

Conflict and Mediation

Old Testament: Genesis 27: 1-45 (Jacob, Esau and the Blessing from Isaac)

Gospel: Matthew 5:23-26

Epistle: I Timothy 2: 1-7

When you think about it, the book of Genesis is one long mess of dysfunctional family relationships! Really. Cain kills his brother Abel. Abraham has sons by two different women, and then exiles one and just about kills the other. We just heard about Jacob and his conniving mother as they tricked brother Esau—leading to a long estrangement between the two. Joseph's brothers sell him into slavery. And those are just the highlights!

I hope no one reads Genesis and thinks that it is showing us how to live! But reading Genesis does assure me that God knows just how bad the problems are that people get into in their lives. It's hard to imagine family stories that get any worse or more complicated than they do in Genesis! We may sometimes be bad or troubled—but we're not blazing new territory!

Much the same can be said of people of the New Testament. Paul is often writing letters to churches troubled by conflict between members.

What should we do when we get into these kinds of troubles?

First off you might think that good people, especially Christians, don't get into troubled relationships. But don't go there—that's just wrong. We're human, and we live with other humans. We're not perfect, and our relationships can become troubled. Being Christian doesn't protect you from troubled relationships. (In fact, even Jesus may have had some family problems of his own.)

Second, you might think that a good Christian should just be accepting of the trouble. You know—Turn the other cheek...Forgive those who trespass against you. Those ideas obviously figure prominently in Christian thought, and they have their place in our lives. But they are difficult advice for dealing with on-going relationships. Maybe Jesus could continually forgive or turn the other cheek when his neighbors played their music too loud, or their dogs kept barking endlessly. But that approach is more likely to turn to smoldering resentment that is really unhealthy. Too often turning the other cheek, or superficial forgiveness, becomes a way of avoiding confrontation. It can become a substitute for the more courageous path of trying to resolve problems.

Third, we might look for someone to resolve our problems for us. After all, that's what our legal system is for. We find someone who can figure out who is wrong and who is right, and leave it to legal institutions to

set things right. This is why lawyers make so much money! Pay a lawyer to argue it before a judge.

One of the attractions of the legal option is that we have a deep-seated need to be “right”. We may have spent hours, days, or years arguing with someone over an issue—who should do the laundry, who should keep an aged parent, who should have the kids for Christmas—but we rarely get anywhere arguing with an opponent. What we long for is the impartial observer—the judge—who will hear our case and agree with us. Tell that opponent that I’m right. That’s the satisfaction we seek.

There’s a peculiar parable of Jesus that addresses this kind of situation:

“There was a judge in a certain town...who had neither fear of God nor respect for man. In the same town there was a widow who kept on coming to him and saying, ‘I want justice from you against my enemy!’ For a long time he refused, but at last he said to himself, ‘Maybe I have neither fear of God nor respect for man, but since she keeps pestering me I must give this widow her just rights, or she will persist in coming to me and worrying me to death.’” (Luke 18: 2-5)

Now Jesus tells this to fortify us for persistence in prayer to God, but let’s think about it for a moment as legal advice. In reality this widow either has enough money to pay a lawyer to do this endless pestering, or else she ends up doing time for contempt of court! The other reality is that the widow here might not actually deserve whatever the judge awards her. Perhaps her enemy was really in the right here, but the judge is more concerned to end the pestering.

In fact Jesus is much more realistic about our legal institutions in the passage from his Sermon on the Mount:

“Come to terms with your opponent in good time while you are still on the way to the court with him, or he may hand you over to the judge and the judge to the officer, and you will be thrown into prison. I tell you solemnly, you will not get out till you have paid the last penny.” (Matthew 5: 25-26)

Ideally we’d like the court to announce to the world that we are right. But realistically that’s an expensive option that is in no way assured to come out as we’d like. The other thing to consider here, is that even if we are vindicated, where does that leave the other person? What we have here is a classic win/lose situation. And if the conflict is with someone we will have to have an on-going relationship with, it will be difficult to sustain under these circumstances.

Well, what's the alternative? Jesus says "come to terms with your opponent." In a parallel passage in Luke, he says "Why not judge for yourselves what is right? For example: when you go to court with an opponent, try to settle with him on the way" (Luke 12: 57-58). Notice what he says—judge for yourselves "what" is right—not "who" is right. That's the hard part—to take ourselves out of the dispute, because that's what makes us defensive, and focus instead on the issues—"what" is right.

How can we do that? I'm glad you asked that question, because that brings me to my topic for this sermon, which is *mediation*. I want to let you know about, and get you to spread the word about, a conflict-resolution process known as "mediation."

Here's a description: *Mediation is a voluntary and confidential way to resolve disputes without giving the decision-making power to someone else (like a judge). It involves sitting down with the other side in the dispute and a third-party who is neutral and impartial (the mediator). The mediator helps the parties identify the important issues in the dispute and decide how they can resolve it themselves. The mediator doesn't tell them what to do, or make a judgment about who's right and who's wrong. Control over the outcome of the case stays with the parties.*

Mediation is a recognized alternative to the legal system, in fact it is encouraged by the Virginia court system. In many civil disputes, before a judge will hear a case, he or she will refer the case for mediation, to see if it can be resolved in that way first. But it is also available—sometimes for free or on a sliding scale—to people who need to resolve disputes, and want to do it in a peaceful and productive way. Mediation is faster and cheaper than the legal system, and it is more likely to produce a resolution that everyone can live with in the long-run. It is also, I believe, a Christian way of approaching conflict.

I know about mediation because I'm a mediator. I was certified by the Virginia State Supreme Court in 2002, after a few years of training. I work as a volunteer for Better Agreements, Inc., in Blacksburg, and for the Conflict Resolution Center in Roanoke.

If you look for the word "mediator" in the Bible, you will find just one occurrence—in I Timothy, where Christ is called the mediator between God and humans. It is important to get this meaning of the term out of the way, because it is not what I mean by mediator here. Christ is a sort of means for us to gain favor with God—being unable to do it on our own. On this view we are so far from God—so unequal to God—that Christ needs to stand in for us.

In the sort of mediation I am talking about, the parties to the dispute need to be equals—or pretty much equals. They have to be able to discuss and bargain on equal terms. They both must have something to gain from an agreement, and something to lose from the failure to agree. In any other situation there is no incentive for them both to come to an agreement.

Usually what both parties have to lose is the price of a lawyer, and the risk of putting the decision in someone else's hands. And also, though they usually don't appreciate it when they start out, they also stand to lose the chance of a workable on-going relationship with the other person. Often that means more than we know.

I am certified as a mediator for Juvenile and Domestic Relations cases. What that means is that I usually hear cases where a mother and father who are either separated, divorced, or were never married, are trying to resolve some issue of custody, visitation, or child support. As you can imagine, there is a lot of emotion and resentment in these conflicts. You might wonder what good mediation could do—If they haven't been able to agree before, why would they be able to agree now? But surprisingly, mediation is often successful, though not always. When it is successful, I think it is because of its fundamentally spiritual roots.

Let me tell you a little about the process of mediation, so you can see why it often works:

First, the parties are alone (with the mediators) for a couple of hours. There are no children there, and perhaps more importantly, no other adults. Other people often create emotional dynamics that are difficult to escape. They may make it difficult for you to speak honestly, or to admit mistakes. They may make it difficult for you to think for yourself. This may be the first time the issue was discussed without one or the other party being egged on by a parent or a new partner. Parents sometimes hate the former son-in-law in ways that make it difficult for the couple to remember and act out of their genuine regard for each other. Think how Jacob and Esau might have been able to work things out if Rebekah hadn't been in the room.

Second, the parties are together for a few hours. Since the separation they may not have been face-to-face for longer than it took to trade off the children (if they can manage even that). Often communication was by phone, and generally in small chunks that became loaded with all the accumulated resentments of the larger situation.

Third, the parties have to agree to be civil with one another, and agree to listen to what the other is saying. The pay-off is that then they will get their turn to talk, while the other has to listen. The process of saying how you feel and knowing you are being heard is a very healing process. It is

much like prayer—for in prayer we say what we feel, and we know we are being heard. We are not interrupted and, if they are being civil, we are not judged. Often being heard and appreciated is more important than being agreed with. Sometimes the need to be right is really a poor substitute for the need to be understood. And when we no longer feel we have to battle to be understood, we are also freed to understand the other person. That, I believe, is the kernel of mediation's success.

I always prefer to co-mediate cases—with a woman. In fact female mediators are far more common than male mediators, but the best situation is if there is one of each. It is easy to feel, or pretend, that you are being ganged up on if there is only one mediator and it is of the opposite sex. Then it may seem like the mediator and your ex against you. Far better if there is a balance. Even if some of us *can* fully understand the other sex—a big “if”—still it is more likely we'll feel understood if things seem fair.

Fourth, the parties have to have or gain a sense that they are “in this together.” They have to foresee that they will have an on-going relationship, and have need of one another's good will in the future. This is important for letting go of the need to be right. When someone needs to be right, they'll spend a lot of time rehashing old arguments trying to show the mediators that they were right, and deserve to win. But all of that is really irrelevant to mediation. The mediators are not there to decide who is right. The mediators are there to help create a space in which the parties to the dispute can find a way to “come to terms” with each other. Essentially they need to find a solution they can both live with and feel okay about. Often this is called a win/win solution, but I think that is an unfortunate label, because winning is really a delusory goal.

Fortunately the kinds of cases I usually deal with are ideal from this point of view. However much conflict there is between the parents, they almost always agree that the well-being of their children comes first. They know they are responsible for creating a peaceful and productive life for their children for at least the next however-many years it is—until they are 18 or so. And they usually realize that both of them must play a part in that for it to succeed. So they really are in it together—for the long haul.

This is why there was little prospect for peace between Sarah, with her son Isaac, and Hagar, with her son Ishmael. Sarah felt she could simply get rid of Hagar and Ishmael, rather than living with them, and God cooperated by approving this solution.

The same need for on-going good will is present in neighbors who don't wish to move away, in co-workers who don't plan to change jobs, and

in family members who, despite the conflicts, will still be related to each other.

You would think the same need for on-going good will would make mediation an ideal form of international conflict resolution. But it is easy for countries to live under the illusion that they can go it alone. So far that is what makes peace in the Middle East so elusive. It is what has driven the Israelis to try to build a wall between them and the Palestinians, and it is what has driven the Palestinians to elect Hamas to a majority in their parliament. It is what led the US to attack Iraq virtually unilaterally, and it is what leads Iran to imagine it can develop nuclear power with impunity.

On the other hand, there are international successes as well. The residents of South Africa finally realized they were in the same boat for the long haul. So did the residents of Northern Ireland. This is not to say that these people live happily ever after—any more than divorced parents live happily ever after. But what makes productive on-going relations possible is the sense that we are in this together. As Ben Franklin said at the signing of the Declaration of Independence: “We must all hang together, or assuredly we shall all hang separately.”

What does Christianity have to contribute to instilling this sense of being together in the same boat? I think the legacy here is somewhat mixed:

On the negative side are the Christians who envision being whisked up to heaven in a flash before the problems start. Indeed, some seem to think that a war in the Middle East will fulfill a prophecy of the end-times that will lead to this “rapture.” Far from being all in the same boat, the Christians have their own life boat that they won’t share. What happens to the others is not their concern. Needless to say, that’s not how I see things.

On the positive side are the Christians who see us all as neighbors. Our neighbors are not those who are like us, but those who need us. Other religious traditions share in this idea too. It was expressed by the Hindu Mahatma Gandhi when he talked of how “all men are brothers”—or perhaps we should say “all people are siblings.” Paul’s notion of people as part of the body of Christ deepens this image. When one part suffers, all suffer. “The eye cannot say to the hand, ‘I do not need you,’ nor can the head say to the feet, ‘I do not need you’” (I Corinthians 12:21).

As I said, when it comes to divorced parents it is usually fairly clear to them that their children require their cooperation and good will. Unfortunately it is far more difficult for conflicted nations to appreciate that their children, and their children’s children require their cooperation and good will just as much, if not more. Perhaps if we could create spaces—forums—in which warring peoples could feel they were genuinely heard by

their enemies, they would have less need to prove they were right, and more willingness to acknowledge that we are all in the same boat—for the long haul. Some have hoped that the United Nations could provide such a forum. But when it is despised by the US government, except when it suits our purposes, it stands little chance of being honored by our enemies.

I may have gotten carried away and made it sound as though mediation is a miracle cure for personal conflict resolution. I want to say two things about that:

First, it does not always work. Nevertheless I think that it is still valuable to understand when and why it doesn't work, because I think that knowledge can help direct us to the root causes of the failures, and allow us to consider how to address them.

But second, mediation sometimes works slowly. I have had a number of mediation experiences in which parents were at loggerheads—unable to find common ground or even to discern a sense of being in it together. Usually this was because of a strong need to be right, and a willingness to go to court to have the judge show who was right. But at this point—a point of hopelessness—I always suggest we take a break. By this time we've usually been at it for more than an hour. In mediation anyone can call for a break at any time, for any reason, so I usually call for one. People may have to have a smoke, get a drink, use the restroom, call the babysitter, or just think. I truly do not know what all goes on.

But more often than not, after the break, there is a change—something new enters the picture. In some sense a parent's better self may take over. Why? I don't know. It is a change that I can't explain, and don't want to. But there's a desire to go forward in connection rather than in conflict—in accord rather than in acrimony. Where does it come from? For lack of a better term, let's call it the grace of God. I believe mediation sometimes creates space in which the grace of God can enter into conflictual situations.

What can we do to create this space in the personal conflicts that we are party to? And what can we do to create this space in international conflicts?—For without it we are left with death and war.

Amen.

Asbury United Methodist Church
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James C. Klagge
Roanoke Valley Presbyterian Church
May 22, 2011.

Unitarian-Universalist Fellowship of the NRV
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