

# Reconciliation

by Douglas Noll  
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Joe, Martha, George and Anna had been fighting over their parents' home and five acres for ten years. They had endured four lawsuits amongst each other, some resulting in judgments that had been enforced. Four years ago, the home burned to the ground with no insurance to rebuild, leaving a vacant lot to fight over. Each side had gone through two or more lawyers. The family had been torn apart through bitterness, anger, and strong feelings of injustice.

I was called in by the current lawyers to see if I could help matters. Other than confirmation of my engagement, I received no letters or mediation briefs outlining the problem to me. This was a case where I literally walked in cold.

The lawyers seemed anxious to get this matter resolved and out of their respective offices. They, fortunately, were cooperating with each other in trying to find solutions to this intractable family conflict.

After introductions, I began the process. First, I explained that each person had four options for deciding how to deal with the conflict. I used a flip chart to draw out the four options: coercion, outside authority, peacemaking, and negotiation. I observed that coercion had not worked, outside authority had led to four unsatisfactory lawsuits, and that the high level of conflict escalation and mistrust made one-on-one negotiation unlikely to be productive. I then said that everyone in the room had chosen today to try third option: peacemaking.

“You have the power to decide if this matter will resolve and how it will resolve,” I said. “I am the least powerful person in this room. My job is to manage the process, provide a safe environment for difficult conversations, and support your work in any way necessary.” I asked if this option was the choice of each person in the room. Everyone agreed that it was. This was probably the first thing the family had unanimously agreed upon in years.

I described the peacemaking process, and how I wanted them to share their stories and perspectives. I explained the difference between positions and interests. To their surprise, I was not interested in their positions and wanted to focus on identifying their interests. I explained the problem solving process they would utilize and answered questions and concerns. Again, they each agreed that the process seemed to make sense.

Before letting them begin their work, I established ground rules. “One person speaks at a time without interruption. You each agree to summarize back what you have heard. You agree to speak the truth from your heart and your mind. You will be respectful of each other, the process and me through your words, tone of voice and body language. Finally, the process has to be fair at all times.” I asked if each agreed to these ground rules and as we went around the table, every person affirmed his or her commitment.

For the next two hours, we listened to stories. Summarizing back was difficult, as it usually is in bitter and intractable disputes. With support and practice, each of the brothers and sisters became

more comfortable with summarizing. More importantly, they learned to listen to each other carefully and empathically.

After the stories were told and heard, we turned to interests. I elaborated on the differences between positions and interests then asked everyone to take some private time and identify what interests needed to be satisfied for the conflict to be resolved.

When we re-convened, the interests went up on the chart one at a time. Everyone was amazed to find out that they shared almost all of the same interests. I smiled to myself because discovery of common ground happens in every peacemaking assignment and is one of the powerful parts of the process. When all of the interests had been identified, I asked two questions.

“Are any of these interests mutually exclusive? That is, will satisfying one interest mean that under all circumstances some other interest cannot be satisfied?” Everyone reflected on the question and looked at the interests. They agreed that the interests could all be satisfied.

“If we can find a way to satisfy all of these interests, do we have a basis for ending the conflict and finding peace?” Everyone hesitated as they realized I was asking for a commitment to peace. A few questions were raised and answered. Silence followed for at least two minutes. Finally, one at a time they agreed that if the interests could be satisfied, the conflict could be resolved.

We spent the remainder of the afternoon developing options that would satisfy the interests. I framed the conflict as a joint problem to be solved rather than a competition to be won or lost. The brothers and sisters engaged in a friendly and spirited conversation about how all of the interests could be fulfilled. Within an hour, an agreement was reached.

This story illustrates how the peacemaking process can bring parties separated by intractable, bitter conflict together to restore trust, foster cooperation, collaborative problem solving, and most poignantly, permit reconciliation. I had the good fortune to work with attorneys who let their clients do the hard work and who saw their role as counselors, not advocates.

And what was the solution? Everyone agreed that the property should be donated to the family church, that all claims and judgments should be exonerated and released, and that they should get back to the business of being a family again.