. L.J. 289, 315-23 (2010). I also suggested that sometimes mindfulness itself is vulnerable to the very emotions with which it helps us deal. *Id.* at 305. It now seems clear to me that another way in which mindfulness could have been helpful in the situation I described in that article is that it could have moved me into System 2 thinking.

119. I realize that my use of the terms "Negotiation, Mediation, or Adjudication" could seem overly formal. I considered an alternative formulation: "Conscious Internal Conflict Management." Although I do not expect that individuals will always, or even usually, engage fully in such formal processes internally—and I realize that in many situations these terms do not carry the meanings that the experts ascribe to them—I still think that they provide useful models.

preventing). In other words, for instance, while one is preparing for a potential conflict-related event, one can use CINeMA-IFS to understand, assess and manage the preparation process. Similarly, one can use CINeMA-IFS while addressing or reviewing a conflict. I will refer to this idea as "UAM in PAR" (Understanding, Assessing, and Managing in Preparing, Addressing or Reviewing.) The preparing, addressing and reviewing functions can relate to one another in a linear or circular (cyclical) fashion, and perhaps in other ways as well. Here is a graphic that illustrates the cyclical relation.

FIGURE 3.
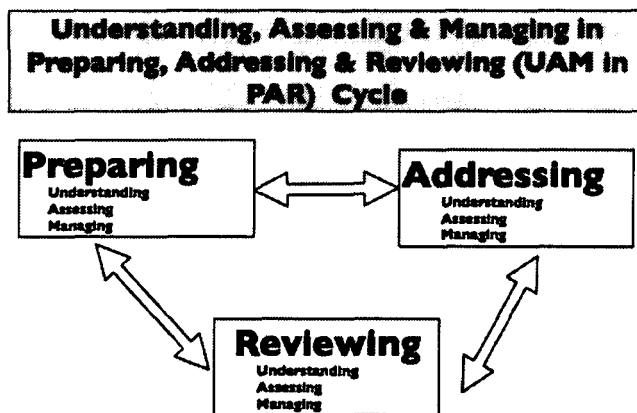
A. *Understanding Internal Conflict-Related Processes and their Relationships to External Conflict-Related Processes: The Luxor Carriage Negotiation*

When I reviewed the Luxor negotiation in Section III, I regarded the principal participants as unitary selves or personalities. With the CINeMA-IFS perspective, however, we begin by looking inside, first to see which Parts participated and the extent to which the Self participated; and, second, to see what the Self and the active Parts did internally and how this related to external conduct.

Looking back, it appears that several aspects of "me" *could have* participated in these negotiations. In addition to my Self, certain Protector Parts, and the Exiles that they were trying to protect, were theoretically available:

A Compassionate (Manager) Part that cares about, feels connected with, and wants to help others—and also has compassion for me. I will call this Part **"Gandhi."** This is a "healthy" Part, and it *tends* to embrace many of the qualities of the Self.

A **Big-Shot-Law-Professor-Man-of-the-World-Negotiation Expert (Manager) Part** (which might be a combination of four sub-Parts). I will call this Protector Part **"Big Shot."** In this instance, "Big Shot" was trying to protect a very insecure Exile, which formed at a time when I was young and experienced a sense of incompetence, inferiority and vulnerability. I call this Exile **"Tiny."**

"Mr. Moneypenny," a **security-oriented (Manager) Part,** whose principal interest or goal is building and maintaining financial security for my family and me. When this Part becomes extreme, as it may have done in this situation, I call it **"Mr. Stingy."** Under either name, this Part is trying to protect an Exile Part—**"Penny Pincher"**—that is very frightened of becoming destitute and would not give *anything* to anyone unless it seemed absolutely necessary. This Part developed at an early age when my parents, who had suffered greatly during the Great Depression, worried a lot about not having enough money.

"Careful, Good Dad" (Manager) Part, who primarily is concerned about teaching my son to survive in the world, and tries to do so in this situation by teaching him how to negotiate in an adversarial fashion, rather than accepting the first proposal. This Part's secondary concern is to earn the admiration of my son. **Careful, Good Dad** is trying to protect a very critical Exile I call **Scaredy Cat** that is extremely frightened about any risk to my family or to me.

"Good Time Charlie," an Exile Part that tries to get me to relax and enjoy life, it has been exiled by any or all of the Manager Parts mentioned above.

"Fun-Loving Kid," an exiled, young version of Good Time Charlie.

Each of these Manager Parts was trying to (1) Maintain a story line that is an essential component of one of my identities; (2) Protect other interests it thinks might be imperiled; (3) Protect Exiles from becoming agitated and fearful; and (4) Protect "me" from the potentially harmful impact of behaviors induced by an Exile that exerts strong influence.

So which of these Parts stepped up? All the Manager Parts mentioned above, except Gandhi. Big Shot dominated; it joined forces with Careful, Good Dad and Mr. Stingy to form the Coalition of the Small-Minded, which took charge. They ousted the Self[120] (or at

---

120. According to IFS, the Self is always "present" to some degree. Email from Richard C. Schwartz to Leonard L. Riskin (Aug. 6, 2011) (on file with author). So it

FIGURE 4.

Understanding the Luxor Negotiation:
The CiNeMA-IFS Perspective
Which Parts were *Potentially* Available?
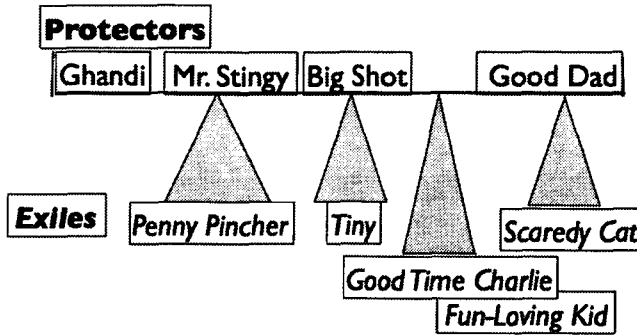
| Protectors |
| Ghandi | Mr. Stingy | Big Shot | | Good Dad |

| Exiles | Penny Pincher | Tiny | | Scaredy Cat |

Good Time Charlie

Fun-Loving Kid

The shaded triangle indicates that the Protector Parts are protecting the Exile Parts and keeping them exiled.

least put it under house arrest) and left very little room for the Compassionate Part (Gandhi) and Good Time Charlie—because they did not trust the Self or these Parts to manage this situation, fearing they might give away too much for my own good. And, of course, they wanted to protect certain Exiles from getting so upset that they would try to exert influence. For instance, as mentioned above, Tiny feels incompetent, inferior, and vulnerable. That Exile, if it broke into control, might induce me to do something more extreme, like refuse to go on *any* carriage, or decide to retreat to the hotel room for the evening, or scream, cry, or otherwise have a tantrum. Careful, Good Dad wanted to prevent that from happening. Mr. Stingy sought to protect Penny Pincher, another vulnerable Exile that was desperately afraid I would give away too much money and become destitute. Penny Pincher was already rattled because we had spent a lot of money on this trip—e.g., I had been duped into paying 50 dollars for a vase that I could have gotten for three dollars, and which I did not especially like—and we were about to go to Paris, where the costs would be much higher. So Mr. Stingy sought to protect Penny Pincher. And the entire Coalition had exiled and was trying to protect Good Time Charlie and Fun-Loving Kid.

---

might be more accurate to say that the Coalition of the Small-Minded put the Self under house arrest. In any event, for a period of time, it deprived the Self of the ability to lead.
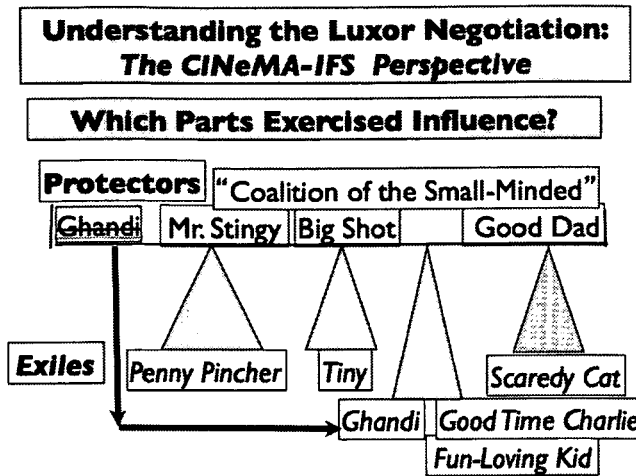
FIGURE 5.

The shaded triangles indicate that the Protector Parts are protecting the Exiles Parts and keeping them exiled.

When I analyzed this negotiation, in Section III, *supra*, using the assumption of a singular Self or personality, I described *my* interests, *my* three conversations, and *my* core concerns. But a CINeMA-IFS perspective would look deeper and seek the sources or explanations of such interests, conversations, and concerns. And in this perspective, the interests, the three conversations, and the core concerns that I described were not exactly "mine"; rather they were associated with the Ruling Coalition and its member Parts.

Thus, my internal "What Happened? Conversation," which included only the members of the Ruling Coalition, produced an interpretation: Mr. Hassan was deliberately cheating *me*, which was "wrong," and, that therefore, he was a bad person;[121] I had been spending so much money on this trip that I could not "afford" to pay him what he asked, and I was justified in negotiating in an adversarial way because he was cheating me. This interpretation also set the stage for my internal Identity Conversation—which produced an "identity quake,"[122] or a perceived threat of it, in each of the identities represented by the active Manager Parts. And the outcomes of

---

121. This train of reasoning is an example of the "fundamental attribution error." *See infra* note 171 and accompanying text. Kahneman explains that System 1 automatically makes causal attributions. *See* KAHNEMAN, *supra* note 50, at 74-77.

122. *See* STONE ET AL., *supra* note 102, at 112-13. Stone, Patton, and Heen suggest that when our sense of identity—the story we tell ourselves about ourselves—is

these two conversations produced my Feelings Conversation, which featured anger, fear, and anxiety.

All of this ensured that I would engage in positional negotiation[123] and made it impossible for me to consider the interests of Mr. Hassan and his family, or even Casey and Andrew's interests in avoiding embarrassment and enjoying the evening. In addition, my Big Shot and Stingy Parts habitually negotiate in a positional, adversarial way in situations in which I feel insecure, as a result of many influences in my life. Big Shot also wanted recognition as a good adversarial negotiator, so such recognition became one of "my" primary goals or interests. Moreover, Careful, Good Dad wanted to teach my son how to bargain. And Mr. Stingy wanted to keep as much money as possible. So, together, they put the Self in house arrest, ousted Gandhi, and kept Good Time Charlie and Fun-Loving Kid in exile, out of fear that they would give away too much.

In addition, this coalition of Parts determined which of their (and therefore my) core concerns would be impacted by this encounter, and whether that impact would be positive or negative. *The core concerns at issue were those of the Parts that were in charge at the time.* It was, for instance, *the appreciation concerns of the coalition members* and the *autonomy* concern of my Big Shot Part that were negatively impacted.

To the extent that I worried about my *affiliation* with Casey and Andrew, who might think I behaved badly, it was the affiliation concern of my Big Shot and Careful, Good Dad that were in play. Any worries I might have had about Status and Role, likewise, were those of the members of the Ruling Coalition. Because these core concerns—of the Coalition Parts—went unsatisfied, I (through these Parts) experienced anger and fear—which, of course pushed me further toward adversarial negotiation strategies and tactics. In other words, the positional, adversarial strategy was "over-determined" because the narratives and emotions associated with the three conversations and core concerns would have compelled and reinforced that

---

shaken, we lose our balance. They describe three "core" identity issues: "Am I competent?"; "Am I a good person?"; and "Am I worthy of love?" *Id.* Each of the Parts of one's personality can have an identity quake.

123. One of the Sub-Parts of my big shot Part also contributed to my adversarial behavior. This is a Part that embraced the negotiation ethos of the extended family in which I grew up. This is the same ethos expressed by Howard Prince, Woody Allen's character in the movie *The Front*: "In my family, the biggest sin was to pay retail." THE FRONT (Columbia Pictures 1976).

strategic behavior.[124] I am pretty sure that my Self was not involved. I do not know about Mr. Hassan's Self.[125]

At this point, if not before, some readers will wonder to what extent I believe that (1) The Parts and the Self are real; and (2) They actually did what I have ascribed to them. As to the first question, I believe neither that the Self and Parts are real nor that they are not real. These entities are constructs that are part of a model. We should judge this model, as well as other models—such as the rational actor, the reasonable person, Freud's Id, Ego, and Superego[126] and Kahneman's two "fictitious characters" (System 1 and System 2 thinking)[127] and two selves (the experiencing self and the remembering self)[128]—by reference to whether they are useful for particular purposes.[129] I believe that the IFS constructs—especially combined with the idea of conscious internal negotiation, mediation, or adjudication—are useful in giving us a distinctive form of access to internal processes and the ability to understand, assess, and manage (and thereby improve) both internal and the external conflict-related

---

124. Here is another way to understand what happened, with the benefit of the IFS perspective. When we interact with another person—directly or indirectly, consciously or subconsciously—we usually are dealing with one or more of that person's Parts. And we are doing so through one or more of our Parts. Usually, we are not aware that our interactions have this limited nature. Our Parts generally bring out, in the other person, similar Parts and similar (or complementary) emotions, thoughts and behaviors. When person A's active Parts and person B's active Parts are in conflict, based on their perceptions and goals, we think that A and B are in conflict. If person A's active Parts and Person B's active Parts are getting along this morning, A and B think they are not in conflict, and they feel comfortable. Their Parts might even connect and feel more comfortable. So, in the interaction between Mr. Hassan and me, in this view, although "I" thought that "I" was in conflict with Mr. Hassan, it is more accurate to say that a Part or Parts of me *thought* that I was in conflict with Mr. Hassan. But what my Parts-in-Charge thought was Mr. Hassan was really a Part or Parts of him. When my Parts-in-Charge interpreted his behavior, it was behavior that was dictated by *his* Parts-in-Charge. And which of his Parts were in charge, and what they did, resulted from his entire life experience and his interpretation of my behavior, which was produced by my temporary ruling coalition of Parts.

When we connect on a Self-Self level, we feel something like joy. *See* SCHWARTZ, INTRODUCTION TO IFS, *supra* note 40, at 46-47.

125. It is likely that if I looked inside I would identify not only the Parts that ultimately formed the Governing Coalition (Mr. Big Shot; Stingy; Careful, Good Dad) but also additional Parts, including Gandhi and others, that would care about the welfare of Mr. Hassan and his family and Casey and Andrew, and want to encourage me to behave generously, if only so I could feel like a good person. These Parts, too, would have their positions, interests and core concerns, which could prompt their attempts to exert influence.

126. *See* FREUD, *supra* note 43.

127. *See* KAHNEMAN, *supra* note 50, at 29.

128. *Id.*

129. *See supra* note 25 and accompanying text.

processes with which they are connected. As Jay Earley puts it, "You may treat the idea of subpersonalities as simply a useful metaphor for viewing the psyche, which it is, but it is much more than that. If you treat the components of your psyche as real entities that you can interact with, they will respond to you in that way, which gives you tremendous power for transformation."[130]

B. *Assessing Internal and External Conflict-Related Processes: The Luxor Carriage Negotiation*

Assessment or evaluation of the Luxor Carriage negotiation might address the nature and qualities of the processes and outcome.

1. *The Nature and Quality of the Internal (and Resulting External) Processes*

My internal processes were *not* CINeMAS. Instead, as I have suggested *supra*, certain Parts—the "Coalition of the Small-Minded"—staged a semi-secret *coup d'etat* or power play, occupied the seat of consciousness, and ousted, or left little room for, the Self or Gandhi. To what extent did the Coalition take into account—in some fashion—all significant interests of my Parts? They did not take into account interests of Gandhi in generosity or interests (of other Parts not explored in this Article) in being seen—or seeing myself—as a "Good Person." They also did not consider Casey and Andrew's interests in having a pleasant evening or Mr. Hassan's various interests. Overall, neither they nor I benefitted from the wisdom and clarity of the Self.

2. *The Nature and Quality of the Outcomes*

From "my" perspective, the outcomes were mainly negative. I spent more money than I had intended. No one admired my negotiation skills. Through my active Parts, I experienced strong, unpleasant emotions, as well as "identity quakes"[131] associated with my active Protector Parts—Big Shot, Mr. Stingy, and Good, Careful Dad. My active core concerns received no satisfaction. My family and I had a very unpleasant evening. Over the ensuing years, I have experienced guilt and shame about my performance during this event. (Which Part or Parts have produced the guilt and shame? Perhaps it was Gandhi, but I suspect that other manager Parts, which want to maintain the story line that I am a "Good Person," also contributed.)

---

130. EARLEY, *supra* note 40, at 17.
131. *See supra* text accompanying notes 107-108.

I consider two of the outcomes of this event positive. First, Mr. Hassan got a pretty good fare, and I did not suffer noticeable financial damage. Second, partly as a result of this encounter, I have more frequently been relaxed and generous while traveling and hanging out with Casey or Andrew. Good Time Charlie climbs up the basement stairs occasionally, and joins forces with a now-wiser Careful, Good Dad. On the other hand, this puts me in mind of Bernard Mayer's idea that we should view conflict as existing along three dimensions—cognitive, behavioral, and emotional[132]—and that for a resolution to be "full" it must occur along all of these dimensions.[133] Applying such principles to my potentially active Parts, including Gandhi, it appears that—perhaps until I wrote this Article—*they* had not achieved resolution along any of these dimensions. It is easy to see that I did not reach cognitive or emotional resolution. And although I reached behavioral resolution externally, some of my Parts continued an internal process that seemed like an argument.

C.   *Understanding and Assessing Internal and External Conflict-Related Processes: The Manila Table-Runner Negotiation*

Application of the CINeMA-IFS perspective need not be so complex or systematic. Here is a brief take on the Manila table runner negotiation, which is mentioned in the introduction to this Article.

One year after the Luxor negotiation, I co-conducted a mediation training program for the Philippine Bar Association in Manila. Before the trip, I planned to bring back gifts for my family, and I promised my law students a negotiation story. In the rush of activity in Manila, I forgot about both the presents and the story. After the training, on our last day in Manila, a young lawyer, nicknamed "Bong," who had participated in the program, took Michael Keating, one of my co-trainers,[134] and me on a tour of Manila, which included a theme park that featured displays of many of the thousands of Philippine cultures. As we drove to the theme park, I remembered that I had not purchased anything for my family, and I—or a Part of me—felt desperate to do so. After several hours, we got to the Cordillera Region, where I admired two items: a lovely, woolen blanket in grey

---

132. *See* BERNARD MAYER, THE DYNAMICS OF CONFLICT RESOLUTION: A PRACTITIONER'S GUIDE 4-8 (2000).

133. *Id.* at 98-108.

134. Charles Wiggins also was part of our training team, but had left Manila already. Had he been present, he might have helped me. *See generally* Charles B. Wiggins, *"He's Such a Jerk!!" Education as a Response to Professionally Inappropriate Behavior*, 29 HAMLINE J. PUB. L. & POL'Y 299 (2008) (recommending ways to prevent or reduce disruptive behavior by physicians and lawyers. It was not about me.).

with a subtle purple patterned border, and a red table runner with a blue abstract design.

I described the ensuing negotiation, in an article published in 1999, as follows:

A pleasant woman (I'll call her Mrs. Ortigas) jumped up from the weaving apparatus and rushed across the village to help us. When I asked the price, she replied that the blanket was 600 pesos (about $24.00) and the runner was 250 pesos (about $10.00), remarkable values, I thought.

I was about to dig out 850 pesos when my friend (and co-trainer) Michael, with a devilish twinkle in his eye, reminded me that "higher aspirations get better results," one of the tenets of negotiation we had discussed with participants in our workshop. Then I remembered my promise to find a negotiation story. This was the perfect opportunity. Besides, Bong had participated in the seminar; I had to show him I could "do," not just teach.

So I found myself saying, "How about 750 pesos?" Mrs. Ortigas' head recoiled slightly; she knitted her brow and narrowed her eyes, giving me a look of exquisite pathos that asked, "Are you going to do *this* to me?" Then she smiled, shook her head apologetically, and gently repeated, "850 pesos." Bong suggested 800 pesos, and Michael, probably a bit ashamed of himself, concurred. Mrs. Ortigas agreed, and I pulled out my cash, feeling slightly queasy at having maneuvered her out of about $2.00. But I had two gifts, and a negotiation story.

A few minutes later, inside the store, Michael and I found more table runners and another blanket. We paid full price, and I started to feel a little better. As we prepared to leave, Mrs. Ortigas thanked us profusely. Then she told us how important this transaction was: this was her first sale in two weeks, and she had worried greatly about how she would pay the rent on the store and provide for her children, whom she described as "orphans." She had been praying desperately for help, she said, as she pointed to a framed picture of the Virgin Mary and a lighted candle on a raised table behind the counter.

As we walked up the hill toward the air-conditioned Corolla that would return us to the Hyatt, Bong told of his conversation, with Mrs. Ortigas, in the native Tagalog. She believed that God had sent Michael and me in answer to her prayers. I was engulfed in a sea of guilt. This negotiation, which I had instigated almost for sport, as a way to enhance my own self-esteem, was a matter of survival for Mrs. Ortigas and her family. My first instinct

was to pay her the extra 50 pesos, but that seemed inappropriate. It would have shattered any appearance of bargaining integrity and acknowledged the supercilious nature of my behavior.[135]

Considering this through the lens of established practices and perspectives about negotiation, and assuming a single self, it is clear that I practiced adversarial, positional negotiation. Despite my devotion to interest-based negotiation, it never occurred to me to engage in it—except to the extent that it addressed the interests of Big Shot and Mr. Stingy, which were masquerading as "my" interests. During and after the negotiation, although I was aware of Mrs. Ortigas' interests, I really did not undertake to address them.

From the CINeMA-IFS perspective, what had happened? Michael's mischievous reminder—"higher aspirations get better results"—prompted my Big-Shot-Professor-Negotiation-Expert Part to take over, with support from Mr. Stingy. Big Shot wanted appreciation and Mr. Stingy *still* wanted to save money. And both of these members of this "Partnership of the Parsimonious" wanted to believe they were behaving appropriately. Big Shot *still* thought it could best garner appreciation through demonstrating positional negotiation skills. But it could not have expected such appreciation from Mrs. Ortigas. Instead, it looked for appreciation from Bong, from future law students to whom I might tell the story, and perhaps from my friend Ron—who had visited the Philippines (or was it Egypt?) and said that "Everyone there negotiates for everything," a statement confirmed by my travel guidebooks. And that Part was relentlessly attached to the idea that it was okay to negotiate in this way with Mrs. Ortigas. Even after I learned of her belief that divine intervention had brought us to her, and I was suffused with guilt, I still did not return and pay full price for the items about which we had negotiated. I *considered* that, however. Then I heard, "A deal is a deal," recited in unison by Big Shot and Mr. Stingy.

In short, my behavior backfired completely here, too. I earned no appreciation from Mrs. Ortigas, Bong, or Michael; and I have experienced a good deal of regret and guilt. I do not even have the excuses that I had in Luxor. There, I was worried about the money we were spending on a vacation, I was certain that Mr. Hassan was trying to cheat me, and I felt anger, fear, and aversion. In Manila, I had just earned a handsome fee for doing a training program, flew business

---

135. Riskin, *supra* note 2, at 87-89.

class, and stayed in a fancy hotel, all at my hosts' expense—and I thought Mrs. Ortigas was a lovely person.[136]

In Manila, I had much more awareness. Still, the "Partnership of the Parsimonious" squeezed out four-fifths of the Self, interpreted the situation, determined my goals, and directed my behavior. In this situation, as in Luxor, had I considered the interests of my Big Shot Part in impressing Bong and future students, and also considered the interests of Mrs. Ortigas, I might have come to a simple solution. I could, for instance, have reached the 750 Pesos agreement, thereby exercising and demonstrating my positional negotiation skills, and then paid her the full amount she had requested, thereby demonstrating my generosity. In order to have done this, however, I would have needed a high degree of awareness of my active Parts and what they were doing, and I would have needed to pay attention to my Self or Gandhi.

D. *Managing/Improving Internal and Related External Processes through the CINeMA-IFS Perspective: The Luxor Carriage Negotiation*

I explained above, in Subsections A, B, and C, how the CINeMA-IFS perspective could help one understand and assess internal and external conflict-related processes. Here, I wish to summarize, clarify, and extend those thoughts, before we plunge into the meat of this Subsection, how to manage and improve such processes. I will use the Luxor carriage negotiation to do so.

The IFS perspective allows one, through the Self or certain Protector Parts, to:

> (1) Become mindfully aware—i.e., without judgment or attachment[137]—of specific thoughts, desires, emotions and body sensations that people ordinarily consider parts of their identity. In the carriage negotiation, for instance, I might have noticed thoughts such as "I am a noted authority on negotiation," "I deserve respect," "I do not get taken for a fool in negotiation," "I am generous, but not when someone tries to cheat me," and "I am (or am not) a good person." I also might have noticed associated emotions and body sensations.

---

136. I am aware that my entire analyses of the interactions with Mr. Hassan and Mrs. Ortigas could be *post hoc* rationalizations of thoughtless behavior. *See* GAZ-ZANIGA, *supra* note 24, at 77-78.

137. *See* PHILLIP MOFFITT, FROM EMOTIONAL CHAOS TO CLARITY: HOW TO LIVE MORE SKILLFULLY, MAKE BETTER DECISIONS, AND FIND PURPOSE IN LIFE 18-24 (2012).

(2) Understand such thoughts, emotions, desires, and body sensations not as elements of my essential identity, but, instead, as manifestations of (and "trailheads"[138] to) Parts of my personality that circumstances prompted into action;

(3) Recognize the Parts from which such thoughts, desires and emotions emanate;

(4) Consider whether these phenomena could be seen as aspects of a CINeMA-IFS process, such as opening offers or options in a negotiation;

(5) Determine the nature and quality of the internal processes among these parts; and

(6) Assess the outcomes—or likely outcomes—of these processes.

Such understanding and assessment could lead me to decide whether I would try to manage the internal processes. If I decided to manage the internal processes, the general approaches would be (1) To change the nature of—and the participants in—such processes; and (2) To work with the affected Parts in order to help them function well both individually and systemically, so as to produce better internal and external processes and outcomes.

As I have proposed above, one can use the CINeMA-IFS process to perform *three tasks: understanding, assessing, and managing/improving* internal conflict-related processes, and can do so while performing *three functions: reviewing, preparing, and addressing* conflict.[139]

It is not feasible, and probably not useful, to fully illustrate in detail how one might perform all three of these tasks while conducting each of the three functions. So, in this subsection, I will give some examples; in doing so, I will emphasize the task of managing and improving in connection with each of the three functions—reviewing, preparing, and addressing. However, since improving usually builds upon understanding and assessing, I will necessarily mention those tasks as well.

1. *Reviewing the Situation*

I have already conducted a CINeMA-IFS review of the Luxor situation, in which I carried out the first two tasks—understanding and

---

138. *See* EARLEY, *supra* note 40, at 53-58, 68-70.
139. *See supra* Figure 3 and accompanying text.

assessing.[140] But the review process also can include elements of management toward improvement. For instance, while reviewing this episode I might have been able to work with relevant Parts (in ways described *infra* under Preparing[141]) to help them better integrate or function harmoniously with one another,[142] fostering my own "full resolution" along the cognitive, behavioral, and emotional dimensions.[143] This would have enabled me to deal better with Mr. Hassan, or others, in the future. In the conflict with Mr. Hassan, I experienced behavioral resolution late in the evening when I abandoned the pursuit of revenge. But I did not reach cognitive resolution until I completed the analysis for this Article. And I did not reach full emotional resolution until I reached cognitive resolution.

Had I been able to improve my internal processes in this way or in an abbreviated fashion, during or shortly after the interactions with Mr. Hassan, I might have been able to "reset" our relationship or interaction along the way.

While I was writing this Article, my Parts seem to have made peace with one another. They are more willing to listen to the Self or to trust "me." I have learned to distinguish the Self from Parts and, often, one Part from another. Big shot and Mr. Stingy and Careful, Good Dad dominate less frequently, though they still make known their wishes, perspectives, and beliefs.

2. *Preparing for this or Similar Situations*

In preparing for this or a similar future situation, I could work with the Parts, before or during the conflict, to improve internal (and then external) processes by: Educating or calming the relevant Parts and by showing affection toward them as well as understanding and appreciation of their concerns. In conflict resolution terms, I would help them understand the differences between their positions and their (and my) interests. Here I could use language or ideas from basic negotiation theory, the Core Concerns construct, and Three Conversations construct.[144] I could help the Parts that were fixated on saving money to understand that my financial condition had changed since I was a student, that we had enough money, and that anything I spend this evening could not possibly have a significant impact on the family's financial situation. (This "updating" process is

---

140. *See supra* Sections IV.A. & B.
141. *See infra* Section IV.D.2.
142. *See* SCHWARTZ, YOU ARE THE ONE, *supra* note 40, at 90-92.
143. *See infra* note 163 and accompanying text.
144. *See supra* Section III.B.

part of what Schwartz calls "unburdening" the Parts[145]—freeing them from certain strongly felt obligations.) I also might be able to persuade—or educate—the Big Shot Part that we could satisfy its need for recognition in other ways, e.g., by negotiating a low fare and then voluntarily paying a higher one. I might have thanked him for his efforts and concerns and persuaded him that I do not need the recognition.) I might have dealt with Careful, Good Dad with the same suggestion and by proposing that interest-based negotiation and generosity would provide a better model of behavior for my son.

Other available strategies and techniques include:

a. *"Depolarizing" any polarized Parts that were vying for control, such as Gandhi and Mr. Stingy or Big Shot[146]*

My Self could facilitate a dialogue in order to help them stop seeing each other as enemies, and instead, to notice each other's positive qualities and learn to trust each other and to collaborate. This IFS depolarization process resembles an interest-based negotiation or mediation, and in it, perhaps, I could draw upon what I have learned about working with such processes in connection with external conflict.

b. *Asking various Parts that were vying for control to "step back" and allow the Self to manage this matter, after assuring them that the Self appreciates and would protect their concerns and interests[147]*

This IFS technique is essentially a negotiation, combined with a request. My Self and perhaps a Manager Part would be on one side, and the stingy Parts and Careful, Good Dad Parts, on the other. Next, my Self and perhaps a Manager Part might have a similar interaction with the generous Parts. If the Parts still would not agree to step back, I could perhaps decide to simply ignore them—or let them be—or explain what I need to do and that we could discuss it later, an exercise of leadership.

---

145. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 108-10. Note that IFS includes detailed procedures for working with the Parts; in one of these, the Self seeks permission from a Protector to talk directly to an Exile in order to "unburden" the Exile of one or more of the obligations it believes it carries—such as protecting the family money. *See id.* at 109.

146. *See id.* at 121-22.

147. *See* EARLEY, *supra* note 40, at 97, 99-103.

c. *Conducting a Multi-Part Mediation*

If none of above-mentioned techniques succeed—and I still have time—I might conduct a multi-Part process involving most or all of the concerned or potentially concerned Parts. In it, we could try to identify the positions and interests of the Parts (and how these arose) as well as their active core concerns and how these influenced their behavior. In such a process, I would be conscious of the various approaches one could take in mediation,[148] including processes that have evolved for external conflict involving multiple parties, such as public-policy mediation[149] and negotiated rulemaking.[150]

If time were very short, we might simply try to address the positions of the Parts and reach for a quick, narrow compromise about how much money I would spend. And perhaps that would make all the Parts sufficiently comfortable to coexist peacefully—because their positions and interests had been accommodated, or at least expressed and recognized. But I would try to make time to use an interest-based approach that would seek to understand the underlying interests of the Parts, whether such interests were really at stake in this situation, and whether the positions that the Parts were asserting were the best ways to protect these interests.

d. *Adjudicating*

I might conduct an adjudication—a process in which the decision-maker—in this case, my Self or an appropriate Manager Part—determines the outcome after each side presents its argument—or I might use what Schwartz calls a "board meeting."[151]

---

148. *See generally* Leonard L. Riskin, *Decision-Making in Mediation: The New Old Grid and the New New Grid System*, 79 NOTRE DAME L. REV. 1 (2003) (describing various approaches to mediation); *see* Kenneth Kressel, et al., *Multidimensional Analysis of Conflict Mediator Style*, 30 Conflict Resol. Q. 135 (2012) (discussing various mediation approaches).

149. *See generally* JOHN FORESTER, DEALING WITH DIFFERENCES: DRAMAS OF MEDIATING PUBLIC DISPUTES (2009) (discussing mediation in public and private settings); SUSAN L. PODZIBA, CIVIC FUSION: MEDIATING POLARIZED PUBLIC DISPUTES (2012) (describing how people with different values reach consensus in public policy matters).

150. *See* Philip J. Harter, *A Cure for the Malaise*, 71 GEO. L.J. 1, 28 (1982); Philip J. Harter, *Assessing the Assessors: The Actual Performance of Negotiated Rulemaking*, 9 N.Y.U. ENVTL. L. J. 1, 32 (2000).

151. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 225–30. Schwartz's Summary Outline for Working with Individuals suggests the following steps in group decision making (which would come after a good deal of work on the preceding steps):

1. As decisions emerge in the person's life, Self assembles parts for internal board meetings in which the group discusses the decision.
2. Self listens to this discussion and then makes the decision.

In deciding which processes to use, I might draw upon my study and experience in choosing appropriate dispute resolution processes to address external conflict.[152] And, of course, I would rely on my understanding of the relevant Parts and how they function and work together, or polarize. All of these ways of working with internal processes would serve the goals of creating internal harmony and wise decision-making about internal and external conflict.

Whether and how I use the CINeMA-IFS system in a future similar incident would depend in part on how well I had prepared. And preparation could have long-term and short-term,[153] and general and particular, aspects. Had I been trained in IFS or undergone IFS therapy, we could say that I had been preparing for this for some time. I would have been familiar with my Parts and their relationships and how to work with them. For present purposes, let us make the unlikely assumption that, before we left the hotel, I had a session with my Self and Parts to get ready for the evening. In order to make that assumption seem almost reasonable, let us imagine that I had an even bigger problem than I actually had, i.e., throughout this and other trips (and preparations for them), I had frequently behaved in inappropriate ways that resembled my conduct in Luxor. For instance, when issues arose that had financial implications—e.g., choices about flights and other modes of travel, hotels, restaurants, tours, and tourist and cultural attractions—I would be very stingy and quick to anger when decisions did not go my way.[154] As a result, I had destroyed a good deal of the potential for joy in these trips. I wanted to change my behavior in this regard, but much of it seemed automatic, and I had little control. That is why I wanted to conduct a CINeMA-IFS preparation session. In such preparation, I might have drawn upon IFS and Conflict Resolution in a number of ways, such as those described above.

Conflict can have many meanings. Professor Bernard Mayer has written that we can understand conflict as "a feeling, a disagreement, a real or perceived incompatibility of interests, inconsistent world views, or a set of behaviors."[155] Professor Dean Pruitt distinguishes

---

3. Self takes care of those parts that lost out in the decision, and tries to maintain balance such that no part or group of parts always loses.

   Id. at 230.

   152. *See* RISKIN ET AL., DRL4, *supra* note 8, at 857-85.

   153. I am grateful to David Hoffman for this insight.

   154. *See* Riskin, *A Couple Abroad, supra* note 3, at 10 (giving examples of my stingy behavior on a family vacation in Paris).

   155. BERNARD MAYER, THE DYNAMICS OF CONFLICT RESOLUTION: A PRACTITIONER'S GUIDE 3 (2000).

between subjective and overt conflict.[156] My colleagues and I have sometimes made a similar distinction between "conflicts" and "disputes." In this way of looking at things, a conflict is "a clash of interests, actual or perceived" and disputes "are immediate manifestations of conflict [that] arise when people take [certain kinds of] actions based on this actual or perceived clash."[157] So, I perceived a conflict with Mr. Hassan as soon as he said the fare would be ten E£ per person. But we did not have a dispute until I challenged his demand.[158]

Preparation processes such as those just described might have been quite helpful—by enabling me to stop the conflict from turning into a dispute. Better yet, if I had resolved, in advance, not to worry about the fare, I might never have perceived an incompatibility of interests, so I never would have felt a conflict with Mr. Hassan. In fact, I never would have met him because I would have acceded to the fare requested by the carriage driver with whom I had previously spoken.

3. *Addressing the Situation*

I might have performed better in the actual encounter with Mr. Hassan if I had not felt angry, insulted, and fearful and had not demonized Mr. Hassan—or at least had had some distance and freedom from these phenomena. If I had been calm, clear, and mindful of significant interests (which might mean "being in Self"), I would have been able to protect those interests *and* to treat Mr. Hassan with kindness. I would have been able to skillfully use established Tools for Managing Conflict, such as those I discussed *supra*: basic negotiation theory, the Three Conversations, and the Core Concerns.[159]

How could I have avoided domination by my anger toward or dislike of Mr. Hassan? I would have had to be aware of and worked with my relevant Parts. Such internal work, which I described in the preceding subsection, also might have produced healing within my internal family. I might have been able to do the internal work:

a. If I had been aware of the IFS framework and aware—to *some* extent—that certain of my Parts had staged a *coup d'etat* and that these Parts, not my Self or other potentially-interested Parts, were

---

156. Dean G. Pruitt, *Social Conflict: Some Basic Principles*, 2007 J. DISP. RESOL. 149, 149 (2007).
157. RISKIN ET AL., DRL4, *supra* note 8, at 3.
158. Leonard L. Riskin, *Eleven Big Ideas about Conflict: A Superficial Guide for the Thoughtful Journalist*, 2007 J. DISP. RESOL. 157, 158 (2007).
159. *See supra* Section III.B.

dictating how I interpreted events, felt, and behaved and were push-
ing me toward highly positional behavior that ignored important in-
terests of my Self, my Gandhi Part, my wife and son, and Mr.
Hassan.

b. If I had been aware that Mr. Hassan had not singled me out
for special treatment, i.e., that he dealt with me in the fashion in
which he generally negotiated with customers who do not readily
agree or succumb to his fee requests. I could have noticed that it was
my Big Shot Part that felt insulted; then I could have tried to deal
with that Part (as described *supra*).[160]

c. If I had realized that Mr. Hassan's circumstances, which
brought out certain of his Parts (and their interpretations, interests,
core concerns, and the like) inclined or pushed him toward this sort of
behavior. Such behavior produced more income, which he likely
needed. It also matched national and local industry custom.

As the Coalition of the Small-Minded interpreted events, it—and
therefore I—considered Mr. Hassan a bad person because he tried to
cheat me. In reaching that conclusion, I made what psychologists call
the "fundamental attribution error (or correspondence bias)—the ten-
dency of observers to attribute another person's behavior to disposi-
tional factors (those internal to the person) rather than to situational
(external) factors"[161]—which is a product of System 1, fast think-
ing.[162] But with the benefit of the Self-Parts model, I might have
been able to recognize that some of Mr. Hassan's Parts had taken
over in order to protect specific interests and Parts, and in response
to circumstances—which might have included my own adversarial
behaviors. Insights of this nature might have helped me activate
System 2, slow thinking, and thereby avoid feeling insulted or
threatened by his behavior. Such insights also might have brought
me "into Self" and encouraged a feeling of compassion for Mr. Hassan
and perhaps for Casey and Andrew, too. And being "in Self" would
have enabled me to treat Mr. Hassan with tolerance and grace[163] and
to work with my internal Parts as described *supra*.

Had I experienced such insightful awareness, perhaps conflict
would not have arisen. I might have decided not to worry about the

---

160. *See supra* Section V.D.2.

161. *See* Jean Sternlight & Jennifer K. Robbennolt, *Good Lawyers Should Be Good
Psychologists: Insights for Interviewing and Counseling Clients*, 23 OHIO ST. J. ON
DISP. RESOL. 437, 462 (2008).

162. *See* KAHNEMAN, *supra* note 50, at 13.

163. For a consideration of how mindfulness can help one deal better with the
stages of conflict escalation described by Friedrich Glasl, *see generally* Leo F. Smyth,
Escalation and Mindfulness, 28 NEGOT. J. 45 (2012).

fare (or to just pay the requested fare), either before leaving the hotel, as Mr. Hassan and I began discussing the fee, or during or immediately after the ride. To do this, I might also have had to be aware that whatever fare I ended up paying for a one-mile carriage ride could not really affect my family's well-being; that the carriage drivers on the Corniche doubtless needed the money more than we did; and that a carriage ride could be fun, and a warm family memory, *if* I stopped worrying about money.[164] Enabling such understandings to develop would require a substantial reduction in the influence of the extreme perspectives of my parsimonious Parts—which could have been achieved by, e.g., bringing in Gandhi and exposing the active Parts to the Self.

With broader awareness, I also might have recognized that, although my controlling Parts thought Mr. Hassan was cheating me, he likely believed he was doing nothing wrong. And other Parts of me, such as the Exile Ghandi, wanted to help him help his family. I might have told Mr. Hassan this—which, in IFS terms, would be speaking "for" rather than "from" these Parts.[165] What if I could have gotten across to Mr. Hassan the idea that Part of me feels angry at him because I think he is trying to cheat me, *and* that another Part of me wants to help him and his family—or at least that I had both of these thoughts? That might have changed the tenor of our interaction. It might have encouraged some of my most active Parts to back off and make more room for the Self. As Schwartz put it:

> When your parts trust that you will speak for them, they feel less drive to take over and explode at people. What they really want is to have a voice—to be listened to by you and have their position represented to others. Like people who have been oppressed, they don't need dramatic, cathartic expression, just acknowledgement and representation.[166]

Regardless of Mr. Hassan's response to such statements, I might have paid him what he asked or even given him more than he asked

---

164. This could be an example of a conflict between the "experiencing self" and the "remembering self" described by Kahneman. *See* KAHNEMAN, *supra* note 50, at 381.

165. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 89. In general, speaking *for* your Parts also can help your negotiation counterpart better understand you and avoid committing the fundamental attribution error (*see infra* notes 170, 171 and accompanying text) or demonizing you. It is not clear that such a technique would have been useful in the Luxor situation, because of the cultural and socio-economic gaps between Mr. Hassan and me. But I might have gotten across the message by saying that "I understand that you are trying to take advantage of me, and I want to help you take care of your family, so I will pay what you ask (or more)."

166. Email from Richard C. Schwartz to author (Aug. 6, 2011) (on file with author), *supra* note 125.

or otherwise considered relevant interests of all concerned. This would have been possible only if I (my Self) had been keeping track of the active Parts and had been sufficiently present or strong to take the lead. Casey and Andrew would have applauded such generous behavior. Perhaps, if I had paid him extra, Mr. Hassan would have offered to take us on a more extensive tour, at no charge, after dinner.[167]

During the interaction with Mr. Hassan, I would have had to act much more quickly than if I were quietly preparing in my hotel room. I would first have to deal with the Parts that were trying to take control or already had taken control. To do this, I might:

Use abbreviated versions of methods described *infra*. These could include depolarizing certain pairs of Parts, as well as using established dispute resolution processes, or aspects of them, internally.[168] In addition, I could ask Parts that are trying to take control to "step back" and let me handle the situation. This technique is particularly handy and can be used in the moment without extensive analysis, just as it might function in many aspects of life—e.g., when the head of a unit within a corporation takes over a negotiation from one of her subordinates, or the center fielder (in American baseball) waves away the left fielder in order to say "I've got it." If the Parts do not comply, I could decide to ignore them, or, as the mindfulness teachers suggest, "Let them be."

I also could use the following IFS strategies and techniques:

a. *Be "the 'I' in the storm."*[169]

In Schwartz's words:

> Is it possible not just to *pretend* to feel confident, compassionate, clear, and calm, but to actually *be* in that state, even while, simultaneously, you are highly triggered?. . .Your Self becomes the "I" in the storm—the calm center of the inner tornado of your triggered parts and of the outer hurricane of upset parts in the people around you.[170]

---

167. David Owen, *Swinging in Morocco*, THE NEW YORKER, May 21, 2001, 52, 53-54 (recounting an episode in which the author insisted on paying a taxi driver more than he asked, to their mutual benefit).

168. *See supra* Sections IV.D.1-2.

169. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 37.

170. *See* SCHWARTZ, YOU ARE THE ONE, *supra* note 40, at 154.

b. *Regard Mr. Hassan as my "tor-mentor"*[171] *and learn about my Parts from his behavior and their reactions to it.*

c. *Use my reactions to Mr. Hassan (thoughts, emotions, body sensations) as "trailheads" to help me discover the Parts of my personality from which these reactions emanate.*[172]

Had I done this, I might have "accepted" his behavior and my Parts and, as a result, have dealt more appropriately with both. If I had had enough experience with CINeMA-IFS, and my own Parts and with working with them, I might have done this intuitively. Or I could have decided to pause to review the situation.

Through these processes, I might have been able to deal more appropriately with Mr. Hassan, in the ways in which I have illustrated above.

<div align="center">**</div>

To recapitulate Section IV, the CINeMA-IFS perspective or model offers a fresh way to gain access to certain internal processes and then allows us to carry out *three tasks—understanding, assessing, and improving (or at least managing)* such processes—which also should lead to improved external conflict-related processes. One can carry out each of these tasks in the context of conducting any of *three major functions: (1) preparing for the conflict; (2) addressing the conflict; and (3) reviewing the conflict.* In other words, CINeMA-IFS can help a person prepare for, address, or review a conflict, by making it possible to understand, assess, and manage internal and then external processes.

The three tasks—understanding assessing, and improving—can play out quite differently in connection with each of the three functions related to conflict: preparing, addressing and reviewing. As a general matter, there would be more opportunities for System 2, slow thinking, during the Preparation and Review Functions than during the Addressing Function. However, under any of these functions, we see both systems of thinking engaged and interacting. System 1 makes proposals to System 2. System 2 decides whether to approve the proposal or think deliberately about it.[173] System 2 also could instruct System 1 to be on the lookout for Parts or Trailheads. Also,

---

171. *See* SCHWARTZ, YOU ARE THE ONE, *supra* note 40, at 90-92. In these pages, Schwartz describes the tor-mentor strategy in connection with intimate relationships, but it is also useful in other relationships.

172. *See* EARLEY, *supra* note 40, at 55-58, 68-70.

173. KAHNEMAN, *supra* note 50, at 24-25.

familiarity or expertise with CINeMA-IFS could make some of its perspectives and techniques operate more readily in both System 1 and 2.

VI. A BIGGER PICTURE: APPLICATIONS OF THE CINeMA-IFS PERSPECTIVES IN OTHER CONTEXTS

I have suggested that the CINeMA-IFS model can help one prepare for, address, and review situations of conflict by fostering understanding, assessment, and management (and, hopefully, improvement) of internal (and then external) conflict-related processes. Thus far, however, this Article has focused mainly on one kind of situation, a negotiation involving two principal parties who are widely separated by culture and wealth. But the CINeMA-IFS perspective can be equally beneficial in a wide range of situations of potential conflict. I have previously mentioned a number of realms into which IFS has recently been introduced, such as health-care decision-making, organizational change consultation, and education.[174]

CINeMA-IFS can help a professional gain access to a certain view of her internal processes and to realize that similar processes might be taking place in others with whom she is interacting. Such understandings could, for instance, help:

A lawyer interviewing or counseling a client; questioning a witness in a deposition or court; negotiating with other lawyers; making arguments to a judge or jury.

A mediator, trying to manage a process that will help the parties, perhaps with their lawyers, make good decisions.

A judge or arbitrator, in managing processes related to adjudication and the participants in such processes.

The professional might recognize that certain Parts or kinds of Parts are in control or vying for control in herself, and become aware that similar processes might be going on within other participants. A mediator might realize, for instance, that one of her Parts with a strong need for recognition might be asserting more control than was useful in the circumstances, and ignoring important interests—such as party autonomy. A lawyer, for instance, might notice that her most active Part is one that embodies the role of the "Rambo"-type lawyer. This could help her be aware of other models of lawyering[175] or other approaches that might be associated with other Parts.

---

174. *See supra*, Section II.B.
175. *See* RISKIN ET AL., DRL4, *supra* note 8 at 86-105 (describing various models of lawyer-client relationships in terms of theory, practice, and management.)

The professional might make a judgment—through fast or slow thinking, or both—about what kind of internal processes are at work (e.g., conscious negotiation, mediation, or adjudication as opposed to other possibly less considered processes), and to what extent such processes are likely to lead to good outcomes.

Such understanding and assessment processes could lead the lawyer—or other professional—to intervene to manage and improve both internal and external processes in ways I have discussed above.

In addition, the CINeMA-IFS model offers a number of other specific strategies or techniques:

For instance, the language of Parts, may help the client make better decisions, through recognizing and overcoming ambivalence or other obstacles. The Parts language can foster the lawyer's ability to understand and help the client deal better with the client's Parts in situations involving external and internal conflict—by, say, helping the client comprehend what is going on internally (using the Parts-Self language) and how that relates to external conflict or decision-making challenges. As a general matter, in short, the Parts language allows us to deal more skillfully with a person's identity by recognizing the Parts and the transient, moment-to-moment nature of what seems to be one's identity. The analysis then turns to a question of which Parts or perspectives can, should or will dominate at a particular time.

David Hoffman recently described how IFS might help mediators and lawyers manage internal processes, especially those relating to ambivalence—the mediation participants' ambivalence about and resistance to settlement as well as the mediator's own challenges in "balancing those Parts inside that may, from time to time, feel angry with parties because of their intransigence, or insecure about our own ability to produce a settlement."[176] Likewise, IFS can help mediators manage their own internal negotiations and can enhance their own self-understanding.[177] Hoffman also explains another benefit of IFS: it provides a language through which the Parties and the

---

176. Hoffman, *supra* note 67, at 315-16 (. . .[M]ediators often encounter the Protector Parts in the people for whom we mediate. Anger, and its cousin, righteous indignation, can be major Protectors when we have experienced a loss or betrayal of some kind. When we understand the vital role that anger is playing in that person's internal system, our approach in mediation may shift. Instead of trying to persuade the person that his/her level of anger is out of proportion to the issue that gave rise to it, our stance is more likely to be curiosity about how this angry Part came to the fore and, if one dares go that far, what injured Part it is protecting.).

177. Hoffman, *supra* note 67, at 32 (". . .the IFS model provides a window into our own internal system, hopefully enabling us to identify a wounded Exile that has been

mediator can gain insight and better address the real needs of the various conflicting personality Parts:

> [T]he concept of internal "Parts" provides mediators with a linguistic tool for managing ambivalence and resistance. The Parties in a mediation are sometimes prone to exaggerated statements of their views. The mediator can deescalate such commitments, using the language suggested by IFS, by reframing them: "So, I hear you saying that a *Part* of you is very angry and wants vindication . . . ." This statement has a significantly different meaning than the same statement without the concept of "Parts" (viz. "I hear you saying that you are very angry and want vindication"). The concept of Parts allows the mediator to inquire as to whether there are *other* Parts, with differing goals and agendas – thus providing the Parties with a psychologically safer way to express the full range of emotions they may be experiencing, and to consider loosening their commitment to strongly held positions.[178]

---

triggered by the mediation Party's intransigence. The solution, in moments of that kind, is to marshal sufficient Self energy to recognize what's going on inside, compartmentalize it (perhaps for later consideration and attention), and return our attention to the mediation with Self-led energy guiding us.").

178. *Id.* at 318.

Hoffman also gives a good example of how a lawyer can use the "Parts" language to affect a client's inner negotiation. In a letter to a client, he wrote:

> . . . While all of us are hard-wired (so say the social scientists) to desire revenge when we feel wronged, there is another Part of us that is equally powerful. That Part is the one that cares about (a) rational, welfare-maximizing goals, like saving money, time, and effort where possible, (b) altruistic goals, such as using resources to help people most in need, as opposed to financially comfortable lawyers (and, yes, even mediators), and (c) emotional goals such as restoring some semblance of family feeling for the next generation to the extent that this is possible. We recall one moment in the mediation where these two impulses – the revenge impulse and the desire to get things resolved inexpensively – came into conflict. We were talking about the idea of submitting [a certain set of] claims to arbitration for a final and binding decision. You thought about it and then decided that arbitration would not be painful enough for the other side and therefore was not a good idea. As you think about it today, you may still feel that way. We have heard you describe the perspectives of those other Parts of you that feel differently. We also heard you articulate some of the emotional impulses that drive you to consider the relationships in the family for you and your children that you might be able to repair to some degree. Those other Parts may want a larger role at the negotiation table, and they may even argue that there has been enough retribution in the form of a court judgment, depositions, trial testimony, Globe articles, etc., and that now is the time for both sides to put down the swords, resolve the remaining disputes as cost-effectively as possible, and use the resources that remain for more useful and altruistic purposes.

Id. at 318-19.

In addition, the CINeMA-IFS perspective can make it easier for lawyers and other professionals to notice the roles they play and the perspectives they employ, moment-to-moment, and the Parts that seem to dictate or support those roles. Thus, for instance, professionals could become aware of the Part or Parts from which they are speaking or through which they are listening, seeing, interpreting—and intending to behave. Such awareness might make it easier to speak "for" those Parts, instead of "from" them, dis-identify (or achieve distance from) such Parts and then interact with and influence them, and thereby change roles, strategies and techniques, as appropriate. And as professionals become aware of their own Parts and the potential internal process of determining the extent to which certain Parts or the Self exercise influence, they can become more sensitive to gaps between their own perspectives and interests and those of their clients that arise in counseling, negotiation, mediation, and litigation.[179]

As we have seen above, the CINeMA-IFS perspective can help us address identity aspects of conflict.[180] Much of the literature on so-called "identity-based conflict" deals with group identities, such as those based on ethnicity, nationality, or religion.[181] Could the CINeMA-IFS perspective enable people engaged in such conflicts to embrace other Parts that are potentially more generous, and to make more room for the Self?[182] Equally important, can the CINeMA-IFS perspective help us recognize that a high proportion of almost all kinds conflicts contain identity-based aspects. Could Parts, masquerading as one's real identity, play crucial roles in the development of

---

179. *See* TAMARA RELIS, PERCEPTIONS IN LITIGATION AND MEDIATION: LAWYERS, DEFENDANTS, PLAINTIFFS AND GENDERED PARTIES 244, 152-55 (2009); Leonard L. Riskin & Nancy A. Welsh, *Is That All There Is?: "The Problem" in Court-Oriented Mediation*, 15 GEO. MASON L. REV. 863-932 (2008); MNOOKIN ET AL., *supra* note 97, at 204-210.

180. Is the converse true? That is, can theories, strategies, and techniques from conflict resolution enhance the value of IFS or enrich IFS techniques for working with Parts in the therapist's office? In fact, some of the IFS strategies and techniques are essentially the same as those used in external conflict. But could IFS therapists and their patients benefit if a therapist were to draw more explicitly upon ideas from negotiation, mediation, and adjudication theory and practice, and the idea of appropriate dispute resolution? *See supra* note 161 and accompanying text.

181. *See, e.g.*, JAY ROTHMAN, RESOLVING IDENTITY-BASED CONFLICT IN NATIONS, ORGANIZATIONS AND COMMUNITIES 1-20 (1997); *see generally* BLOOD LINES *supra* note 104; BLOODY CONFLICTS *supra* note 104.

182. Beyond Words, an Israel-based group devoted to working with Israeli and Palestinian women, uses IFS in its trainings, *see supra* note 65, the organization Search for Common Ground is collaborating with the Center for Self-Leadership to include IFS in its work, *see supra* note 66.

high-stakes conflicts that *appear* to have money at their core—even conflicts involving CEOs and powerful, successful lawyers?[183]

VII. SUMMARY AND CONCLUSION

I have explored the potential value of regarding certain internal processes that take place in connection with conflict *as if* they were— or could be or should be—conscious, internal negotiations, mediations, or adjudications (CINeMAs). This exploration requires a model of the mind that includes entities that theoretically could take part in CINeMAs. For this purpose I find most useful the Internal Family Systems (IFS) construct developed by psychologist Richard C. Schwartz. IFS looks at the mind as if it were a system composed of two kinds of entities. First, Sub-personalities or Parts of the personality—areas of the personality that are partly-autonomous and resemble and act as if they were individual human beings, having an age, beliefs, interests, perspectives, and the capacity to learn, negotiate, and change. Second, the Self, a center of awareness, compassion, and clarity with the capacity to interact with and lead the Parts and to make decisions—even though a Part or Parts often take over one's consciousness, essentially, though temporarily, restricting the influence of the Self and other Parts.

I then analyzed two negotiations to show how the CINeMA-IFS perspective could offer access to certain internal processes and then facilitate one's ability to understand, assess, and improve such processes—which also should improve external conflict-related processes. I also suggested that understanding, assessing, and improving internal (and thus external) processes can be employed while reviewing, preparing for, or addressing a conflict. And I proffered ways in which the CINEMA-IFS perspective might benefit people in other conflict-related contexts and assist professionals—such as mediators, lawyers, and adjudicators—to help their clients, and themselves.[184]

Of course, those who wish to foster the integration of IFS into the repertoires of professional—or amateur—conflict resolvers will likely confront challenging issues. I will mention only a few.

---

183. *See supra* notes 5-7 and accompanying text.
184. I believe that there is much overlap between being "in Self" and being mindful, in the sense in which I use that term, to include non-judgmental moment-to-moment awareness of whatever passes through the five senses and the mind. See Riskin, Saltman Lecture, *supra* note 118, at 308-10. I also believe that the CINeMA-IFS model and mindfulness can be mutually reinforcing.

First, the IFS perspective does not appeal to everyone. Some feel uncomfortable with Schwartz's notion of the Self. On the other hand, it is not necessary to accept this notion of Self in order to use the IFS system or to work with the Parts. (Among the law students to whom I have introduced CINeMA-IFS extensively, nearly all come to appreciate the potential utility of working with the idea of Parts, even those who resist the IFS idea of Self). Many potentially useful multiplicity models of the mind have been proposed.[185] Some of these include structural metaphors other than the family—e.g., a parliament[186]; a jury;[187] an orchestra[188]; a computer, its software, and its operator[189]; an organization,[190] a committee[191]; a "team of rivals"[192]—any of which might work better for some purposes or audiences.

Second, IFS was developed as a method of psychotherapy. To what extent is such therapy *necessary* in order for a person to become sufficiently aware of their Parts, and sufficiently skillful in interacting with them without time to reflect and conduct an extensive internal process? We may learn some answers to that question shortly. An abbreviated version of IFS has been developed for health care providers in a project at Harvard Medical School.[193]

Third, many may have trouble knowing whether and when it is potentially worthwhile or efficient to try to deliberately work with our Parts, rather than simply thinking and problem-solving in our usual fashion. I have a few thoughts about this issue. I see the CINeMA-IFS model as one in a series of perspectives that belong among the working concepts in a conflict resolver's mental toolbox. Above, I described how CINeMA-IFS might help one prepare for, address, and review a conflict-related situation through understanding, assessing and managing internal conflict-related processes. I presented these as very structured processes. In fact, many of these processes would happen in a flash. And, in practice, skillful conflict resolvers will

---

185. *See generally, supra* Sections II.A & B.

186. *See* EAGLEMAN, *supra* note 33, at 107, 109

187. *See* EAGLEMAN, *supra* note 33, at 108

188. *See* Holmes, *supra* note 40, at 18.

189. *See id.* at 11-14.

190. *See* Raimond, *supra* note 38, at 388.

191. *See* MOFFITT, *supra* note 137, at 24.

192. *See* EAGLEMAN, *supra* note 33, at 109.

193. *See* John B. Livingstone & Joanne Gaffney, *IFS and Health Coaching: A New Model of Behavior Change and Medical Decision Making* in SWEEZY & ZISKIND, *supra* note 54 at 143.

often know when and how to call upon ideas associated with CINeMA-IFS. In the ordinary course of events, if things seem to be going well, there would likely be no call to deal with one's Parts. But when one or more Parts begin to dominate (any of the participants), the CINeMA-IFS perspective enhances one's ability to recognize this, assess it, and, if appropriate, take action.

Exactly what one does, and how extensively one uses CINeMA-IFS should depend upon all the circumstances, of course. I am *not* suggesting that, in any of our roles in relation to conflict, we should always, or even routinely use CINeMA-IFS. Nor am I suggesting that when we use it, others need to be aware we are doing so. It can function, when appropriate, as one's private source of insight. And in one's role as lawyer, advisor, mediator, or negotiator, we can refer to parts (deliberately lower case) without invoking or referring to the entire IFS construct.

Fourth, working with the CINeMA-IFS perspective requires a high degree of mindful awareness, which takes a good deal of work to cultivate and sustain.[194] For these and other reasons, I cannot predict the extent or manner in which IFS and conflict resolution might blend. On the other hand, I believe the combination offers enormous potential.

Fifth, the IFS model seeks to promote Self-Leadership, which can sometimes foster Self-Self connections. "As we increasingly embody Self," Richard Schwartz tells us:

> We will feel a growing sense of connectedness to all the Selves around us. Since it seems to be the nature of the Self to want to strengthen all those connections, people often find themselves spending more time with others in whom they can sense the Self. Correspondingly, they often drop relationships and activities that take them further from sensing these connections. These sacred, memorable moments are far too rare for most of us. For the Self-led person, however, such connections are not only desired, they are also more possible. This is because Self in one person is a Magnet for Self in another. Perhaps a tuning fork is a better metaphor. When you are in Self, the vibrations will set off the other's Self. When in the presence of Self in someone else, your defenses relax as you sense that you won't be judged or controlled, and you own Self naturally arises. Since you are not as afraid of getting hurt, Self-to-Self connections are

---

194. *See* Riskin, Annual Saltman Lecture, *supra* note 118, at 335-36.

more possible because you have confidence that you can quickly repair any damage from rejections.[195]

I agree wholly with Schwartz's description of this phenomenon, and consider it one of the great gifts of life. Yet, Parts of me worry:

To what extent are such connections appropriate—or wise—in various conflict-connected relationships?

Relations between agents who are negotiating with each other on behalf of principals—individuals, organizations, governments?

Professionals advising clients?

Individuals negotiating on their own behalf in various contexts?

Are there disadvantages to people (in their professional and private lives) who pull away from others with whom they do not have Self-Self connections? Can a "blending" of the Self and a Part or Parts mitigate these concerns?[196] In raising these questions, of course, I am mimicking the common internal dynamic that IFS recognizes, in which certain Parts do not trust the Self and particular other Parts to appropriately (i.e. with due attention to the interests or views of the worried Parts).

Finally, I have neglected to mention what could be the most important benefit of present-moment acceptance and awareness of the IFS model—achieving peace of mind. "What would it be like," asks Richard Schwartz:

> [I]f you knew with confidence that your most repulsive or disdainful thoughts or feelings were coming from little Parts of you rather than being the essence of your identity? How would it feel to disclose shameful feelings to others if you could say "Part of me feels. . ." rather than "I feel. . .?" What if you totally trusted that those Parts were different from your true self and that you, as that self, could help them to transform?[197]

On the rare occasions when I am operating from Self (or when I am really mindful), I am keenly aware of the differences between my true Self and the Parts, especially those Parts that cause so much grief for me and others. I feel equanimity toward my Parts and my negotiation behavior—and the many errors of commission and omission that I have regretted. I also feel compassion for myself (or for my Parts) and for others and their Parts. I function with ease and clarity, and without mental suffering. And I perform better.

---

195. SCHWARTZ, INTRODUCTION TO IFS, *supra* note 40, at 46-47.
196. *See* SCHWARTZ, IFS THERAPY, *supra* note 40, at 96-98.
197. SCHWARTZ, INTRODUCTION TO IFS, *supra* note 40, at 18.

Yet it is not easy to sustain this state of mind.[198] Many Parts stand ready to displace the Self. And often—especially when I am tired or hungry, or distracted or anxious—the Self seems to vanish, perhaps displaced by a "critical" Part. And at such moments, if I recall my negotiation with Mrs. Ortigas in Manila, once again, I feel like *such a jerk*—until I remember who I am.[199]

---

198. In this and other respects being in Self is similar to being mindful. For a discussion of challenges to being mindful in situations involving conflict, *see* Riskin, Annual Saltman Lecture, *supra* note 118, at 303-07.

199. Perhaps Juan Ramon Jimenez puts it best:

> I am not I.
> I am this one
> Walking beside me whom I do not see,
> Whom at times I manage to visit,
> And whom at other times I forget:
> The one who remains silent when I talk,
> The one who forgives, sweet, when I hate,
> The one who takes a walk where I am not,
> The one who will remain standing when I die

Juan Ramon Jimenez, *I am not I, in* THE WINGED ENERGY OF DELIGHT 97 (Robert Bly, trans. 2005), *reprinted in* Arthur Zajonc, MEDITATION AS CONTEMPLATIVE INQUIRY: WHEN KNOWING BECOMES LOVE 31 (2009), *available at* htp://www.poetryfoundation. org/poem/182343.