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Keywords: Carrie Menkel-Meadow and Dispute Resolution

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Abstract

It is such an honour to contribute to this special issue celebrating our amazing friend Carrie Menkel-Meadow. She has so many wonderful qualities, has written so many influential things, and has initiated and contributed to such important debates over many years in the field of dispute resolution that it is impossible to do her and her work justice in this essay. I therefore decided to organize my contribution around *keywords* that come to my mind when I think about Carrie and I will connect these to her work in separate entries as the body of my essay. I also weave into the text how she has influenced my work and continues to do so. The keywords are *professional*, *feminist*, *mentor*, *generosity*, and *contemporary*. This approach allows me to focus on how I understand her work to embody so many of her personal qualities. My methodological anchor here is Raymond Williams's classic *Keywords: A Vocabulary of Culture and Society* (1976), in which he argues that language in not neutral and that many commonly used terms carry contested and often conflicting meanings depending on who uses them and in what context. Williams highlights the close relationship between language and social life. This is a helpful way to think about Carrie and her work on dispute resolution.

Keywords: Carrie Menkel-Meadow; ADR; professional; mentor; feminist; engaged contemporary; generosity.

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[A] INTRODUCTION

My contribution to this special issue is a personal reflection about Carrie Menkel-Meadow as an inspiring scholar, leader, feminist, mentor and so many other things. I do this through a reflective and interpretive approach to her scholarship on dispute resolution using *keywords* (Williams 1976) as a methodological anchor. I use *keywords* as a tool to analyse Carrie's work and connect it to broader debates within dispute resolution. Of course, this cannot be a comprehensive exercise covering all of her work, as she has written so much. Rather, it is an exercise in honouring her work by selecting what I take to be important, animating themes.

I chose this approach as Carrie and I have been discussing how meanings of concepts change over time. This ongoing conversation was prompted by a talk she gave in the Centre for Socio-Legal Studies in Oxford in 2023, more precisely by the discussion that followed her talk. We were both struck by how certain canons in socio-legal studies are reinforced by meanings (of words) operative at the time of their creation: for example, a body of literature by key scholars, producing foundational theories that count as legitimate knowledge and are the focus of what gets taught, cited, and funded. The canons often reflect a Western, male, and Global North perspective. This reinforces an inherent logic and meaning that forms part of how we see the world which is influenced by the language we use. These assumptions and accepted canons are increasingly being challenged by movements that decolonize dominant frameworks, broaden foundational debates, and centre diverse and marginalized perspectives. We need to rethink the boundaries that existing canons are creating and open up new possibilities. Along these lines, albeit in a much more modest fashion, I have been thinking about concepts and their meanings, and how they, and their use, can change over time (Koselleck & Presner 2002).

This led me to reflect about words that have a deep meaning to me when I think about Carrie—that was easy, and I then turned them into *keywords*. The meanings of these words, on a personal level, do not change over time as I continue to frame them to suit myself and my interpretation of them. At an intellectual level, however, words and their meanings appear less fluid and more bounded; they are anchored in the historical and contextual conditions in which they are used and serve specific analytical purposes. This does not suggest that meanings are fixed, but rather that they have the capacity to develop and evolve. It is in this sense that the keywords discussed below are employed as

an analytical lens through which to engage with Carrie's scholarship on dispute resolution. Before doing so, I offer some reflections on the ways in which Carrie has influenced my own scholarly work.

Those of us who know and love Carrie benefit immensely from her inspiring personality. She is deeply intellectual, funny, relatable, and full of interesting stories. Her example has encouraged me to trust and pursue my research instincts. Her feminist scholarship, along with her work on appropriate dispute resolution and process pluralism, has motivated me to continue working in the field of alternative dispute resolution (ADR) and to broaden my focus to include more vulnerable parties and questions of social justice. Carrie is genuinely supportive of and engaged with my recent research on the digitalization of justice processes. It is inspiring to see her remain open, critical, and actively involved in ongoing developments in the ADR and online dispute resolution (ODR) landscape. This engagement has had a profound and beneficial impact on my scholarship, as her wide-ranging and evolving interests consistently offer valuable insights. Both Carrie and her scholarship continue to grow over time, serving as a powerful example of how meaning within a canon can adapt, expand, and change.

To this end, the essay introduces *keywords* as a methodological tool, applies it to a selected group of entries, and investigates the intersections and tensions that emerge, before offering a conclusion.

[B] KEYWORDS AS METHOD

The way we use words evolves with and changes over time, a product of changes in our politics, changes in our higher education system, and looking through a feminist lens, for example. I make use of keywords as a method to think about the different ways in which Carrie uses specific words in her publications and how they relate to her as a person. This means that I look at the use of language, its meaning in the context of dispute resolution, changes over time, and the author's personal attributes. To do this, I will first provide a summary of keywords as methodology, then I outline why this approach is especially apt for exploring contested meanings, normative assumptions and power relations.

In *Keywords: A Vocabulary of Culture and Society* (1976) Raymond Williams explores how important terms used in discussions of culture, politics, and social life have developed and changed in meaning over time. Instead of offering fixed definitions, Williams traces the historical evolution of keywords to show how their meanings are shaped by social conflict, power relations, and historical change. He argues that language is not

neutral and that many commonly used terms carry contested and often conflicting meanings depending on who uses them and in what context. By examining these shifts, we can better understand how debates about culture and society are formed and misunderstood. *Keywords* argues that the vocabulary of modern culture is a living archive of social conflict and transformation, and that understanding these words is essential to understanding society itself (see also Bennett & Ors 2013).

This approach lends itself nicely to understanding the importance of Carrie and her work. It allows me to select a few keywords through which I can focus my reflections on her work, and consider if and how meanings have changed over time and why this matters for our understanding of the field of dispute resolution. I will draw mainly on her own publications (but not on all of them, as there are so many), except for a few instances where colleagues have written in her honour and it helps to tell the story. An example of this is the special issue of the *Texas A&M Law Review* (Texas A&M University School of Law 2022) which celebrated Carrie and her work with nine contributions from leading scholars in the field.

[C] KEYWORDS

The order of keywords is intentional, not alphabetical. The keywords I have chosen represent: Carrie's grounding in scholarly and practical authority (*professional*); normative commitments and critique (*feminist*); relational and pedagogical dimensions (*mentor*); collaborative scholarship, inclusion, sharing of ideas and community building (*generosity*); and responsiveness to evolving themes, social change, and present challenges (*contemporary*). I structure each keyword into four themes: (1) how I connect it to Carrie as a person; (2) the keyword and its contested meanings in dispute resolution; (3) Carrie's scholarly engagement with the keyword; and (4) the contribution to the field. I will restrict myself to a paragraph per theme for each keyword. Needless to say, there is more I could say! The themes and keywords are interconnected and sometimes in tension with each other. This I explore further in section [D] below.

"professional"

Carrie is an inspiration. She has written at length about the profession (as well as practised) which, to my mind, reflects the values she lives. For example, her approach to professionalism in ADR advocates for reflection, ethical, and context-sensitive practice (Menkel-Meadow 1980; 1986; 1989; & Ors 1995; 1996b). She challenges traditional rule-bound and adversarial models of the profession through a focus on problem-

solving, creativity, and sensitivity to parties' lived experiences, values and power dynamics and a commitment to process pluralism (Menkel-Meadow 2014; 2015; 2020; Coben 2022; Menkel-Meadow 2024).

In dispute resolution, the term *professional* has contested and overlapping meanings, a tension that Carrie explicitly engages with in her scholarship. Traditionally, professionalism has been associated with formal credentials, adherence to codes of conduct, neutrality, and competence, reflecting standards in ADR. Carrie critiques a narrow conception, arguing that it can obscure power imbalances, constrain creativity, and falsely present dispute resolvers as value-free actors (Menkel-Meadow 1991a; 1992a; 1999; 2013). She reframes *professionalism* as a more fluid and ethically grounded practice, one that prioritizes problem-solving, contextual judgement, and accountability to the parties and communities affected by disputes. In her view, debates over *professionalism* in ADR centre on whether practitioners should be defined primarily by standardized rules and role boundaries or by their capacity for reflexivity, moral responsibility, and responsiveness to diverse forms of justice (Menkel-Meadow 1985a; 2001; 2002; 2019a). Carrie's work has reshaped other researchers' approach to *professionalism* not as a fixed status, but as a socially constructed and continuously negotiated ideal within dispute resolution practice.

Carrie's contribution lies in redefining what it means to be a *professional* in dispute resolution. She expands the concept beyond technical skill to include ethical judgement, creativity, cultural awareness, and commitment to justice. By challenging rigid professional boundaries between lawyers, mediators, and negotiators, she encourages more interdisciplinary and flexible practice (Menkel-Meadow 2007; 2019; 2024). Her scholarship has influenced training programmes, ethical standards, and theoretical debates within ADR, helping to shift the field toward a more inclusive, reflective, and socially responsive model of *professionalism*.

As one of the founders of the field of ADR, Carrie has influenced the way we think about it and the way we practise it. She engages critically with the idea of the *professional* and keeps challenging narrow, traditional notions of legal professionalism that prioritize adversarial advocacy and technical expertise over relational, ethical, and social considerations. Instead, she reconceptualizes *professionalism* as context-sensitive, reflective, and ethically engaged. In mediation and negotiation, she questions whether claims of *professional* neutrality truly exist, arguing that professionals inevitably shape outcomes through their values, role choices, and process design (Menkel-Meadow 1983; 2009; 2010; 2022b). Her work exposes

the power dynamics embedded in *professional* roles and calls for greater transparency and responsibility.

"feminist"

Carrie is a feminist and has written a lot about this topic (Kupfer Schneider 2022; Love 2022; Welsh 2022). Understanding *feminist* as a keyword in Carrie's work helps illuminate her significant contribution to dispute resolution scholarship. She demonstrates how *feminist* commitments can coexist with, and indeed enhance, professionalism, negotiation practices, and ethics (Cohen 2022). More broadly, it demonstrates how attention to language, power, and social context enriches our understanding of dispute resolution not merely as a set of techniques, but as a social practice embedded in unequal worlds (Welsh 2022).

Following Williams' (1976) approach, *feminist* is a keyword whose meanings are fluid and contested. Across legal scholarship and dispute resolution, the term has been embraced, resisted, diluted, and reframed. For some, it signals a commitment to gender equality and structural critique; for others, it is perceived as ideological, partial, or even incompatible with claims of neutrality and professionalism that continue to shape dispute resolution discourse. The term therefore carries both descriptive and normative weight, revealing underlying assumptions about power, voice, and legitimacy within the field.

Carrie's engagement with *feminism* is notable precisely because it resists narrow or reductive understandings of the term. Rather than treating *feminism* as an external lens applied to dispute resolution, her work demonstrates how *feminist* insights emerge from close attention to practice, experience, and dispute resolution design (Menkel-Meadow 1985b; 1991b). In this sense, *feminism* in Carrie's scholarship is not oppositional for its own sake, but interrogative: it asks whose interests are served by particular models of dispute resolution, whose voices are amplified or marginalized, and which forms of knowledge are treated as authoritative (Menkel-Meadow 1991b; 1992a; 1992b; 2018a; 2018b; Menkel-Meadow & Ors 1991b)?

This approach is evident in Carrie's sustained attention to issues of power and relationality in dispute resolution processes. Her work challenges assumptions that mediation and negotiation, for example, are inherently neutral, highlighting instead how gendered dynamics, social roles, and expectations shape participation and outcomes (Menkel-Meadow 2022a). By foregrounding these dynamics, Carrie contributes to a *feminist* critique that seeks to make dispute resolution more attentive, accountable, and

just. Importantly, Carrie's *feminism* is also methodological (Menkel-Meadow 1991a; 1991b; 2017). Her scholarship values qualitative insight, reflexivity, and the lived experiences of participants and practitioners, approaches that have not always been accorded equal status within dispute resolution scholarship. In doing so, she expands what counts as legitimate knowledge in the field and models a form of *feminist* scholarship that is rigorous without being detached, critical without being dismissive.

"mentor"

Carrie is a wonderful *mentor*. She goes above and beyond to ensure that emerging voices are heard and supported. She is very generous with her time and energy for a range of ideas and has excellent advice to offer. This support happens on a personal and private level as well as on a public level. There exist plentiful examples of colleagues sharing Carrie's impact on them and the field (Creutzfeldt 2019; Kupfer Schneider 2022; Love 2022; Sternlight 2022).

From a Williams-inspired perspective, the keyword *mentor* embodies ongoing struggles over authority and inclusion, as different meanings are mobilized to sustain or challenge existing structures within dispute resolution practice and education, for example. Attending to these contested meanings reveals how the language of *mentoring* both shapes professional identities and obscures tensions between support, control, and autonomy in the field. Attention to keywords and their disputed meanings provides a critical lens for examining how language structures practice and theory in dispute resolution, and how seemingly shared terminology can mask profound disagreements about goals, roles, and justice.

Carrie's scholarly engagement with *mentorship* for ADR reflects a critical and transformative approach that both challenges and reshapes conventional understandings (Menkel-Meadow 2001; 2016). Through her commitments to feminist theory, deliberative democracy, and problem-solving approaches to lawyering, Carrie reframes *mentorship* as a practice grounded in mutual learning, ethical responsibility, respect, and inclusivity (Menkel-Meadow 1996a; 2005; 2017; 2022b). This foregrounds the ways in which relationships can serve as sites for questioning dominant professional norms, expanding access to the field of ADR, and cultivating critical self-awareness among academics and practitioners.

Carrie's *mentoring* practice has modelled the very values she advocates in her academic work: listening, inclusivity, encouragement, and problem-solving across difference (which, coincidentally, are all the

necessary ingredients for a meaningful mediation or negotiation). She fosters intellectual generosity, creates space for diverse perspectives, and actively supports women/early career researchers in academia. In this way, her legacy in dispute resolution is not only theoretical or methodological, but institutional and relational. By shaping how scholars teach, write, collaborate, and mentor in turn, her influence endures as a living contribution to the culture and future direction of the field. This Special Section is a testament to this fact.

"generosity"

Carrie is a tremendously *generous* person and scholar. She embodies this quality and has transferred it to her scholarship when writing about dispute resolution. When I read her work, I can hear her tell a story with a mixture of personal experience, professional wisdom, and a deep concern about the topics with which she engages. This reflects her personal and intellectual generosity.

Generosity in dispute resolution can be understood as a socially and historically contested term whose meanings shift across contexts and practices. At a basic level, *generosity* is commonly used to denote openness, concession-making, and a willingness to share information or resources in order to facilitate agreement. However, the term is debated because it carries strong moral connotations. In dispute resolution, generosity may be celebrated as a cooperative virtue that enables trust and integrative outcomes, yet it can also function as a normative demand that pressures parties, particularly those with less power, to yield or accommodate in the name of settlement. Its contested meanings reflect broader struggles over how dispute resolution should balance moral ideals with structural inequalities and claims to justice.

In Carrie's scholarship on dispute resolution, *generosity* is treated as a productive idea (Menkel-Meadow 2018; 2022b). It is often used to describe an orientation toward openness, cooperation, and information-sharing that supports negotiation and creative problem-solving beyond adversarial, zero-sum approaches. At the same time, she alerts us to the strategic risks of *generosity* in competitive settings and the ways in which normative expectations of cooperation may mask or reproduce power imbalances. She is particularly attentive to how appeals to *generosity* can pressure weaker or marginalized parties to concede for the sake of agreement, thereby undermining substantive fairness and justice (Menkel-Meadow 1992; 2004a; 2004b; Texas A&M University School of Law 2022). As a result, *generosity* in her work is understood not as a

universal virtue, but as a context-dependent practice whose value relies on the distribution of power, the nature of the dispute, and the broader goals of dispute resolution.

Carrie's scholarly engagement with *generosity* in dispute resolution both reflects and reshapes the concept by situating it within a critical, contextual framework. Her work reflects traditional views of *generosity* as openness, cooperation, and a willingness to engage constructively with others in negotiation and mediation (Menkel-Meadow 1983; 2022). At the same time, she challenges idealized or moralized accounts of *generosity* by exposing how such expectations can obscure power asymmetries and place disproportionate burdens on weaker or marginalized parties. Carrie reshapes the term by reframing *generosity* as an ethical choice that must be assessed in relation to context, institutional design, and social justice (Menkel-Meadow 2007; 2022a). Rather than advocating *generosity* as a universal norm, she emphasizes reflective practice, urging dispute resolution professionals to remain attentive to when *generosity* enables creative, just outcomes, and when it risks reinforcing inequality.

"contemporary"

One of my favourite things about Carrie is that she has remained alive to the way that the world is changing and what effect that has on dispute resolution (Rabinovich-Einy 2022). She is *contemporary* and engaged with technological developments and political struggles. This reflects her personality of constantly questioning and challenging the *status quo*. It makes her a fascinating person to talk to; she brings wisdom to contemporary debates.

In Williams' terms, *contemporary* functions as a contested keyword because it appears to denote a temporal condition while implicitly carrying evaluative and normative weight. Within dispute resolution, the term is frequently mobilized to privilege present interpretations, practices, or standards over historical precedents, thereby framing certain claims as authoritative and others as obsolete. The metaphorical association of *contemporary* with flow and movement reinforces arguments that norms and expectations are evolving, a position often advanced in tension with claims for stability, continuity, or settled principle. *Contemporary* operates not merely as a marker of time but as a rhetorical device through which authority and legitimacy are negotiated in disputes.

Carrie's scholarly engagement with the keyword *contemporary* reflects and reshapes its meaning by challenging assumptions that present practices or dominant frameworks in dispute resolution. Her work

consistently interrogates what is treated as *contemporary* in dispute resolution, such as efficiency-driven models, or institutionalized negotiation practices, by situating them within broader historical, cultural, and ethical contexts (Rule 2016; Menkel-Meadow 2025a). Rather than accepting *contemporary* approaches as self-evidently legitimate, Carrie exposes how they are produced through professional norms, power relations, and ideological commitments (Menkel-Meadow 2025b). In doing so, she redefines *contemporary* not as a fixed or superior state of practice, but as a provisional and contested moment within an evolving field, one that must remain open to process pluralism, reflexivity, and critique.

Carrie has made central contributions to the field of dispute resolution that continue to shape *contemporary* thinking and practice, particularly as the field engages with artificial intelligence (AI) and ODR. Her scholarship has challenged adversarial, zero-sum models of legal conflict by advancing interest-based negotiation, problem-solving approaches, and deliberative processes attentive to justice, participation, and institutional design (Menkel-Meadow 2020). These contributions are especially influential in the context of AI-enabled dispute resolution systems, where efficiency-driven automation risks narrowing the normative aims of dispute resolution to speed and settlement alone. Her work foregrounds the importance of human values, such as voice, fairness, and contextual judgement, which provides a critical framework for evaluating and designing AI and ODR systems that do not merely replicate existing logics in digital form. Her emphasis on process pluralism in dispute processes and scepticism toward one-size-fits-all solutions offer an essential counterbalance to streamlined approaches. This reinforces the view that AI in ODR should augment, rather than replace, reflective human decision-making and ethical institutional choice.

[D] INTERSECTIONS AND TENSIONS BETWEEN KEYWORDS

The chosen keywords I have described clearly overlap and are mutually and virtuously reinforcing. They show how naturally interwoven concepts, meanings, and processes are—unsurprisingly, Carrie has called for process pluralism and appropriate dispute resolution, for example. To me these forms of dispute resolution force the professional (negotiator/mediator) to consider the context of the dispute and the parties' situation. Accepting that a dispute does not have one solution or one outcome and that the goalposts constantly shift is analogous with the way in which concepts change over time. The keywords I chose, I would argue, are

enduring as they allow for growth, change over time and additions to their understanding because they are parts of a toolbox, similar to the repertoire a negotiator or mediator has access to in their creative approach to dispute resolution.

The selected keywords each capture dimensions of Carrie's scholarly identity and contributions at particular moments in time. This practice also reveals a notably flexible and creative approach to dispute resolution, one that foregrounds imagination and sustained reflexivity over time. Taken together, these qualities confer a lasting legacy and significance on her work, which continues to evolve alongside both the broader social context and Carrie's own intellectual interests. Her scholarship remains influential in shaping contemporary debates.

[E] CONCLUSION

I adopted keywords as an organizing framework through which to examine and articulate what I regard as the most enduring features of Carrie and the ways in which these qualities are embedded in her scholarship. The selected keywords (*professional*, *feminist*, *mentor*, *generosity*, and *contemporary*) offer a partial account of Carrie and her contributions to the field of ADR. Considered together, they reveal a body of work that continues to be driven by these attributes, as well as by intellectual curiosity and a sustained commitment to improving the field of dispute resolution, ensuring that it remains contextually responsive to the world it seeks to serve.

About the author

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