

The transformative power of apology in conflict resolution

A sincere apology can help parties move beyond entrenched positions, rebuild trust, and open communication channels, often leading to transformative outcomes.

By Leonid M. Zilberman

I don't pretend to be an expert on the power of apology in conflict resolution, however, Peter Robinson is. He literally wrote the book called "Apology, forgiveness and reconciliation." Peter Robinson, now Professor Emeritus, was my teacher and the Director of The Straus Institute for Dispute Resolution at Pepperdine for 30 years. Twelve years ago, when I first heard Professor Robinson talk about how forgiveness is the building block of healing and reconciliation, I was in awe and a bright lightbulb turned on in my head.

It was a transformational moment; because for the previous eighteen years of practicing law, I always learned and believed, "never apologize, never admit fault!" Professor Robinson was fond of saying that apology was the "heart and soul" of dispute resolution because "everyone has been the offender and the victim in relational conflicts" and so everyone has a connection with saying "I'm sorry" since they were in kindergarten. Indeed, there was an almost magical quality of a sincere apology in resolving conflict. Robinson's passion for this theory is simple, yet profound that this act has the power to transform conflict, heal wounds, and pave the way for resolution in ways that often seem counterintuitive to those embroiled in disputes. Professor Robinson's mission in life, as he was fond of saying, is to preach apology, forgiveness and reconciliation to all who will listen. It is in that spirit that I share this knowledge and my own experiences here.



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The science of "I'm sorry"

An apology, when offered genuinely, acts as a catalyst in the conflict resolution process. It has the remarkable ability to shift the emotional landscape of a dispute, often in ways that logic and rational argument cannot achieve. I've seen it in practice, and for those who have used that tool, I'm sure you are nodding your head in approval as you read this. As noted in many research studies, an apology helps to subtract the insult from the injury, thereby minimizing the injured party's anger toward the offender. This emotional shift is crucial, as it allows parties to move beyond their entrenched positions and open themselves to the possibility of resolution. Isn't that what all mediations are about? Helping parties "change their mindset"

and way of thinking about the conflict to reach an agreeable resolution.

Consider the case of two business partners locked in a bitter dispute over a company's direction. Months of negotiations yielded no progress until one partner took the courageous step of apologizing for dismissing the other's legitimate concerns. This simple act broke the impasse, leading to a productive dialogue and eventual resolution.

Here's how apologies affect the emotional landscape and lead to resolution: A sincere apology provides therapeutic benefits for both the injured party and the apologizer. For the injured party, an apology can alleviate anger and resentment and help them move past the hurt. But it also engenders forgiveness and empathy. Likewise, for the apo-

logizer, the act of apologizing can mitigate feelings of remorse and shame and provide relief from burdens of guilt. When someone apologizes, they both validate the experiences of the injured party, but also demonstrate respect for the other person's feelings, which is essential for rebuilding trust and the first step towards resolving any conflict.

The counterintuitive nature of an apology may transform conflict

One might assume that apologizing is a sign of weakness or an admission of fault. Most lawyers are taught to "never apologize" because that suggests some wrongdoing, right? Wrong! In my experience, the opposite is true. An apology demonstrates strength, emotional intelli-

gence, and a commitment to resolution. It takes courage to acknowledge one's role in a conflict, and this courage is often met with respect and reciprocity from the other party; something called "mirroring." While not appropriate in all cases, the act of apologizing can transform the nature of a conflict by disarming defensiveness in the other party and shifting the narrative from victimization to overcoming adversity together and opening up communication channels that may have been closed due to hurt feelings.

Given the strict confidential nature of the mediation process, the opportunity to apologize underscores the unique function that mediation provides for parties to offer and receive apologies in a safe, facilitated environment.

Forgiveness: The other side of the coin

While an apology is a powerful tool, its effectiveness is amplified when met with real forgiveness. Forgiveness in conflict resolution is not about forgetting or condoning harmful actions. Rather, it's about releasing the grip of resentment and opening oneself to the possibility of moving forward. I've personally witnessed how forgiveness opens the door to a resolution that both parties once thought was unreachable.

This perspective shift from blame to shared responsibility is often the key to unlocking seemingly intractable conflicts. The impact of apology and forgiveness extends to many different case scenarios. For example, I had a case where a long-term (35+ year) employee was terminated without much conversation and without the benefit of a severance agreement or recognition of the employee's many years of loyal and dedicated service. Several years of litigation ensued until both sides, bitter and entrenched, went to mediation.

During the mediation, after assessing the personalities of both parties, I felt that beyond monetary considerations, the former employee felt disrespected and needed to hear an apology, which could unlock the opportunity to reach a re-

solution that both parties would accept and live with. Using some improvisational techniques, I asked if the CEO of the employer would be open to meeting one-on-one with the former employee and apologizing for how the termination was handled. The answer was yes, and after that relatively short meeting, the atmosphere began to shift. This sincere apology, followed by acts of forgiveness, set the stage for a collaborative solution that benefited both parties and ended litigation that neither party wanted to take to trial.

Apology as a superpower in mediation

An apology is not appropriate or beneficial in every situation, but mediators often find themselves in situations where logical arguments and facts alone fail to move parties towards resolution. It's in these moments that the superpower of apology reveals itself. An apology has the unique ability to lower defensive barriers and also restore dignity and respect, as it acknowledges harm and the experiences of the injured party. I've seen how an apology will reframe the narrative and, by building trust, can switch the conversation from a "us v. them" to a "win-win" mentality.

The art of effective apology

Not all apologies are created equal. According to Professor Robinson, to be effective, an apology must have three main points: (1) Acknowledge the specific behavior that caused harm; (2) Express remorse for the injury inflicted by the actions without conditions; and (3) Assure that no offense was intended. Of course, tone and body language should match the words being spoken. In his book, Professor Robinson also discusses the two main types of apologies that often occur in mediation and other settings:

The Remorse Apology: The apologizer fully acknowledges their behavior hurt another and believes their actions were wrong. This is often considered the sincerest form of apology.

The Regret Apology: The apolo-

gizer recognizes their behavior hurt someone but does not believe their actions were wrong. This is typically used when the action was justified but still causes pain.

Despite its power, offering an apology can be challenging. Parties often fear legal repercussions or worry that an apology will be seen as an admission of fault. On the flip side, a victim may feel that the apology is too little too late or simply made to "get a better deal." But mediators can create safe spaces for apology by explaining the confidential nature of mediation discussions and helping parties lay the groundwork for crafting apologies that acknowledge impact without necessarily admitting legal liability.

By encouraging parties to focus on the potential benefits of an apology for case resolution, mediators play a crucial role in creating conditions conducive to apology and forgiveness. There are several tools that may be used in setting the tone and creating an atmosphere of respect and openness. Timing is crucial because the mediator needs to recognize when parties are ready to give or receive apologies. Moreover, the mediator needs to approach each party to see the conflict from a new perspective and demonstrate the power of acknowledging mistakes and showing empathy.

The transformative journey

In my years of practice, I've come to see apology and forgiveness not as isolated events, but as part of a transformative journey. This journey often begins with two parties locked in conflict, seeing each other as adversaries. Through the process of mediation, and often catalyzed by a sincere apology, these same parties can emerge with a new understanding of each other and a shared commitment to resolution.

As renowned peace activist and Nobel Laureate Archbishop Desmond Tutu famously said, "Forgiving and being reconciled to our enemies or our loved ones are not about pretending that things are other than they are. It is not about patting one another on the back and turning a blind eye to the wrong.

True reconciliation exposes the awfulness, the abuse, the hurt, the truth. It could even sometimes make things worse. It is a risky undertaking but in the end it is worthwhile, because in the end only an honest confrontation with reality can bring about real healing."

While apologizing may feel uncomfortable or risky due to the perceived loss of power or status, its emotional impact can be transformative. By fostering healing, restoring dignity, promoting empathy, and reframing experiences, apologies have the power to significantly alter the emotional state of disputing parties, often paving the way for resolution and reconciliation that I've personally witnessed in many mediations.

In the realm of conflict resolution, the simple words "I'm sorry" hold within them the power to heal, transform, and create new possibilities. Since I was a little boy my mother always taught me, "Never be afraid to say you are sorry" because it shows bravery, it shows honesty, and it shows love. As mediators, we have the privilege of witnessing and facilitating this magic, guiding parties from conflict to resolution, one apology at a time.

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