Background. In the early 1980s, officers and directors at the William and Flora Hewlett Foundation perceived an unfavorable trend in America: an alarming growth of conflicts and disputes, both domestic and international, which society was ill-equipped to handle. In particular, the Foundation felt increased litigation was exerting substantial pressure on the judicial system and the lack of viable alternatives to judicial resolution of conflict was a serious threat. The Foundation, named for one of Silicon Valley’s first great technological entrepreneurs and his wife, may have been especially attuned to the potential for such conflict to impede technological and economic growth. William Hewlett, founding chairman of the Foundation, and Roger Heyns, the Foundation’s first president, both shared an interest in dispute resolution, and both understood as early as 1977 that the Foundation’s work would pursue that common interest. “The Foundation supported conflict resolution programs on a small scale in its first few years, but in 1984, the Foundation established a full-scale conflict resolution funding program.”

Strategy. One of the Foundation’s early strategic decisions, before adopting conflict resolution as a major program, was to focus on institution-building rather than support of individual projects, the more common approach among foundations.” Much of the Foundation’s grantmaking, across its program areas, had been in the form of large grants over multi-year periods.”

This focus was particularly well suited to the conflict resolution program. Conflict resolution, or alternative dispute resolution, was still relatively immature when the Foundation first began funding grantees in the field. Little in the way of conflict resolution theory had yet been developed, and the practice of alternative dispute resolution had not yet been attempted on a wide scale.” Accordingly, the field needed a solid base from which to grow.

The Foundation adopted a three-pronged “field-building” strategy in its conflict resolution program.” The program initially emphasized general support given to a few grantees with three objectives: building alternative dispute resolution theory, promoting organizations practicing alternative dispute resolution, and advancing the infrastructure of organizations promoting conflict resolution as a field.”

Early grants funded centers of academic theory of conflict resolution.” Beginning with a grant of $500,000 to Harvard in 1984, the Foundation helped to create eighteen “Hewlett Theory Centers,” many at elite universities, to develop literature and scholarship in the field.” These centers developed the underlying knowledge essential to effective conflict resolution practice. Foundation grants had the effect of drawing brain power to the field, often promoting otherwise unlikely interdisciplinary dialogue among academics at these centers and advancing the discipline rapidly.”

Second, the Foundation supported a number of organizations engaged in conflict resolution practice in particular industries or communities; early grantees were engaged in the practice of family, neighborhood community, and environmental conflict resolution.” The Foundation’s strategy was that leading successful practitioner organizations in these areas would attract attention from other areas where conflict resolution might be effective.

Third, the Foundation provided crucial funding to the major membership organizations in the field, including the Society for Professionals in Dispute Resolution, the National Conference on Peacemaking and Conflict Resolution, and the Academy of Family Mediators, which served as the infrastructure to maintain momentum.” Eventually, in the interest of minimizing duplication, increasing efficiency, and expanding capacity, the Foundation supported the merger of three major
membership organizations into the Association of Conflict Resolutions (ACR).”

Impact. With the Hewlett Foundation’s constant support, the conflict resolution field has grown dramatically. In 1998, the Alternative Dispute Resolution Act required every federal district court to adopt an alternative dispute resolution program. Thirty-two states have either mandatory or discretionary alternative dispute resolution in some cases, such as divorce, landlord/tenant, and small claims. The federal government also employs a variety of forms of conflict resolution in employment discrimination and disability claims. Informal estimates suggest that there are 20,000 private practitioners of alternative dispute resolution. In March 2001, the Supreme Court upheld employer efforts to mandate binding arbitration for employee grievances, ensuring that conflict resolution has become a mainstream alternative to courtroom litigation.877

Notes

867. Ibid.
875. Ibid., 37.